



MEMO

**TO:** Chris Morris  
**FROM:** Menis Ketchum  
**DATE:** December 7, 2017  
**CC:** All Justices and Administrative Assistants by E-Mail

You asked me for information on Kenny Bass's FOIA request No. 12 regarding a policy pertaining to the use of State-owned vehicles by Justices. You asked for this information because I was chief justice in 2016 when a controversy arose about the use of State vehicles by Justices. After searching my records, the Court's records and calendars in the clerk's office, I respond as follows:

**Question:** Is there a policy on Justices using State cars and disclosing the destination to the Court's vehicle supervisor?

**Answer:** No.

**ORDER OF EVENTS**

**8/29/16 -** There was an agenda prepared by Steve Canterbury for an 8/29/16 administrative conference. Agenda Item 6 related to Justices' use of State vehicles.

No conference was held on this date. This agenda was used in the 9/6/16 administrative conference.

Note: I believe that Steve merely wrote the wrong conference date. I think we were going to switch the scheduled 8/31/16 conference date to 8/29/16. However, no conference was held on 8/29/16 or 8/31/16.

**8/31/16** The clerk's calendar shows that there is a scheduled administrative conference on 8/31/16.

No conference was held on this date. I believe it was continued because a justice or justices could not be present. It was continued to 9/6/16.

**9/6/16** There was an administrative conference – The agenda used was the agenda prepared by Steve for 8/29/16.

There are minutes. (Justice Benjamin was absent).

Agenda Item 5 and Item 6 (use of State cars) were not discussed. The consideration of these items was held over until all Justices could be present per the minutes.

9/8/16 The Court meets to discuss held-over agenda Items 5 & 6. The court administrator was not present.

There are proposed minutes dated 9/8/16 drafted by Justice Ketchum sent to each Justice. I circulated the proposed minutes relating to a suggested car policy to each Justice and asked for their "thoughts, comments, and suggestions".

### COMMENTS RECEIVED CONCERNING THE PROPOSED MINUTES

Justice Workman responded by memorandum regarding the proposed minutes. She wanted "to re-visit the issue of vehicle use. . . ." She did not agree with the proposed minutes.

Justice Loughry did not agree with the proposed minutes. Justice Loughry's suggested change was to delete the policy set out in the proposed minutes.

I did not receive comments from Justice Davis or Justice Benjamin. They had previously voted "no" in the 9/8/16 conference to the policy which was set forth in the proposed minutes.

Note: Justice Workman's memorandum said the conference to consider agenda Items 5 & 6 was on September 7, 2016. However, I believe it was on 9/8/2016 because the proposed minutes I prepared state the conference was on 9/8/16. There is no doubt the conference was held on 9/7/16 or 9/8/16 dealing solely with Agenda Items 5 & 6.

### ACTION TAKEN

No action on a car policy was taken. I executed and distributed minutes reflecting that in the conference of August 29, 2016, Agenda Items 5 & 6 were discussed and no action was taken.

*Sept 8, 2016.  
MEK.*

### MY MEMORY

I do not remember the issue of a car policy being discussed again. An auditor's travel policy was discussed in conference on 9/15/16 but cars were not mentioned.

P.S. I constructed this memo by going through the Court records, my records and the clerk's calendars. I did not attach any records or documents because they have memorandums and comments from Justices that do not relate to the car issue and have personal comments about other matters. I do want you to know that each of my outline items are supported by Court documents and Justices' memorandums.