

# 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