

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 625

By Senator Tarr

[Introduced February 27, 2025; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §51-1-4 of the Code of West Virginia, 1931, as amended, relating to
2 regulation of procedure in all courts of record; and providing a procedure when judges may
3 be recused in legal proceedings if a party's lawyer or the law firm of a party's lawyer has
4 contributed to a judge's campaign.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-4. Regulation of pleading, practice and procedure in all courts of record; judicial council as advisory committee.

1 (a) The Supreme Court of Appeals may, from time to time, make and promulgate general
2 rules and regulations governing pleading, practice and procedure in such court and in all other
3 courts of record of this state. All statutes relating to pleading, practice and procedure shall have
4 force and effect only as rules of court and shall remain in effect unless and until modified,
5 suspended or annulled by rules promulgated pursuant to the provisions of this section. Such The
6 rules and regulations shall be uniform for all courts of the same grade or class; but any court of the
7 state other than the Supreme Court of Appeals may adopt rules of court governing its local
8 practice, but such rules of local practice shall not be inconsistent with any general rule of court
9 then in existence or thereafter promulgated, and shall be effective only after approval by the
10 Supreme Court of Appeals.

11 (b) Beginning on July 1, 2025, the Supreme Court of Appeals shall adopt rules that require
12 any circuit judge, judge of the Intermediate Court of Appeals, or justice of the Supreme Court of
13 Appeals, to recuse himself or herself in any proceeding in which a party's lawyer or the law firm of
14 a party's lawyer has within the most recent election made aggregate contributions to the judge's
15 campaign in an amount that is greater than \$250.

16 (c) If a judge subject to this section knows or learns by means of timely motion the grounds
17 for the recusal, the judge may ask the parties and their lawyers to consider, outside the presence
18 of the judge and court personnel, whether to waive recusal. If, following the disclosure, the parties

19 and lawyers agree, without participation by the judge or court personnel, that the judge should not
20 be recused, the judge may participate in the proceeding. The agreement shall be incorporated into
21 the record of the proceeding.

22 (d) The judicial council of West Virginia is hereby designated as advisory committee to
23 make observation and report to the Supreme Court of Appeals, from time to time, ~~such the~~
24 recommendations as may, in its judgment, be proper; and all rules promulgated by the Supreme
25 Court of Appeals under the authority of this section shall, before taking effect, be referred to the
26 chairman of the judicial council, the president of the West Virginia bar association and to the judge
27 of every court affected thereby. ~~In the event~~ If a hearing is requested, within 20 days after ~~such the~~
28 reference, by any five of the persons so designated, the Supreme Court of Appeals shall
29 thereupon designate a day when a hearing on the matter of the adoption of ~~such the~~ rules shall be
30 held. ~~In the event~~ If no hearing is requested or, if requested, after ~~such the~~ hearing, the Supreme
31 Court of Appeals ~~shall be free to~~ may adopt or reject the proposed rules. General rules and
32 regulations governing pleading, practice and procedure, and local rules, shall from time to time be
33 published as an appendix to the official reports of the Supreme Court of Appeals and bound
34 therewith.

NOTE: The purpose of this bill is to provide a procedure in all courts of record to determine when judges may be recused in legal proceedings when party's lawyer or the law firm of a party's lawyer has contributed to a judge's campaign.

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