

Judicial Q&A

Q: What is a judge's role in the court system?

A: Judges are similar to referees in that they make sure everyone is following the rules of procedure. They make calls based not on what they personally think is right, but on how the law applies to the facts of a case.

Q: How are judges selected?

A: It varies. There are two court systems: federal and state. Federal judges are appointed. State judges, on the other hand, may be appointed or elected, depending on the state. In some states, lawyers become judges by appointment, but have to win retention elections to stay in office. For more on state judges, please visit the National Center for State Courts, www.ncsconline.org, or inquire with your state bar association.

Q: Is it better to appoint or elect judges?

A: There are different schools of thought on this point. Some prefer to elect judges because they believe it makes judges more responsive to the needs of the masses, as they will not be able to earn or retain their offices without the popular vote. Others prefer appointed judges because it ensures impartiality—preventing them from having to engage in politics, raise money, or state their positions on debated issues, before their appointment and during their term.

Excerpt from the ABA's Family Legal Guide, Third Edition.

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