



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Administrative and Governance Standards

1. Scope and Purpose, Authority, and Definitions

1.1 Scope and Purpose.

The purpose of this Administrative and Governance Standards Policy (“Policy”) is to provide clarity in decision-making authority in administrative matters. The Policy applies to the Administrative Office primarily. However, certain provisions may also overlap into other Supreme Court of Appeals of West Virginia (“Court”) offices.¹

This Policy is intended to be read in conjunction with any other policy or rule approved by the Court. Specific provisions regarding authority stated elsewhere in policy or rule will control over general statements contained within this Policy.

The application of this Policy is subject to ultimate authority of the Court and is not intended to limit a Justice in performing their official duties within their discretion.

The Administrative Director shall protect the integrity and independence of the West Virginia Judicial Branch as a public institution. If any administrative matter threatens that integrity or independence, the Administrative Director shall bring the issue to the Court for attention and resolution, even if the authority for that decision lies elsewhere under this Policy.

Questions regarding the application or interpretation of this Policy may be resolved with consultation between the Chief Justice and Administrative Director. However, the Court retains final authority on any application or interpretation of this Policy.

1.2 Authority.

Article 8, Section 3 of the Constitution of the State of West Virginia provides that the Court has general supervisory control over all intermediate courts, circuit courts, and magistrate courts. Section 16 extends the same supervisory control over

¹ This Policy applies to the Judicial Investigation Commission, Judicial Hearing Board, and West Virginia Board of Law Examiners. It does not apply to the West Virginia State Bar, Office of Lawyer Disciplinary Counsel, or West Virginia Judicial & Lawyer Assistance Program (WVJLAP). However, the governing boards of each entity are encouraged to adopt relevant standards, where applicable, into their own governance structure to support the overall purpose of this Policy, which is to properly steward state government resources.

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family courts. The Chief Justice is the administrative head of all courts, and the Court shall appoint an Administrative Director to serve at its pleasure.

West Virginia Code § 51-1-15 creates the Administrative Office of the Court. Under the supervision and direction of the Court, the Administrative Director has charge over all administrative matters related to the courts; preparing a proper budget for the maintenance, support, and operation of the courts; the purchase and distribution of equipment and supplies; and all other matters assigned by the Court.

West Virginia Code § 12-3-8a further provides that no payment shall be made by the Auditor for any money appropriated for the judicial system without prior approval by the Court or the Administrative Director.

1.3 Definitions.

- a) **The Court** is a majority of the Justices of the Court.
- b) **Chief Justice** is the Justice selected by the Court to serve in this capacity.
- c) **Acting-Chief Justice** is the Justice selected by the Court to serve as the next Chief Justice and authorized to perform the duties of the position if the Chief Justice is unable to serve.
- d) **Delegated Justice** is any Justice delegated by the Court with decision-making authority over a certain project, topic, or issue.
- e) **Administrative Director** is the individual appointed by the Court under West Virginia Constitution, Article 8, § 3 and West Virginia Code § 51-1-15 with duties set out in West Virginia Code § 51-1-17, and as further assigned by the Court.
- f) **Clerk of Court** is the individual appointed by the Court under West Virginia Constitution, Article 8, § 3 and West Virginia Code § 51-1-11 with duties set out in West Virginia Code § 51-1-12 and as further assigned by the Court. With respect to administrative duties in the Office of the Clerk, the Clerk of Court shall be considered a Division Director for authority under this Policy.
- g) **Chief Counsel** is the individual appointed by the Court to supervise the central legal staff's review of appeals, petitions, substantive motions and judicial disqualification motions, and to perform duties as further assigned by the Court. With respect to administrative duties in the Office of Counsel,

the Chief Counsel shall be considered a Division Director for authority under this Policy.

h) **Administrative Office of the Courts** is the office created by West Virginia Code § 51-1-15 constituting the staff of the Administrative Director and includes the following groups and divisions, with the scope of each division summarily described² below:

(1) **Court Operations Group:**

- (A) Division of Legal Services: Provides general legal counsel on administrative matters to the Court and Office of the Administrative Director; provides ADA services, FOIA services, and circuit court law clerk services; manages outside litigation concerning court personnel
- (B) Division of Technology Services: Manages all informational technology, fleet vehicles, and computer systems and applications for unified judicial system
- (C) Division of Facilities Services: Directly manages all judicial space statewide, including at the West Virginia State Capitol and West Virginia Judicial Tower, and acts as liaison between Administrative Office and county leadership with county-based judicial offices
- (D) Division of Finance Services: Manages the fiscal affairs of the unified judicial system
- (E) Division of Human Resource Services: Provides personnel support for the unified judicial system, including payroll, benefits, wellness, recruitment, retention, discipline, and termination; investigates allegations of workplace misconduct
- (F) Division of Judicial Security Services: Provides direct security for appellate courts and consulting and training for county-based judicial security; liaison to Court Security Board
- (G) Law Library: Act as West Virginia's Law Library under West Virginia Code § 51-8-1, et seq., and provides information services support for unified court system, including print and online legal research access

² The final scope of each division's work is subject to the work assigned by the Administrative Director.

(2) **Court Services Group:**

- (A) Division of Circuit and Family Court Services: Liaison and field support between Administrative Office and circuit court, family court, mental hygiene commissioners, court reporters and electronic recording operators, and circuit clerks; self-represented litigant programs
- (B) Division of Magistrate Court Services: Liaison and field support between Administrative Office and magistrate court
- (C) Division of Probation Services: Liaison and field support between Administrative Office and probation offices; provides services and guidance for problem-solving courts; West Virginia Interstate Compact for Juveniles support
- (D) Division of Children's Services: Technical support and strategic improvement for circuit judges on child abuse and neglect, juvenile delinquency, and status offense issues; staff support for Juvenile Justice Commission and Court Improvement Program, including services as court monitor of juvenile facilities and services
- (E) Division of Grants and Special Projects: Solicits and manages awards of grants and implements special projects for Administrative Office
- (F) Mass Litigation Panel: Staff support for activities of Mass Litigation Panel under West Virginia Trial Court Rule 26; liaison between Panel and attorneys, circuit clerks, court personnel and Supreme Court

(3) **Policy and Strategic Implementation Group:**

- (A) Policy Counsel: Administrative Office's Legislative and Executive Branch liaison; stakeholder relations on matters of public policy; drafts and submits public policy proposals for Administrative Office
- (B) Division of Judicial Education: Delegated authority under Rule 7 of the Rules of Judicial Disciplinary Procedure to manage judicial education for unified judicial branch
- (C) Division of Statistical Information: Manages court statistics and performs data analytics research for Court
- (D) Division of Communications: Manages media and public information inquiries and advises Court and Administrative Director on communications strategy

- i) **Deputy Administrative Director** is the person(s) selected by the Administrative Director and approved by the Court to serve in this capacity. A Deputy Administrative Director may also serve in a dual role as a Chief of one of the following Groups of the Administrative Office: Court

Operations Group, Court Services Group, and/or Policy and Strategic Implementation Group. While a Deputy Administrative Director may have direct oversight of the assigned Group, each also generally serves in a deputy leadership capacity over the entire Administrative Office.

- j) **Administrative Counsel** is the chief legal advisor to the Administrative Director providing general counsel on administrative matters regarding the Court.
- k) **Chief Financial Officer (“CFO”)** is the chief certified public accountant to the Administrative Director and Director of the Division of Financial Services.
- l) **Division Director** is an individual selected by the Administrative Director to oversee one of the following divisions of the Administrative Office, including but not limited to: Legal Services, Technology, Facilities, Finance, Human Resources, Judicial Security, Law Library, Circuit and Family Court Services, Magistrate Court Services, Probation Services, Children’s Services, Grants and Special Projects, Mass Litigation, Judicial Education, Statistical Information, Communications and Public Information Services, and Policy. The Intermediate Court of Appeals may designate a staff member to serve as a Division Director for that court regarding the authority assigned under this Policy. The authority of a specific Division Director may be further described in Section 3 below.
- m) **Administrative Conference** is the formal administrative decision-making conference of the Court.

