

TABLE 5.7
Selection and Retention of Trial 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 | Circuit | GJ | GU (a) | PE | PE | Circuit |
| | District | LJ | GU (a) | PE | PE | County |
| | Municipal | LJ | MU | MU | RA | Municipality |
| | Probate | LJ | GU | PE | PE | County |
| Alaska | Superior | GJ | GN | GN | RE (b) | State (c) |
| | District | LJ | GN | GN | RE (d) | District |
| | Magistrate's Division | N.A. | PJ | PJ | PJ | District |
| Arizona | Superior | GJ | GN (e) | GN or NP (f) | NP or RE (f) | County |
| | Justice of the Peace | LJ | CO | PE | PE | Precinct |
| | Municipal | LJ | CC (g) | CC (g) | CC (g) | Municipality |
| Arkansas | Circuit | GJ | GU (h) | NP | NP | Circuit |
| | District | LJ | GU | NP | NP | District |
| | City | LJ | LD | LD | LD | City |
| California | Superior | GJ | GU | NP | NP (i) | County |
| | District | GJ | GN | GN | RE | District |
| | Denver Probate | GJ | GN | GN | RE | District |
| | Denver Juvenile | GJ | GN | GN | RE | District |
| Colorado | Water | GJ | SC (j) | SC (j) | RE | District |
| | County | LJ | GN | GN (k) | RE | County |
| | Municipal | LJ | MU | MU | RA | Municipality |
| Connecticut | Superior | GJ | GNL | GNL | GNL | State |
| | Probate | LJ | PE | PE | PE | District |
| Delaware | Superior | GJ | GNL | GNL | GNL | State |
| | Chancery | LJ | GNL | GNL | GNL | State |
| | Justice of the Peace | LJ | GNL (l) | GNL (l) | GU | County |
| | Family | LJ | GNL | GNL | GNL | County |
| | Common Pleas | LJ | GNL | GNL | GNL | County |
| Florida | Alderman's | LJ | LD | CC | LD | Town |
| | Circuit | GJ | GN | NP | NP | Circuit |
| | County | LJ | GN | NP | NP | County |
| Georgia | Superior | GJ | GN | NP | NP | Circuit |
| | Juvenile | LJ | CS (m) | CS (m) | CS (m) | County/Circuit |
| | Civil | LJ | GU | PE | PE | County |
| | State | LJ | GU | NP | NP | County |
| | Probate | LJ | GU | PE (n) | PE (n) | County |
| | Magistrate | LJ | LD | LD (o) | LD (o) | County |
| | Municipal/of Columbus | LJ | MA | Elected | Elected | Municipality |
| | County Recorder's | LJ | LD | LD | LD | County |
| Hawaii | Municipal/City of Atlanta | LJ | MU | MU | LD | Municipality |
| | Circuit | GJ | GNL | GNL | JN | State |
| Idaho | District | LJ | SCJ (p) | SCJ (p) | JN | Circuit |
| | District | GJ | GN | NP | NP | District |
| | Magistrate's Division | LJ | JN (q) | JN (q) | RE | County |
| Illinois | Circuit | GJ | SC | PE | RE | Circuit/County (r) |
| | Associate Division | N.A. | SC | PE | RE | Circuit/County (r) |
| | Superior | GJ | GU | PE (s) | PE (s) | County |
| | Circuit | GJ | GU | PE (t) | PE (t) | County |
| Indiana | Probate | GJ | GU | PE | PE | County |
| | County | LJ | GU | PE | PE | County |
| | City | LJ | GU | PE | PE | Municipality |
| | Town | LJ | GU | PE | PE | Municipality |
| | Small Claims/Marion County | LJ | GU | PE | PE | Township |
| Iowa | District | GJ | GN (u) | GN (u) | RE (u) | District |
| | District | GJ | GN and PE (v) | GN and PE (v) | RE and PE (v) | District |
| Kansas | Municipal | LJ | MU | MU | MU | City |
| | Circuit | GJ | GN | NP | NP | Circuit |
| | District | LJ | GN | NP | NP | District |
| Kentucky | District | GJ | SC (w) | PE | PE | District |
| | Juvenile & Family | GJ | SC (w) | PE | PE | District |
| | Justice of the Peace | LJ | SC (w) | PE (x) | PE | Ward |
| | Mayor's | LJ | MA | LD | LD | City |
| Louisiana | City & Parish | LJ | SC (w) | PE | PE | Ward |
| | Superior | GJ | GL | GL | GL | State |
| | District | GJ | GL | GL | GL | State and District (y) |
| Maine | Probate | LJ | GU | PE | PE | County |
| | Circuit | GJ | GNL | GNL | NP | County |
| | District | LJ | GNL | GNL | RA | District |
| Maryland | Orphan's | LJ | GU | PE (z) | PE (z) | County |

