

# Evaluation of the Judiciary Serving Jefferson County, KY

*United States District Court for the Western District of Kentucky,  
United States Bankruptcy Court for the Western District of Kentucky,  
Magistrates for the Western District of Kentucky,  
Jefferson District Court*

## Comparison of Judges Summary Report



LOUISVILLE BAR

A S S O C I A T I O N

Pride in the profession. Service to the community.

**The Louisville Bar Association and  
The Louisville Bar Foundation  
600 West Main Street  
Louisville, KY 40202**

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2014 Evaluation

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**Background and  
Methodology**

## Background and Methodology

### Background

The Louisville Bar Association (LBA) contracted the services of Thoroughbred Research Group to assist in its annual review of the performance of sitting judges. The LBA sent evaluations to all Kentucky Bar Association members with contact addresses in Jefferson County to rate the performance of various judges with whom they have had experience over the past two years. Judges included in the 2014 evaluation were those serving on United States District Court for the Western District of Kentucky, United States Bankruptcy Court for the Western District of Kentucky, and Jefferson District Court. Also included in the 2014 evaluation were Magistrates for the Western District of Kentucky.

### Methodology

In March 2014, letters and postcards were sent to 4,514 KBA members informing them of the annual Judicial Evaluation. Members who were qualified to participate in the review were asked to fill out the postcard request and return it to Thoroughbred Research Group no later than March 31, 2014. A total of 578 postcard requests were received by the postmark date. Survey packets and return envelopes were mailed to the 578 members in early April. Reminders were posted on the LBA website and social media pages throughout the following two weeks. Respondents were asked to return the completed evaluation forms to Thoroughbred Research Group postmarked no later than April 28, 2014. A total of 295 completed survey forms were returned by the postmark date.

### Response Rate

Because of the size of the litigation bar and the nature of such practice, only a limited number of attorneys have had significant experience with a particular judge in a specific court. Consequently, from the original 4,514 attorneys who received notice of the evaluation, just a fraction could reasonably be expected to respond to the survey questions. Of those attorneys who were qualified and agreed to respond to the evaluation, many may have significant experience in only one of the courts evaluated or with a limited number of the judges listed. Still, the number of lawyers responding is more than adequate to result in a statistically valid evaluation of the judiciary.

### Questionnaire

The survey instrument included a series of 19 attributes for the United States District Court and Jefferson District Court, and 17 attributes for United States Bankruptcy Court and Magistrates that were used to evaluate the performance of each judge. Respondents were asked to indicate the extent to which they agreed or disagreed with each statement used to describe a particular judge using a four-point rating scale of strongly disagree, disagree, agree, and strongly agree. Respondents were also given an option to write in any advice they would give to a particular judge to improve his/her performance. These comments were provided only to the applicable judge under separate cover as

confidential feedback for his or her personal review. General comments on how to improve the evaluation process and the court system were submitted to the LBA and chief judge of each court, respectively, under separate cover. Respondents were instructed to rate only those judges with whom they have had substantial professional contact within the past two years.

Where applicable, comparative ratings are shown from the most recent prior Judicial Evaluation in 2011.

The judges rated during the 2014 evaluation and the total number of respondents rating each judge is shown below:

**United States District Court for the Western District of Kentucky**

- Joseph H. McKinley Jr. (n = 43)

**United States District Court for the Western District of Kentucky – Senior Judge**

- John G. Heyburn II (n = 112)
- Thomas B. Russell (n = 78)
- Charles R. Simpson III (n = 97)

**United States Bankruptcy Court for the Western District of Kentucky**

- Thomas H. Fulton (n = 42)
- Joan A. Lloyd (n = 45)
- Alan C. Stout (n = 34)

**Magistrates for the Western District of Kentucky (Sitting in Louisville)**

- James D. Moyer (n = 98)
- Dave Whalin (n = 79)

**Magistrates for the Western District of Kentucky (Sitting Elsewhere)**

- H. Brent Brennenstuhl (n = 11)
- Lanny King (n = 12)

**Jefferson District Court**

- Donald E. Armstrong Jr. (n = 175)
- Gina Kay Calvert (n = 134)
- Eric J. Haner (n=82)
- Annette C. Karem (n = 135)
- Sandra L. McLaughlin (n = 120)
- Jennifer B. Wilcox (n = 129)
- David P. Bowles (n = 182)
- Sheila A. Collins (n = 144)
- Anne Leitsch Haynie (n = 157)
- Kathryn R. “Katie” King (n = 153)
- Ann Bailey Smith (n = 138)
- Erica Lee Williams (n = 124)
- Stephanie Pearce Burke (n = 142)
- Sean R. Delahanty (n = 152)
- David L. Holton II (n = 171)
- Deana H. “Dee” McDonald (n = 85)
- Michele B. Stengel (n = 120)

**Jefferson District Court – Senior Status**

- Janice R. Martin (n = 90)
- Joan A. “Toni” Stringer (n = 90)

Note: Magistrates Brennenstuhl and King occasionally hear cases in the Louisville area, and are therefore included in this evaluation. However, they primarily adjudicate cases in other areas of the Western District of Kentucky. The views of the Louisville-area attorneys shown here should not be interpreted as an evaluation from the full range of attorneys who have practiced before these magistrates during the past two years.



## General Satisfaction with Performance

The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job overall.

This is an independent rating of the above attribute. It is not a mathematical average of all other ratings.

### General Satisfaction with Performance United States District Court for the Western District of Kentucky

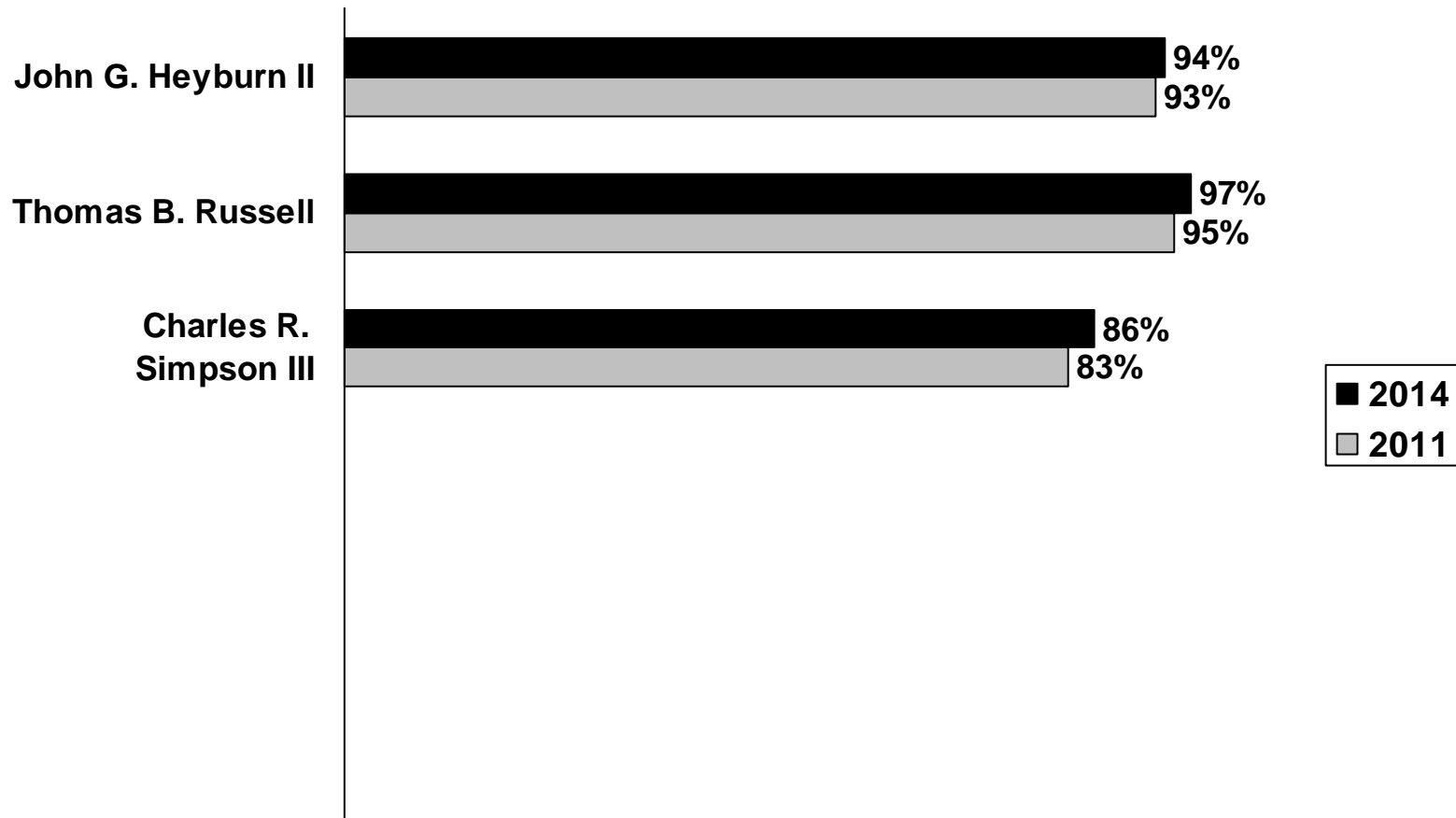
Joseph H.  
McKinley Jr.



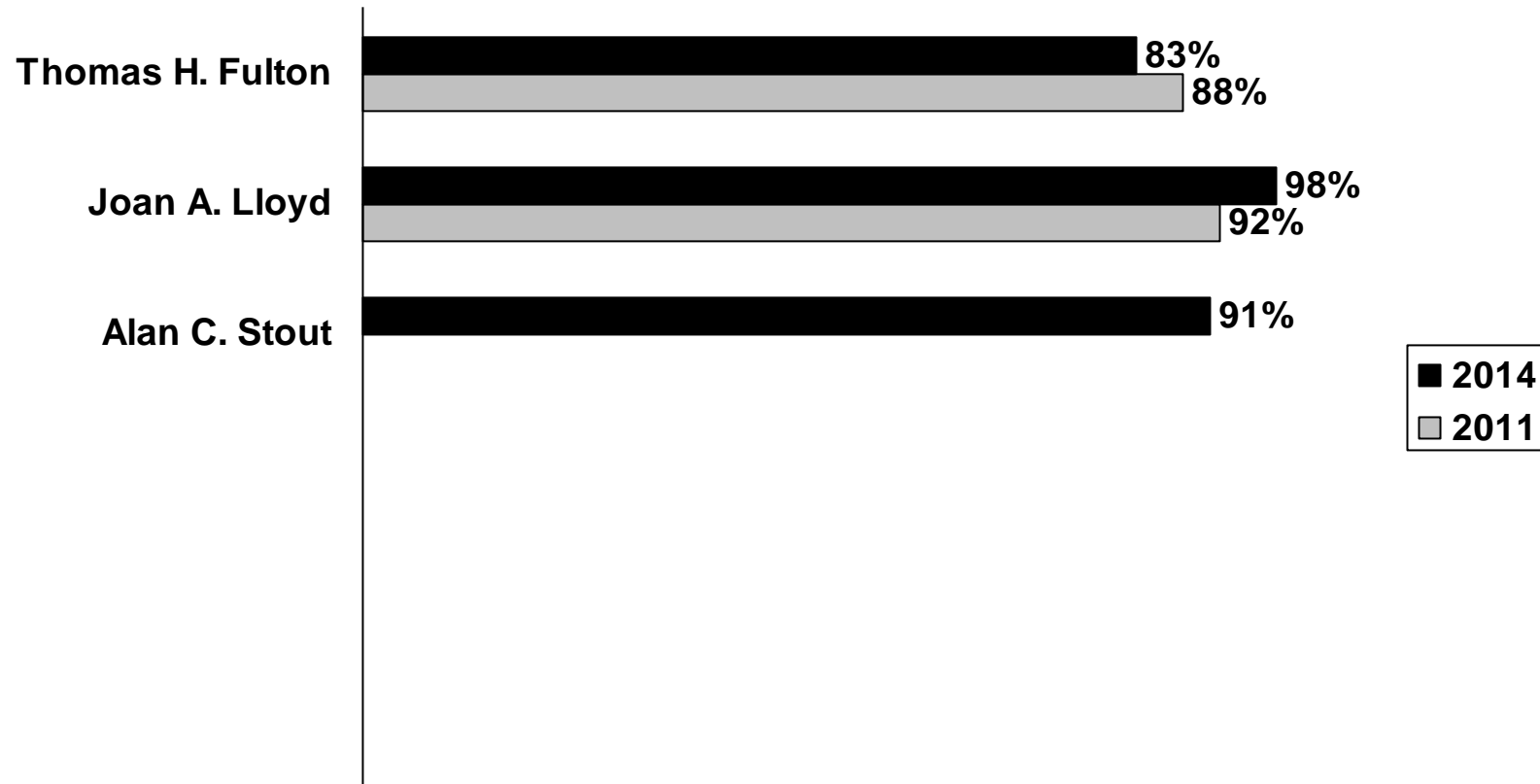
Note: Joseph H. McKinley Jr. not evaluated in 2011.



### General Satisfaction with Performance United States District Court for the Western District of Kentucky – Senior Judge



### General Satisfaction with Performance United States Bankruptcy Court for the Western District of Kentucky

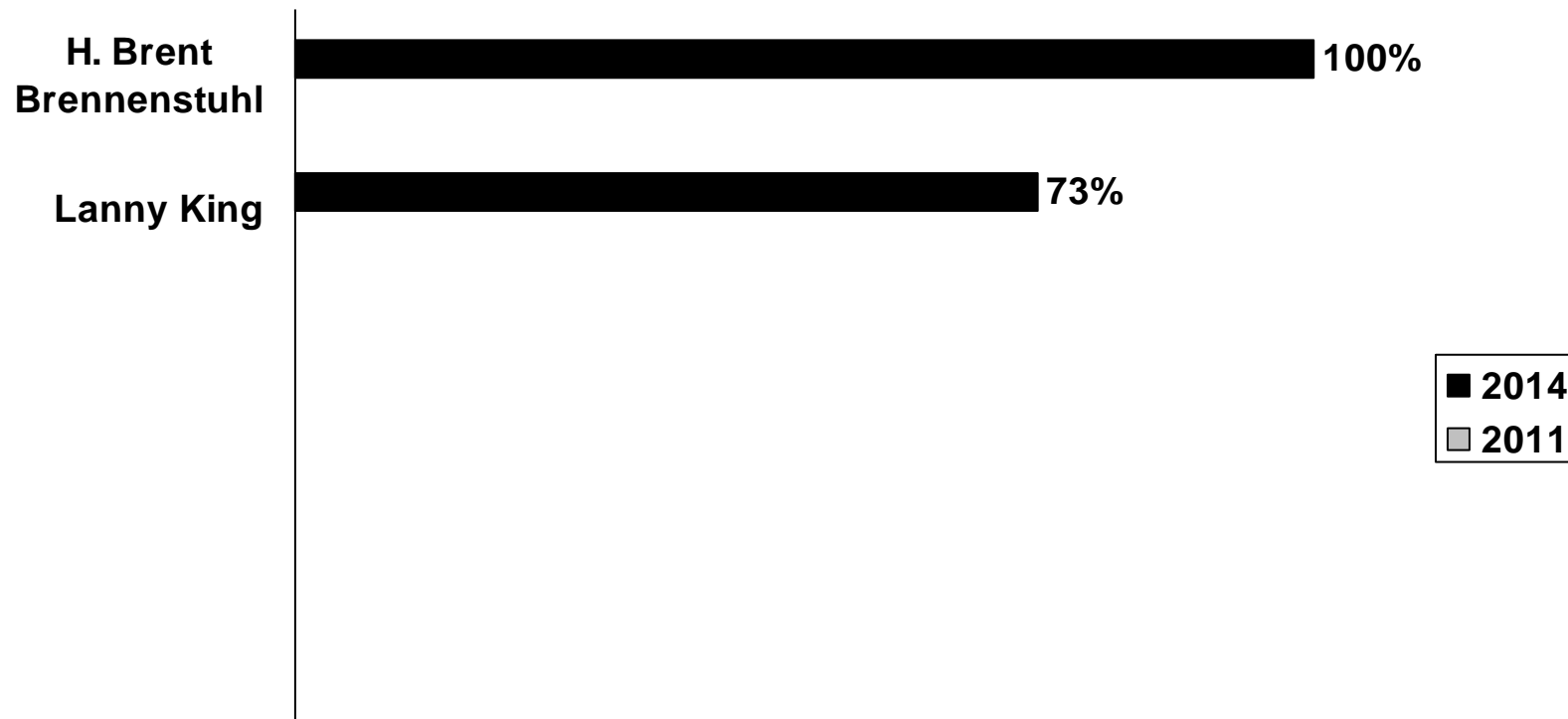


Note: Alan C. Stout not evaluated in 2011

**General Satisfaction with Performance  
Magistrates for the Western District of Kentucky (Sitting in Louisville)**



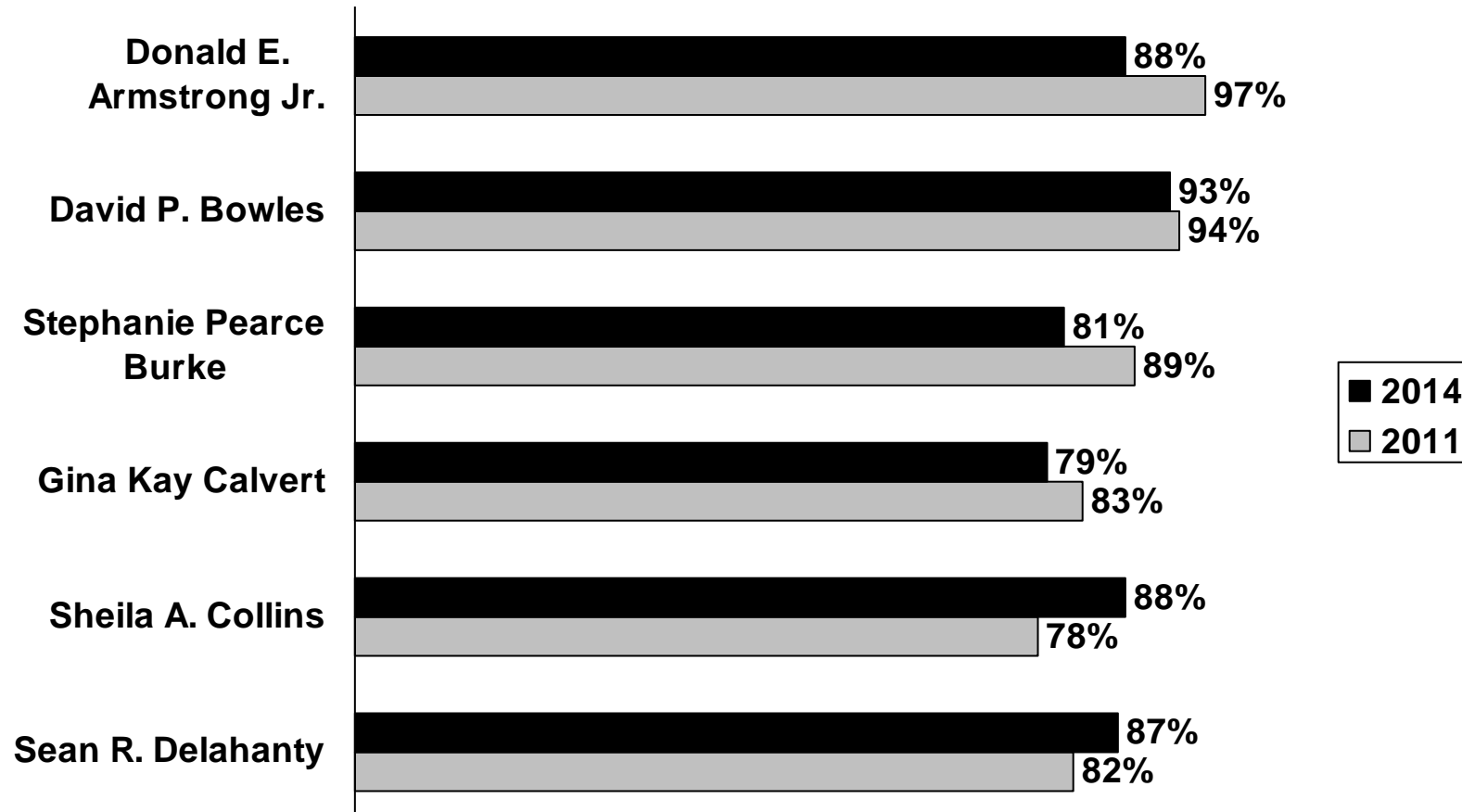
### General Satisfaction with Performance Magistrates for the Western District of Kentucky (Sitting Elsewhere)



