



November 3, 2022

Ohio Democratic Party
c/o Elizabeth Walters
340 East Fulton Street
Columbus, Ohio 43215

Via email: info@ohiodems.org

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 we received about a television ad paid for and distributed by the Ohio Democratic Party. As is the custom of our Committee, we are notifying you of the Committee’s finding. We will also notify the two justices implicated in the ad, 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 has determined that the ad you are running entitled “[Dangerous](#),” which is critical of Justice Patrick DeWine and Justice Patrick Fischer, violates the Committee standards. The ad could serve to erode public trust and confidence in the impartiality of the judiciary and unfairly lead voters to believe that these justices will decide issues in a predetermined manner.

Ads like this perpetuate and exploit widespread misperceptions about the role of judges in our system of government. It is false to say that Justice DeWine and Justice Fischer “will ban” abortions when under the constitutional separation of powers, they do not have that authority. It is the legislature that makes the laws and judges interpret them. Further, in accordance with judicial canons, neither justice you criticize has taken a position or said how they would rule in such cases.

Call to Action

We ask that you discontinue the ad in question. While we support your constitutional right to vigorously make the case for the candidates you support, 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 from the end of the name.

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

cc: Judge Patrick DeWine
Judge Patrick Fischer
Ohio News Media



November 3, 2022

DeWine for Justice Committee

Via email: pat@patdewine.com

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 we received about a television ad paid for and distributed by the DeWine for Justice committee. As is the custom of our Committee, we are notifying you of the Committee’s finding. We will also notify Judge Zayas, 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 has determined that [the ad](#) you are running, which is critical of Judge Marilyn Zayas for a *purported* opinion about whether public safety should be considered by judges in setting bail, violates the Committee standards. The ad could serve to erode public trust in the impartiality of the judiciary and unfairly lead voters to believe that Judge Zayas will decide issues in a predetermined manner.

The news story cited in the ad to support your claim reports only that “Judge Zayas said she would have agreed with the majority opinion (in *Debose v. McGuffey*).” She did not say that she personally opposed considering public safety when setting bail.

It is certainly fair game to show contrast with an opponent over their judicial reasoning or philosophy. However, ads like this exploit widespread misperceptions about the role of judges in our system of government. As your ad pointed out, judges are employed to interpret the law. Voters and the legislature are in the business of changing laws, which might be the case with State Issue 1.

Call to Action

We ask that you revise and/or discontinue the ad in question and once again, call on your campaign to hold itself to the highest standards of campaign conduct in the remaining days before the election.

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 from the end of the name.

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

cc: Judge Marilyn Zayas
Ohio News Media



November 3, 2022

Forward Justice

Via email: info@forwardjustice.org

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 we received about a television ad paid for and distributed by Forward Justice. As is the custom of our Committee, we are notifying you of the Committee’s finding. We will also notify the two justices implicated in the ad, 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 has determined that the ad you are running entitled “[Nightmare](#),” which is critical of Justice Patrick DeWine and Justice Patrick Fischer, violates the Committee standards. The ad impugns the integrity of these candidates for Supreme Court and our judicial system. It could serve to erode public trust and confidence in the impartiality of the judiciary and attempts to lead voters to believe that these justices will decide issues in a predetermined manner.

Campaign rhetoric like this is damaging to our justice system and perpetuates what we believe to be widespread misperceptions about the role of judges in our system of government. Judges often are called upon to make unpopular decisions to uphold the rule of law. In this case, Justices DeWine and Fischer voted not to take a case on appeal. One is always free to disagree with a judge’s legal reasoning. One can be critical of the law that was passed by the Ohio General Assembly and previously upheld by the Ohio Supreme Court. However, it is wrong and a disservice to the voters of Ohio to suggest that the legal reasoning employed by Justice DeWine and Justice Fischer in this case puts them on the side of pedophiles.

Call to Action

We call on you to discontinue the ad in question. While we support your constitutional right to vigorously make the case for the candidates you support, 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: Judge Patrick DeWine
Judge Patrick Fischer
Ohio News Media