See footnotes at end of table

STATE COURTS

TABLE 5.7

Selection and Retention of Trial 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 | | |
| Massachusetts | Superior | GJ | (aa) | GNE (bb) | (cc) | State |
| | District | LJ | (aa) | GNE (bb) | (cc) | State |
| | Probate & Family | LJ | (aa) | GNE (bb) | (cc) | State |
| | Juvenile | LJ | (aa) | GNE (bb) | (cc) | State |
| | Housing | LJ | (aa) | GNE (bb) | (cc) | State |
| | Boston Municipal | LJ | (aa) | GNE (bb) | (cc) | State |
| | Land | LJ | (aa) | GNE (bb) | (cc) | State |
| Michigan | Circuit | GJ | GU | NP | NP | Circuit |
| | Claims | GJ | GU | NP | NP | Circuit |
| | District | LJ | GU | NP | NP | District |
| | Probate | LJ | GU | NP | NP | District and Circuit |
| | Municipal | LJ | LD | NP | NP | City |
| Minnesota | District | GJ | GN | NP | NP | District |
| | Circuit | GJ | GU | NP | NP | District |
| Mississippi | Chancery | LJ | GU | NP | NP | District |
| | County | LJ | GU | NP | NP | County |
| | Municipal | LJ | LD | LD | LD | Municipality |
| | Justice | LJ | LD | PE | PE | District in County |
| Missouri | Circuit | GJ | GU and GN (dd) | PE and GN (ee) | PE and RE (ff) | Circuit/County (gg) |
| | Municipal | LJ | LD | LD | LD | City |
| | District | GJ | GN | NP | NP | District |
| Montana | Workers' Compensation | GJ | GN | GN | RA | State |
| | Water | GJ | SCJ (hh) | SCJ (hh) | SCJ (ii) | State |
| | Justice of the Peace | LJ | CO | NP | NP | County |
| | Municipal | LJ | MU | NP | NP | City |
| | City | LJ | CC | NP | NP | City |
| Nebraska | District | GJ | GN | GN | RE | District |
| | Separate Juvenile | LJ | GN | GN | RE | District |
| | County | LJ | GN | GN | RE | District |
| | Workers' Compensation | LJ | GN | GN | RE | District |
| Nevada | District | GJ | GN | NP | NP | District |
| | Justice | LJ | CO | NP | NP | Township |
| | Municipal | LJ | CC | NP | NP | City |
| New Hampshire | Superior | GJ | GE | GE | (jj) | State |
| | District | LJ | GE | GE | (jj) | District |
| | Probate | LJ | GE | GE | (jj) | County |
| New Jersey | Superior | GJ | GL | GL | GL | County |
| | Tax | LJ | GL | GL | GL | State |
| | Municipal | LJ | MA or MU (kk) | MA or MU (kk) | MU | Municipality |
| New Mexico | District | GJ | GN | PE | RE | District |
| | Magistrate | LJ | GU | PE | PE | County |
| | Metropolitan/Bernalillo County | LJ | GN | PE | RE | County |
| | Municipal | LJ | PE | PE | PE | City |
| | Probate | LJ | CO | PE | PE | County |
| | Supreme | GJ | GL | PE | PE | District |
| New York | County | GJ | GL | PE | PE | County |
| | Claims | GJ | GNL | GNL | GU | State |
| | Surrogates' | LJ | GNL | PE | PE | County |
| | Family | LJ | GNL and MU (ll) | PE and MU (ll) | PE and MU (ll) | County and NYC |
| | District | LJ | (mm) | PE | PE | District |
| | City | LJ | Elected | Elected | LD | City |
| | NYC Civil | LJ | MA (nn) | PE | PE | City |
| | NYC Criminal | LJ | MA | MA | MA | City |
| | Town & Village Justice | LJ | LD | LD | LD | Town or Village |
| | Superior | GJ | GU | PE | PE | District |
| North Carolina | District | LJ | GU | PE | PE | District |
| | District | GJ | GN | NP | NP | District |
| North Dakota | Municipal | LJ | MA | NP | NP | City |
| | Common Pleas | GJ | GU | PE (oo) | PE (oo) | County |
| Ohio | Municipal | LJ | GU | PE (oo) | PE (oo) | County/City |
| | County | LJ | GU | PE (oo) | PE (oo) | County |
| | Claims | LJ | SCJ | SCJ | SCJ | N.A. |
| | Mayor's | LJ | Elected | PE | PE | City/Village |
| | District | GJ | GN (pp) | NP (pp) | NP (pp) | District |
| Oklahoma | Municipal Not of Record | LJ | MM | MM | MM | Municipality |
| | Municipal of Record | LJ | MU | MU | MU | Municipality |
| | Workers' Compensation | LJ | GN | GN | GN | State |
| | Tax Review | LJ | SCJ | SCJ | SCJ | District |

