



Amicus

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Judicial officers get pay raises

The Legislature has granted pay raises to judicial officers as part of a package that also gave raises to teachers, school service workers, troopers, and all state employees.

Magistrates will receive \$7,500 more annually, family court judges \$12,000, circuit judges \$10,000, and Supreme Court Justices \$15,000. The raises will go into effect on July 1.

“Without the expertise and the hard work of Legislative Analyst Tina Sevy, the pay raise legislation would not have been successful,” said Supreme Court Administrative Director Steve Canterbury. “Each of the associations worked perfectly together to bring all of this to fruition. Circuit Judge John Hutchison, Family Court Judge Mary Ellen Griffith and Magistrate Riley Barb were especially effective with legislators.”



From the Chief

2011: A Year Preview

As I look forward to serving as Chief Justice this year – for the first time during my newest term on the Supreme Court and the third time in my career – I hope that 2011 will be a year of great progress in the West Virginia court system.

We have implemented the revised Rules of Appellate Procedure that will fundamentally change the way appeals are handled in West Virginia's court of last resort. The new rules give West Virginians an appeal of right instead of an appeal by permission. They provide an effective method of providing a full review and decision on the merits in all properly prepared and filed appeals. Expect more written decisions, as we will be issuing memorandum decisions in addition to the Court's regular opinions. These memorandum decisions can be cited and will increase the amount of guidance to the lower courts. Although the new process will mean more work for the members of the Bar as well as the Court, we believe it will result in more transparency to the process and a greater sense of fairness among all litigants.

Each Chief Justice has the opportunity to work from an administrative perspective to improve the legal system. During twenty years of judicial service, I have had a very strong interest in the law relating to children, and I used my prior time as Chief Justice to focus on improving the court system's effectiveness in dealing with the abuse and neglect of children. Justice Robin Jean Davis continued that work in her three most recent years as Chief Justice during which the court system expanded parent education programs, established an online child abuse and neglect database, added to rules governing child abuse and neglect, and acquired several federal grants to improve the way the court system handles child abuse and neglect cases. This past year, the Court also adopted the first Rules

of Juvenile Procedure. As a logical continuation of this work, our focus in 2011 will be on improving the effectiveness of our state's juvenile justice system in providing rehabilitation services for non-violent juvenile offenders.

As a former circuit court judge in Kanawha County, I initiated the concept of multi-disciplinary teams, which has now been codified. The theory behind the team practice is two-fold: (1) Our state's law relating to juvenile delinquency, as set forth both statutorily and judicially, is based on the goal of rehabilitation of young people; and (2) all the institutions that play a significant part in a juvenile's life (i.e. home, school, and the social services network) should come together in a team approach to address the underlying problems leading to the delinquency, and must do so in a strong and concerted manner.

The juvenile delinquency case usually arises at a critical point in the life of the young person, and the manner in which a court addresses the case can make the difference between a life of crime or a life as a productive citizen. From a humanitarian approach, we must see to it that the system does all it can to put offenders on the right track. From a very pragmatic perspective, the effectiveness of the system in accomplishing this goal can make an immense difference in the ultimate financial and social costs to society. From the seeds of juvenile delinquency left unaddressed come future expenditures of public funds for social services and incarceration, as well as the social cost of more children growing up in environments which propagate the same problems.

West Virginia has made progress. There are far more treatment options available today to address the needs of youths in the juvenile justice system. Probation officers who deal with juveniles keep track of them through a database that enables us to know more about their status and better address the goals of rehabilitation. Also, there is a specific program for juveniles who are adjudicated sex offenders; they are closely monitored by probation officers and stronger efforts are made to rehabilitate them. The Division of Juvenile Services also has developed a network of day reporting centers where youths suspended from school can be monitored both academically and behaviorally until they return to class, so they don't fall further behind. The Wood County and Brooke/Hancock juvenile day reporting centers also offer free counseling to juvenile drug court participants, and other centers may do so soon.

But there is still work to be done. There are approximately 6,200 youths under court-ordered supervision at any given time in West Virginia. Annual probation reports indicate that since 2006, controlled substance violations are the third most-common type of offense committed by juveniles, behind property offenses and assault and battery. That's up from the fifth most-common

type of offense in previous years.

Every West Virginian is acutely aware of the role drugs play in causing emotional, social, and legal problems in our state. We have established juvenile drug courts in Boone/Lincoln, Brooke/Hancock, Cabell, Logan, Mercer, Monongalia, Putnam, Randolph, Wayne, and Wood Counties, and they have been shown to work in substance abuse intervention. We are very proud of the way probation officers, circuit court and family court judges have worked with community partners to run this network of juvenile drug courts throughout the state.

Although each case is unique, a juvenile in drug court usually stays in the program an average of seven and a half months. Youths in a juvenile drug court program see a probation officer and have frequent urine screens; meet with the supervising judge regularly; and have other court-ordered intervention. In exchange for the juvenile's successful completion of the program, the underlying criminal charge can be dismissed. If the youth does not cooperate or does not complete the program, the charge and related sentence can be reinstated.

A juvenile drug court program costs about \$5,000 per participant for the entire span of time, compared to approximately \$44,100 per participant to house a juvenile in the Olympic Center Preston substance abuse treatment center (\$245 a day for six months), or approximately \$99,000 to house a juvenile in River Park Hospital in Huntington (\$550 a day for six months).

But while juvenile drug courts can offer mental health services to some youths, there are no separate mental health treatment courts for juveniles in West Virginia. Those programs also can be cost-effective in avoiding out-of-home placements and dealing with the underlying problems leading to delinquent conduct. Both juvenile drug courts and mental health courts need to be expanded into all areas of the state, providing chances to turn young lives around before they are ruined.

Courts have an immense responsibility to juveniles who appear before them, as well as to the public at large. The judicial system also bears a responsibility to work with all branches of government to develop and improve facilities and options, for it is by court orders that juveniles are placed in settings outside their homes. To that end, I will work this year to find ways to both learn about and improve the programs, facilities, and treatment options available for youthful offenders; to broaden the network of juvenile drug courts; and to expand the state's efforts to address the mental health needs of juveniles.

I hope that by the end of 2011, the West Virginia court system will make great strides in implementing the new appellate rules, in expanding juvenile drug and treatment courts, and in playing a more active role in developing effective juvenile justice treatment and placement strategies.

Committee recommends establishing Business Court

The Business Court Committee sent a letter to the West Virginia Supreme Court of Appeals on March 8 recommending to the Justices that rules be developed culminating in the establishment of a Business Court in West Virginia. The Court accepted the letter and thanked the committee for its work. Besides accepting it, the Supreme Court has not acted on the letter.

