



## My Journey to the Bench

From South Korea to the Crow Reservation  
to Denver County Court

BY CHELSEA MALONE

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*This series explores what it means to be a judge or justice at various levels of the state court system. Authors share their personal journey to the bench and help others navigate their way to a judgeship.*

**T**he idea of working as a judge first crossed my mind in fifth grade, during a mock trial exercise. At the time, it didn't seem possible, because when I closed my eyes and imagined a judge, I could

only see an older white man in a black robe. Not anymore.

This article is about my path to becoming the first Asian woman selected as a judge for any county court or state district court in

Colorado. It is about seizing the opportunities of an American life, including education. And it is about how my experience as a Korean child raised on the Crow Indian Reservation impacts me as a judge. I'll describe how I navigated the judicial nomination process, unsuccessfully and successfully, and what it is like to preside over Denver County Court's civil protection order docket.

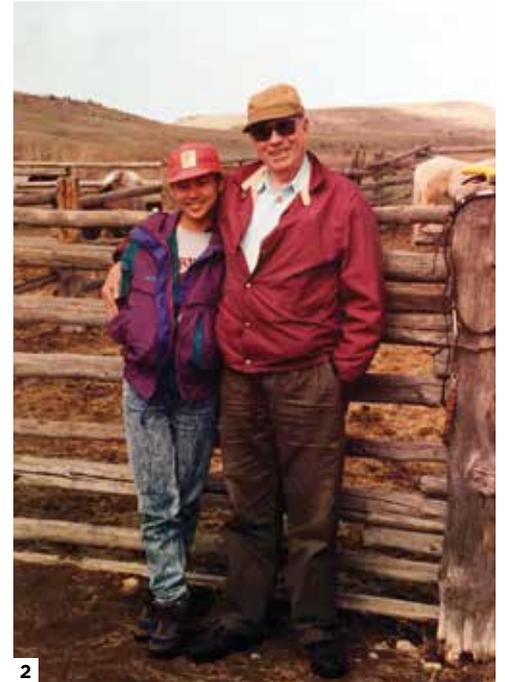
### **One Girl, Three Cultures**

My journey to the Denver County Court bench began in Seoul, South Korea. When I was 3 months old, my life took the most fortunate turn when my mom, a U.S. Army nurse stationed at the Yongsan military base in Seoul, adopted me. Two years later, we moved from Korea to Crow Agency, Montana (the capital of the Apsáalooke Nation<sup>1</sup>), where my mom was employed under the Indian Health Service. The Crow Reservation is home to close to 10,000 Apsáalooke people. Most reside in

