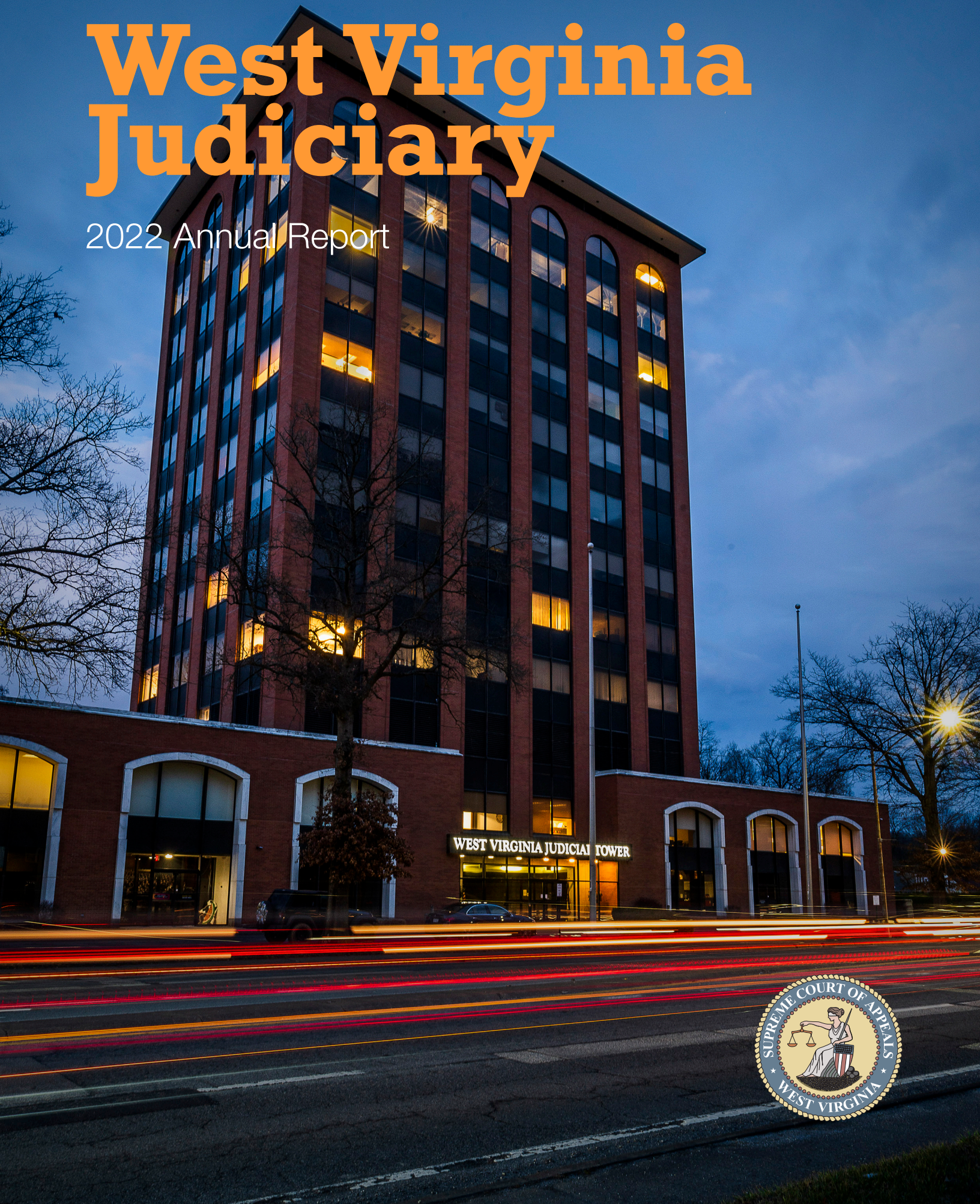


West Virginia Judiciary

2022 Annual Report



West Virginia Judiciary 2022 Annual Report

Chief Justice

Honorable John A. Hutchison

Justices

Honorable Elizabeth D. "Beth" Walker

Honorable Tim Armstead

Honorable William R. "Bill" Wooton

Honorable C. Haley Bunn

Clerk of Court

Edythe Nash Gaiser

Administrative Director

Joseph Armstrong

Produced by the Supreme Court of Appeals of West Virginia Public Information Office

The Public Information Office provides media relations for the judicial system; answers questions from the public; and oversees the West Virginia Judiciary website, social media, emergency communications, and civics education programs. The office consists of a Public Information Officer; Deputy Public Information Officer; and a Multimedia Specialist who is a photographer, videographer, and graphic designer.

Follow Us:



Instagram: @wvcourts



Facebook: @wvjudiciary



Twitter: @WVcourts



LinkedIn

courtswv.gov

1900 Kanawha Blvd. E.
Building One, Room E-100
Charleston, WV 25305
Phone: 304-558-0145
Fax: 304-558-1212

Contents

West Virginia Judicial System - 1

- 1 From the Chief
- 4 Organization
- 5 Budget
- 6 2022 Year in Review
- 14 Courthouse Facilities Improvement Authority
- 16 Court Security Grant Awards
- 17 Court Boards and Committee Members
- 18 Division of Probation Services
- 19 West Virginia Law Library
- 20 Judicial Investigation Commission
- 21 Lawyer Disciplinary Board
- 22 Bar Admissions
- 23 Court Association Officers

Supreme Court of Appeals of West Virginia - 24

- 24 2022 Statistical Report
- 26 Civics Education
- 28 Visiting Judges

Intermediate Court of Appeals of West Virginia (ICA) - 30

- 30 Structure
- 32 Facilities
- 34 From Concept to Reality: Creating the ICA

Circuit Courts - 36

- 36 Circuit Court Judges and Location Map
- 37 Circuit Court Jurisdiction

Family Courts - 38

- 38 Family Court Judges and Location Map
- 39 Family Court Jurisdiction

Magistrate Courts - 40

- 40 Magistrates and County Map
- 41 Magistrate Court Jurisdiction

Specialty Courts and Panels - 42

- 42 Introduction
- 43 Business Court
- 44 Treatment Courts
- 46 Court Improvement Program Oversight Board (CIP)
- 47 Juvenile Justice Commission
- 48 Mass Litigation

Court Notes - 49

- 49 Awards
- 50 Transitions
- 52 In Memoriam

From the Chief

Chief Justice John A. Hutchison

I am proud to report on the progress of the West Virginia judicial system. Our branch of government consists of 1,500 employees throughout the state. In 2022, judges, magistrates, probation officers, clerks, and administrative and support personnel worked together to accomplish great things.

Following the suspension of many COVID-19 health and safety protocols, in 2022, the judiciary and court users navigated a new normal. The Supreme Court and most lower courts returned to in-person argument dockets, judicial officers and court staff met in person for conferences and trainings, and judicial officers visited classrooms as part of civics education programs. The Supreme Court held LAWS (Legal Advancement for West Virginia Students) argument dockets in front of audiences of high school students in both Raleigh and Braxton Counties. In Braxton County, on May 3, Justice C. Haley Bunn joined the Supreme Court for her first day on the bench.



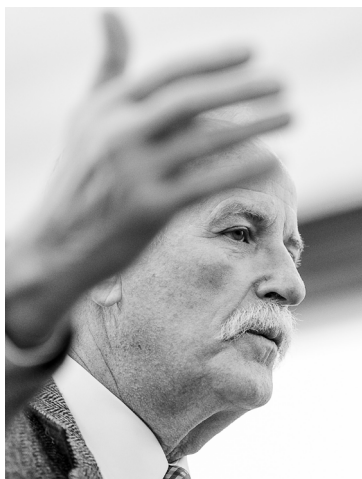
Chief Justice Hutchison and Judge H. Charles Carl, III, of the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties) speak about the WV judicial system to Hedgesville High School students on December 7, 2022.



Chief Justice Hutchison speaks with Braxton County High School students over lunch during a visit as part of the LAWS Program in May 2022.

Because COVID-19 made us all more comfortable with video communications, we continued to expand the use of technology to improve efficiency and access to justice. We provided new video conferencing units to regional jails and juvenile facilities to provide reliable, direct connections to courts, reducing the need for extensive travel between detention facilities and courthouses. The Supreme Court received a Justice Assistance Grant from West Virginia Justice and Community Services to fund this project.

One of our biggest accomplishments this year was the successful opening of the Intermediate Court of Appeals (ICA) on July 1. The Justices, Supreme Court Clerk's Office, and the Administrative Office all had a hand in creating the new appellate court from scratch. We issued new Rules of Appellate Procedure and court forms that incorporate the ICA, bought a building to house the ICA and other court offices, and built a main ICA courtroom and five satellite courtrooms. The video



technology in the satellite courtrooms in Grant, Lewis, Morgan, Raleigh, and Wetzel Counties ensures that most litigants do not have to drive more than 90 minutes to attend an appellate argument in their case.

Both the ICA and the Supreme Court launched e-filing on July 1, a major undertaking completed by our excellent Office of the Clerk of Court.

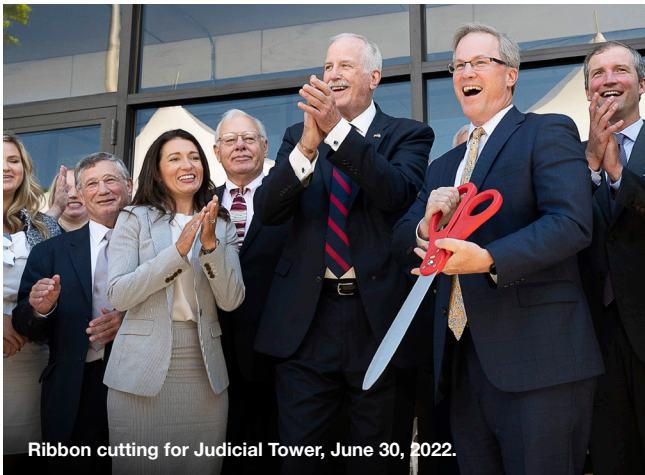
In September, the Supreme Court initiated a new online payment portal that allows the public to remit payment for magistrate court costs, fines, and fees from any location with internet access.

In 2022, there were more than 230,000 cases filed in lower courts, 331 new filings in the Intermediate Court of Appeals (which operated only six months in 2022), and 910 new filings in the Supreme Court of Appeals.

It is my pleasure to present this report as the judiciary continues to fulfill our pledge to be a transparent and fiscally accountable branch of government.



Chief Justice Hutchison speaks with Wetzel County Commissioner Carla McBee during the ribbon cutting ceremony for the ICA Satellite Courtroom at the former Shiben Building in downtown New Martinsville.



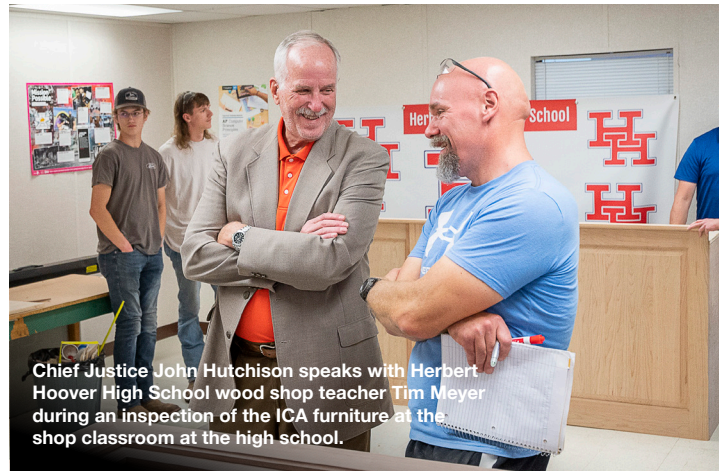
Ribbon cutting for Judicial Tower, June 30, 2022.



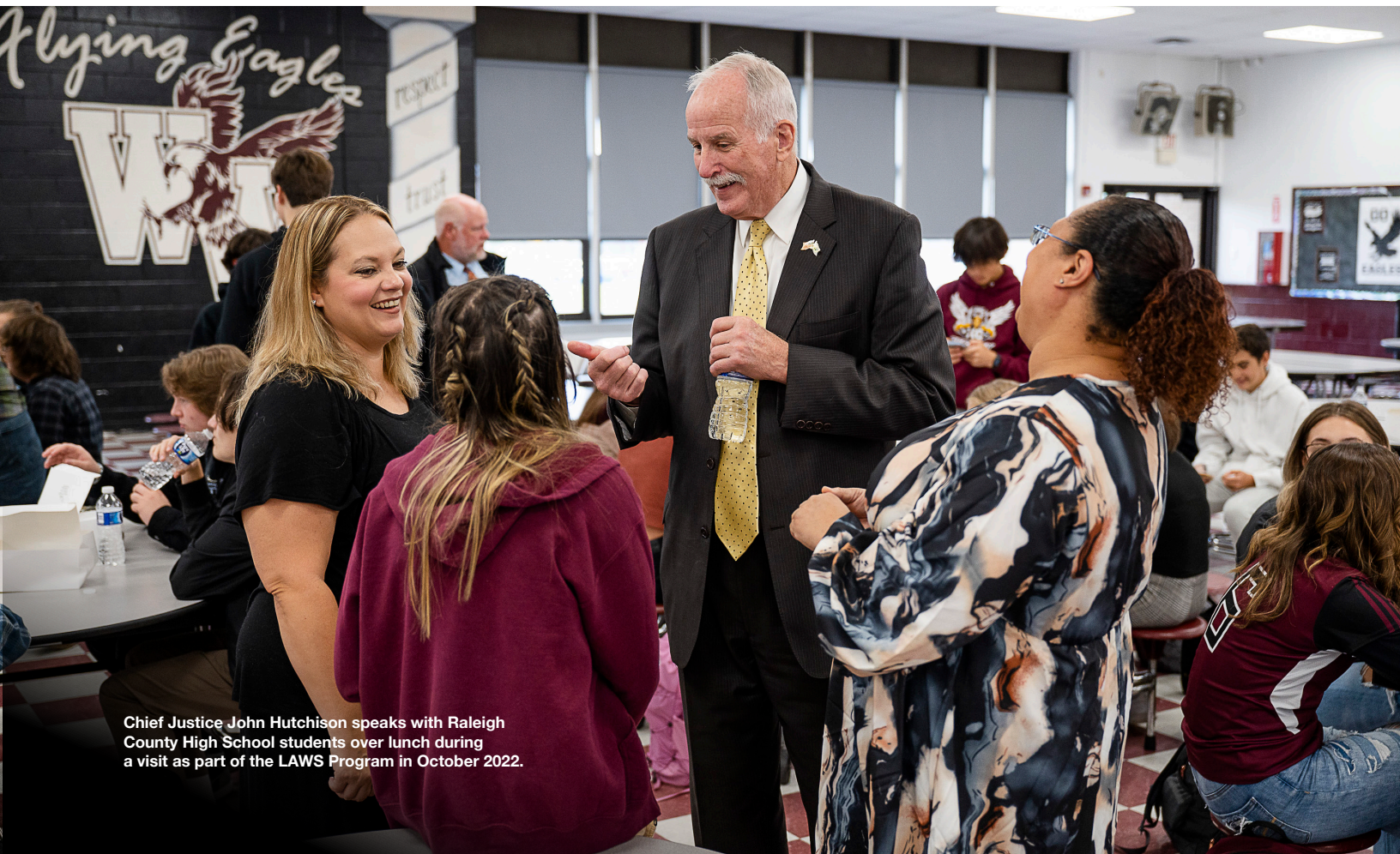
2022 Association of Probation Officers Awards Banquet in Charleston.



