



**Kentucky Candidate
Information Survey**

**JUDICIAL SURVEY
2020**

KY Circuit Court

Dist. 28, Div. 1

1.


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

2.

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

3.

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>PAGE 1 of 7</p>	<p>No Photo Provided</p> <p>Daryl K. Day</p> <p><i>No website provided</i></p>	 <p>A. C. Donahue</p> <p><i>acdohue.com</i></p>	<p>CHOSE NOT TO PARTICIPATE:</p> <p>Jerry J. Cox</p> <p>Walter F. Maguire</p> <p>Teresa Whitaker</p>
<p>Education</p>	<p>Lincoln Co High School 1988 Berea College 1992 UK College of Law 1995</p>	<p>U Kentucky; BA International Studies (1992) Regent U, School of Law; Juris Doctor (1995) Liberty U School of Divinity; Working towards Master of Divinity</p>	
<p>Current Occupation</p>	<p>Lincoln County Attorney since 2007 And operate Daryl K Day PSC</p>	<p>Managing Attorney Donahue Law Group, PSC (KY) Donahue Law Group, LLC (OH)</p>	
<p>Family</p>	<p>Married to Dawn Day, a teacher. Son Killen Day graduates from Transylvania Univ and begins Optometry School at Pikeville. Daughter Madelyn student at UK</p>	<p>Garna J Donahue (Wife 31 yrs); Chaz Donahue (28); Lauren Donahue (25); Alex Donahue (12)</p>	
<p>Legal Background / Experience</p>	<p>Private practice of law in Stanford since 1995. 8 years experience as Assistant Commonwealth Attorney. 13 years experience as Lincoln Co Attorney.</p>	<p>I have handled everything from civil cases to criminal cases. I have defended criminal cases up to a death penalty case. Civil cases included business, contract and estate litigation, as well as divorce cases. Since 1998, Donahue Law Group has focused on insurance subrogation and accounts recoveries.</p>	



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What do you consider the greatest
accomplishment of your legal
career? Why?

(50 words or less)

Being elected Lincoln County Attorney along with joining 911 centers of Lincoln and Garrard Counties. Beginning Rocket Docket program for Lincoln Circuit Court.

Growing my legal practice to the point where I can also donate a significant amount of time each year to pro bono work to advance the Kingdom of God. Since July 2011, as an ADF Allied Attorney I have donated 1,715 pro bono hours. That is 228 hours a year.

To what extent have you practiced in
the area of criminal law?
Family law?
Complex civil litigation?

(50 words or less)

Over 20 years experience as a prosecutor and 4 years experience in criminal defense. Family law my entire career including divorce and Dependency, Neglect and Abuse. Represented clients in matters of business acquisition and planning and zoning.

I have handled a number of criminal cases including a murder-rape death penalty case. I also handled a number of divorces but that was before the advent of Family Court. Since 1996, however, I have litigated nearly every home school case in Kentucky and those are often in Family Court.

What forms of voluntary
professional and community
service have you been involved with
in the past?

(50 words or less)

Little league baseball and soccer coach. Volunteer assistant high school baseball coach. Counsel for Lincoln Co Habitat for Humanity. Church Elder. Relay for life volunteer.

Since 1998, my law firm has committed to performing pro bono work to advance the cause of Christ. As an Alliance Defending Freedom Allied Attorney, I have represented pastors, churches, 3 national denominations, para-church organizations, missionaries around the world, a pregnancy center and numerous home school families.

What are the major influences in your
life? Why?

(50 words or less)

My faith. My family.

God, Jesus Christ, Holy Spirit and the counsel gained from daily reading the Holy Bible. Those are my core. Certainly my past helps to orientate my future. I read a lot of books that cover the spectrum of beliefs and topics, and address various characters throughout mankind's history.



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Are there any specific types of cases in which you know now you would find it necessary to recuse yourself?

(50 words or less)

Only those in which I have the appearance of impropriety.

No. I will not walk away and surrender the battlefield.

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?

(50 words or less)

Candidate chose not to respond.

Alliance Defending Freedom (ADF)
American Center for Law and Justice (ACLJ)
Chamber of Commerce
Christian Legal Society
Kentucky Right to Life
National Rifle Association (NRA)
National Right to Life
Pregnancy Help Center
Place of Worship

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)

Apply the laws as written using the common meaning of the words making up the law.

The judicial branch is one of three branches. It is not the role of the judiciary to create law. Instead, we are to consider the legislature's laws and the executive's regulations in relation to the founding principles found in the (US or KY) Constitutions.



