

STATE OF WEST VIRGINIA

At a regular term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 15th day of June, 2015, the following order was made and entered:

In re: Request for Public Comment on 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 and participation in a Unified Electronic Filing System Pilot Project. The Court has carefully considered mandatory electronic filing for participation of Actions in the Pilot Project in the Unified Electronic Filing System. 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, July 15, 2015, with the Clerk of this Court. Insertions are indicated by underscoring and deletions by strike-through as follows:

West Virginia Trial Court Rules

* * *

“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, with two exceptions, those being Domestic Relations cases involving the Department of Health and Human Resources Bureau for Child Support Enforcement and Mental Hygiene cases. Participation in Domestic Relations cases involving the Department of Health and Human Resources Bureau for Child Support Enforcement shall be mandatory in all such actions filed on or after February 1, 2015. Participation of Mental Hygiene cases in the Pilot Project shall be mandatory in all such actions filed on or after ~~July 1, 2015~~ January 1, 2016.

Within the Pilot County of Jefferson County, participation of Actions in the Pilot Project shall be mandatory in all Actions filed on or after August 3, 2015, with one exception, that being Mental Hygiene cases. Participation of Mental Hygiene cases in the Pilot Project shall be mandatory in all such actions filed on or after January 1, 2016.

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