

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	GL	GL	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	PE (h)	PE (h)	SW
	Court of Appeals	IA	GU	PE (h)	PE (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
	Court of Appeals	IA	GN	NP	NP	SW
New Hampshire	Supreme Court	SC	GE	GE	(k)	SW
New Jersey	Supreme Court	SC	GL	GL	GL	SW
	Superior Court, Appellate Div.	IA	GL	GL (l)	GL (l)	SW
New Mexico	Supreme Court	SC	GN	PE	RE	SW
	Court of Appeals	IA	GN	PE	RE	SW
New York	Court of Appeals	SC	GNL	GNL	GNL	SW
	Supreme Ct., Appellate Div.	IA	GN	GN	GN	SW (m)
North Carolina	Supreme Court	SC	GU	PE	PE	SW
	Court of Appeals	IA	GU	PE	PE	SW
North Dakota	Supreme Court	SC	GN (n)	NP	NP	SW
	Temporary Court of Appeals	IA	(o)	SC (p)	(o)	SW

See footnotes at end of table

TABLE 5.6
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		
Ohio	Supreme Court	SC	GU	PE (q)	PE (q)	SW
	Courts of Appeals	IA	GU	PE (q)	PE (q)	DS
Oklahoma	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
Oregon	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	SW
Pennsylvania	Supreme Court	SC	GL	PE	RE	SW
	Superior Court	IA	GL	PE	RE	SW
	Commonwealth Court	IA	GL	PE	RE	SW
Rhode Island	Supreme Court	SC	GN	GN	(r)	SW
South Carolina	Supreme Court	SC	LA	LA	LA	SW
	Court of Appeals	IA	LA	LA	LA	SW
South Dakota	Supreme Court	SC	GN	GN	RE	DS and SW (s)
	Supreme Court	SC	GL	GL	RE	SW
Tennessee	Court of Appeals	SC	GL	GL	RE	SW
	Court of Criminal Appeals	IA	GL	GL	RE	SW
	Supreme Court	SC	GU	PE	PE	SW
Texas	Court of Criminal Appeals	SC	GU	PE	PE	SW
	Courts of Appeals	IA	GU	PE	PE	DS
	Supreme Court	SC	GNL	GNL	RE	SW
Utah	Court of Appeals	IA	GNL	GNL	RE	SW
Vermont	Supreme Court	SC	GNL	GNL	LA	SW
Virginia	Supreme Court	SC	GU (t)	LA	LA	SW
	Court of Appeals	IA	GU (t)	LA	LA	SW
Washington	Supreme Court	SC	GU	NP	NP	SW
	Courts of Appeals	IA	GU	NP	NP	DS
West Virginia	Supreme Court of Appeals	SC	GU (u)	NP	NP	SW
Wisconsin	Supreme Court	SC	GU	NP	NP	SW
	Court of Appeals	IA	GU	NP	NP	DS
Wyoming	Supreme Court	SC	GN	GN	RE	SW
Dist. of Columbia	Court of Appeals	SC	(v)	(t)	(t)	SW (w)
Puerto Rico	Supreme Court	SC	GL	GL	(x)	SW

See footnotes at end of table

STATE COURTS

TABLE 5.6

Selection and Retention of Appellate Court Judges (continued)

Sources: S. Strickland, R. Schauffler, R. LaFountain & K. Holt, eds. State Court Organization. Last updated 30 June 2017. National Center for State Courts. 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—Gubernatorial appointment with approval of elected executive council

GL—Gubernatorial appointment with consent of the legislature

GN—Gubernatorial appointment from judicial nominating commission

GNE—Gubernatorial appointment from judicial nominating commission with approval of elected executive council

GNL—Gubernatorial appointment from judicial nominating commission with consent of the legislature

GU—Gubernatorial 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) 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.
- (p) 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.
- (q) Party affiliation is not included on the ballot in the general election, but candidates are chosen through partisan primary nominations.
- (r) There is no retention process. Judges serve during good behavior for a life tenure.
- (s) Initial selection is by district, but retention selection is statewide.
- (t) Gubernatorial appointment is for interim appointments.
- (u) Appointment is effective only until the next election year; the appointee may run for election to any remaining portion of the unexpired term.
- (v) 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.
- (w) The geographic basis of selection is the District of Columbia.
- (x) There is no retention process. Judges serve during good behavior to age 70.