



COMMISSION ON THE FUTURE OF THE PRACTICE OF LAW

— IN WEST VIRGINIA —

Findings and Recommendations Report

August 10, 2026

IN CONJUNCTION WITH:



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INTRODUCTION

“The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.” Gideon v. Wainwright, 372 U.S. 335, 344–45, 83 S. Ct. 792, 797 (1963).

The Federal and West Virginia Constitutions guarantee several due process rights that the Judicial Branch is responsible for protecting. For the Judicial Branch to function and protect those rights and ensure justice, West Virginia needs enough competent attorneys taking court-appointed cases.

However, over the past decade, the total number of attorneys has declined significantly. As a result, judges report a near-crisis in finding enough panel attorneys available to take appointed cases. For example, in a September 30, 2024, letter to the Wood County Bar, Chief Judge Wharton wrote “[i]n this Circuit we have historically relied on attorneys who choose to participate as panel attorneys on the appointment list. Unfortunately, we have reached a critical shortage of attorneys to represent indigent individuals . . .” Similarly, on December 30, 2024, then Chief Circuit Judge Maryclaire Akers wrote to the attorneys in Kanawha County:

I am reaching out on behalf of the 13th Judicial Circuit [now the 8th Judicial Circuit], to make you aware of a crisis in Kanawha County which directly impacts access to justice in our community. Within the last 10 years, the number of lawyers willing to serve as Court Appointed Counsel for criminal defendants (both misdemeanor and felony), Juvenile Abuse and Neglect, Guardians ad Litem, and Juvenile criminal matters has gone from an estimated 63 to 11. Kanawha County is currently in a situation where indigent defendants are in imminent danger of being denied their basic Constitutional rights and children have no representation in situations of abuse and neglect.”

The challenges are structural and cannot be addressed without systemic changes.

In April 2025, the Supreme Court of Appeals created the Commission on the Future of the Practice of Law in West Virginia to study the decline in the number of attorneys accepting court-appointed work and propose policy solutions to counter the downward trend. This memorandum summarizes the Commission’s work to date and outlines several policy concepts that may warrant further development by interested stakeholders.

THE COMMITTEE ON LEGAL EDUCATION AND ADMISSION REFORM STUDY FOUNDATION

The decline in access to legal representation, commonly described by the American Bar Association (“ABA”) as “legal deserts,” particularly in rural areas, is not unique to West Virginia. On July 27, 2025, the National Center for State Courts, the Conference of State Court Administrators, the Conference of Chief Justices, AccessLex Institute, and the Thomson Reuters Institute issued a collaborative report¹ on the nationwide problem of access to legal services. The Committee on Legal Education and Admissions Reform (“CLEAR”) studied how legal education, licensure, and entry into the practice of law can help address “the justice gap crisis.” It concluded that “[s]tate courts are well-positioned to lead efforts for systemic change through innovation and reform.”

SPECIFIC RECOMMENDATIONS

RECOMMENDATION 6.1: State supreme courts should explore innovative pathways to licensure that enhance practice readiness and address access to justice.

RECOMMENDATION 6.4: To support score portability—a current reality of the profession, and the expectation of lawyers in an increasingly interconnected world—state supreme courts should explore how to accept other jurisdictions’ determinations of competence, whether by innovative or bar exam pathways.

RECOMMENDATION 7.1: State supreme courts should champion public interest lawyering by considering innovative pathways to licensure, supporting efforts to lower caseloads and support lawyer well-being, raising awareness and prestige of public interest careers, and advocating for strong public interest loan repayment assistance programs at the state and national levels and tax credit programs for public interest lawyers.

RECOMMENDATION 7.2: State supreme courts should encourage all stakeholders to engage prospective and enrolled law students about the financial and professional implications of law school, especially related to salary, debt, public interest specialization programs and centers, and proactive individual assistance.

