



Legislation Text

File #: ID# 18-117, **Version:** 1

Agenda Date: 04/03/2018

Subject:

Confirmation of designation by the presiding municipal judge of the Lakewood Municipal Court for conflict of interest matters.

Presented By: Steve Kemp, City Attorney

REQUESTED COUNCIL ACTION:

Does city council support the designation by the presiding municipal judge to assign potential conflict of interest matters in the Littleton Municipal Court to the Lakewood Presiding Municipal Court Judge?

BACKGROUND:

Judge Feldman was reappointed by the city council as the presiding municipal court judge on February 1, 2017. Occasionally, matters arise that are a conflict of interest for Judge Feldman when a present or former public official appears in the Littleton Municipal Court. Currently, the court does not have a process to address such matters. The city attorney refers these matters to another city to handle as under the Colorado Rules of Professional Conduct; it would not be appropriate for his office to be involved.

The court has similar rules known as the Colorado Rules of Judicial Conduct. It would be inappropriate for judges appointed and confirmed by city council to handle conflict of interest matters. To address this issue, the city attorney requests city council support assigning potential conflict of interest municipal court matters to the Lakewood Presiding Municipal Judge and give him the authority to assign such a case to any associate municipal judge in the Lakewood Municipal Court.

PRIOR ACTIONS OR DISCUSSIONS:

This item was discussed at the study session on January 17, 2017 for Judge Feldman's performance review.

STAFF ANALYSIS:

There may be occasions where a case arises in the Municipal Court involving a current or former public official of the city. It is not appropriate for an official appointed by the council or confirmed by the council to handle these cases. Similarly under the Colorado Rules of Professional Conduct, a lawyer may not handle these cases. This proposed process has been reviewed by the city attorney and addresses this issue.

OPTIONS/ALTERNATIVES:

Continue to have no process to assign conflict of interest cases. Adopt proposed process and place conflict matters in another court.

FISCAL IMPACTS: No fiscal impact projected at this time.

STAFF RECOMMENDATION: With the concurrence of the presiding judge of the Littleton Municipal Court, staff recommends the designation of the Lakewood Municipal Court to handle conflict of interest matters as determined by the presiding judge of that court.

PROPOSED MOTION:

I move to confirm the designation of the Lakewood Municipal Court, through its presiding judge, to handle matters referred to that court by the Presiding Municipal Judge of the Littleton Municipal Court due to conflict of interest.