

**JUDICIARY**

**Table 4.5  
METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Alabama</b> .....	Judicial Inquiry Commission investigates, receives or initiates complaints concerning any judge. Complaints are filed with the Court of the Judiciary, which is empowered to remove, suspend, censure or otherwise discipline judges in the state. Judges are subject to impeachment.	By gubernatorial appointment. At next general election held after appointee has been in office one year, office is filled for a full term. In some counties, vacancies in circuit and district courts are filled by gubernatorial appointment on nominations made by judicial commission.
<b>Alaska</b> .....	Justices and judges subject to impeachment for malfeasance or misfeasance in performance of official duties. On recommendation of Judicial Qualifications Commission or on its own motion, Supreme Court may suspend judge without salary when judge pleads guilty or no contest or is found guilty of a crime punishable as felony under state or federal law or of any other crime involving moral turpitude under that law. If conviction is reversed, suspension terminates and judge is paid salary for period of suspension. If conviction becomes final, judge is removed from office by Supreme Court. On recommendation of Judicial Qualifications Commission, Supreme Court may censure or remove a judge for action (occurring not more than six years before commencement of current term) which constitutes willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The court may also retire a judge for disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.	By gubernatorial appointment, from nominations submitted by Judicial Council.
<b>Arizona</b> .....	Judges subject to recall election. Electors, equal in number to 25 percent of votes cast in last election for judge, may petition for judge's recall. All Supreme Court, court of appeals, and superior court judges (judges of courts of record) are subject to impeachment. On recommendation of Commission on Judicial Qualifications or on its own motion, Supreme Court may suspend without salary, a judge who pleads guilty or no contest or is found guilty of a crime punishable as felony or involving moral turpitude under state or federal law. If conviction is reversed, suspension terminates and judge is paid salary for period of suspension. If conviction becomes final, judge is removed from office by Supreme Court. Upon recommendation of Commission on Judicial Qualifications, Supreme Court may remove a judge for willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the office into disrepute. The Court may also retire a judge for a disability that seriously interferes with performance of duties and is (or is likely to become) permanent.	Vacancies on Supreme Court, court of appeals, and superior courts (in counties with population over 250,000) are filled by the governor from judicial appointment commission lists. Vacancies on superior courts in counties of less than 250,000 may be filled by gubernatorial appointment until next general election when judge is elected to fill remainder of unexpired term. Vacancies on justice courts are filled by appointment by county board of supervisors.
<b>Arkansas</b> .....	Supreme, appellate, circuit and chancery court judges are subject to removal by impeachment or by the governor upon the joint address of two-thirds of the members elected to each house of the General Assembly. On recommendation of Judicial Discipline & Disability Commission, the Supreme Court may suspend, with or without pay, or remove a judge for conviction of any offense punishable as a felony under the laws of Arkansas or the United States; for conviction of a criminal act that reflects adversely on the judge's honesty, trustworthiness or fitness as a judge in other respects; for conduct involving dishonesty, fraud, deceit or misrepresentation; for conduct that is prejudicial to the administration of justice; for a willful violation of the Code of Judicial Conduct or the Rules of Professional Responsibility; for willful and persistent failure to perform the duties of office; or for habitual intemperance in the use of alcohol or other drugs.	By gubernatorial appointment. Appointee serves remainder of unexpired term if it expires at next general election.
<b>California</b> .....	All judges subject to impeachment for misconduct. All judges subject to recall election. On recommendation of the Commission on Judicial Performance or on its own motion, the Supreme Court may suspend a judge without salary when the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony or any other crime that involves moral turpitude under that law. If conviction is reversed, suspension terminates and judge is paid salary for period of suspension. If conviction becomes final, judge is removed from office by Supreme Court. Commission on Judicial Performance, may remove judge for willful misconduct in office, persistent failure or inability to perform duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the office into disrepute, subject to petition to Supreme Court. The commission may also retire a judge for disability that seriously interferes with performance of duties and is (or is likely to become) permanent.	Vacancies on appellate courts are filled by gubernatorial appointment with approval of Commission on Judicial Appointments until next general election at which time appointee has the right to become a candidate. Vacancies on superior courts are filled by gubernatorial appointment for remainder of unexpired term; on justice courts by appointment of county board of supervisors or by nonpartisan special election.

