

# Judicial conduct and disability act

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## Judicial Conduct and Disability Act JUDICIAL CONDUCT AND DISABILITY ACT

The Judicial Conduct and Disability Act of 1980 28 U. S. C. 372 is constitutional. This is because it does not trench on the independence of the judiciary impermissibly under Article III. In addition, it is not inconsistent with Article I and II impeachment processes. Indeed, Article III, rather than being meant to insulate judges from internal oversight, was meant to safeguard the independence of the judiciary from the Congress and executive (Baum, 2013). Finally, the vesting of power in Congress to impeach judges does not remove the ability of internal disciplinary mechanisms.

The repeated reassignment of cases from Article is also constitutional. This will always be so as long as a rational reason exists for the Article III judge to request for a change of either judge or venue of the case (Baum, 2013). One example of such a rational reason is conflict of interest. However, it would be unconstitutional for Congress to delegate the authority to remove an Article III judge to the Supreme Court. This is because these judges can only be removed when the Congress successfully impeaches them. In addition, since these judges serve in their positions during good behavior, they cannot be discharged and only Congress can remove them through impeachment (Baum, 2013).

Finally, federal judges should be appointed for life. The reason that they should have life tenure is because they should be insulated from whatever politics are gripping the nation at any particular moment (Baum, 2013). If federal judges did not have tenure for life, it would be easy for them to become affected by various issues and crisis that were prevalent in the different political parties. In addition, giving them tenure for life makes sure that they are above social issues in the country.

## References

Baum, L. (2013). *American courts: Process and policy*. Boston: Wadsworth.