

**COLUMBUS BAR ASSOCIATION  
JUDICIAL CAMPAIGN ADVERTISING COMMITTEE**

**INTERNAL REGULATIONS AND PROCEDURES<sup>1</sup>**

**A. DEFINITIONS**

1. The Committee will apply the following guidelines for the use of certain common phrases:
  - (i) "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.
  - (ii) "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.
  - (iii) "Trial Experience" or other reference to trials means participation in the trial of a case by 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, preside over such; regardless of whether it was tried to verdict in any Court including Municipal, Common Pleas and/or Federal Court.
  - (iv) "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.
  - (v) "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.

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<sup>1</sup> The Internal Regulations and Procedures and other materials will be presented to representatives of each political party. They will also be presented to each judicial candidate and he/she will be asked to execute the Candidate's Pledge Agreement Regarding Ethical Conduct in Judicial Election Campaign Advertising expressing his/her willingness to follow them in the campaign.

- (vi) "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.

**B. COMMITTEE**

1. The Chair shall be appointed by the President of the Bar Association, but the Committee shall have the authority to elect a Vice Chair, Secretary, and other Committee officers. The officers of the Committee will have the duties and powers normally incident to such offices plus such others as decided by the Committee.
2. The President of the Bar Association, with the advice and consent of the Board of Governors, shall appoint eleven (11) persons to serve as the voting members of the committee. Three (3) of these Committee members will be nonlawyers. No more than five (5) of the committee shall be of the same political party.
3. The President of the Association shall also appoint, with the advice and consent of the Board of Governors, six (6) alternates from the Association, three (3) from each political party and shall specify first, second and third alternate for each appointee. The alternate appointees shall be members of the Committee without voting status unless there is an absence of a lawyer voting member in which case an alternate member of the same political party with the highest alternate designation shall become a voting member for the meeting.
4. The members and the alternate members (collectively referred to as "members") shall serve a term of three (3) years and shall be eligible for reappointment.
5. Only the Chair or his/her designee may communicate with the press or issue statements on behalf of the Committee. Deliberations, discussions and records of the Committee shall be confidential, and the individual remarks of Committee members shall not be divulged to anyone other than to other Committee members.

**C. SUBCOMMITTEE**

1. The Chair of the Committee, the Executive Director of the Association and others from the Committee as may be appointed by the Chair shall constitute a subcommittee to review campaign advertising materials that the judicial candidates submit to the Committee as agreed to in the Candidates Agreement. The Subcommittee will have an equal number of members from each political party. The same Subcommittee shall serve during an entire election cycle.
2. Candidates shall submit for review by the Committee, or its Subcommittee, sufficiently in advance of public dissemination, all campaign materials relating to their judicial campaigns issued by them or on their behalf, including but not limited to, newspaper, radio or television advertising, materials posted on

candidates' websites, brochures, fliers, sample ballots, yard signs or other printed materials.

3. The Subcommittee will strive for a turnaround time of five (5) business hours.
4. The standard of review for the Subcommittee (or, if applicable, the full Committee) is whether the campaign materials contain false, misleading, unfair, unethical or illegal statements as defined by the Constitution, Canons of Judicial Conduct, applicable campaign finance law and any applicable case law relating to them.
5. The initial review by the Subcommittee shall not bind the entire Committee in the event of a formal complaint, but shall be advisory in nature to the judicial candidate as to whether the campaign advertising material appears to violate the Canons of Judicial Conduct or the cases or opinions related to them.
6. The Subcommittee may also review and resolve informal complaints lodged with the Committee. In its discretion, the Subcommittee may refer campaign materials or informal disputes to the full Committee.
7. The Subcommittee shall inform the complainant that the decision of the Subcommittee is not the decision of the full Committee and that a formal complaint in writing may be brought before the full Committee for its decision and recommendation.

