

SUPREME COURT OF APPEALS
OF WEST VIRGINIA

BARBARA H. ALLEN
INTERIM ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE
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August 6, 2018

The Hon. John H. Shott
Chairman, Committee on the Judiciary
House Committee on the Judiciary
Building 1, Room 418-M
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

Re: Inquiry regarding House Resolution 201

Dear Chairman Shott:

In response to the subpoena *duces tecum* issued by the House Committee on the Judiciary on July 12, 2018, the Court is still in the process of reviewing the approximately 12,700 records returned from the electronic search of approximately 2.3 million files for responsiveness. Additionally, we are reviewing certain hard copy files in order to determine if there are any responsive documents. We expect to have this search completed by Friday, August 10, 2018.

In response to the subpoena *duces tecum* issued by the House Committee on the Judiciary on July 31, 2018, requesting “[a]ny and all documents and records in [the Court’s] possession relating to any rules promulgated pursuant to the authority granted by W.Va. Code §51-9-10, providing for assignment of senior status judges and justices[,]” please see enclosed records bates-numbered WVSCT_HJC_000001-000017.

In response to the subpoena *duces tecum* issued by the House Committee on the Judiciary on July 31, 2018, requesting “[a]ny and all documents and records in [the Court’s] possession, including but not limited to copies of IRS Form W-2 or IRS Form 1099, which are or purport to be a record of compensation or fees paid to any employee of the Supreme Court of Appeals of West Virginia for compensation and/or benefits received in the form of lunches paid for by the Supreme Court of Appeals of West Virginia between January 1, 2013 and July 10, 2018[,]” the Court does not have any documents or records responsive to this request.

In response to the subpoena *duces tecum* issued by the House Committee on the Judiciary on July 31, 2018, requesting “[a]ny and all documents and records in [the Court’s] possession, which are or purport to be a record of compensation or fees paid to any senior status circuit judge sitting by assignment, and which compensation or fees were reported by the use of an IRS Form 1099 provided to that judge, including, but not limited to, copies of each and every IRS Form 1099 which was provided to each such judge by the Supreme Court of Appeals of West

Virginia between January 1, 2009 and July 10, 2018[,]” please see enclosed records bates-numbered WVSCT_HJC_000018-000031. Furthermore, the Court is not the custodian of issued 1099s for senior status circuit judges. The West Virginia Department of Administration is responsible for preparing and issuing any and all 1099s. However, in an effort to fully comply with the subpoena to the best of the Court’s ability, we have enclosed a list of all senior status circuit judges who received a W-2 from January 2009 through July 2018. This list may be used to retrieve any 1099s from the West Virginia Department of Administration.

By this production, we believe that the Court has fulfilled its obligations to produce the documents requested to be produced pursuant to the three (3) subpoenas issued on July 31, 2018. The Court recognizes that its obligation to comply is ongoing and, accordingly, we will supplement with any additional documents if more documents are identified and ready for production. Additionally, the Court expects to be able to fully respond to the one (1) subpoena issued on July 12, 2018 by Friday, August 10, 2018. If you have any questions, please do not hesitate to contact me.

Respectfully yours,



Sarah B. Massey
Associate Administrative Counsel

Encl.

SUPREME COURT OF APPEALS OF WEST VIRGINIA

ADMINISTRATIVE ORDER

RULE ON RETIRED JUDGES ADMITTED TO
SENIOR STATUS

WHEREAS, The Supreme Court of Appeals has been authorized and empowered to create a panel of retired judges admitted to senior status from among former circuit judges and Supreme Court justices of this State, and to promulgate rules providing for such judges and justices to be assigned duties as needed and as feasible;

IT IS THEREFORE ORDERED that there is hereby established, effective June 9, 1991, a system of senior status for retired judges, pursuant to W.Va. Code § 51-9-10.

(a) Eligibility.

(1) Former Judge or Justice. To qualify for senior status, one must: (A) be receiving benefits under the Judicial Retirement System pursuant to W.Va. Code, Chapter 51, Article 9; or (B) meets one of the following criteria: (i) served in the judicial office with the eligibility equivalency for judicial retirement under W. Va. Code, Chapter 51, Article 9, but retires under Public Employees Retirement System pursuant to W. Va. Code, Chapter 5, Article 10; (ii) has served in the judicial office for one full term and retires at the end of that term under the Public Employees Retirement System; or (iii) has served in the judicial office for more than one full term and

subsequently receives benefits under the Judicial Retirement System or the Public Employees Retirement System.

