

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

DEBRA BISHOP, as Executor of the Estate of Dallas  
Runyon, and DAVID E. RUNYON,

Plaintiffs,

vs.

Civil Action No.: 17-C-108  
Presiding: Judge Akers  
Resolution: Judge Wilkes

CITIZENS TELECOMMUNICATIONS  
COMPANY OF WEST VIRGINIA,  
FRONTIER WEST VIRGINIA, INC., and  
APPALACHIAN POWER COMPANY,

Defendants.

**ORDER DENYING FRONTIER'S MOTION FOR TRIAL JUDGE TO  
DESIGNATE POTENTIAL JURORS TO BE CALLED FOR VOIR DIRE**

On this 2<sup>nd</sup> day of June 2023, came the Court upon Frontier's Motion for Trial Judge to Designate Potential Jurors to be Called for Voir Dire filed May 23, 2023. In the instant motion, Frontier requests that "this Court designate the potential jurors to be called for *voir dire* in the pending trial in this matter", because Nathan Brown, counsel of record for Plaintiffs, also serves as a Mingo County Commissioner. As Commissioner, Frontier argues Brown's role as a supervisor of Circuit Clerks, "who ordinarily [have] authority to select the subset of the venire that will be summoned as potential jurors for this case", and that because of this fact the Court should assume responsibility for designating the jurors who will be called on for jury selection in this matter to avoid the appearance of impropriety.

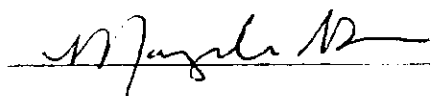
The policy of West Virginia for selecting prospective jurors is clear in our statutory provisions. It is the policy of this state that all persons selected for jury service

be selected at random from a fair cross section of the population of the area served by the court, and that all citizens have the opportunity in accordance with this article to be considered for jury service and an obligation to serve as jurors when summoned for that purpose. W. Va. Code § 52-1-1. In order to achieve the required “random[ness]”, “the Legislature has developed a detailed listing of the procedures circuit clerks are to follow when selecting prospective jurors.” *State ex rel. Stanley v. Sine*, 215 W. Va. 100, 106, 594 S.E.2d 314, 320 (2004).

The Court declines Frontier’s request. Frontier has set forth no good cause as to why the Mingo County Circuit Clerk would not discharge his duty and obligation to select a random sample of citizens of Mingo County for the trial in this matter. Frontier has proffered no rule, law, rule of ethics, or any other authority that prohibits attorneys, such as Nathan Brown, from serving as county commissioners and practicing in the county in which they serve. For all of these reasons, the Court finds Frontier’s motion must be DENIED.

It is hereby ADJUDGED AND ORDERED that Frontier’s Motion for Trial Judge to Designate Potential Jurors to be Called for Voir Dire is hereby DENIED. The Court notes the objections and exceptions of the parties to any adverse ruling herein. The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

Enter: June 2, 2023

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MARYCLAIRE AKERS, JUDGE  
BUSINESS COURT DIVISION