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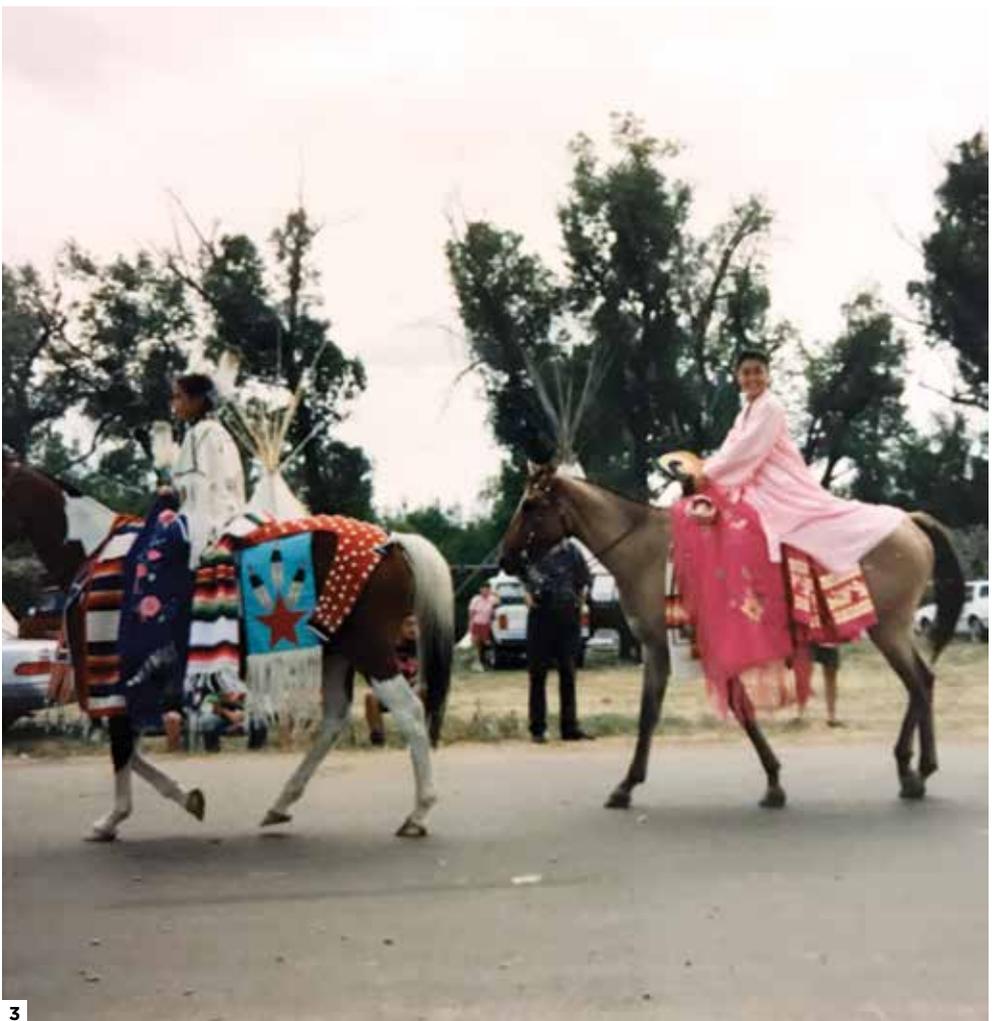
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one of six rural districts separated by miles of country roads, rivers, open range, farmland, and mountains. For me, the reservation was a vast and open playground. I ran through alfalfa fields, swam in creeks, fished the Big Horn River, and climbed apple trees, long black braids trailing behind me. My earliest memories are of attending preschool in an old trailer home. We ate commodity food, spoke in the Crow language, and learned traditional songs and games.

When I was 3 years old, my mother met my father, a Crow tribal member and game warden. In addition to my mother's family in Colorado, we became members of my father's large extended clan family. When I was 4, our family welcomed my little sister Wendy, my childhood companion. Although my sister and I were raised with the same cultural views, I noticed early on that we were treated very differently from one another, especially off the reservation, simply because of our ethnicities.



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- 1 Chelsea with mom Molly Malone at Crow Fair 1982. Crow Fair is an annual pow wow and celebration of all Native tribes in Crow Agency, Montana. It is the largest pow wow in the world.
- 2 Visit from Bop (Edmund Malone), Crown Butte Ranch, Pryor, Montana.
- 3 Sisters parading on horses, Crow Fair 1991.

As a child, I straddled Crow and mainstream cultures. I tried to embrace my Korean heritage, despite having no Korean role models or any proximity to Korean culture. I attended pow wows, played Mario Brothers on my Nintendo, and made yaki mandu (Korean dumplings). I experienced the richness of the Crow culture and tradition, but I also witnessed the adverse effects of poverty and cultural assimilation.

### A Lawyer Emerges

In high school, I found my niche in team debate, which provided my first sense of being in a courtroom. After high school, I attended the University of Wyoming on a violin scholarship and studied psychology. Upon graduating, I relocated to Denver, where I lived with my childhood heroes, my mother's parents. Gran and Bop taught me values learned from surviving

the Great Depression: appreciation of family and community, hard work, and education.

