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STATE JUDICIAL SYSTEMS

Material Prepared for the
Subcommittee on Judicial Powers and Administration
of the
State Constitution Committee
Hawaii Statehood Commission

February, 1948
Legislative Reference Bureau
University of Hawaii

STATE OF HAWAII

JAN 31 2018

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STATE JUDICIAL SYSTEMS¹

The most striking single feature of our state judicial systems is their lack of uniformity. The states show little agreement on what they consider to be the most satisfactory judicial arrangement. Courts are known by different appellations in the several states, their jurisdictions differ, and the conditions under which the judges are chosen, paid, and retired vary. Perhaps this has little significance other than emphasizing the penchant of Americans for political experimentation.

Classification of Courts and Terms of Judges

The names of the courts and the length of terms for the judges who sit in each of them are set forth in Appendix A. In order to permit comparison, the names shown in the column headings are those used in a majority of the states. The fact that a given court is not listed in one of the states does not, of course, mean that no court has jurisdiction over the kind of cases indicated. For example, the states listed in the probate column have a separate court for this work, whereas in other states the administration of estates is handled by other courts. In addition to the courts shown in Appendix A, practically all of the states have justice courts, city or municipal courts, or other courts of inferior jurisdiction. With the exception of the justices of the peace, the names of these courts are even more varied than are those of the general trial courts.

¹This report consists in good part of a condensation with some rephrasing of the article on "Judicial Systems and Legal Procedures" appearing on pages 439-449 of The Book of the States, 1945-46, Volume VI, modified as indicated in the notes to the Appendices.

In² colonial times and under the original thirteen state constitutions, the judges enjoyed life tenure during good behavior. However, the second quarter of the 19th Century witnessed in most states a great shortening of the length of the judicial term. At present, the terms of judges vary among the states from two years in one state (Vermont) to indefinite tenure on good behavior in three states (Massachusetts, New Hampshire and Rhode Island; New Hampshire requiring retirement at the age of seventy, and Rhode Island having life tenure in only the highest courts). The new constitution of New Jersey combines both the definite and indefinite term: justices of the Supreme Court and judges of the Superior Court hold their offices for initial terms of seven years, and upon reappointment continue to hold their offices on good behavior until retirement at the age of seventy.

The terms also vary within each jurisdiction, according to the court. It is customary to provide the judges in the upper courts with longer terms. For example, in New York State the judges of the Supreme Court and justices of the Court of Appeals serve fourteen years while the county judges (except within New York City) serve six years. Pennsylvania's Supreme Court judges have twenty-one year terms and all other judges ten years.

The movement for increased tenure for judges still meets with disapproval in many quarters. The arguments advanced for a short judicial term emphasize that it is a more democratic system; it makes the judge more responsible to the will of the people; it makes the judge more conscious of his responsibilities and prevents a tendency to grow lax in the discharge of his

²This and following 4 paragraphs based upon Seufert, Evelyn M., The Courts of New Jersey--Part VI. Problems of Judicial Selection and Tenure, The Governor's Committee on Preparatory Research For the New Jersey Constitutional Convention; May 1947, pp. 17-21.

duties; and it provides machinery for periodic check-ups by the people on their judges and the elimination of men who have shown themselves to be unfit for the bench.

On the other hand, advocates sparking the movement for longer terms argue that security of tenure is necessary in order to attract competent men to the bench and to give incumbents that independence which will insure fair and impartial performance of judicial duties. Coupled with a method of selection designed to weed out corrupt or incompetent individuals, they advocate service during good behavior, that is, judicial tenure subject to termination on the grounds of disability, incompetence, neglect of duty or moral unfitness.

Long tenure for judges may tend toward judicial stagnation, due to lack of incentive. There is no custom in many jurisdictions which raises a judicial incumbent, automatically, upon the creation of a vacancy in higher court. Judges are picked from the group of practicing lawyers to sit in the higher courts as frequently as they are chosen from the bench. The solution which has been offered to this problem is to establish a system of promotions, reserving the highest positions for men already on the bench. In this regard, the report of the Committee on the Judiciary of the House of Delegates of the American Bar Association is pertinent--all but one of the members present at the committee meeting believed that "any limitation of appointments to the (U.S.) Supreme Court, in whole or in part, to judges serving in other Courts, would be most unfortunate" and cited the historical fact that a majority of the Chief Justices of the Supreme Court never served in any other court.^{3a}

^{3a}"Appointments to the Bench: Association Seeks High Standards of Qualifications." American Bar Association Journal; Vol. 32, No. 12; December 1946, p.a823. The Committee was continued and the subject matter of its report referred back for further study.a

Highest Courts of Appeal

The importance of the courts of last resort warrants considering them apart from other tribunals. As Appendix B indicates, three-fourths of the states have supreme courts of either five or seven justices, and almost half of the states favor the latter size. Only four states prefer three-man courts and, at the other extreme, the supreme courts of only three states have nine members, the largest courts now found except for New Jersey. The New Jersey Court of Errors and Appeals, a mammoth among appellate bodies, consisting of sixteen members, will be replaced on September 15, 1948, by the new seven-man court created by the New Jersey constitution recently adopted. With the demise of the New Jersey Court of Errors and Appeals the unique practice of including laymen into the composition of the highest appellate body will also cease. These six judges, called "lay judges," have some times been lawyers of distinction, but in many instances have in fact been laymen.⁴

The size of the supreme court is generally fixed by the constitution of the state, and consequently cannot be increased, regardless of the amount of work the court may have to handle. To meet this problem, in a few states special commissioners may be appointed to assist the court if it falls behind in its work. This was a rather popular device at one time but apparently as courts have been able to keep abreast of their dockets it has fallen into disuse.⁵

⁴English, Nicholas Conover, "State Courts: New Jersey Reorganizes Its Judicial System," American Bar Association Journal; Vol. 34, No. 1; January 1948, p. 12.

⁵In March 1945, only 3 states (Kentucky, Missouri, and South Dakota)^a were making use of such commissions. The Book of the States, 1945-46, Vol. VI, p. 442.

In the great majority of the states the supreme court represents the entire state, rather than a district or a section, and judges are selected at large. In the few states which provide for sectional representation one judge is usually elected by the voters of each district. Other arrangements to secure a similar result are used in a few states; for example, Texas and Montana require each justice to be chosen from a different division of the state, although all the voters of the entire state participate in the election of each judge. Louisiana and Nebraska choose the associate justices by districts, but elect the chief justice from the state at large.

The requirement that the supreme court hold terms in more than one place is another concession to sectionalism. No state requires its court to hold terms in more than three places. There appears to be little relation between the size of the state and the fact that the court must sit in more than one place. Some large states, like Texas and Montana, require their supreme courts to sit only at the capital; in the much smaller states of Vermont and Idaho the courts hold terms in two cities. Instead of constitutional or statutory provision governing, Rhode Island and Vermont give the courts themselves discretion in determining where the sessions are to be held, and Maine vests this power in the chief justice.

A number of states authorize their supreme courts to sit in two or more divisions to enable them to handle a larger volume of business. The constitutions or statutes which allow this arrangement permit each division to hear ordinary kinds of appeals, reserving certain classes of cases to be heard by the entire court. Although over a third of the states make provision for this plan, it is actually used in very few of them.

A recently suggested appellate court reorganization for Tennessee would have enlarged the membership of the supreme court, so that it would consist

of not less than nine and not more than fourteen judges, and contemplated that the court would sit in divisions for a good part of its work.⁶ However, the failure of the Constitution Revision Commission of Tennessee to adopt this suggestion is in accord with the present trend toward smaller supreme courts, sitting only en banc.

Judicial Councils⁷

The critical need for the more efficient administration of justice in the judicial systems of the states has led progressively in recent years to the employment of the judicial council, a body whose function it has been to conduct systematized studies for the improvement of unsatisfactory conditions in the courts, especially congestion, delays and miscarriages of justice. The recommendations are not usually binding, but are subject to acceptance by the legislature or the courts, depending upon the nature of the proposal and the extent to which the legislature has vested the courts with rule-making discretion.⁸ The judicial council is not an ad hoc commission but a continuing body. It reports to the legislature, the governor, or the courts--bi-annually, annually, biennially--in accord with the statutory or constitutional

⁶Wicker, William H., "The Reorganization of Appellate Courts in Tennessee," Constitutional Revision, Vol. 1. The University of Tennessee Record, Extension Series Vol. XXIII, No. 1; April 1947, p. 69. The Constitution Revision Commission of Tennessee did not accept this suggestion--see Report of Constitution Revision Commission State of Tennessee (1946).

⁷This portion of the report consists in good part of extracts from the following: Constitutional Problems No. 6: The Judicial Council, Central Research Staff, Louisiana Constitutional Revision Project; March 1947. Seufert, Evelyn M., The Judicial Council, The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention; May 1947.

⁸In a few states, however, of which California is an example, there is some control over the court system.

provisions under which it is created.

The first state to establish a judicial council was Ohio, in 1923. Massachusetts soon followed with a similar statute in 1924. By 1947, thirty-five states⁹ in the Union had created judicial councils. The majority of these states created the councils by statute, but in several of the jurisdictions the councils were authorized by state bar association resolutions or by supreme court rules. In Arkansas a voluntary judicial council has been operating since 1941, composed of 49 members of the supreme court, the circuit court, and the chancery court. Illinois has a unique statute which provides that "any county over 500,000 in population may establish a Judicial Council by resolution of the County Board." This council receives no compensation for its services, but its expenses are paid by the county board. So far, only Cook County has established such a council. California is the only state which authorizes a judicial council by constitutional provision.

The size of the judicial councils range from a membership of five in Vermont to fifty-two in Kentucky, with the average membership ranging from nine to twelve. In composition they include judges, lawyers, legislators and laymen, exclusively, or in combinations. While a few states have only judges serving on the council, and in a few other states only practicing lawyers are allowed to serve, the majority of the states provide for a combination of judges and practicing lawyers, or judges, practicing lawyers and legislators. In states where there are state universities, the judicial council membership includes a member of the state law school faculty. The Chief Justice is frequently made the Chairman of the Council.

⁹See Appendix C. In three of these states the councils were inactive in 1945, and Virginia was in the process of reorganizing its council.

Comparatively few states include laymen in the judicial council, although they are becoming more and more recognized as valuable members. A few years ago the president of the American Bar Association declared:

"I asked an informed individual which kind of group gets the best results. His answer was, 'Those councils which have laymen on them. Where either lawyers or judges serve alone they seem to lack energy for sustained attack. Where judges and lawyers serve together each group seems to have a diffidence about imposing its views upon the other, which stultifies action. Where, however, laymen are included, their presence seems to act as an 'ice-breaker' and to stir activity among the professional members of the council. Laymen's criticisms are sharper.'"¹⁰

With respect to the detailed functions of the judicial council and its effectiveness there is wide variance throughout the states, dependent chiefly upon the available funds and the composition of the membership. Some councils deal with a single topic, some with as many as fifty-two.

A listing of the functions of the ordinary judicial council can be best illustrated by quoting the pertinent section in the Georgia statute of 1945 which created its judicial council, one of the most recent in the country:

"1. To make continuous study of the organization of the courts; the rules and method of procedure and the practice of the judicial system of the State; of the work accomplished, the results attained and the uniformity of the discretionary power of the courts, to the end that procedure may be simplified, business expedited, and justice better administered.

2. To receive and consider suggestions from judges, public officers, members of the bar, and citizens, touching remedies for faults in the administration of justice.

3. To formulate methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice.

4. To gather judicial statistics from the several judges and other court officials of the State.

¹⁰Morris, George M., "The Judicial Councils of the States," American Bar Association Journal; Vol. 29, No. 7; July 1943, p. 366.

5.e To study and make suggestions regarding admission to the bar, the conduct of attorneys admitted to practice and disbarment, and to file such suggestions and the recommendations thereon, with the Supreme Court and the Governor.

6.e To make a complete detailed report, on or before December 1 of each year, to the Governor and to the Supreme Court of all of its proceedings, suggestions, and recommendations, and such supplemental reports from time to time as the Council may deem advisable. All such reports shall be considered public reports and may be given to the press of this State, as soon as filed.

7.e To make investigations and reports upon such matters, touching the administration of justice as may be referred to the Council by the Supreme Court or the General Assembly.