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Colorado</b> .....	<p>Supreme, appeals and district court judges are subject to impeachment for high crimes and misdemeanors or malfeasance in office by two-thirds vote of Senate.</p> <p>Supreme Court, on its own motion or upon petition, may remove a judge from office upon final conviction for a crime punishable as a felony under state or federal law or of any other crime involving moral turpitude under that law.</p> <p>Upon recommendation of Commission on Judicial Discipline, Supreme Court may remove or discipline a judge for willful misconduct in office, willful or persistent failure to perform the duties of office, intemperance or violation of judicial conduct, or for disability that seriously interferes with performance and is (or is likely to become) permanent.</p> <p>Denver county judges are removed in accordance with charter and ordinance provisions.</p>	<p>By gubernatorial appointment (or mayoral appointment in case of Denver county court) from names submitted by appropriate judicial nominating commission.</p>
<b>Connecticut</b> .....	<p>Supreme and superior court judges are subject to removal by impeachment or by the governor on the address of two-thirds of each house of the General Assembly.</p> <p>On recommendation of Judicial Review Council or on its own motion, the Supreme Court may remove or suspend a judge of the Supreme or superior court after an investigation and hearing. If the investigation involves a Supreme Court justice, such judge is disqualified from participating in the proceedings. If a judge becomes permanently incapacitated and cannot adequately fulfill the duties of office, the judge may be retired for disability by the Judicial Review Council on its own motion or on application of the judge.</p>	<p>If General Assembly is in session, vacancies are filled by governor exclusively from candidates submitted by the Judicial Selection Commission and appointed by the General Assembly. Otherwise vacancies are filled temporarily by gubernatorial appointment.</p>
<b>Delaware</b> .....	<p>Judges are subject to impeachment for treason, bribery or any high crime or misdemeanor.</p> <p>The Court on the Judiciary may (after investigation and hearing) censure or remove a judge for willful misconduct in office, willful and persistent failure to perform the duties of office or an offense involving moral turpitude or other persistent misconduct in violation of judicial ethics. The Court may also retire a judge for permanent mental or physical disability interfering with the performance of duties.</p>	<p>Vacancies are filled by governor, with consent of majority of all members of senate, from nominees whose names are submitted by judicial nominating commission.</p>
<b>Florida</b> .....	<p>Supreme Court, district courts of appeal and circuit court judges are subject to impeachment for misdemeanors in office.</p> <p>On recommendation of Judicial Qualifications Commission, Supreme Court may discipline or remove a judge for willful or persistent failure to perform duties or for conduct unbecoming to a member of the judiciary, or retire a judge for a disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.</p>	<p>By gubernatorial appointment, from nominees recommended by appropriate judicial nominating commission.</p>
<b>Georgia</b> .....	<p>Judges are subject to impeachment for cause.</p> <p>Upon recommendation of the Judicial Qualifications Commission (after investigation of alleged misconduct), the Supreme Court may retire, remove or censure any judge.</p>	<p>By gubernatorial appointment (by executive order) on nonpartisan basis from names submitted by Judicial Nominating Commission.</p>
<b>Hawaii</b> .....	<p>Upon recommendation of the Commission on Judicial Discipline (after investigation and hearings), the Supreme Court may reprimand, discipline, suspend (with or without salary), retire or remove any judge as a result of misconduct or disability.</p>	<p>Vacancies on Supreme, intermediate court of appeals and circuit courts are filled by gubernatorial appointment (subject to consent of Senate) from names submitted by Judicial Selection Committee. Vacancies on district courts are filled by appointment by chief justice from names submitted by Committee.</p>
<b>Idaho</b> .....	<p>Judges are subject to impeachment for cause.</p> <p>Upon recommendation by Judicial Council, Supreme Court (after investigation) may remove judges of Supreme Court, court of appeals and district court judges.</p> <p>District court judges (or judicial district sitting <i>en banc</i>), by majority vote in accordance with Supreme Court rules, may remove magistrates for cause. District Magistrate's Commission may remove magistrates without cause during first 18 months of service.</p>	<p>Vacancies on Supreme Court, court of appeals and district courts are filled by gubernatorial appointment from names submitted by Judicial Council for unexpired term. Vacancies in magistrates' division of district court are filled by District Magistrate's Commission for remainder of unexpired term.</p>
