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JEFFERSON COUNTY
CIRCUIT CLERK

IN THE TWENTY-THIRD JUDICIAL CIRCUIT OF WEST VIRGINIA
COMPRISED OF THE COUNTIES OF JEFFERSON, BERKELEY AND MORGAN

JEFF. CO. ADMIN ORDER # 16-AD-24
Administrative Order No. 16-AD-60

In Re: 23rd Circuit Docket Alignment as of January 1, 2017

ADMINISTRATIVE ORDER

This matter comes on as a result of a meeting and agreement between Circuit Judges Christopher C. Wilkes, David H. Sanders, Gray Silver III, John C. Yoder, Michael D. Lorensen, Laura Faircloth and Bridget Cohee (hereinafter "the Judges"). The Judges agree as follows:

1. Judge Wilkes shall continue to serve as Chief Judge of the Circuit. Judge Elect Faircloth shall serve as supervising judge of Morgan County, Judge Lorensen shall serve as supervising judge of Berkeley County and Judge Yoder shall serve as supervising judge of Jefferson County.
2. Judge Elect Faircloth shall be assigned all cases now pending and hereafter arising in Morgan County.
3. Judge Yoder shall be assigned the matters currently assigned to Judge Sanders and each civil and criminal case in Jefferson County filed after January 1, 2017, shall be sequentially assigned to Judge Yoder and Judge Elect Cohee. The Jefferson County civil cases assigned to Judge Yoder prior to January 1, 2017, will be transferred to Judge Elect Cohee. When Judge Elect Cohee is assigned 100 new Jefferson County civil cases beginning January 1, 2017, Judge Yoder shall be assigned all further civil cases in Jefferson County. Judge Yoder shall continue to serve as Adult Drug Court judge for Jefferson County.
4. Judge Elect Cohee shall be assigned all current and forthcoming juvenile cases arising in Jefferson County.

5. Judge Wilkes shall be assigned all current civil cases assigned to Judge Yoder in Berkeley County all civil cases filed thereafter in Berkeley County until six hundred and six (606) are assigned and then civil cases shall be sequentially assigned to Judge Silver and to Judge Lorensen thereafter.

7. All current criminal cases in Berkeley County assigned to Judge Yoder shall be divided equally between Judge Silver and Judge Lorensen. Criminal cases arising in Berkeley County beginning January 1, 2017, shall be sequentially assigned to Judge Silver, Judge Lorensen, Judge Elect Cohee and Judge Elect Faircloth. After Judge Elect Cohee has been assigned 45 cases, further criminal matters shall be assigned sequentially to Judge Silver, Judge Lorensen and Judge Elect Faircloth. After Judge Elect Faircloth has been assigned 55 criminal cases, all further criminal cases shall be assigned sequentially to Judge Silver and Judge Lorensen.

8. All current juvenile cases filed in Berkeley County shall be divided evenly between Judge Elect Cohee and Judge Elect Faircloth. All juvenile cases filed in Berkeley County after January 1, 2017, shall be sequentially assigned to Judge Elect Cohee and Judge Elect Faircloth.

For the purposes of this order "civil cases" shall mean those filed under "A", "C", "CAP", "P", "MH", "G", "DV", "D", "AA", and "SAP". For the purposes of this order "criminal cases" shall include "F", "M", "P-CR", and "M-AP" matters. For the purposes of this order "juvenile matters" shall include "JA", "JD", "JS", "JAA", "CIG", and "CIGR" matters. For the purposes of this order, related children under a single abuse and neglect matter shall be construed as one case.

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It shall be the obligation of the judge presiding on a matter to be reassigned to inform the new judge, counsel and self-represented parties of the reassignment by order. The order shall further specify that any trial, hearing or deadlines applicable to the case shall be as determined by the new judge. The clerk of Berkeley and Jefferson Counties shall prepare a written report of cases to be reassigned to the presiding judges and judges elect on or before December 16, 2016. With regard to any case which is subject to reassignment under this order, the judge presiding over a matter prior to reassignment shall have the option of hearing any matter. Any judge wishing to continue presiding over a case which would be otherwise reassigned shall instruct the clerk in writing on or before January 16, 2017, which cases shall be retained on his docket. Any cases which are subject to reassignment which are subject to time standards including but not limited to a motion for release from custody pursuant to Rule 46, Rules of Criminal Procedure, the right to a speedy trial under W. Va. Code § 62-3-1, the Interstate Agreement on Detainers under W. Va. Code § 62-14-1 *et seq.*, a preliminary hearing pursuant to Rule 18, Rules of Juvenile Procedure, a review of detention under Rule 16, Rules of Juvenile Procedure, commencement of adjudication under Rule 27, Rules of Juvenile Procedure, a preliminary hearing under Rule 22, Rules of Procedure for Abuse and Neglect Proceedings, an adjudication under Rule 25, Rules of Procedure for Abuse and Neglect Proceedings or disposition under Rule 32, Rules of Procedure for Abuse and Neglect Proceedings, shall remain the responsibility of the judge assigned the case before January 1, 2017, unless otherwise directed by the presiding judge by order with notice to the new judge, counsel of record and self-represented parties.

Whereupon, the aforesaid Judges have agreed that the Chief Judge shall appoint an administrative assistant to a Circuit Judge to serve as Recusal Clerk. Where a judge assigned a case voluntarily recuses him or herself, the Recusal Clerk shall sequentially reassign the matter

to another judge. The Recusal Clerk may reassign a case subject to recusal to any judge in the circuit in order to assure that assignments are equally allotted; however, the Recusal Clerk shall first appoint recusals arising in Jefferson County first to the other judge who serves in Jefferson County, recusals arising from Berkeley County sequentially among the judges serving in Berkeley County. For recusals in Berkeley County, the judges regularly receiving assignments for the file type of the recused case shall be first considered. The Recusal Clerk shall require a signed writing from the recusing judge stating the reasons for recusal and an order showing voluntary recusal and directing the clerk to assign the next case of the type for which recusal is sought which would have gone to the appointed judge to be assigned to the recusing judge arising in the same county.

The realignment will not affect cases that have been transferred by order of the Chief Justice of the West Virginia Supreme Court of Appeals; nor does this realignment prevent any two judges of this Circuit from making docket transfers between themselves by mutual agreement.

Each of the Judges and Judges Elect of the Twenty-Third Judicial Circuit having been duly consulted and upon their consent, it is ORDERED and ADJUDGED the aforementioned assignment shall be effective as of January 1, 2017.

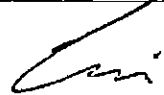
The Circuit Clerk of Berkeley County shall transmit attested copies of this order to the Circuit Clerks of Morgan and Jefferson Counties and to each Circuit Judge of this Circuit.

Enter this 14 day of October, 2016.

**A TRUE COPY
ATTEST**

**Virginia M. Sine
Clerk Circuit Court**

By: Douglas J. McLaughlin
Deputy Clerk


Chief Judge Christopher C. Wilkes
Twenty-Third Judicial Circuit of West Virginia