

**Bastress seeks investigation – 3/6/08**  
**By Greg Collard**

**Lead:** Supreme Court candidate Bob Bastress is calling for an independent investigation into Chief Justice Spike Maynard's ties to Massey CEO Don Blankenship. He wants details about their trip to the French Riviera in the summer of 2006. Greg Collard reports.

**Collard:** In January, Justice Larry Starcher also called for an independent investigation into judicial conduct on the Supreme Court. But unlike Starcher, Bob Bastress is specific in the questions he wants an investigation to answer.

**Bastress:** "Who paid for the meals and entertainment on the trip to Nice and Monaco? Who paid for the transportation while the vacationers were there? Did Mr. Blankenship front money for Mr. Maynard or his companion to use for gambling purposes while in Monaco. Has Justice Maynard flown on the Massey Corporate Aircraft? Has he taken other excursions with Mr. Blankenship."

**Collard:** Justice Maynard's campaign did not return messages seeking answers to any of these questions. His campaign has disclosed records that show he paid for airline tickets and hotels. In January, photos surfaced that show Blankenship and Justice Maynard together in the French Riviera in July 2006. Maynard and a spokesman for Blankenship have said they traveled separately to the region, but met for lunch and dinner while there.

At the time of the trip, a \$50M verdict against Massey was on appeal to the Supreme Court. In November, Justice Maynard sided with the majority in a 3-2 decision that overturned that verdict. With interest, damages had grown to \$76M by the time the Supreme Court issued its ruling. Bastress doesn't recommend who should investigate issues surrounding the trip, but he doesn't think it should be done by the Judicial Investigations Commission.

**Bastress:** "They have in fact a really good reputation, but in this particular case, because that office is in fact under the budget of the Supreme Court, it would be best if some independent entity or persons were engaged to conduct the investigation."

**Collard:** Bastress formally asked for an investigation in a letter to Supreme Court administrator Steve Canterbury. Canterbury says that Bastress needs to address any complaints to the attorney for the Judicial Investigations Commission.

**Canterbury:** Frankly, the court has a perfect procedure for dealing with these matters. No matter how emotional the moment, it seems that you don't let the hysteria or histrionics of the moment get in the way of established practice and procedure."

**Collard:** As for Justice Starcher's earlier call for an investigation, Canterbury says he forwarded that to the Supreme Court.

**Canterbury:** I will tell you that the conclusion was that each justice knew about the Investigations Commission, and knows how to forward the information there, if they feel its of such a nature that may call into question the ethics on any judicial officer or person who works in the judicial system, or if they felt it rose to another level, they certainly also each understand how to contact state or federal officials, so that's how it was left. The court has to have established processes to work and be respected by the people. We have that. There's no reason to ignore those process no matter what the moment might present.

**Collard:** The Supreme Court has agreed to rehear the case involving the \$50M verdict. Arguments are scheduled next week. Both Justices Maynard and Starcher have recused themselves from the case.

For West Virginia Public Broadcasting, I'm Greg Collard, in Charleston.