



MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

660 North Street, Suite 104
Jackson, Mississippi 39202
Telephone: (601) 359-1273
Fax: (601) 354-6277

February 24, 2015

Chief Justice William L. Waller, Jr.
Mississippi Supreme Court
Gartin Justice Building
450 High Street
Jackson, MS 39201

RECEIVED
FEB 26 2015

COURT ADMINISTRATION

RE: Special Committee Final Report

Dear Chief Justice Waller:

Enclosed please find the final report of the Special Committee on Judicial Election Campaign Intervention for the 2014 judicial election cycle.

Please note that the report includes a formal opinion that should be published on the Supreme Court website under Commission, Task Forces and Committees.

Should you have any questions or comments regarding the report, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Darlene D. Ballard".

Darlene Ballard
Executive Director

cc: Special Committee Members

FINAL REPORT OF THE 2014 SPECIAL COMMITTEE ON JUDICIAL ELECTION CAMPAIGN INTERVENTION

Pursuant to Canon 5F of the Code of Judicial Conduct of Mississippi Judges, as adopted by the Mississippi Supreme Court on April 4, 2002, a Special Committee on Judicial Campaign Intervention was established and appointed to serve during the 2014 judicial elections. The Special Committee was comprised of John G. Corlew, Esquire of Jackson, Chairman (appointed by the Chief Justice of the Supreme Court); Mark W. Garriga, Esquire of Jackson (appointed by the Governor); Mr. George Pickett of Jackson, (appointed by the Lt. Governor); Bradley F. Hathaway, Esquire of Greenville (appointed by the Speaker of the House of Representatives) and Robert R. Bailless, Esquire of Vicksburg (appointed by the Mississippi Commission on Judicial Performance).

As required by the Mississippi Code of Judicial Conduct, Canon 5F(1) and (7), the committee distributed the required written materials. On May 23, 2014 the commission held an educational seminar for candidates in contested races and their finance managers at the Gartin Justice Building in Jackson.

During the campaign period, the Special Committee was called upon to issue one formal opinion, a copy of which is attached hereto as Exhibit 1. In addition, received one (1) written complaint regarding advertising material circulated by a third party, South Forward IE PAC, which attempted to impact a Circuit Court race. The material attempted to align a candidate with a particular political party.” The Special Committee issued a public statement condemning this material. A copy of the public statement is attached hereto as Exhibit 2.

The Special Committee, based upon a complaint from a third party, issued a public statement regarding a candidate’s non-compliance with a cease and desist request pursuant to Canon 5F(3)(c). The candidate continued to use misleading campaign materials following receipt of the cease and desist letter from the Committee. A copy of the public statement is attached hereto as Exhibit 3. In addition, the Committee voted to refer the matter to the Secretary of State for further proceedings regarding the financial reporting aspects of the complaint.

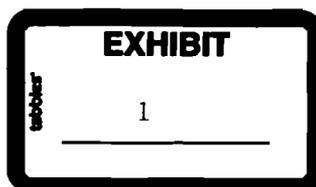
All other minutes and reports of the Special Committee are attached hereto as composite Exhibit 4.

**SPECIAL COMMITTEE ON JUDICIAL CAMPAIGN INTERVENTION
2014 JUDICIAL ELECTIONS**

OPINION 2014-001

Canon 5A(3)(d)(iii) of the Mississippi Code of Judicial Conduct prohibits a candidate for judicial office from knowingly misrepresenting his/her “qualifications, present position, or other fact concerning the candidate” The Special Committee has previously opined that a candidate who holds another judicial office may use the title “judge” in campaign literature if the material clearly identifies the circumstances justifying the use of the title and identifies the judgeship currently held. *See* Special Committee Opinion 2006-002. This opinion also provides that phrases and logos must contain such phrases as “elect” before a candidate’s name and “for” between the candidate’s name and position sought, in an easily readable size and form, in those circumstances in which the candidate does not hold the judicial office sought. *Id.*

All candidates for judicial office are held to a high standard of accuracy in their campaign advertisements. Judicial robes, often used by candidates in judicial campaign materials, are a widely recognized symbol of judicial office. Like the use of the term “judge,” the depiction of a candidate wearing a judicial robe may be misleading in certain circumstances. For example, the depiction of a candidate wearing a robe when he/she currently holds no judicial office and has never held judicial office misrepresents the candidate’s present position and violates Canon 5A(3)(d)(iii). Furthermore, in those instances in which a sitting judge seeks a different judicial office or a former judge seeks judicial office, the depiction of the candidate wearing a judicial robe may also imply that the candidate currently holds the office sought. Therefore, the Special Committee is of the opinion that while a candidate who presently holds or previously held a judicial office may be depicted in campaign materials wearing a judicial robe, the advertisements must also clearly identify the office currently or previously held in an easily readable size and form, such that the materials will not mislead the voter as to the candidate’s present position.



**SPECIAL COMMITTEE ON JUDICIAL ELECTION CAMPAIGN
INTERVENTION ISSUES PUBLIC STATEMENT**

October 31, 2014

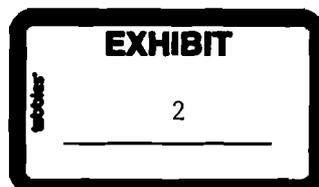
The Special Committee on Judicial Election Campaign Intervention issued a public statement today regarding advertising material circulated by South Forward IE PAC which attempts to impact the race for Circuit Court Judge of Hinds County, Mississippi.

The Special Committee said:

Print material circulated by an organization calling itself South Forward IE PAC in support of a candidate for Circuit Court Judge of Hinds County has been brought to the attention of the Special Committee. Mississippi law prohibits a candidate for Judge of the Supreme Court, Court of Appeals, Circuit Court or Chancery Court Judge from aligning himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any primary or general election campaign. Mississippi law requires that campaigns for judicial office shall be nonpartisan and without any connection to a political party, political parties and any committee or political committee affiliated with a political party. The Committee finds that the materials in question improperly align a candidate for Circuit Court Judge with a candidate for another political office and violate the intention that judicial campaigns for Circuit Court Judge shall be nonpartisan.

The Mississippi Supreme Court created the Special Committee on Judicial Election Campaign Intervention in its 2002 revisions to the Code of Judicial Conduct. The five-member Special Committee investigates allegations of campaign misconduct. Members are appointed by the Chief Justice of the Supreme Court, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chair of the Commission on Judicial Performance.

