

**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.

<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>Court of Appeals Dist. 3, Div. 1</p> <p>Jacqueline Caldwell caldwellforcourtofappeals.com</p> <p>Michael Caperton Facebook: Caperton for Judge</p>	
<p>Education</p>	<p>I'm a 1996 honors graduate of Campbellsville University. I received a scholarship to the University of Louisville where I graduated, Juris Doctor, in 1999.</p>	<p>Transylvania University with a degree in Biology/ Chemistry- 1977 Cumberland College teaching certificate in Biology and Chemistry University of Kentucky College of Law Juris Doctorate- 1987</p>	
<p>Current Occupation</p>	<p>I am an attorney operating as a solo practitioner. I work in the areas of family law, wills and probate, personal injury and appellate work.</p>	<p>I'm currently a KY Circuit Judge in District 27, Division 2. This district consists of Laurel and Knox counties.</p>	
<p>Family</p>	<p>Married to Aaron Thomas 14 years and we have a 7 year old daughter, Leona. I also have a 33 year old daughter, Heather.</p>	<p>I'm a single dad to my daughters: Megan, Brooke, Haley, Sara! My family is the highest priority in my life, along with my Christian faith.</p>	
<p>Legal Background / Experience</p>	<p>I worked first as a prosecutor then went into private practice, first with a firm and then a solo practice. I regularly do work as a Guardian ad litem, appellate brief writing for myself and other counsel, all aspects of family law, wills and probate and plaintiff's personal injury torts.</p>	<p>I hold both legal and judicial experience. As a judge for over 20 years, I have over 15 years of trial court experience and 7 as an appellate judge. As an attorney, I handled complex civil litigation, criminal, domestic, and other areas. I practiced in local and federal courts.</p>	
<p>What do you consider the greatest accomplishment of your legal career? Why? (50 words or less)</p>	<p>While not my most prestigious accomplishment, my greatest accomplishment has been my work as an advocate for children involved in the justice system because of neglect or abuse at home. I am particularly proud of the children I have helped successfully transition into adulthood while still in the state's care.</p>	<p>My greatest accomplishment is that I have made a difference in people's lives. As a District Judge, I provided the option of attending worship services to those convicted of Alcohol/ Public Intoxication. I still receive letters and thanks from those who participated in that program, saying that I saved their lives.</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>I have extensive experience in every aspect of family law. I have extensive experience in criminal, having been a prosecutor and criminal defense attorney. I have been involved in several complex legal cases including major medical malpractice actions, wrongful death actions and declaratory judgment actions.</p>	<p>I have in depth experience in criminal law, family law, and complex civil litigation. Not only did I practice in those areas as an attorney, but I have heard over 100,000 trial court cases as District and Circuit judge. I also handled the majority of what Family court handles today.</p>	
<p>What forms of voluntary professional and community service have you been involved with in the past? (50 words or less)</p>	<p>Having essentially been a parent for most of my adult life, my primary focus for community service has been with children. I have been a school advisory board member, girls scout troop leader, PTO member, and assistant basketball coach. I have also led volunteer training sessions for CASA.</p>	<p>I was blessed to be have been able to do a lot of pro-bono work as an attorney. I'm also a member of the local Optimist Club and the Shriners, which raises money for crippled children and burn victims, and a Chamber of Commerce member, among other affiliations.</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.

**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.



Jacqueline Caldwell

caldwellforcourtofappeals.com

**Court of Appeals
Dist. 3, Div. 1**



Michael Caperton

Facebook: Caperton for Judge

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

Having been a victim of very serious and violent domestic partner abuse at a young age, my escape and recovery from that situation has been the most influencing factor of my life. The experience taught me empathy, tenacity and humility. Being a single mother is a very close second.

My daughters are the biggest influences in my life. Their motivation, determination, brightness, and kindness is something I admire and respect. I look up to them and strive to be more like them every day.

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

Unless I would otherwise have some sort of personal relationship with a party or attorney involved in an action, I do not otherwise have any interests or issues in my personal or professional life that would create a conflict or even give the appearance of a conflict.

As a Judge, it is my job to be unbiased and I have done my job for over 20 years. I do not foresee it being necessary to recuse myself from any cases at this time, but if it were to become necessary, I would.

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
Place of Worship

AFL-CIO
Chamber of Commerce
Kentucky Right to Life
The Creek Church London, KY

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 is not the role of the judiciary to write the law but to be impartial guardians of the law and insure it is applied equally to all parties, regardless of ones own personal beliefs.

Chief Justice Roberts said, "Judges and Justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them..."

I don't pitch/bat. I call the strikes and balls, to ensure everyone plays by the rules set forth by the law.

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)

The Constitution should be adhered to in every possible aspect. Should any part of the Constitution no longer become feasible as the law of the land, the document itself provides for the process to amend as may become necessary.

