

How to Become a Judge?

Written by Administrator
Saturday, 12 October 2013 01:14



The court system, headed by judges, supervises trials and makes sure everything runs smoothly. Judges preside over courts at the local, state, and national levels. They are responsible for making sure that disputes between individuals, or individuals and their government are resolved according to established laws. Courts also are available to protect individual rights from government excess. Judges start out as lawyers, and they typically practice law for a number of years before being appointed or elected as a judge. This article describes the path to obtaining a judgeship...

High status, fascinating issues, great money and perks, no practice-management headaches - what lawyer wouldn't want to be a judge? What lawyer indeed, which is why it isn't an easy gig to get. Supreme court justices and others tell how to improve your odds of donning the robe.

Is becoming a judge a lifelong dream of yours? Or are you thinking, now that you've gotten your law degree or have been out in practice for a while, that you might like to throw your hat in the ring, either by applying

for appointment to a vacant associate or circuit position or by running in a partisan election for state circuit, appellate, or supreme court?

If your answer is "Yes!" you have plenty of company. That's not hard to understand. As Sheila Murphy, formerly a circuit judge for Cook County, says, "If you're a trial lawyer or litigator, you naturally start thinking at some point, 'I could do that!'"

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By all accounts, being a judge is a great job. Says Illinois Supreme Court Justice Anne Burke, "Every day is a challenge and something to love if you're a lawyer. Even more, every day is an honor, because you realize your responsibility to society and, most of all, to the litigants, is being honest and fair in everything that has to do with them."

The salary's not too shabby, either: Justices of the Illinois Supreme Court make \$207,066 annually; appellate court judges, \$194,888; circuit court judges, \$178,835; and associate judges, \$169,893, as of July 1, 2010. Those are the second highest in the country, as a report to the Judicial Salary Resource Center of the National Center For State Courts shows. Add to that great benefits, including outstanding retirement pay, reduced or waived bar association dues, and invitations to lavish banquets, judges' nights, and the like, at which you're an honored, nonpaying guest.

The challenges

But the judging job has its drawbacks, too. "The most difficult challenge is the public life that you lead" as a judge, says Burke.

Your family members may find that challenge even more difficult. Is there something in your background - a nasty lawsuit, perhaps? - that you'd prefer people not to know about?

Judicial aspirants should expect that whatever it is will become public, whether to the general community or only to a bar association judicial evaluation committee, during the evaluation of their candidacy, says Burke. And those who become judges should understand that any examples of poor personal judgment going forward will quite likely be discovered and discussed in their communities and in the press.

If you decide to run for judicial office, you'll have to declare yourself as a member of one or

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another political party and become involved in that party's activities. You'll almost undoubtedly have to raise money, and lots of it, which, it's safe to say, no candidate is comfortable doing.

If you succeed and are assigned to a high-profile case - always a possibility for any judge - or if you make rulings you believe are legally correct but end up being heavily scrutinized or controversial, you and your personal life may become the subject of articles and editorials in the press, or you could end up being targeted by one or more special-interest groups for nonretention.

Some invitations to those fancy fetes may be more obligatory than optional for you as a sitting judge, though you might prefer spending that time off the bench with your family and personal friends. And, though judicial salaries and benefits are guaranteed by law and are significantly greater than what the vast majority of lawyers earn, a few take a pay cut to go on the bench.

Merit v. political selection

Still, there's no shortage of interested, qualified candidates for judicial vacancies, and competition is intense. No matter how qualified the lawyer, an eventual judge-ship is never guaranteed.

"Anyone who thinks 'I'll be a judge someday because I'm at the top of my law school class and everyone knows I'm smart' is very naive," says Chief Judge Michael McCuskey of the federal district court for the Central District of Illinois. Lawyers can, however, take steps to position themselves so as to enhance their chances of being favorably considered for appointment or slating for judicial positions, as McCuskey and other sitting and former state court judges told the IBJ.

As several judges pointed out, Illinois selects its state court judges through both "merit" selection and partisan elections. Circuit judges are chosen by popular election, while associate judges are appointed after submitting applications to the circuit judges for their circuit.

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Additionally, when a circuit judge vacancy occurs mid-term, the supreme court justice (or justices, in the case of Cook County) for that circuit will nominate a candidate for the full court to appoint to serve for the remainder of that position's term.

Newspaper editorials supporting merit selection to the contrary, McCuskey says, "I don't think you get to either job solely on merit. One system is not necessarily better than the other." Having been elected to state circuit and appellate courts before his presidential appointment to his current position, McCuskey says, "I've seen a lot of great judges elected and a few bad apples. The same goes for those appointed."

