

Voters Guide WV Supreme Court November 6, 2018 General Election

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Candidates for WV Justice of the Supreme Court of Appeals -Unexpired Term Division 1

Office: Justice of the Supreme Court of Appeals Division 1

Name: **Tim Armstead**

County: Kanawha

Party: Non-partisan

Biography

I graduated from the University of Charleston and WVU College of Law. With more than a quarter century of legal and governmental service, including working for two governors and serving nearly four years as Speaker of the House, my public service combined with my work as an attorney make me uniquely qualified to serve as a Supreme Court Justice.

Legal/Judicial Experiences

My legal practice has included work for two of our state's largest law firms, service as an in-house attorney in the energy industry and work as a law clerk for a federal judge. I have represented individuals, businesses and organizations in various matters in state and federal court, before administrative agencies, and in relation to property and contract matters.

1. How would you make the judicial budgeting process more transparent?

As Speaker of the House, I established a record of being a fiscal conservative who required transparency and responsible spending in our state budget. As Supreme Court Justice, I would bring that same commitment to preventing wasteful spending and working to ensure a "user-friendly" accounting of all spending so our citizens know exactly how their tax dollars are spent.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

The Code of Judicial Conduct and court rules require judges to recuse themselves when a potential conflict exists. This is a requirement I would take very seriously as a judge. Litigants may file a motion for recusal if a judge does not voluntarily step aside. I am open to considering appropriate changes to reform this process.

Office: Justice of the Supreme Court of Appeals Division 1

Name: **Harry C. "Bo" Bruner, Jr.**

County:

Party: Non-partisan

Candidate Harry C. "Bo" Bruner, Jr. in response to the League's Questionnaire has submitted his website for his response:

bobruner.com

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Robert H. Carlton**
County:
Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Ronald H. Hatfield, Jr.**
County:
Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Mark Hunt**
County:
Party: Non-partisan

Biography

Mark A. Hunt comes from a working class family. He attended Lincoln Junior High and graduated from Stonewall Jackson High School, where he was active in sports. He obtained a B.A. Degree from the University of Charleston and a Masters from Marshall University. Mark is married to the former Tracy Conard and is the father of three.

Legal/Judicial Experiences

Mark received his law degree from the District of Columbia School of Law in 1993. He joined the late Tony Serreno in establishing the Hunt and Serreno firm in 1994. He worked as a legislative analyst and was counsel to the West Virginia State Auditor. In 1994 he was elected to the state legislature.

1. How would you make the judicial budgeting process more transparent?

The judicial budgeting process must be more transparent to eliminate many of the problems that have recently plagued the court. I would recommend that each justice as well as each division within the court submit an annual budget request, outlining their financial needs. At least two public hearings should be held before the overall budget is adopted.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

A three-person panel made up of senior status judges should be formed to review any matter that might require recusal. Although I think justices use the current system properly, I believe public perception is so poor that a dramatic change is needed. The appointment of this panel would eliminate many doubts and concerns of the people.

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Hiram “Buck” Lewis, IV**
County:
Party: Non-partisan
No Reply

Office: Justice of the Supreme Court of Appeals Division 1
Name: **D.C. Offutt Jr.**
County:
Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Joanna I. Tabit**
County: Kanawha
Party: Non-partisan

Biography

I am a lifelong West Virginian. I was born in Montgomery and raised by my parents, along with my two sisters, in Charleston. I graduated from Marshall University with a B.B.A. in 1983 and earned my law degree from the WVU College of Law in 1986. Learn more at <https://judgejoannaforwv.com/>

Legal/Judicial Experiences

Initially, I was a personal law clerk to Supreme Court Justice Thomas McHugh. I served as Deputy Attorney General in the Office of the Attorney General. I joined Steptoe & Johnson PLLC, where I was a member attorney until 2014, when I was appointed to the Kanawha County bench by Governor Tomblin. I was elected to that seat in 2016.

