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 JANAYA TROTTER BRATTON

August 15, 2017

*Also admitted in
 Minnesota

Of Counsel

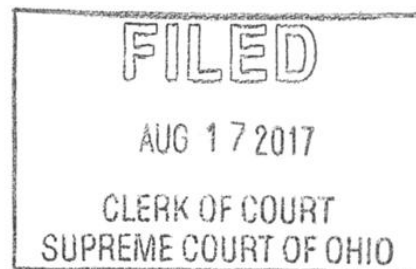
ROBERT F. LAUFMAN

VIA OVERNIGHT DELIVERY

Ms. Sandra H. Grosko, Esq.

Office of the Clerk

Supreme Court of Ohio 65 South Front Street, 8th Floor
 Columbus, OH 43215-3431



Re: Request to Recuse The Honorable Sharon Kennedy
Capital Care Network of Toledo v. State of Ohio Department of Health
 Case No. 2016-1348

Dear Ms. Grosko:

I represent Appellee, Capital Care Network of Toledo, in the above referenced case. Pursuant to Jud. Cond. R. 2.11 and S. Ct. Prac. R. 4.04, I am respectfully requesting Justice Kennedy recuse herself from this case. An affidavit is attached to this letter.

Capital Care makes this request because, pursuant to Jud. Cond. R. 2.11, justices must disqualify themselves in any proceeding in which the justice's impartiality *might* be *reasonably* questioned. This rule is strict and applies even when a judge may be impartial. Since this Court accepted jurisdiction in this case, Justice Kennedy's impartiality in deciding this case involving an abortion provider has been reasonably questioned by various Ohioans due to her connections to anti-abortion and pro-life organizations. In order to keep public confidence in the impartiality of the judiciary, Appellee, Capital Care Network of Ohio, respectfully requests that Justice Kennedy recuse herself from this action.

As outlined in the attached affidavit, recusal is required since even the appearance of impropriety undermines public confidence in the judiciary. Jud. Cond. R. 1.2. Citizens, due to their federal Due Process rights, are guaranteed fair and impartial trials. *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 829 (1986) (Brennan, J. concurring) (quoting *In re Murchison*, 349 U.S. 133 (1955)). The largest source of popular dissatisfaction with the American legal system is the perception of unfair or unequal treatment. Burke, Kevin & Leben, Steve, *Procedural Fairness: A Key Ingredient in Public Satisfaction*, 44 Ct. Rev. 4, 5 (2007). (Citing Sunshine, Jason & Tyler, Tom R., *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, 37 Law & Soc'y Rev. 513, 517 (2003)). Much of the public dissatisfaction with the judicial branch comes from the public's concern that they are not going to receive fair and impartial trials

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CLERK OF COURT

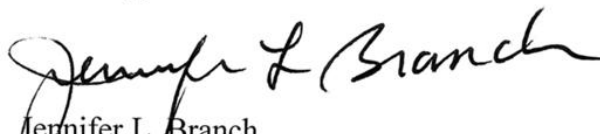
due to biased judges. Judges who promote procedural fairness in how a party is treated in court, as opposed to the actual outcome of the case, can limit much of the public dissatisfaction with the judiciary. Judges can accomplish this by being mindful of the key elements of procedural fairness: voice, neutrality, respectful treatment, and engendering trust in authorities. *Id.* at 4.

The constitutional right to an impartial judge is bolstered by the requirement that judges act in accordance with the Ohio Code of Judicial Conduct, which states that a judge shall disqualify herself in any proceeding in which the judge's impartiality might reasonably be questioned. Jud. Cond. R 2.11. Appellee submits the attached affidavit in support of the recusal of Justice Kennedy, who, pursuant S. Ct. Prac. R. 4.04, alone must decide whether she *appears to be*, and is, both unbiased and impartial, pursuant to S. Ct. Prac. 4.04.

I understand from media reports that two grievances that were filed about Justice Kennedy's actions were both dismissed. The reason for the dismissal of the grievances was not made public. The confidential dismissal does not negate the need for disqualification in this case; on the contrary, it bolsters the need for disqualification since Justice Kennedy's impartiality still might reasonably be questioned.

In sum, Capital Care respectfully requests that Justice Kennedy recuse herself from hearing this action. The facts in the attached affidavit indicate that many individuals and groups in Ohio have reasonably questioned Justice Kennedy's impartiality regarding this case involving the license to operate a facility that provides abortions. It is important to note that while Justice Kennedy may be perfectly able to decide this abortion case impartially and free from bias, recusal is still required given that the bar is set low: **when a judge's impartiality might be** reasonably questioned. This standard is consistent with the Due Process Clause to the U.S. Constitution, which requires that a judge recuse herself when there is a serious objective risk of actual bias. *Caperton v. A.T. Massey Coal C. Inc.*, 556 U.S. 868 (2009).

Sincerely,


Jennifer L. Branch
(Bar No. 0038893)

C: Ohio Department of Health
c/o Eric E. Murphy
Stephen P. Carney
Peter T. Reed
Capital Care Network of Toledo

AFFIDAVIT OF DISQUALIFICATION

STATE OF OHIO)
) SS
COUNTY OF HAMILTON)

Jennifer L. Branch, being duly sworn according to law, does hereby depose and testify as follows:

1. I am an adult, over 18 years of age and am competent to attest to the matters herein.
2. I am the attorney for Appellee Capital Care Network of Toledo. I submit this affidavit in support of the Motion to Disqualify Ohio Supreme Court Justice Sharon Kennedy from further participating in this matter. The oral argument is scheduled for September 12, 2107.
3. The Ohio State Bar Association published an article explaining when a party can ask a judge to step aside. This public service helps parties realize that “it is not humanly possible for everyone to remain impartial in every circumstance” and explains the recusal process. In explaining Jud. Cond. R. 2.11 to parties, the article states:

Many judges whose impartiality could be reasonably questioned might actually be able to remain impartial. But the Rule requires disqualification in the face of a reasonable question alone. Also, the Rule says a judge must be disqualified if there *might* be a reasonable question about the judge's impartiality. Therefore, judges are asked not to wait and see if someone does raise such a question, but to actively consider how others

view them, and ask whether there are reasons someone might question their impartiality.

Exhibit A, OSBA “Why Judges Sometimes Need to Step Aside,” published November 2, 2016.¹

4. Since March 2017, many individuals, groups, and newspaper editorial board members have stated publicly that there might be a reasonable question about Justice Kennedy’s impartiality. Exhibit B, Letter to the Office of Disciplinary Counsel May 16, [2017], signed by 15 organizations and 51 individuals²; Exhibit C Columbus Dispatch Editorial, “Ohio Justice Shouldn’t Hear Abortion Case,” March 25, 2017³; Exhibit D Columbus Monthly Editorial, “Justice’s talk to political group unwise,” March 24, 2017;⁴ Exhibit E Plain Dealer Editorial, “Did Ohio Supreme Court Justice Sharon Kennedy’s Speech Disqualify Her from Ruling on Toledo Abortion Clinic Case? Editorial Board Roundtable,” May 18, 2017;⁵ Exhibit F Toledo Blade article, “Grievance against Ohio Justice Kennedy dismissed,”⁶ June 19, 2017; Exhibit G Columbus Dispatch Editorial, “Secretly clearing justice not reassuring,”⁷ July 31, 2017; Exhibit

¹ Last visited May 30, 2017 <https://www.ohioabar.org/ForPublic/Resources/LawYouCanUse/Pages/LawYouCanUse-216.aspx>

² Last visited May 30, 2017 https://s3.amazonaws.com/s3.progressohio.org/docs/20170516_KennedyComplaint.pdf

³ Last visited May 30, 2017 <http://www.dispatch.com/opinion/20170325/editorial-ohio-justice-shouldnt-hear-abortion-case>

⁴ Last visited May 30, 2017 <http://www.columbusmonthly.com/opinion/20170524/editorial-justices-talk-to-political-group-unwise>

⁵ Last visited May 30, 2017 http://www.cleveland.com/opinion/index.ssf/2017/05/justice_sharon_kennedys_speech.html and found on Court News Ohio <http://www.courtnewsOhio.gov/headlines/default.asp>

⁶ Last visited August 15, 2017 <http://www.toledoblade.com/Politics/2017/06/19/Grievance-dismissed-Ohio-Supreme-Court-justice-Sharon-Kennedy.html>

⁷ Last visited August 15, 2017 <http://www.dispatch.com/opinion/20170731/editorial-secretly-clearing-justice-not-reassuring>

H Columbus Dispatch letter to the editor, “We have the right to impartial judiciary,”⁸ August 6, 2017.

5. Justice Kennedy’s impartiality has reasonably been called into question because on March 15, 2017, the Supreme Court granted jurisdiction to this case, *Capital Care Network of Toledo v. State of Ohio Department of Health*. Two days later she was the keynote speaker at Greater Toledo Right to Life’s 9th Annual Legislative Briefing Breakfast on March 17, 2017. (Exhibit I).

6. Greater Toledo Right to Life advertised Justice Kennedy’s speech to the legislative breakfast on Facebook. Tickets to the breakfast sold out. *Id.*

7. Greater Toledo Right to Life is an anti-abortion organization. It supports the appeal filed by the State of Ohio in this case. *Id.*

8. This legislative briefing breakfast was also supported by Foundation for Life, an anti-abortion education organization based in Toledo, Ohio, that advocates for the closing of abortion facilities in Ohio. (Exhibit J). The Foundation for Life used the event to raise money through sponsorships of \$250, \$500, and \$1,500 and advertised for the breakfast in its joint newsletter with Greater Toledo Right to Life, which requested sponsorships and donations. (Exhibit K).

9. The Greater Toledo Right to Life Society thanked attendees of the legislative breakfast on their website, posted a photo of Justice Kennedy addressing the crowd, and shared that the breakfast was “the largest breakfast we’ve had yet and the speakers shared a great message of getting involved, taking action and staying the course to end abortion in our lifetime.” (Exhibit L).

⁸ Last visited August 15, 2017 <http://www.dispatch.com/opinion/20170806/letter-we-have-right-to-impartial-judiciary>

10. Both Greater Toledo Right to Life and the Foundation for Life continue to advertise Justice Kennedy's participation in the legislative briefing breakfast on their websites where they also seek donations. <http://www.fflnwo.org/gtrtl-legislative-breakfast.html> and <http://www.gtrtl.org/legislative-briefing-breakfast.html>

11. The timing of Justice Kennedy's speech days after voting to grant jurisdiction, the anti-abortion and anti-Capital Care mission of the Toledo based groups before whom she spoke, and the subsequent public outcry about the apparent impartiality of Justice Kennedy all support recusal.

12. In addition, the following facts add to the concern that Justice Kennedy's impartiality might be reasonably questioned. In 2012 when Justice Kennedy ran for the Supreme Court of Ohio she received endorsements and recommendations from the pro-life organizations Cincinnati Right to Life PAC, Ohio Right to Life PAC, and Citizens for Community Values, all of which support and endorse candidates who are anti-abortion. (Exhibit M).

13. Additionally, the Cincinnati Right to Life Political Action Committee (CRTL-PAC) donated \$100 to Justice Kennedy's 2012 campaign committee. (Exhibit N). CRTL-PAC is the political arm of Right to Life of Greater Cincinnati, an anti-abortion organization that exists to inform the public of pro-life candidates, including judges, during elections. (Exhibit O).

14. In addition to receiving their endorsement, Justice Kennedy supports or donates money to Citizens for Community Values. (Exhibit P). "CCV" promotes an anti-abortion agenda. (Exhibit Q).

15. Justice Kennedy was reelected to the Supreme Court in 2014. During the election she received the endorsements of the anti-abortion organizations Cincinnati Right to Life Political Action Committee, Ohio ProLife Action, Ohio Right-to-Life PAC. (Exhibit M).

16. Justice Kennedy sought the endorsement of Right to Life of Greater Cincinnati in 2014 and completed its 2014 Judicial Candidate Survey by agreeing to the following statements (Exhibit P):

- “In *Roe v. Wade*, 410 U.S. 113 (1973), the U.S. Supreme Court recognized a “right to privacy” under the Constitution that includes abortion. The Constitution does not include this right.
- “An unborn child is biologically human at every stage of his or her biological development, beginning at fertilization.”
- “There is no provision in the current Ohio Constitution intended to require the **use of public funds for abortion.**”

17. Chief Justice O'Connor supported Justice Kennedy's educating Toledo Right to Life about the judiciary, explaining that Justice Kennedy's remarks did not show bias nor unethical conduct. (Exhibit R, Opinion published in the Toledo Blade March 22, 2017). The Chief Justice's opinion, however, did not address the subsequent concerns raised by editorial board members, organizations, and individuals that Justice Kennedy was not capable of being impartial or could not appear to be impartial in this case. That is because the bulk of the community's criticism of Justice Kennedy came after Justice O'Connor's opinion was published.

18. Based on the foregoing these facts, Justice Kennedy's impartiality could be reasonably questioned by a diverse segment of the public. Therefore, pursuant to Ohio Code of

Judicial Conduct R. 2.11, Appellee respectfully requests Justice Kennedy recuse herself from this case.

FURTHER AFFIANT SAYETH NAUGHT.


Jennifer L. Branch

Sworn to and subscribed before me this 15 day of August, 2017.


Notary Public

My commission expires: _____



Janaya Trotter Bratton, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Why Judges Sometimes Need to Step Aside

If you are a party to a trial in a court of law, you hope and expect that your case will be considered and judged impartially. And of course an impartial trial requires an impartial judge. However, it is not humanly possible for everyone to remain impartial in every circumstance, since all of us, judges included, have connections to some people and situations that we cannot disregard. To guarantee that trials and other proceedings remain impartial, judges sometimes must step aside, or "recuse" themselves, and let another judge take over.

