

Rule of Law as important as ever

By ROBERT D.S. KIM

The annual commemoration of Law Day this month (May 1) reminds us that it is we, the people, who must promote the Rule of Law to protect our rights, champion justice and secure the liberties we have come to expect and rely on.

It is therefore fitting that the American Bar Association selected "Advancing the Rule of Law Now" as the theme for Law Day 2021.

The Rule of Law is the legal tenet that no one, regardless of wealth or power, is above the law, that everyone is accountable under the law and that all people must be treated equally in accordance with their legal rights.

No matter who we are or where we live, the Rule of Law affects us all.

The Rule of Law is a durable system of laws, institutions, norms and community commitment that delivers:

• **Accountability:**

The government as well as the private sector are accountable under the law.

• **Just laws:**

The laws are clear, publicized and stable, are applied evenly and protect fundamental

rights, including the security of people, and contract, property and human rights.

• **Open government:** The processes by which the laws are enacted, administered and enforced are accessible, fair and efficient.

• **Accessible justice:**

Justice is delivered timely by competent, ethical and independent representatives and jurists who are accessible, have adequate resources and reflect the makeup of the communities they serve.

These four universal principles constitute a working definition of the Rule of Law, as articulated by the World Justice Project.

The Rule of Law has its origins in ancient Greece and, more specifically, in the philosophy of Aristotle, who wrote, "It is more proper that law should govern than any one of the citizens."

People from around the world want to come to America because of the institutions and processes that are in place to ensure accountability, stability, equality and access to justice for all. By having a strong Rule of Law,

governments give businesses and society the stability of knowing that all rights are respected and protected.

However, the Rule of Law can be attacked, ignored and even overturned. We must all be mindful of this fact and not take our cherished rights for granted. That's why we, as citizens, must continue to vote and participate when called upon for jury service.

Why is jury service important to our democracy?

The jury system raises our citizens to the position of judges within our courts. Jurors become judges of the facts, and the trial judge becomes a judge of the law. The government and its citizens walk hand-in-hand. There is none without the other.

It is important to recognize that whenever the jurors enter the courtroom, all participants stand. This respect is given due to the awesome responsibility placed on the jury as judges of the facts. We trust our citizens. Jury service helps to support fairness in trials and respect for the laws and court system by including citizens in the decision making.

An important feature of the Rule of Law in America is the separation of powers between the executive, legislative and judicial branches of government. This feature of checks and balances

is essential to a balanced system of governance.

It is clear that those who judge the legality of exercises of power should not be the same as those who exercise it. Institutional separation of the judiciary from other branches of government is commonly thought to be an important feature of rule-of-law states.

Our great country is founded on the concepts of freedom and liberty. The freedom of speech and of the press is fundamental to sustaining the Rule of Law. In 1786, Thomas Jefferson wrote to a friend, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

An essential concept in the history of freedom of the press is the freedom to criticize the government.

As we commemorate Law Day 2021, we should reflect on all the rights, responsibilities and privileges we possess as Americans. Many of our forefathers fought and died for our liberties, and we should renew our efforts to honor and protect these important rights.

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