(2) Residence. To qualify and to remain qualified for senior status, one must be a bona fide resident of the State of West Virginia.

(3) Practice of Law. (A) Engagement in a substantial law practice (e.g., association with a law firm or full-time law practice) shall disqualify a retired judge or justice from eligibility for senior status. (B) Engagement in a limited law practice (e.g., no association with a law firm or part-time practice) shall not disqualify a retired judge or justice from eligibility for senior status, but shall disqualify a retired judge admitted to senior status from assignment to duty in any circuit where he or she engages in practice.

(4) Ethics Code. A judge admitted to senior status shall be bound by the prevailing canons of judicial ethics and by the prevailing rules on complaints against judges and justices.

(5) Training. Senior status judges are required to attend the judicial training conferences and will be reimbursed for expenses as active judges.

(6) Compliance with Rule. To qualify, a retired judge or justice must agree in advance to comply with the provisions of this rule.

(7) Other Considerations. The Supreme Court of Appeals may take into account such other considerations as it deems pertinent (i.e., age, health, etc.).

(b) Application. Application for senior status shall be submitted to the Administrative Director of the Supreme Court of Appeals, on the form prescribed by the Administrative Director. The applicant shall provide all the information called for by the form; Provided, however, that the Supreme Court may require the applicant to submit additional information. Application may be made within one year before the applicant's anticipated date of eligibility or at anytime after the applicant's date of eligibility.

(c) Admission; Oath; Revocation. Admission to senior status shall be a privilege; admission may granted or denied by the Supreme Court, in its discretion, acting in administrative conference and recording such action in an administrative order duly entered; admission may be for indefinite duration or temporary duration of a specified period. Before commencing service, a judge admitted to senior status shall take an oath of office, and file such oath with the Administrative Director. The Supreme Court may, for failure to comply with provisions of this rule or for incapacity, revoke senior status, by acting in administrative conference and recording such action in an administrative order duly entered.

(d) Change of Circumstances; Withdrawal. A judge admitted to senior status shall forthwith inform the

Administrative Director of any change of circumstances bearing on his or her senior judicial status, and may at anytime by written notice withdraw from senior status.

(e) Assignment to Duty.

(1) The Chief Justice may, by order duly entered, assign a judge admitted to senior status to such judicial duties in such courts as the Chief Justice deems appropriate and as consistent with applicable provisions of law.

(2) No retired judge admitted to senior status who has been defeated in an election for a circuit judgeship shall be assigned to duty in the circuit where he or she was defeated.

(3) All judges admitted to senior status are hereby generally assigned and empowered to perform marriages and to administer oaths in any county of this State.

(4) Nothing in this rule shall preclude the recall or assignment to active judicial service of any retired judge or justice who has not been admitted to senior status but who agrees to serve, all subject to any applicable rules or provisions of law.

(f) Financial Allowances:

(1) Per Diem. (A) Compensation for service by a judge admitted to senior status will be at the rate of \$200 per day. (B) For service within the circuit of residence, service will be billable in half-day increments; for service outside the


circuit of residence, service will be billable in full-day increments. (C) Provided, however, that the per diem and retirement compensation of a retired judge, admitted to senior status shall not exceed the salary of a sitting judge.

(2) Expenses. Reimbursement for travel and/or other necessary expenses incurred during assigned service will be made according to the prevailing Supreme Court regulations.

(3) Allowances Form. Statements for per diem and expense allowances under subdivisions (1) and (2) of this subsection (g) must be submitted to and approved by the Administrative Director, on the form prescribed by the Administrative Director.

(4) Staff Support. Insofar as feasible, a judge admitted to senior status, while on assignment, must rely on the services of regular staff personnel of the court of assignment; Provided, however, that upon good cause shown and advance approval by the Administrative Director, a judge admitted to senior status may arrange, consistent with prevailing Supreme Court regulations, for temporary workers to provide secretarial and/or court-reporting services.

ENTER, this 15th day of November 1991.



