A GUIDE TO LEGAL RESEARCH IN VIRGINIA

Eighth Edition

Editor:

Joyce Manna Janto
University of Richmond Law School Library / Richmond

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# A GUIDE TO LEGAL RESEARCH IN VIRGINIA

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**Editor:** Joyce Manna Janto  
University of Richmond Law  
School Library / Richmond

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PREFACE

The primary goal of this new edition of A Guide to Legal Research in Virginia is to expand coverage in several chapters and to add a new chapter covering legal ethics materials. This edition also notes changes in the URLs for many Virginia government websites. Most of these changes are likely based on changes in administrations and technological upgrades. The researcher should be aware that there is a lack of consistency among Virginia government web addresses. Changes in the operation and coverage of the major legal databases are noted where appropriate. Today, Virginia practitioners have a wide variety of resources, both print and online, available to help them with their research needs. This edition will help researchers use these resources in a more efficient manner.

More generally, I encourage researchers to consult with a law librarian, where one is available, for additional help in finding and using resources. Lawyers, paralegals, and law students need to realize that the library is no longer just a building. Instead, the library is a collection of information across multiple formats organized and disseminated in a method designed to provide access to high-quality resources. Library services reach beyond the mere collection and organization of information. Library professionals provide services that deliver content as well as provide instruction on accessing that content effectively through training, teaching, and demonstration.

The first edition of this book was published in 1989 and compiled under the auspices of the Young Lawyers Section of the Virginia Bar Association. I would also like to acknowledge the contribution of the late Clayne M. Calhoun, then the librarian of the Roanoke Law Library, whose thoughtful suggestions improved the first edition. Members of the Virginia Association of Law Libraries have provided timely and thorough updates of these chapters in the subsequent editions.

I would like to extend thanks to the editors at Virginia CLE who worked on this and previous editions of this book. Thanks also go to John Eure and Gail Zwirner who edited previous editions.
Despite all efforts to avoid them, errors and omissions can occur in a work such as this. I ask the reader’s indulgence and also request that errors or omissions be reported and suggestions for revisions be sent to Virginia CLE Publications, 105 Whitewood Road, Charlottesville, Virginia 22901.

Joyce Manna Janto

Richmond
May 2017
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CHAPTER 1
INTRODUCTION AND GENERAL PRINCIPLES
John D. Eure
Johnson, Ayers & Matthews, P.L.C. / Roanoke

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CHAPTER 1

INTRODUCTION AND GENERAL PRINCIPLES

1.1 PURPOSE AND SCOPE

To use the law, one first must find it. The ability to conduct legal research efficiently and accurately is indispensable to skilled legal representation. The aim of this book is to provide attorneys, paralegals, students, and other interested persons with an overview of the sources in which research on Virginia law can be performed. It provides no instruction in basic use of the sources, interpreting their contents, or applying the law to the facts at hand. For help in developing those skills, the reader is referred to the following works:


This book covers the primary sources of legal authority in Virginia—the constitution, legislation, court decisions, administrative law, and local government law—as well as major secondary sources such as encyclopedias, treatises, practice manuals, form books, and handbooks that analyze the primary sources. Sec-
ondary works that are substantially out of date have been omitted in favor of more current and readily available materials. It also contains information about locating resources dealing with the ethical obligations of the Virginia practitioner.

1.2 BRIEFING RULES

1.201 Sources. Parts 5 and 5A of the Rules of the Supreme Court of Virginia contain detailed rules governing the preparation and format of briefs for filing in the Supreme Court (part 5) and the Court of Appeals (part 5A) of Virginia. Similarly detailed rules for briefs in the United States Court of Appeals for the Fourth Circuit are found in the Federal Rules of Appellate Procedure, as supplemented by the local rules of the Fourth Circuit and the Fourth Circuit’s internal operating procedures.

The Virginia appellate rules are published in Volume 11 of the Code of Virginia 1950, Annotated and in the Virginia rules volume of Michie’s Jurisprudence of Virginia and West Virginia. The federal appellate rules, together with the related local rules and internal operating procedures of the Fourth Circuit, are published in volume 2 of the federal rules volumes of Michie’s Jurisprudence. Both the state and federal rules are reprinted annually in a paperbound volume titled Virginia Rules Annotated (LexisNexis). The state rules are available online at www.courts.state.va.us/courts/scv/rulesofcourt.pdf. The federal materials are available online at www.ca4.uscourts.gov/pdf/RULES.pdf.

All of these briefing rules are highly technical, detailed, and subject to change. Consequently, they must be reread each time papers governed by them are prepared.

1.202 Principal Elements of Briefs. The Virginia and federal appellate rules roughly agree on the principal ele-
ments of a brief, although the appropriate headings, and the contents under apparently similar headings, may differ:\(^1\)

<table>
<thead>
<tr>
<th><strong>Virginia</strong></th>
<th><strong>Federal</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(Supreme Court brief)</em></td>
<td><em>(Court of Appeals brief)</em></td>
</tr>
<tr>
<td>Statement of the Case</td>
<td>Jurisdictional Statement</td>
</tr>
<tr>
<td>(containing the material</td>
<td></td>
</tr>
<tr>
<td>proceedings below and</td>
<td></td>
</tr>
<tr>
<td>the facts)</td>
<td></td>
</tr>
<tr>
<td>Assignments of Error</td>
<td>Issues Presented</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Statement of the Case,</td>
</tr>
<tr>
<td>Standard(s) of Review</td>
<td>including relevant facts,</td>
</tr>
<tr>
<td></td>
<td>relevant procedural</td>
</tr>
<tr>
<td></td>
<td>history, and</td>
</tr>
<tr>
<td></td>
<td>relevant rulings</td>
</tr>
<tr>
<td></td>
<td>below</td>
</tr>
<tr>
<td>Summary of Argument</td>
<td>Argument, including</td>
</tr>
<tr>
<td><em>(optional)</em></td>
<td>Standard of Review</td>
</tr>
<tr>
<td></td>
<td>for each argument</td>
</tr>
<tr>
<td>Argument and Authorities</td>
<td></td>
</tr>
<tr>
<td>Conclusion</td>
<td>Conclusion</td>
</tr>
<tr>
<td></td>
<td>Certificate of</td>
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<tr>
<td></td>
<td>Compliance with</td>
</tr>
<tr>
<td></td>
<td>various briefing</td>
</tr>
<tr>
<td>Signature and Certificate</td>
<td></td>
</tr>
<tr>
<td>of Compliance with various</td>
<td></td>
</tr>
<tr>
<td>briefing rules</td>
<td></td>
</tr>
</tbody>
</table>

Note that Rule 5A:20 of the Virginia Rules, governing briefs filed in the Court of Appeals of Virginia, places the assignments of error after the statement of the nature of the case and material proceedings and before the separate statement of facts.

Beyond these elements, each system imposes additional requirements. For instance, a federal appeal proceeds under the name of the case as it was litigated in the district court, but a Virginia appeal should be styled with the appellant listed first.\(^2\) Briefs in both systems require a table of contents and a table of authorities.\(^3\) Both require the fact statement to contain references to the appendix or the record.\(^4\) The jurisdictional statement in a federal appellate brief is highly detailed.\(^5\) A federal brief must begin with a corporate disclosure statement, if one is required by Rule 26.1;\(^6\) there is no comparable document for a Virginia appeal. Each set of rules contains its own specifications for length, margins, typefaces, bindings, and the color of the cover.\(^7\)

Many of these rules have recently changed in significant respects. It bears repetition that one must reread the rules afresh each time an appellate brief must be prepared.

Neither the Virginia nor the federal rules prescribe the form for a brief in a trial court. Observing the basic order and appropriate formalities for a generic appellate brief—an introduction stating the nature of the case, its procedural posture, and the decisional standard the trial court must apply; the issues presented; a fact statement with record citations; the argument and authorities; and a conclusion—will never be out of place in a Virginia cir-

\(^3\) Va. R. 5:27(a), 5A:20(a); Fed. R. App. P. 28(a)(2), (3).
circuit court or a federal district court. While the nature of a trial brief will require modifying or omitting certain elements of an appellate brief, the use of appropriate elements (including, for longer briefs, tables of contents and citations) will help ensure coherent presentation and lend dignity and authority to the final product.

1.3 CITATION FORM

The only citation rule contained in the rules of the Supreme Court of Virginia is that the year of every cited authority be shown. The former requirement that Virginia case authority be cited to *Virginia Reports* or *Virginia Court of Appeals Reports* and also to the *South Eastern Reporter* has been deleted.

Beyond this requirement, the most widely accepted system of citation is that contained in *The Bluebook: A Uniform System of Citation*.9

Any citation should clearly identify the source being cited and assist the reader in locating it. If accomplishing these goals requires more information than *The Bluebook* suggests, the additional information should be provided.

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9 *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).
# CHAPTER 2

CONSTITUTIONAL LAW

Gail Warren  
State Law Library, Virginia Supreme Court / Richmond

## 2.1 INTRODUCTION

### 2.2 PRIOR ORGANIC LAW

- 2.201 Early Constitutions 
- 2.202 Civil War Constitutions
- 2.203 Sixth and Seventh Constitutions

## 2.3 CURRENT CONSTITUTION

- 2.301 General
- 2.302 Structure of the Constitution
- 2.303 Text of the Constitution
- 2.304 Another Source; Comparison with Other State Constitutions
- 2.305 Index

## 2.4 CONSTITUTIONAL CONVENTIONS AND COMMISSIONS

## 2.5 JUDICIAL INTERPRETATIONS

- 2.501 Code of Virginia 1950, Annotated and West’s Annotated Code of Virginia
- 2.502 Virginia and West Virginia Digest
- 2.503 Shepard’s Virginia Citations
- 2.504 Official Reports
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## 2.6 TREATISES AND COMMENTARIES

- 2.601 Michie’s Jurisprudence of Virginia and West Virginia
- 2.602 Commentaries
- 2.603 Other Sources

## 2.7 CITATION
CHAPTER 2
CONSTITUTIONAL LAW

2.1 INTRODUCTION

The Constitution of Virginia is the controlling primary authority for Virginia law, but its scope is limited by various provisions of the United States Constitution. The United States Constitution prohibits states from engaging in certain aspects of foreign relations, from entering into interstate compacts without congressional consent, and from printing currency.\(^1\) The Supremacy Clause assures that the United States Constitution, laws enacted pursuant thereto, and United States treaties will be the supreme law of the nation. State judges are bound by this rule of law, notwithstanding state authority to the contrary.\(^2\) The Fourteenth Amendment to the United States Constitution assures citizens that state governments will provide due process of law and equal protection of the laws.

2.2 PRIOR ORGANIC LAW

2.2.01 Early Constitutions. Virginia’s first constitution was framed by members of the Colonial House of Burgesses, who convened at Williamsburg on May 5, 1776. A separate bill of rights was adopted by the convention on June 12, and the constitution was adopted on June 29, 1776. The second constitution was drafted by a convention that met at Richmond from October 5, 1829 to January 23, 1830. It was ratified by the voters in April 1930. From October 14, 1850 to August 1, 1851, a convention met

\(^1\) U.S. Const. art. I, § 10.
\(^2\) U.S. Const. art. VI, § 2.
at Richmond and drafted a third constitution, which was ratified by the voters in October 1851.

2.202 Civil War Constitutions. On February 13, 1861, a convention at Richmond passed an ordinance of secession and amended the constitution to reflect Virginia’s transfer of allegiance to the Confederate States of America. On February 13, 1864, a convention of delegates from those areas of Virginia within Union lines, but not included in the recently formed state of West Virginia, met at Alexandria to form a new constitution. The document was not submitted to the voters but was adopted by the convention on April 11, 1864.

2.203 Sixth and Seventh Constitutions. Virginia’s sixth constitution was prepared by a convention called under the reconstruction acts of Congress and assembled at Richmond from December 3, 1867 to April 17, 1868. The constitution was ratified by the voters on July 6, 1869. The seventh constitution, the constitution of 1902, was prepared by a convention meeting at Richmond from June 12, 1901 to June 26, 1902. It was not submitted to the electorate and went into effect on July 10, 1902. The seventh constitution was substantially revised in 1928.

These seven constitutions, the Bill of Rights of 1776, and Virginia charters dating from 1606, 1609, and 1617 are found in volume 10 of Sources and Documents of United States Constitutions (Oceana Publications, Inc., 1979), edited and annotated by the late Professor William F. Swindler of the Marshall-Wythe School of Law, College of William and Mary. Professor Swindler gives an overview of the history of Virginia constitutional development in a background note and supplies a brief historical commentary with each constitution.

Professor Swindler’s work includes two tables. One lists the various constitutions and conventions from 1776 to 1956 with the places and dates of the sessions, the authorizing legislation, the methods of adoption (namely, election or ordinance), the votes on adoption, and the effective date of each instrument. The second
table compares the provisions in each document by subject matter. The texts of many documents influencing Virginia constitutional law, such as the United States Constitution and Declaration of Rights of 1776, are also included. The book includes a selective bibliography of constitutional debates and proceedings and an index showing where major subjects are located in each constitution.

2.3 CURRENT CONSTITUTION

2.301 General. A general revision of the Constitution of Virginia was proposed and agreed to by the General Assembly at the 1969 extra session and referred to the 1970 session. It was again agreed to at that session, was ratified by Virginia voters on November 3, 1970, and became effective on July 1, 1971.

2.302 Structure of the Constitution. The present constitution consists of 12 articles and over 120 sections.

Article I sets forth a bill of rights “made by the good people of Virginia in the exercise of their sovereign powers.” Article I posits the people as the source of power (§ 2), affirms that government is instituted for the common benefit (§ 3), establishes a tripartite government in the commonwealth (§ 5), provides for free elections (§ 6), sets forth protections for criminal prosecutions (§§ 8, 9, and 10), declares due process of law as the norm (§ 11), mandates freedom of religion, speech, the press, and peaceable assembly (§§ 12 and 16), and makes provision for a militia subordinate to and governed by the civil power (§ 13).

Article II deals with the franchise and election of officials. Article III establishes a division of powers among the legislative, executive, and judicial departments. Articles IV through VII set forth in detail the powers of these three branches as well as those of local governments.
The remaining five articles cover education (art. VIII), corporations (art. IX), taxation and finance (art. X), conservation (art. XI), and future amendments to the constitution (art. XII).


The Code’s version of the constitution is the most authoritative source for the researcher. It includes a detailed table of contents, citations to relevant case law and Virginia law reviews, and cross-references. Annual cumulative supplements to the Code and the quarterly Advance Code Service (LexisNexis) provide an excellent starting point for finding recent interpretations and applications of constitutional provisions.

Internet-based services such as Lexis Advance, Westlaw, Fastcase, and Casemaker contain the full-text version of the constitution. A full-text version of the current constitution, as amended, also appears on the Virginia Legislative Information System website at http://law.lis.virginia.gov/constitution. In addition, the text of the current constitution is included in select CD-ROM products from publishers such as Lexis, Thomson Reuters, and Geronimo Development Corporation. These CD-ROMs provide the researcher with access to full-text searching of the Constitution of Virginia.

2.304 Another Source; Comparison with Other State Constitutions. Volume 5 of Constitutions of the United States: National and States, published by the Legislative Drafting Research Fund of Columbia University, also contains the text of the Virginia Constitution. It is a companion work to the Index
2.305 **Index.** All texts of the current Virginia Constitution are indexed under the entry “Constitution of Virginia” in the master index of the *Code of Virginia 1950, Annotated*. The master index appears in volume 12. The index to each constitution reproduced in *Constitutions of the United States* appears immediately following the text of the document.

### 2.4 CONSTITUTIONAL CONVENTIONS AND COMMISSIONS

Records of the proceedings of the constitutional conventions and commissions over the last two centuries may provide the researcher with helpful background information. The existing records include the following:


*Documents Containing Statistics of Virginia, Ordered to Be Printed by the State Convention Sitting in the City of Richmond, 1850-51.* Richmond: Printed by William Culley, 1851.


Journal of the Constitutional Convention of the Commonwealth of Virginia to Revise and Amend Sec. 141 of the Constitution of Virginia, Held in the Old Hall of the House of Delegates in the State Capitol at Richmond March 5, 6, 7, 1956; and Appendix. Commonwealth of Virginia, Division of Purchase and Printing, 1956.


These publications are available in the law libraries of the state’s law schools, the Virginia State Law Library, and the Library of Virginia. A number of public and university libraries also have one or more of these works, including: Alexandria Library; Christopher Newport University; Fairfax County Library; Hampton University; Lynchburg Public Library; Roanoke City Library; Sweet Briar College; Virginia Military Institute; and Virginia Polytechnic Institute and State University. In some instances, these works are available on microfiche or can be accessed on the Internet or both.

### 2.5 JUDICIAL INTERPRETATIONS

**2.501 Code of Virginia 1950, Annotated and West’s Annotated Code of Virginia.** Very brief summaries of court decisions interpreting and applying particular articles and provisions of the Virginia Constitution are available in four sources. The Code of Virginia 1950, Annotated, the quarterly Advance Code Service (LexisNexis), West’s Annotated Code of Virginia, and West’s Virginia Legislative Service (Thomson Reuters) summarize some cases, arranged under the appropriate articles and sections, and include references to law review articles and commentaries.

**2.502 Virginia and West Virginia Digest.** West (Thomson Reuters) also provides such summaries in volumes 4B, 4C, 4D and 5 of the Virginia and West Virginia Digest under the topic “Constitutional Law.” The case law on Virginia (and federal) constitutional law is arranged under the West key number system in the digest.
2.503 **Shepard’s Virginia Citations.** The case and statute edition (volume 2) of *Shepard’s Virginia Citations* includes all citations to the Virginia constitutions as cited in the reported decisions of the Virginia and federal courts since 1903, in articles in numerous legal periodicals, and in *American Law Reports* annotations. Periodic cumulative supplements keep the bound volumes of *Shepard’s Virginia Citations* up to date. This information is also available on Lexis.

2.504 **Official Reports.** The official reports of Virginia’s appellate courts, the *Virginia Reports* and the *Virginia Court of Appeals Reports*, are sources of primary importance. Both publications contain a table of constitutional provisions cited in both the bound volumes and the advance sheets.

2.505 **Unofficial Reports.** Private publishers offer the researcher a variety of reliable finding tools. The *South Eastern Reporter* contains a table of constitutional provisions cited. West provides subject access, through its key number system and accompanying citations, in at least three publications: the *South Eastern Digest*, *West’s South Eastern Digest 2d*, and *Virginia and West Virginia Digest*. The first of these publications, the *South Eastern Digest*, contains case law summaries from 1729 to 1934 that do not appear in the later works. The *American Digest System* (currently including the *Twelfth Decennial Digest*) may also be consulted.

*Virginia Circuit Court Opinions*, edited by Professor W. Hamilton Bryson, includes a cumulative index volume that features a Table of Constitutions, Statutes, and Rules Cited. For citations to constitutional provisions appearing in cases released after the date of the current cumulative index volume, the researcher must consult the table in the front of each subsequent volume. In *Virginia Circuit Court Opinions*, the individual tables of constitutional citations in each volume include only the opinions in that volume, and only selected circuit court cases are published.³

³ See ¶ 4.204 of Chapter 4 of this book.
2.6 TREATISES AND COMMENTARIES

2.601 Michie's Jurisprudence of Virginia and West Virginia. Michie's Jurisprudence, a comprehensive treatise of the law of both states, treats Virginia constitutional law in a text-and-footnote style, organized by major topics. The chapter on constitutional law, currently found in volume 4C, considers questions arising under both state and federal constitutions but emphasizes state constitutional law, since only Virginia and West Virginia cases arising under the United States Constitution are included.

2.602 Commentaries. Serious research into Virginia constitutional law must include an examination of Professor A.E. Dick Howard's Commentaries on the Constitution of Virginia. Howard, a constitutional scholar at the University of Virginia School of Law, is the White Burkett Miller Professor of Law and Public Affairs and served as the Executive Director for the Virginia Commission on Constitutional Revision in 1968 and 1969. His two-volume set is considered by Virginia legal scholars to be the definitive work on Virginia constitutional law.

The Commentaries begin with a thematic exposition tracing the historical development of each article of the Virginia Constitution and suggesting important themes emerging out of that development. A section-by-section commentary follows the introduction.

The commentary on an individual section usually includes: (i) the textual evolution of the section through the periodic constitutional revisions and amendments; (ii) relevant historical events; (iii) the legislative history of the 1969-70 revision, including the proposals of the Commission on Constitutional Revision in its 1969 report and the actions of the General Assembly at the 1969 and 1970 sessions; and (iv) a consideration of the section's present meaning and operation. The work discusses judicial opinions, opinions of the Virginia Attorney General, reports of study commissions and other bodies, views of commentators, statutory
implementation, relevant federal law, and comparative data from other states. An index is also provided.

2.603 Other Sources. Other helpful sources are listed below.


### 2.7 CITATION

Citation of constitutions is covered in rule 11 of *The Bluebook* (20th ed. 2015). The proper form includes the abbreviated name of the state and the word “Const.” followed by the number of the article and section being cited; for example, Va. Const. art. XI, § 3.
CHAPTER 3

STATUTORY LAW

Alexis Fetzer Sharp
Hunton & Williams LLP / Richmond

Kathleen Klepfer
University of Richmond Law School Library / Richmond

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CHAPTER 3
STATUTORY LAW

3.1 INTRODUCTION

This chapter describes the sources of law created by the legislative branch of the Commonwealth of Virginia. The materials include the laws enacted by the Virginia General Assembly, the publications in which those laws are found, and the resources available to assist in interpreting the legislative enactments.

The cardinal rule in Virginia statutory construction is that the statute expresses the intention of the lawmakers. Therefore, it falls upon the courts to ascertain the General Assembly's intent where that intent becomes important in the application of statutory materials. When researching Virginia statutes, certain principles of interpretation and application must be kept in mind. The courts may not alter or correct a statute and are not permitted to apply the rules of construction where no ambiguity exists in the statute's language.1 Nor should the courts be concerned with the motives or wisdom of the legislation.2

Working from these principles, the courts have formulated rules of construction to resolve ambiguities that genuinely exist in a statute or that arise because of a conflict between different statutes. A discussion of these critical rules is beyond the scope of this book.3

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3 See Michie's Juris. Statutes sections 31 to 81 and the cases annotated in 17 Virginia and West Virginia Digest, Statutes, key numbers 174 to 278.
3.2 LEGISLATION

3.201 Publication.

A. Chapter Laws. In Virginia, statutes are initially published as chapter laws. Chapter laws are individually printed pamphlets containing only the text of a newly passed law. These resemble slip laws in the federal context. Virginia chapter laws can be found on the Virginia Legislative Information System (LIS) website within the searchable “Bills & Resolutions” database.

B. Session Laws. At the end of a legislative session, all individual laws passed during that session are collected chronologically and published in a collection of session laws. Like chapter laws, the Virginia Acts of Assembly can be found online on the LIS website. The official publication of Virginia session laws is the Acts of the General Assembly, published by the Division of Legislative Automated Systems. The two unofficial publications of Virginia session laws are the Virginia Advance Legislative Service published by LexisNexis and West’s Virginia Legislative Service published by Thomson Reuters. These publications are available respectively on Lexis Advance and Westlaw.


3.202 Legislative History. Legislative history is a term that does not mean the same thing in every context. To a legislative historian, how, when, and why the legislature acted is as important as the details of the enactment itself. For a legal researcher, the primary objectives of legislative research are usually

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5 See infra ¶ 3.3.
the specifics of the legislative enactment (for example, when the enactment took effect) and the intent of the legislature in its development of certain statutory provisions. In jurisdictions that preserve a record of the deliberations of the legislature and the reports of commissions and committees, this intent may be analyzed through the reported statements of the legislators on the floor or by committee report. This is the case for the United States Congress. In Virginia, however, transcripts of floor debates or committee discussions about a bill are not maintained. Nonetheless, there are still several sources a researcher may use to glean the legislative intent of particular pieces of legislation. The following paragraphs list sources available to a researcher of Virginia legislative history.

A. Legislative Draft Files. The Division of Legislative Services maintains legislative draft files for all bills after 1989. These files may contain any of the following information about a particular legislative draft: the final draft of the bill, copies showing substantive drafting changes, the bill request, correspondence between the Division of Legislative Services’ staff and the requester, and background information or materials explaining the proposal. A request for a legislative draft file may be made to the Legislative Reference Center.6

B. Video Recordings of Floor Proceedings. Video recordings of proceedings on the House and Senate floor are available for viewing or for purchase through the clerk’s office of each house. The House clerk’s office has recordings beginning in 1982. These House floor recordings are also available in the Library of Virginia’s archives. The Senate clerk’s office keeps recordings for six months after the reconvened session. After that six-month period, Senate floor recordings are no longer available.

C. House and Senate Journals. The daily transactions or proceedings of the General Assembly are recorded chrono-

logically in bound volumes of the *House Journal* and the *Senate Journal*, published in cooperation with the Division of Legislative Automated Systems. All votes are recorded along with bill amendments. Brief statements on the action are sometimes quoted, such as, “an emergency exists and this bill will become effective immediately.” Both the *House Journal* and *Senate Journal* volumes contain useful appendices and indexes to assist in locating relevant passages. While these journals are useful to determine the specific voting record for legislation, they do not contain committee reports, the text of bills, or floor debates.

**D. Legislative Studies.** Legislative studies are another potential source of legislative history. These studies are created by specially appointed subcommittees, permanent commissions, or state agencies that have been charged by the General Assembly and Governor to research a particular topic and report on their findings and, at times, recommendations. Legislative studies can be found in the database of reports to the General Assembly through the Virginia’s LIS website. The activities of legislative study commissions and joint subcommittees are reflected in the *Virginia Legislative Record*, which can be found on the Division of Legislative Services website.

Although the sources listed above may enable the researcher to learn of the history of a legislative enactment, they often lack expressions of legislative intent. Thus, it is often necessary to rely on general principles of statutory construction to determine legislative intent in Virginia. The following paragraphs outline the legislative process and list the primary sources of the documentation of legislative actions in the commonwealth.

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3.203  Creation of Legislation.

A. Bills as Introduced; Engrossed Bills. Before 1971, the General Assembly held biennial sessions with an occasional extra or special session in the off year. Currently, the General Assembly convenes in Richmond on the second Wednesday of January of each year. Proposed laws are introduced by individual members of the General Assembly before or during the first few weeks of each annual session. The chamber in which the proposed legislation is introduced refers the bill to the appropriate committee. The members of the committee then study, discuss, and vote on the bill before reporting the bill, either with or without amendments, to the originating house.

Each bill must be given three readings on three calendar days in each house. Once a bill has passed its second reading with or without amendments, it is “engrossed.” If any amendments are adopted, the bill is rewritten incorporating those amendments and reprinted in its engrossed form. Once a bill is engrossed, it may not be debated or amended. On the third calendar day, the engrossed bill is read for the third time by the clerk. If an engrossed bill passes in the house of origin, it is sent to the second house for action where a similar procedure is followed.

B. Enrolled Bills. After an engrossed bill passes both houses, the bill becomes “enrolled” and the matter becomes law upon signature by the Governor. The effective date of a new law is the following July 1, unless otherwise specified. At any point during this process, a bill may simply “die” due to lack of action or receive a pass by indefinitely (PBI). A PBI allows the committee to reconsider the legislation at a later meeting.

---

The Governor exercises some influence over the passage of enrolled bills. The Governor may sign the bill into law, amend the bill and return it to the General Assembly for approval, veto the bill and return it to the General Assembly, or take no action. If the Governor takes no action, the bill becomes law without the Governor’s signature.

Approximately one month after the adjournment of the regular session of the General Assembly, a special session, or “veto” session, is convened to address the Governor’s actions. The General Assembly may adopt the amendments as proposed by the Governor or override any veto by a two-thirds majority vote in both chambers.

C. Resolutions. Legislation that requests a study or expresses legislative opinion or sentiment on a particular issue is termed a “resolution.” Most resolutions are either House Joint Resolutions (HJR) or Senate Joint Resolutions (SJR). Resolutions follow the same general legislative process as bills. While joint resolutions do require concurrence in both houses, they do not require action by the Governor. House Resolutions (HR) and Senate Resolutions (SR) only require action by the house of origin.

D. Acts. After each session, the General Assembly staff assembles the signed, enrolled bills in the order of their passage and assigns consecutive chapter numbers to each. These final versions are bound together in volumes entitled Virginia Acts of the General Assembly. This official publication of each enrolled and signed bill is published by the Division of Legislative Automated Systems. The volumes of the Acts of the General Assembly include various lists and tables related to a session of the General Assembly and an index to the new acts by Code sections affected, by subject, and by key word. To locate the corresponding chapter number of the Acts of the General Assembly, researchers must look under “Code of Virginia” in the subject index and then under specific section numbers.
3.204 Resources for Locating Proposed and Enacted Legislation.

A. Session Summary. At the end of each session from 1998 to present, the Division of Legislative Services prepares a document entitled Virginia General Assembly [year] Session Summary (formerly titled Summary of the [year] Legislative Session of the Virginia General Assembly), which summarizes each enrolled bill. This resource is divided by broad subject headings based on the titles of the Code. Each bill is identified by the number it was assigned when introduced in the chamber of origin. This resource can be used to determine which actions have been presented to the Governor for consideration. The listed bills are subject to review, which means they may be vetoed or amended. Each summary from 1998 to present is available online at the Division of Legislative Services website.13

B. Cumulative Index. The Division of Legislative Services and the Division of Legislative Automated Systems work together at the end of each session to prepare an annual document entitled Final Cumulative Index of Bills, Joint Resolutions, Resolutions, and Documents. This index provides access by subject to all measures considered, including bills, resolutions, and documents. The index includes a heading for “Code of Virginia,” under which all sections affected by proposed legislation are listed. The index contains bill history, including sponsors’ names, for all proposed legislation, and includes bills that did not pass or, because of the nature of the bill’s subject matter, were not codified. Valuable components of this publication include information about members, information about committees, and a list of special studies along with due dates. Once a session is over and the index is distributed, it becomes the authoritative, comprehensive finding tool for that session. Each index from 2015 to the present is available on the Virginia’s LIS website.14

C. Digest of Acts. From 1998 to 2012, the Division of Legislative Services and the Virginia Code Commission produced an annual publication entitled *Digest of Acts of the General Assembly of Virginia* for each session, which was available at no charge. The digest contained a one- or two-sentence summary of each legislative enactment, organized by title and section of the Code. The digest was intended to inform the general public how new legislation affected the Code. A table of enacted bill numbers identified the titles and chapters in the Code that had been affected. Each digest for this period is available online at the Division of Legislative Services website.\(^{15}\)

D. Virginia Lawyers Weekly. The *Virginia Lawyers Weekly* (VLW) is a weekly legal newspaper covering legislative activities. The paper does not provide the texts of legislation but may contain articles that shed some light on legislative intent. The VLW is available by subscription in print and online.\(^{16}\) While a subscription is required to view full articles online, limited highlights are available online without a subscription.

E. Legislative Publication Subscription Service. The Division of Legislative Automated Systems disseminates print publications of legislative documents through the Legislative Publication Subscription Service (also known as the Bill Box Subscription Service).\(^{17}\) Subscribers to this document service have the option of picking up the daily distribution of bills, resolutions, and daily calendars at the Legislative Bill Room walk-up window. For an additional fee subscribers may receive distribution by UPS or United States Postal Service. Also available for an additional fee are House and Senate documents, cumulative indexes, and budget bills.

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\(^{16}\) [http://valawyersweekly.com/](http://valawyersweekly.com/).

\(^{17}\) [https://lis.virginia.gov/SiteInformation/SubscriptionServices.html](https://lis.virginia.gov/SiteInformation/SubscriptionServices.html).
F. Online Services.

1. Virginia Legislative Information System. The Virginia Legislative Information System (LIS) is an online database developed and maintained by the Division of Legislative Automated Systems. Containing information from legislative sessions from 1994 to present, material available on LIS includes bills and resolutions, Governor’s recommendations, bill summaries, reports to the General Assembly, and more. Other than direct personal contact, this database is the most current resource available for legislative information during a session. In fact, LIS is the official source from which other information vendors extract data.

While a researcher may consult the LIS to track current legislative activity, the Division of Legislative Automated Systems also offers a service called Lobbyist-in-a-Box, which provides customized legislative tracking by email notification. Up to five bills may be tracked without charge. A fee-based subscription to Lobbyist-in-a-Box offers the ability to create multiple profiles with different bill lists and notification options. With the fee-based service, a user may elect to receive an email notification when an action is taken, such as when a bill is sponsored by a particular member of the General Assembly, when a bill is referred to a particular House or Senate committee, or when a bill contains specific words or references to Code sections.

2. Westlaw. Westlaw’s collection of Virginia proposed and enacted legislation contains material from the current legislative session. Past proposed legislation from 2005 to present is also available, as well as past enacted legislation from 1990 to present. Westlaw also offers Virginia bill tracking for the current and recently ended legislative sessions.

Finally, Westlaw’s “Virginia Legislative History” collection contains multiple types of documents related to laws passed by the state legislature, including House and Senate bills containing versions of proposed statutes and summaries, House and Senate amendments and minutes, and Governor’s messages. Coverage varies by type of document within this collection. Bill summaries are available from 1997 to present.

3. Lexis Advance. Lexis Advance offers access to the full text of Virginia bills pending in the Virginia state legislature and prior sessions from 1992 to present. Lexis Advance also offers Virginia bill tracking reports, providing a summary and legislative chronology of all pending Virginia legislation in the current legislative session and prior sessions back to 1990. Finally, the Virginia Advance Legislative Service collection contains the full text of all laws enacted during a legislative session from 1989 to present.

4. Lexis.com. Lexis.com offers access to the full text of Virginia bills (“VATEXT”) and Virginia Bill Tracking Reports (“VATRCK”), however, coverage is restricted to the current legislative session. A researcher may search these two collections simultaneously using the “VABILL” collection. Lexis.com also provides the Virginia Advance Legislative Service (“VAALS”) collection, containing the full text of all laws enacted during legislative sessions from 1989 to present.

5. Legislative Tracking. During sessions of the General Assembly, the progress of specific proposed legislation may be followed through several resources. The most current resource for legislative information is the Virginia LIS website, which provides a searchable database of bills by legislative session. There are several other services that provide automatic alerts of bill activity.