Chief Justice John Hutchison and ICA Chief Judge Dan Greear visit the Grant County Courthouse in Petersburg to tour the space for the ICA's remote location.



Chief Justice John Hutchison speaks with Herbert Hoover High School wood shop teacher Tim Meyer during an inspection of the ICA furniture at the shop classroom at the high school.



Chief Justice John Hutchison speaks with Raleigh County High School students over lunch during a visit as part of the LAWS Program in October 2022.

West Virginia Judicial System

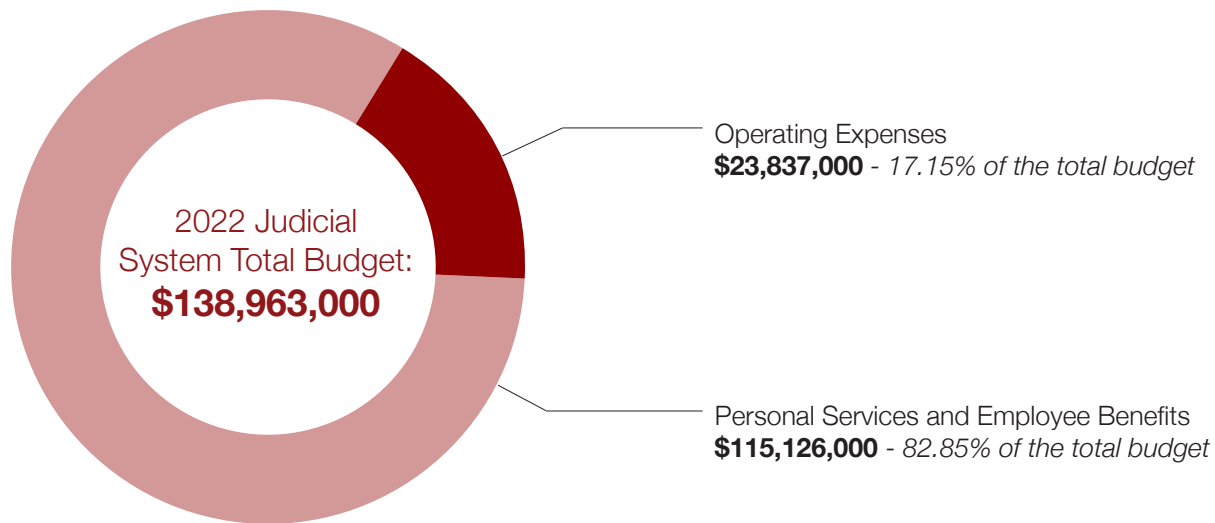
Organizational Chart



Judicial System Budget

Fiscal Year 2022

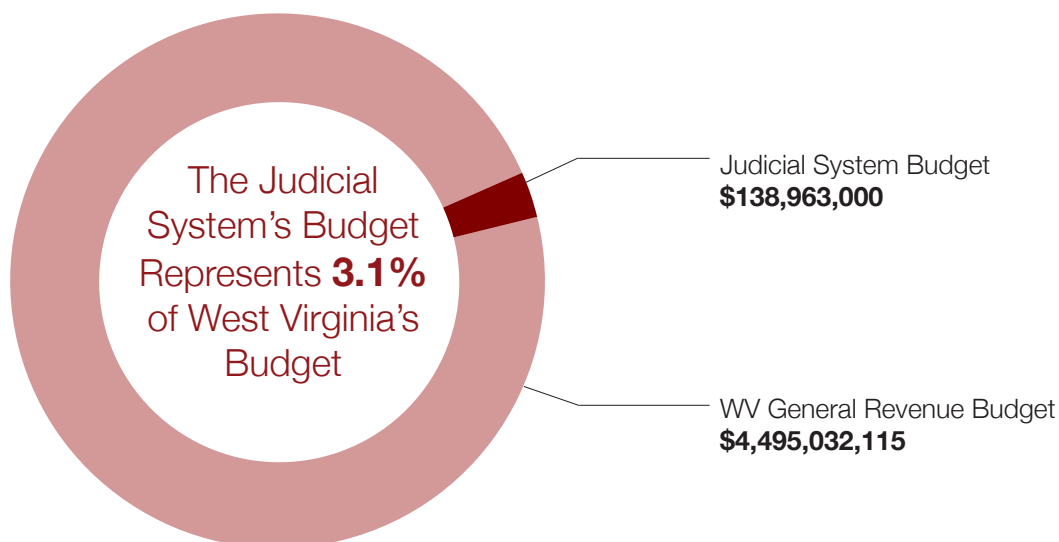
July 1, 2021 - June 30, 2022



State of West Virginia Budget

Fiscal Year 2022

July 1, 2021 - June 30, 2022



2022 Year in Review

January

West Virginia Judiciary Budget Presentations

Chief Justice John Hutchison presented the judiciary's budget to the Legislature's Senate and House Finance Committees. The Senate presentation was recorded and can be viewed at <http://sg001-harmony.sliq.net/00289/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/57658>. ▼



WV Legislative Photography, Photo by Perry Bennett

University of Charleston Enlightened Living Day

Three judicial employees participated in a January 17 community-building program at the University of Charleston. Thirteenth Judicial Circuit (Kanawha County) Judge Joanna Tabit and Cindy Largent-Hill, Director of the Division of Children & Juvenile Services, participated in a panel about the juvenile justice system. Judge Tabit also moderated a panel with Nick Leftwich, the state Drug Court Coordinator, about recovery initiatives in West Virginia.

February

Justice Evan Jenkins Resigns, Judge Alan Moats Appointed Temporary Justice

Justice Evan Jenkins resigned from the Supreme Court of Appeals of West Virginia effective February 6. On February 7, Chief Justice John Hutchison appointed Nineteenth Judicial Circuit (Barbour and Taylor Counties) Judge Alan D. Moats to sit temporarily on the Supreme Court to fill the vacancy. Judge Moats served on the Supreme Court until April 27. ▼



March

Valentine's Day Weddings

Brandon and Morgan Wilcer celebrated Valentine's Day by getting married by Thirteenth Judicial Circuit Judge Maryclaire Akers in her courtroom in the Kanawha County Judicial Building. Circuit and family court judges in multiple circuits presided over weddings on Valentine's Day. ▼



SUPREME COURT PURCHASES CHARLESTON BUILDING

The Supreme Court announced March 3 that it purchased the Charleston office building located at 4700 MacCorkle Ave. SE. for \$7.5 million. The building was renamed the West Virginia Judicial Tower and was remodeled to house the Intermediate Court of Appeals (ICA). Many Supreme Court Administrative Office employees already worked in the previously leased space in the same building. ▼



April

Supreme Court Hears Cases at WVU College of Law

The Supreme Court heard arguments in five cases on April 5 in the Marlyn E. Lugar Courtroom at the West Virginia University College of Law in Morgantown. The Supreme Court usually hears an argument docket at the law school each spring. ▼



Supreme Court Judges WVU Law School Moot Court

On April 12, the Justices judged the West Virginia University College of Law Baker Cup Moot Court appellate advocacy competition in the Supreme Court Courtroom in Charleston. The competition is open to all second-year law students. Participants must write an appellate brief and present oral arguments on both sides of an issue. Two finalists argue before the Supreme Court. Mattie Shuler of Point Pleasant won the competition. Cameron LeFevre of Berkeley County was the other finalist. ►



Justices Talk to Monongalia County Bar

On April 19, Chief Justice John Hutchison, Justice Tim Armstead, and Justice Alan Moats spoke virtually from the Supreme Court Courtroom to the Monongalia County Bar Association. ▼



May

Supreme Court Hears Cases in Braxton County

On May 3, the Supreme Court heard arguments in three cases in the Braxton County Board of Education meeting room before an audience of high school students from Braxton and Webster Counties. Legal Advancement for West Virginia Students (LAWS) is a civics education program that allows students to study real appellate cases and watch oral arguments in those cases in their home county or region. It was the first day Justice C. Haley Bunn heard oral arguments. Due to COVID-19, this was the first LAWS docket since 2019. ▼



Law Day Awards Ceremony

On May 2, the West Virginia State Bar Women in the Profession Committee held a virtual awards ceremony for its Law Day student contests. All Supreme Court Justices participated virtually from the Supreme Court Courtroom in Charleston. Chief Justice John Hutchison conducted a virtual tour of the courtroom. ►



Investiture Ceremony For Justice C. Haley Bunn

Justice C. Haley Bunn had an investiture ceremony on May 12 in the Supreme Court Courtroom. Justice Bunn was sworn into office in a private ceremony on April 27 so she could begin work. At age 36, she is the youngest female justice in West Virginia history. Governor Jim Justice appointed Justice Bunn on April 6 to replace Evan Jenkins. ▼



Judge Cindy Scott Hosts Fifth Grade for Mock Trial

On May 20, Seventeenth Judicial Circuit (Monongalia County) Judge Cindy Scott hosted Brookhaven Elementary School fifth-grade students in her courtroom for two mock trials. The 88 students used a script developed by the American Bar Association that was modified for the students. Judge Scott and her staff mentored the students in their respective roles and some students acted as jurors. ▼



June

Chief Justice Speaks to Rotary

Chief Justice John Hutchison spoke about the development of the Intermediate Court of Appeals at the Rotary Club of Charleston on June 13. ►



KANAWHA COUNTY OPENS FAMILY TREATMENT COURT

Prior to opening the state's eleventh family treatment court, Thirteenth Judicial Circuit (Kanawha County) Judge Joanna Tabit hosted a training session on June 30 in her courtroom. Chautle Haught, Family Treatment Court Specialist, led the training for the treatment team that runs the Kanawha County program. About 30 people participated in the three-hour program. ►



July

Estonian Judges Learn About West Virginia Courts

A delegation of Estonian judges visited the Supreme Court to talk to Chief Justice John Hutchison, Justice C. Haley Bunn, Intermediate Court of Appeals (ICA) Judges Tom Scarr and Charles Lorensen, ICA Chief Judge Dan Greear, and Administrative Office staff about the role of courts in West Virginia. The group consisted of four county judges, an appellate court judge, and an assistant prosecutor from Estonia. Their July 21 visit was arranged by the Center for International Understanding, Inc., a non-partisan, 501(c)(3) non-profit organization based in Princeton, West Virginia, and sponsored by Open World Programs and other federal agencies. ►



August

Judge Anita Ashley Participates in Meeting with White House Officials

On August 18, Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties) Judge Anita Ashley was one of about two dozen people who participated in a roundtable discussion about substance use disorder in West Virginia at the West Virginia Culture Center. Dr. Rahul Gupta, Director of National Drug Control Policy, White House Office of National Drug Control Policy, and Dr. Matthew Christiansen, Director of the Office of Drug Control Policy, led the meeting. The group discussed ways to address the opioid epidemic. ▼



September

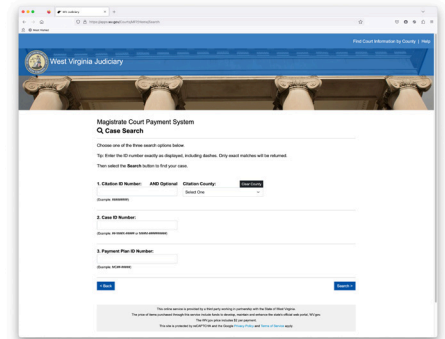
Constitution Day Activities

In honor of Constitution Day, judicial officers around West Virginia visited schools and students visited courthouses. Constitution Day commemorates the signing of the U.S. Constitution on September 17, 1787. Thirteenth Judicial Circuit (Kanawha County) Judge Tera Salango spoke to AP Government students at Nitro High School on September 14. Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Judge David Hammer and Jefferson County Magistrate Arthena Roper invited Morgan Academy Middle School students in Shepherdstown to visit the historic Jefferson County Courthouse on September 16. The same day, Magistrate Zachary Allman visited Our Lady of Peace School in Marshall County. ▼



MAGISTRATE COURT FINES, FEES PAYABLE ONLINE

West Virginia magistrate court fines, fees, and court costs can be paid online through a portal developed by the Supreme Court Administrative Office and West Virginia Interactive. The portal, launched September 16, is accessible from a link on the West Virginia Judiciary website (www.courtswwv.gov). Individuals can enter their case number and pay the amount owed online with a credit or debit card without having to physically visit a court office. There is a \$2 fee for each transaction. ▼



October

Putnam County Juvenile Drug Court Celebrates 100th and 101st Graduates

On October 13, Chief Justice John Hutchison attended the Putnam County Juvenile Drug Court graduation ceremony for the 100th and 101st teens to complete the program. Judge Phillip Stowers of the Twenty-Ninth Circuit (Putnam County) presides over the drug court and also is chair of the Juvenile Justice Commission. The Putnam County Juvenile Drug Court began operating in February 2011.



Supreme Court Hears Cases in Raleigh County

On October 18, the Supreme Court heard arguments at Woodrow Wilson High School in Beckley. High school students from Fayette and Wyoming Counties, as well as other Raleigh County schools, attended. Chief Justice John Hutchison and Justice William R. Wooton are from Raleigh County, and Justice C. Haley Bunn is from Wyoming County. LAWS (Legal Advancement for West Virginia Students) was established in 1999. Since then, more than 6,000 students in 35 counties have participated. ▼



November



Chief Justice Speaks to Raleigh County Military Service Members Court

On November 10, Chief Justice John Hutchison spoke at the Raleigh County Military Service Members Court graduation ceremony. Raleigh County Circuit Judge Andrew Dimlich presented each of the four graduates with a plaque. McDowell County Circuit Judge Edward Cornish congratulates one of them. ▲

Justice Walker on Panel at Appellate Judges Education Institute Summit

Justice Beth Walker discussed the Supreme Court's work to restore public confidence in the integrity of the judiciary during a panel at the Appellate Judges Education Institute Summit on November 12 in Scottsdale, Arizona. The topic was "Public Confidence and the Courts: Pillars of the Rule of Law." Her co-panelists were Benes Aldana (President, National Judicial College) and Justice Laurie McKinnon of the Montana Supreme Court. The moderator was retired Judge Scott Bales of Arizona. Justice Walker is a member of the planning committee for the summit.

