



Amicus

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Chief Justice Workman speaks to circuit, family court judges

Chief Justice Margaret Workman welcomed circuit judges and family court judges to their fall conferences in Wheeling and Charleston by thanking them for their work inside and outside their courtrooms.

In her speech to family court judges on October 24, she praised them for their case management. "Eighty-two percent of cases pending on family court dockets are less than nine months old. That's up from seventy-eight percent at the end of 2010. The standard is 75 percent, so our judges are doing better than the standard. In fact, West Virginia leads the country in this area," she said to applause.

"Also, eighty-nine percent of cases completed on family court dockets are under nine months old. At the end of 2010, the number was eighty-six percent. The time standard is seventy-five percent, so again our judges are doing much better than the standard," Chief Justice Workman said.

West Virginia's Domestic Violence Registry is a national model because family court judges and magistrates are diligent about scanning orders as soon as they are filed. That keeps victims and police officers safer, Chief Justice Workman said.

The public today expects judges to do more than just rule on cases that come before them, Chief Justice Workman said.

"Half the counties in the state have drug courts. For this to be possible, judges had to step up to the plate without extra pay," Chief Justice Workman told circuit judges at their fall conference at the Oglebay Resort and Conference Center in Wheeling on October 11.

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Chief Justice forms commission to study spousal support

Chief Justice Margaret L. Workman announced on October 25 that she plans to create a committee of judges, lawyers, and others to study the issue of whether West Virginia should adopt guidelines for the award of spousal support similar to the guidelines for child support.

“Through this study, we hope to ascertain if such guidelines are needed, and whether they would reduce the costs, both financial and emotional, of the divorce process,” she told family court judges October 24 at the Fall Family Court Judicial Education Conference at the Marriott Town Center Hotel in Charleston.

Chief Justice Workman said that awards of spousal support, when made, are inconsistent and unpredictable, and that current law does not provide guidance on when an award of spousal support should be made or guidance on its amount and duration. “The goal is to insure fairness, predictability and consistency to all litigants (both male and female),” she said.

If the commission determines such guidelines are appropriate, it will make recommendations on the amount and duration of such support. Those recommendations would go to the Supreme Court, and perhaps to the Legislature.

The commission members include

Thirteenth Family Court Judicial Circuit (Raleigh, Summers, and Wyoming Counties) Judge Louise Staton

Eleventh Family Court Judicial Circuit (Kanawha County) Judge Mike Kelly

Twenty-Third Family Court Judicial Circuit (Hampshire, Mineral, and Morgan Counties) Judge Glen R. Stotler

Twentieth-Fifth Family Court Judicial Circuit (Grant, Hardy, and Pendleton Counties) Judge Amanda H. See

Twenty-First Family Court Judicial Circuit (Barbour and Taylor Counties) Judge Beth Longo, Family Court Judicial Association President

James Douglas, Past Chairman of the West Virginia State Bar Family Practice Committee, Sutton

Andy Nason, Past Chairman of the West Virginia State Bar Family Practice Committee, Charleston

R. Lyne Ranson, Present Chairwoman of the West Virginia State Bar Family Practice Committee, Charleston

Mark Toor, Legal Aid of West Virginia Advocacy Coordinator, Charleston

Marjorie McDiarmid, West Virginia University Law Professor, Morgantown

Governor Tomblin appoints Matthew Dean England as Judge of the 14th Family Court Circuit

Governor Earl Ray Tomblin announced on October 13 the appointment of Beckley native and current Fayette County Assistant Prosecutor Matthew Dean England as Family Court Judge for the Fourteenth Family Court Circuit serving Fayette County. The Fayetteville, West Virginia, resident will fill the judicial vacancy created by the retirement of Janet Steele.

“The complex cases before our state’s family court system require a judge who demonstrates compassion for children and families, while balancing strength in applying the laws that protect them,” Governor Tomblin said. “Because of his legal and police work experience, I believe Matthew will serve the people of Fayette County well as Family Court Judge.”

