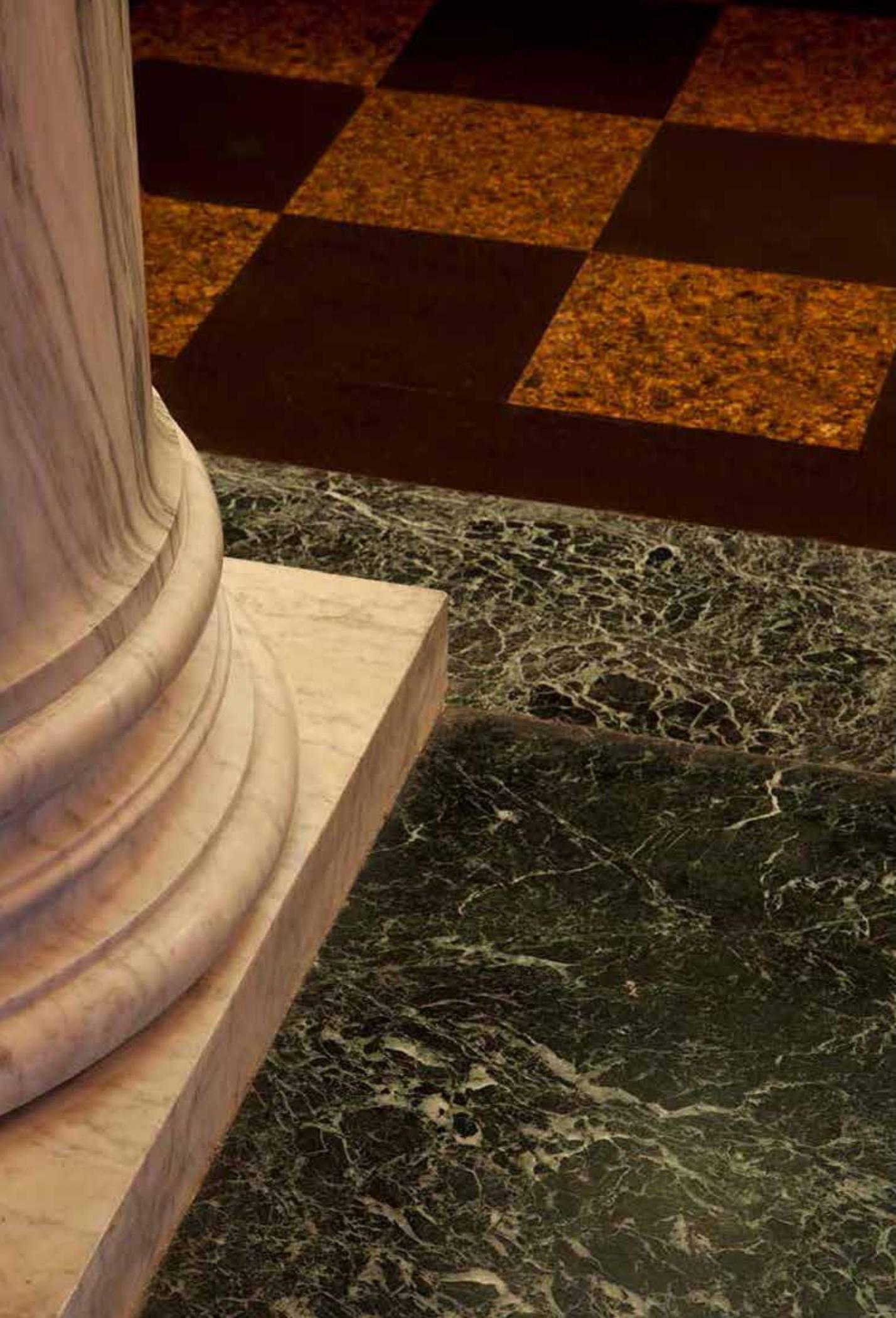


West Virginia Court System



2012 Annual Report



West Virginia Court System

2012 Annual Report

Honorable Menis E. Ketchum
Chief Justice

Honorable Robin Jean Davis

Honorable Brent D. Benjamin

Honorable Margaret L. Workman

Honorable Thomas E. McHugh
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SUPREME COURT
OF APPEALS



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Chief Justice Menis E. Ketchum

Chief Justice Menis E. Ketchum was elected to a full twelve-year term of the Supreme Court of Appeals on November 4, 2008. Chief Justice Ketchum was born in 1943 in Huntington, West Virginia, and was raised in Wayne County. He was educated in Wayne County public schools before attending Ohio University in Athens, Ohio, where he played varsity baseball and was a member of the 1964 Mid-American Conference Championship Baseball Team. Chief Justice Ketchum returned to West Virginia to attend West Virginia University College of Law. While in law school he was a contributing writer and associate editor of the *West Virginia Law Review*. He received his law degree in 1967 and returned to Huntington to join his father, Chad W. Ketchum (1911-1998), in the practice of law with the firm of Greene, Ketchum & Baker. He practiced at that firm and its successors, eventually becoming the senior partner, until his election to the Court. Chief Justice Ketchum's law practice included insurance defense, personal injury, and criminal defense. He was recognized continuously from 1989 to 2008 in *The Best Lawyers in America* and was a member of the Leading Honoraries, the American College of Trial Lawyers, and the American Board of Trial Advocates. Throughout his legal career he published legal articles and presented numerous continuing legal education seminars. Chief Justice Ketchum also served as a member of the Board of Governors of Marshall University from 2002 until his campaign for the Court, and served as Chairman or Vice-Chairman of the Board from 2003 until 2008. At the time of his election to the Court, he served on the Boards of the Public Defender Corporations for the Sixth and Twenty-Fourth Judicial Circuits. He previously served on the Huntington Urban Renewal Authority, participated in the statewide Vision Shared Health Care Team, and the Governor's Mine Safety Task Force. Chief Justice Ketchum has been married to the former Judy Varnum since 1966. They have three children – Kelli Morgan, Bert Ketchum, and Chad Ketchum – and six grandchildren.



Photo by Steve Payne



Photo by Michael Switzer

Justice Robin Jean Davis



Photo by Steve Payne

Justice Robin Jean Davis was born in Boone County, West Virginia, on April 6, 1956. She is married to Scott Segal, and they have one son, Oliver. She received her bachelor's degree from West Virginia Wesleyan College in 1978, and her master's degree and law degree from West Virginia University in 1982. She was engaged in the private practice of law from 1982 until 1996 at the six-person law firm of Segal and Davis, L.C. She concentrated in the field of employee benefits and domestic relations. In 1993, she became the first lawyer in West Virginia to be inducted into the American Academy of Matrimonial Lawyers. In 1991, the Supreme Court of Appeals appointed her to the seven-person West Virginia Board of Law Examiners, on which she served until her election to the Supreme Court in 1996. She initially was elected to an unexpired term and was re-elected in November 2000 and November 2012 to full twelve-year terms. Justice Davis served as Chief Justice in 1998, 2002, 2006, 2007, and 2010. Under her leadership as Chief Justice in 2010, the Court approved Revised Rules of Appellate Procedure, which modernize and comprehensively change the appellate process in West Virginia to provide a decision on the merits in every case. The Court in 2010 also approved new Rules of Juvenile Procedure. Justice Davis is the Supreme Court's designee to the Judiciary's Initiative on Truancy, and in that role she has held dozens of public meetings to encourage collaborative community truancy programs. In her terms as Chief Justice, she initiated a number of programs which have proven to be essential to the Court's continuing work with children and families and that have allowed the Judicial Branch to remain current with the constant changes in technology. These initiatives include the Workers' Compensation Mediation Program; the expansion of parent education programs; Rules on Mass Litigation; the expansion of courtroom technology, including the video initial appearance pilot project; the creation of the West Virginia Trial Court Rules; the establishment of an online Child Abuse and Neglect database; and additions to legal rules governing child abuse and neglect proceedings. In 2007 she led the West Virginia delegation to the National Judicial Leadership Summit in New York City, and she was responsible for the Court using a competitive federal grant to initiate the West Virginia Domestic Violence Registry. Under her guidance, the Supreme Court Administrative Office also received other major grants which have been used to improve the way the court system handles abuse and neglect cases. She expanded the Supreme Court's outreach efforts by taking the Court for the first time in recent years to Wheeling and Charles Town, the beginning of what are now regular out-of-Charleston argument dockets. She established the LAWS program for high school students and the Robes to Schools program for all West Virginia school students. In 2000, Justice Davis received the Distinguished West Virginian Award from then-Governor Cecil H. Underwood. In 2008 she received the Graduate of Distinction Award from the West Virginia Education Alliance. Justice Davis is the author of several *West Virginia Law Review* articles, including "A Tribute to Franklin D. Cleckley: A Compendium of Essential Legal Principles from his Opinions as a Justice on the West Virginia Supreme Court of Appeals"; "A Tribute to Thomas E. McHugh: An Encyclopedia of Legal Principles from his Opinions as a Justice on the West Virginia Supreme Court of Appeals"; and "An Analysis of the Development of Admitting Expert Testimony in Federal Courts and the Impact of that Development on West Virginia Jurisprudence." She is the co-author with Louis J. Palmer, Jr., of "Punitive Damages Law in West Virginia" and "Workers' Compensation Litigation in West Virginia: Assessing the Impact of the Rule of Liberality and the Need for Fiscal Reform." She is the co-author with former Justice Cleckley and Mr. Palmer of the *Litigation Handbook on West Virginia Rules of Civil Procedure*. She has given numerous presentations at West Virginia Judicial Association conferences and community forums. Justice Davis is the most senior member of the Supreme Court of Appeals.

Justice Brent D. Benjamin

Justice Brent D. Benjamin was elected to a twelve-year term on the Supreme Court of Appeals in November 2004. He is a native of Marietta, Ohio. Justice Benjamin is a graduate of The Ohio State University, from which he holds both a bachelor's degree and a law degree. After graduation from law school in 1984, he settled in Charleston, West Virginia. Since his election, Justice Benjamin has been a regular presenter and instructor on a variety of legal issues in various forums, including the National Press Club in Washington, D.C. As part of Constitution Day activities in 2009, he moderated a symposium on "Blogging and the First Amendment" at Marshall University. When Justice Benjamin served as Chief Justice in 2009, the Court accomplished several initiatives, including establishing an Access to Justice Commission, a Compliance Committee on Prisons and Jails, an acclaimed statewide Domestic Violence Registry, a statewide Mental Hygiene Registry, and a Northern Panhandle Re-Entry Court. In 2009, the Court also expanded pre-incarceration Treatment Courts, including Drug Courts, from a handful of counties to coverage of over half the state's population. As Chief Justice, Justice Benjamin was active in Bar-related matters and on children's issues and drug abuse issues. He led West Virginia's delegations to the 2009 Children's Summit and to the 2009 Drug Court Professionals Summit. He spoke at regional meetings of the West Virginia State Bar; he participated in regional Judicial Roundtables on Child Abuse and Neglect and in regional Summits on Domestic Violence and Firearms; and he worked to enhance and expand court outreach, judge-media relations, and public education about the role of the judicial branch. During his time as Chief Justice, the Court issued an educational DVD, *The Foundation of Justice: The Supreme Court of Appeals of West Virginia*. Before his election, Justice Benjamin was a principal attorney with Robinson and McElwee, PLLC, in Charleston. His twenty-year practice at that firm involved general civil litigation in state and federal courts, including toxic torts and complex litigation. His civil rights practice focused on protecting children from physical and sexual abuse. He has practiced in the United States Court of Appeals for the Fourth Circuit, the United States District Court for the Southern District of West Virginia, the Supreme Court of Appeals of West Virginia, and before various courts in the Commonwealth of Kentucky. Justice Benjamin is a 1999 graduate of Leadership West Virginia. Away from his judicial duties, Justice Benjamin is also a current member of the Hocking College Archaeological Mission and the Amenmesse Project, and he has participated in archaeological excavations in the United States and Egypt, including the recent re-excavation of Tomb TT-320 (the "Royal Cache Tomb") and, currently, KV10 and KV63 (the first intact tomb to be discovered in the Valley of the Kings since the discovery of the tomb of Pharaoh Tutankhamun). Justice Benjamin attends Christ Church United Methodist, in Charleston. He is the father of Paul, Mary, Laura, Amanda, and Evan.



Photo by Rick Lee

Justice Margaret L. Workman



Photo by Rick Lee

Justice Margaret L. Workman was elected to the Supreme Court of Appeals in November 2008. She previously was elected to the Court in 1988, when she became the first woman elected to the Court and the first woman elected to statewide office in West Virginia. Justice Workman was born in Charleston, the daughter of Mary Emma Thomas Workman and Frank Eugene Workman, a coal miner whose ancestors were among the first settlers of Boone County. Justice Workman attended Kanawha County public schools and was the first in her family to go to college. She attended West Virginia University and West Virginia University College of Law. After she received her law degree in 1974, she served as assistant counsel to the majority of the U.S. Senate Public Works Committee, the chairman of which was Senator Jennings Randolph of West Virginia. She returned to West Virginia to work as a law clerk to the Thirteenth Judicial Circuit (Kanawha County). In 1976, she served as an advance person in the Carter Presidential Campaign, and she later worked on the campaign staff of U.S. Senator Jay Rockefeller. She then opened her own law office in Charleston. In 1981, Justice Workman became the youngest circuit court judge in the state when then-Governor Jay Rockefeller appointed her to the Kanawha County Circuit Court. She ran for the unexpired term in 1982 and the full term in 1984. As a circuit judge, Justice Workman inherited West Virginia's largest backlog of cases and during her tenure on the court reduced it to the lowest in the circuit. She held more jury trials than any other circuit judge in the state during the same period. She also visited every prison and secure juvenile correctional facility in West Virginia. Justice Workman served as Chief Justice in 1993, 1997, and 2011. In her capacity as Chief Justice during her first term on the Court, she fostered a close working relationship between the court system and domestic violence programs, and she visited many shelters to learn how the court system could be more effective in addressing domestic violence. She created the Task Force on Gender Fairness in the Courts and the Task Force on the Future of the Judiciary; she formed the Broadwater Committee, which made reforms in the court system's response to children's issues; and she spearheaded the development of rules governing child abuse and neglect cases. In her tenure as Chief Justice in 2011, she focused on improving rehabilitation services for juveniles and established the Adjudicated Juvenile Rehabilitation Commission. Justice Workman has been active in church and community activities, and she is the mother of Lindsay, Chris, and Ted Gardner.

Justice Thomas E. McHugh

Justice Thomas E. McHugh was elected to the Supreme Court in 2010 to a two-year term. He began sitting by Designation as Senior Status Justice on the Supreme Court on September 1, 2008, when the Chief Justice appointed him to serve during the illness of Justice Joseph Albright, and he was reappointed on January 1, 2009, for the same purpose. After the death of Justice Albright on March 20, 2009, Chief Justice Brent Benjamin appointed him to the seat until the Governor named a replacement. On April 8, 2009, Governor Joe Manchin III appointed Justice McHugh to the Supreme Court to serve until the 2010 general election. At that time he was elected to complete Justice Albright's twelve-year term, ending December 31, 2012. Justice McHugh previously was elected to the Court in 1980 and was re-elected to a second twelve-year term in 1992. He served as Chief Justice in 1984, 1988, 1992, 1995 and 1996. He retired on December 31, 1997. After his retirement, he practiced law in the Charleston law firm of Allen Guthrie McHugh and Thomas, where he was of counsel. Justice McHugh was born in Charleston on March 26, 1936, and is a 1958 graduate of West Virginia University and a Distinguished Military Graduate, and he is a 1964 graduate of West Virginia University College of Law. In law school he was a member of the Order of the Coif, a legal honorary, and was associate editor of the *West Virginia Law Review*. He served as a First Lieutenant in the United States Army from 1958 to 1961. He was a law clerk to West Virginia Supreme Court Justice Harlan Calhoun from 1966 to 1968. He was elected Judge in the Circuit Court of Kanawha County in 1974, re-elected in 1976, and served as chief circuit judge from 1974 to 1980. Justice McHugh was President of the West Virginia Judicial Association in 1981-1982. He is a former member of the Judicial Review Board of West Virginia and was a member of the Visiting Committee of the West Virginia University College of Law from 1991 to 1995, serving as Chairman of that Committee from 1994 to 1995. He was a member of the Dean Search Committee of the West Virginia University College of Law from 1991 to 1992 and from 1997 to 1998. He is a member of the Mountain Honorary at West Virginia University and is a recipient of the Distinguished West Virginian Award; the 1996 Special Award of Achievement in the Administration of Justice from The West Virginia State Bar; the 1996 Public Service Award from the Mountain State Bar Association; a 1998 Certification of Completion of Mediation Training from Duke University Private Adjudication Center; the 1998 Outstanding Achievement Award from the Kanawha County Bar Association; the 1998 *Justicia Officium* Award from the West Virginia University College of Law; and the 2012 Distinguished Service in Justice, Equality, and Rule of Law Award from the Mountain State Bar Association. Justice McHugh is a West Virginia Bar Foundation Fellow and Emeritus Member, Judge John A. Field, Jr., American Inns of Court. He is Director Emeritus of the Children's Home Society of West Virginia. He is Chairman of the Board of Trustees of Thomas Memorial Hospital and a member of the West Virginia Center for Civic Life Board of Directors. He is a member of the Fourth Circuit Judicial Conference. He and his wife, Judy, have four children – Karen, Cindy, James, and John – seven grandchildren, and two great-grandchildren.



Photo by Steve Payne

A Clerk Becomes a Justice



Justice Margaret Workman delivers the oath of office to Justice Allen H. Loughry II as his wife, Kelly, and son, Justus, watch on December 14, 2012, in the Supreme Court Chamber. Photo by Thorney Lieberman



Justice Loughry's son, Justus, puts on his own robe. Photo by Thorney Lieberman

Supreme Court Law Clerk Allen H. Loughry II was sworn in as a Justice of the Supreme Court of Appeals of West Virginia in a public ceremony on December 14, 2012, in the Chamber of the Supreme Court.

His former boss, Justice Margaret L. Workman, delivered the oath of office.

"I'm giving up a law clerk, although I have talked to him and he's agreed to maybe continue to do research for me," Justice Workman joked during the investiture ceremony. Justice Loughry has worked as a law clerk at the Supreme Court since 2003 and became Justice Workman's law clerk in January 2009.

Justice Loughry took office on January 1, 2013. He was elected to a twelve-year term on November 6, 2012, to the seat being vacated by retiring Justice Thomas E. McHugh.

During the ceremony, the Justices talked about Justice Loughry's diligence; several said he did not miss a day of work during the campaign for the Supreme Court. They praised his wife, Kelly, and son, Justus, and congratulated his father, Allen Loughry Sr., who celebrated his seventy-fifth birthday on the day of the investiture.

The 45-minute ceremony was filled with an almost continuous banter between the Justices. Chief Justice Menis Ketchum at one point brought out a miniature skeleton, a reference to a campaign commercial in which Justice Loughry proclaimed, "I don't have any skeletons in my closet."

The Justices also commented about the book Justice Loughry published in 2006, *Don't Buy Another Vote, I Won't Pay for a Landslide*. And they talked about his education. Justice Brent Benjamin joked: "We probably never thought we'd have someone here with more degrees than the weather channel." Justice Loughry has a Doctor of Juridical Science and a Master of Laws in Law and Government from The American University, Washington College of Law; a Master of Laws in Criminology and Criminal Justice from the University of London; and a law degree from Capital University School of Law.

Before clerking at the Supreme Court, Justice Loughry was a Senior Assistant Attorney General in the West Virginia Attorney General's Office from 1997 to 2003. He argued a significant number of cases before the West Virginia Supreme Court in addition to having argued or filed legal pleadings in the Supreme Court of the United States, the United States Court of Appeals for the Fourth Circuit, and the United States District Courts

for the Southern and Northern Districts of West Virginia and the Southern District of Florida, among other legal forums. Justice Loughry previously served as a Special Assistant to U.S. Rep. Harley O. Staggers, Jr., and as a Direct Aide to West Virginia Governor Gaston Caperton. In 1997, he completed a legal externship at the Ohio Supreme Court. He also served as a personal assistant to the Tucker County Prosecuting Attorney in 1988 and 1989. Additionally, he wrote for two newspapers, *The Parsons Advocate* and *The (Morgantown) Dominion Post*, and was a freelance writer for *The Associated Press*.

Justice Loughry began teaching political science at the University of Charleston in 2010. Due to his academic and professional background, he is a frequent speaker throughout the country on issues of government, ethics reform, politics, history, education, and the election process.

In his remarks, Justice Loughry thanked the other Justices and many people in the audience, including his fourth-grade teacher and childhood friends from Tucker County who drove long distances to attend. His son acted as his sidekick, and Justice Workman presented the six-year-old Loughry with his own judicial robe.

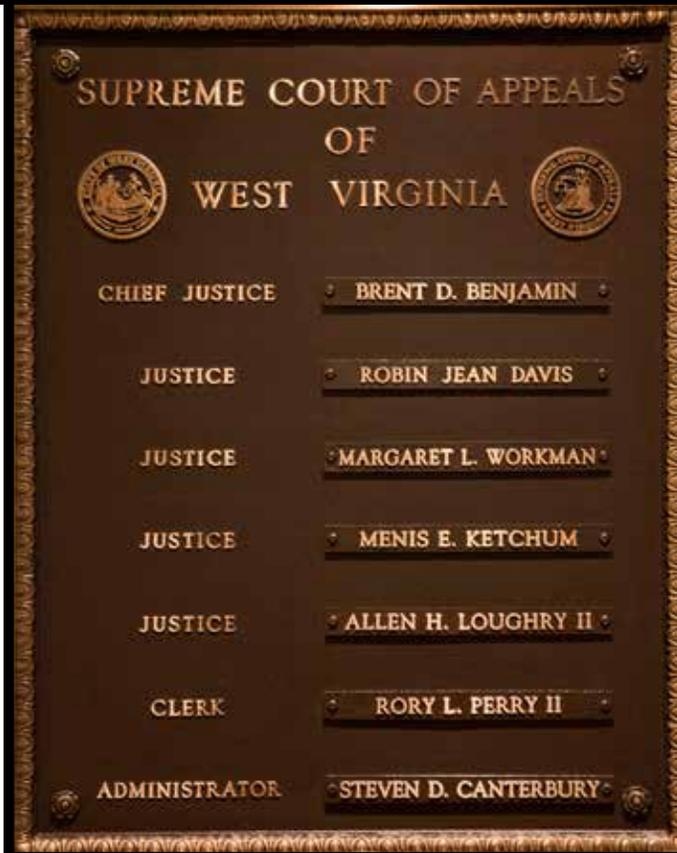
Justice Loughry was born in Elkins in 1970, and raised in Tucker County in what he said was “an average family.” His electoral victory proves that it is possible for anyone to win, he said.

As he traveled the state during his campaign, he discovered that most West Virginians do not know much about the judicial branch of government. During his twelve-year term he would like to work to address that education deficit, he said.

“The next generation of West Virginians needs to know that they count. They need to know that they matter. They need to know they can make positive changes in West Virginia,” he said.

“This is not my day; this is our day. Thank-you for being here and sharing it with me.”

Justice Margaret Workman, Justice Robin Jean Davis, Chief Justice Menis Ketchum, Justice-Elect Allen Loughry II, Justice Brent Benjamin, and Justice Thomas McHugh during Justice-Elect Loughry’s swearing-in ceremony on December 14, 2012, in the Supreme Court Chamber *Photo by Thorney Lieberman*



Plaque outside the Supreme Court Chamber in the East Wing of the Capitol on January 1, 2013. *Photo by Thorney Lieberman*



Justice McHugh Celebrated at *sine die*, Kanawha Courthouse



Justice Margaret Workman, Justice Robin Jean Davis, Chief Justice Menis Ketchum, Justice Brent Benjamin, and Justice Thomas McHugh listen to speakers at the *sine die* ceremony ending the fall 2012 term, a ceremony that was a tribute to Justice McHugh. Photo by Michael Switzer

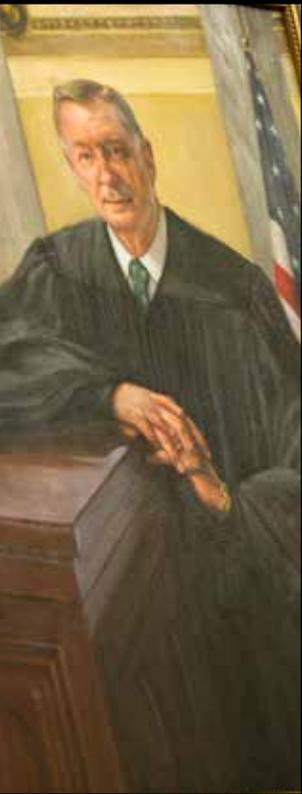
The second retirement from the bench of Supreme Court Justice Thomas E. McHugh was celebrated by family and friends at the *sine die* ceremony ending the 2012 fall term of court and at a December 20 ceremony at the Kanawha County Courthouse during which a portrait of him was unveiled. The portrait commemorates his tenure as a Kanawha County Circuit Judge from 1974 through 1980.

Justice McHugh left the Supreme Court for the second time on December 31, 2012, after more than twenty years of total service as a Justice and twenty-six as a judicial officer.

Justice McHugh was elected to the Supreme Court in 1980 and was re-elected to a second twelve-year term in 1992. He initially retired on December 31, 1997, to practice law in Charleston. He returned to the Supreme Court on September 1, 2008, as a Senior Status Justice sitting by designation during the illness of Justice Joseph Albright. After the death of Justice Albright, Governor Joe Manchin III appointed Justice McHugh on April 8, 2009, to serve until the 2010 general election. At that time he was elected to complete the last two years of Justice Albright's twelve-year term.

Justice McHugh told those at the *sine die* ceremony that serving on the Supreme Court was "something that is so gratifying, particularly when you can mold law."

From left: Judy McHugh, Chief Thirteenth Judicial Circuit (Kanawha County) Judge Louis H. "Duke" Bloom, Thirteenth Judicial Circuit Judge Paul Zakaib Jr., Artist Arthur Evans, Thirteenth Judicial Circuit Judge Jennifer Bailey, Justice Thomas McHugh, and Chief Justice Menis Ketchum at the December 20, 2012, unveiling of a portrait of Justice McHugh that hangs in the Kanawha County Courthouse Photo by Michael Switzer



A portrait of Justice McHugh by Arthur Evans
Photo by Michael Switzer





In honor of Justice Thomas McHugh's twentieth anniversary as a Supreme Court Justice, Justice Margaret Workman (who was his law clerk in Kanawha County Circuit Court) organized a surprise party and reunion of his former law clerks in the Supreme Court Chamber on April 9, 2012. Standing left to right: Mary Blaydes, Richard Boyle, Leslie Anderson, Becky Hentschel, Joanna Tabit, Jessica Justice, Michael Reed, Peggy Rash, Patrick Casey, Michael Kawash, Susan Scott, Pamela Campbell, and Suzanne Weise. Seated left to right: Cindy Nelson, Justice McHugh, Justice Workman, Tom McQuain, and Chris Gall. *Photo by Steve Payne.*

John McHugh, one of the Justice's twin sons, said his father has always been a role model for his children and grandchildren. He taught them that money is not enough. "You have to be passionate about what you do. He is very energetic. He has a great sense of humor. He is honest to a 'T.'

"Who would come out of retirement to run a tight statewide race?" John McHugh asked. "I would submit it is a person who loves the law and loves the state."

Justice McHugh's daughter, Cindy; Supreme Court Law Clerk Susan Scott; Charleston attorney Pat Maroney; Monsignor Edward Sadie of Charleston; and the other Justices also spoke of Justice McHugh's integrity and humor.

"He makes whatever judge he serves with better," said Justice Margaret Workman.

At the portrait unveiling ceremony, Fourth Circuit Judge Robert King remembered his time as Justice McHugh's law partner. "Tom McHugh lived an exemplary personal and professional life. . . . To borrow a phrase, Justice Tom McHugh is the best of West Virginia," he said.

Supreme Court Administrative Director Steve Canterbury praised Justice McHugh's honesty. Director Canterbury said Justice McHugh gave back to the state about \$325,000 in salary during his second tenure on the Supreme Court because - although he was legally entitled to a full retirement as well as a full salary - he refused to be paid more than the salary of the other Justices with whom he served.

Chief Justice Menis Ketchum recalled memories of serving with Justice McHugh, and joked, "I've seen your painting. You're not that good looking."



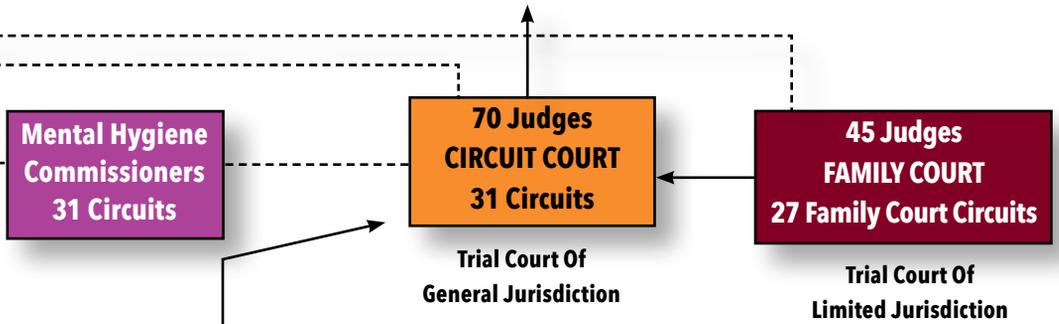
Justice Thomas McHugh and Justice Allen H. Loughry II, who was elected to Justice McHugh's seat in 2012. *Photo by Chris Dorst, The Charleston Gazette*

West Virginia Judicial System



Jurisdiction:

Original jurisdiction in proceedings of *habeas corpus*, *mandamus*, prohibition and *certiorari*. Appellate jurisdiction in civil cases at law over \$300 or in equity, in cases involving constitutionality of a law, in felony and misdemeanor matters appealed from circuit court. Appeals of divorce and other domestic relations decisions in family court if both parties agree not to appeal first to circuit court. The Supreme Court also receives workers' compensation appeals directly from the state administrative agency and receives other state administrative appeals from the circuit court.

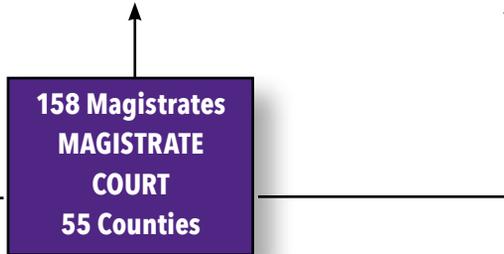


Jurisdiction:

Civil cases at law of \$300 or more in equity. Felonies and misdemeanors. Juvenile matters. Appeals *de novo* or on the record from magistrate court and municipal court. Appeals from state administrative agencies, excluding workers' compensation. Appeals from family court decisions. Child abuse and neglect.

Jurisdiction:

Divorce, annulment, separate maintenance, family support, paternity, child custody, visitation. Final protective orders in domestic violence appeals from magistrate court.



Jurisdiction:

Civil actions of \$5,000 or less. Felony preliminary hearings. Misdemeanors. Landlord-tenant matters. Traffic violations. Emergency protective orders in domestic violence cases.

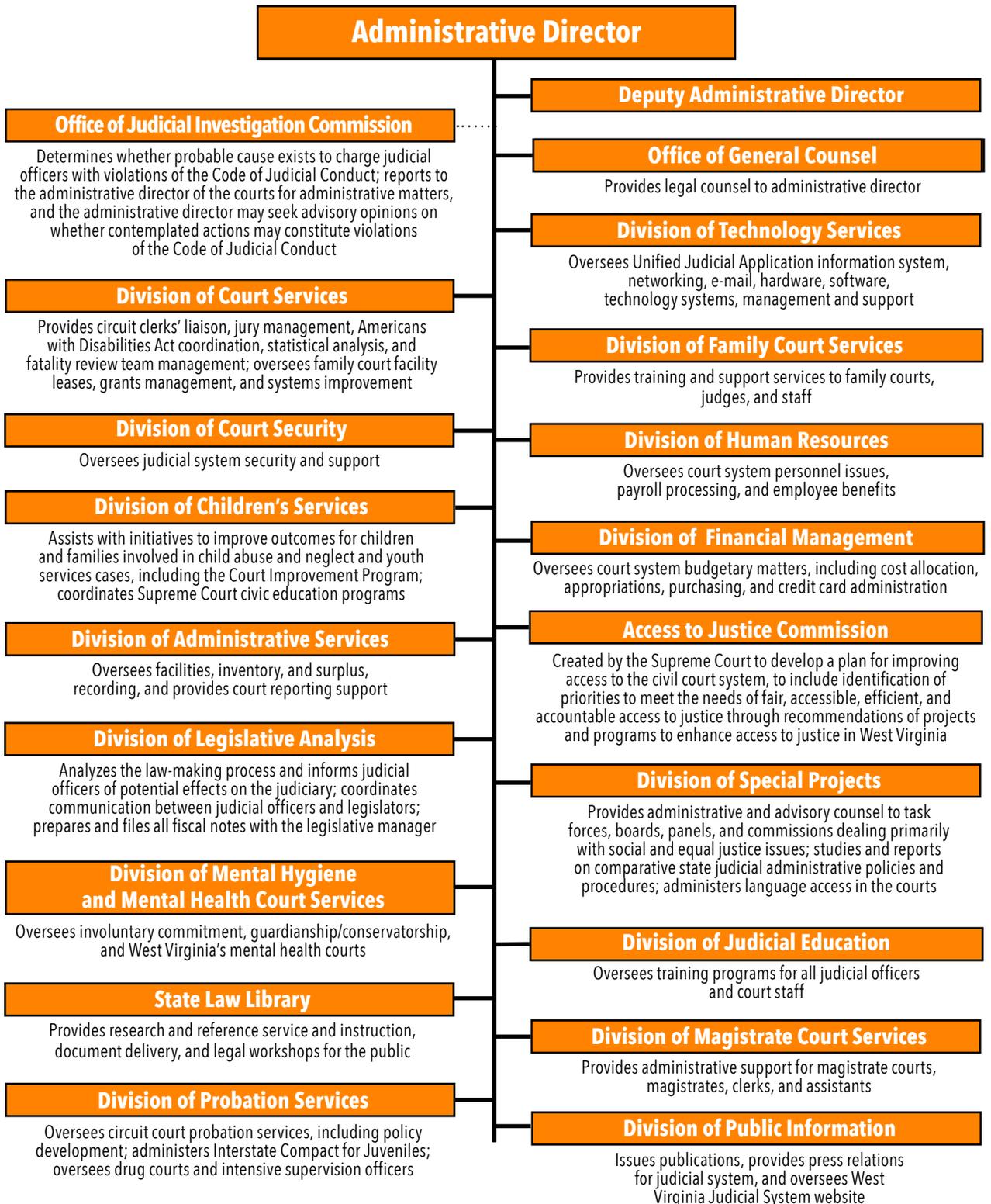


Jurisdiction:

Ordinance and traffic violations. Municipal courts are organized and operated at the local level.

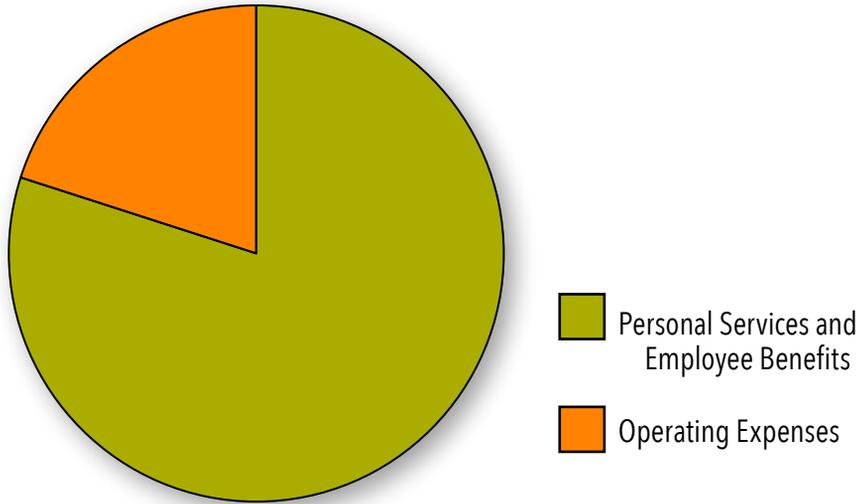


The Administrative Office of the Courts provides support to the Supreme Court of Appeals and the entire state court system. The administrative director, a constitutional officer, is appointed by the Supreme Court and oversees the Administrative Office of the Courts.



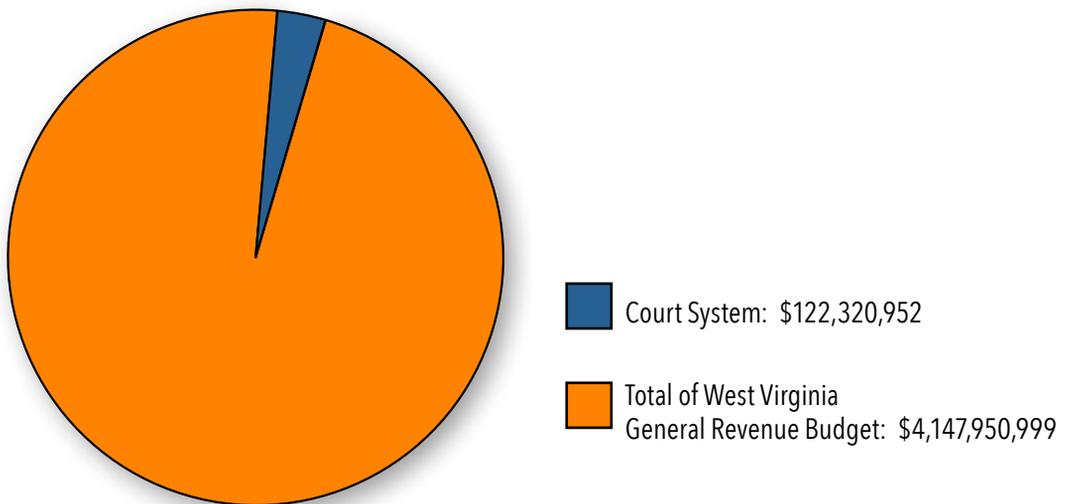
Court System Budget

Fiscal Year 2013 (July 1, 2012 – June 30, 2013)



Personal Services and Employee Benefits:	\$ 98,239,707
Operating Expenses	\$ 24,081,245
	\$122,320,952

State of West Virginia Fiscal Year 2013 Budget



The court system budget represents about 3 percent of West Virginia's General Revenue budget of \$4,147,950,999.

Court Expenditures by County in Fiscal 2013

July 2012-June 2013

	Circuit Court	Family Court	Magistrate	Total
Barbour	\$ 68,645	\$ 288,917	\$ 412,234	\$ 769,796
Berkeley	3,310,937	317,452	1,276,715	4,905,104
Boone	1,255,423	377,494	511,635	2,144,552
Braxton	1,005,611	312,438	504,624	1,822,673
Brooke	2,106,218	32,481	487,017	2,625,716
Cabell	4,122,073	792,004	1,594,128	6,508,205
Calhoun	100,636	24,359	394,701	519,696
Clay	321,179	10,412	400,628	732,219
Doddridge	346,215	10,808	433,794	790,817
Fayette	2,050,610	354,125	952,339	3,357,074
Gilmer	79,037	4,866	376,571	460,474
Grant	573,715	23,352	391,898	988,965
Greenbrier	2,275,123	307,541	831,448	3,414,112
Hampshire	1,125,105	27,333	508,560	1,660,998
Hancock	827,373	21,842	695,180	1,544,395
Hardy	772,796	307,007	402,386	1,482,189
Harrison	3,044,230	641,659	1,156,907	4,842,796
Jackson	836,691	333,526	520,595	1,690,812
Jefferson	1,376,781	543,149	785,184	2,705,114
Kanawha	8,721,487	2,036,432	2,544,997	13,302,916
Lewis	374,921	25,970	481,911	882,802
Lincoln	1,314,094	498,851	452,274	2,265,219
Logan	2,436,429	597,135	865,005	3,898,569
Marion	2,019,726	334,903	958,487	3,313,116
Marshall	1,868,407	15,421	787,136	2,670,964
Mason	939,256	352,176	497,763	1,789,195
McDowell	1,663,955	145,906	630,758	2,440,619
Mercer	3,645,481	1,099,469	1,254,856	5,999,806
Mineral	1,182,030	16,496	444,539	1,643,065
Mingo	989,094	296,731	735,569	2,021,394
Monongalia	3,062,023	630,202	1,148,988	4,841,213
Monroe	591,912	17,817	398,172	1,007,901
Morgan	417,853	276,774	430,161	1,124,788
Nicholas	1,100,871	285,493	703,887	2,090,251
Ohio	1,687,388	661,482	1,024,234	3,373,104
Pendleton	242,883	26,598	421,763	691,244
Pleasants	511,163	4,350	404,360	919,873
Pocahontas	92,275	12,544	411,554	516,373
Preston	1,071,985	22,300	699,046	1,793,331
Putnam	1,985,709	366,889	777,721	3,130,319
Raleigh	2,934,823	940,177	1,276,551	5,151,551
Randolph	1,245,344	323,397	681,420	2,250,161
Ritchie	222,157	2,446	501,140	725,743
Roane	252,544	275,025	485,189	1,012,758
Summers	315,613	16,996	407,223	739,832
Taylor	1,044,986	12,719	428,569	1,486,274
Tucker	388,343	4,468	418,943	811,754
Tyler	42,298	1,673	441,744	485,715
Upshur	950,215	40,137	525,318	1,515,670
Wayne	1,845,791	367,896	696,166	2,909,853
Webster	604,851	276,302	370,762	1,251,915
Wetzel	379,565	281,851	424,083	1,085,499
Wirt	23,942	13,038	379,540	416,520
Wood	3,774,948	674,161	1,090,891	5,540,000
Wyoming	991,850	35,701	727,314	1,754,865

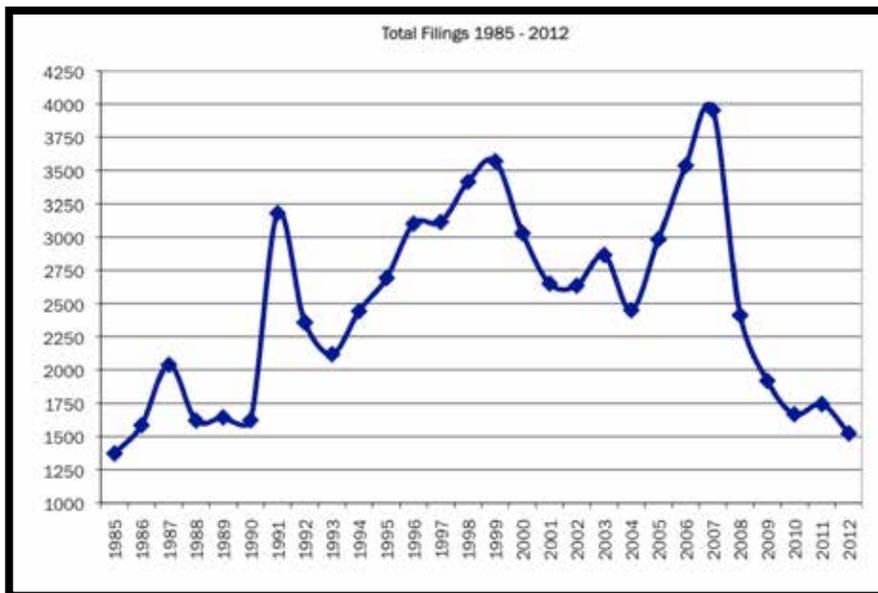


Supreme Court of Appeals of West Virginia 2012 Statistical Report

Rory L. Perry II, Clerk of Court

Case Filings at Lowest Level in More Than Twenty-Five Years

Case filings at the Supreme Court of Appeals of West Virginia continued to decline in 2012, reaching the lowest level in more than twenty-five years. Indeed, the number of incoming cases has declined by half since 1999. That year, a total of 3,569 new cases were filed, compared to 1,524 in 2012. The following chart depicts filings from 1985 to 2012.



Workers' compensation appeals were the most important factor in the Court's caseload over the previous decade. Incoming cases reached an all-time high in 2007, when 3,954 new cases were filed, due to the fact that two-thirds of new filings were workers' compensation appeals. This disproportionate number of incoming cases was a result of the administrative transition in the workers' compensation system, and it was temporary. The legislative reforms and privatization of the workers' compensation system in West Virginia now have been fully accomplished. The number of incoming workers' compensation appeals was 446 in 2012, and workers' compensation appeals made up only 29 percent of case filings, the lowest percentage since 1986.

Increased Detail in Case Type Categories Shows Breadth of the Court's Workload

When most people consider the types of cases that a state court of last resort handles, they might imagine that important business disputes or weighty constitutional questions take up most of the Court's time. In fact, cases of that nature are relatively rare. Instead, the vast majority of the work of the Court involves criminal appeals, abuse and neglect appeals, workers' compensation appeals, administrative appeals, and cases involving property and contract disputes. In order to bring a higher degree of transparency to the work of the Court and to foster better public understanding of the caseload, in 2011 the Court began implementing the national reporting guidelines¹ developed in the *State Court Guide to Statistical Reporting* by the National Center for State Courts. The first component of the *Guide* to be implemented was the use of detailed case type codes to identify merits decisions on the Court's website.² In coming years, additional components of the *Guide* will be implemented as well, such as more detailed reporting on the manner of disposition.

Beginning in 2011, the Court's caseload was reported using the more detailed case types set forth in the *Guide*. Although this departure from the method used in prior years will make comparisons slightly more difficult – at least initially – use of the case types set forth in the *Guide* will modernize West Virginia's appellate case reporting and bring West Virginia into parity with the growing number of states that seek to understand their appellate caseload better.

¹Version 1.3 of the *State Court Guide to Statistical Reporting* is available online at http://www.ncsconline.org/D_Research/csp/CSPStatisticsGuidev1.3.pdf. The Court Statistics Project has wide variety of reports and other resources available at <http://www.courtstatistics.org>.

²All opinions and memorandum decisions issued by the Court are posted on the West Virginia Judiciary website in an integrated decision list that identifies the decision type and case type. The decision type and case type codes are explained using the definitions supplied in the *Guide*. See <http://www.courtsv.wv.gov/supreme-court/integrated-decision-list-explained.html>.

The table to the right shows the distribution of incoming filings in 2012 compared to 2011. Overall, 85 percent of incoming filings in 2012 were appeals by right, which the Court is required to decide on the merits. The remaining 15 percent of filings fell into the original jurisdiction/other category, over which the Court continues to have discretionary review. Filings in 2012 dropped 13 percent overall compared to 2011.

Implementing the Appeal by Right Continues to Increase the Number of Decisions on the Merits

In late 2010 the Supreme Court of Appeals of West Virginia made sweeping changes to its rules of procedure. The new rules eliminate the appeal by permission and replace it with an appeal by right. As confirmed by the National Center for State Courts, the Revised Rules of Appellate Procedure define the appeal by right as a case that the Court must review, instead of a case that the Court can choose to review. What this means for litigants is that each properly prepared appeal is fully decided on its merits, and appeals are no longer refused.

