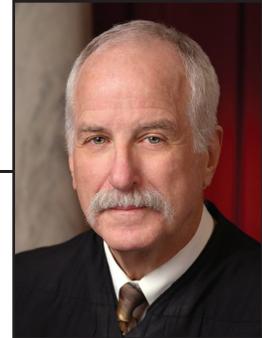


## FROM THE CHIEF

John Hutchison

Chief Justice  
The West Virginia Supreme Court



## KEEPING COURTS ACCESSIBLE

Expanding use of technology will increase access to courts.

On behalf of the Supreme Court of Appeals of West Virginia (Court), I congratulate the West Virginia State Bar as it celebrates its 75th anniversary and appreciate its innovative efforts to provide quality, reliable service to attorneys.

In the new era of the Court, all the Justices are determined to make the West Virginia Judiciary accessible, transparent and fiscally responsible. As Chief Justice in 2022, I will build upon the foundation set by the last four Chief Justices — Margaret Workman, Beth Walker, Tim Armstead and Evan Jenkins — who led the courts through the challenges facing the court system during the last five years and especially the challenges caused by the ongoing pandemic. COVID-19 will likely be a challenge for a long time, but adversity is a catalyst for innovation. My predecessors' work gives me the

opportunity to lead the court system during a year in which the use of technology will expand access to West Virginia courts.

The *Merriam-Webster Dictionary* defines access as “permission, liberty, or ability to enter, approach, or pass to and from a place or to approach or communicate with a person or thing; freedom or ability to obtain or make use of something.” The very definition of access, therefore, includes the concepts of liberty and freedom.

The Intermediate Court of Appeals (ICA) will launch July 1, and we want to ensure the public and attorneys have maximum access to this new court. The ICA will, among other cases, hear appeals from family courts, civil appeals from circuit courts, those concerning guardianship or conservatorship and appeals of workers' compensation decisions. In all these

case types, litigants may choose to proceed pro se; and we expect some appellants who appear before the ICA will be self-represented.

We do not want to put the extra burden of travel on those self-represented litigants. Therefore, we have identified five courthouses in accessible, geographically dispersed locations that will have ICA satellite courtrooms. The pandemic has given everyone experience with video conferencing, but this will not be the same as pleading your case from your home as the cat crawls on the back of your chair and your dog barks at the mailman. Each remote site will have a dedicated ICA courtroom with a bailiff and a secure, professionally installed closed-circuit system. The locations were strategically chosen so that few West Virginians will have to travel more than 90 minutes to get to an ICA site. The ICA's Clerk's Office

will be housed in Charleston. On July 1, we plan to have an operational e-filing system.

In 2022, we will also rely on technology to expand access to our other courts. A statewide project is underway to provide truly hybrid court environments that will allow judges the flexibility and discretion to have participants appear in person or remotely during proceedings using multiple platforms.

West Virginia courts have had the ability to hold remote hearings with regional jails since the first closed-circuit units were installed in magistrate courts in 1998. That technology reduced the need for inmate transport over the years and has been used even more during the pandemic to maintain due process and public safety and to reduce costs. A new initiative will increase remote options for regional jails and juvenile correctional facilities. To assist with efforts to provide reliable, direct connections for court users, the Court received a Justice Assistance Grant from West Virginia Justice and Community Services to purchase up to 20 devices to upgrade equipment in 2022.

The judiciary will also continue to provide LiveScan devices in courthouses.<sup>1</sup> This inkless biometric system has changed criminal records processing in West Virginia by significantly reducing the need for paper fingerprint cards, while improving quality control. LiveScans transmit demographics, photos, prints and an electronic signature to the state criminal record repository so court dispositions of each charge can be matched to an existing arrest. This allows local law enforcement to automate their submissions and makes fingerprinting for added charges more manageable. Because of the LiveScans' real-time submission of criminal arrests to official records systems, this collaborative project improves the availability of criminal record data at both the state and national levels.

Since the first machine was installed in Putnam County in 2012, grant-funded LiveScans have been placed in judicial facilities in a dozen counties. In 2018,

a national Survey of Criminal History Information Systems reported that West Virginia was one of only 13 states that had LiveScans in courthouses.

As a circuit judge for 20 years, I personally know the importance of this project to courts and public safety. Before Raleigh County had a LiveScan, there were boxes of paper fingerprint cards stored at police stations. Sometimes prints were uploaded to the State Police system, and sometimes they were not. At one sentencing, the name of the defendant sounded familiar. Although it was not on the pre-sentence report before me, upon investigation, I discovered that he had been convicted of attempted murder. That previous conviction made a difference in the sentence for his most recent crime. In this modern era, we should be able to rely on technology to keep accurate and current records and not just on the memory of an old judge.

Additionally, in 2022, the court plans to release a new online payment portal that will enable the public to remit payment for magistrate court costs, fines and fees from any location with internet access.

Regarding civil cases in lower courts, the court system will continue to expand a pilot project launched in four counties in 2021 that allows victims of domestic violence and sexual assault to seek protective orders and personal safety orders without going to a courthouse. This program improves victim safety while preserving the rights of respondents.

The West Virginia Constitution mandates that “the Courts of this state shall be open” and that “justice shall be administered without delay.” COVID-19 did not change that mandate, and court and State Bar employees — especially technical employees — have worked ceaselessly to make sure courts and services remain accessible. That mission will continue in 2022. **WV**

## Endnote

1. The West Virginia State Police provides Live Scans to correctional facilities across the state.