<b>Illinois</b> .....	<p>Judges are subject to impeachment for cause.</p> <p>The Judicial Inquiry Board files complaints with the Courts Commission which may remove, suspend without pay, censure or reprimand a judge for willful misconduct in office, persistent failure to perform duties or other conduct prejudicial to the administration of justice or that brings the judicial office into disrepute. The Commission may also suspend (with or without pay) or retire a judge for mental or physical disability.</p>	<p>Vacancies on Supreme, appellate and circuit courts are filled by appointment by supreme court until general election.</p>
<b>Indiana</b> .....	<p>Upon recommendation of the Judicial Qualifications Commission or on its own motion, the Supreme Court may suspend or remove an appellate judge for pleading guilty or no contest to a felony crime involving moral turpitude. The Supreme Court may also retire, censure or remove a judge for other matters.</p> <p>The Supreme Court may also discipline or suspend without pay a non-appellate judge.</p>	<p>Vacancies on Supreme Court and court of appeals are filled by governor from list of three nominees presented by judicial nominating commission. Vacancies on circuit courts are filled by gubernatorial appointment until general election. Vacancies on most superior courts are filled by gubernatorial appointment.</p>

**JUDICIARY**

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Iowa</b> .....	<p>Supreme and district court judges are subject to impeachment for misdemeanor or malfeasance in office.</p> <p>Upon recommendation of Commission on Judicial Qualifications, the Supreme Court may retire a Supreme, district or associate district judge for permanent disability, or remove such judge for failure to perform duties, habitual intemperance, willful misconduct, conduct which brings the office into disrepute or substantial violations of the canons of judicial ethics.</p> <p>Judicial magistrates may be removed by a tribunal in the judicial election district of the magistrate's residence.</p>	<p>Governor fills vacancies from lists submitted by judicial nominating commission.</p>
<b>Kansas</b> .....	<p>All judges are subject to impeachment for treason, bribery or other high crimes and misdemeanors.</p> <p>Supreme Court justices are subject to retirement upon certification to the governor (after a hearing by the Supreme Court Nominating Commission) that such justice is so incapacitated as to be unable to perform adequately the duties of office.</p> <p>Upon recommendation of the Judicial Qualifications Commission, the Supreme Court may retire for incapacity, discipline, suspend or remove for cause any judge below the Supreme Court level.</p>	<p>Vacancies on Supreme Court and court of appeals are filled on nonpartisan basis by governor from nominations submitted by Supreme Court nominating commission. Vacancies on district courts (in areas where commission plan has not been adopted) are filled by gubernatorial appointment until next general election, when vacancy is filled for remainder of unexpired term; in areas where commission plan has been adopted, vacancies are filled by gubernatorial appointment from names submitted by judicial nominating commission.</p>
<b>Kentucky</b> .....	<p>Judges are subject to impeachment for misdemeanors in office.</p> <p>Retirement and Removal Commission, subject to rules of procedure established by Supreme Court, may retire for disability, suspend without pay or remove for good cause any judge. The Commission's actions are subject to review by Supreme Court.</p>	<p>By gubernatorial appointment (from names submitted by appropriate judicial nominating commission) or by chief justice if governor fails to act within 60 days. Appointees serve until next general election after their appointment at which time vacancy is filled.</p>
<b>Louisiana</b> .....	<p>Judges are subject to impeachment for commission or conviction of felony or malfeasance or gross misconduct.</p> <p>Upon investigation and recommendation by Judiciary Commission, Supreme Court may censure, suspend (with or without salary), remove from office or retire involuntarily a judge for misconduct relating to official duties, willful and persistent failure to perform duties, persistent and public conduct prejudicial to the administration of justice that brings the office into disrepute, or conduct while in office which would constitute a felony or conviction of felony. The Court may also retire a judge for disability which is (or is likely to become) permanent.</p>	<p>Vacancies are filled by Supreme Court appointment if remainder of unexpired term is six months or less; if longer than six months, vacancies are filled in special election.</p>
<b>Maine</b> .....	<p>Judges are subject to removal by impeachment or by governor upon the joint address of the legislature.</p> <p>Upon recommendation of the Committee on Judicial Responsibility and Disability, the Supreme Judicial Court may remove, retire or discipline any judge.</p>	<p>Vacancies are filled by governor, subject to review by joint standing committee on the judiciary and to Senate confirmation.</p>
<b>Maryland</b> .....	<p>Judges are subject to impeachment.</p> <p>Judges of Court of Appeals, court of special appeals, trial courts of general jurisdiction and district courts are subject to removal by governor on judge's conviction in court of law, impeachment, or physical or mental disability. Judges are also subject to removal upon joint address of the legislature.</p> <p>Upon recommendation of the Commission on Judicial Disabilities (after hearing), the Court of Appeals may remove or retire a judge for misconduct in office, persistent failure to perform duties, conduct prejudicial to the proper administration of justice, or disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.</p> <p>Elected judges convicted of felony or misdemeanor relating to public duties and involving moral turpitude may be removed from office by operation of law when conviction becomes final.</p>	<p>Vacancies are filled by governor with advice and consent of senate, from names submitted by judicial nominating commission.</p>
