



SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA

GARY L. JOHNSON
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE
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MEMORANDUM

TO: ALL JUSTICES
FROM: GARY JOHNSON *YLF*
DATE: APRIL 12, 2017
RE: FINAL ADMINISTRATIVE CONFERENCE MINUTES

Attached for your records are final Minutes from the Administrative Conference held
Wednesday, April 5, 2017.

Attachment

MINUTES
ADMINISTRATIVE CONFERENCE
APRIL 5, 2017

1. PUBLIC ACCESS TO ADMINISTRATIVE CONFERENCE MINUTES

The Court discussed the matter.

2. FATALITY REVIEW PROCESS

Justice Workman prepared an Order and presented it to the Court for review. This matter will be placed on the next Administrative Conference for final action.

3. APPLICATION OF JUDGE CHARLES E. PARSONS TO BE A SENIOR STATUS JUDGE

By a vote of 5 - 0, the Court approved the appointment of Judge Charles E. Parsons to be a Senior Status Judge as of April 5, 2017.

4. IT REQUESTS

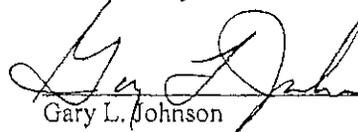
By a vote of 5 - 0, the Court approved:

4.1 The maintenance/support renewal for the SolarWinds Device Tracker software at a cost of \$3,856.00 to cover the period of 5/24/17 through 5/24/18.

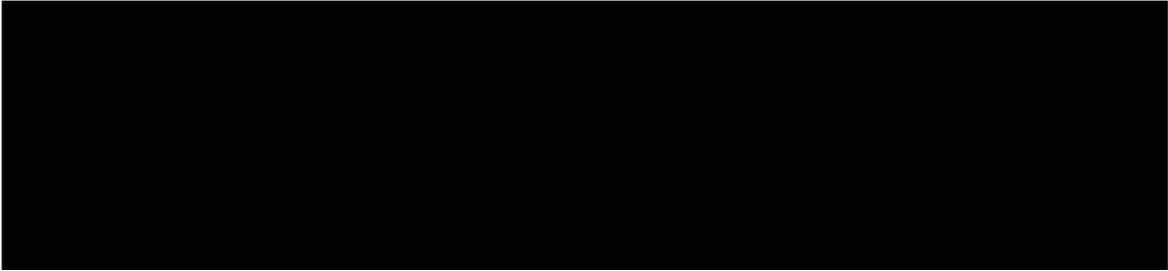
4.2 To renew the Symantec Antivirus maintenance/support used on all servers and computers within the Court network system at a cost of \$32,978.00 to cover the maintenance/support for a twelve-month period from 4/21/17 to the end date of 4/21/18.

4.3 The Veritas System Recovery support renewal for \$3,540.00 to cover support from 4/21/17 to 4/20/18.

Submitted by:


Gary L. Johnson

Date: 4/12/17



6. JUDICIAL INVESTIGATION COMMISSION SALARY REQUESTS

By a vote of 5 – 0, the Court tabled the request from Circuit Judge Ronald Wilson, Chairperson on the Judicial Investigation Commission, on behalf of the Commission members, for a salary increase for Teresa Tarr counsel, Brian Lanham assistant counsel and Pam Schafer, Executive Assistant, until there is a review of all salaries and benefits.

7. REORGANIZATION OF THE INTENSIVE SUPERVISION OFFICERS (ISO) PROGRAM IN THE PROBATION OFFICE

After reviewing the entire Intensive Supervision Officers for Sexual Offenders, the Court directed Administrative Director Gary Johnson and Director of Probation Services Mike Lacy to submit a proposed reorganization of the Probation Services Division for the Court's consideration.

8. COURT SERVICES REVIEW

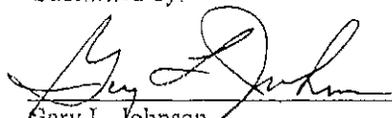
The Court postponed a review of the following Court Services items until the next Administrative Conference:

- The DV Registry employees' salary history and payments made to the DV Registry independent contractors.
- 2016 salary increases for Court Services.
- Salary history for Court Services employees.
- Reimbursement for indirect expenditures and grant modification to pay Oracle costs.

