

Table 5.4
SELECTION AND RETENTION OF JUDGES

State or other jurisdiction	Court	Methods of initial selection				Initial term of office (years)	Method of retention (c)
		Appointive systems		Elective systems			
		Merit (a)	Gubernatorial or Legislative (b)	Non-partisan	Partisan		
Alabama	Supreme Court	...	...	...	★	6	Re-election (6 yr. term)
	Court of Civil App.	...	...	...	★	6	Re-election (6 yr. term)
	Court of Crim. App.	...	...	...	★	6	Re-election (6 yr. term)
	Circuit Court	...	...	...	★	6	Re-election (6 yr. term)
Alaska	Supreme Court	★	...	...	...	3	Retention election (10 yr. term)
	Court of Appeals	★	...	...	...	3	Retention election (8 yr. term)
	Superior Court	★	...	...	...	3	Retention election (6 yr. term)
Arizona	Supreme Court	★	...	...	...	2	Retention election (6 yr. term)
	Court of Appeals	★	...	...	...	2	Retention election (6 yr. term)
	Superior Court — county pop. greater than 250,000	★	...	...	...	2	Retention election (4 yr. term)
	Superior Court — county pop. less than 250,000	...	...	★	...	4	Re-election (4 yr. term)
Arkansas (d)	Supreme Court	...	...	★	...	8	Re-election for additional terms
	Court of Appeals	...	...	★	...	8	Re-election for additional terms
	Circuit Court	...	...	★	...	6	Re-election for additional terms
California	Supreme Court	...	G	...	...	12	Retention election (12 yr. term)
	Courts of Appeal	...	G	...	...	12	Retention election (12 yr. term)
	Superior Court (e)	...	...	★	...	6	Nonpartisan election (6 yr. term) (f)
Colorado	Supreme Court	★	...	...	...	2	Retention election (10 yr. term)
	Court of Appeals	★	...	...	...	2	Retention election (8 yr. term)
	District Court	★	...	...	...	2	Retention election (6 yr. term)
Connecticut	Supreme Court	★	...	...	...	8	(g)
	Appellate Court	★	...	...	...	8	(g)
	Superior Court	★	...	...	...	8	(g)
Delaware (h)	Supreme Court	★	...	...	...	12	(i)
	Court of Chancery	★	...	...	...	12	(i)
	Superior Court	★	...	...	...	12	(i)
Florida	Supreme Court	★	...	...	...	1	Retention election (6 yr. term)
	District Court of Appeal	★	...	...	...	1	Retention election (6 yr. term)
	Circuit Court	...	...	★	...	6	Re-election for additional terms
Georgia	Supreme Court	...	...	★	...	6	Re-election for additional terms
	Court of Appeals	...	...	★	...	6	Re-election for additional terms
	Superior Court	...	...	★	...	4	Re-election for additional terms
Hawaii	Supreme Court	★	...	...	...	10	Reappointed to subsequent term by Judicial Selection Comm. (10 yr. term)
	Intermediate Court of Appeals	★	...	...	...	10	Reappointed to subsequent term by Judicial Selection Comm. (10 yr. term)
	Circuit and Family Courts	★	...	...	...	10	Reappointed to subsequent term by Judicial Selection Comm. (10 yr. term)
Idaho	Supreme Court	...	...	★	...	6	Re-election for additional terms
	Court of Appeals	...	...	★	...	6	Re-election for additional terms
	District Court	...	...	★	...	4	Re-election for additional terms
Illinois	Supreme Court	...	...	...	★	10	Retention election (10 yr. term)
	Court of Appeals	...	...	...	★	10	Retention election (10 yr. term)
	District Court	...	...	...	★	6	Retention election (6 yr. term)
Indiana	Supreme Court	★	...	...	...	2	Retention election (10 yr. term)
	Court of Appeals	★	...	...	...	2	Retention election (10 yr. term)
	Circuit Court	...	...	...	★	6	Re-election for additional terms
	Circuit Court (Vanderburg Co.)	...	...	...	★	6	Re-election for additional terms
	Superior Court	...	...	...	★	6	Re-election for additional terms
	Superior Court (Allen Co.)	...	...	...	★	6	Re-election for additional terms
	Superior Court (Lake Co.)	★ (j)	...	...	...	2	Retention election (6 yr. term)
	Superior Court (St. Joseph Co.)	★	...	...	...	2	Retention election (6 yr. term)
	Superior Court (Vanderburg Co.)	...	...	...	★	6	Re-election for additional terms

See footnotes at end of table.

