

**REPEAL THE CAP AND DO THE MATH: WHY WE NEED A MODERN, FLEXIBLE,
EVIDENCE-BASED METHOD OF ASSESSING NEW YORK'S JUDICIAL NEEDS**

Report by the New York City Bar Association Council on Judicial Administration
September 2023

APPENDIX

49-STATE SURVEY

1. Alabama

Courts	<p>The Alabama judiciary is composed of “a Supreme Court, a Court of Criminal Appeals, a Court of Civil Appeals, a Trial Court of General Jurisdiction known as the Circuit Court, a Trial Court of Limited Jurisdiction known as the District Court, a Probate Court and such Municipal Courts as may be provided by law.”¹ Each of Alabama’s 41 counties has a Circuit Court.²</p> <p>All judges, with the exception of Municipal Court Judges, are elected by voters for six-year terms.³ Judges of the Municipal Court are appointed by the governing body of the municipality for four-year terms (full-time judges) or two-year terms (part-time judges).⁴</p>
Appointment/ Election/ Other	<p>Judges are elected to constitutional courts, but the Legislature may create inferior courts where judges are elected or appointed.⁵</p> <p>If vacancies occur between elections, the Governor fills those seats to complete the vacated terms.⁶</p>
Who Determines Number of Judicial Seats & How?	<p>The Legislature has the authority to alter the number of judicial seats.⁷</p> <p>The Legislature may not create a court of general jurisdiction for a county having a population of less than 20,000 based on most recent federal census.⁸</p> <p>In 2017, the Legislature created the Judicial Resources Allocation Commission to determine “the need for increasing or decreasing the number of judgeships in District Courts and circuit courts.”⁹ The Commission is composed of 12 members: the Chief Justice of the Supreme Court of</p>

¹ Ala. Const. Art. VI, Sec. 139.

² Ala. Code Title 12 §12-11-2 (2019).

³ *Alabama Appellate Courts*, Judicial.Alabama.gov (2020), <https://judicial.alabama.gov/Appellate/JudgeQualification#:~:text=All%20justices%20and%20judges%2C%20with%20the%20exception%20of%20municipal%20court,governing%20body%20of%20the%20municipality> (All websites last accessed on Aug 29, 2023).

⁴ *Id.*

⁵ Ala. Const. Art. VI, §§152, 153.

⁶ *Id.* at §158.

⁷ *Id.* at §145.

⁸ *Id.* at §139.

⁹ *An Act to Establish the Judicial Resources Allocation Commission*, Ala. Act No. 2017-42, <https://www.alacourt.gov/docs/Act2017-42,%20Judicial%20Reallocation.pdf>.

	Alabama who serves as chair, the legal advisor of the Governor of Alabama, the Alabama Attorney General, three incumbent Circuit Judges appointed by the president of the Circuit Judges Association, three incumbent District Judges appointed by the president of the District Judges Association, three licensed attorneys with two appointed by the president of the Alabama State Bar, and one by the president of the Alabama Lawyers Association. ¹⁰ The Commission is assisted by National Center for State Courts. ¹¹
How Often Evaluated?	Annually. ¹²
Factors considered	The Commission analyzes the need for increasing or decreasing judgeships in the district and circuit courts based on the following criteria: (1) a judicial weighted Caseload study adopted by the Supreme Court; (2) population of a district or circuit based on the most recent census or the population estimate by the U.S. Census Bureau; (3) judicial duties in the district or circuit, including consideration of those circuits which have specialized divisions; (4) uniformity in the calculation of how civil, criminal, and domestic cases are accounted for between circuits; (5) any other information deemed relevant by the Commission. ¹³
Allocation and Assignment of Judges	No judicial seat may be relocated to another circuit without three years of evaluation of the judicial weighted caseload study and a judicial circuit shall not lose more than one judicial seat in a two-year period. ¹⁴
Judicial Retirements	The mandatory retirement age is 70. ¹⁵ A former judge who has served as a district, circuit, or probate judge for at least six years and is registered with the AL Center for Alternative Dispute Resolution may serve as a “private judge”. ¹⁶ A retired judge who has served for at least 10 years as a Circuit Court or District Court Judge may be appointed as a senior judge when: (1) a judge of the requesting court is disqualified for any cause from presiding in a matter pending before the requesting court; (2) when a judge of the requesting court is unable to preside in the requesting court because of disability, illness, or absence; (3) when the business of the requesting court requires the temporary assistance of an additional judge or additional

¹⁰ Ala. Code. Title 12 § 12-9A-1(a)(1)-(6) (2019).

¹¹ Jan. 5, 2022 Letter from Chief Justice Tom Parker to governor and legislature. <https://www.alacourt.gov/docs/lettertogovleg.152022.pdf>.

¹² Ala. Code. § 12-9A-1(d) (2019).

¹³ *Id.*

¹⁴ Ala. Code. § 12-9A-5 (2019).

¹⁵ Ala. Const. Art. VI § 6.16 Amendment 328 ratified; Ala. Code § 12-18-7 (2019).

¹⁶ *Ala. Code* § 12-11A-3.

	judges. ¹⁷ Senior judges receive no compensation except per diem expenses and mileage reimbursements. ¹⁸
Number of Judges	Of 645 judges in Alabama, 19 sit on Appellate Courts, 146 sit on the Circuit Courts, and 480 in Lower Trial Courts. ¹⁹
Other Applicable Resources or Details	The Chief Justice of the Supreme Court may assign a Circuit or District Judge to serve within another judicial district for a reasonable time to address court congestion, court delay, civil and criminal backlog of cases, or for any other reason necessary for the prompt and thorough administration of justice. ²⁰ The presiding Circuit Judge may appoint a “special judge,” who shall have same qualifications as those required for judgeship to which he or she is appointed, for temporary service for up to 180 days without pay and may be reappointed. ²¹
Population	5,039,877. ²²
Cases Filed or pending and backlogs	“[The] House passes bill to bring back retired judges to deal with case backlog.” ²³

2. Alaska

Courts	The Alaska judiciary is composed of a Supreme Court, Superior Courts, the Trial Court of General Jurisdiction, ²⁴ and courts established by the Legislature, such as the Court of Appeals, a Statutory Court of Limited Jurisdiction which hears criminal appeals, and the District Courts, which hear misdemeanors ²⁵ and specified civil matters under \$100,000. ²⁶ Initial judicial terms are three years after which each Supreme Court Justice may seek a ten-year term in a retention election, while Superior Court Judges have retention elections every six years. ²⁷
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¹⁷ *Id.* at § 12-1-14.2.

¹⁸ *Id.*

¹⁹ *Alabama Appellate Courts, Judicial System Chart*, Judicial.Alabama.gov (2020), <http://judicial.alabama.gov/Appellate/JudicialSystemChart>.

²⁰ Ala. Code §12-9A-7.

²¹ *Id.* at §12-1-14.1

²² U.S. Census State Population 2021, <https://www.census.gov/quickfacts/AL>.

²³ Alabama Political Reporter, Brandon Moseley 2/11/21. For cases filed, see Alabama Unified Judicial System Fiscal Year 2020 Annual Report and Statistics.

²⁴ Alaska Const. Art. IV, § 1.

²⁵ Alaska Stat. § 22.15.060 (2019).

²⁶ *Id.* at § 22.15.030.

²⁷ Alaska Const. Art. IV § 6.

Appointment/ Election/ Other	Judges are appointed by the Governor based on nomination from a judicial council. ²⁸ All judges are thereafter subject to retention elections at different intervals depending on their office. ²⁹
Who Determines Number of Judges & How?	The Legislature determines the number of judges. ³⁰ The Superior Courts consist of 45 judges and the Legislature decides how many of these judges are assigned to which of four districts. ³¹ The number of justices in the Supreme Court may be increased by law upon the request of the Supreme Court. ³²
How Often Evaluated?	
Factors Considered?	
Allocation and Assignment of Judges	While the Legislature sets the number of District Court Judges and Magistrates, ³³ the Presiding Judge of the Superior Court of the district may assign a District Judge or Magistrate within the district to serve in another district. ³⁴ The Chief Justice, as the administrative head of all courts, assigns judges, including temporary assignments of judges from one court to another for up to 90 days. ³⁵
Judicial Retirements	Judges must retire at 70, ³⁶ but they may be appointed to sit “pro tempore” for specific cases or specified period of time up to two years which appointments may be renewed. ³⁷

²⁸ Alaska Const. Art. IV, § 5. The Alaska Judicial Council is also responsible for judicial performance evaluations and improving the administration of justice by establishing task forces to study issues, collecting and evaluating data. (See *Twenty-Ninth Report: 2017-2018 to the Legislature and Supreme Court*, Ajs.alaska.gov, http://ajc.alaska.gov/publications/docs/biennial/29th_Report.pdf.)

²⁹ Alaska Const. Art. IV, § 6.

³⁰ *Id.* at § 3.

³¹ *Court System Information*, Courts.alaska.gov,

<https://courts.alaska.gov/main/ctinfo.htm#:~:text=The%20Superior%20Court%20is%20the,judges%20located%20througout%20the%20state>.

³² Alaska Const. Art. IV § 2.

³³ Alaska Stat. § 22.15.020 (2019).

³⁴ *Hornaday v Rowland*, 674 P2d 1333 [Alaska 1983].

³⁵ Alaska Const. Art IV §16; Alaska R. Admin 24(d); *Kochutin v State*, 739 P2d 170, 171, n 7 [Alaska 1987] (Chief Judge assigned a superior court judge to preside over trial for first degree murder and first-degree sexual assault of a minor. Motion to disqualify judge denied.)

³⁶ Alaska Const. Art. IV § 11.

³⁷ Alaska R. Admin. 23.

Number of Judges	Five Supreme Court Justices, three Court of Appeals Judges, and 40 Superior Court Judges. ³⁸
Other Applicable Resources or Details	N/A
Population	732,673. ³⁹
Cases filed or pending and backlogs	June 30, 2021: 301 filings in the Supreme Court; 168 filings before the Court of Appeals; 22,150 filings in the Superior Courts; 79,618 filings in the District Courts. ⁴⁰ “As of January 1, 2021, there were 19,629 pending felony and misdemeanor cases awaiting trial in Alaska courts. That is up by more than 5,000 from the same date in 2020.” ⁴¹

3. Arizona

Courts	The Arizona judiciary is composed of three courts of general jurisdiction – a Supreme Court, a Court of Appeals, and Superior Courts – and other justice and Municipal Courts. The Court of Appeals has two divisions: Division One in Phoenix, which has 16 judges and Division Two in Tuscon, which has six judges. ⁴² The Arizona Supreme Court is comprised of seven judges, with six year terms. ⁴³ “Superior Court is the state’s general jurisdiction court” and the justices are elected to serve four year terms. ⁴⁴ Each county has at least one Superior Court. ⁴⁵ Each county has Justice Courts that are presided over by a Justice of the Peace, who is elected to a four year term. ⁴⁶ Municipal Courts have criminal jurisdiction over misdemeanor crimes, civil traffic cases, violations of city ordinances and codes. ⁴⁷
Appointment/Election/Other	Supreme Court Justices, Judges on the Courts of Appeals, and Superior Court Judges are selected by a combination of election and appointment. Vacancies are filled by the Governor within 60 days from receipt of a list submitted by a

³⁸ *Courts in Alaska*, Ballotpedia.org, https://ballotpedia.org/Courts_in_Alaska#State_court_of_appeals.

³⁹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/AK>.

⁴⁰ *Alaska Court System Statistical Report FY 2021*, Alaska Court System, p.32 – 33, <http://www.courts.alaska.gov/admin/docs/fy21-statistics.pdf>.

⁴¹ James Brooks, *Alaska Court System Faces Significant Trial Backlog as Courtrooms Reopen from COVID-19 Closures*, Anchorage Daily News, Feb. 9, 2022.

⁴² *Court of Appeals*, Azcourts.gov, <https://www.azcourts.gov/AZ-Courts/Court-of-Appeals>.

⁴³ *AZ Supreme Court*, Azcourts.gov, <https://www.azcourts.gov/AZ-Supreme-Court>.

⁴⁴ *Superior Court*, Azcourts.gov, <https://www.azcourts.gov/AZ-Courts/Superior-Court>; ARIZ. CONST. ART. VI, §13.

⁴⁵ *Id.*

⁴⁶ *Justice Courts*, Azcourts.gov, <https://www.azcourts.gov/AZ-Courts/Justice-Courts>.

⁴⁷ *Municipal Courts*, Azcourts.gov, <https://www.azcourts.gov/AZ-Courts/City-Courts>.

	bipartisan commission which must be transmitted to the Governor within 60 days of a vacancy; such appointed judges must stand for a retention election two years after appointment. ⁴⁸ Superior Court Judges are elected by their respective counties for a term of four years. ⁴⁹
Who Determines Number of Judicial Seats and How?	The composition of the Arizona Supreme Court and the Arizona Court of Appeals is set by statute. ⁵⁰ The Legislature changes the number of judges assigned to a county, subject to a population formula of one judge for every thirty thousand persons. ⁵¹
How often evaluated?	
Factors considered	Arizona has a constitutionally-mandated judicial performance evaluation program. ⁵²
Allocation and Assignment of Judges	The Chief Justice may direct a Superior Court Judge to serve in another county and are called visiting judges. ⁵³ Superior Court Judges may serve in any county and any division. ⁵⁴
Judicial Retirements	Mandatory retirement age is 70. ⁵⁵
Number of Judges	Seven Supreme Court Justices, 22 Court of Appeals Judges, 180 Superior Court Judges, 85 Justice of the Peace Court Judges, 128 full and part time judges. ⁵⁶ Every county must have at least one Superior Court Judge. ⁵⁷

⁴⁸ Ariz. Const. Art. VI, § 37; Ariz. Rev. Stat. Ann. §12-120.01 (2018).

⁴⁹ *Superior Court*, *supra* note 44.

⁵⁰ Ariz. Const. Art. VI, § 10.

⁵¹ Ariz. Rev. Stat. Ann. §12-121(A) (2018).

⁵² *Arizona Commission on Judicial Performance Review*, Azcourts.gov, <https://www.azcourts.gov/jpr/About-JPR/Frequently-Asked-Questions>.

⁵³ Ariz. R. Sup. Ct. 95(b).

⁵⁴ *Larette v Adams*, 186 Ariz 628 (Ct. App. Div. 1 1996). Ariz. Rev. Stat. Ann. §12-121(A).

⁵⁵ Ariz. Const. Art. VI, § 39.

⁵⁶ *How Arizona Courts are Organized*, Azcourts.gov. <https://www.azcourts.gov/guidetoazcourts/How-Arizona-Courts-are-Organized>.

⁵⁷ Ariz. Const. Art. VI, § 10.

Other Applicable Resources or Details	In 2016, the Governor obtained legislative approval for the expansion of the Arizona Supreme Court from five to seven justices, over the objections of the Chief Judge, political groups, and concerned parties. ⁵⁸
Population	7,276,316. ⁵⁹
Cases Filed or pending and backlogs	2020: 1,596,428 filings. ⁶⁰ Two years before the pandemic, Arizona courts began studying the deluge of electronic evidence filed; Maricopa County alone produces 10,000 pieces of evidence each month. Following UK criminal courts and Webb County, Laredo Texas, where the UK had a 50% reduction in the number of hearings using an evidence-sharing platform and Texas managed to clear backlogs during the pandemic using the same evidence-sharing platform. ⁶¹

4. Arkansas

Courts	The Arkansas judiciary is composed of a Supreme Court, ⁶² Court of Appeals, ⁶³ Circuit Courts, ⁶⁴ District Courts, ⁶⁵ County Courts, ⁶⁶ and Justice of the Peace Courts. ⁶⁷ All judges of the Arkansas Supreme Court and Arkansas Court of Appeals are elected to eight-year terms, ⁶⁸ while District Court Judges have four-year terms and Circuit Judges have six-year terms. ⁶⁹
Appointment/Election/Other	Judges are elected to each of these courts for set terms. ⁷⁰

⁵⁸ Yvonne Wingett Sanchez, *Gov. Doug Ducey Signs legislation to Expand Arizona Supreme Court*, AZCENTRAL., May 18, 2016, <https://www.azcentral.com/story/news/politics/arizona/2016/05/18/gov-doug-ducey-signs-legislation-expand-arizona-supreme-court/84544008/>.

⁵⁹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/AZ>.

⁶⁰ *Court Annual Case Activity, State Fiscal Year 2020*, Azcourts.gov, <https://www.azcourts.gov/Portals/39/2020DR/SWCaseActivityF20.pdf?ver=2021-08-16-175333-577>.

⁶¹ Steve Rubley, “How Arizona Courts are Solving a Backlog that Pandemic Exacerbated,” ArizonaCentral.Com, Nov. 5, 2022, <https://www.azcentral.com/story/opinion/op-ed/2021/04/15/arizona-courts-digital-evidence-virtual-hearings-improve-justice/7197455002/>.

⁶² Ark. Const., amend. 80 §2.

⁶³ *Id.* at §5.

⁶⁴ *Id.* at §6.

⁶⁵ *Id.* at §7.

⁶⁶ Ark. Code §16-15 et seq. (West 2020).

⁶⁷ *Id.* at §16-19 ET SEQ.

⁶⁸ *Id.* at § 16-12-102.

⁶⁹ Ark. Const., amend. 80 §16.

⁷⁰ *Id.* §§ 17, 18.

Who Determines Number of Judicial Seats and How?	<p>The constitution sets the number of judges on the Arkansas Supreme Court.⁷¹ The General Assembly has the power to establish the number of judges on the other courts.⁷² A “District Court Resource Assessment Board” recommends to the General Assembly: (1) the criteria for the creation and placement of full-time, state-funded District Court judgeships; (2) revisions of current District Court judgeships or the redistricting of the District Court districts of [the] state; (3) the caseload and the geographic area of the District Court district; (4) the number and placement of full-time, state-funded District Court judgeships.⁷³ The Board is made up of 11 members:⁷⁴ two senators appointed by the chair of the Senate Committee on the Judiciary; two representatives appointed by the Chair of the House Committee on the Judiciary, and seven appointed by the Arkansas Supreme Court. Most of the members serve four-year terms.⁷⁵</p>
How often evaluated?	<p>The District Court Assessment Board makes its recommendations to the General Assembly at each regular session. ⁷⁶</p>
Factors considered	<p>(1) The caseload and the geographic area of the District Court district; (2) the November 25, 2002, <i>per curiam</i> opinion of the Arkansas Supreme Court that permits the District Courts to hear cases from the Circuit Courts; and (3) any other matter the Board determines to be appropriate; and (4) the number and placement of full-time, state-funded District Court judicial seats.⁷⁷</p>
Allocation and Assignment of Judges	<p>The Chief Justice may assign retired judges to sit temporarily.⁷⁸</p>
Judicial Retirements	<p>“It is declared to be the state’s public policy” that judges “may retire or be retired when” it is in the best interest of the individual and the public.⁷⁹ Factors to be considered include: “physical disability, advanced age, or other infirmities calculated to materially impair usefulness.”⁸⁰</p>

⁷¹ *Id.* at § 2.

⁷² *Id.* at §10.

⁷³ Ark. Code §16-17-1003 (West 2020).

⁷⁴ *Id.* at §16-17-1002.

⁷⁵ *Id.*

⁷⁶ *Id.* at §16-17-1003.

⁷⁷ *Id.*

⁷⁸ Ark. Const., amend. 80 §13.

⁷⁹ Ark. Code §24-8-201 (2020).

⁸⁰ *Id.*

Number of Judges	221 total: 19 Appellate and 202 Trial Judges. ⁸¹
Other Applicable Resources or Details	
Population	3,025,891 ⁸²
Cases filed or pending and backlog	In 2021, there were 158,442 Circuit Court filings; and 847,082 District Court filings. ⁸³

5. California

Courts	A Supreme Court, Courts of Appeal, and Superior Courts. ⁸⁴ Supreme Court Judges serve for 12 years, Superior Court Judges serve six-year terms. ⁸⁵
Appointment/Election/Other	Nomination and Election. ⁸⁶ The Governor nominates to fill vacancies on the California Supreme Court and California Courts of Appeals. ⁸⁷ Judges will run in retention elections to coincide with the next gubernatorial election and re-election at the end of each term. ⁸⁸ California Superior Court Judges are elected by voters of the county in which they sit. ⁸⁹ The Governor appoints temporary judges to fill vacancies in the Superior Courts until the next election. ⁹⁰
Who Determines Number of Judicial Seats & How?	The Legislature creates and allocates judicial seats in the Superior Courts ⁹¹ “in accordance with uniform standards for factually determining additional judicial need in each county as updated and approved by the Judicial Council,” a 31-member group. ⁹² The Council, established by the California Constitution, consists of: the Chief Justice; a Supreme Court Judge; three judges of the Courts of Appeals; 10 judges of the Superior Courts; two

⁸¹ Arkansas Judiciary 2021 Report to the Community.

⁸² U.S. Census state population for 2021, <https://www.census.gov/quickfacts/AR>.

⁸³ Arkansas Judiciary 2021 Report to the Community.

⁸⁴ Cal. Const. Art. VI, § 2. Municipal and superior courts were merged in 2002. *See Fact Sheet: Trial Court Unification*, Judicial Council of California, <https://www.courts.ca.gov/documents/tcunif.pdf>.

⁸⁵ Cal. Const. Art. VI § 16 (2019).

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Cal. Const. Art. VI, Sec. 4 (2019).

⁹² Cal. Gov. Code §69614 (2019).

	nonvoting court administrators; nonvoting members as determined by the voting membership each selected by the Chief Justice for a three-year term; four members of the State Bar appointed by its governing body for three years terms; and one member of each house of the Legislature. ⁹³ The Council established the Workload Assessment Advisory Committee which consists of seven judges and seven court executive officers which recommends “standards and measures that provide the equitable allocation of resources across courts to promote the fair and efficient administration of justice.” ⁹⁴
How often Evaluated?	Biennially ⁹⁵
Factors Considered	Case filings averaged over three years, estimates of the work required for different case types, and “a ranking method that provides consideration of need relative to their complement of judicial officers.” ⁹⁶
Allocation and Assignment of Judges	The Chief Justice may provide for the assignment of any judge to another court but only with the consent of that judge if the court is of lower jurisdiction, ⁹⁷ generally for up to 30 days. ⁹⁸
Judicial Retirements	Retired judges may be assigned to judicial duties in any court by the Chief Justice. ⁹⁹
Number of Judges	In total, 2,287 ¹⁰⁰ There are seven justices on the California Supreme Court, 105 justices in the Courts of Appeal, and approximately 2,175 judges, commissioners, referees, assigned judges, and temporary judges in the Trial Courts. ¹⁰¹

⁹³ Cal. Const. Art. VI, Sec. 6 (2019).

⁹⁴ 2019 Workload Assessment Advisory Committee Annual Agenda, Courts.ca.gov, <https://www.courts.ca.gov/documents/waac-20191118-materials.pdf>.

⁹⁵ Cal. Gov. Code §69614(c).

⁹⁶ *Id.* See e.g., *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*, Judicial Council Office of California, <https://www.courts.ca.gov/documents/2020 Update of the Judicial Needs Assessment.pdf>.

⁹⁷ Cal. Const. Art. VI, §6(e) (2019).

⁹⁸ Fact Sheet, Assigned Judges Program, <https://www.courts.ca.gov/documents/Assigned Judges Program.pdf>.

⁹⁹ Fact Sheet, Assigned Judges Program, <https://www.courts.ca.gov/documents/Assigned Judges Program.pdf>, Judicial Council of California, <https://www.courts.ca.gov/documents/Assigned Judges Program.pdf> (“In addition to his or her retirement pension, a retired judge sitting on assignment is compensated at 92 percent of the salary of a judge of the court of record to which he or she is assigned, based on a 250-day year (Gov. Code, § 68543.5(a)). The state pays the entire cost of judges who serve on assignment.”)

¹⁰⁰ *FAQs*, California Courts, Courts.ca.gov,

<https://www.courts.ca.gov/2954.htm#:~:text=Q%3A%20How%20many%20judges%20are,judges%20in%20the%20trial%20courts>.

¹⁰¹ *Id.*

Other Applicable Resources or Details	Officers such as commissioners may be appointed to perform subordinate judicial duties. ¹⁰²
Population	39,237,836. ¹⁰³
Cases Filed or pending and backlogs	5.3 million cases in 2021. ¹⁰⁴ The Chief Justice and Chair of the Judicial Council, the policy making body of the judiciary, said “[the] pandemic has revealed [that] remote technology, or even phone calls, have increased access to justice, particularly in family and juvenile delinquency and dependency cases.” “We found a new equity, a new fairness in access to justice through a remote process!” ¹⁰⁵

6. Colorado

Courts	A Supreme Court, District Courts, a Probate Court in Denver, a Juvenile Court, County Courts and “such other courts or judicial officers . . . as the general assembly may, from time to time establish.” ¹⁰⁶ Terms are 10 years for Colorado Supreme Court Judges ¹⁰⁷ and six years for other judges. ¹⁰⁸
Appointment/Election/Other	Initial appointment is by the Governor from a list prepared by a nominating commission, followed by retention election ¹⁰⁹ In Denver, the mayor, not the Governor, appoints County Court Judges. ¹¹⁰
Who Determines Number of Judicial Seats and How?	Number of District Court and Probate Judges is set by the Legislature; ¹¹¹ A 2/3 vote of each house is required to change the number. ¹¹² The number of Supreme Court Judges is set by the constitution, which states that there should be no fewer than seven, but no more than nine (which is set whenever two thirds of the members of each house of the general assembly concur). ¹¹³

¹⁰² Cal. Const. Art. VI, §22.

¹⁰³ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/CA>.

¹⁰⁴ 2021 Court Statistics Report Statewide Caseload Trends, Courts.ca.gov, <https://www.courts.ca.gov/documents/2021-Court-Statistics-Report.pdf>.

¹⁰⁵ Alaina Lancaster, The Record, “Cal. Chief Justice Breaks Down Pandemic Court Backlogs.” Oct. 21, 2021.

¹⁰⁶ Colo. Const. Art. VI, §1 (2019).

¹⁰⁷ *Id.* at §7.

¹⁰⁸ *Id.* at §§10, 14, 15.

¹⁰⁹ *Id.* at §§20, 25.

¹¹⁰ *Colorado Courts at a Glance* (2015), Courts.state.co.us, <https://www.courts.state.co.us/userfiles/file/Media/Brochures/2014webglance.pdf>.

¹¹¹ Colo. Const. Art. VI, §§10, 14 (2019).

¹¹² *Id.* at §10.

¹¹³ *Id.* at §5.

	In 2020, the Chief Judge asked the Legislature to budget more for a senior judge program ¹¹⁴ and to hire magistrates to address backlogged jury cases. ¹¹⁵
How Often Evaluated?	
Factors Considered?	
Allocation and Assignment of Judges	The Chief Judge may assign any judge, who consents, to another county or court (including retired judges). ¹¹⁶
Judicial Retirements	<p>“A nominee shall be under the age of seventy-two years at the time his name is submitted to the governor.”¹¹⁷ “On attaining the age of seventy-two a justice or judge of a court of record shall retire.”¹¹⁸</p> <p>The Chief Judge may appoint a retired judge temporarily as “necessary to the prompt disposition of judicial business.”¹¹⁹</p>
Number of Trial Judges	As of July 1, 2021, 358 total judges, 329 trial judges (this includes 114 part-time and full-time county court judgeships). ¹²⁰ As of January 1, 2021, 32 senior judges. ¹²¹
Other Applicable Resources or Details	
Population	5,812,069 ¹²²

¹¹⁴ CRS § 24-51-1105 explains Senior Judge Program. Under CRS §13-1-122, senior judges can hear all cases.

¹¹⁵ State of Judiciary by Chief Judge Brian D. Boatright

[https://www.courts.state.co.us/userfiles/file/Media/Education/State%20of%20the%20Judiciary%20Feb %2018%202021%20BDB.pdf](https://www.courts.state.co.us/userfiles/file/Media/Education/State%20of%20the%20Judiciary%20Feb%2018%202021%20BDB.pdf).

¹¹⁶ Colo. Const. Art. 6, §5 (2019).

¹¹⁷ *Id.* at §20.

¹¹⁸ *Id.* at §23.

¹¹⁹ *Id.* at §5(3).

¹²⁰ *Court Facts*, Courts.state.co.us, https://www.courts.state.co.us/Courts/Education/Court_Facts.cfm.

¹²¹ Colorado Research and Data FY 2021 Annual Report.

¹²² U.S. Census state population for 2021, <https://www.census.gov/quickfacts/CO>.

