

Judge Ethics Runs for Reelection

Judicial Campaigns in Michigan



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Judge Juanita Ethics is finishing her first term as a District Court judge in Michigan. She enjoys her job and would like to ask the citizens of her community to reelect her so she can continue to serve as a judge. She thinks about beginning a judicial campaign for another six-year term.



Judge Ethics wants to do the right thing. She keeps a sharp eye out for situations when she may need to make ethical choices – to choose between right and wrong.

She knows there are rules about running for judge. These rules, called “canons,” are found in the Michigan Code of Judicial Conduct.



Michigan Code of Judicial Conduct

Canon 1

A judge [or judicial candidate] should . . . personally observe[] high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 7

A judge or a candidate for judicial office should refrain from political activity inappropriate to judicial office.

It has been six years since her last campaign, so Judge Ethics decides to refresh her memory. First, she reviews notes from a class that she attended about judicial campaigns and elections.

This information reminds Judge Ethics of other helpful resources. She also looks up the phone number of the Ethics Helpline at the State Bar of Michigan.

Next, Judge Ethics asks some of her biggest supporters to form a campaign committee. She has many friends and professional contacts, but she has to choose wisely. Her committee must help her follow the judicial canons.



Judge Ethics knows that some people may not serve in certain positions. For example, neither Judge Ethics nor a member of her immediate family may be her campaign treasurer. Also, judges are not allowed to be on the committee, but they may endorse her.

The judge's law clerk, George Esquire, asks if he may help with her campaign. Judge Ethics agrees, as long as he works on it outside of business hours. She also reminds him that he may not use the court's resources, like the copy machine or mailing supplies, for the campaign.

Mr. Esquire decides to review information in the Model Code of Conduct for Court Employees and the *Making Ethical Decisions* online training. These help him understand how to make the right choices.



With her committee in place, Judge Ethics completes paperwork for the Bureau of Elections at the Michigan Secretary of State. This officially places her name on the ballot.

When she ran for her first term, Judge Ethics had to prepare petitions with the signatures of people in her jurisdiction (the area where her court has authority) who wanted her to be on the ballot. She needed a minimum number of signatures.

Because she is an incumbent (already in office), she does not have to get signatures since she is filing before the deadline.



Judge Ethics also submits an “Affidavit of Candidacy.” On this form she states that she is an incumbent judge and that she meets the qualifications to be reelected.

Michigan Department of State
Bureau of Elections

AFFIDAVIT OF CANDIDACY

An incumbent judge who wishes to seek reelection to the judicial position he or she currently holds can gain access to the ballot by filing an Affidavit of Candidacy and an Affidavit of Identity (two copies) no later than 5:00 p.m. on March 24, 2014. The withdrawal deadline elapses at 5:00 p.m. on March 27, 2014.

I, _____, declare that:
_____ Court Judge for the
(District, Circuit, Appeals, Probate, etc.)

- I am an incumbent _____ and that I am domiciled therein;
(District #, Circuit # or Other Jurisdiction Designation)
- I am a candidate for that office at the primary election to be held on August 5, 2014;
- I am licensed to practice law in the State of Michigan;
- I will have been admitted to the practice of law for at least five years as of January 1, 2015;

and

- I will not have attained the age of 70 years by November 4, 2014.

Signature of Candidate

Qualifications

All judges and justices of Michigan’s courts must:

- Be a registered and qualified voter of the jurisdiction where the office is sought.
- Be licensed to practice law in the State of Michigan.
- Have been admitted to the practice of law for at least five years.
- Be less than 70 years of age on the date of election.

Now that she is officially running for reelection, Judge Ethics has to get the word out. She needs campaign signs, brochures, and postcards. She also wants to have ads on television and radio.



These are all expensive. How will she pay? Judge Ethics is allowed to spend her own money. Her family may give money to the campaign, too.

The campaign committee also helps her raise money from other supporters. They make a careful plan to avoid breaking the rules about how much a person can give and when.

Chip Baker, the head of a local business group, hears that Judge Ethics is running for reelection.

“Judge, our members are interested in your campaign. We would like to invite you to speak at our next meeting. We want to know what you’re promising us for another term. If you’d like, go ahead and ask for donations to your campaign. Some members have told me that they want to give,” says Mr. Baker.



