



## Supreme Court of Appeals State of West Virginia

# News

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### **Supreme Court to hear cases at WVU law school, judge Baker Cup competition For immediate release Tuesday, March 1, 2011**

**MORGANTOWN, W.Va.** – The Supreme Court of Appeals of West Virginia will hold oral argument in three cases on a Rule 20 Argument Docket and judge the annual George C. Baker Cup moot court competition on Tuesday, March 8, at the West Virginia University College of Law in Morgantown.

This will be the Supreme Court's twenty-first visit to the College of Law, but the first visit since the Court adopted Revised Rules of Appellate Procedure. The Revised Rules give West Virginians an appeal of right instead of an appeal by permission and provide an effective method of providing a full review and decision on the merits in all properly prepared and filed appeals. Rule 20 of the Revised Rules of Appellate Procedure outlines the types of cases selected for such argument, as well as the protocol. The Revised Rules are available through a link on the Supreme Court website at <http://www.state.wv.us/wvsca/rules/appellate-revisions.htm>.

The Rule 20 Argument Docket will begin at 10 a.m. in the Marlyn E. Lugar Courtroom at the College of Law. The Justices will judge the moot court competition beginning at 1:30 p.m. at the same location. Both events are open to the public.

Since 1982, the Baker Cup competition has been open to all second-year students. Competitors write an appellate brief and present oral arguments on both sides of an issue. Two finalists argue in front of the Justices.

In 1926, George Coleman Baker, an 1886 graduate, presented a silver-plated loving cup to the College of Law to promote excellence in appellate advocacy. The cup was awarded each year to those 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, an endowment was created to provide cash prizes and plaques for winners.

Chief Justice Margaret L. Workman, Justice Robin Jean Davis, Justice Menis E. Ketchum, and Justice Thomas E. McHugh are graduates of the College of Law. Justice Brent D. Benjamin has undergraduate and law degrees from The Ohio State University.

"The day the Court spends at the law school each year is always something I look forward to," Chief Justice Workman said. "It is interesting to see how much attention the students pay to the cases we hear, and it makes me remember my days as a law student. The caliber of argument in the Baker Cup competition is always impressive."

The Court will hear the following Rule 20 Argument Docket cases. Documents related to the cases can be downloaded from the Supreme Court website at [http://www.state.wv.us/wvsca/calendar/march8\\_11ad.htm](http://www.state.wv.us/wvsca/calendar/march8_11ad.htm)

**James D. MacDonald v. City Hospital Inc. and Sayeed Ahmed, M.D., No. 35543** - Plaintiffs in a medical professional liability action are appealing a Berkeley County Circuit Court order denying post-trial motions, arguing issues dealing with the constitutionality of the cap on noneconomic damages found at W.Va. Code § 55-7B-8. Justices Ketchum and McHugh are disqualified. Fifth Judicial Circuit Judge Thomas C. Judge Evans, III, (Calhoun, Jackson, Mason and Roane Counties) and First Judicial Circuit Judge Ronald E. Wilson (Brooke, Hancock, and Ohio Counties) are sitting by temporary assignment.

**State v. Stanley Myers, No. 35672** - Defendant Stanley Myers appeals from a Berkeley County Circuit Court order granting the state's motion to determine him a sexually violent predator. Defendant asserts that the state and the circuit court lacked the authority to re-open his old criminal case for such a purpose. Defendant seeks to have the circuit court's order voided or vacated.

**James and Marlaine Adkins v. Erie Insurance Company, No. 35676** - James and Marlaine Adkins appeal a Cabell County Circuit Court order granting summary judgment in favor of Erie Insurance Company in a declaratory judgment action. They assert, *inter alia*, that the court erred in granting Rule 60 relief from a prior summary judgment order in their favor, and that they are entitled make a claim for a separate per person policy limit for their payment of their minor child's medical expenses.

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