Questions about the Public Statement should be directed to Commission on Judicial Performance Executive Director Darlene Ballard at 601-359-1273.



**SPECIAL COMMITTEE ON JUDICIAL ELECTION CAMPAIGN
INTERVENTION ISSUES PUBLIC STATEMENT**

PUBLIC STATEMENT

Pursuant to Canon 5F(3)(d) of the Code of Judicial Conduct, the Special Committee on Judicial Election Campaign Intervention herein releases the following public statement:

Ali ShamsidDeen, a candidate for Circuit Court Judge of Hinds County, Mississippi, has, in the view of the Special Committee, violated Canon 5A(3)(d)(iii) of the Code of Judicial Conduct by the use of campaign material which is misleading and implies that he is the incumbent Circuit Court Judge.

ShamsidDeen currently serves as a municipal court judge. Some of his campaign materials use the terms "Judge" without identification that the position held is municipal judge. This candidate also presents himself in a judicial robe without identifying what judgeship he holds. This candidate was previously sent a copy of Opinion 2006-002 issued by the Special Committee on Judicial Election Campaign Intervention which provides that any campaign material "must clearly identify the circumstances justifying use of the title, including identifying the judgeship currently held. The use of the title cannot be misleading, cannot misrepresent the candidate's present position, and must make it clear to the voting public that the candidate is not a judge of the court for which the candidate is currently seeking election." The same prohibition applies to a candidate pictured in a judicial robe without identification of the judicial office held.

The Special Committee found the campaign materials to be misleading and sent Mr. ShamsidDeen a cease and desist request pursuant to Canon 5F(3)(c). It is the opinion of the Special Committee that this candidate has continued to utilize misleading campaign materials following receipt of the cease and desist request, resulting in the issuance of this public statement.

The Mississippi Supreme Court created the Special Committee on Judicial Election Campaign Intervention in its 2002 revisions to the Code of Judicial Conduct. The five-member Special Committee investigates allegations of campaign misconduct. Members are appointed by the Chief Justice of the Supreme Court, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chair of the Commission on Judicial Performance.

Questions about the Public Statement should be directed to Commission on Judicial Performance Executive Director Darlene Ballard at 601-359-1273.

**For Immediate Release
Special Committee on Judicial Election Campaign Intervention**



**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JUNE 4, 2014**

The Special Committee on Judicial Campaign Intervention (“Special Committee”) convened at 10:00 a.m. on June 4, 2014. The meeting was called to order by Mark Garriga, Acting Chairman. The other members in attendance were: Bradley F. Hathaway, George Pickett, Robert Bailles, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Chairman John Corlew recused himself from participating in the business brought before the Committee at this proceeding. Thereafter, with these minutes being taken, the following proceedings were had (all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Paula S. Yancey

The Special Committee received a complaint concerning the propriety of Paula S. Yancey’s campaign materials posted on her Facebook account and published on her campaign website. Ms. Yancey is a candidate for Mississippi District 16 Chancery Court Judge. The complaint asserted that Ms. Yancey’s campaign materials were misleading and implied that Ms. Yancey was the incumbent chancellor. After reviewing the campaign materials at issue, and following deliberation of the matter, the Special Committee unanimously found that Ms. Yancey’s Facebook account and her campaign website violated Formal Opinion 2006-002 as her materials were misleading and implied that she was the incumbent Chancery Court Judge. The Special Committee determined that the matter warranted speedy intervention and, pursuant to Canon 5F(3), issued a confidential cease and desist request requiring Ms. Yancey to cease and desist from any use of campaign materials on her Facebook account, website or other locations which do not accurately reflect her current status as a candidate as opposed to an incumbent.

There being no further business to come before the Special Committee, the members unanimously resolved that the June 4, 2014, proceeding be adjourned.



**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JUNE 9, 2014**

The Special Committee on Judicial Campaign Intervention (“Special Committee”) convened at 4:00 p.m. on June 9, 2014. The meeting was called to order by Acting Chairman, Mark Garriga, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Chairman John Corlew was not present. Thereafter, with Mark Garriga presiding and with these minutes being taken, the following proceedings were had (all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. **Judge James Littleton Complaint** – The Special Committee considered the complaint submitted by Sharon Williams concerning campaign materials published by or on behalf of Justice Court Judge James Littleton, a candidate for Circuit Court Judge of the Fourth Judicial District. Following discussion, the Special Committee unanimously determined that the campaign materials furnished to it were in violation of Formal Opinion 2006-002 as they were misleading and implied that Mr. Littleton was an incumbent Circuit Court Judge. The Special Committee further determined, pursuant to Canon 5F(3) of the Code of Judicial Conduct of Mississippi Judges, that the matter warranted speedy intervention and that a confidential cease and desist letter should issue directing Mr. Littleton to cease and desist from any use of the current campaign language in his materials, website or other locations as they do not accurately reflect that he is a Justice Court Judge seeking the office of Circuit Court Judge. Ms. Ballard, Chair of the Commission on Judicial Performance, agreed to draft the letter for review by the Members.

There being no further business to come before the Special Committee, the Members unanimously resolved that the June 9, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JUNE 20, 2014**

The Special Committee on Judicial Campaign Intervention (“Special Committee”) convened at 1:00 p.m. on June 20, 2014. The meeting was called to order by Chairman John Corlew, who presided over the meeting until he recused himself from participating in the matter involving Judge Neil Harris. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. **Takiyah Perkins Qualifications** – The Special Committee considered an anonymous complaint challenging the qualifications of Takiyah Perkins, candidate for circuit court judge for the Fourth Judicial District. Following discussion, the Special Committee determined that the challenge to Ms. Perkins qualifications was not within its purview, and the Members unanimously resolved to refer the complaint to the State Board of Election Commissioners. Ms. Ballard agreed to handle the referral.
2. **Judge James Littleton’s Request for Reconsideration** – The Special Committee considered Judge James Littleton’s request to reconsider its previous finding that certain of his campaign materials violated Canon 5A(3)(d) and Formal Opinion 2006-002 as they were misleading and implied that Mr. Littleton was an incumbent circuit court judge. Together with his request, Judge Littleton submitted additional campaign materials for the Special Committee’s consideration. Following discussion, the Special Committee remained of the opinion that the content of the campaign materials at issue did not conform to the requirements of Formal Opinion 2006-002, and the Members unanimously resolved to re-affirm its confidential directive to Judge Littleton that he cease and desist from using the prohibited content in his campaign materials, website or other medium at peril of further action pursuant to Canon 5F(3)(d). Ms. Ballard agreed to draft the letter (for review by the Members) to Judge Littleton, stating the Special Committee’s finding and directive.
3. **Alecia Thomas Matter** – The Special Committee considered the Mississippi Secretary of State’s referral of a self-report by Abe Hudson, campaign manager for Alecia Thomas, of a potential infraction by Ms. Thomas of Canon 5C(2) of the Code of Judicial Conduct of Mississippi Judges. The Special Committee received and reviewed a copy of a letter mailed by Ms. Thomas and/or her campaign committee wherein she personally solicited financial support for her campaign. Following discussion, the Special Committee found that the solicitation letter violated Canon 5C(2), and, furthermore, the matter warranted speedy intervention. The Members unanimously resolved to issue Ms. Thomas a confidential cease and desist notice at peril of further action pursuant to Canon 5F(3)(d). Ms. Ballard agreed to draft the notice (for review by the Members) to Ms. Thomas.

