

DANIEL BALLOU

Daniel Ballou, nominated to fill a vacancy on the United States District Court for the Eastern District of Kentucky, is neither fit nor qualified to serve a lifetime role on the federal bench. He has zero experience practicing in federal court and only three years of private practice experience in state court. Since Ballou has not authored a single legal opinion in his two decades as a state court judge, his judicial record of reversals — one of the few barometers of his judicial tenure — reveals a pattern that reflexively favors incarceration while ignoring statutory requirements.

Furthermore, despite Ballou's stated belief that "[j]udges are referees...called upon to leave our political and personal beliefs out of the courtroom," he himself has been reprimanded by Kentucky's Judicial Conduct Commission for sending political emails while serving as a state judge. In these emails, Ballou urged the public and other judges to support Sen. Rand Paul's (R-KY) policy positions. After the reprimand, Ballou continued engaging with Paul, introducing him at the senator's town hall, having Paul appear in Ballou's own campaign videos for the Kentucky Supreme Court, and more recently, asking Paul outright to be considered for a federal judicial vacancy for the Eastern District of Kentucky.

In the past decade, Ballou has also made a number of inappropriate public statements while serving as a state court judge, including suggesting Christian beliefs should determine the rule of law and addressing prison overcrowding by creating a tent city surrounded by razor wire and water buffaloes. The communities in the Eastern District of Kentucky deserve a judicial nominee who is not selected just because he happens to have deep ties to Paul but who instead has years of experience working in a federal courtroom. A federal judge must also exemplify the highest ethical standards, refrain from making inappropriate public remarks, and stay out of political activities — standards Ballou has not met. For these reasons, Ballou's nomination for a lifetime seat on the federal bench must be vigorously opposed.

DEMONSTRATES RELIGIOUS BIAS

As a sitting state court judge, Ballou has made extremely biased remarks favoring Christian beliefs and traditions. In 2018, when asked about "[t]he greatest obstacles to justice," he offered, "[t]he answer is in the same book and the answer is Jesus. That answer is not one the government can provide, but Jesus is the answer nonetheless..." He goes on to state, "[t]he answer comes to us individually through the grace of God offered in the blood and sacrifice of Christ on the cross and the resurrection."

Such a response — that systemic barriers to justice can only be found in Christianity and "not one the government can provide" — represents a problematic lack of impartiality, especially for a federal judge who will preside over not only Christians, but Muslim, Jewish, Hindu, atheist, and other unaffiliated parties. His religious biases could also impact rulings on cases

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involving the Establishment Clause and RLUIPA (Religious Land Use and Institutionalized Persons Act) claims, as well as disputes where religious objections may run up against other statutory rights.

REPRIMANDED FOR MISCONDUCT WHILE SERVING AS JUDGE

In 2011, the Kentucky Judicial Conduct Commission (JCC) reprimanded Ballou for violating the judicial code of conduct when he emailed dozens of individuals, including other Kentucky judges, to promote Sen. Rand Paul's (R-KY) policy positions. These emails served as a public endorsement of a politician's campaign and demonstrated that Ballou engaged in political activity while acting as a state court judge.

Though Ballou ultimately agreed to the JCC's reprimand, he argued that the email was only forwarded to "a limited number of fellow judges, none of whom could be reasonably expected to be subject to improper political persuasion or influence." Believing that lobbying other judges is harmless because judges are immune to political influence shirks responsibility for violating the judicial canons. This mindset also fails to acknowledge the reality that even appearances of political entanglement corrode public confidence in the judiciary.

Five years after the reprimand, on July 26, 2016, while still serving as a state court judge, Ballou introduced Paul at a town hall hosted by the lawmaker's office. Two years later, when Ballou ran for the Kentucky Supreme Court, Paul endorsed him and appeared in television ads supporting Ballou's campaign. Ties between the two have remained strong, and in 2024, Ballou told Paul directly, "I would like to be considered for a vacancy" on the federal bench in the Eastern District of Kentucky.

