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President's Page

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THE WEST VIRGINIA BAR ASSOCIATION

President's Page

Two of the academic highlights of the annual meeting, this year, will be discussions of two practical phases of the practice of law.

Since the introduction of the new Rules of Civil Procedure, and the use of motions to dismiss, motions for summary judgment and motions for judgment on the pleadings, inter alia, some very precise and serious questions have arisen over the future use and application of Code 58-4-2 and 58-5-2. These statutes cover the certifications, by a court of limited jurisdiction to a Circuit Court, and, also by the latter to the Supreme Court of Appeals, of questions arising upon the sufficiency of a summons, return of service, or a pleading.

Granting of the motions, above enumerated could or could not be a final appealable judgment under the existing circumstances.

The other highlight will be a discussion of the Uniform Commercial Code. An interim committee of the Legislature has initiated a two year study of its use and application in West Virginia. Although, by no means complete, the faculty of the Law School, by whom the study is being carried on, has made good progress. One of the faculty members will describe the situation to date.

In view of the ready acceptance of this Code by the large commercial states, it would seem that West Virginia will, sooner or later, be forced to consider adoption of it. This, of course, will mean a broad repeal and amendment of our own Code, in many respects.

Clarence E. Martin, Jr.