“The committee members worked extremely hard and did volumes of research to arrive at their conclusions,” said Supreme Court Administrative Director Steve Canterbury. “The Court placed extraordinary confidence in each of the judges on this panel, and I’m sure the Justices will be influenced by the recommendation.”

The Supreme Court established the Business Court Committee in June 2010 in response to House Bill 4352, which the Legislature passed March 11, 2010.

According to the letter, Committee members volunteered to help in the development of the rules, and indicated that as part of the rule-making process public comments will be received. If the Court desires, the Committee will hold a public hearing regarding the rules.

“Our purpose is clear in recommending to you the establishment of a business court. It is to provide judicial expertise, reliability and efficiency in handling business and inter-corporate disputes to promote business development and retention in West Virginia, the letter said.

Members of the committee are

Circuit Judge Darrell Pratt of the Twenty-Fourth Judicial Circuit (Wayne County), Chairman of the Committee;

Circuit Judge Donald Cookman of the Twenty-Second Judicial Circuit (Hampshire, Hardy and Pendleton Counties);

Circuit Judge Rudolph J. Murensky, II, of the Eight Judicial Circuit (McDowell County);

Circuit Judge James J. Rowe of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties);

Circuit Judge Susan B. Tucker of the Seventeenth Judicial Circuit (Monongalia County);

Circuit Judge Christopher Wilkes of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties).

Students say LAWS great learning opportunity

Students who attended the Supreme Court of Appeals of West Virginia's Argument Docket at the Marshall County Courthouse on March 9 said they were grateful for the opportunity to see the Court in person.

"I think it's great for them just being here. It's nice of them to do this. It's one thing seeing a mock case, but these are actual cases. In class we kind of made the justices out to be elite. We didn't really think they would be as personable as they are," said John Marshall High School senior Matthew Palmer, who had lunch with Justice Brent D. Benjamin and other students at the former West Virginia Penitentiary.

Another student who sat with Justice Benjamin, John Marshall senior Alexander French, said, "I

really like that we got to talk to them one-on-one. They are just like everybody else." The Supreme Court heard cases in Moundsville as part of the LAWS (Legal Advancement for West Virginia Students) program. High school students from the Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties) were invited to hear cases that they previously had studied with their teachers and local attorneys, and all had lunch with the justices. Students from John Marshall High School's Broadcast Technology program provided video for the live webcast of the Court session. The Court always webcasts its oral arguments live no



Justice Benjamin eats lunch with John Marshall students. From his left, seniors Alexander French, Matthew Palmer, and Jennifer West have a conversation with Justice Benjamin at the Moundsville Penitentiary. Photo by Michael Switzer

matter where it hears cases, but this was the first time video for the broadcast was provided by high school students.

Student Paige Madden acted as director for video portion of the webcast. "This experience broadens our horizons," she said. "It's neat to be involved in the broadcast of something we also studied. It's interactive and great for everyone involved."

Heath Kale put names of the speakers on the video feed as they talked. "It's been scary," he said. "I wanted it to be spot-on and perfect so people don't think just because we are high school students we are not capable."

Carly Lucas was the student reporter for the group. She interviewed Supreme Court Clerk Rory Perry II and Second Judicial Circuit Judge David W. Hummel, Jr., and planned to do a story about the Court's visit for a later newscast. As WJMH Media, John Marshall High School students produce daily morning announcements for the school, a weekly half-hour newscast that airs on West Liberty University's WLTV, and occasional news and sports segments for WTRF-TV, WVLY Radio, and WKXX Radio.



Josh Dobbs, John Marshall High School senior. *Photo by Michael Switzer*

“It’s been a really good experience,” Ms. Lucas said. “I think we take for granted what we have, including our equipment and even our teacher. We are lucky to have what we have and learn what we learn. Today has been different. We didn’t know what we were coming in to. But this is one of the biggest things we have done.”

John Marshall Broadcast Teacher Tony Wood said his students took great care with their work on the webcast, as they do on all their projects. “They strive for a perfect broadcast. They are very dedicated. It makes me proud high school kids can put on a production that rivals a big network,” he said.

LAWS is a partnership between the court system, schools, the Bar, and the community. Since Justice Robin Jean Davis began the program when she was Chief Justice in 1999, more than 4,200 high school and college students in twenty-two counties have participated.

The Supreme Court held the first LAWS program in Beckley in 1999. Other LAWS programs have been held in Clarksburg, Huntington, Wheeling, Summersville, Martinsburg, Parkersburg, Charleston, Romney, Princeton, and Lewisburg.

Cameron High School junior Jessie Fletcher said, “It’s interesting to learn the stuff they do in court. None of us have been to a court like this before. “

The Cameron students who participated in the LAWS program studied their court case as part of the curriculum in their U.S. History class. Junior Sarah Smith said, “It’s interesting and more recent than studying the Revolutionary War.”



Students listen to a cases being argued before the Supreme Court Justices at the Moundsville Courthouse on March 9. *Photo by Michael Switzer*

Supreme Court visits WVU College of Law to hear cases and judge Baker Cup Competition



Judge Thomas C. Evans, III

The Supreme Court of Appeals of West Virginia heard oral argument in three cases on a Rule 20 Argument Docket and judged the annual George C. Baker Cup moot court competition on Tuesday, March 8, at the West Virginia University College of Law in Morgantown.

This was the Supreme Court's twenty-first visit to the College of Law, but the first visit since the Court adopted Revised Rules of Appellate Procedure. The Revised Rules give West Virginians an appeal of right instead of an appeal by permission and provide an effective

method of providing a full review and decision on the merits in all properly prepared and filed appeals. Rule 20 of the Revised Rules of Appellate Procedure outlines the types of cases selected for such argument, as well as the protocol.

Judge Thomas C. Evans, III, of the Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties) and Judge Ronald E. Wilson of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties) sat in on the first argument because Justice Menis



Judge Ronald E. Wilson

Ketchum and Justice Thomas McHugh were disqualified.

The Rule 20 Argument Docket and Baker Cup competition were held in the Marlyn E. Lugar Courtroom at the College of Law.



West Virginia Supreme Court Justices listen to cases at the WVU College of Law on March 8, 2011, during the Court's annual visit to Morgantown.



