

STATE COURTS

**Table 5.7
SELECTION AND RETENTION OF TRIAL COURT JUDGES**

State or other jurisdiction	Name of Court	Types 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	LG	GN	GN	RE (d)	District
	Magistrate's Division	N.A.	PJ	PJ	PJ	District
Arizona	Superior	GJ	GN or VA (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
Colorado.....	District	GJ	GN	GN	RE	District
	Denver Probate	GJ	GN	GN	RE	District
	Denver Juvenile	GJ	GN	GN	RE	District
	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
	Alderman's	LJ	LD	CC	LD	Town
Florida.....	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
	Municipal/City of Atlanta	LJ	MU	MU	LD	Municipality
	Hawaii	Circuit	GJ	GNL	GNL	JN
District		LJ	SCJ (p)	SCJ (p)	JN	Circuit
Idaho	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)
Indiana	Superior	GJ	GU	PE (s)	PE (s)	County
	Circuit	GJ	GU	PE (t)	PE (t)	County
	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
Kansas.....	District	GJ	GN and PE(v)	GN and PE (v)	RE and PE (v)	District
	Municipal	LJ	MU	MU	MU	City
Kentucky.....	Circuit	GJ	GN	NP	NP	Circuit
	District	LJ	GN	NP	NP	District
Louisiana	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
	City & Parish	LJ	SC (w)	PE	PE	Ward

See footnotes at end of table.

SELECTION AND RETENTION OF TRIAL COURT JUDGES—Continued

State or other jurisdiction	Name of Court	Types of court	Method of selection		Method of retention	Geographic basis for selection
			Unexpired term	Full term		
Maine	Superior	GJ	GL	GL	GL	State
	District	GJ	GL	GL	GL	State and District (y)
	Probate	LJ	GU	PE	PE	County
Maryland.....	Circuit	GJ	GNL	GNL	NP	County
	District	LJ	GNL	GNL	RA	District
	Orphan's	LJ	GU	PE (z)	PE (z)	County
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 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
Mississippi.....	Circuit	GJ	GU	NP	NP	District
	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
Montana.....	District	GJ	GN	NP	NP	District
	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 City	LJ	MU	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	MU	PE	PE	City
	Probate	LJ	CO	PE	PE	County
New York	Supreme	GJ	GL	PE	PE	District
	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
North Carolina	Superior	GJ	GU	NP	NP	District
	District	LJ	GU	NP	NP	District

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SELECTION AND RETENTION OF TRIAL COURT JUDGES—Continued

State or other jurisdiction	Name of Court	Types of court	Method of selection		Method of retention	Geographic basis for selection
			Unexpired term	Full term		
North Dakota	District	GJ	GN	NP	NP	District
	Municipal	LJ	MA	NP	NP	City
Ohio.....	Common Pleas	GJ	GU	PE (oo)	PE (oo)	County
	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
Oklahoma	District	GJ	GN (pp)	NP (pp)	NP (pp)	District
	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
Oregon	Circuit	GJ	GU	NP	NP	District
	Tax	GJ	GU	NP	NP	State
	County	LJ	CO	NP	NP	County
	Justice	LJ	GU	NP	NP	County
	Municipal	LJ	CC	CC/Elected	CC/Elected	(qq)
Pennsylvania.....	Common Pleas	GJ	GL	PE	RE	District
	Philadelphia Municipal	LJ	GL	PE	RE	City/County
	Magisterial District Judges	LJ	GL	PE	PE	District
	Philadelphia Traffic	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
	Traffic Tribunal	LJ	GN	GN	(rr)	State
South Carolina	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
	Probate	LJ	GU	PE	PE	County
	Municipal	LJ	CC	CC	CC	District
South Dakota	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	PE	PE	Circuit
	Magistrate	LJ	PJ	PE	PE	County
	Municipal	LJ	LD	LD	LD	Municipality
	Family	LJ	GU	PE	PE	Circuit

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SELECTION AND RETENTION OF TRIAL COURT JUDGES—Continued

State or other jurisdiction	Name of Court	Types of court	Method of selection		Method of retention	Geographic basis for selection
			Unexpired term	Full term		
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

Source: Bureau of Justice Statistics, *State Court Organization, 2004* NCJ 212351, Update from the National Center for State Courts, March 2011.

- 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 with approval of elected executive council
 - 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.
- (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.

STATE COURTS

SELECTION AND RETENTION OF TRIAL COURT JUDGES—Continued

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- (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.