Thomas B. Miller
CHIEF JUSTICE

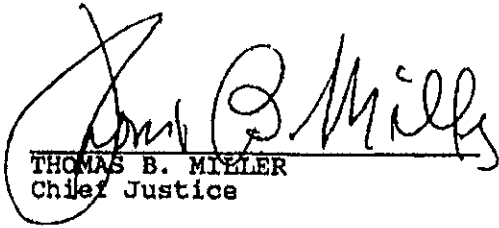
AMENDED ADMINISTRATIVE ORDER
SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: PER DIEM AND REIMBURSEMENT OF EXPENSES UNDER SENIOR STATUS

WHEREAS, pursuant to W. Va. Code, 51-9-10, the Supreme Court, meeting in Administrative Conference on June 3, 1991, approved a per diem of Two Hundred Dollars (\$200.00) for retired Judges recalled by the Chief Justice under Article VIII, Sections 3 and 8 of the Constitution of West Virginia, and further approved reimbursement for travel expenses and other actual expenses necessary for lodging and meals.

This Amended Order is filed for the purpose of amending the administrative order entered June 14, 1991 authorizing a per diem allowance for Senior Judges recalled after retirement, and further shall serve as a temporary rule under the provisions of this statute until further action by this Court.

ENTER: JULY 22, 1991


THOMAS B. MYLER
Chief Justice

SUPREME COURT OF APPEALS OF WEST VIRGINIA

ADMINISTRATIVE ORDER

RULE ON RETIRED JUDGES ADMITTED TO
SENIOR STATUS

WHEREAS, The Supreme Court of Appeals has been authorized and empowered to create a panel of retired judges admitted to senior status from among former circuit judges and Supreme Court justices of this State, and to promulgate rules providing for such judges and justices to be assigned duties as needed and as feasible;

IT IS THEREFORE ORDERED that there is hereby established, effective June 9, 1991, and amended September 15, 1994, a system of senior status for retired judges, pursuant to W. Va. Code § 51-9-10.

(a) ELIGIBILITY.

(1) Former Judge or Justice. To qualify for senior status, one must:

(A) be receiving benefits under the Judicial Retirement System pursuant to W. Va. Code, Chapter 51, Article 9; or

(B) meet one of the following criteria:

(i) have served in the judicial office with the eligibility equivalency for judicial retirement under W. Va. Code, Chapter 51, Article 9, but retired under Public Employees Retirement System pursuant to W. Va. Code, Chapter 5, Article 10;

(ii) have served in the judicial office for one full term and retired under the Public Employees Retirement System; or

(iii) have served in the judicial office for more than one full term and subsequently received benefits under the Judicial Retirement System or the Public Employees Retirement System.

(2) Residence. To qualify and to remain qualified for senior status, one must be a bona fide resident of the State of West Virginia.

(3) Practice of Law.

(A) Engagement in a substantial law practice (e.g., association with a law firm or full-time law practice) shall disqualify a retired judge or justice from eligibility for senior status.

(B) Engagement in a limited law practice (e.g., no association with a law firm, except if employed as "of counsel" or "special counsel," or part-time law practice) shall not disqualify a retired judge or justice from eligibility for senior status. However, a retired justice or judge admitted to senior status shall be disqualified from assignment to duty in any circuit where he or she engages in practice, or from any matter in which the law firm in which he or she is employed as "of counsel" or "special counsel" is involved or has participated. For purposes of this rule, the terms "of counsel" or "special counsel" shall mean employment by a law firm that does not include (1) any partnership interest in the firm; (2) appearance before any tribunal representing any client of the firm; (3) work in the firm on a full-time basis; and (4) a salary equivalent to or greater than any partner in the firm.

(4) Ethics Code. A judge admitted to senior status shall be bound by the prevailing canons of judicial ethics and by the prevailing rules on complaints against judges and justices.

(5) Training. Senior status judges are required to attend the judicial training conferences and will be reimbursed for expenses as active judges.

(6) Compliance with Rule. To qualify, a retired judge or justice must agree in advance to comply with the provisions of this rule.

(7) Other Considerations. The Supreme Court of Appeals may take into account such other considerations as it deems pertinent (i.e., age, health, etc.).

(b) APPLICATION.

