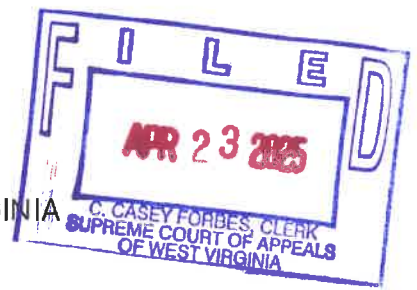


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



IN THE MATTER OF:  
THE HONORABLE ELIZABETH BOSO,  
MAGISTRATE OF NICHOLAS COUNTY

SUPREME COURT NO. 24-0436  
JIC COMPLAINT NO. 22-2024

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RESPONDENT'S BRIEF

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Respectfully Submitted by:  
Elizabeth Boso  
Nicholas County Magistrate  
511 Church Street  
Summersville, WV 26651  
(304) 872-7850  
elizabeth.boso@courtsww.gov

## SUMMARY

On March 23, 2023, I left my position of Magistrate Assistant to Kanawha County Magistrate Pete Lopez as I had taken the assistant's position to Magistrate Sarah Brown in Nicholas County. At that time, my husband and I decided to sell our condo in Kanawha County as my HOA did not permit us to rent it out. The condo sold quickly, and we closed the sale in June of 2023. After returning to Nicholas County, I was met with a fairly hostile work environment due to issues that were in play prior to my taking the job and to which I had not been a part of or party to. I had decided to try and return to Kanawha County, but I did not want to sign a year long lease without first obtaining a new position there.

On January 12, 2024, I visited with the people at Kanawha County Magistrate Court and paid Kirstie Traebert \$150 in cash per our oral agreement. On January 19, 2024, I received several text messages that Kanawha County Magistrate Mike Ferrell had just quit. Initially I figured that a Senior Status Magistrate would be filling in until the May election when the newly elected Magistrate would take over that position. I heard a couple days later that Judge Mary Claire Akers would be appointing someone to fill that position.

On January 22, 2024, I emailed Judge Akers letting her know that I was interested in the appointment. In that email I stated that I had maintained a residence in Kanawha County. What I had meant by that was I had a residence to stay at per my oral agreement with Ms. Traebert. I was and had been actively looking for an apartment in Charleston at that time so my agreement with Ms. Traebert gave me a place to live and an address in Charleston until I was able to secure my own place again.

On January 23, 2024, I filled out the Supreme Court job application and used Ms. Traebert's Dunbar address as that would be where I would be staying should I get the appointment and submitted that along with my resume via email to Judge Akers.

On the afternoon of January 26, 2024, I received a text that Judge Akers had appointed Earl Whittington. I was disappointed, of course, and I sent out the now quoted text of "F—k them!"

Late afternoon on Friday, January 26, 2024, I filed to run for Magistrate in Nicholas County as my then boss, Magistrate Sarah Brown, had definitively chosen not to run for re-election.

On Friday, February 2, 2024, I received a notice of a certified letter from the JIC. I was on my way to the hospital because my mom's lung had collapsed from a cancer biopsy, so I stopped by the post office and picked up the package. Inside was a copy of the ethics complaint filed by Judge Akers as well as copies of mine and my husband's property tax records on every piece of property we owned and where I had sold my condo in Charleston in June of 2023. I was given 10 days to respond.

I admit that my initial response was a two-page letter venting my frustration, surprise and anger and it was fueled by emotional and physical exhaustion.

The complaint listed me as a Judicial Candidate in Kanawha County and Nicholas County to which I would argue that I was never a judicial candidate in Kanawha, but merely a job applicant. The judicial application that I signed is not a sworn document, but it does state that the information contained in the application is true to the best of my knowledge, and to the best of my knowledge, it was.

I was never contacted about my application nor was my inquiry email acknowledged. I was not intentionally deceptive and if I had been questioned regarding anything in my application, I would have been truthful.

My text message to Ms. Traebert where I used an inappropriate word was an expression of frustration to a friend in what I believed to be a private conversation on my personal phone, and I am deeply saddened that it was made public.

I realize that my response to the complaint was inappropriate and it in no way reflects the person that I am. I did apologize to the JIC in my first interview, and I am very sorry that I responded the way I did. I have been with the WV Supreme Court of Appeals for over 16 years, and I have never been accused of being unethical. That is the part that hurts the most. No one takes this job more seriously than I do, whether working as an assistant or, for the past almost 10 months, as a Magistrate.

I have served as Magistrate of Nicholas County since July of 2024, and I understand the importance of the public's trust and confidence in the court system. As I stated to Ms. Tarr, I did not hire an attorney because doing so would not change the facts. I did apply for the job; I did use Ms. Traebert's address as I had arranged with her and paid rent to her per our oral agreement and I did respond in an inappropriate manner.

I do not know Judge Akers and have only exchanged small pleasantries as she passed through Day Court, but I have followed some of her cases and I have a lot of respect for her. I have no ill will toward anyone who complained that I applied for the opening left by Magistrate Ferrell. I did not purposefully or deliberately attempt to deceive anyone and would have gladly given any requested information truthfully.

I was originally offered a three-month suspension and a \$1,000.00 fine plus costs and was told that I could counter that offer. I asked that I not be suspended and that I would pay the fine and costs and accept a sanction. The agreement between myself and the JIC was a two-month suspension and cost of the investigation without fine. I chose to accept that agreement based on the fact that I could have been facing a one-year suspension.

In summary I would respectfully ask this court to consider my past 16 plus years of service with this court and during that time, there has never been any disciplinary action filed against me.

Respectfully submitted,

  
Elizabeth Boso

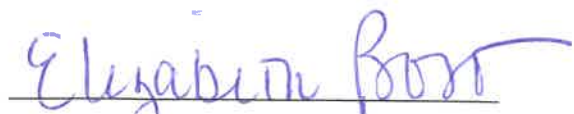
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CERTIFICATE OF SERVICE

I, Elizabeth Boso, Respondent in the above referenced matter, do hereby certify that on the 22<sup>nd</sup> day of April 2025, I served a true and accurate copy of my Respondent's Brief by placing the same in the United States Mail, first class postage prepaid, to Teresa Tarr, Judicial Disciplinary Counsel and addressed to The Judicial Disciplinary Counsel, WV Judicial Tower, Suite 700A, 4700 MacCorkle Avenue SE, Charleston, WV 25304 and by email to [teresa.tarr@courtswv.gov](mailto:teresa.tarr@courtswv.gov).



Respectfully Submitted by

Elizabeth Boso

Nicholas County Magistrate

511 Church Street

Summersville, WV 26651

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