

Rec., Mar. 24, 1934

22

ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 22

By Mr. Hodges

PASSED March 23 1934

IN EFFECT from PASSAGE

Originating in the.....	Takes effect.....	Passage.....
<i>Senate</i>	<i>James</i>	<i>James</i>
<i>Samuel C. Hayes</i>	<i>James</i>	<i>James</i>
Clerk.		Clerk House of Delegates.
CORRECTLY ENROLLED		
<i>Samuel C. Hayes</i>		<i>James</i>
Chairman Senate Committee.		Chairman House Committee.

ENROLLED BILL

(S. B. No. 22)

[Passed March 23, 1934; in effect from passage.]

AN ACT creating a judicial council for the continuous study of organization, rules and methods of procedure and practice, of the judicial system of the state; prescribing the duties and powers of such council; providing for the manner of appointment and terms of office of the members of such council; and constituting the faculty of the college of law of West Virginia university a bureau of research on legal problems and legal aspects of industrial problems.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a judicial council for the continuous study of organization, rules and methods of procedure and practice of the judicial system of the state. It shall be composed of one judge of the Supreme Court of

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5 Appeals, three circuit judges, and four practicing attorneys
6 and one member of the faculty of the college of law of West
7 Virginia university, who shall be appointed by the governor.
8 Not more than two judges and two attorneys shall be members
9 of any one political party.

Sec. 2. The executive council of the West Virginia bar
2 association may recommend to the governor at least one name
3 for each position or vacancy to be filled from the respective
4 class or classes of persons eligible to serve on said council,
5 which recommendation the governor shall consider before
6 making any appointment to said council.

7 Three members shall be appointed to said council for a
8 period of two years, one of whom shall be a judge, another
9 a practicing attorney, and the third, a member of the faculty
10 of the college of law of West Virginia university; three
11 members shall be appointed for a period of four years, one
12 of whom shall be a judge and two of whom shall be practicing
13 attorneys, and three members shall be appointed for a period
14 of six years, two of whom shall be judges and one a practicing
15 attorney. All appointments made thereafter shall be for a
16 period of six years, except that in a case of vacancy the ap-

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17 pointment shall be made to fill the unexpired term. The presi-
18 dent of the Supreme Court of Appeals shall designate the time
19 and place of the first meeting.

Sec. 3. The judicial council shall from time to time (1)
2 meet at the call of the chairman who shall be selected by the
3 council from its members;

4 (2) Survey the conditions of business in the several courts
5 of the state with a view of improving the administration of
6 justice, and submit such suggestions to the courts as it may
7 deem advisable;

8 (3) Report to the governor and to the legislature at the
9 convening of each regular session, such recommendations as it
10 may deem proper;

11 (4) Hold public hearings, administer oaths and require the
12 attendance of witnesses and the production of books and docu-
13 ments. The circuit courts shall have power to enforce obedience
14 to summonses issued by the council and compel the giving of
15 testimony.

Sec. 4. The council shall have the power to organize a
2 bureau of statistics for the purposes of gathering information
3 relating to civil and criminal litigation. Judges, prosecuting

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4 attorneys, sheriffs, and attorney general, clerks of the circuit
 5 and other courts of record, justices of the peace, superior
 6 officers of penal institutions and asylums and other county and
 7 municipal officers, boards and commissions, shall render such
 8 council such reports as it may request on matters in the scope
 9 of its powers. The clerks of the circuit courts and justices
 10 of the peace of the state shall prepare statements semi-annually
 11 showing the cases filed and their disposition and such other
 12 information regarding litigation in their respective courts as
 13 may be required under a method of arrangement and upon
 14 forms to be furnished them by the said judicial council, which
 15 statement shall be forwarded to the judicial council.

*James L. Smith**Chairman House Committee.*

Sec. 5. The judicial council of West Virginia shall propose
 2 to the Supreme Court of Appeals such changes in the practice
 3 and procedure of the state as it shall deem expedient. It shall
 4 also file with the governor an annual report of its proceedings
 5 and recommendations and results thereof, together with such
 6 proposals for legislation as it may deem necessary for making
 7 the administration of justice more efficient.

Sec. 6. The faculty of the college of law of West Virginia
 2 university shall constitute a bureau of research on legal prob-

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3 lems and the legal aspects of industrial problems, in so far
4 as funds may be conveniently made available by West Virginia
5 university for work in the summer time, and for diminishing
6 the teaching load of those members engaged on said work
7 during the school year. In so far as it may be possible, without
8 interfering with the teaching schedule of the college of law,
9 the faculty or members thereof designated by the dean, shall
10 prepare reports on matters within the scope of the powers of
11 investigation by said council.

Sec. 7. All members of the council shall serve without
2 compensation.

James L. Smith

Chairman House Committee.

Hazel C. Hyde
Chairman Senate Committee.

B. M. Thier
Speaker of the House of Delegates

Geo. S. Hays
Clerk of the House of Delegates

B. B. Mainwaring
President of the Senate

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James L. Smith
Chairman House Committee.

John D. Smith
Clerk of the Senate

The within is *approved*

this *29th* day of *March*, 1934.

H. S. Kump
Governor

Filed in the office of the Secretary of State
of West Virginia **MAR 30 1934**

Wm. S. O'BRIEN,
Secretary of State