

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 82

(By Mr. Daniel H. Hays)

PASSED Feb 26 1945

In Effect 90 days from Passage

82/Rec'd  
3-2

## **ENROLLED**

# **House Bill No. 82**

(By MR. DAVIS and MR. HUGUS)

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

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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,*

3 *and Fees for Administration.*—The supreme court of ap-

4 peals of West Virginia shall, from time to time, pre-

5 scribe, adopt, promulgate, and amend rules:

6 (a) Defining the practice of law.

7 (b) Prescribing a code of ethics governing the profes-

8 sional conduct of attorneys-at-law and the practice of

9 law, and prescribing a code of judicial ethics.

10 (c) Prescribing procedure for disciplining, suspending,

11 and disbarring attorneys-at-law.

12 (d) Organizing and governing by and through all of

13 the attorneys-at-law practicing in this state, an admin-

14 istrative agency of the supreme court of appeals of West

15 Virginia, which shall be known as "The West Virginia

16 State Bar". The West Virginia state bar shall be a  
17 part of the judicial department of the state govern-  
18 ment and is hereby created for the purpose of en-  
19 forcing such rules as may be prescribed, adopted and  
20 promulgated by the court from time to time under  
21 this section. It is hereby authorized and empowered  
22 to perform the functions and purposes expressed in  
23 a constitution, by-laws and amendments thereto as shall  
24 be approved by the supreme court of appeals from time  
25 to time. All persons practicing law in this state shall  
26 be members of The West Virginia state bar in good  
27 standing: *Provided, however,* That The West Virginia  
28 state bar shall not become operative until its consti-  
29 tution and by-laws shall first have been submitted  
30 to all attorneys-at-law practicing in this state, includ-  
31 ing those presently serving in the armed forces of the  
32 United States, for the purpose of securing the sug-  
33 gestions and recommendations of all such attorneys-  
34 at-law, for a period of at least sixty days prior to  
35 the entry of an order by such court approving said  
36 constitution and by-laws.

37 (e) Fixing a schedule of fees to be paid by attorneys-  
38 at-law practicing in the state of West Virginia for the  
39 purpose of administering this section, and providing for  
40 the collection and disbursement of such fees: *Provided,*  
41 *however,* That the annual fees to be paid by any attor-  
42 ney-at-law shall not exceed the sum of five dollars,  
43 unless a majority of the attorneys-at-law practicing in  
44 this state consent to the payment of a higher annual  
45 fee.

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

48 When and as the rules of the court herein authorized  
49 shall be prescribed, adopted, and promulgated, all laws  
50 and parts of laws that conflict therewith shall be and  
51 become of no further force or effect to the extent of such  
52 conflict.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Charles C. Morris*  
Chairman Senate Committee

*Jade Grouper Jr.*  
Chairman House Committee

Originated in the

*House*

Takes effect

*90 days from*

passage.

*J. Howard Hughes*  
Clerk of the Senate

*J. R. Bliff*  
Clerk of the House of Delegates

*Arnold M. Vickus*  
President of the Senate

*John E. Amos*  
Speaker House of Delegates

The within

*Appraised*

this the

*2<sup>nd</sup>*

day of

*March*

, 1945.

*W. S. O'Brien*  
Governor.



Filed in the office of the Secretary of State  
of West Virginia. MAR 2 1945

Wm. S. O'BRIEN,  
Secretary of State