Justice Menis Ketchum, Justice Robin Jean Davis, Chief Justice Margaret Workman, Baker Cup runner-up Wes Chancey, Baker Cup Winner Courtney Richardson, Justice Brent Benjamin, and Justice Thomas McHugh. *Photo by Brian Caudill, WVU College of Law*

Since 1982, the Baker Cup competition has been open to all second-year students. Competitors write an appellate brief and present oral arguments on both sides of an issue. Two finalists argue in front of the Justices.

In 1926, George Coleman Baker, an 1886 graduate, presented a silver-plated loving cup to the College of Law to promote excellence in appellate advocacy. The cup was awarded each year to those winning the interclub competition. The club court teams eventually disbanded. In 1968, then-Dean Paul Selby discovered the silver cup in the basement of the old law school and reinstated the competition. In 1980, an endowment was created to provide cash prizes and plaques for winners.

Chief Justice Margaret L. Workman, Justice Robin Jean Davis, Justice Menis E. Ketchum, and Justice Thomas E. McHugh are graduates of the College of Law. Justice Brent D. Benjamin has undergraduate and law degrees from The Ohio State University.

"The day the Court spends at the law school each year is always something I look forward to," Chief Justice Workman said. "It is interesting to see how much attention the students pay to the cases we hear, and it makes me remember my days as a law student. The caliber of argument in the Baker Cup competition is always impressive."

Security meeting draws county officials from around state

Planning for a disaster may be the best way to avoid one, or at least to keep it from becoming worse. That was one lesson learned at a courthouse security and disaster preparedness conference that drew about seventy people from about forty counties to Charleston the last week in February.

The three-day conference was paid for by a grant from the West Virginia Court Security Fund.

“The Supreme Court and the Administrative Office are concerned about the safety and well-being of judicial employees, county employees, and the public who access judicial buildings every day,” said Angela Saunders, Director of Court Services. “The purpose of this conference was to provide training to the counties on emergency preparedness and court security, provide technical assistance, and work out ways to communicate better with each other and the Administrative Office.”

Supreme Court Administrative Director Steve Canterbury said, “When a disaster is occurring, that is no time to figure out who is in charge. You have to have a protocol, a continuity of operations plan. There has to be a chain of command to prevent a bad situation from getting worse.”

The Supreme Court requested that each county designate two people to be in charge of security planning at court facilities in case of disaster. Almost every county has complied. Those who attended the conference discussed what to do in the case of a natural disaster or security breach, continuity of operations, and recovery. They made detailed plans for each scenario.

“It’s not a matter of if something will happen in one of our counties, it’s a matter of when, and if we are prepared to assist one another on the state level, and counties helping other counties,” said former Jefferson County Sheriff Ed Boober, director of his county’s homeland security team and one of five people from Jefferson County who attended the conference.

“It’s not just about safety of court employees,” said Judge Roger L. Perry, of the Seventh Judicial Circuit (Logan County). “It’s about protecting the public and ensuring the courts continue to function under what might be trying circumstances.” Judge Perry was one of five people who attended from Logan County.

Several national experts in the field of court security spoke at the conference, including Timm Fautsko, Principal Court Management Consultant for the National Center for State Courts; Jessica Pitts, Director of Emergency Preparedness and Court Security for the Maryland Judiciary; and Pennsylvania Court Administrator Zygmunt Pines, Co-Chairman of the Joint Committee on Security and Emergency Preparedness for the Conference of Chief Justices and the Conference of State Court Administrators.



Top left: Justice Davis gives opening remarks at the Court Security Conference.

Top right: Timm Fautsko trains the participants on emergency preparedness and response.

Middle: Zygmunt Pines talks about the ten essential elements of court security.

Bottom: Court Security Director Arthur Angus talks to the group.

Photos by April Harless



Drug courts continue to expand throughout West Virginia

Supreme Court Justice Brent D. Benjamin has been traveling West Virginia attending drug court openings and graduations this year. His appearance at the events is on behalf of the entire Supreme Court.

As the network of adult and juvenile drug courts continues to expand, the state's first drug court in the Northern Panhandle passed the 100-graduate mark in March. The state's first mental health court, also in the Northern Panhandle, passed the 100-graduate mark in January.

West Virginia has eleven adult drug courts serving twenty-nine counties and ten juvenile drug courts serving twelve counties, including those that have opened since January 1.

"We are very proud of the way probation officers, circuit court, and family court judges have worked with community partners to run the network of juvenile and adult drug courts throughout the state," Chief Justice Margaret Workman said.

One of her goals this year as Chief Justice is to broaden the network of juvenile drug courts and to expand the state's efforts to address the mental health needs of juveniles.

"From a humanitarian approach, we must see to it that the system does all it can to put offenders on the right track. From a very pragmatic perspective, the effectiveness of the system in accomplishing this goal can make an immense difference in the ultimate financial and social costs to society," Chief Justice Workman said.

Justice Benjamin said drug courts are a way for government to help people and give individuals a second chance to become productive members of society.

"The drug-related challenges facing our families and our communities are clear and compelling," Justice Benjamin said about a March 28 ceremony celebrating the opening of the Randolph County Juvenile Drug Court. Unaddressed, drug-dependency inhibits opportunities and the chance for our young people to reach their potential. Without treatment alternatives, children trapped by an addiction to drugs are virtually guaranteed a bleak future of poverty, broken families and jail or prison – representing an enormous cost to our families and to society.

"Juvenile Drug Courts are a proven way to reach our young and change their lives for the better," Justice Benjamin said. "The program is not easy. It requires dedication and hard work. But these efforts pay off with changed lives, new potential, restored families and savings to our communities."

The ceremony in the Randolph County Courthouse was in the courtroom of Circuit Judge Jaymie Godwin Wilfong. Judge Wilfong, of the Twentieth Judicial Circuit (Randolph County); Lora Maynard, Deputy Director of Probation Services for Juvenile Drug Courts; Randolph County Commissioner Mike Taylor; and Juvenile Drug Court Coordinator Sherri Hulver also spoke.

Adult Treatment Courts were implemented in West Virginia in 2003 with the opening of a regional mental health court serving Brooke, Hancock, Ohio, and Marshall Counties, established by First Circuit Judge Martin J. Gaughan, First Circuit Chief Probation Officer James Lee, and Supreme Court Director of Mental Hygiene and Treatment Court Services Linda Richmond Artimez. It is West Virginia's only mental health court program, but includes five operating mental health courts: one circuit court mental health court and four magistrate mental health courts.

The program was expanded to include the state's first adult drug/DUI court in 2005 and recently expanded again to include West Virginia's first Re-Entry Court, for people leaving prison.

