
FOR IMMEDIATE RELEASE

Santa Clara County Bar Association Issues Statement Regarding the Brock Turner Case

San Jose, CA (June 10, 2016) - The Santa Clara County Bar Association (“SCCBA”) is aware of the substantial public commentary and criticism that have been provoked by the sentence in the Brock Turner sexual assault case and by Judge Aaron Persky’s explanation of the sentence in court (as reported by the media). These events have been the topic of national media attention, extensive social media discussion, and petitions and other demands seeking Judge Persky’s removal from the bench.

The SCCBA recognizes and supports the public’s right to comment on issues of public interest, including the proper adjudication of sexual assault cases and the fair and equal treatment of all who come before the courts. The SCCBA does not itself comment on rulings in individual cases to which it is not a party or amicus, and it, therefore, will not state a position on the Turner sentence.

However, the SCCBA also recognizes the importance of judicial independence, a principle that has not featured prominently in the national discussion to date. The judiciary plays a critical role in upholding the rule of law in our society and constitutional system. Judges have a duty to apply the law to the facts and evidence before them, regardless of public opinion or political pressure. In that role, judges provide an important check against other political forces. If judges had to fear direct, personal repercussions as a result of their decisions in individual cases, the rule of law would suffer. These principles date back to the founding of our nation and are a bedrock of the United States and California Constitutions.

To further these principles, the SCCBA adopted a resolution in 2003 entitled “Independence of the Judiciary.” The resolution observed that “judicial independence is an essential part of our system of justice, allowing judges to fulfill their duty to uphold the Constitution and laws of the United States of America and the State of California and to protect the rights of all who appear before them.... [O]ur judicial system and the freedoms it guarantees will be destroyed if judges must test the political winds and popular opinion before ruling....”

The 2003 resolution provides that the SCCBA should speak out against “statements and actions which exceed the bounds of proper criticism and threaten judicial independence.” This prescription is based in part on recognizing that “the canons of judicial ethics often place judges in a position of not being able to respond effectively to criticism, making it incumbent upon the legal profession to speak out on issues such as these.” Notably, no member of the California judiciary has publicly addressed the controversy over the Brock Turner sentence.

In view of these principles, the SCCBA opposes the present attempts to remove Judge Persky from the bench based on his sentence in the Brock Turner case. The SCCBA has seen no credible assertions that in issuing the sentence, Judge Persky violated the law or his ethical obligations or acted in bad faith. Nor is the SCCBA aware of any other complaints or allegations of impropriety against Judge Persky during his 13 years on the bench. Seeking to punish a judge under these circumstances presents the very threat to judicial independence that the SCCBA has resolved to condemn.

Founded in 1917, the Santa Clara County Bar Association is a non-profit, non-regulatory professional organization working to provide training and support to member attorneys, improve and streamline local administration of justice, and serve the public by fostering improved public understanding of and access to the legal system. The Bar Association currently has over 2,400 member attorneys in the County.

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