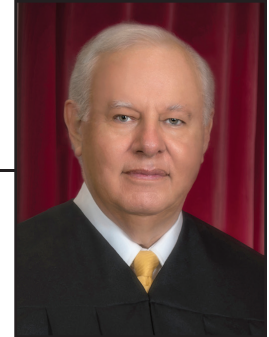


## FROM THE CHIEF

William R. Wooton

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# RETROSPECTIVE: WEST VIRGINIA SUPREME COURT OF APPEALS 2025

Benjamin Disraeli, who served twice as prime minister of the United Kingdom, once said, “Change is inevitable. Change is constant.” Ingrained in this observation is a dichotomy which is strikingly illustrated in the challenges faced by West Virginia’s judicial system during 2025: While the work of the courts has been constant, from the smallest disputes litigated in magistrate court to the weightiest issues resolved in the Intermediate Court of Appeals and the Supreme Court of Appeals, there have been numerous changes affecting everyone working within the system. As my first year serving as chief justice comes to an end, I reflect on how, amidst all the changes — some of which were anticipated due to legislation or actions taken by this Court, others which were neither anticipated nor expected — the work of the judicial system has

remained constant. This is largely attributable to the employees of the judicial system, located both in Charleston and throughout the state. Through outstanding effort and perseverance these individuals have successfully navigated a changing landscape, thus ensuring that West Virginia’s judicial system has never wavered from its overarching obligation “to facilitate the prompt and efficient administration of justice.”<sup>1</sup> Thus, I reflect on not only some of the most significant changes faced by the judicial system this past year but also on the vital role played by our employees who have met these changes with unwavering professionalism, transparency, competence, integrity and impartiality.

The most significant changes to our court system this past year, which ushered in what my friend and colleague the late Justice Tim Armstead described as “a new era

for our Court system,”<sup>2</sup> took effect on Jan. 1, 2025, as a result of House Bill 3332. This legislation, enacted by the West Virginia Legislature in 2023, added to the judiciary five new circuit court judges, one new family court judge and 10 new magistrates. These 16 new judicial officers, together with many other judges or magistrates newly elected in November 2024, or appointed in 2025 to fill vacancies, caused the West Virginia judiciary to experience the largest single turnover of judicial officers and staff in the history of our state.

There were also significant changes in the makeup of our state’s appellate courts. The Intermediate Court of Appeals welcomed one new member, Judge Ryan White, elected to fill the vacancy created by Judge Thomas Scarr’s retirement on Dec. 31, 2024. There were more significant changes in

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the members of the Supreme Court of Appeals. Justice Charles S. Trump IV took office on Jan. 1, 2025, following his election in 2024. Justice Elizabeth D. “Beth” Walker retired from the Court on June 27, 2025, after more than eight years on the bench, leaving open the remainder of her unexpired term. At the time of her retirement, she was the longest-serving justice on the Court. On Aug. 6, 2025, Justice Thomas H. Ewing was appointed to the Court by Governor Patrick Morrisey to fill the vacancy left by Justice Walker’s retirement. Justice Ewing was officially sworn in as a member of the Court on Aug. 27, 2025.

We also suffered a tragic loss with the passing of Justice Armstead. His leadership, intellect, ethics and knowledge of state finances greatly added to the collective strength of the Court. His knowledge of state finances was paramount among his fellow justices, and each justice looked to him for guidance on complicated ethical questions.

After 24 years of service as either a circuit court judge or a Supreme Court justice, John A. Hutchison retired from the Court at the end of December 2024 and took senior status. With the passing of Justice Armstead, Senior Status Justice Hutchison was recalled to active service to temporarily fill the vacancy on the Court and completed the entire fall 2025 term of Court.

In this regard, Governor Morrisey’s timing of his appointment of replacement justices is commendable. As one might imagine, when a new justice joins the Court midway through a term that creates significant disruption, in that if cases have been argued but a final

decision has not been issued, the new justice must participate in that decision. This can result in the case being reargued and is, in general, disruptive of the flow of the Court’s business. The governor’s timely appointment allowed Justice Ewing to commence his service on the Supreme Court just prior to the commencement of the fall term. Likewise, the governor deserves our gratitude for the timing of his appointment of Justice Armstead’s replacement — which resulted in the transition between justices occurring exclusively during the interval between sine die of the fall term and the commencement of the spring 2026 term.

In short, within the relatively brief year that I served as chief justice, three different individuals — a majority of the Court — became justices. Justice Trump was elected and joined the Court on Jan. 1, 2025; Justice Ewing was appointed to replace Justice Walker and took his seat on Aug. 27, 2025; and Justice Armstead’s replacement will take his or her seat in November or December 2025.