Appointment to the bench

The application. If you're seeking an appointment as an associate judge in any circuit, you'll have to fill out a written application form, obtainable from the Illinois Supreme Court (see sidebar). The comprehensive 16-page application, available from the Administrative Office of the Illinois Courts, requires candidates to disclose such matters as whether they've ever received treatment or counseling for alcohol or substance abuse; any mental or physical disabilities that might prevent them from carrying out judicial duties; all continuing legal education attended within the last five years; full citations to all published articles on legal matters; their own and their spouse's business interests; whether they've ever been personally involved in any litigation, disciplinary, or criminal matters; whether their professional conduct or ability has ever been criticized in a written opinion by a judge or tribunal, or the subject of a complaint before any disciplinary authority; whether their law licenses or right to practice law have ever been denied, revoked, or suspended; the names of judges and adversaries with knowledge of their character and abilities, including the cases which they and the candidates handled; and any community service they've performed.

Candidates must also sign releases authorizing the Illinois Attorney Registration and Disciplinary Commission to disclose all records and information they have about the candidates to the circuit court and any screening committee the court designates, and authorizing the disclosure of all records about them to the Illinois State Police.

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Cook County. If you're interested in applying for an associate judgeship in Cook County, says Cook County Circuit Judge William Haddad, who as a trial lawyer helped organize the Suburban Bar Coalition of Cook County in 1998, combining judicial evaluations of the five suburban bars, understand that the circuit court of Cook County uses a different procedure from other circuits for selecting associate judges.

Haddad explains that when the number of associate judge vacancies reaches a certain point, the court will announce that it is accepting applications. A nominating committee of circuit judges, appointed by the chief judge and likely to include senior judges and the presiding judges of the court's different divisions, vets the applicants and selects double the number of open positions as final-ists, known as the "double list." All of the circuit judges then vote, and half the number of finalists are selected as circuit judges.

Appointment to the circuit court. Those wishing to be considered for appointment by the supreme court to open circuit judge positions are usually required to fill out applications similar to those for associate judge. Three justices-Garman, Karmeier, and Kilbride- announce and conduct an application process for open vacancies, and five of the seven supreme court justices use their own committees to screen candidates for those vacancies. (Freeman and Thomas do not use screening committees)

Bar association evaluations. The application process doesn't end there, whether you're looking for appointment or election. You'll be expected to submit a similarly lengthy and comprehensive application to the judicial candidate evaluation committees of the various bar associations, general and specialized, and they will evaluate your qualifications.

Ignoring them will guarantee a rating of "Not Recommended," which may not torpedo your

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odds of winning a partisan election but, if coming from one or more of the large general bar associations such as The Chicago Bar Association, the Cook County Bar Association, or the Women's Bar Association of Illinois, will likely be the kiss of death for your chances of an appointment. "It's very difficult if you don't get the approval of the bar evaluation committee," acknowledges Chief Justice Thomas Fitzgerald of the Illinois Supreme Court. (For more on the bar association judicial evaluation process, see LawPulse on page 450.)

Associate aspirants - get in front of the circuit judges. McCuskey's advice on becoming an associate judge in any circuit is succinct: "The number one qualification is to be regularly in front of trial judges." When lawyers appear before judges day after day, he says, judges naturally get to know and become comfortable with them.

Federal Judge Wayne Andersen of the district court for the Northern District of Illinois, who previously served as a circuit judge in Cook County, agrees. "The circuit judges elect the associate judges. So make sure as many circuit judges as possible know you and feel comfortable with your qualifications."

How can lawyers get to know the circuit judges in their circuits? Argue motions and try cases, for one thing. Putting in some time as an assistant state's attorney or an assistant public defender can give lawyers a leg up, since lawyers in those positions typically spend most of their time in court. Absent that experience, Andersen suggests making a list of circuit judges in the circuit where you practice and doing what you can, through bar association work or other activities, to spend one-on-one time with as many as possible.

Associate judge aspirants in Cook County should tailor McCuskey's advice to that circuit's procedures. Because a nominating committee winnows the candidate pool, Andersen advises aspirants to "focus on the judges likely to be on that committee. But you should also make a point of meeting as many circuit judges as possible. Make the rounds of the people you know, but also get out of your normal area of practice."

Those rounds will necessarily require considerable travel, since the circuit has many satellite court houses in addition to the major facilities at the Daley Center and 26th and California, and

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it's not unusual to see associate judge finalists in Cook County wearing buttons printed with their names as they make their whirlwind tour. To make your countywide travels more efficient, Andersen says, "You can figure out where clusters of judges are. Also, systematically try to meet judges from different areas so that they'll know what your qualifications are."

Try, try again. Don't be discouraged if, like Illinois Supreme Court Justice Thomas Kilbride, your first, or second, or even third application for associate judge is unsuccessful. "Most applicants fail the first time they make the effort," says Andersen. "Failure is a normal prequalification to success."

