



**Kentucky Candidate
Information Survey**

**JUDICIAL SURVEY
2020**

KY Circuit Court District 35, Div. 2

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>Howard Hall</p>	 <p>Donald "DJ" Smith <i>http://electdjsmith.com</i></p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>CHOSE NOT TO PARTICIPATE:</p> <p>Ira Branham</p> </div>
<p>Education</p>	<p>UNIVERSITY OF KENTUCKY, BBA (1985) CHASE LAW SCHOOL, JD (1988)</p>	<p>Johns Creek School Pike County Central High School, 2003 University of Kentucky Singletary Scholar, Bachelor's Degree, 2007 University of Kentucky College of Law, J.D., 2010</p>	
<p>Current Occupation</p>	<p>PIKE COUNTY ATTORNEY, (DISTRICT ATTORNEY) 1996- PRESENT</p>	<p>Since 2018, I have been an Assistant Commonwealth's Attorney in Pike County. In that role, I prosecute felony criminal cases.</p>	
<p>Family</p>	<p>MARRIED FOR 31 YEARS TO JATANNA HALL; THREE CHILDREN</p>	<p>In 2018, I married Samantha Hatcher Smith, who is an attorney practicing Real Estate Law as President of Frank K. Nall, P.S.C.</p>	
<p>Legal Background / Experience</p>	<p>ASSISTANT PIKE COUNTY ATTORNEY (1988-1992) STATE DISTRICT JUDGE (1992-1996) PARTNER LUCAS AND HALL LAW FIRM, (1996-2002) ASSOCIATE HALL LAW OFFICE (2009-PRESENT)</p>	<p>I was an attorney at Pruitt & de Bourbon Law Firm from 2010-2018. I was also a Special Assistant Attorney General from 2013-2016, representing the Commonwealth of Kentucky in its lawsuit against Purdue Pharmaceuticals for misleading marketing of Oxycontin. We recovered \$24,000,000 for drug rehabilitation as settlement of that suit.</p>	



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PAGE 2 of 7



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

(50 words or less)

BEING VOTED BEST ATTORNEY IN THE VALLEY MULTIPLE TIMES, BY OUR LOCAL COMMUNITY AND PRESS.

In 2017, I won an appeal for a private citizen against two oil and gas companies. I wrote the appellate brief and orally argued the case. The Court of Appeals ruled unanimously for my client. This is my greatest accomplishment because we were able to overcome difficult odds through perseverance.

To what extent have you practiced in the area of criminal law?

Family law?

Complex civil litigation?

(50 words or less)

MY ENTIRE LEGAL CAREER HAS BEEN SPENT WORKING DIRECTLY WITH ALL LOCAL STATE COURTS. BOTH AS A CRIMINAL PROSECUTOR AND PRIMARILY AS A PLAINTIFFS ATTORNEY IN MY CIVIL PRACTICE.

I have prosecuted hundreds of felony cases including for murder of a police officer, and have focused on prosecution of Persistent-Felony-Offenders. I practiced numerous divorce cases, including multimillion-dollar cases. As a Special Assistant Attorney General, I litigated one of the most complex civil cases in Kentucky history against Purdue Pharmaceuticals.

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

(50 words or less)

PAST PRESIDENT OF KIWANIS CLUB
CHILD ABUSE PREVENTION COMMITTEE MEMBER
PAST MASTER OF KENTUCKY'S LARGEST MASONIC LODGE
VARIOUS SHRINE CLUBS
CHAIRMAN OF BUS COMMITTEE, FIRST BAPTIST CHURCH OF PIKEVILLE
AND A MEMBER OF MANY OTHER ORGANIZATIONS.

I am a charter member and the Immediate Past President of the Mountain Movers Toastmasters Club in Pikeville. While in private practice, I donated hundreds of hours of pro bono legal services to worthy causes. In 2019, I was a graduate of the inaugural class of Leadership Kentucky's BRIGHT Program.

What are the major influences in your life? Why?

(50 words or less)

MY 93 YEAR OLD MOTHER AND CHURCH.

Many fine teachers at Johns Creek and Pike Central helped me excel in school and in academic competitions, and earn a Singletary Scholarship to UK. My brother Eric is a major influence on me. He inspired me to donate a kidney to him in 2017 and to become a prosecutor.



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District 35, Div. 2

PAGE 3 of 7



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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)

NONE

I expect that I would need to recuse myself from many felony prosecutions for a limited time. All precautions would be taken to identify and track cases in which I would have a conflict of interest due to my work as a prosecutor, and to guarantee fair and unbiased proceedings.

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)

Chamber of Commerce
Kentucky Right to Life
National Rifle Association (NRA)
Pregnancy Help Center

Candidate Chose Not to Respond

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)

AS A JUDGE OF A LOCAL TRIAL COURT, I BELIEVE THAT YOU ARE LIMITED IN YOUR ABILITY TO EXPAND ON LEGAL PRECEDENT.

I am a strong believer in the Constitution and the separation of powers that it creates. The role of a judge is to interpret and apply the law, and not to create it. The law must be interpreted strictly, fairly, and with restraint.



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PAGE 4 of 7



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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)

LOCAL CONSTITUTIONAL RIGHTS USUALLY ARE IN AN ISSUE IN LOCAL CRIMINAL CASES. I USUALLY RESEARCH FOR THE MOST RECENT SUPREME COURT CASE, WHICH IS USUALLY AVAILABLE IN HANDBOOK FORM.