I took two years off to work and save money before attending law school. During that time, I was an executive lead for Target and opened Colorado's first SuperTarget in Superior. I began to yearn for clothes in shades other than red and khaki and was eager to attend law school. I believed that, as a lawyer, I would make the world safer and more just. I thought that perhaps one day I would return to the Crow Reservation as a lawyer and help tribal members negotiate contracts regarding their land, mineral, and water rights.

Growing up in rural Montana, I didn't know any lawyers. And at the University of Denver, I wasn't sure in which field of law I wanted to practice. I interned in a wide range of areas: environmental law for the Attorney General's

Office; corporate and real estate litigation at a big firm in downtown Denver; in-house counsel work for a large corporation; family law with solo practitioners; and finally, criminal trial work with the Denver Public Defender's Office. Indigent criminal defense resonated with me because I came from a place with staggering poverty and a vulnerable, underserved population. It created an opportunity for me to help people who lacked financial means and who might not understand the court system due to language or cultural differences. I "grew up" as a trial lawyer in Denver County Court, the People's Court. In one year, Denver County Court provided interpreters in 49 different languages. I knew this was the bench I hoped to someday join.

After several years as a public defender, I hung my own shingle. As private counsel, I

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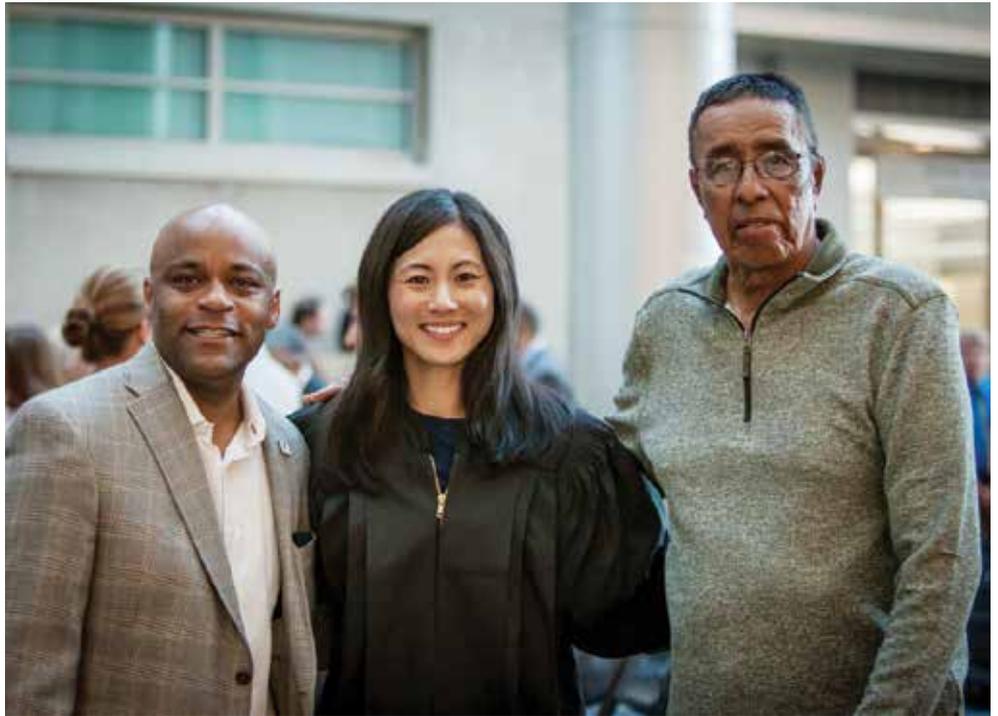
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**Each time you appear in court, people will notice whether you are courteous to court staff, patient with opposing counsel, and respectful to the judge. When you apply to be a judge, those same people will send in letters of support or opposition.**



Judge Malone with Mayor Hancock and father Wallace Red Star, Jr. at her investiture in July 2016.

accepted court-appointed felony cases for indigent defendants primarily in Denver, but also in surrounding jurisdictions. In my final year of private practice, I also worked as of counsel for a small firm specializing in family law. I loved serving as an advocate in the courtroom, but I knew that serving as a judge would be the best use of my personal and professional strengths. And so, after 12 years as a defense lawyer, I applied to the Denver County Court bench.

