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Re: Judicial Crisis Network Advertisement

To Whom It May Concern,

This letter is submitted by the undersigned counsel on behalf of Judicial Crisis Network in response to the cease and desist letter signed by Lauren Hoover as counsel for the Campaign for Justice Courtney Goodson. The position of Justice Goodson's campaign is without merit, and your station should continue running the Judicial Crisis Network's advertisement without fear of the campaign's vague threats of legal reprisal.

Justice Goodson's campaign demands that your station cease and desist from airing an advertisement that accurately informs the public that she "has been taking gifts and big money from donors for years," including "hundreds of thousands of dollars from law firms with cases before her court" and "even a \$50,000 trip to Italy on a donor's luxury yacht." These assertions are absolutely true, and Justice Goodson's campaign does not claim otherwise. Instead, her attorney changes the subject and counters that "Justice Goodson has always recused from participating in any cases involving persons or entities with whom she has a close personal relationship and/or gave her gifts."

The Judicial Crisis Network advertisement says absolutely nothing about the issue of recusal and makes no claim that Justice Goodson failed to recuse herself in any case. The advertisement states – absolutely factually – that she has received gifts and large campaign donations, including donations from law firms that appear before the Supreme Court. The acceptance of gifts and contributions, on the one hand, and the issue of recusal, on the other hand, are completely separate matters. Further, if Justice Goodson did in fact recuse herself from certain cases, as her campaign claims she did, then the reason for those recusals was *because* she accepted the gifts and contributions referenced in the advertisement in the first place. Justice Goodson's red herring response confirms the accuracy of the Judicial Crisis Network advertisement.

Justice Goodson's campaign also objects to the advertisement's claim that she "asked for an \$18,000 raise." Justice Goodson's campaign does not claim that she did not receive a raise but claims that "Chief Justice Kemp appeared on behalf of the entire Arkansas Supreme Court ... to request a raise for all justices and judges." If Chief Justice Kemp made the request "on behalf of the entire Arkansas Supreme Court," then it is absurd to claim that Justice Goodson did not "ask for" the raise. The request was made by someone speaking on her behalf who was obviously authorized to represent her views – in other words, she asked for the raise. Of the pay raise that she received, Justice Goodson did not disavow it or state that she did not ask for it. Instead, she said, "I am truly grateful for the cost-of-living increase that was given to the entire judiciary in Arkansas."

If Justice Goodson were to publicly state that she voted *against* the pay raise proposal that Chief Justice Kemp presented on her behalf, and on behalf of the entire Supreme Court, Judicial Crisis Network will revise its advertisement accordingly. However, Justice Goodson's campaign does not make this claim, and considering her past statements, the only reasonable conclusion that can be drawn is that she did in fact vote in favor of the pay raise proposal that Chief Justice Kemp presented on behalf of the Supreme Court.

The materials produced by the so-called "Rapid Response Team" similarly fail to demonstrate that any of the claims made in the Judicial Crisis Network advertisement are in any way untrue or inaccurate. The "Rapid Response Team" does not find that any of the statements *actually made* in the Judicial Crisis Network are inaccurate. Rather, the "Rapid Response Team" disregards the question of whether Justice Goodson received gifts and campaign contributions, and changes the subject to recusal, and argues that Justice Goodson did not "ask for" a pay raises because someone else made the request on her behalf. This is not "good faith" fact finding and it should not be regarded as objective.

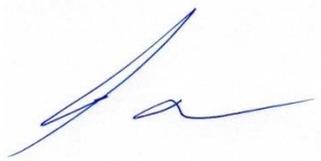
The documents produced by the "Rapid Response Team" and the Arkansas Judicial Campaign Conduct & Education Committee, Inc., are fundamentally misleading in their own right. The Committee poses as a government agency; it claims to have received a complaint, adhered to "procedures," made "findings" that "reasonable cause exists," and cites authority to issue a cease and desist letter that must be obeyed. **The Rapid Response Team and the Arkansas Judicial Campaign Conduct & Education Committee, Inc., are not a government agency and neither has any authority to act on behalf of any government agency. This Committee has no authority to demand that any party take any action, and it has no enforcement authority whatsoever. This Committee is a self-appointed, self-professed "watchdog" which is a non-profit organization that appears to exist to protect judges like Justice Goodson from criticism.** The Committee's views and expressed opinions are no more "authoritative" than any other organization's views and opinions, and the Committee and its "Rapid Response Team" should be viewed with the same skepticism that is due any self-proclaimed arbiter of truth that seeks to censor the speech of others.

The Judicial Crisis Network advertisement is factually accurate and fully documented, as the attachment materials demonstrate. Justice Goodson's campaign has not shown that any of the claims made in the advertisement are untrue. Your station will face no sanctions from any actual government authority of any kind for continuing to air an advertisement that is fully

accurate and substantiated. If Justice Goodson's campaign wishes for Arkansas voters to hear her response, her campaign is free to buy advertising time on your station. Your station should not play the role of censor for her campaign.

We trust your station will continue to air Judicial Crisis Network's advertisement for the duration of its scheduled run. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jason Torchinsky", written over a light gray rectangular background.

Jason Torchinsky
Michael Bayes
Counsel to Judicial Crisis Network