

***City Council
Legal Review Committee
Meeting Agenda***

**August 10, 2016
City Hall – Council Chambers
749 Main Street
4:00 pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Public Comments on Items Not on the Agenda**
(Council requests that public comments be limited to 3 minutes.)
- 5. Approval of June 29, 2016 Minutes**
- 6. Interviews for Municipal Judge**
- 7. Lawsuit Settlements/Litigation Updates**
- 8. September 15 Meeting Potential Discussion Items**
- 9. Adjourn**

City Council Legal Review Committee

Meeting Minutes

**June 29, 2016
City Hall
749 Main Street
4:00 AM**

Call to Order – Chairperson Leh called the meeting to order at 4:05 PM.

Roll Call: The following members were present:

Committee Members: *Jeff Lipton, City Council
Chris Leh, City Council
Sue Loo, City Council*

Absent: *None*

Staff Present: *Malcolm Fleming, City Manager
Sam Light, City Attorney
Meredyth Muth, City Clerk*

Others: *None*

APPROVAL OF AGENDA

The agenda was approved by all members as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

APPROVAL OF MINUTES FROM MAY 4, 2016

The minutes were approved with an amendment from Lipton.

REVIEW OF APPLICATIONS FOR MUNICIPAL JUDGE

Members reviewed the applications for municipal judge with the goal of narrowing the list to 2-3 for further consideration.

Leh stated he was looking for a candidate with a good temperament, a sense of fairness, and the ability to manage a docket. Members concurred.

Members reviewed and discussed the judge applications, narrowing the list to three for interviews. Members discussed a list of possible questions to ask the candidates at the interviews.

LAWSUIT SETTLEMENTS/LITIGATION UPDATES

Light had no update.

NEXT MEETING DATE AND POTENTIAL DISCUSSION ITEMS

The next meeting was scheduled for July 28. Muth stated the only item on the agenda for the next meeting is the draft 501c3 policy. Members decided to cancel the July 28th meeting.

ADJOURN

The meeting adjourned at 6:00 PM.

DRAFT

SUBJECT: INTERVIEWS FOR MUNICIPAL JUDGE

DATE: AUGUST 10, 2016

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

The City's Municipal Judge position is currently vacant following the retirement of Judge Bruce Joss as of June 30th. Currently, the Deputy Judges are handling court sessions. At the June 29 meeting of the Legal Review Committee members reviewed thirteen applications for the judge appointment. Members narrowed the list to three applicants to bring in for in-person interviews. Those interviews will take place at the August 10 meeting of the Committee as follows:

- 4:15 PM Kristan Wheeler
- 5:00 PM John Stavely
- 5:45 PM David Thrower

FISCAL IMPACT:

None.

RECOMMENDATION:

Discussion.

ATTACHMENT(S):

1. Wheeler Application
2. Stavely Application
3. Thrower Application

**APPLICATION FOR
LOUISVILLE, COLORADO MUNICIPAL COURT JUDGESHIP**

- I. The information you provide in questions 1 – 34 is public information and will be released upon request if the applicant’s name is forwarded to the Louisville City Council as a finalist for consideration of appointment.

A. PERSONAL INFORMATION

1. Full Name: Kristan Kali Wheeler
2. Are you able to work in the United States on a full-time basis? YES
3. Are you an attorney at law admitted to practice in Colorado? YES
If so, what is your Attorney Registration Number? 30077
4. Current Work Address: 1526 Spruce Street, Suite 301, Boulder, CO 80302
5. Current Work Telephone Number: 303-442-3873
6. List your place of residence for the past five years:

Dates	City	State	County
10/02-Present	Arvada	CO	Jefferson

B. EDUCATIONAL BACKGROUND

7. List the names and locations of schools attended, beginning with high school.

Name	Location	Dates Attended	Degree
Golden Senior High School	Golden, CO	1985-1988	Diploma
Trinity University	San Antonio, TX	1988-1992	BA Political Science
University of Texas School of Law	Austin, TX	1993-1996	JD

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Bar Admission	Date
Texas	1996 (non-active)
Colorado	1998

9. Indicate your present employment (list professional partners or associates, if any, and include dates). If you currently practice law, describe the nature of your present law practice, listing the major types of law you practice and the percentage each constitutes of your total practice.

I am currently employed as a Relief Judge for the Cities of Arvada, Lakewood, and Westminster. I serve under the supervision and direction of the presiding judges in those jurisdictions: Judge David Cooke (Arvada), Judge Anne Stavig (Lakewood), and Judge John Stipech (Westminster). I also practice criminal defense law in Boulder, Colorado with Zachary Malkinson, Malkinson Wheeler Law, LLP. The nature of our practice is both private and indigent (appointed by the State) criminal defense (94%), administrative hearings in front of the Department of Revenue, Division of Motor Vehicle concerning driver's license privileges (3%), civil file sealings involving the filing for and obtaining orders to seal records (2%), and small claims and evictions (1%).

10. If you have focused on any specific area of law listed in number 9, what is it?

Municipal Law as a relief judge and Criminal Defense as a lawyer.

11. Have you practiced in the trial courts of Colorado within the past five years? If so, please state what percentage of your total practice your trial practice constituted and the types of matters handled.

Yes, 96% of my sixteen year practice as a lawyer is trial practice. My trial practice includes drafting and filing motions, litigating motions at court hearings, and representing defendants at trial. In August of 2015, my co-counsel and I tried a murder case in Denver and obtained a not guilty verdict for our client. Over the course of my career as a trial lawyer, I have been counsel for four defendants charged with first degree murder. One case resulted in a mistrial so it was tried twice. I have taken cases to trial for clients who are charged with municipal offenses such as assault and harassment, misdemeanor offenses such as menacing, hit and run, DUI, domestic violence related offenses, and felony offenses such as robbery, possession of a dangerous weapon, and aggravated motor vehicle theft.