Judge England, an assistant prosecutor focusing on juvenile and criminal cases in the Fayette County Prosecutor’s Office, had previously worked as a law enforcement officer in Raleigh County and the City of Beckley. Judge England has also held leadership positions in both the law enforcement and legal communities, including his current position as president of the Fayette County Bar Association and as a member of the Lion’s Club in Fayetteville.

Judge England is a graduate of Mountain State University in Beckley and Appalachian School of Law in Grundy, Virginia. He is a decorated U.S. Air Force veteran, having served in Operation Desert Storm and Operation Uphold Democracy in Haiti.

Judge England is married to Lisa England. Together they have four children: Jacob Riley, Andrea, Rachel, and London.

Senior status judge spends days with canine companions

Let the Dogs Out

Lace up your big boy boots and hunt eastern Virginia with some canine companions

It was 28 degrees (F) in Paint Bank, Va., when I crawled out from under the covers at The Depot Lodge. I was shaken awake by the throaty barks of turkey dogs filling the early December pre-dawn darkness. The pair of four-legged gobbler getters was loaded on the truck and more than ready to go. I wasn't.

The idea of a serious fall turkey hunt with serious dogs appealed to me at first. Looking out the frosty window, I was having second thoughts. The dogs weren't.

Timney Triggers invited me and a couple of other outdoors types to the mountains on the Virginia-West Virginia border to try out their replacement trigger for the iconic turkey gun, the Remington Model 870 shotgun, and hunt fall birds with Potts Creek Outfitters.

We spent most of the day before learning about the advantages of the trigger, testing them out on clay targets, and scouting for some fall birds. Now, armed with our upgraded 870s (it's amazing what a difference an adjustable trigger can make), it was time to hit the woods and let the dogs out.

The object is to let the dogs find a flock of birds and scatter them. It's your job to call the turkeys to the shotgun barrel.

Sounds simple enough, right? If it were simple, everybody would be doing it.

Old dogs, old tricks

Our hunting group consisted of retired judge and longtime NWTF (National Wild Turkey Federation) member Charles Vickers, as well as West Virginia Department of Natural Resources Conservation Officers Larry Case and Woody Brogan.

Judge Vickers, well into his 70s, is the elder statesman of the fall turkey woods in this part of Virginia.

"I grew up hunting turkeys with dogs. My dad did it," Vickers said. "I got a dog after I got out of the Navy, and I've had one ever since."

Vickers trains his turkey dogs just like his daddy did.

"Dog people are real clannish. They won't tell you much, and I understand that," Vickers smiled. "You have to observe and learn it on your own. Most of the knowledge I got was from my dad and some of the people here in Virginia."

The area has always been big on turkey dogs, but it's different in these mountains, according to Vickers.

"You have a hard time hearing the dog," he said. "You have a hard time trying to figure out where they flushed the birds."

We were trying to do something here that's even hard to accomplish on flat ground.

Are dogs an advantage in the turkey woods?

"It all depends on how you look at it," Vickers said. "After the flush, you have to be able to handle the dog. I know a lot of people who would like to have a dog, but they wouldn't have the patience to put up with a dog in the blind. It can be a big disadvantage. It depends on whether you do it because you enjoy it, like we do, or if you are in it for the kill. It's a lot of work."

Vickers said hunting with a dog takes constant training, beginning when the dog is 6 or 7 months old. You have to spend a lot of time in the woods with each dog, training him to sit in the blind, under your feet, as the turkey approaches.

"You have to get the dog used to sitting with you," Vickers said. "If you let him run a while, he'll be tired and want to get in his bag in the blind. These dogs love to run."

Vickers said hunting with dogs isn't for everybody, but it keeps him young. "I don't hunt turkeys in spring. It's all about the fall hunt and the dogs for me," he said.



