



# 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) 558-1212 FAX  
Web Site: [www.courtswv.gov](http://www.courtswv.gov)  
Facebook: [wvjudiciary](https://www.facebook.com/wvjudiciary)  
Twitter: [WVCourts](https://twitter.com/WVCourts)  
SmugMug:  
<https://wvcourts.smugmug.com/>  
Email: [Jennifer.Bundy@courtswv.gov](mailto:Jennifer.Bundy@courtswv.gov)  
Email: [April.Harless@courtswv.gov](mailto:April.Harless@courtswv.gov)

## **Weathering the Storm and Looking forward to 2021**

An end-of-the-year column by Chief Justice Tim Armstead

For immediate release Tuesday, December 29, 2020

On December 31, 2020, I will conclude my term as Chief Justice of the Supreme Court of Appeals of West Virginia. When I began my term as Chief Justice on January 1, little did I know that our court system would face the tremendous, unprecedented challenge that the COVID-19 epidemic has presented for courts throughout our State.

In March, we declared a judicial emergency to address the COVID-19 crisis, significantly scaling back in-person proceedings and implementing procedures to ensure the safety and well-being of all individuals involved in our State's court system. While courts continued to hear certain emergency matters in-person, jury trial and grand jury proceedings were temporarily discontinued, and courts began utilizing remote technology for hearings and court proceedings. The Supreme Court also revised certain rules and procedures to better permit parties and attorneys throughout the State to conduct discovery using remote technology.

Beginning in May, our courts began, through a gradual, phased-in approach, to restore in-person trials and to empanel grand juries across West Virginia. Courts continue to follow detailed protocols issued by the Supreme Court that require proper safeguards, including frequent cleaning of courtrooms and counters, social distancing, and wearing of masks.

In order to protect public safety, judges and court staff have shown tremendous ingenuity and versatility in modifying jury processes and existing facilities to make them safe for trials to proceed. These steps have included use of alternate locations, screening of potential jurors to determine health issues, additional use of technology, installation of plexiglass barriers, rearrangement of courtrooms and jury boxes to ensure social distancing and modifying the process for sharing exhibits with jurors.

Although the COVID-19 crisis has understandably been the focus of much of our attention and efforts in 2020, our court system has accomplished much this year despite these challenges, including:

- The Supreme Court worked with the Legislature to reach agreement on the first judiciary budget adopted under the Judicial Budget Oversight Amendment passed by the voters in 2018. The Court's \$135,499,000 Fiscal Year 2021 budget is roughly \$4 million less than the court system's budget was five years earlier.

This budget efficiently funds the work of judicial officers and employees throughout the State as well as improvements in technology and equipment to make our courts more accessible to our citizens.

- In order to enhance opportunities for our State's children to grow up in safe, healthy and loving homes, the Court obtained grant funding to continue existing Family Treatment Courts in five counties and to add three additional counties to this very promising program. Braxton, Logan and McDowell Counties joined Boone, Nicholas, Ohio, Randolph and Roane Counties in establishing Family Treatment Courts. On August 11, a Boone County couple became the State's first Family Treatment Court graduates and were reunited with their young daughter.
- The Supreme Court, through its Division of Children & Juvenile Services, worked to address public concerns related to our guardian *ad litem* system by establishing a dedicated telephone line to allow citizens to voice concerns regarding individual guardians and by implementing additional training opportunities for guardians *ad litem* throughout the State.
- While the restrictions related to COVID-19 limited the justices' ability to travel in person to continue the Court's outreach programs, justices have, nonetheless, engaged in such outreach via technology. In addition, the Supreme Court has begun to archive, and place on the Court's website, video of past oral arguments so that citizens can either view arguments when they occur or watch them at a later date.
- Despite the obstacles that the Supreme Court faced in 2020, the Supreme Court continued to hear and decide cases, including holding oral arguments remotely by video technology for the first time in our Court's history. In fact, the Supreme Court actually decided more cases in 2020 than it did in 2019 and the Court begins the new year with no backlog of cases resulting from the Covid crisis.

It is clear that we have not yet weathered the storm in relation to the COVID-19 crisis and we must remain vigilant in our efforts to protect those who participate in court proceedings. It is also clear, however, that our State's courts have made remarkable progress in adapting to the "new normal" and I am confident that we will continue to administer justice in a safe and responsible manner.

It has truly been a great honor for me to serve as Chief Justice of our Supreme Court of Appeals this year. As we approach the end of what has unquestionably been a challenging year for our court system, as well as for our State and Nation, we can look toward 2021 with a renewed sense of hope. Our court system is made up of talented, resourceful and dedicated professionals who have proven they are up to the task. I am tremendously proud of the way in which our State's judiciary has met, and continues to meet, this unparalleled challenge.