

**BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO**

In re:

Complaint against

Case No. 2024-015

**Hon. John William Rudduck
Attorney Reg. No. 0006233**

**Findings of Fact,
Conclusions of Law, and
Recommendation of the
Board of Professional Conduct**

Respondent

Disciplinary Counsel

Relator

OVERVIEW

{¶1} This matter was heard on November 8, 2024 before a panel consisting of Hon. Candace C. Crouse, Kurt A. Kaufman and Aletha M. Carver, panel chair. None of the panel members resides in the district from which the complaint arose or served as a member of the probable cause panel that reviewed the complaint pursuant to Gov. Bar R. V, Section 11.

{¶2} Respondent was present at the hearing and represented by Lisa M. Zaring. Joseph M. Caligiuri appeared on behalf of Relator.

{¶3} This case involves Respondent's use of his personal Facebook page, where he identified himself as "Judge of Clinton County Common Pleas Court," to make 13 posts about his son, Brett Rudduck's (hereinafter, "Brett") judicial campaign for Clinton County Municipal Court. After Brett was blocked from Facebook for 24 hours, just days before the election, Respondent posted a four-part essay "to set some records straight" regarding accusations of child abuse, intoxication, and drug use that had been made against Brett during his campaign.

{¶4} The complaint charges three violations of the Code of Judicial Conduct:

- *Jud. Cond. R. 1.2*—a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- *Jud. Cond. R. 1.3*—a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- *Jud. Cond. R. 4.1(A)(3)*—a judge shall not publicly endorse or oppose a candidate for another public office.

{¶5} Based upon the parties’ stipulations and evidence presented at the hearing, the panel finds, by clear and convincing evidence, that Respondent engaged in professional misconduct, as outlined below. Upon consideration of the applicable aggravating and mitigating factors, and case precedent, the panel recommends that Respondent receive a public reprimand.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶6} Respondent was admitted to the practice of law in Ohio on November 19, 1976 and is subject to the Ohio Rules of Professional Conduct, the Ohio Code of Judicial Conduct, the Supreme Court Rules for the Government of the Bar of Ohio, and the Supreme Court Rules for the Government of the Judiciary of Ohio. Respondent has no previous discipline.

{¶7} Respondent has served as a judge in Clinton County for 39 years. Respondent served as the Clinton County Municipal Court Judge from September 13, 1985 until December 31, 2000. On January 1, 2001, Respondent became the sole judge of the general division for the Clinton County Court of Common Pleas. His term ended on December 31, 2024.

{¶8} At all times herein, Respondent maintained a personal Facebook page at facebook.com/trudduck. Respondent publicly listed his job description as “Judge at Clinton County Common Pleas Court.” Stipulated Ex. 1.

{¶9} At all times herein, Brett Rudduck served as the law director for the city of Wilmington. Stipulations ¶6.

{¶10} On September 8, 2022, Clinton County Municipal Court Judge Michael Daugherty died unexpectedly. In 2023, Brett decided to run in the Republican primary for Daugherty’s vacant seat against David Henry and Judy Gano. Stipulations ¶¶7-8.

{¶11} On March 21, 2023, Governor Mike DeWine appointed Henry to the Clinton County Municipal Court, effective April 10, 2023, just three weeks before the May 2, 2023 Republican primary election. Stipulations ¶9.

{¶12} On May 2, 2023, Henry defeated Brett and Gano in the primary and was later elected to a full six-year term in November 2023. Stipulations ¶10.

Respondent’s Public Endorsements of a Judicial Candidate

{¶13} On March 12, 2023, a woman posted a picture of Brett’s campaign flyer with Brett’s picture, along with his accomplishments and affiliations, and a caption endorsing Brett. The flyer read, “Elect Brett Rudduck Municipal Court Judge” and also stated, “Please Vote Rudduck for Judge May 2, 2023.” Respondent posted the photo of the flyer and the caption on his public Facebook page and shared it with others. Stipulated Ex. 2.

{¶14} On April 17, 2023, an individual posted a photo of an “Elect Brett Rudduck Municipal Court Judge” sign on his property with a caption endorsing Brett. Three days later, Respondent posted the photo and caption on his public Facebook page and shared it with others. Stipulated Ex. 3.

{¶15} On April 25, 2023, Respondent posted a link on his public Facebook page to a WNEWSJ.com news biography entitled, “Clinton Co. Municipal Court Judge candidate: Brett Rudduck—Wilmington News Journal.” Brett’s headshot appeared next to the text. Stipulated Ex. 4.

