



# Supreme Court of Appeals of West Virginia

# News

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## Judge Hardy to Sit on Supreme Court for Two Cases

For immediate release Wednesday, Sept. 18, 2024

CHARLESTON, W.Va. – Thirteenth Judicial Circuit (Kanawha County) Judge David J. Hardy will sit by temporary assignment on the Supreme Court of Appeals of West Virginia for two cases today, Wednesday, Sept. 18.

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 or intermediate court judge to participate in all hearings, conferences, and votes on that case.

Judge Hardy will fill in for Chief Justice Tim Armstead, who is recused from two cases that are having Rule 20 arguments. Rule 20 arguments involve issues of first impression or of fundamental public importance; 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.

The argument for *Francis Kaess v. BB Land, LLC*, No. 23-522, is scheduled at 10:40 a.m. The argument for *Jacklin Romeo, et.al. v. Antero Resources*, No. 23-589, is scheduled for 11:20 a.m.

Governor Jim Justice appointed Judge Hardy to the bench to fill a vacancy and he was sworn in on January 12, 2024. He is a native of Pratt in Kanawha County and has two bachelor's degrees: one in history and government and another in accounting from West Virginia University Institute of Technology. He has a law degree from the University of Tennessee College of Law. He is also a certified public accountant.

Judge Hardy was a member of Charleston City Council (1995-2001), a Kanawha County Commissioner (2001-2017), and Cabinet Secretary of the West Virginia Department of Revenue (2017-2023). While a cabinet secretary, he was also the governor's designee on the Municipal Home Rule Board, Investment Management Board, and the Board of Treasury Investments.

He has more than 33 years of experience in the private practice of law. He lives in Charleston with his wife, Nadia. They have two children.

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