

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 28th day of January 2010, the following order was made and entered:

Re: AMENDMENTS TO RULES 1.1, 1.2, 1.6, and 1.7 OF THE RULES OF JUDICIAL DISCIPLINARY PROCEDURE

On this day came the Court, on its own motion, and proceeded to consider amendments to Rules 1.1, 1.2, 1.6, and 1.7 of the Rules of Judicial Disciplinary Procedure. Upon consideration whereof, the Court is of the opinion to and does hereby provisionally approve said amendments, effective immediately, with any public comment to be filed in writing with the Clerk of the Court by March 1, 2010.

The text of the amended rules to read as follows, with insertions indicated by underscore and deletions indicated by strikethrough:

“Rules of Judicial Disciplinary Procedure

Rule 1.1. Membership.

The Commission shall consist of nine members: three circuit judges, one magistrate, one family court judge, one mental hygiene commissioner, juvenile referee, special commissioner, special master, or former judge or justice, state or federal, and three members of the public. Initially, the membership of the Commission shall consist of the current members of the Judicial Investigation Commission, except for the addition of one circuit judge and one mental hygiene commissioner, juvenile referee, special commissioner, or special master, and the deletion of two lawyers. The Supreme Court shall annually appoint one of the three circuit judge members to serve as the Chairperson of the Commission. The appointment of the Chairperson shall be filed with the Clerk of the Supreme Court. The Chairperson of the Commission serves at the pleasure of the Supreme Court and is not subject to the term limits set forth in Rules 1.2 and 1.6.

Rule 1.2. Terms.

The members of the Commission, other than the Chairperson, shall serve staggered terms of three years. The appointment date of the terms shall be filed with the Clerk of the Supreme Court. All members of the Commission currently serving as members of the Judicial Investigation Commission, other than the lawyer members, shall serve the remainder of their terms. The term and authority of any member of the Commission shall be extended to allow such member to participate in any matter in which the member has participated prior to expiration of the member's term.

Rule 1.6. Reappointment.

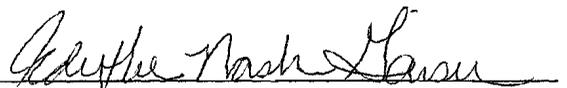
A member of the Commission, other than the Chairperson, who has completed one full term of service shall twice be eligible for reappointment after completion of the member's term. Any member appointed to fill a vacancy who has served less than one year shall be eligible for ~~two~~ three reappointments.

Rule 1.7. ~~Election~~ Appointment of officers.

~~The members of the Commission~~ Supreme Court shall annually ~~elect~~ appoint a Chairperson and a Vice-Chairperson. The Chairperson, and in the Chairperson's absence the Vice-Chairperson, shall perform the duties normally associated with that office and shall preside over all meetings of the full Commission.

A True Copy

Attest:


Deputy Clerk of Court