WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 825

(By Mr. Daniel B. LOGAN)

PASSED
FEB. 26
1945

In Effect 90 days from Passage
ENROLLED

House Bill No. 82
(By Mr. Davis and Mr. Hugus)

[Passed February 26, 1945; in effect ninety days from passage.]

AN ACT to amend article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered four-a, providing for the adoption, promulgation and enforcement by the supreme court of appeals of West Virginia of rules defining the practice of law, prescribing a code of ethics governing the professional conduct of attorneys-at-law, and prescribing a code of judicial ethics, and establishing practice and procedure for disciplining, suspending, and disbarring attorneys-at-law, and providing for the creation, government, and conduct of the West Virginia state bar, and prescribing its powers and duties, and fees to be paid for the administration of this section and the collection and disbursement thereof.
Be it enacted by the Legislature of West Virginia:

That article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be numbered four-a, to read as follows:

Article 1. Supreme Court of Appeals.

Section 4-a. Rules Governing the Practice of Law;

2 Creation of West Virginia State Bar; Providing its Powers, and Fees for Administration.—The supreme court of appeals of West Virginia shall, from time to time, prescribe, adopt, 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 the practice of law, and prescribing a code of judicial ethics.

5 (c) Prescribing procedure for disciplining, suspending, and disbarring attorneys-at-law.

6 (d) Organizing and governing by and through all of the attorneys-at-law practicing in this state, an administrative agency of the supreme court of appeals of West Virginia, which shall be known as "The West Virginia
State Bar". The West Virginia state bar shall be a part of the judicial department of the state government and is hereby created for the purpose of enforcing such rules as may be prescribed, adopted and promulgated by the court from time to time under this section. It is hereby authorized and empowered to perform the functions and purposes expressed in a constitution, by-laws and amendments thereto as shall be approved by the supreme court of appeals from time to time. All persons practicing law in this state shall be members of The West Virginia state bar in good standing: Provided, however, That The West Virginia state bar shall not become operative until its constitution and by-laws shall first have been submitted to all attorneys-at-law practicing in this state, including those presently serving in the armed forces of the United States, for the purpose of securing the suggestions and recommendations of all such attorneys-at-law, for a period of at least sixty days prior to the entry of an order by such court approving said constitution and by-laws.
(e) Fixing a schedule of fees to be paid by attorneys-at-law practicing in the state of West Virginia for the purpose of administering this section, and providing for the collection and disbursement of such fees: Provided, however, That the annual fees to be paid by any attorney-at-law shall not exceed the sum of five dollars, unless a majority of the attorneys-at-law practicing in this state consent to the payment of a higher annual fee.

The inherent rule-making power of the supreme court of appeals is hereby declared.

When and as the rules of the court herein authorized shall be prescribed, adopted, and promulgated, all laws and parts of laws that conflict therewith shall be and become of no further force or effect to the extent of such conflict.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

[Signatures]
Clerk of the Senate
Clerk of the House of Delegates

[Signatures]
President of the Senate
Speaker House of Delegates

The within is approved this the 2nd day of March, 1945.

[Signature]
Governor.

[Stamp]
Filed in the office of the Secretary of State of West Virginia on MAR 2 1945

[Signature]
Secretary of State