
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 have law degrees, and some are elected.
- Overall employment is projected to grow more slowly than average, but varies by occupational specialty.
- Judges and magistrates are expected encounter competition for jobs because of the prestige associated with serving on the bench.

Nature of the Work

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 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*. 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 only hear 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.

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 workers' 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.

Some people work as arbitrators, mediators, or conciliators instead of as judges or magistrates. They assist with alternative dispute resolution—processes used to settle disputes outside of court. All hearings are private and confidential, and the processes are less formal than a court trial. If no settlement is reached, no statements made during the proceedings are admissible as evidence in any subsequent litigation.

There are two types of arbitration—compulsory and voluntary. During compulsory arbitration, opposing parties submit their dispute to one or more impartial persons, called arbitrators, for a final and nonbinding decision. Either party may reject the ruling and request a trial in court. Voluntary arbitration is a process in which opposing parties choose one or more arbitrators to hear their dispute and submit a final, binding decision.

Arbitrators usually are attorneys or business people with expertise in a particular field. The parties identify, in advance, the issues to be resolved by arbitration, the scope of the relief to be awarded, and many of the procedural aspects of the process.

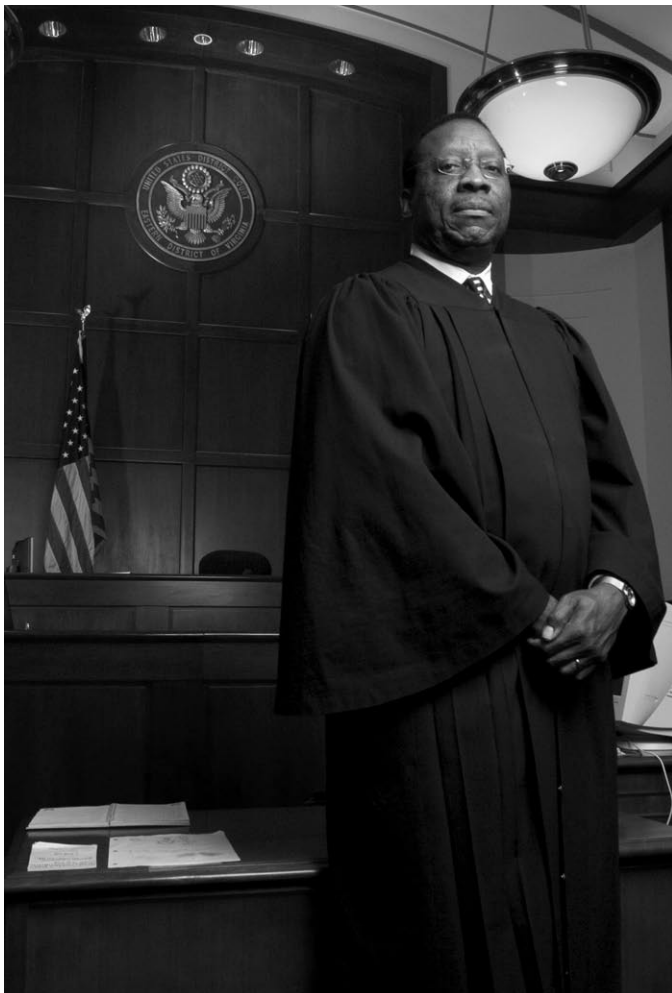
Mediators are neutral parties who help people to resolve their disputes outside of court. People often use mediators when they wish to preserve their relationship. A mediator may offer suggestions, but resolution of the dispute rests with the parties themselves. Mediation proceedings also are confidential 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 share the cost of mediation. However, many mediators volunteer their services, or they may be court

staff. Courts ask that mediators provide their services at the lowest possible rate and that parties split the cost.

Conciliation, or facilitation, 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.

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.

Arbitrators, mediators, and conciliators usually work in private offices or meeting rooms; no public record is made of the proceedings. Arbitrators, mediators, and conciliators often travel to a site chosen for negotiations, but some work from their home. Arbitrators, mediators, and conciliators usually work a standard 35- to 40-hour week. However, longer hours



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might be necessary when contract agreements are being prepared and negotiated.

Training, Other Qualifications, and Advancement

A bachelor's degree and work experience usually constitute the minimum requirements for judges and magistrates, but most workers have law degrees, and some are elected. Training requirements for arbitrators, mediators, and conciliators vary.

Education and training. Most judges have first 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.

Training for arbitrators, mediators, and conciliators is available through independent mediation programs, national and local mediation membership organizations, and postsecondary schools. To practice in State-funded or court-funded mediation programs, mediators usually must meet specific training or experience standards, which vary by State and court. Most mediators complete a 40-hour basic course and a 20-hour advanced training course. Some people receive training by volunteering at a community mediation center or co-mediating cases with an experienced mediator. Others go on to complete an advanced degree or certificate program in conflict resolution at a college or university. Degrees in public policy, law, and related fields also provide good background for prospective arbitrators, mediators, and conciliators.

