

The Defense of Judges and the Rule of Law An Examination of the Problem, a Call to Action, and a Compendium of Resources

by

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Objective: To empower CAAL members to write and speak out on defending judges and the rule of law in the legal community, the press, and the broader society; and to provide a blueprint for CAAL's institutional response to attacks on judges or the rule of law.

I. INTRODUCTION AND OVERVIEW

The judiciary plays a crucial role in upholding the rule of law and ensuring justice in our society. Judges often face unfair criticism and even threats that can undermine their independence and the integrity of the judicial system. Unfortunately, this long-standing problem seems to be getting worse of late.

As a result, in 2025, CAAL formed a Task Force on the Defense of Judges and the Rule of Law. The objectives of this paper are to (1) empower CAAL members to write and speak about defending judges and the rule of law; (2) to advocate for the independence of the judiciary in the legal community, the press, and society more broadly; and (3) to provide a blueprint for CAAL's institutional response to attacks on judges or the rule of law. This paper explores the vital role that lawyers can play in protecting judges from such unfair criticism and defending the rule of law. It discusses attorneys' ethical responsibilities as to these issues, their duties of professionalism and civility, their conduct during judicial elections, and their important role in advocating for judicial independence. By adhering to professional standards and engaging in respectful discourse, lawyers can help maintain public trust in the judiciary and promote a fair and impartial legal system.

II. THE PROBLEM

Public attacks against judges are not new. Waves of public backlash—both rhetorical and, at times, violent—have historically followed controversial judicial rulings. What is new today is the speed, scale, and intensity of attacks against judges due, in part, to the advent of social media and other online content, which become force multipliers for such attacks.

A. Attacks on Judges in the 20th Century

Unfortunately, threats and acts of violence against judges are not unprecedented in American history. In reaction to the Supreme Court's decision in *Brown v. Board of Education*, segregationists embarked on what they termed a "massive resistance" to undermine federal court orders to integrate public schools. Incensed members of Congress signed a "Southern Manifesto" that delegitimized *Brown* as "unwarranted" and a "clear abuse of judicial power." Georgia Attorney General Eugene Cook announced that the State "made provisions to circumvent the decision." Georgia, along with Alabama, Arkansas, Florida, Louisiana, Mississippi, South Carolina and Virginia, asserted a right to supersede federal integration laws.

Defiance was directed at local judges, too. District court judges enforcing desegregation orders faced violent intimidation. Crosses were burned on the lawns of Judge Frank M. Johnson of the Middle District of Alabama and Judge J. Skelly Wright of the Eastern District of Louisiana (before his elevation to the D.C. Circuit) after they handed down integration orders. A deluge of telephone threats to Judge Wright's life and safety required him to obtain official police protection.

Some 50 years later, pressure to be "tough on crime" resulted in public attacks against judges who refused to order the death penalty. In 1996, Tennessee Supreme Court Justice Penny White "was the target of a smear campaign" after she concurred in a "unanimous ruling remanding a death penalty case for new sentencing." In that same year, Kansas Senator Robert Dole called for the impeachment of Judge Harold Baer of the Southern District of New York for suppressing evidence New York police officers had improperly collected. Judge Baer reversed himself after the Clinton White House threatened to ask for his resignation.

The 2000 presidential election reignited partisan attacks against the judiciary. Judicial decision-making on an issue of obvious public importance—who won the 2000 presidential election—threw judges into the political fray. Republicans attacked the legitimacy of the Florida Supreme Court after it ordered statewide manual recounts. Their fury was later matched by Democrats after the United States Supreme Court ordered an end to those recounts in *Bush v. Gore*.

B. Attacks Against Judges Today

The 20th Century attacks on the judiciary did not appear to impact the legitimacy of the courts. As the Brennan Center notes, “attempts to attack the Court and roll back *Brown* did not succeed.” And the turbulence of the 2000 election eventually faded from American minds; empirical polling “suggests little if any diminution of the ‘Court’s legitimacy in the aftermath of *Bush v Gore*’” and political “critics ... backed down” from their calls for impeachment and jurisdiction-stripping.

