



**Kentucky
Candidate
Information
Survey**



JUDICIAL SURVEY 2018

Each judicial candidate pledges to keep an open mind and carry out their adjudicative duties faithfully and impartially if elected.

Each candidate also recognizes their overarching obligation to apply and uphold the law, without regard to his or her personal views.

<p>No statement should be interpreted as a pledge, promise, or commitment in connection with any case, controversy, or issue likely to come before the court.</p>		<p>KY District Court District 54, Division 2</p> <p>Keith A. McMMain Marcia Thomas</p> <p>www.mcmain4judge.com</p>	
<p>Education</p>	<p>Saint Henry Elementary/High School - 1979 Northern Kentucky University - Degrees in Marketing and Management - 1985 Salmon P. Chase College of Law - 1989</p>		<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>CANDIDATE CHOSE NOT TO PARTICIPATE</p> </div>
<p>Current Occupation</p>	<p>Partner - Noyes & McMMain PLLC Private Practice focusing on Bankruptcy, Criminal Defense and Family Law. Also, do Collections, Evictions, Litigation, Probate and Social Security.</p>		
<p>Family</p>	<p>Married for 19 years to my wife, Kelly. I have 5 children: Connor, Dillon, Sydney, Reganne and Mackenzie. We live in Burlington, Kentucky.</p>		
<p>Legal Background / Experience</p>	<p>29 years in private practice. Have handled the following matters: adoptions, collections, criminal defense, domestic violence, evictions, family law, guardianship, litigation, personal injury, probate, real estate, social security, and wills. Have experience in District Courts in numerous counties throughout the Commonwealth.</p>		
<p>What do you consider the greatest accomplishment of your legal career? Why? (50 words or less)</p>	<p>Winning my first DUI jury trial. I was retained at 5 pm on the eve of trial. I had 15 hours to learn the facts, review the evidence and prepare my client and his witness to testify. I tried the case and obtained a not guilty verdict for my client.</p>		
<p>To what extent have you practiced in the area of criminal law? Family law? Complex civil litigation? (50 words or less)</p>	<p>Have practiced extensively in Criminal and Family Law for all 29 years as an attorney. Have handled violations through felonies, including a murder jury trial. Have done hundreds of divorce, custody/visitation and child support matters. Have done foreclosure, real estate and personal injury civil litigation.</p>		
<p>What forms of voluntary professional and community service have you been involved with in the past? (50 words or less)</p>	<p>RC Durr YMCA Board Member; Burlington Fire Protection District Board Member; NKBA Past Board Member; Church Men's Group Treasurer; Knights of Columbus Member; NKU Student Regent; Honor Run Half Marathon; Mary Rose Mission; St. Henry Middle School Track Coach; Boone County Jaguars K-8 Cross Country Coach; BCYSA coach 15 years.</p>		

By sharing how each candidate describes themselves, their qualifications, and judicial philosophy, the KCIS Judicial Survey is bringing light to the area voters are often least informed about. Thus, improving **1) voter knowledge; 2) voter participation; and 3) the quality of the democratic process.**

KCIS is a non-partisan project of the Family Trust Foundation of Kentucky.

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Keith A. McMMain



Marcia Thomas

**KY District Court
District 54, Division 2**

www.mcmain4judge.com

What are the major influences in your life? Why?
(50 words or less)

My faith and my family. Both of these entities instilled in me the principle of service to others. I have tried to follow this example in my personal and professional life. I see this judgeship as another way to serve my community.

CANDIDATE CHOSE NOT TO PARTICIPATE

Are there any specific types of cases in which you know now you would find it necessary to recuse yourself?
(50 words or less)

No specific cases. However, my brother Michael McMMain is an attorney in Boone County and I would need to recuse myself from his cases.

In the last 10 years, which of the following organizations have you been a member, contributed money, volunteered time, been employed by, been endorsed by for a campaign, received money from for a campaign, or had any other affiliation?

Immaculate Heart of Mary Church

Some judges practice a philosophy of restraint, believing that judges must interpret the law strictly rather than seek to make new laws. Others develop a philosophy of activism, using the bench to enact social and political change. Please explain your approach.
(50 words or less)

My philosophy is one of restraint. I believe a judge's role is to interpret law strictly and not create law from the bench. A judge has the duty to apply the law, as written, to the particular facts of the case before the court.

Some judges believe that courts should read the Constitution expansively and should not limit themselves to what is explicitly stated. Others believe the courts should not reinterpret the Constitution. Please explain your approach.
(50 words or less)

I believe that Judges should not reinterpret the Constitution. Judges should be true to the text and apply the understanding of the Constitution to the facts of the cases today. Judges should not substitute their philosophy for that of the framers.

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Keith A. McMain

**KY District Court
District 54, Division 2**

Marcia Thomas



www.mcmain4judge.com

Some judges believe that courts should interpret the Constitution as the framers intended. Others believe that the Constitution must grow and adapt to new circumstances. Please explain your approach.