1. How would you make the judicial budgeting process more transparent?

The Court should work with its new Administrative Director to implement practices and procedures demonstrating sound fiscal responsibility as it relates to all expenditures of public funds. Working collaboratively with the Auditor’s office to establish such a framework would serve to restore public faith and confidence in the Court. The Court must be accountable to the people it serves.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

No, many are critical of our current system. Now the decision is made solely by the challenged justice. No mechanism exists to appeal that decision. Written decisions should be required in recusal motions because otherwise there is no record. The Court should adopt a process to review recusal decisions by the full court. Written decisions should also be required in

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Chris Wilkes**
County: Berkley
Party: Non-partisan

Biography

I am a graduate of Musselman High School, WVU, and ONU, and returned to Berkeley County to join my father's firm. I am proud to have been married to my wife Pat for 34 years and have 2 children, Catie (Delligatti) and Lauren, and 2 grandchildren, Isabel and Jack Delligatti. For more information please visit www.wilkesforsupremecourt.com.

Legal/Judicial Experiences

I have been a circuit judge for 25 years, making the same decisions the Supreme Court reviews in many cases. Prior to becoming a judge, I was in private practice with my father, representing a diverse group of clients in civil, criminal, and family law matters. I also was municipal judge for Martinsburg and Ranson.

1. How would you make the judicial budgeting process more transparent?

I would ensure that the budgetary request is specific so that any item that may be questioned could easily be identified and discussed. Whether the budget is controlled by the Court or the Legislature, I will always be conscious that any expenditure of taxpayer funds must be fiscally responsible and transparent.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

Although the Court utilizes the same recusal system as the US Supreme Court, I do not believe it is the most effective. I believe a better system would be to have the Chief Justice annually appoint three circuit judges who are presented with the recusal issue and anonymously vote as to whether the justice should remain on the case.

Office: Justice of the Supreme Court of Appeals Division 1
Name: **Jeff C. Woods**
County: Kanawha
Party: Non-partisan

Biography

Education:

Greenbrier East High School

West Virginia State University (BA Sociology, *Magna Cum Laud* - 1975)

West Virginia College of Graduate Studies

Howard University School of Law (J.D. *Magna Cum Laud* - 1979)

U. S. Army Judge Advocate Advanced Course (1985)

Newburgh Theological Seminary (Ph. D. - 2015)

Laud Hall Seminary

Legal/Judicial Experiences

Managing Attorney

The Law Office of Jeff C. Woods (2008-present)

Retired Member

Jackson Kelly PLLC (1983-2008)

Judge Advocate/Senior Trial Counsel

U.S. Army Judge Advocate General's Corps

Judge Advocate WVARNG & U.S. Army Reserves

Law Clerk/Staff Attorney

Acting Director of W.Va. Magistrate Court System

W.Va. Supreme Court of Appeals

Municipal Court Judge

City of Nitro, WV

1. How would you make the judicial budgeting process more transparent?

The judicial budgeting process should be open to the public. Prior to submission, the proposed budget should be explained in a public forum. The Court's budget should be subject to an annual audit the results of which should be available to the public and the legislature.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

Judges and Justices should strive to "avoid even the appearance of impropriety." The current system of "voluntary recusal" is open to abuse. All potential conflicts of interest must be disclosed. The failure of judges to recuse themselves should be subject to mandatory review by an independent panel of three independent judges. The decision of the panel should govern.

Candidates for WV Justice of the Supreme Court of Appeals -Unexpired Term Division 2

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Jim Douglas**

County: Kanawha

Party: Non-partisan

Biography

Clay County High School, 1969; BA, Morris Harvey College, 1973, Double Major, magna cum laude; MA, WVU, 1975; Law Degree, WVU, 1977. Member of Board of Governors, WV Symphony Orchestra; Braxton County Democratic Executive Committee, Vice-Chair; Sutton Lions Club, President; Member and Usher, CC United Methodist; and Sub-teacher. See Douglas4Justice.com.

Legal/Judicial Experiences

Currently Family Law Judge; Divorce and trial lawyer nearly 40 years; argued over 40 cases before the WV Supreme Court; Prosecuting Attorney; Defense Attorney; RESA; Education Hearing Officer;

Special Ed lawyer; Chair, 2x, Family Law Chair, State Bar; authored articles on Divorce published by ABA; taught CLE to other lawyers 1996-2018; Best Lawyer, 2006; AA Matrimonial Lawyers, 1993-2018.

