

COLORADO JUDICIAL DEPARTMENT

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FOR RELEASE  
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STATE COMMISSION ON JUDICIAL PERFORMANCE  
EVALUATES APPELLATE JUDGES

Denver, Colorado--Today the State Commission on Judicial Performance released evaluations of appellate judges up for retention on the November 7 ballot.

Each evaluation includes a narrative profile with a recommendation stated as "retain," do not retain," or "no opinion." A no opinion recommendation must be accompanied by a detailed explanation.

Narrative Profiles and recommendations are as follows:

MARY J. MULLARKEY, Justice, Colorado Supreme Court

Justice Mullarkey received her undergraduate degree in 1965 from St. Norbert College, Wisconsin, where she majored in mathematics. She received her law degree from Harvard in 1968 and was admitted to the Wisconsin Bar in 1968 and the Colorado Bar in 1974. Her experience prior to her appointment included private law practice, 1985-1987, legal advisor to the governor from 1982-1985, and service as counsel for several government agencies in the following capacities: Department of the Interior, attorney-advisor, 1968-1973; Equal Employment Opportunity Commission, assistant regional attorney, 1973-1975; Colorado Department of Law, First Assistant Attorney General,

1975-1979; and Solicitor General, 1979-1982. She was appointed Justice of the Colorado Supreme Court on June 29, 1987.

Justice Mullarkey stated a strong commitment to fairness in her interview with the state commission on judicial performance. The survey of attorneys and trial court judges indicated that her performance is consistent with that goal. Justice Mullarkey was praised by the attorneys and trial court judges for the quality of her written opinions.

The Commission on Judicial Performance recommends that Justice Mullarkey be retained.

JANICE BURNETT DAVIDSON, Judge, Colorado Court of Appeals

Judge Davidson graduated from Skidmore College with a Bachelor of Arts degree in Government in 1966. She received her law degree from the University of Pennsylvania School of Law in 1969 and was admitted to the New York Bar in 1969 and the Colorado Bar in 1971. Her experience prior to her appointment included private law practice, 1984-1985, and service as counsel for several government agencies in the following capacities: New York City Legal Aid, attorney, 1969-1971; Denver Public Defender's Office, 1971-1973; Equal Employment Opportunity Commission, Regional Litigation Center, counsel, 1973-1975; Colorado Department of Law, Assistant Attorney General, 1975-1984. Judge Davidson was appointed as a county court judge in August 1985 and served in that capacity until her appointment to the Colorado Court of Appeals in May 1988.

Attorneys and trial court judges noted that Judge Davidson exhibits a high level of interest and devotion to her work and possesses a number of positive judicial qualities, including legal scholarship, decisiveness, and organizational ability which are necessary for a member of the Court of Appeals. Comments from attorneys suggest that she improve her patience in the courtroom. Judge Davidson stressed that she would work to correct this perception.

The Commission on Judicial Performance recommends that Judge Davidson be retained.

CLAUS J. HUME, Judge, Colorado Court of Appeals

Judge Hume graduated from the University of Colorado with a degree in English literature and received his law degree from the University of Colorado in 1965. He was admitted to the Colorado Bar in 1965 and was in private practice in Craig, Colorado from that date until 1973. Judge Hume was elected district attorney for the Fourteenth Judicial District in 1972 and served in that capacity until he was appointed to district court judgeship for the Fourteenth Judicial District in July 1974. He served as a district court judge until his appointment to the Colorado Court of Appeals in January 1988.

Judge Hume was praised by surveyed attorneys who appeared before him for his fairness, attentiveness, and demeanor. Judge Hume said he found the job to be challenging and stimulating and liked working in the appellate capacity.

The Commission on Judicial Performance recommends that Judge Hume be retained.

RAYMOND DEAN JONES, Judge, Colorado Court of Appeals

Judge Jones received his undergraduate degree in Political Science from Colorado College in 1967. He received his law degree from Harvard in 1971. His pre-judicial experience includes three years in private practice, one year as a law clerk for the Chief Justice of the Colorado Supreme Court and two years as chief counsel for the Metropolitan Denver District Attorney's Consumer Office. He served as a county judge in the Denver County Court from January 1977 until December 1978. Judge Jones was appointed as a Denver district court judge in the Second Judicial District in January 1979 and served as district judge until December 1987. He was appointed to the Colorado Court of Appeals in January 1988. He is a member of the Board of Directors of the American Judicature Society.

Judge Jones is a person of proven judicial experience. It is said of him that he emphasizes the integrity of the judicial process in his opinions. His first two years on the appellate bench have been a learning experience relative to the need to work with other judges of the court. Results from surveyed attorneys and trial court judges suggest that there is room for improvement in the judge's ability to decide issues based on the law and the facts, and the issuance of carefully prepared and legally sound written opinions. Comments from the attorneys surveyed indicated that Judge Jones, on the whole, is well

prepared and dignified. The overall comments of the attorneys indicated that Judge Jones is worthy of retention.

The Commission on Judicial Performance recommends that Judge Jones be retained.

JOSE D.L. MARQUEZ, Judge, Colorado Court of Appeals

Judge Marquez received his undergraduate degree in Philosophy from St. John's University in Collegeville, Minnesota in 1964. He received his law degree from the University of Texas at Austin in 1970 and was admitted to the Colorado Bar in 1972. His experience prior to his appointment included private law practice, 1978-1984, and service as counsel for several government agencies in the following capacities: He served as an Assistant Staff Judge Advocate, United States Air Force, 1971-1972; Staff and Supervisory Attorney, Colorado Rural Legal Services, 1972-1975; and Regional Assistant Attorney General, 1975-1977. Judge Marquez was appointed as a district court judge for the Twenty-First Judicial District in 1984 and served in that capacity until his appointment to the Colorado Court of Appeals in 1988.