<b>Massachusetts</b> .....	<p>Judges are subject to impeachment.</p> <p>The governor, with the consent of the Executive Council, may remove judges upon joint address of the legislature, and may also (after a hearing and with consent of the Council) retire a judge because of advanced age or mental or physical disability.</p> <p>The Commission on Judicial Conduct, using rules of procedure approved by the Supreme Judicial Court, may investigate the action of any judge that may, by consequence of willful misconduct in office, willful or persistent failure to perform his duties, habitual intemperance or other conduct prejudicial to the administration of justice, bring the office into disrepute.</p>	<p>Vacancies are filled by governor, with advice and consent of Executive Council, from names submitted by judicial nominating commission.</p>

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Michigan</b> .....	<p>Judges are subject to impeachment.</p> <p>With the concurrence of two-thirds of the members of the legislature, the governor may remove a judge for reasonable cause insufficient for impeachment.</p> <p>Upon recommendation of Judicial Tenure Commission, Supreme Court may censure, suspend (with or without salary), retire or remove a judge for conviction of a felony, a physical or mental disability or a persistent failure to perform duties, misconduct in office, habitual intemperance or conduct clearly prejudicial to the administration of justice.</p>	<p>Vacancies in all courts of record are filled by gubernatorial appointment from nominees recommended by a bar committee. Appointee serves until next general election at which successor is selected for remainder of unexpired term. Vacancies on municipal courts are filled by appointment by city councils.</p>
<b>Minnesota</b> .....	<p>Supreme and district court judges are subject to impeachment.</p> <p>Upon recommendation of Board of Judicial Standards, Supreme Court may censure, suspend (with or without salary), retire or remove a judge for conviction of a felony, physical or mental disability or persistent failure to perform duties, misconduct in office, habitual intemperance or conduct prejudicial to the administration of justice.</p>	<p>Statutory plan to fill vacancies on district courts requires governor to appoint from nominees recommended by a judicial nominating commission. Vacancies on other levels of court filled by gubernatorial appointment (no nominating commission). Appointee serves until general election occurring more than one year after appointment at which time a successor is elected to serve a full term.</p>
<b>Mississippi</b> .....	<p>Judges are subject to impeachment.</p> <p>For reasonable cause which is not sufficient for impeachment, the governor may, on joint address of legislature, remove judges of Supreme and inferior courts.</p> <p>Upon recommendation of Commission on Judicial Performance, Supreme Court may remove, suspend, fine, publicly censure or reprimand a judge for conviction of a felony (in a court outside the state), willful misconduct, willful and persistent failure to perform duties, habitual intemperance or conduct prejudicial to the administration of justice which brings the office into disrepute. The Commission may also retire any judge for physical or mental disability that seriously interferes with performance of duties and is (or is likely to become) permanent.</p>	<p>By gubernatorial appointment, from names submitted by a nominating commission. The office is filled for remainder of unexpected term at next state or congressional election held more than seven months after vacancy.</p>
<b>Missouri</b> .....	<p>Upon recommendation of Commission on Retirement, Removal and Discipline, Supreme Court may retire, remove or discipline any judge.</p> <p>Judges subject to impeachment for crime, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.</p>	<p>Vacancies on Supreme Court, court of appeals, and circuit courts that have adopted commission plan are filled by governor from list of nominees submitted by judicial nominating commission. Vacancies on other circuit courts and municipal court are filled, respectively, by special election and mayoral appointment.</p>
<b>Montana</b> .....	<p>All judges are subject to impeachment.</p> <p>Upon recommendation of Judicial Standards Commission, Supreme Court may suspend a judge and remove same upon conviction of a felony or other crime involving moral turpitude. The Supreme Court may retire any judge for a disability that seriously interferes with the performance of duties, and that is (or may become) permanent. The Court may also censure, suspend or remove any judge for willful misconduct in office, willful and persistent failure to perform duties, violation of canons of judicial ethics adopted by the Supreme Court or habitual intemperance.</p>	<p>Vacancies on Supreme and district courts are filled by gubernatorial appointment (with confirmation by Senate) from names submitted by judicial nominating commission. Vacancies on municipal and city courts are filled by appointment by city council for remainder of unexpired term.</p>