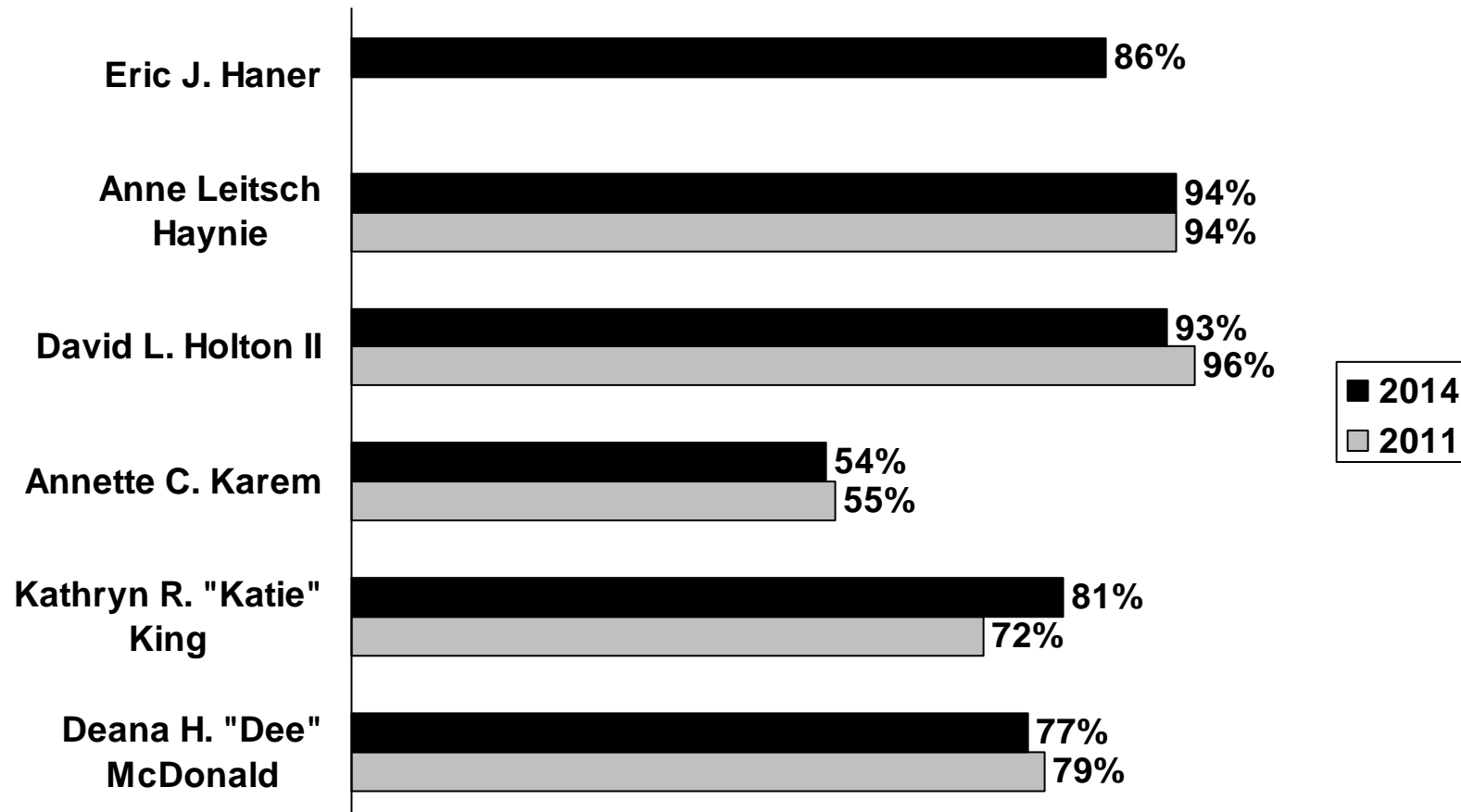
Note: H. Brent Brennenstuhl and Lanny King not evaluated in 2011.

Note: Magistrates Brennenstuhl and King occasionally hear cases in the Louisville area, and are therefore included in this evaluation. However, they primarily adjudicate cases in other areas of the Western District of Kentucky. The views of the Louisville-area attorneys shown here should not be interpreted as an evaluation from the full range of attorneys who have practiced before these magistrates during the past two years

### General Satisfaction with Performance Jefferson District Court

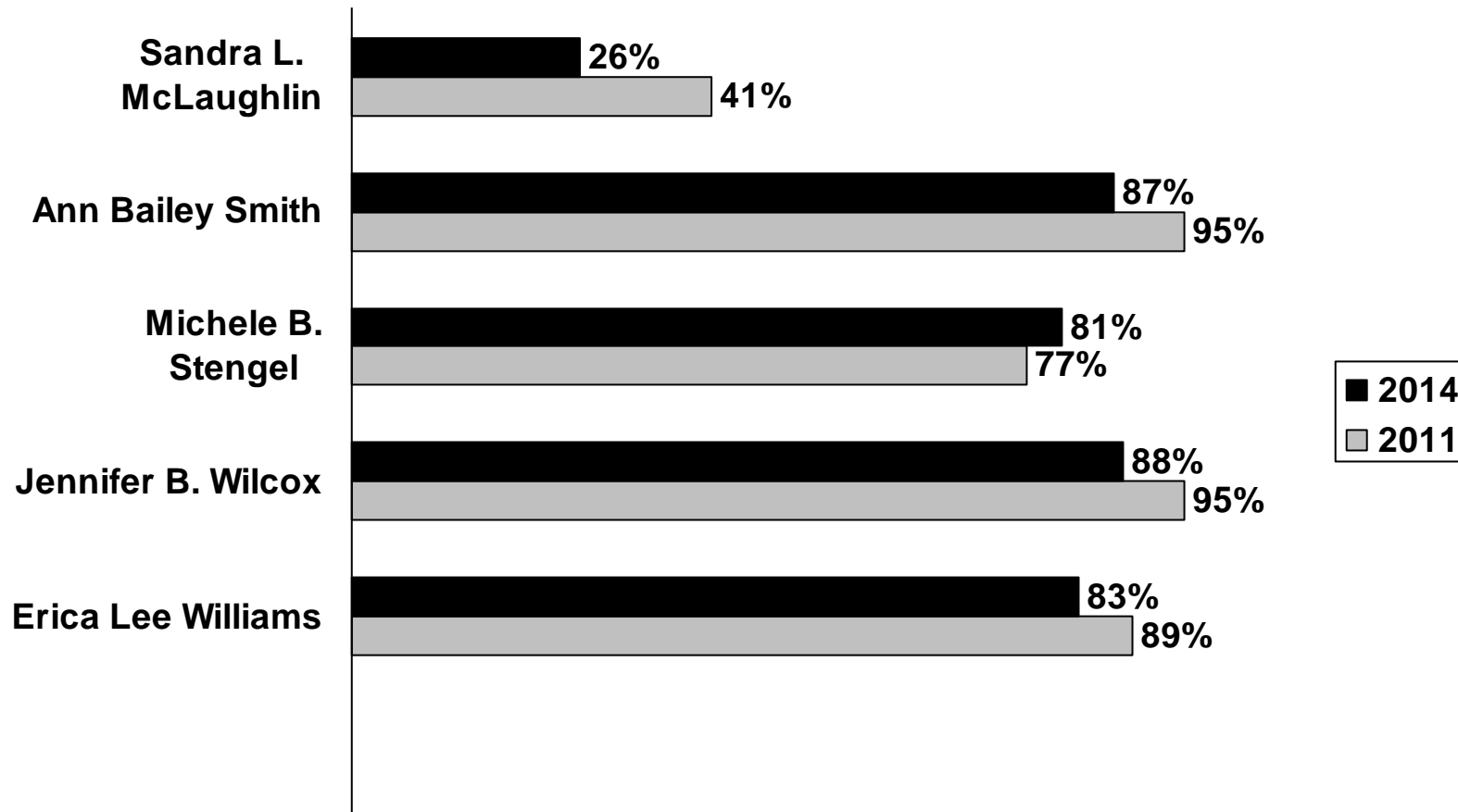


### General Satisfaction with Performance Jefferson District Court (Continued)

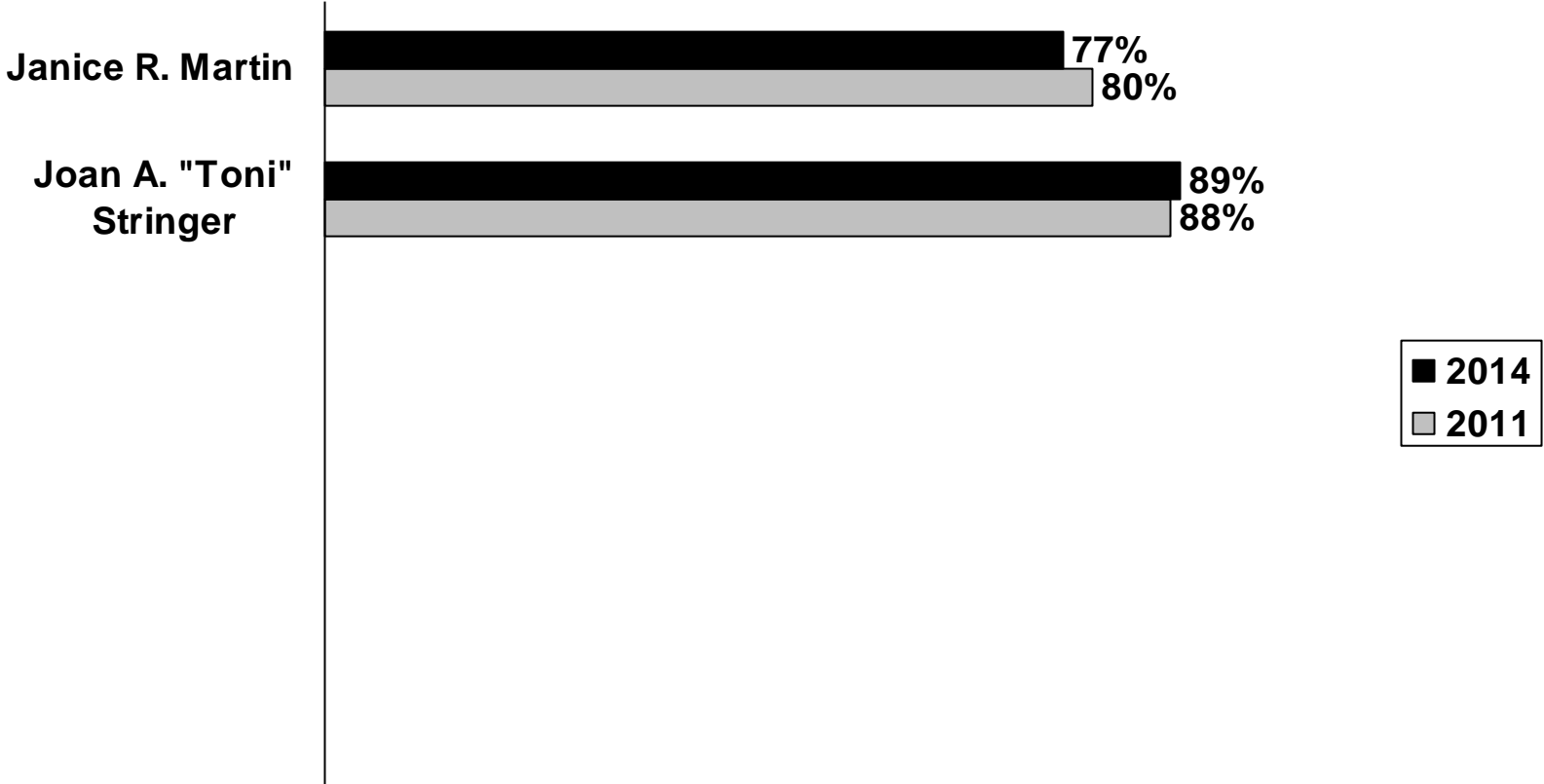


Note: Eric J. Haner not evaluated in 2011.

### General Satisfaction with Performance Jefferson District Court (Continued)



**General Satisfaction with Performance  
Jefferson District Court – Senior Status**





## Judicial Temperament Ratings

An average rating was calculated for the performance attributes that make up the Judicial Temperament category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Temperament are:

- Gives due consideration to arguments of counsel.
- Conducts court proceedings courteously.
- Pre-determines the outcome of the case.
- Refrains from interfering with the role of counsel in case presentation.
- Conducts court proceedings with objectivity.

## Judicial Temperament United States District Court for the Western District of Kentucky

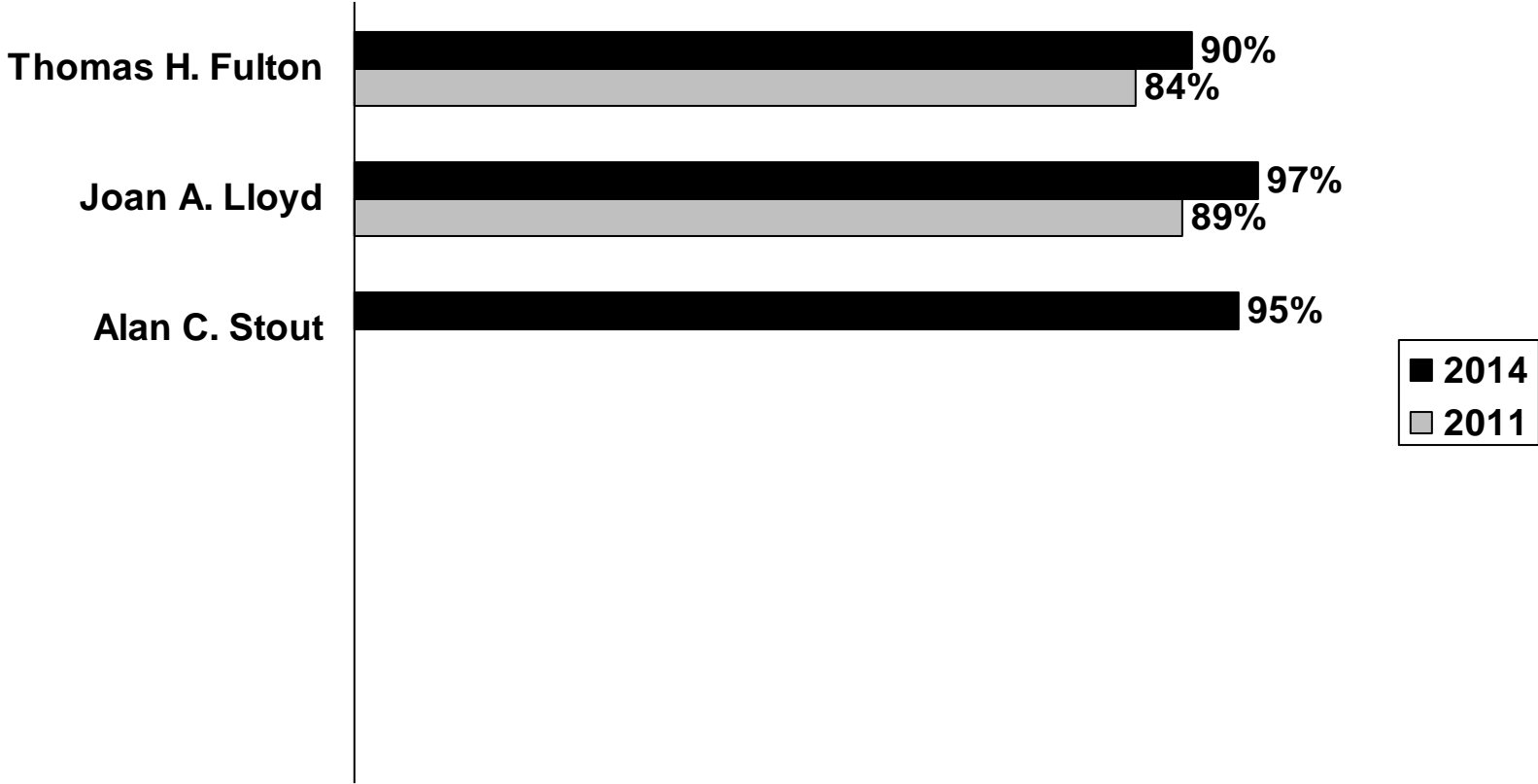


Note: Joseph H. McKinley Jr. not evaluated in 2011.

