

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5257

By Delegate Riley

[Introduced January 29, 2024; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931,
2 as amended; and to amend and reenact §51-2A-6 of said code, all relating generally to
3 allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels
4 of judicial support staff.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

1 (a) In each county having three or more magistrates, the judge of the circuit court or the
2 chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a
3 magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may,
4 by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit
5 court, in which event the circuit court clerk is entitled to additional compensation in the amount of
6 \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

7 (b) Magistrate court clerks shall be paid at least twice per month by the state. The annual
8 salary of all magistrate court clerks is ~~\$52,296~~. Beginning July 1, 2023, the annual salary of a
9 ~~magistrate court clerk shall be \$54,596~~ shall be determined by a pay scale established by the
10 Administrative Director of the Supreme Court. Magistrate court clerks may receive any general
11 salary increase granted to state employees, whose salaries are not set by statute, expressed as a
12 percentage increase or an across-the-board increase, implemented after July 1, 2023.

13 (c) In addition to other duties that may be imposed by the provisions of this chapter or by
14 the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the
15 circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court
16 clerk to establish and maintain appropriate dockets and records in a centralized system for the
17 magistrate court, to assist in the preparation of the reports required of the court and to carry out on

18 behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative
19 duties of the court.

20 (d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk
21 of the circuit court, may issue all manner of civil process and require the enforcement of
22 subpoenas and subpoenas duces tecum in magistrate court.

§50-1-9. Magistrate assistants; salary; duties.

1 (a) In each county there shall be at least one magistrate assistant for each magistrate;
2 however, the Supreme Court of Appeals may authorize additional magistrate assistants if the
3 workload of a county's magistrate court requires extra staff support. Each magistrate assistant
4 shall be appointed by the magistrate under whose authority and supervision and at whose will and
5 pleasure he or she shall serve. If more than one magistrate assistant per magistrate is approved
6 by the Supreme Court of Appeals, then the chief magistrate, or chief circuit judge if no chief
7 magistrate is designated, shall appoint, supervise, and assign job duties for any additional
8 magistrate assistant as needed for that county. The assistant shall not be a member of the
9 immediate family of any magistrate and shall not have been convicted of a felony or any
10 misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the
11 purpose of this section, "immediate family" means the relationships of mother, father, sister,
12 brother, child, or spouse.

13 (b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the
14 magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit
15 court, or the chief judge of the circuit court if there is more than one judge of the circuit court. In
16 addition to these duties, magistrate assistants shall perform and are accountable to the magistrate
17 court clerks with respect to the following duties:

- 18 (1) The preparation of summons in civil actions;
19 (2) The assignment of civil actions to the various magistrates;

20 (3) The collection of all costs, fees, fines, forfeitures, and penalties which are payable to
21 the court;

22 (4) The submission of moneys, along with an accounting of the moneys, to appropriate
23 authorities as provided by law;

24 (5) The daily disposition of closed files which are to be located in the magistrate clerk's
25 office;

26 (6) All duties related to the gathering of information and documents necessary for the
27 preparation of administrative reports and documents required by the rules of the Supreme Court of
28 Appeals, the judge of the circuit court or the chief judge of the circuit court if there is more than one
29 judge of the circuit court;

30 (7) All duties relating to the notification, certification, and payment of jurors serving
31 pursuant to the terms of this chapter; and

32 (8) All other duties or responsibilities whereby the magistrate assistant is accountable to
33 the magistrate court clerk as determined by the magistrate.

34 (c) Magistrate assistants shall be paid at least twice per month by the state. The annual
35 salary of all magistrate assistants is ~~\$46,932. Beginning July 1, 2023, the annual salary of a~~
36 ~~magistrate assistant shall be \$49,232~~ shall be determined by a pay scale established by the
37 Administrative Director of the Supreme Court. Magistrate assistants may receive any general
38 salary increase granted to state employees, whose salaries are not set by statute, expressed as a
39 percentage increase or an across-the-board increase enacted after July 1, 2023.

§50-1-9a. Magistrate court deputy clerks; duties; salary.

