

CONFERENCE OF CHIEF JUSTICES

Resolution 5

Reaffirming the Critical Importance of Judicial Independence and the Rule of Law

WHEREAS, the judiciary is a co-equal branch of government; and

WHEREAS, judicial independence is fundamental to the protection of the rights granted under both federal and state constitutions and statutes, and to the rights protected under the common law; and

WHEREAS, judicial independence is fundamental to both the rule of law and to the preservation of the checks and balances among the various branches of government; and

WHEREAS, the rule of law requires a legal system in which disputes are timely and impartially decided by courts in accordance with principles arising from constitutional, statutory, and common law; and

WHEREAS, the rule of law requires that court decisions, even where they may reasonably be subject to fair criticism, must ultimately be respected as binding and followed by all; and

WHEREAS, judicial independence requires that the judiciary be appropriated funds by the Legislature and Executive branches that are adequate to permit the judicial branch to fulfil its constitutional and statutory responsibilities; and

WHEREAS, judicial independence and the rule of law require that the appropriation of funds for the judicial branch not be influenced or affected by the outcome of court decisions; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices reaffirms the importance of judicial independence and the rule of law and recognizes that together they preserve a just, decent, and prosperous society that respects and protects the rights of all.

Adopted as proposed by the CCJ Judicial Selection and Compensation Committee at the Conference of Chief Justices Midyear Meeting on February 5, 2020.