

1 A RESOLUTION censuring Kentucky Supreme Court Justice Kelly Thompson for
2 his intemperate remarks that threatened attorneys and legislators participating in pending
3 impeachment proceedings with professional discipline and criminal prosecution, and
4 directing a complaint to be filed against him with the Judicial Conduct Commission.

5 WHEREAS, on March 20, 2026, the House of Representatives adopted House
6 Resolution 124, which approved five Articles of Impeachment against Julie Muth
7 Goodman, Circuit Judge for the 22nd Judicial Circuit consisting of Fayette County; and

8 WHEREAS, the five Articles of Impeachment in House Resolution 124 asserted
9 that Judge Goodman's conduct constituted "misdemeanors in office" which are
10 impeachable under Sections 66, 67, and 68 of the Constitution of Kentucky; and

11 WHEREAS, on April 6, 2026, the Kentucky Supreme Court issued an opinion that
12 purported to exercise the Court's supervisory writ power under Section 110 of the
13 Constitution of Kentucky, which is textually limited in scope to "writs necessary in aid of
14 its appellate jurisdiction, or the complete determination of any cause, or as may be
15 required to exercise control of the Court of Justice," over an impeachment proceeding
16 that is pending in the General Assembly, where the Kentucky Supreme Court's
17 supervisory writ power cannot reach; and

18 WHEREAS, the Kentucky Supreme Court purported to enjoin the General
19 Assembly from exercising powers that the Constitution of Kentucky vests solely in the
20 General Assembly, which the Kentucky Supreme Court has no power to enjoin; and

21 WHEREAS, the Kentucky Supreme Court purported to announce a newly invented
22 principle that the scope of the impeachment power is limited to "the rarest of
23 circumstances in which a sitting judge has committed either an actual, indictable crime or
24 an offense in office constituting the most reprehensible moral turpitude," which is a
25 principle the Kentucky Supreme Court has no authority to invent, announce, or enforce;
26 and

27 WHEREAS, in addition to joining with four other Justices in support of the

1 majority opinion, Justice Kelly Thompson authored a separate concurring opinion which
2 was published on April 6, 2026; and

3 WHEREAS, Justice Thompson's concurring opinion included the statement,
4 "Threatening to file inappropriate impeachment proceedings and following through on
5 them to disrupt a tribunal, influence the outcome of a case, and/or to disparage a judge
6 could result in KBA discipline for any lawyers involved if attorneys take actions in which
7 they are acting in bad faith"; and

8 WHEREAS, Justice Thompson's concurring opinion included the statement,
9 "Additionally, such actions can constitute the crime of intimidating a participant in the
10 legal process via use of a threat to influence or attempt to influence that person's vote,
11 decision, or opinion. This constitutes a Class D felony"; and

12 WHEREAS, Justice Thompson's two statements threaten attorneys and legislators
13 who are participating in current impeachment proceedings, or could participate in future
14 impeachment proceedings, with professional discipline and criminal prosecution; and

15 WHEREAS, Justice Thompson's statements violate, or threaten to violate, the right
16 to counsel that is protected by Sections 2 and 11 of the Constitution of Kentucky and the
17 Fifth Amendment to the Constitution of the United States; and

18 WHEREAS, Justice Thompson's statements violate, or threaten to violate, an
19 attorney's right to engage in protected speech and expressive conduct that is protected by
20 Sections 1 and 8 of the Constitution of Kentucky and the First Amendment to the
21 Constitution of the United States; and

22 WHEREAS, Justice Thompson's statements violate, or threaten to violate, a client's
23 right to due process and equal protection under the law that are protected by Section 2 of
24 the Constitution of Kentucky and the Fifth and Fourteenth Amendments to the
25 Constitution of the United States; and

26 WHEREAS, Justice Thompson's statements are intemperate remarks that threaten
27 the constitutional rights of members of the General Assembly, attorneys providing legal

1 counsel to the General Assembly, and others with professional discipline and criminal
2 prosecution; and

3 WHEREAS, Justice Thompson's intemperate remarks reflect poorly on his
4 judgment and raise serious questions about his fitness for the office he holds; and

5 WHEREAS, the Senate of the Commonwealth of Kentucky believes that Justice
6 Thompson's intemperate remarks should be evaluated by the Judicial Conduct
7 Commission and, upon a finding of good cause, should result in appropriate discipline;

8 NOW, THEREFORE,

9 *Be it resolved by the Senate of the General Assembly of the Commonwealth of*
10 *Kentucky:*

11 ➔Section 1. The Senate hereby censures Justice Kelly Thompson for his
12 intemperate remarks which threaten attorneys and legislators who are participating in
13 current impeachment proceedings, or could participate in future impeachment
14 proceedings, with professional discipline and criminal prosecution.

15 ➔Section 2. The Director the Legislative Research Commission is directed to file
16 a complaint in the name of the Senate against Justice Kelly Thompson with the Judicial
17 Conduct Commission, and to include a copy of this Resolution with the complaint.