Posts that Appeared on Respondent's Facebook Page

{¶16} Before his campaign, Brett had maintained a Facebook page and “tagged” Respondent. Consequently, Brett’s posts appeared on Respondent’s Facebook page. Stipulated Ex. 5A.

{¶17} During the campaign, Brett posted numerous campaign photos that Respondent “shared” to his Facebook page under a “public” privacy setting as indicated by a globe icon. Stipulated Ex. 5B. “Public” postings can be seen by anyone who views Respondent’s Facebook page. Stipulated Ex. 5C.

{¶18} On March 12, 2023, Brett posted a photo of five children wearing red “Elect Brett Rudduck Municipal Court Judge” t-shirts holding and playing with red “Elect Brett Rudduck Municipal Court Judge” signs, with a caption, “Expectations vs Reality ... I live it. I get it Let me know if you would like a sign before they are all spoken for! (or destroyed).”¹ Brett tagged Respondent, who shared the post on his public Facebook page. Stipulated Ex. 6.

{¶19} On March 21, 2023, Brett posted a photo of himself in a suit along with his wife and three children, all of whom were wearing red “Elect Brett Rudduck Municipal Court Judge” t-shirts. The caption read, “As I am famously known for, I turbo-talked my way through my Five-Minute Speech at the Republican-Hosted event last night. Mangled-Messaging aside... it’s still a start.” Brett’s post appeared on Respondent’s public Facebook page; however, Respondent shared the post in which he was tagged, adding, “I heard one candidate in an opening statement said the ‘sole qualification’ the two other candidates had to be Judge was their last name. Should I consider that a complement or an insult?”² Stipulated Ex. 7.

¹ All quoted text appears in original form, including spelling and grammatical errors.

² During a campaign speech, Henry stated that Brett and Gano were running on name recognition. *See* ¶21; Stipulated Ex. 8.

{¶20} On March 30, 2023, Brett posted a picture of himself wearing a Cincinnati Reds jacket and kneeling behind a red “Elect Brett Rudduck Municipal Court Judge” sign with a caption stating, “The Perfect Day for Rudduck Red!” Brett tagged Respondent, who shared the post on his public Facebook page. Stipulated Ex. 9.

{¶21} On April 16, 2023, a person posted a photo of an “Elect Brett Rudduck Municipal Court Judge” sign on a mound of dirt. The caption read, “Representing in Blanchester.” The following day, Respondent shared the photo and caption on his public Facebook page. Stipulated Ex. 10.

{¶22} On April 19, 2023, a woman posted a comment on a post on Respondent’s Facebook page, stating, “So glad I got to listen to Brett’s speech! Now I know for sure that I will be voting for Brett Rudduck for Municipal Court Judge!” Brett replied, “Ty, young lady!”³ Stipulated Ex. 11.

{¶23} On April 21, 2023, Brett posted a photo of himself and his wife, and their three children, all dressed in red “Elect Brett Rudduck Municipal Court Judge” sweatshirts and t-shirts and inserting pretend “ballots” into a ballot box. The post was captioned, “Don’t forget about Early Voting!!!” Brett tagged Respondent, who shared the post on his public Facebook page. Stipulated Ex. 12.

{¶24} On April 28, 2023, Brett posted a 27-second video in which Henry, who was speaking at a campaign event, stated, “...Unlike my opponents, who appear to believe that a family name is the sole qualification of being a judge...” Above the video, Brett wrote a rebuttal to Henry’s attack and ended with, “Vote BRETT RUDDUCK for judge on May 2.” Brett tagged Respondent, who shared the post and video on his public Facebook page. Stipulated Ex. 13.

³ “Ty” stands for “Thank you.”

{¶25} On April 24, 2023, a person named Seth Cunningham posted a lengthy endorsement of Brett that appeared on Respondent’s public Facebook page. Stipulated Ex. 14.

{¶26} On April 29, 2023, Brett posted a picture of two gymnasts wearing red “Elect Brett Rudduck Municipal Court Judge” t-shirts with a caption stating, “One thing that is true in both one’s judicial philosophy and elite gymnastics? BALANCE is Key.” Brett tagged Respondent, who shared the post on his public Facebook page. Stipulated Ex. 15.

{¶27} On May 1, 2023, Brett posted a picture of his wife holding an “Elect Brett Rudduck Municipal Court Judge” sign. Brett tagged Respondent, who shared the post on his public Facebook page. Stipulated Ex. 16.

Abuse of Prestige of Judicial Office

{¶28} On April 26, 2023, six days before the primary election, Facebook restricted Brett’s Facebook page for 24 hours. The following message appeared on Brett’s Facebook page. “Your account is restricted for 24 hours. Your account activity didn’t follow our Community Standards, you can’t do one or more things you usually do.” Stipulations ¶26.