In 2011 – the first full year of implementing the appeal by right – the number of merits decisions issued by the Court more than tripled when compared to the previous system. In 2012, the increase continued, with a 34 percent increase in the total number of decisions compared to the prior year.

The overall increase in decisions on the merits includes an increase in the number of opinions. The Court issued a total of 122 opinions in 2012 compared to one hundred opinions in 2011. For fifty-three years of the Court's history fewer than one hundred opinions were issued, and the number of opinions issued last year signals the Court's continuing commitment to fulfill its constitutional role of establishing the common law through published opinions. The Court issues two types of published opinions. Signed opinions are used when a new point of law is announced, while *per curiam* opinions are used to apply settled principles of law to facts necessarily differing from those at issue in signed opinions.³

³In syllabus points two, three, and four of *Walker v. Doe*, the Court articulated the difference between signed opinions and *per curiam* opinions. "This Court will use signed opinions when new points of law are announced and those points will be articulated through syllabus points as required by our state constitution." Syllabus Point Two. "*Per curiam* opinions have precedential value as an application of settled principles of law to facts necessarily differing from those at issue in signed opinions. The value of a *per curiam* opinion arises in part from the guidance such decisions can provide to the lower courts regarding the proper application of the syllabus points of law relied upon to reach decisions in those cases." Syllabus Point Three. "A *per curiam* opinion may be cited as support for a legal argument." Syllabus Point Four.

Appeals By Right	2011	2012	Change
Abuse & Neglect	229	195	-34
Administrative	68	32	-36
Administrative - Tax	8	10	+2
Civil - Torts, Contracts, Real Property	208	223	+15
Civil - Probate	8	5	-3
Civil - Other	158	139	-19
Criminal - Felony	214	166	-48
Criminal - Misdemeanor	11	9	-2
Criminal - Other	6	6	0
Domestic Violence	3	4	+1
Family	45	48	+3
Workers' Compensation	532	446	-86
Total Appeals by Right	1,744	1,524	-207

Original Proceeding/Other

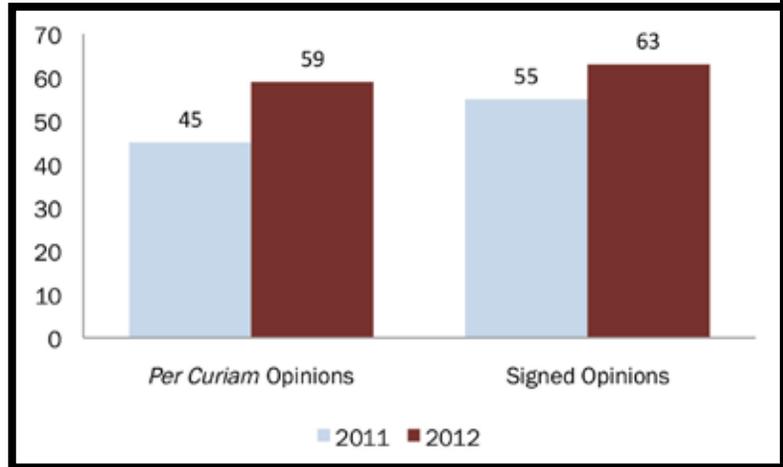
<i>Certiorari</i>	2	1	-1
Certified Question	7	13	+6
Habeas Corpus	45	43	-2
Mandamus	88	68	-20
Prohibition	71	71	0

Decisions on the Merits	2011	2012
Abuse & Neglect	145	201
Administrative	27	35
Administrative - Tax	3	2
Civil - Torts, Contracts, Real Property	92	104
Civil - Probate	3	5
Civil - Other	37	94
Criminal - Felony	105	105
Criminal - Misdemeanor	7	6
Criminal - Other	3	1
Family	23	25
Workers' Compensation	209	297
<i>Certiorari</i>	1	0
Certified Question	1	4
Habeas Corpus	0	0
Mandamus	4	9
Prohibition	12	14
Lawyer Discipline	5	5
Judicial Discipline	0	1
Lawyer Admission	1	0
GRAND TOTAL	678	908
		Overall 34% increase

Of the 122 opinions released by the Court in 2012, sixty-three were signed opinions and fifty-nine were *per curiam* opinions. By issuing more signed opinions than *per curiam* opinions, the Court continues to reverse a trend that began in 1997 and lasted for fourteen years. In 1997, for the first time in the history of the Court, the number of *per curiam* opinions exceeded the number of signed opinions, establishing a general trend that continued through 2010. The ongoing shift in 2011 and 2012 to more signed opinions may signal that the screening mechanisms set forth in Rule 20 – which were adopted in large part from the Final Report of the West Virginia Independent Commission on Judicial Reform⁴– are in fact accomplishing the goal of allowing counsel and the Court to identify cases with important legal issues.

The Court continues to keep pace with the number of incoming cases. The Court more than complies with the time standards for appellate courts that are recommended by the American Bar Association, with well over 90 percent of appeals being resolved in less than one year of the date they are mature for consideration. In the case categories that take priority, such as those involving the abuse and neglect of children, the average age at disposition is less than nine months. The lack of delay is very important in these cases because there is no permanency for the children involved until the appeal is fully concluded.

The foremost management task facing the Court in 2012 was to continue the stable transition to an appeal by right. By continuing to increase the number of decisions on the merits and keeping pace with incoming filings, the Court successfully made that transition.



⁴Final Report of the West Virginia Independent Commission on Judicial Reform at 37 (November 15, 2009) available at <http://www.scribd.com/doc/22604435/West-Virginia-Independent-Commission-on-Judicial-Reform-Final-Report>.

The Revised Rules of Appellate Procedure are Working

By Chief Justice Menis Ketchum



Although the number of appeals filed in 2012 decreased, the Supreme Court of Appeals of West Virginia issued 908 written decisions. The number of decisions will continue to increase in 2013. Indeed, in the first six months of 2013 the number of written decisions totaled 764, and the number of decisions is expected to exceed 1,300 for the year.

While 1,300 annual written decisions may seem like a lot, the Court has had no problem giving each case sufficient consideration. The Court begins its study and research on each appeal within thirty days after the appeal is mature and all of the briefs have been filed by the parties. Thereafter, a written decision is usually issued within eight months.

As the Court becomes more acclimated to the new appellate rules implemented on December 1, 2010, it should become even more efficient in providing quality review of the declining number of appeals filed in the coming years.

2012 Visiting Judges

When a Supreme Court Justice is unable to serve in a case due to reasons such as illness or disqualification, Article III Section 2 of the West Virginia Constitution allows the Chief Justice to assign a circuit court judge to serve. The visiting judge then participates in all private conferences and hearings and votes on that case. The following is a list of judges who were so assigned in 2012 and the cases in which they participated.



Judge Thomas A. Bedell, Fifteenth Judicial Circuit (Harrison County) April 18 Rule 20 Argument Docket: *Randy Hammond, et al. v. WV Department of Transportation, Division of Highways and Division of Personnel* (No. 11-0284)



Judge John L. Marks, Jr., Fifteenth Judicial Circuit (Harrison County)
September 4 Rule 20 Argument Docket: *State of West Virginia ex rel. Allen H. Loughry II, candidate for Supreme Court of Appeals of West Virginia vs. Natalie E. Tennant, in her official capacity as West Virginia Secretary of State, et al.* (No. 12-0899)



Judge Paul T. Farrell, Sixth Judicial Circuit (Cabell County) September 5 Rule 20 Argument Docket: *Aracoma Coal Co., et al. v. Mine Safety Appliance Co., et al.* (No. 12-0081) Settled prior to argument.

October 17 Rule 20 Argument Docket: *R.K. v. St. Mary's Medical Center, Inc.* (No. 11-0924)

October 17 Rule 20 Argument Docket: *Delorice Bragg, Administratrix of the Estate of Don Israel Bragg; and Freda Hatfield, Administratrix of the Estate of Ellery Hatfield v. United States of America* (No. 12-0850)



Judge James P. Mazzone, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
September 4 Rule 20 Argument Docket: *State of West Virginia ex rel. Allen H. Loughry II, candidate for Supreme Court of Appeals of West Virginia v. Natalie E. Tennant, in her official capacity as West Virginia Secretary of State, et al.* (No. 12-0899)



Judge Martin J. Gaujot, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)

June 6 Rule 20 Argument Docket: *Sharon A. Marchio v. Clarksburg Nursing Rehabilitation Center, et al.* (No. 35635)



Judge David M. Pancake, Sixth Judicial Circuit (Cabell County) January 25 Rule 19 Argument Docket: *Rebuild America, Inc., and REO America v. Mark and Tammy Davis, et al.* (No. 11-0592)

June 6 Rule 20 Argument Docket: *Clayton Brown v. Genesis Health Care Corp., et al.* (No. 35494)

June 6 Rule 20 Argument Docket: *Jeffrey Taylor v. MHCC, Inc. f/k/a Marmet Health Care Center* (No. 35546)



Judge Phillip M. Stowers, Twenty-Ninth Judicial Circuit (Putnam County) September 5 Rule 19 Argument Docket: *Robert L. Meadows, II, and Rhonda K. Meadows, his wife v. Massey Coal Services, Inc., and Independence Coal Company, Inc.* (No. 11-0631)



Judge John A. Hutchison, Tenth Judicial Circuit (Raleigh County)

January 18 Rule 20 Argument Docket: *Katy Addair, Administratrix, et al. v. Litwar Processing Company, et al.* (No. 11-0397)



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

May 23 Rule 20 Argument Docket: *Jan H. Cunningham and Lynn Cunningham v. Herbert J. Thomas Memorial Hospital Association* (No. 11-0398)



Judge Thomas H. Keadle, Twenty-Sixth Judicial Circuit (Lewis and Upshur Counties)

October 23 Rule 20 Argument Docket: *State Farm Mutual Automobile Insurance Company v. Jill F. Schatken and Steven N. Schatken* (No. 11-1142)

September 4 Rule 20 Argument Docket: *State of West Virginia ex rel. Allen H. Loughry II, candidate for Supreme Court of Appeals of West Virginia v. Natalie E. Tennant, in her official capacity as West Virginia Secretary of State, et al.* (No. 12-0899)

2012 Court Board and Committee Members

West Virginia Board of Law Examiners

Members evaluate educational background, credentials, character and fitness, and competence of each applicant for admission to the practice of law in West Virginia under the Supreme Court Rules for Admission.

Rule 1.0, Rules for Admission to the Practice of Law

Janice Lee Murray Hall, Esquire, President (Huntington)
Roslyn Payne Artis, Esquire, Vice President (Beckley)
Sue Anne Howard, Esquire (Wheeling)
Bradley J. Pyles, Esquire (Logan)
Ancil G. Ramey, Esquire (Huntington)
Lawrence M. Schultz, Esquire (Martinsburg)
Ward D. Stone, Jr., Esquire (Morgantown)

Judicial Hearing Board

Members have the authority to conduct hearings on formal complaints filed by the Judicial Investigation Commission and to make recommendations to the Supreme Court of Appeals regarding disposition of those complaints.

Rule 3.6, Rules of Judicial Disciplinary Procedure

Circuit Judge Lawrance S. Miller, Jr., Chairman, Eighteenth Judicial Circuit (Preston County)
Senior Status Judge Robert G. Chafin, Vice-Chairman (Wayne County)
Circuit Judge Alan D. Moats, Nineteenth Judicial Circuit (Barbour and Taylor Counties)
Circuit Judge Jaymie G. Wilfong, Twentieth Judicial Circuit (Randolph County)
Family Court Judge Beth Longo, Twenty-First Family Court Circuit (Barbour and Taylor Counties)
Magistrate Tina M. Mouser (Barbour County)
Jacqueline Farrell (Huntington)
Holly S. Planinsic, Esquire (Wheeling)
George Poole (Williamson)
Board Counsel: Ancil G. Ramey, Esquire

Judicial Investigation Commission

Members determine whether probable cause exists to charge a judicial officer with a violation of the Code of Judicial Conduct promulgated by the Supreme Court of Appeals to govern the ethical conduct of judges or that a judge, because of physical or mental incapacity, should not continue to serve.

Rule 1, Rules of Judicial Disciplinary Procedure

Circuit Judge Ronald E. Wilson, Chairman, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Magistrate Gail C. Boober, Vice Chairman (Jefferson County)
Circuit Judge H. L. Kirkpatrick III, Tenth Judicial Circuit (Raleigh County)
Circuit Judge Christopher C. Wilkes, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)
Family Court Judge Robert C. Hicks, Second Family Court Circuit (Marshall, Tyler, and Wetzel Counties)
Andrew N. Frye, Jr., Senior Status Circuit Judge (Grant County)
Thomas F. Burgoyne (Wheeling)
Alice A. Chakmakian, Esquire (Charles Town)
Robert P. Fitzsimmons, Esquire (Wheeling)
Commission Counsel: Teresa A. Tarr, Esquire
Commission Secretary: Nancy Black

Mass Litigation Panel

The panel develops and implements case management and trial methodologies to resolve mass litigation referred to it by the Chief Justice. The panel also develops and implements plans for central organization for managing mass litigation.

Rule 26.01, West Virginia Trial Court Rules

Circuit Judge Alan D. Moats, Chairman, Nineteenth Judicial Circuit (Barbour and Taylor Counties)
Circuit Judge Thomas C. Evans, III, Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties)
Circuit Judge John A. Hutchison, Tenth Judicial Circuit (Raleigh County)
Circuit Judge Jay M. Hoke, Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties)
Circuit Judge James P. Mazzone, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Circuit Judge Booker T. Stephens, Eighth Judicial Circuit (McDowell County)
Circuit Judge Derek C. Swope, Ninth Judicial Circuit (Mercer County)
Mass Litigation Manager: Kimberley R. Fields, Esquire
Mass Litigation Administrative Assistant: Debra K. Brogan

West Virginia Court Security Board

Board members make decisions on how money in the Court Security Fund is spent to enhance the security of courts.

W.Va. Code § 51-3-15

Chairman, Steven D. Canterbury, Supreme Court Administrative Director
Circuit Judge Jack Alsop, Fourteenth Judicial Circuit (Braxton, Clay, Gilmer, and Webster Counties)
Family Court Judge Amanda See, Twenty-Fifth Family Court Circuit (Grant, Hardy, and Pendleton Counties)
Gilmer County Magistrate Carol Wolfe
Preston County Circuit Clerk Betsy Castle
Ritchie County Sheriff Bryan Backus
Captain Dave Lemmon, Troop Four Commander, West Virginia State Police
L. David Duffield, Esquire (Huntington)
Staff from Supreme Court Administrative Office:
Arthur Angus, Director of Court Security
Jess Gundy, Deputy Director of Court Security
Janis Kitzmiller, Grants Account Manager
Angela Saunders, Director of Court Services
Matt Arrowood, Deputy Director of Court Services
Staff from Division of Criminal Justice and Community Services:
Leslie Boggess, Deputy Director
April Dickenson, Criminal Justice Specialist II
Bonnie Bevers, Senior Criminal Justice Specialist
Ramona Snyder, Secretary

West Virginia Wiretapping and Electronic Surveillance Act

The Act requires the Chief Justice to designate five active circuit court judges individually to hear and rule upon applications for orders authorizing the interception of wire, oral, or electronic communications.

W.V. Code § 62-1D-7

Circuit Judge Robert A. Burnside, Jr., Tenth Judicial Circuit (Raleigh County)
Circuit Judge Russell M. Clawges, Jr., Seventeenth Judicial Circuit (Monongalia County)
Circuit Judge David W. Hummel, Jr., Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties)
Circuit Judge Phillip M. Stowers, Twenty-Ninth Judicial Circuit (Putnam County)
Circuit Judge Christopher C. Wilkes, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

Business Court Division Opens

Supreme Court Justices Robin Jean Davis and Brent D. Benjamin, Business Court Division Chairman Christopher Wilkes, and Berkeley County Council President Dr. William Stublefield unveiled the new Business Court Division's headquarters in a ceremony on October 10 in the Berkeley County Judicial Center.

About one hundred people attended the event, which was emceed by Supreme Court Administrative Director Steve Canterbury.

"This is an important day for the judicial system in West Virginia, for the business community in West Virginia, and for the Eastern Panhandle," Justice Davis said.

The Business Court Division is housed in the Berkeley County Judicial Center's former law library. It is the first Supreme Court division to be located outside of Charleston.

"I want to say how proud I am of Berkeley County," said Judge Wilkes, Chief Judge in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties). "I think we have shown statewide that Berkeley County and the Eastern Panhandle are growing in population, diversity, legal skills, and judicial leadership."

Judge Wilkes thanked House Speaker Rick Thompson, who introduced legislation asking the Supreme Court to study a business court, and Justice Benjamin, who took Director Canterbury on an early fact-finding trip to study Delaware's chancery court.

Justice Davis said the Business Court Committee and Supreme Court worked "really, really hard" on Trial Court Rule 29, which governs the Business Court Division. Justice Davis presented Judge Wilkes a framed copy of the rules at the opening ceremony.

"In the business world, time is money. The Business Court Division is designed to expedite litigation between businesses," Justice Davis said. "The goal in every case will be to come to a resolution within ten months - that's right, ten MONTHS - from the date the case is assigned to the division. In the federal system they call that a 'rocket docket.'"

Division judges have a background in business law and have availed themselves of continuing legal education opportunities at George Mason University Law School, which also staffs the American College of Business Court Judges.

The judges who serve with Judge Wilkes on the Business Court Division are Judge James Rowe of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties); Judge Donald Cookman of the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties); and Judge James Young, Jr., of the Twenty-Fourth Judicial Circuit (Wayne County). All their terms - except that of Judge Young - began on October 10. Judge Young's term will begin on January 1, 2013. The new division can have up to seven judges. Others will be added as needed. The circuit judges have added this task to their duties, with no additional pay.

Judge Wilkes, Judge Rowe, and Judge Cookman all served on the Committee that began studying the idea of a Business Court in West Virginia in June 2011. The other members of that Committee were Judge Rudolph Murenky of the Eighth Judicial Circuit (McDowell County) and Judge Susan Tucker of the Seventeenth Judicial Circuit (Monongalia County). The chairman of that Business Court Committee was Judge Darrell Pratt of the Twenty-Fourth Judicial Circuit (Wayne County).

West Virginia is the twenty-eighth state to provide a business court of some kind. In many states, only one or two jurisdictions have a business court. West Virginia's is statewide and operates in seven regions. Cases can be referred to the Business Court Division from any county by the Chief Justice and any party or judge may file a motion to have a case referred there.



Justice Robin Jean Davis, right, gives Business Court Division Chairman Christopher Wilkes, left, a framed copy of the Business Court Rules during the opening ceremony for the division headquarters at the Berkeley County Judicial Center in Martinsburg on October 10, 2012. Justice Davis oversaw development of the rules on behalf of the Supreme Court. Photo by April Harless

Mass Litigation Panel

The Chairman of the Mass Litigation Panel is Judge Alan D. Moats of the Nineteenth Judicial Circuit (Barbour and Taylor Counties). Members of the panel are Judge Thomas C. Evans, III, of the Fifth Judicial Circuit (Jackson and Mason Counties); Judge Jay M. Hoke of the Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties); Judge John A. Hutchison of the Tenth Judicial Circuit (Raleigh County); Judge James P. Mazzone of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties); Judge Booker T. Stephens of the Eighth Judicial Circuit (McDowell County); and Judge Derek C. Swope of the Ninth Judicial Circuit (Mercer County).

The following is a list of mass litigation referred to the panel, the county in which the litigation is pending, and the judge or judges assigned to the litigation.

Asbestos Personal Injury Litigation-Kanawha County

Ronald E. Wilson, Presiding Judge¹
Mark A. Karl, Assisting Judge
James P. Mazzone, Assisting Judge

FELA Asbestos Litigation-Kanawha County

Arthur M. Recht, Presiding Judge²
Jay M. Hoke, Assisting Judge

Digitex® Litigation-Kanawha County

Alan D. Moats, Lead Presiding Judge
Booker T. Stephens, Presiding Judge
Derek C. Swope, Presiding Judge

Float-Sink Litigation-Raleigh County

John A. Hutchison, Lead Presiding Judge
Thomas C. Evans, III, Presiding Judge
Alan D. Moats, Presiding Judge
Jay M. Hoke, Lead Resolution Judge
James P. Mazzone, Resolution Judge
Booker T. Stephens, Resolution Judge

Flood Litigation-Raleigh County

John A. Hutchison, Lead Presiding Judge
Jay M. Hoke, Presiding Judge
Derek C. Swope, Presiding Judge
Booker T. Stephens, Lead Resolution Judge
James P. Mazzone, Resolution Judge
Alan D. Moats, Resolution Judge

Mingo County Coal Slurry Litigation-Ohio County

James P. Mazzone, Lead Presiding Judge
Jay M. Hoke, Presiding Judge
John A. Hutchison, Presiding Judge
Alan D. Moats, Resolution Judge
Derek C. Swope, Lead Resolution Judge

Mountain State University Litigation-Kanawha County

Alan D. Moats, Lead Presiding Judge
Thomas C. Evans, III, Presiding Judge
Derek C. Swope, Presiding Judge
Booker T. Stephens, Lead Resolution Judge
James P. Mazzone, Resolution Judge

Overweight Trucks Litigation-Lincoln County

Jay M. Hoke, Presiding Judge

Tobacco Litigation-Ohio County

Arthur M. Recht, Presiding Judge

Digitex® Litigation

The final order dismissing the Digitex® Litigation and removing the cases from the Court's docket was entered on August 15, 2012.

Float-Sink Litigation

The panel granted a number of the defendants' motions for discovery sanctions against plaintiffs and ordered plaintiffs to file amended expert witness disclosures, to make detailed amendments to their responses to the Plaintiff Fact Sheet to supply additional plaintiff-specific detail, and to amend their answers and responses to defendants' discovery requests to supply additional, plaintiff-specific detail.³ The Court also ordered plaintiffs' counsel to pay monetary sanctions to several defendants for costs incurred while trying to enforce their rights to obtain plaintiffs' discovery responses.

Defendants objected to the sufficiency of plaintiffs' amended responses to the Plaintiff Fact Sheets and moved for dismissal. The Court found plaintiffs had failed to comply with the Court's prior discovery orders requiring more complete, plaintiff-specific responses to their Fact Sheets and, therefore, plaintiffs were precluded from presenting any evidence related to their past medical expenses and their expert witness disclosures regarding violation of specific safety standards, statutes, rules, or regulations. The Court also precluded any evidence of medical expenses because of plaintiffs' failure to provide this information in response to discovery requests.

The Court denied several motions for summary judgment based on the statute of limitations, subject to re-filing, and made findings of fact and conclusions of law regarding tolling of the statute of limitations for plaintiffs' deliberate intent claims. Based on the panel's findings, a number of defendants renewed their motions for summary judgment, and most of those motions were granted.

¹Although not serving on the Mass Litigation Panel, First Judicial Circuit (Brooke, Hancock, and Ohio Counties) Judge Ronald E. Wilson presides in the Asbestos Personal Injury Litigation, conducting trial groups of approximately twenty cases in February, June, and October each year.

²Although not currently serving on the Mass Litigation Panel, Senior Status Judge Arthur M. Recht presides in both the FELA Asbestos Litigation and the Tobacco Litigation.

³The Float-Sink Litigation is related to *Katy Addair, et al. v. Litwar Processing Company, LLC*, et al., Civil Action No. 04-C-252 ("the Addair Litigation"), a group of cases pending in the Circuit Court of Wyoming County, West Virginia, since 2004. The same counsel represents the plaintiffs in the Addair Litigation and the Float-Sink Litigation, and the same claims are asserted against the manufacturer, distributor, and employer defendants - that the plaintiffs were harmed as the result of exposure to perchloroethylene (PERC) in the course of their employment in Float-Sink Laboratories in West Virginia. On February 9, 2012, the Supreme Court of Appeals of West Virginia affirmed the Circuit Court of Wyoming County's decision to grant summary judgment to various defendant employers and dismiss the deliberate intent claims of the plaintiffs in the Addair Litigation. The Supreme Court found that, "under the particular facts of the cases underlying this appeal, expert testimony is necessary to establish that the plaintiff petitioners have 'suffered serious compensable injury or compensable death . . . as a direct and proximate result of the specific unsafe working condition.' W. Va. Code § 23-4-2(2)(ii)(E). Because the plaintiff petitioners have been prohibited from presenting such evidence by virtue of sanctions imposed on them by the circuit court, they are unable, as a matter of law, to meet their burden of proof as to this element of their claim." *Katy Addair, et al. v. Litwar Processing Company, LLC*, et al., No. 11-0397 (West Virginia Supreme Court, February 9, 2012, p. 8). Thus, summary judgment was appropriate. The Wyoming County Circuit Court granted all Defendants' motions for summary judgment and dismissed Plaintiffs' claims for deliberate intent, medical monitoring, and products liability on April 12, 2012.

Lead Presiding Judge John A. Hutchison granted an agreed order dismissing plaintiffs' claims against certain manufacturing defendants, an agreed order voluntarily dismissing the employer defendants in thirteen cases, and four other agreed orders of voluntary dismissal for certain employer defendants. Plaintiffs also filed Notices of Anticipated Discontinuance advising the Court and defendants that seventy-two plaintiffs intended to discontinue their deliberate intent, medical monitoring, and product liability causes of action without prejudice. After hearings, the vast majority of these plaintiffs were dismissed with prejudice.

The Court also granted Defendant Litwar Processing's motion for summary judgment based on Plaintiff's failure to establish that Litwar violated any specifically applicable safety regulations or industry safety standards with respect to alleged float-sink chemical exposure, as required to prove a deliberate intent cause of action. The panel found that the Mine Act and Mine Safety and Health Administration regulations preempted Occupational Safety and Health Administration (OSHA) jurisdiction over coal operators; and under applicable federal law, the OSHA regulations the Plaintiff and Plaintiff's expert witness relied upon had no application to Litwar's operations.

Between December 12 and 14, 2012, the Resolution Judges conducted mediation in the forty-two remaining cases. Mediation resulted in settlements between Plaintiffs and the employer defendants against whom distributor defendant Preiser Scientific, Inc., had cross-claims for contribution and indemnity still pending. Although no settlement was reached between Plaintiffs and Preiser, the Resolution Judges agreed to allow the parties to conduct limited discovery before reconvening mediation.

Flood Litigation

The Court recommended, approved, and ordered that unclaimed settlement funds held in the Interest on Lawyer Trust Accounts (IOLTA) of certain plaintiffs' counsel be subject to a *cy pres* award and determined the percentages of such *cy pres* award for each of the counties affected by the July 8, 2001, flooding event. Lead Presiding Judge John A. Hutchison subsequently contacted the chief judge in each affected county to obtain recommendations regarding appropriate *cy pres* award recipients.

Mingo County Coal Slurry Litigation

The Mingo County Coal Slurry Litigation has been concluded. The Court is continuing to enter dismissal orders as individual releases are signed and is working through various post-settlement motions and proposed orders. Additionally, the Court entered an order implementing the medical monitoring protocol.

Mountain State University Litigation

On December 6, 2012, the West Virginia Supreme Court of Appeals referred the Mountain State University Litigation to the Mass Litigation Panel. This litigation consists of 282 cases from four circuits alleging harm caused to plaintiffs as the result of Mountain State University's loss of general accreditation, special accreditations in its nursing and nurse anesthetist programs, and any other educational programs that require independent accreditation. With the advice

and consent of the panel, Judge Alan D. Moats was assigned to serve as Lead Presiding Judge, with Judge Derek C. Swope and Judge Thomas C. Evans, III, assisting as Presiding Judges. Judge Booker T. Stephens was assigned to serve as Lead Resolution Judge, with Judge Jay M. Hoke and Judge James P. Mazzone assisting as Resolution Judges. The litigation was transferred and consolidated in Kanawha County Circuit Court to facilitate the panel's case management and trial methodologies. The panel further ordered the litigation to be subject to electronic filing and service.

Overweight Trucks Litigation

All cases composing this litigation have been settled and resolved.

Electronic Filing and Service in Mass Litigation

From January 2012 through December 2012 in all mass litigation cases subject to electronic filing and service, 80,469 documents were e-filed and 2,520,527 documents were e-served. The statistics represent total volume of the Asbestos Personal Injury, Digitek®, Float-Sink, Flood, Mingo County Coal Slurry, and Tobacco Personal Injury Litigations. The statistics include items rejected in the clerk review process in order to capture all work performed in the various circuit court clerks' offices in these litigations, as well as orders, which do not go through the clerk review process.

During 2012, the number of pages electronically filed in all mass litigation cases subject to electronic filing and service totaled 512,050, which equals a little more than 213 boxes of paper documents, based on 2,400 pages per box. From December 2008, when electronic filing and service was first implemented in certain mass litigation cases, through the end of December 2012, pages filed electronically total 1,587,175, which translates to a little more than 661 boxes of paper documents.

From January 2012 through December 2012, a total of 12,204 orders were entered in mass litigation cases subject to electronic filing and service. That number includes bench orders entered by the judge but filed by a circuit clerk or attorney and orders denying motions as moot or withdrawn.

Orders Subject to Electronic Filing and Service

	Jan-Dec 2012
Tobacco	17
Coal Slurry	491
Float-Sink	179
Flood	3
Digitek	16
Asbestos	11,498
TOTAL	12,204

Truancy Initiative Gains Ground in 2012



Justice Robin Jean Davis talks about judicial truancy programs at the Annual Delegate Assembly of the West Virginia Education Association at the Charleston Marriott Town Center on April 27, 2012. Dale Lee, President of the West Virginia Education Association, stands behind her. Parliamentarian William West is seated in front. Photo by Jennifer Bundy

Half of West Virginia's circuit judges changed the way they handle truancy cases in the first year of an initiative led by Justice Robin Jean Davis, according to a survey in August 2012. Justice Davis and Nineteenth Judicial Circuit (Barbour and Taylor Counties) Judge Alan Moats presented the survey to an interim judiciary committee on September 10, 2012.

In the survey conducted by the Supreme Court's Division of Children's Services, about 55 percent of circuit judges reported that they had a truancy program before Justice Davis and Judge Moats began holding regional community meetings in October 2011. Fifty percent said they changed the way they handle truancy cases as a result of those meetings. About 45 percent said one change their circuit made was to have a judge (themselves or another) monitor or review local statistics on truancy.

Judges also reported more local collaboration. As a result, they said children now typically miss fewer days before a court action is filed, and the number of truancy actions has increased.

About 26 percent of the judges said their circuits had school-based probation officers, and several judges said involving probation officers in truancy works. County school boards fund the salaries of the officers who work in schools full-time to help educators identify student behavior and attendance problems early.

Several counties added truancy probation officers in 2012. For example, the Greenbrier County Board of Education and Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties) Judge James J. Rowe, Chief Probation Officer Fred Taylor, and Supreme Court Director of Probation Services Mike Lacy signed a memorandum of understanding on April 9. Justice Davis and the Putnam County Board of Education signed a memorandum of understanding implementing a truancy probation officer there on May 21.

The judges reported many student success stories. They also reported some challenges, however. They cited a need for more services for status offenders. They said students need transportation to court and to counseling, especially in rural areas. And judges said youth services workers should have higher salaries so there would be a lower turnover rate.

Judge Moats told legislators on the interim committee that educators and judicial officers can track and monitor children, but the community and the Department of Health and Human Resources have to do their part.

"We need the services in the home," he said. "We don't have enough resources."

Throughout West Virginia, judges in 2012 worked to reduce truancy in ways designed to work best in their own circuits.

In Mercer and Kanawha Counties, for example, judges visited schools to talk to students about the importance of attending class. On February 2, Thirteenth Judicial Circuit (Kanawha County) Chief Judge Louis H. "Duke" Bloom talked to students at Tyler Middle School about truancy and showed the Supreme Court film *The Foundation of Justice: Supreme Court of Appeals of West Virginia*.

In September, Ninth Judicial Circuit (Mercer County) Judges Omar Aboulhosn and William J. Sadler visited every school in Mercer County to educate students about the county's new truancy policy. Truancy decreased by 20 percent in Mercer County after the policy was implemented in 2011 and dropped 80 percent for students in the program, according to *The [Bluefield] Daily Telegraph*. Under the policy, parents of students in elementary school attend a pre-trial hearing where they can face abuse and neglect charges for excessive absences. Older students go to court themselves and can be placed on probation.

On April 26, Justice Davis made a surprise visit to four Mercer Elementary School children because their project on truancy won third place in the West Virginia State Social Studies Fair. The project entitled "So what if I miss school?" focused on anti-truancy programs in Mercer County and in West Virginia.

Judge Bloom and Sixth Judicial Circuit (Cabell County) Judge Paul T. Farrell in 2012 were among the judges who held regular court dates for truant students and their parents.

Judge Bloom also held a truancy forum in his courtroom on April 24. Justice Davis, Kanawha County Chief Magistrate Traci Carper-Strickland, representatives of the Kanawha County Board of Education, the Kanawha County Prosecutor's Office, Kanawha County Public Defender's Office, West Virginia Department of Health and Human Resources, and area mental health and youth services agencies attended.

Justice Davis also attended several other events to talk about truancy.

She was the keynote speaker at an Upshur County Schools Dropout Prevention Summit on February 16 at the Benedum Social Hall on the campus of West Virginia Wesleyan College in Buckhannon. Wesleyan President Pamela Balch; Twenty-Sixth Judicial Circuit (Lewis and Upshur Counties) Judge Thomas H. Keadle; and Jodie Akers, Director of Student Services and Attendance for Upshur County Schools, also spoke.

On February 17, Justice Davis and Judge Moats talked about judicial truancy prevention programs at the winter conference of the West Virginia School Board Association at the Charleston Marriott Town Center Hotel.

Justice Davis spoke April 27 to the Annual Delegate Assembly of the West Virginia Education Association at the Charleston Marriott Town Center. She and Twenty-Eighth Judicial Circuit (Nicholas County) Judge Gary L. Johnson talked to about two dozen members of the West Virginia Student Education Association on March 24 at the same hotel.

At the student teachers' meeting, Tina Hellems said she has seen an improvement in students' lives because of Judge Johnson's work and thanked him. Ms. Hellems is a specialized aide in Nicholas County schools who is studying at Bluefield State College to be a teacher.

"I've seen the change," she said.

Putnam County officials have statistically tracked the change in their county. Truancy decreased 60 percent in Putnam County between 2009 and April 2012, according to Twenty-Ninth Judicial Circuit (Putnam County) Chief Judge Phillip M. Stowers.

In the five years before 2009, there was an average of almost 380 new truancy cases each year referred to the Department of Health and Human Resources. In the 2011-2012 academic year, Putnam County Magistrate Linda held about 60 percent fewer truancy diversion hearings than in 2009. In the 2010-2011 school year, she held 50 percent fewer than in 2009.

Putnam County's "Truancy Triage" program brings truancy cases immediately before Magistrate Hunt (a former school counselor) before they are referred to the DHHR. Previously, the cases were referred to the DHHR and then to court. Under the new program, if a juvenile does not comply with the diversion program in magistrate court, a petition is filed moving the case to circuit court, where Judge Stowers holds a hearing within ten days.

"The expedient involvement of the circuit court and the timely diversion hearing has clearly affected overall truancy in Putnam County," Judge Stowers said.



Top: Nineteenth Judicial Circuit (Barbour and Taylor Counties) Chief Judge Alan Moats talks about truancy to the West Virginia School Board Association meeting at the Charleston Marriott Town Center on February 17, 2012. Photo by Jennifer Bundy

Bottom: Twenty-Eighth Judicial Circuit (Nicholas County) Chief Judge Gary Johnson, left, and Justice Robin Jean Davis talk about truancy to the West Virginia Student Education Association at the Charleston Marriott Town Center on March 24, 2012. Photo by Jennifer Bundy

Special Projects Division



Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Chief Judge David Sanders presides over a demonstration of a multi-cast remote videoconferencing unit on April 5, 2012, at the Jefferson County Courthouse in Charles Town. The demonstration was part of the 2012 meeting of the Mid-Atlantic Regional Conference of Chief Justices/Conference of State Court Administrators. *Photo by Michael Switzer*

The Special Projects Division of the Supreme Court Administrative Office provides advisory counsel to the Court, its administrative office, and courts statewide. The division director serves as designee for the Supreme Court and its Administrative Director on task forces, boards, and commissions examining justice issues in West Virginia; prepares policy studies and reports; and drafts court forms, policy guidance, and other materials for statewide use.

Language Access in the Courts

The Special Projects Division administers West Virginia's Language Assistance Plan, intended to ensure meaningful access to the courts for individuals who do not speak English. The U.S. Department of Justice has issued language assistance mandates applicable to state courts that benefit from federal revenue, relevant to Title VI of the Civil Rights Act of 1964.

The language access mission statement in West Virginia requires the court system to provide foreign language interpreters and translation services to all persons of Limited or No English Proficiency (LEP), including parents of non-LEP minors, in criminal and civil court settings, for and during all hearings, trials, and motions, and in important interactions with court personnel. The court system also provides interpreters for preparation in cases that are the responsibility of the state.

The most recent U.S. Census reported that 2.3 percent of West Virginia's citizens speak a language other than English at home. This puts West Virginia ahead of only three other states in being home to foreign-language speakers. Data from FY2011 collected on foreign language services demonstrates that West Virginia courts provided, on average, fewer than eight instances of foreign language interpretation per month. This includes all requested languages provided in both civil and criminal cases.

Spanish is the most frequently-requested language in West Virginia courts, and an individual interpreter from Jefferson County provides nearly one-third of all the state's Spanish interpretation. Despite the comparatively low demand for foreign language interpreters in court settings, West Virginia has emerged as a leader in providing video remote foreign language interpreter and translation services.

All circuit and magistrate courts in West Virginia are equipped to provide qualified foreign language interpreters via videoconferencing units, and interpretation also is provided by telephone where appropriate. A single-source contractor can provide interpreters of all languages other than Spanish by these means. The West Virginia court system also began certifying its own roster of foreign language interpreters in 2012.

In April, 2012, the mid-Atlantic regional section of the National Conference of Chief Justices and Council of State Court Administrators came to West Virginia to observe a demonstration of video remote interpreting technology, hosted by Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Chief Judge David H. Sanders. Chief Justices and State Court Administrators from the eastern part of the United States watched mock hearings, with real-time foreign language interpreters appearing via videoconferencing.

Also in April 2012, Special Projects Director Jennifer Singletary attended the Annual Business Meeting of the Consortium for Language Access in the Courts, which West Virginia joined in 2010. At this Little Rock, Arkansas, meeting, West Virginia Supreme Court Administrative Director Steve Canterbury proposed a new format for reorganization of the Consortium under the National Center for State Courts, and Director Singletary gave a presentation titled: "Bulletproofing Your Language Assistance Plan: A Survey of Resources for Fulfilling the Published Content Recommendations of the U.S. Department of Justice."

Throughout 2012, Director Singletary collaborated with program managers and court officials in other states to prepare a white paper on best practices in video remote interpreting. She presented the paper at a national summit on language access in the courts in October. Also at this summit, Director Singletary gave a presentation titled: "Planning for Interpreter Technology Projects: a Retroactive Application of a Federal Planning Model in Appalachia."

West Virginia summit attendees included Judge Sanders, Twenty-Fifth Family Court Circuit (Grant, Hardy and Pendleton Counties) Judge Amanda See, Marion County Circuit Clerk Barbara Core, Ohio County Circuit Clerk Brenda Miller, and Marshall County Magistrate David Buzzard. They became West Virginia's own Language Access Advisory Group. The group has identified the following areas as priorities to improve language access in West Virginia: training, demographic assessments, quality control, funding interpreter certification, and creating bench cards for judges.

Pretrial Pilots

Pretrial pilot programs authorized by the West Virginia Legislature in 2009 continued operation under the auspices of the Supreme Court until July 2012. The programs sought to minimize unnecessary jail time and its attendant expenses for nonviolent misdemeanants while maintaining public safety. Pilot programs were established in Brooke County, which developed the model for other jurisdictions to follow; Cabell County, where its successful program resulted in the Cabell County Commission awarding raises to the county's civil employees; Greenbrier; Mercer; and Wood Counties.

The programs were awarded grant funding under the West Virginia Community Corrections Act to enhance their programs and to begin reporting data and identifying areas for improvement.

Director Singletary attended the annual meeting of the state association of counties to share information about pretrial programs. She also attended the annual conference of the National Association of Pretrial Services Agencies and met

Justices, state court administrators, and language program managers from eight states and the District of Columbia watch a demonstration of a multi-cast remote videoconferencing unit on April 5, 2012, at the Jefferson County Courthouse in Charles Town. First row from left: West Virginia Justice Robin Davis, Pennsylvania Chief Justice Ronald Castille, and Pennsylvania Court Administrator Zygmunt Pines. Second row from left: Deborah Unitus, Maryland Director of Program Services; Judge Pat Griffin, Delaware Supreme Court Administrator; Brenda Carrasquillo, New Jersey Manager of Language Services Section; Carmel Capati, Wisconsin Court Interpreter Program Manager; Laura Klaversma and John Douglas of National Center for State Courts in Denver. Back row: Eric Washington, Chief Judge of the District of Columbia Court of Appeals. *Photo by Michael Switzer*

with the Berkeley County Commission and others to encourage implementation and improvement of pretrial services in the Eastern Panhandle.

In June 2012, Governor Earl Ray Tomblin, Chief Justice Menis Ketchum, Administrative Director Steve Canterbury, legislative leaders, and other policy makers requested assistance from the Council of State Governments Justice Center to make recommendations for development of a statewide policy framework for justice reinvestment. The Justice Reinvestment Initiative published its analysis and policy options to reduce spending on corrections and invest in strategies to increase public safety. (See Page 30.)

Reentry Program

The Special Projects Division serves as administrative contact for and counsel to the state's only Judicial Reentry Program, located in the First Judicial Circuit (Brooke, Hancock, and Ohio Counties). The program's goal is to reduce West Virginia's prison population by providing an intensive supervision, treatment, and rehabilitation program for eligible candidates, addressing their drug and mental health issues in the hope of breaking the cycle of recidivism. Candidates are screened, then appropriate participants with addiction or mental health issues are monitored and enrolled in out-patient treatment, overseen by parole officers. The program demonstrates extensive cooperation between the judicial and executive branches of government.

Elder Law

Director Singletary is federally certified to train law enforcement officers, court officials and staff, and the public on the topic of elder abuse. Elder abuse is a problem in West Virginia because of the state's aging population and the economic recession. Financial exploitation of West Virginia's seniors is a current focus of both federal and state legislation, and Director Singletary serves on a special Financial Exploitation Task Force. The Supreme Court also participates in the annual statewide commemoration of Elder Abuse Awareness Day in June. In 2012, Director Singletary collaborated with a group that was awarded a federal grant to train court officials, law enforcement, prosecutors, and others on how to serve older victims of violent crime.



Justice Reinvestment Initiative

During the last six months of 2012, the Council of State Governments' Justice Center, in partnership with the Pew Center on the States and the funded by U.S. Department of Justice's Bureau of Justice Assistance, analyzed West Virginia's criminal justice system as part of the "Justice Reinvestment Initiative." The comprehensive, research-based study of factors driving the growth in prison and jail populations ended with recommendations to Governor Earl Ray Tomblin and the Legislature about ways to reduce that growth and associated costs.

If incarceration rates continue to increase at the same pace as the last few years, the West Virginia Division of Justice and Community Services estimates the state prison population will increase by 45 percent to 9,732 people by 2020. Constructing prison beds to ease existing crowding and ensure space for the anticipated growth would cost at least \$200 million, and likely more. It would cost an additional \$70 million annually to operate facilities by FY 2020.

The Justice Reinvestment Initiative was requested by Governor Tomblin, with the cooperation of the Supreme Court and legislative leaders. It was carried out by a twenty-two member panel, including Supreme Court Administrative Director Steve Canterbury, who is also a member of the Council of State Governments (CSG) Justice Center Board.

"This is an issue of importance throughout state government and across party lines," said Chief Justice Menis Ketchum. "By bringing together all three branches of state government, we can work in concert to develop a precise and actionable plan to make a real difference." Administrative Director Steve Canterbury added, "No single agency or administration has the ability to accomplish what we hope to do by focusing our efforts jointly and simultaneously."

Carl Reynolds, the Senior Legal and Policy Advisor for the CSG Justice Center, went over the panel's initial findings at the Fall Circuit Judges Conference in Morgantown. Reynolds, a former Director of the Texas Office of Court Administration, reported the following:

- While West Virginia ranks thirty-second among states for its rate of putting adults behind bars, it leads the nation in prison population growth.



Chief Justice Menis Ketchum, at podium, speaks at the announcement about the Justice Reinvestment Initiative. From left, State Sen. Mark Wills, Governor Earl Ray Tomblin, and House Speaker Rick Thompson. Photo by Steven Rotsch

- Violent crime and arrests for such offenses are on the rise in West Virginia.
- The number of inmates sent to prison because their release on parole or their probation was revoked increased 47 percent between 2005 and 2011. The nearly 5,500 revocation cases tracked by the study cost the state \$168 million. This route to prison is starting to outpace regular commitments.
- Substance abuse is a main cause of prison overcrowding in West Virginia, and a high recidivism rate exacerbates the problem.
- Because West Virginia has the nation's second-highest rate for drug overdose deaths, there should be a greater use of substance-abuse screening and services for inmates.
- West Virginia needs to improve how it matches offenders to supervision and services when placing them on probation, parole, and/or into community-based corrections programs. How offenders are sorted plays a role in the growth of West Virginia's prison population when supervised release is revoked.
- There is a lack of supervision for offenders who "max out" their sentences. Of the 896 such offenders released in 2011, only about one-fourth had earlier been out on parole that was later revoked. Of the remaining 657 released offenders who were never paroled, nearly two-thirds served terms for property, drug, or nonviolent offenses. Without the programs or services that can accompany parole, offenders leave prison more likely to commit new crimes.

"Through an extensive support system, we can help individuals transition from a corrections setting to their new lives in communities throughout our state," Governor Tomblin said.

Supreme Court Administrative Director Steve Canterbury, at head of table, leads the first of many meetings of the Justice Reinvestment Initiative. Photo by Jennifer Bundy



Access to Justice

The Access to Justice Commission continued its work in 2012 to examine and identify barriers faced by West Virginians when using the civil justice system and to analyze possible ways to overcome those barriers.

As a result of the forums held around the state in 2011, the Commission developed committees to review obstacles in specific areas.

A Workers' Compensation Committee will study issues related to access to justice in the administration and litigation of workers' compensation claims in West Virginia. Members of the committee are representative of claimants and employers. In 2012 the committee engaged in open discussion regarding the issues surrounding access to justice by indigent, unrepresented, and underrepresented claimants in the workers' compensation system. The committee studied and discussed a variety of topics including education of claimants in the workers' compensation claims process and litigation system, access to competent legal representation in the specialized field of workers' compensation, and access to claim file materials by injured workers and their attorneys. The committee ultimately narrowed the focus of its discussion to three topics: education and resources available to self-represented litigants, access to claim file materials, and payment of attorney's fees in medical treatment claims currently barred by statute. The committee worked on a bill to revise W. Va. Code § 23-5-16 to be delivered to the Commission, and if approved, introduced during the 2013 legislative session.

