

Judges, Magistrates, and Other Judicial Workers

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Significant Points

- A bachelor's degree and work experience are the minimum requirements for a judgeship or magistrate position, but most workers filling these positions also have law degrees.
- Judges and magistrates should encounter some competition for jobs.
- Demand for arbitrators, mediators, and conciliators is growing because of the high cost and long delays associated with litigation.

Nature of the Work

Judges, magistrates, and other judicial workers apply the law and oversee the legal process in courts according to local, State, and Federal statutes. They preside over cases concerning every aspect of society, from traffic offenses, to disputes over the management of professional sports, to issues concerning the rights of huge corporations, to questions over disconnecting life-support equipment connected to terminally ill persons. All judicial workers must ensure that trials and hearings are conducted fairly and that the court administers justice in a manner which safeguards the legal rights of all parties involved.

The most visible responsibility of judges is presiding over trials or hearings and listening as attorneys represent the parties present. Judges rule on the admissibility of evidence and the methods of conducting testimony, and they may be called upon to settle disputes between opposing attorneys. Also, they ensure that rules and procedures are followed, and if unusual circumstances arise for which standard procedures have not been established, they determine the manner in which the trial will proceed, on the basis of their interpretation of the law.

Judges often hold pretrial hearings for cases. They listen to allegations and determine whether the evidence presented merits a trial. In criminal cases, judges may decide that persons charged with crimes should be held in jail pending their trial, or they may set conditions for their release. In civil cases, they occasionally impose restrictions upon the parties until a trial is held.

In many trials, juries are selected to decide guilt or innocence in criminal cases or liability and compensation in civil cases. Judges instruct juries on applicable laws, direct them to deduce the facts from the evidence presented, and hear their verdict. When the law does not require a jury trial or when the parties waive their right to a jury, judges decide the cases. In such instances, in a criminal case, the judge determines guilt and imposes sentences; in civil cases, the judge awards relief—such as compensation for damages—to the parties to the lawsuit (called litigants). Judges also work outside the courtroom, “in chambers.” In these, their private offices, judges read documents on pleadings and motions, research legal issues, write opinions, and oversee the court's operations. In some jurisdictions, judges also manage the courts' administrative and clerical staff.

Judges' duties vary according to the extent of their jurisdictions and powers. *General trial court judges* of the Federal and

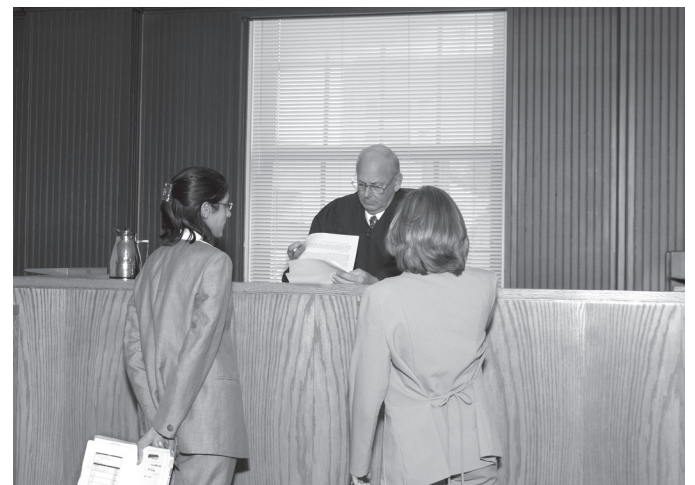
State court systems have jurisdiction over any case in their system. They usually try civil cases transcending the jurisdiction of lower courts and all cases involving felony offenses. Federal and State *appellate court judges*, although few in number, have the power to overrule decisions made by trial court or administrative law judges if they determine that legal errors were made in a case or if legal precedent does not support the judgment of the lower court. Appellate court judges rule on a small number of cases and rarely have direct contacts with litigants. Instead, they usually base their decisions on lower court records and lawyers' written and oral arguments.

Many State court judges preside in courts whose jurisdiction is limited by law to certain types of cases. A variety of titles are assigned to these judges; among the most common are *municipal court judge*, *county court judge*, *magistrate*, and *justice of the peace*. Traffic violations, misdemeanors, small-claims cases, and pretrial hearings constitute the bulk of the work of State court judges, but some States allow them to handle cases involving domestic relations, probate, contracts, and other selected areas of the law.

