

## Survey of the States on Judicial Selection

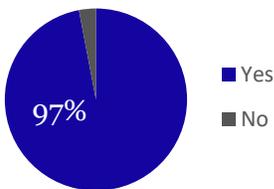
### Introduction:

In July of 2020, the Office of Court Administration (OCA) polled approximately 100 directors of state court administration offices and State Supreme Court Justices with the aim of gaining insight into the effectiveness and limitations of their respective judicial selection processes for appellate and trial court judges. The survey asked participants to identify their judicial selection type, their general attitude toward that process, if their states impaneled and used commissions in the judicial selection process, and whether they recommended any changes to the current process for judicial selection in their states. Answers were kept anonymous unless the information was provided voluntarily at the end of the survey.

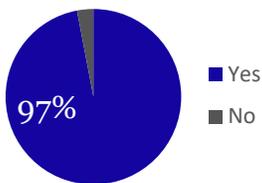
### Summary Statistics

Respondents were generally in favor of whatever selection system was currently in place in their state for the selection of trial court and appellate court judges. Regardless of whether their state employed appointment only, elections, or a mixed election and appointment system. For instance, 97% of responses indicated they believed that the appointment system in place in their state worked well to identify and put forth qualified candidates for both trial court and appellate court benches.

Do you believe the appointment process works well for finding qualified candidates for trial court judges?



Do you believe the appointment process works well for finding qualified candidates for appellate court judges?



As noted above, most respondents came from systems where trial court and appellate court seats were set by appointment. When asked about recommended changes, there was a lower response rate among individuals whose systems involved appointment. In contrast, those responses with some component of election had more variation overall.

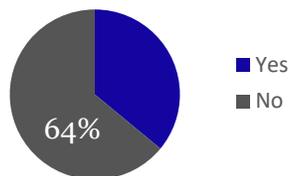
Nearly half the respondents, 43%, were from systems where trial court judges were appointed to their positions, 37% came from mixed appointment and election systems, and the remaining 20% came from election only states.

On the appellate side, 50% of respondents came from appointment only systems, 29% had mixed elections, and 21% had an election only system for their appellate courts. One respondent from Rhode Island indicated that their state does not have intermediate appellate courts only a State Supreme Court.

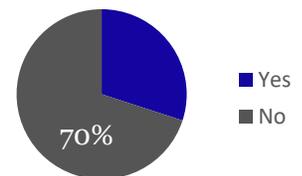
In most instances, appointments to both trial courts and appellate courts were made by the Governor. For trial courts, 75% of respondents indicated appointments were made by the governor. On the appellate court side, 91% of respondents indicated that appointments were made by the governor.

In cases where appointments are made, a majority of respondents indicated that the appointments are not always subject to the approval of a secondary body; 64% indicated that positions to the appellate court bench are not subject to approval by the legislature or other appointed body. In terms of trial courts, that percentage is higher with 70% indicating that selection is not subject to further oversight.

Appellate court appointments subject to approval by another body



Trial court appointments subject to approval by another body



## Open Ended Responses Summary

As part of the survey, respondents were asked to outline what works and what does not work in their systems and to explain their answers. When asked why they approved of their current appointments process, many respondents referred to the process by which the initial vetting of candidate's appointments are made. Often comparing the process favorably to a standard job interview. In many instances, before the appointment is made, a non-partisan independent commission, the State Bar, or the Judicial Council conducts a series of interviews and vetting procedures and the appointing body is severely limited in their ability to appoint or select candidates for the bench at will. In those instances where a vacancy occurs due to death or retirement, the appointment by an executive or judicial branch are subject to approval by the legislature at the next legislative session. Individual responses from those that volunteered names and states are catalogued and provided in an annex.

Where there was some variation was in systems involving elections; 57% of respondents came from a system involving some type of election. Most respondents who came from states with an election component did not recommend changes to the system: 97% did not recommend changes to the date elections are held for trial courts and appellate courts respectively, 97% did not recommend making changes to qualifications for appellate court judges, and 90% did not recommend making changes to term length for trial court judges.

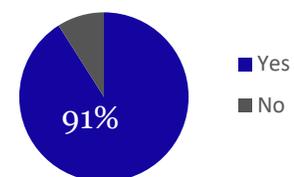
Where there was some variation was in recommending changes to the campaign finance system where 28% of respondents indicated they would change the system for trial courts, and 19% would recommend changes for the appellate court systems. The major change indicated by respondents would be the removal of private contributions in favor of a public system of campaign finance, or contribution caps to candidates from political parties and private donors. In one instance a respondent pushed for an end to partisan elections, but did not indicate which state they were responding from.

Other key changes recommended by respondents were the removal of interim appointments by the executive in favor of a simple majority election in the event of an early retirement or death by a judge. Some indicated more transparency measures in the campaign finance system to allow for greater oversight. For respondents where an appointment process is involved, most viewed the roles of independent commissions as essential for removing bias and partisanship.

## Commissions and Judicial Selection

Most respondents, 78%, came from states where commissions were impaneled at some stage in the judicial selection process, and 91% believed their commissions worked well in finding qualified candidates for the bench. Where the commissions become involved in the process is varied. Many take an active role in identifying, vetting, and submitting recommendations for appointments or retention. In instances where the legislature is involved, commission seats are split evenly among party lines to curb partisanship. In many cases, commissions are made up of citizens, lawyers, and lawmakers evenly. However, many respondents indicated that there are no set outlines or standards for membership on their commissions.

