



Supreme Court of Appeals State of West Virginia

News

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Committee recommends establishing Business Court in West Virginia For immediate release Tuesday, March 8, 2011

CHARLESTON, W.Va. – The Business Court Committee has sent a letter to the West Virginia Supreme Court of Appeals recommending to the Justices that rules be developed culminating in the establishment of a Business Court in West Virginia.

The Court accepted the letter today and thanked the committee for its work. A copy of the letter is attached.

Besides accepting it, the Supreme Court has not acted on the letter. The Court is in Morgantown today, hearing cases on an Argument Docket and judging the Baker Cup moot court finals at the West Virginia University College of Law. On Wednesday it will hear cases on an Argument Docket in Moundsville as part of the LAWS (Legal Advancement for West Virginia Students) program for high school students.

“The committee members worked extremely hard and did volumes of research to arrive at their conclusions,” said Supreme Court Administrative Director Steve Canterbury. “The Court placed extraordinary confidence in each of the judges on this panel, and I’m sure the Justices will be influenced by the recommendation.”

The Supreme Court established the Business Court Committee in June 2010 in response to House Bill 4352, which the Legislature passed March 11, 2010. A copy of the committee’s mission statement is available on the Supreme Court website at http://www.state.wv.us/wvsca/press/oct28_10.pdf

Members of the committee are

- Circuit Judge Darrell Pratt of the Twenty-Fourth Judicial Circuit (Wayne County), Chairman of the Committee
- Circuit Judge Donald Cookman of the Twenty-Second Judicial Circuit (Hampshire, Hardy and Pendleton Counties)
- Circuit Judge Rudolph J. Murensky, II of the Eight Judicial Circuit (McDowell County)
- Circuit Judge James J. Rowe of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties)
- Circuit Judge Susan B. Tucker of the Seventeenth Judicial Circuit (Monongalia County)
- Circuit Judge Christopher Wilkes of the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties)

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TWENTY-FOURTH JUDICIAL CIRCUIT

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March 8, 2011

Honorable Margaret Workman, Chief Justice
West Virginia Supreme Court of Appeals
Administrative Office Bldg. 1
1900 Kanawha Blvd East
Charleston, West Virginia 25305

Dear Chief Justice Workman:

I am writing to inform you of the Business Court Committee's work and decision. As you know, members of the Committee have researched the issues surrounding the establishment of a business court process in West Virginia in recognition of the growing business concerns in our state. This research involved, among other actions, some members participating in the annual meeting of the American College of Business Court Judges, all members discussing the manner in which various templates of business courts have been developed in other states, and our committee holding a public meeting in the House of Delegates Chamber with North Carolina business court Judge Ben Tennille delivering a lengthy lecture about how business courts work and have been a tremendous success in his state.

It is our conclusion, therefore, that the Supreme Court should approve the establishment of a business court in West Virginia. The next step is to develop rules and procedures for such a court which, of course, is completely at the discretion of the Supreme Court. In that regard, our Committee members wish to volunteer to help in the development of rules for the establishment of a business court. As part of the rule-making process, public comments will be received and, if the Court desires, we shall also hold a public hearing regarding the rules when they have reached the appropriate development for such a hearing to be held.

After reviewing costs and models in other states, the Committee members are also mindful that it is important to scale any business court appropriately for West Virginia's needs so that the costs will be minimized, with most of those costs being absorbed within the current operations of the Court in a manner similar to the way in which the Mass Litigation Panel has been developed. Of course, we are aware that the costs will ultimately be determined by the rules that are eventually developed to establish West Virginia's business court.

In closing, let me note that our purpose is clear in recommending to you the establishment of a business court. It is to provide judicial expertise, reliability and efficiency in handling business and inter-corporate disputes to promote business development and retention in West Virginia.

Thus, we are hopeful that you will accept our recommendation. In any case, the Committee members wish to thank you for the opportunity to serve the State and the judiciary in this vital arena, and each member offers his or her assistance in this or any other matter with which the Court believes that such services would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Pratt", with a horizontal line extending to the right.

Honorable Darrell Pratt
Chief Judge of the 24th Circuit