

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2653

By Delegates Akers and Lewis

[Originating in the Committee on the Judiciary;
reported on February 28, 2025.]

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, all relating to updating the West Virginia Law
3 Institute.

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~~ There is continued a state law
2 institute, to be known as the "West Virginia Law Institute." as The institute is an official advisory law
3 revision and law reform agency of the State of West Virginia and ~~to~~ shall be located at the West
4 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) Recommend the repeal of obsolete statutes and suggest needed amendments,
15 additions, and deletions;

16 ~~(f) Render annual reports~~ Submit a report to the ~~Legislature~~ Joint Committee on
17 Government and Finance, and, ~~if it deems so advisable~~ and it may accompany its reports with
18 proposed bills to carry out any of its recommendations;

19 ~~(f) Recommend the repeal of obsolete statutes and suggest needed amendments,~~
20 ~~additions and deletions; and~~

21 (g) Organize and conduct an annual meeting ~~within the state~~ for scholarly discussions of
22 current problems in West Virginia law. ~~bringing together representatives of the Legislature,~~
23 ~~practicing attorneys, members of the judiciary and West Virginia State Bar and representatives of~~
24 ~~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, or a designee, to be
8 selected by the 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;

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

(8) The director of West Virginia Legislative Services;

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

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

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

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

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

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

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

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

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

~~(d)(b) All ex-officio members of the council~~ institute shall hold their positions during their respective terms of office. The term of office of the elected members of the council institute shall be four years, and shall be staggered by the appointing person. ~~The terms of office of the first elected practicing attorney members shall be appointed by the board of Governors of the West Virginia State Bar such that four shall be appointed for two years, four for three years and four for four years~~ Thereafter, appointments shall be for four years. ~~Elected members~~ Members of the council 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 entitle to receive reimbursement in according with §4-2A-6.
3 The ~~council~~ institute may employ and ~~fix and~~ pay reasonable compensation to the director of the
4 institute and the director's assistants, and may pay honoraria to ~~members of the council~~ persons
5 who perform professional services ~~for the institute~~, as authorized by the ~~council~~ institute's bylaws.
6 ~~The compensation provided for in this section shall come from private funding and no state funds~~
7 ~~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.

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NOTE: The purpose of this bill is to update the provisions of the West Virginia Law Institute.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.