

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4360**

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

[Passed March 11, 2016; in effect ninety days from passage.]



1 AN ACT to amend and reenact §30-2-4 of the Code of West Virginia, 1931, as amended, relating  
2 to unauthorized practice of law; increasing criminal penalties for unlawful practice of law;  
3 setting penalties for second or subsequent offense; removing antiquated language; and  
4 providing that a lawyer may advertise services or hire a person to assist in advertising  
5 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 (a) It is unlawful for any person to practice or appear as an attorney-at-law for another in  
2 a court in this state or to make it a business to solicit employment for any attorney, or to hold  
3 himself or herself out to the public or any member thereof as being entitled to practice law, or in  
4 any other manner to assume, use or advertise the title of lawyer, attorney and counselor-at-law,  
5 attorney and counselor or equivalent terms in any language, in such manner as to convey the  
6 impression that he or she is a legal practitioner of law, or in any manner to advertise that he or  
7 she, either alone or together with other persons, has, owns, conducts or maintains a law office,  
8 without first having been duly and regularly licensed and admitted to practice law in the courts of  
9 this state, and without having subscribed and taken the oath required by the provisions of section  
10 three of this article.

11 (b) Any person violating the provisions of subsection (a) of this section is guilty of a  
12 misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000, or confined in  
13 jail not more than ninety days, or both fined and confined, and on any subsequent offense, is  
14 guilty of a misdemeanor and shall be fined not more than \$10,000, or confined in jail not more  
15 than one year, or both fined and confined: *Provided*, That nothing herein prohibits a lawyer from  
16 advertising services or hiring a person to assist in advertising services as permitted by the Rules  
17 of Professional Conduct.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2016.

.....  
*Governor*