



West Virginia Judiciary

Report on the Courts

West Virginia State Bar Association/ June 28, 2022 / Chief Justice John Hutchison

Intermediate Court of Appeals

IV. Facilities

City Center East – Kanawha City



- Benefits: Current use, technology investment, location, quality
- \$7.5M purchase price
- Court will occupy 75% of the building & will lease remainder of space to offset maintenance
- Breakeven by 2030



Intermediate Court of Appeals

IV. Facilities

Satellite Hearing Locations

- Goal of maximum of 1.5 drive time
- Selection based on:
 - Geographic diversity
 - Ease of road access
 - Space availability
 - Technology access
 - County Commission engagement
 - Access to parking

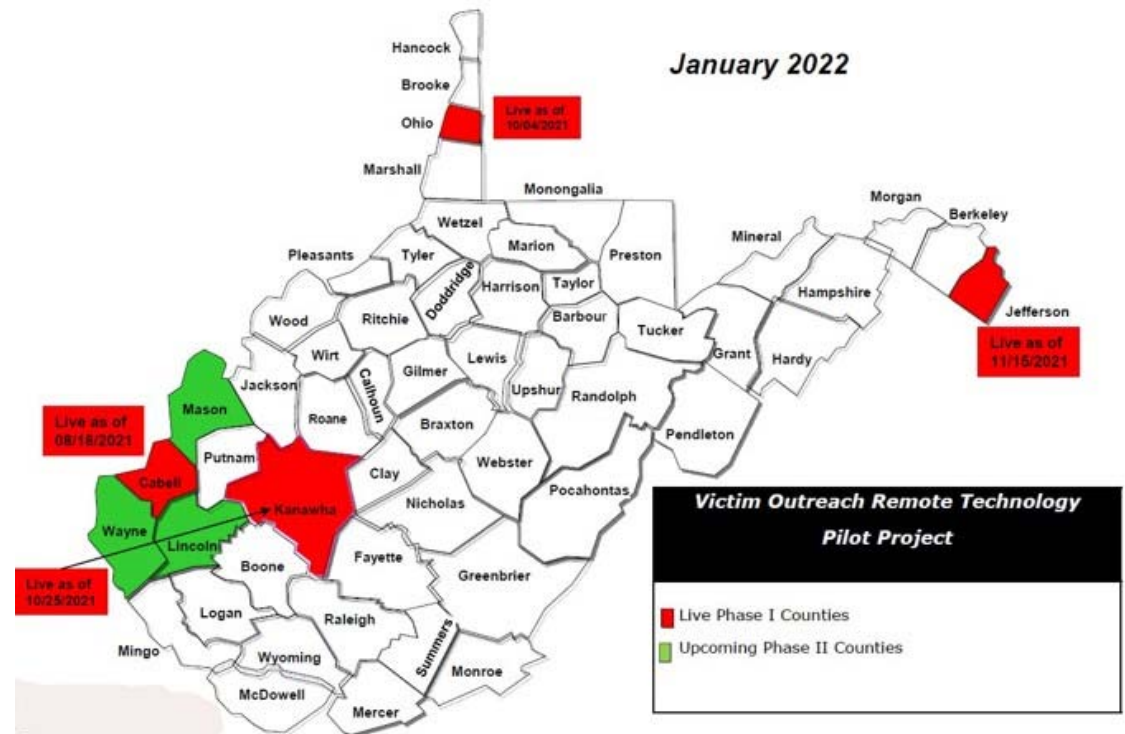


REMOTE VICTIM OUTREACH PROJECT

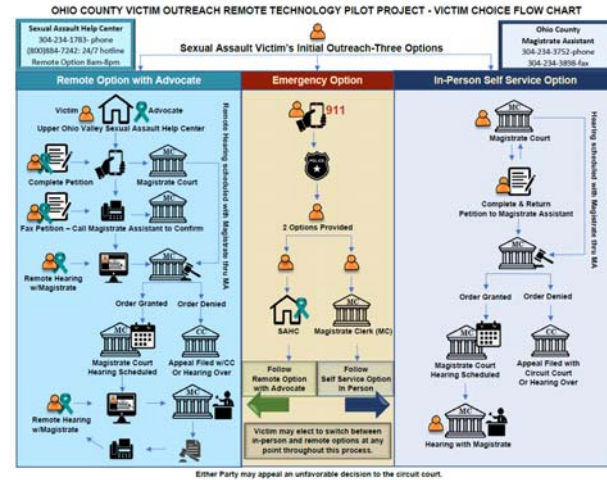
Pilot project started in 2021 with four counties. Expanding in 2022.

