

STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on May 9, 2018, the following order was made and entered:

**RE: Adoption of Proposed Amendments to Rule 38 of the Rules of Appellate Procedure (Addressing the placement of citations in a document)
18-Rules-02**

On March 14, 2018, upon the Court's own motion, the Court published for comment a proposed amendment to Rule 38 of the Rules of Appellate Procedure regarding the placement of citations in documents filed with the Court. Comments were received from Ancil G. Ramey, Esq., The Honorable Richard Neely, Carte P. Goodwin, Esq., and Matthew Brummond, Esq. in support of the proposed amendment. The Court expresses its gratitude to those for the time taken to file the Comments.

Upon consideration and review of the proposed amendment, together with the comments filed, the Court is of the opinion to and does hereby adopt the following rule amendment, effective immediately. Insertions to the rule are indicated by underscoring and deletions to the rule are indicated by strikethrough to read as follows:

Rules of Appellate Procedure

* * *

Rule 38. General rule on form and filing of documents

(d) *Citations of authority.* Citations of authority shall be made either in the body of a document or in footnoted form, ~~except citation in a footnote is permissible only if more than five authorities are cited together.~~ Citation to an opinion of this Court must use the full parallel citation and may indicate if the opinion is *per curiam*, e.g. *Fauble v. Nationwide Mutual Fire Ins. Co.*, 222 W. Va. 365, 664 S.E.2d 706 (2008)(*per curiam*).

* * *

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