12. Summarize your experience presiding over or serving as an advocate in adversary proceedings before administrative boards or commissions.

I do not have specific experience appearing before administrative boards or commissions. I do have experience appearing before hearing officers and serving as an advocate for clients in administrative hearings such as hearings concerning the privilege to drive in front of the Colorado Department of Revenue, Division of Motor Vehicles. I have also handled an appeal to the Colorado Wildlife Commission concerning my client's right to a hunting license.

13. List your prior professional or business employment since completion of your formal education (include dates).

Attorney of Record and Computer Litigation Support, *United States v. Timothy McVeigh*, August 1996 - July 1997

Investigator, David Williams Investigations, August 1997 – November 1998

Deputy State Public Defender, Office of the Colorado State Public Defender, Denver and Boulder Offices, November 1998 - April 2001

Associate Attorney, Banashek & Talkington, LLC, April 2001 - September 2002

Founder, Law Office of Kristan Wheeler, LLC, September 2002 – May 2010

Supervising Attorney and Visiting Professor, University of Denver Sturm College of Law, Student Law Office, Spring Semester, 2006

14. If you have not been employed continuously since completion of your formal education, provide the dates and for each period, describe generally what you were doing.
N/A

D. PROFESSIONAL, COMMUNITY, AND PUBLIC SERVICE

15. List activities in professional associations, including offices held, committees, awards, honors, and citations (include dates).

Member, Colorado Municipal Judges Association (CMJA), 2014 – Present: Volunteer to be a reporter for the CMJA newsletter summarizing a 2016 Spring Conference continuing legal education seminar on motivational interviewing techniques for municipal judges. Volunteer to serve on a best practices committee to establish best practices for municipal courts to consider adopting in light of recent legislation aimed at changing the practices of municipal courts with respect to the issuance of bond warrants and the appointment of public defenders and to avoid future similar legislation which could limit the authority of municipal courts.

Member, Jefferson County Municipal Judges Group, 2014 - Present: Attend regular meetings with speakers from the criminal justice community discussing community resources for judges, jail policies, and other speakers pertinent to the administration of municipal courts for the cities of Golden, Mountain View, Westminster, Lakewood, Wheatridge, Arvada, and Lakewood. Discuss pending legislation affecting municipal courts and discuss responses to legislation.

Member, Colorado Women's Bar Association, Membership Committee, 2016 – Present: Help prepare and distribute annual mailing regarding membership. Attend membership committee meetings. Help plan and present membership events and programs.

Co-chair of the Criminal Law Section, Boulder County Bar Association, 2010 - 2012: Organize and present continuing legal education lectures for Bar members. Present lecture on a new file sealing statute to bar members and judges from the 20th Judicial District. Organize holiday gift giving program to benefit Boulder County Genesis Program for teenage mothers.

Co-chair of the Young Lawyers Division, Boulder County Bar Association, 2002-2004: Organize social and networking activities for young Boulder lawyers and summer law clerks.

Volunteer Lawyer, Lawyers for Mental Health Patients Task Force, 2004: Represent individuals in the state mental hospital applying to have their commitment status reviewed.

16. List your recent activities in civic and charitable organizations, including offices held, awards, honors, and citations (include dates).

Volunteer transport, Mountain Pet Rescue, May 2016: Provide transport for a dog coming from a high kill shelter in Oklahoma to a foster family in Boulder.

Volunteer, Trail builder, Volunteers for Outdoor Colorado, Spring and Summer 2015: Volunteer to help expand and maintain Colorado hiking trails.

Volunteer, Rose Roots Community Garden, 2011-Present: Volunteer to clean up garden, assist with maintenance of garden buildings, assist with the delivery of food to Arvada Food Bank, and assist with social functions for garden members.

17. List all public offices to which you were appointed or elected (include dates served). Have you had any military or other public service? If so, please give details.

Arvada Relief Judge, Appointed by Arvada City Council 4/14 - Present
Lakewood Relief Judge, Appointed by Lakewood City Council 1/15 - Present
Westminster Relief Judge, Appointed by Westminster City Council 12/16 - Present

E. REQUIREMENT TO COMPLY WITH THE LOUISVILLE CITY CHARTER AND THE LOUISVILLE CITY CODE

If appointed to the bench, you will be required to comply with the provisions of contained in the Louisville City Charter and the Louisville Municipal Code.

18. Do you understand a judge is required to file reports of compensation for quasi-judicial and extra-judicial activities in conformance with the Code of Judicial Conduct?

YES

19. Do you understand that a judge must comply with and is subject to applicable provisions of Louisville City Charter and the Louisville Municipal Code, including but not limited to the provisions of Section 9-3 of the Charter setting forth principles of conduct for City municipal judges?

YES

20. Do you understand that City of Louisville's ethics rules provide that independent contractors who perform official actions on behalf of the City which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions, that City officers and employees similarly shall not receive such gifts, and that you must abide by the gift restrictions and any other applicable provisions of the City's Code of Ethics?

YES

F. MISCELLANEOUS

21. A Louisville municipal judge is expected to use computer technology for a wide variety of functions including word processing, legal research, case management, e-filing and e-mail. Do you **personally use** a computer for any of the purposes listed above or for similar purposes? If yes, describe the functions you perform and state how frequently you perform each function. If no, state whether you will participate in training to develop and maintain your personal skills in using computer technology.

I use email for corresponding with the court, prosecution, colleagues, clients, and court administrators and court clerks (daily); Microsoft Word for drafting pleadings, sentencing statements, and to make notes for cases (daily as a lawyer); ICCES or Integrated Colorado Courts E-filing System to file pleadings in civil file sealing matters and as required in Adams County (monthly); Westlaw for legal research (monthly as Alternate Defense Counsel); Court Data Access to look up the status of client's cases and the status of co-defendants and witnesses (weekly as Alternate Defense Counsel); Quickbooks and Excel to manage

my finances (weekly); and Full Court Enterprise to enter register of actions from the bench and as reviewing files (as a relief judge in Arvada).