**Judicial Temperament**  
**United States District Court for the Western District of Kentucky – Senior Judge**



**Judicial Temperament**  
**United States Bankruptcy Court for the Western District of Kentucky**

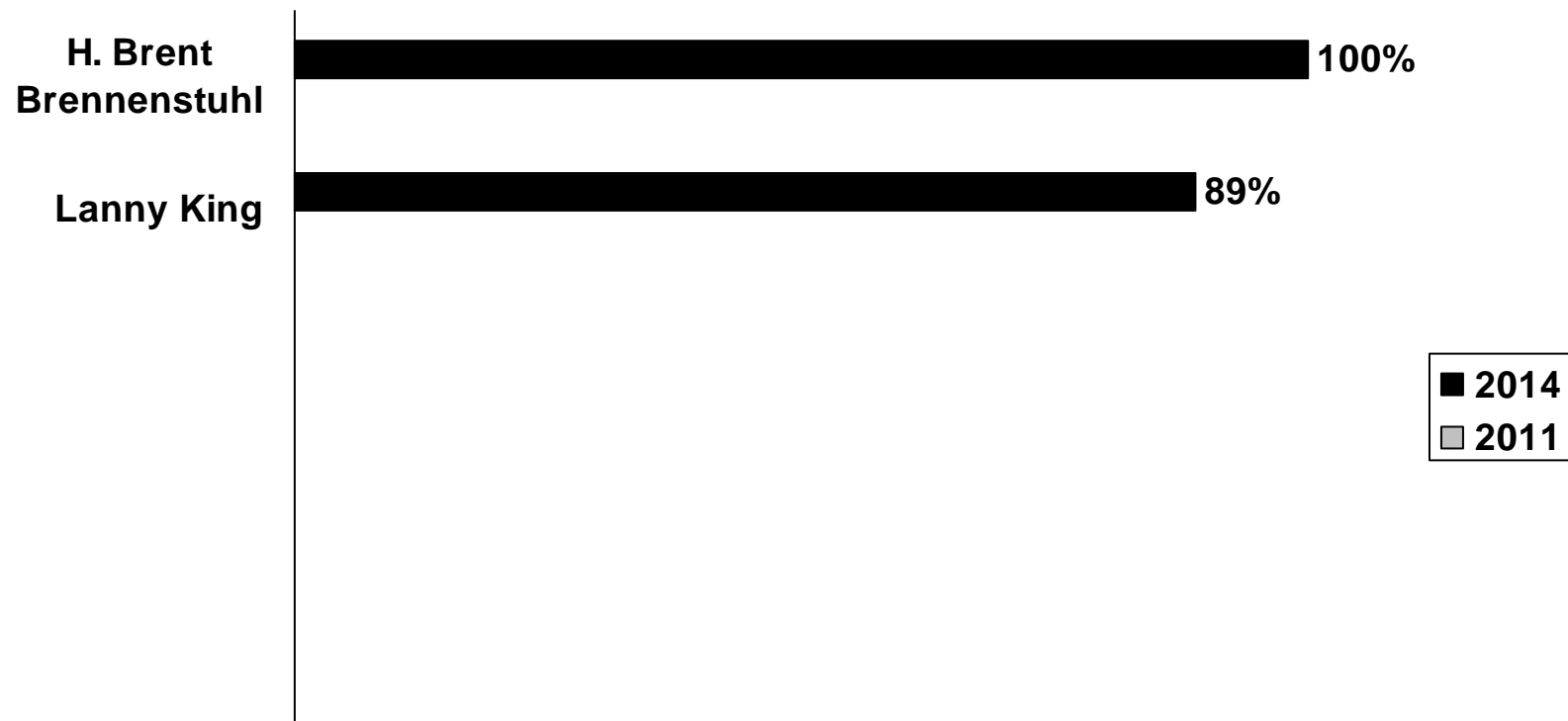


Note: Alan C. Stout not evaluated in 2011.

**Judicial Temperament**  
**Magistrates for the Western District of Kentucky (Sitting in Louisville)**



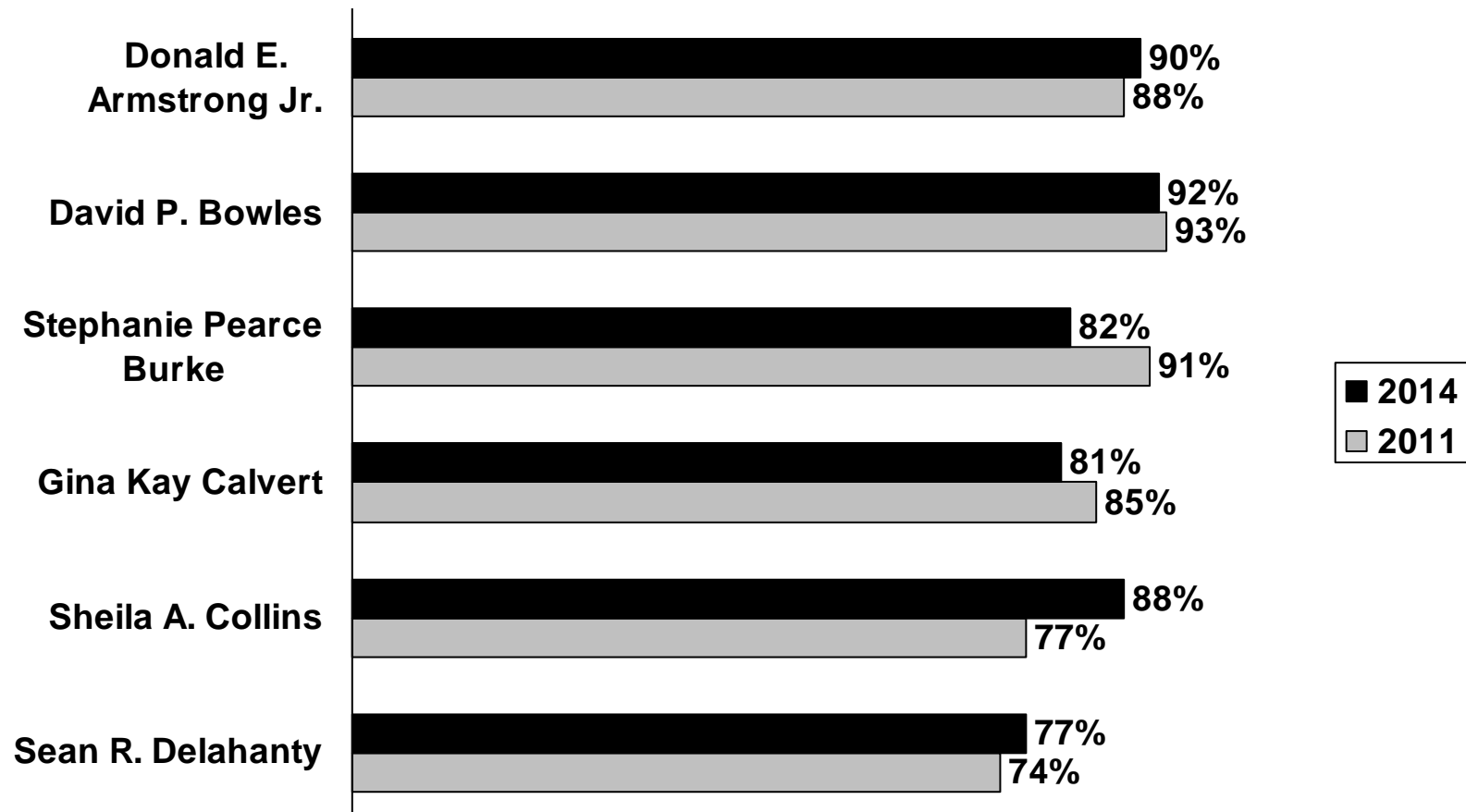
### Judicial Temperament Magistrates for the Western District of Kentucky (Sitting Elsewhere)



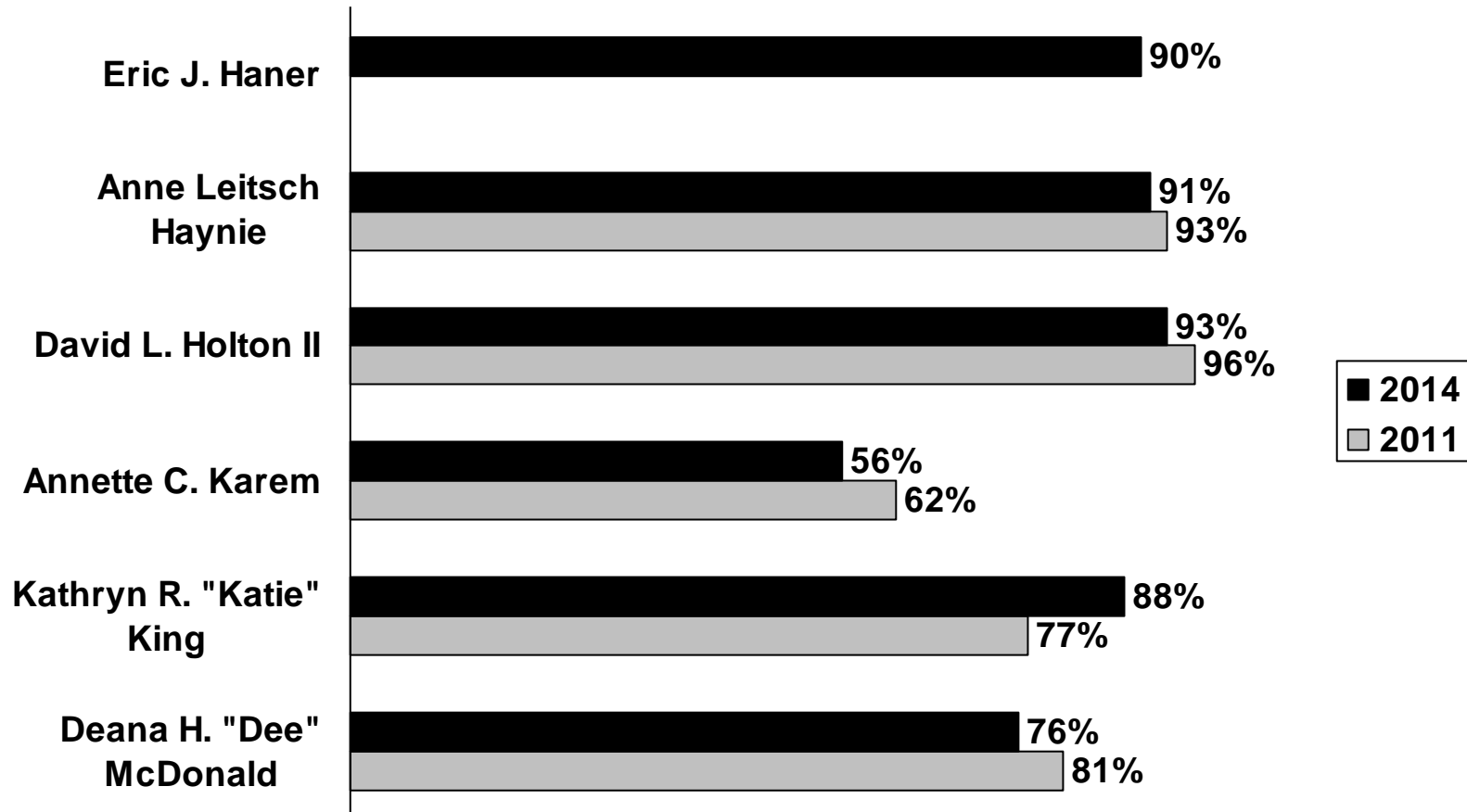
Note: H. Brent Brennenstuhl and Lanny King not evaluated in 2011.

Note: Magistrates Brennenstuhl and King occasionally hear cases in the Louisville area, and are therefore included in this evaluation. However, they primarily adjudicate cases in other areas of the Western District of Kentucky. The views of the Louisville-area attorneys shown here should not be interpreted as an evaluation from the full range of attorneys who have practiced before these magistrates during the past two years

### Judicial Temperament Jefferson District Court



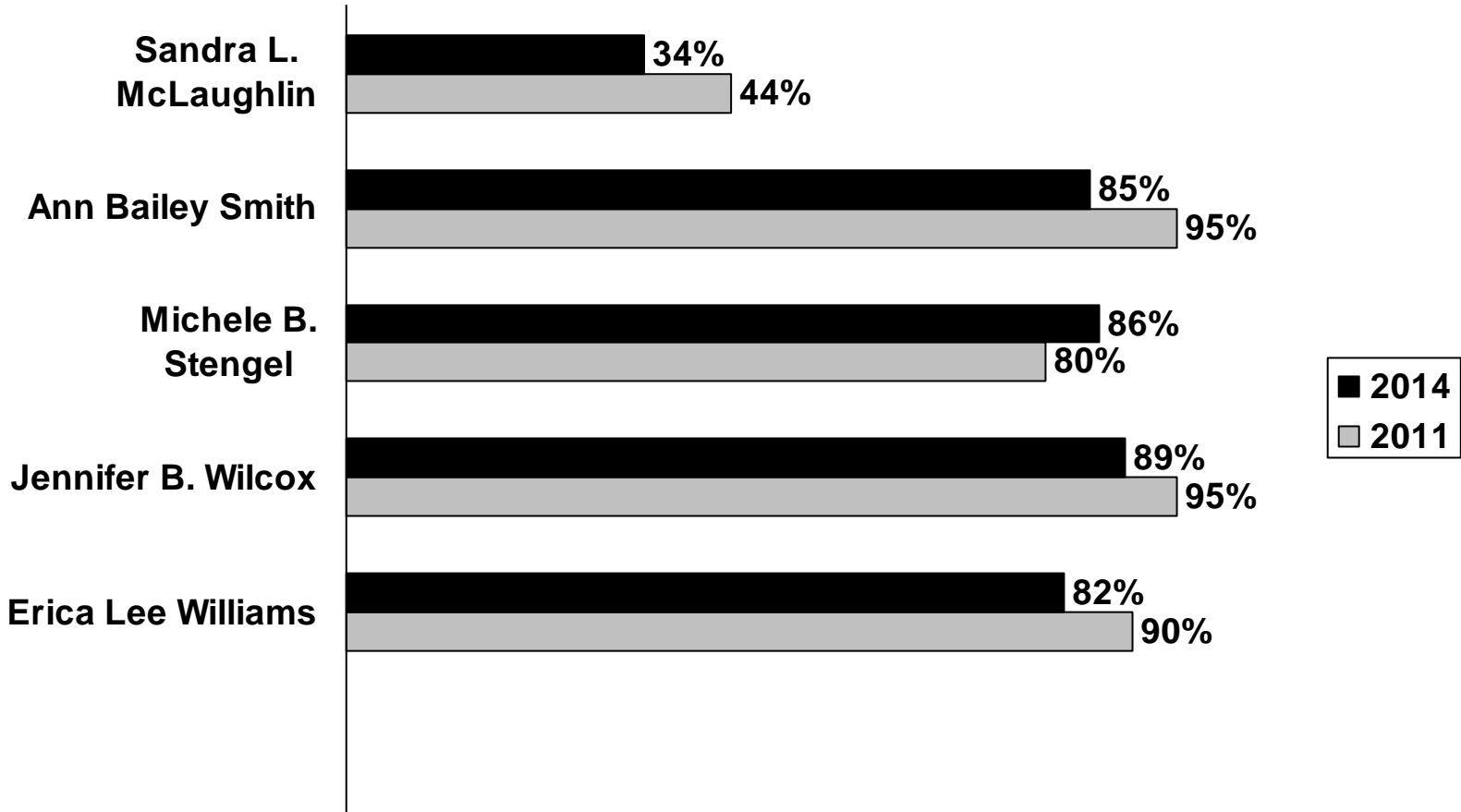
### Judicial Temperament Jefferson District Court (Continued)



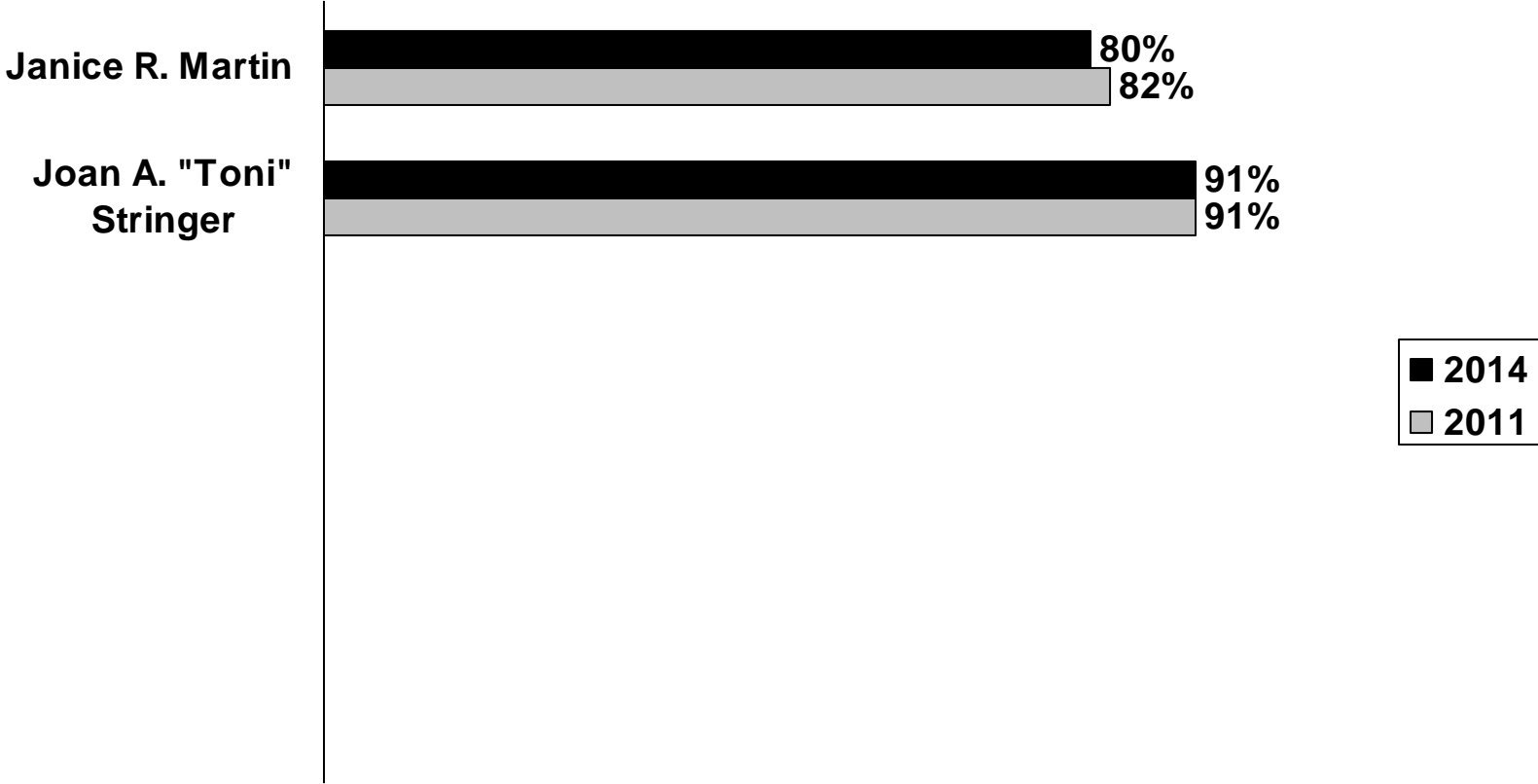
Note: Eric J. Haner not evaluated in 2011.



