

**Supreme Court candidate's claim not supported by evidence – 04/23**  
**Ketchum doesn't have second-most cases in front of court**  
**By Scott Finn**

**Studio lead:** A survey of lawyers released yesterday by the West Virginia State Bar rated the five candidates for state Supreme Court. Coming out on top were WVU law professor Bob Bastress and Huntington lawyer Menis Ketchum.

Meanwhile, incumbent Justice Elliot "Spike" Maynard ranked last, doing especially poorly on the question about "integrity, moral courage and impartiality."

Maynard has come under intense media scrutiny in January. That's when photos emerged showing Maynard vacationing in Monaco with Massey Energy CEO Don Blankenship. All this while Maynard was considering a multi-million dollar case involving the coal company.

The other candidates, including Ketchum, have pretty much escaped that sort of media scrutiny. But recently, Ketchum has made some claims about his experience in court that don't seem to be true. Scott Finn reports.

**Finn:** Lawyers, like students in high school, have their own cliques. There are the corporate types, the tree-huggers and do-gooders, the egghead-scholars.

And then, there are...the showboats, the would-be Perry Masons and Ben Matlocks - the ones who love being in front of a jury.

That's Menis Ketchum. It's how he made his name and his fortune. So in January, when he talked in front of a group of doctors, he played up his experience in court.

**Ketchum:** I have more reported opinions in the West Virginia Supreme Court of Appeals than any other lawyer in this state, except a man named Ancil Ramey."

**Finn:** Ketchum is saying that he has argued more cases in front of the state Supreme Court than anyone else, except Ancil Ramey of the Charleston law firm Steptoe & Johnson.

Except that's not true – at least, not according to our research. We found several lawyers whose name show up more often on Supreme Court opinions than Ketchum.

We decided to ask Ketchum about this Saturday during the Associated Press Broadcasters Debate.

**Finn:** how did you know you have more reported opinions in the West Virginia Supreme Court of Appeals than any other lawyer except Ancil Ramey.

**Ketchum:** Myself and the lawyers in my office did the search.

**Finn:** You guys have done the count.

**Ketchum:** Yeah.

**Finn:** Would you be willing to share that with the media after this debate.

**Ketchum:** Sure absolutely. I have 34 reported opinions in the books of the West Virginia Supreme Court of Appeals.

**Finn:** Actually, Ketchum now says its 35 opinions – there's one case where another lawyer at his firm is listed as the attorney, but he says he argued it.

But we found seven lawyers with more than that – some with a lot more. Long-time public service lawyer Dan Hedges shows up more than 70 times. Assistant Attorney General Silas Taylor – more than 100. And that's not even an exhaustive search.

We asked Ketchum about our results. He says he wants to test them out for himself and he reserves the right to come back and tell us if we're wrong. But...

**Ketchum:** If I've erred, and other lawyers have more, have advocated more appellate cases in the West Virginia Supreme Court, then I apologize. I researched it very hard.

**Finn:** We went back to Ketchum's talk to the doctors to test a couple more claims.

**Ketchum:** I have advocated in the Supreme Court opinions more than all the other candidates combined.

**Finn:** By our count, the other four candidates argued 37 cases before the Supreme Court – four for Justice Maynard, 10 for former justice Margaret Workman, and 23 for WVU law professor Bob Bastress.

Except Ketchum says we shouldn't count five of Bastress's cases, because he wasn't representing the main plaintiff or defendant. Instead, he filed "friend of the court" briefs for groups intervening in the case.

One more point, Maynard and Workman were sitting judges for many of these years in question, and obviously, unable to argue cases in front of themselves.

We also wanted to follow up on Ketchum's shifting attitude toward the controversy surrounding Justice Maynard, Massey CEO Don Blankenship, and the photos of them vacationing together in Monaco.

In January, he told the Huntington Herald-Dispatch he was "deeply concerned about the very serious Monaco vacation events," and "If true, it threatens the integrity of the West Virginia judicial system."

It's come up in Ketchum's commercials...

**Ketchum Commercial:** Now Menis Ketchum is running for Supreme Court. He's backed by both labor unions and business leaders, because Menis Ketchum can't be bought. When we elect Menis Ketchum, he'll restore integrity to the court...

**Finn:** But during Saturday's debate, Ketchum came to Maynard's defense more than once.

Ketchum is responding first to me and then to WCHS-TV reporter Kenny Bass, about his friendship with another Supreme Court justice, Larry Starcher.

**Finn:** Have you argued cases in front of Justice Starcher and is that a problem?

**Ketchum:** Yes I have and no it isn't.

**Bass:** Why?

**Ketchum:** Why isn't it?

**Bass:** For example, is it a problem if Justice Maynard hears cases involving Massey Energy?

**Ketchum:** With regard to the Don Blankenship case?

**Bass:** Yes.

**Ketchum:** It doesn't bother me. Kenny, there's only one person who never made a mistake and that's Jesus Christ. It's easy for me to pick on an incumbent. Let's talk about issues. Let's get past that. I mean, really. I don't think I ought to sit here and beat on him about it. He gets beat on every day in the paper.

**Finn:** But later, Ketchum seems to take it back.

**Ketchum:** Can I, can I finish my part first?

**Maynard:** Sure.

**Ketchum:** Kenny, what I'm trying to say is, I'm not going to speak to the issue whether he's right or wrong. That's for the press and the public. Do I have an opinion? Am I going to give an opinion what he did, right or wrong? No.

**Finn:** So how does he explain the apparent flip-flop? In one word: frustration. He says he tried of the Maynard/Blankenship issue dominating this election.

**Ketchum:** Everywhere we go, everybody just wants to talk about recusal. Let's talk about joint and several liability, let's talk about strict liability and tort. Let's talk about some issues that are important to the people.

**Finn:** OK, how about the issue of medical malpractice? Ketchum told the Wheeling Intelligencer he "helped write the medical malpractice tort reform act." When asked what that meant, he said he was part of a committee that made recommendations about med-mal reform to then-Governor Bob Wise.

For West Virginia Public Broadcasting, I'm Scott Finn in Charleston.