22 See supra ¶ 3.204(F)(1).
<table>
<thead>
<tr>
<th>Provider</th>
<th>Tracking Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westlaw</td>
<td>Virginia bill tracking: current and recently ended session data</td>
</tr>
<tr>
<td>Lexis Advance</td>
<td>Virginia bill tracking reports: 1990-present</td>
</tr>
<tr>
<td>Lexis.com</td>
<td>Virginia bill tracking reports (VATRCK): current legislative session only</td>
</tr>
</tbody>
</table>
| Virginia Legislative Information Service | Lobbyist-in-a-Box<sup>23</sup>  
- Free service: email notification tracking of up to five bills  
- Subscription service: allows for multiple profiles with different bill lists and notification options |
| Legislative Publication Subscription Service: <sup>24</sup> available by pick up or mail delivery |

### 3.3 THE VIRGINIA CODE


**A. Generally.** The Virginia Code Commission, a permanent commission formed by the legislature, takes the session laws passed each year by the legislature and integrates those laws into broad subject headings called “titles.”<sup>25</sup> The Commission then organizes the text of the statutes under these titles and assigns

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<sup>23</sup> Id.

<sup>24</sup> See supra ¶ 3.204(E).

<sup>25</sup> http://codecommission.dls.virginia.gov/.
section numbers to the law. Organizing the laws by subject makes research easier, so the resulting Code of Virginia is the main tool used by lawyers to locate Virginia statutes.

There are currently two printed editions of the Code: The Code of Virginia 1950, Annotated is published by LexisNexis, and West’s Annotated Code of Virginia is published by Thomson Reuters. Both contain annotations and editorial enhancements protected by copyright; only the text of the statutes is in the public domain. Although the publication may still reference 1950, the date of the last full codification, the text is updated yearly in both versions.

B. Arrangement and Citation. The Virginia Code has sixty-seven titles, each corresponding with a general subject area of the law, such as criminal law or commercial law. These titles are arranged alphabetically, and each is assigned a title number. The broad subjects covered by each title are then subdivided into subtitles, chapters, articles, and sections. The number of divisions within a title varies depending on its size and complexity.

The Virginia Code Commission has adopted the use of the period to subdivide sections, which causes some confusion for researchers. The period may appear in two places in the Code. First, titles that have been substantially changed due to amendments may be repealed and reissued. The reissued title will have a “.1” or “.2” after the title number to indicate its version. For example, the current title on “Counties, Cities and Towns” is labelled 15.2, indicating that previous versions—title 15 and title 15.1—were repealed in large part and replaced by 15.2. Also,
newly enacted titles may be designated with a “.1” as is the case with current title 23.1, “Institutions of Higher Education; Other Educational and Cultural Institutions.” A list of titles appears at the beginning of each Code volume, including the names of repealed and replaced titles.28

The period is also used to subdivide individual statute sections or to add new sections (or repealed or reenacted sections) in a logical place in the Code rather than placing them at the end of the chapter or title. This mark looks like a decimal, which frequently confuses researchers since section 55-142.3 precedes section 55-142.12. Both the Code of Virginia 1950, Annotated and West’s Annotated Code of Virginia use this organizational structure in their publications.

Statutes are cited in the Code using only the title and section number, separated by a hyphen. For example, title 15.2 of the Virginia Code covers “Counties, Cities and Towns.” Subtitle II, chapter 17 within that title covers “Police and Public Order,” which includes sections 15.2-1700 through 15.2-1753. In legal citation, a reference to “Va. Code § 15.2-1730.1” is to section 1730.1 within title 15.2.

C. Acts Not Included in the Code. Traditionally, the Code published for practitioners only includes provisions passed by the General Assembly that have a “public and permanent nature.”29 The General Assembly often passes acts that accomplish single tasks or have a short duration, for example, requesting a study from a state agency, honoring an individual, or

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28 The original numbering of titles ran 1 through 65, but repeal and addition of new titles in the code since 1950 means that the current titles are numbered 1 through 67, with various subparts.

29 This language was used often in Virginia to describe acts included in Code compilations. See, e.g., Acts of the General Assembly, 1803, or Samuel Pleasants and Henry Pace, Collection of All Such Acts of the General Assembly of Virginia, or “Revised Code” of 1803. Pleasants notes that “the greater part of [published laws] were laws of a local and private nature, which were totally useless, and a mere encumbrance to the practitioner in a court.” Id.
naming a public road or monument. These “laws of a local and private nature” are not included in the Code. This also includes yearly budget bills as well as the language of constitutional amendments that the legislature must pass to send referendums to the public.\textsuperscript{30} A compilation of uncodified acts is available on the LIS website. It lists uncodified acts from 1948 to the present, with links to the full text of acts from 1994 to the present.\textsuperscript{31}

D. Amendments and Prior Codifications. There are two types of historical notes that may be listed at the end of the text of a statute: (i) where the statute appeared in a previous codification and (ii) the enactment and subsequent amendments made by the General Assembly. References to codifications before 1950 are given by date of revision and section number, for example: Code of 1919, § 5.\textsuperscript{32} References to amendments made after 1950 are referred to by the year and chapter of the acts of the General Assembly in which the amendment appears, for example: 1997, c. 406.\textsuperscript{33}

The \textit{Code of Virginia 1950, Annotated} contains references to both prior codifications and amendments. \textit{West’s Annotated Code of Virginia} provides authority references in a similar format, but only from 1950 to present.

E. Exact Language. When the precise language of the statute is important, the legal researcher should confirm the exact language by checking the \textit{Acts of the General Assembly}. For most purposes, however, the Code language is commonly accepted by Virginia’s trial courts.

\textsuperscript{30} \textit{See supra} Chapter 2 of this book.

\textsuperscript{31} http://law.lis.virginia.gov/uncodifiedacts. The LIS website also has a new “Budget Portal” at https://budget.lis.virginia.gov/.

\textsuperscript{32} See the list of prior codifications at paragraph 3.302 below. Note that prior codifications were not arranged into titles, so a section number within the publication is sufficient to locate the text.

\textsuperscript{33} \textit{See supra} ¶ 3.202 (notes on legislative intent).
Each Code section is prefaced by a boldface title called a “headline” describing the essential contents of the section. While these headlines may be helpful in locating Code sections, the researcher must rely only on the actual language contained in the body of the text. By statute, the headline is not part of the section, but the cases annotated under that section accord the headline “its due share of consideration.”

**F. Updating.** Annual supplements to each volume of the Code are produced before July 1 of each year. The supplements incorporate enactments of each year’s General Assembly session. Replacement volumes are issued when the annual supplement for a particular volume becomes too cumbersome.

In addition, the *Code of Virginia 1950, Annotated* is further supplemented by the *Advance Code Service*. These cumulative pamphlets update the annual pocket parts with new case annotations and editorial changes. An additional updating tool is the *Advance Legislative Service*, which is a series of pamphlets published during the spring of each year that contain the enrolled bills passed by the General Assembly. The *Advance Court Rules and Practice Service* pamphlet updates the “Rules” volume of the Code.

*West’s Annotated Code of Virginia* is also supplemented by annual pocket parts and by the *Interim Annotation Service*. The semiannual *Interim* service updates the pocket parts with recent case annotations to the Code and Virginia Constitution. *West’s Virginia Legislative Service*, a series of pamphlets issued during and immediately following each session of the General

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34 “The headlines of the sections printed in black-face type are intended as mere catchwords to indicate the contents of the sections and do not constitute part of the act of the General Assembly.” Va. Code § 1-217.

35 *Jordan v. South Boston*, 138 Va. 838, 845, 122 S.E. 265, 267 (1924) (“It is true the headline is not strictly a title, but it occupies a closely related position. It contains catch words which are intended to indicate the contents of the section.”)
Assembly, contains the enrolled bills along with editorial headings describing the subject matter.

A prudent researcher will never discard superseded volumes and supplements but should be certain they are clearly marked and separated from the current set.

G. Additional Materials. The Code of Virginia 1950, Annotated also includes the complete text of several other primary sources of law. This includes the full text of the Constitution of the United States of America, the Constitution of Virginia, Legal Ethics Opinions, Unauthorized Practice of Law Opinions, and Compacts. It also includes tables that allow a researcher to track a statute across codifications or repeals. Copies of the Rules of the Supreme Court of Virginia have been included in volume 11 of the Code of Virginia 1950, Annotated since 1984. Between 1957 and 1984, the rules were appended to the end of volume 2 as an accompaniment to title 8.01 (Civil Remedies and Procedures).

West's Annotated Code of Virginia includes the text of the United States and Virginia Constitutions as well as selected disposition tables.

3.302 Previous Codification. In almost four centuries during which the colonial House of Burgesses and the General Assembly have passed legislation, there have been several official and unofficial Codes of Virginia. A legal researcher often must consult previous Codes to learn the history of a specific statute. The following is a list of previous codifications of Virginia statutes after the American Revolution.

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36 See infra ¶ 3.304 for more information on tables located in the codes.

37 Other publications, such as the Report of the Judicial Council of Virginia and the Virginia Reports series, reproduce the Rules of the Supreme Court of Virginia as well.

38 This list is based on information from the State Law Library and HeinOnline. For a complete list of Virginia Code compilations, see Virginia Law Books: Essays and Bibliographies 12-36 (W. Hamilton Bryson, ed. 2000).
<table>
<thead>
<tr>
<th>Covers Acts from:</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1700 through 1750</td>
<td>Winfree, Waverly K., Church, Randolph W., <em>The Laws of Virginia, Being a Supplement to Hening’s the Statutes at Large (1700-1750)</em>. Richmond: Printed by the Virginia State Library, 1971. Virginia State Law Library project that printed ordinances recovered from copies at the British Public Record Office that were omitted from Hening’s.</td>
</tr>
<tr>
<td>Covers Acts from:</td>
<td>Title</td>
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<tr>
<td>1803 through 1808</td>
<td><em>Collection of All Such Acts of the General Assembly of Virginia of a Public and Permanent Nature as Have Passed Since the Session of 1801 or Revised Code of 1808.</em> Richmond: Printed by Samuel Pleasants and Henry Pace, 1808. The 1803 and 1808 Revised Codes often are bound together two volumes in a single “Revised Code.”</td>
</tr>
<tr>
<td>1819 through 1823 (1st ed.) then through 1839 (2d ed.)</td>
<td>Joseph Tate, <em>Digest of the Laws of Virginia, Which Are a Permanent Character and General Operation.</em> Richmond: Printed by Shepherd and Pollard, 1841.</td>
</tr>
<tr>
<td>Covers Acts from:</td>
<td>Title</td>
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<td>Covers Acts from:</td>
<td>Title</td>
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<tr>
<td>1887 through 1904</td>
<td><em>Code of Virginia as Amended to Adjournment of General Assembly 1904</em>. Often called “Pollard’s Code.” Two volumes. Private Code system supplemented by volumes entitled <em>Pollard’s Code Biennial</em>. Printed every two years from 1906 through 1926.</td>
</tr>
<tr>
<td>1918</td>
<td>Anderson, Samuel A., Burks, Martin P., Hutton, Francis B., <em>Code of Virginia</em>. Richmond: Printed by D. Bottom, 1919. This Code appeared in two volumes, only one of which was annotated.</td>
</tr>
<tr>
<td>Covers Acts from</td>
<td>Title</td>
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<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>1918 through 1924</td>
<td><em>Code of Virginia as Amended to Adjournment of General Assembly 1924.</em> Charlottesville: The Michie Co., 1924.</td>
</tr>
<tr>
<td>Covers Acts from:</td>
<td>Title</td>
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<tr>
<td>------------------</td>
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</tr>
<tr>
<td>1950 through present</td>
<td>Code of Virginia 1950. Two printed editions of this Code are available: Code of Virginia 1950, Annotated (LexisNexis) and West’s Annotated Code of Virginia (Thomson Reuters).</td>
</tr>
</tbody>
</table>

Beginning in 1849, cases were cited in annotations to the Code sections. These old Codes are often excellent sources of early annotation materials for statutes that are the predecessors of existing statutes.39

3.303 Annotations. To aid researchers in finding cross-references and cases that interpret these statutes, both West and Lexis add annotations to their Code publications. The most convenient source of information on how the sections of the Code are interpreted and applied is the case summaries that appear beneath the sections. It is unwise to rely solely on the case summaries in the annotations; the cases themselves should always be reviewed to obtain the clearest view of the application of each statutory provision. These case annotations are selected and written by editors at LexisNexis and Thomson Reuters. While the case annotations are often ample, they are not always exhaustive. If it is essential to find every case citing or applying a particular statute, the researcher should use additional resources such as KeyCite or Shepard’s Citations.40

Lexis editors for the Code of Virginia 1950, Annotated draw case annotations from the following: South Eastern Reporter, 2d; Supreme Court Reporter; Federal Reporter, 3d; Federal Supplement, 2d; Federal Rules Decisions; Bankruptcy Reporter;

39 Historical copies of these Codes may be difficult to locate in print unless a university law library is nearby, however many Internet archives have collected historical legal materials in recent years. See infra ¶ 3.401 for more on accessing historical Codes online.

40 See infra ¶ 3.401.
LEXIS circuit court opinions; and opinions of the Attorney General. Lexis also includes unpublished opinions from the Court of Appeals of Virginia, which do not appear in any reporters but may be obtained from the court or online. Additional annotations include references to the law in the following secondary sources: Virginia Law Review, Washington and Lee Law Review, William & Mary Law Review, University of Richmond Law Review, and George Mason Law Review.

Case annotations in West’s Annotated Code of Virginia include references to the South Eastern Reporter, 2d; Supreme Court Reporter; United States Reports; Lawyers Edition, 2d; Federal Reporter, 3d; Federal Supplement, 2d; Federal Rules Decisions; Bankruptcy Reporter; Federal Claims Reporter; Federal Appendix; and opinions of the Attorney General. Annotations to secondary sources includes the major law reviews published by law schools in Virginia.41

Other notes that may appear under a Code section include cross-references to other Code sections, reviser’s notes, decisions under prior law, related law review citations, and other explanatory information.

3.304 Tables. Volume 10 of the Code of Virginia 1950, Annotated contains several tables that allow users to locate a section or trace its history of codification. Researchers can locate a specific Code section in the table and use it to cross-reference (i) where that section appeared in previous Codes (dating back to the Code of 1919), (ii) any repealed or amended sections, and

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(iii) the Acts of the General Assembly citation. Where whole titles of the Code of 1950 have been recodified, comparative tables trace the rearrangement. These tables can dramatically simplify the task of tracing a particular law into codification and through recodification.

West’s Annotated Code of Virginia does not include a separate tables volume. Disposition tables are included in each volume and are only provided for recently revised titles.

3.305 Other Sources for Researching Statutes by Subject. Both editions of the print Code include a multivolume index used to locate statutes associated with specific key words.

The index for Code of Virginia 1950, Annotated (LexisNexis) is mostly compiled from the Code’s subject headlines; therefore, the researcher must either be familiar with the precise subject terminology or be willing to search through many related or synonymous index entries. Also, many Code section subject headlines have remained unchanged for decades and, therefore, may not reflect current legal terminology. The publisher has recently added more main headings, including headlines and more common name and descriptive word headings.

The index to West’s Annotated Code of Virginia offers broad headings often with multiple subheadings and cross-references. Editors have made an effort to maintain uniformity of language within the subject headings and to avoid splitting concepts into multiple headings.

The researcher using a Code index should not assume that there is no Code section on a subject even if a search of every conceivable related subject has failed to reveal any listing. If no Code section is found, it is good research practice to repeat the search in a different research medium. The researcher should take great

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42 See paragraph 3.301(E) above for more on headlines.
care before concluding that no statutory authority exists on a subject.

The primary legal encyclopedia for Virginia, *Michie’s Jurisprudence of Virginia and West Virginia*, is another excellent source for finding statutes across the Code that deal with a specific legal issue. Legal encyclopedias are intended to summarize the law and to serve as an introduction to research on a particular topic of law. Statutory materials as well as leading cases are found by searching relevant substantive law topics. As a Michie publication, the content is exclusive to the Lexis platforms online but can be purchased in print as well. The print publication includes a “Table of Statutes” volume to assist in locating discussions of specific statutory sections.

When researching using *Michie’s Jurisprudence*, it is important to distinguish between Virginia and West Virginia entries as both states are included in this publication. It is also important to verify the text of all statutes and cases referenced in articles before relying on summaries or citing to those legal authorities.

**3.306 The Virginia Code in Electronic Format.** Computer-assisted legal research is an essential component of cost-effective, responsible research and is a mainstay in any law office. Online services are attractive because the law is constantly updated and they offer flexible search and retrieval options and dependable customer support. The disadvantage of electronic full-text databases has always been their price, but more flexible and attractive pricing is now available.43 The Virginia LIS is available online at no cost, and Virginia State Bar members have free access to Fastcase as well.

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43 The *2016 ABA Legal Technology Survey Report* shows that the two major commercial legal research providers, Westlaw and LexisNexis (including both Lexis Advance and Lexis.com), are still used most often for legal research by about 70% of lawyers. However, other competitors have taken a share of the market in the last few years; in 2011 over 88% relied on Westlaw or LexisNexis.
The vast majority of new legislation becomes effective on July 1 of each year. The researcher should be aware that not all online services integrate the annual legislative changes into the Code by that date. It is very important to ascertain the date through which an online Code is current.

A. Virginia Legislative Information System (LIS). The Division of Legislative Automated Systems maintains the Code of Virginia online. Researchers may access this site at http://lis.virginia.gov. The site accommodates both Boolean and proximity searching of the full text of the Code and allows the user to browse the Code’s table of contents and a “Popular Names Table.” It also permits the tracking of ongoing and proposed legislation. It archives bills beginning with the 1994 session of the General Assembly.

B. Westlaw. Access to the full text of West’s Annotated Code of Virginia, including all current supplements, annotations, and the index is available through a subscription to Thomson Reuter’s Westlaw database. By using the “KeyCite” function, researchers can check for session laws affecting Code sections that have not yet been enacted or incorporated into the Code. Users must subscribe through West, which provides training and telephone support. Both Boolean and natural language searches are supported, as well as searches by citation. The subscription also provides access to “Virginia Statutes Annotated—Historical,” which includes copies of previous codifications dating back to 2001.

C. Lexis. Access to the full text of the Code of Virginia 1950, Annotated, including the Constitution, session laws, annotations, and rules is available through a subscription to

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44 See supra ¶ 3.203(B).
45 See supra ¶ 3.204(F)(1).
46 Subscribers access these services on www.westlaw.com.
Lexis.com or Lexis Advance. Archival copies of the Code date back to 1992. Both Boolean and natural language searches are supported, as well as a search by citation.

D. **Bloomberg Law.** Bloomberg Law is the newest online subscription service that integrates legal content, company and market information, and proprietary news services. It includes an unannotated version of the current Virginia Code and session laws from January 1999 to present.

E. **Fastcase.** Virginia State Bar members have free access to Fastcase, which includes an unannotated version of the Code of Virginia.

F. **HeinOnline.** Legal publisher William S. Hein & Co., Inc. maintains a database called “State Statutes: A Historical Archive,” which collects prior codifications of state law. Many of the sources indicated in paragraph 3.302 above are available through this platform for researchers tracking legislation before 1950.

G. **Virginia CaseFinder.** Geronimo Development Corporation’s CaseFinder is a database available by subscription either online or through a monthly DVD. It includes a searchable Code, Constitution, rules of court, and case law and other materials. It also displays recent amendments to Code sections in a redline/strikeout format. In lieu of annotations, it provides a

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47 Subscribers access these services on https://advance.lexis.com.

48 Users may access these services at www.bloomberglaw.com.

49 Users may access these services at www.fastcase.com.

50 See Chapter 9 of this book for more details on this service. Note that the legal materials once available on Loislaw have been purchased by Fastcase and are now provided through that platform.

51 Users may access these services at https://home.heinonline.org/.

52 Users may access these services at www.casefinder.com.
“Cited In” feature, which displays a list of Virginia cases that have cited that section.

3.4 UPDATING

3.401 Shepard’s Virginia Citations.

A. Generally. Shepard’s Virginia Citations provides a listing of all authorities citing to a particular case or statute. Available in print and online through various Lexis platforms, Shepard’s provides status information on each section of the Code and lists cases and secondary sources that cite or apply the section. In addition to covering Virginia materials, Shepard’s Virginia Citations lists Virginia citations to the United States Constitution, the United States Code, Statutes at Large, federal rules of court, and the federal sentencing guidelines.

Online platforms will reflect the most recent citation information for a given case available through Shepard’s. When researching in print, the most recent paperback supplement should be consulted to ensure that all cases and other authorities that have reviewed a specific legislative enactment are located.

B. Print Coverage. Information tabulated in Shepard’s Virginia Citations includes the following:

1. Federal legislative materials.
2. Federal court rules.
6. A table of Virginia legislative enactments by popular names or short titles.

¶ 3.401


C. Previous Code Sections. In addition to locating authorities citing a current Code section, Shepard’s is also useful for locating cases addressing Code sections that have appeared in a similar form in previous Codes. It is important to keep in mind older cases may not continue to be annotated under the same version of the statute appearing in the current Code.

3.402 Table of Subscription Databases with Virginia Code and Statutes.

<table>
<thead>
<tr>
<th>Database</th>
<th>Bills and Session Laws</th>
<th>Code Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fastcase—Virginia Statutes</td>
<td>Not Available</td>
<td>Unannotated text of current Code; archival Codes from 2008-present</td>
</tr>
<tr>
<td>Westlaw</td>
<td>Virginia Historical Session Laws, 1990-present; Virginia Historical Proposed Legislation, 2005-present</td>
<td>Content of West’s Annotated Code of Virginia, archival copies from 2001-present</td>
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<td>Lexis Advance</td>
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[^53]: See infra ¶ 3.302.
CHAPTER 4

COURTS AND CASE LAW

Marie Summerlin Hamm
Regent University Law School Library / Virginia Beach

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CHAPTER 4
COURTS AND CASE LAW

4.1 INTRODUCTION

To find relevant cases the researcher must first determine which courts have jurisdiction over the subject matter concerned. Then the researcher must determine if the court produces a written opinion, and if so, if and where the opinions are published. The Virginia judicial system has three levels of courts that produce written opinions: the Supreme Court, the Court of Appeals, and the circuit courts.

This chapter will first provide an overview of the Virginia judicial system and then describe where the decisions of Virginia courts are reported. The last portion of the chapter will address how the researcher can find cases relevant to a particular subject or issue.

4.2 COURTS

4.201 In General. The Virginia judicial system has four levels of courts including a supreme court, an intermediate court of appeals, and two levels of trial courts. The Supreme Court of Virginia is the commonwealth’s “court of last resort” or highest court. The Court of Appeals is Virginia’s intermediate appellate court. Virginia’s trial courts include circuit courts and district courts. The district court system includes both general district and juvenile and domestic relations district courts.¹

¹ See generally Chapter 6 of this book (Local Law) for a more detailed explanation of trial courts.
Proceedings in all Virginia courts are governed by the Rules of the Supreme Court of Virginia. In addition, each court may have its own rules, which are usually accessible through the local court’s website.

**4.202 Supreme Court of Virginia.** The seven-member Supreme Court, which sits in Richmond, has original jurisdiction over writs of habeas corpus, mandamus, prohibition, and actual innocence based on biological testing as well as judicial censure and retirement matters. Appeal as a matter of right is available only in specified matters, such as State Corporation Commission, attorney discipline, and death penalty cases. Civil appeals from the circuit courts and all other cases are heard at the Court’s discretion. By custom, all of the opinions of the Supreme Court are published. Orders are published at the discretion of the justices. In general, an order will be published if it affects a lower court decision.

**4.203 Court of Appeals.** Established in 1985, the Court of Appeals consists of eleven judges who sit in rotating panels of three or more (except when sitting en banc) in one of four regional locations throughout the state. The Court of Appeals hears appeals as a matter of right from final judgments of the Virginia Workers’ Compensation Commission and circuit court decisions pertaining to domestic relations, administrative agency appeals, and certain other types of cases. Review of other circuit court judgments, such as traffic and criminal (non-death penalty) cases, is discretionary. Generally, it is the court of last resort for

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3 The Rules of the Virginia Supreme Court and amendments are available on Virginia’s Judiciary System website at www.courts.state.va.us/courts/scv/rules.html.

3 Va. Code § 17.1-308 et seq. (addressing original jurisdiction and discretionary review); see also www.courts.state.va.us/courts/scv/about.html.


6 See Va. Code § 17.1-404 et seq. (addressing original jurisdiction and discretionary review); see also www.courts.state.va.us/courts/cav/about.html.
traffic, domestic relations, and workers’ compensation cases. The Court of Appeals has original jurisdiction over petitions for writs of actual innocence not based on biological testing. Opinions of the Court of Appeals are selectively published at the discretion of the judges.\(^7\)

### 4.204 Circuit Courts.\(^8\) Virginia’s circuit courts are trial courts. Within the thirty-one judicial circuits in Virginia there are 121 circuit courts. A circuit court has limited jurisdiction that extends only to cases in which jurisdiction is specifically conferred by statute. The circuit court is court of record—appeals are taken on the record made in the circuit court. The opinions issued by the circuit courts are unofficially and selectively reported.

### 4.205 District Courts. Virginia’s district court system consists of the general district and the juvenile and domestic relations district courts. Within the thirty-two districts of the commonwealth, there are more than 250 general district courts and juvenile and domestic relations district courts. A district court has limited jurisdiction that extends only to cases in which jurisdiction is specifically conferred by statute. It is not a court of record, meaning that on appeal from a district court the matter is heard de novo. Decisions from the district courts are not published.

### 4.3 CASE LAW

#### 4.301 In General. The Virginia judicial system has three levels of courts that produce written opinions: the Supreme Court, the Court of Appeals, and the circuit courts. A judicial opinion is a statement prepared by the court setting out a reasoned explanation for the court’s decision in a particular case. In a common law system, each decision becomes part of the body of law

\(^7\) Va. Code § 17.1-413.

\(^8\) Va. Code § 17.1-513 (addressing jurisdiction of circuit courts). For court information, case status information, forms, and other resources, see [www.courts.state.va.us/courts/circuit/home.html](http://www.courts.state.va.us/courts/circuit/home.html).
upon which future decisions are based. This is known as the doctrine of stare decisis. Under this system, the decisions of higher appellate courts must be followed by lower courts when the same point of law is addressed. The decisions of trial courts have little precedential value.

A judicial opinion is released in several stages of completeness. A “slip” opinion may be issued soon after the decision is handed down. Slip opinions are often not typeset or fully formatted and are subject to revision. Not all opinions are published beyond slip opinion form. The court has discretion in determining whether an opinion will be published or unpublished. Opinions that the court deems to have general precedential value are next compiled into paperback “advance sheets.” Advance sheets are the first phase of publication for law reports or reporters.

A reporter is a series of books containing compilations of case law. Reporters may be official or unofficial. A reporter published under government authority is known as an official reporter. The text of the law is identical in both types of reports. Reporters published by commercial publishers often include research aids and other editorial enhancements.

In Virginia, decisions of the Supreme Court of Virginia are officially published in Virginia Reports. Official opinions of the Court of Appeals of Virginia appear in West’s Virginia Court of Appeals Reports (Thomson Reuters). The decisions of both appellate courts are unofficially published in West’s South Eastern Reporter (Thomson Reuters).

4.302 Elements of Virginia Appellate Opinions.
Whether in print or online, the typical elements of opinions published in the reports are as follows:

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9 The Latin meaning of stare decisis is “to stand by things decided.” In the legal context, the term refers to “the doctrine of precedent, under which a court must follow earlier judicial decisions when the same points arise again in litigation.” Black’s Law Dictionary (10th ed. 2014).
A. Case Name. The names of the parties are listed at the beginning of the published opinion. Regardless of which party initiated the action at the trial court level, the name of the appellant appears first.10

B. Docket Number. The docket number, also sometimes referred to as the record number, is the identifying number assigned by the clerk of the court. Before the case has been included in the reporter system, the record number may be used to cite the case. Examples of citation by record number are: No. 850208 (Va. 2017) for a Supreme Court of Virginia case and No. 0339-86-4 (Va. Ct. App. 2017) for a case in the Court of Appeals of Virginia.

C. Date of Decision.

D. Names of Justices or Judges Present.

E. Summary.

1. Virginia Reports. The Supreme Court of Virginia’s official Reporter of Decisions provides a brief synopsis of the issues presented in the case. This summary includes a list of subject headings by which the case is referenced in the index at the end of each volume. The summary describes the facts of the case and then sets forth the points of law stated in the text of the opinion in “headnote” form. The headnotes function primarily as an index to the decision. Unlike the formal syllabus points used by appellate courts in some other states, the headnotes to an opinion of the Virginia Supreme Court are not actually part of the formal opinion and are not to be cited as legal authority.

2. Virginia Court of Appeals Reports. Opinions of the Court of Appeals are officially published in West’s Virginia Court of Appeals Reports (Thompson Reuters). Each opinion includes a synopsis created by the West editorial department.

10 Va. R. 5:6(b).
along with headnotes that reference West’s topic and key number system.11

3. South Eastern Reporter. West (Thomson Reuters) places its own case summary and its own headnotes on the Virginia Supreme Court and Court of Appeals opinions that appear in the South Eastern Reporter. West’s topic and key numbers, along with the headnotes, permit the researcher to find other cases on the same point of law on Westlaw and in other West reporters and publications.

F. Names of Counsel and Briefs Filed.

G. Source of Appeal. The opinion states how the court obtained jurisdiction of the case, that is, from which court or commission the case has been appealed.

H. Text of the Opinion. The text of the written opinion of the court is the same for both official and unofficial reporters. The opinion will identify the judge or justice delivering the opinion for the court. Both reporters also set forth the text and identify the authors of any concurring or dissenting opinions. For the Virginia Supreme Court, where typographical variance is noted, the Virginia Reports version is official.

I. Decision or Holding of the Court. The opinion concludes with the actual disposition of the case by the court, denoted by terms such as “affirmed,” “reversed,” “modified,” or the like.

4.303 Appeals Granted; Cases Scheduled for Argument. It is sometimes helpful to know whether a particular decision or issue is pending for review by the Virginia Supreme Court. Few types of cases are entitled to Supreme Court review as a matter of right, and thus, most cases reach the court because it has, in its discretion, granted a petition for appeal. Successful petitions

11 See infra ¶ 4.402.
are often referred to by the older term “writs granted.” A source of summaries of such cases is the Law Letter of the Virginia Trial Lawyers Association. Basic information about a case, including names of counsel and assignments of error, is available on the Virginia Judicial System website, www.courts.state.va.us.

4.304 Citation. Virginia appellate decisions are customarily cited with a parallel citation to both the official reporter and the South Eastern Reporter (for example, Thurston Metals & Supply Co. v. Taylor, 230 Va. 475, 339 S.E.2d 538 (1986)). As of July 2010, the Rules of the Supreme Court of Virginia are silent about citation preferences for reporters. In the absence of a rule regarding citation, The Bluebook: A Uniform System of Citation\textsuperscript{12} recommends using only the South Eastern Reporter.

4.4 VIRGINIA CASE LAW IN PRINT

4.401 Decisions of the Supreme Court of Virginia.

A. Virginia Reports. The official publication for Virginia Supreme Court opinions is Virginia Reports. Early Virginia Reports were identified by the name of the individual “reporter” appointed by the court to record and publish decisions (for example, Leigh, Robinson, Grattan) and were published in several formats, in some of which multiple volumes were bound together. In 1911, the Supreme Court renumbered the earlier nominative reports by assigning them volume numbers 1 through 74. A table of correspondence between the named and numbered volumes appears in each reporter after volume 74 under the title “Citation of Virginia Reports.”

Each volume of Virginia Reports contains a listing of cases reported, indexed by both the appellant’s and the appellee’s names. Each volume also has a subject index and a table of consti-

\textsuperscript{12} The Bluebook: A Uniform System of Citation, table T1, at 271 (Columbia Law Review Ass’n et al. eds., 20th ed. 2015).
tutional provisions, statutes, acts, and rules of court cited. Until 1981 (through volume 221), Virginia Reports also included a summary listing of appeals refused by the Virginia Supreme Court.

The page proofs of a volume of the official Virginia Reports first appear in an “advance sheet” format in multiple paperbound parts. The advance sheets use the same volume and page numbering as the bound volume. They are, however, subject to correction of typographical errors and are not final, since petitions for rehearing might have been filed. The advance sheets contain the same tables and indexes as the hardbound volumes and, in addition, contain useful summaries of the included decisions. These official advance sheets are generally available no later than four months after the date of decision of the latest included opinions.

B. South Eastern Reporter. Opinions of the Virginia Supreme Court and of the Virginia Court of Appeals are published unofficially, along with appellate cases from the state courts of Georgia, North Carolina, South Carolina, and West Virginia, in South Eastern Reporter. The first series of this reporter extends to 200 volumes and covers the period between 1887 and 1939. The second series covers from 1939 to the present. The South Eastern Reporter does not include a subject index but does contain a list of cases reported and a key number digest. The volumes also include a table of words and phrases and a list of statutes cited. West’s Virginia and West Virginia Digest and South Eastern Digest function as topical indexes to the Virginia cases reported in the South Eastern Reporter. The advance sheets for the South Eastern Reporter are published weekly and Virginia decisions are generally available in this format six to eight weeks after the decision.

C. Slip Opinions. The Internet is the recommended method of obtaining a recent opinion.13

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13 See infra ¶ 4.501.
D. Virginia Lawyers Weekly. The Virginia Lawyers Weekly contains synopses of opinions of the Virginia Supreme Court and the Virginia Court of Appeals. The full text of these opinions can be found on the Virginia Lawyers Weekly website.14

E. Other Sources. Digests of opinions appear in the Virginia Trial Lawyers Association (VTLA) Law Letter. Other publishers print digests of civil, criminal, or other select subject-area cases.

4.402 Decisions of the Virginia Court of Appeals. Virginia Court of Appeals decisions are published in the official reporter, Virginia Court of Appeals Reports (Thomson Reuters). The published opinion includes a summary of the disposition of the case below, the ruling of the court, and headnotes. Each volume contains alphabetical lists of the opinions reported and the cases cited, and a list of constitutions, statutes, and rules of court cited. There is also a subject-matter index to the headnotes of all cases in the volume. This reporter also has separate advance sheet volumes that are similar in format to the Virginia Reports advance sheets.

The opinions of the Court of Appeals are also included in the South Eastern Reporter and are summarized in VTLA publications and in Virginia Lawyers Weekly. As with the Supreme Court opinions, Court of Appeals decisions customarily are cited with a parallel citation to both reporters as follows: Patterson v. Commonwealth, 3 Va. App. 1, 348 S.E.2d 285 (1986). However, with the absence of a rule regarding citation, The Bluebook: A Uniform System of Citation recommends using only the South Eastern Reporter.

4.403 Decisions of Circuit Courts. The opinions of the circuit courts of Virginia are of limited precedential value because the circuit courts are trial courts for which opinions are

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14 www.valawyersweekly.com (password required and available with a subscription to the newspaper).
not published or reported either officially or comprehensively. Selected circuit court opinions have been compiled in a multi-volume set entitled *Virginia Circuit Court Opinions*, published by LexisNexis. Edited by W. Hamilton Bryson, Professor of Law at the T.C. Williams School of Law, University of Richmond, the publication, which is fully referenced in *Shepard's Virginia Citations*, provides a table of cases reported, a table of Virginia/federal cases cited within the opinions, a table of statutes, a complete subject index, and headnotes before each opinion.

