

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on June 15, 2020, the following order was made and entered:

### **RE: REQUEST FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE WEST VIRGINIA RULES OF APPELLATE PROCEDURE**

On this day came the Court and proceeded to consider proposed amendments to the West Virginia Rules of Appellate Procedure. The Court has jurisdiction pursuant to Article VIII, §§ 1 and 3 of the West Virginia Constitution.

Upon review, the Court is of the opinion that the proposed amendments should be published for comment for a period of thirty days. Comments must be filed in writing with the Clerk of the Court on or before July 15, 2020.

The proposed amendments are set forth below. The proposed additions are indicated by underscoring; proposed deletions are indicated by strike-through.

#### **Rule 38. General rule on form and filing of documents.**

\* \* \*

(e) ~~Fa~~Electronic mail filing. ~~In accordance with Rule 12 of the West Virginia Trial Court Rules, the~~ The Clerk may permit certain filings required under these Rules to be made by ~~fa~~electronic mail delivered to [address to be entered]. Even with the consent of the Clerk, documents ~~necessary to docket or perfect an action before the Court~~ may not be filed by ~~fa~~electronic mail unless accompanied by a motion for leave to file by ~~fa~~electronic mail, setting forth good cause. ~~In extraordinary circumstances, the Clerk may provide prior consent to exceed the twenty page limit for fa~~an electronic mail filings set forth in ~~Trial Court Rule 12.03(e)~~. If a ~~fa~~an electronic mail filing is accepted by the Clerk, ~~the Clerk will provide by return fa~~the Clerk will provide by return ~~fa~~a notice of acceptance, and a statement of the photocopying charges that apply under Trial Court Rule 12.03(1). If a ~~fa~~an electronic mail filing is accepted by the Clerk, the filing of the original and the number of copies set forth elsewhere in this Rule shall not be required unless ordered by the Court or directed by the Clerk.

A True Copy

Attest: /s/Edythe Nash Gaiser  
Clerk of Court