4. **Judge D. Neil Harris Complaint** – Coming before the Special Committee was a complaint by the Committee to Elect Paula Yancey against Judge D. Neil Harris, whereupon John Corlew, Chairman, recused himself and exited the meeting without taking part in any discussions or deliberations, and Mark Garriga was appointed as acting Chairman. Following review of the materials submitted by the complainant and initial discussion of the issues, the participating Members unanimously resolved to continue the matter until a later date to allow additional time for analysis of the issues.

There being no further business to come before the Special Committee, the Members unanimously resolved that the June 20, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JUNE 27, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 1:30 p.m. on June 27, 2014. The meeting was called to order by acting Chairman, Mark Garriga, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Chairman John Corlew recused himself from participating in the matter being brought for discussion, and he did not participate. Thereafter, with Mark Garriga presiding and with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Judge Neil Harris Matter –

The Special Committee reconvened to consider a complaint by the Committee to Elect Paula Yancey against Judge D. Neil Harris, which had been previously tabled to allow additional time for analysis of the various issues raised by the complaint. The complaint asserted four (4) discrete allegations of wrongdoing by Judge Harris – (1) that Judge Harris violated Canon 4A and Canon 5A of the Code of Judicial Conduct by disseminating false information about Ms. Yancey in the form of materials bearing the title "Judicial Candidate Falsifies Bankruptcy"; (2) that Judge Harris failed to file a political organization statement for his campaign committee; (3) that Judge Harris' campaign chair (or his designee) failed to attend the 2-hour course required by Cannon 5F; and (4) that Judge Harris financed his campaign with a personal loan without filing the appropriate judicial loan form with the Office of Secretary of State.

- A) The Special Committee first addressed the allegations that Judge Harris had committed violations of Canon 4A, relating to extra-judicial conduct, by disseminating allegedly false information concerning Ms. Yancey's bankruptcy filings and representations made therein. The Members unanimously agreed that violations of Canon 4A are outside of the Special Committee's charge and that it has no authority to address such violations, if any.

- B) The Special Committee then considered whether the allegations that Judge Harris distributed allegedly false information about Ms. Yancey constituted a violation of Canon 5A(3)(d)(iii). Following significant discussion, the Members were unable to determine from the evidence presented whether the materials which the complainant attributed to Judge Harris were in fact distributed by him or with his approval. In particular, the materials did not include the disclosures required by Miss. Code Ann. § 23-15-1025, which provides that material distributed by a judicial candidate or his campaign committee, or any other person or entity at his request, "shall state that it is distributed by the candidate or that it is being distributed with the candidate's approval." The statute also requires that all such materials "shall conspicuously identify who has prepared the material and who is distributing the material."

Accordingly, the Members unanimously agreed that additional investigation was needed and they resolved to issue a letter to Judge Harris, calling on him to answer the following questions: (1) whether the material entitled "Judicial Candidate Falsifies Bankruptcy" was distributed by him, his committee, or at the request of either; and, if so, (2) whether the form in which it was distributed differs in any material way from the item at issue or, otherwise, included the information required by § 23-15-1025. Judge Harris will be given ten (10) days to respond.

- (C) The Special Committee next considered the allegation that Judge Harris failed to file a political organization statement for his campaign committee as required by Miss. Code Ann. § 23-15-803. Following discussion, the Members unanimously agreed that additional investigation was needed and they resolved to issue a letter to Judge Harris advising him of the requirements of § 23-15-803; directing him to determine whether the chair of his campaign committee had complied with this statute; and, if not, directing Judge Harris to cause his campaign chair to make the required filing with the Office of Secretary of State. Judge Harris will be given ten (10) days to respond.
- (D) The Special Committee next considered the allegation that neither Judge Harris' campaign chairperson nor his designee attended the 2-hour course required by Canon 5 F(7). Following discussion and upon determining there was no record of attendance at the course by Judge Harris' campaign chairperson or his designee, the Members unanimously agreed that additional investigation was needed and they resolved to issue a letter to Judge Harris, bringing this matter to his attention and calling on him to inform the Special Committee whether the attendance records are in error and, if not, to supply the name and address of a designee to receive and review a DVD of the presentation. Judge Harris will be given ten (10) days to respond.
- (E) The Special Committee next considered the allegation that Judge Harris financed his campaign with a personal loan, without filing the appropriate judicial loan form. The Members reviewed the requirements of Miss. Code Ann. § 23-15-1023 and determined that the Report of Receipts and Disbursement filed on May 9, 2014, with the Office of Secretary of State by Judge Harris' judicial committee indicated that a loan was made by the candidate to the committee without the filing of the judicial loan form. Accordingly, the Members unanimously agreed that additional investigation was needed and they resolved to issue a letter to the Treasurer of Judge Harris's campaign committee, calling to his attention the requirements of the statute and directing him to inform the Special Committee whether the required judicial loan form developed by the Secretary of State had been filed. The letter will further advise that if the judicial loan form has not been filed, immediate compliance with the statute is required. The Treasurer of Judge Harris's committee will be given ten (10) days to respond.
- (F) The Special Committee unanimously resolved to issue a separate letter to the

complainant, advising that, pursuant to Canon 5 F(3)(a) and (b) of the Code of Judicial Conduct, the Special Committee is investigating the subject allegations and has requested additional information from the candidate.

There being no further business to come before the Special Committee, the Members unanimously resolved that the June 27, 2014, proceedings be adjourned.