Application for senior status shall be submitted to the Administrative Director of the Supreme Court of Appeals, on the form prescribed by the Administrative Director. The applicant shall provide all the information called for by the form; Provided, however, that the Supreme Court may require the applicant to submit additional information. Application may be made within one year before the applicant's anticipated date of eligibility or at anytime after the applicant's date of eligibility.

(c) ADMISSION; OATH; REVOCATION.

Admission to senior status shall be a privilege; admission may granted or denied by the Supreme Court, in its discretion, acting in administrative conference and recording such action in an administrative order duly entered; admission may be for indefinite duration or temporary duration of a specified period. Before commencing service, a judge admitted to senior status shall take an oath of office, and file such oath with the Administrative Director. The Supreme Court may, for failure to comply with provisions of this rule or for incapacity, revoke senior status, by acting in administrative conference and recording such action in an administrative order duly entered.

(d) CHANGE OF CIRCUMSTANCES; WITHDRAWAL.

A judge admitted to senior status shall forthwith inform the Administrative Director of any change of circumstances bearing on his or her senior judicial status, and may at anytime by written notice withdraw from senior status.

(e) ASSIGNMENT TO DUTY.

(1) The Chief Justice may, by order duly entered, assign a judge admitted to senior status to such judicial duties in such courts as the Chief Justice deems appropriate and as consistent with applicable provisions of law.

(2) No retired judge admitted to senior status who has been defeated in an election for a circuit judgeship shall be assigned to duty in the circuit where he or she was defeated.

(3) All judges admitted to senior status are hereby generally assigned and empowered to perform marriages and to administer oaths in any county of this State.

(4) Nothing in this rule shall preclude the recall or assignment to active judicial service of any retired judge or justice who has not been admitted to senior status but who agrees to serve, all subject to any applicable rules or provisions of law.

(f) FINANCIAL ALLOWANCES.

(1) Per Diem.

(A) Compensation for service by a judge admitted to senior status will be at the rate of \$200 per day.

~~\$300~~
\$350
~~\$400~~
\$435

(B) For service within the circuit of residence, service will be billable in half-day increments; for service outside the circuit of residence, service will be billable in full-day increments.

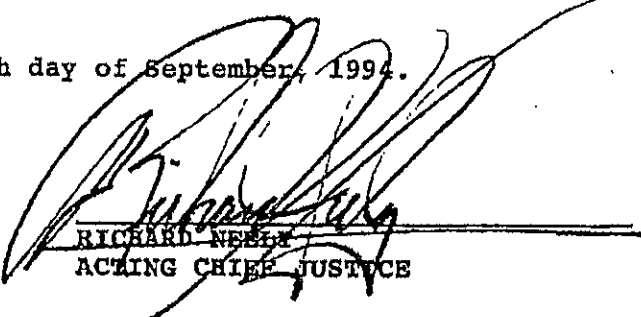
(C) Provided, however, that the per diem and retirement compensation of a retired judge, admitted to senior status shall not exceed the salary of a sitting judge.

(2) Expenses. Reimbursement for travel and/or other necessary expenses incurred during assigned service will be made according to the prevailing Supreme Court regulations.

(3) Allowances Form. Statements for per diem and expense allowances under subdivisions (1) and (2) of this subsection (g) must be submitted to and approved by the Administrative Director, on the form prescribed by the Administrative Director.

(4) Staff Support. Insofar as feasible, a judge admitted to senior status, while on assignment, must rely on the services of regular staff personnel of the court of assignment; Provided, however, that upon good cause shown and advance approval by the Administrative Director, a judge admitted to senior status may arrange, consistent with prevailing Supreme Court regulations, for temporary workers to provide secretarial and/or court-reporting services.

ENTER, this 15th day of September, 1994.


RICHARD NEELY
ACTING CHIEF JUSTICE

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: AMENDMENT OF PER DIEM RATE PAID TO SENIOR STATUS JUDGES

WHEREAS, by previous administrative order dated June 9, 1991 and thereafter amended by administrative order entered September 15, 1991, a system of senior status for retired judges was established pursuant to the provisions of W. Va. Code, 51-9-10; and

WHEREAS, by administrative order dated June 14, 1991, a per diem rate of \$200.00 was approved by the Supreme Court for payment to retired judges serving under senior status and who were recalled into service by the Chief Justice; and

WHEREAS, by action of the Supreme Court in administrative conference on May 1, 1995, the per diem rate paid to senior status judges was increased to \$225.00 per day for service under senior status; and

WHEREAS, the Supreme Court, meeting in administrative conference on September 27, 2000, has increased the per diem rate paid to senior status judges to \$300.00 per day, effective October 1, 2000.