Q: When should judges disqualify themselves?

A: According to Ohio's Code of Judicial Conduct (Rule 2.2), judges are required to perform judicial duties "impartially, competently and diligently" and should disqualify themselves when they cannot perform their duties in an impartial and diligent way.

Some circumstances are obvious. For example, a judge cannot hear a case if he or she has a personal bias or prejudice about a party or a party's lawyer, or an economic interest that might be affected by the outcome of the case. Therefore, a judge could not preside over a drunk driving case involving a family member, or a robbery trial in which the judge's spouse is a major witness, or a lawsuit that involves a company in which the judge owns a significant amount of stock.

Q: So does a judge just consult a list of such disqualifying circumstances?

A: Not quite. While Rule 2.11 does list some circumstances, it also contains a rule for circumstances that cannot be anticipated. That rule requires judges to disqualify themselves in a proceeding where a judge's impartiality might reasonably be questioned.

That is quite a strict rule. Rather than simply saying that a judge who *cannot* be impartial must be disqualified, the Rule also requires disqualification whenever a judge's impartiality can be *reasonably questioned*. Many judges whose impartiality could be reasonably questioned might actually be able to remain impartial. But the Rule requires disqualification in the face of a reasonable question alone. Also, the Rule says a judge must be disqualified if there *might* be a reasonable question about the judge's impartiality. Therefore, judges are asked not to wait and see if someone does raise such a question, but to actively consider how others view them, and ask whether there are reasons someone might question their impartiality.

Q: Why is the rule for disqualification so strict?

A: This strictness is necessary because of the important values at stake in the justice system and because of the unique role of judges. The stakes are certainly high for the parties to a case; they may involve large sums of money or even loss of freedom, and cases often involve deeply held convictions about who was wronged and who was responsible. The stakes are also high for our democratic system of government, because our democracy requires that courts be the arena where facts are established and laws are applied with the most conscientious impartiality, without bias, prejudice or sympathy for or against anyone involved in the case.

If the courts are to succeed in their role as neutral arbiters of the law, then judges must not only be impartial, but must be *unquestionably* impartial; there must be no room for reasonable doubt about their impartiality.

This distinguishes judges from other government officials. Legislators, mayors, governors and other officials are at least in part advocates for the values and interests they proclaim as their own and on behalf of their voters, and we expect these officials to be partial to the programs, policies and agendas which led to their election. In contrast, judges are sworn to provide independent, objective and impartial judgments about what the law requires in individual situations.

Q: How is the disqualification rule applied?

A: To apply the rule, it is necessary to decide when a question about a judge's impartiality is "reasonable" and when it is not.

Sometimes the answer seems clear enough. If a party to a case asks the judge to step aside because the judge is an Ohio State fan and the party is from Michigan, the answer is almost certainly that there is not a reasonable basis for questioning the judge's ability to be impartial. If, however, a judge finds that one party's lawyer belongs to a law firm with which the judge is negotiating for a job after leaving the bench, then there is a reasonable question about the judge's impartiality.

Other cases will be more difficult. For example, what if a judge finds that the attorney for one of the parties is the person who was the judge's opponent in the previous election? Whether or not the judge ought to recuse himself or herself might depend on whether the campaign was hard fought, or how long ago it occurred, and other factors. Or what if the judge finds that one party is represented by an attorney who is a personal friend? Normally, since judges are lawyers and often have friends among attorneys who might appear before the court, this would likely not lead to a disqualification. But what if the judge, during the course of the proceedings, realizes that one possible outcome of the case would mean that the judge's friend could be sued for legal malpractice?

These and countless other possible complications show that there is simply no one way to assess which questions about a judge's impartiality are "reasonable" and which are not. Each question needs to be considered within its particular context.

Q: What if others involved in the case believe the judge cannot be impartial?

A: If a party in a case believes the judge should be disqualified, the party may then ask the judge to step down, giving reasons for the request. If the judge declines, then the parties may file an affidavit of disqualification with the chief justice of the Supreme Court of Ohio, or, in the case of a municipal or county district judge, with the presiding judge of the common pleas court of that county.

Q: This system seems pretty complicated. Is that necessary?

A: Like many aspects of our legal system, the impartiality of judges starts out as a basic idea that becomes complicated when we start applying it to real world situations. It is easy enough to see that a judge should not hear cases involving his or her family or financial interests, and it is easy to see that a judge's impartiality is important enough to merit strict standards for when a judge should be disqualified. Applying that standard, however, soon becomes difficult.

Perhaps the most we can ask for is what we have: a strict and general standard coupled with a way to allow all parties to have their say about how to apply it, and to have the application reviewed.

11/4/2016

This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It was originally prepared by the Ohio Judicial Conference in conjunction with the Conference's Public Confidence Committee. It was updated by Judge Mike Fain of the 2nd District Court of Appeals in Dayton.

Articles appearing in this column are intended to provide broad, general information about the law. This article is not intended to be legal advice. Before applying this information to a specific legal problem, readers are urged to seek advice from a licensed attorney.



Office of Disciplinary Counsel
Supreme Court of Ohio
250 Civic Center Drive, Ste. 325
Columbus, Ohio 43215-7411

May 16, 2007

Dear Sir or Madam:

Recent conduct by Ohio Supreme Court Justice Sharon Kennedy raises serious questions about her impartiality. The organizations and individuals listed below believe that her conduct is a clear violation of the Ohio Code of Judicial Conduct's call to "avoid the appearance of impropriety" and "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." We strongly urge the Office of Disciplinary Counsel to investigate this matter.

Justice Kennedy helped to finance the activities of Right to Life when she spoke a March 17 fundraiser hosted by Greater Toledo Right to Life. Justice Kennedy has a well-established relationship with Right to Life. As you will see from **Exhibit 1**, in a questionnaire she filled out for Cincinnati Right to Life, Justice Kennedy agreed with this statement: "an unborn child is biologically human at every stage of his or her biological development, beginning at fertilization...." Right to Life has successfully lobbied to close nearly half of Ohio's abortion clinics and add 18 new abortion restrictions to Ohio law – including one restriction facing a challenge before the very court on which Justice Kennedy sits. That pending case could decide the fate of Greater Toledo's last abortion clinic.

The role that Greater Toledo Right to Life played in passing the restriction is not in dispute. In March 2013, Ohio Right to Life issued a news release to step up attacks on the University of Toledo Medical Center for signing a transfer agreement that abortion clinics must obtain to remain open. (**Exhibit 2**) Greater Toledo Right to Life's Executive Director Ed Sitter was quoted in the release saying, "The University of Toledo is the last place abortion clinics should be allowed to rely on in our community. This is a black eye for the University and their pro-life alumni should express their concern. Toledo Right to Life looks forward to passionately advocating for this legislation...."

In July 2013, Greater Toledo Right to Life praised Gov. John Kasich for signing legislation that prohibits the UT Medical Center and other public hospitals from entering into transfer agreements with abortion clinics. **(Exhibit 3)**

The legal case started in 2014 when the Ohio Department of Health ordered an abortion clinic to close after it failed to obtain a transfer agreement with a private Toledo-area hospital, which would take patients in case of an emergency. The clinic, Capital Care Network of Toledo, filed a lawsuit to protest the decision, saying it should be permitted to count its agreement with a hospital at the University of Michigan, 52 miles away.

The clinic won its cases in Lucas County and the appeals court, which called the state's transfer-agreement restrictions unconstitutional. Ohio Attorney General Mike DeWine asked the Ohio Supreme Court to overturn the lower courts' decisions. On March 15, 2017, the Ohio Supreme Court agreed to hear the case. Justice Kennedy spoke to Greater Toledo Right to Life two days later.

Justice Kennedy has been endorsed in the past by Ohio Right to Life and by one of its affiliates, Greater Cincinnati Right to Life.

Justice Kennedy had the option of cancelling her speech to Right to Life – or recusing herself from hearing the case. Instead, she went forward with the speech and issued this statement:

“For the past 6 years, I have appeared at numerous civic organizations to speak about the founding of this republic, the Constitution, and the separation of powers. In December 2016, an individual who had heard me speak at two previous events invited me to speak to a civic organization he was affiliated with for breakfast. I treated that request in the same manner as I would treat any request.” **(Exhibit 4)**

In her 2012 and 2014 judicial campaigns, Justice Kennedy highlighted her endorsements from anti-abortion organizations. In 2014, Kennedy filled out a judicial candidate survey for Right to Life of Greater Cincinnati, in which she affirmed that she agrees with every position espoused by the anti-abortion organization, including its views on legal and constitutional interpretation. **(Exhibit 5)**

Newspaper editorials calling for Justice Kennedy to recuse herself from the case clearly show that her decision to not step down tarnishes the reputation of Ohio's highest tribunal.

In its editorial, the Columbus Dispatch said this:

The Ohio Code of Judicial Conduct, which mirrors the model code of the American Bar Association, states: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

In related commentary, the code states: 'A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as bias or prejudiced.'

In the Capital Care case, Kennedy should recognize that her speech, gestures and conduct — both recently and over the years — 'reasonably' call into question her ability to be impartial. (Exhibit 6).

We respectfully ask that you give our request serious consideration.

Sandy Theis
Executive Director
ProgressOhio

Carolyn Casper
President
Ohio National Organization For Women

Kellie Copeland
Executive Director
NARAL Pro-Choice Ohio

Anita Somani, MD
Physicians Action Network

Rhiannon Childs
Director
Women's March Ohio

Janet Ritter
Co-Founder
Fulton County Indivisible Alliance
Northwest Ohio Indivisible Coalition

Alana Jochum, Esq.
Executive Director
Equality Ohio

Jasmine Burnett
Deputy Director
New Voices for Reproductive Justice

Arika Knannlein
Medical Students for Choice
Ohio University Heritage College of Osteopathic Medicine

Stephanie Sherwood
Executive Director
Women Have Options

Alex Kass
Executive Director
Democratic Voices of Ohio

Camille Wimbish
Director
Ohio Voter Rights Coalition

Robert Rivera
President
Cleveland Stonewall Democrats

Meryl Neiman
Indivisible Columbus District 3

Steve Holecko
Political Director
Cuyahoga County Progressive Caucus

Catherine Romanos, MD
Columbus

Elise Berlan, MD
Columbus

Cheryl E. Weinstein, MD
Cleveland

Katherine Rivlin, MD
Upper Arlington

Elise Berlan, MD, MPH
Columbus

Anne-Marie Sinay, MD
Upper Arlington

Patricia Blochowiak, MD
Cleveland

Madhuri Kurup, MD
Columbus

Colin McCluney, MD
Grove City

Kristen Palcisco, NP-C
Cleveland

Rev. Lane Campbell
Columbus

Jill Miller Zimon
Pepper Pike

Kelley Freeman
Columbus

Roni Levine
Bexley

Ryan Lenser
Blacklick

Sally Winans
Cleveland

Diane Underwood
Cleveland

Jane Larson
Dublin

Tiff Wolf
Sugar Grove

John Healy
Cheviot

Jane R. Buder Shapiro
Shaker Heights

Laurel Zulliger
Columbus

Paula Cheneyey
Wooster

Carol Veronica
Pickerington

Kristen Rolfe
Pickerington

Abigail Hust
Blacklick

Barbara Norris
Wooster

Breanna Lustre
Cincinnati

Dylan York
Columbus

Eli Steiger
Cleveland

Jessica Blanton
Pickerington

Renee Resnik
Columbus

Madison Newingham
Akron

Julie Henahan
Dublin

Billie Brandon
Mansfield

Halcyon Domanski
Burton

David Hamilton
Zanesville

Joetta Cooper
Springfield

Kaitleen M Brinkman
Cincinnati

Kelsey Murray
Columbus

Julie DAgostino
Cincinnati

Chrys Gee
Columbus

Whitney K. Vickers
Cincinnati

Lisa Newburger
Cleveland

Susan Duncan Gentile
Bellville

Lucy Krueger
Cincinnati

Dawn Hansen
Cleveland Heights

Ryan Lenser
Blacklick

Amanda Wilson
Columbus

Pam Rosado
Bedford Heights

Dodie Blanton
Pickerington

The Columbus Dispatch

Editorial: Ohio justice shouldn't hear abortion case

Saturday

Posted Mar 25, 2017 at 12:01 AM

Updated Mar 25, 2017 at 7:30 AM

Ohio Supreme Court Justice Sharon L. Kennedy should recuse herself from a case pending before the court — Capital Care Network of Toledo vs. The Ohio Department of Health.

The Ohio Code of Judicial Conduct, which mirrors the model code of the American Bar Association, states: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

In related commentary, the code states: "A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as bias or prejudice."

In the Capital Care case, Kennedy should recognize that her speech, gestures and conduct — both recently and over the years — "reasonably" call into question her ability to be impartial.

On March 15, the court agreed to hear the health department's appeal of last year's decision by Ohio's 6th District Court of Appeals blocking the state from closing Capital Care, which runs the only abortion clinic in northwest Ohio.

Since September 2013, Ohio has required ambulatory surgery centers to have an agreement with "a local hospital" for the transfer of patients in the event of medical complications or emergencies.

The same law, which had been tucked into the state budget bill, forbids Ohio's public hospitals from having a transfer agreement with any ambulatory surgery center that performs abortions.

Capital Care had a transfer agreement with the University of Toledo Medical Center, but the new Ohio law prohibits the university from renewing it. So, Capital Care secured an agreement with the University of Michigan Health System in Ann Arbor, Mich. — 52 miles away.

