



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: www.courtsww.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Flickr: www.flickr.com/photos/courtsww/
Email: Jennifer.Bundy@courtsww.gov
Email: April.Harless@courtsww.gov

Business Court Division opens

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MARTINSBURG, W.Va. – Supreme Court Justices Robin Jean Davis and Brent D. Benjamin, along with Business Court Division Chairman Christopher Wilkes, and Berkeley County Council President Dr. William Stublefield unveiled the new division’s headquarters in a ceremony at 5:30 p.m. on Wednesday, October 10, in the Berkeley County Judicial Center.

About 100 people attended the event, which was emceed by Supreme Court Administrative Director Steve Canterbury.

“This is an important day for the judicial system in West Virginia, for the business community in West Virginia, and for the Eastern Panhandle,” Justice Davis said in the keynote speech.

Judge Wilkes praised the work of the city and county leaders who had the foresight to create the Berkeley County Judicial Center and turn it into an architectural model worthy of enticing the Supreme Court to open its first out-of-Charleston division.

“I want to say how proud I am of Berkeley County,” Judge Wilkes said. “I think we have shown statewide that Berkeley County and the Eastern Panhandle are growing in population, diversity, legal skills and judicial leadership.”

Judge Wilkes, Dr. Stublefield, and Justice Davis all said that the growing population and business development in the Eastern Panhandle were key reasons the new division is being housed in Martinsburg.

“Thank-you for your decision to locate the Business Court Division here,” Dr. Stublefield said. “I think it will be an opportunity for us to support the Business Court for many years to come.”

Judge Wilkes credited House Speaker Rick Thompson, who introduced legislation asking the Supreme Court to study a business court, and Justice Benjamin, who took Director Canterbury on an early fact-finding trip to study Delaware’s business court.

“The work of a lot of people made this happen,” Judge Wilkes said. “The Supreme Court has been remarkable in providing what we have needed in the way of technology to make this feasible.”

The Business Court Committee and the Supreme Court Justices “have worked really, really hard on this rule,” Justice Davis said of Trial Court Rule 29, which is the

rule that governs the Business Court Division. Justice Davis presented Judge Wilkes a framed copy of the Rule at the conclusion of the opening ceremony.

“In the business world, time is money. The Business Court Division is designed to expedite litigation between businesses,” Justice Davis said. “The goal in every case will be to come to a resolution within ten months – that’s right, ten MONTHS – from the date the case is assigned to the division. In the federal system they call that a ‘rocket docket.’”

The judges who serve in this division have special training in business law. “So litigants will be assured of getting not just a quick hearing, but an expert hearing,” Justice Davis said.

Business Court Division judges have a background in business law from their careers as attorneys before they became judges, and they have availed themselves of continuing legal education opportunities offered at George Mason University Law School, which also staffs the American College of Business Court Judges.

Justice Davis thanked the other judges who will serve with Judge Wilkes on the Business Court Division: Judge James Rowe of the Eleventh Judicial Circuit (Greenbrier and Pocahontas Counties); Judge Donald Cookman of Twenty-Second Judicial Circuit (Hampshire, Hardy, and Pendleton Counties); and Judge James Young, Jr., of the Twenty-Fourth Judicial Circuit (Wayne County). All their terms – except that of Judge Young – began on Wednesday, October 10. Judge Young’s term will begin on January 1. The new division can have up to seven judges. Others will be added as needed.

The circuit judges have added this task to their duties, with no additional pay.

Judge Wilkes, Judge Rowe, and Judge Cookman all served on the Committee that began studying the idea of a Business Court in West Virginia in June 2011. The other members of that Committee were Judge Rudolph Murensky of the Eighth Judicial Circuit (McDowell County); and Judge Susan Tucker of the Seventeenth Judicial Circuit (Monongalia County).

The chairman of that Business Court Committee was Judge Darrell Pratt of Wayne County. He has decided he no longer wanted that duty, but he attended the opening ceremony, as did Judge Cookman, Judge Young, and Judges David Sanders and John Yoder, who like Judge Wilkes, are circuit judges in the Twenty-Third Judicial Circuit (Berkeley, Jefferson, and Morgan Counties).

West Virginia is the twenty-eighth state to provide a business court of some kind. However, in many states, only one or two jurisdictions actually have some form of a business court. For example, in Arizona, only Maricopa County (where Phoenix is located) has a business court.

West Virginia’s is statewide. Cases can be referred to the Business Court Division from any county by the Chief Justice. Also, any party or judge may file a motion to have a case referred here. The division will operate in seven regions and also use the latest video technology to make proceedings more accessible to litigants and attorneys.

West Virginia’s Business Court is located in the remodeled former regional law library. The former law librarian, Heather McClung, will be the staff employee of the Business Court Division as well as splitting her time to assist the Juvenile Justice Monitor Cindy Largent-Hill. Judge Wilkes’ administrative assistant, Carol Miller, who is also a paralegal, will take on additional Business Court duties but will receive no extra pay for her extra work.