See footnotes at end of table

TABLE 5.7
Selection and Retention of Trial Court Judges (continued)

| State or other jurisdiction | Name of court | Type of court | Method of selection | | | Geographic basis for selection |
|-----------------------------|-----------------------------|---------------|---------------------|----------------|---------------------|--------------------------------|
| | | | Unexpired term | Full term | Method of retention | |
| Oregon | Circuit | GJ | GU | NP | NP | District |
| | Tax | GJ | GU | NP | NP | State |
| | County Justice | LJ | CO | NP | NP | County |
| | Municipal | LJ | GU | NP | NP | County |
| Pennsylvania | Common Pleas | GJ | CC | CC/Elected | CC/Elected | (qq) |
| | Philadelphia Municipal | GJ | GL | PE | RE | District |
| | Magisterial District Judges | LJ | GL | PE | RE | City/County |
| | Philadelphia Traffic | LJ | GL | PE | RE | District |
| | | LJ | GL | PE | RE | City/County |
| Rhode Island | Superior | GJ | GN | GN | (rr) | State |
| | Workers' Compensation | LJ | GN | GN | (rr) | State |
| | District | LJ | GN | GN | (rr) | State |
| | Family | LJ | GN | GN | (rr) | State |
| | Probate | LJ | CC | CC or MA | RA | Town |
| | Municipal | LJ | CC | CC or MA | CC or MA | Town |
| South Carolina | Traffic Tribunal | LJ | GN | GN | (rr) | State |
| | Circuit | GJ | LA and GN (ss)(tt) | LA and GN (tt) | LA and GL(tt) | Circuit and State (tt) |
| | Family | LJ | LA | LA | LA | Circuit |
| | Magistrate | LJ | GL | GL | GL | County |
| South Dakota | Probate | LJ | GU | PE | PE | County |
| | Municipal | LJ | CC | CC | CC | District |
| | Circuit | GJ | GN | NP | NP | Circuit |
| | Magistrate | LJ | PJS | PJS | PJS | Circuit |
| Tennessee | Circuit | GJ | GU | PE (uu) | PE | District |
| | Chancery | GJ | GU | PE (uu) | PE | District |
| | Criminal | GJ | GU | PE (uu) | PE | District |
| | Probate | GJ | (vv) | PE (uu) | PE | District |
| | Juvenile | LJ | (vv) | PE (uu) | PE | County |
| | Municipal | LJ | LD | LD (uu) | LD | Municipality |
| | General Sessions | LJ | MU | PE (uu) | PE | County |
| Texas | District | GJ | GL | PE | PE | District |
| | Constitutional County | LJ | CO | PE | PE | County |
| | Probate | LJ | CO | PE | PE | County |
| | County at Law | LJ | CO | PE | PE | County |
| | Justice of the Peace | LJ | CO | PE | PE | Precinct |
| | Municipal | LJ | CC | LD | LD | Municipality |
| Utah | District | GJ | (ww) | GNL | RE | District |
| | Justice | LJ | MM (xx) | MM (xx) | RE and RA (yy) | County/Municipality |
| | Juvenile | LJ | (ww) | GNL | RE | District |
| Vermont | Superior (zz) | GJ | GNL | GNL | LA | State |
| | Judicial Bureau | LJ | PJ | PJ | AP | State |
| Virginia | Circuit | GJ | GU | LA | LA | Circuit |
| | District | LJ | CS (aaa) | LA | LA | District |
| Washington | Superior | GJ | GU | NP | NP | County |
| | District | LJ | CO | NP | NP | District |
| | Municipal | LJ | CC | MA/CC | MA/CC (bbb) | Municipality |
| West Virginia | Circuit | GJ | GU | NP | NP | Circuit |
| | Magistrate | LJ | PJ | NP | NP | County |
| | Municipal | LJ | LD | LD | LD | Municipality |
| | Family | LJ | GU | NP | NP | Circuit |
| Wisconsin | Circuit | GJ | GU | NP | NP | District |
| | Municipal | LJ | MU (ccc) | NP | NP | Municipality |
| Wyoming | District | GJ | GN | GN | RE | District |
| | Circuit | LJ | GN | GN | RE | Circuit |
| | Municipal | LJ | MA | MA | LD | Municipality |
| Dist. of Columbia | Superior | GJ | (ddd) | (ddd) | (ddd) | State (eee) |
| Puerto Rico | First Instance | GJ | GL | GL | GL | State |