In recent years, however, attacks against judges have seemed to escalate in intensity and in their effect on the public’s perceptions of the judiciary, at least in part because some criticism either comes from or is amplified by prominent elected officials, social media influencers, and others who command popular attention. The U.S. Marshals Service (USMS) recently reported that “the number and intensity of concerning and potentially threatening electronic communications related to protected persons and locations have increased.” USMS Annual Reports over the last decade bear this out, with the number of threats deemed worthy of investigation more than doubling and the trending yearly increase in threats rising above 20%.¹

Recent events have left academic and popular commentators alike with the impression judges face an unprecedented volume of attacks. A man “upset by a ... leaked draft” of the *Dobbs* decision abrogating the *Roe v. Wade* abortion decision pled guilty to attempting to murder Justice Brett Kavanaugh in 2022. Former Juneau County (Wisconsin) Circuit Court Judge John Roemer was killed in his home by a man he sentenced to prison 15 years earlier. And several judges have been “pizza doxed,” receiving unsolicited pizza deliveries to their home addresses. This harassment tactic intimidates judges by communicating that senders know where judges live and reference the murder of U.S. District Judge Esther Salas’s teenage son, Daniel Anderl, who was shot and killed in her home in 2020, and her husband was critically injured, by a disgruntled litigant posing as a pizza delivery person.

Contemporary attacks on judges are coordinated and targeted. Social media enables bad actors to publicize private information of judges and to target them and their families. For example, after *Dobbs*, activists published online the home addresses of Supreme Court justices, enabling coordinated protests at justices’ homes.

¹ Data compiled from U.S. Marshals Serv., Annual Reports, Fiscal Years 2014–2024, <https://www.usmarshals.gov/resources/publications/reports> (as of Jan. 22, 2026).

Judges presiding over cases involving President Trump can also be subject to swift and severe harassment. After approving an FBI request for a search warrant of Mar-a-Lago, Magistrate Judge (Southern District of Florida) Bruce Reinhard's home address was published online. Death threats and antisemitic vitriol forced his synagogue to cancel weekly services. While presiding over Trump's New York state prosecution for falsifying business records, Justice Juan Merchan of the Manhattan trial court and his daughter were subject to countless death threats and were advised to avoid their home when its address was released online.

Attacks against judges have escalated in two related ways: they involve networked harassment and low-cost doxing. Social media enables bad actors to coordinate their harassment. The internet has also made finding personal information about judges easier and cheaper. Public databases and social media platforms may carry unprotected personal information about judges and their families, making doxing a low-cost, low-risk endeavor. It's easy to anonymously send threatening pizzas to judges when their addresses are posted on Facebook.

The Trump Administration is undoubtedly fanning the flames. President Trump's comments and social media posts inflame his supporters to attack judges he deems biased against him. Reuters reported that a dozen federal judges who ruled against Trump suffered threats of violence or harassment targeted at them and their families. Former Attorney General Pam Bondi often criticized federal judges, labeling them "activist" or "leftist" for blocking Trump administration policies, accusing them of engaging in power grabs, and threatening impeachment or prosecution for obstructing the government's efforts to enforce immigration and public safety measures. Indeed, a Wisconsin state court judge was convicted after her interactions with immigration agents who sought to detain a participant in a hearing before her. Such criticisms from those with such prominent positions represent an unprecedented threat to judicial independence especially because the judicial canons prevent judges from discussing, explaining, or defending their decisions other than via their rulings.

But the blame cannot be laid on the Trump administration alone. Indeed, leaders of both parties show an increased willingness to criticize judges as partisan and biased, while reporters now frequently identify the party of the President or Governor who appointed judges whose rulings make the news. For instance, after *Dobbs*, then-Senate Minority Leader Chuck Schumer (D-NY) proclaimed that Justices Gorsuch and Kavanaugh "will pay the price ...[and] won't know what hit [them] ..." to a crowd of demonstrators. The Chief Justice rebuked him for the remark and he apologized, but the damage was likely done.

Widespread political attacks on judges seem to contribute to current, historical lows in measures of Americans' confidence in the judiciary. As of 2024, confidence in the judiciary dipped below 50% among "both those who approve and those who disapprove of U.S. leadership," according to Gallup pollsters. Overall confidence in the courts hit a record 35% in 2024, a 24-point plunge from 2020, showing a deep, bipartisan decline in trust.

Americans lack consensus on how to approach these issues. The Judicial Security and Privacy Act of 2022 aimed to raise the cost of doxing by, among other things, restricting data brokers' sale of judges' personal information. And repeated requests to increase USMS funding seek to assist it in protecting judges in their homes and workplaces. After the shooting deaths of a Minnesota State Senator and her husband, and the attempted murder of another legislator and his wife in summer 2025, the security of all government officials, at all levels, is now a more pressing issue for many budget-makers.