Cases Filed or pending and backlogs	In fiscal year 2020, there were 372,116 cases filed statewide at the county courts (excluding Denver County Court), 228,570 cases filed in District Courts, 2,305 in the Court of Appeals, and 1,474 in the Supreme Court. ¹²³ Colorado averages 2,700 jury trials per year, most of which were criminal but in 2020, there were only 946 trials. In 2021, there is a backlog of 14,600 civil and criminal jury trials ready. ¹²⁴
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7. Connecticut

Courts	The Connecticut judiciary is composed of a Supreme Court, an Intermediate Court of Appeals and trial level Superior Courts of General Jurisdiction. ¹²⁵ Terms are eight years for all judges of the Supreme Court, the Appellate Courts, and the Superior Courts. ¹²⁶ Terms are four years for lower court judges. ¹²⁷
Appointment/Election/Other	All judges are nominated by the Governor from recommendations by a Judicial Selection Commission and approved by the General Assembly. ¹²⁸
Determination of Number of Judges	The Legislature has the constitutional authority to adjust the number of judicial seats. ¹²⁹
How often evaluated?	
Factors considered	
Allocation and Assignment of Judges	
Judicial Retirements	The mandatory retirement age is 70. ¹³⁰ “Any judge who retires from full-time active service, who has not attained the age of seventy and who is an elector and resident of this state, shall be a senior judge of the court of which he is a member during the remainder of the term of office for which he was

¹²³ *Court Facts*, *supra* note 113.

¹²⁴ Michael Karlik, Colorado Politics, Print Edition “Bill to Eliminate Trial Backlog Runs into Staunch Opposition from Public Defender, June 2, 2021. See also, State of Judiciary by Chief Judge Brian D. Boatright <https://www.courts.state.co.us/userfiles/file/Media/Education/State%20of%20the%20Judiciary%20Feb.%2018%2021%20BDB.pdf>.

¹²⁵ Conn. Const. Art. 20, §1, amend. XX (2021).

¹²⁶ *Id.* at § 2, amend. XXV.

¹²⁷ *Id.* at § 3.

¹²⁸ *Id.*

¹²⁹ While the constitution does not specifically state that the number of judicial seats is altered by the Legislature, the Legislature has periodically increased the number of judges. See CONN. CONST. ART. V, §2 (2019); CONN. GEN. STAT. §5-165(1) (2021).

¹³⁰ See Conn. Gen. Stat. § 51-50 (2021).

	appointed.” ¹³¹ “Judges are eligible to retire at age 65 or after serving 20 years as a judge.” ¹³² There are 18 senior status judges in the Trial Courts. ¹³³ The Governor fills the seat upon a judge taking senior status. ¹³⁴ In the Supreme Court, where judges sit in panels of five, “justices who are eligible and who have not yet attained the age of 70 may elect to take senior status and remain as members of the court.” ¹³⁵
Number of Judges	Since 2009, the Legislature has authorized: 201 Constitutional Judges including 185 Superior Court Judges; seven Supreme Court Judges; nine Appellate Court Judges. ¹³⁶ The number of judges increased regularly from 1998 beginning at 183 total. ¹³⁷ In addition, there are 54 Probate Judges. ¹³⁸
Other Applicable Resources or Details	
Population	3,605,597 ¹³⁹
Cases Filed or pending and backlogs	There were 60,245 civil cases pending on June 20, 2021. ¹⁴⁰ The number of pending Family Court/divorce cases in the summer of 2020 was 8,067 and 9,123 in the summer of 2021. “The solution [to backlog in matrimonial and family cases] is more Family Court Judges, even temporarily to work through the backlogs, according to Rich Rochlin, Divorce Attorney.” ¹⁴¹

8. Delaware

Courts	The Delaware Judiciary is composed of a Supreme Court, a Court of Chancery, a Superior Court of general jurisdiction, and various lower courts. ¹⁴² All judges have a term of twelve years. ¹⁴³
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¹³¹ *Id.* at §51-50i.

¹³² https://ballotpedia.org/Connecticut_Superior_Court.

¹³³ <https://www.jud.ct.gov/judsearch/judsen.asp>.

¹³⁴ https://ballotpedia.org/Connecticut_Superior_Court.

¹³⁵ <https://www.jud.ct.gov/ystday/orgcourt.html>.

¹³⁶ *See* Conn. Gen. Stat. § 51-165 (2021).

¹³⁷ *Id.*

¹³⁸ State of Connecticut, Judicial Branch, About the Connecticut Court, Organization of the Courts, Jud.ct.gov, <https://www.jud.ct.gov/ystday/orgcourt.html>.

¹³⁹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/CT>.

¹⁴⁰ *Civil Case Movement*, Jud.ct.gov, https://jud.ct.gov/statistics/civil/CaseDoc_2021.pdf. See also Connecticut Judicial Branch Biennial Report and Statistics 2018-2020.

¹⁴¹ Jordan Fenstar, Stamford Advocate, July 21, 2021 “CT Lawyer: Divorce Case Backlog is Awful!”

¹⁴² Del. Const. Art. IV., § 1 (2019).

¹⁴³ *Judicial Appointments*, Courts.delaware.gov, https://courts.delaware.gov/superior/aboutus/team_judges.aspx.

Appointment/ Election/ Other	All judges are appointed by the Governor, subject to confirmation by the Delaware Senate. ¹⁴⁴ Nominees come from the Judicial Nomination Commission. ¹⁴⁵
Who Determines Number of Judicial Seats and How?	The authority to adjust the number of judicial seats is vested in the Legislature. ¹⁴⁶ The Legislature has, periodically, increased or decreased the number of judicial seats. ¹⁴⁷
How often evaluated?	The Delaware Supreme Court has, on occasion, commissioned reports concerning the size of the judiciary. ¹⁴⁸
Factors considered	Factors considered were the question of timeliness of decisions and appellate administrative efficiency. ¹⁴⁹
Allocation and Assignment of Judges	
Judicial Retirements	No mandatory retirement.
Number of Judges	
Other Applicable Resources or Details	The Governor has the power, in court emergencies, to commission judges <i>ad litem</i> . ¹⁵⁰
Population	1,003,384 ¹⁵¹ In addition, there are 1.6 million corporations registered in Delaware as of 2020. ¹⁵²

¹⁴⁴ Del. Const. Art. IV., § 3 (2019).

¹⁴⁵ See, e.g., Exec. Order No. 16 (2017).

¹⁴⁶ Del. Const. Art. IV., § 1 (2019).

¹⁴⁷ See, e.g., Act of Jul. 27, 1999, House Bill No. 355, ch. 238, 72 Del. Laws (2000); Act of Jul. 27, 2019, Senate Bill No. 206, ch. 240, 72 Del. Laws (2000); see History: The Superior Court, Courts.delaware.gov, <https://courts.delaware.gov/superior/aboutus/history2.aspx>.

¹⁴⁸ Del. State Bar Assoc. & Del. Chapter of the American College of Trial Lawyers, *Joint Study of the Delaware Courts* (2012), available at <https://courts.delaware.gov/aoc/docs/ACTL-DSBA-Full-Report.pdf> (“At the request of the Delaware Supreme Court...”).

¹⁴⁹ See *id.*

¹⁵⁰ Del. Const. Art. IV, § 15 (2019). (“The governor shall have power to commission a judge or judges *ad litem* to sit in any cause...”)

¹⁵¹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/DE>.

¹⁵² Delaware 2020 Annual Report, Division of Corporations, <https://corp.delaware.gov/stats/2020-annual-report/>.

Cases Filed or pending and backlogs	See 2021 Annual Report and Statistical Information for Delaware Judiciary. ¹⁵³

9. Florida

Courts	The Florida judiciary is composed of a Supreme Court, District Courts of Appeal, Circuit Courts, and County Courts. ¹⁵⁴ No other courts may be established. ¹⁵⁵ The courts are generally divided into appellate court districts and judicial districts following county lines. ¹⁵⁶ Terms are six years for all judges. ¹⁵⁷
Appointment/Election/Other	Judges may be appointed or elected but are subject to routine retention elections. ¹⁵⁸
Who Determines Number of Judicial Seats and How?	<p>The Legislature.</p> <p>“The Supreme Court shall establish by rule uniform criteria for the determination of the need for additional judges except Supreme Court Justices...If the Supreme Court finds that a need exists...it <i>shall...certify</i> to the Legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the Legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the Legislature may create more judicial offices than are recommended by the Supreme Court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the Legislature, that such a need exists...”¹⁵⁹</p> <p>The Office of the State Courts Administrator (“OSCA”) conducted a Judicial Workload Assessment in 2016 to determine whether there existed a need to adjust the number of judges in the judiciary. Using this model, the Judicial Needs Assessment Committee (“JNAC”) determined that Florida needed a “total of 609 Circuit Court Judges and 316 County Court Judges. This represents an increase of ten Circuit Court judgeships and a decrease</p>

¹⁵³ <https://courts.delaware.gov/aoc/AnnualReports/FY21/index.aspx>.

¹⁵⁴ Fla. Const. Art. V, §1 (2019).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Florida Supreme Court, Florida’s Court System*, <https://www.floridasupremecourt.org/About-the-Court/Florida-s-Court-System>.

¹⁵⁸ Fla. Const. Art. V, §§ 3(a), 10(a)–10(b)(3)(c) (2019).

¹⁵⁹ *Id.* at § 9.

	of six County Court judgeships in comparison with current allocations.” ¹⁶⁰ The JNAC in Florida consists of 43 members, with 20 coming from the Circuit Courts and 22 from the County Courts. The committee was created by the Office of State Courts Administrator in Florida. ¹⁶¹
How often evaluated?	As needed, with no specific time frame. ¹⁶² Weighed caseload studies were conducted in 1999, 2007, and 2016. ¹⁶³ In 2016, Florida contracted with NCSC to perform the assessment taking into consideration changes in laws, technology, legal practices. ¹⁶⁴
Factors considered	The JNAC, used the following metrics to conduct a weighted caseload assessment: (1) case filings or the number of new cases of each type opened each year; (2) case weights, which represent the average amount of judge or judicial officer time required to handle cases of each type over the life of that case; and (3) the year value, or the amount of time each judge or judicial officer has available for case-related work in one year. ¹⁶⁵ Additionally, under the Florida Rules of Judicial Administration, factors other than the weighted case load model may be considered, including: the availability and use of County Court Judges in Circuit Court, the availability and use of senior judges to serve on a particular court, the availability and use of magistrates and hearing officers, the extent of the use of alternative dispute resolution, the number of jury trials, foreign language interpretations, the geographic size of the circuit, law enforcement activities in the court’s jurisdiction, the availability and use of case-related support staff and case management policies, and caseload trends. ¹⁶⁶
Allocation and Assignment of Judges	“When a Justice of the Supreme Court is unable to perform the duties of office, or when necessary for the prompt dispatch of the business of the court, the Chief Justice may assign to the court any judge who is qualified to serve, for such time as the Chief Justice may direct.” ¹⁶⁷ “When any Circuit or County Judge is unable to perform the duties of office, or when necessary for the prompt dispatch of the business of the court, the Chief Judge of the circuit may assign any judge in the circuit to temporary service for which the judge is qualified.” ¹⁶⁸

¹⁶⁰ Brian J. Ostrom, Matthew Kleiman, Cynthia G. Lee, Shannon Roth, “Florida Judicial Workload Assessment Final Report,” *National Center for State Courts*, May 2016, <https://www.flcourts.org/content/download/216629/file/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf>.

¹⁶¹ *Id.*

¹⁶² Fla. Const. Art. V, § 9 (2019).

¹⁶³ Brian J. Ostrom, Matthew Kleiman, Cynthia G. Lee, Shannon Roth, “Florida Judicial Workload Assessment Final Report,” *National Center for State Courts* (May 2016), <https://www.flcourts.org/content/download/216629/file/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf>.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Fla. R. Jud. Admin. § 2.240(b)(1)(B).

¹⁶⁷ Fla. R. Jud. Admin. § 2.205(a)(4)(A).

¹⁶⁸ Fla. R. Jud. Admin. § 2.205(a)(4)(C).

Judicial Retirements	The mandatory retirement is age 75. ¹⁶⁹ Retired judges who are not engaged in the practice of law are eligible for temporary duty for more than 60 days with the approval of the Chief Justice. ¹⁷⁰
Number of Judges	Of 992 judges, 921 are Trial Court Judges. ¹⁷¹
Other Applicable Resources or Details	If the Florida Supreme Court fails to express its need “when need exists, the Legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the Legislature may, upon a finding of two-thirds of the membership of both houses of the Legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.” ¹⁷²
Population	21,538,187 ¹⁷³
Cases filed or pending and backlogs	3,092,661 cases in fiscal year 2020-2021. ¹⁷⁴ “Newly created judicial branch commissions, committees, task forces, work groups, and similar study or advisory groups must be established by the Supreme Court, not solely by the Chief Justice. Such study or advisory groups may be created and charged by rule adopted by the court, or by administrative order issued by the Chief Justice in accordance with court action. Members of such groups shall be appointed by administrative order of the Chief Justice, after consultation with the court. When practicable, ad hoc committees and other ad hoc study or advisory groups, which should be used to address specific problems, shall be established under the umbrella of an existing committee or commission, which should be used to address long-term problems.” ¹⁷⁵

10. Georgia

Courts	Georgia’s judiciary is composed of a Supreme Court, Court of Appeals, Superior Courts, State Courts, Juvenile Courts, Probate Courts, and Magistrate Courts. The General Assembly may also authorize Municipal Courts and administrative agencies with quasi-judicial powers. ¹⁷⁶
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¹⁶⁹ Florida Supreme Court, *Merit Selection, Retention & Mandatory Retirement of Justices* (Jan. 11, 2021), <https://www.floridasupremecourt.org/Justices/Merit-Selection-Retirement-Retirement>.

¹⁷⁰ Fla. Stat § 25.073 (2021).

¹⁷¹ Florida Courts, *Florida’s Court Structure*, <https://www.flcourts.org/content/download/216616/file/Court-Structure.pdf>.

¹⁷² Fla. Const., Art. V, § 9 (2019).

¹⁷³ This figure represents the population per the census as of April 1, 2020. United States Census Bureau, *Quick Facts Florida* (July 1, 2021), <https://www.census.gov/quickfacts/FL>.

¹⁷⁴ Florida Office of the State Courts Administrator, *Overall Statistics – Fiscal Year 2020-2021*, <https://www.flcourts.org/content/download/830720/file/Chapter%20Overall%20Statistics.pdf>.

¹⁷⁵ Rule 2.205 - The Supreme Court, Fla. R. Jud. Admin. 2.205.

¹⁷⁶ Ga. Const., Art VI, ¶I (2021).

<p>Appointment/ Election/ Other</p>	<p>All judges are elected by a judicial district.¹⁷⁷ Trial Court Judges are elected to four-year terms while Appellate Court Judges are elected to six-year terms.¹⁷⁸ The Governor appoints judges to vacant seats, who must then be elected.¹⁷⁹</p>
<p>Who Determines Number of Judicial Seats and How?</p>	<p>The Legislature and the Governor.¹⁸⁰</p> <p>On September 1, 2016, Georgia’s Judicial Council, the governing body of the court, established the Standing Committee on Judicial Workload Assessment.¹⁸¹ “Members of the Standing Committee are: Judge of a Superior Court, chosen by the Supreme Court, Chair; Judge of Superior Court, chosen by the Supreme Court, Vice-Chair; Ten Judges of Superior Courts, one from each Administrative District, chosen by the Administrative Judge; Judge of a State Court, chosen by the President of the Council of State Court Judges; Judge of a Juvenile Court, chosen by the President of the Council of Juvenile Court Judges; Judge of a Probate Court, chosen by the President of the Council of Probate Court Judges, ending June 30, 2019; Judge of a Magistrate Court, chosen by the President of the Council of Magistrate Court Judges; and Judge of a Municipal Court, chosen by the President of the Council of Municipal Court Judges. At the conclusion of a member's term as specified above, his or her successor and all subsequent successors will serve a term of three years. Members will serve until their successors are chosen.”¹⁸² The Council is assisted by three research analysts and a judicial services director.¹⁸³</p>
<p>How often evaluated?</p>	<p>Annually¹⁸⁴</p>
<p>Factors considered</p>	

¹⁷⁷ Ga. Code. §15-6-4.1 (2021).

¹⁷⁸ Ga. Const., Art VI, §VII, ¶I (2021).

¹⁷⁹ *Id.* at ¶ III, IV.

¹⁸⁰ *Georgia Court Guide to Statistical Reporting*, pg. 1 (2018), <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2019/09/Georgia-Court-Guide-to-Statistical-Reporting-v6-FINAL-11.17.17.pdf>.

¹⁸¹ *Order establishing the Standing Committee on Judicial Workload Assessment*, Supreme Court of Georgia, <https://georgiacourts.gov/wp-content/uploads/2020/01/2016-September-1-Creation-of-Judicial-Workload-Assessment-Committee.pdf>.

¹⁸² *Id.*

¹⁸³ *Georgia Guide to Statistical Reporting*, p. 24.

¹⁸⁴ The Administrative Office of the Courts is required to report statistics on the judicial work of the courts. Ga. Code. 15-5-24(3) (2021).

Allocation and Assignment of Judges	
Judicial Retirements	No mandatory retirement age. The Legislature has adopted the use of the federal “senior judgeship” statute. ¹⁸⁵ Senior judgeship is a form of semi-retirement whereby judges can leave a vacancy on the bench but continue a caseload with a clerk and chambers. After retiring, the circuit can “call upon a senior judge to serve in an emergency or when the volume of cases or other unusual circumstances cause such service to be necessary in order to provide for the speedy and efficient disposition of the business of the circuit.” ¹⁸⁶ In addition to the power of the judiciary to call upon the assistance of senior judges, the governor has the same authority. ¹⁸⁷
Number of Judges	In addition to 122 State Courts Judges, there are 120 Juvenile Court Judges, 159 Probate Court Judges, 354 Magistrate Court Judges. ¹⁸⁸
Other Applicable Resources or Details	<i>See Georgia Court Guide to Statistical Reporting.</i> ¹⁸⁹
Population	10,799,566 ¹⁹⁰
Cases filed or pending and backlogs	<i>See Judicial Council of Georgia Administrative Office of the Court, Fiscal Year 2021 Annual Report</i> ¹⁹¹

11. Hawaii

Courts	The Hawaii judiciary is composed of a Supreme Court, an intermediate Court of Appeals, Circuit Courts of general jurisdiction and various lower courts. ¹⁹²
Appointment/Election/Other	“The Governor is the appointing authority to nominate judges of the Supreme Court, Intermediate Court of Appeals, and Circuit Court for an initial ten-year term. ...All nominations are subject to confirmation by the

¹⁸⁵ *See*, Ga. Code. § 15-1-9.2 (2021).

¹⁸⁶ *Id.* at § 15-1-9.2 (2021); § 15-1-9.3 (State Judges); § 15-9-141 (Probate Judges).

¹⁸⁷ *Id.* at § 47-8-60.

¹⁸⁸ *Georgia Judicial System Structure: Trial Courts*, Reformgeorgia.org, <https://www.reformgeorgia.org/georgia-judicial-system-structure/>.

¹⁸⁹ *Georgia Guide to Statistical Reporting*, *supra* note 162.

¹⁹⁰ U.S. Census state population for 2021. <https://www.census.gov/quickfacts/GA>.

¹⁹¹ https://jcaoc.georgiacourts.gov/wp-content/uploads/sites/6/2022/01/FY21-JCAOC-Annual-Report_1.pdf.

¹⁹² Haw. Const., Art VI, § 1 (2019).

	state senate.” ¹⁹³ Court of Appeals and Circuit Court Judges have 10-year terms; while “District Court Judges are appointed by the Chief Justice to a 6-year term.” ¹⁹⁴
Who Determines Number of Judicial Seats and How?	The Legislature is empowered to act upon the judiciary recommendations as part of its budget process. ¹⁹⁵
How often evaluated?	The judiciary, in its biennium budget request, submits recommendations for the adjustment of the number of judicial seats. ¹⁹⁶
Factors considered	Case load is considered. ¹⁹⁷
Allocation and Assignment of Judges	“Whenever it is advisable, by reason of the disqualification of any Circuit Judge, or the judge’s inability to attend to the judge's duties or there is a vacancy in the office of any Circuit Judge, or a congestion of work in any Circuit Court, or for any other reason, the Chief Justice of the Supreme Court may assign and require the judge of any other circuit, or any retired Circuit Judge, from any circuit, to hear and determine any or all matters then or thereafter pending in the circuit to which the judge is assigned for such purpose, and to perform any other duties pertaining to the office of Circuit Judge of the circuit to which the judge is so assigned, and while so engaged the judge shall have and exercise all the powers vested in a judge of that circuit.” ¹⁹⁸
Judicial Retirements	A judge may not serve past age 70. ¹⁹⁹

¹⁹³ *Judicial Selection Commission*, Courts.state.hi.us, https://www.courts.state.hi.us/courts/judicial_selection_commission#:~:text=The%20governor%20is%20the%20appointing.by%20the%20Judicial%20Selection%20Commission. See also, Chief Judge Appoints District and District Family Court Judges, March 2022 Press Release, courts.state.hi.us (Appointee to newly established Family District Court position served as Per Diem Judge in the District Family Court of the First Circuit since 2019.)

¹⁹⁴ *Our Judges*, Courts.state.hi, <https://www.courts.state.hi.us/our-judges>.

¹⁹⁵ Lee Amada, *New District Court Judge on Budget Wish List, Chief Justice Recktenwald Calls for New Lahaina Post, More Funds for Abuse Programs in Address*, The Maui News, Feb. 5, 2019, <https://www.mauinews.com/news/local-news/2019/02/new-district-court-judge-on-budget-wish-list/>.

¹⁹⁶ *Hawaii Judiciary, FB 2019 – 2021 Biennium Budget 26*, pg. 5 (2019), <https://www.capitol.hawaii.gov/CommitteeFiles/HOUSE/FIN/FINfiles/JUD-2019.pdf>.

¹⁹⁷ *See id.*

¹⁹⁸ Haw. Rev. Stat. §603-41 (2020).

¹⁹⁹ Haw. Const. Art. VI § 3, 4 (2019).

Number of Judges	Five Hawaii Supreme Court Justices, ²⁰⁰ six intermediate Court of Appeals Judges, ²⁰¹ 64 Circuit and District Court Judges (excluding per diem). ²⁰²
Other Applicable Resources or Details	
Population	1,441,553 ²⁰³
Cases Filed or pending and backlogs	See 2021 Annual Report Hawaii State Judiciary, p. 108-116. ²⁰⁴

12. Idaho

Courts	The Idaho judiciary is composed of a Supreme Court of five justices, District Courts, and special courts in cities and towns. ²⁰⁵ There is also a Court of Appeals, and magistrate divisions. ²⁰⁶ Terms are six years for the Supreme Court, four years for District Courts, and six years for the intermediate Court of Appeals. ²⁰⁷ Magistrates have an initial 18-month term upon appointment by district magistrates commission, and then a subsequent four-year term by county retention election for magistrate divisions. ²⁰⁸
Appointment/Election/Other	By election. ²⁰⁹

²⁰⁰ *Hawaii Supreme Court Justices*, Courts.state.hi.us,

<https://www.courts.state.hi.us/courts/supreme/justices/justices>.

²⁰¹ *Intermediate Court of Appeals Judges*, Courts.state.hi.us, <https://www.courts.state.hi.us/courts/appeals/judges>; Haw. Rev. Stat. §602-51 (2020).

²⁰² *See generally, Our Judges*, *supra* note 175.

²⁰³ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/HI>.

²⁰⁴ See 2021 Annual Report Hawaii State Judiciary, p. 108-116, https://www.courts.state.hi.us/wp-content/uploads/2022/02/2021_Hawaii_State_Judiciary_Annual_Report_online.pdf.

²⁰⁵ Idaho Const. Art. V, §§ 6, 11, 14 (2020).

²⁰⁶ *Overview of the Idaho Court System*, Isc.idaho.gov, <https://isc.idaho.gov/overview.pdf>.

²⁰⁷ Idaho Const. Art. V, §§6, 11 (2020).

²⁰⁸ *Overview of the Idaho Court System*, *supra* note 206.

²⁰⁹ *Id.*

Who Determines Number of Judges and How?	Every year, the judiciary submits a budget request, and a hearing is conducted by the Joint Finance-Appropriations Committee. ²¹⁰
How often evaluated?	Annually ²¹¹
Factors considered	High caseloads, expanding treatment courts in response to need. ²¹² Substantial delay in criminal and civil matters. ²¹³
Allocation and Assignment of Judges	The Chief Justice may assign sitting District Court Judges to sit in another district. ²¹⁴
Judicial Retirements	No mandatory retirement age. Retired judges may sit in a District Court or the Supreme Court upon the request of the Governor or the Chief Justice. ²¹⁵
Number of Judges	Five Supreme Court Judges, four Court of Appeals Judges, 41 District Court Judges; 87 Magistrate Judges. ²¹⁶
Other Applicable Resources or Details	
Population	1,900,923 ²¹⁷
Cases Filed or pending and backlogs	“The number of pending criminal cases has increased by 22% since January a year ago [2020], and there are currently over 40,000 cases awaiting disposition.” ²¹⁸

²¹⁰ See, e.g., *2022 Budget Enhancement*, State of Idaho Judicial Branch, <https://annualreport2022-isc.idaho.gov/2022-budget-enhancement/> (requesting one new district judge for the Fourth Judicial District, and two new magistrate judges for Ada County). This evidently is not a new request. Russell, Betsy. “Idaho's courts facing 'critical' and 'dire' needs.” Idaho Press, January 16, 2019, https://www.idahopress.com/eyeonboise/idaho-s-courts-facing-critical-and-dire-needs/article_7dba414b-2cd0-59fa-b807-3aa74bc0b732.html.

²¹¹ See *id.*

²¹² See *id.*

²¹³ Russell, *supra* note 210.

²¹⁴ Idaho Const. Art. V, §12 (2020).

²¹⁵ *Id.* at §12.

²¹⁶ *Overview of the Idaho Court System*, *supra* note 206.

²¹⁷ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/ID>.

²¹⁸ The Associated Press, *Pandemic causes backlog of 40,000 cases in Idaho court system*, February 3, 2021, <https://idahobusinessreview.com/2021/02/03/pandemic-causes-backlog-of-40000-cases-in-idaho-court-system/>.

13. Illinois

Courts	A Supreme Court, Appellate Court (in five districts), Circuit Courts (Trial Court of General Jurisdiction) and a Court of Claims. ²¹⁹
Appointment/ Election/ Other	Elections followed by retention elections. ²²⁰ The Supreme Court has seven judges who are elected to ten-year terms, while the Appellate Court has 54 judges who are also elected to 10 year terms. ²²¹ Terms are six years for Circuit Judges and four years for Associate Judges in the Circuit Courts. ²²² The state is divided into 24 judicial circuits, “each having one Chief Judge elected by the Circuit Judges.” ²²³ Since 1987, there are seven judges on the Court of Claims who are appointed by the Governor with the consent of the Illinois Senate. ²²⁴
Who Determines Number of Judicial Seats and How?	The number is fixed by Legislature. ²²⁵ The number of Circuit Judges is fixed for Cook County (Chicago and inner suburbs) based on county population. ²²⁶ Each circuit also has a minimum number of associate judges based on population. Circuit Courts may apply to the Supreme Court to expand the number of associate judges. The Supreme Court then decides whether to appoint the number of associate judges. ²²⁷ The formula is one associate judge per 35,000 persons for circuits that have less than 3 million persons, one judge per 29,000 persons for circuits with more than 3 million. ²²⁸ For a Circuit Court of a 1 million or more persons, there is an additional associate judge for each municipal district. ²²⁹
How often evaluated?	Illinois is moving to a weighted caseload system with courts currently collecting data. ²³⁰ Illinois’s decision to conduct a workload and weighted

²¹⁹ Ill. Const., Art. VI, § 1 (2019); 705 Ill. Comp. Stat. 505/1 (2019).

²²⁰ *Id.* at §§ 12.

²²¹ Illinois Courts Annual Report 2021, at 16 and 41/110. <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/94e6cd5c-e3c9-4151-a5af-c80ccf6b69bf/2021%20Annual%20Report%20Administrative%20Summary.pdf>.

²²² Ill. Const., Art. VI, § 10 (2019). Circuit Court, Illinoiscourts.gov, <https://www.illinoiscourts.gov/>.

²²³ Circuit Court, Illinoiscourts.gov, <https://www.illinoiscourts.gov/courts/circuit-court/>.

²²⁴ The Secretary of State serves ex officio to the Court of Claims. Office of the Illinois Secretary of State, About the Court of Claims. Ilosos.gov. Illinois Periodicals online, June 1987, Illinois Issues at 31. Lib.niu.edu. <https://www.lib.niu.edu/1987/ii870631.html>.

²²⁵ *Id.* at § 12(e); 705 Ill. Comp. Stat. 45/2; 25/1 (2019).

²²⁶ 705 Ill. Comp. Stat. 35/2 (2019).

²²⁷ *See id.* at 45/2.1

²²⁸ 705 Ill. Comp. Stat. 45/2(a).

²²⁹ *Id.* §2(a) effective Na. 7, 2022.

