

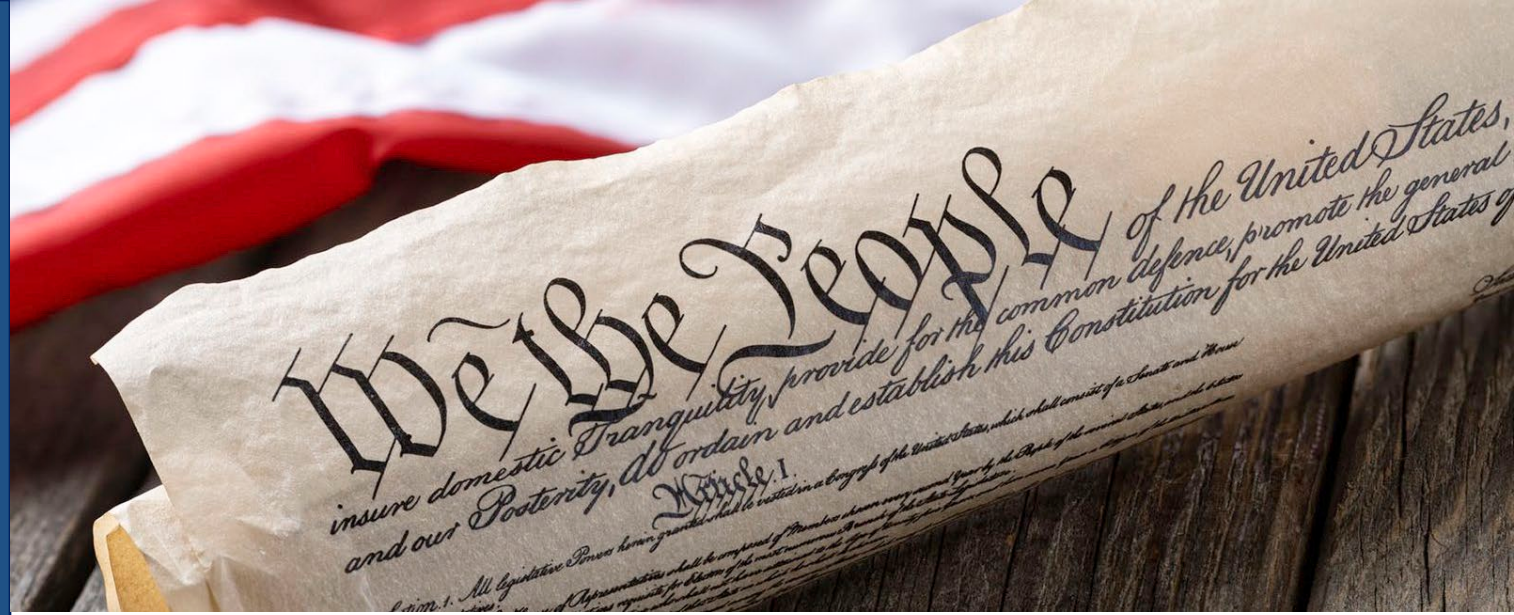
COURTS AND CIVILITY

**Understanding the Rule of Law
and Judicial Independence**



HOW DOES OUR GOVERNMENT WORK?

The U.S. Constitution Establishes
Three Co-Equal Branches



In writing the U.S. Constitution, the Founders made good on their commitment in the Declaration of Independence to create a government in which “We the People” are governed by a system of laws.

The first three articles spell out the three main branches of the U.S. federal government:

Article I – The Legislative Branch

Establishes the structure and powers of Congress, including the House of Representatives and the Senate.

Article II – The Executive Branch

Defines the powers and duties of the President and describes the process for electing a President.

Article III – The Judicial Branch

Establishes the Supreme Court and other federal courts.

WHAT IS THE RULE OF LAW?



“The Rule of Law requires that legal rules be publicly known, consistently enforced, and evenhandedly applied.”

—U.S. Supreme Court Justice Sandra Day O’Connor

WHY IS THE RULE OF LAW IMPORTANT?



- ★ Equal Treatment and Accountability
- ★ Open and Transparent Process
- ★ Predictable and Uniform Application of Laws
- ★ Security, Order, and Stability

THE RULE OF LAW PROTECTS RIGHTS AND AFFORDS DUE PROCESS

Fundamental Rights

- ★ Freedom of Speech, Religion, Press, and Assembly
- ★ Right to Equal Protection
- ★ Right to Vote
- ★ Right to a Trial by Jury
- ★ Right to a Speedy Trial
- ★ Right to Bear Arms
- ★ Right to Be Free from Unreasonable Search and Seizure
- ★ Right to Be Free from Cruel and Unusual Punishment