The Commission also established a *Pro Bono* Committee to examine, identify, and analyze ways to develop *pro bono* initiatives and to encourage *pro bono* work by attorneys to meet the needs of unrepresented and underrepresented West Virginians. The Commission examined *pro bono* initiatives developed in other states and studied the possibility of implementing them in West Virginia.

As a result of testimony at the 2011 forums, the Commission established a Disabilities Committee to examine barriers experienced by the homeless and those with mental and/or physical disabilities. The committee will review matters concerning the availability and accessibility of guardianship records, the mental hygiene process, sign language interpreters, parking, and physical accessibility to courthouses, among other issues.

An Elder Law Committee is also in place to examine the needs of West Virginia's aging population.

Access to Justice Commission

Chairman

- Robert S. Baker, Esquire

Commission Members

- Brent D. Benjamin
Justice
Supreme Court of Appeals of West Virginia
- Robert M. Bastress, Jr., Esquire
John W. Fisher, II, Professor of Law
West Virginia University College of Law
- Everett Boober
Police Chief, Shepherd University
- Steven D. Canterbury
Administrative Director
Supreme Court of Appeals of West Virginia
- Lisa K. Clark
Family Court Judge
Twelfth Family Court Circuit
(McDowell and Mercer Counties)
- Harry Deitzler, Esquire
- Charles DiSalvo, Esquire
Woodrow A. Potesta Professor of Law
West Virginia Fund for Law in the Public Interest
West Virginia University College of Law
- Jessica Justice Stolarik, Esquire
Assistant Dean
Continuing Legal Education
West Virginia University College of Law
- Michael Kawash, Esquire
- Jim Martin, Esquire
Legal Director
Legal Aid of West Virginia
- Catherine D. McConnell, Esquire
Director
West Virginia Senior Legal Aid, Inc.
- Kevin J. Robinson, Esquire
- Molly Russell
Student Liaison
West Virginia University College of Law
- Jeffrey M. Shawver, Esquire
Deputy General Counsel
Office of Governor Earl Ray Tomblin
- Reagan Whitmyer, Esquire
Assistant Prosecuting Attorney
Kanawha County
- Adrienne Worthy
Executive Director
Legal Aid of West Virginia

Director

- Deborah M. Bogan

State Law Library

The State Law Library was created by Virginia statute in 1849. Originally intended for use by government officials only, the Library now is an integral part of the judicial system and provides legal information to all West Virginia citizens. Its primary mission is to assist the Supreme Court of Appeals of West Virginia, the statewide unified court system, and judicial staff in carrying out the administration of justice. In addition, the Library serves governmental agencies, the legal community, state correctional institution inmates, and the general public.

The West Virginia judicial library system includes the Harrison County Regional Law Library and the State Law Library in Charleston. These libraries have excellent collections of primary legal sources with emphasis on West Virginia case law, codes and regulation. Free computer access to the Internet is also available.

The State Law Library collection includes more than 150,000 volumes or volume equivalents, CD-ROMs, audio-visual materials, and electronic resources providing access to online legal information systems. It is a partial Federal Depository Library with government documents in paper, on microfiche, and in electronic format.

Under the direction of Kaye L. Maerz, State Law Librarian, the Library is open to the public six days a week, providing access to electronic databases as well as an assortment of federal and state print materials, case reporters, statutes, regulations, legislative materials, and periodicals. A staff of two professional librarians and four paraprofessionals provide research and reference assistance, interlibrary loans for court personnel, and a fee-based document delivery service to the public. Patrons may request legal information by phone, fax, and e-mail.

Free wireless Internet access service (WiFi) is available throughout the State Law Library. Levels B and C have areas for those who need a "wired" connection. Access to hookups is available above the tables and carrels around the perimeter of all three floors of the Library.

The Library offers free access to Shepard's® Citation Service online with West Virginia primary law such as the West Virginia Code and Court Rules, state administrative materials, the *West Virginia Law Review*, Martindale-Hubbell law directory, West Virginia Mealey's Litigation NewsBriefs, and state newspapers including the *Charleston Daily Mail*, *The Charleston Gazette*, and *The State Journal*.

The Library offers free workshops on legal-related topics of interest to the public with special programs that focus on assisting self-represented litigants with access to justice and navigating the judicial system. In 2012 the Library held workshops on résumé writing and online job searching. A public open house was held on May 1 in honor of Law Day; National Library Week was observed April 8-14; and Banned Books Week was observed September 30-October 6. Library staff also participated in Library Day at the Legislature in the Capitol rotunda.

For the fourth year, the State Law Library participated in the Volunteer Income Tax Assistance (VITA) program of the Central West Virginia Earned Income Tax Credit (EITC) Coalition. As part of its commitment to public service, the Library offered free assistance with basic income tax preparation for low- to middle-income taxpayers earning less than \$49,000 per year. Certified Library staff members are trained to educate taxpayers to take full advantage of all tax credits to which they are entitled. From January through April 2012, 168 tax returns were prepared. Tax assistance was also offered at the Berkeley County Law Library in Martinsburg where Law Librarian Heather McClung assisted more than 120 taxpayers.

The Library is located in Room E-404 in the East Wing of the Capitol. For information about future programs or workshops, call the State Law Library at (304) 558-2607 or visit the website at www.courtswv.gov/public-resources/law-library/law-library-home.html.



Division of Children's Services



Western Greenbrier Middle School students perform their mock trial at the Supreme Court in Charleston as a reward for winning a category of the Supreme Court's 2012 West Virginia Law Adventure civic education program. *Photo by Michael Switzer*

The Supreme Court of Appeals of West Virginia created a Division of Children's Services within its Administrative Office in 2008, at the suggestion of Administrative Director Steve Canterbury. The Division provides support for the Court Improvement Program and administers the Court's children's programs, including LAWS (story on page 36), West Virginia Law Adventure (story on page 38), Robes to Schools (story on page 40), *Justice Case Files* (graphic novels for high school seniors), iCivics, and Adoption Month activities in November.

Director Nikki Tennis and Public Education Coordinator Kandi Greter collaborate with numerous private non-profit groups and state agencies.

Court Improvement Program

The Supreme Court established the West Virginia Court Improvement Program (CIP) Oversight Board in 1995 to enhance outcomes for children and families in child abuse and neglect cases. Continuing the work of the Broadwater Committee, which the Court established in the mid-1990s, the Court Improvement Program is funded by federal grants from the Administration for Children and Families and matching Court funds. The board, chaired by Twenty-Eighth Judicial Circuit (Nicholas County) Judge Gary L. Johnson, and its subcommittees create, identify, and promote initiatives to improve safety, permanency, well-being, due process, and timely outcomes for children and families in the child welfare system.

Cross-training conferences were among the projects funded in 2012. The conferences bring together judges, prosecutors, child and parent attorneys, foster parents, West Virginia Department of Health and Human Resources caseworkers, social workers, counselors and psychologists, Court Appointed Special Advocate volunteers, law enforcement officers, and others involved in the child abuse and neglect process. The seminars were sponsored by the Supreme Court and the West Virginia Coalition Against Domestic Violence.

More than one thousand participants of multiple disciplines attended the conferences held July 23-24 in Charleston and July 26-27 in Morgantown.

A subcommittee of the CIP Board drafted significant changes to the Rules of Procedure for Child Abuse and Neglect Proceedings that went into effect on January 3, 2012. The Supreme Court approved the rules, which were written by the Court Improvement Program Data, Statutes, and Rules Committee led by Ninth Judicial Circuit (Mercer County) Judge Derek C. Swope. The changes make procedures clearer when placement is disrupted or final orders must be modified, and increase

- Educational stability for children;
- Transitional planning for teens who might reach age eighteen without permanency;
- The right to notice and the right to be heard in hearings and multidisciplinary treatment (MDT) team meetings for foster parents, relative caregivers, and pre-adoptive parents;
- Inclusion of children in hearings and MDT meetings; and
- Quarterly review hearings for transitioning adults ages 19-21.

In addition to rule changes, the committee also drafted legislation that passed as Senate Bill 484 in the 2012 regular legislative session and was effective in July 2012. The legislation

- Amended the Multidisciplinary Treatment Team (MDT) process;
- Made changes to permanency planning, permanency hearings, and child and family case plans;
- Added quarterly review hearings for transitioning adults;
- Provided for use immunity for statements made about underlying allegations in MDT meetings in both child abuse/neglect and juvenile cases;
- Required training for guardians *ad litem* in child abuse/neglect cases (story on page 35);
- Increased hours of continuing legal education for all attorneys in child abuse/neglect cases; and
- Prescribed conditions under which a parent's rights may be reinstated if requested by a child.

With seven subcommittees, the Court Improvement Program has numerous ongoing and new projects. For example, the Benchbook for Child Abuse and Neglect Proceedings and Juvenile Abuse and Neglect Information System (JANIS) are updated regularly.

The CIP Oversight Board in 2012 created a new committee on behavioral health, led by Thirteenth Judicial Circuit (Kanawha County) Chief Judge Louis H. "Duke" Bloom.

The Federal Review Committee, led by Judge Swope, was reignited in its aim to improve federal Title IV-E funding reimbursement for the state; and the Overlap Committee, led by Twelfth Family Court Circuit (McDowell and Mercer Counties) Judge Mary Ellen Griffith, transformed into the Child Protection Across Court Systems (C-PACS) committee.

New View, a project inspired by Georgia's Cold Project, was developed throughout the year, and will be implemented in early 2013. Lawyer "viewers" will explore the cases of fifty children lingering in out-of-home care and make specific recommendations for finding them permanent homes.

Civic Education Programs

The National Center for State Courts has created a series of graphic novels on various legal situations that may be relevant to young adults. A new volume of the series, called *Justice Case Files*, is published about once a year. The Division of Children's Services personalizes and distributes the novels to high school seniors each year.

iCivics is a web-based education project designed to teach students about civics, especially the judicial system, and inspire them to be active participants in democracy. iCivics was envisioned by former U.S. Supreme Court Justice Sandra Day O'Connor. For more information, see www.icivics.org.

Protecting Children



More than 450 attorneys attend the Supreme Court's first mandatory training session for guardians *ad litem* on November 14, 2012, at the Charleston Civic Center. Photo by Jennifer Bundy

Protecting the best interests of children is the polar star that guides the decisions of the Supreme Court of Appeals of West Virginia. To improve children's well-being in the court system, the Court has worked to strengthen the children's representation by guardians *ad litem*.

On April 20, 2012, the Court approved new guidelines for guardians *ad litem* in family court. The Justices are considering new guidelines for guardians *ad litem* in abuse and neglect cases, which are handled in circuit court.

The Supreme Court also approved a pay raise for family court guardians *ad litem* that went into effect on July 1, 2012. On the other hand, child abuse and neglect guardians *ad litem* – as all appointed counsel in child abuse/neglect, juvenile, and criminal cases – have had the same hourly rates since 1990; any increase in their rates has to be approved by the Legislature.

The family court guidelines required all attorneys who wanted to continue to be appointed as guardians *ad litem* to have Supreme Court-provided training by the end of 2012. Guardians *ad litem* in child abuse and neglect cases must have Supreme Court-provided training by July 1, 2013, pursuant to amendments to W.Va. Code §49-6-2(a), effective in July 2012.

In November 2012 the Supreme Court held training sessions for hundreds of attorneys who want to start or continue serving as guardians *ad litem* in both family court and child abuse/neglect cases. About 450 attorneys attended a training session in Charleston on November 14. Another 350 attended a November 16 session in Morgantown. Attorneys who missed the trainings may view the materials and video online at <http://wvcip.com/training.html>. Child abuse and neglect attorneys will have another opportunity to attend live trainings in July 2013.

"The Court believes the job you do is important. That is why we believe the compensation you receive should reflect that," Supreme Court Justice Thomas E. McHugh told the attorneys. "You certainly won't become rich doing this. You certainly will become richer as a human being.

"Families are broken by drugs, violence, and divorce. It is the children who are always caught in the middle," Justice McHugh said. "You could be the last chance some of these children have to be safe and successful in life. I want to stress to you today that you truly do make a difference, and the Court appreciates all you do."

Twelfth Family Court Circuit (McDowell and Mercer Counties) Judge Mary Ellen Griffith leads a panel discussion at a training session for guardians *ad litem* on November 14, 2012, at the Charleston Civic Center. Tenth Family Court Circuit (Boone and Lincoln Counties) Judge Scott Elswick, left, also spoke. Photo by Jennifer Bundy



Supreme Court Hears LAWS Docket in Historic Charles Town



Chief Justice Menis Ketchum talks with Eastern Panhandle high school students attending the LAWS (Legal Advancement for West Virginia Students) program at the Jefferson County Courthouse in Charles Town on March 27, 2012. *Photo by Michael Switzer*

On March 27, the Supreme Court of Appeals heard four cases on a Rule 20 Argument Docket in the same courthouse where abolitionist John Brown was tried for treason in 1859.

The Court was in Charles Town for its annual LAWS (Legal Advancement for West Virginia Students) civic education program.

About 430 students from Musselman, Jefferson, Martinsburg, Berkeley Springs, Washington, and Hedgesville High Schools attended. Teachers previously had been invited to a training session with Supreme Court personnel. Later, volunteer attorneys from the area met with students to discuss the court system and the cases. On the day of LAWS, students heard arguments only in the case they studied. They then met with the attorneys who argued that case in a “debriefing” session in the Commission Room of the Jefferson County Library, one block from the courthouse.

The cases heard in Charles Town were all criminal cases. One petitioner challenged his conviction for robbery, another for causing a multi-vehicle accident that left five people dead. A third appealed the condition of her court-supervised release that prevented her from being near her husband, a convicted felon. The fourth petitioner challenged his sentence for felony murder and child neglect resulting in death.



The Supreme Court in session at the Jefferson County Courthouse in Charles Town on March 27, 2012, for LAWS (Legal Advancement for West Virginia Students), a civic education program held at a different courthouse each year. *Photo by Michael Switzer*

LAWS is a partnership between the court system, schools, the Bar, and the community to teach students about the judicial branch of government. Since Justice Robin Jean Davis began the program when she was Chief Justice in 1999, about five thousand high school and college students in twenty-four counties have participated.

"I want to be a prosecuting attorney, and I feel like it's going to teach me a lot and make me know if I really want to do this or not," Musselman senior Donyelle Murray, 17, told *The (Martinsburg) Journal*.

Musselman civics teacher James Valdesalica said, "It's a learning experience for us both. They get to learn about the legal system, and I get to see them understand it. . . . They are students that are really engaged. It's a pleasure to see them reach their full potential to understand our entire system."

Berkeley County Chief Deputy Prosecuting Attorney Christopher Quasebarth was among the attorneys who volunteered to work with students. "The kids are very excited to be sitting here as part of the audience today. It's a very unique opportunity, and I think they appreciate the fact that not everybody gets to see the Supreme Court," Quasebarth told the newspaper.

The courtroom used for LAWS usually is occupied by Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Judge David Sanders.

"I think it's great for Charles Town and for all the school kids here who get to see their Supreme Court in action," Judge Sanders said. "It's really good theater, interesting, educational, and it's also historically relevant because this was a former regular seat for the West Virginia Supreme Court, right after the state was founded." The Supreme Court regularly heard cases in Charles Town from 1872 to 1912.

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, Lewisburg, and Moundsville.



Above and below: Students ask questions during the LAWS (Legal Advancement for West Virginia Students) program at the Jefferson County Courthouse in Charles Town on March 27, 2012. Photos by Michael Switzer



West Virginia Law Adventure



Justice Thomas E. McHugh poses with Western Greenbrier Middle School students who won their division of the 2012 West Virginia Law Adventure program. The prize was a trip to the Supreme Court and the opportunity to perform a mock trial script they wrote. Justice McHugh presided as judge. *Photo by Michael Switzer*

Supreme Court Justice Thomas E. McHugh presided over two mock trials presented April 27 in the Supreme Court Chamber by the winners of the Court's 2012 West Virginia Law Adventure competition.

Horace Mann Middle School (Kanawha County) students won the mixed grade competition while Western Greenbrier Middle School won the eighth grade competition.

Unlike other mock trial programs in which students act out scripts written by adults, West Virginia Law Adventure requires participating classes to write their own scripts based on one of three criminal case scenarios in the West Virginia Law Adventure rules book. The scenarios are written by the Young Lawyers Section of the West Virginia State Bar.

Each participating class must act out its script in front of a judicial officer – a magistrate, family court judge, or circuit judge – before sending in its entry. Winners in each category are invited to perform their scripts in front of a Supreme Court Justice at the Capitol. Students' trips to the local courthouses and the Supreme Court are paid through a grant from the West Virginia Bar Foundation.

Although not every school won, being able to write a trial transcript, act it out in a real courtroom, and get the feedback of a judge or magistrate was still a good learning opportunity.



Stonewall Jackson Middle School students perform a mock trial script they wrote as part of the West Virginia Law Adventure program. The setting is a courtroom in the Kanawha County Judicial Building. *Photo by Michael Switzer*

Keyser Primary-Middle School students are very competitive every year with their mock trial preparations, teacher Dianna Eary told the *Mineral Daily News-Tribune*. When they visited the Mineral County Courthouse in 2012 to practice in front of Twenty-First Judicial Circuit (Grant, Mineral, and Tucker Counties) Judges Philip B. Jordan and Lynn A. Nelson, Judge Jordan's law clerk suggested an unusual twist: End with a hung jury and an Allen Charge (encouraging jurors to try again).

Given the competitiveness of the students, "We felt the hung jury was the best and the most unexpected ending," Ms. Eary said.

In Kanawha County, Thirteenth Judicial Circuit Judge Louis H. "Duke" Bloom hosted students from Stonewall Jackson Middle School and Horace Mann Middle School for their mock trial practices. He talked to them about courtroom procedures and had his court reporter, bailiff, secretary, and law clerk explain their roles to each group.

Horace Mann teacher Sarah Stover said she likes the Law Adventure program because it teaches so many skills at once.

"Research is a huge part of school, especially in the higher levels, and they have researched every ounce of this," she told WOWK-TV. "It's a writing activity. . . . Problem solving, I mean you use that every day in the classroom, and that's the main focus on this activity."

Below: Students from Western Greenbrier Middle School concentrate during their mock trial in the Supreme Court Chamber on April 27, 2012. Photo by Michael Switzer



Justice Thomas E. McHugh gives pointers to students during their mock trials at the Supreme Court Chamber on April 27, 2012. Photo by Michael Switzer



Above: Students from Stonewall Jackson Middle School perform their mock trial in the Kanawha County Judicial Building in Charleston. Photo by Michael Switzer



Robes to Schools



Supreme Court Clerk Rory Perry and his staff conduct tours of the Supreme Court Chamber throughout the year for school groups. On Citizenship Day, September 14, 2012, Clerk Perry shows off a display that includes a copy of the "test oath" that Justices had to recite in the early days of statehood. *Photo by April Harless*

The Robes to Schools program was established in 2007 to encourage justices, judges, and magistrates to interact more with West Virginia students. The program has been endorsed by the state Board of Education and supports the board's Partnership for Twenty-First Century Skills goal of improving civic literacy. Robes to Schools also supports the Supreme Court's desire to improve the lives of all West Virginia children, not just those who come in direct contact with the court system through a legal case. Among the 2012 events are the following:

- Chief Justice Menis Ketchum spoke to students from St. Albans High School who visited the Supreme Court Chamber on January 18. Chief Justice Ketchum is a former president of the Marshall University Board of Governors and sometimes wears his green Marshall University robe when he talks to school groups, as he did on this day.
- Jefferson County Magistrate Gail C. Boober regularly read to the kindergarten class at Blue Ridge Elementary School and participated in Career Day events at Jefferson County Schools. She chooses a local class each year in which to read aloud.
- Judicial officers across West Virginia read to students in honor of Dr. Seuss' birthday. Read Across America Day is an annual event held on the March 2 birthday of the late Theodor Seuss Geisel, better known as Dr. Seuss. Brooke County Magistrate Robin Snyder read to students at Franklin Primary School; Barbour County Magistrate Kathi McBee read to students at Philippi Elementary School; Hancock County Magistrate William Hicks read to students at Liberty Elementary School; Magistrate Boober read to students at Page Jackson Elementary School and Blue Ridge Elementary School; Kanawha County Magistrate Julie Yeager read to students at Chesapeake Elementary School and Elk Elementary Center; Marshall County Magistrate William Anderson read to students at Central Elementary School; Seventeenth Judicial Circuit (Monongalia County) Judge Russell M. Clawges, Jr., read to students at North Elementary School; and Twenty-Seventh Judicial Circuit (Wyoming County) Judge Warren McGraw read to students at Pineville Elementary School. On March 1, Magistrate Yeager read to students at Montrose Elementary School and Twelfth Family Court Circuit (McDowell and Mercer Counties) Judge Anthony Bisaha read to students at Athens School. On March 9, Twelfth Family Court Circuit (McDowell and Mercer Counties) Judge Mary Ellen Griffith read to students at Melrose Elementary School and Raleigh County Magistrate Stephen D. Massie read to students at Coal City Elementary School.
- Thirteenth Judicial Circuit (Kanawha County) Chief Judge Louis H. "Duke" Bloom hosted forty-five students from Charleston's J.E. Robins Elementary School on March 22 for a negligent death mock trial in the case of a Titanic widow suing the shipping company. The trial was the idea of fifth-grade teacher Amanda Mays, who found the script online. In 2010 she won a \$25,000 Milken Educator Award, a national award for teaching excellence. Charleston attorney Bernard Layne and his law partner, Jonathan Mani, assisted the students. Students played the roles of judge, attorneys, witnesses, and jurors.

■ Four of the Eleventh Family Court Circuit (Kanawha County) Judges presided over mock trials presented by students from all eight county high schools on March 26 and March 29 in a program sponsored by the Kanawha County Family Court Bench/Bar Committee. This is the eighth year that Family Court Judge Mike J. Kelly has led the mock trial program that involves domestic violence, a topic family court judges often handle and that affects the lives of many students. Judge Kelly and Family Court Judges Kenneth Ballard, Robert Montgomery, and Sharon Mullens presided in the trials. The Kanawha County program precedes, and complements, the West Virginia Supreme Court's West Virginia Law Adventure mock trial program. Students act as attorneys, witnesses, and jurors, with the assistance of practicing Kanawha County attorneys.

■ Supreme Court Justice Robin Jean Davis spoke at an end-of-the school-year event celebrating the success of Lewisburg Elementary School's D.A.R.E. program on May 31. D.A.R.E. (Drug Abuse Resistance Education) is a police officer-led series of lessons that teaches children from kindergarten through 12th grade to resist peer pressure, drugs, gangs, and violence. It was founded in 1983 in Los Angeles.

■ Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Judge David H. Sanders participated in a free community lecture and discussion entitled "Race, Law, and Democracy: The West Virginia Experience" on June 2 at the Ramer Center in Martinsburg. The three-hour program included speakers discussing the creation of West Virginia during the Civil War, with a focus on human rights and the law. The Ramer Center is operated by the Berkeley County Board of Education and houses the Sumner-Ramer African American School Museum. The program was sponsored by the Mountain State Bar Association, Attorney General Darrell V. McGraw's Civil Rights Division, the Appalachian Community Fund, and the West Virginia Bar Foundation.

■ Supreme Court Clerk Rory Perry and his staff conducted tours of the Supreme Court Chamber throughout the year for school groups. One or more Justices often dropped in to talk to students as their schedules permitted. On Citizenship Day, September 14, Clerk Perry set up a display that included a copy of the "test oath" that Justices had to recite in the early days of statehood.

■ Magistrate Yeager hosted a criminal litigation class from Kanawha Valley Community and Technical College on September 19. The students toured the Kanawha County Magistrate Court facilities, participated in a mock trial, and watched hearings in the Magistrate Court courtroom. The students were from a class taught by Craig Giffin, Paralegal Studies Program Director at the College.

■ Judge Sanders, Magistrate Boober, and Jefferson County Magistrate William E. Senseney participated in two performances of "A New Home for Liberty: Human Rights, Slavery, and the Creation of West Virginia." The play, written by former Supreme Court Clerk Thomas Rodd, was presented October 20-21 at Shepherd University's Frank Arts Center.



Justice Robin Jean Davis gives an award to a Lewisburg Elementary student during an end-of-the school-year event celebrating the success of the school's D.A.R.E. program May 31, 2012, on the last day of school in Greenbrier County. Photo by Steve Brightwell

Chief Justice Menis Ketchum speaks to students from St. Albans High School who visited the Supreme Court Chamber on January 18, 2012. A former president of the Marshall University Board of Governors, he sometimes wears his green Marshall University robe when he talks to school groups. Photo by April Harless



Supreme Court Outreach



Top left: Chief Justice Menis Ketchum and his wife, Judy, talk to guests at a Marshall University reception for the Supreme Court after the Court heard an Argument Docket at the Joan C. Edwards Performing Arts Center in Huntington on September 18, 2012. *Photo by April Harless*

Above: Supreme Court Clerk Rory Perry, center, Jeff Bosley, left, and Eric Himes, right, working on engineering the webcast of oral arguments at Marshall University. *Photo by Jennifer Bundy*

Left: Chief Justice Menis Ketchum gives the Baker Cup to Adam LoCascio, the winner of West Virginia University College of Law's 2012 moot court appellate advocacy competition, on March 6, 2012. *Photo by Jennifer Bundy*

The Supreme Court of Appeals is committed to improving access to the courts and knowledge about the court system. The Chief Justice writes a column in the State Bar's *West Virginia Lawyer* magazine, and the Court makes its rules, opinions, and other documents available on its continually expanding website, www.courtswv.gov. The Justices, the Court Clerk, Administrative Director, and Administrative Office Division Directors also make numerous speeches throughout the year on topics concerning the court system.

In 2012 the Supreme Court held four Argument Dockets outside of Charleston:

- The Court heard oral arguments in four cases at West Virginia University's College of Law in Morgantown on March 6. Later that day, the Justices judged the law school's annual Baker Cup Moot Court appellate advocacy competition. The Court awarded the Baker Cup to Adam LoCascio, a second lieutenant in the U.S. Marine Corps from Huntington. Caitlin Bailey of Charleston was the runner-up.
- On March 27 the Court heard arguments in four cases at the Jefferson County Courthouse in Charles Town as part of the LAWS (Legal Advancement for West Virginia Students) program. (See story page 36.)
- On September 18 the Court heard arguments in three cases at Marshall University as part of that school's celebration of Constitution Week. The Joan C. Edwards Performing Arts Center in Huntington was packed – at times with standing room only – for the Court's fifth visit to Marshall in the last eight years. High school students from Cabell and Wayne Counties, Marshall students, and members of the Cabell County community attended.
- On October 23, the Court heard arguments in four cases at the Virginia Thomas Law Center for the Performing Arts at West Virginia Wesleyan College in Buckhannon. The Justices also enjoyed a lunch with invited guests after the Argument Docket. While at Wesleyan, Justice Robin Jean Davis, a 1978 Wesleyan graduate, and Justice Margaret Workman spoke at the opening of the college's Center for Women's Leadership. The purpose of the Center is to share knowledge and experience on issues related to women's leadership and to develop leadership potential in female students, faculty, staff, and alumnae.

Also in 2012

■ Chief Justice Menis Ketchum presented the Supreme Court's 2012-2013 budget to the House and Senate Finance Committees on January 24 and 25. Chief Justice Ketchum promised to be frugal with the state's money and, pursuant to that promise, on February 27 Supreme Court Administrative Director Steve Canterbury notified the committee chairmen that the Court was lowering its appropriation request by \$2.2 million. The Court reduced administrative costs by \$539,761 and returned \$1.741 million to the general revenue fund because an unfunded liability no longer exists in the Judicial Pension System.

■ Justice Davis visited more than a dozen courthouses around West Virginia to check on the progress of truancy programs. "There are very different and unique situations in each county," Justice Davis said in Upshur County, according to a story in *The (Buckhannon) Record Delta*. "The goal is to get all the stakeholders together, to work towards one plan, to attack the problem early on."

■ On behalf of the Supreme Court, Justice Brent D. Benjamin attended almost all of the drug court openings and graduations throughout the state. He sometimes was accompanied by other Justices. In 2012 Justices attended drug court events in Boone, Brooke, Greenbrier, Jefferson, Kanawha, Lincoln, Marshall, Mercer, Monongalia, Wayne, and Wood Counties.

■ On February 8, Justice Benjamin appeared on *The Legislature Today* on West Virginia Public Television to talk about the state's drug court programs.

■ Justice Benjamin was the featured speaker at the regular meeting of the Mountaineers for Responsible Government on March 2 at St. Johns Evangelical Presbyterian Church in Wheeling. "We like to think we run an efficient ship," Justice Benjamin said, explaining why the Court lowered its budget appropriation. "We're always looking for better ways to do things and opportunities to save where we can."

■ Justice Davis was the keynote speaker at the McDowell County Law Day celebration on May 1 at the McDowell County Courthouse in Welch. Law Day was proclaimed by President Dwight D. Eisenhower in 1958 as a day to reflect on the role of law in the founding of our country and to recognize its importance in society. It is usually held on or around May 1, and the event in McDowell County is the largest in the state.

■ Justice Davis and Director Canterbury attended the groundbreaking ceremony for the new Lewis County Judicial Annex on May 2. The new annex will house courtrooms and offices for circuit court, family court, magistrate court, probation officers, and the circuit clerk. Other county offices will be consolidated in the existing courthouse in Weston.

■ Justice Davis participated in Wheeling's celebration of the National Day of Prayer on May 3. The event was held at Heritage Port in downtown Wheeling.

■ Justice Benjamin spoke to a Continuing Legal Education seminar sponsored by Legal Aid of West Virginia on May 4 in Lewisburg about expansion of *pro bono* legal services in West Virginia.

Justice Benjamin is a leading advocate of such services, and established the Supreme Court's Access to Justice Commission when he was Chief Justice in 2009. "In many cases, the law has become a business practice more than a professional practice," he said, according to *The (Beckley) Register-Herald*. "We need to look at . . . the perception of our profession."

■ Justice Davis participated in a Continuing Legal Education seminar on May 11 at the Big Sandy Superstore Arena in Huntington. She talked about the Revised Rules of Appellate Court Procedure and cases decided during the previous Supreme Court term.

■ Justice Davis spoke to a Wheeling-area group of the Fraternal Order of Police on May 16 at the McClure House Hotel in Wheeling.

Top: Chief Justice Menis E. Ketchum presents the Supreme Court budget to members of the West Virginia Senate on January 25, 2012. *Photo by Martin Valent, Legislative Photographer*

Middle: Justice Margaret Workman helps open West Virginia Wesleyan College's Center for Women's Leadership during a ceremony at the College's Virginia Thomas Law Center for the Performing Arts on October 23, 2012. *Photo by April Harless*

Bottom: Justice Brent Benjamin talks about the new Business Court Division at a meeting of the John A. Field, Jr., American Inns of Court at the Robert C. Byrd Federal Building and U.S. Courthouse in Charleston on October 9, 2012. *Photo by Jennifer Bundy*





Boy Scouts from Charleston's Troop 64 used the Supreme Court Chamber on November 10, 2012, to conduct a mock trial as part of their work toward the Law Merit Badge. Boy Scout Leader Chris Sears, a Charleston attorney, recruited several other attorneys to assist. Jacob Dorst is sworn in as a "witness" by Cole Plutro, as Charleston attorney Kim Bandy and "Judge" Ben Jones look on. *Photo by Jennifer Bundy*

■ Justice Davis spoke to county clerks from around West Virginia and their deputies at the annual training session sponsored by the State Auditor's Office on June 13 at The Inn at Glade Springs in Daniels, Raleigh County.

■ On June 18, Justice Brent Benjamin, Justice Robin Jean Davis, Justice Thomas E. McHugh, and Linda Artimez, Director of Mental Mental Hygiene and Mental Health Court Services, attended a ceremony at the Brooke County Courthouse in Wellsburg to celebrate the opening of a program to help veterans with emotional challenges who have committed non-violent crimes. The program is an expansion of the existing mental health court, which was renamed the Northern Panhandle Mental Health and Veterans Treatment Court. The veteran's track is the first program of its kind in the state. (See story page 49).

■ Justice Benjamin talked about West Virginia's new Business Court Division on October 9 at a meeting of the Judge John A. Field, Jr., American Inns of Court. The meeting was held at the Robert C. Byrd Federal Building and U.S. Courthouse in Charleston. The American Inns of Court is a volunteer legal organization devoted to improving professionalism, ethics, civility, and legal skills. The Judge John A. Field, Jr., Inn is a Charleston-based chapter of the national group.

■ Justice Davis spoke on October 30 at a benefit luncheon for a program that provides at-risk students at Charleston's Piedmont Elementary School with tutoring, enrichment activities, and balanced meals. She talked about the new Business Court Division at the event at the Beni Kedem Temple.

■ Items donated to Toys for Tots by members of the Supreme Court of Appeals of West Virginia and its employees at the Capitol were picked up by Marines on December. Sgt. Victor Arroyo and HM1 Carlos Valerio, who are with Alpha Company 4th Combat Engineer Battalion in Cross Lanes.



Items Supreme Court employees donated to Toys for Tots are picked up on December 6, 2012, by Sgt. Victor Arroyo, left, and HM1 Carlos Valerio, right. *Photo by Jennifer Bundy*

Division of Probation Services

Probation officers provide many services to circuit courts, such as conducting investigations and drug screenings, preparing pre-sentence reports, recommending sentences for criminal offenders, and monitoring offenders sentenced to probation or supervised release. Officers also work closely with community agencies such as day report centers, schools, substance abuse facilities, local community health centers, community service work providers, the Department of Health and Human Resources, and other state agencies in order to link services for persons under probation officers' supervision.

The West Virginia court system has seventy adult, 110 adult-juvenile, and sixty-two juvenile probation officers. Those officers together supervised more than 14,660 adult and juvenile offenders during 2012, with an average caseload of eighty-three per officer and an annual cost of \$1,370 per offender.

The Division of Probation Services is responsible for the development and oversight of adult and juvenile drug courts in West Virginia. The West Virginia Adult Drug Court Program is a joint partnership between the criminal justice, social service, substance abuse treatment, and law enforcement systems. The program seeks to achieve a reduction in recidivism and substance abuse among offenders and to increase the likelihood of successful rehabilitation. It does this through early, continuous, and intense treatment; frequent, random, and observed drug testing; community supervision; appropriate sanctions and incentives; and other rehabilitation services, all of which are supervised by a drug court probation officer. On any given day nearly 8,300 adults are under some form of supervision by probation officers.

The West Virginia Juvenile Drug Court Program is a cooperative effort of the juvenile justice, social service, law enforcement, and education systems. This program seeks to divert non-violent juvenile offenders exhibiting alcohol or substance abuse behavior from the traditional juvenile court process to an intensive, individualized treatment process. The goal of the program is to reduce future court involvement for the teens. On any given day in West Virginia, approximately 6,400 youths are under some form of court-ordered diversion program or supervision by probation officers. Annual West Virginia juvenile probation reports demonstrate that controlled-substance violations are the third-largest category of offenses charged.

There are sixteen operational juvenile drug courts and twenty operational adult drug courts. These programs are overseen by Lora Maynard, the Deputy Director for Drug Courts for the Division of Probation Services since June 1, 2010.

The Office of the West Virginia Interstate Compact for Juveniles also resides within the Division of Probation Services. The Compact regulates the movement and supervision between states of juveniles under community supervision. It is designed to ensure public safety and create an effective and efficient means of transferring, tracking, and supervising juveniles between states. Juvenile probation officers provide supervision of juveniles transferred to West Virginia through the Interstate Compact. The Probation Division's Compact Office manages more than one hundred active cases each year and handles the return of juvenile runaways, absconders, and escapees. Randall Wagner serves as the Administrative Coordinator of Probation Services and the Interstate Compact.

Division of Probation Services Director Mike Lacy is the state's designated Commissioner to the national Juvenile Interstate Commission and serves as the state Administrator of the Juvenile Compact.

The Division of Probation Services also is responsible for implementing and overseeing six Intensive Supervision Officer (ISO) regions, each of which has a regional coordinator. The specialized, multi-circuit, intensive supervision officers work closely with treatment providers and polygraph operators to enhance public safety. The officers have received special training in the supervision of sex offenders. ISOs also supervise offenders who have been placed on extended supervised release for child abuse and neglect. Caren Bills has overseen this program as Deputy Director of the Division of Probation Services since September 1, 2008.

The ISO program was developed under the leadership of Justice Robin Jean Davis when she was Chief Justice in 2006 and 2007. Her support was crucial in refining the vision of the supervision protocol. The intensive supervision unit within the Division of Probation Services with its thirty-four officers is now fully operational throughout the State.

The Division of Probation Services has continued to expand with the addition of Robert McKinney as Counsel for the Division (although he also assists with the administration of the adult and juvenile drug courts) and Tim Hanna as Drug Court Quality Assurance and Field Support Coordinator. Hanna monitors and evaluates both adult and juvenile drug courts for effectiveness and assists with technical assistance training.



Mike Lacy, Director of Probation Services in the Supreme Court Administrative Office, speaks at the May 17, 2012, All Rise America! National Motorcycle Relay for Recovery stop in Charleston. The cross-country motorcycle relay was sponsored by the National Association of Drug Court Professionals in honor of National Drug Court Awareness Month. Photo by Michael Switzer

West Virginia Problem-Solving Courts in 2012



Chief Justice Menis Ketchum speaks at the February 6 opening ceremony for the Adult Drug Court in Wayne County. Justice Brent Benjamin also attended the event at the Wayne County Courthouse for the drug court, which was established late in 2011 and began operating in early 2012. *Photo by Michael Switzer*

Programs for Adults

Cabell County Adult Drug Court

- Established in 2009
- Sixth Circuit Judge Alfred Ferguson and Sixth Family Court Circuit Judge Patricia Keller, presiding
- Handles post-plea and probation violation cases

Kanawha County Adult Drug Court

- Established 2009
- Thirteenth Circuit Judge Jennifer Bailey, presiding
- Hybrid DUI/drug court taking pre-adjudication, post-conviction, probation violation, and DUI cases

Logan County Adult Drug Court (formerly Southwestern Regional ADC)

- Established in 2008
- Seventh Circuit Judges Eric H. O'Briant and Roger L. Perry, presiding
- Handles post-plea and probation violation cases

Monongalia County Adult Drug Court

- Established in 2009
- Seventeenth Circuit Judge Russell Clawges, Jr., presiding
- Handles post-plea and probation violation cases

Northern Panhandle First Circuit Adult Drug Court

- Established in 2005
- Serves Brooke, Hancock, and Ohio Counties
- First Circuit Judges Martin J. Gaughan and David J. Sims, Brooke County Magistrate Robin Snyder, Hancock County Magistrate William S. Hicks, and Ohio County Magistrate Patricia Murphy, presiding
- A hybrid DUI/drug court taking pre-plea, post-plea, probation violation, and DUI cases

Northern Panhandle Second Circuit Adult Drug Court

- Established in 2005, split from First Judicial Circuit on September 1, 2009
- Second Circuit Judge David W. Hummel, Jr., and Marshall County Magistrate David Buzzard, presiding
- Serves Marshall, Tyler, and Wetzel Counties
- Hybrid DUI/drug court taking pre-plea, post-plea, probation violation, and DUI cases

Preston County Adult Drug Court

- Established in 2009
- Eighteenth Circuit Judge Lawrence S. Miller, Jr., presiding
- Handles post-plea and probation violation cases

Randolph County Adult Drug Court

- Established in 2012
- Twentieth Circuit Judge Jaymie Godwin Wilfong, presiding
- Takes pre-plea, post-plea, and probation violation cases

Southeastern Regional Adult Drug Court

- Established 2009
- Eleventh Circuit Judges Joseph C. Pomponio, Jr., and James J. Rowe, presiding
- Serves Greenbrier and Pocahontas Counties
- Hybrid DUI/drug court taking pre-plea, post-plea, probation violation, and DUI cases

Southern Region Adult Drug Court

- Established in 2006
- Ninth Circuit Judges Omar Aboulhosn, William J. Sadler, and Derek C. Swope, presiding
- Serves McDowell, Mercer, Monroe, Summers, and Wyoming Counties
- Takes pre-plea, post-plea, and probation violation cases

Twenty-Fifth Circuit Adult Drug Court (formerly Southwestern Regional ADC)

- Established in 2008
- Twenty-Fifth Circuit Judge William S. Thompson presiding
- Serves Boone, Lincoln, and Logan Counties
- Hybrid DUI/drug court taking pre-plea, post-plea, probation violation, and DUI cases

Wayne County Adult Drug Court

- Established in 2011
- Twenty-Fourth Circuit Judge Darrell Pratt, presiding
- Takes pre-plea, post-plea, and probation violation cases and has specialized veterans track (story on page 49)

West Central Regional Adult Drug Court

- Established in 2007
- Fourth Circuit Judge Jeffrey B. Reed, presiding
- Serves Doddridge, Pleasants, Ritchie, Wirt, and Wood Counties
- Hybrid DUI/drug court taking post-plea, probation violation, and DUI cases

Programs for Juveniles

Brooke/Hancock Juvenile Drug Court

- Established in 2010
- First Circuit Judge Martin J. Gaughan, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

Cabell County Juvenile Drug Court

- Established 1999, ran for four years, re-established 2007
- Sixth Family Court Circuit Judge Patricia A. Keller, presiding
- Post-adjudication diversion; post-disposition intervention

Eastern Panhandle Juvenile Drug Court

- Established in 2011 for operation in 2012
- Twenty-Fourth Family Court Circuit Judge David Greenberg, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition diversion

Greenbrier County Juvenile Drug Court

- Established in 2012
- Eleventh Circuit Judges Joseph C. Pomponio, Jr., and James J. Rowe, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition diversion

Harrison County Juvenile Drug Court

- Established in 2011 for operation in 2012
- Fifteenth Circuit Judge Thomas Bedell, presiding
- Pre-petition diversion and post-adjudication diversion

Kanawha County Juvenile Drug Court

- Established in 2011 for operation in 2012
- Eleventh Family Court Circuit Judge Mike Kelly, presiding
- Pre-petition diversion and post-adjudication diversion

Logan County Juvenile Drug Court

- Established 2009
- Seventh Circuit Judge Eric H. O'Briant, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

McDowell County Juvenile Drug Court

- Established in 2012
- Twelfth Family Court Circuit Judge Lisa K. Clark, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition diversion

Mercer County Juvenile Drug Court

- Established 2009
- Twelfth Family Court Circuit Judge Mary E. Griffith, presiding
- Post-adjudication diversion

Monongalia County Juvenile Drug Court

- Established in 2010
- Seventeenth Circuit Judge Phillip D. Gaujot, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

Putnam County Juvenile Drug Court

- Established in 2010
- Twenty-Ninth Circuit Judge Phillip M. Stowers, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

Randolph County Juvenile Drug Court

- Established in 2010
- Twentieth Circuit Judge Jaymie Godwin Wilfong, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition diversion

Twenty-Fifth Circuit Juvenile Drug Court

- Established in 2010
- Twenty-Fifth Circuit Judge William S. Thompson and Tenth Family Court Circuit Judge Scott E. Elswick, presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

Wayne County Juvenile Drug Court

- Established in 2007
- Twenty-Fourth Circuit Judge James H. Young, Jr., presiding
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition diversion; post-disposition diversion

Wood County Juvenile Drug Court

- Established in 2010
- Third Family Court Circuit Judge C. Darren Tallman, presiding
- Post-adjudication diversion; post-disposition intervention
- Pre-petition diversion; signed, but non-filed petition diversion; filed petition pre-adjudication diversion and post-adjudication diversion; post-disposition intervention

Mental Hygiene System



First Judicial Circuit (Brooke, Marshall, and Ohio Counties) Judge Martin J. Gaughan is the presiding judge in the state's only Mental Health Court. The Northern Panhandle Mental Health Court was established in 2003 and serves Brooke, Hancock, Marshall, and Ohio Counties. *Photo by Ian Hicks, The (Wheeling) Intelligencer*

Mental Hygiene Commissioners

Chief circuit judges appoint attorneys to act as mental hygiene commissioners. The commissioners preside over hearings on involuntary hospitalization, guardianship, conservatorship, and transport orders for voluntary admission of minors to mental health facilities. The number of mental hygiene commissioners varies per county depending upon need.

Circuit judges have jurisdiction over all matters presided over by mental hygiene commissioners and must enter all orders for final commitment, guardianship, and conservatorship for which mental hygiene commissioners hold hearings as triers-of-fact for the circuit court. Mental hygiene commissioners have jurisdiction to enter probable cause involuntary hospitalization orders, which are valid for up to thirty days of inpatient hospitalization.

A chief circuit judge also may designate magistrates to preside over probable cause involuntary hospitalization cases. Final involuntary hospitalization cases, which can involuntarily hospitalize an individual for up to two years, may be presided over only by a circuit judge or a mental hygiene commissioner, with the final order signed by the circuit judge.

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

In 2012, 7,682 mental hygiene petitions were filed in West Virginia's circuit courts and magistrate courts. That compares to 8,278 in 2011; 7,913 in 2010; 8,164 in 2009; 8,109 in 2008; 6,549 in 2007; 8,877 in 2006; 7,773 in 2005; 7,878 in 2004; and 7,950 in 2003.

All mental hygiene commissioners meet annually at an education conference sponsored by the Supreme Court of Appeals of West Virginia for training. There they learn the latest changes in state and federal laws, procedures, and protocols, and are provided instruction on the manifestations of mental illness and addiction.

Linda Richmond Artimez is Director of Mental Hygiene and Treatment Court Services in the Supreme Court Administrative Office. Jeffrey Ellis is State

Treatment Court Coordinator. Lou Weisberg is Data Quality Manager for the Central State Mental Health Registry, Robyn Clark is Data Quality Assistant, and Brianna Yoho is Administrative Assistant for the division.

Mental Health Registry

Mental hygiene commissioners, designated magistrates, and circuit judges are an integral part of the reporting process required for West Virginia's Central State Mental Health Registry and the National Instant Criminal Background Check System (NICS), a branch of the FBI's National Crime Information Center. State and federal law requires reporting of information to these electronic data systems of persons disqualified to purchase or possess firearms by reason of commitments to mental institutions, appointment of guardians due to mental illness or insanity, and criminal case adjudications of not guilty or inability to stand trial by reason of mental illness or insanity.

Mental hygiene commissioners, designated magistrates, and circuit judges are responsible for having registry forms completed and submitted as they adjudicate those who come before them in these cases. The state mental health registry requires the person's name, date of birth, date of commitment, and address at the time of commitment. The NICS Index also requires the person's gender. West Virginia, in addition, provides natural eye color, race, place of birth, height, and Social Security numbers as additional identifiers to assist in FBI identification. Such information is uploaded within seventy-two business hours of entry of applicable orders.