Selected circuit court opinions are also published by the Virginia Association of Defense Attorneys in each quarterly issue of the *Journal of Civil Litigation*.

The VTIA and *Virginia Lawyers Weekly* print summaries of selected circuit court opinions. The full text of opinions summarized in *Virginia Lawyers Weekly* and the VTIA *Law Letter* may be obtained from the publishers.

Early trial court cases from 1850-1928 were published in several law journals: *Quarterly Law Journal, Quarterly Law Review, Virginia Law Journal*, and *Virginia Law Register*. These journals are available at some law libraries. A subject and name index to these cases, entitled *An Index of Printed Virginia Trial Court Opinions Between 1850 and 1928*, was prepared by W. Hamilton Bryson and published by the Virginia Association of Law Libraries.

4.404 Unpublished Decisions. Unpublished decisions are available directly from the court clerks. Although they lack precedential value, some unpublished appellate decisions are included in the annotations to the Virginia Code. Copies of unpublished Court of Appeals decisions for the period 1985 through 1992 are available in a book entitled *Virginia Court of Appeals Unpublished Decisions*, compiled by Kent Olson and published by the University of Virginia Law Library.
4.501 Online Subscription Services. Virginia case law is available electronically in a variety of online fee-based services. Subscription options and pricing structures vary, with services that provide more extensive editorial enhancements and comprehensive coverage generally costing more.

A. Westlaw. Westlaw includes Virginia Supreme Court opinions from 1790 to present, Virginia Court of Appeals opinions from 1985 to present and unpublished decisions since 1992. West’s key number system provides a controlled vocabulary for searching case law databases on Westlaw. The “star paging” feature allows the researcher to cite to pages in the official reporter. Westlaw’s selective coverage of Virginia Circuit Court opinions begins in 1976. Some libraries subscribe to Westlaw Patron Access, a product that offers some of the legal research functionality of Westlaw.

B. Lexis. Lexis content includes Virginia Supreme Court opinions from 1730 to present and Virginia Court of Appeals decisions since 1985. References to internal page numbers allow the researcher to cite to pages in the official reporter. Coverage of Virginia Circuit Court opinions in the database is comparable to the print compilation. Some libraries subscribe to Lexis Academic or provide Lexis Patron Access terminals, products that offer some of the legal research functionality of Lexis.

C. Bloomberg Law. Like Westlaw and Lexis, Bloomberg Law includes comprehensive coverage of Virginia Supreme Court and Virginia Court of Appeals opinions. It also


17 www.bna.com/bloomberglaw/.
includes selected unpublished decisions beginning in 2005. Circuit court decisions are available from volume 1 to present.

D. Fastcase.\textsuperscript{18} Fastcase provides access to Virginia Supreme Court opinions from 1887 to present and Virginia Court of Appeals opinions from 1985 to present. The Virginia State Bar provides access to Fastcase as a membership benefit.

E. Virginia CaseFinder. Published by Geronimo Development Corporation, this database includes Virginia Supreme Court opinions since 1887, Virginia Court of Appeals published opinions since 1985, and unpublished decisions of those courts since 1994. It also includes selected circuit court opinions, opinions of the Attorney General since 1967, certain administrative opinions, Legal Ethics Opinions, federal district court cases for Virginia since 1988, Fourth Circuit cases since 1971, and United States Supreme Court cases since 1949. The product is also available on a DVD with integrated access to updated website content.

F. Other Subscription Services. Several other affordable subscription legal research platforms are available. The VersusLaw database includes Virginia Supreme Court opinions from 1930 to present and Virginia Court of Appeals opinions from 1985 to present. Ravel Law includes Virginia Supreme Court decisions from 1950 to present and published Virginia Court of Appeals decisions from 1985 to present. The basic case search algorithm is available at no cost to registered users, while both court analytics and judge analytics require a subscription.

4.502 Free Internet Resources. Although Internet resources lack the editorial enhancements available in subscription databases, these sites provide a cost-effective starting point for legal research.

\textsuperscript{18} For a more extensive discussion of Fastcase, see Chapter 9 of this book.
A. Virginia’s Judicial System. Virginia’s Judicial System website archives Supreme Court opinions from June 1995 to present and Court of Appeals opinions from May 1995 to present. This site is located at www.courts.state.va.us. Text of the opinions can be searched by keywords. Supreme Court and Court of Appeals opinions are generally available on the afternoon of the decision date. The courts also provide the opportunity to sign up for RSS feeds of appellate opinions, docket information, court calendars, and rules changes.

B. Ravel Law. Ravel Law at rave llaw.com allows researchers to view case law search results as graphical representations designed to add context. Much of the content is a result of a digitization partnership between the company and Harvard Law Library. The database includes Virginia Supreme Court opinions from 1950 to present and Virginia Court of Appeals opinions from 1985 to present. The basic search algorithm is available for free to registered users. Court analytics and judge analytics are available by subscription.

C. Findlaw for Legal Professionals. Findlaw for Legal Professionals at lp.findlaw.com provides access to Virginia Supreme Court and Court of Appeals opinions from 1997 to present. Opinions can be searched by case title, docket number, or full text.

D. Google Scholar. Google Scholar, available at scholar.google.com, provides free access to Virginia Supreme Court and Virginia Court of Appeals opinions from 1950. The “Advanced Scholar Search” allows the researcher to limit a search to Virginia opinions only. Results include citations to the official reports and the South Eastern Reporter.

New information is frequently posted at these websites, and new Internet sites are continually being developed. The researcher should watch for new online sources of Virginia case law.
4.6 RESEARCHING VIRGINIA CASE LAW IN PRINT

4.601 Digests. A digest is a multivolume index of case law arranged by topic. Because reporters do not contain internal indexing, print digests played a crucial role in the legal research process before the advent of databases. West’s American Digest System is the best known and most widely used digest classification system. Created over 100 years ago by company founder John P. West, the extensive taxonomy concept is brilliant in its simplicity. First, the entire body of American law was organized into major subject categories referred to as “topics.” Next, subdivisions called “key numbers” were assigned to individual points of law within each topic. Designed to work in tandem with the headnotes in West’s National Reporter System, the system created an effective method of locating relevant cases. Significant points of law decided in Virginia cases are indexed in the Virginia and West Virginia Digest and the South Eastern Digest and have been incorporated into the Decennial Digest.

A. Virginia and West Virginia Digest. This digest covers decisions of the Virginia Supreme Court and the Virginia Court of Appeals, summarized and cited under the appropriate key number of a topic. The paragraphs are arranged chronologically and, for ease of reference, state in bold print the court rendering the decision and the year of decision. Parallel citations to both the Virginia Reports and the South Eastern Reporter are provided, and any statutory authority relied on by the court is also indicated.

The Virginia and West Virginia Digest is supplemented by annual pocket parts and by semiannual pamphlets. Because the digest is part of the West system, it also is supplemented weekly in the advance sheets of the South Eastern Reporter.

To find relevant Virginia case authority in the digest, one must first find the appropriate digest topic. At the beginning of each topic heading, the digest provides both a list of subjects that are included and a list of those that are excluded or covered.
under other topics. The digest then outlines the included subjects within the particular topic and identifies the key numbers for those subjects.

Quite often, the researcher will look for a subject word that the digest editor has not selected as a topic. Since it may not be obvious which topic to choose in this situation, the digest includes a descriptive word index that refers the researcher to an appropriate topic and key number. The digest also contains a volume for locating cases that define particular words and phrases. Also included in the digest is a table of cases that lists a complete key number classification for each case analyzed. In addition to this table, there is a defendant/plaintiff table to aid in locating cases by party name. This table is a convenient tool for obtaining a citation to a Virginia case when the name of one party only is known.

B. South Eastern Digest. This digest is similar in format to the Virginia and West Virginia Digest. It covers cases from Virginia, West Virginia, North Carolina, South Carolina, and Georgia. South Eastern Digest, 2d only covers cases from the South Eastern Reporter, Second Series. For older cases, the researcher must turn to the first edition of this digest or to the Virginia and West Virginia Digest. There is no “Words and Phrases” volume in this set.

4.602 Encyclopedias. An encyclopedia provides an introduction to a legal topic. It is a starting point, not a comprehensive research tool. Michie’s Jurisprudence of Virginia and West Virginia is a legal encyclopedia published by LexisNexis and devoted exclusively to the law of Virginia and West Virginia. It provides textual summaries of many areas of the law and citations to leading cases, statutes, and selected secondary sources. Extensive footnotes support the text. The encyclopedia is supplemented by pocket parts annually.

Michie’s Jurisprudence is arranged alphabetically by topic. Each volume contains a table of titles set forth in the volume. In
addition, a comprehensive one-volume index lists all topics and provides references to the titles and sections in which each topic is discussed. Each title begins with an outline of its sections and subsections, followed by an introductory paragraph describing the scope of the title and referring to related topics in other titles.

Michie’s Jurisprudence also contains a table of cases that indicates the title and section under which individual cases are discussed in the text. In addition, the Caselaw Citator volume lists subsequent citations, affirmances, reversals, and overrulings of cases decided by the state appellate courts. This citator volume lists all “significant” Shepard’s information pertaining to cases appearing in the set. Additional useful volumes include Words and Phrases, State Court Rules, Federal Court Rules, and a Table of Statutes pamphlet. The set is updated by pocket parts and by a semiannual interim supplement. Michie’s Jurisprudence is also available on Lexis.

4.603 Case Finders. The case finder series began in 1984 with Virginia Torts Case Finder, authored by Brien Roche and published by LexisNexis, and is another digest-like tool to find case law on a particular subject. Other topics covered in the series are criminal law, workers’ compensation, insurance, and domestic relations. These titles are organized by subject within the topic and include summaries of decisions after each subject. The volumes are updated annually either with pocket parts or expanded volumes.19

4.7 RESEARCHING VIRGINIA CASE LAW ONLINE

A researcher’s approach to creating an online search strategy will be driven by the resources available. This paragraph will address basic concepts that are equally applicable to free and low-cost products with basic search capabilities and to the more so-

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19 See Chapter 7 of this book for a thorough discussion of resources in specific areas of practice.
phisticated algorithms available in subscription databases. It will also provide an overview of finding cases on Westlaw, Lexis, and Bloomberg Law. Fastcase is fully addressed in Chapter 9.

4.701 In General. The first step in any research project is identifying the legal issues involved and generating relevant search terms. Consulting a secondary source is often the most effective way to gain a broad understanding of an area of law and to identify initial search terms. *Michie’s Jurisprudence*\(^{20}\) and Virginia-specific treatises\(^{21}\) are particularly relevant to case law research. The annotations in these resources include citations to relevant cases. Locating a “key case” is an important step in the research process.

Without a known case, a researcher will generally begin by initiating a search query in the database. As a preliminary matter, the researcher should determine the resource’s content and coverage scope and limit the search parameters appropriately (for example, limiting the search to Virginia Supreme Court opinions). There are several types of full-text word searches.

A. **Keyword.** A keyword search will retrieve cases or documents that include the specific word or phrase searched. It is important that the researcher select keywords that accurately describe the point of law or exact legal term. This is because a keyword search looks for character strings only and does not search for concepts.

B. **Natural Language.** With the natural language search method, the researcher enters a query using plain English and relies on the algorithm to retrieve relevant cases or documents. More sophisticated algorithms, like those available through Westlaw, Lexis, and Bloomberg Law, are able to parse through queries, remove common words, identify legal phrases or

\(^{20}\) *See supra* ¶ 4.602.

\(^{21}\) *See Chapter 7 of this book (discussing practice area resources).*
concepts, and generate variations of relevant terms. The database generally ranks search results by relevance.

C. Boolean or Terms and Connectors. Often referred to as a the “terms and connectors method,” a search employing Boolean logic allows the researcher to combine multiple keyword search terms together in ways that more precisely express the research concept or topic. Boolean “connectors” (AND, OR, NOT) and “operators” (such as a wild card (*), a root expander (!), or a proximity operator (/p)) are used to expand or limit the search parameters. While Westlaw and Lexis allow terms and connector searching in the universal search box, in many databases Boolean operators and connectors are available by selecting “advanced search” option.

Regardless of the method employed, a first search rarely generates a perfect result. Research is a dynamic process. As the researcher reviews secondary resources and relevant cases, new concepts and terms will appear, and the search can be revised and refined as the researcher’s understanding of the issue and the law develops.

4.702 Westlaw. Westlaw provides nearly comprehensive access to legal information. The universal search bar allows users to enter known citations as well as natural language or keyword searches. Browsing features allow users to easily limit searches to particular jurisdictions, material, or content type or to specific topics or resources within the database. To limit a search to Virginia opinions, the user first selects the state materials tab in the browse box, then selects Virginia, and then further limits the search to a particular court or simply enters a search in the global search bar.

A. West’s Headnotes, Topics, and Key Numbers Online. West’s American Digest System,22 the intricate classifica-

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22 See supra ¶ 4.601.
tion and indexing system that served as the primary method for lawyers to access United States case law for generations, plays a significant role in the Westlaw product. Topics and key numbers can be assessed several ways.

1. **Initiating a Topic and Key Number Search.** To access the key number system directly, users select the tools tab in the browse box located directly under the global search bar and then select key number system. Users may limit the jurisdiction to Virginia and execute a search or simply browse topics and key numbers for relevant cases.

2. **Accessing Key Numbers Within a Retrieved Case.** Another way to access the digest online is to simply click on a topic and key number in any headnote within a retrieved Virginia case. The result will include all Virginia cases addressing the same point of law.

B. **Westlaw Practice Areas.** A basic tenet of full-text searching is limiting the search to the most relevant database possible. As a collection of limited topical databases, Westlaw practice areas are an excellent tool for locating relevant cases. Practice areas are accessed by selecting the appropriate tab located underneath the global search bar. When the researcher limits the jurisdiction to Virginia, the resulting practice areas page includes both Virginia primary and secondary materials relevant to the practice area. For example, a Virginia family law practice area page will include an option for searching Virginia family law cases, statutes, trial court orders, court rules, and regulations. It will also provide links to family law treatises and forms books available on Westlaw.

4.703 **Lexis Advance.** Lexis Advance, a RELX Group (formerly Reed Elsevier) product, is a comprehensive legal research platform. To search for Virginia cases, users select the state tab located under the universal search bar and then further limit the search by specific court or enter a query. Lexis also offers a Virginia “practice center,” which includes key Virginia re-
sources, including cases and case-related materials such as briefs, pleadings, motions, jury verdicts and settlements, and expert witness materials. Also included are statutes, regulations, and court rules as well as a wide selection of secondary resources. The secondary resources include treatises, forms, and jury instructions, many of which are published by Matthew Bender. Researchers should note that Lexis is currently the only database that includes Virginia’s legal encyclopedia, *Michie’s Jurisprudence*. Users can also access a pre-selected database of topical decisions by selecting the “practice area or industry” tab located under the universal search bar and then selecting a topic. Case searches can be further limited to a specific state. Topical pages also include statutes, regulations, and court rules as well as a wide selection of practice area-specific secondary resources.

**4.704 Bloomberg Law.** There are two ways to access Virginia opinions on Bloomberg Law. The first is to select the “court opinions” link on the home page and then limit the jurisdiction to Virginia. The second is to select the “state law” link on the home page and then click on Virginia in the United States map. The search box allows the user to limit the search by a number of parameters, such as date, judge, and party name. Bloomberg currently offers the following topical “practice centers”: Law Antitrust, Banking & Finance, Bankruptcy, Corporate/M&A, Employee Benefits, Health, Intellectual Property, Patent Law, Labor & Employment, Securities, and Tax. Within each practice center, the researcher can click on the “opinions and dockets” link to explore available case law.

**4.8 UPDATING CURRENT AUTHORITY**

**4.801 In General.** Before relying on a reported case, the researcher must ensure that it is still valid authority for the legal proposition in question. It is critical to determine whether a case has been reversed, overruled, superseded, or withdrawn, and often it is important to be aware of other instances in which the court has reconsidered issues in the case that are pertinent to the researcher’s inquiry. Finally, the researcher should determine
whether the case at hand has been followed in a more recent
decision that is actually more pertinent to the point of law in
question. A citator—a compilation of citations to cases and other
materials that have cited the case whose authority is being
checked—is the most effective tool for answering these questions.
Traditionally, researchers relied on print citators. Electronic cita-
tors now dominate. Both formats are addressed below.

4.802 Shepard’s Citation in Print. The best-known
and most heavily relied upon national citator in print is Shepard’s
Citations. In fact, because of the pervasive use of this system, the
process of checking a case’s current authority is often referred to
as “shepardizing.”

Shepard’s Citations has two sets of volumes that are par-
ticularly pertinent to Virginia cases. Shepard’s Virginia Citations
contains the official Virginia citation and the South Eastern Re-
porter citation for Virginia state appellate decisions and the Vir-
ginia Circuit Court Opinions citation for trial court decisions pub-
lished therein. Under each main entry are citations to other pub-
lished reports of the case; the case’s subsequent history and treat-
ment; other Virginia and West Virginia cases (both trial level and
appellate level, state and federal) citing the main case; and legal
periodicals, texts, and annotations discussing the case. In the sup-
plement pamphlets to Shepard’s Virginia Citations and Shepard’s
Southeastern Reporter Citations, there is also an opinion reference
table that lists new cases by Lexis reference number. Shepard’s
Southeastern Reporter Citations also provides information on the
treatment of Virginia cases by the courts of other states.

Shepard’s Virginia Case Names Citator is a companion
volume to Shepard’s Virginia Citations. It lists the case names,
decision dates, and citations as they appear in the Virginia Re-
ports, the Virginia Court of Appeals Reports, and the South
Eastern Reporter. The case names are arranged alphabetically by
the party’s name. Because the listing also includes reversed en-
tries for all case names, a citation can be found if only one party’s
name is known.
4.803  **Online Citators.**  *Shepard’s Citations* is available on Lexis as well as on Lexis Academic. Shepardizing online is a straightforward process. Shepard’s reports may be accessed by citation or by clicking the “shepardize this document” link displayed within each case. There is also an icon to the left of the case name indicating the status of the case as authority. Clicking the icon will bring up a full Shepard’s report, which uses “signal indicators” to provide prior and subsequent history and complete treatment information.

Westlaw offers “KeyCite,” a service that combines case-verification and case-citing functions for all case information in the database. The KeyCite citation network is integrated with the West key number system. This integration allows KeyCite to connect documents that discuss the same legal issues with the analytical materials that explain those issues. KeyCite uses tabs at the top of each document to provide quick access to case history and treatment as well as to citing references. “Flags” are used to signal case status. Researchers should fully understand the meaning of status indicators, particularly when negative references or events may affect the validity of the case.

Bloomberg Law includes a research verification application called BCite, which features citation analysis summaries and authority indicators to enable the researcher to quickly view and analyze the subsequent history of a case.

Fastcase’s citatory service is called Authority Check.23

Lexis, Westlaw, Bloomberg, and Fastcase offer search options that permit the researcher to locate a case by name or citation and retrieve all references to it. Additionally, Lexis and Westlaw offer the researcher the option of automatically executing a variety of citation verification and updating operations. However, because a search algorithm does only what it is instructed to

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23 For complete information on Authority Check, see Chapter 9 of this book.
do, the user should be thoroughly familiar with the process of setting up the search parameters. When properly used, automated searches can save significant time.

4.9  FEDERAL COURTS INTERPRETING VIRGINIA CASES

4.901  In General. Questions of Virginia law may also arise in cases decided by federal trial and appellate courts. In these instances, the federal court must apply Virginia law and, where that law is unclear, try to predict how a Virginia court would decide the issue. These predictions, while binding on the parties to the federal case, are not binding precedent within the state court system. Nevertheless, a soundly reasoned federal decision on an unsettled issue of Virginia law may be highly persuasive to a state judge facing the same issue.

4.902  Sources of Federal Decisions. The principal sources of these federal decisions are the United States District Courts and the Bankruptcy Courts for the Eastern and Western Districts of Virginia and the United States Court of Appeals for the Fourth Circuit, which hears appeals from the federal trial courts in Virginia. Decisions of these federal courts are published by West (Thomson Reuters) in the Federal Reporter (appellate decisions), Federal Supplement (district court decisions), Bankruptcy Reporter (bankruptcy decisions from all levels of federal courts), and Federal Appendix (unpublished decisions).

4.903  Finding Federal Opinions. Federal decisions are available electronically through each of the online services and Internet resources discussed earlier in this chapter and in a variety of limited-subject reporters. Recent opinions of the United States Court of Appeals for the Fourth Circuit are available on the court’s website.24 This site contains opinions from January 1996 to present and allows full-text searching of opinions. The United

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States District Court for the Eastern and Western Districts of Virginia and the United States Bankruptcy Court for the Eastern and Western Districts of Virginia currently offer recent opinions on their websites.

Virginia Lawyers Weekly and the Fourth Circuit Review regularly publish synopses of many decisions of the federal courts in Virginia and offer the full text of these decisions. Many federal decisions interpreting Virginia law are annotated in the Code of Virginia 1950, Annotated and West’s Annotated Code of Virginia and are cited in Michie’s Jurisprudence and the Virginia and West Virginia Digest.

4.904 Unpublished Federal Decisions. Although many federal decisions are not formally published, the unpublished opinions are often available electronically. The United States Supreme Court approved the use of unpublished opinions in all federal circuits beginning with opinions issued on or after January 1, 2007. Although still indicating that the practice is disfavored, the Fourth Circuit permits parties to cite its unpublished decisions issued before January 1, 2007 that meet the criteria of the parallel federal rule “if [the] party believes . . . that an unpublished disposition . . . has precedential value in relation to a material issue in a case and that there is no published opinion that would serve as well.”

4.905 Updating Federal Opinions. Later federal decisions may be searched using an online citation service such as BCite on Bloomberg, AuthorityCheck on Fastcase, or KeyCite on Westlaw. Federal decisions may be shepardized on Lexis or in print using Shepard’s Federal Citations (covering decisions of the United States District Courts and the United States Courts of

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26 4th Cir. R. 32.1.
27 See supra ¶ 4.802.
Appeals) and Shepard’s Bankruptcy Citations (covering bankruptcy decisions from all levels of federal courts).

4.10 OTHER COURT DOCUMENTS

4.1001 Dockets. A docket is a record of the proceedings of a court case. Information referenced on a docket generally includes the case number, court, assigned judge, relief demanded, nature of suit, type of claim alleged, case status, litigants, and attorneys.

Summaries of federal cases and docket information are available online through the modestly priced Public Access to Court Electronic Records (PACER) system. This system covers most of the bankruptcy, district, and appellate courts in the United States. More information about PACER access and pricing is available at www.pacer.gov/psc/faq.html.

The Virginia Judiciary’s Case Management System (CMS) is accessible from the Virginia Judicial System website at www.courts.state.va.us. This system makes appellate court dockets available to anyone with Internet access. Virginia circuit court and general district court CMS searches are also available on the website, although not all courts contribute to the database. The CMS systems allow a user to search by name, case number, or hearing date and return very basic docket information. No court documents are available in the CMS.

Westlaw and Lexis provide access to dockets and select underlying documents for federal courts and Virginia appellate courts and docket sheets for many of the circuit courts. Bloomberg Law offers an exceptional court tracking capability and includes PACER content as well as Virginia appellate and selected circuit court dockets. Researchers should verify content and coverage dates.

Additionally, for attorneys and other authorized users, access to electronic or scanned court documents is available by
subscription to a local circuit’s Officer of the Court Remote Access (OCRA) system or other database. Fees vary by jurisdiction, and currently there is no way to search multiple jurisdictions at one time. Unlike the PACER system, OCRA and other court databases are not designed for public access.

4.1002 Records and Briefs. Briefs and appendices (records) are the papers submitted to a court for a particular case that provide the argument for appeal and relevant documents and transcript from the lower court trial. If a researcher finds a pertinent appellate opinion, a review of the briefs and underlying documents in that case may uncover other helpful cases and arguments. Subscription databases such as Westlaw, Lexis, and Bloomberg Law include briefs and other underlying documents. Coverage and content vary.

In 2006, the Virginia State Law Library and a consortium of Virginia law school libraries partnered with HeinOnline to create a digital archive of Virginia Supreme Court records and briefs. This collection includes briefs for cases published in volumes 48 through 290 (1850-2015) of Virginia Reports. Records are included, but coverage is not comprehensive. Both short-term and annual access are available by subscription. The collection is also accessible for on-site use at consortium member law libraries.

The William Taylor Muse Law Library at the University of Richmond has created an online index of its Virginia Supreme Court records and briefs collection which dates as far back as 1852. The website includes the full text of briefs for cases filed after 2008.28

Copies of the briefs and appendices in cases corresponding to published Virginia appellate decisions are also available in a variety of formats for attorneys to review at the Virginia State Law Library.

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28 See http://law2.richmond.edu/librarytech/varb/.
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CHAPTER 5
ADMINISTRATIVE LAW

5.1 INTRODUCTION

Administrative law in Virginia is made up largely of the rules and regulations of the various agencies and commissions as well as the decisions and interpretations of the law applying to those bodies. Opinions of the Attorney General of Virginia and executive orders and proclamations of the Governor are also considered to be administrative law materials. While some of the sources continue to be published in print, most executive branch orders, decisions, and regulations are available through the appropriate agency’s website. Website addresses will be provided throughout this chapter, and a list of Virginia state agencies, boards, commissions, and councils with links to sources is available via the Internet at www.virginia.gov/agencies.

5.2 ORGANIZATION OF THE EXECUTIVE BRANCH

5.201 Governor. The chief executive power of the commonwealth is vested in the Governor.\(^1\) It is the Governor’s duty to ensure that the laws of the commonwealth are faithfully executed.\(^2\) Under article V, section 10 of the Virginia Constitution, the Governor has the power to appoint and remove each officer serving as head of an administrative department or division of the executive branch of government. The Governor also serves as the chief budget and planning officer of the commonwealth as well as the chief personnel officer.\(^3\) The Governor’s office website,

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\(^1\) Va. Const. art. V, § 1.


\(^3\) Va. Code § 2.2-103.
Three documents issued by the Governor hold the same place in the annual release of the Reports to the General Assembly, available at http://lis.virginia.gov. House Document 1 (HD1) is the Governor’s budget bill. Senate Document 1 (SD1) is the State of the Commonwealth speech. The annual List of Pardons, Commutations, Reprieves, and Other Forms of Clemency is assigned Senate Document 2 (SD2).

5.202 Secretarial System. In 1972, the secretarial system was created by statute.\(^4\) The Governor is authorized to appoint eleven secretaries: Administration, Agriculture and Forestry, Commerce and Trade, Education, Finance, Health and Human Resources, Natural Resources, Public Safety and Homeland Security, Technology, Transportation, and Veterans and Defense Affairs. The Governor has broad latitude to define the role of these secretaries and to delegate power to them. The position of Chief of Staff was created by a 1983 executive order to provide a liaison between the Governor and the secretaries.

Each secretary oversees the agencies in his or her functional area. The secretaries are charged with providing general policy direction, compiling program budgets, resolving conflicts between agencies, holding agency heads accountable, examining their organizations, and directing the development of goals, objectives, policies, and plans.\(^5\)

Additionally, a Secretary of the Commonwealth is in direct charge of the division of records and assists in the appointment of

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\(^5\) Id.
over 4,000 individuals to serve on Virginia’s boards and commissions.

5.203 **Boards and Commissions.** Boards and commissions are associated with almost every administrative agency. A 1983 study entitled *An Assessment of the Roles of Boards and Commissions in the Commonwealth of Virginia* (Joint Legislative Audit and Review Commission, 1984) revealed that the executive branch included numerous boards, committees, commissions, councils, and collegial boards. Because these boards and commissions often stood, from an organizational perspective, between their respective agencies and the Governor’s secretaries, they were brought under the jurisdiction of the secretaries by executive order. Consequently, their role is somewhat unclear. In general, they provide supervision or advice to their agencies and serve quasi-judicial or quasi-legislative functions. The boards and commissions may influence their agencies by establishing, or by advising their agencies on, policies or regulations and by evaluating agency performance.

The biennial *Report of the Secretary of the Commonwealth (Bluebook)* identifies

(a) the boards of visitors of all public institutions, and other boards appointed by the Governor; (b) all commissions issued under appointments made by the Governor, except commissions to notaries public; (c) all departments, boards, councils, commissions, and other collegial bodies created in the executive branch of state government; and (d) such other matters as the Governor requires.

5.204 **Agencies.** The various agencies implement the Governor’s policies and carry out the functions assigned to them by the Virginia Code, executive orders, and regulations.
5.3 ADMINISTRATIVE PROCESS ACT

In 1975, the Virginia Administrative Process Act (VAPA) was enacted. The VAPA is designed to “supplement present and future basic laws conferring authority on agencies either to make regulations or decide cases as well as to standardize court review thereof.” The General Assembly recodified VAPA, effective October 1, 2001. House Document No. 51 of the 2001 Session of the General Assembly, entitled Final Report of the Virginia Code Commission on the Recodification of Titles 2.1 and 9 of the Code of Virginia, indicated a need to “(i) organize the laws in a more logical manner, (ii) delete obsolete and duplicative provisions, and (iii) improve the structure and clarity of Titles 2.1 and 9.” This report is an important piece of legislative history because it is the only document that sets forth the detailed changes to the statutory language. The legislation, when ultimately enacted as 2001 Va. Acts ch. 844, contained only the final language without editorial elaboration.

VAPA, which is codified as sections 2.2-4000 to 2.2-4031 of the Virginia Code, provides the framework within which nonexempt state agencies exercise their delegated regulatory and adjudicatory powers.

The University of Richmond Law Review, in its “Annual Survey of Virginia Law,” examines Virginia administrative law and notes any changes in VAPA. It also covers selected court cases dealing with state administrative procedure. Other sources for analyses of administrative law are the journals and newsletters of the Virginia State Bar and Virginia Bar Association Administrative Law Sections.

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6 Va. Code § 2.2-4000.

7 The report is available at http://lis.virginia.gov; click on “Reports to the General Assembly.”
5.4 PUBLISHED RULES AND REGULATIONS

5.401 Registrar of Regulations. The Virginia Register Act\(^8\) requires every agency having express or implied authority to issue regulations to file with the Registrar of Regulations the full text of the current regulations as well as the dates of adoption, revision, publication, or amendment.\(^9\) The agency must also provide the registrar with all repeals of and amendments or additions to previously filed regulations. Each agency must also maintain a complete file of the full texts of all of its regulations and must make this file available to the public for inspection and copying. Until a regulation, amendment, or repeal is filed with the registrar, it cannot become effective. Regulations must be filed in accordance with guidelines contained in section 2.2-4103 of the Virginia Code.

In 2007, a Virginia Regulatory Town Hall was created as a comprehensive source of information about regulatory changes under consideration in Virginia. Participants may find regulations and track changes as well as submit online comments about regulatory changes at http://townhall.virginia.gov.\(^10\)

5.402 Virginia Register of Regulations. A publication entitled Virginia Register of Regulations (Virginia Register), produced by the Virginia Code Commission, is issued every two weeks.\(^11\) Indexes are published quarterly, and the final index of the year is cumulative. The Virginia Register is sold by subscription and is distributed without charge to a public library in every jurisdiction in Virginia. Upon request, it is distributed to members of the General Assembly.

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\(^8\) Va. Code § 2.2-4100 et seq.

\(^9\) Va. Code § 2.2-4103.

\(^10\) Va. Code § 2.2-4007.01.

The Virginia Register contains proposed and final regulations; emergency regulations; Governor's executive orders; petitions for rulemaking; and notices of all public hearings on regulations. Each regulation is preceded by a summary prepared by the agency. The procedures an agency must follow to adopt, amend, or repeal a regulation are summarized on the first page of each issue of the Virginia Register, along with procedures governing emergency regulations.

The Virginia Register website can be found at http://register.dls.virginia.gov. In 2002, the Code Commission created a searchable database for the Virginia Register that includes, in Microsoft® Word format, proposed, final, and emergency regulations that date back to May 21, 2001. Complete copies of Registers in PDF format dating back to Volume 1, Issue 1, October 15, 1984 are available. Both LexisNexis and Westlaw offer databases for the Virginia Register, and Fastcase links to the website.

5.403 Limitations of the Virginia Register. The Virginia Register is not a comprehensive source of information about regulatory activity for a variety of reasons. A substantial number of agencies and actions are exempt from compliance with VAPA and the Virginia Register Act.12 The Registrar of Regulations may print a summary instead of the full text of a submitted regulatory action if it is too lengthy.13 A regulation can be withdrawn by the issuing agency at any time before the regulation’s effective date,14 but there is no requirement that the withdrawal action be published. Finally, agency activity is subject to review and delay by the Governor or by an appropriate committee of the General Assembly.15 Likewise, judicial review may prompt suspension of a regulation’s effective date.16

12 See Va. Code § 2.2-4002.
14 Va. Code § 2.2-4016.
15 Va. Code § 2.2-4014.
16 Va. Code § 2.2-4028.
5.404 Virginia Register Research Aids. The bi-weekly issues of the Virginia Register contain several research aids, including a preface that summarizes the role of the Register and a table of contents that is organized by type of regulation or type of activity. A schedule of publication deadlines is included, as well as a calendar of events that lists agency activities. Published regulations are given a classification number for reference purposes. The “Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed” is a valuable tool that lists regulation sections, by Virginia Administrative Code title, that have been amended, added, or repealed in the Virginia Register since the regulations were originally published or last supplemented in the Code. The table is no longer included in the print version of the Virginia Register, but it is accessible online at http://register.dls.virginia.gov/documents/cumultab.pdf.

One major omission from the biweekly edition is a subject index, although the detailed table of contents performs this function to a limited extent, and the online version can also be searched for a particular word. The Division of Legislative Services, of which the Registrar of Regulations is an employee, does publish a quarterly index. This index, organized by subject and agency, lists the pages where proposed and final regulations are located. Proposed, final, and emergency regulations are also listed according to agency classification, with an explanation of the classification scheme. In addition, there is an index of open meetings and public hearings. The final index of the year is cumulative, but no multi-year cumulative index is issued to Virginia Register subscribers. Therefore, subscribers who wish to conduct thorough research should retain all annual indexes.

