



Experience Matters: The Case for Passage of Constitutional Amendment 2

"Experience is not always the kindest of teachers, but it surely is the best."

– Spanish Proverb



I was elected to the district court bench in 1996 at the ripe age of 33.

In 1996, no respectable lawyer needed eight years of experience to probate a few wills, decide a small claims case, preside over some speeding tickets, or determine if a leash law ordinance was enforceable.

In 1996, every young lawyer could dance The Macarena.

Of course, in 1996, no district court judge in Kentucky had heard the word "methamphetamine." In 1996, there was no opioid epidemic and there was no COVID-19 pandemic. In 1996, the Commonwealth had only TWO specialty (drug) courts and "rehab" was your physical therapy after knee surgery. In 1996, no district court judge in the Commonwealth had ever been asked to decide whether a 14-year old middle school student should be tried as an adult because he had gunned down three classmates at school. There was no internet bullying. There were no cyber-threats. In 1996, no district court judge had conducted a "human-trafficking" preliminary hearing.

Over my 24 years as a district court judge, I have watched the law strain hard to keep up with the lightning pace of our state's crises, our crime and our changing culture. In order to be a district court judge, one need only pass the bar exam 24 months ago. In every other level of the state's judiciary, eight years of experience is mandatory. Eight years is something of a "Goldilocks Zone" for experience. Not too hot, not too cold. A district court judge should have no less legal—or life—experience than any other judge in the Commonwealth. It's not 1996.

Honorable Louis Keith Myers

Chief District Judge, Ballard & Carlisle Counties



I have spent every day of my now 19-year legal career in the Hall of Justice. I joke that, at the two-year point in my career, I could barely find the courtroom I was supposed to be in, much less preside over cases. As one's career ages, so does one's understanding of the judicial system as a whole and more specifically, one's place in it. While we have been lucky with the caliber of young attorneys who have ascended to the bench in district court, life experience and maturity are important in

making well-rounded judges. The longer I am on the bench, I realize just how important empathy is when dealing with the public and deciding cases. Empathy can't be learned in a book, it must be fostered through experience.

Raising the bar to require a minimum of eight years legal experience before one can be a district judge increases the likelihood that candidates will be fair, well-reasoned and empathetic to those who come before them. Raising the bar is a win-win scenario for all Kentuckians.

Honorable Jennifer H. Leibson

District Judge, Jefferson County



I was a judge for 17 years and a senior judge for four years. Almost all of my judicial career was as a district court judge. I had six years of legal experience before taking the bench. An additional two years of experience would have been invaluable both at the beginning of my tenure, and throughout the years, in terms of legal knowledge and procedures. More importantly, two years of additional courthouse experience as a lawyer would have given me so much more compassion, humility and sense of fairness. It can only improve the administration of justice to require eight years of legal experience to become a judge.

Honorable Henry F. Weber

Retired District Judge, Jefferson County

On November 3, voters will have an opportunity to raise the bar on Kentucky's judiciary by requiring candidates for district court judge to have more experience. Surprisingly, candidates for district court judge must only have a law license for two years. Constitutional Amendment 2 raises that requirement to eight years, commensurate with every other level of Kentucky's unified court system.

At a time when district judges face more and more responsibility and handle important issues like domestic violence, mental illness and addiction, Constitutional Amendment 2 will benefit Kentuckians by "raising the bar" for candidates to the district court bench. Our district judges must be prepared to handle a broad range of criminal and civil proceedings, including matters involving our most vulnerable citizens in juvenile, guardianship and mental health cases.

Kentucky's 115 district court judges preside over more than 700,000 new cases each year and despite being a court of limited jurisdiction, district court judges are not limited in the scope of their work or the reach of their efforts to help Kentuckians.

District court judges preside over cases involving the following: city and county ordinances; juvenile offenses (public and status); misdemeanors; preliminary felony proceedings; violations; traffic offenses; probate matters; small claims complaints

involving amounts of \$2,500 or less; civil matters involving amounts of \$5,000 or less; involuntary commitments; guardianship petitions; petitions for emergency protective orders and interpersonal protective orders; petitions for dependency, abuse and neglect; actions seeking involuntary inpatient treatment for substance use disorders ("Casey's Law"); and actions seeking court-ordered assisted outpatient treatment for the seriously mentally ill ("Tim's Law"). Many district court judges also volunteer their time to Kentucky's specialty courts, including Veterans Treatment Courts, Mental Health Courts and Drug Courts.

Without question, a candidate for any judicial office should be an experienced attorney. Both professional legal experience and life experience are necessary for one to be a capable jurist. Breadth of experience lends itself to a more thoughtful decision-making process for someone to choose to be a district court judge. The district court bench should not be viewed as a training ground but as a position one aspires to achieve. A more experienced bench benefits all Kentuckians and raising the licensure requirement will improve the public perception and confidence in the district court judiciary.

Although numerous Constitutional Amendments were proposed during the 2020 Legislative Session, only House Bill 405, now "Constitutional Amendment 2" and Senate

Bill 15, more widely known as "Marsy's Law," passed both chambers to earn submission to Kentucky voters on November 3. House Bill 405 received overwhelming bipartisan support from both legislative chambers, passing the House of Representatives by a 76-7 margin and the Senate by a 25-7 margin. Senate Bill 15 will be listed first on the ballot as Constitutional Amendment 1, while House Bill 405 will be listed second as Constitutional Amendment 2. The entire text of each amendment must be presented to voters on the statewide ballot pursuant to a ruling by the Supreme Court of Kentucky in 2019.

Constitutional Amendment 2 proposes to amend Sections 97 and 119 of the Constitution of Kentucky by extending the terms of Commonwealth's Attorneys and district court judges to eight years. Currently, every circuit court judge, family court judge, court of appeals judge, and Supreme Court Justice serves an eight-year term while district court judges serve four-year terms. An eight-year term, coupled with an eight-year licensure requirement, would make district court consistent with every other level of court in the Commonwealth of Kentucky. Our Commonwealth's Attorneys, who prosecute cases in circuit court, currently serve six-year terms.

It is not uncommon to have multiple-county circuits with a circuit court judge serving an eight-year term, and a Commonwealth's Attorney serving a six-year term. To modify

judicial circuits to meet the necessity of the various regions, the two positions must be selected at the same time. The eight-year term for district court judges would take effect following the 2022 general election, while the eight-year term for Commonwealth's Attorneys would not take effect until after the 2030 general election due to the current disparity in term lengths and the misaligned election cycles of the prosecutors and circuit judges.

The Board of Directors of the Louisville Bar Association, the Commonwealth's Attorneys' Association, the Kentucky District Judges Association and District Judges for a Better Commonwealth support passage of Constitutional Amendment 2 on the November 3 ballot.

You are more likely to come in contact with a district court judge than any other elected official. Experience matters. On November 3, vote "YES" to "raise the bar" on Kentucky's Judiciary. Vote "YES" on Constitutional Amendment 2.

Visit www.raisethebarky.com for more information on Constitutional Amendment 2.

Respectfully submitted,
Officers and Executive Committee Members,
Kentucky District Judges Association
and
Officers, District Judges for a Better Commonwealth ■