Other proposals identify and focus on roots of the problem. Judges have suggested that they ought to write fewer or less inflammatory dissents to preserve a more unified conception of the judiciary. Others emphasize what is sometimes called "judicial humility," when judges rule narrowly, speak carefully, and allow the law to develop over time.² Some also suggest the importance of civic education in teaching Americans the "importance of [the judiciary's] particular role in defending the Constitution and the rule of law," as Justice Ketanji Brown Jackson put it.

Inspired by some judges' passionate call to action, CAAL now presents its own modest approach to the problem, discussing attorneys' ethical responsibilities vis-à-vis these issues and what they can do to defend judges and the rule of the law.

² German & Burton, *Constitutional Humility: The Contested Meaning of a Judicial Virtue* (2021) 10 *American Political Thought*. For an argument against judicial humility in the context of overreaching by the "political branches," see Levy, *Executive Hubris, Legislative Extravagance, and Judicial Modesty* (2010) Cato Institute Policy Report.

III. ROLES FOR ATTORNEYS: DON'T BE PART OF THE PROBLEM

A. The Rules

California lawyers have a duty to support the Constitution of the United States and the California Constitution and to maintain respect due to the courts and their judicial officers. (See Cal. Bus. & Prof. Code, §§ 6067 [oath], 6068 [duty].)

The Rules of Professional Conduct state that lawyers are expected to demonstrate respect for both judges and the legal process. The Preamble of the ABA Model Rules states, “[W]hile it is a lawyer’s duty, when necessary to challenge the rectitude of official action, it is also a lawyer’s duty to uphold legal process.”

These principles are also codified in the California Rules of Professional Conduct. For example, under rule 3.6, a lawyer who has participated in a litigation shall not make any extrajudicial statement that the lawyer knows or should know will be disseminated and has a substantial likelihood of prejudicing the matter. Under rule 8.2, a lawyer shall not make a statement he or she knows to be false or with reckless disregard as to its truth concerning the qualifications or integrity of a judge or a judicial candidate.

B. Challenges

I. Explaining “bad” judicial decisions to clients and the public

Attorneys must zealously advocate for and promptly communicate to their clients any significant developments in the matters they handle. But in doing so, the attorney must remain mindful of his or her duty to respect the judicial process. Bashing the judge may be easy (and human) but it is not professional and it contributes to undermining the rule of law. Here are alternatives:

- Focus on the legal goals: Center all discussions on the client’s lawful and meritorious objectives, not on disparaging the judge. Rather than amplifying a client’s anger toward the judge, focus on the law and the facts. This reinforces that the lawyer’s role is to pursue a legal remedy, not to wage a personal war. Also, attorneys can explain that focusing on personal attacks is not an effective legal strategy.
- Discourage uncivil behavior: Attorneys can also advise clients that abusive or uncivil behavior is unacceptable. A client’s demands do not excuse an attorney’s unprofessional conduct.

When an attorney discusses a decision with the press or in another public forum, he or she must demonstrate respect for both the court and its officers.

- Maintain civility. It is crucial to remain respectful of our justice system even when attorneys disagree with an outcome. The California courts' ethical guidelines for judges prohibit public statements that could disparage the integrity of the court or prejudice a pending case. At the same time, the attorneys in a case must also avoid any public statement that unfairly impugns the qualifications or integrity of the judge.
- Manage emotional topics respectfully. Legal matters can involve difficult and sensitive issues. Frame your public communications calmly and factually and focus on the legal reasoning rather than emotional aspects of the case.
- Avoid statements that undermine the rule of law. High-level public figures have labelled judges as "rogue" or "politically minded," claiming they serve a particular "agenda, not the rule of law." Attorneys should not echo such comments.

2. Providing input on judicial candidates

The integrity of the judiciary relies on non-partisan evaluations of judicial candidates that focus on professional criteria. Attorneys can and should respectfully discuss a judicial officer's integrity, experience, and temperament, but must do so in a respectful and truthful manner. Focus on a candidate's qualifications, not personal attacks, and use established channels for communication.

When assessing a candidate, concentrate on relevant qualities.