Judge Ethics replies, “Thanks for your offer. I would be honored to speak with your members. However, please understand that I must follow strict campaign rules. My campaign committee accepts donations, but I’m not allowed to ask for money personally. And I can’t make specific promises, like ‘jail for all shoplifters.’ I can’t talk about how I might decide in cases.”

“Oh, I didn’t realize. Come and meet with us anyway. It sounds like you know best how to keep your campaign on the right track,” says Mr. Baker. “See you then!”

At the community's summer festival, Judge Ethics talks to people in the crowd. John Early, who knows her well, offers an idea for her campaign.

"You're an excellent judge," says Mr. Early. "You do so much for our courts. I think you should use the slogan, 'Hardest working judge in Michigan.'"



"I appreciate your kind words, Mr. Early," Judge Ethics replies. "However, I'm only allowed to make statements during my campaign that I can support with evidence. There are many judges in this state who work very hard. I think that slogan would be difficult to prove."

"I see," says Mr. Early. "Perhaps 'reelect Judge Ethics' works just as well."

During her campaign, Judge Ethics continues to make the right choices. Along the way, many people tell her they will look for her name on the non-partisan ballot.

On election day, Judge Ethics gets the most votes. She is declared the winner.

JUDICIAL	
Judge of District Court Vote for Not More Than 1	
Juanita Ethics Judge of District Court	<input checked="" type="radio"/>
Lionel O. Ponent	<input type="radio"/>
	<input type="radio"/>

After taking the oath of office, Judge Ethics has six more years to fulfill her duties faithfully and fairly.



Discussion Questions

- ☑ During her campaign, Judge Ethics has to choose between right and wrong several times. Are you surprised by how she responds? Why or why not?
- ☑ Which situation do you think would be the most difficult choice for Judge Ethics? Why?
 - Choosing a committee.
 - Telling her law clerk what is allowed or not allowed while working on the campaign.
 - Meeting with Mr. Baker's business group.
 - Speaking with Mr. Early about her campaign slogan.
- ☑ Brainstorm other situations that would require a judicial candidate to make an ethical choice. What events might take place that require a response?
- ☑ What might happen if Judge Ethics or another judicial candidate breaks the rules? Research possible consequences; see Further Resources on page 18.
- ☑ Name situations where you must make ethical decisions. How might you learn what is right or wrong? What consequences might you face if you make a poor choice?

Glossary

Affidavit – A written statement that a person signs saying the information is true.

Ballot – A piece of paper used during an election that lists candidates and other items being voted on.

Candidate – Someone running for office.

Code of Conduct – Rules about how to behave.

Elect – Choose by voting.

Endorse – Tell others that you officially support a candidate.

Ethics – Ideas about what is right and wrong.

Incumbent – Someone who already is serving in an office.

Judicial campaign – Activities to help get a candidate for judge elected or reelected.

Nominate – To choose someone to run for office.

Non-partisan – Not part of or supported by a political party.

Petition – A document that people sign to say they want something, such as someone to be on the ballot.

Reelect – Choose to keep someone in office by voting.

Term – The length of time a person, such as a judge, has in office. Judges of Michigan's trial courts (District Court, Municipal Court, Probate Court, and Circuit Court) and the Court of Appeals serve six-year terms. Justices of the Michigan Supreme Court are elected to eight-year terms.

Treasurer – Person who is in charge of money.

Slogan – A phrase that is easy to remember.

Further Resources

For Judges & Judicial Candidates

Michigan Code of Judicial Conduct

<http://courts.mi.gov/Courts/MichiganSupremeCourt/CurrentCourtRules/8MichiganCodeOfJudicialConduct.pdf>

Michigan Secretary of State, Bureau of Elections,
Information for Candidates

http://www.michigan.gov/sos/0,4670,7-127-1633_8721---,00.html

State Bar of Michigan, Ethics

<http://www.michbar.org/opinions/ethicsopinions.cfm>

For Court Employees

Making Ethical Decisions

<http://mjieducation.mi.gov/videos/making-ethical-decisions>

Model Code of Conduct for Court Employees

<http://mjieducation.mi.gov/publications/resources-for-trial-court-staff>

For Rules Violations

Attorney Discipline Board

<http://adbmich.org>

Attorney Grievance Commission

<http://www.agcmi.com/>

Judicial Tenure Commission

<http://jtc.courts.mi.gov/>