2. Delegated and Signatory Authority

- 2.1 Unless otherwise provided in this Policy, if at any time the Chief Justice is unable to perform their duties, the Acting-Chief Justice may, in their discretion, exercise the authority granted to the Chief Justice under this Policy.
- 2.2 If assigned by the Court, a Delegated Justice may, in their discretion, exercise the authority granted to the Chief Justice as it pertains to a particular project, topic, or issue.
- 2.3 Unless otherwise directed by the Court or specifically set by this Policy, the Administrative Director may delegate any responsibility or task to a Deputy Administrative Director.

- 2.4 All contracts regarding the Court must be executed by either the Administrative Director or a Deputy Administrative Director, unless otherwise provided in this Policy. The Clerk of Court may execute contracts specific to the Office of the Clerk.
- 2.5 For all administrative matters, approval may be provided via physical or electronic signature, including authorization provided via email.

3. **Decision-Making Authority**

The following standards govern the decision-making authority regarding the administrative matters of the Court:

3.1 **Finances**

- 3.1.1 The Administrative Director shall prepare an annual budget for the judicial branch and submit it to the Court for approval.
- 3.1.2 The Administrative Director must approve of any reallocation of funds from one Appropriation Code³ to another, however the Chief Financial Officer may allocate funds from one Object Code⁴ within the same Appropriation to meet operational needs during the fiscal year.
- 3.1.3 The Chief Financial Officer shall monitor expenditures and report to the Court and the Administrative Director if they anticipate a potential budget shortfall before the end of the fiscal year.
- 3.1.4 If required by a grantor, all grant funds utilized by the Court are governed like appropriated funds as provided by this Policy.
- 3.1.5 All special revenue funds utilized by the Court are governed like appropriated funds as provided by this Policy.

3.2 **Procurement and Contracts**

- 3.2.1 Any purchase or contract exceeding \$50,000 must be approved by the Court.

³ “Appropriation Code” means the line-item number contained in the annual budget bill that is appropriated to the Judicial Branch.

⁴ “Object Code” means the sub-item appropriated within the Appropriation Code and contained in the wvOASIS Appropriation Request Summary by Department report.

- 3.2.2 Any purchase or contract up to \$49,999 may be approved by the Chief Justice.
- 3.2.3 Any purchase or contract up to \$39,999 may be approved by the Administrative Director.
- 3.2.4 Any purchase or contract up to \$24,999 may be approved by a Deputy Administrative Director.
- 3.2.5 Any purchase under \$14,999 may be approved by the Division Director. A Division Director may delegate up to \$5,000 in purchasing authority to a Deputy Division Director or manager with the approval of the Administrative Director.
- 3.2.6 In calculating a purchase amount under this policy, the relevant threshold shall be the aggregate total of the same or similar purchases within a single fiscal year. For example, if a single unit is \$400, but a Director reasonably anticipates making that purchase one hundred times in a fiscal year, then the first instance must be approved by the Chief Justice, with an explanation of the total anticipated cost during the year. If approved however, all subsequent purchases within that threshold amount do not require approval.
- 3.2.7 Any contract renewal may be approved by the Administrative Director for up to two consecutive years if the terms and conditions of the agreement are substantially like a previously approved contract. An annual price increase of less than five percent (5%) may be considered substantially similar. The third subsequent renewal shall be reconsidered based on the above spending threshold and the Court's Procurement Policies and Procedures. At the next Administrative Conference, the Administrative Director shall inform the Court of the renewal.
- 3.2.8 No contract may be executed without prior review and approval by Administrative Counsel. In accordance with West Virginia Code § 5A-3-62, various terms that violate state law are automatically void without any action being required on the part of the State. Those automatically voided terms include terms previously listed on the WV-96 form.
- 3.2.9 All unbudgeted, unplanned, or emergency purchases over \$2,500 must be approved by the CFO, and the CFO shall advise the Division Director, Deputy Administrative Director, Administrative Director, Chief Justice, or Court, depending on the relevant spending threshold, whether remaining appropriated funds are reasonably sufficient to cover the expense. Division Directors must make every reasonable effort to anticipate spending needs

as part of the budget preparation process. Unbudgeted expenses that reasonably should have been anticipated may be delayed until the following fiscal year.

