

West Virginia Appellate Reorganization Act of 2021

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WV was one of very few states without an intermediate court of appeals between the civil and criminal trial courts and the state Supreme Court. The new Act will change that. The new Court will hear most appeals from the trial courts before they go to the WV Supreme Court.

- ❖ Effective July 1, 2022, the Workers Compensation Office of Judges will be eliminated and replaced by the Board of Review.
- ❖ The Office of Judges will continue to exist until October 1, 2022 but will only issue decisions on protests pending prior to July 1, 2022.
- ❖ Any protests not decided by October 1, 2022, will be transitioned to the Board of Review for decision.

- ❖ The Workers Compensation Board of Review becomes the court of original jurisdiction.
- ❖ The new Board of Review will have five judges and each judge will hear all the protests in any case assigned to him/her throughout the life of the case or the judge's term on the Board of Review.
- ❖ Each judge will have a hearing examiner specifically assigned to him/her to assist in the conduct of the litigation.
- ❖ In essence, the Board of Review will function as five separate, self-contained courts with little to no interaction between the judges and hearing examiners.

- ❖ Appeals from the Board of Review will go to the new Intermediate Court of Appeals.
- ❖ The Intermediate Court of Appeals is a court of general jurisdiction, meaning it will have jurisdiction over many areas of the law, not just workers compensation.
- ❖ The judges who were chosen for the new Court have never been workers compensation specialists.
- ❖ There is a \$200 filing fee for each appeal, but the Court has stated that it does not intend to charge for workers compensation appeals.

- ❖ Appeals from the Intermediate Court of Appeals will go to the WV Supreme Court of Appeals.
- ❖ Appeals to the Supreme Court will be discretionary, meaning the Court can refuse to hear the appeal.