5.405 Citation Form for the Virginia Register. The Virginia Register should be cited by volume, page number, date, and the expected codification location. For example, the entry for the “Definitions and Miscellaneous: Importation, Possession, Sale, Etc. of Animals” would be cited as: 33 Va. Reg. Regs. 984 (Jan. 9, 2017) (to be codified at 4 Va. Admin. Code § 15-30 (2017)).
Virginia Administrative Code. In 1992 the Virginia Code Commission was given the authority to publish an administrative code.\footnote{Va. Code § 30-146.} In 1993, the Commission was given the authority to renumber, rename, and rearrange Virginia Administrative Code titles, sections, or other divisions within proposed or adopted regulations.\footnote{Va. Code § 30-150.}

In 1996 the first edition of the Virginia Administrative Code was published under contract with Lawyers Cooperative Publishing Company, now Thomson Reuters. The Code is organized in titles by subject. There are currently twenty-four titles, which do not necessarily parallel the statutory title numbers. The texts of the Virginia Administrative Process Act and the Virginia Register Act are set forth in appendices to the Code. A general alphabetic index, which is updated irregularly, lists regulations by agency and subject. Each title has its own index, which is updated upon supplementation. A table is provided to convert regulation numbers to Code numbers and vice versa.


### 5.5 AGENCY ORDERS AND DECISIONS

5.501 Generally. The Commonwealth of Virginia currently does not publish an administrative law digest. Nonetheless, some agency decisions, orders, and opinions are published in bound volumes that include subject-matter indexes. Others are more difficult to locate, and the researcher may need to contact...
the appropriate agency for assistance or refer to the agency website.

**5.502 State Corporation Commission.** The State Corporation Commission (SCC) grants corporate charters, administers laws relating to corporate charters, regulates the banking and insurance industries, and regulates the services and rates of public service corporations.

The SCC prescribes its own rules of practice and procedure. These rules are to be entered on the records of the Commission and furnished to city and county clerks and to any citizen applying for them. An annotated text of the current rules is also published in the supplement to Volume 15 of *Michie’s Jurisprudence of Virginia and West Virginia* under the topic “Public Service and State Corporation Commissions” and in *Virginia Rules Annotated*, published annually by LexisNexis.

Under section 12.1-4 of the Virginia Code, the SCC must report annually to the Governor. The *Annual Report of the State Corporation Commission of Virginia* was published in print from 1903 to 2009. It is accessible at the SCC website for the years beginning in 2002 at www.scc.virginia.gov. Customary contents include SCC rules of practice and procedure, matters disposed of by formal orders, annual statistical reports by division within the SCC, and a name index for access to cases reported in each annual report. In the annual report, cases are printed in numerical order by division—Financial Institutions; Insurance; Public Service Taxation; Communications; Energy Regulation; Securities and Retail Franchising; and Utility and Railroad Safety. Since 1995, Motor Carrier Division cases have been handled by the state police and the Department of Motor Vehicles. Cases are indexed by party name but not by subject, and location of pertinent decisions is difficult.

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The SCC’s website at www.scc.virginia.gov offers, by division, background information on the division’s responsibility and includes links to forms and consumer information. The “Quick Links” on the home page provide links to case information through “Docket Search,” including access to information by case number, case name, case type, or participant name. Docket Search displays the SCC’s calendar of cases, documents associated with cases, case participants, and other information since April 2002. It also links to the SCC’s calendar of cases that lists upcoming cases by name, subject, and case number. The calendar provides a case summary, the date of the hearing, and a statement of whether it will be heard before the full Commission or one of the hearing examiners.

If a decision has been reported in the SCC’s annual report, it should be cited by case name, case number, volume of the annual report, and the page number on which the case begins (for example, S.C.C. v. Reciprocal Group, Case INS 00020, 2015 S.C.C. Ann. Rep. 74). If the decision has not been published in the Annual Report of the State Corporation Commission, it should be cited by case name, case number, and the date of the action. Selected Commission orders, hearing examiner reports, and rulings are also available online at the website listed above.

An appeal of right from an SCC decision lies directly to the Supreme Court of Virginia. The special rules for perfecting such an appeal are found in the Rules of the Supreme Court of Virginia, which are reprinted in Volume 11 of the Code of Virginia 1950, Annotated and in Virginia Rules Annotated (LexisNexis).

Both LexisNexis and Westlaw provide databases of State Corporation Commission decisions and Virginia public utilities reports. Current SCC corporate and limited partnership records are available in both services.

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Alan Brody Rashkind and R. Craig Gallagher’s *Virginia Insurance Case Finder* is a digest of all published decisions of the Virginia Supreme Court since 1925 touching on insurance issues and the insurance portions of all published decisions construing Virginia law decided by the United States Court of Appeals for the Fourth Circuit since 1965.22

### 5.503 Workers’ Compensation Commission


The Workers’ Compensation Commission published hardbound volumes of *Opinions of the Workers’ Compensation Commission* (O.W.C.) until the year 2001. These decisions are cited in the following format: *Smith v. Reynolds Metals, Inc.*, 71 O.W.C. 45 (1992). Decisions before publication of Volume 71 of the Opinions are cited to the *Opinions of the Industrial Commission* (O.I.C.). The volumes are indexed by claimant and by defendant. This compilation also contains an index of opinion digests arranged by subject matter. Commission rules and statutory provisions construed can be located by looking in the subject matter index under “Rules of the Commission Construed” and “Sections [of the Workers’

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23 Va. Code § 65.2-100 et seq.
Compensation Act] Construed.” Cumulative indexes to the opinions were published in the bound volumes at irregular intervals.

Summaries of new opinions are published in *Virginia Lawyers Weekly* and are accessible on that publication’s website, www.valawyersweekly.com. Since 1995, decisions have been available within a few days of their release in a searchable database at the Commission’s website, www.vwc.state.va.us. This site also includes links to relevant statutes, regulations, and forms and publications, including a Claim for Benefits.

Both LexisNexis and Westlaw offer databases of Workers’ Compensation Commission opinions.

The Workers’ Compensation Commission also publishes the *Virginia Workers’ Compensation Act Annotated*. This book, prepared by the Commission and published by LexisNexis, contains the text of the Virginia Workers’ Compensation Act with annotations to decisions by the Commission, the Virginia Supreme Court and Court of Appeals, and federal trial and appellate courts. This volume and the *Virginia Workers’ Compensation Case Finder*, described below, are the only sources of annotations to Commission decisions. This publication also contains the rules of the Commission and a detailed index to the Act and the rules.

Peter M. Sweeney’s *Virginia Workers’ Compensation Case Finder*[^24] is a digest of cases from the Virginia Supreme Court, the Court of Appeals, the former Industrial Commission, and the current Workers’ Compensation Commission. Arrangement is by subject or topic. The digest contains a subject and section number index and a table of cases.

**5.504 Virginia Employment Commission.** The Virginia Employment Commission (VEC) “adjudicates claims for unemployment compensation and collects the payroll tax imposed on

employers for purposes of such compensation.” The VEC links from its website, www.vec.virginia.gov/employers/unemployment-insurance-information/court-and-appeals-documents, to three valuable sources:

1. Precedent Decision Manual (PDM), designed to explain precedential decisions to interested parties and to serve as a research tool for claimants, employers, attorneys, and accountants. The eight major divisions of the PDM, each of which contains numerous fact-specific subdivisions, are: (i) Able and Available; (ii) Labor Dispute; (iii) Miscellaneous; (iv) Misconduct; (v) Procedure; (vi) Suitable Work; (vii) Total and Partial Unemployment; and (viii) Voluntary Leaving. The PDM was last updated in 1997;

2. Guidance Documents—Case Decisions. These documents supplement the PDM to identify a number of case decisions that are frequently cited in its opinions; and

3. Unpublished Court of Appeals Opinions. The summaries of the unpublished Court of Appeals opinions begin in 1995 and are organized by topic as follows: (i) voluntary quit cases; (ii) misconduct cases; (iii) refusal of suitable work; and (iv) timeliness of appeal.

The VEC’s website also includes two publications employers and claimants will find useful:


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25 16 VAC 5.


Commerce Clearing House’s *Unemployment Insurance Reporter,* a looseleaf service, also contains decisions of the VEC, decisions of appeals examiners, legal memoranda, and rules and regulations.

5.505 **Virginia Department of Alcoholic Beverage Control.** The Virginia Department of Alcoholic Beverage Control (ABC) decides who may sell alcoholic beverages in the commonwealth. The ABC Board also is charged with carrying out the Alcoholic Beverage Control Act, set forth in section 4.1-100 *et seq.* of the Virginia Code. Decisions and orders of the ABC Board are not published, although the decisions and orders are public records and may be examined by the public during normal business hours at the central offices of the ABC Board.

The Hearings and Appeals Division is located in Richmond. Three actions generate the need for an ABC hearing: (i) license discipline; (ii) contested application hearings to grant an ABC license or permit; or (iii) Beer and Wine Franchise Act hearings involving wholesale licensees.

The ABC’s website, www.abc.va.gov, provides general licensing and enforcement information. The website also includes spreadsheet reports of summaries of all final orders issued by the ABC from July 2007-present. The summary shows the penalties levied or actions taken by the ABC pursuant to administrative hearings held with ABC licensees regarding violations of ABC laws, rules, or regulations or when the issuance of an ABC license or privilege is contested by an interested party. The listing contains only final outcomes of ABC administrative hearings available to the public in accordance with the Virginia Freedom of Infor-

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29 2901 Hermitage Road, Richmond, Virginia 23220.
mation Act and does not contain case information for matters on appeal to the ABC Board or other appeals courts. Also available at the website are dockets of scheduled ABC administrative hearings with summaries of the pending charges or license objections to be heard.

5.506 Department of Taxation. The Department of Taxation administers the tax laws of the commonwealth, collects taxes, assists local governments with state and local taxes, and advises the executive branch.\(^{30}\) The Tax Commissioner has the power to issue regulations concerning the interpretation and enforcement of state tax laws.\(^{31}\) The Tax Commissioner must follow applicable provisions of the Virginia Administrative Process Act (VAPA) with respect to the issuance of regulations, except that notice of a proposed regulation must appear 60 days (rather than 30 days under VAPA) before the date prescribed for submittal of public comments.\(^{32}\) VAPA does not, however, govern individual tax rulings.

The Virginia Code requires that the following matters be published: regulations, orders of the Tax Commissioner, orders and opinions of the circuit court, tax bulletins, guidelines, and any other rulings or interpretations that the Tax Commissioner thinks may be relevant, annual tax rates of localities, assessment sales ratio studies of real property in localities, and the required forms and instructions for filing tax returns.\(^{33}\) The Department of Taxation is considered to have published the above items (with the exception of tax forms) if it compiles them at least every three months, makes them available for inspection and copying, and published on the Department’s website as the Tax Commissioner deems necessary.\(^{34}\) The presumptions and evidentiary weight ac-


\(^{32}\) Va. Code § 58.1-203(B).


\(^{34}\) Va. Code § 58.1-204.
Court decisions, rulings and letters from the Department of Taxation, and opinions of the Attorney General may be found in the *State Tax Reports* for Virginia, published by Commerce Clearing House (CCH). *State Tax Reports* also contains Virginia tax bulletins, which summarize recent cases and rulings. Virginia tax bulletins are also published in the *Virginia Register of Regulations*.

The Department’s website at www.tax.virginia.gov includes links to tax forms. From the “Laws, Rules and Decisions” link, a researcher will find statutory and regulatory compilations, rulings of the Tax Commissioner (1981 to present), tax bulletins (1979 to present), legislative summaries (1973 to present), and Attorney General opinions (1963 to present). Both LexisNexis and Westlaw offer databases of tax rulings and bulletins.

5.507 **Department of Environmental Quality.** The Department of Environmental Quality (DEQ) was created in 1993 to consolidate the staff functions of the Department of Air Pollution Control, the State Water Pollution Control Board, the Council on the Environment, and the Department of Waste Management. Its mission is to protect and enhance Virginia’s environment and promote the health and well-being of the citizens of the commonwealth.  

The Air Pollution Control Board, the State Water Control Board, and the Waste Management Board, composed of Virginia citizens appointed by the Governor, are responsible for adopting many of Virginia’s environmental regulations. The DEQ administers the regulations as approved by the boards. The boards also become involved in permitting by conducting public hearings and

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approving certain types of permits. Where environmental laws or permit conditions are violated, the boards may impose administrative sanctions and initiate legal action.\textsuperscript{37}

The boards’ decisions are not published. Virginia’s air, water, and waste statutes and regulations are available on the DEQ’s website, www.deq.state.va.us/LawsRegulations.aspx. Regulations and guidance documents are posted on the Virginia Regulatory Town Hall website, http://townhall.virginia.gov, as they become available. \textit{The Virginia Environmental Law Handbook},\textsuperscript{38} by Troutman Sanders, LLP, brings together all the environmental laws and regulations that affect businesses in Virginia and examines changes to such programs as the Virginia Pollution Discharge Elimination System, the Chesapeake Bay initiatives, and the Virginia Water Protection Permit program.

\textbf{5.508 Department of Health Professions.} The Department of Health Professions’ role is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.\textsuperscript{39} It oversees fourteen health professional regulatory boards: Audiology and Speech-Language Pathology, Counseling, Dentistry, Funeral Directors and Embalmers, Health Professions, Long-Term Care Administrators, Medicine, Nursing, Optometry, Pharmacy, Physical Therapy, Psychology, Social Work, and Veterinary Medicine.\textsuperscript{40} These boards adopt regulations, set licensing and competency standards, resolve complaints, discipline practitioners, and conduct studies on major health-related topics in Virginia.\textsuperscript{41} The Department promotes policy coordination

\begin{footnotesize}
\begin{enumerate}
\item Va. Code § 10.1-1184.
\item Gov’t Insts. 4th ed. 2008.
\item Va. Code § 54.1-2510.
\item Va. Code § 54.1-2503.
\item Va. Code § 54.1-2510.
\end{enumerate}
\end{footnotesize}
among these boards and oversees agency operation. It advises the General Assembly on health professional regulatory policy.\footnote{Id.}

The decisions of the Department of Health Professions entered during the past 90 days are published on its website, www.dhp.virginia.gov. Regulations of the various boards administered by the department are available in the Virginia Administrative Code and on the website as well.

**5.509 State Lottery Department (Board).** The State Lottery Law was approved in 1987 to “produce revenue consonant with the probity of the Commonwealth and the general welfare of its people, to be used for the public purpose.”\footnote{Va. Code § 58.1-4001.}

The State Lottery Board has the power to adopt regulations governing the establishment and operation of a lottery. These regulations provide for all matters necessary or desirable for the efficient, honest, and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares. The regulations are adopted in accordance with the Virginia Administrative Process Act.\footnote{Va. Code § 58.1-4007.}

The Director’s orders are published in the *Virginia Register of Regulations*. Orders, regulations, and forms issued by the Department are available for public inspection at its offices at 600 East Main Street, Richmond, Virginia 23219.

**5.6 OPINIONS OF THE ATTORNEY GENERAL**

**5.601 Attorney General’s Duty to Advise.** The Attorney General of Virginia is the chief executive officer of the Depart-
ment of Law. Under section 2.2-505(A) of the Virginia Code, the Attorney General must give advice and render official advisory opinions in writing when requested to do so by any of the following:

1. The Governor;
2. A member of the General Assembly;
3. A judge of a court of record or court not of record;
4. The State Corporation Commission;
5. A commonwealth’s attorney;
6. A county, city, or town attorney;
7. A clerk of a court of record;
8. A city or county sheriff;
9. A city or county treasurer or similar officer;
10. A commissioner of revenue or similar officer;
11. A chairperson or secretary of an electoral board; or
12. The head of a state department, division, bureau, institution, or board.

Questions presented by anyone other than the Governor or a member of the General Assembly must relate directly to the discharge of the duties of the person requesting the opinion.

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46 Va. Code § 2.2-505(B).
5.602 **Annual Report of the Attorney General of Virginia.** On or before May 1 of each year, the Attorney General must deliver to the Governor a report of the state or condition of all important matters in which he or she represented the commonwealth during the preceding year.\(^{47}\) The report also contains any official opinions that are “of general interest or helpful in promoting uniformity in the construction of the laws of the Commonwealth.”\(^{48}\) Beginning in 2009 with the 2008 Annual Report, the reports are published online as PDF documents. The website includes reports beginning in 2004.\(^{49}\) Digests of opinions are found in the *Virginia Lawyers Weekly*.\(^{50}\)

The report contains a subject index, a name index, and an index to *Acts of the General Assembly*, sections of the Virginia Code, and provisions of the Virginia Constitution. With the introduction of the website of the Office of the Attorney General,\(^{51}\) cumulative print indexes were discontinued with a final volume covering July 1, 1977 to June 30, 1987.

5.603 **Opinions of the Attorney General in Electronic Format.** Official opinions are also available online. Current opinions, beginning with January 1996, can be found at the Attorney General’s website.\(^{52}\) LexisNexis has opinions from July 1980 to the present and Westlaw’s Virginia database covers from 1976 to the present. Opinions are also available on Fastcase.

5.604 **Citation of Opinions of the Attorney General.** Opinions of the Attorney General should be cited by referring to the appropriate volume of the annual report and the page

\(^{47}\) Va. Code § 2.2-516.

\(^{48}\) *Id.*

\(^{49}\) See [www.oag.state.va.us/citizen-resources/opinions/annual-reports](http://www.oag.state.va.us/citizen-resources/opinions/annual-reports).

\(^{50}\) See [http://valawyersweekly.com/](http://valawyersweekly.com/).

\(^{51}\) [www.oag.va.gov](http://www.oag.va.gov).

\(^{52}\) *Id.*
on which the opinion begins, for example, 1978-79 Report of the Attorney General 313.

5.7 EXECUTIVE ORDERS

Executive orders and proclamations may be obtained from the Office of the Secretary of the Commonwealth and are published in the *Annual Report of the Secretary of the Commonwealth*. There is no index to the orders in the annual report; they are simply set out in numerical order. The Secretary’s report provides a useful directory of individuals who serve in various capacities in state government and an organizational chart of the government.

Executive orders from 1902 to the present are filed at the Library of Virginia. In addition, all executive orders issued after October 1984 have been published in the *Virginia Register of Regulations*. Executive orders from the current administration can be found at the Governor’s office website.53

5.8 GUIDANCE DOCUMENTS

The Virginia Administrative Process Act (VAPA) requires annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the VAPA and the Virginia Register Act.54 A guidance document is defined as

any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency’s rules or regulations, excluding agency minutes

53 See *supra* ¶ 5.201. The Governor’s office website is available at www.governor.virginia.gov.

54 Va. Code § 2.2-4104.
or documents that pertain only to the internal management of agencies.\textsuperscript{55}

Agencies must maintain a complete, current list of all guidance documents and make the full text of these documents available to the public. Links to guidance documents alphabetically by agency are available online at register.dls.virginia.gov. Each agency website will link to its guidance documents as well.

\textsuperscript{55} Va. Code § 2.2-4101.
CHAPTER 6
LOCAL LAW

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CHAPTER 6
LOCAL LAW

6.1 INTRODUCTION

Local law is an important and frequent topic of research because so many activities are governed at the county or municipal level. Local law plays a prominent role in education, safety, housing, taxation, zoning, traffic, and environmental issues. This chapter describes local governments and local courts and provides information on primary and secondary sources of local law.

6.2 FORMS AND FUNCTIONS OF LOCAL GOVERNMENTS

The Commonwealth of Virginia recognizes several types of local governments. Article VII of the Constitution of Virginia provides a framework for counties, cities, towns, and regional governments, which the General Assembly has fleshed out in general laws and special acts. General laws concerning local governments are in title 15.2 of the Virginia Code.

Local governments are subordinate political subdivisions of the state created to improve governance of local matters. The legislature determines the functions and powers of local governments, subject to constitutional guidelines.¹

Virginia localities’ powers are interpreted in accordance with a rigid rule of construction known as Dillon’s Rule. Powers are limited to those that are expressly granted, necessarily or fair-

ly implied from expressly granted powers, and essential and indis-

In general and absent a statutory waiver, counties share in the commonwealth’s sovereign immunity from tort liability. The immunity from tort liability of a municipal corporation such as a city or town involves a determination of in which of its dual capacities it was acting: governmental or proprietary. In their governmental capacity, municipal corporations act as agents of the state exercising certain powers and duties for the common public good, health, and safety. In general a municipal corporation enjoys immunity from tort liability in exercising governmental functions. In their proprietary capacity, municipal corporations are acting for their private advantage, special corporate benefit, or pecuniary profit. A municipal corporation is not immune from tort liability in exercising proprietary functions.

6.201 Definitions. The following are terms related to local government forms and function, with general references to some of the relevant Virginia Constitution and Code provisions:

A. City. A city is an independent incorporated community that became a city as provided by law before July 1, 1971, or has within defined boundaries a population of 5,000 or more

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3 See, e.g., Mann v. County Bd. of Arlington Cnty., 199 Va. 169, 173-75, 98 S.E.2d 515, 518-19 (1957) (determining that sovereign immunity protected a county board against liability for allegedly negligent maintenance and operation of a sidewalk and adjoining parking area); see also Va. Code § 8.01-195.3 (providing that the Virginia Tort Claims Act does not remove or diminish county, city, or town immunity).

4 See, e.g., City of Chesapeake v. Cunningham, 268 Va. 624, 633-35, 604 S.E.2d 420, 426-27 (2004) (determining that a city’s design and planning related to its water supply were governmental functions, and sovereign immunity protected it against a plaintiff’s tort claims).

5 See, e.g., Woods v. Town of Marion, 245 Va. 44, 47, 425 S.E.2d 487, 489 (1993) (holding that town was not immune from claim that it was negligent in routine operation of its waterworks and maintenance of its streets, which were proprietary functions).
and has become a city as provided by law.\textsuperscript{6} Unlike cities in other states, Virginia’s cities are fully independent political subdivisions separate from their surrounding counties.

**B. Town.** A town is any existing town or an incorporated community within one or more counties that became a town as provided by law before July 1, 1971, or has within defined boundaries a population of 1,000 or more and has become a town as provided by law.\textsuperscript{7}

**C. County.** A county is a subdivision of the commonwealth that performs local governmental functions.

**D. Regional Government.** A regional government is defined in the Virginia Constitution as a unit of general government organized as provided by law within defined boundaries as determined by the legislature.\textsuperscript{8} This type of entity is intended to solve metropolitan problems that extend beyond the territorial limits of a single locality.

**E. Service Authority.** A service authority is a single-purpose entity, such as a publicly controlled park, sewer, water, sanitation, or recreational facility authority.\textsuperscript{9}

**F. Governing Bodies.** In general, the powers granted to counties, cities, and towns are vested in their governing bodies.\textsuperscript{10} A city’s or town’s council and a county’s board of super-

\textsuperscript{6} Va. Const. art. VII, § 1; see also Va. Code § 15.2-102 (defining terms as used in title 15.2, including city, county, town, locality, municipal corporation, and governing body).

\textsuperscript{7} Va. Const. art. VII, § 1; see also Va. Code § 15.2-102.

\textsuperscript{8} Va. Const. art. VII, § 1; see also Va. Const. art. VII, § 2 (regarding voter approval of regional government organization).

\textsuperscript{9} See, e.g., Va. Code tit. 15.2, chs. 51, 56, 57.

\textsuperscript{10} Va. Code § 15.2-1401.
visors\textsuperscript{11} have authority to pass ordinances, levy taxes, appropriate funds, and generally administer the locality’s government.\textsuperscript{12}

G. Charter. A charter is a locality’s organic law and is analogous to a federal or state constitution.\textsuperscript{13}

H. Ordinance. An ordinance is a legislative act passed by a locality’s governing body and is the local counterpart of a federal or state statute.\textsuperscript{14} Just as federal and state governments codify their statutes, many cities and counties organize and publish their ordinances as codes.

6.202 Sources of Local Government Law.

A. Constitution and Statutes. For provisions of the state constitution and statutes governing counties, cities, and towns, see generally article VII of the Constitution of Virginia and title 15.2 of the Virginia Code.\textsuperscript{15}

B. Multijurisdictional Treatises and Hornbooks. The following sources broadly discuss local government law with

\textsuperscript{11} See also Va. Code tit. 15.2, subtit. I (provisions regarding optional forms of county government).

\textsuperscript{12} See generally Va. Code tit. 15.2, including ch. 9 (general powers of local governments), ch. 11 (powers of cities and towns), ch. 12 (powers and procedures of counties), ch. 14 (governing bodies of localities), ch. 22 (planning, subdivision of land and zoning).

\textsuperscript{13} Links to the texts of the charters of Virginia cities and towns, and of the few Virginia counties that have charters, are available on Virginia’s Legislative Information Service website at law.lis.virginia.gov/charters. See generally Va. Code tit. 15.2, ch. 2 (local government charters); Va. Code tit. 15.2, subtit. III (regarding changes in status of localities).

\textsuperscript{14} See generally Va. Code tit. 15.2, ch. 14 (regarding ordinances and other actions by local governing bodies).

\textsuperscript{15} Note that other parts of the Virginia Code also have provisions related to localities, such as title 2.2 on freedom of information and conflicts of interest, title 22.1 on education, and title 58.1 on taxation. For background information about the local government provisions in the Virginia Constitution, see A.E. Dick Howard, 2 Commentaries on the Constitution of Virginia 781-876 (1974).
references to cases and statutes from jurisdictions nationwide, including Virginia.


C. Virginia Encyclopedia and Handbooks. The following sources have useful information about Virginia local government law and operations:


• Custer, Susan Warriner (ed.). Handbook of Virginia Local Government Law, 12th ed. Local Government Attorneys of Virginia, Inc., 2016, updated annually. Detailed coverage of local government issues by public and private practice attorneys, including land use, finance, governmental boundary and status changes, and schools. Also discusses local government aspects of areas of law such as bankruptcy and environmental law.

• Virginia County Supervisors’ Manual, 7th ed. Virginia Association of Counties, 2006. Manual explaining the forms and operations of county governments in Virginia as well as the court system. Includes citations to state statutes and a subject index.

Valuable resource on land use and development in Virginia.


### 6.3 LOCAL ORDINANCES AND CODES

Local governments are lawmaking bodies for their jurisdictions, subject to limitations set by the Virginia Constitution and the General Assembly.

#### 6.301 Codification

Pursuant to section 15.2-1433 of the Virginia Code, localities have the option to codify (arrange by subject) any or all of their ordinances. The statute does not require, however, that a codification be comprehensive, and some ordinances may remain uncodified. The statute also does not mandate supplementation even if a locality elects to codify, so researchers must be alert when consulting local codes.
6.302 Sources of Ordinances and Codes.

A. Local Government Websites. Most localities make their ordinances available through their websites, although online versions are not necessarily current or official. Some codes are easy to find from home pages. Others are located within a county or city attorney’s website and may be easier to find using Internet search engines like Google.

B. Commercial Online Sources. Another approach to finding online codes is to go to the sites of the major publishers. The Municipal Code Corporation website has more than 100 Virginia county, city, and town codes.16 Codes for other Virginia municipalities are available from the sites of General Code, LLC17 and American Legal Publishing Corp.18 Most of these codes are also available in print.

C. Local Sources. If a code is not available online, an individual ordinance can be obtained from the clerk’s office of the appropriate city, town, or county. State law requires that at least one copy of all codifications, recodifications, and supplements be kept in the office of the clerk of the governing body, and these copies must be available for public inspection during normal business hours.19 Some local bar associations and regional law libraries maintain copies of local government codes. Appendices B through E to this book list law libraries and other information sources in the commonwealth.

D. Interlibrary Loan. For ordinances from other jurisdictions, a librarian might be able to borrow materials or obtain copies from a public institution or law firm in the geographic area of interest. A librarian in Roanoke, for example,

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16 www.municode.com/library/va.
17 www.generalcode.com/ecode360/VA.
18 www.amlegal.com/codes/va/.
might be willing to scan provisions of regional codes for a distant
colleague in need.

E. Virginia State Law Library (Virginia Supreme
Court Library). 20 The State Law Library acquires and main-
tains codes from the larger cities and counties. Prior editions of
these codes are retained.

F. The Virginia Municipal League. 21 The Virginia
Municipal League is a statewide organization of city, town, and
county governments established in 1905 to improve and assist
local governments through research, education, and legislative
advocacy. Membership includes cities, towns, and a few counties
in the commonwealth. 22 The league maintains a large collection of
codes in its Richmond office and allows in-house use of these
resources.

6.303 Judicial Interpretations of Local Law and
Ordinances. Ordinance codes seldom include annotations to
cases. Many of the same case finding methods discussed in
Chapter 4 apply in searches for judicial interpretations of local
laws and ordinances.

A. Citations to Court Opinions. Ordinance Law
Annotations (Thomson Reuters, available on Westlaw) is a citator
for finding cases that have interpreted and applied municipal
laws nationwide. It summarizes cases by subject but cannot be
filtered by jurisdiction to focus on Virginia cases.

B. Digests and Summaries of Court Opinions.

1. West Digests and Michie’s Jurisprudence.
Citations, summaries, and discussions of cases are found under

20 www.courts.state.va.us/courtaadmin/library/.
21 www.vml.org.
22 See www.vml.org/local-government-members.
“Counties” or “Municipal Corporations” in Thomson Reuters’ print digests. On Westlaw, the numbering of case headnotes corresponds with the same topic and key number classification system found in the print digests. LexisNexis’s *Michie’s Jurisprudence* presents similar information in an encyclopedic format and is available in print and on Lexis.

2. Bill of Particulars. Members of Local Government Attorneys of Virginia receive the association’s monthly reporter, *Bill of Particulars*, which summarizes federal and state court cases of interest to local government attorneys. Members submit reports of relevant state circuit court cases, but coverage is not exhaustive. Access to *Bill of Particulars* on the LGA website is limited to members only. Some of Virginia’s law school libraries subscribe to this publication.

6.304 Other Sources of Local Government Information.

A. Local Newspapers and Other Media. Numerous Virginia cities and a few counties have daily newspapers. Dozens of counties have weekly local newspapers. The Virginia Press Association’s *Virginia Total Media Directory* lists newspapers published in Virginia by circulation count and provides contact and ownership information for newspapers, wire services, television stations, radio stations, and online publications. The association’s website also maintains a list of direct links to public notices published in newspapers statewide.

The *Richmond Times-Dispatch* is the principal newspaper for the state capitol. Both Lexis and Westlaw offer current and archival coverage of the *Richmond Times-Dispatch, Virgin-


24 Available for download at [www.vpa.net/member-directory](http://www.vpa.net/member-directory).


26 Online edition at [www.richmond.com](http://www.richmond.com).
ian-Pilot (Norfolk), and many other Virginia news sources, but coverage varies. Many smaller Virginia newspapers are searchable on Lexis through its NewsBank database. The Washington Post\(^{27}\) and the Washington Times\(^{28}\) carry news concerning northern Virginia and the metropolitan Washington, D.C. area, and are available on Lexis and Westlaw.

**B. Property Information.** Lexis’s and Westlaw’s public records databases provide access to real estate assessments, mortgages, deed transfers, and personal property records gathered from county and city assessors’ and clerks’ offices throughout Virginia. Many county and city websites offer real estate and tax assessment records at no charge.\(^{29}\)

**C. The Weldon Cooper Center for Public Service, University of Virginia.**\(^{30}\) The Center provides a wealth of information on state and local governments. The Virginia Institute of Government,\(^{31}\) based at the center, is a broad-based coalition of individuals and associations organized to expand training, technical assistance, and the availability of information resources to Virginia local governments. Center publications of particular interest include:

1. **Virginia Statistics.**\(^{32}\) The Weldon Cooper Center for Public Service at the University of Virginia houses an invaluable online collection of data, including statistics on Virginia governments, courts, and localities and includes tables, charts, graphs, and maps.

\(^{27}\) Online edition at www.washingtonpost.com.


\(^{29}\) See www.virginia.org/citiestownsandcountiesrelatedlinks/ for a list of links to local government websites.

\(^{30}\) www.coopercenter.org.

\(^{31}\) vig.coopercenter.org.

\(^{32}\) https://ceps.coopercenter.org/content/services.
2. *Virginia News Letter.* This free publication focuses on subjects ranging from Dillon’s Rule to local taxation. Issues of the *Virginia News Letter* from 1958 to the present are available online.\(^{33}\)

D. Websites for Local Governments. The amount and type of information available on local government sites varies, but typical offerings include information on local government meetings and dockets, local business and consumer services, health and safety agencies, taxes and assessments, zoning, and courts. Many localities provide links to their codes or ordinances. The Virginia Tourism Corporation hosts a list of links to websites for each of Virginia’s cities, counties, and towns.\(^{34}\)

6.4 LOCAL COURTS

There are thirty-one judicial circuits in Virginia. Although some circuits contain just one city or county, others include multiple localities. Within each judicial circuit are at least one circuit court, general district court, and juvenile and domestic relations district court. The Virginia Judicial Branch website publishes an overview of Virginia’s court system called “Virginia Courts In Brief,”\(^{35}\) as well as case status information, local forms, contact information, and links to the websites of each local court.\(^{36}\) Proceedings in all Virginia courts are governed by the Rules of the Virginia Supreme Court.\(^{37}\) In addition, each court may have its own rules, which are usually accessible through the local court’s website.

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\(^{34}\) [www.virginia.org/citiestownsandcountiesrelatedlinks/](http://www.virginia.org/citiestownsandcountiesrelatedlinks/)

\(^{35}\) Supreme Court of Virginia, Office of the Executive Secretary, [www.courts.state.va.us/courts/cib.pdf](http://www.courts.state.va.us/courts/cib.pdf).

\(^{36}\) [www.courts.state.va.us](http://www.courts.state.va.us).

\(^{37}\) Rules and amendments available at [www.courts.state.va.us/courts/scv/rules.html](http://www.courts.state.va.us/courts/scv/rules.html).
6.401 Jurisdiction and Functions. Local courts have jurisdiction only in their respective cities and counties. These courts are subordinate to the statewide territorial authority of the Supreme Court of Virginia and the Virginia Court of Appeals.

The circuit court is a court of general jurisdiction. It is a court of record—appeals are taken on the record made in the circuit court. A district court has limited jurisdiction that extends only to cases in which jurisdiction is specifically conferred by statute. It is not a court of record, meaning that on appeal from a district court the matter is heard de novo.

A. District Courts. The district court system includes more than 250 juvenile and domestic relations district courts and general district courts.

1. General District Courts. The general district courts have exclusive jurisdiction over civil suits involving claims that do not exceed $4,500 and concurrent jurisdiction with the circuit courts over civil suits involving amounts between $4,500 and $25,000. Each general district court has a small claims division, which has concurrent jurisdiction but is for self-represented litigants with claims of less than $5,000. The general district court also has jurisdiction over criminal cases involving misdemeanor charges, and it conducts preliminary hearings in felony cases. In addition, it hears all cases involving violations of local laws and ordinances.

