

**A BRIEF HISTORY: *THE WEST VIRGINIA BAR* (1894 – 1901),
THE BAR (1901 – 1917),
WEST VIRGINIA LAW QUARTERLY AND THE BAR (1917 – 1949)
AND
WEST VIRGINIA LAW REVIEW (1949 – PRESENT)**

*Mark W. Podvia**

I.	INTRODUCTION.....	66
II.	BEGINNINGS: THE WEST VIRGINIA BAR.....	67
III.	THE BAR.....	70
IV.	WEST VIRGINIA LAW QUARTERLY AND THE BAR.....	72
V.	WEST VIRGINIA LAW REVIEW	79
VI.	WEST VIRGINIA LAW REVIEW ONLINE.....	86
VII.	CONCLUSION	87

For my part, since it was your desire, I thought that the fountains ought to be shown you from which you might draw, and the roads which you might pursue, not so that I should become your guide (which would be an endless and unnecessary task) but so that I might point you out the way, and as the practice is, might hold out my finger toward the spring.

—Cicero¹

I. INTRODUCTION

On January 4, 1894, the West Virginia Bar Association approved the publication of

a monthly journal, beginning in February next, which shall regularly contain the minutes, proceedings, papers and addresses of the association; a review of or digest of the decisions of the State Supreme Court of Appeals as they appear, the personal and other news of local bars and such general

* A.B., Grove City College, 1983; J.D., The Dickinson School of Law, 1986; M.S.L.S., Clarion University of Pennsylvania, 1993; M.A., The Pennsylvania State University, 2006. Associate University Librarian, Interim Co-Director of the Law Library, Head of Faculty Services, Curator of Special Collections and Archivist, West Virginia University College of Law. Emeritus Faculty, The Pennsylvania State University.

¹ This Cicero quotation appeared on the front cover of the first issue of *The West Virginia Bar*. 1 W. VA. B. 1 (1894).

matters as shall be appropriate, instructive and entertaining to members of the profession²

The journal, to be titled *The West Virginia Bar*, was also to contain “editorial columns . . . devoted to the advocacy of such measures of legislation and of the Bar Association and of general value to the profession as may be proposed.”³ *The West Virginia Bar* was to be produced under the supervision of the Bar Association’s Executive Council.⁴

After several title changes, *The West Virginia Bar* continues today as the *West Virginia Law Review*. It is the fourth-oldest law journal published in the United States.⁵

This Article will explain the development of the *West Virginia Law Review*, from its beginnings as *The West Virginia Bar* to its newest form, the *West Virginia Law Review Online*.

II. BEGINNINGS: THE WEST VIRGINIA BAR

While founded as a Bar Association publication, *The West Virginia Bar* had academic roots. It was William P. Willey, Professor of Equity Jurisprudence and History at West Virginia University, who advocated establishing such a journal.⁶ He saw the journal as both “a medium of exchange of opinions” and “a kind of clearance house of matters of interest to the profession.”⁷ Not surprisingly, the Executive Council elected Professor Willey as the Editor of the

² *Proceedings of the Eighth Annual Meeting of the West Virginia Bar Association, Held at Grafton, January 3 and 4, 1894*, 1 W. VA. B. 34, 39 (1894) [hereinafter *Proceedings*].

³ *Id.*

⁴ *Id.*

⁵ The *University of Pennsylvania Law Review* (1852), *Harvard Law Review* (1887) and *Yale Law Journal* (1891) predate the *West Virginia Law Review*. See Edwin J. Greenlee, *The University of Pennsylvania Law Review: 150 Years of History*, 150 U. PA. L. REV. 1875, 1875 (2002); Erwin N. Griswold, *The Harvard Law Review – Glimpses of Its History as Seen by an Aficionado*, HARV. L. REV., <https://harvardlawreview.org/1987/01/glimpses-of-its-history-as-seen-by-an-aficionado/> (last visited Feb. 5, 2018); *About the Yale Law Journal*, YALE L. J., <https://www.yalelawjournal.org/about-the-yale-law-journal> (last visited Feb. 5, 2018). Penn’s law review was originally published as the *American Law Register*, a commercial publication. Edwin J. Greenlee, *The University of Pennsylvania Law Review: 150 Years of History*, 150 U. PA. L. REV. 1875, 1875 (2002). *Harvard Law Review* and *Yale Law Journal* both began as academic journals. See Griswold, *supra* note 5; *About the Yale Law Journal*, YALE L. J., <https://www.yalelawjournal.org/about-the-yale-law-journal> (last visited Feb. 5, 2018). An early publication produced by the students at the Albany Law School—the *Albany Law School Journal*—is usually regarded as a student newspaper rather than a law review. Robert A. Emery, *The Albany Law School Journal: The Only Surviving Copy*, 89 LAW LIBR. J. 463, 463 (1997). Only one issue of that publication, dated April 13, 1876, survives today. *Id.* at 464.

⁶ See B.M. Ambler, *William P. Willey – An Appreciation*, 25 W. VA. L.Q. 1, 2 (1917); *The Origin, History and Status of the Bar: Its Usefulness, Etc.*, 24 BAR 179, 179–80 (1917).

⁷ *Id.* at 179.

new journal, recognizing him as “the logical man” for the position “and the best material on the Council.”⁸ He served as Editor of *The West Virginia Bar* and its successor, *The Bar*, from 1894 until 1917.⁹

The first issue of *The West Virginia Bar* featured the syllabi of the most recent decisions of the West Virginia Supreme Court of Appeals, “[r]ight [f]resh [f]rom the [h]opper”¹⁰ The first case syllabus to be included was that of *C.C. Miller v. Jas. S. Cox*.¹¹ Reports of decisions from the Supreme Court of Appeals would be a regular feature in *The West Virginia Bar*. Later issues also included reports on cases from the West Virginia Circuit Courts.

Also included in the first issue were the proceedings of the Eighth Annual Meeting of the West Virginia Bar Association.¹² That year’s meeting had been held in Grafton on January 3–4, 1894.¹³ West Virginia Bar Association minutes, as well as other material from the Bar Association, including committee rosters and reports, would also be regular features of the publication.¹⁴ Information on local bar associations was also included in the journal.¹⁵

Articles—often very brief—were featured from the very beginning of *The West Virginia Bar*. Many of these dealt with issues that arose in the daily practice of law. Lawyers were reminded that placing one’s “feet up on the trial table in the face of the court” was “an outrageous act of ill manners, tending to reduce the dignity of the court room to a plane with the bar room.”¹⁶ A young man recently admitted to the bar “without any practice, with no experience, without any income” was advised to open his own law offices “even though those who seek him there be few and far between” rather than entering practice with a senior partner.¹⁷ Other articles discussed matters of historical interest, important cases and newly-adopted statutes in West Virginia.¹⁸ Unique cases from the

⁸ *Id.* at 180.

⁹ Ambler, *supra* note 6, at 2. Although Professor Willey served as editor for many years, he was never listed as such in either *The West Virginia Bar* or its successor, *The Bar*. See, e.g., 24 BAR 201, 201 (1917). Instead, both journals were listed as being “under the editorial charge of the Executive Council.” *Id.* at 201.

¹⁰ *Last Decisions of the Supreme Court of Appeals of West Virginia*, 1 W. VA. B. 9, 9 (1894) [hereinafter *Last Decisions*].

¹¹ 18 S.E. 960 (W. Va. 1894); see also *Last Decisions*, *supra* note 10, at 9.

¹² See *Proceedings of the Eighth Annual Meeting of the West Virginia Bar Association, Held at Grafton, January 3 and 4, 1894*, 1 W. VA. B. 11 (1894).

¹³ *Id.*

¹⁴ See, e.g., *Id.*; *Proceedings*, *supra* note 2, at 34.

¹⁵ See generally *Proceedings*, *supra* note 2.

¹⁶ *Outrageous*, 1 W. VA. B. 101, 101 (1894).