Do commission's work well in selecting and identifying qualified judicial candidates?



## Conclusion

In most cases, the respondents indicated they largely trusted the process in their state for judicial selection. What changes that were recommended, had less to do with large scale systemic change, and more to do with adjustments to the current system to remove perceived partisanship, reform the campaign financing system, or codify changes or qualifications for membership in commissions.

## Annex I: Self-identified Respondents and Open-Ended Responses

\*\*Note: All respondents were allowed to skip questions. Varying responses are due to skipped responses, questions not related to their judicial selection system, or blank answers. \*\*

Name	Role	State
Nathan B. Coats	Chief Justice Colorado Supreme Court	Colorado
Gary Hicks	Associate Justice New Hampshire Supreme Court	New Hampshire
Rhys S. Hodge	Chief Justice US Virgin Islands Supreme Court	Virgin Islands
Stacey Marz	Administrative Director, Alaska Court Administrative Office	Alaska
Debra Stephens	Chief Justice	Washington
Greg Sattizahn	State Court Administrator	South Dakota
J. Joseph Baxter	State Court Administrator	Rhode Island
Paul A. Suttell	Chief Justice Rhode Island Supreme Court	Rhode Island
Geoff Moulton	State Court Administrator	Pennsylvania
Paul Reiber	Chief Justice Vermont Supreme Court	Vermont
Todd Nuccio	State Court Administrator	Iowa
Christine Burak	Legal Counsel for Massachusetts Chief Justice	Massachusetts
Marcia Meis	Director, Administrative Office of Illinois Courts	Illinois
Corey Steel	State Court Administrator	Nebraska
David Gilbertson	Chief Justice South Dakota Supreme Court	South Dakota
Roger Burdick	Chief Justice Idaho Supreme Court	Idaho
Michael K. Davis	Chief Justice Wyoming Supreme Court	Wyoming
Joel Bolger	Chief Justice Alaska Supreme Court	Alaska
Randy Koschnick	Director of State Courts, Wisconsin	Wisconsin
Robin Sweet	State Court Administrator	Nevada
Jeff Shorba	State Court Administrator	Minnesota
Dave Byers	Administrative Director of the Courts	Arizona
Lily Sharpe	State Court Administrator	Wyoming
Office of the State Courts Administrator	N/A	Florida
Jari Askins	Chief Administrative Officer, Oklahoma State Courts	Oklahoma
Rich Hobson	Administrative Director, Alabama Court System	Alabama
Karl R Hade	Executive Secretary, Virginia Judicial System	Virginia

Nathan B. Coats (Colorado)

**System:** Appointment for trial and appellate Judges

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** Although the Governor makes the final appointment, he may select only from three candidates forwarded to him by the applicable constitutionally constituted nominating commission. Because the nominating commissions make their selections from an application and interview process, the system approximates a job application, which we have found expands not only the size of the pool of attorneys being considered for a particular vacancy but also the nature of those willing to become involved and serve in the judiciary.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** The Governor, the Attorney General, and the Chief Justice together select the attorney members of the commission. The Governor selects the non-attorney members by himself.

**Q:** What are the qualifications to serve on your commission?

**A:** The constitution prescribes that a nominating commission consisting of 4 non-attorneys and 3 attorneys, with no political party having more than 4 members and with at least one member from each county in the judicial district. A supreme court justice serves as ex officio chair of each commission. The constitution also prescribes a state nominating commission to fill vacancies on the state supreme court and the intermediate court of appeals, consisting of one lawyer and one non-lawyer from each congressional district, and one additional person selected entirely at the discretion of the Governor. As with the district commissions, the lawyer members are selected by the Governor, Attorney General, and Chief Justice, and the non-lawyers are selected by the Governor alone.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** No

**Q:** When does a commission get involved in the selection process?

**A:** Reviewing applications

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared

**A:** Performance commissions gather information and prepare a summary and recommendation that is published along with pros and cons of popular initiatives appearing on the ballot.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Any of the supreme court justices, all of whom have served many times as ex officio chairs of nominating commissions throughout the state.

Gary Hicks (New Hampshire)

**System:** Appointment for trial and appellate judges

**Primary appointment body:** Governor

**Confirmation body:** The 5 person Executive council.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** Before Names get to the governor, they are vetted by a bipartisan selection committee.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** The sitting governor.

**Q:** When does a commission get involved in the selection process?

**A:** First step.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Charles Douglass, Chair of Selection Committee.

Rhys S. Hodge (U.S. Virgin Islands)

**System:** Appointment for trial and appellate judges

**Primary appointment body:** Governor

**Confirmation body:** The full Legislature after going through the Rules and Judiciary Committee.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** It removes the politicking. The Governor appoints whomever from the qualified members of the Bar. Input may be requested from the Bar but no limitations on who the Governor selects. The appointed candidate is subject to full vetting on Committee before being forwarded to the full legislature.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** There has been discussions of having a body screen all interested candidates and recommend a set number of candidates to the Governor for each vacancy from which the selection is made by the Governor. This might avoid a totally unqualified candidate from being nominated.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** No

Stacey Marz (Alaska)

**System:** Appointment for trial and appellate judges (Self reported. Retention elections are held in Alaska and mentioned in open response.)

**Primary appointment body:** Governor

**Confirmation body:** none

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** The appointment process works well to recruit and select the best candidates because the judicial council does an extremely thorough vetting of each candidate. More information about the process is found on the Alaska Judicial Council website on selection ([www.ajc.state.ak.us/selection/faq.html](http://www.ajc.state.ak.us/selection/faq.html)) and retention ([www.ajc.state.ak.us/retention/current.html](http://www.ajc.state.ak.us/retention/current.html)).

