

Workshop Overview

Tenure and Selection of Trial Court Presiding Judges

State trial courts are led and ultimately managed by judges. These leadership judges are given different titles: presiding judge, chief judge, administrative judge, assignment judge. The duties of a presiding judge vary between jurisdictions but generally include overseeing the court's interaction with the community, the State and local bar, and the other agencies and branches of government.

In twenty-three states the general jurisdiction trial courts choose their presiding judge by peer election. Thirteen of the remaining states either choose the most senior judge or leave the selection to another branch of government. The presiding judges in the remaining fourteen states are chosen by either that state's chief justice, or by the state's highest court as a whole. But even in states that use a similar method for selecting presiding judges (i.e. peer election), the process of making the selection varies. Some states require a secret ballot for their election. Other states let the individual circuit or division choose the method of selection, allowing different sized courts to use the method that best suits their needs.

The method of choosing presiding judges may have implications as to whether presiding judges prioritize optimizing the satisfaction of the judges they manage, as opposed to the satisfaction of the court's customers or the implementation of the organizational norms imposed on the court. Measuring success as a presiding judge differs based on the needs of the constituency being served. Each selection method has the potential to shape the direction of the court differently, as there is inherent tension between the expectations of the various constituencies.