**D. MEETING PROCEDURES**

1. Meetings of the Committee shall be at the offices of the Columbus Bar Association or at such other place as determined by the Committee.
2. Meetings of the Committee shall be called by the Chair, but in any event, shall be held as needed on each of the five (5) weeks preceding the date of a judicial election.
3. Special meetings may be called by the Chair or any three (3) members of the Committee.
4. No written notices of meetings shall be required and the failure to notify a Committee member in any manner shall not invalidate an action of the Committee otherwise legally taken.
5. The presence of a quorum (6) is required in order for the Committee to act legally and officially. No public announcement shall be authorized except by a vote of at least seven (7) members of the Committee present at the meeting of the Committee. Proxies shall not be allowed for any purpose.

**E. COMPLAINT PROCEDURE**

1. The Committee will consider matters of which it becomes aware, from any source. Names of complainants will not necessarily be disclosed. Action on complaints will be within the sole discretion of the Committee.
2. A Complainant may file a written formal complaint requesting a hearing before the full Committee. Upon the filing of a formal complaint, the Committee shall immediately cause the Complaint to be served upon the Respondent. The following procedures shall be followed:
  - (i) No later than two (2) business days from the filing of the Complaint, but during the last week prior to the election, within twenty four (24) hours of a request by the Committee for a meeting, or upon shorter notice as requested by the Committee, a panel comprised of (i) the Chair of the Committee, the Vice Chair of the Committee, the Executive Director of the Association or (ii) another panel of at least three members of the Committee appointed by the Chair, shall review the Complaint and make a preliminary determination as to whether probable cause exists as to any of the issues raised by the Complaint to warrant a hearing before the full Committee.
  - (ii) If the panel determines that there is no probable cause stated in the Complaint, it will state its preliminary determination no later than three (3) business days from the date the Complaint is filed and notify the Complainant and Respondent. No later than two (2) business days of the panel's probable cause determination, the Complainant may request that the full Committee review the preliminary determination of the panel. The full Committee will meet no later than two (2) business days of the Complainant's request for a full Committee to review the panel's findings. At the conclusion of its deliberations, the Committee will determine whether to uphold the panel's determination or to hold a hearing before the full Committee with respect to any of the issues in the Complaint and notify the Complainant and Respondent. If the Committee determines that probable cause exists with respect to any of the issues raised by the Complaint, it shall follow the hearing process as set forth in section E2(iv) below.
  - (iii) If the panel determines that the Complaint states probable cause with respect to violations of Canon 7, any other relevant Canon, case law or the Candidate's Agreement filed with the Committee as to any issue raised by the Complaint, it shall report its preliminary determination as to the issues for which it found probable cause to the Complainant and Respondent.

- (iv) Hearing procedures include the following:
- a) A hearing before the full Committee shall take place no later than two (2) business days after the panel's determination of probable cause.
  - b) The Chair or any member of the Committee that the Chair shall appoint will serve as the Chair for the hearing before the full Committee.
  - c) At the option of the Chair of the hearing, the hearing may be transcribed, by tape recording or otherwise.
  - d) The Complainant and Respondent may appear before the Committee.
  - e) The standard of proof for the Complainant shall be clear and convincing evidence.
  - f) The Chair of the hearing shall limit each party's case to not more than thirty (30) minutes for each Complainant and Respondent.
  - g) After all parties have been provided with an opportunity to make oral arguments, the Committee shall have an opportunity to question any party present at the hearing. In no event shall the hearing consume more than three (3) hours.
  - h) At the conclusion of the hearing, the Committee will convene to determine issues. The Committee may, at its election, announce its determination as soon as it has reached its decision and/or issue its decision in writing no later than one (1) business day after the hearing date.
- (v) If the Committee determines that a violation has been shown by clear and convincing evidence, it may require the Respondent to make immediate corrections to his/her campaign advertising or take other appropriate action. At any time after its determination of the Complaint, the Committee, at its election, may issue a public statement regarding its findings and, if appropriate, report its findings to the appropriate disciplinary or election authority.
- (vi) If requested by the Committee to modify or retract any newspaper, radio or television advertising found to be in violation of this Agreement, the candidate shall instruct the respective newspaper, radio or television stations, in writing within four (4) hours that the advertisement in question is to be withdrawn immediately and immediately to confirm that instruction to the Committee.

- (vii) The candidate shall refrain from any public comment concerning the filing of a complaint before the Committee or the Committee's action or inaction, unless and until the Committee has issued a written public statement concerning such matters. -