COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

DANIEL BALLOU, CIRCUIT COURT JUDGE
34TH JUDICIAL CIRCUIT

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Filing

1. October 23, 2026 - Notice of Formal Proceedings and Charges
2. November 9, 2026 - Answer

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

DANIEL L. BALLOU, CHIEF CIRCUIT COURT JUDGE
34TH JUDICIAL CIRCUIT

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Chief Circuit Court Judge for Kentucky's 34th Judicial Circuit consisting of McCreary and Whitley counties. The charges are as follows:

Count I

In early 2023 you entered an Administrative Order for McCreary County Circuit and District Courtrooms stating, in part, that cell phones and cameras "shall be permitted at the presiding Judge's discretion." This Order and similar signs stating "No cellphones in the courtroom" were posted throughout both Circuit and District Courtrooms and Courthouses.

On August 25, 2025, Attorney Kerri Bartley appeared before you for the 11:00 am motion hour in a McCreary Circuit Court case titled *Commonwealth v. Kimberland* (case no. 22-CR-00072). Unbeknownst to you, Ms. Bartley had filmed a video before Court was in session and posted it to a social media website with a caption stating, "How I feel when I'm trapped in a musty courtroom surrounded by pictures of the old yt [white] male judges knowing the current old yt [white] male judge is going to disagree with everything I say." The video showed Ms. Bartley's face with portraits of former judges in the background. The video did not identify the filming location, nor did the video directly identify or otherwise allude to any particular attorney or judge.

You were unaware of the video until your staff and other attorneys informed you of it. On August 26, 2025, after viewing the video and Ms. Bartley's social media account, you issued an Order to Appear in the case titled *Commonwealth v. Kimberland* (case no. 22-CR-00072) requiring "Atty. Kerri Bartley to appear, only" on Monday, September 22, 2025 at 11:00 a.m.The Order was for the regular Criminal Motion Hour of the McCreary Circuit Court, the 4th Monday of each month, and 32 cases were scheduled for this motion hour. The Order to Appear did not provide any reason or explanation for the Order or why Ms. Bartley was being summoned. The Order was electronically filed in CourtNet under *Commonwealth v. Kimberland* (case no. 22-CR-00072) and was mailed to the named Ms. Bartley and her client, the named Defendant.

Furthermore, although Ms. Bartley's video was not related to nor did the video otherwise reference or implicate Ms. Bartley's client or the case before you, the Order was nevertheless filed with and included in the *Commonwealth v. Kimberland* case file. Accordingly, all parties to the case were notified and likewise received a copy of the filing despite the fact that the filing was irrelevant to and unrelated to the cited case.

Your actions violate SCR 4.020(1)(b)(i) by engaging in misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Rules of the Code of Judicial Conduct:

- **Rule 1.2** which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety.
- **Rule 1.3** which prohibits judges from abusing the prestige of the judicial office to advance the personal or economic interests of the judge or others.

Count II

Ms. Bartley appeared before you on September 22, 2025, in accordance with the Order to Appear. You called Ms. Bartley first on the docket and asked why she thought "it was acceptable to make videos in [your] courtroom." Ms. Bartley stated, "I apologize" and referred to her behavior as "thoughtless." Ms. Bartley further stated she intended no disrespect. However, before she could finish her sentence, you interrupted her and asked "[d]o other judges allow attorneys or anyone else to make video in their court room that you're aware of?" Ms. Bartley began responding stating that she was "not aware," but you interrupted her again to say, "me neither." You then asked Ms. Bartley where she attended law school and told her that she "might want to look into a refund if [she] didn't learn any better than to come into a courtroom and make videos." Before she could respond, you ordered your bailiff to hand Ms. Bartley an Order and excused Ms. Bartley from the Courtroom while rolling your eyes.

Throughout the exchange, numerous attorneys and individuals of the public were sitting before you. At least three attorneys had their phones on the tables in front of themselves and one individual was on his phone throughout the entire exchange – all of which was within your line of vision. As Ms. Bartley collected her belongings and began to leave, you stared at her and waited to proceed with the Motion hour until she had left the Courtroom.