IT IS THEREFORE ORDERED that the per diem rate paid to judges serving under senior status be, and it hereby is, increased to \$300.00 per day effective October 1, 2000.

ENTER: OCTOBER 1, 2000



ELLIOTT E. MAYNARD
CHIEF JUSTICE

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: AMENDMENT OF PER DIEM RATE PAID TO SENIOR STATUS JUDGES

WHEREAS, by previous administrative order dated June 9, 1991, and thereafter amended by administrative order entered September 15, 1991, a system of senior status for retired judges was established pursuant to the provisions of W. Va. Code, 51-9-10; and

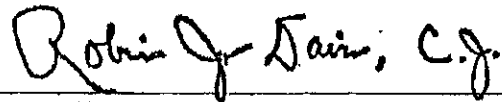
WHEREAS, by administrative order dated June 14, 1991, a per diem rate of \$200.00 was approved by the Supreme Court for payment to retired judges serving under senior status and who were recalled into service by the Chief Justice; and

WHEREAS, by action of the Supreme Court in administrative conference on May 1, 1995, the per diem rate paid to senior status judges was increased to \$225.00 per day and in administrative conference on September 27, 2000, the per diem rate paid to senior status judges was increased to \$300.00 for service under senior status; and

WHEREAS, the Supreme Court, meeting in administrative conference on November 29, 2006, has increased the per diem rate paid to senior status judges to \$350.00 per day, effective January 1, 2007.

IT IS THEREFORE ORDERED that the per diem rate paid to judges serving under senior status be, and it hereby is, increased to \$350.00 per day effective January 1, 2007.

ENTER: DECEMBER 5, 2006



ROBIN JEAN DAVIS
CHIEF JUSTICE

SUPREME COURT OF APPEALS OF WEST VIRGINIA

ADMINISTRATIVE ORDER

RE: AMENDMENT TO RULE(S) ON RETIRED JUDGES ADMITTED TO SENIOR STATUS, RETIRED FAMILY COURT JUDGES ADMITTED TO SENIOR STATUS, AND RETIRED MAGISTRATES ADMITTED TO SENIOR STATUS

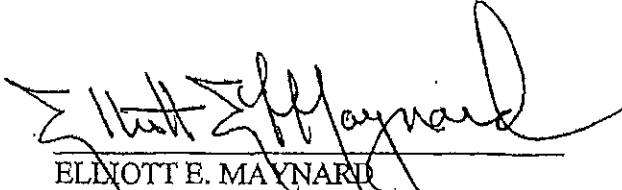
On this day came the Court, on its own motion and proceeded to consider an amendment to the Rules on Retired Circuit Judges Admitted to Senior Status, Retired Family Court Judges Admitted to Senior Status and Retired Magistrates Admitted to Senior Status.

Upon consideration whereof, the Court is of the opinion to, and doth hereby, amend the Rule on Retired Judges Admitted to Senior Status, the Rule on Retired Family Court Judges Admitted to Senior Status, and the Rule on Retired Magistrates Admitted to Senior Status, effective immediately, by rescinding and deleting the provisions of each order as indicated hereinbelow.

The provisions and the language deleted herein are contained in each order in sub-paragraph (e)(2), under the section (e) Assignment to Duty, and the language which is herewith deleted respectively from each order relates to and deletes only that provision of the order prohibiting the assignment of Circuit Judges, Family Court Judges and Magistrates to duty in the Circuit where he or she was defeated, and sub-paragraph (e)(2) shall now be reserved for future use and the number (e)(2) shall provide that it be reserved.

IT IS THEREFORE ORDERED that the provisions and language of sub-paragraph (e)(2) of each Administrative Order relating to the Rule for Retired Judges Admitted to Senior Status, the Rule for Retired Family Court Judges Admitted to Senior Status and the Rule for Retired Magistrates Admitted to Senior Status be, and they are hereby, rescinded and deleted.