9. MISCELLANEOUS

- A. By a vote of 5 – 0, the Court approved a Court Facebook page with the conditions that no comments be allowed on the page and that it comply with ethics rules pertaining to any photographs posted.
- B. The Court reviewed the budget information, and no action was required.

Submitted by:

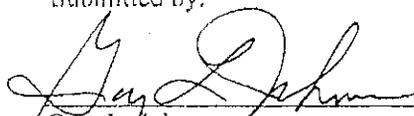

Gary L. Johnson Date: 4/12/17

- C. The Court reviewed the current state of the Court's legislation, and no further action was required.
- D. The EEO Utilization Report was presented for the Court's information, and no action was required.
- E. The Court approved the State Justice Institute Grant Application entitled "West Virginia Technology Technical Assistance" to allow for an evaluation of the entire court system, IT staff, and systems.
- F. If a vacancy occurs for the Drug Court Development and Training Specialist position, Mike Lacy has proposed that the LSCMI position be reassigned to the Drug Court position. The Court directed the Administrative Director to decide this personnel issue with the stipulation that the position is to be grant funded and continued employment in the position shall be dependent on continued grant funding.
- G. For the Court's information – Software Computer Group agreed to waive any fees for Court personnel or employees that use Circuit Express. The Court has paid Software Computer Group the following amounts: FY 2015: \$57,599.99; FY 2016: \$64,915.31; and FY 2017: \$30,201.61; for a total amount of \$152,716.91.
- H. The Court reviewed the National Center for State Courts reports on IT, IT personnel, and AO organization and no further action was taken.

ADDITIONAL TOPICS

- By a vote of 5 – 0, the Court approved the advertising for, and hiring of, a project manager for Court Plus.
- The Court reviewed the National Center for State Courts report that suggested a four-year Chief Justice term. After reviewing the report, Justice Ketchum made a motion to make the Chief Justice position a four-year term to be elected by a majority of the Court in the third week of September in the fourth year of the Term, which was approved by a vote of 4 – 1, with Justice Davis voting against the matter.
- Justice Ketchum made a motion that Chief Justice Loughry be elected to the first four-year Chief Justice term, the first year of said term which shall include the current year starting January 1, 2017, and shall expire December 31, 2020, which was approved by a vote of 4 – 1, with Justice Davis voting against the matter.

Submitted by:


Gary L. Johnson

Date:

4/12/17

- Justice Ketchum made an additional motion that the outgoing Chief Justice shall be eligible for re-election which was approved on a 4 – 1 vote, with Justice Davis voting against the matter.
- The Court reviewed the contract from Casto Technical Services for \$1,721.00 for water leak repair work already completed on the Fourth Floor and \$10,866.00 to repair the remaining pipes that was previously entered into by the Administrative Director.
- At the request of Justice Walker, the Court approved by a 4 – 1 vote, with Justice Davis voting against, a one-day seminar by Brian A. Garner (resume attached) for law clerks.

1. The lecture fee is \$18,500 for up to 30 participants, \$19,500 for 31 – 40 participants or \$20,500 for up to 50 participants. An invitation will be extended to all of the Justices, the personal clerks of the Justices, lawyers in the Office of Counsel, and the Clerk's Office. The Clerk's Office shall determine the number of participants.

3. Travel and other expenses, including the course book will be approximately \$2,500.00 (depending on the number of participants).

Justice Walker stated that the salaries of her staff are approximately \$89,000 less than has been permitted for this calendar year. The savings can be used for the costs of the seminar.

ADDENDUM

After the meeting, the Court was polled and approved on a 5 – 0 vote the purchases of furniture for the new family court offices and court rooms in Cabell County. A list will be attached to the Administrative Conference Minutes.