See footnotes at end of table

STATE COURTS

TABLE 5.7

Selection and Retention of Trial 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:

GJ—General jurisdiction court

LJ—Limited jurisdiction court

N/S—Not stated

N.A.—Not applicable

AP—At pleasure

CA—Court administrator appointment

CC—City or town council/commission appointment

CO—County board/commission appointment

CS—Court selection

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

JN—Judicial nominating commission appoints

LA—Legislative appointment

LD—Locally determined

MA—Mayoral appointment

MC—Mayoral appointment with consent of city council

MM—Mayoral appointment with consent of governing municipal body

MU—Governing municipal body appointment

NP—Non-partisan election

PE—Partisan election

PJ—Presiding judge of the general jurisdiction court appoints

PJS—Presiding judge of the general jurisdiction court appoints with approval of the court of last resort

RA—Reappointment

RE—Retention election

SC—Court of last resort appoints

SCJ—Chief justice/judge of the court of last resort appoints

(a) The counties of Baldwin, Jefferson, Lauderdale, Madison, Mobile, Shelby, Talladega, and Tuscaloosa use gubernatorial appointment from the recommendations of the Judicial Nominating Commission.

(b) A judge must run for retention at the next election immediately following the third year from the time of the initial appointment.

(c) Judges are selected on a statewide basis, but run for retention on a district-wide basis.

(d) Judges must run for retention at the first general election held more than one year after appointment.

(e) Maricopa and Pima counties use the gubernatorial appointment from the Judicial Nominating Commission process. The method for submitting names for the other 13 counties varies.

(f) Maricopa and Pima counties use the gubernatorial appointment from the Judicial Nominating Commission process. The other 13 counties hold non-partisan elections.

(g) Municipal court judges are usually appointed by the city or town council except in Yuma, where judges are elected.

(h) The office can be held until December 31 following the next general election and then the judge must run in a non-partisan election for the remainder of the term.

(i) If unopposed for reelection, incumbent's name does not appear on the ballot unless a petition was filed not less than 83 days before the election date indicating that a write-in campaign will be conducted for the office. An unopposed incumbent is not declared elected until the election date. This is for the general election; different timing may apply for the primary election (see Elec. Code §8203).

(j) Judges are chosen by the Supreme Court from among District Court judges.

(k) The mayor appoints Denver County Court judges.

(l) The Magistrate Screening Commission recommends candidates.

(m) Juvenile Court judges are appointed by Superior Court judges in all but one county, in which juvenile judges are elected.

Associate judges (formerly referees) must be a member of the state bar or law school graduates. They serve at the pleasure of the judge(s).

(n) Probate judges are selected in non-partisan elections in 66 of 159 counties.

(o) Magistrate judges are selected in nonpartisan elections in 41 of 159 counties.

(p) Selection occurs by means of Chief Justice appointment from the Judicial Nominating Commission with consent of the Senate.

(q) The Magistrate Commission consists of the administrative judge, three mayors and two electors appointed by the governor, and two attorneys (nominated by the district bar and appointed by the state bar). There is one commission in each district.

(r) There exists a unit less than county in Cook County.

(s) Non-partisan elections are used in the Superior Courts in Allen and Vanderburgh counties. Nominating commissions are used in St. Joseph County and in some courts in Lake County. In those courts that use the nominating commission process for selection; retention elections are used as the method of retention.