JUDICIARY

SELECTION AND RETENTION OF JUDGES — Continued

State or other jurisdiction	Court	Methods of initial selection				Initial term of office (years)	Method of retention (c)
		Appointive systems		Elective systems			
		Merit (a)	Gubernatorial or Legislative (b)	Non-partisan	Partisan		
Iowa	Supreme Court	★	...	...	...	1	Retention election (8 yr. term)
	Court of Appeals	★	...	...	...	1	Retention election (6 yr. term)
	District Court	★	...	...	...	1	Retention election (6 yr. term)
Kansas	Supreme Court	★	...	...	...	1	Retention election (6 yr. term)
	Court of Appeals	★	...	...	...	1	Retention election (4 yr. term)
	District Court (17 districts)	★	...	...	...	1	Retention election (4 yr. term)
	District Court (14 districts)	...	...	...	★	4	Re-election for additional terms
Kentucky	Supreme Court	...	...	★	...	8	Re-election for additional terms
	Court of Appeals	...	...	★	...	8	Re-election for additional terms
	Circuit Court	...	...	★	...	8	Re-election for additional terms
Louisiana	Supreme Court	...	...	...	★ (k)	10	Re-election for additional terms
	Court of Appeals	...	...	...	★ (k)	10	Re-election for additional terms
	District Court	...	...	...	★ (k)	6	Re-election for additional terms
Maine	Supreme Judicial Court	...	G	...	...	7	Reappointment by governor subject to legislative confirmation
	Superior Court	...	G	...	...	7	Reappointment by governor subject to legislative confirmation
Maryland (h)	Court of Appeals	★	...	...	...	(l)	Retention election (10 yr. term)
	Court of Special Appeals	★	...	...	...	(l)	Retention election (10 yr. term)
	Circuit Court	★	...	...	...	(l)	Nonpartisan election (15 yr. term) (m)
Massachusetts (h)	Supreme Judicial Court	★	...	...	...	to age 70	...
	Appeals Court	★	...	...	...	to age 70	...
	Trial Court of Massachusetts	★	...	...	...	to age 70	...
Michigan	Supreme Court	...	...	...	★ (n)	8	Re-election for additional terms
	Court of Appeals	...	...	...	★	6	Re-election for additional terms
	District Court	...	...	...	★	6	Re-election for additional terms
Minnesota	Supreme Court	...	...	...	★	6	Re-election for additional terms
	Court of Appeals	...	...	...	★	6	Re-election for additional terms
	District Court	...	...	...	★	6	Re-election for additional terms
Mississippi	Supreme Court	...	...	...	★	8	Re-election for additional terms
	Court of Appeals	...	...	...	★	8	Re-election for additional terms
	Chancery Court	...	...	...	★	4	Re-election for additional terms
	Circuit Court	...	...	...	★	4	Re-election for additional terms
Missouri	Supreme Court	★	...	...	...	1	Retention election (12 yr. term)
	Court of Appeals	★	...	...	...	1	Retention election (12 yr. term)
	Circuit Court	...	...	...	★	6	Re-election for additional terms
	Circuit Court (Jackson, Clay, Platte, & Saint Louis Counties)	★	...	...	...	1	Retention election (6 yr. term)
	Supreme Court	...	...	...	...	8	Re-election; unopposed judges
Montana	District Court	...	...	...	★	6	Re-election; unopposed judges run for retention
	Supreme Court	...	...	...	...	3	Retention election (6 yr. term)
Nebraska	Court of Appeals	★	...	...	...	3	Retention election (6 yr. term)
	District Court	★	...	...	...	3	Retention election (6 yr. term)
	Supreme Court	...	...	...	...	6	Re-election for additional terms
Nevada	District Court	...	...	...	★	6	Re-election for additional terms
	Supreme Court	...	...	...	...	6	Re-election for additional terms
New Hampshire (h)	Supreme Court	★ (o)	...	...	...	to age 70	...
	Superior Court	★ (o)	...	...	...	to age 70	...
New Jersey	Supreme Court	...	G	...	...	7	Reappointed by governor (to age 70) with advice & consent of the Senate
	Appellate Div. of Superior Court	...	G	...	...	7	Reappointed by governor (to age 70) with advice & consent of the Senate
	Superior Court	...	G	...	...	7	Reappointed by governor (to age 70) with advice & consent of the Senate
New Mexico	Supreme Court	★	(p)	(q)
	Court of Appeals	★	(p)	(q)
	District Court	★	(p)	(q)

See footnotes at end of table.