On March 24, ten adults graduated from the First Judicial Circuit Northern Panhandle Treatment Courts, bringing to over 100 the number of people who have successfully completed the drug court program there. Justice Benjamin was the keynote speaker at the ceremony at the Brooke County Board of Education Office. During the 100th graduate celebration, Justice Benjamin presented certificates of appreciation to Magistrates David Buzzard and Scott Hicks for their service as adult Drug Court and

Mental Health Court Magistrates. Both are the longest serving Drug Court and Mental Health Court Magistrates in the state, having begun that service with the opening of the state's first mental health court in 2003 and first adult drug court in 2005. Director Artimez also spoke and presented an appreciation award to Drug Court Probation Officer Steve Simensky for his work on the new adult drug court case management and database system.

"The positive change in the lives of these graduates and their families is beyond measure. What is measurable is a sixty-five percent success ratio among the first three years of our program measured by recidivism of the graduates," said Drug Court Coordinator Jim Stock. "This means that sixty-five percent of our drug/DUI court participants have not been re-arrested. This equates to an enormous cost savings to the counties of Hancock, Brooke and Ohio. Coupling the lives saved, lives changed and the cost savings to our communities, our evidence-based treatment courts are a colossal success!"

Since January 1, Justice Benjamin also has spoken at

- ◆ The first drug court graduation in Logan County on March 11, when four adults and two juveniles completed that county's section of the Southwestern Regional Drug Court. Seventh Judicial Circuit Judge Eric H. O'Briant and Mike Lacy, Director of Probation Services, also spoke at the event at the Earl Ray Tomblin Hotel and Conference Center in Chief Logan State Park.
- ◆ The March 1 opening of the Wood County Juvenile Drug Court. Other speakers at the ceremony in the Donald Black Building in Parkersburg included Circuit Judge Robert A. Waters of the Fourth Judicial Circuit (Wood and Wirt Counties), Mike Lacy, and Dale Humphreys, Director of the West Virginia Division of Juvenile Services.
- ◆ The February 18 opening of the juvenile drug court serving the Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties), held in the Circuit Courtroom of the Boone County Courthouse in Madison. Circuit Judges Jay Hoke and William Thompson also spoke, as did Mike Lacy.
- ◆ The first drug court graduation in Lincoln County on January 28 at the Lincoln County Courthouse. Three adults graduated from South Western Regional Drug Court program after spending an average of a year in the intensive supervision drug court system. They are among 56 people currently in the program. This is the second group of graduates that has passed through the drug court that serves Boone, Lincoln, and Logan Counties since it began accepting clients in January 2009.
- ◆ The opening of the adult Eastern Panhandle Twenty-Second Circuit Drug Court in Romney on January 24. That court serves adult residents of Hampshire and Hardy Counties and, eventually, Pendleton County. The drug court is overseen by Drug Court Coordinator Seth Haines and Circuit Judge Donald Cookman of the Twenty-Second Judicial Circuit (Hardy, Hampshire, and Pendleton Counties). The drug court opening ceremony was held in Judge Cookman's courtroom in the Hampshire County Judicial Center in Romney. In attendance were also First Judicial Circuit Judge Martin Gaughan and Director Artimez.

Justice Benjamin was not able to make it to the February 17 ceremony celebrating the opening of the Putnam County Juvenile Drug Court in Circuit Judge Phillip M. Stowers' courtroom in the Putnam County Judicial Annex in Winfield. Supreme Court Administrative Director Steve Canterbury spoke, as did Mike Lacy and Dale Humphreys and Denny Dotson, director and deputy director of the Division of Juvenile Services. Xerxes Rahmati, the Putnam County Juvenile Drug Court Probation Officer, will coordinate the program under the supervision of Judge Stowers.

West Virginia Law Adventure mock trials held across the state

Middle schools and high schools across the state performed mock trial transcripts they wrote themselves in front of judges and magistrates as part of the Supreme Court's *West Virginia Law Adventure* program.

Unlike other mock trial programs in which students perform cases using scripts or materials prepared by adults, in *West Virginia Law Adventure* each class was asked to write its

own script based on one of three criminal case scenarios in the rules book. Students mailed their written transcripts to the West Virginia State Bar. The Bar's Young Lawyers Section chose winners, and the winners will be invited to perform their mock trials at the Supreme Court in April.



Circuit Judge Duke Bloom with Stonewall Jackson Middle School students on February 16 at the Kanawha County Judicial Annex. *Photo by Tom Hindman, Charleston Daily Mail*

Students' trips to the Supreme Court will be paid for by a grant from the West Virginia Bar Foundation. Before mailing in their transcripts, participating West Virginia classes were required to perform their trials at a courthouse in front of a judicial officer. The trips to the courthouses also were paid for with the grant from the West Virginia Bar Foundation.



Magistrate Julie Yeager and students from Herbert Hoover High School who participated in the mock trial program on February 24 at the Kanawha County Judicial Annex. *Photo provided by Debra O'Dell, teacher*

Schools and judges who participated in *West Virginia Law Adventure* this year

- Bluefield and Princeton Middle Schools, Ninth Judicial Circuit Judge Omar Aboulhosn
- Kasson Elementary/Middle School, Barbour County Magistrate Kathi S. McBee
- Jackson Middle School, Fourth Judicial Circuit Judge J. D. Beane
- Horace Mann Middle School, Thirteenth Judicial Circuit Judge Tod Kaufman
- Western Greenbrier Middle School, Eleventh Judicial Circuit Judge Joseph C. Pomponio, Jr.
- Stonewall Jackson Middle School, Thirteenth Judicial Circuit Judge Duke Bloom
- Robert Bland Middle School, Lewis County Magistrate Sharon Hull
- Herbert Hoover High School, Kanawha County Magistrate Julie M. Yeager
- Keyser Primary-Middle School, Twenty-First Judicial Circuit Judge Philip B. Jordan

Jurists read at schools in honor of Dr. Seuss Day

A McDowell County Circuit Judge and Kanawha County Magistrate were among jurists who read to students in West Virginia schools in honor of Dr. Seuss' birthday, which was March 2.

Read Across America Day is an annual event held on the birthday of the late Theodor Seuss Geisel, known as Dr. Seuss.

Judge Rudolph J. Murensky, II, of the Eighth Judicial Circuit (McDowell County) delivered the Reader's Oath to about three hundred students at Kimball Elementary School.

Kanawha County Magistrate Julie Yeager delivered the Reader's Oath to students at Montrose Elementary; she spoke to a St. Albans High School civics class; and she read to students at Chesapeake Elementary School and Teays Valley Christian School.

