

STATE OF WEST VIRGINIA

On June 26, 2026, the Supreme Court of Appeals of West Virginia made and entered the following order:

RE: REQUEST FOR PUBLIC COMMENT ON AMENDMENTS TO WEST VIRGINIA STATE BAR BYLAW 6.05, No. 26-214

On April 20, 2026, Kevin Baker, Executive Director of the West Virginia State Bar, submitted to the Court proposed amendments to Bylaw 6.05 of the West Virginia State Bar Bylaws regarding the process for filling vacancies on the West Virginia State Bar's Board of Governors. Mr. Baker also submitted a cover letter stating that the proposed amendments to Bylaw 6.05 were approved at the West Virginia State Bar Annual Meeting under Bylaw 11.01 (Amendments at annual meeting).

Under Article VIII, §§ 1 and 3 of the West Virginia Constitution, the Court has jurisdiction to promulgate, amend, or abrogate court rules. Under Bylaw 11.01 of the Bylaws of the West Virginia State Bar, bylaw amendments must be finally approved for adoption by this Court. By that authority, the Court has considered proposed amendments to West Virginia State Bar Bylaw 6.05.

Upon consideration and review, the Court is of the opinion that the following amendments to West Virginia State Bar Bylaw 6.05 should be published for a period of public comment for 30 days. Comments may be filed in writing with the Office of the Clerk on or before July 27, 2026. Additions are indicated by underscoring, and deletions are indicated by strike-through.

Bylaws of the West Virginia State Bar

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Bylaw 6.05. Officer Vacancies; removals.

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~~Vacancies in any office shall be filled by the Board for the unexpired term if any officer is determined by the Board to have become incapacitated from performing duties as such officer, they may be removed by the Board.~~

Should a vacancy occur in the office of President, President-Elect, or Vice President, the unexpired terms of said office shall be addressed as follows:

1. If a vacancy occurs in the office of the President, the President-Elect shall be immediately elevated to President and serve the remainder of the year as President before beginning their regularly scheduled year as President on the day preceding the opening day of the State Bar annual meeting, as set forth in Bylaw 6.02(a). This shall not be considered a successive term as President.

2. If a vacancy occurs in the office of the President-Elect, the Vice President shall be immediately elevated to President-Elect and serve the remainder of the year as President-Elect before beginning their regularly scheduled year as President-Elect on the day preceding the opening day of the State Bar annual meeting. This shall not be considered a successive term as President-Elect and the continuation in the role of President-Elect is made notwithstanding the provisions of Bylaw 6.02(b).

3. If a vacancy occurs in the office of the Vice President, the Board shall elect a new Vice President at its next quarterly meeting, pursuant to the provisions of Bylaw 6.02(c) and 6.04: Provided, That this election and the process provided may occur sooner than the final quarterly meeting on the day preceding the opening day of the State Bar annual meeting. The person elected will serve the remainder of the year as Vice President, if applicable, and then their regularly scheduled year as Vice President.

Any officer may be removed from office by the Board if the Board determines that the officer has become incapacitated from performing the duties of their office. Once removed, the vacancy shall be filled pursuant to this Bylaw 6.05.

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A True Copy

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