3.2.10 All P-Card purchases must comply with these Administrative Standards and the Court's Purchasing Card Policy and Procedure.

3.2.11 Administrative Counsel may recommend selection of outside counsel to the Administrative Director, and shall manage outside counsel. The selection of outside counsel shall be based on relevant experience and quality of services and is generally not subject to the Court's procurement policy unless specified in the procurement policy. Legal settlements regarding Court funds may be approved consistent with the above spending authority limits. If an insurance policy includes a consent clause, the Administrative Director may approve an insurance funded settlement. The Administrative Director may authorize the filing of a crossclaim or counterclaim in litigation involving the Court and may further authorize the initiation of a legal proceeding in the name of the Administrative Office of the Supreme Court of Appeals or in the name of the Administrative Director, in their official capacity. At Administrative Conference, Administrative Counsel shall provide regular updates on litigation activity and settlements.

3.2.12 Memoranda of understanding, intragovernmental agreements, or similar agreements with non-governmental organizations that do not involve Court funds shall still be reviewed by Administrative Counsel, or their designee, but may be approved and signed by the Division Director having jurisdiction over the subject matter of the agreement. For such agreements where funds are involved, approval would be required pursuant to the spending authorizations above.

3.2.13 Grant Contract Agreements

a) Approval Requirements

(1) Grant contract agreements shall generally follow the approval thresholds outlined in Sections 3.2.1 through 3.2.5. However, exceptions may be granted under the conditions outlined below.

b) Expedited Approval Process:

(1) If a grant contract agreement must be executed during a period when an Administrative Conference is not scheduled or when the Court is in

recess (e.g., during sine die), the Administrative Director may approve the contract with notification to the Chief Justice.

(2) The Administrative Director or designee shall provide a summary of any grant contracts approved under this expedited process at the next regularly scheduled Administrative Conference.

c) Exclusion for Pre-Approved Grants:

(1) If a grant has already been reviewed and approved by the Court at the application stage, individual grant contract agreements associated with the awarded funds shall be exempt from the standard approval process unless they involve:

- A material change in scope, funding allocation, or obligations beyond what was approved in the grant application.
- A multi-year commitment beyond the original grant project period.

(2) The Administrative Director shall have the authority to approve routine grant contract agreements that fall within the approved scope of a previously authorized grant.

d) Compliance and Reporting:

(1) The Director of the Division of Grants and Special Projects, in consultation with the CFO, shall ensure that all grant contract agreements approved under this section comply with grantor requirements and state financial policies.

3.3 Human Resources

3.3.1 The Administrative Director, Clerk of Court, and Chief Counsel are subject to the will and pleasure of the Court.

3.3.2 The Court shall establish the number of full-time equivalent positions (FTEs) annually as part of its budget submission approval. Any personnel change that creates a new position that was not included in the annual FTE allocation must be approved by the Court. All unbudgeted positions must also be approved by the CFO, and the CFO shall advise the Court whether remaining appropriated funds are reasonably sufficient to cover the expense. Division Directors must make every reasonable effort to anticipate hiring needs as part of the budget preparation process. Unbudgeted positions that reasonably should have been anticipated may be delayed until the following fiscal year.