1. How would you make the judicial budgeting process more transparent?

Transparency established by requiring all justices, circuit judges and family law judges to make Individual time accountings on how many hours spent in the office and on the job.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

Yes. Recusals or failures to recuse, other than prior attorney-client relationships or family connections should be approved by the Judicial Investigation Commission, who would be appointed by the Legislature for staggered terms.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Robert J. Frank**

County:

Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Evan Jenkins**

County:

Party: Non-partisan

Biography

Born in the Mountain State, married for 27 years and parent of three grown children including a son in the US Marines. Founder of Lily's Place caring for drug-exposed newborns. Church Elder, Boy Scout and Red Cross volunteer. Past-president Big Brothers/Big Sisters. Received many awards and recognition for supporting seniors, protecting children and standing up for our Veterans.

Legal/Judicial Experiences

Received 'best-qualified' designation by the independent Judicial Vacancy Advisory Commission. Thirty-year's experience in a wide range of legal issues and complex cases before Administrative Law Judges, Circuit Court jury trials and the WV Supreme Court. Twenty-two years of experience making the laws the Supreme Court interprets. Working with President Trump to drain the swamp and restore the rule of law.

1. How would you make the judicial budgeting process more transparent?

West Virginians are angry over the Supreme Court Justices' wasteful spending on their office renovations. The Supreme Court is in crisis and I'm already working to make sure this never happens again. West Virginians will be voting YES on the amendment to bring oversight to the judicial budget and I'm working with our State Auditor to restore accountability and transparency.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public

confidence in the process? What changes would you propose?

Two Justices have resigned, and another is under federal indictment. The public's trust and confidence is at an all-time low. I will be a Justice that's fair, balanced and ensures everyone is treated equally under the law. I will uphold the rule of law and follow the Constitution. I will always recuse myself from any case where there's any conflict.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Jeffrey "Jeff" Kessler**

County: Marshall

Party: Non-partisan

Biography

Jeffrey Kessler was born on November 16, 1955 in Wheeling West Virginia. He is a graduate of Bishop Donahue High School (1974), West Liberty University (1977) with highest honors in Economics & Political Science, and WVU College of Law (1981). He resides in Glen Dale with his wife, Gretchen and has 5 children, ages 28, 25, 13, 10 and 4.

Legal/Judicial Experiences

Been practicing Law on an uninterrupted basis for 37 years in all WV Courts. Served as a City Attorney for 15 years, Municipal Judge for 5 years, an Assistant Prosecutor for 17 years and has tried 1000's of misdemeanor and hundreds of felony cases to conclusion. Has served as a Divorce Hearing Examiner, Mass Tort Discovery Commissioner, and State Senator

1. How would you make the judicial budgeting process more transparent?

Currently the Court has absolute control of its own budget without oversight. The budget of the Supreme Court will become more transparent upon expected passage in November of Constitutional Amendment No. 2 which will put the WV Court budget under the control of the Legislature; and thus subject to customary budgetary processes including open public hearings, competitive bidding etc.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

To ensure fairness, the denial by a Justice to voluntarily remove him/herself from a pending action due to a potential conflict of interest should be subject to appeal. I suggest granting additional powers to the Judicial Investigation Commission which would be authorized to require such recusal if it finds that an actual or perceived conflict exists.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Brenden D. Long**

County: Putnam

Party: Non-partisan

Biography

University of Pittsburgh at Johnstown – BA Accounting and Finance, Duquesne University School of Law – JD Law Review, West Virginia Bar Association, Putnam County Bar Association, North Carolina State Bar, Pennsylvania Bar Association, Putnam County Criminal Justice Board, Putnam County Adult Drug Court Committee

brendenlongcampaign.wixsite.com/campaign

Legal/Judicial Experiences

Intern at Pennsylvania Supreme Court, Law for Clerk Circuit Court Kanawha County, WV, Assistant Prosecutor for Kanawha County, WV, Founder/Attorney Long Law Offices, PLLC: family law, juvenile law, criminal law, personal injury, abuse and neglect cases, Guardian *ad litem* for children

1. How would you make the judicial budgeting process more transparent?

Due to the current case and controversy surrounding the budgeting process involving the Justices, I cannot ethically answer this question. If elected, I will keep an open mind and will carry out my administrative duties faithfully and impartially in evaluating the budget process. See Supreme Court budget at wvcheckbook.gov.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

There is a system in place, pursuant to the Code of Judicial Conduct, which refers to disqualification of a Judge/Justice and likewise in various court rules. If elected, I will keep an open mind and will carry out my adjudicative and administrative duties faithfully and impartially, which will include the recusal process.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Jim O'Brien**

County:

Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 2

Name: **William Schwartz**

County:

Party: Non-partisan

No Reply

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Marty "Redshoes" Sheehan**

County: Ohio

Party: Non-partisan

Biography

Practicing WV Attorney since 1984,

Married, Three adult children

Five Grandchildren

B.A. (Economics) Tufts University 1977

J.D. Duquesne University 1980

Subject to Federal Background Check almost continuously since 1984

United States Department of Justice Special Achievement Award 1990

WV Top Ten Criminal Defense Attorney 2015

(National Academy of Criminal Defense Attorneys

President, National Association of Bankruptcy Trustees 2014-15

WEBSITE: SHEEHAN4JUSTICE.COM

Legal/Judicial Experiences

Law Clerk, U.S.D.C. W.D. Pa. 1980-1984

Assistant United States Attorney, 1984-1990

Associate,

Volk Frankovitch, Anetakis, Recht, Robertson & Hellerstedt, 1990-1993

Founder/Member SHEEHAN & NUGENT, PLLC 1994-present

Adjunct Lecturer, West Virginia University School of Law, 2005 to present

City of Wheeling, Board of Zoning Appeals, 2000-2015

(Chairman 2003-2015)

1. How would you make the judicial budgeting process more transparent?

Most of the judicial budget is for pre-determined expenses. This including salaries for judicial officers, and necessary staff. These expenses, and a few others, are core expenses associated with an independent judiciary. Potential limits on core expenses could threaten an independent judiciary. But discretionary expenditures, the root of current issues, need to be aligned with Legislative spending priorities.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

My concern is not with the current recusal process, but with the appointment of successor judicial officers, particularly as an Acting Justice of the Supreme Court. I'd like to see that process be more systematic and predictable instead of the ad hoc process that appears to exist now. I believe that would improve the public perception of the entire judiciary.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Dennise Renee Smith**

County: Kanawha

Party: Non-partisan

Biography

I am a West Virginia native originally from Montgomery, Fayette County. I graduated with a Bachelor of Arts from WVU and the obtained my JD from WVU College of Law. I am licensed to practice law in West Virginia, Ohio (inactive) and California. My website is www.smithforthesupremecourt.com

Legal/Judicial Experiences

I have been a lawyer since 1996 primarily handling employment and workplace safety cases. My clients have been employees, employers, and state and local agencies. I also represented individuals in civil right rights claims. I served as an Administrative Law for Workforce West Virginia and worked as an Assistant Attorney General and Legislative Attorney for the House of Delegates.

1. How would you make the judicial budgeting process more transparent?

The Supreme Court's budget and spending should be publicly available as other state government budgets are.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

I do not believe our current system effectively addresses conflicts of interest or the perception of such conflicts. Voluntary recusal without review undermines the public's trust that judges will be fair and impartial. The rules regarding recusal should be strengthened so that a judge's refusal to recuse himself may be reviewed by a "third-party" judge or panel of judges.

Office: Justice of the Supreme Court of Appeals Division 2

Name: **Judge Will Thompson**

County: Boone

Party: Non-partisan

Biography

I am a life-long resident of Boone County, West Virginia. My wife Keri and I have four wonderful children, Grace, Will, Claire and Sophia. I went to college and law school at West Virginia University. I attend church regularly and I am very involved in youth sports. My mother was a school teacher and my father owned a small business.

Legal/Judicial Experiences

I am the only circuit judge in my race. I have presided over more than ten thousand cases. I have presided over large complex civil cases and murder cases. I have handled criminal, abuse and neglect, juvenile and family law cases. I operate several drug courts. Prior to taking the bench, I had an active legal practice, appearing in court

1. How would you make the judicial budgeting process more transparent?

I would establish a policy to require the Supreme Court to follow the State Purchasing Guidelines. I would also require that any improvement to any private office or any other part of the Supreme Court be approved by the Capitol Building Commission. I would work to make all financial decisions more transparent.

2. Do you believe the current system of voluntary recusal is effective in avoiding real or perceived conflicts of interest or do we need a change in the system to ensure public confidence in the process? What changes would you propose?

Our current system works if we elect honest and ethical persons of character to be justices. If we elect politicians, our system breaks down. I would propose a system for conflicts to be modeled after our current system in place for circuit judges. Any party appearing before the Supreme Court could move to have any justice recused. Then the Chief