8.e To make a careful and thorough study of the cost of the courts and of the administering of justice in the State, and to gather statistics and data thereon, and report the same from time to time to the General Assembly, with their recommendations for effecting economies and reducing the cost of the State and counties and to litigants in the several courts of the State."¹¹

The Judicial Council of California is empowered to adopt rules of practice and procedure not inconsistent with laws in force (Cal. Const.; Art. VI, Sec. 1a). The Model State Constitution proposes a judicial council which, in addition to the usual research and advisory functions, would exercise administrative as well as quasi-legislative powers. Thus, it would "make or alter the rules relating to pleading, practice, or procedure . . . and prescribe generally by rules the duties and jurisdiction of masters and magistrates; . . . make rules and regulations respecting the duties and the business of the clerk . . . and his subordinates and all ministerial officers . . ." of the unified court, subject to legislative veto or amendment with regard to rules respecting pleading, practice, or procedure.¹² In addition, the legislature would be permitted to delegate to the judicial council the power to

¹¹Georgia Laws, 1945. Part I, Title II, No. 171; p. 155 at pp. 156-7.e

¹²Model State Constitution, Fourth Edition, Partial Revision, 1946; Art. VI, Sec. 607.

determine by general rules the jurisdiction of the various departments of the unified court, other than the one serving as the supreme department.¹³

Authority to alter the judicial districts subject to legislative foreclosure of the exercise of the power,¹⁴ and to establish and charge fees to be collected subject to general regulations established by the legislature,¹⁵ would also be granted. Finally, the judicial council would be the nominating body for appointments to fill vacancies in the court, the chief justice being required to select one of the three names submitted to him by the council.¹⁶ No comparable grant of powers to judicial councils appears to have been made or contemplated by existing statutes or constitutions.

The concensus of opinion is that judicial councils as now constituted have proven their worth. Their research has served a utilitarian function, and has been the basis of curative legislation in a number of states. The California Judicial Council is credited with having secured the passage of some sixty statutes leading to judicial reforms within an eleven-year period; Massachusetts has fifty such statutes to its credit. The improvement of the administration of justice through the adoption of rules embodying the recommendations of the judicial council is another way in which it has demonstrated its value. Although little unanimity is found in the size and constitution of the judicial council, all evaluations of it as an institution are unanimous in its praise.

¹³Ibid. Art. VI, Sec. 601.

¹⁴Ibid. Art. VI, Sec. 604.

¹⁵Ibid. Art. VI, Sec. 610.

¹⁶Ibid. Art. VI, Sec. 602.

Level of Government Bearing Expense of Judicial System

In a study prepared by the Legislative Reference Bureau in 1944,^{17e} the practices of fifteen representative states in assigning the cost of the judicial system were surveyed. Appendices D and E, reproduced from that study, demonstrate how judges' salaries and court expenses are met.^{18e}

The data on appellate courts appear to warrant the generalization that salaries of judges of appellate courts are paid by the state. The Ohio Court of Appeals is an exception to the generalization, since the salaries of its judges are jointly paid by the state and counties. In New York the counties supplement the salaries of supreme court justices, and in Oregon the counties supplement the salaries of circuit court judges. In both cases, however, these courts are not predominantly courts of appellate jurisdiction.

No similar unanimity was found with regard to salaries of judges of courts of original jurisdiction.¹⁹ The fifteen states surveyed may be classified into four groups:

a.e All salaries paid by state - 3 states.e

b.e Portion of salary paid by state, and portion by county - 7 states.e

c. Salaries of judges of some courts, but not all courts, paid by state - 4 states.

d.e All salaries paid by county - 1 state.e

A number of different types of arrangement exist in regard to payment

¹⁷Practice of Selected States in the Assumption of Costs of Salary and Expenses for Circuit Courts. Legislative Reference Bureau, Territory of Hawaii, 1944.

¹⁸Information as to personal expenses of judges was not included except where it tended to indicate the policy of payment of court expenses by state or county.

¹⁹Justices of the Peace courts were not surveyed.e

of court expenses, other than the salary of judges. For example, an appellate court may have the courtroom provided by the county, including incidentals, attaches paid by the state, and traveling expenses paid by a county in which the judge is holding court when out of the county of his residence. Obviously, the allotment of expenses was determined by conditions peculiar to the state.

It appears to be the most common practice for expenses of appellate courts to be paid by the states, and for expenses of courts of original jurisdiction to be paid by the county. The courts of original jurisdiction in Connecticut and Massachusetts are exceptions to this generalization.

The Model State Constitution,²⁰ in conformity with its proposal of a unified court, recommends that the salaries of all judges and court officials provided for under the constitution should be paid from the state treasury. However, the legislature is authorized to apportion the expense of maintenance of the unified court among the counties.

²⁰Op. cit. Art VI, Sec. 609.

Judges.

Selection of Judges:²¹

Independence of the judiciary is a fundamental principle of our American court systems. How to achieve that independence is a problem still unsolved. All agree the first step is to find the right method of selecting judges which will insure a bench free from the influence and control of party politics, individuals or pressure groups.

The variety of selection methods used in the states, the variety of methods used even within a single state, reflect historical changes with vestiges of some of the older forms remaining, as well as evidencing embryonic attempts toward establishing newer forms. They also indicate that the search for the "right" system still continues. Commencing early in our national life with appointive judges, the democratic surge in the 19th Century brought about in most states a change in the method of selection of judges from appointment to election. Now, a movement toward synthesizing both methods, so as to combine features of the appointive and elective methods, is making its appearance and may soon have to be counted as one of the basic methods utilized for selecting judges. Meanwhile, minor trends, tending to correct abuses inherent in one or other of the two major methods, are encountered in the various states.

²¹This portion of report based upon: Seufert, Evelyn M., The Courtist of New Jersey -- Part VI. Problems of Judicial Selection and Tenure, The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention; May 1947, pp. 1 - 13; Constitutional Problems No. 16: The Judiciary--Selection of Judges, Central Research Staff, Louisiana Constitutional Revision Project; April 1947.

The great majority of the states²² nominate and elect their judges by popular vote, and in most of these states elections take place on partisan ballots. The movement for nomination and election by non-partisan ballots continues to grow with the trend strongest in the West and in the North of the United States. However, even the states which choose judges on a partisan ballot usually permit an independent or non-partisan candidate to run, if he has the required number of signatures on his petition.

Another method of selecting judges frequently encountered is appointment by the governor.²³ In addition to the few states which give the chief executive power to choose most of the judges, one-fourth of the states authorize him to appoint judges of county courts, courts of claims, juvenile courts, or similar courts of inferior jurisdiction. Variations of this appointive method provide for nomination by the governor with confirmation by majority vote of the senate,²⁴ and appointment by the governor with confirmation by his council.

Some judges are chosen by other judges in at least two states. In New York, the judges of the appellate terms in New York City are chosen by the judges of the appellate divisions of the supreme court. In Indiana, magistrate court judges are appointed by the judge of the circuit court.

Five states permit the legislature to appoint members of the bench.

²²See Appendix F. For an excellent summary on the selection of judges in all states see Haynes, Evan, Selection and Tenure of Judges; chapter II, "Present State of Affairs"; 1944, pp. 27-50. See also "Judicial Selection Roundup," Journal of the American Judicature Society; Vol. 31, No. 4; December 1947, p. 112.

²³See Note 22.

²⁴The new New Jersey Constitution will require seven days' public notice by the Governor before the nomination is sent to the senate for confirmation. Art. VI, Sect. VI, Par. 1.

Reference to Appendix F indicates that all of these states are along the Atlantic sea-board. In Connecticut, one of these states, the judges must be nominated by the governor before they can be considered by the law-makers.

In addition to these more significant types of judicial selection, a number of other methods of selecting inferior court judges are used by the various states. In some cases the city council chooses municipal judges, in others they are selected by the mayor, and in some of the states the selectmen choose the town justices.

Within the past decade a new method of choosing judges has been vigorously advocated by those interested in legal reform. As a result, both California and Missouri have adopted a procedure for judicial selection which aims to combine features of both the appointive and elective methods. In both states, this method developed from an elective system of selecting judges. In 1946^{25e} the adoption of this plan was considered in Oklahoma, Utah and Washington. During the same period, the bar studied the plan in Michigan and Pennsylvania and the Texas Civil Judicial Council recommended the plan in its overall constitutional revision.

The California plan approaches the problem of judicial selection by vesting initial power of appointment in the governor. However, the appointment is subject to confirmation by a commission on qualifications consisting of the chief justice, the attorney general, and the presiding justices of one of the district courts of appeal (the constitution designates different presiding justices in various circumstances).²⁶ In view of the constitutione

²⁵Saxe, Leonard S., "Administration of Justice-The Courts and Law Reform" in the 1946 Annual Survey of American Law; 1947, pp. 1253-54.

²⁶See Appendix G.e

of the commission, critics point out that a majority may be appointees of the governor, and there is a good chance that the third member will be of the same political faith.²⁷ Upon the expiration of the twelve year term, the incumbent runs on his record unopposed, with the electorate voting merely on whether the incumbent shall or shall not be returned for a subsequent term. If the incumbent judge does not file a declaration of candidacy to succeed himself, the governor nominates a candidate, subject to confirmation by the commission. If the person running for office fails to receive a majority of "yes" votes, the governor fills the vacancy, subject to confirmation by the commission, and the vacancy appointee holds until the next general election when his appointment must be similarly reconfirmed by a majority of "yes" votes.

Missouri's "non-partisan court plan" was adopted by constitutional amendment in 1940.²⁸ It differs from the California system in that the nominating power is vested in a non-partisan judicial commission. This commission takes the initial step of presenting a list of three names to the governor and the governor is limited in making his appointment to a choice of one of the three candidates nominated. After the person so appointed has served a probationary period of at least twelve months, he is voted upon by the people, running on his record and without opposition. If the vote is favorable, the incumbent then serves a full term thereafter. Otherwise, the California and Missouri systems are alike: the incumbent judge filing a declaration of candidacy to succeed himself at the end of his full

²⁷See McWilliams, Robert, "Selecting Our Judiciary", Journal of the State Bar of California; Vol. XXII, No. 5; Sept.-Oct. 1947, p. 412.

²⁸This is now incorporated in the Constitution adopted in 1945. See Appendix H.

term, an unopposed election, and the voters determining whether or not he shall be returned to office for another full term.

The Missouri plan provides for two kinds of selection or nominating commissions called "Judicial Commissions." The Appellate Judicial Commission selects nominees for all appellate courts. It is composed of three lawyers who are elected, one from each of the three Court of Appeals districts, by a mail vote of the lawyers residing in that district; three laymen, similarly designated geographically, appointed by the governor; and the chief justice of the Supreme Court, an office which is rotated among the seven judges of the Supreme Court by their own balloting. The Circuit Judicial Commissions for the two Circuit Courts have five members each, and are composed of two lawyer members elected by the bar of the circuit, two lay members appointed by the governor, and the presiding judge of the Court of Appeals in which the circuit is located. The members have six-year, staggered terms, other than the respective chairmen, and since the governor is limited to a single term of four years, no one governor can effectively control any commission through his appointments.^{29r}

Both the California and the Missouri plans have received endorsement and high recommendation from national, state, and local bar associations throughout the country and from civic organizations and legal publications on a nation-wide scale. However, a tendency to criticize the California system because of the opportunity it offers for the governor to control the confirmation commission is now apparent, and the adoption of the Missouri plan has been seriously considered in California.^{30r}

²⁹Douglas, James M., "Judicial Selection and Tenure: 'Missouri Plan' Works Well in Actual Results", American Bar Association Journal; Vol. 33, No. 12; December 1947, p. 1169.

³⁰See article cited in Note 27.

