

Scenarios

I. The voice on the other end of the phone line says “I have received a \$1,000 check from ABC Corporation. I know that state law restricts corporate contributions to \$500 and that I cannot accept the \$1,000 contribution. My question to the Committee is do I have to return the entire \$1,000, or \$500, or deposit the money and refund \$500? What is your recommendation and advice?”

II. Candidate A mails you copies of her opponent’s newspaper ad which contains a table listing court trial experience. Under that category appears 0. You contact Candidate A and he says “To my knowledge, she has never been to court and no one at the courthouse tells me they have ever seen her up here in a Jury trial.”

Candidate A then sends you several Case Action Summary Sheets which reflect she is the lawyer of record in several cases, including Jury trial cases. What is your advice and recommendation?

III. Two Candidates are running for your highest appellate court. One candidate announces that she has been a “prosecutor” in a number of cases. Her opponent files a complaint saying she has never prosecuted as a member of the District Attorney’s office any criminal case in front of a jury. Rather, she has served as a member of the Attorney General’s office as appellant counsel representing the state in a large number of appellate cases. Does the fact that she has appeared only in appellate matters entitle her to use the term “prosecutor”?

IV. In a state appellate court race, the non-incumbent refers to the incumbent appellate judge as someone who has been “bought and paid for by the insurance companies” and states that his decisions reflect that fact. This term appears in radio and newspaper ads. The incumbent appellate judge files a complaint against his opponent. What is your recommendation and advice?