**REPORT OF THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION ON ACTION TAKEN
JULY 14, 2014**

With all Members of the Special Committee on Judicial Campaign Intervention (“Special Committee”), waiving notice and the formality of the holding of a formal meeting, the Special Committee convened by email, whereupon the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Judge Charlie Brett

Judge Charlie Brett, a candidate for the office of County Court Judge for Lee County, inquired of the Special Committee, via email, as to the propriety of his attendance at a public reception and fund-raiser for the incumbent district attorney who was aligned with the Republican party. The fund-raiser was not being sponsored by a political party, there was no price of admission, and all attorneys in a multi-county area were invited to attend. The Special Committee, finding the question to be of limited significance, provided Judge Brett with an informal opinion under Canon 5F(2), advising that he could attend the fund-raiser and speak on his own behalf at it, if desired; however, he was prohibited from and must refrain from publicly endorsing or aligning himself with a political party as a candidate for judicial office.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JULY 22, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened on July 22, 2014. The meeting was called to order by Chairman John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Takiyah Perkins

The Special Committee received and considered a complaint by Theresa Jones against Takiyah Perkins concerning Ms. Perkins' use of a photograph in her campaign materials which depicted her standing with representatives of the District Attorney's office for the Fourth Judicial District. Ms. Perkins is a candidate for office of Circuit Court Judge, Fourth Judicial District, and the complaint asserted that since the representatives of the District Attorney's office would regularly appear before her court, if elected, the use of the photograph constituted a violation of Canon 5. Following review of the photographs at issue and discussion of the matter, the Special Committee did not find a facial violation of the Code of Judicial Conduct and declined to intervene or take any action against Ms. Perkins.

2. George Dunbar Prewitt, Jr.

George Dunbar Prewitt, Jr., is a candidate for Circuit Court Judge, Fourth Judicial District. Mr. Prewitt objects to signing, under oath, the acknowledgment form stating that he has read and understands the materials provided to him in the packet of materials which is required to be furnished to each candidate for judicial office under Canon 5F(1). Mr. Prewitt has complied with all other requirements of Canon 5F(1). Following discussion of the matter and a comparison of Mr. Prewitt's objection to the relevant provisions of the Canon, the Special Committee unanimously resolved that the Canon does not specifically require notarization of or attestation under oath to the acknowledgment form, and Mr. Prewitt was advised in writing of same.

There being no further business to come before the Special Committee, the Members unanimously resolved that the July 22, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
AUGUST 6, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened on August 6, 2014. The meeting was called to order by Chairman John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailless, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Kent Haney

The Special Committee received a request for an opinion by Kent Haney, a candidate for the office of County Court Judge of Coahoma County, concerning his opponent Wilbert Johnson's intention to address the circuit court venire. Mr. Haney considered this to be a violation of MISS. CODE ANN. § 23-15-973 as that statute does not specifically state that candidates for the office of county court judge are permitted to address the venire during court terms. Following discussion of the matter, the Special Committee concluded that, while MISS. CODE ANN. § 23-15-973 specifies certain judicial candidates who are permitted to address juries, the statute states no prohibition against affording candidates for county court judge the same opportunity. Consequently, the Special Committee opined that the circuit court judge may allow Mr. Haney's opponent to address the jury venire, although, under a literal reading of the statute, the circuit court judge was not required to do so. The Special Committee was of the further opinion that, if Mr. Haney's opponent was allowed to address the venire, Mr. Haney should be afforded the same right and opportunity upon his request. Mr. Haney was informed of the Special Committee's informal opinion in writing.

There being no further business to come before the Special Committee, the Members unanimously resolved that the August 6, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
SEPTEMBER 2, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 2:00 p.m. on September 2, 2014. The meeting was called to order by Chairman, John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Ali M. ShamsidDeen

The Special Committee considered a complaint by the Honorable Jeff Weill, Sr., Hinds County Circuit Court Judge, against Ali M. ShamsidDeen, asserting three allegations of campaign conduct: (1) the publication of misleading campaign materials; (2) misrepresentations concerning his opponent; and (3) unethical campaign finance conduct.

- (A) The Special Committee first addressed the allegations regarding Mr. SamsidDeen's campaign materials including, but not limited to, billboards, media sites, banners and push cards. The photos embedded in the materials show Mr. ShamsidDeen in a judicial robe without clearly establishing the judicial office which he currently holds as a municipal judge. The members unanimously agreed that the campaign materials reviewed by it violated Formal Opinion 2006-002 as they were misleading and implied that Mr. ShamsidDeen is the incumbent circuit court judge. The Special Committee further determined, pursuant to Canon 5F(3) of the Code of Judicial Conduct of Mississippi Judges, that the matter warranted speedy intervention and that a confidential letter should issue directing Mr. ShamsidDeen to cease and desist from any use of his current campaign materials, billboards, website or other locations as they do not accurately reflect that he is a municipal judge seeking the office of circuit court judge.
- B) The Special Committee then considered the allegations that Mr. ShamsidDeen, during a recent campaign speech, stated that his opponent had been reversed many times because he had been unfair in the courtroom by trying to help the prosecution. The Special Committee unanimously agreed to write Mr. ShamsidDeen, calling his attention to Canon 5A(3)(d)(iii) and directing him to carefully review facts and information concerning his opponent and to remove from his speeches any false or untruthful statements.
- C) The Special Committee next considered the allegations that Mr. ShamsidDeen had committed unethical campaign finance conduct regarding the financing of campaign billboards erected by or on behalf of Mr. ShamsidDeen. Following discussion, the

Special Committee unanimously agreed that additional investigation was needed and it resolved to issue a letter to Ms. Kathy Sykes, the treasurer of Mr. ShamsidDeen's campaign committee, requesting information concerning the billboards and the financing of them. Mr. ShamsidDeen's committee will be given ten days to respond.

