WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2696

By Delegates Statler, Ellington, and Toney

Introduced February 20, 2025; referred to the

Committee on the Judiciary

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,

2   designated §51-1-14, relating to the West Virginia Supreme Court of Appeal's power to

3   promulgate rules allowing for the limited practice of law by nonlawyers and the creation of a

4   task force to encourage the Supreme Court's use of such power.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-14. Allowing for the limited practice of law by nonlawyers in certain circumstances.

1   (a) The West Virginia Supreme Court of Appeals may promulgate rules allowing the limited

2   practice of law, by nonlawyers as limited license legal practitioners.

3   (b) The Task Force for Limited License Legal Practitioners shall examine and recommend

4   whether nonlawyers, with specific qualification, should be allowed to provide limited legal services

5   in certain areas of practice.

6   (c) The task force shall include at least a representative from:

7   (1) The West Virginia State Bar Association;

8   (2) The West Virginia University College of Law;

9   (3) Marshall University;

10   (4) The West Virginia Law Institute; and

11   (5) Circuit Judge.

12   (d) The task force shall consider in its recommendations:

13   (1) The certification required to be a limited license legal practitioner;

14   (A) Including the registration for the limited legal practitioner;

15   (B) The examination for the limited license legal practitioner;

16   (i) The entity that will administer the exam;

17   (ii) The entity that will review the exam;

18   (iii) The scope of legal practice within the exam;

19   (iv) The scope of professional responsibility of the exam;

20   (v) Notice to the applicant of the results from the exam; and

21   (vi) The duration for which an examination is valid.

22   (2) Prerequisites required for entry into certification program;

23   (A) The requirements for the application;

24   (B) Prior educational experience;

25   (C) Minimum age requirement; and

26   (D) Character and Fitness considerations.

27   (3) Consider modifications to the certification requirements for applicants with relevant

28   educational experience:

29   (A) Provide them an alternative path to achieving required hours by a showing for

30   applicants with:

31   (i) A relevant Master's degree;

32   (ii) A paralegal certification.

33   (B) Potential changes to the certification if an individual was seeking a certification in

34   multiple practice areas.

35   (4) The areas of practice available to be a limited license legal practitioner beginning with

36   child abuse and/or neglect proceedings and mental hygiene proceedings and limited to areas of

37   civil litigation.

38   (5) The services a limited legal license practitioner may provide;

39   (6) The implementation process for limited license legal practitioners;

40   (7) The cost associated with establishing a certification program at different institutions;

41   (8) The cost to potential limited legal license practitioners; and

42   (9) The timeline for establishing the certification programs for initial and subsequent areas

43   of practice.

44   (e) The task force shall identify changes to the Rules of Professional Conduct to

45   accommodate limited license legal practitioners.

46   (f) The task force shall identify a process by which aggrieved parties may make a complaint

47   against a limited license legal practitioner.

NOTE: The purpose of this bill is to enumerate the West Virginia Supreme Court of Appeals capacity to create rules regarding the scope of practice in the state of West Virginia while creating a task force to encourage the West Virginia Supreme Court of Appeals to create rules allowing nonlawyers the ability to practice law under a limited license.

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