22. List the names of no more than three individuals whom you have contacted and who have agreed to serve as professional references. If selected as a finalist, we will request you provide at least one letter of reference from someone who has knowledge of your legal work.

David V. Cooke, Presiding Judge for the City of Arvada

Anne Stavig, Presiding Judge for the City of Lakewood

Val Marino, Court Administrator for the City of Arvada

23. Please attach a statement not to exceed one page in length, double-spaced, discussing the reasons why you wish to be appointed to this vacancy and the qualities you would bring to the bench if appointed.

G. PROFESSIONAL CONDUCT AND ETHICS

24. Have you ever been disciplined or sanctioned for a breach or possible breach of ethics or unprofessional conduct by the Supreme Court Grievance Committee, the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, the Commission on Judicial Discipline (including a private letter of admonition, reprimand, or censure), or by any administrative agency or disciplinary committee? If so, please give details.

NO

25. Do you know if any proceeding is pending against you before the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, or by any administrative agency or disciplinary committee? If so, please give details.

NO

26. Have you ever been convicted (including by plea of guilty or *nolo contendere*) a felony, misdemeanor (including driving under the influence of alcohol or drugs, driving while ability impaired by alcohol or drugs), or a serious moving traffic offense in any jurisdiction within or outside Colorado? If so, please give details.

NO

27. Have you ever been a party to or the subject of, or involved in any other legal proceedings, civil or criminal (excluding dissolution or bankruptcy proceedings and non-moving minor traffic offenses)? If so, please give details.

NO

28. Have you ever been cited for contempt of Court? If so, please give details

NO

29. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the City of Louisville, might tend to affect adversely your qualifications to serve on the Louisville Municipal Court? NO If so, please explain.

30. Do you currently have a valid Colorado driver's license? If not, please give details. YES

31. Has your driver's license ever been revoked or suspended? NO If so, please give details.

H. MISCELLANEOUS INFORMATION

32. Have you ever failed to file your state or federal income tax return? If so, please explain.
NO

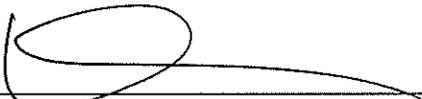
33. Have you been found by the Colorado Department of Revenue, IRS, or any other agency or court to have willfully failed to properly disclose your income during the last five years? If so, please give details.
NO

34. Do you owe any unpaid taxes or past-due child support? If so, please explain.
NO

CERTIFICATE OF APPLICANT

I understand the submission of this application expresses my willingness to accept appointment to the position of municipal judge for the City of Louisville, Colorado, and my willingness to abide by the Louisville City Charter and the Louisville Municipal Code, if appointed. I hereby certify that the information given in this application is correct and complete.

Date: 6-16-16



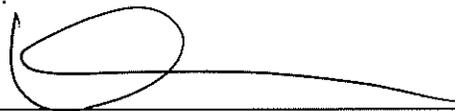
Signature of Applicant

KRISTAN K. WHEELER
Print or Type Name

WAIVER

I grant the City of Louisville, Colorado the right to examine the records of the Attorney Regulation Counsel (formerly maintained by the Supreme Court Grievance Committee) and the records of the Commission on Judicial Discipline. I consent to the release of information by employers, schools, law enforcement agencies, and other authorized personnel to verify the information contained in this application.

Date: 6-16-16



Signature of Applicant

KRISTAN K. WHEELER
Print or Type Name

Applications must be submitted by June 20, 2016.

I am interested in serving as a presiding judge for the City of Louisville because I enjoy being a municipal judge and I am very fond of and connected to the City of Louisville through my fifteen years of practicing law in Boulder County. I currently serve as a part-time judge or "relief judge" for three municipal courts and I would be honored to be chosen as a presiding judge for the City of Louisville. Although I still practice law, I am committed to transitioning into a full time judicial career. As a criminal defense attorney, I gain the most satisfaction not from prevailing on motions, not from success at trial, but from helping people to make positive changes in their lives. What I enjoy least is the unavoidable one-sidedness, and occasional contentiousness, that the adversarial system demands. My personal style and temperament is more judicial than adversarial and that my skill set is more suited to that of a neutral arbiter.

I possess the qualities required of a presiding judge for the City of Louisville. The majority of defendants who appear in municipal court where I am currently a judge appear without a lawyer. I believe one of my strengths as a judge is something that my sixteen years of advocacy for criminal defendants affords me - - an ability to communicate to a diverse group of defendants effectively. I am able to explain the law, possible consequences, and the court process in a clear and concise way. My experience as a municipal judge and trial attorney provide me the foundation to make sound, consistent, and fair legal rulings. As a judge, I believe I have the opportunity to help people make positive changes in their lives, thereby reducing recidivism and enhancing community safety. This can be accomplished through what I have observed applied by other judges, with motivational techniques I have learned through classes I have taken, and skills I practice each time I am on the bench.

I am also adept at handling the administrative business required of a presiding judge including supervising clerks, reviewing and ruling on arrest warrants and requests for writs, and issuing citations and bench warrants. I am a team player and I have a democratic leadership style where I encourage team members to think creatively to find solutions to problems. I'm comfortable with and enjoy speaking with City Council members about the municipal court and court programs and policies. I believe I have a passion for the position and that I possess the skills and temperament to be an excellent presiding judge for the City of Louisville. I would be honored to speak with the selection committee further regarding my interest in this position and my qualifications.