{¶29} On that same day, Respondent posted on his public Facebook page a screenshot of the message on Brett’s Facebook page, which contained the admonition stated in the previous paragraph. In addition to the screenshot, Respondent wrote:

No-this is not the message I woke up to today—but rather my son. I understand if enough folks complain about account activity, Facebook places restrictions on free speech. Odd this would occur just before election day and without just cause.

Stipulated Ex. 17.

{¶30} Later that day, Respondent wrote the following post on his public Facebook page. Most of Respondent’s comments were in defense of Brett, who had been portrayed in a negative

light during the campaign by some Clinton County residents, including Tony Thomas and Darrell Petrey. See, e.g., Stipulated Ex. 18-19.⁴

There are more important things in life than winning an election. Faith, family, friends, community, reputation, and honesty, to name a few. Since 1985 when I first ran for judicial office, these “more important things” have been a cornerstone of our community. We now live in a different era.

I have previously called the Ohio Supreme Court before posting this message to the community. A representative of the Supreme Court advised me the only way to respond to misleading information in judicial campaigns is through free speech. Just today, Facebook restricted my son, Brett Rudduck, from exercising his right to free speech by precluding him from posting on Facebook, citing a violation of “community standards” without any explanation or details a mere five days from Election Day. Given Brett is precluded from posting, in defense of my family’s integrity and reputation and for the benefit of the community, I am exercising my right to free speech to set some records straight.

This message will be long; many will not read it because of its length, but those who do, please understand the purpose is not about “winning an election” but rather to counter a narrative and to reveal facts and personal information known only by a few. Truth is always the best antidote for lies. But on social media, it is hard to discern the truth and even harder to discern whether truth is still paramount in our society!

Throughout the latest judicial campaign, the entire Rudduck family, not just the candidate running for office, has been targeted and attacked. I am all too familiar with these attacks, as you will learn if you read this entire message. But on sites such as Citizens Arrest of Clinton County, Ohio, administered by Darrell Petrey and Tony Thomas, and Wilmington Ohio Crime Concerns, my wife is being called an alcoholic; my brother is being maligned for his work as a Superintendent at Clinton Massie; my nephew is being characterized cruelly and maliciously. And my son, well, the number of attacks he has shouldered since 2018 by Mr. Petrey and Mr. Thomas and others in less public ways would be impossible to quantify.

While most of the participants on these sites are earnest in their desire to make our community better, the divisive messages allowed to be shared on the sites are more harmful than they may realize. Folks with different views are sometimes blocked from commenting, just as my son experienced today, and cannot defend themselves. The record needs to be corrected.

PART ONE – Allegations of child abuse

⁴ Stipulated Ex. 18 is a collection of posts compiled by Brett Rudduck exemplifying some of the posts posted by Clinton County residents. Stipulated Ex. 19 is a screenshot of Tony Thomas’ YouTube channel and some of the videos posted on the channel.

Mr. Thomas and Mr. Petrey posted pictures of my son playing with his two young boys in his own backyard on some of these sites with allegations that my son was throwing hammers at them and needed to be investigated for child abuse. In fact, Mr. Thomas contacted the police department and Children's Services, explicitly seeking an investigation for child abuse be conducted. Mr. Thomas was unwilling to share the identity of the person taking the pictures, how they were obtained, or any other information to confirm his charges. Therefore, no investigation was pursued.

These allegations would be laughable to most, but they fed into the idea authority figures in our county were not investigating elected public officials for criminal behavior, a theory Mr. Thomas especially was advancing. When no one in authority acted upon the lies, the attacks became more volatile, vulgar, and targeted, as those attending regular Wilmington City Council sessions should attest.

The lies and pictures were even posted on the Wilmington Police Department Facebook page by a police officer named Scott Baker while he was on paid suspension from the department. Those posts are still on the official page. This act alone caused our entire family unbelievable stress, pain, and distress.

PART TWO – Taped audio phone conversation

On September 8, 2022, Judge Michael Daugherty suddenly passed away; the community mourned and came together to support his entire family. My son was heartbroken. On September 22, 2022, my son called Mr. Petrey, a high school classmate and administrator of one of the sites that controlled postings, in a second attempt to have the images of his children removed. Brett also wanted to notify him of death threats made against Brett contained in comments on a specific post moderated by Mr. Petrey.