The event is part of the Supreme Court of Appeals *Robes to Schools* program, which encourages active and retired justices, judges, and magistrates to make regular appearances in West Virginia schools.

The Reader's Oath was written by Debra Angstead of Missouri and can be found on the National Education Association's website:

<http://www.nea.org/grants/13770.htm>

Transitions

New Cabell County Circuit Judge sworn in



Circuit Judge Paul T. Farrell.

Photo by Lori Wolfe, The Herald-Dispatch

Huntington attorney Paul T. Farrell was sworn in as West Virginia's newest circuit judge on February 14 in the Cabell County Courthouse in Huntington.

Senior Status Judge L. D. Egnor delivered the oath of office. Supreme Court Justice Menis Ketchum and Senate President Earl Ray Tomblin attended and made brief remarks. Attorney Paul Farrell Jr., the new judge's son, was the master of ceremonies. Chief Circuit Judge David M. Pancake presided. A reception followed at the Marshall University Foundation Building.

Judge Farrell replaced Senior Status Judge Dan O'Hanlon as one of four judges in the Sixth Judicial Circuit (Cabell County). Judge O'Hanlon retired October 31 after serving 25 years.

"Paul's vast experience as a criminal and civil trial lawyer make him a welcome addition as a trial judge. He will do an outstanding job," said Supreme Court Chief Justice Margaret L. Workman.

At the time of Judge Farrell's appointment to the bench on January 21, he was practicing law at the Huntington law firm Farrell, Farrell, and Farrell, PLLC. His practice focused on defense of healthcare providers, public and private employers, and criminal defendants.

Berkeley Springs attorney named family court judge

Berkeley Springs attorney Glen Stotler was appointed to the bench in the Twenty-Third Family Court Circuit (Hampshire, Mineral, and Morgan Counties) on March 17 by Senate President Earl Ray Tomblin, acting as governor.

He replaces Family Court Judge Charles Parsons, who was elected to the Circuit Court bench in the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties) in November 2010.

Other family court judges have been filling in during the interim.

Judge Stotler has been a family law and real estate attorney since graduating from the West Virginia University College of Law in 1989.

He was a Morgan County Commissioner from 1985 to 2008 and is a past member of the Morgan County Board of Education, the Town of Bath Council, and the West Virginia Regional Jail and Correctional Facility Authority. He served on the United States Architectural and Barriers Compliance Board after being appointed by President Ronald Reagan and being reappointed by President George H.W. Bush. He is a former Chairman and member of the Region 9 Planning and Development Council. He was the West Virginia Bankers Title Attorney of the Year in 2010.

Judge Stotler currently is a member of the Eastern Panhandle Community Foundation and the Physically Challenged Advisory Board to the West Virginia Department of Natural Resources.

Magistrates retire, new magistrates appointed

Three magistrates have retired and been replaced.

In Mercer County, longtime Magistrate Roy Compton retired on January 31, 2011. In his four decades of public service, Magistrate Compton was a constable, justice of the peace, deputy sheriff, and magistrate.

“Roy Compton was one of the most compassionate human beings that I ever have seen,” Ninth Judicial Circuit Judge Derek Swope said during a retirement ceremony for Magistrate Compton on February 3.

Magistrate Mike Flanigan said, “Roy Compton is one of those people who absolutely made it his goal to make Mercer County a better place to live.”

Magistrate Susan Honaker was appointed to replace Magistrate Compton and began work on February 1.

McDowell County Magistrate Pete J. Beavers, Jr., retired on February 28. Former police officer James Richard VanDyke was appointed to replace him and started work on March 1.

Hardy County Magistrate Daniel M. Poling retired March 31. Magistrate Assistant Shawna M. Crites was appointed to replace him beginning April 1.



Magistrate Court Services Director Janie Moore and Magistrate Pete J. Beavers, Jr.

Former Circuit Judge John Madden dies

Former Second Judicial Circuit Judge John Thomas Madden of Moundsville died March 20 at home. He was 78.

“John Madden was an outstanding judge who was known for his fairness, his work ethic, his integrity and his excellent legal mind,” said Chief Justice Margaret L. Workman. “My deepest condolences go to his family and his many friends.”

Justice Thomas E. McHugh said, “Judge Madden was a highly respected judge within the judicial community. He brought to the bench three major attributes of a judge: experience, integrity and fairness.”

Judge Madden was born July 13, 1932, in Glen Dale. He was a 1950 graduate of Moundsville High School, a 1954 graduate of Lafayette College, and a 1958 graduate of the West Virginia University College of Law.

He practiced law in Marshall County from 1958 to 1991 and served as a circuit judge from 1991 to 2008. He was appointed several times to sit as a special justice on the Supreme Court of Appeals of West Virginia when a justice was recused from a case.

Judge Madden was a member of the West Virginia House of Delegates from 1963 to 1967. He was a former city attorney for Moundsville, McMechen, and Benwood, and he was named a Fellow of the West Virginia Bar Foundation in 2006.

Judge Madden was a member of Trinity Episcopal Church, Moundsville, where he served as a lay reader and a member of the church vestry.

He is survived by four children, seven grandchildren, a step-granddaughter, a step-great-granddaughter, and a brother.

Mental hygiene commissioner Spring dies

Mental Hygiene Commissioner Lloyd W. Spring III died Sunday, February 13, of a heart attack at Grafton City Hospital. He was 57.

"Lloyd was a colleague and friend," said Linda Richmond Artimez, Director of Mental Hygiene and Treatment Court Services, Supreme Court Administrative Office.

Mr. Spring, who had served as a mental hygiene commissioner in the Nineteenth Judicial Circuit (Barbour and Taylor Counties) since 1993, volunteered his time on several Administrative Office committees.

"He taught each year at the annual mental hygiene conference, served as a mentor for other commissioners, and was always willing to help and give whenever requested for the betterment of his fellow commissioners, the community and the courts. He will be sorely missed," Ms. Artimez said.

Mr. Spring was born in Keyser on October 8, 1953. He was a 1971 graduate of Grafton High School and a graduate of West Virginia University, where he earned a bachelor's degree in political science/history and accounting in 1974, a master's of public administration in 1976, and a law degree in 1989. He practiced law in Grafton from September 1989 until his death.

He formerly was a Grafton municipal judge; prosecuting attorney, magistrate and justice of the peace in Taylor County; assistant prosecutor in Monongalia County; field auditor and employer relations representative for the West Virginia Department of Employment Security; and an eligibility specialist for the tri-county area.

