

**IN THE WEST VIRGINIA SENATE WHILE SITTING AS
A COURT OF IMPEACHMENT DURING THE EIGHTY-THIRD LEGISLATURE**

IN RE: The Matter of Impeachment Proceedings against Justices of the West Virginia Supreme Court of Appeals

RECEIVED
CLERK OF THE SENATE
DATE: 9-17-18 TIME: 11:05am
By: LC

ORDER

On September 11, 2018, came the parties at the time and place set upon the summonses issued by the Clerk of the Court of Impeachment to former and sitting Justices of the West Virginia Supreme Court of Appeals. The Honorable Elizabeth D. Walker, Justice, Respondent herein, appeared by counsel Michael B. Hissam, J. Zak Ritchie, and Ryan McCune Donovan. The Honorable Margaret L. Workman, Chief Justice, Respondent herein, appeared by counsel Benjamin L. Bailey, Steven R. Ruby, Raymond S. Franks, II, and Holly J. Wilson. The Honorable Robin Jean Davis, former Justice, Respondent herein, appeared by counsel Robert B. Allen and James M. Cole. The Honorable Allen H. Loughry, II, Justice, Respondent herein, appeared in person and by counsel John A. Carr. The Honorable Managers of the West Virginia House of Delegates, John Shott, Andrew Byrd, Rodney Miller, Ray Hollen, and Geoff Foster, appeared in person and by counsel Marsha Kauffman and Brian Casto.

At that time, the West Virginia Senate dissolved into the Court of Impeachment. Oaths were administered by the Clerk to the Presiding Officer and the Senators as set forth in Rule 11 of the Rules of the Senate While Sitting as the Court of Impeachment (“Senate Impeachment Rules”).

Thereafter, the Respondents were called upon to admit or deny the allegations in the Article(s) of Impeachment pending against them. Each of the Respondents waived the reading of the Article(s) of Impeachment and denied the allegations in the Article(s) of Impeachment pending against them.

The Presiding Officer proceeded to consider a motion by counsel for Respondent Davis for *pro hac vice* admission of James M. Cole. Without objection, the motion is hereby **GRANTED**. Further, counsel for Respondent Davis moved for continuation of the deadlines for filing motions, reciprocal discovery including a witness list, an application for subpoenas, and instructions. Without objection, the motion is hereby **GRANTED**, and the deadlines applicable to those filings are hereby **ORDERED** continued to October 1, 2018.

The Presiding Officer also proceeded to consider a motion by counsel for Respondent Workman for a bill of particulars. Having determined that a bill of particulars is not contemplated by these proceedings, the motion for a bill of particulars is hereby **DENIED**.

A motion was then made by the Senator from the 15th Senatorial District to dismiss Respondent Davis under Rule 13 of the Senate Impeachment Rules. After debate on the motion, the Senate voted to **DENY** the motion with 15 senators voting “Yea” to grant the motion and 19 senators voting “Nay” to deny the motion.

Under Rule 19 of the Senate Impeachment Rules, the Presiding Officer hereby **ORDERS** the trials on the Article(s) of Impeachment to begin as follows:

The trial of Respondent Walker shall begin at 9:00 a.m. on October 1, 2018.

The trial of Respondent Workman shall begin at 9:00 a.m. on October 15, 2018.

The trial of Respondent Davis shall begin at 9:00 a.m. on October 29, 2018.

The trial for Respondent Loughry shall begin at 9:00 a.m. on November 13, 2018.

The date of Respondent Loughry’s trial was announced at the hearing held on September 11, 2018, as November 12, 2018. Because November 12, 2018, is the recognized holiday of Veterans’ Day, the date of Respondent Loughry’s trial has been continued to November 13, 2018.

The Clerk of the Court of Impeachment is hereby **ORDERED** to send certified copies of this order to all counsel of record, to make this order available to all Senators participating in the trials of impeachment, and to record this order in the Journal of the Court of Impeachment under Rule 6 of the Senate Impeachment Rules.

ENTERED: September 17, 2018



PAUL T. FARRELL
Acting Chief Justice, Presiding Officer of
The Court of Impeachment