2. Juvenile and Domestic Relations District Court. The juvenile and domestic relations district court handles cases involving the care, custody, and control of minors; spousal abuse; and juvenile traffic and criminal offenses when the

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38 www.courts.state.va.us/courts/gd/.
41 www.courts.state.va.us/courts/jdr/home.html.
criminal offense is committed by or against a minor. It also conducts preliminary hearings when juveniles over 14 years of age are charged with certain felonies.\(^{42}\)

3. **Traffic Court.** Unlike the Juvenile and Domestic Relations District Court, “traffic court” is not an officially recognized court in Virginia. What is commonly called traffic court is merely a docket management system employed by the district courts. In the interests of efficiency, all traffic offenses are heard at the same time on designated days.

B. **Circuit Courts.**\(^ {43}\) There are thirty-one judicial circuits in Virginia. Although some circuits contain just one city or county, others include multiple localities. There are a total of 121 circuit courts. These courts have concurrent original jurisdiction with the general district courts over civil claims involving amounts between $4,500 and $25,000. They have sole jurisdiction over larger civil actions and those involving equity matters such as attachments, municipal ordinances, corporate bylaws, divorce, wills, trusts, estates, property disputes, and adoptions, regardless of the amount claimed. For criminal matters, circuit courts have jurisdiction over felonies and over misdemeanors originating from grand jury indictments. The circuit courts also hear appeals from the district courts, juvenile and domestic relations district courts, and administrative agencies. The circuit court is a court of record—appeals are taken on the record made in the circuit court. The opinions issued by the circuit courts are unofficially and selectively reported.

6.402 **Other Sources of Court Information.** Several publications provide procedural guidance for navigating cases through local court systems. Some are commercial publications, but many court publications are freely available through the


\(^{43}\) www.courts.state.va.us/courts/circuit/.
Virginia Supreme Court’s website. Each court may also publish local procedural information on its website or in print.

A. District Court Manuals. The General District Court Manual provides an overview of Virginia’s judicial process, procedures for processing cases by case type, and annotated lists of forms. The District Court Forms Manual is a compilation of frequently used forms, including federal and circuit court forms used in the general district courts. The District Court Judges’ Benchbook, intended for judges but also used by attorneys for research, covers proceedings in civil, criminal, and juvenile and domestic relations cases in the general district courts.

B. Circuit Court Manuals. The Virginia Benchbooks for Judges and Lawyers, Civil and Criminal, used by both judges and attorneys, are topically arranged with brief statements of law and legal authority concerning a wide array of situations that arise in circuit courts. Also useful for attorneys, The Circuit Court Clerks’ Manuals, Civil and Criminal, offer detailed guidance for court clerks with statements of law and step-by-step procedures for specific types of proceedings.

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44 www.courts.state.va.us.
45 Supreme Court of Virginia, Office of the Executive Secretary, www.courts.state.va.us/courts/gd/resources/manuals/gdman/gd_manual.pdf.
46 Supreme Court of Virginia, Office of the Executive Secretary, www.courts.state.va.us/forms/district/.
48 Published by LexisNexis annually.
49 Supreme Court of Virginia, Office of the Executive Secretary, www.courts.state.va.us/courts/circuit/resources/manuals/cc_manual_civil/table.pdf.
50 Supreme Court of Virginia, Office of the Executive Secretary, www.courts.state.va.us/courts/circuit/resources/manuals/cc_manual_criminal/toc.pdf.
CHAPTER 7
TREATISES, MANUALS, AND FORM BOOKS

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CHAPTER 7
TREATISES, MANUALS, AND FORM BOOKS

7.1 INTRODUCTION

Researchers can investigate Virginia law using a variety of “how-to” books, manuals and practice aids, scholarly treatises, and a comprehensive legal encyclopedia. This chapter lists recently published and actively updated works that focus on Virginia law and procedure organized by broad practice areas.

Under each practice area works have been categorized under three headings: treatises, manuals, and form books. Treatises feature a substantive discussion of the law with copious references to primary law and other secondary sources. Manuals contain less substantive discussion of the law and more practical advice on how to accomplish a legal task, such as writing a brief or arguing a motion. Form books primarily contain legal forms.

However, the distinctions between each of these categories is inherently blurry. Many works contain a substantive discussion of the law, practical how-to advice, and forms, defying simple categorization. Like beauty, determining whether a work is a treatise, a manual, or form book is often dependent upon the eye of the beholder.

Each entry provides basic bibliographical information and a brief annotation, largely drawn from prefaces, introductions, and tables of contents, to indicate the nature and scope of the work. Online availability is noted, if applicable.

This chapter is only a research aid; it is not a substitute for the user’s own research efforts or judgment. Neither the inclusion of a book in this listing nor its annotation is intended as a critique or endorsement of the book’s contents. We have tried to make this
listing thorough, and we welcome suggestions as to works that should be included in future editions.

In addition to the resources listed below, continuing legal education providers sell seminar materials distributed in connection with their ongoing programs. These materials focus on topics of current interest and are practical in nature. A few such resources are included in this chapter because they are unique or available on a recurring basis. Researchers can obtain current lists of available seminar materials from continuing legal education providers.

7.2 GENERAL RESEARCH AND PRACTICE RESOURCES

Not fitting comfortably into the categories of treatise, manual, or form book, the works discussed below are especially useful if there are no treatises on the area of law being researched.

*Michie’s Jurisprudence of Virginia and West Virginia* (LexisNexis, updated annually) is a legal encyclopedia on the law of Virginia and West Virginia as found in cases, statutes, and other sources. Discussions of the law contain footnotes to primary law and other original source materials. The topics are arranged alphabetically, and the entire set is helpfully indexed.

The organization and manner of discussion generally follow that used in *American Jurisprudence 2d*, as opposed to the other major legal encyclopedic format used in *Corpus Juris Secundum*. While this encyclopedia is not designed specifically as a practice aid, the practitioner can use it to obtain general information about legal issues and citations on particular points. The encyclopedia is available on Lexis.

Although not as comprehensive as *Michie’s Jurisprudence, Virginia Law and Practice: A Handbook for Attorneys* (Virginia CLE 2d ed. 2016) provides encyclopedic coverage of Virginia law
in one volume. Examples of some of the twenty-three topics covered include appellate practice, business organizations, civil procedure, contracts, criminal procedure, domestic relations, estate administration, real property, torts, and trusts.

Unlike Michie’s Jurisprudence and Virginia Law and Practice: A Handbook for Attorneys, The Virginia Lawyer: A Deskbook for Practitioners (Dean E. Lhospital and Timothy L. McHugh eds., Virginia CLE 5th ed. 2015) is not intended to be encyclopedic. However, several legal topics are covered in some depth, including civil and criminal litigation, employment law, business law, family law, consumer law, real estate practice, and estate planning.

The Deskbook is intended help new lawyers grasp the basics of the selected practice areas and guides seasoned practitioners confronting a problem in a field in which they have little experience. Younger attorneys going solo will be interested in the chapter on starting a law practice and managing a law office. Both the Deskbook and the Handbook are authored by Virginia practitioners.

7.3 FORM BOOKS

The general form book, aptly named Virginia Forms by Barbara Goshorn, W. Clyde Gouldman II, Frank J. Gallo, and Amy Morris Hess (LexisNexis 2016), is a go-to source for finding a variety of forms specifically tailored to Virginia law. The set is arranged by topic and indexed. It is also available on Lexis.

Virginia Civil Practice Forms (Virginia CLE 2015) is another general form book. The forms are arranged by topic. No index is provided, so forms can be found using the table of contents or browsing. The electronic version of the form book includes Word and PDF documents.

Subject-specific form books are listed separately under paragraph headings in this chapter. For example, Virginia Practice: Criminal Procedure Forms and Virginia Criminal Practice
Forms can be found under paragraph 7.408(C) below (Criminal Law and Procedure, Form Books).

Forms pertaining to specific areas of law are often available in the appendices of treatises or manuals. To find those forms, review the topical headings in this chapter.

The Virginia state courts' website\(^1\) makes available selected procedural forms for use in the courts of Virginia. Some of the forms can be completed online and then printed for submission to the court.

7.4 RESOURCES IN SPECIFIC AREAS OF PRACTICE

7.401 Attorney Fees.

A. Treatises. Attorneys interested in the law of attorney fees can profit by reviewing *Attorney Fees and Sanctions—Virginia and Federal Courts* by attorneys Bernard J. DiMuro, Michael Barnsback, and Michael Lieberman (Bernard J. DiMuro ed., Virginia CLE 2d ed. 2016). Topics discussed include bases for recovering attorney fees; methodologies for determining fees; sanctionable versus nonsanctionable conduct; and types of sanctions. The authors provide numerous practice tips as well as sample pleadings.


\(^1\) www.courts.state.va.us/forms/district/home.html.
7.402 Appellate Practice.

A. Treatises. A survival guide for attorneys new to appellate practice and a resource for more experienced practitioners, *Appellate Practice—Virginia and Federal Courts* (L. Steven Emmert and Frank K. Friedman eds., Virginia CLE 6th ed. 2016) provides expert coverage of appellate practice before the Virginia Court of Appeals, the Virginia Supreme Court, and United States Courts of Appeals. The book includes chapters on effective brief writing and oral argument, and applications for extraordinary writs.

B. Manuals. *The Revised Handbook on Appellate Advocacy in the Supreme Court of Virginia and the Court of Appeals of Virginia* (Virginia State Bar 2011) provides insight into the appellate process. This slim guide emphasizes the importance of considering a possible appeal during trial and discusses how to preserve the record for appeal. This work also provides tips on how to present polished oral and written arguments.

7.403 Bankruptcy. Bankruptcy is governed by federal law and has several well-regarded national treatises devoted to it. *Bankruptcy Practice in Virginia* (Hon. Kevin R. Huennekens and H. David Cox eds., Virginia CLE 4th ed. 2017) focuses on bankruptcy law as it is practiced by attorneys before bankruptcy courts in Virginia. The chapters on commencing a case, case administration, property of the bankruptcy estate, powers of the bankruptcy trustee, and debtor exemptions are authored or co-authored by judges on the United States Bankruptcy Court for the Eastern and Western Districts of Virginia. Other chapters on liquidations, wage earner plans, and reorganizations are written by Virginia practitioners.
7.404  Civil Procedure.2

A. Treatises. Several treatises on Virginia civil procedure are published, including Kent Sinclair’s and Leigh B. Middleditch’s *Virginia Civil Procedure* (LexisNexis 6th ed. 2014, updated annually). In this comprehensive analysis of Virginia civil procedure, Sinclair and Middleditch provide copious references and notes to Virginia statutes, rules, and case law. This new edition expands upon its analysis of title 8.01 of the Virginia Code and parts one, three, and five of the Rules of the Supreme Court of Virginia. The book is well indexed and includes tables of cases and statutes. It is available on Lexis.

*Bryson on Virginia Civil Procedure* by W. Hamilton Bryson (LexisNexis 4th ed. 2005, updated annually) and *Friend’s Virginia Pleading and Practice* by Charles E. Friend with Kent Sinclair (LexisNexis 2d ed. 2007, updated annually) are both well-regarded treatises that discuss all aspects of practice and procedure of civil litigation in Virginia courts. *Bryson* emphasizes the relevant legal history to give context to the current state of the law. The text refers to pertinent statutes, court rules, and sample reports of appellate cases. *Bryson* does not include the law of evidence, probate procedure, administrative practice, and federal practice.

Unlike *Bryson*, *Friend’s Virginia Pleading and Practice* contains an expanded discussion of damages and pleading and practice in specific actions involving contracts, torts, property, domestic actions, and products liability. *Friend’s* also appears to be more actively updated than *Bryson*. The pocket part for *Bryson* provides very little new or changed text to the treatise. In contrast, the pocket parts for *Friend’s Pleading and Practice* and *Virginia Civil Procedure* include more extensive revisions of the text, instead of only adding new cases to the footnotes without explanation or discussion.

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2 See also infra ¶ 7.422 (Trial Practice and Instructions).
Encyclopedic and concise, *Sinclair on Virginia Remedies* by Kent Sinclair (LexisNexis 5th ed. 2016, updated annually) covers all key Virginia causes of action and specialized forms of remedies. Newly updated and reorganized, the treatise addresses remedies in the context of tort, contract, real property, and consumer protection claims. Equitable claims and defenses are covered. *Bryson, Friend, and Sinclair on Virginia Remedies* are available on Lexis.

Virginia underwent a significant reform to its civil procedure in 2006, essentially abolishing separate forms of pleading for equity and law claims. That reform is discussed at varying lengths in the treatises described above. Practitioners interested in a more intensive discussion of the reform should consult the *Guide to Virginia Law & Equity Reform and Other Landmark Changes* (LexisNexis 2006) by Kent Sinclair, a co-author of *Virginia Civil Procedure*.

B. Manuals. Virginia court rules are published in two versions, only one of which is annotated, the succinctly named *Virginia Rules Annotated* (LexisNexis, published annually). It contains all the rules of practice and procedure followed by state appellate courts and commissions in Virginia. The annotations to each rule contain references to relevant cases, sections of *Michie's Jurisprudence*, and law review articles. This fully indexed reference also includes the rules of the federal courts in Virginia and the United States Supreme Court. *Virginia Rules Annotated* is available on Lexis.

The *Virginia Court Rules and Procedure—State and Federal* (Thomson Reuters 2017, published annually) is available for those who would rather view the unannotated rules. It includes some local court rules that *Virginia Rules Annotated* omits, such as the rules of some circuit courts. It is available on Westlaw.

Written to aid circuit court judges and the attorneys practicing before them, the *Virginia Civil Benchbook for Judges*
and Lawyers (LexisNexis, published annually) covers pretrial proceedings, pleadings and motions, trials, and much more. Arranged topically, this work enables judges and attorneys to quickly locate a brief description of a topic in outline format. In the margins next to the outline entries are supporting references to statutes, court rules, and cases. An appendix contains forty-five documents including sample forms, instructions, and checklists. The Virginia Civil Benchbook is well indexed and includes tables of statutes and cases. It is available on Lexis.

Focusing on local court information, seminar materials from the Best Practices in Circuit Court series (Virginia CLE) contain the handouts from presentations by circuit court judges and practitioners on how to navigate litigating before specific Virginia circuit courts. Each title covers a different area of the commonwealth, for example, Best Practices in Circuit Court: An Interactive Judges’ Forum for Tidewater-Area Litigators (2015). Other titles cover the areas of Richmond (2012) and Danville (2013).

The content of each volume differs as each is the product of different presentations by local judges and practitioners. The Tidewater area volume contains a wealth of local forms and instructions arranged by jurisdiction. The material is not indexed, so browsing is required to find relevant documents.

Although damages are discussed in a few of the titles already mentioned, The Law of Damages in Virginia (Guilford D. Ware and W. Ryan Snow eds., Virginia CLE 2d ed. 2008) provides an in-depth discussion of the topic in the context of torts, contracts, intellectual property, and several other types of actions. The book also covers the statutes and rules governing damages. Published several years ago, an update would be welcome.

7.405 Construction Law.

A. Treatises. The Virginia Construction Law Deskbook (Richard F. Smith ed., Virginia CLE 3d ed. 2016) contains a thorough treatment of Virginia construction law, including such topics as licensing, building codes and zoning, bidding on federal
contracts, state and local government contracting, construction contracts, and mechanics' liens. An index is provided, as are several forms in the chapter appendices.

Another worthwhile source is *Virginia Practice: Construction Law* by Michael A. Branca and Mark R. Berry (Thomson Reuters 2016-2017 ed.). It is a comprehensive treatise on Virginia construction law. Written for experienced construction lawyers, practitioners who occasionally handle construction matters, and construction professionals, this work focuses on Virginia law; federal law and the law of other states are not included. Subjects covered include the Virginia Uniform Statewide Building Code, public and private construction contracts, mechanics' liens, construction bonds, and dispute resolution. The volume contains an index and an appendix with statutory material. It is available on Westlaw.

**B. Manuals.** A researcher only interested in mechanics' liens may find useful the seminar materials from *Everything You Need to Know About Mechanic's Liens* (Virginia CLE 2007). Written by practitioners Gerald I. Katz, Ronald D. Wiley Jr., and James L. Windsor, this relatively pithy guide covers the law governing mechanics' liens in Virginia. The volume includes a few forms and is not indexed.

**7.406 Contracts.** *Contract Law in Virginia*. (John V. Little ed. Virginia CLE 4th ed. 2016) is a reference source for the law of contracts in Virginia. Volume 1 covers all aspects of contract law from contract formation to issues of performance and includes special types of contracts such as electronic contracts. Volume 2 covers general drafting principles, remedies for breach of contract, resolving contract disputes through alternative dispute resolution, and contract litigation. Chapter appendices contain forms with comments on their use.

**7.407 Corporations.** Allen C. Goolsby, the principal author of the Virginia Stock Corporation Act, and attorney Steven M. Haas offer a focused analysis of that act in the eponymously
named *Goolsby & Haas on Virginia Corporations* (LexisNexis 5th ed. 2014). They discuss in detail the Act and case law interpreting it. Goolsby and Haas provide the guidance and forms necessary to form and dissolve corporations, authorize and issue shares, keep corporate records and issue financial reports, defend against hostile offers, engage in mergers, and limit corporate liability. The book is available on Lexis as *Goolsby on Virginia Corporations, Fifth Edition*.

For a complete treatment of Virginia law applicable to corporations and partnerships, one could begin their research with *Corporations and Partnerships in Virginia* (Heman A. Marshall III ed., Virginia CLE 2d ed. 2016). Comprehensive in scope, volume 1 covers corporate organization, taxes, liability, purchase and sale, mergers, and dissolution. State and federal securities laws are also discussed. Volume 2 covers the Virginia Revised Uniform Partnership Act. The set is indexed and has appendices with forms.

Another useful treatise is William Waddell and Lee Handford’s *Virginia Practice: Business Entities* (Thomson Reuters 2016, published annually). Daunting in appearance, at more than 1,300 pages in length, *Business Entities* contains approximately 150 pages that analyze the law of corporations, foreign business entities, and limited liability companies. The remainder of the volume consists of more than 160 forms with references to West’s Key Number Digest and Corpus Juris Secundum and copies of relevant Virginia constitutional, statutory, and administrative code provisions. *Virginia Practice: Business Entities* is available on Westlaw.

Attorneys searching for insight on advising their clients about which business entity to choose may benefit from Richard H. Howard-Smith’s *Choosing a Virginia Business Entity* (Virginia CLE 4th ed. 2015). Written for the non-expert, this book compares different business entities including, for example, proprietorships, corporations, partnerships, limited liability companies, and business trusts. It also discusses mergers and the conversion from one
form of business entity to another. Howard-Smith outlines basic tax considerations in choosing a business entity and provides a choice of entity chart to compare the relative merits of each.

According to Allan G. Donn, editor of *Limited Liability Companies in Virginia* (Virginia CLE 5th ed. 2017), limited liability companies have become the entity of choice for most Virginia businesses. *Limited Liability Companies in Virginia* is a resource for attorneys advising clients on this type of business entity, a cross between a corporation and a partnership. Sample forms are included in the chapter appendices.

7.408 Criminal Law And Procedure. There is no shortage of books on Virginia criminal law and criminal procedure. Several publishers have treatises analyzing the law, as well as trial strategy guides, form books, and jury instructions.

A. Treatises. Both LexisNexis and Thomson Reuters offer publications with detailed descriptions of, and commentary on, Virginia’s substantive and procedural criminal law.

John L. Costello’s *Virginia Criminal Law and Procedure* (LexisNexis 4th ed. 2008, updated annually) combines both fields in one work, beginning with the substantive criminal law, organizing crimes by topic (burglary, assault, etc.). Costello then presents the procedural law in order of the proceedings—from pretrial through trial and the posttrial stage with discussion of constitutional issues and other problems that may affect the proceedings. Costello’s thorough, well-organized treatise makes it easy to find information. This book is available on Lexis.

Ronald J. Bacigal’s books in Thomson Reuters’s *Virginia Practice Series* take a different approach than Costello in presenting information. *Virginia Practice: Criminal Offenses and Defenses* (Thomson Reuters 2016-2017, published annually) pre-

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3 See also infra ¶ 7.422 (Trial Practice and Instructions).
resents the substantive criminal law, and *Virginia Practice: Criminal
Procedure* (Thomson Reuters 2016-2017, published annually) contains the procedural law. *Criminal Offenses and Defenses*
organizes its information alphabetically by the crime in question, whereas *Criminal Procedure* is in the usual chronological order of proceedings, from pretrial to appellate review. Bacigal’s books also have detailed discussions of the law, and *Criminal Procedure* includes references to finding tools such as the West key number system. The *Virginia Practice Series* books are available on Westlaw, so which book is the best choice may come down to which database the researcher has access to.

**B. Manuals.** Several practice guides covering the law and trial tactics are available to attorneys interested in criminal law. Offerings range from general coverage of criminal law to guides focusing on specific types of criminal actions. These guides usually talk about substantive criminal law, but their strength is walking the attorney through a case and suggesting trial techniques and tactics. These practice guides often include useful forms as well.

David L. Heilberg’s and Corinne J. Magee’s *Defending Criminal Cases in Virginia* (Virginia CLE 10th ed. 2016) covers the state’s substantive and procedural criminal law. Its analysis of the law itself may not be as extensive as Costello’s and Bacigal’s treatises, but it combines that discussion with ample information on trial techniques and tactics.

The *Circuit Court Clerks’ Manual—Criminal* from the Virginia Court System is available as a free PDF at www.courts.state.va.us/courts/circuit/resources/manuals/cc_
manual_criminal/toc.pdf. The manual describes the Virginia court system as a criminal law attorney might encounter it, describes the process a criminal trial follows, and lists the procedures Virginia circuit courts follow for criminal cases. An appendix lists fees for criminal courts.
Defense of Serious Traffic Cases in Virginia (Hon. Robert H. Downer Jr., Hon. G. Barton Chucker, Timothy C. Carwile eds., Virginia CLE 5th ed. 2016) discusses the relevant law and walks the reader through the trial process from arrest to sentencing, offering tips on trial strategy and information on tools such as radar and intoxication tests. Note that this publication is different from Virginia CLE’s Defending Serious Traffic Cases seminar series, which contains handouts from a biennial seminar.

Michael C. Tillotson’s and Jeff Martin’s Virginia Practice: Virginia DUI Law: Understanding the Scientific, Medical, Technological, and Legal Aspects of a DUI Case (Thomson Reuters 2016-2017, published annually) has a detailed discussion of the science behind the tools and techniques used to test sobriety, as well as methods to question the results of those tools in court. Tillotson’s and Martin’s book also discusses substantive and procedural law related to DUI offenses. This book is available on Westlaw.

For attorneys with clients possibly facing the death penalty, Trial of Capital Murder Cases in Virginia by Ronald J. Bacigal, Jonathan P. Sheldon, and Joseph T. Flood (Virginia CLE 8th ed. 2017) lists crimes that may be eligible for the death penalty along with mitigating and aggravating factors. The authors also analyze the current state of the law of capital punishment and include trial strategies and forms.

The Virginia Criminal Sentencing Commission publishes its Virginia Sentencing Guidelines (Supreme Court of Virginia 19th ed. 2016, updated annually), which can be searched by criminal act or by relevant Virginia Code section.

The Virginia Criminal Benchbook for Judges and Lawyers (LexisNexis, published annually) is a quick-reference guide for issues that can arise during trial. Looking up a topic will return a brief summary of the law, along with a citation to the relevant case or statute. This book is available online on Lexis.
Virginia Criminal Law Case Finder by Joseph M. Clarke II and Hugh L. Harrell (LexisNexis 8th ed. 2015, updated annually) does what its title says: helps a researcher find Virginia criminal law cases. It is organized using a homegrown set of categories, providing an alternative to online searching and the West Digest System. This book is available on Lexis.

C. Form Books. Along with his treatises on Virginia criminal law, Bacigal has a form book, Virginia Practice: Criminal Procedure Forms (Thomson Reuters 2016-2017, published annually). This follows the chapter order of Bacigal’s Criminal Procedure treatise, so it makes a good addition for collections that have Bacigal’s other books.

Virginia CLE has its own offering, Virginia Criminal Practice Forms (Virginia CLE 2015), which gets its forms from Virginia CLE’s various treatises on criminal law.

Both form books include a CD with electronic versions of the forms, or the researcher can access electronic versions of the books online. Bacigal’s is on Westlaw, and a downloadable version of Virginia CLE’s book can be purchased from its website at www.vacle.org/.

The Supreme Court of Virginia Model Jury Instructions Committee’s Virginia Model Jury Instructions—Criminal (LexisNexis 2003, updated annually) includes references to cases and statutes individual instructions were derived from as well as practice pointers for an attorney seeking to use a particular instruction. This publication is available online through Lexis.

7.409 Debtor And Creditor Rights.

A. Treatises. Virginia lawyers seeking information on how to collect on liens and judgments have two treatises they can use for help. Although the books have similar names, they are different publications from different publishers. Each work organizes the material differently and has different focuses. Tyler P. Brown’s Enforcement of Liens and Judgments in Virginia (Vir-
ginia CLE 7th ed. 2016), for example, devotes a chapter to bankruptcy proceedings and includes numerous forms. Doug Rendleman’s *Enforcement of Judgments and Liens in Virginia* (LexisNexis 3d ed. 2014), on the other hand, devotes a considerable number of pages to the *writ fieri facias* and to student loans. Rendleman’s book is available online through Lexis.

**B. Manuals.** *Debt Collection for Virginia Lawyers: A Systematic Approach* by Hon. Robert A. Pustilnik, Steven L. Higgs, and James L. Windsor (Virginia CLE 6th ed. 2016) provides practice pointers and numerous forms as it guides attorneys through the process of collecting debts. Although this is primarily designed with debt collection practitioners in mind, it discusses relevant law relating to creditors’ and debtors’ rights.

Attorneys focused on personal injury law may want to look at *Liens in Personal Injury Actions* (LexisNexis 3d ed. 2016, updated occasionally). Articles in this book, a project of the Virginia Trial Lawyers Association, cover the types of liens personal injury lawyers may often encounter, such as those associated with ERISA, Medicare and Medicaid, and workers’ compensation. Note, however, that about half of the book’s length consists of excerpted Virginia statutes and federal statutes, regulations, and cases. This book is available on Lexis.

**7.410 Elder Law.** *Elder Law in Virginia* (Christopher M. McCarthy ed., Virginia CLE 3d ed. 2017) provides attorneys working in elder law with forms, worksheets, and practice tips. Some chapters discuss substantive law affecting elders, such as Medicare and special needs trusts, while others focus on practical aspects, such as the different types of housing options for elders and how to pay for long-term care.

**7.411 Equity.** Virginia has established a single form of pleading for civil actions in circuit court, effective January 1,

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^4 See also supra ¶ 7.404 (Civil Procedure).
2006. To the extent that they pertain to pleading, resources published before 2006 may be out of date.

7.412 Evidence. The Virginia Rules of Evidence came into effect on July 1, 2012. Although legal principles discussed in resources published before 2012 may still be valid, citations to primary authority may be out of date.

A. Treatises. Civil Discovery in Virginia (Wyatt B. Durrette Jr. ed., Virginia CLE 5th ed. 2017) contains practice pointers and forms for lawyers in the discovery phase of Virginia trials. Some chapters analyze Virginia’s substantive law of discovery (topics such as scope and the attorney-client privilege), while others focus on specific types of discovery requests or phases of discovery (for example, interrogatories, depositions, experts, and digital discovery). The focus is squarely on Virginia law, with very little mention made of federal authority, although one chapter does discuss how to handle depositions taken in other states.


Lawyers interested in the discovery phase of trial have another treatise they can refer to, Jeffrey S. Kinsler’s and Jay E. Grenig’s Virginia Practice: Civil Discovery (Thomson Reuters 2016-2017, published annually). Kinsler’s and Grenig’s treatise includes practice pointers, a chapter devoted to electronic discovery, and references to research tools such as the West key number system. A large portion of the authority this book cites,

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5 See also supra ¶ 7.404 (Civil Procedure), infra ¶ 7.422 (Trial Practice and Instructions).
however, comes from federal sources. This book is available on Westlaw.

**B. Manuals.** The Boyd-Graves Conference is somewhat akin to a Virginia version of the American Law Institute; it is an invitation-only group of Virginia lawyers, judges, academics, and legislators who meet to study the state of civil law in Virginia and recommend ways to improve it. Their publication, *A Guide to the Rules of Evidence in Virginia* (Kent Sinclair, Project Reporter for the Evidence Committee of the Boyd-Graves Conference, Virginia CLE, published annually), publishes the Virginia Rules of Evidence with commentary from the Conference’s Evidence Committee following each rule. This organization’s opinions are highly regarded—older versions of this publication were used as a resource when Virginia crafted the 2012 Rules of Evidence—and its commentary is only available in the *Guide*.

*Virginia Evidence for the Trial Lawyer* by Thomas J. Curcio and Lee Livingston (LexisNexis 2015 ed.) analyzes the overall body of Virginia evidence law, updated to account for the Virginia Rules of Evidence’s arrival in 2012. Curcio’s and Livingston’s book, created by the Virginia Trial Lawyers Association, discusses the law in a format designed for the lawyer in the middle of litigation to locate the answer they need: chapters center on themes such as privileges, hearsay, and relevance. Curcio’s and Livingston’s work is available on Lexis.

In *The Virginia and Federal Rules of Evidence* (CreateSpace 2015), author Jeffrey Bellin lists each Federal Rule of Evidence with its counterpart from the Virginia Rules of Evidence and comments on differences and similarities between each pair.

Brien A. Roche and Christine M. Reilly designed *Objections: Interrogatories, Depositions, and Trial* (Virginia CLE, published annually) as a quick reference source for lawyers in the middle of proceedings. Chapters focus on the reasons for objection, such as hearsay and materiality. Each chapter usually begins
with a brief summary of the law, followed by sample objections and responses.

7.413  Family Law.

A. Treatises. As with some topics in Virginia, family law is covered by two major competing treatises: Peter N. Swisher's, Lawrence D. Diehl's, and James R. Cottrell's Virginia Practice: Family Law: Theory, Practice and Forms (Thomson Reuters 2017, published annually) and John E. Byrne's Virginia Domestic Relations Handbook (LexisNexis 3d ed. 2016, published annually).

Both books cover the same general areas of family law, such as divorce, adoption, distribution of property, and child custody, and both publications have an extensive forms section. As with criminal law treatises, the choice may be a matter of which database the researcher has access to. The Virginia Practice Series book is available on Westlaw, and the Virginia Domestic Relations Handbook is available on Lexis.

B. Manuals. Richard D. Balnave's Virginia Family Law: A Systematic Approach (Virginia CLE 7th ed. 2016) is a comprehensive walk-through of divorce litigation and related issues such as domestic violence. The book guides the reader along all the stages, from establishing the attorney-client relationship thorough the trial and post-trial issues, such as property, custody, and support agreements and their enforcement. Balnave includes ample forms, charts, and checklists.

The Virginia Domestic Relations Case Finder by Brien A. Roche (LexisNexis 4th ed. 2009, updated annually) summarizes Virginia cases involving domestic relations law and organizes those cases using a specialized outline of subject headings, giving family law researchers an alternative to online searching and West's key number system. This book is available on Lexis.

The Virginia Court System publishes the Juvenile and Domestic Relations District Court Manual, available as a free PDF
on the system’s website at www.courts.state.va.us/courts/jdr/resources/manuals/jdrman/toc_jdr_manual.pdf (last revised July 2016). The manual has a brief introduction to the Virginia court system and summarizes the usual process a case goes through. Other chapters describe procedures for the types of proceedings domestic relations and juvenile courts hear. Appendices list relevant court fees and forms, along with advice such as how to serve process of garnishment. Note: Users may need Adobe Reader to read the full manual; some PDF viewers (such as Chrome’s built-in viewer) can only see the table of contents.

Manuals with a more in-depth look at specific facets of family law are also available. Adoption Procedures and Forms: A Guide for Virginia Lawyers (Colleen M. Quinn and Barbara C. Jones eds., Virginia CLE 6th ed. 2014) covers all aspects of the adoption process for a lawyer and includes practice pointers and a discussion of ethical issues. Chapters are devoted to situations such as foster parent adoptions, international adoptions, special needs adoptions, and birth assisted by reproductive technology, and the last two-thirds of the book is a forms appendix keyed to chapters.

Each chapter in Negotiating and Drafting Marital Agreements (Richard E. Crouch ed., Virginia CLE 7th ed. 2016) contains a large forms appendix along with commentary on strategy, standard provisions, tax considerations, and ethics, The book also offers practical advice for the lawyer working on pre- or postmarital agreements.

7.414 **Insurance.**

A. **Treatises.** Insurance Law in Virginia (Howard C. McElroy and John M. Claytor eds., Virginia CLE 3d ed. 2015) is primarily devoted to analysis and discussion of the substantive and procedural law surrounding insurance issues, but chapters

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6 See also infra ¶ 7.424 (Workers’ Compensation).
also contain brief appendices with useful checklists and forms. Topics covered include fire insurance, professional liability coverage, automobile insurance, homeowners insurance, executive insurance, agents, insurance contracts, and misrepresentation.

**B. Manuals.** Alan B. Rashkind’s and R. Craig Gallagher’s *Virginia Insurance Case Finder* (LexisNexis 3d ed. 2010, updated annually) is part of LexisNexis’s *Case Finder* series of books. This series gives the researcher an alternative to online searching and to West’s key number system to look for case law, using a system of subject headings specially designed for the topic. The definitions chapter serves as a specialized “words and phrases”-type of resource to find out how courts have defined a term.

**7.415 Juvenile Law.** Andrew K. Block Jr.’s and Angela A. Ciolfi’s comprehensive manual, *Juvenile Law and Practice in Virginia* (Virginia CLE 4th ed. 2014) introduces lawyers to the juvenile and domestic relations district court and discusses special aspects of juvenile law, such as foster care, child psychology, abuse and neglect proceedings, educational issues, and psychiatric commitment. It also contains extensive coverage of procedural issues, such as transfers to the circuit court and the disposition phase. The book includes forms in printed appendices.

The *Juvenile and Domestic Relations District Court Manual*, available as a free PDF on Virginia’s Judicial System’s website at [www.courts.state.va.us/courts/jdr/resources/manuals/jdrman/toc_jdr_manual.pdf](http://www.courts.state.va.us/courts/jdr/resources/manuals/jdrman/toc_jdr_manual.pdf) (last revised July 2016), guides the reader through the procedures of the district court when it adjudicates a juvenile or domestic relations case. An introductory chapter lists the types of cases the district court might hear and the paths those cases take through the court. The manual also discusses specific procedures for various case types. There are chapters devoted to juvenile delinquency, civil procedure, adult criminal cases, protective orders, and support cases. Useful appendices provide forms and information about fines, fees, appeals, and sentencing.
7.416 Labor And Employment Law,7

A. Treatises. Virginia’s only treatise on employment law, Employment Law in Virginia (R. Mark Dare and Thomas M. Winn eds., Virginia CLE 6th ed. 2016) is arranged topically, covering the complete employment relationship and the legal issues that arise from it. The book provides a comprehensive review of the current status of employment law at both the state and federal levels. Many chapters are devoted to a specific statute or group of statutes (such as the Equal Pay Acts, ERISA, and the Virginians with Disabilities Act), while other chapters cover more general aspects of the employment relationship such as public sector issues and the employment agreement.

