

Rapid Response Team

Charged by the Arkansas Judicial Campaign Conduct & Education Committee, Inc.

P.O. Box 141475, Little Rock, AR 72223

Members: Audrey Evans (chair), Hal Bass (vice chair), Elizabeth Andreoli (secretary), Danyelle Walker, Roy Ockert Jr.

REQUEST FOR VOLUNTARY WITHDRAWAL OF ADVERTISEMENT

May 9, 2018

To: Judicial Crisis Network (**JCN**), *Via email at info@judicialnetwork.com*
Subject: May 3, 2018 Complaint Supreme Court Election
Complaint filed by: Linda Napper on behalf of Justice Courtney Goodson Campaign (**CGC**)

Dear Judicial Crisis Network:

The Rapid Response Team (“**RRT**”) received a complaint from Justice Courtney Goodson’s Campaign (“**CGC**”) stating that the Judicial Crisis Network sponsored television advertisements and mailed flyers that contain false or misleading information about Justice Courtney Goodson. The RRT follows its Rules and Procedures when reviewing complaints. We have applied these Rules and Procedures to the Complaint filed by CGC. The documents referenced in this letter are available in the public domain.

We state the specifics of the current complaint and the procedures we follow, below.

THE COMPLAINT

- The Judicial Crisis Network is sponsoring TV advertisements which state that “Courtney Goodson has been taking gifts and big money from donors for years.....hundreds of thousands of dollars from law firms with cases before her courteven a \$50,000 trip to Italy on a donor’s luxury yacht and what’s worst Goodson asked for an \$18,000 raise making her salary bigger than the governors.”
- The Judicial Crisis Network mailed a large full color flyer which states in summary that: W.H. Taylor paid Courtney Goodson and her husband’s extended luxury vacation to Italy, including a cruise on a yacht owned by one of her corporate campaign contributors and then turned to Arkansas taxpayers to support her lavish lifestyle by asking for an additional \$18,000 pay raise.

Both advertisements state that Justice Goodson asked for a pay raise. Both ads contain specific language to cause a voter to believe that gifts are given by donors to Justice Goodson, and that she hears cases in which those donors appear as counsel or party in the case, and in return for donation or gifts, Justice Goodson rules in favor of the donor entities or persons.

ADDITIONAL INFORMATION

Justice Courtney Goodson's campaign has provided evidence most of which, if not all, is available in the public domain.

In support of CGC's complaint that the advertisements are false or misleading when they state that Justice Courtney Goodson receives donations or gifts from persons or entities appearing before her, the CGC provided a list of all cases Justice Goodson has and continues to recuse from. This list of cases includes those filed in either the Supreme Court or the Court of Appeals by those donors who have given money or gifts to Courtney Goodson during the time she has served as an Appellate or Supreme Court Justice. Goodson's recusal list includes persons or entities with whom Justice Goodson has a close personal relationship and/or who gave her money or gifts. The list includes, among others, W.H. Taylor & Associates, Keil and Goodson, John Goodson, Tyson, and the University of Arkansas Board of Trustees (husband John Goodson serves on the University of Arkansas Board of Trustees). The CGC provided a separate court docket sheet for each of the cases from which Justice Goodson recused. Each of these docket sheets contains a docket entry showing that Justice Courtney Goodson recused from the case filed by a Donor.

In 2013, a complaint was filed against Justice Goodson with the Arkansas Judicial Discipline and Disability Commission making these same and other allegations; specifically, that Courtney Goodson took gifts from donors and then heard cases where the donor was the attorney or a party in the case. The Judicial Discipline and Disability Commission issued a detailed letter reviewing all allegations, many of which were also stated in newspaper articles that the JCN relies upon, finding that Justice Goodson recused in cases filed by donors. That letter concludes that "the investigation initiated by the complaint did not reveal or find any evidence of judicial misconduct, wrong-doing, within the Commission's jurisdiction. The Judicial Discipline Committee dismissed the complaint stating it lacked merit.

