



November 3, 2022

DeWine for Justice Committee

Via email: [pat@patdewine.com](mailto: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 fluid and cursive, with a long horizontal stroke extending 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