

# SUMMARY OF JUDICIAL SELECTION METHODS IN THE STATES

## State High Courts:

For state high courts (called “supreme courts” in 48 of the 50 states), the breakdown of selection systems is as follows:

**Six (6) states have partisan elections** (AL, IL, LA, NC, PA, TX). All judges in both Illinois and Pennsylvania run in uncontested retention elections for additional terms after winning a first term through a contested partisan election.

**Fifteen (15) states have nonpartisan elections** (AR, GA, ID, KY, MI, MN, MS, MT, NV, ND, OH, OR, WA, WI, WV). Ohio and Michigan have nonpartisan general elections, but political parties are involved with the nomination of candidates, who frequently run with party endorsements.

**Seventeen (17) states utilize the Missouri Plan, i.e., gubernatorial appointment followed by uncontested retention election** (AK, AZ, CA, CO, FL, IN, IA, KS, MD, MO, NE, NM, OK, SD, TN, UT, WY): All judges in New Mexico are initially appointed from a commission list, face a contested partisan election for a full term, and then run in contested retention elections for additional terms.

**The remaining twelve (12) states utilize either gubernatorial or legislative appointment for a set term (set number of years or for life)** (CT, DE, HI, MA, ME, NH, NJ, NY, RI, SC, VA, VT). Other than those few states utilizing life terms, incumbent judges may seek reappointment at conclusion of initial term.

## Intermediate Appellate Courts:

Only 41 of the 50 states have intermediate appellate courts. The breakdown of selection systems for intermediate appellate courts is as follows:

**Six (6) states have partisan elections** (AL, IL, LA, NC, PA, TX). See note above on IL and PA.

**Twelve (12) states have nonpartisan elections** (AR, GA, ID, KY, MI, MN, MS, NV, OH, OR, WA, WI). See note above on Michigan and Ohio.

**Fifteen (15) states utilize the Missouri Plan, i.e., gubernatorial appointment followed by uncontested retention election** (AK, AZ, CA, CO, FL, IN, IA, KS, MO, MD, NE, NM, OK, TN, UT).

**Eight (8) states utilize either gubernatorial, legislative or judicial appointment for a set term (set number of years or for life)** (CT, HA, MS, ND, NJ, NY, SC, VA). Note that in North Dakota, appellate judges are appointed by state supreme court, while in New Jersey appellate judges are selected by state supreme court from trial judges appointed by governor.

**The remaining nine (9) states do not have intermediate appellate courts** (DE, ME, MT, NH, RI, SD, VT, WV, WY). Limited appellate courts were established fairly recently in North Dakota (1987) and Nevada (2014).

## Trial Courts:

The breakdown of selection systems for trial courts of general jurisdiction is as follows:

**Eight (8) states have partisan elections for all trial courts** (AL, IL, LA, NC, NY, PA, TN, TX). See note concerning New Mexico, below.

**Twenty (20) states have nonpartisan elections for all trial courts** (AR, CA, FL, GA, ID, KY, MD, MI, MN, MS, MT, NV, ND, OH, OK, OR, SD, WA, WI, WV).

**Seven (7) states utilize the Missouri Plan for all trial courts** (AK, CO, IA, NE, NM, UT, WY). All judges in New Mexico are initially appointed from a commission list, face a contested partisan election for a full term, and then run in contested retention elections for additional terms.

**Eleven (11) states utilize either gubernatorial or legislative appointment for a set term (set number of years or for life)** (CT, DE, HA, MA, ME, NH, NJ, RI, SC, VA, VT).

**Four (4) states use different models—partisan or nonpartisan elections or Missouri Plan—for trial courts in different counties or judicial districts** (AZ, IN, KS, MO).

Texans for Lawsuit Reform Foundation

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Source: BRENNAN CENTER FOR JUSTICE, *Judicial Selection: An Interactive Map*, available at <http://judicialselectionmap.brennancenter.org/?court=Supreme> (last visited March 6, 2019), NAT'L CTR. FOR ST. CTS., *Methods of Judicial Selection: Selection of Judges*, available at [http://www.judicialselection.us/judicial\\_selection/methods/selection\\_of\\_judges.cfm?state](http://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm?state) (last visited Feb. 28, 2019), and BALLOTPEdia, *Judicial Selection In The States*, available at [https://ballotpedia.org/Judicial\\_selection\\_in\\_the\\_states](https://ballotpedia.org/Judicial_selection_in_the_states) (last visited Mar. 11, 2019). In seeking to authoritatively set forth the judicial selection procedures applicable to more than 140 courts located in fifty states, these three websites occasionally provide conflicting data, either through human error or subsequent amendment of applicable law. Accordingly, the accuracy of this chart is necessarily subject to the accuracy of the underlying source data. Further, the term "Missouri Plan" used herein is a shorthand description for the judicial selection model of initial gubernatorial appointment, assisted in some fashion by a commission, followed by retention election. The term is not intended to mean the identical model used by Missouri, as there are many variances among the states.