

# **COMMONWEALTH OF KENTUCKY**

## **HOUSE OF REPRESENTATIVES**

### **MINORITY REPORT OF THE IMPEACHMENT COMMITTEE RECOMMENDING THAT NO FURTHER ACTION BE TAKEN CONCERNING THE IMPEACHMENT OF JUDGE JULIE MUTH GOODMAN**

#### **INTRODUCTION**

Pursuant to the authority of the Kentucky House of Representatives under Section 66 of the Kentucky Constitution, the Impeachment Committee has reviewed the Petition seeking impeachment of Judge Julie Goodman, Circuit Court Judge for the Twenty-Second Judicial Circuit.

Pursuant to Rule 47 of the House of Representatives, the undersigned members of the Committee respectfully submit this Minority Report to the Clerk of the House, setting forth the reasons why the Petition and the Articles of Impeachment fail as a matter of law, procedure, and constitutional standard, and why the Committee should have recommended no further action.

Impeachment is an extraordinary constitutional remedy. It must be exercised with restraint and only upon a clear showing of a “misdemeanor in office” under Section 68 of the Kentucky Constitution. That standard has not been met here.

#### **FINDINGS OF LAW**

##### **Failure to Comply with KRS 63.030**

The Petition is fatally defective because it does not comply with KRS 63.030(1), which requires that a petition for impeachment be:

- verified by affidavit;
- supported by sworn statements; and
- based on facts within the personal knowledge of the affiant.

The record reflects that the Petition contains no verified affidavit and no sworn factual declarations.

The absence of an affidavit is not a technical defect—it is a threshold requirement. Prior impeachment proceedings in Kentucky have recognized that petitions lacking affidavits

may be summarily dismissed. (see, e.g., 2021 Impeachment Committee’s report on Attorney General Daniel Cameron, p. 3)

### **Lack of Sworn Evidence and Personal Knowledge**

The Petition fails to identify any individual with personal knowledge of the alleged conduct.

As noted in the Response, the named petitioner does not appear to have been a party, witness, or participant in the cases referenced, and therefore cannot attest to the alleged facts. In fact, the petitioner is a partisan political candidate in an upcoming primary election.

Without sworn testimony:

- the credibility of the allegations cannot be assessed;
- the Respondent cannot confront her accuser; and
- the Committee lacks a reliable evidentiary record.

### **Due Process**

1. The absence of sworn allegations and identifiable accusers raises serious concerns under Section 11 of the Kentucky Constitution, and Fifth and the Fourteenth Amendments to the United States Constitution.

Due process requires notice and a meaningful opportunity to be heard, including the ability to know and confront one’s accuser.

These requirements have not been satisfied.

2. In addition, the Petition identifies six specific cases as the basis for impeachment. The record reflects that five of those six cases are either active or pending on appeal.

- Under the Kentucky Code of Judicial Conduct, (SCR 4.300, Rule 2.10(A)), judges are ethically prohibited from making public statements that could affect the outcome or impair the fairness of pending or impending proceedings. As a result:
  - Judge Goodman is ethically barred from speaking to the substance of the allegations tied to those cases;
  - she is prevented from publicly defending her rulings or reasoning; and
  - the impeachment process, as structured here, places her in an untenable position—forced to choose between complying with judicial ethics or fully defending herself.

## **FAILURE TO MEET THE CONSTITUTIONAL STANDARD**

### **No “Misdemeanor in Office” Alleged**

Section 68 of the Kentucky Constitution authorizes impeachment only for “misdemeanors in office.”

The Petition and Articles contain only conclusory assertions that Judge Goodman’s actions constitute such misconduct, without identifying:

- criminal conduct;
- ethical violations; or
- abuse of office rising to a constitutional level.

Kentucky precedent indicates that impeachment has historically been reserved for serious misconduct, including criminal acts or egregious abuse of authority—not disagreements over judicial decisions.

Only one Judge in Kentucky history has been impeached. It was more than 200 years ago, and the charge was treason.

In 2021, the Impeachment Committee’s report on Governor Beshear concluded that “scarce use of impeachment in the Commonwealth further emphasizes that the process of impeachment was, and still is, intended to address only serious abuses by public officials—not disagreement about exercises of official discretion.”

