

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 22nd day of September, 2010, the following order was made and entered:

IN RE: **Request for Public Comment on Proposed Amendments to
Administrative Rules for the Magistrate Courts of West Virginia**

On this day came the Court on its own motion and proceeded to consider proposed amendments of the Administrative Rules for the Magistrate Courts of West Virginia.

Upon consideration whereof, the Court is of the opinion and does hereby approve a period of public comment on the proposed amendment to conclude on the 22nd day of October, 2010, with comments to be filed with the Clerk of this Court. The proposed amendment to read as follows, with insertions indicated by underscoring:

Rule 1(c) Magistrate Assistant's Hours and Additional Duties.

All magistrate assistants must work a 40 hour work week. If a magistrate assistant has completed her/his duties on a specified day, it shall be her/his responsibility to assist in the magistrate court clerk's office, during regular business hours, performing the legal and administrative tasks set out in the relevant statutes and court rules. Work done by a magistrate assistant in the magistrate court clerk's office shall be performed at the direction of the magistrate court clerk or her/his designee. When a magistrate is scheduled to be "on-call," the magistrate's assistant is required to work during regularly scheduled business hours unless the assistant is required to work with the "on-call" magistrate during the "on-call" period of time. The time worked by a magistrate assistant during the magistrate's "on-call" period shall be credited toward the assistant's required 40 hour work week.

A True Copy

Attest: //s// Edythe Nash Gaiser, Deputy Clerk