For the most qualified of candidates, a favorable result usually takes between two to five years, he believes. "So start early. Your efforts should be cumulative."

Join the party

Though lawyers may obtain circuit judge positions by midterm appointment, those appointments will last only for the remainder of the position's term. Court-watching cognoscenti infer that many circuit judges time their retirements so that a properly groomed and anointed successor can be appointed by the supreme court and will have the advantage of running as a sitting judge. To keep those positions, lawyers will then have to run in and win partisan elections, and, in fact, are generally expected to do so by the justices making those appointments.

Those elections require time, money, and effort. Says McCuskey, "There's no automatic victory because you wear a robe. You may be beaten in a primary by a lawyer who works hard to get elected." And the stakes are high: "If you lose, you're going to be back on the job market," cautions Fitzgerald. (For more about running for judge, see LawPulse at page 449.)

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As Andersen advises applicants for associate judge positions, McCuskey says those who intend to run for elective judicial office should start early. "Don't show up for your first political event and say you're running for judge. Most people in that room will be offended if you haven't been there in the past, meeting and helping others before you run for the big job." That's only common sense: "Why should the political system go out of its way to help you to be elected if you've never done anything for it?" he asks.

Laying the groundwork for your own run may include contributing money to or working on others' political campaigns, as well as serving in the party of your choice as a committeeman or precinct captain. McCuskey says he became involved in campaigns right after graduating from law school. "When I ran the first time, a lot of people knew me because I was sitting in the back of the room so many times before."

Unlike McCuskey, Supreme Court Justice Rita Garman says she'd never thought of running for judge or any other office. But when a circuit court judge asked her why she, then an associate judge in east central Illinois, didn't run for a vacancy arising from another judge's retirement, she decided to do so.

"I didn't really know anything about politics, but when you run for judge you know who your opponents are or could be because they have to be lawyers, and you know the lawyers because you're a judge. So I went around to the lawyers in the community whom I respected, told them I was going to run, and asked them if they would support me. They said yes. That turned out to be a good thing to do, because the people who are supporting you probably aren't going to run against you."

Garman and others emphasize the importance of being known in the community of voters. "I had a calendar. I looked at newspapers and found out there and from people I knew about community events at which a lot of voters would be likely to be present. Then, I'd go there and introduce myself."

Advises McCuskey, "Be a joiner. You have to have people to knock on doors and ask others to vote for you. The more people you know, the better chance you have of success."

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Shoe leather

In Cook County, both the county as a whole and most judicial subcircuits have strong party identities that, as a practical matter, require candidates to run as members of the dominant political party for their candidacies to be viable. Down-state, on the other hand, though a candidate for circuit judge must choose a party with a realistic chance of success in that particular circuit, "It matters less what party you are than who you are and what kind of a reputation and experience you have," says Garman.

"A lot of shoe leather gets the job done," says Kilbride. "You want to go door to door, talking to people and bringing your campaign to the citizen voters."

Kilbride and Sheila Murphy emphasize taking a campaign to the voters. "Be independent," Murphy says. "People like a judge to represent all of the people."

Kilbride says, "Tell them you can do a job of fairness. Lawyers want a level playing field. They don't want judges who are predisposed. Hopefully, that's what all interest groups and voters should want."

When he ran, Kilbride says, he told voters who asked about his politics, "My plan is to win this election. If I'm on the bench and you come into my courtroom, would you want my bailiff to pull your voting record before I heard your case?' Of course not. Once we get elected, we put on a black robe - not blue or red."

Murphy says candidates already on the bench should realize that voters appear before them every day. "When you're on the bench, you get there first. Be early and be on time."

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The importance of peer approval

If there's a single most important recommendation from all the judges interviewed for would-be judicial candidates, it's to pay attention to how you comport yourself every day of your life. Noting the importance of peer approval, Fitzgerald says, "That is the one thing that you can to some degree control, because you can control your own conduct."

The same advice applies for getting voter approval. "Your reputation is being formed by your conduct from day one," says Garman. "You're going to earn it, one way or another. If you're a solid practitioner, those things will build. If you're not, you end up with a reputation you're trying to get away from."

Chief Justice Fitzgerald has some special advice for lawyers who doubt their abilities to be good judges. "Good for you. You should have self-doubt. I hope you can hang onto it, for it's a worthwhile thing to have." Too much self-confidence is not a good thing, Fitzgerald says. "One of the most important character traits to have as a judge is a good dose of humility. You should recognize that the job is one of service, not one of reward."

Is the job of a judge worth the considerable time, effort, and, often, money it takes to get there? All judges interviewed unhesitatingly say it is.

"The greatest thing about being a judge is that you're not an advocate for either side. You're able to look at both sides, look at all the facts, and provide a level playing field for litigants to resolve issues that have been very troubling to them and move on," says Garman.

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