

**CANDIDATE'S PLEDGE AGREEMENT
REGARDING ETHICAL CONDUCT IN JUDICIAL
CAMPAIGN ADVERTISING**

I agree to conduct my campaign advertising in accordance with the provisions of this Agreement:

WHEREAS, Canon 4 of the 2009 Code of Judicial Conduct states broadly that, "A judge or judicial candidate shall not engage in political activity or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary." More specifically, Canon 4 sets out certain campaign conduct and certain campaign guidelines which proscribe any false statements and certain misrepresentations during the course of judicial campaigns. The need for clarification, to avoid inadvertent violations, and for mechanism to dissuade persons from prohibited violations, is accentuated by the growing trend toward so-called "negative advertising" in judicial campaigns; and

WHEREAS, the provisions of this agreement expand upon and incorporate the prohibitions of Canon 4 as it relates to advertisements in judicial campaigns, with additional references to guidelines promulgated by the Columbus Bar Association Judicial Election Campaign Advertising Committee, as well as examples of questionable conduct; and

WHEREAS, the Judicial Campaign Advertising Committee (hereafter "Committee") is charged with the responsibility for supervising and administering all matters related to the application of and the compliance with the terms of this Agreement in all elections for seats on the Franklin County Common Pleas, Municipal Courts and the Tenth District Court of Appeals; and

WHEREAS, the activities undertaken by the Committee are not intended to infringe upon the freedom of expression and/or association of judicial candidates under the First Amendment, United States Constitution and as interpreted in *Republican Party of Minnesota vs. White* 122 S.Ct. 2528 (2002). Also, there is no intention to go beyond the balance struck in Canon 4 between protected and unprotected speech. The foremost concern, however, reflects a widely shared view that judicial elections are in some respects different from a person seeking executive or legislative positions. Elected judges are not to be viewed as "representatives" in the same sense as nonjudicial officials are commonly regarded; and

WHEREAS, the judicial oath requires judges to administer justice to all in a nonpartisan manner; to retain an open mind on issues or matters that may come before them; and to be arbiters of conflicts -- not spokespersons for the varying interests of certain political or geographical constituencies. Thus, judicial candidates should aspire to a higher standard of conduct, and it is hoped that these guidelines will assist all judiciary candidates in meeting this objective.

NOW, THEREFORE:

1. I agree to familiarize myself with, and to conduct my campaign in accordance with all applicable laws and case precedent, including Canon 4 of the 2009 Code of Judicial Conduct and the guidelines promulgated by the Committee, and to cooperate fully with the Committee in its efforts to assure compliance with the terms of this Agreement.
2. Subject to Constitutional law, the 2009 Code of Judicial Conduct, and applicable campaign financing law and case law relating to them, I agree to be personally responsible for the content of all statements and campaign material promoting my

judicial campaign, including advertisements in newspaper, radio, television or periodicals, press releases, brochures, fliers, sample ballots, yard signs, billboards, websites, email and other material.

3. I understand that the Committee may review campaign advertising materials created and/or distributed by other sources in support of my election, and I agree to disavow publicly any and all statements or campaign materials issued by any unauthorized source, which are found by the Committee to be in violation of the guidelines of this Agreement, promptly upon notification by the Committee of the existence of such statements or materials.
4. I agree that Canon 4 of the Code of Judicial Conduct contains minimal rules relating to campaign conduct which prohibit the making or distribution of false or misleading statements. In particular, I acknowledge that in some circumstances the omission of relevant information could make an otherwise truthful statement either misleading or unfair.
5. I acknowledge that Canons 2 and 4.1(A) of the 2009 Code of Judicial Conduct precludes an incumbent judge from commenting on pending cases, and, that the Committee considers all comments on specifically pending cases by or on behalf of any candidate to be inherently unfair and improper.
6. I agree that the Committee reviews judicial campaign advertising for false, misleading, unfair, unethical or illegal statements. I acknowledge that the Committee may request modification or retraction of advertising materials, may make public comment and/or may make referrals to the Office of Disciplinary Counsel, a certified grievance committee, the Ohio Elections Commission or other appropriate bodies.
7. I agree to submit for review, sufficiently in advance¹ of public dissemination to permit review by the Committee, all campaign materials relating to my judicial campaign including, but not limited to, newspaper, radio or television advertising, materials posted on websites, brochures, fliers, sample ballots, yard signs, billboards or other printed materials. I acknowledge that prior review of materials by the Committee does not preclude subsequent reconsideration by the Committee based upon additional information brought to the Committee's attention.
8. I acknowledge that campaign advertising materials produced and/or disseminated on behalf of my judicial campaign prior to executing this agreement are subject to review by the Committee.
9. I acknowledge that in reviewing campaign material, the Committee will apply the following guidelines for the use of certain common phrases:
 - A. "Experience" means the candidate's having spent a substantial amount of activity with respect to the subject matter for which "experience" is claimed and/or participation and the acquisition of skill that includes more than a mere appearance before a court or the listing of one's appearance on a pleading.

