

Article I

1 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did waste
6 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and
7 lavish spending in the renovation and remodeling of his personal office, to the sum of
8 approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor
9 with medallion, and other such wasteful expenditure not necessary for the administration of justice
10 and the execution of the duties of the Court, which represents a waste of state funds.

Article II

1 That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of her
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 her oath of office, then and there, with regard to the discharge of the duties of her office, did waste
6 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and
7 lavish spending in the renovation and remodeling of her personal office, to the sum of
8 approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug
9 that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over \$23,000
10 in design services, and other such wasteful expenditure not necessary for the administration of
11 justice and the execution of the duties of the Court, which represents a waste of state funds.

Article III

1 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did on or
6 about June 20, 2013, cause a certain desk, of a type colloquially known as a "Cass Gilbert" desk,
7 to be transported from the State Capitol to his home, and did maintain possession of such desk
8 in his home, where it remained throughout his term as Justice for approximately four and one-half
9 years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original
10 furnishings of the state capitol from the premises; further, the expenditure of state funds to
11 transport the desk to his home, and refusal to return the desk to the state, constitute the use of
12 state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-
13 2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions
14 of Canon I of the West Virginia Code of Judicial Conduct.

Article IV

1 That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times
2 relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times
3 individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the
4 duties of their high offices, and contrary to the oaths taken by them to support the Constitution of
5 the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while
6 in the exercise of the functions of the office of Justices, in violation of their oaths of office, then
7 and there, with regard to the discharge of the duties of their offices, commencing in or about 2012,
8 did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief
9 Justice, and did in that capacity as Chief Justice severally sign and approve the contracts
10 necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in
11 violation of the statutory limited maximum salary for such Judges, which overpayment is a
12 violation of Article VIII, §7 of the West Virginia Constitution, stating that Judges “shall receive the
13 salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and,
14 in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of
15 the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent
16 to enable or assist any person to obtain money to which he was not entitled, and, in potential
17 violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining
18 money, property and services by false pretenses, and, all of the above are in violation of the
19 provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article V

1 That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme
2 Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the
3 Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and
4 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and
5 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions
6 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge
7 of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain
8 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which
9 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in
10 violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges "shall receive the
11 salaries fixed by law" and the statutorily limited maximum salary for such Judges, which
12 overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10;
13 her authorization of such overpayments was a violation of the clear statutory law of the state of
14 West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation
15 of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts
16 with intent to enable or assist any person to obtain money to which he was not entitled, and, in
17 potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of
18 obtaining money, property and services by false pretenses, and all of the above are in violation
19 of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VI

1 That the said Justice Margaret Workman, being at all times relevant a Justice of the
2 Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice
3 of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and
4 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and
5 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions
6 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge
7 of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain
8 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which
9 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in
10 violation of the statutorily limited maximum salary for such Judges, which overpayment is a
11 violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges "shall receive the
12 salaries fixed by law" and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her
13 authorization of such overpayments was a violation of the clear statutory law of the state of West
14 Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the
15 provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with
16 intent to enable or assist any person to obtain money to which he was not entitled, and, in potential
17 violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining
18 money, property and services by false pretenses, and all of the above are in violation of the
19 provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VII

1 That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme
2 Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the
3 Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and
4 contrary to the oaths taken by him to support the Constitution of the State of West Virginia and
5 faithfully discharge the duties of his office as such Justices, while in the exercise of the functions
6 of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge
7 of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft
8 an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the
9 Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily
10 limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of
11 the West Virginia Constitution, stating that Judges "shall receive the salaries fixed by law" and
12 the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such
13 overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth
14 in those relevant Code sections, and, was an act in potential violation of the provisions set forth
15 in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or
16 assist any person to obtain money to which he was not entitled, and, in potential violation of the
17 provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property
18 and services by false pretenses, and all of the above are in violation of the provisions of Canon I
19 and Canon II of the West Virginia Code of Judicial Conduct.

Article VIII

1 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did
6 beginning in or about December 2012, and continuing thereafter for a period of years, intentionally
7 acquire and use state government vehicles for personal use; including, but not limited to, using
8 a state vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the
9 Greenbrier on one or more occasions for book signings and sales, which such acts enriched his
10 family and which acts constitute the use of state resources and property for personal gain in
11 violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics
12 Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial
13 Conduct.

