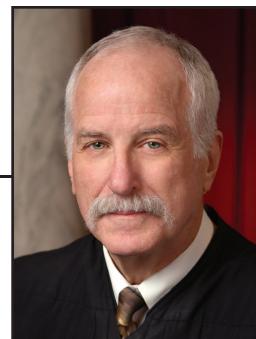


FROM THE CHIEF

John A. Hutchison

Chief Justice
The West Virginia Supreme Court



INTERMEDIATE COURT OF APPEALS FROM CONCEPT TO REALITY

The Intermediate Court of Appeals (ICA) of West Virginia will begin accepting cases on July 1, 2022, 15 months after Gov. Jim Justice signed a law establishing the court. The Supreme Court and our Administrative Office staff have worked diligently during that time to plan and implement Senate Bill 275.

Former Justice Jenkins created an ICA Advisory Council when he was Chief Justice, and I subsequently appointed members. The committee met in person on March 18 and has provided valuable feedback to help the Supreme Court fine-tune the structure and operation of the ICA. I thank all those who serve on the committee for their time and attention to this effort.

We have determined where the court will be located, how it will operate and what staff it will have. The Supreme Court Justices decided

to split the work among us. Justice Tim Armstead led work to find facilities, Justice Beth Walker led work on personnel and I led a team that determined what technical equipment the new court would need. Justice Armstead and I worked on the budget; and the two of us, plus former Justice Evan Jenkins and Justice William Wooton, worked on legislative matters.

The startup budget, some costs of which the Supreme Court absorbed in the current fiscal year, was \$5.159 million. The first full year of operation will cost \$5.084 million, \$75,000 less than the original estimate when the Legislature asked us to consider Senate Bill 275.

The ICA will have three judges appointed by the governor for staggered terms. Each ICA judge will have an assistant and three law clerks, and the ICA will have its own court marshal. The initial

terms will be shorter, but ICA judges will eventually serve 10-year terms.

The Supreme Court bought a Charleston office building to house the court. The building, which already had offices for 120 court employees, will provide modern workspace in a facility that is easily accessible and has plenty of free parking. With the addition of the ICA, the court system will occupy 75% of the 12-story structure. The \$7.5 million purchase price will allow the judiciary to break even on the purchase as soon as 2030. In eight years, the purchase of the building will save us more than \$800,000 per year in rent.

Known as City Center East, the building is located at 4700 MacCorkle Ave. SE. It already houses six Supreme Court Administrative Office Divisions that support the entire court system, including courts in all 55 counties. Administrative



ALEX WILSON, SUPREME COURT OF APPEALS OF WEST VIRGINIA



The ICA Advisory Council met on March 18.

1. Chief Justice John Hutchison addresses the ICA Advisory Council.

2. Attorney Robby Aliff speaks with Insurance Commissioner Alan McVey during a break.

3. Justice William "Bill" Wooton, Temporary Justice Alan Moats and ICA Judge Dan Greear share ideas.

4. Attorneys Clint Adams (Legal Aid of West Virginia), Benjamin Bailey (Bailey Glasser) and Robby Aliff (Jackson Kelly) are among the council members.

offices for the Mass Litigation Panel, the Board of Law Examiners and the Judicial Investigation Commission are also there, as well as the Office of Disciplinary Counsel, which was the first judicial system entity to move into the building in 2010.

Because of its jurisdiction, the ICA is expected to have several self-represented litigants. It is a burden for a person representing themselves to drive several hours to Charleston for a 15- to 20-minute hearing. So we have identified five county judicial buildings where we will have designated ICA courtrooms available for litigants and attorneys to use for remote hearings. Everyone will still have the option of face-to-face hearings in Charleston, and all the ICA judges' offices will be in Charleston.

Each remote location will consist of a waiting room and a hearing room with professional-grade conference equipment. The locations were chosen because they have security and ample parking and are easily accessible. We wanted geographic diversity, so no litigant or attorney has to drive more than 90 minutes one way to reach an ICA location.

The remote courtrooms tentatively will be located in Grant, Lewis, Morgan, Raleigh and Wetzel counties. Those county commissions have verbally accepted our offer pending formal agreement, so the locations are still subject to change.

In the Charleston building, the ICA will have its own courtroom, Clerk's Office and Counsel Office.

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The Office of Counsel, like the Supreme Court's Office of Counsel, will provide memoranda on legal issues to assist the ICA judges in their consideration of motions and other matters requiring rulings in cases pending before the ICA.

The ICA will have electronic filing as of July 1. After working through a competitive bidding process, the Supreme Court executed a contract with File & ServeXpress, LLC, of Irving, Texas, to develop an appellate e-filing system for the Supreme Court and the ICA. E-filing will be mandatory for members of the West Virginia State Bar, but self-represented litigants may submit paper filings to the Clerk of Court. I think everyone involved will be glad they no longer will have to file 10 paper copies of appeals.

It has been an honor to be Chief Justice during this time in our court system's history. Supreme Court Justices purposely stayed out of the discussion about whether West Virginia needed an ICA because the state Constitution puts that issue squarely in the purview of the Legislature. Once the decision was made, we have done our best to make sure the ICA will operate fairly and efficiently and provide equal access to justice. **WV**