The West Virginia Court System

2009 Annual Report

"Introducing" The Seal of the Court

Since 1863, state law has required that the Court have a seal. For well over one hundred years, the Seal of the Supreme Court of Appeals of West Virginia has simply been an embossed image without color. The creator of this seal is, alas, unknown.

This year, Administrative Director Steve Canterbury proposed to the Court that color be added to the Seal. Furthermore, he suggested one small change, that the number of the stars in the battle shield be changed from eighteen to thirty-five, representative of West Virginia being the thirty-fifth state in the union.

The Court agreed with both suggestions, directing Mr. Canterbury to determine the colors for the Court's final approval. By September, the colors shown in the Seal on the opposite page were approved.

The faded blue and yellow are not only reflective of West Virginia's official state colors of blue and gold, but in their less vibrant state suggest the long-standing tradition of the court system. The goddess Themis or her daughter Dice – each of whom is called the "Goddess of Justice" – sits immovably upon a bluestone boulder, a rock typical in central Appalachia. The boulder itself is on solid ground. She is, of course, blindfolded, holding the scales with her outstretched right hand. She cradles a sword of justice against her shoulder and seems to hold an American battle shield with her left hand. While it is not unusual for Justice to be depicted with scales and sword, the somewhat less common use of a battle shield is clearly reflective of West Virginia's founding during the Civil War when the western counties seceded from Virginia, especially since the shield is emblazoned with the union flag. In fact, the stack of Civil War-era cannon balls serves as another war-time element of the Seal and is a fundamental part of the foundation of West Virginia's Justice.

Most important to understanding the symbolism of the Court's Seal is the fact that Justice is sitting, neither standing nor in stride. This clearly is representative of the judicial branch's position within government: matters must be brought to the Court where Justice sits to hear them. This branch neither creates nor administers the law; a party must come to Justice where she sits.

While the creator of the Seal may have had emblematic reasons for the circle of sixty dots and the use of a rope motif for the outer edge of the circle, with this artist's name, those reasons have been lost to history.

West Virginia Court System

2009 Annual Report

Honorable Brent D. Benjamin
Chief Justice

Honorable Robin Jean Davis
Honorable Margaret L. Workman
Honorable Menis E. Ketchum
Honorable Thomas E. McHugh
Justices

Rory L. Perry II
Clerk of Court

Steven D. Canterbury
Administrative Director

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Justices of the Supreme Court of Appeals of West Virginia

Chief Justice
Brent D. Benjamin

Chief 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. Chief 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 Week activities in 2009, he moderated a symposium on "Blogging and the First Amendment" at Marshall University. During Justice Benjamin's service as Chief Justice, 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 about half the state's population. Chief Justice Benjamin has been active not only in Bar-related matters, but also on children's issues and drug 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 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 the Commonwealth of Kentucky Supreme Court. 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 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, KV63 (the first intact tomb to be discovered in the Valley of the Kings since the discovery of the tomb of Pharoah Tutankhamun). Justice Benjamin attends Christ Church United Methodist, in Charleston. He is married to the former Janice Taylor. They have five children: Paul, Mary, Laura, Amanda, and Evan.

Justice Robin Jean Davis

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. Before her election to the Supreme Court of Appeals, she practiced law 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 1996. In 1996, she was elected to the Supreme Court of Appeals to an unexpired term. She was re-elected in November 2000 to a full twelve-year term. Justice Davis served as Chief Justice in 1998, 2002, 2006, and 2007. As Chief Justice, she initiated a number of programs which have proved 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. Under her guidance, the Supreme Court Administrative Office also received several major grants to improve the way the court system handles abuse and neglect cases. As Chief Justice, she also expanded the Supreme Court's outreach efforts by taking the Court for the first time in decades to Wheeling and Charles Town, the beginning of what are now regular out-of-Charleston argument dockets. She also 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"; and is the co-author with Louis J. Palmer, Jr., of "Workers' Compensation Litigation in West Virginia: Assessing the Impact of the Rule of Liberality and the Need for Fiscal Reform and Punitive Damages Law in West Virginia." She is the co-author with former Justice Cleckley and Mr. Palmer of the *Litigation Handbook on West Virginia Rules of Civil Procedure.* Justice Davis is the most senior member of the Supreme Court of Appeals.

Justice Margaret L. Workman

Justice Margaret L. Workman was elected to the Supreme Court of Appeals in November 2008. She previously was elected to the Court in November 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 the 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, chaired by Senator Jennings Randolph. She returned to West Virginia to work as a law clerk to the Thirteenth Judicial Circuit. 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 level in the judicial 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. After her election to the Supreme Court in 1988, Justice Workman served as Chief Justice in 1993 and 1997. In her capacity as Chief Justice, Justice Workman 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. Justice Workman 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 spear-headed the development of rules governing child abuse and neglect cases. Justice Workman has been active in church and community activities, and she is the mother of three young adults: Lindsay E. Gardner, Christopher W. Gardner, and Edward (Ted) Gardner.

Justice Menis E. Ketchum

Justice Menis E. Ketchum was elected to a full twelve-year term of the Supreme Court of Appeals on November 4, 2008. Justice Ketchum was born in 1943 in Huntington, West Virginia, and 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. 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. 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. 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. 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.

Justice Thomas E. McHugh

Justice Thomas E. McHugh was elected to the Supreme 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. He began sitting by Designation as Senior Status Justice on the Supreme Court of Appeals of West Virginia 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 serve in Justice Albright's position 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 which time a candidate will be elected to serve the remainder of Justice Albright's term, which ends in 2012. Justice McHugh was born in Charleston on March 26, 1936, and he is a 1958 graduate of West Virginia University and a Distinguished Military Graduate. He is a 1964 graduate of West Virginia University College of Law. In law school he was a member of the Order of 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, 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, and the 1998 *Justicia Officium* Award from the West Virginia University College of Law. 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 one great-grandchild.

Chief Justice Brent D. Benjamin delivers the oath of office to Justice Thomas E. McHugh after Governor Joe Manchin III appointed Justice McHugh to fill the unexpired term of the late Justice Joseph P. Albright. Judy McHugh, Justice McHugh's wife, is beside him. Governor Manchin and Nancie Albright, the widow of Justice Albright, also are shown. *Photo by Jennifer Bundy*

Governor appoints Justice McHugh to Supreme Court

Justice Thomas E. McHugh was appointed on April 8, 2009, to fill a vacancy on the Supreme Court of Appeals of West Virginia created by the March 20, 2009, death of Justice Joseph P. Albright.

Justice McHugh had been sitting by designation as Senior Status Justice on the Supreme Court since September 11, 2008, when then-Chief Justice Elliott Maynard appointed him to serve during the illness of Justice Albright. Chief Justice Brent D. Benjamin reappointed him on January 1, 2009, for the same purpose. After Justice Albright's death, Chief Justice Benjamin appointed him to serve until Governor Joe Manchin III named a replacement.

Justice McHugh will serve on the Court until the 2010 general election, at which time a candidate will be elected to serve the remainder of Justice Albright's term, which ends in 2012.

Justice McHugh said, "Both Governor Manchin and I realize how dedicated Justice Albright was to public service."

Governor Manchin said Justice Albright will be missed. He said he appreciated the fact that Justice Albright's widow, Nancie Gensert Divvens Albright, and one of her daughters, Debbie Divvens Rake, attended the ceremony at which he announced Justice McHugh's appointment.

"Justice Albright dedicated his life to public service and he was excellent at it," the Governor said. "While he will be truly missed, his many contributions to our state will not be forgotten.

"Thomas McHugh was very considerate to step up to the plate and assist the Court while Justice Albright and his family were going through a difficult time, and once again Tom has been so kind to accept my appointment to serve again on the West Virginia Supreme Court," the Governor said.

Governor Manchin said he deviated from his established system for filling judicial vacancies because Justice McHugh is a man of the highest caliber.

"I knew in making this selection we needed a Justice tireless in his work, who wouldn't miss a beat, but would hit the ground running," Governor Manchin said.

He said the Supreme Court of Appeals of West Virginia is the busiest appellate court of its type in the country, and it was necessary to appoint someone who had extensive judicial experience so the Court could keep up its busy schedule.

"I have never had a total consensus on a decision in my life as I did with this one," Governor Manchin said.

Chief Justice Benjamin said, "We appreciate the promptness of Governor Manchin's appointment of acting Justice McHugh to the position in which he has been so ably serving the people. This appointment helps underscore the stability and predictability of our Supreme Court. On a personal note, I am delighted to be able to continue working with my friend, Tom McHugh."

In memoriam: Justice Joseph P. Albright

Justice Joseph P. Albright
1939-2009

West Virginia Supreme Court Justice Joseph P. Albright died March 20, 2009, at University of Pittsburgh Medical Center Presbyterian of complications of esophageal cancer. He was 70.

Justice Albright was remembered as a tireless public servant dedicated to West Virginia, the law, and his family.

"His family's loss is also West Virginia's loss," noted the *Parkersburg Sentinel* in an editorial.

"He was always a gentleman, always very courteous to the attorneys who appeared before him arguing their cases," Martinsburg attorney Harry Waddell told *The* [Martinsburg] *Journal*. "I think he was one of the most humane justices on the Court, one who always recognized the rights of the average citizens."

His funeral, which the *Parkersburg News* said was one of the largest in the history of that city, was attended by all sitting Supreme Court Justices, former Justices Larry Starcher and Franklin Cleckley, at least a dozen circuit judges, numerous family court judges and magistrates, state Treasurer John Perdue, Secretary of State Natalie Tennant, Speaker of the House Richard Thompson and numerous legislators. First Lady Gayle Manchin represented the Governor. St. Francis Xavier Catholic Church in Parkersburg was filled to capacity.

"He had an impact on many, many lives," the Rev. Eric Hall said during the service. "He was a father, a husband, and a friend. We have to recognize that lives have an impact beyond the family and small community."

Justice Albright was born in Wood County, West Virginia, on November 8, 1938.

He was a member of the Supreme Court of Appeals of West Virginia for nearly ten years. He was appointed to the Court in September 1995 by then-Governor Gaston Caperton and served until December 1996. He was elected to a twelve-year term on the Court in 2000 and served as Chief Justice in 2005.

Prior to serving on the Supreme Court, Justice Albright was a member of the West Virginia House of Delegates from 1970 to 1972 and from 1974 to 1986. He was elected the Fifty-Second Speaker of the House, serving in that capacity from 1985 to 1986. He served a total of fourteen years in the House of Delegates, where he also was Chairman of the Education Committee from 1977 to 1978 and Chairman of the Judiciary Committee from 1979 to 1984.

Justice Albright held the distinction of being one of only three people to be elected to the Court after having left the Court. The others are the first Justice, Ralph Lazier Berkshire, and current Justice Margaret Workman.

Justice Albright earned a Bachelor of Business Administration degree, *cum laude*, from the University of Notre Dame and his law degree from the Notre Dame L aw School. At Notre Dame Law School, he won the Webber Prize for Appellate Advocacy, and he was a member of the Notre Dame Law Review.

When not serving on the Supreme Court, Justice Albright practiced law in Parkersburg and surrounding counties. He served as an assistant prosecuting attorney of Wood County and was a city attorney for the City of Parkersburg. He also served on a number of public and quasi-public boards and commissions, including the Parkersburg Charter Board from 1969-1970, when Parkersburg adopted a new city charter.

Since 1959, he had been an officer and director of Albright's of Belpre, Inc., a family corporation which owns and operates Belpre Furniture, a retail furniture business with locations in Belpre, Ohio, and Parkersburg.

Justice Thomas McHugh said, "Joe Albright was a dedicated public servant who gave most of his life to the citizens of West Virginia. It has been a great honor for me to have served with him and to have served in his stead during his illness."

Chief Justice Brent Benjamin said, "Throughout Justice Albright's highly varied service – as a public attorney, a delegate, Speaker of the House, Justice, and Chief Justice – he always kept the faith. A man who adored his family and was always true to his friends, he will be remembered as one of the giants of West Virginia's public life."

Justice Robin Jean Davis said, "Justice Albright's life touched thousands of others' lives. He was fundamental in shaping the very fabric of our state."

"The passing of Justice Joseph P. Albright is an immense loss to our state and to his family and many friends," said Justice Workman. "I served with Joe on the Supreme Court. He had a brilliant legal mind, a spirit of compassion for people, and great strength of character. On a personal level, my friendship with Joe and Nancie meant a great deal to me. On a professional level, his service in both the Judicial and Legislative branches leave a lasting legacy for West Virginia. My deepest sympathy lies with Nancie and the rest of Joe's family."

Justice Menis Ketchum said, "I've lost a good friend. My heart goes out to Nancie and the Albright family."

House Speaker Richard Thompson, D-Wayne, presents a memorial resolution to Justice Joseph P. Albright's widow, Nancie Albright, during a ceremony in the House Chamber on March 11, 2009. The resolution honors the service of the late Justice to the state both on the Supreme Court and in the House of Delegates, where he served fourteen years, including one term as Speaker of the House. *Photo by Max Hunt*

Senior Status Justice Larry Starcher said, "Joe Albright was my friend on the Court, my best friend. Joe Albright's judicial philosophy was one in which the Constitution protected everyone, the rich and the poor, the weak and the strong. He was color blind when it came to applying the law. Truly, he was a giant among those of us who refer to ourselves as judges."

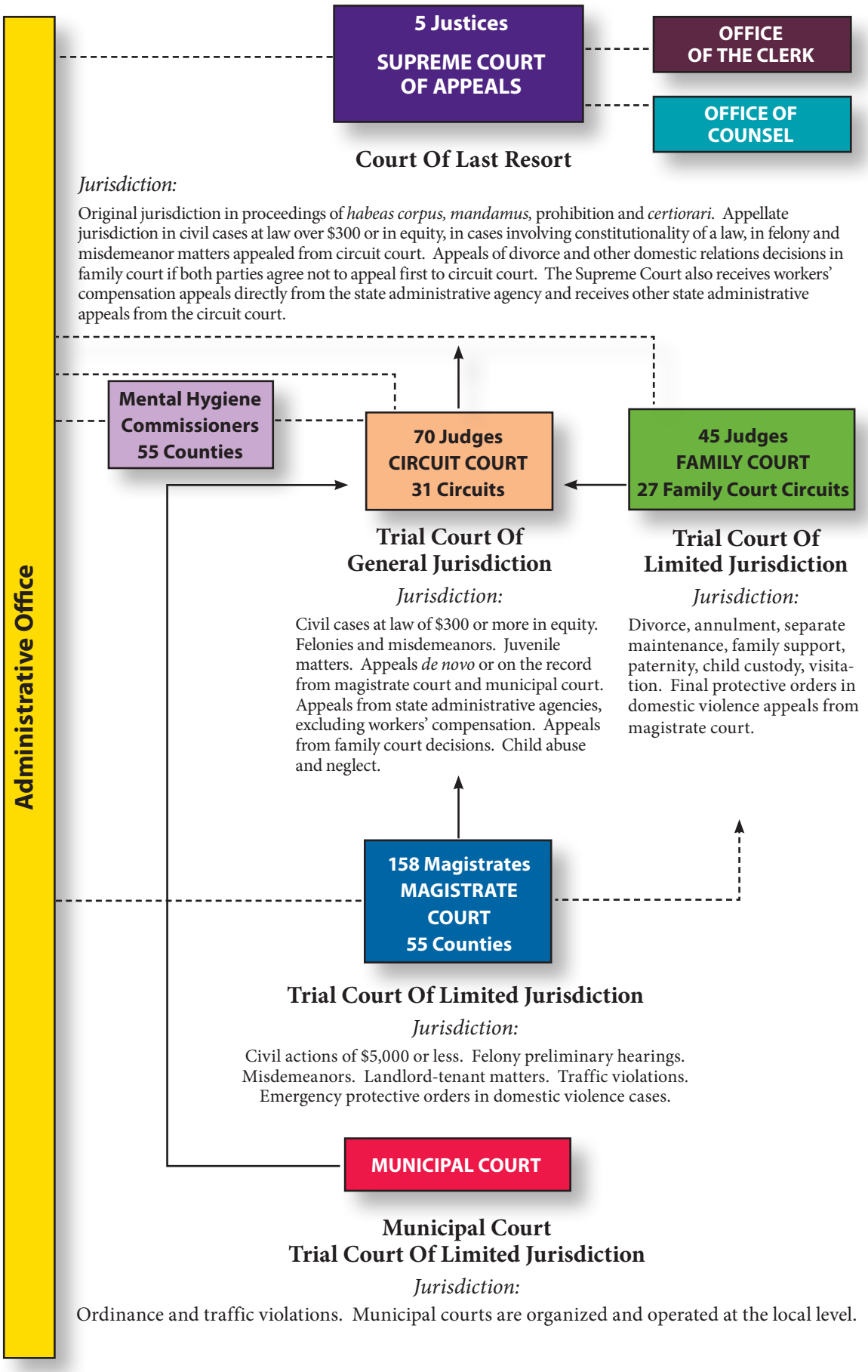
Twenty-Ninth Judicial Circuit Judge O. C. Spaulding, President of the West Virginia Judicial Association, said, "Justice Albright's intellectual disagreements with his judicial brethren were always spirited and passionate, but he remained a friend of every judge in West Virginia. Our state's judiciary has lost an enlightened voice. His contributions will be missed."

Supreme Court Clerk Rory Perry said, "I am deeply grateful for what I learned from Justice Albright over the past nine years. He was a patient teacher and a faithful public servant, and I will miss him greatly."

Supreme Court Administrative Director Steve Canterbury said, "Until the very end, Justice Albright remained connected to the work of the Court electronically, and continued to be the consummate public man. His mind remained sharp and his spirit lively."

Justice Albright is survived by his wife, the former Nancie Gensert Divvens; daughters Terri Albright Cavi and Dr. Lettie Albright Muckley, and son Joseph P. Albright, Jr., Esq.; and three step-children, Susan Divvens Bowman, Debbie Divvens Rake, and Sandy Divvens Fox. He was preceded in death by his first wife, Patricia Ann Deem Albright, and their son, John Patrick Albright.

West Virginia Judicial System



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.

Administrative Director

Office of Bar Admissions Administrator

Oversees daily operations and bi-annual meetings of the Board of Law Examiners, which is in charge of administering the Bar exam to prospective lawyers; provides records maintenance and monitoring throughout the Bar application process; reports to administrative director for matters of administration

Office of Judicial Investigation Commission

Determines whether probable cause exists to charge judicial officers with violations of the Code of Judicial Conduct. Commission's counsel reports to the administrative director of the courts for administrative matters, and the administrative director may seek advisory opinions on whether contemplated actions may constitute violations of the Code of Judicial Conduct

Division of Judicial Education

Oversees training programs for all judicial officers and court staff

Division of Fiscal Management

Oversees court system budgetary matters, including cost allocation, appropriations, purchasing, and credit card administration

Division of Family Court Services

Provides training and support services to family courts, judges, and their staff

Division of Human Resources

Oversees court system personnel issues, payroll processing, and employee benefits

Division of Magistrate Court Services

Provides administrative support for magistrate courts, magistrates, clerks, and assistants

Division of Technology Services

Oversees Unified Judicial Application information system, networking, e-mail, hardware, software, technology systems, management and support

Division of Children's Services

Assists with initiatives to improve outcomes for children and families involved in child abuse and neglect and youth services cases, including the Court Improvement Program; coordinates Supreme Court civic education programs

Deputy Administrative Director

Office of General Counsel

Provides legal counsel to administrative director

Division of Special Projects

Provides administrative and advisory counsel to task forces, boards, panels, and commissions dealing primarily with social and equal justice issues; studies and reports on comparative state judicial administrative policies and procedures

Division of Court Services

Provides circuit clerks' liaison, jury management, Americans with Disabilities Act coordination, statistical analysis, and fatality review team management; oversees family court facility leases, grants management, and systems improvement

Division of Court Security

Oversees judicial system security and support

Division of Public Information

Issues publications and provides press relations for judicial system

State Law Library

Provides research and reference service and instruction, document delivery, and legal workshops for the public

Division of Mental Hygiene and Treatment Court Services

Oversees involuntary commitment, guardianship/conservatorship, and West Virginia's problem-solving courts

Division of Probation Services

Oversees circuit court probation services, including policy development; administers Interstate Compact for Juveniles

Division of Administrative Services

Oversees facilities, inventory and surplus, recording, and provides court reporting support

Division of Legislative Analysis

Analyzes the law-making process and informs judicial officers of potential affects on the judiciary; coordinates communication between judicial officers and legislators; prepares and files all fiscal notes with the legislative manager

The State of the Judiciary in West Virginia
by Chief Justice Brent D. Benjamin

As the Supreme Court looks forward to beginning a new decade in 2010, I believe it important to reflect not only on the fit status of our Supreme Court, but also to acknowledge the tremendous effort given by so many dedicated individuals to accomplish the many successes achieved by the Judicial Branch in 2009. The year has been a busy one and a pivotal one.

Chief Justice Brent D. Benjamin

The custom of delivering a "State of the Judiciary" in West Virginia is an important one. As one of three constitutional branches of state government, we endeavor to serve the people of West Virginia quietly and effectively – without fanfare and without bluster. And while this tendency to refrain from the public spotlight may lead – perhaps even encourage – those with partisan agendas to paint the judiciary of West Virginia or our decisions in a deceptive light to serve their own purposes, this reticence is a necessary aspect of the ethics and the professionalism required of our positions as judges. We must rely on others to defend us from unfair attacks, hoping not only that such a defense comes, but that facts, not rhetoric and propaganda, are used in public discussions related to the Judiciary. That being said, as Chief Justice, I do believe it appropriate in the interest of education to highlight some of the Judicial Branch's actions and accomplishments in 2009.

The justices of the Supreme Court of Appeals of West Virginia are tasked not only with providing high-quality legal analysis in their legal opinions, but, as a Court, also with setting policy for administering the Judicial Branch of government in West Virginia. The dedication and selflessness of Justices Robin Jean Davis, Margaret Workman, Menis Ketchum, and Thomas McHugh this past year helped to establish a benchmark level of competence, camaraderie, independence, and professionalism on the Supreme Court. It has been an honor and privilege to have the opportunity to serve as Chief Justice with such competent and wonderful justices.

The state of the Judicial Branch of West Virginia is sound. Whether judged in a fiscal light, a policy light, a program light, or a judging light, the Supreme Court of Appeals tackled every challenge encountered – and did so with reserved civility, professionalism and independence. To many observers, I believe it fair to say that 2009 was noted for a strong emphasis by our Court on the rule of law and the rule of *stare decisis*. These positive developments are crucial to establishing a judicial system which is stable and predictable – two important factors to building a strong West Virginia. The equally important factors of efficiency and accessibility in the judicial system were also the focus of unprecedented efforts by the Court during 2009.

Fiscal Issues in 2009

While West Virginia has fared somewhat better than some states, the current economic downturn has created significant challenges – challenges which will continue and perhaps worsen for all of state government in the foreseeable future. From a fiscal standpoint, I am pleased to report that the Court was actually able to reduce significantly the Judicial Branch's discretionary budget for fiscal year 2009 and return those budgeted, but unused, funds to the Legislature. We did this with no reduction in services provided to the people of West Virginia by the Judicial Branch. No programs were cut. No employees were furloughed. No courtrooms were closed. No cases were delayed. No dockets were shortened. In fact, I am pleased to report that we were able to create and expand a number of important programs which will directly affect the health, safety, welfare, and lives of our state's citizens. And, in anticipation of continued economic challenges

Chief Justice Brent D. Benjamin listens as the Marshall University John Marshall Fife and Drum Corps plays at the opening of the 2009 January Term of Court. To begin the term, the group marched into the Supreme Court Chamber and played "Hail Columbia" and the "The Star-Spangled Banner." The drum corps played at the beginning of an opening-of-court ceremony at which Chief Justice Benjamin and others also paid homage to all the West Virginia jurists and attorneys who had died in 2008. *Photo by Michael Switzer*

in the future, the Court froze the Judiciary's Fiscal Year 2010 budget with the hope that early in 2010, the Supreme Court can again consider another reduction in the Judicial Branch's discretionary budget.

I also want to point out that the court system pays a substantial portion of its own operational costs out of money generated by its activities and operations. Along with providing excellent public service, our magistrate, circuit, and family courts generate revenue through reasonable filing fees, forfeitures, court costs, and fines.

Our task is simple: we cannot and will not economize our core mission – to do justice. Nor can we postpone or delay implementing protections needed by our families and others who may be vulnerable. Through the continued strategic and wise use of the Court's budget, the efficient management of West Virginia's Judicial Branch, the identification of alternative funding sources for programs, the use of innovative programs to assist those in need of civil access to our judicial system, and the dedicated efforts of the judicial system's 1,300 full-time employees, this branch of government will continue to operate on just three percent of West Virginia's governmental budget. Put in perspective, although our Supreme Court is consistently ranked as one of the busiest high courts in the country and employs more elected officials than the two other branches of government combined, our operational costs consistently rank nationally in the bottom three for state courts. I wish specifically to thank Administrative Director Steve Canterbury, Director of Fiscal Management Michael Proops, and the entire Administrative Office for its dedication to the efficient management of the state's economic resources.

Stability and Predictability of the Judiciary

Historically, national figures have for many years ranked West Virginia courts as some of the hardest working in the land. During this same period our Supreme Court has consistently been criticized for a lack of stability and predictability in its decisions. In 2009, with the dedicated help of my colleagues, I believe we turned the corner on this negative image.

I want to dispel any notion that ours is a conflicted court or a court given to politics. To the contrary, in 2009, I am proud to report that the Supreme Court of Appeals of West Virginia achieved unanimity in eighty-nine percent of its reported opinions. This figure may be unprecedented in the history of the state. To put this number in perspective, I turn to the year before I joined the Court. During the January Term of 2004, the Court agreed unanimously in just fifty percent of its opinions. Indeed, going back several years before 2004, the Court averaged well less than sixty percent unanimous decisions in cases in which written opinions were generated. Although the number increased from 2005 to 2008, the average during this time was sixty-seven percent, or two of three cases. We have come a long way in six years and I thank my colleagues for their dedication to seeking consensus where that is possible.

Our Court is also one of the most experienced panels to have served the state of West Virginia. In terms of judging experience at the Supreme Court-appellate level, the combined experience of this Court is nearly fifty years. To put this number in perspective, the first time any Supreme Court panel in West Virginia had fifty or more years of combined appellate judging experience was 1911, nearly fifty years after our statehood. With the exception of the Supreme Court panel of the early-1990s and, before that in the 1950s and 1960s, few other panels in the history of this state have had this level of appellate judging experience. I believe that the experience of our Court combined with the consensus we now show in our decision-making establishes a firm, stable, and predictable legal foundation on which the state can build.

The Supreme Court's Work Load

The workload of the West Virginia Supreme Court peaked in 2007, with nearly four thousand cases filed. In the two subsequent years, we have seen a decrease from this historic peak. Most of this decrease is due to fewer workers' compensation petitions being filed. In 2007, workers' compensation petitions accounted for seventy-five percent of the total filings with the Court. This number dropped to sixty percent in 2008, and fifty percent in 2009. I believe this reduction is directly attributable to the Court's return to judging cases under established standards of review with a strict adherence to the rule of law. This practice has established a predictability which discourages meritless appeals.

Overall, 1,917 cases were filed with the Supreme Court in 2009. Excepting workers' compensation cases, the number of cases filed has remained nearly the same for several years. In 2009, we saw a slight increase in civil, criminal, and *habeas* filings. We also saw a twelve percent increase in domestic cases (family court and abuse and neglect), continuing a trend of the last decade.

On a significant note, the Court cleared nearly all of its backlog. For several years, a backlog had been building at the Court due in large part to the unprecedented number of workers' compensation filings in the past. In 2009, the Court cleared 3,589 cases for a clearance rate of 187 percent – nearly triple that of 2007. I am very proud of this record.

In comparing our numbers with that of other state supreme courts, according to the most recent numbers from the National Center for State Courts, no other comparable state appellate court in the country handles as many cases as the Supreme Court of Appeals of West Virginia. Nationally, per every one hundred thousand filings, we rank sixth in the number of small claims filed, first in the number of mental health case filings, and first in the number of civil appeals, with 6.4 per one hundred civil cases. This rate is twice that of the next-closest state, Missouri. In terms of clearance rates, West Virginia is one of only six states to exceed one hundred percent, the median being ninety-eight percent. Our trial and family courts also are busy. We are fifth of twenty-five reporting states in the number of incoming divorce cases, fourth in the number of incoming adoption cases, and first in the number of civil protection orders. Our trial courts ranked third in the number of felony cases cleared.

Selected Court Programs

Although 2009 was a difficult year from a budgetary standpoint, I am happy to report that, notwithstanding an overall voluntary reduction in our discretionary budgeted spending, the Court initiated and expanded a number of outstanding programs which will have a positive impact on the everyday lives of West Virginians. These programs and their funding were accomplished by the dedicated efforts, largely voluntary, of elected officials, court staff, and private individuals from across the state. The Judicial Branch is indebted to such individuals for selfless assistance to others through these programs. Obviously, it is not possible to list all of the many programs currently being performed by West Virginia's court system. I would, however, like to highlight a few.

Access to Justice

With the help of the West Virginia State Bar, West Virginia Legal Aid, the West Virginia University College of Law, and a number of other individuals and groups, 2009 marked the year when West Virginia joined a majority of states in creating a formal Access to Justice program to improve access to the civil justice system for people of poor and moderate means. For the growing number of West Virginians for whom practical

Chief Justice Brent D. Benjamin speaks at the beginning of a seminar at Marshall University called "Blogging and the potential limits of the First Amendment." Chief Justice Benjamin moderated the September 22, 2009, seminar, which was co-sponsored by Marshall and the Supreme Court as part of the University's Constitution Week. *Photo by Michael Switzer*

access to the civil justice system has been lacking, the program has been long in coming to the Mountain State. West Virginians of all socio-economic levels should be able to bring and defend their civil legal problems within our judicial system in a meaningful manner. The establishment of this program is a step in that direction. When I refer to those in need of help, I'm not just talking about the poorest of the poor. I'm also talking about the working person striving to make ends meet at the end of the month; the single parent trying to keep his or her head above water; the senior citizen on a fixed income; and the ordinary middle-class family raising children during trying economic times. These are our friends and neighbors.

The initial role for the Access to Justice program will be to develop an objective and accurate understanding of the practical problems West Virginians face in accessing and using our legal system; to devise and oversee a strategic plan for developing and integrating the delivery of services to meet such needs; to involve the members of the State Bar and the judiciary in expanding access to justice (including the encouragement of broader *pro bono* programs and developing *pro se* programs); to promote and foster coordination with other agencies and organizations in West Virginia; to assist in developing and providing technical and other support to attorneys, courts and other agencies involved in the program; and to recommend changes in existing laws, rules and regulations to enhance meaningful access to justice for all West Virginians.

The Access to Justice Commission is comprised of a diverse group of very special people – people who share the vision of a civil justice system which stresses meaningful access to civil justice for all litigants, regardless of wealth, position, or standing.

Domestic Violence Registry

On March 23, 2009, I had the honor of announcing the beginning of a Domestic Violence Registry without peer in the United States. Starting with six counties, by October the Domestic Violence Registry was extant throughout the state. This Registry is a result of a collaboration between the Supreme Court, the West Virginia State Police, the Federal Bureau of Investigation, and more than two dozen other state, federal, and private entities. The purpose of this Registry is to enhance the enforcement of domestic violence protective orders by providing to law enforcement authorities such orders, in electronic form, within moments after they are entered. The information is also instantly forwarded by the court system to the National Crime Information Center.

Our Domestic Violence Registry has received outstanding reviews and awards from, among others, the United States Attorney's Office for the Southern District of West Virginia and West Virginia's Coalition Against Domestic Violence. Considered by many to be the best of its kind in the nation, the Domestic Violence Registry has already proven to reduce the potential for violence in situations where a domestic violence protective order is applicable.

Drug and Mental Health Courts

Among the most exciting and worthwhile activities performed by the judicial system of West Virginia are adult and juvenile Drug Court and Mental Health Court. Using a multi-disciplinary approach which incorporates the courts, prosecutors' offices, law enforcement officers, probation officers, community corrections, social workers, healthcare providers, and others, circuit court judges lead programs which, in exchange for turning themselves into hardworking, responsible members of society, give non-violent drug-offenders opportunities to avoid prison time. Both beneficial and cost-effective, these specialty courts focus on treatment and changing people for the better.

Currently, the incarceration of a non-violent felony drug offender costs the state nearly $28,000 per year with a recidivism rate of up to eighty to eighty-five percent of offenders returning to drugs. The Drug Court system reduces this cost to less than $10,000 per year, some or all of which is defrayed by the participant or others. Most importantly, the recidivism rate is just fifteen to twenty percent. I believe very strongly in these proven programs.

Drug courts help more than individuals, though it is there where the most change occurs. Drug courts also help families, neighborhoods, and communities. Perhaps the most poignant thing which has happened to me since I took the bench was the opportunity to hold a six-week-old baby born to a previously drug-dependent mother who had been "clean" for the entire pregnancy and for many months before due to her own hard work and to the efforts of the Drug Court she attended. Looking into that child's eyes was a profound experience. Without this program, things could have been very different. Now this child has a full opportunity at life with a stable family who loves her. There have been other emotional times. On one

occasion, I read a recent graduate's letter of thanks to the team which helped him. I stuck on the words, "Thank-you for not giving up on me." This program is about changing lives and creating responsibility.

At the beginning of this year, drug and other specialty courts were operating in only a handful of West Virginia counties. By the end of 2009, they had expanded to cover nearly two-thirds of the state's population. Equally important, other large-population counties are working to establish such programs. It is my hope that this worthwhile program will continue to expand under future Chief Justices.

Between these specialty courts and our community corrections programs, over fifteen hundred individuals – virtually all of whom would otherwise be in West Virginia's already overcrowded jails and prisons – are currently benefitting from these less expensive and more effective programs. Thousands of others have completed these programs and are leading successful lives. I wish to thank the judges and other team members for volunteering their time to such worthy endeavors.

Child Abuse and Neglect Database

For several years, the Supreme Court has had a Court Improvement Program aimed at ensuring the safety and well-being of children and families in child abuse and neglect cases. Led by its long-time chairman, Circuit Judge Gary Johnson, the Court Improvement Program has been helping children and families for nearly fifteen years. This includes annual training for judges, prosecutors, child and parent attorneys, foster parents, Department of Health and Human Resources caseworkers, social workers, counselors, and psychologists. By 2011, a video also will be available to help explain procedures and the need for urgency in matters involving children.

In addition to judicial roundtables held across the state in 2009, we also initiated a Child Abuse and Neglect Database, which catalogues how well child abuse and neglect cases are handled in our state court system. As with the Domestic Violence Database, the Child Abuse and Neglect Database has become a national model. It is now a dynamic system that helps judges manage cases better and faster, and improves statistical reporting for administrative purposes.

Educational Programs

As part of our continuing education outreach, 2009 marked a number of programs performed by the Supreme Court and the judicial system. Court dockets were heard at the West Virginia University College of Law and Marshall University. On each occasion, the Justices, Clerk Rory Perry and his staff, and private attorneys took the opportunity to educate the students and members of the public about the cases. We also performed our LAWS program in Lewisburg for high school students from schools in Greenbrier, Pocahontas, Monroe, and Summers Counties. Over three hundred students were able to attend and learn more about the judicial system by watching the Supreme Court hear actual cases. Again, Clerk Perry and his staff and private lawyers helped teach the students about the cases.

While at Morgantown, the members of the Court again judged the annual moot court competition. In addition, individual members of the Court judged local, regional, and national moot court and mock trial programs throughout the United States. Members of the Court also made presentations and speeches at a number of local, regional, and national schools, conferences, and other venues. One such program which received scholarly praise was a symposium at Marshall University focusing on whether blogging and other modern means of communication should be considered journalism. The panel for that event, which I had the opportunity to moderate, involved some of the top individuals in the field of journalism in the United States.

For students, the Court also continued to sponsor such programs as *West Virginia Law Adventure* and *Robes to Schools*, and to distribute a graphic novel produced by the National Center of State Courts to teach law to high school students across the State.

Finally, individual members of the Court attended most regional Bar meetings, a number of local Bar meetings across the state, and appeared on a number of radio and television programs, including "Decision Makers" and "Law Works."

Sex Offender Monitoring

As a result of the Child Protection Act of 2006, the Supreme Court was tasked with supervising convicted sex offenders. After several years of study, 2008 marked the initialization of the program with the hiring of new probation officers dedicated to sex offenders. Ultimately, this group will expand to a total of thirty officers whose only duty is to supervise sex offenders. Unlike

On September 30, 2008, Justice Brent D. Benjamin spoke at a Legal Aid continuing legal education seminar in Charleston to discuss "The Challenge of Achieving Justice." Justice Benjamin worked closely with Legal Aid and other groups on Access to Justice and the establishment of the Access to Justice Commission, one of the main goals of his year as Chief Justice in 2009. *Photo by Jennifer Bundy*

regular probation officers who have an average of one hundred fifty cases at any given time, these probation officers initially will have a general caseload of fifteen to thirty convicted sex offenders.

Involuntarily Committed Individuals and Firearms

Responding to a mandate by the Legislature, the Supreme Court in 2009 created an up-to-date database containing information about individuals who have been involuntarily committed to ensure that such individuals cannot purchase firearms. This database also reports to NICS, a branch of the FBI's National Crime Information Computer. In developing this database, the Court has met for the state a federal deadline in the National Instant Criminal Background Check System Improvement Act.

Children's Issues

In addition to the Abuse and Neglect Database and the Court Improvement Panels, the Court also received recognition for a number of other programs involving children.

The Court received an "A" grade and national recognition in "A Child's Right to Counsel" national report. The state was identified as a leader in the area of child abuse and neglect. Only two states ranked higher.

The Court's Administrative Office and the Court Improvement Program received the Purple Ribbon Award from the West Virginia Coalition Against Domestic Violence in October 2009.

Twenty-Eighth Judicial Circuit Judge Gary Johnson received the Leader for Children Award from the West Virginia Alliance for Children in May 2009.

Judge Johnson also received the Commissioner's Award at the National Child Abuse and Neglect Conference in April 2009.

The Court used its Chamber for a press conference in November 2009 and actively participated in Adoption Month activities to promote awareness of children in foster care and to encourage adoption.

In October, I had the honor of leading a West Virginia delegation of judges, educators, and social workers to the Third National Children's Summit in Austin, Texas.

Conclusion

Most of these successes will never be front-page news. But they are the hallmark of a stable, predictable, and efficient judiciary. It is with considerable pride that I share these accomplishments of my fellow justices, my colleagues on the circuit and family court benches, and of the dedicated judicial system staff.

It was a distinct honor and pleasure to serve West Virginia's judicial system as Chief Justice for 2009. The Court ends the year firmly in line for another outstanding year in 2010 under Chief Justice Davis' able leadership. Our Clerk's Office and Administrative Office are widely viewed as among the best in the country thanks to the dedicated efforts of Clerk Perry, Deputy Clerk Eydie Nash Gaiser, Administrative Director Canterbury, and their respective staffs. Our Office of Counsel, led by Bruce Kayuha, provides excellent support to us.

My thanks to West Virginia's judges, magistrates, circuit clerks, and the rest of our judicial family. I also want to thank the State Bar, the voluntary bar, and Dean Joyce McConnell and the law school in Morgantown. I want to thank Governor Joe Manchin III and his staff and the officers and employees of the Executive Branch as well as Senate President Earl Ray Tomblin, Speaker Richard Thompson, and the members of the Legislature and their staff and employees. I want to thank the state's county commissions, other elected officers around the state, and those at the county and local level who have helped us so much. I want to thank the people of West Virginia for their continued support of West Virginia's court system. Finally, I want to thank my family for their patience and support during this busy year.

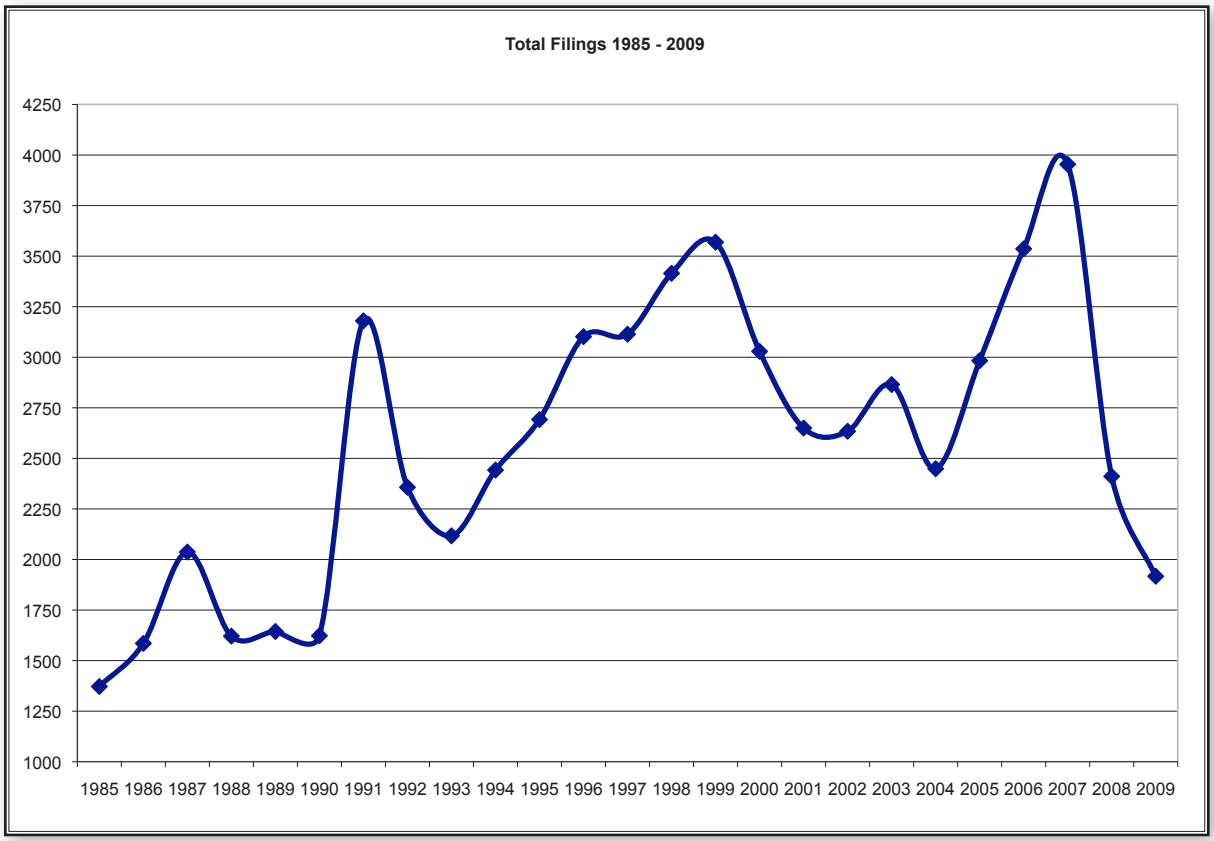
Supreme Court of Appeals of West Virginia 2009 Statistical Report

Case Filings

The 1,917 new cases filed in 2009 continued a recent declining trend, representing a twenty percent decrease from the prior year. For the first time since 1990, the number of incoming cases fell below two thousand. As illustrated in Figure 1, the number of petitions filed in 2009 nevertheless remains high when compared to most years prior to 1990.

The decrease in the number of new petitions filed in 2009 is attributable in large part to a continuing drop in the number of workers' compensation petitions filed. The all-time high of 2,894 filed in 2007 decreased by half in 2008, to 1,447. The reduction continued in 2009, with 967 compensation cases filed. In part, fewer compensation appeals is a signal of stability in the decision-making body at the agency level, following a period of transition as the Office of Judges and the Board of Review became part of the Office of the Insurance Commissioner.

Figure 1



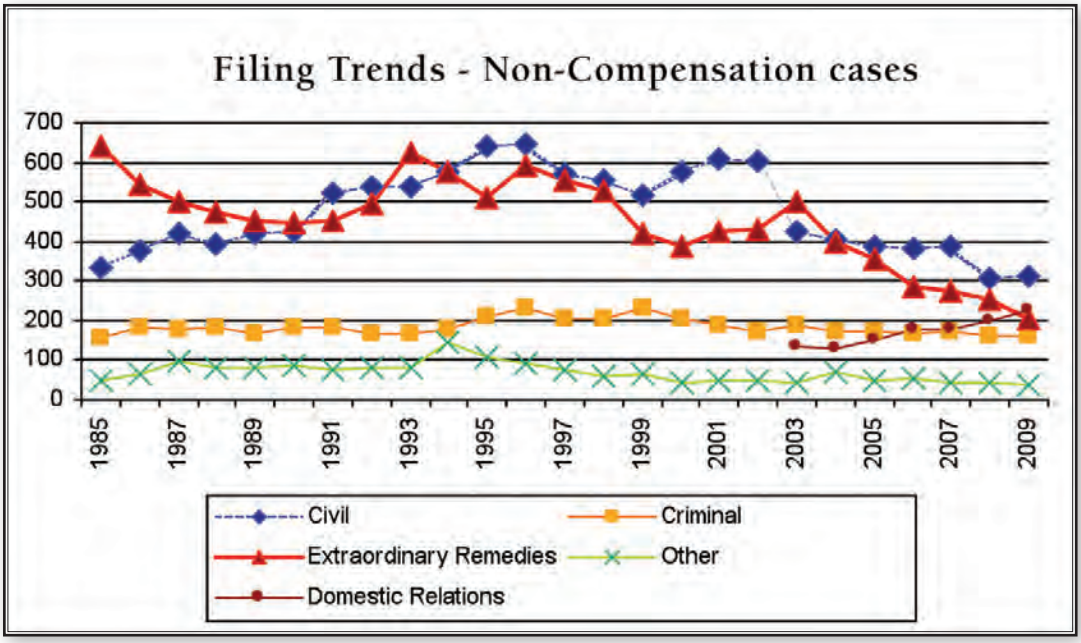
Non-compensation filings in 2009 remained steady or declined across most case types, with domestic relations and certified question filings showing the only significant increase. (See Table 1.)

	Certified	Certiorari	Civil	Criminal	Domestic	Ethics	Habeas	Mandamus	Pet. Bail	Prohibition	Workers' Comp.	TOTAL
1983	18	9	293	180	—	0	321	132	10	80	116	**1159**
1984	20	27	306	183	—	1	317	166	20	80	162	**1282**
1985	12	10	332	157	—	10	367	181	24	81	198	**1372**
1986	17	6	376	182	—	16	240	196	30	101	421	**1585**
1987	23	4	422	176	—	20	200	214	52	85	841	**2037**
1988	21	2	394	182	—	13	195	183	47	96	488	**1621**
1989	28	7	419	168	—	12	186	141	39	116	528	**1644**
1990	29	5	426	183	—	17	171	149	40	122	481	**1623**
1991	35	4	524	181	—	23	149	179	20	118	1947	**3180**
1992	43	2	538	168	—	25	192	184	12	118	1075	**2357**
1993	34	2	536	165	—	27	319	187	21	118	708	**2117**
1994	46	7	575	178	—	69	239	173	30	159	966	**2442**
1995	27	8	642	209	—	43	218	172	39	114	1220	**2692**
1996	30	4	646	234	—	33	265	180	30	146	1534	**3102**
1997	27	5	571	203	—	27	253	164	24	132	1708	**3114**
1998	15	3	556	207	—	24	230	162	20	131	2067	**3415**
1999	19	5	519	232	—	27	118	177	16	120	2306	**3539**
2000	7	3	578	203	—	18	100	199	19	86	1816	**3029**
2001	15	3	606	189	—	19	96	245	13	84	1380	**2650**
2002	14	2	605	173	—	17	102	210	18	118	1394	**2653**
2003	17	3	423	186	136	16	170	236	12	94	1572	**2865**
2004	30	4	402	174	127	24	108	202	16	83	1279	**2449**
2005	19	0	388	175	151	21	82	190	11	86	1860	**2983**
2006	18	0	381	169	179	24	78	104	13	105	2473	**3544**
2007	8	0	386	175	180	26	74	105	8	98	2894	**3954**
2008	9	0	308	159	201	28	53	99	6	101	1447	**2411**
2009	**18**	**0**	**315**	**164**	**225**	**18**	**60**	**84**	**3**	**63**	**967**	**1917**

Table 1

In 2003, appeals from family court orders and appeals in abuse and neglect cases began to be counted as part of the domestic case type. These cases previously were counted as part of the general civil case type, thus explaining the apparent dip in civil filings in 2003. After taking this adjustment into account, general civil appeals have shown a steady decline in the past seven years, dropping twelve percent since 2003.

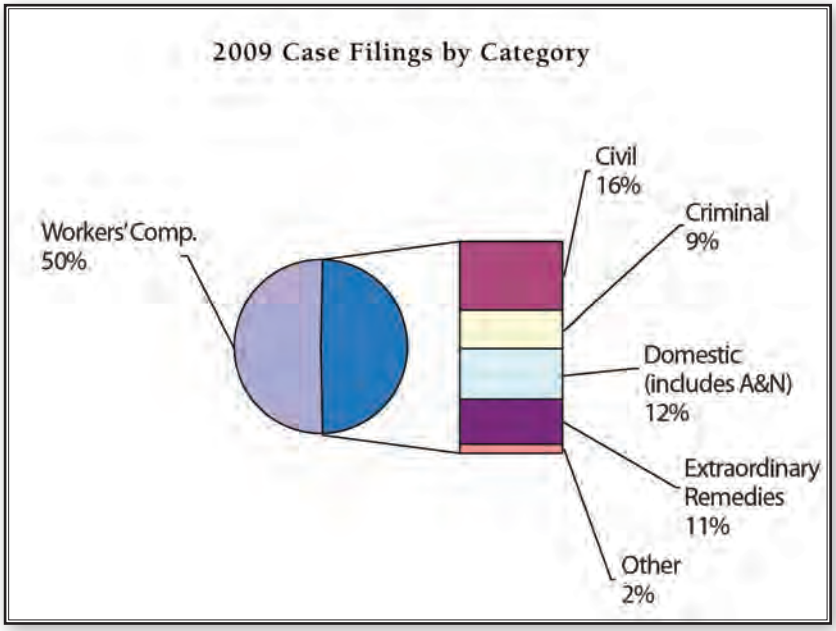
Figure 2



The number of *habeas corpus* petitions filed in 2009 was low compared to most of the past twenty-five years. The number of certified questions increased, reversing a declining trend since 2007.

In non-compensation cases, filing trends have been steady in certain areas, while fluctuating in other areas, as seen in Figure 2. Criminal filings have remained largely steady since 1985, while requests for extraordinary remedies have declined in recent years. The trend in domestic cases has been on the rise each year since 2003. The category "Other" includes ethics cases, certified questions, and petitions for bail. This category has been largely steady since 1985, apart from a spike in ethics filings in 1994, and a spike in certified questions in 2004.

Figure 3



The overall composition of cases filed in 2009, as shown in Figure 3, continues to reflect the breadth and scope of the Court's workload. Although workers' compensation cases made up nearly three-quarters of all new filings in 2007, in 2008 that figure fell to sixty percent. This downward trend continued in 2009, with compensation filings comprising fifty percent of new filings.

Case disposition

The Court can dispose of cases by a variety of methods, resulting in opinions and orders. Because the Court's review of all petitions is discretionary, some cases are disposed by entry of a refusal order.[1] Other cases are granted and set for argument, but later withdrawn, dismissed, or otherwise disposed by order. After being granted, most non-compensation cases are disposed by written opinion. Most compensation appeals that are granted are ultimately disposed by memorandum order.[2]

The case clearance percentage is a practical measure of the Court's workload in 2009 and its ability to keep pace with recent filing levels. The extraordinary workers' compensation filings in recent years, combined with delays associated with new statutory changes, led the case clearance percentage to fall below one hundred percent in recent years.[3] In 2009, however, the Court disposed of 3,589 cases, for a clearance rate of 187 percent. The overall breakdown of the number of cases by disposition method is shown in Table 2.[4]

Table 2

Disposition Method	Number of Cases Disposed in 2009
Signed Opinion	67
Per Curiam Opinion	72
Petition Refused	2,756
Memorandum Order	540
Dismissed	48
Withdrawn	62
Moot	6
Disposed by Order	38
TOTAL DISPOSITIONS	**3,589**

Other components of the Court's workload are not reflected in Table 2. In addition to disposing of cases filed, the Court considered eighty-three pre-petition matters in 2009, which is down from last year's total of 106. Pre-petition matters often involve emergent questions for litigants, such as whether a stay should be granted pending appeal.

The number of petitions for rehearing increased slightly in 2009. In 2000, thirty-one petitions for rehearing were filed. In 2001, that number more than doubled, to sixty-three. In 2002, that number increased again, to eighty-seven, nearly three times the number filed in 2000. In 2003, forty-three petitions for rehearing were filed. In 2004, that number fell again, to thirty-six petitions for rehearing filed. In 2005, the number rose slightly to forty-five. In 2006, the number fell by almost half, to twenty-three. That figure held steady in 2007, with twenty-four petitions for rehearing filed, and fell only slightly in 2008, with twenty-one filed. In 2009, twenty-six petitions for rehearing were filed.

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1. See W.Va. Const. Art. VIII, sec. 4 (An "appeal shall be allowed . . . only upon a petition assigning error . . . and then only after the court . . . shall have examined and considered the record and is satisfied that there is probably error in the record, or that it presents a point proper for the consideration of the court.")

2. It is important to note that granted cases are not concluded until the mandate issues under Rule of Appellate Procedure 25. Issuance of the mandate typically occurs thirty days after the opinion or memorandum order. However, for purposes of clarity and consistency with previous statistical reports, and to conform with national reporting standards, the issuance of an opinion or a memorandum order is reported as a case closing event.

3. Two main factors combined to cause the clearance rate to fall below typical levels. First, dispositions in workers' compensation cases were held in abeyance for about a year beginning in late October 2003, while the Court considered cases involving the impact of the adoption of Senate Bill 2013, and to what extent the statutory changes could constitutionally be applied retroactively to cases filed before July 1, 2003. See *Wampler Foods, Inc. v. Workers' Compensation Div.*, 216 W.Va. 129, 602 S.E.2d 805 (July 1, 2004). The clearance rate was only seventy-eight percent in 2003. In 2004, as the Court began to clear pending cases after the *Wampler* decision was issued, the clearance rate rose to ninety-five percent. The second factor occurred over the next three years, when the extraordinary increase in workers' compensation petitions made it increasingly difficult to keep pace with new filings. Despite the fact that the Court in 2007 reviewed more than double the number of compensation petitions than it reviewed as recently as 2005, the overall clearance rate fell to sixty-four percent in 2007.

4. The number of opinions issued and the number of cases disposed in a given year may differ, because a single opinion can dispose of multiple cases. Table 2 reports the number of cases disposed, not the number of opinions issued.

Discretionary petition disposition

By narrowing the focus to the disposition of discretionary petitions rather than the broader area of case disposition, it is possible to determine the percentage of petitions for appeal in several categories that were granted by the Court in 2009. The petition grant rate is based upon the total number of petitions of a given type actually considered by the Court in a given year (which will differ from the number of petitions filed in a given year). Table 3 sets forth the total number of discretionary petitions considered over the past eleven years in each category, along with the percentage of the petitions granted for full briefing and argument.

Table 3

	Certified Questions		Certiorari		Civil		Abuse & Neglect		Criminal		Domestic		Habeas Corpus		Mandamus		Petiton for Bail		Prohibition		Workers' Comp.		Totals	
	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %	Reviewed	Granted %
1999	17	35%	6	67%	456	30%	96	11%	234	18%	x	x	108	>1%	132	30%	16	0	113	27%	1874	51%	3052	41%
2000	10	60%	4	50%	431	29%	120	>1%	194	21%	x	x	91	>1%	142	39%	17	6%	85	26%	2298	65%	3392	52%
2001	16	69%	0	0	378	39%	135	4%	187	18%	x	x	62	3%	165	15%	14	0	69	26%	2211	51%	3237	42%
2002	14	43%	2	50%	370	35%	118	11%	144	22%	x	x	102	10%	131	21%	16	0	109	28%	1162	42%	2168	34%
2003	14	86%	2	50%	479	32%	84	8%	195	17%	37	27%	132	7%	146	27%	13	0	83	37%	1011	34%	2196	29%
2004	26	69%	5	40%	405	30%	113	5%	182	10%	34	35%	126	6%	109	20%	14	7%	79	20%	1496	40%	2589	32%
2005	20	60%	1	100%	393	30%	90	1%	167	14%	51	22%	82	9%	107	23%	9	22%	77	32%	844	27%	1841	24%
2006	19	42%	0	0	384	21%	130	5%	190	14%	50	14%	87	9%	240	14%	12	0	110	15%	1367	8%	2589	11%
2007	8	38%	0	0	319	27%	136	3%	147	17%	41	37%	69	1%	92	27%	10	0	84	18%	1751	17%	2657	17%
2008	8	75%	0	0	390	32%	150	3%	171	12%	43	21%	48	4%	89	21%	5	0	101	15%	2706	23%	3711	22%
2009	**10**	**100%**	**0**	**0**	**282**	**23%**	**154**	**6%**	**161**	**22%**	**37**	**27%**	**48**	**6%**	**91**	**15%**	**4**	**0**	**63**	**24%**	**2654**	**22%**	**3504**	**21%**

In 2009, the Court reviewed a high number of workers' compensation petitions, especially when compared to the number of new petitions filed. In view of the lower number of civil appeals filed, the number of civil appeals reviewed dropped significantly. Across all categories, about one in five petitions reviewed in 2009 were granted. (For a graphical representation of these data, see Table 5 on page twenty-four: "Percentage of Discretionary Petitions Granted – Major Case Types: 1999-2009.") As recognized by the National Center for State Courts, "most discretionary petitions filed in both intermediate appellate courts and courts of last resort are denied."[5]

[5.] R. LaFountain, R. Schauffler, S. Strickland, W. Raftery, & C. Bromage, *Examining the Work of State Courts, 2006: A National Perspective from the Court Statistics Project* at 74 (National Center for State Courts 2007). Among twenty state courts of last resort, West Virginia had the fifth-highest percentage of petitions granted in 2005. This ranking would be higher if the National Center's percentage was calculated based upon the number of cases actually considered, versus the number filed in a given year. The website of the Court Statistics Project, www.ncsconline.org/d_research/csp/CSP_Main_Page.html, is a joint effort by the Conference of State Court Administrators, the Bureau of Justice Statistics, and the National Center for State Courts, and it contains a wealth of resources and publications related to court statistics.