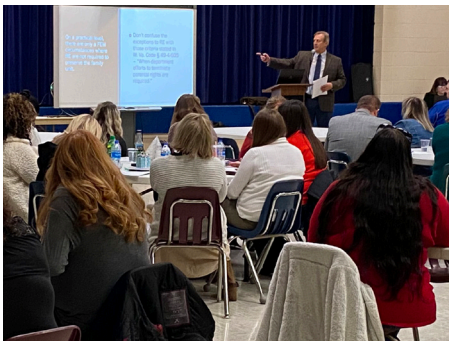
Judge Sweeney Leads Seminar on Substance Abuse Treatment

On November 18, Third Judicial Circuit (Doddridge, Pleasants, and Ritchie Counties) Judge Timothy Sweeney led a half-day seminar for professionals who work in the field of substance abuse treatment and sober living homes. More than 40 people attended the meeting held in Judge Sweeney's courtroom in the Ritchie County Courthouse in Harrisville, including probation officers, prosecutors, magistrates, defense counsel, and staff. Probation Services Director Stephanie Bond also spoke. ▼

December

COURT IMPROVEMENT PROGRAM HOSTS EASTERN PANHANDLE MEETING

On December 16, the 22nd Judicial Circuit invited people from the Potomac Highlands to a day-long discussion of child welfare and juvenile justice issues. About 63 people from Hampshire, Hardy, Pendleton, Grant, and Mineral Counties attended. Circuit Judges H. Charles Carl, III, and C. Carter Williams facilitated conversations. ▼



Courthouse Facilities Improvement Authority

The West Virginia Legislature created the Courthouse Facilities Improvement Authority (WVCFIA) in 2001 to assist county governments with funding to modify existing courthouse facilities and to construct new courthouse structures. According to W. Va. Code § 29-26-1, the WVCFIA consists of 12 voting members and 8 advisory members. Hancock County Assessor Joseph M. Alongi was chair of the board in 2022.

In 2003, the Legislature passed additional law and legislative rules to fund the grants. The grants are funded by fees collected in county courthouse offices, not tax dollars. Each year, the WVCFIA solicits grant applications from all counties. The maximum support provided to each county is \$100,000 annually. The grants require a 20 percent match from county funds.

For further information on the WVCFIA, contact Executive Director Melissa Smith at 304-558-5435 or melissa.smith@wvcfia.com or visit the website at www.cfia.wv.gov.



Cabell County
Exterior Improvement - clock tower base repair

Courthouse Facilities Grant Awards:

County	Improvement	Project Cost	Award Amount
Cabell	Exterior Improvement - clock tower base repair	\$338,000	\$100,000
Clay	Life Safety - Emergency Funding; water infiltration	\$79,245	\$63,396
Gilmer	Mechanical - HVAC on 1st floor	\$54,555	\$43,644
Greenbrier	Life Safety - install sprinkler system	\$476,685	\$100,000
Hancock	Roofing - new EPDM rubber roof on main courthouse	\$125,050	\$100,000
Jackson	Mechanical - install VRV system (phase 3)	\$ 300,000	\$100,000
Kanawha	Communications Cabling - upgrade cabling & fiber optics	\$113,393	\$90,713
Logan	Accessibility - upgrade elevator in annex	\$125,100	\$100,000
Marion	Accessibility - modernize elevator in annex	\$220,000	\$100,000
Marshall	Electrical - upgrade electrical systems	\$365,000	\$100,000
McDowell	Windows - repair/replace windows (phase III)	\$125,000	\$100,000
Mingo	Life Safety - fire suppression system (phase III basement)	\$84,600	\$67,680
Monroe	Accessibility - install elevator	\$151,200	\$100,000
Morgan	Roofing - replace portion of roof	\$150,000	\$100,000
Preston	Exterior Improvements - repoint, repair & reseal sandstone	\$151,500	\$100,000
Putnam	Exterior Improvements - masonry repointing, remortar	\$120,000	\$96,000
Roane	Interior Improvements - renovate office & storage area 2nd floor	\$154,193	\$100,000
Wayne	Accessibility - modernize elevator	\$172,020	\$100,000
Wetzel	Structural Improvements - repair & replace steps to bell tower	\$175,000	\$100,000
Wood	Roofing - repair & replace roof	\$215,000	\$100,000
Wyoming	Accessibility - install ADA compliant elevator cab (phase II)	\$121,490	\$97,192

Totals \$3,817,031 \$1,958,625

Court Security Grant Awards

Court Security Board

The Court Security Board decides how money in the Court Security Fund is spent to enhance the security of West Virginia courts.

"A magistrate court shall deposit \$5 from each of the criminal proceedings fees collected . . . in the Court Security Fund." W. Va. Code § 50-3-2(a)(3). The fund is used to pay for crucial security needs in county courts. The fund is managed by the West Virginia Division of Administrative Services/Justice and Community Services, and the board is chaired by the Supreme Court Administrative Director. W. Va. Code § 51-3-14-17.

Grant amounts vary each year. In 2022, a total of \$455,871 was awarded to 17 county commissions to enhance the security of court facilities. The Supreme Court of Appeals of West Virginia also received an award of \$66,730 to train bailiffs and provide mass notification to all 1,500 court employees statewide, bringing the total amount awarded to \$522,601.



2022 Board members include the following:

Circuit Judge David Hummel, Second Judicial Circuit
(Marshall, Wetzel, and Tyler Counties)
Family Court Judge Jason Spears, Sixth Family
Court Circuit (Cabell County)
Magistrate Carol Wolfe (Gilmer County)
L. David Duffield, Esquire (Cabell County)
Circuit Clerk Brian Gaudet (Upshur County)
Sheriff Thomas J. Howard (Ohio County)
Captain Shallon Oglesby, West Virginia State Police
(Kanawha County)

The Court Security Board made the following awards in 2022:

Recipient	Amount Approved
Barbour County Commission	\$49,306
Berkeley County Council	\$30,488
Cabell County Commission	\$13,044
Fayette County Commission	\$43,246
Grant County Commission	\$18,600
Greenbrier County Commission	\$30,994
Hampshire County Commission	\$25,000
Kanawha County Commission	\$40,366
McDowell County Commission	\$4,292
Mineral County Commission	\$19,668
Mingo County Commission	\$1,192
Ohio County Commission	\$30,071
Preston County Commission	\$20,525
Randolph County Commission	\$55,435
Roane County Commission	\$23,808
Wayne County Commission	\$44,219
Webster County Commission	\$5,617
Supreme Court of Appeals	\$66,730
Total	\$522,601

Court Boards and Committee Members

Board of Law Examiners

Members are attorneys who evaluate educational background, credentials, character and fitness, and competence of each applicant for admission to the practice of law in West Virginia under the Rules for Admission to the Practice of Law. They are appointed by the Supreme Court of Appeals of West Virginia.

Ancil G. Ramey, President (Huntington)
Katherine B. Capito, Vice President (Charleston)
Lee Murray Hall (Huntington)
Marc B. Chernenko (Wellsburg)
Brent Everett Wear (Wheeling)
Susan R. Snowden (Martinsburg)
Thomas Truman (Daniels)

Judicial Investigation Commission

The Judicial Investigation Commission determines “whether probable cause exists to formally charge a judge 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 advancing years and attendant physical and mental incapacity, should not continue to serve.” Rule 1, Rules of Judicial Disciplinary Procedure. See page 20 for more information about the Commission.

Circuit Judge Alan D. Moats, Chair, Nineteenth Judicial Circuit (Barbour and Taylor Counties)
Circuit Judge Bridget Cohee, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)
Circuit Judge Jason Wharton, Fourth Judicial Circuit (Wirt and Wood Counties)
Senior Status Circuit Judge James J. Rowe (Greenbrier County)
Family Court Judge Patricia A. Keller, Sixth Family Court Circuit (Cabell County)
Magistrate Michael D. Flanigan (Mercer County)
F. Layton Cottrill (Huntington)
Margaret Ann O’Neal (Charleston)
Dr. Cynthia Persily (Charleston)

Staff Counsel: Teresa A. Tarr
Staff Deputy Counsel: Brian J. Lanham
Staff Investigator: David Hudson
Staff Executive Assistant: Pam Schafer

Judicial Hearing Board

The Judicial Hearing Board has 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, Rules of Judicial Disciplinary Procedure.

Circuit Judge Michael D. Lorensen, Chair, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)
William H. “Bill” Baker (Daniels)
Senior Status Judge Russell M. Clawges, Jr. (Monongalia County)
Circuit Judge Andrew Dimlich, Tenth Judicial Circuit (Raleigh County)
Circuit Judge Paul T. Farrell, Sixth Judicial Circuit (Cabell County)
Magistrate Richard G. Postalwait (Calhoun County)
Amber Urtso Sellaro (Westover)
Family Court Judge Glen Stotler, Twenty-Third Family Court Circuit (Hampshire, Mineral, and Morgan Counties)
Michael Todorovich (Clendenin)

Staff Counsel: Ancil G. Ramey

Wiretapping and Electronic Surveillance Act

The Wiretapping and Electronic Surveillance Act (W. Va. Code § 62-1D) requires the chief justice to designate five active circuit court judges who individually hear and rule upon applications for orders authorizing the interception of wire, oral, or electronic communications. The terms of the judges listed below run July 1, 2022, through June 30, 2023.

Circuit Judge Anita Harold Ashley, Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties)
Circuit Judge Christopher D. Chiles, Sixth Judicial Circuit (Cabell County)
Circuit Judge Michael D. Lorensen, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)
Circuit Judge Michael J. Olejasz, First Judicial Circuit (Brooke, Hancock, and Ohio Counties)
Circuit Judge William J. Sadler, Ninth Judicial Circuit (Mercer County)

Division of Probation Services

The Administrative Office's Division of Probation Services oversees training and establishes policies for 328 probation officers throughout West Virginia and operates all treatment courts (see pages 44-45), the Interstate Compact for Juveniles, and relevant databases.

Of the 328 probation officers, 22 are School-Based Probation Officers who work in county school systems to assist youth with truancy issues. These officers worked, in some capacity, with 7,177 youth during the 2021-2022 school year.

Probation officers provide community supervision and other services to thousands of adult and juvenile offenders, ranging from status offenses (e.g., incorrigibility, truancy) to serious felonies, including sexual offenses. In addition, many provide similar supervision to individuals who are placed on bond prior to the outcome of their case.

Probation officer job responsibilities include, but are not limited to, the following:

- Ensure compliance with probation and treatment requirements
- Conduct visits with offenders/probationers in their office and/or at the individuals' homes, workplaces, schools, or facilities (e.g., jail, treatment)
- Arrest non-compliant adult probationers
- Perform drug screens
- Conduct home searches
- Serve as members of various treatment or multi-disciplinary teams
- Testify in court hearings

Probation officers write reports for judges. In 2022, officers who supervised adults completed 2,519 pre-sentence investigation reports. Those who supervised juveniles prepared 116 pre-

disposition reports, participated in 3,100 multi-disciplinary team meetings, and held 5,604 90-day case reviews for juvenile cases.

At the end of 2022, the Probation Division was actively supervising 9,248 individuals. Of those, 7,037 were on regular probation (4,061 adults and 2,976 juveniles). An additional 854 adult drug court and 131 juvenile drug court participants were supervised but were not on regular probation (e.g., pre-adjudicatory, diversion, etc.). Probation officers also supervised 901 sexual and child abuse adult offenders who are on intensive/extended supervision. In 2022, 104 sex offenders were released from the Division of Corrections and Rehabilitation on extended supervision.

Interstate Compact for Juveniles

The Interstate Compact for Juveniles is a contract between the states that regulates the interstate movement of juveniles who are under court supervision or who have run away from home and left their state of residence. Probation Services administers the compact for West Virginia.

Between July 1, 2021, and June 30, 2022, 27 youths from other states were transferred to West Virginia to be supervised and 32 were sent from West Virginia to other states. During the fiscal year, 10 West Virginia runaways, absconders, and accused delinquents were returned to West Virginia and 12 runaway youth were returned to their home states. At the end of the fiscal year on June 30, 2022, West Virginia was supervising 16 youth from other states.



The Division of Probation Services has six firearm instructors who are responsible for instructing and requalifying over 200 probation officers. On April 20, 2022, they requalified officers from Putnam, Mason, Cabell, and Wayne Counties at the Barbourville Park shooting range.

West Virginia Law Library

The West Virginia State Law Library was created by Virginia statute in 1849. Originally intended for use by government officials, the Law Library is now an integral part of the judicial system and provides legal information to all West Virginia citizens.

In 2022, Janet Nicholson was named State Law Librarian and Vanessa Perry was named Deputy Director of the State Law Library. Together, they worked to streamline services and to incorporate more digital technology to bring the Law Library into the modern era for public user space and to increase free access to legal information. They strengthened their relationship with the Administrative Office, all court divisions, and users and worked with other public libraries in the state to create regional law libraries that will provide location-specific access to legal information.

The West Virginia State Law Library's primary mission is to assist the statewide unified court system and judicial staff in carrying out the administration of justice. In addition, the Law Library serves government agencies, the legal community, state correctional institution inmates, and the general public.

The Law Library houses an excellent collection of primary legal sources with an emphasis on West Virginia case law, codes, and regulation. The collection includes more than 150,000 volumes or volume equivalents and public access to digital legal information databases. It is a partial Federal Depository Library with government documents in electronic and paper formats.

The Law Library is open to the public five days a week, providing access to electronic databases and an assortment of federal and state print materials, case reporters, statutes, regulations, legislative materials, treatises, and periodicals. A staff of two professional librarians and one paraprofessional provide research and reference assistance, inter-library loans for court personnel,

and a fee-based document delivery service to the public. Patrons may request legal information in person or by e-mail, phone, or fax.

The Law Library provides free access to the Internet at public terminals, free Wi-Fi, and free on-site public access to Westlaw, Lexis, HeinOnline, and Wolters Kluwer VitalLaw databases. It also offers on-site access to a variety of other electronic titles, including Shepard's Citation Service, West Virginia Law Review, and ABA Model Rules of Professional Conduct.

The library is in Room E-404 of the East Wing of the Capitol. For more information, please call 304-558-2607 or see <http://www.courtsww.gov/public-resources/law-library/law-library-home.html>.



Judicial Investigation Commission

The Supreme Court of Appeals of West Virginia (Court) established the Judicial Investigation Commission (JIC) on December 16, 1982, to investigate complaints against judicial officers. The Court recognized that “[t]he ethical conduct of judges is of the highest importance to the people of the State of West Virginia and to the legal profession. Every judge shall observe the highest standards of judicial conduct.”

The JIC held six regular meetings and one special meeting in 2022. Seventeen complaints were carried over from 2021. During 2022, JIC received 141 new complaints, for a total of 158. Of those, 51 required formal investigation. JIC dismissed 118 complaints, had no jurisdiction in 6 complaints, and 3 complaints were withdrawn by the complainant.