- Integrity: The candidate should be honest, impartial, and committed to upholding the rule of law.
- Professional competence: Review the candidate's legal knowledge, experience, and skills.
- Judicial temperament: Is the judge neutral, decisive, patient, and respectful?
- Service: Consider their record of public service and commitment to the fair administration of justice.
- Respect the process. Do not criticize judicial elections as partisan or only serving to allow those who lack the skill or experience to take the bench.

- Do the research: Comments and criticism must be truthful. If your comments cannot be informed, don't make them.
- Use official channels:
 - For appointed judges: If the governor or president appoints judges, a judicial selection committee or a bar association may review candidates. Attorneys can submit feedback directly to the committee (if not on the committee), though the process is often confidential.
 - For elected judges: Attorneys can publicly endorse candidates; provide input to bar associations evaluating candidates; engage in civil, fact-based discussions; help to educate the public about judicial elections; advise friends about candidates; and, of course, vote.
 - For confirmation hearings: At the state or federal level, legislative bodies may hold public hearings at which attorneys can submit oral or written comments about nominees.
- Frame comments constructively: For example, "this candidate lacks sufficient civil experience" instead of "this candidate is an amateur hack."
- Use a formal and respectful tone: Communications should reflect the seriousness and dignity of the judicial process. (See the example immediately above.)
- Stick to the facts: Use verifiable information, such as the candidate's professional record, public statements, or legal writings. Lawyers are prohibited from making false statements about a candidate's integrity. Provide specific examples showing the candidate's professional competence or temperament. Like any good legal writing, it is better to show than to tell.
- Avoid partisan attacks: Focus feedback on a candidate's judicial fitness, not his or her political affiliation. While politics may influence the selection process, attacks based purely on partisanship do not show respect for the rule of law.
- Highlight a nominee's positive qualities: To support judicial candidates, emphasize their professional and personal strengths. Detail their legal qualifications, character, work ethic, and demonstrated ability to be fair and impartial.
- Submit input in writing, if possible: Written feedback is generally more effective and professional, especially for official committees. Be clear and

concise. Most people, and certainly most attorneys, write more deliberately than they speak.

3. Attorney roles in judicial elections

To respect the rule of law in a judicial election, attorneys must balance their rights to participate in the political process with their duty to uphold the integrity and impartiality of the justice system. Their proper role is defined by legal and ethical guidelines, including the ABA Model Rules of Professional Conduct, which seek to promote public trust in the judiciary.

a. Prohibited conduct during elections

- False or misleading statements: Attorneys should not falsely impugn a judicial candidate's integrity or qualifications.
- Improper campaign financing: While attorneys can generally contribute to a judicial campaign, some jurisdictions have additional rules for attorneys, such as mandated disclosure in an elected judge's courtroom of donations over a relatively low amount. Attorneys should not contribute to campaigns with the intent of influencing judicial action or with the expectation of a special advantage.
- Frivolous lawsuits: Lawyers must not file or participate in frivolous claims designed to undermine an election or cast doubt on its outcome.

b. Acceptable forms of participation

- Campaign contributions: Making lawful contributions to a judicial candidate's campaign is an acceptable form of political participation.
- Evaluating candidates: Attorneys can be involved in bar association and other committees that evaluate candidates for judicial office based on their professional qualifications, character, and integrity.
- Public commentary on a candidate's fitness: Lawyers can express honest opinions about a candidate's professional qualifications, as this can serve the public interest and improve the administration of justice. But commentary should be grounded in objective facts and professional standards.

- Public education about judicial elections. Judicial elections often have a significant percentage of “ballot drop off,” with voters declining to vote in those races while others vote with very little information (as when voters ousted a competent judge with an unfamiliar, foreign name). Lawyers can play a helpful role in engaging with the media or civic groups to educate the public about judicial elections and where to find information about candidates.
- Promoting civics education: By sharing their knowledge of the Constitution, the rule of law, and our justice system, attorneys can improve voter understanding. This can include speaking at community groups or advocating for or participating in civics education in schools.

IV. CORE MESSAGES IN SUPPORT OF THE RULE OF LAW

A. The Meaning and Value of the Rule of Law

The “rule of law” has many meanings, making it difficult to reduce it to a brief definition. But a common thread across its many meanings is a societal commitment to be governed by laws that apply equally to everyone, rather than graft, or the biases or whims of those in power. A robust, evenhanded justice system with due process protections is a key means to ensure the rule of law.

