

POLICY ON THE UNJUST CRITICISM OF THE LEGAL PROFESSION AND THE JUDICIARY

The President of Ohio State Bar Association is empowered and must follow this policy to speak out in defense of the legal profession and/or the judiciary who are unjustly criticized and it is necessary to uphold the integrity of the judicial system. The matter must be determined to be of statewide interest and these factors must be considered:

- Whether there is unjust criticism:
 - About lawyers and/or judges exercising their professional, ethical and/or constitutional duties in accordance with the law or rules of professional conduct;
 - Through an interpretation of the law or rules of professional conduct being misconstrued;
or
 - The independent judgment of the judiciary or a legal professional is being called into question.
- Whether by speaking out it may be considered the Association is taking a position on a political issue or campaign; and
- Whether a response would be more meaningful or appropriate coming from another organization or agency, such as the Ohio Judicial Conference, another bar association or the Board of Professional Conduct.

This policy is not meant to be used by candidates or third parties interested in a particular campaign for elected office to file complaints to further an outcome in an election. The President, however, is not prohibited from speaking out in these circumstances if the President complies with this policy. If the criticism at issue relates to a campaign, a heightened standard of review should be applied and the OSBA should not speak out unless it is demonstrated that there will be immediate and irreparable harm to the integrity of the legal profession and/or judiciary as determined by the Government Affairs Committee of the Board of Governors.

Process

The President of the Ohio State Bar Association or his/her designee may receive complaints regarding such unjust criticisms and may also initiate the evaluation process when a situation is brought to the Association's attention through appropriate channels. Complaints shall come to the Association in written form and be directed to the President and Secretary of the Association.

The President shall present complaints and/or information to the OSBA Board of Governors' Government Affairs Committee for its review and recommendations regarding whether a response should be made. Where appropriate, advice and counsel may also be solicited from the executive director of the Ohio Judicial Conference or his/her designee, other bar associations and/or members of the local community where the judge presides or lawyer practices.

Requests for the Association to consider potential unjust criticism complaints may be e-mailed to the President and Secretary of the Association.

Former policies repealed and replaced with this policy on February 24, 2023.