

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 24th day of April 2007, the following order was made and entered:

**IN RE: PROPOSED ADDITION TO THE ADMINISTRATIVE RULES FOR
 THE MAGISTRATE COURTS OF WEST VIRGINIA**

On the 5th day of April 2007 came the Court pursuant to the recommendations of the Director of Magistrate Court Services and proceeded to consider proposed amendments, adding a new Rule 13, to the Administrative Rules for the Magistrate Courts of West Virginia.

Upon consideration whereof, the Court is of opinion to and does hereby approve a period of public comment on the proposed addition to said rules to conclude on May 30, 2007, with comments to be filed with the Clerk of this Court. Deletions are indicated by strikethroughs and insertions are indicated by underscoring, to read as follows:

“Administrative Rules for the Magistrate Courts of West Virginia

Rule 13. Magistrate Court Satellite Standard

(a) The primary responsibility for recommending the location of satellite offices lies with the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court. However, any such satellite location must be approved by the Administrative Director.

(b) All satellite offices shall comply with the following:

(1) The satellite office shall be appointed and maintained in a manner that reflects the majesty and dignity of the law.

(2) The satellite office shall be organized so as to convey the dignity of the office as well as to provide efficient working space for all magistrates and assistants.

(3) Each magistrate shall have an individual office. The office shall be located in some central or outlying facility within the county, and the office shall have a minimum of one hundred square feet.

(4) Each magistrate assistant shall have an individual office located adjacent to the magistrate with a minimum of eighty square feet.

(5) There shall be at least one central magistrate courtroom that is a minimum of three hundred square feet as well as a conference room suitable for use by deliberating jurors or witnesses awaiting trial.

(6) There shall be at least one area designated as a waiting area.

(7) The courtroom and all offices must be suitably located for convenient access for members of the public. Furthermore, all requirements of the Americans with Disabilities Act must be met.

(8) The satellite office must provide for adequate and convenient lavatories.

(9) The satellite office must be equipped with a working heating and cooling system.

(10) The satellite office shall not be located within 35 miles of the primary magistrate court facility.

(11) The satellite office shall be equipped with at least two of the following security features:

(A) Panic buttons

(B) Security cameras and monitors

(C) Magnetometer

(D) Bailiffs, whenever needed

(12) The satellite office shall be capable of being technologically compatible.

(13) Preference for the location of satellite offices shall be done in accordance with the following schedule:

(A) A county-owned building, assuming that the building is otherwise safe, convenient, and affordable, and that it meets the standards designated herein,

(B) A public or quasi-public building, such as a municipal building or senior citizen's center,

(C) Privately owned building, but only if a public or quasi-public building cannot be used.

(c) Either a judge of the circuit court or the chief judge thereof, if there is more than one judge of the circuit court, or the Administrative Director - at the written request of a circuit court judge, a county commission, or a magistrate - shall close, upon an examination of such office, any satellite office that fails to meet two or more of the standards listed under Section (b)."

A True Copy

Attest: _____
Deputy Clerk, Supreme Court of Appeals