**APPLICATION FOR
LOUISVILLE, COLORADO MUNICIPAL COURT JUDGESHIP**

- I. The information you provide in questions 1 – 34 is public information and will be released upon request if the applicant’s name is forwarded to the Louisville City Council as a finalist for consideration of appointment.**

A. PERSONAL INFORMATION

1. Full Name: John Frederick Stavelly
2. Are you able to work in the United States on a full-time basis? Yes
3. Are you an attorney at law admitted to practice in Colorado? Yes If so, what is your Attorney Registration Number? 9193
4. Current Work Address: 1777 Sixth Street, Boulder, CO 80302
5. Current Work Telephone Number: 303-441-3721
6. List your place of residence for the past five years:

Dates	City	State	County
July 1, 1990 to present	5000 Ellsworth Place, Boulder	Colorado	Boulder

B. EDUCATIONAL BACKGROUND

7. List the names and locations of schools attended, beginning with high school.

Name	Location	Dates Attended	Degree
Fairview HS	Boulder, CO	1967-1969	Diploma
CU Boulder	Boulder, CO	1969-1973	BA
Univ. of North Dakota	Grand Forks, ND	1975-1978	JD

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Bar Admission	Date
Colorado	9-29-78
U.S. District Court, Colorado	9-29-78

9. Indicate your present employment (list professional partners or associates, if any, and include dates). If you currently practice law, describe the nature of your present law practice, listing the major types of law you practice and the percentage each constitutes of your total practice.

Boulder County Court Judge. I am a trial court judge handling both criminal and civil cases.

10. If you have focused on any specific area of law listed in number 9, what is it? Felony cases, misdemeanor cases, traffic cases, and a variety of civil matters. The majority of the cases I handle are criminal and traffic.

11. Have you practiced in the trial courts of Colorado within the past five years? If so, please state what percentage of your total practice your trial practice constituted and the types of matters handled.

Yes, I have been a state court judge for the past 15 years, handling roughly 2/3rds criminal/traffic and 1/3 civil cases.

12. Summarize your experience presiding over or serving as an advocate in adversary proceedings before administrative boards or commissions.

When I was in private practice (for 23 years) I handled DMV hearings, Liquor License hearings, and CU student conduct hearings.

13. List your prior professional or business employment since completion of your formal education (include dates).

I was a partner in the firm of Ehrhart & Stavely from 1978 until 1982. I was an attorney and partner in firm of Chrisman, Bynum & Johnson, P.C. from 1982 until 2001. I was the Associate Judge in Lafayette, Colorado from approximately 1982 until 1990. I was the Presiding Judge in the Louisville Municipal Court from 1990 until 2001, when I was appointed to the Boulder County Court.

14. If you have not been employed continuously since completion of your formal education, provide the dates and for each period, describe generally what you were doing.

Yes, see above for my legal employment. After I graduated from college in December of 1973 I had several part time jobs before I started law school in 1975. I played for the Detroit Wheels in the World Football league and the Denver Broncos in the summer of 1974. Worked part-time for two Boulder law firms and worked part-time for Continental Airlines.

D. PROFESSIONAL, COMMUNITY, AND PUBLIC SERVICE

15. List activities in professional associations, including offices held, committees, awards, honors, and citations (include dates).

Professionally, in 2009 to 2010 I was the President of the Colorado County Court Judges'

Association and the Chair of the Colorado State Court Trial Judges' Council. I have also served as the Presiding Judge of the Boulder County Court on three occasions. We rotate that responsibility.

16. List your recent activities in civic and charitable organizations, including offices held, awards, honors, and citations (include dates).

Over the years I have served on a number of boards and given presentations to a number of organizations. In the 1990's I was on the board and an executive member of the Boulder Valley YMCA for six years. I served as an elder at First Presbyterian Church, Boulder, Colorado from about 2003 until 2006. I have given many presentations to legal organizations including seminars for the Boulder County Bar Association, at the annual state judges' conferences, to the Colorado Municipal Judges' Association at one of their conferences, and have spoken at Optimist clubs, Mother House, and numerous schools.

17. List all public offices to which you were appointed or elected (include dates served). Have you had any military or other public service? If so, please give details.

No, I have not served in the military. As previously stated, I was the Associate Judge in Lafayette for approximately 9 years, the Presiding Judge in Louisville for 12 years, and a Boulder County Judge for 15 years.

E. REQUIREMENT TO COMPLY WITH THE LOUISVILLE CITY CHARTER AND THE LOUISVILLE CITY CODE

If appointed to the bench, you will be required to comply with the provisions of contained in the Louisville City Charter and the Louisville Municipal Code.

18. Do you understand a judge is required to file reports of compensation for quasi-judicial and extra-judicial activities in conformance with the Code of Judicial Conduct?

Yes.

19. Do you understand that a judge must comply with and is subject to applicable provisions of Louisville City Charter and the Louisville Municipal Code, including but not limited to the provisions of Section 9-3 of the Charter setting forth principles of conduct for City municipal judges?

Yes.

20. Do you understand that City of Louisville's ethics rules provide that independent contractors who perform official actions on behalf of the City which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions, that City officers and employees similarly shall not receive such gifts, and that you must abide by the gift restrictions and any other applicable provisions of the City's Code of Ethics?

Yes.

F. MISCELLANEOUS

21. A Louisville municipal judge is expected to use computer technology for a wide variety of functions including word processing, legal research, case management, e-filing and e-mail. Do you **personally use** a computer for any of the purposes listed above or for similar purposes? If yes, describe the functions you perform and state how frequently you perform each function. If no, state whether you will participate in training to develop and maintain your personal skills in using computer technology.

Yes, I perform all those functions in my present job. I type my own opinions, frequently do

legal research, am known as an excellent case manager, do e-filing on a daily basis, and use email daily.