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		Merit (a)	Gubernatorial or Legislative (b)	Non-partisan	Partisan		
New York	Court of Appeals	★	14 (i)	
	Appellate Div. of Supreme Court	★	...	...	...	5 (r)	
	Supreme Court	...	...	...	★	14	Re-election for additional terms
	County Court	...	...	...	★	10	Re-election for additional terms
North Carolina	Supreme Court	...	...	★ (s)	...	8	Re-election for additional terms
	Court of Appeals	...	...	★ (s)	...	8	Re-election for additional terms
	Superior Court	...	...	★ (s)	...	8	Re-election for additional terms
North Dakota	Supreme Court	...	...	★	...	10	Re-election for additional terms
	District Court	...	...	★	...	6	Re-election for additional terms
Ohio	Supreme Court	...	...	...	★ (t)	6	Re-election for additional terms
	Court of Appeals	...	...	...	★ (t)	6	Re-election for additional terms
	Court of Common Pleas	...	...	...	★ (t)	6	Re-election for additional terms
Oklahoma	Supreme Court	★	...	...	...	1	Retention election (6 yr. term)
	Court of Criminal Appeals	★	...	...	...	1	Retention election (6 yr. term)
	Court of Appeals	★	...	...	...	1	Retention election (6 yr. term)
	District Court	...	...	★	...	4	Re-election for additional terms
Oregon	Supreme Court	...	...	★	...	6	Re-election for additional terms
	Court of Appeals	...	...	★	...	6	Re-election for additional terms
	Circuit Court	...	...	★	...	6	Re-election for additional terms
	Tax Court	...	...	★	...	6	Re-election for additional terms
Pennsylvania	Supreme Court	...	...	...	★	10	Retention election (10 yr. term)
	Superior Court	...	...	...	★	10	Retention election (10 yr. term)
	Commonwealth Court	...	...	...	★	10	Retention election (10 yr. term)
	Court of Common Pleas	...	...	...	★	10	Retention election (10 yr. term)
Rhode Island	Supreme Court	★	...	...	...	Life	...
	Superior Court	★	...	...	...	Life	...
	Worker's Compensation Court	★	...	...	...	Life	...
South Carolina	Supreme Court	...	L (u)	...	...	10	Reappointment by legislature
	Court of Appeals	...	L (u)	...	...	6	Reappointment by legislature
	Circuit Court	...	L (u)	...	...	6	Reappointment by legislature
South Dakota	Supreme Court	★	...	...	...	3	Retention election (8 yr. term)
	Circuit Court	...	...	★	...	8	Re-election for additional terms
Tennessee	Supreme Court	★	...	...	...	(v)	Retention election (8 yr. term)
	Court of Appeals	★	...	...	...	(v)	Retention election (8 yr. term)
	Court of Criminal Appeals	★	...	...	...	(v)	Retention election (8 yr. term)
	Chancery Court	...	...	...	★	8	Re-election for additional terms
	Criminal Court	...	...	...	★	8	Re-election for additional terms
Texas	Circuit Court	...	...	...	★	8	Re-election for additional terms
	Supreme Court	...	...	...	★	6	Re-election for additional terms
	Court of Criminal Appeals	...	...	...	★	6	Re-election for additional terms
	Court of Appeals	...	...	...	★	6	Re-election for additional terms
Utah	District Court	...	...	...	★	4	Re-election for additional terms
	Supreme Court	★	...	...	...	(w)	Retention election (10 yr. term)
	Court of Appeals	★	...	...	...	(w)	Retention election (6 yr. term)
	District Court	★	...	...	...	(w)	Retention election (6 yr. term)
Vermont	Juvenile Court	★	...	...	...	(w)	Retention election (6 yr. term)
	Supreme Court	★	...	...	...	6	Retained by vote of General Assembly (6 yr. term)
	Superior Court	★	...	...	...	6	Retained by vote of General Assembly (6 yr. term)
Virginia	District Court	★	...	...	...	6	Retained by vote of General Assembly (6 yr. term)
	Supreme Court	...	L	...	...	12	Reappointment by the legislature
	Court of Appeals	...	L	8	Reappointment by the legislature
	Circuit Court	...	L	8	Reappointment by the legislature

