

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4360**

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

[Introduced February 2, 2016; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-2-4 the Code of West Virginia, 1931, as amended, relating to  
2 increasing the criminal penalty for the unlawful practice of law.

*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~~ is guilty of a misdemeanor, and, upon  
12 conviction thereof, shall be fined not more than ~~\$1,000~~ \$10,000, or confined in jail not more than  
13 one year, or both fined and confined; but this penalty shall not be incurred by any attorney who  
14 institutes suits in the circuit courts after obtaining a license, if he or she shall qualify at the first  
15 term thereafter of a circuit court of any county of the circuit in which he or she resides.

NOTE: The purpose of this bill is to increase the criminal penalty for the unlawful practice of law.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.