The value of the rule of law includes predictability and a sense of fairness, in that all members of society have the same rights and are operating under the same rules. This cultivates a respect for—and willingness to follow—the law, leading to a more orderly society. For example, if most people in a community believe the judicial system is fair, they may be willing to resolve their disputes in that system. But if many in a community believe the judicial system is “rigged,” that judges favor certain litigants, or that judges decide cases based on their personal preferences or biases, they will be less likely to turn to the courts to resolve disputes or to accept a judicial decision. This will make them more likely to resort to self-help, including violence or other destructive behavior, corroding societal trust.

A commitment to the rule of law is also crucial to protecting individual rights, including the rights of those in less powerful positions in society. It is not just the perception of objective rules and decision-making that matters, it is also what the rule of law means in practice—that laws and procedural protections are applied evenhandedly to ensure equal treatment, and consistently so people can use the law to guide their actions.

B. The Role of Judges and Courts in Maintaining the Rule of Law

The judiciary plays a central, and crucial, role in maintaining the rule of law. At the most basic level, judges accomplish this by resolving the legal disputes presented to them based on the law, without regard to personal views or policy preferences, political affiliation, or other potential source of biases. When disputes involve the constitutionality or legality of governmental action, the courts act as a check on the other branches of government, ensuring that the government itself adheres to the law. And in disputes among private parties, judges maintain the rule of law by resolving cases evenhandedly and objectively according to laws and precedent.

Judges also help maintain the rule of law when they adhere to the principle of *stare decisis*—treating themselves as bound by prior decisions of higher courts and, in the federal system, by precedential decisions of co-equal courts within the same circuit. Following precedent creates stability and consistency. There are occasionally reasons to overturn precedent. But those occasions are rare, and when they arise, judges signal a commitment to the rule of law by following established procedures for revisiting a binding decision (for example, *en banc* review) and by demonstrating that the foundations for the prior decision no longer exist or that there is some other reasoned basis for revisiting it, not just a change of judicial personnel or personal preferences.

The way judges communicate their decisions has further potential to bolster the rule of law. A written or oral ruling explaining a judge’s reasoning provides transparency and, in showing that the judge has objectively applied the law to the facts presented, builds public confidence in the fairness and predictability of the legal system. And where judges disagree with one another, respectful concurrences and dissents send the message that, although judges may see things differently, they are part of a collective enterprise that strives in good faith to apply the law accurately and fairly. U.S. Supreme Court Justice Brett Kavanaugh emphasized the importance of tone in recent remarks at the Sixth Circuit Judicial Conference, urging the judiciary to recommit to “modeling behavior for everyone” and to emulating retired Justice Anthony Kennedy by being “as neutral and low-key and even-keeled and Kennedy-like as possible in our tone.”

Judges also often expressly teach the public about the rule of law and defend the legal system from attacks from politicians or the media. This takes many forms, including introductory talks to potential jurors, hosting students for mock trials, and speaking at conferences or other gatherings. Additionally, more than 45 retired federal district and circuit judges are collaborating to respond to attacks on judges and to

educate the public via an organization called the “Article III Coalition.”³ Among other things, the Coalition plans a national town hall tour to talk with the public and the media about the need for a strong, independent judiciary.

Lawyers who are willing to insist on adherence to the rule of law—even when confronted with intense political and external pressure—are essential to ensuring meaningful judicial checks on the political branches. Judges do not file suits; lawyers do. Yet the current administration in Washington has attempted to pressure law firms that represent clients or interests with which the administration disagrees. The Society for the Rule of Law, in its recent Statement on Law Firm Executive Orders (Mar. 3, 2026), quotes from Judge Leon’s decision in a lawsuit involving the Wilmer Hale firm:

“The cornerstone of the American system of justice is an independent judiciary and an independent bar willing to tackle unpopular cases, however daunting. The Founding Fathers knew this! Accordingly, they took pains to enshrine in the Constitution certain rights that would serve as the foundation for that independence [I]n the nearly 250 years since the Constitution was adopted no Executive Order has been issued challenging these fundamental rights. Now, however, several Executive Orders have been issued directly challenging these rights and that independence.”⁴

J. Michael Luttig, a leader in the Society for the Rule of Law, was recently honored by the New York City Bar. On accepting the honor, he said:

“If we but find the courage to speak truth to power now, today, as did the Founders and our ancestors when their time of testing came, the United States of America will endure forever as the beacon of freedom and liberty to the world. America will once again be the envy of the world.”⁵

³ <https://keepourrepublic.org/what-we-do/initiatives/article-iii-coalition/> (as of Jan. 2, 2026).