Drug usage issues surfaced quickly in this taped fifteen-minute conversation, which I first listened to this week. I learned my son was admittedly drunk, and I knew he was still mourning the death of Judge Daugherty in the midst of the unwarranted attacks on himself and his family. He knew Mr. Petrey was taping the phone conversation but emotionally and embarrassingly used language that offended his Mother, me, and I am sure most who listened to the recording.

Mr. Petrey declined to remove the posts, ultimately switching the subject of the conversation to the alleged widespread corruption he believed he, Mr. Thomas and his followers were uncovering throughout the county. I am proud my son went on to defend the reputations of those other elected public officials Mr. Petrey and Mr. Thomas were and are still trying to destroy. Brett also indicated early in the conversation he was proud he "had not used a single drug" for one-and-one-half years.

In 2003, my son was diagnosed with ADHD and prescribed Adderall. This legal, prescription drug is and was a standard treatment for individuals diagnosed with ADHD. My son has been using this legally prescribed medication ever since. Throughout the entire period, despite having some concerns about the treatment, several physicians continued to treat Brett's condition by prescribing Adderall. More recently, one particular physician, a clinical psychiatrist, specifically indicated he would never prescribe Adderall for ADHD, a position Brett eventually adopted.

In 2021, my son sought treatment to wean himself from this addictive drug, Adderall. A recent article in The Atlantic titled "Why adult ADHD is so complicated" ably expresses the concerns of individuals who are prescribed this legal drug. Neither our family nor Brett ever attempted or desired to keep his battle with ADHD and his use of Adderall a secret; we also gratefully shared the good news his treatment was successful, as he has not used Adderall for the time period he mentioned in the tape recording. Given their close working relationship, Brett shared this very personal information regarding his treatment with Mr. Henry.

Recently, someone provided Mr. Henry with the taped telephone conversation via private message to his judicial candidate's Facebook account. In response, through a private message now shared on social media, Mr. Henry indicated he would be sending the taped conversation to both law enforcement authorities and the Ohio Supreme Court "the next day," implying there was something decidedly criminal about my son's statement of not using "a single drug" for one-and-one-half years. Mr. Henry specifically characterized that "single drug" as "illicit."

In listening to the audio recording, I understand how members of the public could jump to the conclusion that Brett was admitting to using something other than his previously prescribed Adderall. However, with Mr. Henry's prior personal knowledge of Brett's medical treatment for ADHD, it makes one question the purpose of Mr. Henry encouraging the recipient of the private message to "share your findings with everyone you speak with so the public is aware." Mission accomplished?

Brett attempted to contact Mr. Henry to address Mr. Henry's now public, private message. Mr. Henry never responded. As Brett proudly stated in the recorded private conversation, he has been off Adderall for nearly two years. No one addicted to drugs, legal or illegal, especially those who have recovered, should be stigmatized or afraid to seek treatment or punished for doing so. I fear people will be deterred from seeking help given the small but vocal intent of fostering anger and division.

PART THREE-Allegations against family

I will not spend much time considering the suggestion my son needs to be criminally investigated for throwing hammers at his sons or any other allegations

that constantly emerge on social media. But those posts are still out there and should be taken down. Nor will I address the reported number of DUIs for which I have somehow escaped prosecution (or have been convicted of, last reported to be twelve in number) other than to say I have never been stopped for a DUI nor had lunch at a local restaurant three times a week with my son where we allegedly staggered out, cross-eyed and drove back to work. As for my wife, she seldom drinks and is most certainly not an alcoholic. My brother has been in the education field all his life. He served the East Clinton and Clinton Massie school districts with distinction, leaving each in exceptional shape before being elected to serve on the state Board of Education. And my nephew, well on his way to recovering from his current diagnosis of Hodgkin's Lymphoma, is a man with such a bright future undeserving of being attacked and thrust into this judicial campaign—no wonder good people do not want to run for public office.

PART FOUR- Mr. Thomas's foreclosure

Concerning Mr. Thomas, while I can't speak to his motivation for attacking our family, I granted what is called a Summary Judgment in foreclosure, resulting in the eviction of Mr. Thomas from his home, a decision he has repeatedly claimed was unjust and criminal. The central allegations made by the bank included Mr. Thomas had failed to make his mortgage payments over a period of years. In Summary Judgment proceedings, we need not have record hearings where testimony is provided IF facts are undisputed. The case can be resolved on the legal filings only. That is what happened in the foreclosure case. It was undisputed Mr. Thomas did not make his payments for a period of years. Privately retained legal counsel represented Mr. Thomas and chose not to appeal the court's Judgment finding Mr. Thomas should be evicted.

