

Inside the Courts 2019

The Great Debate

Elected Versus Appointed State Court Judges



Election vs. Appointment

A Comparison of Two Systems – Judge Don Myers, Judge Heather Higbee

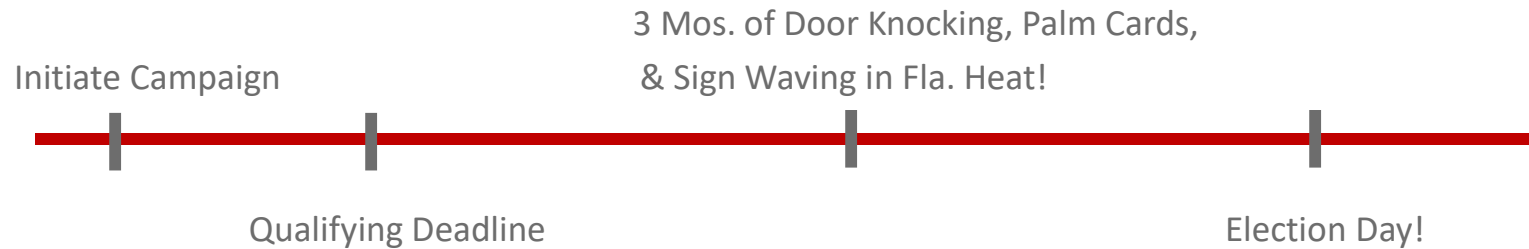
Qualifications to be a Judge

- Member of the Florida Bar for at least 5 years (10 years for appellate judges)
- Resident of the jurisdiction at the time of taking office
- Elector of the State of Florida

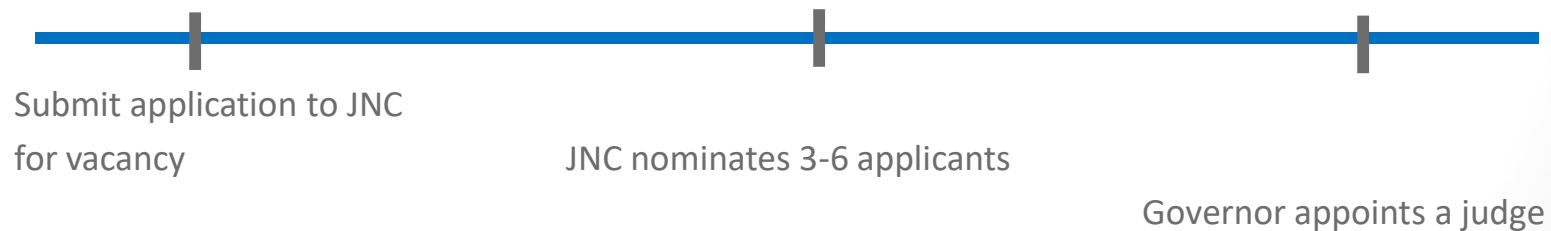
Timeline

Steps to be Elected or Appointed as a State Court Judge

Election



Appointment



Election

- Candidates may qualify for an election by petition or by a filing fee.
 - For petition, candidates are required to obtain signatures from registered voters on the candidate petition form. The number of signatures necessary is equal to 1% of the registered voters in the geographical area for the immediately preceding general election.

Judicial Circuit	Total Registration	1%
9	891,073	8,911
18	645,113	6,452

- The filing fee for 2018 was **\$5,857.85**

Election

CANDIDATE PETITION			
<i>Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections. - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.</i>			
I, _____		the undersigned, a registered voter	
(print name as it appears on your voter information card)			
in said state and county, petition to have the name of _____			
placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]			
<input type="checkbox"/> Nonpartisan	<input type="checkbox"/> No party affiliation	<input type="checkbox"/> _____	Party candidate for the office of

(insert title of office and include district, circuit, group, seat number, if applicable)			
Date of Birth (MM/DD/YY) or Voter Registration Number		Address	
_____		_____	
City	County	State	Zip Code
_____	_____	_____	_____
Signature of Voter		Date Signed (MM/DD/YY) [to be completed by Voter]	
_____		_____	
Rule 18-2.045, F.A.C.		DS-DE 104 (EFF. 09/11)	

Election or Appointment

http://www.ethics.state.fl.us/Documents/Forms/Form%206_2015i.pdf

ethics.state.fl.us

File Edit Go to Favorites Help

Suggested Sites Web Slice Gallery Free Hotmail

Tools Fill & Sign Comment

This file includes fillable form fields.
You can print the completed form and save it to your device or Acrobat.com.

Highlight Existing Fields

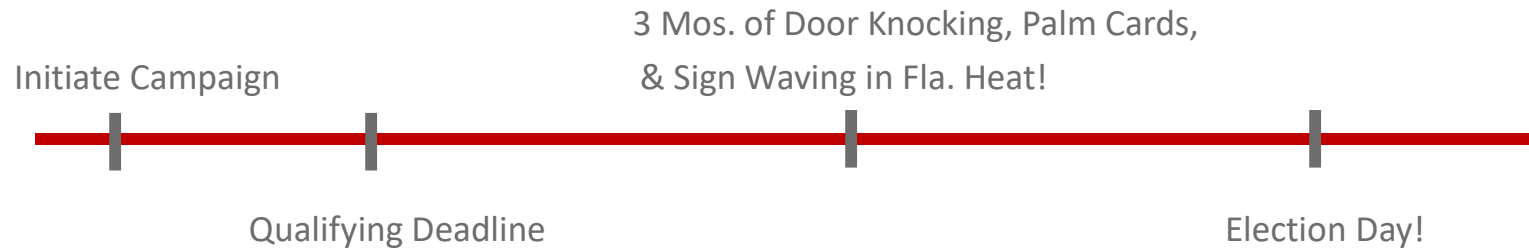
FORM 6		FULL AND PUBLIC DISCLOSURE		2015	
Please print or type your name, mailing address, agency name, and position below:			FOR OFFICE USE ONLY:		
LAST NAME — FIRST NAME — MIDDLE NAME:					
MAILING ADDRESS:					
CITY : ZIP : COUNTY :					
NAME OF AGENCY :					
NAME OF OFFICE OR POSITION HELD OR SOUGHT :					
CHECK IF THIS IS A FILING BY A CANDIDATE <input type="checkbox"/>					