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance, or judicial term lengths in your state?

**A:** Allowing judges to raise funds as a group in the event of an attack on the retention of all judges instead of to defend single judge during active opposition.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** The chief justice of the Alaska Supreme Court is the chair of the Council, but only votes when necessary. The governor appoints the public non-lawyer members, and the legislature confirms them. The lawyer members are appointed by the Board of Governors of the Alaska Bar Association. Council members serve as volunteers.

**Q:** What are the qualifications to serve on your commission?

**A:** Members come from different areas of the state. Each member serves a six-year term. Terms are staggered so that one member is appointed every year. Council members serve as volunteers. Council member position descriptions are found at: [www.ajc.state.ak.us/about/position.html](http://www.ajc.state.ak.us/about/position.html). To view the council member roster, go to the Current Council Members page at [www.ajc.state.ak.us/about/roster.html](http://www.ajc.state.ak.us/about/roster.html).

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** geographic diversity requirement and without regard to political affiliation.

**Q:** When does a commission get involved in the selection process?

**A:** immediately when there is a judicial vacancy to solicit applicants. The member duties are described at [www.ajc.state.ak.us/about/memduties.html](http://www.ajc.state.ak.us/about/memduties.html).

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Council provides information to voters about judges standing for retention - see <http://www.ajc.state.ak.us/retention/current.html>.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Susanne DiPietro, executive director of Alaska Judicial Council - [sdipietro@ajc.state.ak.us](mailto:sdipietro@ajc.state.ak.us), and Chief Justice Joel Bolger - [jbolger@akcourts.us](mailto:jbolger@akcourts.us)

#### Debra Stevens (Washington)

**System:** Election of trial and appellate court judges

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** Yes

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance, or judicial term lengths in your state?

**A:** Public financing would avoid appearance of bias due to campaign contributions. Staggered terms among superior court judges would promote stability in court operations. currently, all superior court judges run every Presidential year,

in open nonpartisan elections.

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of appellate judicial selection.

**A:** Appellate elections are staggered. Eg, 3 justices (of 9) stand for election every 2 years

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Online video and printed voter guides. PDC info too.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** A private group, "votingforjudges.org" gathered helpful information and promoted voter knowledge about judicial roles. It did not have public funding support and has languished for that reason.

Greg Sattizahn (North Dakota)

**System Type:** Mixed election and appointment for trial and appellate judges

**Primary Appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** It allows for an investigation and recommendation to the Governor by a Commission that screens candidates to ensure high quality appointments.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Divided between the Governor, Judiciary and State Bar.

**Q:** What are the qualifications to serve on your commission?

**A:** None stated.

**Q:** When does a commission get involved in the selection process?

**A:** Applications go to the Commission immediately

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

J. Joseph Baxter (Rhode Island)

**System:** Appointed trial and Supreme Court (There is no intermediate appellate system in RI)

**Primary Appointment body:** Governor

**Confirmation body:** Rhode Island Senate

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** In Rhode Island we have the Judicial Nominating Commission, an independent, statutorily created entity which vets all applicants for judicial positions. The JNC receives applications for open judicial positions, conducts background checks, receives reference letters and then conducts public interviews with qualifying candidates. The JNC will send a list of finalists to the Governor for further consideration. The Governor then makes a selection for the vacant position and the candidate is then considered by the Senate Judiciary Committee and ultimately confirmed by the RI Senate.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** See: <http://webserver.rilin.state.ri.us/Statutes/TITLE8/8-16.1/8-16.1-2.HTM>

**Q:** When does a commission get involved in the selection process?

**A:** From the beginning and until a final list of candidates is sent to the Governor

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Sarah T. Dowling, Chairperson of the RI Judicial Nominating Commission [sarahtdowling@cox.net](mailto:sarahtdowling@cox.net)

Paul A. Suttel (Rhode Island)

**System:** Appointed trial and supreme court

**Primary appointment body:** The Governor

**Confirmation body:** Rhode Island Senate

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** All interested candidates must first apply to a Judicial Nominating Commission. The JNC interviews applicants, receives public comments, conducts background investigations, and recommends three to five candidates to the Governor.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** The system is not perfect, but it has resulted in many excellent judicial appointments.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Three each by Governor, Senate President and Speaker of the House

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** No

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Sally T. Dowling Chair, RI Judicial Nominating Commission Adler Pollock & Sheehan 1 Citizens Plaza Providence, RI 02903

#### Geoff Moulton (Pennsylvania)

**System:** Election for trial and appellate court judges

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** Yes

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance, or judicial term lengths in your state?

**A:** I would recommend imposing contribution limits, which at present do not exist in Pennsylvania.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Please outline that information below:

**A:** In the statewide primary election, but not the general election, the candidate's county of residence is included on the ballot.

#### Paul Reiber (Vermont)

**System:** Appointment for trial and appellate judges (Self-reported. Vermont's system is mixed with appointment and retention election).

**Primary appointment body:** Governor

**Confirmation body:** State Senate

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial

office?