Attorneys and trial court judges noted that Judge Marquez has a strong sense of his role as a member of the Court. He has quickly adapted to the demands of the Court of Appeals. Comments from trial court judges indicate overall high performance and he was particularly praised for the consistency of his opinions and his decisiveness.

The Commission on Judicial Performance recommends that Judge Marquez be retained.

PETER H. NEY, Judge, Colorado Court of Appeals

Judge Ney received his undergraduate degree from the Philadelphia Museum College of Art and received his law degree from the University of Denver. He was admitted to the Colorado Bar in 1966. Prior to his admission to the bar, Judge Ney worked for Philco Corporation and the Martin Company in the space program. He also served in the U.S. Army. Judge Ney was in private practice from his admission to the bar until his appointment to the Court of Appeals in 1988.

Judge Ney was praised by surveyed attorneys for his fairness. The attorneys and trial court judges were impressed with Judge Ney's ability to decide issues and to promptly render opinions in cases. Judge Ney feels that lawyers need to give back to the community and that his service on the Court of Appeals is part of his public service.

The Commission on Judicial Performance recommends that Judge Ney be retained.

LEONARD P. PLANK, Judge, Colorado Court of Appeals

Judge Plank graduated from Regis College in 1954 with degrees in History and Sociology. He received his law degree from the University of Denver in 1970 and was admitted to the Colorado Bar in 1961. He was a deputy district attorney in Denver, Colorado from 1961 until 1965, and was engaged in private practice from August 1965 to 1970. Judge Plank served as a county judge for the City and County of Denver from 1970 until 1974 when he was appointed to the district court for the

Second Judicial District. He served as district judge from 1974 until he was appointed to the Colorado Court of Appeals in January 1988.

Judge Plank enjoys the reputation of being a superior judge. It was noted by attorneys and trial court judges that Judge Plank is knowledgeable, considerate, and conscientious and is among the finest judges on the bench.

The Commission on Judicial Performance recommends that Judge Plank be retained.

HAROLD D. REED, Judge, Colorado Court of Appeals

Judge Reed graduated from the University of Denver with a Bachelor of Science in Law in 1948 and a Master's of Science in Government Management in 1950. He received his law degree from the University of Denver in 1948 and was admitted to the Colorado Bar in 1949. Judge Reed was in the private practice of law from 1949 to 1976. He was appointed to the district court, Second Judicial District, in 1976 and served in that capacity until he was appointed to the Colorado Court of Appeals in 1988.

Judge Reed has broad and extensive judicial experience. Responses from trial court judges and attorneys indicate that Judge Reed has made a valuable contribution to the judiciary and has developed a strong reputation for being a fair and impartial judge.

The Commission on Judicial Performance recommends that Judge Reed be retained.



DONALD P. SMITH, JR., Judge, Colorado Court of Appeals

Judge Smith received his Bachelor of Science degree from Colorado State University in 1956 and his law degree from the University of Denver in 1956. He was admitted to the Colorado Bar in 1956. Judge Smith was in private practice from 1956 until 1965, during which time he also served as Assistant Attorney General for the State of Colorado. Judge Smith was elected as district judge in the Eighteenth Judicial District in 1964 and was appointed to the Colorado Court of Appeals in 1972.

Judge Smith generally received praise from attorneys for his work on the Court of Appeals as an outstanding judge. Several attorneys, however, expressed concerns that he was abrupt, and at times, impatient during oral arguments. While Judge Smith did not feel that these comments were accurate, he stressed that he would work to correct any actions that were leading to these perceptions. Judge Smith has also been very instrumental in assisting the court in the use of computer technology and has devoted a great deal of his time to improving the administration of the court.

The Commission on Judicial Performance recommends that Judge Smith be retained.

Judicial performance commissions were created in 1988 by the Colorado General Assembly for the purpose of providing voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in general



elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers.

Of the current judicial performance evaluation programs in the United States, Colorado is the first program with local commissions. Only two other states, Alaska and Connecticut, evaluate appellate judges, which is the responsibility of Colorado's State Commission on Judicial Performance.

The State Commission developed evaluation techniques for district and county judges; justices of the Supreme Court; and judges of the Court of Appeals. According to statute, those criteria include: integrity; knowledge and understanding of substantive, procedural, and evidentiary law; communication skills; preparation, attentiveness, and control over judicial proceedings; sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and services to the legal profession and the public.

The trial judges' evaluations result from survey questionnaires (attorneys, jurors, litigants, probation officers, social services case workers, court personnel and law enforcement agencies); relevant docket and sentencing statistics; a personal interview with the judge; and information from other appropriate sources such as court observations. The appellate judges' evaluations are the product of interviews with the State Commission on Judicial Performance; survey results

from attorneys and trial court judges; and interviews with the Chief Justice of the Colorado Supreme Court and the Chief Judge of the Colorado Court of Appeals. Each evaluation includes a narrative profile with a recommendation stated as "retain", "do not retain" or "no opinion". The enabling legislation requires a detailed explanation with a "no opinion" recommendation.

The chief justice, the governor, the president of the senate and the speaker of the house jointly appointed state and local commission members. Each commission is a ten member body comprised of four attorneys and six non-attorneys.

The following people serve on the State Commission on Judicial Performance:

John E. Bush, Chair	Sally Hopper
William D. Neighbors	Edwin Harshbarger, Jr.
Joe C. Medina	Dorothy S. Lucero
Dorothy Y. Joseph	Craig A. Umbaugh
Phil Pankey	David T. Owen

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NOTE TO EDITORS/REPORTERS: Photographs may be obtained by contacting Michael Valdez, Colorado Judicial Department, (303) 861-1111, ext. 692.