The Model State Constitution³¹ suggests the popular election of the chief justice for a term of eight years. The chief justice would appoint the remaining judges of the various departments of the proposed unified court from an eligible list presented by the judicial council containing three names for each vacancy. After four years of his twelve year term, the qualified voters of the state or of the judicial district in which each judge is serving would decide at the next regular election whether the judge should be retained or removed from office. If a majority of votes cast are in favor of retaining the incumbent, he would continue in office until the end of his term; if a majority of votes cast are against retaining him, the chief justice will appoint his successor for a full term, subject to the same recall vote after completing one-third of the term. The judicial council proposed by the Model State Constitution would be composed of the chief justice and three other judges, three practicing attorneys appointed by the governor from eligible lists presented by the bar association, three laymen citizens appointed by the governor, and the chairman of the judiciary committee of the legislature.³²

Plans which do not bring the element of popular election into play have been proposed for Illinois and Washington. In the latter, the incorporated bar of the state sponsored a provision to place the appointment of judges in a commission composed of the governor of the state, seven members of the Board of Governors of the Bar Association and three laymen chosen by the governor. The proposal for the reorganization of the Illinois

³¹Model State Constitution. Fourth Edition, Partial Revision, 1946; Art. VI, Sec. 602.

³²Ibid. Art. VI, Sec. 606.

judiciary would have granted to the governor the power to appoint the chief justice of the Supreme Court for a term co-extensive with his own; the chief justice thereafter would appoint all of the judges for life, upon the advice of a judicial council representing the bench, the bar, and the public.

There is a tendency among persons of liberal temperament to consider the institution of popular election of judges as a safeguard against unduly conservative or even reactionary decisions. Haynes,³³ through an analysis of court decisions, suggests that such persons are wrong. Nevertheless, one continues to detect this fear of the liberal through the insistence on the inclusion of some type of popular ratification in the plans proposed to reform methods for selection of the judiciary.

Consideration of the current proposals for the selection of judges has revealed that a plan which would combine the best features of all would probably be one such as follows: Appointment by the governor from a list of eligible lawyers selected by a commission consisting of representatives of the various courts, the legislature, the bar, labor and commercial groups; appointments to vacancies in the courts above the trial courts possibly restricted to those judges who have had a certain minimum of experience in the trial courts, with all appointments to be announced thirty days before going into effect and subject to withdrawal during that period by the governor; appointments to be for a definite term, at the end of which time the judge would be a candidate for election without opposition, the question on the ballot being whether or not he should continue in office. Possibly more controversial features would be: the nominating commission to be or-

³³Haynes, Evans, Selection and Tenure of Judges; chapter VII, "Are Elected Judges More Liberal," 1944, pp. 184-216.

ganized on a permanent basis with definite terms for its members (unpaid, but with a salaried staff), and responsible for the efficient operation of the courts; this commission to have full power to investigate the conduct of any judge and, after investigation, to bring charges of misconduct or of incapacity to conduct the affairs of his office against him directly in the supreme court.³⁴

Qualifications of Judges:

Once the method of selecting a judge has been determined, the next question is, what should his qualifications be? In Appendix I, the most common qualifications required of judges are summarized in tabular form. United States citizenship is a prerequisite for some or all judges in twenty-seven states. Several states specify only state citizenship, and several others indicate only that judges must be qualified voters of the state. Judges of supreme courts must have been residents of the state for five years in eleven states; Missouri was formerly included in this group, but the new constitution has in effect established a ten year residence requirement (nine years as a qualified voter, and one year's residence is required to become a voter). Other, and shorter, residence requirements are found in a scattering of states. New York specifies that the judge must be a resident of the state, but does not indicate the number of years. Residence requirements for judges of other courts is the same as for supreme court judges in most of the states which have such requirements; in the few states which do not conform to this pattern, a shorter span of years of residence

³⁴This plan, based upon an analysis of suggested methods for selecting the judiciary, was proposed by Sanders, Paul H., "Appointment of Judges - An Analysis of Current Proposals," American Bar Association Journal; Vol. 22, No. 2; February 1936, p. 131, at p. 136.

is allowed.

Over two-thirds of the states set a minimum age for judges of their supreme courts. The age of thirty-five is found in Kentucky, Louisiana, and Tennessee; twenty states fix a minimum age of thirty; the balance of the states are divided in preference between twenty-six years (South Carolina), twenty-five years (4 states), and twenty-one years (6 states). As is the case with residence requirements, the minimum age is usually the same for judges of other courts, but in the few states where this is not true, the age for members of courts other than the supreme court is lower than the minimum set for supreme court justices.

All but nine states require that a judge be "learned in the law." Twenty five states establish the qualification of actual legal experience or admittance to the bar. That a judge be of "good character" is required in four states, and North Carolina specifies that he "believe in God."

Several plans to pass upon the judicial character of a candidate and to continue to pass upon his fitness once he has qualified have been recommended by the American Bar Association. One, a non-political veto council on judicial character and fitness, was advocated by Judge Finch of New York. This council, consisting of laymen, leaders in the various activities of the state and community, would have the power to veto any nomination or appointment to judicial office on the ground of the candidate's lack of fitness and character. This plan, it is argued, would take the election or appointment to judicial office out of politics. Another proposal provides that an official commission on qualifications should "keep book" on the judges, compiling statistical information showing the number of cases tried, the number of reversals, and the capacity, diligence and devotion to duty of each judge. This commission would determine at least thirty days before the end of the

term whether the judge should be retained, and a recommendation from this committee would be binding upon the governor.³⁵

Salaries of Judges:

The need of a salary adequate to attract the best qualified persons to the bench is well recognized. However, the great range in salaries encountered indicates that the fixing of judicial salaries may be influenced by other factors than merely establishing salaries commensurate with services rendered. With the salary of the judges of the highest court determined, the salaries of the judges of the lower courts are usually pegged at convenient levels, generally corresponding to relative rank in the judicial hierarchy.

As of 1945, the salaries³⁶ of supreme court judges ranged from \$5,000 in Kentucky to \$23,000 in New York. In New York, the top salary for the Court of Appeals, the highest court of the state, was \$29,500. In all but fourteen states, the chief justice of the supreme court and the associate justices receive the same salary; in these fourteen states the chief justice received from \$400 to \$1,000 more. With few exceptions, salaries of judges of other courts in the states were lower. Notable exceptions were the salaries of superior court judges in Connecticut, Illinois, New Hampshire, and Rhode Island, which were the same as those prescribed for supreme court judges.

In a number of states, the salaries of district and other inferior court judges are determined on the basis of the population in the area they

³⁵Referred to in Seufert, Evelyn M., op. cit., p. 15.

³⁶The amounts stated are taken from Appendix J. The information contained in this appendix is probably now outdated as many salaries have probably been increased since the preparation of the 1945 study. Except for constitutional changes in Arkansas, Georgia, New Jersey, and Utah, it was not possible at this time to incorporate these recent changes.

serve, or on the basis of some arbitrary classification of counties, district or area. Payment through retention of fees is occasionally encountered.

The incorporation into the constitution of specific judicial salaries appears counter-indicated in the light of price-level fluctuations such as we are now experiencing. The difficulty of constitutional amendment generally results in delaying the adoption of the rectifying change until long after the need has become manifest -- this is entirely apart from the wisdom of having to go frequently to the electorate to amend the fundamental law in a relatively minor detail. However, the failure to incorporate judicial salaries into the constitution permits the legislature to reflect popular disapproval of a decision by reducing the salaries of the judges rendering it. Should salaries not be fixed by constitutional mandate, to safeguard the independence of the judiciary the incorporation of a prohibition against reducing the salaries of incumbent judges appears indicated. Such a provision is found, for example, in the United States Constitution (Art. III, Sec. 1).

Judicial Retirement and Removal:

The question of retirement for judges presents a triple problem: there is, first, the question of whether a judge is to be forced to resign because he has reached a stated age; then, the question of the right age for retirement; and finally, the question of compensation after retirement. The protection of the public against judges mentally or physically incapacitated to perform their duties must be balanced against the reluctance of the judge to relinquish his post, especially when he believes himself mentally and physically capable of continued service. To the extent provision is made for judicial retirement, the public, in good conscience, can persuade the judge

to retire, and the judge, on his part, is less reluctant to avail himself of a right which carries with it no stigma and assures him some measure of financial security.

Slightly over half the states make some constitutional or statutory provision for the retirement of judges.³⁷ Provision for retirement is much more common among the older, the wealthier, and the more populous states.³⁸ Wide variations exist as to the judges covered, the amount of the retirement allowance, the minimum retirement age, the minimum length of service before retirement, and the requirements for judicial contribution to the retirement fund.

There are two primary types of pension: superannuation pensions, so called, and disability pensions. The former are generally based upon a double requirement of age and length of service, and compensation is normally paid for the remainder of the retired judge's life. With respect to retirement for disability, the statutes generally provide for retirement, regardless of age or length of service, if a judge becomes unable to perform his duties. In some states, disabled judges are retired with compensation only if a service requirement is satisfied; in others, the disabled judge receives full pay for the remainder of his life.³⁹

Only Connecticut, Louisiana, New Hampshire, New Jersey and New York by constitutional provision fix a compulsory retirement age for judges. In Louisiana a judge may retire at seventy or seventy-five, depending on the

³⁷See Appendix K. The provisions shown apply principally to judges of supreme courts and courts of appeal.

³⁸Haynes, Evans, op. cit., p. 219.

³⁹Ibid. pp. 219, 220.

pension he receives and length of service, but he must retire at age eighty. Maine, by statute, grants a pension at seventy, and in effect requires retirement at that age by considering the judge to have waived his pension rights if he does not retire within two years. New Hampshire's constitution requires retirement at age seventy with no pension being provided.

Retirement ages vary from sixty-five to eighty, with the majority setting the limit at seventy. With the exception of the states having compulsory retirement ages previously referred to, these ages represent the minimum age at which the judge may retire. The period a judge must serve prior to being eligible for retirement with compensation varies from ten to twenty-four years. In some states the amount of retirement compensation is determined by the length of service, in others by the salary of the last court in which the judge served, and in still others, by an arbitrary statutory sum. Less than one-third of the states require the judges to contribute to a retirement fund.⁴⁰

The methods of removal of a judge in the various states are less satisfactory than the methods of retirement. The removal process may consist of impeachment, recall, concurrent resolution of the legislature, executive action, or judicial action.⁴¹ It would appear that impeachment, although provided for in all constitutions but two, is relatively an ineffective method. "Leaving aside the dangers of possible abuse, impeachment is not an adequate remedy for the removal of unfit judges, both because of its cumbersomeness and because of the narrow grounds of removal which are

⁴⁰Kansas Legislative Council, Judicial Reapportionment and Salaries and Retirement of Judges; Publication No. 27; June 1944, p. 17.

⁴¹See The Council of State Governments, State Court Systems; September 1940, pp. 25-32.

usually specified in the impeachment clauses of our constitution."⁴²

The question of whether judges should be subject to recall, as other elected officials, is basically part of the more fundamental question of whether judges should be elected. Four of the twelve states which have made provision for recall of elective officers have specifically excluded judges (Idaho, Louisiana, Michigan, and Washington). The gravity of the dispute over recall of judicial officers is well illustrated by President Taft's veto of the joint resolution for admission of Arizona into the Union in 1911 because of the provision in the Arizona Constitution which provided for recall of the judges.⁴³ Nevertheless, Arizona amended her constitution to include recall of judges after she was admitted as a state (Art. VIII, 1, Sec. 1).

Twenty-eight of the states provide a method of removal of judges by concurrent resolution of the legislature or "joint address."⁴⁴ This form of removal is generally restricted in some manner. Usually a two-thirds vote of the legislature is required, and the person to be removed is entitled to a hearing. Most of the constitutions specify that the judge, or other officer, may be removed "for reasonable cause," "for good cause," "for cause," etc. This power to remove by address is wider than the power of impeachment; however, like impeachment, it has tended to become a quasi-judicial proceeding.⁴⁵

⁴²Shartel, Burke, "Retirement and Removal of Judges," Journal of the American Judicature Society; Vol. 20, No. 4; December 1936, p. 133, at p. 146.

⁴³See Seufert, Evelyn M., op. cit., p. 24.

⁴⁴Ibid, p. 25.

⁴⁵Shartel, Burke, op. cit., pp. 146, 147.