**A:** Yes

**Q:** Why?

**A:** Pending

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** I like the system we follow. I understand the concern of states where judges are elected is primarily that Main Street should have a say in who becomes a judge. But I think there is greater success we have seen since our Constitution was changed in the mid-1970s to adopt the current model for selecting judges. Our system of qualification and appointment has created better assurance that we seat people who are well qualified and are models of balance, intellect and wisdom to the people we serve.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** No

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** Through the selection, appointment and retention process to the board, Governor, Senate and Joint session before the retention vote.

Todd Nuccio (Iowa)

**System:** Appointment for trial and appellate courts (Self indicated. System is mixed with a retention election)

**Primary appointment body:** Governor

**Confirmation body:** Not subject to confirmation. Independent commission vets candidates prior.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** The key is the non-partisan judicial nominating commissions that screen all applicants and send two names to the Governor from which s/he must pick. This approach yields better qualified nominees with less political influence.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** The key is who appoints the members of the nominating commissions. It was recently changed so the governor appoints the majority of the members making it a more political process.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:**Yes

**Q:** Please outline that information below:

**A:** They're all incumbents since it's a retention election.

Christine Burak (Massachusetts)

**Selection Type:** Appointment for trial and appellate judges

**Primary appointment body:** Governor

**Confirmation body:** The Governor's Council confirms all judicial appointments.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** The Governor

**Q:** What are the qualifications to serve on your commission?

**A:** The 21 members of the Judicial Nominating Commission are selected by the Governor.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** The executive order establishing the commission states that to the extent practicable, the commissioners shall reflect diversity of race, gender, ethnicity, background, geography and among those who are lawyers, various practice areas and sizes.

**Q:** When does a commission get involved in the selection process?

**A:** The executive order provides that the commission is established to identify and invite application for judgeships and to advise the governor with respect to appointments.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

Marcia Mess (Illinois)

**System:** Election for both trial and appellate courts

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** Yes

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance, or judicial term lengths in your state?

**A:** Contribution caps

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Associate judges (smaller in number than regular circuit court judges but basically the same jurisdictional powers) are selected by the circuit judges where the position resides.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Tim Eaton - [teaton@taftlaw.com](mailto:teaton@taftlaw.com)

Corey Steele (Nebraska)

**System:** Appointment for trial and appellate judges (Self indicated. Nebraska has a retention elections).

**Primary appointment body:** Governor

**Confirmation body:** None.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** The first step in Nebraska is a Judicial Nomination Commission (JNC) that is made up of Attorneys, lay people and chaired by a Justice. The JNC reviews all candidates that submit their name for the Judicial vacancy. The JNC holds a public hearing and takes testimony regarding those that have applied. The JNC then makes determination based off of application and hearing testimony who is fit to be a Judge and forwards names and all information to Governor. Governor then holds interviews with he candidates sent to him and makes an appointment.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** Chief Justice would have some input as to who Governor is appointing.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** No

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** Yes

David Gilbertson (South Dakota)

**System:** Appointment (Self-identified, South Dakota employs retention elections)

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** South Dakota has a history of non-partisan appointments. The Governors during my tenure have not used it for political purposes. In the vast majority of cases, the most qualified candidate has been selected by the Governor.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** By far our biggest problem is that inadequate salaries keep many competent candidates from applying.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Most of our judicial elections are uncontested and thus campaign finance is not a big issue.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy.

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Two are selected by the judges, three by the Governor and two by the State Bar.

**Q:** What are the qualifications to serve on your commission?

**A:** The judge members must be trial judges, the remainder must be members of the bar except for two lay persons selected by the Governor.

**Q:** When does a commission get involved in the selection process?

**A:** The Commission initially reviews all applications and recommends the list for the Governor to select from  
The Commission initially reviews all applications and recommends the list for the Governor to select from

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

Roger Burdick (Idaho)

**System:** Mixed election and appointments

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** In Idaho we have non-partisan(wink) elections for general jurisdiction and appellate positions. However the Judicial Council fills the positions for death, disability or retirement by interviewing all candidates. Then it sends 2-4 candidates to the Governor who must pick from that group. The Governor's decision is final. The most important trend is that our retiring judges retire in time to let the Judicial Council and Governor to work their magic. I would venture a guess that about 90% or more of these judges and justices retire early because they believe in this merit system. Our special jurisdiction judges are merit selected and have retention elections.

Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** No

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** Our Judicial Council who screens the candidates has a long and solid history of only selecting the most qualified and never looking at politics.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** 2 lawyer members by the Bar, 1 district judge nominated by the Bar, 3 citizen members appointed by the Governor and the Chief Justice automatically sits as ex officio chair. All members must be confirmed by the Senate Judiciary and Rules Committee. The Chief is automatic.

**Q:** What are the qualifications to serve on your commission?

**A:** Just the nomination

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** No

**Q:** When does a commission get involved in the selection process?

**A:** Upon death, disability or retirement of a sitting judge.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes.

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** no, too many cooks spoil the broth. Large committees usually end up with Vanilla(no ethnicity meant) answers.

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** The incumbent is delineated but no title given.

