The judicial selection process

Name

Institution

Date

Judicial selection in California

In California, two systems are employed while selecting state judges. The appellate judges of the state are usually appointed through gubernatorial appointments, which are then followed by commission confirmations. Trial judges on the other hand are usually elected through a popular vote that is usually nonpartisan. Once a judge has been appointed, his or her terms begins on the Monday that comes after the first of January after their election.

The judges of court of appeal and Supreme Court

In California, there are seven justices who serve the California Supreme Court and 102 judges who deal with the California Courts of Appeal. These justices and judges are usually selected in an identical manner. Once an individual has expressed the desire to become either a justice or judge in the state, the State’s Commission of Judicial Nominee Evaluation has to carry out thorough investigations on the individuals. Once the investigations are done, it is the mandate of the commission to recommend to the governor whether the prospective appointees are fit to hold office. This comes after examining their fitness and qualifications, whereby it ranks them as whether being exceptionally well suitable for the job, qualified and in some occasions not qualified. However, the governor is not bound to follow these recommendations but is usually liable to the Commission on Judicial Appointments. This commission is usually free to approve appointment of judges on the basis of majority vote. When the newly elected judges have intentions of retaining their seats, they are required to take part in yes-no retention elections. These elections usually take place at the following gubernatorial elections, which take place after four years. After an initial retention, these judges are required to serve for 12 years. This is also the process used to appoint the state’s chief justice.

Qualification

The qualifications for an appellate and trail judges in California are the same. Here, any person interested in taking up these positions is required to have a minimum of ten year-experience as a practitioner in the field of law or a judge in a court that is of record.

California Superior courts

For an individual to serve as a judge in these courts he or she must vie for the position in a nonpartisan election that takes place in years that are even numbered. Today, there are over 1535 judges serving in these courts. In order any person receiving over 50% of the votes is declared the winner. In the event no one gets the 50% needed, then a runoff between the first and the first runners up held during the general elections that take place in November. In the event an incumbent judge is running again unopposed, then his or her name is eliminated from the ballot. At the same time, the chief judge of any given court belonging to this category is selected through a peer vote of the members of the court. He or she in turn serves for either one or two years. The qualifications for these positions are similar to the ones of Supreme Court and court of appeal judges (Mackenzie, 2010).

Judicial Selection process in New York

In New York, selection of State judges usually occur via partisan election. However, the judges of appellate courts and various courts with limited jurisdiction judges are selected through an appointed method that is assisted. The Court system of New York is a bit complicated as the Supreme Court is not the final court. The Court of Appeals resume the role of the final resort court, while the Supreme Court acts as a principal trail court. In this state, elected judges usually begin their term on the 1st of January following their election.

Court of Appeals judges

In New York, the Seven Justices who serve in the state’s court of Appeal serve 14-year terms. These judges are usually elected by the governor from a list provided by judicial nominating commission. After the appointment, the judges must be confirmed by the state’s senate. Once their appointment expires, these judges are required to reapply for their appointment in order to be considered among the other appointments.

Selection of the chief justice

In New York, the governor is the one who appoints the chief justice. The individual appointed for this position is supposed to serve for a full term.

Qualifications to serve as a judge in New York

For one to serve as a judge in New York, he or she must;

1. Have a ten-year experience in state law
2. Be below 70 years which is the retirement of judges in this state and
3. Be a resident of New York

Judges Supreme Court, Appellate division

The 60 justices of the state’s Appellate and Supreme Court division usually serve five years or until the term of the Supreme Court comes to an end. However, the shorter option is usually the one taken. These judges are usually nominated by a commission which then recommends them to the governor appoints them. Once their term has expired, these judges are required to reapply for their appointment.

Selection of the Chief justice

The New York state’s chief justice is usually appointed by the governor just like other judges. For one to be legible for this position he or she must;

1. Over 18 years old
2. Have a ten-year experience as a practitioner of the state’s law
3. Be a resident of the state
4. Be below 70 years

Supreme Court

The 324 judges of the state’s Supreme Court are usually elected in partisan elections. These judges usually serve a 14-year term. For one’s name to appear on the ballot, he or she must be nominated through partisan nominations. Incumbent judges who want to retain their positions are required to run for re-election (Pecorella & Stonecash, 2012).

County Courts

The 125 judges administering in the state’s county courts are usually appointed in a similar manner to those of the state’s Supreme Court. However, these judges serve a 10-year term. For a person to be fit to serve in these courts, he or she must be;

1. Resident of the state
2. Resident of the county
3. Be over 18 years
4. Be below 70 years
5. Have a 5-year experience as a state law practitioner

Comparison and contrast of the selection process in the two states

Similarities

There are several similarities between the selection processes employed by the two states. The first similarity is that the state governor plays an important role in the appointment of the Courts of Appeal and Supreme Court judges and the Chief Justice. However, the governors in the two states must appoint judges from a list provided by commissions tasked with examining the qualifications of those interested for the position.

The other similarity in the selection process of the two states is that judges who serve in lower courts, the superior courts in California and County Courts in New York are usually elected into their positions (Miller & Gaines, 2014). This is an indication that the residents of these states play an important role in the nomination of those who rule their cases. At the same time, individual who want to serve in the supreme and appellate courts in two states must have a 10-year experience as law practitioners in the respective states.

Differences

Despite the several similarities in the judicial selection process of the two states, there are also several differences. The first difference is the fact that a person has to be a resident of New York for him or her to be a judge. This is not the case in California where any person that has practiced law for more than 10 years in the state is fit to serve as a judge. At the same time, the judicial elections in California are nonpartisan, an indication that candidates do not use party ideals to campaign for their elections. This is unlike New York where these elections are partisan, thus parties playing a huge role in a person’s election.

The state whose selection process is the best

Based on the analysis of the judicial selection processes employed in the two states, California’s process seems to be the best. The first reason for my choice is that it gives every American opportunity to serve as a judge in this state, as one does not have to be its resident to be qualify for appointment. The second reason is that this system allows people to elect people on their own merit rather than the party they are inclined to as is the case in New York.

References

Mackenzie, R. (2010). *Selecting international judges: Principle, process, and politics*. Oxford: Oxford University Press.

Miller, R. L. R., & Gaines, L. K. (2014). *Criminal justice in action*.

Pecorella, R. F., & Stonecash, J. M. (2012). *Governing New York State*. Albany: State University of New York Press.