D



The health department refused to recognize that agreement, saying that the Ann Arbor hospital is not local.

In a 3-0 decision, the appeals court found the Ohio law places an undue burden in the path of a woman seeking to exercise a constitutionally protected liberty. The court also found, unsurprisingly, that the provision violated the Ohio Constitution's single-subject rule.

On March 17, two days after the Ohio Supreme Court agreed to review the appeals court ruling, Kennedy delivered the keynote address at an annual fund-raiser for the Greater Toledo Right to Life organization.

In her 2012 and 2014 judicial campaigns, Kennedy touted her endorsements from anti-abortion organizations.

In 2014, Kennedy filled out a judicial candidate survey for Right to Life of Greater Cincinnati, in which she affirmed that she agrees with every position espoused by the anti-abortion organization, including its views on legal and constitutional interpretation.

Kennedy, no doubt, believes that she can be impartial in the Capital Care case. But there is no doubt that her ability to be impartial "might reasonably be questioned."

Kennedy and her fellow justices — all judges, for that matter — should take note and seek to avoid the problems Kennedy has created for herself and the judiciary by actions that generate perceptions of impartiality.

Judicial disqualification is a sensitive and evolving discipline. "Judges often remain reluctant to embrace the spirit of these rules," says Charles G. Geyh, a law professor at Indiana University and a specialist on judicial conduct.

Geyh has written of "the disqualification paradox," in which a judge "is being asked to assess whether she harbors a real or perceived bias that she has sworn to avoid."

In 2009 congressional testimony, Geyh said, "The problem inherent in judicial disqualification is that judges who are deeply committed to the appearance and reality of impartial justice are called upon to acknowledge, in the context of specific cases, that despite their best efforts to preserve their impartiality, they are either partial or appear to be so."

Kennedy should acknowledge the obvious and step aside.

Editorial: Justice's talk to political group unwise

Wednesday

Posted May 24, 2017 at 5:00 AM

Updated May 24, 2017 at 6:00 AM

It doesn't matter if Ohio Supreme Court Justice Sharon Kennedy discussed kittens or craft beer, she should not have appeared as the keynote speaker in March for the Greater Toledo Ohio Right to Life.

The event was a fundraiser for an anti-abortion group; she helped finance a political cause. And her speech came two days after the state Supreme Court agreed to hear the Ohio attorney general's appeal of lower-court decisions blocking the state from shuttering an abortion clinic in northwest Ohio.

In March, Columbus attorney Bret Adams filed a complaint with the high court's Office of Disciplinary Counsel, which investigates professional misconduct by judges and lawyers. A second, similar grievance was filed on May 16 by advocacy group Progress Ohio; among the 53 other signers were physicians, the Ohio National Organization for Women and NARAL Pro-Choice Ohio.

The new complaint says Kennedy's conduct "raises serious questions about her impartiality," and cites the Ohio Code of Judicial Conduct's call to "avoid the appearance of impropriety" and "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

Justice Maureen O'Connor, however, has publicly stated that Kennedy's speech was appropriate, noting she had not mentioned abortion or any pending case. And Kennedy, in a statement, noted she had appeared before numerous civic organizations to give a similar speech about "the founding of this republic, the Constitution and the separation of powers."

But it's disingenuous to compare a speech to Right to Life — on any topic — with a public address at, say, the Rotary Club or a chamber of commerce.

Kennedy should step aside.

And lower-court judges should take note of her bad example, tamping down what seems to be an unfortunate trend: Judges making imprudent, political statements — either through comments or their participation — are creating nettlesome and needless controversies.

Amid last year's presidential campaign, U.S. Supreme Court Justice Ruth Bader Ginsburg had to apologize for what she called "ill-advised" comments, including criticizing Donald Trump as a "faker."

"In the future, I will be more circumspect," Ginsburg said.

And more recently, Franklin County Appeals Court Judge Gary Tyack repelled a recusal demand filed with the chief justice. Tyack had made disparaging comments against the founder of an online school, which was arguing a case before the court.

Judicial disqualification is uncommon and a sensitive subject, because judges see themselves as committed to impartiality and justice. But how the public sees them is equally important.

Judge sentences system to rehab

Licking County Municipal Judge Michael F. Higgins has said he'll go to his grave haunted by what happened in Kirkersville on May 12: A man he'd released early from jail on a domestic violence conviction went to his ex-girlfriend's job at a nursing home, where he fatally shot her, the town's police chief, another employee and then himself.

But instead of making excuses or trying to justify why he granted an early jail release for Thomas Hartless, the judge took responsibility and launched an investigation that uncovered significant and dangerous flaws in the court's early-release and probation system. The changes made will result in stronger oversight and greater public protection.

These rules could become a model for other courts, saving lives elsewhere. The public doesn't expect its elected officials to be perfect, but to acknowledge human mistakes, identify systemic problems and find solutions. Good for Higgins.

Exhibit D

OPINION, EDITORIALS, LETTERS AND COLUMNS

Did Ohio Supreme Court Justice Sharon Kennedy's speech disqualify her from ruling on Toledo abortion clinic case? Editorial Board Roundtable

6

Updated on May 18, 2017 at 1:13 PM

Posted on May 18, 2017 at 1:20 AM



The Ohio Supreme Court (*Bob Higgs, cleveland.com, File, 2015*)

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BY **EDITORIAL BOARD**

Did Ohio Supreme Court Justice Sharon Kennedy overstep judicial boundaries when she spoke before the [Greater Toledo Right to Life](#) organization in March right after the state high court agreed to review a 2014 case involving Toledo's last surgical abortion center?

Ellen Opens Up About Big Changes.
Confirms She Is Moving On



Exhibit E

Many knew what Ellen's plan was, but

many knew what Leno's plan was, but
no one expected it to leak like this...
(you will not believe what she did)

More than 51 individuals and groups, ranging from the National Organization for Women to Physicians Action Network, recently demanded a disciplinary counsel investigation of Kennedy for serving as March 17 keynote speaker at the anti-abortion group's annual legislative breakfast.

Ed Sitter, executive director of Greater Toledo Right to Life, told The Columbus Dispatch in March that attendance at the sold-out speech cost just \$30 and was not a fundraiser because the money only covered the cost of the room and a breakfast buffet.

And Kennedy, who has not recused herself from the Toledo abortion case, said there was no harm in giving the talk.

"I treated that request (to speak) in the same manner as I would treat any request," she said in a March statement to Cincinnati.com. She was backed up by Chief Justice Maureen O'Connor, who wrote in a Cincinnati.com op-ed that Kennedy was being unfairly criticized for doing her duty to "help demystify our branch of government and help everyone understand what we do and our role in our government, regardless of the underlying issues or philosophy of the sponsoring organization."

But was it right to speak before a group that is an interested party to a case that Kennedy knew was headed to the Supreme Court when she agreed to the speech? In September 2016, DeWine filed notice of appeal to the Ohio Supreme Court of a July 2016 appellate court ruling that state restrictions requiring abortion clinics to have transfer agreements with private, local hospitals are unconstitutional.

ADVERTISING

Ohio law now bars such transfer agreements for publicly funded hospitals, forcing many abortion clinics to close. Capital Care Network in Toledo, plaintiff in the case now before the Ohio Supreme Court, has an arrangement with a hospital at the University of Michigan, 52 miles away.

Kennedy knew without doubt that the case was on the high court docket since it was accepted by the state Supreme Court just two days before she appeared at the event for Greater Toledo Right to Life.

Kennedy has made no secret of her personal views on abortion, which also causes concern. Our editorial board endorsed Kennedy in 2014 despite noting at the time that she "uncomfortably pushes the envelope of judicial canons" after revealing her views as part of a Right to Life of Greater Cincinnati voter survey, in which she said checked "agree" with the statement that the U.S. constitution "does not include" the right to privacy the U.S. Supreme Court recognized in the landmark abortion case n Roe v. Wade.

Kennedy for the Ohio Supreme Court

Exhibit E

So, did Kennedy's speech cross the line? And if so, should she be investigated and forced to recuse herself? Tell us what you think. Our editorial board roundtable members' thoughts follow.

Sharon Broussard, chief editorial writer, cleveland.com:

The life of an Ohio Supreme Court justice comes with some uncomfortable but necessary restrictions, including the demand that you avoid creating a perception of bias. Justice Kennedy's March speech to the anti-abortion group crosses that line, especially in light of the judge's voter survey answers three years ago. The justice should recuse herself, and I support an investigation.

Ted Diadiun, editorial board member:

One can question Justice Kennedy's judgment in agreeing to give a speech to a right to life group when it was predictable that she would be hearing abortion cases on the court. That said, she agreed to the speech in December before she got the case. She gave the speech in March -- about separation of powers, not abortion. Her opinion that the Roe v. Wade decision was not grounded in the Constitution is not a secret, yet Ohio's voters have twice elected her to the court. At worst, she is guilty of poor judgment, but not to the point of recusal.

Thomas Suddes, editorial writer:

Justice Kennedy needs to step away from this case. She's entitled to her opinions. And in fairness, it's possible her opinions wouldn't enter into her thinking in this case. But appearances matter. And the circumstances here create an appearance problem.

Elizabeth Sullivan, opinion director, cleveland.com:

Justice Kennedy believes she should be free to express her personal views and speak to civic groups aligned with those views without it tainting her impartiality, even when those activities intersect with cases before, or likely to come before, the Ohio Supreme Court. She is very wrong. Revealing her abortion views in 2014 was a political act, to win the endorsement of Cincinnati Right to Life. And her recent speech to Greater Toledo Right to Life -- at an

Exhibit E

event supporting that group's political efforts that aim, partly, at shutting down a Toledo abortion clinic that is subject of a pending Ohio Supreme Court appeal -- even more dramatically crossed the line. Beyond recusing in the Toledo case, Justice Kennedy must face up to how recklessly ill-conceived is her view that such actions have no impact on the credibility of her rulings.

Have something to say about this topic? Use the comments to share your thoughts, and stay informed when readers reply to your comments by using the Notification Settings (in blue) just below.

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VIEW COMMENTS

METRO NEWS

Lots of seniors love Donald Trump. So why doesn't he love them back? -- Andrea Simakis

309

Updated on May 28, 2017 at 6:11 AM
Posted on May 28, 2017 at 6:10 AM

POLITICS

Grievance against Ohio Justice Kennedy dismissed

A three-judge panel
completed their review
and came to decision



By Tim Provance



LOCAL

Another Toledo tie to Charlottesville:
Statue's base made by local
company



POLITICS



Published on June 19,
2017 | Updated 12:44 p.
m.



SHARETWEET  REEMAIL

PRINT

COLUMBUS — A judicial
panel has dismissed a

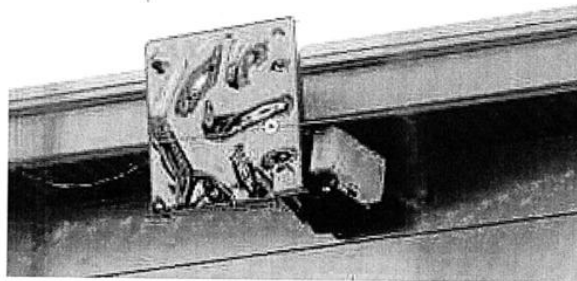
Exhibit F





MUSIC-THEATER-DANCE

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PRO

Mud Hens no stranger to baseball's stats revolution

grievance that accused Ohio Supreme Court Justice Sharon Kennedy of a conflict of interest for speaking at an anti-abortion rights group's fund-raiser while a Toledo clinic's appeal to keep its doors open was pending before the court.

Ninth District Court of Appeals Judge Donna J. Carr, chief judge of the Ohio Courts of Appeals Judges Association, notified the



POLICE & FIRE

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Exhibit F

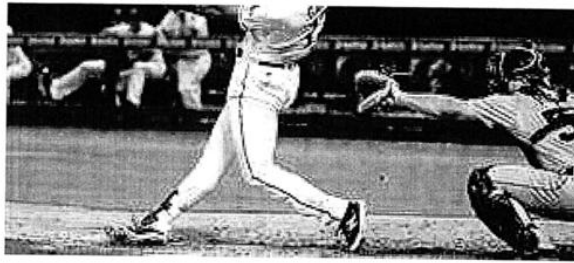
Bret Adams, of the decision.

RELATED ARTICLE: Second complaint lodged against Ohio Justice Kennedy over speech

"I am writing to inform you that the three-judge panel completed their review and has determined that good cause does not exist for further investigation of the grievance. Accordingly, the grievance has been dismissed," reads the two-paragraph letter dated June 14 that was obtained by The Blade.

Justice Kennedy, a Republican former Butler County domestic relations judge and police officer, has drawn fire for a March speech she gave at the Greater Toledo Right to Life's annual breakfast legislative briefing fund-raiser. The event occurred soon after the court had agreed to hear the appeal of the Capital Care Network abortion clinic.

The Ohio Department of Health ordered the clinic to close three years ago for lack of a valid agreement with a local hospital to transfer a patient in case of a medical emergency. Such an



PRO

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Capital Care struggled to find a hospital willing to enter into such an agreement, but it ultimately reached a deal with the University of Michigan Health System some 50 miles away. The department determined that the Ann Arbor hospital didn't qualify as "local," and lawmakers later amended the law to formally define "local" as being within 30 miles.

"The system is flawed," Mr. Adams said today. "The alternative is to do what other states do, let lay people and people independent from the Supreme Court be involved in the disciplinary process."

"This is truly the fox guarding the hen house," he said. "What common pleas judge is going to stand up and say a Supreme Court justice is committing an ethical violation?"

Judge Carr's letter noted that the issue remains "private and confidential," but Mr. Adams, as a retired attorney, said he is not bound by that.