### **Judicial Decisions Are Not Impeachable Conduct**

The allegations arise from Judge Goodman’s rulings in individual cases, interpretation of law, and management of proceedings. These are core judicial functions.

The Kentucky Constitution provides a clear remedy for alleged legal error: appellate review by higher courts, not impeachment.

Importantly, no complaint was filed with the Judicial Conduct Commission (JCC) regarding the conduct alleged. The JCC is the body responsible for investigating judicial misconduct and enforcing the Code of Judicial Conduct. The absence of a complaint indicates:

1. No independent finding of misconduct, and
2. A failure to utilize the appropriate process for addressing judicial behavior.

## **ANALYSIS OF ARTICLES OF IMPEACHMENT**

### **Article I – Alleged Abuse of Power**

The Article alleges “abuse of power” without identifying specific unlawful conduct.

The record reflects that Judge Goodman has presided over more than seventy thousand cases across nearly two decades, and has never been found to have violated the Judicial code of Conduct.

#### Finding:

No factual basis exists nor evidence presented to support a claim of abuse of office.

### **Article II – Alleged Defiance of Precedent**

This Article asserts that Judge Goodman failed to follow binding precedent.

Application of precedent is a judicial function subject to appellate review.

#### Finding:

Even if made legal errors in her rulings, such conduct does not constitute an impeachable offense.

### **Article III – Alleged Defiance of Statutes and Rules**

The Article claims noncompliance with statutes and judicial rules but provides no specific violations supported by evidence.

Interpretation of statutes is inherent to the role of a judge, and can be reviewed on appeal.

#### Finding:

No evidence establishes conduct rising to a constitutional misdemeanor.

### **Article IV – Alleged Interference with Court Participants**

This Article alleges interference with jurors, attorneys, and others.

However, the Petition provides:

- no sworn testimony;
- no specific incidents supported by evidence; and
- no identifiable witnesses.

#### Finding:

Unsworn, conclusory allegations cannot support impeachment.

## **Article V – Cumulative Allegations**

This Article aggregates the prior allegations without introducing new facts.

Finding:

Repetition of deficient claims does not establish a valid constitutional basis for impeachment.

## **SEPARATION OF POWERS**

The Kentucky Constitution, Section 27, establishes a clear separation of powers among the legislative, executive, and judicial branches. Section 28 contains “an unusually forceful command” (*Ex parte Auditor of Public Accounts*, 609 S.W.2d 682, 684 (Ky 1980)) to “specifically *prohibit* incursion of one branch of government into the powers and functions of the others.” (*LRC v. Brown*, 664 S.W.2d 907, 912 (KY 1980) (emphasis in original))

Permitting impeachment based on judicial rulings would:

- allow the legislature to review case outcomes;
- undermine judicial independence; and
- create a precedent for politically motivated removal efforts.

The Response correctly notes that such action would be unprecedented in Kentucky’s history and incompatible with constitutional design. Impeachment of a sitting judge, for conduct in an active case, would have a chilling effect on the Judiciary and open the floodgates for disgruntled litigants.

## **INSTITUTIONAL AND DEMOCRATIC CONSIDERATIONS**

Judge Goodman has been repeatedly elected by the voters of Fayette County, in six elections over the past 18 years, reflecting sustained public confidence in her judicial service.

Impeachment under these circumstances would:

- override the will of the electorate; and
- substitute legislative judgment for judicial independence.

## CONCLUSION

For the reasons stated herein, the undersigned members find that:

1. The Petition is procedurally defective under KRS 63.030;
2. The record lacks sworn evidence and due process safeguards;
3. The Articles fail to allege conduct constituting a “misdemeanor in office”;
4. The allegations improperly target judicial decision-making; and
5. Proceeding with impeachment would pose a serious threat to the constitutional separation of powers.

## RECOMMENDATION

The Minority respectfully recommends that the House of Representatives reject the Committee’s recommendation and take no further action on the Petition for Impeachment of Judge Julie Muth Goodman.

**Respectfully submitted,**



Rep. Pamela Stevenson

Kentucky House Impeachment Committee



Rep. Al Gentry