

## ***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, retired U.S. Bankruptcy Judge), Hal Bass (vice chair), Elizabeth Andreoli (secretary), Danyelle Walker

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### **CEASE AND DESIST LETTER**

October 19, 2018

**To:** Republican State Leadership Committee-Judicial Fairness Initiative  
Matthew Raymer, General Counsel, mraymer@rslc.gop  
**Subject:** October 15, 2018 Complaint Supreme Court Election  
**Complaint:** 9279395  
**Complaint filed by:** Linda Napper on behalf of Justice Courtney Goodson Campaign

Dear Mr. Raymer:

The Rapid Response Team (“**RRT**”) regrets the necessity of issuing this CEASE AND DESIST LETTER. The Republican State Leadership Committee-Judicial Fairness Initiative’s (“**RSLC**”) decision to decline to withdraw its Anti-Goodson advertisements and further discontinue publicizing false and misleading information about a candidate for the Supreme Court with full knowledge that the information is false and misleading requires this action.

We received your October 18, 2018 Response to our letter requesting voluntary withdrawal and providing you with an opportunity to present evidence of the truth of the advertisements. We regret that you respond to the RRT in the tone and derisive manner you chose. Rather than addressing the entirety of the evidence, you chose to name call and obfuscate the facts. We seek to protect the public from relying on false or misleading information when deciding who to vote for in the election for a Supreme Court Justice; that is our only purpose. We are blind to the candidates’ party affiliations, as we should be, in these nonpartisan races.

Specifically, the RRT notified you in writing on October 16, 2018, that Justice Courtney Goodson’s Campaign (“**CGC**”) filed a complaint alleging that your organization is mailing flyers which contain false and misleading statements. (October 16, 2018 detailed letter). That complaint alleged generally that the RSLC produced and mailed flyers making statements that would lead voters to believe that:

- Gifts are given to Justice Goodson and that she hears cases in which those donors appear as counsel, or as a party in the case, and in return for the donations or gifts, Justice Goodson rules in favor of the donor entities or persons; and
- Justice Goodson asked for a pay raise.

The October 16, 2018 Voluntary Request for Withdrawal of Advertisement letter contains a detailed explanation of the evidence the RRT reviewed and the conclusions it reached.

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The RRT made the following findings:

- 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.
- 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 whether she voted for a pay raise.

The RRT acknowledges and has reviewed your response letter dated October 18, 2018. For your first point, you state that the individual snippets in your advertisement regarding Justice Goodson taking gifts from a trial lawyer and campaign donor; asking what trial lawyers get in return from Justice Goodson for lavish gifts; and consistently taking sides with trial lawyers and issuing legal opinions that make them millions more in their lawsuits, are factually true or rhetorical. We do not agree. In our consideration, we take the snippets together as a whole. Taken as a whole, we find reasonable cause that the advertisement is false or misleading; that is, a person of ordinary intelligence under the circumstances is motivated to believe that Justice Goodson rules in favor of donor entities or persons in return for gifts or donations. Our review of the evidence submitted by the Goodson Campaign shows this is not the case.

For your second point, you state that the snippet about Goodson asking taxpayers for an \$18,000 pay raise to support her lavish lifestyle is "entirely accurate" because the chief justice requested the increase "[on] behalf of the Justice and Judges of the Supreme Court". We find your argument without merit. As we explained earlier, there is no evidence how the individual justices voted on the pay increase. There can be no RRT finding, therefore, that Justice Goodson voted in favor of the pay increase. Such a statement is false or misleading.

According to our charge, our purpose is to prevent the use of false or misleading information in the election of a candidate to the Arkansas Supreme Court. We asked you to agree to stop publishing this false and misleading information immediately and to agree that you will not publish these false and misleading statements during this run-off election. Instead of a reasoned response to our Letter Requesting Withdrawal, your letter contains accusations and name calling; and is devoid of substantive information showing the truth of the advertisements. **Consequently, the RRT issues this Cease and Desist Letter demanding that RSLC stop mailing flyers and agree to refrain from publishing these same false and misleading statements during this run-off election.**

This Cease and Desist Letter will be released in the public domain immediately. We will issue a Press Release of the findings that the RSLC flyers contain false and misleading information, along with a statement that the RSLC's disregard for fair or truthful advertising impugns the integrity of the judicial election process.

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Sincerely,

Audrey Evans

Chair of the Rapid Response Team

**The Rapid Response Team issues this Letter, officially requesting, on behalf of the citizens of Arkansas, that you cease publishing information that the RRT has found to be false and misleading.**

cc: Courtney Goodson Campaign Committee, *via email at* [napperatcamco@gmail.com](mailto:napperatcamco@gmail.com)  
David Sterling Campaign Committee, *via email at* [david@votedavidsterling.com](mailto:david@votedavidsterling.com)  
arkansasjudges.org Website  
Andrew Wynne, Chair, *via email at* [awynne@rslc.gop](mailto:awynne@rslc.gop)  
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