<b>Nebraska</b> .....	<p>Judges are subject to impeachment. In case of impeachment of Supreme Court justice, judges of district court sit as court of impeachment with two-thirds concurrence required for conviction. In case of other judicial impeachments, Supreme Court sits as court of impeachment.</p> <p>Upon recommendation of the Commission on Judicial Qualifications, the Supreme Court may reprimand, discipline, censure, suspend or remove a judge for willful misconduct in office, willful failure to perform duties, habitual intemperance, conviction of crime involving moral turpitude, disbarment or conduct prejudicial to the administration of justice that brings the office into disrepute. The Supreme Court also may retire a judge for physical or mental disability that seriously interferes with performance of duties and is (or is likely to become) permanent.</p>	<p>Vacancies are filled by governor from list of at least two nominees submitted by judicial nominating commission.</p>

**JUDICIARY**

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Nevada</b> .....	All judges, except justices of peace, are subject to impeachment. Judges are also subject to removal by legislative resolution and by recall election. The Commission on Judicial Discipline may censure, retire or remove a Supreme Court justice or district judge for willful misconduct, willful or persistent failure to perform duties or habitual intemperance, or retire a judge for advanced age which interferes with performance of duties for mental or physical disability that is (or is likely to become) permanent, subject to appeal to the Supreme Court.	Vacancies on Supreme or district courts are filled by gubernatorial appointment from among three nominees submitted by Commission on Judicial Selection. Vacancies on justice courts are filled by appointment by board of county commissioners or by special election.
<b>New Hampshire</b> .....	Judges are subject to impeachment. Governor, with consent of Executive Council, may remove judges upon address of both houses of legislature.	Vacancies are filled by governor and approved by majority vote of five-member Executive Council.
<b>New Jersey</b> .....	Supreme and superior court judges are subject to impeachment by the legislature. Except for Supreme Court justices, judges are subject to a statutory removal proceeding that is initiated by the filing of a complaint by the Supreme Court on its own motion or the governor or either house of the legislature acting by a majority of its total membership. Prior to institution of the formal proceedings, complaints are usually referred to the Supreme Court's Advisory Committee on Judicial Conduct, which conducts a preliminary investigation, makes findings of fact and either dismisses the charges or recommends that formal proceedings be instituted. The Supreme Court's determination is based on a plenary hearing procedure, although the Court is supplied with a record created by the Committee. The formal statutory removal hearing may be either before the Supreme Court sitting <i>en banc</i> or before three justices or judges (or combination thereof) specifically designated by chief justice. If Supreme Court certifies to governor that it appears a Supreme Court or superior court judge is so incapacitated as to substantially prevent the judge from performing the duties of office, the governor appoints a commission of three persons to inquire into the circumstances. On their recommendation, the governor may retire the justice or judge from office, on pension, as may be provided by law.	Vacancies on Supreme Court and superior court, county, district, tax, and municipal courts are filled by governor with advice and consent of Senate.
<b>New Mexico</b> .....	Judges are subject to impeachment. Upon recommendation of the Judicial Standards Commission, the Supreme Court may discipline or remove a judge for willful misconduct in office, willful and persistent failure or inability to perform duties or habitual intemperance, or retire a judge for disability that seriously interferes with performance of duties and is (or is likely to become) permanent.	Vacancies on Supreme Court, Court of Appeals and district courts are filled by gubernatorial appointment from names submitted by judicial nominating commission.
<b>New York</b> .....	All judges are subject to impeachment. Court of Appeals and Supreme Court judges may be removed by two-thirds concurrence of both houses of legislature. Court of claims, county court, surrogate's court, family court, civil and criminal court (NYC) and district court judges may be removed by two-thirds vote of the Senate on recommendation of governor. Commission on Judicial Conduct may determine that a judge be admonished, censured or removed from office for cause, or retired for disability, subject to appeal to the Court of Appeals.	Vacancies on Court of Appeals and appellate division of Supreme Court are filled by governor with advice and consent of Senate, from among nominees recommended by judicial nominating commission. Vacancies in elective judgeships (outside NYC) are filled at next general election for full term; until election, governor makes appointment (with consent of Senate if in session).
