


**Kentucky
Candidate
Information
Survey**



JUDICIAL SURVEY 2020

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 Dist. 6, Div. 1</p> <p>J. Nick Payne https://www.facebook.com/jnickpayneforjudge</p>
<p>Education</p>	<p>University of Kentucky College of Law - Juris Doctorate 1999 Centre College B.S. - Economics, B.A. - Government, 1996 Owensboro Catholic High School 1992</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>CHOSE NOT TO PARTICIPATE:</p> <p>Misty Miller</p> </div>
<p>Current Occupation</p>	<p>Assistant Commonwealth's Attorney, 6th Circuit 2002-present</p>	
<p>Family</p>	<p>Wife: Whitney Adamson Payne, Children: Madeline (7) and Silas (5), Rescue Cat: Ruby</p>	
<p>Legal Background / Experience</p>	<p>I am the only candidate with experience as a public defender and prosecutor. Since 2002, the focus of my practice has been the prosecution of felony cases in Daviess County, Kentucky. I have also served as a law clerk in Circuit Court and a Public Defender in Lexington.</p>	
<p>What do you consider the greatest accomplishment of your legal career? Why? (50 words or less)</p>	<p>My greatest accomplishment in my legal career has been being a prosecutor for the last 18 years. No one except for a Judge is under a stricter obligation to see that everyone receives justice in accordance to the law. I hold that position as a Badge of Honor.</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>Most of my career has been in the area of criminal law. I have prosecuted all manner of criminal cases and been involved from start to finish. My career has exposed me to many areas of the law though and I am ready to use that experience as District Judge.</p>	
<p>What forms of voluntary professional and community service have you been involved with in the past? (50 words or less)</p>	<p>I am active in my community as a father of two young children. I volunteer at school events and school sports for them. I also regularly participate in my church as a Lector. Through Church and other groups I give to the community as much as possible.</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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KY District Court

Dist. 6, Div. 1

J. Nick Payne

<https://www.facebook.com/jnickpayneforjudge>

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

My parents taught me at a young age the value of hard work and treating people as you would want to be treated. They instilled in me my love for God, for family and for this community. My life also forever changed when my children were born.

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

There are no specific types of cases where I would find it necessary to recuse myself. If a conflict arose because of a relationship then, of course, I would recuse, but no specific type of case would cause a recusal.

CHOSE NOT TO PARTICIPATE:

Misty Miller

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?

Sts Joseph and Paul 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)

All Judges must follow the law, and apply that knowledge fairly in all cases but a District Judge more than any other has room for compassion in their application of the law. District Judges should not enact social or political change but instead help the individuals in front of them.

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)

District Judges should follow the law and the precedent of the Courts superior to them. In a case of First impression on constitutionality, I don't believe the District Court Judge should reinterpret the Constitution and should abide by their reading of the law and Constitution.


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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 believe that the general principles in the Constitution should remain as intended, but the interpretation of it must change and grow as times have changed. The framers did not have the same circumstances and facts that we have today so those principles must grow with the issues of today.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>CHOSE NOT TO PARTICIPATE:</p> <p>Misty Miller</p> </div>
<p>What is your general judicial philosophy? (75 words or less)</p>	<p>As a District Judge my general judicial philosophy is going to be efficiency and pragmatism. District Judges deal with more cases than any other Judges. They have to be efficient for all the parties involved and deal with the cases in front of them sensibly and realistically. There is room for compassion in District Court but first and foremost the Judge needs to be open, fair and sensible in their application of the law.</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>My judicial philosophy is probably most reflected in Chief Justice John Roberts I, too, take the limits of judicial authority seriously. I would preside humbly in my exercise of Judicial Power. I would say as District Judge, I would differ from activist justices and believe District Judges shouldn't make law.</p>	
<p>What do you see as the most important issue facing Kentucky's judiciary? (50 words or less)</p>	<p>The most important issue facing the judiciary is the backlog of dockets. The pandemic has only exacerbated the problem that the dockets are backlogged. The Judiciary needs to be more efficient and open in getting cases resolved. District Court cases, as a rule, shouldn't linger and need efficient resolutions.</p>	
<p>What do you perceive as the greatest obstacles to justice, if any? (50 words or less)</p>	<p>The greatest obstacle to justice is the appearance of impropriety. There is a reason Lady Justice is Blind and that is because justice should be applied without regard to wealth, power, or status. Judges must involve the disenfranchised openly and explain their decisions based on law to avoid this appearance.</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>In my years of experience I have learned that every case is unique but the law is not. A Judge needs to be consistent on his interpretation and application of the law in all cases. The Judge needs to take the time to explain how his interpretation effects each case.</p>	

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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>A Judge's job is to interpret the law fairly. Judges should not make laws from the bench but if a Judge in his experience sees the functionality of a law is flawed or an issue has arisen that has not been addressed then they should work to correct this.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>CHOSE NOT TO PARTICIPATE:</p> <p>Misty Miller</p> </div>
<p>What makes you the best qualified candidate for this position? (50 words or less)</p>	<p>I have 20 years experience in the law, but I am more than that. I am also raising a family and want to make Daviess County better for them and the community. I understand the need for a Judge to be fair, efficient and knowledgeable and I possess those traits.</p>	
<p>Is there anything else you would like the voter to know? (50 words or less)</p>	<p>I respect and love this community as much now as I did when growing up in Philpot. it is my lifelong dream to be Judge because I want to embrace the Judge's role to be open, fair and rule in accordance to the law. I humbly request your vote.</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.