

STATE OF WEST VIRGINIA

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On November 7, 2025, at the Supreme Court of Appeals of West Virginia, the following order was made and entered:

RE: Request for Public Comment on Amendments to Rules 17.02 and 17.06 of the West Virginia Trial Court Rules

No. 25-742

On a previous day, the Court, on its own motion, considered amendments to Rules 17.02 and 17.06 of the West Virginia Trial Court Rules. The Court is of the opinion that the proposed amendments should be published for a thirty-day period of public comment. The Court has jurisdiction of court rules under Article VIII, §§ 1 and 3 of the West Virginia Constitution.

Comments must be filed in writing with the Clerk of Court on or before **December 8, 2025**.

Additions are indicated by underscoring, and deletions are indicated by strike-through.

WEST VIRGINIA TRIAL COURT RULES

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Rule 17.02. Voluntary Recusal by a Judge.

(a) In the absence of a disqualification motion being filed, if a judge voluntarily recuses himself or herself from a case pursuant to Canon 2, Rule 2.11 of the Code of Judicial Conduct, the judge shall enter an order reflecting the recusal. The order shall be served on all counsel of record and unrepresented parties. In a multi-judge circuit, the case shall then be reassigned in accordance with the practice of the circuit. ~~In a single judge circuit~~ For a single judge of circuit court, the procedures of TCR 17.06 shall be followed.

(b) If all judges in a multi-judge circuit are disqualified or recused, or the judge of a single family court circuit is disqualified or recused, the judge who is assigned to the case shall transmit a letter to the Chief Justice stating the reasons why the judge is disqualified and requesting the

appointment of a special judge. The Chief Justice shall grant or refuse the request in accordance with the timeframe and procedures specified in TCR 17.01(c) or (d).

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Rule 17.06. Unavailability under W. Va. Code § 51-2-1(c).

(a) If the sitting judge in a single-judge circuit court shall be unavailable by reason of sickness, vacation, or other reason including voluntary recusal as set forth in TCR 17.02, the Circuit Court of Raleigh County has concurrent jurisdiction pursuant to W. Va. Code § 51-2-1(c) (Supp. 2024). In such instances, the following procedures shall be utilized.

(1) If the judge in the single-judge circuit court is voluntarily recused from a case, the judge must enter an order in the affected case in the circuit clerk's office in the county where the case is pending. This order shall indicate the judge's voluntary recusal, notify the Chief Judge of the Circuit Court of Raleigh County of the recusal, and request the Chief Judge of the Circuit Court of Raleigh County to assign a judge of the Circuit Court of Raleigh County to preside over the case. The circuit clerk shall ensure that the order is served on all counsel of record and any unrepresented party, and shall transmit the order to the Chief Judge of the Circuit Court of Raleigh County. The Chief Judge of the Circuit Court of Raleigh County shall then assign a judge of the Circuit Court of Raleigh County to the case; this assignment shall be reflected in an order entered in the circuit clerk's office in the county where the case is pending and shall be served on all counsel of record and any unrepresented party.

(2) If the judge in the single-judge circuit court is temporarily unavailable by reason of sickness, vacation, or other reason not including voluntary recusal and determines that the assistance of another judge is necessary, the judge in the single-judge circuit shall inform the Chief Judge of the Circuit Court of Raleigh County. The Chief Judge of the Circuit Court of Raleigh County may arrange for a judge of the Circuit Court of Raleigh County to preside in the single-judge circuit on a temporary basis.

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A True Copy

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

