

*Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections*

2018-24 Opinion

The Special Committee on Judicial Election Campaign Intervention received a request for an opinion and complaint filed by judicial Candidate L against Candidate M.

In the complaint, Candidate L alleges that Candidate M, who is a part-time municipal court judge, has stated “I am the only candidate in the race who is a sitting judge,” and “I am the only sitting judge who is running for this position.” These statements were reportedly made:

1. In a campaign commercial (that is currently airing on television stations and is also linked to Candidate M’s Campaign Facebook page);
2. In a newspaper interview (see _____ Article: Retirements draw packed field in Chancery __, dated October 22, 2018); and
3. In a speech to a jury venire on October 15, 2018.

Candidate L alleges that this statement is misleading because she currently serves as Special Master for Commitments in Chancery Court and a Youth Court Referee, and has served in this position for more than 9 years. Candidate L argues that her positions are judicial roles within the chancery court, and the Special Committee’s 2018-06 opinion supports her position. Thus, Candidate L argues that the statement is factually inaccurate and a violation of Canon 5A(3)(d)(iii).

In response, Candidate M asserts that the statement “only sitting judge” is correct, and it has not been used to intentionally mislead in violation of Canon 5A(3)(d)(iii). M has held the position of municipal judge for nine years. He asserts he is “currently the only sitting Judge running.” He argues that his statements are supported by Special Committee opinions 2018-17, 2018-11, and 2018-06, which cites previous opinions 2006-02, 2014-001 and Mississippi Code Annotated sections 43-21-107 and -111 for the statutory authority of a Youth Court Referee.

Canon 5A(3)(d)(iii) provides that a candidate for judicial office shall not “knowingly misrepresent the . . . qualifications, present position or other fact concerning the candidate or an opponent.” Mississippi Code Annotated section 41-21-61(a) defines “Chancellor as a chancellor or special master” for mental health/treatment commitments. Because Candidate L serves as a Special Master for mental health/treatment

commitments, under section 41-21-61(a), she may be considered to be a “judge,” and she may use the term “judge” in this campaign. The Special Committee declines to find that Candidate M “knowingly misrepresent[ed]” Candidate L’s qualifications or present position. However, based on this opinion, the Special Committee instructs Candidate M to no longer claim to be the “only sitting judge” in the campaign.

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

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