The Constitution "says what it says". There is a procedure for amendment. The legislatures enact laws for the people of their individual state, as Congress and Senate do for the United States; each representing their constituents. Courts apply the laws; if courts read expansively, they are enacting laws never intended.

**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.



Jacqueline Caldwell

caldwellforcourtofappeals.com

**Court of Appeals
Dist. 3, Div. 1**



Michael Caperton

Facebook: Caperton for Judge

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)

What the framers "intended," is itself subject to interpretation. However, there are issues in existence today of which the framers could not have conceived. Laws need to adhere to the language of the Constitution as much as possible while still insuring the ideals it was intended to protect remain steadfast.

The Constitution doesn't grow, but is interpreted to cover an evolving society and technology. The framers knew nothing of a flashlight used to peer through a window nor a thermal imager to see inside a home; each circumstance nonexistent at the time of writing, must be taken into account currently.

What is your general judicial philosophy?
(75 words or less)

My general philosophy is more as a formalist to the written language of a law and the Constitution. I believe it is the role of judges to insure that interpretation of laws adheres to the language of the law as written, and insure that laws are written within the framework of the constitution.

Each and every experience you have builds your knowledge and understanding of different situations. My judicial philosophy is fluid. It can not be confined to one category or another. It doesn't have a label, because I don't have an agenda. My philosophy is simply to take all available information, experiences, knowledge, and precedents and to make the best possible, and unbiased, decision based upon the law. I am the umpire of the court.

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)

Sandra Day O'Connor and John Roberts because the Court should not function as a policy making body, but rather should interpret and apply the law. The Court should decide cases on narrow grounds and avoid unnecessarily deciding questions of constitutional law. It is difficult to say who least reflects it.

Each Justice has a vast amount of dedication and knowledge, but each one brings a different perspective, experience, background to the court. While no two judges are exactly the same in their beliefs or practices, we are all committed to the law and the people the same.

What do you see as the most important issue facing Kentucky's judiciary?
(50 words or less)

Besides the fact there are simply not enough judges to serve the population, the early specialization of legal practice means the minimum qualifications for being a judge are no longer sufficient.

The addiction of our people to drugs and alcohol. Currently, the opioid epidemic is spreading at an alarming rate. Addiction does not discriminate, it effects everyone. The solution does not lie solely with the judiciary, but with legislators, law enforcement, and the support of our communities.

What do you perceive as the greatest obstacles to justice, if any?
(50 words or less)

For many, poverty makes affordable, competent legal representation unobtainable. Another issue is a lack of highly qualified judges.

One of the greatest obstacles to justice would be the timely disposition of cases and rendering of decisions in civil litigation, especially as it concerns people of lesser financial means to finance litigation.

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 shall take every step to insure that my personal life practices, goals and interests, particularly business interests, don't create a conflict of interest or the appearance of such. Nor will I allow the interests of my family to create a conflict or the appearance of conflict or self dealing.

I am only able to control what happens in my own courtroom. For over 20 years, I have been unbiased as a judge should be, without passion or prejudice. This is evidenced by the fact that the citizens of my district have kept me elected for over two decades.

**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.

<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>Court of Appeals Dist. 3, Div. 1</p> <p>Jacqueline Caldwell caldwellforcourtofappeals.com</p> <p>Michael Caperton Facebook: Caperton for Judge</p>	
<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>If the issues directly relate to the administration of justice and the public perception of fair and unbiased application of the law, then certainly the judiciary needs to insure the proper body, legislative or administrative, is made aware of the issue and perhaps should have some influence on the solutions.</p>	<p>As Chief Justice Roberts said, and I agree, my role is to be an umpire. Do they pitch an inning? No. Do they get home runs? No. I'll never be named the MVP of the ballgame. My role is to make sure everyone follows the rules, the laws, the Constitution.</p>	
<p>What makes you the best qualified candidate for this position? (50 words or less)</p>	<p>I have a work ethic second to none and I have an expansive depth of practical legal experience. I have not been a judge and so do not have the temptation of simply substituting my own judgement for that of the trial court. I do not engage in self dealing.</p>	<p>I'm the only qualified candidate. The appellate court reviews decisions of trial courts to ensure the correct law was applied/it was applied correctly. I'm the only candidate who has been a trial court judge (>15 years, District + Circuit). There's a difference in meeting minimum requirements and being "qualified" for the job.</p>	
<p>Is there anything else you would like the voter to know? (50 words or less)</p>	<p>A judge should not be vulnerable to improper or undue influence and should not engage in conduct or affairs that are self serving or even appear to be self serving. A judge should not benefit or appear to benefit from currying favor with any other agency board or governmental authority.</p>	<p>The people who know me best have kept me elected over 20 years because of my dedication to upholding the law in an ethical and experienced way. If I didn't know my job and do it well, the people wouldn't have kept me in office for so long.</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: 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.