Administrative law judges, sometimes called *hearing officers* or *adjudicators*, are employed by government agencies to make determinations for administrative agencies. These judges make decisions, for example, on a person's eligibility for various Social Security or worker's compensation benefits, on protection of the environment, on the enforcement of health and safety regulations, on employment discrimination, and on compliance with economic regulatory requirements.

Arbitration, mediation, and conciliation—called appropriate dispute resolution (ADR)—are alternative processes that can be used to settle disputes between parties. All ADR hearings are private and confidential, and the processes are less formal than a court trial. If no settlement is reached through ADR, any statements made during the proceedings are inadmissible as evidence in any subsequent litigation.

During arbitration, opposing parties submit their dispute to one or more impartial persons, called arbitrators, for a final and binding decision. Arbitrators usually are attorneys or businesspersons with expertise in a particular field. The parties identify beforehand the issues to be resolved by arbitration, the scope of the relief to be awarded, and many of the procedural aspects of the process. Few awards are reviewed by the courts, because the parties have agreed to be bound by the decision of



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their arbitrator, although in some cases, it is prearranged that the award will be only advisory. Mediation involves an attempt by the parties to resolve their dispute with the aid of a neutral third party and generally is used when the parties wish to preserve their relationship. A mediator may offer suggestions, but resolution of the dispute rests with the parties themselves. Mediation proceedings are also confidential and private. If the parties are unable to reach a settlement, they are free to pursue other options. The parties usually decide in advance how they will contribute to the cost of mediation.

Conciliation is similar to mediation. The conciliator's role is to guide the parties to a settlement. The parties must decide in advance whether they will be bound by the conciliator's recommendations; they generally share equally in the cost of the conciliation.

Working Conditions

Judges, magistrates, and other judicial workers do most of their work in offices, law libraries, and courtrooms. Work in these occupations presents few hazards, although sitting in the same position in the courtroom for long periods can be tiring. Most judges wear robes when they are in a courtroom. Judges typically work a standard 40-hour week, but many work more than 50 hours per week. Some judges with limited jurisdiction are employed part time and divide their time between their judicial responsibilities and other careers.

Arbitrators, mediators, and conciliators usually work in private offices or meeting rooms; no public record is made of the proceedings.

Employment

Judges, magistrates, and magistrate judges held 27,000 jobs in 2002, primarily in State and local government. Administrative law judges, adjudicators, and hearing officers held about 19,000 jobs; 57 percent worked in State governments, 24 percent in the Federal Government, and 16 percent in local governments. Arbitrators, mediators, and conciliators held another 6,100 jobs. Approximately half worked for State and local governments. The remainder worked for labor organizations, law offices, insurance carriers, and other private companies and for organizations that specialize in providing dispute resolution services.

Training, Other Qualifications, and Advancement

A bachelor's degree and work experience usually constitute the minimum requirement for a judgeship or magistrate position. A number of lawyers become judges, and most judges have first been lawyers. In fact, Federal and State judges usually are required to be lawyers. About 40 States allow nonlawyers to hold limited-jurisdiction judgeships, but opportunities are better for those with law experience. Federal administrative law judges must be lawyers and pass a competitive examination administered by the U.S. Office of Personnel Management. Some State administrative law judges and other hearing officials are not required to be lawyers.

Federal administrative law judges are appointed by various Federal agencies, with virtually lifetime tenure. Federal magistrate judges are appointed by district judges—the life-tenured Federal judges of a district court—to serve in a United States district court for a period of 8 years. A part-time federal magistrate judge's term of office is 4 years. Some State judges are appointed, but the remainder are elected in partisan or nonpartisan State elections. Many State and local judges serve fixed renewable terms ranging from 4 or 6 years for some trial court

judgeships to as long as 14 years or even life for other trial or appellate court judges. Judicial nominating commissions, composed of members of the bar and the public, are used to screen candidates for judgeships in many States and for some Federal judgeships.

All States have some type of orientation for newly elected or appointed judges. The Federal Judicial Center, American Bar Association, National Judicial College, and National Center for State Courts provide judicial education and training for judges and other judicial-branch personnel. General and continuing education courses usually last from a couple of days to 3 weeks in length. More than half of all States, as well as Puerto Rico, require judges to enroll in continuing education courses while serving on the bench.