Caseload comparison with comparable courts

The historic increase of filings in West Virginia is consistent with the increase of filings nationally since 1950. In response to the steady increase in filings, the number of states with intermediate appellate courts (IACs) tripled in the same time period; thirteen states had IACs in 1950, compared with thirty-nine states in 2001. In the past decade, Mississippi, Nebraska, and Utah have created IACs, despite having caseloads smaller than that of West Virginia.

No other comparable appellate court in the country handles as many cases as West Virginia's court of last resort. The most recent (2007) data from the National Center for State Courts[6] continues to confirm West Virginia's position as the busiest appellate court of its type in the country. In 2007, West Virginia's caseload exceeded by nearly 1,500 cases that of the next-busiest state, Nevada, and was more than the states of Delaware, Maine, North Dakota, Rhode Island, and Wyoming combined.

Table 4 illustrates the comparable caseload figures for 2007 across jurisdictions without a permanent intermediate appellate court.[7]

Table 4

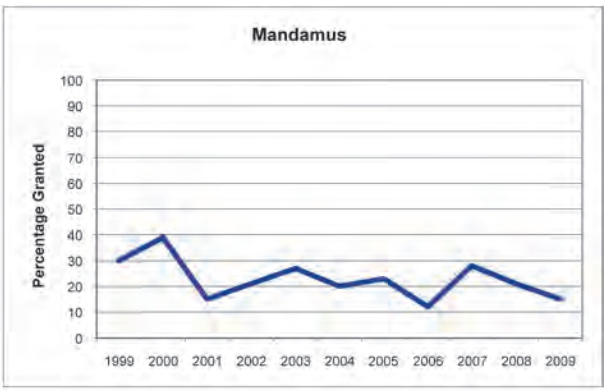
Jurisdictions Without Intermediate Appellate Courts	Total Filings
Delaware	666
District of Columbia	1,456
Maine	774
Montana	751
Nevada	2,238
New Hampshire	924
North Dakota	366
Rhode Island	358
South Dakota	405
Vermont	530
West Virginia	**3,954**
Wyoming	307

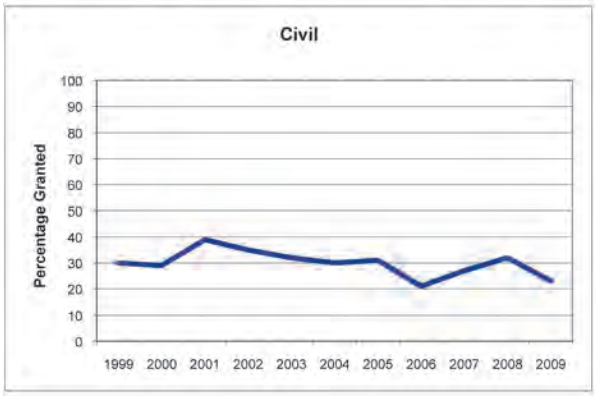
[6] R. LaFountain, R. Schauffler, S. Strickland, C. Bromage, S. Gibson, A. Mason & W. Raftery, *Examining the Work of State Courts: A National Perspective from the Court Statistics Project* at 44 (National Center for State Courts 2009). Data for Nevada and New Hampshire were not included in the National Center Report. Nevada data obtained from www.nevadajudiciary.us/index.php/viewdocumentsandforms/AOC-Files/Research--and--Statistics-Unit/2007-Annual-Report-of-the-Nevada-Judiciary/> and New Hampshire data obtained from www.courts.state.nh.us/press/2009/2007-2008-biennial-report.pdf>.

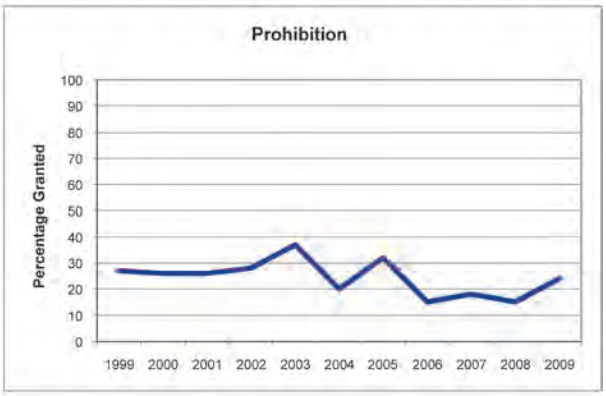
[7] North Dakota has a temporary intermediate appellate court that can be called up from time to time by the North Dakota Supreme Court to handle overload matters. Because its IAC is temporary and not usually activated, North Dakota is counted as a jurisdiction without an intermediate appellate court. See *Examining the Work of State Courts, 2006*, Id. at 68.

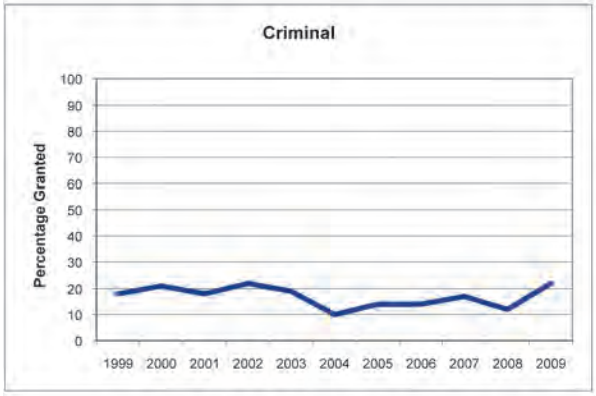
Percentage of discretionary petitions granted — Major case types: 1999-2009

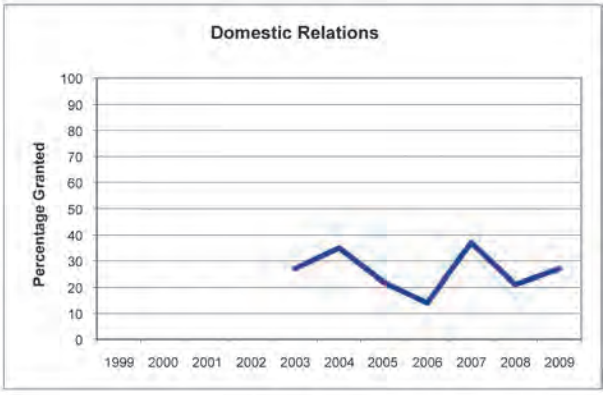
Table 5

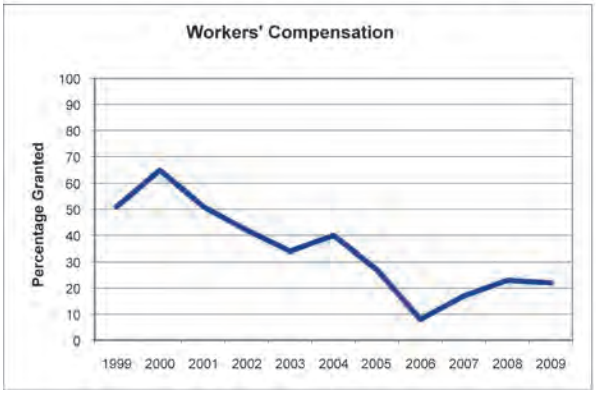


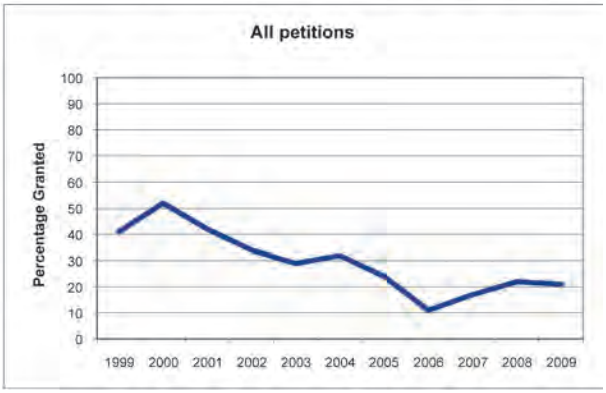












2009 Court board and committee members

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

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

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 John W. Hatcher, Jr., Chairman, Twelfth Judicial Circuit (Fayette County)
Circuit Judge Rudolph J. Murensky, II, Vice-Chairman, Eighth Judicial Circuit (McDowell County)
Circuit Judge Irene C. Berger, Thirteenth Judicial Circuit (Kanawha County)
Family Court Judge Beth Longo, Twenty-First Family Court Circuit (Barbour and Taylor Counties)
Senior Status Judge Robert G. Chafin (Wayne County)
Magistrate Tina M. Mouser (Barbour County)
Michael D. Lorensen, Esquire, of Martinsburg
Joan Chappelle of Huntington
George Poole of Williamson
Staff: Danny C. Staggers, Esquire, of Keyser

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 and mental incapacity, should not continue to serve.

Rule 1, Rules of Judicial Disciplinary Procedure

Chairman: Circuit Judge Fred L. Fox, II, of the Sixteenth Judicial Circuit (Marion County)
Circuit Judge Ronald E. Wilson of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Circuit Judge J.D. Beane of the Fourth Judicial Circuit (Wood and Wirt Counties)
Family Court Judge Cynthia Jarrell of the Tenth Family Court Circuit (Boone and Lincoln Counties)
Magistrate Gail C. Boober (Jefferson County)
Andrew N. Frye, Jr., Senior Status Circuit Judge (Grant County)
Philip A. Reale, Esquire, of Charleston
Daniel Crockett, Esquire, of Dunbar
Alice A. Chakmakian, Esquire, of Charles Town
Staff: Charles R. Garten, Esquire, of Charleston
Staff: 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, of the Nineteenth Judicial Circuit (Barbour and Taylor Counties)
Circuit Judge Thomas C. Evans, III, of the Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties)
Circuit Judge Jay M. Hoke of the Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties)
Circuit Judge John A. Hutchison of the Tenth Judicial Circuit (Raleigh County)
Circuit Judge James P. Mazzone of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Circuit Judge Booker T. Stephens of the Eighth Judicial Circuit (McDowell County)
Circuit Judge Derek C. Swope of the Ninth Judicial Circuit (Mercer County)

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, Steve Canterbury, Supreme Court Administrative Director
Circuit Judge Jack Alsop, Fourteenth Judicial Circuit (Braxton, Clay, Gilmer, and Webster Counties)
Family Court Judge William Sinclair, First Family Court Circuit (Brooke, Hancock, and Ohio Counties)
Raleigh County Magistrate Stephen D. Massie
Preston County Circuit Clerk Betsy Castle
Ritchie County Sheriff Bryan Backus
Lieutenant Colonel B.A. Sloan, Deputy Superintendent, West Virginia State Police Headquarters
Patrick S. Casey, Esquire, of Ohio County
Staff: Angela Saunders, Director of Court Services, Supreme Court Administrative Office
Staff: Arthur Angus, Director of Court Security, Supreme Court Administrative Office
Staff: Leslie Boggess, Associate Deputy Director, Division of Criminal Justice Services

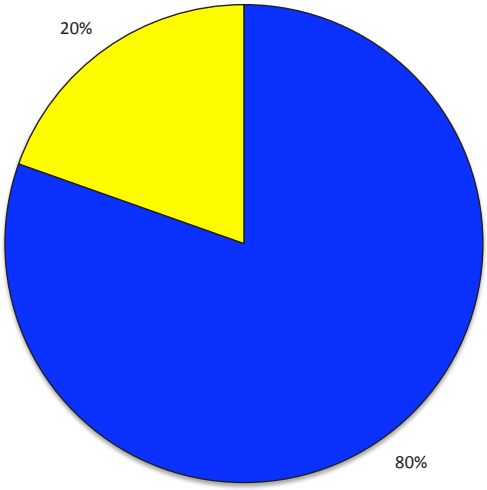
West Virginia Wiretapping and Electronic Surveillance Act

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 Thomas H. Keadle of the Twenty-Sixth Judicial Circuit (Lewis and Upshur Counties)
Circuit Judge James P. Mazzone of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Circuit Judge Dan P. O'Hanlon of the Sixth Judicial Circuit (Cabell County)
Circuit Judge O.C. Spaulding of the Twenty-Ninth Judicial Circuit (Putnam County)
Circuit Judge Christopher C. Wilkes of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

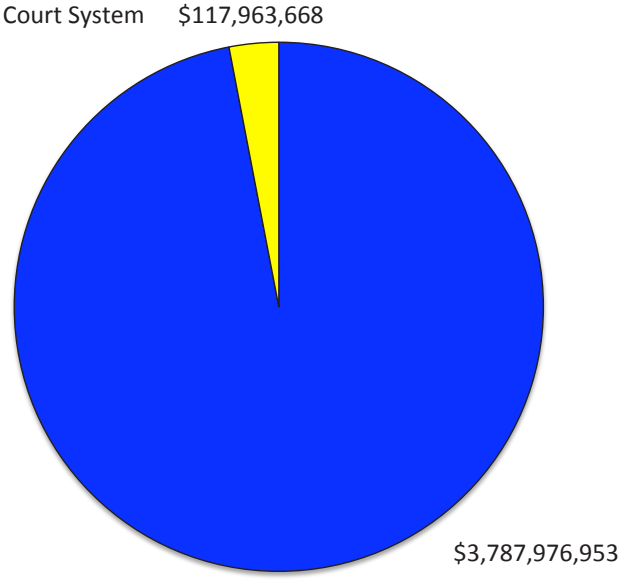
Court System Budget
Fiscal Year 2010
July 1, 2009 — June 30, 2010



Personal Services & Employee Benefits Operating Expenses

Personal Services & Employee Benefits	$94,858,836
Operating Expenses	$23,104,832
	$117,963,668

State of West Virginia
Fiscal Year 2010 Budget



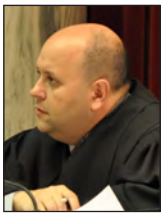
The Court System's budget comprised 3% of West Virginia's General Revenue Budget of $3,787,976,953.

Supreme Court of Appeals
Money Returned to Counties in 2009

County	Circuit Court	Magistrate	Family Court	County Total
Barbour	$ 38,126	$ 356,062	$ 302,194	$ 696,382
Berkeley	2,719,365	1,126,106	404,734	4,250,204
Boone	853,695	467,884	309,411	1,630,990
Braxton	895,295	435,250	308,211	1,638,757
Brooke	1,295,682	420,535	16,940	1,733,158
Cabell	3,720,734	1,453,751	680,447	5,854,931
Calhoun	127,151	346,437	30,181	503,769
Clay	138,947	350,124	18,308	507,378
Doddridge	542,555	379,488	3,631	925,675
Fayette	1,634,821	828,382	452,422	2,915,625
Gilmer	38,482	269,299	5,518	313,299
Grant	390,304	351,109	7,775	749,188
Greenbrier	1,564,668	716,036	278,812	2,559,516
Hampshire	766,336	435,844	299,200	1,501,380
Hancock	766,367	603,478	44,270	1,414,115
Hardy	437,194	340,616	287,872	1,065,682
Harrison	2,502,485	1,022,941	652,813	4,178,239
Jackson	734,435	477,886	323,282	1,535,604
Jefferson	1,111,317	681,105	518,507	2,310,930
Kanawha	7,099,649	2,205,280	1,713,134	11,018,063
Lewis	376,244	443,714	44,244	864,201
Lincoln	972,326	406,829	381,188	1,760,344
Logan	1,746,192	762,883	565,604	3,074,678
Marion	1,710,034	823,300	289,645	2,822,980
Marshall	1,569,472	679,655	70,486	2,319,613
Mason	837,203	446,025	352,975	1,636,203
McDowell	1,270,766	586,371	51,436	1,908,573
Mercer	2,771,849	1,091,930	1,033,776	4,897,555
Mineral	887,347	383,870	3,860	1,275,077
Mingo	884,866	665,185	311,075	1,861,126
Monongalia	2,191,162	915,139	579,051	3,685,353
Monroe	538,010	335,178	33,055	906,244
Morgan	318,791	365,109	17,414	701,315
Nicholas	894,049	619,572	304,011	1,817,631
Ohio	1,589,672	915,122	673,802	3,178,597
Pendleton	456,747	364,443	13,828	835,019
Pleasants	156,507	354,931	5,050	516,487
Pocahontas	22,997	351,095	64,460	438,552
Preston	857,817	604,262	38,701	1,500,780
Putnam	1,587,360	678,538	311,143	2,577,041
Raleigh	2,513,770	1,118,690	803,354	4,435,814
Randolph	820,691	685,006	353,613	1,859,311
Ritchie	196,315	367,120	3,453	566,887
Roane	236,571	423,458	270,804	930,833
Summers	299,960	328,823	47,157	675,939
Taylor	895,608	338,688	12,520	1,246,817
Tucker	313,220	337,801	2,886	653,906
Tyler	34,130	352,012	2,588	388,730
Upshur	832,447	484,786	20,212	1,337,445
Wayne	1,682,704	646,904	315,236	2,644,844
Webster	646,225	332,413	270,965	1,249,604
Wetzel	332,097	382,871	210,960	925,928
Wirt	41,549	345,905	11,536	398,989
Wood	3,065,104	987,548	663,098	4,715,750
Wyoming	811,602	661,018	74,928	1,547,548
TOTAL	**$61,739,012**	**$ 32,853,809**	**$14,865,778**	**$109,458,599**

2009 Visiting Judges

When a Supreme Court Justice is unable to serve in a case due to reasons such as illness or disqualification, Article VIII 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, hearings, and votes on that case. The following is a list of judges who were assigned in 2009 and the cases in which they participated.



Judge Omar J. Aboulhosn, Ninth Judicial Circuit (Mercer County)

October 29 Request for Oral Presentation and Petitions for Appeal: *State of West Virginia ex rel. Darrell V. McGraw, Jr., Attorney General v. Johnson & Johnson and Janssen Pharmaceutical Products L.P.,* No. 091273

Judge Jennifer Bailey, Thirteenth Judicial Circuit (Kanawha County)

January 22 Rehearing Conference: *Richard C. Rashid, M.D. v. Muhib S. Tarakji, M.D.,* No. 33596

Judge J.D. Beane, Fourth Judicial Circuit (Wood and Wirt Counties)

September 2 Argument Docket: *Mylan Laboratories, Inc., et al. v. American Motorists Insurance Co., et al.,* No. 34402

Judge Paul M. Blake Jr., Twelfth Judicial Circuit (Fayette County)

February 24 Argument Docket: *Darrell V. McGraw, Jr., Attorney General, et al. v. The American Tobacco Co., et al.,* No. 33873

Judge Duke Bloom, Thirteenth Judicial Circuit (Kanawha County)

February 25 Argument Docket: *Jacob Frederick Jochum, et al. v. Waste Management of West Virginia, Inc., et al.,* No. 34264

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

October 29 Request for Oral Presentation and Petitions for Appeal: *Judith Brendemuehl, M.D. v. Logan General Hospital, LLC, d/b/a Logan Regional Medical Center, and Kevin Fowler,* No. 090914

October 29 Request for Oral Presentation and Petitions for Appeal: *Aero-Fab, Inc., individually and on behalf of all others similarly situated, The Bunch Company, individually and on behalf of all others similarly situated v. West Virginia Employers' Mutual Insurance Company d/b/a Brickstreet Mutual Insurance Company,* No. 091135

Senior Status Judge L.D. Egnor, Sixth Judicial Circuit (Cabell County)

January 22 Rehearing Conference: *Richard C. Rashid, M.D. v. Muhib S. Tarakji, M.D.,* No. 33596

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

March 12 Request for Oral Presentation and Petitions for Appeal: *Dianna Mae Savilla, Administratrix of the Estate of Linda Sue Good Kannaird, Deceased v. Speedway SuperAmerica, LLC d/b/a Rich Oil Company, a Delaware corporation, City of Charleston, a municipality, Charleston Fire Department, Bruce Gentry and Rob Warner and Eugenia Moschgat, Intervenor,* No. 090051

Judge Fred L. Fox, II, Sixteenth Judicial Circuit (Marion County)

January 29 Miscellaneous Motions Conference: *State ex rel. Central West Virginia Energy Company v. The Honorable Ronald E. Wilson and Mountain State Carbon, LLC,* No. 082333

April 8 Argument Docket: *Thomas Simpson v. West Virginia Office Insurance Commission and Independence Coal Co.,* No. 34368

April 8 Argument Docket: *Secretary of the West Virginia Department of Environmental Protection v. Goals Coal Co., et al.,* No. 34138

September 3 Request for Oral Presentation and Petitions for Appeal: *Kimberly Lupardus and Darrell L. Lupardus, Co-Administrators of the Estate of Kevin L. Lupardus v. Massey Energy Company, a Delaware corporation; Independence Coal Company, Inc. d/b/a Endurance Mining Company, a West Virginia corporation; Massey Coal Services, Inc., a West Virginia corporation; and A. T. Massey Coal Company, Inc., a Virginia corporation,* No. 081426

September 3 Request for Oral Presentation and Petitions for Appeal: *Samantha Lewis, et al. v. International Coal Group, Inc., et al.,* No. 081448

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

February 24 Argument Docket: *Darrell V. McGraw, Jr., Attorney General, et al. v. The American Tobacco Co., et al.,* No. 33873

October 6 Argument Docket: *Michelle Jones v. Edward R. Setser, M.D., et al.,* No. 34619

Judge John W. Hatcher, Jr., Twelfth Judicial Circuit (Fayette County)

February 25 Argument Docket: *Jennifer L. Caruso v. Brian N. Pearce and P & T Trucking, Inc., et al.,* No. 34144

Senior Status Judge James O. Holliday, Twenty-Ninth Judicial Circuit (Putnam County)

September 8 Argument Docket: *Hugh M. Caperton, et al. v. A. T. Massey Coal Co., Inc., et al.,* No. 33350

Judge Gary L. Johnson, Twenty-Eighth Judicial Circuit (Nicholas County)

March 12 Request for Oral Presentation and Petitions for Appeal: *Dianna Mae Savilla, Administratrix of the Estate of Linda Sue Good Kannaird, Deceased v. Speedway SuperAmerica, LLC d/b/a Rich Oil Company, a Delaware corporation, City of Charleston, a municipality, Charleston Fire Department, Bruce Gentry and Rob Warner and Eugenia Moschgat, Intervenor,* No. 090051

Judge Alan D. Moats, Nineteenth Judicial Circuit (Barbour and Taylor Counties)

February 24 Argument Docket: *Terry Hill v. Gregory Brent Stowers,* No. 34143

April 7 Argument Docket: *Lenora Perrine, et al. v. E.I. DuPont deNemours and Company, et al.,* Nos. 34333, 34334, and 34335

April 29 Argument Docket: *C & O Motors, Inc. v. West Virginia Paving, Inc.,* No. 34330

Judge Joseph Pomponio, Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties)

April 8 Request for Oral Presentation and Petitions for Appeal: *Jane Doe v. Kanawha Co. BOE, et al.,* No. 09003

Judge William J. Sadler, Ninth Judicial Circuit (Mercer County)

April 29 Argument Docket: *SER James L. Knotts v. Hon. Richard Facemire, Judge,* No. 34647

Judge Derek C. Swope, Ninth Judicial Circuit (Mercer County)

January 27 Motion Docket: *Charleston Area Medical Center, Inc. v. State Tax Department,* No. 081802

January 27 Argument Docket: *Howard J. Trickett, et al. v. Gianola, Barnum & Wigal, LC,* No. 34141

March 11 Argument Docket: *Josephine Morgan v. Ford Motor Co. and Francis Robert Morgan,* No. 34139

April 7 Argument Docket: *Lenora Perrine, et al. v. E.I. DuPont deNemours and Company, et al.,* Nos. 34333, 34334, and 34335

October 6 Argument Docket: *Charleston Area Medical Center, Inc. v. State Tax Department of WV,* No. 34710

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

January 13 Argument Docket: *Raines Imports, Inc. v. American Honda Motor Company,* No. 33803

Nathan Emch talks about the importance of adoption while his nine-year-old adopted daughter, Savannah, looks on at a press conference in the Supreme Court Chamber on November 19, 2009, to mark Adoption Month. Mr. Emch and his wife also adopted Savannah's sister and another set of sisters. The couple also has one biological daughter and one foster child. *Photo by Michael Switzer*

Supreme court hosts adoption month press conference

Nine-year-old Savannah Emch stole the show at a press conference in the Supreme Court Chamber on November 19, 2009, that was held to focus attention on the need for more foster homes and more adoptive parents. The now-adopted former foster child summed up the importance of the event's mission: "Now I'm happy. I have a home."

She described the five years she and her younger sister, Emma, spent in the foster care system before Nathan and Sue Emch adopted them in the summer of 2007.

After the girls were taken from their biological parents, they went to live with a foster family with whom they formed a bond. Then they moved to a second family, where they stayed six months. They moved back in with the first family for a while, before moving back to the second family.

Then they moved on to another home. "But her husband had just died and she thought I needed a mother and a father, and so I went back to the second home," Savannah said.

One day, while Savannah and Emma were at the daycare program they attended before and after school at Charleston's J.E. Robbins Elementary, their social worker, her assistant, and a stranger appeared at the door.

"I thought in my head, 'Social worker, assistant, who's that?'"

The stranger turned out to be her new mother.

Nathan Emch said he and his wife were trying to adopt another pair of sisters who were foster children in their home.

"They are a little bit of rapscallions," he said. But, "You can have a child born into your family who can cause you more trouble than these children can cause you. . . . We looked at them and realized these children are children."

Because they had been moved so many times, Mr. Emch said he and his wife decided Savannah and Emma should not be moved again and they would adopt them. "We decided no matter how hard it gets, we have to take in these children."

Being an adoptive parent is simply like being a parent. "There's a little bit of a random element. There's a little bit of chaos," Mr. Emch said. "These children are no different than the children you give birth to yourself, and they need homes."

The Emch family now includes the two sets of adopted sisters, their biological daughter, and another foster child.

"I don't believe I am special," Mr. Emch said. "But I made a special choice. This is something we all are capable of doing."

Mr. Emch pointed out that nationally, thousands of children each year "age out" of the foster care system because they turn eighteen without being adopted. They become adults, are no longer eligible for care, have no families, and no place to go. He worries about the teenagers still in the foster care system who are facing that day.

More than four thousand children are in foster care due to child abuse, neglect, or abandonment in West Virginia. Of those, one thousand are eligible for adoption. The average age of those children is eight years old, said

"This Court will continue to do everything we can do to help the cause of children in the justice system in West Virginia," Chief Justice Benjamin said.

Supreme Court Administrative Director Steve Canterbury.

Justice Margaret Workman said she dearly loves all three of her now-adult children, but recalled joking while they were growing up that she wished the whole family had the genes of her one adopted son.

"He was my easiest child," she said.

Justice Workman said that one of her main interests as a Supreme Court Justice is making sure that the court system always strives to find permanent placements for children as quickly as possible.

"No children are safe until they have permanent homes," Justice Workman said. "We have some wonderful leadership out in the circuits."

She acknowledged Circuit Judge Gary Johnson of the Twenty-Eighth Judicial Circuit (Nicholas County), who is chairman of the Court Improvement Program. Judge Johnson has received the national Commissioner's Award as well as awards from the Children's Justice Task Force, the Children's Alliance, and the Coalition Against Domestic Violence. He also has been recognized as an Angel in Adoption by the U.S. Congress.

"One of the few really joyous things you see in the court system is adoption," Justice Workman said.

"As a parent does not have to be perfect, an adoptive child does not have to be perfect," she said. "I hope we can continue to focus on the needs and hopes of children for permanency."

Chief Justice Brent D. Benjamin said, "The true treasure of the state of West Virginia is our children. . . . Too frequently children don't have the choice that others in society do. They rely on people like us.

"Adopting a child does not have to be expensive. And financial assistance does not end when the adoption is final. Many families who adopt foster children are eligible for federal or state subsidies that offset post-adoption adjustments," Chief Justice Benjamin said.

Biological parents of the foster children who are eligible for adoption have lost legal rights to the children because they have abused, neglected, or abandoned them.

"This Court will continue to do everything we can do to help the cause of children in the justice system in West Virginia," Chief Justice Benjamin said.

The Court encourages West Virginians to consider adopting a waiting foster child who is eligible for adoption.

More information about adopting a foster child is available at www.missionwv.org/frameworks/Families.html or http://www.wvdhr.org/oss/adoption/.

Supreme Court Justice Margaret Workman with Savannah Emch after a press conference about National Adoption Month in the Supreme Court Chamber. Savannah was adopted two years ago. One of Justice Workman's three children is adopted. *Photo by Michael Switzer*

Chief Justice Brent D. Benjamin speaks to Nineteenth Judicial Circuit Judge Alan D. Moats at the DVD premiere. *Photo by Michael Switzer*

State Bar President-Elect Letitia N. Chafin talks to a friend at the reception. *Photo by Michael Switzer*

Attorney Steve Jory, left, and Fourteenth Judicial Circuit Judge Jack Alsop, center, talk to Justice Menis Ketchum at the reception. *Photo by Michael Switzer*

2009 State Bar President Sandra Chapman, left, talks to West Virginia Board of Education President Priscilla Haden, right, and her daughter, Amy Haden, at the reception. *Photo by Michael Switzer*

2008 State Bar President Dwayne Tinsley talks to attorney Joe Farrell at the reception. *Photo by Michael Switzer*

Chief Justice Brent D. Benjamin speaks at the premiere of the Supreme Court's DVD, "*The Foundation of Justice: Supreme Court of Appeals of West Virginia*." The event was held at the Culture Center after the annual State Bar reception for the Court on the first day of the Fall Term of Court. *Photo by Michael Switzer*

Supreme Court DVD *Foundation of Justice* shown at Culture Center premiere

A twenty-seven-minute documentary about the history of the Supreme Court of Appeals of West Virginia, the Supreme Court Chamber designed by architect Cass Gilbert, and the structure of the West Virginia court system debuted September 2, 2009, at the West Virginia Culture Center.

The Foundation of Justice: Supreme Court of Appeals of West Virginia, was shown to an audience of invited guests at the conclusion of the West Virginia State Bar's annual reception for the Supreme Court on the first day of its Fall Term of Court.

The film was shown to the public the following evening, September 3, on West Virginia Public Broadcasting.

The Supreme Court in September 2007 agreed to fund the film, which was produced by MotionMasters of Charleston and completed in late spring 2009.

It is narrated by Justice Thomas E. McHugh. Supreme Court Administrative Director Steve Canterbury suggested Justice McHugh would be perfect for the project long before anyone knew about Justice Joseph P. Albright's illness, or that then-Senior Status Justice McHugh would be appointed to fill in for him either during his illness or after his death.

"I wanted to narrate the film. I felt very close to the judicial branch of government," Justice McHugh said. "I wanted to do my part to tell others about the judicial branch. I really wanted to see our history more documented. Our history has been lost sometimes. I wanted to give those who follow us a glimpse of how we performed our duty to West Virginia."

The DVD is designed to be the length of about one school class period, plus allow for some discussion time. Justice McHugh made a presentation about the DVD to the West Virginia Board of Education on August 13, and received the Board's permission to distribute it to state schools

Accompanying class activities are available on the Supreme Court website at www.state.wv.us/wvsca/kidspage/FoundationJustice.htm.

Members of the Court staff also worked with the West Virginia Civics Literacy Council on coordinating use of the DVD with Constitution Day activities. Constitution Day is September 17 annually.

Copies of *The Foundation of Justice* DVD can be obtained from Public Information Officer Jennifer Bundy at (304) 340-2305 or jennifer.bundy@courtswv.gov, or Public Information Specialist April Harless at (304) 340-2306 or april.harless@courtswv.gov.

Chief Justice Brent D. Benjamin speaks to students during lunch at Greenbrier East High School in Lewisburg. Students from Greenbrier County, Pocahontas County, and Monroe County attended LAWS in Lewisburg on March 24, 2009. *Photo by Michael Switzer*

LAWS draws audience of hundreds at Greenbrier County Courthouse

The West Virginia Supreme Court of Appeals heard arguments in two criminal cases and two civil cases on March 24, 2009, at the Greenbrier County Courthouse in Lewisburg as part of LAWS, an acronym for Legal Advancement for West Virginia Students. The audience for the argument docket was composed of about three hundred high school students from Greenbrier, Pocahontas, and Monroe Counties.

LAWS is a partnership between the court system, schools, the State Bar, local bar, and the community. LAWS teaches students about the judicial branch of our government. Supreme Court Justice Robin Jean Davis began the program when she was Chief Justice in 1999. Since then, more than 4,200 high school and college students in twenty-one counties have participated.

In 2009 students from Greenbrier East High School, Greenbrier West High School, Pocahontas County High School, and James Monroe High School attended. Their instructors previously attended a training session with Supreme Court personnel and Circuit Judges James J. Rowe, Joseph Pomponio, and Robert A. Irons on February 4, 2009. The teachers received information about the state and federal court systems, suggested exercises for students, and summaries of the cases their classes were to hear. Later, volunteer attorneys from the area met with students to discuss the court system and the cases.

On March 24, students heard oral arguments in the case they studied and then met with the attorneys who argued the case in a "debriefing" session. The attorneys and students also had an informal lunch with the Supreme Court justices.

Students from Greenbrier East High School heard *Jennifer Boniey v. Brian Kuchinski and State Farm Mutual Automobile Insurance Co.,* No. 34152; Students from Pocahontas County High School heard *State of WV v. Gary Wayne Kent,* No. 34153; Students from James Monroe High School heard *Ryan Strick v. Joseph Cicchirillo, Commissioner, Division of Motor Vehicles,* No. 34135; Students from Greenbrier West High School heard *State of West Virginia v. Paul Newcomb,* No. 34142.

Justice Davis told students during the lunch break that she hoped they enjoyed the program as much as the Court did.

"As you see there are three male members and two female members of the Court. We are

Attorney E. Kay Fuller of Martin & Seibert, L.C., addresses the Court in the first argument of the day on the LAWS docket in Lewisburg on March 24, 2009, as high school students look on. The case concerned insurance coverage for an all-terrain-vehicle accident involving injuries. *Photo by Michael Switzer*

"As you see there are three male members and two female members of the Court. We are looking for that third female member of the Court and maybe she's out there," said Justice Davis.

looking for that third female member of the Court and maybe she's out there," Justice Davis said, pointing to the students.

James Monroe junior Brian Carter said he liked meeting with the lawyers and hearing about the laws involved in the case he heard.

"It is actually surprising the things you find out that you didn't know about in law."

Rebecca Loudermilk, a senior from Greenbrier West, said, "It was interesting to hear the points each side made."

Whitney Groves, also a senior from Greenbrier West, said the program was informative and she was able to understand what was going on.

"I thought it was as interesting as it seems watching it on TV," she said.

Chief Justice Brent D. Benjamin thanked everyone involved in the LAWS program, especially the Greenbrier County judges, Greenbrier County Bar Association, Greenbrier County Sheriff's Department, and Greenbrier East High School, which hosted the students for lunch.

"Thanks for your hospitality and thanks for having us," said Chief Justice Benjamin. "It is a special treat to come out on LAWS day and see students from across the state."

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, and Princeton.

Justice Robin Jean Davis speaks during oral arguments at the Greenbrier County Courthouse in Lewisburg as part of the LAWS docket on March 24, 2009. Justice Margaret Workman is in the background. *Photo by Michael Switzer*

Justice Thomas E. McHugh speaks to a student from Horace Mann Middle School in Kanawha County as the student performs his part in a mock trial in the Supreme Court Chamber on March 30, 2009. *Photo by Michael Switzer*

Middle schools perform mock trials in Supreme Court Chamber

Students from three schools performed mock trial scripts they wrote as part of *West Virginia Law Adventure*, the Supreme Court's civic education program for middle school students, on March 30, 2009, in the Supreme Court Chamber. The performances were the finale of the second year of the program's two-year pilot project. *West Virginia Law Adventure* will become a statewide program in the 2009-2010 school year.

Students from Horace Mann Middle School in Kanawha County performed their trial in front of then-Senior Status Justice Thomas E. McHugh. Students from Stonewall Jackson Middle School in Kanawha County had Justice Menis E. Ketchum as a presiding judge. Justice Robin Jean Davis was the presiding judge in the trial performed by students from Western Greenbrier Middle School.

Following the mock trials, all the students ate lunch in the Great Hall of the Culture Center. The West Virginia Bar Foundation granted funds for the costs associated with the program.

Justice Thomas E. McHugh said, "Mock trials are an important, realistic tool for students to learn how a case moves through the court system. The process allows students to learn by participating. I enjoy watching them. They really get into making their opening and closing arguments and questioning jurors. When the verdict is returned, the winners are elated and the losers are really irritated."

West Virginia Law Adventure is intended to give students a sense of what the justice system – and democracy – is really like.

"A criminal trial in an American court is more about the Constitution than anything else," said Supreme Court Administrative Director Steve Canterbury.

Unlike other mock trial programs in which students perform cases using scripts or materials prepared by adults, *West Virginia Law Adventure* requires each class to write its own script based on one of three criminal case scenarios. The West Virginia State Bar Foundation and the Young Lawyers Section of the State Bar helped write the rules for the program.

Students from Kanawha, Mason, Greenbrier, Monongalia, and Mineral Counties were invited to participate in the second phase of the pilot project. Although other schools used the rules packet to work on mock trials in their classrooms, only three schools submitted scripts meeting the guidelines.

Kandi Greter, the Court's Public Education Coordinator, said, "Several teachers expressed interest in the new *West Virginia Law Adventure* program. We are taking feedback from participating schools to adjust and expand. We are impressed with the students' hard work."

The West Virginia program is adapted with permission from the New Jersey State Bar Foundation's original, award-winning Law Adventure Competition and Programs for grades seven and eight. The New

Jersey State Bar Foundation website is www.njsbf.org.

The West Virginia program was launched in 2008 after being unanimously approved by the West Virginia Board of Education. Court staff members worked with two classes in the spring 2008 school term, eighth-grade students at Andrew Jackson Middle School in Kanawha County and Point Pleasant Middle School in Mason County.

Mason County Magistrate Cheryl Ross for several years has invited middle school and high school students from Mason County to the Courthouse in early May to perform mock trials she has written in honor of Law Day. Magistrate Ross used her experience with her own mock trial program to help Supreme Court staff design *West Virginia Law Adventure*.

Stonewall Jackson Middle School student Iman Chapman-Hill participates in a *West Virginia Law Adventure* mock trial at the Supreme Court. *Photo by Michael Switzer*

Students from Greenbrier West Middle School perform their mock trial in the Supreme Court Chamber on March 30, 2009, in front of Justice Robin Jean Davis. *Photo by Michael Switzer*

Ninth Judicial Circuit Judge Omar Aboulhosn reads to students at Montcalm Elementary School. The judge reads to students at the school every Monday. *Photo courtesy of Judge Aboulhosn*

Judicial officers enjoy *Robes to Schools*

The Supreme Court of Appeals of West Virginia's *Robes to Schools* education outreach program entered its third year in 2009, as circuit judges, family court judges, and magistrates enthusiastically continued to visit schools and invite school children to their courtrooms.

Justice Robin Jean Davis launched the program in January 2007 when she was serving as Chief Justice. The goal is to encourage active and retired justices, judges, and magistrates to read aloud to school children and to visit classrooms to talk about the judicial system.

Robes to Schools supports the goal of the West Virginia Department of Education's Partnership for Twenty-First Century Skills to improve civic literacy, and it was endorsed by the West Virginia Board of Education. The program also supports the Court's goal to improve the lives of all West Virginia children, not just those who are involved in the court system.

Many judicial officers visited classrooms in 2009, including Ninth Judicial Circuit (Mercer County) Judge Omar J. Aboulhosn. Although only a judge for one year, for the last ten years he has read to sixth-grade classes every Monday morning at Montcalm Elementary School as part of a mentoring program he started there.

"It is a great way to start the week," said Judge Aboulhosn. "I don't know who enjoys it more, them or me."

On October 27, 2009, Judge Aboulhosn asked the Mercer County Board of Education to endorse the expansion of his mentoring program so that he could link schools and individual classes with professionals in their communities. On November 24, the Board approved the program, and Judge Aboulhosn began searching for professionals who wanted to participate.

In 2009, he also read to a kindergarten class from Princeton Elementary School on December 2. Throughout the school year, he participated in numerous school activities and field trips, including taking students on tours of the Southern Regional Jail in Beaver. Montcalm Elementary School sixth graders visited the jail with him on May 22 and Straley Elementary School fifth graders visited on May 27.

"The kids are generally excited about going on the tour," said Judge Aboulhosn. "It is the last field trip of the year for them. After the tour, they generally are a little more subdued than when they went in."

Thirteenth Judicial Circuit (Kanawha County) Judge Louis H. "Duke" Bloom of Kanawha County spoke to fourth- and fifth-grade students on April 10, 2009, as part of Career Day at

Alum Creek Elementary School. Other Career Day speakers included Kanawha County Magistrate Kim Aaron, who has read to more than 1,300 students since *Robes to Schools* began.

Two judges read to kindergarten classes on Read to Me Day, November 19, 2009, as part of the West Virginia Library Commission's celebration of West Virginia Children's Book Week. Tenth Judicial Circuit (Raleigh County) Judges John A. Hutchison and H.L. Kirkpatrick III each read to students at Crab Orchard Elementary School.

Thirteenth Family Court (Raleigh and Wyoming Counties) Judge Louise G. Staton also read to third-grade students at the school.

Twelfth Family Court Circuit (Mercer and McDowell) Judge Mary Ellen Griffith read to students at Ceres Elementary School in Bluefield.

Judge James P. Mazzone visited elementary, middle, and high schools in 2009, either reading to students or speaking. Some of his speaking events included West Liberty Elementary School's graduation ceremony and Warwood Middle School's Constitution Day. Judge Mazzone sits in the First Circuit (Brooke, Hancock, and Ohio Counties).

"It is a great way to start the week," said Judge Aboulhosn. "I don't know who enjoys it more, them or me."

On March 2, 2009, Judge Mazzone, Magistrate Aaron, and Kanawha County Magistrate Julie Yeager were among judicial officers who read to students on Read Across America Day, an annual event held on the birthday of the late Theodor Seuss Geisel, better known as Dr. Seuss.

In 2009, several judges hosted local Law Day events, celebrated on or near May First. Law Day was founded in 1958 by President Dwight D. Eisenhower to celebrate the American Legal System.

Judge Booker T. Stephens hosts a Law Day ceremony each year, with speakers, art and writing contests, and visits by school children to his courtroom. The Eighth Judicial Circuit (McDowell County) judge also honored the Mount View High School cross-country team in late November with certificates of appreciation.

In Mason County, Magistrate Cheryl Ross celebrated Law Day by hosting two mock trials in her courtroom. On May 6, eighth-grade students from Wahama High School participated in a mock trial scenario Magistrate Ross wrote. She also wrote the script for the eighth-grade students at Point Pleasant Junior/Senior High School, who visited her courtroom on May 7.

On May 5, 2009, Pleasants County Magistrate Randy Nutter hosted a mock trial in his courtroom with Pleasants County Middle School eighth graders. After the mock trial, students job-shadowed people in several courthouse offices.

Judge Jaymie Wilfong and members of her staff visited schools in the Twentieth Circuit

First Judicial Circuit Judge James P. Mazzone reads to students at West Liberty Elementary School as part of *Robes to Schools*. *Photo by Fred Connors*, The [*Wheeling*] Intelligencer

The Mount View High School cross-country team is pictured in the courtroom of Eighth Judicial Circuit Chief Judge Booker T. Stephens after he presented them with certificates of appreciation in late November 2009. Standing in front of Judge Stephens are, from left, Jasmine Huff, Corrine Frederick, Tavin Wyckoff, Bryan Villaneuva, Nick Crabtree, and coach Nate Smith. *Photo courtesy of the* Bluefield Daily Telegraph

(Randolph County) during two weeks in October in honor of Red Ribbon Week, an annual campaign against alcohol, tobacco, drugs, and violence. Judge Wilfong visited every second- and fifth-grade class in Randolph County. She also handed out pencils, stickers, balls, and other items to engage the children. As part of Red Ribbon Week, she sponsored a fifth-grade student essay contest and second-grade poster contest with the theme of "Drugs Stink, I'd Rather _____."

Robes to Schools activities don't always include reading or speaking engagements.

On August 3, 2009, Circuit Judge Alfred Ferguson shared his bench with six-year-old Jesse Lewis. The Fairland East Elementary School student spent two hours on the bench with the Sixth Judicial (Cabell County) judge, listening to cases while dressed in a suit and tie.

Jesse's mother, Susan Roghe, is a friend of Judge Ferguson. After hearing about Jesse's obsession with being a judge and how he holds court in his living room with his stuffed animals, Judge Ferguson invited Jesse to his courtroom.

On April 30, First Judicial Circuit Judge Ronald E. Wilson presided over a case called the *Big Bad Wolf vs. the Three Little Pigs* in his courtroom in the Hancock County Courthouse.

St. Paul Kindergarten students from Weirton got to see what a trial was like, with a twist; courthouse employees, deputy sheriffs, and attorneys were dressed in wolf and pig costumes. Judge Wilson

Thirteenth Judicial Circuit Judge Tod Kaufman reads to fourth- and fifth-grade students at Charleston's Chandler Elementary School during a brief lesson on the role of judges. He also read the students one of his favorite books, *Wild Fox*, by Cherie Mason. *Photo courtesy of* The West Virginia Record

allowed students to ask the witnesses – Curly Pig and the Big Bad Wolf – questions. After the trial, the students deliberated in the jury room as to whether the wolf was innocent, and why.

Circuit Judge Lisa Clark in 2009 began participating in a year-long moot court competition at Princeton Middle School, which will culminate in the spring of 2010 in the Twelth Family Court Circuit (Mercer and McDowell Counties).

These visits to schools by judicial officers and to courthouses by students are just a sampling of those that occurred in 2009. Those who participated, both students and judicial officers, all benefited from the interaction. Teachers reported that the time spent with real court officials was a very useful supplement to their curriculum.

Students at St. Paul's Kindergarten class participate in a mock trial involving the three little pigs on April 30, 2009. *Photo courtesy of Judge Wilson*

Judge Ronald E. Wilson presides over a mock trial involving the big, bad wolf for St. Paul's Kindergarten class on April 30, 2009. *Photo courtesy of Judge Wilson*

The Supreme Court Justices pose with 2009 Baker Cup winner Adam L. McCoy. The Court judges the moot court competition at WVU each year. *Photo by April Harless*

Supreme Court outreach

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.

The Court in 2009 held three sessions outside of Charleston. On March 10 it heard oral arguments in four cases at West Virginia University's College of Law in Morgantown and judged the law school's annual George C. Baker Cup moot court appellate advocacy competition. Since 1982, the competition has been open to all second-year students, who must write an appellate brief and present oral arguments on both sides of an issue. Two finalists argue in front of the justices.

On March 24 the Court heard arguments in Lewisburg for the annual LAWS program in front of an audience of about three hundred high school students from Greenbrier, Pocahontas, and Monroe Counties. LAWS, an acronym for Legal Advancement for West Virginia Students, is a partnership between the court system, schools, the Bar, and the community. LAWS teaches students about the judicial branch of government.

On September 22 the Court visited Marshall University during Dan O'Hanlon Constitution Week. The justices heard a full argument docket in the morning, which was well attended by Marshall students, the public, and students from St. Joseph Central Catholic High School in Huntington. That afternoon Chief Justice Brent D. Benjamin moderated a symposium entitled "Blogging and the Potential Limits of the First Amendment." The event was co-sponsored by the Supreme Court and Marshall's W. Page Pitt School of Journalism and Mass Communication.

The justices also regularly speak at events around the state. In 2009 Justice Menis E. Ketchum was a guest lecturer at a West Virginia University law school class taught by former Justice Larry Starcher. Justice Thomas E. McHugh spoke August 7 to the Silver-Haired Legislature, and has been in demand as a speaker at many other events.

Justice Menis E. Ketchum makes a point during an oral argument on September 22, 2009, when the Court visited Marshall University and held an argument docket in the Joan C. Edwards Performing Arts Center. *Photo by Michael Switzer*

Chief Justice Brent D. Benjamin, along with Justice Thomas E. McHugh and Justice Margaret Workman, pose with three marines during the court's annual toys for tots drive. *Photo by Jennifer Bundy*

Chief Justice Benjamin made dozens of appearances and speeches at public and legal community events. He attended every drug court opening, as many drug court graduations as his schedule would allow, and he appeared on the January 17 episode of the West Virginia Media television show "Decision Makers," hosted by Bray Cary. Chief Justice Benjamin also attended numerous regional meetings of the West Virginia State Bar. At each meeting he made a brief speech, tailoring his remarks to the local Bar and timely matters important to the West Virginia judicial system.

The Court ended 2009, as it has for the last four years, by joining with its employees at the Capitol to participate in the U.S. Marine Corps' Toys for Tots campaign. Marines picked up the toys during the Court's holiday potluck lunch for Administrative Office employees on December 11. The Winfield Scotts 4-H Club in Putnam County also brought its collection of eighty-five toys to the Court to be picked up, thanks to 4-H leader Toni Takarsh, a law clerk for Justice Robin Jean Davis.

The toys were picked up by Lance Cpl. Erik Morris, 20, of Summersville; Lance Cpl. Travis Weese, 24, of St. Albans; Lance Cpl. Ryan Davis, 24, of Dayton, Ohio; and Sgt. Leonard Oleson, 23, of Charleston. The Marines, all of the Alpha Company, Fourth Combat Engineer Battalion based in Cross Lanes, joined Chief Justice Benjamin, Justice Margaret Workman, Justice McHugh, and Court employees for the meal.

Justice McHugh talks to Slovakian visitors

Visitors from Charleston's sister city in Slovakia — Banska Bystrica — visited the Chamber of the Supreme Court of Appeals of West Virginia on October 20, 2009.

Justice Thomas E. McHugh talked to them about the Supreme Court, the West Virginia court system, and the history of the Chamber itself. The group also spent time with Charleston city officials; toured the Charleston Civic Center, Charleston Area Medical Center, the University of Charleston, and West Virginia State University; attended a West Virginia Symphony concert, and met Governor Joe Manchin III during their week in Charleston.

Some of the visitors spoke English, while others communicated through an interpreter. Julia Raticova is director of the foreign relations office in Banska Bystrica, a regional capitol of about 85,000 people. She was accompanied by Jaroslav Sihelsky, Stefan Sevcik, Miriam Sevcikova, and Jan Chorvat Jahn.

Charleston resident Christine Weiss Daugherty directed a rural economic development program in Banska Bystrica from 1996 to 1999, and in 2006 she proposed a sister city relationship with that city and Charleston. Banska Bystrica is in the middle of Slovakia, a country in Central Europe that was part of Czechoslovakia from the end of World War II until 1993, when Slovakia and The Czech Republic peacefully split.

Supreme Court hosts a panel discussion on blogging and the First Amendment at Marshall University

Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press in Washington, D.C., makes a point during the panel discussion on "Blogging and the Potential Limits of the First Amendment" at the Joan C. Edwards Performing Arts Center. Chief Justice Brent D. Benjamin moderated the discussion as part of the University's Constitution Week. *Photo by Michael Switzer*

One of Chief Justice Brent D. Benjamin's goals in 2009 has been to raise public awareness of the judicial system. As part of that effort, he moderated a symposium to discuss whether bloggers have First Amendment protection.

The symposium was held during Dan O'Hanlon Constitution Week at Marshall University.

The Supreme Court co-sponsored the panel discussion on "Blogging and the Potential Limits of the First Amendment." The event was moderated by Chief Justice Benjamin and followed a morning session of the Court, which heard an argument docket at Marshall. Both events were held on September 22.

"The forum focuses on an issue which is both timely and important," Chief Justice Benjamin said. "As more and more Americans engage in online blogging, questions arise as to how and when the First Amendment should apply."

Panelists included Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press in Washington, D.C.; Gene Policinski, vice president and executive director of the First Amendment Center at Vanderbilt University; Howard J. Bashman, an appellate attorney in suburban Philadelphia who hosts a blog, howappealinglaw.com; Kevin Qualls, an attorney who is on the faculty at Murray State University in Kentucky; and Marshall University Dean of School of Journalism and Mass Communication Corley Dennison.

Chief Justice Benjamin asked the panelists if bloggers should be considered journalists. All the panelists agreed that bloggers are journalists, and Mr. Policinski said they become journalists the moment they say they are.

Mr. Qualls said not all bloggers are in the business of gathering news; some blog as a hobby or for public relations purposes. However, all bloggers should be protected by the First Amendment, he said.

While all panelists agreed with Mr. Qualls, they also said no blogger should be given protection from libelous activity.

Ms. Dalglish reminded the group that anonymous writing which stirs people into action is a direct descendent of the founding fathers, notably Benjamin Franklin, who used many pseudonyms, and John Jay, James Madison, and Alexander Hamilton, who published the Federalist Papers anonymously.

"Speaking out via a printing press, which was the technology of the day, could land you in a lot of trouble," said Ms. Dalglish.

The panelists also discussed whether they thought bloggers and other social media outlets would put traditional media outlets, especially newspapers, out of business.

Dr. Dennison said bloggers and the news media are interdependent, and journalism isn't defined by ink, paper, and delivery trucks, but by what happens in the newsroom.

"I think the panel did an excellent job of answering the tough questions about First Amendment protection and bloggers," said Chief Justice Benjamin. "We had a large and engaging audience who asked intelligent questions. I think we all left the event with a better understanding of bloggers, journalists, and the future of news gathering."

Before the blogging symposium, the Court heard six cases on an argument docket.

The Court session was held at the Joan C. Edwards Performing Arts Center. This visit marks the fourth year the justices have visited the campus during Constitution Week. Earlier this year, Marshall University honored Cabell County Circuit Judge O'Hanlon by naming Constitution Week after him.

Marshall University is named for former U.S. Supreme Court Chief Justice John Marshall, who served on that Court from 1801 to 1835 and was the longest serving Chief Justice in United States history. He died two years before Marshall Academy was formed in 1837.

Chief Justice Brent D. Benjamin speaks at a news conference to announce the statewide Domestic Violence Registry on October 13, 2009. Division of Court Services Director Angela Saunders is seated to his left. *Photo by April Harless*

Supreme Court initiatives

Domestic Violence Registry becomes operational statewide

"Domestic Violence is everybody's problem, a societal blight. Now we have one more tool to minimize potentially tragic consequences," said Supreme Court Administrative Director Steve Canterbury.

West Virginia's Domestic Violence Registry and Statewide Database became fully operational on October 13, 2009, when the last two counties – Kanawha and Greenbrier – went online.

The registry is the result of an innovative collaboration of the Supreme Court of Appeals, the West Virginia State Police, the FBI, and more than two dozen other state, federal, and private entities. The work of an advisory team who helped develop the registry and the registry technology was paid for largely with a Grant to Encourage Arrest and Enforcement of Protective Orders from the Office on Violence Against Women, U.S. Department of Justice.

"This type of collaboration is a hallmark of our twenty-first century court system," said Chief Justice Brent D. Benjamin. "The Supreme Court's Administrative Office staff, especially Director of Court Services Angela Saunders and Director of Family Court Services Lisa Tackett, have worked long hours to make this registry a reality. Every time there was a roadblock, they found a way around it."

The registry was implemented and is managed by the Court Services Division.

"This work would not have been possible without the leadership and vision of Steve Canterbury, who made this project a priority," Chief Justice Benjamin said. "We're deeply indebted to all of the hard work which produced this important registry."

The registry is a tool used to communicate domestic violence protective orders to law enforcement through the National Crime Information Center, or NCIC. It allows an officer to know whether a current protective order is in effect as that officer responds to a call, enhancing the safety of both the officer and the potential victim. The database that supports the registry has a scanned copy of the actual protective order, so there can be no confusion about what it actually says, who issued it, and whether it is still in effect.

Magistrate court staff members scan domestic violence protective orders into the database within minutes of when they are issued by a court. As of the end of 2009, family court staff members also are being trained to scan orders issued by family court judges. Until all are trained, family courts are submitting their data via their magistrate courts.

The computer system formats the orders and puts them into the state registry database. When an officer anywhere in the nation runs a name through the NCIC and there is a "hit" for a protective order, the officer is required to confirm the data from the original source within ten minutes.

