



Supreme Court of Appeals State of West Virginia

News

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Business Court Division headquarters to be in Martinsburg

For immediate release Monday, September 17, 2012

MARTINSBURG, W.Va. – The West Virginia Business Court Division headquarters will be housed in the Berkeley County Judicial Center, 380 W. South St., Martinsburg.

The grand opening will be announced in a public ceremony at 5:30 p.m. on Wednesday, October 10, the date the new division begins operation. Supreme Court Administrative Director Steve Canterbury will emcee the event.

The formation of the Business Court Division was announced September 11. Generally, Rule 29 of the Trial Court Rules will govern and expedite litigation between businesses. The division is designed to operate much like West Virginia's Mass Litigation Panel.

"The Eastern Panhandle is a growing area with a diverse population of citizens and businesses," said Justice Robin Jean Davis, who was designated by the Supreme Court to lead the effort to write the Business Court Rule.

Berkeley County is the second most-populous county in West Virginia, and the Twenty-Third Judicial Circuit – which includes Berkeley, Jefferson, and Morgan Counties – is the second-most populous circuit in the state.

"Locating the Business Court Division here just makes sense," Justice Davis said. "The Division has statewide jurisdiction, but it should be headquartered in an area of the state which is attracting business development."

The choice of location made sense, too, because Twenty-Third Judicial Circuit Judge Christopher Wilkes is Chairman of the Business Court Division.

Also, the Berkeley County Judicial Center is a modern court facility in which space recently became available. The area that once held the circuit's law library is being remodeled to house the Business Court Division.

The former law librarian will be the staff employee of the Business Court Division. Judge Wilkes' administrative assistant also is a paralegal and will take on additional Business Court duties. Like the Business Court judges, she will receive no extra pay for her extra work.

"We are trying to save additional taxpayer money," Justice Davis said.

“The video conferencing technology the Business Court Division will use will make the state smaller in regard to hearings and conferences. Although the headquarters will be in the Eastern Panhandle, we can hold virtual conferences throughout West Virginia with no costs,” Judge Wilkes said.

The other judges in the Business Court Division are Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties) Judge James Rowe and Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties) Judge Donald Cookman. Like Wilkes’ term, their terms will begin on October 10. On January 1, 2013, Twenty-Fourth Judicial Circuit (Wayne County) Judge James Young, Jr., will join them.

The Business Court Division can have up to seven judges with seven-year staggered terms. Judges can serve successive terms. The other three judges will be added as needed. These judges will serve on the Business Court in addition to their other duties, with no additional pay.

The Business Court Division will serve as a specialized court docket within circuit courts, in seven specific regions. The regions are described in the rule itself and a map that is in the rule.

Cases can be referred to the Business Court Division by the Chief Justice. Also, any party or judge may file a motion to refer a case to the Business Court Division.

Once a case is assigned to the Business Court Division, the Division Chairman will, with the advice and consent of the other division judges, assign one of the division judges as the Presiding Judge in the case. If the Presiding Judge does not sit in the county where the case is pending, the Presiding Judge may be authorized to preside over the case in any county in that region, or in any circuit to which the case is transferred consistent with the division’s case management methods.

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