(50 words or less)

I believe that courts should interpret the Constitution as the framers intended. Otherwise, there is no uniformity to the application of the law and its effect on the people.

CANDIDATE CHOSE NOT TO PARTICIPATE

What is your general judicial philosophy?

(75 words or less)

That a judge should treat everyone in their courtroom with respect and dignity. That the law should be applied uniformly to everyone. That a judge must free himself of his own biases and prejudices and handle all matters fairly. That all court matters should be handled expeditiously. That a Judge holds the office 24 hours a day and should always act in a manner that upholds the dignity and integrity of the office.

Which of the current/recent Justices of the U.S. Supreme Court MOST reflects your judicial philosophy and why? Which LEAST reflects it and why?

(50 words or less)

MOST - Antonin Scalia because he was an originalist who believed that judges should be true to the text and original understanding of the Constitution.
LEAST - Ruth Bader Ginsburg because she is an activist who uses the bench as a means to enact social and political change.

What do you see as the most important issue facing Kentucky's judiciary?

(50 words or less)

The opioid epidemic.
This crisis is creating a myriad of cases in district, circuit and family court. The judiciary is going to have to become very proactive and think outside the box to deal with this issue and the case load it has created.

What do you perceive as the greatest obstacles to justice, if any?

(50 words or less)

Lack of access to the Courts for the poor. There are numerous cases where the poor would not be appointed an attorney and could not afford one to aid in their defense. Additionally, many valid claims never get filed because the poor do not have the funds to hire counsel.

What steps will you take as a judge to ensure that the rule of law is uniformly applied without passion or prejudice?

(50 words or less)



I must make a conscious effort to learn my biases and prejudices, and then make certain that these play no part in any decision in my court. I must also eliminate any exparte communication with the court. Also, all individuals in the court must be treated with dignity and respect.

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<p>While serving on the bench, do you believe you have a role in bringing important legal or judicial issues before the public or the legislature? Why or why not? What should your role be? (50 words or less)</p>	<p>Yes, I have a role in bringing important legal issues to light. Judges need to advocate for changes that improve the court system and enhance its role in the community. I believe judges must undertake this role and not use the bench to enact change.</p>		<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>CANDIDATE CHOSE NOT TO PARTICIPATE</p> </div>
<p>What makes you the best qualified candidate for this position? (50 words or less)</p>	<p>I have extensive experience in all areas of the law under the jurisdiction of the District Court. I have also practiced before the District Court in many Counties throughout the Commonwealth. This has given me exposure to various court practices and procedures for handling cases in the most expeditious manner.</p>		
<p>Is there anything else you would like the voter to know? (50 words or less)</p>	<p>My life has been dedicated to my faith, family and community. If given the honor of serving as a District Judge, I will always remember the values this community has imparted on me, as I am charged with ruling on others' disputes.</p>		

Overview of Kentucky's Court System

Supreme Court

Basic Info: The Supreme Court is the state court of last resort and the final interpreter of Kentucky law. Seven justices sit on the Supreme Court and all seven justices rule on appeals before the court.

Cases Handled: Appeals involving the death penalty, life imprisonment or imprisonment for 20 years or more go directly from Circuit Court to the Supreme Court. All other appeals must first be heard by the Court of Appeals, except those so exceptional that the Supreme Court will grant a request to bypass the Court of Appeals.

Term: District judges serve four-year terms.



Court of Appeals

Basic Info: Fourteen judges, two elected from each of the seven appellate districts, serve on the Court of Appeals and are divided into panels of three to review and decide cases, with the majority deciding the outcome.

Cases Handled: With a few exceptions, most cases appealed from Circuit Court go to the Court of Appeals. The case is not retried at the appeals level. Instead, the original trial record is reviewed, with attorneys presenting the legal issues to the court for a decision.

Term: Court of Appeals judges serve eight-year terms.



Circuit Courts

Note: Family Court is a division of Circuit Court that hears only cases involving families and children.

Cases Handled: Can hear all types of cases unless the General Assembly has given exclusive jurisdiction of particular kinds of cases to another court to handle, such as District Court. Circuit Court hears civil matters involving more than \$5,000, capital offenses and felonies, divorces, adoptions, termination of parental rights, land dispute title problems and contested probates of will. It also has the power to issue injunctions and writs of prohibition and mandamus to compel or prohibit acts, and to hear appeals from District Court and administrative agencies.

Term: Circuit judges serve eight-year terms.



District Courts

Cases Handled: Hears juvenile matters, city and county ordinances, traffic offenses, probates of will, felony preliminary hearings, civil cases involving \$5,000 or less, guardianship, conservatorship, voluntary or involuntary commitment, child abuse and neglect, and domestic violence.

Term: District judges serve four-year terms.