- 3.3.3 The Court must approve any newly created position, job description, and corresponding salary grade. Modifications to job titles, job descriptions, or job duties that do not result in salary adjustments may be determined by a Division Director.
- 3.3.4 The Administrative Director must approve any relocation of FTE amounts or any personnel changes that could impact the Court's budget, however a Division Director may post an existing vacant position without prior approval.⁵
- 3.3.5 The Administrative Director may approve reassignments within the Administrative Office.
- 3.3.6 The Court must approve any individual salary adjustment and any general pay scale adjustment. Pay scale adjustments must be considered as part of the annual budget preparation process. However, in situations where the West Virginia Legislature passes an "across-the-board" pay increase for all state employees, the Division of Human Resource Services may automatically increase all applicable pay scales by the corresponding amount. Merit raises may only be proposed when effective January 1 or July 1, absent an explanation as to why that timeframe is insufficient for a specific request.
- 3.3.7 The Administrative Director may recruit, select, discipline, and terminate Deputy Administrative Directors and Administrative Office Division Directors consistent with the Court's Employee Handbook. Division Directors may recruit, select, discipline, and terminate employees consistent with the Court's Employee Handbook.
- 3.3.8 All applications for senior status justice, judge, or magistrate must be approved by the Court.

3.4 Management

- 3.4.1 The Chief Justice must approve the closure of any office of the Supreme Court, including the Administrative Office. The Administrative Director has the authority to close all or parts of the Administrative Office in the event of utility outage, imminent weather event, or other unplanned circumstances when consulting the Chief Justice would be impractical;

⁵ In situations where a vacancy exists because of a termination, the posting must be approved by Administrative Counsel to ensure the expiration of administrative appeal timeframes.

however, the Administrative Director shall notify the Chief Justice as soon as possible. The Clerk of Court and Chief Counsel may close their respective offices under similar circumstances and with the same notification to the Chief Justice.

- 3.4.2 The Chief Justice must preapprove all out-of-state travel. In-state travel expenses may be approved by Division Directors. A Division Director's in-state travel expenses may be approved by a Deputy Administrative Director.
- 3.4.3 The Administrative Director shall manage all staff of the Administrative Office.
- 3.4.4 The Clerk of Court shall manage all staff of the Office of the Clerk and the Board of Law Examiners.
- 3.4.5 Chief Counsel for the Office of Counsel shall manage all staff within that Office.
- 3.4.6 Chief Counsel of the Judicial Investigation Commission shall manage all staff of the Judicial Investigation Commission.
- 3.4.7 Justices shall manage all staff within their offices, and the salaries of staff of a Justice shall be within the budget approved by the Court.
- 3.4.8 The Intermediate Court of Appeals shall manage its staff, including its Office of Counsel.
- 3.4.9 Use of the various forms of leave shall be subject to the Court's Employee Handbook, and timesheets and leave record requests may be approved by an employee's direct supervisor.
- 3.4.10 The Administrative Director, Clerk of Court, and Chief Counsel's travel expenses and leave record requests must be approved by the Chief Justice.

3.5 Facilities

- 3.5.1 The Court shall approve entering and terminating any direct leases of real estate where the Court is a tenant to the lease agreement.
- 3.5.2 The Court shall approve any changes or modifications to facilities at the West Virginia State Capitol or at the West Virginia Judicial Tower that will result in an ongoing budgetary obligation, such as increasing or decreasing the amount of leased space.

- 3.5.3 The Administrative Director shall approve all floor plans and office allocations for Administrative Office space at the West Virginia State Capitol or the West Virginia Judicial Tower. All office moves, regardless of office, must be coordinated with the Director of Facility Services.
- 3.5.4 Renewals of previously approved MOUs, rental agreements, or leases without change to square footage or cost may be approved by the Administrative Director. The Administrative Director may approve any reimbursement rate increases or square footage modifications, however, any modification that results in a net increase in cost of an existing lease over five percent (5%) must be approved by the Court.
- 3.5.5 The Court must approve new or revised design standards for circuit, family, or magistrate court or for probation offices. Any written design standard approved by the Court shall be mandatory.
- 3.5.6 The Director of Facility Services, in consultation with other relevant Directors, may approve design proposals submitted by a county for new, remodeled, or renovated space for circuit, family, or magistrate court or for probation offices consistent with any facilities standards approved by the Court.
- 3.5.7 Any request for a waiver or variance of a design that does not meet the Court standards must be approved by the Chief Justice.
- 3.5.8 Third-party leases at the West Virginia Judicial Tower may be approved by the Administrative Director.