**Judicial Temperament  
Jefferson District Court (Continued)**



**Judicial Temperament**  
**Jefferson District Court – Senior Status**



## Court Management Ratings

An average rating was calculated for the performance attributes that make up the Court Management category. This rating was calculated by averaging the positive ratings for each attribute (“agree” and “strongly agree”). The performance areas under Court Management are:

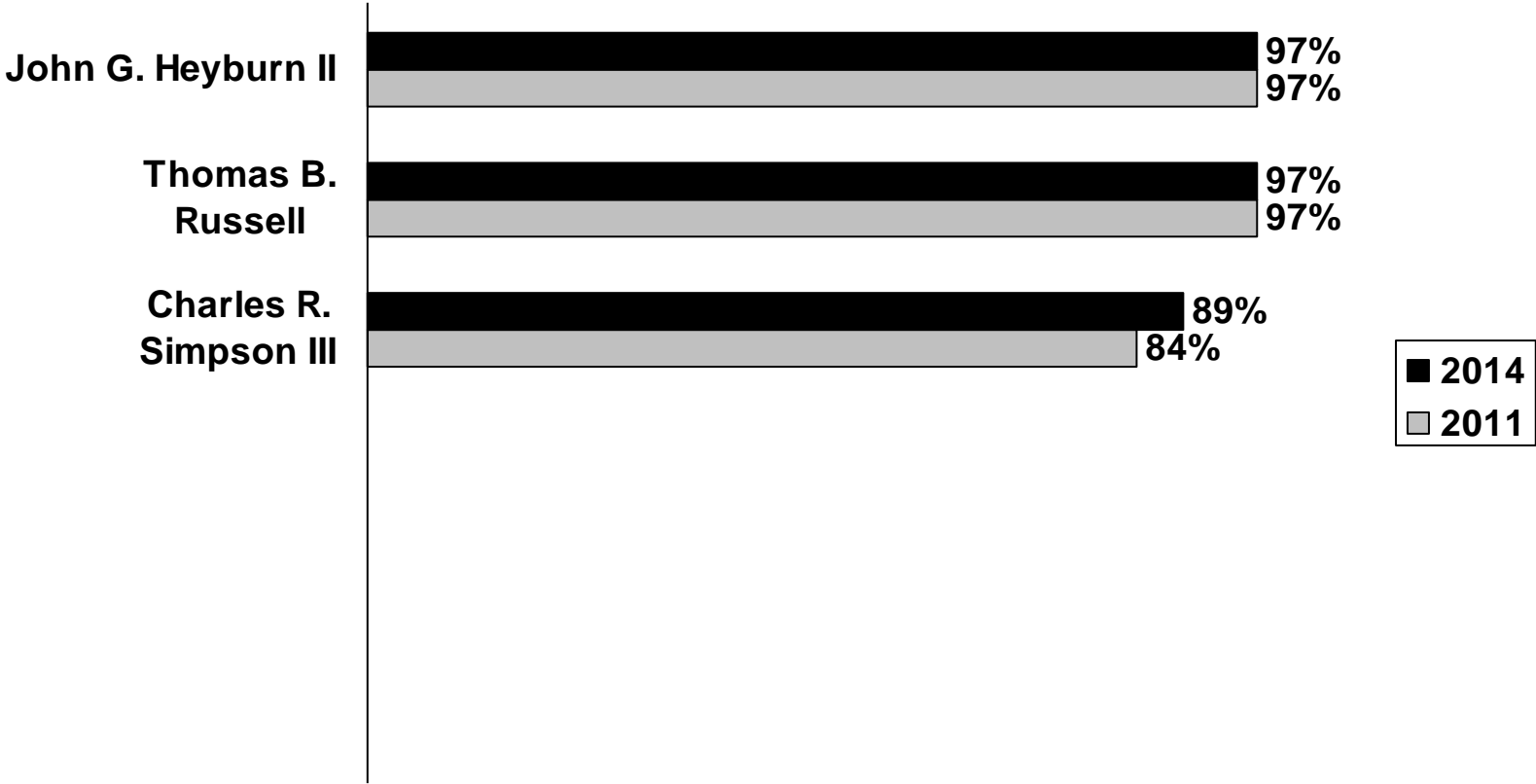
- Conducts court business in a timely manner.
- Is usually available for business during normal working hours.
- Is familiar with the file so as to consider issues presented.
- Exercises appropriate control over court proceedings and court personnel.

**Court Management**  
**United States District Court for the Western District of Kentucky**

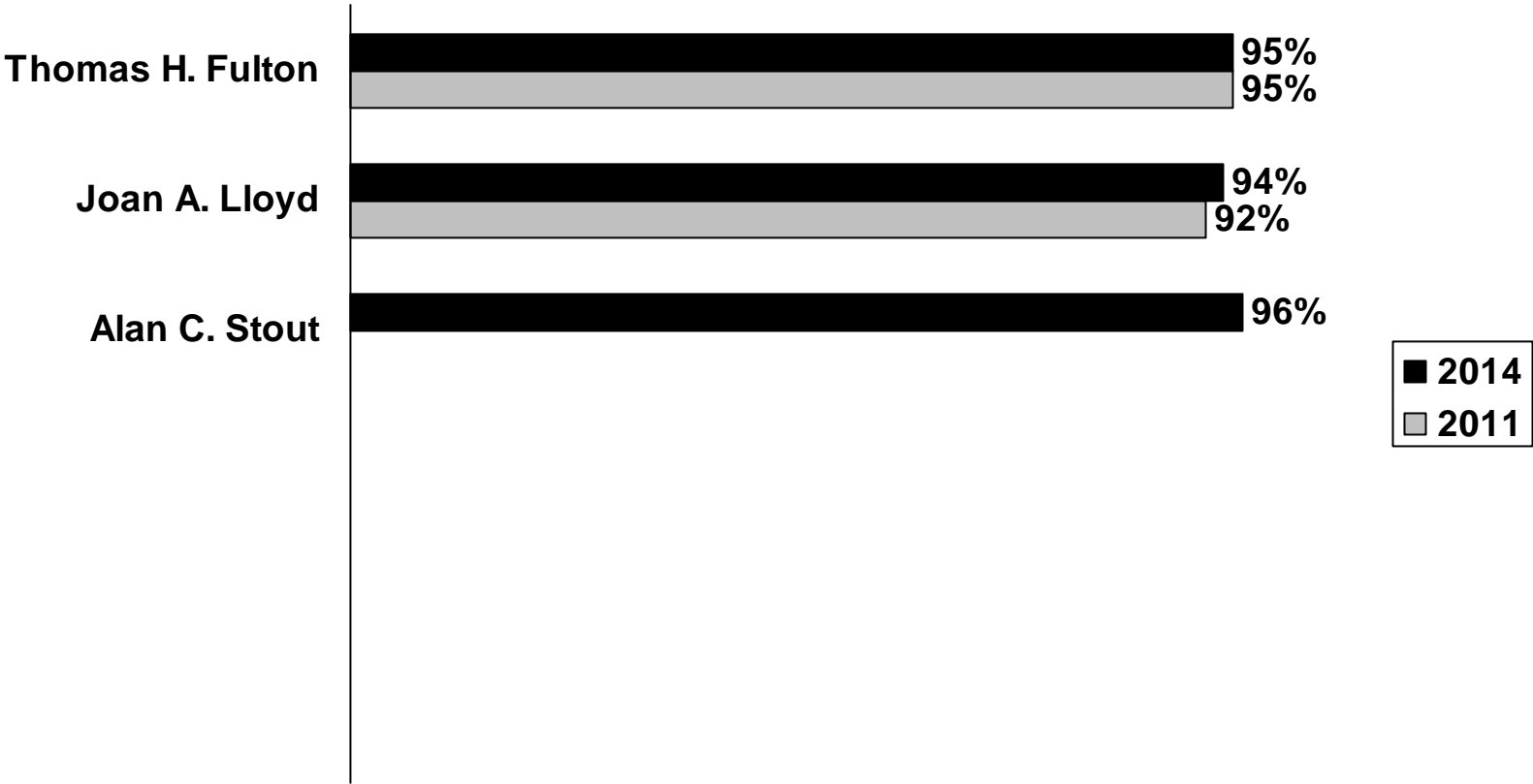


Note: Joseph H. McKinley Jr. not evaluated in 2011.

**Court Management**  
**United States District Court for the Western District of Kentucky – Senior Judge**



**Court Management**  
**United States Bankruptcy Court for the Western District of Kentucky**



Note: Alan C. Stout not evaluated in 2011.

**Court Management**  
**Magistrates for the Western District of Kentucky (Sitting in Louisville)**



## Court Management Magistrates for the Western District of Kentucky (Sitting Elsewhere)



Note: H. Brent Brennenstuhl and Lanny King not evaluated in 2011.

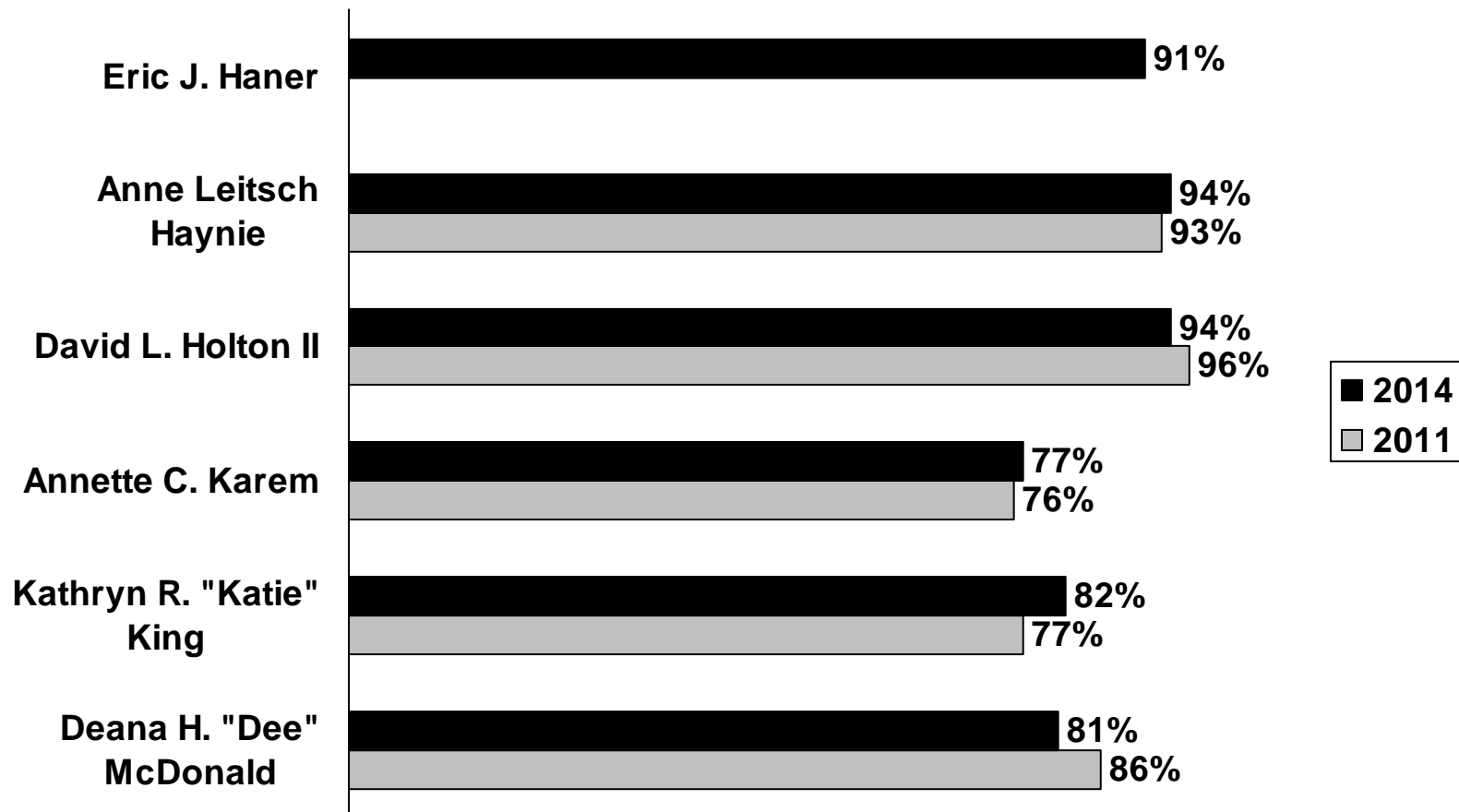
Note: Magistrates Brennenstuhl and King occasionally hear cases in the Louisville area, and are therefore included in this evaluation. However, they primarily adjudicate cases in other areas of the Western District of Kentucky. The views of the Louisville-area attorneys shown here should not be interpreted as an evaluation from the full range of attorneys who have practiced before these magistrates during the past two years



### Court Management Jefferson District Court

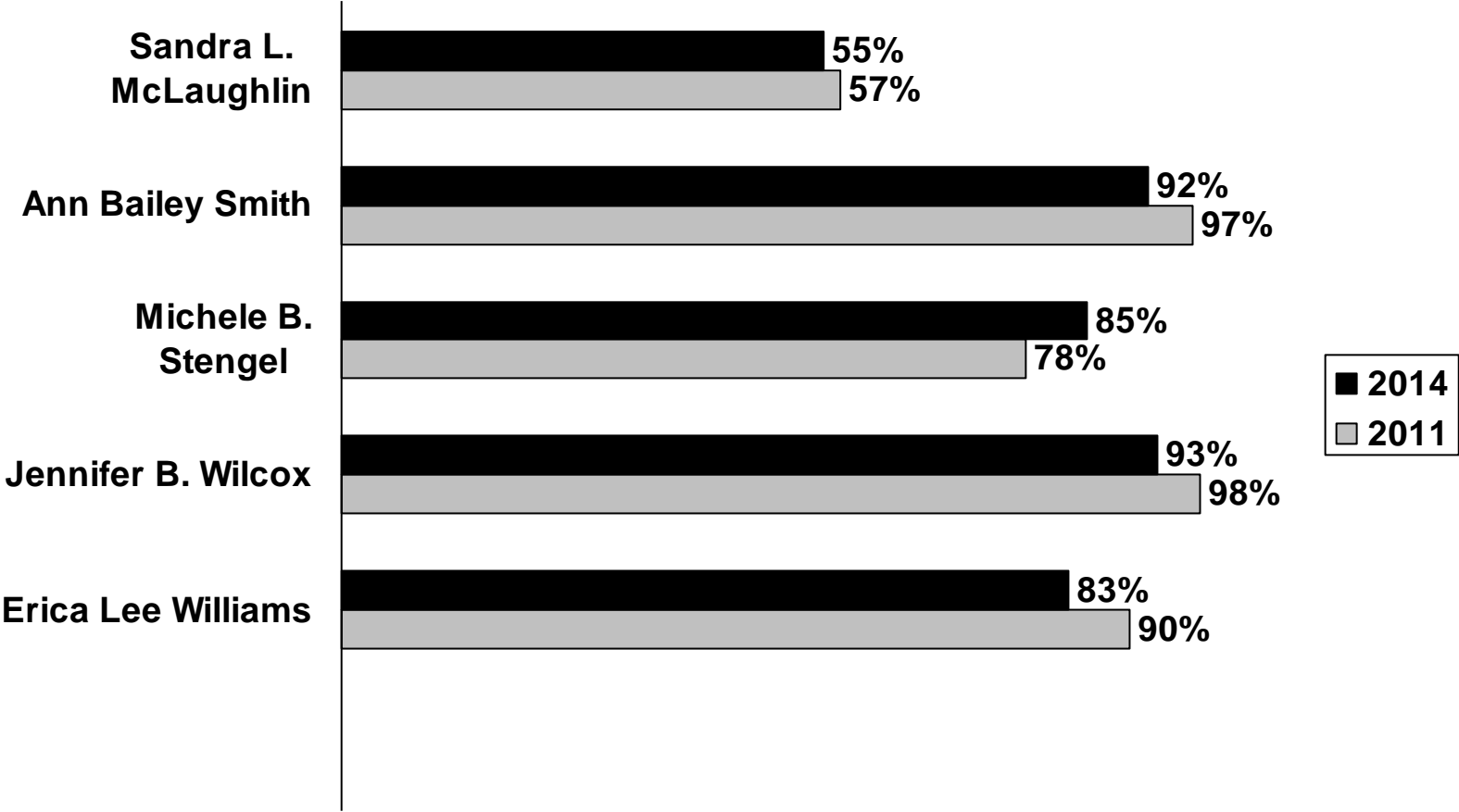


### Court Management Jefferson District Court (Continued)

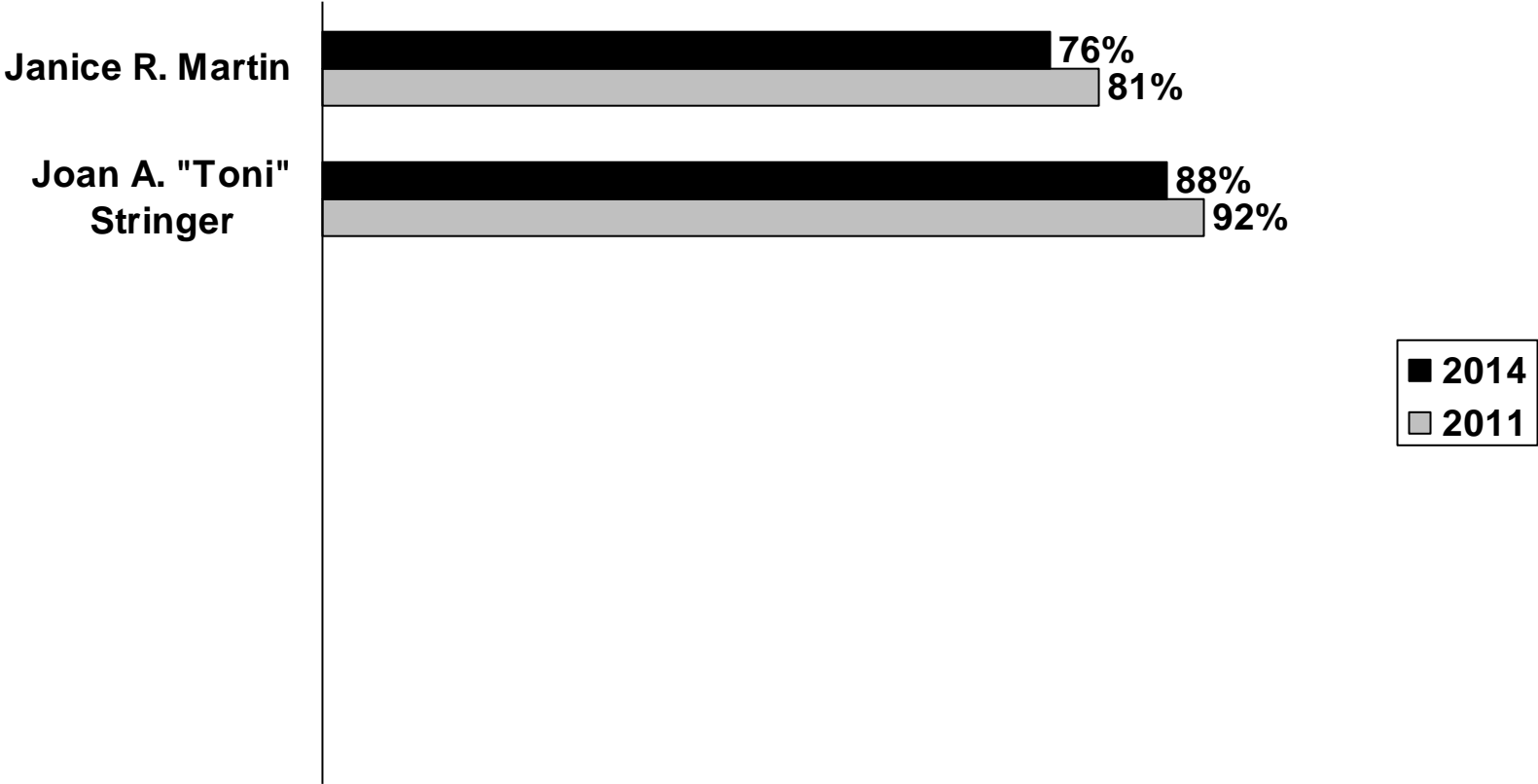


Note: Eric J. Haner not evaluated in 2011.

