

2015 West Virginia Legal Research Guide

Provided by the Legal Information Services to the Public Special Interest Section of AALL

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INTRODUCTION

This guide is intended to assist non-legal professionals in finding West Virginia legal resources. It contains links to a wide variety of resources including West Virginia statutes, cases, court information, and more. The goal of this guide is to provide self-represented (*pro se*) patrons resources so that they may conduct their own legal research. This guide is not intended to provide legal advice and does not guarantee coverage of all West Virginia legal resources, nor does it cover federal resources outside of West Virginia. It is merely intended as a starting point for researching a legal issue in West Virginia.

In beginning the legal research process, it may be helpful to reference the legal terms glossary provided by the United States Courts website and accessible for free at <http://www.uscourts.gov/Common/Glossary.aspx>. West Virginia's only law school, West Virginia University College of Law, provides legal resource information for the public at <http://law.wvu.edu/library/services-to-the-public>, which includes contact information for the reference librarians. The website specifically states that neither the librarians nor other library staff are able to give legal advice, but this contact information could be helpful if you need assistance in finding a legal resource.

WEST VIRGINIA LAW LIBRARIES & RESEARCH GUIDES

The George R. Farmer, Jr. Law Library at West Virginia University College of Law is located in Morgantown, West Virginia at 101 Law School Drive. Available in the library are printed guidebooks and research guides to assist you in locating the legal resources that you need. The library's website, <http://law.wvu.edu/library>, provides several online research guides, as well as information on services available to the public.

West Virginia's official state law library is located in Charleston, West Virginia at 1900 Kanawha Boulevard, Building 1, Room E-404. Some research guides are available at this library and online at <http://www.courtsww.gov/public-resources/law-library/law-library-home.html>, although the primary focus of this library is maintaining records of West Virginia statutes and cases. The website does provide a list of resource information available to the public, including the contact information for its reference librarians. It also provides contact information for the few West Virginia counties that have library resources. http://www.courtsww.gov/public-resources/law-library/law-library-contact_us.html.

Another helpful resource for research guides is available through the Georgetown Law Library at <http://www.law.georgetown.edu/library/research/guides/westvirginia.cfm>. This website provides the name and call numbers for a couple of research guides as well as information on West Virginia Bar Journals, which contain articles written by law students and legal professionals on current issues in the law. This website also has links to some West Virginia case law and statutes, although not all of these links are functional.

The Library of Congress, located in Washington, D.C., also provides a variety of West Virginia research guides and general sources, available to the public at no charge, at <http://www.loc.gov/law/help/guide/states/us-wv.php>.

WEST VIRGINIA THEN & NOW

Before beginning legal research, there are several resources on more general aspects of West Virginia that may be helpful in understanding its history, legislature, and current trends in its laws or public topics of interest. This information may be helpful in providing ideas for other

resources that you made need as you conduct your research, or in assisting you who represents your interests in the West Virginia government.

- The West Virginia Legislature has a website, located at <http://www.legis.state.wv.us/>, full of potentially helpful information, including:
 - A comprehensive guide for the general public explaining the legislative process, committee process, and general history of the West Virginia Capitol
 - A full listing of all Senate, House, and Committee members, as well as congressional maps and senate district maps
 - The Budget hearing schedule, congressional maps, senate district maps
 - A legislative blog, Today in the West Virginia Legislature, http://www.legis.state.wv.us/daily_sum/today.cfm, that posts about trending issues in the current West Virginia legislative session
- The West Virginia Supreme Court Clerk's Office website, <http://www.courtswv.gov/supreme-court/clerk/cases-of-interest.html>, provides brief articles summarizing current West Virginia cases that are in the news before the West Virginia Supreme Court

JURISDICTION & COURT INFORMATION

When beginning legal research, it is important to know what court and what laws will govern your case. For example, is your case going to be in family court? Bankruptcy? Federal? And does it involve state or federal laws?

It is also important to know the location of the court that will hear your case. The links below should help guide you to finding all of this information.

