



Supreme Court of Appeals of West Virginia

News

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Two Circuit Judges to Sit on Supreme Court

For immediate release Monday, January 8, 2024

CHARLESTON, W.Va. – Two circuit judges have been temporarily assigned to sit on the Supreme Court of Appeals of West Virginia on Wednesday, January 10.

Both judges will fill in for Justice Haley Bunn, who is recused.

At 10 a.m., Twelfth Judicial Circuit (Fayette County) Judge Thomas H. Ewing will hear the Rule 20 argument in *Eldercare of Jackson County, LLC v. Rosemary Lambert and Carolyn Hinzman, individually and Co-Executrices of the Estate of Delmer Fields*, No. 22-0362.

At 1 p.m., Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties) Judge H. Charles Carl, III, will hear the Rule 19 argument in *WV Department of Health and Human Resources v. A.R.*, No. 22-0389.

When a Supreme Court justice is unable to serve in a case, Article VIII Section 2 of the Constitution of West Virginia allows the chief justice to assign a circuit court judge or intermediate appellate court judge to serve. The visiting judge then participates in all private conferences and votes on that case.

Cases set for Rule 20 arguments involve issues of first impression or of fundamental public importance; cases involving constitutional questions regarding the validity of a statute, municipal ordinance, or court ruling; and cases involving inconsistencies or conflicts among the decisions of lower tribunals.

Cases set for Rule 19 arguments involve assignments of error in the application of settled law; claims of an unsustainable exercise of discretion where the law governing that discretion is settled; claims of insufficient evidence or a result against the weight of the evidence; and cases involving a narrow issue of law or in which a hearing is required by law.

The judges' bios and photos are available on the West Virginia Judiciary website. Judge Ewing's bio is available at [Judge Thomas Ewing | West Virginia Judiciary](#)

courts.wv.gov); Judge Carl's bio is available at [Judge H. Charles Carl, III | West Virginia Judiciary \(courts.wv.gov\)](http://courts.wv.gov/judiciary/judge-h-charles-carl-iii).

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