Since that day, Mr. Thomas has filed multiple disciplinary complaints against me and my son, all summarily rejected by the Ohio Supreme Court. He has repeatedly maligned my character and my son's character on social media and denigrated my service as a military policeman in the U. S. Army from 1971-1973. If you are a Marine, please know every chance he gets, Mr. Thomas uses the opportunity to promote his service to our country as an argument supporting his claims and to bolster his credibility.

Unless good people stand up for the truth when it is objectively demonstrated, I fear our democracy is in danger. I never expected it to be an issue in our beloved county, but it is clearly here and caused division which pains most of us.

CONCLUSION

I began this message by stating there are more important things in life than winning an election. I advised my son I would "go public" with these things regardless of the political consequences for him or me because I felt I had a duty to speak out to inform the public of things that transcend this election cycle and needs to be

stopped. This became even more necessary when Facebook inexplicably blocked him from posting. Social media can be a great force for good, as was demonstrated when my wife’s dog was lost, only to be found with the unbelievable help of the community; it can also cause great harm and personal pain if used indiscriminately and is immune from any form of accountability.

Stipulated Ex. 20.

{¶31} On the same day, a person named Craig Dawley commented on Respondent’s post regarding Brett’s account restriction. In reply, Respondent posted:

No Craig-not me. Not my son. Not anyone in my family. My son is running for election and his opposition has apparently convinced his posts do not meet community standards. I hope the community we know disagrees. He is investigating the reason for the ridiculous action taken and I am sure will keep people informed-if allowed to update. This is serious stuff going on in Clinton County.

Stipulated Ex. 21.

{¶32} Respondent denies that his conduct outlined above violates the three rules charged under the Ohio Code of Judicial Conduct. Hearing Tr. 12, 88.

Facebook postings—Jud. Cond. R. 4.1(A)(3) and Jud. Cond. R. 1.2

Respondent’s conduct resulted in an endorsement.

{¶33} Respondent maintains a personal Facebook page, with 1,500 followers, where he publicly listed his job description as “Judge of Clinton County Common Pleas Court.” Hearing Tr. 16-17. Respondent confirmed he is solely responsible for the content on his Facebook page and that he uses the platform to post drug-court related content. Hearing Tr. 7-18, 19, 20-21.

{¶34} Respondent made 13 separate posts about Brett’s judicial campaign on his Facebook page. Despite this, Respondent testified he did not commit misconduct by endorsing Brett for municipal court judge because he never used the word “endorsed” on his Facebook page. Hearing Tr. 98, 100. Respondent explained, “An endorsement . . . is Joe Rogan endorsed Donald

Trump. Oprah Winfrey publicly endorsed the Vice President.” Hearing Tr. 30. Respondent explained he did not publicly endorse Brett in this manner. *Id.*

{¶35} Further, Respondent testified that he never instructed anyone to vote for his son. Hearing Tr. 35, 37. For example, Respondent stated, “I told you I didn’t endorse him. I-I shared his campaign literature on social media. I never told anybody to vote for him.” *Id.* Respondent also explained that he would not be endorsing Brett if he took “Elect Brett Rudduck” signs and planted them in people’s yards. Hearing Tr. 27.

{¶36} It became clear as the hearing progressed that Respondent’s definition of “endorsed” changed depending on the medium used to convey the information. Respondent testified that social media is a “different animal.” Hearing Tr. 28. On social media, Respondent admitted he shared some information but “never endorsed overtly.” *Id.* However, Respondent admitted placing an “Elect Brett Rudduck” ad in a newspaper under Respondent’s signature would constitute a public endorsement. Hearing Tr. 31. Respondent also admitted silently walking around a county fair wearing an “Elect Brett Rudduck” t-shirt would also constitute a public endorsement. Hearing Tr. 130.

{¶37} When asked whether it was, in any way, improper for a judge to involve himself in their son’s political campaign, Respondent stated, “[s]ometimes and sometimes not.” Hearing Tr. 27. Respondent concluded he was not publicly endorsing Brett but rather “support[ing] him as my son.” Hearing Tr. 34. Respondent believed he needed to support Brett against the various attacks that were being made against him during the campaign. When asked how posting “Elect Brett Rudduck” campaign materials on Respondent’s Facebook page would show that Brett was not the person he was being portrayed to be Respondent replied, “Well, that’s up to the person to decide . . . I’m telling you what my intent was.” Hearing Tr. 38.