- 22.** List the names of no more than three individuals whom you have contacted and who have agreed to serve as professional references. If selected as a finalist, we will request you provide at least one letter of reference from someone who has knowledge of your legal work.

Thomas J.B. Reed, retired Boulder County Court Judge
Charles "Chuck" Sisk, former Louisville City Councilman and Mayor
Nancy Varra, retired Clerk for the City of Louisville

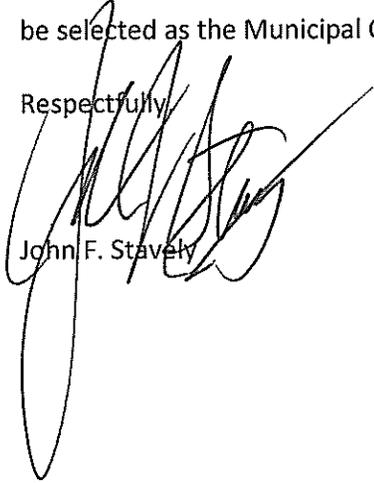
- 23.** Please attach a statement not to exceed one page in length, double-spaced, discussing the reasons why you wish to be appointed to this vacancy and the qualities you would bring to the bench if appointed.

23. Thank you for this opportunity to explain why I wish to be appointed to the vacancy caused by Judge Joss' retirement and the qualities I would bring to the bench if appointed. When I was appointed to the Boulder County Court bench my long term goal was to work for 15 years, which is the end of this year. I applied for the state court judgeship because I so thoroughly enjoyed my time as the Presiding Judge in Louisville. My life circumstances have changed dramatically the last few years and I would prefer to work part-time in a legal capacity instead of fully retiring. Being the judge in Louisville would give me the opportunity to still be a judge and serve the community and at the same time give me the opportunity to do some things I cannot presently do as a result of working a full time job.

Presently, I am up for retention (this would be my fourth time) this November. As a part of the process The Twentieth Judicial District Commission on Judicial Performance does an extensive analysis of a judge's qualifications to be retained. For all four times I have been up for retention I have been ranked higher by attorneys and non-attorneys in every measurement compared to other county court judges in the state. Enclosed is the most recent recommendation, which I believe it speaks for itself.

Once again, it would be an honor to serve the people of the City of Louisville if given the opportunity to be selected as the Municipal Court Judge.

Respectfully,



John F. Staveland

The Twentieth Judicial District Commission on Judicial Performance unanimously (10-0) recommends that Judge John F. Stavely **BE RETAINED**.

Judge Stavely was appointed to the County Court of the Twentieth Judicial District on August 20, 2001. Prior to his appointment, Judge Stavely was partner in the Boulder firm of Chrisman, Bynum & Johnson, P.C., as well as the Presiding Judge of the Louisville Municipal Court. Judge Stavely earned his undergraduate degree from the University of Colorado. He graduated from University of North Dakota School of Law in 1978. Important to Judge Stavely is serving community and his profession is his dedication to mentoring young lawyers and court professionals. He has played a significant role in the Boulder County Extern Program.

The Commission observed Judge Stavely in court, reviewed his self-evaluation, written orders, survey responses from attorneys and non-attorneys, conducted a personal interview with Judge Stavely, and held a public hearing to solicit input from citizens. Regarding survey question of retention, attorneys responding to the survey 90% recommended retaining, 6% not to retain, and 3% made no recommendation regarding retention. Of non-attorneys responding to the survey 91% recommended to retain, 6% not to retain, and 3% made no recommendation regarding retention. (These percentages may not total 100% due to rounding.) Survey respondents, both attorney and non-attorney ranked him higher in every measurement than other county judges.

Judge Stavely has presided over traffic 42%, misdemeanor 36%, and civil 22% cases during his current term. Respondents listed his strengths as smart, fair, efficient, experienced, thoughtful, and respectful. The Commission members after the personal interview and courtroom observation gave Judge Stavely equally high marks for his case management, application and knowledge of law, demeanor, fairness, and respect for attorneys and litigants. Judge Stavely likes his judicial work and performs above expectations.

G. PROFESSIONAL CONDUCT AND ETHICS

24. Have you ever been disciplined or sanctioned for a breach or possible breach of ethics or unprofessional conduct by the Supreme Court Grievance Committee, the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, the Commission on Judicial Discipline (including a private letter of admonition, reprimand, or censure), or by any administrative agency or disciplinary committee? If so, please give details.

No.

25. Do you know if any proceeding is pending against you before the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, or by any administrative agency or disciplinary committee? If so, please give details.

No.

26. Have you ever been convicted (including by plea of guilty or *nolo contendere*) a felony, misdemeanor (including driving under the influence of alcohol or drugs, driving while ability impaired by alcohol or drugs), or a serious moving traffic offense in any jurisdiction within or outside Colorado? If so, please give details.

No.

27. Have you ever been a party to or the subject of, or involved in any other legal proceedings, civil or criminal (excluding dissolution or bankruptcy proceedings and non-moving minor traffic offenses)? If so, please give details.

Was a party to a civil action over 30 years ago. My former law partner had involved some of his clients in some investments, during a time when I was still a law student. I was named in the action but ultimately was dismissed as a party as I was not a real party in interest.

28. Have you ever been cited for contempt of Court? If so, please give details

No.

29. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the City of Louisville, might tend to affect adversely your qualifications to serve on the Louisville Municipal Court? No .If so, please explain.

30. Do you currently have a valid Colorado driver's license? If not, please give details. Yes.

31. Has your driver's license ever been revoked or suspended? If so, please give details. No.

H. MISCELLANEOUS INFORMATION

32. Have you ever failed to file your state or federal income tax return? If so, please explain.

No.

33. Have you been found by the Colorado Department of Revenue, IRS, or any other agency or court to have willfully failed to properly disclose your income during the last five years? If so, please give details.

