

It's Time for Some Campaignin'

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Disclaimer

- ▶ The persons depicted in this presentation are all fictional, and any resemblance to actual persons, living or dead, is coincidental. Further, the views expressed in this presentation are those of the presenters and not the Tennessee Bureau of Workers' Compensation. Also, the information provided in this presentation does not constitute legal advice, and no attorney-client relationship is established through the presentation.



<https://www.youtube.com/watch?v=adc3MSS5Ydc>

Learning Objectives

- ▶ Identify the limits of political activity for judges and lawyers, but also learn to recognize appropriate political activity
- ▶ Investigate lawyers' and judges' duties to “self-police” the profession in terms of political activity
- ▶ Identify the consequences for political participation that falls outside ethical bounds

Pertinent Rules and Regulations

- ▶ Rules of Professional Conduct
- ▶ Code of Judicial Conduct
- ▶ Tenn. Code Ann. § § 2-19-201 to 208
and § 8-30-306

Tenn. Code Ann. § § 2-19-201 to 208 AKA - the “Little Hatch Act”

- ▶ Prohibits ALL executive branch employees from:
 - ▶ Using their official position, authority or influence to interfere with an election or nomination for office;
 - ▶ Intimidating, coercing, or commanding public officers and employees to vote for or against a measure, person, or party;
 - ▶ Knowingly receiving or paying any kind of assessments for political purposes or for election expenses from state employees.
- ▶ Some of its provisions exempt elected officials and members of the Governor's cabinet and staff).

Tenn. Code Ann. § § 2-19-201 to 208 AKA - the “Little Hatch Act”

- ▶ **The Act further prohibits non-exempt executive branch employees from:**
 - ▶ Soliciting directly or indirectly contributions for political purposes or campaign expenses from persons or entities that are connected to the State or that do business with the State
 - ▶ Promising state benefits, including but not limited to, employment, contracts, work, or loans as a reward for political activity
 - ▶ Depriving or threatening to deprive any person of state benefits, including but not limited to, employment, compensation, contracts, work, or loans because of a person's political activity

Tenn. Code Ann. § § 2-19-201 to 208
AKA - the “Little Hatch Act”

▶ **Continued:**

- ▶ **Displaying campaign literature, banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on state property (Decals and Bumper stickers on personal vehicle excluded)**
- ▶ **Using state-owned property for campaign advertising or activities**
- ▶ **Engaging in political activity not directly a part of that person's employment during work**

Cast of Characters

- ▶ Judge Jane Doe lives next door to you in Davidson County
- ▶ Running for reelection
- ▶ Her husband is Judge John Doe, a workers' compensation judge
- ▶ They have one child, Juanita, a judge on the Isaac Litton Middle School Honor Court

Scenario One

The Graduation

What possible ethical violations
did you see?

Consider the following:

- ▶ Rules of Professional Conduct: 1.12(a)(b)
- ▶ Code of Judicial Conduct: 2.11, 3.15, 3.13, 4.1
- ▶ Little Hatch Act

Scenario Two

Power Lunch

What possible ethical violations
did you see?

Consider the following:

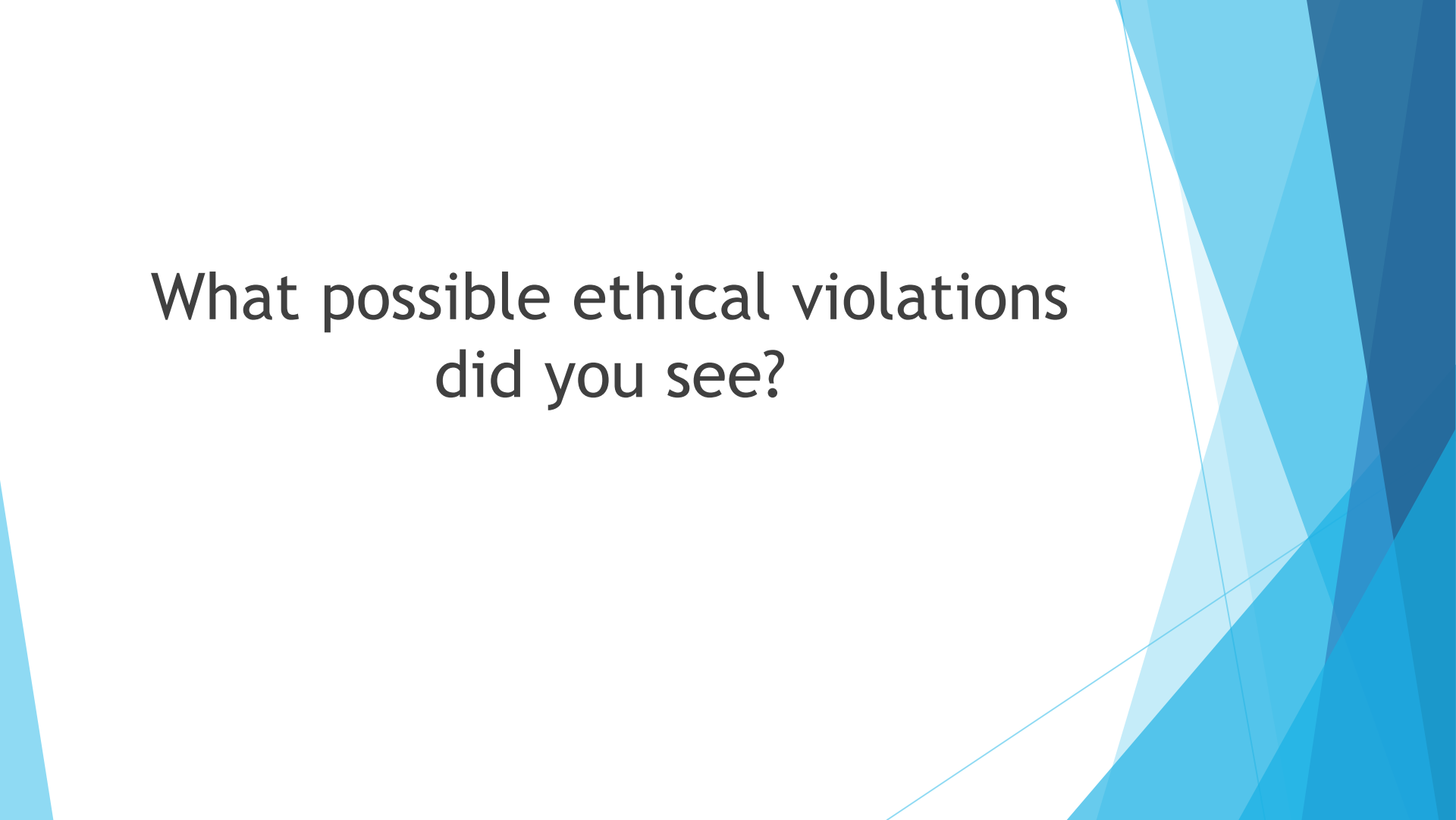
- ▶ Rules of Professional Conduct: 3.5(b)
- ▶ Code of Judicial Conduct: 2.9, 4.1

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect.

Scenario Three

The Campaign Trail

What possible ethical violations
did you see?

The background of the slide is white with abstract, overlapping geometric shapes in various shades of blue (light blue, medium blue, and dark blue) on the right side, creating a modern, professional look.

Consider the following:

- ▶ Rules of Professional Conduct: 3.5(b)
- ▶ Code of Judicial Conduct: 2.9, 3.8, 4.1, 4.2

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is plain white.

Scenario Four

The Campaign Dinner

What possible ethical violations
did you see?