{¶38} Respondent also maintained his intent should be considered in determining whether his conduct resulted in an endorsement of Brett. As he explained, “I didn’t consider it campaigning. What I considered it as is telling the public, the people that were getting these lies and defamatory statements about my entire family, not just Brett, that, look, I’m letting you know I’m proud of him. That’s what the intent was.” Hearing Tr. 34. Respondent further stated, “It wasn’t an endorsement. I stand by that. Now – because it wasn’t saying “Vote for my son” as much as it was, “Look, I’m standing behind him.” Hearing Tr. 98.

{¶39} We start our analysis by first noting the case law mandates that Respondent’s conduct be reviewed under an objective standard. “In determining whether the relator in a disciplinary proceeding has proven violations of the Code of Judicial Conduct involving the appearance of impropriety or partiality by clear and convincing evidence, an objective standard is to be applied to the conduct of the respondent.” *Disciplinary Counsel v. Medley*, 2001-Ohio-1592, ¶8 (citation omitted).

{¶40} Case law also establishes that Jud. Cond. R. 4.1(A)(3) extends beyond a judge’s verbal endorsement or instruction to vote for a candidate. In *Office of Disciplinary Counsel v. Capers*, 15 Ohio St.3d 122 (1984), Judge Capers signed and mailed to potential voters approximately 50 postcards issued by another candidate’s campaign committee that contained statements in support of the candidate, and drafted, signed and mailed 50-55 letters in support of the same candidate. *Id.* at 123. The Court issued a public reprimand concluding her conduct violated Canon 7A(1)(b), the predecessor to Jud. Cond. R. 4.1(A)(3). *Id.*

{¶41} Board of Professional Conduct Advisory Opinion 2018-04 also establishes that nonverbal acts can result in an endorsement. The Board explained, “[w]hen a magistrate distributes campaign literature door-to-door, speaks to voters, participates in a campaign phone

bank, or places yard signs on behalf of any candidate for public office, including his or her appointing judge, he or she is publicly endorsing the candidate.”

{¶42} Importantly, Comment [5] to Jud. Cond. R. 4.1 provides:

Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no “family exception” to the prohibition in division (A)(3) against a judge or candidate publicly endorsing candidates for public office. *A judge or judicial candidate must not become publicly involved in or publicly associated with, a family member’s political activity or campaign for public office.* To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps *to avoid any implication* that they endorse any family member’s candidacy or other political activity. (Emphasis added.)

{¶43} Under an objective standard, Respondent’s conduct of posting and sharing Facebook posts amounted to an endorsement of Brett’s candidacy for municipal court judge. Advisory Opinion 2018-04 makes clear actions supporting a candidate are endorsements. Here, Respondent may not have verbally or in writing instructed his 1,500 followers to vote for Brett, but the content of the 13 posts about Brett’s judicial campaign clearly expressed support for Brett’s candidacy.

{¶44} Most importantly, Comment [5] to Jud. Cond. R. 4.1 prohibits a judge from becoming “publicly involved” or “publicly associated” with a family member’s campaign for public office. This admonition is broad and reaches beyond the question of what constitutes an “endorsement.” Here, by posting and sharing information about Brett’s judicial campaign Respondent became “publicly involved” and “publicly associated” with the campaign. Such conduct implied to the public that Respondent supported Brett’s candidacy for the bench. This conduct is sufficient to establish a violation of Jud. Cond. R. 4.1(A)(3).

Respondent's conduct created an appearance of impropriety.

{¶45} Respondent's Facebook postings also violated Jud. Cond. R. 1.2. Comment [5] to this rule provides that "actual improprieties include violations of law, court rules, *or provisions of this code*. The test for appearance of impropriety is an objective standard that focuses on whether the conduct would create in reasonable minds, a perception that *the judge violated the code . . .*" (Emphasis added.) Having concluded that Respondent violated Jud. Cond. R. 4.1(A)(3), we also conclude that Respondent violated Jud. Cond. R. 1.2.

{¶46} Respondent's conduct of making 13 posts to his Facebook page about Brett's judicial campaign resulted in the appearance of impropriety and diminished the public's confidence in the independence, integrity and impartiality of the judiciary. In commenting on Jud. Cond. R. 1.2, the Court explained in *Disciplinary Counsel v. Elum*, 2016-Ohio-8256, ¶15 that the duty imposed under this rule "applies to the judge's public and private life and therefore judges must accept off-the-bench restrictions on their behavior that do not apply to other lawyers." See Jud. Cond. R. 1.2, Comment [2]."

{¶47} The panel finds, by clear and convincing evidence, that Respondent publicly endorsed Brett's judicial campaign by making 13 posts to his personal Facebook page and in doing so, violated Jud. Cond. R. 4.1(A)(3) and 1.2.

