

## STATE COURTS

**Table 5.6**  
**SELECTION AND RETENTION OF APPELLATE COURT JUDGES**

State or other jurisdiction	Name of court	Type of court	Method of selection		Method of retention	Geographic basis for selection
			Unexpired term	Full term		
Alabama.....	Supreme Court	SC	GU	PE	PE	SW
	Court of Civil Appeals	IA	GU	PE	PE	SW
	Court of Criminal Appeals	IA	GU	PE	PE	SW
Alaska .....	Supreme Court	SC	GN	GN	RE (a)	SW
	Court of Appeals	IA	GN	GN	RE (a)	SW
Arizona .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	DS
Arkansas .....	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	DS
California.....	Supreme Court	SC	GU	GU	RE	SW
	Courts of Appeal	IA	GU	GU	RE	DS
Colorado .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	SW
Connecticut .....	Supreme Court	SC	GNL	GNL	GNL	SW
	Appellate Court	IA	GNL	GNL	GNL	SW
Delaware.....	Supreme Court	SC	GNL	GNL	GNL	SW
Florida.....	Supreme Court	SC	GN	GN	RE	DS and SW (b)
	District Courts of Appeal	IA	GN	GN	RE	DS
Georgia .....	Supreme Court	SC	GN	NP	NP	SW
	Court of Appeals	IA	GN	NP	NP	SW
Hawaii .....	Supreme Court	SC	GNL	GNL	JN	SW
	Intermediate Court of Appeals	IA	GNL	GNL	JN	SW
Idaho .....	Supreme Court	SC	GN	NP	NP	SW
	Court of Appeals	IA	GN	NP	NP	SW
Illinois.....	Supreme Court	SC	CS	PE	RE	DS
	Appellate Court	IA	SC	PE	RE	DS
Indiana .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	DS
	Tax Court	IA	GN	GN	RE	SW
Iowa .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	SW
Kansas .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	SW
Kentucky .....	Supreme Court	SC	GN	NP	NP	DS
	Court of Appeals	IA	GN	NP	NP	DS
Louisiana .....	Supreme Court	SC	CS (c)	PE (d)	PE (d)	DS
	Courts of Appeal	IA	SC (c)	PE (d)	PE (d)	DS
Maine .....	Supreme Judicial Court	SC	GL	GL	GL	SW
Maryland.....	Court of Appeals	SC	GNL	GNL	RE	DS
	Court of Special Appeals	IA	GNL	GNL	RE	DS
Massachusetts.....	Supreme Judicial Court	SC	(e)	GNE (f)	(g)	SW
	Appeals Court	IA	(e)	GNE (f)	(g)	SW
Michigan .....	Supreme Court	SC	GU	NP (h)	NP (h)	SW
	Court of Appeals	IA	GU	NP (h)	NP (h)	DS
Minnesota .....	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	SW
Mississippi.....	Supreme Court	SC	GU	NP	NP	DS
	Court of Appeals	IA	GU	NP	NP	DS
Missouri .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	IA	GN	GN	RE	DS
Montana.....	Supreme Court	SC	GNL	NP	NP (i)	SW
Nebraska.....	Supreme Court	SC	GN	GN	RE	SW and DS (j)
	Court of Appeals	IA	GN	GN	RE	DS
Nevada .....	Supreme Court	SC	GN	NP	NP	SW

See footnotes at end of table.

## SELECTION AND RETENTION OF APPELLATE COURT JUDGES—Continued

State or other jurisdiction	Name of court	Type of court	Method of selection		Method of retention	Geographic basis for selection
			Unexpired term	Full term		
<b>New Hampshire</b> .....	Supreme Court	SC	GE	GE	(k)	SW
<b>New Jersey</b> .....	Supreme Court	SC	GL	GL	GL	SW
	Superior Court, Appellate Div.	IA	GL	GL (l)	GL (l)	SW
<b>New Mexico</b> .....	Supreme Court	SC	GN	PE	RE	SW
	Court of Appeals	IA	GN	PE	RE	SW
<b>New York</b> .....	Court of Appeals	SC	GNL	GNL	GNL	SW
	Supreme Ct., Appellate Div.	IA	GN	GN	GN	SW (m)
<b>North Carolina</b> .....	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	SW
<b>North Dakota</b> .....	Supreme Court	SC	GN (n)	NP	NP	SW
	Temporary Court of Appeals	IA	(w)	SC (x)	(w)	SW
<b>Ohio</b> .....	Supreme Court	SC	GU	PE (o)	PE (o)	SW
	Courts of Appeals	IA	GU	PE (o)	PE (o)	DS
<b>Oklahoma</b> .....	Supreme Court	SC	GN	GN	RE	DS
	Court of Criminal Appeals	SC	GN	GN	RE	DS
	Court of Civil Appeals	IA	GN	GN	RE	DS
<b>Oregon</b> .....	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	SW
<b>Pennsylvania</b> .....	Supreme Court	SC	GL	PE	RE	SW
	Superior Court	IA	GL	PE	RE	SW
	Commonwealth Court	IA	GL	PE	RE	SW
<b>Rhode Island</b> .....	Supreme Court	SC	GN	GN	(p)	SW
<b>South Carolina</b> .....	Supreme Court	SC	LA	LA	LA	SW
	Court of Appeals	IA	LA	LA	LA	SW
<b>South Dakota</b> .....	Supreme Court	SC	GN	GN	RE	DS and SW (q)
<b>Tennessee</b> .....	Supreme Court	SC	GN	GN	RE	SW
	Court of Appeals	SC	GN	GN	RE	SW
	Court of Criminal Appeals	IA	GN	GN	RE	SW
<b>Texas</b> .....	Supreme Court	SC	GU	PE	PE	SW
	Court of Criminal Appeals	SC	GU	PE	PE	SW
	Courts of Appeals	IA	GU	PE	PE	DS
<b>Utah</b> .....	Supreme Court	SC	GNL	GNL	RE	SW
	Court of Appeals	IA	GNL	GNL	RE	SW
<b>Vermont</b> .....	Supreme Court	SC	GNL	GNL	LA	SW
<b>Virginia</b> .....	Supreme Court	SC	GU (r)	LA	LA	SW
	Court of Appeals	IA	GU (r)	LA	LA	SW
<b>Washington</b> .....	Supreme Court	SC	GU	NP	NP	SW
	Courts of Appeals	IA	GU	NP	NP	DS
<b>West Virginia</b> .....	Supreme Court of Appeals	SC	GU (s)	PE	PE	SW
<b>Wisconsin</b> .....	Supreme Court	SC	GN	NP	NP	SW
	Court of Appeals	IA	GN	NP	NP	DS
<b>Wyoming</b> .....	Supreme Court	SC	GN	GN	RE	SW
<b>District of Columbia</b> .....	Court of Appeals	SC	(t)	(t)	(t)	SW (u)
<b>Puerto Rico</b> .....	Supreme Court	SC	GL	GL	(v)	SW
	Court of Appeals	IA	GL	GL	GL	SW

