

# Judicial Merit Selection: Current Status



© The American Judicature Society, 2009  
AJS Stock Number 294

American Judicature Society  
at Drake University  
2700 University Avenue  
Des Moines, Iowa 50311  
(515) 271-2281

# Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<b>Alabama</b>						
Baldwin County	1999	Circuit Court District Court	CA	Interim	1	5: 1L; 3N; 1J
Jefferson County <sup>1</sup>	1950	Circuit Court	CA	Interim	1	5: 2L; 2N; 1J
Lauderdale County	2008	Circuit Court District Court	CA	Interim	1	5: 2L; 3E
Madison County	1974, revised 1996	Circuit Court District Court	CA	Interim	1	9: 2L; 6N; 1J
Mobile County	1982	Circuit Court District Court	CA	Interim	1	5: 2L; 2N; 1J
Shelby County	2008	Circuit Court District Court	CA	Interim	1	5: 2L; 2N; 1J
Talladega County	1996	Circuit Court District Court	CA	Interim	1	5: 1L; 3N; 1J
Tuscaloosa County	1990, revised 2002	Circuit Court District Court	CA	Interim	1	9: 5L; 3NL; 1J
<b>Alaska</b>						
	1959	Supreme Court	C	Initial and Interim	1	7: 3L; 3N; 1J
	1959	Superior Court	C	Initial and Interim		
	1980, amended 1985	Court of Appeals	S	Initial and Interim		
	1959	District Courts and Magistrates	S	Initial and Interim		
<b>Arizona</b>						
	1974, amended 1992	Supreme Court Court of Appeals	C	Initial and Interim	1	16: 5L, 10NL, 1J
		Maricopa County Superior Court	C	Initial and Interim	1	
		Pima County Superior Court	C	Initial and Interim	1	
<b>Colorado</b>						
	1967	Supreme Court Court of Appeals District Court	C C	Initial and Interim Initial and Interim	1 22	14: 6L, 7NL, 1J 8: 1J; at least 4NL; no more than 3L <sup>2</sup>
		County Court Denver Juvenile Court Denver Probate Court	S	Initial and Interim		
<b>Connecticut</b>						
	1986	Supreme Court Appellate Court Superior Court	C	Initial and Interim	1	12: 6L, 6NL, 0J
<b>Delaware</b>						
	1977; revised 1978 , 1985, 2001, 2009	All Courts, including Magistrates	EO	Initial and Interim	1	11: 5L, 4NL, 2E
<b>D.C.</b>						
	1973, amended 1977, 1984, 1986, 1996	Court of Appeals Superior Court	HR	Initial and Interim	1	7: 2NL, 2L, 2E, 1J
<b>Florida</b>						
	1972; amended 1976, 1984, 1996, 1998	Supreme Court District Court of Appeal Circuit Court County Court	C C C	Initial and Interim Initial and Interim Interim	1 5 20	9: 6L, 3E, 0J
<b>Georgia</b>						
	1972 to present	Supreme Court Court of Appeals Superior Court State Court	EO	Interim	1	18

# Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<b>Hawaii</b>	1959, amended 1978, 1994	Supreme Court Intermediate Court of Appeals Circuit Court District Court <sup>3</sup>	C	Initial, Interim, and Retention	1	9: 4L, 5NL, 0J
<b>Idaho</b>	1967; amended 1985, 1990	Supreme Court Court of Appeals District Court	S	Interim Interim Interim	1	7:2L, 3NL, 2J
<b>Indiana</b>	1970	Supreme Court Court of Appeals	C	Initial and Interim	1	7: 1J, 3L, 3NL
	1985	Tax Court	S	Initial and Interim		
Allen County	1983	Superior Court	S	Interim	1	7: 3L, 3NL, 1J
Lake County	1973	Superior Court	S	Initial and Interim	1	9: 4L, 4NL, 1J <sup>4</sup>
St. Joseph County	1973	Superior Court	S	Initial and Interim	1	7: 3L, 3NL, 1J
<b>Iowa</b>	1962, 1963; amended 1976, 1983	Supreme Court	C	Initial and Interim	1	15: 7L, 7NL, 1J <sup>5</sup>
	1962, 1963; amended 1976, 1983	Court of Appeals	S	Initial and Interim		
	1962, 1963; amended 1976, 1983	District Court	C	Initial and Interim	14	11: 5L, 5NL, 1J <sup>5</sup>
	1983, amended 1986	District Associate Judges <sup>5</sup>	S	Initial and Interim	99	6: 2L, 3NL, 1J
	1983; amended 1989, 1990, 1998	Magistrate Judges <sup>5</sup>	S	Initial and Interim		
<b>Kansas</b>	1958 1975 1972	Supreme Court Court of Appeals District Court (optional)	C S C	Initial and Interim Initial and Interim Initial and Interim	1  17	9: 5L, 4NL, 0J  # of L's / NL's varies according to judicial district; <sup>7</sup> 1J
<b>Kentucky</b>	1976	Supreme Court Court of Appeals Circuit Court District Court	C  C	Interim  Interim	1  56	7: 2L, 4NL, 1J
<b>Maine<sup>8</sup></b>	2003	Supreme Judicial Court Superior Court		Initial and Interim	1	14L
<b>Maryland</b>	1970, revised 1974, 1979, 1982, 1987, 1988, 1991, 1995, 1999, 2003, 2007	Court of Appeals Court of Special Appeals District Court Circuit Court	EO  EO	Initial and Interim  Initial and Interim	1  16	17  9
<b>Massachusetts</b>	1970 to present	Appeals Court Trial Court	EO	Initial and Interim	1	21
<b>Minnesota</b>	1983, revised 1990, 1992	District Court Workers' Compensation Court of Appeals	S	Interim	1	13: up to 8L, at least 5NL, 0J <sup>9</sup>

# Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<b>Missouri</b>	1940, revised 1976	Supreme Court	C	Initial and Interim	1	7: 3L, 3NL, 1J
City of St. Louis	1940, revised 1976	Court of Appeals	C	Initial and Interim	1	5: 2L, 2NL, 1J
Greene County	2008	Circuit Judge	C	Initial and Interim	1	
Jackson County	1940, revised 1976	Associate Circuit Judge	C	Initial and Interim	1	
St. Louis County	1976	Circuit Judge	C	Initial and Interim	1	
Clay & Platte Counties	1976	Associate Circuit Judge	C	Initial and Interim	2	
<b>Montana</b>	1973, amended 1977, 1979, 1987, 1991, 1992	Supreme Court	C	Interim	1	7: 2L, 4NL, 1J
	1991	District Court	S	Initial and Interim		
	1987	Worker's Compensation Judge	S	Initial and Interim		
		Chief Water Judge	S	Initial and Interim		
<b>Nebraska</b>	1962, amended 1972	Supreme Court	C	Initial and Interim	7	9: 4L, 4NL, 1J
		Court of Appeals	S	Initial and Interim	6	
		District Court	C	Initial and Interim	12	
		County Court	S	Initial and Interim	4 <sup>10</sup>	
		Juvenile Court	S	Initial and Interim	3	
		Worker's Compensation Court	S	Initial and Interim	1	
<b>Nevada</b>	1976	Supreme Court	C	Interim	1	7:3L, 3NL, 1J
		District Court			1 <sup>11</sup>	9:4L, 4NL, 1J
<b>New Hampshire</b>	2000, 2005	Supreme Court	EO	Initial and Interim	1	11: 6L, 5NL
		Superior Court				
		District Court				
		Probate Court				
<b>New Jersey<sup>12</sup></b>	2006	Superior Court	EO	Initial and Interim	1	7
<b>New Mexico</b>	1988	Supreme Court	C	Initial and Interim	1	14: 8L, 3NL, 3J <sup>13</sup>
	1988	Court of Appeals	C	Initial and Interim	13	14: 8L, 3NL, 3J <sup>13</sup>
		District Court	C	Initial and Interim	1	14: 8L, 3NL, 3J <sup>13</sup>
		Metropolitan Court (Bernalillo County)				
<b>New York</b>	1977	Court of Appeals	C	Initial and Interim	1	12: 4L, 4NL, 4E, 0J
	1975 to present	Appellate Div. of the Supreme Court	EO	Initial and Interim	4	13
		Supreme Court		Interim		
		Court of Claims	EO	Initial and Interim	1	13
		County Court	EO	Interim	4	14
		Surrogate's Court				
New York City	1978 to present	Family Court	EO	Initial and Interim	1	19
		Criminal Court				
		Family Court				
		Civil Court		Interim		
<b>North Dakota</b>	1976; amended 1998	Supreme Court	C	Interim	1	6: 3L/J, 3NL
		District Court			1	9: 3L/J, 3NL, 3E <sup>14</sup>

# Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<b>Ohio<sup>15</sup></b>	2007	Supreme Court Court of Appeals Court of Common Pleas		Interim	1	11
<b>Oklahoma</b>	1967 1987, amended 1996 1980, amended 2001 1977	Supreme Court Court of Criminal Appeals Court of Civil Appeals District Court Workers' Compensation Court	C S S S	Initial and Interim Initial and Interim Interim Initial and Interim	1	13: 6L, 7NL, 0J
<b>Rhode Island</b>	1994	Supreme Court Superior Court Family Court District Court Worker's Compensation Court Administrative Adjudication Court	C	Initial and Interim	1	9: 4L, 4NL, 1E 0J
<b>South Dakota</b>	1980	Supreme Court Circuit Court	C	Initial and Interim Interim	1	7: 3L, 2NL, 2J
<b>Tennessee</b>	1971; amended 1974, 1986, 1994, 1999, 2001 1994	Supreme Court Court of Criminal Appeals Court of Appeals Trial Courts	S S	Initial and Interim Interim	1	17: At least 10L; at least 1N
<b>Utah</b>	1967, amended 1985, 1992, 1994	Supreme Court Court of Appeals District Court Juvenile Court	C C	Initial and Interim Initial and Interim	1 8	7: 2L, 3NL, 2E 7: 2L, 3NL, 2E
<b>Vermont</b>	1967; amended 1969, 1971, 1975, 1979, 1985	Supreme Court Superior Court District Court	C	Initial and Interim	1	11: 3L, 6NL, 2E
<b>Wisconsin<sup>16</sup></b>	2003	Supreme Court Court of Appeals Circuit Court	EO	Interim	1	9L
<b>Wyoming</b>	1973	Supreme Court District Court Circuit Court	C	Initial and Interim	1	7: 3L, 3NL, 1J <sup>17</sup>

C = Constitutional  
S = Statutory  
EO = Executive Order  
HR = Home Rule  
L = Lawyer  
NL = Non-lawyer  
E = Either Lawyer or Non-lawyer  
J = Judge

1. **Alabama (Jefferson County).** The Jefferson County Commission nominates candidates for vacancies in the Birmingham Division only.

