

**Independence of  
the Judiciary  
and  
Separation of  
Powers**

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**Three Branches of  
Government**

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**Three Branches of  
Government**

**Legislative**  
**Executive**  
**Judicial**



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**What Would the Effect be of the Court being Part of the Executive Branch?**

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**What is Independence of the Judiciary and Separation of Powers?**

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**Definition**

**“Judicial (branch) independence is the doctrine that decisions of the judiciary should be impartial and not subject to influence from other branches of government or from private or political interest.”**

Wikipedia

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### Quote

**“There is no liberty, if the power of judging be not separated from the legislative and executive powers.”**



Alexander Hamilton

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### Quote

**“Liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments.”**



Alexander Hamilton

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### Quote

**“For only with independence can the reality and appearance of zealous adherence to the Rule of Law be guaranteed to the people.”**

Sandra Day O'Connor

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**Quote**

**“Government keeps its promises, or does not keep them, in its courts. For the individual, therefore,... the struggle for constitutional government is a struggle for good laws, but also for intelligent, independent, and impartial courts.”**

Woodrow Wilson

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**Judicial Staff  
Code of Conduct**

**Judicial employees shall uphold the integrity and independence of the judiciary.**

Arizona Code of Conduct for Judicial Employees

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**Judicial employees shall avoid impropriety and the appearance of impropriety in all their activities.**

Arizona Code of Conduct for Judicial Employees

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**Judicial employees shall perform their duties impartially and diligently.**

Arizona Code of Conduct for Judicial Employees

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**Judicial Employees Shall...**

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**Integrity & Independence**  
•  
**Avoid Impropriety**  
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**Impartiality & Diligence**

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**Why are These  
Concepts  
Important?**

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**Being Impartial**

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**Not Subject to the  
Influence of  
Others**

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**Adherence to the Rule of Law**

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**Uphold and Promote Independence of the Judiciary**

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**Why is it harder to promote these concepts at the local level?**



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**Federal**  
**State**  
**County**  
**Local**



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**Resources**  
**Segregated at**  
**Higher Levels**



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**Resources**  
**Consolidated at**  
**Lower Levels**



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**Describe a behavior, action, or activity involving anyone that you have observed, and that if observed by the public, may give the impression that the court is not independent or impartial.**

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**Or based on your experience, describe a situation or dilemma associated with a relationship between the judicial and another branch of government that challenges or diminishes the independence of the judiciary.**

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**Interaction with Law Enforcement**  
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**Proximity of Courts**  
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**Interaction with Executive Branch**

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**Three Primary Challenges  
Related to Law Enforcement**

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**Three Primary Challenges  
Related to Proximity**

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**Three Primary Challenges  
Related to Executive Branch**

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**What can you do to meet these challenges?**

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**Tools**  
**Raise Internal Awareness**

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**Tools**  
**Raise External Awareness**

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**Tools**  
**Act when you see something inappropriate.**  
**The Canons require this of you.**

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**Tools**  
**When making decisions consider public perception, independence of the judicial branch, and separation of powers.**

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**Tools**  
**Communicate and demonstrate the value of the judicial branch to promote understanding.**

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**Tools**  
**Demonstrate  
accountability  
and the ability to  
govern.**

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**Tools**  
**Promote an  
integrated branch  
perspective.**

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**Tools**  
**Mitigate appearance of  
executive branch ties.**  
  
**Example:  
emblems and logos**

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## Tools

### Q & A Document

[supreme.state.az.us/nav2/muni\\_QandA\\_links.pdf](http://supreme.state.az.us/nav2/muni_QandA_links.pdf)

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### Positive Effects and Benefits Activity

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- **Form into Groups**
- **Identify and Discuss**
- **Fax Your Findings to the Discussion Panel**



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**What are the positive effects and benefits of appropriate separation of powers and judicial branch independence?**

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**DISCUSS**  
**What are the positive effects and benefits of appropriate separation of powers and judicial branch independence?**

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**Fax Your Group Response to 602-452-3721**

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