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The rule of law is a shared responsibility

TWO HUNDRED AND FIFTY YEARS AFTER OUR NATION'S FOUNDING, THE PRINCIPLES UNDERGIRDING OUR JUSTICE SYSTEM ARE UNDERGOING A STRESS TEST

As we celebrate the 250th anniversary of our nation's founding, it is worth pausing to consider not only what our legal system has accomplished, but what it requires of each of us to preserve it.

For those of us who work in the justice system, the rule of law can sometimes seem almost too familiar to require explanation. We speak of it in courtrooms, opinions, briefs, and ceremonies. Yet, the rule of law is more than a phrase. It is the framework that allows a democracy to function. It is the principle that no person is above the law, that government power has limits, and that those limits apply even when doing so is inconvenient, unpopular, or politically difficult.

The rule of law is also a commitment to process. It means that disputes are resolved according to established rules rather than by force, political influence, personal connections, or the popularity of a particular outcome. It means that legal rights do not depend upon who has the most power and that lawful court decisions must be respected – even when we strongly disagree with them. That last point is particularly important in times of division.

Our legal system was designed for disagreement. Indeed, disagreement is one of its defining features. Lawyers are expected to advocate vigorously for their clients. Judges are expected to listen carefully to competing arguments. Parties have the right to challenge rulings through motions and appeals. And appellate review exists precisely because reasonable people can disagree about the meaning and application of the law.

Judicial independence does not mean that judges are immune from criticism. Quite the opposite. Judges are bound by the Constitution, statutes, precedent, ethical rules, and appellate review. Our decisions are subject to scrutiny, and ideally our reasoning should withstand it. Criticism of judicial decisions is not a threat to the rule of law – it is an integral part of the rule of law. Judicial decisions should be subject to vigorous debate and examination, including by lawyers, litigants, scholars, and the public. But there is a fundamental difference between disagreeing with a judicial decision and rejecting the legitimacy of the judicial process itself.

Judicial independence means that judges must be able to decide cases based on the law and the facts, without fear or favor. A judge should not decide a case based on whether the decision will be popular, generate favorable headlines, or will please a powerful person or institution. The obligation is to apply the law impartially, even when the result is difficult. As former U.S. Supreme Court Associate Justice Anthony Kennedy once put it, "Judicial independence is not conferred so judges can do as they please. Judicial independence is conferred so judges can do as they must."

An independent judiciary is one of the safeguards that prevents government power from becoming unchecked power. The Founders were deeply skeptical of concentrated authority. They understood that even a government established to protect liberty could threaten liberty if its powers were left without meaningful limits. The Constitution's system of separated powers, checks and balances, and an independent judiciary reflects that understanding.

The judiciary occupies a somewhat vulnerable position within that system. Courts do not control the purse. They do not command armies. Judges do not hold press conferences to explain their decisions, and they do not publicly defend themselves when their rulings are criticized. For judges, the principal means of communication is the written decision itself.

In recent years, the federal judiciary has experienced an alarming increase in threats, intimidation, and disinformation. Judges have faced threats of violence and personal attacks because of decisions with which people disagree. There have also been calls for impeachment based simply on disagreement with judicial rulings and suggestions that court orders should be ignored when they conflict with political objectives. This is not normal and cannot be allowed to become normalized. These developments should concern everyone who cares about the rule of law, regardless of political affiliation.

A judge should never have to wonder whether a ruling will provoke death threats against the judge or the judge's family. And if litigants or public officials conclude that they may simply disregard a lawful court order because they disagree with it, the consequences extend far beyond a single case.

The authority of courts ultimately depends upon something more fundamental than physical power: the legitimacy of the judicial process and the willingness of the public and other institutions to respect lawful judicial decisions. That legitimacy is built slowly, through the daily work of judges, lawyers, court employees, jurors, and litigants. It can also be weakened quickly when the institutions of justice are portrayed as illegitimate whenever they produce an unfavorable result. This is why the legal profession matters so much.

Lawyers are not merely advocates for individual clients. They are also officers of the court. A lawyer's professional responsibilities therefore extend beyond winning or losing a particular case – they also include a role in maintaining the integrity of the system in which they prac-



tice. That does not mean lawyers should refrain from criticism. Lawyers should be among the most informed and thoughtful critics of the judiciary. They should challenge erroneous decisions, identify inconsistencies in precedent, argue for changes in the law, and appeal decisions when appropriate. And they should do all of this vigorously on behalf of their clients.