¹⁷ *Go It Alone*, 1 W. VA. B. 124, 124–25 (1894). It was suggested that a young lawyer would “find the temptation almost or quite irresistible to refer his difficulties to his more experienced friend instead of relying upon his own judgment” *Id.* at 125.

¹⁸ See, e.g., *The Full Grist from the West Virginia Supreme Court*, 1 W. VA. B. 247, 247 (1894).

courts of other states, from the federal courts, and from the courts of other nations were also referenced.

On several occasions the publication offered comment on controversial matters relating to the practice of law in West Virginia. That included supporting the division of the West Virginia Federal District into two separate districts, an action opposed by some West Virginia attorneys.¹⁹ The low salaries paid to West Virginia's Supreme Court judges were addressed on several occasions.²⁰ West Virginia's Justice's Courts were described as "little less than a burlesque on judicial procedure," with the journal noting that "[t]here is scarcely a citizen who has had to do with this branch of our judicial machinery who has any confidence in it, and who does not regard it as uncertain as the wind."²¹

The journal's editor did not hesitate addressing social issues of the day. For example, the March 1901 issue addressed the "outcropping of the lynching habit which has fastened itself on the country."²² Lynching was described as "a national evolution of the spirit of violence which defies the law."²³ It lamented that lynching was "slowly undermining the very foundations of government."²⁴

Issues of *The West Virginia Bar* also included personal notes regarding Bar Association members. For example, the inaugural issue reported that "[t]he venerable ex-Judge Samuel Woods is as spry and vigorous under his three-score-and-ten as a boy in his 'teens."²⁵ Readers of *The Bar* unfortunately learned that "[t]he venerable Fontaine Smith of the Fairmont Bar," described as "the very personification of courtesy," had been stricken with a serious illness and was "looking much the worse for the wear."²⁶ It was also reported that Judge Okey Johnson—"always big, booming and hearty on which ever side you look at him"—was taking care of the interests of a client in Monongalia County.²⁷

The West Virginia Bar also included occasional humorous stories and jokes, some of which are still heard today:

A lady, in speaking of a gathering of lawyers to dedicate a new court house, said she supposed they had gone "to view the place where they would shortly lie."

¹⁹ *The Federal Judicial District*, 5 W. VA. B. 45, 45 (1898).

²⁰ *Judicial Salaries*, 6 W. Va. B. 165, 165 (1899); *See, e.g., Proceedings*, supra note 2, at 34; *Judicial Salaries*, 6 W. Va. B. 165, 165 (1899).

²¹ *Where Justice is a Failure*, 8 W. VA. B. 231, 231 (1901).

²² *An Open Forum*, 8 W. VA. B. 43, 43 (1901).

²³ *Id.*

²⁴ *Id.*

²⁵ *Personal*, 1 W.VA. B. 8, 8 (1894).

²⁶ *Id.*

²⁷ *Id.* at 9.

Judge. Have you anything to say before the Court passes sentence upon you?

Prisoner. Well, all I got to say is, I hope your Honor 'll consider the extreme youth of my lawyer, and let me off easy.²⁸

While not an official publication of the West Virginia University College of Law, *The West Virginia Bar* occasionally reported on happenings at the law school. In 1898, for example, it was noted that the school would no longer award a law degree “to anyone who has not finished a prescribed course of academic branches, requiring two years study, which may be done in the State University or elsewhere”²⁹

Published monthly, a subscription to *The West Virginia Bar* was included in the Bar Association membership fee.³⁰ Non-member subscriptions were available for \$1 per year, payable in advance.³¹

III. THE BAR

In 1896 the title on the cover of the publication was changed to read *The Bar*.³² However, the official name of the journal as listed on the masthead remained *The West Virginia Bar* until the May 1901 issue.³³ At that time the transition was completed, and the editor announced that

THE BAR has demonstrated its ability to change its dress.

New type, new paper, new measure, new matter, new size, new volume, new style, and a new ambition to be an up-to-date law journal that will satisfy the most fastidious, are all included in this change.

THE BAR does not intend to fall behind the procession, but will be found henceforth to have aspirations equal to the most pretentious. The Profession in West Virginia is entitled to such a journal, and if their response is equal to the measure of our ambition the deal may be considered as closed.³⁴

The Bar continued supplying much of the same material that had been available in the earlier *West Virginia Bar*, albeit in a more attractive format. Articles included a request that the state provide an adequate building for the West

²⁸ *Untitled*, 1 W. VA. B. 46 (1894).

²⁹ *The University Standard*, 5 W. VA. B. 44, 44 (1898).

³⁰ *See To West Virginia Lawyers*, 1 W. VA. B. 6 (1894).

³¹ 5 W. VA. B. 41, 41 (1898).

³² *See* 3 W. VA. B. 1 (1896).

³³ *Compare* 8 W. VA. B. 75, 75 (1901), *with* 8 W. VA. B. 101, 101 (1901).

³⁴ *New Dress and New Ambition*, 8 BAR 102, 102 (1901).

Virginia College of Law³⁵ and a two-part symposia on the West Virginia-Virginia debt case.³⁶ Other writings—some written specifically for *The Bar*, other republished from other sources—addressed a variety of topics ranging from *An Epidemic of Divorce*³⁷ to *Disciplinary Wife Spanking*³⁸ to *Liability of Husband for Negligence of Wife in Operating His Motor Car*.³⁹

A change in *The Bar* occurred in 1915 when it was announced that a new section “devoted to the study and exposition of West Virginia law” was being created.⁴⁰ The new “Notes on West Virginia Law” section was to be “the work of the student members of the Editorial Board,” who had been “chosen from among those of high rank in the second and third year classes in the College of Law”⁴¹ It was the first student involvement with the publication; it would not be the last.⁴²

In the January 1916 issue of *The Bar*, the editor noted that the journal was “celebrating the 23rd anniversary of its birth, which, in view of its family connections and the history of journalistic life, may be regarded as a good, sound lifetime.”⁴³ Perhaps Professor Willey, who had served as editor of *The West Virginia Bar* and *The Bar* since 1894, was sensing his own mortality; ill health forced his resignation as editor of *The Bar* in June 1917.⁴⁴ At that time the West Virginia Bar Association paid tribute to his years of service to the profession, particularly recognizing his work as editor of Bar Association’s journal:

³⁵ *The Appeal of the Law College*, 24 BAR 14, 14 (1917).

³⁶ *See A Symposiac: On What is the Proper Attitude of the State on the Virginia Debt Case*, 23 BAR 146 (1916); Thomas P. Jacobs, *A Symposiac: On What is the Proper Attitude of the State on the Virginia Debt Case; Part No. 2*, 23 BAR 242 (1916).

³⁷ *An Epidemic of Divorce*, 9 BAR 161 (1902).

³⁸ *Disciplinary Wife Spanking*, BAR, Apr. 1915, at 20. The article did not address the possibility that disciplinary wife spanking may have been a contributing factor to the epidemic of divorce discussed in the earlier article.

³⁹ *Liability of Husband for Negligence of Wife in Operating His Motor Car*, 24 BAR 204 (1917).

⁴⁰ *A New Department*, BAR, Apr. 1915, at 10.

⁴¹ *Notes on West Virginia Law*, BAR, Apr. 1915, at 35.

⁴² It was, at least, the first *recognized* student involvement with the publication. It is certainly possible that Professor Willey might have had student assistance during prior years with both *The West Virginia Bar* and *The Bar*.

⁴³ *1916*, 23 BAR 10, 10 (1916). In that same year, *The Bar* published *West Virginia in the Making: First-hand History of the Formation of the State*. Geo. R. Latham, *West Virginia in the Making: First-hand History of the Formation of the State*, 23 BAR 17 (1916). This was one of many articles on West Virginia legal history published in *The Bar* and its successors. *See, e.g., Id.*; Geo. R. Latham, *West Virginia in the Making: First-hand History of the Formation of the State*, 23 BAR 78 (1916); Geo. R. Latham, *West Virginia in the Making: First-hand History of the Formation of the State*, 23 BAR 305 (1916). It would be virtually impossible to write a history of this state without consulting these articles.

⁴⁴ Ambler, *supra* note 6, at 1.

[I]t was as the founder of THE BAR in 1894 and its editor until 1917 that he made his influence most felt. The twenty-four bound volumes of THE BAR, over two hundred and fifty numbers, represent an untold labor of love, done practically without compensation for the good of the legal profession of West Virginia.⁴⁵

IV. WEST VIRGINIA LAW QUARTERLY AND THE BAR

Following Professor Willey's resignation, the possibility of discontinuing publication of *The Bar* was considered.⁴⁶ Instead, "in accordance with the report of a special committee," the journal was given a new name: *West Virginia Law Quarterly and the Bar*.⁴⁷ While the publication remained the official organ of the Bar Association, editorial management of the journal was transferred to the West Virginia College of Law.⁴⁸ As the new titles implies, the publication was issued quarterly.

The new journal was planned to be "of peculiar interest to the legal profession of West Virginia," with articles being "selected largely with respect to the needs of the West Virginia bar."⁴⁹ Recent cases included in the *West Virginia Law Quarterly* were to "be limited in most instances to those decided by the supreme courts of West Virginia and Virginia" and applicable federal cases, with an exception being made "as to cases involving coal, oil or gas rights from states governed by the same mining-law principles as West Virginia."⁵⁰

The original Board of Editors of the *Law Quarterly* consisted of Henry Craig Jones, James Russel Trotter, James W. Simonton, Thomas P. Hardman, and Leo Carlin.⁵¹ Associate editors for the Bar Association were William P. Willey, Ira E. Robinson, and Robert S. Spilman.⁵² Associate Student Editors were Edgar C. Glass, Karl B. Kyle, William W. Walters, Arthur G. Stone, Julian L. Hagen, and Thomas A. Little.⁵³

There were relatively few students at the law school to serve as editors for the new publication. Following the assumption of unrestricted submarine warfare, the United States had declared war on Imperial Germany on April 6,

⁴⁵ *Id.* at 2.

⁴⁶ *Foreword*, 25 W. VA. L.Q. 56, 56 (1917).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* at 56–57.

⁵¹ *Id.* at 56.

⁵² *Id.*

⁵³ *Id.*

1917.⁵⁴ It was announced in the November 1917 issue of the *Law Quarterly* that “[t]he number enrolled as students is slightly less than fifty per cent” of the previous year’s enrollment.⁵⁵ One former second-year student who had enlisted in the Army reported that he “would be ashamed of the school if it didn’t have a large reduction in attendance at such a time.”⁵⁶

The January 1918 issue included lists of the West Virginia lawyers⁵⁷ and West Virginia University law students who were serving in the military.⁵⁸ Later issues added names to that list. It was also announced that the *Law Quarterly* would “publish the names of West Virginia students in other law schools who have entered military service upon receiving their names and addresses.”⁵⁹

Reports of the involvement of law students and attorneys in the war effort were not, however, the primary focus of the *Law Quarterly*. The newly-renamed journal was taking on the appearance of a modern law review. Longer academic articles replaced the relatively abbreviated articles found in the old *Bar*. Three such articles were published in the first issue: *Bills to Remove Cloud from Title – With Reference to the State of the Authorities in Virginia and West Virginia* by David C. Howard,⁶⁰ *Oil and Gas Leases and the Rule Against Perpetuities* by James W. Simonton,⁶¹ and *Growth of State Power Under Federal Constitution to Regulate Traffic in Intoxicating Liquors* by Clifford R. Snider.⁶²

The articles were followed by “Editorial Notes,” shorter pieces written by law faculty and practitioners, and even shorter student-written “Recent Cases.” The first Editorial Note was *Venue in Equity as Depending Upon the Situs of the Land*;⁶³ the first “Recent Case” was *Bills and Notes – Validity of a Stipulation for an Attorney’s Fee*.⁶⁴ These were followed by two pages of

⁵⁴ THE OXFORD ILLUSTRATED HISTORY OF THE FIRST WORLD WAR 239–40 (HEW STRACHAN ed., 1998).

⁵⁵ *The College of Law*, 25 W. VA. L.Q. 57, 57 (1917).

⁵⁶ *Id.* at 58.

⁵⁷ *West Virginia Lawyers in Active Military Service*, 25 W. VA. L.Q. 168, 168–69 (1918).

⁵⁸ *Law Students in Military Service*, 25 W. VA. L.Q. 170, 170 (1918).

⁵⁹ *Id.*

⁶⁰ David C. Howard, *Bills to Remove Cloud from Title – With Reference to the State of the Authorities in Virginia and West Virginia*, 25 W. VA. L.Q. 4 (1917). A Charleston practitioner, David C. Howard was a former member of the faculty of the West Virginia University College of Law. *Id.*

⁶¹ James W. Simonton, *Oil and Gas Leases and the Rule Against Perpetuities*, 25 W. VA. L.Q. 30 (1917). The author was a Professor of Law at West Virginia University. *Id.*

⁶² Clifford R. Snider, *Growth of State Power Under Federal Constitution to Regulate Traffic in Intoxicating Liquors*, 25 W. VA. L.Q. 42 (1917). Mr. Snider was a 1917 graduate of the West Virginia University College of Law. *Id.* His article won the school’s 1917 Corpus Juris Scholarship. *Id.*

⁶³ *Venue in Equity as Depending upon the Situs of the Land*, 25 W. VA. L.Q. 58 (1917).

⁶⁴ *Recent Cases: Bills and Notes – Validity of a Stipulation for an Attorney’s Fee*, 25 W. VA. L.Q. 77 (1917).

Questions and Answers of Committee on Professional Ethics of New York County Lawyers Association along with Bar Association news and a list of Bar Association officers and committees. No book reviews appeared in the first issue published under the new title, but they would be published in later issues.

It was already noted that the first issue of the *Law Quarterly* included a tribute to Professor William P. Willey.⁶⁵ Dedications to members of the law school faculty would continue to appear in later issues of both the *Law Quarterly* and the *West Virginia Law Review*. Among these were dedications and tributes to Professor James Russel Trotter,⁶⁶ Dean Henry Craig Jones,⁶⁷ Professor James Wiggins Simonton,⁶⁸ Dean Clyde Lemuel Colson,⁶⁹ Professor Russell C. Dunbar,⁷⁰ Paul N. Bowles,⁷¹ Ralph J. Bean,⁷² E. Ann Compton Keel,⁷³ Justice Thomas B. Miller,⁷⁴ The Honorable James M. Sprouse,⁷⁵ Professor Ann Maxey,⁷⁶ Professor Carl M. Selinger,⁷⁷ Dean Willard D. Lorensen,⁷⁸ Senator

⁶⁵ See Ambler, *supra* note 6.

⁶⁶ James Russell Trotter, 32 W. VA. L.Q. 1 (1925).

⁶⁷ Editorials: Henry Craig Jones, 36 W. VA. L.Q. 103 (1929).

⁶⁸ James Wiggins Simonton, 39 W. VA. L.Q. 1 (1932).

⁶⁹ *In Memoriam Dean Clyde Lemuel Colson: 1902–1965*, 68 W. VA. L. REV. 1 (1965).

⁷⁰ James M. Sprouse, *Russell C. Dunbar*, 85 W. VA. L. REV. 1 (1982).

⁷¹ *In Memoriam Paul N. Bowles: October 9, 1921–October 8, 1986*, 89 W. VA. L. REV. xxiii (1986).

⁷² *Personal Memories of and a Tribute to Ralph J. Bean*, 95 W. VA. L. REV. 271 (1992–93).

⁷³ *Dedication to E. Ann Compton Keel*, 95 W. VA. L. REV. 613 (1993).

⁷⁴ Ancil G. Ramey, *A Tribute to Justice Thomas B. Miller*, 97 W. VA. L. REV. 553 (1995).

⁷⁵ Sam J. Ervin, III, *Tribute for the Honorable James M. Sprouse*, 98 W. VA. L. REV. 1 (1995).

⁷⁶ Floyd E. Boone, *Dedicated to the Memory of Professor Ann Maxey*, 103 W. VA. L. REV. ix (2001).

⁷⁷ John W. Fisher, II, *Carl M. Selinger Dedication*, 104 W. VA. L. REV. vii. (2001).

⁷⁸ *Dedicated to the Memory of Dean Willard D. Lorensen*, 107 W. VA. L. REV. iv (2004).

Robert C. Byrd,⁷⁹ Professor Steven G. Gey,⁸⁰ Senator John D. Rockefeller, IV,⁸¹ Professor Franklin D. Cleckley⁸² and Dean Emeritus John W. Fisher, II.⁸³

This trend on serving the West Virginia Bar by publishing articles and notes specific to West Virginia continued during the Roaring 20s. Among the articles published were *The Rule in Shelley's Case in West Virginia*,⁸⁴ *Legal Research in West Virginia*,⁸⁵ and *Review of Observations Upon Civil Procedure in West Virginia*.⁸⁶ Issues pertaining to prohibition—in effect from 1920 to 1933—were raised in several articles and notes, including *Intoxicating Liquors – Confiscation and Sale of Automobile Engaged in the Unlawful Transportation of Intoxicants in its Effect on the Innocent Owner of the Vehicle*.⁸⁷

The publication also occasionally included poetry, including a poem titled *The Supreme Court Judge: An Appreciation*.⁸⁸ It included these lines:

The pageant of Life goes by unseen by him.
The call of Spring from brook and meadow,
Summer, flinging wide her treasures with lavish hand,
Autumn, gilding a thousand hilltops with glory incomparable.
Winter's fairy frostwork,

⁷⁹ 108 W. VA. L. REV. vii (2006). The third issue included four articles paying tribute to Senator Byrd. See Gerald G. Ashdown, *Marshall, Marbury, and Mr. Byrd: America Unchecked and Imbalanced*, 108 W. VA. L. REV. 691 (2006); David A. Corbin, *Senator Robert C. Byrd, the "Unsung Hero" of Watergate*, 108 W. VA. L. REV. 669 (2006); Robert Bruce King, *Robert C. Byrd and the Fourth Circuit Court of Appeals*, 108 W. VA. L. REV. 607 (2006); M. Blane Michael, *The Power of History to Stir a Man's Blood: Senator Robert C. Byrd in the Line Item Veto Debate*, 108 W. VA. L. REV. 593 (2006).

⁸⁰ Mary Claire Johnson, *Dedication: Professor Steven G. Gey*, 110 W. VA. L. REV. iii–iv (2007).

⁸¹ Lee Adair Sparks, *Dedication to Senator John D. Rockefeller IV*, 113 W. VA. L. REV. i (2010–11).

⁸² Amber M. Moore, *Dedication to Professor Franklin D. Cleckley*, 115 W. VA. L. REV. iii–iv (2013).

⁸³ Joyce E. McConnell et al., *Tribute to John W. Fisher, II, The William J. Maier, Jr. Dean Emeritus and Robert M. Steptoe and James D. Steptoe Professor of Property Law*, 116 W. VA. L. REV. (SPECIAL ISSUE) xi, xi–xiii (2014).

⁸⁴ James W. Simonton, *The Rule in Shelley's Case in West Virginia*, 26 W. VA. L.Q. 178 (1920).

⁸⁵ Robert M. Hutchins, *Legal Research in West Virginia*, 35 W. VA. L.Q. 103 (1929).

⁸⁶ Leo Carlin, *Review of Observations Upon Civil Procedure in West Virginia*, 34 W. VA. L.Q. 30 (1927).

⁸⁷ Note, *Intoxicating Liquors – Confiscation and Sale of Automobile Engaged in the Unlawful Transportation of Intoxicants in its Effect on the Innocent Owner of the Vehicle*, 33 W. VA. L.Q. 108 (1926).

⁸⁸ *The Supreme Court Judge: An Appreciation*, 32 W. VA. L.Q. 81 (1925). The poem was attributed only to L.L.H. *Id.* at 82.

All these unheeded.

For he, into whose hands
The people have committed trust,
Must labor without pause, else be engulfed
Beneath the never ceasing, ever deepening tide of work.⁸⁹

Articles and editorials dealing with the happenings and needs of the College of Law were also featured. A 1920 article provided details on the new law building, including floor plans.⁹⁰ A 1928 editorial by Professor Thurman W. Arnold asked for comments from the bar on whether the law school “should require three years college work for entrance,” that being “in line with what all the better law schools” were already doing.⁹¹ Another editorial by Professor Arnold called for the construction of a dormitory for law students, seeing it as a way for the students to “eat with the law and live with the law.”⁹²

Law students are scattered in fraternities and boarding houses all over the campus. It is notorious that when a few of them get together they drown out other conversations with discussions of fascinating legal problems. The unfortunate thing is that very few of them do get together. For the most part, they are compelled to study law by themselves because they are so hopelessly scattered among the mass of students throughout the University.⁹³

It was in 1922 that the first woman joined the *Law Quarterly*'s Student Board of Editors.⁹⁴ Kathryn V. Jenkins served as an editor during her second year.⁹⁵ Her

⁸⁹ *Id.* at 81.

⁹⁰ Henry Craig Jones, *The Law Building at West Virginia University*, 26 W. VA. L.Q. 238 (1920).

⁹¹ Thurman W. Arnold, *Editorials: College of Law Registration – Raising Requirements for Entrance*, 35 W. VA. L.Q. 53, 54 (1928).

⁹² Thurman W. Arnold, *Editorials: A New Dormitory to Commemorate the Fiftieth Anniversary of the College of Law*, 35 W. VA. L.Q. 54, 55 (1928).

⁹³ *Id.*

⁹⁴ *See Editorial Notes*, 29 W. VA. L.Q. 41, 41 (1922).

⁹⁵ *See* WEST VIRGINIA UNIVERSITY, WOMEN IN LAW: A CHRONICLE OF 101 YEARS OF ACHIEVEMENTS 80 (2001). Ms. Jenkins was an early female editor, but certainly not the first American female law review editor. *See* Mark W. Podvia, *The Dickinson Law Review: A Brief History*, 108 PENN ST. L. REV. 747, 750 (2004). That honor probably belongs to Julia A. Radle, Dickinson School of Law Class of 1899. *Id.* She served as an editor of *The Forum*, predecessor to the *Dickinson Law Review*. *Id.*

note, *Carriers – Care Required to Discover Obstructions*, can be found in the November 1922 issue of the *Law Quarterly*.⁹⁶

In 1920, A.W. Laas was named Chairman of the *West Virginia Law Quarterly*'s Student Board of Editors.⁹⁷ The Board had previously operated without a Chairperson. The Board would undergo a further reorganization in 1931 when Bernard Sclove was named Board President and August W. Petroplus became Board Secretary.⁹⁸ Beginning in 1935, student members of the *Law Quarterly* were listed as Associate Student Editors with Guy Otto Farmer serving as President, Marlyn Edward Lugar as Secretary, Stephen Ailes as Note Editor and Houston Alexander Smith as Case Editor.⁹⁹

The first female law student to serve as President of the Student Board of Editors was Trixy M. Peters, Class of 1934.¹⁰⁰ Apparently a prolific writer, during her second year she published two legislation notes: *The Amendment of West Virginia Statutes*¹⁰¹ and *Some Statutory Modifications of the Hearsay Rule*.¹⁰² She also published two recent case comments: *Criminal Law – Defenses – Entrapment*,¹⁰³ and *Constitutional Law – Amending Constitutions – Construction*.¹⁰⁴ In her senior year the *Law Quarterly* published her student note, *Injunctions – Labor Injunctions – Persons Bound*,¹⁰⁵ along with a recent case comment that she authored, *Insurance – Escheat – Murder of Insured by Beneficiary Who is Sole Distributee*.¹⁰⁶ During her third year the *Law Quarterly* also published her oil and gas comment, *Developments in the Doctrine of Carper v. United Fuel Gas Company*.¹⁰⁷

⁹⁶ *Carriers – Care Required to Discover Obstructions*, 29 W. VA. L.Q. 68 (1922). Student notes were then unsigned, but did include the author's initials at the end of the note. Student names were not included with their notes until 1927, beginning with Volume 34. See, e.g., *Student Notes and Recent Cases*, 34 W. VA. L.Q. 96, 101 (1927).

⁹⁷ *Editorial Notes*, 27 W. VA. L.Q. 73 (1920).

⁹⁸ *Editorial Notes*, 38 W. VA. L.Q. 51 (1931).

⁹⁹ *Board of Editors*, 42 W. VA. L.Q. 59 (1935).

¹⁰⁰ See *Student Notes*, 40 W. VA. L.Q. 54, 54 (1933) (listing Ms. Peters as President on the Student Board of Editors).

¹⁰¹ Trixy M. Peters, *The Amendment of West Virginia Statutes*, 39 W. VA. L.Q. 70 (1932).

¹⁰² Trixy M. Peters, *Some Statutory Modifications of the Hearsay Rule*, 39 W. VA. L.Q. 174 (1933).

¹⁰³ Trixy M. Peters, *Criminal Law – Defenses – Entrapment*, 39 W. VA. L.Q. 261 (1933).

¹⁰⁴ Trixy M. Peters, *Constitutional Law – Amending Constitutions – Construction*, 39 W. VA. L.Q. 350 (1933).

¹⁰⁵ Trixy M. Peters, *Injunctions – Labor Injunctions – Persons Bound*, 40 W. VA. L.Q. 54 (1933).

¹⁰⁶ Trixy M. Peters, *Insurance – Escheat – Murder of Insured by Beneficiary Who is Sole Distributee*, 40 W. VA. L.Q. 188 (1934).

¹⁰⁷ Trixy M. Peters, *Developments in the Doctrine of Carper v. United Fuel Gas Company*, 40 W. VA. L.Q. 375 (1934).

Many of the articles and notes published in the *Law Quarterly* during the era of the Great Depression remained centered on West Virginia law, such as *The Common Law Declaration in West Virginia*,¹⁰⁸ *The Menace of Jarndyce and Jarndyce*,¹⁰⁹ and *The Present Legal Status of the Private Seal in West Virginia*.¹¹⁰ An editorial note explained that the *West Virginia Law Quarterly* was

not ambitious to imitate the *Harvard Law Review* or other law reviews which attempt a national scope. We believe that our field is local and if our magazine is to have a general interest it will be among those who are interested in determining just what the West Virginia attitude is on legal questions. It is our ambition in time to make our volumes the first reference work where anyone would turn for a discussion of West Virginia law.¹¹¹

This does not mean that the *Law Quarterly* ignored events happening outside of the Mountain State. Several articles during this period dealt with issues raised by various policies instituted under President Franklin Roosevelt's New Deal. These included *Judicial Review of Administrative Determinations and the Doctrine of Separation of Powers*.¹¹² As the international situation worsened, one article addressed national defense: *The President and Military Power in Emergencies*.¹¹³ Unfortunately an article on municipal zoning and segregation, reflective of the time in which it was written, noted that "it does not follow that it was ever intended that the Federal Government should attempt to put the two peoples, so different in characteristics and aptitudes, upon a social equality."¹¹⁴

The entry of the United States into World War II—like the First World War fewer than 25 years earlier—had a profound effect on law school attendance as students left to join the Army, Navy, Marines, Coast Guard or Army Air Force. The April-June 1942 issue of the *Law Quarterly* included a list of law students who had been inducted into the military.¹¹⁵ A similar list of those members of

¹⁰⁸ Leo Carlin, *The Common Law Declaration in West Virginia*, 35 W. VA. L.Q. 1 (1932).

¹⁰⁹ J.H. Brennan, *The Menace of Jarndyce and Jarndyce*, 39 W. VA. L.Q. 279 (1933).

¹¹⁰ Thomas Clifford Billig & William Frederick Wunschel, *The Present Legal Status of the Private Seal in West Virginia*, 40 W. VA. L.Q. 330 (1934).

¹¹¹ *The West Virginia Law Quarterly*, 34 W. VA. L.Q. 73 (1927).

¹¹² George W. McQuain, Note, *Judicial Review of Administrative Determinations and the Doctrine of Separation of Powers*, 39 W. VA. L.Q. 348 (1933).

¹¹³ Charles McCamic, *The President and Military Power in Emergencies*, 39 W. VA. L.Q. 17 (1932).

¹¹⁴ George D. Hott, *Constitutionality of Municipal Zoning and Segregation Ordinances*, 33 W. VA. L.Q. 332, 348 (1927).

¹¹⁵ *Students Inducted into Military Service*, 48 W. VA. L.Q. 277 (1942).

the West Virginia Bar who had also entered into military service was also published.¹¹⁶

During the 1942–43 school year the *Law Quarterly* published only two issues, December 1942¹¹⁷ and February–April–June 1943.¹¹⁸ The publication then took a wartime hiatus, with the following announcement being read at the 1943 West Virginia Bar Association meeting:

The Council has been advised by the Dean of the University Law School that it has been concluded to be impracticable under existing war conditions, considering particularly the very limited student body of the Law School, to continue the publication of the *Law Quarterly* upon the high standards established for this publication and that for this reason the publication of the *Law Quarterly* will be discontinued for the duration of the emergency.¹¹⁹

The *West Virginia Law Quarterly* resumed publication in December 1946.¹²⁰ Three years later the publication took on a new title.

V. WEST VIRGINIA LAW REVIEW

In 1949, beginning with Volume 52, the *West Virginia Law Quarterly and the Bar* became the *West Virginia Law Review*. It was noted that “[t]he change in title . . . will not involve a change in the numerical designation,” nor was “it contemplated that either the publication dates or the number of issues per volume will be changed”¹²¹ The *Law Review* continued to be published in conjunction with the West Virginia Bar Association.¹²²

During the 1950–51 school year Robert Emanuel Magnuson became the first Editor in Chief of the *Law Review*.¹²³ Norman Edward Rood, Quentin Gilbert Swiger, and Floyd Ramsay Tarr served as Associate Editors, while Charles Hugh Bean, Spicer Franklin Burford, John Nicholls Charnock, Charles

¹¹⁶ *Roll of Honor*, 48 W. VA. L.Q. 267, 267–68 (1942). It was also announced that the Bar Association stood “ready “to furnish legal aid service whenever necessary to men in service from West Virginia” *National Emergency*, 48 W. VA. L.Q. 163, 163 (1942)

¹¹⁷ 49 W. VA. L.Q. 1 (1942).

¹¹⁸ 49 W. VA. L.Q. 103 (1943).

¹¹⁹ WEST VIRGINIA BAR ASSOCIATION, REPORT OF THE WEST VIRGINIA BAR ASSOCIATION: INCLUDING PROCEEDINGS OF THE ANNUAL MEETING 20 (1944).

¹²⁰ See 50 W. VA. L.Q. 1 (1946).

¹²¹ *West Virginia Law Review*, 52 W. VA. L. REV. 56, 56 (1949).

¹²² *Id.*

¹²³ See *Student Board of Editors*, 54 W. VA. L. REV. 70, 70 (1951). The Student Board of Editors had previously been headed by a President. See *supra* note 98.

Maurice Harrison, Robert Lee Hart, Jr., and Willis Owen Shay served as members of the Student Board of Editors.¹²⁴

Despite the change in the title and management of the *Law Review*, in 1953 it was reported that the publication was experiencing serious financial difficulties. At the 1953 meeting of the West Virginia Bar Association, it was reported that because of budget cuts in University printing, “the current issue of the *Law Review* would probably be the last one to be published, at least for some time.”¹²⁵ Fortunately the University increased its funding for the publication, and that funding, combined with an increase in advertising and subscriptions, kept the *Law Review* in print.¹²⁶ In 1955 the Bar Association approved a \$1.00 yearly increase in dues to ensure adequate financial support for the publication.¹²⁷

Unfortunately it took a number of years following the Second World War for the *West Virginia Law Review* to resume its quarterly schedule.¹²⁸ This was primarily because of the aforementioned lack of funds combined with delays involving the printer, not because of the work of the student editors.¹²⁹ It was not until 1956 that John D. Phillips, President of the West Virginia Bar Association, was able to report that “the revitalization of the *Law Review* is progressing nicely,” and that it was again becoming a “prompt and timely publication.”¹³⁰ The *Law Review* Faculty Editor in Charge, Gerhard O. W. Mueller, noted that while past issues had “appeared late and irregularly,” the *Law Review* had “returned to a quarterly publication . . . [w]ithout lowering [its] traditionally high standards.”¹³¹

In 1950s and 1960s, the *Law Review* continued to publish many articles and notes dealing with issues of specific interest to West Virginia lawyers. These included *The Drilling Clause in Oil and Gas Leases in West Virginia*,¹³² *The*

¹²⁴ See *Student Board of Editors*, 54 W. VA. L. REV. 70, 70 (1951).

¹²⁵ Jackson N. Huddleston, *Report of Committee on the West Virginia Law Quarterly*, in ANNUAL REPORT OF THE WEST VIRGINIA BAR ASSOCIATION INCLUDING PROCEEDINGS OF THE SIXTY-NINTH MEETING BEING THE SIXTY-SEVENTH ANNUAL MEETING 50 (1953).

¹²⁶ Marlyn Lugar, *The West Virginia Law Review*, in ANNUAL REPORT OF THE WEST VIRGINIA BAR ASSOCIATION INCLUDING PROCEEDINGS OF THE SEVENTY-FIRST MEETING BEING THE SIXTY-NINTH ANNUAL MEETING 50, 52, 57 (1955). Because funds did not exist to pay for printing additional pages, articles were actually declined because the *Law Review* “didn’t have the money to publish them . . .” *Id.* at 52.

¹²⁷ *Id.* at 57.

¹²⁸ The *West Virginia Law Review* now publishes three issues yearly.

¹²⁹ Lugar, *supra* note 126, at 51.

¹³⁰ John D. Phillips, *The West Virginia Bar Association President’s Page*, 58 W. VA. L. REV. 370, 370 (1956).

¹³¹ Gerhard O. W. Mueller, Editorial Note, *The West Virginia Law Review Law Reviews and the Courts*, 58 W. VA. L. REV. 372, 372–73 (1956).

¹³² Robert Tucker Donley, *The Drilling Clause in Oil and Gas Leases in West Virginia*, 52 W. VA. L. REV. 95 (1950).

Attorney-Client Privilege in West Virginia,¹³³ and *Covenants in Leases in West Virginia*.¹³⁴ In addition, for many years the *Law Review* published a yearly survey of developments in West Virginia law.¹³⁵ However, the journal also published articles and notes covering topics that extended far beyond West Virginia's borders, including *Municipal Zoning and Land Use Regulation*,¹³⁶ *Administering that Ounce of Prevention: New Drugs and Nuclear Reactors*,¹³⁷ *Safeguarding Atoms-for-Peace: U.K. Bilateral Agreements with Other Nations*,¹³⁸ and *Property Rights in Dead Bodies*.¹³⁹

In 1969 the *Law Review* published papers from a symposium on Constitutional Revision that had been jointly sponsored by the College of Law and the Institute for Labor Studies of the West Virginia University Center for Appalachian Studies and Development.¹⁴⁰ Six papers from the symposium were published in the April-June 1969 issue of the *Law Review*,¹⁴¹ and three additional papers appeared in the December-February 1969–1970 issue.¹⁴² Other symposium issues followed, covering a wide range of topics including “Federal

¹³³ Note, *The Attorney-Client Privilege in West Virginia*, 54 W. VA. L. REV. 297 (1952).

¹³⁴ Londo H. Brown, *Covenants in Leases in West Virginia*, 57 W. VA. L. REV. 1 (1955).

¹³⁵ See, e.g., Thomas W. Rodd, *Survey of Developments in West Virginia Law: 1981*, 84 W. VA. L. REV. 468 (1982).

¹³⁶ Chester James Antieau, *Municipal Zoning and Land Use Regulation*, 53 W. VA. L. REV. 301 (1951).

¹³⁷ David F. Cavers, *Administering that Ounce of Prevention: New Drugs and Nuclear Reactors – I*, 68 W. VA. L. REV. 109 (1966); David F. Cavers, *Administering that Ounce of Prevention: New Drugs and Nuclear Reactors – II*, 68 W. VA. L. REV. 233 (1966).

¹³⁸ Stephen Gorove, *Safeguarding Atoms-for-Peace: U.K. Bilateral Agreements with Other Nations*, 68 W. VA. L. REV. 263 (1966).

¹³⁹ Thomas McKendree Chattin, Jr., *Property Rights in Dead Bodies*, 71 W. VA. L. REV. 377 (1969).

¹⁴⁰ The symposium was presented in Morgantown, West Virginia, on May 9 and 10, 1969. David G. Harlon, *Introduction*, 71 W. VA. L. REV. 237 (1969).

¹⁴¹ Darrell V. McGraw, *Practical Political Considerations in Constitutional Revision*, 71 W. VA. L. REV. 320 (1969); J. Timothy Philipps, *The West Virginia Constitution and Taxation*, 71 W. VA. L. REV. 260 (1969); James R. Quimper, *Constitutional Revision in Maryland – Problems and Procedures*, 71 W. VA. L. REV. 298 (1969); Robert Sidman, *Constitutional Revision in Pennsylvania – Problems and Procedures*, 71 W. VA. L. REV. 306 (1969); Hulett C. Smith, *West Virginia's Constitution and the Governor*, 71 W. VA. L. REV. 253 (1969); Albert L. Sturm, *What Should a Model Constitution Contain*, 71 W. VA. L. REV. 238 (1969). The materials were highly relevant to West Virginia lawyers; the State was then considering the possibility of a Constitutional convention. See Hulett C. Smith, *West Virginia's Constitution and the Governor*, 71 W. VA. L. REV. 253, 255 (1969).

¹⁴² Carl M. Frasure, *Constitutional Revision – The Legislature*, 72 W. VA. L. REV. 33 (1969); A. E. Howard, *Constitutional Revision – Virginia's Approach*, 72 W. VA. L. REV. 41 (1969); Richard Shelton, *Constitutional Revision – The Counties*, 72 W. VA. L. REV. 60 (1969).

Tax Symposium,”¹⁴³ “Why Labor Law has Failed,”¹⁴⁴ “Women and the Law,”¹⁴⁵ “Federalism and the Criminal Justice System,”¹⁴⁶ “*Farley v. Sartin* and Fetal Personhood,”¹⁴⁷ “Comparative Law,”¹⁴⁸ “Family Law in the Year 2000,”¹⁴⁹ “E-Health: The Medical Frontier,”¹⁵⁰ “Water Issues in the Appalachian Region,”¹⁵¹ “A Look at *Brown v. Board of Education* in West Virginia,”¹⁵² “The Religion Clauses in the 21st Century,”¹⁵³ “A Post-Sago Look at Coal Mine Safety,”¹⁵⁴ “Digital Entrepreneurship: The Incentives and Legal Risks,”¹⁵⁵ “The Legal Ramifications of Prison Overcrowding,”¹⁵⁶ “Civil Resistance and the Law,”¹⁵⁷ “Child Protection in the 21st Century,”¹⁵⁸ “The Role of Litigation in the Fight Against Prescription Drug Abuse,”¹⁵⁹ “Zealous Advocacy for Social Change,”¹⁶⁰

¹⁴³ Federal Tax Symposium, *A Tax Incentive Approach to the Depletion Allowance Dilemma*, 82 W. VA. L. REV. 1115 (1980).

¹⁴⁴ Symposium, Richard L. Trumka, *Why Labor Law Has Failed*, 89 W. VA. L. REV. 871 (1987).

¹⁴⁵ Symposium, *Women and the Law: A Century of Achievement*, 97 W. VA. L. REV. 681 (1995).

¹⁴⁶ Symposium, *Federalism and the Criminal Justice System*, 98 W. VA. L. REV. 757 (1996).

¹⁴⁷ Symposium, *Farley v. Sartin and Fetal Personhood*, 99 W. VA. L. REV. 235 (1996).

¹⁴⁸ Symposium, *Is There a European Advantage in Criminal Procedure?*, 100 W. VA. L. REV. 763 (1998).

¹⁴⁹ Symposium, *Family Law in the Year 2000: Part I*, 102 W. VA. L. REV. 237 (1999); Symposium, *Family Law in the Year 2000: Part II*, 102 W. VA. L. REV. 499 (2000).

¹⁵⁰ Symposium, *E-Health: The Medical Frontier*, 103 W. VA. L. REV. 405 (2001).

¹⁵¹ *Water Law Symposium: Water Issues in the Appalachian Region*, 106 W. VA. L. REV. 495 (2004).

¹⁵² Symposium, *A Look at Brown v. Board of Education in West Virginia: Remembering the Past, Examining the Present, and Preparing for the Future*, 107 W. VA. L. REV. 625 (2005).

¹⁵³ Symposium, *The Religion Clauses in the 21st Century*, 110 W. VA. L. REV. 1 (2007).

¹⁵⁴ Symposium, *Thinking Outside the Box: A Post-Sago Look at Coal Mine Safety*, 111 W. VA. L. REV. 1 (2008).

¹⁵⁵ See Symposium, *The Patent System's Relationship to Digital Entrepreneurship*, 112 W. VA. L. REV. 119 (2009).

¹⁵⁶ Symposium, *Crime and Punishment: The Legal Ramifications of Prison Overcrowding*, 114 W. VA. L. REV. 373 (2012).

¹⁵⁷ Symposium, *Civil Resistance and the Law: Nonviolent Transitions to Democracy*, 114 W. VA. L. REV. 825 (2012).

¹⁵⁸ Symposium, *Child Protection in the 21st Century*, 115 W. VA. L. REV. 1127 (2013).

¹⁵⁹ Symposium, *Prescription Drug Abuse: The Law's Struggle to Address an Epidemic*, 116 W. VA. L. REV. 1117 (2014).

¹⁶⁰ Symposium, *Zealous Advocacy for Social Change*, 117 W. VA. L. REV. 921 (2015).

“Flawed Forensics and Innocence,”¹⁶¹ and “Evolving Investigative Technologies and the Law.”¹⁶²

Since its founding in 1894, *The West Virginia Bar*, *The Bar*, *West Virginia Law Quarterly*, and *West Virginia Law Review* had all functioned as the official publication of the West Virginia Bar Association, the association making a yearly contribution to support the journal. That arrangement came to an end in 1975. At the 1976 Meeting of the West Virginia Bar Association it was announced that the publication costs for the *West Virginia Law Review* were “being covered by advertising and University funds in addition to the subscription income.”¹⁶³ The Association therefore decided to explore “other projects within its resources whereby it might work advantageously with the Law School.”¹⁶⁴ The West Virginia Law Review Association was formed the following year, an organization designed to be “very beneficial in the ongoing improvement of the *Law Review*.”¹⁶⁵

In 1993 the Ralph J. Bean Law Review Endowment was established through a generous gift from the family of Ralph J. Bean.¹⁶⁶ The endowment was designed to provide the *Law Review* “with much needed enhancements and capital improvements.”¹⁶⁷ A separate West Virginia Law Review Endowment was established that same year, with initial gifts being made by several individuals in memory of Ann Keel.¹⁶⁸ These were not the only gifts to the *Law Review* that year; four former editors-in-chief—Thomas R. Goodwin, Joseph R. Goodwin, Lloyd G. Jackson, II and D.C. Offutt, Jr.—provided a “state of the art” computer for the publication.¹⁶⁹ Other individuals have since made very generous donations to help support the *Law Review*.

From 1980 until 1986, the West Virginia University College of Law served as the editorial home of the *Journal of College and University Law*.¹⁷⁰ Professor of Law Laura F. Rothstein served as Faculty Editor of the *Journal*, assisted by the “dedicated and hardworking” student editors and staff of the *West*

¹⁶¹ *Flawed Forensics and Innocence Symposium*, 119 W. VA. L. REV. 519 (2016).

¹⁶² *Evolving Investigative Technologies and the Law Symposium*, 119 W. VA. L. REV. 863 (2017).

¹⁶³ James H. Davis III, et al., *Report on the Committee on Legal Education – 1975-1976*, in 92 ANNUAL REPORT OF THE WEST VIRGINIA BAR ASSOCIATION 82 (1976).

¹⁶⁴ *Id.*

¹⁶⁵ Michael W. Carey, *Editor’s Page*, 81 W. VA. L. REV. 429 (1979).

¹⁶⁶ See John W. Fisher II, *Dedication, Personal Memories of and a Tribute to Ralph J. Bean*, 95 W. VA. L. REV. 271, 273–74 (1993).

¹⁶⁷ *Id.* at vi. The *Law Review’s* Centennial edition was dedicated to the Bean family, and the *Law Review* offices are now the Bean Law Review Suite. *Id.*

¹⁶⁸ See Frank W. Volk, *Dedication, Dedication to E. Ann Compton Keel*, 95 W. VA. L. REV. 613, 614–15 (1993). The Spring 1993 issue of the *Law Review* was dedicated to Ms. Keel. *Id.*

¹⁶⁹ *Benefactors of the West Virginia Law Review*, 95 W. VA. L. REV. vi (1993).

¹⁷⁰ Laura F. Rothstein, *Note from the Editor*, 13 J.C. & U.L. vii–viii (1986).

Virginia Law Review.¹⁷¹ In 1988 the editorial home of the *Journal* moved to Notre Dame Law School.¹⁷²

Articles and comments dealing with coal mining, a mainstay of the West Virginia economy, had long been published in the *West Virginia Law Review* and its predecessors. In 1978 the *Law Review* published its first *National Coal Issue*,¹⁷³ designed to bring legal matters dealing with coal before a national audience. The first *National Coal Issue* addressed the Surface Mining Control and Reclamation Act of 1977. The *National Coal Issue* continued to be published through 2003.¹⁷⁴ Energy remained a focus of the *Law Review* editors in 2014 when an *Energy and Sustainability Issue* was published.¹⁷⁵

Book reviews continued to appear in the *Law Review*, with perhaps the most contentious being a review by David Boyle of David Horowitz's *Uncivil Wars: The Controversy over Reparations for Slavery*. The review, titled *Unsavory White Omissions? A Review of Uncivil Wars*,¹⁷⁶ received a response from the book's author, *Unsavory Black Insinuations: A Reply to David Boyle*.¹⁷⁷ This was followed by a reply written by Mr. Boyle: *Unexpected Racial Assertions: A Counter-Reply to David Horowitz*,¹⁷⁸ which was, in turn, followed by Mr. Horowitz's *Response to Boyle's Comment*.¹⁷⁹

During the 1997–98 school year the *West Virginia Law Review* celebrated its centennial. In his *Introduction to Volume 100 of the West Virginia Law Review*, Dean John W. Fisher, II, wrote the following:

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ See *The National Coal Issue of the West Virginia Law Review*, 81 W. VA. L. REV. 1 (1979).

