

**MINUTES**

**HOUSE INTERIM COMMITTEE ON JUDICIARY**

**April 15, 2016**

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The House Interim Committee on Judiciary met at 9:00 a.m., on Friday, April 15, 2016, in the Multi-Agency Complex Building—Room B, in Little Rock, Arkansas.

**Committee members present:** Representatives Matthew Shepherd, Chair; Marshall Wright, Vice Chair; Bob Ballinger, Rick Beck, Mary Broadaway, Donnie Copeland, Michelle Gray, Douglas House, and David Whitaker.

**Other legislators present:** Senator Joyce Elliott and Representatives Charles Armstrong, Justin Boyd, Jeremy Gillam, Monte Hodges, Kelley Linck, and Micah Neal.

Representative Shepherd called the meeting to order.

**Consideration to Approve Minutes from the October 27, 2015, November 9, 2015, and November 10, 2015 Meetings [Exhibits B1-B3]**

Representative Wright made a motion to approve the minutes. Without objection, the motion was approved.

Representative Shepherd stated he had sponsored a resolution in the past two regular sessions that would call for the merit selection of Supreme Court justices. This is a very important issue that needed to be discussed, as there was a trend developing with surrounding states and other areas of the nation involving state appellate court judges.

**Overview of Judicial Selection Systems Utilized in Other States [Handout 1]**

**Mr. Matthew Miller, Assistant Director for Legal Services, Bureau of Legislative Research,** gave a brief overview of how judicial selections are handled in other states. Supreme or High Courts were the only courts considered in this presentation. There are a lot of varied approaches that states use. Election and appointment of judges were investigated, and information was gathered from various sources. Twenty-eight states appoint judges in some fashion, and twenty-two states elect judges. With regards to the selection of federal judges, they are selected by the President under the United States Constitution and receive a lifetime appointment.

According to Mr. Miller, five different judicial selection systems are utilized in other states, which include: nonpartisan elections, partisan elections, legislative elections, gubernatorial elections, and assisted appointment system. Sixteen states, including Arkansas, utilize a nonpartisan election system. Six states utilize a partisan election. Two states utilize a legislative election system. Four states utilize a gubernatorial appointment system, and twenty-two states utilize an assisted appointment system.

Last year, North Carolina attempted to become what would have been the first state to use retention election for the nonpartisan election system; however, a dispute involving the bill being adopted in the wrong manner caused an injunction to be issued by the court that prevented this type of election. Some states surrounding Arkansas handle election issues by utilizing various judicial election systems. For instance, Texas and Louisiana utilize partisan election systems, Oklahoma and Missouri utilize assisted appointment systems, and Mississippi utilizes a nonpartisan election system.

Regarding states that utilize reappointment methods, nineteen states utilize retention elections, nineteen states utilize reelection, states utilizes other methods—usually the paralleling appointment method and three states do not have terms.

In response to a question by Representative Ballinger regarding whether a quicker confirmation retention election model is represented anywhere, Mr. Miller replied that he is not sure of the exact model but could find some states where retention election occurs quicker. He added this model could be drafted and set up.

Representative Shepherd anticipates having additional committee meetings to further discuss this issue and other alternatives.

With no further business, the meeting adjourned at 9:37 a.m.