

How Appellate and Supreme Court Justices are Selected

The office of appellate or supreme court justice is nonpartisan. To be eligible to serve in either position, a person must have practiced law for at least 10 years.

Before a person can become an appellate or supreme court justice, the Governor must submit the person's name to the California State Bar's Commission on Judicial Nominees Evaluation, which is comprised of public members and lawyers who reflect the ethnic, sexual and racial diversity of the population, and must include persons of a variety of backgrounds, abilities, interests, and opinions. With community input, the Commission conducts a thorough review of the candidate's background and qualifications, and forwards an evaluation to the Governor.

The evaluation assesses the candidate's character, reputation, common sense, knowledge, legal skills, professional experience, objectivity, ethics, ability to make difficult decisions, work ethic, temperament, and integrity.

After receiving the Commission's evaluation and concluding the person is qualified for appointment, the Governor may nominate the person to become an appellate or supreme court justice.

The nominee's qualifications are then reviewed by the Chief Justice of California, the Attorney General of California, and a senior presiding justice of the California Court of Appeal. Sitting as the Commission on Judicial Appointments, they conduct a public hearing. The public is invited to comment and speak at the hearing in support of or in opposition to the appointment. Letters received by the Commission in support of or in opposition to the appointment are received and considered by the Commission and are acknowledged publicly at the hearing. If the Commission finds the nominee is qualified to serve, it confirms the nomination. Following confirmation, the person takes the oath of office and becomes an appellate or supreme court justice, as the case may be.

An appellate or supreme court justice confirmed by the Commission must then be confirmed by voters at the next general election. Upon receiving a majority of the votes cast, the justice continues in office. The term of office depends on when the position became vacant. The California Constitution provides for a term of 12 years. However, if part of the term was served before the position became vacant, the justice serves the uncompleted part, either four or eight years. At the end of that term, the justice again must be confirmed by the voters at a general election in order to begin a new term.

California's state appellate justices receive appointments for a specific term and never receive a life-long appointment. Only judges nominated by the President of the United States to Federal Courts are appointed for life and are never voted upon by the citizens of any state.

The professional and personal conduct of appellate and supreme court justices is subject to review by the California Commission on Judicial Performance. All justices must comply with the California Code of Judicial Conduct, which contains standards for the ethical conduct of judges. A justice who violates any of those standards may be removed from office, making the person no longer eligible for election by the voters.