

BERKS COUNTY BAR ASSOCIATION BOARD OF DIRECTORS STATEMENT ON JUDICIAL INDEPENDENCE

In light of recent, critical comments by the President of the United States directed at members of our judicial branch of government while litigation was pending, and in light of the fact that judges who have been criticized, by rule, are not permitted to respond publicly, the Board of Directors of the Berks County Bar Association has decided that it is appropriate to issue this statement in support of our Federal Constitution.

Under our Constitution, we are governed by three co-equal branches of government: legislative, executive and judiciary. Our Founding Fathers established a separation of powers among the three branches. In doing so, due deference and respect must be accorded to the judiciary and to individual judges in the performance of their duties. All federal judges take an oath of office to “administer justice without respect to person, and do equal right to the poor and to the rich” and to “faithfully and impartially discharge” all judicial duties. 28 U.S.C. §453. Additionally, the Code of Conduct for United States Judges requires federal judges to “uphold the integrity and independence of the judiciary” and to “avoid impropriety and the appearance of impropriety.”

Public faith and confidence in the integrity of federal and state judges is critical to the effective functioning of our courts. To have elected officials or officers and employees of the executive branch make accusatory comments jeopardizes judicial independence and the rule of law, concepts that lie at the very foundation of our Republic.