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President's Page

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THE WEST VIRGINIA BAR ASSOCIATION

President's Page

Has justice been denied a client of yours because of the cost of printing appellate papers?

Appeal is a basic legal remedy, and justice is effectively denied to anyone who is not able to take advantage of it. If in civil cases the cost of appeal be out of proportion to the amount involved, the losing party is in a very practical sense barred from his remedy and justice is thwarted. And where appeal is uneconomic, justice can be denied to the rich as well as to the poor. In criminal cases the risk of injustice is even greater where the convicted defendant is required to pay out more money than available to him, but there are some special concessions to such a litigant in overcoming the costs of appeal.

Many lawyers consider the cost of printing as the greatest deterrent to an appeal by the client pursuing what he deems to be a just civil claim. Furthermore, there are those among us who believe that printing of briefs and records is a bit old-fashioned and outmoded by new office equipment and methods of reproduction.

Under West Virginia practice there is little room for elimination of papers required or permitted on appeal; hence the only way to economize is to change the form in which the written material is presented to the court. Printing replaced handwriting at a time when it was cheap. That, however, is no longer the case, but there are other and far cheaper techniques. Typewriting has improved and is legible to a limited number of carbon copies. Mimeographing, multilithing and other forms of direct offset and photo-offset reproduction, including the zerox processes, can reproduce at comparatively reasonable cost. Many of these modern day methods are as legible as printing; they would in no way impede the appellate process; and would unquestionably make appeals more accessible and less costly.

A large majority of the appellate courts in this country, both state and federal, no longer require the printing of formal appeal papers, including the record below and briefs. In these courts the

alternative forms of reproduction vary to some extent but their rules insure papers that are legible and easy to handle.

Despite Rule IV, paragraph 9 of our Supreme Court of Appeals, which would seemingly permit other reproduction of the transcript in lieu of printing, we have today in our appellate process the horribly expensive printing of both record and briefs. Our failure to change to something less expensive is largely, if not entirely, the fault of practicing lawyers. We could, by concentration of effort, prevail upon the court to change the present practice in the interest of justice. Don't you agree it is about time we did something to lessen the economic burden of this mechanical feature of appellate practice?

Amos A. Bolen