B. Manuals. An Employment Law Guide: Employee Rights and Employer Responsibilities in Virginia (Virginia CLE 8th ed. 2017) is an abridged version of Employment Law in Virginia, above. It is aimed more at employers, with its chapters organized into broad categories such as discrimination in the hiring process, employee rights and protections, and termination.

Virginia Employment Practices and Forms by Edward Lee Isler, Steven W. Ray, and Lori H. Turner (Virginia CLE 3d ed. 2015) provides practical guidance for drafting personnel policies, forms, and employment agreements for practitioners who advise Virginia businesses. It discusses the permissible scope of interview questions and analyzes the bases for tort and negligence actions arising from the hiring process. Separate chapters are devoted to the proper drafting of employment agreements, covenants not to compete, personnel policies and manuals, and termination agreements. Relevant portions of sample forms are reproduced in textual discussions and in a separate appendix of forms, which is also available on the included CD-ROM.

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7 See also infra ¶ 4.424 (Workers’ Compensation).
7.417  Law Practice Management and Ethics. The Virginia Lawyer: A Deskbook for Practitioners (Dean E. Lhospital and Timothy L. McHugh eds., Virginia CLE 5th ed. 2015) is an excellent source for new attorneys seeking a grounding in a number of commonly encountered practice issues. The first chapter introduces the basics of managing a law practice—everything from starting a firm to technology matters, insurance, case management, communicating with clients, and financial considerations such as billing and escrow accounts. Various types of practices, such as litigation, family law, and intellectual property, are given individual chapters, while another chapter is devoted to professional responsibility issues.

The seminar materials from Hanging a Shingle: How to Start a Successful Law Practice (Virginia CLE 2015) are another resource for newer attorneys hoping to establish their own firm. Starting with initial business considerations such as funding, banking, and naming the firm, this book offers practical advice about day-to-day operations like file management, hiring and personnel matters, and marketing.

Focusing on the narrower topic of attorney work product and privileged communications, Thomas Spahn’s The Attorney-Client Privilege and the Work Product Doctrine: A Practitioner’s Guide (Virginia CLE 3d ed. 2013) is a two-volume, comprehensive work written for attorneys who need to make quick decisions during privilege review or in the middle of discovery disputes. The Guide includes in-depth discussions of types of communications, express and implied waivers of privilege, issues pertaining to multiple clients, and overcoming and litigating the work product doctrine and attorney-client privilege. The book mainly cites to federal case law, but it does include some cases from Virginia and other state courts, and Virginia CLE now carries a Virginia-specific version of the guide, published in 2017.

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8 See also supra ¶ 7.401 (Attorney Fees).
7.418 Products Liability. Covering the theory, practice, and procedure relating to products liability in Virginia, Virginia Practice: Products Liability by Robert E. Draim (Thomson Reuters 2016, published annually) is intended to assist trial attorneys with cases in Virginia and federal courts. Draim cites to relevant statutes and opinions of state and Fourth Circuit courts and includes sample pleadings. This book is also available on Westlaw.

7.419 Real Estate, Construction, and Land Use.

A. Treatises. Real Estate Transactions in Virginia (Neil S. Kessler and Paul H. Melnick eds., Virginia CLE 4th ed. 2015) is a two-volume examination of the fundamentals of residential real estate practice and a reference source for the more knowledgeable practitioner. The text covers contracts, title examination and reports, deeds and closings, ethical considerations, tax consequences of purchasing and selling a residence, and the various forms of holding title. The book also contains an overview of basic law on condominiums and law office organization and management. Numerous forms are included. The chapter on residential financing analyzes the multitude of available options and also includes appropriate forms.

B. Manuals. In W. Wade Berryhill’s and Michael V. Hernandez’s Real Estate Closings (Thomson Reuters 2016-2017, published annually), narrative discussions are followed by sample forms and practice aids. Topic areas highlighted include initial procedures, title examinations, legal descriptions, preparation of documents, closings, and post-closing procedures. Citations to Virginia cases and statutes support the text. This book is also available on Westlaw.

A more thorough treatment of the details of title work can be found in A Virginia Title Examiner’s Manual by Douglass W. Dewing (Juris Publishing 4th ed. 2017). This manual provides insights and guidance for practitioners on topics like adverse pos-
session, chain of title, clouds and quieting title, intestate succession, publicly owned land, and many others.

The *Virginia Practice: Landlord-Tenant Handbook* by Jerome Friedlander II (Thomson Reuters 2016-2017, published annually) comprehensively covers all aspects of the rental relationship. It includes forms, notices, leases, and reprints of Virginia statutes and model laws. It is well indexed and includes tables of cases and statutes. It is also available on Westlaw.

Eminent domain proceedings at both the federal and state levels are examined in *Eminent Domain Law in Virginia* (Paul B. Terpak ed., Virginia CLE 2d ed. 2017). Highlighted topics include general condemnation procedures under title 25.1 and title 33.1, federal condemnation procedures, pretrial practice, valuation, trial, condemnation appeals, relocation assistance and real property acquisition policies, regulatory takings, and tax aspects of condemnation awards.

*Virginia Construction Law Deskbook* (Richard F. Smith ed., Virginia CLE 3d ed. 2016) provides essential reference and expert guidance and analysis of the issues faced by the construction law attorney. In two volumes, it covers licensing of contractors, architects, and engineers; building codes, permits, zoning, and special issues; bidding; government contracts; drafting issues; changes; unforeseen worksite conditions; termination of contracts; immigration and labor law; delays and time extensions; contractor rights and remedies; effective trial presentations; sick building and toxic mold claims; and subcontractors and suppliers among many other topics. A shorter work with a similar focus is *Virginia Practice: Construction Law* by Michael Branca and Mark Berry (Thomson Reuters 2016-2017, published annually).

**7.420 Taxation.** *CCH Virginia State Tax Reporter* is an online service that provides the full text of Virginia tax statutes, regulations, rulings and releases, court decisions, and attorney general opinions. Detailed explanations of Virginia tax law are also included. Available on Lexis and CCH IntelliConnect.
7.421 Torts.

A. Treatises. Charles E. Friend’s treatise, *Personal Injury Law in Virginia* (LexisNexis 3d ed. 2003 & 2016 Supp.), discusses all aspects of negligence and intentional torts, covering injuries resulting from assault, intentional infliction of emotional distress, injury to reputation, and nuisance, as well as premises liability and medical malpractice. Tables of cases and statutes and an index are included. This book is also available on Lexis.

B. Manuals. *Virginia Practice: Tort and Personal Injury Law* by Peter N. Swisher, Robert E. Draim, and David D. Hudgins (Thomson Reuters 2016, published annually) surveys Virginia law on such topics as intentional torts, negligence, malpractice, premises liability, nuisance, fraud and misrepresentation, emotional distress, defamation, products liability, wrongful death, and workers’ compensation. The last chapter contains pleading and practice forms.

The *Virginia Torts Case Finder* (Brien A. Roche, LexisNexis 5th ed. 2009 & 2016 Supp.) includes all tort cases reported by the Supreme Court of Virginia beginning with volume 180 of the *Virginia Reports* (1942). The cases are organized in reverse chronological order under numerous detailed subject headings. Most of the case summaries include a brief factual description and a statement of the relevant tort principle. The *Case Finder* is a quick and reliable reference for researching a particular point of tort law.

*Virginia Business Torts* (Edward B. Lowry and Edward Lee Isler eds., Virginia CLE 3d ed. 2014) focuses on those torts that are most likely to arise in a business context, such as breach of duty of loyalty, conversion, tortious interference with contracts, breach of a non-compete agreement, wrongful discharge, misappropriation of trade secrets, and Virginia Consumer Protection Act claims.

*Handling an Automobile Negligence Case in Virginia* (Thomson Reuters 2016-2017, published annually) was developed
in conjunction with the Virginia Trial Lawyers Association and follows the chronology of an automobile negligence case: filing suit; discovery and trial preparation; motions in limine; voir dire and jury selection; opening statements and trial evidence; challenging the medical evidence; closing arguments; jury instructions; and post-trial motions. It also includes tables of abbreviations, cases, and statutes.


*Medical Malpractice Law in Virginia* (Malcolm P. McConnell III ed., Virginia CLE 4th ed. 2017) is arranged chronologically to track the progress of a typical malpractice action from client interview to trial. Many chapters are written from both a plaintiff’s and a defendant’s perspective. Applicable statutes and rules are discussed as are typical theories of recovery. An included CD-ROM contains forms.

C. Form Books. *Virginia Personal Injury Forms* by John P. Harris III (LexisNexis 3d ed. 2010 & 2016 Supp.) contains procedural forms along with sample letters and other documents that are often used in a personal injury case in Virginia. The book includes a CD-ROM containing the forms. This book is also available on Lexis.

7.422 Trial Practice and Instructions.⁹

A. Manuals. The basic principles of Virginia trials are covered in Craig D. Johnston’s *Virginia Practice: Trial Hand-
book for Virginia Lawyers (Thomson Reuters 2017, published annually). Topics discussed include conducting a trial, trial motions, jury selection, contempt, order of proof, burden of proof, examination and cross-examination, evidentiary issues and motions, closings, instructions, and verdicts. Each principle is supported by citations to Virginia statutory and case law. In addition, the book contains references to other Thomson Reuters publications: American Jurisprudence 2d, American Law Reports, American Jurisprudence Proof of Facts, American Jurisprudence Legal Forms, American Jurisprudence Pleading and Practice Forms, American Jurisprudence Trials, and Corpus Juris Secundum. The handbook is also available on Westlaw.

The Virginia Civil Benchbook for Judges and Lawyers (LexisNexis 2015-2016, published annually) is a standard reference for the bench and bar. It covers hundreds of courtroom scenarios, examines every phase of a civil trial, and discusses special proceedings. The text contains citations to statutes, rules, and leading cases. The appendix lists checklists, guidelines, and standards relating to juror management. It is also available on Lexis.

Those seeking jury instructions have several sources to choose from. Thomson Reuters produces Ronald and Margaret Ivey Bacigal’s Virginia Practice: Jury Instructions (Thomson Reuters 2016-2017, published annually), which is a critical selection of the numerous jury instructions in use in Virginia pertaining to negligence, intentional torts, and criminal law. Instructions are annotated with original source citations and commentary. It is also available on Westlaw.

LexisNexis, in turn, publishes Instructions for Virginia and West Virginia (4th/5th ed. 1998 & 2003, updated annually). Organized under subject-matter titles conforming to Michie’s Jurisprudence, Instructions provides case citations and cross-references to statutes and rules. It includes analysis, use notes, and some instructions not published elsewhere in such areas as
banks and banking, mining, and physicians and surgeons. It is also available on Lexis.

The Model Jury Instructions Committee, populated by judges and attorneys appointed by the Chief Justice of the Virginia Supreme Court, produces *Virginia Model Jury Instructions—Civil* (LexisNexis 2000, updated annually) and *Virginia Model Jury Instructions—Criminal* (LexisNexis 2003, updated annually). These sets provide a comprehensive listing of suggested jury instructions for use in civil and criminal cases. Each instruction is followed by a memorandum containing a concise statement, with citations, of the law on which the instruction is based, any necessary caveats, and a comment. Every chapter contains a scope note identifying pertinent statutes and legal principles and providing cross-references to related instructions. Both sets are available on Lexis.

**B. Specific Court Manuals.** The Office of the Executive Secretary of the Department of Judicial Services publishes a number of procedural manuals, which are available online at the following addresses on the Virginia Judicial System website:


7.423 Wills, Trusts, and Estate Planning.

A. Treatises. A thoroughly comprehensive treatise, *Harrison on Wills and Administration for Virginia and West Virginia* by James P. Cox III (LexisNexis 2007 & 2016 Supp.) covers dower and curtesy, descent and distribution, testamentary intent and capacity, requisites of execution, revocation of wills, probate, grant of administration, inventory, and appraisal. It also discusses construction of wills, beneficiaries, estates created, vested and contingent interests, trusts and powers, legacies and devises, rights of creditors, judicial sales, taxation, and living wills. Relevant forms and an index complete the set. References to recent cases and statutes on each topic are provided. It is also available on Lexis.

B. Manuals. *Estate Planning in Virginia* (Marie McKenney Tavernini ed., Virginia CLE 5th ed. 2016) covers the entire estate planning process, from the initial client interview through mapping the plan, drafting wills and trusts, and tax planning. It addresses planning for closely held businesses, powers of attorney, choosing fiduciaries, transferring assets outside of probate, and terminating representation. Several example forms illustrate the practices discussed.

Attorneys interested in the probate law and practice pertaining to a “typical” estate should see Frank O. Brown Jr.’s *Virginia Practice: Probate Handbook* (Thomson Reuters 2016-2017, published annually). Featured topics include probate and qualification; assets; valuation; inventory and appraisal; investment of estate assets; powers of executors and sales of assets; disclaimers; estate tax fees and commissions; creditors; distribution; and accounting. The text includes citations to pertinent Virginia cases and statutes, and necessary forms are included. This book is also available on Westlaw.

*Estate and Trust Administration in Virginia* (James P. Cox III ed., Virginia CLE 5th ed. 2016) is designed to lead the practitioner step-by-step through the probate process, covering
the initiation of probate, claims against the estate, tax considerations, and administration of trusts. The book also includes many useful forms.

Prepared by the Standing Committee on Commissioners of Accounts, the *Manual for Commissioners of Accounts* (Virginia CLE 5th ed. 2014) provides procedures and checklists for preparing and reviewing estate accountings. It contains an appendix of forms and instructions used by commissioners, clerks, and fiduciaries, and a comprehensive list of the commissioners of accounts in Virginia, with contact information.

### 7.424 Workers’ Compensation

The fundamentals of workers’ compensation law are explained in *Virginia Workers’ Compensation: Law and Practice* by Lawrence J. Pascal (Lexis-Nexis 4th ed. 2011 & 2016 Supp.). This work covers both the legal principles and practice methods for such cases. It reviews the jurisdiction of the Workers’ Compensation Commission and examines the legal relationships between employers, employees, and insurance carriers. Procedures for contested and uncontested cases, discovery, hearings, appeals, settlements, and awards are discussed. The publication contains citations to Virginia case law and statutes and to the law of other jurisdictions where appropriate. Also available on Lexis.

*Workers’ Compensation Practice in Virginia*, edited by Lawrence J. Pascal (Virginia CLE 9th ed. 2016), clarifies the principles of the Virginia Workers’ Compensation Act for the general practitioner. It discusses the background, coverage, and scope of the Act; employment and risks covered; occupational diseases; benefits available to the injured worker; uncontested and contested claims procedures; preparation of a claim; and third-party actions. Forms are included.

*The Virginia Workers’ Compensation Case Finder* by Peter M. Sweeney (Juris Publishing 4th ed. 2012) is a topically arranged list of workers’ compensation cases and includes a table of cases and an index.
CHAPTER 8
LEGAL PERIODICALS, INDEXES, DIRECTORIES, AND STATISTICAL INFORMATION

Caroline L. Osborne
Washington and Lee University Law Library / Lexington

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CHAPTER 8

LEGAL PERIODICALS, INDEXES, DIRECTORIES, AND STATISTICAL INFORMATION

8.1 INTRODUCTION

This chapter identifies Virginia references of use to attorneys and other legal researchers in:

- defining a word, selecting the best word or phrase for the intended purpose, creating and identifying search terms;

- locating names and addresses of experts and descriptions of their services;

- locating background information about an issue;

- identifying relevant statistics;

- locating basic information about a judge, such as his or her address, or more complex information, such as his or her courtroom style; and

- locating names and contact information of court officials such as clerks or of other county officials.

Once traditionally found solely in print, much of the information described above is now easily located online via a search engine such as Google or through specialized databases. The researcher should, however, exercise caution in relying on information located online. Always confirm that the information is relevant, current, and free of significant errors, omissions, and biases. Before using any information found on the Internet, con-
sider whether the author, publisher, organization, or sponsor of the site is trustworthy; the ease of use of the site; the site’s comprehensiveness and currency; the method of updating the information presented by the site; and, finally, the uniformity of searching within the site. New websites are created daily with reliable, useful information, while others have become obsolete or outdated. The web addresses included in this chapter are current as of the date of publication but may change, fail to be updated, or cease to exist with no notice.

8.2 DICTIONARIES AND THESAURUSES

Legal questions often turn on the meaning of words. Common words may carry new or specialized meanings when used in legal documents or works. A significant part of research involves the interpretation and manipulation of words and locating the correct search terms to find the relevant information. Using incorrect search terms online may result in failing to locate the desired information. Dictionaries and thesauruses, both legal and non-legal, are not new sources but familiar and essential resources.

Legal dictionaries operate much like their non-legal counterparts. They are alphabetical arrangements of legal words and phrases with a meaning provided. The unique feature of a legal dictionary is that the definition is usually tied to a specific source, such as a case that backs up the asserted meaning of the word or phrase. Researchers must exercise care to consult the most recent or current edition of the dictionary because new judicial decisions, statutes, regulations, and so forth may significantly alter the existing meaning or add a new meaning to a term.

Black’s Law Dictionary, commonly known as “Black’s,” is the most widely used and recognized legal dictionary. Black’s and Ballentine’s Law Dictionary are found in most libraries. Black’s is available online through Westlaw and is available as an app. Ballentine’s Law Dictionary is solely available online through Lexis Advance and lexis.com.
Words and Phrases, published by Thomson Reuters, is a multi-volume set organized in alphabetical order by word or phrase. Words and Phrases is not a comprehensive dictionary of legal terms; rather, it is limited to the definitions of words or phrases decided by a court. For each word or phrase included in the set, a citation to a judicial decision in which the word or phrase is judicially defined is included. The set is national in scope and found in most large law libraries. It is updated annually with pocket parts found inside the back cover of each volume.

Westlaw also includes a “words and phrases” template for locating judicial definitions of a term. West’s Virginia-West Virginia Digest and South Eastern Digest also contain specific words and phrases volumes that replicate the work of the national Words and Phrases set but are limited in scope to the decisions of the jurisdictions they cover.

The Oxford English Dictionary, described as the “definitive record of the English language,” is the gold standard of non-legal dictionaries and commonly referred to as the “OED.” The OED is available in multiple formats from the twenty-volume set found in most libraries, to two-volume and single-volume sets and online by subscription at www.oed.com. The OED contains the current definition of a word in addition to the meaning, history, and pronunciation of over 600,000 words from the English-speaking world.

Dictionary.com and Thesaurus.com are well-known online sites that provide a non-legal definition or synonym or antonym for a word or phrase.

A thesaurus is a dictionary of antonyms and synonyms whose dual use is to locate the most accurate word among a family of related terms and to expand the existing search terms by including alternatives in the form of synonyms or antonyms.

Lexis Advance, Westlaw, and Bloomberg are comprehensive online databases with the full text of most published and many unpublished judicial decisions. Because the decisions con-
tain a document in which each word is searchable, a researcher may use the database to determine the meaning of a word or a phrase. Placing quotation marks around the word or phrase retrieves relevant documents containing the designated term. Full-text searches provide the most useful results when the word or phrase is unique. Online searches for general terms are likely to retrieve an excessive number of documents and are of limited use if researchers lack the time to review and read. A researcher may also take advantage of the universal characters and truncation available online to retrieve words when the researcher is uncertain of the spelling or wants to see multiple endings for a root word.

The following titles are commonly used and cited dictionaries and thesauruses:


8.3 LEGAL PERIODICALS

8.301 Introduction.

A. In General. The law review is the dominant form of publication for the legal scholar and a repository of contemporary legal scholarship. Unique from the peer-review practice in other academic disciplines, the law review is student-edited. Law journal articles are valuable to researchers because they offer depth of analysis and critique of specific topics, in addition to numerous footnotes with references to other sources. Journal articles take varied perspectives on subjects ranging from elementary to complex policy arguments concerning developing or changing areas of law. Significantly, journal articles also keep researchers informed of developments in specialized areas of the law. There are five general classifications of law journals: (i) law reviews or journals published by law schools; (ii) bar association periodicals; (iii) subject, special interest, or interdisciplinary journals; (iv) legal newspapers; and (v) legal newsletters.

Virginia’s eight law schools publish multiple law reviews and journals—some with long and distinguished histories and traditions of legal scholarship and other newer specialty titles that focus on narrower and cutting edge topics at the state, local, and national levels. Since the 1990s, the number of specialty law reviews has increased exponentially.

B. Format. Articles about legal topics are available both online and in print. Many law journals are easily accessible from digital repositories provided by the school’s law library, in web-based archives available at the journal’s website, in pre-pub-
lication format at the Social Science Research Network (SSRN), or simply through a keyword search on Google.

SSRN is an online platform “devoted to the rapid worldwide dissemination of social science research . . . composed of a number of specialized research networks in each of the social sciences.”¹ The law network on SSRN is highly developed with many experts posting abstracts and papers in addition to various paper series maintained by many law schools. SSRN is divided into two parts, an abstract database containing abstracts on 733,000 scholarly working papers and forthcoming papers and an electronic paper collection currently containing over 617,500 downloadable full text documents in Adobe Acrobat PDF format.

The rise of the institutional repository in the early 2000s is in direct response to the “open access” movement beginning in the 1990s. Many institutions maintain their own institutional, or digital, repositories, managing and storing the scholarly work of their institution. That content is often “Google optimized” making it easy to find through a simple Google search.

Law review online companions are the most recent addition to the scholarly conversation in the legal community. Articles are available exclusively online and typically average 3,500 words or fifteen pages. They are timely and carry the benefit of immediacy of publication. The goal of the online companion journal is to provide a forum for thoughtful responses to articles published in the traditional law review and a dialogue on cutting-edge legal issues. The online articles are typically archived in institutional repositories, at the journal’s website, and selectively archived in Lexis and Westlaw. At the time of publication, the University of Richmond, the University of Virginia, and the Washington and Lee University law reviews have online companions.

Journals contain different types of articles. The most common types are:

1. The lead article—authored by an expert scholar on a topic containing an exhaustive analysis of the topic;

2. A note or comment—sometimes unsigned and often a student piece that is typically a short, critical analysis of a specific area of the law or a specific case, usually a recent decision, and typically not cited as authority in support of an argument;

3. The book review—a comment on a new or recent publication regarding the legal profession of interest to lawyers;

4. A symposia article—an issue of a law review composed exclusively of articles that focus on a narrow subject of law and feature the remarks of participants on that topic at a recent symposia hosted by the journal;

5. Special feature article—an issue of a law review composed exclusively of articles that focus on recent developments in an area, narrow or broad, of law or recent legislative actions found in an annual survey of the law; and

6. Essay or commentary—a shorter work, usually an opinion piece, regarding a particular issue. These pieces are typically lightly footnoted. Often these pieces are published in the online companion publication of the journal.

8.302 School-Related Journals and Reviews. Topics of unique interest to those practicing law in Virginia are likely to be found in one of the many journals published by Virginia law
schools. Many of the articles are easily accessed through a Google search, if the article title is known, or through a key word search. Alternatively, articles are often accessible from an institutional repository site available from the library’s home page or the journal’s website located through a Google search or under “students,” “student life,” “student organizations,” or “publications” at the specific school. Listed below are the journals currently published by Virginia law schools, along with a brief description.

A. Appalachian School of Law.2

- Appalachian Journal of Law, 2002-present.

B. George Mason University School of Law.3

- Journal of International Commercial Law. 2010-present.

2 www.asl.edu/.
4 http://thefcbj.org/.
• **Supreme Court Economic Review.** 1982-present.

**C. Liberty University School of Law.**

• *Liberty Legal Journal.* 2010-present.

• *Liberty University Law Review.* 2006-present.

**D. Regent University School of Law.**


**E. University of Richmond School of Law.**


• *Richmond Public Interest Law Review.* 1996-present.

• *University of Richmond Law Review.* 1958-present.

**F. University of Virginia School of Law.**

• *Journal of Law and Politics.* 1983-present.

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5 www.liberty.edu/law/
6 www.regent.edu/law/
7 http://law.richmond.edu/

Virginia Journal of Criminal Law. 2010-present.

Virginia Journal of International Law. 1960-present.


Virginia Law Review. 1913-present.


G. Washington and Lee School of Law.9


Washington and Lee Law Review. 1939-present.

H. William & Mary Marshall-Wythe College of Law.10


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9 https://law.wlu.edu/.
10 http://law.wm.edu/.
• William & Mary Business Law Review. 2010-present.


• William & Mary Law Review; 1957-present.

8.303 Legal Periodicals Available Online Through Legal Publishers. Law journal articles are also readily available from online providers such as Lexis, Westlaw, Bloomberg, and HeinOnline. Depending on the provider, the range of content available may be limited by date. Lexis and Westlaw have uneven coverage of articles published before 1980, while HeinOnline typically begins with the first issue of a publication and is likely to embargo the most recent content to the extent there is any date limitation in HeinOnline. In addition, some content, such as memorials to colleagues, mastheads, charts, tables, and images, may not appear online even though it is available in the print volume.

8.304 Professional Law Journals. Various professional associations publish periodicals useful to the practitioner and the researcher. Of particular interest are periodicals published by the American Bar Association (ABA) and The Virginia Bar Association. The focus of a bar publication is to inform its membership of recent legislative developments, new decisions, and items of importance to a practicing attorney. Bar publications tend to include articles that focus on the more practical aspects of the practice of law, emphasizing problem-solving over the theory found in law review articles. The ABA publishes a wide variety of
journals tied to their subject or practice sections. Most law schools have the print runs of the ABA journals. The Virginia Bar Association also publishes journals that focus on Virginia-specific issues. Selected titles of particular interest to someone researching Virginia legal matters are listed below.

- **The Journal of Civil Litigation.** Richmond: Virginia Association of Defense Attorneys (VADA). Published quarterly by VADA and included in the VADA membership benefits, this journal publishes scholarly articles on topics of Virginia law and practice. It also reprints and discusses trial court decisions of interest to Virginia practitioners. A printed index for volumes I-XIV, published in 2002, is supplemented online. The journal continues an earlier publication titled the *VADA Quarterly*.

- **The Journal of the Virginia Trial Lawyers Association.** Richmond: Virginia Trial Lawyers Association (VTLA). Published quarterly, this journal provides articles on trial practice, judicial administration, and, generally, the practice of law. VTLA membership dues include the cost of a subscription.

- **VBA Journal.** Richmond: The Virginia Bar Association (VBA). Formerly named the *VBA News Journal* until 2012 and published three times per year, this journal highlights VBA activities and section reports. The publication is distributed to members of the VBA and is available in part on the VBA website.

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11 See the ABA’s website at www.americanbar.org for more detailed information.

12 See the VADA website at www.vada.org.

13 See the VTLA website at www.vtla.com.

14 www.vba.org/?page=journal.
• Virginia Lawyer and Virginia Lawyer Register. Richmond: Virginia State Bar. Virginia Lawyer is the official publication of the Virginia State Bar. It covers both substantive material and articles of general interest to members of the Virginia State Bar. Legal ethics opinions, unauthorized practice of law opinions, and rule changes are covered topics. All active and associate members of the Virginia State Bar receive the publications by virtue of their membership.

8.305 Newspapers. Newspapers focusing specifically on law, the practice of law, legal education, and legal developments are found at the national, state, and local levels. They are available both in print and online, usually by paid subscription. Most law libraries have a selection of legal newspapers available. For issues at a national level, the National Law Journal provides regular coverage. Virginia Lawyers Weekly is the newspaper of record at the state level.

• Virginia Lawyers Weekly. Richmond: Virginia Lawyers Media. Published weekly, this paper includes summaries of federal and state appellate and trial court opinions, trial reports of counsel, articles on the practice of law and practice management, news reports of governmental developments, classified advertisements, and professional announcements. Semiannual indexes of cases and articles are published in the first issue of July and the final issue of December. Virginia Lawyers Weekly's website15 provides breaking news stories and digests of important new opinions. Subscribers to Virginia Lawyers Weekly receive unlimited online access, including an archives section that contains all the newspaper’s stories and cases digests since 1993. Through the

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website, subscribers can access free full-text PDF copies of the opinions featured in the newspaper. The newspaper offers an email daily alert containing a link to the day’s top opinions featured on its home page and links to legal stories across Virginia.

8.4 INDEXES

8.401 In General. An index is an alphabetical listing of names, places, subjects, or other information with an associated page or identifier as to where the information may be found. Indexes are found in treatises, loose-leaf services, legal encyclopedias, and online. Full-text searching is a powerful but limited tool. Indexes permit the researcher to narrowly search and retrieve articles. An index can be an especially powerful tool since many articles are not available online and may be missed by using only full-text searching. Indexes are routinely updated to reflect new subject areas, evolving language, and changes or updates to subject-matter classification.

8.402 General Indexes of Note.

- Business Source Complete (Abstracts—1886-present; full text 1990-present). Ipswich, MA: EBSCO Publishing. Business Source Complete includes information from more than 1,200 journals and additional full-text non-journal content, such as financial data, conference proceedings, case studies, investment research reports, industry reports, and more.

- LegalTrac or the Current Law Index (1980-present). Farmington Hills, MI: Gale. LegalTrac is the common online interface to the print Current Law Index. LegalTrac is a comprehensive index to articles in legal periodicals published in the United States, Canada, the United Kingdom, Ireland, Australia, and New Zealand.
• *Encyclopedia of Business Information Sources* (1970-present). Farmington Hills, MI: Gale. A comprehensive listing of business related finding aids, including abstracting and indexing services, almanacs and yearbooks, bibliographies, biographical sources, directories, encyclopedias and dictionaries, financial ratios, handbooks and manuals, online databases, and other related sources of information.

• *Index to Legal Periodicals and Books Full Text* (1982-present). New York, NY: H.W. Wilson & Co. ILP covers legal periodicals and monographs published in the United States, Canada, Great Britain, Ireland, Australia, and New Zealand. This index is available in print and electronic media. Online access, including a list of the periodicals that currently appear in the index and access to a retrospective index that covers 1908-1981, is available at www.ebscohost.com/academic/index-to-legal-periodicals-and-books-full-text.

• *The Standard Periodical Directory*. 2015 ed. New York, NY: Oxbridge Communications, Inc. The largest directory of United States and Canadian periodicals containing information about more than 60,000 magazines, journals, newsletters, newspapers, and directories in subject categories ranging from accounting to zoology. The guide provides information such as cost of subscription and frequency of publication for each title.

### 8.5 STATISTICAL INFORMATION

Resolution of some modern legal issues requires statistical analysis as a basis for determining public policy or demonstrating the societal effect of certain rules, decisions, or behaviors. Housing discrimination, employment, antitrust, and consumer protection
litigation often involve the use of such statistics. The following works are sources for statistical information:

- **County and City Data Book: 2007, a Statistical Abstract Supplement.** 14th ed., Washington, DC: U.S. Gov’t Printing Office, 2007. This work includes a variety of information on states and the metropolitan areas in the United States, including statistics on the social and economic structure of counties and cities.

- **Lawyer’s Almanac 2016.** Austin, TX: Wolters Kluwer Law & Business, 2015. This work, subtitled “The Leading Reference of Vital Facts and Figures About the Legal Profession,” covers the following topics: the legal profession; the judiciary; government departments and agencies; and commonly used abbreviations.

- **State Rankings 2016: A Statistical View of America.** Washington, DC: CQ Press 2016. This title covers broad topics such as crime, law enforcement, agriculture, education, and economics. Additionally, it identifies how states compare statistically in various categories with one another.

- **Statistical Abstract of the United States (1878-2012).** Washington, DC: U.S. Gov’t Printing Office. The *Statistical Abstract* is the premier source for social, political, and economic statistics in the United States. The *Statistical Abstract* includes statistics about population, births, deaths, marriages, education, law enforcement, courts, prisons, and numerous additional topics. The detailed index makes finding statistics on a particular topic relatively easy. The print version of The *Statistical Abstract* ceased publication with the 2012 edition. Updates may be found at the U.S. Government

- **Statistics Sources.** Farmington Hills, MI: Gale (1977-present). This is a guide to current sources of factual, quantitative information on almost 30,000 highly specific subjects covering financial, industrial, business, social, educational, and other topics.

- **Virginia State of the Judiciary Report.** Richmond: Supreme Court of Virginia (1975-present). This annual report presents detailed facts and analysis regarding the practice of law before the courts of the commonwealth. The most recent report, from 2014, is available on Virginia’s Judicial System’s website at www.courts.state.va.us/courtadmin/aoc/judpln/csi/sjr/2015/state_of_the_judiciary_report.pdf.

- **Virginia Statistical Abstract.** Charlottesville, VA: University of Virginia. Last published in 2000, this publication is now updated at the Weldon Cooper Center for Public Service, Center for Economics and Policy Studies website, available at https://ceps.coopercenter.org/content/services. It covers topics such as agriculture, banking crime, demographics, earnings, and e-commerce. It is also an excellent source for statistical information related to Virginia.

- **World Almanac and Book of Facts.** New York, NY: World Almanac Education Group, Inc. (1886-present). This publication offers statistical and other information on a wide variety of subjects, including economy, business and energy, sports, science and technology, and crimes and courts. A detailed index makes finding information easy.
8.6 DIRECTORIES

Directories provide information about lawyers, law firms, courts, and administrative agencies. They provide lists of names, addresses, and related data about specific groups, institutions, or organizations and often include a master index. Directories are excellent for locating the appropriate governmental or non-governmental entity to correctly address a client's issue. Available both online and in print, the online versions are updated frequently.

The following directories may be useful.

- **Almanac of the Federal Judiciary**. New York, NY: Wolters Kluwer Law & Business 1984-present. This directory focuses on the federal judiciary reviewing each federal judge’s career and reputation. Each entry describes attorney perspectives about judges as well as information about the judge’s courtroom demeanor. This set is supplemented annually.


- **The Book of the States**. 2016 ed. Lexington, KY: The Council of State Governments. Published annually, this work provides information about the structure, functions, finances, and personnel of each state, including facts, figures, insights, and information on all aspects of state government.

- **Congressional Yellow Book**. New York. NY: Leadership Directories, Inc., 2016. This quarterly publica-

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16 Volumes from 2010 to the present can be found at www.csg.org/bookofthestates.
tion contains names, addresses, and biographies of members of Congress as well as the names of staff members. Photographs of members of Congress are also included.


