

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4137

FISCAL
NOTE

By Delegates Akers and Funkhouser

[Introduced January 14, 2026; 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 the West Virginia Law Institute;
 3 updating the purpose and duties of the institute; adding new members; clarifying how
 4 vacancies shall be filled; authorizing reimbursement for the members; and exempting the
 5 institute from open meetings laws.

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 a state law institute, to be known as~~
 2 ~~the "West Virginia Law Institute," as an official advisory law revision and law reform agency of the~~
 3 ~~State of West Virginia and to be located at the West Virginia University college of law.~~

4 There is continued the West Virginia Law Institute, to be known as the "institute." The
 5 institute is an official advisory law revision and law reform agency of the State of West Virginia and
 6 shall be located at the West Virginia University 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) ~~Render annual reports to the Legislature and, if it deems so advisable, accompany its~~
15 ~~reports with proposed bills to carry out any of its recommendations;~~ Recommend the repeal of
16 obsolete statutes and suggest needed amendments, additions, and deletions;

17 (f) ~~Recommend the repeal of obsolete statutes and suggest needed amendments,~~
18 ~~additions and deletions; and~~ Submit a report to the Joint Committee on Government and Finance,
19 and, it may accompany its reports with proposed bills to carry out any of its recommendations; and

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

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

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

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

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

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

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

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

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

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

14 (6) The chairperson of the judiciary committees of the Senate and the House of Delegates
15 ~~of the West Virginia Legislature~~ or an attorney member of the respective committees appointed by
16 the chairperson of the committee;

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

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

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

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

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

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

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

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

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

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

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

36 ~~(d)(b) All ex-officio members of the council~~ institute shall hold their positions during their
37 respective terms of office. The term of office of the ~~elected~~ members of the ~~council~~ institute shall be
38 four years, and shall be staggered by the appointing person. ~~The terms of office of the first elected~~
39 ~~practicing attorney members shall be appointed by the board of Governors of the West Virginia~~

40 ~~State Bar such that four shall be appointed for two years, four for three years and four for four~~
 41 ~~years~~ Thereafter, appointments shall be for four years. ~~Elected members~~ Members of the council
 42 institute shall be eligible for ~~reelection~~ one additional term.

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

46 (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 accordance with §4-
 3 2A-6 of the code. The council institute may employ and ~~fix and~~ pay reasonable compensation to
 4 the 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.

NOTE: The purpose of this bill is to add new members; clarify how vacancies shall be filled; authorize reimbursement for the members; and exempt the institute from open meetings laws.

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