The West Virginia central state mental health registry is still under development to provide real time access to sheriffs across the state for purposes of concealed weapons permits. The West Virginia court system's work on the project was funded by two grants from the National Criminal History Improvement Program and a federal NICS Act Record Improvement Program (NARIP) grant.

Adult Mental Health and Veterans Treatment Court

The Northern Panhandle Mental Health Court is West Virginia's only mental health court. It was established in 2003 and serves Brooke, Hancock, Marshall, and Ohio Counties.

On June 18, 2012, Justice Robin Jean Davis, Justice Brent D. Benjamin, and Justice Thomas E. McHugh (who served in the U.S. Army from 1958 to 1961) attended a ceremony celebrating the opening of a program to help veterans with emotional challenges who have committed non-violent crimes. The new program is an expansion of the existing mental health court, which was renamed the Northern Panhandle Mental Health and Veterans Treatment Court.

The veteran's track is the first program of its kind in the state and is the result of collaboration with the U.S. Department of Veterans Affairs. It is designed to help non-violent criminal offenders who have been diagnosed with a mental illness, like post-traumatic stress disorder, so they can receive treatment in lieu of incarceration.

Each participant has a court-trained veteran mentor. The veteran mentor is not part of the treatment team, but is a volunteer who understands what the veteran participant has gone through in combat and the culture of the military. The mentor acts as a "battle buddy" as the veteran participant makes the difficult changes needed to his or her life to succeed in the program.

The Veterans Administration supplies a Veteran's Justice Outreach Specialist, or VJO, who is part of the mental health court team. The VJO provides a connection and information between the VA treatment and the court on each veteran participant as well as keeps the court updated on services available through the VA. Similarly, the local Veterans Center in Bethlehem, West Virginia, also provides a representative to the mental health court treatment team to keep the court and treatment team updated on treatment and rehabilitative services provided by the Veterans Center to veteran participants in the program.

Otherwise, the requirements for veterans will be the same as the requirements for other participants in the mental health court.

The mental health court is a specially designed court program in which criminal offenders diagnosed with a mental illness are diverted from the traditional criminal justice system into treatment. Offenders undergo a professional mental health evaluation by a licensed psychologist and must score moderate to low on a personal risk assessment before being accepted into the program. Each of the two phases of the program include judicial monitoring, mental health treatment, and other services to stabilize the offender in the community.

To be accepted in the program, offenders must, at a minimum,

- Be charged with a misdemeanor or felony, or violation of probation;
- Have a diagnosed Axis I mental illness, with or without a co-occurring disorder;
- Be stable enough to understand and comply with program requirements;
- Pose no unacceptable risk of harm to self, others or community;
- Be amenable to treatment; and
- Have appropriate care available.

Offenders charged with sex offenses or who are registered as sex offenders are not eligible.

A multi-disciplinary mental health court team with both court staff and mental health and VA professionals, led by a judicial officer, closely supervises offenders in the community. The typical participation time in a West Virginia mental health court is one year.

Successful completion of the treatment plan and program requirements results in dismissal or reduction of charges, or reduced or deferred sentencing. Upon graduation, participants are encouraged to continue treatment and services in the community, and case management is transferred to the applicable regional mental health facility for continuity of care.

The mental health court's supervising judicial officers are First Judicial Circuit (Brooke, Hancock, and Ohio Counties) Judges Martin J. Gaughan and David J. Sims; Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties) Judge David W. Hummel, Jr.; Brooke County Magistrate Robin Snyder; Marshall County Magistrate David Buzzard; Ohio County Magistrate Patricia Murphy; and Hancock County Magistrate William Hicks.



On June 18, 2012, the state's only mental health court was expanded to include a program to help veterans with emotional challenges who have committed non-violent crimes. The new program is an expansion of the existing mental health court, which was renamed the Northern Panhandle Mental Health and Veterans Treatment Court. Standing in front of the Wheeling Veterans Outreach Center are its staff, from left, Director John Looney, Eric Ullery, Sara DeLong, Jeremy Harrison, and Michael Novotney. Photo by Ian Hicks, *The (Wheeling) Intelligencer*

Court Technology

Unified Judicial Application

In 2012 the Division of Technology continued to work on the Unified Judicial Application, which will provide more accurate and privacy-secured statistics to the public, Legislature, and other government agencies.

Eventually under the UJA, courts in all counties will have a similar computer system and will be linked, allowing an individual's activity with the court system to be quickly and easily available at all court locations. The UJA also will allow more efficient record-keeping of costs and fees assessed and collected and more effective auditing to ensure collections are distributed to the appropriate funds.

The UJA will encompass docketing, scheduling, calendar management, sentencing, event management, integrated accounting, forms generation, management reporting, evidence tracking, file tracking, on-line documents, and public Web access.

By the end of 2012, the UJA was online in Magistrate Courts in Greenbrier and Monongalia Counties and was days away from being online in Magistrate Courts in Preston and Tucker Counties.

In 2011, the Law Enforcement Officer, or LEO system, was developed so law enforcement officials could access the UJA. In 2012 the Division of Technology added an additional 120 users to the thousands already using the site. Users have instant access to filtered court record information stored within the UJA.

In 2012 the Division of Technology also focused on developing automated processing in the UJA. For example, the license revocation process has been streamlined to allow a court employee to generate revocation letters more easily. Also, a new automated scanned document process allows a user to scan and name a document and then not have to worry about attaching that file to the electronic UJA record. The automated document process looks for files each night, matches those files to a record in the UJA, compresses that file, and uploads the compressed file into the UJA database.

Network Infrastructure

In 2012 the Division of Technology updated equipment throughout the state. Core equipment in the Morgantown and Charleston areas was upgraded with the latest security and network switches.

Intranet and Training

In the fall of 2010, the Division of Technology created an Intranet site for court employees. It includes forms, directories, schedules, and conference planning materials. In 2012 more scheduling and calendaring areas were added and a complete forms overhaul was completed.

The Division of Technology started the development of a training facility in late 2012.

Mental Health Registry

The Division of Technology helps maintain the Mental Health Registry, a computerized system to automate reporting of individuals prohibited by state and federal laws from purchasing or possessing firearms. For more information on the Mental Health Registry, refer to page 48 in this report.

The Mental Health Registry database and electronic forms were updated in 2012 to include requested and mandated changes to the system, including a completely updated electronic application.

The Division of Technology also updated more than nine thousand records in the system to include information required by law. The Division developed an automated process that looked into each record and determined if the update was needed. If it was, the process would update the local information and send that updated record to the FBI's National Instant Criminal Background Check System (NICS).

Jury Management System

A new centralized jury management system was established in 2012. The database maintained by the Supreme Court Administrative Office tracks how juries are selected and paid throughout the state. The design premise is to provide "software as a service" to circuit clerks and their staffs, therein reducing the amount of items installed on each workstation. That in turn reduces the required onsite technical support and the amount of phone technical support needed, which are realized by the Supreme Court as financial reductions in a total cost of ownership. The only item installed on each circuit court computer is a 350-kilobyte icon.

In 2012 the Division of Technology upgraded eighteen circuit court locations to the new jury management system. Nineteen are scheduled for 2013, and four more have asked to be added.



Scott Harvey, Director of the Supreme Court's Division of Technology Services, speaks at the fall circuit judge's conference in Morgantown. Deputy Director Pat Tillery is seated, left. Photo by Jennifer Bundy

Court Security

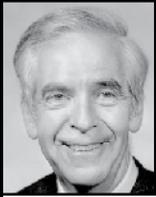
Every time a defendant pays court costs on criminal violations in West Virginia, a portion goes to a Court Security Fund, managed by the Supreme Court of Appeals of West Virginia and the West Virginia Division of Justice and Community Services through the Court Security Board. The Board, by statute, is led by the Supreme Court Administrative Director. For violations in magistrate court, the amount of court costs dedicated to the fund is five dollars. A substantial amount of money is thereby created which pays for crucial security needs in counties.

In 2012, \$909,344 in grants was given to seventeen county commissions for the purpose of enhancing the security of county court facilities and to the Supreme Court for training court bailiffs, further enhancing security in local courts. Grant funds vary each year.

The following awards were made in 2012:

Administrative Agency	Amount Approved
Berkeley County Commission	\$ 8,600
Boone County Commission	47,900
Gilmer County Commission.....	37,676
Greenbrier County Commission	10,966
Hampshire County Commission.....	24,000
Harrison County Commission.....	26,171
Jackson County Commission.....	20,700
Jefferson County Commission	45,062
Kanawha County Commission.....	46,709
Lewis County Commission.....	182,500
Logan County Commission.....	12,735
Mingo County Commission	11,748
Ritchie County Commission	41,434
Roane County Commission	78,935
Tucker County Commission	182,500
Wood County Commission.....	19,958
Wyoming County Commission.....	18,792
West Virginia Supreme Court	92,958
Total.....	\$909,344

In Memoriam



Robert K. Smith

Senior Status Judge Robert K. Smith Dies

Senior Status Judge Robert K. Smith of Charleston died on February 16, 2012, at Charleston Area Medical Center's General Hospital. He was 88.

Judge Smith was born May 2, 1923. He was a World War II veteran; he served in the U.S. Army Air Force in forty bombing missions while onboard a B-24 aircraft in the Allied Forces India Burma Theater.

Judge Smith attended Charleston High School and was a graduate of Washington and Lee University School of Law. He shared a private law practice before being elected a domestic relations judge in 1962. In 1974 he became a Kanawha County Circuit Judge. He retired in 1986 after twenty-four years of judicial public service. After retirement, he continued to work as a judge mediator and Senior Status Judge.

Judge Smith was a longtime member of Grace Covenant Presbyterian Church. He had many hobbies, including tennis, photography, harmonica, Civil War history, and crossword puzzles.



Teddy E. Mays

Wayne County Magistrate Teddy Mays Dies

Two-term Wayne County Magistrate Teddy E. Mays died May 21 at his home of a heart attack. He was 48.

Magistrate Mays was elected in 2004, re-elected in 2008, and was running for re-election at the time of his death.

"Magistrate Mays was a dedicated public servant who cared deeply about the people of Wayne County and his children. He was popular among his fellow magistrates and was known as a fair jurist. His court family will miss him," said Janie Moore, Director of Magistrate Court Services in the Supreme Court Administrative Office.

Magistrate Mays was a life-long resident of Wayne County and graduated from Buffalo High School in 1982.

Before being a magistrate, he was a brick and block layer and a member of Brick and Block Layers No. 5 for 20 years. He also helped coach girls' softball, midget league football, little league baseball, and youth league basketball.



Warren G. "Magoo" McGinnis

Former Kanawha County Magistrate Warren G. McGinnis Dies

Former Kanawha County Magistrate Warren G. "Magoo" McGinnis died September 2, 2012, in the Clarksburg Veterans Hospital after a long illness. He was 82.

He was elected in 2004 and served until he resigned in 2007 for health reasons. He previously

served about thirty-four years in the military and twenty years as a Charleston police officer. He also was a master electrician.

Magistrate McGinnis is survived by sons Pat, Mike, and Chris McGinnis and daughter Evie McGinnis McPherson.

"He was just a very kind soul," his daughter told *The Charleston Gazette*. "He was the type of man who would give his shirt off his back if he thought you needed it."

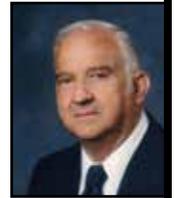
Former Supreme Court Clerk Dies

George William Singleton died on Friday, January 6, 2012, after a short illness. He was 89.

A lifelong resident of Charleston, he was a 1940 graduate of Charleston High School. In 1948, after serving in the Army Air Corps during World War II, he received a law degree from the West Virginia University College of Law. After graduation, he worked as law clerk for state Supreme Court Justice Fred Fox and Justice Chauncey Browning, Sr. He was appointed Clerk of the West Virginia Supreme Court of Appeals in 1969, where he served for seventeen years before retiring in 1986.

He is survived by his wife of 57 years, Helen Bragg Singleton; sons, George Singleton of Hong Kong and Jeff Singleton of northern Virginia; daughters, Ann Kautz and Patti Salisbury, both of Charleston; and four grandsons.

Mr. Singleton was a member of Sigma Chi Fraternity. He was an avid golfer and reader. He delivered Meals on Wheels for many years. He was an active member of Village Chapel Presbyterian Church, serving as Deacon, Elder, Trustee, and an usher for many years.



George William Singleton

Longtime Clerk's Office Employee Lou Stout Dies

Retired Supreme Court Clerk's Office employee Loutellus M. Stout died May 20, 2012, at Hubbard Hospice House in Charleston. He was 88.

Mr. Stout, who was born in Clarksburg, retired from the Clerk's Office on December 31, 2007, after working there twenty years. He was a livestock farmer in New Milton. He was past president of the West Virginia Wool Marketing Association, former executive secretary of the West Virginia Farm Bureau, and former secretary of the Independent Oil and Gas Association. He represented Doddridge County in the House of Delegates from 1957 to 1960 and served as Chairman of the Doddridge County Republican Committee.

He is survived by his wife, Margaret Stutler Stout; son David C. Stout of Punta Gorda, Fla.; daughter Karen M. Stout of St. Albans; five grandchildren and two great-grandchildren.



Loutellus M. Stout

2012 Election-Related Judicial Changes

Justice Davis wins third term on Supreme Court

Supreme Court Justice Robin Jean Davis won her second twelve-year term (her third term overall) on the Supreme Court of Appeals of West Virginia in the November 6, 2012, general election.

Justice Davis received the most votes in the six-person Democratic primary and in the four-person general election, in which two candidates were elected.

Justice Davis is a native of Boone County. She has a bachelor's degree from West Virginia Wesleyan College and a master's degree and law degree from West Virginia University. In 1996 she was elected to an unexpired term on the Supreme Court and was re-elected in 2000. Justice Davis served as Chief Justice in 1998, 2002, 2006, 2007, and 2010.

Justice Davis is the author of several *West Virginia Law Review* articles. She is the co-author with former Justice Franklin Cleckley and Louis Palmer of the *Litigation Handbook on West Virginia Rules of Civil Procedure*.

She is a frequent speaker on legal and educational topics, especially those related to court rules and children's issues, and has won numerous awards.

Law Clerk Allen H. Loughry II scores upset victory

Supreme Court Law Clerk Allen H. Loughry II was elected to a twelve-year-term on the Supreme Court of Appeals of West Virginia in the November 6, 2012, general election. He won the seat being vacated by the retiring Justice Thomas E. McHugh. (See story page 10.)

Circuit Judge Sweeney retains seat

Third Circuit (Doddridge, Pleasants, and Ritchie Counties) Judge Timothy Sweeney was elected November 6, 2012, to the seat he had held since 2010.

Judge Sweeney, a Democrat, defeated Ira M. Haught in the general election.

He was appointed to the bench December 8, 2010, by Governor Earl Ray Tomblin after the death of Judge Robert Holland in September 2010.

Judge Sweeney previously had served as Pleasants County prosecuting attorney for twenty-five years. He is the former president and general counsel for the Pleasants Memorial Estates and the St. Marys Motel, Inc.

He also is a past president of the West Virginia Prosecuting Attorneys Association, a 4-H Foundation volunteer and board member, and president of the Pleasants County Library Board. He graduated from West Virginia University and West Virginia University College of Law.

Joseph Reeder elected in Putnam County

Joseph K. Reeder took office as a Circuit Judge in the Twenty-Ninth Judicial Circuit (Putnam County) on December 1, 2012, after winning the November 6, 2012, general election.

He was sworn in December 11 in the Putnam County Judicial Annex, during a ceremony in which Senior Status Judge James O. Holliday delivered the oath of office. Judge Reeder will serve the remainder of the eight-year term of retired Circuit Judge O.C. Spaulding, which ends in 2016.

At the time of his election, Judge Reeder, a Republican, was a sole practitioner in Hurricane and a hearing examiner for the Department of Health and Human Resources' Office of Health Facilities Licensure and Certification.

He is a 1987 *magna cum laude* graduate of West Virginia University and a 1991 graduate of West Virginia University College of Law, where he was Order of the Coif. He previously was an associate and partner in several Charleston law firms.

He is active in Putnam County Kiwanis Club, Scott-Teays Lions Club, Boy Scouts of America Troop 17, the Pine Grove Church of Christ, and the Saint Albans Moose Club.



Justice Robin Jean Davis



Justice Allen H. Loughry II



Judge Timothy Sweeney



Judge Joseph K. Reeder



Judge Paul Farrell

One Circuit Judge, Two Family Court Judges Unopposed

Three judges appointed by Governor Earl Ray Tomblin were elected after running unopposed in the 2012 general election. They were elected to unexpired terms that end December 31, 2016.

Judge Paul Farrell was appointed January 21, 2011, to fill the vacancy in the Sixth Judicial Circuit (Cabell County) created by the retirement of **Judge Dan O'Hanlon**, who had served for nearly twenty-six years.

Judge Farrell, a Democrat, was a litigator at Farrell, Farrell, and Farrell, PLLC, in Huntington. His practice focused on the defense of healthcare providers, public and private employers, and criminal defendants. He previously served as an Assistant Attorney General, Counsel for the West Virginia State Senate, Counsel to the Senate President, Administrative Law Judge for the West Virginia Unemployment Compensation Division, Assistant Prosecuting Attorney for Cabell County, and Assistant United States Attorney.

Judge Farrell is a graduate of Xavier University and West Virginia University College of Law. He is active in the Huntington community and has served on the Board of the local Red Cross, the West Virginia State Bar Board of Governors, and the Defense Trial Counsel of West Virginia.

Governor Tomblin on March 17, 2011, appointed **Family Court Judge Glen Stotler** to the vacancy in the Twenty-Third Family Court Circuit (Morgan, Hampshire, and Mineral Counties). The vacancy was created when **Family Court Judge Charles Parsons** was elected to the circuit court bench in the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties).

Judge Stotler had practiced family law and real estate law in Berkeley Springs for twenty years. From 1985 until 2008 he also served as a Morgan County Commissioner. He previously was a member of the Morgan County Board of Education and the Town of Bath Council. He also served on the West Virginia Regional Jail Authority.

He was appointed to and served on the United States Architectural and Barriers Compliance Board by President Ronald Reagan and reappointed by President George H.W. Bush. He is a former Chairman and member of the Region Nine Planning and Development Council. In 2010, he was selected as the West Virginia Bankers Title Attorney of the Year.

Judge Stotler is a graduate of West Virginia University College of Law.

Governor Tomblin appointed **Family Court Judge Matthew England**, a Democrat, on October 13, 2011, to the seat of **Family Court Judge Janet Steele**, who retired March 31, 2011, from the Fourteenth Family Court Circuit (Fayette County).

Judge England at the time was a Fayette County Assistant Prosecutor whose caseload focused on juvenile and criminal cases. He previously worked as a law enforcement officer in Raleigh County and Beckley. At the time of his appointment he was president of the Fayette County Bar Association.

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 Glen Stotler



Judge Matthew England

2012 Election Leads to Magistrate Changes in Nineteen Counties*

Brooke County

- Democrat Linda Viderman was elected.
- Incumbent Democrat Nathaniel Marino did not seek election.

Cabell County

- Democrats Scott Bias and Danne Vance were elected.
- Incumbent Republican Ron Baumgardner lost in the general election. Incumbent Democrat Betty Wolford did not seek re-election.

Doddridge County

- Republican Olivia Adams was elected.
- Incumbent Republican Frances Davis did not seek re-election.

Fayette County

- Democrats Samuel Parsons and Leonard Bickford were elected.
- Incumbent Democrat Charles Garvin did not seek re-election. Incumbent Democrat Janice Wiseman lost in the primary.

Gilmer County

- Democrat Alton Skinner, II, was elected.
- Incumbent Democrat Robert Minigh did not seek re-election.

Hampshire County

- Republican Ron Diciolla was elected.
- Incumbent Democrat John Rohrbaugh lost in general election.

Hancock County

- Republican Mike White was elected.
- Incumbent Democrat Betty Bauer lost in general election.

Kanawha County

- Democrat Brent Hall and Republican Michael Sisson were elected.
- Incumbent Democrat Paris Workman lost in general election. Incumbent Republican Kristen Vieweg did not seek election.

Lewis County

- Democrat Michael Gissy and Republican Roger Clem, Jr., were elected.
- Incumbent Republican James "Dan" Moody lost in the general election. Incumbent Democrat Sharon Hull did not seek re-election.

Marion County

- Democrat Mark Hayes was elected.
- Incumbent Republican Rebecca Tate did not seek election.

Marshall County

- Democrat Dave McLaughlin was elected.
- Incumbent Democrat Bill Anderson lost in the primary.

McDowell County

- Democrat Danny Mitchell was elected.
- Incumbent Democrat John Vance lost in the primary.

Mercer County

- Republican Sandra Dorsey was elected.
- Incumbent Democrat Charles Poe lost in the general election.

Pendleton County

- Democrat Kevin Puffenberger was elected.
- Incumbent Democrat Leland Propst did not seek re-election.

Pocahontas County

- Democrat Carrie Wilfong and Republican Cynthia Kelley were elected.
- Incumbent Democrat Kathy Beverage lost in the primary. Incumbent Democrat Janet Kershner-Vanover lost in the general election.

Putnam County

- Republican Scot Lawrence was elected.
- Incumbent Republican Kim Blair lost in the primary.

Raleigh County

- Democrat Tomi Peck was elected.
- Incumbent Democrat Mary Jennings lost in the general election.

Roane County

- Democrat Ron White was elected.
- Incumbent Democrat Russell Goodwin lost in the general election.

Wood County

- Republican Joe Kuhl was elected.
- Incumbent Democrat Donna Jackson did not seek re-election.

*Incumbent magistrates who were re-elected are listed on their respective county pages, pages 90-144.

Other Judicial Changes in 2012



Judge Arthur Recht

Judge Arthur Recht Retires

Judge Arthur Recht retired January 31, 2012.

Judge Recht was appointed to the First Judicial Circuit (Brooke, Hancock, and Ohio Counties) in 1981 and elected in 1982. He left the bench in late 1983 and returned to practicing law in Wheeling. In May 1995, then-Governor Gaston Caperton appointed Judge Recht to the West Virginia Supreme Court to fill the unexpired term of retired Justice Richard Neely, which ended in 1996. In 1996, Judge Recht was again appointed to the First Judicial Circuit and was elected in 1998, 2000, and 2008.

Judge Recht was born in Wheeling in 1938 and received his law degree from West Virginia University College of Law in 1962.

He received the 2008 Judge of the Year Award from the West Virginia Association of Justice and received the Distinguished West Virginian Award in 1997.

He served as a member of the Governor's Committee on Selection of Judicial Candidates from Circuit Court from 1990-95, chairman of the State Bar's Committee on Legal Ethics from 1985-91 and president of the Judicial Association from 2002-03. Chief Justices have appointed Judge Recht several times to serve on the Supreme Court when a Justice could not serve on a case. He will continue to serve as a Senior Status Judge and will continue to preside over FELA Asbestos Litigation and the Tobacco Litigation.



Judge O.C. "Hobby" Spaulding

Judge O.C. Spaulding Retires

Circuit Judge O.C. "Hobby" Spaulding retired January 1, 2012.

Judge Spaulding was elected to the Twenty-Ninth Judicial Circuit (Putnam County) bench in 1992 and re-elected in 2000 and 2008. He previously served as Putnam County Prosecutor from 1987 to 1992 and assistant prosecutor from 1977 to 1987. He had a private practice from 1973 to 1987.

Judge Spaulding was born in Fairmont and raised in Huntington. He graduated from the University of Kentucky in 1967 and West Virginia University College of Law in 1973.

During judicial campaigns, Judge Spaulding was known for refusing to accept any campaign contributions to avoid the appearance of any conflict of interest.

Judge Spaulding received the Children's Justice Task Force's Extra Mile Award and he received outstanding contribution awards from the Prosecuting Attorneys Association and the Public Defenders Corporation.

Chief Justices appointed Judge Spaulding several times to serve on the Supreme Court when a Justice could not serve on a case. The Supreme Court also appointed Judge Spaulding to serve as the judicial representative on legislative commissions on Eyewitness Identification and

Residential Placement of Children and the Judicial Investigation Commission. He served as President and Vice President of the West Virginia Judicial Association.

In November 2011, he married longtime girlfriend Jane Husted, a Circuit Judge in the Sixth Judicial Circuit (Cabell County).

Robert Leslie Appointed Putnam County Circuit Judge

Teays Valley attorney J. Robert Leslie took office as a Circuit Judge in the Twenty-Ninth Judicial Circuit (Putnam County) on June 12, 2012. He was appointed by Governor Earl Ray Tomblin to replace retired Judge O.C. "Hobby" Spaulding.

Judge Leslie is a 1988 graduate of Marshall University and 1993 graduate of Ohio Northern University Claude W. Pettit College of Law. He has served on the boards of the Marshall University Children's Language Clinic, the Huntington Masonic Temple Association, and the Putnam County Development Authority. He was the league founding organizer of the Upward Sports Ministry at Milton Baptist Church and the race director of the Jule Huffman Run for the Kids 5K Race.

Judge Leslie, who sought election to the circuit judge bench, won the Democratic primary but was defeated in the general election. He left office on November 30, 2012.



Judge Robert Leslie

David J. Sims Appointed Judge in First Circuit

Ohio County Commissioner David Sims took office as a Judge in the First Judicial Circuit (Brooke, Hancock, and Ohio Counties) on June 29, 2012. He was sworn into office that day in the courtroom of Independence Hall in Wheeling during a ceremony in which First Circuit Judge James P. Mazzone delivered the oath of office.

Judge Sims was appointed by Governor Earl Ray Tomblin to replace retired Judge Arthur Recht. He will have to run for election in 2014 to retain the seat until 2016, the end of Judge Recht's eight-year term.

Judge Sims, a Democrat, had been a county commissioner since 1994, a part-time position. He also practiced law at Sims Law Offices in Wheeling. He is a 1983 graduate of Georgetown University and a 1987 graduate of West Virginia University College of Law.

Judge Gina Groh Moves to Federal Bench

Judge Gina Groh moved from state judge to federal judge on October 19, 2012, at her investiture ceremony in the Frank Arts Center at Shepherd University, from which she graduated in 1986.

Judge Groh became the fourth female federal judge in West Virginia. She was a judge in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) when she was nominated to the federal court in the Northern District of West Virginia by President Obama in May 2011. Her nomination was confirmed by the Senate on March 15, 2012. President Obama signed her commission five days later.

Supreme Court Administrative Director Steve Canterbury said President Obama made "an absolutely inspired choice."

She fills a seat left vacant by the 2006 death of Judge Craig Broadwater, who also was a former state circuit court judge.

"I have a rewarding job, which I look forward to going to each and every day," said Judge Groh, who was publicly sworn in by Northern District Chief Judge John Preston Bailey.

Judge Bailey had been serving in the Eastern Panhandle while the position was vacant, commuting from Wheeling.

Michael Lorensen Appointed Circuit Judge in Eastern Panhandle

Martinsburg attorney Michael Douglas Lorensen took office December 14, 2012, as a Judge in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties). He was appointed to the position by Governor Earl Ray Tomblin to replace Judge Gina Groh, who resigned to become a federal judge.

Judge Lorensen had been a partner at Bowles Rice, LLP, and a member of the West Virginia Judicial Hearing Board.

He is a graduate of West Virginia University and West Virginia University College of Law. Prior to law school, he worked for a short time on weekends as a reporter at *The Dominion Post* in Morgantown. After law school he worked as a law clerk for U.S. District Judge Charles Haden II, who at the time was Chief Judge in the Southern District of West Virginia.

A Democrat, Judge Lorensen will have to run for election in 2014 to retain the seat until 2016, the end of Judge Groh's eight-year term.

Judge Lorensen is a past president and board member of the Shenandoah Community Health Center.



Judge David J. Sims



Judge Gina Groh



Judge Michael Douglas Lorensen

Magistrate Changes in Six Counties in 2012

Brooke County

Brooke County Magistrate Michael H. Allman resigned January 20, 2012. He unsuccessfully sought the Democratic nomination for sheriff. Allman had served as sheriff from 1988 to 1996, when he became Magistrate.

First Circuit (Brooke, Hancock and Ohio Counties) Chief Judge Ronald Wilson appointed former Magistrate Nathaniel "Sonny" Marino to serve until the end of the four-year term on December 31, 2012. Magistrate Marino was sworn into office by Judge Wilson on February 1. He did not seek election to the position.

Magistrate Marino, a Democrat, previously served as a Magistrate from 1977 to 1996. Since he left office he had been active in many civic organizations, including the Weirton Area Water Board, Wellsburg Kiwanis Club, and St. Paul Holy Name Society.

Hampshire County

Hampshire County Magistrate Eugene T. Billmeyer retired on May 31, 2012, after twenty years of service. Magistrate Billmeyer had taken medical leave the previous month and said he was retiring upon the advice of his physician.

John D. Rohrbaugh, the Chief Probation Officer in the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties), was appointed to replace him and took office on July 16, 2012.

Magistrate Rohrbaugh, a Democrat, served until the end of Magistrate Billmeyer's four-year term on December 31, 2012, but was unsuccessful in his attempt win election to the office.

Kanawha County

Carol A. Fouty, who had been a Kanawha County Magistrate for twenty-six years, resigned August 2, 2012. On June 12, the Supreme Court of Appeals had affirmed her suspension without pay. The Court on April 9 had suspended Magistrate Fouty without pay following a finding of probable cause that she had engaged or currently was engaged in a serious violation of the Code of Judicial Conduct, according to the June 12 opinion.

Thirteenth Circuit (Kanawha County) Chief Judge Louis H. "Duke" Bloom appointed her assistant of five years, Kristen Vieweg, to serve until the end of the four-year term on December 31, 2012. Magistrate Vieweg did not seek election to the position.

Magistrate Vieweg, who took office on August 6, 2012, is a 2001 graduate of West Virginia University College of Law and had recently completed certification to become an elementary school teacher.

Mingo County

After serving as a Magistrate for twelve years, Walter Eugene Crum resigned January 5, 2012, to seek the Democratic nomination for sheriff, a position he won in the general election. He previously had served with the Delbarton Police Department.

On January 6, Dallas "Big Dal" Toler was sworn in by Thirteenth Circuit (Mingo County) Judge Michael Thornsby to serve the remainder of the four-year term ending December 31, 2012. Magistrate Toler successfully won election to the position.

Magistrate Toler is a graduate of Gilbert High School and has two criminal justice degrees from Southern West Virginia Community College. He had worked at the family-owned and operated Delbarton company, TMK Enterprises/Appalachian Securities, for more than thirteen years.

Nicholas County

Magistrate Michael E. Cooper resigned July 16, 2012.

Twenty-Eighth Circuit (Nicholas County) Chief Circuit Judge Gary Johnson appointed Sarah Meadows Brown, who took office July 17, 2012. A Democrat, she successfully sought election to the position.

Wayne County

Two-term Wayne County Magistrate Teddy E. Mays died May 21, 2012, of a heart attack. He was 48. Magistrate Mays was elected in 2004, re-elected in 2008, and was running for re-election.

Twenty-Fourth Circuit (Wayne County) Judge Darrell Pratt appointed John Cavins to fill the seat until the end of the four-year term on December 31, 2012. Magistrate Cavins, who took office on August 6, also was appointed to the Democratic ballot and successfully won election to the office.

Longtime Cabell Circuit Clerk Adell Chandler Retires; Jeffrey Hood Becomes Clerk

Cabell County Circuit Clerk Adell Chandler retired November 20, 2012, after twenty-three years of service.

Clerk Chandler said in her resignation letter that her work for the county and the judicial system was a "distinct honor." She and her husband, Pete, planned to move to Hazlehurst, Miss., to be closer to her elderly father and her brother.

According to *The (Huntington) Herald-Dispatch*, Clerk Chandler was born in England and spent only two years of her life with her father, who was an American fighting in World War II at the time of her birth. They wrote to each other, but she didn't see him until she came to Boone County, W.Va., when she was 17. Her father later moved to the Gulf Coast as part of his work with Union Carbide.

Sixth Judicial Circuit (Cabell County) Chief Judge Paul Farrell appointed Huntington businessman Jeffrey Hood as Clerk. Mr. Hood took office on December 3, 2012. A Democrat, he will serve until the 2014 general election, when he will have to be a candidate to fill the remainder of the unexpired term.

Supreme Court Hires Monitor to Oversee Juvenile Facilities

The Supreme Court hired Cindy Largent-Hill of Morgan County in April 2012 to act as a monitor to oversee juvenile justice facilities in West Virginia.

Her responsibilities include visiting facilities, talking with residents, and reviewing files of residents at the Industrial Home for Youth in Salem, the Honey Rubenstein Center in Davis, and other youth in court-ordered out-of-home placements. She also works closely with circuit courts and their probation staffs; the Department of Education Office of Institutional Education; and executive and legislative branches of government as directed by the Court, the Adjudicated Juvenile Rehabilitation Review Commission, and Administrative Director Steve Canterbury.

The Commission was created in June 2011 by then-Chief Justice Margaret Workman to examine the Division of Juvenile Services' operations plan and programs at the two facilities. Ms. Largent-Hill is a member of the commission.

Ms. Largent-Hill is a former director of the West Virginia Division of Juvenile Services and has an extensive professional history working with West Virginia's youth and families in residential treatment, behavioral health, and juvenile justice.

Probation Division Hires Counsel, Coordinator

The Division of Probation Services expanded in 2012 with the addition of Robert McKinney as Counsel for the Division and Tim Hanna as Drug Court Quality Assurance and Field Support Coordinator.

Mr. McKinney is a West Virginia native and graduate of Marshall University and Wake Forest University School of Law. He has more than fifteen years of experience as a civil and criminal litigator in West Virginia. He provides legal advice and counsel (and representation, when necessary) to the Probation Division and its officers. He also assists with the administration of the adult and juvenile drug courts.

Tim Hanna is a West Virginia native and graduate of Marshall University who came to the Division of Probation Services from the Division of Justice and Community Services, where he administered the State's Community Corrections Program and provided oversight for all local Day Report Centers.

Mr. Hanna has experience working as a Day Report Case Manager, providing assessment, individualized case management services, and supervision to offenders who required less than institutional custody. He also has experience providing direct services to Juvenile Drug Court participants by facilitating group substance abuse education and treatment.

In his present job, he monitors and evaluates adult and juvenile drug courts for effectiveness and assists with technical training.



Adell Chandler



Cindy Largent-Hill



Robert McKinney



Tim Hanna

Awards



The staff of the Supreme Court Clerk's Office sport temporary tattoos the first day Clerk Rory Perry returned to work after being named president of the National Conference of Appellate Court Clerks at the organization's Thirty-Ninth Annual Conference in Charleston, S.C., in August 2012. Perry holds the gavel in front. In back, from left, are Angie Smith, Cassandra Wine, Adriana Marshall, Richard Gush, Edythe Gaiser, Isaac Counts, Peggy Spradling, Angela Wilkinson, Vaughn Summers, Claudia Townsend, and Jacqueline Beaver. *Photo by Jennifer Bundy*

Supreme Court Clerk Elected President of National Conference of Appellate Court Clerks

West Virginia Supreme Court Clerk Rory Perry II was installed as President of the National Conference of Appellate Court Clerks at the organization's Thirty-Ninth Annual Conference in Charleston, S.C., in August 2012.

As President, he is responsible for a range of executive duties and will preside over the group's fortieth annual conference, to be held in August 2013 in Seattle. The NCACC is made up of clerks in state and federal appellate courts, including the Supreme Court of the United States.

When he was hired as Deputy Clerk late in 1998, his primary task was to update the Court's case management system. By January 2000, he had implemented a new system. He was named Clerk in July 2000, and he has been a member of the NCACC since 2003. In September 2001, West Virginia became one of only six Supreme Courts in the country to webcast oral arguments live on the Internet. In 2011, in his tenth year as Clerk, he helped the Court revise the appellate court rules.

He is the fourteenth person to serve as Clerk of Court since West Virginia was founded in 1863.

In 2009, United States Supreme Court Clerk William K. Suter told an audience gathered at a conference in Charleston that Clerk Perry is "a star, a friend, and a standout."

"He should be president of the national association," said West Virginia Supreme Court Chief Justice Menis E. Ketchum. "He is the best clerk in the United States."

Clerk Perry also is involved in the West Virginia Youth in Government Program and the West Virginia Civics Literacy Council.

He is a native of Huntington and also grew up in South Carolina and Georgia. He graduated from Marshall University and is a 1994 graduate of West Virginia University College of Law. He is married to Reneé Margocee and has an adult son.



Judge Sanders Named Judge of the Year

Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Judge David H. Sanders was named Judge of the Year in 2012 by the West Virginia Association for Justice.

Judge Sanders received the award September 14 at a ceremony in the courtroom in the Jefferson County Courthouse in Charles Town. A member of the association's board, Martinsburg Attorney D. Michael Burke, gave him a small plaque which read in part, "In recognition of his exemplary service to West Virginia's court system and the rule of law." About fifty people, including family members, friends, co-workers, attorneys, and local elected officials, attended according to *The* (Hagerstown) *Herald-Mail*.

Wheeling attorney Jim Bordas, who is chairman of the committee that selected Judge Sanders, said he "is one of the hardest working judges in West Virginia. . . . He is respectful of all those who come before him in his courtroom. Members of the Bar share that respect for him. His decisions are not based on public opinion or the opinion of lawyers . . . but rather on the law and the evidence before him."

"For the life of me, I can't think of what remarkable thing I may have done to merit this kind of attention," Judge Sanders said. "I've always believed in modesty and I believe, as my father often pointed out, that I have much to be modest about. The Supreme Court of West Virginia has, through its opinions over the years, helped sustain me of that self-assurance. So I stand before you today feeling that I am a most unlikely candidate for this award."

Judge Sanders, 65, is a native of Princeton. He is a 1982 graduate of West Virginia University College of Law. He was elected to the bench in 1992, 2000 and 2008.



Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Chief Judge David H. Sanders, left, accepts the Association of Justice 2012 Judge of the Year Award from attorney Michael Burke, right, during a ceremony in his courtroom in the Jefferson County Courthouse in Charles Town. Judge Sanders won the award in June but the presentation was in September. *Photo by Rachel Molenda, The (Martinsburg) Journal*



Terri R. Cheslock

Terri Cheslock Wins Court Reporter of the Year Award

Marion County Court Reporter Terri R. Cheslock received the Court Reporter of the Year award in October 2012 from her peers at the West Virginia Official Court Reporters Association Conference at Lakeview Resort in Morgantown.

Ms. Cheslock, of Fairmont, has worked as a court reporter for thirty years, since August 1982. She was recruited by Senior Status Judge Fred Fox, II, and worked for him until his retirement in November 2010. She now works for Sixteenth Judicial Circuit (Marion County) Judge Michael John Aloï.

"She does so much more than just take down information in the courtroom," Judge Aloï said. "I consider myself blessed."

Ms. Cheslock said she enjoys being a court reporter. "I like that it's something different every day. . . . I always love doing adoptions. That's the only work we do that everybody leaves happy," she said.

Ms. Cheslock also was elected President of the West Virginia Court Reporters Association at the Morgantown conference. She is a past vice-president and secretary of the organization. She is a certified court reporter in West Virginia, a member of the National Verbatim Court Reporters Association, and she has been a nationally certified CVR (Certified Verbatim Reporter) since 1996.



Judge James Rowe

Judge Rowe Receives Child Advocate Award

The West Virginia Children's Home Society and West Virginia Court Appointed Special Advocates gave an award to Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties) Judge James Rowe on April 27, 2012, in honor of Children's Memorial Flag Day.

The award was accompanied by a certificate that says, "A grateful community acknowledges your efforts above and beyond the call to duty to protect the most vulnerable of our community's children. Your efforts have provided the foundation for a start in life for countless children and families."

"The protection of children is the most important thing I do as a judge. In accepting this award, I do so on behalf of those individuals and local and state agencies that tirelessly work to make a difference in a child's life," Judge Rowe said when he accepted the award in Lewisburg, according to a story on WVVA.com.

Judge Rowe was born in Bedford, Virginia, and grew up in Union and Franklin, West Virginia. He is a graduate of West Virginia University and a 1977 graduate of the International School of Law, now called the George Mason School of Law. Between college and law school he served in the Air Force.

He was elected to five consecutive terms in the House of Delegates, serving as House Judiciary Chairman and Majority Leader, before being appointed to the bench in 1997 by then-Governor Gaston Caperton. He was elected to the circuit court in 1998, 2000, and 2008.

Wood County Circuit Clerk Carole Jones Receives Nicely Award

Wood County Circuit Court Clerk Carole Jones received the William P.A. Nicely Award for Lifetime Achievement in February 2012. The award, named for a former legislator and three-term mayor of Parkersburg who died in 1991, is given every few years to a Republican.

"I am very honored to have been chosen to receive this award. It's very special and humbling," Ms. Jones told *The Parkersburg News & Sentinel*.

Jones was hired as a deputy clerk in 1968 and later became chief deputy. She was elected Circuit Clerk in 1992 and re-elected every six years thereafter.

She has lived in Wood County since her husband, Raymond, left the military. Their two adult daughters also live in the area.

"I would not be able to do the job we do here in this office without my staff. I really appreciate those who have worked with me over the years. I couldn't do the job without them," Ms. Jones said.



Carole Jones



Roger Beverage, left, with his wife, Ramona Beverage, and Retired Adjutant General Alan Tackett on January 23, 2012. Photo by Martin Valent, Legislative Photographer

Probation Officer Honored by West Virginia Senate

Retiring Probation Officer Roger Beverage was honored by the West Virginia Senate on January 23, 2012, with a Resolution thanking him for his service as the top-ranking noncommissioned officer in the West Virginia Army National Guard.

Mr. Beverage, who retired from the West Virginia Supreme Court that week after serving as a probation officer for twenty-six years, was accompanied to the Senate by his father, Carl Beverage; his wife of forty-two years, Ramona Beverage, who is the principal at Birch River Elementary School; their daughter, Michelle Black; granddaughter, Haley Black; Retired Adjutant General Alan Tackett; and Supreme Court Justice Robin Davis.

Mr. Beverage retired from the National Guard in 2008 with the rank of Sergeant Major after thirty-seven years. Among his military awards is a Bronze Star.

Mr. Beverage is a graduate of Richwood High School and has a bachelor's degree from West Virginia Institute of Technology, a master's degree in correctional counseling from West Virginia University, and a master's degree in leadership studies from Marshall University.



Charleston attorney Scott Segal, left, gives the 2012 Public Servant of the Year Award to Supreme Court Administrative Director Steve Canterbury, right, on behalf of the West Virginia Association for Justice at its June 7, 2012, annual meeting in Charleston. Photo by April Harless

Canterbury Wins Public Service Award

The West Virginia Association for Justice named Supreme Court Administrative Director Steve Canterbury its 2012 Public Servant of the Year.

The award, presented on June 7 at the association's annual convention and seminar in Charleston, was in recognition of his exemplary service to the state and its court system. As administrative director, Mr. Canterbury oversees administration of the Supreme Court, circuit courts, family courts, magistrate courts, and probation officers.

The West Virginia Association for Justice cited Mr. Canterbury's leadership in creating the state domestic violence registry, expanding adult and juvenile drug courts, and his extensive work developing the Unified Judicial Application (UJA) computer system that will link all West Virginia courts.

Mr. Canterbury in July 2012 began a term on the Board of Directors of the Conference of State Court Administrators (COSCA). He is co-chairman of the COSCA Committee on Access, Fairness, Public Trust, and Confidence and is the COSCA liaison to the Consortium on Racial and Ethnic Fairness in the Courts.

He is in his third term on the Board of Directors of the Council of State Governments Justice Center, where he is one of two people who represent the nation's courts. The other is the Chief Judge of the Criminal Court of Appeals of Texas.

He also is the only state court administrator on the National Center for State Courts Justice Center Board and on the Public Welfare Foundation's Special Committee on Access to the Courts.

Clarksburg Woman Named Probation Officer of the Year

Harrison County Probation Officer Rose S. "Beth" Gain was named the 2012 Probation Officer of the Year by the West Virginia Association of Probation Officers.

"There isn't anyone who cares for the young people who she works for more than she. But she has high expectations for the youth and holds them accountable," Fifteenth Judicial Circuit (Harrison County) Judge Thomas A. Bedell told *The [Clarksburg] Exponent-Telegram*.

Chief Probation Officer Charles "Chic" Scott cited Gain's "dedication to her job, her commitment to juveniles, the number of years of service, her education – just the overall quality of work she performs."

Ms. Gain, a Clarksburg resident, has more than forty-four years of service to the state, including almost nineteen as a juvenile probation officer. She held multiple posts with the Department of Health and Human Resources prior to taking her probation job in 1993.

She said she was "shocked and very appreciative" of the award.