2. **Colorado.** In judicial districts with populations greater than 35,000, there must be three lawyer and four non-lawyer members. In judicial districts with populations of 35,000 or less, there must be at least four non-lawyer members; a majority vote of the governor, the attorney general, and the chief justice determines how many of the remaining three members must be lawyers.

3. **Hawaii.** The chief justice makes appointments to the district courts.

4. **Indiana (Lake County).** Two lawyer and two non-lawyer members must be men; two lawyer and two non-lawyer members must be women; at least one lawyer and one non-lawyer member must be a minority.

## Table 1: Characteristics of merit selection plans: Scope of the plans

5. **Iowa.** The mandatory ratio of lawyers to non-lawyers is not specified; traditionally, the governor appoints only non-lawyers and the bar elects only lawyers. No more than a simple majority of members appointed by the governor may be of the same gender, and the bar must alternate between electing male and female members.

6. **Iowa.** District judges appoint district associate judges from lists of nominees recommended by the county magistrate appointing commission. The county magistrate appointing commission appoints magistrates.

7. **Kansas.** The number of commission members varies with the number of counties in each judicial district; however, there must be an equal number of lawyers and non-lawyers on each commission.

8. **Maine.** Governor Baldacci established the Judicial Selection Committee to “advise [him] about matters related to judicial appointments and recommend candidates to fill vacancies.” Members include a representative from the attorney general’s office and practicing attorneys.

9. **Minnesota.** There are nine commission members who serve “at-large” to fill any district court or workers’ compensation court of appeals vacancies. In addition, there are four commission members—two lawyers and two non-lawyers—appointed from the district in which the vacancy exists.

10. **Nebraska.** The district court judicial nominating commissions also nominate county court judges, except in Districts 1, 3, 4, and 10, in which there are separate county and district judicial nominating commissions.

11. **Nevada.** Nominations for district court vacancies are made by temporary commissions that are assembled as each vacancy occurs and exist only until nominations have been submitted to the governor. These temporary commissions consist of members of the permanent commission and one lawyer and one non-lawyer resident of the judicial district in which the vacancy occurs.

12. **New Jersey.** Governor Corzine’s Judicial Advisory Panel reviews the questionnaires completed by potential candidates for nomination to the Superior Court and provides the governor with confidential written evaluations.

13. **New Mexico.** The president of the state bar and the judges on the commission are authorized to make the minimum number of additional appointments of members of the state bar as is necessary for equal representation on the commission of the two largest political parties.

14. **North Dakota.** When a vacancy occurs on the district court, the governor, chief judge, and president of the state bar each appoint an additional temporary member, who may or may not be a lawyer, from the judicial district in which the vacancy occurs; these members serve until the vacancy is filled.

15. **Ohio.** Governor Strickland’s Judicial Appointments Recommendation Panel evaluates the qualifications of applicants for judicial vacancies and makes non-binding recommendations for appointment.

16. **Wisconsin.** Governor Doyle’s Advisory Council on Judicial Selection screens applicants for interim judicial vacancies and recommends qualified candidates. The governor is not bound by the council’s recommendations.

17. **Wyoming.** When a vacancy occurs on a district or circuit court, and that district or county is not represented on the commission, one lawyer and one non-lawyer from that district or county are appointed as temporary, nonvoting advisors to the commission.

## Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
<b>Alabama</b>					
Baldwin County	6 years	Judge serves ex officio	Baldwin County Bar Association	Baldwin County Commission/ Baldwin County Mayor's Association/Baldwin County legislative delegation	Presiding circuit judge serves
Jefferson County	6 years	No regular chair	Birmingham Bar Association	Jefferson County legislative delegation	Birmingham circuit court judges
Lauderdale County	6 years	Chief justice	Lauderdale County Bar Association	Lauderdale County Commission	N/A
Madison County	6 years	Judge serves ex officio	Madison County Bar Association	Madison County legislative delegation	Madison County circuit court judges
Mobile County	6 years	N/I	Mobile County Bar Association	Mobile County legislative delegation	Mobile County circuit court judges
Shelby County	6 years	Judge serves ex officio	Shelby County Bar Association	Shelby County legislators	Presiding circuit judge serves ex officio
Talladega County	4 years	Judge serves ex officio	Not appointed or elected	Talladega County legislative delegation	Presiding circuit judge serves ex officio
Tuscaloosa County	6 years	Commission members	Tuscaloosa County Bar Association	Tuscaloosa County legislative delegation	Presiding circuit judge serves ex officio
<b>Alaska</b>					
Supreme Court	6 years	Chief justice serves ex officio	State bar association	Governor/ State legislature	Chief justice serves ex officio
<b>Arizona</b>					
Supreme Court and Court of Appeals	4 years	Chief justice serves ex officio	State bar association/ Governor/ Senate	Governor/ Senate	Chief justice serves ex officio
Maricopa County Superior Court and Pima County Superior Court	4 years	Chief justice serves ex officio	State bar association/ Governor/ Senate	Nominating commission/ Governor/Senate <sup>1</sup>	Chief justice serves ex officio
<b>Colorado</b>					
Supreme Court and Court of Appeals	6 years	Chief justice serves ex officio	Governor/ Attorney general/ Chief justice	Governor	Chief justice serves ex officio
District Court, County Court, Juvenile Court of Denver and Probate Court of Denver County	6 years	Supreme court justice serves ex officio	Governor/ Attorney general/ Chief justice	Governor	Supreme court justice serves ex officio
<b>Connecticut</b>					
Supreme Court, Appellate Court and Superior Court	3 years	Commission members <sup>2</sup>	Governor	Legislative leaders	N/A
<b>Delaware</b>					
All Courts, including Magistrates	3 years	Governor	Governor/ State bar president	Governor	N/A
<b>D.C.</b>					
All Courts	6 years <sup>3</sup>	Commission members	President/ Mayor/ Board of governors of DC bar	President/ Mayor/ DC city council	Chief judge of the US District Court for DC
<b>Florida</b>					
Supreme Court, District Court of Appeal, Circuit Court, County Court	4 years	Commission members	Board of governors of Florida bar/ Governor <sup>4</sup>	Governor	N/A

## Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
<b>Georgia</b>					
Supreme Court, Court of Appeals, Superior Court, and State Court	At Governor's discretion	Governor	Governor	Governor	N/A
<b>Hawaii</b>					
Supreme Court, Intermediate Court of Appeals, Circuit Court and District Court	6 years	Commission members	State bar association/ Governor/ Senate president/ Speaker of the house/ Chief justice	Governor/ Chief justice/ Senate president/ Speaker of the house	N/A
<b>Idaho</b>					
Supreme Court, Court of Appeals and District Court	6 years	Chief justice serves	Board of commissioners of the state bar with senate consent	Governor with senate consent	State bar with senate consent/ Chief justice serves
<b>Indiana</b>					
Supreme Court, Court of Appeals and Tax Court	3 years	Chief justice serves ex officio	State bar members in each district	Governor	Chief justice serves ex officio
Allen County Superior Court	4 years	Chief justice serves ex officio (or designee on the court of appeals or supreme court)	Lawyers residing in Allen County	Governor	Chief justice serves ex officio (or designee on the court of appeals or supreme court)
Lake County Superior Court and County Court	4 years	Chief justice serves ex officio (or designee on the court of appeals or supreme court)	Lawyers residing in Lake County	County board of commissioners	Chief justice serves ex officio (or designee on the court of appeals or supreme court)
St Joseph County Superior Court	4 years	Chief justice serves ex officio	Lawyers residing or practicing law in St. Joseph County	Selection committee <sup>5</sup>	Chief justice serves ex officio
<b>Iowa</b>					
Supreme Court and Court of Appeals	6 years	Senior supreme court justice serves ex officio	Resident members of the bar from each congressional district	Governor with senate consent	Senior supreme court justice serves ex officio
District Court	6 years	Senior district court judge serves ex officio	Resident members of the bar of each judicial election district	Governor with senate consent	Senior district court judge serves ex officio
District Associate Judges and Magistrate Judges	6 years	N/I	Attorneys in the county	County board of supervisors	Chief judge of the judicial district serves ex officio
<b>Kansas</b>					
Supreme Court and Court of Appeals	4 years	Lawyers residing in and licensed in Kansas	Lawyers of each congressional district	Governor	N/A
District Court	4 years	Supreme court justice serves ex officio	Lawyers of the judicial district	Board of county commissioners	Supreme court justice serves ex officio
<b>Kentucky</b>					
Supreme Court and Court of Appeals	4 years	Chief justice serves ex officio	State bar	Governor	Chief justice serves ex officio
Circuit Court and District Court	4 years	Chief justice serves ex officio	Local members of the state bar	Governor	Chief justice serves ex officio

## Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
<b>Maryland</b>					
Court of Appeals and Court of Special Appeals	Coextensive with governor	Governor	State bar association/ Governor	Governor	N/A
District Court and Circuit Court	Coextensive with governor	Governor	State bar association/ Governor	Governor	N/A
<b>Massachusetts</b>					
Appeals Court and Trial Court	At governor's discretion	Governor	Governor	Governor	N/A
<b>Minnesota</b>					
District Court and Workers' Compensation Court of Appeals	At governor's discretion/ 4 years	Governor	Governor/ Supreme court justices	Governor/ Supreme court justices	Governor/ Supreme court justices
<b>Missouri</b>					
Supreme Court and Court of Appeals	6 years	Commission members	Lawyers residing in each court of appeals district	Governor	Supreme court justice serves ex officio
Circuit Courts	6 years	Commission members	Lawyers residing in the judicial circuit	Governor	Chief judge of court of appeals serves ex officio
<b>Montana</b>					
Supreme Court, District Court, Worker's Compensation Judge and Chief Water Judge	4 years	Commission members	Supreme court	Governor	District court judges
<b>Nebraska</b>					
Supreme Court, Court of Appeals, District Court, County Court, Juvenile Court, Worker's Compensation Court	4 years	Supreme court justice serves ex officio	Lawyers residing in judicial election districts	Governor	Supreme court justice serves ex officio
<b>Nevada</b>					
Supreme Court	4 years	Commission members	State bar	Governor	Chief justice serves ex officio
District Court	Until nominations given to governor	Commission members	State bar	Governor	Chief justice serves ex officio
<b>New Hampshire</b>					
Supreme Court, Superior Court, District Court, Probate Court	Up to 3 years	Governor	Governor	Governor	N/A

## Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
<b>New Mexico</b>					
Supreme Court & Court of Appeals	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals
District Court	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals/ Chief judge of the district court
Metropolitan Court	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals/Chief judge of the metropolitan court
<b>New York</b>					
Court of Appeals	4 years	Commission members	Governor/ Chief judge of court of appeals/ Legislative leaders	Governor/ Chief judge of court of appeals/ Legislative leaders	N/A
Appellate Division of the Supreme Court, Supreme Court	3 years	Governor	Governor/ Judicial and legislative leaders/ Attorney general/ State bar association	Governor/ Judicial and legislative leaders/ Attorney general/ State bar association	N/A
Court of Claims	3 years	Governor	Governor/ Chairs of departmental committees serve ex officio <sup>6</sup>	Governor/ Chairs of departmental committees serve ex officio <sup>6</sup>	N/A
County Court, Surrogate's Court, and Family Court (outside of NYC)	3 years	Chair of departmental screening committee serves ex officio <sup>6</sup>	County executive	County executive	N/A
New York City Criminal Court, Family Court, and Civil Court	2 years	Mayor	Mayor/ Presiding judges/ Law school deans	Mayor/ Presiding judges/ Law school deans	N/A
<b>North Dakota</b>					
Supreme Court and District Court	3 years	Governor	Governor/ Chief judge/ State bar president	Governor/ Chief judge/ State bar president	Governor/ Chief judge/ State bar president
<b>Oklahoma</b>					
Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, District Court, Workers' Compensation Court	6 years	Commission members	Lawyers from each congressional district	Governor/ Commission members	N/A
<b>Rhode Island</b>					
Supreme Court, Superior Court, Family Court, District Court, Worker's Compensation Court, Administrative Adjudication Court	4 years	Governor	Governor/ Legislative leadership <sup>7</sup>	Governor/ Legislative leadership <sup>7</sup>	N/A

## Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
<b>South Dakota</b> Supreme Court and Circuit Court	4 years	Commission members	State bar president	Governor	Judicial conference
<b>Tennessee</b> Supreme Court, Court of Criminal Appeals, Court of Appeals, Trial Courts	6 years	Commission members	Speaker of the house/ Speaker of the senate	Speaker of the house/ Speaker of the senate	N/A
<b>Utah</b> Supreme Court and Court of Appeals District Court and Juvenile Court	4 years 4 years	Governor Governor	Governor Governor	Governor Governor	Supreme court chief justice serves ex officio Supreme court chief justice serves ex officio
<b>Vermont</b> Supreme Court, Superior Court and District Court	2 years	Commission members	Vermont lawyers/ Legislature	Governor/ Legislature	N/A
<b>Wyoming</b> Supreme Court, District Court and Circuit Court	4 years	Chief justice serves ex-officio	State bar	Governor	N/A

1. **Arizona.** Maricopa and Pima Counties are each divided into five supervisory districts. Each district has a seven member nominating committee for the purpose of recommending prospective non-lawyer members of the superior court nominating commission to the senate.

2. **Connecticut.** The commission members elect the chair from among the six lawyer members appointed by the governor.

3. **D.C.** All members serve six year terms, except the member appointed by the president, who serves a five year term.

4. **Florida.** The board of governors of the Florida bar submits three recommended nominees for each position. The governor may reject all of the nominees and request a new list of nominees.

5. **Indiana (St. Joseph County).** The non-lawyer members are appointed by a selection committee consisting of the judges of the St. Joseph circuit court, the president of the board of St. Joseph County commissioners, and the mayors in each of the two most populous cities in St. Joseph County.

6. **New York.** The departmental screening committees identify nominees for the supreme court.

7. **Rhode Island.** The governor appoints three lawyers and one non-lawyer of his or her choice. The governor also appoints five additional commission members, one from each of the following lists: a list of at least three lawyers submitted by the speaker of the house; a list of at least three lawyers and/or non-lawyers submitted by the senate majority leader; a list of four non-lawyers submitted jointly by the speaker and the senate majority leader; a list of at least three non-lawyers submitted by the minority leader of the house; and a list of at least three non-lawyers submitted by the minority leader of the senate.

### Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
<b>Alabama</b>							
Baldwin County	30	3	Alpha	No	Yes	No	Yes
Jefferson County	N/I	3	Alpha	No	Yes	No	Yes
Lauderdale County	30	3	N/I	N/I	Yes	No	Yes
Madison County	N/I	3	N/I	N/I	Yes	No	Yes
Mobile County	N/I	3	N/I	N/I	Yes	No	N/I
Shelby County	N/I	3	N/I	N/I	Yes	No	N/I
Talladega County	N/I	3	N/I	N/I	Yes	No	N/I
Tuscaloosa County	45	3	N/I	No	Yes <sup>1</sup>	No	Yes
<b>Alaska</b>	90 <sup>2</sup>	2 or more	Alpha	Applicant questionnaires, Voting record, Bar survey, Letters of recommendation	Yes	No	Yes
<b>Arizona</b>	60	3 or more	Alpha	Commission file	Yes	No	Yes
<b>Colorado</b>							
Appellate Courts	30	3	Alpha	Applicant questionnaire	Yes	No	Yes
Trial Courts	30	2-3	Varies by judicial district <sup>3</sup>	Varies by judicial district <sup>3</sup>	Yes	No	Yes <sup>4</sup>
<b>Connecticut</b>	N/I	N/I	N/I	N/I	Yes	Yes <sup>5</sup>	N/I
<b>Delaware</b>	60	3	Alpha	None	Yes <sup>6</sup>	Yes	No
<b>D.C.</b>	60	3	N/I	N/I	Yes (President)	Yes	Yes
<b>Florida</b>							
Supreme Court	30	3-6	Alpha	Investigative file	Yes	No	Yes
District Court of Appeal	30	3	Alpha	Investigative file	Yes	No	Yes
Trial Courts	30	3 or more	Alpha	Investigative file	Yes	No	Yes
<b>Georgia</b>	N/I	5 at most	N/I	N/I	No	No	N/I
<b>Hawaii</b>	N/I	4-6	Alpha	Applicant questionnaire	Yes	Yes	No
<b>Idaho</b>	N/I	2-4	N/I	N/I	Yes	No	Yes
<b>Indiana</b>							
Appellate Courts and Tax Court	70	3	N/I	Nominee evaluations	Yes	No	Yes
Allen County	60	3	N/I	Nominee evaluations	Yes	No	Yes
Lake County	60	3	N/I	Nominee evaluations	Yes	No	Yes
St Joseph County	60	5	N/I	Nominee evaluations	Yes	No	Yes
<b>Iowa</b>							
Supreme Court	60	3	Alpha	Applicant questionnaire	Yes	No	Yes
Court of Appeals	60	3	Alpha	Applicant questionnaire	Yes	No	Yes
District Court	60	2	Alpha	N/I	Yes	No	Yes <sup>7</sup>
District Associate Judges	15-30	3	N/I	N/I	Yes <sup>8</sup>	No	N/I
Magistrate Judges	15-30	1	N/I	N/I	N/A <sup>8</sup>	No	N/I

### Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
<b>Kansas</b>							
Appellate Courts	60	3	N/I	N/I	Yes	No	N/I
District Court	30	2-3	N/I	N/I	Yes	No	N/I
<b>Kentucky</b>							
	N/I	3	Alpha	N/I	Yes	No	Yes
<b>Maryland</b>							
Appellate Courts	85	at least 3	Alpha	N/I	Yes <sup>9</sup>	Yes	Yes
Trial Courts	85	at least 3	Alpha	N/I	Yes <sup>9</sup>	No	Yes
<b>Massachusetts</b>							
	N/I	3-6	Alpha	N/I	No <sup>10</sup>	No <sup>11</sup>	No
<b>Minnesota</b>							
	60	3-5	N/I	N/I	No	No	Yes
<b>Missouri</b>							
	N/I	3	N/I	N/I	Yes	No	Yes
<b>Montana</b>							
	90	3-5	N/I	Entire applicant file, Commission voting record and recommendations	Yes	Yes	Yes
<b>Nebraska</b>							
	90	3 or more	Alpha	Applicant questionnaire, Investigative file	Yes	No	Yes
<b>Nevada</b>							
	N/I	3	Alpha	Entire file	Yes	No	Yes
<b>New Hampshire</b>							
	N/I	N/I	N/I	N/I	Yes <sup>12</sup>	No <sup>13</sup>	
<b>New Mexico</b>							
	30	2 or more	Alpha	N/I	Yes <sup>14</sup>	No	Yes
<b>New York</b>							
Court of Appeals	120 <sup>15</sup>	3-7	N/I	Entire file, including: commission recommendations, applicant financial statements	Yes	Yes	Yes
Appellate Division of the Supreme Court and Supreme Court; Trial Courts (outside New York City)	N/I	N/I	N/I	Written evaluation, Entire file	Yes	Yes	No
New York City	90	3	N/I	Information re: qualifications	Yes (Mayor)	No	No
<b>North Dakota</b>							
	60	2-7	Alpha	N/I	No	No	Yes
<b>Oklahoma</b>							
	N/I	3	Random	Applicant questionnaire, Writing sample, Investigative file	Yes	No	Yes
<b>Rhode Island</b>							
	90	3-5	Alpha	Entire file	Yes	Yes	Yes

## Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
<b>South Dakota</b>	N/I	2 or more	Alpha	Investigative file	Yes	No	N/I
<b>Tennessee</b>	60	2-3 <sup>16</sup>	N/I	N/I	Yes <sup>17</sup>	No	Yes
<b>Utah</b>							
Appellate Courts	45	5-7	Alpha	Investigative file, Applicant questionnaire	Yes	Yes	Yes
Trial Courts	45	3-5	Alpha	Investigative file, Applicant questionnaire	Yes	Yes	Yes
<b>Vermont</b>	N/I	Open	Alpha	Applicant questionnaire	Yes	Yes	No
<b>Wyoming</b>	60	3	Alpha	Entire file	Yes	No	N/I

1. **Alabama (Tuscaloosa County).** If the governor does not select from the list within 60 days, the commission is required to submit a new list.