A second complaint, filed by the liberal advocacy group ProgressOhio on similar



POLICE & FIRE

Fire destroys pair of boats at Cedar Point Marina



NATION

Officer on fatal Charlottesville crash: 'Hahahaha love this'

Exhibit F

Disciplinary Counsel, which investigates claims of professional misconduct by lawyers and judges.

The complaints alleged that Justice Kennedy's conflict violates the Ohio Code of Judicial Conduct, which cautions against "the appearance of impropriety" and requires judges to act in way that "promotes public confidence in the integrity and impartiality of the judiciary."

Justice Kennedy, elected to fill a vacancy on the bench in 2012 and then to her own full six-year term in 2014, lists endorsements on her campaign website from several pro-life organizations.

Chief Justice Maureen O'Connor wrote in an opinion piece that Justice Kennedy had talked about the founding of the country, the constitution, and the separation of powers in her speech.

"She did not discuss or refer to any cases pending before the Supreme Court of Ohio, nor did she mention abortion and the host group's positions," she wrote.

Exhibit F

614-221-0496.

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COMMENT

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Exhibit F

The Columbus Dispatch

Editorial: Secretly clearing justice not reassuring

Posted Jul 31, 2017 at 5:00 AM

Ohio's most powerful court ought to operate with the greatest possible transparency to promote confidence in the justice system. Instead, a process for resolving an ethics complaint against a sitting justice shields the legal reasoning behind its dismissal and keeps secret the identities of the judges hearing the matter.

Judges aren't snowflakes; they are accustomed to controversial decisions. They take heat with grace. Why can't the public know which panel of three judges cleared Supreme Court Justice Sharon Kennedy, who to many ordinary citizens — but apparently not to a trained legal eye — appears to have crossed an ethical line?

Kennedy was the keynote speaker at a March fundraiser for the Greater Toledo Right to Life, an anti-abortion group. Her speech came two days after her court agreed to hear the Ohio attorney general's appeal of lower-court decisions blocking the state from shuttering Toledo's last abortion clinic, Capital Care Network.

Two ethics complaints were filed with the high court, one by Columbus attorney Bret Adams and the other by a ProgressOhio coalition of 51 groups and individuals that includes physicians, the Ohio National Organization for Women and NARAL Pro-Choice Ohio. Their complaint cites "a clear violation of the Ohio Code of Judicial Conduct's call to 'avoid the appearance of impropriety' and 'act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.'"

ProgressOhio recently announced its grievance against Kennedy had been dismissed and decried the opaque process.

"This dismissal shows that Ohio's most powerful state court is also its least accountable," ProgressOhio Executive Director Sandy Theis said. "Those handling the complaint refused to even identify the judges who cleared Kennedy."

When a complaint is against one of the state's highest authorities, an Ohio Supreme Court justice, the names of those ruling on the merit of a complaint are kept secret. And they remain secret even after the decision is rendered.

Exhibit G

In some ways, the process mirrors that of other state ethics or professional-board investigations; probes are kept secret to avoid scurrilous complaints from tarnishing reputations. But complaints involving a Supreme Court justice deserve greater transparency, because of the office's unique authority. In this case, an abortion-rights group has asked Kennedy to recuse herself from the Toledo clinic case, the complaints were made public and the justice's questionable actions were in public.

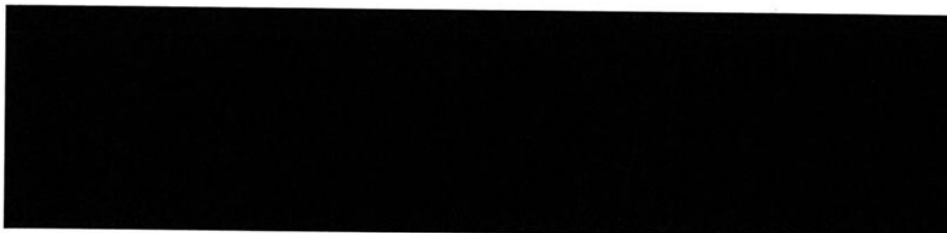
The process presents another problem: The review of a grievance against a justice is conducted by a three-member panel drawn by lot from each appellate district; Ohioans are left to guess which three. The conflict of interest is obvious: Lower-court judges review a superior who rules on lower court decisions. Should a negative ruling prompt retribution, without knowing which appeals judges were involved, how is the public to tell?

An obvious answer is to conduct complaints against justices with greater transparency. Instead, Ohio's secret process creates nettlesome doubts about the legitimacy of the review.

Kennedy denies any wrongdoing; her speech didn't mention abortion or any pending case. But the file in the case will not be made public unless Kennedy consents to its release.

The justice should do so quickly, to clear doubts and her reputation. And then the high court should modernize its process for handling complaints against one of its own. This is disappointing given that this court has been open with the public. This falls short of its own standard.

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Exhibit G

The Columbus Dispatch

Letter: We have the right to impartial judiciary

Posted Aug 6, 2017 at 5:00 AM

Many thanks to The Dispatch for reminding us of the important role our courts play in our democracy and for reminding the judicial branch of its obligation to be accountable.

In the July 31 editorial "Secretly clearing justice not reassuring," the newspaper chided an appeals court panel for dismissing an ethics complaint against Ohio Supreme Court Associate Justice Sharon Kennedy without telling the public the reasoning behind the dismissal or the identities of the judges responsible for it.

The complaint centered on Kennedy's decision to headline a March fundraiser for Greater Toledo Right to Life just days after the state's high court agreed to hear an appeal on a case that could close Toledo's last abortion clinic.

Appellate judges who reviewed the ethics complaint against Kennedy disagreed with its assertion that her speech violated a requirement for judges to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Unfortunately, the public does not know the rationale for tossing out the complaint.

Gov. John Kasich and his legislative allies have closed half the state's abortion clinics and added 19 unnecessary restrictions. In tossing out similar restrictions in Texas, the U.S. Supreme Court listened to medical experts who said the restrictions hurt women by putting abortion services out of reach for too many.

Ohio's executive and legislative branches clearly disregard the well-being of women to score political points. The judicial branch has opened itself to the same criticism.

Jane Larson

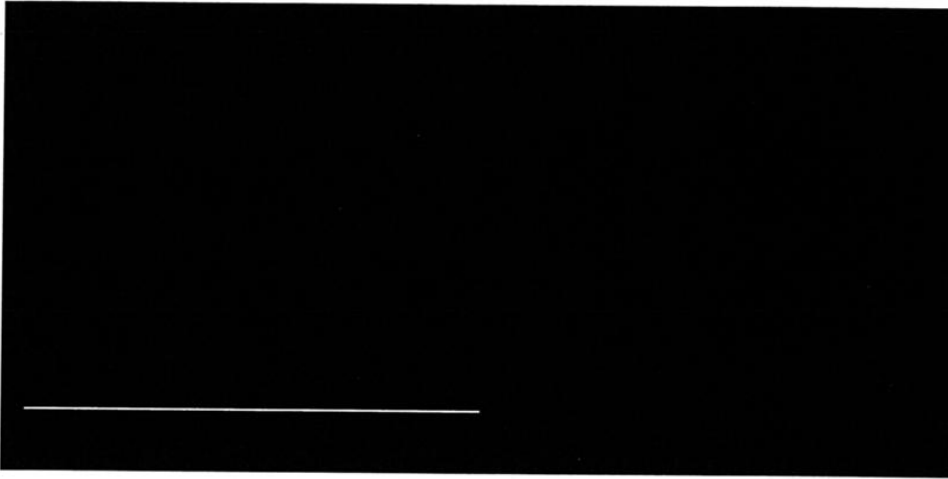
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8/16/2017

Letter: We have the right to impartial judiciary



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As court considers clinic closure, justice speaks at anti-abortion event

Jessie Balmert and Chrissie Thompson, Cincinnati

Published 6:10 p.m. ET March 16, 2017 | Updated 4:33 p.m. ET March 17, 2017



(Photo: Amanda Davidson, The Enquirer)

COLUMBUS - Sharon Kennedy, a state Supreme Court justice from Butler County, spoke Friday at a breakfast held by an anti-abortion group – even though the court is hearing a case that could close Toledo's last abortion clinic.

[Kennedy gave the keynote speech](#)

(<https://www.facebook.com/foundationforlifefw/photos/a.226749147517233.1073741832.134146216777527/671191946406282/?type=3&theater>) at Greater Toledo Right to Life's (<http://www.gtrtl.org/legislative-briefing-breakfast.html>) annual legislative briefing breakfast.

When The Enquirer reached her by phone Thursday, Kennedy wouldn't discuss her decision to keep the speaking engagement even though she is scheduled to consider a case in which the anti-abortion group has a stake.

"I don't have a comment on court cases. Thank you for your call," Kennedy said, before hanging up.

Greater Toledo Right to Life invited Kennedy months ago, said Ed Sitter, the group's executive director, and did not feel the need to cancel after learning the state court would hear the Toledo case.

"I really don't see the conflict," Sitter said. "I really believe that a justice can be unbiased."

Kennedy, 54, a Republican-backed justice from Liberty Township, was endorsed by Ohio Right to Life and Greater Cincinnati Right to Life in past elections.

Sitter said he had "no idea" where Kennedy stood on abortion rights and did not know about the anti-abortion groups' endorsements. The Toledo branch doesn't endorse judicial candidates but sometimes promotes those chosen by Ohio Right to Life, he said.

[Judge recuses himself from abortion case](#)

(<http://www.cincinnati.com/story/news/politics/2014/11/12/judge-in-abortion-clinic-case-sat-on-planned-parenthood-board/18914337/>)

Kennedy speaks routinely at "civic organizations" to talk about the Constitution, she said in a statement released Friday afternoon about the Toledo breakfast. "In December 2016, an individual who had heard me speak at two previous events invited me to speak with an organization he was affiliated with for breakfast. I treated that request in the same manner as I would treat any request."

ADVERTISING

Exhibit I1

The Toledo-area court case started in 2014, when the Ohio Department of Health ordered an abortion clinic to close after it failed to obtain a transfer agreement with a private Toledo-area hospital, which would take patients in case of an emergency. The clinic, Capital Care Network of Toledo, filed a lawsuit to protest the decision, saying it should be able to count its agreement (http://supremecourt.ohio.gov/pdf_viewer/pdf_viewer.aspx?pdf=806124.pdf) with a hospital at the University of Michigan, 52 miles away.

The clinic won its cases in Lucas County and the appeals court, which called the state's transfer-agreement restrictions unconstitutional. Ohio Attorney General Mike DeWine asked the state Supreme Court to overturn those lower courts' decisions. On Wednesday, the Republican-dominated court agreed to hear the case.

The Ohio laws that require a transfer agreement with a private, local hospital already have led to the closure of another clinic in Toledo and the end of surgical abortions at a clinic in Sharonville. Numerous abortion restrictions passed by Ohio's GOP-controlled Legislature have helped to close clinics around the state. The state had 14 surgical abortion clinics in 2013 and now has nine.

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7 things to know about Ohio's abortion bans

(<http://www.cincinnati.com/story/news/politics/2016/12/08/7-things-know-ohios-abortion-bans/95135634/>)

Kennedy, who served as a Butler County judge for years, was first elected to the Ohio Supreme Court in 2012, defeating Democratic Justice Yvette McGee Brown.

In that race, Kennedy won despite receiving the rare rating of "not recommended" from the Ohio State Bar Association. In 2014, she refused to participate in the state bar association's vetting process. ([/story/news/politics/elections/2014/10/06/supreme-court-race-hits-home/16819319/](http://story/news/politics/elections/2014/10/06/supreme-court-race-hits-home/16819319/))

Now, Kennedy should decline to participate in hearing the abortion case before the Supreme Court, said Kellie Copeland, executive director of NARAL Pro-Choice Ohio.

"Justice Kennedy should recuse herself from any case related to legislation that was proposed and supported by the anti-abortion groups that endorsed her candidacy, to avoid any appearance of impropriety," Copeland said in a statement.

In a 2014 questionnaire for Greater Cincinnati Right to Life, Kennedy agreed with the statements: "an unborn child is biologically human at every stage of his or her biological development, beginning at fertilization" and "there is no provision in the current Ohio Constitution intended to require the use of public funds for abortion."

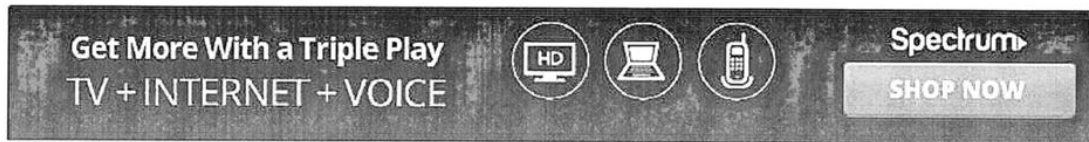
When asked about the questionnaire by The Enquirer's editorial board, Kennedy said ([/story/opinion/editorials/2014/10/11/supreme-court-kennedy-odonnell/17096073/](http://story/opinion/editorials/2014/10/11/supreme-court-kennedy-odonnell/17096073/)): "I didn't give up my First Amendment rights when I put on a robe."

