Dedication to Judge Arthur Recht

Blair Wessels
West Virginia University College of Law

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Dedication to Judge Arthur Recht

The editors and staff-members of Volume 121 of the West Virginia Law Review dedicate this Issue to Judge Arthur Recht, who passed away on October 28, 2018. Described as a “legal giant” by Chief Justice Margaret Workman, Judge Recht served as a Justice on the Supreme Court of Appeals of West Virginia in addition to nearly two decades of service on the First Judicial Circuit.

Judge Recht grew up in Wheeling, West Virginia. He received his undergraduate degree from the University of Pittsburgh in 1959 and his law degree from the West Virginia University in 1962. After graduation, he went on active duty in the United States Army for a period of six months before beginning his legal career. In 1981, Judge Recht was appointed to the First Judicial Circuit where he served until returning to private practice in 1983. Judge Recht returned to the bench in 1995 when then-Governor Caperton appointed Judge Recht to the Supreme Court of Appeals of West Virginia to fill an unexpired term vacancy. After serving on the Supreme Court of Appeals, Judge Recht was once again appointed to the First Judicial Circuit in 1996, and he was elected to serve the First Circuit in 1998, 2000, and 2008.

Judge Recht is most famous for his landmark 1982 opinion in Pauley v. Bailey—more commonly known as “The Recht Decision.” Following the Supreme Court of Appeals’ decision in Pauley v. Kelly, in which the Court held that education is a constitutional right guaranteed by the West Virginia Constitution, Judge Recht was charged with determining whether West Virginia’s schools were meeting their constitutional obligations. In his 244-page opinion, Judge Recht concluded that West Virginia’s schools failed to meet the constitutional standard of a “thorough and efficient” education. Judge Recht ordered a wide range of changes to West Virginia’s schools, including setting the minimum standard of what constitutes an appropriately sized classroom and the amount of time students should spend on certain subjects. Although the opinion was incredibly detailed, the goal of the opinion was simple: to improve public education in West Virginia so that every child receives a quality education, no matter the child’s financial situation.

For his work on educational equality, in 1982, the Charleston Gazette named Judge Recht West Virginian of the Year and later profiled him as one of the fifty most influential West Virginians of the 20th century. In 2008, Judge Recht received the Judge of the Year Award from the West Virginia Association of Justice.

Judge Recht officially retired from the bench in 2012. Over his distinguished career, Judge Recht earned the respect of colleagues and the community. Perhaps best stated by Justice Workman, “He left an indelible mark on our state by the standards he shaped in public education for West Virginia children. Serving on the Supreme Court with him was a personal and professional pleasure.”

It is our privilege to dedicate this Issue to Judge Arthur Recht.

Blair Wessels  
Editor-in-Chief  
West Virginia Law Review, Volume 121

2  Id.