

**THE KENTUCKY COURT OF APPEALS** is the lower appellate court. With a few exceptions, most cases appealed from Circuit Court go to the Court of Appeals. The Court of Appeals also handles appeals of a Circuit Court decision on a District Court judgment. 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 of Appeals for a decision.

Fourteen judges, two elected from each of the seven appellate districts, serve for eight-year terms. Court of Appeals judges are divided into panels of three to review and decide cases, with the majority deciding the outcome. The panels do not sit permanently in one location, but move around the state to hear appeals. The Court of Appeals occasionally publishes its rulings on cases, which means that those rulings become the governing case law for all future similar cases in Kentucky.

## Trial Courts

**CIRCUIT COURT** is the court of general jurisdiction and 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 \$4,000, capital offenses and felonies, divorces, adoptions, termination of parental rights, real property title disputes and contested probate matters. Circuit Court has the power to issue injunctions and writs of mandamus and prohibition to compel or prohibit acts, and to hear appeals from District Court and administrative agencies.

Appeals from the Circuit Court are made to the Court of Appeals. Circuit judges serve eight-year terms.

**FAMILY COURT** is a division of Circuit Court. Family Court hears only cases involving families and children and its jurisdiction includes dissolution of marriage; spousal support and equitable distribution; child support and visitation; paternity; adoption; domestic violence; dependency, neglect and abuse; termination of parental rights; and runaways and truancy. Appeals from Family Court are made to the Court of Appeals. Family Court judges serve eight-year terms.

**DISTRICT COURT** has limited jurisdiction and handles city and county ordinances, traffic offenses, non-contested probate matters, felony preliminary hearings and civil cases involving \$4,000 or less. Juvenile Court is a division of District Court and hears cases involving children under age 18 regarding guardianship, conservatorship, voluntary or involuntary commitment, child abuse and neglect, and domestic violence. Small Claims Court is also a division of District Court and is an informal, inexpensive means for people to file claims in disputes that involve \$1,500 or less. Appeals from District Court decisions are made to the local Circuit Court. District judges serve four-year terms.

## *Kentucky Drug Court*

Drug Court provides a court-supervised treatment program designed to stop illicit drug use and related criminal activity and promote a positive life change through substance abuse education and treatment. Instead of incarceration for drug use, Drug Court participants must complete a rigorous drug rehabilitation program that requires reporting regularly before a judge. Drug Court has had a significant impact on reducing the rate of reoffenders. Drug Court graduates are more likely to return to productive lives and stay gainfully employed, pay child support and meet other obligations.

## *Clerks of Court*

The Supreme Court and Court of Appeals have clerks of court who are appointed to their positions and are responsible for the custody, control and storage of all appellate records.

At the trial court level, circuit court clerks are elected officials of the court and are responsible for the custody, control and safe storage of Circuit Court and District Court records. Circuit court clerks also receive lawsuits and court documents, are present during trials, schedule juries, receive fines, issue driver's licenses and handle bond money. One circuit court clerk is elected in each of Kentucky's 120 counties. Circuit court clerks serve for a term of six years.

## *Jury Duty*

Jury trials take place in Circuit Court and District Court. Trial by a jury of one's peers is a sacred right of every American and the cornerstone of our judicial system. Jury duty is one of our most important civic responsibilities.

To serve as a juror, an individual must be 18 or older and a U.S. citizen. A juror must reside in the county where the trial is being held and be able to speak and understand English; not have been convicted of a felony, unless pardoned or had his or her civil rights restored; not be currently under indictment and not have served on a trial jury for more than 30 days (except when necessary to complete service in a particular case) within the past 24 months. The judge determines the exact length of jury service.



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# Kentucky Court of Justice

## The Judicial Branch at a Glance



*Supreme Court • Court of Appeals*

*Circuit Court • District Court*

*Office of Circuit Court Clerk*

*Administrative Office of the Courts*



# The Kentucky Court of Justice

*Providing Equal Justice For All*

*The Judicial Branch of state government is responsible for providing citizens with equal access to justice as they exercise their constitutional rights and privileges.*

Nearly 1.2 million court cases flow through Kentucky courtrooms each year, affecting millions of citizens. Almost every person will interact with the courts at some point, whether to obtain a driver's license, pursue a small claims case, seek protection from domestic violence, settle an estate, legalize an adoption, finalize a divorce, file a civil case, seek justice in a criminal matter and many other reasons.