Ohio abortion bills pose Kasich's first test in Trump era

Exhibit I1

[\(http://www.cincinnati.com/story/news/politics/2016/12/12/ohio-abortion-bills-
pose-john-kasich-first-test-donald-trump-era/95207726/\)](http://www.cincinnati.com/story/news/politics/2016/12/12/ohio-abortion-bills-
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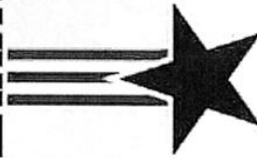


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9th Annual LEGISLATIVE BRIEFING BREAKFAST



FRIDAY, MARCH 17, 2017

DOORS OPENS AT 7:00 AM BREAKFAST & PROGRAM 7:30 - 9:00 AM
HOLIDAY INN FRENCH QUARTER (10630 Fremont Pike, Perrysburg, OH)

Keynote: "Ohio's Judicial System and You"
Ohio Supreme Court Justice
SHARON L. KENNEDY

- Served on the Ohio Supreme Court since 2012
- Leadership Ohio's 2016 Community Leadership Award
- University of Cincinnati College of Law 2014 Nicholas Longworth, III Alumni Achievement Award
- Trends in the Judiciary: Interviews with Judges Across the Globe, published in 2015
- One of 13 professional women to watch by the Cincinnati Enquirer in 2013
- Judge of the Year in 2006



Several US and Ohio State political representatives have been invited. Confirmed are State Senator Randy Gardner and State Representative Derek Merritt.

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TODAY is the DEADLINE to Register for our 9th Annual Legislative Briefing Breakfast. Seats are limited, but we have a few left if you register soon. Don't miss out! Register Today!

Taylor-Michael Griffin likes this.

Chronological

Foundation for Life NW Ohio We are sold out!
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March 14 at 10:54am

Let's make 2017 the Best Pro-life Year Ever!

The pro-life movement has seen some major breakthroughs over the last few years. There were a few setbacks here and there, but still we can rejoice in our successes: the 20-week abortion bans, a partial defunding of Planned Parenthood, and the shutting down of numerous abortion facilities across Ohio. With a president in office who has vowed to federally defund Planned Parenthood and appoint pro-life judges, the hope for a more pro-life culture is gaining energy.

The theme of this year's "March for Life" in DC is "The Power of One". To win, we have to make our voices heard and our actions felt. To a large extent, the future of legalized abortion in America is in the hands of Christians. We really do have the power to solve this problem.

We have to believe in the power of one and that one life can make a difference. It is true we can't do everything, but everyone can do something. Our voices must be heard, we must educate and influence the 48% who profess to be Christians, to give of their time, talent, treasure and their votes to work to end abortion. Will you be that strong clear voice for the voiceless?

Let each of us recommit to seeing the abolition of abortion in our lifetime. If each of us would increase our commitment to pray, volunteer and invest 10% more in 2017, we would be totally amazed at the "Power of One" and the profound difference one life can make - for Life.

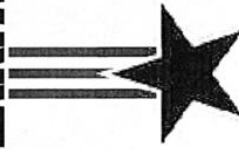
Here are 10 simple ways you can use your "Power of One" to make 2017 the best pro-life year yet!

1. **Share pro-life news.** It's easy to click "share" on Facebook and "retweet" on Twitter. It only takes a second and you could spread good, pro-life news to your friends and family across social media.
2. **Donate to pro-life groups.** There are thousands to choose from. You can donate to our local pro-life pregnancy centers and Foundation for Life. With pro-abortion groups being backed by celebrities and the government, pro-life groups need all the support they can get.
3. **Pray outside an abortion facility.** Many people are intimidated by the idea of standing outside an abortion facility, but this can be one of the best ways to reach women in crisis situations. Women entering abortion centers are often scared and feeling alone. Seeing a kind face who reaches out in peace and understanding can make a big impact and save lives.
4. **Hold a baby shower for a pregnant mom in need.** Pregnancy centers often hold baby showers for moms who have chosen life. You can do the same by hosting them host one, or by hosting your own for a mom you have heard of in your area who needs help. Your efforts to help can make a big difference in their lives and you can continue to be a support long after the baby is born.
5. **Write letters to your elected representatives.** Your local and federal government officials need to know that you support pro-life legislation. Make your voice loud and clear to them so that they know what you expect of them and their votes for pro-life measures.
6. **Become a better friend to a parent of a child with special needs.** Moms and dads of children with special needs often feel isolated. Offer to babysit the other children while the mom takes her child with special needs to doctor appointments and or therapy. Provide meals and gift cards to the family when they are in the hospital, or offer respite to the parents when they just need a break.
7. **Attend the March for Life.** You don't have to head to Washington, D.C., you can participate in a host of area marches held every year around January 22. Show up, raise your voice for life, and don't forget to snap some pictures and share your pro-life message with everyone on social media.
8. **Don't be afraid to speak up.** When a friend makes a pro-abortion or discriminatory comment, don't shy away from sharing your opinion. You might be criticized, but you're speaking the truth and as long as you do that with love and not anger, you'll always be in the right.
9. **Become a foster parent.** Thousands of children need a trustworthy person to take care of them. Not getting our basic needs met as babies and children can have lasting negative impacts on our lives. Foster parents help babies in crisis situations and children in emergency situations to have a safe environment in which to live.
10. **Teach your children.** The future will be a much better place if we teach our children to value all life. Whether preborn or born, everyone's life has value. It doesn't matter your age, your race, your abilities or disabilities, we each are worthy of love, respect, kindness, and second chances.

(Adapted from an article by Nancy Flanders of Live Action January, 2017)

Greater Toledo Right to Life 9th Annual

LEGISLATIVE BRIEFING BREAKFAST



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Several US and Ohio State political representatives have been invited. Confirmed are State Senator Randy Gardner and State Representative Derek Merrin.

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I CANNOT ATTEND BUT I WISH TO MAKE A ONE TIME INVESTMENT

TOTAL \$ _____



Make checks payable to: Greater Toledo Right to Life Your gifts are not tax deductible
CREDIT CARD INFORMATION:

Discover ☐ Visa ☐ MC ☐ CardNumber _____ Cardholder's Name _____
Exp. Date _____ Security Code _____

FRIDAY, MARCH 17, 2017
REGISTRATION OPENS AT 7:00 AM
BREAKFAST & PROGRAM 7:30 - 9:00 AM
HOLIDAY INN FRENCH QUARTER
(10630 Fremont Pike, Perrysburg, OH)
Keynote: "Ohio's Judicial System and You"
Ohio Supreme Court Justice
SHARON L. KENNEDY



- Served on the Ohio Supreme Court since 2012
- Leadership Ohio's 2016 Community Leadership Award
- University of Cincinnati College of Law 2014 Nicholas Longworth, III Alumni Achievement Award
- Trends in the Judiciary: Interviews with Judges Across the Globe, published in 2015
- One of 13 professional women to watch by the Cincinnati Enquirer in 2013
- Judge of the Year in 2006



Mission Statement



"Safeguarding the Right to Life in Culture and Law"

We believe every human being is created in the image of God. From the immeasurable dignity which comes from that creation, every person, whether born or unborn, regardless of the circumstances of their conception or the perceived quality of that person's life, has an inalienable right to life from the moment of conception to the moment of natural death.

The mission of Foundation for Life and Greater Toledo Right to Life is to safeguard that inalienable right to life by presenting the truth about abortion, infanticide, embryonic stem cell research, euthanasia and other issues which impact the right to life.

Foundation for Life works to educate our fellow citizens about the objective truth of the value of every human life. Greater Toledo Right to Life works to advocate for ethical laws and effective policies which celebrate and defend the right to life. In both these tracks, our vision is to impact the residents of NW Ohio to change hearts and minds, influence public opinion, affect laws, and save lives. We strive to be a trusted and credible advocate on the pro-life issues of our time with a positive, compassionate, and effective pro-life message throughout the communities we serve - Fulton, Lucas, Ottawa and Wood Counties.

^ TOP

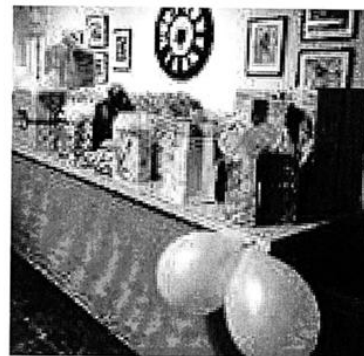
Life matters

A PUBLICATION OF FOUNDATION FOR LIFE AND
GREATER TOLEDO RIGHT TO LIFE



It's a Girl! SEAL Team Baby Shower

Our SEAL Team (Students Equipped to Advocate Life) was given a golden opportunity to celebrate a young woman's decision to choose life for her unborn child when she was faced with an unplanned pregnancy. Cheyanne was a client of the Toledo Pregnancy Center who delivered a healthy baby girl in December. Our SEAL Team planned the baby shower held at the Andersons Activities Center, and boy did they come through! There were decorations, food and games for the record number of teens attending, as well as a mountain of presents for this precious baby. We were thrilled and appreciative to have the Notre Dame SEAL Team join in the festivities and gift giving as well. We are so proud of these students who, along with some adults and board members, stepped



up to show this young mother an abundance of love. The generous outpouring for Cheyanne and her daughter was overwhelming. In fact, there were so many gifts we had to borrow a van to transport them to the Pregnancy Center! Our SEAL Team has proven that not only do they profess to be pro-life, but they LIVE pro-life as well!

Become a Greater Toledo Right To Life MVP

The GTRTL is an advocacy organization (501c4) whose purpose is to advocate for laws and public policies that safeguard the 'Right to Life' of both the born and unborn.

So what's an MVP? It is Membership. It is a willingness to make your Voice heard and it is a commitment to Prayer.

- Become a **Member of GTRTL**. We have two membership levels:
 - A **Patriot MVP** at \$100 includes *two* Legislative Briefing Breakfast tickets (a \$60 Value) and our "Life Before Birth" calendar.
 - An **Advocate MVP** at \$50 includes *one* Legislative Briefing Breakfast ticket (a \$30 Value).
- **Voice** – I will commit to being a "voice for the voiceless" on pro-life issues in 2017.
- **Pray** – I will commit to praying for the abolition of abortion in our life time. I will pray for the success

of those legislators and judges who are committed to safeguarding the Right to Life at every stage of life.

A great opportunity for an MVP on the GTRTL team is to engage by attending the annual Legislative Briefing Breakfast, on March 17 at the Holiday Inn French Quarter. This year's program features Ohio Supreme Court Justice Sharon Kennedy.

Attendees will be briefed on pro-life initiatives at the state and federal levels, along with insightful analysis and resources to effectively influence the passage of pro-life legislation.

Ohioans can be grateful to be among the leaders na-
Exhibit K1

SEE GTRTL MVP PAGE 2



You Shop & Amazon Gives!

smile.
amazon

You shop and Amazon gives! Sign up for Smile.amazon, your regular Amazon account plus a smile, and 0.5% of eligible purchases you make when ordering online from Amazon can be a donation! Register and select Toledo Foundation for Life as the non-profit you choose to support! Your regular shopping can also be a donation that furthers our work for LIFE.

Take a minute to register to make a difference throughout the year.

EDUCATIONAL FORUM - The Smith's Family story "Keeping our Faith"

March 2017 - Details to follow

Brad and Jessi Smith had "five different theories on raising children - now they have five children and no theories." (paraphrased John Willcox) Hear their story about their daughter, Faith, born with Trisomy 18.

"We have been happily married for 17 years and our five children are our greatest contribution to this world. It has been a great privilege and a lot of work to educate all five of our children at home, but we are joyfully persistent in providing a tailored education paired with a Christian worldview to each of them. As our fifth child arrived in this world

with a chromosomal abnormality, she was challenged with a host of special needs that added a valuable medical education and daily lessons in compassion to our educational program. The fact is we are very grateful for all five of our very special children."

Join us in this forum on the value of all life and what the Smith family has learned and is learning about the perceived value of those with a disability and the need to change this low view in our society. Details will be



announced online at flnw.org or you can sign up to get the weekly email updates from the Foundation for Life. Learn more about the Smith family at www.keepingourfaith.net.

NEW FFL BOARD MEMBER

Welcome John Kennedy

John B. Kennedy has been married to his wife, Eileen, for 53 years. They have five children and fifteen grandchildren. John received his Bachelors from the University of Pennsylvania and his MBA from Wayne State University. Mr. Kennedy is certified in both Tax Management and Financial Planning LT, S.C. John was in the United States Navy Reserves and served for six years of active duty. He became a charter member of the Foundation for Life in 1972. John has come full circle with his involvement in Foundation for Life, serving as its first president and now as a board member in 2017.



Amen! Awesome job! Thank you!

The 2017 Signature Ad Campaign, which visibly shows a stance of solidarity and calls for an "end to the holocaust of the innocent," had the most names ever! A big THANK YOU to the volunteers who worked with their church to ask friends, neighbors and family to lend their name and give voice to the voiceless.

Also, thanks to each of you that signed up outside of these efforts, and to those that made a donation to help cover the costs of the six ads and four digital billboards. Together, we doubled our numbers!

If you would like to lend your name to stand with us, go online at www.flnw.org and sign up. If you would like to be a volunteer to work with your church for the 2018 ad campaign, call Amber Morris at 419-535-5800.

GRTL MVP

Continued from page 1
tionally in enacting pro-life legislation, as evidenced by the historic low number of abortions as reported again by the Ohio Department of Health. But there is still much work to be done!

Will you be a strong, clear "Voice for the Voiceless" in the public square? Then become a Greater Toledo Right to Life MVP today! Together we can influence our community and those who represent us in Columbus and Washington to restore legal protection for all innocent human life, both in and outside the womb.

Become a Friend of LIFE

Monthly gifting makes a big difference for LIFE where you LIVE. The Foundation for Life's Friend of LIFE monthly gifting program goes beyond the reward of changing hearts and saving lives. These donations, ranging from \$10 Hands for LIFE, \$19.73 Minds for LIFE, \$44 Hearts for LIFE to \$75 Souls for LIFE, are the source of funding for many of the daily educational programs and outreach efforts.



