

STATE OF WEST VIRGINIA

On June 25, 2026, at the Supreme Court of Appeals of West Virginia, the following order was made and entered:

RE: APPROVAL OF AMENDMENTS TO RULE 21 OF THE WEST VIRGINIA RULES OF APPELLATE PROCEDURE, No. 25-846

The Court has considered amendments to Rule 21 of the Rules of Appellate Procedure. The Court has jurisdiction to consider these amendments under Article VIII, §§ 1 and 3 of the West Virginia Constitution. The Court previously published the proposed amendments for public comment for a period of thirty days. No comments were received.

Upon consideration and review, the Court is of the opinion to, and does, approve the amendments to Rule 21 of the Rules of Appellate Procedure as follows. Additions are indicated by underscoring, and deletions are indicated by strike-through.

RULES OF APPELLATE PROCEDURE

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Rule 21. Memorandum decisions.

(c) *Affirmance*. — A memorandum decision affirming the decision of the lower tribunal may be entered under this Rule when: (1) the Intermediate Court or the Supreme Court finds no substantial question of law and does not disagree with the decision of the lower tribunal as to the question of law; (2) upon consideration of the applicable standard of review and the record presented, the Intermediate Court or the Supreme Court finds no prejudicial error; or (3) other just cause exists for summary affirmance. Summary affirmance by memorandum decision constitutes a decision on the merits affirming the lower tribunal’s outcome but not necessarily the lower tribunal’s reasoning. The memorandum decision shall contain a concise statement of the reason for affirmance, ~~and a concise statement of the reason for issuing a memorandum decision instead of an opinion.~~

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A True Copy

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