Licensure. There are no national credentials or licensure requirements for arbitrators, mediators, and conciliators. In fact, State regulatory requirements vary widely. Some States require arbitrators to be experienced lawyers. Some States "license" mediators while other States "register" or "certify." Currently, only four States—Florida, New Hampshire, Texas, and Virginia—have certification programs. Increasingly, credentialing programs are being offered through professional organizations. For example, the American Arbitration Association requires mediators listed on its mediation panel to complete their training course, receive recommendations from the trainers, and complete an apprenticeship.

Other qualifications. Judges and magistrates must be appointed or elected. 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 Fed-

eral 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 or 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.

Advancement. Some judicial workers move to higher courts or courts with broader jurisdiction. Advancement for alternative dispute workers includes taking on more complex cases or starting a business.

Employment

Judges, magistrates, and other judicial workers held 51,000 jobs in 2006. Judges, magistrates, and magistrate judges held 27,000 jobs, all in State and local governments. Administrative law judges, adjudicators, and hearing officers held 15,000 jobs, with 59 percent in State governments, 22 percent in the Federal Government, and 19 percent in local governments. Arbitrators, mediators, and conciliators held another 8,500 jobs. Approximately 29 percent 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.

Job Outlook

Overall employment is projected to grow more slowly than average, but varies by specialty. Judges and magistrates are expected encounter competition for jobs because of the prestige associated with serving on the bench.

Employment change. Overall employment of judges, magistrates, and other judicial workers is expected to grow 4 percent over the 2006-16 projection decade, 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. Also, economic growth is expected to lead to more business contracts and transactions and, thus, more legal disputes.

Demographic shifts in the population will also spur demand for judges. For instance, the number of immigrants migrating to the U.S. will continue to rise, thereby increasing the demand

for judges to handle the complex issues of immigrant legal status. Demand for judges will also increase because as the American 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 about as fast as the average for all occupations through 2016. 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 as 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.

Job prospects. The prestige associated with serving on the bench will ensure continued competition for judge and magistrate positions. However, a growing number of candidates choose to forgo the bench and work in the private sector, where pay may be significantly higher. This movement may lessen the competition somewhat. Most job openings will arise as judges retire. However, additional openings will occur when new judgeships are authorized by law or when judges are elevated to higher judicial offices.

Earnings

Judges, magistrate judges, and magistrates had median annual earnings of \$101,690 in May 2006. The middle 50 percent earned between \$53,920 and \$135,010. The top 10 percent earned more than \$145,600, while the bottom 10 percent earned less than \$29,540. Median annual earnings in the industries employing the largest numbers of judges, magistrate judges, and magistrates in May 2006 were \$117,760 in State government and \$74,630 in local government. Administrative law judges, adjudicators, and hearing officers earned a median of \$72,600, and arbitrators, mediators, and conciliators earned a median of \$49,490.

In the Federal court system, the Chief Justice of the U.S. Supreme Court earned \$212,100 in 2006, and the Associate Justices earned \$203,000. Federal court of appeals judges earned \$175,100 a year, while district court judges had salaries

Projections data from the National Employment Matrix

Occupational Title	SOC Code	Employment, 2006	Projected employment, 2016	Change, 2006-2016	
				Number	Percent
Judges, magistrates, and other judicial workers.....	23-1020	51,000	53,000	2,300	4
Administrative law judges, adjudicators, and hearing officers	23-1021	15,000	15,000	0	0
Arbitrators, mediators, and conciliators.....	23-1022	8,500	9,400	900	11
Judges, magistrate judges, and magistrates.....	23-1023	27,000	29,000	1,400	5

NOTE: Data in this table are rounded. See the discussion of the employment projections table in the *Handbook* introductory chapter on *Occupational Information Included in the Handbook*.

of \$165,200, 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 judges, had salaries of \$151,984.

According to a 2006 survey by the National Center for State Courts, salaries of chief justices of State high courts averaged \$142,264 and ranged from \$102,466 to \$200,613. Annual salaries of associate justices of the State highest courts averaged \$136,810 and ranged from \$100,884 to \$184,300. Salaries of State intermediate appellate court judges averaged \$132,102 and ranged from \$101,612 to \$172,452. Salaries of State judges of general jurisdiction trial courts averaged \$122,559 and ranged from \$94,093 to \$168,100.

Most salaried judges are provided health, life, and dental insurance; pension plans; judicial immunity protection; expense accounts; vacation, holiday, and sick leave; and contributions to retirement plans made on their behalf. In many States, judicial compensation committees, which make recommendations on the amount of salary increases, determine judicial salaries. States without commissions have statutes that regulate judicial salaries, link judicial salaries to the increases in pay for Federal judges, or adjust annual pay according to the change in the

Consumer Price Index, calculated by the U.S. Bureau of Labor Statistics.

Related Occupations

Legal training and mediation skills are useful to those 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 23185-4147.

Internet: <http://www.ncsconline.org>

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

► American Arbitration Association, 1633 Broadway, Floor 10, New York, NY 10019. Internet: <http://www.adr.org>

Information on Federal judges can be found at:

► Administrative Office of the United States Courts, One Columbus Circle, NE., Washington, DC 20544.

Internet: <http://www.uscourts.gov>