

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on October 21, 2024, the following order was made and entered:

RE: REQUEST FOR PUBLIC COMMENT ON AMENDMENTS TO RULES 15 AND 16 OF THE WEST VIRGINIA TRIAL COURT RULES, No. 24-563

On October 16, 2024, the Court considered proposed amendments to Rule 15 and Rule 16 of the West Virginia Trial Court Rules. 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 15 and Rule 16 of the West Virginia Trial Court Rules should be published for a period of public comment for 30 days. Comments may be filed in writing with the office of the clerk on or before November 20, 2024. The changes would take effect on January 1, 2025. Additions are indicated by underscoring, and deletions are indicated by strike-through.

West Virginia Trial Court Rules

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Rule 15.12. Filing of sealed documents.

A motion to seal documents shall be e-filed and served. However, any documents that are the subject of a motion to seal shall be filed with the court enclosed in sealed envelopes to be opened as directed by the court pursuant to Rule 26(c)(~~8~~1)(~~H~~) of the Rules of Civil Procedure, and a copy of the documents that are the subject of the motion to seal shall be provided to the Presiding Judge for review.

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Rule 16. Time Standards.

Rule 16.01. Purpose.

Article III, Section 17 of the West Virginia Constitution provides, “justice shall be administered without sale, denial or delay.” Article III, Section 13 of the West Virginia Constitution provides, “Trials of crimes ... shall be ... without unreasonable delay.” Article VIII, Section 8 of the West Virginia Constitution further provides, “Under its inherent rule-making power, which is hereby

declared, the Supreme Court of Appeals shall, from time to time, prescribe, adopt, promulgate and amend rules prescribing ... standards of conduct and performance for justices, judges, and magistrates, along with sanctions and penalties for any violation thereof [.]” Rule 1 of the Rules of Civil Procedure provides that they ~~“shall be construed to secure the just, speedy, and inexpensive determination of every action.”~~ “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Rule 2 of the Rules of Criminal Procedure provides that they "shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay." Canon 3B(8) of the Code of Judicial Conduct provides, "A judge shall dispose of all judicial matters promptly, efficiently, and fairly." Finally, Section 2.50 of the American Bar Association Standards Relating to Court Delay Reduction provides, "the court, not the lawyers or litigants, should control the pace of litigation." Pursuant to these principles, the Supreme Court of Appeals has determined that the expeditious processing and timely disposition of cases by circuit courts are essential to the proper administration of justice. Accordingly, it directs circuit courts and their officers to comply with these rules, which provide time standards for the processing of all cases except for those governed by statute or in which the circuit court finds, on the record, that extraordinary circumstances exist for exemption from these standards.

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Rule 16.05. Time Standards for Civil Cases.

- (a) Applicability. This rule governs general civil cases and does not apply to domestic relations, juvenile delinquency, abuse and neglect, mental hygiene, guardianship or conservatorship, cases referred to the Mass Litigation panel pursuant to Rule 26, extraordinary writs, appeal, declaratory judgment, and equity proceedings.
- (b) Pretrial Motions. An order shall be entered which sets forth a ruling on pretrial motions which require a hearing or ruling within two months of submission or on the date of trial, whichever is earlier.
- (c) General Civil Cases. Final judgment shall be entered in general civil cases within eighteen (18) months of the filing of the complaint.
- (d) Other Civil Cases. Final judgment shall be entered in other civil cases within six (6) months of the filing of the case.
- (e) Post-trial Motions. An order shall be entered on post-trial motions within two months of submission.
- (f) Civil Case Management. In order to conform with the time standards relating to civil cases, circuit courts shall comply with the provisions of W.Va. R.Civ.P. 16(b), and may, in their discretion, dismiss cases for lack of service as provided in W.Va. R.Civ.P. 4(k) and for inactivity as provided in W.Va. R.Civ.P. 41(b).

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Rule 16.13. Duties of Court Officers.

(a) Circuit Clerks. Every circuit clerk shall keep such records and make monthly reports on the status of cases in their respective courts as required by the Administrative Director of the Supreme Court of Appeals. Every circuit clerk shall also periodically inform the circuit court on the status of cases which may be dismissed pursuant to W.Va. R.Civ.P. 4(k) and 41(b).

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A True Copy

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

