

Judicial Independence

Role of the Courts and the Importance of Judicial Independence

Pennsylvania, has three branches of government -- Executive, Legislative and Judicial -- each with an ability to check the other from becoming too powerful. We call it a system of "checks and balances."

The Pennsylvania courts exist to protect our rights and freedom by upholding the constitution, ensuring that there is no overreach from the executive or legislative branches of government. The courts strike down laws that are unconstitutional and those that infringe on civil rights.

The legislature can check the courts by rewriting laws the courts have ruled unconstitutional to make those laws meet the standards of the constitution. Legislators also can change the constitution by passing amendments. While judges are elected officials, they must remain neutral and impartial in order for the courts to fulfill their role. They must make decisions based fairly on only facts and the law, without giving favor to either side.. When they make rulings, they must examine the written law and study past court cases as applied to the law. They must look at the law in the context of the constitution. If a law, no matter how popular, is unconstitutional, the judge must strike it down.

Why Judicial Independence matters



Judges must withstand the pressure of political and public opinion and make decisions that they believe are legally correct and in accordance with the law and the constitution.

Sometimes politicians or political activists criticize judges because judges fail to rule their way—or according to popular opinion—on controversial cases. There will always be decisions by the courts that some people will disagree with. It is fine to criticize a judge's opinion or to differ with it. In a democracy, everyone has that right. But to attempt to undermine the judge, or the court, or strip the powers of the court undermines democracy.