

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

**House Bill 4818**

BY DELEGATE WALKER

[Introduced February 15, 2022; Referred to the Committee  
on Government Organization then the Judiciary]

1 A BILL to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating  
2 to authorize the Supreme Court of Appeals to promulgate rules defining legal  
3 apprenticeships and designing and approving a plan for legal apprentices to work and  
4 study as apprentices in a law office with the goal to allow the apprentices to qualify to take  
5 the bar exam without attending law school.

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

3 (a) Defining the practice of law.

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

6 (c) Prescribing procedure for disciplining, suspending, and disbaring attorneys at law.

7 (d) 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  
19 at 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) Defining legal apprenticeships and designing and approving a plan for legal  
22 apprentices to work and study as apprentices in a law office with the goal to allow the apprentices  
23 to qualify to take the bar exam without attending law school.

24 ~~(e)~~ (f) Fixing a schedule of fees to be paid by attorneys at law practicing in the State of  
25 West Virginia for the purpose of administering this section, and providing for the collection and  
26 disbursement of such fees: *Provided, however,* That the annual fees to be paid by any attorney  
27 at law shall not exceed the sum of \$5, unless a majority of the attorneys at law practicing in this  
28 state consent to the payment of a higher annual fee.

29 The inherent rule-making power of the Supreme Court of Appeals is hereby declared.

30 When and as the rules of the court herein authorized shall be prescribed, adopted, and  
31 promulgated, all laws and parts of laws that conflict therewith shall be and become of no further  
32 force or effect to the extent of such conflict.

NOTE: The purpose of this bill is to authorize the Supreme Court of Appeals to promulgate rules defining legal apprenticeships and designing and approving a plan for legal apprentices to work and study as apprentices in a law office with the goal to allow the apprentices to qualify to take the bar exam without attending law school.

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