Because West Virginia court-houses are not open twenty-four hours a day, seven days a week, it was not previously possible to confirm an active protective order at all hours. Now officers in West Virginia State Police detachments, which are always open, are able to access a scanned image of an actual protective order

A large crowd listens to speakers at the Supreme Court's domestic violence news conference held in the Court's Chamber. *Photo by April Harless*

and confirm whether it is active. All court records are validated every thirty days to make sure information in the database is current.

In October the Supreme Court of Appeals of West Virginia received two awards for its work on domestic violence issues.

"The Domestic Violence Registry is a tool that can assist law enforcement to save lives," said Ms. Saunders. "It is a team approach to the statewide problem of domestic violence. The creation and implementation of this project required collaboration with all three branches of government.

The Legislature in 2001 directed the West Virginia State Police to create an automated, statewide registry of domestic violence protective orders. However, there was a lack of funding and dedicated staff, and problems developing technology. Work on the domestic violence registry took on a new life after Mr. Canterbury came to the Supreme Court in 2005, leading to legislation enabling the Supreme Court Administrative Office to house the database. That legislation was effective June 6, 2008.

The Court Services Division and its Domestic Violence Planning and Evaluation Committee, including a representative from the State Police, redirected funding to address issues identified from a status assessment Ms. Saunders, the project director, completed in 2005. A number of issues were identified. The Domestic Violence Committee and court staff began searching for grant funding. In the meantime, under Mr. Canterbury's direction, the Court continued a massive restructuring of the West Virginia court system computers, beginning with the magistrate system, which is the main system that houses protective order data.

In preparation to apply for the federal grant, a three-member team from West Virginia attended "Domestic Violence and Firearms: A National Summit for Community Safety" in Los Angeles in September 2006. That team, which included Ms. Tackett, came back to West Virginia with a renewed vision of what the registry could become and a renewed interest in working with federal, state, and local agencies to get funding.

The Court wrote the grant proposal, which included a memorandum of understanding signed by the Supreme Court of Appeals of West Virginia, the West Virginia State Police, the Coalition Against Domestic Violence, the West Virginia Regional Community Policing Institute, and the West Virginia Division of Criminal Justice Services. The Court staff then invited other partners to collaborate.

The $815,000 grant, which the Supreme Court received a year later, purchased some of the technology for the registry and provided funding for training in its use.

"In our opinion, it will help victims of domestic violence by giving law enforcement better knowledge and response time," said Lynn Atkinson, the mother of a woman who was killed by her boyfriend. "This may help to ensure that no one else goes through what we have been through."

"With the implementation of the domestic violence registry, troopers and officers responding to domestic violence incidents will have another tool to help make informed and timely decisions regarding the appropriate enforcement action to take to ensure the safety of all parties involved," said Michael Corsaro, West Virginia State Police Criminal Records Director.

"The FBI congratulates the West Virginia Supreme Court of Appeals and the West Virginia State Police on joining the National Crime Information Center (NCIC) Protection Order File, and for the innovative collaboration and unique approach and dedication brought

to this project," said Thomas E. Bush, III, Assistant Director of the Criminal Justice Information Services Division of the FBI.

"The ability to have instant access to discover and verify a protection order twenty-four hours a day, seven days a week nationwide saves lives in countless ways every day, including stopping the sale of a firearm to prohibited individuals and providing officers an early warning about violent individuals before encountering them face-to-face," Mr. Bush said.

Charles T. Miller, U.S. Attorney for the Southern District of West Virginia, said, "Domestic violence is a serious problem in our society, and the introduction of a firearm into these situations greatly elevates the potential for a horrible tragedy.

"We protect the Constitutional right to own firearms best by moving vigorously against those who have lost that right and who use a gun in domestic violence and other criminal activity. The domestic violence registry will serve as a vital tool to help protect domestic violence victims and to provide for the safety of police officers."

Ms. Saunders said, "It has been a long, complicated struggle, but it is here. We hope that it will help law enforcement save lives."

Supreme Court holds regional firearms summits around state

A series of summits held around West Virginia in 2009 trained judicial officers, domestic violence advocates, prosecutors, and law enforcement officers about how they can work together to improve enforcement of federal and state domestic violence and firearms laws. The goal was to make sure people who have been convicted of domestic violence crimes or who are the respondents in current domestic violence protective orders do not have access to firearms.

The first Firearms Task Force Regional Summit was held in September 2008 at Tamarack. Other summits were held in April 2009 in Charleston, Wheeling, Bridgeport, and Cacapon State Park.

In each location, attendees were grouped with others who work in their same jurisdiction. After listening to speakers, participants broke up into groups to write protocols for how to handle firearms in domestic violence cases in their individual counties. In September 2009, another summit was held in Charleston to write a statewide protocol for use in the counties that were not represented at the four regional summits.

West Virginia's domestic violence laws became stronger with the passage of House Bill 2739. The law, which was discussed at each summit, went into effect on July 9, 2009. It requires law enforcement officers to attempt to serve protective orders within seventy-two hours of their issuance and to continue trying to serve them until they are successful. Law enforcement officers also are authorized to seize all firearms possessed in violation of protective orders, both emergency protective orders and final protective orders. Respondents listed in protective orders are prohibited from possessing any kind of firearm.

The new law also allows protective orders to be enforced based on probable cause. Probable cause may include access to a paper copy of a valid protective order, a law enforcement officer's ability to see an electronic version of the order, or other credible evidence that a protective order exists.

And the new law provides immunity to any state official who acts in good faith while enforcing a protective order, or who detains or arrests someone who is believed to be in violation of a valid protective order.

The federal government has primary jurisdiction over firearms. How that jurisdiction can extend to many state convictions for domestic violence, and how it can be used permanently to prevent those convicted of even misdemeanor state domestic violence charges from ever possessing firearms, was discussed in detail at the summits.

"How many people think that, if I beat my spouse and I am convicted, the ban against me possessing firearms is not ninety days or 180 days, but forever?" asked Kanawha County Family Court Judge Mike Kelly. "That is a powerful tool that perhaps we are not advertising to the extent we should."

Fanny Haslebacher, an Assistant General Counsel with the FBI Office of the General Counsel in Clarksburg, said West Virginia has some of the most powerful tools in implementing the new laws and giving teeth to protective orders. West Virginia has made itself "as powerful as any state in the country in enforcing every provision of the protective order. The police are now able to respond to every single provision of the protective order. From the minute the judge enters it, it is to be enforced. It is really incredible."

"It's about making homes as safe as possible," said Lisa Tackett, Director of Family Court Services in the Administrative Office of the Supreme Court. "It's

Sergeant John Guard speaks to a group at the Charleston Marriott during one of the West Virginia Regional Summits on Domestic Violence and Firearms. Sergeant Guard is Chief of the Community Operations Division at the Pitt County Sheriff's Office in North Carolina. Prior to that appointment, he was the sergeant assigned to the Domestic Violence Prevention Unit, a position he held for twelve years. *Photo by Jennifer Bundy*

about personal safety. It's about guns. It's about stalking. It's about contacting, harassing. Respect for each other is not working."

Domestic violence is a generational and cultural issue in West Virginia, and so it will take a tremendous effort to stop it.

"We are going to succeed with this because, frankly, everyone is sick to death of domestic violence," Supreme Court Administrative Director Steve Canterbury said at the summit in Charleston. "We are going to succeed not only because the Court is tired of it, but because law enforcement is tired of it, magistrates are tired of it, judges are tired of it, and, most importantly, citizens are sick and tired of it."

Participants at the Charleston summit also heard from a domestic violence victim who talked about her own experience and urged everyone not to give up on victims who seem reluctant to leave their abusers.

"Why didn't I just leave?" Krista Fink said is the question she is repeatedly asked. "I thought I could fix him. I thought I could make it all better for him, or for us, and for our marriage."

Before she met her husband, she was an education major at a good college, a top student with high self-esteem. She was not used to failing, and was not the kind of person who gave up easily.

"I thought I could save the man he once was," she said.

She left him four times and went back before she finally left him for good on her fifth try.

She urged those attending the summits not to get frustrated with victims who keep returning to abusive spouses.

"The average number of times a victim leaves is five to seven. Every time a victim leaves, she gets a little stronger," Ms. Fink said.

Ms. Fink is now remarried, has a toddler, and serves on the board of the YWCA, where she received support while recovering from her abuse. She wrote a book, Silent No More, about her experiences.

Supreme Court Justice Robin Jean Davis, the only Justice in the history of the Supreme Court with a background in family law, thanked participants for coming to the regional meetings.

"On behalf of the Court, I simply want to say a heartfelt thank-you for the work you do every day. I'm grateful for it because I see the result of it in our courts," she told the Charleston attendees.

Chief Justice Brent D. Benjamin also thanked participants for coming and attended one day's session in Charleston. The second day, Justice Menis E. Ketchum stopped by to talk to Charleston participants.

Bill allows five pretrial diversion pilot projects

Governor Joe Manchin III signed Senate Bill 760 on May 20, 2009, authorizing the Supreme Court of Appeals to establish up to five pretrial diversion pilot projects around the state. The law became effective on July 7, 2009.

The new law is intended to make West Virginia safer, to save money on regional jail costs, and to make the administration of justice more efficient, the governor said. "The population of our jails and prisons is rapidly increasing. We are dealing with that every day on budget matters," Governor Manchin said. "When you have all branches of government working for the citizens of the state, it speaks volumes. This is the good that comes out of all of us working together."

Supreme Court Justices Robin Jean Davis and Thomas E. McHugh attended the bill signing ceremony in the Governor's Reception Room.

"We are delighted with the signing of the bill. It shows we are a very, very progressive state and a very progressive Court," Justice Davis said.

Under the new law, only nonviolent offenders will be eligible for consideration for pretrial release. The projects are based on a Brooke County program operated by First Judicial Circuit Judge Martin J. Gaughan and Chief Probation Officer Jim Lee. There, when a law enforcement officer arrests someone who may be eligible, the officer calls the magistrate on duty. Upon review, that magistrate may release the participant to the program's supervision rather than incarcerating him or her while awaiting trial. The defendant must appear the next day to meet with a pretrial officer who conducts a criminal background check and prepares a report for the prosecutor and a supervising magistrate or circuit judge.

While in the pretrial program, the participant reports regularly to the pretrial officer and wears a global positioning device or stays on home confinement, whichever is deemed most suitable by the supervising magistrate or circuit judge. The participants must continue to work and pass regular drug screenings. For unemployed offenders, community service jobs are assigned.

The practical purpose of the pretrial pilot projects is to provide an alternative to jail while defendants are awaiting disposition of charges against them, said Mr. Lee. A $5 fee that the Brooke County Commission pays into the program per participant each day is far less than the $48.50 daily cost of housing a prisoner in a regional jail.

In Brooke County, a five-person pretrial committee meets every Tuesday morning to review the new cases of all Brooke County inmates in the Northern Regional Jail. That panel refers as many cases as possible to the pretrial program, with the goal of having those defendants appear before a magistrate that afternoon for immediate release into program supervision. The Brooke County program so far has been able to reduce the number of regional jail inmates from an average of forty-one per day to about fifteen per day, Mr. Lee said.

"It saves the county commission on the regional jail bills and it helps on the overcrowding of the regional jails," Judge Gaughan said. "It saves money, and it's common sense. It does work and there's evidence it works."

"This is the natural outgrowth of community corrections, proving that we were, and we still are, on the cutting edge," said Supreme Court Administrative Director Steve Canterbury, who, along with Judge Gaughan and Mr. Lee, are considered the founders of community corrections in West Virginia.

The new law authorizes pilot projects in up to five circuits using existing community corrections resources, specifically pretrial officers and day report centers. Cabell County currently is operating by the Brooke County model, under the direction of Sixth Judicial Circuit Judge Dan O'Hanlon, with Greenbrier County following suit under the leadership of Eleventh Judicial Circuit Judge James J. Rowe. Mercer County's Day Report Center has been operating its own less aggressive version of pretrial diversion and has indicated some interest in modifying its procedures to serve as a pilot location as well.

First Judicial Circuit Judge Martin J. Gaughan speaks during a ceremony in the Governor's Reception Room on May 20, 2009. Governor Joe Manchin III signed Senate Bill 760 authorizing the Supreme Court to establish up to five pretrial release pilot projects around the state. Judge Gaughan and Brooke County Chief Probation Officer Jim Lee, right, established the first community corrections program in West Virginia. *Photo by Jennifer Bundy*

Child Protection Act Program continues to expand

The Division of Probation Services' Sex Offender Intensive Supervision (SOISO) pilot program operated for eleven months in Region Five, which consists of Boone, Cabell, Lincoln, Logan, Mingo, Putnam, and Wayne Counties. The pilot program gave the division the opportunity to identify and address any protocol or procedural issues before proceeding in other parts of the state. In October 2009, the division expanded the sex offender intensive supervision probation unit into nine more counties in southern West Virginia, or SOISO Region VI. That region includes Fayette, Raleigh, Wyoming, McDowell, Mercer, Summers, Monroe, Greenbrier, and Pocahontas Counties.

On October 20, 2009, Justice Thomas E. McHugh swore in four new sex offender probation officers for Region VI. The new officers are Heath Harmon, Arthur Houchins, Tonya Lash, and Matthew West. Courtney Lewis transferred from Region V to Region VI to serve as the region's team coordinator. These officers' only duty is to supervise sex offenders. They work out of their cars, not offices. They work holidays, nights, weekends, and hours in between to provide intensive community supervision. The officers also work with circuit court judges and treatment providers to make sure offenders are complying with court orders. The extended supervision includes polygraph examinations and electronic monitoring.

The Division of Probation Services also began the process of hiring for the next projected region, which is SOISO Region II, consisting of Randolph, Upshur, Lewis, Barbour, Taylor, Harrison, Marion, Monongalia, and Preston Counties. At the end of 2009, there were a total of nine specialized probation officers hired covering fifteen counties.

The Sex Offender Intensive Supervision program was developed under the leadership of Chief Justice Robin Jean Davis in 2006 and 2007. Her support was crucial to refining the vision of the supervision protocol. Her work was a continuation of her interest in protecting children in our communities during her "Year of the Child" in 2006 and "Year of the Child, Too," in 2007.

From left, Courtney Lewis, Tanya Lash, Caren Bills, Matthew West, and Heath Harmon in the Supreme Court Chamber after the swearing-in ceremony for Sex Offender Intensive Supervision Officers for Region VI. Ms. Bills is the deputy director of Probation Services responsible for supervising the sex offender program. *Photo by Michael Switzer*

Division of Probation Services

Probation officers provide myriad services to circuit courts. They conduct investigations and drug screenings, prepare pre-sentence reports, recommend sentences for criminal offenders, and monitor offenders sentenced to probation or supervised release. Officers also work closely with community agencies in order to link services for persons under probation officers' supervision. The agencies with which they work can include day report centers, schools, substance abuse facilities, community health centers, community service work providers, the Department of Health and Human Resources, and other state agencies.

The West Virginia court system at the end of 2009 has fifty-one adult, 103 adult-juvenile and forty-eight juvenile probation officers. Probation officers supervised over fourteen thousand adult and juvenile offenders in 2009, with an average caseload of seventy-nine persons per officer and an annual cost of $1,110 per offender.

In 2009, probation officers operated juvenile drug courts in Cabell, Wayne, Mercer, and Logan Counties with additional juvenile drug courts being planned for implementation in 2010. These programs offered intensive intervention, supervision, and treatment. Ten adult drug courts operated in 2009 throughout the state. The adult drug courts were operated, in most instances, by a probation officer/drug court coordinator. In addition, a mental health court serves the Northern Panhandle. Also, the Logan and Wayne County Boards of Education have collaborated with the Supreme Court Administrative Office to provide funding for full-time, school-based probation officers to provide early intervention and diversion services.

A joint meeting of the juvenile drug courts in Wayne and Cabell Counties. From left, Christopher Perry, Wayne County Juvenile Drug Court Probation Officer; Matt Meadows, Cabell County Juvenile Drug Court Probation Officer; Mike Lacy, Director of Probation Services in the Supreme Court Administrative Office; Christen Van Ooteghem, Cabell County Juvenile Drug Court Probation Officer; and Angela Saunders, Director of Court Services in the Supreme Court Administrative Office. *Photo courtesy of Wayne County Probation Department*

At the end of 2009, there were thirty-three community corrections day report centers covering forty-three counties. Probation officers participate in and/or make referrals to those programs, which provide intensive offender supervision and personal accountability, individual treatment plans, job training, education, restitution, counseling, and community service programs.

The West Virginia Interstate Compact for Juveniles Office also resides within the Division of Probation Services. The Compact regulates the movement and supervision between states of juveniles under community supervision. Juvenile probation officers provide supervision of juveniles transferred to West Virginia through the Interstate Compact. The Probation Division's Compact Office managed an average of 115 active cases in 2009 and handled the return of thirty-three 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 new national Juvenile Interstate Commission as well as serving as the West Virginia Administrator of the Juvenile Compact. Director Lacy also serves as chairman of the governor-appointed West Virginia Partnership for Community Well-Being, which is the state's designated substance abuse prevention and intervention planning body.

Former Chief Probation Officer of the Twenty-Ninth Circuit, Caren Bills, has served as Deputy Director of the Division of Probation Services since September 1, 2008. One of her primary responsibilities is to implement and oversee the six Sex Offender Intensive Supervision Regions, which eventually will have thirty specialized, multi-circuit intensive supervision officers.

Seventeenth Judicial Circuit Judge Russell M. Clawges, Jr., speaks at the opening of the Monongalia County Drug Court on February 27, 2009. Also pictured in the foreground are, from left, state Senator Mike Oliverio, the Reverend Douglas Miller, Chief Justice Brent D. Benjamin, Circuit Judge Susan Tucker, and Senior Status Judge Robert B. Stone. *Photo by Ron Rittenhouse,* The Dominion Post

Problem Solving Courts

West Virginia adult, juvenile drug courts double in number, first re-entry court established during 2009

More than a decade of research supports the effectiveness of adult drug treatment courts. In the twenty years since the first drug court was founded in the United States, such programs have become recognized locally and nationally as an important strategy to improve substance-abuse treatment outcomes and reduce crime. Adult drug court experimental studies have shown these reductions in crime to last not only during participation in a drug court, but for years, even decades, afterwards. In addition to reducing recidivism better than other criminal justice strategies, adult drug courts also provide net cost benefits (GAO February 2005 report). Cost savings are due in part from reduced jail and prison costs, reduced revolving-door arrests and trials, and reduced victimization.

In an effort to bring the benefits of adult drug courts within reach of more West Virginians, five new drug courts opened in West Virginia in 2009: the Monongalia County Drug Court on February 27; the Kanawha County Drug Court on May 13; the Southeastern Regional Drug Court on April 1 to serve Greenbrier and Pocahontas Counties; the Preston County Drug Court on April 20; and the Cabell County Drug Court on August 13.

As a reflection of his support for adult drug courts, Chief Justice Brent D. Benjamin was the keynote speaker at all the drug court openings in 2009, and he tries to attend as many drug court graduations as his schedule allows.

Chief Justice Benjamin said drug court programs "take people whose lives are in a negative cycle and turn them into productive citizens." As a judge, attending a drug court graduation and seeing drug-free infants who were born to women who have gone through the programs is a moving experience. "That is a wonderful thing as a judge to be able to do," Chief Justice Benjamin said.

Also in 2009, the existing Southern Region Drug Court in Mercer County expanded by an administrative order entered on February 5, 2009, to include the four additional adjacent counties of McDowell, Monroe, Summers, and Wyoming.

And, to allow for expansion in the Second Judicial Circuit, the Northern Panhandle Drug Court (West Virginia's first, which opened on August 1, 2005) divided on September 1, 2009. The Northern Panhandle First Circuit Drug Court now serves Brooke, Hancock, and Ohio Counties, and the Northern Panhandle Second Circuit Drug Court serves Marshall and Wetzel Counties.

A total of twenty-four counties now have access to adult drug courts. In addition to these new and expanded programs, West Virginia's other existing drug courts include the West Central Regional Drug Court, which opened on July 2, 2007, to serve Wood and Wirt Counties and expanded on October 7, 2008, to serve Pleasants, Ritchie, and Doddridge Counties; and the Southwestern Regional Drug Court, which opened on November 14, 2008, to serve Lincoln, Logan, and Boone Counties.

Circuit Judge William S. Thompson of the Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties) said that when he was an attorney, he represented many people facing drug charges. He always felt there could be a better way to handle the cases. He had heard of drug courts across the state and the nation, and he was eager to start one.

"A person arrested on drug charges has to admit guilt to be admitted to this program. After he does, he enters into a strict program of drug testing. [Participants] are supervised by a member of the court who sees what problems they have and forces them to deal with these," Judge Thompson said.

An individual's program could include getting a GED or college degree, taking parenting classes, getting and keeping a job as well as staying off drugs. If the person follows the orders of the court and fulfills his or her obligations, "eventually we may dismiss the case and the offender can go on with life," Judge Thompson said.

"The people in drug court are mostly men and women who have made one stupid mistake in their lives, and they got caught doing it. Most of them aren't bad people; they have just gotten off track. We can usually help those people."

In Boone County, adult drug offenders sentenced to community service with the Boone County Office of the Logan Regional Day Report/ Drug Court have worked with the Boone County Commission Maintenance Department and the City of Madison to help clean up the county.

Service projects in which drug offenders participate include mowing, litter pickup, painting, and servicing and maintaining county vehicles. In March, April, and May 2009 alone, the drug court and day report participants picked up a combined 1,750 bags of trash from roads across Boone County. On May 1 they painted the Ramage Bridge prior to a dedication service.

"We have incredible support from the Boone County commissioners as well as the City of Madison. Without their help and understanding support, this program would not be the success story it is today," Judge Thompson said.

West Virginia also has four juvenile drug courts. Those serving Logan and Mercer Counties opened in 2009, while those serving Cabell and Wayne Counties were founded in 1999 and 2007 respectively.

In Mercer County, Family Court Judges Mary Ellen Griffith and Anthony Bisaha told the *Princeton Times* that one key to curbing adult crime is to teach troubled teens to be productive citizens.

Juvenile Drug Court programs accept youths ages ten to seventeen who have a documented history of drug use or abuse, but do not accept anyone charged with a sexual offense. A parent or guardian must be willing to attend required court appearances and counseling sessions. Youths undergo mental health evaluations and complete community service.

"A lot of our crimes, whether they're committed by adults or children, are related to substance abuse," Judge Bisaha told the newspaper. "If we stop children sooner, we can stop the crime and save the children, too. We see that we're teaching old dogs new tricks in the adult drug court. So we hope that we can teach the young ones a better way of life."

The Supreme Court of Appeals of West Virginia is indebted to the

A celebration at the Logan County Drug Court. From Left, Director of Treatment Courts Linda Artimez, Circuit Judge Roger L. Perry, Chief Justice Brent D. Benjamin, Chief Circuit Judge Eric H. O'Briant. *Photo by Martha Sparks,* The Logan Banner

A proud team from the Northern Panhandle Second Circuit Drug Court stands before the playground at The Starting Points Center in the Moundsville Housing Authority's Dorsey Street location. Drug court clients completed community service hours at this location to help restore the site's playground over a two-day period. Pictured in the first row are Mark Willow, Lee Day Report Center intern; Roger Johnson, Lee Day Report Center client supervisor; Second Judicial Circuit Judge David W. Hummel, Jr.; Laura Francis of the Marshall County Starting Points Center; and Joe Petrovich, drug court case manager. Pictured in the second row are Frankie Wilkinson, drug court case manager; Jennifer Call, Second Circuit Drug Court coordinator/probation officer; Rhonda Hayes, Lee Day Report Center counselor; and Susie Birch, Lee Day Report Center, assistant director. Pictured in the last row is Jamie Marchani of the Marshall County Starting Points Center. *Photo courtesy of the Starting Points Center*

hard work, dedication, and commitment made by judges, magistrates, prosecutors, defense counsel, day report centers, health care practitioners, members of law enforcement, probation officers, drug court coordinators, court staff, and other drug court team members.

"Without the support of the judicial officers and the community, many of whom donate their time to the drug court, it could not succeed," Chief Justice Benjamin said. "Drug courts can turn lives around. Instead of simply punishing people, we can help them address the root causes of the behavior that led them to commit crimes. If we can help them change their behavior, they may be able to lead more productive lives, both as family members and as citizens in our communities."

Also in 2009, Chief Justice Benjamin and Governor Joe Manchin III signed administrative orders establishing the Northern Panhandle Re-Entry Court. The ceremony took place on September 18 in the courtroom of First Circuit Judge Martin J. Gaughan in the Brooke County Courthouse in Wellsburg.

The Northern Panhandle Re-Entry Court is a joint pilot program between the Supreme Court of Appeals of West Virginia and the West Virginia Division of Corrections. While drug courts throughout West Virginia may in certain instances defer offenders into treatment and rehabilitation programs pre-plea or as a result of a probation violation, the re-entry court serves those who have already served part or all of a prison sentence.

The re-entry court is designed to reduce the population in state prisons by providing early release for eligible offenders who have serious addiction or mental health issues. For the pilot program, eligibility is limited to candidates residing in the First Circuit of Brooke, Hancock, or Ohio Counties who are recommended by the Division of Corrections and Parole Board. From that group, participants are chosen by the re-entry court supervising judge. Sexual offenders, escapees, those who have attempted to escape from or have recently committed a serious rule violation in a correctional facility are not considered.

Participants are required to attend at least a year of intensive out-patient treatment sessions under the supervision of a parole officer and to appear in court regularly.

"Seventy percent of West Virginia's prisoners are non-violent offenders. The re-entry court will help change their lives," Chief justice Benjamin said.

The presiding judge of the re-entry court provides each participant with the same supervision and mentoring as that provided in drug courts.

The re-entry court program will have three phases, each involving

treatment and education. The third phase also includes re-establishing employment and housing. Rewards and court-imposed sanctions are used to encourage participants to establish a sober lifestyle.

Operation of Adult Drug Courts

Adult drug courts in West Virginia may serve those who have been charged with non-violent misdemeanor or felony offenses, pled guilty or been found guilty of non-violent misdemeanors and felonies, and in which substance abuse was a factor in commission of their crimes. Persons who violate their probation due to substance abuse also are eligible. The local planning team selects whether the drug court will take driving under the influence (DUI) cases and operate as pre-plea, post-plea, post-conviction, probation violation, or a combination of these depending upon local need and program resources.

The West Virginia Drug Offender Accountability and Treatment Act passed in 2009. The law codified adult drug courts in West Virginia and authorized post-adjudication drug offenders to be included in drug courts as a condition of parole or other release from a correctional facility. With passage of this legislation, the Northern Panhandle First Circuit Drug Court, the Monongalia County Drug Court, and the Southwestern Regional Drug Court expanded their operations in 2009 to include re-entry drug offenders.

All West Virginia adult drug courts are operating as post-plea and probation violation drug courts, and most include pre-plea and DUI cases. The drug courts serving the largest number of participants in the state include all possible permitted categories of offenders and case dispositions.

Drug offenders can volunteer for the programs to reduce or avoid jail and prison sentences, and the terms of participation must be pursuant to a written agreement. Drug offenders whose offenses require registration as a sex offender or who have a prior felony conviction for a crime of violence are not eligible. All participants must be evaluated as low to moderate risk to be released back into the community. Participants undergo substance abuse treatment and are supervised by probation officers, the drug court, and in some cases law enforcement. If needed, they may also undergo treatment for mental illness.

Frequent and random drug testing is a critical part of drug court to monitor compliance. Participants may be forced to repeat certain phases of the program if they have positive drug screens or if they fail to complete program requirements. The judge may impose jail time if the judge feels it is therapeutically necessary to make a participant follow the protocol and be successful in drug court.

All drug courts operate in a series of phases with participants receiving incentives and sanctions and progressing through the phases based upon their progress and time in drug court. A multi-disciplinary drug court team conducts meetings prior to court hearings during which the progress (or lack thereof) of participants is discussed and updated. The team makes recommendations on appropriate incentives or sanctions to be applied. Typical team members include the judge, magistrate, prosecutor, defense counsel, law enforcement officers, day reporting center representative, treatment providers, the drug court coordinator, and probation officers.

Drug Court participants undertake community work service as part of their program. Although the amount of time differs according to whether the participant is employed or attending school, giving back to the community is an important part of drug court participation.

Chief Justice Brent D. Benjamin speaks during the grand opening ceremony for the drug court at the Greenbrier County Courthouse on April 1, 2009. Standing next to Justice Benjamin is Eleventh Judicial Circuit Chief Judge Joseph Pomponio. *Photo by Rick Barbero,* The [*Beckley*] Register-Herald

Director of Treatment Courts Linda Artimez, Kanawha County Drug Court Coordinator Susan Given, Kanawha County Prosecutor Mark Plants, Kanawha County Sheriff Mike Rutherford, Kanawha County Commissioner Kent Carper, Chief Justice Brent D. Benjamin, Circuit Judge Jennifer Bailey, Circuit Clerk Cathy Gatson, Circuit Judge Charlie King, Circuit Judge Tod Kaufman, and Circuit Judge Duke Bloom cut the ribbon opening Kanawha County's drug court. *Photo by Jennifer Bundy*

Northern Panhandle First Circuit Drug Court

- Established in 2005
- First Judicial Circuit Judge Martin J. Gaughan, presiding
- Assisted by the late Brooke County Magistrate Deborrah K. Lunsford, Hancock County Magistrate William S. Hicks, Marshall County Magistrate David Buzzard, and Ohio County Magistrate Patricia Murphy
- Takes pre-plea, post-plea, probation violation, re-entry, and DUI drug offenders

Northern Panhandle Second Circuit Drug Court

- Established in 2005 (split from First Circuit program in 2009)
- Second Judicial Circuit Judge David W. Hummel, Jr., presiding
- Assisted by Marshall County Magistrate David Buzzard and Wetzel County Magistrate Thomas Shepherd
- Takes pre-plea, post-plea, probation violation, and DUI drug offenders

Southern Region Drug Court

- Established in 2006
- Ninth Judicial Circuit Judges William J. Sadler, Derek C. Swope, and Omar J. Aboulhosn, presiding
- Assisted by Mercer County Magistrates Michael D. Flanigan and Richard "Rick" Fowler
- Focuses on post-plea participants but also takes pre-plea, probation violation, and DUI drug offenders

West Central Regional Drug Court

- Established in 2007
- Fourth Judicial Circuit Judge Jeffrey B. Reed, presiding
- Takes post-plea, probation violation, and DUI drug offenders

Southwestern Regional Drug Court

- Established in 2008
- Seventh Judicial Circuit Judges Eric H. O'Briant and Roger L. Perry rotate administration duties yearly with Twenty-Fifth Judicial Circuit Judges Jay Hoke and William S. Thompson
- Takes pre-plea, post-plea, probation violation, re-entry, and DUI drug offenders

Southeastern Region Drug Court

- Established in 2009
- Eleventh Judicial Circuit Judge Joseph C. Pomponio, Jr., presiding
- Takes pre-plea, post-plea, probation violation, and DUI drug offenders

Monongalia County Drug Court

- Established in 2009
- Seventeenth Judicial Circuit Judge Russell M. Clawges, Jr., presiding
- Takes post-plea, probation violation, and re-entry drug offenders

Preston County Drug Court

- Established in 2009
- Eighteenth Judicial Circuit Judge Lawrance S. Miller, Jr., presiding
- Takes post-plea and probation violation drug offenders

Cabell County Drug Court

- Established in 2009
- Sixth Judicial Circuit Judge Dan O'Hanlon and Sixth Family Court Circuit Judge Patricia Keller, presiding
- Takes post-plea probation violation drug offenders

Kanawha County Drug Court

- Established in 2009
- Eleventh Judicial Circuit Judge Jennifer Bailey, presiding
- Takes pre-plea, post-plea, and probation violation drug offenders

Mental Hygiene System

Mental hygiene commissioners are lawyers who are appointed to preside over hearings on involuntary hospitalization, guardianship, and conservatorship. The number of mental hygiene commissioners varies per county depending upon need, but there is at least one in each of West Virginia's thirty-one circuits.

In 2009, 8,164 mental hygiene petitions were filed in West Virginia's circuit courts and magistrate courts. That compares to 8,109 in 2008; 6,549 in 2007; 8,877 in 2006; 7,773 in 2005; 7,878 in 2004; 7,950 in 2003; 7,026 in 2002; 6,141 in 2001; and 5,553 in 2000.

Mental hygiene commissioners are appointed by circuit judges and each has the full faith and support of his or her individual appointing judicial officer. In several West Virginia counties, magistrates assist with portions of mental hygiene work. Special training is available when they do that job.

All mental hygiene commissioners meet annually at an education conference sponsored by the Supreme Court of Appeals of West Virginia. There they learn the latest changes in state and federal laws, procedures, and protocols.

In 2009, the Supreme Court Administrative Office met the December 31 federal deadline in the National Instant Criminal Background Check System Improvement Act, and now has made a good faith effort to have a West Virginia Mental Health Registry capable of reporting to NICS, a branch of the FBI's National Crime Information Computer. Through the database and registry, the Supreme Court hopes to help prevent tragedies such as that which occurred only a few miles from the West Virginia border at Virginia Tech.

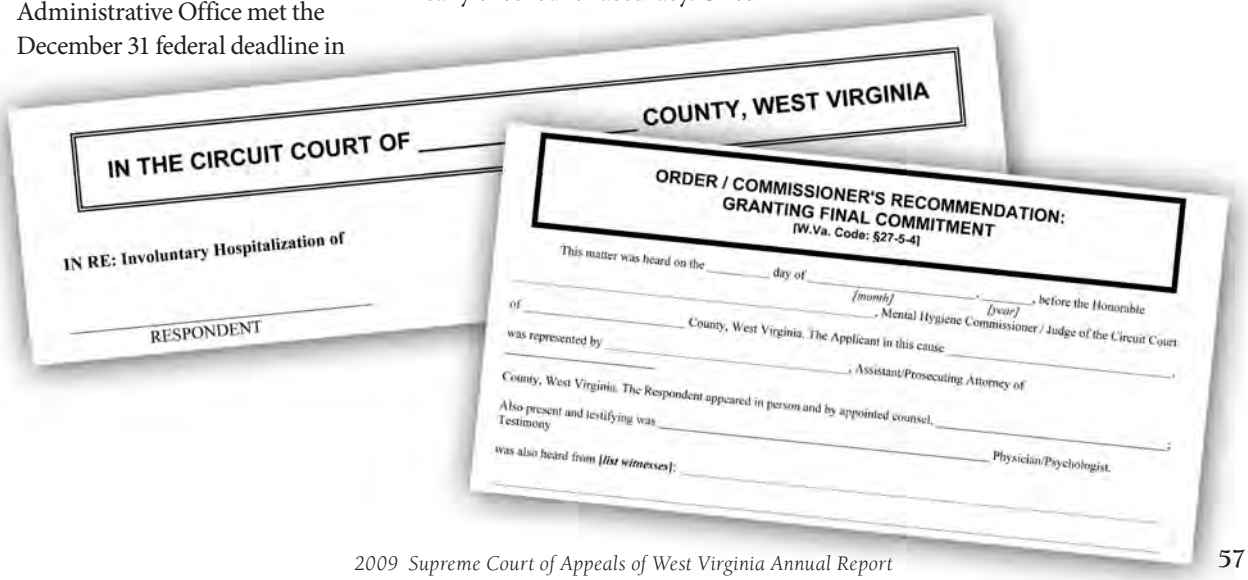
Mental hygiene commissioners fill out registry forms as they adjudicate those who come before them in hearings. The state mental health registry requires the person's name, date of birth, date of commitment, and address at the time of commitment. The NICS Index also requires the person's gender. West Virginia, in addition, provides natural eye color, race, place of birth, and height to assist in FBI identification. Such information is uploaded every seventy-two business hours by the mental hygiene commissioner.

In 2009 each mental hygiene commissioner was trained in the new Mental Health Registry and each was provided a laptop computer to facilitate reporting to the registry and NICS. Once information is in the database, it is automatically checked for accuracy. Once checked, data are sent electronically to the West Virginia Mental Health Registry and appropriate portions are sent to NICS.

As of the end of 2009, the connection with NICS is in its infancy. Commissioners are filling out electronic forms on their laptops and submitting them to the West Virginia Mental Health Registry, which became operational in October 2009. The project will be complete in 2010 and then will be expanded to include reportable guardianship cases.

"There are many unsung heroes that make the West Virginia court system work, but no one has a tougher job than a mental hygiene commissioner," said Supreme Court Administrative Director Steve Canterbury. "Making a decision about an individual's potential threat to him or herself or others is a sobering responsibility.

"In addition, fact-finding to support court decisions on when an individual needs a guardian or conservator and who that guardian or conservator should be is an important function and service to not only the circuit courts, but also the elderly and the other persons who need protection in West Virginia," Mr. Canterbury said.


IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE: Involuntary Hospitalization of

_____
RESPONDENT

ORDER / COMMISSIONER'S RECOMMENDATION:
GRANTING FINAL COMMITMENT
[W.Va. Code: §27-5-4]

This matter was heard on the _____ day of _____, _____, before the Honorable
[month] [year]
_____ of _____, Mental Hygiene Commissioner / Judge of the Circuit Court
_____ County, West Virginia. The Applicant in this cause _____
was represented by _____, Assistant/Prosecuting Attorney of
_____ County, West Virginia. The Respondent appeared in person and by appointed counsel, _____;
Also present and testifying was _____ Physician/Psychologist.
Testimony
was also heard from [list witnesses]: _____

Mass Litigation Panel

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

Amendments to rules governing mass litigation

Effective June 30, 2009, the Supreme Court of Appeals amended Rule 26.02 of the West Virginia Trial Court Rules to increase the number of active or senior status circuit court judges appointed to serve on the Mass Litigation Panel from six to seven. Beginning in 2009 and every third year thereafter, three judges will be appointed to serve on the panel by the Chief Justice, with the approval of the Court.

Digitek® litigation

The Digitek® Litigation, which is pending in the Circuit Court of Kanawha County as *In re: Digitek® Litigation, Civil Action* No. 08-C-5555, was referred to the panel on September 18, 2008. By December 2009, of the twenty cases filed in the *Digitek® Litigation*, one of which was a putative class action, eight cases were dismissed and the putative class action appeared to be abandoned.

Flood litigation

The most significant achievement of the panel in 2009 was the successful resolution of the Flood Litigation. The Flood Litigation arose from flooding in southern West Virginia on July 8, 2001, and was before the Supreme Court of Appeals of West Virginia on two separate occasions. In June 2008, the Flood Litigation was referred back to the panel. After conducting numerous, intensive work sessions to develop a plan to manage the litigation, the six judges assigned by the panel to the Flood Litigation were divided into a Trial Panel, led by Judge Hutchison, and a Resolution Panel, led by Judge Stephens. All six judges then conducted a status conference in October 2008 to explain how the litigation would be managed.

To assist the panel in managing the Flood Litigation, Raleigh County Deputy Clerk Paul Flanagan worked with

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 preside in the litigation:

Asbestos Personal Injury Litigation
Kanawha County
Ronald C. Wilson, Presiding Judge
James P. Mazzone, Assisting Judge
Mark A. Karl, Assisting Judge

Asbestos FELA Litigation
Kanawha County
Arthur M. Recht, Presiding Judge
Jay M. Hoke, Assisting Judge

Digitek® Litigation
Kanawha County
Alan D. Moats, Lead Presiding Judge
Booker T. Stephens, Presiding Judge
Derek C. Swope, Presiding Judge

Flood Damage Litigation
Raleigh County
John M. Hutchison, Lead Presiding Judge
Jay M. Hoke, Presiding Judge
Derek C. Swope, Presiding Judge
Booker T. Stephens, Lead Resolution Judge
Alan D. Moats, 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

his staff during the spring of 2009 to construct a database, which allowed the parties to match plaintiffs with defendants in the various watersheds and sub-watersheds. Once the database was completed, Mr. Flanagan, Sarah Johnson (Judge Hutchison's Law Clerk at the time), the staff of LexisNexis, and Mass Litigation Manager Kim Fields worked diligently to implement electronic filing and service in the Flood Litigation, which became effective July 20, 2009.

On June 24, 2009, the Trial Panel entered an aggressive case management and scheduling order for the Phase II trial of the Upper Guyandotte Watershed, Subwatershed 2a, which included a plan for initial discovery that would allow defendants to obtain information necessary to make an evaluation of plaintiffs' cases for mediation and possible settlement, selection of cases for mediation, and selection of trial groups to be prepared for trials in 2011. By September 2009, the parties advised the panel they wanted to mediate all of the July 8, 2001, flood cases.

Led by Judge Stephens, the Resolution Panel conducted extensive mediation on November 16-17, 2009, in Welch, resulting in the resolution of eighty-five cases. Less than one month later, on December 8-10, 2009, the Resolution Panel conducted an even more extensive mediation at Glade Springs Resort and resolved the remaining 1,271 cases.

Mingo County coal slurry litigation

Pursuant to administrative orders entered on August 17, 2009, August 26, 2009, and October 21, 2009, Judge Evans was assigned by Acting Chief Justice Robin Jean Davis to preside in over three hundred cases filed in the Circuit Court of Mingo County in which plaintiffs allege their well water was contaminated when defendants stored coal slurry in underground mine workings and an above-ground impoundment. On December 31, 2009, Judge Evans filed a motion to refer this litigation to the Mass Litigation Panel.

Motions to refer heard by the panel

On June 16, 2009, Chief Justice Brent D. Benjamin directed the panel, pursuant to the provisions of Trial Court Rule 26.06(c)(2), to conduct a hearing and submit findings of fact and a recommendation to the Chief Justice regarding whether *Richard D. Abbott,* et al. *v. Earth Support Services d/b/a Micon, Inc.,* et al., Civil Action No. 08-C-138, Circuit Court of Wyoming County, should be referred to the panel. The motion to refer was based upon a single civil action filed in Wyoming County Circuit Court on behalf of ninety-nine plaintiffs who claim personal injury as the result of exposure to products containing isocyanates while working in underground coal mines in West Virginia. The panel conducted a hearing and submitted its findings of fact and recommendation that the motion to refer should be denied as premature. By administrative order entered on December 4, 2009, Chief Justice Benjamin denied the motion to refer.

On December 8, 2009, Chief Justice Benjamin directed the panel to conduct a hearing and submit findings of fact and a recommendation to the Chief Justice regarding whether *Melissa Lester,* et al. *v. Alpha Natural Resources Services,* et al., Civil Action No. 09-C-311, Circuit Court of Mingo County and other cases referenced in the motion to refer should be referred to the panel. The motion to refer was based upon the Lester complaint and nineteen related civil actions filed in Mingo County Circuit Court on behalf of twenty-nine plaintiffs claiming flood damage as the result of mining activities in support of the construction of the King Coal Highway in Mingo County, West Virginia.

Electronic filing and service in mass litigation

According to LexisNexis, from January 2009 through December 2009, 47,149 documents were filed using LexisNexis® File & Serve. Those filings totaled 303,565 pages, with an average of 6.4 pages per filing. These statistics represent total volume of the asbestos personal injury, Digitek®, tobacco personal injury, and flood litigation, and include items rejected in the clerk review process in order to capture all work performed in the various circuit clerks' offices in these litigations as well as orders, which do not go through the clerk review process. Additionally, a total of 9,498 orders were entered in these litigations from January 2009 through December 2009. This includes "entered orders" which are typically signed by the judge from the bench then electronically filed and served.

Special Judicial Programs

The Special Projects Division of the Supreme Court Administrative Office provides advisory counsel to the Court, primarily on social justice issues. The division's director serves as designee for the Court and its Administrative Office on various task forces, boards, and commissions examining justice issues in West Virginia; prepares policy studies and reports on comparative judicial administrative procedures; and drafts appropriate court forms for statewide use.

In 2009, the division worked under the direction of Chief Justice Brent D. Benjamin to impanel the West Virginia Access to Justice Commission. In January, the Court entered an administrative order forming the commission, and nine voting commissioners were appointed by Chief Justice Benjamin from nominees presented by the Court, Governor Joe Manchin III, the West Virginia State Bar, and the Dean of the West Virginia University College of Law.

"The Access to Justice Commission is composed of a diverse group of very special people – people who share the vision of a civil justice system which stresses meaningful access to civil justice for all litigants, regardless of wealth, position, or standing," said Chief Justice Benjamin. "They deserve to be recognized and thanked by everyone who believes in justice for all."

Members of the Access to Justice Commission are Chairman Robert S. Baker, Esq.; Bar President Sandra Chapman appointee Helen Campbell-Altmeyer; West Virginia University Law Professor Robert Bastress; Harry Deitzler, Esq.; Family Court Judge Patricia Keller; Delegate Tiffany Lawrence; Rev. D. D. Meighen; Kevin J. Robinson, Esq.; and Reagan Whitmyer, Esq. *Ex Officio* members of the Commission include Chief Justice Benjamin; Supreme Court Administrative Director Steve Canterbury; Legal Aid Executive Director Adrienne Worthy; Legal Aid Director Jim Martin; West Virginia College of Law Professor Charles R. DiSalvo; Senior Legal Aid Director Catherine D. McConnell; West Virginia University College of Law CLE Director Jessica Justice; and student representative Daniel Funk. Supreme Court staff members include Supreme Court Special Projects Director Jennifer Singletary and Special Projects Coordinator April Harless.

Approved unanimously by the Court in December 2008, West Virginia's commission joins more than thirty similar commissions or related entities in the nation to examine barriers to justice faced by low- or moderate-income families. The division provides administration, coordination, and legal counsel for the commission.

At the commission's 2009 meetings, the group organized, elected a chairman, and set priorities to examine. These priorities include disproportionate minority contact (DMC) with the justice system, serving the limited and non-English speaking population, self-represented litigants and *pro bono* representation, domestic violence and family law, elder law, resource development, public education, and outreach.

The Special Projects Division also employed the full-time Disproportionate Minority Contact (DMC) Coordinator, a position that was created and funded the previous year in response to a recommendation by the Task Force to Study Perceived Racial Disparity in the Juvenile Justice System. The division presented a three-year plan to encompass the years 2009–2011 to West Virginia's Division of Criminal Justice Services for its presentation to the federal Office of Juvenile Justice and Delinquency Prevention. The plan details strategies for improving racial data collection and for conducting a statewide assessment of DMC projected to begin in 2010. The division also presented court trainings on DMC and special topics such as implicit bias and contemporary theory of culture.

Special Projects Director Jennifer Singletary also provided statewide and regional court trainings on providing services to *pro se* litigants and providing legal information while avoiding the unauthorized provision of legal advice.

Also in 2009, the Special Projects Division continued to serve as administrative counsel to the judiciary's Behavioral Health Care commissioners, and as attorney for the Court Security Grant Team, putting in place anti-viral safety measures at the Capitol and county courthouses to address the swine flu concern. Director Singletary assisted circuits in developing continuity of operations plans in the event of a natural or man-made disaster or epidemic.

Finally, the Special Projects Division continues to be the central clearinghouse for court publications throughout the state.

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 Criminal Justice Services through the Court Security Board. The Board, by statute, is chaired by the Supreme Court's 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 county after county.

In 2009, $780,285 in grants was given to twenty county commissions for the purpose of enhancing the security of county court facilities and to the Supreme Court for training court bailiffs. Grant funds vary each year.

The following awards were made in 2009:

Berkeley County Commission	$ 28,350
Boone County Commission	9,770
Brooke County Commission	6,359
Calhoun County Commission	17,140
Greenbrier County Commission	108,620
Hampshire County Commission	4,879
Harrison County Commission	37,360
Jackson County Commission	16,144
Kanawha County Commission	47,185
Logan County Commission	61,483
Mercer County Commission	64,909
Mineral County Commission	22,800
Mingo County Commission	32,263
Monroe County Commission	15,300
Morgan County Commission	105,000
Pocahontas County Commission	34,278
Putnam County Commission	5,510
Randolph County Commission	40,250
Upshur County Commission	24,640
West Virginia Supreme Court	98,045
Total	**$ 780,285**

Supreme Court Director of Court Security Arthur Angus, seated, provides security for the Justices, conducts security audits and makes recommendations on security at all courthouses in West Virginia, and investigates threats against court employees. He is assisted by Deputy Court Marshal Harold Dailey, left, and Deputy Director of Court Security Jess Gundy, right. *Photo by Michael Switzer*

Enhancing the lives of West Virginia's children

Child Abuse and Neglect Database Project

West Virginia's Child Abuse and Neglect Database was created to collect detailed records of active child abuse and neglect cases in West Virginia. At the direction of West Virginia's Court Improvement Program Board (CIP), the database was transferred to an online database during 2006. The database is managed by the Court Services Division of the Supreme Court's Administrative Office. The project is supported with funds provided by the U.S. Department of Health and Human Services, Administration for Children and Families, with additional funding provided by the Court.

Database enhancements

As the CIP Board's scope for the project evolves, improvements continue to be made to the Child Abuse and Neglect Case Reporting System. During July 2009, enhancements included the collection of co-petitioner and battered parent information. Co-petitioner information will allow the Court to track how many non-abusing parents, in conjunction with the West Virginia Department of Health and Human Resources (DHHR), are filing petitions seeking to protect children from harm caused by abusing parents. Battered parent information also will allow the Court to identify co-occurrence of domestic violence and abuse and neglect cases. Space was added to the database forms during 2009 to collect select demographic information on children and respondents. This data will allow for future data matching and exchange between the Court and DHHR. The database now collects concurrent as well as primary permanency plans for children involved in abuse and neglect cases.

These database enhancements were topics of training provided to judicial staff during September 2009. The training also included segments on locating difficult to obtain data elements and important contacts. The 2009 training also allotted time for users to discuss project difficulties they were experiencing with both Court staff and their peers.

Reporting site progress

With the database populated with several thousand records, the next logical step was to develop reporting to summarize activities within abuse and neglect cases. Performance measures were defined based on the timelines provided within the Child Abuse and Neglect Benchbook. Other measures were adopted from the guidelines for abuse and neglect reporting from the National Center for State Courts. Using these measures, a reporting site is under development to allow judges to see their individual case statistics and timeliness to various judicial and permanency benchmarks. This reporting site will be complete and available to active judges during 2010.

Plans made for data exchange between DHHR and the courts

The Court and DHHR are working together to develop a plan for data sharing of records. One obstacle has been matching individuals between the Child Abuse and Neglect Database and DHHR's data collection system, FACTS. During Spring 2009, demographic data (first name, last initial, date of birth, last four numerals of Social Security number, and zip code) were extracted from case files in two counties to serve as a test for data-sharing between the Court's Child Abuse and Neglect Database and DHHR's FACTS system. Once extracted from case files, the data was provided to DHHR technical staff, who attempted to match children from the Court's Database to consumers in FACTS. Approximately eighty percent of the Court's test data was capable of obtaining a match in the FACTS system. Therefore, the demographic data fields were added to the database during July 2009. This data matching lays the groundwork for future data sharing between the two agencies.

The Court and DHHR sent representatives to the Court-Agency Workshop in Philadelphia for Regions I, II, and III on April 13-14, 2009. The two agencies began developing a plan for data sharing during this two-day meeting, which was facilitated by Administration for Children and Families, National Resource Centers, and members of the Court/Child Welfare National Exchange Template Task Force.

DHHR also hosted a day for Court staff to view their system. On June 9, 2009, five members of the Administrative Office spent the day learning about FACTS. This meeting increased Court staff awareness of the data available in FACTS, and will aid in the selection of future data to be shared.

Types of petitions filed:

	2009	2008	2007
Juvenile Administrative Order (JAA)	525	714	642
Juvenile Administrative Order where *Mandamus* was issued (JAM)	1	5	6
Family Infant Guardianship (FIG)	896	741	651
Circuit Court Infant Guardianship (CIG)	375	460	332
Circuit Court Infant Guardianship Removed (CIGR)	68	48	62

In addition, the Court and DHHR each purchased Oracle SOA software to use in data exchange. Electronic submission has been tested successfully from DHHR to the Court.

Child abuse and neglect overlap cases The Court collects data documenting how many of each type of child abuse and neglect overlap cases are filed. "Overlap" cases are generally defined as cases originating in family court that indirectly involve some allegations of child abuse and neglect, which is under the jurisdiction of circuit courts. A brief description of each type is provided below.

Juvenile Administrative Orders (JAA) A family court judge who suspects child abuse and/or neglect in a pending case issues a written referral to the local Child Protective Services Office, with a copy to the circuit court and prosecuting attorney. A circuit court judge then issues a JAA directing the Child Protective Services Office to assess the referral and make a written investigation report to circuit court within forty-five days.

Juvenile Administrative Order where *mandamus* was issued (JAM) If the written report is not filed within forty-five days, or if the report indicates that filing a child abuse and neglect petition is not necessary and the circuit judge disagrees, then the circuit judge may treat the family court referral as a petition for a writ of *mandamus*.

Family Infant Guardianship (FIG) Originating in family court, a third party other than the parents may request to be guardian of the child.

Circuit Court Infant Guardianship (CIG) Originating in circuit court, a third party other than the parents may request to be guardian of the child.

Circuit Court Infant Guardianship Removed (CIGR) Originating in family court when the family court judge suspects there has been child abuse and neglect, the family court judge will submit a referral to the Child Protective Services Office, and the guardian case is removed to circuit court.

In addition to these totals reported by circuit clerks, a second section of the Child Abuse and Neglect Database tracks the progress of administrative orders. Data within this section of the database provides more detail on juvenile administrative orders and on juvenile administrative orders where a mandamus is issued. Data also are collected on all outcomes of the investigation, including the initiation of safety plans and referral of services as well as petition filings. Of those records completed with investigative outcomes in 2009, ten percent resulted in the filing of petitions. However, in another twenty-three percent of the investigations, maltreatment was substantiated, resulting in referrals for services, initiation of safety plans, and/or the opening of on-going child protective services cases.

West Virginia gets "A" in national report

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 October 15, 2009, 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. West Virginia also received an "A" grade the first time states and the District of Columbia were ranked in 2007.

West Virginia Supreme Court Justice Robin Jean Davis said, "West Virginia has 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's websites. While receiving a high mark in this area is quite a compliment, we are driven by improving the lives of the children and families who come to court under dire circumstances."

Chief Justice Brent D. Benjamin said, "This recognition comes as welcome news and confirms West Virginia's position as a national leader in protecting children. This grade reflects the hard work of many individuals who work daily with little or no recognition.

"Ensuring a safe, secure, and permanent home for every West Virginia child is our goal – and it begins with having a trained counsel to represent the rights and interests of children in abuse and neglect proceedings," Chief Justice Benjamin said. "We won't stop here, though. We will continue to do those things necessary to improve this system for our children."

Circuit Judge Gary L. Johnson, Chairman of the Court Improvement Program, said, "West Virginia has always been at the forefront of representing children in abuse and neglect. We have always provided attorneys, and we have always required those attorneys to be appropriately trained to represent children in those cases. We are happy to be recognized for the work of the lawyers of this state."

Supreme Court Administrative Director Steve Canterbury said, "The Court's attention to child abuse and neglect has been second to none. This is good news that our hard work is being recognized nationally and being graded appropriately."

The report gave only two states a grade of "A+": Connecticut and Massachusetts. West Virginia was one of nine states to earn an "A." Eleven states earned a "B," fourteen states earned a "C," eight states received a "D," and seven states received an "F."

The full report is available online at www.caichildlaw.org/Misc/Final_RTC_2nd_Edition_lr.pdf.

According to the report, the criteria and West Virginia grades were as follows:

Does state law mandate that attorneys be appointed for children in dependency proceedings? ***(Points: forty out of forty)***

When an attorney is appointed for a child in dependency proceedings, does state law define the duration of the appointment? ***(Points: five out of ten)***

Basis for deduction: West Virginia law expressly requires the appointment of counsel for children during all proceedings, but does not expressly require appointed counsel to represent children on appeal.

When an attorney is appointed for a child in dependency proceedings, does state law require the attorney to advocate for the expressed wishes of the child in a client-directed manner? ***(Points: twenty out of twenty)***

To what extent are specialized education and/or training requirements for the child's counsel required by state law? Is such education and/or training required to include multidisciplinary elements? ***(Points: eight out of ten)***

Basis for deduction: although requiring attorneys to receive training on the representation of children, child abuse and neglect, West Virginia law does not expressly require that this training be multidisciplinary in scope.

Does state law expressly give the child the legal status of a party with all rights appurtenant thereto? If not, does state law expressly give the child some of the rights of a party? ***(Points: ten out of ten)***

Do the Rules of Professional Conduct (or the state's equivalent thereto) pertaining to liability and confidentiality apply to attorneys representing children in dependency proceedings? ***(Points: ten out of ten)***

Extra Credit: **Does state law address caseload standards for children's counsel in dependency proceedings?** ***(Points: zero extra credit points)***

West Virginia law does not address caseload standards for attorneys representing children in dependency proceedings.

Court Reporters Association hosts first education conference

The West Virginia Official Court Reporters Association held its first education conference at the Tamarack Conference Center in Beckley, October 13-15, 2009.

Fifty-two of the state's fifty-four certified court reporters attended the meeting. New officers were elected and new by-laws were adopted.

Supreme Court Administrative Director Steve Canterbury also presented Rebecca Harris with the Court Reporter of the Year award. Ms. Harris works for Eighteenth Judicial Circuit Judge Lawrence S. Miller, Jr. (Preston County).