**Court Management  
Jefferson District Court (Continued)**



**Court Management**  
**Jefferson District Court – Senior Status**



## Judicial Integrity Ratings

An average rating was calculated for the performance attributes that make up the Judicial Integrity category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Integrity are:

- Is influenced by the race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status of persons appearing in court.
- Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness.
- Is affected by partisan interests in the conduct of the court.
- Engages in *ex parte* communications which may prejudice proceedings.
- Lets personal relationships affect his/her judgment.
- Adheres to the highest ethical standards in and out of court.

**Judicial Integrity**  
**United States District Court for the Western District of Kentucky**



Note: Joseph H. McKinley Jr. not evaluated in 2011.

**Judicial Integrity**  
**United States District Court for the Western District of Kentucky – Senior Judge**



### Judicial Integrity

#### United States Bankruptcy Court for the Western District of Kentucky



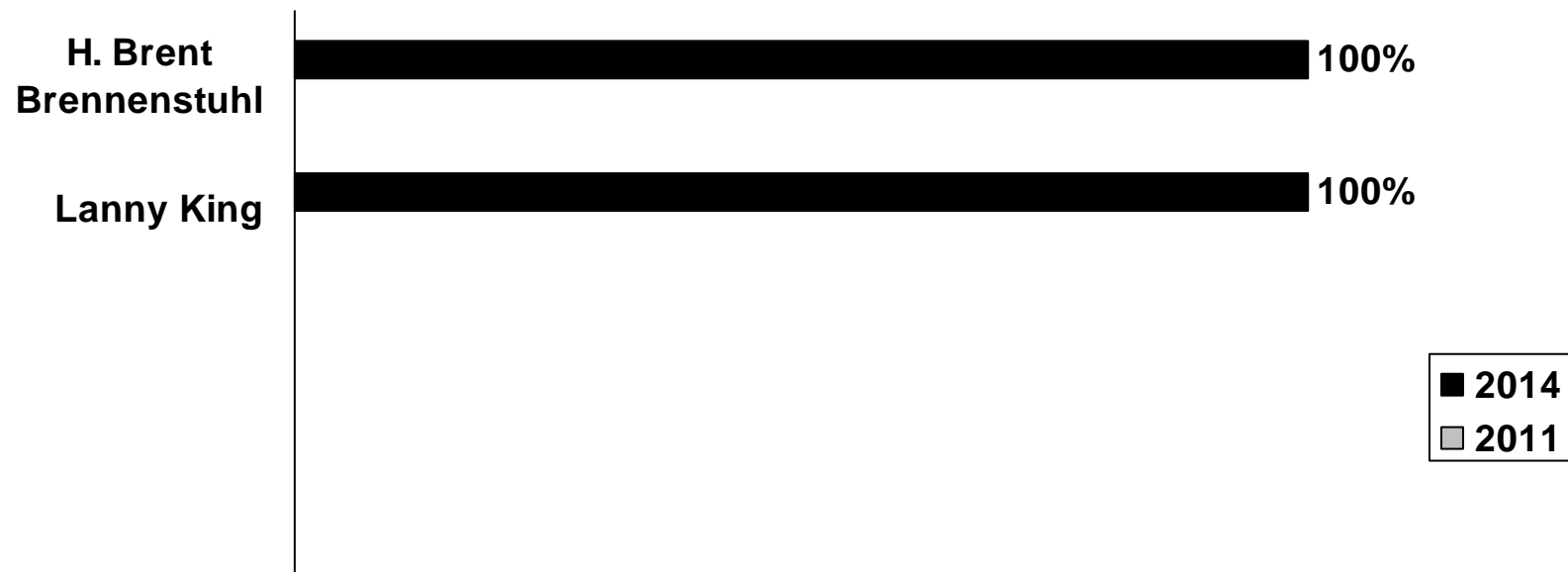
Note: Alan C. Stout not evaluated in 2011.



**Judicial Integrity**  
**Magistrates for the Western District of Kentucky (Sitting in Louisville)**



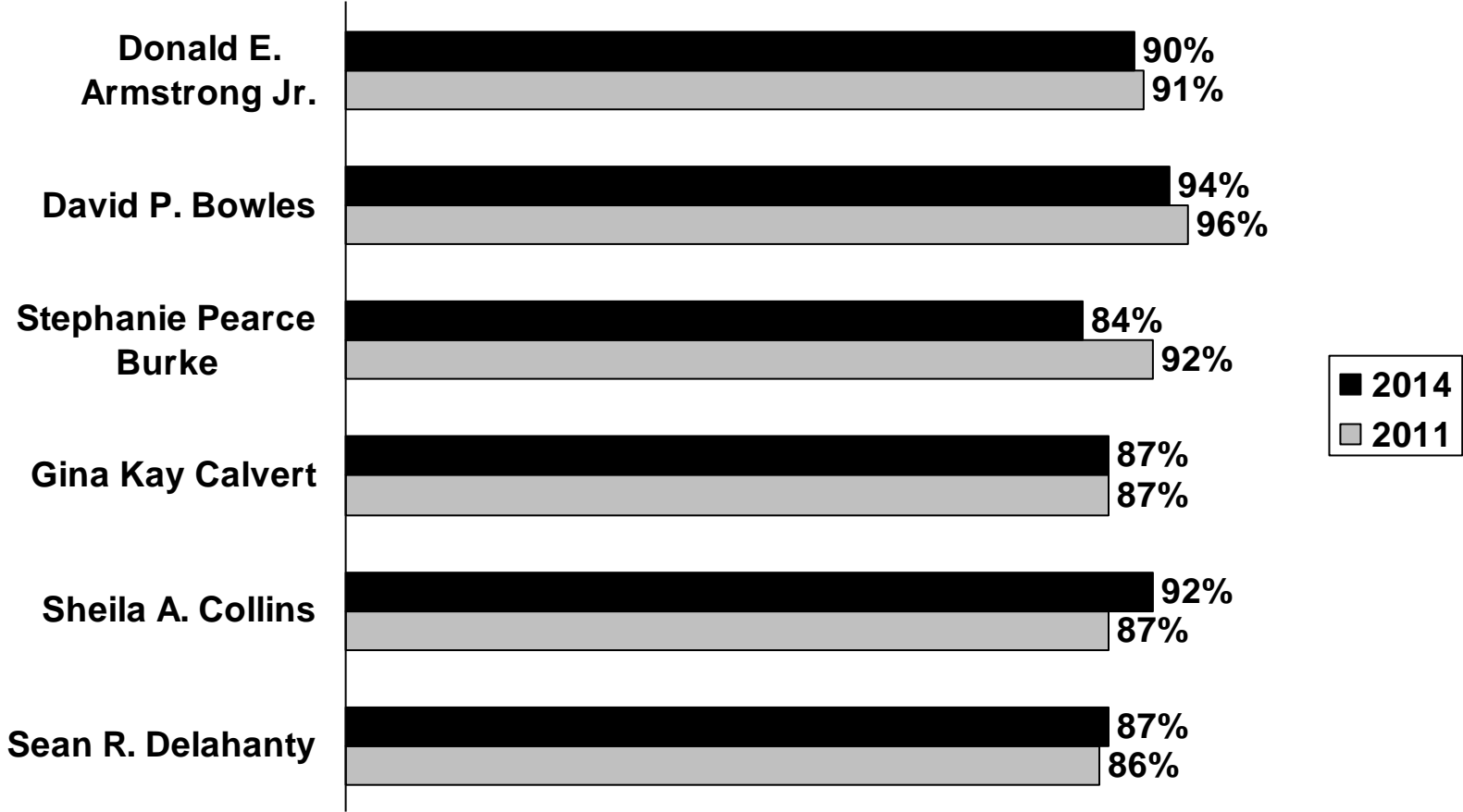
### Judicial Integrity Magistrates for the Western District of Kentucky (Sitting Elsewhere)



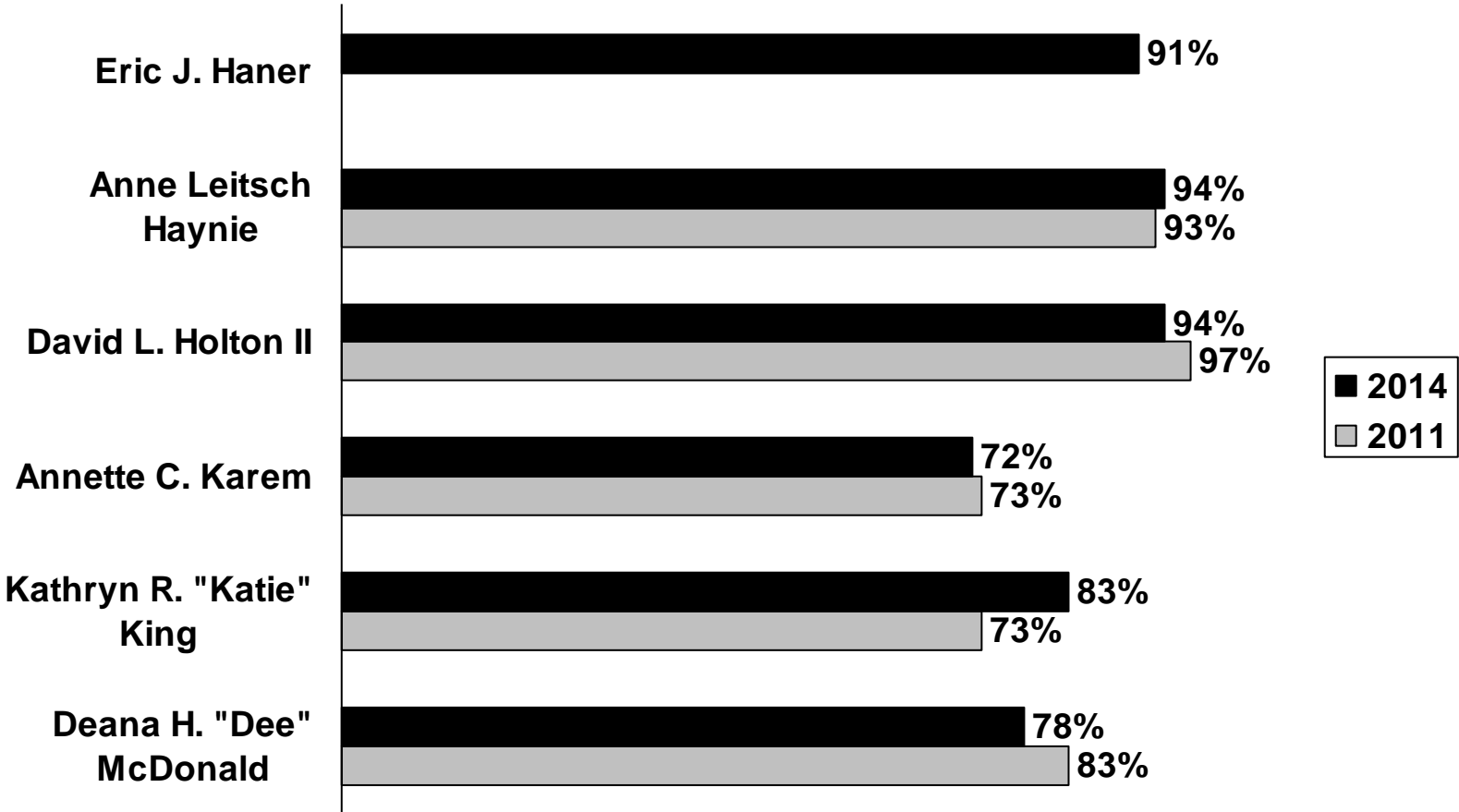
Note: H. Brent Brennenstuhl and Lanny King not evaluated in 2011.

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**Judicial Integrity  
Jefferson District Court**

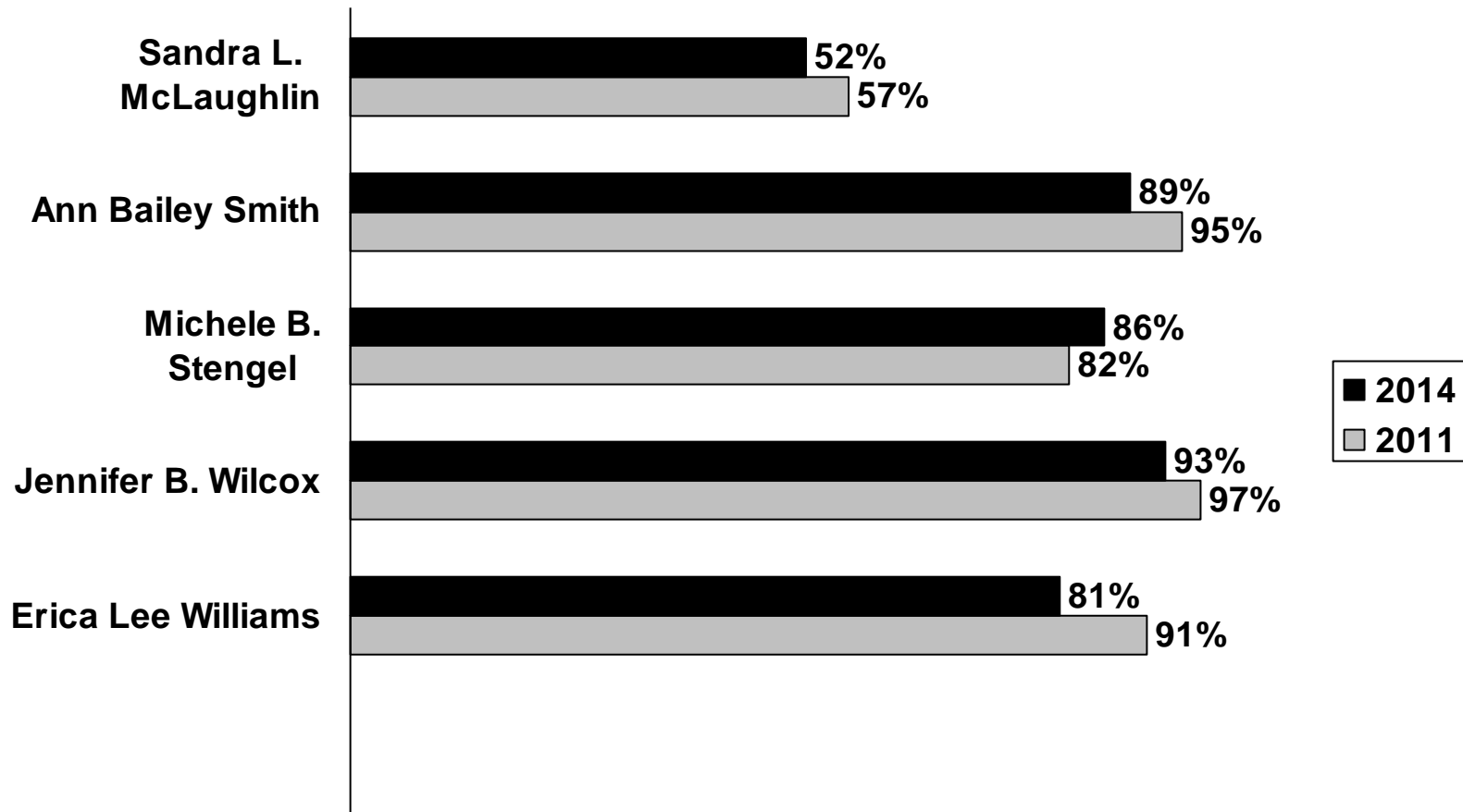


**Judicial Integrity  
Jefferson District Court (Continued)**

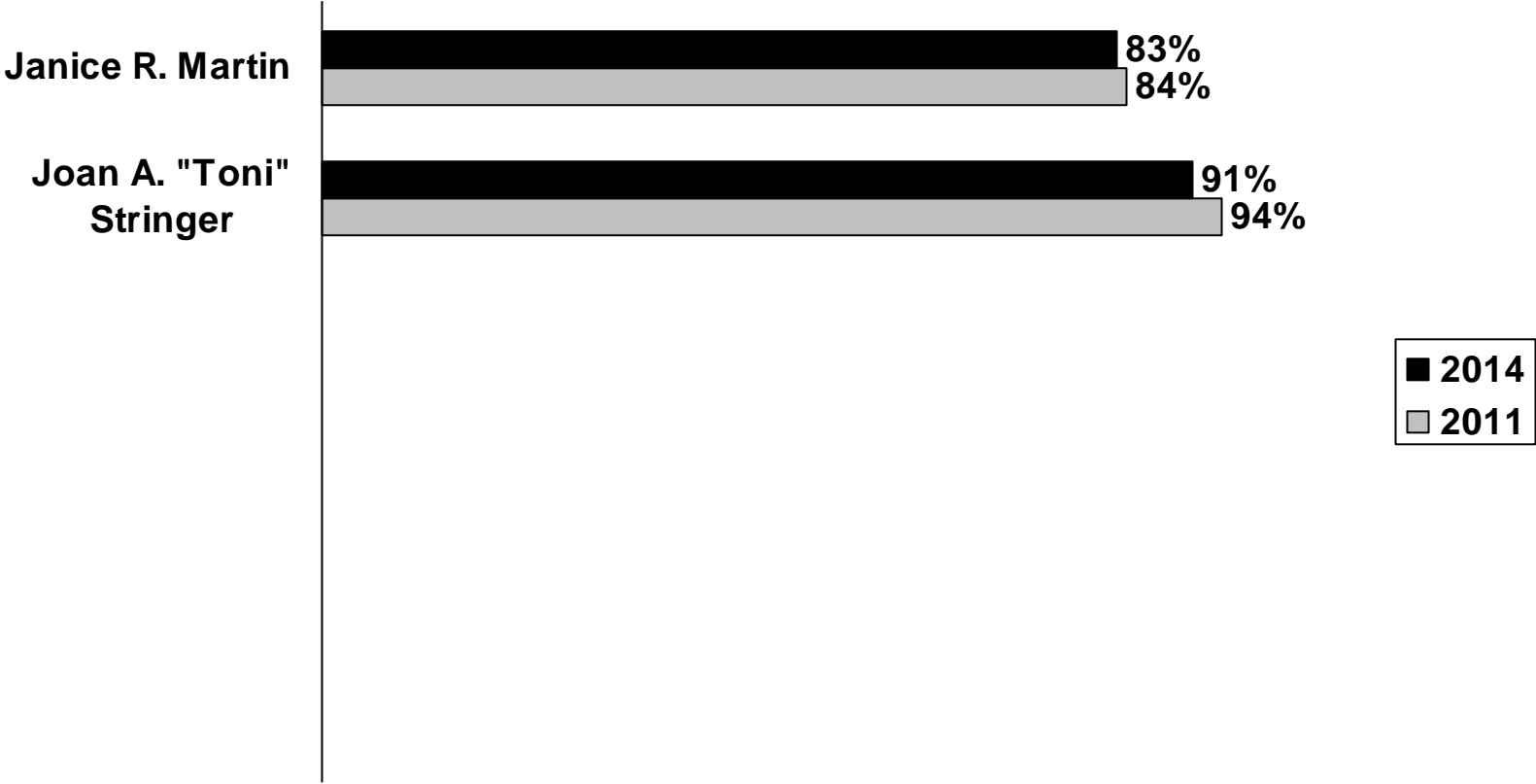


Note: Eric J. Haner not evaluated in 2011.

