

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 435**

By Senator Weld

[Introduced February 13, 2025; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §4-12-1, §4-12-2, §4-12-3, §4-12-4, §4-12-5, and §4-12-6 of the  
2 Code of West Virginia, 1931, as amended, relating to updating the West Virginia Law  
3 Institute.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 12. ESTABLISHMENT OF A WEST VIRGINIA LAW INSTITUTE.**

### **§4-12-1. Authority of Legislature to establish West Virginia law institute.**

1 ~~The West Virginia Legislature creates and establishes~~ There is continued a state law  
2 institute, to be known as the "West Virginia Law Institute." as The institute is an official advisory law  
3 revision and law reform agency of the State of West Virginia and ~~to~~ shall be located at the West  
4 Virginia University college of law College of Law.

### **§4-12-2. Purposes and duties.**

1 ~~The general purposes of the West Virginia law institute are to~~ shall promote and encourage  
2 the clarification and simplification of the ~~law of West Virginia~~ laws of this state, ~~to~~ improve the  
3 better administration of justice, and ~~to~~ conduct scholarly legal research and scientific legal work.  
4 ~~To that end it shall be the duty of the West Virginia law institute to~~ The institute shall:

5 (a) Consider needed improvements in both substantive and procedural law and to make  
6 recommendations concerning the same to the Legislature Joint Committee on Government and  
7 Finance;

8 (b) Examine and study the law ~~of West Virginia~~ to discover defects and inequities and of  
9 recommending needed reforms;

10 (c) Receive and consider suggestions from judges, justices, public officials, lawyers and  
11 the public ~~generally~~ as to defects and anachronisms in the law;

12 (d) Recommend ~~from time to time~~ such changes in the law as it deems necessary to modify  
13 or eliminate antiquated and inequitable rules of law;

14 (e) Recommend the repeal of obsolete statutes and suggest needed amendments,  
15 additions, and deletions;

~~(f) Render annual reports~~ Submit a report to the Legislature Joint Committee on Government and Finance, and, ~~if it deems so advisable~~ and it may accompany its reports with proposed bills to carry out any of its recommendations;

~~(f) Recommend the repeal of obsolete statutes and suggest needed amendments, additions and deletions; and~~

(g) Organize and conduct an annual meeting ~~within the state~~ for scholarly discussions of current problems in West Virginia law. ~~bringing together representatives of the Legislature, practicing attorneys, members of the judiciary and West Virginia State Bar and representatives of the~~ \_\_\_\_\_ law \_\_\_\_\_ teaching \_\_\_\_\_ profession

#### **§4-12-3. Governing council and members.**

~~(a) The institute shall have such members and committees as the governing body of the West Virginia law institute may direct. The governing body shall also elect a president, secretary and any other officers as it determines necessary.~~

~~(b) The governing body of the institute shall be a council composed of ex-officio members and elected members as follows~~

(a) The institute shall be composed of members as follows:

(1) One justice of the West Virginia Supreme Court of Appeals to be selected by the justices thereof;

(2) One circuit court judge, selected by the West Virginia judicial association;

(3) One federal judge residing in West Virginia, selected by the federal judges residing in West Virginia;

(4) The Attorney General of the State of West Virginia, or his or her designee;

(5) One legal counsel to the Governor of the State of West Virginia;

(6) The chairperson of the judiciary committees of the Senate and the House of Delegates ~~of the West Virginia Legislature or an attorney member of the respective committees appointed by the chairperson of the committee~~ selected by the President of the Senate and the Speaker of the

17 House of Delegates, respectively;

18 (7) One member ~~each~~ from the majority and minority parties of the Senate and the House  
19 of Delegates ~~of the West Virginia Legislature~~ to be selected by the President of the Senate and the  
20 Speaker of the House of Delegates, respectively;

21 (8) The director of West Virginia Legislative Services;

22 (9) The chairperson of the West Virginia commission on uniform state laws;

23 (10) The president and ~~first-vice~~ president elect of the West Virginia State Bar;

24 (11) The chairperson of the young lawyers section of the West Virginia State Bar;

25 (12) The dean of the West Virginia University college of law;

26 (13) Two attorneys appointed by the Governor ~~of the State of West Virginia~~ for terms to run  
27 concurrently with the term of the Governor;

28 (14) The director of ~~the continuing legal education program sponsored by the West Virginia~~  
29 ~~State Bar and the~~ Career Services at West Virginia University college of law; and

30 (15) The editor-in-chief of the West Virginia law review.

31 ~~(c)(16) The elected membership shall consist of two~~ Two faculty members ~~who shall be~~  
32 ~~elected from the members of the faculty of the West Virginia University college of law~~ College of  
33 Law ~~and four practicing attorneys from each of the congressional districts in the state who shall be~~  
34 ~~selected by the board of Governors of the West Virginia State Bar.~~

35 (17) Six practicing attorneys from each congressional district who shall be selected by the  
36 Board of Governors of the West Virginia State Bar.

37 ~~(d)(b)~~ All ~~ex-officio~~ members of the ~~council~~ institute shall hold their positions during their  
38 respective terms of office. The term of office of the ~~elected~~ members of the ~~council~~ institute shall be  
39 four years, and shall be staggered by the appointing person. ~~The terms of office of the first elected~~  
40 ~~practicing attorney members shall be appointed by the board of Governors of the West Virginia~~  
41 ~~State Bar such that four shall be appointed for two years, four for three years and four for four~~  
42 ~~years~~ Thereafter, appointments shall be for four years. ~~Elected members~~ Members of the ~~council~~

43 institute shall be eligible for ~~reelection~~ one additional term.

44 ~~(e)(c)~~ Vacancies in the ~~elected~~ membership ~~created by death, resignation or otherwise~~  
45 ~~other~~ than by the expiration of the terms of office shall be filled by the ~~council under such rules as it~~  
46 ~~may adopt~~ institute, according to its bylaws.

47 (d) The institute may select additional members as provided for in its bylaws.

**§4-12-4. Compensation of members of the council of the West Virginia law institute,  
director and assistants.**

1 The citizen members of the ~~council of the West Virginia law institute~~ shall serve without any  
2 ~~compensation for services as such~~ are entitled to receive reimbursement in according with §4-2A-  
3 6 of this code. The ~~council~~ institute may employ and ~~fix and~~ pay reasonable compensation to the  
4 director of the institute and the director's assistants, and may pay honoraria to ~~members of the~~  
5 ~~council~~ persons who perform professional services ~~for the institute~~, as authorized by the ~~council~~  
6 institute's bylaws. The ~~compensation provided for in this section shall come from private funding~~  
7 ~~and no state funds are to be provided for this institute~~

**§4-12-5. Adoption of membership plan.**

1 The ~~council of the West Virginia law institute~~ shall adopt a plan ~~or plans~~ of membership in  
2 ~~the West Virginia law institute so designated as~~ to encourage and invite the cooperation of all  
3 members of the legal profession in the work of the institute.

**§4-12-6. Institute to act in advisory capacity only; distribution of reports, studies, and  
recommended publications.**

1 (a) The ~~West Virginia law institute~~, in submitting reports to the Legislature, shall act solely  
2 in an advisory capacity. Its reports, studies and recommended publications shall be printed and  
3 shall be distributed by the institute. ~~in a manner as directed by the council~~

4 (b) As an advisory body, the institute is not subject to §6-9A-1 et seq. of this code.

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NOTE: The purpose of this bill is to update the provisions of the West Virginia Law Institute.

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