²³⁰ A Chief Judge’s Perspective on What is Happening in our Judicial System, FEB. 2, 2022, <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.illinoiscourts.gov%2FNews%2F1060%2FA-Chief-Judges-perspective-on-what-is-happening-in-our-judicial-system%2Fnews-detail%2F&data=05%7C01%7Camasley%40nycourts.gov%7C35fc59857ad149ca856208dadb0922fe%7C3456fe92cbd1406db5a35364bec0a833%7C0%7C0%7C638063129542837469%7CUnknown%7CTWFPbGZsb3d8eyJW>

	caseload study grew from the newly constituted Judicial Conference’s October 2, 2019, Strategic Initiative 13. ²³¹
Factors Considered	The Supreme Court may expand the number of Associate Judges according to a formula that considers such things as caseloads; the number and location of major highways; “the relationship of urban population to large metropolitan centers in the various counties of the circuit,” the location of state institutions providing “educational or welfare facilities” and “the location in the circuit of state institutions including, but not limited to universities, mental health facilities and penitentiaries.” ²³²
Allocation and Assignment of Judges	Associate Judges may get written permission from the Supreme Court to hear felony cases (which normally are only heard by Circuit Judges). ²³³
Judicial Retirements	Retired judges may be assigned by the Supreme Court after retirement from judicial service. ²³⁴ However, a retired Associate Judge may be assigned only as an Associate Judge. ²³⁵ The General Assembly may set a retirement age. ²³⁶ However, the mandatory retirement age of 75 was held unconstitutional. ²³⁷
Number of Judges	Seven Supreme Court Judges, 54 Appellate Court Judge. ²³⁸ 492 Circuit Judges, and 397 Associate Circuit Judges. ²³⁹
Other Applicable	A Judicial Conference consisting of judges and non-judges recommends to the Chief Judge changes to improve the administration of justice. ²⁴⁰

[IjoiMC4wLjAwMDAilCjQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCjXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=bpQoeKnaxQhZXfpy5p%2BFpZQiSKVYvXWCdMrUXymCn4%3D&reserved=0.](https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/e4e820f2-d887-490d-93fd-f4f0dc6d8c38/Weighted%20Caseload%20Study%20Task%20Force%20Report%20&%20Recommendations.pdf)

²³¹ Weighted Caseload Study Taskforce Report & Recommendations to the Illinois Judicial Conference,

<https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/e4e820f2-d887-490d-93fd-f4f0dc6d8c38/Weighted%20Caseload%20Study%20Task%20Force%20Report%20&%20Recommendations.pdf>.

²³² *Id.*

²³³ Ill. Sup. Ct. R. 295.

²³⁴ Ill. Const. Art. VI, § 15(a) (2019).

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Maddux v Blagojevich*, 911 N.E.2d 979 (Ill. 2009).

²³⁸ Illinois Courts Annual Report 2021, at 16 and 41/110. <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/94e6cd5c-e3c9-4151-a5af-c80ccf6b69bf/2021%20Annual%20Report%20Administrative%20Summary.pdf>.

²³⁹ Ill. Courts Annual Report 2022.

²⁴⁰ Ill. Const. Art. VI, § 17 (2019). “The Illinois Judicial Conference (IJC) was reconstituted in September 2018 “to consider the work of the courts, to suggest improvements in the administration of justice, and to make recommendations for the improvement of the courts.” The new IJC is comprised of 29 voting members: 15 judges and 14 non-judges, with the Chief Justice serving as Chair. The new structure includes a total of 24 appointments by

Resources or Details	
Population	12,671,469 ²⁴¹
Cases Filed or pending and backlogs	See Illinois Courts Annual Report 2020 and 2020 Statistical Summary. ²⁴²

14. Indiana

Courts	A Supreme Court, Court of Appeals, Tax Court, Circuit Courts, Superior Courts, and Town and Municipal Courts. ²⁴³
Appointment/Election/Other	Appellate Judges are appointed by the Governor from a list of three nominees from a nominating commission. ²⁴⁴ Trial Court Judges are elected, generally, but counties may set up their own system. ²⁴⁵ For example, Marion County (Indianapolis) has a system in which judges are appointed by the governor based on the recommendation of a selection committee, and no more than 52% of the Superior Court Judges may be members of the same political party. ²⁴⁶ The appointed judges stand for retention elections. ²⁴⁷
Who Determines Number of Judicial Seats and How?	The General Assembly, pursuant to a constitutional provision, created the Office of Judicial Administration (“OJA”) under the Chief Justice to “[c]ollect and compile statistical data and other information on the judicial work of the courts in Indiana” ²⁴⁸ and “[p]repare and publish reports, not less than one or more than two times per year, on the nature and volume of judicial work performed by the courts...”. ²⁴⁹ The OJA prepares reports comparing caseloads using weighted caseload measurement system to provide a relative comparison of the need for judges in each county. ²⁵⁰

the Court: another Justice of the Supreme Court, a member of the Access to Justice Commission, a member of the Judicial College Board of Trustees, an appellate judge, judges representing each of the five appellate court districts, court clerks, trial court administrators, attorneys, members of the public and a non-judge involved in the judicial branch or administration of justice.” <https://www.illinoiscourts.gov/courts/supreme-court/illinois-judicial-conference/>.

²⁴¹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/IL>.

²⁴² <https://www.illinoiscourts.gov/reports/annual-report-illinois-courts/>.

²⁴³ Ind. Const. Art. 7, §1 (2021); Ind. Code §33-26-1-1 (2021); *see About the judicial branch*, In.gov, <https://www.in.gov/courts/about/>.

²⁴⁴ Ind. Const., Art. 7, § 10 (2021).

²⁴⁵ *How judges are selected in Indiana*, In.gov, <https://www.in.gov/courts/selection/>.

²⁴⁶ Ind. Code § 33-33-49-13.4(C)-(D) (2021).

²⁴⁷ *Id.* at § 33-33-49-13.2.

²⁴⁸ *Id.* at § 33-24-6-3(a)(2)

²⁴⁹ *Id.* at § 33-24-6-3(a)(3)

²⁵⁰ *Weighted Caseload Measures*, Courts.in.gov (2020), <https://www.in.gov/judiciary/iocs/3330.htm>.

How often Evaluated	One or more times a year. ²⁵¹
Factors Considered	
Allocation and Assignment of Judges	Circuit Court Judges may preside in Superior Court, and vice versa, with the consent of the judge being moved to a different court. ²⁵²
Judicial Retirements	There is no limitation on the term of office for Superior and County Court Judges. ²⁵³ For Supreme Court and Court of Appeals Judges, the mandatory retirement age is 75. ²⁵⁴ The Supreme Court may authorize retired judges to perform temporary judicial duties in any State Court. ²⁵⁵
Number of Judges	575 Judicial Officers, including 21 Appellate Judges, 381 Trial Court Judges and other Lower Court Judges and Magistrates. ²⁵⁶
Other Applicable Resources or Details	OJA has contracted with NCSC to assist with reporting. ²⁵⁷
Population	6,805,985 ²⁵⁸
Cases Filed or Pending and Backlogs	In 2021, 1.8 million cases were heard. ²⁵⁹ In January 2022, there were 37,000 criminal cases pending which is 5,000 to 10,000 more than usual. ²⁶⁰

²⁵¹ Ind. Code § 33-24-6-3(a)(3) (2021).

²⁵² See *id.* § 33-29-1-10(a)-(b).

²⁵³ Ind. Const. Art. 7, § 15 (2021); LegiScan.com: Indiana Senate Bill 463 (accessed 3.26.22).

²⁵⁴ Ind Code § 33-38-13 (2020).

²⁵⁵ *Id.*

²⁵⁶ *About the Judicial Branch*, In.gov,

<https://www.in.gov/courts/about/#:~:text=There%20are%20two%20primary%20levels,decided%20in%20a%20trial%20court>; Definition of “Judicial Officer” Ind Code Ann 35-31.5-2-177.7.

²⁵⁷ *Indiana Caseload Assessment Plan to Utilize Resources Efficiently: Final Report*, National Center for State Courts, Indiana Trial Judiciary & Judicial Administration Committee of the Judicial Conference of Indiana, Aug. 24, 2016, <https://www.in.gov/courts/iocs/files/caseload-assessment-2016.pdf>.

²⁵⁸ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/IN>.

²⁵⁹ *About the Judicial Branch*, In.gov,

<https://www.in.gov/courts/about/#:~:text=There%20are%20two%20primary%20levels,decided%20in%20a%20trial%20court>.

²⁶⁰ Justice Delayed? Critics Concerned About Backlog in Criminal Cases. Dustin Grove, 13WTHR, Jan. 24, 2022.

15. Iowa

Courts	Supreme Court, Court of Appeal, and District Courts (general jurisdiction Trial Court). ²⁶¹
Appointment/ Election/ Other	Initial appointment by the Governor, based on recommendation by judicial nominating commission, followed by retention elections. ²⁶² “Associate Judges,” and Magistrates, with lesser jurisdiction, are appointed based on the recommendation of local commissions. ²⁶³ Terms of Supreme Court Judges shall be not less than eight years and terms of District Court Judges shall be not less than six years. ²⁶⁴
Who Determines Number of Judicial Seats and How?	“At any regular session of the general assembly the state may be divided into the necessary judicial districts for District Court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.” ²⁶⁵ The State Court Administrator “collect[s] and compile[s] information and statistical data, and submit[s] reports relating to judicial business, including Juvenile Court activities and other matters relating to the judicial branch” and “formulate[s] and submit[s] recommendations for improvement of the judicial system, with reference to the structure of the judicial branch and its organization and methods of operation, the selection, compensation, number, and tenure of judicial officers and court employees.” ²⁶⁶ The Supreme Court takes this information and develops a formula for the number of District Judges to serve in each district, based on a case-related workload analysis which is submitted to the legislature. ²⁶⁷ Since 1993, NCSC has assisted the analysis. ²⁶⁸
How Often Evaluated?	
Allocation and Assignment of Judges	Associate Judges within districts are appointed based on population of each county. ²⁶⁹ “There shall be one District Associate Judge in counties having a population of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty five thousand or more and less than one hundred seventy

²⁶¹ Iowa Const. Art. 5, § 1 (2020); Iowa Code § 602.5101 (2021).

²⁶² Iowa Const. Art. 5, §§ 16, 17.

²⁶³ *See id.* at § 16.

²⁶⁴ Iowa Const. Art. 5, § 17 (2020).

²⁶⁵ *See id.* at § 10. There is still a paragraph (“Paragraph 1”) in the Iowa Constitution that contradicts the quoted text above, stating that this increase or decrease in judges can only happen every four years. However, it appears that Paragraph 1 has been superseded by the quoted text above, which was added by amendment in 1884. *See* Iowa Const. § 10, Legis.iowa.gov, <https://www.legis.iowa.gov/docs/publications/icnst/402726.pdf>.

²⁶⁶ Iowa Code § 602.1209(6)-(7) (2021).

²⁶⁷ *See id.* at § 602.6201(3), (9).

²⁶⁸ Iowa Judicial Officer Workload Assessment Study 2016, June 6, 2017.

²⁶⁹ *See id.* at § 602.6301.

	<p>thousand; four in counties having a population of one hundred seventy thousand or more and less than two hundred fifteen thousand; five in counties having a population of two hundred fifteen thousand or more and less than two hundred sixty thousand; six in counties having a population of two hundred sixty thousand or more and less than three hundred five thousand; seven in counties having a population of three hundred five thousand or more and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety five thousand; nine in counties having a population of three hundred ninety five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eight five thousand; and one additional judge for every population increment of thirty five thousand which is over four hundred eighty five thousand in such counties. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the Supreme Court and availability of funds to the judicial branch.”²⁷⁰</p>
Judicial Retirements	<p>The mandatory retirement age is seventy-two for all justices of the Supreme Court, judges of the Court of Appeals, and District Judges appointed to office after July 1, 1965, prior to which it was 75.²⁷¹ The mandatory retirement age is seventy-two for all District Associate Judges and Judicial Magistrates.²⁷²</p>
Number of Judges	<p>7 Supreme Court Judges;²⁷³ 9 Court of Appeals Judges.²⁷⁴ There are eight districts with a District Court in each of 99 counties with various numbers of judges.²⁷⁵</p>
Other Applicable Resources or Details	
Population	<p>3,193,079²⁷⁶</p>
Cases Filed or pending and backlogs	<p>661,302 total cases filed in 2021²⁷⁷</p>

²⁷⁰ *Id.*

²⁷¹ *See id.* at § 602.1610(1)(b).

²⁷² *See id.* at § 602.1610(1)(c).

²⁷³ *Justices*, Iowacourts.gov, <https://www.iowacourts.gov/iowa-courts/supreme-court/justices>.

²⁷⁴ *Judges*, Iowacourts.gov, <https://www.iowacourts.gov/iowa-courts/court-of-appeals/judges/>.

²⁷⁵ <https://www.iowacourts.gov/iowa-courts/district-court/>.

²⁷⁶ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/IA>.

²⁷⁷ Iowa Judicial Branch 2021 Report p. 27.

16. Kansas

Courts	Supreme Court, Court of Appeals, District Courts (Trial Courts), Municipal Courts. ²⁷⁸ 31 judicial districts with a court in each of the 105 counties with various numbers of judicial seats. ²⁷⁹
Appointment/ Election/ Other	Supreme Court Judges appointed by the governor nominated by a commission. ²⁸⁰ The Chief Justice of the Supreme Court will nominate a judge in the event of a failure to do so by the governor. ²⁸¹ Supreme Court Judges serve for a term of six-years. ²⁸² District Court Judges and Magistrates are elected. ²⁸³ District Court Judges are elected for a term of four years. ²⁸⁴ Whenever a vacancy occurs in the office of the District Judge, Governor will appoint a judge, and then a retention election will occur at the next general election, or, if the district has adopted a nonpartisan method of selection, through that. ²⁸⁵
Who Determines Number of Judicial Seats and How?	Supreme Court and Legislature determine the number of judges – “on or before April 15 of every even-numbered year, the Supreme Court shall examine the need for more or less divisions or district Magistrate Judge positions of the District Court in each judicial district which has not approved the proposition of nonpartisan selection of judges of the District Court... On or before May 15 of each year, the Supreme Court shall examine the need for more or less divisions or positions of the District Court in judicial districts which have approved such proposition.” ²⁸⁶ The Legislature also created the Judicial Council to “survey and study the judicial branch of the state and recommend improvements in the administration of justice.” ²⁸⁷ The “council shall report on the work of the council and the council’s recommendations for improvement in the administration of justice by providing such information on the council’s website...” ²⁸⁸
How often evaluated?	Even-numbered years. ²⁸⁹
Factors considered	
Allocation and	Supreme Court or any justice may assign judges out of district or temporarily on the Supreme Court. ²⁹⁰

²⁷⁸ Kan. Const. Art. 3, §§ 1, 6 (2020).

²⁷⁹ <https://www.kscourts.org/About-the-Courts/District-Courts/About-District-Courts>.

²⁸⁰ *Id.* at §5.

²⁸¹ *Id.* at a§ 5(b).

²⁸² *Id.* at § 2.

²⁸³ *Id.* at § 5(a)-(b).

²⁸⁴ *Id.* at § 6(a).

²⁸⁵ *Id.*

²⁸⁶ Kan. Stat. § 20-355(a) (2020).

²⁸⁷ *Id.* at § 20-2203

²⁸⁸ *Id.* at § 20-2204.

²⁸⁹ *Id.* at § 20-355(a).

²⁹⁰ Kan. Const. Art. 3, § 6(e) & (f) (2020).

Assignment of Judges	
Judicial Retirements	Mandatory retirement age of seventy-five and upon attaining that age, a judge may finish serving the term during which the judge attained the age of seventy-five. ²⁹¹
Number of Judges	“Kansas is divided into thirty-one judicial districts, with 163 District Court Judges. The number of judges varies from district-to-district. There is a District Court in each county.” ²⁹²
Other Applicable Resources or Details	Kansas courts website has a database of case statistics from 2002 through 2019. ²⁹³
Population	2,934,582 ²⁹⁴
Cases filed or pending and backlogs	399,489 total statewide caseload as of June 30, 2019. ²⁹⁵

17. Kentucky

Courts	Supreme Court, Court of Appeals, Circuit Court (Trial Court for civil matters involving more than \$5,000, capital offenses and felonies, land dispute title cases and contested probate cases), Family Court, which is a division of the Circuit Court, and District Court. ²⁹⁶
Appointment/Election/Other	Nonpartisan election for eight-year terms for justices of the Supreme Court, Judges of the Court of Appeals and Circuit Court. ²⁹⁷ Nonpartisan election for four-year terms for judges of the District Courts. ²⁹⁸ Vacancies in the courts are to be filled by the Governor. ²⁹⁹ If the Governor fails to make an appointment within sixty days, the appointment shall be made by the Chief Justice of the Supreme Court from the same list presented to the Governor. ³⁰⁰

²⁹¹ Kan. Stat. § 20-2608(a) (2020).

²⁹² <https://www.kscourts.org/About-the-Courts/District-Courts/About-District-Courts>.

²⁹³ *Case Statistics*, Kansas Judicial Branch (2019), <https://www.kscourts.org/Cases-Opinions/Case-Statistics>.

²⁹⁴ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/KS>.

²⁹⁵ *Summary of District Court Caseload for the State, Year Ending June 30, 2019*, Kansas Courts (2019), <https://www.kscourts.org/KSCourts/media/KsCourts/Case%20Statistics/Annual%20Reports/2019/CaseloadfortheState19.pdf>.

²⁹⁶ *Divisions within the Kentucky Judicial Branch*, Transparency.ky.gov (2017) <https://transparency.ky.gov/accountability/Pages/judicial.aspx>.

²⁹⁷ Ky. Const. § 119 (2018).

²⁹⁸ Dalton York, *Kentucky Voters Reject Longer Judiciary*, Commonwealth’s Attorney Terms, WKU Public Radio, <https://www.wkyufm.org/politics/2020-11-04/kentucky-voters-reject-longer-judiciary-commonwealths-attorney-terms> (voters rejected amendment to constitution to expand term of district court judges from four to eight years).

²⁹⁹ Ky. Const. § 118(1) (2018).

³⁰⁰ *Id.*

Who Determines Number of Judicial Seats and How?	The General Assembly decides. The Legislature adopted a statute that requires the Supreme Court “beginning in 2020 and every eight (8) years thereafter, . . . to perform a weighted caseload analysis to determine the need to reduce, increase, or rearrange the Commonwealth...or to modify the number of judges relative to their respective populations or caseloads.” ³⁰¹
How often evaluated?	Every 8 years. ³⁰²
Factors considered	“...caseload totals by case type and case weights and the total number of judges necessary for the Commonwealth's judicial circuits and districts.” ³⁰³
Allocation and Assignment of Judges	Chief Justice may assign any judge to sit on any court other than the Supreme Court. ³⁰⁴
Judicial Retirements	No age requirement.
Number of Judges	Court of Appeals: 14. ³⁰⁵ Supreme Court: 7. ³⁰⁶ “There are 60 judicial districts in Kentucky, served by 116 judges” ³⁰⁷ and 57 Circuit Courts with 95 Circuit Judges. ³⁰⁸
Other Applicable Resources or Details	
Population	4,509,394 ³⁰⁹
Cases filed or pending and backlogs	Retired judges are mediating criminal cases to resolve backlogs. ³¹⁰

18. Louisiana

Courts	Supreme Court, Courts of Appeal (5 Circuits), District Courts, ³¹¹ as well as Mayor’s Courts which have Magistrate Judges. ³¹²
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³⁰¹ Ky. Rev. Stat. § 21A.350(1)-(2) (2018).

³⁰² *Id.*

³⁰³ Ky. Rev. Stat. § 21A.350(1) (2018).

³⁰⁴ Ky. Const. § 110(5)(b) (2018).

³⁰⁵ *Court of Appeals*, Kycourts.gov, <https://kycourts.gov/Courts/Court-of-Appeals/Pages/default.aspx>.

³⁰⁶ *Divisions within the Kentucky Judicial Branch*, *supra* note 258.

³⁰⁷ https://ballotpedia.org/Kentucky_District_Courts#:~:text=Kentucky%20Circuit%20Courts,-District%20court%20judges,and%20serve%20four%20year%20terms.

³⁰⁸ https://ballotpedia.org/Kentucky_Circuit_Courts.

³⁰⁹ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/KY>.

³¹⁰ Ella Shemwell, “Davies County Using Mediation to Reduce Court Backlog.”, 44 News, Feb. 23, 2022.

³¹¹ La. Const. Art. 5, § 1 (2019).

³¹² La. Rev. Stat. § 33:441(A)(1) (2019).

	Supreme Court Judges serve for ten-year terms; Court of Appeals Judges serve for ten-year terms; District Court Judges serve for six-year terms. ³¹³
Appointment/ Election/ Other	Election. ³¹⁴ “A newly created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within twelve months after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last twelve months of an existing term. Until the vacancy is filled, the Supreme Court appoints someone into that position, who will be ineligible as a candidate at the election.” ³¹⁵
Who Determines Number of Judicial Seats and How?	The legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house. ³¹⁶ When there is a proposal for more judges or a new court, the Judicial Council investigates and evaluates. The Council looks at the efficiency and caseload of the court that the proposal concerns. Recommendations are first made to the Council, then the Legislature. ³¹⁷
How often evaluated?	No stated timeframe.
Factors considered	Efficiency of the court, caseload, population. ³¹⁸
Allocation and Assignment of Judges	Supreme Court can assign a sitting judge to any court and may appoint attorneys as temporary or ad hoc judges of City, Municipal, Traffic, Parish, Juvenile, or Family Courts. ³¹⁹
Judicial Retirements	70 is the mandatory retirement age. ³²⁰ The Supreme Court may appoint retired judges to any court. ³²¹
Number of Judges	Supreme Court: 7. Courts of Appeal: 54. District Court: 170. Orleans District Court: 14 Civil Judges, 10 Criminal Judges, and 1 Magistrate Judge. ³²²
Other Applicable Resources or Details	There are also City Courts, Juvenile Courts, Family Courts, Parish Courts, etc. that are part of the District Court. ³²³
Population	4,624,047 ³²⁴

³¹³ *Court Structure*, Louisiana State Bar Association, <https://www.lsba.org/Public/CourtStructure.aspx>.

³¹⁴ La. Const. Art. 5, § 22(A) (2019).

³¹⁵ *Id.*

³¹⁶ *Id.* at §15(D).

³¹⁷ La. Rev. Stat. § 13:61(A) & (E) (2019).

³¹⁸ *See id.*

³¹⁹ La. Const. Art. V, § 5(A) (2019).

³²⁰ *Id.* at § 23(B)

³²¹ *Id.* at § 5(A)

³²² *Court Structure*, *supra* note 272.

³²³ La. Const. Art. V, § 16(A) (2019).

³²⁴ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/LA>.

Cases filed or pending and backlogs	In March 2022, New Orleans had 150 trial ready criminal cases compared to 48 such cases in March 2019. ³²⁵
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19. Maine

Courts	The Maine judiciary is comprised of a Supreme Court, ³²⁶ “and such other courts as the Legislature shall from time to time establish.” ³²⁷ Such other courts include Superior Courts, ³²⁸ which are the Trial Courts of general jurisdiction, ³²⁹ District Courts, ³³⁰ which hear “civil, criminal and family matters and always sits without a jury,” ³³¹ and Probate Court. ³³² “Judges and justices are appointed by the Governor, confirmed by the Senate, and serve seven-year terms. ³³³ The Chief Justice of the District Court may appoint lawyers as Justices of the Peace with terms of up to five years. ³³⁴
Appointment/Election/Other	Judges are elected by election from their respective county. ³³⁵ District Judges are appointed by the Governor. ³³⁶ Governor maintains power to appoint judicial personnel if the Constitution fails to proscribe election or another form of appointment. ³³⁷
Who Determines Number of Judicial Seats and How?	The Legislature establishes the courts. ³³⁸ The State Court Administrator continuously makes recommendations to the Chief Justice on the number of judges and personnel. ³³⁹
How often evaluated?	Continuously by the State Court Administrator. ³⁴⁰
Factors considered	Efficiency of administration of justice, undue delay, court dockets. ³⁴¹

³²⁵ Natasha Robin, *Jury Trials Resume in New Orleans but Case Backlog and Staffing Shortages Remain*, Fox 8, Local First, March 11, 2022.

³²⁶ Me. Const. Art. VI §1.

³²⁷ *Id.*

³²⁸ Me. Rev. Stat. T. 4 § 101.

³²⁹ State of Maine, Judicial Branch, Superior Court, <https://www.courts.maine.gov/courts/superior/index.html>.

³³⁰ Me. Rev. Stat. T. 4 §151 (2019).

³³¹ State of Maine, Judicial Branch, District Court, <https://www.courts.maine.gov/courts/district/index.html>.

³³² Me Rev Stat T. 4 § 201.

³³³ Me. Const. Art. VI § 4; State of Maine Judicial Branch.

<https://www.courts.maine.gov/about/index.html#:~:text=The%20Judicial%20Branch%20is%20one,and%20serve%20seven%20year%20terms>.

³³⁴ Me Rev Stat T. 4 § 161.

³³⁵ Me. Const. Art. VI § 6.

³³⁶ Me Rev Stat T. 4 § 157.

³³⁷ *Id.* at § 8

³³⁸ *Id.* at §1.

³³⁹ Me. Stat. tit. 4, §17 (1), (2) (2019).

³⁴⁰ *Id.* at §17 (1).

³⁴¹ *Id.*

Allocation and Assignment of Judges	The Chief Justice may assign any Judge or Active Retired Justice to sit on a lower court. ³⁴²
Judicial Retirements	The Constitution provides for a mandatory age. ³⁴³ However, the Legislature has not set such an age and mandatory retirement ages are prohibited by statute. ³⁴⁴ Retired judges may be eligible for Active Retirement status. A retired judge can be appointed for a term of seven years as an Active Retired Justice. ³⁴⁵
Number of Judges	Supreme Court Justices: 7; ³⁴⁶ Superior Court: 21; ³⁴⁷ District Court: 38. ³⁴⁸
Other Applicable Resources or Details	
Population	1,372,247 ³⁴⁹
Cases filed or pending and backlogs	80,772 ³⁵⁰ in 2021

20. Maryland

Courts	The Maryland court system has two Appellate Courts and two Trial Courts. ³⁵¹ The Court of Appeals is the highest Appellate Court. ³⁵² The Court of Special Appeals is the intermediate Appellate Court. ³⁵³ The Circuit Court is the highest Trial Court handling serious criminal and civil matters. ³⁵⁴ The District Court is the Lower Trial Court and sits with no jury. ³⁵⁵ The Maryland Constitution also established an Orphans Court. ³⁵⁶ Terms are 15 years. ³⁵⁷
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³⁴² *Id.* at §2A.

³⁴³ Me. Const. Art. VI, §4 (2019).

³⁴⁴ Me. Rev. Stat. tit. 5, §4575 (2019).

³⁴⁵ *Id.*, tit. 4, §157-B.

³⁴⁶ *Supreme Judicial Courts*, Courts.maine.gov, <https://www.courts.maine.gov/courts/sjc/index.html>.

³⁴⁷ *Superior Court Judges*, Courts.maine.gov, <https://www.courts.maine.gov/courts/superior/justices.html>.

³⁴⁸ *District Courts*, Courts.maine.gov, <https://www.courts.maine.gov/courts/district/index.html>.

³⁴⁹ U.S. Census state population for 2021, <https://www.courts.maine.gov/courts/superior/justices.html>.

³⁵⁰ Maine Administrative Office of the Courts, *Maine State Court Caseload 5 Year Trend*, (2021), <https://www.courts.maine.gov/about/stats/statewide.pdf>.

³⁵¹ Md. Const. Art. IV, §14; *About the Maryland Court System*, Maryland Courts (2022), <https://www.courts.state.md.us/courts/about>.

³⁵² *About the Maryland Court System*, *supra* note 311.

³⁵³ *Id.*

³⁵⁴ *Id.*

³⁵⁵ *Id.*

³⁵⁶ Md. Const. Art. IV, §1 (2021).

³⁵⁷ Md. Const. Art. IV, §3 (2021).

Appointment/ Election/ Other	The Governor fills new judicial seats and vacancies by appointment with senate confirmation. ³⁵⁸
Who Determines Number of Judicial Seats and How?	The State Court Administrator may provide reports and make recommendations to the Chief Judge to increase the efficiency of the judiciary. ³⁵⁹
How often evaluated?	The State Court Administrator may review the dockets, budgets, collect and compile data as required to make recommendations. ³⁶⁰
Factors considered	The State Court Administrator may review the dockets, budgets, collect and compile data as required to make recommendations. ³⁶¹
Allocation and Assignment of Judges	The Chief Judge may reassign Judges on an as needed basis, except a judge of the Orphans' Court, to sit temporarily in any court except an Orphans' Court. ³⁶²
Judicial Retirements	Mandatory retirement age is 70. ³⁶³ Any former judge may be assigned to sit on any State Court by the Chief Judge, aside from the Orphans Court, with the exception of Circuit Judges from Montgomery and Hartford Counties. ³⁶⁴
Number of Judges	28 Appellate Judges, 174 Circuit Court Judges; 124 District Court Judges ³⁶⁵
Other Applicable Resources or Details	
Population	6,156,129 ³⁶⁶
Cases filed or pending and backlogs	1,575,439 ³⁶⁷

³⁵⁸ *Id.* at §41D; *Judicial Selection*, Maryland Courts (2022), <https://www.courts.state.md.us/judgeselect>.

³⁵⁹ Md. Code, Cts. & Jud. Proc. §13-101(d)7-8 (2021).

³⁶⁰ *Id.* at §13-101(d)1-3.

