

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on September 13, 2016, the following order was made and entered:

IN RE: WEST VIRGINIA TRIAL COURT RULES

On this day, September 13, 2016, the Court, on its own motion, amends Rule 17 of the West Virginia Trial Court Rules. The amendments are necessary to properly cite to the Code of Judicial Conduct, as amended by order entered November 12, 2015, effective December 1, 2015. Because this order only amends the Rule to properly cite to the Code of Judicial Conduct, no public comment period is necessary. Upon consideration, the Court is of the opinion to and does hereby approve the following amendments. Additions are shown by underlining, and deletions are shown by strikethrough, as follows:

* * *

“17. DISQUALIFICATION AND TEMPORARY ASSIGNMENT OF JUDGES.

Rule 17.01. Motions for Disqualification.

Upon a proper disqualification motion, as set forth in this rule, a judge shall be disqualified from a proceeding only where the judge's impartiality might reasonably be questioned in accordance with the principles established in Canon ~~3(E)(1)~~ 2, Rule 2.11 of the Code of Judicial Conduct.

(a) In any proceeding, any party may file a written motion for disqualification of a judge within thirty (30) days after discovering the ground for disqualification. The motion shall be addressed to the judge whose disqualification is sought and be filed with the circuit clerk at least seven (7) days in advance of any date set for a non-trial proceeding in the case or at least twenty-one (21) days in advance of any trial date set in the case and shall:

(1) State the facts and reasons for disqualification, including the specific provision of Canon ~~3(E)(1)~~ 2, Rule 2.11 of the Code of Judicial Conduct asserted to be applicable;”

* * *

A True Copy

Attest: //s// Edythe N. Gaiser
Deputy Clerk of Court