Given this timeline and their history, Ballou could have been nominated simply because of his political connections to Paul, to the detriment of other candidates with significantly more federal courtroom experience and with stronger ethical qualifications.

EXTREME BIAS TOWARD INCARCERATED PEOPLE AND PROBLEM-SOLVING COURTS

There are five federal Bureau of Prisons facilities physically located within the Eastern District of Kentucky. If confirmed as a federal judge for this district, Ballou could be presiding over civil rights and conditions-of-confinement cases brought by people imprisoned in those facilities. However, when previously asked about the growing prison population, Ballou suggested imprisoned people be left to fend for themselves, answering, "It isn't that hard to put up some CP or GP tents in a field with razor wire around the perimeter and some water buffalos and MRE's." He also offered, "As a Judge I am concerned about accountability and protecting the public from those folks who seem to think our world is here to provide them with whatever they choose to steal or whomever they chose to harm."

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Volunteer infantrymen serving in the field of battle are not similarly situated to people the state has confined against their will, including those who may have serious medical and psychiatric needs. Federal courts have found tent and exposure detention regimes unlawful, and publicly suggesting incarcerated people could be adequately housed in a wired-off field and not be Ballou's concern as a state judge reveal a lack of commitment to justice and fairness for all — qualities imperative in a federal judge.

Ballou has also attacked innovative problem-solving courts such as drug courts, mental health courts, and veterans' courts, which he refers to as "social engineering" that causes "great harm by validating and encouraging excuse making and promoting a lack of accountability." Such an outdated perspective could further harm the many communities in the Eastern District of Kentucky that are currently still battling an ongoing opioid epidemic. A federal judge serving these communities must be able to demonstrate an ability to work with the very types of diversion models that Ballou disparages.

His bias against defendants can also be seen in his record as a state court judge: Ballou was reversed at least three separate times for failing to fully consider statutory requirements before a probation revocation, such as those outlined in KRS 439.3106. In one of his reversed decisions, the Kentucky Court of Appeals found "the trial court abused its discretion when it revoked Cook's probation without considering the factors in KRS 439.3106." Here, Ballou had sent Charles Cook, a man diagnosed with vascular dementia and memory loss from strokes, back to jail merely because Cook failed to contact his probation officer. Per KRS 439.3106, probation revocation and incarceration would only have been appropriate if the probation violation creates a significant risk and a person cannot be appropriately managed in the community.

LACK OF JUDICIAL TEMPERAMENT

In 2010, Ballou inappropriately attacked a local newspaper within his judicial district, authoring a letter to the editor with his name, judge title, and judicial office. With the full weight of his judicial role behind him, Ballou demanded the local paper apologize for their accurate reporting. Ballou expressed "a level of disgust for that newspaper which is difficult to describe in mere words" simply because the paper had reported on attorney David Kersey's death and previous disbarment for misappropriating client funds. While Ballou claims to respect the First Amendment, he called the paper's reporting an "insensitive and irresponsible exercise of that constitutional right," as Kersey was simply a "flawed mortal" and "no worse than any other person."

While Ballou noted that Kersey "made mistakes...no worse than any other person," tellingly, Ballou fails to exhibit the same type of mercy or empathy when speaking about others convicted of misconduct who are not "his friend" like Kersey. Instead, their conduct is characterized as "behav[ing] like a thug, stealing, lying, cheating, getting drunk or high."

UNFIT & UNQUALIFIED

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BALLOU UNFIT AND UNQUALIFIED TO SERVE LIFETIME JUDGE ROLE

Ballou's questionable ethics, lack of judicial temperament, and negligible federal courtroom experience render him unfit and unqualified to serve a lifetime role on the federal judiciary. His nomination must be rejected, as the people of the Eastern District of Kentucky deserve a federal judge with actual federal courtroom experience and a commitment to the Constitution and fairness for all.