



Legislation Text

File #: 23-1851, Version: 1

Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)

Date Submitted: 11-27-2023

Requesting Agency: Denver County Court
Division:

Subject Matter Expert Name: Presiding Judge Nicole Rodarte

Email Address: Nicole.rodarte@denvercountycourt.org

[<mailto:Nicole.rodarte@denvercountycourt.org>](mailto:Nicole.rodarte@denvercountycourt.org)

Phone Number:

Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A bill for an ordinance amending section 14-109 of the Denver Revised Municipal Code concerning the salary and benefits of county court magistrates.

Amends section 14-109(a) and (b) of the D.R.M.C. setting the pay of full-time and on-call hourly magistrates equal to a compa-ratio of .947 of the paygrade applicable to the classification entitled "Assistant City Attorney-Section Supervisor." The Committee approved filing this item at its meeting on 11-29-2023.

Affected Council District(s) or citywide?

Citywide

Executive Summary with Rationale and Impact:

Detailed description of the item and why we are doing it. This can be a separate attachment.

Currently, each Denver County Court Judge and Magistrate is paid a salary equal to a specific compa-ratio of a pay grade equal to an Assistant City Attorney - Section Supervisor ("ACA-Section Supervisor") and Assistant City Attorney - Senior ("ACA-Senior"), respectively, in the classification and pay plan adopted and maintained in accordance with Chapter 18, division 2 of article II; provided, however, in no event shall any judge's salary be reduced during the judge's term of office.

The Court has maintained the relationship between judicial officer salaries and the above classifications for over 15 years and this tie has ensured parity, equity and status quo within the city for similarly situated employees. This long-standing method to

establishing judicial salaries instills a sense of equality among the parties and recognizes the judiciary as an integral part of the justice system within the City and County of Denver. The Office of Human Resources and the Mayor’s Office have supported the internal equity relationship over the years and this relationship has been approved by City Council.

While percent increases to both Judge and Magistrate salary have been similar over the years, see Table 1 below, the Magistrate position has now fallen significantly behind due to a pay grade realignment in 2023 to the ACA - Section Supervisor resulting from a necessary internal organizational alignment within the City Attorney’s Office performed by the Office of Human Resources. Given the ACA-Senior position does not conduct formal supervisory responsibilities no similar realignment was conducted for the position, and the Court now realizes internal disparate pay equity and practices between judicial officers who perform similar duties and work, neither of whom receive merit increases or other CSA employee benefits. In addition to internal equity issues, Denver County Court Magistrates now earn less annually than their colleagues in the Colorado Judicial Branch.

Denver County Court Magistrates serve at the pleasure of the Presiding Judge. The Court has three full-time Magistrates who cover the arraignment dockets in the criminal, municipal and traffic divisions: the largest dockets in the Court. These judicial officers also preside over the court’s specialty court programs, sobriety court, outreach court, wellness court, and HEM. These dockets are run with efficiency and effectiveness and divert those in need from the traditional trial court courtrooms to specialty programs as appropriate; their dockets are exhausting and time consuming. Additionally, these Magistrates are leaders in the Court and often responsible for defining processes, implementing legislation, and training the part-time magistrates.

Part-time magistrates preside over traffic court, day and evening dockets, weekend in-custody dockets and the small claims courtroom. In addition, part-time magistrates provide coverage when judicial officers are on leave, ensuring cases continue in an efficient and effective manner. Experienced attorneys serving as part-time magistrates result in efficient hearings and better outcomes for litigants. Efficiency and good decision making has a positive impact on reducing loss of liberty and costs to the city for those held in custody and reduces wait times and backlog for litigants and victims. Part-time magistrates are prohibited from practicing in the Denver municipal and state courts and recruitment and retention efforts have suffered because of same. The Court has lost five highly experienced and respected part-time magistrates since the beginning of the year, recruitment continues to be difficult and onboarding and training new part-time magistrates falls heavily on the shoulders of the full-time magistrates.

Given the above, Denver County Court must ensure we are compensating all judicial officers fairly and equitably. While we have found a relational tie to the ACA positions, these positions are not performing the same work, nor do they have the same level of responsibility. In contrast, the Court’s judicial officers share similar functions and are all responsible for their respective courtrooms, their staff, case management and leadership. While there are differences between a judge and a magistrate that sets them apart, a different compa-ratio ensures a judge is more highly compensated than a magistrate. Tying all judicial officer salary to the same ACA position, but at different compa ratios, ensures salary increases are equitable, addresses disparity in pay practices and ensures the Court maintains a comprehensive and competitive compensation package for its Magistrates. The Denver County Court has conferred with the Office of Human Resources and has obtained support for this request.

Table 1. Represents percent salary increase over prior year. Judicial Officers are not CSA employees and do not receive merit increases.

Year	Judge	Magistrate
2015	1.4%	1.4%
2016	3.6%	3.6%
2017	0.0%	0.0%
2018	3.7%	3.7%
2019	2.4%	2.4%
2020	0.0%	0.0%
2021	0.0%	0.0%
2022	2.0%	2.0%
2023	2.1%	2.1%

2023	8.0%	0.0%
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Address/Location (if applicable):

Legal Description (if applicable):

Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):

Draft Bill Attached?