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# Mullins wants 5th court seat

## Says work warrants extra magistrate

**BY BRANDY BRUBAKER**

The Dominion Post

Monongalia County Magistrate Court has a higher caseload than surrounding counties, but it has a disproportionate number of magistrates, county magistrates said.

The county's magistrates say they need a fifth magistrate to keep up with a steadily increasing number of cases.

Monongalia County Chief Magistrate Hershel Mullins said the number of magistrates in the county has been an issue for several years.

"If you look at the numbers across the state, more are needed," he said.

Monongalia County has had four magistrates since 2000. Currently, those are Mullins, Daris Summers, Jim Nabors and Sandy Holepit.

Summers said the magistrates handled about 5,118 cases — 4,413 misdemeanors and 705 felonies — in 2010. In 2009, the county had 4,221 cases — 3,597 misdemeanors and 624 felonies, according to a report in *The Dominion Post*.

In addition, Monongalia County Magistrate Court handled 2,485 civil cases in 2010, and though he didn't have numbers for 2009, Mullins said the number of civil cases is up about 25 percent.

Each county must have at least two magistrates by state law, Mullins said, but some counties

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have as many as or more than Monongalia County even though their populations and caseloads are smaller.

"Marion County has four magistrates and does about half of what we do," Mullins said. "Harrison County has five and they do less than we do."

Harrison County, with a population of 68,911, according to 2009 census information, had 3,182 misdemeanor cases, 724 felony cases and 1,944 civil cases in 2010, a court clerk said.

Marion County, with a population of 56,706, handled 2,125 misdemeanor cases, 625 felony cases and 1,379 civil cases in 2010, a court clerk said.

Nearby Preston County, with a population of 30,247, handled 1,028 misdemeanor cases, 141 felony cases and 775 civil cases in 2010, a clerk said. Preston County has three magistrates.

Mullins said the state's allocated 158 magistrates used to be reassigned based on a formula that took into account increases in caseload and population. Leg-

islators stopped using that formula several years ago and decided the number of magistrates a county has could only be changed by passing legislation, Mullins said.

Summers said Monongalia County had five magistrates in 1996, but went to four in 2000 and has kept that number since.

"It's been 10 years overdue," he said.

In the same time period, one circuit judge position and one family court judge position were added, bringing the tallies in those courts to three and two, respectively, Summers said.

State Delegate Barbara Evans Fleischauer, D-Monongalia, said she is aware of the tough caseloads Monongalia County magistrates have.

"We are one of the few counties that have a fast-growing population," she said. "Our magistrates have an increasing workload."

She said a bill is being drafted to add a fifth magistrate in Monongalia County, but she fears other counties will be tacked onto the bill and it will ultimately fail, as has happened in the past.

State Sen. Bob Beach, D-Monongalia, said the state senate is trying to pass a bill that would add another magistrate clerk to help keep up with Monongalia County's paperwork load, which is also increasing.

Beach said he would like to hear suggestions on how to best set up a new magistrate distribution formula.

Summers and Mullins agree that a new clerk would be a great help, as the clerks currently in the office have too much work to do. If a fifth magistrate was added, office space is already available, but the magistrates would like to find space to add a third courtroom.

According to state code, a magistrate's salary is set by the population of the county he serves. Those who serve counties with populations less than 8,400 are paid an annual salary of \$43,625. Those who serve larger counties are paid \$50,000 a year.

The following information is according to county clerks and 2009 census information:

■ Cabell County, with a population of 95,214, has seven magistrates. In 2010,

it had 5,879 misdemeanor cases, 1,517 felony cases and 2,650 civil cases.

■ Berkeley County has five magistrates and a population of 103,854. In 2010, it had 6,949 misdemeanor cases, 2,197 felony cases and 6,805 civil cases.

■ Mercer County has five magistrates and a population of 61,921. In 2010, it had 4,339 misdemeanor cases, 2,513 felony cases and 3,517 civil cases.

■ Raleigh County has five magistrates and a population of 79,187. In 2010, it handled 6,223 misdemeanor cases, 1,862 felony cases and 1,650 civil cases.

■ Wood County has four magistrates and a population of 86,888. In 2010, it handled 4,087 misdemeanor cases, 568 felony cases and 2,281 civil cases.

■ Fayette County has four magistrates and a population of 46,123. In 2010, it had 2,195 misdemeanor cases, 1,119 felony cases and 824 civil cases.

■ Ohio County has four magistrates and a population of 44,015. In 2010, it had 2,360 misdemeanor cases, 372 felony cases and 755 civil cases.