2. **Alaska.** Time may be extended by the judicial council with the concurrence of the supreme court.

3. **Colorado.** Each of Colorado's twenty-two district judicial nominating commissions has developed its own rules of procedure.

4. **Colorado.** The judicial nominating commissions of two districts do not indicate whether nominees' names are made public.

5. **Connecticut.** The governor selects a nominee from the commission's list, sends the name to the general assembly, and the general assembly makes the appointment.

6. **Delaware.** The governor may refuse to appoint from the first list and may require the commission to submit one supplementary list.

7. **Iowa.** According to Iowa's sample procedures for district judicial nominating commissions, the names of nominees are announced in a press release. However, these sample procedures have not been formally adopted by all of Iowa's 14 judicial districts.

8. **Iowa.** District judges appoint district associate judges from lists of nominees recommended by the county magistrate appointing commission. The county magistrate appointing commission appoints magistrates.

9. **Maryland.** The governor may also fill the vacancy by selecting a person from any list submitted by the appropriate commission for a vacancy on the same court, provided the previous list was submitted within two years of the current vacancy and information on the nominee is updated.

10. **Massachusetts.** The governor may decline to nominate any applicant and seek further recommendations from the commission.

11. **Massachusetts.** Appointment requires advice and consent of the governor's council.

12. **New Hampshire.** The governor may request that the commission engage in a further search for qualified applicants.

13. **New Hampshire.** The governor's nominees must be confirmed by the executive council.

14. **New Mexico.** The governor may make one request to the commission for additional names, and the commission shall comply if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment.

15. **New York.** For unexpected vacancies, the commission has 120 days to submit a list of nominees. For vacancies that occur through expiration of terms on December 31, the commission has a fixed deadline of December 1, except for terms that expire during non-election years when the deadline is October 15.

16. **Tennessee.** For trial courts, if the vacancy exists in one of the five smallest judicial districts, the commission may submit 2 names to the governor.

17. **Tennessee.** For appellate court vacancies, the governor may require the commission to submit a panel of 3 additional nominees.

## Table 4: Rules of confidentiality

State/Court	Identity of applicants	Records	Interviews	External communications to commissioners	Deliberations	Voting	Communications with appointing authority
<b>Alabama</b>							
Baldwin County	No	Yes	Yes	Yes	Yes	Yes	Yes
Lauderdale County							
Jefferson County	No	Yes	Yes	Yes	Yes	Yes	Yes
Madison County							
Mobile County							
Shelby County							
Tuscaloosa County	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Alaska</b>							
	No	No	Yes <sup>1</sup>	Yes	Yes	No	Yes
<b>Arizona</b>							
	No	Yes	No	Yes	No <sup>2</sup>	No	
<b>Colorado<sup>3</sup></b>							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Connecticut</b>							
	Yes	Yes	Yes	Yes	Yes		Yes
<b>Delaware</b>							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>D.C.</b>							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Florida</b>							
	No	No	No	No	Yes	Yes	Yes <sup>4</sup>
<b>Georgia</b>							
<b>Hawaii</b>							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Idaho</b>							
	No	Yes	No	Yes	Yes	Yes	Yes
<b>Indiana</b>							
Appellate Courts and Tax Court	No	No	No	No	Yes		No
Allen County	No						
Lake County	No	No	No	No	No	No	No
St Joseph County	No						No
<b>Iowa</b>							
Supreme Court and Court of Appeals	No	Yes	Yes	Yes	Yes	Yes	Yes
District Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
District Associate and Magistrate Judges							
<b>Kansas</b>							
<b>Kentucky</b>							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Maryland</b>							
	No	Yes	Yes		Yes	Yes	
<b>Massachusetts</b>							
	Yes	Yes	Yes		Yes	Yes	Yes
<b>Minnesota</b>							
<b>Missouri</b>							
	Yes <sup>5</sup>	Yes	Yes	Yes <sup>6</sup>	Yes	Yes	Yes
<b>Montana<sup>7</sup></b>							
	No	No	No	No	No	Yes	No
<b>Nebraska</b>							
	No	No	Yes	No	Yes		

Yes = Data/procedure confidential  
 No = Data/procedure not confidential  
 no entry = Not indicated in commission rules

## Table 4: Rules of confidentiality

State/Court	Identity of applicants	Records	Interviews	External communications to commissioners	Deliberations	Voting	Communications with appointing authority
<b>Nevada</b>	No	No <sup>8</sup>	No <sup>9</sup>	Yes	No <sup>9</sup>	No <sup>9</sup>	No
<b>New Hampshire</b>	Yes	Yes			Yes		
<b>New Mexico</b>	No		No	No	Yes	No	
<b>New York</b>							
Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Appellate Division of the Supreme Court and Supreme Court; Trial Courts (outside New York City)	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>10</sup>
New York City	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>North Dakota</b>	No	No			No	No	
<b>Oklahoma</b>	No	Yes	Yes	Yes	Yes	Yes	No
<b>Rhode Island</b>	No		No	No	Yes	No	
<b>South Dakota</b>	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Tennessee</b>	No	No	No	No <sup>11</sup>	No	Yes	Yes
<b>Utah</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Vermont</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Wyoming</b>							

