

BASF Board of Directors Issue Statement on the Importance of an Independent Judiciary

June 20, 2016 – San Francisco -- An independent judiciary plays a critical role in the proper functioning of our system of government. The public debate following the recent sentencing of Brock Turner demonstrates the important balance between the constitutionally guaranteed right to free speech and the critical necessity of an independent judiciary. Judge Aaron Persky's decision has triggered an outpouring of views concerning victims of sexual assault and their assailants, implicit and explicit bias in the criminal justice system, and the roles of various individuals participating in our adversarial judicial system. The vigorous debate about these topics reflects robust participation in a thriving democracy. However, this debate has lost sight of the critical role that an independent judiciary plays in our democracy.

The Bar Association of San Francisco (BASF) is an organization comprised of nearly 8,000 members that works to elevate the standards of integrity, honor, and respect in the practice of law. BASF speaks out against those who advocate removal of a judge based solely on the unpopularity of a single decision. An independent judiciary is a bedrock principle of our system of government and that independence is undermined when judges have to fear being removed from the bench if they issue a decision the public dislikes.

Judges are required to render legal decisions without regard to public censure or political pressure. The standards for appointment, as well as for removal, are rigorous. Where there are allegations of judicial misconduct, the law authorizes the Commission on Judicial Performance to investigate and determine the appropriate measure of discipline.

BASF urges everyone to voice their opinions responsibly. As the public debate continues, let us all strive to preserve judicial independence in our legal system.