JIC issued six admonishments involving seven complaints and filed two formal statements of charges involving three complaints. A special judicial discipline counsel investigated two separate complaints and brought two formal charges against two family court judges. Formal discipline was issued by the Supreme Court in one statement of charges involving two complaints. At the end of the year, three formal charges involving five complaints were carried over to 2023.

During 2022, the JIC issued 32 advisory opinions. See <http://www.courtswv.gov/legal-community/advisory-opinions.html>.

JIC staff also conduct confidential investigations and prepare reports for the State Fatality Review Team to consider in efforts to ensure that court processes, procedures, and actions minimize the risk of harm. In 2022, the JIC received four new fatality review referrals. Two of the four fell within JIC’s jurisdiction to investigate.

Staff also investigate sexual harassment claims within West Virginia’s court system. In 2022, the chief counsel conducted one such investigation and presented findings to the Supreme Court Administrative Director.

Counsel also handled more than 867 inquiries from judicial officers/candidates/employees and more than 1,164 telephone calls from the public for a total of 2,031 inquiries for 2022.

The Code of Judicial Conduct is made up of four canons:

Canon 1. A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.

Canon 3. A judge shall conduct the judge’s personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Canon 4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

Specific rules are set forth under each canon. See <http://www.courtswv.gov/legal-community/court-rules/judicial-disciplinary/judicial-contents.html>.

Lawyer Disciplinary Board

The Lawyer Disciplinary Board (Board), with the assistance of the Office of Disciplinary Counsel, has jurisdiction to investigate complaints against lawyers regarding violations of the Rules of Professional Conduct (<http://www.courtswv.gov/legal-community/court-rules/professional-conduct/contents.html>), to hold hearings, and to make recommendations about disciplinary action. The Board consists of two-thirds practicing lawyers and one-third non-lawyers, all appointed by the President of the Board of Governors of The State Bar.

The Board is divided into an Investigative Panel, which reviews complaints, and a Hearing Panel, which presides over hearings and makes recommendations to the Supreme Court of Appeals of West Virginia. The Supreme Court makes the final decision in all formally charged disciplinary decisions.

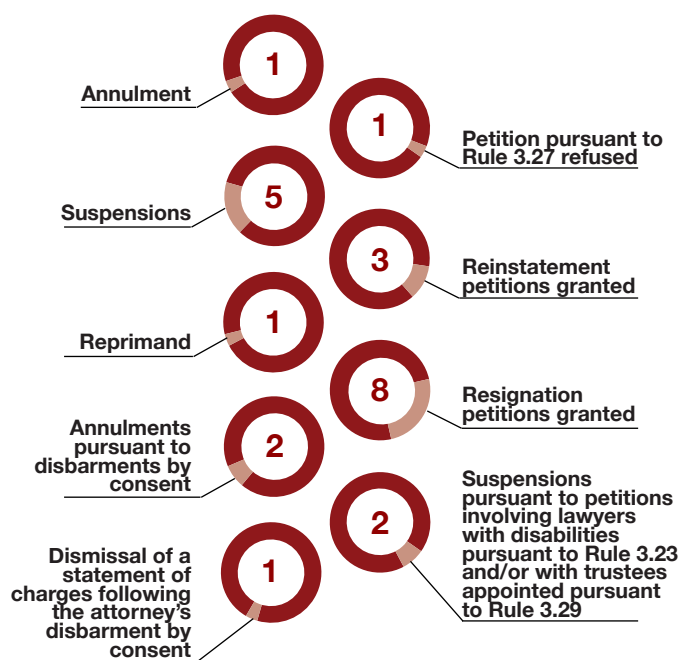
Attorney Nicole A. Cofer was chair for the fiscal year July 1, 2022, to June 30, 2023, and led the Hearing Panel. Attorney Letitia Neese Chafin was vice-chair and led the Investigative Panel. There were four new members appointed in 2022: Steven R. Broadwater; John D. Wooton, Jr.; Helen M. Matheny; and Margaret Chapman Pomponio.

The Office of Disciplinary Counsel has four attorneys, one investigator, four legal assistants, and one office manager.

In 2022, the Office of Disciplinary Counsel also received and addressed 531 requests for informal advice from attorneys, handled 43 informal complaints, and served as special judicial counsel in two cases involving formal statements of charges against judicial officers because the Judicial Investigation Commission had a conflict of interest.

492 Total Complaints Filed and/or Initiated Against Lawyers in 2022

In 24 cases in which statements of charges were filed, the Supreme Court made the following decisions:



At the close of 2022, there were

12 complaints pending before the Supreme Court,

9 complaints awaiting a recommended decision to the Supreme Court, and

41 complaints that were pending before the Hearing Panel at other stages of the hearing process

Bar Admissions

Throughout the year, the Supreme Court conducts several bar admissions ceremonies. The West Virginia Board of Law Examiners evaluates the 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. If approved, the applicants travel to the Supreme Court in Charleston to take the Oath before the Justices of the Supreme Court.

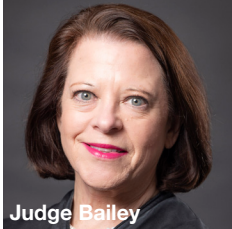
Oath of Attorney

I do solemnly swear or affirm that:
I will support the Constitution of the United States and the
Constitution of the State of West Virginia; that
I will honestly demean myself in the practice of law; that
I will conduct myself with integrity, dignity and civility and
show respect toward judges, court staff, clients,
fellow professionals and all other persons; and
to the best of my ability, execute my office of attorney-at-law;
so help me God.



2022 Court Association Officers

Judicial Association



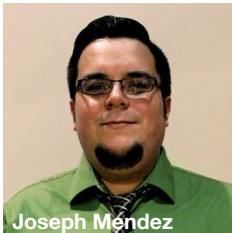
President: Judge Jennifer Bailey, Thirteenth Judicial Circuit (Kanawha County)

Vice President: Judge Anita Harold Ashley, Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties)

Secretary: Judge Paul T. Farrell, Sixth Judicial Circuit (Cabell County)

Treasurer: Judge Michael D. Lorensen, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

Magistrate Association



President: Joseph Mendez (Logan County)

Secretary: Carol L. Wolfe (Gilmer County)

Treasurer: Brenda Marshall (Wood County)

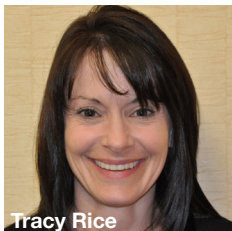
District 1 Vice-President: Kevin Miller (Monroe County)

District 1 Board Representatives: Mike Flanigan (Mercer County), Dave Roberts (Wirt County), Jean Ann Luikart (Putnam County), Richard Postalwait (Calhoun County), Jason Bennett (Roane County)

District 2 Vice-President: vacant

District 2 Board Representatives: Riley Barb (Tucker County), Mike Griffin (Tyler County), Patricia Murphy (Ohio County), Donald Harris (Wetzel County), Joe Kuhl (Wood County)

Court Reporters Association



President: Tracy Herron-Rice

Vice-President: Marcy Chandler

Secretary: Sandy Kelley

Treasurer: Sheri Daisey

Family Court Association



President: Bryan Cromley, Fifth Family Court Circuit (Jackson, Mason, and Wirt Counties)

President-Elect: Peter Conley, Eighteenth Family Court Circuit (Doddridge and Harrison Counties)

Secretary: Jara Howard, Sixth Family Court Circuit (Cabell County)

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

Association of Probation Officers



President: Jessica Trippett (Wirt and Wood Counties)

Vice President: Cheyenne Willis (Raleigh County)

Secretary: Dane Gould (Wayne County)

Treasurer: Danielle Hofe (Berkeley, Jefferson, and Morgan Counties)

Board Members

Daniel "D.R." Beckner (Wayne County)

Erika Elswick (Kanawha County)

Lon Kelly (Kanawha County)

Alisha Lawson (Calhoun, Jackson, Mason, and Roane Counties)

Lucy Moats (Monongalia County)

Airaka Riner (Berkeley County)

Kevin Runyon (Logan County)

Darren Smith (Hampshire, Hardy, and Pendleton Counties)

Jerry Swanson (Lincoln County)

Jerrold White (Fayette County)

Beth Wood (Putnam County)

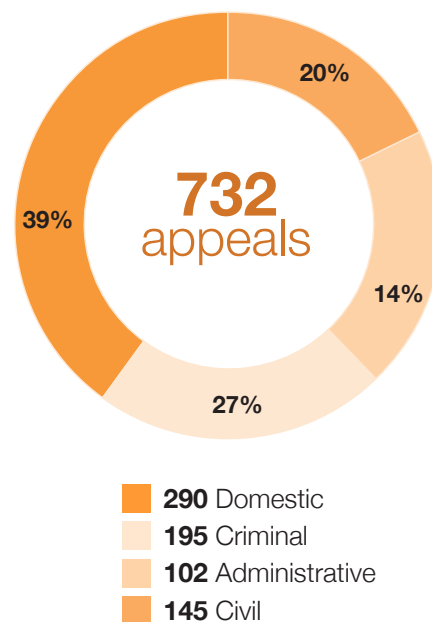
Supreme Court of Appeals of West Virginia

2022 Statistical Report

Appeals by Right

	New Filings	Disposed Cases	Clearance Rate
Administrative	14	29	207%
Administrative - Tax	5	8	160%
Workers' Compensation	83	97	117%
Subtotal Administrative	102	134	131%
Abuse & Neglect	275	294	107%
Family	11	27	245%
Domestic Violence	4	3	75%
Subtotal Domestic	290	324	112%
Criminal - Felony	128	126	98%
Criminal - Misdemeanor	4	2	50%
Criminal - Other	3	4	133%
Post Conviction	60	60	100%
Subtotal Criminal	195	192	98%
Civil - Torts, Contracts, Property	76	101	133%
Civil - Probate	0	0	0%
Civil - Other	69	39	57%
Subtotal Civil	145	140	97%
Total Appeals By Right	732	790	108%

Appeals by Right Distribution



Original Jurisdiction/Other

	New Filings	Disposed Cases	Clearance Rate
Lawyer Disciplinary	42	27	64%
Lawyer Admissions	1	1	100%
Judicial Disciplinary	3	1	33%
Subtotal Disc./Admissions	46	29	63%
Certified Question	8	8	100%
Subtotal Certified Question	8	8	100%
Habeas Corpus	24	29	121%
Certiorari	0	0	0%
Mandamus	48	38	79%
Mandamus/Prohibition	3	5	167%
Prohibition	49	55	112%
Subtotal Extraordinary Remedies	124	127	102%
TOTAL OJ/OTHER	178	164	92%
2022 Total Filings	910	954	105%



Justices of the Supreme Court of Appeals of West Virginia 2022

Justice William R. Wooton

Elected June 2020
Raleigh County

Justice C. Haley Bunn

Appointed April 2022
Wyoming County

Justice Beth Walker

Elected May 2016
Kanawha County

Chief Justice John A. Hutchison

Appointed December 2018
Elected June 2020
Raleigh County

Justice Tim Armstead

Appointed August 2018
Elected November 2018
Re-Elected June 2020
Kanawha County

Civics Education

Throughout the year, West Virginia students visit the Supreme Court of Appeals of West Virginia to watch oral arguments and to talk to the Justices. Justices also visit classrooms to talk about their jobs and the judicial system.



St. Albans High School's AP Government class watched arguments on February 15. The next day, students from Wirt County Middle School attended an argument as part of a visit to the Capitol.



On October 28, Justice C. Haley Bunn spoke to about 230 students at Martinsburg South Middle School. Justice Bunn spoke to five classes.



Students from Raleigh and Wyoming Counties participating in the 8th Grade Youth in Government program visited with Chief Justice John Hutchison and Justice Tim Armstead on January 31.



Undergraduate students taking part in the Legislature's Judith A. Herndon Fellowship Program watched arguments and met with the Justices on March 15.



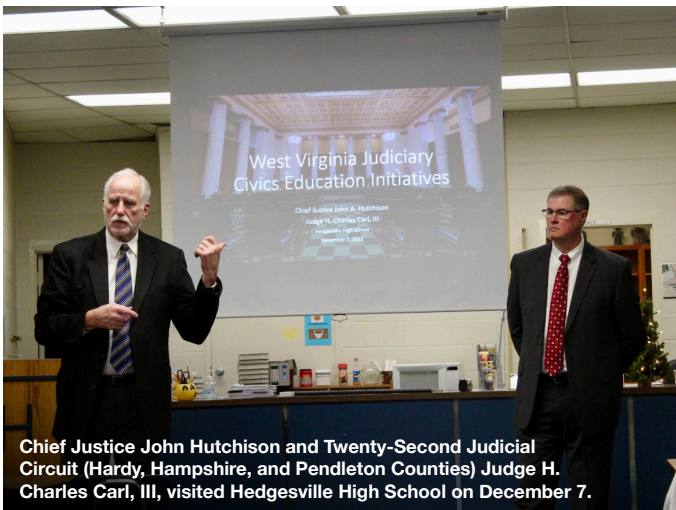
During the first week of March, students from Keyser Middle School visited in small groups while they served as legislative pages. Chief Justice John Hutchison met with one of the groups on March 7.

“Our students thoroughly enjoyed their visit, and we feel very lucky to have had the opportunity to meet with them.”

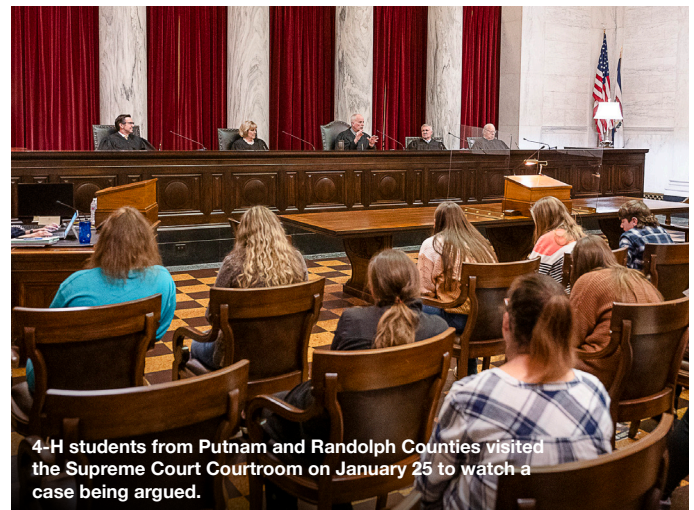
Hanna Carl, Counselor at Hedgesville High School



On October 27, Justice William R. Wooton spoke to six classes at Park Middle School in Beckley, WV.
Photo by Rick Barbero, The Register-Herald



Chief Justice John Hutchison and Twenty-Second Judicial Circuit (Hardy, Hampshire, and Pendleton Counties) Judge H. Charles Carl, III, visited Hedgesville High School on December 7.



4-H students from Putnam and Randolph Counties visited the Supreme Court Courtroom on January 25 to watch a case being argued.