The Foundation for Life Friends of LIFE fund the regular communication efforts to educate and increase awareness. This includes e-blasts, newsletters, Facebook and online messages. Friends of LIFE also fund many of our educational forums. SEAL team

meetings, the use of the Truth Booth and the Silent No More program if they are not covered by sponsors.

Friends of LIFE may receive discounts on benefit tickets, a

'Life Before Birth' calendar, benefit tickets to sponsor dery/students and other rewards as a way of saying thanks for being a voice for the voiceless.

It's easy to become a Friend of LIFE and make an impact with a monthly contribution. Register at www.flnw.org and donate as a Friend of LIFE.

INVESTMENT IMPACT

A MONTHLY GIFT OF \$10
Pays for e-blast and Facebook communications for 4 months

A MONTHLY GIFT OF \$19.73
Underwrites the cost of educational materials for outreach at a fair festival

A MONTHLY GIFT OF \$44
Covers the costs of SEAL team meeting materials

A MONTHLY GIFT OF \$75
Funds the cost of the stages of life Truth Booth at area events

Foundation for Life

People problems need people solutions. Couples facing end-of-life decisions, sons and daughters managing their parent's care, and women dealing with an unplanned pregnancy need facts about choices, awareness of alternatives, compassion and support. They also need laws that protect them and give them choices that value life. What they need is what the Foundation for Life provides.

What is the Foundation for Life?

As a 501(c)(3) nonprofit organization, we rely on the philanthropic spirit of investors like you who are dedicated to making a substantial social impact in the greater Toledo area regarding the pro-life issues of our day.

Your financial investment is vital to our efforts to make long-term changes through legal advocacy. Also, your dollars are put to work to have an immediate impact in hearts and minds with programs of support, outreach and education. Both efforts, advocacy and education, are crucial to impactful change and the spreading of a message of hope that comes through valuing life.

Leave a Legacy

Planned giving provides donors and non-profit organizations a unique connection that can honor the wishes and life of the donor while providing vital sustenance to the organization and cause. Consider leaving a legacy for 'life' and incorporate the Foundation for Life NWO into your planned giving.

Donating through estate planning vehicles such as trusts and wills, retirement assets or securities offer benefits to donors that go beyond tax savings now or for future beneficiaries. A planned

2017 BOARD MEMBERS

STAFF
EXECUTIVE DIRECTOR
Ed Siffer edsiffer@flnw.org
DIRECTOR OF OFFICE ADMINISTRATION
Christine Kisabeth ckisabeth@flnw.org
DIRECTOR OF DEVELOPMENT
Amber Morris amorris@flnw.org
VOLUNTEER COORDINATOR
Mandy Sattler msattler@flnw.org
728 SOUTH WYCK BLVD., SUITE 120
TOLEDO, OH 43614
OFFICE: 419-535-5800
FAX: 419-535-5885
NEWSLETTER
DESIGNER: Lorrie Cesarz
EDITOR: Mary Weiher

Let's make 2017 the Best Pro-life Year Ever!

The pro-life movement has seen some major breakthroughs over the last few years. There were a few setbacks here and there, but still we can rejoice in our successes: the 20-week abortion bans, a partial defunding of Planned Parenthood, and the shutting down of numerous facilities across Ohio. With a president in office who has vowed to federally defund Planned Parenthood and appoint pro-life judges, the hope for a more pro-life culture is gaining energy.

The theme of this year's "March for Life" in DC is "The Power of One". To win, we have to make our voices heard and our actions felt. To a large extent, the future of legalized abortion in America is in the hands of Christians. We really do have the power to solve this problem.

We have to believe in the power of one and that one life can make a difference. It is true we can't do everything, but everyone can do something. Our voices must be heard, we must educate and influence the 68% who profess to be Christians, to give of their time, talent, treasure and their votes to work to end abortion. Will you be that strong clear voice for the voiceless?

Let each of us recommit to seeing the abolition of abortion in our lifetime. If each of us would increase our commitment to pray, volunteer and invest 10% more in 2017, we would be totally amazed at the "Power of One" and the profound difference one life can make - for Life.

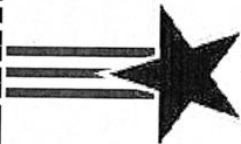
Here are 10 simple ways you can use your "Power of One" to make 2017 the best pro-life year yet!

1. **Share pro-life news.** It's easy to click "share" on Facebook and "retweet" on Twitter. It only takes a second and you could spread good, pro-life news to your friends and family across social media.
2. **Donate to pro-life groups.** There are thousands to choose from. You can donate to our local pro-life pregnancy centers and Foundation for Life. With pro-abortion groups being backed by celebrities and the government, pro-life groups need all the support they can get.
3. **Pray outside an abortion facility.** Many people are intimidated by the idea of standing outside an abortion facility, but this can be one of the best ways to reach women in crisis situations. Women entering abortion centers are often scared and feeling alone. Seeing a kind face who reaches out in peace and understanding can make a big impact and save lives.
4. **Hold a baby shower for a pregnant mom in need.** Pregnancy centers often hold baby showers for moms who have chosen life. You can do the same by helping them host one, or by hosting your own for a mom you have heard of in your area who needs help. Your efforts to help can make a big difference in their lives and you can continue to be a support long after the baby is born.
5. **Write letters to your elected representatives.** Your local and federal government officials need to know that you support pro-life legislation. Make your voice loud and clear to them so that they know what you expect of them and their votes for pro-life measures.
6. **Become a better friend to a parent of a child with special needs.** Moms and dads of children with special needs often feel isolated. Offer to babysit the other children while the mom takes her child with special needs to doctor appointments and/or therapy. Provide meals and gift cards to the family when they are in the hospital, or offer respite to the parents when they just need a break.
7. **Attend the March for Life.** You don't have to head to Washington, D.C., you can participate in a host of area marches held every year around January 22. Show up, raise your voice for life, and don't forget to snap some pictures and share your pro-life message with everyone on social media.
8. **Don't be afraid to speak up.** When a friend makes a pro-abortion or discriminatory comment, don't shy away from sharing your opinion. You might be criticized, but you're speaking the truth and as long as you do that with love and not anger, you'll always be in the right.
9. **Become a foster parent.** Thousands of children need a trustworthy person to take care of them. Not getting our basic needs met as babies and children can have lasting negative impacts on our lives. Foster parents help babies in crisis situations and children in emergency situations to have a safe environment in which to live.
10. **Teach your children.** The future will be a much better place if we teach our children to value all life. Whether preborn or born, everyone's life has value. It doesn't matter your age, your race, your abilities or disabilities, we each are worthy of love, respect, kindness, and second chances.

(Adapted from an article by Nancy Flanders of Live Action January, 2017)

Greater Toledo Right to Life 9th Annual

LEGISLATIVE BRIEFING BREAKFAST



Register below or
online www.gtrtl.com

YES, I WANT TO ATTEND THE PRO-LIFE LEGISLATIVE BRIEFING BREAKFAST (RETURN COMPLETED FORM TO 5728 SOUTHWICK BLVD, SUITE 120 TOLEDO OH 43614)
REGISTER BY MARCH 13, 2017

Full Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

BRIEFING AND FULL BREAKFAST BUFFET: \$30 X () NUMBER ATTENDING = TOTAL FEES \$ _____

TABLE SPONSOR: 10 LBB Tickets (preferred seating) at \$250 \$ _____

YES, YOU CAN COUNT ON ME TO BE A GTRTL MVP:

MVP ADVOCATE

\$50 - Includes 1 LBB Ticket

MVP PATRIOT

\$100 - Includes 2 LBB Tickets

I CANNOT ATTEND BUT I WISH TO MAKE A ONE TIME INVESTMENT

TOTAL

\$ _____



Make checks payable to: Greater Toledo Right to Life Your gifts are not tax deductible
CREDIT CARD INFORMATION:

Discover ☐ Visa ☐ MC ☐

CardNumber _____

Security Code _____

Cardholder's Name _____

Exp. Date _____

FRIDAY, MARCH 17, 2017

REGISTRATION OPENS AT 7:00 AM

BREAKFAST & PROGRAM 7:30 - 9:00 AM

HOLIDAY INN FRENCH QUARTER

(10630 Fremont Pike, Perrysburg, OH)

Keynote: "Ohio's Judicial System and You"
Ohio Supreme Court Justice
SHARON L. KENNEDY



- Served on the Ohio Supreme Court since 2012
- Leadership Ohio's 2016 Community Leadership Award
- University of Cincinnati College of Law 2014 Nicholas Longworth, III Alumni Achievement Award
- Trends in the Judiciary: Interviews with Judges Across the Globe, published in 2015
- One of 13 professional women to watch by the Cincinnati Enquirer in 2013
- Judge of the Year in 2006

Several US and Ohio State political representatives have been invited. Confirmed are State Senator Randy Gardner and State Representative Derek Merrin.

YES, I WANT TO ATTEND THE PRO-LIFE LEGISLATIVE BRIEFING BREAKFAST (RETURN COMPLETED FORM TO 5728 SOUTHWICK BLVD, SUITE 120 TOLEDO OH 43614)
REGISTER BY MARCH 13, 2017

Foundation
for **Life**
WWW.FFLNWO.ORG

Greater
Toledo
Right to **Life**
WWW.GTRTL.ORG

5726 Southwyck Blvd
Suite #120
Toledo, OH 43614

Phone 419.535.5800
Fax 419.535.5565

info@fflnwo.org

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Life matters

A PUBLICATION OF FOUNDATION FOR LIFE
AND GREATER TOLEDO RIGHT TO LIFE

WINTER 2017



- ✓ Add a smile to your Amazon account and let your shopping be a donation.
- ✓ Suggest having Mandy from Silent No More share her testimony at your women's fellowship or service.
- ✓ Register for your free ticket to see Bella on April 18 at 7pm.
- ✓ SPONSOR an upcoming educational event.
- ✓ Purchase your ticket for the Legislative Briefing Breakfast held on March 17 at 7am.
- ✓ Follow us on Facebook and share the pro-life messages with your friends.
- ✓ Become a Friend of LIFE and make a monthly donation to be a 'Voice for the Voiceless'.

Exhibit K1

SPONSOR THIS EVENT >

Event Sponsor Opportunity:

Presenting Sponsor (2) \$1,500 Underwrites expense for marketing the event and hosting legislators and attendees for buffet breakfast at the French Quarter

Student Sponsor (2) \$500 Sponsors 2 tables for area students

Educational Sponsor (2) \$250 Underwrites costs of educational materials prepared for attendees

**Contact Amber Morris at 419-535-5800 to invest with
Foundation for Life**

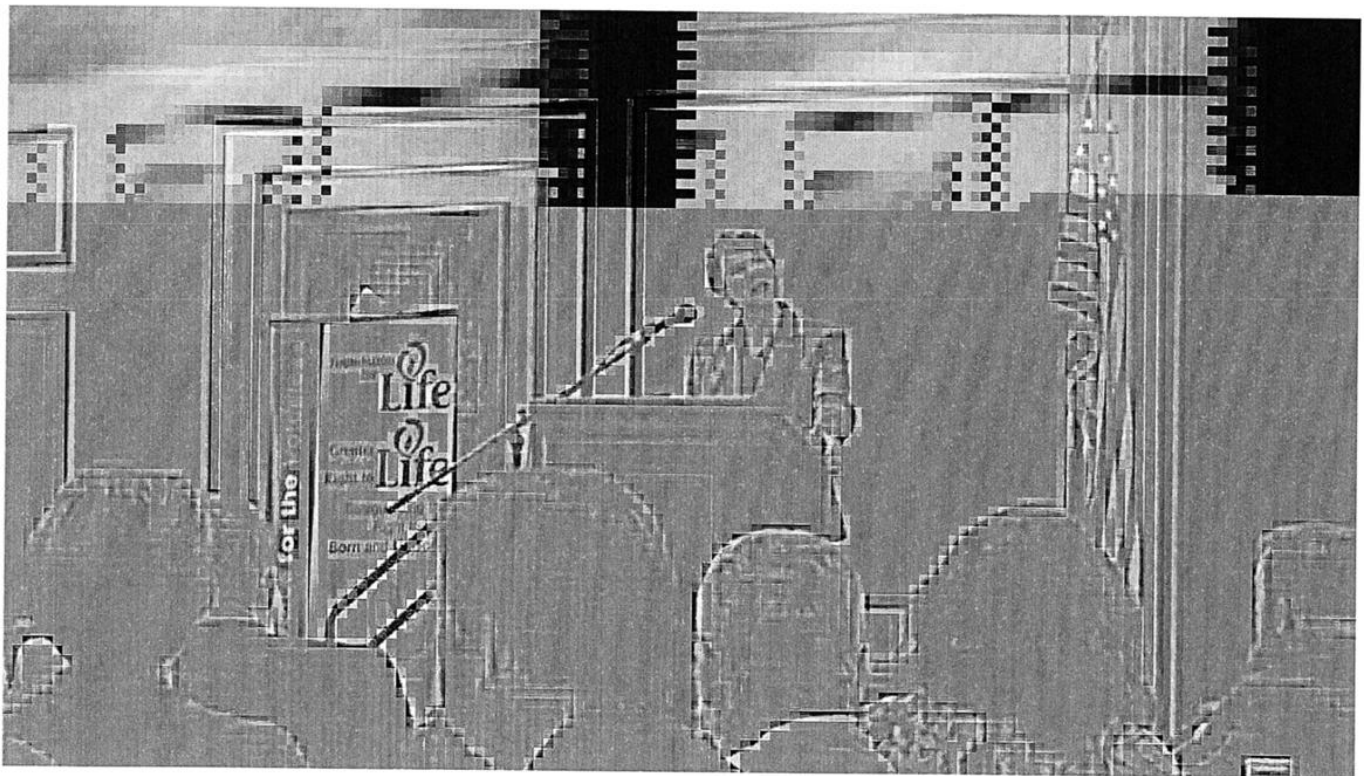


Thank you for your support!