"Knowledgeable, conscientious, responsible, consummate professionals – West Virginia's certified court reporters are as good as they get," said Mr. Canterbury. "All around the nation right now, states are questioning whether they can continue with court reporters because of problematic transcripts and irresponsible behavior. That's not the case in West Virginia; indeed, our court reporters are the envy of every other state administrator."

Assistant Supreme Court Clerk Sue O'Dell said this meeting was the first of three grant-funded court reporter conferences the Supreme Court will be hosting. The conferences will be held at the same time as the judges' fall conferences. In 2010 the court reporters' conference will be held in Shepherdstown.

In addition to choosing new association officers, the court reporters also passed by-laws and attended sessions on grammar, posture, and professional dress.

"The conference brings the reporters across the state together to discuss issues, problems, and even different ways of taking the record," said Court Reporter Association President Kathy Davis. "It has been a long time coming. We really needed it to show the state and society we are professionals."

Ms. Davis also said the conference was a great opportunity to put faces with names of people they otherwise would never see.

"The development of an association was a logical step for these fine professionals," Mr. Canterbury said. "Their annual meeting will inevitably enhance their skills and heighten their collegiality."

There are two types of certified court reporters: stenomask and stenotype. A stenomask court reporter uses a mask shaped like a megaphone, which fits over the nose and mouth. The reporter then repeats the court proceedings and testimony into the mask in a hushed voice and it is recorded onto an audio disc to be transcribed later. A stenotype reporter mechanically records proceedings in printed, phonic shorthand notes onto a paper tape. Sometimes the notes are then typed into a computer later.

A court reporter must be certified to be employed by the West Virginia judiciary. A reporter can achieve certification by passing a test administered by the office of the Administrative Director, by passing a test given by the National Court Reporters Association and submitting documentation of certification, or by passing a test given by the National Verbatim Reporters Association and submitting documentation of certification.

"I think the only way we are going to advance in our careers is to have these conferences and have people get together," Ms. Davis said. "The conference encourages people to continue their education, further their certification, and get everyone's motivation up."

A group of speakers at the first Court Reporters Conference held at Tamarack in Beckley included, from left, David "Bugs" Stover, Wyoming County Circuit Clerk; Betsy Castle, Preston County Circuit Clerk; Rhonda Cavender, Kanawha County Chief Deputy Clerk; Cathy Gatson, Kanawha County Circuit Clerk; Eydie Nash Gaiser, Deputy Clerk, Supreme Court of Appeals (standing); Court Reporters Association President Kathy Davis, Putnam County Court Reporter; Jo Ann Betler, Cabell County Court Reporter; Becky Harris, Preston County Court Reporter; Sharon Vincent, Monongalia County Court Reporter. *Photo by Dwayne Price*

Sue O'Dell, Assistant Supreme Court Clerk, looks over lawyer admission certificates she created. The certificates are presented to new attorneys at admission ceremonies in the Supreme Court Chamber. *Photo by Michael Switzer*

Sue O'Dell: a problem-solver nonpareil

"Sue O'Dell is one extraordinary person," said Supreme Court Administrative Director Steve Canterbury. "She takes care of all manners of problems before most of us even know there's an issue about to boil over. Interacting with Sue – with her professionalism, wonderfully wry humor, great personality, and unparalleled dedication – is simply a joy."

Assistant Supreme Court Clerk Sue O'Dell has spent the past sixteen work years improving the processing and filing of appellate transcripts, from both a quality as well as timeliness perspective. In addition to improving the official transcripts the Court reviews when considering appeals, Sue has expanded her devotion to the document process into other areas of the court system. Her creativity and exactitude to detail, coupled with her wit, have made her time spent with the Court rewarding for all.

Those who know her enjoy hearing about her beloved miniature schnauzer, Sam, whose picture adorns her Capitol workspace. Although she spends most of her days on a computer, she spends many evenings in front of one as well, working on special projects, with Sam at her side. When she retires one day, she is looking forward to having more time to devote to Sam and reading on her Nook.

Sue joined the Supreme Court on November 1, 1992, as one of former Justice Richard Neely's two secretaries. "All of the justices had two law clerks and one secretary, except for Justice Neely. He had one law clerk and two secretaries," said Sue. When Justice Neely retired, she took a position in the Clerk's Office working with court reporters on the preparation of appellate transcripts. Almost fourteen years later, Sue has turned that job into much more.

At first, she simply supervised the appellate transcript production of the court reporters who work for our circuit judges and the freelance court reporters who substitute in circuit court.

She developed a stand-alone system for processing invoices in a more timely fashion. Her attention to detail by reading court rules determines what the Court should and should not pay for.

Throughout the decade and a half of working with the court reporters on producing quality transcripts in a timely manner, Sue has taken the time to get to know who they are and where they are in the state. "I created a detailed map with the names of each court reporter and that court reporter's circuit judge. When I talk to court reporters, I want to be able to look at the county and circuit and quickly know the name of their judges and their approximate location in the state."

"Before I took the position, there wasn't much contact between the Supreme Court and any court reporter," she said.

She has since produced a variety of maps, some of

which are used by the public and others that are for use by court employees to serve the public better. She has produced approximately sixteen detailed maps, all bound in a notebook, detailing subjects such as family court information, circuit court information, circuit judges, magistrates, senior status magistrates, and public defender offices across the state.

"It's helpful to a lot of people," said Sue.

In addition to creating the maps, she creates the lawyer admission certificates available to each lawyer who is admitted to practice before the Court.

"We save the Court a lot of money by doing them ourselves, because we used to mail them out. Now I can do them ahead of time and present them on the day the lawyers are admitted," said Sue.

"I picked up right away that she had document expertise," said Supreme Court Clerk Rory Perry. "The certificate she creates is the only thing lawyers get that says they have a license to practice law in West Virginia."

Over the years Sue also has created a clerk's office payment database, business cards, and certificates for retiring judges or other special occasion mementos. Her computer knowledge also has enabled her to put information on the Court's website when the web author is unavailable.

"Most of my day is spent on the phone dealing with problems. So I enjoy the special projects and they are very relaxing," she said.

"The great thing about Sue is she is enthusiastic about her work, very, very careful about her work, and she works independently so I can trust her to make the right decisions," said Mr. Perry. "She is truly an asset to the Court."

"Before I took the position, there wasn't much contact between the Supreme Court and any court reporter," Sue said.

In 2009, Sue helped the Court Reporters' Steering Committee get approval for and plan its first conference, which was held at the Tamarack Conference Center in Beckley, October 13-15. The certified court reporters employed by the Supreme Court asked to form a Court Reporters Association, and Mr. Canterbury gave his full support.

"Steve is the best thing we've had for court reporters," said Sue. "He met with them and was in awe of how professional they were."

Although document projects are therapy for Sue, she says she doesn't spend as much time on the computer at home as she used to because of her "fur child," Sam. He initially belonged to her son, Rudy, but about seven years ago, she took care of Sam when Rudy went out of town and "he never got Sam back."

Sam even has his own identification card, made by Sue. She also makes greeting cards, certificates, graduation announcements, wedding invitations, and calendars for friends and relatives. On the back of each finished product is a picture of Sam.

"It absolutely relaxes me to do stuff like this. I love it."

Sue lives in Winfield but grew up in Belle with five brothers and one sister. Her maiden name is Williams and her nephew is NBA Orlando Magic point guard Jason Williams.

Something Sue hopes to focus on more when she retires is her large backyard.

"I want to create a dream yard, a little place for Sam and me to go out and sit, relax, and read." Sue even makes her landscaping something of a special project – she has trimmed bushes in the front of her house into heart and diamond shapes, but she is still working on the club-shaped bush.

Sue O'Dell, Assistant Supreme Court Clerk. *Photo by Michael Switzer*

Court technology

Unified Judicial Application (UJA)

In 2009 the Supreme Court of Appeals of West Virginia continued implementation of the Unified Judicial Application (UJA) computer system. The UJA, a case management system, is an ongoing project of the Court that is standardizing the electronic processing used in magistrate court, family court, circuit court, probation, and special courts throughout the state. The Court has completed initial contract phases with the original vendor and currently is developing in-house additional enhancements specific to West Virginia court processing.

As part of the development of the UJA, a steering committee was formed composed of representatives from all areas of the state and all staff positions. In addition, a UJA focus group was created to discuss and provide direction and clarification of court processes. These groups meet regularly and are an integral part of the UJA development. The focus of the group is making the UJA a "user friendly" system and providing a solid basis for sound statistical reporting using a centralized database as the repository of court information by helping standardize court processes.

The Court is committed to improving system accountability. The UJA will provide more accurate crime statistics to the public, Legislature, and other government agencies. This will provide better information upon which to base public policy decisions. The UJA also will provide privacy-secured electronic information to public agencies, including the Division of Motor Vehicles, the West Virginia State Police, the Regional Jail and Correctional Facility Authority, the Department of Health and Human Services, and the Division of Corrections.

Using the UJA, all counties will have the same computer system and will be linked, allowing an individual's activity with the Court system to be quickly and easily available at each court location. 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. Court funding is an important budget backbone for regional jails, community corrections, and the state Crime Victims Compensation Fund, among others.

The UJA also will reduce redundant data entry and improve efficiency by streamlining processing and eliminating many manual tasks. 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. The UJA will be integrated with existing state information systems, if possible. A comprehensive security system will be an integral part of the UJA.

Greenbrier County continues to be the primary beta test site for the UJA. Several significant upgrades were installed in 2009 at the request of the steering committee and the UJA focus group. Members of the Greenbrier County Magistrate Court, Monongalia County Magistrate Clerk Caroline Stoker, and functional and technical members of the Technology Division worked to solve the inevitable issues that occur in pilot projects. In Greenbrier County, the UJA was in full use as the active case management system, with the previous system acting as a read-only supplement for research and inquiry. In 2009 Greenbrier County Magistrate Court provided valuable feedback to the Technology Division about current operations; and with this input, new features and more functionality was added to the UJA.

Continuation of technology-based court services

The Court implemented in 2008 an offsite data center to provide continued services to the Court in the event of a failure of necessary facilities in the main Capitol Complex. In 2009 the Court relocated the catastrophe avoidance (disaster recovery) site to a more suitable location and environment. The second site, when completed, will provide a continuation of necessary services to the courts. It also will provide a document storage site for the Court's planned document imaging project planned in 2010. This second site conforms to generally accepted guidelines for continued operations. Services to the courts can be maintained in case the primary site becomes unavailable. As the court technology support role expands, the backup site will become increasingly important in maintaining current and new programs and roles within the court system.

Network infrastructure

The Court is completing the final phases of an improved networking infrastructure for court-related application availability and routing services to the fifty-five courthouses and other court locations. This new network structure will improve availability of applications and data processing while also maintaining security and minimizing electronic threats to network security.

Network upgrades

The Technology Division continued the move to a new domain directory structure, courtswv.gov, replacing approximately ten existing domains maintained by the Court. This restructuring provides more efficient and timely court-related activity. The centralized depot of distributing electronic equipment was maintained in 2009. This approach to staff equipment needs greatly reduced the cost of purchasing and deploying computers, printers, laptops, and network appliances.

Educational services

The Technology Division conducted classes and UJA system updates at multiple judicial conferences. Classes included Microsoft Office products training, mental hygiene forms training, domestic violence forms training, and individual training to Court staff members.

The Technology Division is developing and launching an intranet site for the Court. This site will contain the most current approved version of the forms used by the Court. Forms contained on this site, in appropriate circumstances, have the ability to be completed and printed online.

Mental hygiene and treatment court services

The Technology Division, at the request of the Mental Hygiene Director, developed, implemented, and trained approximately 110 Mental Hygiene Commissioners in the use of a Mental Hygiene Database that allows each commissioner to input data using a laptop to a centralized computer. This data is then forwarded to the State Police for entry into the Mental Hygiene Registry.

Under the leadership of Technology Division Deputy Director Scott Harvey, the Technology Division technical staff, with the assistance of Drug Court staff, designed and developed a Drug Court database and programs to assist staff in collecting required data for evaluation and reporting. Testing will begin in 2010.

Courtroom of the future: The future is now

In 2009, the West Virginia court system completed installation of at least one video conference unit in every circuit court in the state. Larger circuits were assigned additional units, based on usage and the number of courtrooms.

The move to install video closed-circuit units began in 1998 in the magistrate court system, and those units have been updated through the years. The effort began with magistrate courts so they could be used for the first appearances of individuals charged with crimes who then would not have to be transported to and from court and regional jails.

A new video conference unit was lost in the fire that destroyed the Morgan County Courthouse on August 8, 2006. That circuit court designated the Board of Education Auditorium as an alternative hearing site. The court was able to access video conferences through the video unit that is part of the public education video network. A video conference unit will be provided to Morgan County when the new courthouse is completed in 2010.

The focus of the court system's effort to upgrade technology in courtrooms now will move to providing multi-media evidence presentation carts to all circuit courts. The media carts contain a document camera, computer docking station, CD/DVD/ VHS player, sound system, and flat screen annotation for clarifying evidence displays. Evidence presented by counsel is displayed on a large projection screen or a fifty-two-inch flat panel monitor, depending on the configuration of the courtroom. Each circuit judge will be able to preview evidence before it is presented to a jury. The judge will have override capability through a monitor and keyboard on the bench.

By the end of 2009, twelve media carts were installed.

State Law Library

The State Law Library's primary mission is to assist the Supreme Court of Appeals of West Virginia, the statewide unified court system, and all judicial staff in carrying out the administration of justice. The State Law Library accomplishes this through the acquisition of print and electronic resources, creation of policies and rules for the use of these resources, and the periodic review of library programs and services. The library provides access to law-related information to the judiciary, governmental agencies, the legal community, state correctional institution inmates, and the public.

Under the direction of Kaye L. Maerz, State Law Librarian, the library is open to the public six days a week. The library collection is composed of 150,000 volumes or volume equivalents, including print, microfiche, CD-ROM and electronic resources. That includes an assortment of federal and state materials, case reporters, statutes, regulations, legislative materials, periodicals, and government documents. A staff of seven professional librarians and paraprofessional personnel provide research and reference assistance, interlibrary loans for court personnel, and a fee-based document delivery service. Patrons may request legal information by phone, fax, and e-mail.

The West Virginia judicial library system consists of thirty-seven judicial circuit libraries, including six regional law libraries, that are staffed with full-time local law librarians to assist patrons. Regional law libraries have excellent collections of primary sources with emphasis on West Virginia case law, codes, and regulations. Free computer access to the Internet also is available at these locations.

The State Law Library's website, www.state.wv.us/wvsca/library/menu.htm, has links to court-related resources. The website also has links to West Virginia legal resources, including the West Virginia Code, Code of State Rules, and other state, federal, and international legal resources. The library's catalog is available online and is searchable onsite or remotely by subject, author, title, keyword, or phrase.

Since 2004, the Court has collaborated with the West Virginia Library Commission to support and maintain ten Legal Research Centers (LRCs) to provide free access to legal information at locations in various court and public libraries across the state. These LRCs help meet the needs of self-represented litigants for access to legal information by providing that information in print and through free access to the Internet. The Legal Research Centers of West Virginia website, www.wvlrc.org/, contains information to assist self-represented litigants in navigating the court system, researching legal topics, and filing court documents. LRCs are located in court libraries in Charleston, Parkersburg, Huntington, and Wheeling, and public libraries in Beckley, Welch, Marlinton, Clarksburg, Romney, and Martinsburg.

The State Law Library also offers free informational

workshops to the public on a monthly basis. Working in cooperation with other state agencies, these sessions cover a variety of law-related topics aimed at self-represented litigants and the general public. In 2009, the Library held workshops on basic financial planning, basic tax information, resumé writing, bicycle and all-terrain vehicle safety, grandparents' rights, the West Virginia Crime Victims' Compensation Fund, and the services of Legal Aid's long-term care ombudsman program.

In February 2009, the State Law Library launched a new program as a public service to the citizens of West Virginia. Working with the Central West Virginia Earned Income Tax Credit (EITC) Coalition, the library offered free assistance with basic income tax preparation for low- to middle-income tax payers earning less than $42,000 per year. During the program's run from mid-February through April 16, certified library staff members successfully completed seventy-five income tax returns resulting in sixty-one federal income tax refunds and twenty-one Earned Income Tax Credits for library patrons. The program was so successful that it will be offered again in 2010 at the State Law Library as well as the Berkeley County Law Library in Martinsburg.

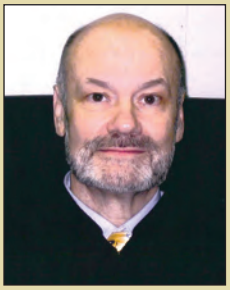
On August 17, 2009, librarians from the State Law Library gave a presentation to the deans, department chairmen, and new faculty at West Virginia State University in Institute. The discussion focused on the resources in the State Law Library and how they may be used in conjunction with various college subjects. The State Law Library's collections support course work in criminal justice, political science, public administration, and business as well as education, history, literature and the arts.

Other special events held at the State Law Library in 2009 included open house events in observance of National Library Week and Banned Books Week. These celebrations drew attention to the issue of censorship and the need to protect the freedom to read.

In addition to new programs added in 2009, the State Law Library introduced the use of new technology. The library began providing wireless Internet access service (WiFi) free of charge, available throughout the library to anyone with a wireless computer or handheld device. The wireless network requires a password, which is available at the library's front desk. In addition, Levels B and C of the Library are fully wired for computer use for those who need a "wired" connection. Access to hookups was made available above the tables and carrels around the perimeter of all three floors of the library.

The State Law Library is open to the public and all workshops and events are free. The State Law Library is in Room E-404 in the East Wing of the state Capitol. For information about future workshops, call the State Law Library at (304) 558-2607 or visit our website at www.state.wv.us/wvsca/library/workshops.htm.

In Memoriam



Retired Family Court Judge Robert D. Calfee of Williamson died May 6, 2009, at the University of Ohio Medical Center in Columbus, Ohio. He was 55.

Judge Calfee was born November 17, 1953, in Williamson. He was a 1971 graduate of Williamson High School. He had an undergraduate degree from Marshall University and a law degree from West Virginia University.

After law school, Judge Calfee returned to Williamson to practice law at the firm of Smith and Rumora. He later opened his own practice, during which time he also served as an assistant Mingo County prosecuting attorney.

In 1991, he became a family law master, serving both Mingo and Logan Counties. In 2001, then-Governor Bob Wise appointed him the first family court judge for the Eighth Family Court Circuit of Mingo County. He was elected to that office in 2002 and served until his retirement at the end of his term on December 31, 2008. The West Virginia Supreme Court then appointed Judge Calfee to be a temporary family court judge to hear cases throughout the state as needed.

Judge Calfee also served a term as a member of the Domestic Violence Fatality Review Board.

He was involved in numerous community affairs. He served for several years as the president of the Williamson Buddy League, and he coached Babe Ruth and Little League baseball teams. He was a member of the Salvation Army Board of Directors and the Southern West Virginia Community and Technical College Board of Governors. He was a member of the United Memorial Methodist Church, where he served as church treasurer, a member of the Board of Trustees, and a member of the Administrative Board. He and his wife were former directors of the Methodist Youth Fellowship. He also was a member of the Loyal Order of the Moose and he served on the Williamson High School Athletic Hall of Fame Committee.

Judge Calfee is survived by his wife, Cynthia M. Calfee; a son, a daughter, a granddaughter, a sister, his mother and father-in-law, and a large extended family.

Retired Fourth Judicial Circuit Court Judge Arthur N. Gustke died September 27, 2009, at his home. He was 80.

Judge Gustke was elected in 1974, and re-elected in 1976 and 1984.

After eighteen years as a judge in Wood and Wirt Counties, during which time he served as Chief Judge twice, he retired in 1992. Judge Gustke became a senior status judge, serving by appointment around the state as needed.

"Judge Gustke was really devoted to youth, troubled young people," said Fourth Circuit Chief Judge Robert A. Waters. Along with his criminal and civil docket, Judge Gustke handled the bulk of the juvenile cases in the circuit.

"He spent countless hours, giving them better facilities and keeping them safe."

The Arthur N. Gustke Child Shelter in Parkersburg is named after him. It celebrated its thirtieth anniversary earlier this year, and the judge was able to attend despite his poor health, said Steve Tuck, regional director of the Children's Home Society of West Virginia. The shelter is one of ten the society operates.

Judge Gustke was very supportive of children in the shelter, Mr. Tuck said. "He'd come over and play cards with the kids on a weekend night. He'd take kids to a football game in Morgantown. He'd bring things to the kids at Christmas, presents," Mr. Tuck said.

"He was a great leader. His interest was in the individual situation for kids."

Supreme Court Justice Thomas E. McHugh, who served on the Supreme Court during much of the time that Judge Gustke was on the circuit bench, also is a Director Emeritus of the Children's Home Society.

"We always talked of those issues when he and I were together. That was a pivotal point of his career and life," Justice McHugh said. "He will be missed because of his devotion to children's issues.

"He was a really excellent judge. He was just a very decent man."

Judge Waters said Judge Gustke was the first judge he ever practiced in front of when he became an attorney. Judge Waters later became a judge the year Judge Gustke retired.

"He was an outstanding judge," Judge Waters said. Even after his retirement, Judge Gustke continued to attend almost every meeting of the West Virginia Judicial

Association, which he helped found. Judge Gustke also was an early president of the group, which provides continuing legal education for circuit judges.

"He always tried to stay up to date," Judge Waters said. Judge Gustke continued to teach at the Judicial Association meetings and at the National Judicial College in Reno, Nevada, after his retirement.

Fourth Circuit Judge J.D. Beane said Judge Gustke was a big encouragement personally to him when Judge Beane took office 2007. "As an attorney, it was a pleasure to practice law in front of him. He was dedicated and took his time," Judge Beane told the *Parkersburg News and Sentinel*.

Fourth Circuit Judge Jeffrey Reed, who succeeded Judge Gustke in 1992, said there are a number of practices at the Wood County Circuit Court which were originated by Judge Gustke, including starting trials on Tuesdays to allow court personnel to call potential jurors on Mondays as well as having certain hearings at certain times.

"I still use the same jury instructions he used," Judge Reed told the newspaper.

"There is so much that can be said about the man.... The community has lost a pillar."

Judge Gustke was the first recipient of the Nicely Award in 1994. He received the Distinguished Service Award in 1962, Citizen of the Year Award for Wood County in 1979, and the West Virginia University Emeritus Award.

Judge Gustke was a native of Parkersburg. He was a United States Army Signal Corps veteran. He graduated from Parkersburg High School in 1946, West Virginia University in 1953, and West Virginia University College of Law in 1956. He was on the Board of the West Virginia University-Parkersburg Foundation and the Wood County Commission on Crime, Delinquency and Corrections.

He is survived by his wife, Mary Jo Gustke; two sons; a daughter; three grandchildren; one great-granddaughter; three brothers; and a sister.

Retired Judge Charles Berkley Lilly died at the Bowers Hospice House on January 10, 2009, his 86th birthday.

"Judge Lilly was a fine circuit judge with an outstanding reputation for fairness and professionalism," said Chief Justice Brent D. Benjamin. "He had a commitment to making sure justice was served timely. And he was a storyteller in the traditional style of a West Virginia storyteller."

After his retirement from the circuit court bench, Judge Lilly continued his service as a senior status judge. "He was very helpful to the court system whenever we needed a judge to fill in for a circuit judge or a family court judge. His work ethic and ability were unparalleled, and we will all miss him," Chief Justice Benjamin said.

Judge Lilly was a longtime Beckley resident. He was born at Oxley (now Beaver), West Virginia, on January 10, 1923, the youngest of five children. He graduated from Nuttall High School in Lookout in 1940, where he was a member of the National Honor Society and captain of the football and basketball teams.

Judge Lilly received a Bachelor of Arts degree from West Virginia Institute of Technology, where he played baseball. Although he was offered a minor league baseball contract, he instead chose to attend the T.C. Williams School of Law at the University of Richmond, Virginia. He received his law degree in January 1947. He returned to Beckley and began his long legal career as an associate at Ashworth and Sanders. Following twenty-two months as an Assistant United States Attorney for the Southern District of West Virginia, beginning in March 1950, he returned to the practice of law in Beckley and served as a police judge under three mayors.

Judge Lilly was elected to the West Virginia House of Delegates in 1960 and re-elected in 1962. He served for four years as the Prosecuting Attorney of Raleigh County, then was elected circuit judge for the Tenth Judicial Circuit (Raleigh County) in 1968. He was re-elected in 1976 and 1984. Following his retirement in 1988, Judge Lilly entered private practice and joined the law firm Gorman, Sheatsley and Hutchison. He also was certified as a mediator and arbiter, work which he enjoyed well into his eighties.

"He was a gentleman, a legal scholar, an excellent judge," former Raleigh County Prosecutor Larry Frail told *The* [Beckley] *Register-Herald*.

Tenth Judicial Circuit Judge Robert Burnside succeeded Lilly on the bench. "There were always cases pending, but the thing that so impressed me was he was all caught up. He was a very efficient, knowledgeable, and an excellent judge."

Judge H.L. Kirkpatrick III said, "Judge Lilly was an exemplary and consummate Judge who was widely respected throughout the state. He was truly a 'judge's judge' who was regularly consulted by members of both the state and federal judiciary for his insightful analysis of legal issues. His keen recollection of legal authorities was so remarkable that many of his erudite rulings were supported simply by his own memory of cases.

"In modern parlance, Judge Lilly would be considered 'old school,'" Judge Kirkpatrick said. "He ran his courtroom with a firm hand, but valued tradition and established procedure dearly. His time on the bench was one in which courtesies were strictly observed, and he always insisted that lawyers were respectful to the court, and treated each other with respect as well."

Judge Kirkpatrick recalled that after his retirement, Judge Lilly became a sought-after speaker at banquets and judicial conferences because of his ability to tell humorous stories. "He became somewhat of a raconteur," Judge Kirkpatrick said.

Judge Lilly was active in the Raleigh County Bar Association, the West Virginia State Bar, and the West Virginia Judicial Association, holding all offices in both the Raleigh County Bar and the Judicial Association, and serving on the Board of Governors for the State Bar. He served as president of the West Virginia University College of Law Alumni Association, the first non-alumnus so elected. He also was active in church and civic affairs.

He is survived by his wife, Anna Lee Bowyer Lilly; two daughters; four granddaughters; and several nieces and nephews.

Retired Judge Daniel L. McCarthy died November 25, 2009, at his home in Bridgeport. He was 78.

Judge McCarthy was born in Parkersburg on December 7, 1930. He was a veteran of the United States Navy and served during the Korean War. He was a graduate of Marietta College and a 1958 graduate of the West Virginia University College of Law.

Judge McCarthy started his law career as an assistant prosecuting attorney in Harrison County. He later was elected to the Harrison County Commission, where he served for twelve years. He also served as the Clarksburg City Attorney and on the Harrison County Airport Authority.

In 1983 he was appointed to the position of circuit judge in the Fifteenth Judicial Circuit of Harrison County. He later was elected and re-elected. He retired in 1996 and became a senior status judge and civil mediator.

"We mourn the loss of a dedicated judge and a fine person," said Supreme Court Chief Justice Brent D. Benjamin.

Fifteenth Judicial Circuit Judge James A. Matish said, "Judge McCarthy was a great jurist, a gentleman, and an extremely compassionate human being. He had the patience to listen, to teach, and to be available at all times for the attorneys who appeared before him. He was a mentor for all the judges in Harrison County who have followed in his footsteps.

"He worked diligently mediating cases after his retirement. His presence will be missed by all who worked with him throughout the years," Judge Matish said.

"I think he worked up until the day before he passed away. He was in great demand for mediation. He did such a great job to get people together to settle their cases," Judge John Lewis Marks, Jr., told *The* [Clarksburg] *Exponent-Telegram*.

Judge Marks practiced law in Harrison County with Judge McCarthy until Judge McCarthy was appointed to the bench. He then practiced before his former law partner, and then was appointed to Judge McCarthy's seat when it became vacant. He often called Judge McCarthy for advice.

"He was always available and ready to help," Judge Marks told the newspaper.

"Those were big shoes to fill," Judge Marks said. "He was just a wonderful person and a good friend, a mentor.

"He had a great legal mind and a keen sense of fairness and justice," Judge Marks said. "He always put others before himself, put his community before himself. And he was a public servant his entire life."

Judge Thomas A. Bedell assumed Judge McCarthy's law practice from 1983 until 1993, when he also became a circuit judge.

"He was one of the finest judges that I either served with or practiced in front of," Judge Bedell told the newspaper. "Even as fine a judge as he was, he was an even greater lawyer. And even as great a lawyer as he was, he was a greater human being."

Judge McCarthy is survived by his wife, Janet; two sons; six grandchildren; and a sister.

Brooke County Magistrate Deborrah K. Lunsford died October 28, 2009, at her Wellsburg home of cancer. She was 57.

Magistrate Lunsford served from December 6, 1986, to December 31, 1992, and again from January 1, 2001, until her death. From her diagnosis in early May 2009, she worked in between her treatments. Senior Status Magistrates Nancy Means and Rose Humway filled in while she was away.

"She was known as being an outstanding public servant who never failed to volunteer to help people in need. Her sense of justice will be missed," said Supreme Court Chief Justice Brent D. Benjamin.

Supreme Court Administrative Director Steve Canterbury said, "She was a forward-thinker and crucial to the development of the highly successful community corrections program in the First Circuit."

"Magistrate Lunsford was dedicated to her position. She had a long battle with cancer. We will miss her," said Tucker County Magistrate Riley Barb, President of the West Virginia Magistrates Association.

Magistrate Lunsford was born January 3, 1952, in Wheeling. She was a member of the Franklin United Methodist Church in Wellsburg.

She is survived by her husband, James W. Lunsford; two sons; one daughter; two sisters; and four grandchildren.

Cabell County Magistrate Donald E. Maynard died May 30, 2009, at St. Mary's Medical Center after a heart attack. He was 52.

Magistrate Maynard was elected in November 2008 and took office January 1, 2009, after retiring from a twenty-six-year career as a Huntington police officer.

Magistrate Maynard was active in the Huntington community. He ran in local races and was heavily involved in the Police Olympics. He organized local concerts, worked on the Tri-State Transit Authority Executive Board, and coached track and field at local schools.

While a police officer, he was awarded the Medal of Valor, the highest award a law enforcement officer can receive, for risking his life to save others. He also was recognized as Police Officer of the Year and competed in the World's Strongest Cop contest.

Magistrate Maynard attended Marshall University and also graduated from the West Virginia State Police Academy.

Huntington Police Captain Hank Dial told *The* [Huntington] *Herald-Dispatch* that Magistrate Maynard was "just one of those all-around good guys. He was somebody you were always happy to work with and happy to see."

Sixth Judicial Circuit Judge Dan O'Hanlon knew Magistrate Maynard for almost thirty years. Magistrate Maynard used to work for Judge O'Hanlon when he was a municipal judge in Huntington.

"He was a terrific magistrate. Although very new, he was hard-working," Judge O'Hanlon told the newspaper. "He will be sorely missed."

The Cabell County judiciary released a statement saying, "Although only recently elected, Don was totally committed to serving the citizens of Cabell County and will be deeply missed by all who knew him. Only Friday, when asked to help a fellow magistrate, Don said 'Sure, I'm a team player, what needs to be done?' That generosity of spirit and dedication to his job was second nature to Don and will be hard to duplicate."

Magistrate Maynard is survived by his wife, Stephanie Hinkle Maynard, his father and mother, and two sons.

Preston County Magistrate Assistant Karen B. Spiker of Terra Alta died of ovarian cancer on January 14, 2009. She was 60.

Ms. Spiker was a native of Kingwood. She completed business school in Cumberland, Md., and started work as a secretary in an insurance agency. She later worked at a bank and for the West Virginia Department of Health and Human Resources as a caseworker before going to work for the court system on November 3, 1997. She was a magistrate assistant for Magistrate Janice Roth Snider.

She was a charter member of the Terra Alta Civic Club, Classy Red Hatters of the Mountaintop, and Preston County Community Choir.

She is survived by her husband, Richard Spiker, an adult son and daughter, three brothers, and a sister.

Appointments

Kanawha County Circuit Judge Irene Berger appointed to federal bench

Former Thirteenth Judicial Circuit Judge Irene Berger is sworn in as a U.S. District Court Judge for the Southern District of West Virginia as her husband, David Howell, holds a Bible during a ceremony at the Robert C. Byrd Courthouse on December 11, 2009. *Photo by Chris Dorst,* The Charleston Gazette

Kanawha County Circuit Judge Irene C. Berger resigned the week of Veterans Day because President Barack Obama signed her appointment to the federal bench in the Southern District of West Virginia. The U.S. Senate had confirmed her appointment on October 27, 2009, by a unanimous vote.

Judge Berger has "demonstrated the talent, expertise, and fair-mindedness Americans expect and deserve from their judges. I am grateful for her willingness to serve," said President Obama.

She was sworn in to her new position on December 11, 2009, by Joseph R. Goodwin, Chief U.S. District Judge of the Southern District of West Virginia.

"Irene Berger has exhibited an impeccable dedication to fair and impartial justice for all and it is the good fortune of all West Virginians to have her nominated for the federal bench," said Senator Robert C. Byrd.

Judge Berger, 54, was nominated by President Obama in July. She is the first black federal judge in West Virginia. She is a native of McDowell County who has served as a circuit judge since 1994. She previously worked as an assistant Kanawha County prosecutor and assistant U.S. attorney.

"Judge Berger is absolutely incredible," Senator Jay Rockefeller said in a press release. "Her historic nomination makes me so very proud."

West Virginia Supreme Court Chief Justice Brent D. Benjamin entered an order on November 12, 2009, appointing Senior Status Judge James O. Holliday to Judge Berger's position until Governor Joe Manchin III appointed Carrie Webster who was sworn in on December 28, 2009, to replace Judge Berger.

Phillip Gaujot appointed to circuit court bench

Phillip D. Gaujot of Morgantown was appointed to a newly created circuit court position in Monongalia County on August 26, 2009.

The Legislature created the position in the Seventeenth Judicial Circuit earlier in the year through Senate Bill 338. Judge Gaujot's appointment by Governor Joe Manchin III allowed him to join Chief Judge Russell M. Clawges, Jr., and Judge Susan B. Tucker in the Monongalia County circuit.

Judge Gaujot was sworn in on September 17 in Courtroom One of the Monongalia County Courthouse. Former Supreme

Seventeenth Judicial Circuit Judge Russell M. Clawges, Jr., robes Judge Phillip D. Gaujot of Morgantown after he was appointed to a newly created circuit court position in Monongalia County. *Photo by Ron Rittenhouse,* The Dominion Post

Court Justice Larry Starcher delivered the oath of office. Justice Thomas McHugh spoke at the ceremony. Judge Clawges robed his new colleague.

"I have had the opportunity to work with Mr. Gaujot in the past. He has always been a fine gentleman and a fine attorney. I believe he will be an outstanding judge," said Chief Justice Benjamin.

Judge Gaujot, 64, has practiced law in West Virginia for thirty-eight years and has served as administrative law judge for Workforce West Virginia for the past eight years. He was an assistant attorney general from 1971 to 1974, and since then has been a solo practitioner in Charleston and Morgantown. Additionally, Judge Gaujot served as general counsel for the City of Nitro for eighteen years, the City of Shinnston for eight years, and for the sheriff of Kanawha County.

He is a member of the Board of Directors of the West Virginia University Alumni Association, having received his bachelor's degree in political science in 1968 and his law degree in 1971 from

WVU. He is a past member of the Board of Directors of the Mon General Hospital Foundation, and he is a past member of Session of the First Presbyterian Church in Morgantown.

"I am absolutely humbled. I am humbled that I can serve the community as a judge because I do think the judge of a circuit court is one of the most important, if not the most important, jobs in the county," Judge Gaujot said.

Carrie Webster appointed to circuit bench in Kanawha County

Charleston attorney Carrie Webster is sworn in as a Kanawha County Circuit Judge. Her husband, Greg Skinner, holds the Bible. *Photo by Craig Cunningham,* The Charleston Daily Mail

House of Delegates Judiciary Chairwoman Carrie Webster was appointed December 2, 2009, to the circuit court seat left vacant by President Barack Obama's appointment of Judge Irene Berger to the federal court in the Southern District of West Virginia. Delegate Webster was sworn in by Supreme Court Justice Margaret Workman on December 28, 2009, in Courtroom Four, the historic courtroom in the Kanawha County Courthouse.

Delegate Webster had been a member of the House of Delegates since 2001 and chairwoman of the House Judiciary Committee since 2006. She resigned from the House on December 3 after her appointment by Governor Joe Manchin III.

Governor Manchin said, "Carrie Webster is a passionate lawyer and dedicated public servant, and I am confident she will be an excellent circuit court judge who will faithfully serve the citizens of Kanawha County.

"She has tackled many difficult and complex legal issues, both as a lawyer and as House Judiciary Chair. With her experience, Carrie will bring a unique and familiar perspective to any legal issue she is confronted with on the bench," the governor said.

"I'm eager to get to work," Ms. Webster said. "I'm excited about being a judge and doing what a judge is supposed to do."

Ms. Webster was an associate with the Charleston law firm Bucci, Bailey & Javins. She previously was an assistant public defender in the Kanawha County Public Defender's Office from 1997 to 2000. She has a bachelor's degree in political science from West Virginia University and a law degree from the WVU College of Law.

She was born in Fairfax, Virginia, grew up in Moorefield, and has lived in Charleston since 1989. She and her husband, Charleston attorney Greg Skinner, have one daughter.

Mercer County gets new Circuit Clerk, Magistrate

Mercer County lost a combined fifty-five years of experience on July 31, 2009, when Circuit Clerk Brenda Davis and Magistrate Harold Buckner retired.

Clerk Davis said the choice to leave the job she had held for thirty-nine years was "one of the most difficult decisions" of her life.

"I love my job, the people I work with, the work that I do. I know I'll leave a piece of my heart at the courthouse," she told the *Bluefield Daily Telegraph.*

Magistrate Buckner had served in the position for sixteen years, after serving eight years as Mercer County sheriff.

Mercer County's ninth circuit judges appointed Julie Ball as the next circuit clerk and former Magistrate James Dent to the vacant judicial seat. Ms. Ball is a longtime employee in the Mercer County Circuit Clerk's Office. Magistrate Dent will return to a post he held until he stepped down to run for sheriff in 2004.

Both appointments took effect August 1, 2009. Both will serve until the 2010 general election.

Michael Fuscardo appointed magistrate in Brooke County

Former police officer Michael F. Fuscardo is sworn in as the newest Brooke County Magistrate by First Judicial Chief Circuit Judge Arthur M. Recht on December 9, 2009. The position was left vacant by the death of Magistate Deborrah Lunsford. *Photo courtesy of* The *[Wheeling]* Intelligencer

A former Weirton police officer was sworn in as the newest Brooke County magistrate on December 9, 2009.

Michael F. Fuscardo took the oath of office at the City-County Building in Wheeling. He filled the Brooke County magistrate position left vacant by the death of Deborah Lunsford.

Magistrate Fuscardo was blinded in the line of duty nearly twenty years ago. According to court records, he was responding to reports of littering when he confronted Samuel P. Lorello in his parked van. As he approached the van, Lorello threw a combination of sulfuric acid and other caustic household products at then-Officer Fuscardo, injuring him.

In November 1998, Magistrate Fuscardo filled the unexpired magistrate term of Norma Tarr until December 2000, when he was defeated in an election for the post.

Magistrate Fuscardo will serve until the 2010 general election.

"I'm proud to be back in the position, and I look forward to serving the citizens of Brooke County," Magistrate Fuscardo told *The* [Wheeling] *Intelligencer.*

Chief Circuit Court Judge Arthur M. Recht selected Magistrate Fuscardo from a pool of candidates because of his proven track record.

"He did an excellent job during his time as magistrate, and I am confident in his abilities," Judge Recht said.

Daniel Goheen appointed magistrate in Cabell County

Magistrate Daniel Goheen

The Cabell Circuit Court appointed former Magistrate Dan Goheen to fill the vacancy created by the death of Magistrate Don Maynard.

Magistrate Goheen was sworn in on June 4, 2009, by Sixth Judicial Circuit Judge Dan O'Hanlon, who acted as chief judge for the vacationing Judge Jane Hustead. Magistrate Goheen will serve until the general election in 2010, when a candidate will be elected to serve the remaining two years on Magistrate Maynard's term.

Magistrate Goheen was the unanimous choice of the circuit's four judges. He most recently served as magistrate between June and December 2008 when he assumed the post that had been held by longtime Magistrate Alvie Qualls, who also died in office.

Magistrate Goheen is a lifelong resident of Cabell County who attended St. Joseph Central Catholic High School and Marshall University. He is a former member of the Huntington Police Civil Service Commission, serving as its president for thirteen years.

Magistrate Goheen unsuccessfully sought the Democratic nomination for magistrate in 2008, losing by only 240 votes.

Nicholas County Magistrate Robert Gordon retires, D. Wayne Plummer appointed to replace him

D. Wayne Plummer is shown with his wife, Rebekah Plummer, during his swearing-in ceremony on October 19, 2009. Magistrate Plummer replaces Magistrate Robert Gordon, Jr., who retired. *Photo courtesy of Magistrate Plummer*

Nicholas County Magistrate Robert Gordon, Jr., announced his retirement September 1, 2009. His retirement was effective October 16. Magistrate Gordon, 61, of Craigsville, had served as a magistrate since July 1, 1997. He most recently was re-elected in November 2008.

Twenty-Eighth Judicial Chief Circuit Judge Gary Johnson appointed Nicholas County Chief Deputy D. Wayne Plummer, 49, of Craigsville, to fill the vacant magistrate seat.

Magistrate Plummer has never before sought or held elected office. He began work in his new job on October 19, 2009.

Magistrate Plummer had worked for the Nicholas County Sheriff's Department for twenty-five years and previously worked for the Summersville Police Department for six years.

"In evaluating his experience, I believe Deputy Plummer has the intelligence, skills, and sense of fairness and impartiality that will make him an excellent magistrate," Judge Johnson said. "Over the years, I have observed that as a policeman he has exhibited fairness and has been an effective servant of the county for more than two decades."

Magistrate Plummer said, "I have spent my professional life in Nicholas County. I am committed to its citizens. I would like to thank Judge Johnson for the appointment and for his confidence in me. I look forward to serving the citizens of Nicholas County in the capacity of magistrate, and I pledge to conduct the office with the honesty and integrity the citizens deserve."

Steve Canterbury re-appointed to national board

Supreme Court Administrative Director Steve Canterbury *Photo by Michael Switzer*

Supreme Court Administrative Director Steve Canterbury was reappointed to a second two-year term on the board of directors of the Council of State Government's Justice Center. The appointment was jointly announced April 21, 2009, by Joe Manchin III, who is president of the Council of State Governments (CSG) and Governor of West Virginia, and Bart Davis, who is CSG chairperson and Idaho State Senate Majority Leader.

Mr. Canterbury joined a bipartisan group of key legislators, leading court and law enforcement officials, and members of several governors' cabinets from corrections and health and human services agencies. Together they serve on the 25-person board to guide projects that the Justice Center administers, including those on criminal justice/mental health issues, prisoner reentry, and state's investments in public safety. The Justice Center also launched a new project in 2009 regarding school discipline and its impact on involvement in the juvenile justice system.

State officials across the country have used the findings and technical assistance provided through Justice Center projects to develop legislative initiatives. Congress has also worked closely with leaders of the board, drawing on recommendations provided by the Justice Center to shape national policy.

The incoming chairman of the Justice Center board, New York Assemblyman Jeffrion Aubry, said, "We are delighted that Steve Canterbury has been reappointed to our board. As a key voice on criminal justice policy in West Virginia, he will continue to make a great contribution to our work."

Mr. Canterbury said, "It's an honor to continue to serve with such an extraordinary group of dedicated public servants. Information that I have gleaned from other board members has been extremely helpful to many of our criminal justice projects in West Virginia, and I hope the others have benefitted as much from experiences I have brought to them."

Chief Justice Brent D. Benjamin stands with Eighth Judicial Circuit Judge Booker T. Stephens. Chief Justice Brent D. Benjamin presented Judge Stephens with the Liberty Bell Award during a Law Day event on May 1, 2009. *Photo courtesy of Judge Stephens*

Liberty Bell Award given to Judge Booker T. Stephens

The 2009 Liberty Bell Award was presented to Judge Booker T. Stephens, Chief Judge of the Eighth Judicial Circuit (McDowell County). Chief Justice Brent D. Benjamin presented the award to Judge Stephens during a Law Day ceremony in Welch on May 1, 2009.

The Liberty Bell Award is presented each year to one who has "promoted better understanding of the rule of law, encouraged greater respect for the law and the courts, stimulated a sense of civic responsibility, or contributed to good government in the community," according to criteria set by the American Bar Association.

Judge Stephens was given the award for his hard work in recognizing Law Day in McDowell County and his encouragement of McDowell County school children. He has hosted a Law Day celebration in the county since 1996. The 2009 ceremony involved a luncheon held at the Welch United Methodist Church where Judge Stephens was surprised with the Liberty Bell Award.

Judge Stephens has served the West Virginia court system in many ways. He was a member of the Task Force on Self-Represented Litigants in the late 1990s and in 2009 agreed to serve on the Access to Justice Commission Subcommittee on the same topic. He served on the original Law Day Committee for the Supreme Court in 2001.

Judge Stephens has been highly decorated in 2009, also having received the "Living the Dream Award," from the Martin Luther King, Jr., Holiday Commission as part of the state's Martin Luther King, Jr., holiday weekend in January 2009. Also in 2009 he was re-appointed to the Mass Litigation Panel by Chief Justice Benjamin.

Judge Stephens was elected to the Circuit Court of McDowell County in November 1984 and was re-elected in 1992, 2000, and 2008. He has served as chief judge of the circuit since 1990. In February 1985 Judge Stephens was appointed by then-Supreme Court Chief Justice Richard Neely to serve with a panel of four other circuit judges on the West Virginia Supreme Court of Appeals to hear a case which all the then-serving justices were disqualified from hearing. That service made him the first black judge in the history of West Virginia to sit on the Supreme Court of Appeals. Since 1985, Judge Stephens has been designated to sit on the Supreme Court of Appeals on nine occasions.

He is a former assistant prosecuting attorney for McDowell County. He served two terms in the West Virginia House of Delegates, where in 1980 he became chairman of the Standing Committee on Political Subdivisions. He takes great pride in being a co-sponsor and floor leader of the bill that made the birthday of Dr. Martin Luther King, Jr., a state holiday.

Now a resident of Welch, Judge Stephens was born on November 3, 1944, in Bluefield and raised in Warriormines, West Virginia. He is the son of the late Reverend Robert L. Stephens, Sr., and the late Estella Stephens.

He graduated from Excelsior High School in 1962 and from West Virginia State College in 1966 with a bachelor's degree in political science and Spanish. In 1972 he received his law degree from the Howard University School of Law, and also was selected as an Earl Warren Fellow sponsored by the National

Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund. He began practicing law in 1973 and was a Cooperating Attorney for the NAACP Legal Defense Fund from 1974 to 1984.

Judge Stephens served in the United States Army from 1966 to 1968. He was inducted into the West Virginia State College ROTC Hall of Fame in October 2002.

Judge Stephens was selected by then-Governor Bob Wise to be the recipient of the Governor's "Living the Dream" Award on January 18, 2003, sponsored by the Martin Luther King, Jr., Holiday Commission. The award is presented annually to a person who best represents the qualities and attributes of Dr. King, by being an advocate of peace, sharing of self, human and civil rights, and scholarship.

In 2003 Judge Stephens also became chairman of the McDowell County Health Sciences & Technology Academy (HSTA) Program, and was selected by the *Bluefield Daily Telegraph* to be featured in the 2005 "Pride" Edition of Heroes and Legends. In 2007, Judge Stephens was a recipient of the Fred H. Caplan Civil Justice Award by the West Virginia Association of Justice and inducted into the West Virginia All Black Schools Sports and Academic Hall of Fame.

He is a member of the West Virginia Judicial Association, West Virginia State Bar Association, and the American Bar Association, and is a West Virginia Bar Foundation Fellow. He is a former member of the Executive Committee of the National Conference of State Trial Judges, and is presently a member of the Standing Committee on Minorities in the Judiciary of the American Bar Association. He has served on the faculty of the National Judicial College in Reno, Nevada, and has lectured for the American Conference Institute on insurance bad faith and punitive damages. He is an adjunct instructor at the West Virginia University College of Law and Bluefield State College.

He is also a member of Delta Theta Phi Legal Fraternity, Sigma Pi Phi Fraternity, Alpha Phi Alpha Fraternity, Price Hall Mason F&A.M., Thirty-Second Degree Shriner, and a life member of the NAACP.

Judge Stephens is married to the former Gloria M. Davis, an attorney, and they have two children, attorney Ciara Stephens of Los Angeles, California; and Booker T. Stephens, II, of Welch.

Late Justice Albright among 2009 Bar Foundation Fellows

The late Justice Joseph P. Albright was among the 2009 West Virginia Bar Foundation Fellows. The Foundation is the philanthropic organization of the legal profession.

For ten years, the Bar Foundation has selected "lawyers whose professional, public, and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession, with the individuals selected reflecting the diverse nature of the legal profession in West Virginia."

The 2009 class of thirteen lawyers and two judges joins 151 lawyers and twenty-five judges who previously were selected as Bar Foundation Fellows. They were inducted at the Fellows Annual Dinner on April 30, 2009, at the Charleston Marriott Town Center Hotel.

Other Fellows selected in 2009 are U.S. District Court Judge Robert Chambers of Huntington; Deputy Attorney General and Former Administrative Director Barbara Allen of Charleston; Professor Robert Bastress of Morgantown; Oscar Bean of Moorefield; Landers Bonenberger of Wheeling; Michael Caryl of Martinsburg; Linda Garrett of Summersville; Logan Hassig of New Martinsville; Harry Hatfield of Madison; Catherine Munster of Clarksburg; John Nesius of Charleston; Janet Preston of Parsons; Former Clerk of the Supreme Court Ancil Ramey of Charleston; and William Redd of Huntington.

Judge Johnson receives federal, state awards

Judge Gary L. Johnson received both a federal and a state award in 2009, each recognizing his contributions to helping neglected and abused children in West Virginia.

Judge Gary L. Johnson

Judge Johnson received the 2009 Commissioner's Award from the federal Administration on Children, Youth, and Families on Thursday, April 2, 2009, during the Seventeenth National Conference on Child Abuse and Neglect in Atlanta, Georgia. The prestigious federal award is given each year to one person in each state and United States territory in honor of his or her significant contribution to the prevention of child abuse and neglect.

"I am very appreciative to the Administration for Children and Families of the U.S. Department of Health and Human Services for this award," said Judge Johnson. "I share the award with my fellow Board Members of the West Virginia Supreme Court's Court Improvement Program. The members of the Board work tirelessly to improve the lives of the children of West Virginia."

Judge Johnson serves in the Twenty-Eighth Judicial Circuit (Nicholas County). He also is chairman of the West Virginia Court Improvement Program Oversight Board, which has led multiple initiatives to improve the child welfare system in West Virginia. The West Virginia Court Improvement program is a multi-disciplinary group funded by the federal Administration for Children and Families and the Supreme Court of Appeals of West Virginia.

"The award is also indicative of the progress we have made in West Virginia. We are on the cutting edge of children's issues and have many initiatives that are examined by other states," Judge Johnson said. He also acknowledged Supreme Court Justice Robin Jean Davis for her work on improving the system for families and children.

Judge Johnson also is a member of the Commission to Study the Residential Placement of Children, which is part of the West Virginia Department of Health and Human Resources. According to Jason Najmulski, Commissioner of the Bureau for Children and Families within the DHHR, "Judge Johnson deserves this award. His leadership and his willingness to work within the system to achieve positive outcomes will benefit the children of West Virginia – especially those children who need a little extra help and guidance – for years to come."

Supreme Court Administrative Director Steve Canterbury said, "The award acknowledges what we in West Virginia have long known, that Judge Johnson's absolute dedication to children, his common sense approach to issues, and his depth of knowledge of the law are unexcelled. He does all of us in the Court system proud. He's clearly one of our best."

Judge Johnson also received the Alliance for Children's Annual "Leader for Children" award at this year's Annual Meeting and Senior Leaders Conference May 6 - 8, 2009, at Lakeview Golf Resort & Spa in Morgantown.

He was recognized for his strong and long-term contributing leadership to improving West Virginia's response to children and families in child welfare, juvenile delinquency, and children's behavioral health at the state level and in Nicholas County. Examples of his leadership cited included his work with the Court Improvement Program, the Residential Care Placement Commission, and the development of the Faltis Children's Shelter in Nicholas County.

As a way to mark the occasion, Judge Johnson was presented with a beautiful print by a West Virginia artist that is of a mother holding an infant, appropriately entitled the "Guardian."

Nicholas County Court staff members Karen Ramsey and Kim McCutcheon were in the audience of approximately one hundred professionals from around the state who participated in the annual event of the network organizations in the Alliance for Children.

Judge Johnson joins an impressive list of previous awardees, including Charleston attorney Tom Heywood, former West Virginia DHHR Secretary Joan Ohl, the late Cabell County Delegate Margarette Leach, Senator Jay Rockefeller, and Beverly Walter.

On October 9, 2008, Judge Johnson received the "Extra Mile Award" from the West Virginia Children's Justice Task Force. He has been declared an "Angel in Adoption" by the United States Congress and the Congressional Coalition on Adoption Institute.

Judge Johnson is the father of five children and resides with his wife, Susan, in Richwood, West Virginia.

Judges Clawges, Rowe honored for novel scientific training

Chief Justice Brent D. Benjamin presents Eleventh Judicial Circuit Judge James J. Rowe and Seventeenth Judicial Circuit Judge Russell M. Clawges, Jr., right, with plaques honoring them as ASTAR Science and Technology Fellows. *Photo by April Harless*

Supreme Court Chief Justice Brent D. Benjamin honored Circuit Judges Russell M. Clawges, Jr., and James J. Rowe on September 13, 2009, for their election as ASTAR Science and Technology Fellows.

Judge Clawges is Chief Judge of the Seventeenth Judicial Circuit (Monongalia County). Judge Rowe is Chief Judge of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties).

ASTAR, The Advanced Science & Technology Adjudication Resource Center, is based in Washington, D.C. In January 2007, ASTAR began operation of a Congressionally mandated project administered by the U. S. Department of Justice to improve science and technology training of judges in the United States. The program seeks to identify, recruit, train, and deploy science and technology resource judges.

Resource judges are able to preside in complex cases featuring novel scientific evidence and issues, are skilled in mediation and other procedures that may save litigants from the financial and emotional costs of lengthy trials, and can provide background and procedural information to their colleagues.

Judge Clawges and Judge Rowe were among 190 judicial officers from across the country who each completed a 120-hour case-related science and technology curriculum beginning in 2007 and concluding in 2009. As part of the National Resource Judge Program, they can serve as resources to other judges in the state.

The curriculum included reviews of criminal and civil cases involving complex and novel scientific and technical evidence in forensics, addiction science and treatment technologies, genetic science and technologies, neuroscience, computer science and Internet technologies. The program consisted of sixty hours of ASTAR-accredited "boot camp" and advanced program attendance, twenty hours of a neuroscience-related case conference in which judges

had to write a memorandum of law in a complex case, thirty hours to download an archival science and technology desk book, and ten hours to prepare a judges' science and technology education program for fellow judges.

Judge Clawges and Judge Rowe participated in the program under scholarships from the U.S. Department of Justice, funded in a cooperative agreement between the Department and ASTAR.

Chief Justice Benjamin presented them with plaques signifying their achievement during the first day of the fall Circuit Judges Education Conference at The Resort at Glade Springs.

Marshall Constitution Week named after Judge Dan O'Hanlon

David Pittenger, dean of the Marshall University College of Liberal Arts, introduces Cabell Circuit Judge Dan O'Hanlon at an announcement of the creation of the Dan O'Hanlon Constitution Week and John Marshall Celebration Essay Competition at Marshall University. *Photo courtesy of* The [*Huntington*] Herald-Dispatch.

Marshall University announced on June 10, 2009, that it was naming its annual Constitution Week celebration after Circuit Judge Dan O'Hanlon. An anonymous donor also gave $50,000 to start an endowed scholarship in the name of the judge from the Sixth Judicial Circuit (Cabell County).

The ceremony, held in the John Marshall Dining Room, was attended by Supreme Court Justice Menis E. Ketchum, Cabell County Magistrates Dan Goheen and Johnny McCallister, Huntington Mayor Kim Wolfe, and Cabell County Commissioners Bob Bailey and Scott Bias, among others.

Dan O'Hanlon Constitution Week also includes the John Marshall Celebration Essay Competition. Essayists are to study the historical and contemporary significance of the Constitution and the effect U.S. Supreme Court Chief Justice John Marshall had in establishing the importance of the Supreme Court. The grand prize winner receives a $1,500 scholarship.

"I'm honored beyond any honor I've received, including judge of the year in 2008, because this will help students year after year," said Judge O'Hanlon, who is a past professor and chairman of the Marshall University Criminal Justice Department.

"We've just gone through a very turbulent time in the country, and a lot of Constitutional issues are on people's minds right now," Judge O'Hanlon said, according to a story in *The* [Huntington] *Herald-Dispatch*. "It's very important to get them thinking about this document."

