

**Resolution of the Indianapolis Bar Association  
On Protecting the Independence of our Judiciary  
April 2006**

- WHEREAS: Our founders created three independent branches of government, the executive, the legislative and the judiciary. They imposed checks and balances on the authority of each branch to protect citizens from possible abuse by the other branches of government; and
- WHEREAS: Our judges have dispensed justice for more than 200 years having acted in good faith to fairly and impartially apply the law to disputes brought before them; and
- WHEREAS: A fair and impartial judiciary is essential to the proper functioning of our constitutional system of separation of powers; and
- WHEREAS: When the judiciary makes decisions with which citizens disagree, citizens have a responsibility to pursue legitimate opportunities of redress available to them, including exercising their right to free speech by criticizing the decision and appealing the decision to a higher court; and
- WHEREAS: Recently members of the legislative branch of the federal government, who disagree with judicial decisions, have been vocally critical and have threatened to punish members of the judiciary through various means, suggesting that judges have not properly performed the duties of their office; and
- WHEREAS: These suggested punitive measures, as well as the heightened criticism, rising to the level of threatened punishment, potentially undermine the fair and impartial performance of duty by the judiciary and the separation of powers put in place by our founders; now therefore, be it
- RESOLVED: That the Board of Managers of the Indianapolis Bar Association calls on members of the legislative branch of government to defeat all proposals designed to intimidate or otherwise undermine the ability of judges to render independent, fair and impartial decisions; designed to alter the separation of powers and to temper the criticism of the judiciary, outside of the formal legal process.
- FURTHER  
RESOLVED: The Indianapolis Bar Association will continue to provide general public education on our system of justice and the role of judges, in part by responding to unjustified criticism of the judiciary and inaccuracies regarding the judicial system.