

# Rule of Law remains as important as ever

Challenging times can test our commitment to the principles of a fair and just society.

Recent years have seen what

seems to be one crisis after another, including the global pandemic, outcry over systemic racism and distrust in the integrity of our elections.

It seems timely, then, that the American Bar Association selected “Advancing the Rule of Law Now” as the Law

Day 2021 theme. The Rule of Law is the principle that no one, regardless of wealth or power, is above

the law, that everyone is legally responsible for their actions, and that all people must be treated equally by law.

We’re a nation governed by laws. Courts apply those laws, and must not be influenced by popular opinions of the day. This is crucial because there’s a natural inclination in many to respond to court cases based on their past experiences and personal beliefs. This is especially true today, when technology has changed the way most people consume information. A headline or social-media post likely cannot convey all of what happened in a particular case. But judges must make decisions based on the principle that the same conduct, regardless of the identity of the actor, should have the same

consequences. This helps ensure that the result is fair in every case.

This is precisely why the Rule of Law is so vitally important to our way of life and system of justice. If we, as a society, don’t stand firm in our expectation that our leaders, courts and citizens uphold the Rule of Law, regardless of circumstances, then the rights of every member of our community may be compromised.

Every day, our courts, guided by the Rule of Law, work to preserve and protect the highest ideals of our society. Judges must remain impartial and maintain fairness. They must ensure everyone is treated equally, and safeguard our rights to life, liberty and property.

In criminal cases, this means

the judge must protect the rights of the accused, who are presumed innocent, and at the same time protect society’s right to justice through a properly-conducted trial.

Not everyone will always agree with the decision of a judge, but through the courts, our society’s dedication to the Rule of Law has given us a legal process with integrity, designed to get the truth in each case.

The Rule of Law has played a vital role in guiding our progress towards a more-fair and just society. But there have also been times when those in power have failed to uphold the Rule of Law, resulting in profound injustices against marginalized people. Building trust in the Rule of Law requires

acknowledging those wrongs and committing to righting them.

It takes work on the part of every citizen to maintain a thriving, just and orderly society. For judges, this means deciding cases in accordance with the Rule of Law. One way members of the public can contribute to the Rule of Law is by serving on juries when called to do so.

I encourage everyone to learn more about our system of justice. People who understand why things work the way they do feel more personally empowered, and have more to offer their communities. This is why we have Law Day.

••• **Randal G.B. Valenciano** is chief judge of Hawai‘i’s Fifth Judicial Circuit.



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