"Dan O'Hanlon is an ideal role model for the civic engagement of our students," said David Pittenger, Dean of the College of Liberal Arts.

Circuit Judge Aboulhosn given 110% award for volunteerism

Mercer County Circuit Judge Omar Aboulhosn was at a Mercer County Board of Education meeting in November 2009 waiting on approval for a mentoring program project when he was inducted into the 110 Percent Club.

The 110 Percent Club is a recognition the county board has given for many years to volunteers who go above and beyond what is expected from volunteers, said Mercer County Board President Greg Prudich.

Judge Aboulhosn was nominated by Montcalm Elementary School, where he has been working with sixth-grade classes for more than ten years. He reads to students there once a week and participates in numerous activities and field trips each year.

"He does an extraordinary amount with the school, and it's something he has always done," said Mr. Prudich. "He has adopted that community and they have adopted him."

Circuit Judge Mazzone receives 2009 Star Award from Legal Aid

First Circuit Judge James P. Mazzone

Circuit Judge James P. Mazzone received a 2009 Star Award from Legal Aid of West Virginia on May 1, 2009, during a Law Day luncheon at the Fort Henry Club in Wheeling.

Judge Mazzone of the First Judicial Circuit (Brooke, Hancock and Ohio Counties) and three law firms received the award for driving $469,000 in *cy-pres* dollars to the organization, said Jennifer Jordan, director of development for the group. *Cy-pres* funds are dollars left over from class action lawsuits that can neither be returned nor dispersed. Legal Aid of West Virginia used the funds to launch its "Access to Legal Aid Program," a means by which those needing legal advice can talk to legal staff by phoning 866-255-4370.

The law firms honored for their efforts were Shrader, Byrd and Companion; Bailey and Glasser; and Bachmann, Hess, Bachmann and Garden.

Retired Judge Douglass receives Nicely Award

Retired Judge Daniel Douglass at the 2009 Nicely Award presentation. *Photo courtesy of the* Parkersburg News and Sentinel

Retired Wood County Circuit Judge Daniel B. Douglass, 80, received the William P.A. Nicely Award for Lifetime Achievement from Wood County Republicans.

The award, an engraved Fenton glass vase, was presented to him during a dinner November 3, 2009, at the Parkersburg Country Club. It was named after a former legislator and three-term mayor of Parkersburg who died in 1991. The award is given every two or three years.

"I'm very pleased that Judge Douglass is receiving this award and this recognition of his service as circuit judge and his leadership of the Wood County Republican Executive Committee," Marge Nicely, Mr. Nicely's widow and a member of the award selection committee, told the *Parkersburg News and Sentinel*.

"It is an honor to have Judge Daniel B. Douglass receive this coveted award," Beverly Lockhart, executive committee chairwoman, told the newspaper. "He joins the ranks of great individuals who faithfully served this community as well as the Republican Party here in Wood County."

Judge Douglass is a graduate of Parkersburg High School and the West Virginia University College of Law. He joined the Wood County Republican Executive Committee and was party secretary under five chairmen before he became chairman in 1972, a position he held until 1984.

Judge Douglass served on the bench from 1986 to 1994, when he retired and became a senior status judge. He is a past winner of the West Virginia Trial Judge of the Year award from the West Virginia Trial Lawyers Association, now called the West Virginia Association for Justice.

He continues to practice law, is a fifty-year member of Masonic Lodge 172, and is an elder in the First Presbyterian Church in Parkersburg.

Judge Douglass and his wife, Pat, have been married fifty-nine years and have three children who are attorneys. They also have five grandchildren and three great-grandchildren.

Boone County Magistrate Clerk and her deputy named Hometown Heroes

The Boone County magistrate clerk and her deputy were named Hometown Heroes by WSAZ-TV for their work raising money for a three-year-old boy who lost an eye to cancer. Clerk Janet Dent and Deputy Clerk Georgann Cook organized a hot dog sale for Brayden Mooney, the grandson of someone who works with them at the courthouse.

The family's insurance company would not pay for a glass eye, which it said was cosmetic. So Ms. Dent and Ms. Cook created flyers and distributed them to local businesses. Soon they received donations of supplies for the hot dog sale. They raised $1,300 from that. The remaining $2,700 needed for the glass eye they received in donations from businesses, churches, and individuals.

The women were nominated for the Hometown Hero recognition by Boone County Magistrate Charles Byrnside. The segment aired on WSAZ on August 7 and August 8, 2009.

Portrait of late Judge Dan Robinson unveiled

A portrait of the late Circuit Judge Dan Robinson is unveiled in July 2009 in the Cabell County Courthouse. *Photo courtesy of* The [*Huntington*] Herald-Dispatch

The Cabell County Bar Association unveiled a portrait of the late Circuit Judge Dan Robinson that was hung in the Cabell County Courthouse. The portrait was unveiled in early July 2009 in the courtroom of Circuit Judge Dan O'Hanlon.

Judge Robinson died May 27, 2008, in Barboursville at age 86. He served more than fifteen years as a circuit judge, and he practiced law for more than fifty years.

Judge O'Hanlon, members of the Bar, and members of the judge's family spoke at the unveiling ceremony.

Judge Omar Aboulhosn talks with students at Concord University. *Photo by Michael Switzer*

Circuit court judge news

Two circuit judges appear on public television show

Two of West Virginia's most experienced circuit judges discussed drug courts on an episode of the West Virginia Public Television show "The Law Works" that aired February 26, 2009. The program is a weekly show on West Virginia PBS featuring topics about legal issues that affect daily life.

Judge Martin J. Gaughan of the First Judicial Circuit (Brooke, Hancock, and Ohio Counties) is considered one of the founders of community corrections in the state, and Circuit Judge Russell M. Clawges, Jr., of the Seventeenth Judicial Circuit (Monongalia County) is the presiding judge of the Monongalia County drug court.

Mercer BOE expands judge's mentoring program, judge speaks at several events

The Mercer County Board of Education on November 24, 2009, approved the expansion of Circuit Judge Omar Aboulhosn's mentoring program that links schools and individual classes with professionals in their communities. Judge Aboulhosn of the Ninth Judicial Circuit (Mercer County) said he quickly would begin training volunteers and meeting with teachers and principals.

Judge Aboulhosn has been working with sixth-grade classes at Montcalm Elementary School for more than ten years. He reads to the students once a week and participates in numerous activities and fields trips each year, including leading the students on a tour of the regional jail in Beaver each spring.

He began working with Generation GAP (Gathering Area Professionals), a young professionals group for ages 21 to 45, and the Dropout Prevention Committee of the COFY (Creating Opportunities for Youth) Coalition to expand his mentoring idea throughout Mercer County. The COFY Coalition is the substance abuse prevention program in Mercer County.

"Generation GAP members will be going into the other schools. Our goal is to replicate and expand what I do at Montcalm to other schools using other young professionals. We will be assisting in training the other professionals," he said.

Judge Aboulhosn also was a sought-after speaker in 2009.

He led a Memorial Day ceremony dedicating a bridge in honor of a soldier killed in Iraq. The Staff Sgt. Stanley Brian Reynolds Memorial Bridge

Nineteenth Judicial Circuit Judge Alan D. Moats gives a public tour of the Barbour County Courthouse in July 2009. *Photo courtesy of the* Barbour Democrat

takes state Route 10 across the Bluestone River in the Lake Shawnee area of Mercer County, about a half-mile from the intersection of U.S. 19.

Judge Aboulhosn also gave the commencement speech on May 30 at Princeton Senior High School. The judge is a 1985 graduate of the school.

And the judge participated in the first Concord University Alumni Career Symposium on October 16, taking part in three panel discussions that day. Judge Aboulhosn graduated from Concord in 1989 with a major in political science and a minor in speech communications.

Circuit judge tells lawmakers about intervention, tackling truancy

Circuit Judge Gary L. Johnson began and ended 2009 by talking to West Virginia legislators about children.

Besides being the only judge in the Twenty-Eighth Judicial Circuit (Nicholas County), Judge Johnson is chairman of the West Virginia Court Improvement Program, the goal of which is to improve the safety, permanency, and well-being of children in the child welfare and court systems.

On February 24, Judge Johnson spoke at the Second Annual Legislative Reception and Child Welfare Symposium at the Charleston Marriott Town Center. He talked about how a juvenile offender navigates through the juvenile justice system to reach adult independence. Prevention and intervention at an early age is critical to a successful outcome for a child, Judge Johnson said.

"We have to instill hope in children for their future," Judge Johnson said.

The role of judges is changing in child abuse and neglect and youth services cases, he said.

"Judges must collaborate with attorneys, social workers, and service providers to make sure everyone is on the same page," Judge Johnson said.

On December 8, Judge Johnson spoke before the Legislature's interim education subcommittee about truancy and how in 2009 he changed the way he handles such proceedings.

In past years, he wouldn't receive truancy cases until the end of the school year, by which time the students had missed forty-five to fifty days of school. In April and May 2009, the Nicholas County school system conducted a "roundup" of students with ten or more unexcused absences. Truancy cases were removed entirely from the magistrate court so every case went before Judge Johnson. He held hearings throughout the summer and put students under strict supervision.

Now, once a student misses ten unexcused days, county attendance director Kathy

Hypes notifies the circuit court. The students are named status offenders and a court date is set. Judge Johnson said he's careful to set court times outside school hours, so truancy proceedings don't cause absences.

Judge Johnson and Ms. Hypes told lawmakers the program has been implemented without any extra money from the state or federal government, according to the *Charleston Daily Mail*.

Judge Johnson said sixty-seven percent of people in West Virginia penitentiaries are high school dropouts. By instituting tougher truancy prevention programs, he said the state could cut dropout rates, prevent students from going to prison, and possibly save money in the long run.

Ms. Hypes said sixty-five percent of the children considered truant in the 2008-2009 school year did not miss school in the fall of 2009, a significant improvement. She said after the program has been in affect for a couple of years, she expects the truancy rate could drop even more.

Historian talks about John Brown trial in courtroom where it occurred

Circuit Judge David Sanders often takes visitors on tours of the historic Jefferson County Courthouse, site of the 1859 trial of abolitionist John Brown.

One day, Judge Sanders said, "I was leading a small group around the courthouse, re-telling the aspects of that famous building's history as I know it, when it became clear one of my listeners knew a great deal more about the trial of John Brown than I."

Twenty-Third Judicial Circuit Judge David H. Sanders, left, poses with historian Brian McGinty, center, and Ken Sullivan, Executive Director of the West Virginia Humanities Council. Judge Sanders invited Mr. McGinty to give a lecture on John Brown at the Jefferson County Courthouse. *Photo by Kirk Davis*

That listener was historian Brian McGinty, who Judge Sanders later invited to give a lecture at the courthouse on October 15, 2009, the eve of 150th anniversary of Brown's raid on the federal arsenal at Harper's Ferry. An audience of about two hundred people gathered in the Charles Town courthouse for the event, which also was covered by a film crew from C-Span Book TV. McGinty's visit was sponsored by the West Virginia Humanities Council and the Circuit Court of Jefferson County.

McGinty is a retired California attorney who lives in Scottsdale, Arizona. He has written seven books, including *John Brown's Trial*, published in October 2009 by Harvard University Press.

"This book is the most comprehensive account of John Brown's trial that I have ever read. He gives great detail, making the story absolutely come alive," said Judge Sanders of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties).

McGinty told his audience that Brown's trial was the most important in the history of America and that Brown's final statement before his sentencing set in motion the course to the Civil War. The raid, the trial, and the public reaction to them convinced Southerners that talk alone was not enough to protect their way of life; they needed to secede from the Union, and perhaps take up arms to do so.

Brown's trial also was the first to generate nationwide media attention, the first trial involving treason against a state instead of the nation, and the first trial to appeal to a higher moral law to justify criminal action.

The trial also pitted two starkly different moral visions against each other: those who opposed slavery and those who supported it.

If Brown had been killed in the October 16, 1859, raid, killed by a mob, or tried by a court martial as the Virginia governor had considered doing, he would not have had the public forum that his trial in Charles Town provided, McGinty said. Brown would have been known only as a cutthroat terrorist. Instead, his demeanor and eloquence during the four-day trial inspired even some slave owners to consider him a man of integrity, sincerity, and raw courage.

"Was the trial fair? That's not easy to answer," McGinty said. Brown was injured by three sword wounds and one saber stab above his heart, and he lay on a cot in the well of the courtroom during the trial because he could not sit or stand. Because of the laws at the time, he was not allowed to testify in his own defense, but he did question witnesses, challenge judicial rulings, and hire three attorneys to supplement the three the state provided.

Judge keynote speaker at "Pip" Kickoff

Circuit Judge Derek C. Swope of the Ninth Judicial Circuit (Mercer County) was the keynote speaker at the West Virginia Department of Health and Human Resources Bureau for Children and Families' "PIP Kickoff" on February 5, 2009, at the Charleston Civic Center. The two-day meeting launched the bureau's Program Improvement Plan (PIP), a response to concerns identified in the 2008 West Virginia Child and Family Services Review conducted by the federal Administration for Children and Families.

The Supreme Court of Appeals of West Virginia and the bureau collaborated for two years on the second West Virginia Child and Family Services Review (CFSR). The federal review assessed West Virginia's performance in achieving safety, permanency, and well-being for children in the child welfare system. The first CFSR in 2002 resulted in a bureau Program Improvement Plan (PIP) and statewide collaborative initiatives to improve the child welfare system.

The CFSR onsite review took place in Greenbrier, Harrison, Kanawha, Monroe, Pocahontas, and Summers Counties in September 2008, culminating in a public exit conference that took place on September 19, 2008.

Several representatives from the West Virginia court system were reviewers, including Judge Swope; Senior Status Circuit Judges L.D. Egnor, Jr., and James O. Holliday; and Supreme Court administrative staff.

The two-day meeting of bureau and judicial system employees in Charleston focused on recapping the areas of concern and strengths noted in the exit conference and discussion of collaboration between the judicial system and the bureau.

Judge recognized for service as first director of federal office

The first three directors of the Asset Forfeiture Office are shown on July 23, in Washington, D.C. Twenty-Third Judicial Circuit Judge John Yoder, center, was the first director. On Yoder's left is Michael Zellner, the third director, and on Yoder's right is Brad Cates, the second director. *Photo by Zhanna Cates*

Circuit Judge John Yoder of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) was recognized July 18 during a Washington, D.C., celebration of the twenty-fifth anniversary of the formation of the U.S. Department of Justice's Asset Forfeiture Office. Judge Yoder served as the first director of the Asset Forfeiture Office in the Criminal Division of the U.S. Department of Justice. He was an appointee of then-President Ronald Reagan.

Assistant Attorney General Larry A. Breuer, the head of the Criminal Division of the U.S. Department of Justice, recognized Judge Yoder and others at the Founders Lunch of the National Leadership Conference on Organized Crime Drug Enforcement Task Forces and the Asset Forfeiture Program. The luncheon celebrated the successful establishment of the asset forfeiture initiative to seize the gains and profits of drug dealers, according to a story in *The* [Martinsburg] *Journal*.

Since 1984, more than $13 billion in net federal forfeiture proceeds have been deposited into the Justice Assets Forfeiture Fund, and more than $4.5 billion has been equitably shared with more than eight thousand state and local law enforcement agencies nationwide.

Prior to being elected to the circuit bench, Judge Yoder served two terms in the West Virginia State Senate representing the Sixteenth Senatorial District.

Family court judge and his staff ride the circuit

Family Court Judge K. Bruce Lazenby and his staff traveled by train in the summer of 2009 to hear cases in a nearby county.

On July 22, Judge Lazenby, his clerk, and case coordinator traveled by Amtrak to hear cases in Hinton, located in Summers County.

Judge Lazenby was elected to the newly formed Thirteenth Circuit (Raleigh, Summers, and Wyoming Counties) in 2008. His office is based in Raleigh County.

"I thought it would be fun and also interesting to travel the circuit the way judges used to," Judge Lazenby said.

2009 Judicial Association Officers

President: O.C. Spaulding, Twenty-Ninth Judicial Circuit (Putnam County)

Vice-President: Jack Alsop, Fourteenth Judicial Circuit (Braxton, Clay, Gilmer, and Webster Counties)

Secretary: Ronald E. Wilson, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)

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

2009 Magistrate Association Officers

President: Riley Barb (Tucker County)
Secretary: Carol Wolfe (Gilmer County)
Treasurer: Hershel Mullins (Monongalia County)
Vice President First District: Patricia L. Murphy (Ohio County)
Vice President Second District: Gail C. Boober (Jefferson County)
Vice President Third District: Michael D. Parsons (Fayette County)

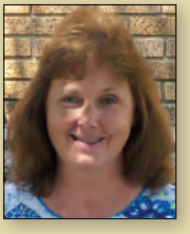
District Representatives

First District:
Michael H. Allman (Brooke County)
Michael K. Griffin (Tyler County)
Patricia L. Murphy (Ohio County)

Second District:
William T. Reynolds (Jackson County)
Charles David Roberts (Wirt County)
Julie Yeager (Kanawha County)

Third District:
Kevin Miller (Monroe County)
John Morton, Jr. (Nicholas County)
Michael J. Woelfel (Cabell County)

2009 Association of Probation Officers



President: Ruby Gail Fry (Wayne County)
Vice President: Kevin L. Runyon (Logan County)
Secretary: Karen B. Lemons (Greenbrier County)
Treasurer: Kay Browning (Logan County)

2009 Family Court Association Officers

President: Ronald E. Anderson, Sixth Family Court Circuit (Cabell County)

President-Elect: Robert C. Hicks, Second Family Court Circuit (Marshall, Tyler, and Wetzel Counties)

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

Treasurer: Charles E. Parsons, Twenty-Third Family Court Circuit (Hampshire, Mineral, and Morgan Counties)

Executive Committee:
Lisa Clark, Twelfth Family Court Circuit (Mercer and McDowell Counties)
Rebecca Cornett, Fifth Family Court Circuit (Jackson, Mason, and Wirt Counties)
Louise G. Staton, Thirteenth Family Court Circuit (Raleigh, Summers, and Wyoming Counties)
William T. Wertman Jr., Twenty-Fourth Family Court Circuit (Berkeley and Jefferson Counties)

2009 Court Reporters Asssociation Officers

President: Kathy Davis, Twenty-Ninth Judicial Circuit (Putnam County)
Vice President: Jo Ann Betler, Sixth Judicial Circuit (Cabell County)
President-elect: Rebecca Harris, Eighteenth Judicial Circuit (Preston County)
Secretary: Terri Cheslock, Sixteenth Judicial Circuit (Marion County)
Treasurer: Sharon Vincent, Seventeenth Judicial Circuit (Monongalia County)

Court Conferences

The Supreme Court sponsored the following conferences in 2009:

January 5-7	**New Family Court Judges' Conference, Charleston**
January 7-9	**Family Court Judges' Conference, Charleston**
January 12-16	**New Magistrate Assistants, Clerks, and Deputy Clerks' Conference, Charleston**
January 19-21	**New Circuit Court Secretaries' Conference, Charleston**
January 19-22	**New Family Court Staff Conference, Charleston**
January 27-29	**New Circuit Clerks' Conference, Charleston**
February 15-17	**New Circuit Judges' Education Conference, Charleston**
March 5-6	**Court Improvement Board's Judicial Roundtable 1, Shepherdstown***
March 9-10	**New Magistrates' Follow-Up Conference, Bridgeport**
March 12-13	**Court Improvement Board's Judicial Roundtable 2, Bridgeport***
March 19-20	**Court Improvement Board's Judicial Roundtable 3, Wheeling***
March 26-27	**Court Improvement Board's Judicial Roundtable 4, Charleston***
April 2-3	**Court Improvement Board's Judicial Roundtable 5, Daniels***
April 14-15	**Domestic Violence Summit 2, Wheeling †** (Summit 1 was held in September 2008)
April 16-17	**Domestic Violence Summit 3, Bridgeport †**
April 20-21	**Domestic Violence Summit 4, Charleston †**
April 23-24	**Domestic Violence Summit 5, Berkeley Springs †**
May 5-8	**Spring Circuit Judges' Education Conference, Bridgeport**
May 11-12	**Spring Family Court Judges' Education Conference, Vienna**
June 10-14	**National Association of Drug Court Professionals, Anaheim, California (circuit judges, family court judges, and magistrates working with West Virginia's drug courts)◊**
June 15-16	**New Mental Hygiene Commissioners' Conference, Lewisburg**
June 16-17	**Mental Hygiene Commissioners' Conference, Lewisburg**
July	**Legislative Update for Magistrates and Staff, online program**
July 13-14	**Court Improvement Board Cross Training I, Wheeling***
July 16-17	**Court Improvement Board Cross Training II, Beckley***
August 9-12	**Circuit Clerks' Conference, Chester**
August 26-27	**All Law Clerks' Conference, Charleston**
August 27-28	**New Circuit Court Law Clerks' Conference, Charleston**

** Funded by Department of Health and Human Services and Administration for Children and Families, Administration on Children, Youth, and Families 0801WVSCIT State Court Improvement Training Program Grant.*

† Funded by Department of Justice Office on Violence Against Women 2007-WE-AX-010 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

◊ Funded by West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities, Office of Behavioral Health Services G090319 Grant and West Virginia Division of Criminal Justice Services 08P-DCE-01 Purdue Pharma Asset Forfeiture Funds

August 28	**Juvenile Referee Training for Wayne and Cabell County Magistrates, Huntington**
August 29	**Juvenile Referee Training for Kanawha County Magistrates, Charleston**
September 2	**Child Abuse and Neglect Database and E-Calendar Training for Circuit Judges' Secretaries: Southern Counties, Charleston‡**
September 3	**Child Abuse and Neglect Database and E-Calendar Training for Circuit Judges' Secretaries: Northern Counties, Morgantown‡**
September 15-18	**Magistrate Conference One, Martinsburg**
September 15-17	**Statewide Domestic Violence Summit, Charleston§**
September 28-30	**Magistrate Conference Two, Martinsburg**
October 1-2 and 5-9	**Region VI: New Sexual Offender Intensive Supervision Officers' Training, Princeton**
October 13-16	**Fall Circuit Judges' Education Conference, Daniels**
October 13-15	**Bailiffs' Conference, Beckley****
October 13-15	**Circuit Court Reporters' Conference, Beckley**
October 19-21	**Fall Family Court Judges' Education Conference, Berkeley Springs**
October 27	**Child Abuse and Neglect Database and E-Calendar Make-Up Training for Circuit Judges' Secretaries, Charleston‡**
November 2-3	**New Probation Officers' Training, Canaan**
November 3-6	**All Probation Officers' Conference, Canaan**
November 9-11	**Magistrate Staff Conference 1, Morgantown**
November 16-18	**Magistrate Staff Conference 2, Morgantown**
November 18-20	**Court Security Conference, Roanoke****
December 7-8	**Mental Hygiene Commissioners' Mental Hygiene Registry Training: Sessions One and Two, Northern Counties, Morgantown††**
December 9	**Administrative Office Staff Training: The West Virginia Legislative Process, Charleston**
December 10-11	**Mental Hygiene Commissioners' Mental Hygiene Registry Training: Sessions Three and Four, Southern Counties, Charleston ††**
December 14-15	**Magistrates' Domestic Violence Registry Training, Sessions One and Two, Southern Counties, Charleston †**
December 17-18	**Magistrates' Domestic Violence Registry Training, Sessions Three and Four, Northern Counties, Morgantown †**

‡ *Funded by Deparment of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families 0801WVDCID State Court Improvement Data Sharing Program Grant*

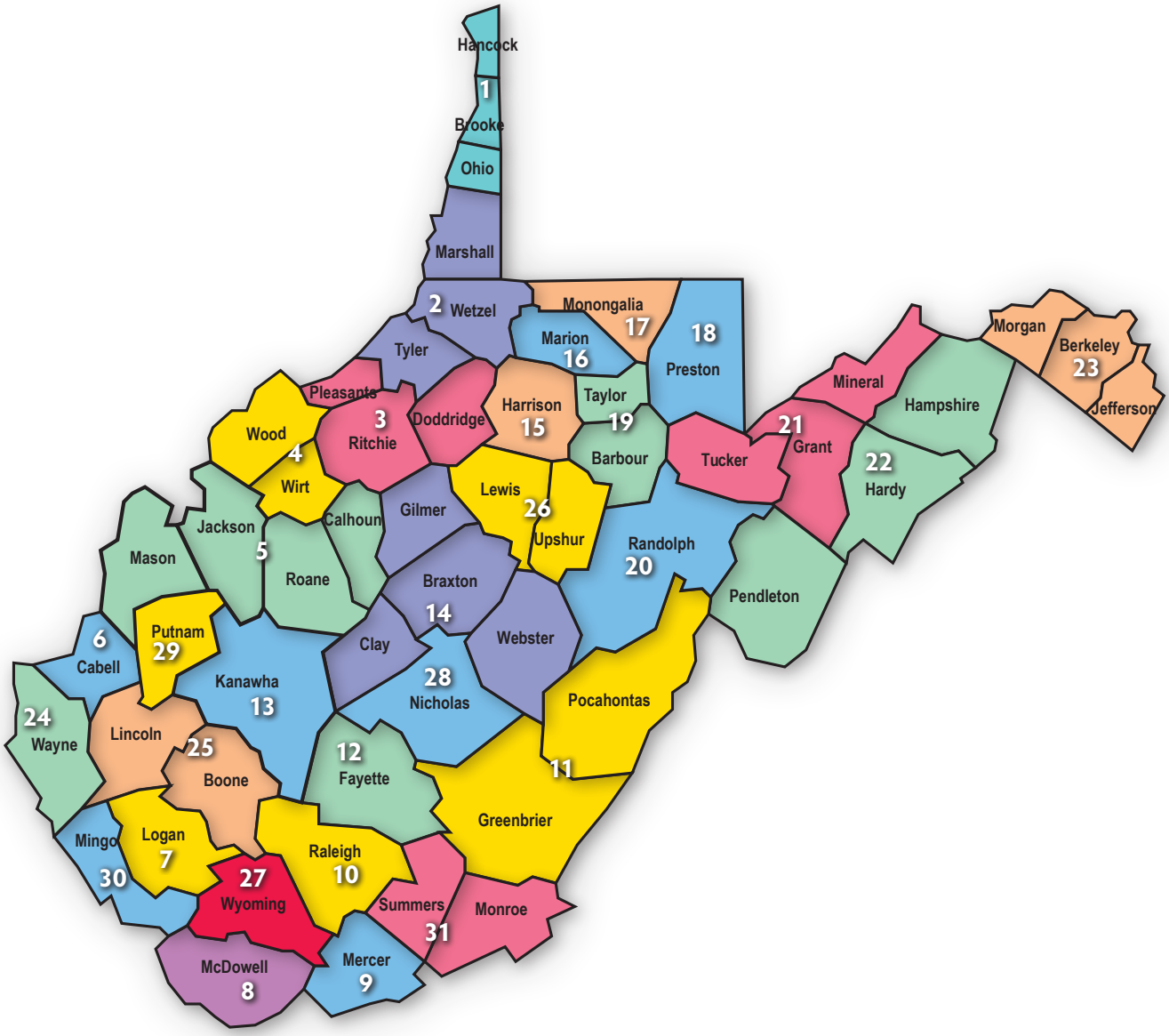
§*Funded by Department of Justice, Office on Violence Against Women 2007-WE-AX-0010 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, West Virginia Division of Criminal Justice Services 06-VAW-007 STOP Violence Against Women Grant, and West Virginia Division of Criminal Justice Services 09-VAWR-03 American Recovery and Reinvestment Act Justice Assistance Grant*

***Funded by West Virginia Division of Criminal Justice Services Grant 09-CS-20 Court Security Fund*

†† *Funded by West Virginia Division of Criminal Justice Services 08-RI-01 National Criminal History Improvement Program Grant*

Roster of Circuit Court Judges

West Virginia Circuits



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

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

3rd Judicial Circuit
Robert L. Holland, Jr.

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
Alfred E. Ferguson
F. Jane Hustead
Dan P. O'Hanlon
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
Irene C. Berger
(Resigned November 9 , 2009)
Louis H. "Duke" Bloom
Tod J. Kaufman
Charles E. King
James C. Stucky
Carrie L. Webster
(Took bench December 28, 2009)
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
Fred L. Fox, II
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
Jerry D. Moore

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
Phillip M. Stowers

30th Judicial Circuit
Michael Thornsbury

31st Judicial Circuit
Robert A. Irons

Circuit Court County Filings

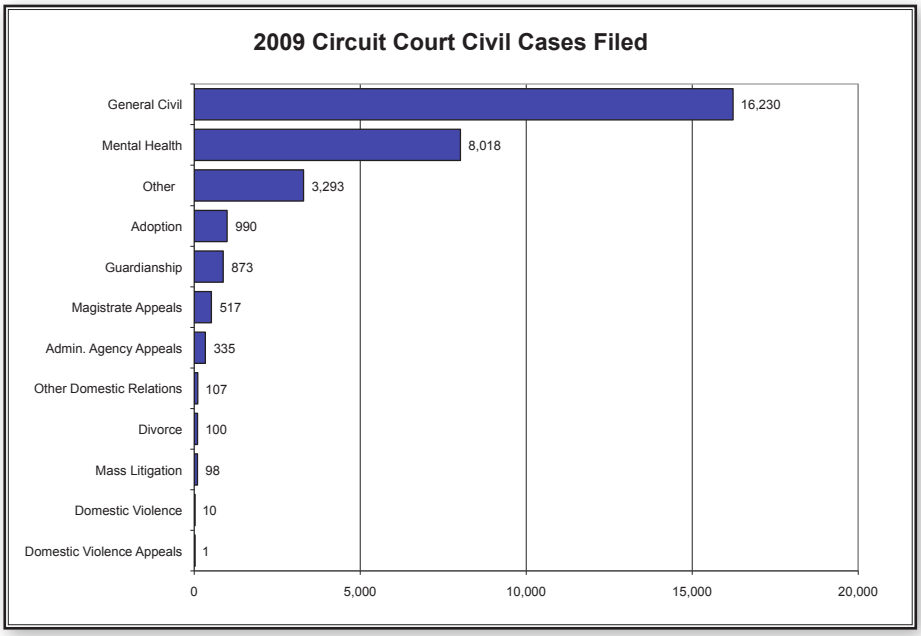
County	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
Barbour	252	353	306	308	202	213	209	251	410	361	370
Berkeley	2,329	2,851	2,715	2,526	2,514	2,112	1,927	1,725	2,676	1,930	2,267
Boone	977	942	824	750	531	656	731	551	1,261	1,083	1,079
Braxton	290	303	321	326	342	279	279	253	462	404	387
Brooke	519	533	600	751	597	606	983	575	1,520	1,676	1,554
Cabell	3,933	4,038	3,897	3,859	3,915	3,867	3,803	3,628	5,229	5,067	4,739
Calhoun	154	127	136	128	139	130	109	96	220	202	240
Clay	193	228	242	182	296	263	226	209	369	361	580
Doddridge	147	168	137	132	146	151	121	114	182	204	173
Fayette	840	887	947	915	878	848	775	815	1,349	1,252	1,317
Gilmer	140	157	147	131	142	83	111	56	135	139	127
Grant	253	225	224	265	200	222	243	140	315	244	246
Greenbrier	795	801	881	903	964	948	917	751	1,319	1,203	1,090
Hampshire	353	420	471	464	477	369	344	334	572	572	492
Hancock	740	573	680	683	688	684	713	710	947	856	924
Hardy	269	244	292	286	286	321	243	229	390	406	327
Harrison	1,674	1,859	1,816	1,614	1,602	1,623	1,545	1,757	2,379	1,466	2,294
Jackson	487	472	469	437	393	397	395	337	726	535	633
Jefferson	1,082	1,050	972	936	884	926	925	834	1,315	1,252	1,103
Kanawha	6,989	6,354	5,358	4,806	4,586	5,634	6,448	6,687	9,460	8,595	7,926
Lewis	738	702	815	729	777	693	670	657	916	959	907
Lincoln	625	706	669	636	685	694	630	625	613		591
Logan	1,025	1,144	1,260	1,389	1,402	1,415	1,312	1,274	2,119	1,700	1,721
Marion	1,584	1,452	1,487	1,432	1,451	1,431	1,276	1,431	1,740	1,694	2,023
Marshall	968	974	1,025	972	880	874	946	905	1,227	1,081	1,155
Mason	539	1,154	632	605	671	663	2,408	342	1,034	672	870
McDowell*	--	642	712	705	746	641	719	735	1,242	1,106	1,098
Mercer	2,045	2,238	2,441	2,662	2,413	2,305	2,201	2,040	2,918	2,408	2,453
Mineral	703	629	673	535	294	404	544	327	711	519	736
Mingo	1,218	1,113	1,008	1,048	1,060	850	831	603	1,522	1,558	1,507
Monongalia	2,010	1,996	1,828	1,896	1,726	1,672	1,837	1,737	2,307	2,174	2,114
Monroe	226	233	277	212	186	225	163	150	372	670	462
Morgan	399	364	424	356	346	319	407	280	498	464	434
Nicholas	768	720	773	713	721	644	620	658	1,043	1,009	910
Ohio	1,294	1,609	1,443	1,371	1,577	1,358	1,343	1,029	1,498	2,573	1,529
Pendleton	108	111	89	116	121	116	133	132	172	170	130
Pleasants	154	139	151	275	244	228	259	279	187	181	190
Pocahontas	237	241	238	221	232	257	237	235	348	327	300
Preston	661	688	714	663	650	608	481	565	848	828	800
Putnam	1,163	967	1,096	1,062	1,196	1,205	1,057	1,113	1,941	1,537	1,369
Raleigh	2,383	2,321	2,389	2,583	2,496	2,621	1,632	2,244	3,255	2,750	2,781
Randolph	661	692	822	775	748	747	705	729	1,085	1,005	936
Ritchie	213	187	239	185	232	184	177	149	275	268	233
Roane	293	316	327	373	328	256	263	240	414	413	393
Summers	250	299	341	257	320	292	301	289	459	368	377
Taylor	365	439	490	511	503	429	486	393	536	540	520
Tucker	136	136	200	125	177	141	115	141	215	219	240
Tyler	165	177	191	178	152	182	160	140	243	226	215
Upshur	478	483	481	466	429	461	455	423	761	573	624
Wayne	1,015	1,144	1,358	1,117	1,112	985	1,036	1,033	1,554	1,284	1,274
Webster	188	200	216	183	192	226	171	148	294	174	330
Wetzel	450	451	454	392	1,793	380	387	345	515	463	508
Wirt	82	92	106	92	67	157	107	104	144	157	123
Wood	2,156	2,170	2,230	2,133	2,186	2,263	2,038	2,036	2,916	2,611	2,569
Wyoming	607	585	555	628	640	632	618	587	919	898	1,021
TOTAL	**48,323**	**50,099**	**49,589**	**47,998**	**48,535**	**46,890**	**47,772**	**44,170**	**68,077**	**61,387**	**61,311**

*** Lincoln County did not report Circuit Court filings for 2000.**
The decrease in total filings in 2002 is attributed to the creation of new Family Courts in January 2002. Before 2002, the family law master system caseload appeared on the Circuit Court caseload. Please refer to Page 101 for the Family Court caseload. In 2003, the total Circuit Court caseload included Family Court appeals.

**McDowell County Circuit Court data is unavailable for 2009 due to personnel turnover and technical issues

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 comprise up to four counties.



There previously were sixty-nine circuit judges in West Virginia. During the 2009 regular legislative session, lawmakers approved Senate Bill 338 establishing a third circuit judge position in the Seventeenth Circuit (Monongalia County). On August 26, 2009, Governor Joe Manchin III appointed Phillip D. Gaujot to the new seat. Judge Gaujot joined Chief Judge Russell M. Clawges, Jr., and Judge Susan B. Tucker in the circuit.

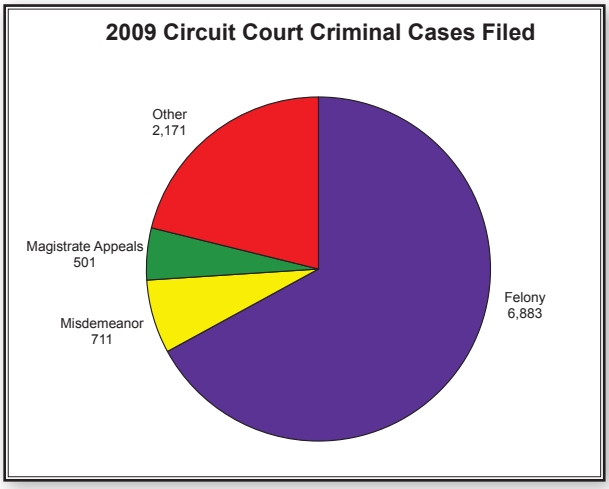
Each circuit judge has a law clerk, a secretary, and a court reporter.

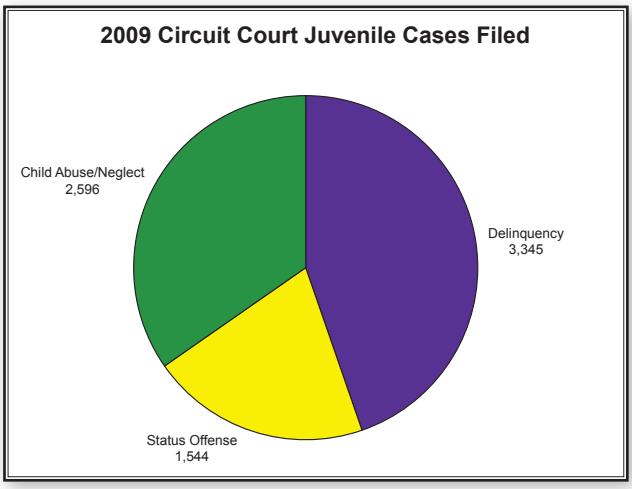
The circuit courts are trial courts of record. They have jurisdiction over all civil cases in which more than $300 is at issue; all cases on equity; proceedings in *habeas corpus, mandamus, quo warranto*, prohibition and *certiorari*; and all felonies and misdemeanors.

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 health hygiene and juvenile matters.

In 2009, a total of 48,323 cases were filed in West Virginia's circuit courts. Of that, 30,572 filings were civil cases, 10,266 were criminal cases, and 7,485 were juvenile matters.





Circuit Court Civil Case Filings

County	Total	Admin. Agency Appeals	Adoption	Divorce	Domestic Violence	Domestic Violence Appeals	General Civil
Barbour	143	2	14	0	0	0	79
Berkeley	1,545	4	61	0	0	0	1,040
Boone	601	0	18	0	0	0	336
Braxton	169	3	15	0	0	0	81
Brooke	353	1	12	0	0	0	244
Cabell	2,706	13	35	0	0	0	1,014
Calhoun	81	0	2	0	0	0	31
Clay	109	0	19	1	0	0	34
Doddridge	92	0	3	0	0	0	40
Fayette	487	5	31	0	0	0	340
Gilmer	100	1	3	0	0	0	38
Grant	149	0	3	1	0	0	77
Greenbrier	491	2	16	0	0	0	317
Hampshire	212	1	6	0	0	0	154
Hancock	345	8	10	0	0	0	224
Hardy	144	3	3	0	0	0	100
Harrison	973	10	31	0	0	0	572
Jackson	258	1	12	0	0	0	150
Jefferson	699	0	35	0	0	0	600
Kanawha	4,742	203	74	0	0	0	2,269
Lewis	618	0	9	0	0	0	131
Lincoln	296	2	26	0	0	0	141
Logan	592	2	35	0	0	0	281
Marion	1,028	5	24	0	1	0	499
Marshall	597	3	20	39	0	0	271
Mason	388	0	18	0	0	0	144
Mercer	1,191	3	32	1	0	0	534
Mineral	240	1	16	0	0	0	161
Mingo	528	0	26	0	0	0	413
Monongalia	1,555	9	25	0	0	0	871
Monroe	141	1	13	0	0	0	92
Morgan	260	0	10	0	0	0	167
Nicholas	401	3	20	2	0	0	215
Ohio	1,071	7	21	0	0	0	439
Pendleton	66	0	9	0	0	0	28
Pleasants	101	0	4	0	0	0	52
Pocahontas	134	0	3	1	0	0	65
Preston	428	1	13	0	0	0	291
Putnam	822	9	30	1	0	0	546
Raleigh	1,490	19	54	29	0	0	1,000
Randolph	393	2	7	0	0	0	243
Ritchie	119	1	4	0	0	0	74
Roane	157	0	15	0	0	0	59
Summers	107	1	4	0	0	0	60
Taylor	180	1	6	0	0	0	82
Tucker	98	0	6	0	0	0	74
Tyler	85	0	7	4	0	0	54
Upshur	231	0	20	0	0	0	132
Wayne	519	4	29	0	9	1	295
Webster	80	0	7	0	0	0	43
Wetzel	346	0	4	21	0	0	130
Wirt	44	0	3	0	0	0	19
Wood	1,596	4	36	0	0	0	669
Wyoming	271	0	31	0	0	0	215
Total	**30,572**	**335**	**990**	**100**	**10**	**1**	**16,230**

Note: Due to personnel turnover and technical issues, data for McDowell County Circuit Court is unavailable for 2009.

Circuit Court Civil Case Filings

County	Guardian-ship	Magistrate Appeals	Mass Litigation	Mental Health	Other Civil Cases	Other Domestic Relations
Barbour	10	7	0	8	23	0
Berkeley	34	27	0	198	181	0
Boone	24	3	0	112	99	9
Braxton	13	6	1	30	20	0
Brooke	15	1	0	62	18	0
Cabell	71	28	0	1,428	117	0
Calhoun	7	3	0	19	19	0
Clay	10	7	0	12	25	1
Doddridge	1	1	0	17	30	0
Fayette	21	4	0	44	42	0
Gilmer	3	1	0	9	45	0
Grant	5	4	0	13	44	2
Greenbrier	24	5	0	93	34	0
Hampshire	5	5	0	15	26	0
Hancock	15	4	0	35	49	0
Hardy	7	1	0	26	3	1
Harrison	24	14	0	238	84	0
Jackson	16	8	0	46	23	2
Jefferson	8	4	0	52	0	0
Kanawha	106	140	94	1,403	445	8
Lewis	2	7	0	423	46	0
Lincoln	19	3	0	44	61	0
Logan	29	19	0	204	13	9
Marion	20	28	0	311	140	0
Marshall	9	9	3	178	65	0
Mason	12	0	0	95	118	1
Mercer	50	32	0	305	234	0
Mineral	9	8	0	20	25	0
Mingo	12	4	0	42	31	0
Monongalia	18	26	0	295	311	0
Monroe	11	1	0	9	10	4
Morgan	11	9	0	15	48	0
Nicholas	14	6	0	97	44	0
Ohio	13	12	0	385	193	1
Pendleton	4	2	0	8	4	11
Pleasants	3	0	0	9	32	1
Pocahontas	2	4	0	33	26	0
Preston	15	6	0	69	32	1
Putnam	37	6	0	158	25	10
Raleigh	33	5	0	305	16	29
Randolph	16	11	0	32	82	0
Ritchie	4	1	0	19	16	0
Roane	12	4	0	38	25	4
Summers	10	1	0	10	19	2
Taylor	3	4	0	56	28	0
Tucker	3	2	0	7	6	0
Tyler	2	0	0	18	0	0
Upshur	4	2	0	31	41	1
Wayne	28	12	0	66	75	0
Webster	2	0	0	11	17	0
Wetzel	4	2	0	170	6	9
Wirt	3	1	0	10	8	0
Wood	22	17	0	681	167	0
Wyoming	18	0	0	4	2	1
Total	**873**	**517**	**98**	**8,018**	**3,293**	**107**

Note: Due to personnel turnover and technical issues, data for McDowell County Circuit Court is unavailable for 2009.

Circuit Court Criminal Case Filings

County	Total	Felony	Magistrate Appeals	Misdemeanor	Other Criminal
Barbour	52	48	0	0	4
Berkeley	375	204	164	7	0
Boone	184	121	0	63	0
Braxton	67	56	1	2	8
Brooke	120	91	1	6	22
Cabell	593	381	14	29	169
Calhoun	16	16	0	0	0
Clay	34	30	3	1	0
Doddridge	24	22	0	2	0
Fayette	210	171	13	4	22
Gilmer	33	33	0	0	0
Grant	51	42	3	6	0
Greenbrier	177	141	4	2	30
Hampshire	103	39	3	1	60
Hancock	273	171	14	7	81
Hardy	90	51	1	0	38
Harrison	314	222	14	32	46
Jackson	154	149	0	5	0
Jefferson	252	212	15	25	0
Kanawha	1,763	981	34	170	578
Lewis	86	77	4	5	0
Lincoln	122	50	3	0	69
Logan	148	112	1	10	25
Marion	291	244	31	13	3
Marshall	100	83	9	8	0
Mason	75	65	1	9	0
Mercer	561	371	16	10	164
Mineral	259	151	13	22	73
Mingo	559	184	0	4	371
Monongalia	348	275	19	20	34
Monroe	62	50	4	8	0
Morgan	84	74	2	2	6
Nicholas	171	91	5	0	75
Ohio	49	41	1	0	7
Pendleton	23	22	1	0	0
Pleasants	21	16	3	2	0
Pocahontas	61	44	3	1	13
Preston	191	83	3	2	103
Putnam	273	142	41	9	81
Raleigh	414	329	10	75	0
Randolph	131	76	4	37	14
Ritchie	47	41	3	1	2
Roane	95	90	1	4	0
Summers	94	88	0	4	2
Taylor	126	96	0	7	23
Tucker	16	14	0	0	2
Tyler	54	42	3	2	7
Upshur	153	89	4	42	18
Wayne	192	161	2	13	16
Webster	47	47	0	0	0
Wetzel	43	43	0	0	0
Wirt	26	21	2	2	1
Wood	305	262	27	13	3
Wyoming	154	128	1	24	1
Total	**10,266**	**6,883**	**501**	**711**	**2,171**

Note: Due to personnel turnover and technical issues, data for McDowell County Circuit Court is unavailable for 2009.

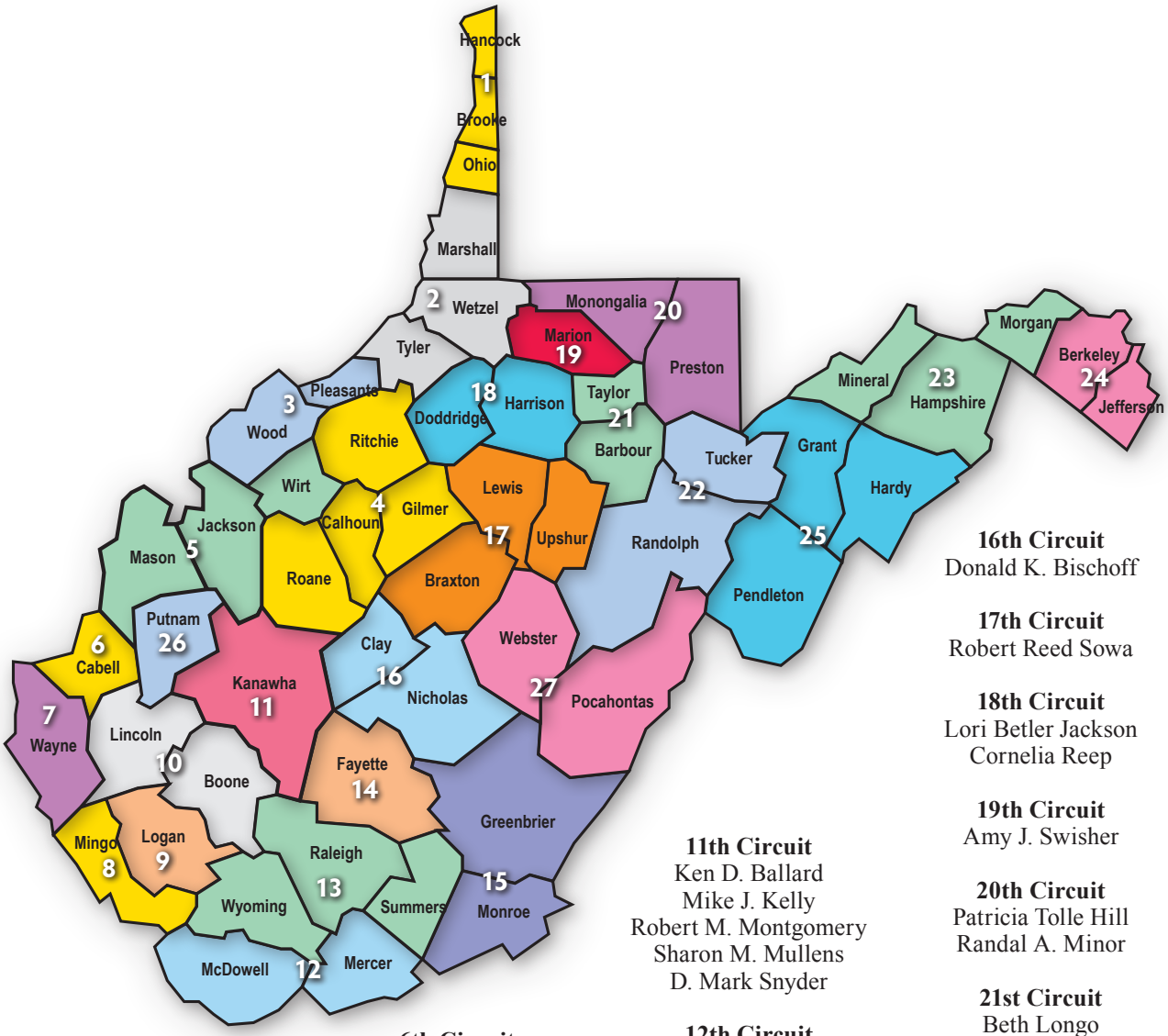
Circuit Court Juvenile Case Filings

County	Total	Child Abuse and Neglect	Delinquency	Status Offense
Barbour	57	15	11	31
Berkeley	409	81	209	119
Boone	192	45	121	26
Braxton	54	35	16	3
Brooke	46	22	24	0
Cabell	634	118	467	49
Calhoun	57	51	4	2
Clay	50	37	11	2
Doddridge	31	15	14	2
Fayette	143	96	47	0
Gilmer	7	1	6	0
Grant	53	35	17	1
Greenbrier	127	35	48	44
Hampshire	38	15	19	4
Hancock	122	46	72	4
Hardy	35	6	23	6
Harrison	387	93	195	99
Jackson	75	32	41	2
Jefferson	131	29	94	8
Kanawha	484	184	208	92
Lewis	34	21	13	0
Lincoln	207	49	49	109
Logan	285	89	100	96
Marion	265	97	126	42
Marshall	271	55	121	95
Mason	76	26	33	17
Mercer	293	175	91	27
Mineral	204	40	117	47
Mingo	131	60	17	54
Monongalia	107	41	27	39
Monroe	23	13	4	6
Morgan	55	7	32	16
Nicholas	196	68	43	85
Ohio	174	98	65	11
Pendleton	19	4	10	5
Pleasants	32	17	15	0
Pocahontas	42	31	7	4
Preston	42	9	12	21
Putnam	68	9	21	38
Raleigh	479	95	288	96
Randolph	137	55	51	31
Ritchie	47	31	13	3
Roane	41	20	21	0
Summers	49	20	15	14
Taylor	59	13	19	27
Tucker	22	1	14	7
Tyler	26	10	14	2
Upshur	94	40	44	10
Wayne	304	129	151	24
Webster	61	46	15	0
Wetzel	61	15	37	9
Wirt	12	7	5	0
Wood	255	122	64	69
Wyoming	182	92	44	46
Total	**7,485**	**2,596**	**3,345**	**1,544**

Note: Due to personnel turnover and technical issues, data for McDowell County Circuit Court is unavailable for 2009.

Roster of Family Court Judges

2009 Family Court Circuits



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
Connie 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
Cynthia J. Jarrell
Scott E. Elswick

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
Janet Frye Steele

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
Charles E. Parsons

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

Before 2001, West Virginia had thirty-three family law masters who served twenty-four family court circuits. Family law masters were special commissioners the governor appointed to hear family court cases and to issue recommended orders to circuit courts. A constitutional amendment approved by voters in November 2000 elevated family courts to a separate court system with thirty-five judges in twenty-six circuits.

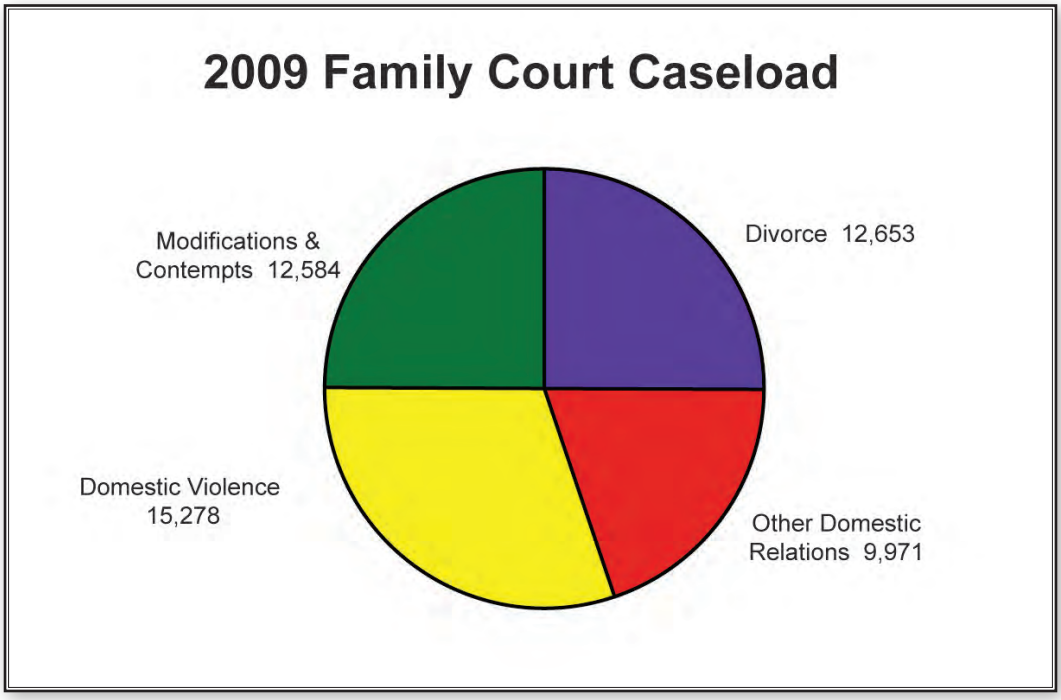
The governor appointed the first family court judges to one-year terms. They then stood for election in partisan races in 2002 and took office for initial six-year terms in January 2003. Subsequent terms beginning January 1, 2009, are for eight years, the same as terms of circuit judges. In 2007 the Legislature added ten family court judges, one additional family court circuit, and restructured nine circuits to balance caseloads statewide. The new judges were elected on November 4, 2008, and began their eight-year terms on January 1, 2009.

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.

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.

In 2009, there were 37,902 new cases filed in family courts in West Virginia. Of those, 15,278 were domestic violence, 12,653 were divorces, and 9,971 were other domestic relations. There also were 12,584 modification and contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Those proceedings accounted for 24.9 percent of the family court judges' statewide workload.

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



West Virginians Served by Supreme Court-Supported Family Visitation Centers in 2009

Category	Number
Total Parents Served	947
Fathers	441
Mothers	454
Grandparent/Legal Guardian	52
Children Involved	780
Supervised Visitation	719
Neutral Drop-off	370

** Total number of parents served = fathers + mothers + grandparent/legal guardian

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.

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 twenty percent of parents are not candidates for mediation for various reasons.

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

Along with mediation, family court judges order parents who are divorcing to attend a one-time, mandatory parent education class. Classes are offered in every West Virginia county. Adults learn about preparing a parenting plan, mediation, and the effects of family dissolution and domestic violence on children. The class teaches parents how to minimize the negative effects of divorce and family dissolution on children.

In 2007 the Supreme Court approved an expansion of "high-conflict" parent education classes and in September 2008 the Court launched child-focused classes for parents who are divorcing. These 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 courts refer select couples to the series of six, two-hour classes.

The advanced child-focused parent education classes educate parents regarding the impact of conflict on their child's development; help parents identify their contribution to conflict while increasing impulse control; teach parents anger management, communication, and conflict resolution skills; and educate parents about children's issues in divorce.

