My first edited book, *Unleashing Capitalism: Why Prosperity Stops at the West Virginia Border and How To Fix It*, examined how West Virginia’s policies could be reformed to better embrace the principles of free-market capitalism—creating a better business climate and a more prosperous future for West Virginia. The success of that book, which has now sold over 5,000 copies and won the 2008 Sir Antony Fisher International Memorial Award for best policy publication by a young think tank, provides the basis on which we launch this effort.

Like a three-legged stool, West Virginia’s tax policy, regulatory climate, and legal system, must all be structured properly to create the right balance for economic growth. While all three of these areas were addressed in *Unleashing Capitalism*, only two of the book’s 14 chapters were devoted to judicial and legal reform. With that now becoming a pressing political issue, this book devotes itself entirely to that subject, covering it in more breadth and greater detail.

Again, a team of scholars has contributed their expertise to this effort. We have made every effort possible to make this book readable by the average citizen, although some of the policy reforms are more complex by their very nature.

The first six chapters examine perhaps the most pressing issue—the reform of West Virginia’s method of selecting judges. As one of the few remaining states employing partisan political elections to select our judges, there are calls for switching to either nonpartisan elections or some form of gubernatorial appointment. With the exception of Chapter 4, these chapters were based on a panel discussion held on September 7, 2008 for Judiciary Subcommittee C at the Legislative Interim Meetings in Bridgeport, West Virginia. Each of the panelists has prepared written comments based on their presentation at that event for inclusion in this book. These chapters provide competing viewpoints, with some authors being in favor of judicial selection reform and others not, and this is why we title this section a symposium. Worth special note are the contributions by retired U.S. Supreme Court Justice Sandra Day O’Connor and North Carolina Court of Appeals Associate Justice Wanda Bryant, both in favor of West Virginia moving away from partisan elections.

Judge Bryant ran for office in North Carolina both prior to and after that state’s recent switch from partisan to nonpartisan elections and offers an interesting insight into her experiences under both systems, as well as North Carolina’s new system of public financing of judicial elections. While we were disappointed that retired U.S. Supreme Court Justice Sandra Day O’Connor could not attend the event, she was willing to write a letter specifically addressing her thoughts on West Virginia’s judicial selection reform. That letter is included in this book along with the contributions from the other panelists. Other panelists whose contributions are included here are Chris Bonneau, Aman McLeod, and Alexander Tabarrik. The other chapter on judicial selection reform (Chapter 4) is based on a policy study authored by myself and Joshua Hall for the state of Missouri. That chapter examines how the different methods of judicial selection compare in national rankings of legal system quality.

The six chapters that make up part two of this book explore a host of other pressing issues in legal reform. Edward Lopez’s chapter (Chapter 7) provides a more theoretical discussion of why the rule of law is important for economic growth, and an overview of some
of the major conclusions reached in the vast academic literature in the field of ‘law and economics.’ Kristen Leddy and Matthew Yanni have updated their popular chapter on assorted legal reforms from *Unleashing Capitalism* for inclusion here (Chapter 9). I also join them in authoring a chapter that examines the economic impact of the recent decisions of the West Virginia Supreme Court of Appeals (Chapter 8), which is an updated version of a study originally done for the Federalist Society. The chapter by Matthew Bowles and Mark Sadd (Chapter 10) discusses whether West Virginia should join the vast majority of other states that guarantee their citizens an appeal of right, and handle these cases through an intermediate court system. Ronda Harvey’s chapter (Chapter 11) discusses issues with deliberate intent reform. Finally, for those skeptics who question whether judicial and legal reforms can have significant impacts on economic outcomes, the chapter by Evan Jenkins and Juliet Terry (Chapter 12) shows the considerable evidence on the effectiveness of recent reforms to our state’s medical malpractice laws. As you will see, these reforms have been highly effective and provide clear evidence that good legal reforms can, and do, have significant positive impacts on West Virginia’s health and prosperity.

We hope that readers will come away with a better understanding of the need for, and issues involved with, changes to West Virginia’s judicial and legal systems. Once again, our main goal is to provide the research that can inform state policy decisions and open a much needed dialogue on growth-oriented policy reform in West Virginia.

We owe thanks to more people than we could possibly list. We are indebted to the dozens of West Virginia citizens, business owners, and policy makers who have lent their comments and encouragement on our efforts. We thank our friends and family for their support. Most importantly, we would like to thank Ken and Randy Kendrick for providing the financial support necessary to fund such a major research project. Without their support this book would not have been possible.

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