Greater Toledo Right to Life

9th Annual Legislative Briefing Breakfast

was the largest breakfast we've had yet and the speakers shared a great message of getting involved, taking action and staying the course to end abortion in our lifetime.



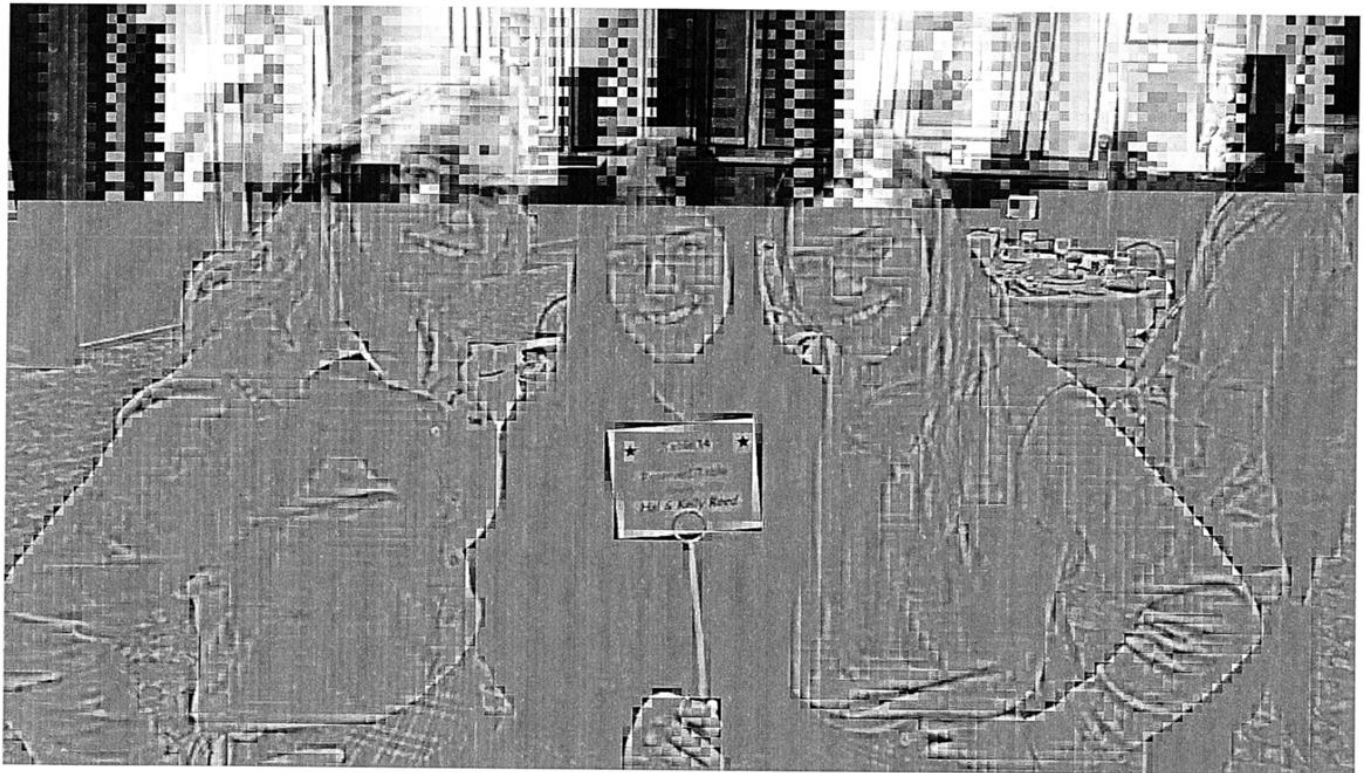
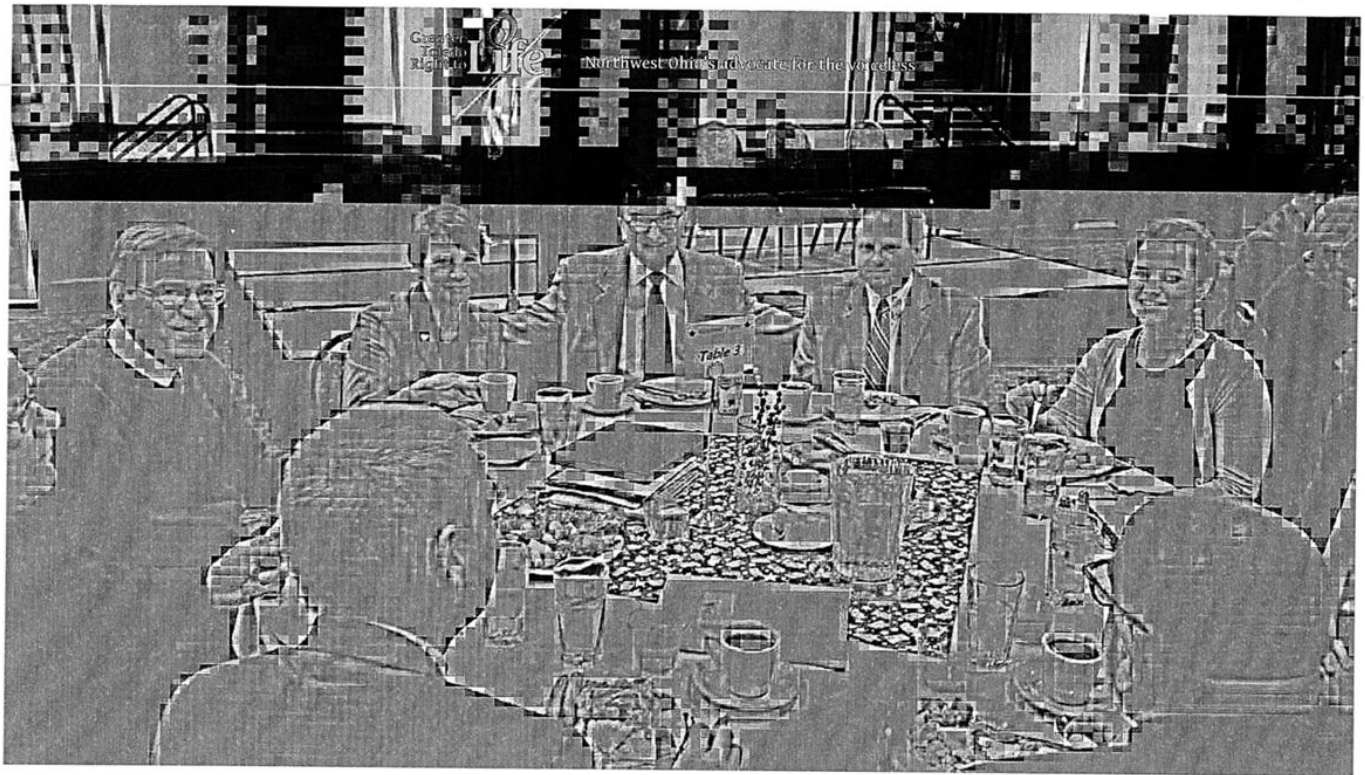
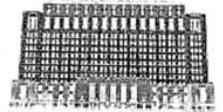


Exhibit L



Sharon L. Kennedy

15th Justice of the Ohio Supreme Court



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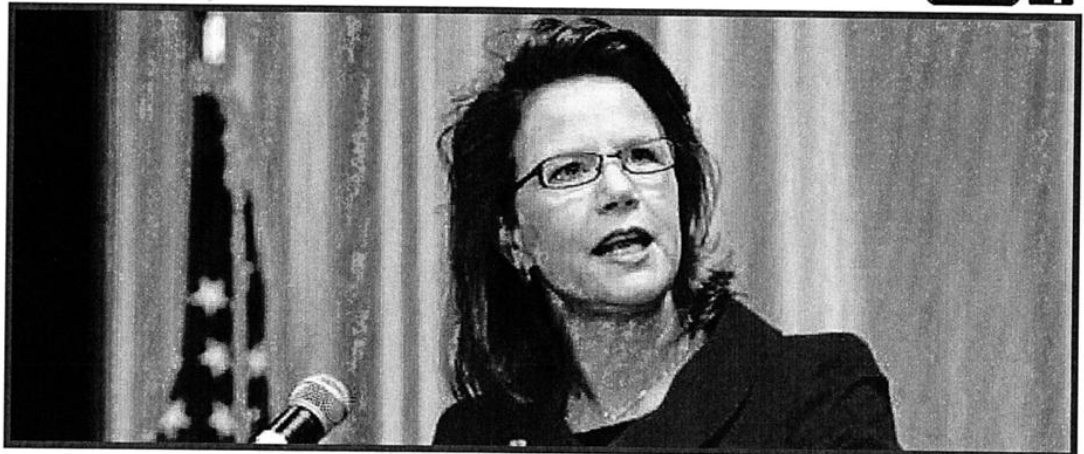
[In the News](#)

[Decisions](#)

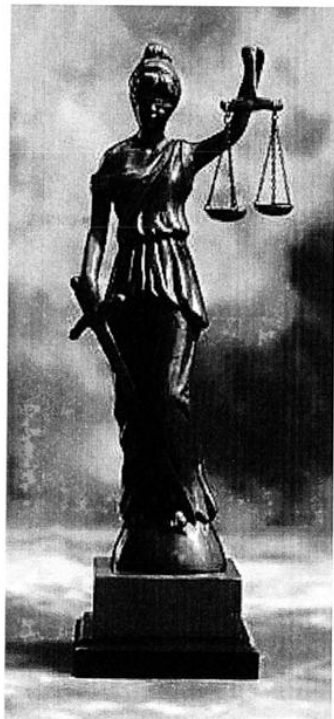
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[Next Election: 2020](#)



Kennedy for Justice



ENDORSEMENTS (2014 CAMPAIGN)

ASSOCIATIONS



Buckeye Firearms Association PAC ([link](#))

Cincinnati Right to Life Political Action Committee

Cleveland American Middle East Organization
(CAMEO)

Family Medicine PAC

POLITICAL

Brown County Republican Party

Butler County Republican Party

Clermont County Republican Party

Cuyahoga County Republican Party

Cuyahoga Valley Republican Club

Delaware County Republican Party

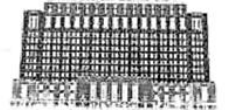
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Exhibit M



Sharon L. Kennedy

154th Justice of the Ohio Supreme Court



(NOMPAC) ([link](#))

NRA Political Victory Fund (NRA-PVF) ([link](#))

Ohio Association of Civil Trial Attorneys

Ohio Bail Agents Association

Ohio Chamber of Commerce ([link](#))



Ohio Citizens PAC

Ohio Patrolmen's Benevolent Association

Ohio ProLife Action ([link](#))

Ohio Republican PAC

Ohio Restaurant Association

Ohio Right-to-Life PAC ([link](#))

The Ohio Society of CPAs (OSCPA) ([link](#))

Ohio State Medical Association PAC

Ohioans for Concealed Carry (OFCC) ([link](#))

Toledo Police Command Officers' Association
(T.P.C.O.A.)

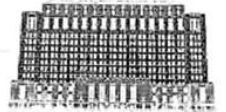
RECOMMENDATIONS (2014 CAMPAIGN)

Ohio Veterans United - "Highly Recommended" ([pdf](#))



Sharon L. Kennedy

154th Justice of the Ohio Supreme Court



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ENDORSEMENTS (2012 CAMPAIGN)

The Academy of Medicine of Cleveland & Northern Ohio's PAC, NOMPAC

American Nationalities Movement

Buckeye Firearms Association ([link](#))

CAMEO

Cincinnati Right to Life PAC

Citizens for Community Values Action PAC

The Leadership Fund PAC - sponsored by the Toledo Regional Chamber of Commerce

National Federation of Independent Business Ohio SAFE Trust PAC

National Rifle Association Political Victory Fund (NRA-PVF)

Ohio Bail Agents

The Ohio Manufacturers Association PAC

Ohio Republican Party

Ohio State Medical Association Political Action Committee (OSMAPAC)

Toledo Free Press ([link](#))

Votes for Women

RECOMMENDATIONS (2012 CAMPAIGN)

Ohio Veterans United ([link](#))