³⁶¹ *Id.* at §13-101(d)1-3.

³⁶² Md. Const. Art. IV, § 18(b)(2) (2021).

³⁶³ Md. Const. Art. IV, §3 (2021).

³⁶⁴ *Id.* at § 3A.

³⁶⁵ *Maryland Judiciary Statistical Abstract* (2020), Mdcourts.gov, <https://mdcourts.gov/sites/default/files/import/publications/annualreport/reports/2020/fy2020statisticalabstract.pdf>.

³⁶⁶ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MD>.

³⁶⁷ *Maryland Judiciary Statistical Abstract*, *supra* note 366 at 6.

21. Massachusetts

Courts	The Massachusetts judiciary is composed of a Supreme Judicial Court, the Appeals Court, and Courts of Limited Jurisdiction: Superior Court, District Court, Boston Municipal Court, Housing Court, Juvenile Court, Land Court, and Probate and Family Court. ³⁶⁸ The Supreme Judicial Court is the highest Appellate Court. The Massachusetts Appeals Court is a court of general appellate jurisdiction. ³⁶⁹ The Superior Court is the trial court of general jurisdiction ³⁷⁰ and has appellate jurisdiction over certain administrative proceedings. ³⁷¹
Appointment/ Election/ Other	Judges in Massachusetts are appointed by the Governor with the advice and consent of the elected Governor’s Council. ³⁷² Judges have tenure until the age of 70. ³⁷³
Who Determines Number of Judicial Seats and How?	The Legislature determines the number of judicial seats. ³⁷⁴
Allocation and Assignment of Judges	The Legislature established an advisory board to “advise the justices of the Supreme Judicial Court, the Chief Justice of the Trial Court, and the court administrator on all matters of judicial reform including, but not limited to, a proposal for the allocation of resources based on the demonstrated workload of each court.” ³⁷⁵
How often evaluated?	The advisory board produces an annual report regarding the Management and Administration of the Massachusetts Trial Court. However, it does not appear that these reports often address the number of judicial seats or allocation of workload. ³⁷⁶
Factors Considered?	N/A
Judicial Retirements	The mandatory retirement age for judges is 70. ³⁷⁷

³⁶⁸ *The Massachusetts Court Process*, Mass.gov (2022), <https://www.mass.gov/the-massachusetts-court-process>.

³⁶⁹ *General Information About the Appeals Court*, Mass.gov (2022), <https://www.mass.gov/service-details/general-information-about-the-appeals-court>.

³⁷⁰ *About the Superior Court*, Mass.gov (2022), <https://www.mass.gov/orgs/superior-court>.

³⁷¹ *Id.*

³⁷² Mass. Const. art. 9, § 1 (2020). The governor has appointed the judges of Massachusetts since 1780. *The Massachusetts Court Process*, *supra* note 329. Martin W. Healy, *A Guide to the Massachusetts Judicial Selection Process* at 5 (2015), <https://www.massbar.org/docs/default-source/advocacy/mjsp-3-ed.pdf?sfvrsn=2>.

³⁷³ Mass. Const. art. 9, § 1 (2020).

³⁷⁴ Mass. Gen. Laws ch. 211B, § 2 (2020). Mass Gen Laws Ann 211 § 1; Mass Gen Laws Ann 211A § 1.

³⁷⁵ Mass. Gen. Laws ch. 211B, § 6A (2020).

³⁷⁶ *Court Management Advisory Board*, Mass.gov (2022), <https://www.mass.gov/info-details/court-management-advisory-board>.

³⁷⁷ *The Massachusetts Court Process*, Mass.gov (2022), <https://www.mass.gov/the-massachusetts-court-process>.

Number of Judges	7 Supreme Judicial Court Judges, 25 Appeals Court Judges, and 82 Superior Court Judges, ³⁷⁸ and “15 justices appointed to the Housing Court Department, 7 justices appointed to the Land Court Department, 51 justices appointed to the Probate and Family Court Department, 30 justices appointed to the Boston Municipal Court Department, 42 justices appointed to the Juvenile Court Department and 158 justices and special justices appointed to the District Court Department.” ³⁷⁹
Other Applicable Resources or Details	
Population	6,984,723 ³⁸⁰
Cases Filed or pending and backlogs	614,834 ³⁸¹ in 2021

22. Michigan

Courts	The Michigan judiciary is composed of a Supreme Court, Court of Appeals, Circuit Courts, Probate Courts and various Municipal Courts. Circuit Courts are the trial courts of general jurisdiction. ³⁸² District Courts have civil jurisdiction over cases where amount in controversy does not exceed \$25,000 ³⁸³ and criminal jurisdiction over misdemeanors punishable by a fine or imprisonment not exceeding one year. ³⁸⁴ Circuit Court conduct arraignments in all felony and misdemeanor cases. ³⁸⁵
Appointment/Election/Other	Election. ³⁸⁶ Vacancies filled by appointment of Governor. ³⁸⁷
Who Determines Number of	Number of judges and circuits controlled by recommendation of the Supreme Court to reflect changes in judicial activity. ³⁸⁸ As to lower courts, the Legislature has delegated the power to recommend as well as legislative

³⁷⁸ *General Information About the Appeals Court*, Mass.gov (2022), <https://www.mass.gov/service-details/general-information-about-the-appeals-court>; *About the Supreme Judicial Court*, Mass.gov (2022), <https://www.mass.gov/service-details/about-the-supreme-judicial-court>; *About the Superior Court*, *supra* note 331.

³⁷⁹ Mass. Gen. Laws ch. 211B, § 2 (2020).

³⁸⁰ U.S. Census state population estimates for 2021, Census.gov (2021), <https://www.census.gov/quickfacts/MA>.

³⁸¹ *Massachusetts Trial Court, Year-End Case Filings*, public.tableau.com (2021), <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtFY2021Year-EndCaseFilings/TrialCourt>.

³⁸² Mich. Const. Art. VI, § 1 (2022).

³⁸³ Mich. Comp. Laws § 600.8301 (2022).

³⁸⁴ *Id.* at § 600.8311(a).

³⁸⁵ *Id.* at (f).

³⁸⁶ Mich. Const. Art. VI, § 2 (2022).

³⁸⁷ *Id.* at §§ 11, 23.

³⁸⁸ Mich. Const. Art. VI, § 11; *see also* Mich. Comp. Laws § 600.8171 (district court only).

Judicial Seats and How?	authority to the counties for Circuit Courts and district control units ³⁸⁹ for District Courts. ³⁹⁰
How often evaluated?	No specified timeframe.
Factors considered	For more than two decades, the SCAO has used the weighted caseload method to analyze the impact of such changes in judicial activity on the number of judges required in each trial court. ³⁹¹ In 2018, Michigan State Court Administrative Office contracted with NCSC to assess judicial workloads which produced the 2019 report. ³⁹²
Allocation and Assignment of Judges	Supreme Court may assign an elected judge to any other court (with some limitation). ³⁹³
Judicial Retirements	A judge cannot be elected or appointed to a judicial office after reaching the age of 70 years. ³⁹⁴
Number of Judges	
Other Applicable Resources or Details	In 2018, the State Court Administrator’s office division of Judicial Resources Advisory Committee with input from National Center for State Courts created a report regarding “Judicial Workload Assessment” which concerned changes in the number of judgeships. ³⁹⁵
Population	10,050,811 ³⁹⁶
Cases filed or pending and backlogs	In February 2022, 6,000 criminal cases were pending in Wayne County’s Third Circuit Court where the number of pending cases is usually 1,500 and 120 people were incarcerated for more than 18 months where the average time for felonies is 45 days. ³⁹⁷

³⁸⁹ A “district control unit” is essentially the municipality in charge of sponsoring local district courts. Municipalities are divided into four classes and depending on the class they are assigned a degree of fund-sharing for the district courts. See MICH. COMP. LAWS 600.8104(1)(A)-(C).

³⁹⁰ Mich. Comp. Laws § 600.550 (2022) (“each county in the circuit, by resolution adopted by the county board of commissioners, approves the creation of that judgeship”); see also §600.8175 (“each district control unit of the district, by resolution adopted by the governing body of the district control unit, approves the creation of that judgeship”).

³⁹¹ 2019 *Judicial Resources Recommendations Report*, Michigan Supreme Court State Court Administrative Office (Sep. 2019), <https://www.courts.michigan.gov/4a659f/siteassets/reports/statistics/judicial-resources/judicialworkloadassessment2019.pdf>.

³⁹² *Id.*

³⁹³ Mich. Comp. Laws § 600.225(1) (2022).

³⁹⁴ Mich. Const. Art. VI, § 19(3) (2022).

³⁹⁵ 2019 *Judicial Resources Recommendations Report*, *supra* note 354.

³⁹⁶ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MI>.

³⁹⁷ Beenish Ahmed and Nisa Khan, *At Least 120 Inmates Locked Up in Wayne County for 18 or More Months Without Trial, Conviction*, Michigan Radio, NPR, Feb. 22, 2022.

23. Minnesota

Courts	The judiciary of Minnesota is composed of the Supreme Court, Court of Appeals, District Court, and various Municipal Courts. ³⁹⁸ The District Courts are trial courts of general jurisdiction in “all civil and criminal cases.” ³⁹⁹
Appointment/ Election/ Other	Judges are elected at all levels. ⁴⁰⁰ The Governor will fill a vacancy until a successor is elected. ⁴⁰¹ All judges serve for six-year terms. ⁴⁰²
Who Determines Number of Judicial Seats and How?	The Constitution currently provides that “there shall be two or more District Judges in each district.” ⁴⁰³ The Legislature has the authority to establish the number of judicial seats in the District Courts. ⁴⁰⁴ The Legislature has authorized the State Court Administrator’s Office to “make recommendations to the Chief Justice relating to the assignment of judges where courts are in need of assistance,” “collect and compile statistical and other data and make reports of the business transacted by the courts,” and “formulate and submit to the respective houses of the legislature recommendations of policies for the improvement of the judicial system.” ⁴⁰⁵ The State Court Administrator’s Office contracted with the National Center for State Courts to provide an analysis of the workload of judges in 2010. ⁴⁰⁶ It was determined that the State of Minnesota needed an additional 19 more judges to balance the workload. ⁴⁰⁷ The report was sent to the Chief Justice and to both houses of the Legislature. The report used the national workload assessment standard which consists of case filings that are applied to case weights and divided by the amount of available judicial time resource. ⁴⁰⁸
How often evaluated?	The statute does not specify how often this process occurs. ⁴⁰⁹
Factors considered	The Court Administrator examines the state of the dockets of the courts to determine the need for assistance by any court. ⁴¹⁰
Allocation and Assignment of Judges	The Legislature has authorized the State Court Administrator’s Office to “make recommendations to the Chief Justice relating to the assignment of judges where courts are in need of assistance.” ⁴¹¹

³⁹⁸ Minn. Const. Art. VI, § 1 (2018).

³⁹⁹ *Id.* at § 3.

⁴⁰⁰ *Id.* at § 7.

⁴⁰¹ *Id.* at § 8

⁴⁰² *Id.*

⁴⁰³ *Id.* at § 4.

⁴⁰⁴ Minn. Stat. § 480.15(9) (2018).

⁴⁰⁵ *Id.* at § 480.15(4), (5), (9).

⁴⁰⁶ *Minnesota Judicial Workload Assessment: Final Report*, National Center for State Courts (2010), <https://ncsc.contentdm.oclc.org/digital/collection/ctadmin/id/1629/>.

⁴⁰⁷ *Id.* at 6.

⁴⁰⁸ *Id.* at 8-13.

⁴⁰⁹ *See generally*, MINN. STAT. § 480.15.

⁴¹⁰ *Id.* at § 480.15(3).

⁴¹¹ *Id.* at § 480.15(4).

Judicial Retirements	Any judge in office on December 31, 1973 who shall have attained 70 years of age on or prior to such date shall retire upon the expiration of the term of office of such judge. ⁴¹²
Number of Judges	324: 8 judges on the Supreme Court; 20 judges on the Court of Appeals; and 296 District Court Judges. ⁴¹³
Other Applicable Resources or Details	
Population	5,707,390 ⁴¹⁴
Cases Filed or pending and backlog	To address backlog, 46,598 active misdemeanor and felony cases in April 2022 compared to 35,681 in March 2020, the state Judicial Council, the administrative policy-making authority composed of judges and court officials, remote hearings will become permanent in many cases in response to two years of feedback e.g. individuals who must make court appearances need not take off from work or arrange child care. ⁴¹⁵

24. Mississippi

Courts	The judiciary of Mississippi is composed of a Supreme Court, Court of Appeals, Chancery Courts, Circuit Courts, County Courts, Justice Courts, Municipal Courts, Drug Courts, and Youth Courts. ⁴¹⁶ The Chancery Courts has jurisdiction over “(a) All matters in equity; (b) Divorce and alimony; (c) Matters testamentary and of administration; (d) Minor’s business; (e) Cases of idiocy, lunacy, and persons of unsound mind.” ⁴¹⁷ The Circuit Courts have jurisdiction “in all matters civil and criminal in this state not vested by this Constitution in some other court.” ⁴¹⁸ The terms are 8 years for Supreme Court Judges, and four years for Circuit Court, Chancery Court, and District Court Judges. ⁴¹⁹
Appointment/ Election/ Other	Election for Circuit and Chancery Court Judges. ⁴²⁰

⁴¹² *Id.* at § 490.125(2)

⁴¹³ *About the Courts, Fast Facts*, Mncourts.gov, <https://www.mncourts.gov/about-the-courts.aspx>.

⁴¹⁴ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MN>.

⁴¹⁵ Randy Furst, *Minnesota Court Administrators Make Some Remote Hearings Permanent*, Star Tribune, April 23, 2022.

⁴¹⁶ Miss. Const. Art. VI, §§ 144, 156, 159, 171; *About the Courts*, State of Mississippi Judiciary Administrative Office of Courts (2020), <https://courts.ms.gov/aboutcourts/aboutthecourts.php>.

⁴¹⁷ Miss. Const. Art. VI, § 159 (2018).

⁴¹⁸ *Id.* at § 156.

⁴¹⁹ *Id.* at §§ 149, 153, 171.

⁴²⁰ *Id.* at § 153

Who Determines Number of Judicial Seats and How?	The Constitution provides that the “Legislature shall, by statute, establish certain criteria by which the number of judges in each district shall be determined, such criteria to be based on population, the number of cases filed and other appropriate data.” ⁴²¹ The Legislature directed the Administrative Office of the Courts to collect and provide that data. ⁴²²
How often evaluated?	The Legislature considers changes when they are performing the redistricting of the judiciary after every Federal Census (10 years). ⁴²³
Factors considered	The Legislature established the following criteria to determine the number of judicial seats: “the number of chancellorships for each Chancery Court district shall be determined by the Legislature based upon the following criteria: (a) The population of the district; (b) The number of cases filed in the district; (c) The caseload of each chancellor in the district; (d) The geographic area of the district; (e) An analysis of the needs of the district by the court personnel of the district; and (f) Any other appropriate criteria.” ⁴²⁴ Additionally: “the Judicial College of the University of Mississippi Law Center and the Administrative Office of Courts shall determine the appropriate: (a) Specific data to be collected as a basis for applying the above criteria; (b) Method of collecting and maintaining the specified data; and (c) Method of assimilating the specified data.” ⁴²⁵
Allocation and Assignment of Judges	
Judicial Retirements	No mandatory retirement age. ⁴²⁶
Number of Judges	9 Supreme Court; 10 Court of Appeals; 57 Circuit Court; 52 Chancery Court; 30 County Court; 197 Justice Court. ⁴²⁷
Other Applicable Resources or Details	
Population	2,949,963 ⁴²⁸
Cases Filed or pending and backlogs	Special judges appointed from July 2020 to December 2021 using federal CARES funds closed 597 cases and dismissed 170 cases; two were former judges. ⁴²⁹

⁴²¹ *Id.* at § 152

⁴²² *Id.*

⁴²³ Miss. Const. Art. VI, § 152 (2018).

⁴²⁴ Miss. Code § 9-5-3(3) (2018); *see also* § 9-7-3(3) (circuit courts).

⁴²⁵ *Id.* at § 9-5-3(4).

⁴²⁶ https://ballotpedia.org/Mandatory_retirement.

⁴²⁷ *About the Courts*, *supra* note 378.

⁴²⁸ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MS>.

⁴²⁹ Rosyln Anderson, *Special Judges Appointed to Hinds County Courts to Reduce Backlog of Thousands of Cases*, 3WLBT, Feb. 10, 2021

25. Missouri

Courts	The Missouri Judiciary consists of three levels of courts: The trial courts (also known as the circuit courts), an intermediate appellate court (the Missouri Court of Appeals) that is divided into three regional districts, and the Supreme Court of Missouri. ⁴³⁰ The Circuit Courts have jurisdiction “over all cases and matters, civil and criminal.” ⁴³¹
Appointment/ Election/ Other	“In most counties, Circuit Judges are elected by popular vote, but in certain metropolitan counties...they are” appointed.” ⁴³² Supreme Court Judges are elected. ⁴³³ Judges of the Supreme Court and of the Court of Appeals have 12 year terms, while judges of the Circuit Courts have 6 year terms, and associate Circuit Judges have 4 year terms. ⁴³⁴
Who Determines Number of Judicial Seats and How?	Pursuant to the Missouri Constitution, each county has at least one Associate Circuit Judge, but in large counties or metropolitan areas, additional associate circuit judicial seats may be created. ⁴³⁵ The Missouri Legislature has deferred to the Missouri Courts for determining judicial resources. Missouri’s Supreme Court is responsible to “recommend guidelines appropriate for use by the general assembly in determining the need for additional judicial personnel or reallocation of existing personnel in this state...The guidelines shall be filed with the chairs of the house and senate judiciary committees, for distribution to the members of the general assembly, and the court shall file therewith annually a report measuring and assessing judicial performance in the appellate and Circuit Courts of this state, including a judicial weighted workload model and a clerical weighted workload model.” ⁴³⁶ Missouri’s adoption of the Supreme Court’s recommendation for increased judicial resources is nondiscretionary, whereby “an annual judicial performance report submitted pursuant to section 477.405 indicates for three consecutive calendar years the need for two or more full-time judicial positions in any judicial circuit there shall be one additional Circuit Judge position authorized in such circuit.” ⁴³⁷ In addition, the Legislature can create Associate Circuit Judge seats based on the county’s population. ⁴³⁸
How often?	

⁴³⁰ Mo. Const., Art. V, §1 (2018); *About the Courts*, Missouri Courts Judicial Branch of Government, <https://www.courts.mo.gov/page.jsp?id=103114>.

⁴³¹ Mo. Const. Art. V, § 14 (2018).

⁴³² *Circuit Court Judges and Commissioners*, Missouri Courts Judicial Branch of Government, <https://www.courts.mo.gov/page.jsp?id=1754>.

⁴³³ *Supreme Court Judges*, Missouri Courts Judicial Branch of Government, <https://www.courts.mo.gov/page.jsp?id=133>.

⁴³⁴ Mo. Const. Art. V, § 19 (2018).

⁴³⁵ Mo. Rev. Stat. § 478.320 (2018).

⁴³⁶ *Id.* at § 477.405.

⁴³⁷ *Id.* at § 478.330.

⁴³⁸ *Id.* at § 478.320.

Factors Considered	
Allocation and Assignment of Judges	“The Supreme Court may make temporary transfers of judicial personnel from one court or district to another as the administration of justice requires and may establish rules with respect thereto. Any judge shall be eligible to sit temporarily on any court upon assignment by the Supreme Court or pursuant to Supreme Court rule.” ⁴³⁹
Judicial Retirements	Mandatory retirement at age of 70 except for the Municipal Division of the Circuit Court whose judges must retire at 75. ⁴⁴⁰
Number of Judges	423 judges and commissioners. There are 7 Supreme Court Judges and 32 Appellate Judges. Trial Courts, 147 Circuit Judges, 204 Associate Circuit Judges, and 33 Commissioners and Deputy Commissioners. ⁴⁴¹
Other Applicable Resources or Details	In 2007, National Center for State Court issued a judicial workload assessment study at the behest of the Missouri Supreme Court. The study utilized case filings, case weights, and divided it by the judge-year value to find out the requisite number of additional judicial seats that need to be created. ⁴⁴²
Population	6,168,187 ⁴⁴³
Cases Filed or pending and backlogs	

26. Montana

Courts	The judiciary of Montana is composed of a Supreme Court (consisting of a Chief Justice and six Associate Justices), District Courts, Workers’ Compensation Court, Water Court, and several courts of limited jurisdiction, including Justice Courts, Municipal Courts and City Courts. ⁴⁴⁴ Montana does not have an intermediate appellate court; instead appeals from all District Courts are heard by the Supreme Court. ⁴⁴⁵ The District Courts hold “jurisdiction in all criminal cases amounting to felony and all civil matters
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⁴³⁹ Mo. Const. Art. V, § 6 (2018).

⁴⁴⁰ *Id.* at § 26 (1), Mo. Rev. Stat. 479.020., para. 7.

⁴⁴¹ *Judicial Personnel*, Missouri Courts Judicial Branch of Government, <https://www.courts.mo.gov/page.jsp?id=631#:~:text=Missouri%20has%20423%20judges%20and,the%20Missouri%20Court%20of%20Appeals>.

⁴⁴² *Missouri Circuit Court Judicial Workload Assessment Study*, National Center for State Courts (2007), <https://www.courts.mo.gov/file.jsp?id=56908>.

⁴⁴³ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MO>.

⁴⁴⁴ Mont. Const. Art. VII, §§1, 3 (2021) (“[t]he supreme court consists of one chief justice and four justices, but the legislature may increase the number of justices from four to six”), 4; *About Judicial Branch*, Montana Judicial Branch, <https://courts.mt.gov/aboutus#:~:text=About%20Judicial%20Branch.The%20Workers%27%20Compensation%20Court>.

⁴⁴⁵ *About Judicial Branch*, *id.*

	and cases at law and in equity.” ⁴⁴⁶ Each county has at least one elected Justice of the Peace. ⁴⁴⁷
Appointment/ Election/ Other	Supreme Court Justices and District Court Judges are elected. ⁴⁴⁸ If a mid-term vacancy occurs, the governor appoints a replacement. ⁴⁴⁹ If the governor fails to appoint within thirty days after receipt of nominees, the Chief Justice will make the appointment. These appointments are then confirmed by the senate. That judge must then stand for election at the following election. ⁴⁵⁰ Chief Justice of the Supreme Court fills any vacancy for the Chief Water Judge or Associate Water Judge. ⁴⁵¹
Who Determines Number of Judicial Seats and How?	The Montana Constitution provides that the “legislature shall divide the state into judicial districts and provide for the number of judges in each district.” ⁴⁵²
How often?	Montana began using the weighted caseload system in 2007. ⁴⁵³ In 2022, NCSC conducted the study for Montana. ⁴⁵⁴ NCSC also performed a study in 2014. ⁴⁵⁵ Montana reports case processing measures quarterly including case clearance rates and on-time case processing rates. ⁴⁵⁶ The report also includes established timeframes by case type: child abuse and neglect 457 days; civil 730 days; criminal 270 days; family 270 days; involuntary commitment 180 days; juvenile 180 days probate/guardianship 730 days.
Factors considered?	
Allocation and Assignment of Judges	The Supreme Court’s “Chief Justice may, upon request of the District Judge, assign District Judges and other judges for temporary service from one district to another, and from one county to another.” ⁴⁵⁷

⁴⁴⁶ Mont. Const. Art. VII., §4 (2021).

⁴⁴⁷ Mont. Const. Art. VII., §5 (2021).

⁴⁴⁸ 2022 election results for 2 Supreme Court seats. https://apps.montanafreepress.org/election-guide-2022/?_gl=1*43qybc*_ga*YW1wLTA5UmFseF8wQ095NWY3STdJbmpQdmc.

⁴⁴⁹ Mont. S.B. No. 140, Reg. Leg. Session (Mont. 2021).

⁴⁵⁰ Mont. Const. Art. VII., §8 (2021).

⁴⁵¹ See S.B. 140, *supra* note 408.

⁴⁵² Mont. Const. Art. VII., §6(1)(2) (2021).

⁴⁵³ Acourts.mt.gov, Report of Recommendations for the Adoption, Implementation and Integration of a Court Management Tools System for the Montana District Courts May 2010 at 6/21. https://courts.mt.gov/external/dcourt/measures/report_recommendation.pdf.

⁴⁵⁴ Final Report: State of Montana: Workload Assessment Study of District Court Judicial Officers, <https://courts.mt.gov/external/dcourt/stats/workload/caseload-study2022.pdf>.

⁴⁵⁵ <https://courts.mt.gov/external/dcourt/stats/workload/caseload-study2014.pdf>.

⁴⁵⁶ <https://courts.mt.gov/external/dcourt/measures/2022/3rd.pdf>.

⁴⁵⁷ *Id.* at §6(3).

Judicial Retirements	No retirement age. ⁴⁵⁸
Number of Judges	Montana has 7 Supreme Court Judges with 8 year terms and 46 District Court Judges with 6 year terms and four years for Justice of the Peace. ⁴⁵⁹
Other Applicable Resources or Details	Montana’s legislature created a “District Court council”, comprised of nine members, whose responsibilities including adopting policies and procedures, subject to review by the Supreme Court, concerning District Court issues, including: (a) workload; (b) resource allocation among the District Courts...[and] shall provide reports to the legislature and Supreme Court upon request.” ⁴⁶⁰ The judiciary contracted the help of the National Center for State Courts to develop a model for judicial need assessment. The National Center for State Courts used the caseload weighted model and concluded that Montana needed 16 more judges to effectively handle the caseload. ⁴⁶¹
Population	1,104,271. ⁴⁶²
Cases Filed or pending and backlogs	In 2021, 54,955 new cases were filed. ⁴⁶³ 576 appeals filed in 2020. ⁴⁶⁴

27. Nebraska

Courts	The judiciary of Nebraska is composed of a Supreme Court, Court of Appeals, District Courts, County Courts, Juvenile Courts, Workers Compensation Court, Problem-Solving Courts (a/k/a Drug Courts). ⁴⁶⁵ The District Courts are the trial courts of general jurisdiction. ⁴⁶⁶
Appointment/Election/Other	The judges of the Supreme Court are appointed by the Governor. ⁴⁶⁷ “One judge of the Court of Appeals shall be appointed by the Governor from each Supreme Court judicial district.” ⁴⁶⁸ Since 1997, the Chief Judge of the Court

⁴⁵⁸ https://ballotpedia.org/Mandatory_retirement.

⁴⁵⁹ *About Judicial Branch*, *supra* note, 442; *District Courts*, Montana Judicial Branch, <https://courts.mt.gov/courts/dcourt/#:~:text=Montana%27s%2056%20District%20Courts%20are,by%2046%20District%20Court%20Judges>. Mont. Const. Art. VII., §7(2) (2021).

⁴⁶⁰ Mont. Code. § 3-1-1602 (2021).

⁴⁶¹ National Center for State Courts, *Montana District Court Judicial Weighted Caseload Study*, pg. 10 (2014), <https://courts.mt.gov/External/dcourt/docs/2014weightedcaseload.pdf>. The NCSC applied the caseload weighted model by measuring cases in terms of minutes, multiplying it by case filings, and dividing it by the judge-year value in minutes, minute non-case related time, and plus travel, equaling to the judicial resource needs.

⁴⁶² U.S. Census state population for 2021, <https://www.census.gov/quickfacts/MT>.

⁴⁶³ 2022 Montana District Court Performance Measures. Statistics, <https://courts.mt.gov/Courts/Statistics/dcstats>.

⁴⁶⁴ *2020 New Filings Overview Report*, Courts.mt.gov, <https://courts.mt.gov/external/overview20.pdf>.

⁴⁶⁵ Neb. Const. Art. V, §1 (2019); Neb. Rev. Stat. § 24-1101 (2019); *see generally*, *Courts*, State of Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/courts>.

⁴⁶⁶ Neb. Const. Art. V., §9 (2019).

⁴⁶⁷ *Supreme Court*, Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/courts/supreme-court#:~:text=The%20Supreme%20Court%20consists%20of,by%20a%20judicial%20nominating%20commission>.

