

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on June 7, 2024, the following order was made and entered:

RE: PROVISIONAL ADOPTION OF AND REQUEST FOR PUBLIC COMMENT ON AMENDMENTS TO RULE 1 OF THE RULES OF APPELLATE PROCEDURE, No. 24-319

On June 4, 2024, the Court considered amendments to Rule 1 of the Rules of Appellate Procedure. The Court has jurisdiction of court rules under Article VIII, §§ 1 and 3 of the West Virginia Constitution.

Upon consideration and review, the Court is of the opinion that the following amendments to Rule 1 of the Rules of Appellate Procedure should be adopted provisionally effective on this date. The Court is also of the opinion that the amendments shall be published for public comment for a period of thirty days. Comments must be filed in writing with the Clerk of the Court on or before Monday, July 8, 2024.

The amendments are set forth below. Additions are indicated by underscoring, and deletions are indicated by strike-through.

Rules of Appellate Procedure

* * *

Rule 1. Scope of rules; jurisdiction; terms of court.

(b) *Jurisdiction of the Intermediate Court of Appeals.* The Intermediate Court of Appeals has no original jurisdiction and no jurisdiction over: (1) judgments or final orders issued in criminal proceedings; (2) judgments or orders in Juvenile Proceedings; (3) judgments or final orders in child abuse and neglect proceedings; (4) orders of Commitment; (5) any proceedings of the Lawyer Disciplinary Board; (6) any proceedings of the Judicial Investigation Commission; (7) final decisions of the Public Service Commission; (8) interlocutory appeals unless otherwise specifically provided for under law; (9) certified questions; (10) Extraordinary remedies and the appeal of any extraordinary remedy, including in habeas corpus judgments or final orders issued in extraordinary remedy proceedings for a writ of prohibition, a writ of mandamus, a writ of quo warranto, a writ of certiorari, a writ of habeas corpus, a special receiver, an arrest in a civil case, or a

personal safety order; or (11) judgments or final orders issued by a circuit court upon its review of a family court judgment or final order in any domestic violence proceeding.

The Intermediate Court has appellate jurisdiction of the following: (1) Final judgments or orders of a circuit court in all civil cases, including but not limited to civil cases where there is a request for legal or equitable relief, entered after June 30, 2022. The Supreme Court may, on its own motion or by motion of a party, obtain jurisdiction over any civil case filed in the Intermediate Court; (2) Final judgments or orders of a family court, entered after June 30, 2022, except appeals from final judgments or orders issued by a family court in any domestic violence proceeding shall first be made to a circuit court; (3) Final judgments or orders of a circuit court concerning guardianship or conservatorship matters, entered after June 30, 2022; (4) Final judgments, orders, or decisions of an agency or an administrative law judge entered after June 30, 2022; (5) Final orders or decisions of the Health Care Authority issued prior to June 30, 2022, in a certificate of need review, but transferred to the jurisdiction of the Intermediate Court upon termination of the Office of Judges; (6) Final orders or decisions issued by the Office of Judges after June 30, 2022, and prior to its termination; and (7) Final orders or decisions of the Workers' Compensation Board of Review, entered after June 30, 2022.

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A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

