

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on May 23, 2025, the following order was made and entered:

**RE: REQUEST FOR PUBLIC COMMENT ON AMENDMENTS TO BYLAWS
1.01, 2.02, 3.02, 3.03, 5.08, AND 13.02 OF THE WEST VIRGINIA STATE
BAR BYLAWS, No. 25-160**

The Court has considered proposed amendments to Bylaws 1.01, 2.02, 3.02, 3.03, 5.08, and 13.02 of the West Virginia State Bar Bylaws. The Court has jurisdiction to consider these amendments under Bylaw 11.01 and Article VIII, §§ 1 and 3 of the West Virginia Constitution.

Upon consideration and review, the Court is of the opinion that the following amendments be published for a period of public comment for thirty days. Comments may be filed in writing with the Office of the Clerk on or before June 23, 2025. Additions are indicated by underscoring, and deletions are indicated by strike-through.

WEST VIRGINIA STATE BAR BYLAWS

Article 1 Definition and Rules of Construction.

Bylaw 1.01 Definitions.

In these bylaws unless the context or subject matter otherwise requires:

- (a) “State Bar” means the West Virginia State Bar;
- (b) “Board” and “Board of Governors” mean the board of governors of the West Virginia State Bar;
- (c) “Contributing Member” means a member of the West Virginia State Bar who during the fiscal year in question pays to the State Bar in addition to their annual membership fee, five or more dollars; provided, however, that this is not a separate class of membership, and no such member shall by reason of such contribution acquire or have any rights or privileges other than those of a member;
- (d) “Governor” means a governor of the West Virginia State Bar;
- (e) “Member” means a member of the West Virginia State Bar;
- (f) “Member of the Armed Forces” means a member in good standing of the West Virginia State Bar ~~in active service in the armed forces of the United States on July 1 of such year, provided that this definition shall not apply to members who have entered such service as a career or to members on temporary training duties~~ who is on active duty on July 1 of the upcoming fiscal year or who is advised before September 1 of a call to go on active duty at any time during the upcoming fiscal year;
- (g) “Executive Director” means the executive director of the West Virginia State Bar;

(h) “Judge of a Court of Record” or “Judicial Member” means a Family Court Judge, Circuit Court Judge, Intermediate Court of Appeals Judge, Supreme Court of Appeals Justice, and federal judges specified in Bylaw 2.07;

(i) “Practice of Law” means the provision of legal services, as more completely set forth in the Rules of Professional Conduct and the Definition of the Practice of Law as promulgated by the Supreme Court of Appeals including, but not limited to private practice, in-house counsel positions, or public employment;

(j) “State Bar Administrative Rules” means the body of rules approved by the Supreme Court of Appeals in accordance with Bylaw 10.12 that apply to and govern the administration of the West Virginia State Bar;

(k) “Member in Good Standing” means a member of the West Virginia State Bar who is not, suspended, or disbarred, has not resigned, and who is in any of the following membership classes: active; active non-practicing; inactive; judicial; or emeritus pro bono; and

(l) “Supreme Court” or “Supreme Court of Appeals” means the Supreme Court of Appeals of West Virginia.

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Bylaw 2.02 Enrollment of members; register; obligation to maintain current contact information.

(a) *Enrollment and register.* The Executive Director shall keep a register for the enrollment of members of the State Bar. Upon admission to the practice of law in accordance with the Rules for Admission to Practice Law in West Virginia, each member shall enroll by completing and transmitting via email a registration form to the Executive Director containing such information as may be prescribed by the Board, including but not limited to: (1) full name under which the practice of law is conducted; (2) date of birth; (3) mailing address of record; (4) email address of record; (5) principal office address; (6) telephone number of record; (7) fax number of record; and (8) date admitted by the Supreme Court of Appeals.

(b) *Obligation to maintain current contact information.* All members, except disbarred and resigned members, must promptly notify the Executive Director of any change in contact information within ten days of such change. Written communications from the State Bar to members shall be sent to the mailing or email address of record, ~~or both.~~

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Bylaw 3.02 Amount of annual membership fee.

