



## Acting Judicially—The Ups and Downs and Ins and Outs of Judgeship

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Judging is often not the first career option a law student considers. Most judges are not appointed to the bench until after many years of practice. Thus, attorneys who ultimately obtain judgeships usually begin their careers with other goals in mind. However, considering early on the possibility of judging can enable an attorney to gain the experience necessary to obtain an appointment. Judges are needed at all the court levels described in the previous section regarding judicial clerkships. In addition, many state and federal agencies employ judges to adjudicate various issues. The process of appointing judges is as varied as the court to which they are appointed.

### Advantages of a Judgeship

Judges are in a unique position to directly influence the law, as well as the lives of those who appear in their courtrooms. While a great responsibility, being in a position to adjudicate disputes can be very fulfilling. Rather than representing a client against an adversary, judges are able to act as neutral mediators. Judges who obtain positions in specialty courts, such as a family court, may be able to use their prior experience in a specialty area in a new and exciting way. Because judges need not obtain clients or bill hours, they do not have many of the pressures of traditional law firm jobs. Thus, they can concentrate on determining the correct legal outcome to decisions. Additionally, judgeships also may allow for a somewhat flexible schedule. Often judges, especially at the state court level, have some degree of control over how they schedule their dockets. They may be able to work only a few days a week or leave at a certain time each day. Finally, judges enjoy a great level of prestige. While federal judgeships carry national recognition, state court judges also enjoy a great deal of honor in the communities in which they work. Judges may also have community opportunities to deliver lectures, teach adjunct classes, or participate in university mock court competitions.

### Disadvantages of a Judgeship

One important disadvantage of judging is that judges will usually earn much less than they did at their former careers. Additionally, although judges have a certain degree of flexibility over their dockets, the workload also has the potential of being extremely heavy, especially because the judge has little control over the number of cases that are filed. Along with carrying the heavy weight of responsibility for parties to each case, a judge faces the risk of having his or her decision overturned on appeal. The judge's reputation may be damaged if the judge consistently makes decisions that are unpopular or are later overruled. Depending on the court, a judge may have few colleagues on the bench with whom he or she may regularly converse. Finally, most state court judgeships are not particularly secure. Most states require judges to periodically run for reelection. In such states, a judge may lose his or her job if the political tide has turned. The necessity of maintaining political allies may be frustrating to a person who merely desires to adjudicate disputes.



## Getting a Judgeship

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Getting a judgeship is very difficult, especially at the federal level. Federal court judges are nominated by the President and must have the approval of the Senate before being confirmed. If the President and the Senate are not politically aligned, the process may be long and difficult. Additionally, most federal judges have previously been judicial law clerks, often with the Supreme Court of the United States, and have taught several years at the law school level. The most important feature of a federal judge appointee is that he or she is politically connected. Additionally, he or she must have had a stellar and unblemished legal career. Most federal appointees do not have such strong political leanings that they would offend members of the opposite political party.

State court judgeships are somewhat easier to obtain, although applicants must still be politically connected and have excellent prior legal careers. Judicial clerkships are not required, and in some cases may actually hinder getting a job. Often judges first seek trial court positions and then seek to move into the intermediate appellate or highest appellate court. Thus, those seeking state judgeships would be wise to gain solid trial experience early in their careers, for instance, with a state attorney general or US Attorney's office. Most state court judgeships are initially obtained by election. While it is helpful to have political connections, it is also important to appear as neutral as possible about sensitive topics that may come before the court.

Judges for federal agencies, such as administrative law judges, generally also obtain their positions through political appointment. A career in the specialty area of the agency is just as important as political connections, however. State administrative law judges may obtain their positions by appointment or through the traditional application process used for state government jobs. If a student is interested in judging, it would be useful to talk to as many judges as possible about how they came to obtain their position. A judicial externship is also a wonderful way to learn more about what goes on inside a judge's chambers.