ENTERED: DECEMBER 29, 2008


ELLIOTT E. MAYNARD
Chief Justice

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: AMENDMENT OF PER DIEM RATE PAID TO SENIOR STATUS JUDGES

WHEREAS, by previous administrative order dated June 9, 1991, and thereafter amended by administrative order entered September 15, 1991, a system of senior status for retired judges was established pursuant to the provisions of W.Va. Code, 51-9-10; and

WHEREAS, by administrative order dated June 14, 1991, a per diem rate of \$200.00 was approved by the Supreme Court for payment to retired judges serving under senior status and who were recalled into service by the Chief Justice; and

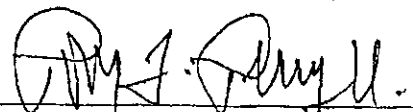
WHEREAS, by action of the Supreme Court in administrative conference on May 1, 1995, the per diem rate paid to senior status judges was increased to \$225.00 per day; in administrative conference on September 27, 2000, the per diem rate paid to senior status judges was increased to \$300.00 per day; and in administrative conference on November 29, 2006, the per diem rate paid to senior status judges was increased to \$350.00 per day for service under senior status; and

WHEREAS, the Supreme Court, meeting in administrative conference on October 13, 2010, has increased the per diem rate paid to senior status judges to \$400.00 per day, effective November 1, 2010.

IT IS THEREFORE ORDERED that the per diem rate paid to judges serving under senior status be, and it hereby is, increased to \$400.00 per day effective November 1, 2010.

ENTERED: October 18, 2010


ROBIN JEAN DAVIS
CHIEF JUSTICE

Attest: 
Rory L. Perry II, Clerk
Supreme Court of Appeals

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: AMENDMENT OF PER DIEM RATE PAID TO SENIOR STATUS JUDGES

WHEREAS, by previous administrative order dated June 9, 1991, and thereafter amended by administrative order entered September 15, 1991, a system of senior status for retired judges was established pursuant to the provisions of W. Va. Code, 51-9-10; and

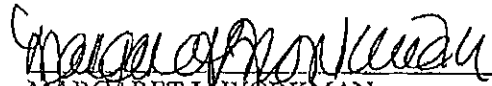
WHEREAS, by administrative order dated June 14, 1991, a per diem rate of \$200.00 was approved by the Supreme Court for payment to retired judges serving under senior status and who were recalled into service by the Chief Justice; and

WHEREAS, by action of the Supreme court in administrative conference on May 1, 1995, the per diem rate paid to senior status judges was increased to \$225.00 per day; in administrative conference on September 27, 2000, the per diem rate paid to senior status judges was increased to \$300.00 per day; in administrative conference on November 29, 2006, the per diem rate paid to senior status judges was increased to \$350.00 per day; and in administrative conference on October 13, 2010, the per diem rate paid to senior status judges was increased to \$400.00 per day for service under senior status; and

WHEREAS, the Supreme Court, meeting in administrative conference on June 13, 2011, has increased the per diem rate paid to senior status judges to \$435.00 per day, effective July 1, 2011.

IT IS THEREFORE ORDERED that the per diem rate paid to judges serving under senior status be, and it hereby is, increased to \$435.00 per day effective July 1, 2011.

ENTERED: OCTOBER 28, 2011


MARGARET L. WORKMAN
CHIEF JUSTICE

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: PAYMENT OF SENIOR JUDICIAL OFFICERS WHO PERFORM
ESSENTIAL SERVICES

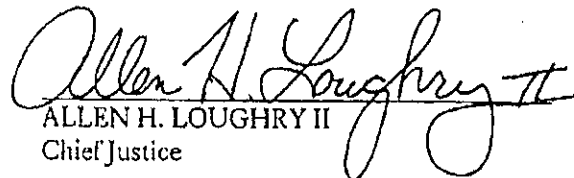
Pursuant to Article VIII, § 3 of the West Virginia Constitution, the Supreme Court has general supervisory control over all courts in the state, and the chief justice "shall be the administrative head of all the courts." This administrative authority includes the ability to assign judges for temporary service, including retired judges and magistrates. *See* W. Va. Const. Article VIII, § 8. It is constitutionally required that the "courts of this State shall be open . . . and justice shall be administered without sale, denial or delay." W. Va. Const. Art. III, § 17. Accordingly, it is paramount that the chief justice has the ongoing ability to assign judges for temporary service in such a manner that there is no interruption in essential services to the litigants of this state.


