



A Christian Voter's **RESOURCE GUIDE** to Understanding the American Justice Systems

Standards for justice were established by the author and definer of the entire universe - God.

Psalm 89:14 (ESV) "Righteousness and justice are the foundation of your throne; steadfast love and faithfulness go before you."

Zechariah 7:9-10 (ESV) "Thus says the Lord of hosts, Render true judgments, show kindness and mercy to one another, do not oppress the widow, the fatherless, the sojourner, or the poor, and let none of you devise evil against another in your heart."

Micah 6:8 (ESV) "He has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?"

Overview

This overview of the American judicial systems and judge/justice selection processes is created to provide you, the voter, the information you need to be informed and engaged in securing and maintaining the integrity of our courts.

Recent years have shown the increasing marginalization of Christians as public displays of faith are deemed unacceptable.

The courts are frequently engaged in determining the level of freedom Christians will be granted to live, speak, and act according to their core values and beliefs or if they will be forced to conform to the whims of culture and government.

Our Founders understood that citizens could not be truly free if their beliefs were confined only to their minds. They saw that the practice of faith is more than just the freedom to worship, it is the right to live and work according to sincerely held beliefs without the fear of unjust government punishment.

Today, we see everything that has to do with life and godliness being arbitrated through the court systems.

How should we respond?

Pray

- **Pray** for integrity. Pray that our judges would uphold the law without partiality.
- **Pray** for wisdom. Pray that judges would not be swayed by persuasive arguments but look to the laws of our country in dispensing justice.
- **Pray** for guidance. Pray that God would have His hand upon our nation's judges, particularly those who profess His name.
- **Pray** for God's hand in the appointment process. Pray that God would move judges who are born-again believers into positions of power.
- **Pray** that those judges who have an unconstitutional view of their role would not be confirmed.
- **Pray** for God's conviction upon the hearts of judges throughout our nation.
- **Pray** for wisdom for legislators at the federal and state levels as they vote on whether to confirm appointed judges.

“Do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God.”

- Philippians 4:6 (ESV)

How can citizens hold judges accountable?

Think

2 Peter 1:5-8 (ESV) "For this very reason, make every effort to supplement your faith with virtue, and virtue with knowledge, and knowledge with self-control, and self-control with steadfastness, and steadfastness with godliness, and godliness with brotherly affection, and brotherly affection with love. For if these qualities are yours and are increasing, they keep you from being ineffective or unfruitful in the knowledge of our Lord Jesus Christ."

As you read through this resource, you will be able to gain perspective on how you, as a Christian, can be salt and light in the federal and state judicial systems.

In states that hold elections for their judges and/or justices, citizens play a primary role in the judicial branch.

There are states where the Governor appoints judges and/or justices. the main way citizens can influence the judiciary is through their choice of Governor.

Where the legislature appoints or confirms judges and/or justices, citizens can influence the judiciary through their choice of state Representatives and Senators. They can also contact members of judiciary committees with questions they want appointees to be asked.

In states where retention elections are held, voters decide to retain an incumbent judge on the bench or vote for their removal. In addition to evaluating the performance of a sitting judge that is up for retention, citizens should also evaluate who will be appointing his or her replacement. It would be counterproductive to vote to dismiss an activist judge only to have him/her replaced with an even more radical activist.



How can you make a difference?

Act

James 1:22 (ESV) "But be doers of the word, and not hearers only..."

Depending on the method your state uses to appoint judges and justices, here are some things to consider:

- Ask:** Do I know whether this judge views the judiciary as a place to interpret the law or a place to rewrite law?
- Ask:** Do I know what stance this judge takes on issues important to Christians?
- Ask:** Is there a way I can find the lists of candidates put forward by judicial commissions?
- Ask:** Does this judge have a record I can look at to see how they rule on cases and where they stand on issues?

When considering a judge, do some research:

- What values does this candidate hold?
 - Do these values align with my own?
 - Are their values in line with constitutionality?
 - Do they respect religious freedom?
 - Do they respect the value and sanctity of life at all stages?
- What positions, if any, has this candidate taken on issues that are important to me?
- Does this candidate see his or her position as a way to make law or to interpret it?
- Is this candidate more concerned with the laws or with activism?
- Take note of who/which organizations have endorsed the candidate.

View a list of state court websites here:

<https://www.ncsc.org/information-and-resources/state-court-websites>

To view a map of the United States Courts of Appeals and the United States District Courts visit:

https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf

The schedule of hearings at the Senate Judiciary Committee can be found here:

<https://www.judiciary.senate.gov/hearings>

The names and information about each committee member can be found here:

<https://www.judiciary.senate.gov/about/members>

To learn about judicial nominations visit:

<https://www.judiciary.senate.gov/nominations/judicial>

As a U.S. citizen, you can send committee members questions you may have about specific nominees, as well as questions you would like them to address in hearings. If you have a strong opinion about an appointee, contact your U.S. Senators, or state level officials who are responsible for approval, and tell them how you would like them to use their influence to impact the confirmation hearing.

