

No. 22248 -- In the Matter of: Honorable Larry Starcher, Judge,
Circuit Court of Monongalia County

Neely, C. J., dissenting:

I dissent to this Court's substitution of a reprimand for an admonishment.

Larry V. Starcher has been one of the great West Virginia circuit judges in this century. He is enthusiastic, imaginative, dedicated, extraordinarily hard working, humane, liberally educated, and surpassingly intelligent. He made a mistake and, although I think that a quiet word from a senior partner at Spilman, Thomas and Battle would probably have been more effective than a full-blown donnybrook, because a formal complaint was filed he deserves an admonishment.

The big problem that the Judicial Hearing Board recognized is that all of the qualities that make a person a great judge-- enthusiasm, creativity, boundless energy, concern, good training, and surpassing intelligence-- are the exact qualities that roughly one in a hundred times causes a judge to step all over himself. But far better for the world that we be graced with a Larry Starcher

on the bench who from time to time makes a mistake than some mindless twit who sits in his black robe behind the bench rocking insouciantly, simply happy as a pig in mud to get a regular check on the first and the fifteenth with a big pension at the end of a fairly short road.

In this State, judges get to be judges because they are political leaders. I have always been an inveterate supporter of elected judges and I wholeheartedly support our system of requiring judges to run in both partisan primaries and then in general elections. Happily few of our judges come to believe that they became judges as a consolation prize because the Swedes have not yet created a Nobel Prize in Law. Indeed, what distinguishes our elected judges from judges appointed by other methods, is our judges' knowledge of all strata of the society that they serve. Obviously, however, such knowledge implies an engagement with society that often leads to passionate convictions.

Judges should not communicate ex parte with prosecuting attorneys or other lawyers appearing before them. That point having been firmly established, hanging Judge Starcher out to dry does not benefit anyone; Judge Starcher is sufficiently popular in Monongalia County that he will be a judge until the day he voluntarily decides

to retire or the Lord decides to call him home. Therefore, it is only good sense-- a good sense demonstrated by the agreed order presented to us by the Judicial Hearing Board-- that Judge Starcher's will to serve the public, his enthusiasm for creative innovation and his overall morale not be undermined by a gratuitous and unnecessary pounding.