Although the Governor has the authority to fill a judicial vacancy, W. Va. Const. Art. VIII, § 7, this authority does not apply to instances in which a judicial officer may be absent from duty due to a protracted illness, or because of a suspension due to ethical violations. In these circumstances the chief justice exercises the constitutional authority to assign judges for temporary service, including retired judges. This authority is recognized in W. Va. Code § 51-9-10, which further provides that "reasonable payment shall be made to such judges . . . on a per diem basis: Provided, however, That the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge[.]" In the vast majority of instances, the statutory proviso does not interfere with providing essential services. However, in certain exigent situations involving protracted illness, lengthy suspensions due to ethical violations, or other extraordinary

circumstances, it is impossible to assure statewide continuity of judicial services without exceeding the payment limitation imposed by the statutory proviso.

Accordingly, in light of the administrative authority vested in the chief justice, it is hereby ORDERED that the chief justice has authority to determine in certain exigent circumstances that a senior judicial officer may continue in an appointment beyond the limitations set forth in W. Va. Code § 51-9-10, to avoid the interruption in statewide continuity of judicial services.

ENTERED: May 19, 2017


ALLEN H. LOUGHRY II
Chief Justice

Attest: 
GARY L. JOHNSON
Administrative Director

State of West Virginia
Purchasing Division

AGREEMENT

Purchase Order # _____ WVFIMS Account # _____

TEAM Vendor # _____ WVFIMS Vendor # _____

I, Andrew N. Frye, Jr., _____, agree to perform the following services
(Name and address)

for WV Supreme Court of Appeals at Charleston, WV.
(Agency) (Location)

Senior Status Judge Andrew N. Frye, Jr., pursuant to past and future assignments ordered by the WV Supreme Court of Appeals in Administrative Orders, is directed to preside as a temporary circuit judge in proceedings in the Circuit Courts of WV.
(Detailed description of services to be performed)

Date(s) of Service: from August 1, 2012 to December 31, 2012

The rate of pay shall be \$435.00 per day

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by _____ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ _____

The vendor serves as _____ with the title of _____
(Position)

certified by _____
(Supervisor's Signature)

HIPAA Business Associate Addendum - The West Virginia State Government HIPAA Business Associate (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

APPROVED BY:

Agency Supreme Court of Appeals of West Virginia
[Signature]
(Authorized Signature of Agency)

Chief Justice

August 10, 2012
(Date)

Vendor Andrew N. Frye, Jr.
[Signature]
(Vendor's Signature)

August 6, 2012
(Date)

State of West Virginia
Purchasing Division

AGREEMENT

Purchase Order # _____ WVFIMS Account # _____

TEAM Vendor # _____ WVFIMS Vendor # _____

I, The Hon. John L. Henning, agree to perform the following services
for WV Supreme Court of Appeal at Charleston, WV

The Honorable John L. Henning is directed to preside as a Senior Status Judge where needed in the state court system,
pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia.

Judge Henning is authorized to preside in any proceeding as assigned under this agreement.

Date(s) of Service: from May 21, 2015 to December 31, 2015

The rate of pay shall be 435.00 per day not to exceed
\$ N/A for the entire term of the contract.

NOTE: ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by _____ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ _____. The vendor serves as _____ with the title of _____, certified by _____

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency Supreme Court of Appeals of WV
Matthew R. Henderson, C.J.
Chief Justice
7/31/15

Vendor The Hon. John L. Henning
[Signature]
[Redacted]
July 27 2015

State of West Virginia
Purchasing Division

AGREEMENT

Purchase Order # _____ WVFIMS Account # _____

TEAM Vendor # _____ WVFIMS Vendor # 149031

I, John Henning, [REDACTED], agree to perform the following services
for W Va Supreme Ct at as appointed
as of May 8, 2013
(Name and address) (Agency) (Location) (Detailed description of services to be performed)

Date(s) of Service: from May 8, 2013 to 31 December 2013
The rate of pay shall be \$435.00 per day not to exceed
\$ to be determined for the entire term of the contract.