There being no further business to come before the Special Committee, the Members unanimously resolved that the September 2, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
SEPTEMBER 18, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 2:00 p.m. on September 18, 2014. The meeting was called to order by acting Chairman, John Corlew, who presided over the meeting until recusing himself from any participation, discussion and/or deliberation of the matter involving Judge Neil Harris. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Ali M. ShamsidDeen

The Special Committee considered Mr. ShamsidDeen's request as to whether he would be in compliance with Formal Opinion 2006-002 by altering his campaign materials to reflect "Elect Ali ShamsidDeen for Circuit Judge." Following discussion, the Special Committee re-affirmed its opinion, as noted in previous correspondence to Mr. ShamsidDeen, that the use of the title "judge," while allowed under Canon 5, requires the candidate to take additional steps to ensure the materials which utilize that term are not misleading. Because Mr. ShamsidDeen currently holds the office of municipal judge, the Committee was of the further opinion that his use of a judicial robe in campaign photos does not facially violate Canon 5A(3)(d)(iii); however, the use of either or both advertising devices requires the campaign materials make it clear to the voting public that the candidate is not a judge of the court for which the candidate is currently seeking election. The Special Committee unanimously resolved that if Mr. ShamsidDeen's campaign materials use the title "judge" or incorporate a photograph which conveys the same message, he must revise his campaign materials to identify the judgeship currently held and the one he is seeking. Terms explaining this must be in an easily readable size and form such that they may not be easily overlooked. Mr. ShamsidDeen is to be informed in writing that he is required to cease and desist from any use of the current campaign language in his materials, website, billboards or other locations as they do not accurately reflect that he is a municipal judge seeking the office of circuit court judge. Disregard of the cease and desist request may result in further action pursuant to Canon 5F(3)(d).

The Special Committee also received and considered the September 15, 2014, letter of Latrice Westbrooks, Esq., in response to the Special Committee's inquiry concerning campaign billboards which had been erected on behalf of Mr. ShamsidDeen's candidacy. The Special Committee determined to notify Ms. Westbrooks that her response was sufficient at this time.

2. Monique Montgomery

The Special Committee received and considered a copy of a Notice of Federal Tax Lien against Monique Montgomery, a candidate for circuit court judge for Clay, Oktibbeha, Lowndes and Noxubee Counties. No complaint particularizing allegations was provided with the documentation.

The Special Committee unanimously agreed that the information did not facially indicate a violation of any provision of Canon 5 and took no action.

3. Malcolm Harrison

The Special Committee received and reviewed a copy of a letter from the Committee to Elect Malcolm Harrison for Hinds County Court Judge, which was personally signed by Mr. Harrison. The letter announced his candidacy, thanked the recipients of it for their support, and solicited their help in his campaign. Following discussion, the Special Committee resolved that the letter did not indicate a facial violation of any provision of Canon 5 and voted to take no action.

4. Larry Buffington

The Special Committee received and considered the complaint of the Honorable David Shoemake, Chancellor for the 13th Judicial District, against Larry Buffington, an opponent of Judge Shoemake. The complaint alleged that Mr. Buffington had made false statements to third parties about Judge Shoemake. It was unanimously agreed that the information received facially indicated a violation and the Special Committee determined that additional investigation was warranted. The investigation conducted by the Special Committee pursuant to Canon 5A(3)(b) verified that Larry Buffington made statements to the effect that his opponent will be removed from the ballot due to indictment and incarceration. It was further determined that these statements had no factual basis and constituted a violation of Canon 5A(3)(d)(iii). The Special Committee determined that a letter should issue to Mr. Buffington informing him of these findings and directing him to make certain that his future comments do not knowingly misrepresent facts concerning his opponent.

The Special Committee received and considered a separate complaint regarding the propriety of Mr. Buffington's campaign signs which state "Elect Judge Larry Buffington - Chancery Court." Following discussion, it was the unanimous opinion of the Special Committee that the use of the title "judge," while allowed under Canon 5 because Mr. Buffington is a senior status judge, requires Mr. Buffington to take additional steps to ensure the materials which utilize that title are not misleading, as required under Canon 5A(3)(d)(iii). Pursuant to Canon 5F(3), the Special Committee determined that the matter warranted speedy intervention and that a confidential letter should issue directing Mr. Buffington to cease and desist from using the title "judge" in his campaign materials, website or other locations as it does not accurately reflect that his current status is a senior status judge seeking the office of chancery court judge.

5. Formal Opinion on Use of Judicial Robes

Special Committee member Mark Garriga offered to draft a proposed formal opinion regarding the use of judicial robes in campaign materials.

6. Judge Neil Harris

The Special Committee reviewed the information previously requested from Judge Neil Harris, finding that the information satisfied the Special Committee's questions and concerns and

that no further action or intervention was warranted.

There being no further business to come before the Special Committee, the Members unanimously resolved that the September 18, 2014, proceedings be adjourned.

**REPORT OF THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION ON ACTION TAKEN
SEPTEMBER 24, 2014**

With all Members of the Special Committee on Judicial Campaign Intervention ("Special Committee") waiving notice and the formality of the holding of a formal meeting, the Special Committee convened and/or participated by email, whereupon the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Eddie Woods

The Special Committee received a complaint on behalf of the committee to re-elect Judge James Chaney, Circuit Court Judge, 9th Judicial District. The complaint alleged that Judge Chaney's opponent, Eddie Woods, had displayed campaign material in which he referred to himself as "Judge," without identifying the judgeship currently held by Judge Woods. Judge Woods is a Justice Court Judge for Warren County. Photographic evidence was provided with the complaint.

Following consideration of the matter and review of the evidence, the Special Committee determined that Judge Woods' campaign materials at issue violated Formal Opinion 2006-002 as they were misleading and did not accurately identify the office of judge which he currently holds. Pursuant to Canon 5F(3) of the Code of Judicial Conduct of Mississippi Judges, the Special Committee determined that the matter warranted speedy intervention and issued a confidential cease and desist request to Judge Woods, requiring him to cease and desist from any use of his current campaign language in his materials, website or other locations as it did not accurately reflect his current judicial office as compared to the judicial office for which he was running. Judge Woods was also provided a copy of Formal Opinion 2006-002.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
OCTOBER 7, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 2:00 p.m. on October 7, 2014. The meeting was called to order by Chairman, John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Robert Helfrich

The Special Committee received and considered the complaint of the Honorable Robert B. Helfrich against County Court Judge Michael McPhail, alleging that Judge McPhail had been introducing Judge Helfrich's opponent to prospective jurors and allowing him to speak and distribute campaign materials. Judge Helfrich alleged that this violated MISS. CODE ANN. § 23-15-973. Following discussion, the Special Committee unanimously agreed that § 23-15-973 does not prohibit a county court judge from allowing candidates to address and/or distribute campaign materials to jurors but it also identified the concern that Canon 5 prohibits an incumbent judge from endorsing a candidate. Consequently, it was unanimously determined that a letter should issue to Judge Helfrich informing him that, while there is no direct allegation that Judge McPhail is endorsing his opponent, equal access to the jury pools should be afforded to all candidates and if Judge Helfrich has any evidence indicating that Judge McPhail is either endorsing his opponent or not providing equal access, he should bring that to the Special Committee's attention.