<b>North Carolina</b> .....	Upon recommendation of Judicial Standards Commission, Supreme Court may censure or remove a court of appeals or trial court judge for willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude, conduct prejudicial to the administration of justice that brings the office into disrepute, or mental or physical incapacity that interferes with the performance of duties and is (or is likely to become) permanent. Upon recommendation of Judicial Standards Commission, a seven-member panel of the court of appeals may censure or remove (for the above reasons) any Supreme Court judge.	Vacancies on Supreme, appeals and superior courts are filled by gubernatorial appointment until next general election.
<b>North Dakota</b> .....	Supreme and district court judges are subject to impeachment for habitual intemperance, crimes, corrupt conduct, malfeasance or misdemeanor in office. Governor may remove county judges after hearing. All judges are subject to recall election. On recommendation of Commission on Judicial Qualifications or on its own motion, Supreme Court may suspend a judge without salary when judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under state or federal law or any other crime involving moral turpitude under that law. If conviction is reversed, suspension terminates and judge is paid salary for period of suspension. If conviction becomes final, judge is removed by Supreme Court. Upon recommendation of Commission on Judicial Qualifications, Supreme Court may censure or remove a judge for willful misconduct, willful failure to perform duties, willful violation of the code of judicial conduct or habitual intemperance. The Court may also retire a judge for disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.	Vacancies on Supreme and district courts are filled by gubernatorial appointment from nominees submitted by Judicial Nominating Committee until next general election, unless governor calls for a special election to fill vacancy for remainder of term. Vacancies on county courts are filled by appointment by board of county commissioners from names submitted by nominating commission.

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Ohio</b> .....	<p>Judges are subject to impeachment.</p> <p>Judges may be removed by concurrent resolution of two-thirds members of both houses of legislature or removed for cause upon filing of a petition signed by 15 percent of electors in preceding gubernatorial election.</p> <p>The Board of Commissioners on Grievances and Discipline of the Judiciary may disqualify a judge from office when judge has been indicted for a crime punishable as a felony under state or federal law. Board may also remove or suspend a judge for willful and persistent failure to perform duties, habitual intemperance, conduct prejudicial to the administration of justice or which would bring the office into disrepute, or suspension from practice of law, or retire a judge for physical or mental disability that prevents discharge of duties. Judge may appeal action to Supreme Court.</p>	<p>Vacancies are filled by gubernatorial appointment until next general election when successor is elected to fill unexpired term. If unexpired term ends within one year following such election, appointment is made for unexpired term.</p>
<b>Oklahoma</b> .....	<p>Judges are subject to impeachment for willful neglect of duty, corruption in office, habitual intemperance, incompetency or any offense involving moral turpitude.</p> <p>Upon recommendation of Council on Judicial Complaints, chief justice of Supreme Court may bring charges against any judge in the Court on the Judiciary. Court on the Judiciary may order removal of judge for gross neglect of duty, corruption in office, habitual drunkenness, an offense involving moral turpitude, gross partiality in office, or oppression in office. Judge may also be retired (with or without salary) for mental or physical disability that prevents performance of duties, or for incompetence to perform duties.</p>	<p>Vacancies on Supreme Court, Court of Appeals, and Court of Criminal Appeals are filled by governor from list of candidates submitted by judicial nominating commission. For Court of Appeals vacancies, judge is elected to fill unexpired term at next general election.</p>
<b>Oregon</b> .....	<p>On recommendation of Commission on Judicial Fitness, Supreme Court may remove a judge for conviction of a felony or crime involving moral turpitude, willful misconduct in office, willful or persistent failure to perform judicial duties, habitual intemperance, illegal use of narcotic drugs or willful violation of rules of conduct prescribed by Supreme Court of general incompetence. A judge may also be retired for mental or physical disability after certification by Commission. Judge may appeal to Supreme Court.</p>	<p>Vacancies on Supreme Court, court of appeals and circuit courts are filled by gubernatorial appointment, until next general election when judge is selected to fill unexpired term.</p>
