

Research & Jury Instruction Revision Protocol
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Assess West Virginia Jury Instruction & Comments to the Jury Instruction



Research/Read all West Virginia Cases Applicable to the Element of Homicide or Defense Being Revised



Prepare a Working Outline of the Law as you find it represented in the West Virginia cases (including full & correct citations)(Note: You can use this law outline for drafting “comments” to the “revised” jury instruction).

You may find it necessary and/or prudent, to turn to judicial opinions in other jurisdictions for language that will *best* express the law you find in West Virginia



Draft a Revised Jury Instruction which 1) best represents the state of the law in West Virginia; 2) uses language designed to best communicate the law to the jury



Check/Compare the Draft of your Revised Jury Instruction (and revise as necessary) against the Model Jury Instructions in Other Jurisdictions (e.g., Oklahoma) (and California, which has recently published revised jury instructions)



Prepare “Comments” to the Jury Instruction which set forth the principal West Virginia cases relied upon (and any secondary West Virginia cases) that counsel/judges might find useful as background reading when the jury instruction is given

The “Comments” section of the Jury Instructions should also note any gaps/conflicts/substantial ambiguities in the law



Note1: You may end up with alternative formulations of the jury instruction before your preferred “model” jury instruction. These alternatives can be included in an “appendix” to your proposed jury instruction(s) and comments