

COUNCIL OF APPELLATE LAWYERS

STATE APPELLATE COURT STRUCTURE

STATE: West Virginia	PERSON SUBMITTING REPORT: Ellen R. Archibald Kesner, Kesner & Bramble, PLLC Charleston, WV
FIRST LEVEL OF APPELLATE COURT	
Court's name	West Virginia Supreme Court of Appeals.
Total number of judges	Five (5)
Number on panels for oral argument	Five (5)
Jurisdiction discretionary or mandatory	Discretionary
If discretionary, standard (e.g. "important to the jurisprudence of the state")	No stated standard (the Court's counsel presents petitions for appeal to the Justices, who decide <i>in camera</i> whether to accept a petition, deny it, or schedule oral argument on whether to accept it).
Jurisdiction (criminal, civil, or both)	Both.
Oral argument discretionary or allowed as of right	Discretionary (the Docketing Statement, which must be submitted with the petition for appeal, has an oral argument checkoff).
Geographical coverage - number of courts and whether their coverage is statewide or district-wide	The Supreme Court of Appeals covers the State of West Virginia (31 judicial Circuits covering 55 counties, each with civil, family and magistrate courts).
Opinions published -- some, all, or none (if some, estimate percentage) Note whether unpublished opinions may be cited, and if so, whether they are binding or merely persuasive.	All recent opinions are available at http://www.state.wv.us/wvsca/opinions.htm . Briefs should cite the West Virginia Reports (W.Va.) and South Eastern Reporter (S.E., S.E.2d), if available. <i>Per curiam</i> opinions may be cited, but technically, only with respect to settled legal principles. <i>Walker v. Doe</i> , 558 S.E.2d 290 (W.Va. 2001). The Court has stated that it will announce a new point of law only in a signed opinion, <i>id.</i> , but it sometimes cites <i>per curiam</i> opinions in later signed opinions.

Bound by precedent of which other courts	The Supreme Court of the United States.
Opinions are binding precedent on which other courts	All other West Virginia courts.
Other unique characteristics of the system	

SECOND LEVEL OF APPELLATE COURT

Name	None.
Total number of justices	
Number who sit on oral argument panel	
Jurisdiction (criminal, civil or both)	
Jurisdiction discretionary or mandatory; if discretionary, give standard (e.g., "important to the jurisdiction")	
Opinions published -- some, all, or none (if some, estimate percentage) Note if unpublished opinions may be cited, and if so, whether they are binding precedent or merely persuasive.	
Geographical coverage -- if divided into districts, give number of districts and whether their coverage is statewide or only district-wide.	
Bound by precedent from which other courts	
Opinions are binding precedent on which other courts	
Other unique characteristics of the system	

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