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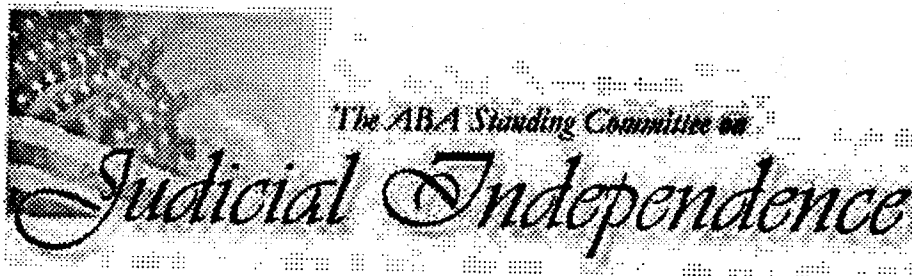
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About The ABA Standing Committee on Judicial Independence

What is Judicial Independence?

Simply put, judicial independence is the fundamental principle of our democratic republic that provides for a judiciary free from partisan influences; a judiciary that impartially and fairly applies the facts of a case to the applicable law.

Our country's Founding Fathers created a system of government unique in its design and devoted to protecting the rights and liberties of all. The three branches of government each have specific duties and responsibilities and a system of checks and balances was created to ensure no single branch would dominate the government. A crucial part of this governmental structure is an impartial judiciary. Recognizing the importance of this governmental structure, each state has a similar system through their state constitutions.

Ours is a government of laws, not men.

The rule of law is a fundamental concept of our government. It allows all our citizens to enjoy the liberty and freedoms promised by our state and federal constitutions and protects against tyranny of the majority. By interpreting state and federal constitutions, the judicial branch checks the will of the legislature and executive, to ensure that all citizens, whether part of the majority or not, are allowed equal access to all rights and liberties guaranteed them.

Neutrality as a Cornerstone

A judge's impartiality and ability to interpret and apply the laws fairly are integral to the administration of justice. That impartiality, though, is called into question when political pressure is brought to bear on a judge in order to assure a particular ruling. In the words of Supreme Court Justice Anthony M. Kennedy, "The law makes a promise—neutrality. If the promise gets broken, the law as we know it ceases to exist. All that's left is the dictate of a tyrant, or perhaps a mob."

Critique of judicial decisions is an essential component of self-government. No one is served, though, by special interests promoting narrow agendas through unwarranted, inappropriate criticism of judges. As stated by Tennessee Supreme Court Justice Adolpho A. Birch, Jr., "Judicial

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independence is the judge's right to do the right thing or, believing it to be the right thing, to do the wrong thing."

There are checks on the judiciary and channels to correct improper decisions. The appeal process affords litigants the opportunity to challenge a judicial ruling. The legislative process is the proper way to change a particular law. Judicial disciplinary processes permit the removal of judges who violate ethical requirements.

The ABA's Role

The American Bar Association has long been dedicated to the promotion and protection of an impartial judiciary. In 1997, the ABA formed the Standing Committee on Judicial Independence. The Standing Committee was created to promote public awareness about the values of an independent, accountable and efficient judiciary and to assist in responding to unwarranted criticism. The Standing Committee has a particular focus on state and local judiciaries. The Standing Committee has cosponsored a model plan on how to respond to judicial criticism, which has been distributed to state and local bar associations across the country. The model plan provides information on when it is appropriate to respond to unwarranted criticism of a judge, and provides a plan as to how that response should be handled. In addition, the committee has produced a short video on the same subject.

Supported by the Open Society Institute, the Standing Committee is working with state and local bar associations to increase public awareness of the importance of an independent judiciary. Under development is a comprehensive model of public awareness activities, which incorporates speakers bureaus, radio and print ads, secondary school outreach, a website, and cooperation with other organizations such as the League of Women Voters. The Standing Committee is also addressing judicial selection issues and developing Standards on Judicial Selection.

The eleven member committee is composed of judges, lawyers, legal academics and business and political leaders.