(a) *Active members and active non-practicing members.* The annual membership fee for active members and active non-practicing members varies depending on the number of fiscal years since the member was first admitted to the practice of law, and shall be as follows:

(1) Less than one fiscal year: one hundred dollars (\$100);

(2) One to three fiscal years: two hundred dollars (\$200);

(3) Over three fiscal years: two hundred fifty dollars (\$250);

(b) *Inactive members.* The annual membership fee for inactive members who are less than seventy years of age is one hundred dollars (\$100).

(c) *Members admitted by reciprocity.* Any active member admitted to practice law in West Virginia without examination pursuant to Rule 4.0 of the Rules for Admission to the Practice of

Law shall pay an annual membership fee ~~equal to the amount set forth in State Bar Administrative Rule 3.02(a)(3)~~ of \$250.

(d) Members admitted by transferred UBE score. Any active member admitted to practice law in West Virginia by transferred UBE score pursuant to Rule 3.5 of the Rules for Admission to the Practice of Law shall pay an annual membership fee of \$200 for the first three fiscal years, after which the annual membership fee will be \$250.

(e) Active duty military members. Any active member who is called to active military duty after September 1 of any fiscal year may apply for a waiver of fees for the following fiscal year.

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Bylaw 3.03 Payment of annual membership fee.

(a) *Obligation to pay annual membership fee.* Each member shall pay the applicable annual membership fee to the State Bar on or before the first day of July each year for the ensuing fiscal year. Failure to pay on time will result in late fees and subject the member to possible suspension as set forth in State Bar Administrative Rule 3.03.

(b) *Exemptions from annual payment.*

(1) Judicial members, inactive members who are seventy or more years of age, emeritus pro bono members, and Members of the Armed Forces are exempt from annual membership payments but may voluntarily pay membership fees. A member of the armed forces may request a waiver of membership fees for the upcoming fiscal year by submitting a copy of their active duty orders along with the written request for a waiver. A member of the armed forces who has paid membership fees for the current fiscal year, but who is not called to active duty until on or after September 1 during the current fiscal year may request a waiver of membership fees for the subsequent fiscal year. The member must request the waiver between July 1 and September 1 of the subsequent fiscal year by submitting a copy of the prior active duty orders along with the written request. Approval of a waiver of membership fees does not exempt the member from the annual financial responsibility disclosure, IOLTA, succession planning, and/or continuing legal education reporting requirements.

(2) Any active member who is first admitted to practice law between May first and July first is exempt from paying an active membership fee for the fiscal year in which the admission takes place, but must complete the registration process set forth in Bylaw 2.02 before engaging in the Practice of Law.

(3) A member who is suspended during the entire fiscal year as a result of disciplinary proceedings is not required to pay the annual membership fee for that year. Upon the expiration of any suspension resulting from disciplinary proceedings, a member is required to pay full membership fees for the current fiscal year before reinstatement.

(c) *Refunds prohibited.* No part of any annual membership fee shall be refunded by reason of death, resignation, entering office as a Judge of a Court of Record, removal from the State, suspension, disbarment, or for any other reason.

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Bylaw 5.08 Vacancies; removals.

Vacancies in the office of governor shall be filled by the Board for the unexpired term. If

any governor be determined by the Board to have become incapacitated from performing their duties as governor, or if any governor be absent from any two consecutive meetings of the board, without cause deemed adequate by the Board, they may be removed by the Board. A vacancy shall be announced by the State Bar in an email to eligible members in the district, therein seeking nominations or applications for appointment to the vacant office. The nominations and applications submitted shall be reviewed by the Board, which shall fill the vacancy by appointment from the nominations or applications submitted. If no eligible member seeks to serve the remainder of the unexpired term, the President shall appoint a committee from the Board and that committee shall appoint a member to serve for the remainder of the term vacated.

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Bylaw 13.02 Communications and notice from State Bar.

Unless otherwise specified, any communication or notice which is required or permitted to be sent from the State Bar to a member may be made by email ~~or first-class mail based upon the information on record with the State Bar.~~ Notice to a member shall presumptively be deemed adequate if transmitted using the ~~membership information~~ email address on record with the State Bar. ~~If permitted by the Board, such communications may be made electronically using a web-based membership portal maintained by the State Bar.~~

A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

