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September 30, 2025

The New York Women's Bar Association supports judicial independence and strongly condemns attacks on judges and all efforts to undermine the rule of law. Threats and violence against judges are at an historic high, threatening judges' ability to do their jobs and undermining the fair and impartial administration of justice. Recently, in an unusual turn of events, many of these attacks have come from the Executive Branch itself, particularly against judges who issue decisions unfavorable to the federal administration's policies.

For example, in June 2025, in an unprecedented case, the Department of Justice sued the U.S. District Court of Maryland, its clerks and each of its 15 judges over its dissatisfaction with a standing order issued by the District Court enjoining removal proceedings for immigrants who filed habeas corpus petitions for 48-hours until a judge could review their petitions. Instead of appealing the order or bringing the issue to the Fourth Circuit's Judicial Council, the DOJ, on behalf of the Executive Branch, sued the court and its judges. The Judge assigned to preside over the DOJ's case dismissed the case, noting among other things that it was effectively a dispute between two co-equal branches of government. The opinion stated that to permit one branch of government to sue another in these circumstances would "offend the rule of law" and was unprecedented.

Judicial independence is a fundamental safeguard of the rule of law in our democracy, ensuring that judges can make decisions impartially and based solely on the merits of a case, rather than on personal, political or third-party interests. The principles of separation of powers and checks and balances enshrined in our Constitution do not support the federal government suing courts that issue decisions with which it disagrees. Judicial independence is particularly critical where the judiciary is protecting minorities and vulnerable groups. As the Judge in the Maryland case wrote, "to hold otherwise would run counter to overwhelming precedent, depart from long-standing constitutional tradition, and offend the rule of law."

As attorneys, we must stand up to protect and defend judges against threats, harassment and baseless lawsuits, whatever the source—even if it is our own government. The NYWBA condemns all efforts to undermine judicial independence.

*Questions should be directed to NYWBA Chapter President, Lissett Costa Ferreira at [president@nywba.org](mailto:president@nywba.org)*

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