RECOMMENDATION 8: Because rural areas face the access to justice crisis acutely, often experiencing a critical shortage of attorneys to meet the legal needs of the community, state courts should work with stakeholders to expand opportunities for cost-effective rural education by promoting distance learning, exploring innovative pathways designed to address rural legal needs, and encouraging internship, externship, and law clerkships in rural communities.

¹ Committee on Legal Education and Admissions Reform (CLEAR), Report and Recommendations (July 27, 2025), https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf.

THE WORK OF THE COMMISSION

To better understand this trend, and to identify possible public policy changes and practical solutions to build additional legal capacity for court-appointed work, encourage new lawyers, and better support small and solo firm practice in rural parts of the state, the Court authorized the creation of the Commission on the Future of the Practice of Law in West Virginia on April 15, 2025. The Court appointed Administrative Director Keith Hoover to serve as Chair, and appointed representatives of the West Virginia State Bar, West Virginia University College of Law, West Virginia Legislature, current circuit and family court judges, and a federal Magistrate to serve as Commissioners.

Staff support for coordination, research, and analysis has been provided by the Administrative Office of the Courts, including Elizabeth Schindzielorz (Policy Counsel), Cassie Long (Policy Analyst), Mallory Watkins, Ph.D. (Director of Statistical Information)(“Staff”). Since April 2025, Staff reviewed and analyzed numerous reports, articles, presentations, and other information to better understand the causes of the decline in attorneys nationwide and in West Virginia; proposed methods to quantify and locate existing and emerging legal deserts; and studied solutions being proposed and/or implemented by other jurisdictions to address this issue. Staff have also endeavored to quantify the attorneys who are currently volunteering to accept court appointments within each county and circuit.



The Commissioners met as a group for the first time on August 18, 2025. The first part of that meeting consisted of a presentation by staff which provided background information about the problem of legal deserts both across the country and in West Virginia, a synopsis of the various solutions from our review of the literature, and additional data to be compiled by staff in furtherance of the Commission's work. The Commissioners then selected proposed solutions for further study.

The Commissioners were divided into three subgroups, each of which was assigned several of the proposed solutions. The subgroups worked to develop a concept model of each proposed solution, including an analysis of what the solution would look like in practice; any changes that may be needed, in statute, rule, or otherwise; required funding and possible sources; identification of stakeholders and the primary institution needed to implement the proposal; and any downsides of the concept. The full Commission met as a group again on November 6, 2025, to share and discuss proposed concept models.

Finally, in collaboration with the State Bar, staff sent a survey to all active² status, in-state attorneys subject to Interest on Lawyers Trust Accounts (IOLTA) reporting. The purpose of this distinction was to focus the survey on private practice attorneys. The survey was sent to 2,177 attorneys and we received 538 responses for a 25% response rate; this rate provides a statistically reliable sample, producing approximately a $\pm 3.7\%$ margin of error at the 95% confidence level, assuming the respondents are reasonably representative of the overall group.³



² See West Virginia State Bar Bylaws, Bylaw 2.03.

³ See Appendix, Survey Results (Dec. 3, 2025 through Jan. 9, 2026).

KEY FINDINGS

1. Annual self-reporting required by the West Virginia State Bar includes classification with respect to its IOLTA program. An attorney is considered IOLTA-exempt if he or she does not represent clients outside of the capacity of being a full-time government lawyer (law clerk, prosecutor, assistant prosecutor, public defender, etc.) or in-house counsel, or if his or her principal place of business is outside of the state of West Virginia and his or her account is in compliance with the IOLTA rules of that state.⁴ These lawyers are generally unable to accept court-appointed work. Non-exempt IOLTA attorneys are generally those in private practice at law firms in West Virginia that can accept court-appointed work. For purposes of this report, these attorneys are referred to as “private practice attorneys.”

