

WVA AG'S HELP SOUGHT IN SUPREME COURT IMPEACHMENT APPEAL

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CHARLESTON, W.Va. (AP) — Three months after a ruling halted the impeachment process involving most of West Virginia's Supreme Court justices, the state Senate president is seeking a second opinion.

Senate President Mitch Carmichael said Friday at the annual Legislative Lookahead forum he's asked state Attorney General Patrick Morrisey to look into handling a possible appeal to the U.S. Supreme Court.

Carmichael, a Republican, is still steamed at a panel of state Supreme Court stand-ins that ruled impeachment efforts of the justices were a violation of the separation of powers doctrine. The process was officially derailed when the presiding judge didn't show up to Justice Margaret Workman's trial in the state Senate in light of the court's ruling blocking it.

"We believe it is totally, completely wrong," Carmichael said.

The acting justices ruled the Senate lacked jurisdiction to pursue Workman's trial and later applied the decision to trials involving justices Robin Davis and Allen Loughry, who had petitioned the court to intervene. Davis retired after the House approved impeachment charges against her. Loughry resigned after being convicted of felony fraud charges in federal court.



The state court declined a request by Carmichael in November to revisit its ruling.

“We’re just hamstrung in terms of where we go from here without spending a lot of taxpayer dollars,” Carmichael said. “We’re going to evaluate” appealing to the U.S. Supreme Court.

Morrisey spokesman Curtis Johnson said the office is representing the state Senate “as it considers potential next steps in this matter.”

Workman, Davis, Loughry and Justice Beth Walker were impeached in August over questions involving lavish office renovations that evolved into accusations of corruption, incompetence and neglect of duty. Some of the justices were accused of abusing their authority by failing to rein in excessive spending.

Walker was cleared of an impeachment charge at her Senate trial in October.

Justice Menis Ketchum retired before the House of Delegates’ impeachment hearings. He pleaded guilty in federal court to a felony fraud count related to his personal use of a state vehicle and gas fuel card. Both Ketchum and Loughry face sentencing in January.

Two Republicans who were appointed as Supreme Court justices after the scandal broke, former House speaker Tim Armstead and ex-Congressman Evan Jenkins, won election to continue on the bench. Armstead will complete the term of Ketchum through 2020. Jenkins will serve through 2024, when Davis’ term ends.

John Hutchison was sworn in Friday to fill Loughry’s spot on the court until a 2020 special election. The winner of that race will serve the remainder of Loughry’s term through 2024. Hutchison was appointed last month by Republican Gov. Jim Justice, a lifelong friend.

Judicial elections in West Virginia became nonpartisan in 2016, but the court’s impeachment scandal stirred political attacks. Some Democrats argued the court’s shakeup was a power grab by Republicans.

Voters in November also approved a ballot measure allowing the GOP-led Legislature to decide each year whether to reduce the courts’ budget but not less than 85 percent of the previous year’s budget. It also would require the Supreme Court’s chief justice to answer budget questions before lawmakers.

Opponents have said limiting the Supreme Court’s budgetary control would infringe on its independence. The chief justice previously had constitutional autonomy in deciding how the system spends a \$139 million annual budget.

Carmichael said allowing the Legislature to review the Supreme Court’s spending “gives a confidence to the people of West Virginia that the judiciary is running efficiently.”