But there is an important distinction between challenging a decision and undermining the institution that issued it. A lawyer can say, "The court got this wrong," while still recognizing that the court has legitimate authority to decide the dispute. A lawyer can believe that a statute is unconstitutional while respecting the constitutional process by which that question is resolved. A lawyer can strongly disagree with an appellate decision, yet continue to comply with it while it stands. That distinction is not merely one of professional courtesy. It is central to the rule of law.

The legal profession has always depended upon this balance. Advocacy requires passion, but the system requires restraint. We ask lawyers to fight hard for their clients while also recognizing obligations to the court, opposing counsel, witnesses, jurors, and the administration of justice.

That same principle applies to all of us. The rule of law is easiest to embrace when it produces the result we want. Its true test comes when it does not – when we believe a court has reached the wrong result or when a judicial decision conflicts with our own views. Respect for the rule of law requires us to honor lawful court orders and preserve judicial independence even when we disagree with the outcome. That is why the rule of law cannot be reduced to a partisan principle. It belongs to no political party and should serve no political faction. It is a framework that protects everyone precisely because it is not supposed to change depending upon who holds power.

The rule of law also depends upon meaningful access to justice. A right that exists only on paper is not enough. Our system depends upon people having a meaningful opportunity to invoke the law and have their disputes fairly heard. That requires functioning courts, adequate resources, competent lawyers, and a commitment to ensuring that constitutional protections are not reserved for those who can afford them.

The importance of appointed counsel in criminal cases provides a powerful example. The Sixth Amendment's promise of counsel is not a luxury to be provided only when convenient. It is a constitutional guarantee. As the Supreme Court recognized in *Gideon v. Wainwright*, lawyers are necessities, not luxuries, in criminal courts.

That principle carries practical consequences. As we saw during last year's government shutdown, federal courts did not simply close their doors when government funding became uncertain. Criminal matters continue. Emergency civil matters must be heard. Time-sensitive proceedings do not stop simply because appropriations lapse or budgets become strained.

The same is true for the lawyers who make our system work. Criminal Justice Act panel attorneys accept appointments to represent criminal defendants who cannot afford counsel, often in complex and extraordinarily demanding cases. When funding interruptions delay compensation for those lawyers, the burden does not fall on the lawyers alone. It affects the administration of justice and, ultimately, the constitutional rights of the people they represent. Adequate funding for the judiciary is therefore not simply an administrative concern. It is part of maintaining a functioning justice system.

And the people who make that system function deserve recognition. Every day, my colleagues and court employees across the Central District of California handle a workload that exceeds the judicial resources authorized by Congress. They do so while navigating funding uncertainty, security concerns, technological change, and the ordinary demands of administering justice in one of the nation's largest and busiest districts. During periods of funding uncertainty, the judiciary does not simply grind to a halt. Court employees continue performing essential functions, judges continue hearing cases, lawyers continue representing their clients, and jurors continue reporting for service.

Our jurors, in particular, deserve

special recognition. The jury is one of the most remarkable features of our constitutional system because it gives ordinary citizens an important role in the administration of justice and entrusts them with decisions that can profoundly affect the lives of others. The Sixth and Seventh Amendments preserve the jury's central role, and that role remains vibrant in the Central District of California.

I was reminded of the importance of the jury system during a recent trip to Malaysia and Singapore, both of which abolished jury trials years ago in the name of efficiency. Whatever efficiencies may be gained, there is something important about preserving a direct role for citizens in deciding cases. Our founders understood that. The Declaration of Independence itself identified the denial of jury trials as one of the grievances against King George III, and the Sixth and Seventh Amendments enshrined the jury as a fundamental part of our system and a mainstay against tyranny.

For most Americans, jury service may be one of the few opportunities they have to participate directly in the administration of government. Most will never serve in the military or hold office in one of the three branches of government. But almost anyone may be called upon to serve as a juror. That service can be inconvenient, requiring people to interrupt their jobs, family responsibilities, and daily lives. Yet, jurors in the Central District repeatedly rise to the occasion. They listen carefully, deliberate thoughtfully, and make decisions based on the evidence presented in court. Many come away from the experience with a deeper understanding of our justice system and a renewed appreciation for their role in it.

There is something deeply democratic and empowering about that process. The administration of justice does not belong exclusively to judges or lawyers. It belongs to the community. If we must teach civics one jury at a time, that may be one of the most valuable lessons our justice system can offer.

