

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 17th day of November, 2010, the following order was made and entered:

RE: APPROVAL OF AMENDMENT TO ADMINISTRATIVE RULES FOR THE MAGISTRATE COURTS OF WEST VIRGINIA

On a former day, to wit September 22, 2010, the Court published for comment the proposed amendments to the Administrative Rules for the Magistrate Courts of West Virginia. Comments were received and reviewed by the Court.

On this day, came the Court on its own motion, after expiration of the comment period and proceeded to adopt the following rule, effective January 1, 2011.

Rule 1C. Magistrate Assistant's Hours and Additional Duties.

All magistrate assistants must work a 40 hour work week. When a magistrate is scheduled to be "on-call," the magistrate's assistant is still required to work during regularly scheduled business hours. However, if the assistant is required by a magistrate to accompany the magistrate to the court after regularly scheduled business hours, the assistant shall be given credit for the time actually spent performing duties in assistance to the "on-call" magistrate. That credit shall be applied toward the assistant's next required 40 hour work week.

If a magistrate assistant has completed the assistant's duties on a specified day, it shall be the assistant's responsibility to assist in the magistrate court clerk's office, during regular business hours, performing the legal and administrative tasks set out in the relevant statutes and court rules. Work done by a magistrate assistant in the magistrate court clerk's office shall be performed at the direction of the magistrate court clerk or their designee.

A True Copy

Attest: //s// Edythe Nash Gaiser, Deputy Clerk