### Judicial Integrity Jefferson District Court (Continued)



**Judicial Integrity**  
**Jefferson District Court – Senior Status**



## Legal Ability Ratings

The following charts show the level of agreement with the following statement for each judge:

- Renders decisions that reflect sound legal analysis.

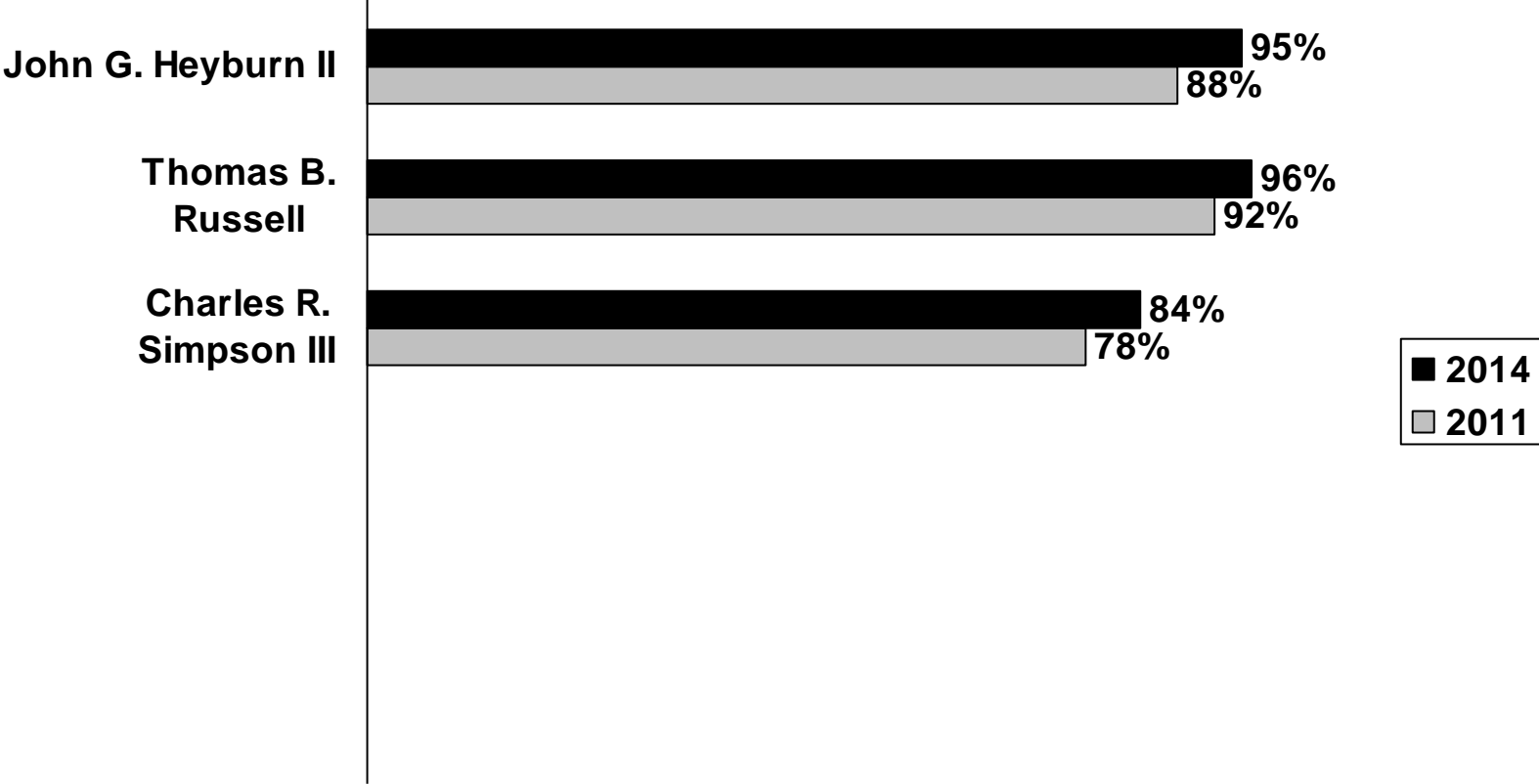
**Legal Ability**  
**United States District Court for the Western District of Kentucky**



Note: Joseph H. McKinley Jr. not evaluated in 2011.



**Legal Ability**  
**United States District Court for the Western District of Kentucky – Senior Judge**



**Legal Ability**  
**United States Bankruptcy Court for the Western District of Kentucky**

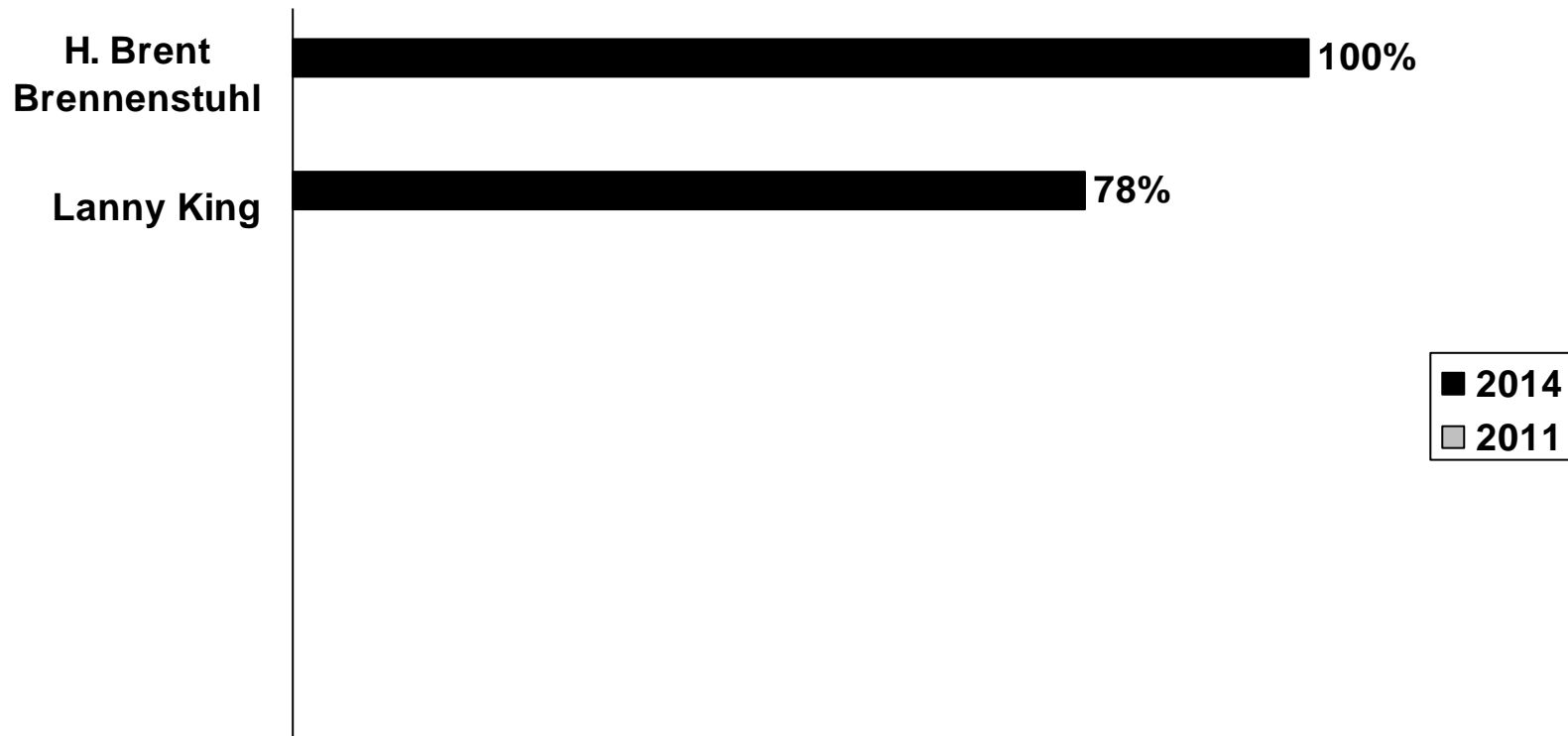


Note: Alan C. Stout not evaluated in 2011.

**Legal Ability**  
**Magistrates for the Western District of Kentucky (Sitting in Louisville)**



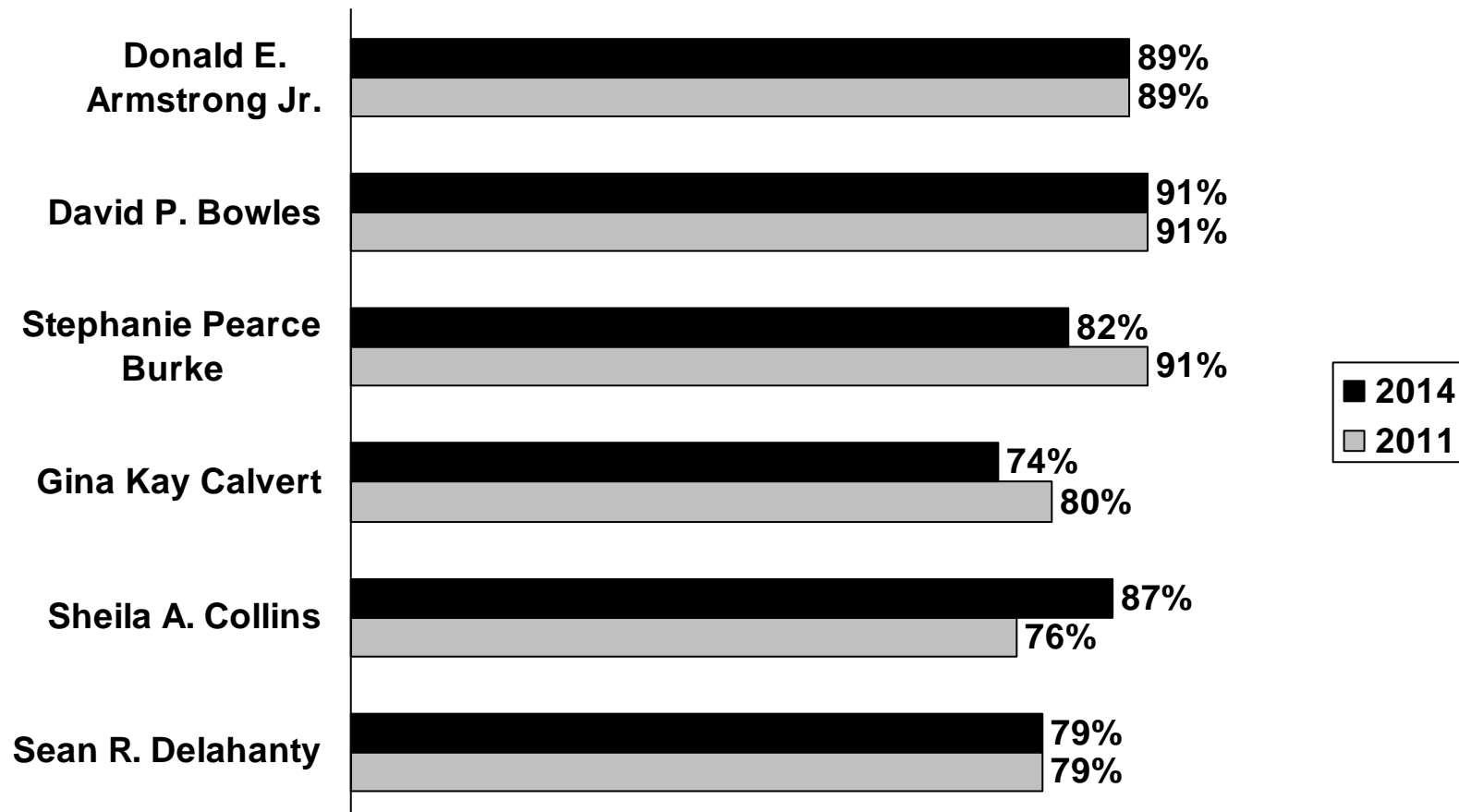
### Legal Ability Magistrates for the Western District of Kentucky (Sitting Elsewhere)



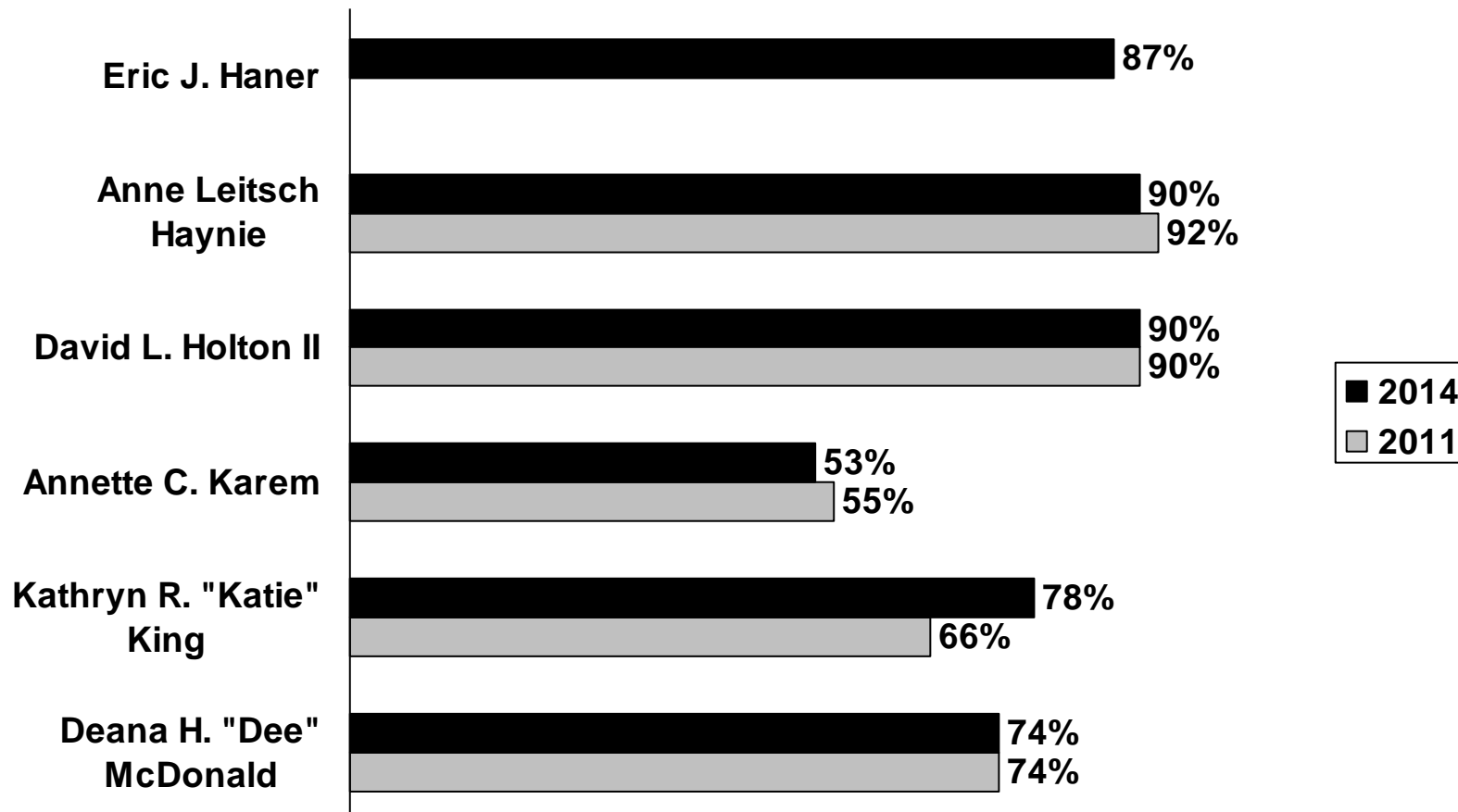
Note: H. Brent Brennenstuhl and Lanny King not evaluated in 2011.

