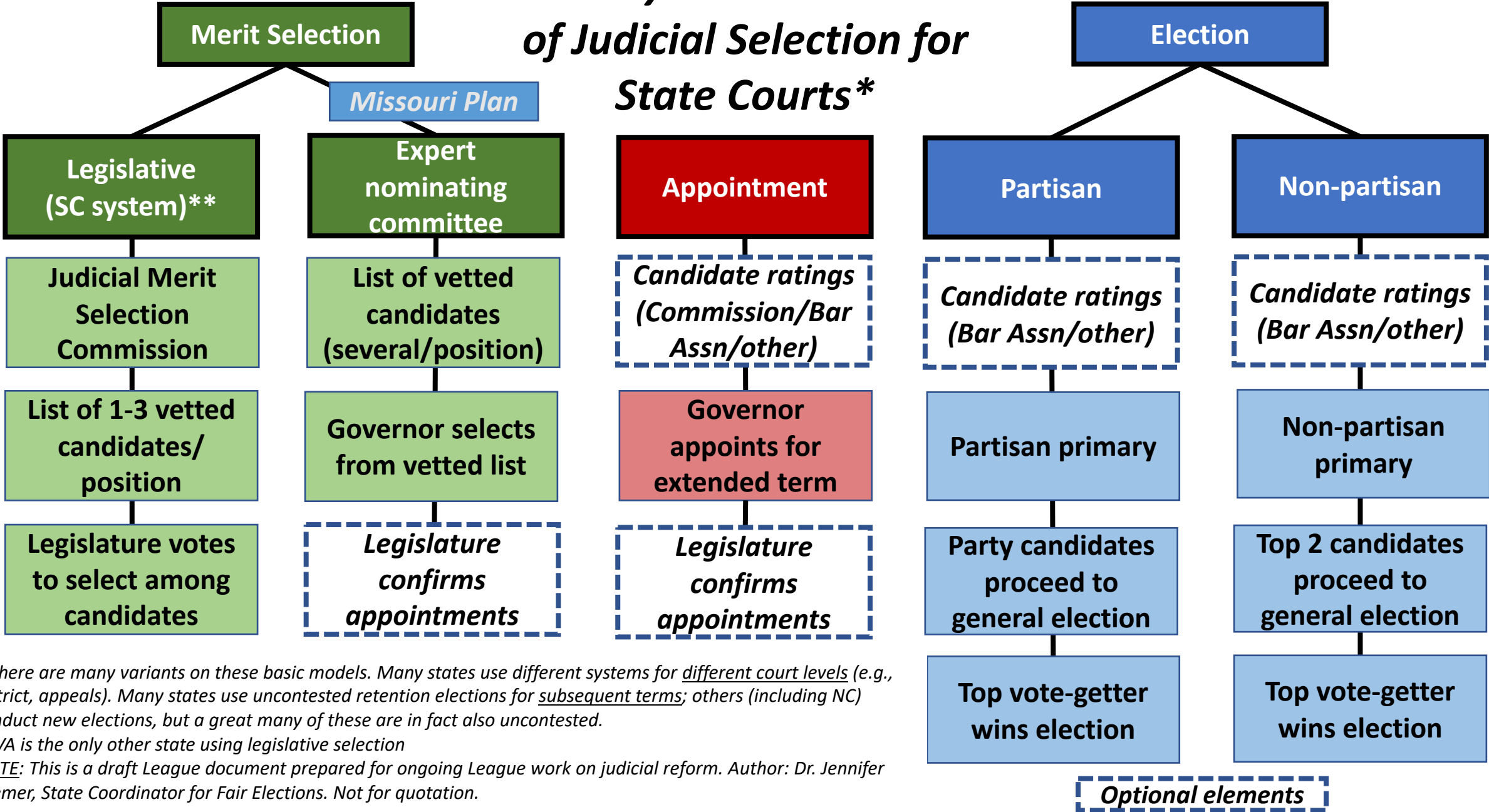


Widely-Used Methods of Judicial Selection for State Courts*



* There are many variants on these basic models. Many states use different systems for different court levels (e.g., district, appeals). Many states use uncontested retention elections for subsequent terms; others (including NC) conduct new elections, but a great many of these are in fact also uncontested.

**VA is the only other state using legislative selection

NOTE: This is a draft League document prepared for ongoing League work on judicial reform. Author: Dr. Jennifer Bremer, State Coordinator for Fair Elections. Not for quotation.

Pros and cons of the current system (popular election) and the most likely alternative (legislative appointment)

Popular election

Pros

- Judges, who can change public policy, are accountable to the public.
- Elected judges are less likely to be beholden to the governor or legislature than are judges who are appointed by political leadership.

Cons

- Elections, even nonpartisan ones, can add a political dimension to the judicial branch.
- Interest groups and lawyers who may appear before a judge can contribute to a judge's campaign.
- Interest group influence erodes public perception of judicial impartiality, integrity and independence.
- Low level of public knowledge and interest in judicial elections could mean that elected judges really aren't accountable to the public.

Legislative or gubernatorial appointment

Pros

- Government officials may have more information about potential judges.
- Government officials may know more about the judicial branch than the average citizen does.
- Appointed judges may be less likely to submit to public opinion or special interests rather than focusing on the law.

Cons

- System gives a great deal of power to the governor or legislature that appoints judges.
- Appointers may focus on political considerations rather than solely on a potential judge's qualifications.
- Appointed judges may become or be perceived as political cronies.
- Appointed judges may be more reluctant than elected judges to overturn legislation and executive orders.