⁴⁶⁸ *Id.*

	of Appeals is elected by the judges of the Court of Appeals, and ratified by the Supreme Court, to two-year terms. ⁴⁶⁹ There are retention elections every six years. ⁴⁷⁰
Who Determines Number of Judicial Seats and How?	The Nebraska Constitution provides that “the Legislature may change the number of judges of the District Courts...” ⁴⁷¹ The Legislature directed “the State Court Administrator shall compile uniform and accurate statistics which will assist in the evaluation of judicial workloads. The judicial workload statistics shall be based on caseload numbers weighted by category of case.” ⁴⁷²
How often?	Annually. ⁴⁷³
Factors considered?	The Legislature created the “Judicial Resource Commission” (“JRC”) to “hold a hearing to determine whether [] a new judgeship is appropriate in any judicial district or a reduction in judgeships is appropriate in any judicial district.” ⁴⁷⁴ The JRC “also examine[s] current caseload statistics and make[s] any appropriate recommendations for the more balanced use of existing judicial resources.” ⁴⁷⁵ Ultimately, the JRC drafts and submits this report annually to the Nebraska Legislature, Governor and Supreme Court. ⁴⁷⁶ In making a determination as to whether additional or fewer judges are necessary for Nebraska, the Judicial Resource Commission considers: “(a) its analysis of judicial workload statistics compiled pursuant to section 24-1007, (b) whether litigants in the judicial district have adequate access to the courts, (c) the population of the judicial district, (d) other judicial duties and travel time involved within the judicial district, and (e) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service.” ⁴⁷⁷ A recommendation from the JRC is necessary for the Nebraska Legislature to create an additional seat, but it is not bound by the JRC recommendation. ⁴⁷⁸
Allocation and Assignment of Judges	“ The District Judges may interchange and hold each other's court. “ ⁴⁷⁹ A District Judge may appoint by order a consenting county judge residing in the district to act as a District Judge in specific instances on any matter over which the District Court has determined that it has jurisdiction over the parties and subject matter, except appeals from the County Court.” ⁴⁸⁰ “In an effort to more efficiently administer the caseload, the presiding judges of the

⁴⁶⁹ Neb. Rev. Stat. § 24-1101 (2019);

⁴⁷⁰ *Voter’s Guide to Nebraska’s Judicial Retention Elections*, Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/public/vote>.

⁴⁷¹ Neb. Const. Art. V., §11(2019).

⁴⁷² Neb. Rev. Stat. § 24-1007 (2019).

⁴⁷³ *Id.* at § 24-1205.

⁴⁷⁴ *Id.* at § 24-1205.

⁴⁷⁵ *Id.*

⁴⁷⁶ *Id.*

⁴⁷⁷ *Id.* at § 24-1206(1).

⁴⁷⁸ *Id.* at §1206(2).

⁴⁷⁹ Neb. Rev. Stat. § 24-312(1) (2019).

⁴⁸⁰ *Id.* at (2).

	District Court and County Court in each judicial district may assign between the courts cases involving domestic relations matters as defined in section <u>25-2740</u> and Class IV felony cases. The presiding judges shall annually review the caseload of the two benches and determine whether to reassign cases involving domestic relations matters as defined in section <u>25-2740</u> and Class IV felony cases. The consent of the parties shall not be required for such cases.” ⁴⁸¹
Judicial Retirements	No mandatory retirement age. “The Legislature may provide that any judge of the Supreme Court or judge of the Appellate Court created pursuant to Article V, section 1, of this Constitution who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the District Court or the Appellate Court to act as Associate Judges of the Supreme Court.” ⁴⁸²
Number of Judges	Nebraska has 7 Supreme Court Judges, 6 Court of Appeals Judges and 55 District Court Judges. ⁴⁸³
Other Applicable Resources or Details	“In 2019-2020, the Supreme Court and the Administrative Office of the Courts and Probation (AOCP) conducted a statewide judicial time study,” with the assistance of NCSC using “a new weighting methodology and standards” ⁴⁸⁴
Population	1,963,692 ⁴⁸⁵
Cases Filed or pending and backlogs	35,795 new cases were filed in 2021 ⁴⁸⁶ and 246,459 in District Courts. ⁴⁸⁷

28. Nevada

Courts	The court system in Nevada is composed of a Supreme Court, an Intermediate Court of Appeals, District Courts of general jurisdiction, Municipal Courts, and Justice Courts. ⁴⁸⁸ The District Courts include
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⁴⁸¹ *Id.* at (3).

⁴⁸² Neb. Const. Art. V., §2 (2019).

⁴⁸³ *Supreme Court Justices*, Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/directories/district-court-judges>; *Court of Appeals Judges*, Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/directories/court-appeal-judges>; *District Court Judges*, Nebraska Judicial Branch, <https://supremecourt.nebraska.gov/directories/district-court-judges>.

⁴⁸⁴ Nebraska Judicial Workload Assessment Final Report, October 2020, <https://supremecourt.nebraska.gov/forms-publications>.

⁴⁸⁵ U.S. Census state population for 2021, <https://www.census.gov/quickfacts/NE>.

⁴⁸⁶ Nebraska Judicial Branch, annual Caseload Report District Courts, <https://supremecourt.nebraska.gov/sites/default/files/district-court-caseload-FY-2021.pdf>.

⁴⁸⁷ Nebraska Judicial Branch, annual Caseload Report County Courts, <https://supremecourt.nebraska.gov/sites/default/files/CC-annual-caseload-fy2022.pdf>.

⁴⁸⁸ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/Supreme/court_information/about_the_nevada_judiciary/.

	family, civil, and criminal parts, and hear appeals from Justice and Municipal Courts which hear traffic and parking citations, misdemeanor criminal, housing, and certain civil cases under \$15,000. ⁴⁸⁹ For estates over \$20,000 and under \$200,000, probate is a court monitored process, but over \$200,000 where an executor or administrator is appointed, the court is involved. ⁴⁹⁰ The Supreme Court is the administrative center for Nevada courts ⁴⁹¹ with the Supreme Court appointing a Director of the Administrative Office of the Courts to support the Chief Justice in fulfilling that role. ⁴⁹²
Appointment/ Election/ Other	Nonpartisan elections for six-year terms. ⁴⁹³ The Chief Justice serves a two-year term as chief which is based on seniority; if more than one judge has seniority, then the Chief Judge is chosen by lot. ⁴⁹⁴
Who Determines Number of Judicial Seats and How?	The Constitution provides for a Chief Judge and two or more Associate Justices in the Supreme Court; ⁴⁹⁵ which the Legislature increased in 1997 to seven. ⁴⁹⁶ In addition three justices serve on the Court of Appeals, a court created in 2014 as a “deflective model” based on such courts in Iowa, Idaho and Mississippi; ⁴⁹⁷ it hears one third of all appeals from District Courts filed with the Supreme Court which assigns cases to the Court of Appeals. ⁴⁹⁸ The Legislature determines the number of judges that serve each district of the District Court and the number of judges for each Justice Court. ⁴⁹⁹ For districts with populations over 100,000, the District Court will have a family part. The Chief Judge may assign District Judges to the family part on a temporary basis. ⁵⁰⁰ If a District Court Judge is assigned to family part for more than 90 days, then mandatory training is required. ⁵⁰¹ District Court Judges may not be assigned to Family Court on a rotating basis. ⁵⁰² The

⁴⁸⁹ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/about_the_nevada_judiciary/.

⁴⁹⁰ Nevada Bar Information Brochure, Probate and Administration of Estates, <https://www.nvbar.org/wp-content/uploads/probate%20and%20administration.pdf>.

⁴⁹¹ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/about_the_nevada_judiciary/.

⁴⁹² “Nevada Supreme Court Appoints Katherine Stocks as Director of the Administrative Office of the Courts and State Court Administrator,” Nevada Business, Feb. 17, 2021, Nevadabusiness.com.

⁴⁹³ Nev. Const., Art. 6, §§ 3, 3A, 4, 5.

⁴⁹⁴ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/overview_of_the_supreme_court_and_court_of_appeals/.

⁴⁹⁵ Nev. Const. Art. 6, §2.

⁴⁹⁶ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/overview_of_the_supreme_court_and_court_of_appeals/.

⁴⁹⁷ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/court_of_appeals/.

⁴⁹⁸ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/Supreme/court_information/overview_of_the_supreme_court_and_court_of_appeals/.

⁴⁹⁹ *Policy and Program Report: Nevada’s Court System*, Research Division, Nevada Legislature Counsel Bureau, 1-4. <https://www.leg.state.nv.us/Division/Research/Publications/PandPReport/26-NCS.pdf>.

⁵⁰⁰ NRS §3.0105(2).

⁵⁰¹ NRS §3.0105 (4).

⁵⁰² NRS §3.0105 (4).

	Legislature determines how many District Court Judges for each district who are Family Court Judges and sets the number of non-family court judges in each district. ⁵⁰³
How often evaluated?	
Factors considered	
Allocation and Assignment of Judges	The District, Justice, and Municipal Trial Courts are organized into eleven judicial districts among Nevada’s 17 counties. ⁵⁰⁴ Court of Appeals Judges may be assigned by the Supreme Court to assist in the District Courts. ⁵⁰⁵
Judicial Retirements	No retirement age. ⁵⁰⁶
Number of Judges	Of 189 judges, 30 are Municipal Judges, of which 8 also serve as Justices of the Peace, 67 are judges in Justice Courts, of which 8 also serve as Justices of the Peace, and 82 District Court Judges. ⁵⁰⁷
Other Applicable Resources or Details	When a vacancy occurs before the expiration of a term of office in the Supreme Court, Court of Appeals, or District Court, the Governor fills the vacancy. ⁵⁰⁸
Population	3,104,614 ⁵⁰⁹
Cases filed annually or pending and backlogs	692,323 filed in Trial Courts. ⁵¹⁰

29. New Hampshire

Courts	The judiciary of New Hampshire is composed of a Supreme Court and Superior Courts according to the constitution. ⁵¹¹ The Superior Courts are
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⁵⁰³ NRS §§3.011-3.0197; Nevada Legislature, *Chapter 3 - District Courts*, <https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-003.html>.

⁵⁰⁴ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/overview_of_the_supreme_court_and_court_of_appeals/.

⁵⁰⁵ Nev. Const. Art. 6, 3A (4).

⁵⁰⁶ See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁵⁰⁷ Supreme Court of Nevada, *About the Nevada Judiciary*, https://nvcourts.gov/supreme/court_information/about_the_nevada_judiciary/.

⁵⁰⁸ Supreme Court of Nevada, *Commission on Judicial Selection Overview*, https://nvcourts.gov/AOC/committees_and_commissions/judicial_selection/overview/.

⁵⁰⁹ United States Census Bureau, U.S. Population 2020, *Quick Facts Nevada*, <https://www.census.gov/quickfacts/NV>.

⁵¹⁰ Supreme Court of Nevada, *Trial Court Statistics*, <https://nvcourts.gov/aoc/statistics>.

⁵¹¹ N.H. Const., Part 2, Art. 72-a.

	the “Trial [Courts] of general jurisdiction” ⁵¹² With its constitutional authority to establish lower courts, the Legislature created the Circuit Courts which consist of the district division, probate division, ⁵¹³ and family division; there are 10 circuits; one for each county. ⁵¹⁴ The Chief Justice of the Supreme Court is the administrative leader of all of the courts ⁵¹⁵ who is selected based on seniority and serves a 5 year term. ⁵¹⁶ The Chief Justice is assisted by the director of the Administrative Office of the Courts who is appointed by the Chief Judge. ⁵¹⁷ The 24-member judicial council addresses issues of the administration of justice. ⁵¹⁸
Appointment/ Election/ Other	Judges are appointed by the governor and confirmed by a majority of the Executive Council. ⁵¹⁹ There is no term of office; it is effectively life tenure during good behavior ⁵²⁰ until the mandatory retirement age of 70.
Who Determines Number of Judicial Seats and How?	The Legislature has the authority to alter the number of judicial seats. ⁵²¹ In 1998, the Institute for Court Management proposed using a weighted caseload analysis in New Hampshire. ⁵²² In 2005, NCSC assisted New Hampshire with a weighted caseload analysis. ⁵²³ In 2011, New Hampshire enacted a statute codifying calculation of weighted caseloads for a variety of purposes including budgeting, assigning support staff and calculating salaries for part-time judges in the district and Probate Courts. ⁵²⁴
How often evaluated?	Annually ⁵²⁵
Factors considered	The Legislature directed that the “Supreme Court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units

⁵¹² N.H. Const., Part 2, Art. 72-a.

⁵¹³ N.H. Const., Part 2, Art. 80.

⁵¹⁴ New Hampshire Judicial Branch, Our Courts, Circuit Court, <https://www.courts.nh.gov/our-courts/circuit-court>.

⁵¹⁵ N.H. Const., Part 2, Art. 73-a

⁵¹⁶ N.H. Rev. Stat. Ann. § 490:1.

⁵¹⁷ New Hampshire Judicial Branch, Administrative Office of the Courts, <https://www.courts.nh.gov/our-courts/supreme-court/about/administrative-office-courts>.

⁵¹⁸ New Hampshire Judicial Branch, Our Courts, Supreme Court, <https://www.courts.nh.gov/our-courts/supreme-court/about>.

⁵¹⁹ New Hampshire Judicial Branch, Our Courts, <https://www.courts.nh.gov/our-courts>.

⁵²⁰ N.H. Const., Part 2, Art. 73.

⁵²¹ N.H. Const., Part 2, Art. 4; N.H. Rev. Stat. § 490-F:11 (2019); N.H. Rev. Stat. Ann. § 490-F:7 (circuit court judges) N.H. Rev. Stat. Ann. § 490:1 (supreme court judges); N.H. Rev. Stat. Ann. § 491:1 (superior court judges).

⁵²² Proposal for a Judicial Weighted Caseload in the New Hampshire Superior Courts - Court Management - National Center for State Courts (oclc.org), <https://nsc.contentdm.oclc.org/digital/collection/ctadmin/id/524/>.

⁵²³ Kleiman, M., Hewitt, W.E. and Ostrom, B.J., 2005. *New Hampshire Judicial Needs Assessment, 2005. A report to the New Hampshire Administrative Office of the Courts*. Williamsburg, VA: National Center for State Courts.

⁵²⁴ N.H. Rev. Stat. § 490-F:11, 12, 14 (2019).

⁵²⁵ N.H. Rev. Stat. § 490-F:11 (2019).

	for that court” to calculate the “number of judicial positions required in the Circuit Court.” ⁵²⁶
Allocation and Assignment of Judges	“After assessing caseload needs and requirements and consulting with the administrative judges, the Chief Justice of the Supreme Court may assign any Superior Court Judge to hear cases in the District Court.” ⁵²⁷ “When the business of the Superior Court requires it, and upon request of the Chief or Senior Associate Justice of that court, the Chief or Senior Associate Justice of the Supreme Court may, if not inconsistent with the proper advancement of the business of the Supreme Court, assign himself or some other justice of the Supreme Court to preside and serve in the Superior Court.” ⁵²⁸ Judicial need and weighted caseloads shall be considered in making assignments in Circuit Courts. ⁵²⁹
Judicial Retirements	Mandatory retirement age is 70. ⁵³⁰
Number of Judges	79:5 judges in Supreme Court; 22 Superior Court Judges plus 4 active senior judges; ⁵³¹ and 46 Circuit Court Judges, 2 active senior judges. Assisted by: 21: 11 retired judges serving as referees, 8 referees, and 2 marital masters. ⁵³²
Other Applicable Resources or Details	The Supreme Court considers population, caseload, judicial time, and efficiency, available judicial resources, the needs of the Circuit Court, and other relevant criteria before requesting the governor and council to designate a sitting part-time judge as a full-time judge. ⁵³³ The governor and council are not bound by that recommendation. ⁵³⁴ Upon designation, that judge shall become full-time. ⁵³⁵ The Chief Justice of the Supreme Court fills temporary vacancies on the Supreme Court with retired judges or judges from the lower courts. ⁵³⁶
Population	1,377,529 ⁵³⁷
Cases filed annually or pending and	In 2021, 82,432 cases were filed in the District Division, while 14,779 cases were filed in the Superior Court. ⁵³⁸

⁵²⁶ N.H. Rev. Stat. § 490-F:11 (2019).

⁵²⁷ N.H. Rev. Stat. § 491:3-a (2019).

⁵²⁸ N.H. Rev. Stat. § 491:3 (2019).

⁵²⁹ N.H. Rev. Stat. § 490-F:5.

⁵³⁰ N.H. Const., Part 2, Art. 78. N.H. Rev. Stat. § 493:2 (2019). See also, Mandatory judicial retirement ages by state, https://ballotpedia.org/Mandatory_retirement.

⁵³¹ New Hampshire Judicial Branch, *Our Courts*, <https://www.courts.nh.gov/our-courts>.

⁵³² New Hampshire Judicial Branch, *Our Courts*, <https://www.courts.nh.gov/our-courts>.

⁵³³ N.H. Rev. Stat. § 490-F:7 (IV) (2019).

⁵³⁴ N.H. Rev. Stat. § 490-F:7 (IV) (2019).

⁵³⁵ N.H. Rev. Stat. § 490-F:7 (IV) (2019).

⁵³⁶ N.H. Rev. Stat. § 490:3 (2018).

⁵³⁷ United States Census Bureau, U.S. Population 2020, *Quick Facts New Hampshire*, <https://www.census.gov/quickfacts/NH>.

⁵³⁸ New Hampshire Judicial Branch, *Data & Reports* (2022), <https://www.courts.nh.gov/media/data-reports>.

backlogs Cases Filed annually	
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30. New Jersey

Courts	The New Jersey judiciary consists of a Supreme Court and a Superior Court established by the Constitution, and courts of limited jurisdiction created by the legislature including the Tax Court and Municipal Courts. ⁵³⁹ The Superior Court includes an Appellate Division which hears appeals from the Superior Court. ⁵⁴⁰ The Chief Judge is the administrative head of the courts, and is assisted by an Administrative Director, who is appointed by the Chief Judge. ⁵⁴¹
Appointment/ Election/ Other	The Chief Judge and all judges and justices, except those who serve in the Municipal Courts, are nominated by the governor and confirmed by the state senate ⁵⁴² all of whom are appointed to initial seven-year terms, after which they may serve until age 70 if reappointed. ⁵⁴³ Municipal Court Judges are selected by a town’s governing body for three-year terms, and they may be reappointed, but get no tenure. ⁵⁴⁴ The Chief Justice of the Supreme Court assigns Superior Court Judges to the Appellate Division “for terms fixed by rules of the Supreme Court.” ⁵⁴⁵
Who Determines Number of Judicial Seats and How?	Legislature determines the number of judges, but the Constitution requires that each county have at least two judges. ⁵⁴⁶
How often evaluated?	
Factors considered	
Allocation and Assignment of Judges	The Chief Justice of the New Jersey Supreme Court may assign judges to different parts of the court system. They may also “elevate Superior Court Judges to the Appellate Division to hear appeals.” ⁵⁴⁷

⁵³⁹ N.J. Const. Art. VI, § 1, ¶ 1; *The New Jersey Courts: A Guide to the Judicial Process*, The New Jersey Courts, form 12246 at 9, https://www.njcourts.gov/sites/default/files/forms/12246_guide_judicial_process.pdf.

⁵⁴⁰ N.J. Const. Art. VI, § 3, ¶¶ 2, 3.

⁵⁴¹ N.J. Const. Art. VI, § 7, ¶ 1.

⁵⁴² N.J. Const. Art. VI, § 6, § 7, ¶¶ 1, 2.

⁵⁴³ N.J. Const. Art. VI, § 6, § 7, ¶ 3.

⁵⁴⁴ *The New Jersey Courts: A Guide to the Judicial Process*, The New Jersey Courts, form 12246 at 9, https://www.njcourts.gov/sites/default/files/forms/12246_guide_judicial_process.pdf.

⁵⁴⁵ N.J. Const. Art. VII, § 7, ¶ 2.

⁵⁴⁶ N.J. Const. Art. VI, § 3, ¶ 1.

⁵⁴⁷ Colleen O’Dea, *Explainer: How Do Our Judges Make it to the Bench in New Jersey?* New Jersey Spotlight, <https://www.njspotlight.com/stories/14/06/02/explainer-how-judges-make-it-to-the-bench-in-new-jersey/>.

Judicial Retirements	70 years of age. ⁵⁴⁸
Number of Judges	1,021: 7 Supreme Court Judges; 32 judges in the Appellate Division of the Superior Court; 460 Superior Court Judges; 12 Tax Court; and 510 Municipal Court Judges. ⁵⁴⁹
Other Applicable Resources or Details	The Chief Justice of the New Jersey Supreme Court may “elevate the most senior Appellate Judges to the Supreme Court to fill vacancies.” ⁵⁵⁰
Population	9,288,994 ⁵⁵¹
Cases filed annually or pending and backlogs	5.46 million in Trial Courts, ⁵⁵² 4.8 million of which were filed in Municipal Courts. ⁵⁵³

31. New Mexico

Courts	The judiciary of New Mexico is composed of a Supreme Court, a Court of Appeals, District Courts, Magistrate Courts, Municipal Courts, and Probate Courts. ⁵⁵⁴ The Legislature may establish courts inferior to the District Courts. ⁵⁵⁵
Appointment/Election/Other	“Each Justice of the Supreme Court, judge of the Court of Appeals, District Judge or Metropolitan Court Judge shall have been elected to that position in a partisan election prior to being eligible for a nonpartisan retention election. Thereafter, each such justice or judge shall be subject to retention or rejection on a nonpartisan ballot.” ⁵⁵⁶ “Each District Judge shall be subject to retention or rejection in like manner at the general election every sixth year.” ⁵⁵⁷

⁵⁴⁸ N.J. Const. Art. VI, § 6, ¶ 3. See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁵⁴⁹ *The New Jersey Courts: A Guide to the Judicial Process*, The New Jersey Courts, Structure of the New Jersey Courts, form 12246, https://www.njcourts.gov/sites/default/files/forms/12246_guide_judicial_process.pdf.

⁵⁵⁰ Colleen O’Dea, *Explainer: How Do Our Judges Make it to the Bench in New Jersey?* New Jersey Spotlight, <https://www.njspotlight.com/stories/14/06/02/explainer-how-judges-make-it-to-the-bench-in-new-jersey/>.

⁵⁵¹ United States Census Bureau, U.S. Population 2020, *Quick Facts New Jersey*, <https://www.census.gov/quickfacts/NJ>.

⁵⁵² Annual Report of the New Jersey Courts, Court Year 2020-21 at 52.

⁵⁵³ Municipal Courts hear “motor vehicle and parking tickets, minor criminal-type offenses, municipal ordinance offenses and other minor offenses. A municipal court usually has jurisdiction only over cases that occur within the boundaries of its municipality.” Annual Report of the New Jersey Courts Court Year 2020-21 at 27.

⁵⁵⁴ N.M. Const. Art. VI., § 1.

⁵⁵⁵ N.M. Const. Art. VI., § 1.

⁵⁵⁶ N.M. Const. Art. VI., § 33(A).

⁵⁵⁷ N.M. Const. Art. VI., § 33(C).

Who Determines Number of Judicial Seats and How?	The state is divided into judicial districts to which at least one judge must be assigned. ⁵⁵⁸ “The Legislature may increase the number of District Court judges in any judicial district, and they shall be elected or appointed as other District Judges for that district” ⁵⁵⁹ “[T]he Legislature may rearrange the districts of the state, increase the number thereof, and make provision for a District Judge for any additional district.” ⁵⁶⁰
How often evaluated?	In the last ten years, 26 new district judicial seats have been created. ⁵⁶¹ While there is no schedule for when the number of judges is assessed, judges have been added on a regular basis. ⁵⁶²
Factors considered	A study conducted by the National Center for State Courts in 2019 indicated that there was a statewide need for additional judicial officers based on a weighted caseload study. ⁵⁶³
Allocation and Assignment of Judges	
Judicial Retirements	No retirement age. ⁵⁶⁴ “If any District Judge is disqualified from hearing any cause or is unable to expeditiously dispose of any cause in the district, the Chief Justice of the Supreme Court may designate any retired New Mexico District Judge, Court of Appeals Judge or Supreme Court Justice, with said designees' consent, to hear and determine the cause and to act as District Judge pro tempore for such cause.” ⁵⁶⁵
Number of Judges	Of 311 judges, 15 are in Appellate Courts, while 94 are in District Courts, 169 are in Municipal Courts and 33 in Probate Courts. ⁵⁶⁶
Other Applicable Resources or Details	“Whenever the public business may require, the Chief Justice of the Supreme Court shall designate any District Judge of the state, or any Justice of the Supreme Court when no District Judge may be available within a reasonable time, to hold court in any district, and two or more judges may sit in any district or county separately at the same time.” ⁵⁶⁷
Population	2,117,522 ⁵⁶⁸

⁵⁵⁸ N.M. Const. Art. VI., § 12.

⁵⁵⁹ N.M. Const. Art. VI., § 16.

⁵⁶⁰ N.M. Const. Art. VI., § 16.

⁵⁶¹ New Mexico Legislative Finance Committee, *Legislating for Results: Appropriation Recommendations*, Vol. 2 55th Leg. (1st Sess. 2021).

⁵⁶² See e.g., NM Stat. § 34-6-5 (2020) (adding judgeships in the Second Judicial District in 1993, 1995, 1997, 2005, 2007, 2014, and 2020).

⁵⁶³ *New Mexico State-Funded Courts Judicial Officer Workload Assessment Study, 2019*, National Center for State Courts, 26, <https://www.nmcourts.gov/court-administration/reports-and-policies/>.

⁵⁶⁴ Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁵⁶⁵ N.M. Const. Art. VI., § 15(C).

⁵⁶⁶ New Mexico Courts, *About the Courts*, <https://www.nmcourts.gov/court-administration/about-the-courts/>.

⁵⁶⁷ N.M. Const. Art. VI., § 15.

⁵⁶⁸ United States Census Bureau, U.S. Population 2020, *Quick Facts New Mexico*, <https://www.census.gov/quickfacts/NM>.

Cases filed annually or pending and backlogs	253,462 ⁵⁶⁹
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32. North Carolina

Courts	The judiciary of North Carolina consists of a Supreme Court, a Court of Appeals, Superior Court, and District Courts. ⁵⁷⁰ The Superior Court is the court of general jurisdiction. ⁵⁷¹
Appointment/Election/Other	District Court Judges are elected for four-year terms. ⁵⁷² The Chief Justice of the Supreme Court designates the Chief District Judge for each district. ⁵⁷³ For each county, the senior regular resident Judge of the Superior Court serving the county appoints magistrates. ⁵⁷⁴ “Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified.” ⁵⁷⁵
Who Determines Number of Judicial Seats and How?	According to the Constitution, the Supreme Court consists of a Chief Justice and six Associate Judges, but the General Assembly may increase the number of Associate Justices to no more than eight. ⁵⁷⁶ The number of District Judges and Magistrates is determined by the General Assembly. ⁵⁷⁷ The General Assembly also determines the structure, organization, and composition of the Court of Appeals, with the court having no less than five members. ⁵⁷⁸
How often evaluated?	“[F]rom time to time.” ⁵⁷⁹ The number of judges per district was last evaluated in 2021. ⁵⁸⁰
Factors considered	
Allocation and	For Superior Courts, “the General Assembly may, from time to time, divide the state into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each

⁵⁶⁹ This number represents a combined average of district and magistrate court cases between 2015 and 2018. *New Mexico State-Funded Courts Judicial Officer Workload Assessment Study, 2019*, National Center for State Courts, 4, <https://www.nmcourts.gov/court-administration/reports-and-policies/>.

⁵⁷⁰ N.C. Const. Art. IV §§ 6,7, 9, 10, 12.

⁵⁷¹ N.C. Const. Art. IV §12.

⁵⁷² N.C. Const. Art. IV § 10.

⁵⁷³ N.C. Const. Art. IV § 10.

⁵⁷⁴ N.C. Const. Art. IV § 10.

⁵⁷⁵ N.C. Const. Art. IV § 16.

⁵⁷⁶ N.C. Const. Art. IV § 6(1).

⁵⁷⁷ N.C. Const. Art. IV § 10.

⁵⁷⁸ N.C. Const. Art. IV § 7.

⁵⁷⁹ N.C. Const. Art. IV § 10.

⁵⁸⁰ N.C. G.S. Art. 7 § 7A-41, Art. 13 § 133.

Assignment of Judges	district.” ⁵⁸¹ As for District Courts, the state constitution provides that the General Assembly may, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit. ⁵⁸²
Judicial Retirements	“The General Assembly shall provide by general law for the retirement of justices and judges of the General Court of Justice and may provide for the temporary recall of any retired justice or judge to serve on the court or courts of the division from which he was retired. The General Assembly shall also prescribe maximum age limits for service as a justice or judge.” ⁵⁸³ The mandatory retirement age is 72. ⁵⁸⁴
Number of Judges	Of 402 judges, 380 are Trial Judges. ⁵⁸⁵
Other Applicable Resources or Details	The Chief Justice of the Supreme Court, assigns Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. ⁵⁸⁶ ”The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed.” ⁵⁸⁷ The Governor fills vacancies until the next election “[u]nless otherwise provided in the Constitution.” ⁵⁸⁸
Population	10,439,388 ⁵⁸⁹
Cases filed annually or pending and backlogs	2 million ⁵⁹⁰

33. North Dakota

Courts	North Dakota’s judicial system includes a Supreme Court, District Courts, and Municipal Courts. ⁵⁹¹ The Supreme Court is empowered to constitute
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⁵⁸¹ N.C. Const. Art. IV § 9(1).

⁵⁸² N.C. Const. Art. IV § 10.

⁵⁸³ N.C. Const. Art. IV § 8.

⁵⁸⁴ North Carolina Judicial Branch, *Court Officials*, <https://www.nccourts.gov/learn/court-officials#header-container>.

See also, Mandatory judicial retirement ages by state as of March 14, 2022,

https://ballotpedia.org/Mandatory_retirement.

⁵⁸⁵ Shea Denning, *Facts and Figures for the North Carolina Court System*, North Carolina Criminal Law: A UNC School of Government Blog, <https://nccriminallaw.sog.unc.edu/facts-and-figures-for-the-north-carolina-court-system/>.