Michael Davies (Wyoming)

**System:** Mixed election and appointment (modified Missouri Plan)

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** We have a modified Missouri Plan. That calls for a non-partisan commission with 3 attorneys and 3 lay people. The attorneys are elected by the State Bar and the Governor appoints the lay commissioners. They serve five year terms and can only serve once. The Chief Justice chairs the Judicial Nominating Commission. The Commission selects three names from the applicants to nominate to the Governor. The Governor must appoint from those three. If he fails to do so within 30 days, the Chief Justice makes the appointment. That has never happened. The appointee must then stand for retention at the first general election more than a year from appointment. The question on the ballot is just whether the judge/justice should be retained. After that initial retention election, judges and justices stand at regular intervals - four years for circuit judges, six years for district judges, and eight years for Supreme Court justices. I think the system minimizes politics, although the Governor is often heavily lobbied concerning the three nominees. Still, his choices are limited. The Commission will not consider any letters, etc., from anyone not designated by the candidate to provide a written candid evaluation of his or her abilities. I think the system works well, although it is rare for a judge not to be retained, so normally the voting public isn't paying a lot of attention to judicial performance.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** I'm satisfied with it as it is.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Our selection and retention method does not allow any campaigning unless there is organized opposition to a sitting judge.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** The bar elects attorney members.

**Q:** When does a commission get involved in the selection process?

**A:** At the beginning and until three names are sent to the Governor.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** There is a poll of the Wyoming State Bar that is made public shortly before retention elections. It gets some press.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** I know the system. Our website has a list of commissioners, who would have some ideas.

#### Joel Bolger (Alaska)

**System:** Appointment (Self-identified, mixed with a retention election)

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** Candidates must first make an application to the Alaska Judicial Council, which conducts a bar survey and nominates only those candidates most highly qualified for each position.

**Q:** While your method of selection involves appointment, does your selection method also include a component of

election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** The CJ is the chair of the judicial council. Three members are appointed by the bar association. Three members are appointed by the governor with legislative confirmation.

**Q:** What are the qualifications to serve on your commission?

**A:** Three member must be lawyers.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** The constitution requires geographical diversity.

**Q:** When does a commission get involved in the selection process?

**A:** The judicial council receives the initial applications, conducts a survey and candidate interviews, and makes nominations to the governor.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** The judicial council conducts a performance evaluation and publishes its results and recommendations in the voter pamphlet.

Randy Koschnick (Wisconsin)

**System:** Election

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** No

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Non-partisan Springtime elections seem to work well in Wisconsin. All partisan elections are held in the Fall.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Governor at his sole discretion.

**Q:** What are the qualifications to serve on your commission?

**A:** None. Governor may select anyone or nobody for his advisory board, which is also optional but has been the normal practice.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** No. 100% Governor's choice.

**Q:** When does a commission get involved in the selection process?

**A:** Whenever requested by Governor, usually upon a vacancy.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

Robin Sweet (Nevada)

**System:** Election

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** Yes

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** Yes

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Currently, appellate and general jurisdiction judges are elected in nonpartisan elections for 6-year terms. If they leave or die mid-term, a judicial selection commission selects three candidates and the governor appoints one of those three. I

would change it to a retention election with more than a simple majority and the selection commission pick candidates from which the governor appoints for those who are not retained.

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** While the information the selection commission receives help them make the best choices, regular voters have no such information available to them at election time. I would like to have all judges and judicial candidates respond to a 10-15 question 'application' so that qualifications and knowledge could be compared.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Governor appoints three lay members and State Bar appoints three attorneys for permanent commission. Each get to appoint one more from the district where the general jurisdiction vacancy is for those selections; statewide only has the six. The Chief Justice is the chair and a voting member.

**Q:** What are the qualifications to serve on your commission?

**A:** None other than State Bar appointees have to be members of the Bar. Often, when commission is selecting a family court judge, the temporary member will be an attorney who practices family law. But there is no requirement.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** Permanent members cannot have more than two from the same political party. Additionally, Governor cannot appoint more than one in the same county, nor can the State Bar although each can appoint one from same county. So, Governor can appoint from county A and State Bar can appoint from county A, but Governor cannot have two appointees from county A.

**Q:** When does a commission get involved in the selection process?

**A:** When an appellate or general jurisdiction judges retires or dies mid-term.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** If we could change to retention elections, I would want to have a couple of panels probably. Currently, I have been tempted to have term limits for appointees because some overstay their usefulness. So far, about that time I am contemplating, they have resigned or let us know they will not seek reappointment.

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below

**A:** Incumbent is indicated on ballots.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would

be helpful if readily available).

**A:** Judge Scott Freeman served on the commission for many years before resigning to apply for a vacancy.

scott.freeman@washocourts.us. Our commission list is here

[https://nvcourts.gov/AOC/Committees\\_and\\_Commissions/Judicial\\_Selection/Commission\\_Members/](https://nvcourts.gov/AOC/Committees_and_Commissions/Judicial_Selection/Commission_Members/) and any of them but Sarah Adler (new appointee) would probably be helpful. If you are interested, we can confirm their willingness and give you their contact information.

Jeff Shorba (Minnesota)

**System:** Mixed election and appointment

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** yes

**Q:** Why?

**A:** We have a judicial selection commission that screens candidates for the Governor's selection. The process works well for judicial appointments.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** No

