

The State Bar of South Dakota encourages its members to engage in civics education efforts and to provide information to the public regarding fundamental legal principles and the rule of law in accordance with the Preamble to the South Dakota Rules of Professional Conduct, which states:

“A lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”

In accordance with the spirit of the Preamble, we encourage our members to discuss topics such as the following:

- The importance of promoting the administration of justice and upholding the rule of law—core principles essential to the proper functioning of our democracy, which is comprised of three co-equal branches of government. All branches of government are important and must follow the rule of law.
- The role of the rule of law, which ensures that our legal system in the judicial branch of government operates with fairness, stability, and predictability, affording all individuals equal access to justice under established principles. All people must be treated equally under the law.
- The belief that a strong and independent judiciary is fundamental to our democracy, as it safeguards constitutional rights, resolves disputes impartially, and applies the law free from external influence. Judges must be able to decide cases based on the facts and the rule of law, rather than outside pressures or political bias.

Efforts to undermine judicial independence—whether through threats to judicial security, calls for removal based on case outcomes, or actions that erode the public's trust in the courts—pose risks to the proper functioning of our justice system. Judges must never face threats or intimidation for rendering decisions.

As the Chief Justice of the United States Supreme Court recently stated:

“Public officials certainly have a right to criticize the work of the judiciary, but they should be mindful that intemperance in their statements when it comes to judges may prompt dangerous reactions by others. Disinformation, even if disconnected from any direct attempt to intimidate, also threatens judicial independence. This can take several forms. At its most basic level, distortion of the factual or legal basis for a ruling can undermine confidence in the court system. Our branch is peculiarly ill-suited to combat this problem, because judges typically speak only through their decisions. We do not call press conferences or generally issue rebuttals.”

- The importance of the ability of lawyers to advocate for clients, even when those clients and their causes may be difficult or controversial. Our democracy depends on lawyers providing representation to others to ensure that legal rights are properly asserted and that courts are presented with full and fair arguments. Lawyers and law firms must not face retaliation when advocating claims or defenses on behalf of any person or cause.
- The role of the judicial system in protecting and supporting the fundamental right to freedom of speech and expression.

South Dakota lawyers and judges swear an oath to support the Constitution of the United States and the Constitution of the State of South Dakota, and to maintain the respect due to courts of justice and judicial officers.

The State Bar of South Dakota is a non-political entity. We strive to remain neutral with respect to political issues.

The State Bar of South Dakota thanks our members for fostering the public's understanding of and confidence in the rule of law and the justice system. We also extend our gratitude to citizens for their assistance in our outreach efforts. We invite members of the Bar and the public to consult other nonpartisan sources, including the National Constitution Center and iCivics, for further information on the importance of the rule of law in our democracy.