

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4360

(BY DELEGATES SHAFFER, SPONAUGLE, SHOTT,
REYNOLDS, MILEY, MR. SPEAKER, (MR. ARMSTEAD),
HANSHAW AND WELD)

[Originating in the Committee on the Judiciary;

February 19, 2016.]

1 A BILL to amend and reenact §30-2-4 the Code of West Virginia, 1931, as amended, relating to
2 the unauthorized practice of law; increasing the criminal penalty for the unlawful practice
3 of law; and providing that a lawyer may advertise services or hire a person to assist in
4 advertising services as permitted by the Rules of Professional Conduct.

Be it enacted by the Legislature of West Virginia:

1 That §30-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 2. ATTORNEYS-AT-LAW.

§30-2-4. Practice without license or oath; penalty; qualification after institution of suits

1 It ~~shall be~~ is unlawful for any natural person to practice or appear as an attorney at law for
2 another in a court of record in this state, or to make it a business to solicit employment for any
3 attorney, or to furnish an attorney or counsel to render legal services, or to hold himself or herself
4 out to the public as being entitled to practice law, or in any other manner to assume, use, or
5 advertise the title of lawyer, or attorney and counselor at law, or counselor, or attorney and
6 counselor, or equivalent terms in any language, in such manner as to convey the impression that
7 he or she is a legal practitioner of law, or in any manner to advertise that he or she, either alone
8 or together with other persons, has, owns, conducts or maintains a law office, without first having
9 been duly and regularly licensed and admitted to practice law in a court of record of this state,
10 and without having subscribed and taken the oath required by the next preceding section. Any
11 person violating the provisions of this section ~~shall be~~ on the first offense is guilty of a
12 misdemeanor, and, upon conviction thereof, shall be fined not more than ~~\$1,000~~ \$5,000, or
13 confined in jail not more than ninety days, or both fined and confined, and on any subsequent
14 offense, is guilty of a felony and shall be fined not more than \$10,000, or confined in jail not more
15 than one year, or both fined and confined; but this penalty shall not be incurred by any attorney
16 who institutes suits in the circuit courts after obtaining a license, if he or she shall qualify at the
17 first term thereafter of a circuit court of any county of the circuit in which he or she resides:

- 18 Provided, That nothing herein prohibits a lawyer from advertising their services or hiring a person
19 to assist in advertising their services as permitted by the Rules of Professional Conduct.