

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

House Bill 5366

BY DELEGATES FUNKHOUSER AND AKERS

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

FILED
2025 MAR -1 P 10:53
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HB 5366

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2025 MAR -1 P 10:53
OFFICE OF THE CLERK
LEGISLATIVE DEPARTMENT OF STATE

BY DELEGATES FUNKHOUSER AND AKERS

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating
2 to establishing that all records, files, or other documents gathered or provided pursuant to
3 rules promulgated by the Supreme Court of Appeals relating to the procedures, referrals,
4 and services of the West Virginia Judicial and Lawyer Assistance Program are not public
5 records and are exempt from disclosure under the Freedom of Information Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. SUPREME COURT OF APPEALS.

**§51-1-4a. Rules governing practice of law; creation of West Virginia State Bar; providing
its powers, and fees for administration.**

1 (a) The Supreme Court of Appeals of West Virginia shall, from time to time, prescribe,
2 adopt, promulgate, and amend rules:

3 (1) Defining the practice of law.

4 (2) Prescribing a code of ethics governing the professional conduct of attorneys at law
5 and the practice of law, and prescribing a code of judicial ethics.

6 (3) Prescribing procedure for disciplining, suspending, and disbarring attorneys at law.

7 (4) Organizing and governing by and through all of the attorneys at law practicing in this
8 state, an administrative agency of the Supreme Court of Appeals of West Virginia, which shall be
9 known as "The West Virginia State Bar." The West Virginia State Bar shall be a part of the judicial
10 department of the state government and is hereby continued for the purpose of enforcing such
11 rules prescribed, adopted and promulgated by the court from time to time under this section. It
12 may perform the functions and purposes expressed in a Constitution, bylaws and amendments
13 thereto that are approved by the Supreme Court of Appeals from time to time. All persons
14 practicing law in this state shall be members of the West Virginia State Bar in good standing.

15 (5) Fixing a schedule of fees to be paid by attorneys at law practicing in the State of West
16 Virginia for the purpose of administering this section, and providing for the collection and
17 disbursement of the fees.

18 (b) The inherent rule-making power of the Supreme Court of Appeals is hereby declared.

19 (c) When and as the rules of the court authorized in this section are prescribed, adopted,
20 and promulgated, all laws and parts of laws that conflict with the rules shall be and become of no
21 further force or effect to the extent of such conflict.

22 (d) Records, files, or other documents gathered or provided pursuant to rules promulgated
23 by the Supreme Court of Appeals relating to the procedures, referrals, and services of the West
24 Virginia Judicial and Lawyer Assistance Program are not public records and are exempt from
25 disclosure under the Freedom of Information Act as provided in §29B-1-1 *et seq.* of this code, to
26 the extent those rules designate them as confidential.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Amack

Clerk of the House of Delegates

Joe Linn

Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

Ben Harkins
Speaker of the House of Delegates

Roy Smith
President of the Senate

FILED
2024 APR -1 P 10:53
OFFICE OF THE CLERK OF THE SENATE

The within is *approved* this the *15th*
Day of *April*, 2026.

PATRICK MORISSEY
Governor

PRESENTED TO THE GOVERNOR

TIME 3:30pm