ACTIVE, IN-STATE ATTORNEYS IN WV
2014: 4,873
2024: 4,420
9.29% *DECREASE*
2. In 2014, West Virginia had 4,873 active, in-state attorneys.⁵ In 2024, that number fell to 4,420.⁶ While the number of attorneys nationwide increased 4.99% between 2014 and 2024, the number of active, in-state attorneys in West Virginia has declined by 9.29% during that same time. Out of the 4,420 current active, in-state attorneys, only 2,221 are private practice attorneys.⁷ Over ten years, West Virginia has lost an average of 45 attorneys per year.
3. During the same ten-year period, based on the Census and Census Estimates, West Virginia’s total population declined by approximately 4.3%. While the reduction in the number of attorneys partially reflects this broader population loss, the decline in attorneys has occurred at a significantly faster rate. Moreover, demand for legal services does not necessarily track population trends. For example, in 2014 West Virginia courts handled 4,005 child abuse and neglect cases, while in 2024 the courts saw 5,472 such filings.⁸ These figures demonstrate that the

CHILD ABUSE AND NEGLECT FILINGS
2014: 4,005
2024: 5,472
36.63% *INCREASE*

⁴ West Virginia State Bar Membership Portal, Reporting & Fees, <https://mywvbar.org/reporting-and-fees>.

⁵ WV State Bar membership data (2014-2024).

⁶ Id.

⁷ Id.

⁸ Administrative Office of the Supreme Court of Appeals of West Virginia, 2014 Annual Statistics Report on Circuit, Family, and Magistrate Courts, https://www.courtswv.gov/sites/default/pubfiles/mnt/2023-06/2014AnnualReport_Statistics.pdf; Administrative Office of the Supreme Court of Appeals of West Virginia,

need for attorneys in certain case types may increase even as the state's overall population declines.

4. Approximately 25% of West Virginia private practice attorneys plan to retire in the next five years.⁹
5. Since 2017, West Virginia admitted on average 203 new attorneys per year. Of the admission types, an average of 125 were admitted by exam passage, 50 were admitted by reciprocity, 24 were admitted by UBE transfer, and 4 were admitted by Rule 9.¹⁰
6. Data from the WVU College of Law mirrors this decline. In 2014, 607 students applied to law school. In 2024, only 496 applications were received. Likewise, graduate numbers fell from 129 to 107 in that same period. Of the 107 graduates in 2024, only 63 reported employment in West Virginia.¹¹
7. Assuming an average gross influx of 203 new lawyers per year and an average net change of - 45 attorneys per year, we estimate approximately 248 active, in-state attorneys are leaving the practice each year ($203 - X = -45$; $X = 248$). This is consistent with the above statement that 25% of 2,177 attorneys plan to retire in the next five years, or an average of 221 per year.

