

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on October 31, 2019, the following order was made and entered:

RE: Provisional Adoption of and Request for Public Comment on Proposed Amendments to Rule 1C of the Administrative Rules for the Magistrate Courts of West Virginia, No. 19-Rules-16

On this day, the Court, on its own motion, proceeded to consider amendments to Rule 1C of the Administrative Rules for the Magistrate Courts of West Virginia. The Court is of the opinion that the proposed amendments should be provisionally adopted, subject to being published for a thirty-day period of public comment. Comments must be filed in writing with the Clerk of Court on or before **December 2, 2019**.

The proposed deletions are indicated by strikethrough, and the additions to the Rule are indicated by underscoring to read as follows:

Administrative Rules for the Magistrate Courts of West Virginia

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

All magistrate assistants must work a ~~40~~ 35 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~~ 35 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.

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A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court



