



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-1212 / FAX
Web Site: www.courtswv.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Flickr: www.flickr.com/photos/courtswv/
Email: Jennifer.Bundy@courtswv.gov
Email: April.Harless@courtswv.gov

Justices mourn death of Former Justice Franklin Cleckley

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CHARLESTON, W.Va. -- West Virginia Supreme Court Justices are mourning the death of revered former Justice Franklin D. Cleckley, who died at his Morgantown home on Monday, Aug. 14. He was 77.

“Frank Cleckley was a giant in the West Virginia legal community. He was an excellent jurist, and his opinions were eloquent and scholarly,” said Chief Justice Allen H. Loughry II. “He touched the lives of so many, both personally and professionally. It was my sincerest pleasure to get to know him during the past 25 years. He will be greatly missed.”

Justice Margaret Workman said, “Frank Cleckley’s immense contribution to the development of the law clearly makes him a giant in West Virginia history. His belief in the basic principle that justice is a fundamental right for all people was manifested in his life, his teaching, his writings, and the significant body of judicial work he created in only two years on the court. His work will benefit generations of West Virginians.

“He was my law school professor, my judicial colleague and my dear friend. He had a huge influence in shaping my life and my legal thinking,” Justice Workman said.

“Countless people will always remember his spirit, his humor, his kindness, and all the quiet, unheralded ways he helped people. He made our state and all of us better. My deepest sympathy to his children, his sister, and all his family and friends. We have lost a giant,” Justice Workman said.

Justice Cleckley was born August 1, 1940, in Huntington. He received his undergraduate degree at Anderson College in Anderson, Ind., and his law degree from Indiana University School of Law at Bloomington in 1965. He served three years as a Navy JAG officer then attended Harvard University, where he received his L.L.M. in 1969, before pursuing post-graduate studies at Exeter University in England.

He joined the faculty at the West Virginia University College of Law in 1969. In 1990, he established the Franklin D. Cleckley Foundation, a non-profit organization designed to help give former convicts educational and employment opportunities. In 1992, the Franklin D. Cleckley Symposium was established at West Virginia University to bring distinguished members of the civil rights and African-American communities to the campus as lecturers.

He was the author of the *Evidence Handbook for West Virginia Lawyers* and the *West Virginia Criminal Procedure Handbook*.

On May 3, 1994, former Governor Gaston Caperton appointed him to the West Virginia Supreme Court of Appeals, making him the first African-American Justice in West Virginia. Justice Cleckley chose not to seek election to the Supreme Court and instead returned to the College of Law at the end of 1996.

During his time as a Justice, he authored more than 100 majority opinions in addition to concurring and dissenting opinions.

Justice Robin Jean Davis was elected in 1996 to fill Justice Cleckley's seat after he decided not to run for election. Justice Cleckley invited her to work alongside him at the Supreme Court for the six weeks between the election and her swearing-in.

"I got to know him initially as a law student. Then he mentored me as a Supreme Court Justice," she said. "He was an honorable and decent man who loved the law and loved the state of West Virginia. I will miss him deeply."

At Mercer University, in Macon, Ga., the Franklin D. Cleckley Award is given by the Black Law School Association to an attorney who has made an outstanding effort at community service.

He received many awards himself, including the 2011 Liberty Bell Award from the West Virginia Supreme Court, the Civil Libertarian of the Year Award from the West Virginia Civil Liberties Union, the Thurgood Marshall Award from the West Virginia NAACP, the West Virginia Common Cause Award for Public Service, the Public Citizen of the Year Award from the West Virginia Chapter of the National Association of Social Workers, and the West Virginia Human Rights Commission Civil Rights Award.

"He was brilliant," said Former Justice Thomas McHugh, who worked with him on the Supreme Court. Justice Cleckley routinely worked late, and it was not uncommon for him to sit down at his computer in the evening and start on a draft opinion that would be waiting on the other Justices' desks when they came in the next morning. Justice McHugh said when Justice Cleckley went home, it was with an armload of books.

"When he spoke, people listened because they all knew that he knew what he was talking about," said Justice McHugh. "He was a really good guy. His intellect was so high that it was really noteworthy and so advanced, and as a result people followed him.

"He demanded perfection of lawyers and I assume his students," Justice McHugh said. Justice Cleckley once told a lawyer who appeared before the Supreme Court without a tie to go get one, and then come back and argue his case. The attorney obeyed. If attorneys didn't satisfactorily answer his questions during oral argument, he would lean over to Justice McHugh and say, "There's a lawyer who didn't take my evidence class."

Former Justice Larry Starcher, who now teaches at WVU College of Law, shared office space with Justice Cleckley during the law school's recent renovations. "He came in about every day. We chit-chatted. We were friends before that, but that cemented our relationship.

"The man was one of the finest humans I've ever known and one of the best lawyers I've ever known," said Justice Starcher. "It saddens me to the core. I thought so highly of Frank."

Arrangements are incomplete.