Removal by executive action is rarely encountered due to the fear of subjecting the judiciary to executive influence. Executive power of removing judges of higher tribunals is almost non-existent in the United States. In a few states (California, Florida, and New York) the governor is required to take the initiative in recommending removal of certain intermediate judges by the legislature. In Massachusetts the governor has power to retire judicial officers because of age or disability, with the consent of the council and after due notice and hearing. Removal by executive action is more frequently encountered with regard to judges of inferior courts, such as justices of the peace and county judges. This result is reached through the legislature, by statute, delegating the function to the governor under constitutional provisions conferring upon the legislature the power to provide by law for the removal of certain, inferior officers.⁴⁶ An example of the executive power of removal is furnished in the Territory, for all supreme court justices under the Hawaii Organic Act (Sec. 82) "may be removed by the President."

Removal by judicial action is the last of the five methods referred to. A few states (Alabama, Louisiana, Oregon, and Texas) have incorporated into their constitutions this method for removal of judges in the upper courts. An equal number of states (California, Idaho, New York, and Oklahoma) have adopted it by statute for inferior courts.⁴⁷

New York has just amended its constitution to create a "court on the judiciary" to try cases of removal or compulsory retirement of judges of the court of appeals, justices of the supreme court, judges of the court of

⁴⁶Ibid., pp. 142, 144.

⁴⁷Seufert, Evelyn M., op. cit., pp. 26, 27, 33.

claims, general sessions, county judges and surrogates. Removal will be for cause, and retirement for mental or physical disability. Charges against a judicial officer may be filed by the governor, by the presiding justice of an appellate division, by a majority of the judicial council, or by a majority of the executive committee of the New York Bar Association. This court on the judiciary will be composed of the chief judge and the senior associate judge of the court of appeals, and one justice of the appellate division in each of the four judicial departments. The affirmative concurrence of not less than four of the six members of the court is required for the removal or retirement of a judicial officer.⁴⁸

The Model State Constitution proposes adoption of two of the methods of removal of judges previously discussed. The legislature, upon notice and opportunity for defense, may remove any judge upon the concurrence of two-thirds of all members of the legislature. Judges of the inferior departments may be removed for cause, after notice and opportunity for defense, by the judicial council.⁴⁹ The American Judicature Society in its model court organization statute grants authority to the judicial council (composed of judges) to remove all but the highest judges for inefficiency, incompetency, neglect of duty, lack of judicial temperament, or conduct unbecoming a judge. However, it would retain both impeachment and removal by action of the legislature upon concurrence of two-thirds of all members.⁵⁰

⁴⁸"Improvement of State Judicial Systems," American Bar Association Journal; Vol. 33, No. 12; December 1947, pp. 1169, 1170.

⁴⁹Op. cit. Art. VI, Sec. 608.

⁵⁰Model State-wide Judicature Act, secs. 105-107. Journal of the American Judicature Society, Vol. 11, No. 5; February 1928, p. 145.

Rule Making Power in the Courts⁵¹

By "rule-making power" is meant not those subsidiary rules consistent with legislative acts, which every state permits its highest court to provide, but the power of amending, altering, and rescinding any rules of practice and procedure which do not abridge, enlarge, or modify the substantive rights of the litigant.

Heretofore, a majority of states have either given exclusive rule-making power to the legislature or have allowed the courts to share in it, subject to final approval by the legislature. In the last several decades, starting with New Jersey in 1912, the wisdom of this arrangement has been questioned, and the trend has been to transfer the rule-making power to the courts.

Today, seventeen states have by statute delegated the rule-making power to their highest courts. The new constitution of New Jersey authorizes the supreme court, "subject to law," to make rules governing the practice and procedure in all courts (Art. VI, Sec. II, Par. 3). In addition, two states, Michigan and Maryland, in their constitutions give this power to their highest courts. In thirteen states the rule-making power covers both civil and criminal procedure, while in seven states the power is limited to civil procedure only.⁵²

⁵¹This portion of the report is based upon Constitutional Problems No. 24: The Judiciary - Rule-Making Power in the Courts, Central Research Staff, Louisiana Constitutional Revision Project; April 1947.

⁵²The thirteen states are: Arizona, Idaho, Indiana, Maryland, Michigan, New Jersey, New Mexico, North Dakota, Rhode Island, South Dakota, Washington, West Virginia, and Wisconsin. The seven states are: Colorado, Delaware, Florida, Iowa, Pennsylvania, Texas, and Utah. For terminology of constitutions and statutes see Constitutional Problems No. 7: Judiciary, Central Research Staff, Louisiana Constitutional Revision Project; March 1947.

There are two types of enabling statutes. In one, the legislature requires submission of the proposed rules so that it may amend or rescind at its discretion; five states require this.⁵³ In the second category, in which no submission is required, there are thirteen states.⁵⁴

Experience in the states which have assigned the rule-making function to the courts indicates that generally the courts will not of their own initiative make any changes in the rules. An advisory committee or judicial council is needed to provide a stimulus. Some of the enabling statutes provide for assistance to the supreme court in the form of supplemental agencies. In other states, the state bar has been called upon to act as an advisory board, but a majority of the states provide for no assistance in their enabling statutes.

The federal judicial system furnishes an example of a delegation of the rule-making function to the courts by the legislature. By an act of Congress adopted in 1934, the United States Supreme Court was authorized to promulgate a single, uniform set of general rules of court for all civil cases (28 U.S.C.A. 723b). The court was also authorized to unite the equity rules and the rules relating to actions at law so as to secure one form of civil action and procedure for both (28 U.S.C.A. 723c). Such united rules could not take effect until they had been reported to Congress at the beginning of a regular session and until after the close of the session, thus giving Congress power to amend or veto. The Supreme Court appointed a committee, consisting of judges, lawyers, and teachers, which spent four years

⁵³Florida, Iowa, South Dakota, Texas, and Wisconsin.

⁵⁴Arizona, Colorado, Delaware, Idaho, Indiana, New Jersey, New Mexico, North Dakota, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia.

in devising a set of rules. These were officially adopted in 1938 and are reconsidered a model of simplicity, conciseness, and adequacy.^e

The desirability of a simplified, modern, just code of practice is beyond controversy. What is in dispute is the method best fitted for achieving such rules. The advocates of vesting the power in the courts have as their antagonists the champions of the legislative method; perhaps a compromise may be found in the federal system of granting the power to the courts, but reserving in the legislature a final power of disapproval.^{55e} Even more fundamental is whether there is need for a constitutional provision on the subject; in the absence of constitutional prohibition, the legislature may delegate the rule-making function to the courts.

A Business Office for the Courts

The following remarks, although directed primarily to New Jersey prior to the adoption of its new constitution, apply equally as well to the judicial systems of the various states:

The judiciary apart, almost every other branch of government functions under a central, directing authority with power to co-ordinate the activities of the various units and to assign personnel, as needed for the dispatch of business. . . sustained, day-to-day supervision and coordination of judicial business throughout the state has been lacking. . . For the most part, each judge functions independently of his associates on the bench, minimum standards of performance are not available or enforced, and the condition of court calendars in the several counties and often within the same county vary widely.

It is difficult to imagine a successful business enterprise as loosely organized and as poorly coordinated as the system of courts .e. . While the history from which. . . (the) court structure developed may account for this condition in the past, it will note

⁵⁵For arguments pro and con, see Constitutional Problems No. 24, op. cit.,^e pp. 4-7. Problems Relating to Judicial Administration and Organization, Vol. IX; New York State Constitutional Convention Committee; 1938, pp. 741-747.

satisfy the need and current demand for a business-like administration of the judicial branch of government.⁵⁶

In 1939 Congress established an Administrative Office of the United States Courts, under a director and assistant director appointed by and responsible to the United States Supreme Court.⁵⁷ This office is granted broad financial powers, such as the disbursement of funds appropriated for the federal courts, the purchase of equipment and supplies, and the preparation of the judicial budget. The office also is charged with examining the state of the dockets of the various courts and secures information as to the courts' need for assistance, as well as collecting judicial statistics.

Connecticut, in 1937, authorized the judges to appoint an executive secretary to the judicial department of the state government. A similar system was adopted in 1937 by Pennsylvania under the rule-making power of the supreme court.⁵⁸ West Virginia, in 1945,⁵⁹ by statute created an administrative office of the supreme court of appeals, headed by a director appointed by the court. The new office was apparently modeled after its federal counterpart.

Under the New Jersey constitution just recently adopted,⁶⁰ the chief justice of the supreme court is designated as the administrative head of all the courts in the state. He appoints an administrative director to serve at

⁵⁶Schnitzer, Morris S., The Courts of New Jersey -- Part VII. Judicial Administration, The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention; May 1947, p. 6.

⁵⁷28 U.S.C.A. 444-450.

⁵⁸Referred to in Pound, Roscoe, Organization of Courts; Boston; 1940, p. 275.

⁵⁹1945 Supplement to the West Virginia Code of 1943, Annotated; secs. 5194-5194(3).

⁶⁰Art. VII, Sec. VII.n

his pleasure. Judges of the superior court will be assigned and transferred by the chief justice as the need appears. No specific duties of the administrative director are mentioned in the constitution, as they were in the constitution proposed for adoption by New Jersey in 1944.^{61h}

The Model State Constitution, proposing as it does a unified court, assigns to the chief justice the responsibility of organizing and administering the court. He is designated as the court's executive head, and as one of his powers, may require reports from the several departments of the court on the state of their judicial business and operation. Assignment of the judges of the inferior court departments is vested in him.⁶² With unification as the keynote of the judiciary article, the chief justice is designated as the administrator of the single court created. Although unification is not essential to an efficient administration of the judicial system, the furnishing of a cohesive judicial structure, such as is afforded by a unified court, would appear to offer greater opportunity toward achieving such a goal.

The Unified Court

Throughout this study references have been made to a "unified court." There appears to be a steady movement toward its achievement, and consideration of what is meant by a unified court therefor appears warranted.

⁶¹To assist the chief justice in all matters related to the administration, finance and personnel of the courts; publish a statistical record of the judicial services of all courts and judiciary and their cost; prescribe records, reports and audits for the inferior courts. Clapp, Alfred C., The Courts of New Jersey -- Part II. The 1944, 1942 and 1909 Proposals; The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention; May 1947, p. 5.

⁶²Model State Constitution, Art. VI, secs. 602, 603, 605.h

In the words of Roscoe Pound, who has been consistently advocating the plan for over forty years, the principles which should govern in judicial reorganization are "unification, flexibility, conservation of judicial power, and responsibility. Unification is called for in order to concentrate the machinery of justice upon its tasks, flexibility in order to enable it to meet speedily and efficiently the continually varying demands made upon it, responsibility in order that some one may always be held and clearly stand out as the official to be held if the judicial organization is not functioning the most efficiently that the law and the nature of its tasks permit. Conservation of judicial power is a sine qua non of efficiency under the circumstances of the time. . . so costly a mechanism as the system of courts cannot justify needless and expensive duplications and archaic business methods. Moreover, waste of judicial power impairs the ability of courts to give to individual cases the thoroughgoing consideration which every case ought to have at their hands. Administrative organization of the entire system. . . is quite as important as the reform of procedure upon which the profession and the public have concentrated their attention for a generation. . . instead of setting up a new court for every new task we should provide an organization flexible enough to take care of new tasks as they arise and turn its resources to new tasks when those to which they were assigned cease to require them. . .

"With these general principles, let us turn to the general plan of organization. The whole judicial power should be concentrated in one court . . . This court should be set up in three chief branches. To begin at the top, there should be a single ultimate court of appeal. . . . Second, there should be a superior court of general jurisdiction of first instance for all cases, civil and criminal, above the grade of small causes and petty offenses

and violations of municipal ordinances. It should have numerous local offices where papers may be filed, and rules of court should arrange that these local offices, being offices for the whole court, may function for all branches, or for one or more, as the exigencies of business demand. It is arguable whether this court should be organized in divisions. . . "

It is desirable too". . . include the tribunals for the disposition of causes of lesser magnitude in a plan for unification of the judicial system. . . no tribunals are more in need of precisely this treatment. . . Even small causes call for a high type of judge if they are to be determined justly as well as expeditiously. . . The judges who are assigned to small causes should be of such calibre that they could be trusted and would command respect and confidence of the public, so that there would be no need of re-trial on appeal but review could be confined to ascertaining that the law was properly found and interpreted and applied. . . "63e

The two lower branches would also be each organized under a presiding justice, with regional subdivisions under a presiding judge if required by the peculiar nature of the jurisdiction.

