



Supreme Court of Appeals State of West Virginia

News

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Supreme Court Welcomes Intermediate Court of Appeals Appointees

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CHARLESTON, W.Va. – Supreme Court Justices today welcomed attorneys from Huntington, Charleston and Wheeling into the West Virginia Judiciary after Governor Jim Justice appointed them to the new Intermediate Court of Appeals. They will take office sometime between May 1, 2022 and the Court’s opening on July 1, 2022.

“The Supreme Court welcomes Governor Justices’ appointments to the new Intermediate Court of Appeals and congratulates each of these well-qualified individuals on being selected. We are committed to working together to improve our justice system,” said Chief Justice Evan Jenkins.

The Judicial Vacancy Advisory Committee recommended three people for each term last week. Today, Governor Justice appointed Huntington attorney Thomas E. Scarr to a term ending Dec. 31, 2024; Charleston attorney Daniel W. Greear to a term ending Dec. 31, 2026; and Wheeling attorney Donald A. Nickerson, Jr., to a term ending Dec. 31, 2028.

Mr. Scarr is president of the West Virginia State Bar and has specialized in civil litigation, labor and employment law, and white-collar criminal defense at Jenkins Fenstermaker, PLLC. He has a bachelor’s degree from the University of Virginia and a law degree from the Marshall-Wythe School of Law at the College of William and Mary.

Mr. Greear served as chief of staff for the House of Delegates in 2014, then was appointed to serve as an interim Kanawha circuit judge in 2018 before returning to the House of Delegates as chief counsel later that year. He is a former member of the House of Delegates. He has a bachelor’s degree from Liberty University and a law degree from the West Virginia University College of Law.

Mr. Nickerson specializes in assisting business clients, residential and commercial real estate transactions, and trust and estate planning and administration. He is a current Ohio County commissioner, a former Wheeling Municipal Court judge and fiduciary commissioner. He has a bachelor’s degree from West Liberty University and a law degree from Capital University.

The appointees must be confirmed by the West Virginia Senate during the 2022 regular session. After the initial appointees' terms end, Intermediate Court of Appeals judges will be elected in nonpartisan races to 10-year terms.

Justice John Hutchison, who will become Chief Justice on January 1, said, "I look forward to working closely with each of the new judges as we set up the operations of West Virginia's first Intermediate Court of Appeals."

Justice Beth Walker said, "The Intermediate Court of Appeals is a historic addition to the West Virginia Judiciary, and I congratulate the new judges appointed today. We are all committed to making sure this new court, like every other court in our state, operates efficiently and is transparent and accessible to all."

Justice Tim Armstead said, "Today's appointments represent an important step in establishing an effective and productive Intermediate Court of Appeals. These new judges will bring many years of unique experience and expertise to the court. I look forward to joining with them as we continue our work together to establish the new appellate court. I welcome each of them to our state's court system."

"The appointees are all experienced attorneys and will be excellent additions to the West Virginia Judiciary," said Justice William R. Wooton.

The Legislature created the Intermediate Court of Appeals in the 2021 regular legislative session and the bill was signed into law on April 9. The court will hear appeals from circuit courts in civil cases and those concerning guardianship or conservatorship; appeals from family courts, not including appeals from domestic violence proceedings; appeals from state agencies or administrative law judges; and appeals from decisions or orders issued by the Workers' Compensation Office of Judges after June 30, 2022, until its termination, and from orders or decisions of the Workers' Compensation Board of Review after June 30, 2022.

The Supreme Court may, on its own accord, obtain jurisdiction over any civil case appealed to the Intermediate Court of Appeals. A party may file for a direct review by the Supreme Court and the Supreme Court may grant the motion if the appeal involves a question of fundamental public importance and involves exigencies.

While the Intermediate Court of Appeals has the discretion to determine which cases require oral argument, it will issue a written decision on the merits in each appeal that is properly filed and within its jurisdiction. An opinion, order, or decision of the Intermediate Court of Appeals will be binding precedent for the decisions of all circuit courts, family courts, magistrate courts, and agencies unless the opinion, order, or decision is overruled or modified by the Supreme Court of Appeals.