

**CONTACT INFORMATION:**

Maxine Thomas, chair  
OSBA Judicial Election Campaign Advertising Monitoring Committee  
937-439-9808



October 26, 2012

Robert Bennett  
Ohio Republican Party  
211 South Fifth Street  
Columbus, Ohio 43215  
[info@ohiogop.org](mailto:info@ohiogop.org)

Dear Mr. Bennett,

The Ohio State Bar Association Judicial Election Campaign Advertising Monitoring Committee met yesterday to consider a complaint regarding an advertisement supporting Justice Robert Cupp that was paid for by the Ohio Republican Party. As is the custom of our committee, we are notifying you of the committee's finding. We will also notify Justice Cupp, candidate O'Neill, and we will release this letter to the Ohio media.

The committee unanimously determined that statements in the ad, taken as a whole, violate committee standards in that they impugn the integrity of the judicial system, the integrity of a candidate for the Supreme Court of Ohio, and erode the public trust and confidence in the independence and impartiality of the judiciary by attempting to lead voters to believe that a candidate will decide issues or cases in a predetermined manner.

The Committee was troubled by this specific language: "Bill O'Neill expressed sympathy for rapists." Use of this language could (1) lead people to believe that former Judge O'Neill might decide issues or cases in a predetermined manner; (2) question his integrity; and (3) erode the public's trust and confidence in the judicial system.

The language in the ad comes from a ruling in which former Judge O'Neill wrote:

"Rape is a crime of violence which ultimately devastates the lives of at least two people. It is beyond question that the victim suffers emotional damage. The perpetrator, on the other hand, is labeled for life as a rapist and left to lead a life of rejection and scorn by society as a whole. For these reasons, it is the duty of all courts to insure that justice is served for both parties."

The committee's reading of this indicates that then Judge O'Neill was performing his duties as a judge, expressing a commitment to preserving justice for all parties. It also bears noting that this rape conviction was ultimately overturned unanimously by a three-judge panel. In the committee's estimation, use of the above-mentioned language in the ad is misleading, impugns the candidate's integrity and erodes the public's trust and confidence in the judiciary.

To his credit, Justice Cupp issued a statement from his campaign committee renouncing the ad:

“Justice Cupp and his campaign found out about the state party ad shortly after the news media did. We are not aware that such an ad has actually been broadcast. However, Justice Cupp does not believe the purported ad is an appropriate approach to judicial campaigning, which is why he has not and would not approve a commercial like this.”

The committee believes Justice Cupp needs to go further in his renunciation of the ad by requesting that the Ohio Republican Party cease its airing and use in any form.

Beyond a request from Justice Cupp, the OSBA Judicial Election Campaign Advertising Monitoring Committee now asks the Ohio Republican Party to take down this ad and cease its airing and use in any form.

The goal of the OSBA Judicial Election Campaign Advertising Monitoring Committee is to serve as the public’s “watchdog,” to see that advertising stays focused on judicial qualifications and does not deteriorate into name calling and negativism. We will continue to monitor advertising and campaign materials to help the public get the information they need to make informed voting decisions.

Sincerely,

Maxine Thomas, Chair  
Ohio State Bar Association  
Judicial Election Campaign Advertising Monitoring Committee

cc: Ohio State Bar Association Judicial Election Campaign Advertising Monitoring Committee  
Justice Robert Cupp  
William O’Neill



1700 Lake Shore Drive, Columbus, Ohio 43204

October 26, 2012

Justice Robert Cupp  
c/o Amy Sabath  
211 S. 5th Street  
Columbus, OH 43215  
[bob@bobcupp.org](mailto:bob@bobcupp.org)

Dear Justice Cupp,

The Ohio State Bar Association Judicial Election Campaign Advertising Monitoring Committee met yesterday to consider a complaint regarding an advertisement supporting your candidacy that was paid for by the Ohio Republican Party. The committee unanimously determined that statements in the ad violate committee standards in that they impugn the integrity of the judicial system, the integrity of a candidate for the Supreme Court of Ohio, and erode the public trust and confidence in the independence and impartiality of the judiciary by attempting to lead voters to believe that a candidate will decide issues or cases in a predetermined manner.

A letter was sent to the Ohio Republican Party regarding this matter, a copy of which is included with this correspondence.

The "OSBA clean campaign pledge" you signed states:

*I agree, based upon my personal examination of judicial advertisements, to publicly disavow advertisements that impugn the integrity of the judicial system, the integrity of a candidate for the Supreme Court, or erode 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.*

Therefore, the committee now calls on you to go beyond publicly disavowing this ad as per your agreement in the above pledge, and demand that the Ohio Republican Party remove this ad and cease its airing and use in any form.

The goal of the OSBA Judicial Election Campaign Advertising Monitoring Committee is to serve as the public's "watchdog," to see that advertising stays focused on judicial qualifications and does not deteriorate into name calling and negativism. We will continue to monitor advertising and campaign materials to help the public get the information they need to make informed voting decisions.

Sincerely,

Maxine Thomas, Chair  
Ohio State Bar Association  
Judicial Election Campaign Advertising Monitoring Committee

cc: Ohio State Bar Association Judicial Election Campaign Advertising Monitoring Committee  
William O'Neill