

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 305

**FISCAL
NOTE**

BY SENATOR BOSO

[Introduced January 15, 2016;

Referred to the Committee on the Judiciary; and then
to the Committee on Finance.]

1 A BILL to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating
 2 to reporting by Administrative Director of the Supreme Court of Appeals and establishing
 3 an online case management system.

Be it enacted by the Legislature of West Virginia:

1 That §51-1-17 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-17. Administrative office of Supreme Court of Appeals -- duties of director.

1 The director shall, when authorized by the Supreme Court of Appeals, be the
 2 administrative officer of said court and shall have charge, under the supervision and direction of
 3 the Supreme Court of Appeals, of:

4 (a) All administrative matters relating to the offices of the clerks of the circuit and
 5 intermediary courts and of the offices of justice of the peace and all other clerical and
 6 administrative personnel of said courts; but nothing contained in this article shall be construed
 7 as affecting the authority of the courts to appoint their administrative or clerical personnel;

8 (b) Examining the state of the dockets of the various courts and securing information as
 9 to their needs for assistance, if any, and the preparation of statistical data and reports of the
 10 business transacted by the courts;

11 (c) The preparation of a proper budget to secure the appropriation of moneys for the
 12 maintenance, support and operation of the courts;

13 (d) The purchase, exchange, transfer and distribution of equipment and supplies, as may
 14 be needful or desirable;

15 (e) Such other matters as may be assigned to him or her by the Supreme Court of
 16 Appeals. The clerks of the circuit courts, intermediate courts and courts of the justices of the
 17 peace shall comply with any and all requests made by the director or his or her assistants for
 18 information and statistical data bearing on the state of the dockets of such courts, or such other

19 information as may reflect the business transacted by them;

20 (f) *Annual report of activities and estimates of expenditures.* -- The director, when
21 required to do so by the Supreme Court of Appeals, shall submit annually to the court a report of
22 the activities of the administrative office and of the state of business of the courts, together with
23 the statistical data compiled by him or her, with his or her recommendations. In preparing his or
24 her report, the director shall, in addition to any statistical data requested by the court, include the
25 following data for the twelve month period covered by the report, which data shall be made
26 available to each justice of the Supreme Court of Appeals as well as the Governor, the Attorney
27 General and the members of the state Legislature.

28 (1) The number of criminal and civil cases pending in each circuit court of the state at the
29 beginning of the twelve month period covered by the report, segregated within each such circuit
30 court between civil cases predicated upon claims of medical malpractice, breach of contract,
31 nursing home abuse, products liability, property or boundary disputes, and general personal
32 injury claims;

33 (2) The number of criminal and civil cases disposed in each circuit court of the state,
34 either by means of an entry of a final order of dismissal or judgment, segregated within each
35 such circuit between civil cases medical malpractice, breach of contract, nursing home abuse,
36 products liability, property or boundary disputes, and general personal injury claims and including
37 as to each category the average time between the date of filing and the date of the entry of a
38 final order of dismissal or judgment;

39 (3) The number of criminal and civil cases tried to verdict in each circuit court of the state,
40 either by means of an entry of a final order of dismissal or judgment, segregated within each
41 such circuit between civil cases medical malpractice, breach of contract, nursing home abuse,
42 products liability, property or boundary disputes, and general personal injury claims and including

43 as to each category the average time between the date of filing and the date of the entry of a
44 final order of dismissal or judgment.

45 (4) The number of civil cases referred to the business court division pursuant to section
46 fifteen, article two of this chapter, from each circuit court;

47 (5) The number of days and partial days each circuit court was in session with respect to
48 criminal and civil matters pending before it, "in session" being defined as days or partial days in
49 which the court conducts criminal or civil trials, hears motions in criminal or civil proceedings, or
50 is engaged in drafting and issuing rulings in criminal or civil matters;

51 (6) The number of notices of criminal and civil appeals docketed with the Supreme Court
52 of Appeals, segregated by the circuit court from which they arose;

53 (7) The number of criminal and civil appeals disposed of by the Supreme Court of Appeals
54 by memorandum decision, segregated by the circuit courts from which they arose;

55 (8) The number of criminal and civil appeals disposed of by the Supreme Court of Appeals
56 through the issuance of an opinion of the court, segregated by the circuit court from which they
57 arose.

58 (9) The number of civil judgment orders reversed by the Supreme Court of Appeals,
59 segregated by the circuit court from which they arose.

60 (10) A chart listing by civil action number and case type as enumerated in subsection (1)
61 the amount and type damages awarded in any civil action that results in a monetary award.

62 (g) The director shall facilitate the establishment of a publicly accessible online case
63 management system that contains all information required to be compiled in subsection (f) and,
64 in addition, the following pleadings:

65 (1) Original criminal or civil complaint;

66 (2) Final judgment order;

67 (3) Jury verdict form if applicable; and

68 (4) Notice of appeal if applicable.

69 ~~(g)~~ (h) Serve as the chair of the Court Security Board created under the provisions of
70 section fifteen, article three of this chapter.

NOTE: The purpose of this bill is to require the Director of the Administrative Office of the Supreme Court of Appeals to file an annual report containing detailed information regarding the cases processed by the court.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.