



Judicial Investigation Commission closes complaints against Justices Davis, Walker, and Workman

For immediate release

CHARLESTON, W.Va. – The West Virginia Judicial Investigation Commission (JIC) announced today it has investigated ethics complaints against three Supreme Court Justices and closed the cases without taking any disciplinary action.

Justices Robin Jean Davis and Beth Walker and Chief Justice Margaret L. Workman agreed to the release of letters to them from the JIC informing them of the JIC's conclusions.

The Complaints were opened against the Justices by Judicial Disciplinary Counsel earlier this year. This closes all outstanding complaints against them.

The JIC governs the ethical conduct of judges and is charged with determining whether probable cause exists to formally charge a judge with a violation of the Code of Judicial Conduct. The JIC is the same body that investigated allegations against Supreme Court Justice Allen Loughry and filed a 32-count statement of charges against him on June 6.

JIC policy is to not acknowledge the existence of complaints against judicial officers until probable cause has been found to issue a statement of charges or an admonishment. "We are taking the unusual step of making our findings public in these cases because Supreme Court Justices are the highest judicial officers in West Virginia. It is important for the public to know that allegations against them have been thoroughly investigated, and they have been cleared of wrongdoing," said Commission Chairman Ronald Wilson, a judge in the First Judicial Circuit (Brooke, Hancock, and Ohio Counties).

The three sitting Justices voluntarily agreed to be interviewed by the JIC.

The Judicial Disciplinary Counsel filed complaints against the three Justices alleging they violated Rules 1.1, 1.2, 1.3, 3.13 and 3.15 of the Code of Judicial Conduct because they used state funds to pay for lunches for themselves, their administrative assistants, and court security officers while they were discussing cases and administrative matters in conference.

The JIC found the lunches reduced the amount of time attorneys spent in court (and thus reduced legal fees) and allowed visiting judges to return to their circuits in time to do other work the same day. The working lunches made the court "run more efficiently and effectively on argument docket and administrative conference days," the letters say. The letters note that both the Internal Revenue Service and the West Virginia Ethics Commission consider paid working lunches an acceptable expense because they improve efficiency.

The letter to Justice Walker indicated that the lunch practice was longstanding when she joined the Court on January 1, 2017. "You had no involvement in the original decision to provide working lunches on argument and administrative conference days and you had no reason to challenge the practice at the time you took office because it was well-known and well-established practice," the letter to Justice Walker states.

The letters to the other Justices note that "Perhaps the only criticism that the JIC can make is that you failed to reduce the policy to writing – with well-established guidelines – for the purchase of the working lunches. By failing to do this, you unnecessarily opened the

door to unfair public criticism of an otherwise appropriate method for conducting the business of the Court.”

Letters to Chief Justice Workman and Justice Davis indicate, in footnotes, that the Commission also investigated other allegations against them and found that they did not violate the Code of Judicial Conduct.

- Justice Davis’ stops at a political rally in Parkersburg and a political event at the Raleigh County Armory while on Court business trips were “incidental to court business,” the letter to Justice Davis said. “After a thorough review, the Commission believes that you did not violate the Code of Judicial Conduct since the primary purpose of the travel was for court business and the political events were ancillary, did not require additional travel, or expense payments.”
- Justice Davis hosted parties at her homes in Charleston and Wyoming. “The fact that you paid for the majority of the costs for the dinners associated with the Circuit Court Conferences actually saved the state money,” the letter to Justice Davis says. “The costs paid for by the Court associated with the 2011 and 2013 dinners are normal costs that would have been paid by the agency for a banquet that would have been held at the hotel or at some other location in the city. After a thorough review of this evidence, the Commission also finds that there is no probable cause to charge you any violation of the Code of Judicial Conduct.”
- The Commission on Special Investigations reported to the JIC that Chief Justice Workman may have hired one or more people who worked on her 2008 judicial campaign as “ghost” employees. A ghost employee is someone who is put on the payroll but does not do any work. “Following a thorough investigation into this claim, the Judicial Investigation Commission finds there is no probable cause to charge you with a violation of the Code of Judicial Conduct.”

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