Dear Graduates and Friends,

The principle of a “fair, impartial, and independent judiciary” first outlined in the Federalist Papers has become a cornerstone of American democracy and emulated around the world. The power of this ideal was demonstrated vividly in Pakistan during the past year, with thousands of lawyers taking to the streets to protest former President Musharraf’s removal of more than 60 judges, including the Chief Justice of the country’s Supreme Court. Newspaper accounts and video footage of these individuals being beaten and arrested by the hundreds graphically demonstrated the determination of these attorneys to uphold the rule of law.

What kindles the devotion and passion for a cause that would lead thousands of lawyers into the streets to face assault and arrest? “Judicial independence” might seem an unlikely answer. But the courage of Pakistani lawyers in enduring physical abuse and incarceration underscores the vital importance of an independent judiciary—able to render decisions based on the facts and law of the case at hand, and free to act without threats or interference—in sustaining a democratic society.

As some of our law school’s faculty scholars note, criticism of the courts and battles over judicial philosophy have long been features of American politics. But according to a number of distinguished Maryland Law alumni who serve on the bench, much of the recent criticism of the judiciary, which has intensified as political divisions have widened, hasn’t been constructive. In this issue of JD, both of these groups of experts consider whether the current environment is placing our nation’s system of justice, administered by independent and impartial judges, at undue risk.

The balance between individual rights and national security has become a central issue during the War on Terror. As part of our ongoing Linking Law and the Arts series, the School of Law supported the production of a 30-minute film this year that, for the first time, takes us inside the Combatant Status Review tribunals in Guantanamo. “The Response” was written by a law school student whose research uncovered actual transcripts of detainee hearings that he used as source material for the script. This fictional courtroom drama provides valuable opportunities to explore the role of due process and the concept of judicial impartiality in our post-9/11 world. I hope you will enjoy reading about the film and be able to attend its Oct. 22 screening in Baltimore.

Such ground-breaking approaches to legal education exemplify the School of Law’s role as a national leader in innovation. In recognition of this status, we recently received $1.6 million in support from the Fetzer Institute to create the LEAD initiative. This groundbreaking program will enable us to incorporate the teaching of professionalism, leadership, and ethics throughout the curriculum and serve as a model for law schools nationwide. LEAD will become a catalyst for creating leaders who will not only revitalize the democratic ideals of our own legal system but also further the pursuit of those ideals worldwide.

It has been my privilege to lead this law school for almost a decade, and the increasing recognition of Maryland Law as a national leader brings me great pride. Our success has not stemmed from any one person’s efforts, but from many people working in concert. I look forward to another great year, as we still have much to accomplish together. I hope to see as many of you as possible in the months ahead as we continue to pursue our shared vision for our law school.

Best wishes,

Karen H. Rothenberg
Dean and Marjorie Cook Professor of Law