See footnotes at end of table.

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### SELECTION AND RETENTION OF APPELLATE COURT JUDGES—Continued

Source: S. Strickland, R. Schaffler, R. LaFountain, and K. Holt, eds. *State Court Organization*. Last updated 06 March 2013. National Center for State Courts. April 15, 2014. [www.ncsc.org/sco](http://www.ncsc.org/sco).

**Key:**

- SC — Court of last resort
  - IA — Intermediate appellate court
  - N/S — Not stated
  - N.A. — Not applicable
  - AP — At pleasure
  - CS — Court selection
  - DS — District
  - DU — Duration of service
  - GE — Governorial appointment with approval of elected executive council
  - GL — Governorial appointment with consent of the legislature
  - GN — Governorial appointment from judicial nominating commission
  - GNE — Governorial appointment from judicial nominating commission with approval of elected executive council
  - GNL — Governorial appointment from judicial nominating commission with consent of the legislature
  - GU — Governorial appointment
  - ID — Indefinite
  - JN — Judicial nominating commission appoints
  - LA — Legislative appointment
  - NP — Non-partisan election
  - PE — Partisan election
  - RE — Retention election
  - SC — Court of last resort appoints
  - SCJ — Chief justice/judge of the court of last resort appoints
  - SN — Seniority
  - SW — Statewide
- (a) A judge must run for a retention election at the next election, immediately following the third year from the time of initial appointment.
- (b) Five justices are selected by region (based on the District Courts of Appeal) and two justices are selected statewide.
- (c) The person selected by the Supreme Court is prohibited from running for that judgeship; an election is held within one year to serve the remainder of the term.
- (d) Louisiana uses a blanket primary, in which all candidates appear with party labels on the primary ballot. The two top vote getters compete in the general election.
- (e) There are no expired judicial terms. A judicial term expires upon the death, resignation, retirement, or removal of an incumbent.
- (f) The Executive (Governor's) Council is made up of nine people elected by geographical area and presided over by the lieutenant governor.

(g) There is no retention process. Judges serve during good behavior to age 70.

(h) Candidates may be nominated by political parties and are elected on a nonpartisan ballot.

(i) If the justice/judge is unopposed, a retention election is held.

(j) Chief justices are selected statewide while associate justices are selected by district.

(k) There is no retention process. Judges serve during good behavior to age 70.

(l) All Superior Court judges, including Appellate Division judges, are subject to gubernatorial reappointment and consent by the Senate after an initial seven-year term. Among all the judges, the chief justice designates the judges of the Appellate Division.

(m) The presiding judge of each Appellate Division must be a resident of the department.

(n) The governor may appoint from a list of names or call a special election at his discretion.

(o) Party affiliation is not included on the ballot in the general election, but candidates are chosen through partisan primary nominations.

(p) There is no retention process. Judges serve during good behavior for a life tenure.

(q) Initial selection is by district, but retention selection is statewide.

(r) Governorial appointment is for interim appointments.

(s) Appointment is effective only until the next election year; the appointee may run for election to any remaining portion of the unexpired term.

(t) Initial appointment is made by the president of the United States and confirmed by the Senate. Six months prior to the expiration of the term of office, the judge's performance is reviewed by the tenure commission. Those found "well qualified" are automatically reappointed. If a judge is found to be "qualified" the president may nominate the judge for an additional term (subject to Senate confirmation). If the president does not wish to reappoint the judge, the District of Columbia Nomination Commission compiles a new list of candidates.

(u) The geographic basis of selection is the District of Columbia.

(v) There is no retention process. Judges serve during good behavior to age 70.

(w) The Supreme Court may provide for the assignment of active or retired District Court judges, retired justices of the Supreme Court, and lawyers, to serve on three-judge panels.

(x) There is neither a retention process nor unexpired terms. Assignments are for a specified time, not to exceed one year or the completion of one or more cases on the docket of the Supreme Court.