Ohio Right to Life PAC



Ohio Secretary of State Campaign Finance Disclosure

Search results for Candidate Committee Contribution Details

Contributor Name	Contributor Non Individual	PAC Reg #	Address	Report Type	Year	Contribution Date	Amount	Event Date	Employee/ Occupation	Committee Name
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST- GENERAL	2012	11/02/2012	\$100.00			CITIZENS FOR BLESSING
	OHIO RIGHT TO LIFE SOCIETY INC. PAC	C00097196	665 EAST DUBLIN- GRANVILLE ROAD SUITE 200 COLUMBUS OH 43229-0099	POST-PRIMARY	2012	02/21/2012	\$350.00	02/21/2012		CITIZENS FOR LEHNER
	OHIO RIGHT TO LIFE SOCIETY INC. PAC	C00097196	665 EAST DUBLIN- GRANVILLE ROAD SUITE 200 COLUMBUS OH 43229-0099	PRE-GENERAL	2012	08/16/2012	\$500.00	08/24/2012		CITIZENS FOR LEHNER
	CINCINNATI RIGHT TO LIFE PAC		1802 WEST GALBRAITH ROAD CINCINNATI OH 45239	POST- GENERAL	2012	10/25/2012	\$100.00			CITIZENS FOR MIKE WILSON
	CINCINNATI RIGHT TO LIFE		1802 W GALBRAITH RD CINCINNATI OH 45239	POST- GENERAL	2012	10/28/2012	\$100.00			CITIZENS TO ELECT RON MAG STATE REPRESENTATIVE
	GREATER CINCINNATI RIGHT TO LIFE		1802 W. GALBRAITH ROAD CINCINNATI OH 45239	POST- GENERAL	2012	10/25/2012	\$100.00	10/25/2012		COMMITTEE TO ELECT JOE UECKER
	CINCINNATI RIGHT TO LIFE PAC	local	1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST- GENERAL	2012	10/30/2012	\$100.00			CUPP FOR STATE REPRESENTATIVE COMMITTEE
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST- GENERAL	2012	10/25/2012	\$100.00			DEWINE FOR JUDGE
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST- GENERAL	2012	10/25/2012	\$100.00			FRIENDS OF BECKER
	CINCINNATI RIGHT TO LIFE PAC		1802 WEST GALBRAITH ROAD CINCINNATI OH 45239	POST- GENERAL	2012	11/06/2012	\$100.00			FRIENDS OF LOU TERHAR
	CINCINNATI RIGHT TO LIFE PAC		WEST GALBRAITH ROAD CINCINNATI OH 45239	POST- GENERAL	2012	10/25/2011	\$100.00			FRIENDS OF MARGY CONDITT

Contributor Name	Contributor Non Individual	PAC Reg #	Address	Report Type	Year	Contribution Date	Amount	Event Date	Employee/ Occupation	Committee Name
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH ROAD CINCINNATI OH 45239	POST-GENERAL	2012	10/25/2012	\$100.00			FRIENDS OF PAT FISCHER
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH RD CINCINNATI OH 45239	POST-GENERAL	2012	10/27/2012	\$100.00			FRIENDS OF PETE BECK
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH ROAD CINCINNATI OH 45239	POST-GENERAL	2012	10/25/2012	\$100.00			FRIENDS OF TIM DERICKSON
	CINCINNATI RIGHT TO LIFE PAC		1802 W. GALBRAITH ROAD CINCINNATI OH 45239	POST-GENERAL	2012	10/25/2012	\$100.00			FRIENDS OF WES RETHERFORD
	CINCINNATI RIGHT TO LIFE PAC	local	1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST-GENERAL	2012	10/30/2012	\$100.00			KENNEDY FOR OHIO
	OHIO RIGHT TO LIFE SOCIETY INC. PAC	C00097196	665 EAST DUBLIN-GRANVILLE ROAD SUITE 200 COLUMBUS OH 43229-0099	PRE-GENERAL	2012	05/03/2012	\$250.00			KRISTINA DALEY ROEGNER FOR OHIO
	OHIO RIGHT TO LIFE SOCIETY INC. PAC	C00097196	665 EAST DUBLIN-GRANVILLE ROAD SUITE 200 COLUMBUS OH 43229-0099	SEMIANNUAL (JULY)	2012	01/18/2012	\$350.00	01/25/2012		OELSLAGER FOR OHIO COMMITTEE
	CINCINNATI RIGHT TO LIFE PAC	local	1802 W. GALBRAITH RD. CINCINNATI OH 45239	POST-GENERAL	2012	10/30/2012	\$100.00			RE-ELECT JUSTICE O'DONNELL (TERRENCE)
	CINCINNATI RIGHT TO LIFE PAC	local	1802 W. GALBRAITH RD CINCINNATI OH 45239	POST-GENERAL	2012	10/27/2012	\$100.00			WE THE PEOPLE FOR TOM BRYAN



Cincinnati Right to Life Political Action Committee

Protecting Life at Every Age and Every Stage

endorsements #
register to vote #
donations #
home #
cincinnati rtl #
donate #



The **Cincinnati Right to Life Political Action Committee (CRTL-PAC)** exists to inform the public of pro-life candidates and issues during elections. The CRTL-PAC endorses those candidates who work consistently to ensure that pro-life principles of protection and dignity for all innocent human life are upheld in the political arena. The CRTL-PAC supports the ideal societal institutions that best guarantee these principles, including traditional marriage and the family.

CRTL-PAC board members only may vote on endorsements, no staff member or any outside individual.

See Endorsement Slate of endorsed candidates to-date for the November 8, 2016 general election.

vote pro-life! lives depend on it...

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© Cincinnati Right to Life Political Action Committee
1802 W. Galbraith Rd.

Cincinnati, OH 45239

513/728-7870

mail@cincinnatirighttolife.org

Exhibit O



Right to Life of Greater Cincinnati, Inc.

JUDICIAL CANDIDATE SURVEY 2014

A candidate's position on life issues is important to pro-life voters. Whether sponsoring legislation, setting policy, or making public statements, the candidates we elect are crucial for promoting the sanctity of life. Please identify your positions on the following issues. After receipt of your completed survey, you may be contacted for clarification of your responses. Check that you have read and understand the following:

- ☐ Surveys may be submitted by mail, fax, email, or online. (Please refer to the cover letter for position specific links).
- ☐ Upon submission, this survey will be posted to our website and published in the CRTL News Bulletin as public information.
- ☐ We will redact your contact information before posting to our website.
- ☐ The completed survey is required for endorsement consideration.
- ☐ Surveys are due on or before June 2, 2014. Responses will not be published in the CRTL News Bulletin if received after this date.
- ☐ Direct questions to KByrne@CincinnatiRighttoLife.org

Candidate Name (please print): Sharon L. Kennedy

Phone: _____ Email: _____

Website: Kennedy For Ohio

Facebook URL: Kennedy For Ohio

Position and District Sought: Justice of the Ohio Supreme Court

Are you an incumbent for this office? ☒ YES ☐ NO

Have you previously held an elected position? ☒ YES ☐ NO

Please specify: Judge Butler County Court of Common Pleas,
Domestic Relations Division

What endorsements have you received or are you seeking?

List your top two Judicial priorities: Civic Education

Compassionate options to institutionalization
for youthful offenders

1. Which former U.S. president's political philosophy best matches your own?

- | | | | |
|-------------------------------------|--------------------------------------|---------------------------------------|---|
| <input type="radio"/> Gerald Ford | <input type="radio"/> Jimmy Carter | <input type="radio"/> Bill Clinton | <input checked="" type="radio"/> George H.W. Bush |
| <input type="radio"/> Ronald Reagan | <input type="radio"/> George W. Bush | <input type="radio"/> Barack H. Obama | <input type="radio"/> Other (please specify) |

2. Which U.S. Supreme Court Justice's legal philosophy best matches your own?

- | | | | | |
|--------------------------------|------------------------------|---|---------------------------------|--|
| <input type="radio"/> Roberts | <input type="radio"/> Kagan | <input checked="" type="radio"/> Scalia | <input type="radio"/> Kennedy | <input type="radio"/> Thomas |
| <input type="radio"/> Ginsburg | <input type="radio"/> Breyer | <input type="radio"/> Alito | <input type="radio"/> Sotomayor | <input type="radio"/> Other (please specify) |

3. Rate your judicial philosophy regarding the U.S. Constitution on a scale of 1-10 with "living/evolving document" being 1 and "strict constructionist" being a 10:

1 2 3 4 5 6 7 8 9 10

4. In *Roe v. Wade*, 410 U.S. 113 (1973), the U.S. Supreme Court recognized a "right to privacy" under the Constitution that includes abortion. The Constitution does not include this right.

☒ Agree

Comments:

☐ Disagree

☐ Undecided

5. Judges should refrain from "legislating from the bench." The translation of public policy into law and the creation, extension, modification or limitation of citizens' rights (and governmental authority) are properly within the province of the legislative, not judicial, branch of government.

☒ Agree

Comments:

☐ Disagree

☐ Undecided

6. An unborn child is biologically human at every stage of his or her biological development, beginning at fertilization.

☒ Agree

Comments:

☐ Disagree

☐ Undecided

7. The law should be applied to pro-life demonstrators in the same manner as is applied to environmental, anti-war and labor demonstrators.

☒ Agree

Comments:

☐ Disagree

☐ Undecided

8. There is no provision in the current Ohio Constitution intended to require the use of public funds for abortion.

☒ Agree

Comments:

☐ Disagree

☐ Undecided



9. The judiciary does not possess the authority to expand the definition of marriage to include anything but one man and one woman.

☒ Agree
☐ Disagree
☐ Undecided

Comments:

10. The law protects individuals' and organizations' rights of conscience from being forced to participate in abortion or other practices contrary to their moral or religious convictions.

☒ Agree
☐ Disagree
☐ Undecided

Comments:

11. Laws, regulations, or ordinances that restrict individuals' and organizations' rights of conscience are unconstitutional.

☒ Agree
☐ Disagree
☐ Undecided

Comments:

12. Laws that require businesses or religious organizations to work for or provide services to gay, lesbian, bisexual and transgender persons despite these entities' religious or moral objections are unconstitutional.

☒ Agree
☐ Disagree
☐ Undecided

Comments:

13. List all organizations to which you have contributed time or money in the past four years.

Our Lady of Sorrows Catholic Church
Our Lady of Mercy Catholic Church
Heritage Foundation
Bush Library Center
NRA
Pregnancy Crisis Center
Citizens for Community Values



Email Address

Zip Code

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About Us

Our Mission

As Ohio's Family Policy Council, Citizens for Community Values seeks the good of our neighbors throughout Ohio by advocating for public policy that reflects the truth of the Gospel.

We believe in an all-powerful, all-knowing God and his perfect Word for us, the Bible. Though education, communication, partnerships and direct action, we reach citizens, churches and policy makers to protect and spread Judeo-Christian values which, by honoring God, benefit and guide our civic life.

Our Vision

We endeavor to create an Ohio where God's blessings of life, family, and religious freedom are treasured, respected, and protected.

Citizens for Community Values is officially associated with these organizations.



Family Research Council
Defending Faith, Family and Freedom



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Exhibit Q

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SEARCH

Protecting Life

The sanctity of human life should be protected from its very beginning to its natural end.

Promoting life is all about standing for those whose voices have been silenced. From the preborn child, to the medically incapacitated, to the young woman with a crisis pregnancy, creating a culture of life in Ohio is critical to protecting the most vulnerable in our society and is central to the mission of Citizens for Community Values.

We may never fully know the devastating impact the 1973 Supreme Court decision *Roe v. Wade* has had on our nation. Yet as the dangerous practices of the abortion industry are being exposed and the stories of men and women who have been forever scarred by abortion are told, more people are beginning to understand the consequences of abortion on demand.

Advancements in technology over the last 50 years have also raised a number of ethical concerns about the creation of life, as well as with the denial of care to the medically incapacitated.

Citizens for Community Values is officially associated with these organizations.



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Exhibit Q

COMMENTARY

Justice Kennedy's speech not inappropriate

3/22/2017

BY MAUREEN O'CONNOR



O'Connor

ASSOCIATED PRESS

We have a long tradition in this country and this state of people banding together and establishing organizations to engage in our public life. We call

Exhibit R



O'Connor

this civil society and it is one of the most endearing hallmarks of our democracy, a hallmark absent from most other countries.

It is the responsibility of every judge and justice in Ohio to speak on behalf of the institution of the judiciary, to engage with the public and civic organizations in order to assist Ohioans to better understand the judicial branch.

And because judges at every level of our court system often make difficult decisions, understanding the judiciary and the judicial process is more critical now than ever before. Given the role of the courts, it is crucial for judges to be available and to engage with the public so long as they do so within both the spirit and written obligations of their ethical responsibilities.

When Ohio Supreme Court Justice Sharon Kennedy spoke to the Greater Toledo Right to Life organization, she talked about the founding of this republic, the Constitution, and the separation of powers. She did not discuss or refer to any cases pending before the Supreme Court of Ohio, nor did

she mention abortion and the host group's positions (March 17, "Pro-choice group calls on Ohio justice to step away from cases").

As a member of the judiciary, it is her duty to help demystify our branch of government and help everyone understand what we do and our role in our government, regardless of the underlying issues or philosophy of the sponsoring organization. This can be done in a manner that does not cross any judicial ethics lines.

If the litmus test for recusal from a case is merely speaking to a group that has a particular cause, there would be very few, if any, judges sitting on cases or, alternatively, engaged in their communities.

Indeed, such a principle would muzzle judges and prevent every judge in this state from engaging in the very civic society that is so essential to our democracy. Judges should recuse themselves when they cannot be fair, unbiased, and impartial in considering the facts and applying the law to a case before them. But the mere fact that a judge speaks to the membership of an organization that has exercised its right to engage in our civic life and participate in our governmental process by supporting proposed legislation or advocating for certain issues, without more, does not require recusal.

Although judicial decision-making is an essential duty of every judge, we do so much more today. Judges are integral to our government and have obligations that extend beyond the courtroom to include educating the public on their government. Judges should not be relegated to the halls of the courthouse, remote, and divorced from the people we serve. I do not think that Ohioans want this kind of judiciary.

When surveyed, the vast majority of people say they don't know enough about the judiciary and the courts. In order to enhance the public's knowledge of the judiciary, judges have to be able to speak to organizations, participate in educational opportunities, and promote their court's work.

As chief justice I would be remiss if I did not address this unfair criticism of Justice Kennedy, as I would do for any member of the judiciary. Unfair criticism of one member of the judiciary reflects poorly on all judges of Ohio.

Maureen O'Connor is the chief justice of the Supreme Court of Ohio.

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