**Q:** Who selects the members of the commission and how are they selected?

**A:** Members are selected by the Governor and the Supreme Court

**Q:** What are the qualifications to serve on your commission?

**A:** 480B.01 COMMISSIONNext ON Previous JUDICIALNext Previous SELECTIONNext . Subdivision 1.Previous JudicialNext vacancies. If a judge of the district court or Workers' Compensation Court of Appeals dies, resigns, retires, or is removed during the judge's term of office, or if a new district or Workers' Compensation Court of Appeals judgeship is created, the resulting vacancy must be filled by the governor as provided in this section. Subd. 2.Previous CommissionNext established; members. (a) A Previous CommissionNext on Previous JudicialNext Previous SelectionNext is established. It is composed of permanent members chosen as described in paragraphs (b) to (f). (b) The governor shall appoint seven at-large members to the Previous commissionNext who serve at the pleasure of the governor. The governor shall appoint one of these members as chair of the Previous commissionNext . The chair may but does not have to be an attorney. The governor may appoint attorneys to fill no more than four of the remaining six positions. (c) The justices of the supreme court shall appoint two at-large members to the Previous commissionNext to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an

attorney to fill no more than one of the two positions. (d) The governor shall appoint two district members to the Previous commissionNext in each Previous judicialNext district who serve at the pleasure of the governor. The governor may appoint an attorney to fill no more than one of the two positions. (e) The justices of the supreme court shall appoint two district members to the Previous commissionNext from each Previous judicialNext district to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an attorney to fill no more than one of the two positions. (f) The appointing authorities shall ensure that the permanent members of the Previous commissionNext include women and minorities. Subd. 3.Participation in meetings. Individuals appointed as district members under subdivision 2, paragraphs (d) and (e), may participate in Previous commissionNext meetings and deliberations only when the Previous commissionNext is considering applicants to fill a vacancy on the district court in the Previous judicialNext district from which those individuals were appointed. Subd. 4.Vacancies. If a vacancy occurs on the Previous commissionNext by reason of the death or resignation of a member or by the removal of a member appointed under subdivision 2, the appointing or electing authority shall appoint or elect an individual to fill the vacancy for the unexpired term. Subd. 5.Quorum. A quorum of the Previous commissionNext is seven members. Subd. 6.Temporary ineligibility for vacancy. Members of the Previous commissionNext who would otherwise be eligible to hold Previous judicialNext office may not be considered or appointed to fill a district court Previous judicialNext vacancy while they are members of the Previous commissionNext or for one year following the end of their membership on the Previous commissionNext. Subd. 7.Recruitment process. The Previous commissionNext shall prepare and make available to the public and file with the clerk of the appellate courts and the secretary of state an outline of the process the Previous commissionNext will follow in recruiting and evaluating candidates to fill Previous judicialNext vacancies. The Previous commissionNext shall actively seek out and encourage qualified individuals, including women and minorities, to apply for Previous judicialNext offices. Subd. 8.Candidate evaluation. The Previous commissionNext shall evaluate the extent to which candidates have the following qualifications for Previous judicialNext office: integrity, maturity, health if job related, Previous judicialNext temperament, diligence, legal knowledge, ability and experience, and community service. The Previous commissionNext shall give consideration to women and minorities. The Previous commissionNext shall solicit, in writing, recommendations from attorney associations in the Previous judicialNext district and from organizations that represent minority or women attorneys in the Previous judicialNext district who have requested solicitation. Subd. 9.Previous CommissionNext meetings; notice; time. Within ten days after a Previous judicialNext vacancy occurs or the governor has been notified that a vacancy will occur on a named date, the governor shall give notice of the vacancy to the chair of the Previous CommissionNext on Previous JudicialNext Previous SelectionNext. A meeting of the Previous commissionNext to consider the candidates for the vacancy must be held not less than 21 days nor more than 42 days after the governor provides notification of the vacancy. Subd. 10.Notice to public. Upon receiving notice from the governor that a Previous judicialNext vacancy has occurred or will occur on a specified date, the chair shall provide notice of the following information: (1) the office that is or will be vacant; (2) that applications from qualified persons or on behalf of qualified persons are being accepted by the Previous commissionNext; (3) that application forms may be obtained from the governor or the Previous commissionNext at a named address; and (4) that application forms must be returned to the Previous commissionNext by a named date. For a district court vacancy, the notice must be made available to attorney associations in the Previous judicialNext district where the vacancy has occurred or will occur and to at least one newspaper of general circulation in each county in the district. For a Workers' Compensation Court of Appeals vacancy, the notice must be given to state attorney associations and all forms of the public media. § Subd. 11.Nominees to governor. Within 60 days after the receipt of a notice of a Previous judicialNext vacancy, the committee shall recommend to the governor no fewer than three and no more than five nominees for each Previous judicialNext vacancy. The names of the nominees must be made public. The governor may fill the vacancy from the nominees recommended by the Previous commissionNext. If the governor declines to select a nominee to fill the vacancy from the list of nominees, or if no list is submitted to the governor under this subdivision, the governor may select a person to fill the vacancy without regard to the Previous commissionNext's recommendation. If fewer than 60 days remain in the term of office of a governor who will not succeed to another term, the governor may fill a vacancy without waiting for the Previous commissionNext to recommend a list of nominees. Subd. 12.Previous CommissionNext meetings and data. Meetings of the Previous commissionNext may be closed to discuss the candidates. The Previous commissionNext

shall file an annual tabulation with the governor of the number of applicants for Previous judicial office and the age, sex, and race of applicants. History: 1986 c 444; 1990 c 608 art 8 s 1; 1992 c 510 art 2 s 12,13

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** N/A

**Q:** When does a commission get involved in the selection process?

**A:** By statute the commission is required to screen candidates for trial court judgeships. The Governor has also used the commission for appellate court appointments in certain cases.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** Incumbent status is indicated on the ballot

Dave Byers (Arizona)

**System:** Mixed appointment and election

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** It produces a high caliber bench with out the time and partisans politics of a contested election. Most importantly it keeps money out of the process.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** it would be helpful to have funding to provide for the contracting with a PI firm to do the background checks. Currently they are done by commission members and staff.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** Yes

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance, or judicial term lengths in your state?