⁵⁸⁶ N.C. Const. Art. IV §11.

⁵⁸⁷ N.C. Const. Art. IV §11.

⁵⁸⁸ N.C. Const. Art. IV § 19.

⁵⁸⁹ United States Census Bureau, U.S. Population 2020, *Quick Facts North Carolina*,

<https://www.census.gov/quickfacts/NC>.

⁵⁹⁰ North Carolina Judicial Branch, *Civil Overall Caseload Activity Report* at 3, 6,

https://www.nccourts.gov/assets/documents/publications/2020-21-Statistical-Operational-Report-Trial-Courts.pdf?VersionId=Y8wggSx39zxjAOdTY.5MyapS_nHnsbPB.

⁵⁹¹ N.D. Const. Art. VI, §§ 2, 8; State of North Dakota Courts, *Municipal Courts*, <https://www.ndcourts.gov/other-courts/municipal-courts>.

	a Court of Appeals consisting of a three-member panel chosen from active and retired District Court Judges, retired Supreme Court Justices, and lawyers. The Court of Appeals only hears cases specifically assigned to it by the Supreme Court, which is done only infrequently. ⁵⁹² The Chief Judge is elected by their peers to a five-year term and is the administrative head of the judicial system. ⁵⁹³ “The court has created the Administrative Council to serve as an advisory body to the Chief Justice in carrying out his administrative duties. The North Dakota Constitution requires the Chief Justice to appoint a State Court Administrator to assist in managing the court system.” ⁵⁹⁴ “The District Courts are also the Appellate Courts of first instance for appeals from the decisions of many administrative agencies.” ⁵⁹⁵
Appointment/ Election/ Other	Judges for the Supreme Court, and District and Municipal Courts are elected by nonpartisan election. ⁵⁹⁶ District Court Judges have to six-year terms. ⁵⁹⁷
Who Determines Number of Judicial Seats and How?	By statute, the judicial districts in North Dakota and the number of judges in each of the judicial districts are as designated by rule of the Supreme Court. ⁵⁹⁸ The North Dakota court system uses a weighted caseload method to determine when and where judges, court staff, and Juvenile Court staff are needed. ⁵⁹⁹
How often evaluated?	The court uses a rolling 2-year average of the weighted caseload as a factor in determining where judges or staff are needed. ⁶⁰⁰ North Dakota has used a weighted caseload system for 25 years. ⁶⁰¹
Factors considered	To determine the base weights for the weighted caseload method, all judges, clerk staff, and Juvenile Court officers in the state record their daily activities for a designated period. This data is then used to assign “weights” to various case types based on the average amount of time that is needed to process each type of case. The weight is then multiplied by the frequency of cases filed. To determine judge or staff need, the North Dakota Court system takes the number that is reached by multiplying the weighted caseloads and number of cases filed in a year and divides it by the amount of judge or staff time currently available. ⁶⁰²

⁵⁹² N.D.C.C §§ 27-02.1-02, 27-02.1-03.

⁵⁹³ State of North Dakota Courts, *Supreme Court*, <https://www.ndcourts.gov/supreme-court>.

⁵⁹⁴ State of North Dakota Courts, *About Us*, <https://www.ndcourts.gov/about-us>.

⁵⁹⁵ State of North Dakota Courts, *District Court*, <https://www.ndcourts.gov/district-court>.

⁵⁹⁶ N.D. Const. Art. VI §§ 7, 9.

⁵⁹⁷ State of North Dakota Courts, *District Court*, <https://www.ndcourts.gov/district-court>.

⁵⁹⁸ N.D.C.C § 27-05-01.

⁵⁹⁹ State of North Dakota Courts, *Understanding How the Court Uses Weighted Caseload Statistics*, <https://www.ndcourts.gov/Media/Default/Court%20Administration/Research-Planning/WCL%20explanation.pdf>.

⁶⁰⁰ *Id.*

⁶⁰¹ *Id.*

⁶⁰² *Id.*

Allocation and Assignment of Judges	The District Courts are organized into eight judicial districts operating within four administrative units. ⁶⁰³ The Supreme Court may also transfer a District Judge to any location in which a judge is necessary for effective judicial administration. ⁶⁰⁴
Judicial Retirements	There is no mandatory retirement age, however, if a judge is eligible for retirement and does not retire by age 73, they will waive all retirement benefits. ⁶⁰⁵
Number of Judges	Of 132 judges, 5 are Appellate Judges, 52 are District Court Judges and the balance are Municipal Judges. ⁶⁰⁶
Other Applicable Resources or Details	If a vacancy in the office of District Judge occurs, the Supreme Court must determine whether the vacancy should be filled or whether the vacant office should be abolished or transferred. If the vacancy is to be filled, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by the Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves for a minimum of two years and then until the next general election, at which time the office is filled by election for the remainder of the term. ⁶⁰⁷
Population	779,094 ⁶⁰⁸
Cases filed annually or pending and backlogs	159,127 ⁶⁰⁹

34. Ohio

Courts	Ohio's court system is composed of a Supreme Court, a Court of Appeals, the Court of Common Pleas, and Municipal and County Courts. ⁶¹⁰ Terms are six years. ⁶¹¹
Appointment/	Election. ⁶¹²

⁶⁰³ *Id.*

⁶⁰⁴ N.D.C.C § 27-05-02.1(3).

⁶⁰⁵ N.D.C.C § 27-17-01(1). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁶⁰⁶ State of North Dakota Courts, *District Court*, <https://www.ndcourts.gov/district-court>; State of North Dakota Courts, *Municipal Courts*, <https://www.ndcourts.gov/other-courts/municipal-courts>; State of North Dakota Courts, *Supreme Court*, <https://www.ndcourts.gov/supreme-court>.

⁶⁰⁷ State of North Dakota Courts, *District Court*, <https://www.ndcourts.gov/district-court>.

⁶⁰⁸ United States Census Bureau, U.S. Population 2020, *Quick Facts North Dakota*, <https://www.census.gov/quickfacts/ND>.

⁶⁰⁹ State of North Dakota Courts, *2000-2021 Case Filing Statistics*, <https://www.ndcourts.gov/state-court-administration/research-and-planning>.

⁶¹⁰ Ohio Const. Art. IV, §§ 1; Ohio Title XIX 1901.01.

⁶¹¹ Ohio Const. Art. IV, § 6(A).

⁶¹² Ohio Const. Art. IV, § 6.; Ohio Title XIX 1901.06; Ohio Const. Art. IV, § 6(A)(3).

Election/ Other	
Who Determines Number of Judicial Seats and How?	Legislature. ⁶¹³
How often evaluated?	Judges submit caseload summaries on a monthly basis to the Case Management Section of the Ohio Supreme Court. ⁶¹⁴
Factors considered	The number of judges in each appellate district depends on a variety of factors, including the district’s population and its caseload. ⁶¹⁵ A greater ratio of outgoing cases to incoming cases signifies a higher clearance rate, which means most of the work given to judges has been completed over a fixed amount of time. ⁶¹⁶
Allocation and Assignment of Judges	There is a court of common pleas in each of the 88 counties. Specific courts of common pleas may be divided into separate divisions by the General Assembly, including general, domestic relations, juvenile and probate divisions. ⁶¹⁷
Judicial Retirements	70. ⁶¹⁸ “Any voluntarily retired judge, or any judge who is retired under this section, may be assigned with his consent, by the Chief Justice or Acting Chief Justice of the Supreme Court to active duty as a judge and while so serving shall receive the established compensation for such office, computed upon a per diem basis, in addition to any retirement benefits to which he may be entitled.” ⁶¹⁹
Number of Judges	76 Appellate Judges and 391 Trial Court Judges. ⁶²⁰
Other Applicable Resources or Details	The governor fills vacancies. ⁶²¹

⁶¹³ Ohio Const. Art. IV, § 15; Ohio R.C. § 2301.02.

⁶¹⁴ Ohio Sup. R. 37.

⁶¹⁵ The Supreme Court of Ohio, *2018 Ohio Courts Statistical Summary*, 15 (June 2019), <https://www.supremecourt.ohio.gov/docs/Publications/annrep/18OCSR/2018OCS.pdf>.

⁶¹⁶ The Supreme Court of Ohio, *2018 Ohio Courts Statistical Summary*, 3-4 (June 2019), <https://www.supremecourt.ohio.gov/docs/Publications/annrep/18OCSR/2018OCS.pdf>.

⁶¹⁷ The Supreme Court of Ohio & The Ohio Judicial System, *Judicial System Structure*, <https://www.supremecourt.ohio.gov/courts/judicial-system/judicial-system-structure/>.

⁶¹⁸ Ohio Const. Art. IV, § 6(C). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁶¹⁹ Ohio Const. Art. IV, § 6(C).

⁶²⁰ Ballotpedia, *Courts in Ohio*, https://ballotpedia.org/Courts_in_Ohio#cite_ref-courts_4-0; The Supreme Court of Ohio & The Ohio Judicial System, *Judicial System Structure*, <https://www.supremecourt.ohio.gov/courts/judicial-system/judicial-system-structure/>; The Supreme Court of Ohio & The Ohio Judicial System, *Ohio Courts of Appeals*, <https://www.supremecourt.ohio.gov/courts/judicial-system/ohio-court-of-appeals/>.

⁶²¹ Ohio Const. Art. IV, § 13.

Population	11,799,448 ⁶²²
Cases filed annually or pending and backlogs	170,460 ⁶²³

35. Oklahoma

Courts	The court system in Oklahoma consists of a Supreme Court, a Court of Criminal Appeals, a Court of Civil Appeals, District Courts of General Jurisdiction, and Courts of Limited Jurisdiction (i.e., Municipal Courts). ⁶²⁴ The Chief Judge of the Supreme Court is the administrative head of the court system. ⁶²⁵
Appointment/Election/Other	The judges of the Supreme Court, the Criminal Court of Appeals, and the Court of Civil Appeals are appointed by the governor, ⁶²⁶ for six-year terms after which there are retention elections. ⁶²⁷ “Each Justice shall be from a separate district of the State.” ⁶²⁸ Judges for the District Courts are elected ⁶²⁹ to four-year terms. ⁶³⁰ The Supreme Court Judges select the Chief Justice and Vice Chief Justice for two-year terms. ⁶³¹
Who Determines Number of Judicial Seats and How?	The Constitution provides that the Supreme Court shall consist of 9 judges, and the Legislature may change the number of judges. ⁶³² The Legislature sets the number of judicial seats in other courts. ⁶³³ However, “[t]he Chief Justice of the Supreme Court may authorize the appointment of such additional special judges [to the District Courts] as may be necessary for the proper administration of justice. Such additional special judges shall be appointed after application by a majority of the District Judges of a judicial administrative district, stating the reason why an additional special judge is needed. Such additional judges need not be based upon population figures.” ⁶³⁴

⁶²² United States Census Bureau, U.S. Population 2020. United States Census Bureau, *Quick Facts Ohio* (July 1, 2021), <https://www.census.gov/quickfacts/OH>.

⁶²³ State of Ohio Courts of Common Pleas, General Division, *Caseload and Performance Measures*, <https://analytics.das.ohio.gov/t/SCPUB/views/FormA-judge-state-PROD/CaseloadandPerformance>.

⁶²⁴ OK Const. Art. VII, §§ 1, 7.

⁶²⁵ Oklahoma Supreme Court, History and Traditions, <https://oksc.oscn.net/history-and-traditions/>.

⁶²⁶ Court Facts, *Oklahoma Court System* <https://courtfacts.org/courtsystem/>.

⁶²⁷ Oklahoma Policy Institute, <https://okpolicy.org/judges-ballot-oklahoma-need-know/>.

⁶²⁸ OK Const. Art VII, § 2.

⁶²⁹ OK Const. Art VII, § 9.

⁶³⁰ Oklahoma Policy Institute, <https://okpolicy.org/judges-ballot-oklahoma-need-know/>.

⁶³¹ OK Const. Art VII, § 2.

⁶³² OK Const. Art VII, § 2.

⁶³³ See 20 OK Stat. §§ 1, 30.2, 92 *et seq.*, 122 (2020).

⁶³⁴ 20 OK Stat. § 20-122 (2021).

How often evaluated?	For most districts, the number of judges was set in 1980, and has not changed, however several districts added positions in 2003 and 2013. ⁶³⁵
Factors considered	
Allocation and Assignment of Judges	The state is divided into 26 District Court judicial districts. ⁶³⁶
Judicial Retirements	There is no current mandatory retirement age, ⁶³⁷ but the Constitution allows the Legislature to set a mandatory retirement age or call for retirement after a certain number of years of service. ⁶³⁸
Number of Judges	640 judges: 26 Appellate Judges; 241 Trial Judges in the court of general jurisdiction of which 89 are Special Judges; 241 Municipal Court Judges. ⁶³⁹
Other Applicable Resources or Details	In addition to the judges added by the Chief Judge, a “special judge shall be appointed on the basis of one special judge for each county within the administrative district with a population of at least twenty-four thousand (24,000), as determined by the 1960 Federal Decennial Census. An additional special judge shall be appointed for each additional fifty thousand (50,000) in population in a county within the administrative district, as determined by the 1960 Federal Decennial Census. Such appointment may be made from any county in the administrative district. Such appointments shall be made by the District Judges in their respective judicial administrative districts.” ⁶⁴⁰ If an associate District Judge seat becomes vacant, “a special judge may be appointed within the judicial administrative district to hold office for the duration of said vacancy or incapacity,” and the special judge may finish pending cases that have been tried when the departing judge returns to the bench. ⁶⁴¹
Population	3,959,353 ⁶⁴²
Cases filed annually or	Not available. ⁶⁴³

⁶³⁵ 20 OK Stat. § 20-92 *et seq.* (2020).

⁶³⁶ 20 OK Stat. § 20-92.1 (2020).

⁶³⁷ Oklahoma Policy Institute, <https://okpolicy.org/judges-ballot-oklahoma-need-know/>. See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁶³⁸ OK Const. Art VII, § 11(c).

⁶³⁹ Oklahoma State Court Network, *The Third Branch: The Supreme Court of the State of Oklahoma 2017*, at 7 <https://www.oscn.net/static/osc-ojs-brochure-online.pdf>. Municipal Court judges, some of which are part-time.

⁶⁴⁰ 20 OK Stat. § 20-122(1) (2020).

⁶⁴¹ 20 OK Stat. § 20-122(3) (2020).

⁶⁴² United States Census Bureau, U.S. Population 2020, *Quick Facts Oklahoma* (July 1, 2021), <https://www.census.gov/quickfacts/OK>.

⁶⁴³ The number of cases filed in Oklahoma could not be located. Generally, the number of cases filed in state courts is a difficult to locate. Moreover, the data is not reported in a comparable way. However, 39 states, including New York, report statistics to the Court Statistics Project. <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>. Oklahoma does not.

pending and backlogs	
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36. Oregon

Courts	The judiciary of Oregon consists of a Supreme Court, ⁶⁴⁴ a Court of Appeals, Circuit Courts (divided into 27 judicial districts), County Courts, Justice Courts, Municipal Courts, and Tax Courts. ⁶⁴⁵
Appointment/Election/Other	The judges of the Supreme and other courts are elected and serve six-year terms. ⁶⁴⁶ If a judge position becomes vacant before the end of the term (due to a judge resignation, retirement, or death in office), the Governor may appoint a new judge to fill the vacancy until the next general election. The appointed judge must then run. ⁶⁴⁷
Who Determines Number of Judge seats and How?	The number of Circuit Court Judges are determined by the Legislature. ⁶⁴⁸ In 2019, at the request of the Chief Justice, the Oregon House proposed a bill increasing the number of Circuit Court Judges from 173 to 187, ⁶⁴⁹ but only two seats were authorized. ⁶⁵⁰ In 2000, 2010 and 2015, NCSC conducted a judicial workload analysis in Oregon courts. ⁶⁵¹
How often evaluated?	There is no specifically prescribed time, but the statute that pertains to the number of judicial districts and Circuit Court Judges for each judicial district was amended in 1997, 2001, 2005, 2017 and 2019. ⁶⁵²
Factors considered	In the Chief Justice’s Recommended Budget for 2021-23, she noted that “[w]hen translating case filings into actual workload based on the amount of staff time needed to process a case from initiation to post-judgment activity, Oregon courts have not been staffed adequately to meet workload demands even as caseload has declined.” ⁶⁵³ She listed many factors that contributed to this, including: social distancing requirements, increased alternatives to incarceration, increased federal and state requirements, increased interactions with judicial system partners, increased case complexity, legislatively mandated changes affecting court procedures, and

⁶⁴⁴ The Constitution created the Supreme Court and any other courts created by law. OR Const. Art VII, § 1.

⁶⁴⁵ Office of the State Court Administrator, *Oregon’s Courts*, https://www.courts.oregon.gov/about/Documents/Oregon%27s%20Courts_11-20-19.pdf.

⁶⁴⁶ OR Const. Art. VII, § 1.

⁶⁴⁷ Office of the State Court Administrator, *Oregon’s Courts*, https://www.courts.oregon.gov/about/Documents/Oregon%27s%20Courts_11-20-19.pdf.

⁶⁴⁸ OR Rev. Stat. § 3.012 (2019)

⁶⁴⁹ H.R. 2239, 80th Leg. (OR 2019).

⁶⁵⁰ 2019 Oregon Legislation Highlights, Oregon State Bar at 13-2 and 13-5, <https://www.osbar.org/docs/lawimprove/2019LegislationHighlights.pdf>.

⁶⁵¹ NCSC. <https://ncsc.contentdm.oclc.org/digital/collection/ctadmin/id/770/>; <https://www.sji.gov/wp-content/uploads/ORCOAWorkloadFinalReport.pdf>; <https://ncsc.contentdm.oclc.org/digital/api/collection/ctadmin/id/2159/download>.

⁶⁵² OR Rev. Stat. § 3.012 (2019).

⁶⁵³ Oregon Judicial Department, *Chief Justice’s Recommended Budget: 2021-23 Biennium*, 107 (Dec. 2020), <https://www.courts.oregon.gov/about/Documents/2021-23CJBudget.pdf>.

	reductions in county services leading to courts absorbing work traditionally done by external agencies. ⁶⁵⁴
Allocation and Assignment of Judges	The Constitution allows the Legislature or the people to empower the Supreme Court to assign judges of inferior courts to serve temporarily outside of the districts in which they were elected. ⁶⁵⁵
Judicial Retirements	Mandatory retirement is 75, ⁶⁵⁶ but retired judges may be recalled as senior judges to temporary service to the court in which they serve, ⁶⁵⁷ or to the Supreme Court. ⁶⁵⁸
Number of Judges	Of 211 judges, 187 are Trial Court Judges. ⁶⁵⁹
Other Applicable Resources or Details	The Supreme Court may appoint members of the bar as judges pro tempore to inferior courts. ⁶⁶⁰
Population	4,237,256 ⁶⁶¹
Cases filed annually or pending and backlogs	456,613 ⁶⁶²

37. Pennsylvania

Courts	The judicial system of Pennsylvania consists of a Supreme Court, the Superior Court, the Commonwealth Court, Courts of Common Pleas, the Trial Courts of General Jurisdiction, ⁶⁶³ Community Courts, and Municipal Courts. ⁶⁶⁴ The terms are 10 years, except for Municipal Courts where the terms are 6 years. ⁶⁶⁵ The Supreme Court has a Chief Justice who is selected by seniority. ⁶⁶⁶ The Superior Court has a President Judge who is selected
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⁶⁵⁴ Oregon Judicial Department, *Chief Justice's Recommended Budget: 2021-23 Biennium*, 107 (Dec. 2020), <https://www.courts.oregon.gov/about/Documents/2021-23CJBudget.pdf>.

⁶⁵⁵ OR Const. Art. VII, § 2a.

⁶⁵⁶ Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁶⁵⁷ OR Const. Art. VII, § 1a.

⁶⁵⁸ OR Const. Art. VII, § 2a.

⁶⁵⁹ Office of the State Court Administrator, *Oregon's Courts*. (Nov. 20, 2019), https://www.courts.oregon.gov/about/Documents/Oregon%27s%20Courts_11-20-19.pdf; OR Rev. Stat. § 3.012 (2019).

⁶⁶⁰ OR Const. Art. VII, § 2a.

⁶⁶¹ United States Census Bureau, U.S. Population 2020, *Quick Facts Oregon*, <https://www.census.gov/quickfacts/OR>.

⁶⁶² Oregon Judicial Branch, *State Trial Courts: 2020 Cases Filed*, <https://www.courts.oregon.gov/about/Documents/2020CasesFiled.pdf>.

⁶⁶³ Unified Judicial System of Pennsylvania, <https://www.pacourts.us/courts/courts-of-common-pleas>.

⁶⁶⁴ Pa. Const. Art. V, § 1.

⁶⁶⁵ Pa. Const. Art. V, § 15(a).

⁶⁶⁶ Pa. Const. Art. V, § 10(d).

	by seniority. ⁶⁶⁷ “The president judges of all other courts shall be selected for five-year terms by the members of their respective courts.” ⁶⁶⁸ If there is a tie vote, the Supreme Court selects the President Judge. ⁶⁶⁹
Appointment/ Election/ Other	Partisan elections. ⁶⁷⁰ However, after their first term, judges, other than Magisterial Judges, run in nonpartisan retention elections. ⁶⁷¹
Who Determines Number of Judicial Seats and How?	Legislature. ⁶⁷² The Constitution provides: “The General Assembly shall by law establish classes of magisterial districts solely on the basis of population and population density” ⁶⁷³ In 2017, the National Center for State Courts partnered with the Administrative Office of Pennsylvania Courts to perform an updated judicial needs assessment that demonstrated that between 2015 and 2017, there was an average need for 9 additional judges across all counties in the Court of Common Pleas. ⁶⁷⁴ This was calculated using case weights, case filings, judge-year values, utilization rates, and judge complement and demand. ⁶⁷⁵
How often evaluated?	Periodic. Last assessment reported in February 2019 based on 2017 data. ⁶⁷⁶
Factors considered	The latest study used case weights, case filings, judge-year values, utilization rates and judge complement and demand. ⁶⁷⁷
Allocation and Assignment of Judges	There must be at least one Court of Common Pleas, or Trial Court, for each judicial district. ⁶⁷⁸ The number and boundaries of the judicial districts are set by the General Assembly with the advice and consent of the Supreme Court. ⁶⁷⁹
Judicial Retirements	Mandatory retirement is 75. ⁶⁸⁰ A former or retired justice or judge may, with their consent, may be assigned by the Supreme Court on temporary judicial service as may be prescribed by rule of the Supreme Court. ⁶⁸¹
Number of Judges	Of 1,028 judges, 459 are Court of Common Pleas Judges, 511 Magisterial Judges and 27 Philadelphia Municipal Court Judges. ⁶⁸²

⁶⁶⁷ Pa. Const. Art. V, §§ 3, 11(b).

⁶⁶⁸ Pa. Const. Art. V, § 10(d).

⁶⁶⁹ Pa. Const. Art. V, § 10(d).

⁶⁷⁰ Pa. Const. Art. V, § 13(a); Pennsylvanians for Modern Courts, *Current Judicial Selection Process – Elections* (2019), <https://www.pmconline.org/current-judge-selection-process>.

⁶⁷¹ Unified Judicial System of Pennsylvania, <https://www.pacourts.us/learn/how-judges-are-elected/>.

⁶⁷² Pa. Const. Art. V, §§ 3-5.

⁶⁷³ Pa. Const. Art. V, § 7(b).

⁶⁷⁴ Administrative Office of Pennsylvania Courts, Common Pleas Judicial Needs Assessment Project: Annual Update with 2017 Data, 7, <http://www.pacourts.us/assets/files/setting-6666/file-7588.pdf?cb=e90094>.

⁶⁷⁵ *Id.*

⁶⁷⁶ *Id.*

⁶⁷⁷ *Id.*

⁶⁷⁸ Pa. Const. Art. V, § 5.

⁶⁷⁹ Pa. Const. Art. V, § 11.

⁶⁸⁰ Pa. Const. Art. V, § 16(b). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁶⁸¹ Pa. Const. Art. V, § 16(c).

⁶⁸² The Unified Judicial System of Pennsylvania, *Learn*, <https://www.pacourts.us/learn>.

Other Applicable Resources or Details	The Governor fills vacancies “with the advice and consent of two-thirds of the members elected to the Senate, except in the case of Justices of the Peace which shall be by a majority. The person so appointed shall serve for a term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs or for the remainder of the unexpired term whichever is less, except in the case of persons selected as additional judges to the Superior Court, where the General Assembly may stagger and fix the length of the initial terms of such additional judges by reference to any of the first, second and third municipal elections more than ten months after the additional judges are selected.” ⁶⁸³
Population	13,002,700 ⁶⁸⁴
Cases filed annually or pending and backlogs	2,044,847 ⁶⁸⁵

38. Rhode Island

Courts	The Supreme Court, ⁶⁸⁶ the Superior Court, ⁶⁸⁷ the Trial Court of General Jurisdiction, ⁶⁸⁸ a District Court, ⁶⁸⁹ a Family Court, ⁶⁹⁰ a Probate Court, ⁶⁹¹ Workers Compensation Court, ⁶⁹² and the Traffic Tribunal. ⁶⁹³ Judges have lifetime tenure. ⁶⁹⁴
Appointment/Election/Other	The Governor fills vacancies on the Rhode Island Supreme Court with the advice and consent of the senate, and the house of representatives. ⁶⁹⁵ The Governor fills any vacancy on the Rhode Island, Superior Court, Family Court, District, Workers’ Compensation Court, Administrative Adjudication Court, or any other state court with the advice and consent of the senate. ⁶⁹⁶

⁶⁸³ Pa. Const. Art. V., § 13(b).

⁶⁸⁴ United States Census Bureau, U.S. Population 2020, United States Census Bureau, *Quick Facts Pennsylvania*, <https://www.census.gov/quickfacts/PA>.

⁶⁸⁵ Administrative Office of Pennsylvania Courts, *2020 Caseload Statistics of the Unified Judicial System of Pennsylvania*, <https://www.pacourts.us/Storage/media/pdfs/20220110/171116-2020reportonline.pdf>.

⁶⁸⁶ R.I. Const. Art. X, § 1

⁶⁸⁷ R.I. Gen. L. § 8-2-1 (2021).

⁶⁸⁸ Rhode Island Judiciary, <https://www.courts.ri.gov/Courts/SuperiorCourt/Pages/default.aspx>.

⁶⁸⁹ R.I. Gen. L. § 8-8-1 (2021).

⁶⁹⁰ R.I. Gen. L. § 8-10-3 (2021).

⁶⁹¹ R.I. Gen. L. § 8-9 (2021).

⁶⁹² https://www.courts.ri.gov/PDF/Court_Structure.pdf.

⁶⁹³ R.I. Gen. L. § 8-8.2-1 (2021).

⁶⁹⁴ R.I. Const. Art. X, § 5.

⁶⁹⁵ R.I. Const. Art. X, § 4.

⁶⁹⁶ R.I. Const. Art. X, § 4.

Who Determines Number of Judicial Seats and How?	The Legislature. ⁶⁹⁷
How often evaluated?	There is no schedule. The statute setting the number of Superior Court Judges was amended most recently in 1995. ⁶⁹⁸
Factors considered	The Rhode Island Judiciary publishes an annual report, which includes caseload data charts setting out the number of judges, vacancies, employees, facilities, cases filed, and case dispositions. ⁶⁹⁹
Allocation and Assignment of Judges	A Superior Court shall be held at such times and places as shall be appointed by law, by such of the justices thereof as shall be designated from time to time by the presiding justice. ⁷⁰⁰
Judicial Retirements	Rhode Island is the only state with lifetime tenure for judges; there is no mandatory retirement age. ⁷⁰¹
Cases filed annually or pending and backlogs Number of Judges	Of 64 judges, 5 are Appellate Judges, 22 are Superior Court Judges, and the balance are from lower courts. ⁷⁰² There are also 21 magistrates in various courts. ⁷⁰³
Other Applicable Resources or Details	While Rhode Island Courts appear to analyze workloads internally, in 2017, the Rhode Island Public Defender conducted a study of the Rhode Island Defender system and attorney workload standards with the assistance of BlumShairo, the American Bar Association Standing Committee on Legal Aid and Indigent Defendants and the National Association of Criminal Defense Lawyers. ⁷⁰⁴
Population	1,097,379 ⁷⁰⁵
Cases filed annually or	133,269 ⁷⁰⁶

⁶⁹⁷ See R.I. Gen. L. §§ 8-2-1, 8-8-1, 8-10-3.

⁶⁹⁸ See R.I. Gen. L. § 8-2-1.

⁶⁹⁹ Rhode Island Judiciary, *Rhode Island Judiciary 2020 Annual Report*, 28-34, <https://www.courts.ri.gov/PublicResources/annualreports/PDF/2020.pdf>.

⁷⁰⁰ See R.I. Gen. L. § 8-2-3 (2021).

⁷⁰¹ R.I. Const. Art. X, § 5. See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁷⁰² Rhode Island Judiciary, *Rhode Island Court Structure*, https://www.courts.ri.gov/PDF/Court_Structure.pdf.

⁷⁰³ Rhode Island Judiciary, *Rhode Island Court Structure*, https://www.courts.ri.gov/PDF/Court_Structure.pdf.

