



From: [Green, Shannon](#)
To: [Singletary, Jennifer](#)
Subject: RE: another senior status magistrate question
Date: Friday, February 7, 2014 1:36:00 PM
Attachments: [JudgeHandout2013.pdf](#)

I believe the cap is the same for senior status magistrates and temp. FCJs. We only have one retired FCJ, which is David P. Born.

I am attaching the handout from Chris Workman regarding the senior status judges/justices that was given out at the judicial conference last spring.

Chris would be a better person to ask about the caps because she has to keep track of them. She would have the most recent information.

From: Singletary, Jennifer
Sent: Friday, February 07, 2014 1:22 PM
To: Green, Shannon
Subject: RE: another senior status magistrate question

Is this cap the same for Senior Status Circuit Judges, Senior Status Magistrates, and Temporary Family Court Judges?

Thanks!
Jen

From: Green, Shannon
Sent: Wednesday, February 05, 2014 11:12 AM
To: Singletary, Jennifer
Subject: RE: another senior status magistrate question

Annual cap - \$20,000 see W.Va. Code § 5-10-48(c)
Jan. 1 – Dec. 31

Chris & Tammy keep track, but it is the responsibility of the judge/magistrate to make sure they do not go over the limit

If the senior reaches the maximum, then a contract is needed just until the end of the year or even November because when they turn in for December, they will not be paid until the following year.

We just began using contracts for seniors in 2011 when Ketchum was Chief & Mike Proops suggested it to him. The senior status magistrates requested it for several years before that.

From: Singletary, Jennifer
Sent: Tuesday, February 04, 2014 4:18 PM
To: Green, Shannon
Subject: RE: another senior status magistrate question

I started a little issue list today.

What is their annual cap – and does it go calendar year, like start Jan. 1 – December 31? And who keeps track of the financials, like how much they've accumulated?

And what is the difference between when they are under contract vs. when they are turning in per diems?

Thanks, and I'm sorry I don't know this stuff!!

Jennifer S.

From: Green, Shannon
Sent: Tuesday, February 04, 2014 1:07 PM
To: Singletary, Jennifer
Subject: RE: another senior status magistrate question

I am not sure if they do or not. Maybe that would be something to add to the allowance form (attach all orders of assignments relating to this allowance form). That may help the seniors keep better track of what they are being reimbursed for.

I see where you are coming from about rules because random things come up and since there is nothing in writing to govern what should or should not be done in specific situations, you have to make an executive decision as to what should be done & possibly be held responsible if that decision is wrong. It's like Nancy's question yesterday about whether or not she gets per diem when the courthouse is closed because of weather and Howard's request to pay for an apartment & get reimbursed instead of the Court being direct billed. Nancy Means is covering in Morgantown & she is already looking at the hotel's condos if she has to stay there very long. When Nancy or Howard stay in Tucker County, they have to go through a Realtor to secure a house to stay in. They pay with a credit card then seek reimbursement from us. Nancy had to rent a house in Upshur County one year when she had a long term assignment. It's not really clear in the Rules about the seniors working ½ days and charging only ½ days. If they travel for more than one hour, then work ½ day, then travel home – should they charge ½ day or an entire day since they spent so much time on the road? You don't have to answer that. I am sure some Judges/magistrates charge for a ½ day and some charge for a full.

Maybe it would be best to spend the next 6 months to a year collecting these types of questions then propose changes to the Rules. This way, you will have a better idea of what needs to be changed or added.

From: Singletary, Jennifer

Sent: Tuesday, February 04, 2014 11:06 AM
To: Green, Shannon
Subject: another senior status magistrate question

Don't the ones (senior status judges) with the short term / one day or whatever assignments usually attach a copy of their administrative order when they send in an allowance / invoice form? I feel like sometimes I see those and sometimes I don't.

Jennifer

p.s. After we had our conversation about how all these policies are just set by random, sometimes conflicting administrative orders from the past, I asked Mr. C. about whether I should put together some draft rules. And he said, "Why?" and I said, "So it's not a cluste\$%\$% and everybody knows what each other is doing," and he said no, lol.

YTD Wages

- SS judges should pay close attention to their YTD (year-to-date) wages on their pay stubs. Judges with regular retirement benefits are eligible to receive up to \$31,500 within a calendar year. Judges with early retirement benefits or reduced benefits are eligible to receive more than \$31,500 within a calendar year.