Senior Status Judge Charles Vickers with his canine companion. *Photo courtesy of Turkey Country Magazine*

New dogs, old tricks

Case was introduced to fall hunting with dogs a few years ago and hasn't been the same since.

"I like fall turkey hunting with dogs because people were doing this years and years ago," Case said after a long day of following the dogs in the woods. "Turkey hunters are woodsmen, more than most other hunters. A turkey hunter will look for sign, find tracks, and go after the game. He doesn't dump out a pile of corn and wait for the animals to find it. We did a little bit of walking today, but not too bad."

Case hunted with Vickers for a few years before he got his first dog.

"It gets in your blood," Case grinned. "I guess it's like Bluegrass music. You either love it or you hate it. Everybody likes to turkey hunt. Everybody likes to talk about it, but this dog thing becomes a lifestyle. It's a year-round thing, especially here in Virginia. And it's late season, it's tough, but that's what we love about it."

Brogan is hooked on the dogs too.

"Turkey hunting in the spring is one of my passions," Brogan said. "I had hunted turkeys in the fall some, but I didn't enjoy it as much as I did in the spring. Four or five years ago, I was introduced to fall turkey hunting with dogs, and it's something I really enjoy."

Hunting with Vickers, Case and their dogs introduced Brogan to a brand new world.

"I love watching the dogs work, listen-

ing to them bark, then having one come back to the blind and sit as we are calling the game the dog has been tracking. It has opened up a whole new sport to me."

Every dog has his day, but not today

Our faithful canine companions chased a few birds, but we didn't get a chance to drop the hammer during this three-day adventure. But I came away with a new respect for the working dogs and their hunting partners.

Fall turkey hunting with dogs is a tradition that will live on, at least in the mountains of Virginia and the surrounding area.

Turkey Country magazine September/October 2011

Gregg Powers, managing editor, National Wild Turkey Federation's Turkey Country magazine

www.turkeycountrymagazine.com

Mercer County officials begin a truancy reduction program

On Tuesday, October 18, the Mercer County School district and the county Board of Education sealed an agreement with local and state justice department officials to begin a collaborative program to reduce truancy in the district's schools.

The parties signed a Memorandum of Understanding to allow the hiring of an additional probation officer to work exclusively with cases of truancy. The two-prong plan will provide intervention for parents of chronically truant elementary-age children and strengthen penalties for secondary students who exceed five unexcused absences.

On Thursday, November 10, Justice Davis will also sign an order showing the Supreme Court's support of the project. Justice Davis is in the midst of traveling the state talking about truancy and how to address the problem.

Mercer County Probation Officer stops an inmate from harming female guard



Mercer County Probation Officer Greg Arnold was leaving work on a September afternoon when he noticed a female guard from the Southern Regional Jail was being attacked by an inmate who was trying to get the guard's gun.

Mr. Arnold ran across the street and was able to subdue the inmate and cuff him before deputies from the Sheriff's Office arrived. The inmate was only seconds away from getting the guard's gun.

The female guard told officers at the Southern Regional Jail that she doesn't think she would be alive today without Mr. Arnold coming to her rescue.

For Mr. Arnold's heroic efforts, he was presented a certificate of recognition by Court Administrative Director Steve Canterbury and Probation Services Director Mike Lacy at the October Probation Officer Conference.

Westwood middle school students get their day in court

A group of middle school students got a treat, sort of, on Monday, October 31, when they were invited to Magistrate Sandy Holepit's courtroom to hear her morning docket.

The Monongalia County Magistrate's docket included a civil case, an underage consumption ticket, a suspended license plea and a bench trial for a traffic offense.

Magistrate Holepit, a former substitute teacher, told *The [Morgantown] Dominion Post* she approached Monongalia County middle schools with the idea of a courtroom field trip because she wanted students to learn that being on the wrong side of the law is no place they want to be.