Overview of the Federal and State Systems

America's system of courts adjudicates legal disputes and disagreements, and interprets, defends, and applies the law in legal cases. Article III, Section 1 of the U.S. Constitution states, "The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

State and federal legal matters are handled separately in their respective judicial systems.

The federal judicial system is separate from the judicial systems within each of the fifty states. Federal courts...interpret the law, determine the constitutionality of the law, and apply it to individual cases.¹

State courts are the final arbiters of state laws and constitutions.²

The State Court Systems Vary By State, But Include:

- Lower Courts and General Trial Courts
- Appeals Courts
- State Supreme Courts

The Federal Court System:

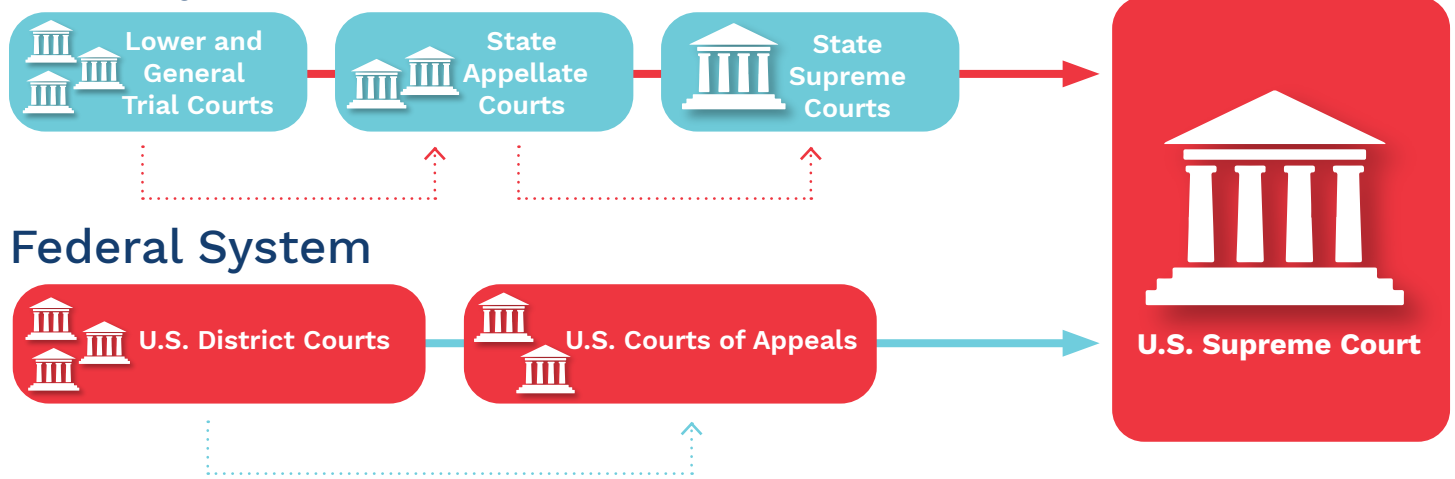
- The Supreme Court
- U.S. Courts of Appeals
- U.S. District Courts



¹ <https://www.whitehouse.gov/about-the-white-house/our-government/the-judicial-branch/>

² <https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts#:~:text=State%20courts%20are%20the%20final,not%20to%20hear%20such%20cases>

State System



What are state courts?

Each state has its own system of courts, set down in its state constitution and other state laws. To find your state's system, search for "(State Name) judicial branch" and look for a ".gov" website.

State courts were created to try criminal cases involving state laws, hear civil lawsuits between citizens of the state, and review cases involving the legality of state laws.

State court decisions can be appealed to the United States Supreme Court if there is a question on whether a state law is in conflict with federal law or the Constitution.³

State courts hear criminal cases, as well as cases on inheritances, family law, and civil suits.⁴

Why do we have federal courts?

The federal court system was put in place not to make law, but to enforce and interpret laws that were already written. The courts can strike down unconstitutional laws, but they are not intended to create new ones.

The judicial system is meant as a check on the power of the legislature and the executive branch. The Supreme Court can invalidate the law of a state if that law is deemed unconstitutional,⁵ while federal courts can rule on whether executive orders are constitutional.⁶

The federal courts have jurisdiction over matters of federal law, as well as cases involving treaties, ambassadors, and matters between the United States⁷ and other countries.

The federal courts also handle cases between different states. U.S. District Courts are the general trial courts for the federal court system.⁸

When does the U.S. Supreme Court come into play?

