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AMERICAN LEGAL SYSTEM

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# THE O'CONNOR JUDICIAL SELECTION PLAN

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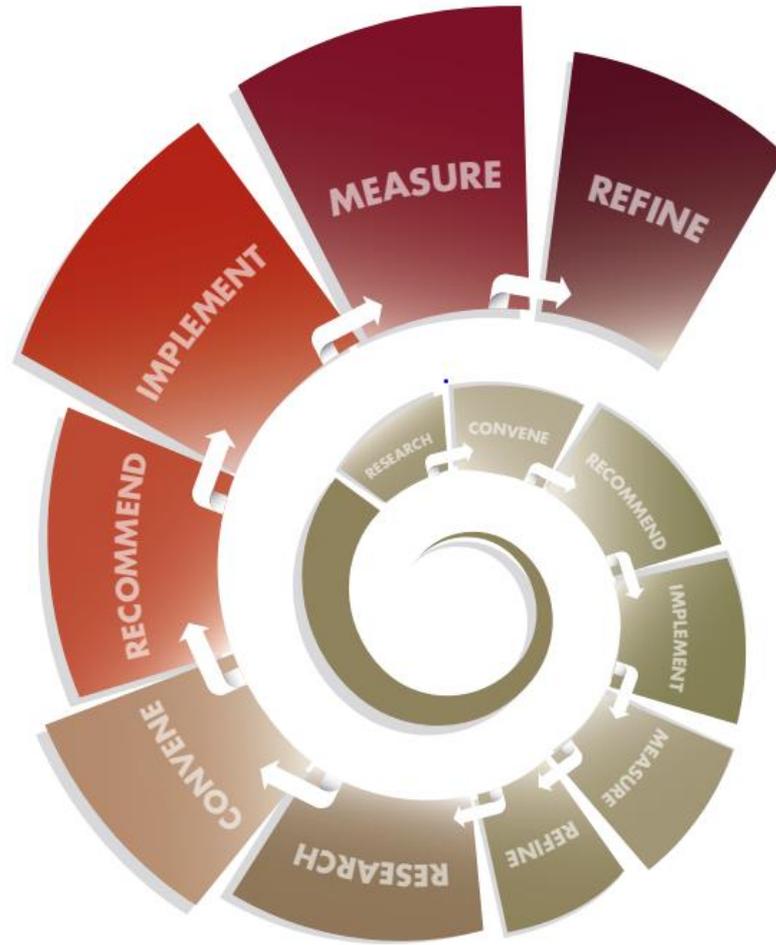


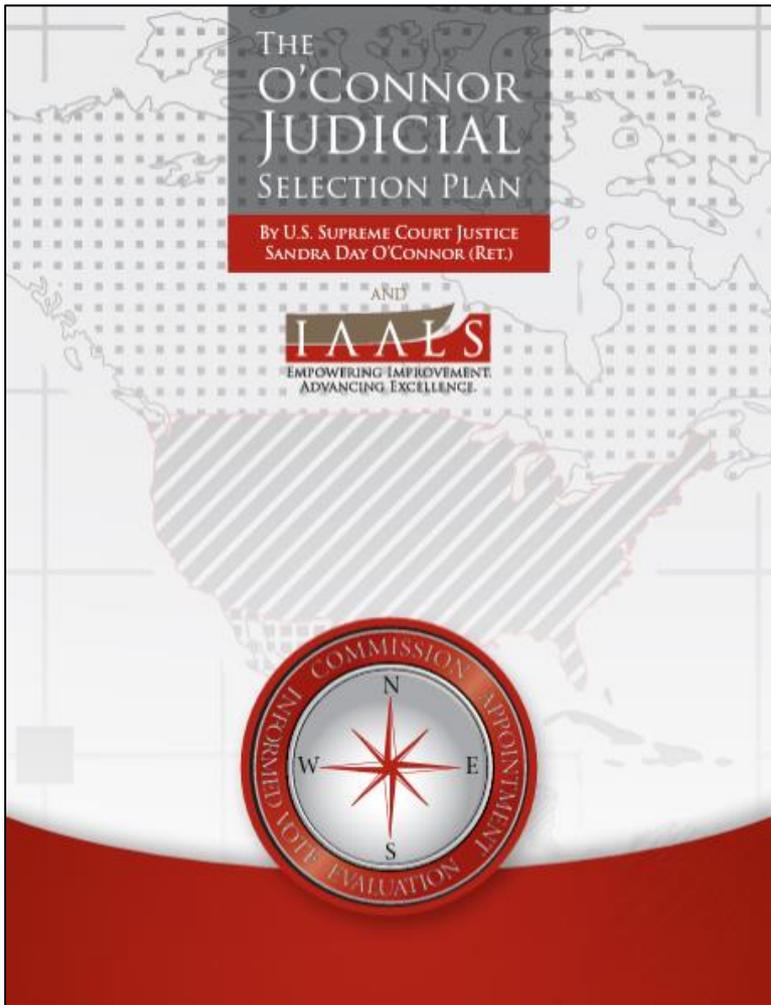
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**Our mission is to forge innovative and practical solutions to problems within the American legal system.**