Office of Violence Against Women grant funds are used to purchase small video conferencing units (VCUs) and document cameras for victim service agencies that attach to the larger VCUs in the courtroom.

All of the VCUs feature document cameras, a screen for viewing, a camera, and a microphone, which makes it possible for remote hearings to take place while victims stay physically separated from their alleged abusers.



The Administrative Office provides training for magistrates and judges, as well as educational guides that are distributed to facilities to provide guidance to those who use the remote sites.



Personal Safety Orders

When is it needed?

When someone is repeatedly causing, attempting to cause, or threatening bodily injury to someone who is not a family or household member.

It may include stalking and sexual offenses (such as sexual assault), and/or repeated credible threats of bodily injury when the person making the threats cause another person to reasonably fear for his or her safety.

What is a Personal Safety Order?

An order that identifies who needs to be protected, who is accused of harmful acts, and what the accused person can and cannot do.

Who can get a Personal Safety Order?

Any adult and/or child who is in reasonable fear for his or her safety from another person. A relative may go to court on behalf of a person who is mentally or physically unable to seek help.

If an order is violated, contact law enforcement immediately

Step 1: File a Temporary Protective Order

All magistrate courts in West Virginia have forms that can be used to request a Temporary Personal Safety Order. The form is called a petition. The person who files it is called the petitioner. The person who is accused is called the respondent and will have an opportunity to respond to the petition. Petitioners and respondents are parties to the case.

There are two ways to file a petition.

1. Petitioners can go to court on their own in person.
2. Petitioners can call CONTACT Sexual Assault Help Center (SAHC) at (304) 234-1783 and set up an appointment to file the petition remotely with the help of a sexual assault victim advocate. This service is provided from 8:00 a.m. to 8:00 p.m.

Either way you can call (800)884-7242 the 24-hour hot-line and speak with an advocate that can assist you.

Magistrates are on duty from 9 a.m. until 5 p.m. Monday through Friday to review petitions and issue Temporary Personal Safety Orders.

Petitioners must include on the form the most recent events of violence or threats of violence, but past events can also be included. Petitioners must provide the name and address of the respondent involved. Petitioners also must provide their own name and address, but anyone seeking a personal safety order can request that their own address be kept confidential.

Resources

WV Foundation for Rape Information and Services 1-304-366-9500 or www.friwv.org
 WV Coalition Against Domestic Violence 1-304-965-3552 or www.wvcdv.org

Magistrate Court Temporary Hearing

Once a petition is filed, a magistrate holds an emergency hearing and asks the petitioner questions. Petitioners can participate in this hearing remotely from the CONTACT Sexual Assault Help Center.

If there is evidence of an immediate and present danger, the magistrate will issue a Temporary Personal Safety Order. The magistrate will schedule a final hearing, and the magistrate's order will last only until that hearing. Magistrates send copies of these orders electronically to law enforcement agencies.

If the magistrate denies the petition, the petitioner can appeal to circuit court using forms available from magistrate clerk's office.

Temporary Personal Safety Orders are effective statewide and in other states. All orders tell respondents not to abuse, harass, stalk, threaten, intimidate, or cause fear of bodily injury to those named in the orders. Temporary Personal Safety Orders can include other regulations if they are necessary to protect someone's safety, such as whether a respondent can go near a business, school or a home.

National Domestic Violence Hotline 1-800-799-SAFE
 Tuesday Legal Connect: WV State Bar Lawyer hotline Tuesday 6 to 8 p.m. 1-800-642-3617
 Legal Aid of West Virginia 1-866-255-4370

LiveScan

THIRTEEN LIVESCANS ARE AVAILABLE AT OR NEAR COURTHOUSES; TWO MORE BEING PURCHASED THIS YEAR

- Capture electronic fingerprints, direct indictments, and pleas of information at time of arrest.
- Digital prints enhance the quality, completeness, and accessibility of criminal records.
- This spring, Ohio County became the most recent county to receive a grant-funded LiveScan.



E-Filing

Why?

- A more modern and efficient judicial system
- A more transparent judicial system
- Uniformity across counties
- Centralized approach conserves resources
- Saves time
- Generates long-term savings
- Frees county resources otherwise spent on different case management systems

Who?