Facebook four-part essay—Jud. Cond. R. 1.3

Respondent abused the prestige of his office to promote personal interests.

{¶48} After Brett's Facebook page was restricted for 24 hours, Respondent posted a four-part essay on his Facebook page. The essay covers a variety of topics, including allegations of child abuse made against Brett; a taped audio conversation that Brett had with Mr. Petrey; allegations made against Respondent's family; and Mr. Thomas's foreclosure action.

{¶49} In *Disciplinary Counsel v. Oldfield*, 2014-Ohio-2963, ¶15, the Court agreed with the Board’s adoption of an objective standard in determining whether the judge abused the prestige of office in violation of Jud. Cond. R. 1.3. Respondent claims he wrote the essay to warn people about the dangers of social media. Hearing Tr. 53, 66-67. Respondent acknowledged, at the hearing, that there was nothing preventing him from stating there are a lot of dangers associated with social media and please be sure to independently verify your facts. Hearing Tr. 55. However, the four-part essay posted by Respondent went beyond warning about the dangers of social media.

{¶50} In response to whether Respondent was attempting to rehabilitate Brett’s reputation just days before the election, Respondent testified, “Well, we had this narrative going around about what he was like, you know, and all these defamatory statements. And so I wanted to let him know and my family know that I’m with you, you know, in that regard. And that’s what – what I ended up doing. That’s – that was the genesis for this essay which, arguably, from some people’s perspective was an endorsement.” Hearing Tr. 53-54. “This was about my son – my son’s character and how proud I was still of him and that – I think the judges have a duty to talk about the dangers of social media, and I don’t believe the rules have caught up with this.” Hearing Tr. 55.

{¶51} Respondent also admitted the posting of the four-part essay was in reference to the election. Hearing Tr. 67. Respondent believed his judicial philosophy was also being attacked and that he was thrust into the campaign. Hearing Tr. 68-69. Most importantly, Respondent admitted that by coming to Brett’s defense and explaining matters in the four-part essay, this could be information that could influence a voter. Hearing Tr. 76. Finally, Respondent also testified that Facebook was about the only way to get a message out as quickly as possible. Hearing Tr. 84.

{¶52} Although Respondent attempted to frame his four-part essay as a warning about the dangers of social media, the content of the essay and Respondent’s hearing testimony establish it was an effort to address allegations made against Brett and to rehabilitate Brett’s character just days before the election. We find Respondent wrote and posted the essay on Facebook to advance his personal interest and that of Brett’s. Respondent’s judicial philosophy was under attack, several members of his family were under attack, the election was only days away, and Facebook was the most effective way to quickly spread his message to his followers.

{¶53} The panel therefore finds, by clear and convincing evidence, that Respondent violated Jud. Cond. R. 1.3 and abused the prestige of his judicial office to advance personal interests on behalf of himself and Brett.

AGGRAVATION, MITIGATION, AND SANCTION

{¶54} When recommending sanctions for professional misconduct, the panel must consider all relevant factors, including the ethical duties violated by Respondent, precedent established by the Supreme Court, and the existence of aggravating and mitigating factors. Gov. Bar R. V, Section 13(A). Here, the parties did not stipulate to aggravating and mitigating factors or a sanction.

Aggravating Factors

{¶55} The panel finds the following aggravating factors:

- Refusal to acknowledge the wrongful nature of the misconduct;
- Dishonest or selfish motive; and
- Committed multiple offenses.

Mitigating Factors

{¶56} The panel finds the following mitigating factors:

- No previous discipline;

- Full and free disclosure to the Board and a cooperative attitude toward the proceedings; and
- Positive character evidence. Stipulated Ex. 22.

{¶57} Respondent also suggests that acting in defense of his family, while not a cited mitigating factor, can and should be considered in mitigation of this case. Respondent’s Closing Brief, p. 5. We decline to consider this as a mitigating factor considering Comment [5] to Jud.Cond.R. 4.1 discussed below.

Sanction

{¶58} Although the parties did not stipulate to a sanction, in their post-hearing briefs, they both recommended a public reprimand. “The primary purpose of judicial discipline is to protect the public, guarantee the evenhanded administration of justice, and maintain and enhance public confidence in the integrity of this institution.” *Disciplinary Counsel v. Russo*, 2010-Ohio-605, ¶14 (citation omitted). Although Respondent no longer serves as a judge, there arguably is no need to impose a sanction to protect the public. However, it remains necessary to enhance public confidence in the integrity of those elected to serve their communities in a judicial capacity. Moreover, a sanction in this matter will serve to deter other judges from engaging in similar misconduct. *Disciplinary Counsel v. Carr*, 2022-Ohio-3633, ¶86 (citations omitted).

