



Supreme Court of Appeals State of West Virginia

News

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Business Court Committee agrees on mission, schedules public forum

For immediate release Thursday, October 28, 2010

CHARLESTON, W.Va. – The Business Court Committee established by the West Virginia Supreme Court of Appeals met by conference call today and passed a resolution setting its mission, comprehensive plan and vision.

The committee also voted to hold a public forum at 10 a.m. on November 12 in the House of Delegates Chamber. Judge Ben F. Tennille, Chief Special Superior Court Judge for Complex Business Cases in North Carolina, will speak at the forum. Judge Tennille created the nation's first statewide business court after he took his position in January 1996.

The Supreme Court of West Virginia established the Business Court Committee in its administrative conference in June in response to House Bill 4352, which the Legislature passed March 11. The committee is charged with evaluating business court legislation. Members of the committee are

- **Circuit Judge Darrell Pratt of the Twenty-Fourth Judicial Circuit (Wayne County), Chairman of the Committee**
- **Circuit Judge Donald Cookman of the Twenty-Second Judicial Circuit (Hampshire, Hardy and Pendleton Counties)**
- **Circuit Judge Rudolph J. Murensky, II of the Eight Judicial Circuit (McDowell County)**
- **Circuit Judge James J. Rowe of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties)**
- **Circuit Judge Susan B. Tucker of the Seventeenth Judicial Circuit (Monongalia County)**
- **Circuit Judge Christopher Wilkes of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)**

The committee has had two brief organizational meetings. The mission statement that was approved today follows.

West Virginia Supreme Court of Appeals Business Court Committee

RESOLUTION

HISTORY

On March 11, 2010, the West Virginia Legislature passed Enrolled Committee Substitute for House Bill No. 4352. This legislation encouraged the West Virginia Supreme Court of Appeals to designate a business court division within certain circuit court jurisdictions. At its June Administrative Conference, the West Virginia Supreme Court of Appeals created a Business Court Committee the purpose of which is the evaluation of business court legislation. The Court named the Honorable Darrell Pratt (24th Judicial Circuit) as Chairman of the committee, and the Honorable Donald Cookman (22nd Judicial Circuit) , the Honorable Rudolph J. Murensky, II (8th Judicial Circuit), the Honorable James J. Rowe (11th Judicial Circuit), the Honorable Susan B. Tucker (17th Judicial Circuit), the Honorable Christopher C. Wilkes (23rd Judicial Circuit) as members of the committee.

MISSION

To explore the feasibility of establishing a specialized court function devoted exclusively to the resolution of commercial disputes, as well as its advantages, disadvantages and parameters.

A business court function in this state would likely be assigned to handle the following matters:

- 1) Actions relating to disputes arising from the internal affairs of businesses;
- 2) Actions claiming breach of contract or fraud arising out of business dealings;
- 3) Actions involving shareholder derivative lawsuits and commercial class actions;
- 4) Actions arising out of commercial bank transactions;
- 5) Actions relating to trade secrets and confidentiality agreements;
- 6) Business tort actions, including unfair competition claims;
- 7) Commercial real property disputes (excluding landlord/tenant disputes);
- 8) Intellectual property disputes between businesses;
- 9) Technology and internet disputes between commercial entities; and
- 10) Any other action determined to be appropriate by the Business Court Committee.

COMPREHENSIVE PLAN

- 1) Solicit input from both the business and legal communities;
- 2) Conduct a review of the experience of other states in creating and implementing business court functions;
- 3) Study the benefits, costs, and potential impact, both positive and negative, of a business court function;
- 4) Establish criteria for the type of matters to be assigned to a business court function, the jurisdictional monetary limits for such cases, and the appropriate rules and procedures to be utilized;

- 5) Establish a case management plan for the prompt and efficient scheduling and disposition of matters assigned to the business court;
- 6) Prepare and present to the West Virginia Supreme Court of Appeals a report of the Business Court Committee's findings and recommendations; and
- 7) Create rules and guidelines for alternative dispute resolution.

VISION

Cases in West Virginia involving business related issues are currently being handled fairly, effectively and expeditiously. However, there always exists room for improvement in any case resolution system. Business related cases and issues are often complex in nature and, as a result, it is worthwhile to consider a dispute resolution approach that is specifically tailored to such cases and such issues. Needless to say, improvements in the operation of any branch of our government, be it executive, legislative or judicial, serve to benefit all citizens of the state of West Virginia.

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Note: Supreme Court press releases now are available on Twitter at wvcourts. Press releases will continue to be posted on the Court website, however the listserve will be discontinued on January 1, 2011.