

Who gets to be a judge? Are some ways of choosing judges better than others?

How judges are chosen affects how fair and impartial they can be. The main duty of every judge is to understand the law and to apply the law correctly and fairly. A good judge is smart, kind, fair, and has a lot of experience with the law and courts in Alaska. Sometimes, judges must make decisions that are legally correct but might not be popular. A judge is supposed to apply the law correctly every time, even if other people might not agree with their decision.

Some states elect judges by popular vote. This gives people a direct voice in who gets to be a judge. But it also means that judges always have re-election in the back of their minds when they are making decisions about the cases in front of them. Even if elected judges try hard to be fair, in order to get re-elected, they have to worry about whether their decisions will be popular just as much as whether those decisions are fair and right. An elected judge may fear that they will lose their job by making an unpopular decision, which could result in hesitation to do so. If judges are elected, it also means that who can be and stay a judge depends in part on how much money a person has or can raise. This can turn judges into politicians, who often make decisions based on politics and money instead of the law.

In other states, the governor or another elected official chooses who becomes a judge. This eliminates the need for judges to be influenced by election politics and money. But an elected politician has good reasons to choose judges for political reasons rather than to choose judges who are the most well-qualified and evenhanded; for example, the governor might focus on cherry-picking judges who are likely to agree with controversial laws they hope to pass, even if they are not experienced or knowledgeable about the law.