- **Directory III—Administrative Officials, 2017** (companion volume with *The Book of the States*, listed above). Lexington, KY: Council of State Governments, 2017. This annual directory highlights high-ranking officials in the various state governments and is arranged by department.

- **Encyclopedia of Associations: National Organizations.** 55th ed. Farmington Hills, MI: Gale, 2016. This annual guide to more than 24,000 national organizations is available in a variety of formats. It is an excellent source for URLs and email addresses. It is published annually.

- **Federal-State Court Directory.** New York, NY: Leadership Directories, 2017. This annual directory is useful to find the names and addresses of courts and clerks. Each state’s court structure is diagrammed, and the publication provides the URLs for each court. The directory is also available online to subscribers at www.leadershipdirectories.com/.

- **Federal Yellow Book.** New York, NY: Leadership Directories, Inc., 2017. This quarterly publication is an invaluable aid to understanding the intricate nature of the federal executive branch and indepen
dent agencies. Essentially, it is a “Who’s Who” of the executive branch and independent agencies. The publication includes URLs and email addresses for some federal agencies and officials. The Leadership Library on the Internet, available to subscribers at www.leadershipdirectories.com, delivers contact and biographical information quickly and is updated daily.

- **Law and Legal Information Directory.** 25th ed. Farmington Hills, MI: Gale, 2013. This directory covers national and international organizations, bar associations, bar examination and admission to practice requirements, the federal court system and federal regulatory agencies, highest state courts, law schools, continuing legal education, paralegal education, scholarships, grants, awards and prizes, information services and systems, special libraries and research centers, legal periodicals, book and media publishers, speaker bureaus, lawyer referral services, legal aid and public defender offices, legislative manuals and registers, state government agencies and authorities, and much, much, more.

- **Law Firm Yellow Book: Who’s Who in the Management of the Leading U.S. Law Firms.** New York, NY: Leadership Directories, 2017. This single volume is similar to other titles in the “Leadership Library” by Leadership Directories. Other directories cover areas such as federal government, state government, municipalities, corporate, news media, financial, judiciary, government affairs and the nonprofit sector. The Leadership Library on the Internet delivers contact and biographical information quickly, is updated daily, and is available to subscribers at www.leadershipdirectories.com.
• **Martindale-Hubbell Law Directory.** New Providence, NJ: Martindale-Hubbell. This is the principal reference for names, representative clients, and biographies of attorneys throughout the world. The directory is available online at www.martindale.com.

• **Report of the Secretary of the Commonwealth to the Governor and the General Assembly.** Richmond, VA: Virginia Secretary of the Commonwealth, 1924/25-present. This report contains information on executive, legislative, and judicial departments, independent agencies, and gubernatorial documents. It is published annually. The last edition published in print was the 2004-05 edition; current editions are available at http://commonwealth.virginia.gov/va-government/bluebook-reports/.

• **Virginia State Agency Directory Search.** Richmond: virginia.gov. This resource contains mailing addresses and telephone and fax listings for state agencies and institutions. The Virginia State Agency Directory Search is only available online at www.agencydirectory.virginia.gov/index.cfm.

• **Virginia Trial Lawyers Association Members Directory and Services.** Richmond: Virginia Trial Lawyers Association. This directory provides an alphabetical listing of members available only to members. It also includes a searchable database to help members find a lawyer either by name or location.

• **Virginias Legal Directory** (states of Virginia and West Virginia). Dallas, TX: Legal Directories Pub'l'g Co., Inc., 2017. Issued annually, the publication provides information about state government, county and municipal governments, the courts, and attorneys in both Virginia and West Virginia.
8.7 INTERNET RESOURCES

The challenge when using the Internet is to find websites that are reliable, relevant, accurate, and valuable. The samples of resources listed below are merely examples of the variety of resources found via the Internet.

- American Bar Association: www.americanbar.org/aba.html. The official site of the American Bar Association offers articles on a variety of subjects, hosts topical discussion groups, includes information about the various sections of the ABA, and identifies ABA publications available on special and general legal issues.

- Cornell University Law School Legal Information Institute: www.law.cornell.edu. This website offers access to a wide range of legal primary sources, both federal and state. Its “Wex” portion offers excellent research guides and information about many legal subjects, ranging from adoption to employment to civil rights to workers’ compensation.

- Findlaw: www.findlaw.com. Findlaw, a Thomson Reuters business, offers a legal website for the members of the general public and a special site for the legal profession. To access the site for legal professionals, use http://lp.findlaw.com. A researcher can browse in several different ways by cases, code, or articles; by jurisdiction; or by practice area.

Chapter topics range from search engines such as Google and free investigative research sources to finding military personnel, locating assets, and numerous other topics. See also two other books by the same authors: *The Lawyer’s Guide to Fact Finding on the Internet* (American Bar Association 3d ed. 2006) and *Finding Info Like a Pro* (American Bar Association vol. 1 2011 and vol. 2. 2012).

- The National Center for State Courts, available at www.ncsc.org. The National Center for State Courts, located in Williamsburg, has an extensive list of websites for the courts of Virginia and other states, including trial and municipal courts.

### 8.8 QUICK REFERENCE

This “quick reference section” is designed to guide the researcher to additional useful texts and sources.

- *Specialized Legal Research*. Penny A. Hazelton ed. Seattle, WA: Gallagher Law Library, University of Washington School of Law, 2014. This publication includes chapters about research in complex areas of practice and is authored by experienced law librarians. There are annual supplements provided.


tion on the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies, international organizations in which the United States participates, and boards, commissions, and committees. The manual begins with reprinting of the Declaration of Independence and the federal Constitution. The URLs for the various departments and agencies are also included. The manual is published annually and can be searched online at www.gpo.gov/fdsys or viewed in full text at www.gpo.gov/fdsys/pkg/GOVMAN-2016-12-16/xml/GOVMAN-2016-12-16.xml.
CHAPTER 9
FASTCASE™
Roger V. Skalbeck
University of Richmond Law School Library / Richmond

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CHAPTER 9

FASTCASE™

9.1 HISTORY

In February 2005, the Virginia State Bar (VSB) Council approved plans to offer all Virginia lawyers free access to an online legal research program through a portal on the VSB’s website. Then-Chief Justice Leroy Rountree Hassell, Sr., considered access to an online research tool a high priority for Virginia attorneys and urged the VSB to provide this kind of service.

On June 13, 2005, the Virginia Supreme Court adopted a formal Rule of Court directing the VSB “to contract to provide online computerized legal research services to its members.”

In February 2006, the VSB gave its notice of intent to award a contract to Fastcase, a legal research vendor now based in Washington, D.C. Fastcase provides online legal research services to more than two dozen bar associations and has been the provider of legal research services in Virginia since this original contract award. On January 26, 2016, the VSB published a notice of intent to award Fastcase a new three-year contract with optional one-year renewals. All lawyers admitted to practice in Virginia have access to the Fastcase platform as part of their annual bar dues.

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9.2  THE FASTCASE INTERFACE

9.201  In General. Fastcase is a web-based legal research platform to search primary legal authorities, including cases, statutes, and regulations. This content includes a nationwide collection of state and federal primary legal materials that can be searched from a single interface.

Fastcase is accessible through the Virginia State Bar’s website, www.vsb.org, or at www.fastcase.com. The Fastcase interface offers a system to search multi-jurisdictional databases and provides instructional videos, live online chat, and scheduled webinars to help researchers learn how to use the system. In November 2016, the VSB introduced to all members an updated version of the system, Fastcase 7, which is a new interface to the site’s content to be provided in parallel to the classic version of this platform. Because some content is not yet available on the new platform, VSB members can access these features by using the Fastcase 6 interface.

The underlying content in the earlier version is the same as found in Fastcase 7. At launch, some features of the earlier version had not yet been introduced in Fastcase 7, but Fastcase representatives said that all features would be reintroduced once fully tested. This chapter focuses on the Fastcase 7 platform, noting where there are differences still in development in early 2017.

The top of the Fastcase 7 home page contains a single search box. The rest of the page has an arrangement of graphic tiles with links to: help and support; accessing user-created search alerts; a clickable list of recent searches; the print queue; and a final tile showing recent system news, such as a post to the Fastcase blog.

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Any search run using the main search box returns results from all Fastcase sources matching the search query. This approach incorporates a search feature present in many broad legal research platforms, including the latest versions of Lexis and Westlaw. The approach is to search everything first, encouraging users to filter results as a second step.

On Fastcase, search results typically include results from many sources, including some content outside the scope of the VSB contract, such as law reviews, legal forms, and treatises. All primary legal sources are included and accessible. To narrow results, a researcher applies filters to restrict results by document type, jurisdiction, or court hierarchy. This is done by clicking a box next to the result type, which also lists the number of matched documents from that collection. It is also possible to limit the result set by running a second search, which is restricted to the initial result set.

The Fastcase interface provides a fixed set of links at the top of every screen, with a search box and links to commonly used features. A search run with this element returns results from the most recently used collection. For instance, searching the full text of the latest compiled collection of Virginia statutes will result in a later search in this box with returns matching documents exclusively from this collection.

The Fastcase system also has an advanced search interface, where a researcher can select specific types of content or date ranges before beginning a search. This is helpful for restricting results to materials from one state, content type, or a range of dates.

9.202 Fastcase Case Law Database Content. The extensive collection of federal and state case law contains the full text of all included decisions. However, the system lacks some editorial and indexing features found on services such as Lexis, Westlaw, or Bloomberg Law. For instance, it does not provide editorial enhancements such as annotations or key number classi-
The Fastcase collection includes access to millions of documents from courts in all jurisdictions of the United States. In general, state case law collections date back to 1950, with states such as Virginia having even more comprehensive content. New court decisions are added within 24 to 48 hours of being published. The date coverage for case law databases is as follows:\(^3\)

<table>
<thead>
<tr>
<th>Court</th>
<th>Date Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Supreme Court</td>
<td>1754 (1 U.S. 1)-Current</td>
</tr>
<tr>
<td>Federal courts of appeals</td>
<td>1924 (1 F.2d 1)-Current</td>
</tr>
<tr>
<td>Federal district courts</td>
<td>1912 (1 F. Supp. 1)-Current</td>
</tr>
<tr>
<td>Federal bankruptcy courts</td>
<td>1979 (1 B.R. 1)-Current</td>
</tr>
<tr>
<td>Board of Immigration Appeals</td>
<td>1955-Current</td>
</tr>
<tr>
<td>U.S. Court of Claims</td>
<td>1929-1982</td>
</tr>
<tr>
<td>U.S. Customs Court</td>
<td>1938-1980</td>
</tr>
<tr>
<td>U.S. Tax Court</td>
<td>1924-Current</td>
</tr>
<tr>
<td>U.S. Court of Int'l Trade</td>
<td>1980-2001</td>
</tr>
<tr>
<td>Court of Customs &amp; Patent Appeals</td>
<td>1929-1971</td>
</tr>
<tr>
<td>State cases</td>
<td>1950 (or older)-Current</td>
</tr>
<tr>
<td>Virginia Supreme Court &amp; Court of Appeals</td>
<td>Supreme Court 1887 (82 Va. 702)-Current; Court of Appeals from 1985</td>
</tr>
<tr>
<td>Virginia circuit courts</td>
<td>Very limited</td>
</tr>
</tbody>
</table>

\(^3\) Any changes to the scope of coverage are updated on the Fastcase website at www.fastcase.com/whatisfastcase/coverage/.
The Virginia case law coverage in Fastcase back to 1887 is deeper than coverage in many other states. While Fastcase has expressed plans to add Virginia circuit court opinions, there are only a limited number of them included currently. Practitioners requiring access to these decisions should look to other services.

9.203 Searching Case Law Options. There are three ways to search case law on Fastcase:

1. **Keyword (Boolean) searching** uses AND, OR, NOT, ( ), “”, w/# connectors. A list of connector options appears if the researcher selects “Show Search Tips” on the advanced search page. If no connector is used between two words, the space is presumed to be an “and.” An asterisk (*) wildcard operator is also available to find variations of a word.

2. **Natural language searches** allow searching content using a concept or statement in plain English. This search option was not available in Fastcase 7 in early 2017.

3. **Citation Lookup** retrieves materials by citation, such as reporter or statute. To obtain multiple sources in a single search, separate citations with a comma.

Search results are returned by relevance and can be sorted to list the oldest cases first, the most recent cases first, or the most authoritative cases—the ones most cited by other cases—first. The results screen contains a brief “synopsis” of the case, which is actually the paragraph from each case most relevant to your search.

When viewing a court decision on the system, there are document navigation features to move between search terms as well as cases. Another option allows the researcher to save cases to favorites, which can be organized into folders for later use. This
might include a group of cases or statutes for a current legal matter or subject of interest.

For state decisions with parallel citations, West reporter pages appear together with the related state reporter, when available. The “official” reporter pagination is reflected by brackets within the paragraphs.

One major change with the Fastcase 7 interface is that the results display includes several system features on a single page. Each section can be hidden or expanded by clicking on an arrow in the upper-right corner of that page section. This allows researchers the option to expand or collapse content to change the amount of screen the display takes up. For instance, one can expand a case to view it in full screen or browse just a list of citations.

Fastcase provides a visual representation of a search provided as an “interactive timeline” that graphically illustrates the most relevant cases. With this, Fastcase creates a grid with circles representing each decision—the larger the circle, the more times the case is cited in the entire case law database. Cases that have a smaller yellow dot within a dot represent cases within the current search results.

One unique feature of Fastcase is a service called Forecite. Fastcase describes this feature to include decisions that do not contain one or more of the search terms you entered. However, they are frequently cited by the other decisions in your search results and therefore, may be highly relevant to the topic you are researching. By analyzing citation patterns, this feature attempts to address deficiencies that can arise when court opinions addressing similar topics use dissimilar words. Results may include cases with similar law but different terminology or may include cases frequently cited for procedural standards, such as the standard for summary judgment expressed in *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986).
9.204 **Authority Check.** Although Fastcase has no direct equivalent to Lexis’s *Shepard’s Citations* or Westlaw’s KeyCite, it does offer an automated search called “Authority Check” and incorporates automated analysis with a feature called the “Bad Law Bot.” Authority Check identifies later cases that cite a case by matching citations in written opinions. Authority Check does not include editorial treatment information about the case, such as “followed,” “reversed,” or “distinguished.” Also, it does not indicate the depth of analysis or discussion present in a subsequent case. But it does work well as a starting point to find a decision’s citation history.

The Authority Check feature is accessed by clicking on a flag icon at the top of the case display. If there is negative treatment, the flag is red. Otherwise, the flag is white. An Authority Check report will summarize the citing courts and accompany the display with an interactive timeline of citing references.

Bad Law Bot is a feature introduced in 2013 that relies on automated text analysis of citing decisions to identify negative treatment. It will indicate when a later court decision has overturned or reversed the case in question. Cases with this style of negative treatment are identified with a red flag in any citation list or full-text display.

The Fastcase tutorial states that it does “not hold Authority Check out as a complete replacement for services such as Shepard’s or Keycite.”

9.205 **Statutes.** The Fastcase service includes the United States Code and statutes from all fifty states and the District of Columbia. By default, a search of statutes will cover the most recent compiled version, and most jurisdictions also include at least some prior compiled editions. The following are sample collections of statutes covered in the service.

- Code of Virginia 2008-Current
Several state collections also include compiled session laws as well as selective city or regional codes. For Virginia, only the Virginia Code is available.

Researchers can search statutes in full text or browse them by chapter, title, and section. There is an option to browse a statute collection outline, which is helpful if the researcher needs to read adjacent sections in a title, akin to working with statutes in print. The Fastcase statute collection does not include annotation summaries found in versions produced by commercial publishers. However, for Virginia and some jurisdictions, statute text is accompanied by links to citing cases, provided in an annotation section. These annotations link to the full text of citing cases.

The system-generated annotation feature was not available in early 2017 on the Fastcase 7 platform, but it is expected to be added. Until this is available, VSB members can access these features by using the Fastcase 6 interface.

Additional Databases. Fastcase also offers additional database sources and provides links to services through publisher collaboration. For items in a search result outside of the VSB contract, a small red dollar sign appears next to the cited material. The price to access these materials will vary by source.

These additional collections include newspapers through www.NewsLibrary.com, a collection of legal treatises, federal filings, and legal forms. All these require a subscription or pay-as-you-go access to full text reports.

In December 2013, Fastcase partnered with the publisher HeinOnline to provide links to materials such as law reviews and other cited sources for people who subscribe to both services. HeinOnline has scanned versions of hundreds of law reviews, bar journals, and other sources. The HeinOnline service contains com-
complete collections for almost all of the titles in their collection. Many law firms provide access to HeinOnline, and some law schools have programs for alumni or members of the public to access these materials on site.

**9.207 Additional System Features.** The Fastcase service includes a few additional features that can differentiate the platform from other electronic collections of primary legal materials. These include the ability to set alerts, save documents, print and download documents, and integrate time tracking with the CLIO practice management system.

Alerts allow you to receive, via email, updates when new materials are added to Fastcase that match your search terms. Alert email messages include the case caption, direct case link, and introductory paragraph for up to ten matching sources. Alert summaries also appear on the default Fastcase screen.

Favorites are direct links to sources such as cases or statutes, which can be organized into folders on Fastcase. For instance, this might include frequently referenced statutes or cases consulted for a client matter.

To print or download materials on Fastcase, the researcher adds documents to a print queue and then downloads them once compiled. Options include choosing between a one- or two-column display. Downloads are available in multiple file formats, including Word and PDF.

Fastcase has partnered with the web-based practice management company CLIO, where users can associate search activity with a client matter in the CLIO system. The system can record time spent researching the law to provide a way to integrate time tracking with client matters stored in the CLIO system.
CHAPTER 10
LEGAL ETHICS

Joyce Manna Janto
University of Richmond Law School Library / Richmond

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CHAPTER 10
LEGAL ETHICS

10.1 INTRODUCTION

The American Bar Association (ABA) adopted the Model Rules of Professional Conduct on August 2, 1983. The Model Rules were issued by the MacCrate Commission, a body charged by the ABA to review and revise the Model Code of Professional Responsibility. On January 25, 1999, the Supreme Court of Virginia replaced the Virginia Code of Professional Responsibility with the Virginia Rules of Professional Conduct. The new Virginia rules were adapted from the Model Rules issued by the ABA. They became effective on January 1, 2000. Since they were introduced, forty-nine states have adopted the Model Rules either in whole or with revisions. As of this publication date, California has not adopted the Model Rules. The California State Bar is currently revising their Rules of Professional Conduct, taking into account the final report and recommendations of the ABA’s Ethics 20/20 Commission, with the intent of eliminating conflicts between the rules in California and other states. Thus, an attorney in Virginia who wishes to research a particular rule or an ethical issue has a wide array of sources available.

10.2 VIRGINIA RULES OF PROFESSIONAL CONDUCT

10.201 Finding the Rules in Print. The Virginia Rules of Professional Conduct are found in print in *Code of Virginia 1950, Annotated* published by LexisNexis. The Virginia State Bar is under the jurisdiction of the Virginia Supreme Court, so the rules are found in the Rules of the Supreme Court of Virginia volume (volume 11). The rules comprise part six, section II of the Rules of the Supreme Court of Virginia. This volume also includes the rules dealing with the unauthorized practice of law, part six, section I.
There are three ways to access the rules in *Code of Virginia 1950, Annotated*. The first is to use the title index to part six, section II. This index lays out the contents of the part in detail. The heading of each rule is listed allowing the user to quickly scan and identify the needed provision. The second way is to use the volume's index. This index provides a more controlled, subject-oriented access to the rules. Finally, the general index of *Code of Virginia 1950, Annotated* contains entries to the material found in the rules volume.


A. Free Sources.

1. Virginia State Bar Website. The rules are presented on the Virginia State Bar's (VSB's) website\(^1\) since the VSB no longer provides printed copies to new lawyers. Once a researcher accesses the VSB website, hovering the cursor over the heading “Professional Regulation” will bring up a menu of resources. From this menu select “Professional Guidelines and Rules of Professional Conduct.” The link to the rules is found in the left-hand frame of the webpage.

   There are two ways to access the rules from this page. First, the researcher can choose from a menu that appears when the cursor hovers over the heading “Rules of Professional Conduct.” The menu groups the rules by broad subject area. Second, the researcher can use the subject search box provided on the page. The results page can be confusing. The top part of the page consists of various links to other parts of the VSB website. The researcher must scroll down to find the search results.

2. Fastcase. Fastcase is “free” in that access is a benefit of membership in the VSB. The database does not contain

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\(^1\) www.vsb.org.
the Rules of Professional Conduct per se, but a Fastcase user may select the Rules of the Virginia Supreme Court, which will redirect the researcher to the Supreme Court’s website, which, in turn, links the user to the Virginia State Bar version of the rules.

### B. Subscription Databases.

All of the subscription databases contain the rules and all allow a researcher to search only the Rules of Professional Conduct rather than the entire Rules of the Supreme Court. There are still some distinctions.

1. **Lexis and Westlaw.** On both Lexis Advance and Westlaw, after selecting Virginia law database, there is an option to select the “Rules of the Supreme Court.” The user can then select the “Rules of Professional Conduct.” Search terms are entered in the search box at the top of the page.

2. **Bloomberg Law.** On Bloomberg Law, the user first selects Virginia and then the option for “State Laws and Regulations.” This screen gives the researcher the option to select “Court Rules” and then specify Virginia rather than Federal. Finally, the user can find the option for Rules of Professional Conduct. When the user hovers the cursor over the entry for the rules, a search button appears. When clicked, a new search box pops up allowing the user to search only the rules. If the user enters terms in the search box at the top of the page, the default search is in the entire Rules of the Supreme Court.

3. **Casefinder.** There are two ways to access the rules in Casefinder. The researcher can select the Rules of the Virginia Supreme Court on the home page. This allows a search within the entire rules database. Alternatively, the researcher can click on the “Library” tab. Doing so opens up a search tree, where each selection provides a choice of more specific menu items.

### 10.3 STATUTORY AUTHORITY

The Rules of Professional Conduct are not the only limit on a lawyer’s activity in Virginia. Sections 54.1-3900 through 54.1-
3944 of the Virginia Code must also be consulted. Unlike the rules, these statutory sections focus more on the business of law than the practice of law. Sections deal with the definition of the practice of law, the corporate structure of law offices, the organization of the VSB, and procedures for disciplining and licensing attorneys.

10.4 LEGAL ETHICS OPINIONS AND UNAUTHORIZED PRACTICE OF LAW OPINIONS

The Standing Committee on Legal Ethics of the VSB meets regularly to consider attorneys’ formal requests for advisory opinions seeking guidance on legal ethics and the unauthorized practice of law. Legal Ethics Opinions (LEOs) are issued by this group in conjunction with the office of the VSB Bar Counsel. These opinions, while they have no precedential value, do give guidance as to how a disciplinary committee might interpret a rule.

Members can request a LEO from the VSB. There is a link on both the “Professional Regulation” page and the “Members Resources” page that allows members to request a LEO via email. A researcher could also call the “Legal Ethics Hotline” maintained by the VSB. The caller will be prompted to leave a detailed message, and the call will be returned the same business day, if possible. Both the online and in-person service is confidential; ethics counsel for the VSB cannot disclose the contents of any discussion about the email or phone call without the express consent of the person posing the question.

The VSB disbanded the Unauthorized Practice of Law (UPL) Committee after the United States Supreme Court decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission.\(^2\) The Federal Trade Commission claimed the North Carolina Board of Dental Examiners was engaged in unreasonably restraining trade when it sent cease and desist letters to

salons that were offering teeth whitening services claiming this practice consisted of the unauthorized practice of dentistry. While the Committee has been disbanded, the VSB will, if needed, issue a UPL opinion. The opinion will be issued by the Ethics Committee.

10.401 Finding LEOs and UPL Opinions in Print. While not actually part of the *Code of Virginia 1950, Annotated*, the LEOs and the UPL opinions issued by the VSB are provided as unnumbered volumes. Access to these opinions is through the subject index, which is located at the back of each volume.

10.402 Finding LEOs and UPL Opinions Online: Free and Subscription Databases.

A. Free Databases.

1. VSB and Virginia CLE. LEOs are available from the VSB website³ and also from the Virginia CLE website⁴ in similar formats. A researcher can pull up LEOs by number or search by subject. When the subject search is selected, the researcher can also run an advanced Google search, which permits Boolean searching, and the ability to limit the search by date.

   UPL opinions are also available on the VSB website. From the “Professional Regulation” home page, the researcher clicks on “Unauthorized Practice of Law.” The page retrieved allows a researcher to request a UPL opinion or to click to find existing UPL opinions.⁵ The search page is maintained by the VSB, and it allows users to search by UPL number or to browse a topical index.

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³ www.vsb.org/site/regulation/leos.
⁵ www.vsb.org/site/regulation/unauthorized-practice.
2. **McGuireWoods Website.** Another link available on both the Virginia CLE and VSB websites to the LEOs directs the researcher to a page maintained by the law firm of McGuireWoods. This site contains LEO summaries prepared by attorney Tom Spahn. Mr. Spahn, a partner at McGuireWoods, is a nationally recognized expert in the field of legal ethics. The database contains his summaries of not only the Virginia LEOs recognized by the VSB after its reorganization of the LEOs in 1983 but also the formal opinions issued by the ABA Standing Committee on Professional Responsibility. Opinions are searchable in a variety of ways. There is a topical table of contents that links to LEOs on an assortment of subjects. There is also a link that will retrieve a list of all of the LEO summaries written in the past year. The database also supports keyword searching. When searching by keyword, users have the option of filtering the search by date or limiting the search to ABA or Virginia LEOs.

B. **Subscription Services.** The following subscription services contain LEOs and UPL opinions.

1. **Lexis.** Lexis contains LEOs and UPL opinions issued by the VSB. After selecting the Virginia database, the researcher should then click on the option for all Virginia administrative materials. The LEOs are listed as the Virginia Opinions of the Standing Committee on Legal Ethics. Coverage begins in 1963 for the LEOs and 1980 for the UPL opinions.

2. **Westlaw.** Westlaw also contains the LEOs issued by the VSB. They are not, however, accessed through the Virginia page. From the Westlaw home page, the researcher should select “Administrative Decisions and Guidance” and then “Virginia Administrative Decisions and Guidance.” The LEOs are listed under the heading “State Bar Legal Ethics Opinions.” Coverage begins in 1963.

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6 http://leo.mcguirewoods.com/.
3. **Casefinder.** Casefinder contains LEOs and UPL opinions issued by the VSB. As with the rules, the LEOs and UPL opinions can be found in two ways: (i) by selecting the database, “Legal Ethics and Unauthorized Practice Opinions” from the home page; or (ii) by clicking on the “Library” tab and selecting either the LEO or the UPL opinion. There is a separate tab for recent opinions. Coverage begins in 1980 for the LEOs and in 1983 for the UPL opinions.

4. **LexisNexis CD-ROM Virginia Primary Law.** The Virginia Primary Law CD-ROM produced by LexisNexis contains all of the LEOs as well as the UPL opinions. The opinions can be searched using Boolean search terminology, or they can be searched by number.

### 10.5 DISCIPLINARY ACTIONS

Pursuant to part 6, section IV, paragraph 13 of the Rules of the Supreme Court of Virginia, the VSB has the authority to discipline, suspend, or disbar lawyers. Disciplinary action begins when an attorney is accused of misconduct. Misconduct is defined as violation of the rules, conviction of a crime, or commission of a deliberately wrongful act that reflects adversely on an attorney’s honesty, trustworthiness, or fitness as an attorney. Sanctions can range from an admonition or reprimand to a public reprimand to suspension to revocation of the lawyer’s license. Disciplinary hearings are public as are the findings of the Disciplinary Board.

#### 10.501 Finding Disciplinary Actions in Print.** Disciplinary actions can be found in print in two locations: (i) *Virginia Lawyer* and *Virginia Lawyer Register* and (ii) *Virginia Lawyers Weekly.*
A. Virginia Lawyer and Virginia Lawyer Register. Published bi-monthly by the VSB, the Register contains notices of disciplinary actions taken by the VSB.

B. Virginia Lawyers Weekly. Published by Virginia Lawyers Media, Virginia Lawyers Weekly contains a column that summarizes recent disciplinary actions.

10.502 Finding Disciplinary Actions Online. Just as results of disciplinary actions are published in two places in print, they can also be found in two places online: (i) the VSB website and (ii) Westlaw.

A. VSB Website. On the “Professional Regulation” page, there is a link to disciplinary actions in the left-hand frame. Disciplinary actions from 1999 to the present are available. They are presented in six-month increments, from January to June and July to December.

B. Westlaw. From the Westlaw home page the researcher should select “Administrative Decisions and Guidance” and then “Virginia Administrative Decisions and Guidance.” The decisions are listed as “Legal Disciplinary Opinions.” Coverage begins in 1988. Legal disciplinary opinions are presented in reverse chronological order and are also searchable by keyword.

10.6 FINDING CASES

A lawyer who has been sanctioned by the Disciplinary Board has the right to appeal that decision to the Supreme Court of Virginia. Opinions resulting from those appeals are available in the same sources as any other Supreme Court opinion.

7 www.vsb.org/site/publications/valawyer.
8 http://valawyersweekly.com/.

10.602 West’s Virginia and West Virginia Digest. West’s Virginia and West Virginia Digest, published by Thomson Reuters, is a powerful and often overlooked resource for finding cases. It provides information about decisions issued by any court (federal or state) sitting within the geographic confines of Virginia and West Virginia.

A quick perusal of the title index for “Attorney and Client” identifies key numbers for a variety of ethical issues. Matters dealing with admission to the bar and the unauthorized practice of law are covered in key numbers 1 through 12. All aspects of the disciplinary process are covered in key numbers 34 through 61.

It is also possible to search by topic and key number on Westlaw. Each topic in the topic and key number system has been assigned a number. “Attorney and Client” is number 45. To find cases dealing with disbarment, the search would be 45K59.14. The K alerts the system that this is not a citation search. Westlaw will search headnotes looking for the corresponding topic and key number.

10.7 SECONDARY SOURCES

As with any other area of law, there are secondary sources providing expert commentary and references to cases, rules, regulations, and statutes. In short, one source can provide the researcher with many different types of resources. The sources listed here are either recently published or updated yearly.

10.701 Treatises and Loose-leaf Services.

Art Garwin ed. Chicago: Center for Professional Responsibility, American Bar Association, 2013. The *Legislative History* traces the Model Rules of Professional Conduct from the appointment of the ABA Commission on Evaluation of Professional Standards (“Kutak Commission”) in 1977 through 2013. It includes the first presentation of the Model Rules format to the American Bar Association House of Delegates (“House”) at the January 1982 ABA Midyear Meeting by the Kutak Commission, the adoption of the Model Rules at the August 1983 ABA Annual Meeting, and the many amendments to the Model Rules that have been adopted or proposed through 2013. The material in the *Legislative History* is drawn from many sources, including Reports with Recommendations presented to the House, transcripts of House debates, and agenda books of meetings of the House Committees on Drafting and on Rules and Calendar. The *Legislative History* is intended to lead researchers to a better understanding of the Model Rules as they existed on December 31, 2013 and to aid all those who interpret or apply the Model Rules: courts, disciplinary agencies, regulatory bodies, and, not least, practicing lawyers.

- *ABA/BNA Lawyer’s Manual of Professional Conduct.* Washington, D.C.: Bloomberg BNA, 1984-Current. This loose-leaf service can be a rich source of information for a researcher who is seeking a broader interpretation of a particular rule. It is easy to use as it is arranged in rule number order. Under each rule the researcher will find ethics opinions from the ABA and a variety of state and local bar associations. In addition to the ethics opinions, the set contains a current awareness newsletter, which summarizes recent opinions issued by courts or bar associations, and articles on ethical issues facing
attorneys written by members of the practicing bar. An index provides subject access to both the opinions and the newsletters. (Available on Bloomberg Law and Lexis.)


- Restatement (Third) of the Law of the Law Governing Lawyers. Eagan, MN.: Thomson Reuters, 2000, updated annually. This American Law Institute publication was first issued in 2000. According to the introduction, it covers much but not all of the law governing lawyers. At present, the Restatement addresses primarily the lawyer-client relationship, confidentiality, and conflicts of interest. Like all Restatements, it includes comments on the principles stated, illustrations of the principles in action, and a table of cases that construe the principles addressed. (Available on Lexis and Westlaw.)


10.702 Journals. Virginia Lawyer and Virginia Lawyer Register, published bi-monthly by the Virginia State Bar. Every issue contains the column, “Ethics Counsel’s Message.” This column deals with issues surrounding the rules.
Virginia Lawyer Register, published bi-monthly by the Virginia State Bar. The Register contains more than summaries of disciplinary proceedings. It also reports on proposed rule changes or LEOs, Supreme Court actions of ethical issues, and announcements of vacancies on bar committees and district committees.

10.703 American Law Reports. American Law Reports’ (ALR’s) coverage of ethical rules and issues is extensive. The annotations are not jurisdictionally specific but collect cases, law, rules, and ethics opinions from all over the country. (Available on Lexis and Westlaw).

10.704 Citators. Since the Rules of Professional Conduct are part of the Rules of the Supreme Court, the researcher can use citators to find cases and other secondary sources that cite to the rules.

A. Shepard’s Virginia Citations. Shepard’s Citations can be found in both print and online through Lexis. In the print version of Shepard’s the citations are found in the Statutes/Court Rules volume. To shepardize a rule online, the researcher enters: shep: Va. Sup. Ct. R. x.x in the search box. The default screen provides citations to the rule. The researcher will find citations to secondary sources by clicking on the link to “other citing sources.”

B. KeyCite. There is no way to directly KeyCite a rule. The researcher must first pull up the rule by either searching or by browsing through the Rules of the Supreme Court on Westlaw. Once the rule is located, the researcher should click on the tab for “Citing References.” The default screen lists the citing references displayed by date, most recent first. The researcher can filter by cases, secondary sources, trial court orders, and so forth.

C. BCite. There is no way to directly BCite a rule. The researcher must first locate the rule by searching in the Virginia Court Rules database on Bloomberg Law. Once the rule is located the by clicking on the link for “Smart Code,” the re-
searcher will find cases that cite the rule. BCite does not provide citations to secondary sources.

10.8 WEB-BASED RESOURCES

10.801 American Bar Association. A mixture of free and paid resources are accessible at the webpage for the ABA Center for Professional Responsibility. On the home page of the Center, any visitor can view or download the latest LEOs issued by the ABA. There is also a news section on this page that highlights recent articles on ethical issues. Under the resources tab, the Model Rules of Professional Conduct along with the comments are available.