**APPROXIMATELY 248 ACTIVE,
IN-STATE ATTORNEYS LEAVE
PRACTICE EACH YEAR**



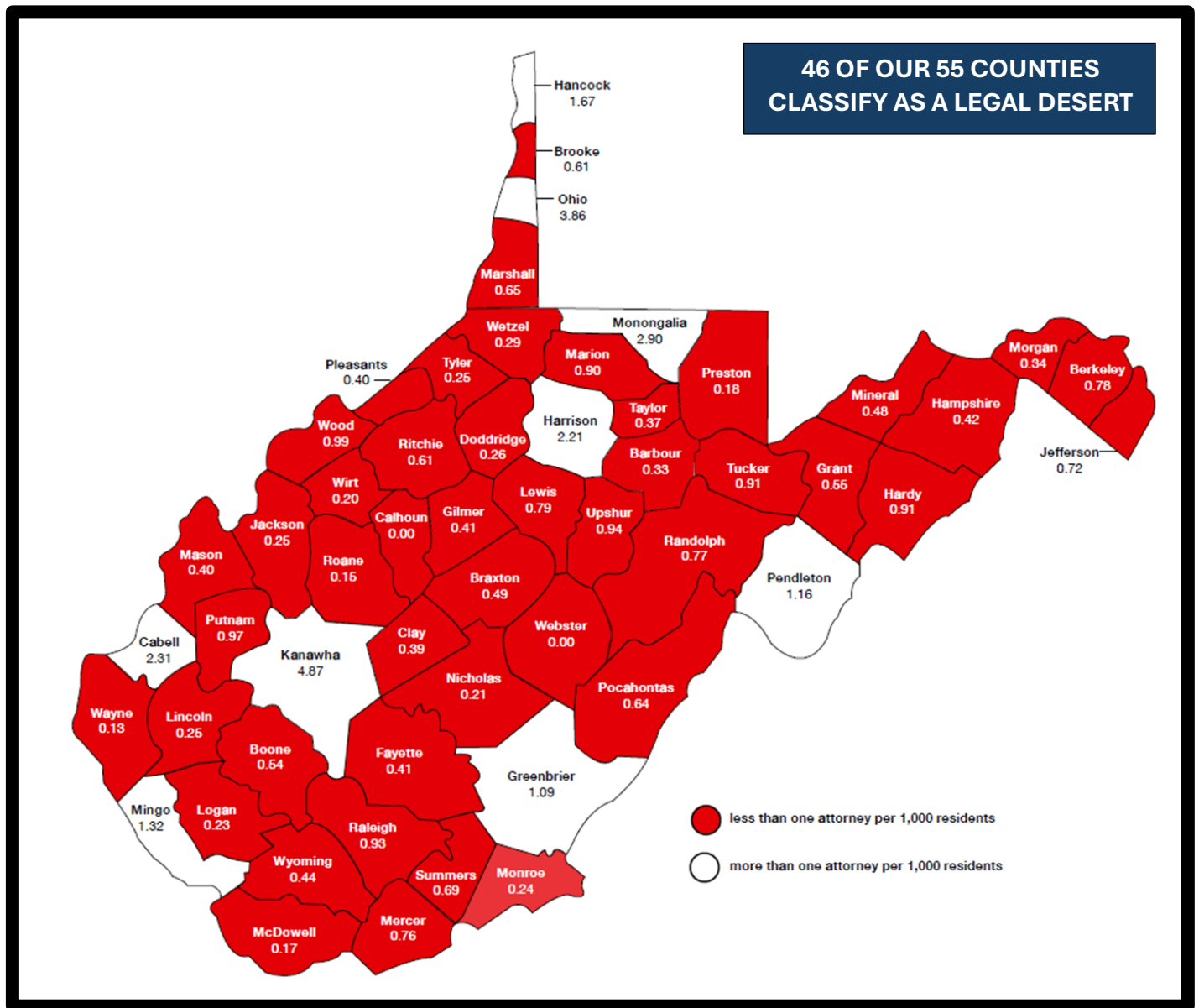
2024 Annual Statistics Report on Circuit, Family, and Magistrate Court Judges,
https://www.courtswv.gov/sites/default/pubfiles/mnt/2026-04/2024_SupremeCourt_AnnualReport_R.pdf.

⁹ See Appendix

¹⁰ West Virginia Board of Law Examiners Data (2014 – 2024)

¹¹ West Virginia University College of Law - 2014 Standard 509 Information Report,
<https://www.abarequireddisclosures.org/requiredDisclosure>.

8. The American Bar Association refers to geographic areas where the attorney to resident ratio is less than 1 lawyer for every 1,000 residents as legal deserts.¹² Staff narrowed this figure in West Virginia to private practice attorneys per 1,000 residents to obtain a more accurate picture of the practice of law in West Virginia. Based on this metric, 46 of our 55 counties classify as a legal desert.¹³



¹² See American Bar Association, ABA Profile of the Legal Profession 2020 at 2-3, <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>.

¹³ West Virginia State Bar membership data (2024-25); U.S. Census population estimates (2024).