"Supervision of the judicial-business administration of the whole court should be committed to the Chief Justice, who should be made responsible for effective use of the whole judicial power of the state. Under rules of court he should have authority to make reassignments or temporary assignments of judges. . . according to the amount of work to be done and the judges at hand to do it. . . He should have authority also, under rules of court, to assign or transfer cases from one locality or court or division to another for hearing and disposition. . . so that judicial work may be

⁶³Pound, Roscoe, Organization of Courts; Boston; 1940, pp. 275-279.e

equalized. . . and clogging up of particular dockets. . . prevented at the outset. . . Just as the Chief Justice should be held. . . (so the heads of the other branches) should each be responsible for efficient despatch of the work of his organization. . .

"It is but little less important to organize thoroughly the incidental non-judicial business of the court. . . Legislation should not lay down details for this side of the administration of justice. . . competent business direction should be provided and the clerical and stenographic force be put under control and supervision of a responsible director. There very likely may have to be a like officer in each branch. . ."⁶⁴

These are the highlights of the proposed unified court plan. They are excellently expressed in concrete terms in the Model State Constitution's article on the judiciary. However, the adoption of such a plan in any jurisdiction would appear dependent upon extraneous issues not directly connected with the merits or demerits of the plan.

⁶⁴Ibid. pp. 284, 285.

APPENDIX A

CLASSIFICATION OF COURTS AND TERMS OF JUDGES* (Numerals in columns indicate number of years in term of office of judges.)

State	Supreme Court	Court of Ap- peals	Chan- cery Court	Superior Court	Cir- cuit Court	Dis- trict Court	Pro- bate Court	County Court	Other Courts
Alabama	6	6	6	....	6	....	6	....	....
Arizona	6a	....	....	4	....	....	....	....	....
Arkansas	8	....	6a	....	4	....	2	2	....
California . . .	12	....	....	6	....	12	....	....	6a
Colorado	10	....	....	....	....	6a	....	4	....
Connecticut . .	8	....	....	8	....	4	2	....	4b
Delaware	12a	....	12	12	....	....	....	12c	4b
Florida	6a	....	....	....	6	....	....	4	4d,e
Georgia	6	6	....	4	....	....	4	4a	....
Idaho	6	....	....	....	....	4	2	....	....
Illinois	9	6	....	6	6	....	4	4	f
Indiana	6	4a	....	4	6a	....	4	....	4a,d
Iowa	6	....	....	4a	....	4a	....	....	....
Kansas	6	....	....	....	....	4	2	....	....
Kentucky . . . .	....	8g	....	....	6	....	....	4a	....
Louisiana	14	12	....	....	....	6	....	....	....
Maine	7	....	....	7	....	....	4	....	....
Maryland	15	....	....	15	15	....	....	....	....
Massachusetts . .	Life	....	....	Life	....	Life	Life	....	Lifeh
Michigan	8	....	....	....	6	....	4a	....	6b
Minnesota	6a	....	....	....	....	6	4	....	4a
Mississippi . . .	8a	....	4a	....	4a	....	....	4a	....
Missouri	12	12a	....	....	6	....	4	....	....
Montana	6	....	....	....	....	4	....	....	....
Nebraska	6a	....	....	....	....	4a	....	4a	....
Nevada	6a	....	....	....	....	4a	....	....	....
New Hampshire . .	i	....	....	i	....	....	j	....	a,i
New Jersey	7	....	....	7	....	....	....	5	....
New Mexico	8	....	....	....	....	6	2a	....	....
New York	14	14g	....	....	....	....	6k	6	9l
North Carolina . .	8a	....	....	8	....	8a	....	4m	4e, 2da
North Dakota . . .	10	....	....	....	....	6	....	2a	....
Ohio	6	6	....	....	....	....	4a	....	6b
Oklahoma	6	6	....	4a	....	4a	....	2	4b
Oregon	6	....	....	....	6	6a	....	6	....
Pennsylvania . . .	21	....	....	10	....	....	....	10	10b

CLASSIFICATION OF COURTS AND TERMS OF JUDGES* - (cont.)
(Numerals in columns indicate number of years
in term of office of judges.)

State	Supreme Court	Court of Appeals	Chancery Court	Superior Court	Circuit Court	District Court	Probate Court	County Court	Other Courts
Rhode Island	Life	....	....	Life	....	3	....	....	....
South Carolina	10	....	....	....	4	....	4	4	....
South Dakota	6	....	....	....	4	....	....	2 ⁿ	....
Tennessee	8	8	8	....	8	....	....	....	....
Texas	6	6	....	....	....	4	....	2	....
Utah	10	....	....	....	....	4	....	....	....
Vermont	2	....	2	2	....	....	2	2	6 ^b
Virginia	12	....	....	....	8 ^j	....	8 ^j	....	^c
Washington	6	....	....	4	....	....	....	....	....
West Virginia	12	....	....	....	8	....	....	6	....
Wisconsin	10	....	....	....	6	....	2	6	6 ^l
Wyoming	8	....	....	....	....	6	....	....	^p

a Municipal courts.

b Court of common pleas.

c Court of Common Pleas, New Castle county.

d Criminal courts.

e Civil courts.

f Court of claims; term set by governor.

g Highest court.

h Land court.

i To age 70.

j Term of clerks of circuit courts, and of such city courts as have probate jurisdiction. These clerks, elected by popular vote, have jurisdiction in judicial matters limited to ex parte probate proceedings.

k In New York City, term 14 years.

l Court of claims.

m Duplin county, two years.

n No data available as to term.

o Corporation courts.

p Arbitration court.

✧ New Jersey changes will not take effect until September 15, 1948. Upon reappointment, justices of Supreme Court and judges of Superior Court hold their offices during good behavior.

* From The Book of the States, 1945-46, Vol. VI, p. 443. Prepared by Henry Synek, University of Chicago Law School. Revised for publication in March, 1945, by William E. Hannan, Legislative Reference Librarian, New York State Library. Corrected January 9, 1948, to show changes made by new constitutions of Missouri and New Jersey.

APPENDIX B

HIGHEST COURTS OF APPEAL*

State	Name of Court	Number of Judges	Judges Chosen:			Court Holds Sessions:		Court May Sit in Divi- sions ^c
			At Large	By Dis- tricts ^a		Only at Capi- tal	More Than One Place ^b	
Alabama	Supreme Court	7	*	..		*	..	S
Arizonae. . . .	Supreme Court	3	*	..		*	..	S
Arkansas	Supreme Court	7	*	..		*	..	C
California . . .	Supreme Court	7	*	..		..	3	C
Colorado . . .e	Supreme Courte	7	*	..		*	..	..
Connecticut . .	Supreme Court of Errors	5	*	..		*	..	..
Delaware	Supreme Court	6e	*	..		*	..	..
Florida	Supreme Courte	7	*	..		*	..	C-U
Georgia	Supreme Court	7	*	..		*	..	..
Idaho	Supreme Court	5	*	..		..	2	..
Illinois	Supreme Courte	7e	..	7		*	..	..
Indiana	Supreme Court	5	..	5 ^{de}		*	..	..
Iowa	Supreme Court	9	*	..		*	..	S
Kansas	Supreme Court	7	*	..		*	..	C
Kentucky	Court of Appeals	7 ^e	..	7		*	..	C
Louisiana . . .	Supreme Court	7e	..	6 ^f		..	..	C
Mainee	Supreme Judiciale Court	6	*	..		6e	..	..
Maryland	Court of Appealse	8	..	8		*	..	..
Massachusetts .	Supreme Judiciale Courte	7	*	..		*	..	..
Michigan	Supreme Courte	8	*	..		*	..	..
Minnesota . . .	Supreme Courte	7	*	..		*	..	..
Mississippi . . .	Supreme Courte	6e	..	3		*	..	C-U
Missouri	Supreme Court	7e	*	..		*	..	C-U ^h
Montana	Supreme Courte	5	*	..		*	..	..
Nebraska	Supreme Courte	7	..	6 ^{fe}		*	..	C
Nevada	Supreme Courte	3	*	..		*	..	..
New Hampshire .	Supreme Judiciale Courte	5	*	..		*	..	..
New Jersey ^h . . .	Supreme Courte	7	*	..		*	..	..
New Mexico . . .	Supreme Courte	5	*	..		*	..	..
New York	Court of Appealse	7	*	..		*	..	..
North Carolina .	Supreme Court	7	*	..		*	..	C
North Dakota . .	Supreme Court	5	*	..		..	2	..
Ohio	Supreme Court	7	*	..		*	..	..
Oklahoma	Supreme Court	9	..	9		*	..	S

HIGHEST COURTS OF APPEALS* - (cont.)

State	Name of Court	Number of Judges	Judges Chosen:		Court Holds Sessions:		Court May Sit in Divi- sions ^c
			At Large	By Dis- tricts ^a	Only at Capi- tal	More Than One Place ^b	
Oregon	Supreme Court	7	..	7	..	2	S
Pennsylvania . .	Supreme Court	7	*	..	..	3	..
Rhode Island . .	Supreme Court	5	*	..	* ⁱ	..	..
South Carolina .	Supreme Court	5	*	..	*	..	..
South Dakota . .	Supreme Court	5 ^e	..	5	*	..	..
Tennessee	Supreme Court	5	..	3	..	3	..
Texas	Supreme Court	3	*	..	*	..	..
Utah	Supreme Court	5	*	..	*	..	..
Vermont	Supreme Court	5	*	..	..	2 ⁱ	..
Virginia	Supreme Court of Appeals	7	*	..	..	3	C
Washington . . .	Supreme Court	9	*	..	*	..	C-U
West Virginia . .	Supreme Court of Appeals	5	*	..	*	..	..
Wisconsin	Supreme Court	7	*	..	*	..	..
Wyoming	Supreme Court	3	*	..	*	..	..

a Number indicates number of Supreme Court districts in state.

b Number indicates number of places where supreme courts sit.

c Explanation of symbols:

C--Authorized by constitution

S--Authorized by statute

U--Court makes use of authority granted

d Elected by voters of entire state.

e Not including Supreme Court Commissioners as follows: Kentucky, 4 commissioners; Missouri, 6 commissioners; South Dakota, 6 commissioners.

f Chief Justice is elected at large.

g Chief Justice determines where court sits.

h Supreme Court commission also sits in two divisions.

i May sit elsewhere if court so directs.

/ New Jersey changes will not take effect until September 15, 1948.

*From The Book of the States, 1945-46, Vol. VI, p. 446. Prepared by Rodney L. Mott, Director, School of Social Sciences, Colgate University, Hamilton, New York. Revised for publication in March, 1945, by William E. Hannon, Legislative Reference Librarian, New York State Library. Corrected January 9, 1948 to show changes made by new constitutions of Georgia and New Jersey.

APPENDIX C

JUDICIAL COUNCILS¹

State	Date	Authorization:				Number	Term	Functions:	
		Estab- lished	Consti- tution	Statute	State Bar Reso- lution			Judicial Statistics Compiled	General Judicial Research
Ala.	....	....	....	....	....	....	....	....	....
Ariz.	1936	....	....	*	....	9	4 yrs.	....	*
Ark.	1941	....	....	a	....	45	....	....	....
Calif.	1926	*	....	....	....	11	2 yrs.	*	*
Colo.	....	....	....	....	....	....	....	....	....
Conn.	1928	....	*	....	....	9	4 yrs.	*	*
Del.	....	....	....	....	....	....	....	....	....
Fla.	....	....	....	....	....	....	....	....	....
Ga.	1945	....	*	....	....	12	3 yrs. ^j	*	*
Idaho ^c	1929	....	....	*	....	....	....	....	....
Ill.	1929 ^d	....	....	d	....	5	4 yrs.	....	....
Ind.	1935	....	*	....	....	9	4 yrs.	*	*
Iowa	1936	....	....	....	*	13	4 yrs.	*	*
Kansas	1927	....	*	....	....	9	4 yrs.	*	*
Ky.	1929	....	*	....	....	52	....	*	*
La.	....	....	....	....	....	....	....	....	....
Maine ^c	1935	....	*	....	....	....	....	....	....
Md. ^c	....	....	....	....	....	....	....	....	....
Mass.	1924	....	*	....	....	10	4 yrs.	*	*
Mich.	1929	....	*	....	....	10	6 yrs.	*	*
Minn.	1937	....	*	....	....	12	3 yrs.	*	*
Miss.	....	....	....	....	....	....	....	....	....
Mo.	1943	....	*	....	....	9	3 yrs.	....	....
Mont.	....	....	....	....	....	....	....	....	....
Nebr.	1939	....	....	....	*	11	....	....	*
Nev.	....	....	....	....	....	....	....	....	....
N. H.	1945	....	*	....	....	10	3 yrs.	*	*
N. J.	1930	....	*	....	....	14	5 yrs.	*	*
N. M.	1933	....	*	....	....	10	e	....	*
N. Y.	1934	....	*	....	....	20 ^k	2 yrs.	*	*
N. C.	....	....	....	....	....	....	....	....	....
N. D.	1927	....	*	....	....	28	2 yrs.	*	*
Ohio	1924	....	*	....	....	13	3 yrs.	*	*
Okla.	1934 ^f	....	....	....	....	....	....	....	....
Ore.	....	....	....	....	....	....	....	....	....
Pa.	....	....	....	....	....	....	....	....	....