Family Court County Filings

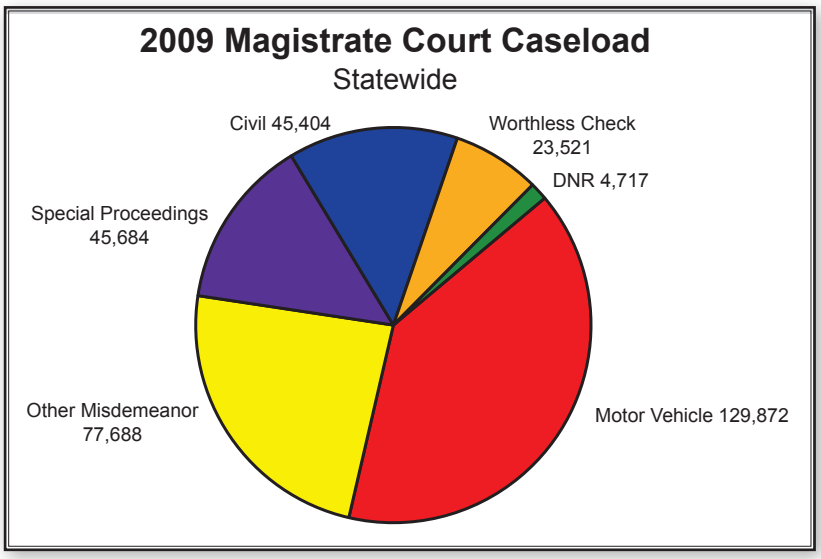
County	2009	2008	2007	2006	2005	2004	2003	2002
Barbour	196	236	244	247	184	138	141	244
Berkeley	1,713	1,740	1,728	1,814	1,803	1,722	1,603	1,569
Boone	649	553	645	621	605	663	610	608
Braxton	234	209	208	235	220	233	243	282
Brooke	341	300	318	304	344	332	308	323
Cabell	2,572	2,483	2,475	2,454	2,388	2,328	2,440	2,341
Calhoun	137	147	113	119	142	174	158	130
Clay	305	249	258	325	326	282	243	288
Doddridge	117	117	121	124	142	133	125	126
Fayette	1,031	1,039	933	1,030	946	990	897	981
Gilmer	125	122	86	126	66	50	58	123
Grant	220	192	186	180	250	127	191	121
Greenbrier	714	685	593	640	685	713	736	630
Hampshire	308	307	308	282	279	333	254	276
Hancock	611	456	519	595	443	388	516	505
Hardy	271	230	264	276	289	257	247	218
Harrison	1,388	1,282	1,263	1,354	1,268	1,187	1,181	1,092
Jackson	703	446	560	456	487	457	419	472
Jefferson	817	736	768	752	775	826	783	677
Kanawha	4,686	4,244	4,153	4,302	4,741	4,270	4,418	4,375
Lewis	284	282	265	276	233	285	241	283
Lincoln	447	417	474	528	549	511	631	550
Logan	1,350	1,156	1,052	1,185	1,283	1,210	1,192	1,225
Marion	868	920	858	843	849	836	901	842
Marshall	582	554	513	448	526	465	547	461
Mason	596	433	529	562	474	524	461	480
McDowell	628	622	684	781	3,220	817	804	788
Mercer	1,755	1,724	1,834	1,894	1,943	1,830	1,644	1,691
Mineral	425	467	507	403	362	380	407	426
Mingo	1,108	874	1,025	1,061	1,125	1,119	1,097	1,157
Monongalia	1,195	1,235	1,208	1,171	1,183	1,228	1,150	1,110
Monroe	299	303	329	295	289	298	233	222
Morgan	223	212	186	223	218	274	226	249
Nicholas	615	521	507	518	471	495	457	460
Ohio	687	678	620	731	717	1,386	659	674
Pendleton	71	96	78	95	87	56	58	60
Pleasants	127	105	131	156	129	108	109	136
Pocahontas	165	182	172	214	221	211	184	183
Preston	609	600	554	523	514	559	521	499
Putnam	926	930	957	904	946	923	890	871
Raleigh	1,772	1,637	1,594	1,669	1,617	1,529	1,319	1,637
Randolph	613	560	552	511	505	428	500	502
Ritchie	191	174	148	156	185	145	189	228
Roane	330	357	300	362	305	329	278	319
Summers	242	252	270	305	284	246	445	221
Taylor	201	217	241	221	214	169	199	178
Tucker	107	100	77	81	99	92	98	124
Tyler	158	117	151	136	132	145	147	154
Upshur	364	308	347	343	312	339	357	397
Wayne	657	676	776	780	821	840	909	800
Webster	222	230	243	237	193	238	206	179
Wetzel	272	264	279	230	248	222	290	273
Wirt	112	90	106	131	103	114	117	131
Wood	1,826	1,633	1,633	1,607	1,647	1,524	1,420	1,506
Wyoming	737	667	763	663	793	746	661	768
TOTAL	**37,902**	**35,366**	**35,706**	**36,479**	**39,180**	**36,224**	**35,118**	**35,165**

2009 Family Court Case Filings

County	Total Filings	Divorce	Other Domestic Relations	Total Domestic Violence	Total	Contempt	Modification
Barbour	196	83	41	72	133	69	64
Berkeley	1,713	559	459	695	620	253	367
Boone	649	245	186	218	503	131	372
Braxton	234	95	58	81	23	7	16
Brooke	341	128	125	88	61	11	50
Cabell	2,572	680	554	1,338	761	281	480
Calhoun	137	64	34	39	54	18	36
Clay	305	122	68	115	133	48	85
Doddridge	117	37	29	51	25	9	16
Fayette	1,031	343	330	358	496	202	294
Gilmer	125	56	20	49	24	9	15
Grant	220	63	64	93	84	23	61
Greenbrier	714	257	184	273	335	186	149
Hampshire	308	132	104	72	131	48	83
Hancock	611	179	226	206	46	17	29
Hardy	271	88	91	92	89	36	53
Harrison	1,388	391	289	708	276	118	158
Jackson	703	264	162	277	248	89	159
Jefferson	817	250	278	289	272	119	153
Kanawha	4,686	1,370	1,414	1,902	1,870	747	1,123
Lewis	284	135	72	77	49	23	26
Lincoln	447	179	86	182	372	186	186
Logan	1,350	394	416	540	333	92	241
Marion	868	315	222	331	245	79	166
Marshall	582	142	184	256	260	82	178
Mason	596	220	151	225	171	81	90
McDowell	628	208	212	208	209	63	146
Mercer	1,755	494	474	787	410	122	288
Mineral	425	162	151	112	162	52	110
Mingo	1,108	339	335	434	145	48	97
Monongalia	1,195	383	248	564	314	120	194
Monroe	299	99	59	141	97	55	42
Morgan	223	94	72	57	90	38	52
Nicholas	615	259	99	257	169	48	121
Ohio	687	200	224	263	169	90	79
Pendleton	71	33	17	21	34	4	30
Pleasants	127	61	24	42	3	1	2
Pocahontas	165	39	49	77	125	64	61
Preston	609	184	150	275	181	72	109
Putnam	926	379	177	370	474	252	222
Raleigh	1,772	651	420	701	594	264	330
Randolph	613	199	142	272	275	95	180
Ritchie	191	63	44	84	83	45	38
Roane	330	161	62	107	133	45	88
Summers	242	83	75	84	76	19	57
Taylor	201	98	42	61	144	50	94
Tucker	107	42	18	47	35	10	25
Tyler	158	65	28	65	48	9	39
Upshur	364	166	80	118	84	12	72
Wayne	657	306	189	162	149	55	94
Webster	222	103	35	84	112	35	77
Wetzel	272	102	81	89	114	45	69
Wirt	112	38	31	43	37	13	24
Wood	1,826	604	455	767	211	62	149
Wyoming	737	247	131	359	293	101	192
Total	**37,902**	**12,653**	**9,971**	**15,278**	**12,584**	**4,853**	**7,731**

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 County. Magistrates issue arrest and search warrants, hear misdemeanor cases, conduct preliminary examinations in felony cases, and hear civil cases with $5,000 or less in dispute. Magistrates also issue emergency protective orders in cases involving domestic violence. Circuit courts hear appeals of magistrate court cases.



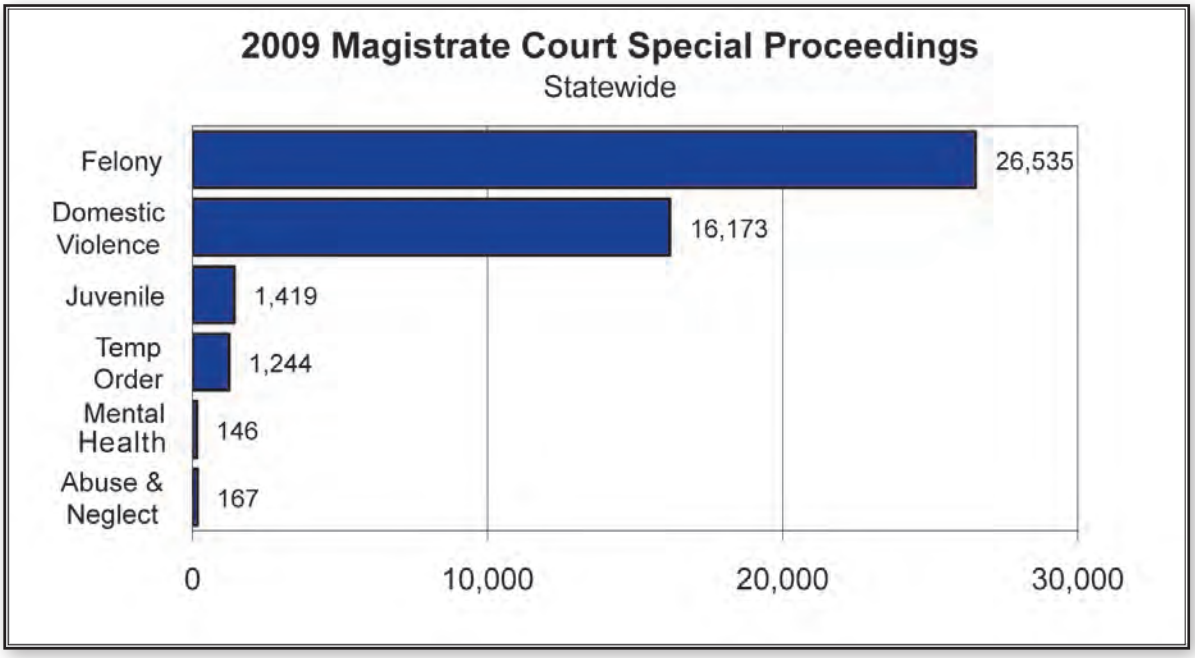
Magistrates run for four-year terms in partisan elections. The West Virginia Constitution prohibits requiring magistrates to be lawyers.

Circuit judges appoint magistrates to fill vacancies. An appointee who wishes to remain in office must run in the next election.

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 at www.state.wv.us/wvsca/maginfo.htm.

That website page also has a list of 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.

Former Chief Kanawha County Magistrate Janie Moore became Director of Magistrate Court Services in March. During her twenty-five years as a magistrate, she achieved state-wide prominence, especially in her pioneering work with videoconferencing. "The Court wanted a former magistrate in this position. I can easily discuss procedures with magistrates because I have been where they are," she said.



Magistrate Court Case Filings

	2009												
	Criminal and Civil	Special Proceedings	Total	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
Barbour	1,850	223	2,073	2,144	2,106	2,207	2,100	2,517	2,988	2,119	2,213	2,453	2,550
Berkeley	15,907	2,687	18,594	22,086	20,464	17,820	17,284	19,480	18,768	18,983	20,515	21,667	15,869
Boone	4,119	968	5,087	5,309	5,903	5,723	6,142	6,394	5,515	5,061	5,227	4,949	5,395
Braxton	2,500	355	2,855	3,188	3,711	3,894	3,944	4,072	3,901	5,004	4,579	4,469	4,287
Brooke	2,733	429	3,162	2,948	3,136	3,925	3,992	4,111	3,217	3,158	4,628	4,037	3,914
Cabell	15,478	2,892	18,370	18,488	20,355	20,169	21,333	23,391	21,150	19,624	19,164	21,481	22,795
Calhoun	844	95	939	922	765	773	958	926	839	1,079	933	1,085	869
Clay	1,494	220	1,714	1,713	2,534	2,526	2,352	2,500	2,027	1,951	2,628	2,817	3,158
Doddridge	1,107	162	1,269	1,105	1,973	1,276	1,097	1,376	1,346	1,198	1,479	1,801	1,603
Fayette	7,208	1,289	8,497	8,118	7,191	7,744	7,851	8,949	7,970	8,476	10,026	11,306	12,095
Gilmer	798	211	1,009	803	1,029	1,102	999	699	938	900	1,211	1,165	1,005
Grant	1,778	358	2,136	2,385	2,479	2,454	2,743	1,969	1,865	2,501	3,146	3,013	2,382
Greenbrier	3,952	479	4,431	4,963	5,053	6,699	6,085	6,715	6,055	6,542	6,560	6,867	7,411
Hampshire	4,256	430	4,686	4,765	5,778	6,079	5,808	5,233	4,598	3,807	3,573	3,959	3,254
Hancock	3,440	685	4,125	4,014	4,040	3,889	3,801	3,972	4,207	4,672	4,543	4,780	4,226
Hardy	3,020	360	3,380	3,483	3,234	4,038	4,364	4,473	3,668	3,730	4,319	4,248	2,943
Harrison	9,751	1,966	11,717	12,350	12,725	12,621	12,020	13,322	15,719	14,508	17,911	19,915	19,337
Jackson	3,297	583	3,880	3,990	4,483	4,528	4,754	5,118	4,116	3,585	3,890	4,740	5,803
Jefferson	8,257	984	9,241	7,740	10,531	15,734	10,962	10,578	9,545	8,227	10,985	9,498	10,189
Kanawha	33,436	5,222	38,658	44,802	50,477	39,710	41,920	40,458	34,955	39,289	43,690	50,598	46,573
Lewis	4,099	225	4,324	4,306	5,399	5,177	4,729	5,611	6,417	5,232	5,314	8,250	8,674
Lincoln	4,005	622	4,627	4,695	4,171	3,666	3,314	3,542	3,232	2,773	3,602	3,074	3,465
Logan	7,752	1,622	9,374	10,349	11,995	12,133	11,526	11,653	8,768	8,584	9,811	9,740	2,101
Marion	7,798	1,210	9,008	7,428	8,035	7,870	7,259	7,716	7,396	8,750	9,533	11,168	11,084
Marshall	4,073	694	4,767	4,347	5,153	5,052	4,972	4,751	4,691	6,854	5,915	6,537	6,351
Mason	3,958	1,314	5,272	4,735	5,418	4,530	4,194	5,222	4,005	4,853	5,795	5,729	4,541
McDowell	3,674	1,251	4,925	6,034	5,896	5,064	5,732	5,358	5,156	4,373	4,607	4,902	4,713
Mercer	11,721	2,422	14,143	14,755	16,942	18,628	20,545	18,802	17,442	21,585	18,232	19,466	18,863
Mineral	4,515	461	4,976	4,638	4,574	4,860	4,896	4,824	3,992	3,160	3,437	4,005	3,808
Mingo	4,999	1,302	6,301	7,483	7,204	6,061	6,561	5,384	4,363	5,529	5,229	5,598	4,626
Monongalia	9,985	1,230	11,215	13,509	13,889	12,970	11,919	13,048	12,298	12,660	14,244	14,800	13,799
Monroe	1,138	224	1,362	1,355	1,340	1,334	1,263	1,362	1,499	1,425	1,572	1,736	1,307
Morgan	3,565	193	3,758	3,312	3,236	3,221	4,141	3,946	3,670	3,731	3,897	3,008	3,400
Nicholas	6,679	1,208	7,887	7,268	6,775	7,657	7,665	7,112	6,409	7,618	8,022	8,683	8,448
Ohio	6,784	782	7,566	6,726	7,742	8,862	8,596	10,376	9,861	9,024	9,469	10,715	13,571
Pendleton	802	63	865	901	727	1,082	1,200	1,279	1,347	1,607	1,921	1,714	1,659
Pleasants	1,056	113	1,169	1,257	1,407	1,340	1,195	1,369	1,523	1,438	1,366	1,395	1,147
Pocahontas	1,789	200	1,989	1,490	1,950	2,592	1,444	2,159	1,849	1,929	2,445	2,321	2,186
Preston	4,105	486	4,591	5,621	5,392	5,909	5,788	5,288	5,481	6,605	5,699	6,409	5,833
Putnam	7,224	886	8,110	8,733	8,696	9,641	9,428	10,545	9,557	9,121	9,254	9,544	9,467
Raleigh	13,302	2,243	15,545	17,108	18,680	19,937	19,490	21,827	20,676	24,312	24,923	25,121	27,721
Randolph	5,375	594	5,969	6,899	6,591	5,845	6,877	7,069	7,592	6,943	8,139	8,390	7,742
Ritchie	2,218	211	2,429	3,168	3,850	3,665	3,477	3,287	2,548	2,731	3,386	2,917	2,041
Roane	2,054	565	2,619	3,069	3,507	3,518	3,310	3,393	2,683	2,940	3,939	4,340	4,679
Summers	1,507	275	1,782	1,788	2,053	1,904	1,780	1,786	1,606	2,140	2,365	2,332	1,798
Taylor	1,580	220	1,800	2,121	2,378	2,173	1,866	1,852	1,955	2,243	2,235	2,616	2,753
Tucker	1,002	78	1,080	996	1,138	1,141	1,395	1,469	1,275	1,311	1,549	1,601	1,419
Tyler	860	112	972	1,041	1,024	1,138	1,034	1,148	1,003	1,186	1,035	1,135	1,082
Upshur	4,919	391	5,310	4,368	5,159	5,235	5,771	6,087	6,758	5,705	5,752	7,381	6,320
Wayne	4,391	764	5,155	5,705	5,264	5,894	6,983	9,298	7,956	5,815	5,623	6,398	5,362
Webster	1,082	281	1,363	1,614	1,559	1,533	1,297	1,666	1,589	1,222	1,363	1,477	1,106
Wetzel	1,813	192	2,005	1,946	1,576	1,861	1,884	1,434	1,601	1,684	1,620	1,476	1,734
Wirt	1,181	63	1,244	1,054	959	1,176	917	1,021	998	805	1,108	1,278	1,128
Wood	12,676	1,586	14,262	19,666	20,873	17,835	16,001	14,068	12,622	13,338	12,671	11,843	12,504
Wyoming	2,296	1,003	3,299	3,475	3,574	3,667	3,987	3,917	3,889	4,362	4,616	3,832	3,769
TOTAL	**281,202**	**45,684**	**326,886**	**348,276**	**372,093**	**367,082**	**362,945**	**374,922**	**347,094**	**358,002**	**380,908**	**405,779**	**385,859**

2009 Magistrate Court Case Filings

	Total	Civil	DNR	Motor Vehicle	Other Misdemeanor	Worthless Check
Barbour	1,850	189	169	819	398	275
Berkeley	15,907	5,195	129	6,839	3,154	590
Boone	4,119	273	51	1,823	1,877	95
Braxton	2,500	233	101	1,417	571	178
Brooke	2,733	299	51	1,661	545	177
Cabell	15,478	3,613	43	6,796	4,316	710
Calhoun	844	107	48	405	183	101
Clay	1,494	145	59	554	446	290
Doddridge	1,107	112	14	712	155	114
Fayette	7,208	906	79	3,951	1,678	594
Gilmer	798	160	49	294	201	94
Grant	1,778	220	96	761	359	342
Greenbrier	3,952	923	86	1,083	825	1,035
Hampshire	4,256	968	151	1,877	818	442
Hancock	3,440	523	25	1,416	1,382	94
Hardy	3,020	432	119	1,104	678	687
Harrison	9,751	2,145	121	3,595	2,731	1,159
Jackson	3,297	511	162	1,213	954	457
Jefferson	8,257	1,519	227	2,770	3,381	360
Kanawha	33,436	4,313	268	17,026	10,952	877
Lewis	4,099	776	122	2,068	437	696
Lincoln	4,005	186	31	2,110	1,554	124
Logan	7,752	541	115	3,984	2,888	224
Marion	7,798	1,443	172	3,955	1,517	711
Marshall	4,073	759	29	1,689	1,256	340
Mason	3,958	286	134	2,287	932	319
McDowell	3,674	287	80	541	2,724	42
Mercer	11,721	2,587	65	4,964	3,214	891
Mineral	4,515	341	40	2,918	1,009	207
Mingo	4,999	293	124	2,569	1,960	53
Monongalia	9,985	2,078	70	5,444	1,817	576
Monroe	1,138	197	66	277	481	117
Morgan	3,565	718	35	1,563	1,060	189
Nicholas	6,679	544	179	2,385	2,031	1,540
Ohio	6,784	799	13	3,555	2,035	382
Pendleton	802	101	29	420	119	133
Pleasants	1,056	121	45	509	167	214
Pocahontas	1,789	202	66	694	368	459
Preston	4,105	708	151	1,848	660	738
Putnam	7,224	893	64	3,709	1,912	646
Raleigh	13,302	1,659	71	6,391	4,021	1,160
Randolph	5,375	720	111	1,693	821	2,030
Ritchie	2,218	145	40	1,625	240	168
Roane	2,054	237	90	834	727	166
Summers	1,507	165	93	560	421	268
Taylor	1,580	314	56	863	231	116
Tucker	1,002	254	41	415	123	169
Tyler	860	118	34	408	213	87
Upshur	4,919	1,234	79	2,181	752	673
Wayne	4,391	579	89	2,635	783	305
Webster	1,082	136	103	302	347	194
Wetzel	1,813	229	39	860	531	154
Wirt	1,181	103	37	741	211	89
Wood	12,676	2,579	118	6,059	3,493	427
Wyoming	2,296	286	38	700	1,029	243
TOTAL	**281,202**	**45,404**	**4,717**	**129,872**	**77,688**	**23,521**

2009 Magistrate Court Special Proceedings

	Total	Abuse & Neglect	Domestic Violence	Felony	Juvenile	Mental Health	Temp Protective Order
Barbour	223	0	79	76	33	3	32
Berkeley	2,687	3	623	1,531	68	0	462
Boone	968	0	289	613	0	0	66
Braxton	355	0	86	258	10	1	0
Brooke	429	0	101	278	49	0	1
Cabell	2,892	0	1,348	1,538	0	0	6
Calhoun	95	0	42	53	0	0	0
Clay	220	4	113	85	14	4	0
Doddridge	162	7	58	64	26	5	2
Fayette	1,289	0	367	921	0	0	1
Gilmer	211	0	54	103	0	0	54
Grant	358	29	105	139	83	1	1
Greenbrier	479	0	312	166	0	0	1
Hampshire	430	0	75	355	0	0	0
Hancock	685	0	226	416	41	0	2
Hardy	360	4	90	236	27	1	2
Harrison	1,966	0	787	857	178	0	144
Jackson	583	0	244	317	22	0	0
Jefferson	984	0	0	578	61	0	345
Kanawha	5,222	0	2,028	3,194	0	0	0
Lewis	225	0	78	135	0	0	12
Lincoln	622	0	212	269	129	10	2
Logan	1,622	0	589	1,009	20	1	3
Marion	1,210	0	445	763	0	0	2
Marshall	694	0	276	415	0	1	2
Mason	1,314	0	252	1,062	0	0	0
McDowell	1,251	0	203	1,034	7	7	0
Mercer	2,422	0	837	1,530	54	1	0
Mineral	461	0	118	339	2	0	2
Mingo	1,302	13	432	733	121	0	3
Monongalia	1,230	0	602	624	0	0	4
Monroe	224	0	157	64	2	0	1
Morgan	193	0	48	45	33	0	67
Nicholas	1,208	0	281	829	80	18	0
Ohio	782	0	279	455	44	0	4
Pendleton	63	1	22	31	9	0	0
Pleasants	113	15	44	38	13	1	2
Pocahontas	200	0	81	118	1	0	0
Preston	486	36	279	152	1	17	1
Putnam	886	0	446	439	0	0	1
Raleigh	2,243	11	821	1,345	0	56	10
Randolph	594	0	319	275	0	0	0
Ritchie	211	13	84	94	19	1	0
Roane	565	2	108	428	21	2	4
Summers	275	0	86	183	2	2	2
Taylor	220	0	65	110	42	3	0
Tucker	78	0	46	30	2	0	0
Tyler	112	1	68	38	5	0	0
Upshur	391	17	147	179	45	2	1
Wayne	764	0	234	530	0	0	0
Webster	281	4	100	155	13	9	0
Wetzel	192	0	98	93	0	0	1
Wirt	63	0	44	19	0	0	0
Wood	1,586	4	879	681	22	0	0
Wyoming	1,003	3	366	513	120	0	1
TOTAL	**45,684**	**167**	**16,173**	**26,535**	**1,419**	**146**	**1,244**

Rendering of the future Raleigh County Judicial Center. *Courtesy of Silling Associates Architects*

Raleigh County Judicial Center groundbreaking held

In 2009 officials broke ground on the Raleigh County Judicial Center. The new building will be located at the former G.C. Murphy site on Neville Street in Beckley.

When complete, the 70,000 square-foot building will house circuit, family, and magistrate courts and circuit clerk's offices. Currently, the circuit court staff is in the Raleigh County Courthouse, family court judges share courtrooms in another facility, and the magistrate court staff is located in a third building.

"Probably the greatest thing it will do for us in Raleigh County is consolidate services in a central location where everyone will have appropriate access," said Tenth Judicial Circuit Chief Judge John A. Hutchison. "It also will allow us to consolidate security needs but also does away with what we have to do now with people trying to access the judicial system."

The building will sit across the street from the current courthouse and the Robert C. Byrd Federal Courthouse, creating a court triangle.

The new facility will have three above-ground floors with a lower level accessible in the rear. There will be five courtrooms and three family court hearing rooms, and each will be equipped with the latest in technology, said Tom Potts, president of Silling Associates, Inc., the architectural firm which designed the building.

"We tried to blend together and take aspects of both the Art Deco feel of the old courthouse and the traditional style of the federal courthouse when designing this new building," Mr. Potts said. "It has visual clues and scale that picks up on the other buildings."

Judge Hutchison said the judges and staff had a great deal of input in the how the courtrooms and office spaces should be laid out.

"We were consulted, and our wish list was bigger than the budget. But once we figured out what we could work with, everything worked out well," he said.

The target completion date is late 2011.

Chief Justice and Governor dedicate new Mercer County courtrooms

Supreme Court Chief Justice Brent D. Benjamin and Governor Joe Manchin III dedicated two new courtrooms in Mercer County on November 30, 2009.

The new courtrooms in the Mercer County Courthouse Annex are used by Judge Omar J. Aboulhosn of the Ninth Judicial Circuit (Mercer County) and Family Court Judge Lisa K. Clark, Twelfth Family Court Circuit (Mercer and McDowell Counties).

The dedication ceremony was held in the Mercer County Courthouse courtroom of Ninth Judicial Circuit Judge William J. Sadler. Tours of the new courtrooms were given after the ceremony.

"It is such a wonderful day when we open courtrooms," said Chief Justice Benjamin. "These two courtrooms will serve the citizens of Mercer County for years to come."

Justices Menis E. Ketchum and Thomas E. McHugh also attended and took part in the ribbon-cutting ceremony along with Governor Manchin, Judge Aboulhosn, Judge Clark, U. S. Representative Nick Rahall, Secretary of State Natalie Tennant, and several others.

The judges needed new courtrooms because they are both in new positions created by the Legislature to address the growing family court and circuit court caseloads in Mercer County.

"Mercer County greatly needed the addition of both judges," said Ninth Judicial Circuit Judge Derek C. Swope. "The Mercer County Commission and its Building Authority have done a wonderful job incorporating these new positions into the well-planned Annex. Appropriately appointed courtroom facilities are fundamental to providing justice for all."

Chief Judge Sadler and Judge Derek Swope were carrying the caseload in the Ninth Judicial Circuit in Mercer County before Judge Aboulhosn's appointment.

"It's helped us out," Judge Sadler told the *Bluefield Daily Telegraph*. "It's made the dockets a lot more manageable, especially in the child abuse and neglect cases."

The Mercer County Commission is charged with providing facilities for court staff, and it provided funding for the project, which exceeded $5 million.

Governor Manchin appointed Judge Aboulhosn on December 5, 2008, to the new seat in the Ninth Judicial Circuit. The position was one of three new circuit judge seats created by Senate Bill 291, which passed during the 2008 regular legislative session.

Judge Clark was elected in November 2008 to a new seat in the Twelfth Family Court Circuit, a position which was created during the 2007 legislative session.

Marion County courtroom is full of light again

The second-floor courtroom in the historic Marion County Courthouse is bright with natural light again.

Sixteenth Judicial Circuit Judge David R. Janes told the [Fairmont] *Times West-Virginian* that about forty years ago, acoustical paneling was put up around the courtroom, including in front of three large windows that face the courthouse annex.

The paneling was removed as part of a renovation project in Judge Janes' courtroom early in 2009. By the week of July 6, the courtroom was in use again, with light from the three large windows shining in.

In addition to the window views, there is also refinished woodwork, a new ceiling, new paint, and new carpet.

Judge Janes told the newspaper the renovations would be ongoing. The courtroom pews are to be replaced so they will match the rest of the refinished wood in the courtroom. That project will carry over into 2010.

The Supreme Court of Appeals of West Virginia paid for a new sound system in the courtroom and some other technology, such as projectors and computer ports. The county pitched in about $80,000 for the bulk of the renovation costs through the coal severance fund.

Two new courtrooms are dedicated in Mercer County. From left, Circuit Judge William J. Sadler; Family Court Judge Mary Ellen Griffith; Circuit Judge Omar Aboulhosn; Supreme Court Justice Thomas E. McHugh; Family Court Judge David M. Sanders; Governor Joe Manchin III; Secretary of State Natalie Tennant; Circuit Judge James J. Rowe; Family Court Judge Lisa Clark; Circuit Judge John A. Hutchison; Circuit Judge Robert A. Irons; Congressman Nick J. Rahall; Family Court Judge Anthony Bisaha, and Circuit Judge Joseph C. Pomponio, Jr. *Photo courtesy of Judge Aboulhosn*

Courthouse under construction in Morgan County. *Photo courtesy of Silling Associates Architects*

The West Virginia Courthouse Facilities Improvement Authority

The Legislature established the West Virginia Courthouse Facilities Improvement Authority in 2001. The authority gives financial assistance to county governments for projects that modify or build courthouses and related facilities. Counties must pay at least twenty percent of any project that the authority funds.

In 2003, as required by law, the authority submitted a study on the condition of West Virginia courthouses. The study, conducted by the West Virginia Institute of Technology, estimated $277 million in improvements would be needed over the next twenty years. To fund such needs and to pay for operational costs, the authority receives revenue from fees on certain services provided by the offices of every elected county official.

To receive a grant, a county must submit a detailed application to the authority board, which reviews grant applications based on urgency and severity of need. Between 2004 and 2009, the authority granted $10.52 million. Grants were used for a wide variety of improvements, including structural integrity restoration; new roofs; fire safety system installation; work safety enhancements; window replacement; masonry repair; heating, ventilation, air conditioning and electrical maintenance; space additions; security upgrades; and Americans with Disabilities Act adaptations.

The authority board is composed of twelve voting members and eight advisory members. Voting members make final funding decisions.

The twelve voting members are two assessors, two circuit clerks, two county clerks, two commissioners, two sheriffs, and two prosecuting attorneys.

The eight nonvoting advisory members are two circuit judges, two magistrates, one state senator, and one member of the House of Delegates. The president of each state officials' association or a designee also is on the board. Each president appoints a second member from each association. Authority board members elect a chairman from the group who serves for four years.

The current chairman is Senior Status Judge L.D. Egnor of Cabell County.

The authority's website is www.wvcfia.com. The mission of the authority is to assist in the repair of historic courthouses. Most counties require assistance with accessibility law compliance, document storage, space, and security concerns. County commissions often cannot afford to make such improvements without help. The majority of the courthouses are listed on the National Historic Registry. They attract tourists, and generate revenue. "These buildings are an important part of our history and our heritage. Together we can restore these grand old buildings and renew the respect which they deserve," the authority's website says.

Courthouse Facilities Improvement Authority

Sixth Cycle Funding Awards

County Applicant	Improvement	Project Cost	Award Amount
Barbour	Roof replacement	$ 80,000	$ 64,000
Berkeley	Phase II of roof replacement/HVAC project	4,290,000	80,000
Boone	Exterior masonry repairs	93,000	74,400
Cabell	Restoration of courthouse exterior	115,400	80,000
Calhoun	Roof leak and interior damage repair	11,623	9,298
Clay	Partial roof replacement and repair	22,220	17,776
Fayette	Exterior walkway and masonry repairs	103,680	80,000
Grant	Roof replacement	49,640	39,712
Harrison	Installation of thirty-seven windows	130,000	80,000
Jefferson	Update of HVAC system	300,000	80,000
Kanawha	Installation of fire suppression for attic sprinklers	110,000	80,000
Lewis	Fire safety upgrades	100,000	80,000
Marion	Repair to cast-iron cornice and ornamental features	100,000	80,000
Mason	Repairs to steps and mortar joints	287,500	80,000
McDowell	Roof replacement	244,556	80,000
Monroe	Air conditioning unit replacement	66,695	53,596
Morgan	Replacement of courthouse	10,488,800	80,000
Pocahontas	Smoke detector installation	25,000	20,000
Tucker	Brick on courthouse exterior restoration	300,000	80,000
Upshur	Renovation to boiler room and HVAC equipment	225,000	80,000
Total		**$17,143,114**	**$1,318,782**

Please note that the $17,143,144 total includes $10,488,800 for construction of the Morgan County Courthouse.

Barbour County

The Barbour County Courthouse in Philippi was built in 1903 of hand-cut Hummelstown stone and adorned with stained glass.

Court Expenditures for 2009

Circuit Court	**$ 38,126**
Family Court	**302,194**
Magistrate Court	**356,062**
Total	**$696,382**

Courthouse Facilities Improvement Authority Grant (Roof replacement) $64,000

There were 252 cases filed in Barbour County Circuit Court in 2009. Of those, 56.75 percent were civil cases, 20.63 percent were criminal cases, and 22.62 percent were juvenile cases. Court filings decreased 28.61 percent compared to 2008. Barbour County is part of the Nineteenth Judicial Circuit, which also includes Taylor County.

During 2009, 196 new cases were filed in Barbour County Family Court. There were also sixty-four modification and sixty-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 16.95 percent compared to 2008. Barbour County is part of the Twenty-First Family Court Circuit, which also includes Taylor County.

In 2009, there were 2,073 cases filed in Barbour County Magistrate Court, a decrease of 3.31 percent from 2008. Of those, 80.13 percent were criminal cases, 10.76 percent were special proceedings, and 9.12 percent were civil cases.

Circuit Judge
Alan D. Moats, Chief Judge

Family Court Judge
Beth Longo

Magistrates
Kathi S. McBee
Tina M. Mouser

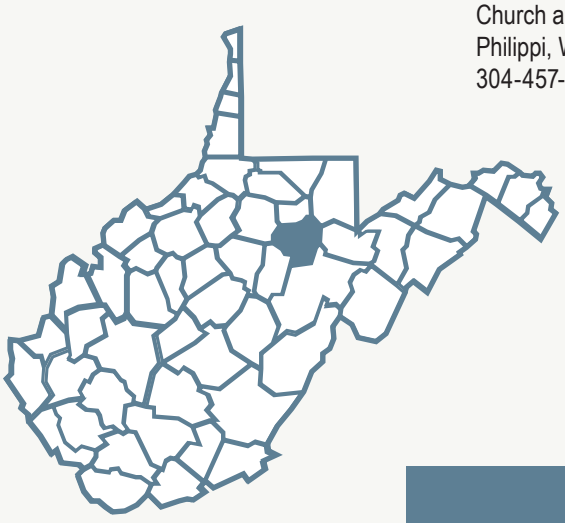
Circuit Clerk
Jerry Lantz

Magistrate Clerk
Sandra K. Skidmore

Chief Probation Officer
Susan Christian

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



Berkeley County

Berkeley County added a dome in 1908 to the Martinsburg courthouse, built in the 1850s of brick and limestone. A separate Berkeley County Judicial Center opened in 2006.

Court Expenditures for 2009

Circuit Court	$2,719,365
Family Court	404,734
Magistrate Court	1,126,106
Total	$4,250,204
Court Security Fund Grant	$28,350
Courthouse Facilities Improvement Authority Grant (Roof replacement and heating and air conditioning)	$80,000

Circuit Judges
David H. Sanders, Chief Judge
Gina M. Groh
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
Sandra L. "Sandy" Miller
JoAnn B. Overington
Randy Smith
Harry L. Snow

Circuit Clerk
Virginia Sine

Magistrate Clerk
Ruby Kay Hawkins

Chief Probation Officer
Mark Hofe

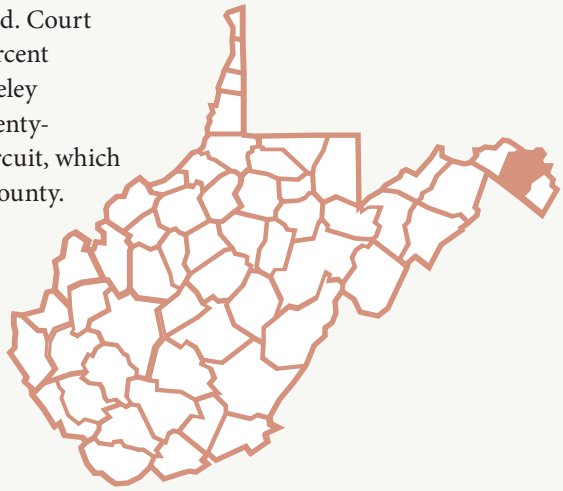
Berkeley County Judicial Center
380 West South Street
Martinsburg, WV 25401
304-264-1918

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

There were 2,329 cases filed in Berkeley County Circuit Court in 2009. Of those, 66.34 percent were civil cases, 16.1 percent were criminal cases, and 17.56 percent were juvenile cases. Court filings decreased 18.31 percent compared to 2008. Berkeley County is part of the Twenty-Third Judicial Circuit, which also includes Morgan and Jefferson Counties.

During 2009, 1,713 new cases were filed in Berkeley County Family Court. There were also 367 modification and 253 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 1.55 percent compared to 2008. Berkeley County is part of the Twenty-Fourth Family Court Circuit, which also includes Jefferson County.

In 2009, there were 18,594 cases filed in Berkeley County Magistrate Court, a decrease of 15.81 percent from 2008. Of those, 57.61 percent were criminal cases, 14.45 percent were special proceedings, and 27.94 percent were civil cases.



Boone County

The Boone County Courthouse in Madison was built between 1914 and 1921 of Indiana limestone.

Court Expenditures for 2009

Circuit Court	**$ 853,695**
Family Court	**309,411**
Magistrate Court	**467,884**
Total	**$1,630,990**
Court Security Fund Grant	**$9,770**
Courthouse Facilities Improvement Authority Grant (Exterior masonry repairs)	**$74,400**

There were 977 cases filed in Boone County Circuit Court in 2009. Of those, 61.51 percent were civil cases, 18.83 percent were criminal cases, and 19.65 percent were juvenile cases. Court filings increased 3.72 percent compared to 2008. Boone County is part of the Twenty-Fifth Judicial Circuit, which also includes Lincoln County.

During 2009, 649 new cases were filed in Boone County Family Court. There were also 372 modification and 131 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 17.36 percent compared to 2008. Boone County is part of the Tenth Family Court Circuit, which also includes Lincoln County.

In 2009, there were 5,087 cases filed in Boone County Magistrate Court, a decrease of 4.18 percent from 2008. Of those, 75.6 percent were criminal cases, 19.03 percent were special proceedings, and 5.37 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

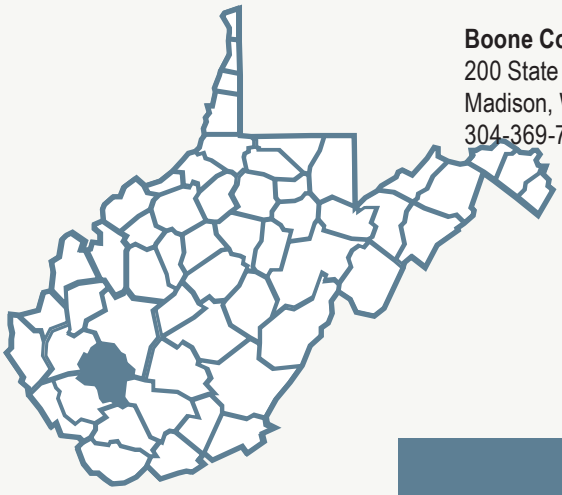
Circuit Clerk
Sue Ann Zickefoose

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



Braxton County

The Braxton County Courthouse in Sutton, built of clay bricks, was finished in 1882. Additions were made in 1938. Its predecessor building was burned by Confederate troops during the Civil War.

Court Expenditures for 2009

Circuit Court	**$ 895,295**
Family Court	**308,211**
Magistrate Court	**435,250**
Total	**$1,638,757**

Circuit Judges
Richard A. Facemire, Chief Judge
Jack Alsop

Family Court Judge
Robert Reed Sowa

Magistrates
Larry B. Clifton
Mary Beth Smith

Circuit Clerk
J.W. Morris

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

There were 290 cases filed in Braxton County Circuit Court in 2009. Of those, 58.28 percent were civil cases, 23.1 percent were criminal cases, and 18.62 percent were juvenile cases. Court filings decreased 4.29 percent compared to 2008. Braxton County is part of the Fourteenth Judicial Circuit, which also includes Clay, Gilmer, and Webster Counties.

During 2009, 234 new cases were filed in Braxton County Family Court. There were also sixteen modification and seven contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 11.96 percent compared to 2008. Braxton County is part of the Seventeenth Family Court Circuit, which also includes Lewis and Upshur Counties.

In 2009, there were 2,855 cases filed in Braxton County Magistrate Court, a decrease of 10.45 percent from 2008. Of those, 79.4 percent were criminal cases, 12.43 percent were special proceedings, and 8.16 percent were civil cases.

Brooke County

Brooke County's red brick courthouse with an octagonal cupola was built in Wellsburg in 1849. It is the county's second courthouse, and the bell from the first was moved to the new building. There have been two additions.

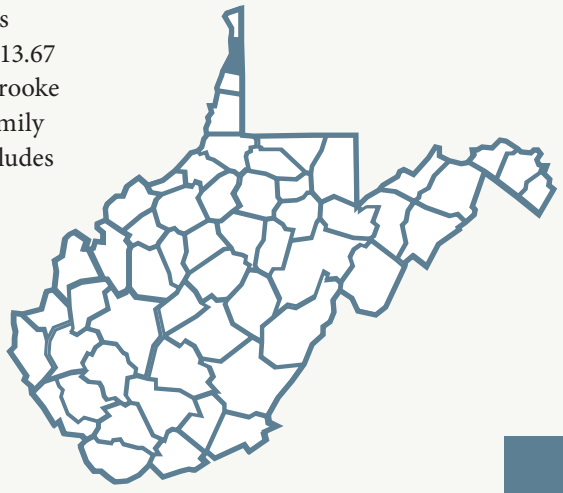
Court Expenditures for 2009

Circuit Court	**$1,295,682**
Family Court	**16,940**
Magistrate Court	**420,535**
Total	**$1,733,158**
Court Security Fund Grant	**$6,359**

There were 519 cases filed in Brooke County Circuit Court in 2009. Of those, 68.02 percent were civil cases, 23.12 percent were criminal cases, and 8.86 percent were juvenile cases. Court filings decreased 2.63 percent compared to 2008. Brooke County is part of the First Judicial Circuit, which also includes Hancock and Ohio Counties.

During 2009, 341 new cases were filed in Brooke County Family Court. There were also fifty modification and eleven contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 13.67 percent compared to 2008. Brooke County is part of the First Family Court Circuit, which also includes Hancock and Ohio Counties.

In 2009, there were 3,162 cases filed in Brooke County Magistrate Court, an increase of 7.26 percent from 2008. Of those, 76.98 percent were criminal cases, 13.57 percent were special proceedings, and 9.46 percent were civil cases.



Circuit Judges
Arthur M. Recht, Chief Judge
Martin J. Gaughan
James P. Mazzone
Ronald E. Wilson

Family Court Judges
Joyce Dumbaugh Chernenko
William F. Sinclair

Magistrates
Michael H. Allman
Michael F. Fuscardo
(Took office December 9, 2009)
Deborrah K. Lunsford
(Died October 28, 2009)

Circuit Clerk
Glenda Brooks

Magistrate Clerk
Valerie S. Hood

Chief Probation Officer
James Lee

Brooke County Courthouse
302 Courthouse Square
Wellsburg, WV 26070
304-737-3662

Brooke County Magistrate Court
744 Charles Street
Wellsburg, WV 26070
304-737-1321

Cabell County

Construction of the Cabell County Courthouse in Huntington, built of Berea sandstone and topped with copper, was completed in 1901. Wings were added in 1924 and 1946.

Court Expenditures for 2009

Circuit Court	**$3,720,734**
Family Court	**680,447**
Magistrate Court	**1,453,751**
Total	**$5,854,931**

Courthouse Facilities Improvement Authority Grant (Courthouse exterior restoration) $80,000

Circuit Judges
F. Jane Hustead, Chief Judge
Alfred E. Ferguson
Dan P. O'Hanlon
David M. Pancake

Family Court Judges
Ronald E. Anderson
Patricia Keller

Magistrates
Rondall "Ron" Baumgardner
Darrell G. Black
Daniel Goheen
(Took office June 4, 2009)
Don Maynard
(Died May 30, 2009)
John H. McCallister
Patty R. Spence
Michael J. Woelfel
Betty J. Wolford

Circuit Clerk
Adell Chandler

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

There were 3,933 cases filed in Cabell County Circuit Court in 2009. Of those, 68.8 percent were civil cases, 15.08 percent were criminal cases, and 16.12 percent were juvenile cases. Court filings decreased 2.6 percent compared to 2008. Cabell County comprises the Sixth Judicial Circuit.

During 2009, 2,572 new cases were filed in Cabell County Family Court. There were also 480 modification and 281 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 3.58 percent compared to 2008. Cabell County makes up the Sixth Family Court Circuit.

In 2009, there were 18,370 cases filed in Cabell County Magistrate Court. Filing levels were similar to those of 2008. Of the 2009 filings, 64.6 percent were criminal cases, 15.74 percent were special proceedings, and 19.67 percent were civil cases.

Calhoun County

Calhoun County's cut-stone courthouse was completed in Grantsville in 1940. It is the county's fourth courthouse. The first burned before it was occupied.

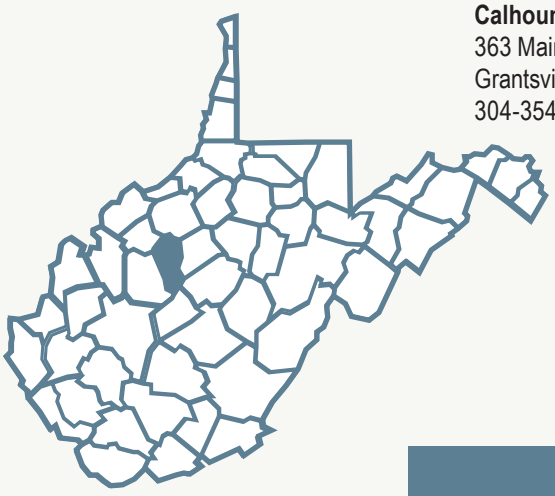
Court Expenditures for 2009

Circuit Court	**$127,151**
Family Court	**30,181**
Magistrate Court	**346,437**
Total	**$503,769**
Court Security Fund Grant	**$17,140**
Courthouse Facilities Improvement Authority Grant (Repair roof and interior damage)	**$9,298**

There were 154 cases filed in Calhoun County Circuit Court in 2009. Of those, 52.6 percent were civil cases, 10.39 percent were criminal cases, and 37.01 percent were juvenile cases. Court filings increased 21.26 percent compared to 2008. Calhoun County is part of the Fifth Judicial Circuit, which also includes Jackson, Mason, and Roane Counties.

During 2009, 137 new cases were filed in Calhoun County Family Court. There were also thirty-six modification and eighteen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 6.8 percent compared to 2008. Calhoun County is part of the Fourth Family Court Circuit, which also includes Gilmer, Ritchie, and Roane Counties.

In 2009, there were 939 cases filed in Calhoun County Magistrate Court, an increase of 1.84 percent from 2008. Of those, 78.49 percent were criminal cases, 10.12 percent were special proceedings, and 11.4 percent were civil cases.



Circuit Judges
Thomas C. Evans, III, Chief Judge
David W. Nibert

Family Court Judge
Larry S. Whited

Magistrates
Richard G. Postalwait
Teresa D. Robinson

Circuit Clerk
Sheila Garretson

Magistrate Clerk
Gary D. Smith

Chief Probation Officer
Patricia McCartney

Calhoun County Courthouse
363 Main Street
Grantsville,WV 26147
304-354-6910

Calhoun County Magistrate Court
363 Main Street
Grantsville, WV 26147
304-354-6698

Clay County

The Clay County Courthouse is the county's third. The red brick structure was completed in the Town of Clay in 1978 and is the state's newest courthouse.

Court Expenditures for 2009

Circuit Court	$138,947
Family Court	18,308
Magistrate Court	350,124
Total	$507,378

Courthouse Facilities Improvement Authority Grant (Partial roof replacement and repair) $17,776

Circuit Judges
Richard A. Facemire, Chief Judge
Jack Alsop

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

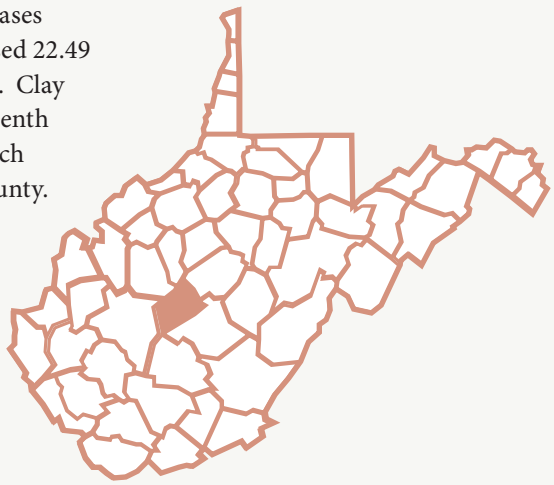
Clay County Courthouse
246 Main Street
Clay, WV 25043
304-587-4256

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

There were 193 cases filed in Clay County Circuit Court in 2009. Of those, 56.48 percent were civil cases, 17.62 percent were criminal cases, and 25.91 percent were juvenile cases. Court filings decreased 15.35 percent compared to 2008. Clay County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Gilmer, and Webster Counties.

During 2009, 305 new cases were filed in Clay County Family Court. There were also eighty-five modification and forty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 22.49 percent compared to 2008. Clay County is part of the Sixteenth Family Court Circuit, which also includes Nicholas County.

In 2009, there were 1,714 cases filed in Clay County Magistrate Court, are similar to those of 2008. Of those, 78.7 percent were criminal cases, 12.84 percent were special proceedings, and 8.46 percent were civil cases.



Doddridge County

The Doddridge County Courthouse, built in West Union, was completed in 1904 of red brick and cut stone. It is the county's third courthouse; the first two were destroyed by fire.

Court Expenditures for 2009

Circuit Court	**$542,555**
Family Court	**3,631**
Magistrate Court	**379,488**
Total	**$925,675**

There were 147 cases filed in Doddridge County Circuit Court in 2009. Of those, 62.59 percent were civil cases, 16.33 percent were criminal cases, and 21.09 percent were juvenile cases. Court filings decreased 12.5 percent compared to 2008. Doddridge County is part of the Third Judicial Circuit, which also includes Pleasants and Ritchie Counties.

During 2009, 117 new cases were filed in Doddridge County Family Court. There were also sixteen modification and nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. Doddridge County is part of the Eighteenth Family Court Circuit, which also includes Harrison County.

In 2009, there were 1,269 cases filed in Doddridge County Magistrate Court, an increase of 14.84 percent from 2008. Of those, 78.41 percent were criminal cases, 12.77 percent were special proceedings, and 8.83 percent were civil cases.

Circuit Judge
Robert L. Holland, Jr., Chief Judge

Family Court Judges
Lori B. Jackson
Cornelia A. Reep

Magistrates
D. Frances Davis
Jamie Lou Moran

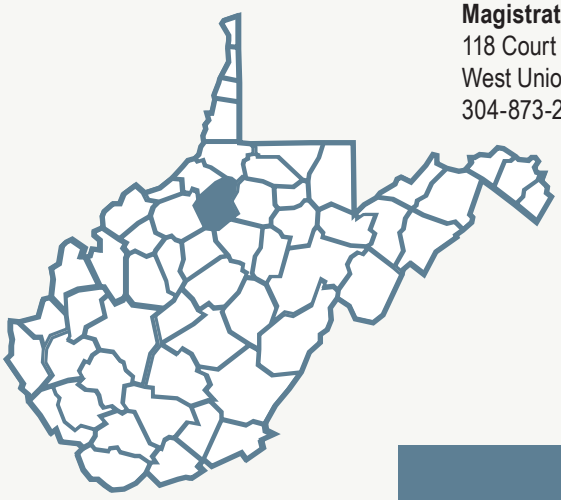
Circuit Clerk
Dwight E. Moore

Magistrate Clerk
Candi E. Rollins

No Chief Probation Officer

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

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



Fayette County

Fayette County's fourth courthouse was completed in 1895 of Washington brick and cut stone. The Fayetteville landmark was expanded in 1948, 1958, and 1976. An annex was constructed in 1987 and houses one of the county's two circuit judges as well as magistrate court.

Court Expenditures for 2009

Circuit Court	**$1,634,821**
Family Court	**452,422**
Magistrate Court	**828,382**
Total	**$2,915,625**

Courthouse Facilities Improvement Authority Grant (Exterior walkway and masonry repairs) **$80,000**

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

Family Court Judge
Janet Frye Steele

Magistrates
Charles L. Garvin, III
Sharon R. McGraw
Michael D. Parsons
Danita G. Young

Circuit Clerk
Daniel Wright

Magistrate Clerk
Beverly J. Hundley

Chief Probation Officer
Janette Woodrum

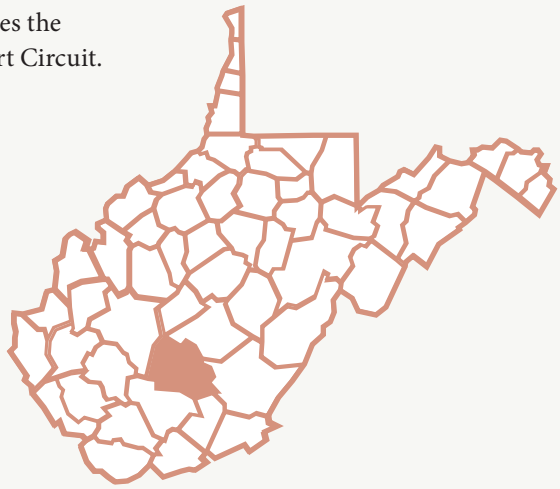
Fayette County Courthouse
100 North Court Street
Fayetteville, WV 25840
304-574-4249

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

There were 840 cases filed in Fayette County Circuit Court in 2009. Of those, 57.98 percent were civil cases, twenty-five percent were criminal cases, and 17.02 percent were juvenile cases. Court filings decreased 5.3 percent compared to 2008. Fayette County comprises the Twelfth Judicial Circuit.

During 2009, 1,031 new cases were filed in Fayette County Family Court. There were also 294 modification and 202 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. Fayette County comprises the Fourteenth Family Court Circuit.

In 2009, there were 8,497 cases filed in Fayette County Magistrate Court, an increase of 4.67 percent from 2008. Of those, 74.17 percent were criminal cases, 15.17 percent were special proceedings, and 10.66 percent were civil cases.



Gilmer County

Gilmer County's courthouse was completed in 1923 in Glenville. The county's third, it has been enlarged and an annex added.

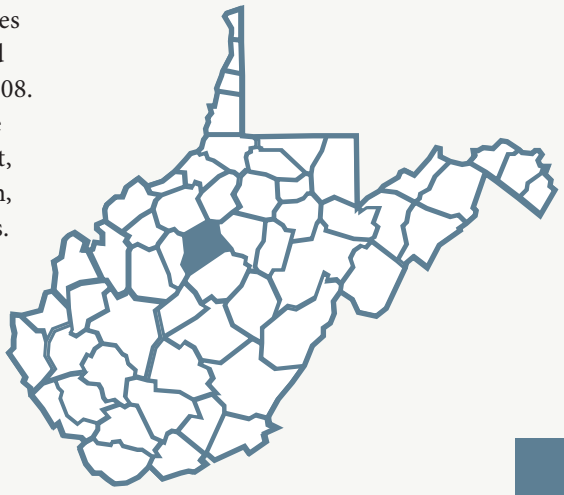
Court Expenditures for 2009

Circuit Court	**$ 38,482**
Family Court	**5,518**
Magistrate Court	**269,299**
Total	**$313,299**

There were 140 cases filed in Gilmer County Circuit Court in 2009. Of those, 71.43 percent were civil cases, 23.57 percent were criminal cases, and five percent were juvenile cases. Court filings decreased 10.83 percent compared to 2008. Gilmer County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Clay, and Webster Counties.

During 2009, 125 new cases were filed in Gilmer County Family Court. There were also fifteen modification and nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 2.46 percent compared to 2008. Gilmer County is part of the Fourth Family Court Circuit, which also includes Calhoun, Ritchie, and Roane Counties.

In 2009, there were 1,009 cases filed in Gilmer County Magistrate Court, an increase of 25.65 percent from 2008. Of those, 63.23 percent were criminal cases, 20.91 percent were special proceedings, and 15.86 percent were civil cases.



Circuit Judges
Richard A. Facemire, Chief Judge
Jack Alsop

Family Court Judge
Larry S. Whited

Magistrates
Robert W. Minigh
Carol L. Wolfe

Circuit Clerk
Lane Smith
(Retired February 28, 2009)
Karen Elkins
(Appointed March 1, 2009)

Magistrate Clerk
Dixie L. Moyers

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

Grant County

The Grant County Courthouse in Petersburg was completed in 1976 to replace the county's first courthouse, built in 1879, a structure that still stands several blocks away.

