

No: 26200 -- State ex rel. Ball v. Cummings

FILED

December 13, 2000

McGraw, J., dissenting in part and concurring in part: RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

RELEASED

December 15, 2000

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
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I dissent, narrowly, to the Court's holding in syllabus point six, which essentially defines "inadequate representation." I fear that the language of this syllabus point might be a bit too limiting, and could be turned on its head to actually *prevent* the intervention of parties, situated similarly to the petitioners, in future cases before this Court. I do not wish to take any action that would encourage such mischief.

Otherwise I concur in the decision reached by the Court in this generally well-written opinion.