Rose Gain

Court Association Officers



2012 Judicial Association Officers

President: Darrell Pratt, Twenty-Fourth Judicial Circuit (Wayne County)

Vice-President: Derek C. Swope, Ninth Judicial Circuit (Mercer County)

Secretary: Russell M. Clawges, Jr., Seventeenth Judicial Circuit (Monongalia County)

Treasurer: Thomas C. Evans, III, Fifth Judicial Circuit (Mason, Jackson, Roane, and Calhoun Counties)



2012 Family Court Association Officers

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

President-Elect: Ken Ballard, Eleventh Family Court Circuit (Kanawha County)

Secretary: Lisa Clark, Twelfth Family Court Circuit (McDowell and Mercer Counties)

Treasurer: Patricia Tolle Hill, Twentieth Family Court Circuit (Monongalia and Preston Counties)

Executive Committee:

Ken Ballard, Eleventh Family Court Circuit (Kanawha County)

Lisa Clark, Twelfth Judicial Circuit (McDowell and Mercer Counties)

Mary Ellen Griffith, Twelfth Family Court Circuit (McDowell and Mercer Counties)

Patricia Tolle Hill, Twentieth Family Court Circuit (Monongalia and Preston Counties)

Beth Longo, Twenty-First Family Court Circuit (Barbour and Taylor Counties)

Louise G. Staton, Thirteenth Family Court Circuit (Raleigh, Summers, and Wyoming Counties)



2012 Magistrate Association Officers

President: Riley Barb (Tucker County)

Secretary: Carol L. Wolfe (Gilmer County)

Treasurer: Julie M. Yeager (Kanawha County)

Vice-President First District:

Patricia L. Murphy (Ohio County)

Vice-President Second District:

Gail C. Boober (Jefferson County)

Vice-President Third District:

John D. Morton, Jr. (Nicholas County)

District Representatives

First District:

Michael K. Griffin (Tyler County)

William S. Hicks (Hancock County)

Hank E. Middlemas (Marion County)

Second District:

Jason D. Bennett (Roane County)

Richard G. Postalwait (Calhoun County)

Joseph L. Shelton (Kanawha County)

Third District:

Jack W. "Bill" Jeffries, Jr. (Summers County)

Kevin L. Miller (Monroe County)

Mona Dell Snodgrass (Lincoln County)



2012 Court Reporters Association Officers

President: Terri R. Cheslock (Marion County)

President-Elect: Sharon L. Vincent (Monongalia County)

Vice-President: Dwayne Price (Kanawha County)

Secretary: Shelley Kelley (Mingo County)

Treasurer: Veronica Bird (Mercer County)



2012 Association of Probation Officers

President: Jerry Swanson (Lincoln County)

Vice-President: Christopher C. May (Cabell County)

Secretary: Kay Browning (Logan County)

Treasurer: Vickie J. Britner (Webster County)

2012 Court Conferences

January 9-10

Adult Treatment Court Coordinators Conference, Charleston

January 25-27

Fatality Review Board Meeting, Charleston

February 3

New Leave Record Keepers Teleconference

February 10

Experienced Leave Record Keepers Teleconference

March 20-22

Disproportionate Minority Contact Training, Beaver

April 4-6

Mid-Atlantic Conference of State Court Administrators/Conference of Chief Justices Meeting, Shepherdstown and Charles Town

April 10-12

Mental Hygiene Commissioners Conference, Charleston

April 26-27

Juvenile Drug Court Training, Morgantown

April 26

Intensive Supervision Officers Summit, Morgantown

April 30-May 1

Spring Family Court Judges Education Conference, Charleston

May 4

Intensive Supervision Officer Training, Charleston

May 14-16

Magistrates Education Conference I, Bridgeport

May 15-18

Spring Circuit Court Judges Education Conference, Lerona

May 22-24

Magistrates Education Conference II, Bridgeport

June 14-15

Fatality Review Meeting, Charleston

July 23-24

Court Improvement Board Cross Training I, Charleston¹

July 26-27

Court Improvement Board Cross Training II, Morgantown¹

July 30-31

Parent Educators Training I, Bridgeport

August 7-8

Parent Educators Training II, Charleston

August 7-8

Family Court Mediator Training, Charleston

August 12-15

Circuit Clerks Conference, Morgantown

August 28

New Circuit Court Law Clerks Training, Charleston

August 28-31

Mass Litigation Panel Retreat, Roanoke

August 29-30

All Circuit Court Law Clerks Training, Charleston

October 2-5

Fall Circuit Court Judges Education Conference, Morgantown

October 2-4

Circuit Court Reporters Conference, Morgantown

October 2-4

Court Bailiffs Conference, Morgantown²

October 5

Microsoft Office 2010 Training, Morgantown

October 8

New Probation Officers Education Conference, Charleston

October 9-12

All Probation Officers Education Conference, Charleston

October 15-17

Fall Family Court Judges Education Conference, Daniels

November 7

Microsoft Office 2010 Training I, Charleston

November 8

Microsoft Office 2010 Training II, Morgantown

November 9

Microsoft Office 2010 Training III, Morgantown

November 14

Guardians *Ad Litem* Training I, Charleston

November 14

Microsoft Office 2010 Training IV, Charleston

November 16

Guardians *Ad Litem* Training II, Morgantown

November 28

Microsoft Office 2010 Training V, Charleston

November 29

Microsoft Office 2010 Training VI, Charleston

December 3-7

New Magistrate Training, Charleston

December 6

Microsoft Office 2010 Training VII, Charleston

¹Grant funded by U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families; State Court Improvement Basic Program Grant 1101WVSCIT and 1201WVSCIT

²Grant funded by West Virginia Division of Justice and Community Services, Court Security Grant Program 12-CS-15

Janie Moore: Experience Guiding Magistrate Division



Supreme Court Director of Magistrate Court Services Janie Moore, middle, and her staff: Administrative Assistant Melody Jordan, left, and Paralegal Brenda Magann, right.
Photo by April Harless

Janie Moore has spent most of her life helping people as a public employee and personal caregiver to family members. Hers has been a life of service, culminating in her current job as Director of the Magistrate Court Division in the Supreme Court Administrative Office, where she is always on call when magistrates have a question or need help.

"I love every minute of it," Janie said of working with the more than five hundred magistrate court employees in West Virginia. "I call them my peeps."

Gilmer County Magistrate Carol Wolfe said having a former magistrate like Janie as the director of the division is like having someone who "understands the stressors we have to deal with. She has been in the ditches, and unless you have been there, you don't get it. I believe she works tirelessly for the good of the magistrates in this state."

A lifelong resident of West Virginia, Janie grew up in Dunbar. She began her working life washing cars and changing tires at her father's car shop. Then she owned a St. Albans beauty shop for seven years.

In the late 1970s she took a job as a courtroom clerk for two Kanawha County circuit judges. Then-Kanawha County Circuit Clerk Phyllis Rutledge "had enough faith in me to do all she wanted me to do, because I had never worked in the court system before," Janie said. "I will always cherish that and be thankful for her friendship and guidance."

While working as a clerk, then-Kanawha County Prosecutor Mike Roark asked Janie to work in his office as director of his Division of Child Support Enforcement. She worked on paternity cases and pursued collections from fathers who were late on child support, even if the fathers no longer lived in West Virginia.

"I did that for several years; it was so interesting," said Janie. "I would go out to the mall or the store and a man would see me and he would say, 'Hey Janie, I am on my way to pay child support.' I said 'That's good.'"

Janie's father, Bill Thompson, was a longtime Kanawha County Commissioner, and she helped with his campaigns. People often told her she should run for office, and eventually she said, "Why not?" She ran for Kanawha County Magistrate and won.

"I was totally shocked. I was so fortunate because everybody I ran against was an incumbent, and I won the first time. Magistrate court was totally different from circuit court," said Janie.

She was a magistrate for twenty-four years, and for fifteen of those years she was the Kanawha County Chief Magistrate. "I am really a people person. I am a fixer and I think I have to fix things for people," she said.

Being a Kanawha County Magistrate was never dull. One day she was presiding over initial appearances when an inmate jumped up, bit the ear off of another inmate, and spit it out at Janie's feet.

"I said, 'Oh gosh. We have got to gather it up. We have to get it on ice and sewn back on.'"

That was the incident that convinced her of the need for the video conferencing system being promoted by then-Regional Jail and Correctional Facility Authority Director Steve Canterbury, now the Administrative Director of the West Virginia Supreme Court. Verizon built a voice, video, and data network system across the state that would allow magistrates and judges to conduct hearings with inmates while the inmates remained at a regional jail. In 2000, Janie was featured in a *Fortune Magazine* article about the system. Mr. Canterbury chose Janie to train other magistrates on the video conferencing units.

"Long before I worked with the Court, I respected Magistrate Moore as an honorable, extraordinarily talented, and thoroughly knowledgeable jurist," said Mr. Canterbury. "That's why Janie was the logical choice to test drive what we called the asynchronous transfer mode, or ATM, system. It has gone through several updates and is now called the Video Conferencing System."

Janie said she is blessed to work with Mr. Canterbury "because I never would have believed I would see the technology that we have now, because when I started in magistrate court, we didn't have computers."

Mr. Canterbury hired Janie as Magistrate Court Division Director in 2009. Previously, the division director had always been a lawyer.

"Magistrates were hungry for one of their own to run the division," Mr. Canterbury said. "Although the 158 of them rarely agree on much, they agreed on that. Janie was just what the doctor ordered. Absolutely nothing comes before the magistrates that she has not experienced herself. Thus, she is in a perfect position to give quick, informed solutions to their problems when they call."

Janie had retired from the bench in 2008 to care for her mother, who was ill. But even in retirement she was busy: She served as campaign treasurer for her good friend, Margaret Workman, who successfully ran for the Supreme Court. By the time Mr. Canterbury hired Janie, her mother had recovered and the campaign was over.

"Janie Moore is highly qualified and has been a wonderful addition to the Supreme Court staff," said Justice Workman. "I have

known Janie since I was appointed Kanawha County Circuit Judge in 1981. She is just a great person who works hard and loves her job and the people she serves. She is tireless in working to make the magistrate court system function as effectively as possible."

Since becoming the director of the Magistrate Court Division, Janie has worked closely with Technology Division Director Scott Harvey and a team of other trainers and technicians to develop and implement the Unified Judicial Application Information System (UJA). The UJA will allow all counties to have a single computer system that will be linked, allowing all public court records to be quickly and easily available at every court location. The system will also allow more efficient record-keeping of costs and fees assessed and collected, and more effective auditing to ensure collections are distributed to the appropriate funds.

"This is a very big project," said Janie. "We have rewritten the whole thing to fit our standards. It's an awesome project. I love it."

When Janie isn't working, she likes boating, cooking, reading on her iPad, and studying the law, but most of all she loves yard work. She has been injured several times while riding her tractor or weed eating – a couple of times seriously – but has no plans to cut back. She really can't: she has four homes, one on a fifty-six acre farm.

She has been married for twenty-six years and has one adult son, three step-children, thirteen grandchildren, and one great-grandchild. Both of Janie's parents have died and she now cares for her disabled sister.

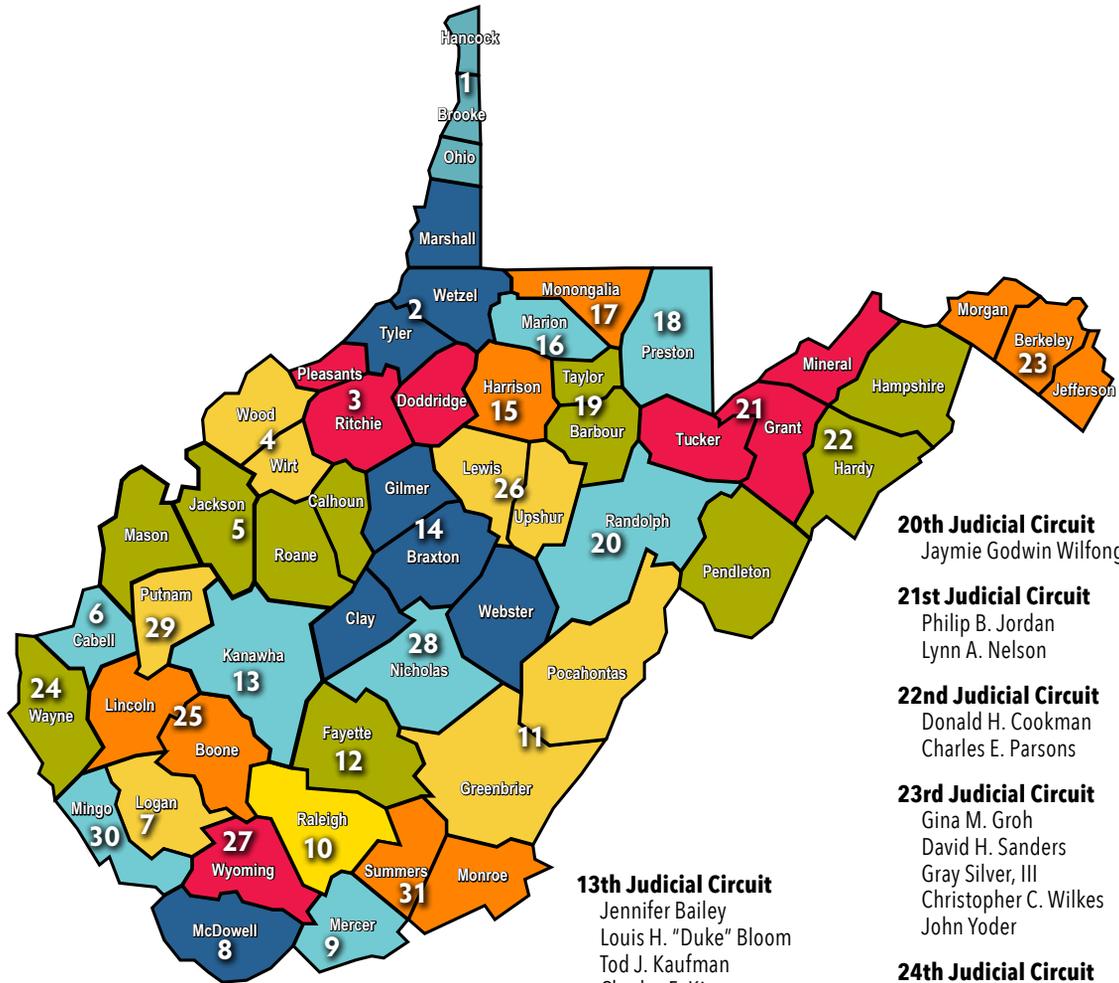
Janie said her career has been "life rewarding" and she doesn't plan to give it up any time soon.

"I love the changes; it's never ending, but I am very fortunate to have Melody Jordan (administrative assistant) and Brenda Magann (paralegal); it's just us for the whole state. But it's better than any amount of money you could make. It's the most interesting job, and I am fortunate to have it."



A meeting at the Supreme Court offices at City Center East in Charleston about the UJA. From left: Mandy Weaver, Greenbrier Magistrate Clerk Debbie Kaizer, Janie Moore, Jill Harvey, and Alex Straith. Ms. Weaver works for the Supreme Court Division of Technology Services. Ms. Harvey and Mr. Straith are UJA contractors. Photo by Jennifer Bundy

Circuit Court Judges



1st Judicial Circuit
 Martin J. Gaughan
 James P. Mazzone
 Arthur M. Recht
 Ronald E. Wilson

2nd Judicial Circuit
 David W. Hummel, Jr.
 Mark A. Karl

3rd Judicial Circuit
 Timothy Sweeney

4th Judicial Circuit
 J. D. Beane
 Jeffrey B. Reed
 Robert A. Waters

5th Judicial Circuit
 Thomas C. Evans, III
 David W. Nibert

6th Judicial Circuit
 Paul T. Farrell
 Alfred E. Ferguson
 F. Jane Husted
 David M. Pancake

7th Judicial Circuit
 Eric H. O'Briant
 Roger L. Perry

8th Judicial Circuit
 Rudolph J. Murensky, II
 Booker T. Stephens

9th Judicial Circuit
 Omar J. Aboulhosn
 William J. Sadler
 Derek C. Swope

10th Judicial Circuit
 Robert A. Burnside, Jr.
 John A. Hutchison
 H. L. Kirkpatrick III

11th Judicial Circuit
 Joseph C. Pomponio, Jr.
 James J. Rowe

12th Judicial Circuit
 Paul M. Blake, Jr.
 John W. Hatcher, Jr.

13th Judicial Circuit
 Jennifer Bailey
 Louis H. "Duke" Bloom
 Tod J. Kaufman
 Charles E. King
 James C. Stucky
 Carrie L. Webster
 Paul Zakaib, Jr.

14th Judicial Circuit
 Jack Alsop
 Richard A. Facemire

15th Judicial Circuit
 Thomas A. Bedell
 J. Lewis Marks, Jr.
 James A. Matish

16th Judicial Circuit
 Michael J. Aloï
 David R. Janes

17th Judicial Circuit
 Russell M. Clawges, Jr.
 Phillip D. Gaujot
 Susan B. Tucker

18th Judicial Circuit
 Lawrance S. Miller, Jr.

19th Judicial Circuit
 Alan D. Moats

20th Judicial Circuit
 Jaymie Godwin Wilfong

21st Judicial Circuit
 Philip B. Jordan
 Lynn A. Nelson

22nd Judicial Circuit
 Donald H. Cookman
 Charles E. Parsons

23rd Judicial Circuit
 Gina M. Groh
 David H. Sanders
 Gray Silver, III
 Christopher C. Wilkes
 John Yoder

24th Judicial Circuit
 Darrell Pratt
 James H. Young, Jr.

25th Judicial Circuit
 Jay M. Hoke
 William S. Thompson

26th Judicial Circuit
 Thomas H. Keadle

27th Judicial Circuit
 Warren R. McGraw

28th Judicial Circuit
 Gary L. Johnson

29th Judicial Circuit
 O. C. Spaulding
(Retired January 1, 2012)
 Robe Leslie
(Took office June 12, 2012. Left office November 30, 2012)
 Joseph K. Reeder
(Took office December 1, 2012)
 Phillip M. Stowers

30th Judicial Circuit
 Michael Thornsberry

31st Judicial Circuit
 Robert A. Irons

Circuit Courts

West Virginia's fifty-five counties are divided into thirty-one circuits with seventy judges. The circuits vary in size; one has seven judges while nine have one judge each. While every county has a courthouse where a judge presides, a single circuit can be composed of up to four counties.

Circuit judges must have practiced law for at least five years. They serve eight-year terms.

Each circuit judge has a law clerk, a secretary, and a court reporter.

The circuit courts are trial courts of record. They have jurisdiction over all civil cases in which more than three hundred dollars is at issue; all cases on equity; proceedings in *habeas corpus*, *mandamus*, *quo warranto*, prohibition and *certiorari*; and all felonies and misdemeanors.

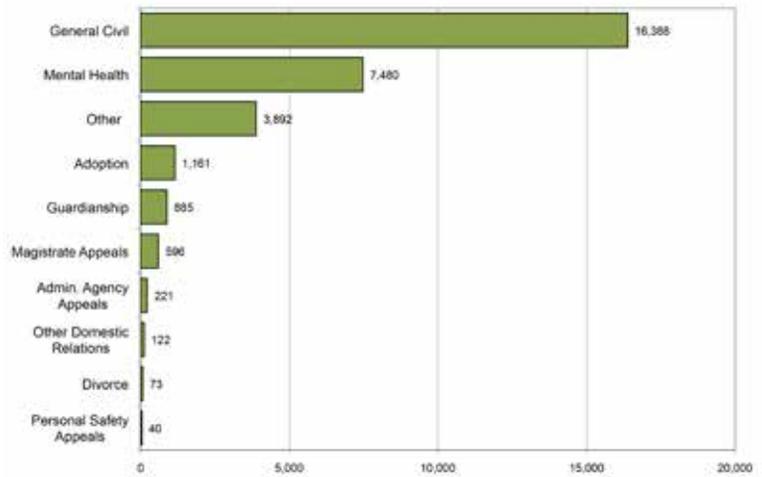
Circuit courts receive appeals from magistrate courts, municipal courts, and all administrative agencies except from the Division of Workers' Compensation. Workers' compensation appeals go directly to the Supreme Court of Appeals.

Circuit courts also can hear appeals of family court rulings, but both parties can agree to appeal domestic relations decisions directly to the Supreme Court. Additionally, circuit judges receive recommended orders from judicial officers who hear mental hygiene matters.

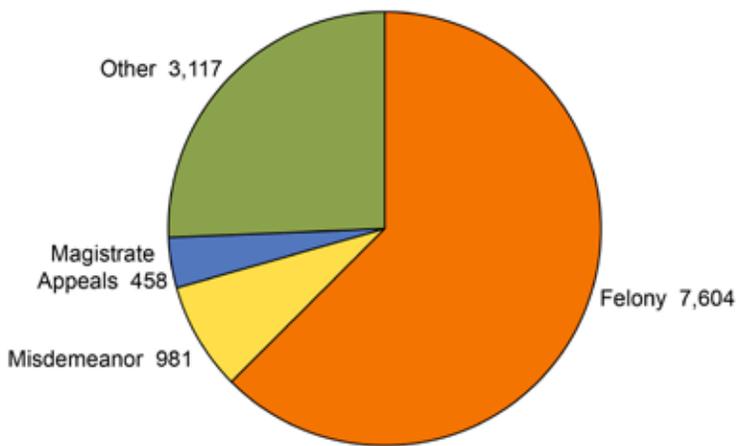
In 2012, a total of 51,766 cases were filed in West Virginia's circuit courts. Of that, 30,858 filings, or about 59.6 percent, were civil cases; 12,160 filings, or about 23.5 percent, were criminal cases; and 8,748 filings, or about 16.9 percent, were juvenile matters.

In addition to their regular caseloads, circuit judges also serve on the Mass Litigation Panel, the Business Court Division, the Court Improvement Program Board, the Compliance Committee on Prisons and Jails, and several other special committees of the Supreme Court. Circuit judges preside over numerous juvenile and adult treatment courts throughout the state, and dozens of judges are active in civic education programs in public schools, private schools, and colleges and universities.

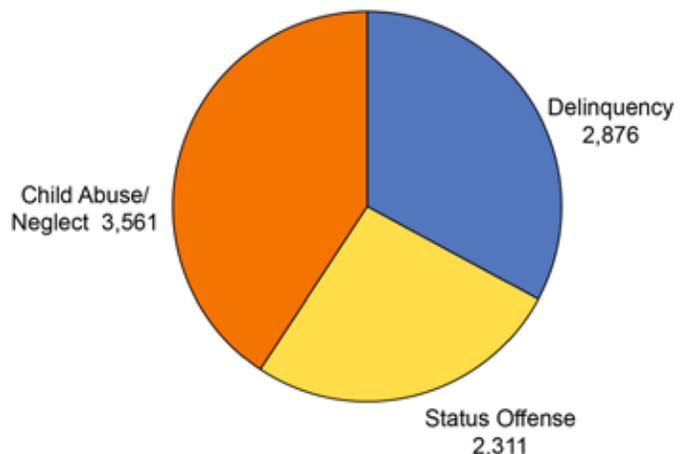
2012 Circuit Court Civil Cases Filed



2012 Circuit Court Criminal Cases Filed



2012 Circuit Court Juvenile Cases Filed



Circuit Court County Filings

Calendar Years 2003-2012

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Barbour	276	361	277	252	353	306	308	202	213	209
Berkeley	2,606	2,670	2,336	2,329	2,851	2,715	2,526	2,514	2,112	1,927
Boone	982	938	999	977	942	824	750	531	656	731
Braxton	314	317	271	290	303	321	326	342	279	279
Brooke	471	473	472	519	533	600	751	597	606	983
Cabell	4,114	3,978	3,755	3,933	4,038	3,897	3,859	3,915	3,867	3,803
Calhoun	177	164	165	154	127	136	128	139	130	109
Clay	311	259	297	193	228	242	182	296	263	226
Doddridge	148	122	147	147	168	137	132	146	151	121
Fayette	999	899	823	840	887	947	915	878	848	775
Gilmer	178	119	125	140	157	147	131	142	83	111
Grant	263	260	278	253	225	224	265	200	222	243
Greenbrier	953	964	825	795	801	881	903	964	948	917
Hampshire	424	381	367	353	420	471	464	477	369	344
Hancock	713	644	684	740	573	680	683	688	684	713
Hardy	416	303	207	269	244	292	286	286	321	243
Harrison	1,690	1,723	1,567	1,674	1,859	1,816	1,614	1,602	1,623	1,545
Jackson	513	631	540	487	472	469	437	393	397	395
Jefferson	1,120	1,087	1,020	1,082	1,050	972	936	884	926	925
Kanawha	7,327	7,264	7,529	6,989	6,354	5,358	4,806	4,586	5,634	6,448
Lewis	603	621	646	738	702	815	729	777	693	670
Lincoln	613	686	630	625	706	669	636	685	694	630
Logan	1,089	1,184	1,224	1,025	1,144	1,260	1,389	1,402	1,415	1,312
Marion	1,522	1,934	1,526	1,584	1,452	1,487	1,432	1,451	1,431	1,276
Marshall	826	794	835	968	974	1,025	972	880	874	946
Mason	591	740	658	539	1,154	632	605	671	663	2,408
McDowell	761	673	503	--	642	712	705	746	641	719
Mercer	2,724	2,425	1,970	2,045	2,238	2,441	2,662	2,413	2,305	2,201
Mineral	634	609	649	703	629	673	535	294	404	544
Mingo	1,009	1,169	1,006	1,218	1,113	1,008	1,048	1,060	850	831
Monongalia	2,147	2,014	1,937	2,010	1,996	1,828	1,896	1,726	1,672	1,837
Monroe	236	258	210	226	233	277	212	186	225	163
Morgan	422	376	368	399	364	424	356	346	319	407
Nicholas	620	658	690	768	720	773	713	721	644	620
Ohio	1,371	1,352	1,402	1,294	1,609	1,443	1,371	1,577	1,358	1,343
Pendleton	125	94	97	108	111	89	116	121	116	133
Pleasants	157	125	136	154	139	151	275	244	228	259
Pocahontas	300	264	220	237	241	238	221	232	257	237
Preston	726	674	662	661	688	714	663	650	608	481
Putnam	1,196	1,066	1,076	1,163	967	1,096	1,062	1,196	1,205	1,057
Raleigh	2,687	2,412	2,436	2,383	2,321	2,389	2,583	2,496	2,621	1,632
Randolph	599	538	513	661	692	822	775	748	747	705
Ritchie	165	182	214	213	187	239	185	232	184	177
Roane	320	302	288	293	316	327	373	328	256	263
Summers	293	236	275	250	299	341	257	320	292	301
Taylor	388	414	366	365	439	490	511	503	429	486
Tucker	135	111	124	136	136	200	125	177	141	115
Tyler	207	241	156	165	177	191	178	152	182	160
Upshur	461	481	466	478	483	481	466	429	461	455
Wayne	1,320	1,093	966	1,015	1,144	1,358	1,117	1,112	985	1,036
Webster	205	211	237	188	200	216	183	192	226	171
Wetzel	490	413	406	450	451	454	392	1,793	380	387
Wirt	127	89	94	82	92	106	92	67	157	107
Wood	2,089	2,152	2,074	2,156	2,170	2,230	2,133	2,186	2,263	2,038
Wyoming	613	512	534	607	585	555	628	640	632	618
Total	51,766	50,660	48,278	48,323	50,099	49,589	47,998	48,535	46,890	47,772

Notes: (1) Mass litigation filings handled by the Mass Litigation Panel are not included in 2012 and 2011 filing totals. Please refer to the mass litigation section of this report for statistical information on mass litigation cases. (2) Due to personnel turnover and technical issues, data for McDowell County Circuit Court is unavailable for 2009. (3) In 2003, the total Circuit Court caseload included Family Court appeals.

2012 Circuit Court Criminal Case Filings

	Total	Felony	Magistrate Appeals	Misdemeanor	Other Criminal Cases
Barbour	67	43	0	14	10
Berkeley	491	302	186	3	0
Boone	210	157	10	42	1
Braxton	76	48	0	2	26
Brooke	109	66	2	4	37
Cabell	850	507	20	115	208
Calhoun	24	22	0	2	0
Clay	46	38	7	1	0
Doddridge	28	26	0	2	0
Fayette	254	219	12	5	18
Gilmer	32	32	0	0	0
Grant	108	75	1	13	19
Greenbrier	347	225	2	79	41
Hampshire	126	68	3	0	55
Hancock	191	119	2	34	36
Hardy	165	115	0	0	50
Harrison	377	250	10	33	84
Jackson	166	160	1	5	0
Jefferson	240	206	12	22	0
Kanawha	1,590	804	16	172	598
Lewis	66	65	1	0	0
Lincoln	70	26	0	0	44
Logan	236	170	1	19	46
Marion	304	225	49	28	2
Marshall	83	74	4	5	0
Mason	121	91	1	7	22
McDowell	181	121	6	1	53
Mercer	837	396	22	12	407
Mineral	269	159	13	17	80
Mingo	405	109	1	4	291
Monongalia	375	332	6	16	21
Monroe	78	71	2	5	0
Morgan	110	93	3	4	10
Nicholas	147	83	1	1	62
Ohio	146	143	0	1	2
Pendleton	22	22	0	0	0
Pleasants	36	34	0	2	0
Pocahontas	96	57	11	14	14
Preston	179	85	3	8	83
Putnam	323	159	17	16	131
Raleigh	754	255	9	103	387
Randolph	175	88	2	21	64
Ritchie	64	56	3	3	2
Roane	117	113	0	4	0
Summers	125	117	0	5	3
Taylor	120	91	0	5	24
Tucker	27	20	2	5	0
Tyler	63	33	0	23	7
Upshur	126	91	0	35	0
Wayne	374	170	3	24	177
Webster	50	49	0	1	0
Wetzel	136	135	0	1	0
Wirt	26	20	4	0	2
Wood	260	240	8	12	0
Wyoming	162	129	2	31	0
Total	12,160	7,604	458	981	3,117

2012 Circuit Court Civil Case Filings

	Total	Admin. Agency Appeals	Adoption	Divorce	General Civil
Barbour	148	2	4	0	100
Berkeley	1,598	6	87	0	1,022
Boone	533	0	16	0	244
Braxton	145	3	21	0	69
Brooke	289	2	4	0	186
Cabell	2,511	4	43	0	857
Calhoun	74	0	8	0	37
Clay	127	0	17	0	43
Doddridge	89	0	5	0	40
Fayette	558	1	27	0	407
Gilmer	106	0	2	0	29
Grant	108	0	4	0	58
Greenbrier	475	1	17	0	269
Hampshire	264	0	16	0	185
Hancock	405	1	20	0	244
Hardy	165	0	16	1	104
Harrison	1,006	1	25	0	550
Jackson	290	0	20	1	166
Jefferson	717	1	21	0	614
Kanawha	5,090	146	90	0	2,405
Lewis	501	0	8	0	175
Lincoln	368	2	30	0	165
Logan	614	0	35	0	357
Marion	997	0	29	0	465
Marshall	564	0	17	57	264
Mason	339	0	20	0	160
McDowell	346	0	18	0	241
Mercer	1,333	5	55	0	682
Mineral	239	4	22	0	150
Mingo	450	0	35	0	331
Monongalia	1,601	1	23	0	886
Monroe	132	0	10	0	88
Morgan	222	0	5	0	133
Nicholas	340	5	27	0	186
Ohio	1,076	11	20	0	448
Pendleton	69	0	5	0	41
Pleasants	80	0	1	0	41
Pocahontas	164	2	5	0	51
Preston	482	1	16	0	353
Putnam	720	6	30	0	446
Raleigh	1,449	3	70	0	1,008
Randolph	306	0	9	0	202
Ritchie	76	0	1	0	49
Roane	151	0	21	0	67
Summers	109	1	6	0	53
Taylor	154	3	5	0	85
Tucker	83	0	6	0	66
Tyler	118	0	4	2	58
Upshur	234	0	9	0	136
Wayne	597	1	65	0	340
Webster	81	0	13	0	34
Wetzel	309	0	9	12	123
Wirt	55	1	2	0	28
Wood	1,502	6	40	0	616
Wyoming	299	1	27	0	231
Total	30,858	221	1,161	73	16,388

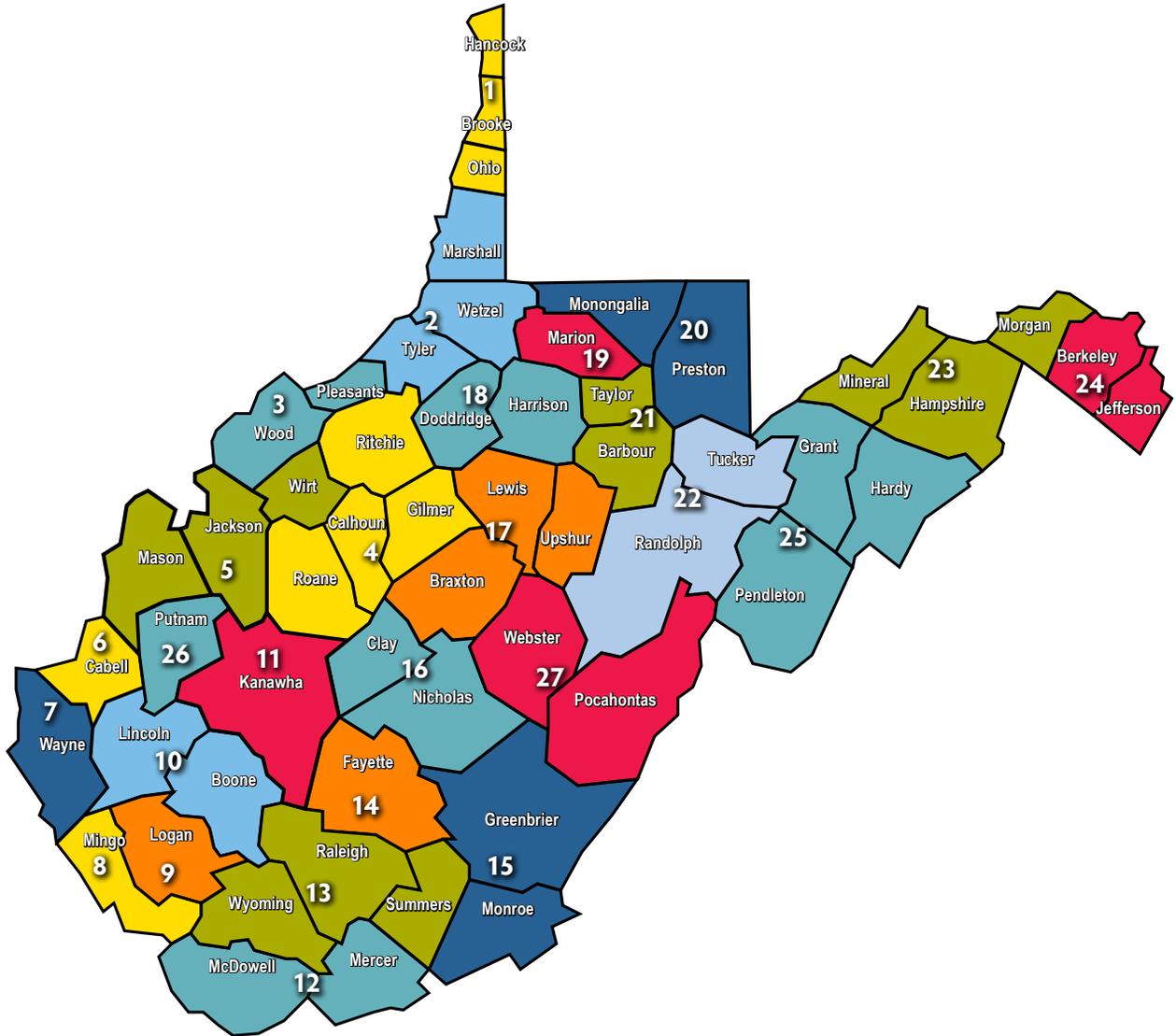
2012 Circuit Court Civil Case Filings

	Guardianship	Magistrate Appeals	Mental Health	Other Civil Case	Other Domestic Relations	Personal Safety Appeals
Barbour	6	4	19	12	1	0
Berkeley	36	22	191	233	0	1
Boone	16	9	93	119	36	0
Braxton	6	2	21	22	1	0
Brooke	8	1	54	30	0	4
Cabell	81	71	1,276	179	0	0
Calhoun	0	9	8	12	0	0
Clay	5	1	12	47	2	0
Doddridge	0	2	17	25	0	0
Fayette	17	6	34	66	0	0
Gilmer	3	1	7	64	0	0
Grant	0	7	14	23	2	0
Greenbrier	28	5	135	19	0	1
Hampshire	10	8	19	26	0	0
Hancock	16	4	51	67	1	1
Hardy	11	2	17	11	3	0
Harrison	29	11	306	83	0	1
Jackson	14	3	45	40	0	1
Jefferson	10	5	65	0	0	1
Kanawha	104	153	1,647	523	0	22
Lewis	3	5	268	42	0	0
Lincoln	13	13	75	70	0	0
Logan	20	11	173	16	2	0
Marion	21	22	251	209	0	0
Marshall	12	9	145	56	3	1
Mason	13	0	117	26	3	0
McDowell	18	9	54	6	0	0
Mercer	45	14	216	315	1	0
Mineral	14	3	15	31	0	0
Mingo	14	5	33	32	0	0
Monongalia	19	37	190	442	0	3
Monroe	8	2	7	17	0	0
Morgan	6	5	14	59	0	0
Nicholas	17	8	49	48	0	0
Ohio	18	12	331	235	0	1
Pendleton	2	1	6	8	6	0
Pleasants	5	1	11	21	0	0
Pocahontas	12	2	50	41	0	1
Preston	10	10	36	54	0	2
Putnam	27	9	158	44	0	0
Raleigh	40	18	227	31	52	0
Randolph	18	14	22	41	0	0
Ritchie	1	2	10	13	0	0
Roane	10	4	22	25	2	0
Summers	8	2	10	27	2	0
Taylor	8	6	17	30	0	0
Tucker	3	0	3	5	0	0
Tyler	5	0	36	13	0	0
Upshur	5	5	18	61	0	0
Wayne	21	10	81	79	0	0
Webster	5	0	6	21	2	0
Wetzel	7	1	144	10	3	0
Wirt	0	6	7	11	0	0
Wood	36	24	628	152	0	0
Wyoming	21	0	19	0	0	0
Total	885	596	7,480	3,892	122	40

2012 Circuit Court Juvenile Case Filings

	Total	Child Neglect and Abuse	Delinquency	Status Offense
Barbour	61	21	11	29
Berkeley	517	130	225	162
Boone	239	74	118	47
Braxton	93	68	6	19
Brooke	73	31	42	0
Cabell	753	212	369	172
Calhoun	79	79	0	0
Clay	138	125	9	4
Doddridge	31	15	12	4
Fayette	187	113	45	29
Gilmer	40	21	14	5
Grant	47	34	9	4
Greenbrier	131	60	34	37
Hampshire	34	15	16	3
Hancock	117	62	51	4
Hardy	86	36	11	39
Harrison	307	84	108	115
Jackson	57	28	14	15
Jefferson	163	42	95	26
Kanawha	647	284	150	213
Lewis	36	24	9	3
Lincoln	175	26	52	97
Logan	239	108	59	72
Marion	221	68	93	60
Marshall	179	30	88	61
Mason	131	55	22	54
McDowell	234	97	46	91
Mercer	554	297	105	152
Mineral	126	35	50	41
Mingo	154	83	20	51
Monongalia	171	66	33	72
Monroe	26	11	6	9
Morgan	90	37	33	20
Nicholas	133	76	18	39
Ohio	149	80	59	10
Pendleton	34	25	8	1
Pleasants	41	11	10	20
Pocahontas	40	9	22	9
Preston	65	33	19	13
Putnam	153	50	29	74
Raleigh	484	168	200	116
Randolph	118	41	60	17
Ritchie	25	19	6	0
Roane	52	23	20	9
Summers	59	20	17	22
Taylor	114	24	41	49
Tucker	25	3	16	6
Tyler	26	9	13	4
Upshur	101	33	50	18
Wayne	349	113	200	36
Webster	74	61	12	1
Wetzel	45	11	28	6
Wirt	46	10	10	26
Wood	327	182	51	94
Wyoming	152	89	32	31
Total	8,748	3,561	2,876	2,311

Family Court Judges



1st Circuit

Joyce Dumbaugh Chernenko
William F. Sinclair

2nd Circuit

Robert C. Hicks

3rd Circuit

Brian C. Dempster
C. Darren Tallman

4th Circuit

Larry S. Whited

5th Circuit

Rebecca Stafford Cornett
Constance Fisher Thomas

6th Circuit

Ronald E. Anderson
Patricia A. Keller

7th Circuit

R. Stephen Lewis

8th Circuit

Miki J. Thompson

9th Circuit

Kelly Gilmore Codispoti
Jason D. Harwood

10th Circuit

Scott E. Elswick
Cynthia J. Jarrell

11th Circuit

Ken D. Ballard
Mike J. Kelly
Robert M. Montgomery
Sharon M. Mullens
D. Mark Snyder

12th Circuit

Anthony Bisaha
Lisa K. Clark
Mary Ellen Griffith

13th Circuit

K. Bruce Lazenby
H. Suzanne McGraw
Louise G. Staton

14th Circuit

Matthew D. England

15th Circuit

David M. Sanders

16th Circuit

Donald K. Bischoff

17th Circuit

Robert Reed Sowa

18th Circuit

Lori Betler Jackson
Cornelia Reep

19th Circuit

Amy J. Swisher

20th Circuit

Patricia Tolle Hill
Randal A. Minor

21st Circuit

Beth Longo

22nd Circuit

Michele W. Good

23rd Circuit

Glen R. Stotler

24th Circuit

David P. Greenberg
Sally G. Jackson
William T. Wertman, Jr.

25th Circuit

Amanda Hatfield See

26th Circuit

William M. Watkins, III

27th Circuit

Jeffrey L. Hall

Family Courts

West Virginia has forty-five family court judges in twenty-seven family court circuits. To serve, family court judges must have practiced law for at least five years. Their terms are eight years.

Family courts have jurisdiction over divorce, annulment, separate maintenance, paternity, grandparent visitation, name change, infant guardianship, child custody, and family support proceedings, except those incidental to child abuse and neglect. Family court judges also hold final hearings in civil domestic violence protective order proceedings and may perform marriages.

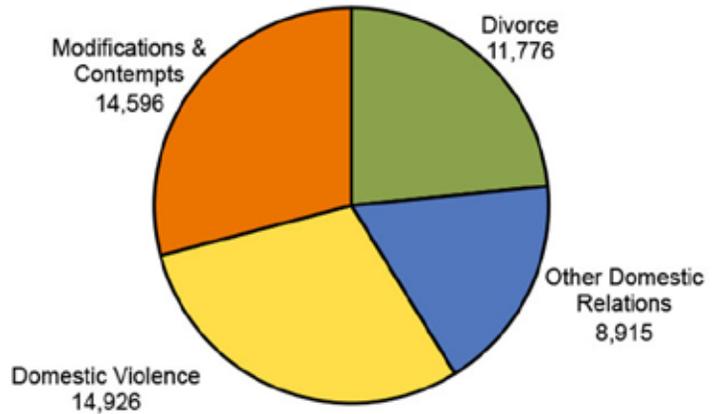
Family court judges have authority to make final decisions in family court cases. Circuit courts hear appeals of family court decisions unless both parties agree to appeal divorce and other domestic relations decisions directly to the Supreme Court of Appeals.

In 2012, there were 35,617 new cases filed in family courts in West Virginia. Of those, 14,926 were domestic violence, 11,776 were divorces, and 8,915 were other domestic relations. There also were 14,596 modification and contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Those proceedings accounted for 29 percent of the family court judges' statewide workload.

Family court judges also conducted 922 weddings.

Family court judges can refer parents to mediation and parent education. The Supreme Court does not charge families who cannot afford to pay for these services.

2012 Family Court Caseload



Family court judges require all parents to attend mediation sessions if they cannot otherwise resolve parenting issues or agree to a parenting plan. Parents first go to individual pre-mediation screening sessions with a trained family case coordinator to determine if they are candidates for mediation. About 20 percent of parents are not.

If parents go to mediation, they must attend a session with a Supreme Court-approved family court mediator who helps them draft a parenting plan to present to a family court judge.

Family court judges also can order parents who are divorcing to attend a one-time, mandatory parent education class. Adults learn about preparing a parenting plan, mediation, and the effects of family dissolution and domestic violence on children. "High-conflict" parent education classes and child-focused classes are designed for parents who continue to have disputes after attending the mandatory one-time parent education class required of all divorcing couples who have children.

Family court judges also can refer people for guardian *ad litem* services. Guardians *ad litem* must be attorneys. They conduct investigations to help family court judges make decisions in the best interest of the people the guardians represent. Family court judges can appoint guardians *ad litem* on behalf of children, incarcerated persons, and people who have been adjudicated incompetent who are involved in family court disputes. (See story on page 35.)

West Virginians Served by Supreme Court-Supported Family Visitation Centers in 2012

Category	Number
Total Clients Served	1,243
Fathers	585
Mothers	614
Grandparent/Legal Guardian	44
Children Involved	910
Supervised Visitation	606
Neutral Drop-off	549
Visitation Enforcement	152
Total number of clients served = fathers + mothers + grandparent/legal guardian	

Domestic Violence



Justice Robin Jean Davis, speaking at podium, helps open a domestic violence pilot program in Kanawha County on August 31, 2012. From left, Eleventh Family Court Circuit (Kanawha County) Judge Michael Kelly, Kanawha County Magistrate Julie M. Yeager, Family Court Services Director Lisa Tackett, Kanawha County Managing Deputy Public Defender Diana Panucci, Thirteenth Judicial Circuit (Kanawha County) Judge Tod J. Kaufman, and Captain Debra Walters of the Kanawha County Sheriff's Department. Photo by Jennifer Bundy

As a part of the Supreme Court's effort to improve the way the judicial system processes cases involving violence in the home, on August 31, 2012, Justice Robin Jean Davis and Kanawha County officials announced the creation of a domestic violence pilot program.

"Domestic violence is not just a family problem; it is the entire community's problem. It is time to stop the senseless violence in our state," Justice Davis told the crowd gathered in the courtroom of Thirteenth Judicial Circuit (Kanawha County) Chief Judge Louis H. "Duke" Bloom.

Justice Davis and Judge Bloom were joined by Thirteenth Judicial Circuit Judge Tod Kaufman, Eleventh Family Court Circuit (Kanawha County) Judge Mike Kelly, Kanawha County Magistrate Julie Yeager, Supreme Court Director of Family Court Services Lisa Tackett, Kanawha County Managing Deputy Public Defender Diana Panucci, and Kanawha County Prosecutor Mark Plants.

The Legislature in 2012 passed a law which allowed the Supreme Court to establish one domestic violence pilot program in any jurisdiction. The Supreme Court chose Kanawha County and Judge Kelly, who will work with Magistrate Yeager on all domestic violence cases in the county. Intervening early and on a more regular basis should help save lives, judicial officials said.

The pilot project will last four years, at the end of which a report may be given to the Speaker of the House and the Senate President.

"The Supreme Court chose Kanawha County for this pilot project because of the volume of cases there and the quality and experience of the judicial officers who handle them. We have confidence that this will be a good place to try this innovative way of handling a challenging caseload," Justice Davis said.

"I don't know if this is the answer, but we are going to give it a 1,000 percent try. We are going to learn from it and build a court system we can all be proud of," said Judge Kelly. "We know what the problem is. This pilot project takes a different approach to fighting domestic violence. This project is community-based. Everybody recognized we needed to step up our efforts and do this project."

"It's a wonderful day to be here and explain all the hard work we have put into this and the reasons for it," said Magistrate Yeager. "It is a trial, and we are ready to get this going and perhaps help other courts throughout the state to help other magistrates and family court judges."

"This is a project that has been years in the making," said Director Tackett. "We have very dedicated judges, advocates, prosecutors, and law enforcement. This project took on a life of its own. It's been an effort across all branches of state government to get this project going. I believe we have the right people in place to make this possible."

"I want to thank everyone involved in this project for letting us be involved in the planning stages and giving our input," said Ms. Panucci. "We look forward to being part of this system, providing great representation to our clients, and doing what we can to make this transition as smooth as possible."

"This is a long time coming, it's absolutely the right decision and I couldn't be more supportive of it," said Mr. Plants. "This is not a step in the right direction; this is a monumental leap."