2022 Visiting Judges

When a Supreme Court Justice is unable to serve in a case, Article VIII Section 2 of The Constitution of West Virginia allows the chief justice to assign a circuit court judge or intermediate appellate court judge to serve. The visiting judge then participates in all private conferences and votes on that case. The visiting judges in 2022 were as follows:

Judge Derek C. Swope

Ninth Judicial Circuit
(Mercer County)

January 11, 2022
Rule 19 Argument in *Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles v. Nicholas Deems*, No. 20-0482.



Judge Alan D. Moats

Nineteenth Judicial Circuit
(Barbour and Taylor Counties)

January 12, 2022
Rule 19 Argument in *State ex rel. Dodrill Heating & Cooling LLC v. Hon. Maryclaire Akers, Judge; and Jerry and Pamela Whittington*, No. 21-0561.



Judge Kenneth Ballard

Thirteenth Judicial Circuit
(Kanawha County)

February 8, 2022
Rule 19 Argument in *Chancellor Senior Management, Ltd., v. Louise McGraw, et al.*, No. 20-0794.



Judge Stacy L. Nowicki-Eldridge

Twenty-Fifth Judicial Circuit
(Boone and Lincoln Counties)

March 2, 2022
Rule 19 Argument in *State of West Virginia ex rel. West Virginia University Hospitals, Inc., et al. v. Hon. Phillip D. Gaujot, Judge of the Circuit Court of Monongalia County, et al.*, No. 21-0737.

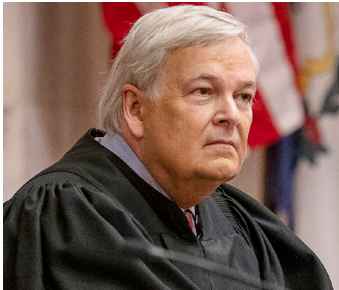


Judge Gregory L. Howard

Sixth Judicial Circuit
(Cabell County)

March 2, 2022
Rule 19 Argument in *Antero Resources Corporation v. L&D Investments, et al. and Mike Ross, Inc. v. Antero Resources Corporation, et al.*, Nos. 20-0964 and 20-0967.

May 17, 2022
Rule 20 Argument in *SWN Production Company, LLC and Equinor USA Onshore Properties, Inc. v. Charles Kellam, et al.*, No. 21-0729.



Judge H.L. Kirkpatrick, III

Tenth Judicial Circuit
(Raleigh County)

March 16, 2022
Rule 19 Argument in *Lawyer Disciplinary Board v. Leah Perry Macia*, No. 20-0908.



Judge Bridget Cohee

Twenty-Third Judicial Circuit
(Berkeley, Jefferson, and Morgan Counties)

March 16, 2022
Rule 19 Argument in *William Caudill, guardian of minor infants T.M. and C.M., Charles H., Kimberly H., and H.H. v. EAN Holdings, LLC d/b/a Enterprise Rent-A-Car, et al.*, No. 21-0096.



Judge Jack Alsop

Fourteenth Judicial Circuit
(Braxton, Clay, Gilmer, and Webster Counties)

May 17, 2022
Rule 20 Argument in *SWN Production Company, LLC and Equinor USA Onshore Properties, Inc. v. Charles Kellam, et al.*, No. 21-0729.

Judge Lora Dyer

Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties)

May 17, 2022
Rule 19 Argument in *Beckley Health Partners, Ltd., et al. v. Cynthia F. Hoover, durable power of attorney of Elveria M. Faw*, No. 20-0680.



Judge James W. Courier, Jr.

Twenty-First Judicial Circuit (Grant, Mineral, and Tucker Counties)

September 28, 2022
Rule 19 Argument in *State ex rel. WV Secondary Schools Activities Commission v. Honorable Timothy L. Sweeney, Judge and L.M., et al.*, No. 22-0268.

September 28, 2022
Rule 19 Argument in *State ex rel. WV Secondary Schools Activities Commission v. Honorable Jason A. Cuomo, Judge, and H.B.*, No. 22-0261.



Judge Richard A. Facemire

Fourteenth Judicial Circuit (Braxton, Clay, Gilmer, and Webster Counties)

May 18, 2022
Rule 19 Argument in *Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Courtney Rhodenizer*, No. 20-0896.

September 13, 2022
Rule 20 Argument in *State ex rel. TH Exploration II, LLC, et al. v. Honorable Jeffrey Cramer, Judge and Venable Royalty, Ltd, et al.*, No. 21-1004.



Judge William J. Sadler

Ninth Judicial Circuit (Mercer County)

October 4, 2022
Rule 20 Argument in *Greg Allen Ball v. United Financial Casualty Company, et al.*, No. 22-0155.

October 4, 2022
Rule 19 Argument in *Equitrans, LP v. Public Service Commission of WV, et al.*, No. 22-0293.



Judge Jay M. Hoke

Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties)

September 13, 2022
Rule 20 Argument in *Wanda Keener and Katherine Asbury v. Clay County Development Corporation*, No. 21-0267.



Judge David M. Hammer

Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

November 1, 2022
Rule 19 Argument in *State ex rel. Antero Resources Corporation v. Hon. Christopher McCarthy, et al.*, No. 22-0400.



Judge Robert E. Richardson

Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties)

September 13, 2022
Rule 19 Argument in *Linda Birchfield-Modad v. WV Consolidated Public Retirement Board*, No. 20-0747.



Judge David J. Sims

First Judicial Circuit (Brooke, Hancock, and Ohio Counties)

November 1, 2022
Rule 19 Argument in *State ex rel. Antero Resources Corporation v. Hon. Christopher McCarthy, et al.*, No. 22-0400.



Intermediate Court of Appeals of West Virginia

The West Virginia Legislature established the Intermediate Court of Appeals (ICA) in 2021 to hear appeals of civil cases from circuit courts, appeals from family courts (except domestic violence cases), appeals from state agencies or administrative law judges, and workers' compensation appeals.

ICA Structure

The Legislature delegated to the Supreme Court of Appeals (Supreme Court) the decisions about where the ICA would be located and how it would operate.

The Supreme Court revised the Rules of Appellate Procedure to incorporate the ICA, determined staffing needs and began hiring for the new court, hired a contractor to provide e-filing services for both appellate courts, bought an office building to house the ICA, selected sites for five satellite courtrooms, and hired contractors to furnish the courtrooms.

Rules. Proposed rules of procedure for the ICA - and changes to other procedural rules necessitated by the establishment of the ICA - were put out for public comment and later adopted as new Rules of Appellate Procedure, encompassing rules for both the Supreme Court of Appeals of West Virginia and the ICA.

E-Filing. Following a competitive bidding process, the Supreme Court executed a contract with File & ServeXpress, LLC, of Irving, Texas, to develop an appellate e-filing system for the Supreme Court and the ICA. On July 1, 2022, e-filing became mandatory for members of the West Virginia State Bar. Pro se litigants may e-file or submit paper filings to the Clerk of Court.

ICA Staff. Supreme Court Clerk Edythe Nash Gaiser is also Clerk of the ICA. The Supreme Court hired Ashley Deem as a Deputy Clerk to work solely on ICA business and Amie Johnson to run the ICA Office of Counsel.



▲ Edythe Nash Gaiser is Clerk for both the Supreme Court of Appeals and the ICA. Ashley Deem is the Deputy Clerk and works solely with the ICA.

◀ Chief Justice John Hutchison passes the ceremonial gavel to Chief Judge of the ICA, Daniel Greear, during the Intermediate Court of Appeals of West Virginia Ribbon Cutting at the West Virginia Judicial Tower on June 30, 2022.



Judges of the Intermediate Court of Appeals of West Virginia 2022

Judge Thomas E. Scarr

Appointed December 2021
Cabell County

Judge Charles O. Lorensen

Appointed April 2022
Kanawha County

Chief Judge Daniel W. Greear

Appointed December 2021
Kanawha County

Facilities

Main Courtroom. To house the ICA's main courtroom and its staff, the Supreme Court purchased a Charleston office building for \$7.5 million. The Supreme Court already rented several floors of the office building for Administrative Office employees. With the ICA and its staff, the newly named West Virginia Judicial Tower houses about 150 judicial employees.

Satellite Courtrooms. For the convenience of litigants, the Supreme Court provided ICA satellite courtrooms so most parties will not have to drive more than 90 minutes to participate in an ICA proceeding. The locations were chosen because they have security, ample parking, and are accessible. Each satellite location has a waiting room and a courtroom with a bailiff. Satellite courtrooms opened in Raleigh County on October 11, Wetzel County on October 21, Lewis County on October 28, Morgan County on December 7, and Grant County on December 8.



ICA Courtroom at Judicial Tower in Charleston, WV



Wetzel County



Lewis County



Morgan County



Grant County



Chief Judge Dan Greer shows members of the media the technology the ICA will use to hold arguments at the Raleigh County Courthouse.

Furniture

Following a competitive bidding process, the Supreme Court awarded the bid to build the bench, tabletops, and podiums for the main ICA courtroom and all satellite courtrooms to Herbert Hoover High School in Kanawha County. The students worked during the summer of 2022 to complete the project (furniture was delivered and installed on July 30). The main courtroom bench is made of walnut and will seat up to five judges in case the Supreme Court needs to use the courtroom. The cherry satellite courtroom benches are much smaller and are designed to hold 55-inch televisions that link the locations to the main ICA courtroom in Charleston. The students also produced wooden seals for each bench.



From Concept to Reality

The Intermediate Court of Appeals (ICA) of West Virginia began accepting cases on July 1, 2022, fifteen months after Governor Jim Justice signed Senate Bill 275 - the law establishing the new court. The Supreme Court of Appeals (Supreme Court) Clerk's Office and the Administrative Office worked diligently to implement the law to ensure the ICA operates fairly and efficiently and provides equal access to justice.

The Supreme Court split the planning among the Justices. Justice Tim Armstead led work to find facilities, Justice Beth Walker led work on personnel, and 2022 Chief Justice John Hutchison led a team to determine technology needs. Justice Armstead and Chief Justice Hutchison worked on the budget, and they and Justice William Wooton worked on legislative matters. Former Justice Evan Jenkins created an ICA Advisory Council when he was chief justice in 2021, and 2022 Chief Justice Hutchison subsequently appointed members. The council met in person on March 18, 2022, and provided valuable feedback to help the Supreme Court fine-tune the structure and operation of the ICA.

Governor Justice appointed the first three ICA Judges: Daniel W. Greear, Thomas E. Scarr, and Charles O. Lorensen. The initial terms are shorter, but ICA Judges will eventually serve 10-year terms. Each ICA Judge has an assistant and three law clerks, and the ICA has its own court marshal.

Because of its jurisdiction over family law appeals, the ICA is expected to have self-represented litigants. It is a burden for a litigant or their counsel to drive several hours to Charleston for a short proceeding. So, the Supreme Court identified five county judicial buildings to house designated ICA courtrooms which litigants and attorneys can use for remote hearings. Everyone still has the option of face-to-face hearings in Charleston, and all the ICA Judges' offices are in Charleston.

From its opening, the ICA had electronic filing. After working through a competitive bidding process, the Supreme Court executed a contract with File & ServeXpress, LLC, of Irving, Texas, to develop an appellate e-filing system for the Supreme Court and the ICA. E-filing is mandatory for members of the West Virginia State Bar, but self-represented litigants may submit paper filings to the Clerk of Court.

ICA Creation Timeline

April 9, 2021

Governor Jim Justice signed Senate Bill 275, which created the Intermediate Court of Appeals of West Virginia

May 2022

Judges were sworn in and began work

July 1, 2022

ICA began operating

July 29, 2022

Furniture delivered and installed by students from Herbert Hoover High School



March 18, 2022

ICA Advisory Council met to advise on the structure of the ICA, its function, and procedures.



June 30, 2022

ICA ribbon-cutting ceremony at Judicial Tower

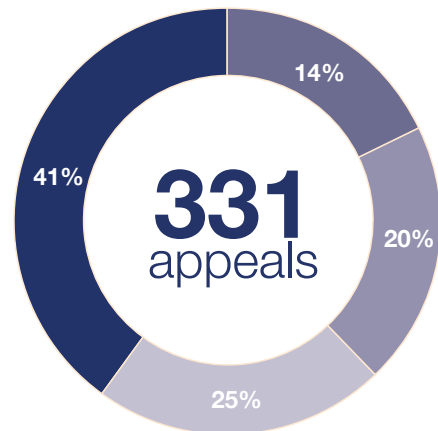
ICA Statistics*

Appeals by Right

	New Filings	Disposed Cases	Clearance Rate
Administrative	41	4	10%
Administrative - Tax	4	0	0%
Workers' Compensation	135	25	19%
Subtotal Administrative	180	29	16%
Domestic Relations	67	13	19%
Subtotal Domestic	67	13	19%
Civil - Torts, Contracts, Property	84	11	13%
Subtotal Civil	84	11	13%
Total Appeals By Right	331	53	16%

*Data only reflects appeals from July 1 - December 31, 2022

Appeals by Right Distribution



- 135 Workers' Compensation - 41%
- 84 Civil - 25%
- 67 Domestic Relations - 20%
- 45 Administrative - 14%

October 21, 2022

Satellite courtroom opened in Wetzel County



November 10, 2022

First oral argument docket



December 7, 2022

Satellite courtroom opened in Morgan County



October 11, 2022

Satellite courtroom opened in Raleigh County



October 28, 2022

Satellite courtroom opened in Lewis County

November 18, 2022

ICA Issued first signed opinion
Amanda C. v. Christopher P.,
No. 22-ICA-2



December 8, 2022

Satellite courtroom opened in Grant County

Circuit Court Judges



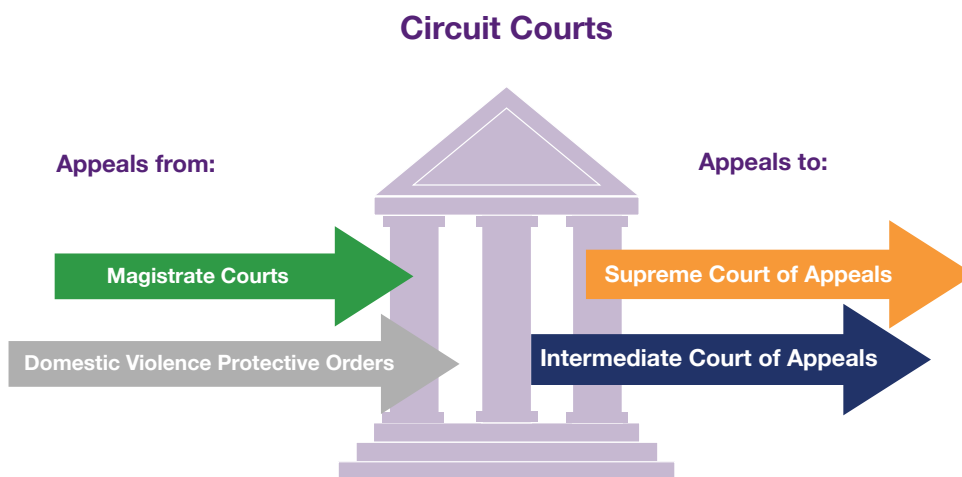
Circuit courts are West Virginia's only general jurisdiction trial courts of record

Circuit courts receive appeals from magistrate courts, municipal courts, and family court decisions in domestic violence cases. Circuit courts receive recommended orders from mental hygiene commissioners.