<b>Pennsylvania</b> .....	<p>All judges are subject to impeachment for misdemeanor in office.</p> <p>Upon complaint by Judicial Conduct Board, Court of Judiciary Discipline may remove a judge subject to appeal to Supreme Court.</p>	<p>By gubernatorial appointment (with advice and consent of Senate), from names submitted by appropriate nominating commission. Appointee serves until next election if the election is more than 10 months after vacancy occurred.</p>
<b>Rhode Island</b> .....	<p>All judges are subject to impeachment.</p> <p>The Supreme Court on its own motion may suspend a judge who pleaded guilty or no contest or was found guilty of a crime punishable as a felony under state or federal law or any other crime involving moral turpitude.</p> <p>Upon recommendation of the Commission on Judicial Tenure and Discipline, the Supreme Court may censure, suspend, reprimand or remove from office a judge guilty of a serious violation of the canons of judicial ethics or for willful or persistent failure to perform duties, a disabling addiction to alcohol, drugs or narcotics, or conduct that brings the office into disrepute. The Supreme Court may also retire a judge for physical or mental disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.</p> <p>Whenever the Commission recommends removal of a Supreme Court justice, the Supreme Court transmits the findings to the Speaker of the House of Representatives, recommending the initiation of proceedings for the removal of the justice by resolution of the legislature.</p>	<p>Vacancies on Supreme Court are filled by the two houses of the legislature in grand committee until the next election. In case of a judge's temporary inability, governor may appoint a person to fill vacancy. Vacancies on superior, family and district courts are filled by gubernatorial appointment (with advice and consent of Senate).</p>
<b>South Carolina</b> .....	<p>Judges are subject to removal by impeachment or by governor on address of two-thirds of each house of the legislature.</p> <p>Upon review of findings of fact, conclusions of law, and recommendation of the Board of Commissioners on Judicial Standards, the Supreme Court can discipline, suspend, remove, retire or hold in contempt a judge who has been convicted of a crime of moral turpitude, has violated the Code of Judicial Conduct or the Rules of Professional Conduct, persistently failed to perform his judicial duties, or is persistently incompetent or neglectful in the performance of his judicial duties or is habitually intemperate, consistently fails to timely issue his official orders, decrees, or opinions or otherwise perform his official duties without just cause or excuse, or for disability.</p>	<p>Vacancies on the Supreme Court, court of appeals, and circuit court are filled by joint public vote of general assembly, from list of nominees supplied by judicial screening committee.</p>
<b>South Dakota</b> .....	<p>Supreme Court justices and circuit court judges are subject to removal by impeachment.</p> <p>Upon recommendation of Judicial Qualifications Commission, Supreme Court may remove a judge from office.</p>	<p>Vacancies on Supreme and circuit courts are filled by gubernatorial appointment from names submitted by Judicial Qualifications Commission for balance of unexpired term.</p>
<b>Tennessee</b> .....	<p>Judges are subject to impeachment for misfeasance or malfeasance in office.</p> <p>Upon recommendation of the Court on the Judiciary, the legislature (by concurrent resolution) may remove a judge for willful misconduct in office or physical or mental disability.</p>	<p>Vacancies on Supreme, circuit, criminal, and chancery courts are filled by gubernatorial appointment until next biennial election.</p>

**JUDICIARY**

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Texas</b> .....	<p>Supreme Court, court of appeals and district court judges are subject to removal by impeachment or by joint address of both houses.</p> <p>Supreme Court may remove district judges from office. District judges may remove county judges and justices of the peace.</p> <p>Upon recommendation of removal by State Commission on Judicial Conduct, Supreme Court selects review tribunal. Decision of review tribunal may be appealed to the Supreme Court.</p>	<p>Vacancies on appellate and district courts are filled by gubernatorial appointment until next general election, at which time a successor is chosen. Vacancies on county courts are filled by appointment by county commissioner's court until next election when successor is chosen. Vacancies on municipal courts are filled by governing body of municipality for remainder of unexpired term.</p>
<b>Utah</b> .....	<p>All judges, except justices of the peace, are subject to impeachment.</p> <p>Following investigations and hearings, the Judicial Conduct Commission may order the reprimand, censure, suspension, removal or involuntary retirement of any judge for willful misconduct, final conviction of a crime punishable as a felony under state or federal law, willful or persistent failure to perform judicial duties, disability that seriously interferes with performance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. Prior to implementation, the Supreme Court reviews the order.</p> <p>Lay justices of the peace may be removed for willful failure to participate in judicial education program.</p>	<p>Vacancies on Supreme, district and circuit courts are filled by gubernatorial appointment from candidates submitted by appropriate nominating commission.</p>
