

## STATE OF WEST VIRGINIA

At a Regular Term the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on February 14, 2019, the following order was made and entered:

**RE: ADOPTION, IN PART, OF AMENDMENTS TO THE RULES OF JUDICIAL  
DISCIPLINARY PROCEDURE AND THE RULES FOR ADMISSION TO  
THE PRACTICE OF LAW  
18-RULES-03**

On May 9, 2018, the Court provisionally adopted and published for public comment amendments to **Rule 1.9** of the **Rules of Judicial Disciplinary Procedure** and **Rule 1.0(a)** of the **Rules for Admission to the Practice of Law**. No comments were filed.

On this day, the Court, on its own motion, proceeded to consider the amendments after their publication.

Upon consideration and review, the Court is of the opinion to and does hereby adopt the amendments to **Rule 1.9** of the **Rules of Judicial Disciplinary Procedure** and **Rule 1.0(a)** of the **Rules for Admission to the Practice of Law**, as modified since publication for comment, effective immediately. Additions are indicated by underlining, deletions are indicated by strikethrough.

### **RULES OF JUDICIAL DISCIPLINARY PROCEDURE**

#### **Rule 1.9. Compensation and expenses.**

All members of the Commission shall be eligible for reimbursement for travel and other expenses incidental to the performance of their duties. Members of the Commission who are not judicial officers shall be considered temporary employees of the Supreme Court of Appeals only for the limited purpose of payment and shall receive W-2 compensation ~~in the amount of one hundred dollars per meeting to be paid by the State from funds appropriated to the judiciary.~~ The limited nature of the classification shall not subject the non-judicial members to any of the rules or requirements set forth in the West Virginia Judicial Personnel System Manual or the Code of Judicial Conduct. Any lawyer member shall not be conflicted off any case or controversy before any court in West Virginia by virtue of his or her affiliation with and service on the Commission.

## **RULES FOR ADMISSION TO THE PRACTICE OF LAW**

### **Rule 1.0. Board of Law Examiners.**

#### **(a) Membership.**

\* \* \*

All members of the Board shall be eligible for reimbursement for travel and other expenses incidental to the performance of their duties. Members of the Board who are not judicial officers shall be considered temporary employees of the Supreme Court of Appeals only for the limited purpose of payment and shall receive W-2 compensation ~~in the amount of six hundred dollars per meeting to be paid by the State from funds appropriated to the judiciary.~~ The limited nature of the classification shall not subject the non-judicial members to any of the rules or requirements set forth in the West Virginia Judicial Personnel System Manual or the Code of Judicial Conduct. Members shall not be conflicted off any case or controversy before any court in West Virginia by virtue of their affiliation with and service on the Board.

Additionally, at the request of the Judicial Investigation Commission, the Court provisionally amended and published for public comment an amendment to **Rule 1.2** of the **Rules of Judicial Disciplinary Procedure**. Rule 1.2. Terms was provisionally amended, subject to public comment, as follows:

#### **Rule 1.2. Terms.**

The members of the Commission shall serve staggered terms of ~~three~~ four years. \* \* \*

No comments were filed.

Upon consideration and review of the provisional amendment to **Rule 1.2** of the **Rules of Judicial Disciplinary Procedure**, the Court is of the opinion to and does hereby decline to adopt the amendment. Justices Workman and Hutchison would adopt the amendment. It is therefore ordered that **Rule 1.2. Terms** shall read:

#### **Rule 1.2. Terms.**

The members of the Commission shall serve staggered terms of three ~~four~~ years. \* \* \*

Finally, at the request of the Judicial Investigation Commission, the Court provisionally amended and published for public comment an amendment to **Rule 1.6** of the **Rules of Judicial**

**Disciplinary Procedure.** Rule 1.6. Reappointment was provisionally amended, subject to public comment, as follows:

**Rule 1.6. Reappointment.**

\* \* \* The Chairperson and Vice Chairperson of the Commission ~~is~~ are not subject to the term limits.

Upon consideration and review of the provisional amendment to Rule 1.6 of the **Rules of Judicial Disciplinary Procedure**, the Court is of the opinion to and does hereby decline to adopt the amendment. It is therefore ordered that **Rule 1.6. Reappointment** shall read:

**Rule 1.6. Reappointment.**

\* \* \* The Chairperson ~~and Vice Chairperson~~ of the Commission is ~~are~~ not subject to the term limits.

The Court's May 9, 2018 order provisionally adopting the amendment to Rule 1.2 of the Rules of Judicial Disciplinary Procedure, extended the terms of the members of the Judicial Investigation Commission an additional year. Because the Court declines to adopt the amendments, appointments and reappointments to the Judicial Investigation Commission are now, as of this date, necessary. Orders appointing and reappointing members to the Judicial Investigation Commission shall be entered forthwith.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