- Mandatory for members of the WV State Bar
- Self-represented litigants may still issue paper filings

APPELLATE COURTS E-FILING

Supreme Court E-Filing

Intermediate Court E-Filing

- Available July 1, 2022
- File & ServeXpress, LLC, was awarded the contract to develop this e-filing system



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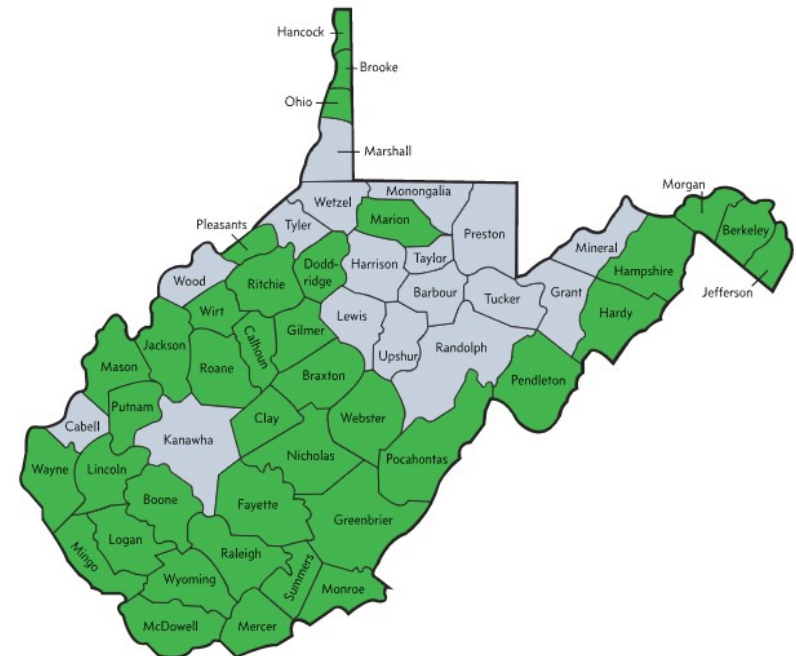
CourtPLUS E-filing

- This project began in 2013 with the goal of bringing electronic filing and unified case management to all circuit and family courts in West Virginia.
- CourtPLUS is currently live in 38 counties.
- The goal is to have 45 counties operational by the end of 2022.

Status of E-Filing

The CourtPLUS Initiative is currently operating in the following counties.

■ = Active Counties



ONLINE PAYMENT PORTAL

Available July 1, 2022

The online payment portal will be available for offenders to pay for criminal assessed tickets or cases where the defendant has fines, fees, or costs due to the court.

At this time, there will be **no** online restitution payments accepted.

House Bill 4712 capped the payment plan option for offenders:
5 years in circuit court
3 years in magistrate court

Interesting Cases (Maybe)

- Fairmont Tool, Inc. v. Davis,
- 868 S.E.2d 737, 742 (W. Va. 2021)
- In re K.S., B.M., and O.S., No. 20-1030, ___ W. Va. ___, ___ S.E.2d ___, 2022 WL 1223231 (Apr. 26, 2022) (J. Wooton)
- Gable v. Gable, 245 W. Va. 213, 858 S.E.2d 213 (June 1, 2021) (J. Hutchison) (C.J. Jenkins & J. Armstead, dissenting).
- State ex rel. John Cherian, M.D., and Weirton Medical Center v. The Hon. Ronald Wilson, Judge of the Circuit Court of Brooke County, and Kevin and Margaret Craft
- No. 21-0763 (April 15, 2022) (memorandum decision)
- Rex Donahue v. Mammoth Restoration and Cleaning and Allstate Insurance Co. –
- No. 20-0343 (February 18, 2022) (Hutchison, C.J.)



Cases continued

- Amie Miller v. St. Joseph Recovery Center, LLC No. 20-0755 (April 26, 2022) (Hutchison, C.J.)
- Thornhill Motor Car, Inc. d/b/a Thornhill Chrysler Dodge Jeep Ram v. Thompson No. 21-0899 (April 26, 2022) (Wooton, J.)
- Parks v. Mutual Benefit Group
- No. 20-0065 (October 28, 2021) (Armstead, J.)



Interesting Issues

Attorney's Fees



Interesting Issues

- Rules of Appellate Procedure

