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TOP STORY

'Deeply respected': As 100th birthday nears, Judge Copenhaver still wields gavel

By Rick Steelhammer rsteelhammer@hdmediallc.com
Sep 26, 2025

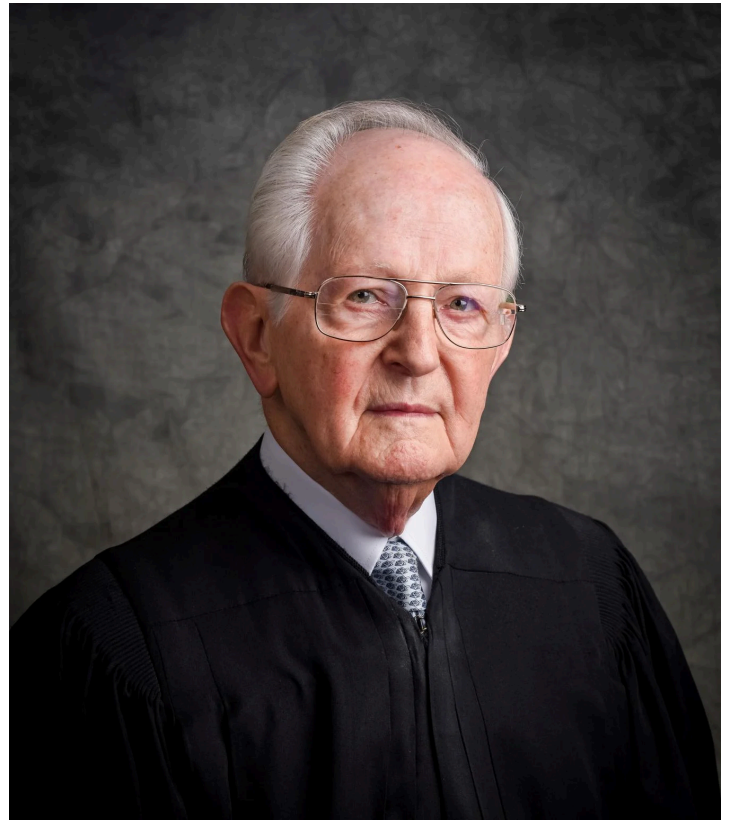
						
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Born in Charleston when Calvin Coolidge was president, he served in the Army during World War II, graduated from West Virginia University College of Law in 1950, was named a federal bankruptcy referee in 1958, and appointed a U.S. District Court judge by President Gerald Ford in 1976.

On Monday, Judge John T. Copenhaver Jr., the publicity-shy son of a flamboyant former Charleston mayor, will celebrate his 100th birthday during his 67th year with the federal judiciary — a term unequaled by any active federal judge.



On Tuesday, Copenhaver will return to work as usual as a senior status U.S. District Judge for the Southern District of West Virginia. The court calendar shows that he has two hearings scheduled before him in early October. Copenhaver opted to become a senior status judge in 2018, allowing an active-status judge to be appointed to assume his former position while he continues to work with what is normally — but not always — a reduced caseload.



This is an undated contributed photo of Senior U.S. District Judge John T. Copenhaver Jr.

Courtesy photo

"While he's been on senior status for several years, it does not seem that he has significantly reduced his caseload or the number of hours spent in the office," said U.S. District Judge Chuck Chambers.

"He continues to work for the American people every day — I invariably see his car in the [courthouse] garage as I'm leaving," said another colleague, U.S. District Judge Joseph R. Goodwin.



Three law clerks are assigned to assist Copenhaver in handling his caseload, which in recent years has included the Courtland Company's civil suit against Union Carbide over pollution from Carbide's Filmont Landfill in South Charleston, for which Copenhaver in 2013 wrote a 416-page opinion. It was the longest on record for the Southern District of West Virginia.

"It's certainly a noteworthy achievement to reach the sort of magical age that he has," said Chambers. "But to do it while working as hard and effectively as he is, is amazing."

From Army Sergeant to law student

Copenhaver, who grew up on Charleston's West Side, graduated from Kentucky Military Institute at age 16 in 1942, and earned a bachelor's degree from West Virginia University five years later, after spending most of 1944-1946 with the U.S. Army's Americal Division in the Pacific Theater.

After seeing action during the Philippine Campaign and rising to the rank of sergeant, Copenhaver was honorably discharged from the Army and returned to WVU, where he completed work on his bachelor's degree, and by 1950, earned his law degree.

His first job after being admitted to the bar was serving as law clerk for U.S. District Judge Benjamin Franklin Moore, then a 20-year veteran of the Southern District of West Virginia's bench. In the spring of 1951, at about the same time his father — Charleston attorney John T. Copenhaver Sr. — was elected to his first of three terms as Charleston mayor, Copenhaver entered the private practice of law in Charleston.



While his father, as mayor, would earn the nickname "Jumping John" Copenhaver for his flamboyant, attention-attracting leadership style, the young lawyer presented a polar-opposite persona of soft-spoken, humble, gentlemanliness that has endured throughout his career.