At the time of his death he was president of the Taylor County Library Board and was an instructor at Fairmont State University and Alderson-Broaddus College.

He is survived by his wife, Pamela (Sapp) Spring, of Grafton; a son, four nephews and one niece.

Franklin Cleckley receives 2011 Liberty Bell Award

The Supreme Court of Appeals of West Virginia on March 8 presented the 2011 Liberty Bell Award to former Justice Franklin D. Cleckley. Chief Justice Margaret L. Workman presented the award to former Justice Cleckley during a ceremony held after the Court heard an Argument Docket at the West Virginia University College of Law, where the former Justice is now the Arthur B. Hodges Professor of Law.

The Liberty Bell Award is presented each year to a person who has "promoted a better understanding of the rule of law, encouraged greater respect for the law and the courts, stimulated a sense of civic responsibility, or contributed to good government in the community," according to criteria set by the American Bar Association.

"Frank Cleckley has demonstrated an extraordinary life-long commitment to the legal profession. He has made significant contributions to the rights of all West Virginians and to the development of our jurisprudence," Chief Justice Workman said. "His firm belief in the basic principle that justice is a fundamental right for all people has made our state a better place to live. He has been an incredible and dynamic teacher of the law, and he has been relentless in his pursuit of a better understanding of the rule of law and the courts throughout our state."



Chief Justice Workman gives former Justice Franklin Cleckley the 2011 Liberty Bell Award in Morgantown. *Photos of Justice Cleckley by April Harless*



Justice Cleckley received his undergraduate degree at Anderson College in Anderson, Indiana, and his law degree from Indiana University School of Law at Bloomington in 1965. He served three years as a Navy JAG officer then attended Harvard University, where he received his L.L.M. in 1969, before pursuing post-graduate studies at Exeter University in England.

Justice Cleckley joined the faculty at the West Virginia University College of Law in 1969. On May 3, 1994, former Governor Gaston Caperton appointed him to the West Virginia Supreme Court of Appeals, making him the first African-American Justice in West Virginia. Justice Cleckley chose not to seek election to the Supreme Court and instead returned to the College of Law at the end of 1996.

During his time as a Justice, he authored more than 100 majority opinions in addition to concurring and dissenting opinions.

In 1990, Justice Cleckley established The Franklin D. Cleckley Foundation, Inc., a non-profit organization designed to help give former convicts educational and employment opportunities. In

1992, the Franklin D. Cleckley Symposium was established at West Virginia University to bring distinguished members of the civil rights and African-American communities to the campus as lecturers. At Mercer University, in Macon, Georgia, the Franklin D. Cleckley Award is given by the Black Law School Association to an attorney who has made an outstanding effort at community service.

Chief Justice Workman said, "His name will go down in state history as one of the absolute giants of our legal system. But there will also be countless people who will always remember the quiet, unheralded ways he has helped them. It is for his countless contributions to West Virginia and beyond that I believe he is deserving of the Liberty Bell Award."

Justice Cleckley had tears in his eyes as he received the award and said simply, "I'm very, very, very happy that I received the award. The Court has really honored me with this award. I'm so happy."

Four Judges among 2011 Bar Foundation Fellows

Four judges are among the seventeen individuals who will be honored as Bar Foundation Fellows during the Thirteenth Annual Bar Foundation Fellows Dinner on April 28 at the Marriott Hotel in Charleston.

Judge John W. Hatcher, Jr., of the Twelfth Judicial Circuit (Fayette County); Senior Status Judge John R. Frazier of the Ninth Judicial Circuit (Mercer County); Senior Status Judge Robert B. Stone of the Seventeenth Judicial Circuit (Monongalia County); and Family Court Judge Sally G. Jackson of the Twenty-Fourth Family Court Circuit (Berkeley and Jefferson Counties) are among this year's list of honorees.

They are among less than three hundred other Fellows who have been previously selected from the more than five thousand lawyers and judges in the state.

The black tie optional reception and dinner begins at 6:30 p.m. The cost is \$125 per person or \$1,250 for a table of ten persons. Please contact Tom Tinder at 304-343-9823 or tom@wvbarfoundation.org for reservations.

The West Virginia Bar Foundation is the philanthropic organization for West Virginia's legal profession and justice system.

Cabell County Probation Officer returns from National Guard duty

Cabell County probation officer and Army National Guard member Captain Charles Steven “Chuck” McCann returned from a tour of duty in Afghanistan earlier this year.

Senate President Earl Ray Tomblin was among those welcoming Captain McCann and other members of his Army National Guard unit on February 18.

According to *The Lincoln Journal*, McCann joined his fellow guard members from the HHC 1092nd Engineering Battalion unit in Parkersburg who traveled to Fort McCoy, Wisconsin, to begin their journey to Afghanistan in February 2010. After mobilization training, McCann was a part of the advance party that first went to Kuwait at the end of March 2010 before entering Afghanistan in early April.



Senate President Earl Ray Tomblin and Captain Charles Steven McCann. Photo by Ron Gregory, The Lincoln Journal

McCann told *The Lincoln Journal* he has been a member of the National Guard for about ten years and has been deployed on three combat missions. The first two, in 2003-04 and 2007-08, were to Iraq. He is an engineering officer in the guard.

McCann lives in Hamlin and works as a probation officer at the Cabell County Courthouse when he is not on duty with the reserve.

He is married to the former Kimberly Salmons and they are the parents of a daughter, Breanna, 14. He also has two step-daughters, Cheyan McDermont, 15; and Mahala McDermont, 14.

McCann is a 1985 graduate of Hamlin High School.



West Virginia Supreme Court Justice Thomas McHugh administers the Oath of Office to state Superintendent of Schools Joreea Marple on Feb. 28, 2011, in Charleston. Marple is the first woman to hold the leadership position overseeing public schools. Photo provided by State Department of Education

PEIA OPEN ENROLLMENT

PLAN YEAR 2012

JULY 1, 2011 - JUNE 30, 2012

For insured employees of PPB Plans A, B, or C to receive the additional premium discounts, follow the PEIA guidelines below regarding the **West Virginia Living Will or Advance Directive** and **Improve Your Score** that take effect on July 1, 2011.

West Virginia Living Will or Advance Directive

To receive the monthly discounted health insurance premium of \$4, you must complete a West Virginia Living Will Affidavit by going online to www.wvpeia.com and clicking on "Manage My Benefits." Prior to completing the affidavit, you must have already completed a West Virginia Living Will or an Advance Directive for Healthcare.

