



Supreme Court of Appeals State of West Virginia

News

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Supreme Court seeking comments on proposed rule change

For immediate release

CHARLESTON, W.Va. – Under the Supreme Court of Appeals of West Virginia’s Constitutional rulemaking authority, the Court has published for comment a proposed amendment to Rule 38 of the Rules of Appellate Procedure.

Proposed deletions to the rule regarding placement of citations in documents filed with the Court are indicated by strikethrough, and additions to the rule are indicated by underscoring to read as follows:

Rule 38. General rule on form and filing of documents. (d) Citations of authority. Citations of authority shall be made either in the body of a document or in footnoted form, ~~except citation in a footnote is permissible only if more than five authorities are cited together~~. Citation to an opinion of this Court must use the full parallel citation and may indicate if the opinion is *per curiam*, e.g. *Fauble v. Nationwide Mutual Fire Ins. Co.*, 222 W.Va. 365, 664 S.E.2d 706 (2008)(*per curiam*).

The proposed amendment is published for a thirty-day public comment period. Comments must be filed in writing with the Clerk of Court on or before April 16, 2018.

The order and proposal are available on the West Virginia Judiciary website at <http://www.courtswv.gov/legal-community/court-rules/Orders/2018/RAPrule38citationsPlacementComment.pdf>.

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