

Litigation Handbook on West Virginia Rules of Civil Procedure - 4th Edition

By Franklin D. Cleckley, Robin Jean Davis, Louis J. Palmer, Jr

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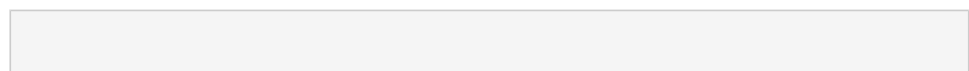
The Fourth Edition of this Handbook provides a meaningful and thorough starting point for researching the West Virginia Rules of Civil Procedure. This Handbook represents an invaluable tool for the bench and bar in obtaining a fundamental understanding of the application of the rules of civil procedure.

Several substantive matters regarding this Handbook require noting. First, the material in this Handbook has been organized so as to correspond with actual rule citations. For example, § 12(b)(6) of the Handbook corresponds with Rule 12(b)(6) of the rules of civil procedure. Therefore, if a practitioner knows the particular rule citation under consideration, he or she need only find the corresponding section citation in this Handbook for a discussion of the particular rule.

Next, although earlier editions of this Handbook did not cite to any per curiam opinions issued by the state Supreme Court, the Fourth Edition does. This substantive change reflects our belief that the Supreme Court is now fully committed to embracing per curiam opinions as persuasive authority to be cited before that Court, as well as trial courts.

Finally, this Handbook provides federal case law construing the federal rules of civil procedure. As the practitioner knows, West Virginia's rules of civil procedure are patterned after the federal rules. With this knowledge in mind, the Handbook offers as persuasive authority federal decisions construing the federal rules. As a practical matter, the Handbook limits its use of federal case law to areas that the state Supreme Court has not issued controlling opinions upon.

The Litigation Handbook is the authoritative work on civil practice in West Virginia and anyone, either members of the bar or bench, can not effectively practice without it.



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Editorial Review

About the Author

Justice Robin Jean Davis was engaged in the private practice of law in the state of West Virginia from 1982 until 1996. In 1996, she was elected as a Justice to the West Virginia Supreme Court of Appeals to fill an unexpired term. She was re-elected in November 2000; Justice Davis served as chief justice in 1998, 2002 and 2006. Justice Davis is the author of several West Virginia Law Review articles, including: "A Tribute to Franklin D. Cleckley: A Compendium of Essential Legal Principles From His Opinions as a Justice on the West Virginia Supreme Court of Appeals"; "A Tribute to Thomas E. McHugh: An Encyclopedia of Legal Principles from Opinions Written by Justice McHugh"; "An Analysis of the Development of Admitting Expert Testimony in Federal Courts and the Impact of that Development on West Virginia Jurisprudence"; and is the co-author with Louis J. Palmer, Jr. of Workers' Compensation Litigation in West Virginia: Assessing the Impact of the Rule of Liberality and the Need for Fiscal Reform.

Franklin D. Cleckley is the Arthur B. Hodges Professor of Law at West Virginia University College of Law, where his courses include Criminal Procedure, Evidence and Civil Rights. Professor Cleckley has been on the Faculty of West Virginia University College of Law since 1969. He was a Drafter of the West Virginia Rules of Evidence and the West Virginia Rules of Criminal Procedure and Drafter of the 1984 Revisions of the Local Rules U.S. District Court for the Northern District of West Virginia. Professor Cleckley has been a Visiting Professor at: University of Maryland, Mercer University, Louisiana State University, College of William and Mary and Syracuse University. He was also Distinguished Visiting Professor at the University of Mississippi. He is former Associate Justice, West Virginia Supreme Court of Appeals and Special Assistant to the General Counsel of Tennessee Valley Authority. Professor Cleckley's publications include: Evidence Handbook for West Virginia Lawyers, Michie, (3 editions - 1978, 1986, 1994); West Virginia Criminal Procedure Handbook, Michie (2 editions - 1984, 1993).

Louis J. Palmer, Jr. has been a staff attorney on the West Virginia Supreme Court of Appeals since 1996. He has Authored several books that include: Racism In America: A Guide to Understanding Discrimination (2006); Encyclopedia of DNA and the United States Criminal Justice System (2004); Encyclopedia of Abortion in the United States (2002); and Encyclopedia of Capital Punishment in the United States (2001).

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