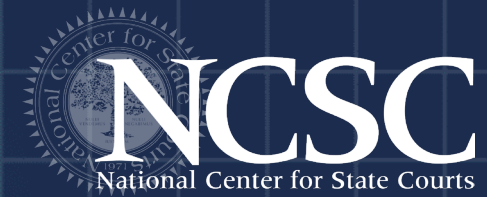


# WEST VIRGINIA

## West Virginia Intermediate Court of Appeals



LOCATION	Charleston, West Virginia (Primary Courtroom)
SATELLITE COURTROOMS	Petersburg, Weston, Berkeley Springs, Beckley, New Martinsville
COURT JURISDICTIONS	Appellate
PROJECT STATUS	Completed November 2022

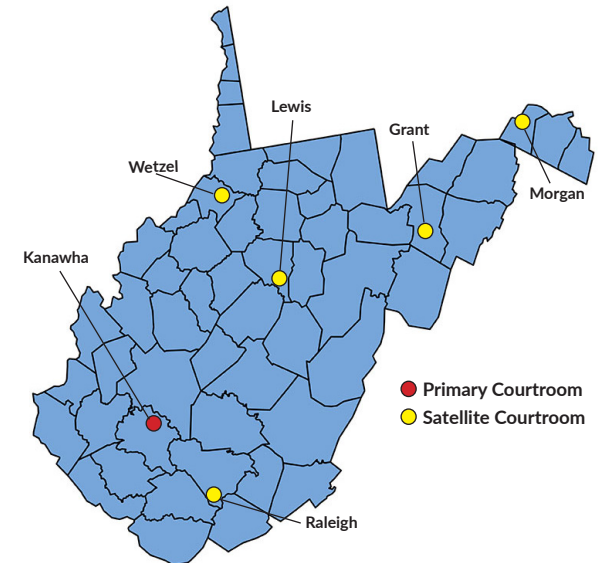
### PROJECT VISION

The implementation of satellite courtrooms balances the logistical convenience associated with virtual and hybrid hearings with the professional decorum of a traditional courtroom setting to ensure access to justice and a dignified legal process for participants.

### PROJECT DETAILS

The West Virginia Intermediate Court of Appeals (ICA) was established by law on April 9, 2021, and began operating on July 1, 2022. The ICA is a single statewide district and has a three-judge panel. After the legislature passed the West Virginia Appellate Reorganization Act of 2020 during the height of the COVID-19 pandemic, the ICA's need to conduct virtual or hybrid court proceedings was clear, and the court needed to find an effective method to hear cases. Initially, the ICA considered using the West Virginia Supreme Court's courtroom in Charleston or implementing a travelling court to accommodate participants in diverse areas while reducing participant travel times required to commute across the state. Both ideas were dismissed as too logistically challenging. The ICA wanted to balance the convenience and accessibility of hybrid or remote hearings with the secure and professional nature of a courtroom. They ultimately decided to build a primary courtroom fully equipped with the necessary technology for hybrid hearings and five satellite locations throughout the state to allow lawyers and litigants to appear remotely.

Technology and the furnishings were at the core of this project. The primary courtroom design included a specialized podium containing a lifting television for viewing the satellite



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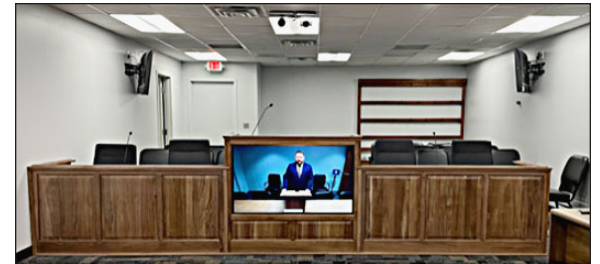
## West Virginia Intermediate Court of Appeals

participants, a central focus for judges during arguments presented by remote litigants. The television was mounted inside the podium on a riser allowing its position to be changed via remote control. This eliminated sightline obstructions for in-person arguments while maintaining a continuous visual connection to a satellite participant. When both parties are in the courtroom, the television remains recessed in the podium, and the parties argue the case in the traditional fashion. For arguments where both parties appear remotely, the television rises to the height of an in-person speaker.

When one party participates in person while the other is remote, the television displays the remote party from an opening in the front of the podium allowing the ICA judges to seamlessly hear the arguments without shifting their gaze to a supplementary device. Students from Herbert Hoover High School located in West Virginia collaborated with the court and created functional solid wood furniture that met the technological needs at a quarter of the price submitted by their competition.

### ENHANCING OPERATIONS AND THE OVERALL BUILDING EXPERIENCE

The Supreme Court of Appeals of West Virginia (SCAWV) immediately recognized its unique opportunity to create an entirely new and innovative court with the technological advances made during the pandemic. West Virginia has several geographically diverse regions separated by mountains. For residents located in rural parts of the state appearing as self-represented litigants in family law and workers' compensation appeals, traveling to and from Charleston for a 20-minute appellate argument requires missing one or two days of work and incurring potentially significant travel expenses. Even for represented parties, attorney travel significantly increases the cost of the appeal. Because a "traveling court" was not feasible, the SCAWV created an innovative system where parties may travel to designated regional locations and connect by professional-grade video conferencing equipment to the



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## West Virginia Intermediate Court of Appeals

judges sitting in Charleston, all while maintaining the security and decorum of a traditional court setting. The resulting system has increased access to justice and decreased the cost of litigation for participants.

### STATISTICS AND OVERALL EXPERIENCE

To date, the ICA has received approximately 950 appeals, averaging 50 to 60 cases per month. Of those, the ICA has heard oral argument in 69 of them, which represents approximately 10% of the cases considered and decided by the ICA. Of the cases for which there has been oral argument, 14 of them (approximately 20%) have used one of the five satellite courtrooms. The 14 cases have involved all four of the primary categories of the ICA's jurisdiction: Workers' Compensation: 50% (7 cases), Family Law: 29% (4 cases), Civil: 14% (2 cases), and Administrative: 7% (1 case). These numbers support the goal and expectation that cases with significant financial challenges, particularly Workers' Compensation and Family Law cases, benefit from the remote and hybrid satellite hearing options. Therefore, the satellite courtrooms increase access to the court.

So far, the ICA's experience with hybrid and remote hearings using regional satellite courtrooms has been positive for the court, litigants, and their counsel. That is not to say that the new system has been without technological challenges. According to current Chief Judge of the ICA, Thomas E. Scarr, "The majority of the time, our remote oral arguments have gone smoothly, and it is difficult to identify any disadvantage to those who have chosen to present their oral argument remotely rather than in person in the ICA's main courtroom in Charleston, West Virginia. There have certainly been a few isolated glitches, or technological problems, and it is still a work in progress, but, overall, it has gone smoothly, and the ultimate goal remains to make the remote and hybrid satellite hearings as seamless and effective as those in the main courtroom."

