

STATE OF WEST VIRGINIA

At a Regular Term the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on November 14, 2017, the following order was made and entered:

RE: Provisional Adoption of and Request for Public Comment on Proposed Amendment to Rule 17.05 of the Trial Court Rules – 17-Rules-14

On this day came the Court, on its own motion, and proceeded to consider an amendment to **Rule 17.05 of the Trial Court Rules**. The Court is of the opinion that the proposed amendment should be provisionally adopted, subject to being published for a thirty-day period of public comment. Comments must be filed in writing with the Clerk of the Court on or before **December 29, 2017**.

The proposed additions to the rule are indicated by underscoring to read as follows:

Trial Court Rules

Rule 17.05. Challenge to Disqualification Rulings.

* * *

All rulings and orders relating to the recusal or disqualification of a judge shall be considered interlocutory in nature and not subject to direct or immediate appeal. This rule shall not, however, prohibit any party from seeking or using redress available by writ of prohibition, mandamus, or any other appropriate extraordinary writ as may be necessary to assure compliance with these rules by a circuit court judge. This rule is not intended to provide a means to challenge an interlocutory ruling by the Chief Justice on such disqualification issues.

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A True Copy

Attest: //s// Edythe Nash Gaiser
Clerk of Court