If you have used the site before, just log in. If you haven't used the site before, go to the "Need to Register" button before completing your affidavit. When you get to the menu, choose the Living Will button and follow the instructions. Please remember, PEIA and the Court's Division of Human Resources do not want a copy of your Advance Directive or Living Will, but you should keep a copy for your own personal medical records. To ensure your premium discount is effective by July 1, 2011, please go on line no later than Friday, April 29, 2011.

Improve Your Score

A health insurance premium discount of \$10 per month is available if the results of your total cholesterol, blood glucose, blood pressure and waist circumference were provided through a PEIA Pathways to Wellness health screening at a specified Lab Corp. site or as reported by your physician. Your health screening must be reported by April 30, 2011, to secure a July 1 premium savings. If you had your health screening performed by your physician, contact PEIA Pathways at www.peiathways.com or 1-866-968-748433 (although there is an extra number, the phone number is correct) or locally 304-345-6800 to get a form your physician must fill out. The form must be submitted to PEIA by April 30, 2011.

Tobacco Affidavit

In the event you or your insured dependent's tobacco status has changed within the last six months, contact the Division of Human Resources for a Tobacco Affidavit form, or visit www.wvpeia.com. After completion, please forward the signed original form to the Division of Human Resources for an accurate recording of your new monthly premium.

Open Enrollment

As a reminder, judicial staff is encouraged **not** to participate in the “Online Open Enrollment System” but instead to contact our office for the appropriate form (see **Contact Information** below). Open Enrollment will be conducted from April 1 through April 30, 2011. Watch your mail for the PEIA Shopper’s Guide and Mountaineer Flexible Benefits (MFB) Reference Guide.

This year The Health Plan of the Upper Ohio Valley, Inc. will be serving forty-seven counties in West Virginia. The Health Plan is a Health Maintenance Organization (HMO). HMOs coordinate your health care through a Primary Care Physician (PCP) enrolled in their provider network. HMO premiums are not based on participation in the **West Virginia Living Will or Advance Directive, Improve Your Score and Tobacco Affidavit**. If you are interested or have any questions about their network or services, you may call toll free at 1-800-624-6961 or visit a representative at a benefit fair near you.

Benefit Fairs

PEIA, MFB, and The Health Plan will hold benefit fairs from 3 p.m. to 6 p.m. at the following locations:

Huntington, Holiday Inn Civic Center	April 4
Beckley, Tamarack	April 5
Martinsburg, Holiday Inn	April 6
Charleston, Civic Center (Parlor A)	April 11
Morgantown, Ramada Inn	April 12
Wheeling, WV Northern Community College	April 13
Parkersburg, Comfort Suites	April 14

Dependent Changes

In the event you have a dependent child (biological, adopted, or step child) up to the age of 26, you may add that child in your health insurance plan during this Open Enrollment. Provided they meet the qualifying criteria, dependents cannot be eligible for coverage as a policyholder under another employer-sponsored group health plan. You may add your dependents, regardless of their marital status, student status, level of support from the employee or place of residence.

NEWS NOTE: Throughout the plan year, including Open Enrollment, members who add qualified dependents such as a spouse and/or child(ren) are required to submit supporting documentation such as birth and/or marriage certificates to maintain legitimacy requirements.

Optional Life Insurance Rates

Effective July 1, 2011, optional life premium rates for active employees will slightly decrease. However, that decrease will be offset with a minimal increase to dependent optional life premiums. The new rates will be published in the Shopper’s Guide, which you will receive in the mail by late March or early April.

Mountaineer Flexible Benefits (MFB)

Good news! MFB is not increasing its premiums for this Plan Year and will offer a hearing aid benefit effective July 1, 2011. Please refer to your MFB Reference Guide for more details.

Contact Information

Please be sure to mail (and not fax) Open Enrollment forms for PEIA, MFB, and Tobacco Affidavit to our Benefit Coordinator, Barbara Randolph, at the Division of Human Resources. If you have any questions or concerns, please call Barbara at 304-558-2978. All forms must be mailed to the Supreme Court of Appeals of West Virginia, Division of Human Resources, Building 1, Room E-100, 1900 Kanawha Boulevard East, Charleston, WV 25305, and received in this office **no later than Friday, April 29, 2011**.

Upcoming holidays

Memorial Day, Monday, May 30

West Virginia Day, Monday, June 20

Independence Day, Monday, July 4



Magistrates trained on electronic reporting system

About 195 people attended eleven training sessions for magistrates and magistrate assistants on the electronic system to report involuntary hospitalization cases to the State Mental Health Registry and the federal NICS (National Instant Criminal Background Check System). The reporting is designed to prohibit individuals with mental illness who have been involuntarily committed from purchasing firearms.

The training sessions for designated magistrates were held in Charleston and Morgantown in March.

A designated magistrate is a magistrate the chief judge has "designated" to handle all or part of probable cause involuntary hospitalization cases. They do not otherwise act as a mental hygiene commissioner, and their work in the areas covered by mental hygiene commissioners is limited; they can handle only probable cause cases, not final commitment or guardianship cases.

In some counties both mental hygiene commissioners and designated magistrates are appointed by the chief judge to do portions of the work. If there are no commissioners appointed by the chief judge to do the allowed work, designated magistrates can only do probable cause cases, and final commitments and guardianship cases are handled by circuit judges.

Court employee tuition reimbursement: important notice

Jessica Silber has taken over all educational benefits-related work in the Judicial Education Division of the Administration Office. All calls, e-mails, and notices regarding educational reimbursement or applications for educational benefits should be directed to Ms. Silber.

Reimbursement for college or university tuition follows a strict protocol. Employees seeking reimbursement must complete all of the following steps.

Step 1: Employees seeking reimbursement for educational expenses must submit an “Application for Educational Benefits” to the AO. In accordance to Section 9 of the West Virginia Judicial Personnel System Manual, applications for courses must be submitted prior to the beginning of the courses. Failure to do so may result in the denial of reimbursement.

Step 2: Verification for a course must be submitted within one month of the course’s completion. Proper verification includes:

A copy of the previously approved “Application for Educational Benefits;”

A tuition payment receipt (original or computer-generated) from the college for the approved course;

The grade report (original or computer-generated) for the course;

A completed “Employee Reimbursement Request Form” requesting tuition (not travel) reimbursement; and

A completed “In-State Travel Expense Form” for out-of-county mileage.

Failure to provide these documents may result in a significant delay in tuition reimbursement.

Reimbursement for tuition will not be paid until courses have been completed and all documentation has been received by the Judicial Education Division. Reimbursement typically takes four to six weeks.