**The Application Process:  
Going Beyond the Application**

The nominating commission, mayor, or governor may not know you, but they will know your reputation. Each time you appear in court, people will notice whether you are courteous to court staff, patient with opposing counsel, and respectful to the judge. When you apply to be a judge, those same people will send in letters of support or opposition. If you have your sights set on the bench, you should focus on being a

good lawyer and preparing to be a good judge. You cannot wait until a judicial vacancy occurs and hope that no one will notice you failed to put in the hard work. Also, understand the bench you want to join. Denver County Court is extremely high volume and fast-paced. To be a successful part of this bench, you must be efficient and have a legal background that matches the job.

Here is a non-winning strategy for navigating the judicial application process: complete the paper application, rehearse interview questions in your head in between a television series you're binge watching, dress well for the interview, and finally, wait for the call you will soon receive thanking you for your application and encouraging you to apply again. This *might* be exactly what I did the first time that I applied.

The second time (and yes, there will be a third time), my application process began well before any judicial vacancy was announced. I made a list of people who could give me guidance, insight, and advice. My list included judges, mentors, students, sheriffs, former clients, and community members. I met with Denver County Court judges and asked them

about being a judge and their experiences with the judicial application process. The Colorado Women's Bar Association hosted an event called Storming the Bench, with panelists including judges, judicial nominating commissioners, and minority bar leaders.<sup>2</sup> Several members of the nominating commission attended, and they provided me with crucial feedback I would later use on my path toward success. I had coffee with lawyers who had recently been short-listed and interviewed by Mayor Michael Hancock. I compiled a list of questions past candidates had been asked during their commission interviews and Googled other questions that might be asked in a job interview.

I also formed a team of trusted friends and supporters. My team put me through mock interviews and spread the word that I was interested in a county court appointment, thus gathering support for my candidacy. This process forced me outside of my comfort zone and was far more difficult than I had imagined; however, the support from my peers, friends, and family was overwhelming and heartwarming. And necessary. You will not be appointed to the bench without enormous support.

When the next judicial vacancy was announced, I was ready. This time, the judicial nomination commissioners sent my name along with two others to the mayor. Before my interview with Mayor Hancock, I sought endorsements from each of the specialty bar associations and interviewed with, or submitted materials to, those groups.

I was excited to meet Mayor Hancock, who was assisted by the city attorney. The interview was upbeat and friendly. Ultimately, however, Mayor Hancock appointed Kerri Lombardi, whom I am now fortunate to have as a colleague. Although I had hoped to be one of the lucky few to be appointed by the mayor the first time up, my expectations were in check. I understood that incremental failure often precedes appointment, and that I had to embrace this gradual process.

Over the next year, I reevaluated why I wanted to be a judge and continued to prepare for the next vacancy. When the vacancy arose, I recalled the lessons I had learned, and reapplied. In the days leading up to my third interview with the commission, my Bop was unexpectedly hospitalized. At 4:00 a.m. the day before my interview, I was in Colorado Springs taking shifts at the hospital with my family when Bop passed away. Grief-stricken, I considered withdrawing my application, but my family persuaded me to proceed, and I knew Bop would have wanted me to go for it. My interview was exceedingly emotionally difficult, but I had dedicated so much time and thought into why I wanted to be a judge and why I would be a great judge for our community that my answers came easily. The commission sent my name to Mayor Hancock again, and I received the endorsement of each

specialty bar that endorses for Denver County Court. I was honored to be sitting across from Mayor Hancock, once again, interviewing for such a coveted job.

Days later, I was having lunch with friends when my receptionist called to tell me that a “Mary Hancock” had called and said they would call back. I said “Mary? Are you sure the person said ‘Mary’ and not ‘Mayor?’” “No, they said ‘Mary.’” I clung to my phone and when it rang, I heard very clearly: “Hello Chelsea, this is Mayor Hancock.”