As the highest court in the land, the Supreme Court handles not only cases appealed from lower federal courts, but also cases appealed from the highest courts of the states, military appeals courts, and the courts of the U.S. territories.⁹ It is the only court authorized to hear disputes between two or more states.¹⁰

The Supreme Court selects what cases to hear. Out of the thousands of cases the Court is asked to hear each year, less than one hundred receive a review.¹¹

Supreme Court Justices are appointed by the President and confirmed by the Senate.¹² The Supreme Court currently has nine justices.

Political activism has increasingly invaded the lower courts systems placing citizens at the mercy of appealing to the U.S. Supreme Court to be the final arbiter of the law.



Political activism has increasingly invaded the lower courts systems

³ The Supreme Court of the United States. The Court and Constitutional Interpretation . 2022. 11 April 2022. <<https://www.supremecourt.gov/>>.

⁴ The Administrative Office of the United States Courts. "Comparing Federal & State Courts." n.d. United States Courts. 12 April 2022. <<https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>>.

⁵ The Supreme Court of the United States. "The Court at Work." n.d. The Supreme Court of the United States. 11 April 2022. <<https://www.supremecourt.gov/about/courtatwork.aspx>>

⁶ The American Bar Association. "Executive Orders." 28 November 2021. ABA. 11 April 2022. <https://www.americanbar.org/groups/public_education/resources/teacher_portal/educational_resources/executive_orders/>

⁷ National Archives. "The Constitution of the United States: A Transcription." n.d. National Archives: America's Founding Documents. 11 April 2022. <<https://www.archives.gov/founding-docs/constitution-transcript>>.

⁸ <https://www.uscourts.gov/about-federal-courts/court-role-and-structure>

⁹ "U.S. Code Title 28, Part IV, Chapter 81, Section 1257 - State courts; certiorari." n.d. Cornell Law School: Legal Information Institute. 11 April 2022. <<https://www.law.cornell.edu/uscode/text/28/1257>>.

¹⁰ "U.S. Code, Title 28, Part IV, Chapter 81, Section 1251 - Original Jurisdiction." n.d. Cornell Law School: Legal Information Institute. 11 April 2022. <<https://www.law.cornell.edu/uscode/text/28/1251>>

¹¹ The Supreme Court of the United States. "The Court at Work." n.d. The Supreme Court of the United States. 11 April 2022. <<https://www.supremecourt.gov/about/courtatwork.aspx>>.

¹² National Archives. "The Constitution of the United States: A Transcription." n.d. National Archives: America's Founding Documents. 11 April 2022. <<https://www.archives.gov/founding-docs/constitution-transcript>>.

How are judges chosen?

Federal judges are appointed by the President and must be confirmed by a majority vote of the United States Senate. The Senate Judiciary Committee questions these appointees in hearings before the confirmation vote.¹³ These hearings allow Senators and citizens to learn about the judge's record and hear how they interpret the law.

Requirements for state-level judges vary from state to state. However, to become a judge, a person must be qualified to practice law in their state. Certain judicial positions also have requirements related to the length of time a person has been practicing law. For example, California requires that someone practice law in their state for 10 years before they are eligible to be appointed to the state Supreme Court.¹⁴

Each State has the power to determine how it appoints its judges.

In general, these systems fall into the following categories, with some states choosing a hybrid of two or more systems.¹⁵

- **Partisan elections** – Multiple candidates compete in elections for open positions in the courts. These elections show the party affiliation of each candidate.
- **Non-partisan elections** – Multiple candidates compete in elections for open positions in the courts. These elections do not mention party affiliation of candidates.
- **Gubernatorial appointments** – The Governor of the state appoints candidates for vacancies. The candidate may or may not be required to be confirmed by the legislature or a judicial committee.
- **Legislature appointments** – The Senate of the state appoints a candidate for a vacancy.

Some states have additional procedures:¹⁶

- **Retention elections** – After serving each term, the incumbent judge or justice is placed on the ballot for voters to either retain on the bench or remove from office. If the judge or justice is removed, a replacement is selected by the state designated process.
- **Judicial commissions** – A panel whose composition is determined by the state Constitution. These commissions vet and nominate candidates for consideration of judicial appointment.

¹³ United States Senate Committee on the Judiciary. Nominations: The Supreme Court of the United States. 2022. 12 April 2022. <<https://www.judiciary.senate.gov/nominations/supreme-court>>.

¹⁴ Judicial Council of California. "Fact Sheet: California Judicial Branch." October 2020. California Courts: The Judicial Branch of California. 12 April 2022. <https://www.courts.ca.gov/documents/California_Judicial_Branch.pdf>.

¹⁵ Brennan Ctr. for Justice. Judicial Selection: An Interactive Map. n.d. 12 April 2022. <<https://brennancenter.org/judicial-selection-map>>.