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### Legal Ability Jefferson District Court

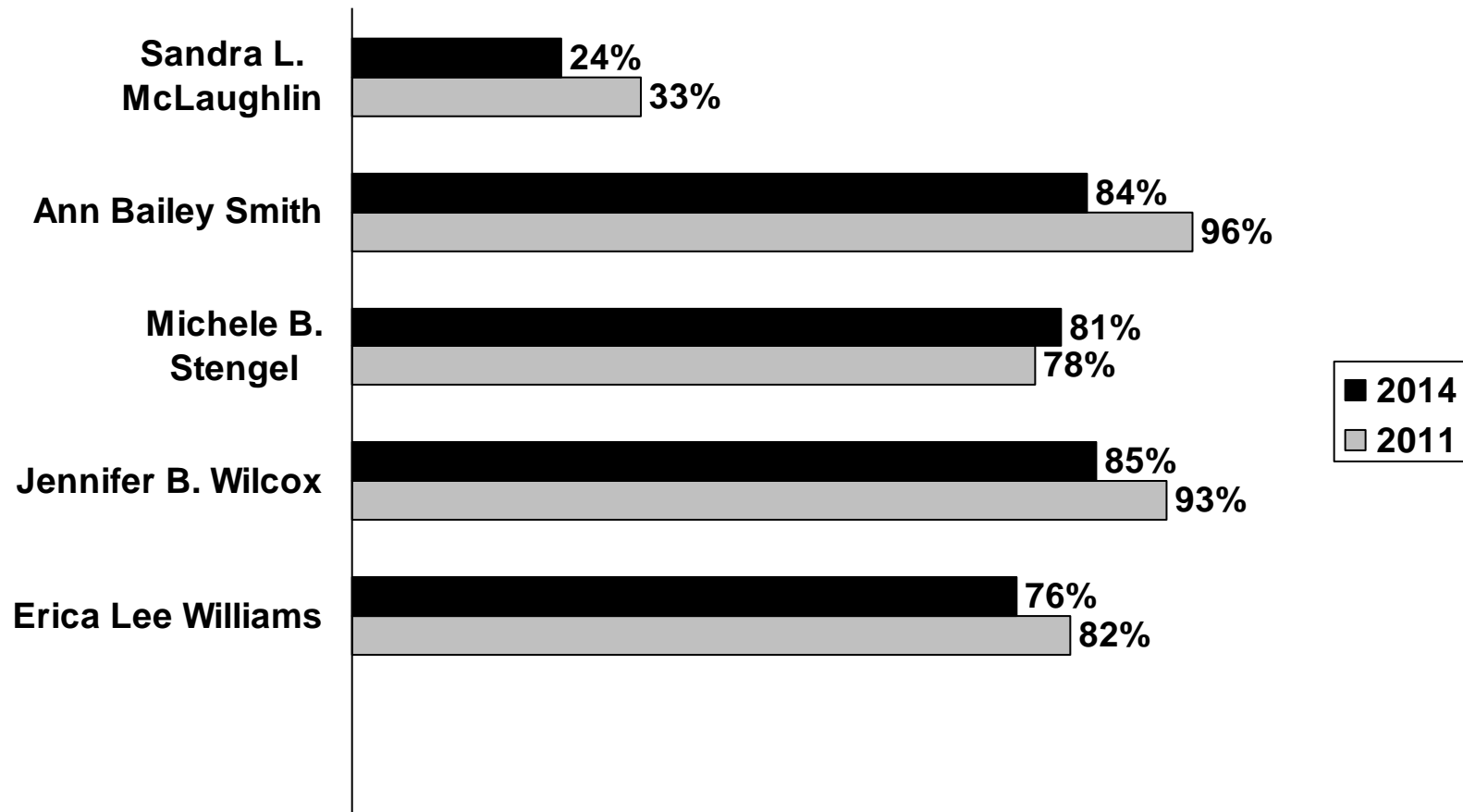


### Legal Ability Jefferson District Court (Continued)

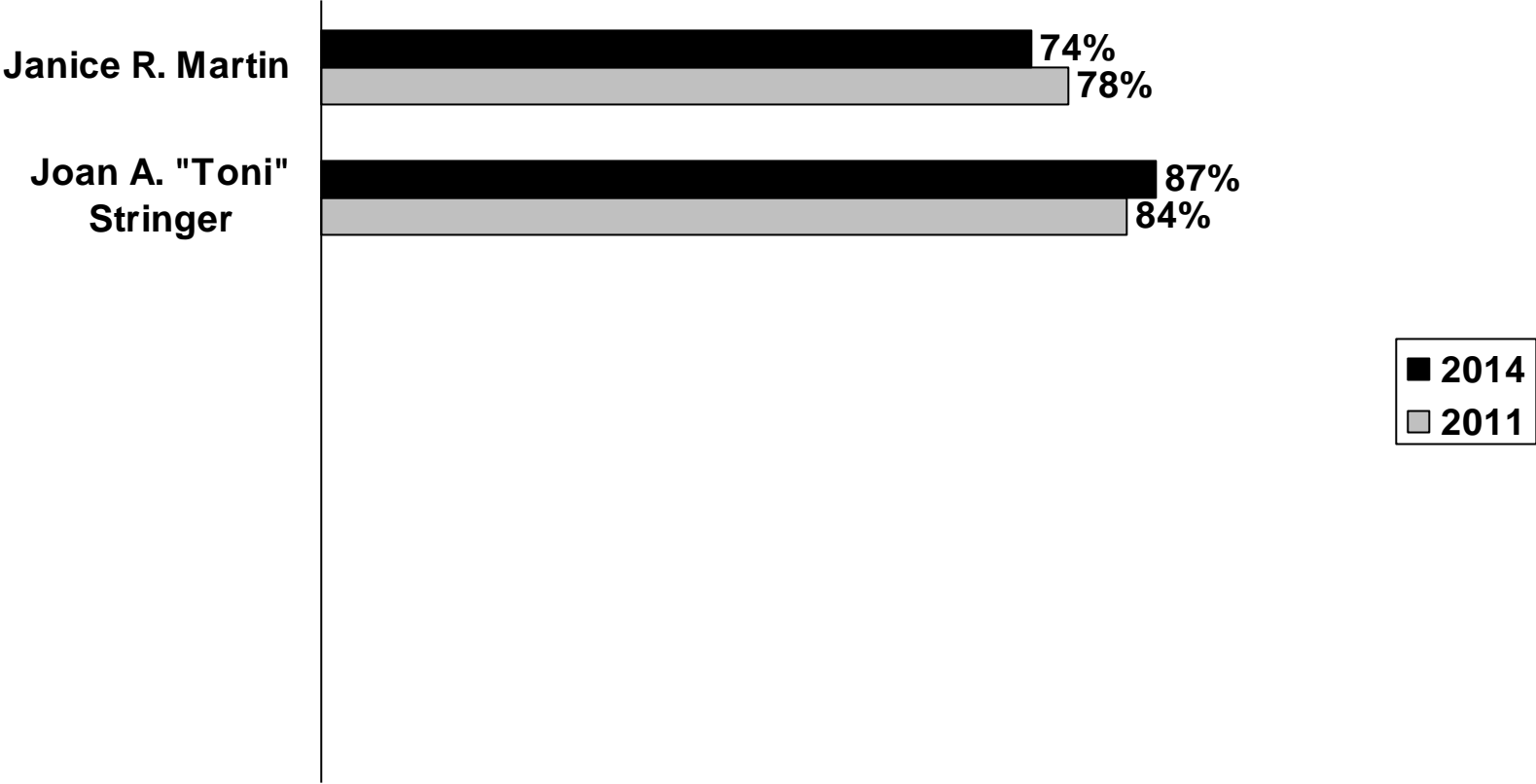


Note: Eric J. Haner not evaluated in 2011.

### Legal Ability Jefferson District Court (Continued)



**Legal Ability**  
**Jefferson District Court – Senior Status**





## Civil Cases Ratings

The following charts show the level of agreement with the following statement for each judge:

- Does a good job in handling civil cases.

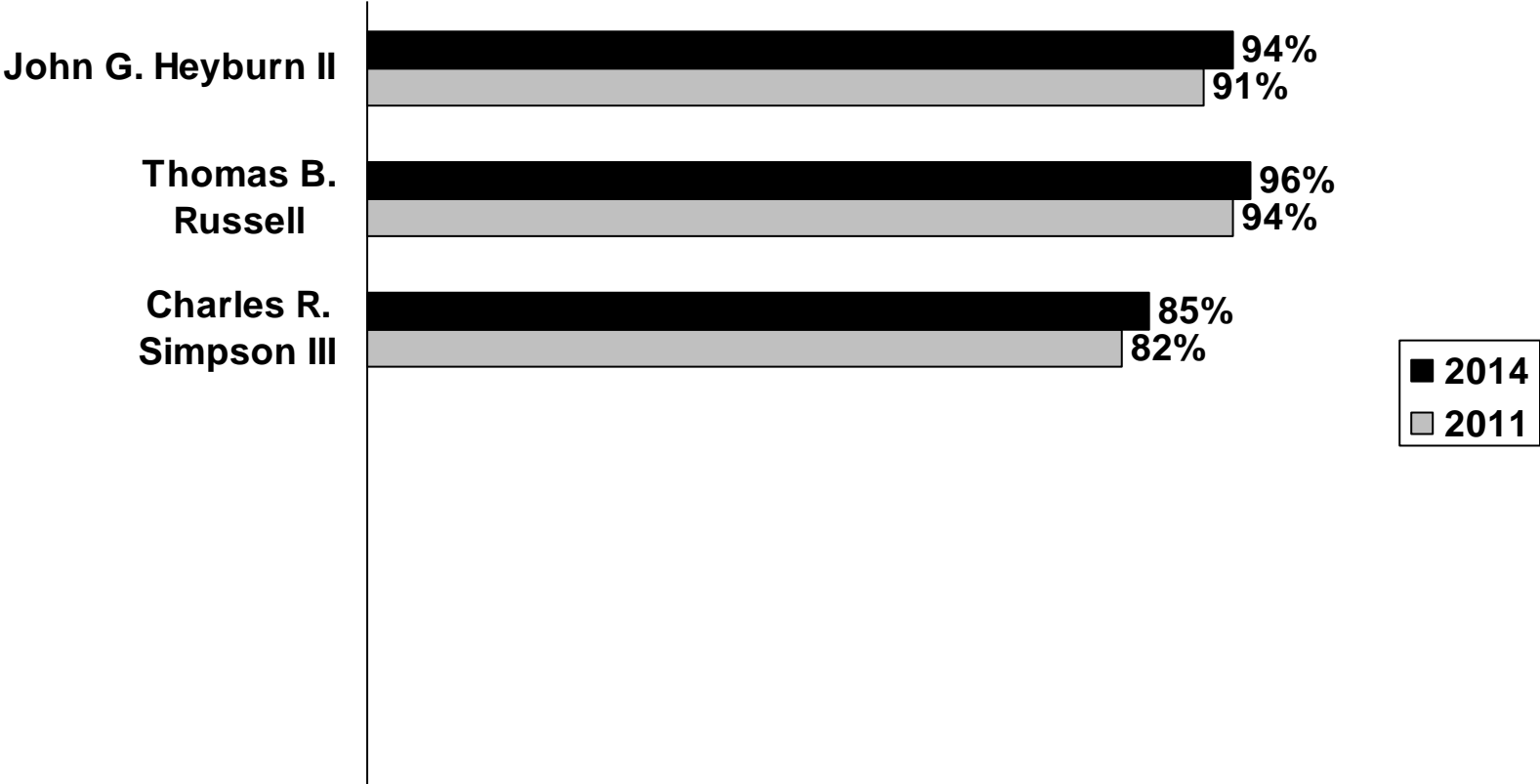
***U.S Bankruptcy Court judges and Magistrates were not evaluated on civil cases.***

**Civil Cases**  
**United States District Court for the Western District of Kentucky**



Note: Joseph H. McKinley Jr. not evaluated in 2011.

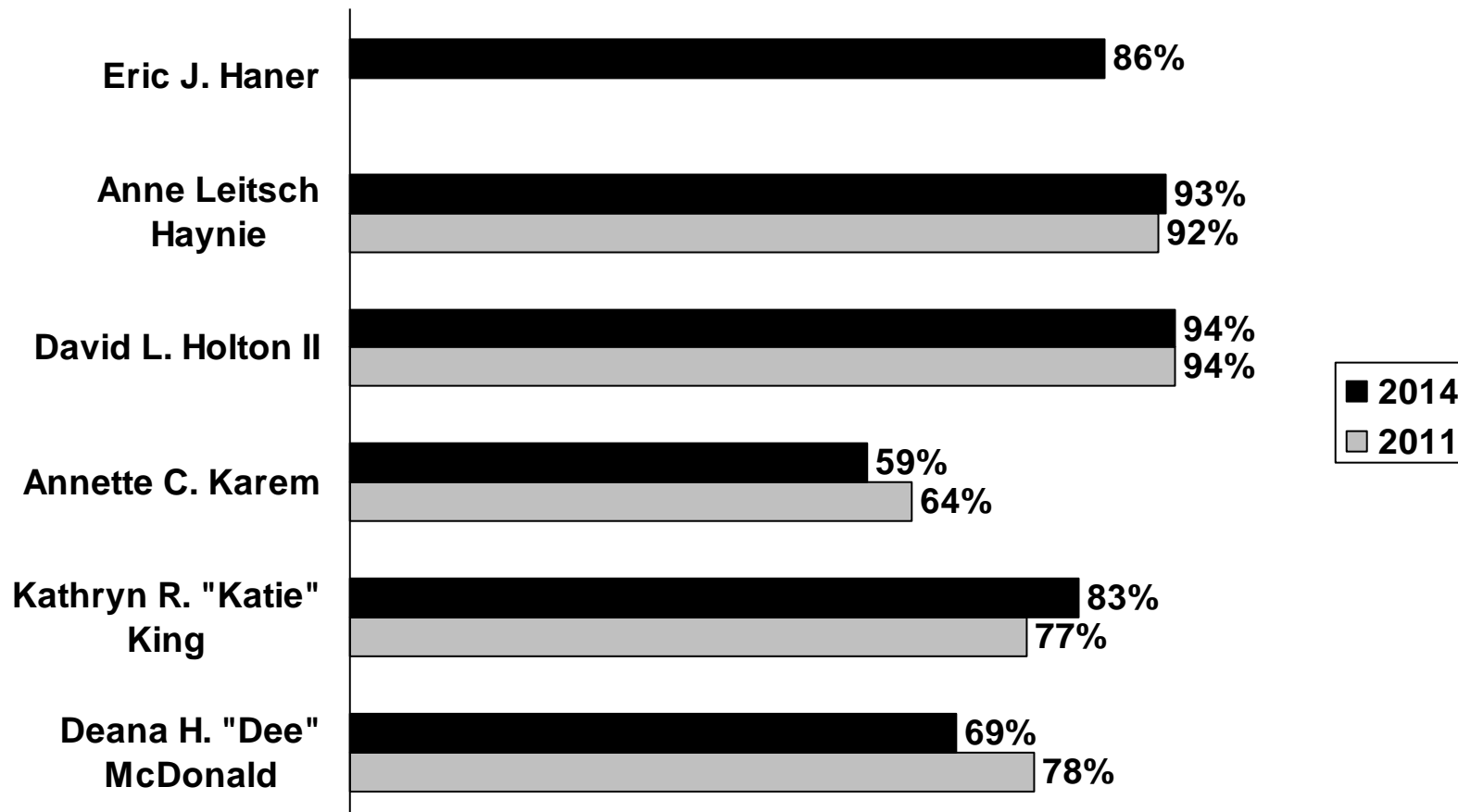
**Civil Cases**  
**United States District Court for the Western District of Kentucky – Senior Judge**