⁴ <https://societyfortheruleoflaw.org/statement-on-law-firm-eos/> (as of Sep. 8, 2026).

⁵ Remarks of Hon. J. Michael Luttig on Receiving Honorary Membership, New York City Bar (Feb. 17, 2026). <https://www.nycbar.org/blogs/remarks-of-hon-j-michael-luttig-on-receiving-honorary-membership/> (as of Sep. 8, 2026).

Lawyers are essential to this project and they must have the courage to advocate for their clients — and the laws that protect them — even when the pressure to stay silent is strong.

C. The Line Between Proper Criticism of Judicial Decisions and Disrespect for Courts and Judges

The rule of law does not require agreement with every ruling by every court, nor does it preclude expressing disagreement. Indeed, our system of appellate review of lower court decisions reflects a premise that courts do not always get it right. As Justice Robert Jackson famously quipped as to the United States Supreme Court, “We are not final because we are infallible, but we are infallible only because we are final.”

The federal Constitution—the basis of the rule of law in the United States—enshrines Americans’ right to express their views. The First Amendment guarantees freedom of speech, including freedom to criticize the government and elected officials.

There are limits on First Amendment freedoms, allowing regulation of such speech as that which incites violence or is defamatory. Those limits are useful guideposts for how to criticize judicial rulings without undermining the rule of law. Criticism that crosses the line from reasoned disagreement to incitement or ad hominem defamatory claims undermines listeners’ faith in the judicial system and the public confidence that courts are the proper forum for resolving disputes. Such criticism also endangers the safety of judges and their families. As described above, violent threats and even physical attacks against them have spiked in recent years, coinciding with an increase in heated rhetoric and disparagement.

But even criticism protected under the First Amendment—i.e., criticism that does not incite violence and is not defamatory—can erode the rule of law.

As with judicial dissents, tone and content matter. It is one thing to critique a court’s legal reasoning; it is another to do so with disparaging language. It is one thing to disagree with the result of a case; it is another to lob personal attacks—e.g., accusations that a result was motivated by the judge’s partisan bias, bad faith, or incompetence.

The bottom line: There is plenty of room to criticize judicial opinions. Robust engagement with, and discussion of, developing case law is healthy. But attorneys should stick to the merits of judges’ rulings, avoid personalizing the attacks, and keep their tone respectful.

D. Promoting Respect for Courts, Judges, and the Rule of Law

The Brookings Institution identified the rule of law as one of the three most endangered pillars of democracy in 2025, alongside protecting elections and fighting corruption.⁶ Educating the public about civics is necessary to support the rule of law. In “Civics: Who Will Teach Them?” U.S. District Judge Curtis L. Collier, of the Eastern District of Tennessee, wrote in June 2023:⁷

An important component of being a good citizen is being an informed and knowledgeable citizen. That means having a working knowledge of how our government is structured, how it functions, the role of the different branches of government, their separate powers, the branches’ responsibilities, and the limitations on their powers. Without such knowledge, it is nearly impossible for us to fulfill our duties or wisely exercise our privileges as citizens. (Internal quotation omitted.)

The rule of law is threatened by wide dissemination of false information, which encompasses misinformation and disinformation. The two are related but distinct. “Misinformation is the inadvertent spread of false information without intent to harm, while disinformation is false information designed to mislead others and is deliberately spread with the intent to confuse fact and fiction.”⁸ Either is dangerous if accepted as fact, as it may cause accurate information to be rejected as false. Social media and other online content are rife with both and they cannot always be easily distinguished.

False information about the Constitution, the role of the courts, the role of the executive, and the role of the legislature fuels threats to the rule of law and to judges. If the public believes false information, the public may become hostile to judicial decisions at odds with public sentiment. That may influence people to support illegal actions. Statements made by some elected and appointed officials contribute to extremist threats to the safety of judges and their families. For example, federal judges at a conference

⁶ Eisen, N. & Katz, J. (2025). *Democracy Playbook 2025: Seven Pillars to Defend Democracy*. Brookings Institution. <https://www.brookings.edu/articles/democracy-playbook-2025/> (as of Jan. 2, 2026).