(t) Non-partisan elections are used in the Circuit Courts in Vanderburgh County.

(u) This applies to district judges only. Associate judges are selected by the district judges and retention is by a retention election.

Magistrates are selected and retained by appointment from the County Judicial Magistrate Nominating Commission. The County Judicial Magistrate Nominating Commission consists of three members appointed by the county board and two elected by the county bar, presided over by a District Court judge.

(v) Seventeen districts use gubernatorial appointment from the Judicial Nominating Commission for selection and retention elections for retention. Fourteen districts use partisan elections for selection and retention.

TABLE 5.7

Selection and Retention of Trial Court Judges (continued)

- (w) Depending on the amount of time remaining, selection may be by election following a Supreme Court appointment.
- (x) Louisiana uses a blanket primary in which all candidates appear with party labels on the primary ballot. The top two vote getters compete in the general election.
- (y) At least one judge who is a resident of the county in which the district lies must be appointed from each of the 13 districts.
- (z) Two exceptions are Hartford and Montgomery counties where Circuit Court judges are assigned.
- (aa) There are no expired judicial terms. A judicial term expires upon the death, resignation, retirement, or removal of an incumbent.
- (bb) The Executive (Governor's) Council is made up of eight people elected by geographical area and presided over by the lieutenant governor.
- (cc) There is no retention process. Judges serve during good behavior to age 70.
- (dd) Gubernatorial appointment occurs in partisan circuits; gubernatorial appointment from Judicial Nominating Commission takes place in non-partisan circuits.
- (ee) Partisan elections occur in some circuits; gubernatorial appointment from the Judicial Nominating Commission with a non-partisan election takes place in others.
- (ff) Partisan elections take place in some circuits; retention elections occur in other circuits.
- (gg) Associate circuit judges are selected on a county basis.
- (hh) Selection occurs through Chief Justice appointment from Judicial Nominating Commission.
- (ii) Other judges are designated by the District Court judges.
- (jj) There is no retention process. Judges serve during good behavior to age 70.
- (kk) In multi-municipality, joint, or countywide municipal courts, selection is by gubernatorial appointment with consent of the senate.
- (ll) Mayoral appointment occurs in New York City.
- (mm) The appointment is made by the County Chief Executive Officer with confirmation by District Board of Supervisors.
- (nn) Housing judges are appointed by the Chief Administrator of the courts.
- (oo) Party affiliation is not included on the ballot in the general election, but candidates are chosen through partisan primary nominations.
- (pp) This applies to district and associate judges; special judges are selected by the district judges.
- (qq) The geographic basis for selection is the municipality for those judges that are elected. Judges that are either appointed or are under contract may be from other cities.
- (rr) There is no retention process. Judges serve during good behavior for a life tenure.
- (ss) The governor may appoint a candidate if the unexpired term is less than one year.
- (tt) In addition to Circuit Court judges, the Circuit Court has masters-in-equity whose jurisdiction is in matters referred to them in the Circuit Court. Masters-in-equity are selected by gubernatorial appointment from the Judicial Merit Selection Commission, retained by gubernatorial appointment with the consent of the senate, and the geographic basis for selection is the state.
- (uu) Each county legislative body has the discretion to require elections to be non-partisan.
- (vv) The selection method used to fill an unexpired term is established by a special legislative act.
- (ww) There are no expired terms; each new judge begins a new term.
- (xx) Appointment is by the local government executive with confirmation by the local government legislative body (may be either county or municipal government).
- (yy) County judges are retained by retention election; municipal judges are reappointed by the city executive.
- (zz) Effective 2011, the Family, District, Environmental and Probate Courts were combined into the Superior Court.
- (aaa) Circuit Court judges appoint.
- (bbb) Full-time municipal judges must stand for non-partisan election.
- (ccc) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body or jointly by the governing bodies of all municipalities served by the judge.
- (ddd) The Judicial Nomination Commission nominates for Presidential appointment and Senate confirmation. Not less than six months prior to the expiration of the term of office, the judge's performance is reviewed by the Commission on Judicial Disabilities and Tenure. A judge found "well qualified" is automatically reappointed for a new term of 15 years; a judge found "qualified" may be renominated by the President (and subject to Senate confirmation). A judge found "unqualified" is ineligible for reappointment or if the President does not wish to reappoint a judge, the Nomination Commission compiles a new list of candidates.
- (eee) The geographic basis for selection is the District of Columbia.