Consider the following:

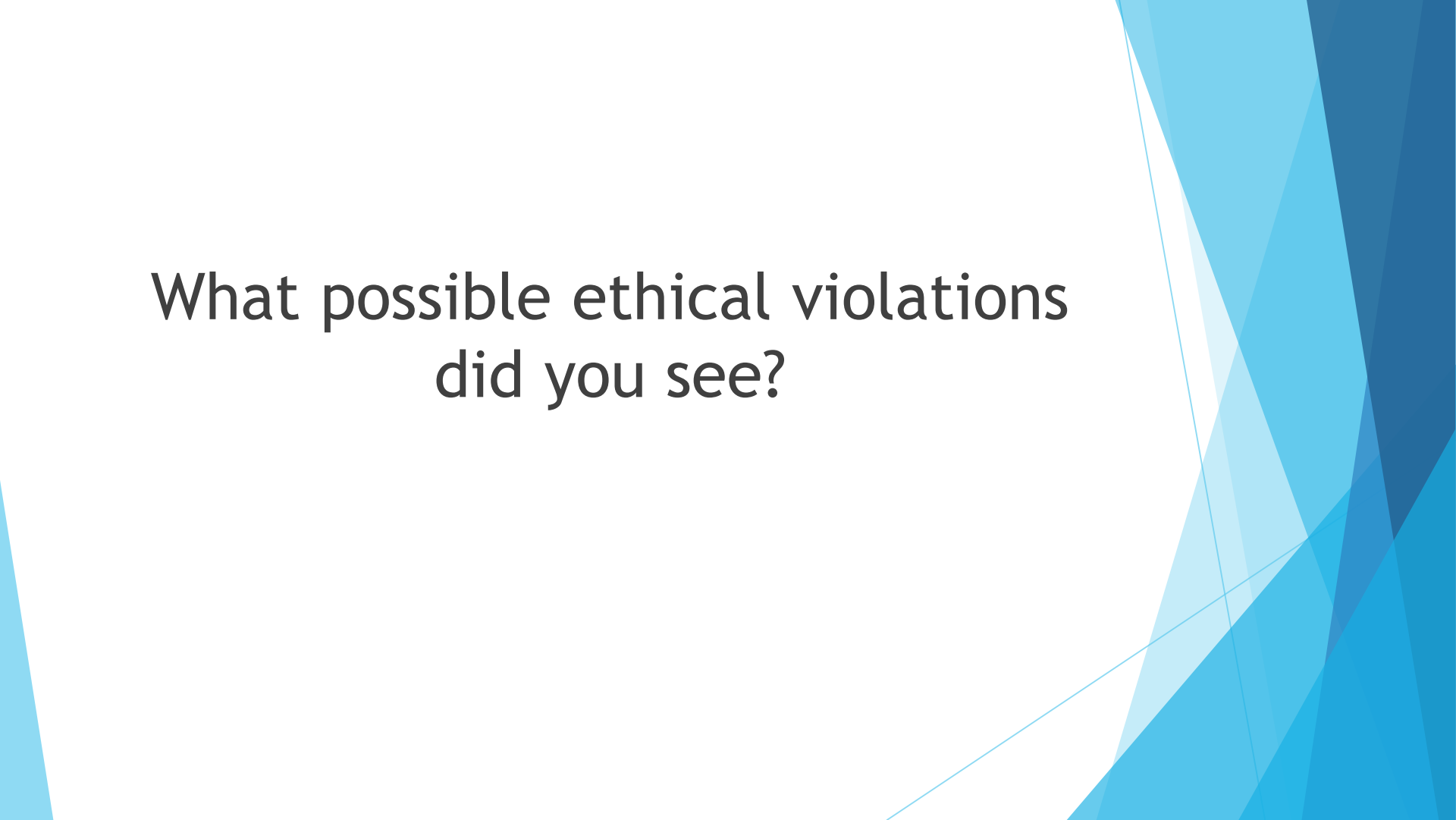
- ▶ Rules of Professional Conduct: 8.2
- ▶ Code of Judicial Conduct: 2.10, 3.6, 4.1, 4.2

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a dynamic, layered effect. The left side of the image is mostly white, providing a clean space for the text.

Scenario Five

The Confrontation

What possible ethical violations
did you see?

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a modern, layered effect on the right side of the slide.

Consider the following:

- ▶ Rules of Professional Conduct: 8.2, 8.4
- ▶ Code of Judicial Conduct: 1.1, 1.2

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is plain white.

Scenario Six

The Aftermath

What possible ethical violations
did you see?

Consider the following:

- ▶ Rules of Professional Conduct: 1.6, 8.2, 8.3, 8.4
- ▶ Code of Judicial Conduct: 3.10