Family Court County Filings

Calendar Years 2003-2012

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Barbour	239	266	317	196	236	244	247	184	138	141
Berkeley	1,840	1,827	1,744	1,713	1,740	1,728	1,814	1,803	1,722	1,603
Boone	611	641	592	649	553	645	621	605	663	610
Braxton	186	221	257	234	209	208	235	220	233	243
Brooke	314	365	348	341	300	318	304	344	332	308
Cabell	2,161	2,176	2,427	2,572	2,483	2,475	2,454	2,388	2,328	2,440
Calhoun	137	143	138	137	147	113	119	142	174	158
Clay	239	228	241	305	249	258	325	326	282	243
Doddridge	112	115	108	117	117	121	124	142	133	125
Fayette	938	974	960	1,031	1,039	933	1,030	946	990	897
Gilmer	119	144	124	125	122	86	126	66	50	58
Grant	199	224	204	220	192	186	180	250	127	191
Greenbrier	766	729	723	714	685	593	640	685	713	736
Hampshire	378	357	322	308	307	308	282	279	333	254
Hancock	531	487	547	611	456	519	595	443	388	516
Hardy	219	230	210	271	230	264	276	289	257	247
Harrison	1,408	1,536	1,267	1,388	1,282	1,263	1,354	1,268	1,187	1,181
Jackson	573	586	633	703	446	560	456	487	457	419
Jefferson	795	865	790	817	736	768	752	775	826	783
Kanawha	4,104	4,362	4,397	4,686	4,244	4,153	4,302	4,741	4,270	4,418
Lewis	288	258	291	284	282	265	276	233	285	241
Lincoln	561	487	476	447	417	474	528	549	511	631
Logan	1,021	1,072	1,074	1,350	1,156	1,052	1,185	1,283	1,210	1,192
Marion	831	869	913	868	920	858	843	849	836	901
Marshall	511	586	525	582	554	513	448	526	465	547
Mason	581	598	634	596	433	529	562	474	524	461
McDowell	589	659	537	628	622	684	781	3,220	817	804
Mercer	1,760	1,627	1,574	1,755	1,724	1,834	1,894	1,943	1,830	1,644
Mineral	398	452	486	425	467	507	403	362	380	407
Mingo	1,015	1,085	1,136	1,108	874	1,025	1,061	1,125	1,119	1,097
Monongalia	1,180	1,259	1,207	1,195	1,235	1,208	1,171	1,183	1,228	1,150
Monroe	323	326	301	299	303	329	295	289	298	233
Morgan	205	237	163	223	212	186	223	218	274	226
Nicholas	638	674	673	615	521	507	518	471	495	457
Ohio	639	658	678	687	678	620	731	717	1,386	659
Pendleton	73	72	90	71	96	78	95	87	56	58
Pleasants	126	120	113	127	105	131	156	129	108	109
Pocahontas	143	157	203	165	182	172	214	221	211	184
Preston	557	573	590	609	600	554	523	514	559	521
Putnam	898	944	950	926	930	957	904	946	923	890
Raleigh	1,446	1,700	1,679	1,772	1,637	1,594	1,669	1,617	1,529	1,319
Randolph	657	672	600	613	560	552	511	505	428	500
Ritchie	180	164	188	191	174	148	156	185	145	189
Roane	314	363	320	330	357	300	362	305	329	278
Summers	225	211	240	242	252	270	305	284	246	445
Taylor	211	212	272	201	217	241	221	214	169	199
Tucker	82	92	93	107	100	77	81	99	92	98
Tyler	137	170	184	158	117	151	136	132	145	147
Upshur	417	416	369	364	308	347	343	312	339	357
Wayne	616	641	670	657	676	776	780	821	840	909
Webster	196	180	203	222	230	243	237	193	238	206
Wetzel	285	307	251	272	264	279	230	248	222	290
Wirt	98	134	89	112	90	106	131	103	114	117
Wood	1,889	2,123	1,957	1,826	1,633	1,633	1,607	1,647	1,524	1,420
Wyoming	658	751	734	737	667	763	663	793	746	661
Total	35,617	37,325	36,812	37,902	35,366	35,706	36,479	39,180	36,224	35,118

2012 Family Court Case Filings

	Total Filings	Divorce	Domestic Violence	Other Domestic Relations	Total	Contempt	Modification
Barbour	239	83	100	56	117	58	59
Berkeley	1,840	595	753	492	670	297	373
Boone	611	206	224	181	436	232	204
Braxton	186	68	48	70	71	21	50
Brooke	314	105	105	104	49	25	24
Cabell	2,161	611	950	600	999	452	547
Calhoun	137	74	28	35	52	24	28
Clay	239	116	83	40	119	55	64
Doddridge	112	31	45	36	31	10	21
Fayette	938	289	377	272	520	191	329
Gilmer	119	50	36	33	46	24	22
Grant	199	76	77	46	132	39	93
Greenbrier	766	230	321	215	267	168	99
Hampshire	378	145	77	156	112	38	74
Hancock	531	152	173	206	67	22	45
Hardy	219	77	77	65	128	39	89
Harrison	1,408	380	697	331	370	139	231
Jackson	573	208	244	121	262	108	154
Jefferson	795	285	238	272	300	131	169
Kanawha	4,104	1,215	2,132	757	1,735	814	921
Lewis	288	112	93	83	73	25	48
Lincoln	561	194	231	136	452	221	231
Logan	1,021	321	431	269	412	139	273
Marion	831	327	279	225	387	180	207
Marshall	511	174	184	153	329	124	205
Mason	581	195	249	137	226	87	139
McDowell	589	189	217	183	291	103	188
Mercer	1,760	512	741	507	598	182	416
Mineral	398	138	116	144	216	90	126
Mingo	1,015	282	472	261	320	139	181
Monongalia	1,180	350	575	255	429	195	234
Monroe	323	86	168	69	78	48	30
Morgan	205	76	71	58	94	43	51
Nicholas	638	234	276	128	193	94	99
Ohio	639	178	242	219	140	73	67
Pendleton	73	29	24	20	44	13	31
Pleasants	126	48	56	22	26	12	14
Pocahontas	143	52	57	34	89	56	33
Preston	557	177	248	132	267	118	149
Putnam	898	370	367	161	326	146	180
Raleigh	1,446	576	641	229	565	236	329
Randolph	657	206	338	113	286	122	164
Ritchie	180	81	63	36	64	25	39
Roane	314	130	90	94	172	68	104
Summers	225	76	83	66	105	51	54
Taylor	211	105	51	55	128	50	78
Tucker	82	31	28	23	48	16	32
Tyler	137	49	40	48	65	17	48
Upshur	417	200	121	96	92	33	59
Wayne	616	300	143	173	545	267	278
Webster	196	79	70	47	109	59	50
Wetzel	285	79	122	84	88	25	63
Wirt	98	30	47	21	42	26	16
Wood	1,889	592	894	403	461	205	256
Wyoming	658	202	313	143	353	150	203
Grand Total	35,617	11,776	14,926	8,915	14,596	6,325	8,271

Magistrate Courts

There are 158 magistrates in West Virginia. There are at least two magistrates in every county, and ten in the largest county, Kanawha.

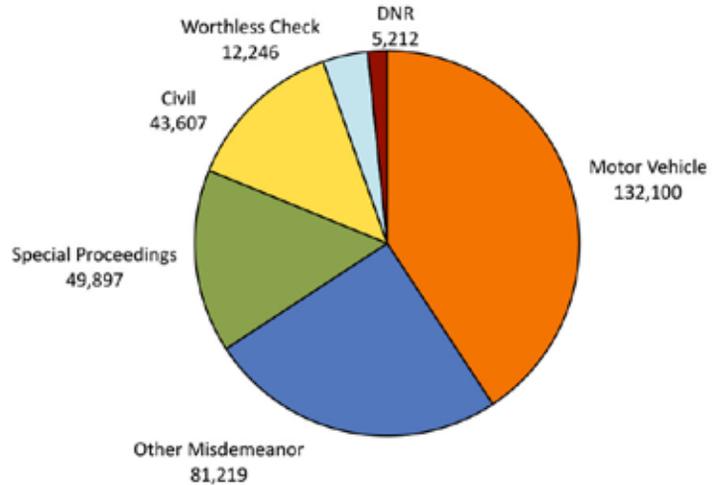
Magistrates run for four-year terms in partisan elections. The West Virginia Constitution prohibits requiring magistrates to be lawyers, although some are. Circuit judges appoint magistrates to fill vacancies. An appointee who wishes to remain in office must run in the next election.

Magistrates use their training and sound judgment to oversee the application and enforcement of state laws, municipal laws, and court procedures. Magistrates have jurisdiction over civil cases in which the financial amount in dispute is less than five thousand dollars. They hear misdemeanor cases and conduct preliminary examinations in felony cases. In criminal cases they issue and record affidavits, complaints, arrest warrants, and search warrants. They set bail and make decisions concerning proposed plea agreements, the collection of court costs, cash bonds, and fines.

Magistrates issue emergency protective orders in cases involving domestic violence. Immediately entering domestic violence petitions into the Domestic Violence Registry is an important part of magistrates' work.

In a county where there are no mental hygiene commissioners, the chief judge can designate a magistrate to handle all or part of probable cause involuntary hospitalization cases. Magistrates, however, cannot handle final commitment or guardianship cases. In some counties both mental hygiene commissioners and designated magistrates are appointed by the chief judges to do portions of mental hygiene work. Magistrates can enter mental hygiene orders into West Virginia's Mental Health Registry and issue applications and temporary placement orders after hours and on weekends when needed.

2012 Magistrate Court Caseload



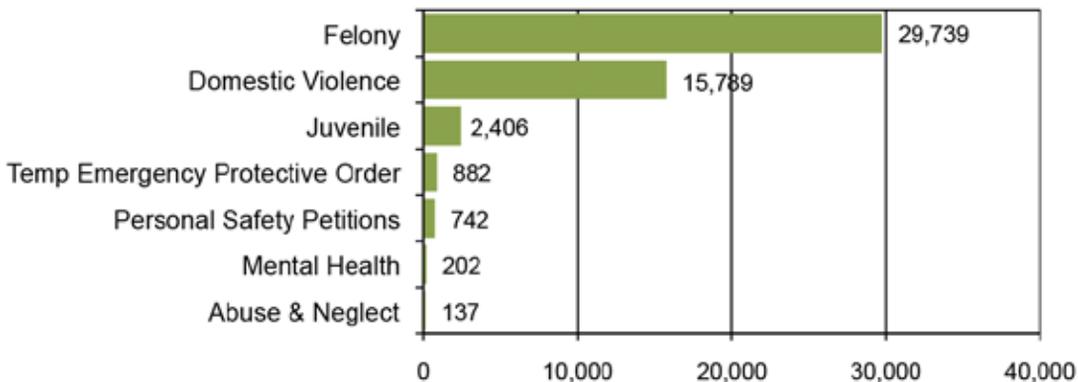
Circuit courts hear appeals of magistrate court cases.

Magistrates work under the administrative supervision of the Supreme Court of Appeals of West Virginia. Former Kanawha County Magistrate Janie Moore is Director of Magistrate Court Services. Brenda Magann is the division's paralegal, and Melody Jordan is the Magistrate Court Division Administrative Assistant.

A county-by-county list of magistrates in West Virginia, along with their office telephone numbers and fax numbers, is available on the Supreme Court website, www.courtswv.gov.

The website also has blank magistrate court forms that can be downloaded and printed for the public's use, rules governing media coverage of magistrate court proceedings, a copy of the *West Virginia Benchbook for Domestic Violence Proceedings*, and a domestic violence brochure, among other information.

2012 Magistrate Court Special Proceedings



Magistrate Court Case Filings

Calendar Years 2003-2012

	2012			2011	2010	2009	2008	2007	2006	2005	2004	2003
	Criminal and Civil	Special Proceedings	Total									
Barbour	1,504	215	1,719	1,988	1,841	2,073	2,144	2,106	2,207	2,100	2,517	2,988
Berkeley	15,257	3,289	18,546	16,925	20,457	18,594	22,086	20,464	17,820	17,284	19,480	18,768
Boone	3,891	932	4,823	5,407	4,924	5,087	5,309	5,903	5,723	6,142	6,394	5,515
Braxton	2,059	285	2,344	3,001	3,468	2,855	3,188	3,711	3,894	3,944	4,072	3,901
Brooke	3,413	392	3,805	3,369	3,187	3,162	2,948	3,136	3,925	3,992	4,111	3,217
Cabell	14,409	3,179	17,588	19,050	18,840	18,370	18,488	20,355	20,169	21,333	23,391	21,150
Calhoun	1,015	157	1,172	1,123	932	939	922	765	773	958	926	839
Clay	2,068	248	2,316	2,382	1,950	1,714	1,713	2,534	2,526	2,352	2,500	2,027
Doddridge	955	140	1,095	1,028	1,261	1,269	1,105	1,973	1,276	1,097	1,376	1,346
Fayette	6,240	1,600	7,840	8,316	8,593	8,497	8,118	7,191	7,744	7,851	8,949	7,970
Gilmer	866	221	1,087	1,023	893	1,009	803	1,029	1,102	999	699	938
Grant	1,479	488	1,967	2,189	2,166	2,136	2,385	2,479	2,454	2,743	1,969	1,865
Greenbrier	4,123	950	5,073	4,893	4,063	4,431	4,963	5,053	6,699	6,085	6,715	6,055
Hampshire	4,695	467	5,162	4,712	4,546	4,686	4,765	5,778	6,079	5,808	5,233	4,598
Hancock	3,062	577	3,639	3,726	3,903	4,125	4,014	4,040	3,889	3,801	3,972	4,207
Hardy	2,933	341	3,274	3,559	3,026	3,380	3,483	3,234	4,038	4,364	4,473	3,668
Harrison	9,523	1,827	11,350	12,986	11,988	11,717	12,350	12,725	12,621	12,020	13,322	15,719
Jackson	3,901	807	4,708	5,484	3,764	3,880	3,990	4,483	4,528	4,754	5,118	4,116
Jefferson	8,111	1,264	9,375	9,329	9,289	9,241	7,740	10,531	15,734	10,962	10,578	9,545
Kanawha	29,901	5,987	35,888	34,279	33,474	38,658	44,802	50,477	39,710	41,920	40,458	34,955
Lewis	3,940	251	4,191	3,682	4,118	4,324	4,306	5,399	5,177	4,729	5,611	6,417
Lincoln	3,680	775	4,455	4,084	4,174	4,627	4,695	4,171	3,666	3,314	3,542	3,232
Logan	7,627	1,462	9,089	9,376	9,613	9,374	10,349	11,995	12,133	11,526	11,653	8,768
Marion	6,129	1,157	7,286	7,623	7,247	9,008	7,428	8,035	7,870	7,259	7,716	7,396
Marshall	3,708	652	4,360	4,308	4,437	4,767	4,347	5,153	5,052	4,972	4,751	4,691
Mason	2,976	583	3,559	3,851	4,018	5,272	4,735	5,418	4,530	4,194	5,222	4,005
McDowell	3,317	1,154	4,471	4,939	4,965	4,925	6,034	5,896	5,064	5,732	5,358	5,156
Mercer	12,852	2,708	15,560	16,583	14,918	14,143	14,755	16,942	18,628	20,545	18,802	17,442
Mineral	3,954	424	4,378	4,213	4,847	4,976	4,638	4,574	4,860	4,896	4,824	3,992
Mingo	5,036	1,243	6,279	5,553	5,482	6,301	7,483	7,204	6,061	6,561	5,384	4,363
Monongalia	15,649	1,536	17,185	15,139	13,387	11,215	13,509	13,889	12,970	11,919	13,048	12,298
Monroe	1,428	332	1,760	1,290	1,458	1,362	1,355	1,340	1,334	1,263	1,362	1,499
Morgan	3,251	310	3,561	3,154	2,974	3,758	3,312	3,236	3,221	4,141	3,946	3,670
Nicholas	4,888	1,439	6,127	5,545	5,728	7,887	7,268	6,775	7,657	7,665	7,112	6,409
Ohio	7,513	871	8,384	8,858	7,691	7,566	6,726	7,742	8,862	8,596	10,376	9,861
Pendleton	690	84	774	940	870	865	901	727	1,082	1,200	1,279	1,347
Pleasants	974	183	1,157	1,122	1,169	1,169	1,257	1,407	1,340	1,195	1,369	1,523
Pocahontas	1,090	180	1,270	1,608	1,786	1,989	1,490	1,950	2,592	1,444	2,159	1,849
Preston	5,368	387	5,755	4,729	4,230	4,591	5,621	5,392	5,909	5,788	5,288	5,481
Putnam	6,141	1,132	7,273	6,773	7,036	8,110	8,733	8,696	9,641	9,428	10,545	9,557
Raleigh	13,518	3,115	16,633	19,095	17,922	15,545	17,108	18,680	19,937	19,490	21,827	20,676
Randolph	6,044	810	6,854	7,189	6,042	5,969	6,899	6,591	5,845	6,877	7,069	7,592
Ritchie	1,894	172	2,066	2,264	2,193	2,429	3,168	3,850	3,665	3,477	3,287	2,548
Roane	2,460	462	2,922	2,813	2,834	2,619	3,069	3,507	3,518	3,310	3,393	2,683
Summers	1,228	320	1,548	1,448	1,848	1,782	1,788	2,053	1,904	1,780	1,786	1,606
Taylor	1,800	220	2,020	1,782	2,118	1,800	2,121	2,378	2,173	1,866	1,852	1,955
Tucker	1,074	72	1,146	1,436	1,195	1,080	996	1,138	1,141	1,395	1,469	1,275
Tyler	1,024	113	1,137	1,007	1,065	972	1,041	1,024	1,138	1,034	1,148	1,003
Upshur	4,158	363	4,521	5,225	5,276	5,310	4,368	5,159	5,235	5,771	6,087	6,758
Wayne	4,811	667	5,478	4,963	5,447	5,155	5,705	5,264	5,894	6,983	9,298	7,956
Webster	1,066	420	1,486	1,282	1,314	1,363	1,614	1,559	1,533	1,297	1,666	1,589
Wetzel	1,440	240	1,680	1,501	1,851	2,005	1,946	1,576	1,861	1,884	1,434	1,601
Wirt	563	66	629	867	802	1,244	1,054	959	1,176	917	1,021	998
Wood	10,770	1,585	12,355	12,067	12,649	14,262	19,666	20,873	17,835	16,001	14,068	12,622
Wyoming	3,118	1,043	4,161	4,352	2,991	3,299	3,475	3,574	3,667	3,987	3,917	3,889
Total	274,384	49,897	324,281	325,430	318,260	326,886	348,276	372,093	367,082	362,945	374,922	347,094

2012 Magistrate Court Case Filings

	Total	Civil	DNR	Motor Vehicle	Other Misdemeanor	Worthless Check
Barbour	1,504	183	94	564	303	360
Berkeley	15,257	5,021	117	5,047	4,924	148
Boone	3,891	212	88	2,083	1,479	29
Braxton	2,059	231	37	1,070	627	94
Brooke	3,413	255	64	2,414	537	143
Cabell	14,409	2,974	176	5,336	5,534	389
Calhoun	1,015	129	48	422	372	44
Clay	2,068	126	118	1,302	341	181
Doddridge	955	99	7	578	188	83
Fayette	6,240	775	39	3,547	1,596	283
Gilmer	866	147	13	364	271	71
Grant	1,479	174	72	730	338	165
Greenbrier	4,123	940	127	1,311	1,258	487
Hampshire	4,695	1,036	166	2,084	1,071	338
Hancock	3,062	466	28	1,125	1,344	99
Hardy	2,933	346	112	1,479	670	326
Harrison	9,523	1,933	145	3,866	2,850	729
Jackson	3,901	364	104	2,201	1,039	193
Jefferson	8,111	1,763	215	2,273	3,804	56
Kanawha	29,901	3,628	177	15,865	9,972	259
Lewis	3,940	900	93	2,150	460	337
Lincoln	3,680	165	86	1,975	1,400	54
Logan	7,627	398	142	4,263	2,540	284
Marion	6,129	1,201	125	3,182	1,362	259
Marshall	3,708	691	46	1,743	1,109	119
Mason	2,976	280	75	1,427	1,026	168
McDowell	3,317	177	73	424	2,630	13
Mercer	12,852	3,388	134	5,903	2,948	479
Mineral	3,954	407	61	2,384	969	133
Mingo	5,036	210	92	3,010	1,670	54
Monongalia	15,649	2,743	120	8,493	4,118	175
Monroe	1,428	150	33	685	484	76
Morgan	3,251	707	22	1,707	758	57
Nicholas	4,688	274	282	2,053	1,774	305
Ohio	7,513	1,112	65	4,611	1,567	158
Pendleton	690	77	73	329	84	127
Pleasants	974	128	31	539	158	118
Pocahontas	1,090	129	89	424	314	134
Preston	5,368	955	171	2,896	1,061	285
Putnam	6,141	654	107	3,696	1,343	341
Raleigh	13,518	1,306	122	7,580	3,954	556
Randolph	6,044	1,267	66	2,216	860	1,635
Ritchie	1,894	105	61	1,388	252	88
Roane	2,460	176	153	942	1,122	67
Summers	1,228	79	123	371	452	203
Taylor	1,800	302	77	1,013	363	45
Tucker	1,074	144	30	555	186	159
Tyler	1,024	87	26	622	215	74
Upshur	4,158	1,067	95	1,638	790	568
Wayne	4,811	1,158	83	2,512	942	116
Webster	1,066	80	105	323	464	94
Wetzel	1,440	215	35	725	354	111
Wirt	563	60	60	248	123	72
Wood	10,770	1,839	227	5,073	3,458	173
Wyoming	3,118	174	82	1,339	1,391	132
Total	274,384	43,607	5,212	132,100	81,219	12,246

2012 Magistrate Court Special Proceedings

	Total	Abuse/ Neglect	Domestic Violence	Felony	Juvenile	Mental Health	Personal Safety Petitions	Temporary Protective Orders
Barbour	215	0	95	108	6	6	0	0
Berkeley	3,289	5	682	1,624	524	0	1	453
Boone	932	0	270	660	0	0	0	2
Braxton	285	3	49	233	0	0	0	0
Brooke	392	0	105	225	56	0	6	0
Cabell	3,179	0	961	2,147	0	0	68	3
Calhoun	157	0	29	110	6	11	1	0
Clay	248	30	78	130	10	0	0	0
Doddridge	140	3	49	72	15	0	1	0
Fayette	1,600	0	392	1,194	1	0	13	0
Gilmer	221	0	36	180	4	0	1	0
Grant	488	19	83	291	84	4	7	0
Greenbrier	950	0	346	575	0	0	29	0
Hampshire	467	0	77	389	0	0	1	0
Hancock	577	0	179	332	48	0	16	2
Hardy	341	0	79	240	19	2	0	1
Harrison	1,827	0	777	912	99	0	36	3
Jackson	807	0	256	418	72	1	57	3
Jefferson	1,264	2	0	855	95	3	22	287
Kanawha	5,987	0	2,330	3,476	0	0	179	2
Lewis	251	0	88	162	0	0	0	1
Lincoln	775	0	251	339	177	4	4	0
Logan	1,462	0	438	996	21	0	7	0
Marion	1,157	0	375	779	0	0	0	3
Marshall	652	0	210	397	0	0	45	0
Mason	583	0	277	301	0	0	0	5
McDowell	1,154	3	204	762	101	33	40	11
Mercer	2,708	0	806	1,901	0	0	1	0
Mineral	424	0	124	294	0	0	5	1
Mingo	1,243	24	468	669	80	1	0	1
Monongalia	1,536	0	626	865	0	0	41	4
Monroe	332	1	171	146	1	0	13	0
Morgan	310	1	52	110	59	0	5	83
Nicholas	1,439	10	293	1,067	51	10	7	1
Ohio	871	0	248	513	91	1	17	1
Pendleton	84	0	24	56	3	1	0	0
Pleasants	183	5	57	79	31	4	2	5
Pocahontas	180	0	61	106	1	8	4	0
Preston	387	0	252	130	0	0	5	0
Putnam	1,132	0	446	668	0	0	18	0
Raleigh	3,115	6	761	1,795	478	68	3	4
Randolph	810	0	432	378	0	0	0	0
Ritchie	172	5	72	87	8	0	0	0
Roane	462	3	99	324	30	3	2	1
Summers	320	0	82	231	3	0	1	3
Taylor	220	0	57	121	28	14	0	0
Tucker	72	0	29	41	2	0	0	0
Tyler	113	1	43	66	0	0	2	1
Upshur	363	5	145	146	66	1	0	0
Wayne	667	0	156	494	0	13	4	0
Webster	420	6	79	320	11	2	2	0
Wetzel	240	1	130	107	2	0	0	0
Wirt	66	0	47	14	0	0	4	1
Wood	1,585	4	979	528	6	0	68	0
Wyoming	1,043	0	334	576	117	12	4	0
Total	49,897	137	15,789	29,739	2,406	202	742	882



The Raleigh County Judicial Center under construction. The center, which houses almost all judicial offices in the county, opened in 2012. *Photo by Michael Switzer*

West Virginia Courthouse Facilities Improvement Authority

The West Virginia Legislature created the Courthouse Facilities Improvement Authority in 2001 to assist county governments with the modification of existing courthouse facilities and the construction of new courthouse structures. According to W. Va. Code §29-26-1, the authority shall consist of twelve voting members and eight advisory members. The voting board consists of two members from each of the following organizations: the West Virginia Sheriffs' Association, the West Virginia Prosecuting Attorneys' Association, the West Virginia County Clerks Association, the West Virginia Association of Circuit Clerks, the County Commissioners Association of West Virginia, and the Association of West Virginia Assessors. The advisory board consists of two members from each of the following organizations: the West Virginia Judicial Association, the West Virginia Magistrates' Association and the West Virginia Family Court Judicial Association. One senator and one delegate from the West Virginia Legislature complete the final two positions of the advisory board.

In 2003, the Legislature passed additional law and legislative rules to fund the authority grants. The grants are funded by fees charged in county courthouse offices. Therefore, no tax dollars support the authority. Each year the authority solicits grant applications from all counties. The maximum support that is provided to each county is \$100,000 annually. The grants require a 20 percent match from county funds.

Many of the projects focus on safety. Other projects address structural issues, asbestos abatement, roof issues, electrical upgrades, and other repairs. Since its inception, the authority has awarded more than \$18 million to counties.

On January 1, 2012, twenty-three counties were awarded grant funds totaling more than \$1.9 million dollars to improve or repair their courthouses.

For further information on the authority, contact (304) 558-5435 or melissa.smith@wvcfia.com or the authority's website www.cfia.wv.gov.

Courthouse Facilities Improvement Authority

Ninth Cycle Funding Awards

County		Project Cost	Award Amount
Calhoun	Repair and replace roof, drains on main courthouse	\$ 108,660	\$ 76,931
Clay	Generator for courthouse	116,640	82,581
Fayette	Data systems, lighting, receptacles	120,000	84,960
Gilmer	Replace roof	100,000	70,800
Greenbrier	Fire alarm system	118,625	83,987
Hampshire	Remove and replace cupola	291,000	106,200
Hancock	Renovate old jail into holding cell, evidence storage	467,400	106,200
Harrison	Level the front plaza	600,000	106,200
Kanawha	Replace windows	346,838	106,200
McDowell	Rewire the courthouse	154,800	106,200
Mineral	Replace built-in gutters	79,948	56,603
Monroe	Replace roof on main courthouse	145,000	102,660
Morgan	Funding for new courthouse	11,000,000	80,000
Pleasants	Replace light fixtures	44,450	31,462
Raleigh	New roof, gutters, insulation on annex	69,080	48,909
Randolph	Remodel damaged basement	165,000	106,200
Ritchie	Upgrade outlets and lights	110,000	77,880
Summers	Put new slates on six turrets	300,000	106,200
Taylor	Renovate thirty-seven wooden windows	150,000	106,200
Tucker	Repair deterioration of brick on front balcony area	150,000	106,200
Wetzel	Lighting replacement	80,000	56,640
Wirt	Fire alarm system for main building and annex	32,301	22,868
Wood	Repair roof drain on interior west side	130,000	92,040
Total		\$14,879,742	\$1,924,121

Please note that the \$14,879,742 total includes \$11 million for the construction of the Morgan County Courthouse.

New Facilities



The Raleigh County Judicial Center anchors an ongoing revitalization of Main Street and downtown Beckley. *Photo by Michael Switzer*

New Judicial Center Opens in Raleigh County

Local judicial officers, Supreme Court Justices, and other elected officials held a grand opening ceremony on April 3, 2012, for the new Raleigh County Judicial Center in Beckley. The 69,500-square-foot building houses county judicial offices under one roof that previously were in two buildings; the Probation Office continues to be in a separate location.

Raleigh County's three circuit judges have separate courtrooms and chambers on the third floor. Three family court judges have separate courtrooms and chambers on the second floor, where the Circuit Clerk's Office also is located. The first floor has two courtrooms for the county's five magistrates, the Magistrate Clerk's Office, and a holding facility. The building also has parking for more than thirty employees.

All the offices were occupied and fully functional by May 1.

The historic Raleigh County Courthouse, built in 1937 around a structure begun in 1893, continues to be used by other county officials. The county commission maintains a first-floor ceremonial courtroom and judicial chamber, which also can be used by visiting judges and the Mass Litigation Panel. Another courtroom on the second floor also is maintained for mental hygiene hearings or other hearings.

Construction on the new judicial center began in 2008 and cost the county \$17.5 million. The Supreme Court contributed another \$1.1 million for technology, equipment, and furniture, including 180,000 feet of wiring.

"We're happy to help counties that make such an enormous commitment to modernize their court facilities," said Supreme Court Administrative Director Steve Canterbury. "This extraordinary project is a great example of a county commission thinking strategically and acting decisively. The annex completes the judicial square in the heart of town."

Raleigh County Commissioners Pat Reed, John Aliff, and David Toliver "have all three been very, very supportive of our needs in their planning of this project," said Tenth Judicial Circuit Chief Judge John A. Hutchison.

"You are truly blessed," Supreme Court Justice Robin Davis told a crowd gathered in one of the new circuit judge's courtrooms during the grand opening. "I've been in almost every county courthouse in the state of West Virginia. There is no finer facility than this judicial annex. It is incredible."

A seal on the floor of the Raleigh County Judicial Center shows Raleigh County and the outline of the state. *Photo by April Harless*



Cabell Renovations Done by County Workers

Several renovation projects at the Cabell County Courthouse in 2012 were completed largely by county maintenance employees.

The basement area that once housed a kitchen and snack bar was turned into a new juvenile courtroom. A former juvenile referee office on the first floor became the sheriff's law enforcement division office and a new probate office, according to the *The (Huntington) Herald-Dispatch*. County workers also renovated the old sheriff's law enforcement office.

Because the work was done in-house, it cost only about \$10,000 for paint, carpeting, and other materials, said County Manager Chris Tatum.

There also are plans to turn the former regional law library into a fourth circuit courtroom.

Jefferson County Courthouse Columns Restored

Restoration was completed in the spring of 2012 on the bases of four columns holding up the cupola and clock tower of the historic Jefferson County Courthouse, site of the pre-Civil War trial of abolitionist John Brown.

The interior of each column, built when the courthouse was expanded 140 years ago, is filled with layers of bricks. Bricks inside the heavy metal boots wrapped around the bottom of the columns had crumbled or turned to powder, said Bill Polk, director of maintenance. He told *The (Hagerstown) Herald-Mail* that bricks on the bottom apparently were damaged by water from huge boxwoods that grew on both sides of the courthouse's front entrance. The boxwoods were removed when the restoration work began.

Although the columns were never in danger of collapsing, all four had sunk slightly, the eastern-most one about three-fourths of an inch, Polk said. A contractor's crew replaced the bad bricks and a "skin" of concrete was wrapped around the repaired bricks. The metal boots were replaced.

The project cost about \$350,000, of which \$85,000 came from grants.

The county also plans eventually to rebuild the cupola and clock tower, which is expected to cost about \$1.8 million.

Kanawha Builds Another Magistrate Courtroom

The Kanawha County Commission in 2012 built a fifth courtroom for Kanawha County's ten magistrates as part of an effort to improve efficiency in the state's busiest magistrate court. The Supreme Court paid to equip and furnish the new courtroom, located in a first-floor area just off the lobby that had been occupied by the office of a magistrate who was reassigned to work full-time on juvenile cases. She moved her office to the third floor near juvenile probation officers.

Chief Circuit Judge Louis H. "Duke" Bloom in March also announced changes in the magistrate rotation schedule. Under the previous rotation system, all the county's magistrates worked four weeks in court and one week out of court on paperwork. Under the new system, cases are managed by the Magistrate Clerk's Office and all magistrates are in court every week. Magistrates work the same number of hours as they always did; they just spend more time on the bench.

The changes are designed to eliminate congestion in the lobby of the Kanawha County Judicial Building. The room often was filled wall-to-wall with litigants waiting their turn before a magistrate.

In 2012, 29,901 cases were filed in Kanawha County Magistrate Court. The next-busiest magistrate court, in Monongalia County, had 15,549 filings.

Wood County Magistrate Building Torn Down

The building that once housed Wood County's magistrates was torn down in June 2012. The site of the Avery Street structure, known because of its original use as "the feed store," became a parking lot for the newly constructed Wood County Justice Center next door. The \$5.1 million Justice Center opened in December 2011 to house magistrate court, the law enforcement offices of the sheriff's department, and a prisoner holding center.

"The magistrate court was put in what was an old feed store back when there was not a lot of money available and they needed a new home. That building is not ADA-compliant, there were security concerns, and we needed to address that," Wood County Commission President Blair Couch told the *The (Parkersburg) News & Sentinel*.

The county coroner's office, which had been in the old magistrate building, moved to the Shaver Judicial Annex. It was housed in an area that once was a law library, county maintenance superintendent Melvin Swiger told the newspaper. The Supreme Court closed the library due to lack of use.

Project Lifesaver moved from the old magistrate building to the Shaver Judicial Annex and eventually into the sheriff's department section of the Justice Center. The nonprofit program helps families and caregivers of individuals with cognitive disabilities who may wander. The program's radio transmitter bracelets help searchers track those who are lost.

Berkeley County Law Library Becomes Business Court Division



Space once used for a regional law library in the Berkeley County Judicial Center is now the headquarters of the Business Court Division, the only Supreme Court division to be located outside of Charleston. New furnishings include a large conference table and a large screen television for teleconferencing (not seen). Three land documents signed by Lord Fairfax in the 1700s were archivally framed and are on display in a small waiting area. *Photo by Jennifer Bundy*

The new home of West Virginia's Business Court Division was unveiled in a ceremony October 10, 2012. Located in the remodeled former regional law library in the Berkeley County Judicial Center, it is the first division of the West Virginia Supreme Court of Appeals to be located outside of Charleston.

When the space was refurbished, bookshelves were removed. Offices were installed for the division's one staff member, for use by a division judge who might need it, and for Juvenile Justice Monitor Cindy Largent-Hill. The division staff member splits her time between working for the division and Hill. Division Chairman Christopher Wilkes, a judge in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties), maintains his office on another floor of the Judicial Center, as does his secretary, who also has Business Court Division duties.

The remodeling of the space was directed by Supreme Court Administrative Director Steve Canterbury and Judge Wilkes. It contains a large conference table and equipment for teleconferencing so residents from other parts of the state do not have to travel to Martinsburg for hearings.

Three land documents signed by Lord Fairfax in the 1700s are on display in an archival frame in a small waiting area.

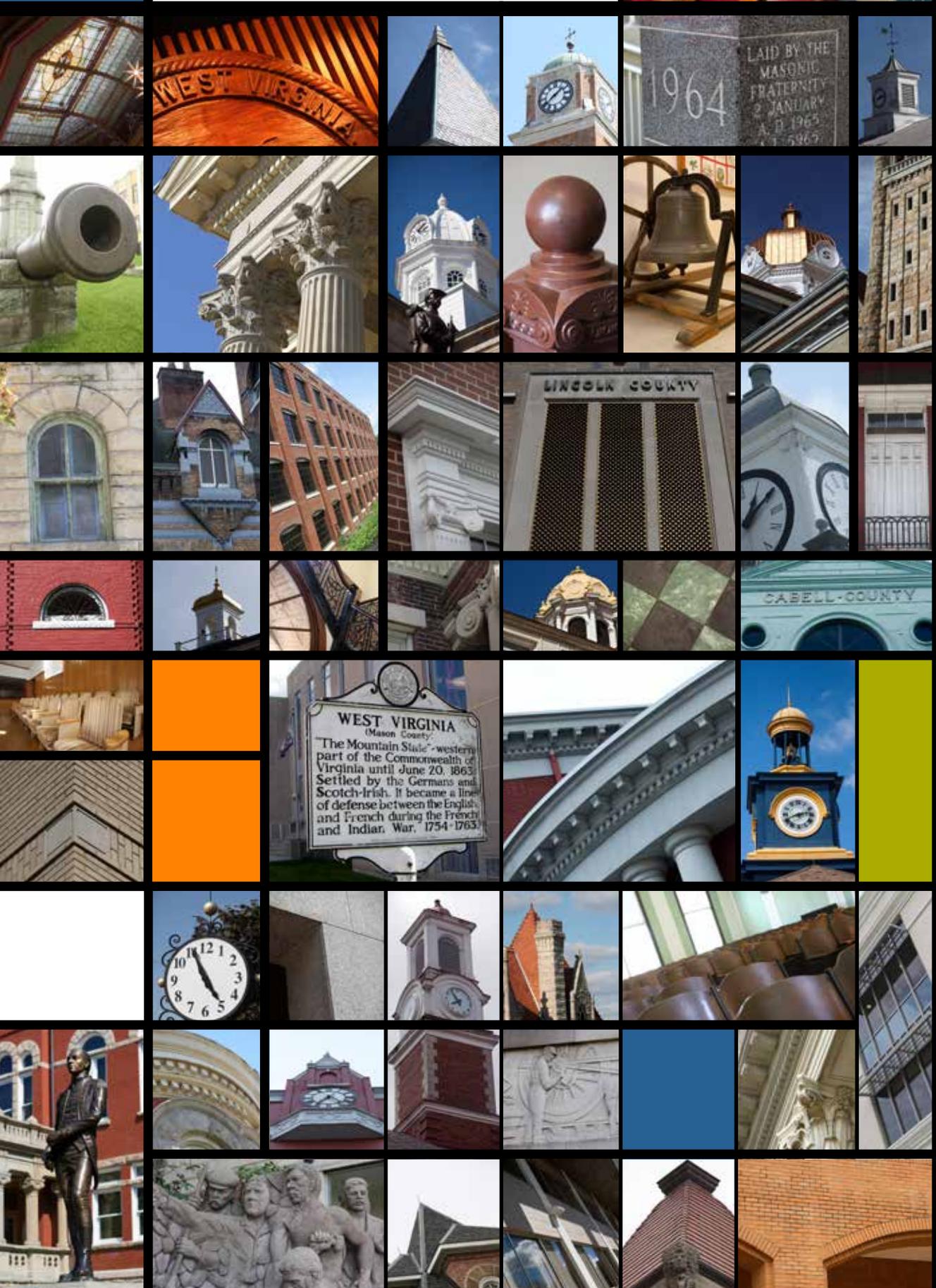
Berkeley County Council President William L. "Bill" Stubblefield thanked the Supreme Court for locating the Business Court Division headquarters in his county.

"For those states that have business courts, they have found it entices business. All of us are trying to entice business to the area. A business court gives a business an indication or a sense they understand the complexity of business litigation. By doing so, it reduces the possibility of business interruption and also gives a sense there's some uniformity to business legal decisions. All of these are good things," Stubblefield said.

Framed photos of the Business Court Division judges greet visitors to the division's headquarters in the Berkeley County Judicial Center in Martinsburg on its opening day, October 10, 2012. Top photo: Division Chairman Christopher C. Wilkes, Judge of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties). Bottom row, from left: Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties) Judge Donald H. Cookman; Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties) Judge James J. Rowe; and Twenty-Fourth Judicial Circuit (Wayne County) Judge James H. Young Jr. Judge Young's photo has a "Coming Soon" banner because his term begins January 1, 2013, while the other judges' terms began the day the Business Court Division opened. *Photo by Jennifer Bundy*



West Virginia County Courthouses



PUTNAM COUNTY

Circuit Judge
Alan D. Moats, *Chief Judge*

Family Court Judge
Beth Longo

Magistrates
Kathi S. McBee
Tina M. Mouser

Circuit Clerk
Jerry Lantz

Magistrate Clerk
Sandra K. Skidmore

Chief Probation Officer
Bonnie Viani

Barbour County Courthouse
8 North Main Street
Philippi, WV 26416
304-457-3454

Barbour County Magistrate Court
Church and Main Streets
Philippi, WV 26416
304-457-3676



Court Expenditures for 2012

Circuit Court.....	\$ 68,645
Family Court	288,917
Magistrate Court.....	412,234
Total	\$769,796

There were 276 cases filed in Barbour County Circuit Court in 2012. Of those, 53.6 percent were civil cases, 24.3 percent were criminal cases, and 22.1 percent were juvenile cases. Court filings decreased 23.5 percent compared to 2011. Barbour County is part of the Nineteenth Judicial Circuit, which also includes Taylor County.

During 2012, 239 new cases were filed in Barbour County Family Court, a decrease of 10.2 percent compared to 2011. There were also fifty-nine modification and fifty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted fifteen marriages in 2012. Barbour County is part of the Twenty-First Family Court Circuit, which also includes Taylor County.

In 2012, there were 1,719 cases filed in Barbour County Magistrate Court, a decrease of 13.5 percent from 2011. Of those, 76.8 percent were criminal cases, 12.6 percent were special proceedings, and 10.6 percent were civil cases.



Circuit Judges
 David H. Sanders, *Chief Judge*
 Gina M. Groh
(Resigned March 19, 2012)
 Michael Douglas Lorensen
(Took office December 14, 2012)
 Gray Silver, III
 Christopher C. Wilkes
 John C. Yoder

Family Court Judges
 David P. Greenberg
 Sally G. Jackson
 William T. Wertman Jr.

Magistrates
 Joan V. Bragg
 James A. Humphrey
 Sandra L. "Sandy" Miller
 JoAnn B. Overington
 Harry L. Snow

Circuit Clerk
 Virginia Sine

Magistrate Clerk
 Ruby Kay Hawkins

Chief Probation Officer
 Mark Hofe

Berkeley County Judicial Center
 380 West South Street
 Martinsburg, WV 25401
 304-264-1918

Berkeley County Magistrate Court
 Berkeley County
 Judicial Center
 380 West South Street
 Martinsburg, WV 25401
 304-264-1957



Court Expenditures for 2012

Circuit Court.....	\$3,310,937
Family Court	317,452
Magistrate Court.....	1,276,715
Total.....	\$4,905,104
 Court Security Fund Grant	 \$8,600

There were 2,606 cases filed in Berkeley County Circuit Court in 2012. Of those, 61.4 percent were civil cases, 18.8 percent were criminal cases, and 19.8 percent were juvenile cases. Court filings decreased 2.4 percent compared to 2011. Berkeley County is part of the Twenty-Third Judicial Circuit, which also includes Morgan and Jefferson Counties.

During 2012, 1,840 new cases were filed in Berkeley County Family Court, an increase of 0.7 percent compared to 2011. There were also 373 modification and 297 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judges conducted twenty-seven marriages in 2012. Berkeley County is part of the Twenty-Fourth Family Court Circuit, which also includes Jefferson County.

In 2012, there were 18,546 cases filed in Berkeley County Magistrate Court, an increase of 9.6 percent from 2011. Of those, 55.2 percent were criminal cases, 17.7 percent were special proceedings, and 27.1 percent were civil cases.

Circuit Judges

Jay M. Hoke, *Chief Judge*
William S. Thompson

Family Court Judges

Scott E. Elswick
Cynthia J. Jarrell

Magistrates

Charles M. Byrnside
Clarence "Porter" Snodgrass

Circuit Clerk

Sue Ann Zickefoose

Magistrate Clerk

Janet E. Dent

Chief Probation Officer

Jerry Swanson

Boone County Courthouse

200 State Street
Madison, WV 25130
304-369-7321

Boone County Magistrate Court

200 State Street
Madison, WV 25130
304-369-7364



Court Expenditures for 2012

Circuit Court.....	\$ 1,255,423
Family Court	377,494
Magistrate Court.....	511,635
Total.....	\$ 2,144,552
 Court Security Fund Grant	 \$ 47,900

There were 982 cases filed in Boone County Circuit Court in 2012. Of those, 54.3 percent were civil cases, 21.4 percent were criminal cases, and 24.3 percent were juvenile cases. Court filings increased 4.7 percent compared to 2011. Boone County is part of the Twenty-Fifth Judicial Circuit, which also includes Lincoln County.

During 2012, 611 new cases were filed in Boone County Family Court, a decrease of 4.7 percent compared to 2011. There were also 204 modification and 232 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted five marriages in 2012. Boone County is part of the Tenth Family Court Circuit, which also includes Lincoln County.

In 2012, there were 4,823 cases filed in Boone County Magistrate Court, a decrease of 10.8 percent from 2011. Of those, 76.3 percent were criminal cases, 19.3 percent were special proceedings, and 4.4 percent were civil cases.



Circuit Judges
 Jack Alsop, *Chief Judge*
 Richard A. Facemire

Family Court Judge
 Robert Reed Sowa

Magistrates
 Larry B. Clifton
 Mary Beth Smith

Circuit Clerk
 Susan Lemon

Magistrate Clerk
 Carol J. Frame

Chief Probation Officer
 Lucy Cruickshanks

Braxton County Courthouse
 300 Main Street
 Sutton, WV 26601
 304-765-2837

Braxton County Magistrate Court
 307 Main Street
 Sutton, WV 26601
 304-765-7362



Court Expenditures for 2012

Circuit Court	\$ 1,005,611
Family Court	312,438
Magistrate Court	504,624
Total.....	\$ 1,822,673

There were 314 cases filed in Braxton County Circuit Court in 2012. Of those, 46.2 percent were civil cases, 24.2 percent were criminal cases, and 29.6 percent were juvenile cases. Court filings decreased 0.9 percent compared to 2011. Braxton County is part of the Fourteenth Judicial Circuit, which also includes Clay, Gilmer, and Webster Counties.

During 2012, 186 new cases were filed in Braxton County Family Court, a decrease of 15.8 percent compared to 2011. There were also fifty modification and twenty-one contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted nine marriages in 2012. Braxton County is part of the Seventeenth Family Court Circuit, which also includes Lewis and Upshur Counties.

In 2012, there were 2,344 cases filed in Braxton County Magistrate Court, a decrease of 21.9 percent from 2011. Of those, 78 percent were criminal cases, 12.1 percent were special proceedings, and 9.9 percent were civil cases.