Non-members of the ABA can see a list of all of the formal LEOs issued by the ABA, and individual opinions may be purchased for $20. Members are able to search the entire ethics database and download opinions for free. If a member does not want to search the database, he or she can take advantage of the Center’s EthicSearch Research System. The Center’s lawyers will research ABA, state, and local bar association opinions to help a lawyer understand or resolve ethical issues.

10.802 Google. Searching “ethics opinions” in Google brings up some very good results, including the ethics opinions of many state and local bar associations. Performing a Boolean search and limiting the results by domain will improve the search results immensely.

A search in Google for “internet advertising ethics opinions” garners millions of hits. The search “internet ~advertising “ethics opinions” site:org” yields slightly more than seven thousand hits. The tilde before the word advertising pulls websites using synonyms for advertising, such as solicitation. By placing ethics opinions in quotes, Google will look for those terms as a

9 [www.americanbar.org/groups/professional_responsibility.html](http://www.americanbar.org/groups/professional_responsibility.html).
phrase. Finally, since most bar associations, as well as the ABA, have a .org domain, the results retrieved will be from reliable sites. It greatly benefits the researcher to use the advanced search feature of Google.

10.803 **Google Scholar.** Google Scholar should not be overlooked. Running the above search using the “Legal Document” option in Google Scholar narrows the number of results to the hundreds. The results include court cases and articles from scholarly journals. Results can be further sorted by relevance or limited by date. The researcher can select one of the dates provided or create a custom date range.
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11.1 STATUTORY MATERIALS

11.101 Statutes by Subject.

A. General Laws.


2. Fastcase and Casefinder.

3. Lexis, Westlaw, and Bloomberg Law.

4. Virginia Legislative Information System.²

5. Interim indexes and *Final Cumulative Index of Bills, Joint Resolutions, Resolutions, and Documents* for each legislative session (for recently enacted laws not yet published in the Virginia Code).

B. Special and Local Laws.


2. Interim indexes and *Final Cumulative Index of Bills, Joint Resolutions, Resolutions, and Documents* for each legislative session (for recently

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¹ Copyright 1982, 1986 by the Florida Bar. Tailored to Virginia practice with permission of the Florida Bar.

enacted laws not yet published in a volume of the *Acts of the General Assembly*).

### 11.102 Statutes by Popular Name.

1. *Shepard’s Virginia Citations* (statute volume), “Table of Virginia Acts by Popular Names or Short Titles.”

2. *Shepard’s Acts and Cases by Popular Names*.

3. Virginia Legislative Information System.\(^3\)

### 11.103 Predecessors of Current Statutes.


3. Virginia Code Commission. Tables comparing the old statutes to the new.\(^4\)


### 11.104 Acts of the General Assembly by Subject.


2. *Final Cumulative Index of Bills, Joint Resolutions, Resolutions, and Documents* for most recent legislative session.

\(^3\) *Id.*

3. Virginia Legislative Information System.\textsuperscript{5}

4. Lexis, Westlaw, Bloomberg Law, and HeinOnline.

5. Fastcase and Casefinder.

\textbf{11.105 Acts of the General Assembly by Bill Number.}


2. *Final Cumulative Index of Bills, Joint Resolutions, Resolutions, and Documents* for each session.

3. *Journal of the Senate* or *Journal of the House of Delegates*, annual bound volume for each session.


5. Virginia Legislative Information System.\textsuperscript{6}


\textbf{11.106 Acts of the General Assembly Amending or Repealing a Particular Section of the Virginia Code.}


\textsuperscript{5} http://lis.virginia.gov.

\textsuperscript{6} \textit{Id.}
11.107 Code Section That Codifies a Particular Act.


11.108 Pending Legislation by Subject, by Bill Number, by Patron, by Legislative Committee, or by Section of the Virginia Code Potentially Affected.

1. Virginia Legislative Information System.\(^7\)

2. *Interim editions of Index of Bills, Joint Resolutions, Resolutions, and Documents* for current legislative session.

3. Lexis and Westlaw. (Lexis.com covers pending legislation for the current session only.)

11.2 CASES

11.201 Cases by Subject.

1. West’s digests (Virginia and West Virginia, South Eastern, Decennial, and General).

2. LexisNexis’s case finder series (for Torts, Domestic Relations, Criminal Law, Insurance, and Workers’ Compensation).

3. *Michie’s Jurisprudence of Virginia and West Virginia*.

4. Lexis, Westlaw, and Bloomberg Law.

5. Fastcase and Casefinder.

\(^7\) *Id.*
6. *Virginia Lawyers Weekly* for recent cases. Also consult *Virginia Lawyers Weekly*’s semiannual topical index and compilations of opinion summaries, by subject, available in print and on disc.

**11.202 Cases Citing Statutes or Constitutional Provisions.**

1. *Shepard’s Virginia Citations* (statute volume).

2. *Code of Virginia 1950, Annotated*, annotations following the text of each statute or provision of the Virginia Constitution (selected cases only).

3. Tables of statutes and constitutional provisions construed, in each volume of the *Virginia Reports, Virginia Court of Appeals Reports, Virginia Circuit Court Opinions*, and *South Eastern Reporter*.

4. Lexis, Westlaw, and Bloomberg Law.

5. Fastcase and Casefinder.

**11.203 Cases Citing Local Ordinances.**

1. Lexis, Westlaw, and Bloomberg Law.

2. Fastcase and Casefinder.

**11.204 Cases Citing a Known Case.**

1. *Shepard’s Virginia Citations* (case volume).


3. Lexis, Westlaw, and Bloomberg Law.
4. Fastcase and Casefinder.

11.205 Cases by Name of Plaintiff or Defendant.

1. *Michie’s Jurisprudence of Virginia and West Virginia*, table of cases.

2. *Shepard’s Virginia Case Names Citator*.

3. Lexis, Westlaw, and Bloomberg Law.

4. Fastcase and Casefinder.

5. West’s digests, tables of cases.

11.206 Cases by Popular Name.

1. *Shepard’s Acts and Cases by Popular Names*.

2. Lexis, Westlaw, and Bloomberg Law.

3. Fastcase and Casefinder.

11.207 *South Eastern Reporter* Citations for Known Citations in *Virginia Reports* and *Virginia Court of Appeals Reports*.

1. *Shepard’s Virginia Citations* (case volume).

2. *Shepard’s Virginia Case Names Citator*.


4. Lexis and Westlaw (case law databases and *Shepard’s* and KeyCite services); Bloomberg Law.

5. Fastcase and Casefinder.
6. *Virginia Blue and White Book* (Thomson Reuters)—blue section. Note: this table is also reproduced in the front of the Virginia edition of the *South Eastern Reporter*.

7. West’s digests, tables of cases.

### 11.208 Virginia Reports and Virginia Court of Appeals Reports Citations for Known Citation in South Eastern Reporter.

1. *Shepard’s Virginia Citations* (case volume).
2. *Shepard’s Virginia Case Names Citator*.
3. *Shepard’s South Eastern Reporter Citations*.
5. Lexis, Westlaw, and Bloomberg Law.
6. Fastcase and Casefinder.
7. *Virginia Blue and White Book* (Thomson Reuters)—white section.\(^8\)
8. West’s digests, tables of cases.

### 11.3 ADMINISTRATIVE MATERIALS

#### 11.301 Rules and Regulations Promulgated by Administrative Agencies.

1. *Virginia Administrative Code*.

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\(^8\) See supra ¶ 11.207(6).
2. The *Virginia Register of Regulations* (October 1984-present) (for new and proposed rules and regulations).

3. Virginia Legislative Information System (online access to the *Virginia Administrative Code* and the *Virginia Register of Regulations*).9

11.302 Decisions of Administrative Agencies and Executive Departments.

A. Workers’ Compensation Commission Decisions.


2. *The Virginia Workers’ Compensation Act Annotated.* (LexisNexis, published annually) (annotations include selected Commission opinions).


4. *Virginia Lawyers Weekly* for recent decisions. Also consult the *Virginia Lawyers Weekly* semiannual topical index and compilation of decision summaries.

5. Workers’ Compensation Commission website.10

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10 [www.vwc.state.va.us](http://www.vwc.state.va.us).
B. State Corporation Commission Decisions and Orders.


2. Case calendar.\(^{11}\)


4. State Corporation Commission website.\(^{12}\)


2. *Unemployment Insurance Reporter—All States.*

D. Virginia Department of Taxation Regulations, Orders, and Rulings.

1. Virginia tax bulletins, printed in the Virginia Register.

2. *CCH Virginia Tax Reporter.*

3. Department of Taxation website.\(^{13}\)

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\(^{11}\) www.scc.virginia.gov/docketsearch#calendar.

\(^{12}\) www.scc.virginia.gov.

\(^{13}\) www.tax.virginia.gov.
11.4 OPINIONS OF THE ATTORNEY GENERAL

11.401 Opinions by Subject.


11.402 Opinions Citing a Known Statute or Constitutional Provision.


11.403 Opinions Citing a Known Judicial Decision.

1. Lexis, Westlaw, and CD-ROM products.
11.5 RULES OF THE SUPREME COURT OF VIRGINIA\(^{14}\)

11.501 Rules by Subject.

1. Index to rules volume (vol. 11) of the *Code of Virginia 1950, Annotated*.

2. Index to *Virginia Rules Annotated*.

3. *Michie’s Jurisprudence of Virginia and West Virginia* (rules are footnoted under discussion of subject).

11.502 Cases Citing Particular Rules.


2. *Code of Virginia 1950, Annotated* (rules volume) (vol. 11), annotations (selected cases only).

3. *Virginia Rules Annotated* (selected cases only).


11.503 Superseded Rules.


\(^{14}\) www.courts.state.va.us/courts/scv/rulesofcourt.pdf.
11.504 Legal Ethics Opinions and Unauthorized Practice of Law Opinions Citing Rules of the Supreme Court.

A. By Rule Number.
1. Citator in *Virginia Code Annotated* volumes of ethics, unauthorized practice, and advertising opinions.
2. Lexis and Westlaw.
3. Casefinder.

B. By Subject.
1. Indexes in *Virginia Code Annotated* volumes of ethics, unauthorized practice, and advertising opinions.
2. Lexis and Westlaw.
3. Casefinder.

C. Electronically.
1. Virginia CLE’s website lists all Legal Ethics Opinions by number and also allows for a subject search.\(^\text{15}\)
2. The Virginia State Bar’s lists all Legal Ethics Opinions by number.\(^\text{16}\)


\(^{16}\) [www.vsb.org/site/regulation/leos](http://www.vsb.org/site/regulation/leos). This site also allows for a subject search.
3. McGuireWoods maintains a website that lists Legal Ethics Opinions by number and also allows a subject search.\textsuperscript{17}

\textsuperscript{17} http://leo.mcguirewoods.com/.
## APPENDIX A

**LEGISLATIVE SESSIONS 1950-2017**

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<th>Business of Extra Session</th>
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<td></td>
</tr>
<tr>
<td>1952 (127th)</td>
<td>1/9/52-3/29/52</td>
<td></td>
</tr>
<tr>
<td>1954-55 (128th)</td>
<td>1/31/54-3/31/54</td>
<td></td>
</tr>
<tr>
<td>Special Session</td>
<td>11/30/55-12/3/55</td>
<td><em>Brown v. Board of Education</em></td>
</tr>
<tr>
<td>1956 (129th)</td>
<td>1/11/56-3/30/56</td>
<td></td>
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<tr>
<td>Special Session</td>
<td>8/27/56-9/29/56</td>
<td>School desegregation</td>
</tr>
<tr>
<td>1958-59 (130th)</td>
<td>1/8/58-3/28/58</td>
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<td>1966 (134th)</td>
<td>1/12/66-3/28/66</td>
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<td>1968-69 (135th)</td>
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1 Compiled by David Knight of the Virginia State Law Library.
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<td>1976 (142nd)</td>
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<td>2017 (183rd)</td>
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APPENDIX B

DIRECTORY OF LAW LIBRARIES

Alexandria Law Library
520 King Street, Suite LL34
Alexandria, VA 22314
Hours: M-F, 9:00 a.m. to 2:00 p.m.
Open to the public.
Phone: (703) 746-4077
Fax: (703) 838-5055
Librarian: Theresa Reiss
Internet: alexlibraryva.org

Appalachian School of Law Library
1221 Edgewater Drive
Grundy, VA 24614
Hours: Vary during the academic year. See website for current
hours.
Open to the public.
Phone: (276) 935-6688
Fax: (276) 935-7138
Email: reference@asl.edu
Internet: www.asl.edu/library

Arlington Law Library (Walter T. McCarthy Law Library)
1425 North Courthouse Road, Suite 1700
Arlington, VA 22201
Hours: M-F, 8:30 a.m. to 4:00 p.m.
Open to the public.
Phone: (703) 228-7005
Fax: (703) 228-7360
Librarian: Patricia Petroccione
Internet: https://courts.arlingtonva.us/walter-t-mccarthy-law-library/

Bristol Law Library
Courthouse
497 Cumberland Street
Bristol, VA 24201
Hours: M-F, 8:30 a.m. to 5:00 p.m.
Open to the public.
Phone: (276) 645-7351

1 Links to all Virginia public law libraries are accessible through the Virginia Judicial System website at www.courts.state.va.us/courtdoc/library/virginia_public_lib.html.
Central Rappahannock Regional Library
The Law Library
1201 Caroline Street
Fredericksburg, VA 22401
Hours: M-Th, 9:00 a.m. to 9:00 p.m.
F-Sat, 9:00 a.m. to 5:30 p.m.
Sun, 1:00 to 5:30 p.m.
Open to the public.
Phone: (540) 372-1144
Fax: (540) 373-9411
Librarian: Martha Hutzel
Internet: www.librarypoint.org/law

Chesapeake Public Library
Central Library, 2d Floor
298 Cedar Road
Chesapeake, VA 23320
Hours: M-Th, 10:00 a.m. to 8:00 p.m.
F, 10:00 a.m. to 6:00 p.m.
Sat, 10:00 a.m. to 5:00 p.m.
Sun, 1:00 p.m. to 5:00 p.m.
Open to the public.
Phone: (757) 410-7100
Fax: (757) 410-7112
Internet: www.infopeake.org/law-library

Chesterfield County Public Law Library
Chester Library-Chesterfield County Public Library
11800 Centre Street
Chester, VA 23831
Hours: M-Th, 10:00 a.m. to 9:00 p.m.
F-Sat, 10:00 a.m. to 5:00 p.m.
Open to the public.
Phone: (804) 318-8977
Internet: library.chesterfield.gov/topics/law

Danville Public Law Library
511 Patton Street
Danville, VA 24543-3300
Hours: M-F, 10:00 a.m. to 1:00 p.m.
Open to the public.
Phone: (434) 799-5118
Librarian: Rebecca Webb
Internet: www.readdanvilleva.org/136/law-library
Fairfax Public Law Library
Fairfax County Courthouse
4110 Chain Bridge Road, Suite 115
Fairfax, VA 22030
Hours: M & Th, 8:00 a.m. to 7:00 p.m.
T, W, F, 8:00 a.m. to 4:30 p.m.
Open to the public. Fairfax County Bar Association members
have after-hours access.
Phone: (703) 246-2170
Fax: (703) 591-0310
Librarian: Tom Pulver
Email: liblawlibrary@fairfaxcounty.gov
Internet: www.fairfaxcounty.gov/courts/lawlib/

Fauquier County Public Library (Legal Research Section)
11 Winchester Street
Warrenton, VA 20186
Hours: M-W, 10:00 a.m. to 9:00 p.m.
Th-Sat, 9:00 a.m. to 5:00 p.m.
Sun, 1:00 p.m. to 5:00 p.m.
Phone: (540) 422-8500, option 2
Fax: (540) 349-3278
Internet: www.fauquierlibrary.org/research/legal-resources

George Mason University Antonin Scalia Law School Library
3301 Fairfax Drive
Arlington, VA 22201
Hours: Vary during the academic year. See website for current
hours.
Phone: (703) 993-8120
Fax: (703) 993-8113
Internet: www.law.gmu.edu/library/

Hampton Public Library/Main Library
4207 Victoria Boulevard
Hampton, VA 23669
Hours: M-Th, 9:00 p.m. to 9:00 p.m.
F-Sat, 9 a.m. to 5 p.m.
Sun, 1:00 p.m. to 5:00 p.m.
Open to the public.
Phone: (757) 727-1154
Librarian: Valerie Gardner
Internet: www.hampton.gov/100/Libraries
Henrico Municipal Government & Law Library
4301 East Parham Road, Second Floor
Richmond, VA 23273
Hours: M-F, 8:00 a.m. to 4:30 p.m.
        Open to the public.
Phone: (804) 501-4780
Fax: (804) 672-1948
Librarian: Ben Almoite
Internet: www.henricolibrary.org/locations/municipal

Liberty University School of Law
Ehrhorn Law Library
1971 University Boulevard
Lynchburg, VA 24502-2269
Hours: Vary during the academic year. See website for current hours.
Phone: (434) 592-5350
Fax: (434) 582-7020
Internet: www.liberty.edu/law/law-library/

Library of Virginia
800 East Broad Street
Richmond, VA 23219-8000
Hours: M-F, 9:00 a.m. to 5:00 p.m.
        Open to the public.
Phone: (804) 692-3500
Internet: www.lva.lib.va.us

Legislative Research Library (see Virginia Division of Legislative Services)

Loudoun County Public Law Library
Street Address:
18 E. Market Street
Leesburg, VA 20176
Mailing Address:
Loudoun County Public Library
Attn: Law Library
102 North Street, NW, Suite A
Leesburg, VA 20176
Hours: M-F, 8:00 a.m. to 4:00 p.m.
        Open to the public with a librarian on duty. Attorneys may check current policy for access at other times during business hours.
Phone: (703) 777-0695
Librarian: Alice Zent
Internet: https://library.loudoun.gov/Locations-Hours/Law-Library
Lynchburg Public Law Library
900 Church Street
Lynchburg, VA 24504
Hours: M-F, 9:30 a.m. to 5:30 p.m.
Open to the public. Available after hours to members of the
Lynchburg Bar Association.
Phone: (434) 455-3820
Librarian: Marilyn Martin
Internet: www.lynchburgpubliclibrary.org/

Massanutten Regional Library (Laird L. Conrad Memorial Law
Library)
174 South Main Street
Harrisonburg, VA 22801
Hours: M-Th, 9:30 a.m. to 8:30 p.m.
F-Sat, Noon to 4:00 p.m.
Public library with a law collection, not a law library.
Phone: (540) 434-4475
Fax: (888) 334-5211
Librarian: Lois Jones
Internet: www.mrlib.org

National Center for State Courts Library
300 Newport Avenue
Williamsburg, VA 23185-4147
Hours: M-F, 8:30 a.m. to 5:00 p.m.
Open to the public by permission.
Phone: (800) 616-6164
Fax: (757) 220-0449
Librarian: Dana Deseck-Piazzon
Email: library@ncsc.org
Internet: www.ncsc.org

Newport News Public Law Library
2501 Washington Avenue
Newport News, VA 23607
Hours: M-F, 8:00 a.m. to 12:00 p.m.; 1:00 to 5:00 p.m.
Open to the public.
Phone: (757) 926-8678
Fax: (757) 926-1365
Librarian: Lorene Studwell
Email: nnlibrary@nnva.gov
Internet: http://nnpls.libguides.com/home
Norfolk Law Library
999 Waterside Drive #1300
Norfolk, VA 23510
Hours: M-F, 9:00 a.m. to 5:00 p.m.
Open to the public. Twenty-four hour key access available to current members of the Norfolk & Portsmouth Bar Association.
Phone: (757) 622-2910
Fax: (757) 622-4406
Librarian: Donna Bausch
Internet: www.norfolklawlibrary.org

Portsmouth Public Law Library
601 Court Street
Portsmouth, VA 23704
Hours: M-Th, 10:00 a.m. to 6:00 p.m.
F-Sat, 10:00 a.m. to 5:00 p.m.
Phone: (757) 393-8501
Fax: (757) 393-5107
Librarian: Gregg Grunow

Prince William County Circuit Court Law Library
9311 Lee Avenue
Rm. 039
Manassas, VA 20110-5555
Hours: M-Th, 8:00 a.m. to 4:30 p.m.; F, 8:00 a.m. to 1:00 p.m.
Open to the public.
Phone: (703) 792-6262
Fax: (703) 792-6298
Librarian: Lauren Reed
Email: LawLibrary@pwcgov.org
Internet: www.pwcgov.org/government/courts/pages/lawlibrary.aspx

Regent University School of Law Library
1000 Regent University Drive
Virginia Beach, VA 23456
Hours: Vary during the academic year. See website for current hours.
Open to the public.
Phone: (757) 579-4450
Fax: (757) 579-4451
Librarian: Margaret L. Christianson
Email: lawref@regent.edu
Internet: www.regent.edu/law/about/regent-law-library
Richmond Public Law Library
(Collection within Richmond Public Library—Main Branch)
101 East Franklin Street
Richmond, VA 23219
Hours: M-W, 10:00 a.m. to 7:00 p.m.
Th-F, 10:00 a.m. to 6:00 p.m.
Sat, 10:00 a.m. to 5:00 p.m.
Open to the public.
Phone: (804) 646-6500
Librarian: Melden Jenkins-Jones
Email: lawlibrary@richmondgov.com
Internet: www.rvalibrary.org/law-library

Roanoke County Law Library
Courthouse Building
305 East Main Street
Salem, VA 24153
Hours: M-F, 8:30 a.m. to 1:00 p.m.
Open to the public. Bar members have unrestricted access by arrangement.
Phone: (540) 387-6344
Librarian: Singleton Osterhoudt
Internet: www.roanokecountyva.gov/index.aspx?nid=78

Roanoke Law Library
315 Church Avenue
Roanoke, VA 24016-5034
Hours: M, 8:00 a.m. to 4:30 p.m.
T-F, 8:00 a.m. to noon
Open to the public.
Phone: (540) 853-2268
Fax: (540) 853-5474
Email: law.library@roanokeva.gov
Librarian: Joey Klein
Internet: www.roanokeva.gov/1136/Law-Library

State Law Library (see Virginia State Law Library)

Suffolk Law Library
Godwin Courts Building
150 North Main Street
Suffolk, VA 23434
Hours: M-F, 9:00 a.m. to 3:00 p.m.
Open to the public.
Phone: (757) 514-7795
Fax: (757) 514-7798
Librarian:  Heather Harrell
Internet:  www.suffolkva.us/law-library

United States Court of Appeals for the Fourth Circuit Library
U.S. Courthouse Building
1000 East Main Street, 1st Floor
Richmond, VA 23219
Hours:  M-F, 8:30 a.m. to 5:00 p.m.
Open to members of the bar and those with cases before the court.
Phone:  (804) 916-2325
Librarian:  Suzanne B. Corriell

United States Courts Library — Alexandria
U.S. Courthouse, First Floor
401 Courthouse Square
Alexandria, VA 22314-5718
Hours:  M-F, 8:30 a.m. to 5:00 p.m.
Open to members of the bar and those with cases before the court.
Phone:  (703) 299-3300
Fax:  (703) 299-3302
Librarian:  Stacy Hyatt

United States Courts Library—Norfolk
U.S. Courthouse, Room 319
600 Granby Street
Norfolk, VA 23510
Hours:  M-F, 8:30 a.m. to 5:00 p.m.
Open to the public for reference.
Phone:  (757) 222-7044
Fax:  (757) 222-7047
Librarian:  Karen Johnson

University of Richmond School of Law
William Taylor Muse Law Library
28 Westhampton Way
Richmond, VA 23173
Hours:  Vary during the academic year. See website for current hours.
Open to the public.
Phone:  (804) 289-8637
Fax:  (804) 289-8683
Internet:  www.law.richmond.edu/library
University of Virginia School of Law
Arthur J. Morris Law Library
580 Massie Road
Charlottesville, VA 22903-1789
Hours: Vary during the academic year. See website for current hours.
Open to the public.
Phone: (434) 924-3384
Fax: (434) 982-7239
Email: lawlibref@virginia.edu
Internet: www.law.virginia.edu/html/librarysite/library.htm

Virginia Commonwealth University
James Branch Cabell Library
901 Park Avenue
P.O. Box 842033
Richmond, VA 23284-2033
Hours: Vary during the academic year. See website for current hours.
Open to the public.
Phone: (804) 828-1111
Fax: (804) 828-0151
Internet: www.library.vcu.edu

Virginia Division of Legislative Services, Legislative Reference Center
General Assembly Building, Second Floor
201 North 9th Street
Richmond, VA 23219
Hours: M-F, 8:00 a.m. to 5:00 p.m.
Open to the public.
Phone: (804) 786-3591
Fax: (804) 692-0625
Librarian: Cheryl Jackson
Internet: http://dls.virginia.gov/lrc/leghist.htm?

Virginia State Law Library (Supreme Court Library)
100 North 9th Street
2nd Floor, Supreme Court Building
Richmond, VA 23219-2335
Hours: M-F, 8:15 a.m. to 4:45 p.m.
Access limited to members of the bar in good standing, judges, paralegals, law students, and personnel with current passes.
Phone: (804) 786-2075
Librarian: Gail Warren
Internet: www.courts.state.va.us/courtadmin/library/home.html
Virginia State Library and Archives (see Library of Virginia)

Wahab Public Law Library
Judicial Center, Court Support Building 10B
2425 Nimmo Parkway
Virginia Beach, VA 23456-9062
Hours: M-F, 8:30 a.m. to 4:30 p.m.
Open to the public.
Phone: (757) 385-4419
Fax: (757) 385-8742
Librarian: Jean C. Tancredi
Email: LLStaff@vbgov.com
Internet: www.vbgov.com/government/departments/libraries/lawlibrary/

Washington and Lee University Law Library
Lewis Hall
East Denny Circle
Lexington, VA 24450-0303
Hours: M-Sun, 24 hours a day
Phone: (540) 458-8540
Fax: (540) 458-8967
Internet: law2.wlu.edu/library

William & Mary, College of
Wolf Law Library
613 South Henry Street
P.O. Box 8795
Williamsburg, VA 23187-8795
Hours: Vary during the academic year. See website for current hours.
Open to the public.
Phone: (757) 221-3255
Fax: (757) 221-3051
Internet: www.law.wm.edu/library

Winchester-Frederick County Law Library
Judicial Center, Third Floor
5 North Kent Street
Winchester, VA 22601
Hours: M-F, 9:00 a.m. to 5:00 p.m.
Open to the public.
Phone: (540) 667-5770
APPENDIX C

DIRECTORY OF LEGAL AND LIBRARY ASSOCIATIONS

American Association of Law Libraries
105 West Adams Street, Suite 300
Chicago, IL 60603-6225
Phone: (312) 939-4764
Fax: (312) 431-1097
Internet: www.aallnet.org

Local Government Attorneys of Virginia, Inc.
c/o Weldon Cooper Center for Public Service
University of Virginia
11 South 12th Street, Suite 225
Richmond, VA 23219-4035
Phone: (804) 371-0202
Fax: (804) 371-0234
Internet: www.lgava.org

Virginia Association of Law Libraries
P.O. Box 1378
Richmond, VA 23218
Internet: vall.pbworks.com

Virginia Bar Association
701 East Franklin Street, Suite 1120
Richmond, VA 23219
Phone: (804) 644-0041
Fax: (804) 644-0052
Email: thevba@vba.org
Internet: www.vba.org

Virginia Chamber of Commerce
919 East Main Street, Suite 900
Richmond, VA 23219
Phone: (804) 644-1607
Fax: (804) 783-6112
Email: info@vachamber.com
Internet: www.vachamber.com
Virginia Municipal League
Street address:
13 East Franklin Street
Richmond, VA 23219
Mailing address:
P.O. Box 12164
Richmond, VA 23241
Phone: (804) 649-8471
Internet: www.vml.org

The Weldon Cooper Center for Public Service
2400 Old Ivy Road
P.O. Box 400206
Charlottesville, VA 22904-4206
Phone: (434) 982-5522
Fax: (434) 982-5524
Email: coopercenter@virginia.edu
Internet: www.coopercenter.org
APPENDIX D

DIRECTORY OF PUBLISHERS OF VIRGINIA LEGAL MATERIALS

CCH Inc., a Wolters Kluwer business (formerly Commerce Clearing House)
2700 Lake Cook Road
Riverwoods, IL 60015
Phone: (800) 739-9998, option 2
Email: cchcustomerservice@wolterskluwer.com
Internet: www.cchgroup.com

Data Trace Publishing Company
P.O. Box 1239
Brooklandville, MD 21022
Phone: (800) 342-0454
Fax: (410) 494-0515
Email: customerservice@datatrace.com
Internet: www.datatrace.com

Geronimo Development Corporation
606 25th Avenue South, Suite 201
St. Cloud, MN 56301
Phone: (800) 457-6045
Fax: (320) 250-9808
Email: info@casefinder.com
Internet: www.casefinder.com

LexisNexis Group
9443 Springboro Pike
Dayton, OH 45342
Phone: (888) AT-LEXIS
Internet: www.lexisnexis.com/en-us/home.page

Matthew Bender & Co. (part of the LexisNexis Group)
LexisNexis Matthew Bender
9443 Springboro Pike
Miamisburg, OH 45342
Phone: (800) 833-9844
Internet: www.lexisnexis.com/matthew-bender/support/printsupport.asp

Michie Co. (see LexisNexis Group)
Municipal Code Corporation
Mailing Address:
P.O. Box 2235
Tallahassee, FL 32316
Street Address:
1700 Capitol Circle, SW
Tallahassee, FL 32310
Phone: (800) 262-2633
Fax: (850) 575-8852
Internet: www.municode.com

Shepard’s (part of the LexisNexis Group)
555 Middlecreek Parkway
Colorado Springs, CO 80921
Phone: (800) 743-7393

Thomson Reuters (formerly West/West Group)
610 Opperman Drive
Eagan, MN 55123
Phone: (800) 328-4880 (Publications); (800) 937-8529 (Westlaw)
Internet: legalsolutions.thomsonreuters.com/law-products

VersusLaw, Inc.
310 Fourth Avenue South, Suite 1100
Minneapolis, MN 55415
Phone: (888) 377-8752
Fax: (425) 250-0157
Internet: www.versuslaw.com

Virginia Association of Defense Attorneys
1915 Huguenot Road, Suite 301
Richmond, VA 23235
Phone: (804) 649-1002
Fax: (804) 649-1004
Email: vada.office@vada.org
Internet: www.vada.org

Virginia CLE
105 Whitewood Road
Charlottesville, VA 22901
Phone: (800) 979-8253
Fax: (434) 979-3147
Email: vacle@vacle.org
Internet: www.vacle.org
Virginia Lawyers Weekly
411 East Franklin Street, Suite 505
Richmond, VA 23219
Phone: (800) 456-5297; Local, (804) 783-0770
Fax: (804) 783-8337
Internet: www.valawyersweekly.com

Virginia Review, LLC
7307 Belmont Stakes Drive
Midlothian, VA 23112
Phone: 804.396.4744
Internet: www.vareview.com

Virginia Trial Lawyers Association
919 East Main Street, Suite 620
Richmond, VA 23219
Phone: (804) 343-1143
Fax: (804) 343-7124
Email: vtla@vtal.com
Internet: www.vtla.com

West/West Group (see Thomson Reuters)

William S. Hein & Co., Inc.
2350 North Forest Road
Getzville, NY 14068
Phone: (800) 828-7571; (716) 882-2600
Fax: (716) 883-8100
Email: mail@wshein.com
Internet: www.wshein.com
APPENDIX E

SELECTED VIRGINIA GOVERNMENT AGENCIES

Virginia Government Generally:
Internet: www.virginia.gov

Independent Agencies:

State Corporation Commission
Street Address:
Tyler Building
1300 East Main Street
Richmond, VA 23219
Mailing Address:
SCC
<Specific division>
P.O. Box 1197
Richmond, VA 23218
Information: (804) 371-9967; toll free (in Virginia only) (800) 552-7945
Case Information: (804) 371-9838
Corporations: (804) 371-9733; toll free (866) 722-2551
Uniform Commercial Code: (804) 371-9733
General Counsel: (804) 371-9671
Internet: www.scc.virginia.gov

Executive Branch:

Department of Alcoholic Beverage Control
Street Address:
2901 Hermitage Road
Richmond, VA 23220
Mailing Address:
P.O. Box 27491
Richmond, VA 23261-7491
ABC Information Line: (804) 213-4400
Internet: www.abc.virginia.gov

Department of Medical Assistance Services
600 East Broad Street
Richmond, VA 23219
Phone: 804.786.7933
Email: DMAS-Info@dmas.virginia.gov
Internet: www.dmas.virginia.gov
Library of Virginia
800 East Broad Street
Richmond, VA 23219-8000
Hours: M-F, 9:00 a.m. to 5:00 p.m.
Reference: (804) 692-3500
Internet: www.lva.virginia.gov

Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219
Phone: (804) 786-2071
Internet: www.oag.state.va.us

Secretary of the Commonwealth
Street Address:
111 East Broad Street, 4th Floor
Richmond, VA 23219
Mailing Address:
P.O. Box 2454
Richmond, VA 23218
Phone: (804) 786-2441
Fax: (804) 371-0017
Internet: commonwealth.virginia.gov

Virginia Employment Commission
Street Address:
703 East Main Street
Richmond, VA 23219
Mailing Address:
P.O. Box 1358
Richmond, VA 23218-1358
Phone: (866) 832-2363
Internet: www.vec.virginia.gov

Workers’ Compensation Commission
1000 DMV Drive
Richmond, VA 23220
Phone: toll free (in Virginia only): (877) 664-2566
Fax: (804) 367-9740
Email: questions@workcomp.virginia.gov
Internet: www.vwc.state.va.us
Judicial Branch:
Internet: www.courts.state.va.us

Supreme Court of Virginia
Street Address:
Supreme Court Building
100 North Ninth Street, Fifth Floor
Richmond, VA 23219
Mailing Address:
P.O. Box 1315
Richmond VA 23219-1315
Clerk’s Office: (804) 786-2251
Executive Secretary’s Office (Virginia Reports): (804) 786-6455
Law Library: (804) 786-2075 (access restricted)
Internet: www.courts.state.va.us/courts/scv/home.html

Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219-2321
Clerk’s Office: (804) 371-8428
Internet: www.courts.state.va.us/courts/cav/home.html

Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026
Information: (804) 775-0500
Internet: www.vsb.org

Legislative Branch:

Division of Legislative Automated Systems
201 North Ninth Street
General Assembly Building, Suite 660
Richmond, VA 23219
Main Office: (804) 786-1895
Legislative Bill Room: (804) 786-6984
Legislative Information System Help Desk: (804) 786-9631
Fax: (804) 786-0913
Internet: dlas.virginia.gov

Division of Legislative Services
General Assembly Building, Second Floor
201 North Ninth Street
Richmond, VA 23219
Phone: (804) 786-3591
Internet: dls.virginia.gov
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