¹ The Subcommittee will strive for a turnaround time of five (5) business hours.

- B. "Jury Trial Experience" or other reference to Jury Trial means participation in the trial of cases to jury verdict and performing any of the following: voir dire, opening statement, direct examination, cross examination, or closing argument; or as it relates to a judge, referee, or magistrate, presiding over such; in any Court including Municipal, Common Pleas and/or Federal Court.
 - C. "Trial Experience" or other reference to trials means participation in the trial of a case by performing any of the following: opening statement, direct examination, cross examination, or closing argument; or as it relates to a judge, referee or magistrate, preside over such; regardless of whether it was tried to verdict in any Court including Municipal, Common Pleas and/or Federal Court.
 - D. "Litigation Experience" or reference to litigation mean participation in drafting and filing complaints and answers, drafting and responding to filed motions, drafting and responding to filed briefs and conducting depositions in cases pending in Municipal, Common Pleas, Appellate Court and/or Federal Court or as it relates to a judge, referee, or magistrate presiding over such cases.
 - E. "Appellate Experience" or reference to appellate litigation means participation in writing filed briefs or presenting oral arguments in the Court of Appeals or as a judge hearing such appeals in a State or Federal Court of Appeals or Supreme Court. Appellate experience is also by definition litigation experience.
 - F. "Administrative Hearing Experience" includes preparation for and participation in the presentation of evidence and/or arguments in any type of administrative proceeding as either a hearing officer or a lawyer for a party.
10. I agree to be available or make a member of my committee available to meet with the Committee, or one of its Subcommittees, within 24 hours of a request by the Committee for a meeting, or upon shorter notice as requested by the Committee during the last week prior to the election.
 11. If requested in writing by the Committee to modify or retract any newspaper, radio, billboard, television or other advertising found to be in violation of this Agreement, I agree to instruct the respective newspaper, ad agency, radio or television stations, in writing within 4 hours that the advertisement in question is to be withdrawn immediately and to confirm that instruction to the Committee.
 12. I agree to refrain from any public comment concerning the filing of a complaint or the Committee's action or inaction, unless and until the Committee has issued a written public statement concerning such matters. I understand that official action by the Committee shall be taken only upon the concurrence of seven members of the Committee. Nothing in this paragraph otherwise alters, eliminates or expands the candidate's ability to file and pursue proceedings before the Office of Disciplinary Counsel, a certified grievance committee, the Ohio Elections Commission or other appropriate bodies regarding the use of judicial campaign advertising materials by my campaign or the review thereof by the Committee.
 13. With respect to official notices and communications, I acknowledge that I should communicate directly with either the Chair of the Committee or the Executive Director of the Columbus Bar Association.

14. I agree to submit copies of this fully executed agreement to my local and state political party representatives.

My primary contact person is:

_____,
address: _____,
phone: _____, and fax: _____,
cell: _____, and email: _____.

My back-up contact is:

_____,
address: _____,
phone: _____, and fax: _____,
cell: _____, and email: _____.

I may be reached at:

address: _____,
phone: _____, and fax: _____,
cell: _____, and email: _____.

I have read the foregoing Agreement and I agree to abide by the terms set forth therein. I have also requested those persons managing my campaign to familiarize themselves with this Agreement and to assist in its implementation.

Dated: _____

Candidate's Signature

Please print name:
