

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2892

BY DELEGATES FOLK AND MCGEEHAN

[Introduced March 9, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating
 2 to the West Virginia State Bar; and removing requirement that persons who pass the bar
 3 in West Virginia be members of the West Virginia State Bar in order to practice law in this
 4 state.

Be it enacted by the Legislature of West Virginia:

1 That §51-1-4a of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-4a. Rules governing practice of law; creation of West Virginia State Bar; providing its powers, and fees for administration.

1 The Supreme Court of Appeals of West Virginia shall, from time to time, prescribe, adopt,
 2 promulgate and amend rules:

- 3 (a) Defining the practice of law.
- 4 (b) Prescribing a code of ethics governing the professional conduct of attorneys at law and
 5 the practice of law, and prescribing a code of judicial ethics.
- 6 (c) Prescribing procedure for disciplining, suspending and disbaring attorneys at law.
- 7 (d) Organizing ~~and governing by and through~~ all of the attorneys at law practicing in this

8 state, an administrative agency of the Supreme Court of Appeals of West Virginia, which shall be
 9 known as "The West Virginia State Bar." The West Virginia State Bar shall be a part of the judicial
 10 department of the state government and is hereby created for the purpose of enforcing such rules
 11 as may be prescribed, adopted and promulgated by the court from time to time under this section.

12 It is hereby authorized and empowered to perform the functions and purposes expressed in a
 13 Constitution, bylaws and amendments thereto as shall be approved by the Supreme Court of
 14 Appeals from time to time. ~~All persons practicing law in this state shall be members of the West
 15 Virginia State Bar in good standing: Provided,~~ That the West Virginia State Bar shall not become
 16 operative until its Constitution and bylaws shall first have been submitted to all attorneys at law

17 practicing in this state, including those presently serving in the Armed Forces of the United States,
18 for the purpose of securing the suggestions and recommendations of all such attorneys at law,
19 for a period of at least sixty days prior to the entry of an order by such court approving said
20 Constitution and bylaws.

21 ~~(e) Fixing a schedule of fees to be paid by attorneys at law practicing in the State of West~~
22 ~~Virginia for the purpose of administering this section, and providing for the collection and~~
23 ~~disbursement of such fees: *Provided, however,* That the annual fees to be paid by any attorney~~
24 ~~at law shall not exceed the sum of \$5, unless a majority of the attorneys at law practicing in this~~
25 ~~state consent to the payment of a higher annual fee~~

26 The inherent rule-making power of the Supreme Court of Appeals is hereby declared.

27 When and as the rules of the court herein authorized shall be prescribed, adopted and
28 promulgated, all laws and parts of laws that conflict therewith shall be and become of no further
29 force or effect to the extent of such conflict.

NOTE: The purpose of this bill is to remove requirement that persons who pass the bar in West Virginia be members of the West Virginia State Bar in order to practice law in this state.

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