Judicial Selection: Significant Figures. 8 May 2015. 12 April 2022. <<https://www.brennancenter.org/our-work/research-reports/judicial-selection-significant-figures>>.


Information in this section compiled from:

¹⁶ Brennan Ctr. for Justice. Judicial Selection: An Interactive Map. n.d. 12 April 2022. <<https://brennancenter.org/judicial-selection-map>>.

Judicial Selection: Significant Figures. 8 May 2015. 12 April 2022. <<https://www.brennancenter.org/our-work/research-reports/judicial-selection-significant-figures>>.

State Supreme Court Judicial Selection Systems

Partisan Elections	Non-partisan Elections	Governor <i>Nominates, Selects or Appoints</i>	State Legislative Appointment
Alabama Illinois Louisiana New Mexico New York North Carolina Ohio Pennsylvania Texas	Arkansas Georgia Idaho Kentucky Michigan Minnesota Mississippi Montana Nevada North Dakota Oregon Washington West Virginia Wisconsin	California <i>(Confirmed by Commission)</i> Connecticut <i>(Confirmed by State General Assembly)</i> Delaware <i>(Confirmed by State Senate)</i> Maine Massachusetts New Hampshire New Jersey Rhode Island <i>(Confirmed by State General Assembly)</i> Vermont <i>(Confirmed by State General Assembly)</i>	South Carolina Virginia



In some states, the Governor is required to select his/her appointees from the commission's list.

In some states, the Governor is not required to select his/her appointees from the commission's list.

In some states, the method of appointing judges differs by district.

Hybrid State Supreme Court Judicial Selection Systems

<p>Governor appoints. May need confirmation by State Legislature. Citizens then vote to retain or dismiss.</p>	<p>Maryland (Called the Court of Appeals. Serves as State Supreme Court.)</p>	<p>Hawaii</p>
<p>Alaska Arizona California Colorado Florida Iowa Kansas Missouri Nebraska Oklahoma South Dakota Tennessee Utah Wyoming</p>	<p><i>Governor receives a list of candidates from a judicial commission but is not required to select from that list. The nomination is confirmed by the state Senate. Citizens vote to retain or dismiss judges for subsequent terms.</i></p>	<p><i>The Governor appoints a justice from a list provided by a judicial selection committee. The justice must then be confirmed by the State Senate. Justices serve a 10-year term. The commission may reappoint justices to additional terms.</i></p>

State Appellate Courts Judicial Selection Systems

<p>Partisan Elections</p>	<p>Non-partisan Elections</p>	<p>Governor <i>Nominates, Selects or Appoints</i></p>	<p>Appointed by State Legislature</p>	<p>Appointed by State Supreme Court</p>
<p>Alabama Illinois Louisiana North Carolina Ohio Pennsylvania Texas</p>	<p>Arkansas Georgia Idaho Kentucky Michigan Minnesota Mississippi Ohio Oregon Washington West Virginia Wisconsin</p>	<p>Connecticut <i>(Confirmed by State General Assembly)</i> Delaware <i>(Confirmed by State Senate)</i> Indiana Massachusetts New Jersey <i>(Confirmed by State Senate)</i> New York</p>	<p>South Carolina Virginia</p>	<p>North Dakota</p>

Hybrid State Appellate Court Judicial Selection Systems

Governor appoints. May need confirmation by State Legislature. Citizens then vote to retain or dismiss.

Alaska, Arizona, California, Colorado, Florida, Hawaii, Iowa, Kansas, Missouri, Maryland, Nebraska, New Mexico, Oklahoma, Tennessee, Utah

State Trial Courts Judicial Selection Systems

Partisan Elections	Nonpartisan Elections	Governor <i>Nominates, Selects or Appoints</i>	Elected by State Legislature
Alabama Illinois Louisiana North Carolina New York Pennsylvania Tennessee Texas	Arkansas California Florida Georgia Idaho Kentucky Maryland Michigan Minnesota Mississippi Montana Nevada North Dakota Ohio Oklahoma Oregon South Dakota Washington West Virginia Wisconsin	Alaska Colorado Connecticut Delaware Hawaii Iowa Maine Massachusetts Nebraska New Hampshire New Jersey New Mexico Rhode Island New York Utah Wyoming	South Carolina Virginia

States With No State Appellate Courts

Maine, Montana, New Hampshire, Rhode Island, South Dakota, Vermont, Wyoming

Hybrid State Trial Courts Judicial Selection Systems

Arizona, Indiana, Kansas, and Missouri

Some districts hold partisan elections, while others rely on an appointment from the Governor from a list provided by a judicial commission. Some judges face a retention vote at the end of their first year or after their first term.

MY FAITH[®]
VOTES

United. We Stand.