



Minutes - Confidential

To: All Justices
From: Robin Jean Davis, Justice *RJD*
Date: February 16, 2018
Re: Court Meeting

On February 16, 2018, the Court met to discuss certain matters relating to a subpoena issued to the West Virginia Supreme Court of Appeals of West Virginia dated February 7, 2018. Justice Walker participated via telephone. During discussions four members of the Court, Justices Davis, Workman, Ketchum and Walker were, for the very first time, advised of a previously issued Subpoena to the Supreme Court of Appeals which was dated December 5, 2017.

Chris Morris, Gary Johnson and Chief Justice Allen Loughry each acknowledged that they did not notify the other court members of the December 5, 2017 subpoena. Justices Davis, Workman, Ketchum and Walker were neither consulted nor participated in the production of documents that were presented to the United States District Court of the Southern District of West Virginia in response to the December 5, 2017 subpoena. The matters were discussed.

Thereafter, other matters involving the Court, including, but not limited to, numerous media pieces which began in the late 2017 and continued through February, 2018 were discussed and the justices voiced their individual concerns. The Court recessed.

At 4:00 pm. the Court re-convened. The Court voted 4-1 (Loughry) to change the leadership of the Court. Thereafter, the Court voted 3-1 (Loughry) -1 (Walker) to elect Margaret L. Workman as Chief Justice through December 31, 2018. Justice Loughry voted for himself. Justice Walker voted for herself.

Statement by Chief Justice Workman

I was not provided a copy of the subpoena at issue nor given any information about its existence until the Court learned of it inadvertently during the meeting on February 16, 2018.

Statement by Justice Loughry

I disagree with the characterization in the minutes that indicates that four other members of the Court were unaware of the subpoena. It is my belief that Chief Justice Workman was made aware of it. The minutes also reflect that "Justices Davis, Workman, Ketchum and Walker were neither consulted nor participated in the production of documents ..." I believe that is correct, but want to add that I also was not consulted nor did I participate in the documents presented. I was not provided copies of those documents until a disk was circulated to all Justices on Thursday or Friday of last week.