Done

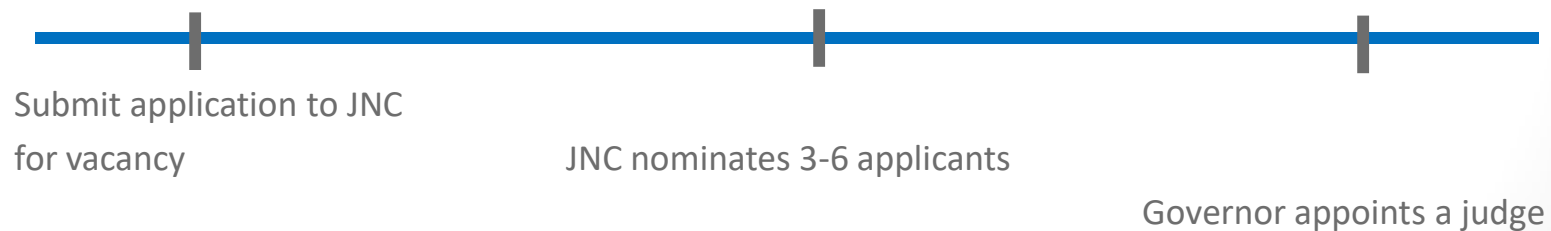
Timeline

Steps to be Elected or Appointed as a State Court Judge

Election



Appointment





Appointment

- Upon notification of a vacancy, the Governor requests the Chair of the JNC to convene the JNC for the purpose of selecting and submitting names of qualified individuals to the Governor for appointment to the bench.
- The JNC investigates each applicant to confirm eligibility. Eligible applicants interview with the JNC, which then determines by majority vote which applicants to recommend to the Governor for his consideration.
- The JNC has no more than sixty days from the time it is requested to convene to nominate no fewer than three and no more than six applicants to the Governor. The Governor has sixty days to appoint a judge from among the nominees.

Appointment

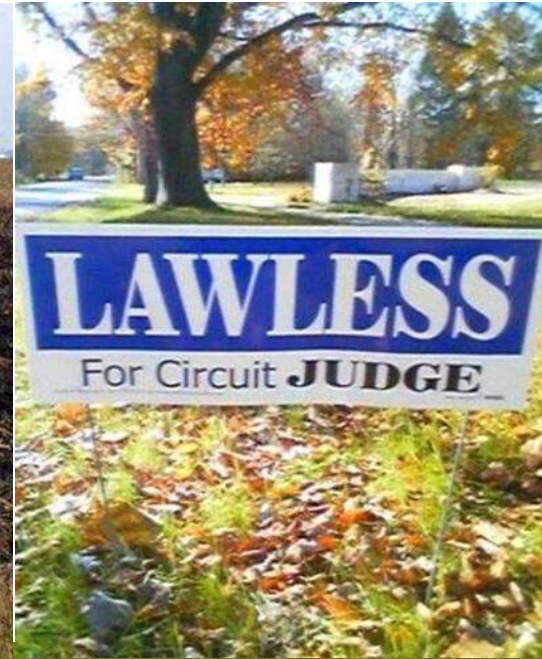
APPLICATION FOR NOMINATION TO THE COURT	
(Please attach additional pages as needed to respond fully to questions.)	
DATE:	Florida Bar No.:
GENERAL:	Social Security No.:
1.	Name _____ E-mail: _____ Date Admitted to Practice in Florida: _____ Date Admitted to Practice in other States: _____
2.	State current employer and title, including professional position and any public or judicial office. _____
3.	Business address: _____ City _____ County _____ State _____ ZIP _____ Telephone () - _____ FAX () - _____
4.	Residential address: _____ City _____ County _____ State _____ ZIP _____ Since _____ Telephone () - _____
5.	Place of birth: _____ Date of birth: _____ Age: _____
6a.	Length of residence in State of Florida: _____
6b.	Are you a registered voter? <input type="checkbox"/> Yes <input type="checkbox"/> No



Other Jurisdictions

An Overview of Elections and Appointments across the United States

What's in a Name?





The Great Debate

Election vs. Appointment – Which is the Better System?

Question 1:

If appointments become the only method of getting to the bench, is the voter deprived of anything?



Question 2:

Currently, vacancies and early retirement positions are filled by appointment. Should replacements for those positions be by election, instead?



Question 3:

What are the most significant pros and cons in the debate of election versus appointment of judges at all levels?



Question 4:

Whether judges are elected or appointed, should they have lifetime terms?



Question 5:

What are the perceived “politics” associated with the election or appointment of judges and, with that in mind, which is qualitatively “better”?



Question 6:

Should the public have a role in selecting judges?



- *Democracy substitutes election by the incompetent many for appointment by the corrupt few.*

- George Bernard Shaw