"We're losing too many of our young kids to drugs and alcohol. The problem is increasing at a scary rate," Magistrate Holepit told the newspaper.

"What we are doing is not working. I thought, let's try a different approach."

(Continued from page 1)



Chief Justice Margaret Workman speaking at the Family Court Conference in Charleston on October 24.
Photo by April Harless

“We have an outstanding circuit bench. You all do a great job,” she said. “In the future as specialty courts grow, we may need additional help, but so far we have relied on judges who do extra work. Thanks for all of your work, we really appreciate it.”

The Justices, too, all have outside-the-courtroom work. All the justices work on special projects. Justice Thomas McHugh works on civics education projects like *The Foundation of Justice* DVD. Justice Menis Ketchum is working on model jury instructions. Justice Robin Jean Davis is traveling the state to promote anti-truancy programs. Justice Brent Benjamin has spent the last two years working on Access to Justice. And Chief Justice Workman has created a committee on adjudicated juveniles, which she leads.

“There are many things going on administratively, too,” Chief Justice Workman told the circuit judges. The Revised Rules of Appellate Procedure were implemented last year. Instead of seventy percent of cases being refused with little or no explanation, now no cases are refused without an explanation. The result of the new rules is more transparency, and the litigants feel like they are getting their day in court.

“I want to thank my colleagues, staff, and members of the bar who have had more work to do with the new rules,” she said.

Other announcements

- Upcoming **Truancy meetings**: November 14 in Wheeling and November 15 in Parkersburg.
- The final **Access to Justice** forum will be held on November 15 in the courtroom of the Supreme Court, in the east wing of the Capitol.
- November is **National Adoption Month**. Valley Worlds of Fun will host **Adoption Day** celebration on Saturday, November 19, 2011, beginning at noon. For more information visit their website at www.valleyworldsoffun.com.
- On November 1, Justice Davis swore-in a new sex offender intensive supervision officer (**SOISO**) in Martinsburg. Brigitte Buckland, a former Division of Corrections parole officer, replaces an officer in Region One who resigned. Region One consists of Berkeley, Jefferson, Morgan, Mineral, Grant, Tucker, Hampshire, Hardy, and Pendleton Counties.
- On October 18, Justice Davis spoke at the **Interfaith Domestic Violence Vigil** at the State Capitol.

Court Administrative Director approves Wayne County renovations

Supreme Court Administrative Director Steve Canterbury recently approved renovation plans for a judicial annex that was once the Wayne County Community Services Organization building.

Mr. Canterbury visited the site on September 13 with Family Court Judge Stephen Lewis, the only family court judge in Wayne County.

Mr. Canterbury praised Judge Lewis “as one of the pioneering Family Court Judges. I know Judge Lewis will assist other court employees to make this a smooth transition.”

During the visit, Mr. Canterbury told the Wayne County Commission that the Supreme Court would help the county pay for furniture and wiring costs for computers and security but the county would have to come up with the money to renovate the building.



Access to Justice Director Deborah Bogan spoke at ten regional West Virginia State Bar meetings across the state in the month of October.

She told the lawyers in attendance about the Access to Justice Commission and what the group’s mission is for helping people gain access to the court system in West Virginia.

She also discussed the six Access to Justice forums and some of the insight the commission has gained from these forums.

Drug Court news

Justice Brent D. Benjamin attended two adult drug court graduations last month.

On October 12, he spoke at a graduation ceremony in Moundsville. One person graduated from the program.

On October 27, Justice Benjamin spoke at a graduation ceremony for three people in Princeton.

On November 10 he is attending an adult drug court graduation in Wellsburg.

On November 8, two individuals graduated from the Cabell County Drug Court.

West Virginia has eleven adult drug courts serving twenty-nine counties and ten juvenile drug courts serving twelve counties.



Upcoming Holidays

Nov. 11 — Veterans Day — Offices Closed

Nov. 24-25 — Thanksgiving — Offices Closed