¹⁷⁴ The *National Coal Issue* can be found in the following volumes of the *West Virginia Law Review*: 81 W. VA. L. REV. 559 (1979); 82 W. VA. L. REV. 835 (1980); 83 W. VA. L. REV. 721 (1981); 84 W. VA. L. REV. 983 (1982); 85 W. VA. L. REV. 519 (1983); 86 W. VA. L. REV. 687 (1984); 87 W. VA. L. REV. 567 (1985); 88 W. VA. L. REV. 509 (1986); 89 W. VA. L. REV. 593 (1987); 90 W. VA. L. REV. 727 (1988); 91 W. VA. L. REV. 665 (1989); 92 W. VA. L. REV. 795 (1990); 93 W. VA. L. REV. 477 (1991); 94 W. VA. L. REV. 593 (1992); 95 W. VA. L. REV. 613 (1993); 96 W. VA. L. REV. 577 (1994); 97 W. VA. L. REV. 887 (1995); 98 W. VA. L. REV. 1023 (1996); 99 W. VA. L. REV. 433 (1997); and 100 W. VA. L. REV. 537 (1998). Two additional *National Coal Issue* articles were published in later years. 103 W. VA. L. REV. 331; William S. Mattingly, *If Due Process Is a Big Tent, Why Do Some Feel Excluded from the Top?*, 105 W. VA. L. REV. 791 (2003).

¹⁷⁵ 116 W. VA. L. REV. 783, 819–1116 (2014).

¹⁷⁶ David Boyle, *Unsavory White Omissions? A Review of Uncivil Wars*, 105 W. VA. L. REV. 655 (2003).

¹⁷⁷ David Horowitz, *Unsavory Black Insinuations: A Reply to David Boyle*, 105 W. VA. L. REV. 699 (2003).

¹⁷⁸ David Boyle, *Unexpected Racial Assertions: A Counter-Reply to David Horowitz*, 105 W. VA. L. REV. 711 (2003).

¹⁷⁹ David Horowitz, *Response to Boyle's Comment*, 105 W. VA. L. REV. 715 (2003).

For 100 years, the *West Virginia Law Review* has been an integral part of the educational experience of our students. The experience gained by the students who work on the Board of Editors and who have submitted notes and comments has served them well as they prepare for a career in the law.

To those of us who have served as members of the *West Virginia Law Review* we share a bond that spans the years and bridges the generations. The work of those who have served on earlier issues of the *Law Review* have made it possible for us to reach the milestone we now celebrate. The innovations of earlier years have become part of the rich tradition of the *West Virginia Law Review* that we celebrate today. The history and tradition that this volume both marks and celebrates is the foundation for the annual renewal and recommitment to the pursuit of excellence that each new Board of Editors experiences when they assume their roles as stewards of the *West Virginia Law Review*.¹⁸⁰

During the centennial year the *West Virginia Law Review* and the West Virginia Supreme Court of Appeals jointly published a special issue dedicated to West Virginia Supreme Court Justice Franklin D. Cleckley.¹⁸¹ The issue, *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*, paid tribute to a man who had “enriched the jurisprudence of our state.”¹⁸²

¹⁸⁰ John W. Fisher II, *Introduction to Volume 100 of the West Virginia Law Review*, 100 W. VA. L. REV. 1, 1 (1997).

¹⁸¹ Justice Cleckley passed away on August 14, 2017, as this article was being drafted. *First African-American W.Va. Supreme Court Justice Dies*, DOMINION POST, Aug. 16, 2017, at 10-A. He taught at WVU from 1969 to 2013 and served on West Virginia’s highest Court from 1994 to 1996. James Jolly, *WVU Law Mourns the Passing of Frank Cleckley*, W. VA. U.C.L. (Aug. 15, 2017), <https://www.law.wvu.edu/news/2017/08/15/wvu-law-mourns-frank-cleckley>.

¹⁸² Robin Jean Davis & Louis J. Palmer, Jr., *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*, 100 W. VA. L. REV., Special Issue 1997–1998, at 144. The special issue was numbered with Volume 100, but not consecutively paginated with the volume. *See id.* Another special issue of the *Law Review*, *A Tribute to Thomas E. McHugh: An Encyclopedia of Legal Principles From His Opinions as a Justice of the West Virginia Supreme Court of Appeals*, was jointly published by the *Law Review* and the Court in 2002. Robin Jean Davis & Louis J. Palmer, Jr., *A Tribute to Thomas E. McHugh: An Encyclopedia of Legal Principles from his Opinions as a Justice on the West Virginia Supreme Court of Appeals*, 102 W. VA. L. REV., Special Issue 2002, at 1. Another special issue, *Selected Articles by Professor John Fisher*, was published in 2014. *See* McConnell, *supra* note 83. These special issues were numbered in accordance with the volumes corresponding with their year of publication, but were not consecutively paginated with the volume.

In 2011, the Law School presented the first C. Edwin Baker Lecture on Liberty, Equality, and Democracy.¹⁸³ Before his untimely death, Professor Baker had been the Nicholas F. Gallicchio Professor of Law and Communication at the University of Pennsylvania Law School;¹⁸⁴ the lecture was presented in conjunction with his family.¹⁸⁵ Proceedings from the Baker Lectures, along with other lectures presented at the Law School, have since been featured in the *Law Review*.¹⁸⁶

VI. WEST VIRGINIA LAW REVIEW ONLINE

Following the invention of the printing press by Johannes Gutenberg circa 1440, the printed page reigned supreme in the realm of publishing. That changed with the development of computers in the latter portion of the 20th century. In keeping with an increasing reliance on technology, the *West Virginia Law Review Online* was introduced in 2015.¹⁸⁷

The *West Virginia Law Review Online* was designed to provide “relevant, topical, high-quality legal research to practitioners in our state,” “publish[ing] articles that focus on West Virginia issues.”¹⁸⁸ It was expected that many of the articles would “be shorter than a traditional law review article, so as to offer more accessible publication opportunities for lawyers and judges.”¹⁸⁹ Recognizing its longstanding commitment to serve the West Virginia bar, the online publication was designed to allow the *Law Review* to “better fulfill its duty to support the state’s legal community.”¹⁹⁰

The current *Law Review* Editor-in-Chief, Rebecca Trump, explained that the online publication will allow articles focused on West Virginia law to appear in a much timelier manner than would publication in a print journal.¹⁹¹ She reported that timely publication is particularly important in West Virginia, a state that has fewer legal resources in print than many larger states.¹⁹²

¹⁸³ Preface, *C. Edwin Baker Lecture on Liberty Equality, and Democracy*, 115 W. VA. L. REV. 1 (2012).

¹⁸⁴ *Id.*

¹⁸⁵ Professor Baker’s papers are held in the Law School’s archival collection. *Id.*

¹⁸⁶ Material from the C. Edwin Baker Lectures can be found at 115 W. VA. L. REV. 1 (2012), 117 W. VA. L. REV. 231 (2014), and 117 W. VA. L. REV. 867 (2015).

¹⁸⁷ David Stone, *Introducing the West Virginia Law Review Online*, 117 W. VA. L. REV. ONLINE 1 (2015). The numbering of *West Virginia Law Review Online* began with Volume 117. *See id.* It is numbered consecutively with *West Virginia Law Review*. *See id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Interview with Rebecca Trump, Editor-in-Chief, W. Va. Law Review, in Morgantown, W. Va. (Sept. 19, 2017).

¹⁹² *Id.*

2018]

A Brief History of the West Virginia Law Review

87

VII. CONCLUSION

The *West Virginia Law Review* has served students and faculty of the West Virginia College of Law, members of the West Virginia bench and bar and the general public for almost 125 years. Whether it ultimately continues as a traditional print publication or in an online format, it should remain as a leading source of legal information for many years to come.