**A:** I would provide 6 year terms for trial judges and 8 years for appellate judges

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** Governor

**Q:** What are the qualifications to serve on your commission?

**A:** citizen, non judges; some must be non attorney public members

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** it requires it but it doesn't always happen

**Q:** When does a commission get involved in the selection process?

**A:** at the very beginning

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** we have a complex review system that evaluates judges and recommends retention or not to voters

Lily Sharpe (Wyoming)

**System:** Appointment for trial and appellate judges (Self-identified, Wyoming holds retention elections for both levels)

**Primary appointment body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** We have a Judicial Nominating Commission made up of 7 members. The Commission interviews applicants and submits 3 names to the Governor. The Governor selects the judge. The selected judge then runs for election on a non-partisan ballot in the next general election following the judge's first year of service.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** I would not change anything. It's not a perfect system, but it generally results in the best selection and in judges that are not beholden to a political party or political backers.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** How, if at all, would you recommend modifying the recruitment, qualifications, selection process, campaign finance,

or judicial term lengths in your state?

**A:** I wouldn't. It is an excellent system.

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** I suggest Texas adopt this system.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** It is set by statute. The Chief Justice is the chair. The Governor chooses 3 lay members and 3 attorneys. There are 2 non-voting advisors from the community where the judge will sit.

**Q:** What are the qualifications to serve on your commission?

**A:** See above

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** See Above

**Q:** When does a commission get involved in the selection process?

**A:** Immediately upon notice of a vacancy.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

**Q:** Please outline that information below:

**A:** N/A

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Chief Justice Michael Davis: Wyoming Supreme Court and Drew Perkins: President Wyoming Senate

#### Office of the State Courts Administrator (Florida)

**System:** Mixed appointment is primary for appellate courts. Partisan elections are held for trial courts, appointments are only used when there are vacancies.

**Primary appointment body:** Governor for appellate positions

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** Interested candidates must complete an application and are screened by a Judicial Nomination Commission, which selects between 3 and 6 candidates for submission to the Governor. The process allows for mid-term vacancies to be timely filled.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** The controversial component of Florida's current appointment system relates to the composition of each of the 26

Judicial Nominating Commissions. Previously, 3 members were appointed by the Governor, 3 members were appointed by the Bar, and those 6 members selected the 3 remaining members. Several years ago the law was changed to provide that the Governor appoints all 9 members, of which four are nominated by the Bar although the Governor may reject all of the nominees and request different nominees.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** The primary method of selecting trial court judges in Florida is by nonpartisan election. The appointment process is used to fill mid-term vacancies.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Not Answered

**Q:** Who selects the members of the commission and how are they selected?

**A:** All 9 members of each of the 26 Judicial Nominating Commissions are appointed by the Governor. Four of the members are nominated by The Florida Bar.

**Q:** What are the qualifications to serve on your commission?

**A:** Resident of the territorial jurisdiction. Some must be lawyers. No judges may serve as members. Governor should consider the adequacy of representation of each county within a circuit.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** The statutes provide that the Governor should seek to ensure that, to the extent possible, the membership reflects the racial, ethnic, and gender diversity, as well as the geographic distribution of the population within the territorial jurisdiction of the court.

**Q:** When does a commission get involved in the selection process?

**A:** The Judicial Nominating Commission reviews applications, interviews applicants, and recommends between three and six applicants to the Governor.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

**Q:** Please outline that information below:

**A:** N/A

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** N/A

Jari Askins Oklahoma

**System:** Mixed election and appointment. Non-partisan elections are the primary method for both appellate and trial courts, governor appoints for vacancies.

**Primary appointing body:** Governor

**Confirmation body:** None

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:** The Oklahoma Judicial Nominating Commission was established by State Question in 1968 following Supreme Court scandals. Since that time, the judicial appointments from JNC candidates have only resulted in removal of one judge for improper behavior ....(an appellate judge who resigned rather than face disciplinary sanctions). All trial judges are elected on non-partisan ballots. Appellate judges are appointed by the Governor from nominees submitted by the JNC. Appellate judges must appear on a retention ballot for a full six-year term. The JNC has been expanded in the past ten years to a total of 15 members, 9 lay members and 6 attorneys. The attorneys are elected by the lawyers residing within the boundaries of the old congressional districts. The governor appoints 6 non-lawyers who reside within those same former congressional districts. The Speaker of the Oklahoma House of Representatives and the President Pro Tem of the Oklahoma Senate each appoint 1 non-lawyer. The entire 14 then select 1 lay member-at-large. This statewide representation is helpful when considering candidates for vacancies in different parts of the state. The politics of judicial selection have been removed from the Oklahoma process; although there are efforts every year at the Legislature to return to partisan elections or add Senate confirmation.

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:** There has been discussion in the past (twenty years ago) of considering the Missouri Plan - and eliminate elections in the two metro counties (Oklahoma and Tulsa) - leaving all vacancies subject to the JNC and governor appointment. Elections in these counties are expensive (not compared to Texas) and contentious. The discussion and debate are worth having again.

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** Yes

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** Non partisan elections work. A Judicial Elections Committee consisting of 3 members appointed by the Oklahoma Bar Association, 3 lay members, and 3 judges appointed by the Chief Justice convene as 3-person panels to hear and decide election complaints based upon the Code of Judicial Conduct. More information upon request.

