

**Kentucky
Candidate
Information
Survey**



JUDICIAL SURVEY 2019

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.

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.



Thomas "Tommy" Todd

tommytodd4judge.com

KY Circuit Court

District 22, Division 4

Education	UK undergrad (BA, Psychology and minor in history) 1982; UK JD 1985	CANDIDATES WHO CHOSE NOT TO PARTICIPATE Julie Goodman Todd Page John Reynolds Steven Stadler
Current Occupation	Partner/Member of Kinkead & Stilz, PLLC	
Family	Married to Jennifer Lewis Todd with two grown daughters, Nancy Eckberg and Ellie Todd	
Legal Background / Experience	34 years in private practice, partner of every firm I have been associated with, concentrating primarily in large complex commercial transactions and litigation involving real property and construction disputes, and have appeared in every state and federal court in Fayette County, plus appeared in front of every local public agency.	
What do you consider the greatest accomplishment of your legal career? Why? (50 words or less)	In 2006, I intentionally shifted my practice to be engaged in larger more complex litigation, but I made certain I did not neglect my family and continued to coach their teams, went on college visits, and spent quality time with each child and balanced the needs of my family.	
To what extent have you practiced in the area of criminal law? Family law? Complex civil litigation? (50 words or less)	I handled family in my first years of practice. Now, I concentrate in real estate and construction disputes, representing owners, lenders, borrowers, general contractors, subcontractors, in every forum including state court, arbitrations, mediations and bankruptcy. I have little experience in criminal matters (but my wife was an assistant Commonwealth Attorney).	
What forms of voluntary professional and community service have you been involved with in the past? (50 words or less)	High Street YMCA; Member of Lexington Forum; Past Board Member of Lexington Public Library Foundation; Past Board Member and Elder of Crestwood Christian Church; Past Board Member Champion Trace Golf Club, Inc.; regularly provide pro bono services for religious and charitable institutions, most recently for Embrace Church and CASA.	

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

My father practiced law in Lexington for nearly 50 years. I learned that the client is paramount, but don't neglect your family. He expected hard work, and honest. He was a man of integrity who also spent four years of his career serving as the Vice Mayor of Lexington 1977-1981.

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

None

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?

Chamber of Commerce; Sierra Club; and Crestwood Christian 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)

It would be inappropriate for a trial judge to enact social and political change, rather my focus would be to interpret and apply the existing law in a fair manner. There would be exceptional cases where it may be necessary to make new law, and I would do so.

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)

A judge should read the Constitution in a limited fashion, absent exceptional circumstances, but that means that a criminal defendant is to be given a speedy trial, should be guaranteed a jury of his/her peers, and not be deprived of life, liberty or property without due process of the law.

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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 would apply the intent of the Constitution. However, the rise in social media, for example, was not anticipated by the Constitution, and there would be cases where even a Circuit Judge would have to apply the original principles to new fact patterns to achieve a fair and just result.

What is your general judicial philosophy?

(75 words or less)

I firmly believe that "justice delayed is justice denied". A Judge must be organized and render fair decisions expeditiously. Nothing aggravates clients more than a Judge who has failed to render a decision in months. Secondly, fairness has to be paramount. Judges are one of the pillars of Democracy and they need to make sure that every person in court feels that justice was done, and that they had a fair opportunity to be heard.

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)

I admire John Roberts who has a very difficult job. He has capably guided the Court through difficult circumstances. I do not agree with Justices who clearly have "picked a side", vote for the Defendant in every criminal case, or always vote for the position advocated by the Federal government.

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

(50 words or less)

The drug, alcohol and opioid epidemic. Most of the felony docket involves these issues, and by and large, the defendants need treatment and intervention not punishment and incarceration. I support the new movement in Federal and State Courts to decriminalize some minor drug crimes, and instead mandate treatment.

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

(50 words or less)

Lack of funding to support the programs necessary for treatment. There is also lack of funding for the public defenders, who are compelled to take on very heavy caseloads which leave them very little time to prepare adequate defenses in some cases, especially in complex criminal matters.

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)

Provide adequate assistance to indigents and pro se litigants in civil matters. Citizens must be given legal protection, even if they lack the means to hire counsel. The court should be available at convenient times for litigants, to reduce the cost in litigation, including telephonic hearings for routine matters.

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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)

Absolutely! As one example, statistics show African Americans are arrested six times the rate of Caucasians for possession of marijuana. A Judge should not ignore data like that and should ensure that inequities are rectified in his Court and see that they are brought to the attention of the legislature.

What makes you the best qualified candidate for this position?
(50 words or less)

I have the broadest civil experience and been in private practice longer than any of the candidates. I have experience in every state court and local agency. I have also handled complex commercial transactions, which has prepared me well to handle the various complex matters in Fayette Circuit Court.

Is there anything else you would like the voter to know?
(50 words or less)

I am energetic, hard working, and am an early riser. I am diligent, organized and methodical and bring an even temper to the bench. Clients have entrusted me with complex matters for over three decades, and the public can have faith that I will serve with honor and integrity.

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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: Supreme Court justices serve eight-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.