No.

34. Do you owe any unpaid taxes or past-due child support? If so, please explain.

No.

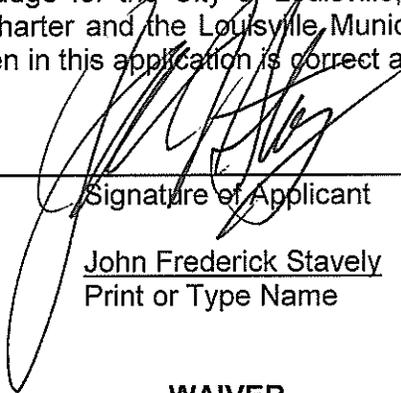
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CERTIFICATE OF APPLICANT

I understand the submission of this application expresses my willingness to accept appointment to the position of municipal judge for the City of Louisville, Colorado, and my willingness to abide by the Louisville City Charter and the Louisville Municipal Code, if appointed. I hereby certify that the information given in this application is correct and complete.

Date: June 17, 2016



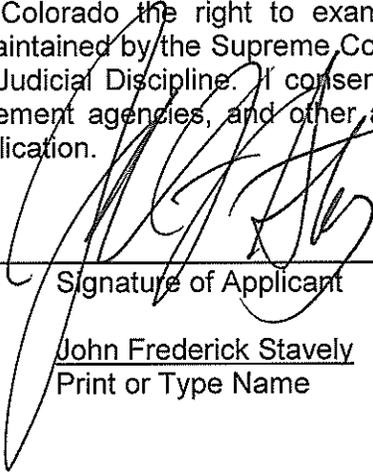
Signature of Applicant

John Frederick Stavely
Print or Type Name

WAIVER

I grant the City of Louisville, Colorado the right to examine the records of the Attorney Regulation Counsel (formerly maintained by the Supreme Court Grievance Committee) and the records of the Commission on Judicial Discipline. I consent to the release of information by employers, schools, law enforcement agencies, and other authorized personnel to verify the information contained in this application.

Date: June 17, 2016



Signature of Applicant

John Frederick Stavely
Print or Type Name

Applications must be submitted by June 20, 2016.

Home

Boulder News

Story



Boulder County Judge John Stavelly to retire after 15 years

By Mitchell Byars

Staff Writer

POSTED: 07/18/2016 02:26:58 PM MDT | UPDATED: 11 DAYS AGO

Boulder County Judge John Stavelly is set to retire next year after 15 years on the bench, creating an judgeship opening in the 20th Judicial District.

Stavelly will retire on Jan. 10, according to a release. Stavelly was first appointed in 2001 after being a partner at the law firm of Chrisman, Bynum & Johnson and a municipal judge for Louisville.

Stavelly's retirement will open up a judgeship in the 20th Judicial District. Applicants must live in Boulder County and have been practicing law in Colorado for five years. The annual salary for the position is \$152,466, and the initial term will be a two-year provisional term.

Application forms are available from the office of the ex officio chair of the nominating commission, Justice Monica M. Márquez, 2 E. 14th Ave. in Denver and the office of the district administrator, Amy Waddle, 1777 Sixth St. in Boulder. Applications also are available online at courts.state.co.us/Careers/Judge.cfm.

The deadline for applications is Aug. 12. The 20th Judicial District Nominating Commission will meet on Aug. 31 to interview and select nominees. Gov. John Hickenlooper will make the final selection.

The members of the nominating commission are Karla Rikansrud, Benita Duran and May Friedrichs, of Boulder; Joel Champion, of Longmont; Jodi Martin and Josh Marks, of Louisville; and Michael Beylkin, of Erie.



Boulder County Judge John Stavelly
(20th Judicial District)

Advertisement

BOULDER COUNTY'S BEST

Mitchell Byars: 303-473-1329,
byarsm@dailycamera.com or
twitter.com/mitchellbyars.



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Serving the West from Boulder since 1972

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Kara N. Godbehere
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Joel C. Davis 1936-2013

Senior Counsel:
Peter C. Dietze

**Also admitted in California*

June 3, 2016

Ms. Meredith Muth
City of Louisville
749 Main Street
Louisville, Colorado 80027

Re: Presiding Municipal Judge Position

Dear Ms. Muth:

Please find enclosed an application and essay for the position of Presiding Municipal Court Judge. In accordance with the process defined in the application, I have not attached a resume or letters of reference, but am prepared to do so when requested.

Having sat on the bench for Judge Joss and counting him among my mentors, I am honored to be a candidate for this position. I look forward to hearing back from the judicial committee.

Very truly yours,

DIETZE AND DAVIS, P.C.

David J. Thrower

Enclosures

**APPLICATION FOR
LOUISVILLE, COLORADO MUNICIPAL COURT JUDGESHIP**

- I. The information you provide in questions 1 – 34 is public information and will be released upon request if the applicant’s name is forwarded to the Louisville City Council as a finalist for consideration of appointment.

A. PERSONAL INFORMATION

1. Full Name: David Jay Thrower
2. Are you able to work in the United States on a full-time basis? Yes
3. Are you an attorney at law admitted to practice in Colorado? Yes If so, what is your Attorney Registration Number? 24815
4. Current Work Address: 2060 Broadway, Suite 400, Boulder, CO 80302
5. Current Work Telephone Number: 303-447-1375
6. List your place of residence for the past five years:

Dates	City	State	County
July, 2002-Present	Superior	Colorado	Boulder

B. EDUCATIONAL BACKGROUND

7. List the names and locations of schools attended, beginning with high school.

Name	Location	Dates Attended	Degree
Arvada High School	Arvada, Colorado	August 1984-May 1987	H.S. Diploma
Colorado College	Colorado Springs, Colorado	June 1987-May 1991	B.A.
Creighton University School of Law	Omaha, Nebraska	August 1991-May 1994	J.D.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

Bar Admission	Date
State of Colorado	October 19, 1994
U.S. District Court for District of Colorado	April 23, 2001

9. Indicate your present employment (list professional partners or associates, if any, and include dates). If you currently practice law, describe the nature of your present law practice, listing the major types of law you practice and the percentage each constitutes of your total practice.