Circuit Judges

Ronald E. Wilson, *Chief Judge*

Martin J. Gaughan

James P. Mazzone

Arthur M. Recht

(Retired January 31, 2012)

David J. Sims

(Took office June 29, 2012)

Family Court Judges

Joyce Dumbaugh Chernenko

William F. Sinclair

Magistrates

Michael H. Allman

(Retired January 20, 2012)

Nathaniel Marino

(Took office February 1, 2012)

Robin L. Snyder

Circuit Clerk

Glenda Brooks

Magistrate Clerk

Valerie S. Hood

Chief Probation Officer

James Lee

Brooke County Courthouse

632 Main Street

Wellsburg, WV 26070

304-737-3662

Brooke County Magistrate Court

744 Charles Street

Wellsburg, WV 26070

304-737-1321



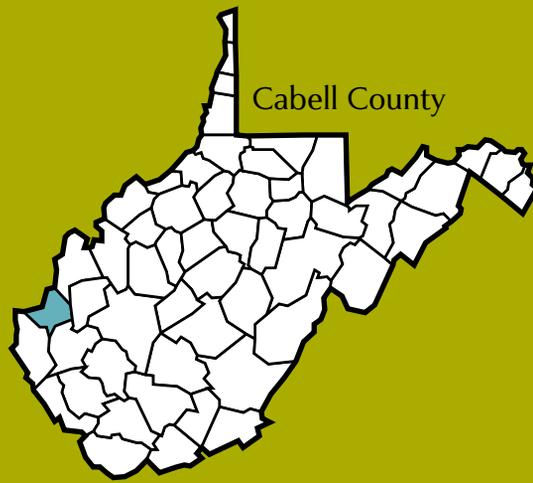
Court Expenditures for 2012

Circuit Court.....	\$2,106,218
Family Court	32,481
Magistrate Court.....	487,017
Total	\$2,625,716

There were 471 cases filed in Brooke County Circuit Court in 2012. Of those, 61.4 percent were civil cases, 23.1 percent were criminal cases, and 15.5 percent were juvenile cases. Court filings decreased 0.4 percent compared to 2011. Brooke County is part of the First Judicial Circuit, which also includes Hancock and Ohio Counties.

During 2012, 314 new cases were filed in Brooke County Family Court, a decrease of 14 percent compared to 2011. There were also twenty-four modification and twenty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judges conducted nine marriages. Brooke County is part of the First Family Court Circuit, which also includes Hancock and Ohio Counties.

In 2012, there were 3,805 cases filed in Brooke County Magistrate Court, an increase of 12.9 percent from 2011. Of those, 83 percent were criminal cases, 10.3 percent were special proceedings, and 6.7 percent were civil cases.



Circuit Judges
 Paul T. Farrell, *Chief Judge*
 Alfred E. Ferguson
 F. Jane Husted
 David M. Pancake

Family Court Judges
 Ronald E. Anderson
 Patricia A. Keller

Magistrates
 Rondall "Ron" L. Baumgardner
 Darrell G. Black
 Daniel M. Goheen
 John H. McCallister
 Patty Verbage-Spence
 Michael J. Woelfel
 Betty J. Wolford

Circuit Clerk
 Adell Chandler
(Retired November 30, 2012)
 Jeffrey E. Hood
(Took office December 3, 2012)

Magistrate Clerk
 Hope E. Romine

Chief Probation Officer
 Jonny Winkler

Cabell County Courthouse
 750 Fifth Avenue
 Huntington, WV 25701
 304-526-8622

Cabell County Magistrate Court
 750 Fifth Avenue
 Huntington, WV 25701
 304-526-8642 or 8644



Court Expenditures for 2012

Circuit Court	\$4,122,073
Family Court	792,004
Magistrate Court	1,594,128
Total	\$6,508,205

There were 4,114 cases filed in Cabell County Circuit Court in 2012. Of those, 61 percent were civil cases, 20.7 percent were criminal cases, and 18.3 percent were juvenile cases. Court filings increased 3.4 percent compared to 2011. Cabell County comprises the Sixth Judicial Circuit.

During 2012, 2,161 new cases were filed in Cabell County Family Court, a decrease of 0.7 percent compared to 2011. There were also 547 modification and 452 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges conducted thirty-four marriages in 2012. Cabell County makes up the Sixth Family Court Circuit.

In 2012, there were 17,588 cases filed in Cabell County Magistrate Court, a decrease of 7.7 percent from 2011. Of those, 65 percent were criminal cases, 18.1 percent were special proceedings, and 16.9 were civil cases.

Circuit Judges

David W. Nibert, *Chief Judge*
Thomas C. Evans, III

Family Court Judge

Larry S. Whited

Magistrates

Richard G. Postalwait
Teresa D. Robinson

Circuit Clerk

Shelia Garretson

Magistrate Clerk

Gary D. Smith

Chief Probation Officer

Kelli Guarrieri

Calhoun County Courthouse

363 Main Street, Suite 205
Grantsville, WV 26147
304-354-6910

Calhoun County Magistrate Court

363 Main Street, Suite 103
Grantsville, WV 26147
304-354-6698



Court Expenditures for 2012

Circuit Court.....	\$ 100,636
Family Court	24,359
Magistrate Court.....	394,701
Total	\$519,696

Courthouse Facilities Improvement Authority Grant (roof and drain repairs)	\$76,931
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There were 177 cases filed in Calhoun County Circuit Court in 2012. Of those, 41.8 percent were civil cases, 13.6 percent were criminal cases, and 44.6 percent were juvenile cases. Court filings increased 7.9 percent compared to 2011. Calhoun County is part of the Fifth Judicial Circuit, which also includes Jackson, Mason, and Roane Counties.

During 2012, 137 new cases were filed in Calhoun County Family Court, a decrease of 4.2 percent compared to 2011. There were also twenty-eight modification and twenty-four contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted one marriage in 2012. Calhoun County is part of the Fourth Family Court Circuit, which also includes Gilmer, Ritchie, and Roane Counties.

In 2012, there were 1,172 cases filed in Calhoun County Magistrate Court, an increase of 4.4 percent from 2011. Of those, 75.6 percent were criminal cases, 13.4 percent were special proceedings, and 11 percent were civil cases.



Circuit Judges
 Jack Alsop, *Chief Judge*
 Richard A. Facemire

Family Court Judge
 Donald K. Bischoff

Magistrates
 Jeffrey W. Boggs
 Mitchel H. King

Circuit Clerk
 Mike Asbury

Magistrate Clerk
 Trisha L. Triplett

Chief Probation Officer
 Lucy Cruickshanks

Clay County Courthouse
 246 Main Street
 Clay, WV 25043
 304-587-4256

Clay County Magistrate Court
 225 Main Street
 Clay, WV 25043
 304-587-2131



Court Expenditures for 2012

Circuit Court	\$ 321,179
Family Court	10,412
Magistrate Court	400,628
Total.....	\$ 732,219

Courthouse Facilities Improvement Authority Grant (generator)	\$82,581
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There were 311 cases filed in Clay County Circuit Court in 2012. Of those, 40.8 percent were civil cases, 14.8 percent were criminal cases, and 44.4 percent were juvenile cases. Court filings increased 20.1 percent compared to 2011. Clay County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Gilmer, and Webster Counties.

During 2012, 239 new cases were filed in Clay County Family Court, an increase of 4.8 percent compared to 2011. There were also sixty-four modification and fifty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted six marriages in 2012. Clay County is part of the Sixteenth Family Court Circuit, which also includes Nicholas County.

In 2012, there were 2,316 cases filed in Clay County Magistrate Court, a decrease of 2.8 percent from 2011. Of those, 83.9 percent were criminal cases, 10.7 percent were special proceedings, and 5.4 percent were civil cases.

Circuit Judge
Timothy L. Sweeney, *Chief Judge*

Family Court Judges
Lori B. Jackson
Cornelia A. Reep

Magistrates
D. Frances Davis
Jamie Lou Moran

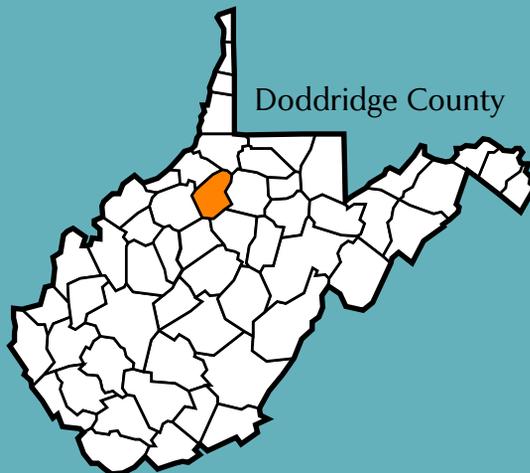
Circuit Clerk
Dwight E. Moore

Magistrate Clerk
Candi E. Rollins

Chief Probation Officer
Peggy Cline

Doddridge County Courthouse
118 East Court Street
West Union, WV 26456
304-873-2331

**Doddridge County
Magistrate Court**
118 East Court Street
West Union, WV 26456
304-873-2694



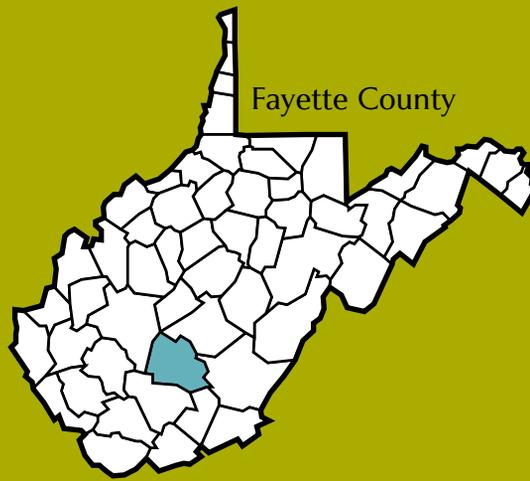
Court Expenditures for 2012

Circuit Court.....	\$ 346,215
Family Court	10,808
Magistrate Court.....	433,794
Total	\$790,817

There were 148 cases filed in Doddridge County Circuit Court in 2012. Of those, 60.2 percent were civil cases, 18.9 percent were criminal cases, and 20.9 percent were juvenile cases. Court filings increased 21.3 percent compared to 2011. Doddridge County is part of the Third Judicial Circuit, which also includes Pleasants and Ritchie Counties.

During 2012, 112 new cases were filed in Doddridge County Family Court, a decrease of 2.6 percent compared to 2011. There were also twenty-one modification and ten contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Doddridge County is part of the Eighteenth Family Court Circuit, which also includes Harrison County.

In 2012, there were 1,095 cases filed in Doddridge County Magistrate Court, an increase of 6.5 percent from 2011. Of those, 78.2 percent were criminal cases, 12.8 percent were special proceedings, and 9 percent were civil cases.



Circuit Judges
 Paul M. Blake Jr., *Chief Judge*
 John W. Hatcher, Jr.

Family Court Judge
 Matthew Dean England

Magistrates
 Charles L. Garvin, III
 Sharon R. McGraw
 Janice Wiseman
 Danita G. Young

Circuit Clerk
 Daniel Wright

Magistrate Clerk
 Beverly J. Hundley

Chief Probation Officer
 Janette Woodrum

Fayette County Courthouse
 100 North Court Street
 Fayetteville, WV 25840
 304-574-4249

Fayette County Magistrate Court
 100 Church Street
 Fayetteville, WV 25840
 304-574-4279



Court Expenditures for 2012

Circuit Court	\$2,050,610
Family Court	354,125
Magistrate Court	952,339
Total.....	\$3,357,074
Courthouse Facilities Improvement Authority Grant (data systems, lighting)	\$84,960

There were 999 cases filed in Fayette County Circuit Court in 2012. Of those, 55.9 percent were civil cases, 25.4 percent were criminal cases, and 18.7 percent were juvenile cases. Court filings increased 11.1 percent compared to 2011. Fayette County comprises the Twelfth Judicial Circuit.

During 2012, 938 new cases were filed in Fayette County Family Court, a decrease of 3.7 percent compared to 2011. There were also 329 modification and 191 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted fifty-five marriages in 2012. Fayette County comprises the Fourteenth Family Court Circuit.

In 2012, there were 7,840 cases filed in Fayette County Magistrate Court, a decrease of 5.7 percent from 2011. Of those, 69.7 percent were criminal cases, 20.4 percent were special proceedings, and 9.9 percent were civil cases.

Circuit Judges

Jack Alsop, *Chief Judge*
Richard A. Facemire

Family Court Judge

Larry S. Whited

Magistrates

Robert W. Minigh
Carol L. Wolfe

Circuit Clerk

Karen Elkin

Magistrate Clerk

Linda K. James

Chief Probation Officer

Lucy Cruickshanks

Gilmer County Courthouse

10 Howard Street
Glenville, WV 26351
304-462-7241

Gilmer County Magistrate Court

201 North Court Street
Glenville, WV 26351
304-462-7812



Court Expenditures for 2012

Circuit Court.....	\$ 79,037
Family Court	4,866
Magistrate Court.....	376,571
Total.....	\$460,474
 Court Security Fund Grant	 \$37,676
 Courthouse Facilities Improvement Authority Grant (roof replaced).....	 \$70,800

There were 178 cases filed in Gilmer County Circuit Court in 2012. Of those, 59.5 percent were civil cases, 18 percent were criminal cases, and 22.5 percent were juvenile cases. Court filings increased 49.6 percent compared to 2011. Gilmer County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Clay, and Webster Counties.

During 2012, 119 new cases were filed in Gilmer County Family Court, a decrease of 17.4 percent compared to 2011. There were also twenty-two modification and twenty-four contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted five marriages in 2012. Gilmer County is part of the Fourth Family Court Circuit, which also includes Calhoun, Ritchie, and Roane Counties.

In 2012, there were 1,087 cases filed in Gilmer County Magistrate Court, an increase of 6.3 percent from 2011. Of those, 66.1 percent were criminal cases, 20.3 percent were special proceedings, and 13.6 percent were civil cases.



Circuit Judges
Lynn A. Nelson, *Chief Judge*
Philip B. Jordan

Family Court Judge
Amanda Hatfield See

Magistrates
Willard L. Earle, II
Larry W. Ours

Circuit Clerk
Nancy Dayton

Magistrate Clerk
Janet S. Frye

Chief Probation Officer
Jerome DiBacco

Grant County Courthouse
5 Highland Avenue
Petersburg, WV 26847
304-257-4545

Grant County Magistrate Court
4 North Main Street
Petersburg, WV 26847
304-257-4637



Court Expenditures for 2012

Circuit Court	\$ 573,715
Family Court	23,352
Magistrate Court	391,898
Total.....	\$ 988,965

There were 263 cases filed in Grant County Circuit Court in 2012. Of those, 41.1 percent were civil cases, 41.1 percent were criminal cases, and 17.8 percent were juvenile cases. Court filings increased 1.2 percent compared to 2011. Grant County is part of the Twenty-First Judicial Circuit, which also includes Mineral and Tucker Counties.

During 2012, 199 new cases were filed in Grant County Family Court, a decrease of 11.2 percent compared to 2011. There were also ninety-three modification and thirty-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Grant County is part of the Twenty-Fifth Family Court Circuit, which also includes Hardy and Pendleton Counties.

In 2012, there were 1,967 cases filed in Grant County Magistrate Court, a decrease of 10.1 percent from 2011. Of those, 66.3 percent were criminal cases, 24.8 percent were special proceedings, and 8.9 percent were civil cases.

Circuit Judges
 Joseph C. Pomponio, Jr.,
Chief Judge
 James J. Rowe

Family Court Judge
 David M. Sanders

Magistrates
 Charles D. Beard
 Brenda L. Campbell
 Brenda J. Smith

Circuit Clerk
 Louvonne Arbuckle

Magistrate Clerk
 Deborah A. Kaizer

Chief Probation Officer
 Fred Taylor, II

Greenbrier County Courthouse
 200 North Court Street
 Lewisburg, WV 24901
 304-647-6626

Greenbrier County Magistrate Court
 203 Green Lane
 Lewisburg, WV 24901
 304-647-6632 ext. 311



Court Expenditures for 2012

Circuit Court.....	\$2,275,123
Family Court	307,541
Magistrate Court.....	831,448
Total	\$3,414,112
Court Security Fund Grant	\$10,966
Courthouse Facilities Improvement Authority Grant (fire alarm system).....	\$ 83,987

There were 953 cases filed in Greenbrier County Circuit Court in 2012. Of those, 49.8 percent were civil cases, 36.5 percent were criminal cases, and 13.7 percent were juvenile cases. Court filings decreased 1.1 percent compared to 2011. Greenbrier County is part of the Eleventh Judicial Circuit, which also includes Pocahontas County.

During 2012, 766 new cases were filed in Greenbrier County Family Court, an increase of 5.1 percent compared to 2011. There were also ninety-nine modification and 168 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted two marriages in 2012. Greenbrier County is part of the Fifteenth Family Court Circuit, which also includes Monroe County.

In 2012, there were 5,073 cases filed in Greenbrier County Magistrate Court, an increase of 3.7 percent from 2011. Of those, 62.7 percent were criminal cases, 18.7 percent were special proceedings, and 18.6 percent were civil cases.



Circuit Judges
 Charles E. Parsons, *Chief Judge*
 Donald H. Cookman

Family Court Judge
 Glen R. Stotler

Magistrates
 Eugene T. Billmeyer
(Resigned May 31, 2012)
 John Rohrbaugh
(Took office July 16, 2012)
 Shirley Timbrook

Circuit Clerk
 Sonja Embrey

Magistrate Clerk
 Wanda L. Billmeyer

Chief Probation Officer
 John Rohrbaugh
(Resigned July 16, 2012)
 Howard Watson
(Took position August 1, 2012)

Hampshire County Judicial Center
 50 South High Street, Suite 157
 Romney, WV 26757
 304-822-5022

Hampshire County Magistrate Court
 Hampshire County Judicial Center
 50 South High Street, Suite 3
 Romney, WV 26757
 304-822-4311



Court Expenditures for 2012

Circuit Court	\$1,125,105
Family Court	27,333
Magistrate Court	508,560
Total	\$1,660,998
 Court Security Fund Grant	 \$24,000
 Courthouse Facilities Improvement Authority Grant (cupola replaced)	 \$106,200

There were 424 cases filed in Hampshire County Circuit Court in 2012. Of those, 62.3 percent were civil cases, 29.7 percent were criminal cases, and 8 percent were juvenile cases. Court filings increased 11.3 percent compared to 2011. Hampshire County is part of the Twenty-Second Judicial Circuit, which also includes Hardy and Pendleton Counties.

During 2012, 378 new cases were filed in Hampshire County Family Court, an increase of 5.9 percent compared to 2011. There were also seventy-four modification and thirty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Hampshire County is part of the Twenty-Third Family Court Circuit, which also includes Mineral and Morgan Counties.

In 2012, there were 5,162 cases filed in Hampshire County Magistrate Court, an increase of 9.6 percent from 2011. Of those, 70.9 percent were criminal cases, 9 percent were special proceedings, and 20.1 percent were civil cases.

Circuit Judges

Ronald E. Wilson, *Chief Judge*
 Martin J. Gaughan
 James P. Mazzone
 Arthur M. Recht
(Retired January 31, 2012)
 David J. Sims
(Took office June 29, 2012)

Family Court Judges

Joyce Dumbaugh Chernenko
 William F. Sinclair

Magistrates

Betty J. Bauer
 William S. Hicks
 Michael W. Powell

Circuit Clerk

Brenda Jackson

Magistrate Clerk

Tamera A. Smith

Chief Probation Officer

James Lee

Hancock County Courthouse

102 Court Street
 New Cumberland, WV 26047
 304-564-3311 ext. 261

Hancock County Magistrate Court

110 South Court Street
 New Cumberland, WV 26047
 304-564-3355



Court Expenditures for 2012

Circuit Court.....	\$ 827,373
Family Court	21,842
Magistrate Court.....	695,180
Total.....	\$1,544,395

Courthouse Facilities Improvement Authority Grant (old jail renovated).....	\$ 106,200
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There were 713 cases filed in Hancock County Circuit Court in 2012. Of those, 56.8 percent were civil cases, 26.8 percent were criminal cases, and 16.4 percent were juvenile cases. Court filings increased 10.7 percent compared to 2011. Hancock County is part of the First Judicial Circuit, which also includes Brooke and Ohio Counties.

During 2012, 531 new cases were filed in Hancock County Family Court, an increase of 9 percent compared to 2011. There were also forty-five modification and twenty-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of two family court judges conducted seven marriages in 2012. Hancock County is part of the First Family Court Circuit, which also includes Brooke and Ohio Counties.

In 2012, there were 3,639 cases filed in Hancock County Magistrate Court, a decrease of 2.3 percent from 2011. Of those, 71.3 percent were criminal cases, 15.9 percent were special proceedings, and 12.8 percent were civil cases.



Circuit Judges
 Charles E. Parsons, *Chief Judge*
 Donald H. Cookman

Family Court Judge
 Amanda Hatfield See

Magistrates
 Shawna Crites
 Craig A. Hose

Circuit Clerk
 Kim Evans

Magistrate Clerk
 Helen H. Martin

Chief Probation Officer
 John Rohrbaugh
(Resigned July 16, 2012)
 Howard Watson
(Took position August 1, 2012)

Hardy County Courthouse
 204 Washington Street
 Moorefield, WV 26836
 304-530-0232

Hardy County Magistrate Court
 204 Washington Street
 Moorefield, WV 26836
 304-530-0212



Court Expenditures for 2012

Circuit Court	\$ 772,796
Family Court	307,007
Magistrate Court	402,386
Total.....	\$1,482,189

There were 416 cases filed in Hardy County Circuit Court in 2012. Of those, 39.7 percent were civil cases, 39.7 percent were criminal cases, and 20.6 percent were juvenile cases. Court filings increased 37.3 percent compared to 2011. Hardy County is part of the Twenty-Second Judicial Circuit, which also includes Hampshire and Pendleton Counties.

During 2012, 219 new cases were filed in Hardy County Family Court, a decrease of 4.8 percent compared to 2011. There were also eighty-nine modification and thirty-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted thirty marriages in 2012. Hardy County is part of the Twenty-Fifth Family Court Circuit, which also includes Grant and Pendleton Counties.

In 2012, there were 3,274 cases filed in Hardy County Magistrate Court, a decrease of 8 percent from 2011. Of those, 79 percent were criminal cases, 10.4 percent were special proceedings, and 10.6 percent were civil cases.

Circuit Judges
 J. Lewis Marks, Jr.,
Chief Judge
 Thomas A. Bedell
 James A. Matish

Family Court Judges
 Lori B. Jackson
 Cornelia A. Reep

Magistrates
 Warren E. Davis
 Frank A. DeMarco
 Mark A. Gorby
 Keith W. Marple
 Tammy F. Marple

Circuit Clerk
 Donald L. Kopp, II

Magistrate Clerk
 Wendy Davis

Chief Probation Officer
 Charles Scott

Harrison County Courthouse
 301 West Main Street
 Clarksburg, WV 26301
 304-624-8640

Harrison County Magistrate Court
 306 Washington Avenue
 Clarksburg, WV 26301
 304-624-8648



Court Expenditures for 2012

Circuit Court.....	\$ 3,044,230
Family Court	641,659
Magistrate Court.....	1,156,907
Total	\$ 4,842,796
Court Security Fund Grant	\$ 26,171
Courthouse Facilities Improvement Authority Grant (front plaza leveled).....	\$106,200

There were 1,690 cases filed in Harrison County Circuit Court in 2012. Of those, 59.5 percent were civil cases, 22.3 percent were criminal cases, and 18.2 percent were juvenile cases. Court filings decreased 1.9 percent compared to 2011. Harrison County comprises the Fifteenth Judicial Circuit.

During 2012, 1,408 new cases were filed in Harrison County Family Court, a decrease of 8.3 percent compared to 2011. There were also 231 modification and 139 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted fifty-five marriages in 2012. Harrison County is part of the Eighteenth Family Court Circuit, which also includes Doddridge County.

In 2012, there were 11,350 cases filed in Harrison County Magistrate Court, a decrease of 12.6 percent from 2011. Of those, 66.9 percent were criminal cases, 16.1 percent were special proceedings, and 17 percent were civil cases.



Circuit Judges
 David W. Nibert, *Chief Judge*
 Thomas C. Evans, III

Family Court Judges
 Rebecca Stafford Cornett
 Constance Fisher Thomas

Magistrates
 Jacqueline R. Casto
 William T. Reynolds

Circuit Clerk
 Bruce DeWees

Magistrate Clerk
 Kristin D. Carpenter-Smith

Chief Probation Officer
 Kelli Guarrieri

Jackson County Courthouse
 100 Court Street
 Ripley, WV 25271
 304-373-2210

Jackson County Magistrate Court
 100 Main Street
 Ripley, WV 25271
 304-373-2313



Court Expenditures for 2012

Circuit Court	\$ 836,691
Family Court	333,526
Magistrate Court	520,595
Total.....	\$1,690,812

Court Security Fund Grant.....\$20,700

There were 513 cases filed in Jackson County Circuit Court in 2012. Of those, 56.5 percent were civil cases, 32.4 percent were criminal cases, and 11.1 percent were juvenile cases. Court filings decreased 18.7 percent compared to 2011. Jackson County is part of the Fifth Judicial Circuit, which also includes Calhoun, Mason, and Roane Counties.

During 2012, 573 new cases were filed in Jackson County Family Court, a decrease of 2.2 percent compared to 2011. There were also 154 modification and 108 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted twelve marriages in 2012. Jackson County is part of the Fifth Family Court Circuit, which also includes Mason and Wirt Counties.

In 2012, there were 4,708 cases filed in Jackson County Magistrate Court, a decrease of 14.2 percent from 2011. Of those, 75.1 percent were criminal cases, 17.1 percent were special proceedings, and 7.8 percent were civil cases.

Circuit Judges

David H. Sanders, *Chief Judge*

Gina M. Groh

(Resigned March 19, 2012)

Michael Douglas Lorenson

(Took office December 14, 2012)

Gray Silver, III

Christopher C. Wilkes

John C. Yoder

Family Court Judges

David P. Greenberg

Sally G. Jackson

William T. Wertman Jr.

Magistrates

Gail C. Boober

Mary P. Rissler

William E. Senseney

Circuit Clerk

Laura Storm

Magistrate Clerk

Bonnie L. Seal

Chief Probation Officer

Mark Hofe

Jefferson County Courthouse

119 North George Street

Charles Town, WV 25414

304-728-3231

Jefferson County Magistrate Court

110 North George Street

Charles Town, WV 25414

304-728-3233 ext. 342



Court Expenditures for 2012

Circuit Court.....	\$1,376,781
Family Court	543,149
Magistrate Court.....	785,184
Total.....	\$2,705,114
Court Security Fund Grant	\$45,062

There were 1,120 cases filed in Jefferson County Circuit Court in 2012. Of those, 64 percent were civil cases, 21.4 percent were criminal cases, and 14.6 percent were juvenile cases. Court filings increased 3 percent compared to 2011. Jefferson County is part of the Twenty-Third Judicial Circuit, which also includes Berkeley and Morgan Counties.

During 2012, 795 new cases were filed in Jefferson County Family Court, a decrease of 8.1 percent compared to 2011. There were also 169 modification and 131 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the three family court judges conducted fifty-five marriages in 2012. Jefferson County is part of the Twenty-Fourth Family Court Circuit, which also includes Berkeley County.

In 2012, there were 9,375 cases filed in Jefferson County Magistrate Court, an increase of 0.5 percent from 2011. Of those, 67.7 percent were criminal cases, 13.5 percent were special proceedings, and 18.8 percent were civil cases.



Circuit Judges
 Louis H. "Duke" Bloom,
Chief Judge
 Jennifer F. Bailey
 Tod J. Kaufman
 Charles E. King
 James C. Stucky
 Carrie Webster
 Paul Zakaib Jr.

Family Court Judges
 Kenneth D. Ballard
 Michael J. Kelly
 Robert M. Montgomery
 Sharon M. Mullens
 D. Mark Snyder

Magistrates
 Josanna Kim Aaron
 Carol A. Fouty
(Resigned August 2, 2012)
 Tim C. Halloran
 Ward Harshbarger, III
 Pete C. Lopez
 Jack Pauley
 Joseph L. Shelton
 Traci L. Strickland
 Kristin Vieweg
(Took office August 6, 2012)
 Paris Workman
 Julie M. Yeager

Circuit Clerk
 Cathy Gatson

Magistrate Clerk
 Angel Cincinnati

Chief Adult Probation Officer
 Judy Jones

Chief Juvenile Probation Officer
 R. Keith Stewart

Kanawha County Judicial Building
 111 Court Street
 Charleston, WV 25301
 304-357-0440

Kanawha County Magistrate Court
 Kanawha County Judicial Building
 111 Court Street
 Charleston, WV 25301
 304-357-0422



Court Expenditures for 2012

Circuit Court	\$ 8,721,487
Family Court	2,036,432
Magistrate Court	2,544,997
Total.....	\$13,302,916
 Court Security Fund Grant.....	 \$46,709
 Courthouse Facilities Improvement Authority Grant (courthouse repairs).....	 \$106,200

There were 7,327 cases filed in Kanawha County Circuit Court in 2012. Of those, 69.5 percent were civil cases, 21.7 percent were criminal cases, and 8.8 percent were juvenile cases. Court filings increased 0.9 percent compared to 2011. Kanawha County is the only county in the Thirteenth Judicial Circuit.

During 2012, 4,104 new cases were filed in Kanawha County Family Court, a decrease of 5.9 percent compared to 2011. There were also 921 modification and 814 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges conducted 275 marriages in 2012. Kanawha County makes up the Eleventh Family Court Circuit.

In 2012, there were 35,888 cases filed in Kanawha County Magistrate Court, an increase of 4.7 percent from 2011. Of those, 73.2 percent were criminal cases, 16.7 percent were special proceedings, and 10.1 percent were civil cases.

Circuit Judge
Thomas H. Keadle, *Chief Judge*

Family Court Judge
Robert Reed Sowa

Magistrates
Sharon A. Hull
James D. Moody

Circuit Clerk
John Hinzman

Magistrate Clerk
Carolyn S. Williams

Chief Probation Officer
Serena Peterson

Lewis County Courthouse
110 Center Avenue
Weston, WV 26452
304-269-8210

Lewis County Magistrate Court
111 Court Street
Weston, WV 26452
304-269-8230



Court Expenditures for 2012

Circuit Court.....	\$ 374,921
Family Court	25,970
Magistrate Court.....	481,911
Total	\$ 882,802
Court Security Fund Grant	\$182,500

There were 603 cases filed in Lewis County Circuit Court in 2012. Of those, 83.1 percent were civil cases, 10.9 percent were criminal cases, and 6 percent were juvenile cases. Court filings decreased 2.9 percent compared to 2011. Lewis County is part of the Twenty-Sixth Judicial Circuit, which also includes Upshur County.

During 2012, 288 new cases were filed in Lewis County Family Court, an increase of 11.6 percent compared to 2011. There were also forty-eight modification and twenty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted one marriage in 2012. Lewis County is part of the Seventeenth Family Court Circuit, which also includes Braxton and Upshur Counties.

In 2012, there were 4,191 cases filed in Lewis County Magistrate Court, an increase of 13.8 percent. Of those, 72.5 percent were criminal cases, 6 percent were special proceedings, and 21.5 percent were civil cases.



Circuit Judges
 Jay M. Hoke, *Chief Judge*
 William S. Thompson

Family Court Judges
 Scott E. Elswick
 Cynthia L. Jarrell

Magistrates
 Mona Dell Snodgrass
 Sophia J. Tully

Circuit Clerk
 Charlie Brumfield

Magistrate Clerk
 D. Kay Adkins

Chief Probation Officer
 Jerry Swanson

Lincoln County Courthouse
 8000 Court Avenue
 Hamlin, WV 25523
 304-824-7887 ext. 239

Lincoln County Magistrate Court
 8000 Court Avenue
 Hamlin, WV 25523
 304-824-5001 ext. 235



Court Expenditures for 2012

Circuit Court	\$1,314,094
Family Court	498,851
Magistrate Court	452,274
Total.....	\$2,265,219

There were 613 cases filed in Lincoln County Circuit Court in 2012. Of those, 60 percent were civil cases, 11.5 percent were criminal cases, and 28.5 percent were juvenile cases. Court filings decreased 10.6 percent compared to 2011. Lincoln County is part of the Twenty-Fifth Judicial Circuit, which also includes Boone County.

During 2012, 561 new cases were filed in Lincoln County Family Court, an increase of 15.2 percent compared to 2011. There were also 231 modification and 221 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted twenty-one marriages in 2012. Lincoln County is part of the Tenth Family Court Circuit, which also includes Boone County.

In 2012, there were 4,455 cases filed in Lincoln County Magistrate Court, an increase of 9.1 percent from 2011. Of those, 78.9 percent were criminal cases, 17.4 percent were special proceedings, and 3.7 percent were civil cases.

Circuit Judges

Eric H. O'Briant, *Chief Judge*
Roger L. Perry

Family Court Judges

Kelly Gilmore Codispoti
Jason D. Harwood

Magistrates

Leonard Codispoti
Jeffrey S. Lane
Dwight A. Williamson

Circuit Clerk

Vickie Kolota

Magistrate Clerk

Deeanna J. Briggs

Chief Probation Officer

Charles Brown

Logan County Courthouse

300 Stratton Street
Logan, WV 25601
304-792-8550

Logan County Magistrate Court

300 Stratton Street
Logan, WV 25601
304-792-8651 or 8650



Court Expenditures for 2012

Circuit Court.....	\$2,436,429
Family Court	597,135
Magistrate Court.....	865,005
Total	\$3,898,569

Court Security Fund Grant\$12,735

There were 1,089 cases filed in Logan County Circuit Court in 2012. Of those, 56.4 percent were civil cases, 21.7 percent were criminal cases, and 21.9 percent were juvenile cases. Court filings decreased 8 percent compared to 2011. Logan County comprises the Seventh Judicial Circuit.

During 2012, 1,021 new cases were filed in Logan County Family Court, a decrease of 4.8 percent compared to 2011. There were also 273 modification and 139 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges conducted forty-seven marriages in 2012. Logan County makes up the Ninth Family Court Circuit.

In 2012, there were 9,089 cases filed in Logan County Magistrate Court, a decrease of 3.1 percent from 2011. Of those, 79.5 percent were criminal cases, 16.1 percent were special proceedings, and 4.4 percent were civil cases.



Circuit Judges
 Michael J. Aloï, *Chief Judge*
 David R. Janes

Family Court Judge
 Amy J. Swisher

Magistrates
 Melissa Pride Linger
 Hank E. Middlemas
 Cathy L. Reed-Vanata
 Rebecca L. Tate

Circuit Clerk
 Barbara Core

Magistrate Clerk
 Cathy L. Gower

Chief Probation Officer
 Thomas Carpenter

Marion County Courthouse
 219 Adams Street, Room 211
 Fairmont, WV 26554
 304-367-5360

Marion County Magistrate Court
 200 Jackson Street, Room 211
 Fairmont, WV 26554
 304-367-5330



Court Expenditures for 2012

Circuit Court	\$ 2,019,726
Family Court	334,903
Magistrate Court	958,487
Total.....	\$ 3,313,116

There were 1,522 cases filed in Marion County Circuit Court in 2012. Of those, 65.5 percent were civil cases, 20 percent were criminal cases, and 14.5 percent were juvenile cases. Court filings decreased 21.3 percent compared to 2011. Marion County comprises the Sixteenth Judicial Circuit.

During 2012, 831 new cases were filed in Marion County Family Court, a decrease of 4.4 percent compared to 2011. There were also 207 modification and 180 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Marion County makes up the Nineteenth Family Court Circuit.

In 2012, there were 7,286 cases filed in Marion County Magistrate Court, a decrease of 4.4 percent from 2011. Of those, 67.6 percent were criminal cases, 15.9 percent were special proceedings, and 16.5 percent were civil cases.

Circuit Judges
 David W. Hummel, Jr., *Chief Judge*
 Mark A. Karl

Family Court Judge
 Robert C. Hicks

Magistrates
 William D. Anderson
 David M. Buzzard
 Mark A. Kerwood

Circuit Clerk
 David Ealy

Magistrate Clerk
 Vickie D. Best

Chief Probation Officer
 John Lantz

Marshall County Courthouse
 600 Seventh Street
 Moundsville, WV 26041
 304-845-2130

Marshall County Magistrate Court
 511 Sixth Street
 Moundsville, WV 26041
 304-845-4811



Court Expenditures for 2012

Circuit Court.....	\$1,868,407
Family Court	15,421
Magistrate Court.....	787,136
Total	\$2,670,964

There were 826 cases filed in Marshall County Circuit Court in 2012. Of those, 68.3 percent were civil cases, 10 percent were criminal cases, and 21.7 percent were juvenile cases. Court filings increased 4 percent compared to 2011. Marshall County is part of the Second Judicial Circuit, which also includes Tyler and Wetzel Counties.

During 2012, 511 new cases were filed in Marshall County Family Court, a decrease of 12.8 percent compared to 2011. There were also 205 modification and 124 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted ten marriages in 2012. Marshall County is part of the Second Family Court Circuit, which also includes Tyler and Wetzel Counties.

In 2012, there were 4,360 cases filed in Marshall County Magistrate Court, an increase of 1.2 percent from 2011. Of those, 69.2 percent were criminal cases, 15 percent were special proceedings, and 15.8 percent were civil cases.



Circuit Judges
 David W. Nibert, *Chief Judge*
 Thomas C. Evans, III

Family Court Judges
 Rebecca Stafford Cornett
 Constance Fisher Thomas

Magistrates
 Cheryl M. Ross
 Gail L. Roush

Circuit Clerk
 Bill Withers

Magistrate Clerk
 Brenda L. Baldwin

Chief Probation Officer
 Kelli Guarrieri

Mason County Courthouse
 200 Sixth Street
 Point Pleasant, WV 25550
 304-675-4400

Mason County Magistrate Court
 200 Sixth Street
 Point Pleasant, WV 25550
 304-675-6840



Court Expenditures for 2012

Circuit Court	\$ 939,256
Family Court	352,176
Magistrate Court	497,763
Total.....	\$1,789,195

There were 591 cases filed in Mason County Circuit Court in 2012. Of those, 57.4 percent were civil cases, 20.5 percent were criminal cases, and 22.1 percent were juvenile cases. Court filings decreased 20.1 percent compared to 2011. Mason County is part of the Fifth Judicial Circuit, which also includes Calhoun, Jackson, and Roane Counties.

During 2012, 581 new cases were filed in Mason County Family Court, a decrease of 2.8 percent compared to 2011. There were also 139 modification and 87 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted thirty-five marriages in 2012. Mason County is part of the Fifth Family Court Circuit, which also includes Jackson and Wirt Counties.

In 2012, there were 3,559 cases filed in Mason County Magistrate Court, a decrease of 7.6 percent from 2011. Of those, 75.8 were criminal cases, 16.4 percent were special proceedings, and 7.8 percent were civil cases.

Circuit Judges
 Rudolph J. Murensky, II,
Chief Judge
 Booker T. Stephens

Family Court Judges
 Anthony Bisaha
 Lisa K. Clark
 Mary Ellen Griffith

Magistrates
 Steve L. Cox
 James R. VanDyke
 John Vance

Circuit Clerk
 Francine Spencer

Magistrate Clerk
 Janet L. England

Chief Probation Officer
 Jerome Powell

McDowell County Courthouse
 90 Wyoming Street, Suite 201
 Welch, WV 24801
 304-436-8535

**McDowell County
 Magistrate Court**
 105 Wyoming Street
 Welch, WV 24801
 304-436-8587



Court Expenditures for 2012

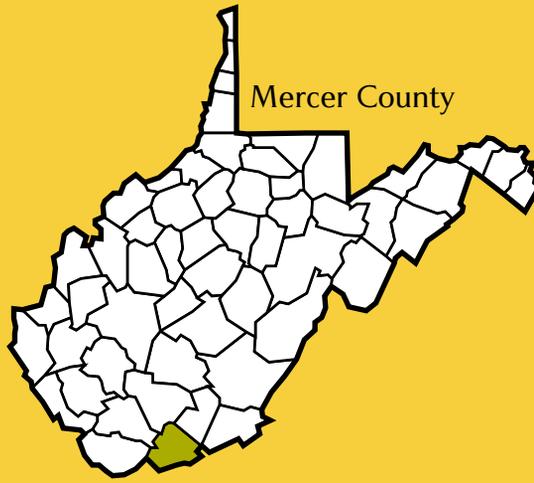
Circuit Court.....	\$1,663,955
Family Court	145,906
Magistrate Court.....	630,758
Total	\$2,440,619

Courthouse Facilities Improvement Authority Grant
 (courthouse rewired)..... \$106,200

There were 761 cases filed in McDowell County Circuit Court in 2012. Of those, 45.5 percent were civil cases, 23.8 percent were criminal cases, and 30.7 percent were juvenile cases. Court filings increased 13.1 percent compared to 2011. McDowell County comprises the Eighth Judicial Circuit.

During 2012, 589 new cases were filed in McDowell County Family Court, a decrease of 10.6 percent compared to 2011. There were also 188 modification and 103 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of three family court judges conducted one marriage in 2012. McDowell County is in the Twelfth Family Court Circuit, which also includes Mercer County.

In 2012, there were 4,471 cases filed in McDowell County Magistrate Court, a decrease of 9.5 percent from 2011. Of those, 70.2 percent were criminal cases, 25.8 percent were special proceedings, and 4 percent were civil cases.



Circuit Judges
 Omar J. Aboulhosn, *Chief Judge*
 William J. Sadler
 Derek C. Swope

Family Court Judges
 Anthony Bisaha
 Lisa K. Clark
 Mary Ellen Griffith

Magistrates
 James E. Dent
 Michael D. Flanigan
 Richard D. Fowler
 Susan C. Honaker
 Charles N. Poe

Circuit Clerk
 Julie Ball

Magistrate Clerk
 Donna J. Arnold

Chief Probation Officer
 Joseph Allen

Mercer County Courthouse
 1501 Main Street
 Princeton, WV 24740
 304-487-8323

Mercer County Magistrate Court
 Courthouse Annex
 120 Scott Street, Suite 103
 Princeton, WV 24740
 304-431-7115



Court Expenditures for 2012

Circuit Court	\$ 3,645,481
Family Court	1,099,469
Magistrate Court	1,254,856
Total.....	\$ 5,999,806

There were 2,724 cases filed in Mercer County Circuit Court in 2012. Of those, 48.9 percent were civil cases, 30.7 percent were criminal cases, and 20.4 percent were juvenile cases. Court filings increased 12.3 percent compared to 2011. Mercer County comprises the Ninth Judicial Circuit.

During 2012, 1,760 new cases were filed in Mercer County Family Court, an increase of 8.2 percent compared to 2011. There were also 416 modification and 182 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges conducted three marriages in 2012. Mercer County is in the Twelfth Family Court Circuit, which also includes McDowell County.

In 2012, there were 15,560 cases filed in Mercer County Magistrate Court, a decrease of 6.2 percent from 2011. Of those, 60.8 percent were criminal cases, 17.4 percent were special proceedings, and 21.8 percent were civil cases.

Circuit Judges

Lynn A. Nelson, *Chief Judge*
Philip B. Jordan

Family Court Judge

Glen R. Stotler

Magistrates

David C. Harman
Carolyn S. Roby

Circuit Clerk

Krista J. Dixon

Magistrate Clerk

Billie L. Simpson

Chief Probation Officer

Jerome DiBacco

Mineral County Courthouse

150 Armstrong Street
Keyser, WV 26726
304-788-1562

Mineral County Magistrate Court

105 West Street
Keyser, WV 26726
304-788-2625



Court Expenditures for 2012

Circuit Court.....	\$1,182,030
Family Court	16,496
Magistrate Court.....	444,539
Total	\$1,643,065
Courthouse Facilities Improvement Authority Grant (gutters replaced).....	\$ 56,603

There were 634 cases filed in Mineral County Circuit Court in 2012. Of those, 37.7 percent were civil cases, 42.4 percent were criminal cases, and 19.9 percent were juvenile cases. Court filings increased 4.1 percent compared to 2011. Mineral County is part of the Twenty-First Judicial Circuit, which also includes Grant and Tucker Counties.

During 2012, 398 new cases were filed in Mineral County Family Court, a decrease of 11.9 percent compared to 2011. There were also 126 modification and ninety contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Mineral County is part of the Twenty-Third Family Court Circuit, which also includes Hampshire and Morgan Counties.

In 2012, there were 4,378 cases filed in Mineral County Magistrate Court, an increase of 3.9 percent from 2011. Of those, 81 percent were criminal cases, 9.7 percent were special proceedings, and 9.3 percent were civil cases.



Circuit Judge
Michael Thornsby, *Chief Judge*

Family Court Judge
Miki J. Thompson

Magistrates
Walter Eugene Crum
(Resigned January 5, 2012)
Pamela S. Newsome
Deloris D. "Dee" Sidebottom
Dallas Lee Toler
(Took office January 6, 2012)

Circuit Clerk
Grant Preece

Magistrate Clerk
William T. "Terry" Sanders

Chief Probation Officer
Marcia Price

Mingo County Courthouse
75 East Second Avenue
Williamson, WV 25661
304-235-0320

Mingo County Magistrate Court
Logan Street and First Avenue
Williamson, WV 25661
304-235-2445



Court Expenditures for 2012

Circuit Court	\$ 989,094
Family Court	296,731
Magistrate Court	735,569
Total.....	\$2,021,394

There were 1,009 cases filed in Mingo County Circuit Court in 2012. Of those, 44.6 percent were civil cases, 40.1 percent were criminal cases, and 15.3 percent were juvenile cases. Court filings decreased 13.7 percent compared to 2011. Mingo County comprises the Thirtieth Judicial Circuit.

During 2012, 1,015 new cases were filed in Mingo County Family Court, a decrease of 6.5 percent compared to 2011. There were also 181 modification and 139 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted thirteen marriages in 2012. Mingo County makes up the Eighth Family Court Circuit.

In 2012, there were 6,279 cases filed in Mingo County Magistrate Court, an increase of 13.1 percent from 2011. Of those, 76.9 percent were criminal cases, 19.8 percent were special proceedings, and 3.3 percent were civil cases.

Circuit Judges

Susan B. Tucker, *Chief Judge*
 Russell M. Clawges, Jr.
 Phillip Gaujot

Family Court Judges

Patricia Tolle Hill
 Randal A. Minor

Magistrates

Saundra K. Holepit
 Hershel R. Mullins
 James E. Nabors
 Darris J. Summers

Circuit Clerk

Jean Friend

Magistrate Clerk

Caroline A. Stoker

Chief Probation Officer

Phyllis Stewart-Brown
(Retired September 30, 2012)

Leisa D. Robinson

(Took position November 15, 2012)

Monongalia County Courthouse

243 High Street, Room 110
 Morgantown, WV 26505
 304-291-7240

Monongalia County

Magistrate Court

265 Spruce Street
 Morgantown, WV 26505
 304-291-7296



Court Expenditures for 2012

Circuit Court.....	\$ 3,062,023
Family Court	630,202
Magistrate Court.....	1,148,988
Total.....	\$4,841,213

There were 2,147 cases filed in Monongalia County Circuit Court in 2012. Of those, 74.5 percent were civil cases, 17.5 percent were criminal cases, and 8 percent were juvenile cases. Court filings increased 6.6 percent compared to 2011. Monongalia County comprises the Seventeenth Judicial Circuit.

During 2012, 1,180 new cases were filed in Monongalia County Family Court, a decrease of 6.3 percent compared to 2011. There were also 234 modification and 195 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of two family court judges conducted forty-five marriages in 2012. Monongalia County is part of the Twentieth Family Court Circuit, which also includes Preston County.