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** Yes

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** Yes

**Q:** Who selects the members of the commission and how are they selected?

**A:** See previous comments

**Q:** What are the qualifications to serve on your commission?

**A:** The Judicial Nominating Commission is limited to submitting a short list of recommendations to the governor for a position. They do not set or evaluate policy.

**Q:** Do you have requirements in your selection process to ensure the makeup of the commission reflects the diversity of your population? (Please outline them below)

**A:** Geographic

**Q:** When does a commission get involved in the selection process?

**A:** When notified of a vacancy, the JNC posts notice and receives applications from interested candidates.

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Would you recommend modifying your state's use of a commission? (For example: modifying the selection process for panel members, the requirements for composition of panel membership, the tenure of panel members, or whether panels should be used only at the appellate or trial level.)

**A:** Panel members appointed by the governor serve a 3-year term. They may succeed themselves ONE time only. =

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** No

**Q:** Please outline that information below:

**A:** Private business groups & PACs routinely send information in an effort to influence voter opinion toward appellate judges who appear on the retention ballot. In the past 8 eight years in response, a private non-profit formed to collect and distribute statistical data on individual justices and judges. No official information provided by the State.

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Jim Webb, Chairman Oklahoma Judicial Nominating Commission [jim.webb@chk.com](mailto:jim.webb@chk.com)

Rich Hobson (Alabama)

**System:** Election for both trial and appellate courts.

**Q:** Is the election of judicial officers held on the same day as partisan elections (i.e. presidential, governor, legislative, local etc)?

**A:** Yes

**Q:** Would you recommend modifying the timing of your state's election?

**A:** No

**Q:** Would you recommend modifying the qualifications for holding judicial office?

**A:** No

**Q:** Would you recommend modifying the term length of judges in your state?

**A:** No

**Q:** Would you recommend modifying the campaign finance system?

**A:** No

**Q:** Please add any other information that you think might be helpful in consideration of your state's method of trial court judicial selection.

**A:** In our experience, partisan elections place the politics involved in the open for all to see (transparency), whereas appointments and non-partisan elections hide the politics that are inevitably involved (not transparent).

**Q:** Does your state impanel commissions for any aspect of judicial selection? Including policy recommendations, rule setting, or evaluating policy?

**A:** No

**Q:** Does commission involvement apply to both trial and appellate judges?

**A:** No

**Q:** Do you believe that the use of commissions works well in recruiting and selecting the best candidates for judicial office?

**A:** No

**Q:** Does your state provide any information to voters regarding judicial candidates? (For example, indicating on the ballot that a candidate is an incumbent, allowing an incumbent to designate him or herself as "Judge Pat Jones", providing state-prepared information to voters about candidates, etc.)

**A:** Yes

**Q:** Please outline that information below:

**A:** incumbency is indicated

**Q:** Can you recommend to the Texas Commission on Judicial Selection any judges, legislators, practicing lawyers, or academics whom you feel have particular knowledge about judicial selection in your state or generally that might benefit the Commission in its study? If so, please indicate their name(s) and position below (contact information would be helpful if readily available).

**A:** Chief Justice Tom Parker, Alabama [tom.parker@alappeals.gov](mailto:tom.parker@alappeals.gov)

Karl R Hade (Virginia)

**Selection System:** Appointment

**Primary Appointing body:** Legislature

**Secondary Appointing body:** Governor can appoint when legislature is not in session, subject to legislative confirmation at earliest session.

**Q:** Do you believe that the appointment process works well in recruiting and selecting the best candidates for judicial office?

**A:** Yes

**Q:** Why?

**A:**

**Q:** Please indicate anything that you would change about your existing method of judicial selection that you believe might be helpful.

**A:**

**Q:** While your method of selection involves appointment, does your selection method also include a component of election (partisan, non-partisan, retention)?

**A:** As stated earlier, no system is perfect but at least this way the judge does not have to engage in fund raising and political campaigning. The courts committees of the Senate and House interview the candidates with deference given to the delegates and senators that represent the district the judge will preside in.

## Annex II: Suggested Points of Contact for Judicial Selection

Recommended Individuals to Contact	Contact Information
Former Colorado Supreme Court Justices	Not Listed
Charles Douglas, Chair of Selection Committee in New Hampshire	<a href="mailto:chuck@nhlawoffice.com">chuck@nhlawoffice.com</a>
William C. Koch, Former Tennessee Justice and Dean of the Nashville School of Law	<a href="mailto:bill.koch@nsl.law">bill.koch@nsl.law</a>
Susanne DiPietro, Executive Director of Alaska Judicial Council	<a href="mailto:sdipietro@ajc.state.ak.us">sdipietro@ajc.state.ak.us</a>
Sarah T. Dowling, Chairperson of the RI Judicial Nominating Commission	<a href="mailto:sarahtdowling@cox.net">sarahtdowling@cox.net</a>
Tim Eaton	<a href="mailto:teaton@taftlaw.com">teaton@taftlaw.com</a>
Scott Freeman, Nevada Judge and former Commissioner	<a href="mailto:scott.freeman@washoecourts.us">scott.freeman@washoecourts.us</a>
Drew Perkins, Wyoming State Senator	<a href="mailto:Drew.Perkins@wyoleg.gov">Drew.Perkins@wyoleg.gov</a>
Jim Webb, Chairman, Oklahoma Judicial Nominating Commission	<a href="mailto:jim.webb@chk.com">jim.webb@chk.com</a>
Chief Justice Tom Parker,	<a href="mailto:tom.parker@alappeals.gov">tom.parker@alappeals.gov</a>