Rules of Judicial Disciplinary Procedure - Rule 7.14 Minimum Continuing Judicial Education Requirements (See attachment)

- 15 Total Credits in 2 year reporting period
- 1.5 Credits in Ethics/Office Management
- 1.5 Domestic Relations
- Must attend at least 1 of the 4 conferences during the 2 year reporting period sponsored by the WV Supreme

West's Annotated Code of West Virginia Currentness
State Court Rules

▣ Rules of Judicial Disciplinary Procedure

→ **RULE 7. 14 Minimum Continuing Judicial Education Requirements for Active Judges**

In order to fulfill the obligation under Canon 3B(2) of the Code of Judicial Conduct, which provides, in part, that, 'A judge shall be faithful to the law and maintain professional competence in it,' every 'judge,' as defined in these rules, shall satisfy the following minimum continuing judicial education requirements.


(A) Justices and circuit court judges: During the period July 1, 1995, through June 30, 1997, and for every two fiscal years thereafter, every active judge shall complete a minimum of thirty credit hours of continuing judicial education, and every senior status judge shall complete a minimum of fifteen credit hours of continuing judicial education, as defined in these rules and approved by the Administrative Director. At least three of such thirty credit hours for active judges shall be taken in courses on judicial ethics and/or management and at least one and one-half credit hours per year or three credit hours per reporting period of such thirty credit hours for active judges shall be taken in courses on domestic relations matters, and every active judge shall attend at least one of the two conferences sponsored by the Supreme Court of Appeals and the West Virginia Judicial Association each year. At least one and a half of such fifteen credit hours for senior status judges shall be taken in courses on judicial ethics and/or management and at least three-quarters credit hour per year or one and one-half credit hours per reporting period of such fifteen credit hours for senior status judges shall be taken in courses on domestic relations matters, and every senior status judge shall attend at least one of the four conferences sponsored by the Supreme Court of Appeals and the West Virginia Judicial Association each two-year reporting period.

(B) Family court judges: During the period July 1, 2002, through June 30, 2004, and for every two fiscal years thereafter, every active family court judge shall complete a minimum of thirty credit hours of continuing judicial education, including but not limited to domestic relations matters, as defined in these rules and approved by the Administrative Director. At least three of such thirty credit hours for active family court judges shall be taken in courses on judicial ethics and/or management, and at least eighteen of such thirty credit hours for active family court judges shall be taken in courses on domestic relations law, and every active family court judge shall attend at least two of the conferences/institutes sponsored by the Supreme Court of Appeals and the West Virginia Family Court Association.

CREDIT(S)

[Adopted effective July 1, 1995. Amended November 27, 2001, effective January 1, 2002; November 20, 2003.]

LIBRARY REFERENCES

Judges  5.

Westlaw Key Number Search: 227k5.

C.J.S. Judges §§ 15 to 20.

Judicial Discipline Rule 7. 14, WV R. J DISC Rule 7. 14

Current with amendments received through 12/1/11

(C) 2012 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT

SUPREME COURT OF APPEALS OF WEST VIRGINIA

ADMINISTRATIVE ORDER

RULE ON RETIRED JUDGES ADMITTED TO
SENIOR STATUS

WHEREAS, The Supreme Court of Appeals has been authorized and empowered to create a panel of retired judges admitted to senior status from among former circuit judges and Supreme Court justices of this State, and to promulgate rules providing for such judges and justices to be assigned duties as needed and as feasible;

IT IS THEREFORE ORDERED that there is hereby established, effective June 9, 1991, and amended September 15, 1994, a system of senior status for retired judges, pursuant to W. Va. Code § 51-9-10.

(a) ELIGIBILITY.

(1) Former Judge or Justice. To qualify for senior status, one must:

(A) be receiving benefits under the Judicial Retirement System pursuant to W. Va. Code, Chapter 51, Article 9; or

(B) meet one of the following criteria:

(i) have served in the judicial office with the eligibility equivalency for judicial retirement under W. Va. Code, Chapter 51, Article 9, but retired under Public Employees Retirement System pursuant to W. Va. Code, Chapter 5, Article 10;

(ii) have served in the judicial office for one full term and retired under the Public Employees Retirement System; or

(iii) have served in the judicial office for more than one full term and subsequently received benefits under the Judicial Retirement System or the Public Employees Retirement System.

(2) Residence. To qualify and to remain qualified for senior status, one must be a bona fide resident of the State of West Virginia.

(3) Practice of Law.