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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)

Base decisions on the words of the Constitution and the case law as established by the Supreme Court.

I read the words stated in the US and KY Constitutions and do not add my own. Therefore I am a textualist and strict constructionist. Only when necessary, I will consult historical texts and writings of those that actually wrote the constitution to seek an understanding of the original intent.

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)

Interpret the Constitution based on the common meaning of the words used therein. The constitution may adapt to new circumstances but must be interpreted based on common meaning of the words.

As the Holy Bible was inspired by God, I believe that our Founding Fathers were also inspired by God to include those principles which would bring honor and glory to their Creator. Because of that, I will limit my interpretation to the words printed in our founding documents.

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

Hear the facts and apply the law. It really is that simple. The judge should make him/herself a part of the case, but should be a moderator over the parties.

Natural Law jurisprudence. I was trained at Regent University School of Law which at the time was the only law Christian law school in the nation. The school's teaching of Constitutional Law and other topics was based on Natural Law. Natural Law provides a jurist an absolute. For this reason, it is the best basis from which to write judicial opinions because it provides a strong foundation.



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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)

Clarence Thomas. Quietly confident and
somewhat reserved.
Ruth Ginsburg least reflects me.

Justice Scalia would have been my choice prior to
his passing. Since then, Justice Thomas has
assumed his rightful role to lead. Although a great
friend to Justice Scalia, Justice Ginsburg would be
my least. Her worldview leads her to alter the
Constitution with today's supposed enlightenment.

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

(50 words or less)

Lack of funding for both the judiciary and the state
to be able to perform the functions of the office.

We are failing the greatest in the area of criminal
law. We swing back-and-forth between jailing
everyone and then let them all out. We are also
failing in the drug epidemic because we refuse to
recognize and address the spiritual component of
every person's balance of physical, mental and
spiritual.

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

(50 words or less)

Lack of understanding among the general
population and lack of interest in being involved
especially as jurors.

Money. Undoubtedly money plays a major role in
whether someone wins or loses. This is why pro
bono work is so important. It empowers those that
would otherwise be powerless. As attorneys we
have an awesome responsibility to be their voice
even if it means without financial gain.

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)

Just do the job. And cancel all social media
accounts the day I take office.

I will start every day in prayer. I will remember my
station as an equal before my people. I will then
recall only the law and not make law. I will honor
those that gave their lives and blood for our
freedoms by preserving the law for our children's
children.




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<p>PAGE 6 of 7</p>	<div data-bbox="558 399 749 613" style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>No Photo Provided</p> </div> <p>Daryl K. Day</p> <p><i>No website provided</i></p>	<div data-bbox="1056 399 1247 613" style="border: 1px solid black; padding: 5px; width: fit-content;">  </div> <p>A. C. Donahue</p> <p><i>acdonahue.com</i></p>	<div data-bbox="1629 602 1969 907" style="border: 1px solid black; padding: 10px; width: fit-content;"> <p>CHOSE NOT TO PARTICIPATE:</p> <p>Jerry J. Cox</p> <p>Walter F. Maguire</p> <p>Teresa Whitaker</p> </div>
<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?</p> <p>(50 words or less)</p>	<p>No. My role is to hear the facts and apply the law.</p>	<p>It is not a jurist's role to 'bring' any legal issue before the Court. It is, however, their responsibility to forthrightly address those legal issues that do come before them and not to shrink from their duties to tackle tough and maybe controversial issues.</p>	
<p>What makes you the best qualified candidate for this position?</p> <p>(50 words or less)</p>	<p>Experience in many areas.</p>	<p>The other 4 candidates will promise to protect your constitutional rights. For more than 20 years I have fought in courts across the state doing just that. I have challenged the state time-and-again to protect your rights. You can choose promised words or demonstrated action.</p>	
<p>Is there anything else you would like the voter to know?</p> <p>(50 words or less)</p>	<p>I am the only candidate with experience as a prosecutor, defense attorney, and civil attorney for both plaintiffs and defendants.</p>	<p>I am the only candidate for Circuit Judge of the 28th Judicial Circuit (Lincoln, Pulaski Rockcastle Counties) that has demonstrated a lifetime of Conservative, Christian and Constitutional values. You do not have to ask where I stand on the importance issues, I have lived it in my life's work. www.acdonahue.com</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.

www.votekentucky.us



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Survey responses for additional judicial
and legislative races are available at

www.votekentucky.us

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.