JUDICIAL COUNCILS¹ - (cont.)

		Authorization:					Functions:		
State	Date	Consti-	State	Su-	Number		Judicial	General	
	Estab-	tution	Bar	preme	of	Term	Statistics	Judicial	
	lished	Statute	Reso-	Court	Members		Compiled	Research	
R. I.	1939	....	*	....	....	6	3 yrs.	*	*
S. C.	....	....	....	....	....	....	....	....	....
S. D.	1933	....	....	*	....	12	....	*	*
Tenn.	1943	....	*	....	....	14	4 yrs. ^j	*	*
Texas	1929	....	*	....	....	16	6 yrs.	*	*
Utah	1931	....	....	*	....	11	3 yrs.	....	*
Vt.	1945	....	*	....	....	5	2 yrs.	....	....
Va. ^h	....	....	....	....	....	....	....	....	....
Wash.	1926	....	*	....	....	10	4 yrs.	*	*
W. Va.	1934	....	*	....	....	9	6 yrs.	....	*
Wis.	1929	....	*	....	....	10	1 yr.	....	*
Wyo.	....	....	....	....	....	....	....	....	....

a Voluntary

c Inactive

d In Cook County only, by resolution of Board of County Commissioners.

e Indefinite.

f State Bar act under which Council was established now repealed.

h In process of reorganization.

j Two chairmen of Judiciary Committees of Legislature, for the term of office as chairmen.

k Eleven by virtue of their office; six appointed by Governor, three advisory members.

¹From The Book of the States, 1945-46, Vol. VI, p. 452. Prepared from Handbook, National Conference of Judicial Councils, 1942, 744 Broad Street, Newark, New Jersey. Revised for publication in March, 1945, by William E. Hannan, Legislative Reference Librarian, New York State Library. Councils created in 1945 in Georgia, New Hampshire, and Vermont have been added.

APPENDIX D

CLASSIFICATION OF COURTS ACCORDING TO RESPONSIBILITY FOR PAYMENT OF SALARIES OF JUDGES, FIFTEEN SELECTED STATES, 1943

State	Supreme Court	Court of Appeals	Chancery Court	Superior Court	Circuit Court	District Court	Probate Court	County Court	Others
Ala.	S	S			S suppl. by C		F	C	
Ariz.	S			$\frac{1}{2}$ S $\frac{1}{2}$ C					
Ark.	S		S		S			C	
Calif.	S			S \$4,000 C Bal.		S			1
Colo.	S					S		C ²	
Conn.	S			S			F		S ³
Del.	S		S	S					S/C ⁴
Fla.	S				S			C	C ⁵
Ill.	S	S		S suppl. by Cook C	S ⁶		C	C	7
Mass.	S			S		C	S		
N.Y.	S suppl. by C	S					C	C	
Ohio	S	S suppl. by C					C		S suppl. by C ³
Ore.	S				S suppl. by C	C ^a		Ca	
Pa.	S			S				S	S ⁸
Wash.	S			S/C					

Explanation of Symbols:

- S - Salary paid by State
- C - Salary paid by County
- F - Fees

- 1. Municipal courts, paid by city.
- 2.a From fees in county of 5th class.a
- 3.a Court of common pleas.a
- 4.a Common pleas for New Castle County - by county. Common pleas for Kenta County - by state.a
- 5.a Criminal court of record and civil court of record.a
- 6.a Except for Cook County.a
- 7. Municipal judge paid by city except for cities over 50,000 population, which are paid by state.
- 8.a Court of common pleas and Municipal court of Philadelphia.a

APPENDIX E

CLASSIFICATION OF COURTS ACCORDING TO RESPONSIBILITY FOR PAYMENT OF EXPENSES OF COURT, FIFTEEN SELECTED STATES, 1943

State	Supreme Court	Court of Appeals	Chancery Court	Superior Court	Circuit Court	District Court	Probate Court	County Court	Others
Ala.	S	S			c ¹		F	C	
Ariz.	S			C					
Ark.	S		C		c ²			C	
Calif.	S			C		S			3
Colo.	S					c ⁴		C	
Conn.	S			S ⁵			6		S ^{4,7}
Dcl.	S		S	C					c ^{7,8}
Fla.	S				S			C	C
Ill.	S	S		C	C		C	C	3
Mass.	S			S		C	S		
N.Y.	c ⁹	S					C	C	
Ohio	S	S/c ¹⁰					C		C
Ore.	S				S	C		C	
Pa.	S/c ¹¹			S/c ¹¹				C	c ⁷
Wash.	S			c ¹²					

Explanation of Symbols:

- S - Expenses paid by State
- C - Expenses paid by County
- F - Fees

1. Courtroom and incidentals, attaches paid by county; circuit solicitor paid by state, supplemented by county. Expenses of judge when out of home county paid by state.
2. Prosecuting attorney of each circuit paid by state.
3. Municipal courts paid by city.
4. Necessary expenses of judge when out of home county paid by state.
5. Court accommodations to be furnished by county when no suitable place in county.
6. Towns making up probate district pay.
7. For court of common pleas.
8. Criminal court of record and civil court of record.
9. In some cases, attaches of appellate division of superior court paid by state and county.
10. Traveling expenses, attaches paid by state; rest by county.
11. Offices of judges paid by county; rest by state.
12. Expenses of judges in joint districts paid by state.

APPENDIX F

SELECTION OF JUDGES*

State	Selection of Judges ^a					Filling of Vacancies ^a	
	Elected on		Chosen by Legislature	Appointed by			
	Partisan Ballot	Non-partisan Ballot		Governor	Other	Governor	Other
Alabama	AT	---	---	---	---	AT	---
Arizona	---	AT	---	---	---	AT	---
Arkansas	AT	---	---	---	---	AT	---
California	---	T	---	---	A ^b	AT	---
Colorado	AT ^c	---	---	---	---	AT	C ^d
Connecticut	P	---	AT ^e	---	---	AT	---
Delaware	---	---	---	AT	---	AT	---
Florida	A	---	---	T	---	AT	---
Georgia	AT ^c	---	---	C	---	AT	---
Idaho	---	AT	---	---	---	AT	p ^d
Illinois	AT ^c	---	---	F	---	AT	AT ^g
Indiana	AT ^c	---	---	M	I ^h	AT	---
Iowa	AT ^c	---	---	---	---	AT	---
Kansas	AT ^c	---	---	---	---	AT	---
Kentucky	AT ^c	---	---	---	---	AT ⁱ	---
Louisiana	AT	---	---	---	---	AT	T ^j
Maine	P	---	---	AT	---	AT	---
Maryland	AT	---	---	J	---	AT	---
Massachusetts	---	---	---	AT	---	AT	---
Michigan	---	AT	---	---	---	AT	---
Minnesota	---	AT	---	---	---	AT	---
Mississippi	AT	---	---	---	---	AT	---
Missouri	T	---	---	AT ^k	---	AT ^k	---
Montana	---	AT	---	---	---	AT	---
Nebraska	---	AT	---	---	---	AT	---
Nevada	---	AT	---	---	---	AT	---
New Hampshire	---	---	---	AT	---	---	---
New Jersey	---	---	---	AT	---	AT	---
New Mexico	AT	---	---	---	---	AT	---
New York	AT ^c	---	---	A ^m	A ^m I ⁿ	AT	---
North Carolina	AT	---	---	S ^o	I ⁿ	AT	---
North Dakota	---	AT	---	---	---	AT	---
Ohio	---	AT	---	---	---	AT	---
Oklahoma	AT ^c	---	---	---	---	AT	---
Oregon	---	AT	---	---	---	---	AT ^p
Pennsylvania	AT	---	---	---	---	AT	---
Rhode Island	---	---	A	T	p ⁿ	AT	---
South Carolina	---	---	AT	C	---	AT	---
South Dakota	---	AT	---	---	---	AT	---
Tennessee	AT ^c	---	---	---	---	AT	---
Texas	AT ^c	---	---	---	---	AT	---
Utah	AT	---	---	---	---	AT	---

SELECTION OF JUDGES* - (Cont.)

State	Selection of Judges ^a					Filling of Vacancies ^a	
	Elected on		Chosen by	Appointed by		Governor	Other
	Partisan Ballot	Non-partisan Ballot		Governor	Other		
Vermont	---	PC ^q	AT	---	---	AT	---
Virginia	PC	---	AT	---	---	AT	---
Washington	---	AT	---	---	---	AT	---
West Virginia	AT	---	---	---	---	AT	r
Wisconsin	---	AT	---	---	---	AT	---
Wyoming	---	AT	---	---	---	AT	---

a Explanation of symbols:

A- Appellate court judges
 C- County court judges
 F- Judges of Court of Claims
 I- Inferior court judges
 J- Juvenile Court judges

M- Municipal Court judges
 P- Probate judges or surrogates
 S- Superior Court judges
 T- Trial court judges

b Nominated by governor to a judiciary commission; if the commission confirms the nomination, the judge serves until the next general election when his appointment must be reconfirmed by a majority of the voters. Method applies only to Appellate Court judges, although counties may adopt it for trial judges if they desire to do so.

c Independent ticket or non-partisan nomination permitted.

d Board of Commissioners.

e Nominated by governor; confirmed by legislature.

g Special election if more than one year until next general election.

h Judge of magistrates court chosen by judge of Circuit Court.

i Court of Appeals and Circuit court judges. County judges by vote of justices of the peace of county.

j Special election if more than one year of term left.

k Appellate Court judges and judges of trial courts in St. Louis and Jackson county are appointed by the governor from a panel presented by a judicial selection commission, representing the bar, the bench, and the public; appointment must be confirmed by a majority of the voters.

m Appellate division judges chosen by governor; appellate term judges chosen by appellate division judges.

n Local officers select Inferior court judges.

o Special judges of Superior Court chosen by governor.

p Special election.

q Assistant judges of County Court.

r Special election if more than two years of term left.

† New Jersey changes will not take effect until September 15, 1948.

*From The Book of the States, 1945-46, Vol. VI, p. 445. Prepared by Rodney L. Mott, Director, School of Social Sciences, Colgate University, Hamilton, New York. Revised for publication in March, 1945, by William E. Hannan, Legislative Reference Librarian, New York State Library. Corrected January 9, 1948, to show changes made by new constitutions of Missouri and New Jersey, and 1947 constitutional amendment in Connecticut.

APPENDIX G

CONSTITUTION OF CALIFORNIA

ARTICLE VI
JUDICIAL DEPARTMENT

Selection of Judges

Sec. 26. Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the electors of which have adopted provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication in the official ballot a declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For _____

(title of office)

Shall _____

(name)

be elected to the office for the term expiring January

_____?

(year)

Yes
No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes," such person shall be elected to said office. If a majority of those voting thereon vote "no," he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as hereinabove provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of

Judicial Department, California (Cont.)

any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Qualifications. The Commission on Qualifications shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the District Court of Appeal of the district in which a justice of a District Court of Appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the District Courts of Appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the Legislature provided by sections 17 and 18 of Article IV and by section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.

The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.

