

FROM THE CHIEF

Tim Armstead

Chief Justice
The West Virginia Supreme Court



UNPRECEDENTED EFFORT DURING A CHALLENGING TIME

As our fellow West Virginians have faced unprecedented challenges related to the COVID-19 pandemic, our court system has adapted to meet these challenges in order to administer justice in our state.

During this time of crisis, crime has not stopped in our state. Unfortunately, child abuse and neglect still take place throughout our state. Many of our fellow West Virginians are still victims of domestic violence. While steps have become necessary to limit in-person contact, the vital, time-sensitive work of our courts must continue — and it has.

As it became clear that COVID-19 would require changes to judicial processes, quarantines and social distancing, the Supreme Court took action. Our Court staff participated in national training related to the challenges created by

the COVID-19 virus. The Supreme Court enacted a series of emergency orders that provided guidance to judges, magistrates and attorneys to address local issues while providing a statewide framework that ensured the West Virginia judiciary was prepared to meet virus-related challenges. Circuit and family court judges and magistrates established local procedures designed to avoid in-person proceedings whenever possible and to use technology to keep the crucial work of our courts moving forward.

On March 12, the Court issued a COVID-19 Planning Document. This protocol:

- Encouraged judicial officers to postpone proceedings that were not time sensitive, use technology to minimize person-to-person contact and schedule

dockets to limit the number of people present. The Court also issued notices that were posted in courthouses to give directions to parties, attorneys, witnesses, jurors and the public; and,

- Established personnel policies that provided flexibility for judicial employees affected by the crisis to address social distancing concerns and canceled most out-of-state travel.

On March 16, the Supreme Court issued an Administrative Order that implemented additional directives. The order:

- Required civil and criminal trials and jury training to be postponed;
- Allowed emergency

hearings to proceed only in certain types of cases listed in the order and encouraged those hearings to be held using technology to avoid in-person contact; and,

- Directed courts and judicial offices throughout West Virginia to remain accessible to the public remotely by phone and email and have drop boxes for court filings.

On March 22, the Supreme Court declared a Judicial Emergency through April 10, 2020, and on April 3 the Supreme Court extended the Judicial Emergency through May 1. Both orders:

- Incorporated the directives listed in the March 12 protocols and March 16 Order;
- Ensured that such crucial matters as child abuse and neglect proceedings, domestic violence matters, criminal arraignments, mental hygiene petitions and other emergency matters designed to protect the safety and well-being of an individual or the community would still proceed, but primarily via telephone or video conferencing; and,
- Extended various filing and court deadlines.

As West Virginians began testing positive for the virus, a number of individuals who worked in the Kanawha County Judicial Annex were also affected. The Annex was temporarily closed. The Court's Technology Division, led by Director Pat Moats, worked with court officers and Kanawha County officials to enable the circuit clerk and magistrate clerk's offices to move to other buildings, ensuring that the public still had access to the courts. A senior status magistrate, working at an off-site location, assisted by holding hearings remotely. With the assistance of the Division of Technology, the clerk's offices and court personnel were connected to the judicial network and had necessary computers and equipment.

Kanawha County was just one example of how the Court provided technology, equipment and training to help meet the challenges arising from the COVID-19 outbreak. Statewide, the Supreme Court supplied all magistrates with new court cell phones with video capability to enable magistrates to work remotely. During the pandemic, the Division of Technology improved telephone and video conferencing services at all levels of the court system. The division also wrote guidelines for

remote hearings and provided training to circuit court judges, family court judges and magistrates, as well as other judicial officers and attorneys statewide.

The Division of Technology also collaborated with the state's regional jails to utilize technology at those facilities in order to allow hearings to proceed remotely from those locations and assisted the West Virginia Auditor's Office in performing monthly audits of each Magistrate Court without having to travel to the court-houses in person.

The Supreme Court led by example, conducting its work remotely and holding numerous court conferences via video and telephone. Through the combined efforts of the Court's Technology Division and the Supreme Court Clerk's Office, under the direction of Court Clerk Edythe Gaiser, the Court established a new system to hold Supreme Court oral arguments remotely. On April 14, for the first time in state history, the Court heard arguments via video conferencing. Attorneys presented oral arguments in time-sensitive child abuse and neglect and criminal cases from their homes or offices. The five justices also participated remotely by video from locations outside of the State Capitol.

The COVID-19 pandemic also presented heightened challenges to the Court's probation officers as they sought to continue supervision of probationers throughout the state. Under the direction of Director Stephanie Bond, the Division of Probation Services eased requirements for in-person meetings, allowing probation officers to remain in their cars for curbside meetings, or to use telephone calls and video conferencing to make regular checks on their probationers. To limit the frequency and amount of in-person contact between probation officers and participants, masks were provided for probation officers to wear when in-person contact with clients was required and drug testing patches were used for many treatment court participants.

Probation officers shared information with their clients about COVID-19, online treatment resources, unemployment and other topics related to challenges they faced as a result of the pandemic. The Division of Probation Services hosted weekly and biweekly conference calls with all treatment courts to check in with them and apprise them of the Division's continued work. Communication was also maintained with all probation officers through mass, group and individual emails.

Continued on page 56

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FROM THE CHIEF

Continued from page 17

Each day, the Court’s administrators, directors and attorneys have worked with judges and staff throughout the state to address the unique challenges that have arisen as a result of the COVID-19 crisis. These are just a few examples of how the dedicated judges and staff, prosecutors, public defenders, probation officers and attorneys, who make up West Virginia’s court system across our state, have stepped up to the plate and persevered through one of the most challenging periods in our state’s history.

Our judges, court staff and attorneys have handled

the COVID-19 challenges professionally and compassionately, and the Supreme Court has great confidence in their ability to address the task of restoring our court system to full, in-person operation when it is safe to do so. While this period in our history will be remembered as one of the most difficult challenges we have faced, it will also be remembered as a time in which our courts fulfilled their Constitutional duty to administer justice in a creative, innovative and dedicated manner that put the safety and well-being of our citizens first. **WVLE**