January 1986

Survey of Developments in West Virginia Law: 1985

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Part of the Legislation Commons, and the Litigation Commons

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol88/iss2/8

This Survey of Developments in West Virginia Law: 1985 is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.
**SURVEY OF DEVELOPMENTS IN WEST VIRGINIA LAW: 1985**

**Administrative Law**

I. West Virginia Human Rights Commission

II. Jurisdiction and Venue

III. Discriminatory Discharge

IV. Contested Cases

V. Assignment of Obligations to the State as Reimbursement for Benefits Received

VI. Exhaustion of Administrative Remedies

**Civil Procedure**

I. Pretrial Procedure

II. Attorney Fees

III. Pro Se Representation

IV. Juries

V. Limitation of Actions

VI. Discovery

**Commercial Law**

I. Statute of Limitations: Accounts

II. Due Process
    Hartsock-Flesher Candy Co. v. Wheeling Wholesale Grocery Co.,

Constitutional Law
    I. Assistance of Counsel
    II. Freedom of Speech
        West Virginia Citizens Action Group v. Daley, 324 S.E.2d 713 (W.
    III. Trial by Jury
    IV. Equal Protection
        State ex rel. West Virginia Magistrates Association v. Gainer,

Criminal Law
    I. Supreme Court’s Authority To Alter Common Law
    II. Double Jeopardy
    III. Lesser Included Offenses
    IV. Sexual Assault

Criminal Procedure
    I. Rights of Persons in Custody
    II. Bail Revocation
    III. Juveniles
    IV. Venue
    V. Construction of the Rules
VI. Waiver of Counsel

VII. Arrest, Search, and Seizure

VIII. Public Participation in Trials

IX. Right to Counsel

X. Sentence Enhancement

XI. Jury Instructions

Domestic Relations
I. Property Distribution

II. Child Custody

III. Termination of Parental Rights
In re Darla B., 331 S.E.2d 868 (W. Va. 1985).
West Virginia Department of Human Services v. La Rea Ann C.L.,

Elected Officials
I. Election Mandamus
A. Judicial Eligibility

B. Gubernatorial Succession

C. Financial Disclosure

II. Judicial Immunity

III. The Proper Role of the Circuit Court Clerk
Employment
I. Workers' Compensation
   A. Medical Examinations
   B. Dismissal of Claims
   C. Dependent Benefits
   D. Coverage of Employees Injured Out of State
   E. Third Party Negligence
   F. Collective Bargaining Agreements

II. Unemployment Compensation

III. Public Employment

Evidence
I. Hearsay Testimony
   A. Transfer Hearings Under West Virginia Code Section 25-4-6
   B. The Dead Man's Statute

II. Videotaped Depositions

III. Criminal Prosecution

Municipal Law
I. Police Conduct
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
</table>
| II. Hazardous Waste  
*Sharon Steel Corp. v. City of Fairmont*, 334 S.E.2d 616 (W. Va. 1985). 444 |
| III. Overtime Pay Ordinance  
| IV. Reissuing School Bonds  
| V. Civil Service Employment  

**Property**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
</table>
| I. The Statute of Frauds and Real Estate Brokerage Contracts  
| II. The Right of a Private Landlord to Choose His Tenants: The Permissible Criteria  
| III. Property Valuation Assessments  
| IV. Coal, Oil, and Gas  
A. Abandonment  
B. Forfeiture  
| V. Joint Tenancy  

**Utilities**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
</table>

**Torts**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
</table>
| I. Wrongful Birth, Wrongful Life, and Wrongful Pregnancy Causes of Action  
| II. Mandolidas-Type Actions  
| III. Insurance  
*Davis v. Robertson*, 332 S.E.2d 819 (W. Va. 1985). 481  
| IV. Defamation  
V. Causes of Action as They Relate to Corpses


<table>
<thead>
<tr>
<th>Tax Legislation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Business Taxes</td>
<td>491</td>
</tr>
<tr>
<td>II. Inheritance Taxes</td>
<td>498</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>502</td>
</tr>
<tr>
<td>II. Chapter 5B: The Economic Development Act of 1985</td>
<td>502</td>
</tr>
<tr>
<td>III. Chapter 5C: Basic Assistance for Industry and Trade</td>
<td>506</td>
</tr>
<tr>
<td>IV. Chapter 5D: Public Energy Authority Act</td>
<td>507</td>
</tr>
<tr>
<td>V. Chapter 12: Public Moneys and Securities</td>
<td>507</td>
</tr>
<tr>
<td>VI. Chapter 19: Agriculture</td>
<td>507</td>
</tr>
<tr>
<td>VII. Conclusion</td>
<td>508</td>
</tr>
</tbody>
</table>