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## Judicial Independence

### Court Shorts: An Impartial Federal Judiciary



The founders understood that judges who are able to apply the law freely and fairly are essential to the rule of law. The Constitution guarantees our rights on paper, but this would mean nothing without independent courts to protect them.

Our federal judges are protected from the influence of the other branches, as well as shifting popular opinion. This insulation is referred to as **judicial independence**, and it allows them to make decisions based on what is right under the law, without facing political (not getting reelected) or personal (getting fired, having their salary lowered) consequences for the decisions they make.

## Judicial Independence is Maintained in Several Ways

### Federal Judges are Appointed

First, judges are appointed at the federal level, as opposed to being elected. This frees judges from having to run for election, raise money, and take a partisan stand on issues. Thus, once appointed they don't have to please their constituents to try to gain reelection, and can simply do their job

### Federal Judges Serve a Life Term

### Federal Judges Can't Have Their Salary Reduced

## Checks and Balances

Independent judges protect our freedoms, but it is also important to protect the people from a court that is too powerful. With complete independence judges could throw people in jail or change laws on a whim.

The Constitution gives judges the power to do their jobs, but it also sets out ways to prevent them from abusing their power. This guarantees that independent courts and judges remain faithful to the rule of law.



### Organization of the Federal Courts

Article III of the Constitution established the federal judiciary as one of the three equal branches of the federal government. This page explains the differences between the federal courts and the state courts, and shows how the federal courts are organized. The page also gives an introduction to the importance of judicial independence.

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Article III of the Constitution, tells us that judges “. . . shall hold their offices during good behavior.” Though this is a bit vague, the intent is clear. Judges have life terms, because once appointed they keep their jobs until they choose to quit so long as they have “good behavior.” To ensure this good behavior, there are some “checks” on judicial power built into the Constitution.

Impeachment

Code of Conduct

Oath of Judges and Justices

One of these checks is impeachment. **Impeachment** is the process of charging a federal official (in this case, a judge) with committing a “high crime or misdemeanor.” If a judge is impeached, and found guilty of an impeachable offense, then they can be removed from office.

The process of impeachment is detailed in Article I of the Constitution. The House of Representatives investigates the improper behavior, and charges the accused. Members of the House then try the case before the Senate, which acts as the judge and jury in the case (unless in cases of Presidential or Vice Presidential impeachment, when the Chief Justice of the United States presides). If the Senate votes guilty (by a majority vote), the person is removed from office.

The impeachment process is a powerful check that the legislative branch has over the judicial and executive branches of government. In the case of judicial independence, impeachment offers some security that if judges are acting in an illegal fashion, they can be removed from the bench.

## Student Challenge

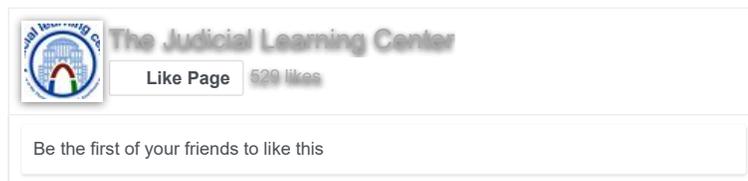
### Judicial Independence

**Directions:** Click START to begin the Student Challenge. Use the ARROW to move through the questions. Check your RESULTS at the end.

Start

You have reached the end of ORGANIZATION OF THE FEDERAL COURTS

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