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A Legal Services Program for West Virginia: Introduction

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SYMPOSIUM

A Legal Service Program for West Virginia

INTRODUCTION

DAVID G. HANLON*

This special symposium edition of Volume 70, Nos. 3 and 4 of the West Virginia Law Review has been made possible through the assistance and cooperation of Dr. B. L. Coffindaffer, Dean of Extension Services, West Virginia University and with funds made available under Title I of the Higher Education Act of 1965.¹

While this issue contains its usual complement of student work, it consists primarily of six papers presented at a conference held this past March in Morgantown concerning the legal needs of the poor in West Virginia. The authors are nationally recognized leaders in this field. The articles are arranged in the order they were presented. The first two are designed to examine the existing legal service problem in Appalachia and West Virginia. The remaining four show how the subject has been treated in other sections of the United States and suggest possible solutions.

The concept for such a conference developed from a seminar on Law and Poverty by Professor Thomas C. Cady at the College of Law. Six students in this seminar gathered data and also presented papers concerning the need for legal services in West Virginia, existing legal services, and proposed expansion of such service.²

These student papers were used as the background material for the conference. Gerald T. Osburn and William F. Vieweg examined the distribution of attorneys in West Virginia, their financial situation and the presently existing legal service programs, voluntary and federally funded, in the State. Miss Cheryl A. Wheeler and Ronald

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¹ 20 U.S.C. 28 (Supp. 1965).

² Copies of these papers may be obtained from the West Virginia University College of Law, at the cost of reproduction.

G. Pearson investigated the degree to which the legal needs of West Virginia's poor are now being met. Not unexpectedly, their investigation indicated that in many instances the need far outran the ability of the bar to deal with it. In addition, their study seemed to indicate a fatalistic attitude on the part of many of the State's poor to seek legal advice since they believed it would be too costly in any event.

The paper of Mrs. Wilda D. Hess and Miss Cheryle M. Saladini examined several existing legal service programs and proposed a model statewide legal aid system for West Virginia using the concept of circuit riding legal aid lawyers for the rural counties of the State. Questionnaires completed by attorneys in connection with this paper indicated an awareness of the need for greater legal assistance and particular dissatisfaction with the State's existing method of compensation in indigent criminal cases.³

With these papers as background, representatives of various phases of legal services were invited to attend the conference and present papers on some of the ways in which the need for legal service was being met.

A limited number of the State's attorneys, legislators, social workers, educators and religious leaders were invited to the conference. It was believed that it would be useful for those in West Virginia concerned with this matter to see how other parts of the United States had met the problem. The goal was to examine these programs and see which, if any, might best be acceptable to West Virginia's needs.

This conference, and its goal of bringing this area into public attention, in view of well known resistance on the part of some segments of the organized bar to such problems, represents a positive recognition on the part of Dean Paul L. Selby, Jr., and the College of Law of the responsibility for accepting the task of providing part of the leadership for and the methods for the alleviation of the legal aspect of socio-economic problems facing West Virginia and the nation. A failure to meet these challenges within the existing legal framework can only result in a continued eroding of respect for our legal institution and the Law.

This is one step in one area. We have many more to take.

³ W. VA. CODE ch. 62, art. 3, §1 (Michie 1966) provides for a payment of an attorney fee of \$50.00 in appointed felony cases and \$25.00 in misdemeanors.