Court Expenditures for 2009

Circuit Court	$390,304
Family Court	7,775
Magistrate Court	351,109
Total	$749,188

Courthouse Facilities Improvement Authority Grant (Roof replacement) $39,712

Circuit Judges
Philip B. Jordan, Jr., Chief Judge
Lynn A. Nelson

Family Court Judge
Amanda H. See

Magistrates
Willard L. Earle, II
Larry W. Ours

Circuit Clerk
Betty Moomau

Magistrate Clerk
Janet S. Frye

Chief Probation Officer
Jerome DiBacco

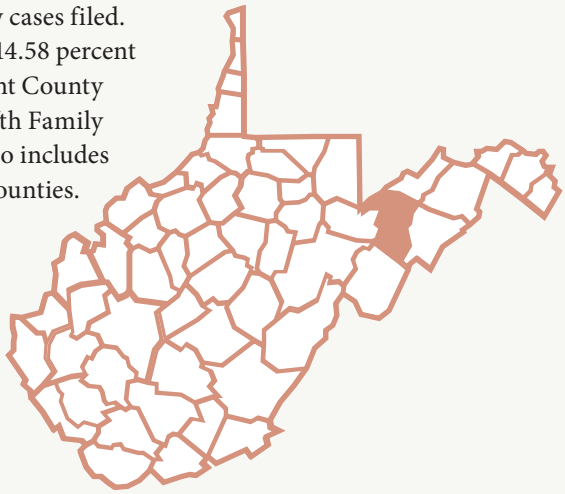
Grant County Courthouse
5 Highland Street
Petersburg, WV 26847
304-257-4545

Grant County Magistrate Court
4 North Main Street
Petersburg, WV 26847
304-257-4637

There were 253 cases filed in Grant County Circuit Court in 2009. Of those, 58.89 percent were civil cases, 20.16 percent were criminal cases, and 20.95 percent were juvenile cases. Court filings increased 12.44 percent compared to 2008. Grant County is part of the Twenty-First Judicial Circuit, which also includes Mineral and Tucker Counties.

During 2009, 220 new cases were filed in Grant County Family Court. There were also sixty-one modification and twenty-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 14.58 percent compared to 2008. Grant County is part of the Twenty-Fifth Family Court Circuit, which also includes Hardy and Pendleton Counties.

In 2009, there were 2,136 cases filed in Grant County Magistrate Court, a decrease of 10.44 percent from 2008. Of those, 72.94 percent were criminal cases, 16.76 percent were special proceedings, and 10.3 percent were civil cases.



Greenbrier County

The Greenbrier County Courthouse in Lewisburg was built in 1837, while the county was still part of Virginia. Wings were added in 1937 and 1963. The red brick colonial building is the oldest functioning courthouse in West Virginia.

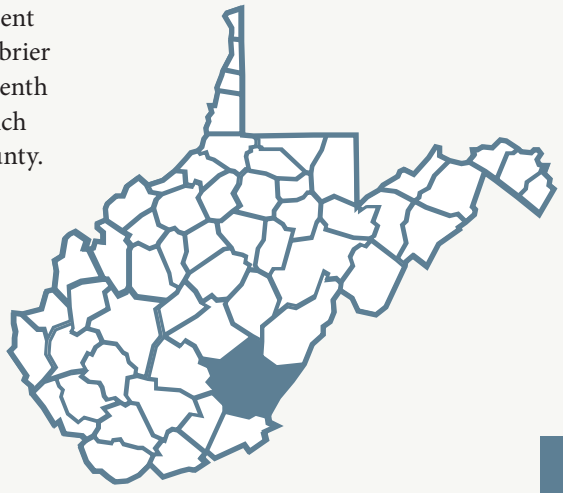
Court Expenditures for 2009

Circuit Court	**$1,564,668**
Family Court	**278,812**
Magistrate Court	**716,036**
Total	**$2,559,516**
Court Security Fund Grant	**$108,620**

There were 795 cases filed in Greenbrier County Circuit Court in 2009. Of those, 61.76 percent were civil cases, 22.26 percent were criminal cases, and 15.97 percent were juvenile cases. Court filings did not fluctuate compared to 2008. Greenbrier County is part of the Eleventh Judicial Circuit, which also includes Pocahontas County.

During 2009, 714 new cases were filed in Greenbrier County Family Court. There were also 149 modification and 186 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 4.23 percent compared to 2008. Greenbrier County is part of the Fifteenth Family Court Circuit, which also includes Monroe County.

In 2009, there were 4,431 cases filed in Greenbrier County Magistrate Court, a decrease of 10.72 percent from 2008. Of those, 68.36 percent were criminal cases, 10.81 percent were special proceedings, and 20.83 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
(Appointed March 1, 2009)
Teresa E. "Terry" King
(Retired February 28, 2009)

Chief Probation Officer
Fred Taylor

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

Hampshire County

The cream-colored brick Hampshire County Courthouse is in Romney, which was founded in 1762 and is the oldest county seat in West Virginia. The present courthouse was built in 1922. A new Hampshire County Judicial Center opened in 2008.

Court Expenditures for 2009

Circuit Court	$ 766,336
Family Court	299,200
Magistrate Court	435,844
Total	$1,501,380
Court Security Fund Grant	$4,879

Circuit Judges
Donald H. Cookman, Chief Judge
Jerry D. Moore

Family Court Judge
Charles E. Parsons

Magistrates
Eugene T. Billmeyer
Shirley A. Timbrook

Circuit Clerk
Sonja Embrey

Magistrate Clerk
Wanda L. Billmeyer

Chief Probation Officer
John Rohrbaugh

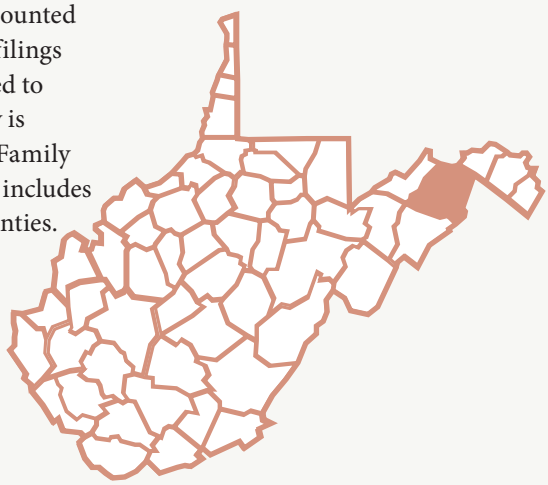
Hampshire County Courthouse
50 South High Street
Romney, WV 26757
304-822-5022

Hampshire County Magistrate Court
50 South High Street
Romney, WV 26757
304-822-4311

There were 353 cases filed in Hampshire County Circuit Court in 2009. Of those, 60.06 percent were civil cases, 29.18 percent were criminal cases, and 10.76 percent were juvenile cases. Court filings decreased 15.95 percent compared to 2008. Hampshire County is part of the Twenty-Second Judicial Circuit, which also includes Hardy and Pendleton Counties.

During 2009, 308 new cases were filed in Hampshire County Family Court. There were also eighty-three modification and forty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. Hampshire County is part of the Twenty-Third Family Court Circuit, which also includes Mineral and Morgan Counties.

In 2009, there were 4,686 cases filed in Hampshire County Magistrate Court, a decrease of 1.66 percent from 2008. Of those, 70.17 percent were criminal cases, 9.18 percent were special proceedings, and 20.66 percent were civil cases.



Hancock County

Hancock County's stone-faced courthouse was built in New Cumberland in the 1920s. It replaced the first courthouse, which burned. An annex has been added.

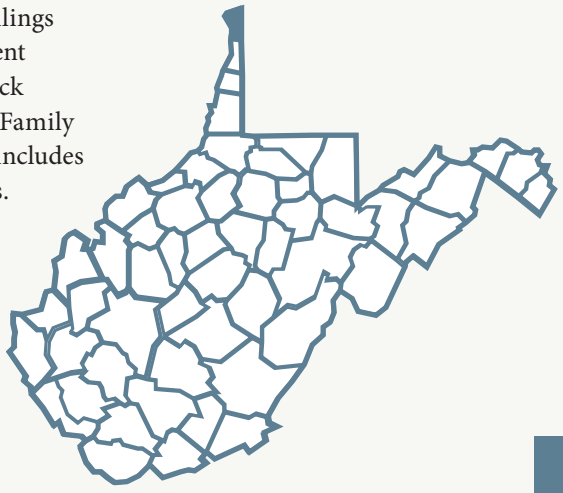
Court Expenditures for 2009

Circuit Court	$ 766,367
Family Court	44,270
Magistrate Court	603,478
Total	$1,414,115

There were 740 cases filed in Hancock County Circuit Court in 2009. Of those, 46.62 percent were civil cases, 36.89 percent were criminal cases, and 16.49 percent were juvenile cases. Court filings increased 29.14 percent compared to 2008. Hancock County is part of the First Judicial Circuit, which also includes Brooke and Ohio Counties.

During 2009, 611 new cases were filed in Hancock County Family Court. There were also twenty-nine modification and seventeen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased thirty-four percent compared to 2008. Hancock County is part of the First Family Court Circuit, which also includes Brooke and Ohio Counties.

In 2009, there were 4,125 cases filed in Hancock County Magistrate Court, an increase of 2.77 percent from 2008. Of those, 70.72 percent were criminal cases, 16.61 percent were special proceedings, and 12.68 percent were civil cases.



Circuit Judges
Arthur M. Recht, Chief Judge
Martin J. Gaughan
James P. Mazzone
Ronald E. Wilson

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

Hancock County Magistrate Court
102 Court Street
New Cumberland, WV 26047
304-564-3355

Hardy County

The Hardy County Courthouse in Moorefield, the county's third, was built in 1914 of red brick. The two earlier courthouses still stand.

Court Expenditures for 2009

Circuit Court	$ 437,194
Family Court	287,872
Magistrate Court	340,616
Total	$1,065,682

Circuit Judges
Donald H. Cookman, Chief Judge
Jerry D. Moore

Family Court Judge
Amanda H. See

Magistrates
Craig A. Hose
Daniel M. Poling

Circuit Clerk
Janet Ferrell

Magistrate Clerk
Helen H. Martin

Chief Probation Officer
John Rohrbaugh

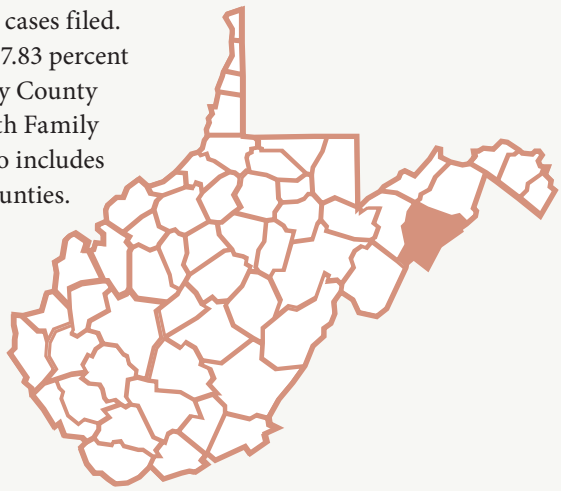
Hardy County Courthouse
204 Washington Street
Moorefield, WV 26836
304-530-0232

Hardy County Magistrate Court
204 Washington Street
Moorefield, WV 26836
304-530-0212

There were 269 cases filed in Hardy County Circuit Court in 2009. Of those, 53.53 percent were civil cases, 33.46 percent were criminal cases, and 13.01 percent were juvenile cases. Court filings increased 10.25 percent compared to 2008. Hardy County is part of the Twenty-Second Judicial Circuit, which also includes Hampshire and Pendleton Counties.

During 2009, 271 new cases were filed in Hardy County Family Court. There were also fifty-three modification and thirty-six contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 17.83 percent compared to 2008. Hardy County is part of the Twenty-Fifth Family Court Circuit, which also includes Grant and Pendleton Counties.

In 2009, there were 3,380 cases filed in Hardy County Magistrate Court, a decrease of 2.96 percent from 2008. Of those, 76.57 percent were criminal cases, 10.65 percent were special proceedings, and 12.78 percent were civil cases.



Harrison County

Harrison County's courthouse in Clarksburg was dedicated in 1932. The county's fourth courthouse, it is a superb example of art deco architecture.

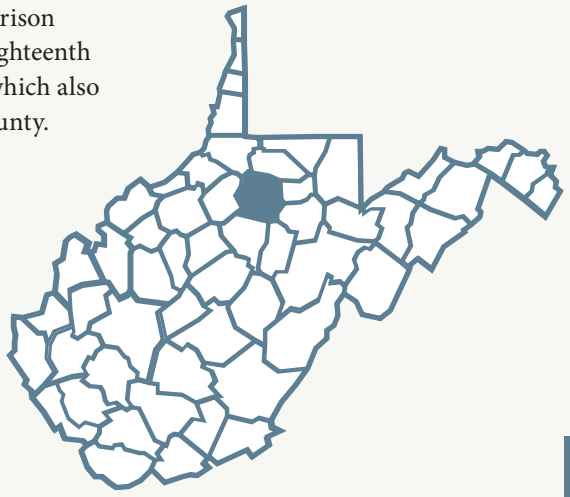
Court Expenditures for 2009

Circuit Court	**$2,502,485**
Family Court	**652,813**
Magistrate Court	**1,022,941**
Total	**$4,178,239**
Court Security Fund Grant	**$37,360**
Courthouse Facilities Improvement Authority Grant (Installation of thirty-seven windows)	**$80,000**

There were 1,674 cases filed in Harrison County Circuit Court in 2009. Of those, 58.12 percent were civil cases, 18.76 percent were criminal cases, and 23.12 percent were juvenile cases. Court filings decreased 9.95 percent compared to 2008. Harrison County comprises the Fifteenth Judicial Circuit.

During 2009, 1,388 new cases were filed in Harrison County Family Court. There were also 158 modification and 118 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 8.27 percent compared to 2008. Harrison County is part of the Eighteenth Family Court Circuit, which also includes Doddridge County.

In 2009, there were 11,717 cases filed in Harrison County Magistrate Court, a decrease of 5.13 percent from 2008. Of those, 64.91 percent were criminal cases, 16.78 percent were special proceedings, and 18.31 percent were civil cases.



Circuit Judges
Thomas A. Bedell, Chief Judge
J. Lewis Marks, Jr.
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
(Appointed February 1, 2009)
Mary R. Walker
(Retired January 31, 2009)

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

Jackson County

The Jackson County Courthouse in Ripley was completed in 1920 and is the site of one of West Virginia's largest annual Fourth of July gatherings. The courthouse is the county's third; and it was remodeled and expanded in 1961.

Court Expenditures for 2009

Circuit Court	$ 734,435
Family Court	323,282
Magistrate Court	477,886
Total	$1,535,604
Court Security Fund Grant	$16,144

Circuit Judges
Thomas C. Evans, III, Chief Judge
David W. Nibert

Family Court Judges
Rebecca Stafford Cornett
Constance Fisher Thomas

Magistrates
Jacqueline R. Casto
William T. Reynolds

Circuit Clerk
Keith Brotherton

Magistrate Clerk
Amy S. Smith

Chief Probation Officer
Patricia McCartney

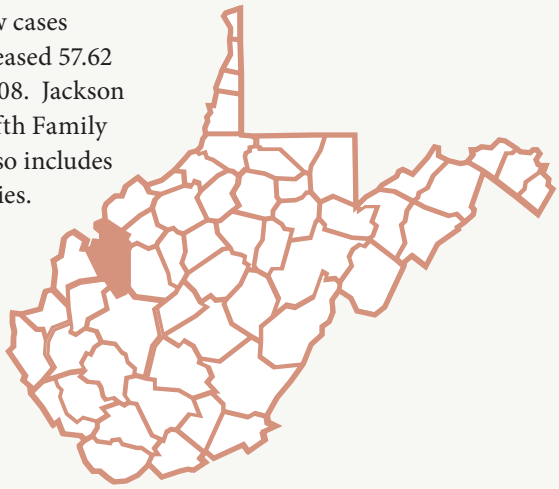
Jackson County Courthouse
100 Court Street
Ripley, WV 25271
304-373-2210

Jackson County Magistrate Court
100 Main Street
Ripley, WV 25271
304-373-2313

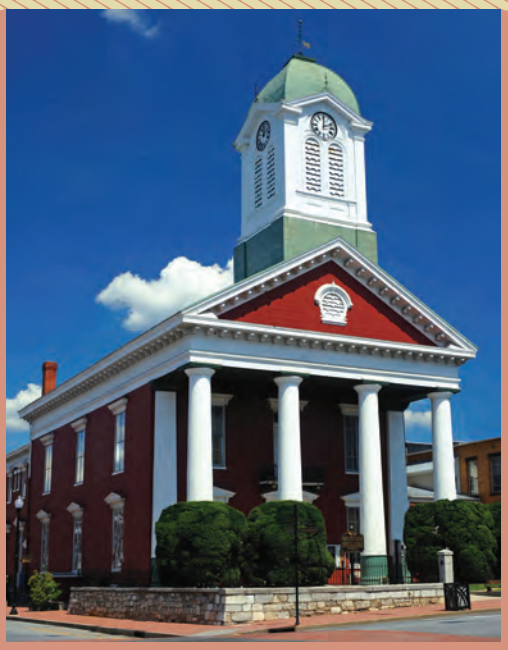
There were 487 cases filed in Jackson County Circuit Court in 2009. Of those, 52.98 percent were civil cases, 31.62 percent were criminal cases, and 15.4 percent were juvenile cases. Court filings increased 3.18 percent compared to 2008. Jackson County is part of the Fifth Judicial Circuit, which also includes Calhoun, Mason, and Roane Counties.

During 2009, 703 new cases were filed in Jackson County Family Court. There were also 159 modification and eighty-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 57.62 percent compared to 2008. Jackson County is part of the Fifth Family Court Circuit, which also includes Mason and Wirt Counties.

In 2009, there were 3,880 cases filed in Jackson County Magistrate Court, a decrease of 2.76 percent from 2008. Of those, 71.8 percent were criminal cases, 15.03 percent were special proceedings, and 13.17 percent were civil cases.



Jefferson County



The Jefferson County Courthouse in Charles Town, built in 1836 and rebuilt in the 1870s, was the site of the 1859 treason trial of abolitionist John Brown. An annex was added in 1910.

Court Expenditures for 2009

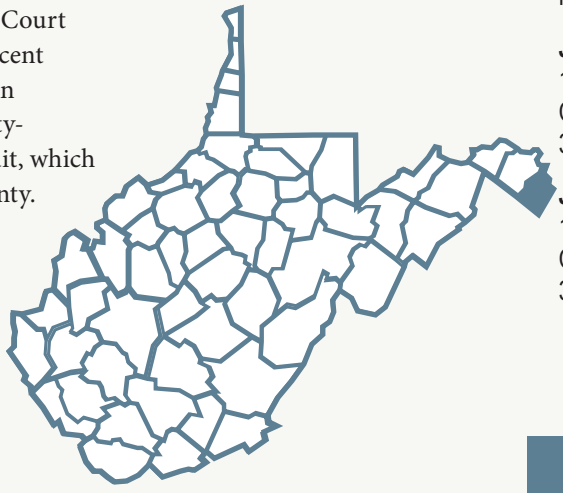
Circuit Court	**$1,111,317**
Family Court	**518,507**
Magistrate Court	**681,105**
Total	**$2,310,930**

Courthouse Facilities Improvement Authority Grant (Heating and air conditioning updates) $80,000

There were 1,082 cases filed in Jefferson County Circuit Court in 2009. Of those, 64.6 percent were civil cases, 23.29 percent were criminal cases, and 12.11 percent were juvenile cases. Court filings increased 3.05 percent compared to 2008. Jefferson County is part of the Twenty-Third Judicial Circuit, which also includes Berkeley and Morgan Counties.

During 2009, 817 new cases were filed in Jefferson County Family Court. There were also 153 modification and 119 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased eleven percent compared to 2008. Jefferson County is part of the Twenty-Fourth Family Court Circuit, which also includes Berkeley County.

In 2009, there were 9,241 cases filed in Jefferson County Magistrate Court, an increase of 19.39 percent from 2008. Of those, 72.91 percent were criminal cases, 10.65 percent were special proceedings, and 16.44 percent were civil cases.



Circuit Judges
David H. Sanders, Chief Judge
Gina M. Groh
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 Rattenni

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

Kanawha County

The Kanawha County Courthouse in Charleston was built in 1892, with additions in 1917 and 1926. A separate Judicial Building was completed in 1982, renovated in 2005, and now houses all of the county's judicial officers.

Court Expenditures for 2009

Circuit Court	$ 7,099,649
Family Court	1,713,134
Magistrate Court	2,205,280
Total	$11,018,063
Court Security Fund Grant	$47,185
Courthouse Facilities Improvement Authority Grant (Attic sprinklers for fire suppression)	$80,000

Circuit Judges
James C. Stucky, Chief Judge
Jennifer F. Bailey
Irene C. Berger
(Resigned November 9, 2009)
Louis H. "Duke" Bloom
Tod J. Kaufman
Charles E. King
Carrie Webster
(Appointed December 28, 2009)
Paul Zakaib Jr.

Family Court Judges
Kenneth D. Ballard
Mike Kelly
Robert M. Montgomery
Sharon M. Mullens
D. Mark Snyder

Magistrates
Kim J. Aaron
Carol A. Fouty
Tim C. Halloran
Ward Harshbarger, III
Pete C. Lopez
Jack Pauley
Joseph L. Shelton
Traci L. Strickland
Paris Workman
Julie M. Yeager

Circuit Clerk
Cathy Gatson

Magistrate Clerk
Agnes D. Riffel

Chief Adult Probation Officer
Judy Jones

Chief Juvenile Probation Officer
James Kane

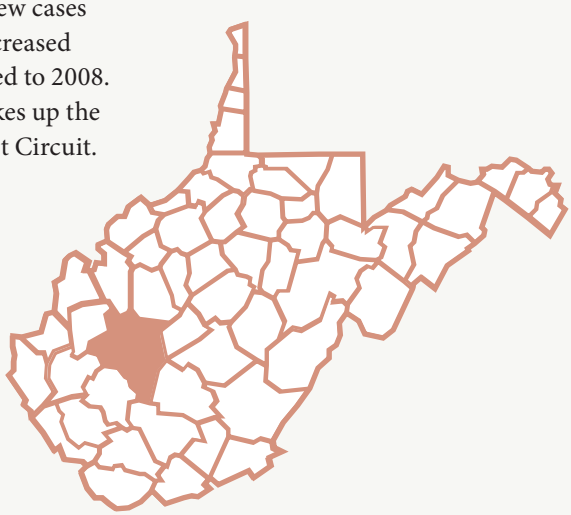
Kanawha County Judicial Building
111 Court Street
Charleston, WV 25301
304-357-0440

Kanawha County Magistrate Court
111 Court Street
Charleston, WV 25301
304-357-0422

There were 6,989 cases filed in Kanawha County Circuit Court in 2009. Of those, 67.85 percent were civil cases, 25.23 percent were criminal cases, and 6.93 percent were juvenile cases. Court filings increased 9.99 percent compared to 2008. Kanawha County is the only county in the Thirteenth Judicial Circuit.

During 2009, 4,686 new cases were filed in Kanawha County Family Court. There were also 1,123 modification and 747 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 10.41 percent compared to 2008. Kanawha County makes up the Eleventh Family Court Circuit.

In 2009, there were 38,658 cases filed in Kanawha County Magistrate Court, a decrease of 13.71 percent from 2008. Of those, 75.33 percent were criminal cases, 13.51 percent were special proceedings, and 11.16 percent were civil cases.



Lewis County

The Lewis County Courthouse in Weston was built in 1887 of grey stone and brick. It is the county's third. Although fire destroyed the second courthouse in 1886, all records were saved.

Court Expenditures for 2009

Circuit Court	**$376,244**
Family Court	**44,244**
Magistrate Court	**443,714**
Total	**$864,201**

Courthouse Facilities Improvement Authority Grant (Fire safety upgrades) **$80,000**

There were 738 cases filed in Lewis County Circuit Court in 2009. Of those, 83.74 percent were civil cases, 11.65 percent were criminal cases, and 4.61 percent were juvenile cases. Court filings increased 5.13 percent compared to 2008. Lewis County is part of the Twenty-Sixth Judicial Circuit, which also includes Upshur County.

During 2009, 284 new cases were filed in Lewis County Family Court. There were also twenty-six modification and twenty-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. Lewis County is part of the Seventeenth Family Court Circuit, which also includes Braxton and Upshur Counties.

In 2009, there were 4,324 cases filed in Lewis County Magistrate Court. Filing levels were similar to those of 2008. Of the 2009 filings, 76.85 percent were criminal cases, 5.2 percent were special proceedings, and 17.95 percent were civil cases.

Circuit Judge
Thomas H. Keadle, Chief Judge

Family Court Judge
Robert Reed Sowa

Magistrates
Sharon A. Hull
James D. Moody

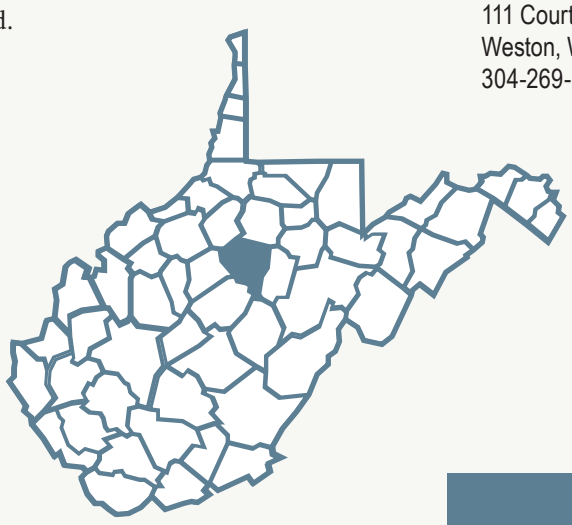
Circuit Clerk
John Hinzman

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



Lincoln County

The Lincoln County Courthouse in Hamlin was completed in 1964. It is at least the third to serve the county. An earlier courthouse burned in 1909, along with all county land records to that time.

Court Expenditures for 2009

Circuit Court	$ 972,326
Family Court	381,188
Magistrate Court	406,829
Total	$1,760,344

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
Darlena Kay Adkins

Chief Probation Officer
Jerry Swanson

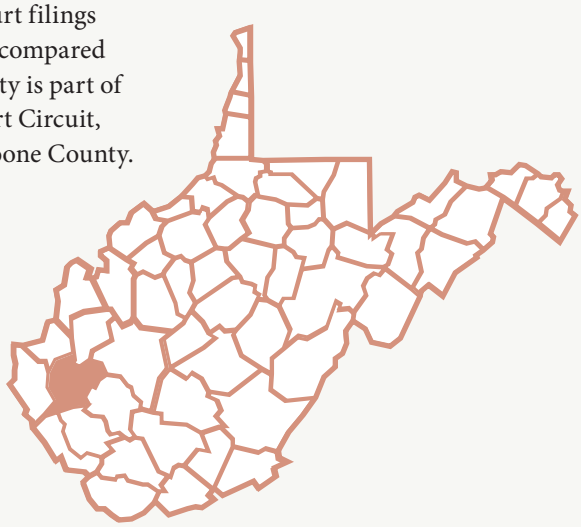
Lincoln County Courthouse
8000 Court Avenue
Hamlin, WV 25523
304-824-7887, ext. 239

Lincoln County Magistrate Court
8000 Court Avenue
Hamlin, WV 25523
304-824-5001 ext. 235

There were 625 cases filed in Lincoln County Circuit Court in 2009. Of those, 47.36 percent were civil cases, 19.52 percent were criminal cases, and 33.12 percent were juvenile cases. Court filings decreased 11.47 percent compared to 2008. Lincoln County is part of the Twenty-Fifth Judicial Circuit, which also includes Boone County.

During 2009, 447 new cases were filed in Lincoln County Family Court. There were also 186 modification and 186 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 7.19 percent compared to 2008. Lincoln County is part of the Tenth Family Court Circuit, which also includes Boone County.

In 2009, there were 4,627 cases filed in Lincoln County Magistrate Court, a decrease of 1.45 percent from 2008. Of those, 82.54 percent were criminal cases, 13.44 percent were special proceedings, and 4.02 percent were civil cases.



Logan County

The Logan County Courthouse in the City of Logan was built in 1965, the fourth since the Civil War. An earlier structure was burned by Union troops, along with all records.

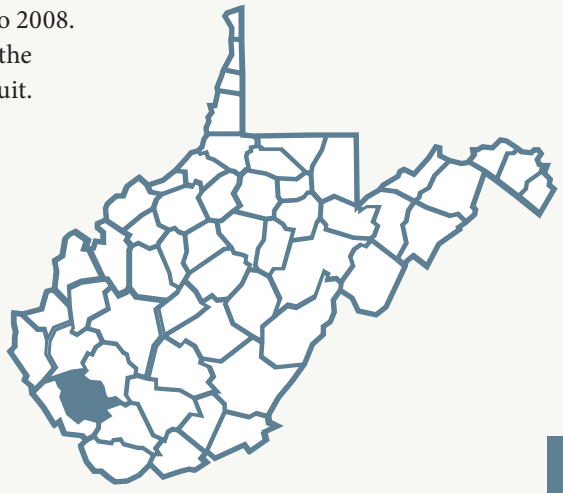
Court Expenditures for 2009

Circuit Court	**$1,746,192**
Family Court	**565,604**
Magistrate Court	**762,883**
Total	**$3,074,678**
Court Security Fund Grant	**$61,483**

There were 1,025 cases filed in Logan County Circuit Court in 2009. Of those, 57.76 percent were civil cases, 14.44 percent were criminal cases, and 27.8 percent were juvenile cases. Court filings decreased 10.4 percent compared to 2008. Logan County comprises the Seventh Judicial Circuit.

During 2009, 1,350 new cases were filed in Logan County Family Court. There were also 241 modification and ninety-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 16.78 percent compared to 2008. Logan County makes up the Ninth Family Court Circuit.

In 2009, there were 9,374 cases filed in Logan County Magistrate Court, a decrease of 9.42 percent from 2008. Of those, 76.93 percent were criminal cases, 17.3 percent were special proceedings, and 5.77 percent were civil cases.



Circuit Judges
Roger L. Perry, Chief Judge
Eric H. O'Briant

Family Court Judges
Kelly Gilmore Codispoti
Jason D. Harwood

Magistrates
Leonard Codispoti
Jeffrey S. Lane
Dwight A. Williamson

Circuit Clerk
Alvis Porter

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

Marion County

Marion County's courthouse was built in Fairmont between 1897 and 1900 of Cleveland sandstone. The county's second courthouse, it features a stained-glass rotunda and a stained-glass dome in the third-floor courtroom.

Court Expenditures for 2009

Circuit Court	$1,710,034
Family Court	289,645
Magistrate Court	823,300
Total	$2,822,980

Courthouse Facilities Improvement Authority Grant (Cast-iron cornice and ornamental repairs)	$80,000

Circuit Judges
Fred L. Fox, II, Chief Judge
David R. Janes

Family Court Judge
Amy J. Swisher

Magistrates
Melissa R. Linger
Hank E. Middlemas
Cathy L. Reed-Vanata
Muriel L. "Peggy" Twyman

Circuit Clerk
Barbara Core

Magistrate Clerk
Cathy L. Gower

Chief Probation Officer
Thomas Carpenter

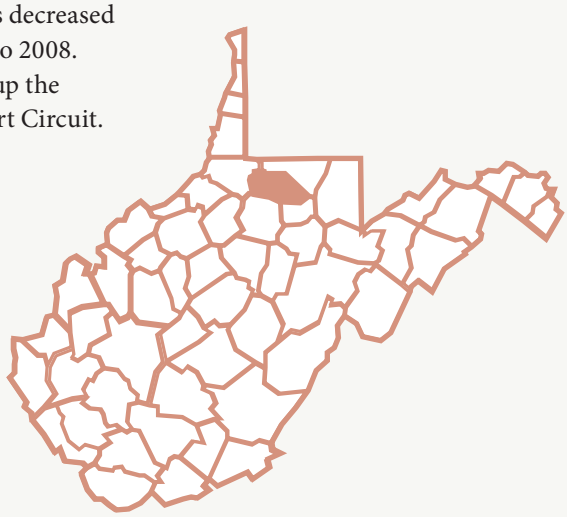
Marion County Courthouse
219 Adams Street
Fairmont, WV 26554
304-367-5360

Marion County Magistrate Court
200 Jackson Street
Fairmont, WV 26554
304-367-5330

There were 1,584 cases filed in Marion County Circuit Court in 2009. Of those, 64.9 percent were civil cases, 18.37 percent were criminal cases, and 16.73 percent were juvenile cases. Court filings increased 9.09 percent compared to 2008. Marion County comprises the Sixteenth Judicial Circuit.

During 2009, 868 new cases were filed in Marion County Family Court. There were also 166 modification and seventy-nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 5.65 percent compared to 2008. Marion County makes up the Nineteenth Family Court Circuit.

In 2009, there were 9,008 cases filed in Marion County Magistrate Court, an increase of 21.27 percent from 2008. Of those, 70.55 percent were criminal cases, 13.43 percent were special proceedings, and 16.02 percent were civil cases.



Marshall County

Marshall County's courthouse in Moundsville, the county's second, was built in the mid-1870s. A matching red brick addition was built in 1974.

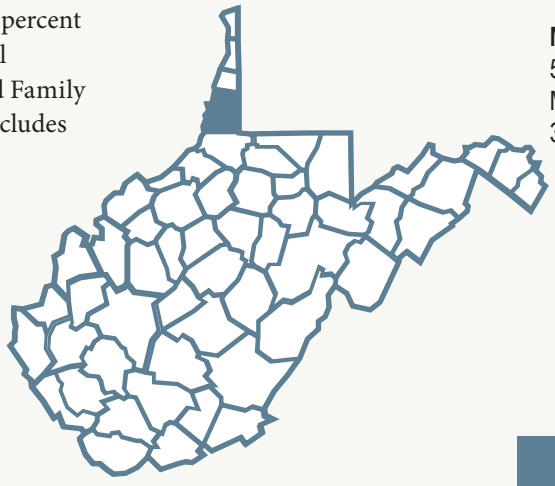
Court Expenditures for 2009

Circuit Court	**$1,569,472**
Family Court	**70,486**
Magistrate Court	**679,655**
Total	**$2,319,613**

There were 968 cases filed in Marshall County Circuit Court in 2009. Of those, 61.67 percent were civil cases, 10.33 percent were criminal cases, and twenty-eight percent were juvenile cases. Court filings did not fluctuate compared to 2008. Marshall County is part of the Second Judicial Circuit, which also includes Tyler and Wetzel Counties.

During 2009, 582 new cases were filed in Marshall County Family Court. There were also 178 modification and eighty-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 5.05 percent compared to 2008. Marshall County is part of the Second Family Court Circuit, which also includes Tyler and Wetzel Counties.

In 2009, there were 4,767 cases filed in Marshall County Magistrate Court, a decrease of 9.66 percent from 2008. Of those, 69.52 percent were criminal cases, 14.56 percent were special proceedings, and 15.92 percent were civil cases.



Circuit Judges
Mark A. Karl, Chief Judge
David W. Hummel, Jr.

Family Court Judge
Robert C. Hicks

Magistrates
William D. Anderson
David M. Buzzard
Mark A. Kerwood

Circuit Clerk
David Ealy

Magistrate Clerk
Angela Bee

Chief Probation Officer
Robert Joltes

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

Mason County

The Mason County Courthouse, completed in Point Pleasant in 1956, is the county's second. There is an impression cut into the side of the sandstone building depicting an image of the first courthouse, which was on the same site.

Court Expenditures for 2009

Circuit Court	$ 837,203
Family Court	352,975
Magistrate Court	446,025
Total	$1,636,203

Courthouse Facilities Improvement Authority Grant (Steps and mortar joint repairs) $80,000

Circuit Judges
Thomas C. Evans, III, Chief Judge
David W. Nibert

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
Patricia McCartney

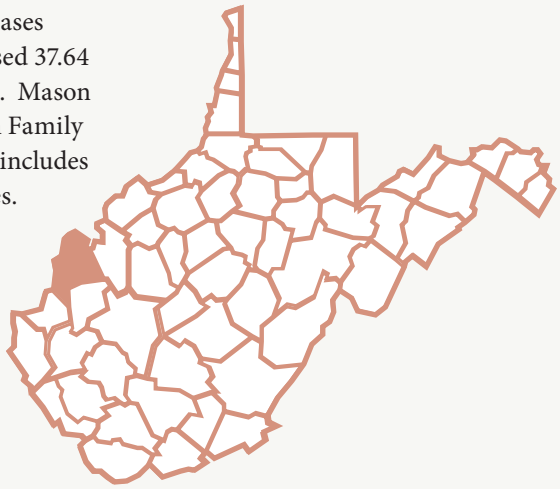
Mason County Courthouse
200 Sixth Street
Point Pleasant, WV 25550
304-675-4400

Mason County Magistrate Court
200 Sixth Street
Point Pleasant, WV 25550
304-675-6840

There were 539 cases filed in Mason County Circuit Court in 2009. Of those, 71.99 percent were civil cases, 13.91 percent were criminal cases, and 14.1 percent were juvenile cases. Court filings decreased 53.3 percent compared to 2008. Mason County is part of the Fifth Judicial Circuit, which also includes Calhoun, Jackson, and Roane Counties.

During 2009, 596 new cases were filed in Mason County Family Court. There were also ninety modification and eighty-one contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 37.64 percent compared to 2008. Mason County is part of the Fifth Family Court Circuit, which also includes Jackson and Wirt Counties.

In 2009, there were 5,272 cases filed in Mason County Magistrate Court, an increase of 11.34 percent from 2008. Of those, 69.65 percent were criminal cases, 24.92 percent were special proceedings, and 5.42 percent were civil cases.



McDowell County

The McDowell County Courthouse in Welch was built in 1894 of Berea stone and is still used by one of the county's two circuit judges. An annex was added in 1908, and a wing was added in 1961. The county purchased a former post office in the early 1980s and that building now houses the second circuit judge .

Court Expenditures for 2009

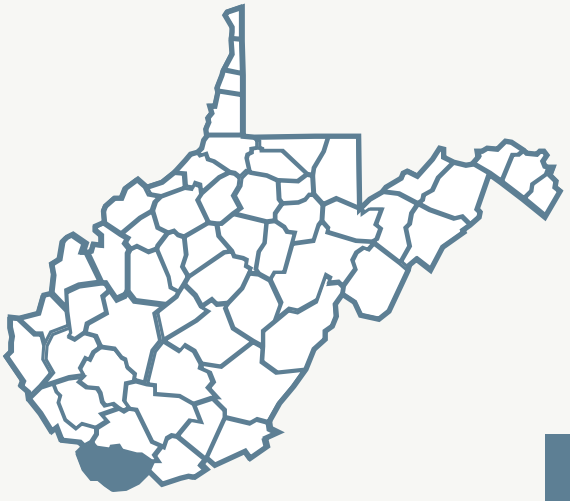
Circuit Court	**$1,270,766**
Family Court	**51,436**
Magistrate Court	**586,371**
Total	**$1,908,573**

Courthouse Facilities Improvement Authority Grant (Roof replacement) **$80,000**

Unfortunately, due to technical malfunctions the 2009 circuit court case numbers are not available for McDowell County.

During 2009, 628 new cases were filed in McDowell County Family Court. There were also 146 modification and sixty-three contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. McDowell County is in the Twelfth Family Court Circuit, which also includes Mercer County.

In 2009, there were 4,925 cases filed in McDowell County Magistrate Court, a decrease of 18.38 percent from 2008. Of those, 68.77 percent were criminal cases, 25.4 percent were special proceedings, and 5.83 percent were civil cases.



Circuit Judges
Booker T. Stephens, Chief Judge
Rudolph J. Murensky, II

Family Court Judges
Anthony Bisaha
Lisa K. Clark
Mary Ellen Griffith

Magistrates
Pete J. Beavers, Jr.
Steve L. Cox
Martin B. West

Circuit Clerk
Michael Brooks
(Retired December 7, 2009)
Francine Spencer
(Appointed December 8, 2009)

Magistrate Clerk
Janet L. England

Chief Probation Officer
Jerome Powell

McDowell County Courthouse
90 Wyoming Street
Welch, WV 24801
304-436-8535

McDowell County Magistrate Court
105 Wyoming Street
Welch, WV 24801
304-436-8587

Mercer County

The Mercer County Courthouse was built in Princeton in 1931. The county's fifth courthouse is made of sandstone. Two earlier courthouses burned, one ignited by Confederate troops.

Court Expenditures for 2009

Circuit Court	$2,771,849
Family Court	1,033,776
Magistrate Court	1,091,930
Total	$4,897,555
Court Security Fund Grant	$64,909

Circuit Judges
William J. Sadler, Chief Judge
Omar J. Aboulhosn
Derek C. Swope

Family Court Judges
Anthony Bisaha
Lisa K. Clark
Mary Ellen Griffith

Magistrates
Harold L. Buckner *(Retired July 31, 2009)*
Roy M. Compton
James Dent *(Took Office August 1, 2009)*
Michael D. Flanigan
Richard D. Fowler
Charles N. Poe

Circuit Clerk
Julie Ball *(Took Office August 1, 2009)*
Brenda Davis *(Retired July 31, 2009)*

Magistrate Clerk
Donna J. Arnold

Chief Adult Probation Officer
Joseph Allen

Chief Juvenile Probation Officer
Charlotte Crowe

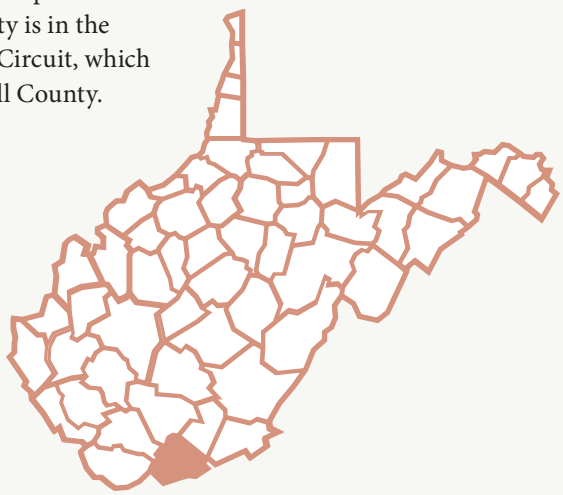
Mercer County Courthouse
1501 Main Street
Princeton, WV 24740
304-487-8323

Mercer County Magistrate Court
Courthouse Annex
120 Scott Street
Princeton, WV 24740
304-431-7115

There were 2,045 cases filed in Mercer County Circuit Court in 2009. Of those, 58.24 percent were civil cases, 27.43 percent were criminal cases, and 14.33 percent were juvenile cases. Court filings decreased 8.62 percent compared to 2008. Mercer County comprises the Ninth Judicial Circuit.

During 2009, 1,755 new cases were filed in Mercer County Family Court. There were also 288 modification and 122 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 1.8 percent compared to 2008. Mercer County is in the Twelfth Family Court Circuit, which also includes McDowell County.

In 2009, there were 14,143 cases filed in Mercer County Magistrate Court, a decrease of 4.15 percent from 2008. Of those, 64.58 percent were criminal cases, 17.13 percent were special proceedings, and 18.3 percent were civil cases.



Mineral County

The Mineral County Courthouse in Keyser is the county's original courthouse and was built around 1868 of brick and stone.

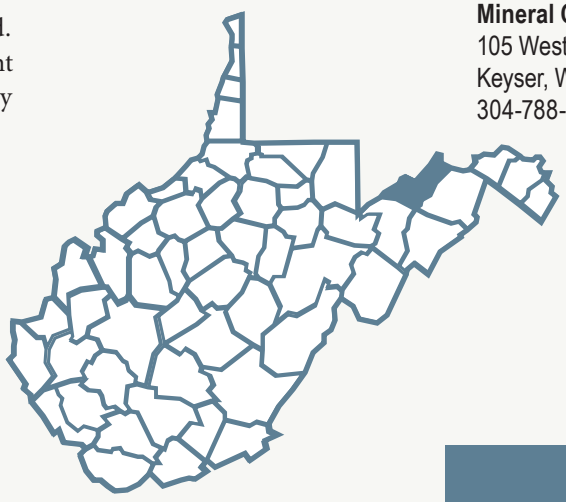
Court Expenditures for 2009

Circuit Court	**$ 887,347**
Family Court	**3,860**
Magistrate Court	**383,870**
Total	**$1,275,077**
Court Security Fund Grant	**$22,800**

There were 703 cases filed in Mineral County Circuit Court in 2009. Of those, 34.14 percent were civil cases, 36.84 percent were criminal cases, and 29.02 percent were juvenile cases. Court filings increased 11.76 percent compared to 2008. Mineral County is part of the Twenty-First Judicial Circuit, which also includes Grant and Tucker Counties.

During 2009, 425 new cases were filed in Mineral County Family Court. There were also 110 modification and fifty-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 8.99 percent compared to 2008. Mineral County is part of the Twenty-Third Family Court Circuit, which also includes Hampshire and Morgan Counties.

In 2009, there were 4,976 cases filed in Mineral County Magistrate Court, an increase of 7.29 percent from 2008. Of those, 83.88 percent were criminal cases, 9.26 percent were special proceedings, and 6.85 percent were civil cases.



Circuit Judges
Philip B. Jordan, Chief Judge
Lynn A. Nelson

Family Court Judge
Charles E. Parsons

Magistrates
David C. Harman
Carolyn S. Roby

Circuit Clerk
Mary Margaret Rinehart

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

Mingo County

The Mingo County Courthouse in Williamson, finished in 1966, has a black granite base and sandstone top. It is the county's second courthouse.

Court Expenditures for 2009

Circuit Court	$ 884,866
Family Court	311,075
Magistrate Court	665,185
Total	$1,861,126
Court Security Fund Grant	$ 32,263

Circuit Judge
Michael Thornsbury, Chief Judge

Family Court Judge
Miki Thompson

Magistrates
Walter Eugene Crum
Pamela S. Newsome
Deloris D. "Dee" Sidebottom

Circuit Clerk
Grant Preece

Magistrate Clerk
William T. "Terry" Sanders

No Chief Probation Officer

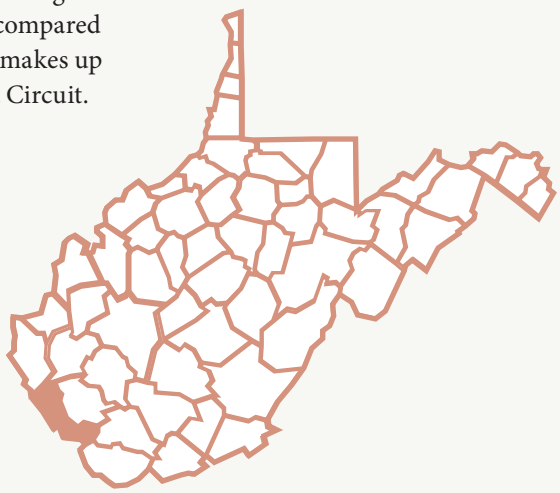
Mingo County Courthouse
75 East Second Avenue
Williamson, WV 25661
304-235-0320

Mingo County Magistrate Court
Logan Street and First Avenue
Williamson, WV 25661
304-235-2445

There were 1,218 cases filed in Mingo County Circuit Court in 2009. Of those, 43.35 percent were civil cases, 45.89 percent were criminal cases, and 10.76 percent were juvenile cases. Court filings increased 9.43 percent compared to 2008. Mingo County comprises the Thirtieth Judicial Circuit.

During 2009, 1,108 new cases were filed in Mingo County Family Court. There were also ninety-seven modification and forty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 26.77 percent compared to 2008. Mingo County makes up the Eighth Family Court Circuit.

In 2009, there were 6,301 cases filed in Mingo County Magistrate Court, a decrease of 15.8 percent from 2008. Of those, 74.69 percent were criminal cases, 20.66 percent were special proceedings, and 4.65 percent were civil cases.



Monongalia County

The red brick Monongalia County Courthouse in Morgantown, the county's fifth courthouse, was built in 1891. It was renovated and a large annex was added in 1976.

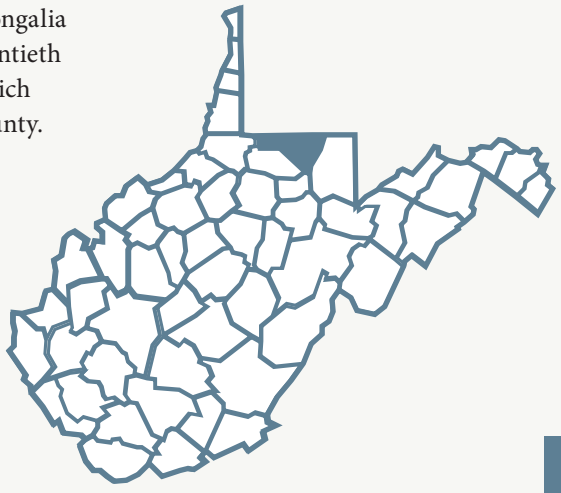
Court Expenditures for 2009

Circuit Court	**$2,191,162**
Family Court	**579,051**
Magistrate Court	**915,139**
Total	**$3,685,353**

There were 2,010 cases filed in Monongalia County Circuit Court in 2009. Of those, 77.36 percent were civil cases, 17.31 percent were criminal cases, and 5.32 percent were juvenile cases. Court filings did not fluctuate compared to 2008. Monongalia County comprises the Seventeenth Judicial Circuit.

During 2009, 1,195 new cases were filed in Monongalia County Family Court. There were also 194 modification and 120 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 3.24 percent compared to 2008. Monongalia County is part of the Twentieth Family Court Circuit, which also includes Preston County.

In 2009, there were 11,215 cases filed in Monongalia County Magistrate Court, a decrease of 16.98 percent from 2008. Of those, 70.5 percent were criminal cases, 10.97 percent were special proceedings, and 18.53 percent were civil cases.



Circuit Judges
Russell M. Clawges, Jr., Chief Judge
Phillip Gaujot
(Took bench October 19, 2009)
Susan B. Tucker

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

Monongalia County Courthouse
243 High Street
Morgantown, WV 26505
304-291-7240

Monongalia County Magistrate Court
265 Spruce Street
Morgantown, WV 26505
304-291-7296

Monroe County

Monroe County's courthouse in Union is the county's third courthouse. It is constructed of locally manufactured bricks on the same site as the earlier courthouses and was completed in 1881.

Court Expenditures for 2009

Circuit Court	$538,010
Family Court	33,055
Magistrate Court	335,178
Total	$906,244
Court Security Fund Grant	$15,300
Courthouse Facilities Improvement Authority Grant (Air conditioning unit replacement)	$53,596

Circuit Judge
Robert A. Irons, Chief Judge

Family Court Judge
David M. Sanders

Magistrates
Nancy P. Crews
Kevin L. Miller

Circuit Clerk
Julia Light

Magistrate Clerk
Elizabeth D. Kountz

Chief Probation Officer
Judson Childs

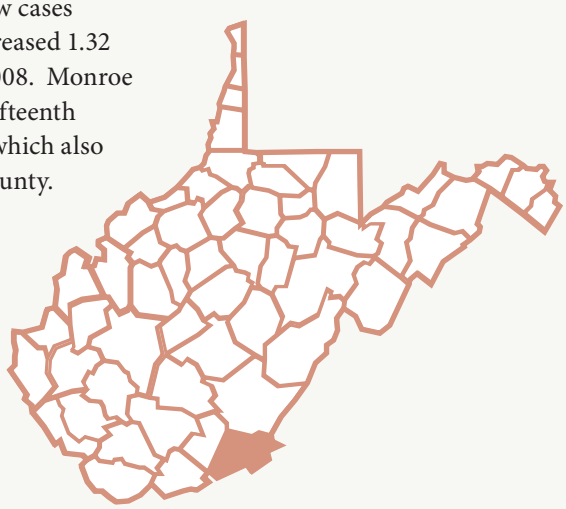
Monroe County Courthouse
216 Main Street
Union, WV 24983
304-772-3017

Monroe County Magistrate Court
Greenhill Road
Union, WV 24983
304-772-3321

There were 226 cases filed in Monroe County Circuit Court in 2009. Of those, 62.39 percent were civil cases, 27.43 percent were criminal cases, and 10.18 percent were juvenile cases. Court filings decreased three percent compared to 2008. Monroe County is part of the Thirty-First Judicial Circuit, which also includes Summers County.

During 2009, 299 new cases were filed in Monroe County Family Court. There were also forty-two modification and fifty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 1.32 percent compared to 2008. Monroe County is part of the Fifteenth Family Court Circuit, which also includes Greenbrier County.

In 2009, there were 1,362 cases filed in Monroe County Magistrate Court. Filing levels were similar to those of 2008. Of the 2009 filings, 69.09 percent were criminal cases, 16.45 percent were special proceedings, and 14.46 percent were civil cases.



Morgan County

Morgan County's courthouse in Berkeley Springs, which was destroyed by a fire on August 8, 2006, was the county's third. The first courthouse also burned. The recent fire destroyed a county annex as well as the courthouse. This is an architect's rendering of the three-story, 40,000-square-foot courthouse replacement that will open in 2010.

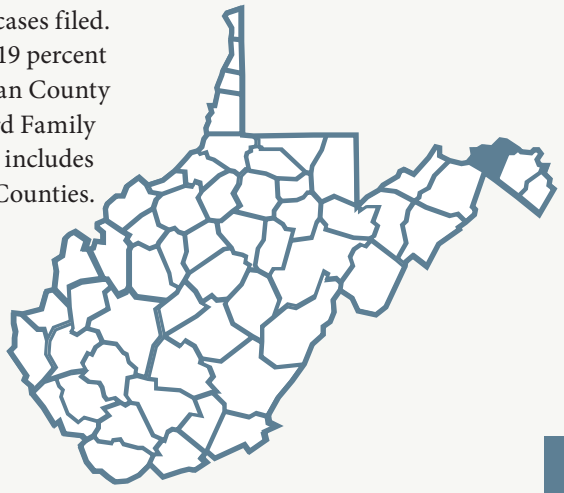
Court Expenditures for 2009

Circuit Court	**$318,791**
Family Court	**17,414**
Magistrate Court	**365,109**
Total	**$701,315**
Court Security Fund Grant	**$105,000**
Courthouse Facilities Improvement Authority Grant (Courthouse construction)	**$ 80,000**

There were 399 cases filed in Morgan County Circuit Court in 2009. Of those, 65.16 percent were civil cases, 21.05 percent were criminal cases, and 13.78 percent were juvenile cases. Court filings increased 9.62 percent compared to 2008. Morgan County is part of the Twenty-Third Judicial Circuit, which also includes Berkeley and Jefferson Counties.

During 2009, 223 new cases were filed in Morgan County Family Court. There were also fifty-two modification and thirty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 5.19 percent compared to 2008. Morgan County is part of the Twenty-Third Family Court Circuit, which also includes Hampshire and Mineral Counties.

In 2009, there were 3,758 cases filed in Morgan County Magistrate Court, an increase of 13.47 percent from 2008. Of those, 75.76 percent were criminal cases, 5.14 percent were special proceedings, and 19.11 percent were civil cases.



Circuit Judges
David H. Sanders, Chief Judge
Gina M. Groh
Gray Silver, III
Christopher C. Wilkes
John C. Yoder

Family Court Judge
Charles E. Parsons

Magistrates
Kermit M. Ambrose
Greg L. Miller

Circuit Clerk
Kimberly J. Jackson

Magistrate Clerk
Cynthia F. Stotler

Chief Probation Officer
Mark Hofe

Morgan County Courthouse
77 Fairfax Street
Berkeley Springs, WV 25411
304-258-8554

Morgan County Magistrate Court
111 Fairfax Street
Berkeley Springs, WV 25411
304-258-8631

Nicholas County

The Nicholas County Courthouse in Summersville was completed in 1898. The stone structure, the county's second courthouse, has a large bell in its cupola. The courtroom was completely renovated in 1998.

Court Expenditures for 2009

Circuit Court	$ 894,049
Family Court	304,011
Magistrate Court	619,572
Total	$1,817,631

Circuit Judge
Gary L. Johnson, Chief Judge

Family Court Judge
Donald K. Bischoff

Magistrates
Michael E. Cooper
Robert L. Gordon
(Retired October 15, 2009)
John D. Morton, Jr.
Wayne Plummer
(Appointed October 19, 2009)

Circuit Clerk
Debbie Facemire

Magistrate Clerk
Loriene L. Green

Chief Probation Officer
Roger Beverage

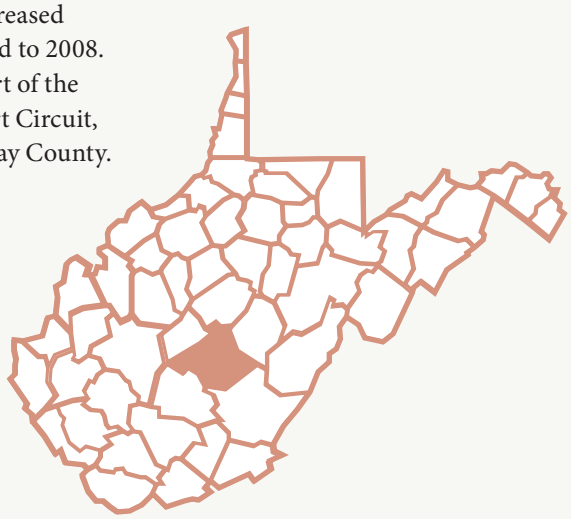
Nicholas County Courthouse
700 Main Street
Summersville, WV 26651
304-872-7810

Nicholas County Magistrate Court
511 Church Street
Summersville, WV 26651
304-872-7829

There were 768 cases filed in Nicholas County Circuit Court in 2009. Of those, 52.21 percent were civil cases, 22.27 percent were criminal cases, and 25.52 percent were juvenile cases. Court filings increased 6.67 percent compared to 2008. Nicholas County comprises the Twenty-Eighth Judicial Circuit.