All forms are available on the Supreme Court’s website at <http://www.state.wv.us/wvsca/rules/empforms2.htm>.

Leave Recordkeeping questions answered

Supreme Court Deputy Administrative Director Kathleen Gross wrote a memo to leave record keepers on February 18 following up on questions that had arisen during a telephone conference all. The contents of the memo are reproduced here in an effort to clarify the issues for all court system personnel.

Eligible for Compensatory Time:

Personnel Manual: Appendix C, Section 3. Note: Only Group C is eligible for compensatory time. Group C includes probation officers, including chiefs; magistrate court deputy clerks; other circuit secretaries (for example, probation secretaries); local law librarians; chief counsel's office support staff; Supreme Court Clerk's Office support staff; Administrative Office support staff, including other IT staff; State Law Library support staff; Bar Admissions Administrator; Bar Admission Deputy Administrator; Judicial Investigation Commission's support staff; Court Security.

Computing Compensatory Time:

As employees of the Judicial Branch, we are required to work forty hours in a week. Most of us have either an hour or half-hour for lunch within our eight-hour work day. If someone who is eligible for compensatory time works through lunch within the eight-hour work day, no compensatory time is earned. Compensatory time only begins when forty hours of actual work have occurred. If someone works 8 a.m. to 4 p.m., with an hour for lunch, Monday through Friday, they would have 35 hours of actual work. If someone works 9 a.m. to 5 p.m. and works through lunch, Monday through Friday, they would have forty hours of actual work. If someone works through lunch (voluntarily gives up the paid lunch time), that person must work his/her regularly scheduled hours, for example, 8 a.m. to 4 p.m. or 9 a.m. to 5 p.m. In other words, that person is not entitled to leave work early or in any way to accrue time off because of working through lunch.

Remember forty hours of actual work is required before compensatory time starts.

Holiday Time:

An employee who works on a holiday earns hour-for-hour the time actually worked up to eight hours. If someone works every day next week including President's Day, they would earn eight hours of holiday time. Holiday time does not expire the next week. See Section 5.6 (D), Personnel Manual, p. 30B for scheduling leave because of working a holiday.

Rule 1C Time:

Magistrate Assistants, if they are called out after regular business hours, can earn Rule 1C time. Rule 1C time must be taken the week after it is earned and it is calculated hour-for-hour. If Rule 1C time is not taken the week after it is earned, the time is lost. Except for Magistrate Clerks who are also Official Leave Record keepers, Rule 1C time will only be considered if the Magistrate Assistant earns time the week before he/she leaves his/her position and has not taken that time off before he/she leaves his/her position. Detailed information on Rule 1C time will be sent to all in the Magistrate Division.

Please contact Kathleen Gross at 304-558-0145 or kathleen.gross@courtswv.gov or Chris Workman at 304-558-2978 or chris.workman@courtswv.gov if you have any questions.

State Law Library News

In November 2010, the State Law Library hosted a “brown bag” lunch workshop entitled “Personal Income Tax Law” changes and credits. Cassel Pulliam from the Internal Revenue Service presented information about tax credits available for the 2010 tax. Many American Recovery and Reinvestment Act provisions, such as the making work pay credit, expanded hope credit deduction for college tuition and expenses, residential energy credits, and the first time homebuyer credit are still available for tax year 2010.

Also in November, the Library hosted a meeting of the Kanawha Valley Relatives. The group’s mission is to share experiences and raise awareness of the dynamics of raising children of relatives, including financial, educational and emotional issues involved. Laura Lou Harbert, family liaison from Mission West Virginia, explained the Relatives as Parents Assistance Program. Those attending discussed their experiences dealing with various agencies and the courts. Resources available to those raising children of relatives include financial assistance granted through the Temporary Assistance for Needy Families (TANF) program that provides cash assistance to qualifying families, including relative caregivers, for costs incurred in raising children.

In December, the library hosted a workshop on Identity Theft, which is one of the fastest growing crimes in America with over nine million victims a year. West Virginia Assistant Attorney General Chris Hedges presented methods for preventing identity theft, such as shredding documents, being conscious of your mail, checking your credit report, and the advisability of credit security freezes. Mr. Hedges also discussed the legal rights to which identity theft victims are entitled and the process for disputing instances of identity theft.

On January 31, the Library hosted a brown bag lunch on the new Credit Card Reform Act. Debra Lee, Director of Education at Consumer Credit Counseling Service of Southern West Virginia, led the discussion using an interactive quiz about basic credit knowledge, highlighting changes created by the act. For example, gift cards now must remain active for at least five years from the day of activation. Also, creditors must now give forty-five days’ notice prior to any significant changes in credit card terms; creditors must credit a payment as being on-time if the payment is received by 5 p.m. on the due date; and over-limit fees are prohibited unless consumers specifically agree to allow transactions to proceed. The workshop provided instruction on how to pull a credit report, tips for managing debt, and how to limit the amount of open credit. Debt touches nearly every American and influences insurance and loan rates, which may adversely affect one’s ability to purchase expensive items such as an automobile or house.

On February 1, the State Law Library, in cooperation with the Central West Virginia Earned Income Tax Credit (EITC) Coalition, began offering free income tax preparation for low- to middle-income taxpayers earning under \$49,000. IRS certified staff members offer one-on-one assistance and e-filing of documents. The program, now in its third year, is limited to simple tax returns. Last year the program was expanded into the Eastern Panhandle. Heather McClung, Twenty-Third Judicial Circuit Law Librarian, offers the service at the Berkeley County Law Library. A part of the Library’s commitment to providing access to justice and community enrichment services, the program will continue by appointment through April 15.

On March 30, 2011, the Library hosted a brown bag workshop on Advance Medical Directives. The featured speaker was Suzanne E. Messenger, State Long Term Care Ombudsman from the West Virginia Bureau of Senior Services. Topics included living wills, medical powers of attorney, and health care surrogates. A handout on the “Five Wishes” was provided. Five wishes is the first living will that talks about one’s personal, emotional, and spiritual needs as well as medical needs. The information is important to everyone because at some point, we will all face decisions concerning our own medical treatment and possibly the treatment of family members. The workshop was of particular importance to those who participate in the Public Employees Insurance Agency (PEIA) program. In December 2010, PEIA notified members that they would receive a discount if they had completed a living will or other advance directives for health care.



State Law Librarian Kaye Maerz, right, helps Ruth A. Boggs with her taxes on February 8. *Photo by Michael Switzer*