1 (a) Whenever required by workload and upon the recommendation of the judge of the
2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court,
3 the Supreme Court of Appeals may provide by rule for the appointment of magistrate court deputy
4 clerks. The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or

4 the chief judge of the circuit court if there is more than one judge of the circuit court, to serve at his
5 or her will and pleasure under the immediate supervision of the magistrate court clerk.

6 (b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be
7 assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme
8 Court of Appeals, the judge of the circuit court, or the chief judge of the circuit court, if there is more
9 than one judge of the circuit court. Magistrate court deputy clerks may also exercise the power and
10 perform the duties of the magistrate court clerk as may be delegated or assigned by the magistrate
11 court clerk.

12 (c) A magistrate court deputy clerk may not be an immediate family member of any
13 magistrate, magistrate court clerk, magistrate assistant, or judge of the circuit court within the
14 same county; may not have been convicted of a felony or any misdemeanor involving moral
15 turpitude; and must reside in this state. For purposes of this subsection, "immediate family
16 member" means a mother, father, sister, brother, child, or spouse.

17 (d) Magistrate court deputy clerks shall be paid at least twice per month by the state. The
18 annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1, 2023, the annual
19 salary of a magistrate court deputy clerk shall be \$49,232 shall be determined by a pay scale
20 established by the Administrative Director of the Supreme Court. Magistrate court deputy clerks
21 may receive any general salary increase granted to state employees whose salaries are not set by
22 statute, expressed as a percentage increase or an across-the-board increase implemented after
23 July 1, 2023.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2A. FAMILY COURTS.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

1 (a) A family court judge is entitled to receive as compensation for his or her services an
2 annual salary of \$62,500: *Provided*, That beginning July 1, 2005, a family court judge is entitled to

3 receive as compensation for his or her services an annual salary of \$82,500: *Provided, however,*
4 That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: *Provided*
5 *further,* That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.

6 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
7 serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least
8 twice per month by the state. The annual salary of all secretary-clerks of the family court is
9 ~~\$42,576. Beginning July 1, 2023, the annual salary of a family court secretary clerk shall be~~
10 ~~\$44,876 shall be determined by a pay scale established by the Administrative Director of the~~
11 ~~Supreme Court.~~ Family court secretary-clerks may receive any general salary increase granted to
12 state employees, whose salaries are not set by statute, expressed as a percentage increase or an
13 across-the-board increase enacted after July 1, 2023.

14 (c) The family court judge may employ not more than one family case coordinator who
15 serves at his or her will and pleasure: *Provided,* That the Supreme Court of Appeals may authorize
16 additional family case coordinators if the workload of a circuit's family court requires extra staff
17 support. The annual salary of the family case coordinator of the family court judge ~~shall be~~
18 ~~established by the Administrative Director of the Supreme Court of Appeals but may not exceed~~
19 ~~\$54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not~~
20 ~~exceed \$56,876 shall be determined by a pay scale established by the Administrative Director of~~
21 ~~the Supreme Court.~~ Family court case coordinators may receive any general salary increase
22 granted to state employees, whose salaries are not set by statute, expressed as a percentage
23 increase or an across-the-board increase enacted after July 1, 2023. If more than one family case
24 coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that
25 circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as
26 needed for that circuit.

27 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
28 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a

29 bailiff is available when a family court judge determines the same is necessary for the orderly and
30 efficient conduct of the business of the family court.

31 (e) Disbursement of salaries for family court judges and members of their staffs are made
32 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
33 Appeals.

34 (f) Family court judges and members of their ~~staffs~~ staff are allowed their actual and
35 necessary expenses incurred in the performance of their duties. The expenses and compensation
36 will be determined and paid by the Director of the Administrative Office of the Supreme Court of
37 Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of
38 Appeals.

39 (g) The Supreme Court of Appeals is authorized to create additional classifications of
40 support staff that it deems necessary to adequately and efficiently staff the family courts of this
41 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
42 secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and
43 terminate, supervise, and assign job duties for these positions pursuant to its own employment
44 rules, policies, and procedures. The annual salary of additional support staff authorized by this
45 section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the
46 state on the same basis established for secretary-clerks as provided in this section.

NOTE: The purpose of this bill is to allow the Supreme Court of Appeals to create pay scales for judicial support staff. This change will encourage employee recruitment and retention efforts and provide more clarity and consistency in pay structure based on job duties and educational requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.