Your actions violate SCR 4.020(1)(b)(i) by engaging in misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Rules of the Code of Judicial Conduct:

- **Rule 1.2** which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety.

- **Rule 2.2** which requires judges to perform all duties of judicial office fairly and impartially.

- **Rule 2.3(B)** which prohibits judges, in the performance of their judicial duties, from manifesting bias or prejudice, or engaging in harassment by words or conduct.

- **Rule 2.6** which requires judges to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

- **Rule 2.8(B)** which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity.

Count III

Before Ms. Bartley was scheduled to appear, you drafted an Administrative Order. This Administrative Order alleged Ms. Bartley had "for some bizarre and inexplicable reason chose to make a childish, unprofessional, disrespectful, belligerent, immature, and extraordinarily arrogant video." The Administrative Order further ordered that Ms. Bartley be prohibited from the use and possession of all electronic devices including, but not limited to "cell phones, computers, and any other device capable of recording video and/or audio" in and on the premises of both the McCreary County Courthouse and the Whitley County Judicial Center. The Order explicitly stated that copies must be "conspicuously posted at the security desks" of both courthouses and included a distribution list with fourteen individuals spanning from county judges, county attorneys, sheriff departments, police departments, and the Kentucky Bar Association.

You drafted and signed this Order prior to Ms. Bartley's scheduled court appearance, as it was handed to Ms. Bartley at her appearance. Ms. Bartley was not given notice of the

allegations in the Administrative Order prior to her appearance before you. As such, you had decided on disciplinary measures and other consequences before Ms. Bartley could appear before you and before she could respond. At the end of Ms. Bartley's appearance before you, you directed that the signed Administrative Order be handed to Ms. Bartley. You did not permit her to address or refute any of the allegations in the Order, summarily dismissing her from the courtroom. You then had the Order stamped "Entered" on September 23, 2025, and distributed and posted. Moreover, the Order utilized certain language in reference to Ms. Bartley implicating a possible bias or prejudice, including a statement regarding the courtroom being turned into "Romper Room."

Your actions violate SCR 4.020(1)(b)(i) by engaging in misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Rules of the Code of Judicial Conduct:

- **Rule 1.2** which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety.
- **Rule 2.2** which requires judges to perform all duties of judicial office fairly and impartially.
- **Rule 2.3(B)** which prohibits judges, in the performance of their judicial duties, from manifesting bias or prejudice, or engaging in harassment by words or conduct.
- **Rule 2.6** which requires judges to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- **Rule 2.8(B)** which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

> If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your answer to: Ms. Laura H. Hendrix, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, Kentucky 40604-4266.

October 23, 2026

CARROLL M. "TRIP" REDFORD, III
Chairman, Judicial Conduct Commission

I hereby certify that copy hereof was served on Daniel L. Ballou, Chief Circuit Court Judge, by serving the same to his attorneys, Howard O. Mann, Esq., 104 North Kentucky Street, Corbin, KY 40702 and John G. Prather, Esq., 48 Public Square, P.O. Box 616, Somerset, KY 42502-0616, this 23rd day of October, 2026.

LAURA H. HENDRIX, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMISSION
CASE # 2025-251

IN RE THE MATTER OF:
DANIEL L. BALLOU, CHIEF CIRCUIT COURT JUDGE
34TH JUDICIAL CIRCUIT

Comes now the Respondent, Daniel L. Ballou (pursuant to CR 6.01 and all other applicable authority), and for his Answer to the "Notice of Formal Proceedings and Charges" dated October 23, 2026, states and alleges as follows:

FIRST DEFENSE

The charges alleged fail to state a claim against the Respondent which is within the jurisdiction of the Commission ("JCC") and should therefore be dismissed.

SECOND DEFENSE

The charges have not been timely brought, within the time period permitted in SCR 4.170, and should therefore be dismissed.

