

**BEFORE THE COMMISSION OF FIVE JUDGES  
APPOINTED BY  
THE SUPREME COURT OF OHIO**

In re: Judicial Campaign Complaint :  
Against Patricia A. Morris : Case No. 96-2586  
:

**ORDER OF THE COMMISSION OF JUDGES.**

This matter came to be reviewed by a commission of five judges appointed by the Supreme Court of Ohio pursuant to Gov.Jud.R II(5)(1) and R.C. 2701.11.

The commission members are as follows: Judges Sheila G. Farmer, John D. Schmitt, Judith A. Nicely, Margaret K. Weaver, and Cynthia C. Lazarus, Chair.

On October 24, 1996, the complainant, Thomas E. Compton<sup>5</sup>, filed a complaint with the Board of Commissioners on Grievances and Discipline of the Supreme Court contending that the respondent, Patricia Morris, had broadcast false information about her opponent through a television advertisement in the campaign for the Mahoning County Court of Common Pleas, Division of Domestic Relations, in violation of Canon 7(E)(1) of the Ohio Code of Judicial Conduct. The complaint was heard by a panel of the Board of Commissioners on Grievances and Discipline on November 12, 1996. The Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Panel were filed with the Supreme Court of Ohio on November 18, 1996. (See Appendix.) The panel found by clear and convincing evidence that respondent knowingly engaged in conduct which resulted in the broadcast of information concerning her judicial campaign

---

<sup>5</sup>Thomas E. Compton is the husband of Beth A. Smith, who was running against respondent for the position on the Mahoning County Court of Common Pleas, Division of Domestic Relations.

opponent, which respondent knew to be false, in violation of Canon 7(E)(1) of the Ohio Code of Judicial Conduct. Accordingly, the panel recommended that the respondent be sanctioned with a fine in the amount of Five Hundred Dollars (\$500.00), plus the costs of the proceedings, exclusive of complainant's attorney fees.

On November 21, 1996, the Ohio Supreme Court appointed a five-judge commission to review the panel's report. The judicial commission was provided with the original grievance form and affidavit filed by the complainant and the formal complaint filed by the Secretary of the Board of Commissioners on Grievances and Discipline; a complete transcript of the November 12, 1996 hearing before the panel of the Board and the exhibits presented at that hearing, including a videotape of the advertisement in question, an audio tape of the hearing on which the advertisement was based, and the panel's report of November 18, 1996.

The commission met by telephone conference on December 2, 1996, and December 9, 1996, to consider the report of the panel, the transcript of the hearing, and the exhibits submitted. The parties were thereafter afforded the opportunity to file written briefs limited to the issue of the sanction recommended by the panel in its November 18, 1996 report. Upon receipt of those briefs, the commission met again by telephone conference on January 6, 1997.

It is the unanimous determination of the judicial commission to affirm the findings of fact and conclusions of law of the Board panel. However, because the commission believes that the processes provided for pursuant to Section 5(E)(1), Rule II, of the Supreme Court Rules for the Government of the Judiciary of Ohio serve dual purposes of punishing behavior in violation of the Ohio Code of Judicial Conduct and informing the legal and judicial communities of appropriate campaign conduct, we reject the sanctions proposed by the Board panel.

The judicial commission notes that the broadcasted misinformation has irreparably damaged the reputation of respondent's judicial opponent. There is no adequate mechanism by which respondent can be required to correct the false impression of her opponent that was created by the commercial which respondent previewed, authorized, and presented to an unidentifiable audience.

The commission finds that to sanction such conduct by means of a fine of Five Hundred Dollars (\$500.00) as recommended by the Board panel, is to create a campaign environment in which judicial candidates may determine to engage in known violations of the judicial code, including in their campaign budgets a calculation of fines to be paid as a "cost of doing business." Such an environment would in no way enhance the public respect for the judiciary or increase the ability of the citizenry to make more informed choices among candidates for judicial office.

Accordingly, it is the unanimous recommendation of the judicial commission that respondent be publicly reprimanded for her violation of Canon 7(E)(1) of the Ohio Code of Judicial Conduct, and that she be ordered to pay the costs of these proceedings, exclusive of Complainant's attorney fees.

**SO ORDERED.**