⁷⁰⁴ National Association of Criminal Defense Lawyers, <https://nacdl.org/Document/TheRhodeIslandProjectStudyofRIPDSytemandWorkloads>.

⁷⁰⁵ United States Census Bureau, U.S. Population 2020, *Quick Facts Rhode Island*, <https://www.census.gov/quickfacts/fact/table/RI/PST045221>.

⁷⁰⁶ Rhode Island Judiciary, *Rhode Island Judiciary 2020 Annual Report*, 28, <https://www.courts.ri.gov/PublicResources/annualreports/PDF/2020.pdf>.

pending and backlogs	
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39. South Carolina

Courts	The judiciary of South Carolina consists of the Supreme Court, the Court of Appeals, Circuit Court, the Trial Court of General Jurisdiction, ⁷⁰⁷ Family Courts, Magistrate Courts, Municipal Courts, and Probate Courts. ⁷⁰⁸ The Circuit Court “has a Civil Court, the Court of Common Pleas, and a Criminal Court, the Court of General Sessions. In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction over appeals from the Probate Court, Magistrate's Court, and Municipal Court.” Supreme Court terms are 10 years. ⁷⁰⁹ Terms in the Court of Appeals and Circuit Court are 6 years. ⁷¹⁰
Appointment/Election/Other	Judges are “elected by a joint public vote of the General Assembly.” ⁷¹¹
Who Determines Number of Judicial Seats and How?	The General Assembly may provide for additional Circuit Judges that would be assigned by the Chief Justice and are elected in the same manner as all other judges. ⁷¹²
How often evaluated?	
Factors considered	
Allocation and Assignment of Judges	All Circuit Court Judges are systematically rotated to different circuits as directed by the Chief Judge. ⁷¹³
Judicial Retirements	The mandatory judicial retirement age is 72. ⁷¹⁴

⁷⁰⁷ S.C. Const. Art. V, § 11.

⁷⁰⁸ S.C. Const. Art. V, § 1; South Carolina Judicial Branch, *Overview of SC Judicial System*, <https://www.sccourts.org/OverviewofSCJudicialSystem.cfm>.

⁷⁰⁹ S.C. Const. Art. V, § 3.

⁷¹⁰ S.C. Const. Art. V, §§ 8, 13.

⁷¹¹ S.C. Const. Art. V, §§ 3, 8, 13.

⁷¹² S.C. Const. Art. V, § 13.

⁷¹³ S.C. Const. Art. V, § 14.

⁷¹⁴ S.C. Code Ann. § 22-1-25; see Jeffrey Collins, *SC Chief Justice Jean Toal Faces Mandatory Retirement* (Dec. 25, 2015), <https://abcnews4.com/news/lowcountry-and-state-politics/sc-chief-justice-jean-toal-faces-mandatory-retirement>. See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

Number of Judges	Of 63 judges, 49 are Trial Court Judges. ⁷¹⁵
Other Applicable Resources or Details	Governor may appoint to fill a vacancy of less than one year. ⁷¹⁶ Further, “[t]he General Assembly shall also provide for the temporary appointment of men learned in the law to sit as special justices and judges when the necessity for such appointment shall arise.” ⁷¹⁷
Population	5,118,425 ⁷¹⁸
Cases filed annually or pending and backlogs	In 2019-2020, 83,376 cases were filed in the Court of Common Pleas and 132,117 in the Court of General Sessions. ⁷¹⁹

40. South Dakota

Courts	The judiciary of South Dakota includes a Supreme Court, Circuit Courts, and Magistrate Courts. ⁷²⁰ The Circuit Courts are the Trial Courts of General Jurisdiction. ⁷²¹
Appointment/Election/Other	Supreme Court Judges are appointed by the Governor; each one of five districts has a seat. ⁷²² Supreme Court Judges run in nonpolitical retention elections after three years and every eight years thereafter. ⁷²³ Circuit Judges are selected in non-partisan elections for 8-year terms. ⁷²⁴ “The Chief Justice shall be selected from among the Justices of the Supreme Court for a term and in a manner to be provided by law. The Chief Justice may resign his office without resigning from the Supreme Court.” ⁷²⁵ The Chief Justice’s term is four years. ⁷²⁶
Who Determines Number of	“The Circuit Courts consist of such number of circuits and judges as the Supreme Court determines by rule.” ⁷²⁷

⁷¹⁵ South Carolina Judicial Branch, *Circuit Courts*, <https://www.sccourts.org/circuitcourt/>; South Carolina Judicial Branch, *Supreme Court*, <https://www.sccourts.org/supreme/index.cfm>; South Carolina Judicial Branch, *Court of Appeals*, <https://www.sccourts.org/appeals/>.

⁷¹⁶ S.C. Const. Art. V, § 18.

⁷¹⁷ S.C. Const. Art. V, § 19.

⁷¹⁸ United States Census Bureau, U.S. Population 2020, *Quick Facts South Carolina*, <https://www.census.gov/quickfacts/SC>.

⁷¹⁹ South Carolina Courts, www.sccourts.org/trends/.

⁷²⁰ S.D. Const. Art. V, §§ 1-4.

⁷²¹ S.D. Const. Art. V, § 1.

⁷²² South Dakota Courts, *State Fiscal Year 2020 Annual Statistical Report of the South Dakota Unified Judicial System*, 4 (Oct. 2020), <https://uj.s.d.gov/uploads/annual/fy2020/FY2020AnnualReportEntireReport.pdf>.

⁷²³ S.D. Const. Art. V, § 7.

⁷²⁴ S.D. Const. Art. V, § 7.

⁷²⁵ S.D. Const. Art. V, § 8.

⁷²⁶ Ballotpedia, South Dakota, https://ballotpedia.org/South_Dakota_Supreme_Court#:~:text=The%20chief%20justice%20is%20selected,to%20for%20year%20renewable%20terms.

⁷²⁷ S.D. Const. Art. V, § 3.

Judicial Seats and How?	
How often evaluated?	The statute which states the number of Circuit Court Judges was updated in 2000, 2003, 2006, 2009, 2015, 2019, 2021. ⁷²⁸
Factors considered	The National Center for State Courts used a weighted caseload model to objectively determine judicial resource needs in the Trial Courts, which included the use of case weights applied to new case filings and the total amount of judicial time required to process the caseload to calculate the total judicial time available each year per Circuit Judge. ⁷²⁹ Accordingly, the number of judicial seats is continuously adjusted to need. ⁷³⁰
Allocation and Assignment of Judges	The Chief Justice may assign any Circuit Judge to sit on a Circuit Court different from the one in which they were elected, or on the Supreme Court if the need arises. The Chief Justice may authorize a justice to sit as a judge in any Circuit Court. ⁷³¹
Judicial Retirements	The mandatory retirement age is 70. ⁷³² The Chief Justice may authorize retired justices and judges to perform any judicial duties. ⁷³³
Number of Judges	Of 60 judges, 44 are Circuit Court Judges and 11 Magistrates. ⁷³⁴
Other Applicable Resources or Details	
Population	886,667 ⁷³⁵
Cases filed annually or pending and backlogs	197,963 ⁷³⁶

⁷²⁸ See S.D. Codified L. § 16-6-1 (2021).

⁷²⁹ National Center for State Courts, *South Dakota Unified Judicial System Weight Caseload Model*, iii, 16 (Dec. 1997), <https://cdm16501.contentdm.oclc.org/digital/collection/ctadmin/id/674>.

⁷³⁰ See S.D. Codified L. § 16-6-1 (2021) and Supreme Court Rule changes 1973, 1975, 2000, 2003, 2006, 2009, 2015, 2019, 2021.

⁷³¹ S.D. Const. Art. V, § 11.

⁷³² S.D. Codified L. § 16-1-4.1 (through 2012). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁷³³ S.D. Const. Art. V, § 11.

⁷³⁴ South Dakota Courts, *State Fiscal Year 2020 Annual Statistical Report of the South Dakota Unified Judicial System*, 1 (Oct. 2019), <https://ujs.sd.gov/uploads/annual/fy2020/FY2020AnnualReportEntireReport.pdf>.

⁷³⁵ United States Census Bureau, U.S. Population 2020, *Quick Facts South Dakota* (July 1, 2021), <https://www.census.gov/quickfacts/SD>.

⁷³⁶ South Dakota Courts, *State Fiscal Year 2020 Annual Statistical Report of the South Dakota Unified Judicial System*, 13 (Oct. 2019), <https://ujs.sd.gov/uploads/annual/fy2020/FY2020AnnualReportEntireReport.pdf>.

41. Tennessee

Courts	Tennessee’s judicial system is composed of three Appellate Courts: Supreme Court, Court of Appeals, and Court of Criminal Appeals, as well as Circuit Courts, the Trial Courts of General Jurisdiction, Business Courts, Criminal Courts, Chancery Courts, and Probate Courts, and lower courts including general sessions (county courts), Juvenile and Family Courts and Municipal Courts. ⁷³⁷ “The judges shall designate one of their own number who shall preside as Chief Justice.” ⁷³⁸
Appointment/ Election/ Other	Supreme Court and Appellate Judges are appointed by the Governor to eight-year terms, subject to legislative confirmation and then retention elections. ⁷³⁹ “Confirmation by default occurs if the Legislature fails to reject an appointee within sixty calendar days of either the date of appointment, if made during the annual legislative session, or the convening date of the next annual legislative session, if made out of session.” ⁷⁴⁰ Not more than two Supreme Court Judges “shall reside in any one of the grand divisions of the state.” ⁷⁴¹ Trial Court Judges are elected to eight-year terms. ⁷⁴² “Tennessee jurists from Mountain City to Memphis, from Supreme Court Justices to general sessions judges, began new eight-year judicial terms today, September 1, 2022. The judges were elected or retained during the August general election. The previous judicial term ran from September 1, 2014 to August 31, 2022.” ⁷⁴³
Who Determines Number of Judicial Seats and How?	The Legislature determines the number of judges based on Weighted Caseload Studies. ⁷⁴⁴
How often evaluated?	A Weighted Caseload Study is issued by the Tennessee Comptroller of the Treasury each year. ⁷⁴⁵ The Legislature adds judicial positions on an “as needed” basis subject to the Weighted Caseload Studies. ⁷⁴⁶

⁷³⁷ <https://www.tncourts.gov/courts/municipal-courts>; See Tenn. Const. Art. VI, § 1; Tennessee State Courts, *Introduction to the Court System*, <https://www.tncourts.gov/programs/scales-project/scales-online/lesson-1/introduction-court-system>.

⁷³⁸ Tenn. Const. Art. VI, § 2.

⁷³⁹ Tenn. Const. Art. VI, § 3.

⁷⁴⁰ Tenn. Const. Art. VI, § 3.

⁷⁴¹ Tenn. Const. Art. VI, § 2.

⁷⁴² Tenn. Const. Art. VI, § 4.

⁷⁴³ <https://www.tncourts.gov/press/2022/09/01/judges-across-state-begin-new-terms>.

⁷⁴⁴ Tennessee State Courts, *Legislature Adds Three New Judge Positions* <https://www.tncourts.gov/news/2018/04/27/legislature-adds-three-new-judge-positions>.

⁷⁴⁵ TN Code § 16-2-513 (2020); Tennessee State Courts, *Legislature Adds Three New Judge Positions* (April 2018), <https://www.tncourts.gov/news/2018/04/27/legislature-adds-three-new-judge-positions>.

⁷⁴⁶ Justin P. Wilson, *FY 2018-19 Tennessee Judicial Weighted Caseload Study Update*, Tennessee Comptroller of the Treasury: Office of Research and Educational Accountability, 3 (April 2020), <https://comptroller.tn.gov/content/dam/cot/orea/advanced-search/2020/WeightedCaseload2020.pdf>.

Factors considered	The estimated number of Full Time Equivalent (FTE) judges that courts need is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judges’ annual availability for case-specific work. ⁷⁴⁷ Weighted Caseload assessment is coupled with issues of local culture that result in longer or shorter case life. ⁷⁴⁸ In 2019, based on the weighted caseload analysis, the state had an estimated net deficit of 8 FTE judges. ⁷⁴⁹
Allocation and Assignment of Judges	Judges may be assigned by the Supreme Court to Court Circuits and divisions different than the one in which they are elected “when necessary to promote the orderly and efficient administration of justice.” ⁷⁵⁰
Judicial Retirements	There is no mandatory retirement age for Tennessee judges. ⁷⁵¹ “Senior judges are former Trial and Appellate Court Judges who may be assigned on a temporary basis to any state court as needed. Senior judges are appointed to four-year terms by the Supreme Court.” Currently, there are 5 such judges. ⁷⁵²
Number of Judges	Of 188 judges, 159 are Trial Court Judges; ⁷⁵³ 5 Supreme Court Judges; 12 Court of Appeals; 12 Criminal Court of Appeals Judges. “Tennessee’s 95 counties are divided into 31 judicial districts. Within each district are Circuit Courts and Chancery Courts, as provided by the state constitution. Some districts also have legislatively established Criminal Courts and Probate Courts.” ⁷⁵⁴
Other Applicable Resources or Details	Since 2015, Tennessee has had a Business Court. ⁷⁵⁵ “In May 2021, the General Assembly passed, and the Governor signed an act to create special three-judge panels for cases that meet specific criteria,” including constitutional challenges, seeking declaratory relief or injunctive relief or a claim against the state. ⁷⁵⁶
Population	6,910,840 ⁷⁵⁷

⁷⁴⁷ *Id.*

⁷⁴⁸ *Id.*

⁷⁴⁹ *Id.* at 6.

⁷⁵⁰ Tenn. Sup. Ct. R. 11(IV).

⁷⁵¹ TN Code § 8-36-205 (2020). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁷⁵² <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/senior-judges>

⁷⁵³ Tennessee State Courts, *General Session Courts: Judges*, <https://www.tncourts.gov/courts/general-sessions-courts/judges>; Tennessee State Courts, *Supreme Court Justices*, <https://www.tncourts.gov/courts/supreme-court/justices>; Tennessee State Courts, *Court of Appeals Judges*, <https://www.tncourts.gov/courts/court-of-appeals/judges>; Tennessee State Courts, *Court of Criminal Appeals Judges*, <https://www.tncourts.gov/courts/court-criminal-appeals/judges>; https://tncourts.gov/sites/default/files/docs/2022-2023_Presiding_Judges.pdf.

⁷⁵⁴ Tennessee State Courts, About the Trial Courts, <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>.

⁷⁵⁵ Tenn. State Courts. <https://www.tncourts.gov/bizcourt>.

⁷⁵⁶ Tenn. State Courts. <https://www.tncourts.gov/threejudgepanels>

⁷⁵⁷ United States Census Bureau, U.S. Population 2020, *Quick Facts Tennessee*, <https://www.census.gov/quickfacts/TN>.

Cases filed annually or pending and backlogs	203,418 ⁷⁵⁸
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42. Texas

Courts	The Supreme Court of Texas and the Court of Criminal Appeals are the highest courts in the Texas. ⁷⁵⁹ The Supreme Court of Texas is the final state appellate jurisdiction for civil and juvenile cases and the Court of Criminal Appeals is the final appellate jurisdiction in criminal cases. ⁷⁶⁰ Texas also has Courts of Appeals, District Courts, and County Level Courts, such as County Probate, County Constitutional, and County Statutory Courts. ⁷⁶¹ Terms are 6 years except for District Courts for which the term is 4 years. ⁷⁶²
Appointment/Election/Other	Every Texas State Court Judge participates in a partisan election with the exception of the Municipal Court Judges, ⁷⁶³ which may hold an election, or the judicial seats may be filled through appointment. ⁷⁶⁴ Judges are elected by precinct; counties are divided into precincts based on population. ⁷⁶⁵
Who Determines Number of Judicial Seats and How?	The number of courts is established in the Texas Constitution and by the legislature. ⁷⁶⁶ The Texas Constitution proscribes that every county shall have a county judge. ⁷⁶⁷ The legislature has authority to establish new courts and takes recommendations from the Texas Judicial Council on Court System Efficiency. ⁷⁶⁸

⁷⁵⁸ Justin P. Wilson, *FY 2018-19 Tennessee Judicial Weighted Caseload Study Update*, Tennessee Comptroller of the Treasury: Office of Research and Educational Accountability, 4 (April 2020), <https://comptroller.tn.gov/content/dam/cot/orea/advanced-search/2020/WeightedCaseload2020.pdf>.

⁷⁵⁹ Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2020*, iii (Mar. 10, 2021), https://www.txcourts.gov/media/1451853/fy-20-annual-statistical-report_final_mar10_2021.pdf; *See also* Tex. Const. Art. 5, § 1.

⁷⁶⁰ Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2020*, iii (Mar. 10, 2021), https://www.txcourts.gov/media/1451853/fy-20-annual-statistical-report_final_mar10_2021.pdf.

⁷⁶¹ Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2020*, iii (Mar. 10, 2020), https://www.txcourts.gov/media/1451853/fy-20-annual-statistical-report_final_mar10_2021.pdf.

⁷⁶² Tex. Const. Art. 5, §§ 2(c), 6(b), 7(c); *See also* Texas Office of Court Administration, *Judge Qualifications and Selection in the State of Texas*, (2020), https://www.txcourts.gov/media/1454620/judge-qualifications-and-selection-chart_07262022.pdf.

⁷⁶³ Texas Office of Court Administration, *Judge Qualifications and Selection in the State of Texas*, (2020), https://www.txcourts.gov/media/1454620/judge-qualifications-and-selection-chart_07262022.pdf.

⁷⁶⁴ Texas Office of Court Administration, *Judge Qualifications and Selection in the State of Texas*, (2020), https://www.txcourts.gov/media/1454620/judge-qualifications-and-selection-chart_07262022.pdf.

⁷⁶⁵ Tex. Const. Art. 5, § 18.

⁷⁶⁶ Tex. Const. Art. 5, § 1.

⁷⁶⁷ Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2020*, iii (Mar. 10, 2020), https://www.txcourts.gov/media/1451853/fy-20-annual-statistical-report_final_mar10_2021.pdf.

⁷⁶⁸ Tex. Const. Art. 5, §§ 7, 7a.

How often evaluated?	The legislature is required to reapportion judicial districts at least every 10 years. ⁷⁶⁹ If the Legislature fails to reapportion following the federal census, “the Judicial Districts Board shall convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The Judicial Districts Board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year.” ⁷⁷⁰ The Legislature must approve the order. ⁷⁷¹
Factors considered	The Texas Judicial Council continuously studies the organization, rules, procedures and practices, work accomplished, results, and uniformity of the courts and methods for their improvement. ⁷⁷² Texas worked with NCSC in 2007 to evaluate its judicial needs using the weighted caseload system. ⁷⁷³ While Texas has been using the weighted caseload model to evaluate its need for judges, in 2023, Texas will review and revise its weights “to account for variations in complexity and the need for judicial attention, workload assessment translates the number of cases that come before the court into the total amount of judicial work required to dispose of those cases. The result is an objective and standardized measure of judicial workload that provides an effective basis for determining judge need and for equitably allocating judicial resources.” ⁷⁷⁴
Allocation and Assignment of Judges	“The Chief Justice of the Supreme Court may temporarily assign a Justice of a Court of Appeals to another Court of Appeals regardless of whether a vacancy exists in the Court of Appeals to which the justice is assigned.” ⁷⁷⁵ “An active District Court Judge may be assigned to hear a matter pending in an Appellate Court” ⁷⁷⁶
Judicial Retirements	The mandatory retirement age is 75, but the legislature may reduce the age to not less than seventy years. ⁷⁷⁷ “The Chief Justice of the Supreme Court may assign a qualified former or retired Justice or Judge of the Supreme Court, of the Court of Criminal Appeals, or of a Court of Appeals to a Court of Appeals for active service regardless of whether a vacancy exists in the court to which the justice or judge is assigned.” ⁷⁷⁸

⁷⁶⁹ Tex. Const. Art. 5, § 7a(d).

⁷⁷⁰ Tex. Const. Art. 5, § 7a(e).

⁷⁷¹ Tex. Const. Art. 5, § 7a(h).

⁷⁷² Tex. Gov’t § 71.031 (2021).

⁷⁷³ *Measuring Current Judicial Workload in Texas, 2007*, <https://www.txcourts.gov/media/868706/Weighted-Caseload-StudyFinal-Report-July-7-08.pdf>.

⁷⁷⁴ Texas Judicial Council, Data Committee, 2022 Report and Recommendations 16, https://www.txcourts.gov/media/1455004/2022_data-report-recommendations.pdf.

⁷⁷⁵ Tex. Gov’t Code § 74.003(a).

⁷⁷⁶ Tex. Gov’t Code § 74.003(h).

⁷⁷⁷ Tex. Const. Art. 5, § 1-a (1). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁷⁷⁸ Tex. Gov’t § 74.003(b).

Number of Judges	3,190 total: 98 Appellate Judges, 3,092 Trial Court Judges. ⁷⁷⁹
Other Applicable Resources or Details	In 2021, Texas, working with NCSC, studied the impact of remote hearings on judicial workload to determine and document efficiencies, if any. ⁷⁸⁰
Population	29,145,505 ⁷⁸¹
Cases filed annually or pending and backlogs	6.9 million ⁷⁸²

43. Utah

Courts	The judiciary is comprised of a Supreme Court, Court of Appeals, District Courts, which are the Trial Courts of General Jurisdiction, ⁷⁸³ Juvenile Courts, and Justice Courts. ⁷⁸⁴
Appointment/Election/Other	The Governor’s appointees must be confirmed by a majority of the Senate. ⁷⁸⁵ Judges are also subject to a retention election at the first general election 3 years after their appointment. ⁷⁸⁶ “The justices elect a Chief Justice by majority vote to serve for four years, and an associate Chief Justice to serve for two years.” ⁷⁸⁷ Supreme Court Justices serve 10-year terms, while Court of Appeals Judges and other judges serve 6-year terms; at the end of their terms, judges may run for reelection in nonpartisan retention elections. ⁷⁸⁸

⁷⁷⁹ Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2021*, iv, <https://www.txcourts.gov/media/1454127/fy-21-annual-statistical-report-final.pdf>.

⁷⁸⁰ *The Use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload* <https://www.ncsc.org/media/ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf>.

⁷⁸¹ United States Census Bureau, U.S. Population 2020, *Quick Facts Texas*, <https://www.census.gov/quickfacts/TX>.

⁷⁸² Texas Office of Court Administration, *Annual Statistical Report for the Texas Judiciary: Fiscal Year 2021*, i, <https://www.txcourts.gov/media/1454127/fy-21-annual-statistical-report-final.pdf>.

⁷⁸³ An Overview of the Utah District Courts, <https://www.utcourts.gov/en/about/courts/dist/overview.html>.

⁷⁸⁴ Utah Const. Art. VIII, § 1. Utah State Courts, An Overview of the Utah Justice Courts (Nov. 2022), <https://www.utcourts.gov/en/about/courts/just/overview.html> (“Justice Courts are established by counties and municipalities and have the authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. ... There are two types of Justice Court judges: county judges who are initially appointed by a county commission and then stand for retention election every 6 years, and municipal judges who are appointed by city officials for a 6-year term. Some are both county and municipal judges.”)

⁷⁸⁵ Utah State Courts, *Judge Selection and Evaluation (How Judges are Selected and Evaluated in the Courts)*, <https://www.utcourts.gov/knowcts/judsel.htm>; Utah Code § 78A-10-101 *et seq.* (2010).

⁷⁸⁶ Utah Const. Art. VIII, § 9; Utah Code § 20A-12-201(a) (2021).

⁷⁸⁷ Utah State Courts, An Overview of the Utah Supreme Court. <https://www.utcourts.gov/en/about/courts/sup/overview.html>.

⁷⁸⁸ Utah State Courts, An Overview of the Utah Court of Appeals, <https://www.utcourts.gov/en/about/courts/coa/overview.html>. Utah Const. Art. VIII, § 9.

Who Determines Number of Judicial Seats and How?	The number of judges on the District Court and other courts is determined by the Legislature. ⁷⁸⁹ The office of the Utah Legislature Auditor General periodically provides metric evaluation. ⁷⁹⁰ While the Legislature may change the number of judges in any court, “[n]o change in the number of judges shall have the effect of removing a judge from office during a judge's term of office.” ⁷⁹¹
How often evaluated?	There is no schedule, but the Auditor General’s office issued reports in 2005 and 2011. ⁷⁹²
Factors considered	Time to dispose of cases, age of pending caseload, ⁷⁹³ and proportional representation taking into account population and geographic diversity. ⁷⁹⁴ The court issues such statistics annually. ⁷⁹⁵ The court uses the weighted caseload method to prepare its annual budget. ⁷⁹⁶
Allocation and Assignment of Judges	The Utah Judicial Council’s presiding officer is empowered to appoint judges to serve temporarily in another level of court in a specific court or generally within that level. ⁷⁹⁷
Judicial Retirements	The mandatory retirement age of 75 was repealed in 2015. ⁷⁹⁸ A judge who was retained in the last election may take senior status. ⁷⁹⁹

⁷⁸⁹ Utah Const. Art. VIII, § 6.

⁷⁹⁰ Rick Coleman, Leslie Marks, Aaron Eliason, *Report to the Utah Legislature: A Performance Audit of the Timeliness of Civil Cases in District Court*, Office of the Utah Legislative Auditor General, i, ii (Apr. 2005), https://le.utah.gov/audit/05_05rpt.pdf; Darin Underwood, Brian Dean, August Lehman, Andrea Parrish, *A Performance Audit of the Operating Efficiency of the Utah State Court System*, Office of the Utah Legislative Auditor General, 1-2 (Sept. 2011), <https://le.utah.gov/interim/2012/pdf/00002429.pdf>.

⁷⁹¹ Utah Const. Art. VIII, § 6.

⁷⁹² See Rick Coleman, Leslie Marks, Aaron Eliason, *Report to the Utah Legislature: A Performance Audit of the Timeliness of Civil Cases in District Court*, Office of the Utah Legislative Auditor General (Apr. 2005), https://le.utah.gov/audit/05_05rpt.pdf; Darin Underwood, Brian Dean, August Lehman, Anndrea Parrish, *A Performance Audit of the Operating Efficiency of the Utah State Court System*, Office of the Utah Legislative Auditor General (Sept. 2011), <https://le.utah.gov/interim/2012/pdf/00002429.pdf>

⁷⁹³ Rick Coleman, Leslie Marks, Aaron Eliason, *Report to the Utah Legislature: A Performance Audit of the Timeliness of Civil Cases in District Court*, Office of the Utah Legislative Auditor General, iii (Apr. 2005), https://le.utah.gov/audit/05_05rpt.pdf.

⁷⁹⁴ Utah Code Jud. Admin. R. 1-301(2)(A) (2014).

⁷⁹⁵ Caseload Overview Fiscal Year 2022, <https://legacy.utcourts.gov/utc/judicial-council/wp-content/uploads/sites/48/2022/08/FY2022-Caseload-Filings-Dispositions-Overview.pdf>.

⁷⁹⁶ Judicial Council FY 2024 Budget Planning Meeting, <https://legacy.utcourts.gov/utc/judicial-council/wp-content/uploads/sites/48/2022/08/Judicial-Council-FY-2024-Annual-Budget-Process-Meeting-Packet-Final-v.C.pdf>.

⁷⁹⁷ Utah Code Ann. § 78A-2-104(9)(a) (2021).

⁷⁹⁸ H.B. 137, 61st Leg. Gen. Sess. (Utah 2015). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁷⁹⁹ See Utah Sup. Ct. R. Prof. Prac. 11-201.

Number of Judges	Of 108 judges, 12 are Appellate Judges, ⁸⁰⁰ 71 are District Court Judges, ⁸⁰¹ 31 Juvenile Court Judges ⁸⁰²
Other Applicable Resources or Details	The Governor fills vacancies within 30 days after receiving the list of nominees. “If the Governor fails to fill the vacancy within the time prescribed, the Chief Justice of the Supreme Court shall within 20 days make the appointment from the list of nominees.” ⁸⁰³
Population	3,271,616 ⁸⁰⁴
Cases filed annually or pending and backlogs	240,827 ⁸⁰⁵

44. Vermont

Courts	Vermont’s judiciary is composed of the Supreme Court, as well as Superior Courts, which are Vermont’s Trial Courts of General Jurisdiction. ⁸⁰⁶ The Superior Court has five divisions: Civil, Criminal, Environment, Family, and Probate and a Superior Court is located in each of Vermont’s 14 counties. ⁸⁰⁷ There are also courts of special jurisdiction. ⁸⁰⁸ Terms are 6 years. ⁸⁰⁹
Appointment/Election/Other	The Governor appoints judges and designates the Chief Justice of the Supreme Court, all with the advice of the Senate. ⁸¹⁰
Who Determines Number of Judicial Seats and How?	The Constitution provides that the Supreme Court shall consist of 5 judges. ⁸¹¹ The Legislature determines the number of Superior Court Judges. ⁸¹² Vermont

⁸⁰⁰ Utah State Courts, An Overview of the Utah Supreme Court, <https://www.utcourts.gov/en/about/courts/sup/overview.html>; An Overview of the Utah Court of Appeals, <https://www.utcourts.gov/en/about/courts/coa/overview.html>.

