

PHELPS DUNBAR^{LLP}
— COUNSELORS AT LAW —

New Orleans, LA
Baton Rouge, LA
Houston, TX
London, England

111 East Capitol Street • Suite 600
Jackson, Mississippi 39201-2122
P. O. Box 23066
Jackson, Mississippi 39225-3066
(601) 352-2300 • Fax (601) 360-9777

Jackson, MS
Tupelo, MS
Gulfport, MS
Tampa, FL

www.phelpsdunbar.com

FRED L. BANKS, JR.
Partner
Admitted in Mississippi
Direct (601) 360-9356
banksf@pheips.com

October 29, 2008

Honorable Randy Grant Pierce
Chancery Court Judge
P. O. Box 998
Pascagoula, MS 39568-0998

Re: Political Ads

Dear Judge Pierce:

Certain television ads have been brought to the attention of the Special Committee on Judicial Election Campaign Intervention. These ads are being run by the Law Enforcement Alliance for America and attack Justice Diaz based upon votes in particular cases.

The Special Committee has concluded that these ads are violative of the Code of Judicial Conduct in that they urge judges to behave in a partial rather than impartial manner in deciding the cases before the court.

Accordingly, the Special Committee requests that you do the following:

- (1) State whether the television ads were in any way authorized by you;
- (2) If authorized, cease and desist, from further use of these ads;
- (3) If it was not authorized, advise the organization, Law Enforcement Alliance for America, that the ad is not authorized and that it is your desire that the organization cease and desist from further use of this ad.

Because of the fact that the election is less than 10 days from now, the Special Committee must act expeditiously. Accordingly, it will issue the press release in the form

Judge Randy Pierce
October 29, 2008
Page 2

attached to this letter regarding this matter. Any further action will await your response to the requests enumerated above.

Sincerely yours,

PHELPS DUNBAR LLP

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Fred L. Banks, Jr.

FLBjr:fsw

cc: Justice Oliver Diaz
Law Enforcement Alliance for America

**SPECIAL COMMITTEE ON JUDICIAL ELECTION CAMPAIGN INTERVENTION
ISSUES PUBLIC STATEMENT**

October 29, 2008

The Special Committee on Judicial Election Campaign Intervention issued a public statement today regarding television ads attributed to Law Enforcement Alliance for America which attempt to impact the race for the Supreme Court in the Southern District of Mississippi.

The Special Committee said:

TV ads attacking a justice for his votes in criminal cases accusing him of not "protecting" families have been brought to the attention of the Special Committee. These ads violate the Code of Judicial Conduct with respect to judicial elections in that they urge a course of action which is not in keeping with the duty of a justice of the Supreme Court to decide the legal issues on an impartial basis. A judge is sworn to uphold the law and adjudicate cases in accordance with law, and not ignore the law based upon the popularity or infamy of those who appear before the court or the heinousness of the crime of which they are accused.

Accordingly, the Special Committee condemns these ads as they urge a biased rather than an impartial court system.

Committee member Michael Wallace was not available to participate in deliberations regarding this television ad.

The Mississippi Supreme Court created the Special Committee on Judicial Election Campaign Intervention in its 2002 revisions to the Code of Judicial Conduct. The five-member Special Committee investigates allegations of campaign misconduct. If the Special Committee finds evidence of some campaigning impropriety, it may issue a confidential cease-and-desist request to the candidate. If a cease-and-desist request is disregarded, the committee may issue a public statement about violations. In the last 10 days of an election, the Special Committee is authorized to take into account the exigencies of the circumstances.

Former Supreme Court Justice Fred L. Banks Jr. of Jackson is chairman of the Special Committee on Judicial Election Campaign Intervention. Other members of the Special Committee are Jackson attorneys Michael Wallace, Lisa Ross and Tim Ford, and Booneville attorney Ronald Michael. Members are appointed by the Chief Justice of the Supreme Court, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chair of the Commission on Judicial Performance.

Questions about the Public Statement should be directed to Commission on Judicial Performance Executive Director Luther T. Brantley III at 601-359-1273, or to a member of the Special Committee.