

Preserving Rule of Law Requires Protecting Judicial Independence

The United States is at a pivotal moment, facing a massive increase in attacks on the rule of law. We must confront our circumstances with clarity and courage.

BY CHIEF JUSTICE JILL J. KAROFSKY

We are at a pivotal moment in our country's history. We are facing a massive increase in attacks on the rule of law, and we must confront our circumstances with clarity and courage.

Across the nation, politicians and their allies are publicly undermining courts and judges' authority simply because they disagree with judges' orders. Legal reasoning has been thrown out the window as a lens through which to see decisions.

Instead, the focus has shifted to political ideologies and personal accusations – insisting that judges are political actors. The resulting loss of public trust is truly dangerous. This politicization of the judiciary threatens the independence of our courts and the democratic underpinning of our legal system. It threatens the very idea of America.

Here in Wisconsin, we have seen how real the consequences can be. Judges in our state continue to face threats that were once unimaginable – not just political invective, but physical threats. Some have received death threats simply for applying the law. Court staff, attorneys, jurors, and witnesses have also shouldered the weight of this hostility.

We carry the devastating memory of Judge John Roemer, who was murdered for doing his job. That tragedy, and the ongoing threats that many judges continue to report, should remove any doubt about the seriousness of this moment. A court cannot carry out its constitutional role if the people inside the courthouse do not feel secure.

Despite these challenges, our state's judiciary continues its work with steadiness and resolve. Judges across Wisconsin show up each day prepared to make decisions that are sometimes difficult, sometimes unpopular, but always grounded in the law. This is true in

our municipal courts, our circuit courts, our court of appeals, and at the Wisconsin Supreme Court. Attorneys do the same, serving clients with skill and integrity in an environment that expects clarity, professionalism, and courage.

Judicial independence survives only when the law, not politics, guides our courts. And preserving that independence requires people, both inside and outside the courtroom, who are willing to defend that principle.

In the midst of these pressures, it is easy to lose sight of why this work matters so deeply to the people who come through our courthouse doors.

At my local yoga studio, a woman recently approached me and said she had served as a juror in my courtroom several years earlier. She told me she no longer remembered the details of the case. Still, she remembered that I was the presiding judge, that I treated the parties fairly and evenhandedly, and that I treated everyone involved – attorneys, parties, witnesses, jurors, and courthouse staff – with dignity and respect. That brief exchange stayed with me because it speaks to what is at stake. People may not recall the legal arguments, but they remember whether the court functioned the way it should. They remember whether the system felt steady and fair.

The courts of Wisconsin belong to the people of Wisconsin. Preserving their trust requires us to speak plainly about the challenges we face and stand firm in our commitment to an independent judiciary.

As we begin 2026, I ask all of us, judges and attorneys alike, to meet this moment together with honesty, courage, and resolve. If we do, we will strengthen the rule of law and ensure that our courts remain a stabilizing force in a time that urgently needs one. **WL**



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