⁷ Flowers, “Civics Education: A teachable moment about the meaning of the ‘rule of law’” ABA Journal (July 8, 2025), <https://www.abajournal.com/voice/article/civics-education-a-teachable-moment-about-the-meaning-of-rule-of-law> (as of Jan. 2, 2026).

⁸ Palfrey, Britannica, <https://www.britannica.com/topic/misinformation-and-disinformation>. (as of Jan. 2, 2026).

hosted by a nonpartisan judicial advocacy group “warned that the White House’s ongoing broadsides undermine the rule of law and judicial independence and are emboldening bad actors.”⁹

Because of their training, attorneys are uniquely positioned to explain the rule of law and the judges’ role in enforcing it. Attorneys should reiterate fundamental principles. These include that nobody is above the law, due process applies to everyone in the United States, and the role of the courts is to interpret and apply the law even if it requires rejection of a legislative or executive act. Verbal abuse and personal attacks against judges do not have a legitimate place in our society

A resource guide to educate the public about judicial independence and the role of the courts has been compiled by the California Judges Association, National Association of Women Judges and the American Judges Association.¹⁰

E. How Attorneys Can Defend the Rule of Law

I. Advocate for the rule of law and respect for the judiciary

Attorneys should advocate for the rule of law and the independence of courts. This includes communicating with elected and appointed policy-makers and supporting adequate funding and staffing for courts, including sufficient funds allocated for court and judicial security.

Legal professionals should challenge government actions that threaten the rule of law. “If the founding history of this country is any guide, those who stood up in court to vindicate constitutional rights and, by so doing, served to promote the rule of law, will be models lauded when this period of American history is written.”¹¹

In addition to the above, and always modeling civility and professionalism, attorneys can also advocate for the rule of law and an independent judiciary in the following ways:

⁹ Democracy Docket Aug. 1, 2025, <https://www.democracydocket.com/news-alerts/federal-judges-threats-trump-attack-judiciary/> (as of Jan. 2, 2026).

¹⁰ <https://www.caljudges.org/JudIndepResourceGuide.asp> (as Jan. 2, 2026).

¹¹ *Perkins Coie LLP v. U.S. Department of Justice, et al.*, 1:25-cv-00716 (D.D.C. 2025).

- Participate in town hall meetings hosted by elected or appointed government officials or community leaders.
- Counter threats to judges prompted by misleading statements made by elected or appointed government officials.
- Confront officials who make false statements, providing truthful information.
- Partner with bar associations or community organizations to support the rule of law.

2. Communicate with the public

Attorneys should promote constitutional literacy by communicating with the public. Lawyers have an important role to play in furthering public understanding of the Constitution, the rule of law, and the justice system because sitting judges are limited in their ability to do so. Limitations on what judges can say and do also hampers judges in rebutting false information about the legal bases of their decisions. Attorneys can provide education about how courts work to clarify misconceptions, explaining judicial independence and the role of trial and appellate courts.

Attorneys should educate the public and counter false information, as follows:

- Participate in debates, podcasts, and panels on constitutional issues and the role of the courts.
- Be a resource to media outlets by providing credible information.
- Correct false information promptly during interviews or in public appearances and educate reporters to ensure accurate reporting of legal issues in news stories.
- Speak before community clubs and organizations.
- Speak in civics classes in high schools and community colleges.
- Host public forums or webinars to explain key issues like due process and separation of powers.
- Post on social media, which shapes public discourse and is digestible to members of the public. Comply, of course, with ethical principles regarding attorney advertising.

- Write op-ed comments and articles in local and national media about the importance of an independent judiciary and the rule of law, to counter personal attacks on judges, to denounce attacks on judicial independence, and to explain or discuss the importance of upholding the Constitution and the separation of powers, perhaps drawing on the resources compiled in this paper (which CAAL has chosen not to copyright).
- Litigate strategically by taking on cases that have the potential to clarify constitutional misunderstanding.
- Submit amicus briefs in cases where misinformation is influencing public opinion or judges are being personally prosecuted.
- Serve as petit and grand jurors, child advocates, small claims judges pro tem, and in settlement programs both to help an overloaded judicial system and to interact positively with those trying to access the courts.