9. Compounding the general trend, only 32% of private practice attorneys currently accept court-appointed assignments; 44% of attorneys accepted court-appointed work in the past but no longer do; and 24% have never accepted court-appointed work. Even in Kanawha County, one of three counties in the Charleston, WV metropolitan area that is ranked by Bureau of Labor Statistics at 8th nationally in the highest concentration of lawyers per thousand jobs, only 17% of private practice attorneys currently accept court appointments.^{14 15}
10. Judges almost universally report that the decline in attorneys impacts dockets. Fewer attorneys now take cases before multiple judges in different counties and circuits. As a result, scheduling is now a barrier to cases being resolved timely. For example, assume an attorney practices in Raleigh County, but accepts appointments in Mercer, Fayette, and Wyoming Counties. If a judge in Raleigh County needs to hold a follow-up hearing in two weeks, that schedule now must fit with the schedule of three other circuits. As a result, what should be a two-week follow-up hearing could be pushed to the next available time and date four weeks later. Additionally, overworked attorneys can only give clients the time they have, resulting in slower communications and court submissions.
11. Legislators and other stakeholders have raised concerns with the quality of legal representation as reported by constituents and those with cases in the system. The Commission believes that most of the court-appointed attorneys are doing their best with the time they can offer. More attorneys would help lower caseloads, which in turn could allow for more availability on a particular case.
12. Emerging technologies with artificial intelligence will continue to change the practice of law in the coming years. However, while technology may impact the productivity and efficiency of the legal practice, the Bureau of Labor Statistics¹⁶ still projects a net increase of 44,200 lawyer jobs by the year 2032, rising from 859,000 jobs in 2023 to 903,300 jobs in 2032. This anticipated rise could account for an additional 5.2% increase in lawyer demand in this decade. While generative AI may affect some hiring at large firms relying on new lawyers for legal research, document review, or transactional practice, it will not be able to represent criminal defendants or parties in juvenile matters in the courtroom or replace the personal interactions in these case types.

¹⁴ U.S. Bureau of Labor Statistics, Occupational Employment and Wages, May 2023, 23-1011 Lawyers, <https://www.bls.gov/oes/2023/may/oes231011.htm>.

¹⁵ See Appendix

¹⁶ U.S. Bureau of Labor Statistics, Monthly Labor Review, Incorporating AI impacts in BLS employment projections: occupational case studies (February 2025) <https://www.bls.gov/opub/mlr/2025/article/incorporating-ai-impacts-in-bls-employment-projections.htm>. The same study projects a 1.2% growth rate for paralegals and legal assistants, noting that these positions will be far more impacted by generative AI and other technology than lawyer positions.

CONCEPTS FOR FURTHER CONSIDERATION

Based on the above findings, the Commission recommends the following policy concepts for further development. Many of the recommendations are high-level and will require stakeholders to determine how to convert the concepts into workable solutions. The goal of this report is to provide an initial assessment and a foundation for more detailed discussion and execution in collaboration with stakeholders.

1. THE COMMISSION RECOMMENDS EASING RESTRICTIONS FOR OUT-OF-STATE LAWYERS TO PRACTICE IN WEST VIRGINIA

62% of West Virginia lawyers were born in state, and 59% attended the West Virginia University College of Law.¹⁷ Of the out-of-state attorneys now residing in West Virginia, only 15% reported coming to West Virginia for a job opportunity, and 11% came to West Virginia for law school.¹⁸ Of those moving to West Virginia, most now reside in places like Kanawha, Monongalia, Ohio, Wood, and Putnam Counties.¹⁹ West Virginia is surrounded by population centers within a short distance to counties with high attorney needs. While out-of-state lawyers will not alone solve the attorney shortage, creating opportunities for those neighboring lawyers to practice in West Virginia should be strongly considered as an opportunity for immediate impact, especially in the Eastern Panhandle. Making it exceptionally easy for out-of-state lawyers to start a practice in West Virginia may be the most direct route for immediate help with attorney numbers.

A. Set the NextGen Bar Exam score at, or below, all neighboring states.

West Virginia is currently preparing to transition to NextGen Bar Exam, which it will begin to administer in July 2027. Earlier beta testing and exam administrations will provide data that the Board of Law Examiners intends to use in considering whether to change the minimum score, which is currently 270 and equivalent to the NCBE's newly released provisional minimum score for the NextGen Bar Exam (620).²⁰ West Virginia's current passing score of 270

¹⁷ See Appendix

¹⁸ Id.

¹⁹ Id.