Three new justices within one year may be illustrative of the increasingly transitory nature of our Supreme Court. Another similar indication: I became a Supreme Court justice on Jan. 1, 2021, less than five years ago, and today I am the senior member of the Court. Historically the membership of the West Virginia Supreme Court has been relatively stable. The current transitory nature of our Court may coincide with the tumultuous events of 2018. But as those events fade into distant memory, I believe, given the history of the judiciary in West Virginia — and the 12-year term of elected justices — that the apparent transitory nature of our Supreme

Court will likewise fade, and the Court will revert to its traditional nature.

Notwithstanding all of the personnel changes detailed above, the work of the court system has remained constant, which is primarily a credit to the diligence and dedication of our employees. I am amazed by the amount of work these employees — some here in Charleston, but many more scattered throughout 55 counties — accomplished this past year. For instance, court staff members were responsible for onboarding the new judges and magistrates throughout the state, which included such things as completing administrative paperwork and benefits enrollment; acquiring space for new members of the judiciary and their staff; setting up equipment (computers, telephones and other technology) and troubleshooting issues related to technology; and educating the members of the judiciary, their law clerks, staff attorneys and other staff members as to policies and procedures peculiar to our judicial system. All of these duties and responsibilities were carried out in a manner that allowed the constancy of the Court's work to continue unabated. Hearings, trials and oral arguments were conducted; orders, memorandum decisions and opinions were issued; and other resources and services were provided to the citizens of our state. Succinctly stated, because the employees of our judicial system rose to meet these challenges, the efficient operation of our court system was wholly unaffected during a period of remarkable change. This was no small feat; it is worthy of recognition and deserving of our gratitude.

Personnel changes were not the only changes that the court system encountered in 2025. The Amendments to the West Virginia Rules of Civil Procedure, intended to modernize and federalize civil procedure in this state, took effect on Jan. 1, 2025, resulting in significant changes to the practice of law for both practitioners and judges. Our court employees had to adapt to the changes required by the amended procedural rules by not only learning and understanding the amended rules but also handling the additional burdens placed on our courts. They did so in such a way to ensure the expected constant delivery of justice in civil cases.

The Supreme Court of Appeals also announced a new online system which became available to the public on March 10, 2025 — a system that allows users to search and access circuit court records in all 55 counties. This system, known as West Virginia Public Access Search System, or WVPASS, followed the launch of a similar online system used to access magistrate court

records. WVPASS brought circuit court records into the digital age, in furtherance of the judicial branch of government's continued commitment to judicial transparency and public accessibility. Again, the Court's achievement in launching this expanded public records search system was due to the diligent work of employees in our Administrative Office and staff members in all 55 counties.

These are the biggest changes that the West Virginia judiciary faced in 2025, all of which were handled by our employees in a manner that facilitated the smooth, ongoing work of the court system throughout the state. Justices, judges and magistrates are the recognizable faces of the judiciary; however, the work that goes on behind the scenes, most of it invisible to the public, is critical to our court system's ability to function. In that regard, it is all those employees — the staffs of judicial officers in every tier of the system; the probation officers; the mental hygiene commissioners; the circuit clerks and their staffs; the clerk of the Supreme Court and his staff; the state law librarian and library employees; the administrative director and administrative staff; and the chief counsels for the Supreme Court Office of Counsel and the Intermediate Court Office of Counsel and their staffs — who power the engine that drives the West Virginia judicial branch. I want personally to thank them, in this public forum, for all the hard work that they perform every single day — work which often goes unnoticed but is the backbone of the judicial system in our state.

It has been a great honor for me to serve as chief justice of the Supreme Court of Appeals of West Virginia and to work with my colleagues on the Court during a year that has presented the Court system with significant challenges. It has been a team effort to handle all the changes that the Court has encountered, and I am most appreciative of the justices who began this journey with me and those who are ending it with me, including my immediate predecessor as chief justice, The Honorable Tim Armstead, whose guidance and friendship contributed immeasurably to any success achieved during the 2025 terms of Court.

In closing, I wish Justice C. Haley Bunn all the best as she assumes the role of chief justice on Jan. 1, 2026. **WV**

## Endnotes

1. *State ex rel. Lambert v. Stephens*, 200 W. Va. 802, 807-08, 490 S.E.2d 891, 896-97 (1997).
2. See Chief Justice Tim Armstead, "A Changing of the Guard," *The West Virginia Lawyer*, Winter 2024-25, at 16.