Dietze and Davis, P.C.-Managing Shareholder. I serve as the Managing Shareholder of Dietze and Davis, P.C., a position I have held since June, 2011. My legal practice consists of Estate Planning (33%), Business and Entity Law (33%), Real Estate, including Landlord/Tenant and F.E.D. practice (25%) and serving as a municipal court judge (9%). My employment at Dietze and Davis, P.C. began February 15, 2001, as an Associate and I was elected as a Shareholder in January, 2003. My colleagues include:

Shareholders:

Peter C. Dietze, Esq.
Robyn W. Kube, Esq.
Karl F. Kumli, III, Esq.
Carmen S. Danielson, Esq.
Renee Ezer, Esq.
Stephen A. Closky, Esq.
Tucker M. Katz, Esq.
Mark D. Detsky, Esq.
Glenn H. Lenzen, Esq.
William A. Rogers, III, Esq.
Joshua E. Anderson, Esq.

Associates:

Gabriella Stockmayer, Esq.
Nathan Klotz, Esq.

Of Counsel:

Joel C. Maguire, Esq.
Star L. Waring, Esq.
Jennifer L. Lorenz, Esq.
Kara N. Godbehere, Esq.
Nicholas G. Muller, Esq.

10. If you have focused on any specific area of law listed in number 9, what is it?

Municipal Court, both as a judge and prosecutor, and Landlord/Tenant Law.

11. Have you practiced in the trial courts of Colorado within the past five years? If so, please state what percentage of your total practice your trial practice constituted and the types of matters handled.

Yes. I estimate 25% of my practice was in trial courts. The majority of this practice was as the Prosecutor for the Town of Superior, where I tried approximately 300 cases. Additionally, I have been the Presiding Judge in the Town of Superior since August 2014 and have presided over arraignments and trial dockets. I have also covered arraignment sessions in my capacity as the Deputy Municipal Judge for the City of Louisville. The remaining portion was predominantly appearances in commercial eviction matters in county and district court.

12. Summarize your experience presiding over or serving as an advocate in adversary proceedings before administrative boards or commissions.

I appeared as counsel before a hearing officer in 2 unemployment insurance proceedings. Though not strictly adversarial, I also appeared on behalf of property owners before planning commissions and city councils regarding development proposals. As a former municipal attorney, I also represented such boards and commissions, namely the Town of Superior Planning Commission, between approximately 2002 and 2005. I also appeared on behalf of the Town of Superior prosecuting liquor code violations before the local liquor authority.

13. List your prior professional or business employment since completion of your formal education (include dates).

1995-2001	Frankel & Thrower, P.C. - Attorney
2001-2003	Dietze and Davis, P.C. - Associate Attorney
2003-2011	Dietze and Davis, P.C. - Attorney/Shareholder
2011-Present	Dietze and Davis, P.C. - Managing Shareholder/Attorney

14. If you have not been employed continuously since completion of your formal education, provide the dates and for each period, describe generally what you were doing.

Between passing the bar exam in 1994 and beginning my own law firm in 1995, I was a volunteer intake attorney for Boulder County Legal Services (BCLS). In this capacity and on a weekly basis, I interviewed potential clients for BCLS at their office in Longmont, Colorado, and also represented some of those clients directly.

D. PROFESSIONAL, COMMUNITY, AND PUBLIC SERVICE

15. List activities in professional associations, including offices held, committees, awards, honors, and citations (include dates).

Colorado Municipal Judges Association – 2014 – Present – I volunteered to join new committees on best practices and future issues
Fellow-Boulder County Bar Foundation – 2011 – Present
Boulder County Bar Association – 2001 – Present
Colorado Bar Association – 1994 – Present
Business Law Section, Colorado Bar Association – 2001 – Present

16. List your recent activities in civic and charitable organizations, including offices held, awards, honors, and citations (include dates).

Panelist-JD Pathways, University of Colorado School of Law, January 2013 – January 2016
Colorado Bar Association 100 Pro-Bono Hours Club
1997-1998 200 Hours
1998-1999 150 Hours
1999-2000 200 Hours
2000-2001 225 Hours

17. List all public offices to which you were appointed or elected (include dates served). Have you had any military or other public service? If so, please give details.

Deputy Judge, City of Louisville, January 2016-Present
Presiding Judge, Town of Superior Municipal Court, August 14, 2014-Present
Prosecutor, Town of Superior, 2001-2014
Acting Town Attorney, Town of Superior, 2005
Assistant Town Attorney, Town of Superior, 2001-2005

E. REQUIREMENT TO COMPLY WITH THE LOUISVILLE CITY CHARTER AND THE LOUISVILLE CITY CODE

If appointed to the bench, you will be required to comply with the provisions of contained in the Louisville City Charter and the Louisville Municipal Code.

18. Do you understand a judge is required to file reports of compensation for quasi-judicial and extra-judicial activities in conformance with the Code of Judicial Conduct?

Yes

19. Do you understand that a judge must comply with and is subject to applicable provisions of Louisville City Charter and the Louisville Municipal Code, including but not limited to the provisions of Section 9-3 of the Charter setting forth principles of conduct for City municipal judges?

Yes

20. Do you understand that City of Louisville's ethics rules provide that independent contractors who perform official actions on behalf of the City which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions, that City officers and employees similarly shall not receive such gifts, and that you must abide by the gift restrictions and any other applicable provisions of the City's Code of Ethics?