In 2012, there were 17,185 cases filed in Monongalia County Magistrate Court, an increase of 13.5 percent from 2011. Of those, 75.1 percent were criminal cases, 8.9 percent were special proceedings, and 16 percent were civil cases.



Circuit Judge
Robert A. Irons, *Chief Judge*

Family Court Judge
David M. Sanders

Magistrates
Nancy P. Crews
Kevin L. Miller

Circuit Clerk
Leta Gullette

Magistrate Clerk
Elizabeth D. Kountz

Chief Probation Officer
Karen Childs

Monroe County Courthouse
216 Main Street
Union, WV 24983
304-772-3017

Monroe County Magistrate Court
Union Fire Hall
Greenhill Road
Union, WV 24983
304-772-3321



Court Expenditures for 2012

Circuit Court	\$ 591,912
Family Court	17,817
Magistrate Court	398,172
Total.....	\$1,007,901

Courthouse Facilities Improvement Authority Grant (roof replaced).....	\$ 102,660
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There were 236 cases filed in Monroe County Circuit Court in 2012. Of those, 55.9 percent were civil cases, 33.1 percent were criminal cases, and 11 percent were juvenile cases. Court filings decreased 8.5 percent compared to 2011. Monroe County is part of the Thirty-First Judicial Circuit, which also includes Summers County.

During 2012, 323 new cases were filed in Monroe County Family Court, a decrease of 0.9 percent compared to 2011. There were also thirty modification and forty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Monroe County is part of the Fifteenth Family Court Circuit, which also includes Greenbrier County.

In 2012, there were 1,760 cases filed in Monroe County Magistrate Court, an increase of 36.4 percent from 2011. Of those, 72.6 percent were criminal cases, 18.9 percent were special proceedings, and 8.5 percent were civil cases.

Circuit Judges

David H. Sanders, *Chief Judge*

Gina M. Groh

(Resigned March 19, 2012)

Michael Douglas Lorensen

(Took office December 14, 2012)

Gray Silver, III

Christopher C. Wilkes

John C. Yoder

Family Court Judge

Glen R. Stotler

Magistrates

Kermit M. Ambrose

Gregory L. Miller

Circuit Clerk

Kimberly J. Jackson

Magistrate Clerk

Cynthia F. Stotler

Chief Probation Officer

Mark Hofe

Morgan County Courthouse

77 Fairfax Street, Room 202

Berkeley Springs, WV 25411

304-258-8554

Morgan County Magistrate Court

111 Fairfax Street

Berkeley Springs, WV 25411

304-258-8631



Court Expenditures for 2012

Circuit Court.....	\$ 417,853
Family Court	276,774
Magistrate Court.....	430,161
Total	\$1,124,788

Courthouse Facilities Improvement Authority Grant (payment on new courthouse)	\$ 80,000
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There were 422 cases filed in Morgan County Circuit Court in 2012. Of those, 52.6 percent were civil cases, 26.1 percent were criminal cases, and 21.3 percent were juvenile cases. Court filings increased 12.2 percent compared to 2011. Morgan County is part of the Twenty-Third Judicial Circuit, which also includes Berkeley and Jefferson Counties.

During 2012, 205 new cases were filed in Morgan County Family Court, a decrease of 13.5 percent compared to 2011. There were also fifty-one modification and forty-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Morgan County is part of the Twenty-Third Family Court Circuit, which also includes Hampshire and Mineral Counties.

In 2012, there were 3,561 cases filed in Morgan County Magistrate Court, an increase of 12.9 percent from 2011. Of those, 71.4 percent were criminal cases, 8.7 percent were special proceedings, and 19.9 percent were civil cases.



Circuit Judge
Gary L. Johnson, *Chief Judge*

Family Court Judge
Donald K. Bischoff

Magistrates
Sarah Meadows Brown
(Took office July 17, 2012)
Michael E. Cooper
(Resigned July 16, 2012)
John D. Morton, Jr.
Doren W. Plummer

Circuit Clerk
Debbie Facemire

Magistrate Clerk
Loriene L. Green

Chief Probation Officer
Roger Beverage

Nicholas County Courthouse
700 Main Street
Summersville, WV 26651
304-872-7810

Nicholas County Magistrate Court
511 Church Street
Summersville, WV 26651
304-872-7829



Court Expenditures for 2012

Circuit Court	\$ 1,100,871
Family Court	285,493
Magistrate Court	703,887
Total.....	\$ 2,090,251

There were 620 cases filed in Nicholas County Circuit Court in 2012. Of those, 54.8 percent were civil cases, 23.7 percent were criminal cases, and 21.5 percent were juvenile cases. Court filings decreased 5.8 percent compared to 2011. Nicholas County comprises the Twenty-Eighth Judicial Circuit.

During 2012, 638 new cases were filed in Nicholas County Family Court, a decrease of 5.3 percent compared to 2011. There were also ninety-nine modification and ninety-four contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted seventeen marriages in 2012. Nicholas County is part of the Sixteenth Family Court Circuit, which also includes Clay County.

In 2012, there were 6,127 cases filed in Nicholas County Magistrate Court, an increase of 10.5 percent from 2011. Of those, 72 percent were criminal cases, 23.5 percent were special proceedings, and 4.5 percent were civil cases.

Circuit Judges

Ronald E. Wilson, *Chief Judge*
 Martin J. Gaughan
 James P. Mazzone
 Arthur M. Recht
(Retired January 31, 2012)
 David J. Sims
(Took office June 29, 2012)

Family Court Judges

Joyce Dumbaugh Chernenko
 William F. Sinclair

Magistrates

Charles W. Murphy
 Patricia L. Murphy
 Harry A. Radcliffe
 Joseph E. Roxby

Circuit Clerk

Brenda L. Miller

Magistrate Clerk

Gerald O. Ames, Jr.

Chief Probation Officer

James Lee

Ohio County City/County Building

1500 Chapline Street
 Wheeling, WV 26003
 304-234-3611

Ohio County Magistrate Court

Ohio County Courthouse Annex
 26 Fifteenth Street
 Wheeling, WV 26003
 304-234-3672



Court Expenditures for 2012

Circuit Court.....	\$ 1,687,388
Family Court	661,482
Magistrate Court.....	1,024,234
Total.....	\$ 3,373,104

There were 1,371 cases filed in Ohio County Circuit Court in 2012. Of those, 78.5 percent were civil cases, 10.6 percent were criminal cases, and 10.9 percent were juvenile cases. Court filings increased 1.4 percent compared to 2011. Ohio County is part of the First Judicial Circuit, which also includes Brooke and Hancock Counties.

During 2012, 639 new cases were filed in Ohio County Family Court, a decrease of 2.9 percent compared to 2011. There were also sixty-seven modification and seventy-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted seven marriages in 2012. Ohio County is part of the First Family Court Circuit, which also includes Brooke and Hancock Counties.

In 2012, there were 8,384 cases filed in Ohio County Magistrate Court, a decrease of 5.4 percent from 2011. Of those, 76.3 percent were criminal cases, 10.4 percent were special proceedings, and 13.3 percent were civil cases.



Circuit Judges
 Charles E. Parsons, *Chief Judge*
 Donald H. Cookman

Family Court Judge
 Amanda Hatfield See

Magistrates
 Andrew M. Hinkle
 Leland E. Propst

Circuit Clerk
 Shalee Wilburn

Magistrate Clerk
 Judy L. Grimm

Chief Probation Officer
 John Rohrbaugh
(Resigned July 16, 2012)
 Howard Watson
(Took position August 1, 2012)

Pendleton County Courthouse
 100 South Main Street
 Franklin, WV 26807
 304-358-7067

Pendleton County Magistrate Court
 100 South Main Street
 Franklin, WV 26807
 304-358-2343 or 2344



Court Expenditures for 2012

Circuit Court	\$ 242,883
Family Court	26,598
Magistrate Court	421,763
Total.....	\$ 691,244

There were 125 cases filed in Pendleton County Circuit Court in 2012. Of those, 55.2 percent were civil cases, 17.6 percent were criminal cases, and 27.2 percent were juvenile cases. Court filings increased 33 percent compared to 2011. Pendleton County is part of the Twenty-Second Judicial Circuit, which also includes Hampshire and Hardy Counties.

During 2012, seventy-three new cases were filed in Pendleton County Family Court, an increase of 1.4 percent compared to 2011. There were also thirty-one modification and thirteen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted two marriages in 2012. Pendleton County is part of the Twenty-Fifth Family Court Circuit, which also includes Grant and Hardy Counties.

In 2012, there were 774 cases filed in Pendleton County Magistrate Court, a decrease of 17.7 percent from 2011. Of those, 79.2 percent were criminal cases, 10.9 percent were special proceedings, and 9.9 percent were civil cases.

Circuit Judge
Timothy L. Sweeney, *Chief Judge*

Family Court Judges
Brian C. Dempster
C. Darren Tallman

Magistrates
Kathy M. Elder
Randy Nutter

Circuit Clerk
Millie Farnsworth

Magistrate Clerk
Lisa R. Taylor

Chief Probation Officer
Peggy Cline

Pleasants County Courthouse
301 Court Lane
St. Marys, WV 26170
304-684-3513

Pleasants County Magistrate Court
301 Court Lane, Room B-6
St. Marys, WV 26170
304-684-7197



Court Expenditures for 2012

Circuit Court.....	\$511,163
Family Court	4,350
Magistrate Court.....	404,360
Total	\$919,873
Courthouse Facilities Improvement Authority Grant (light fixtures replaced)	
	\$31,462

There were 157 cases filed in Pleasants County Circuit Court in 2012. Of those, 51 percent were civil cases, 22.9 percent were criminal cases, and 26.1 percent were juvenile cases. Court filings increased 25.6 percent compared to 2011. Pleasants County is part of the Third Judicial Circuit, which also includes Doddridge and Ritchie Counties.

During 2012, 126 new cases were filed in Pleasants County Family Court, an increase of 5 percent compared to 2011. There were also fourteen modification and twelve contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Pleasants County is part of the Third Family Court Circuit, which also includes Wood County.

In 2012, there were 1,157 cases filed in Pleasants County Magistrate Court, an increase of 3.1 percent from 2011. Of those, 73.1 percent were criminal cases, 15.8 percent were special proceedings, and 11.1 percent were civil cases.



Circuit Judges
Joseph C. Pomponio, Jr.,
Chief Judge
James J. Rowe

Family Court Judge
Jeffrey L. Hall

Magistrates
Kathy L. Beverage
Janet L. Kershner-Vanover

Circuit Clerk
Connie Carr

Magistrate Clerk
Virginia L. Wagner

Chief Probation Officer
Fred Taylor, II

Pocahontas County Courthouse
900 Tenth Avenue
Marlinton, WV 24954
304-799-4604

Pocahontas County Magistrate Court
900 Tenth Avenue
Marlinton, WV 24954
304-799-6603



Court Expenditures for 2012

Circuit Court	\$ 92,275
Family Court	12,544
Magistrate Court	411,554
Total.....	\$ 516,373

There were three hundred cases filed in Pocahontas County Circuit Court in 2012. Of those, 54.7 percent were civil cases, 32 percent were criminal cases, and 13.3 percent were juvenile cases. Court filings increased 13.6 percent compared to 2011. Pocahontas County is part of the Eleventh Judicial Circuit, which also includes Greenbrier County.

During 2012, 143 new cases were filed in Pocahontas County Family Court, a decrease of 8.9 percent compared to 2011. There were also thirty-three modification and fifty-six contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted one marriage in 2012. Pocahontas County is part of the Twenty-Seventh Family Court Circuit, which also includes Webster County.

In 2012, there were 1,270 cases filed in Pocahontas County Magistrate Court, a decrease of 21 percent from 2011. Of those, 75.7 percent were criminal cases, 14.2 percent were special proceedings, and 10.1 percent were civil cases.

Circuit Judge
Lawrance S. Miller, Jr., *Chief Judge*

Family Court Judges
Patricia Tolle Hill
Randal A. Minor

Magistrates
Lewis F. Ault
Harold E. Jenkins, Jr.
Janice K. Snider

Circuit Clerk
Betsy Castle

Magistrate Clerk
Donna J. Metheny

Chief Probation Officer
Crystal K. Thomas

Preston County Courthouse
101 West Main Street
Room 301
Kingwood, WV 26537
304-329-0047

Preston County Magistrate Court
101 West Main Street
Room 201
Kingwood, WV 26537
304-329-2764 ext. 12 or 18



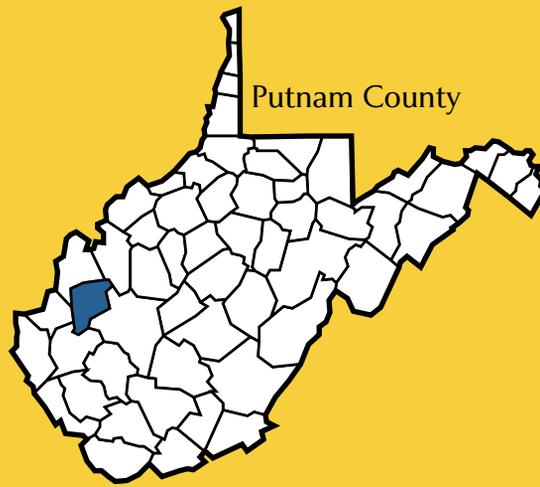
Court Expenditures for 2012

Circuit Court.....	\$1,071,985
Family Court	22,300
Magistrate Court.....	699,046
Total.....	\$1,793,331

There were 726 cases filed in Preston County Circuit Court in 2012. Of those, 66.4 percent were civil cases, 24.6 percent were criminal cases, and 9 percent were juvenile cases. Court filings increased 7.7 percent compared to 2011. Preston County comprises the Eighteenth Judicial Circuit.

During 2012, 557 new cases were filed in Preston County Family Court, a decrease of 2.8 percent compared to 2011. There were also 149 modification and 118 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the two family court judges conducted twenty-six marriages in 2012. Preston County is part of the Twentieth Family Court Circuit, which also includes Monongalia County.

In 2012, there were 5,755 cases filed in Preston County Magistrate Court, an increase of 21.7 percent from 2011. Of those, 76.7 percent were criminal cases, 6.7 percent were special proceedings, and 16.6 percent were civil cases.



Circuit Judges
 Phillip M. Stowers, *Chief Judge*
 Robert Leslie
*(Took office June 12, 2012;
 Left office November 30, 2012)*
 Joseph K. Reeder
(Took office December 1, 2012)

Family Court Judge
 William M. Watkins, III

Magistrates
 Kim M. Blair
 Elizabeth K. Brown
 Linda J. Hunt

Circuit Clerk
 Ronnie Matthews

Magistrate Clerk
 Darry M. Casto

Chief Probation Officer
 Brenda Shrader

Putnam County Judicial Building
 3389 Winfield Road
 Winfield, WV 25213
 304-586-0203

Putnam County Magistrate Court
 Putnam County Judicial Building
 3389 Winfield Road
 Winfield, WV 25213
 304-586-0234 or 0270



Court Expenditures for 2012

Circuit Court	\$1,985,709
Family Court	366,889
Magistrate Court	777,721
Total	\$3,130,319

There were 1,196 cases filed in Putnam County Circuit Court in 2012. Of those, 60.2 percent were civil cases, 27 percent were criminal cases, and 12.8 percent were juvenile cases. Court filings increased 12.2 percent compared to 2011. Putnam County comprises the Twenty-Ninth Judicial Circuit.

During 2012, 898 new cases were filed in Putnam County Family Court, a decrease of 4.9 percent compared to 2011. There were also 180 modification and 146 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted one marriage in 2012. Putnam County makes up the Twenty-Sixth Family Court Circuit.

In 2012, there were 7,273 cases filed in Putnam County Magistrate Court, an increase of 7.4 percent from 2011. Of those, 75.4 percent were criminal cases, 15.6 percent were special proceedings, and 9 percent were civil cases.

Circuit Judges

John A. Hutchison, *Chief Judge*
 Robert A. Burnside, Jr.
 H. L. Kirkpatrick III

Family Court Judges

K. Bruce Lazenby
 H. Suzanne McGraw
 Louise G. Staton

Magistrates

Charles R. Humphrey
 Mary H. Jennings
 Richard D. Jones
 Stephen D. Massie
 Gregory W. Tanner

Circuit Clerk

Paul Flanagan

Magistrate Clerk

Rebecca J. "Becky" Black

Chief Adult Probation Officer

Walter Harper

Chief Juvenile Probation Officer

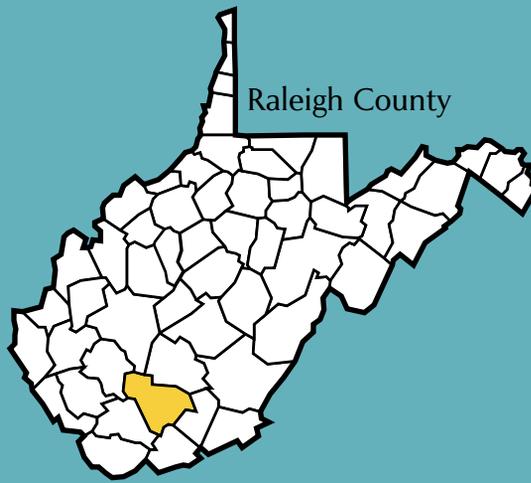
Timothy Erwin

Raleigh County Judicial Annex

222 Main Street
 Beckley, WV 25801
 304-255-9135

Raleigh County Magistrate Court

Raleigh County Judicial Annex
 222 Main Street
 Beckley, WV 25801
 304-255-9197



Court Expenditures for 2012

Circuit Court.....	\$2,934,823
Family Court	940,177
Magistrate Court.....	1,276,551
Total	\$5,151,551
Courthouse Facilities Improvement Authority Grant (annex roof repaired).....	\$48,909

There were 2,687 cases filed in Raleigh County Circuit Court in 2012. Of those, 53.9 percent were civil cases, 28.1 percent were criminal cases, and 18 percent were juvenile cases. Court filings increased 11.4 percent compared to 2011. Raleigh County comprises the Tenth Judicial Circuit.

During 2012, 1,446 new cases were filed in Raleigh County Family Court, a decrease of 14.9 percent compared to 2011. There were also 329 modification and 236 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges conducted thirty-four marriages in 2012. Raleigh County is in the Thirteenth Family Court Circuit, which also includes Summers and Wyoming Counties.

In 2012, there were 16,633 cases filed in Raleigh County Magistrate Court, a decrease of 12.9 percent from 2011. Of those, 73.4 percent were criminal cases, 18.7 percent were special proceedings, and 7.9 percent were civil cases.



Circuit Judge
Jaymie Godwin Wilfong,
Chief Judge

Family Court Judge
Michele W. Good

Magistrates
Robert R. Elbon, Jr.
George M. "Mike" Riggleman
Benjamin E. Shepler

Circuit Clerk
Phil Riggleman

Magistrate Clerk
Phyllis A. Phares

Chief Probation Officer
Heidi Hawkins

Randolph County Courthouse
2 Randolph Avenue
Elkins, WV 26241
304-636-2765

Randolph County Magistrate Court
11 Randolph Avenue
Elkins, WV 26241
304-636-5885



Court Expenditures for 2012

Circuit Court	\$1,245,344
Family Court	323,397
Magistrate Court	681,420
Total.....	\$2,250,161

Courthouse Facilities Improvement Authority Grant
(basement renovated) \$106,200

There were 599 cases filed in Randolph County Circuit Court in 2012. Of those, 51.1 percent were civil cases, 29.2 percent were criminal cases, and 19.7 percent were juvenile cases. Court filings increased 11.3 percent compared to 2011. Randolph County comprises the Twentieth Judicial Circuit.

During 2012, 657 new cases were filed in Randolph County Family Court, a decrease of 2.2 percent compared to 2011. There were also 164 modification and 122 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted seven marriages in 2012. Randolph County is in the Twenty-Second Family Court Circuit, which also includes Tucker County.

In 2012, there were 6,854 cases filed in Randolph County Magistrate Court, a decrease of 4.7 percent from 2011. Of those, 69.7 percent were criminal cases, 11.8 percent were special proceedings, and 18.5 percent were civil cases.

Circuit Judge
Timothy L. Sweeney, *Chief Judge*

Family Court Judge
Larry S. Whited

Magistrates
Teresa C. Harper
David Wayne Haugh

Circuit Clerk
Rose Ellen Cox

Magistrate Clerk
Janis L. Mahaney

Chief Probation Officer
Peggy Cline

Ritchie County Courthouse
115 East Main Street
Harrisville, WV 26362
304-643-2164 ext. 229

Ritchie County Magistrate Court
130 North Court Street
Harrisville, WV 26362
304-643-4409



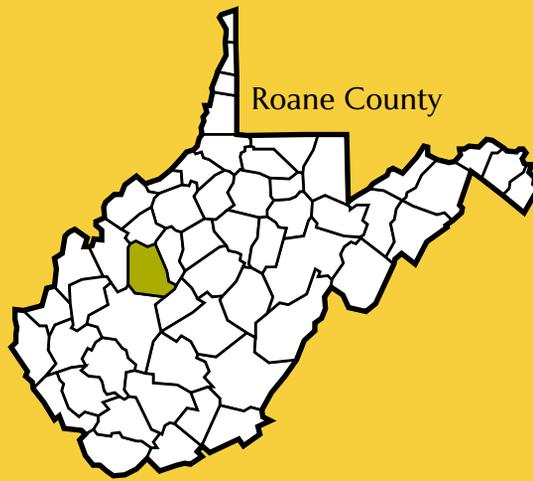
Court Expenditures for 2012

Circuit Court.....	\$222,157
Family Court	2,446
Magistrate Court.....	501,140
Total.....	\$725,743
Court Security Fund Grant	\$41,434
Courthouse Facilities Improvement Authority Grant (electrical upgrades).....	\$77,880

There were 165 cases filed in Ritchie County Circuit Court in 2012. Of those, 46.1 percent were civil cases, 38.7 percent were criminal cases, and 15.2 percent were juvenile cases. Court filings decreased 9.3 percent compared to 2011. Ritchie County is part of the Third Judicial Circuit, which also includes Doddridge and Pleasants Counties.

During 2012, 180 new cases were filed in Ritchie County Family Court, an increase of 9.8 percent compared to 2011. There were also thirty-nine modification and twenty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted three marriages. Ritchie County is part of the Fourth Family Court Circuit, which also includes Calhoun, Gilmer, and Roane Counties.

In 2012, there were 2,066 cases filed in Ritchie County Magistrate Court, a decrease of 8.7 percent from 2011. Of those, 86.6 percent were criminal cases, 8.3 percent were special proceedings, and 5.1 percent were civil cases.



Circuit Judges
 David W. Nibert, *Chief Judge*
 Thomas C. Evans, III

Family Court Judge
 Larry S. Whited

Magistrates
 Jason D. Bennett
 Russell W. Goodwin

Circuit Clerk
 Andrea Stockner

Magistrate Clerk
 Rita Helbig

Chief Probation Officer
 Kelli Guarrieri

Roane County Courthouse
 200 Main Street
 Spencer, WV 25276
 304-927-2750

Roane County Magistrate Court
 201 Main Street
 Spencer, WV 25276
 304-927-4750



Court Expenditures for 2012

Circuit Court	\$ 252,544
Family Court	275,025
Magistrate Court	485,189
Total.....	\$1,012,758
Court Security Fund Grant.....	\$78,935

There were 320 cases filed in Roane County Circuit Court in 2012. Of those, 47.2 percent were civil cases, 36.6 percent were criminal cases, and 16.2 percent were juvenile cases. Court filings increased 6 percent compared to 2011. Roane County is part of the Fifth Judicial Circuit, which also includes Calhoun, Jackson, and Mason Counties.

During 2012, 314 new cases were filed in Roane County Family Court, a decrease of 13.5 percent compared to 2011. There were also 104 modification and sixty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted seven marriages in 2012. Roane County is part of the Fourth Family Court Circuit, which also includes Calhoun, Gilmer, and Ritchie Counties.

In 2012, there were 2,922 cases filed in Roane County Magistrate Court, an increase of 3.9 percent from 2011. Of those, 78.2 percent were criminal cases, 15.8 percent were special proceedings, and 6 percent were civil cases.

Circuit Judge
Robert A. Irons, *Chief Judge*

Family Court Judges
K. Bruce Lazenby
H. Suzanne McGraw
Louise G. Staton

Magistrates
Jack K. Hellems
Jack W. "Bill" Jeffries, Jr.

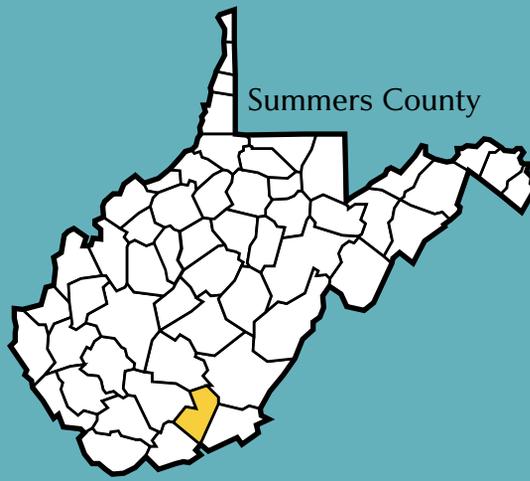
Circuit Clerk
Linda Brumit

Magistrate Clerk
Vicki S. Jones

Chief Probation Officer
Karen Childs

Summers County Courthouse
120 Ballengee Street
Hinton, WV 25951
304-466-7103

Summers County Magistrate Court
123 Temple Street
Hinton, WV 25951
304-466-7129



Court Expenditures for 2012

Circuit Court.....	\$ 315,613
Family Court	16,996
Magistrate Court.....	407,223
Total	\$ 739,832
Courthouse Facilities Improvement Authority Grant (new slates on turrets).....	
	\$ 106,200

There were 293 cases filed in Summers County Circuit Court in 2012. Of those, 37.2 percent were civil cases, 42.7 percent were criminal cases, and 20.1 percent were juvenile cases. Court filings increased 24.2 percent compared to 2011. Summers County is part of the Thirty-First Judicial Circuit, which also includes Monroe County.

During 2012, 225 new cases were filed in Summers County Family Court, an increase of 6.6 percent compared to 2011. There were also fifty-four modification and fifty-one contempt proceedings in cases reopened during the year, which were not counted as new cases filed. One of the three family court judges conducted nine marriages in 2012. Summers County is part of the Thirteenth Family Court Circuit, which also includes Raleigh and Wyoming Counties.

In 2012, there were 1,548 cases filed in Summers County Magistrate Court, an increase of 6.9 percent from 2011. Of those, 74.2 percent were criminal cases, 20.7 percent were special proceedings, and 5.1 percent were civil cases.



Circuit Judge
Alan D. Moats, *Chief Judge*

Family Court Judge
Beth Longo

Magistrates
James L. Lucas
Rick R. Reese

Circuit Clerk
Vonda M. Reneman

Magistrate Clerk
Brenda L. Vance

Chief Probation Officer
Bonnie Viani

Taylor County Courthouse
214 West Main Street
Room 105
Grafton, WV 26354
304-265-2480

Taylor County Magistrate Court
Courthouse Annex
214 West Main Street
Grafton, WV 26354
304-265-5762



Court Expenditures for 2012

Circuit Court	\$1,044,986
Family Court	12,719
Magistrate Court	428,569
Total.....	\$1,486,274

Courthouse Facilities Improvement Authority Grant
(windows renovated) \$106,200

There were 388 cases filed in Taylor County Circuit Court in 2012. Of those, 39.7 percent were civil cases, 30.9 percent were criminal cases, and 29.4 percent were juvenile cases. Court filings decreased 6.3 percent compared to 2011. Taylor County is part of the Nineteenth Judicial Circuit, which also includes Barbour County.

During 2012, 211 new cases were filed in Taylor County Family Court, a decrease of 0.5 percent compared to 2011. There were also seventy-eight modification and fifty contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted eight marriages in 2012. Taylor County is part of the Twenty-First Family Court Circuit, which also includes Barbour County.

In 2012, there were 2,020 cases filed in Taylor County Magistrate Court, an increase of 13.4 percent from 2011. Of those, 74.2 percent were criminal cases, 10.8 percent were special proceedings, and 15 percent were civil cases.

Circuit Judges
 Lynn A. Nelson, *Chief Judge*
 Philip B. Jordan

Family Court Judge
 Michele W. Good

Magistrates
 Riley H. Barb
 Carol D. Irons

Circuit Clerk
 Donna Jean Bava

Magistrate Clerk
 Paula J. McDonald

Chief Probation Officer
 Jerome DiBacco

Tucker County Courthouse
 215 First Street, Suite 2
 Parsons, WV 26287
 304-478-2606

Tucker County Magistrate Court
 201 Walnut Street
 Parsons, WV 26287
 304-478-2665



Court Expenditures for 2012

Circuit Court.....	\$ 388,343
Family Court	4,468
Magistrate Court.....	418,943
Total.....	\$ 811,754
Court Security Grant Fund	\$182,500
Courthouse Facilities Improvement Authority Grant (front balcony repaired).....	\$106,200

There were 135 cases filed in Tucker County Circuit Court in 2012. Of those, 61.5 percent were civil cases, 20 percent were criminal cases, and 18.5 percent were juvenile cases. Court filings increased 21.6 percent compared to 2011. Tucker County is part of the Twenty-First Judicial Circuit, which also includes Grant and Mineral Counties.

During 2012, eighty-two new cases were filed in Tucker County Family Court, a decrease of 10.9 percent compared to 2011. There were also thirty-two modification and sixteen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Tucker County is part of the Twenty-Second Family Court Circuit, which also includes Randolph County.

In 2012, there were 1,146 cases filed in Tucker County Magistrate Court, a decrease of 20.2 percent from 2011. Of those, 81.2 percent were criminal cases, 6.2 percent were special proceedings, and 12.6 percent were civil cases.



Circuit Judges
 David W. Hummel, Jr.,
Chief Judge
 Mark A. Karl

Family Court Judge
 Robert C. Hicks

Magistrates
 Michael K. Griffin
 John E. Roberts

Circuit Clerk
 Candy Warner

Magistrate Clerk
 Jean Hayes

Chief Probation Officer
 John Lantz

Tyler County Courthouse
 121 Main Street
 Middlebourne, WV 26149
 304-758-4811

Tyler County Magistrate Court
 225 Main Street
 Middlebourne, WV 26149
 304-758-2137



Court Expenditures for 2012

Circuit Court	\$ 42,298
Family Court	1,673
Magistrate Court	441,744
Total.....	\$ 485,715

There were 207 cases filed in Tyler County Circuit Court in 2012. Of those, 57 percent were civil cases, 30.4 percent were criminal cases, and 12.6 percent were juvenile cases. Court filings decreased 14.1 percent compared to 2011. Tyler County is part of the Second Judicial Circuit, which also includes Marshall and Wetzel Counties.

During 2012, 137 new cases were filed in Tyler County Family Court, a decrease of 19.4 percent compared to 2011. There were also forty-eight modification and seventeen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted five marriages in 2012. Tyler County is part of the Second Family Court Circuit, which also includes Marshall and Wetzel Counties.

In 2012, there were 1,137 cases filed in Tyler County Magistrate Court, an increase of 12.9 percent from 2011. Of those, 82.4 percent were criminal cases, 9.9 percent were special proceedings, and 7.7 percent were civil cases.

Circuit Judge
Thomas H. Keadle, *Chief Judge*

Family Court Judge
Robert Reed Sowa

Magistrates
Juanita E. Adams
John M. Coffman

Circuit Clerk
Brian P. Gaudet

Magistrate Clerk
Angela J. Brady

Chief Probation Officer
Serena Peterson

Upshur County Courthouse
38 West Main Street
Buckhannon, WV 26201
304-472-2370

Upshur County Magistrate Court
38 West Main Street
Room 204
Buckhannon, WV 26201
304-472-2053



Court Expenditures for 2012

Circuit Court.....	\$ 950,215
Family Court	40,137
Magistrate Court.....	525,318
Total	\$1,515,670

There were 461 cases filed in Upshur County Circuit Court in 2012. Of those, 50.8 percent were civil cases, 27.3 percent were criminal cases, and 21.9 percent were juvenile cases. Court filings decreased 4.2 percent compared to 2011. Upshur County is part of the Twenty-Sixth Judicial Circuit, which also includes Lewis County.

During 2012, 417 new cases were filed in Upshur County Family Court, an increase of 0.2 percent compared to 2011. There were also fifty-nine modification and thirty-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted one marriage in 2012. Upshur County is part of the Seventeenth Family Court Circuit, which also includes Braxton and Lewis Counties.

In 2012, there were 4,521 cases filed in Upshur County Magistrate Court, a decrease of 13.5 percent from 2011. Of those, 68.4 percent were criminal cases, 8 percent were special proceedings, and 23.6 percent were civil cases.



Circuit Judges
Darrell Pratt, *Chief Judge*
James H. Young, Jr.

Family Court Judge
R. Stephen Lewis

Magistrates
John Cavins
(Took office August 6, 2012)
David Ferguson
Teddy E. Mays
(Died May 21, 2012)
Randall W. Wiles

Circuit Clerk
M. James "Jamie" Ferguson

Magistrate Clerk
Patricia A. Smith

Chief Probation Officer
Ruby Gail Fry

Wayne County Courthouse
700 Hendricks Street
Wayne, WV 25570
304-272-6360

Wayne County Magistrate Court
700 Hendricks Street
Room 301
Wayne, WV 25570
304-272-6388 or 5648



Court Expenditures for 2012

Circuit Court	\$ 1,845,791
Family Court	367,896
Magistrate Court	696,166
Total	\$ 2,909,853

There were 1,320 cases filed in Wayne County Circuit Court in 2012. Of those, 45.3 percent were civil cases, 28.3 percent were criminal cases, and 26.4 percent were juvenile cases. Court filings increased 20.8 percent compared to 2011. Wayne County comprises the Twenty-Fourth Judicial Circuit.

During 2012, 616 new cases were filed in Wayne County Family Court, a decrease of 3.9 percent compared to 2011. There were also 278 modification and 267 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Wayne County makes up the Seventh Family Court Circuit.

In 2012, there were 5,478 cases filed in Wayne County Magistrate Court, an increase of 10.4 percent from 2011. Of those, 66.7 percent were criminal cases, 12.2 percent were special proceedings, and 21.1 percent were civil cases.

Circuit Judges

Jack Alsop, *Chief Judge*
Richard A. Facemire

Family Court Judge

Jeffrey L. Hall

Magistrates

Richard S. Robertson
John R. Stone

Circuit Clerk

Jeanie Moore

Magistrate Clerk

Sheila E. Cogar

Chief Probation Officer

Lucy Cruickshanks

Webster County Courthouse

2 Court Square, Room G-4
Webster Springs, WV 26288
304-847-2421

Webster County Magistrate Court

112 Bell Street, Suite A
Webster Springs, WV 26288
304-847-2613



Court Expenditures for 2012

Circuit Court.....	\$ 604,851
Family Court	276,302
Magistrate Court.....	370,762
Total.....	\$1,251,915

There were 205 cases filed in Webster County Circuit Court in 2012. Of those, 39.5 percent were civil cases, 24.4 percent were criminal cases, and 36.1 percent were juvenile cases. Court filings decreased 2.8 percent compared to 2011. Webster County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Clay, and Gilmer Counties.

During 2012, 196 new cases were filed in Webster County Family Court, an increase of 8.9 percent compared to 2011. There were also fifty modification and fifty-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge also conducted one marriage in 2012. Webster County is part of the Twenty-Seventh Family Court Circuit, which also includes Pocahontas County.

In 2012, there were 1,486 cases filed in Webster County Magistrate Court, an increase of 15.9 percent from 2011. Of those, 66.4 percent were criminal cases, 28.3 percent were special proceedings, and 5.3 percent were civil cases.



Circuit Judges
 David W. Hummel, Jr., *Chief Judge*
 Mark A. Karl

Family Court Judge
 Robert C. Hicks

Magistrates
 Judith P. Goontz
 Thomas J. Shepherd

Circuit Clerk
 Sharon Dulaney

Magistrate Clerk
 Cindy D. Adams
(Took position August 1, 2012)
 Sharon A. Manion
(Last day July 31, 2012)

Chief Probation Officer
 John Lantz

Wetzel County Courthouse
 200 Main Street
 New Martinsville, WV 26155
 304-455-8219

Wetzel County Magistrate Court
 303 Main Street
 New Martinsville, WV 26155
 304-455-5171



Court Expenditures for 2012

Circuit Court	\$ 379,565
Family Court	281,851
Magistrate Court	424,083
Total	\$1,085,499
Courthouse Facilities Improvement Authority Grant (lighting replaced)	\$ 56,640

There were 490 cases filed in Wetzel County Circuit Court in 2012. Of those, 63.1 percent were civil cases, 27.7 percent were criminal cases, and 9.2 percent were juvenile cases. Court filings increased 18.6 percent compared to 2011. Wetzel County is part of the Second Judicial Circuit, which also includes Marshall and Tyler Counties.

During 2012, 285 new cases were filed in Wetzel County Family Court, a decrease of 7.2 percent compared to 2011. There were also sixty-three modification and twenty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. The family court judge conducted six marriages in 2012. Wetzel County is part of the Second Family Court Circuit, which also includes Marshall and Tyler Counties.

In 2012, there were 1,680 cases filed in Wetzel County Magistrate Court, an increase of 11.9 percent from 2011. Of those, 72.9 percent were criminal cases, 14.3 percent were special proceedings, and 12.8 percent were civil cases.

Circuit Judges

J. D. Beane, *Chief Judge*
 Jeffrey B. Reed
 Robert A. Waters

Family Court Judges

Rebecca Stafford Cornett
 Constance Fisher Thomas

Magistrates

Charles David Roberts
 Janey I. Wigal

Circuit Clerk

Carol Frame

Magistrate Clerk

Misty L. Campbell

Chief Adult Probation Officer

Jeffrey Nuckolls

Chief Juvenile Probation Officer

Larry Johnson

Wirt County Courthouse

One Court Street
 Elizabeth, WV 26143
 304-275-6597

Wirt County Magistrate Court

One Court Street
 Elizabeth, WV 26143
 304-275-3642



Court Expenditures for 2012

Circuit Court.....	\$ 23,942
Family Court	13,038
Magistrate Court.....	379,540
Total	\$ 416,520
Courthouse Facilities Improvement Authority Grant (fire alarm upgrades).....	\$ 22,868

There were 127 cases filed in Wirt County Circuit Court in 2012. Of those, 43.3 percent were civil cases, 20.5 percent were criminal cases, and 36.2 percent were juvenile cases. Court filings increased 42.7 percent compared to 2011. Wirt County is part of the Fourth Judicial Circuit, which also includes Wood County.

During 2012, 98 new cases were filed in Wirt County Family Court, a decrease of 26.9 percent compared to 2011. There were also sixteen modification and twenty-six contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Wirt County is part of the Fifth Family Court Circuit, which also includes Jackson and Mason Counties.

In 2012, there were 629 cases filed in Wirt County Magistrate Court, a decrease of 27.5 percent from 2011. Of those, 80 percent were criminal cases, 10.5 percent were special proceedings, and 9.5 percent were civil cases.



Circuit Judges
 J. D. Beane, *Chief Judge*
 Jeffrey B. Reed
 Robert A. Waters

Family Court Judges
 Brian C. Dempster
 C. Darren Tallman

Magistrates
 Donna Jackson
 Brenda K. Marshall
 Joyce S. Purkey
 Robin Waters

Circuit Clerk
 Carole Jones

Magistrate Clerk
 Paulina M. Yearego

Chief Adult Probation Officer
 Jeffrey Nuckolls

Chief Juvenile Probation Officer
 Larry Johnson

Wood County Judicial Building
 2 Government Square
 Room 131
 Parkersburg, WV 26101
 304-424-1700

Wood County Magistrate Court
 401 Second Street, Suite 12
 Parkersburg, WV 26101
 304-422-3444



Court Expenditures for 2012

Circuit Court	\$3,774,948
Family Court	674,161
Magistrate Court	1,090,891
Total.....	\$5,540,000
Court Security Grant Fund	\$19,958
Courthouse Facilities Improvement Authority (roof drain repaired).....	\$92,040

There were 2,089 cases filed in Wood County Circuit Court in 2012. Of those, 71.9 percent were civil cases, 12.4 percent were criminal cases, and 15.7 percent were juvenile cases. Court filings decreased 2.9 percent compared to 2011. Wood County is part of the Fourth Judicial Circuit, which also includes Wirt County.

During 2012, 1,889 new cases were filed in Wood County Family Court, a decrease of 11 percent compared to 2011. There were also 256 modification and 205 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. A family court judge conducted one marriage in 2012. Wood County is part of the Third Family Court Circuit, which also includes Pleasants County.

In 2012, there were 12,355 cases filed in Wood County Magistrate Court, an increase of 2.4 percent from 2011. Of those, 72.3 percent were criminal cases, 12.8 percent were special proceedings, and 14.9 percent were civil cases.

Circuit Judge
Warren R. McGraw, *Chief Judge*

Family Court Judges
K. Bruce Lazenby
H. Suzanne McGraw
Louise G. Staton

Magistrates
James R. Boles
Donald C. Cook
Kimberly R. Farmer

Circuit Clerk
David Stover

Magistrate Clerk
Carol D. Garrett

Chief Probation Officer
Deborah Wiles

Wyoming County Courthouse
24 Main Avenue
Pineville, WV 24874
304-732-8000

Wyoming County Magistrate Court
44 Cedar Street
Pineville, WV 24874
304-732-8000 ext. 218



Court Expenditures for 2012

Circuit Court.....	\$ 991,850
Family Court	35,701
Magistrate Court.....	727,314
Total.....	\$1,754,865

Court Security Fund Grant \$18,792

There were 613 cases filed in Wyoming County Circuit Court in 2012. Of those, 48.8 percent were civil cases, 26.4 percent were criminal cases, and 24.8 percent were juvenile cases. Court filings increased 19.7 percent compared to 2011. Wyoming County comprises the Twenty-Seventh Judicial Circuit.

During 2012, 658 new cases were filed in Wyoming County Family Court, a decrease of 12.4 percent compared to 2011. There were also 203 modification and 150 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Family court judges also conducted eight marriages in 2012. Wyoming County is part of the Thirteenth Family Court Circuit, which also includes Raleigh and Summers Counties.

In 2012, there were 4,161 cases filed in Wyoming County Magistrate Court, a decrease of 4.4 percent from 2011. Of those, 70.8 percent were criminal cases, 25.1 percent were special proceedings, and 4.1 percent were civil cases.

Supreme Court Chamber Restored to Original Design



Zachary Thompson, left, and Larry Ferguson, right, of Neighborgall Construction Company of Huntington scrape remnants of the original cork floor from the concrete base in the Supreme Court Chamber in preparation for installation of new cork during the summer of 2012. The original cork was degraded from carpet adhesive. *Photo by Jennifer Bundy*

The din of jackhammers and saws replaced the sound of lawyers' arguments during the summer of 2012 in the Chamber of the Supreme Court of Appeals of West Virginia as Architect Cass Gilbert's original vision for the room was brought back to life.

Workers from Neighborgall Construction in Huntington pulled up red wall-to-wall carpet. They painstakingly scraped up degraded remnants of the original Portuguese cork checkerboard floor that had been hidden by the carpet, and they prepped the floor for a new layer of cork, which Gilbert designated in his design of the room.

Workers put electrical lines and microphone cables that had been casually strewn under the carpet into a new trench dug into the concrete sub-flooring. The cork floor, in alternating shades of brown, eventually covered all traces of that work.

The new cork is surrounded by bands of Vermont Verde Antique Marble, which also had been hidden under the carpet. Workers cleaned and buffed the marble on the floor and the black polished granite that forms the base of the bench and the columns. They also found that the marble on the walls and the fourteen columns of white Imperial Danby Vermont marble around the room were sufficiently clean to warrant only a light, but thorough dusting.

Local drycleaners removed decades of grime from the burgundy velvet drapes that line three sides of the room between the columns. Brass specialists polished the rods so they would shine as they did originally. South Charleston furniture makers Ed Hillenbrand and David Kister restored the Justices' bench and the Clerk's desk, each constructed of American walnut. Cleaners spiffed up the tables and other seating throughout the room.

Patty Stewart of Nitro restored patches of paint on the ceiling and frieze that were peeling, including the "s" in the "us" in the line from Abraham Lincoln's Second Inaugural Address: "Firmness in the right as God gives us to see the right." Ms. Stewart mixed her own paint and matched the colors so perfectly it is impossible to tell what paint is old and what is new. *See story in 2009 Annual Report.

While he was working on the West Virginia Capitol, Gilbert was commissioned to design the Supreme Court of the United States. He used the West Virginia Supreme Court Chamber as a model for that building in Washington, D.C., a fact which makes its preservation all that much more special to those who work there.

"We love this courtroom and we are thrilled to be able to return it to its original look," said Supreme Court Clerk Rory Perry.

Supreme Court Administrative Director Steve Canterbury said, "This is a very special place."

The goal of the renovation was to restore Gilbert's vision and preserve the solemnity and importance of the Court, which the design itself inspires, Mr. Canterbury said.

"This institution protects our constitution; it protects our freedom, so it should be a place that causes reverence," Mr. Canterbury said. "Just as a church is the congregation, not the building, still the building is a reflection of the congregation and what goes on inside."

Right: Furniture in the Supreme Court Chamber is covered during the early stages of the room's renovation. The furnishings eventually were removed and cleaned while the floor was restored to its original design. *Photo by Jennifer Bundy*



From left, Interior Designer Kim Ellis, Supreme Court Administrative Director Steve Canterbury, and Supreme Court Clerk Rory Perry discuss the early stages of the summer 2012 restoration of the Supreme Court Chamber. *Photo by Jennifer Bundy*



Top: Faux painting specialist Patty Stewart of Charleston uses a hair dryer to set the paint she applied to restore patches on the frieze and ceiling of the Supreme Court Chamber. She was one of many specialists who worked on the restoration of the Chamber in the summer of 2012. *Photo by Jennifer Bundy*



Left: A worker cleans and polishes one of the many grilles in the Supreme Court Chamber. *Photo by Jennifer Bundy*



Neighborgall Construction Superintendent Mike Stamper, left, and Larry Ferguson, right, carefully move a hydraulic lift across the newly restored floor in the Supreme Court Chamber near the end of the summer 2012 renovation. *Photo by Jennifer Bundy*



Above: Chairs in the Supreme Court Chamber wait to be cleaned and polished, one of the last steps in the renovation process. *Photo by Jennifer Bundy*

Top Right: Lead Journeyman Ernesto Gutierrez and Journeyman Jeff Tatman of Rosa Mosaic & Tile Co. in Louisville, Ky., replace marble flooring that was temporarily removed to allow wiring to be installed in a newly dug trench in the floor of the Supreme Court Chamber. *Photo by Jennifer Bundy*

Right: Red carpet that had covered the floor of the Supreme Court Chamber for decades lies in a heap, waiting to be removed. A pile of original cork awaits its own trip to the dumpster. *Photo by Jennifer Bundy*







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