

13

By Evan Gutman CPA, JD (2002)

IN DEFENSE OF JUDGES

Throughout this book, it will become quite apparent (particularly in the Sections where I analyze State Supreme Court decisions regarding the Bar admissions process) that I'm rather critical of the irrational thought processes and opinions of Judges. In all fairness, I therefore felt that before intellectually tearing apart their opinions, and logically demolishing their hyper-sensitive, fragile egos, I should provide a few words in their defense and in their favor. I now do so.

It's a crappy deal to be a Judge. Considering the amount of training, intellect and hard work required, the pay is really lousy. Any good Judge could earn more money in the business world. A Judge is almost certain to have a large number of people disliking them, since any case that does not settle, results in one party being the loser. The loser will hold the Judge responsible. In a case involving a societal issue of significant consequence, a Judge could easily make thousands of political adversaries at one time, just by rendering a decision that they honestly believed was correct.

Judges have an immense degree of power in one respect, and yet in another respect are much more helpless than the average member of society since their job entails a lonely existence. They can't openly discuss what they do at work on any given day. They have to watch every single little thing they say or run the risk of being accused of bias or prejudice. Their supporters will never be as vocal as their adversaries. Since it is impossible for a person to be correct all the time, they have to be prepared to endure feelings of internal guilt in those instances when they try to make the right decision, but make the wrong one, resulting in pain and anguish to another person or group. They are destined for sleepless nights, second-guessing, internal guilt, the impossibility of doing the right thing in certain cases, mistrusting those around them, a lack of appreciation from the public even when they act courageously, an inability to enjoy life to its fullest, and ultimately total loneliness. At best, they'll receive some verbal adulations and expressions of appreciation on the day they retire after decades of public service. At worst, they'll retire with the internal feeling and belief that no one ever liked them or appreciated them.

For those that do choose to serve on the bench, they are not selecting merely a career, but rather instead an entire lifestyle. The bench follows a Judge every single hour and minute of their life. They're thinking about it when they're sitting at home with family members as the issues pertaining to some case are lurking in the back of their mind. They think about the bench when they wake up, go to sleep, and while they're sleeping. The bench quite simply put, never leaves the Judge. There are seven days in a week and 24 hours in a day, which equals 168 hours per week. That's what a person signs up for when they become a Judge. A 168 hour work week, which calculates to an absolutely horrible hourly rate.

It is undoubtedly a crappy deal. But that's life. No one is forced to become a Judge. And once they do, the general public demands a lot. Society is wholly unconcerned about what the Judge can do for other attorneys and the State Bar. Society wants and demands one thing only from the Judge. It wants the Judge to render rulings in the best interest of the litigants and general public, in accordance with the rule of law. The impact of any ruling or decision on the attorneys involved, is of negligible concern or importance to the public. If the Judge is faithful to the public they are simply viewed as having done their job, and there is no need for expressions of appreciation. Conversely, if the Judge fails to do so, society views the Judge as contemptible.

There are two alternative reasons an individual decides to be a Judge. First, a person may become a Judge because they want the power. Such individuals are what is known in technical legal terms as “morons.” Their motivations will ultimately become uncovered by their peers, and the result of their career will be pure personal misery. The second and hopefully more common reason, is not quite as straightforward or easy to explain. It consists of the Judiciary, the bench, the rule of law, respect for reason and rationality coupled with an equal respect for passion, a sense of injustice, and a desire for justice, being embodied within the individual’s blood, heart, and soul. These are the individuals that have a burning desire to improve society and help the litigants with whom they identify. They become the Great Judges. They deserve the unwavering support of the general public. They deserve to have society place total faith and confidence in them, and they deserve to have the general public protect their respect when such is under an unwarranted political attack that is devoid of reason or logic. They deserve appreciation and respect from the litigants and the general public. But sadly, wrongly and unfortunately, they probably won’t get it because that’s not how society works.

It’s a crappy deal to be a Judge.