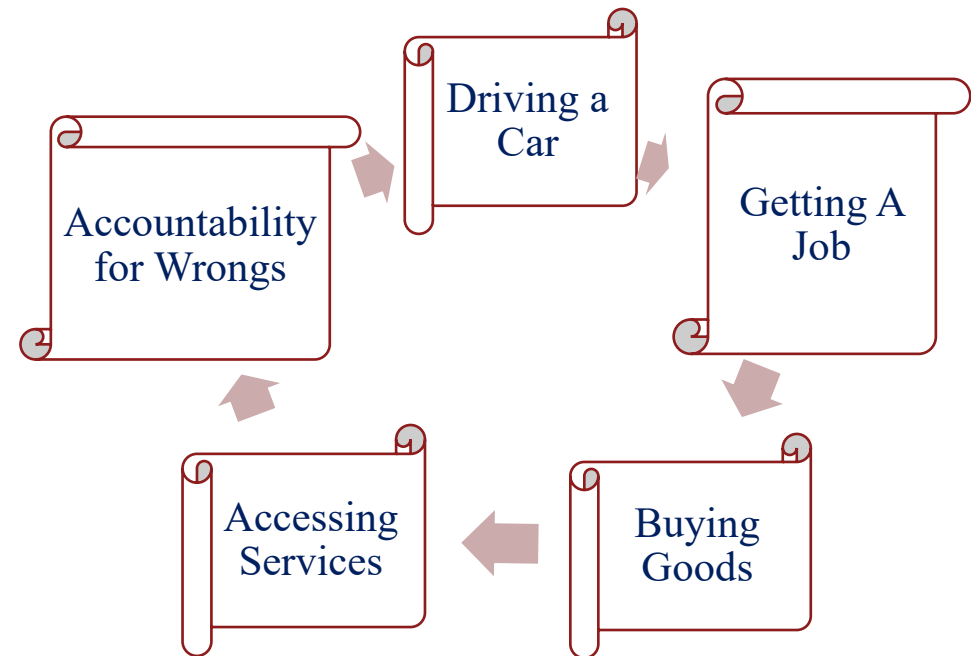
Due Process and Access to Justice

- ★ Due process is the **right to notice** and an **opportunity to be heard** by a fair and impartial decisionmaker.

HOW DOES THE RULE OF LAW AFFECT ME?



Everyday interactions are shaped by the public's respect for the rule of law, including:



WHAT IS THE ROLE OF A JUDGE?



- ★ Decides cases and controversies
- ★ Interprets the law
- ★ Decides if the law is constitutional
- ★ Applies the law to individuals and the government
- ★ Authors opinions and ensures that proceedings are transparent

ARE THERE LIMITS ON THE ROLE OF A JUDGE?



- ★ Judges cannot pick which cases to decide or which laws to apply
- ★ Judges are constrained by the facts and law before them
- ★ Judges' decisions can be reviewed by another court
- ★ Judges must protect people from arbitrary exercises of government power
- ★ Judges must make decisions without regard to partisan interests or public influence

WHAT IS JUDICIAL INDEPENDENCE?



Judicial independence refers to the freedom of judges from outside influence or control, allowing them to make impartial decisions based on the facts and law, without fear of political or personal consequences.

It ensures that the judiciary is free from interference by other branches of government or private interests, which is crucial for upholding the rule of law and protecting individual rights.

How Do COURTS MAINTAIN JUDICIAL INDEPENDENCE?



- ★ Life tenure allows judges to make unpopular decisions on controversial issues without political and social pressure.
- ★ Appellate review ensures that judges can make their decisions with the knowledge that another or later court can clarify or correct an error.

WHAT ACTIONS THREATEN JUDICIAL INDEPENDENCE?



- ★ Physical and verbal attacks
- ★ Undue criticism of a court's authority to adjudicate the law with finality
- ★ The public's loss of confidence for the work of the courts
- ★ Failing to adhere to a judge's decision
- ★ Being uninformed about the judicial system

PROMOTING CIVILITY AND CIVIL DISCOURSE

Civility

Civility is claiming and caring for one's identity, needs and beliefs without degrading someone else's in the process.

—Institute for Civility in Government

Civility is fundamental to the rule of law's commitment to consistently enforcing and evenhandedly applying the law.

Civil Discourse Includes:

- ★ Disagreeing without disrespecting
- ★ Listening and seeking common ground
- ★ Being present
- ★ Asking questions
- ★ Building relationships
- ★ Practicing empathy and understanding
- ★ Staying open-minded

HOW CAN I ENGAGE IN CIVIC LIFE?

*“We have a complex system of government.
You have to teach it to every generation.”*

—U.S. Supreme Court Justice Sandra Day O’Connor



- ★ Promote civics education
- ★ Register to vote
- ★ Work the polls
- ★ Tour your local courthouse
- ★ Write to your representatives
- ★ Run for office
- ★ Combat misinformation and disinformation
- ★ Serve as jurors and witnesses
- ★ Follow the law
- ★ Strive to understand the law and legal system
- ★ Hold elected officials accountable
- ★ Champion a fair, accessible, and independent legal system
- ★ Encourage open and transparent government processes
- ★ Ensure that those who violate the law are held accountable

RESOURCES

Promoting the Rule of Law, Judicial Independence, and Civility



American Bar Association,

[*What is the Rule of Law*](#)

Administrative Office of the U.S. Courts,

[*Understanding the Federal Courts*](#)

Bolch Judicial Institute,

[*How to Respond to Attacks on Judges and the Judiciary*](#)

Civics For Life,

[*The Fundamentals of American Democracy*](#)

Federal Judicial Center,

[*Inside the Federal Courts*](#)

U.S. Courts,

[*Rule of Law*](#)

[*The Federal Courts and You*](#)

[*Court Shorts: Rule of Law*](#)