

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2467

By Delegate Walker

[Introduced January 11, 2023; 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 to
 2 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 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) 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 West
25 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 at
27 law shall not exceed the sum of \$5, unless a majority of the attorneys at law practicing in this state
28 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.