

STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 1st day of October, 2014, the following order was made and entered:

In re: Request for Public Comment on Proposed Amendments to Rule 15A.04 of the West Virginia Trial Court Rules

The Court previously adopted amendments to the West Virginia Trial Court Rules for the establishment of a Unified Electronic Filing System Pilot Project. The Court has carefully considered the optional participation in the Pilot Project. West Virginia courts continue to process, manage, and store court documents in high volume. Because it is possible to process, manage, and store court documents electronically, the Court has now considered mandatory electronic filing for Actions in the Pilot Project.

Upon consideration, the Court is of opinion to, and does hereby, approve the following revisions to Rule 15A.04, subject to a thirty-day comment period. Comments must be filed in writing on or before Friday, October 31, 2014, with the Clerk of Court.

Insertions are indicated by underscoring as follows:

West Virginia Trial Court Rules

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“15A.04 Selection of Cases for Participation in Pilot Program

Within the Pilot Counties, participation of Actions in the Pilot Project shall not be mandatory, except as otherwise provided within this rule. Actions before circuit courts or family courts within Pilot Counties shall be subject to these E-Filing Pilot Rules by:

1. The party initiating the Action filing the Complaint via the E-Filing System, unless the judge presiding over the Action later orders that the Action proceed pursuant to traditional filing and service methods in other rules or statutes; or
2. The judge presiding over any Action, sua sponte or upon the motion of the party against whom the action is filed, entering an order designating the Action for E-Filing under these rules.

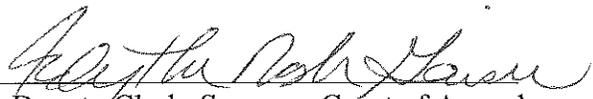
Circuit court judges and family court judges are encouraged to facilitate as much participation in the Pilot Project as practical in order to provide a sound basis for implementation of e-filing rules and procedures.

Within the Pilot County of Marion County, participation of Actions in the Pilot Project shall be mandatory, in all Actions filed on or after December 1, 2014. A party represented by counsel must e-file documents in accordance with these E-Filing Pilot Rules. Persons not represented by counsel may e-file documents, but e-filing is not required.

Once participation of actions in the Pilot Project is mandatory, courts and clerks must not offer to attorneys any alternative electronic document filing transmission system (including facsimile filing), except in the event of emergency. Courts or clerks who cannot comply with this rule by the implementation date may petition the Supreme Court of Appeals for an extension, for good cause shown.

Further mandatory participation of Actions will be added in due course.”

A True Copy

Attest: 
Deputy Clerk, Supreme Court of Appeals