V. RESOURCES FOR DEFENDING JUDGES AND ADVOCATING FOR THE RULE OF LAW

CAAL is not unique in its desire to respond constructively to these current threats to our judicial system. Below is a non-exhaustive list of some other resources that can inform your interest and work in this area, which the Task Force hopes to expand with member input. The Task Force also plans to maintain a repository of articles, speakers, legal and other experts, and links to other resources on rule-of-law issues in the portion of the CAAL website accessible to members, for now, and, after appropriate discussion and possibly a vote, make such repository accessible to the public.

- *What Lawyers Can Do to Defend the Rule of Law, Our Democracy and Our Elections*, ABA Task Force for American Democracy, https://www.americanbar.org/groups/public_interest/election_law/american-democracy/our-work/speaker-discussion-guides/what-lawyers-can-do-defend-rule-law-democracy-elections/ (as of Jan. 23, 2026)
- Judicial Fairness Coalition, Caljudges.org [launched in 2018 “to promptly and strategically respond to unfair criticism and false and misleading information against justices, judges and the judiciary and stand together to affirm the independence of the judiciary”]; *Resource Guide for Judicial Independence* [“The following resources include presentations, handouts, how-to guides, and articles related to the importance of a free and impartial judiciary.”]

- Article III Coalition [“Keep Our Republic’s Article Three Coalition is comprised of retired federal judges appointed by Presidents Carter, Reagan, George H. W. Bush, Clinton, George W. Bush and Obama. The Coalition’s judges are dedicated to American democracy, the rule of law, and the separation of powers between three co-equal branches of government. The Coalition’s expertise, impartiality, and neutrality will strengthen America’s democracy by invigorating an informed citizenry through education on the Constitution and its norms, the rule of law, the role of the judiciary and its independence, and the importance of the separation of powers.”]; <https://keepourrepublic.org/#sidemenu1>.
- Los Angeles County Bar: *LACBA Condemns Recent Attacks on the Rule of Law, Independence of the Judiciary and the Legal Profession* [“We invite our members and indeed every lawyer to speak up for the rule of law and take every opportunity to engage in discussion with our fellow Americans to explain how our constitutionally mandated system of governance works and why these recent events pose a threat to its stability and continued existence.” <https://lacba.org/?pg=lacba-news&blAction=showEntry&blogEntry=121636> (as of Jan. 23, 2026)
- Marin County Bar: *A CALL TO ACTION TO CHAMPION THE RULE OF LAW AND TO SUPPORT AN INDEPENDENT JUDICIARY* [“We have a duty as officers of the court to speak up, speak out, and speak with zealous advocacy on these issues”], <https://marinbar.org/news/article/?type=news&id=837> (as of Jan. 23, 2026)
- San Diego County Bar Association: *SDCBA Defends the Importance of Upholding the Rule of Law* [“Only through the preservation of the rule of law is our society able to prosper and thrive. The rule of law affords a fair and predictable environment where individual rights are protected, disputes can be resolved equitably, and justice is administered fairly and without bias. An independent judiciary fosters trust among citizens, encourages societal norms, and promotes equality by preventing the abuse of power.”]. (< <https://www.sdcbabar.org/?pg=PR-2025-May-1> > (as of Jan. 22, 2026).)
- Bolch Institute at Duke Law School: *Defending the Judiciary* [“The strength of our democratic government depends on the public’s respect for and adherence to the rule of law. For that to occur, the public must have faith and confidence in all three branches of government, but especially in

judges and the judiciary.”] (< <https://judicialstudies.duke.edu/defending-the-judiciary/> > (as of Jan. 22, 2026).

VI. CONCLUSION AND CALL TO ACTION

The role of the judiciary is fundamental to preserving justice and the rule of law in our society. Judges, as impartial arbiters, must be protected from unfair criticism and threats that can undermine their independence and the integrity of the judicial system. Lawyers, with their unique positions and ethical responsibilities, play a crucial role in this protection. By adhering to professional standards, engaging in respectful discourse, and advocating for judicial independence, attorneys can help maintain public trust in the judiciary.

It is imperative that lawyers actively participate in defending the rule of law and supporting the judiciary. This includes educating the public about the importance of an independent judiciary, not making false or misleading statements about judges, and promoting as well as modeling civility and professionalism inside and outside the courtroom. By doing so, attorneys not only uphold their professional duties but also contribute to the strength and stability of an independent and robust judiciary, a critical component for our other democratic institutions.

We urge all attorneys to participate in protecting judges and defending the rule of law. Let us commit to fostering a legal environment where respect for the judiciary is paramount, and where the principles of justice and fairness for all are upheld.