2. James Gray

Chairman John Corlew presented the Special Committee with a verbal complaint against James L. Gray alleging a violation of MISS. CODE ANN. § 23-15-1025 which requires a candidate to identify who is distributing campaign materials and whether they have been approved by the candidate. Following discussion, the Special Committee unanimously determined that Mr. Gray had violated § 23-15-1025 and that the matter warranted speedy intervention and that a confidential cease and desist request should issue requiring Mr. Gray to cease and desist from any use of his current signs or other campaign materials which do not reflect mandatory statutory requirements.

3. James Littleton

The Special Committee agreed that follow-up investigation should be conducted to determine, if possible, whether James Littleton is complying with the prior cease and desist order which was issued.

4. Ali M. ShamsidDeen

The Special Committee considered evidence and information indicating that Mr. ShamsidDeen remains non-complaint with the Committee's prior cease and desist demand. Options were discussed and considered for further action. No further action was agreed upon to be taken at this time.

5. Larry Buffington

The Special Committee determined that additional investigation should be performed to determine whether Larry Buffington is in compliance with its prior cease and desist request.

6. Eddie Woods

Darlene Ballard reported that Mr. Woods has represented that he is attempting to comply with the Special Committee's prior cease and desist demand. The Special Committee determined to independently conduct limited investigation to confirm Mr. Woods' representation.

7. Robert Fant Walker

The Special Committee received and considered a complaint alleging that Robert Fant Walker's campaign materials mislead the public regarding his current position emphasizing the use of a photograph in which he is wearing a judicial robe. Following discussion, it was unanimously agreed that because Mr. Walker currently holds the office of municipal judge, the use of a judicial robe in the campaign photograph does not violate Canon 5A(3)(d)(iii). However, the Committee further determined that the use of the term "judge" or utilization of a photograph of the candidate in a judicial robe requires the campaign materials must "make it clear to the voting public that the candidate is not a judge of the court for which the candidate is currently seeking election," and therefore Mr. Walker should be informed that if his campaign materials use the term "judge" or incorporate a photograph or photographs which convey the same message, he must revise those campaign materials to identify the judgeship currently held and the one he is seeking. In particular, the Committee found that Mr. Walker's Facebook site does not contain a reference to his current position and that the matter warranted speedy intervention. Accordingly, the Special Committee unanimously agreed that a confidential cease and desist request should issue whereby Mr. Walker is required to cease and desist from any use of the current campaign language in his materials, website, billboards or other locations which do not accurately reflect that he is a municipal judge seeking the office of circuit court judge.

There being no further business to come before the Special Committee, the Members unanimously resolved that the October 7, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
OCTOBER 23, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 3:00 p.m. on October 23, 2014. The meeting was called to order by Chairman, John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, George Pickett, Robert Bailless, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Ali M. ShamsidDeen

The Special Committee reviewed Mr. ShamsidDeen's October 10, 2014, campaign finance report and considered the fact that it does not reflect any disbursements to the Lamar Companies for advertising expenses in connection with Mr. ShamsidDeen's billboard advertisements for his campaign which were called into question by the Honorable Jeff Weill. Following discussion, the Special Committee unanimously agreed that further written inquiry should be made with Latrice Westbrooks, Esq., reminding her that the Special Committee had previously questioned the financing of Mr. ShamsidDeen's billboards and calling on her to promptly respond to the questions originally posed by the Committee in its letter of September 4, 2014.

The Special Committee also considered the fact that Mr. ShamsidDeen has not changed the billboards which were previously found to be in violation of Canon 5 and for which a prior cease and desist letter issued. The Special Committee unanimously agreed to put Mr. ShamsidDeen on written notice of his failure to comply with the cease and desist letter as no changes were made to the billboards and only inconspicuous revisions were made to his yard signs which did not sufficiently identify his current position as municipal judge.

2. James Littleton

The Special Committee reviewed and considered the fact that while Judge Littleton had changed some of his campaign materials, wherein he used the title "judge," without clearly identifying the judgeship which he currently held and the one he is seeking, he had failed to incorporate those changes on his Facebook site. The Special Committee unanimously agreed to advise Mr. Littleton of its finding and to issue a confidential letter directing him to immediately cease and desist from any use of the current Facebook site until appropriate revisions were made to it which accurately reflected his current position as justice court judge seeking the position of circuit court judge.

3. Larry Buffington

The Special Committee received a report on changes which have been made by Mr.

Buffington to his campaign materials to accurately reflect the position which he currently holds and the position which is he seeking by way of election. Finding no evidence of Mr. Buffington being out of compliance with the Special Committee's prior cease and desist directive, no further action was taken.

4. **Eddie Woods**

The Special Committee discussed whether any evidence had been found of Mr. Woods being out of compliance with its prior cease and desist directive and, finding none, no further action was taken.

5. **James Gray**

The Special Committee discussed whether any evidence had been found of Mr. Gray being out of compliance with its prior cease and desist directive and, finding none, no further action was taken.

6. **Judge Mozingo**

The Special Committee received and reviewed a photograph of a campaign sign posted by or on behalf of Judge Mozingo which stated "Caution Outlaws You're in Judge Mozingo Country." While finding the sign arguably distasteful, the Special Committee was of the opinion that it did not constitute a facial violation of Canon 5 and that no intervention was warranted.

7. **Sanford R. Steckler**

The Special Committee received and considered a complaint against the Honorable Sanford R. Steckler regarding his attendance at a fundraiser for Judge Schloegel, at which he wore a name badge which included campaign material promoting Judge Schloegel for election. The Special Committee unanimously resolved that Judge Steckler should, in writing, have his attention called to Canon 5A(1)(b)&(c) and be further advised that his attendance at the fundraiser may be inappropriately perceived as a public endorsement of Judge Schloegel's candidacy and that he should be mindful of avoiding such impressions in the future. No further action was taken.

8. **Marcus Gordon**

The Special Committee received and considered two complaints against the Honorable Marcus Gordon, a candidate for election in a circuit court race.

The first complaint concerned Judge Gordon's conduct on October 8, 2014, at which time he made comments to a jury pool about his opponent, Don Kilgore. Judge Gordon's comments had been videotaped, with audio, and the video was reviewed by the Special Committee. In his comments to the jury pool, Judge Gordon made certain misrepresentations regarding participants in the drug court program as well as Don Kilgore's family. The Special Committee unanimously agreed that Judge Gordon's comments lacked any factual basis and violated Canon 5A(3)(d)(iii).

