

Circuit Court Judge, 21st Circuit, 2nd Division

Bath, Menifee, Montgomery, Rowan counties

David Barber and Elizabeth Davis are running to fill the unexpired term of Beth Lewis Maze, who retired a year ago. They were the top vote-getters in the June primary election.

Why are you running for this position in office?

David A. Barber: I am running for this position at this time because our circuit is in a state of turmoil due to the almost two years of the sitting Judge being suspended. That situation has been compounded by the pandemic I know my experience as a judge will help bring stability to our Circuit and restore trust to the citizens in our court system.

Elizabeth H. Davis: I am running for circuit judge because I feel that this position should be one of service to the community. I have a servant's heart and can do the hard work required, achieving common sense stability on the bench. The service aspect of this job is most important to me. With my temperament, background, and professional experience, I believe that I can best serve the community as your next circuit judge.

What skills, values, and experiences—both personal and professional—do you believe make you uniquely qualified for this position?

David A. Barber: 40 years as an attorney, prosecutor, general practice Served as Judge on KY Supreme Court, Court of Appeals and ALJ

Elizabeth H. Davis: I was born and raised in Ashland, Kentucky, and graduated from Paul G. Blazer High School. I am very familiar with our communities in the 21st judicial circuit. My career began in public service as a prosecutor for Fayette Commonwealth's Attorney Ray Larson. I absolutely loved that job. I served on the Safe Child Task Force, working with federal agencies to target child predators and keep our kids safe. After becoming a mother, I found myself having to choose between being near my children in Montgomery County or doing the job I loved. The choice was easy. I chose to enter the private sector to be there for my children, where I continued in my efforts to give back to the community, representing the interests of children in court and working with our local public school.

What are your views on whether the court, as a whole, deals effectively with racial and gender bias? What could be done to improve these types of biases?

David A. Barber: As a whole we have made great strides but all serving as judge should be vigilant to do better

Elizabeth H. Davis: The court system is made up of many agencies, all working together to achieve justice. Any time a human element is present, bias of some sort is possible. In my experience with the judicial system, bias plays out in various forms, typically through witness testimony. Those biases have been routinely exposed and argued before a jury, one trial at a time. It is the role of the circuit judge to administer the laws as they exist, and to implement the rules as ordered by the Supreme Court. Bias of any sort is not appropriate in administering justice.

Do you believe that all Kentuckians have adequate access to legal help and the legal system? If not, what can be done to provide broader and better access?

David A. Barber: More funding for legal aid and public defenders, so as to lessen caseload of the attorneys

Elizabeth H. Davis: In the 21st judicial circuit, access to the court system can be improved by more efficiency. The backlog of cases needs to be addressed through hard work and more access to the jury trial system. Improvements are implemented by the Supreme Court and then administered by local circuit judges.

What do you believe is the purpose of incarceration, both pre-trial and post-trial?

David A. Barber: Pre trial only if the charges and risk of flight Post trial to fit the crime

Elizabeth H. Davis: Incarceration pretrial serves to ensure that criminal defendants appear for court hearings and prevents potential witness tampering. Its purpose is to protect the community from violent conduct, while balancing the rights of the accused. Ethically, judges cannot presume to always or never implement certain measures. Each case should be evaluated on its own merit.

How would you respond to the argument that the cash bail system should be eliminated because it disproportionately punishes low-income Kentuckians and Kentuckians of color?

David A. Barber: Cannot comment as Judicial Ethics prohibit from statements that are critical of the law as it exists

Elizabeth H. Davis: If any judicial rules are to be changed, the responsible agency for that change is the Supreme Court of Kentucky. If there is a disproportionate impact upon certain groups, then data should be generated and provided to it for discussion and possible action. All citizens are entitled to fair and equal treatment under the law.

Do you endorse evidence-based approaches to ensure that the criminal justice system serves to better, not hinder, society? If so, what approaches do you endorse?

David A. Barber: I believe measures should always be considered to improve our system

Elizabeth H. Davis: Again, if any changes are to be made to the judicial system, it is not the purview of the circuit court, but the Supreme Court. As a former prosecutor, it was always my goal to improve society by protecting the innocent and seeking justice.

Would you support a civil Gideon law, which requires the state to provide an attorney in civil cases if a person cannot afford one on their own? Why or why not?

David A. Barber: All people should have access to an attorney. Pro-se litigants are at a disadvantage

Elizabeth H. Davis: Once again, judicial changes are made by the Supreme Court of Kentucky, not the circuit court. Feasibility studies generating data would be presented to that court for possible change on this issue.

Would you support ending civil asset forfeiture (a legal tool that allows law enforcement officials to seize property they allege is involved in a crime) without conviction?

David A. Barber: Cannot comment as Judicial Ethics prohibit from statements that are critical of the law as it exists

Elizabeth H. Davis: It is ethically inappropriate as a circuit judge candidate to express opinions about potential cases. It is the job of the circuit judge to administer the law as it currently exists and to follow the judicial and ethical rules as outlined by the Supreme Court of Kentucky, which would be the appropriate body to make any change.