

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

## **House Bill 5366**

By Delegates Funkhouser and Akers

[Introduced February 09, 2026; 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 to  
2 rules governing the practice of law; and providing that certain records deemed confidential  
3 by rules promulgated by the Supreme Court of Appeals are not subject to public records  
4 requests.

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

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

3 ~~(a)~~(1) Defining the practice of law.

4 ~~(b)~~(2) Prescribing a code of ethics governing the professional conduct of attorneys at law  
5 and the practice of law, and prescribing a code of judicial ethics.

6 ~~(c)~~(3) Prescribing procedure for disciplining, suspending, and disbarring attorneys at law.

7 ~~(d)~~(4) 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, however,* That the West Virginia State Bar shall not  
16 become operative until its Constitution and bylaws shall first have been submitted to all attorneys  
17 at law practicing in this state, including those presently serving in the Armed Forces of the United  
18 States, for the purpose of securing the suggestions and recommendations of all such attorneys at

19 law, 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)~~(5) Fixing a schedule of fees to be paid by attorneys at law practicing in the State of  
22 West 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 at  
24 law shall not exceed the sum of \$5, unless a majority of the attorneys at law practicing in this state  
25 consent to the payment of a higher annual fee.

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

27 (c) 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.

30 (d) Records, files, or other documents gathered or provided pursuant to rules promulgated  
31 by the Supreme Court of Appeals relating to the procedures, referrals, and services of the West  
32 Virginia Judicial and Lawyer Assistance Program are not public records and are exempt from  
33 disclosure under the Freedom of Information Act as provided in §29B-1-1 et seq. of this code, to  
34 the extent those rules designate them as confidential.