



NAPD STATEMENT ON THE IMPORTANCE OF JUDICIAL INDEPENDENCE

The National Association of Public Defense (NAPD), an association of over 14,000 public defense professionals, issues the following statement in response to recent events that represent an assault on the fundamental principle that an independent judiciary is critical to a free society:

Canon 1 of the ABA's Model Code of Conduct (2007) states that "A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

NAPD affirms this principle set out in the Model Code. An independent judiciary is vital to the operation of a fair and impartial criminal justice system in which persons brought before the court can have confidence. Courts must be free and impartial when reviewing cases and rendering decisions. Judges must be free from outside influences or political intimidation both in considering cases and in seeking the office of a judge. Only judges who are insulated from intimidation and pressure can fairly administer justice. Judges must be free from pressure that they will be fired, sued, recalled, or rendered ineffective in reaction to an unpopular ruling. Judges who are in a jurisdiction where they are elected must not be looking over their shoulders to determine popular opinion when reaching vital life and death decisions. Judges must be able to render impartial decisions based upon all the facts when making decisions about pretrial release, when ruling on motions, when making a decision to grant probation or not, and when engaging in sentencing.

NAPD calls upon its members and the legal profession to confront a threat to judicial independence wherever and whenever it manifests itself. Whenever genuine threats to judicial independence arise, whether in the form of an online petition to remove a judge for an unpopular decision or in the form of an intimidating threat from the podium on a campaign trail, the legal community, including public defenders, must call attention to the threat, educate the public and confront the threat individually and collectively.



This statement was approved by NAPD's leadership on July 1, 2016.