



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

April 20, 2018

The Honorable Robin Jean Davis, Justice
Supreme Court of Appeals of West Virginia
State Capitol Complex
Building 1, Room E-100
1900 Kanawha Blvd. East
Charleston, WV 25305

via: Email

Re: Judicial Investigation Complainant No. 40-2018

Dear Justice Davis:

On April 18th the above-numbered complaint was opened against you and docketed by Judicial Disciplinary Counsel. This letter will serve as the formal complaint and the Complainant is Judicial Disciplinary Counsel. The filing of the complaint was triggered in part by recent news reports and following an examination of records received in connection with an ongoing investigation into another matter. The area of concern is the Court's practice of purchasing lunches for themselves and others while at work at the Capitol on work days which include but may not be limited to Argument Dockets and Administrative Conferences.

In accordance with the provisions of Rule 2.2 of the Rules of Judicial Disciplinary Procedure, Counsel must investigate complaints of alleged violations of the Code of Judicial Conduct. Rule 2.3 provides that upon notice of the nature of the complaint, a "judge shall have ten days" to file a written response. Therefore, your response to the complaint is due ten (10) days from the date you received this letter. Should you need additional time to respond to the allegations, you must ask for an extension in writing.

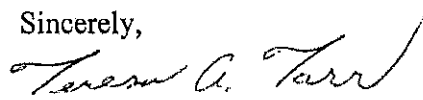
In your response the Commission would like you to directly address, what express or implied authority allowed the Court to use State funds to purchase lunches during Argument Dockets and Administrative Conferences? What express or implied authority allowed the Court to use State funds to purchase lunches for people other than the Justices during Argument Dockets and Administrative Conferences? What public benefit was gained by having the lunches paid for with State funds instead of by the individuals?

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Since this letter serves as the complaint, you should be aware that our investigation will look at your conduct as it may relate to Rules 1.1, 1.2, 1.3, 3.13 and 3.15 of the Code of Judicial Conduct. For your information, the Rules, which are relevant to the handling of complaints against judicial officers, may be found in the State Court Rules along with the Code of Judicial Conduct. Additionally, the Rules and the Code may be found on the State Supreme Court website at <http://www.courtsww.gov/legal-community/judicial-investigation.html>

Thank you for your consideration and your willingness to meet with Counsel. Please do not hesitate to contact me should you have any questions, comments or concerns.

Sincerely,



Teresa A. Tarr,
Judicial Disciplinary Counsel

TAT: mps
Complaint No. 40-2018