

West Virginia

[2007 Report](#) and 2009-10 Update by Kathleen M. Wilko, Robert Crown Law Library, Stanford University

<p>OFFICIAL STATUS</p> <p>X</p> <p>No change since the 2007 report</p>	<p>AUTHENTICATION</p> <p>X</p> <p>No change since the 2007 report</p>
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West Virginia online legal resources are not *official*.
The official websites of the West Virginia Legislature, Supreme Court of Appeals and Secretary of State continue to include general use disclaimers as well as direct statements indicating the unofficial status of the legal materials provided.

West Virginia is not addressing the authentication of online legal resources.
No overt steps toward authenticating online legal resources have been taken by the West Virginia courts, legislature, or Secretary of State.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? West Virginia has not eliminated any print publication of primary law to date.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? The state has not enacted legislation to guarantee permanent public access to state online government information.

Have courts in your state adopted a medium neutral citation system since the 2007 report? West Virginia courts have not yet adopted a medium neutral citation format.

Have there been any other significant changes to the 2007 state summary? Since the 2007 Survey, no significant changes have occurred in West Virginia's treatment of online legal resources. Of some note, however, is a bill passed in late April of 2009 (H.B. No. 2567) that amends the *West Virginia Code* to require electronic filing of agency rules with the Secretary of State beginning July 1, 2011. The bill requires the Secretary of State to propose rules to establish a uniform system for electronic filing by July 1, 2010.

The West Virginia Legislature has made available on its website the text of session laws (1993–current), as well as the text of the current *West Virginia Code*. Along with a general use disclaimer and a statement confirming the unofficial status of the bills included on the website, the site offers a further disclaimer on the text of bills from the 1993-1999 sessions on its “Frequently Asked Questions” page (at <http://www.legis.state.wv.us/FAQs/FAQ.cfm>). That further disclaimer states: “[S]ome bill text from 1993-1999 may be unreliable due to older data systems losing some bill text information.” No steps have been taken to *authenticate* the legal materials provided or to change the unofficial status of these materials.

The current West Virginia court structure was formalized in 1974 under the Judicial Reorganization Amendment. The court system is administered by the Supreme Court of Appeals and includes three levels: Magistrate Courts, Circuit Courts and the Supreme Court of Appeals. The Circuit Courts are the state’s only courts of general jurisdiction. No *official* reporter for the Circuit Courts exists and the courts themselves do not have a presence on the web outside of contact information provided by the Supreme Court of Appeals on its website. The Supreme Court of Appeals does offer access to the text of its slip opinions, but is quite clear on the unofficial nature of these opinions and directs users to the print *official* reporters. The court also provides an electronic current awareness system that allows users to receive e-mail notification of recent slip opinions filed by the court.

The West Virginia Secretary of State website provides access to the current *Code of State Rules*. Online access to proposed rules is available only during the comment period and emergency rules are posted as long as they are in effect. The website includes a general use disclaimer, a statement regarding the unofficial nature of the rules included on the site, as well as a direction to users to the print *official* version of the *West Virginia Code of State Rules*.

The Secretary of State website also provides access to the *State Register*, the weekly publication updating the status of pending rules. The site maintains online access to this publication for at least *five years*. The general use disclaimer applicable to the *Code of State Rules* also applies here, although there is no publication-specific disclaimer as exists for the administrative code. Although the administrative register is available as a PDF document that appears to replicate the print *official* version, no authentication or chain of custody information is provided.

The Administrative Law Division of the Secretary of State is a repository for executive agency orders, opinions, and decisions. Executive orders are not currently available online, although a searchable database of orders issued since 1989 will soon be made available from the Secretary of State website, along with the ability to request certified copies of orders. Electronic versions of Attorney General opinions are not currently available. Ethics Commission Advisory Opinions are available from the Commission’s website. The website offers no broad disclaimer of reliance on these electronic versions. Although the opinions are available as PDF documents that appear to replicate their print

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counterparts, no authentication or chain of custody information is provided. The text of Grievance Board opinions is available from the board's website. These electronic versions of the opinions are not *official*. At this time there is no fee associated with viewing the rules, opinions, and other materials available from the Secretary of State website, however, the agency candidly comments on its funding situation and does indicate that should funding sources change, the Secretary of State is authorized to charge certain fees for online access.