

# Appellate Judges and the Informed Voter

## How should I evaluate appellate judges?

### Resources for an informed decision

Each year, voters make their voices heard on the ballot, selecting public officials to represent them and judges to serve on the bench to interpret and apply the law. And yet, **millions of voters leave the ballot blank when it comes to judges**. Many voters do not know what to look for in selecting judges or why they are on the ballot. Additionally, voters are not sure what resources exist to help them evaluate judicial candidates. To cast an informed vote, voters should consider how judges are different from other elected officials. Judges make decisions based on the facts and the law. They should not be impacted by public opinion, special interests, or political influences. What should you consider in voting to retain an appellate judge?



## Trial and Appellate: What is the difference?



### About Trial Court Judges

Trial court judges sit individually and hear cases for the first time. Judges listen to witnesses, rule on evidence and objections, and, in some cases, work in conjunction with a jury.



### About Appellate Court Judges

Appellate court judges sit in panels and hear cases on appeal from lower courts to determine if the law was interpreted/applied correctly and/or if the trial was fair.

## Methods of Judicial Selection

State constitutions or statutes set methods of selecting state judges. States utilize one of three models for selecting state trial and appellate judges.

### Judicial Elections

- Either partisan or nonpartisan elections

### Appointments

- By governors or legislatures
- Different models in different states

### Combination Models: Merit Selection and Retention

- Using Nominating Commissions to review candidates, followed by appointment(s) and retention elections

## The Role of the Judicial Branch

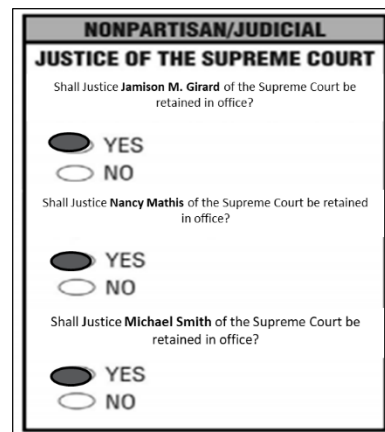
- Resolve disputes through a legal process;
- Interpret and apply the law;
- Determine if a law is unconstitutional;
- Safeguard the Constitution and protect the rights of the people.



Judges were not intended to be politicians. It is critical to review all resources and media communications publicizing judges to evaluate the content, sponsors, and messages for accuracy and to ensure they are free from special interests or political influences.

## Resources for Researching Appellate Court Judges

- Review **profiles and bios** on court and bar association websites for information on legal experience, educational background, professional recognition, community involvement, and more.
- Examine **nonpartisan voter guides** prepared by state and local bar associations and/or nonpartisan organizations.
- Seek out resources like **judicial performance evaluations and polls** conducted by state and/or local bar associations.
- Examine the **eligibility requirements** and selection processes for appellate judges by looking in your state constitution or state statutes.
- View **oral arguments** live or archived on court websites in some states.
- **Review and analyze media communications** including news articles and advertisements. Consider funding, sponsors, and publication sources for each media communication in evaluating content.



## Important Considerations for Voting on Appellate Judges in Florida

<p><b>Why am I being asked to vote on appellate judges in Florida?</b></p> <p>Florida law requires Florida Supreme Court justices and District Court of Appeal judges to be placed on the ballot in nonpartisan, uncontested retention elections every six years, so voters can determine whether they should remain on their courts for another six-year term. These are called “merit retention” elections.</p>	<p><b>How do District Court of Appeal judges and Supreme Court justices get on the court?</b></p> <p>The governor appoints judges or justices from lists submitted by Judicial Nominating Commissions, which screen candidates and make recommendations based on their merits. Newly appointed judges go on the ballot for the first time within two years after appointment. If the voters retain them, the appellate judges then go on the ballot again every six years.</p>
<p><b>Do District Court of Appeal judges and Florida Supreme Court justices have opponents?</b></p> <p>No. Your vote determines whether each judge or justice should remain on the court. They are not running against opponents or each other. Merit retention elections are nonpartisan, Yes or No votes.</p>	<p><b>What do “Yes” and “No” votes mean?</b></p> <p>A “Yes” vote means you want the appellate judge or justice to remain on the court for another six-year term. A “No” vote means you want the judge or justice to be removed from the court. A majority vote decides retention elections.</p>
<p><b>What are the appeals court judges’ and justices’ positions on issues?</b></p> <p>Canon 7 of the Florida Code of Judicial Conduct forbids judges and justices from saying how they will decide future cases. Judges and justices must remain impartial and decide cases without regard to their personal views or beliefs.</p>	

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