



Supreme Court of Appeals State of West Virginia

News

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Two Circuit Judges to Sit on Supreme Court for One Case Each This Week

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CHARLESTON, W.Va. – Two circuit judges will sit on the Supreme Court of Appeals of West Virginia this week in cases in which a justice is recused.

When a Supreme Court Justice is unable to serve in a case due to reasons such as illness or disqualification, Article III Section 2 of the West Virginia Constitution allows the chief justice to assign a circuit court judge or senior status judge to serve. The visiting judge then participates in all private conferences and hearings and votes on that case.

In these cases, the visiting judges were appointed in 2021 by then-Chief Justice Evan Jenkins.

Judge Kenneth Ballard will sit on the Supreme Court on Tuesday in a case in which Chief Justice John Hutchison is disqualified. Circuit Judge Gregory Howard will sit on the Supreme Court on Wednesday in a case in which Justice William R. Wooton is disqualified.

Judge Ballard, of the Thirteenth Judicial Circuit (Kanawha County), will hear a Rule 19 Argument at 10:20 a.m. Tuesday in *Chancellor Senior Management, Ltd. v. Louis McGraw, et al.* No. 20-0794.

Judge Howard, of the Sixth Judicial Circuit (Cabell County), will hear a Rule 19 Argument at 10 a.m. Wednesday in *Antero Resources Corporation v. L&D Investments, et al.* and *Mike Ross, Inc. v. Antero Resources Corporation, et al.* Nos. 20-0964 and 20-0967.

Also, Nineteenth Judicial Circuit (Barbour and Taylor Counties) Judge Alan Moats will be sitting by temporary assignment on the Supreme Court to fill the vacancy created by the resignation of Justice Evan Jenkins. Judge Moats will sit on the cases listed above and all other cases the Supreme Court hears until the governor appoints a replacement for former Justice Jenkins.

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