If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished. [New section adopted November 6, 1934]

APPENDIX H

THE CONSTITUTION OF THE STATE OF MISSOURI

Adopted by the People on February 27, 1945

ARTICLE V

NON-PARTISAN SELECTION OF JUDGES

Sec. 29(a). Courts Subject to Plan--Appointments to Fill Vacancies.--Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to-wit: the supreme court, the courts of appeals, the circuit and probate courts within the City of St. Louis and Jackson County, and the St. Louis courts of criminal correction, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a non-partisan judicial commission established and organized as hereinafter provided.

Sec. 29(b). Adoption of Plan in Other Circuits.--At any general election the qualified voters of any judicial circuit outside of the City of St. Louis and Jackson County, may by a majority of those voting on the question elect to have the judges of the courts of record therein appointed by the governor in the manner provided for the appointment of judges to the courts designated in Section 29(a). The general assembly may provide the manner in which the question shall be submitted to the voters.

Sec. 29(c) (1). Tenure of Judges--Declarations of Candidacy--Form of Judicial Ballot--Rejection and Retention.--Each judge appointed pursuant to the provisions of sections 29(a)-(g) shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 29(a)-(g) become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 29(a)-(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 20(a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limit of his court, or circuit if his office is that of circuit judge, on a separate judicial ballot, without party designation, reading:

"Shall Judge.....
(Here the name of the judge shall be inserted)

of the.....
(Here the title of the Court shall be inserted)

Court be retained in office? Yes

(Scratch One)

No."

Selection of Judges, Missouri (Cont.)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 29(a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Sec. 29(c)(2). Certification of Names upon Declarations--Law Applicable to Elections.--Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

Sec. 29(d). Non-partisan Judicial Commissions--Number, Qualification, Selection and Terms of Members--Majority Rule--Reimbursement of Expenses--Rules of Supreme Court.--Non-partisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 29(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of any court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of sections 29(a)-(g), there shall be one such commission, to be known as "The.....Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of sections 29(a)-(g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission; each circuit judicial commission shall consist of five members, one of whom shall be the presiding judge of the court of appeals of the district within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members

Selection of Judges, Missouri (Cont.)

of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the supreme court and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

Sec. 29(e). Payment of Expenses.--All expenses incurred in administering sections 29(a)-(g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated.

Sec. 29(f). Prohibition of Political Activity by Judges.--No judge of any court of record in this state, appointed to or retained in office in the manner prescribed in sections 29(a)-(g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.

Sec. 29(g). Self-enforcibility.--All of the provisions of sections 29(a)-(g) shall be self-enforcing except those as to which action by the general assembly may be required.

APPENDIX I

QUALIFICATIONS OF JUDGES

State	U.S. Citizenship			Residence			Minimum Age			Experience		
	Su- preme Court	Superior Court	Others [/]	Supreme Court	Superior Court	Others [/]	Su- preme Court	Superior Court	Others [/]	Learned in Law	Legal Experi- ence [/]	Good Char- acter
Alabama	*	---	*	5 yrs.	---	5 yrs.	25	---	25	* ^a	---	---
Arizona	---	---	---	5 yrs.	2 yrs.	---	30	25	---	*	*	---
Arkansas	*	---	* ^b	2 yrs.	---	2 yrs. ^b	30	---	^c	*	*	*
California	*	*	*	5 yrs.	5 yrs.	---	---	---	---	*	*	---
Colorado	*	---	*	2 yrs.	---	2 yrs.	30	---	30 ^d	*	---	---
Connecticut	*	*	*	---	---	---	---	---	---	---	---	---
Delaware	*	---	*	---	---	^e	---	---	---	*	*	---
Florida	---	---	---	---	---	5 yrs. ^f	25	---	25 ^g	*	---	---
Georgia	*	*	---	3 yrs.	3 yrs.	---	30	30	---	*	*	---
Idaho	---	---	---	2 yrs.	---	2 yrs.	30	---	30	*	---	---
Illinois	*	*	*	5 yrs.	5 yrs.	5 yrs.	30	---	25	---	---	---
Indiana	---	---	* ^h	---	---	5 yrs. ^h	---	---	30 ^h	* ^h	* ^h	* ^h
Iowa	---	---	---	---	---	ⁱ	---	---	---	---	* ^j	---
Kansas	---	---	---	---	---	ⁱ	30	---	30 ^d	*	*	---
Kentucky	---	---	---	5 yrs. ^k	---	2 yrs. ^b	35 ^k	---	35 ^b	*	*	---
Louisiana	*	---	* ^k	2 yrs.	---	2 yrs. ^k	35	---	---	*	*	---
Maine	---	---	---	---	---	---	---	---	---	*	---	*
Maryland	---	---	---	5 yrs.	5 yrs.	5 yrs.	30	30	30 ^l	*	---	*
Massachusetts	---	---	---	---	---	---	---	---	---	---	---	---
Michigan	---	---	---	---	---	^m	---	---	---	*	*	---
Minnesota	---	---	---	---	---	ⁿ	---	---	---	*	---	---
Mississippi	---	---	---	5 yrs.	---	5 yrs.	30	---	26 ^o	*	*	---
Missouri	*	---	*	10 yrs.	---	^p	30	---	^q	*	---	---
Montana	*	---	*	2 yrs.	---	1 yr. ^d	30	---	25 ^d	*	---	---
Nebraska	*	---	*	3 yrs.	---	3 yrs. ^d	30	---	30 ^d	*	*	---
Nevada	---	---	---	2 yrs.	---	2 yrs.	25	---	25	*	---	---
New Hampshire	---	---	---	---	---	---	---	---	---	---	---	---
New Jersey	---	---	---	---	---	---	---	---	---	*	*	---
New Mexico	---	---	---	3 yrs.	---	3 yrs. ^d	30	---	30	*	*	---
New York	*	---	*	yes	---	yes	21	---	21	* ^s	* ^s	---

QUALIFICATIONS OF JUDGES¹ - (Cont.)

State	U.S. Citizenship			Residence			Minimum Age			Experience		
	Su- preme Court	Super- rior Court	Oth- ers [/]	Supreme Court	Superior Court	Others [/]	Su- preme Court	Super- rior Court	Oth- ers [/]	Learned in Law	Legal Experi- ence ^o	Good Char- acter
North Carolina	*	---	*	1yr.e	---	1yr.e	21	---	21	*	*	*t
North Dakota	*	---	*	3 yrs.e	---	2 yrs.u	30	---	25 ^{ue}	*	---	---
Ohio	---	---	---	---	---	v	---	---	---	*	*	---
Oklahoma	*e	*	*	2 yrs.	2 yrs.	2 yrs.	30	---	25 ^d	*	*	---
Oregon	*	---	*	3 yrs.	---	3 yrs.e	---	---	---	---	---	---
Pennsylvania	*e	*	*e	1 yr.e	1 yr.	1 yr.e	21	21	21	*	---	---
Rhode Island	*e	*	*	2 yrs.	2 yrs.	2 yrs.	21	21	21	---	---	---
South Carolina	*	---	*b	5 yrs.	---	5 yrs.b	26	---	26 ^b	*	*	---
South Dakota	*	---	*	2 yrs.	---	1 yr. w	30	---	25 ^w	*	---	---
Tennessee	---	---	---	5 yrs.	---	5 yrs.x	35	---	30	*	---	---
Texas	*	*ke	*	---	---	2 yrs.i	30	30 ^k	25 ^d	*	*	---
Utah	---	---	---	5 yrs.	---	3 yrs.i	30	---	25 ^d	*	*	---
Vermont	---	---	---	---	---	---	---	---	---	---	---	---
Virginia	*	---	*	---	---	i	21	---	21	*	*	---
Washington	*	*	*e	1yr.e	1yr.	1 yr.e	21	21	21	*	*	---
West Virginia	---	---	---	5 yrs.	---	5 yrs.	30	---	30	---	---	---
Wisconsin	*	---	*	1 yr.e	---	1yr.	25	---	25	*	---	---
Wyoming	*	---	*	3 yrs.e	---	2 yrs.d	30	---	28 ^d	*	*	---

[/] The star (*) in this column applies to all or to a majority of the other courts in the state, except as indicated below.

^o Legal experience includes either the actual practice of law for a specified or unspecified number of years, or simply admission to the bar.

a Except probate judge.

b Judge of circuit court.

c Circuit judge, 28; county judge, 25.

d District court judge.

e Court of common pleas, 5 years residence in New Castle County or resident of Kent County.

f Civil court of record.

g Circuit, criminal, and civil court of record.

h Appellate court.

i District judge shall be resident of district.

j Superior court.

k Court of appeals.

- l Judges of all courts of record.
- m Probate judges must be residents of county.
- n District and probate judges must be residents of district.
- o Circuit, county, and chancery judges.
- p Court of appeals, 10 years; circuit courts, 4 years; probate and magistrate courts, 1 year.
- q Court of appeals and circuit court, 30; probate courts, 25; magistrate courts, 22.
- s Justice of court of claims, 10 years experience.
- t Must believe in God.
- u District and county courts.
- v Court of common pleas judges must reside in district.
- w Circuit and county judges.
- x Circuit and chancery judges.

! From The Book of the States, 1945-46, Vol. VI, p. 444. Prepared by Henry Synek, University of Chicago Law School. Revised for publication in March, 1945, by William E. Hamman, Legislative Reference Librarian, New York State Library. Corrected January 9, 1948, to show changes made by new constitutions of Missouri and New Jersey.

APPENDIX J

SALARIES OF JUDGES*

State	Supreme Court Chief Justice	Associate Justice	Inter- mediate Appellate Court	Chancery Court	Superior Court	District Court	Probate Court	Circuit Court	County Court	Police or Magis- trate Court	Muni- cipal Court	Special Courts
Ala.	\$ 7,000	\$ 7,000	\$ 6,500	(a)	-----	-----	Fees	\$ 5,000- 8,000 ^b	\$ 300- 600	Fixed locally	-----	-----
Ariz.	8,500	8,500	-----	-----	\$ 4,000- 5,000	-----	-----	-----	-----	Fixed locally	-----	-----
Ark.	7,500	7,500	-----	\$ 3,000	-----	-----	\$ 1,200- 5,000	\$ 4,800- 7,200 ^{ag}	\$ 1,200- 5,000	-----	-----	-----
Calif.	14,000	13,000	12,000	-----	4,750- 10,000 ^b	\$12,000	-----	-----	-----	Varies	\$ 5,000 8,500	-----
Colo.	6,500	6,500	-----	-----	-----	5,000	-----	-----	Varies	-----	-----	-----
Conn.	12,500	12,000	-----	-----	12,000	-----	Fees	-----	4,000- 9,500 ^d	-----	-----	-----
Del.	10,500	10,000	-----	10,500	-----	-----	-----	-----	4,000- 5,000 ^d	-----	-----	-----
Fla.	7,500	7,500	-----	-----	-----	-----	-----	8,100 ^b	3,600- 4,200 ^e	-----	-----	-----
Ga.	8,000	8,000	8,000	-----	6,000 ^b	-----	Fees	6,000- 10,000 ^b	Fixed by grand jury	Fixed locally	-----	-----
Idaho	5,000	5,000	-----	-----	-----	4,000	800- 2,000	-----	-----	Fees ^f	-----	-----
Ill.	15,000	15,000	8,000 or 15,000 ^g	-----	8,000- 15,000 ^b	-----	1,800- 15,000 ^h	8,000 ^g	1,800- 15,000 ^h	Fixed locally	-----	\$ 3,200 ⁱ
Ind.	10,000	10,000	10,000	-----	4,200- 10,000 ^b	-----	4,200 ^b	4,200 ^b	-----	(j)	5,000 ^k	-----
Iowa	7,500	7,500	-----	-----	2,000- 3,750	5,000	-----	-----	-----	-----	-----	-----
Kansas	6,000	6,000	-----	-----	-----	4,000 ^b	600- 4,000	-----	-----	Fees ^f or fixed locally	-----	-----
Ky.	5,000	5,000	5,000	-----	-----	-----	-----	3,000 ^b	Fixed by fiscal court	-----	-----	-----

SALARIES OF JUDGES* - (Cont.)