### Civil Cases Jefferson District Court

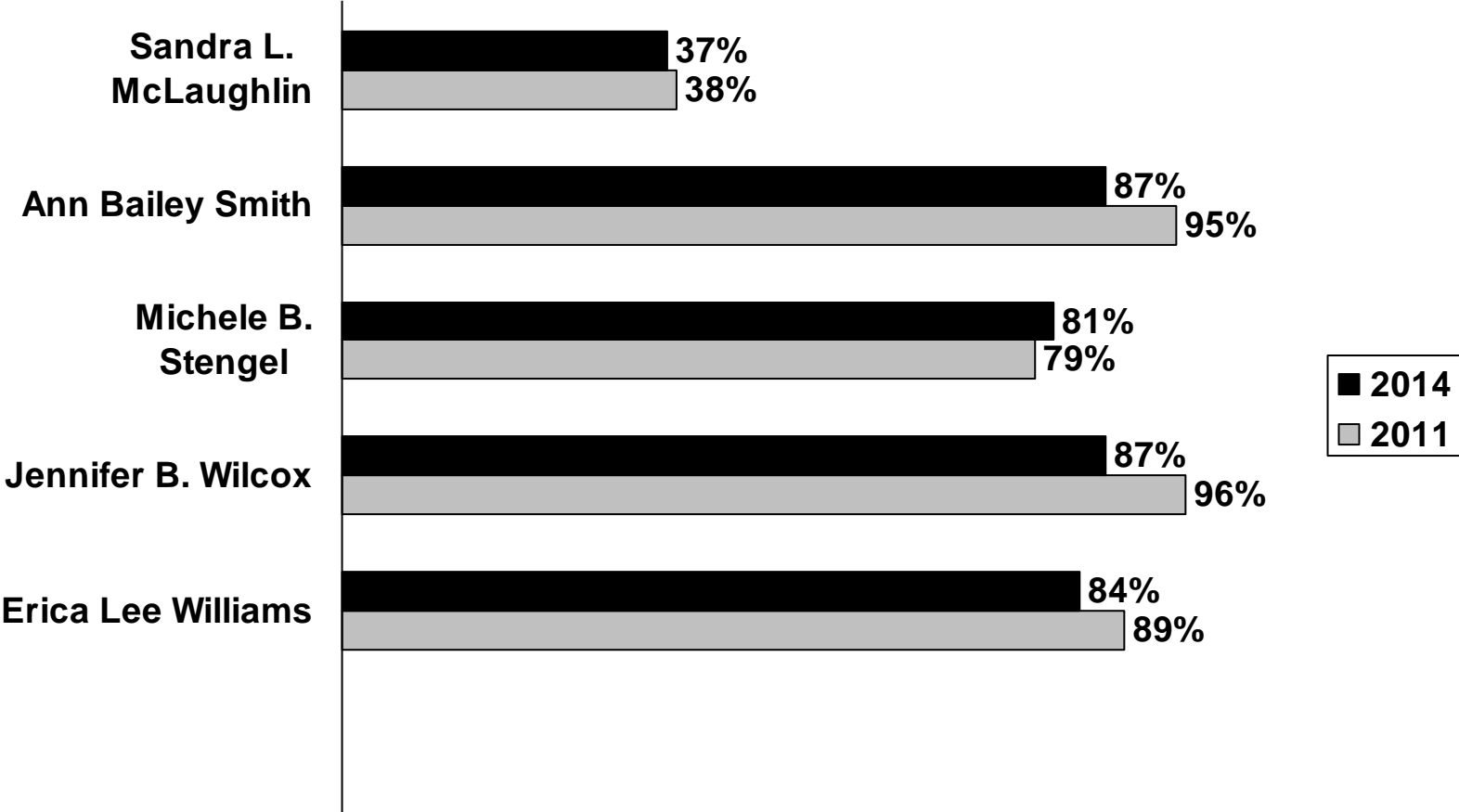


### Civil Cases Jefferson District Court (Continued)

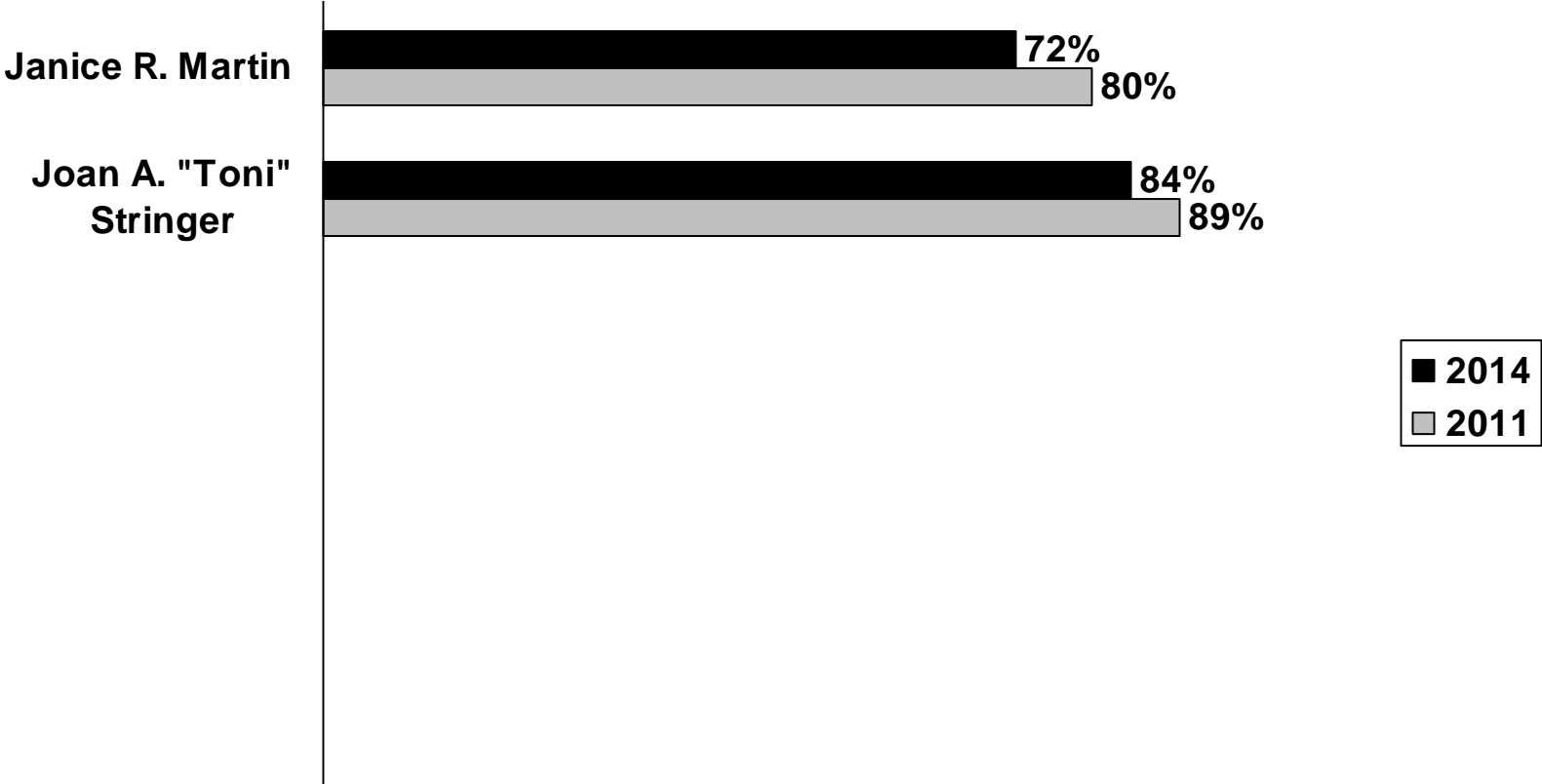


Note: Eric J. Haner not evaluated in 2011.

**Civil Cases**  
**Jefferson District Court (Continued)**



**Civil Cases**  
**Jefferson District Court – Senior Status**







## Criminal Cases Ratings

The following charts show the level of agreement with the following statement for each judge:

- Does a good job in handling criminal cases.

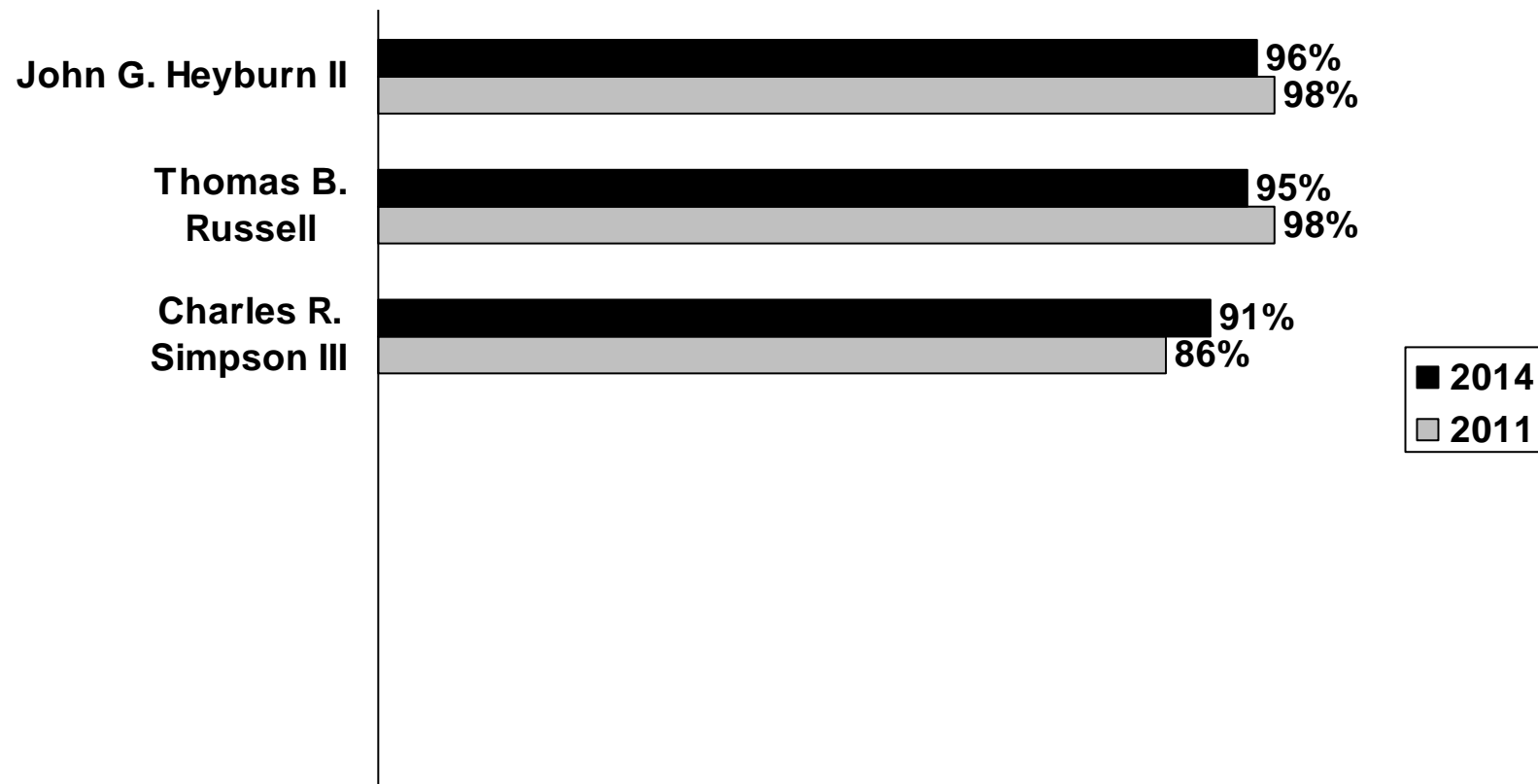
***U.S Bankruptcy Court judges and Magistrates were not evaluated on criminal cases.***

**Criminal Cases**  
**United States District Court for the Western District of Kentucky**

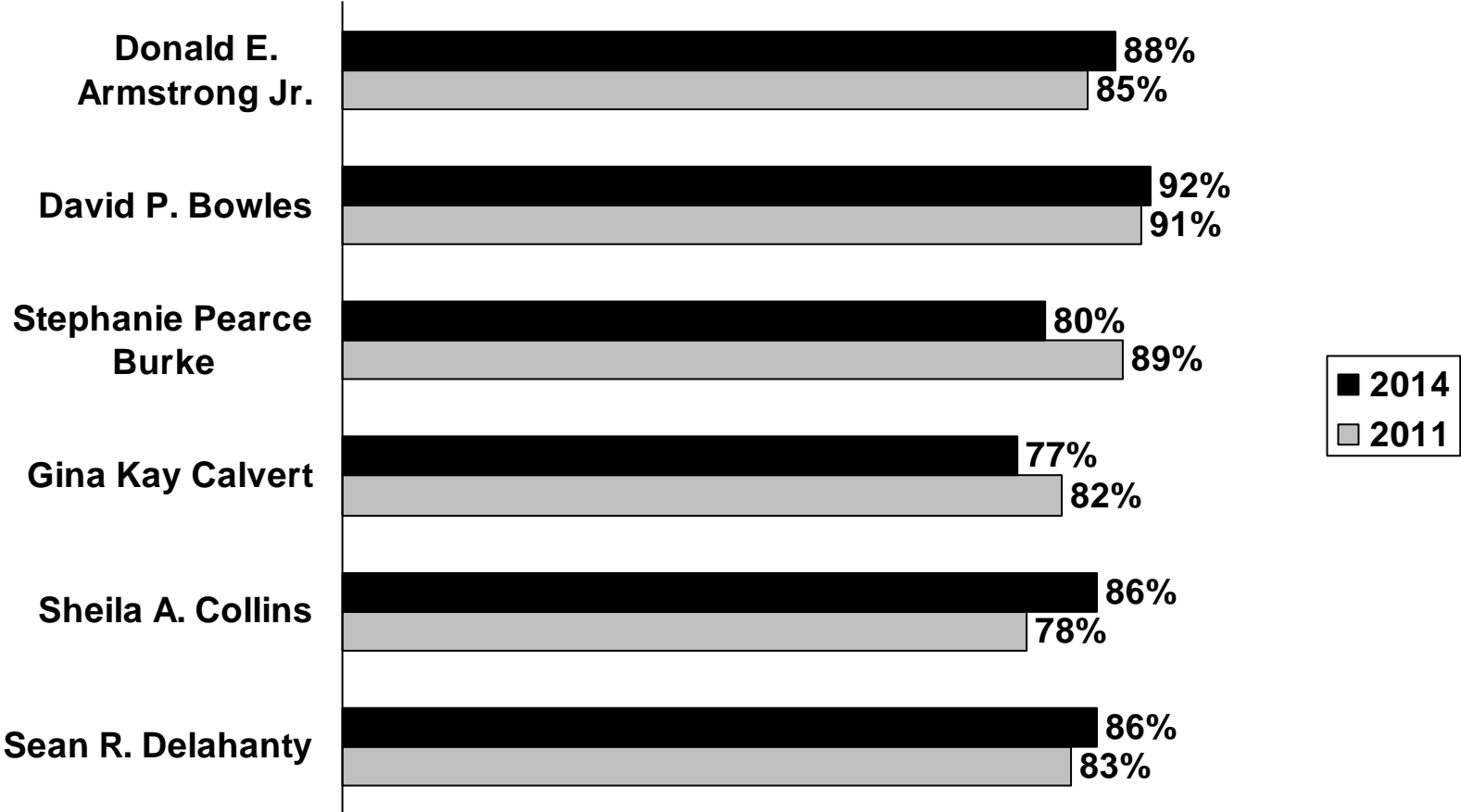


Note: Joseph H. McKinley Jr. not evaluated in 2011.

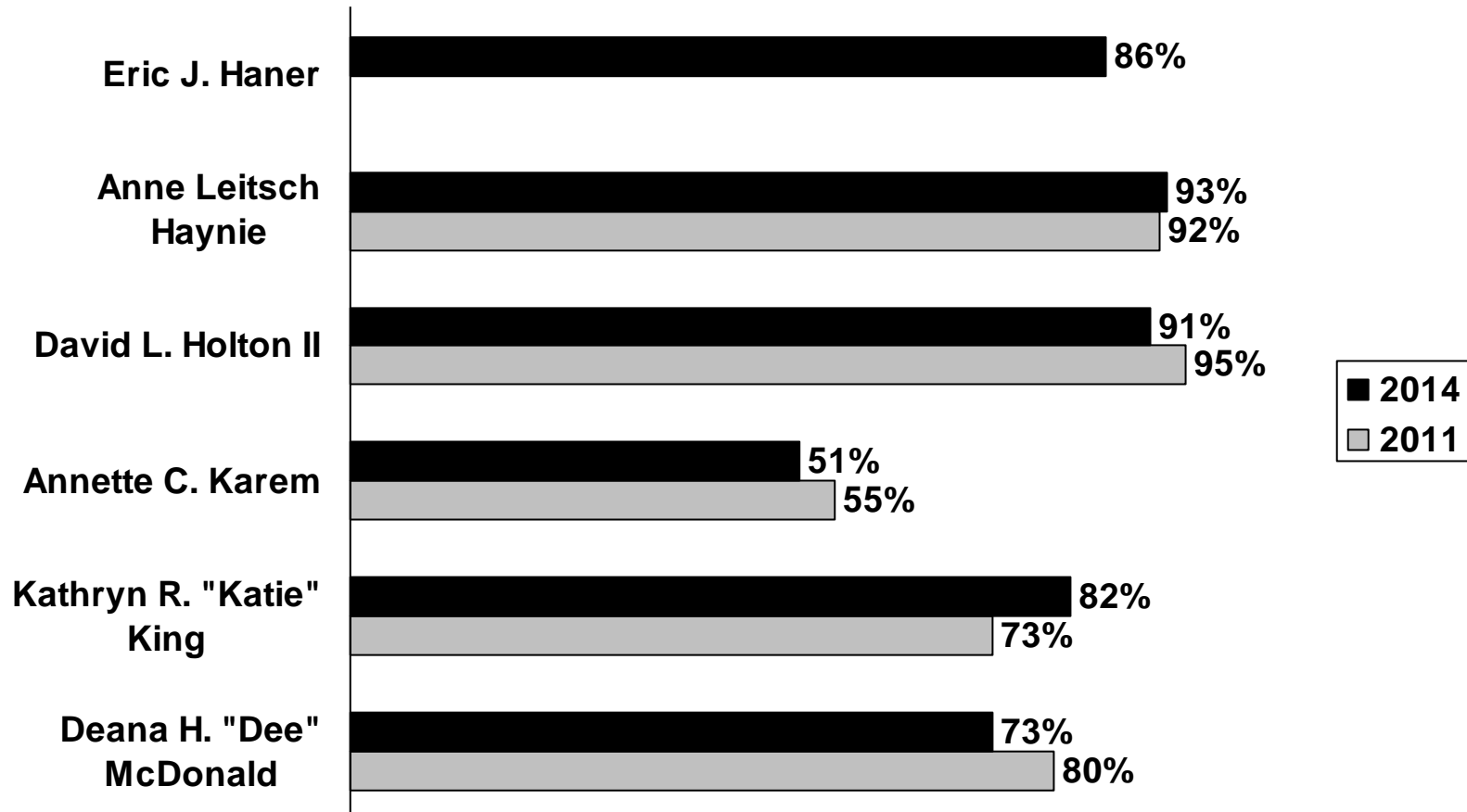
**Criminal Cases**  
**United States District Court for the Western District of Kentucky – Senior Status**



**Criminal Cases  
Jefferson District Court**

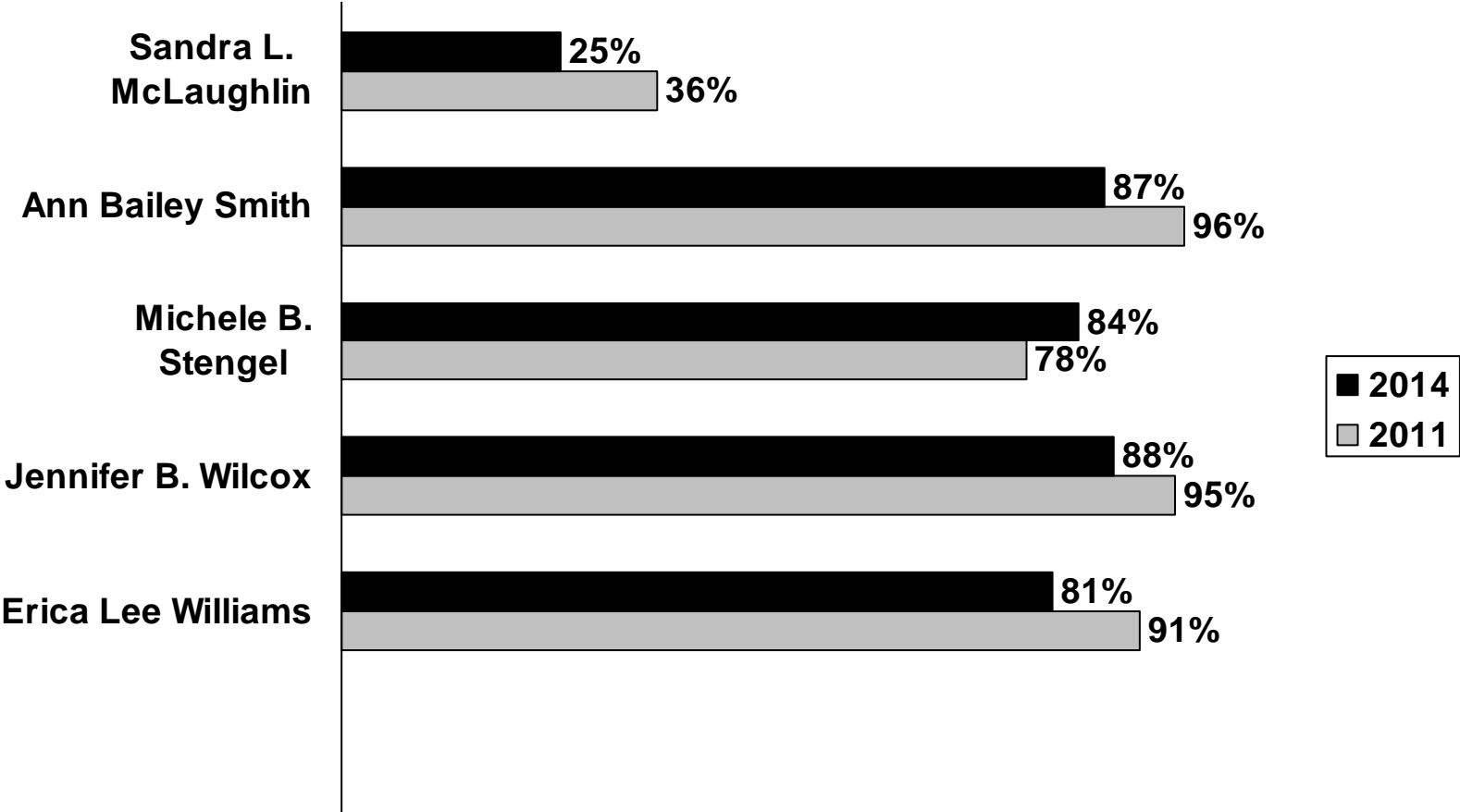


### Criminal Cases Jefferson District Court (Continued)



Note: Eric J. Haner not evaluated in 2011.

**Criminal Cases  
Jefferson District Court (Continued)**



**Criminal Cases**  
**Jefferson District Court – Senior Status**