Submitted by:


Gary L. Johnson Date: 4/12/17

BRYAN A. GARNER

14180 Dallas Parkway, Suite 280

Dallas, Texas 75254

Tel.: (214) 691-8588 Fax: (214) 691-9294

bgarner@lawprose.org

- Employment** President, LawProse Inc.; Dallas, Texas; Dec. 1990–present
Speaker in more than 3,000 public & private CLE programs since January 1991;
consultant on legal-writing & -drafting projects (briefs, corporate documents, etc.);
frequent expert witness on legal linguistics
Distinguished Research Professor of Law, Southern Methodist University
(teaching since 1990, current title since 2009)
Lecturer in Law, University of Texas School of Law, 2015, 2016
Lecturer in Law, Texas Tech University School of Law, 2014, 2016
Visiting Associate Professor of Law, University of Texas at Austin, 1988–1990
Associate at Carrington, Coleman, Sloman & Blumenthal, Dallas, 1985–1988;
Hiring Committee, 1987–1988
Law clerk to Judge Thomas M. Reavley, Fifth Circuit, 1984–1985
- Author** *Garner's Modern English Usage* (Oxford Univ. Press, 2016)
The Chicago Guide to Grammar, Usage, and Punctuation (Univ. of Chicago Press, 2016)
Garner's Dictionary of Legal Usage (Oxford Univ. Press, 3d ed. 2011; 2d ed. 1995; 1st ed. 1987)
(foreword by Judge Thomas M. Reavley)
Making Your Case: The Art of Persuading Judges (West, 2008) (coauthored with Justice Antonin Scalia)
Reading Law: The Interpretation of Legal Texts (West, 2012) (coauthored with Justice Antonin Scalia)
The Law of Judicial Precedent (Thomson Reuters, 2016) (coauthored with 12 appellate judges)
(foreword by Justice Stephen Breyer)
Garner on Language and Writing (ABA, 2009) (foreword by Justice Ruth Bader Ginsburg)
The Winning Brief (Oxford Univ. Press, 3d ed. 2014; 2d ed. 2004; 1st ed. 1999)
The Winning Oral Argument (West, 2009)
Legal Writing in Plain English (Univ. of Chicago Press, 2d ed. 2013; 1st ed. 2001)
The Elements of Legal Style (Oxford Univ. Press, 2d ed. 2002; 1st ed. 1991)
(foreword by Charles Alan Wright)
The Redbook: A Manual on Legal Style (West, 3d ed. 2013; 2d ed. 2006; 1st ed. 2002)
Guidelines for Drafting and Editing Legislation (RosePen, 2016)
(under the auspices of the Uniform Law Commission) (foreword by Judge Harriet Lansing)
Ethical Communications for Lawyers (LawProse, 2009)
Securities Disclosure in Plain English (CCH, 1999)
HBR Guide to Better Business Writing (Harvard Business Review, 2013)
The Rules of Golf in Plain English (Univ. of Chicago Press, 4th ed. 2016; 3d ed. 2013; 2d ed. 2008;
1st ed. 2004) (coauthored with Jeffrey Kuhn)
Garner's Modern American Usage (Oxford Univ. Press, 3d ed. 2009; 2d ed. 2003; 1st ed. 1998)
(abridged as *The Oxford Dictionary of American Usage and Style* (2000))
Quack This Way: David Foster Wallace and Bryan A. Garner Talk Language and Writing
(RosePen, 2013)
- Chief Editor** *Black's Law Dictionary* (Thomson-Reuters & West, 10th ed. 2014; 9th ed. 2009; 8th ed. 2004;
7th ed. 1999; and all pocket & abridged eds. since 1995)
A New Miscellany-at-Law, by Sir Robert Megarry, retired Vice Chancellor of
England & Wales (2005) (completed & edited the book for 96-year-old friend
who could no longer read)
Texas, Our Texas: Remembrances of the University (Bakin Press, 1984)
- Professional Activities** Drafting consultant to:
• Standing Committee on Rules of Practice and Procedure, Judicial Conference of the United States (restyled amendments to federal rules, including complete rewrites of the Civil Rules, Appellate Rules, and Criminal Rules), 1992–1999, 2015–present
• Judicial Conference of the United States (restyled the Rules for Judicial-Conduct and Judicial-Disability Proceedings), 2007–2008