State	Supreme Court		Inter- mediate	Chancery Court	Superior Court	District Court	Probate Court	Circuit Court	County Court	Police or Magis- trate	Muni- cipal Court	Special Courts
	Chief Justice	Associ- ate Justice	Appellate Court							Court		
La.	\$14,000	\$14,000	\$ 8,000	-----	-----	\$ 5,000- 10,000 ^{ad}	-----	-----	-----	-----	-----	-----
Me.	9,000	8,000	-----	-----	\$ 7,500	-----	\$ 600- 4,000	-----	-----	Varies	Varies	-----
Md.	11,500	11,500	11,500 ^k	-----	-----	-----	-----	\$ 8,500- 10,250 ^{ah}	-----	-----	-----	-----
Mass.	15,000	14,000	-----	-----	13,000 ^l	1,200- 6,000	3,000- 11,000	-----	-----	-----	-----	Land Ct., \$10,000
Mich.	12,000	12,000	-----	-----	7,000	-----	1,000- 8,400	7,000 ^b	(m)	-----	-----	-----
Minn.	9,000	8,500	-----	-----	-----	6,000 ⁿ	1,500- 4,000	-----	-----	-----	Fixed locally a, h	-----
Miss.	7,500	7,500	-----	\$ 5,000	-----	-----	-----	5,000	\$ 3,600	Fixed locally	-----	-----
Mo.	10,000	10,000	8,500	-----	-----	-----	-----	-----	Fees	-----	-----	-----
Mont.	7,500	7,500	-----	-----	-----	4,800	-----	-----	-----	Varies	-----	-----
Neb.	7,500	7,500	-----	-----	-----	5,000	-----	-----	800- 4,500	-----	-----	-----
Nev.	7,500	7,500	-----	-----	-----	6,000- 7,200	-----	-----	-----	\$ 1,800 avg.	\$ 1,000 avg. ^f	-----
N. H.	7,000	7,000	-----	-----	7,000	-----	1,500- 2,500	-----	-----	100- 2,400	-----	-----
N. J. [#]	19,000	18,000	-----	-----	(q)	Fixed, locally	(r)	-----	3,500- 15,000 ^r	Fixed locally	-----	-----
N., M.,	8,000	8,000	-----	-----	-----	4,500 ^s	300- 800	-----	-----	Pol.fixed, loc. Mag. fees ^f	-----	1,500 a, j
N. Y.	23,500	23,000	18,000- 29,000 ^t 18,500- 29,500 ^u	-----	-----	-----	-----	-----	Fixed locally	-----	-----	10,000 ⁱ

SALARIES OF JUDGES* - (Cont.)

State	Supreme Court Chief Justice	Associate Justice	Inter- mediate Appellate Court	Chancery Court	Superior Court	District Court	Probate Court	Circuit Court	County Court	Police or Magis- trate Court	Muni- cipal Court	Special Courts
N. C.	\$ 8,550	\$ 8,550	-----	-----	\$ 7,550	-----	-----	-----	Fixed locally	Fixed locally	-----	-----
N. D.	5,500	5,500	-----	-----	-----	\$ 4,000	Varies	-----	Varies	Varies	-----	-----
Ohio	12,500	12,000	\$ 8,000- 12,000	-----	-----	-----	Varies	-----	\$ 3,000 b, d	Fees ^f	Varies	-----
Okla.	7,500	7,500	7,500	\$ 4,800 ^d	\$ 4,000	4,000- 7,200	-----	-----	1,500- 4,800	-----	-----	-----
Ore.	7,500	7,500	-----	-----	-----	3,600	-----	\$ 5,000- 6,000	500- 3,000	-----	-----	-----
Pa.	20,000	19,500	18,000 18,500 ^u	-----	18,500 ^v	(w)	(x)	-----	(x)	-----	(y)	-----
R. I.	11,000	10,000	-----	-----	10,000 ^z	1,200- 5,000	700- 1,500 ^{aa}	-----	-----	-----	-----	-----
S. C.	6,750	6,750	-----	-----	-----	-----	Varies	6,750	Varies	Varies	-----	-----
S. D.	7,200	7,200	-----	-----	-----	-----	-----	6,300	Varies	Varies	-----	-----
Tenn.	7,500	7,500	6,500	5,000	-----	-----	(ab)	5,000	Varies	Varies ^{ac}	-----	-----
Texas	8,000	8,000	(ad)	-----	-----	6,500	-----	-----	Varies	Varies	-----	-----
Utah	7,200	7,200	-----	-----	-----	5,000	-----	-----	-----	3,600	-----	-----
Vt.	6,500	6,000	-----	(c)	5,000	-----	600- 2,100 plus fees	-----	5,000	Fees ^f	500- 1,500	-----
Va.	8,900	8,500	-----	-----	-----	-----	-----	5,400	-----	-----	-----	\$ 5,400 ^{ae}
Wash.	8,900	8,500	-----	-----	6,500	-----	-----	-----	-----	Varies	-----	-----
W. Va.	10,000	10,000	-----	-----	-----	-----	-----	5,000- 8,000	-----	-----	-----	-----
Wisc.	10,000	10,000	-----	-----	-----	-----	-----	8,000 ^{af}	Fixed locally	Fixed locally	-----	-----
Wyo.	7,000	7,000	-----	-----	-----	6,500	-----	-----	-----	-----	-----	-----

* Where a range is given, the salary usually varies according to population.

a Consolidated with Circuit Court.

b From state, may be supplemented by county.

c Data not available.

d Court of Common Pleas.

- 58-
- e Criminal Court, \$4,200; Juvenile Court, \$3,600.
 - f Justice Court.
 - g Appellate Courts--Circuit Court judges act as Appellate Court judges.
 - h Varies according to population; \$15,000 in Cook county.
 - i Court of Claims.
 - j Fixed by judge of Circuit Court.
 - k Chief judge, Court of Appeals for Baltimore City; associate judges, \$6,875.
 - l Associate justice, \$12,000.
 - m County court called Circuit Courts.
 - n Plus \$1,500 from each county in district if such county has a population of 75,000 or more.
 - q Not known.
 - r County courts have probate jurisdiction.
 - s Plus \$750 per year for serving as judges of Juvenile Courts.
 - t The Court of Appeals is the highest court of the state.
 - u Presiding justices.
 - v Associate justices, \$18,000.
 - w Courts of Common Pleas are set up in judicial districts throughout the state. Salaries vary from \$9,000 to \$14,000. In judicial districts containing more than one county, judges also receive fifteen cents a mile for necessary travel between county seats.
 - x Orphans' Courts are set up in same districts as Common Pleas Courts, and judges receive same salaries. In addition, in Dauphin County, judges of either Orphans' Court or Court of Common Pleas receive \$3,000 for trying civil cases for the commonwealth. In Allegheny county, president judge of County Court, \$10,500, judges, \$10,000.
 - y Municipal Court of Philadelphia, president judge, \$10,500, judges, \$10,000.
 - z Associate justices, \$9,500.
 - aa For justices in Probate Courts in cities. Data for towns not available.
 - ab Only one in state. Judge is county official and amount of salary not available.
 - ac Magistrates, principally on fee basis.
 - ad Court of Criminal Appeals, \$8,000; Courts of Civil Appeals, \$6,500.
 - ae City courts, and corporation or Hustings Court.
 - af In cities of certain size, County Board may add to salary.
 - ag Varies according to expenses.
 - ah City supplement.
 - ai City and County supplement.
 - # New Jersey changes will not take effect until September 15, 1948.

* From The Book of the States, 1945-46, Vol. VI, pp. 448-9. Prepared by Henry Synek, University of Chicago Law School. Revised for publication in 1945 upon the basis of figures compiled and published by the Journal of the American Judicature Society. Corrected January 9, 1948, to show changes by amendment to constitutions of Arkansas and Utah, and by new constitutions of Georgia and New Jersey.

APPENDIX K

PROVISION FOR JUDICIAL RETIREMENT/

State	Retirement Provisions			
	Yes	Minimum Age ^a	Length of Service in Years	Pension Provision
Alabama	---	---	---	-----
Arizona	---	---	---	-----
Arkansas	*	70	10	One-half salary for life.
California	*	65	20	Supreme, district, and superior court judges--half last salary; or after 10 years' service if 70 years of age.
Colorado	*	65	10	\$3,000 for life (superior court judges only).
Connecticut	*	70	---	Appointed "state referee" at age 70. Salary \$8,000.
Delaware	---	---	---	-----
Florida	*	65	20	Supreme court justice full salary.
Georgia	*	70	10 ^b	Chief or associate justice emeritus at 2/3 salary.
Idaho	---	---	---	-----
Illinois	*	60	12	One-quarter last salary plus twenty-five seventy-seconds of 1 per cent for each month of service over 12 years; total pension must not be above 50 per cent of last salary.
Indiana	---	---	---	-----
Iowa	---	---	---	-----
Kansas ^d	---	---	---	-----
Kentucky	*	---	8	\$5,000. Number years paid depends on number years served.
Louisiana	*	70	20	Supreme court justices receive two-thirds pay at 70 years; full salary at 75 after fifteen years' service; compulsory retirement at 80. ^c
Maine	*	70	7	Three-fourths salary; must resign within 2 years after reaching 70 or waive pension rights.
Maryland	*	60	---	\$300 per annum for each year of service, maximum \$6,000.
Massachusetts	*	70	10	Three-fourths of salary.
Michigan	---	---	---	-----
Minnesota	*	70	12	Half salary for life.
Mississippi	---	---	---	-----
Missouri	---	---	---	-----
Montana	---	---	---	-----
Nebraska	---	---	---	-----
Nevada	*	70	20	Two-thirds last salary.
New Hampshire	*	70	---	No person may hold the office of judge after age 70. No pension.

PROVISION FOR JUDICIAL RETIREMENT¹ - (Cont.)

State	Retirement Provisions			
	Yes	Mini- mum Age ^a	Length of Service in Years	Pension Provision
New Jersey	*	68	20	One-half last salary. Supreme and superior court judges must be retired on pensions at age 70.
New Mexico	---	---	---	-----
New York	*	70	---	One-half salary after age 70. Retirement at 70 compulsory.
North Carolina	*	65	15	Applies to supreme and superior courts. Two-thirds annual salary. ^c
North Dakota	---	---	---	-----
Ohio	---	---	---	-----
Oklahoma	---	---	---	-----
Oregon	*	---	17	\$200 per month. May retire on full pension after 6 years if incapacitated.
Pennsylvania	*	---	20 ⁱ	One-half salary for life.
Rhode Island	*	70	15-25	(f)
South Carolina	---	---	---	-----
South Dakota	---	---	---	-----
Tennessee	*	70	20	Full salary for life. ^g
Texas	---	---	---	-----
Utah	---	---	---	-----
Vermont	---	---	---	-----
Virginia	*	70	h	(h)
Washington	*	70	10	Applies to supreme and superior courts. One-half salary for life.
West Virginia	*	65	12	\$6,000 annually for life.
Wisconsin	---	---	---	-----
Wyoming	*	70	24	\$4,000 for life.

- a Minimum age for retirement not compulsory retirement age except as shown in "pension provision" column.
- b Continuous service upon supreme, court of appeals, or superior bench. Applies to chief justice or associate justice of supreme court only.
- c Also provision for pension in case of disability.
- d Kansas has no judicial retirement system; error in chart corrected accordingly.
- f Supreme court chief justice, \$9,000; associate justices, \$8,000; superior court presiding justice, \$8,500; associate justices, \$7,500.
- g Two-thirds salary if less than 70 years of age or less than 20 years' service.
- h Supreme court: minimum length of service, 10 years, two-thirds basic salary at time of retirement yearly for life; circuit and city courts: minimum length of service, 15 years, three-fourths basic salary at time of retirement yearly for life.
- i Judges of Courts of record may retire after 24 years of service, on full salary for life.
- ¹ From The Book of the States, 1945-46, Vol. VI, p. 447. Prepared by Edward M. Martin, from The Role of the Bar in Electing the Bench in Chicago, University of Chicago Press, 1936. Revised, 1943, by Henry Synek, University of Chicago Law School. Revised in March, 1945, by William E. Hannan, Legislative Reference Librarian, New York. Corrected January 9, 1948 to show changes made by new constitution of New Jersey.

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*LRB - Legislative Reference Bureau
 S Ct - Supreme Court
 UH - University of Hawaii

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*LRB - Legislative Reference Bureau
S Ct - Supreme Court
UH - University of Hawaii