



## Supreme Court of Kentucky

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**John D. Minton, Jr.**  
Chief Justice of Kentucky

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*For Immediate Release*

### **Chief Justice Minton uses 2017 State of the Judiciary Address to explain how Judicial Branch is working to meet demands on today's court system**

FRANKFORT, Ky., Oct. 20, 2017 – Chief Justice of Kentucky John D. Minton Jr. gave the legislature an update today on how the Judicial Branch is handling the complex issues facing the court system.

“As we meet today, the challenges before us are many,” he said. “We’re grappling to keep up with rapid technological and social developments. The opioid epidemic has expanded court caseloads and altered Drug Court treatment in ways we couldn’t have imagined even a few years ago. And like many other state courts, juvenile justice reform and pretrial justice reform are among our top priorities. These forces have led us to put aside business practices that no longer work and adopt new practices that meet today’s needs.”

These comments were part of the annual State of the Judiciary address before the General Assembly’s Interim Joint Committee on Judiciary at the Capitol Annex in Frankfort. The full address can be found [here](#).

#### **Pretrial Justice Reform & Changes to Pretrial Services Risk Assessment**

Chief Justice Minton began by noting that Kentucky Pretrial Services continues to lead the way as a national wave of pretrial justice reform propels changes to prevent bail systems from penalizing the poor.

“In 1976, Kentucky was one of the first states in the country to abolish bail bonding for profit,” he said. “Our leadership continues today as AOC managers share their expertise with pretrial programs in dozens of states each year. The goals of pretrial release are to ensure public safety by determining which people should be released and which people should stay in jail, and to help ensure that those released come back to court.”

He said that pretrial officers apply a validated risk assessment to determine a defendant’s risk of failure to appear or to be arrested again, and that the Administrative Office of the Courts continues to refine that process. “To improve our risk assessment accuracy, the AOC has restructured the Department of Pretrial Services to include a team of risk assessment

specialists and coordinators. We have also revised the scoring process and we believe this change will significantly increase the accuracy of the scoring.”

### **Financial Incentive Fund**

He said the AOC is working closely with the Kentucky Justice & Public Safety Cabinet and the Department of Juvenile Justice to launch the financial incentive fund. Senate Bill 200 requires the savings realized from juvenile justice reform to be reinvested into an incentive fund for programs that supervise low-risk youth. The AOC will support the incentive fund by acting as the fiscal agent, providing technical assistance for grant applications, and collecting and reporting the data required from judicial districts.

### **Judiciary Helping Improve Adoption Process**

In response to Gov. Matt Bevin’s call to improve Kentucky’s adoption process, Chief Justice Minton said that he has created a Dependency, Neglect and Abuse Judicial Workgroup to identify policies that would reduce the adoption timeline and address inefficient policies and redundant paperwork. The DNA Judicial Workgroup will focus on policies and processes that directly impact the permanency, safety and well-being of children, and will provide recommendations to the bipartisan legislative Adoption Task Force.

### **Tremendous Gains in Court Technology**

He said that Kentucky was operating as a paper court system when he became chief justice in 2008. “I realized that the biggest challenge facing the Judicial Branch – in terms of sheer scope – was harnessing the rapid changes in technology for use by the courts. Technology is the key to a more cost-effective, efficient court system and basically everything we do is either facilitated by the technology that we have or hindered by the technology that we need.”

He said that in 2013, the AOC kicked off KYeCourts, a sweeping, multi-year initiative to update court technology and transform how the judicial, legal and law enforcement communities do business. As part of KYeCourts, the AOC is upgrading hardware and network infrastructure, and replacing trial and appellate case management systems. In addition, eFiling is now available in all 120 Kentucky counties for civil and criminal cases in Circuit and District courts, and the AOC is working on an eFiling system for the Supreme Court and Court of Appeals.

“Nearly 900,000 court cases are filed in Kentucky state courts each year,” he said. “As the AOC introduces new tools, applications and programs, I’m excited to see how this sophisticated technology is revolutionizing the practice of law.”

### **New Jury Management Procedures**

Chief Justice Minton also discussed recent changes to enhance the court system’s jury management program. “Trial by a jury of one’s peers is a sacred right of every American and I’m pleased that Kentucky will benefit from new policies that will save money while improving juror reporting and making jury management more uniform statewide.”

He said the Supreme Court recently adopted rules that will save time and money through the centralized mailings of all jury summonses. Also, each county will now use the AOC’s electronic Jury Management Program to administer jury management practices and

procedures. Another important change clarifies how the AOC compiles the master list of prospective jurors from the statutorily required source lists.

### **Open Records Policy**

“In an important move this summer, the seven [Supreme Court justices](#) voted unanimously to approve an [Open Records Policy](#) that guides how the public accesses the administrative records of the state court system,” Chief Justice Minton said. “This is the first Open Records Policy for the AOC, which is the operations arm of the court system. While the Judicial Branch has long complied with the spirit of the Open Records Act, I’m proud that we have formalized our commitment into written policy.”