Yes = Data/procedure confidential

No = Data/procedure not confidential

no entry = Not indicated in commission rules

1. **Alaska.** Applicant interviews are conducted in executive session unless the applicant requests an interview in public session.
2. **Arizona.** Deliberations may be held in executive session upon a two-thirds vote of commission members.
3. **Colorado.** The rules for two of Colorado's district judicial nominating commissions do not contain complete information on rules of confidentiality.
4. **Florida.** Communications between the governor and the judicial nominating commission for the district court of appeal are not confidential.
5. **Missouri.** The commission releases the names of the applicants it selects to interview.
6. **Missouri.** All communications between a commission member and a non-commission member must be summarized in writing and provided to all other commission members.
7. **Montana.** All meetings, proceedings of the commission, and documents shall be open to the public except when a majority of the commission votes that the demand of individual privacy exceeds the merits of public disclosure.
8. **Nevada.** Information that is ordinarily sensitive and confidential and that proves to be of little or no relevance to a candidate's qualifications is confidential.
9. **Nevada.** The commission may meet in executive session with the approval of a majority of members if it is deemed necessary or appropriate because of the sensitive nature of the matters or information to be discussed.
10. **New York.** The report relating to the governor's appointee is made publicly available upon announcement of the appointment.
11. **Tennessee.** After one public meeting where any member of the public may suggest possible nominees or express approval or disapproval of proposed nominees, the commission may hold such additional public or private meetings as it deems necessary.

## Table 5: Nominating commission procedures

State	Disqualification provision	Ethics provisions	Oath of office	Political activity prohibition	External recruitment provision	Provision for diversity	Rule against discrimination	Judicial performance evaluation available to commission
<i>Alabama</i>				X <sup>1</sup>	X <sup>2</sup>			
<i>Alaska</i>	X		X		X			X
<i>Arizona</i>	X				X	Applicants Commissioners		X
<i>Colorado</i>			X <sup>3</sup>		X <sup>4</sup>		X	
<i>Connecticut</i>				X				X
<i>Delaware</i>	X				X		X	
<i>D.C.</i>								X
<i>Florida</i>	X	X			X			
<i>Georgia</i>		X				Commissioners		
<i>Hawaii</i>	X	X		X	X		X	X
<i>Idaho</i>			X					
<i>Indiana</i>	X <sup>5</sup>			X	X <sup>5</sup>	Applicants Commissioners <sup>6</sup>		
<i>Iowa</i>	X <sup>7</sup>				X <sup>8</sup>	Applicants <sup>8</sup>	X <sup>9</sup>	
<i>Kansas</i>			X	X <sup>10</sup>	X			
<i>Kentucky</i>				X	X			
<i>Maryland</i>	X			X	X	Applicants		
<i>Massachusetts</i>	X	X		X		Commissioners		
<i>Minnesota</i>					X	Applicants		
<i>Missouri</i>	X		X	X	X	Applicants		
<i>Montana</i>								
<i>Nebraska</i>	X		X		X		X	
<i>Nevada</i>	X				X		X	
<i>New Hampshire</i>	X							
<i>New Mexico</i>	X		X		X			
<i>New York</i> New York City				X	X X		X <sup>11</sup>	
<i>North Dakota</i>					X			
<i>Oklahoma</i>	X	X	X	X	X		X	

## Table 5: Nominating commission procedures

State	Disqualification provision	Ethics provisions	Oath of office	Political activity prohibition	External recruitment provision	Provision for diversity	Rule against discrimination	Judicial performance evaluation available to commission
<i>Rhode Island</i>	X	X	X		X	Applicants Commissioners		
<i>South Dakota</i>	X	X			X			
<i>Tennessee</i>				X		Commissioners		
<i>Utah</i>	X				X	Applicants	X	X
<i>Vermont</i>	X				X		X	
<i>Wyoming</i>				X	X			

1. **Alabama.** Lauderdale, Shelby, and Tuscaloosa Counties prohibit commission members from holding elective offices or official positions within political parties.

2. **Alabama.** Unlike other jurisdictions with external recruitment provisions that allow or encourage recruitment, Baldwin, Jefferson, and Tuscaloosa Counties forbid commission members from soliciting applicants.

3. **Colorado.** The rules of the nominating commission for the 11th judicial district require commission members to take an oath of secrecy.

4. **Colorado.** There is no external recruitment provision for the supreme court nominating commission, but a majority of the district nominating commissions have such provisions.

5. **Indiana.** The Indiana judicial nominating commission has a disqualification provision and an external recruitment provision.

6. **Indiana.** The nominating commission for Lake County has diversity provisions regarding both commission members and applicants.

7. **Iowa.** A disqualification provision is included in Iowa's sample procedures for district judicial nominating commissions. Although many judicial districts have not yet formally adopted these procedures, most districts utilize them as general guidelines.

8. **Iowa.** The internal rules of the state judicial nominating commission include an external recruitment provision and a diversity provision, as do the sample procedures for district judicial nominating commissions.

9. **Iowa.** The magistrate appointing commission handbook contains rules against discrimination in the nomination of candidates as district associate and magistrate judges.

10. **Kansas.** The Kansas constitution contains a prohibition on political activity for members of the supreme court nominating commission.

11. **New York.** Rules for the appellate division of the supreme court and the trial courts include a rule against discrimination.