- Civil
- Family
- Judiciary
- Legal Education
- Legal Profession





# The O'Connor Judicial Selection Plan

- Judicial Nominating Commissions
- Gubernatorial Appointment
- Judicial Performance Evaluation
- Retention Election



# JUDICIAL NOMINATING COMMISSIONS

1. Constitutionally based
2. Appellate commission and one or more trial court commissions
3. Multiple appointing entities should select members
4. Majority non-attorney members with a range of professional backgrounds
5. Balanced politically, ideologically, and demographically
6. Training on role, responsibilities, and duties of judicial officers
7. Proceedings should balance openness and transparency with confidentiality
8. Staggered terms
9. Default provision if commission fails to act

# GUBERNATORIAL APPOINTMENT

1. Governor should be given appropriately limited number of nominees with a time limit for appointment
2. Default provision in place if the Governor fails to act
3. Governor should be limited to list of recommended nominees

# JUDICIAL PERFORMANCE EVALUATION

1. Created by constitution
2. Publicly share evaluations based on specific criteria
3. Appellate evaluation should include review of written opinions for legal reasoning and analysis, fairness, and clarity
4. Evaluations by people who have interacted with judges in courtroom and in the office
5. Independent administering entity
6. Members selected from multiple appointing entities with balance politically, ideologically, and demographically, and staggered terms
7. Training is essential

# RETENTION ELECTION

1. Accountability of judges to the public through retention elections is key
2. To ensure impartiality, judges don't run against opponents; they don't run on party lines; they do not raise money or make speeches
3. Voters need access to information on judges based on whether the judge meets performance standards
4. Judges stand for retention after 2-3 years
5. Terms can vary thereafter, with continued evaluation



# 2022 Judicial Performance Evaluations

2022

2020

2018

## 2022 Evaluations

Please click on your county below to find the district and county judges, if any, standing for retention in your judicial district. Your ballot will also include all appellate judges standing for retention.

## Court of Appeals Judges

<a href="#"><u>Honorable Jaclyn Casey Brown</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Terry Fox</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Christina Finzel Gomez</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Matthew D. Grove</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Sueanna P. Johnson</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Lino S. Lipinsky de Orlov</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable Neeti V. Pawar</u></a>	<b>Meets Performance Standards</b>
<a href="#"><u>Honorable David H. Yun</u></a>	<b>Meets Performance Standards</b>

# Honorable Lino S. Lipinsky de Orlov

Retention Year: 2022

Recommendation: Meets Performance Standard



Reports:

[2022 Retention Survey Report](#)

[2021 Interim Survey Report](#)

The State Commission on Judicial Performance finds that Judge Lino S. Lipinsky de Orlov **MEETS PERFORMANCE STANDARDS**, by a vote of 11 - 0. Colorado's statutory judicial performance standards are integrity, legal knowledge, communication skills, judicial temperament, administrative performance, and service to the legal profession and the public.

Judge Lipinsky has been on the Colorado Court of Appeals for just over three years, and this is his first time as a Colorado Court of Appeals judge. During much of his tenure, the Covid-19 pandemic required virtual oral arguments. Judge Lipinsky has written well written opinions, and he has worked with the clerks to improve the court's efficiency. He has also generated positive feedback from the public, and he has worked with other judges to improve the court's reputation. In addition, he has observed the court's operations, and he has responded to the public's concerns.

The State Commission on Judicial Performance finds that Judge Lino S. Lipinsky de Orlov **MEETS PERFORMANCE STANDARDS**, by a vote of 11-0. Colorado's statutory judicial performance standards are integrity, legal knowledge, communication skills, judicial temperament, administrative performance, and service to the legal profession and the public.

Judge Lipinsky meets judicial performance standards. 88% of attorneys and 92% of judges who responded to that question all agreed that Judge Lipinsky meets the standards. He received an overall score of 3.5 on a 4.0 scale. Judge Lipinsky received positive comments for his collegiality from fellow judges and attorneys.

Appointed in January 2019, this is his first public retention review. The judge received an A.B. magna cum laude from the University of Colorado. He earned a J.D. from the New York University School of Law and was a member of the law review at NYU. He was also a member of the litigation department of an international law firm and was the former President of the Faculty of Federal Adjudication at NYU.





- Task Force
- Research
- Convening
- Recommendations
- Implementation



# MAY 2022 CONVENING



# THE O'CONNOR JUDICIAL SELECTION PLAN

BY U.S. SUPREME COURT JUSTICE  
SANDRA DAY O'CONNOR (RET.)

AND  
**IAALS**  
EMPOWERING IMPROVEMENT  
ADVANCING EXCELLENCE



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*Our recommendations here can help states set a course toward improving and refining their processes, and, ultimately, strengthening their judiciary. We all must seek to achieve those goals, because the courts are the bulwark of our democracy and we can ill afford to see them undermined.*

”

*--Sandra Day O'Connor*





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