THIRD DEFENSE

The charges, which are not set forth in numerical paragraphs (as required by CR 10.02), are responded to as follows:

COUNT I

1.) The Respondent **admits** so much of the unnumbered paragraphs as references the existence of multiple prior Administrative Orders conspicuously posted and clearly banning certain electronic devices in the courtroom; and

2.) That the complaining attorney had violated these orders by filming (and posting to "TicTok") with the referenced text ("How I feel when I'm trapped in a musty courtroom surrounded by pictures of old yt [white] male judges knowing the current old yt [white]

male judge is going to disagree with everything I say."), video (with portraits of several former circuit judges) and sound/music ("If I die and go to Hell real soon, it will appear to me as this room…"); and

3.) That the complaining attorney was ordered to appear on August 25, 2025; and

4.) That the order was electronically filed; and

5.) That the Respondent was unaware of the violation until after Court when he was informed by staff and attorneys who complained;

6.) The Respondent states that he did not and does not presently know the precise time when the video was taken, but that it was clear, apparent and undisputed that the video was taken in the McCreary Circuit Courtroom and that the video shows several known prior circuit judges who were being referenced (along with Respondent) as "old yt (white) male judges".

7.) The Respondent **denies** any sentence or paragraph not expressly admitted above, including but not limited to the allegations of misconduct.

COUNT II

8.) The Respondent **admits** so much of unnumbered Count II as states that the complaining attorney apologized and referred to her prior conduct as "thoughtless," admitted that she was "not aware" of any other Courts who allow such cell phones/videos in the courtroom and that the prohibition of such use of cell phones in the courtroom should have been learned in law school.

9.) The Respondent **denies** any sentence or paragraph not expressly admitted above, including but not limited to the allegations of misconduct.

COUNT III:

10.) The Respondent **admits** so much of unnumbered Count III as recounts the terms of the subject Administrative Order and that same was posted and distributed to multiple persons or entities involved in courthouse security operations;

11.) The Respondent **denies** that the complaining attorney was ignorant of the reason she was summoned or the underlying facts pertaining to same (as she essentially admitted the conduct, apologized and described it herself as "thoughtless") and which implicates the Court's inherent powers, and exercise of contempt powers (for violating multiple prior Administrative Orders banning possession and use of electronic devices including cell phones in the courtroom) and which are outside the jurisdiction of the JCC as remediable by Appeal (which was not pursued).

12.) The Respondent does not presently remember exactly when the order was prepared but **denies** that the issue was prejudged and the signed order was not entered or served until the conclusion of the show cause hearing.

13.) The Respondent **denies** any sentence or paragraph not expressly admitted above, including but not limited to the allegations of misconduct.

FOURTH DEFENSE

14.) The Respondent states affirmatively that under the circumstance the actions complained of are not sanctionable, are not alleged to be gross and persistent, are within the inherent powers of the Court and the well-settled remedy is by Appeal.

FIFTH DEFENSE

15.) The Respondent further states affirmatively that the complaining attorney did not respond to or question the show cause order dated August 26, 2025, and voiced no objection or question at the show cause hearing.

SIXTH DEFENSE

16.) The Respondent further states affirmatively that any and all decisions made by him with respect to this matter were made in good faith in the exercise of his constitutional and statutory authority, was not made for any improper purpose and are therefore not within the jurisdiction of the JCC.

SEVENTH DEFENSE

17.) The Respondent further states affirmatively that the order and action complained of are within the Court's affirmative supervisory duties to maintain order and decorum of the Courtroom. SCR 4.300 (Canon 2) Rule 2.8.

EIGHTH DEFENSE

18.) The Respondent further states affirmatively that he sanction proposed (of public reprimand) is inappropriate, excessive, punitive, inconsistent with other prior orders of the JCC, and violates the "rule of reason" mandated by SCR 4.300 (5)(6).

