

SPECIAL COMMITTEE ON JUDICIAL CAMPAIGN CONDUCT

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To: Members of the House of Delegates

**Re: Report of the Special Committee on
Judicial Campaign Conduct**

In October 2001, a symposium on judicial campaign conduct, sponsored by the New York State Bar Association and the State Office of Court Administration, was held in Albany to discuss methods of ensuring and encouraging judicial candidates and their campaign committees to conduct campaigns that conform to the high standards set forth in the Code of Judicial Conduct and the Lawyer's Code of Professional Responsibility. In support of that goal, NYSBA Immediate Past President Steven C. Krane appointed our committee to coordinate a statewide effort to establish local judicial campaign conduct committees through county and other bar associations. Several county and local bar associations already had appointed such committees, and they have proved to be effective in resolving complaints between candidates and reducing instances of improper campaign conduct.

Since our appointment, we have developed a Model Plan for a Local Bar Association Judicial Oversight Committee, together with supporting forms, that can be used by county and local bar associations in developing their own judicial campaign oversight committees. Copies of these materials are attached to this report. The Model Plan is intended to be flexible, and can be adapted by a local bar association to suit an individual association's needs. Members of our committee have met with a number of local bar associations to assist them in appointing committees, and we are gratified that these associations have committed themselves to this project.

In addition, we have developed a concise outline of rules to be followed in conducting judicial campaigns, entitled "The High Road: Rules for Conducting a Judicial Campaign in New York State," a copy of which is included in this report. We also have available a variety of educational materials that can be provided upon request.

We envision our committee as a resource for county and local bar association committees, providing assistance when requested in establishing committees and acting as a clearinghouse of information not only for local committees, but also for judicial candidates and their committees. In addition, we plan to create a database of committees across the state and prepare reports on the activities of committees across the state. Through NYSBA staff, we will maintain a telephone "hotline" to direct complaints to the appropriate oversight

committee and to provide guidance to inquirers regarding campaign conduct.

Currently, our committee has the status of a Special Committee; under the Association Bylaws, special committees are appointed for a limited duration and must be extended periodically by the House of Delegates. We believe that our committee will have an ongoing function, and accordingly we seek your support for conversion to the status of a Standing Committee. Under the Bylaws, standing committees are created by resolution of the House.

We also seek your support for the appointment of a “backstop committee.” We strongly believe that wherever possible, the oversight of judicial election campaigns is best handled on a local level, as attorney-members of the community have the best personal knowledge of candidates and are able to act more quickly in responding to a complaint of improper campaign conduct. We also recognize that there are areas in the state in which a local bar association may be unable to develop a committee. In order to ensure that no area of the state is left without a monitoring committee able to respond to complaints, we believe NYSBA should appoint a committee that could operate on a regional basis – perhaps on a departmental basis – to review complaints in those areas in which a local bar committee does not operate.

As part of this report, we have attached an outline setting forth the functions we believe our committee should perform, as well as the operation of the “backstop committee.”

Also attached for your consideration is a resolution by which we seek your endorsement of (1) the efforts of county and local bar associations to establish judicial campaign oversight committees; (2) the establishment of our committee as a Standing Committee of the Association; and (3) authorization for the appointment of “backstop” monitoring committees to ensure that there is access to a committee in every area of the state.

We greatly appreciate the support our committee has received to date, and look forward to working with bar associations in this endeavor.

Respectfully Submitted,

**Special Committee on Judicial
Campaign Conduct**

Michael A. Klein, Chair
Diane F. Bosse
John P. Bracken
Michael C. Dwyer
Ira S. Goldenberg
Craig A. Landy

**Special Committee on Judicial Campaign Conduct
Resolution for Consideration by
NYSBA House of Delegates
June 22, 2002**

WHEREAS, it is imperative that candidates for judicial office conduct campaigns that are consistent with the dignity and integrity of the legal profession and the judicial system; and

WHEREAS, the New York State Bar Association recognizes the need to ensure that judicial campaigns are conducted in conformity with the high standards set forth in the Code of Judicial Conduct and the Lawyer's Code of Professional Responsibility;

It is therefore

RESOLVED, that the Association endorses and encourages county and local bar associations to appoint judicial campaign conduct committees that would (1) provide information and advice to candidates regarding the ethical standards governing campaign activity and (2) provide a forum for the resolution of complaints regarding campaign conduct; and it is further

RESOLVED, that the Special Committee on Judicial Campaign Conduct is hereby established as a standing committee of the Association, and is charged with (1) developing educational materials and guidelines regarding ethical campaign conduct; (2) assisting county and local bar associations in developing local judicial campaign conduct committees; and (3) tracking the activities of campaign conduct committees on a statewide basis; and it is further

RESOLVED, that in order to ensure that no area of the state is left without a monitoring committee, the President of the Association is authorized to appoint regional monitoring committees to review campaign conduct in those areas of the state in which a local committee is unavailable.