(A) Engagement in a substantial law practice (e.g., association with a law firm or full-time law practice) shall disqualify a retired judge or justice from eligibility for senior status.

(B) Engagement in a limited law practice (e.g., no association with a law firm, except if employed as "of counsel" or "special counsel," or part-time law practice) shall not disqualify a retired judge or justice from eligibility for senior status. However, a retired justice or judge admitted to senior status shall be disqualified from assignment to duty in any circuit where he or she engages in practice, or from any matter in which the law firm in which he or she is employed as "of counsel" or "special counsel" is involved or has participated. For purposes of this rule, the terms "of counsel" or "special counsel" shall mean employment by a law firm that does not include (1) any partnership interest in the firm; (2) appearance before any tribunal representing any client of the firm; (3) work in the firm on a full-time basis; and (4) a salary equivalent to or greater than any partner in the firm.

(4) Ethics Code. A judge admitted to senior status shall be bound by the prevailing canons of judicial ethics and by the prevailing rules on complaints against judges and justices.

(5) Training. Senior status judges are required to attend the judicial training conferences and will be reimbursed for expenses as active judges.

(6) Compliance with Rule. To qualify, a retired judge or justice must agree in advance to comply with the provisions of this rule.

(7) Other Considerations. The Supreme Court of Appeals may take into account such other considerations as it deems pertinent (i.e., age, health, etc.).

(b) APPLICATION.

Application for senior status shall be submitted to the Administrative Director of the Supreme Court of Appeals, on the form prescribed by the Administrative Director. The applicant shall provide all the information called for by the form; Provided, however, that the Supreme Court may require the applicant to submit additional information. Application may be made within one year before the applicant's anticipated date of eligibility or at anytime after the applicant's date of eligibility.

(c) ADMISSION; OATH; REVOCATION.

Admission to senior status shall be a privilege; admission may granted or denied by the Supreme Court, in its discretion, acting in administrative conference and recording such action in an administrative order duly entered; admission may be for indefinite duration or temporary duration of a specified period. Before commencing service, a judge admitted to senior status shall take an oath of office, and file such oath with the Administrative Director. The Supreme Court may, for failure to comply with provisions of this rule or for incapacity, revoke senior status, by acting in administrative conference and recording such action in an administrative order duly entered.

(d) CHANGE OF CIRCUMSTANCES; WITHDRAWAL.

A judge admitted to senior status shall forthwith inform the Administrative Director of any change of circumstances bearing on his or her senior judicial status, and may at anytime by written notice withdraw from senior status.

(e) ASSIGNMENT TO DUTY.

(1) The Chief Justice may, by order duly entered, assign a judge admitted to senior status to such judicial duties in such courts as the Chief Justice deems appropriate and as consistent with applicable provisions of law.

(2) No retired judge admitted to senior status who has been defeated in an election for a circuit judgeship shall be assigned to duty in the circuit where he or she was defeated.

(3) All judges admitted to senior status are hereby generally assigned and empowered to perform marriages and to administer oaths in any county of this State.

(4) Nothing in this rule shall preclude the recall or assignment to active judicial service of any retired judge or justice who has not been admitted to senior status but who agrees to serve, all subject to any applicable rules or provisions of law.

(f) FINANCIAL ALLOWANCES.

(1) Per Diem.

(A) Compensation for service by a judge admitted to senior status will be at the rate of \$200 per day.

(B) For service within the circuit of residence, service will be billable in half-day increments; for service outside the circuit of residence, service will be billable in full-day increments.

(C) Provided, however, that the per diem and retirement compensation of a retired judge, admitted to senior status shall not exceed the salary of a sitting judge.

(2) Expenses. Reimbursement for travel and/or other necessary expenses incurred during assigned service will be made according to the prevailing Supreme Court regulations.

(3) Allowances Form. Statements for per diem and expense allowances under subdivisions (1) and (2) of this subsection (g) must be submitted to and approved by the Administrative Director, on the form prescribed by the Administrative Director.

(4) Staff Support. Insofar as feasible, a judge admitted to senior status, while on assignment, must rely on the services of regular staff personnel of the court of assignment; Provided, however, that upon good cause shown and advance approval by the Administrative Director, a judge admitted to senior status may arrange, consistent with prevailing Supreme Court regulations, for temporary workers to provide secretarial and/or court-reporting services.

ENTER, this 15th day of September, 1994.



RICHARD NEELY
ACTING CHIEF JUSTICE