²⁰ West Virginia Judiciary, Bar Admissions, <https://www.courtswv.gov/legal-community/bar-admissions>.

is above or equal to all neighboring states. (Kentucky 266; Maryland 266; District of Columbia 266; Ohio 270; Pennsylvania 270; Virginia does not currently use the UBE).²¹ Twenty-two states currently have a lower UBE passing score than West Virginia.²² The lowest UBE passing score of 260 is recognized by Alabama, Minnesota, Missouri, New Mexico, North Dakota, Oklahoma, and Utah.²³ No state has a higher UBE passing score.²⁴ To make it competitive for regional law schools, West Virginia should adopt a passing NextGen Bar Exam score that is at or below the national average passing scores, and at least on par with the lowest scores in our surrounding states.

The following table shows a comparison of passage rates of West Virginia's July bar examinations going back to 2014 at the current pass score of 270, and a hypothetical pass score of 266, 264, or 260.

July Exam	Total Exams	Score ≥ 270	Pass Rate	Score ≥ 266	Pass Rate	Score ≥ 264	Pass Rate	Score ≥ 260	Pass Rate
2025	111	85	76.6%	87	78.4%	88	79.3%	93	83.8%
2024	132	95	72.0%	102	77.3%	106	80.3%	111	84.1%
2023	119	86	72.3%	91	76.5%	94	79.0%	101	84.9%
2022	122	69	56.6%	78	63.9%	80	65.6%	88	72.1%
2021	134	77	57.5%	87	64.9%	87	64.9%	97	72.4%
2020	151	116	76.8%	118	78.1%	119	78.8%	123	81.5%
2019	168	113	67.3%	121	72.0%	125	74.4%	132	78.6%
2018	156	97	62.2%	106	67.9%	110	70.5%	119	76.3%
2017	165	116	70.3%	125	75.8%	127	77.0%	130	78.8%
2016	153	108	70.6%	115	75.2%	118	77.1%	122	79.7%
2015	182	123	67.6%	132	72.5%	134	73.6%	145	79.7%
2014	186	137	73.7%	144	77.4%	153	82.3%	157	84.4%

If the passing score had been lower, West Virginia's July bar exam could have resulted in/added 16 additional lawyers per year (196 total) at a passing score of 260; 10 additional lawyers per year (119 total) at a passing score of 264; and 7 additional lawyers per year (84 total) at a passing score of 266.

It is overly optimistic to assume all candidates with a lower passing score would have stayed to practice in West Virginia, or that some candidates did not eventually obtain a passing score at the February exam. However, with

²¹ National Conference of Bar Examiners, UBE Minimum Scores, <https://www.ncbex.org/exams/ube/ube-minimum-scores>.

²² Id.

²³ Id.

²⁴ Id.

West Virginia adopting the UBE test in 2017, we also must recognize that many of those candidates used their West Virginia exam score with the UBE portability to gain admission in other states. With West Virginia's reciprocity restrictions discussed in the next section, it is likely that our state lost these once-aspiring West Virginia lawyers to other jurisdictions for the foreseeable future.

B. Lower reciprocity requirements for attorneys accepting court appointments.

Lawyers with five to seven years of experience can apply for reciprocity from several jurisdictions.²⁵ However, West Virginia should consider limited-admission criteria for lawyers in neighboring states that are willing to accept court appointments in West Virginia. For example, allowing an attorney with at least one year of experience to obtain a limited license to accept appointments by a circuit court. After a period, these applicants could apply for a full license as an alternative reciprocity incentive to lawyers in neighboring states. Additionally, West Virginia does not accept reciprocity from Maryland, which could be a potential source of attorneys for the Eastern Panhandle.²⁶ Finally, the UBE transfer period in West Virginia is three years.²⁷ West Virginia could recruit more attorneys by increasing that period to five years, like Ohio, Kentucky, and the District of Columbia.²⁸

