

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 \$5,000, 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. Circuit judges serve eight-year terms.

FAMILY COURT is a division of Circuit Court. In counties that have a Family Court, the court has primary jurisdiction in cases involving families and children. Family Court hears cases involving 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 is the court of limited jurisdiction and handles juvenile matters, city and county ordinances, misdemeanors, violations, traffic offenses, probate of wills, arraignments, felony probable cause hearings, small claims involving \$2,500 or less, civil cases involving \$5,000 or less, voluntary and involuntary mental commitments, and cases relating to domestic violence and abuse. Appeals from District Court are made to the local Circuit Court. District judges serve four-year terms.

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 on a partisan basis 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 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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P-2, Printed With State Funds, Revised November 2023

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



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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.

More than 800,000 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 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 or obtain assistance on other matters.

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 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 supports the activities of nearly 3,300 Kentucky Court of Justice employees and 413 elected justices, judges and circuit court clerks. The AOC also executes the Judicial Branch budget.

Kentucky court system is a national model

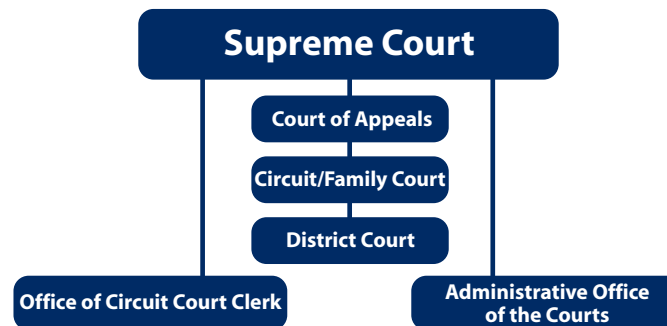


Chief Justice
Laurance B. VanMeter

The Kentucky Court of Justice is one of the commonwealth's finest achievements. Kentucky has earned a national reputation for many of its programs, including Pretrial Services, Juvenile Services, Family Court, Drug Court, judicial center facilities and judicial education. As one of the few unified state court systems in the country, Kentucky provides centralized administrative support to all 120 counties and uniform legal procedures statewide.

The Judicial Branch's comprehensive, multiyear KYeCourts initiative is transforming the delivery of justice in Kentucky. By updating our technology programs and infrastructure, we are better able to meet the demands on the courts and stay within the mainstream of law and commerce. Electronic filing – the cornerstone of our technology plan – is available statewide. Moving from a paper-based environment to one that is primarily electronic is changing the way Kentucky courts do business and making the state's entire legal system more efficient.

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.



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 convene in Frankfort in most months 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 overseeing its operation. In addition, the Supreme Court establishes rules of practice and procedure for all Kentucky judges and attorneys.