Yes

F. MISCELLANEOUS

21. A Louisville municipal judge is expected to use computer technology for a wide variety of functions including word processing, legal research, case management, e-filing and e-mail. Do you **personally use** a computer for any of the purposes listed above or for similar purposes? If yes, describe the functions you perform and state how frequently you perform each function. If no, state whether you will participate in training to develop and maintain your personal skills in using computer technology.

Yes

22. List the names of no more than three individuals whom you have contacted and who have agreed to serve as professional references. If selected as a finalist, we will request you provide at least one letter of reference from someone who has knowledge of your legal work.

Matt Magley, Town Manager, Town of Superior (303-499-3675)
Shannon Dujardin, Municipal Court Clerk, Town of Superior (303-499-3675)
Sgt. Jim Chamberlin, Boulder County Sheriff's Department (Superior Sub.) (720-564-2696)

23. Please attach a statement not to exceed one page in length, double-spaced, discussing the reasons why you wish to be appointed to this vacancy and the qualities you would bring to the bench if appointed.

G. PROFESSIONAL CONDUCT AND ETHICS

24. Have you ever been disciplined or sanctioned for a breach or possible breach of ethics or unprofessional conduct by the Supreme Court Grievance Committee, the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, the Commission on Judicial Discipline (including a private letter of admonition, reprimand, or censure), or by any administrative agency or disciplinary committee? If so, please give details.

No

25. Do you know if any proceeding is pending against you before the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, or by any administrative agency or disciplinary committee? If so, please give details.

No

26. Have you ever been convicted (including by plea of guilty or *nolo contendere*) a felony, misdemeanor (including driving under the influence of alcohol or drugs, driving while ability impaired by alcohol or drugs), or a serious moving traffic offense in any jurisdiction within or outside Colorado? If so, please give details.

No

27. Have you ever been a party to or the subject of, or involved in any other legal proceedings, civil or criminal (excluding dissolution or bankruptcy proceedings and non-moving minor traffic offenses)? If so, please give details.

Yes. My law firm and one of our attorneys were sued by a former client, the basis of which was a dispute between that client and said attorney's spouse. I, along with another named shareholder, was personally named and served on a theory that as a managing shareholder, I had responsibility for having adequate insurance coverage. The claims against the named partner and me as individuals were dismissed. The underlying case against my firm was settled and dismissed.

28. Have you ever been cited for contempt of Court? If so, please give details.

No

29. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the City of Louisville, might tend to affect adversely your qualifications to serve on the Louisville Municipal Court? If so, please explain.

No.

30. Do you currently have a valid Colorado driver's license? If not, please give details.

Yes

31. Has your driver's license ever been revoked or suspended? If so, please give details.

No

H. MISCELLANEOUS INFORMATION

32. Have you ever failed to file your state or federal income tax return? If so, please explain.

No

33. Have you been found by the Colorado Department of Revenue, IRS, or any other agency or court to have willfully failed to properly disclose your income during the last five years? If so, please give details.

No

34. Do you owe any unpaid taxes or past-due child support? If so, please explain.

No

CERTIFICATE OF APPLICANT

I understand the submission of this application expresses my willingness to accept appointment to the position of municipal judge for the City of Louisville, Colorado, and my willingness to abide by the Louisville City Charter and the Louisville Municipal Code, if appointed. I hereby certify that the information given in this application is correct and complete.

Date: June 3, 2016

Signature of Applicant

David J. Thrower
Print or Type Name

WAIVER

I grant the City of Louisville, Colorado the right to examine the records of the Attorney Regulation Counsel (formerly maintained by the Supreme Court Grievance Committee) and the records of the Commission on Judicial Discipline. I consent to the release of information by employers, schools, law enforcement agencies, and other authorized personnel to verify the information contained in this application.

Date: June 3, 2016

Signature of Applicant

David J. Thrower
Print or Type Name

Applications must be submitted by June 20, 2016.

David J. Thrower
Personal Statement

After almost 20 years in private practice, my first day on the bench as a judge was a combination of pride, anxiety and eventually an even pace. Despite my previous 14 years as a prosecutor, my previous 6 years of experience as a criminal defense attorney, and having spent a significant amount of time in county courts for F.E.D., civil and restraining order matters, I was amazed with the concept of discretion, and endeavored to use it wisely. Of utmost importance as a judge, discretion pushed me to further educate myself, get involved with the municipal judges association, and really enjoy law. I owe these things to the public I serve.

With the exception of Boulder County and District Courts, most of my court appearances have been in the municipal court. I spent many years as a prosecutor and judge in a municipal court and learned its culture and procedures. Given that most people have their only contact with our justice system at the municipal level, I strive to make certain that defendants are heard and that the system treats them fairly, while at the same time ensuring that there are appropriate consequences for violations of the law. Because we serve as an exemplar of the larger justice system, I believe that working within a municipal court is an important service to the community, and thus have continued in this area while other aspects of my practice have grown and changed. I am passionate about working in a municipal court setting, and serving the community that has been my home for almost 20 years. I am not too proud to seek guidance from others, such as my court clerk or other municipal judges, but my experience as a manager for a busy law firm makes me a successful and innovative self-starter. An example of this is my implementation of a juvenile docket in my jurisdiction which allows me more time and freedom with defendants. With this addition, I can talk to juveniles about consequences and impose sentences better suited to them. I think this is my proudest accomplishment in my tenure as a judge.

I enjoy private practice but always fondly remembered a more direct public service. I enjoy serving as a judicial officer in my community and desire to continue to learn the art and science of being a judge. I have strong roots in both communities where I serve as a judge. I am honored to serve as the Deputy Judge in the City of Louisville and appreciate the opportunity to be considered for the position of Presiding Judge.