NOTE: Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by _____ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ _____. The vendor serves as Senior Status Judge with the title of Senior Status Judge, certified by _____
(Position) (Supervisor's Signature)

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency [Signature]
Chief Justice
0412412013
(Authorized Signature of Agency) (Title) (Date)

Vendor [Signature]
John Henning
[REDACTED]
April 20, 2013
(Vendor's Signature) (Social Security of P/H/W) (Date)

SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA

STEVEN D. CANTERBURY
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE
BUILDING 1, ROOM E-100
1900 KANAWHA BOULEVARD, E.
CHARLESTON, WV 25305-0832
(VOICE) 304/558-0145
(TTY) 304/558-4219
(FAX) 304/558-1212
www.state.wv.us/wvsca/

25 April 2013

Honorable John L. Henning

Dear Judge Henning:

Enclosed is a copy of the Independent Contractor Agreement. I have given the original to Sue Troy, the Director of Financial Services.

Your "retirement" allowed per diem may run out on May 7th, depending on your work days. Thereafter, please submit an invoice for your \$435 per diem for your service after May 7, 2013 directly to Sue Troy. The invoice can be simply your name, home address, date of service (list each date of service separately), per diem amount and total. The total may help you to tract payments. Ms. Troy will be handling all contract payments. As an independent contractor, you may have to pay income tax directly to both the State and federal governments.

Please continue to submit your expenses of the Senior Status Allowance form to me. The expenses will continue to be processed in the same way.

I have not heard about any appointments by the Governor.

Thank you so much for continuing to serve. The Court appreciates your dedication and willingness to make sure that Justice is not delayed in the 26th Circuit.

Please let me know if you have any questions.

I am looking forward seeing at the Spring Judicial Conference.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen S. Gross".

Kathleen S. Gross
Deputy Administrative Director

KSG/mg
Enclosure
cc: Sue Troy
Shannon Green

WVSCT_HJC_000021

State of West Virginia
Purchasing Division

AGREEMENT

Purchase Order # _____ WVFIMS Account # _____

TEAM Vendor # _____ WVFIMS Vendor # _____

I, the Hon. Thomas H. Keadle (Name and address), agree to perform the following services for WV Supreme Court of Appeal at Charleston, WV (Agency) (Location)

The Hon. Thomas H. Keadle is directed to preside as Senior Status Circuit Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Keadle is authorized to preside in any proceeding as assigned under this contract. (Detailed description of services to be performed)

Date(s) of Service: from September 1, 2015 to December 31, 2015

The rate of pay shall be 435.00 per day not to exceed \$ N/A for the entire term of the contract.

NOTE: ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by _____ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ _____. The vendor serves as _____ (Position) with the title of _____, certified by _____ (Supervisor's Signature)

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them; and agrees to be bound by their provisions.

APPROVED BY:

Agency *Thomas H. Keadle*
(Authorized Signature of Agency)
CHIEF JUSTICE
(Title)
9/1/15
(Date)

Vendor *Thomas H. Keadle*
(Vendor's Signature)
[Redacted]
(Social Security or FEIN)
September 5, 2015
(Date)

State of West Virginia
Purchasing Division

AGREEMENT

Purchase Order # _____ WVFIMS Account # _____

TEAM Vendor # _____ WVFIMS Vendor # _____

I, The Hon. Thomas H. Keadle, [REDACTED], agree to perform the following services for WV Supreme Court of Appeal at Charleston, WV

The Honorable Thomas H. Keadle, [REDACTED] is directed to preside as a Senior Status Circuit Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Keadle is authorized to preside in any proceeding as assigned under this agreement.

Date(s) of Service: from June 30, 2014 to December 31, 2014

The rate of pay shall be 435.00 per day not to exceed \$ n/a for the entire term of the contract.

NOTE: Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by _____ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ _____. The vendor serves as _____ with the title of _____, certified by _____

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency Robin Gene Davis, CJ
West Virginia Supreme Court of Appeals
Chief Justice
September 17, 2014

Vendor The Hon. Thomas H. Keadle
Thomas H. Keadle
[REDACTED]
Sept 9, 2014