**Professional
Activities**

Drafting consultant to:

- United States Court of Appeals for the Tenth Circuit (restyled local rules), 1998
- United States Court of Appeals for the Eleventh Circuit (restyled criminal & civil jury instructions), 2008–2013
- Supreme Court of Delaware (restyled Delaware civil & criminal jury charges), 1996–2003
- Supreme Court of Texas (restyled Texas Rules of Appellate Procedure), 1995–1996
- California Judicial Council (restyled California Rules of Appellate Procedure and Judicial Council Rules), 1997–2000
- California State Bar Court (restyled procedural rules for lawyer discipline), 2009–2010
- California Political Reform Commission (revising the California Political Reform Act in plain English), 2016

Board of directors, Center for American and International Law (Plano, Texas), 2015–present
Board of directors, Texas Law Review Association, 2000–2009
Editorial advisory boards:

- *The Chicago Manual of Style* (15th ed. 2003—and author of chapter 5)
- *The Green Bag* (journal), 2004–present

Columnist, “Garner on Words,” *ABA Journal*, Aug. 2012–present
Founding editor, *The Scribes Journal of Legal Writing* (editor in chief, 1990–2000)
President, American Society of Legal Writers (Scribes), 1997–1999 (board member, 1991–present)
Member, American Law Institute, 1992–present; member & lead reviser,
Special Committee on Bylaws and Council Rules, 1993–1994
Chair, Plain-Language Committee, State Bar of Texas, 1989–1995
Consultant to the Oxford Dictionary Department, Oxford, England, on various dictionaries
including the *Oxford English Dictionary*, 1988–present
Life fellow, Texas Bar Foundation
Member, Philosophical Society of Texas, 1993–present
Member, American Law Institute, 1992–present
Visiting scholar: University of Salzburg, June 1995, July 1998; University of Glasgow, July 1996;
University of Cambridge, Wolfson College, July 1997

Awards

2015 Exemplary Legal Writing Award, *Green Bag Almanac*, for *Black’s Law Dictionary* (10th ed.)
2015 Bernie Siegan Award, Federalist Society, San Diego Chapter
2011 Canyon High School Hall of Fame (Canyon, Texas)
2010 Burton Award: Legal-Writing and Reference-Book Author of the Decade
(Washington, D.C., presented at the Library of Congress)
2010 Benjamin Franklin Book Award, Independent Book Publishers Association
(for *Garner on Language and Writing*, 2009)
2009 Burton Award: Outstanding Book in Law (Washington, D.C.) (for *Making Your Case: The Art of Persuading Judges*, coauthored with Justice Antonin Scalia)
2005 Lifetime Achievement Award, Center for Plain Language (Washington, D.C.)
2000 Scribes Book Award for Research and Writing (for *Black’s Law Dictionary*, 7th ed.)
1998 Outstanding Young Texas Ex Award
1997 Clarity Award for Clear Legal Writing, State Bar of Michigan (for role as principal stylistic reviser of the Federal Rules of Appellate Procedure)
1994 Henry C. Lind Award, Association of Reporters of Judicial Decisions
(for significant contributions to the improved reporting of American judicial decisions)

Education

B.A., 1980, University of Texas at Austin
Phi Beta Kappa; Special Honors in Plan II
J.D., 1984, University of Texas at Austin
Texas Law Review, associate editor, 1983–1984; Friar Society, Abbot, 1983–1984
Honorary degrees: LL.D., Thomas M. Cooley Law School, Lansing, Michigan, 2000; LL.D.,
University of LaVerne, Ontario, California, 2007; LL.D., Stetson University College of Law,
Gulfport, Florida, 2010

Clubs

Century Association (N.Y.), Grolier (N.Y.), Johnsonians (N.Y.), Cosmos (Washington, D.C.),
Bent Tree (Dallas)

4/5/17 Administrative Conference
Approved, Kim Ellis will order.

03-31-2017
16:47:28

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Peggy Lovio