Article IX

1 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did
6 beginning in or about December 2012, intentionally acquired and used state government
7 computer equipment and hardware for predominately personal use—including a computer not
8 intended to be connected to the court's network, utilized state resources to install computer
9 access services at his home for predominately personal use, and utilized state resources to
10 provide maintenance and repair of computer services for his residence resulting from
11 predominately personal use; all of which acts constitute the use of state resources and property
12 for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West
13 Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia
14 Code of Judicial Conduct.

Article X

1 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of
5 his oath of office, then and there, with regard to the discharge of the duties of his office, made
6 statements while under oath before the West Virginia House of Delegates Finance Committee,
7 with deliberate intent to deceive, regarding renovations and purchases for his office, asserting
8 that he had no knowledge and involvement in these renovations, where evidence presented
9 clearly demonstrated his in-depth knowledge and participation in those renovations, and, his
10 intentional efforts to deceive members of the Legislature about his participation and knowledge
11 of these acts, while under oath.

Article XIV

1 That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin
2 Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of
3 Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths
4 taken by them to support the Constitution of the State of West Virginia and faithfully discharge the
5 duties of their offices as such Justices, while in the exercise of the functions of the office of
6 Justices, in violation of their oaths of office, then and there, with regard to the discharge of the
7 duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste
8 state funds with little or no concern for the costs to be borne by the tax payers for unnecessary
9 and lavish spending for various purposes including, but without limitation, to certain examples,
10 such as: to remodel state offices, for large increases in travel budgets—including unaccountable
11 personal use of state vehicles, for unneeded computers for home use, for regular lunches from
12 restaurants, and for framing of personal items and other such wasteful expenditure not necessary
13 for the administration of justice and the execution of the duties of the Court; and, did fail to provide
14 or prepare reasonable and proper supervisory oversight of the operations of the Court and the
15 subordinate courts by failing to carry out one or more of the following necessary and proper
16 administrative activities:

- 17 A) To prepare and adopt sufficient and effective travel policies prior to October of 2016,
18 and failed thereafter to properly effectuate such policy by excepting the Justices from
19 said policies, and subjected subordinates and employees to a greater burden than the
20 Justices;
- 21 B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-
22 2s, despite full knowledge of the Internal Revenue Service Regulations, and further
23 subjected subordinates and employees to a greater burden than the Justices, in this
24 regard, and upon notification of such violation, failed to speedily comply with requests
25 to make such reporting consistent with applicable law;
- 26 C) To provide proper supervision, control, and auditing of the use of state purchasing
27 cards leading to multiple violations of state statutes and policies regulating the proper
28 use of such cards, including failing to obtain proper prior approval for large purchases;
- 29 D) To prepare and adopt sufficient and effective home office policies which would govern
30 the Justices' home computer use, and which led to a lack of oversight which
31 encouraged the conversion of property;

- 32 E) To provide effective supervision and control over record keeping with respect to the
33 use of state automobiles, which has already resulted in an executed information upon
34 one former Justice and the indictment of another Justice.
- 35 F) To provide effective supervision and control over inventories of state property owned
36 by the Court and subordinate courts, which led directly to the undetected absence of
37 valuable state property, including, but not limited to, a state-owned desk and a state-
38 owned computer;
- 39 G) To provide effective supervision and control over purchasing procedures which directly
40 led to inadequate cost containment methods, including the rebidding of the purchases
41 of goods and services utilizing a system of large unsupervised change orders, all of
42 which encouraged waste of taxpayer funds.

43 The failure by the Justices, individually and collectively, to carry out these necessary and
44 proper administrative activities constitute a violation of the provisions of Canon I and Canon II of
45 the West Virginia Code of Judicial Conduct.

We, John Overington, Speaker Pro Tempore of the House of Delegates of West Virginia,
and Stephen J. Harrison, Clerk thereof, do certify that the above and foregoing Articles of
Impeachment against Justices of the Supreme Court of Appeals of West Virginia, were adopted
by the House of Delegates on the Thirteenth day of August, 2018.

In Testimony Whereof, we have signed our names hereunto this Fourteenth day of August,
2018.



John Overington,

Speaker Pro Tempore of the House of Delegates



Stephen J. Harrison,

Clerk of the House of Delegates