3.6 Media and Public Relations

- 3.6.1 Any Justice may issue media releases or respond to direct media inquiries individually within their discretion; however, the Court only speaks through its formal media releases. Any media release regarding matters of significant statewide importance must be approved by the Chief Justice. Any quote attributable to a specific Justice must be approved by that Justice. All other non-attributable content on matters of significant importance must be approved by the Chief Justice. Non-attributable content on routine matters may be approved by the Administrative Director.
- 3.6.2 The Administrative Director may approve routine media releases on day-to-day functions as prepared by the Director of Communications.
- 3.6.3 Posts to official Court social media sites may be approved by the Director of Communications.

- 3.6.4 Announcements regarding court closures may be approved by the Director of Communications per the Administrative Office's emergency notification protocols.
- 3.6.5 Any article or publication attributable to the Chief Justice must be approved by the Chief Justice.
- 3.6.6 Only the Chief Justice, Delegated Justice, Administrative Director, Clerk of Court, or Director of Communications are authorized to speak on the Court's behalf to a member of the media. Any Director contacted by the media must first consult with the Director of Communications for guidance and authorization to discuss topics related to their subject matter area of expertise.

3.7 Internal Policies

- 3.7.1 All new court-wide policies, or substantive revisions to previously approved policies, must be approved by the Court.
- 3.7.2 The Administrative Director may approve technical changes to any policy, including modifications required to bring an ancillary policy into compliance with a decision of the Court.
- 3.7.3 If expressly provided in a policy, the Administrative Director may approve waivers or variations to an existing policy. If not expressly provided, any waiver or variation to an existing policy must be approved by the Chief Justice.
- 3.7.4 The Administrative Director or Deputy Administrative Directors may approve or decline any request requiring an interpretation of existing policy.
- 3.7.5 Division Directors may approve or decline any request regarding the clear application of a court policy.
- 3.7.6 If the Administrative Director determines that a situation is not contemplated by an existing policy that covers the topic, the Administrative Director shall submit a recommended resolution to the Chief Justice for approval.
- 3.7.7 A Division Director may create internal division policies without approval; however, the Division Director shall communicate a division policy that may impact the work of another division and shall further consult with other Division Directors when creating an internal policy.

3.8 Public Policy and Intragovernmental Affairs

- 3.8.1 The Court only takes a position on a matter of public policy⁶ through a vote of the Court.
- 3.8.2 Only the Chief Justice, a Delegated Justice, the Administrative Director, or the Administrative Director's public policy designee may speak publicly on behalf the Court on any matter of public policy, and such approval must be limited to a vote as described in Section 3.8.1 above. Any statement to a governmental body or in consultation with a government official must comply with the Code of Judicial Conduct.
- 3.8.3 Any Justice may express an opinion on a public policy matter within their discretion if the Justice acknowledges that they are not speaking for the Court. Any statement to a governmental body or in consultation with a government official must comply with the Code of Judicial Conduct.
- 3.8.4 Absent a vote of the Court, any public statements regarding the position of the Court on a matter of public policy must be described as one where the Court does not have a position on the question or matter presented.
- 3.8.5 The Administrative Director and/or the Administrative Director's public policy designee may respond to information or data inquiries on public policy matters, and consistent with the Code of Judicial Conduct, may offer technical assistance or expertise to assist the public policy work of stakeholders regarding the administration of the court system. Such assistance shall be neutral, and assistance shall not be construed as the Court taking a position for or against a public policy matter.
- 3.8.6 A Division Director may also offer technical expertise as described in Section 3.8.5 with the approval of the Administrative Director.

⁶ Examples of public policy contemplated by this Policy are bills, proposed additions or revisions to the Code of State Rules, or Executive Branch directives that overlap with the work of the Judicial Branch.

- 3.8.7 No bill may be submitted to the Legislature on the Court's behalf without approval of the Court.
- 3.8.8 All additions or revisions to Court-promulgated rules must be approved by the Court.
- 3.8.9 New lower court⁷ case forms used by the public, judicial officers, or staff, and substantive changes to existing case forms, must be approved by the Court at Administrative Conference.
- 3.8.10 The Administrative Director may authorize minor changes to Court forms applicable to the lower courts.