Pursuant to Canon 5F(3) of the Code of Judicial Conduct of Mississippi Judges, the Special Committee determined that the matter warranted speedy intervention, and it issued a confidential cease and desist directive, requiring Judge Gordon to cease and desist from any further such comments to jury venires in the period of time leading up to the election at peril of further action being taken.

The second complaint against Judge Gordon had been received from J. Max Kilpatrick, and it concerned the content of two radio advertisements which were aired on a local radio station in the Philadelphia, Mississippi, area. Transcripts of the advertisement were received and reviewed. The content of the advertisements included the following statements: "Judge Gordon is definitely the conservative choice in this race"; "There is a clear choice in this race. Do you want a liberal or a conservative serving as a judge." After deliberating the matter at length, particularly whether the content of the ads violated the non-partisanship of judicial elections, the majority of the Special Committee was of the opinion that the ads did not constitute a facial violation of Canon 5 and that no intervention was warranted. Special Committee member, Brad Hathaway, dissented and voted to intervene in the matter by issuing a confidential cease and desist directive.

There being no further business to come before the Special Committee, the Members unanimously resolved that the October 23, 2014, proceedings be adjourned.

**REPORT OF THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION ON ACTION TAKEN
OCTOBER 24, 2014**

With all Members of the Special Committee on Judicial Campaign Intervention ("Special Committee") waiving notice and the formality of the holding of a formal meeting, the Special Committee convened and/or participated by email, whereupon the following proceedings were had (all action finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Larry Buffington

The Special Committee received a complaint from Judge David Shoemake, Chancellor of the Thirteenth Judicial District, concerning his election opponent, Larry Buffington. Judge Shoemake produced to the Special Committee three pieces of campaign materials published in news media by or behalf of Mr. Buffington's campaign. The content of the campaign materials which Judge Shoemake found to be offensive involved (1) a conservatorship proceeding which resulted in another Chancellor being removed from office and charged with criminal conduct, and Judge Shoemake signed some orders in the conservatorship proceeding but was not otherwise involved in any misconduct; (2) donations to Judge Shoemake's campaign by a donor who was convicted of a felony after the donations were made; and (3) a verbatim quote by Judge Shoemake made on the record, together with the statement that "Judge Shoemake chose not to open each county's Chancery Court term with prayer as had been done previously by all his predecessors." Judge Shoemake informed the Special Committee that he was scheduled to debate Mr. Buffington in the next few days, and he asked for an expedited decision on his complaint.

Following careful consideration of the issues and review of the evidence, while finding the campaign materials to be arguably distasteful, the Special Committee was of the opinion that they did not constitute a facial violation of Canon 5 and that no intervention was warranted. The Special Committee was of the opinion that Judge Shoemake could respond, if he so chose, to the content of the campaign materials in accordance with Canon 5A(3)(e). Judge Shoemake was informed of the Committee's decision by telephone in keeping with his request for an expedited decision.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
OCTOBER 28, 2014**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 5:00 p.m. on October 28, 2014. The meeting was called to order by Chairman, John Corlew, who presided over the meeting until recusing himself from any participation, discussion and/or deliberation of the matter involving Judge Neil Harris. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, Robert Bailess, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Judge Patricia Dunmore

The Special Committee received and considered the complaint of Scott J. Pintard against Judge Patricia Dunmore. Mr. Pintard and Judge Dunmore are candidates for the office of Adams County Justice Court Judge. According to Mr. Pintard's complaint, Judge Dunmore distributed campaign literature to a litigant who appeared before her, and she solicited the litigant's vote from the bench. The Special Committee reviewed MISS. CODE ANN. § 23-15-973, which provides certain judicial candidates with an opportunity to speak to jury pools during court terms. The Special Committee also considered its previous opinions in which it determined that § 23-15-973 did not prohibit county court judge candidates the opportunity to address jurors, though the statute does not specifically enumerate county court judge candidates. By comparison, the Committee found that no provision of law allowed judges, from the bench and while performing judicial duties, to solicit votes from litigants or to distribute campaign literature. Therefore, the Special Committee resolved that the matter warranted speedy intervention, and it issued a confidential cease and desist directive, requiring Judge Dunmore to cease and desist from any act of campaigning from the bench while conducting the business of the court. Disregard of the cease and desist directive may result in further action pursuant to Canon 5F(3)(d).

2. Ali M. ShamsidDeen

The Special Committee received and reviewed the complaint of the Honorable Jeff Weill, Sr., concerning the financing of Ali M. ShamsidDeen's campaign billboards. The billboards at issue were leased from Lamar Advertising and they contained a disclaimer which stated "Paid for by the Committee to Elect Ali M. ShamsidDeen," yet Mr. ShamsidDeen's filed financial reports did not disclose any payments to Lamar Advertising. Judge Weill asserted that the billboards had been financed through a disguised contribution by attorney Richard Schwartz and/or Mr. Schwartz's law firm, Schwartz & Associates, P.A. Judge Weill's complaint further asserted that Mr. ShamsidDeen's campaign headquarters are located in a building owned by a Mississippi limited liability company, yet Mr. ShamsidDeen's campaign finance report did not disclose any itemized receipt or disbursement to or from any person or entity which is affiliated with ownership of the building being used for the campaign headquarters, thus appearing to be an in-kind contribution which had not been

properly disclosed. Following discussion of these matters, the Special Committee unanimously resolved to do the following: (1) After the elections, refer Judge Weill's complaints to the Mississippi Secretary of State's office as the issues raised by Judge Weill concerned potential violations of campaign financing laws; (2) After the election, refer Mr. ShamsidDeen's actions and his disregard of this Committee's prior cease and desist request to the Mississippi Commission on Judicial Performance for investigation and appropriate action by that body; and (3) conduct further investigation into Judge Weill's complaint by contacting Latrice Westbrooks, Mr. ShamsidDeen's committee chairman, and request that she provide the Committee with information concerning the financing of the campaign billboards.

