



October 27, 2022

Republican State Leadership Committee
1201 F Street, NW, SUITE 675
Washington, DC, 20004

Via email: contact@rslc.gop, press@rslc.gop

To Whom It May Concern:

The Judicial Election Advertising Monitoring Committee of the Ohio State Bar Association (the “Committee”) met this week to consider a complaint about a television ad paid for and distributed by the Republican State Leadership Committee Judicial Fairness Initiative. As is the custom of our Committee, we are notifying you of the Committee’s finding. We will also notify the three judges mentioned in the ad and the other candidates for Supreme Court, as well as release this letter to the Ohio news media.

Our Committee, working on behalf of the Ohio State Bar Association, considers written complaints regarding *“Campaign advertising that impugns the integrity of the judicial system, the integrity of a candidate for the Supreme Court or erodes public trust and confidence in the independence and impartiality of the judiciary by verbally or visually attempting to lead voters to believe that a candidate will decide issues or cases in a predetermined manner.”*

Findings

The Committee determined that the ad you authorized entitled “[Bail](#),” which criticizes Justice Jennifer Brunner, Judge Marilyn Zayas and Judge Terri Jamison as being “reckless” and “soft on crime” for their opinions in select and highly-nuanced criminal cases, violates the Committee standards and serves to erode public trust and confidence in the judiciary.

Ads like these perpetuate what we believe to be widespread misperceptions about the role of judges in our system of government. Judges are often called upon to make unpopular decisions to uphold the rule of law. Our society decided several generations ago that this was the best way to protect the constitutional rights we all enjoy. While we are all free to disagree with a law or find fault in a judge’s legal reasoning, it is misleading and a disservice to voters to grossly oversimplify their opinions just to score political points.

While this ad is the subject of the complaint before us, we are encouraging Ohio voters to be wary of any ads that paint judicial candidates with such a broad brush. Every case on which a judge rules has different facts and circumstances that must be considered in determining the outcome of a case, regardless of public opinion. This is the foundation of judicial independence, which regardless of our personal political views, we should all be striving to uphold.

Call to Action

We ask that you discontinue the ad in question or revise it to provide more clarity and context for the cases you reference. While we support your constitutional right to vigorously make the case for the candidates you support for our state's highest court, we encourage you to do so without using misleading terms or rhetoric that further damage public trust in the independence, integrity and impartiality of our judicial system.

Sincerely,

A handwritten signature in black ink that reads "Paul Hervey". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Paul Hervey, Esq.
Chair, Ohio State Bar Association
Judicial Election Campaign Advertising Committee

cc: Justice Jennifer Brunner
Judge Marilyn Zayas
Judge Terri Jamison
Justice Sharon Kennedy
Justice Patrick Fischer
Justice Patrick DeWine
Ohio News Media