



WEST VIRGINIA JUDICIARY

Supreme Court of Appeals

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ABOUT THE COURT



The Supreme Court of Appeals is West Virginia's highest court and the court of last resort. West Virginia is one of only nine jurisdictions with a single appellate court.

The five Supreme Court justices hear appeals of decisions over all matters decided in the circuit courts, including criminal convictions affirmed on appeal from magistrate court and appeals from administrative agencies. Workers' compensation appeals are unique and are appealed directly to the Supreme Court from the administrative agency. The Supreme Court justices also hear appeals of decisions decided in family court if both parties agree that they will not appeal directly to the circuit court.

The justices also have extraordinary writ powers and original jurisdiction in proceedings involving *habeas corpus*, *mandamus*, prohibition, and *certiorari*. They also interpret the laws and Constitutions of West Virginia and the United States. In 2010, the Supreme Court revised the rules of Appellate Procedure. The revised rules are an effective method of providing a full review and a decision on the merits in all properly prepared and filed appeals.

Arguments before the Supreme Court of Appeals are typically presented by attorneys. Unlike trials in lower courts, there are no witnesses, juries, or testimony. Oral arguments are open to the public and available via a simultaneous webcast. After justices have heard oral arguments and reviewed attorneys' written materials, known as briefs, they issue written decisions or opinions. Decisions by the Supreme Court of Appeals can be appealed only to the Supreme Court of the United States, which may or may not agree to consider an appeal.

There are two terms of the Court each year. The first term begins on the second Tuesday in January and ends in July. The second term begins on the first Wednesday in September and ends in December. The time period between terms is called "*sine die*," which is Latin for "without day." When the Court is in session, the justices hear cases and deliver opinions. At other times, the justices consider the emergency business that comes before the Court. In addition to its judicial functions, the Supreme Court of Appeals has administrative and regulatory responsibilities. In accordance with its constitutional obligation to create rules governing court practice and procedure, the Court has adopted a variety of rules, including a Code of Judicial Conduct, Rules for Admission to the Practice of Law, Rules of Professional Conduct, Rules of Judicial Disciplinary Procedure and Rules of Lawyer Disciplinary Procedure. The Court sits in the capital city of Charleston but may travel to other locations.

The five justices are elected in nonpartisan elections to twelve-year terms. Justices must have practiced law for at least ten years. The Chief Justice is chosen by members of the Court and serves a four-year term which can be renewed. The governor appoints justices to fill vacancies. An appointee who wishes to remain in office must run in the next election.

Following American custom since the 1800s, the justices wear black robes. Further, as is customary in American courts, the justices are seated by seniority on the bench. The chief justice occupies the center chair. The senior justice sits to the right of the chief justice, the second senior to the chief justice's left, and so on, alternating right and left by seniority.