<b>Vermont</b> .....	<p>Upon review of the findings of the Judicial Conduct Board, all judges are subject to impeachment.</p> <p>Supreme Court may discipline, impose sanctions on, or suspend from duties any judge in the state.</p>	<p>If Senate is in session, vacancies on Supreme, superior, and district courts are filled by governor, with advice and consent of Senate, from list of nominees submitted by judicial nominating board. Otherwise, by governor's appointment from nominees list.</p>
<b>Virginia</b> .....	<p>All judges are subject to impeachment.</p> <p>Upon certification of charges against judge by Judicial Inquiry and Review Commission, Supreme Court may remove a judge.</p>	<p>If General Assembly is in session, vacancies are filled by majority vote of both houses. Otherwise by gubernatorial appointment, with appointee serving until 30 days after commencement of next legislative session.</p>
<b>Washington</b> .....	<p>A judge of any court of record is subject to impeachment.</p> <p>After notice, hearing and recommendation by Judicial Qualifications Commission, Supreme Court may censure, suspend or remove a judge for violating a rule of judicial conduct. The Supreme Court may also retire a judge for disability that seriously interferes with the performance of duties and is (or is likely to become) permanent.</p>	<p>Vacancies on appellate and general trial courts are filled by gubernatorial appointment until next general election when successor is elected to fill remainder of term.</p>
<b>West Virginia</b> .....	<p>Judges are subject to impeachment for maladministration, corruption, incompetency, gross immorality, neglect of duty or any crime or misdemeanor.</p> <p>Upon review of recommendations of the Judicial Hearing Board, the Supreme Court of Appeals may censure or suspend a judge for any violation of the judicial code of ethics or retire a judge who is incapable of performing duties because of advancing age, disease or physical or mental infirmity.</p>	<p>Vacancies on appellate and general trial courts are filled by gubernatorial appointment. If unexpired term is less than two years (or such additional period not exceeding three years), appointee serves for remainder of term. If unexpired term is more than three years, appointee serves until next general election, at which time successor is chosen to fill remainder of term.</p>
<b>Wisconsin</b> .....	<p>All judges are subject to impeachment.</p> <p>Supreme Court, court of appeals and circuit court judges are subject to removal by address of both houses of legislature with two-thirds of members concurring, and by recall election.</p> <p>As judges of courts of record must be licensed to practice law in state, removal of judge may also be by disbarment.</p> <p>Upon review of the findings of fact, conclusions of law and recommendation of the Judicial Commission, the Supreme Court may reprimand, censure, suspend or remove for cause or disability any judge or justice for a willful violation of a rule of the Code of Judicial Ethics, willful or persistent failure to perform official duties, habitual intemperance, due to consumption of intoxicating beverages or use of dangerous drugs, which interferes with the proper performance of judicial duties, or conviction of a felony.</p>	<p>Vacancies on Supreme Court, court of appeals and circuit courts are filled by gubernatorial appointment from nominees submitted by nominating commission.</p>

**METHODS FOR REMOVAL OF JUDGES AND FILLING OF VACANCIES — Continued**

<i>State or other jurisdiction</i>	<i>How removed</i>	<i>Vacancies: how filled</i>
<b>Wyoming</b> .....	All judges, except justices of peace, are subject to impeachment. Upon recommendation of Judicial Supervisory Commission, the Supreme Court may retire or remove a judge. After a hearing before the panel of three district judges, the Supreme Court may remove justices of the peace.	Vacancies are filled by governor from list of three nominees submitted by judicial nominating commission. Vacancies on justice of peace courts are filled by appointment by county commissioners until next general election.
<b>Dist. of Columbia</b> .....	Commission on Judicial Disabilities and Tenure may remove a judge upon conviction of felony (including a federal crime), for willful misconduct in office, willful and persistent failure to perform judicial duties or for other conduct prejudicial to the administration of justice which brings the office into disrepute.	Vacancies are filled by president of United States, with consent of U.S. Senate, from list of persons recommended by Judicial Nominating Commission.
<b>Puerto Rico</b> .....	Supreme Court justices are subject to impeachment for treason, bribery or other felonies and misdemeanors involving moral turpitude. Supreme Court may remove other judges for cause (as provided by judiciary act) after a hearing on charges brought by order of chief justice, who disqualifies self from final proceedings.	Vacancies are filled as in initial selection.

*Source:* American Judicature Society (Summer 1997). Used with permission.