In support of CGC's complaint that the advertisements are false or misleading when they state that Justice Courtney Goodson asked for an \$18,000 raise, CGC provided evidence that Chief Justice Kemp made a request for a pay raise on behalf of the Supreme Court to the Independent Citizens Committee ("ICC"). The ICC makes pay raise decisions for judicial positions. The ICC is a public forum and all links to its proceedings are in the public domain. The RRT takes notice that before Justice Kemp appeared on behalf of the Supreme Court to request a raise, the Supreme Court Justices held a confidential vote on the matter. As a result of that vote, Chief Justice Kemp was authorized to request a raise. The individual votes, which gave Justice Kemp the authority to request a raise, are confidential. There is no information, nor should there be information, as to whether Courtney Goodson voted for or against requesting a raise.

The existing evidence includes the following: handouts prepared and submitted by Chief Justice Kemp to the ICC, the ICC minutes, recording of the hearings where Justice Kemp makes his request, and other letters from Justice Kemp to the Independent Citizens Committee requesting the raise. In the RRT review of the above information, the RRT finds no evidence that Justice

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Courtney Goodson asked for a raise. She did not attend the meetings when the Chief Justice asked for the raise; she did not write a letter seeking a raise; and, there is no record of how she voted. Simple math informs us that a raise could have been requested even if Justice Goodson voted against asking for a raise.

CURRENT FINDINGS

Having reviewed this information, the RRT determines that **CGC** met its initial burden to support its complaint that JCN's advertisements are false or misleading. A person of ordinary intelligence would conclude that:

- Justice Courtney Goodson did not request a pay raise. There is no evidence to support the statement that she did request a pay raise. Justice Goodson sat on the Supreme Court during the period of time the court voted to authorize Chief Justice Kemp to request a pay raise. The Supreme Court speaks with one voice and that voice is the voice of its Chief. It would be a violation of Justice Goodson's duty of confidentiality to reveal how she voted for a pay raise.
- Justice Courtney Goodson did not hear cases that were filed by or on behalf of a Donor. Because Justice Goodson recused from hearing those cases, donors did not receive benefits from Justice Goodson.

INSTRUCTIONS

Upon receipt of this letter and review of all available evidence, you may agree to withdraw your advertisement immediately.

Alternatively, if you have evidence or information to support the statements made in your TV advertisements or in the mailer showing that Justice Courtney Goodson decided cases in favor of donors or persons who gave her money or gifts, or that she asked for a pay raise, we ask that you submit that information along with any supporting documentation to the RRT within 24 hours of receipt of this communication. The RRT will review the evidence you submit promptly, and we will then either: (1) find that the Ad does **not** contain false or misleading information based on the evidence submitted, in which case, we will notify concerned parties; (2) seek further information and evidence; or (3) find that the ad does contain false or misleading information.

A Finding of False or Misleading Information

The RRT will make a finding that the Ads contain false or misleading information, if either:

(1) You do not respond to this letter in 24 hours or by the deadline established should we grant additional time; or

(2) After carefully studying the information and evidence submitted by both parties, we are persuaded that *reasonable cause* exists.

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If the RRT sustains its conclusions that the TV ads and mailed flyers contain false or misleading information, we will request that you withdraw the advertisement immediately and that you cease mailing flyers containing false or misleading information. If you refuse to withdraw the advertisements within 24 hours of our request, or to stop mailing flyers with false or misleading information, we will take immediate action.

Pursuant to the Rules and Procedures, we are authorized to issue a “Cease and Desist Letter”; publish the Cease and Desist Letter along with any other relevant information on the Arkansas Judicial Campaign Conduct and Education Committee website; and issue press releases informing the public that despite being given an opportunity to be heard, you continue to run Ads containing false and misleading information despite being provided proof that the statements are false and misleading, and despite our request that you withdraw the TV ads and stop mailing the flyers.

Our only purpose is to protect the voters in this judicial election from relying on false and misleading information. The voters have the right to make truthfully informed choices when they vote for a member of the Supreme Court. We hope you agree that voters deserve the truth, and will cooperate fully in this process.

Due to website issues, we have had to accept complaints and evidence via email. As time is of the essence, we expect that you will submit your response to this letter to the Team by email to evansaudrey@me.com. Please feel free to call (501-690-3706) or email me should you have any questions about the information in this letter.

Sincerely,

Judge Audrey Evans
Chair of the Rapid Response Team

cc: Linda Napper, Campaign for Justice Goodson
Justice Kenneth Hixson campaign
David Sterling campaign

References:

JCN's Mailed Flyer

[Link to TV Advertisement](#)

Complaint filed by Linda Napper on behalf of Courtney Goodson for Justice
The Rapid Response Team Rules and Procedures