Beyond the courthouse

Indeed, one of the most important lessons we can teach about the rule of law is that it extends beyond the courthouse. It is sustained by a society that values civility, distinguishes fact from misinformation, respects institutions while recognizing their imperfections, and engages difficult questions with thoughtfulness rather than slogans. In an age when information – and misinformation – can travel instantly, the shared responsibility of upholding the rule of law has become even more critical. Heated rhetoric can spread rapidly through social media and other platforms, sometimes blurring the distinction between legitimate criticism and personal vilification. When rhetoric targets individual judges and portrays them as enemies rather than public servants performing a constitutional function, the consequences can extend beyond public debate. Words matter.

For lawyers, the answer is not to retreat from advocacy, but to engage in it with integrity. The legal profession has a unique capacity to explain how our system works: the difference between trial and appellate courts, between a legal argument and a factual finding, and between an appeal and defiance of a judgment. Lawyers understand that lawful mechanisms exist for challenging decisions – and that those mechanisms are themselves part of the rule of law. That knowledge creates a responsibility.

When misinformation about the courts circulates, lawyers are often in a position to explain what actually happened. When someone confuses disagreement with a judge's decision with opinion that the judiciary itself is illegitimate, lawyers can explain the difference. And when rhetoric crosses the line from criticism into threats or encouragement of defiance, members of the bar must make clear that such conduct is inconsistent with the principles of our profession and our constitutional republic itself. In doing so, lawyers are not just defending individual judges. They are defending a system in which every person – regardless of wealth, political influence, popularity, or position – has the right to have a dispute resolved according to law. That system belongs to all of us.

A framework, not a guarantee

As we mark 250 years since the founding of our nation, we should resist the temptation to treat that anniversary as proof that our constitutional system is guaranteed to endure. The Founders created a framework, not a guarantee. They understood that institutions require maintenance and that constitutional principles depend upon people willing to uphold them.

The rule of law is no different. It is not self-executing. It depends on judges who decide cases without fear or favor, lawyers who advocate zealously while honoring their obligations as officers of the court, public servants who respect constitutional boundaries, jurors who take their responsibilities seriously, and court employees who keep the machinery of justice operating even in difficult circumstances. Above all, it depends on citizens who understand that democratic institutions cannot depend upon our agreement with every outcome. The rule of law is, in that sense, a shared responsibility.

Our courts are not perfect. No human institution is. There will be mistakes, disagreements, delays, and shortcomings. A commitment to the rule of law does not require us to pretend otherwise. Indeed, the willingness to identify shortcomings and seek improvement is itself part of maintaining a healthy legal system. But reform and respect for institutions are not mutually exclusive. We can seek to improve our courts while recognizing their essential role. We can criticize decisions while respecting the judicial process. We can disagree passionately while remaining civil. We can demand accountability while preserving independence. These distinctions matter most in difficult times.

The judiciary – at least in the Central District of California – will continue to do its part. We will continue to hear cases, issue decisions, administer justice, and follow the law wherever it leads. We will continue to make decisions without regard to popularity or political pressure. And when our decisions are challenged – as they inevitably will be – we will continue to let our written opinions speak for us.

But we cannot preserve the rule of law alone. Lawyers play an essential role

by making the strongest arguments they can, challenging the courts when they are wrong, and educating their clients and communities about how the legal system works. When the legitimacy of the judicial process is buffeted by intimidation, threats of violence, or calls to disregard lawful orders, members of the bar should speak out clearly and vigorously against such venomous attacks. Lawyers take an oath and accept responsibilities that extend beyond individual cases. They are participants in a constitutional system that depends upon their advocacy, professionalism, and willingness to defend the principles that make that advocacy possible.

Two hundred and fifty years after our nation's founding, the principles undergirding our justice system are undergoing a stress test. The rule of law is not something we inherit and simply take for granted. Each generation must choose to defend and preserve it. For those of us privileged to serve in the justice system, that choice is made every day. For the lawyers who appear before us, it is made every time they advocate with integrity, respect the legitimacy of the process, and insist that disputes be resolved according to law. That is how the rule of law endures: through the daily choices of the people to uphold it and to reject efforts to undermine it. And there is no more important time than now to make that choice.

Dolly M. Gee serves as Chief Judge of the United States District Court for the Central District of California. She was appointed to the federal bench by President Barack Obama in 2009 and received her commission in January 2010, becoming the first Chinese American woman to serve as an Article III federal judge. Before joining the bench, she was a partner at Schwartz, Steinsapir, Dohrmann & Sommers LLP in Los Angeles, where she specialized in labor and employment law. Chief Judge Gee received her B.A., summa cum laude, and J.D. from UCLA and clerked for the late U.S. District Judge Milton L. Schwartz in the Eastern District of California. In 2026, she received the American Inns of Court Professionalism Award for the Ninth Circuit.