



FOR IMMEDIATE RELEASE

The Knoxville Bar Association Issues Statement on Independent Judiciary

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The Knoxville Bar Association joins with statewide and local bar associations across Tennessee in reaffirming the importance of an independent judiciary, a bedrock principle upon which our system of justice is based. Tennessee House Resolution 23, introduced recently in the Tennessee House of Representatives to consider removing Davidson County Chancellor Ellen Hobbs Lyle from the bench, poses a potential threat to that independence.

Our system of justice requires independent judges who will not be influenced by criticism of them or their decisions. Tennessee law provides several avenues to ensure the accountability of the judiciary, to address judicial rulings with which individuals may disagree and the conduct of judges themselves. Appellate courts review lower court decisions and correct them when necessary. Our state Board of Judicial Conduct, created by the legislature, has broad powers to investigate, hear and determine charges, and to sanction judges when appropriate. Citizens have the ultimate say regarding the tenure of judges at the ballot box through judicial elections.

The Tennessee Constitution also provides for a separation of powers, dividing the powers of government into three distinct departments: legislative, executive, and judicial. Each branch is separate and distinct from the others so as to give each branch the ability to hold in check the powers of the other branches. There are no checks and balances without an independent judiciary. Our Constitution states explicitly that "No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others." Individuals may disagree with decisions and actions of public officials, including judges. The federal and Tennessee constitutions protect our right to freely express that disagreement, and indeed, robust debate and disagreement are a hallmark of our democratic system of government. However, the Tennessee Code of Judicial Conduct, to which judges must adhere, does not leave judges wholly free to defend themselves or to personally answer charges made against them or their decisions.

For more than fifteen years, the KBA has been involved in programs to educate the public about our local judges and the importance of an independent judiciary. Under the Tennessee Rules of Professional Conduct, lawyers have the duty to defend judges against unjust criticism. Because the judiciary is unable to defend itself from attacks on its independence, it is up to the community and attorneys to stand up for this fundamental principle. The KBA encourages all to consider the potential for HR23 to negatively impact an impartial, independent judiciary and the Rule of Law.

About the Knoxville Bar Association

The Knoxville Bar Association is a non-profit corporation organized to work for the improvement and increased effectiveness of the legal profession and the administration of justice. The Association, which has 1,944 members, offers continuing legal education and service to the community through programs such as the Lawyer Referral & Information Service, Legal Advice Clinics and LawLine OnLine. Additional public service information may be found at the Association's website at www.knoxbar.org.