JURISDICTION:

- All civil cases at law over \$7,500 with limited exceptions;
- All civil cases in equity;
- Proceedings in *habeas corpus*, *mandamus*, *quo warranto*, *prohibition*, and *certiorari*; and
- All felonies and misdemeanors.

The Intermediate Court of Appeals (ICA) and the Supreme Court of Appeals receive appeals of circuit court decisions. The ICA receives appeals from circuit courts in cases involving civil matters and those concerning guardianship or conservatorship. The Supreme Court of Appeals receives appeals from circuit courts in cases involving criminal matters, juvenile proceedings, and child abuse and neglect proceedings.



In addition to their regular caseload, circuit judges also serve on the **Mass Litigation Panel**, the **Business Court Division**, the **Court Improvement Board**, and the **Juvenile Justice Commission**. Circuit judges also preside over **adult, juvenile, and family treatment courts** and are active in **civic education programs**. They receive no additional compensation for this work.

For more information about circuit courts, see <http://www.courtswv.gov/lower-courts/circuit-courts.html>.

A county-by-county list of circuit court judges in West Virginia, along with their office telephone and fax numbers, is available at <http://www.courtswv.gov/public-resources/court-information-by-county.html>.

2022

CIRCUIT COURT SNAPSHOT

55 | 31

Counties | Circuits

75

Judges

Elected to eight-year terms in non-partisan races

Must be attorneys who have practiced law in West Virginia for at least five years

39,052

Total Cases Filed in 2022

50%

19,580 Civil Cases

29%

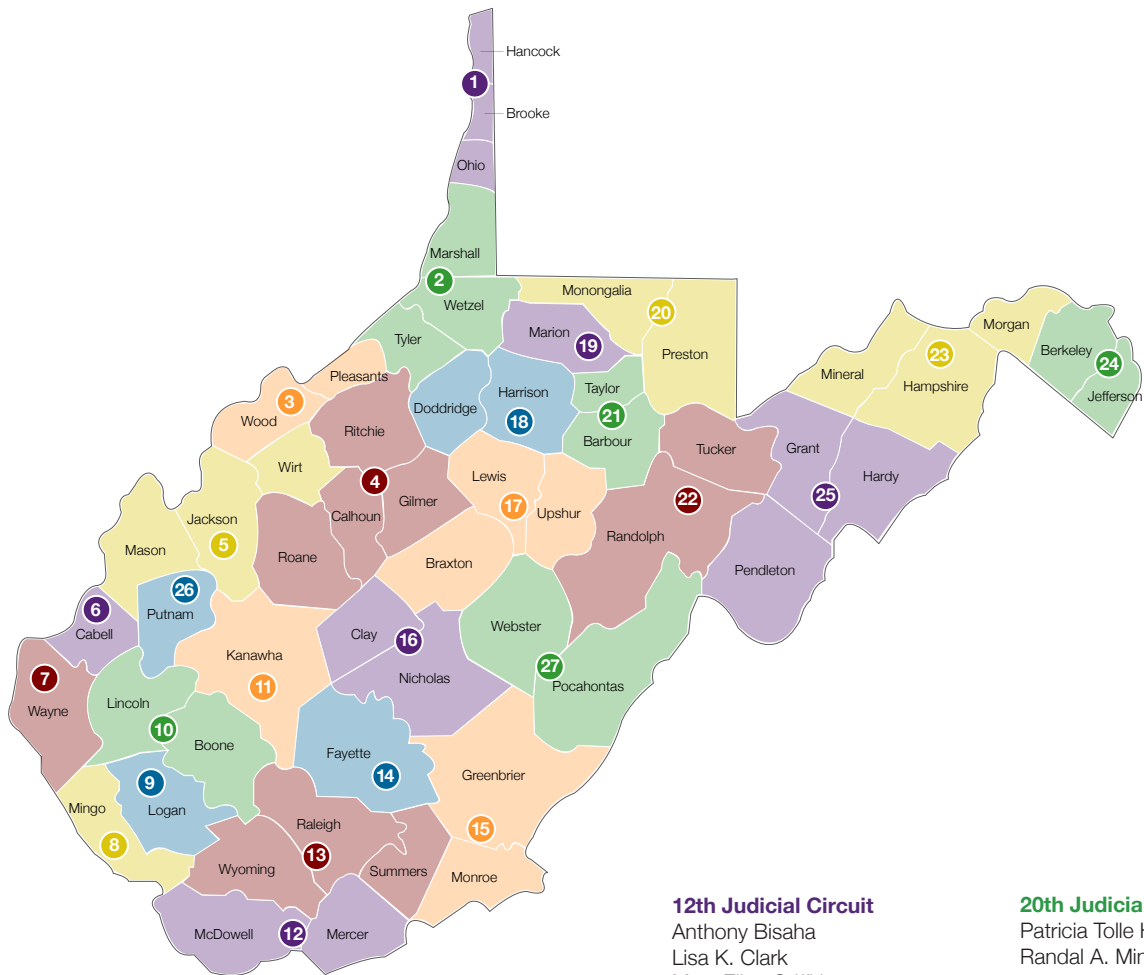
11,330 Criminal Cases

21%

8,142 Juvenile Matters

Family Courts

Family Court Judges



1st Judicial Circuit

Joyce D. Chernenko
Heather Wood

2nd Judicial Circuit

David L. Jackson

3rd Judicial Circuit

Ellen Smith
C. Darren Tallman

4th Judicial Circuit

Steven Jones

5th Judicial Circuit

Bryan Cromley
Constance J. Thomas

6th Judicial Circuit

Jara Howard
Patricia A. Keller
Jason Spears

7th Judicial Circuit

Sean Maynard

8th Judicial Circuit

Sabrina Deskins

9th Judicial Circuit

Robert M. Ilderton
Christopher R. Workman

10th Judicial Circuit

Bobby Hale
Ronald G. Salmons

11th Judicial Circuit

Jim Douglas
Robert M. Montgomery
Julie A. Pence
Brittany Ranson Stonestreet
Lera K. VanMeter

12th Judicial Circuit

Anthony Bisaha
Lisa K. Clark
Mary Ellen Griffith

13th Judicial Circuit

Louise E. Goldston
H. Suzanne McGraw
Eric Shuck

14th Judicial Circuit

Matthew Dean England

15th Judicial Circuit

David M. Sanders

16th Judicial Circuit

Harley E. Stollings

17th Judicial Circuit

Theresa Cogar Turner

18th Judicial Circuit

Peter Conley
Lori B. Jackson

19th Judicial Circuit

Susan Riffle

20th Judicial Circuit

Patricia Tolle Hill
Randal A. Minor

21st Judicial Circuit

Karen Hill Johnson

22nd Judicial Circuit

Lori Haynes

23rd Judicial Circuit

Deanna Rock
Glen Stotler

24th Judicial Circuit

David A. Camilletti
Lyndsey Matschat
Richard Stephens

25th Judicial Circuit

Jeffrey R. Roth

26th Judicial Circuit

Richard Witt

27th Judicial Circuit

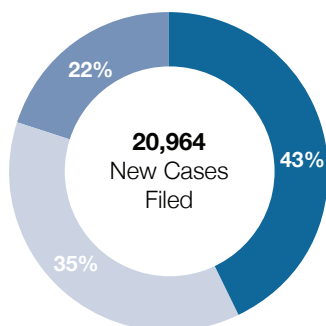
Joyce Helmick Carpenter

Family courts handle cases involving domestic relationships. Family court judges also hold final hearings in domestic violence civil proceedings. The Intermediate Court of Appeals (ICA) hears appeals of family court decisions except those involving domestic violence, which are appealed to circuit court.

JURISDICTION:

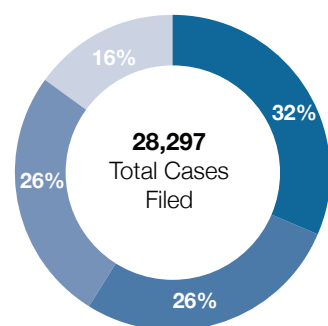
- Divorce and related issues including annulment, separate maintenance, allocation of parental responsibility, and family support;
- Paternity;
- Grandparent visitation;
- Name Change;
- Child Custody;
- Infant Guardianships; and
- Final hearings in domestic violence civil proceedings.

New Cases filed in 2022:



- 8,963 Domestic Violence Cases - 43%
- 7,459 Divorce Cases - 35%
- 4,542 Other Domestic Relations Matters - 22%

Total Cases in 2022:



- 8,963 Domestic Violence Cases - 32%
- 7,459 Divorce Cases - 26%
- 7,333 Modification and Contempt - 26%
- 4,542 Other Domestic Relations - 16%

For more information about family courts, see <http://www.courtswv.gov/lower-courts/family-courts.html>.

A county-by-county list of family court judges in West Virginia, along with their office phone and fax numbers, is available at <http://www.courtswv.gov/public-resources/court-information-by-county.html>.

2022

FAMILY COURT SNAPSHOT

55 Counties | 27 Circuits

47

Judges

Elected to eight-year
terms in non-partisan
races

Must be attorneys who
have practiced law in
West Virginia for at least
five years

20,964

New Cases Filed in 2022

7,333

Modification and
Contempt Proceedings

*not counted as new cases filed

1,530

Marriages Conducted by
Circuit Court and Family
Court Judges

Magistrates

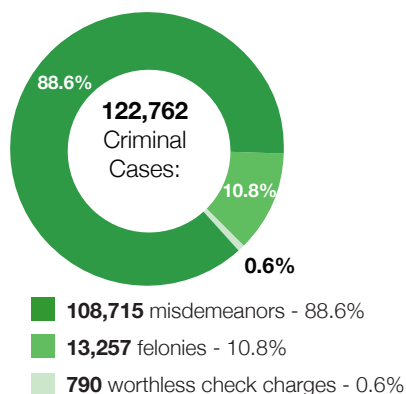


Magistrate court is often called “the people’s court.” There is a magistrate on duty or on call in every county, 24 hours a day, seven days a week.

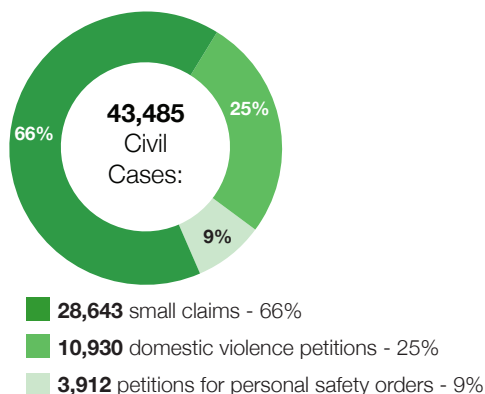
JURISDICTION:

- Misdemeanor criminal cases;
- Traffic violations;
- Landlord-tenant matters;
- Felony preliminary hearings;
- Civil cases in which the financial amount in dispute is less than \$10,000;
- Issue and record affidavits, criminal complaints, arrest and search warrants;
- Set bail in criminal matters;
- Issue emergency protective orders in cases involving domestic violence and personal safety orders; and
- Enter domestic violence petitions into the Domestic Violence Database and Registry.

2022 Criminal Cases:



2022 Civil Cases:



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

A county-by-county list of magistrates in West Virginia, along with their office phone and fax numbers, is available at <http://www.courtswv.gov/public-resources/court-information-by-county.html>. The website also has blank magistrate court forms that can be downloaded and printed for the public’s use, rules governing media coverage of magistrate court proceedings, and the *West Virginia Benchbook for Domestic Violence Proceedings*, among other information.

2022 MAGISTRATE SNAPSHOT

55
Counties | There are
at least two
magistrates in
every county

159

Magistrates

Elected to four-year terms
in non-partisan races

170,908

Total Cases Filed in 2022

72%
Criminal Cases

25%
Civil Cases

2%
Special Proceedings

1%
Juvenile Cases

Specialty Courts and Panels

Many circuit judges and family court judges volunteer to take on additional duties for which they receive no additional pay. Circuit judges serve in the Business Court Division and on the Mass Litigation Panel and the Juvenile Justice Commission. Circuit judges and family court judges serve on the Court Improvement Program Board and oversee the state's expanding network of treatment courts. These specialty courts and panels perform important functions that enhance judicial services in West Virginia.



1) Family portrait of Roane County Family Treatment Court graduates Ryan Haynes and Elizabeth Gibson with their son.
2) Roane-Calhoun Adult Drug Court program celebrated the graduation of three participants in a packed courtroom in the Roane County Courthouse on May 20, 2022.
3) The Logan County Family Treatment Court held a graduation on July 15, 2022, for five families. Seventh Judicial Circuit (Logan County) Judge Joshua Butcher led the ceremony and Justice C. Haley Bunn attended on behalf of the Supreme Court.



Business Court

The West Virginia Business Court Division is a specialized court docket within the circuit courts that efficiently manages and resolves litigation involving commercial issues and disputes between businesses. It was established in accordance with West Virginia Trial Court Rule 29 and W. Va. Code § 51-2-15.

Business court judges' mediation training and experience, along with the alternative dispute resolution aspect of Trial Court Rule 29, allow the judges to offer alternative dispute resolution options throughout the litigation process, resolving a considerable number of cases in a timely manner without having to go to trial.

Any party or judge may request referral of a case to the Business Court Division. The Chief Justice of the Supreme Court of Appeals of West Virginia serves as the gatekeeper and may act directly on a motion to refer a case to the division or may direct the division to conduct a hearing in order to make a recommendation to the Chief Justice. Business litigation that is transferred to the division by the Chief Justice is assigned Presiding and Resolution Judges by the chair of the division. The case remains in the county of origin, but the Presiding Judge may conduct hearings and trials in any circuit courtroom within the assignment region.

Judges

The division consists of six active circuit court judges and one senior status judge appointed by the Chief Justice. Judges serve seven-year terms and can serve successive terms. The Chief Justice designates one of the business court judges to serve as chair for a three-year term.

The current chair is Circuit Judge Michael D. Lorensen, Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties), whose term expires December 31, 2026. The other members are as follows:

- Circuit Judge Maryclaire A. Akers, Thirteenth Judicial Circuit (Kanawha County), whose term expires December 31, 2028;
- Circuit Judge H. Charles Carl, III, Twenty-Second Judicial Circuit (Hardy, Hampshire, and Pendleton Counties), whose term expires December 31, 2022;
- Circuit Judge Paul T. Farrell, Sixth Judicial Circuit (Cabell County), whose term expires December 31, 2023;
- Circuit Judge Shawn D. Nines, Nineteenth Judicial Circuit (Barbour and Taylor Counties), whose term expires December 31, 2027;
- Circuit Judge Joseph K. Reeder, Twenty-Ninth Judicial Circuit (Putnam County), whose term expires December 31, 2025; and
- Senior Status Judge Christopher C. Wilkes, whose term expires December 31, 2024.