## A Unified Court System

The Judicial Article to the Kentucky Constitution, passed in 1975 and effective in 1976, established Kentucky's unified court system. The article created the Judicial Branch as an independent branch of government, separate from the Executive and Legislative branches and from county and city governments.

It also created the Supreme Court of Kentucky and made the chief justice the administrative head of the state court system, also known as the Kentucky Court of Justice.

Justices and judges run for election on a nonpartisan basis. Judicial vacancies that occur during an unexpired term are filled by a Judicial Nominating Commission headed by the chief justice. The JNC chooses three candidates from the pool of applicants and submits their names to the governor, who then appoints one individual to fill the vacancy.

The Judicial Conduct Commission is the only entity authorized under the Kentucky Constitution to take disciplinary action against a sitting Kentucky judge. The commission investigates and reviews complaints against judges and conducts hearings about alleged misconduct when warranted.

The Administrative Office of the Courts is the operations arm for the state court system. The AOC executes the Judicial Branch budget and supports the activities of 3,800 employees, including the elected justices, judges and circuit court clerks.

## Kentucky court system is a national model



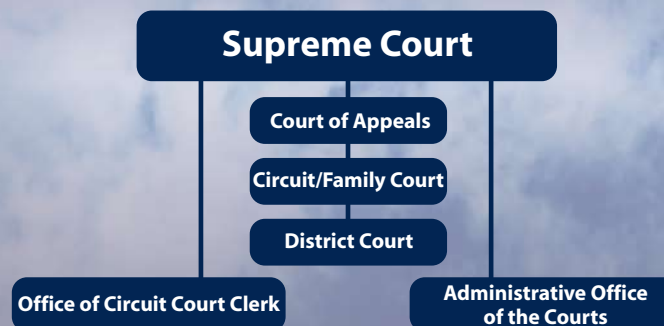
Chief Justice  
John D. Minton Jr.

The Kentucky Court of Justice is one of the commonwealth's finest achievements and has earned a national reputation for many of its initiatives, including Family Court, Drug Court, judicial center facilities, judicial education and pretrial services. Our statewide case management system has put Kentucky on the cutting edge of court technology.

We are adapting to the state's changing demographics by providing trained interpreters to translate court proceedings for those who have a limited ability to communicate in English. Our roster of qualified mediators continues to grow as more individuals save time and money by using mediation to resolve their disputes outside of a courtroom.

The Kentucky court system is committed to providing fair and equal treatment to its personnel and to the citizens who come before its courts, regardless of race, gender, religion, ethnicity or sexual orientation.

## Kentucky Judicial Branch Organizational Structure



## *Four levels of Kentucky state courts*

There are four levels of Kentucky state courts. The two trial courts, Circuit Court and District Court, first hear the facts and issue judgments on those facts. Judicial circuits and districts vary in size and number of judges based on population and caseload.

The two appellate courts, the Supreme Court and Court of Appeals, may be asked to review the judgment of a lower court to see if a mistake was made. An appeals court generally cannot hear any new evidence and must rule on what was presented to the trial court. Citizens have the right to one appeal per lawsuit. Beyond this one appeal as a "matter of right," further appeals are discretionary and the appellate court may refuse to review such cases.

## Appellate Courts

**THE SUPREME COURT OF KENTUCKY** is the state court of last resort and the final interpreter of Kentucky law. The Supreme Court may order a ruling or opinion to be published, which means the ruling becomes the case law governing all similar future cases in Kentucky. 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. Appeals from the Court of Appeals, except workers' compensation appeals, reach the Supreme Court only with the court's permission. The justices meet one week each month, with the exception of July, to hear oral arguments.

Seven justices sit on the Supreme Court and all seven justices rule on appeals before the court. The justices are elected from seven Supreme Court districts and serve eight-year terms. A chief justice, chosen for a four-year term by his or her fellow justices, is the administrative head of the state court system and is responsible for its operation. In addition, the Supreme Court establishes rules of practice and procedure for all Kentucky judges and attorneys.