⁸⁰¹ Utah State Courts, [An Overview of the Utah District Courts, https://www.utcourts.gov/en/about/courts/dist/overview.html](https://www.utcourts.gov/en/about/courts/dist/overview.html).

⁸⁰² Utah State Courts, An Overview of the Utah Juvenile Courts, <https://www.utcourts.gov/en/about/courts/juv/overview.html>.

⁸⁰³ Utah Const. Art. VIII, § 8(1).

⁸⁰⁴ United States Census Bureau, U.S. Population 2021, *Quick Facts Utah*, <https://www.census.gov/quickfacts/UT>.

⁸⁰⁵ Utah State Courts, *Utah District Courts: FY2021 Case Type by Court, Statewide Total* (Oct. 15, 2021), <https://www.utcourts.gov/stats/files/2021FY/district/0-Statewide.pdf>. Utah contributes to the NCSC Court Statistics Project, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-overview>.

⁸⁰⁶ Vermont Judiciary, *Court Divisions*, <https://www.vermontjudiciary.org/court-divisions>.

⁸⁰⁷ Vermont Judiciary, *Court Divisions*, <https://www.vermontjudiciary.org/court-divisions>.

⁸⁰⁸ Vermont Judiciary, *Court Divisions*, <https://www.vermontjudiciary.org/court-divisions>.

⁸⁰⁹ Vt. Const. Ch. II, § 34.

⁸¹⁰ Vt. Const. Ch. II, § 32.

⁸¹¹ Vt. Const. Ch. II, § 29.

⁸¹² 4 V.S.A. § 71.

	uses a weighted caseload system including time-study data, case weights, and “regional differences to case processing and case management.” ⁸¹³
How often evaluated?	While there is no specific time range, the statute that sets forth the number of Superior Court Judges was updated in 2001, 2009, 2015, and 2019. ⁸¹⁴
Factors considered	Vermont conducted its first workload assessment in 2009 with the assistance of the National Center for State Courts, in an extremely expedited manner, as a result of a “legislative mandate to the courts to assess the possibility of the consolidation of court staff and staff functions.” ⁸¹⁵ “[D]epending upon a state’s laws and public expectations, access to justice issues often drive the need for judicial positions as much as weighted caseload models.” ⁸¹⁶ “90% of the Vermont Judicial Branch budget is personnel,” meaning any changes that are made to the judge count or judicial need in terms of workload impact the budget. ⁸¹⁷
Allocation and Assignment of Judges	The Chief Superior Judge assigns a presiding judge to each county Superior Court who, in turn, “determines the allocation of judicial resources between Civil, Criminal, and Family Divisions within the [county] and may specially assign a superior judge within a division of the [county] to preside over one or more cases in a different division. Judicial assignments are for a specific length of time, usually one year. They are subject to the approval of the Supreme Court. Depending on the size of a unit, individual judges may sit in specific divisions. In smaller units the same judge may sit in all divisions.” ⁸¹⁸
Judicial Retirements	Mandatory retirement is 90 years of age. ⁸¹⁹
Number of Judges	Of 39 judges, 34 are Trial Court Judges. ⁸²⁰
Other Applicable	

⁸¹³ Vermont Judiciary, *Scope of Weighted Caseload Assessment Project for Vermont Judges and Court Clerk Staff*, <https://www.vermontjudiciary.org/sites/default/files/documents/Vermont%20Weighted%20Caseload%20Analysis%20Proposal.pdf>.

⁸¹⁴ 4 V.S.A. § 71.

⁸¹⁵ Suzanne Tallarico and John Douglas, *Vermont Weighted Caseload Study of Judicial Officers and Court Staff*, National Center for State Courts (Sept. 18, 2009), <https://www.vermontjudiciary.org/sites/default/files/documents/Final%20Report%209-18-09.pdf>.

⁸¹⁶ Suzanne Tallarico and John Douglas, *Vermont Weighted Caseload Study of Judicial Officers and Court Staff*, National Center for State Courts, 34 (Sept. 18, 2009), <https://www.vermontjudiciary.org/sites/default/files/documents/Final%20Report%209-18-09.pdf>.

⁸¹⁷ Vermont Judiciary, *Scope of Weighted Caseload Assessment Project for Vermont Judges and Court Clerk Staff*, <https://www.vermontjudiciary.org/sites/default/files/documents/Vermont%20Weighted%20Caseload%20Analysis%20Proposal.pdf>.

⁸¹⁸ Vermont Judiciary, *Judicial Assignments*, <https://www.vermontjudiciary.org/about-vermont-judiciary/judicial-assignments>.

⁸¹⁹ 4 V.S. A §609; Mandatory judicial retirement ages by state, https://ballotpedia.org/Mandatory_retirement.

⁸²⁰ 4 V.S.A. §§ 4, 71.

Resources or Details	
Population	643,077 ⁸²¹
Cases filed annually or pending and backlogs	40,612 ⁸²²

45. Virginia

Courts	The Virginia Court System consists of a Supreme Court, Court of Appeals, Circuit Courts, the Trial Court of General Jurisdiction, general District Courts with limited jurisdiction, and juvenile and domestic relations District Courts. ⁸²³ The Supreme Court Judges have 12-year terms, the Court of Appeals and Circuit Court have 8-year terms, and District Court Judges have 6-year terms. ⁸²⁴
Appointment/Election/Other	Majority vote of the Virginia General Assembly. ⁸²⁵ Chief Justice selected among peers to a four year term. ⁸²⁶ “During those months when the General Assembly is not in session, the Governor has the power to fill judicial vacancies that occur in the Appellate Courts and the Circuit Courts. District Court Judges can be appointed by the Circuit Court if the Legislature is not in session and a vacancy has occurred in one of those courts.,” but shall be subject to election upon the Legislature’s return. ⁸²⁷
Who Determines Number of Judicial Seats and How?	“There shall be as many judges of the Circuit Courts as may be fixed by the General Assembly.” ⁸²⁸ The Supreme Court (circuit and appellate levels) and the Committee on District Courts (district level) advise the General Assembly whether or not a vacancy should be filled based primarily upon caseload statistics. ⁸²⁹

⁸²¹ United States Census Bureau, U.S. Population 2020, *Quick Facts Vermont*, <https://www.census.gov/quickfacts/VT>.

⁸²² Vermont Judiciary, *Statewide Data: Case Filing Statistics Report FY 2021*, <https://www.vermontjudiciary.org/sites/default/files/documents/FY2021%20Appendix%20I%20-%20Statewide%20Data.pdf>.

⁸²³ Virginia’s Judicial System, *Diagram of Virginia’s Judicial System*, https://www.vacourts.gov/courts/orgchart_jud_system.pdf.

⁸²⁴ Commonwealth of Virginia Division of Legislative Services, *Judicial Selection Overview* (2020), <http://dls.virginia.gov/judicial.html>.

⁸²⁵ Va. Const. Art. VI, § 7.

⁸²⁶ Va. Const. Art. VI, § 3; Va. Code 17.1-300.

⁸²⁷ Commonwealth of Virginia Division of Legislative Services, *Judicial Selection Overview* (2020), <http://dls.virginia.gov/judicial.html>.

⁸²⁸ Va. Code § 17.0-501.

⁸²⁹ Commonwealth of Virginia Division of Legislative Services, *Judicial Selection Overview*, <http://dls.virginia.gov/judicial.html>.

How often evaluated?	Between 2012-2013, ⁸³⁰ the National Center for State Courts studied the “judicial workload and judicial boundary realignment in the Commonwealth of Virginia.” ⁸³¹ “The project began with a directive from the General Assembly to the Supreme Court of Virginia to ‘develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the Circuit Court, general District Court, and juvenile and domestic relations District Court levels,’ and recommend a plan for the realignment of the circuit and district boundaries.” ⁸³² NCSC re-evaluated Virginia’s judicial workloads in 2017. ⁸³³
Factors considered	Caseload statistics. ⁸³⁴
Allocation and Assignment of Judges	“Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit; however, the order of appointment may be signed by the chief judge or that judge's designee on behalf of the other judges.” ⁸³⁵
Judicial Retirements	Mandatory retirement at age 73. ⁸³⁶
Number of Judges	461 judges: 24 Appellate Judges, ⁸³⁷ 171, Circuit Court Judges, ⁸³⁸ 131 general District Court Judges and 135 Juvenile and Domestic Relations District Court Judges. ⁸³⁹
Other Applicable Resources or Details	
Population	8,631,393 ⁸⁴⁰

⁸³⁰ Virginia’s first studied judicial workloads in 1976 in circuit courts working with NCSC and the U.S. Department of Justice. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/virginia-circuit-court-caseload-reporting-study-final-report>.

⁸³¹ Virginia Judicial Workload Assessment Report November 15, 2013, at i, https://www.vacourts.gov/courts/scv/virginia_Judicial_workload_assessment_report.pdf.

⁸³² Virginia Judicial Workload Assessment Report November 15, 2013, at i, https://www.vacourts.gov/courts/scv/virginia_Judicial_workload_assessment_report.pdf.

⁸³³ Virginia Judicial Workload Assessment Final Report November, https://www.vacourts.gov/programs/concluded/war/2017_virginia_Judicial_workload_assessment_report.pdf.

⁸³⁴ Commonwealth of Virginia Division of Legislative Services, *Judicial Selection Overview*, <http://dls.virginia.gov/judicial.html>.

⁸³⁵ Va. Code § 17.0-501.

⁸³⁶ Virginia’s Legislative Information System, *2015 Session, SB 1196 Judicial Retirement; increases mandatory retirement age* (2015), <https://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+SB1196>. See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁸³⁷ Va. Code §§17.1-300, 17.1-400.

⁸³⁸ Va. Code §17.1-507.

⁸³⁹ Va. Code §16.1-69.6:1.

⁸⁴⁰ United States Census Bureau, U.S. Population 2020, *Quick Facts Virginia*, <https://www.census.gov/quickfacts/VA>.

Cases filed annually or pending and backlogs	419,309 ⁸⁴¹
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46. Washington

Courts	The state of Washington’s judicial system is comprised of a Supreme Court, Court of Appeals, Superior Court, the Trial Court of General Jurisdiction, ⁸⁴² and District and Municipal Courts. ⁸⁴³ Supreme Court and Court of Appeals Judges serve for six years, while Superior Court Judges serve for four years. ⁸⁴⁴
Appointment/Election/Other	Judges are elected in nonpartisan elections. ⁸⁴⁵ Vacancies in the Supreme Court, Court of Appeals, or Superior Court are temporarily filled by the Governor until the next election. ⁸⁴⁶ County commissioners appoint replacements in District Court who serve until the next election. ⁸⁴⁷
Who Determines Number of Judicial Seats and How?	The Legislature, but only after receiving a recommendation from the Supreme Court which is required to conduct a workload analysis and has been required to do so since 1992. ⁸⁴⁸
How often evaluated?	Ongoing by the Legislature. ⁸⁴⁹ In 2002 the Washington State Board for Judicial Administration Trial Court Funding Task Force examined the funding issue for the court system and raised alarms on the systemic problems arising from lack of funding, need for more judges, and support staff. ⁸⁵⁰ The Supreme Court may recommend the creation of judicial seats to

⁸⁴¹ Virginia’s Judicial System, *10.01 Caseload Statistics of the Circuit Courts: January 2020-December 2021 Filings*,

https://www.vacourts.gov/courtadmin/aoc/djs/programs/cpsc/csi/stats/circuit/cr01monthly/2021/cr01_2021_dec.pdf.

⁸⁴² Washington Courts, Superior Courts,

https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.display&altMenu=Citi&folderID=jury_guide&fileID=superior.

⁸⁴³ Wash. Const. Art. IV, §§ 1, 30.

⁸⁴⁴ Wash. Const. Art. IV, §§ 3, 5; Washington Courts, *The Court of Appeals* (2022),

https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.display&altMenu=Citi&folderID=jury_guide&fileID=appeals.

⁸⁴⁵ Wash. Const. Art. IV, §§ 3, 5, 29.

⁸⁴⁶ Washington Courts, *Washington Courts: News and Information*, July 13, 2012,

<https://www.courts.wa.gov/newsinfo/?fa=newsinfo.internetdetail&newsid=2152>.

⁸⁴⁷ Washington Courts, *Washington Courts: News and Information*, July 13, 2012,

<https://www.courts.wa.gov/newsinfo/?fa=newsinfo.internetdetail&newsid=2152>.

⁸⁴⁸ Wash. Const. Art. IV, § 2; RCW § 3.34.020.

⁸⁴⁹ Wash. Const. Art. IV, §§ 2, 5.

⁸⁵⁰ Board for Judicial Administration, Justice in Jeopardy Implementation Committee, *Washington Courts: Consequences of Inadequate Funding*, Washington Courts (2011),

<http://www.courts.wa.gov/JusticeInJeopardy/documents/FundingSurvey.pdf#search=Justice%20in%20jeopardy%20funding%20survey>.

	the Legislature. ⁸⁵¹ Further, each level of court has a judge’s association which makes recommendations regarding the number of judges. ⁸⁵² In 2020, the projected need for Superior Court Judges was 100 judges, in addition to the 192 judges serving at the time. ⁸⁵³
Factors considered	An objective workload analysis that takes into account available judicial resources and the caseload activity of each court. ⁸⁵⁴
Allocation and Assignment of Judges	
Judicial Retirements	Mandatory retirement age is 75. ⁸⁵⁵
Number of Judges	207 Superior Court Judges ⁸⁵⁶
Other Applicable Resources or Details	The Governor may direct a Superior Court of any county to sit in a different county as a visiting judge at the request of a judge or a majority of the judge in the county of need. ⁸⁵⁷
Population	7,705,281 ⁸⁵⁸
Cases filed annually or pending and backlogs	145,053 ⁸⁵⁹

47. West Virginia

Courts	The West Virginia judiciary is composed of a Supreme Court of Appeals, a Circuit Court, the Trial Court of General Jurisdiction, ⁸⁶⁰ a Family Court, a
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⁸⁵¹ Wash. Rev. Code § 3.34.020(1).

⁸⁵² Board for Judicial Administration, Justice in Jeopardy Implementation Committee, *Washington Courts: Consequences of Inadequate Funding*, Washington Courts, 7, 8 (2011), <http://www.courts.wa.gov/JusticeInJeopardy/documents/FundingSurvey.pdf#search=Justice%20in%20jeopardy%20funding%20survey>.

⁸⁵³ Washington Courts, *Trial Court Staffing and Judicial Needs Estimates, Superior Courts: Judicial Needs Estimates by Full-Time Equivalents, 2020 Project Filings* (2022), https://www.courts.wa.gov/caseload/?fa=caseload.showReport&level=x&freq=a&tab=&fileID=superior_courts_JN_E.

⁸⁵⁴ Wash. Rev. Code § 3.34.020(1).

⁸⁵⁵ Wash. Const. Art. IV, § 3(a). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁸⁵⁶ Wash. Rev. Code §§2.08.061-2.08.065.

⁸⁵⁷ Wash. Rev. Code §§ 2.08.140.

⁸⁵⁸ United States Census Bureau, U.S. Population 2020, United States Census Bureau, *Quick Facts Washington* (July 1, 2021), <https://www.census.gov/quickfacts/WA>.

⁸⁵⁹ Washington Courts, *Caseloads of the Courts of Washington, Superior Court: Cases Filed by Type of Case – 2021 Annual Report*, <https://www.courts.wa.gov/caseload/?fa=caseload.showReport&level=s&freq=a&tab=&fileID=filyr>.

⁸⁶⁰ West Virginia, Circuit Courts, <http://www.courtswv.gov/lower-courts/circuit-courts.html>.

	Magistrate’s Court and various Municipal Courts. ⁸⁶¹ Terms are 12 years for Supreme Court of Appeals Justices and 8 years for Circuit and Family Court Judges. ⁸⁶²
Appointment/ Election/ Other	Judges are elected. ⁸⁶³
Who Determines Number of Judicial Seats and How?	The Legislature has the authority to increase or decrease the number of judges, except Supreme Court which is set in the Constitution. ⁸⁶⁴
How often evaluated?	Data is collected annually by the Administrative Office’s Division of Court Services Section, which manages data collection for the Court System. ⁸⁶⁵
Factors considered	Data collection includes case filings by court and subject matter. ⁸⁶⁶
Allocation and Assignment of Judges	In March 2022, a bill passed both the House and the Senate that provides that magistrates will be reallocated based on a county’s population, with one magistrate per each 15,500 residents per county. ⁸⁶⁷
Judicial Retirements	No mandatory retirement age. ⁸⁶⁸
Number of Judges	5 Supreme Court Justices, ⁸⁶⁹ 3 Intermediate Court of Appeals Judges, ⁸⁷⁰ Circuit Court 75, ⁸⁷¹ 47 Family Court Judges ⁸⁷² 158 Magistrate Judges. ⁸⁷³ There are fifty-five counties that “are divided into thirty-one Circuits with seventy-five Circuit Judges.” ⁸⁷⁴ The number of judges assigned to each Circuit ranges from one to seven judges. ⁸⁷⁵

⁸⁶¹ W.Va. Const. Art. VIII, § 1.

⁸⁶² See W.Va. Const. Art. VIII, §§ 2, 5, 16.

⁸⁶³ See W.Va. Const. Art. VIII, §§ 2, 5, 16.

⁸⁶⁴ W.Va. Const. Art. VIII, § 8.5, 8.1.

⁸⁶⁵ West Virginia Judiciary, *Administrative Office of the Courts: Division of Court Services*, <http://www.courtswv.gov/court-administration/administrative-office.html>.

⁸⁶⁶ See The West Virginia Court System, *The 2021 Annual Statistics Report on Circuit, Family, and Magistrate Courts*, http://www.courtswv.gov/public-resources/press/Publications/2021_Statistical_Annual_Report.pdf.

⁸⁶⁷ See H.B. 2910, 85th Leg. Reg. Sess. (W.Va. 2022). Jeff Jenkins, *Magistrate reallocation bill to be taken up by full house*, <https://wvmetronews.com/2022/02/14/magistrate-reallocation-bill-to-be-taken-up-by-full-house/>.

⁸⁶⁸ Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁸⁶⁹ West Virginia Judiciary, Appellate Courts, <http://www.courtswv.gov/supreme-court/index.html>.

⁸⁷⁰ West Virginia Judiciary, Lower Courts <http://www.courtswv.gov/lower-courts/index.html>.

⁸⁷¹ West Virginia Judiciary, Circuit Courts, <http://www.courtswv.gov/public-resources/press/circuitJudgesMasterList2023.html>.

⁸⁷² West Virginia Judiciary, Family Courts, <http://www.courtswv.gov/lower-courts/family-courts.html>.

⁸⁷³ West Virginia Judiciary, *Lower Courts* (2020), <http://www.courtswv.gov/lower-courts/index.html>; West Virginia Judiciary, *Supreme Court of Appeals* (2020), <http://www.courtswv.gov/supreme-court/index.html>.

⁸⁷⁴ <http://www.courtswv.gov/lower-courts/circuit-courts.html>.

⁸⁷⁵ West Virginia Judiciary, *Circuit Courts: Trial Courts of General Jurisdiction*, (2021), <http://www.courtswv.gov/lower-courts/circuit-courts.html>.

Other Applicable Resources or Details	Governor has authority to make an interim appointment. ⁸⁷⁶ Interim appointment must stand for election at next election to hold office for the remainder of the unexpired term. ⁸⁷⁷ West Virginia retired judges may serve as senior judges at the discretion of the Chief Justice of the Supreme Court of Appeals and may be called for temporary service in any of the courts. ⁸⁷⁸
Population	1,793,716 ⁸⁷⁹
Cases filed annually or pending and backlogs	230,543 ⁸⁸⁰

48. Wisconsin

Courts	The judiciary of Wisconsin is composed of a Supreme Court, a Court of Appeals, Circuit Courts, which are the Trial Courts of General Jurisdiction, and various Municipal Courts. ⁸⁸¹ Supreme Court terms are for 10 years, and Circuit Court and Court of Appeals terms are for 6 years. ⁸⁸²
Appointment/Election/Other	Wisconsin judges are elected in nonpartisan elections. ⁸⁸³
Who Determines Number of Judicial Seats and How?	The need for additional Circuit Court branches and judges is determined by a judicial assessment, with the most recent request for revision being approved in 2007 when 8 new judicial seats were created. ⁸⁸⁴ In 2019, a bill to add another judge to counties with heavy workloads was proposed, but not passed. ⁸⁸⁵
How often evaluated?	No set timetable, but the Wisconsin State Legislature passed a provision allowing for additional state court branches in each of the years 2020, 2021, and 2022 if determined by the director of state courts to be necessary. ⁸⁸⁶

⁸⁷⁶ WV Code § 3-10-3a(a) (2020).

⁸⁷⁷ WV Code §§ 3-10-1(a), (b), (c)(3) (2020).

⁸⁷⁸ W.Va. Const. Art. VIII, § 8.

⁸⁷⁹ United States Census Bureau, U.S. Population 2020, United States Census Bureau, *Quick Facts West Virginia* (July 1, 2021), <https://www.census.gov/quickfacts/WV>.

⁸⁸⁰ The West Virginia Court System, *The 2021 Annual Statistics Report on Circuit, Family, and Magistrate Courts*, 5, 8, 11-13, http://www.courtswv.gov/public-resources/press/Publications/2021_Statistical_Annual_Report.pdf.

⁸⁸¹ Wisconsin Court System, *About the Courts: Wisconsin's Judicial Branch, Court System Overview*, <https://www.wicourts.gov/courts/overview/overview.html>.

⁸⁸² *Id.*

⁸⁸³ *Id.*

⁸⁸⁴ Nancy M. Rottier, *Eight New Judgeships Created*, *The Third Branch*, Volume 15, No 4, 1 (2007), <https://www.wicourts.gov/news/thirdbranch/docs/fall07.pdf>.

⁸⁸⁵ See S.B. 148, 104th Leg. Reg. Sess. (Wis. 2019).

⁸⁸⁶ Wis. Stats. § 753.0605 (2022).

Factors considered	A judicial needs assessment conducted in 2006 established a set of case weights that provide uniform and comparable measures of the number of judicial officers needed to provide effective case resolution. ⁸⁸⁷
Allocation and Assignment of Judges	The Legislature shall prescribe by law the number of judicial circuits, making them as compact and convenient as practicable, and bounding them by county lines. No alteration of circuit boundaries shall have the effect of removing a Circuit Judge from office during the judge’s term. In case of an increase of circuits, the first judge or judges shall be elected. ⁸⁸⁸
Judicial Retirements	Interim vacancies are filled by Gubernatorial appointment and those judges stand for election the following Spring. ⁸⁸⁹ The Wisconsin Constitution authorizes the legislature to impose a mandatory retirement age of not less than 70, however, to date no such retirement statute has been enacted. ⁸⁹⁰
Number of Judges	Of 508 judges, 253 are Trial Court Judges. ⁸⁹¹
Other Applicable Resources or Details	
Population	5,893,718 ⁸⁹²
Cases filed annually or pending and backlogs	674,144 ⁸⁹³

49. Wyoming

Courts	The judiciary of Wyoming is composed of a Supreme Court, District Courts, the Trial Courts of General Jurisdiction, Circuit Courts which hear cases worth under \$50,000, and Municipal Courts. ⁸⁹⁴ Wyoming also has a Chancery Court as a forum for streamlined resolution of commercial,
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⁸⁸⁷ Brian Ostrom and Matthew Kleiman, *Judicial Needs Assessment*, Wisconsin Director of State Courts Office, 1 (2006), <https://ncsc.contentdm.oclc.org/digital/api/collection/judicial/id/33/download>.

⁸⁸⁸ Wis. Const. Art. VII, § 6.

⁸⁸⁹ Wis. Const. Art. VII, § 9.

⁸⁹⁰ Wis. Const. Art. VII, § 24(2). See also, Mandatory judicial retirement ages by state as of March 14, 2022, https://ballotpedia.org/Mandatory_retirement.

⁸⁹¹ Wisconsin Court System, *About the Courts: Wisconsin’s Judicial Branch, Court System Overview*, <https://www.wicourts.gov/courts/overview/overview.htm>.

⁸⁹² United States Census Bureau, U.S. Population 2020, United States Census Bureau, *Quick Facts Wisconsin* (July 1, 2021), <https://www.census.gov/quickfacts/WI>.

⁸⁹³ Wisconsin Courts, *Caseload Summary by Responsible Court Official – Statewide Report* (2021), <https://www.wicourts.gov/publications/statistics/circuit/docs/caseloadstate21.pdf>. This figure represents the number of cases opened in 2021.

⁸⁹⁴ Wyo. Const. Art. V, §1; Wyoming Judicial Branch, *About the Courts*, <https://www.courts.state.wy.us/about-the-courts/>.

	business and trust cases. ⁸⁹⁵ Supreme Court Judges serve 8-year terms, District Court Judges serve 6-year terms, and Circuit Court Judges serve 4 year terms. ⁸⁹⁶
Appointment/ Election/ Other	Since 1971, judges are appointed by the Governor. ⁸⁹⁷ At the conclusion of their terms, judges stand for retention elections. ⁸⁹⁸
Who Determines Number of Judicial Seats and How?	“The Legislature may increase the number of judicial districts and judges, such an increase or change may not result in the removal of any judge from his office during the term from which he may have been elected or appointed; provided that the number of district and District Judges [does not] exceed four (4) until the valuation of taxable property in the state shall be equal to one hundred million (\$100,000,000) dollars.” ⁸⁹⁹ The number of District Court Judges is set out in a statute which apports them by county, and notes they have concurrent jurisdiction with Circuit Court Judges. ⁹⁰⁰
How often evaluated?	
Factors considered?	Currently, there is a House Bill before the Wyoming Legislature in draft form sponsored by the Joint Judiciary Interim Committee which would require the completion of judicial workload assessments for District Courts and Circuit Courts. ⁹⁰¹ The proposed judicial workload assessments will include weighted workload calculations, total judicial workload calculations, the need for judicial services for each county and judicial district relative to the number of judges assigned to each judicial district and each county within a judicial district, and any other information deemed relevant by the Supreme Court. ⁹⁰²
Allocation and Assignment of Judges	District Court Judges may “hold court for each other and shall do so when required by law.” ⁹⁰³ The legislature shall from time to time authorize the number and location of Circuit Court Judges. ⁹⁰⁴ The Supreme Court may, based on caseload studies, determine where within a circuit the Circuit Court Judge shall reside. ⁹⁰⁵

⁸⁹⁵ Wyoming Judicial Branch, *Chancery Court*, <https://www.courts.state.wy.us/chancery-court/>

⁸⁹⁶ Wyoming Judicial Branch, *About the Supreme Court*, <https://www.courts.state.wy.us/supreme-court/about-the-supreme-court/>; Wyoming Judicial Branch, *About the Courts*, <https://www.courts.state.wy.us/about-the-courts/>.

⁸⁹⁷ Wyo. Const. Art. 5, §§ 4(b), 4(c).

⁸⁹⁸ Wyo. Const. Art. 5, § 4(g).

⁸⁹⁹ Wyo. Const. Art. 5, § 21.

⁹⁰⁰ Wyo. Stat. § 5-3-102(a) (2012).

⁹⁰¹ State of Wyoming, *House Bill – Judicial Workload Assessments, Draft Only*, 1, <https://wyoleg.gov/InterimCommittee/2021/01-2021091322LSO-0114v0.4.pdf>.

⁹⁰² *Id.* 3.

⁹⁰³ Wyo. Const. Art. 5, § 11.

⁹⁰⁴ Wyo. Stat. § 5-9-103(a) (2012).

⁹⁰⁵ Wyo. Stat. § 5-9-103(b) (2012).

Judicial Retirements	Mandatory retirement age is 70. ⁹⁰⁶ A retired judge, who does not practice law, at the request of a District Court Judge with the consent of the Chief Justice may be assigned to serve on any court with full judicial salary. ⁹⁰⁷
Number of Judges	There are 5 Supreme Court Judges and 24 District Court Judges. ⁹⁰⁸ The number of Wyoming Circuit Court Judges is not readily available online.
Other Applicable Resources or Details	
Population	576,851 ⁹⁰⁹
Cases filed annually or pending and backlogs	133,319 ⁹¹⁰

⁹⁰⁶ Wyo. Const. Art. 5, § 5.

⁹⁰⁷ Wyo. Stat. § 5-1-106(f) (2020).

⁹⁰⁸ Wyoming Judicial Branch, *About the Courts*, <https://www.courts.state.wy.us/about-the-courts/>.

⁹⁰⁹ United States Census Bureau, U.S. Population 2020, United States Census Bureau, *Quick Facts Wyoming* (July 1, 2021), <https://www.census.gov/quickfacts/WY>.

⁹¹⁰ Wyoming Judicial Branch, *Wyoming Circuit Court Statistics FY21 (July 1, 2020 to June 30, 2021)*, <https://www.courts.state.wy.us/wp-content/uploads/2021/10/Circuit-Court-Statistics-FY21-Website.pdf>; Wyoming Judicial Branch, *Wyoming District Court Statistics Fiscal Year 2021 (July 1, 2020 to June 30, 2021)*, <https://www.courts.state.wy.us/wp-content/uploads/2021/10/District-Court-Statistics-FY2021.pdf>.