

## It's Hard Out Here for a Judge, Or Is It?

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In a recent survey performed by AOL Jobs using statistics provided by the Bureau of Labor Statistics, the job of judge was rated one of the best "lifestyle jobs" (those that pay above average but which require fewer hours than average). According to the survey, judges work an average of 37.2 hours a week and have a median annual income of \$119,270. But the study left out some of the perks besides the hours and wages. Let's face it—how many other jobs let you show up for work in a robe, sit up higher than everybody else, and require everybody to stand up whenever you enter and exit? See if you get that treatment at your cubicle tomorrow. And let's not forget about that neat little gavel thingy. In fact, there are a lot of advantages to being a judge, as the following examples illustrate:

### You Can Rhyme If You Want To

How many jobs other than rapper let you bust some rhymes at work? For Pennsylvania Supreme Court Justice J. Michael Eakin (about whom I've written before), it is a regular feature of life on the bench. Justice Eakin recently issued the latest of his rhyming opinions, this time reversing the insurance fraud conviction of a guy who opened a bank account with a forged State Farm check:

"Convicted of the forgery, insurance fraud, and theft,  
he admits the first and last, but denies the charge that's left.  
Just because the bogus check shows an insurance company's name  
doesn't make the crime insurance fraud—it's simply not the same."

Well done, Justice Eakin—what other job would let you combine sound legal reason and iambic pentameter?

### You Can Show You're Human Like Everybody Else

Who hasn't made a Freudian slip from time to time? Judges are no different. Just ask Madam Justice Faye McWatt of the Ontario Superior Court in Canada. Just before a Toronto jury exited her courtroom to begin deliberating the cocaine-trafficking charges against defendant Prinze Wilson, the judge cautioned the jury to acknowledge the presumption of innocence, saying "It is only defeated if and when Crown counsel has satisfied you beyond a reasonable doubt that Mr. Guilty—I'm sorry, that Mr. Wilson—is guilty of the crimes charged." Oops! Did that little slip of the tongue influence the jury, which subsequently convicted Mr. Wilson? Or was it simply an innocent faux pas? Wilson's lawyer, Crystal Tomusiak, has appealed her client's conviction, saying the judge should have ordered a mistrial or given the jury an instruction to disregard the gaffe of referring to the defendant as "Mr. Guilty." The Ontario Court of Appeal is expected to rule later this year.

### You Can Let People Know That You Don't Take Any Crap

Judge Jed Rakoff, a federal judge in New York, has presided over very high profile cases during his tenure on the bench. So it is understandable if he exhibited a little frustration in a recent case that involved, well, kitty litter, to be precise. Church & Dwight Co., the maker of Arm & Hammer products, took issue with what it contends is false advertising by the Clorox Company in a commercial for Clorox's Fresh Step cat litter. After an evidentiary hearing, Judge Rakoff granted an injunction in favor of Church & Dwight Co., preventing the continued airing of the commercial in question. The judge particularly criticized the reliability of Clorox's in-house "jar tests" supporting its claims that its carbon product eliminated the odor of cat crap better than Arm & Hammer's baking soda. Judge Rakoff called it "highly implausible that eleven panelists would stick their noses in jars of excrement and report forty-four independent times that they smelled nothing unpleasant." In other words, this case didn't pass Judge Rakoff's smell test (and I'm pretty sure the job of "cat crap smell tester" came in way down on the AOL Jobs survey).

### You Get to Decide Wacky Lawsuits

Oh, where do I begin with this one? There is the legal dispute between Bikram Choudhury (founder of Bikram Yoga) and three yoga studios (including New York's Yoga to the People, Inc.), claiming that the yoga studios have violated his copyrighted yoga poses. The defendants argue that yoga poses can't be copyrighted, and the U.S. Copyright Office recently agreed. Copyright authorities ruled that yoga poses and moves are exercises rather than choreography (which can be protected). If I were the judge ruling on this matter, I'd have to say that yogi Choudhury's argument is too much of a stretch (insert rimshot noise here). But there are so many more crazy lawsuits to choose from, like the Michigan woman who is suing the makers of the movie "Drive" (with Ryan Gosling) because, well, she was expecting more driving in the film itself. Then there is the California woman who's sued Chuck E. Cheese for \$5 million, claiming the popular establishment's games are actually an illegal form of gambling that gets kids addicted. We also have the success-obsessed New York mom who's sued a private preschool, saying that its curriculum has seriously damaged her 4 year-old's chances of getting into an

Ivy League university. My favorites are the adult children (ages 20 and 23) who have sued their mother for allegedly sub-standard mothering. Their list of "grievances" includes "playing favorites," sending cards without gifts, and not sending care packages to them at college. Boy, would I love to be the judge who imparts a cold dose of reality to those two!

Sure, most judges have sacrificed lucrative pay in the private sector for the sake of public service. But just look at the benefits.