Uncomfortable with the idea of drawing attention to himself, Copenhaver politely declined a request to be interviewed for this story. He also discouraged staff and colleagues from hosting a workplace 100th birthday observance in his honor.

"He has one of the sharpest wits and the warmest manners of any judge I know," said Goodwin. "But he is also a very private person."

While practicing law in Charleston in the early 1950s, he became active in civic affairs, serving as president of the Legal Aid Society of Charleston, the city's municipal planning commission, and the West Virginia Housing Development Fund.

In 1958, Copenhaver was appointed to the board of the newly created Maier Foundation, a private, nonprofit, charitable corporation for the furtherance of higher education in West Virginia. He is now the foundation's longest-serving member.

Also in 1958, Copenhaver was named a referee in Bankruptcy for the Southern District of West Virginia, a job title that was later changed to bankruptcy judge. He quickly became a national expert in the field.



In the early to mid-1970s, Copenhaver served as president of the National Conference of Bankruptcy Judges, Chairman of the American Bar Association's Consumer Bankruptcy Committee, and was the subject of a three-page People Magazine article that explained the U.S. bankruptcy system to the public.

At the same time, Copenhaver traveled weekly to Morgantown for six years to teach a class in creditor's rights as an adjunct professor of law at WVU.





This is a 1980 contributed photo U.S. District Judge John T. Copenhaver Jr.

Courtesy photo

On Aug. 26, 1976, President Gerald Ford nominated Copenhaver to a vacancy on the U.S. District Court created by Judge K.K. Hall's elevation to a seat on the U.S. Court of Appeals for the 4th Circuit.

'Pot plane case' among high-profile trials

Among the high-profile trials over which Copenhaver officiated as a U.S. District Judge was the 1980 "pot plane case," involving defendants charged with playing roles in the crash landing of a DC-6 cargo plane carrying 10 tons of marijuana at Yeager Airport.

The trial had initially been assigned to U.S. District Judge Dennis Knapp, who was hospitalized for a heart condition after several weeks of proceedings. Copenhaver, who was then assigned the case, had to familiarize himself with a lengthy trial record, then decide a mistrial was not called for before stepping in.

"The trial had been chaotic, partly because so many defense attorneys were involved," recalled Rosalie Earle, who covered the proceedings for The Charleston Gazette. "But after Judge Copenhaver took over, everything became efficient and smooth. He was always prepared and very thorough. He treated everyone with respect and courtesy, but he didn't suffer fools. He also has a sense of humor, but he doesn't like to share it in the courtroom."

Copenhaver also officiated at what the New York Times described as "the longest federal court proceeding in West Virginia history," the 10-month-long Monsanto Dioxin trial in 1984-85. The trial involved seven retired employees of the Nitro chemical plant who maintained they encountered lingering medical problems after long-term exposure to dioxin while working there.





Senior U.S. District Judge John T. Copenhaver Jr. is shown in this contributed photo dedicating the John W. Fisher II Courtroom at the WVU Law School during Dean Emeritus John Fisher's retirement celebration in May 2014.

Courtesy photo

The pot plane and Monsanto trials accounted for two of four cases handled by Copenhaver to be reviewed by the U.S. Supreme Court. His rulings were affirmed by the high court in three of those instances, while the fourth, which involved a charge of extortion and a tax law violation by a state legislator, was ultimately reversed by the Supreme Court after initially being affirmed by the U.S. Court of Appeals for the Fourth Circuit.

'Meticulous, thorough, deeply respected'

Of the hundreds of published opinions Copenhaver has produced over the course of his judicial career, fewer than 2% of them have been modified by appeals courts.

Goodwin said one of the benefits of appearing before Copenhaver as a trial lawyer, as he has done numerous times before becoming a judge, "is that you could always count on, no matter the outcome of the trial, that it wouldn't be reversed."

Goodwin described Copenhaver as "meticulous, thorough and deeply respected not only by the bar but by his colleagues here and throughout the country. . . It has been one of the great privileges of my career to serve alongside Judge Copenhaver for more than 30 years," Goodwin said.



"Being 100 years old is not the most important aspect of his judicial service," said Chambers, who, like Goodwin, also appeared before Copenhaver as a trial lawyer before being appointed to the federal bench.

"What's more important is the quality of the judging he has done over the course of his career," Chambers said. "When it comes to making a decision, he's exceptionally thorough, and when dealing with parties and lawyers during trials, he's consistently fair. Getting to know him as a judge and a private person has been a privilege. He has one of the sharpest wits and warmest manners of any judge I know."

In 2003, the Maier Foundation established the Judge John T. Copenhaver Jr. Chair of Law at the WVU College of Law, in recognition Copenhaver's achievements in the courtroom and the classroom.

In 1959, after Copenhaver's father, John T. Copenhaver Sr., died several months after beginning his third term as Charleston mayor, his mother, Ruth, was appointed to fill a vacancy on Charleston City Council. She was later elected to multiple terms, serving as an at-large councilor for 16 years and eight years as council president.

Copenhaver and his late wife, Camille, are the parents of three sons, John III, Jim and Brent.

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