During 2009, 615 new cases were filed in Nicholas County Family Court. There were also 121 modification and forty-eight contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 18.04 percent compared to 2008. Nicholas County is part of the Sixteenth Family Court Circuit, which also includes Clay County.

In 2009, there were 7,887 cases filed in Nicholas County Magistrate Court, an increase of 8.52 percent from 2008. Of those, 77.79 percent were criminal cases, 15.32 percent were special proceedings, and 6.9 percent were civil cases.



Ohio County

The City-County Building in Wheeling is the only combined municipal government and county judicial facility in West Virginia. It was completed in 1960 and encompasses a city block. It is the fourth building to be used as a courthouse in Wheeling.

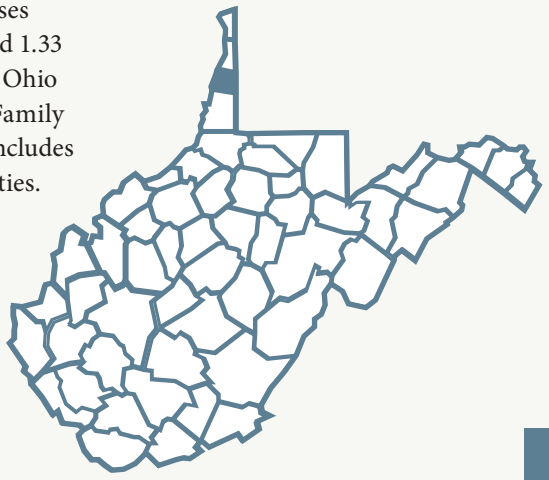
Court Expenditures for 2009

Circuit Court	**$1,589,672**
Family Court	**673,802**
Magistrate Court	**915,122**
Total	**$3,178,597**

There were 1,294 cases filed in Ohio County Circuit Court in 2009. Of those, 82.77 percent were civil cases, 3.79 percent were criminal cases, and 13.45 percent were juvenile cases. Court filings decreased 19.58 percent compared to 2008. Ohio County is part of the First Judicial Circuit, which also includes Brooke and Hancock Counties.

During 2009, 687 new cases were filed in Ohio County Family Court. There were also seventy-nine modification and ninety contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 1.33 percent compared to 2008. Ohio County is part of the First Family Court Circuit, which also includes Brooke and Hancock Counties.

In 2009, there were 7,566 cases filed in Ohio County Magistrate Court, an increase of 12.49 percent from 2008. Of those, 79.1 percent were criminal cases, 10.34 percent were special proceedings, and 10.56 percent were civil cases.



Circuit Judges
Arthur M. Recht, Chief Judge
Martin J. Gaughan
James P. Mazzone
Ronald E. Wilson

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 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

Pendleton County

Pendleton County's courthouse in Franklin was completed in 1926. The red brick structure fronted by four large columns with Ionic capitals is the county's third courthouse. The second burned.

Court Expenditures for 2009

Circuit Court	$456,747
Family Court	13,828
Magistrate Court	364,443
Total	$835,019

Circuit Judges
Donald H. Cookman, Chief Judge
Jerry D. Moore

Family Court Judge
Amanda H. See

Magistrates
Andrew M. Hinkle
Leland E. Propst

Circuit Clerk
Shalee Wilburn

Magistrate Clerk
Judy L. Grimm

Chief Probation Officer
John Rohrbaugh

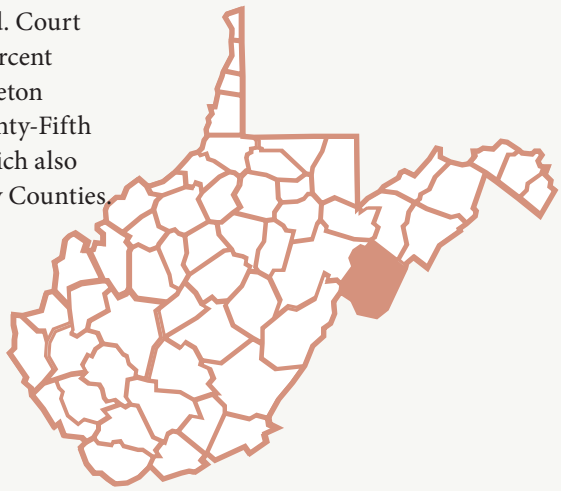
Pendleton County Courthouse
100 South Main Street
Franklin, WV 26807
304-358-7067

Pendleton County Magistrate Court
100 South Main Street
Franklin, WV 26807
304-358-2343 or 2344

There were 108 cases filed in Pendleton County Circuit Court in 2009. Of those, 61.11 percent were civil cases, 21.3 percent were criminal cases, and 17.59 percent were juvenile cases. Court filings decreased 2.7 percent compared to 2008. Pendleton County is part of the Twenty-Second Judicial Circuit, which also includes Hampshire and Hardy Counties.

During 2009, seventy-one new cases were filed in Pendleton County Family Court. There were also thirty modification and four contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 26.04 percent compared to 2008. Pendleton County is part of the Twenty-Fifth Family Court Circuit, which also includes Grant and Hardy Counties.

In 2009, there were 865 cases filed in Pendleton County Magistrate Court, a decrease of four percent from 2008. Of those, 81.04 percent were criminal cases, 7.28 percent were special proceedings, and 11.68 percent were civil cases.



Pleasants County

The Pleasants County Courthouse was built in St. Marys in 1925 after the first courthouse had to be torn down due to damage from a lighting strike in 1923.

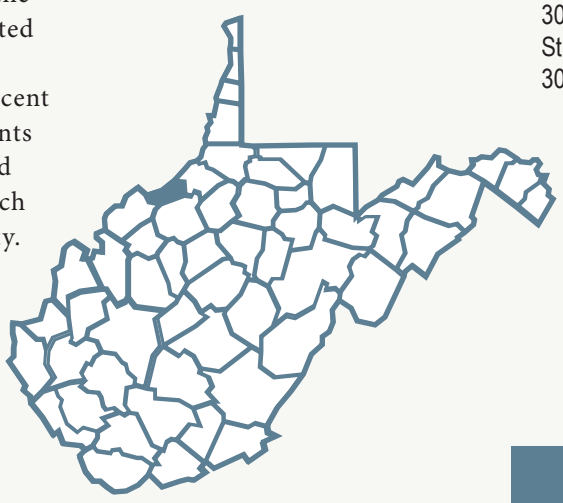
Court Expenditures for 2009

Circuit Court	**$156,507**
Family Court	**5,050**
Magistrate Court	**354,931**
Total	**$516,487**

There were 154 cases filed in Pleasants County Circuit Court in 2009. Of those, 65.58 percent were civil cases, 13.64 percent were criminal cases, and 20.78 percent were juvenile cases. Court filings increased 10.79 percent compared to 2008. Pleasants County is part of the Third Judicial Circuit, which also includes Doddridge and Ritchie Counties.

During 2009, 127 new cases were filed in Pleasants County Family Court. There were also one contempt and two modification proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 20.95 percent compared to 2008. Pleasants County is part of the Third Family Court Circuit, which also includes Wood County.

In 2009, there were 1,169 cases filed in Pleasants County Magistrate Court, a decrease of seven percent from 2008. Of those, 79.98 percent were criminal cases, 9.67 percent were special proceedings, and 10.35 percent were civil cases.



Circuit Judge
Robert L. Holland, Jr., 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

No Chief Probation Officer

Pleasants County Courthouse
301 Court Lane
St. Marys, WV 26170
304-684-3513

Pleasants County Magistrate Court
301 Court Lane
St. Marys, WV 26170
304-684-7197

Pocahontas County

Pocahontas County's courthouse was built in Marlinton in 1895. The hand-made clay structure with a bell tower was renovated in 1972 and an addition was added. It is the county's second courthouse, but the first in Marlinton. The original courthouse was in Huntersville.

Court Expenditures for 2009

Circuit Court	**$ 22,997**
Family Court	**64,460**
Magistrate Court	**351,095**
Total	**$438,552**
Court Security Fund Grant	**$34,278**
Courthouse Facilities Improvement Authority Grant *(Smoke detector installation)*	**$20,000**

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
Earl Michael

Magistrate Clerk
Rebecca M. Clendenen
(Last day of employment January 30, 2009)
Virginia Wagner
(Appointed April 21, 2009)

Chief Probation Officer
Fred Taylor

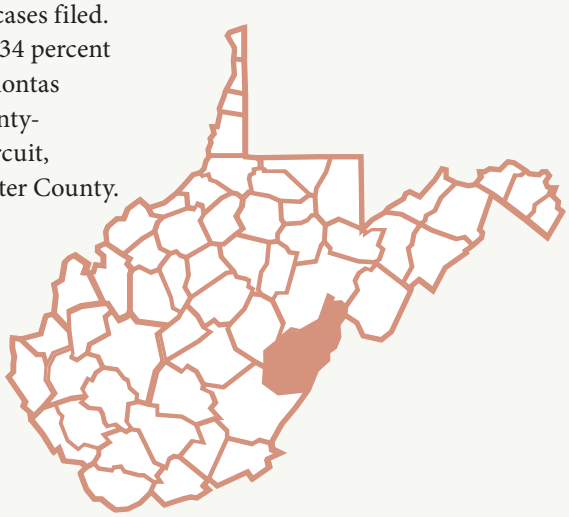
Pocahontas County Courthouse
900 Tenth Avenue
Marlinton, WV 24954
304-799-4604

Pocahontas County Magistrate Court
900 Tenth Avenue
Marlinton, WV 24954
304-799-6603

There were 237 cases filed in Pocahontas County Circuit Court in 2009. Of those, 56.54 percent were civil cases, 25.74 percent were criminal cases, and 17.72 percent were juvenile cases. Court filings decreased 1.66 percent compared to 2008. Pocahontas County is part of the Eleventh Judicial Circuit, which also includes Greenbrier County.

During 2009, 165 new cases were filed in Pocahontas County Family Court. There were also sixty-one modification and sixty-four contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 9.34 percent compared to 2008. Pocahontas County is part of the Twenty-Seventh Family Court Circuit, which also includes Webster County.

In 2009, there were 1,989 cases filed in Pocahontas County Magistrate Court, an increase of 33.49 percent from 2008. Of those, 79.79 percent were criminal cases, 10.06 percent were special proceedings, and 10.16 percent were civil cases.



Preston County

The Preston County Courthouse in Kingwood, constructed of buff-colored Indiana limestone, was dedicated in August 1934 on the same site as its predecessor. It is the county's fifth courthouse. In 2008, all courts moved into the courthouse and other county offices moved into an annex.

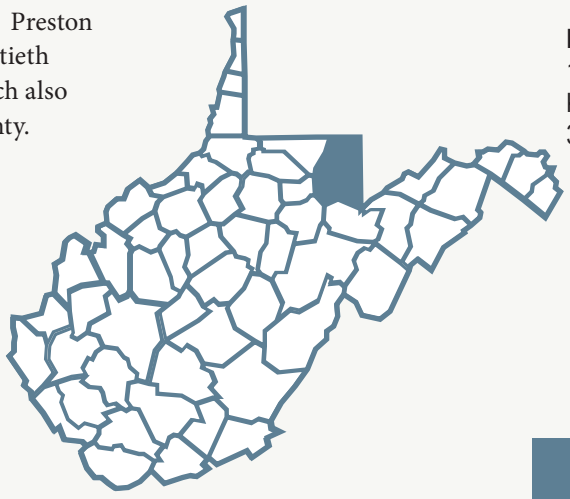
Court Expenditures for 2009

Circuit Court	**$ 857,817**
Family Court	**38,701**
Magistrate Court	**604,262**
Total	**$1,500,780**

There were 661 cases filed in Preston County Circuit Court in 2009. Of those, 64.75 percent were civil cases, 28.9 percent were criminal cases, and 6.35 percent were juvenile cases. Court filings decreased 3.92 percent compared to 2008. Preston County comprises the Eighteenth Judicial Circuit.

During 2009, 609 new cases were filed in Preston County Family Court. There were also 109 modification and seventy-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 1.5 percent compared to 2008. Preston County is part of the Twentieth Family Court Circuit, which also includes Monongalia County.

In 2009, there were 4,591 cases filed in Preston County Magistrate Court, a decrease of 18.32 percent from 2008. Of those, 73.99 percent were criminal cases, 10.59 percent were special proceedings, and 15.42 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
Kingwood, WV 26537
304-329-0047

Preston County Magistrate Court
101 West Main Street
Kingwood, WV 26537
304-329-2764 ext. 18

Putnam County

The red brick Putnam County Courthouse in Winfield was built in 1900 with an octagonal tower. The building is the county's second courthouse. A separate Judicial Building that now houses all of the court system offices was built in 1997.

Court Expenditures for 2009

Circuit Court	$1,587,360
Family Court	311,143
Magistrate Court	678,538
Total	$2,577,041
Court Security Fund Grant	$ 5,510

Circuit Judges
O.C. Spaulding, Chief Judge
Phillip M. Stowers

Family Court Judge
William M. Watkins, III

Magistrates
Kim M. Blair
Elizabeth K. Brown
Linda J. Hunt

Circuit Clerk
Ronnie Matthews

Magistrate Clerk
Louise W. Gunnoe

Chief Probation Officer
Brenda Shrader

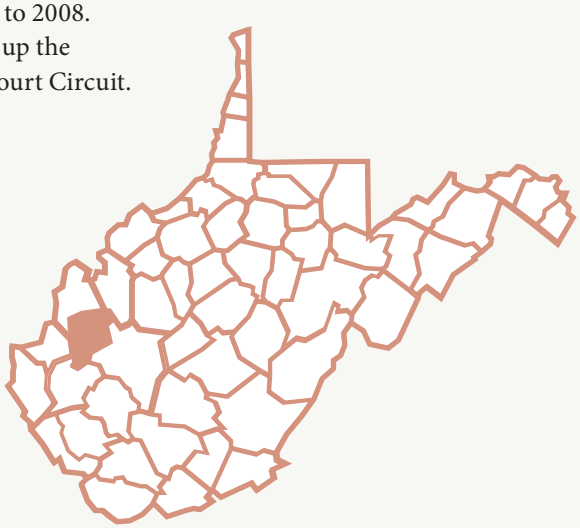
Putnam County Judicial Building
3389 Winfield Road
Winfield, WV 25213
304-586-0203

Putnam County Magistrate Court
3389 Winfield Road
Winfield, WV 25213
304-586-0234

There were 1,163 cases filed in Putnam County Circuit Court in 2009. Of those, 70.68 percent were civil cases, 23.47 percent were criminal cases, and 5.85 percent were juvenile cases. Court filings increased 20.27 percent compared to 2008. Putnam County comprises the Twenty-Ninth Judicial Circuit.

During 2009, 926 new cases were filed in Putnam County Family Court. There were also 222 modification and 252 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings did not fluctuate compared to 2008. Putnam County makes up the Twenty-Sixth Family Court Circuit.

In 2009, there were 8,110 cases filed in Putnam County Magistrate Court, a decrease of 7.13 percent from 2008. Of those, 78.06 percent were criminal cases, 10.92 percent were special proceedings, and 11.01 percent were civil cases.



Raleigh County

The Raleigh County Courthouse in Beckley, the third building to serve as a courthouse, was completed in 1937. It was built around the previous courthouse structure, which had been built in 1893.

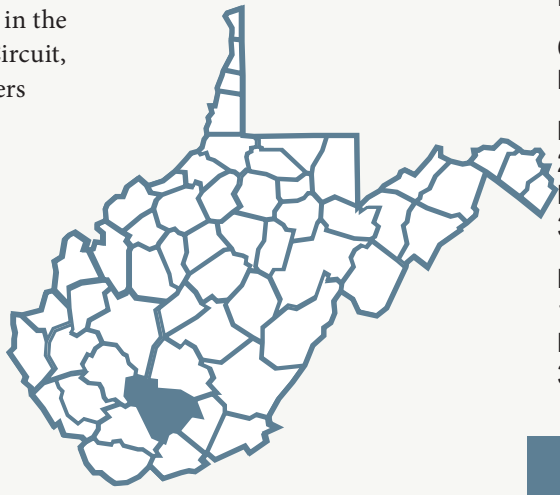
Court Expenditures for 2009

Circuit Court	**$2,513,770**
Family Court	**803,354**
Magistrate Court	**1,118,690**
Total	**$4,435,814**

There were 2,383 cases filed in Raleigh County Circuit Court in 2009. Of those, 62.53 percent were civil cases, 17.37 percent were criminal cases, and 20.1 percent were juvenile cases. Court filings increased 2.67 percent compared to 2008. Raleigh County comprises the Tenth Judicial Circuit.

During 2009, 1,772 new cases were filed in Raleigh County Family Court. There were also 330 modification and 264 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 8.25 percent compared to 2008. Raleigh County is in the Thirteenth Family Court Circuit, which also includes Summers and Wyoming Counties.

In 2009, there were 15,545 cases filed in Raleigh County Magistrate Court, a decrease of 9.14 percent from 2008. Of those, 74.9 percent were criminal cases, 14.43 percent were special proceedings, and 10.67 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
Janice Davis

Magistrate Clerk
Rebecca J. "Becky" Black

Chief Adult Probation Officer
Fletcher Bowden

Chief Juvenile Probation Officer
Douglas Dyer

Raleigh County Courthouse
215 Main Street
Beckley, WV 25801
304-255-9135

Raleigh County Magistrate Court
115 West Prince Street
Beckley, WV 25801
304-255-9197

Randolph County

Randolph County's courthouse in Elkins was built between 1902 and 1906. It is made of hand-cut stone and decorated by stained glass. The building is the second in Elkins to serve as a courthouse. Three others in Beverly were previously used for court sessions.

Court Expenditures for 2009

Circuit Court	$ 820,691
Family Court	353,613
Magistrate Court	685,006
Total	$1,859,311
Court Security Fund Grant	$ 40,250

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 Flynn

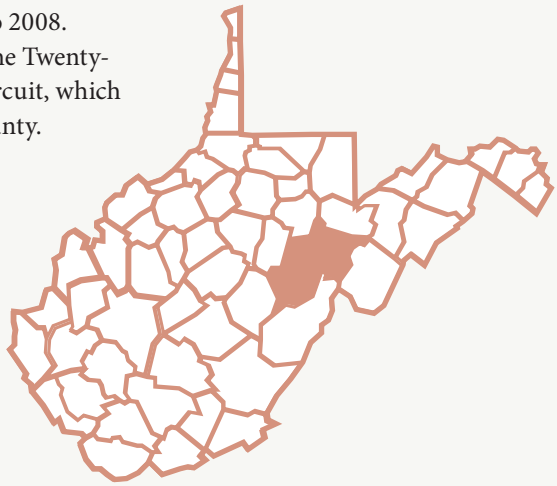
Randolph County Courthouse
2 Randolph Avenue
Elkins, WV 26241
304-636-2765

Randolph County Magistrate Court
11 Randolph Avenue
Elkins, WV 26241
304-636-5885

There were 661 cases filed in Randolph County Circuit Court in 2009. Of those, 59.46 percent were civil cases, 19.82 percent were criminal cases, and 20.73 percent were juvenile cases. Court filings decreased 4.48 percent compared to 2008. Randolph County comprises the Twentieth Judicial Circuit.

During 2009, 613 new cases were filed in Randolph County Family Court. There were also 180 modification and ninety-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 9.46 percent compared to 2008. Randolph County is in the Twenty-Second Family Court Circuit, which also includes Tucker County.

In 2009, there were 5,969 cases filed in Randolph County Magistrate Court, a decrease of 13.48 percent from 2008. Of those, 77.99 percent were criminal cases, 9.95 percent were special proceedings, and 12.06 percent were civil cases.



Ritchie County

The Ritchie County Courthouse, built in Harrisville in 1922, is the county's third courthouse. The portico and tower were added in 1923, the clock in 1924. It has been remodeled several times and an annex has been incorporated into the original structure.

Court Expenditures for 2009

Circuit Court	**$196,315**
Family Court	**3,453**
Magistrate Court	**367,120**
Total	**$566,887**

There were 213 cases filed in Ritchie County Circuit Court in 2009. Of those, 55.87 percent were civil cases, 22.07 percent were criminal cases, and 22.07 percent were juvenile cases. Court filings increased 13.9 percent compared to 2008. Ritchie County is part of the Third Judicial Circuit, which also includes Doddridge and Pleasants Counties.

During 2009, 191 new cases were filed in Ritchie County Family Court. There were also thirty-eight modification and forty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 9.77 percent compared to 2008. Ritchie County is part of the Fourth Family Court Circuit, which also includes Calhoun, Gilmer, and Roane Counties.

In 2009, there were 2,429 cases filed in Ritchie County Magistrate Court, a decrease of 23.33 percent from 2008. Of those, 85.34 percent were criminal cases, 8.69 percent were special proceedings, and 5.97 percent were civil cases.

Circuit Judge
Robert L. Holland, Jr., Chief Judge

Family Court Judge
Larry S. Whited

Magistrates
Teresa C. Harper
David Wayne Haugh

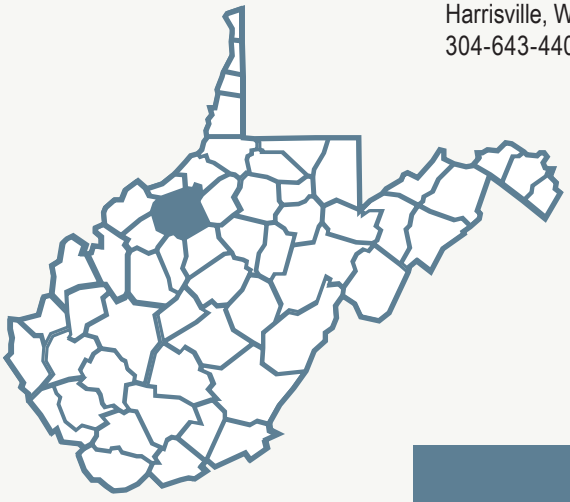
Circuit Clerk
Rose Ellen Cox

Magistrate Clerk
Janis L. Mahaney

No Chief Probation Officer

Ritchie County Courthouse
115 East Main Street
Harrisville, WV 26362
304-643-2164

Ritchie County Magistrate Court
319 East Main Street
Harrisville, WV 26362
304-643-4409



Roane County

Roane County has had three courthouses in Spencer, all on the same site, built in 1856, 1887, and 1965. The first two courthouses burned and all records were destroyed.

Court Expenditures for 2009

Circuit Court	$236,571
Family Court	270,804
Magistrate Court	423,458
Total	$930,833

Circuit Judges
Thomas C. Evans, III, Chief Judge
David W. Nibert

Family Court Judge
Larry S. Whited

Magistrates
Jason D. Bennett
Russell W. Goodwin

Circuit Clerk
Beverly Greathouse

Magistrate Clerk
Brenda M. White

Chief Probation Officer
Patricia McCartney

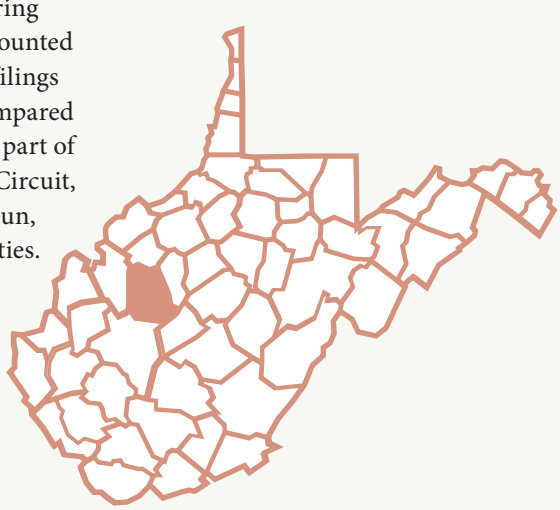
Roane County Courthouse
200 Main Street
Spencer, WV 25276
304-927-2750

Roane County Magistrate Court
201 Main Street
Spencer, WV 25276
304-927-4750

There were 293 cases filed in Roane County Circuit Court in 2009. Of those, 53.58 percent were civil cases, 32.42 percent were criminal cases, and 13.99 percent were juvenile cases. Court filings decreased 7.28 percent compared to 2008. Roane County is part of the Fifth Judicial Circuit, which also includes Calhoun, Jackson, and Mason Counties.

During 2009, 330 new cases were filed in Roane County Family Court. There were also eighty-eight modification and forty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 7.56 percent compared to 2008. Roane County is part of the Fourth Family Court Circuit, which also includes Calhoun, Gilmer, and Ritchie Counties.

In 2009, there were 2,619 cases filed in Roane County Magistrate Court, a decrease of 14.66 percent from 2008. Of those, 69.38 percent were criminal cases, 21.57 percent were special proceedings, and 9.05 percent were civil cases.



Summers County

The Summers County Courthouse in Hinton was built in 1874 from red bricks fired on the grounds. The original building is still in use, as is a large annex built in 1939.

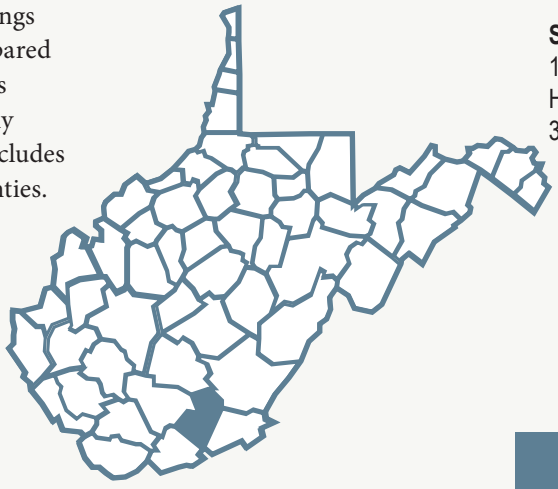
Court Expenditures for 2009

Circuit Court	**$299,960**
Family Court	**47,157**
Magistrate Court	**328,823**
Total	**$675,939**

There were 250 cases filed in Summers County Circuit Court in 2009. Of those, 42.8 percent were civil cases, 37.6 percent were criminal cases, and 19.6 percent were juvenile cases. Court filings decreased 16.39 percent compared to 2008. Summers County is part of the Thirty-First Judicial Circuit, which also includes Monroe County.

During 2009, 242 new cases were filed in Summers County Family Court. There were also fifty-seven modification and nineteen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 3.97 percent compared to 2008. Summers County is part of the Thirteenth Family Court Circuit, which also includes Raleigh and Wyoming Counties.

In 2009, there were 1,782 cases filed in Summers County Magistrate Court. Filing levels were similar to those of 2008. Of the 2009 filings, 75.31 percent were criminal cases, 15.43 percent were special proceedings, and 9.26 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. Jeffries, Jr.

Circuit Clerk
Linda Brumit

Magistrate Clerk
Vicki S. Jones

Chief Probation Officer
Judson 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

Taylor County

Taylor County's courthouse in Grafton was built in 1880 of brown brick. Many of the original Victorian details have now been removed from the building, which is the county's second courthouse. An annex was added in 1975.

Court Expenditures for 2009

Circuit Court	$ 895,608
Family Court	12,520
Magistrate Court	338,688
Total	$1,246,817

Circuit Judge
Alan D. Moats, Chief Judge

Family Court Judge
Beth Longo

Magistrates
James L. Lucas
Ricky R. Reese

Circuit Clerk
Vonda M. Reneman

Magistrate Clerk
Brenda L. Vance

Chief Probation Officer
Susan Christian

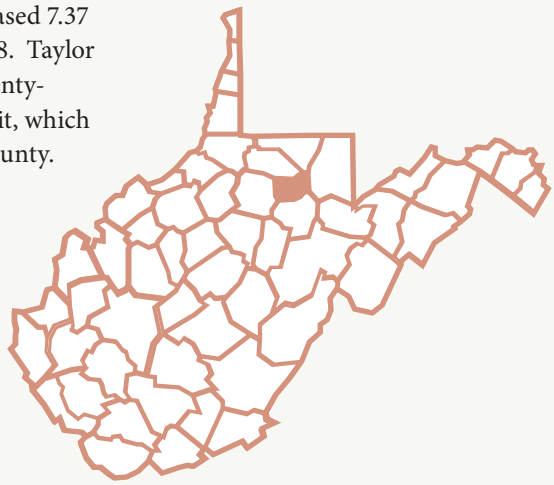
Taylor County Courthouse
214 West Main Street
Grafton, WV 26354
304-265-2480

Taylor County Magistrate Court
Courthouse Annex
214 West Main Street
Grafton, WV 26354
304-265-5762

There were 365 cases filed in Taylor County Circuit Court in 2009. Of those, 49.32 percent were civil cases, 34.52 percent were criminal cases, and 16.16 percent were juvenile cases. Court filings decreased 16.86 percent compared to 2008. Taylor County is part of the Nineteenth Judicial Circuit, which also includes Barbour County.

During 2009, 201 new cases were filed in Taylor County Family Court. There were also ninety-four modification and fifty contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 7.37 percent compared to 2008. Taylor County is part of the Twenty-First Family Court Circuit, which also includes Barbour County.

In 2009, there were 1,800 cases filed in Taylor County Magistrate Court, a decrease of 15.13 percent from 2008. Of those, 70.33 percent were criminal cases, 12.22 percent were special proceedings, and 17.44 percent were civil cases.



Tucker County

The red brick Tucker County Courthouse in Parsons was built in 1898 after years of dispute over the location of the Tucker County seat. Court previously was held in Saint George for several years under an oak tree in the middle of the road, until a brick courthouse was built in that town.

Court Expenditures for 2009

Circuit Court	**$313,220**
Family Court	**2,886**
Magistrate Court	**337,801**
Total	**$653,906**

Courthouse Facilities Improvement Authority Grant (Repair and repoint exterior brick) **$80,000**

There were 136 cases filed in Tucker County Circuit Court in 2009. Of those, 72.06 percent were civil cases, 11.76 percent were criminal cases, and 16.18 percent were juvenile cases. Court filings did not fluctuate compared to 2008. Tucker County is part of the Twenty-First Judicial Circuit, which also includes Grant and Mineral Counties.

During 2009, 107 new cases were filed in Tucker County Family Court. There were also twenty-five modification and ten contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased seven percent compared to 2008. Tucker County is part of the Twenty-Second Family Court Circuit, which also includes Randolph County.

In 2009, there were 1,080 cases filed in Tucker County Magistrate Court, an increase of 8.43 percent from 2008. Of those, 69.26 percent were criminal cases, 7.22 percent were special proceedings, and 23.52 percent were civil cases.

Circuit Judges
Philip B. Jordan, Chief Judge
Lynn A. Nelson

Family Court Judge
Michele W. Good

Magistrates
Riley H. Barb
Carol D. Irons

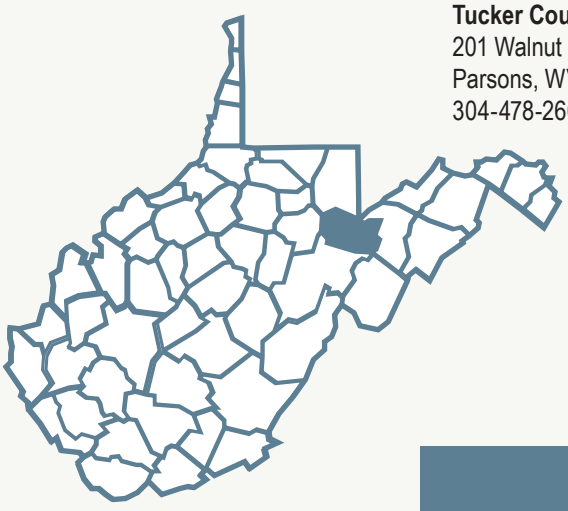
Circuit Clerk
Donna Jean Bava

Magistrate Clerk
Paula J. McDonald

Chief Probation Officer
Jerome DiBacco

Tucker County Courthouse
215 First Street
Parsons, WV 26287
304-478-2606

Tucker County Magistrate Court
201 Walnut Street
Parsons, WV 26287
304-478-2665



Tyler County

Tyler County's courthouse in Middlebourne was built in 1852 as the county's first permanent courthouse. It was expanded in 1922, when the original section and the new wing were both faced with identical brick.

Court Expenditures for 2009

Circuit Court	$ 34,130
Family Court	2,588
Magistrate Court	352,012
Total	$388,730

Circuit Judges
Mark A. Karl, Chief Judge
David W. Hummel, Jr.

Family Court Judge
Robert C. Hicks

Magistrates
Michael K. Griffin
John E. Roberts

Circuit Clerk
Candy Warner

Magistrate Clerk
Jean Hayes

Chief Probation Officer
Robert Joltes

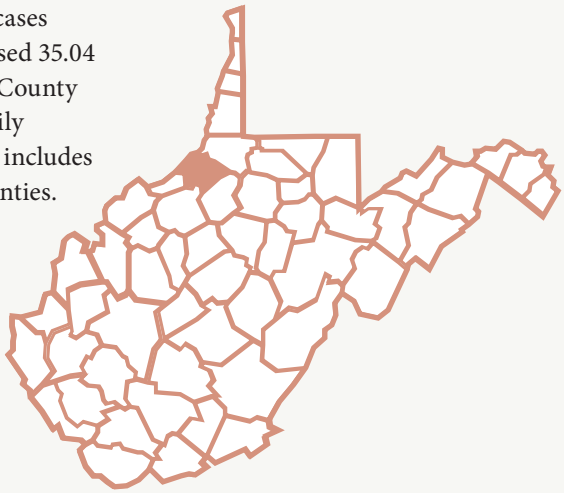
Tyler County Courthouse
121 Main Street
Middlebourne, WV 26149
304-758-4811

Tyler County Magistrate Court
225 Main Street
Middlebourne, WV 26149
304-758-2137

There were 165 cases filed in Tyler County Circuit Court in 2009. Of those, 51.52 percent were civil cases, 32.73 percent were criminal cases, and 15.76 percent were juvenile cases. Court filings decreased 6.78 percent compared to 2008. Tyler County is part of the Second Judicial Circuit, which also includes Marshall and Wetzel Counties.

During 2009, 158 new cases were filed in Tyler County Family Court. There were also thirty-nine modification and nine contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 35.04 compared to 2008. Tyler County is part of the Second Family Court Circuit, which also includes Marshall and Wetzel Counties.

In 2009, there were 972 cases filed in Tyler County Magistrate Court, a decrease of 6.63 percent from 2008. Of those, 76.34 percent were criminal cases, 11.52 percent were special proceedings, and 12.14 percent were civil cases.



Upshur County

The red brick Upshur County Courthouse in Buckhannon was completed in 1901. The interior was remodeled between 1972 and 1975. It is the county's second courthouse. The J. Dowell Jennings annex was completed in 1995.

Court Expenditures for 2009

Circuit Court	**$ 832,447**
Family Court	**20,212**
Magistrate Court	**484,786**
Total	**$1,337,445**
Court Security Fund Grant	**$24,640**
Courthouse Facilities Improvement Authority Grant (Boiler room renovation and new heating and air conditioning equipment)	**$80,000**

There were 478 cases filed in Upshur County Circuit Court in 2009. Of those, 48.33 percent were civil cases, 32.01 percent were criminal cases, and 19.67 percent were juvenile cases. Court filings decreased 1.04 percent compared to 2008. Upshur County is part of the Twenty-Sixth Judicial Circuit, which also includes Lewis County.

During 2009, 364 new cases were filed in Upshur County Family Court. There were also seventy-two modification and twelve contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 18.18 percent compared to 2008. Upshur County is part of the Seventeenth Family Court Circuit, which also includes Braxton and Lewis Counties.

In 2009, there were 5,310 cases filed in Upshur County Magistrate Court, an increase of 21.57 percent from 2008. Of those, 69.4 percent were criminal cases, 7.36 percent were special proceedings, and 23.24 percent were civil cases.

Circuit Judge
Thomas H. Keadle, Chief Judge

Family Court Judge
Robert Reed Sowa

Magistrates
Juanita E. Adams
John M. Coffman

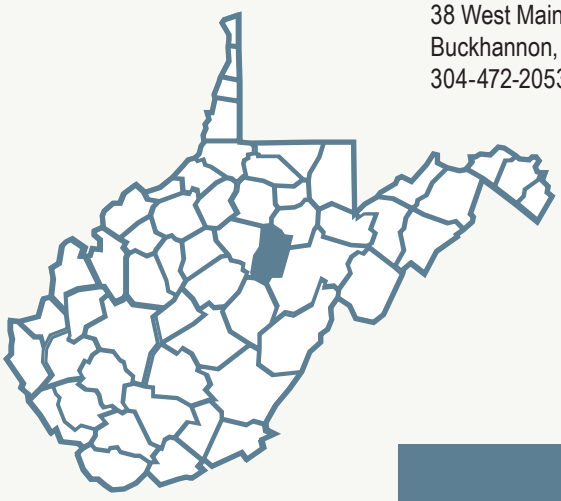
Circuit Clerk
Brian Gaudet

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
Buckhannon, WV 26201
304-472-2053



Wayne County

The Wayne County Courthouse in the City of Wayne opened in 1924 and was remodeled extensively in 1976. The structure is the fourth to be built for use as a courthouse. Its immediate predecessor burned in 1921, but records were preserved in a fireproof vault.

Court Expenditures for 2009

Circuit Court	$1,682,704
Family Court	315,236
Magistrate Court	646,904
Total	$2,644,844

Circuit Judges
Darrell Pratt, Chief Judge
James H. Young, Jr.

Family Court Judge
R. Stephen Lewis

Magistrates
David Ferguson
Teddy E. Mays
Randall W. Wiles

Circuit Clerk
Jamie Ferguson

Magistrate Clerk
Patricia A. Smith

Chief Probation Officer
Ruby Gail Fry

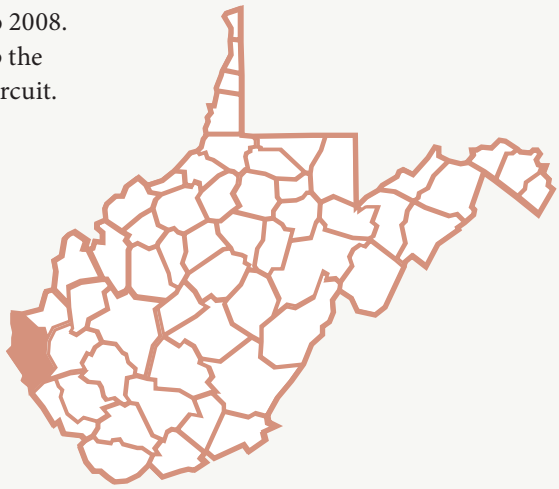
Wayne County Courthouse
600 Hendricks Street
Wayne, WV 25570
304-272-6360

Wayne County Magistrate Court
600 Hendricks Street
Wayne, WV 25570
304-272-6388

There were 1,015 cases filed in Wayne County Circuit Court in 2009. Of those, 51.13 percent were civil cases, 18.92 percent were criminal cases, and 29.95 percent were juvenile cases. Court filings decreased 11.28 percent compared to 2008. Wayne County comprises the Twenty-Fourth Judicial Circuit.

During 2009, 657 new cases were filed in Wayne County Family Court. There were also ninety-four modification and fifty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 2.81 percent compared to 2008. Wayne County makes up the Seventh Family Court Circuit.

In 2009, there were 5,155 cases filed in Wayne County Magistrate Court, a decrease of 9.64 percent from 2008. Of those, 73.95 percent were criminal cases, 14.82 percent were special proceedings, and 11.23 percent were civil cases.



Webster County

Webster County's courthouse in Webster Springs was constructed after the county's first courthouse burned in 1888. An addition was completed in the late 1930s.

Court Expenditures for 2009

Circuit Court	**$ 646,225**
Family Court	**270,965**
Magistrate Court	**332,413**
Total	**$ 1,249,604**

There were 188 cases filed in Webster County Circuit Court in 2009. Of those, 42.55 percent were civil cases, twenty-five percent were criminal cases, and 32.45 percent were juvenile cases. Court filings decreased six percent compared to 2008. Webster County is part of the Fourteenth Judicial Circuit, which also includes Braxton, Clay, and Gilmer Counties.

During 2009, 222 new cases were filed in Webster County Family Court. There were also seventy-seven modification and thirty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings decreased 3.48 percent compared to 2008. Webster County is part of the Twenty-Seventh Family Court Circuit, which also includes Pocahontas County.

In 2009, there were 1,363 cases filed in Webster County Magistrate Court, a decrease of 15.55 percent from 2008. Of those, 69.41 percent were criminal cases, 20.62 percent were special proceedings, and 9.98 percent were civil cases.

Circuit Judges
Richard A. Facemire, Chief Judge
Jack Alsop

Family Court Judge
Jeffrey Hall

Magistrates
Richard Robertson
John R. Stone

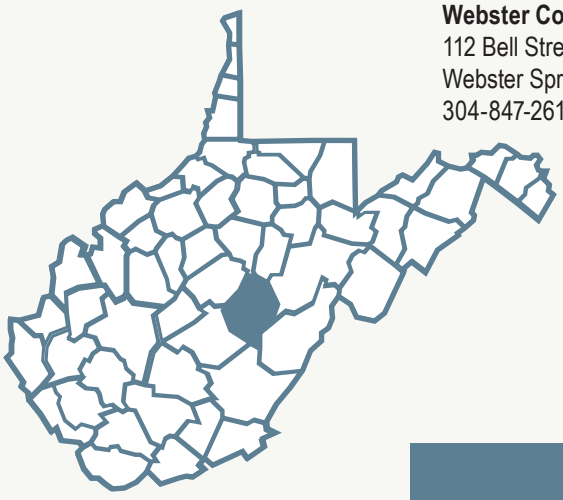
Circuit Clerk
Jeanine Moore

Magistrate Clerk
Sheila E. Cogar

Chief Probation Officer
Lucy Cruickshanks

Webster County Courthouse
2 Court Square
Webster Springs, WV 26288
304-847-2421

Webster County Magistrate Court
112 Bell Street
Webster Springs, WV 26288
304-847-2613



Wetzel County

The Wetzel County Courthouse was built in New Martinsville in 1901. It is the county's second courthouse and is made of cut stone.

Court Expenditures for 2009

Circuit Court	$332,097
Family Court	210,960
Magistrate Court	382,871
Total	$925,928

Circuit Judges
Mark A. Karl, Chief Judge
David W. Hummel, Jr.

Family Court Judge
Robert C. Hicks

Magistrates
Judith P. Goontz
Thomas J. Shepherd

Circuit Clerk
Sharon Dulaney

Magistrate Clerk
Sharon A. Manion

Chief Probation Officer
Robert Joltes

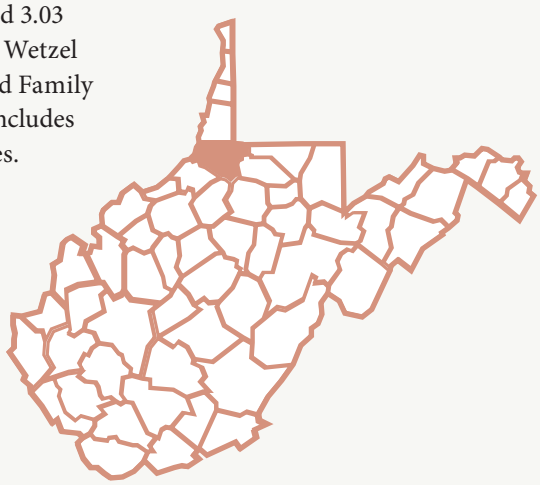
Wetzel County Courthouse
200 Main Street
New Martinsville, WV 26155
304-455-8219

Wetzel County Magistrate Court
303 Main Street
New Martinsville, WV 26155
304-455-5171

There were 450 cases filed in Wetzel County Circuit Court in 2009. Of those, 76.89 percent were civil cases, 9.56 percent were criminal cases, and 13.56 percent were juvenile cases. Court filings did not fluctuate compared to 2008. Wetzel County is part of the Second Judicial Circuit, which also includes Marshall and Tyler Counties.

During 2009, 272 new cases were filed in Wetzel County Family Court. There were also sixty-nine modification and forty-five contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 3.03 percent compared to 2008. Wetzel County is part of the Second Family Court Circuit, which also includes Marshall and Tyler Counties.

In 2009, there were 2,005 cases filed in Wetzel County Magistrate Court, an increase of 3.03 percent from 2008. Of those, seventy-nine percent were criminal cases, 9.58 percent were special proceedings, and 11.42 percent were civil cases.



Wirt County

The Wirt County Courthouse in Elizabeth, a yellow brick structure, was completed in 1911 after the county's first courthouse burned in 1910. The courthouse is built on the site of the first.

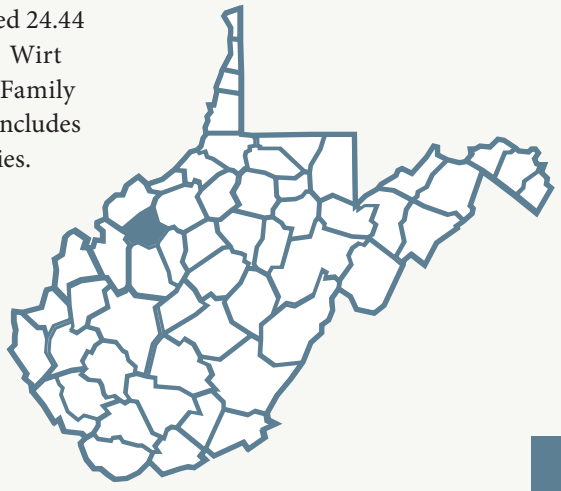
Court Expenditures for 2009

Circuit Court	**$ 41,549**
Family Court	**11,536**
Magistrate Court	**345,905**
Total	**$398,989**

There were eighty-two cases filed in Wirt County Circuit Court in 2009. Of those, 53.66 percent were civil cases, 31.71 percent were criminal cases, and 14.63 percent were juvenile cases. Court filings decreased 10.87 percent compared to 2008. Wirt County is part of the Fourth Judicial Circuit, which also includes Wood County.

During 2009, 112 new cases were filed in Wirt County Family Court. There were also twenty-four modification and thirteen contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 24.44 percent compared to 2008. Wirt County is part of the Fifth Family Court Circuit, which also includes Jackson and Mason Counties.

In 2009, there were 1,244 cases filed in Wirt County Magistrate Court, an increase of 18.03 percent from 2008. Of those, 86.66 percent were criminal cases, 5.06 percent were special proceedings, and 8.28 percent were civil cases.



Circuit Judges
Robert A. Waters, Chief Judge
J.D. Beane
Jeffrey B. Reed

Family Court Judges
Rebecca Stafford Cornett
Constance Fisher Thomas

Magistrates
Charles David Roberts
Janey I. Wigal

Circuit Clerk
Teresa Rollins

Magistrate Clerk
Misty L. Campbell

Chief Adult Probation Officer
Jeffrey Nuckolls

Chief Juvenile Probation Officer
Larry Johnson

Wirt County Courthouse
1 Washington Street
Elizabeth, WV 26143
304-275-6597

Wirt County Magistrate Court
Court Street
Elizabeth, WV 26143
304-275-3642

Wood County

Wood County's courthouse in Parkersburg is the county's fifth and was completed in 1899. Circuit Courts, however, are now housed in the Holmes R. Shaver Wood County Judicial Building; the Family Courts are in the Judge Donald F. Black Courthouse Annex; and the Magistrate Court is in a third building.

Court Expenditures for 2009

Circuit Court	$3,065,104
Family Court	663,098
Magistrate Court	987,548
Total	$4,715,750

Circuit Judges
Robert A. Waters, Chief Judge
J.D. Beane
Jeffrey B. Reed

Family Court Judges
Brian C. Dempster
C. Darren Tallman

Magistrates
Emily J. Bradley
Donna Jackson
Brenda K. Marshall
Joyce S. Purkey

Circuit Clerk
Carole Jones

Magistrate Clerk
Paulina M. Yearego

Chief Adult Probation Officer
Jeffrey Nuckolls

Chief Juvenile Probation Officer
Larry Johnson

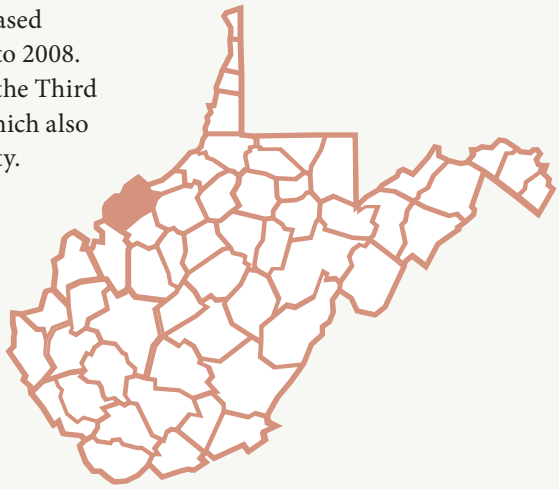
Wood County Judicial Building
2 Government Square
Parkersburg, WV 26101
304-424-1700

Wood County Magistrate Court
208 Avery Street
Parkersburg, WV 26101
304-422-3444

There were 2,156 cases filed in Wood County Circuit Court in 2009. Of those, 74.03 percent were civil cases, 14.14 percent were criminal cases, and 11.83 percent were juvenile cases. Court filings did not fluctuate compared to 2008. Wood County is part of the Fourth Judicial Circuit, which also includes Wirt County.

During 2009, 1,826 new cases were filed in Wood County Family Court. There were also 149 modification and sixty-two contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 11.82 percent compared to 2008. Wood County is part of the Third Family Court Circuit, which also includes Pleasants County.

In 2009, there were 14,262 cases filed in Wood County Magistrate Court, a decrease of 27.48 percent from 2008. Of those, 70.8 percent were criminal cases, 11.12 percent were special proceedings, and 18.08 percent were civil cases.



Wyoming County

The Wyoming County Courthouse in Pineville was built between 1916 and 1918 of native stone. The county's original courthouse is still in use, as is an annex added in 1958.

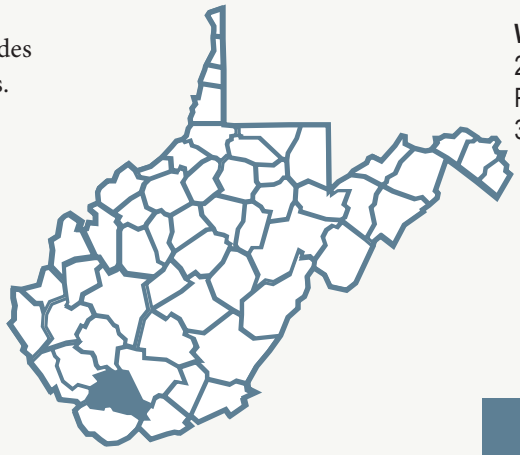
Court Expenditures for 2009

Circuit Court	**$ 811,602**
Family Court	**74,928**
Magistrate Court	**661,018**
Total	**$1,547,548**

There were 607 cases filed in Wyoming County Circuit Court in 2009. Of those, 44.65 percent were civil cases, 25.37 percent were criminal cases, and 29.98 percent were juvenile cases. Court filings increased 3.76 percent compared to 2008. Wyoming County comprises the Twenty-Seventh Judicial Circuit.

During 2009, 737 new cases were filed in Wyoming County Family Court. There were also 192 modification and 101 contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Court filings increased 10.49 compared to 2008. Wyoming County is part of the Thirteenth Family Court Circuit, which also includes Raleigh and Summers Counties.

In 2009, there were 3,299 cases filed in Wyoming County Magistrate Court, a decrease of 5.06 percent from 2008. Of those, 60.93 percent were criminal cases, 30.4 percent were special proceedings, and 8.67 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
24 Main Avenue
Pineville, WV 24874
304-732-8000 ext. 218

State's first black attorney honored on postage stamp

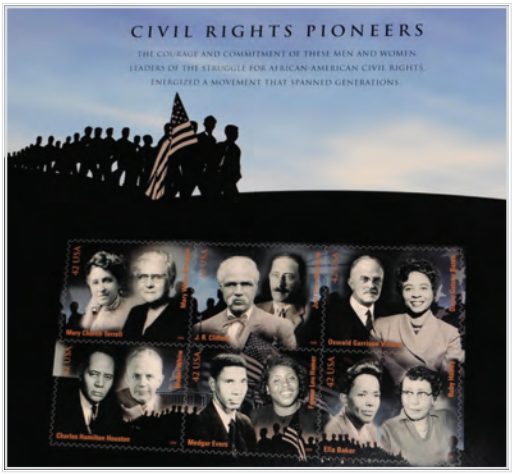
J.R. Clifford, West Virginia's first African American attorney, was one of twelve civil rights pioneers whose likenesses are on first-class commemorative stamps issued February 21, 2009, in New York City. The day before, West Virginians celebrated Mr. Clifford's life during a ninety-minute tribute at the West Virginia Culture Center.

The stamp that features photos of J.R. Clifford and Joel Elias Spingarn was unveiled in Charleston by Karen Schenk, Appalachian District Manager of the U.S. Postal Service. Mr. Spingarn endowed the prestigious Spingarn Medal, awarded annually since 1915 for highlighting black achievement.

In New York, the Civil Rights Pioneers stamp sheet, bearing six First-Class commemorative stamps, was dedicated by U.S. Service Board of Governors member Thurgood Marshall Jr. The stamps also honored the achievements of Ella Baker, Daisy Gatson Bates, Medgar Evers, Fannie Lou Hamer, Charles Hamilton Houston, Ruby Hurley, Mary White Ovington, Mary Church Terrell, Oswald Garrison Villard, and Walter White.

Mr. Clifford was born in 1848 in Williamsport, in what is now Grant County. He served in the Union Army during the Civil War and then attended Storer College before beginning a career as a teacher and principal. While teaching in Martinsburg he founded the *Pioneer Press*, West Virginia's first and longest-running African American newspaper, and studied law. In 1887 he became the first African American to pass the West Virginia bar examination. Mr. Clifford also worked with W.E.B. DuBois to found the Niagara Movement, the precursor to the National Association for the Advancement of Colored People (NAACP).

Mr. Clifford argued two landmark cases before the West Virginia Supreme Court. In 1896, Mr. Clifford filed the first challenge of the state's segregated school system. In *Martin v. Board of Education*, the Supreme Court ruled that the children of Thomas Martin, an African American father in Morgan County, could not attend a white school, even though the alternative meant they would not receive an education. The decision upheld segregation.



The 2009 Civil Rights Pioneers stamps feature the likenesses of twelve civil rights pioneers, including J.R. Clifford, West Virginia's first African-American attorney. Mr. Clifford can be seen in the foreground of the stamp in the middle of the upper row. The six 42-cent commemorative stamps were unveiled in a ceremony in Charleston, West Virginia, on February 20, 2009. *Photo by David L. Walton, USPS*

In 1898, Mr. Clifford represented an African American teacher from Tucker County after the county board of education reduced the school term of African American schools from eight months to five months to save money. The teacher, Carrie Williams, continued teaching for the full eight months. When the board refused to pay her for the additional three months, Mr. Clifford took the case to court. In the *Williams v. Board of Education* opinion, the Supreme Court held in favor of Ms. Williams. It was the first ruling in the United States to hold that racial discrimination in school terms and teacher pay was illegal.

Mr. Clifford died in Martinsburg in 1933 at the age of 85 and initially was buried there. His body was moved to Arlington National Cemetery in 1954.

During the ceremony at the Culture Center, Rosemary Clifford McDaniel, the Clifford family historian, recounted how she had learned about her connections to Mr. Clifford and then helped others connect the dots in their own research. She was one of about a dozen of Mr. Clifford's descendants who attended the event.

House Speaker Richard Thompson read a resolution making February 20, 2009, "J.R. Clifford Day."

Former Supreme Court Justice Larry Starcher talked briefly about the J.R. Clifford Project and about a play his former law clerk, Tom Rodd, wrote about the Carrie Williams case. Former Justice Starcher, Mr. Rodd, Charleston attorney Kitty Dooley, and others have performed the play in several locations in West Virginia, including at the Centennial of the Niagara Movement in Harpers Ferry.

The program at the Culture Center was co-sponsored by the Friends of Blackwater/J.R. Clifford Project, the West Virginia State Bar, the West Virginia Department of Education, the Mountain State Bar Association, Inc., the Charleston Branch of the NAACP, the West Virginia Division of Culture and History, Delta Sigma Theta Sorority — Charleston-Institute Alumnae Chapter, and the West Virginia Humanities Council.

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