



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: www.courtsvw.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Flickr: www.flickr.com/photos/courtsvw/
Email: Jennifer.Bundy@courtsvw.gov
Email: April.Harless@courtsvw.gov

Supreme Court to hear cases at WVU College of Law, moot court competition to be in Charleston

For immediate release

MORGANTOWN, W.Va. – The Supreme Court of Appeals of West Virginia will hear four cases on a Rule 20 Argument Docket and one on a Rule 19 Argument Docket on Wednesday, March 4, at the West Virginia University College of Law in Morgantown.

The justices will hear arguments from 10 a.m. to noon in the Marlyn E. Lugar Courtroom at the College of Law.

The event is free and open to the public and will be webcast on the West Virginia Judiciary site, www.courtsvw.gov.

The Court hears an argument docket at the law school once each spring, and in the past the Court has judged the Baker Cup Moot Court finals the same day. Last year the Court's trip to Morgantown was cancelled due to weather and the Baker Cup finalists later traveled to Charleston for the competition, which was held in the Supreme Court Chamber.

At the request of the law school's moot court, the competition finals will be held in the Supreme Court Chamber in Charleston again this year. The Justices will judge the Baker Cup finals at 1:30 p.m. on Tuesday, March 10, after the Court hears Rule 20 and Rule 19 Argument Dockets that day.

In 1926, graduate George Coleman Baker presented a silver-plated loving cup to the West Virginia University College of Law, according to the school. The purpose of the cup was to promote excellence in appellate advocacy. The competition eventually ended but was revived in 1968, and since 1982 it has been open to all second-year students. The Baker Cup Competition requires each student entrant to write an appellate brief and to present oral arguments on both sides of the issue. Two finalists argue before the Justices.

Chief Justice Margaret Workman, Justice Robin Jean Davis, and Justice Menis Ketchum are graduates of the College of Law. Justice Brent D. Benjamin has undergraduate and law degrees from The Ohio State University. Justice Allen H. Loughry II has law degrees from The American University, Washington College of Law (two degrees); the University of London; Capital University School of Law; and studied law at the University of Oxford.

The Court will hear the following cases in Morgantown. Documents in the cases can be accessed through links on the West Virginia Judiciary website at <http://www.courtsvw.gov/supreme-court/calendar/2015/dockets/march-4-15ad.html>.

Rule 20 argument

SER Ralph A. Lorenzetti, Jr., Prosecuting Attorney v. Honorable David H. Sanders, Judge; and Elizabeth Shanton, No. 14-0904 - The prosecutor seeks a writ of prohibition challenging a circuit court order dismissing 53 of 54 counts of an indictment charging Elizabeth Shanton with 53 counts of fraudulent or unauthorized use of a State Purchasing Card and one count of fraudulent schemes.

Gary W. Rich v. Joseph Simoni, et al., No. 14-0998 - Question certified by U.S. District Court Judge Irene M. Keeley, of the Northern District of West Virginia: Are the West Virginia Rules of Professional Conduct statements of public policy with the force of law equal to that given to statutes enacted by the West Virginia Legislature?

Tug Valley Pharmacy, et al. v. Plaintiffs Below in Mingo Civil Actions, No. 14-0144 - By order entered December 19, 2013, then-Acting Mingo County Circuit Court Judge John L. Cummings certified the following questions:

1. May a person maintain an action if, in order to establish the cause of action, the person must rely, in whole or in part, on an illegal or immoral act or transaction to which the person is a party? Proposed Circuit Court Answer: Yes.
2. May the doctrine of *in pari delicto* be employed as a bar to tort claims under West Virginia law? Proposed Circuit Court Answer: No

Highland Mining Co. v. West Virginia University, School of Medicine, No. 14-0370 - Petitioner appeals the award of summary judgment to respondent in its action for declaratory judgment and injunctive relief related to petitioner's requests to respondent to produce documents pursuant to the Freedom of Information Act.

Rule 19 argument

David Ballard, Warden v. Patrick J. Meckling, No. 14-0245 - Petitioner appeals the order of Ohio County Circuit Court Judge David Sims, entered February 4, 2014, granting respondent's petition for writ of *habeas corpus*.