4. Administrative Conference

- 4.1 The Court may hold as many regularly scheduled Administrative Conferences during each month of its spring and fall terms as it deems necessary to carry out its administrative functions. Administrative Conferences are not open to the public.
- 4.2 The Chief Justice may call a special Administrative Conference during the Court's recess or to address a specific question that may require special attention.
- 4.3 A majority of the justices of the Court shall constitute a quorum for Administrative Conference.
- 4.4 The Chief Justice shall preside over Administrative Conference.
- 4.5 Any Deputy Administrative Director or Division Director may attend⁸ an Administrative Conference even if that Director does not have an item on the agenda. At the request of the Administrative Director and with the approval of the Court, the Court may meet in Administrative Conference Executive Session to discuss confidential or sensitive matters. Executive Session attendance shall be limited to the Administrative Director, Deputy Administrative Director(s), Administrative Counsel, and any Division Director specifically authorized to attend to participate in the discussion.

⁷ Appellate forms shall be managed by the Clerk of Court and are not within the scope of this Policy.

⁸ For limited seating, in-person attendance is limited to the Division Directors with decision items on the agenda. Any Division Director attending remotely must limit a third-party's ability to observe or overhear any discussion in Administrative Conference. Deputy Administrative Directors and Administrative Counsel should attend in-person if possible.

- 4.6** A non-director Court employee or third-party may only attend Administrative Conference with the express approval of the Chief Justice. Administrative Conference is not a public proceeding, is generally exempt from open-meeting laws, and its contents, including written submissions, notes, and discussions, shall be considered part of the judicial branch's deliberative process on administrative matters and shall not be disclosed. Only approved minutes are public documents, subject to other possible statutory and common law privileges and exemptions.
- 4.7** The Court only acts on administrative matters through a vote documented in the minutes. Discussion or deliberation without a vote on a topic shall not constitute a decision or directive. Votes are effective when taken, unless otherwise noted.
- 4.8** The Administrative Director, or at least one of the Deputy Administrative Directors, shall attend Administrative Conference and shall prepare minutes from the meeting for presentation and approval at the next regularly scheduled Administrative Conference. Approved minutes may be distributed to the Court and Division Directors, including non-Administrative Office directors, unless a vote occurred in Executive Session, and shall be preserved in the Office of the Administrative Director.
- 4.9** Any administrative action requiring the approval of the Court under this Policy shall be included in the minutes submitted at the next regularly scheduled Administrative Conference.
- 4.10** The agenda for Administrative Conference shall be set by the Administrative Director in consultation with the Chief Justice and shall be preserved in the Office of the Administrative Director. Any Division Director, including non-Administrative Office directors, may submit a request for a place on the Administrative Conference agenda to the Administrative Director. The agenda may be distributed to any Division Director, including non-Administrative Office directors, except the Administrative Director may redact from the distributed copies any information that the Administrative Director requests be discussed by the Court in Executive Session.
- 4.11 Administrative Conference Procedures**
- 4.11.1 Any item for decision on an Administrative Conference agenda shall be accompanied by a concise written request from the Administrative Director, Deputy Administrative Directors, or Division Director explaining the history and justification for the request.
- 4.11.2 All written submissions must be submitted to the Administrative Director at least ten calendar days before conference.

- 4.11.3 All written submissions must state with specificity at the beginning of the document the question or questions that the Court is requested to address.
- 4.11.4 Any submission seeking an expenditure or resulting in a budgetary impact under this Policy shall include a concise statement of how the request complies with all applicable procurement rules and administrative procedures. The request shall include a fiscal estimate verified by the Chief Financial Officer and a statement whether the request is included in the existing budget.
- 4.11.5 Any Division Director may submit an informational memorandum on a topic not requiring a vote. Prior to Administrative Conference, any justice may submit a request to the Administrative Director that an item be brought to the agenda for discussion.