Division staff includes Executive Director Carol A. Miller; her assistant, Lorri J. Stotler; and Law Clerk Tessa Bowers.

Case Statistics

In 2022, the business court judges disposed of nine cases. The average age of cases disposed in 2022 was 479 days. Six of the nine cases were settled by agreement of the parties, resulting in agreed dismissal orders.

In 2022, there were 20 motions to refer cases to the Business Court Division filed in 14 counties. There was also one motion to refer pending from 2021. The Chief Justice decided 18 motions to refer, including the one that was undecided in 2021, and directed two referrals in two complex tax appeal cases on his own accord. Of the 21 motions to refer, 10 were transferred to the Business Court Division and 11 were denied.

In 2022, nine of the 18 motions to refer were filed with no opposition by any party or judge. Of those, six were granted and transferred to the division and three were denied. Of the motions to refer that were filed with opposition, two were granted and seven were denied. Overall, motions to refer were decided in an average of 43 days from filing to decision.

Of the motions to refer filed in 2022, seven were filed by defendants/respondents, of which three were granted; eight were filed by plaintiffs or petitioners, of which four were granted; and three were filed jointly by defendants and plaintiffs, of which one was granted.

Overall, in 2022, Business Court Division judges scheduled 47 hearings, entertained 106 motions, and entered 192 orders in 31 cases. There were nine mediations or mediation status hearings, plus numerous follow-up conference calls.

For more information about the Business Court Division and to view the full 2022 Business Court Division Annual Report, see <http://www.courtswv.gov/lower-courts/business-court-division/pdf/2022AnnualReport.pdf>.

Treatment Courts

The Division of Probation Services develops and oversees treatment courts in West Virginia on behalf of the Supreme Court of Appeals of West Virginia.

Juvenile Drug Courts

Juvenile drug courts are cooperative efforts of the juvenile justice, social service, and education systems. These early/earlier intervention programs divert non-violent juvenile offenders exhibiting substance abuse behavior from the traditional juvenile court process to an intensive, individualized, evidence-based treatment process. Juvenile drug courts seek to reduce substance abuse risk and future court involvement for the teens. In 2022, West Virginia had 16 juvenile drug courts and served 325 participants. During the year, 54 participants (32 percent) graduated. Participants gave birth to seven drug-free babies. The average cost for a juvenile to participate is \$5,203 a year, much less than residential placement, which could far exceed \$100,000 a year per person. Juveniles reported their drugs of choice were marijuana, alcohol, methamphetamine, synthetic cannabinoid, hallucinogenic opiates, and prescription drugs.

Adult Drug Courts

West Virginia has 29 adult drug courts that serve residents of all counties. In 2022, the average annual cost per participant was \$5,988, significantly less than housing an inmate in a regional jail or correctional facility. The cost includes intensive supervision, treatment, case management, and drug testing. In 2022, adult drug courts served 854 participants. They received 609 referrals and admitted 371 individuals. During the year, 223 participants graduated (63 percent), 157 participants began new employment, and one enrolled in some type of education. Five babies were born drug-free to participants. The top five drugs of choice for participants were opiates, methamphetamine, alcohol, amphetamines, and marijuana. During the year, 11 participants relapsed. West Virginia's overall recidivism rate for graduates of adult drug courts is approximately 16.3 percent.

16 JUVENILE DRUG COURTS
in West Virginia in 2022

325
participants
served

54
participants
graduated

29 ADULT DRUG COURTS
serve residents of all counties

854
participants
served

223
participants
graduated

157
participants
began new
employment



Family Treatment Courts

Family treatment courts were established in 2019 to serve adults with substance use disorders who are involved in a child abuse and neglect case. The goal is to return children to a safer home environment and achieve permanency faster and more effectively than traditional judicial methods. At the end of 2022, West Virginia had 11 family treatment courts serving 14 counties.

In 2022, 230 individuals participated in West Virginia's family treatment courts with 64 graduating. Family treatment courts served 354 children in 2022 with 98 being reunified with their families and 93 achieving permanency. The average time to reunification was 301 days and 459 days to permanency. In 2022, four babies were born drug free to participants in family treatment courts, and these babies were able to go home instead of to automatic placement. The top five drugs of choice for participants were, in order, methamphetamine, heroin, cannabis, fentanyl, and opioids.

FAMILY TREATMENT COURTS 2022 Snapshot

11 family treatment courts
serving **14** West Virginia counties

230 participants served | **64** participants graduated

354 children served with **98** reunified
with thier families



Judge Anita Harold Ashley of the Fifth Judicial Circuit (Calhoun, Jackson, Mason, and Roane Counties) officiated the wedding of Samantha and Spencer Wells, participants in the Family Treatment Court, before the Roane-Calhoun Adult Drug Court and Family Treatment Court graduation ceremony. The ceremony took place at the Roane County Courthouse in Spencer.

Court Improvement Program Oversight Board (CIP)

The mission of the CIP is to advance practices, policies, and laws that improve the safety, timely permanency, and well-being of children and due process for families in child abuse/neglect and juvenile cases.

The Supreme Court of Appeals of West Virginia established the multidisciplinary West Virginia Court Improvement Program Oversight Board (CIP) in 1995 as the body responsible for the oversight of federal CIP grants to the state court system. The purpose of the grants is to improve judicial processes and to develop and implement a plan for systemic improvement. The grants are from the U.S. Department of Health and Human Services' Administration for Children and Families. The Administrative Office's Division of Children and Juvenile Services implements and manages CIP projects.

2022 Staff Highlights

- Staff participated in two workshops through the Capacity Building Center for Courts to develop new projects designed to aid children and families involved in the child welfare system. The CIP planned a project to focus on quality legal representation and another to enhance CIP's education and outreach efforts.
- Andria Jones, CIP Manager, presented virtually to national audiences on West Virginia CIP education and outreach and about project management practices employed by the West Virginia CIP.



Staff of the Court Improvement Project (CIP) at the board meeting at Stonewall Jackson Resort, Roanoke, September 29, 2022.

For more information about the CIP, see <http://www.courtswwv.gov/public-resources/CAN/court-improvement-program.html>.

- Staff completed seven new referrals and 15 reviews for New View, a program in which CIP field coordinators examine cases referred by judges or their designees that involve children who are at risk of lingering in state care and have experienced multiple placements.
- Staff completed 60 interviews for Missing from Care, a project in which staff collect information from children in placement who have a history of running away. The information will be analyzed for trends and potential interventions to prevent runaways.
- Staff completed 168 court observations. Staff observe court hearings virtually and in person to collect information. This data is used to inform the CIP on current hearing practices in child welfare cases.
- Staff completed 112 Multi-Disciplinary Treatment (MDT) Team observations. MDT Teams are required to meet regularly to discuss children involved in child welfare cases to better shepherd children to permanency. Division staff participate as observers and collect information related to participation of attendees and topics discussed. This data is used to inform the CIP on current MDT practices throughout the state.
- CIP provided start-up funds to the Parent Resource Navigator Program in Morgan County and put protocols in place to launch similar programs in other counties. The program is designed to help parents involved in abuse and neglect cases get the support they need to meet the requirements of their improvement/parenting plans. The goal of this project is to assist parents in successfully remediating issues that would otherwise prevent reunification with their children.
- CIP trained 1,099 professionals on topics related to issues in the child welfare systems. Those topics included updates on the law, ethical representation of young children in abuse and neglect proceedings, kinship navigators, medical cannabis, and regional transition navigator services. The professionals trained included guardians ad litem and parent respondent attorneys, social workers, court-appointed special advocates, and other child welfare stakeholders.
- CIP trained 10 new magistrates on resources provided by the Division of Children and Juvenile Services; how to make initial findings related to the well-being of children when they are removed from the home; and how to address issues of placement for young, cognitively impaired, or medically fragile youth.

Juvenile Justice Commission

In 2011, the Supreme Court of Appeals of West Virginia established the Adjudicated Juvenile Rehabilitation Review Commission, now called the Juvenile Justice Commission (Commission), to monitor the state juvenile justice system and ensure it provides safe, nurturing living conditions and rehabilitative services. The Commission is a multidisciplinary panel that reviews facilities and programs operated or contracted by the West Virginia Bureau of Juvenile Services and the West Virginia Department of Health and Human Resources. In addition, the Commission looks at strengths, gaps, and needs within West Virginia's juvenile justice processes.

The Commission is comprised of representatives of the West Virginia Department of Education, the National Association of Social Workers, local attorneys, community organizations, and has seven members who are circuit judges. Quarterly meetings provide opportunities for information sharing, which allows Commission members to learn about current trends and topics within the juvenile justice system. In 2022, the Commission welcomed speakers to discuss juvenile competency, victim offender mediation programs, emergency shelters, the Bureau of Juvenile Services, and the Division of Corrections and Rehabilitation.

Members of the Juvenile Justice Commission:

Molly Arbogast, Executive Director, National Association of Social Workers, WV Chapter
 Joseph Armstrong, Administrative Director
 Stephanie Bond, Director, Probation Services Division
 Nicole Cofer, Director, Magistrate Court Services Division
 Circuit Judge Jennifer P. Dent of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties)
 Rebecca Derenge, Coordinator for Attendance & McKinney-Vento
 Circuit Judge Thomas H. Ewing (Fayette County)
 W. Jesse Forbes, Forbes Law Offices, PLLC
 Jacob Green, Superintendent, West Virginia Schools of Diversion and Transition
 Olubunmi Kusimo-Frazier, community member
 Cindy Largent-Hill (Morgan County), Director, Division of Children & Juvenile Services
 Circuit Judge Stacy Nowicki-Eldridge (Boone and Lincoln Counties)
 Circuit Judge R. Steven Redding of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

Circuit Judge Phillip Stowers of the Twenty-Ninth Judicial Circuit (Putnam County), Chairman
 Debra Sullivan, community member
 Circuit Judge Joanna Tabit of the Thirteenth Judicial Circuit (Kanawha County)
 Lisa Tackett, Director, Division of Court Services
 The Rev. Rue Thompson, Diocese of Wheeling - Charleston WV
 The Rev. Matthew Watts, MJ Watts Ministries, Charleston
 Circuit Judge C. Carter Williams of the Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties), Ex-Officio

Staff:

Jessica Brown, Child Welfare/Juvenile Justice Field Coordinator, Division of Children & Juvenile Services
 Gabe Conley, Court Improvement Program Field Coordinator, Division of Children & Juvenile Services
 Brenda Hoylman, Child Welfare/Juvenile Justice Manager, Division of Children & Juvenile Services
 Amy Sadler, Court Improvement Program Field Coordinator
 Lorri Stotler, Administrative Specialist for the Division of Children & Juvenile Services and West Virginia Business Court Division

For more information about the Commission, see <http://www.courtswv.gov/court-administration/juvenile-justice-commission/History.html>.

Mass Litigation

The Mass Litigation Panel develops and implements case management and trial methodologies to fairly and expeditiously resolve Mass Litigation referred to the Panel by the Chief Justice of the Supreme Court of Appeals of West Virginia. West Virginia Trial Court Rule 26.05(a).

The Supreme Court of Appeals of West Virginia established the Mass Litigation Panel in 1996, making the Panel the first of its type in the United States. "Mass Litigation" is defined in West Virginia Trial Court Rule 26.04(a).

The Mass Litigation Panel consists of seven active or senior status circuit judges who are appointed by the Chief Justice with the approval of the Supreme Court of Appeals of West Virginia. Panel members serve staggered terms of three years and may serve successive terms. The Chief Justice designates one Panel member to serve as its Chair to preside over the activities of the Panel and to report to the Supreme Court of Appeals. West Virginia Trial Court Rule 26.02.



Chair of the Mass Litigation Panel, Judge Alan D. Moats, and Judge Derck C. Swope

The Chair of the Mass Litigation Panel is Judge Alan D. Moats, Nineteenth Judicial Circuit (term expires June 30, 2023). The other members of the Panel are

Judge Christopher J. McCarthy, Fifteenth Judicial Circuit (term expires June 30, 2023)

Judge Jay M. Hoke, Twenty-Fifth Judicial Circuit (term expires June 30, 2024)

Judge Jack Alsop, Fourteenth Judicial Circuit (term expires June 30, 2024)

Judge Gregory L. Howard, Sixth Judicial Circuit (term expires June 30, 2024)

Judge Derek C. Swope, Ninth Judicial Circuit (term expires June 30, 2025)

Judge Joanna I. Tabit, Thirteenth Judicial Circuit (term expires June 30, 2025)

The following staff serve the Panel:

Kimberley R. Fields, Counsel to the Mass Litigation Panel
Debra K. Brogan, Mass Litigation Paralegal

For the full 2022 Annual Report of the Mass Litigation Panel, see <http://www.courtswv.gov/lower-courts/mlp/2022AnnualReportMLP.pdf>.



Opening arguments were held April 4, 2022, in the Kanawha County Courthouse on the first day of the Mass Litigation Panel trial involving opioid manufacturers (Kanawha County Civil Action No. 21-C-9000 MFR). WV Attorney General Patrick Morrisey kicked off arguments before Circuit Judge Derek Swope (Mercer County), who presided over the case.

Court Notes

Awards

State Bar Women in the Profession Committee Wins Law Day Activity Award

The West Virginia State Bar Women in the Profession Committee received a Law Day Outstanding Activity Award from the American Bar Association (ABA). The ABA recognized that the committee's Law Day program "achieved broad outreach to the community and engaged target audiences in meaningful conversations to help foster understanding about the rule of law in our society" despite challenges presented by the COVID-19 pandemic. The 2021 Law Day Contest allowed students to choose between two themes: "Advancing the Rule of Law Now" or "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100." Students across West Virginia participated in the contest. The program was publicly recognized during the ABA's 2022 Law Day Virtual Launch program on March 8 and featured in the ABA's online showcase of outstanding Law Day programs. See <https://www.americanbar.org>.

BAR FOUNDATION FELLOWS

The Director of Magistrate Court Services, a former Circuit Judge, and a former Supreme Court Justice were among the 2022 West Virginia Bar Foundation Fellows. **Olubunmi T. Kusimo-Frazier**, U.S. Attorney **William Thompson** (former judge in the Twenty-Fifth Judicial Circuit of Boone and Lincoln Counties), and former Justice **Evan Jenkins** received their awards during the 24th West Virginia Bar Foundation Fellows Dinner on April 21. The Bar Foundation names fellows 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.



