



April 24, 2008

First blind judge in Kentucky to take bench

Sightless judge will be first in Kentucky

By Katya Cengel

*kcengel@courier-journal.com*The Courier-Journal

When David Holton II is sworn in this afternoon as district court judge for the 30th Judicial District, Division 16, he will become the state's first blind judge "as far as we know," said Kentucky Chief Justice Joseph Lambert.

"Those kind of records are not kept," said Lambert, but people who have been around the court system for a long time said they know of no other blind judges ever having served in Kentucky.

Holton, 46, has worked as a prosecutor with the Jefferson County attorney's office for 19 years, but as a judge, his workload will probably be even heavier, said Karen Wolfe, who directs professional development for the American Foundation for the Blind. The amount of reading and writing alone can be challenging even for a sighted person, she said. Holton will have to depend on an assistant to be "his eyes" in court, reading him information on the computer and in case jackets. At first, secretaries in the building will help, but district court Judge Deborah Deweese said the Administrative Office of the Courts likely would provide funds for a helper.

Nationally, there is no way to track the number of blind judges, Wolfe said. But of the 1,000 or so successfully employed blind and visually impaired mentors in the national nonprofit's database, only five are judges.

While the legal profession has been open to the blind, she said, a visually impaired judge is still rare and a "huge deal." Rehearsing this role with Deweese recently, district court secretary Judy Smith said she was surprised by all the other matters with which she will need to help Holton.

"There's just so much that I see that he won't be able to, that I'll have to point out to him," said Smith. "Such as, 'The defendant is at the podium; the police officer is in the witness box now.' "

Figuring it all out will be challenging for everyone, including Holton, said Deweese.

"But he's had so many challenges in his life, and he's done so many things that you just don't tell David he can't do it," she said. "Because to him, if you tell him he can't do it, he'll just go out and do it to prove you wrong."

It was during the summer before fifth grade when Holton's world went dark.

He had been experiencing headaches, a strange sound in his ears and problems with his vision for some time. Then, one afternoon, he said, his vision "started blacking in and out." By that night, the sound had grown louder. In the morning, he was diagnosed with a brain tumor.

The tumor was removed soon after, but by then it was too late; the mass had damaged his optic nerve.

He was blind, seeing only a hint of shadow, light and color. Every activity that he loved -- playing football, softball and basketball, riding his bike and drawing cartoons -- was taken away.

He spent the next few years at Kentucky School for the Blind but by high school was back at regular public school bringing work home for his parents, David and Sue, to read to him.

In college at Morehead State University, he got his first guide dog, Simon. Law school took four years and a lot of help from friends and family. The books are big to begin with, said Holton's wife, Stephanie; in Braille, she said, they are 50 times thicker.

The first time he took the state bar exam, a woman accidently walked him into a wall and he ended up in the hospital. The second time, he passed.

While "There weren't a whole lot of people looking to hire a blind lawyer," he said, he did find a job with Mike Conliffe, then the Jefferson County attorney. Nineteen years later, assistant county attorney Bob Webb said he'll miss Holton's competence.

"He's just a very skilled prosecutor," said Webb.

District Court Judge Donald Armstrong Jr., who was helping Holton learn the ropes earlier this week, said Holton's intelligence will help him on the bench. It is Armstrong's court, Room 301 in felony/misdemeanor, that Holton will be taking over.

Most days he will preside over 120 to 130 cases. Armstrong runs through 10 in about as many minutes and then pushes his chair back to talk to Holton.

Buddy, Holton's guide dog, gets caught between the chairs, his paws almost run over by Armstrong's chair.

After apologizing to Buddy, Armstrong turns to Holton to ask if he is ready.

Holton said he is.

"I think it's especially important that I start off well because people are going to be looking at it as the first time they ever had a guy who can't see serving as judge," he said. "If you stumble, your stumbles will be noticed more probably than other judges because people will be looking at me more closely and scrutinizing what I do."

Reporter Katya Cengel can be reached at (502) 582-4224.
