



Supreme Court of Appeals of West Virginia

News

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Supreme Court to Hold Argument Docket at Marshall University

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HUNTINGTON, W.Va. – The Supreme Court of Appeals of West Virginia will hold an Argument Docket at Marshall University’s Joan C. Edwards Performing Arts Center on Wednesday, Sept. 13.

The arguments will begin at 10 a.m., are open to the public and will be webcast live online on the West Virginia Judiciary YouTube page:
<https://www.youtube.com/c/wvsupremecourt>.

A recording of the arguments will be available later via links on the Supreme Court Calendar and Docket page: <http://www.courtswv.gov/supreme-court/calendar/2023/dockets/09-13-23ad.html>. All documents filed in the cases also are available on that page.

The Supreme Court has a tradition of visiting Marshall every few years in mid-September in honor of the anniversary of the signing of the U.S. Constitution on Sept. 17, 1787.

“I’m thrilled to bring the court back to the Marshall campus,” said Chief Justice Beth Walker. “Our last visit was in 2019 before Covid 19, so it’s exciting to resume this great tradition coinciding with Constitution Day.

“Our court is committed to transparency and civics education, and we invite Marshall students as well as local high school students and members of the public to attend. We want all West Virginians to understand how our court system works, and the appeals process is an important part of that system,” said Chief Justice Walker.

The court will hear both Rule 20 and Rule 19 Arguments.

According to the West Virginia Rules of Appellate Procedure:

Cases suitable for Rule 20 Argument include but are not limited to: (1) cases involving issues of first impression; (2) cases involving issues of fundamental public importance; (3) cases involving constitutional questions regarding the

validity of a statute, municipal ordinance, or court ruling; and (4) cases involving inconsistencies or conflicts among the decisions of lower tribunals.

Cases suitable for Rule 19 argument include but are not limited to: (1) cases involving assignments of error in the application of settled law; (2) cases claiming an unsustainable exercise of discretion where the law governing that discretion is settled; (3) cases claiming insufficient evidence or a result against the weight of the evidence; (4) cases involving a narrow issue of law; and (5) cases in which a hearing is required by law.

The court will hear the following Rule 20 Arguments.

10:00 a.m. *Jayson Nicewarner, et al. v. City of Morgantown*, No. 22-0185.

11:00 a.m. *Roland F. Chalifoux, Jr., D.O., et al. v. West Virginia Board of Osteopathic Medicine, et al.*, No. 21-0902.

The court will hear the following Rule 19 Arguments.

12:00 p.m. *State of West Virginia v. Shane Eric Hagerman*, No. 22-0219.

12:40 p.m. *State of West Virginia ex rel. West Virginia Attorney General Medicaid Fraud Control Unit and Nathan R. Lyle v. Hon. Kenneth D. Ballard, Judge, and Hisel Bailey*, No. 22-779, and *West Virginia Attorney General Medicaid Fraud Control Unit and Nathan R. Lyle v. Hisel Bailey*, No. 22-781.

Marshall University is named for former U.S. Supreme Court Chief Justice John Marshall, who served on that Court from 1801 to 1835 and was the longest serving Chief Justice in United States history. He died two years before Marshall Academy was formed in 1837.

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