

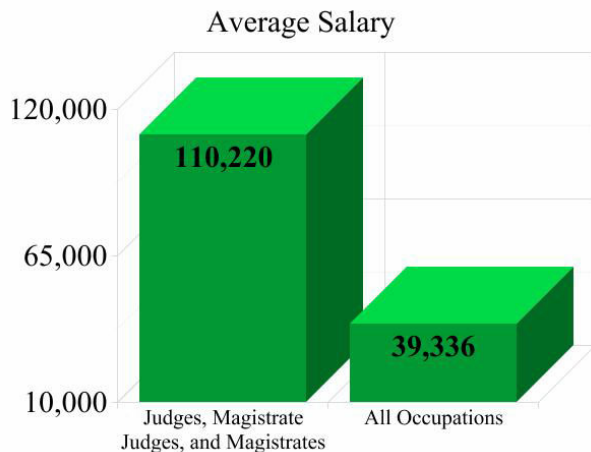
Judges, Magistrate Judges, and Magistrates

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WHAT THEY DO

Judges, magistrates, and other judicial workers apply the law and oversee the legal process in courts. 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. All judicial workers must ensure that trials and hearings are conducted fairly and that the court 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 their clients. Judges rule on the admissibility of evidence and the methods of conducting testimony, and they may be called on 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, judges interpret the law to determine how the trial will proceed.



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 people charged with crimes should be held in jail pending trial, or they may set conditions for their release. In civil cases, judges and magistrates occasionally impose restrictions on 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 cases. In such instances, the judge determines guilt in criminal cases and imposes sentences on the guilty; in civil cases, the judge awards relief—such as compensation for damages—to the winning parties to the lawsuit.

Judges also work outside the courtroom, in their chambers or private offices. There, 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 court's 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 that transcend 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 judges or administrative law judges. Appellate court judges overrule decisions 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 contact with litigants—the people who bring the case or who are on trial. Instead, they usually base their decisions on the lower court's records and on lawyers' written and oral arguments.

Many State court judges hear only 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 these judges, but some States allow them to handle cases involving domestic relations, probate, contracts, and other selected areas of the law.

EDUCATION REQUIRED

Most judges have been lawyers. In fact, Federal and State judges usually are required to be lawyers, which means that they have attended law school and passed an examination. 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.

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 few days to 3 weeks. More than half of all States, as well as Puerto Rico, require judges to take continuing education courses while serving on the bench.

Judges, Magistrate Judges, and Magistrates - Continued

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OTHER USEFUL SKILLS

Judges and magistrates must be appointed or elected a procedure that often takes political support. 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 district courts—to serve in a U.S. district court for 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 to 6 years for some trial court judgeships to as long as 14 years or even life for other trial or appellate court judgeships. 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.

Arbitrators, mediators, and conciliators must have knowledge of different mediation techniques and processes as well as knowledge of dispute resolution methods in order to be able to do their jobs successfully. They also must have good communication and listening skills and the ability to run successful meetings and negotiate a solution to a dispute. The ability to evaluate large amounts of information that are sometimes complex is essential. Good writing skills and technical problem-solving skills also is a must. Arbitrators, mediators, and conciliators who specialize in a particular area, such as construction or insurance, may need to have knowledge of that industry and must be able to relate well to people from different cultures and backgrounds.

HOW TO ADVANCE

Some judicial workers move to higher courts or to courts with broader jurisdiction. Advancement for alternative-dispute workers includes taking on more complex cases, starting a business, practicing law, or becoming district court judges.

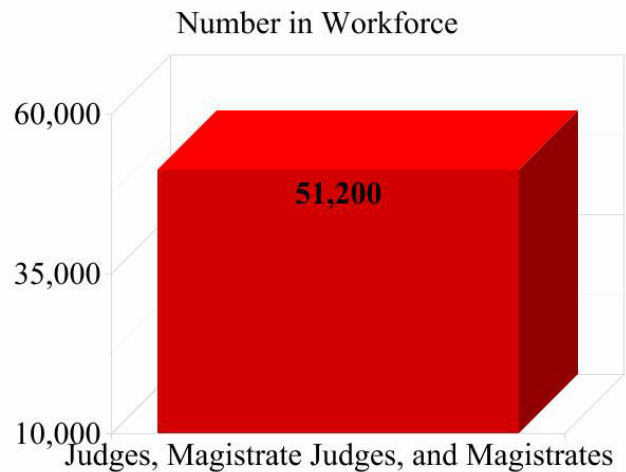
WORK ENVIRONMENT

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.

JOB GROWTH

Overall employment of judges, magistrates, and other judicial workers is expected to grow 4 percent over the 2008–18 projection period, slower than the average for all occupations. Budgetary pressures at all levels of government are expected to hold down the hiring of judges despite rising caseloads, particularly in Federal courts. However, the continued need to cope with crime and settle disputes, as well as the public's willingness to go to court to settle disputes, should spur demand for judges.

Demographic shifts in the population also will spur demand for judges. For instance, the number of immigrants migrating to the United States will continue to rise, thereby increasing the demand for judges to handle the complex issues associated with immigrants. In addition, demand for judges will increase because, as the U.S. population ages, the courts are expected to reform guardianship policies and practices and develop new strategies to address elder abuse. Both the quantity and the complexity of judges' work have increased because of developments in information technology, medical science, electronic commerce, and globalization.



Employment of arbitrators, mediators, and conciliators is expected to grow faster than the average for all occupations through 2018. 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. Demand also will continue to increase for arbitrators, mediators, and conciliators because all jurisdictions now have some type of alternative dispute resolution program. Some jurisdictions have programs requiring disputants to meet with a mediator in certain circumstances, such as when attempting to resolve child custody issues.