



## Supreme Court of Appeals State of West Virginia

# News

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### Supreme Court to hold argument docket at College of Law, decide moot court competition

For immediate release Thursday, March 4, 2010

**MORGANTOWN, W.Va.** – The Supreme Court of Appeals of West Virginia will hear arguments in five cases and judge the annual George C. Baker Cup moot court competition on Tuesday, March 9, at the West Virginia University College of Law in Morgantown.

The justices will hear arguments beginning at 10 a.m. in the Marlyn E. Lugar Courtroom at the College of Law. They will judge the moot court competition beginning at 1:30 p.m. at the same location. Both events are open to the public.

This will be the Court's twentieth visit to the College of Law. Chief Justice Robin Jean Davis, Justice Margaret Workman, Justice Menis Ketchum, and Justice Thomas McHugh are graduates of the College of Law. Justice Brent Benjamin has undergraduate and law degrees from The Ohio State University.

The cases the Court will hear are

**Barbara K. Mott v. Frank P. Kirby, Sr., LLC, Frank Kirby and Frank Kirby, Jr., – No. 34947.** Defendants appeal from the circuit court's order entered in favor of plaintiff in this action to partition real estate following a bench trial. Defendants assert the circuit court committed clear error and abused its discretion in the entry of its final order.

**State of West Virginia v. Kevin B. Payne, No. 34889.** Defendant, convicted of two counts of Second Degree Sexual Assault, one count of First Degree Sexual Abuse, and one count of Third Degree Sexual Abuse by a jury, appeals a circuit court order sentencing him to serve consecutively two terms of ten to twenty-five years, one term of one to five years in prison, and ninety days in jail.

**Debbie L. Ullom v. Joseph Cicchirillo, Commissioner, West Virginia Division of Motor Vehicles, – No. 34864.** The Division of Motor Vehicles Commissioner appeals the circuit court's order which reversed the Commissioner's revocation of respondent's driver's license for six months for Driving Under the Influence.

(MORE)

**State of West Virginia v. William Georgius, III**, - No. 34807 - Petitioner, William Georgius, III, appeals from a July 1, 2008, Order of the Berkeley County Circuit Court denying petitioner's Motion for Reconsideration of Sentence. On appeal, petitioner states that the lower court failed to properly apply the law as set forth in State v. Arbaugh.

**Eric Carper v. Chad Watson and Burkharts, Inc.**, - No. 34750 - Plaintiff appeals circuit court order granting costs to Defendants pursuant to WVRCP 68 (1) (c) offer of judgment.

Documents related to the cases can be downloaded from the Supreme Court's Web site at [http://www.state.wv.us/wvsca/calendar/march9\\_10ad.htm](http://www.state.wv.us/wvsca/calendar/march9_10ad.htm)

In the Baker cup competition, the justices will rule on the appellate advocacy skills of two second-year law students. Since 1982, the competition has been open to all second-year students, who must write an appellate brief and present oral arguments on both sides of the issue. Two finalists argue in front of the justices.

In 1926, George Coleman Baker, a graduate of the class of 1886, presented a silver-plated loving cup to the College of Law. The purpose was to promote excellence in appellate advocacy. The cup was awarded each year to the club court winning the interclub competition. The club court teams eventually disbanded.

In 1968, then-Dean Paul Selby discovered the silver cup in the basement of the old law school and reinstated the competition. In 1980, the Baker Cup Endowment was created to provide cash prizes and commemorative plaques for winners.

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