- For types and locations of West Virginia Courts, see the website of the West Virginia Supreme Court Clerk's Office, <http://www.courtswv.gov/lower-courts/index.html>, which provides:
 - A hierarchy of West Virginia courts
 - A list of the various types of West Virginia courts and their location

- An explanation of the roles of each West Virginia court
- For practical court information, see the website of the West Virginia Supreme Court Clerk's Office, <http://www.courtswv.gov/supreme-court/clerk/clerks-office.html>, which provides:
 - Court rules for each type of West Virginia court at <http://www.courtswv.gov/legal-community/court-rules.html>
 - Court forms commonly needed by the public at <http://www.courtswv.gov/legal-community/court-forms.html>
- For locations of federal courts in West Virginia, see the website of the United States Courts, <http://www.uscourts.gov/FederalCourts.aspx>, which provides:
 - A federal court locator map
 - An explanation of the federal court system
- For information about how to file documents with the courts and how to obtain copies of case documents, see the website of the West Virginia Supreme Court Clerk's Office at <http://www.courtswv.gov/supreme-court/clerk/clerks-office.html>

CONSTITUTION, STATUTE & CASE LAW INFORMATION

One important component in legal research is finding out what specific laws relate to your situation and how West Virginia courts have interpreted these laws. This may require looking at the West Virginia Constitution, West Virginia statutes, proposed West Virginia bills, and/or judicial decisions made in West Virginia courts.

- The West Virginia Constitution is available at http://www.legis.state.wv.us/wvcode/wv_con.cfm
- The West Virginia Code, also known as West Virginia statutes or laws, is available at <http://www.legis.state.wv.us/WVCODE/Code.cfm>

- Current West Virginia bills, also known as proposed new laws, are available at http://www.legis.state.wv.us/Bill_Status/bill_status.cfm, where you can see the status of the bill and track the progress of the bill
- Opinions of the Supreme Court of Appeals of West Virginia are available at <http://www.courtswv.gov/supreme-court/opinion-information.html> (for cases prior to February 2014) and <http://www.courtswv.gov/supreme-court/opinion-information.html> (for newer cases).

ADDITIONAL RESOURCES

The law is a very complicated topic and often involves looking for resources that you may not generally think of as legal resources. For example, West Virginia politicians may play a role as a resource source, as might information about West Virginia businesses. Coal issues are another potential area of interest. Here are just a few websites that may prove helpful as unconventional legal resources during your research process.

- For information on West Virginia businesses, charities, trademark, and other business related matters, see the West Virginia Secretary of State's website at <http://www.sos.wv.gov/Pages/online-services.aspx>
 - Or for a legal resource on starting your own business, see the official West Virginia website at <http://www.wv.gov/Pages/default.aspx>
- The Office of the West Virginia Attorney General's website at <http://www.ago.wv.gov/Pages/default.aspx> is a resource for many popular legal topics, including:
 - Gun reciprocity, concealed carry, and other firearm related information
 - Consumer protection
 - EPA rules for coal power plants at <http://www.ago.wv.gov/publicresources/epa/Pages/default.aspx>

- For information on coal and mineral laws and environmental protection in West Virginia, see the West Virginia Department of Environmental Protection website at <http://www.dep.wv.gov/dmr/codes/Pages/default.aspx>
- For a list of elected West Virginia officials names and contact information, see the West Virginia Legislature website at http://www.legis.state.wv.us/Educational/membership_directory_2015.pdf

CONTACTING AN ATTORNEY

Due to the complexities of many aspects of the law, you may decide that you would benefit from either speaking with or hiring an attorney. Here are just a couple of resources that may help you find a legal professional that will meet your needs.

- For a resource on free or discounted legal services, see West Virginia Legal Aid’s website at <http://www.lawv.net>, which provides information on many topics, including:
 - Pro Bono (free) legal services
 - Children’s Advocacy services
 - Behavioral Health Advocacy services
 - A complete listing of West Virginia Legal Aid Offices contact information can be found at <http://www.lawv.net/directory>
- For additional information on West Virginia attorneys, see the West Virginia Bar Association’s webpage for the public at <http://www.wvbar.org/public-information/>, which is directed at the non-legal professionals and provides information on a wide variety of attorneys, including:
 - A general directory of West Virginia attorneys
 - Veterans legal assistance
 - Tuesday Legal Connect, which is a free service offered for two hours a week that allows the public to speak with a licensed attorney to determine if they have a legitimate legal issue. See <http://www.wvlawyerreferral.org/help/lawyer-information-service/>

CONCLUSION

This guide is not intended to offer legal advice, nor does it claim to cover all legal resources for West Virginia. This is a guide to provide some legal resources and perhaps assist you in finding a place to begin your own legal research.