

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **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 disbaring 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) All records or other documents gathered pursuant to rules promulgated by the Supreme  
31 Court of Appeals for purposes of prescribing procedures for disciplining, suspending, and  
32 disbarring attorneys at law, to the extent the rules specify such records are confidential, are not  
33 public records and are not subject to disclosure in response to a Freedom of Information Act  
34 request under §29B-1-1 et seq.

NOTE: The purpose of this bill is to clarify the confidentiality of certain material in possession of the Supreme Court of Appeals.

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