Training and education requirements for arbitrators, mediators, and conciliators differ from those for judges. Mediators who practice in State- or court-funded mediation programs usually must meet specific training or experience standards, which vary by State and court. In most States, individuals who offer private mediation services do not need a license, certification, or specific course work; however, many private mediators and most of those affiliated with mediation organizations and programs have completed mediation training and agreed to comply with certain ethical standards. For example, the American Arbitration Association (AAA) requires mediators listed on its mediation panel to complete an AAA training course, receive recommendations from the trainers, and complete an apprenticeship.

Training for arbitrators, mediators, and conciliators is available through independent mediation programs, national and local mediation membership organizations, and postsecondary schools. In 2002, 16 colleges or universities in the United States offered master's degrees in dispute resolution or conflict management, and 2 offered doctoral degrees. Many more schools offer conflict-management specializations within other degree programs. Degrees in public policy, law, and related fields also provide good background for prospective arbitrators, mediators, and conciliators.

Job Outlook

Employment of judges and magistrates is expected to grow more slowly than the average through 2012. Budgetary pressures at all levels of government will hold down the hiring of judges, despite rising caseloads, particularly in Federal courts. Most job openings will arise as judges retire. However, additional openings occur when new judgeship positions are authorized by law or when judges are elevated to a higher judicial office.

Public concerns about crime and safety, as well as a public increasingly willing to go to court to settle disputes, should spur demand for judges. Not only has the quantity of a judge's work increased, but many cases have become more complex because of developments in information technology, medical science, e-commerce, and globalization. The prestige associated with serving on the bench should ensure competition for judge and magistrate positions. However, a growing number of judges and candidates for judgeships are choosing to forgo the bench and work in the private sector, where pay is significantly higher. This movement may lessen the competition somewhat. Becoming a judge also is often difficult because, not only must judicial candidates compete with other qualified people, but also, they frequently must also gain political support in order

to be elected or appointed, and getting that support can be expensive.

Employment of arbitrators, mediators, and conciliators is expected to grow as fast as the average for all occupations through 2012. Many individuals and businesses try to avoid litigation, which can involve lengthy delays, high costs, unwanted publicity, and ill will. Arbitration and other alternatives to litigation usually are faster, less expensive, and more conclusive, spurring demand for the services of arbitrators, mediators, and conciliators. Administrative law judges are expected to experience little to no change in employment, due to a slowing of growth in the Federal sector.

Earnings

Judges, magistrate judges, and magistrates had median annual earnings of \$94,070 in 2002. The middle 50 percent earned between \$44,970 and \$120,390. The top 10 percent earned more than \$138,300, while the bottom 10 percent earned less than \$24,250. Median annual earnings in the industries employing the largest numbers of judges, magistrate judges, and magistrates in 2002 were \$112,720 in State government and \$54,750 in local government. Administrative law judges, adjudicators, and hearing officers earned a median of \$64,540, and arbitrators, mediators, and conciliators earned a median of \$47,320.

In Federal courts, the following salaries apply: the Chief Justice of the United States Supreme Court earned \$198,600, and the Associate Justices earned \$190,100. Federal court of appeals judges earned \$164,100 a year in 2001 while district court judges had salaries of \$154,700, as did judges in the Court of Federal Claims and the Court of International Trade. Federal judges with limited jurisdiction, such as magistrates and bankruptcy court judges, had salaries of \$142,324.

According to a survey by the National Center for State Courts, annual salaries of associate justices of States' highest courts averaged \$120,100 in 2002 and ranged from about \$89,381 to \$170,319. Salaries of State intermediate appellate court judges averaged \$116,064 and ranged from \$91,469 to \$159,657. Salaries of State judges of general jurisdiction trial courts averaged \$109,811 and ranged from \$82,600 to \$150,000.

Most salaried judges are provided health and life insurance, and contributions to retirement plans are made on their behalf.

Related Occupations

Legal training and mediation skills are useful in many other occupations, including counselors; lawyers; paralegals and legal assistants; title examiners, abstractors, and searchers; law clerks; and detectives and criminal investigators.

Sources of Additional Information

Information on judges, magistrates, and other judicial workers may be obtained from

► National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23185. Internet: <http://www.ncsconline.org>

Information on arbitrators, mediators, and conciliators may be obtained from

► American Arbitration Association, 335 Madison Ave., Floor 10, New York, NY 10017. Internet: <http://www.adr.org>