A judge's job is to interpret all laws, including the United States and State Constitutions. In doing so, a judge must review precedent and decide the soundness of prior decisions about the meaning of those laws as he applies them in each case.

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)

IT IS OBVIOUS THAT SOCIETY DEMANDS THAT THE CONSTITUTION BE SOMEWHAT FLEXIBLE.

I believe that the best approach to interpreting the Constitution and any other law is a textual approach that avoids the judge's personal biases. The Constitution or laws do not "grow," and judges must apply the principles in those laws to situations and technologies that their drafters could not predict.

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

EVERY HUMAN DESERVES TO HAVE NECESSITIES. ALL CITIZENS ARE COMPETING FOR A BETTER QUALITY OF LIFE AND DESERVE THAT OPPORTUNITY. THE COURTS ARE TO MAKE SURE THAT EVERYONE PLAYS BY THE RULES.

My judicial philosophy is that courts must balance the risk that "haste makes waste" with the unavoidable truth that "justice delayed is justice denied." The courts must make use of limited resources to dispense the greatest amount of justice possible through hard work, competence, and an unwavering dedication to fairness and efficiency. All individuals must be treated fairly before the court and granted access to justice, which should be as consistent and predictable as possible.



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2020

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District 35, Div. 2

PAGE 5 of 7



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<p>PAGE 5 of 7</p>	 <p>Howard Hall</p>	 <p>Donald "DJ" Smith</p> <p>http://electdjsmith.com</p>	<p>CHOSE NOT TO PARTICIPATE:</p> <p>Ira Branham</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>N/A</p>	<p>While no two people think entirely alike or always agree, Chief Justice John Roberts most closely reflects my judicial philosophy. His opinions are not predictable along lines of "liberal" or "conservative," but instead he reliably seeks to uphold precedent and consistently interpret and apply the laws while demonstrating leadership.</p>	
<p>What do you see as the most important issue facing Kentucky's judiciary? (50 words or less)</p>	<p>THE GROWING DEMAND PLACED ON THE JUDICIAL SYSTEM TO SETTLE FAMILY AND RELATIONSHIP ISSUES, THAT WERE TRADITIONALLY ADDRESSED OUTSIDE THE COURT SYSTEM. AN EXAMPLE GUARDIANSHIP, NURSING HOME CARE, CUSTODY CARE OR CHILDREN AND ETC.</p>	<p>The most important issue facing Kentucky's judiciary is eroding public trust. It is heartbreaking when any participant, whether they be a police officer or criminal defendant, injured plaintiff or insurance company, doubts the integrity of the judge or the fairness of the judicial system.</p>	
<p>What do you perceive as the greatest obstacles to justice, if any? (50 words or less)</p>	<p>THE EXPENSE TO THE AVERAGE CITIZEN TO ACCESS THE COURT, SUCH AS NEIGHBORHOOD COMPLAINTS, CONSUMER FRAUD AND FAMILY ISSUES.</p>	<p>The greatest obstacles to justice are access and inequality. We have so many complex laws on the books that it has become difficult for ordinary people of ordinary means to understand and be involved in legal proceedings. If people cannot understand their courts, they cannot have confidence in them.</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>I BELIEVE MY AGE AND EXPERIENCE HAS TAUGHT ME TO STOP AND THINK BEFORE MAKING A DECISION.</p>	<p>Vigilance is the key. I would maintain strict checks for conflicts of interest. I would conduct all proceedings with fairness toward the Commonwealth and the accused, and toward Plaintiffs and Defendants, because I am committed to being a judge that people can trust to be fair to everyone.</p>	



Kentucky Candidate
Information Survey

JUDICIAL SURVEY
2020

KY Circuit Court

District 35, Div. 2

PAGE 6 of 7



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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)

A JUDGE SHOULD ADDRESS MATTERS WHICH WOULD ASSIST IN PROMOTING A MORE EFFICIENT AND RESPONSIVE LEGAL SYSTEM.

A judge can and should serve a critical role in addressing important legal and judicial issues, so long as they maintain strict compliance with ethical requirements. I would do this primarily by educating young people on the mechanics of our judicial system and being available to answer any appropriate questions.

What makes you the best qualified candidate for this position?

(50 words or less)

RARELY DOES A JUDICIAL CANDIDATE FOR JUDGE HAVE 35 YEARS EXPERIENCE AS A JUDGE, PROSECUTOR AND FEDERAL REPRESENTATIVE; WHILE STILL HEALTHY AND WITH 30 MORE YEARS ANTICIPATED IN THEIR CAREER.

My experience with all types of litigation allows me to understand the wide variety of serious cases in Circuit Court. My judicial philosophies and humble upbringing help me to remain focused that justice means fairness to every litigant. I have the experience, competence, and demeanor to serve Pike County well.

Is there anything else you would like the voter to know?

(50 words or less)

I RARELY EVER LEAVE PIKE COUNTY AND THIS PLACE WILL ALWAYS BE MY HOME. I AM ALWAYS HERE AND ON THE JOB!

I am seeking political office, but I am not, and I pray that I never become, a politician. I love the study and practice of law and appreciate the role of courts in providing every person an opportunity to assert their rights with confidence that they will be treated fairly.

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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2020

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.