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JUDICIARY

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		Merit (a)	Gubernatorial or Legislative (b)	Non-partisan	Partisan		
Washington	Supreme Court	★	...	6	Re-election for additional terms
	Court of Appeals	...	...	★	...	6	Re-election for additional terms
	Superior Court	...	...	★	...	4	Re-election for additional terms
West Virginia	Supreme Court	...	...	...	★	12	Re-election for additional terms
	Circuit Court	...	...	...	★	8	Re-election for additional terms
Wisconsin	Supreme Court	...	...	★	...	10	Re-election for additional terms
	Court of Appeals	...	...	★	...	6	Re-election for additional terms
	Circuit Court	...	...	★	...	6	Re-election for additional terms
Wyoming	Supreme Court	★	...	...	...	1	Retention election (8 yr. term)
	District Court	★	...	...	...	1	Retention election (6 yr. term)
Dist. of Columbia	Court of Appeals	★	...	...	...	15	Reappointment by judicial tenure commission (x)
	Superior Court	★	...	...	...	15	Reappointment by judicial tenure commission (x)

Source: American Judicature Society's, *Judicial Selection in the States: Appellate and General Jurisdiction Courts*, October 2002 and state web sites, January 2003.

Key:

★ — Yes

... — No

(a) Merit selection through nominating commission.

(b) Gubernatorial (G) or legislative (L) appointment without nominating commission.

(c) In a retention election, judges run unopposed on the basis of their record.

(d) In November 2000, Arkansas voters passed an amendment to the Arkansas constitution shifting judicial elections to a nonpartisan system.

(e) The California constitution provides that local electors may choose gubernatorial appointments instead of nonpartisan election to select superior court judges. As of July 1999, no counties have chosen gubernatorial appointments.

(f) If the election is uncontested, the incumbent's name does not appear on the ballot.

(g) Commission reviews incumbent's performance on noncompetitive basis; governor re-nominates and legislature confirms.

(h) Merit selection established by executive order in Delaware, Maryland, Massachusetts and New Hampshire. In all other jurisdictions, merit selection established by constitutional or statutory provision.

(i) Incumbent reapplies to nominating commission and competes with other applicants for nomination to the governor. The governor may reappoint the incumbent or another nominee. The senate confirms the appointment.

(j) Three of the judges run in partisan elections for 6 years terms then have to be re-elected for additional terms.

(k) Louisiana judicial elections are partisan in as much as the candidates' party affiliations appear on the ballot. However, two factors lead a somewhat nonpartisan character to these elections: (1) primaries are open to all candidates; and (2) judicial candidates generally do not solicit party support for their campaigns.

(l) Until the first general election following the expiration of one year from the date of the occurrence of the vacancy.

(m) May be challenged by other candidates.

(n) Although party affiliations for Supreme Court candidates are not listed on the general election ballot, candidates are nominated at party conventions.

(o) The Governor's nomination is subject to the approval of a five-member executive council.

(p) Until next general election.

(q) Partisan election at next general election after appointment for eight-year term for appellate judges, six-year term for district. The winner thereafter runs in a retention election for subsequent terms.

(r) Commission reviews and recommends for or against reappointment by governor.

(s) Beginning in 2004, these elections will be nonpartisan.

(t) Although party affiliations for judicial candidates are not listed on the general election ballot, candidates are nominated in partisan party election.

(u) South Carolina has a 10 member Judicial Merit Selection Commission that screens judicial candidates and reports the findings to the state's General Assembly. Since 1997, the Assembly is restricted to voting only on those candidates found qualified by the Judicial Merit Selection Commission. However, the nominating commission itself is not far removed from the ultimate appointing body, and cannot be considered to be nonpartisan as control over member nominations is vested in majority party leadership. Although most nominating commissions contain members appointed by the governor or legislature, no other commission actually contain the governor or current legislators who have final approval over the candidate as voting members of the commission. In contrast, the Judicial Merit Selection Commission in South Carolina contains 6 current members of the General Assembly appointed by the Speaker or the House of Representatives, the Chairman of the Senate Judiciary Committee, and the President Pro Tempore of the Senate. State legislators also choose the remaining four members of the Commission who are selected from the general public.

(v) Until next biennial general election.

(w) First general election three years after appointment.

(x) Initial appointment is made by the President of the United States and is 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 re-appoint the judge, the District of Columbia Nominating Commission compiles a new list of candidates.