{¶59} There is no direct, on-point Ohio precedent. The only Ohio public endorsement case is *In re Keys and Tailer*, 80 Ohio Misc.2d 1 (1996). The case involved a violation of former Canon 7(B)(2)(b), now Jud.Cond.R. 4.1(A)(3). A county recorder sent invitations to a fund-raising event to support her reelection. *Id.* at 2. The invitation included the names of two judicial candidates, Keys and Tailer, as members of her campaign committee and was sent to approximately 2,800 members of the legal community. *Id.* at 3. Both judicial candidates admitted that they gave permission for their names to be placed on the invitation. *Id.* One belatedly

requested that her name be removed from the invitation. *Id.* The panel found that the judicial candidates had publicly endorsed the county recorder’s candidacy for public office and recommended the respondents cease and desist from the conduct. *Id.* No sanction was recommended because the conduct was viewed by the panel as unintentional, that it had ceased, and was not likely to recur. *Id.* at 4.

{¶60} The *Keys and Tailer* case supports the panel’s conclusion that public actions by a judge, in support of a candidate for office, can result in an endorsement.

{¶61} Both parties also submitted out-of-state cases that support their suggested sanction of a public reprimand. The panel chose to focus on the cases that involve a judge’s endorsement of a family member.

{¶62} For ease of review, the following chart summarizes these cases:

Caption/Citations	Facts	Sanction
<i>Public Reprimand of Hon. Leonal Lopez</i> , Texas CJC Nos. 16-0513-MU, 16-0540-MU (Jun. 6, 2018).	Judge shared two campaign advertisements on his Facebook page. One advertisement for a candidate for District Attorney and one joint ad featuring three candidates for local, nonjudicial offices. Judge claimed no involvement or authorization to post the campaign advertisements on his Facebook page.	Judge received a public reprimand.
<i>Public Warning of Hon. David Saucedo</i> , CJC No. 19-0146 (Dec. 5, 2019).	Judge’s Facebook page contained numerous posts supporting his brother’s campaign for Eagle Pass Independent School District Board of Trustees. The posts contained political advertisements, photos of his brother wearing campaign t-shirts, and a link to an article about his brother announcing his campaign.	Judge received a public warning.

<p><i>Inquiry Concerning Turner, 573 So.2d 1, 1990 Fla. LEXIS 1785 (Florida 1990).</i></p>	<p>On behalf of his son’s campaign for judge, a judge stipulated that he contacted attorneys practicing in Dade County seeking help for his son; called his son’s opponent’s honorary chairman, a lawyer and state representative, and questioned why he was backing the opponent; solicited his fellow judges to give his son guardian ad litem appointments; and appeared in two newspaper articles about these matters.</p>	<p>The Judge received a public reprimand.</p>
<p><i>Public Reprimand of Alvarez and Order of Additional Education, Texas Commission on Judicial Conduct, CJC Nos. 20-0820; 20-1057, and 20-1219 (Oct. 29, 2021).</i></p>	<p>Judge’s wife was running in a primary for county commissioner. During her campaign, Judge produced and erected signs advertising her campaign, discussed her candidacy with others at campaign events and elsewhere, and maintained a Facebook page on which materials supporting her campaign appeared. He was also charged with other unrelated conduct.</p>	<p>Judge received a public reprimand and was ordered to complete two additional hours of judicial education.</p>

{¶63} The case law from other jurisdictions indicates a public reprimand is an appropriate sanction for this type of conduct, even conduct involving multiple offenses. Respondent has no prior discipline and submitted 35 letters supporting his good character and acknowledging the work he has done in his community while serving on the bench.

{¶64} Based upon the foregoing, the panel recommends that Respondent receive a public reprimand. The panel further recommends that Respondent be ordered to remove, within 10 days after the final disciplinary order in this matter, any posts referenced in this report that remain on his Facebook page.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 12, the Board of Professional Conduct considered this matter on February 7, 2025. The Board voted to adopt findings of fact, conclusions of law, and

recommendation of the hearing panel and recommends that Respondent, John William Rudduck, be publicly reprimanded and ordered to pay the costs of these proceedings. The Board further recommends that Respondent be ordered to remove any posts referenced in this report that remain on his Facebook page within 10 days after the final disciplinary order in this matter.

Pursuant to the order of the Board of Professional Conduct, I hereby certify the forgoing findings of fact, conclusions of law, and recommendation as that of the Board.



RICHARD A. DOVE, Director