

State Constitutions V

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Fifth in a Series

A justice of the highest court in Vermont is named for a two year term and receives a salary of \$10,500 a year, while his counterpart in Massachusetts is appointed for life and is paid \$22,000 annually.

These examples point out one of the many differences in the judicial sections of the constitutions under which the 50 states are governed.

Every state has a judicial system which can be divided into three parts: (1) the lowest courts or courts of limited jurisdiction such as justices of the peace courts; (2) the major trial courts such as superior courts, district courts and circuit courts, and (3) the appellate courts or courts of last resort such as the state supreme courts.

While "Supreme Court" generally is the name for the highest court in each state, Connecticut's is the "Supreme Court of Errors," Massachusetts and Maine's, the "Supreme Judicial Court," Kentucky, Maryland and New York's, the "Court of Appeals," and Virginia and West Virginia's, the "Supreme Court of Appeals."

Much a center of controversy and of great significance to the judicial system is the methods employed by the various states in the selection of judges. In the course of U.S. legal history two principal methods have been employed: appointment and election. The appointment of judges by the chief executive is the older of the two. Under the influence of Jacksonian democracy many states adopted the second: election for a specified term of office.

In recent years a third and new approach had attracted wide attention. Missouri, in 1940, adopted a constitutional amendment now generally called the "Missouri plan." It combines appointment of judges with judicial responsibility to the electorate.

Under the "Missouri plan," the original appointment to fill a vacancy is made by the governor who must select the appointee from a list proposed by a specially constituted non-partisan commission composed of judges, lawyers and laymen. At the end of a specified period the appointed judge is subject to an election in which the voters decide on

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the single question of whether he should stay in office for a full 12-year term. If the voters approve the judge, he serves out his full term, at the end of which he must submit himself to the voters for approval or rejection for a succeeding term. If the judge is rejected, a vacancy is declared and another judge is appointed.

The same procedure is followed in California with election also being for a 12-year term. Virginia's high judges are elected by the legislature for 12-year terms, while West Virginia's are elected by the people on a partisan ballot for a similar period. Delaware's are appointed by the governor for 12 years.

Ten year terms are called for in Alaska, Colorado, North Dakota, South Carolina, Utah and Wisconsin. Alaska follows the "Missouri plan." Election is on a partisan basis in Colorado and non-partisan in North Dakota, Utah and Wisconsin. South Carolina's are appointed by the legislature.

Judges of all courts are named by the governor for life appointments in Massachusetts, and higher court judges are elected for life by the legislature in Rhode Island. In New Jersey, the initial appointment, by the governor, with the consent of the senate, is for seven years. After that the justice may be reappointed for life. Appointed by the governor, justices in New Hampshire may serve until they are 70.

Pennsylvania justices are elected on a partisan basis for terms of 21 years. Maryland's are appointed by the governor, but must stand for election, to a 15-year term, on a non-partisan ballot after at least one year's service.

Illinois highest court judges are elected on a partisan ballot for nine year terms. The governor makes the appointments in Hawaii and Maine where seven year terms prevail. Six year terms prevail in 17 states, **including Washington, where election is on a non-partisan ballot.**

While the Massachusetts justice has a life appointment, his pay of \$22,000 annually isn't the highest. New York justices receive \$36,500; Pennsylvania's \$32,500; Illinois's \$30,000; ~~and~~ **and Washington's \$20,000.** ~~\$27,300,~~ Vermont's pay of \$10,500, Kentucky's \$12,000, and Montana's \$12,700, are among the lowest. In several states, chief justices receive additional pay.

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Several states have an intermediate appellate-type court just below the court of last resort. These are Alabama, California, Florida, Georgia, Illinois, Indiana, Louisiana, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee and Texas.

Courts of last resort in Iowa, Oklahoma, Texas and Washington each have nine justices. Oklahoma and Texas also have a second supreme court, a three-judge court of criminal appeals which is the court of last resort in criminal cases. Smallest high courts are those of Alaska, Nevada and Delaware, with three each.