The judicial nomination process is rigorous, as it should be. Your success will depend in part on what you can control: your preparation, as well as your reputation as a lawyer and person in your community. But there are also factors beyond your control, such as the pool of candidates. For example, if Gary Jackson,

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described by retired Denver County Court Presiding Judge John Marcucci as “the most qualified and impressive application I have ever reviewed” is in your applicant pool, you will soon be attending Judge Jackson’s investiture and waiting for the next vacancy. If you know this is the job for you, get to work now and embrace the process.

### **Life on the Bench: Be Neutral, but Bring Your Perspective**

In Denver County Court, judges periodically rotate courtroom assignments. I currently preside over a civil protection order docket. Each morning, I review the newly filed petitions for temporary protection orders. These cases typically involve allegations of domestic and family violence, neighbor disputes, and love triangles, such as a petitioner seeking protection from his new girlfriend’s ex-boyfriend. Most litigants appear pro se and know very little about the court process. This means I repeat myself often; however, each person and situation is unique, so it is always interesting and challenging to treat each case and each litigant as one of a kind rather than as a box to be checked.

After the new cases are addressed, I turn my attention to matters set for permanent protection orders hearings. I’m never sure which, if any, of these cases will actually go to hearing. Oftentimes, one party will fail to appear or the parties will stipulate to continue the protection order on a temporary basis. Most days, at least one case will go to hearing and I will consider testimony and other evidence presented by the parties.

When I’m not in the courtroom, I review motions and prepare cases set for the following day. When my inbox is empty, I work on projects that I hope will improve Denver County Court and my performance as a judicial officer. A constant thought on my mind is how to provide helpful information to both sides without overwhelming them and how to do so in a format that is most useful for non-lawyers. When I was in traffic court, I wrote an advisement form that is now provided to each defendant when his or her matter is set for a final hearing. One of my current projects is to draft a similar form for

protection orders. I enjoy the freedom—and feel an obligation—to constantly work to improve the courtroom experience for our community members. I never forget that my purpose as a judge, first and foremost, is to serve.

I am proud to serve on the most diverse bench in the state. Out of 17 Denver County Court judges, 10 are people of color and 11

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are women. We are strong because we reflect the community we serve and because each judicial officer brings a unique background and perspective to the bench. My upbringing on the Crow Reservation makes me particularly sensitive to issues of race and poverty. I reflect upon my memories of classmates eating saltines for dinner, and of overhearing my mom, during

a freezing Montana winter, pleading with the electric company to restore power to a home shared by three generations, including an elderly cancer patient and an infant. I also remember witnessing shopkeepers in an antique store in Billings treat my little sister like a criminal simply because she is Native. I pride myself on running an efficient and prepared docket, but I am most grateful that my experiences from Korea to the Crow Reservation give me compassion and understanding for our community and that, as a Denver County Court judge, I am able to bring this to the bench.

Growing up, it was difficult being the only Asian child in the Crow community. I was teased and called “cheetbaashja” or “wolf eyes.” At the University of Wyoming, which I attended as an undergraduate, there were few Asians and staff often assumed I was an exchange student. As an attorney, judges, prosecutors, and defense lawyers alike have assumed I was in court to provide interpretation services. Part of my motivation in becoming a judicial officer was to change pervasive stereotypes that Asians are somehow different, foreign, or limited in their position in the court system.

I also wanted to change the perception of how a judge looks. When my daughters close their eyes and imagine a judge, they will now envision their mother and know that a judge can be any race or gender. **CL**



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### **NOTES**

1. For more information about the Crow Nation, see [www.crow-nsn.gov](http://www.crow-nsn.gov).
2. This year’s Storming the Bench event will take place on February 27, from 8:30 to 11:45 a.m., in Denver. Register at [www.cwba.org/event-2698166/Registration](http://www.cwba.org/event-2698166/Registration).