Probation Officer of the Year

The 2022 Probation Officer of the Year Award was given posthumously to **Steve Gitlin**, who passed away November 2, 2021, from injuries sustained in a car accident. He was 36. The West Virginia Association of Probation Officers also named the award after him. Gitlin was born on December 18, 1984, in Wheeling. He is survived by his wife, Brandi, and two daughters, Adalyn Rose and Elayna Marie, who live in Moundsville, as well as a large extended family. Probation officers from the First Judicial Circuit (Brooke, Hancock, and Ohio Counties) received the award and delivered it to Mrs. Gitlin and her family.



Retired Circuit Judge Warren McGraw Receives Award for Lifetime Service



Warren McGraw, a former Supreme Court Justice and Wyoming County Circuit Judge, received the 2022 Caplan Award from the West Virginia Association for Justice. Justice McGraw was honored October 10 in recognition of his lifetime of service to West Virginia, its citizens and courts, and the practice of law. During his career, Justice McGraw served in the West Virginia House of Delegates, the West Virginia Senate, the Wyoming County Board of Education, and as Wyoming County Prosecuting Attorney. In 1998, he was elected to the Supreme Court of Appeals of West Virginia, and he served through 2004. In 2008, he was elected to the bench in the Twenty-Seventh Judicial Circuit (Wyoming County), where he served until his retirement in 2021. The annual Caplan Award is named in honor of the late Supreme Court Justice Fred Caplan, who served on the Supreme Court from 1962 to 1980.

Transitions

Barbour and Taylor Counties

Circuit Judge **Alan Moats** retired

December 31 after 26 years on the bench. In 1996, then-Governor Gaston Caperton appointed him to the Nineteenth Judicial Circuit (Barbour and Taylor Counties).

He was elected in 2000 and re-elected in 2008 and 2016. Judge Moats served as a temporary Justice on the Supreme Court from February 7 to April 27, 2022. At the time of his retirement, he remained Chair of the Judicial Investigation Commission and Chair of the Mass Litigation Panel.



Berkeley County

In its 2022 Regular Session, the West Virginia Legislature created a new magistrate position in Berkeley County. On June 14, **Michelle Barnes-Russell**

was appointed to the position by Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Chief Judge Michael D. Lorensen. Her first day on the bench was July 5. She previously served on the Berkeley County Board of Education (2016-2020) and the West Virginia Women's Commission.



Twenty-Fourth Family Court Circuit (Berkeley and Jefferson Counties) Judge **Sally G. Jackson** retired on September 30. Judge Jackson was

appointed to the bench by then-Governor Bob Wise in 2001. She was elected in 2002 and re-elected in 2008 and 2016. On October 19, Governor Jim Justice appointed Martinsburg attorney **Lyndsey Matschat** to the seat. Matschat had been an Assistant Prosecuting Attorney/Chief of Staff in Jefferson County since 2013. She previously served as Assistant Prosecuting Attorney in Berkeley County and a law clerk for now-retired Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Judge David H. Sanders.



Jennifer Lemon was sworn in on October 4 to replace Berkeley County Magistrate **Harry Snow**, who retired July 31. She previously served as the assistant to Magistrate Larry Thompson. Magistrate Snow had been a magistrate since July 1, 2001.



Magistrate **John Unger** resigned October 23. Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) Chief Judge Michael D. Lorensen appointed **Ben Crawley-Woods**, who started work November 28. Judge Lorensen appointed Magistrate Unger on August 10, 2021, and he was elected in May 2022.

Magistrate Unger resigned from the West Virginia Senate to take the bench. He had been a senator since 1998.

Berkeley County Circuit Clerk **Virginia Maria Sine** retired

December 31 after serving Berkeley County citizens for 58 years. In 1965, she started working part time in the Berkeley County

Sheriff's Office and the Berkeley County Clerk's Office. In March 1966, she started full time in the Circuit Clerk's Office. She was the Chief Deputy Clerk until 1992 when she ran for the clerk's position and won. She was Circuit Clerk for 30 years.



Doddridge County

Brenda J. Underwood was elected magistrate in May. At the time of her election, she had more than 25 years of experience as a trial paralegal in Kentucky and West Virginia. Incumbent **Kathryn Titus** did not run.

Fayette County

Matthew Jeffries was elected magistrate in Fayette County in May. He was a law enforcement officer in West Virginia for 31 years. He began his career with the Beckley Police Department, and he was also a Detective Sergeant with the Mount Hope Police Department, Fayetteville Chief of Police, and a special investigator with a major insurance company. He replaced incumbent **Shawn Campbell**.

Gilmer County

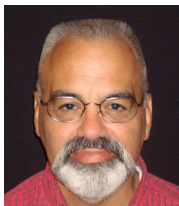
Pam Cutlip started work as Gilmer County Magistrate Clerk on January 31. She previously was a magistrate assistant. Ms. Cutlip replaced **Linda Janes**, who retired December 17, 2021.

Hampshire County

Gregory Kesner began work September 6 as a Hampshire County Magistrate. He replaced Magistrate **John Rohrbaugh**, who retired August 12. Magistrate Rohrbaugh had been a public servant for 30 years. He served as a deputy sheriff in Hampshire County and Mineral County and was a probation officer in both the Twenty-First and Twenty-Second Judicial Circuits. He was Chief Probation Officer in the Twenty-Second Judicial Circuit when he was appointed.

Harrison County

In June, Harrison County Circuit Judges appointed **Kim Wygal** to replace Magistrate **Mark Gorby**, who retired May 31. Magistrate Gorby was elected in 1996 and re-elected in 2000, 2004, 2008, 2012, 2016, and 2020. Ms. Wygal had been a magistrate assistant in Harrison County since 2001, working with Magistrate Kevin Renzelli and former Magistrate Keith Marple.



Kanawha County

Christopher McClung began work January 18 as Kanawha County Court Administrator. He replaced Beverly Selby, who passed away May 17, 2021. For the preceding five years, he had a private law practice in Charleston. Before that, he was an assistant prosecutor in Kanawha and Putnam Counties and worked for the Attorney General's Office.

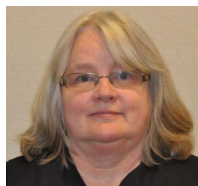
On October 3, Kanawha County Sheriff's Department Sgt. **Leslie Grace** was appointed magistrate in Kanawha County to fill the vacancy left by the September 1 death of Magistrate **Mike Sisson**. Magistrate Grace began work October 24. His term will run through December 31, 2024. He had been a Kanawha County Sheriff's Deputy for more than 20 years and the bailiff in Judge Bailey's courtroom for seven years.

Logan County

Judge **Eric O'Brient** retired from the Seventh Judicial Circuit (Logan County) on May 31 after 35 years on the bench. Then-Governor Arch A. Moore, Jr., appointed Judge O'Brient in 1987. He was elected in 1988 and re-elected in 1992, 2000, 2008, and 2016.



Governor Justice appointed Family Court Judge **Kelly Gilmore Codispoti** to replace Judge O'Brient, making her the first woman to serve as circuit judge in Logan County. She was sworn in on July 1. Judge Codispoti had served the Ninth Family Court Circuit (Logan County) since 2001, when she was appointed by then-Governor Bob Wise. She was elected in 2002 and re-elected in 2008 and 2016.



Governor Justice appointed **Robert M. Ilderton** of Logan to fill the family court seat vacated by Judge Codispoti. At the time of his appointment, Judge Ilderton was practicing law in Logan. He previously was a law clerk to Judge O'Brient and had served as a Logan County Assistant Prosecutor.

Marshall County

Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties) Judge **David W. Hummel, Jr.**, resigned November 23. Judge Hummel was elected to the bench in 2008 and was re-elected in 2016. He led the Second Judicial Circuit's Drug and Mental Health Court and was a former member of the Mass Litigation Panel.

Monongalia County

Seventeenth Judicial Circuit (Monongalia County) Judge **Phillip D. Gaujot** retired December 31 after 13 years on the bench. Then-Governor Joe Manchin III appointed him in 2009 after the Legislature added a third seat to the circuit. He was elected in 2012 and re-elected in 2016. On December 20, Governor Jim Justice appointed Monongalia County Prosecutor **Perri Jo DeChristopher** to the vacancy.



Ohio County

Magistrate **Charles W. Murphy** retired October 31 after nearly 22 years of service, and Magistrate Assistant **Kathy Eckman** retired after more than 25 years of service. Magistrate Murphy is a former Ohio County Sheriff's Deputy and served as Chief Deputy for eight years. He previously was the West Liberty Police Chief. In November, First Judicial Circuit (Brooke, Hancock, and Ohio Counties) Judge Michael J. Olejasz appointed Wheeling attorney **Kevin Stryker** to the vacant magistrate position. **Marissa Schrebe** replaced Ms. Eckman. They were sworn into office on November 22.



Preston County

Former Preston County Magistrate **Eugene Jenkins** was

sworn in as magistrate on

January 3 to replace Magistrate **Rhonda Sybolt**, who passed away in December 2021. Magistrate Sybolt was elected in May 2021 to fill the seat when Magistrate Jenkins retired after serving 12 years. Magistrate Jenkins did not run in the May 2022 election, which **Cindy D. McCrobie** won. Magistrate McCrobie previously taught high school American history for more than 20 years and was a Preston County Sheriff's Deputy for 15 years.

Wetzel County

On August 3, Governor Jim Justice appointed **David L. Jackson** of Weirton to replace Second Family Court Circuit (Marshall, Tyler, and Wetzel Counties) Judge **Robert C. Hicks**, who retired June 30. Judge Jackson had been a staff attorney for Brooke and Hancock Counties for the West Virginia Department of Health and Human Resources Bureau for Child Support Enforcement since 2006. Judge Hicks had served as a Family Law Master from 1999 to 2000 and a family court judge since 2001.

Administrative Office

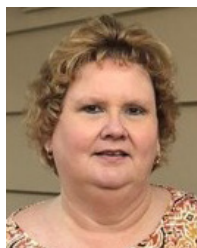
Joan Mullins retired March 25 after working 23 years in the Administrative Office. Since 2005, she had been Executive Administrative Assistant to the Administrative Director. She worked for four Administrative Directors.

Chief Counsel's Office

Bruce Kayuha, who led the Supreme Court Office of Counsel for more than 22 years, retired December 31. A native of Wheeling, he was appointed Chief Lawyer Disciplinary Counsel in 1999 and, in 2000, he was named Chief Counsel. He worked with 18 different Supreme Court Justices.



In Memoriam



McDowell County Circuit Clerk's Office for 17 years.

Longtime McDowell County Deputy Circuit Clerk Teresa Richardson Anderson passed away January 4. She was 57. She was born October 27, 1964. At the time of her death, she had worked in the



and he served until the term ended on December 31, 1976. He also served as State Welfare Commissioner, United States Bankruptcy Judge for the Southern District of West Virginia, Vice President for Institutional Advancement at West Virginia University, and was a member of the West Virginia Commission for National and Community Service.

Former Supreme Court Justice Edwin F. Flowers passed away January 27. He was 91. Justice Flowers was born April 26, 1930. In 1975, then Governor Arch A. Moore, Jr., appointed him to the Supreme Court,



House of Delegates from 1966 to 1971. He served as Judge of the Eighteenth Judicial Circuit (Preston County) from December 1971 through January 1997 and then became a senior status judge.

Former Circuit Judge Robert Halbritter passed away July 7. He was 92. He was born May 28, 1930. He served on the Kingwood City Council from 1962 to 1964 and was a member of the West Virginia



retired on June 20, 2021.

Former Cabell County Circuit Clerk Jeffrey E. Hood passed away October 20. He was 79. He was born March 7, 1943. He was appointed on December 1, 2012. He was elected in 2014 and 2016 and



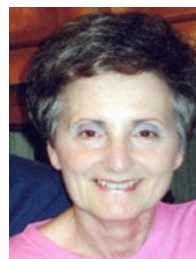
elected prosecuting attorney in the United States at that time. He later served as Marshall County Mental Hygiene Commissioner, Administrative Law Judge for the Unemployment Compensation Commission, and Chief Public Defender for the Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties). He was elected Circuit Judge for the Second Judicial Circuit in 1992 and took office on January 1, 1993. He was re-elected in 2000 and 2008 and retired in 2015.

Former Circuit Judge Mark A. Karl passed away May 28. He was 75. Judge Karl was born July 5, 1946. In 1972, at the age of 26, he was elected Marshall County Prosecuting Attorney, becoming the youngest



served until December 31, 2016. Prior to her election, she was the Domestic Relations Unit Manager for the Legal Aid Society of Charleston and then a Deputy Attorney General in the Civil Rights Division of the West Virginia Attorney General's Office. At various times, she served as President of the Mountain State Bar Association, as well as Chair and Vice Chair of the West Virginia State Bar Family Law Committee and Minority Lawyer Committee.

Former Family Court Judge Sharon Mullens passed away November 4. She was 66. She was born April 28, 1956. Judge Mullens was elected to the Eleventh Family Court Circuit (Kanawha County) in 2008 and

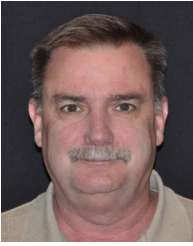


Chief Deputy and was appointed to fill an unexpired Circuit Clerk term in April 1987, becoming the first woman to hold that position in Jackson County. She was elected Circuit Clerk in 1988 and 1992.

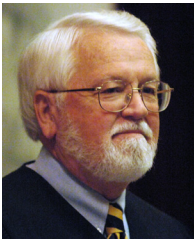
Former Jackson County Magistrate Clerk and Circuit Clerk Jean Randolph passed away March 11. She was 82. She was appointed Magistrate Clerk in 1976. She went on to work in the Circuit Clerk's Office as the



Dr. Richard H. Rosswurm passed away December 30. He was 82. He was born January 4, 1940. He worked in the Supreme Court Administrative Office from 1984 to 2000.



Kanawha County Magistrate Michael Lee Sisson passed away September 1. He was 64. He was born on March 13, 1958. He was elected in 2012 and re-elected in 2016 and 2020.



Former Supreme Court Justice Larry V. Starcher passed away December 24. He was 80. He was born on September 25, 1942. He served as Circuit Judge in Monongalia County for 20 years until his election to the

Supreme Court in 1996. He served as Chief Justice in 1999 and 2003. He retired from the Supreme Court at the end of 2008 but continued working as a senior status judge. He also taught pre-trial litigation and trial advocacy as an adjunct lecturer at the West Virginia University College of Law until 2020, and he advised the Lugar Trial Association.



Former Circuit Judge Thomas W. Steptoe, Jr., passed away January 23. He was 70. He was a member of the West Virginia House of Delegates from 1981 to 1984. He was elected circuit judge in 1984 at the

age of 34, which made him, at that time, the youngest person ever elected circuit judge in West Virginia. Judge Steptoe served in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties) for 24 years until his retirement in 2008. After his retirement, he served as a senior status judge.



Former Circuit Judge James Lee Thompson passed away May 24. He was 101. He was born January 6, 1921. Judge Thompson served in the Twenty-Ninth Judicial Circuit (Putnam County) from 1961 to 1977.



West Virginia Judiciary 2022 Annual Report



www.courtswv.gov