

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 14th day of February, 2018, the following order was made and entered:

IN RE: ADOPTION OF AMENDMENT TO RULE 17.05 OF THE TRIAL COURT RULES, Docket No. 17-RULES-14

On a former day, November 14, 2017, the Court provisionally adopted and published for comment proposed amendments to Rule 17.05, of the West Virginia Trial Court Rules. No comments were filed.

On this day came the Court on its own motion and proceeded to consider the proposed amendments for final adoption. Upon consideration, the Court is of the opinion to and does hereby adopt the following rule amendments, effective immediately.

Insertions to the rule are indicated by underscoring to read as follows:

West Virginia 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

