



## Supreme Court of Appeals State of West Virginia

# News

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### **New class to focus on abuse, neglect law For immediate release Monday, January 11, 2010**

MORGANTOWN, W.Va. - Abuse and neglect cases take up at least a third of a typical circuit judge's time, so the Supreme Court's Court Improvement Program Board this semester is underwriting the first-ever class solely on civil abuse and neglect law at the West Virginia University College of Law in Morgantown.

The board is using training grant funds from the U.S. Department of Health and Human Services Administration for Children and Families.

Supreme Court Chief Justice Robin Jean Davis and Law School Dean Joyce E. McConnell jointly announced the class in a press conference at 11 a.m. on January 11, 2010, in the Marlyn E. Lugar Courtroom at the College of Law.

Other classes taught at the law school, specifically "Family Law," "Child, Parent, and State," and "Domestic Violence Law" include abuse and neglect law within those broader contexts. In addition, the clinical program at the College of Law has often represented the interests of children. But this class, "Child Protection and the Law," will be the first solely to cover cases and issues presented under Chapter 49 of the West Virginia Code, which deals with child abuse and neglect cases handled by circuit courts.

"Abuse and neglect is probably thirty to forty percent of the caseload of circuit courts right now. We really need well-trained professionals in that area," said Circuit Judge Gary Johnson, Chairman of the Court Improvement Program Board, which creates and promotes initiatives that make the court system more responsive and efficient in achieving safety, permanency, well-being, due process, and timely resolutions for children and families in the child welfare system.

Although a glance at a judge's docket would not show that many cases, abuse and neglect cases are time consuming so they do take up that much of a typical judge's time, said Judge Johnson, of the Twenty-Eighth Judicial Circuit in Nicholas County.

Attorneys coming out of law school often are thrown into that work if they take jobs as judicial law clerks, public defenders, assistant prosecutors, or if they are appointed to abuse and neglect cases by a circuit judge, Judge Johnson said.

"There was a great need for knowledge in this area," he said. "The children of West Virginia need appropriate representation."

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In October West Virginia received one of the top grades in a national review of the way states appoint attorneys to represent the interests of children in abuse and neglect juvenile court proceedings. The peer-reviewed study, "A Child's Right to Counsel: A National Report Card on Legal Representation for Abused and Neglected Children," was conducted by First Star and the Children's Advocacy Institute at the University of San Diego School of Law. The report gave only two states a grade of "A+:" Connecticut and Massachusetts. West Virginia was one of nine states to earn an "A."

Part of the reason for that high mark was the ongoing cooperative work of the Court, the Court Improvement Program Board, and the College of Law to provide several two-day continuing legal education programs specifically on abuse and neglect law to attorneys who have already received their law degrees. The College of Law also has provided several day-long training sessions for attorneys who serve as guardians *ad-litem*, and those sessions also cover abuse and neglect law.

"While receiving a high mark in this area was quite a compliment, we will continue to strive to improve the lives of the children and families who come to court under dire circumstances," said Chief Justice Robin Jean Davis. "The West Virginia Supreme Court has long made effective representation of children in child abuse and neglect cases a priority.

"Through the Court Improvement Program, the Court offers free multidisciplinary training each year to attorneys, social workers, and others. The child abuse and neglect benchbook is available to the public on the Court's and Court Improvement Program Web sites," Chief Justice Davis said. The Abuse and Neglect Benchbook and other resources are available on the Court Improvement Program Web site, [www.wvcip.com](http://www.wvcip.com). A video of the 2009 cross-training conferences will soon be posted on the Web site, and the written materials from the conferences are already posted under the "Software Download" section of the site.

"This course at the law school is a next logical step. We want to help young attorneys learn more about this area of the law so that they can do a better job for the children of our state."

The three-credit hour elective class for second- and third-year students will be taught by Clarksburg attorney Catherine Munster, a member of the Court Improvement Program Board, who also is of counsel to the Clarksburg law firm of McNeer, Highland, McMunn & Varner, L.C., the firm where she has worked since she graduated from the WVU law school in 1984. She has also been a trainer on child abuse and neglect at the Court's annual free multidisciplinary training conference since its inception over ten years ago.

As an attorney, Ms. Munster focused on representing abused and neglected children and has actively pursued extensive child protection systems reform work throughout her more than thirty-year career. Her first collaboration with the state Supreme Court was as a member of the Broadwater Committee. That committee, the precursor to the Court Improvement Program Board, was created by Supreme Court Justice Margaret Workman during her previous term on the Supreme Court.

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A former child protection social worker, Ms. Munster said she was disappointed to find that there was no course solely on child abuse and neglect when she attended law school herself.

"It has long been a dream of mine to see the law school offer this class," she said.

Her class is open to thirty students and twenty-eight students have pre-registered. The class will address not only case law, statutes and rules, it will also present child protection practice issues from a variety of points of view through guest speakers on special topics. Ms. Munster said that by the end of the course, some students who take the class may decide child abuse and neglect is not what they want to do. And that's fine with her.

"This is not easy work," Ms. Munster said. "You are talking about broken, beaten, burned up babies. The work is emotionally challenging as well as legally difficult and it is not for everyone. But even if a lawyer decides not to undertake this type of practice, it's really important that people know these issues are out there. You don't have to do the work to care about the children in your neighborhood," said Ms. Munster, who will be an adjunct professor and teach only this class.

Ms. Munster, Judge Johnson, and Dean McConnell said the new class is part of the collaboration between the Court, the Court Improvement Program Board, and the law school to improve the way the court system handles children and family issues.

"The Court has been very supportive of all of our endeavors on the Board, including this one," Ms. Munster said.

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