

**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.



**KY Supreme Court  
District 1**

whitneywesterfield.com

**Whitney Westerfield**

**Christopher Nickell**

<b>Education</b>	B.S. Communications, University of Kentucky J.D. Southern Illinois University School of Law	<b>CANDIDATE CHOSE NOT TO PARTICIPATE</b>
<b>Current Occupation</b>	Attorney, State Senator, Commercial Drone Pilot	
<b>Family</b>	My wife, Amanda, and I have two children (five and almost two)! I'm the fifth of six sons.	
<b>Legal Background / Experience</b>	Chairman, Kentucky Senate Judiciary Committee (nearly 7 years)  Asst. Commonwealth's Attorney (over 5 years, 32 felony trials)  Private civil practice, licensed in KY (13 yrs) and TN (7yrs)	
<b>What do you consider the greatest accomplishment of your legal career? Why?</b> (50 words or less)	Two moments: securing a conviction and sentence of 150 years on a dangerous criminal on a multi-month crime spree, protecting my community; securing passage of a massive overhaul to Kentucky's juvenile justice system, improving the lives of at-risk youth and their families, and public safety.	
<b>To what extent have you practiced in the area of criminal law? Family law? Complex civil litigation?</b> (50 words or less)	I've had ample experience in both criminal and family law, as an attorney and policymaker. I've successfully tried criminal cases from homicides to misdemeanors, practiced in adoption (and been through it!), and served for years as guardian ad litem. My policy work has focused on all kinds of legal matters.	
<b>What forms of voluntary professional and community service have you been involved with in the past?</b> (50 words or less)	I provide pro bono legal counsel to various non-profits, particularly the local faith-based crisis pregnancy center where I've also previously served as a board member. I also offer legal services to indigent clients/referrals for various kinds of legal services.	

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 faith in Christ - He sustains and guides me daily despite me being so unworthy of His grace!  
My family - My wife Amanda is a Proverbs 31 woman and a blessing! My brothers and parents have always been close (and we share our faith in Christ).

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

The only case that may present an issue for me should I win is the Marsy's Law Constitutional Amendment creating crime victims' constitutional rights. Having been the primary sponsor in the General Assembly, should another challenge rise to the Supreme Court I likely would need to recuse from the case.

**CANDIDATE CHOSE NOT TO PARTICIPATE**

**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?**

American Conservative Union  
Chamber of Commerce  
Kentucky Right to Life  
National Rifle Association (NRA)  
Pregnancy Help Center  
Commonwealth Policy Center

**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)

Judges must avoid the temptation to fashion a "fair" result based on bias or prejudice, but apply the law as written, absolutely nothing more. Then-Judge Gorsuch: "A judge who likes every outcome he reaches is very likely a bad judge...stretching for results he prefers rather than those the law demands."

**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 would follow the Scalia brand of Constitutional interpretation: constitutional originalism and textualism. I also believe that venturing even into legislative intent (e.g., Constitutional Debates) can be dangerous, as it gives the Court license to move beyond the original meaning, unwisely relying on non-codified words of select legislators as authoritative.

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<p>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)</p>	<p>I agree with Justice Scalia: "Originalists believe that the provisions of the Constitution have a fixed meaning, which does not change: they mean today what they meant when they were adopted, nothing more and nothing less." Deviating from original meaning leads to rulings based on the day's prevailing political whims.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p><b>CANDIDATE CHOSE NOT TO PARTICIPATE</b></p> </div>
<p>What is your general judicial philosophy? (75 words or less)</p>	<p>Again, I agree completely with the late Justice Scalia "A freedom-loving people respectful of the rule of law may be expected to let lawyers decide what a constitutional text means; but they cannot be expected to let lawyers decide what a constitution ought to say. That is not a job for lawyers, but for the people." Put simply, Supreme Court justices should leave policymaking to "the people's branch" — the General Assembly.</p>	
<p>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)</p>	<p>Scalia: I feel closest to him, agree with his judicial philosophy and reluctance to read into the Constitution/ law more than what was written, and his service coincides with my own life and most of my professional career.  Ginsburg: She "stretches for results" she prefers rather than what the law demands.</p>	
<p>What do you see as the most important issue facing Kentucky's judiciary? (50 words or less)</p>	<p>Judicial activism. Courts in Kentucky and throughout the US regularly seem to deviate from the law to arrive at a desired outcome. This diminishes trust and impartiality of our courts, bedrock principals that we must protect. An activist court harms litigants, leading to bad case law, potentially hurting many more.</p>	
<p>What do you perceive as the greatest obstacles to justice, if any? (50 words or less)</p>	<p>Judicial inefficiency. Court dockets statewide are grossly out of balance, with some jurisdictions having quick access to the courts, and others experiencing months of delays. The adage "justice delayed is justice denied" is exactly right, hurting all litigants and increasing financial costs (and often emotional harm) to all involved.</p>	
<p>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)</p>	<p>A Supreme Court justice must be prepared to stand alone if necessary so long as they have properly applied the law to the cases before them, but I will consistently strive to convince my colleagues to avoid the temptations of judicial activism, leaving the legislating to the General Assembly.</p>	


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<p><b>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?</b> (50 words or less)</p>	<p>Internally, the Court establishes the rules of the courts, and should strive to improve efficiency and access to justice. Externally, the Court should communicate the impact of policies on the courts and its participants with the legislature/public. I hope to bring more awareness to the Court, particularly among Kentucky's youth.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p><b>CANDIDATE CHOSE NOT TO PARTICIPATE</b></p> </div>
<p><b>What makes you the best qualified candidate for this position?</b> (50 words or less)</p>	<p>I've litigated at all levels of Kentucky's court system. I chair the Senate Judiciary Committee, through which all policy pertaining to the judiciary must pass. I'm not a sitting judge, years removed from the front lines, so I know well the present, practical effects of their rulings/rule-making on the system.</p>	
<p><b>Is there anything else you would like the voter to know?</b> (50 words or less)</p>	<p>I'm a Christian, lifelong republican and a constitutional conservative. The Judiciary should be impartial and should strictly apply the law as written, leaving the policymaking to the Legislature. Please keep my family, opponent, and his family in your prayers as we "run with perseverance the race marked out for us!"</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.