



PENNSYLVANIA BAR ASSOCIATION

JUDICIAL CAMPAIGN ADVERTISING GUIDELINES

An independent and honorable judiciary is indispensable to the administration of justice. While a contested election for judicial office is a political event, a candidate for the judiciary of this Commonwealth should observe standards of conduct consistent with the integrity, impartiality, and independence of the judiciary. The provisions of these guidelines should be understood and applied to further that objective in the context of the free speech and fair comment necessary in an election campaign.

1. Candidates and their staff should be conversant with and their campaign activities should conform to [Canon 4](#) of the Pennsylvania Code of Judicial Conduct.
2. Candidates and their staff should be conversant with and their campaign activities should conform to [Rules 8.2](#) and [8.4](#) of the Pennsylvania Rules of Professional Conduct, as applicable.
3. Candidates and their staff should not make false or misleading statements concerning the qualifications or performance of themselves or of other candidates for judicial office.
 - a. Every effort should be made to refrain from making statements that might be subject to misinterpretation or distortion.
 - b. Every factual claim made by or on behalf of a candidate should be verified, particularly claims first made during the final four weeks of a campaign.
 - c. Factual claims regarding the qualifications or performance of candidates or their opponents should not omit or obscure information necessary to prevent misinterpretation or distortion.
4. Recognizing that the primary concern of the electorate in the selection of statewide judicial officers should be with the overall ability of a candidate to perform the judicial function in a competent, effective, independent, impartial and honorable manner, candidates and their staffs should refrain from engaging in campaign advertising not directed to those concerns.

- a. Campaign advertising should not imply or suggest that clients represented, actions taken, positions adopted, or arguments made by a candidate when acting in the capacity of an advocate are reflective of a candidate's ability to perform the judicial function.
 - b. Campaign advertising should not imply or suggest that the substance of the holdings of a candidate's previous judicial decisions and opinions are, by themselves, reflective of the candidate's ability to perform the judicial function, but the reasoning or the language used may be a proper subject for fair comment within the parameters of the Code of Judicial Conduct and the Pennsylvania Rules of Professional Conduct.
5. Recognizing that the performance of the judicial function requires the setting aside of personal emotions, bias, prejudice and preferences, candidates and their staffs should not pledge, promise, or commit to decide an issue or case in a particular way once elected to judicial office.
6. Recognizing that impartiality and the appearance of impartiality are equally important to the successful administration of justice, campaign advertising should not imply or suggest that any candidate endorses, is sympathetic to, is indifferent to, or is antagonistic towards the requirements, interest, desires or needs of any religious, ethnic, racial, cultural, political, economic, or any other group, faction or class, but the existence of an actual bias may be a proper subject for fair comment.
7. Recognizing that the performance of the judicial function requires the administration of justice to all litigants in a nonpartisan manner based on the particular case and that a judge must neither be, nor may be seen to be, the spokesperson for any constituency or the advocate for any cause, campaign advertising should not imply or suggest that any candidate would tend to, or would actually, treat any class of litigant, witness, claim, violation of law, petition, application or situation requiring judicial decision-making, in any particular manner.
8. A candidate should not make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.
9. A candidate may make statements concerning the change or modification of the court structure, calendar or programs, or the improvement of the system for the administration of justice. However, any goals that cannot be accomplished without the concurrence of fellow judges or action by the executive or legislative branches should be prominently qualified as such.

Campaign advertising should not imply or suggest that the candidate alone can accomplish such goals.

10. Candidates should require their staff and any supporters subject to their direction and control to fully observe and comply with the standards of campaign conduct expected of the candidate.