### **Opioid Epidemic Affecting Court Operations**

He said that the court system has become ground zero for the criminal and civil cases resulting from the opioid epidemic. “While criminal cases related to substance abuse are to be expected, it’s incredibly disheartening to see the explosion in family law cases as well. Dependency, neglect and abuse cases fill our dockets as daily reminders of the grim toll the epidemic is taking on Kentucky families and children.”

In an effort to address these issues, the court system hosted its first statewide Opioid Summit in January 2017 to help Kentucky judges handle drug-related cases. Judges attended sessions on the science of treating addiction; case law, statutes and regulations regarding medication-assisted treatment; and the role of the government in the opioid epidemic.

He said the Judicial Branch is joining national organizations and a regional initiative with surrounding states in an effort to address the crippling effects of the opioid crisis.

### **Changes to Guardian ad Litem Program**

Chief Justice Minton said the Judicial Branch is working with the Executive and Legislative branches to establish more consistent payment practices statewide for guardians ad litem. GALs are the attorneys who provide legal representation to children who have been removed from their homes due to dependency, neglect and abuse. Varying payment practices for these attorneys have led to concerns about the propriety of some invoices that make their way to the Finance & Administration Cabinet for processing.

### **KBA Commission on the Future of the Legal Profession**

He said another area facing remarkable change is the legal profession and there are efforts under way to help Kentucky attorneys adapt to new trends in the practice of law.

He said the Kentucky Bar Association has created a Commission on the Future of the Legal Profession, which is comprised of a diverse group of lawyers from across the commonwealth. The commission will identify and explore all areas relevant to the practice of law and the delivery of legal services, including the threats, challenges and opportunities facing attorneys, judges and the judicial system in Kentucky.

### **Judicial Redistricting**

Chief Justice Minton said that Kentucky’s population changes since the state’s last judicial redistricting in 1893 are so significant that judges’ workloads in many jurisdictions exceed their ability to adequately meet the needs of their communities.

“There are critical areas across the state where judges are so overburdened that citizens are not getting equal access to justice,” he said. “The jurisdictions in urgent need of redistricting in this session include Lincoln, Pulaski and Rockcastle; Boone and Gallatin; Kenton; Floyd; Knott and Magoffin; Bourbon, Scott and Woodford; and Daviess.”

He said he presented a comprehensive, statewide judicial redistricting plan to the General Assembly in 2016 after years of study by a group of judges and court professionals in consultation with the National Center for State Courts. “While the legislature did not take up judicial redistricting during the 2017 session, I want to stress that the need for statewide redistricting is still there and we cannot ignore it,” he said. “The plan certified by the Supreme Court is still valid, but we’re open to modifying that plan based on recommendations from the legislature because there are some locations in the commonwealth where delayed justice is denying justice to our citizens.”

### **Improving Judicial Branch Salaries**

Chief Justice Minton also expressed his concern about long overdue salary increases for Kentucky judges, who have not received any real boost in compensation for a decade. The January 2017 Survey of Judicial Salaries by the National Center for State Courts shows that Kentucky has again fallen in national rankings, with Circuit Court salaries ranked 48 out of 50 states.

“The lack of progress on this issue has left our judges feeling discouraged and undervalued,” he said. “The longer we postpone action, the more difficult it will be to catch up on lost wages and avoid diminishing the quality of the Kentucky judiciary.”

He also noted that despite some recent improvements in compensation for the elected circuit clerks and non-elected court employees, their salaries still fall behind those in the Executive and Legislative branches. He said he will include a request to increase compensation for judges, circuit clerks and non-elected employees in the Judicial Branch’s upcoming biennial budget.

Chief Justice Minton wrapped up his remarks by stating his unqualified support for the dedicated men and women who are the Judicial Branch in Kentucky. “Time and again, I’m impressed by the hard work, commitment and expertise they bring to all levels of the court system,” he said. “Every single day, you can count on our justices, judges, circuit clerks and court personnel to carry out the business of the courts, to maintain the rule of law and to provide equal justice to all. It’s the collective work of these nearly 3,800 individuals that makes the state of our judiciary strong and capable of responding to the many challenges that come our way.”

### **Background**

The chief justice is the administrative head of the state court system and is responsible for overseeing its operation. [Chief Justice Minton](#) was elected to the Supreme Court in 2006. His fellow justices elected him to serve a third four-year term as chief justice in 2016.

In July 2017, Chief Justice Minton completed a one-year term as [president](#) of the Conference of Chief Justices and chair of the National Center for State Courts Board of Directors. Chief Justice Minton was the first chief justice from Kentucky to hold this post in nearly 25 years. He is also a member of the board of directors for the [State Justice Institute](#), a federal nonprofit corporation that awards grants to improve the quality of justice in state courts.

The AOC is the operations arm for the state court system. The AOC supports the activities of nearly 3,400 Kentucky Court of Justice employees and 404 elected justices, judges and circuit court clerks. The AOC also executes the Judicial Branch budget.

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