3. Judge Neil Harris

Chairman John Corlew, upon his request, was recused from participating in this matter. The Special Committee received and considered a complaint made by the campaign chairman for Paula Yancey, who is a candidate for the office of Jackson County Chancery Court Judge. The complaint alleged that Judge Neil Harris, the incumbent Chancellor, was using state-issued business cards in connection with his campaign. Furthermore, it was alleged that Judge Harris had personally greeted each member of the venire reporting for jury duty, provided the juror candidates with a copy of his campaign push card and state-issued business card, and solicited votes from the juror candidates. Following deliberation and discussion on the matter, the Special Committee unanimously determined that Judge Harris had committed no violation when speaking to the jurors as MISS. CODE ANN. § 23-15-973 allows judicial candidates to address jurors during court terms. The Special Committee, however, determined that if the business cards being distributed by Judge Harris in connection with his campaigning activities were paid for by the state, county or other governmental entity, then he should not use such resources to advance his campaign. Furthermore, MISS. CODE ANN. § 23-15-1025 requires all campaign materials distributed by a judicial candidate to state that it is being distributed by the candidate or with the candidate's approval. The Special Committee unanimously resolved that the matter warranted speedy intervention, and it issued a confidential cease and desist directive requiring Judge Harris to cease and desist from distributing business cards unless they were purchased by himself or his campaign and contained the language required by MISS. CODE ANN. § 23-15-1025.

There being no further business to come before the Special Committee, the Members unanimously resolved that the October 28, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
OCTOBER 31, 2014**

The Special Committee on Judicial Campaign Intervention (“Special Committee”) convened at 1:00 p.m. on October 31, 2014. The meeting was called to order by Chairman, John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Robert Bailess, George Pickett, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with Mr. Corlew presiding and with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Ali M. ShamsidDeen

The Special Committee convened for the purpose of deciding, under Canon 5F(3)(d)(i), the appropriateness of issuing and releasing to media outlets a public statement concerning Ali M. ShamsidDeen’s disregard for the Special Committee’s prior cease and desist request.

In a prior proceeding, the Special Committee found and concluded that Mr. ShamsidDeen, candidate for the office of Circuit Court Judge of Hinds County, violated Canon 5A(3)(d)(iii) of the Code of Judicial Conduct by the use of campaign materials which were misleading and implied that he currently is the incumbent Circuit Court Judge. Mr. ShamsidDeen holds the office of Municipal Court Judge, yet some of his campaign materials use the term “Judge” without identifying the actual judicial office he holds. The candidate also portrayed himself wearing a judicial robe in his campaign materials without identifying what office of judgeship he holds. The Special Committee intervened in this matter by sending Mr. ShamsidDeen a copy of Formal Opinion 2006-002, which provides that any campaign material “must clearly identify the circumstances justifying use of the title, including identifying the judgeship currently held. The use of the title cannot be misleading, cannot misrepresent the candidate’s present position, and must make it clear to the voting public that the candidate is not a judge for the court for which the candidate is currently seeking election.” The candidate was further informed that the same prohibition applies to a candidate pictured in a judicial robe without identification of the judicial office held. Furthermore, the Special Committee issued Mr. ShamsidDeen a cease and desist request pursuant to Canon 5F(3)(c).

Today, the Special Committee determined that Mr. ShamsidDeen has continued to utilize misleading campaign materials despite and in disregard of the cease and desist request issued to him. Consequently, the Special Committee unanimously resolved to issue and release to all appropriate media outlets a public statement setting out the continued violations by Mr. ShamsidDeen. Mr. Corlew agreed to draft the press release and circulate it for review by all members prior to releasing it to the media.

2. South Forward IE PAC

The Special Committee received and considered print materials, circulated by an organization

calling itself South Forward IE PAC, in support of a candidate for Circuit Court Judge of Hinds County – more particularly, Ali M. ShamsidDeen. The print materials aligned Mr. ShamsidDeen with the Democrat party's nominee for U.S. Senate. The Special Committee considered the fact that Mississippi law prohibits a candidate for judge of the Supreme Court, Court of Appeals, Circuit Court or Chancery Court from aligning himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any primary or general election campaign. Mississippi law requires that campaigns for judicial office shall be nonpartisan and without any connection to a political party or any committee or political committee affiliated with a political party. Accordingly, the Special Committee unanimously determined that the materials in question improperly aligned the candidate for Hinds County Circuit Court Judge with a candidate for another political office and violated the principle that judicial campaigns for the office of Circuit Court Judge be nonpartisan. The Special Committee unanimously resolved to issue a public statement regarding the advertising materials circulated by South Forward IE PAC and to release same to all appropriate media outlets.

There being no further business to come before the Special Committee, the Members unanimously resolved that the October 31, 2014, proceedings be adjourned.

**MINUTES FOR THE SPECIAL COMMITTEE ON
JUDICIAL ELECTION CAMPAIGN INTERVENTION
JANUARY 22, 2015**

The Special Committee on Judicial Campaign Intervention ("Special Committee") convened at 2:00 p.m. on January 22, 2015. The meeting was called to order by Chairman, John Corlew, who presided over the meeting for its duration. The other members in attendance were: Bradley F. Hathaway, Mark Garriga, Robert Bailess, George Pickett, and the Executive Director of the Commission on Judicial Performance, Darlene Ballard. Thereafter, with Mr. Corlew presiding and with these minutes being taken, the following proceedings were had (all action being finally duly moved and seconded, and all action taken being upon the unanimous vote of the Special Committee, or without dissenting vote or abstention, unless otherwise stated).

1. Ali M. ShamsidDeen/Referral to Mississippi Secretary of State

On October 28, 2014, the Special Committee convened to consider, *inter alia*, the complaint of the Honorable Jeff Weill, Sr., concerning the financing of Ali M. ShamsidDeen's campaign billboards and campaign headquarters. At that time, the Special Committee resolved to do the following: After the elections, refer Judge Weill's complaint to the Mississippi Secretary of State's office in view of the allegations of campaign financing law violations.

On this date, the Special Committee convened to review Chairman Corlew's proposed letter to the Secretary of State and, after approving Chairman Corlew's letter, as amended, the Special Committee re-affirmed its decision to refer Judge Weill's complaint to the Mississippi Secretary of State for any investigation and action deemed appropriate by that agency.

2. Formal Opinion Re: Wearing Judicial Robes in Campaign Materials

Mark Garriga drafted and circulated for comment a proposed formal opinion regarding the propriety, under Canon 5, of the wearing of judicial robes by candidates who did not currently hold any judicial office and/or candidates who held a judicial office, but not the office for which they were seeking election. No action on the formal opinion was taken at this time to allow further time for comment by the Committee.

There being no further business to come before the Special Committee, the Members unanimously resolved that the January 22, 2015, proceedings be adjourned.