19.) Moreover, the requested relief of a public reprimand is not the "least severe action necessary to remedy the situation." See e.g. *Kentucky Judicial Conduct Commission v Woods,* Ky., 23 SW2d 470, 473 (2000); *Nicholason v Jud. Ret. And Removal Comm*, Ky., 562 SW2d 306, 308 (1978).

NINTH DEFENSE

20.) The Respondent further states affirmatively that the notice and charges infringe upon the essential independence of the judiciary in making judicial decisions and maintaining order and decorum in the courtroom.

TENTH DEFENSE

21.) The Respondent further states affirmatively that the notice, charges and proceedings violate (and have violated) the applicable rules with respect to examination of the commission records supporting the charges, and the mandatory rules of confidentiality.

ELEVENTH DEFENSE

22.) The Respondent further states affirmatively that the JCC has treated the matter as one of the exercise of contempt powers over which the JCC has no jurisdiction absent an Appeal. *See Jamison v Judicial Conduct Comm'n*, 701 S.W.3d 236 (Ky. 2024).

TWELFTH DEFENSE

23.) The Respondent further states affirmatively that the notice and charges violate his free speech rights under the United States and Kentucky Constitutions, and affirmative duties to enforce prior orders and address matters before him.

THIRTEENTH DEFENSE

24.) The Respondent further states affirmatively that the JCC process, in which the JCC and particular members of it are both the accusers who vote to bring the charges, and the hearing body, violate his due process rights, including under the Fifth and Fourteenth Amendments to the United States Constitution, as set forth in *In re Murchison*, 349 U.S. 133 (1955), *Williams v. Pennsylvania*, 579 U.S. 1 (2016), *Morrissey v. Brewer*, 408 U.S.

471 (1972), *Goldberg v. Kelly*, 397 U.S. 254 (1970), and *Withrow v. Larkin*, 421 U.S. 35 (1975).

FOURTEENTH DEFENSE

25.) The Respondent further states affirmatively that the JCC and its members, who have prejudged this matter in voting to bring the charges, including in demands that Respondent accept particular findings, violate his due process rights in holding a hearing where the findings are prejudged, including under the Kentucky Constitution and the Fifth and Fourteenth Amendments to the United States Constitution.

FIFTEENTH DEFENSE

26.) The Respondent further states affirmatively that Section 121 of the Kentucky Constitution limits the authority of the JCC to retiring a judge for disability or suspending a judge without pay or removing a judge for good cause, and then only after a hearing.

SIXTEENTH DEFENSE

27.) The Respondent further states affirmatively that the JCC process, to the extent that it does not afford the Respondent real and actual discovery, or the compulsion of witnesses, violates the Kentucky and Federal Constitutions, including the due process protections therein.

SEVENTEENTH DEFENSE

28.) The Respondent further states affirmatively that this matter consists of an improper selective prosecution, in violation of the Equal Protection clause of the Fourteenth amendment improperly motivated by political and free speech affiliations.

EIGHTEENTH DEFENSE

29.) The Respondent further reserves each and every other defense available to him.

WHEREFORE, the Respondent having answered the charges respectfully requests relief of the JCC as follows:

1. That the notice and charges be dismissed;
2. That any sanction if entered (and none should be issued) be no more than an admonition;
3. That the JCC specifically delineate the basis of it's jurisdiction;
4. That the Respondent be allowed discovery, subpoenas and access to the full JCC file;
5. For a hearing before a neutral hearing officer;
6. For any and all other legal and equitable relief to which he may be entitled.

RESPECTFULLY SIBMITTED,

/s/ JOHN G. Prather, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2026, I sent the foregoing document electronically via Email Service upon the following parties:

Judicial Conduct Commission
P.O. 4266
Frankfort, KY 40604-4266
ATTN: Laura H. Hendrix, Executive Secretary
SENT VIA EMAIL: judicialconductcommission@kycourts.net

Jeffrey C. Mando, Esq.
ADAMS LAW
SENT VIA EMAIL: jmando@adamsattorneys.com

/s/ JOHN G. Prather, Jr.
JOHN G. PRATHER, JR., ESQ