

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 30th day of June, 2009, the following order was made and entered **in vacation**:

RE: AMENDMENT TO RULE 26.02 OF THE WEST VIRGINIA TRIAL COURT RULES

On this day, came the Court, on its own motion, pursuant to Article VIII section 3 of the West Virginia Constitution, and proceeded to amend West Virginia Trial Court Rule 26.02 to read as follows, with insertions indicated by underlining and deletions indicated by strikethrough:

Rule 26.02. Mass Litigation Panel.

The Mass Litigation Panel "Panel" consists of ~~six (6)~~ seven (7) active or senior status circuit court judges who shall be appointed by the Chief Justice, with the approval of the Supreme Court of Appeals. Each appointment is for a term of three (3) years, with two (2) judges to be appointed each year; provided, however, that beginning in 2009 and in every third year thereafter, three (3) judges shall be appointed. There is no prohibition against serving successive terms. The Chief Justice shall annually designate a Panel member to serve as its Chair to preside over the activities of the Panel and to report to the Supreme Court of Appeals.

The amendment shall be effective immediately.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court