C. Reduce reciprocity fees.

Currently, an applicant must pay a \$2,000 fee to apply for reciprocity.²⁹ That fee should be significantly reduced to support recruitment efforts in border areas. The UBE transfer fee is \$750, the bar exam fee is \$500, and the Rule 9 fee is \$150.³⁰ Reduced reciprocity fees could be tied to a commitment to take a certain number of court-appointed cases over a defined time-period. For comparison, border states to West Virginia have the following reciprocity fees: Maryland (\$700), Pennsylvania (\$1,900), Ohio (\$1,500), and Virginia (\$2,500), and Kentucky (\$1,500).³¹

²⁵ West Virginia Judiciary, Bar Admissions Reciprocity List, <https://www.courtswv.gov/legal-community/bar-admissions/reciprocity-list>.

²⁶ *Id.*

²⁷ West Virginia Rules for Admission to the Practice of Law, Rule 3.5(a).

²⁸ Supreme Court Rules for the Government of the Bar of Ohio, Rule I, Section 11(A)(2); Rules of the Supreme Court of Kentucky, Rule 2.090(2)(b); Rules of the District of Columbia Court of Appeals, Rule 46(d).

²⁹ West Virginia Judiciary, Bar Admissions Fee Schedule, <https://www.courtswv.gov/legal-community/bar-admissions/fee-schedule-other-requests>.

³⁰ *Id.*

³¹ Maryland State Board of Law Examiners, Fee Schedule, <https://www.mdcourts.gov/sites/default/files/import/ble/pdfs/fees.pdf>; Pennsylvania Board of Law



D. Adopt affidavit or local based swearing-in ceremonies for applicants willing to accept court appointments.

Currently, applicants must travel to Charleston to attend an in-person admission ceremony before the Supreme Court of Appeals. These ceremonies are typically held only a few times per year. For example, three ceremonies were held in 2024, four in 2025 (including one for three JAG officers), and three are scheduled for 2026.³² While the number of ceremonies varies annually, there has been a notable decline in frequency compared to prior years (seven in 2022, six in 2021, nine in 2020, including remote ceremony options).³³

That presents a significant barrier for lawyers that are otherwise eligible, and who may be willing to gain admission in West Virginia for a limited practice in border counties. As an incentive to accept appointments, the Court should consider a process to admit attorneys for a limited practice by affidavit or by a

Examiners, Table of Fees for Other Applications, https://www.pabarexam.org/non_bar_exam_admission/otherfees.htm; Supreme Court of Ohio & Ohio Judicial System, Application for Admission Without Examination, <https://www.supremecourt.ohio.gov/attorneys/admission-to-the-practice-of-law-in-ohio/admission-applications/admission-to-the-practice-of-law-in-ohio-without-examination/>; Virginia Board of Bar Examiners, Fees, <https://barexam.virginia.gov/fees>; Rules of the Supreme Court of Kentucky, Rule 2.110(2).

³² West Virginia Board of Law Examiners data

³³ *Id.*

local admissions ceremony by a circuit court, as is the practice in many other jurisdictions, for the purpose of serving on court-appointed cases.

E. Modify the character and fitness review process.

West Virginia is one of the few states that still requires a character and fitness interview for each applicant regardless of whether there are issues in the applicant's file. To reduce processing time and burden on applicants and the District Character Committee members, the Court could consider reserving in-person interviews for applicants whose records raise character or fitness concerns, while allowing routine applications with clean NCBE reports to be processed and approved more quickly.

2. THE COMMISSION RECOMMENDS CREATING TARGETED OPPORTUNITIES FOR NEW OR RECENT LAW SCHOOL GRADUATES TO OPEN SMALL FIRMS IN RURAL AREAS

Attorneys at small law firms and solo practices are more likely to accept court appointments. For example, 40% of solo practitioners and 25% of attorneys at firms of fewer than five lawyers currently accept appointments in child abuse and neglect cases, in comparison to only 5% of attorneys at firms of six or more attorneys.³⁴

42% of lawyers age 44 and younger accept court appointments compared to 26% of lawyers 45 and older.³⁵ Only 28% of attorneys age 44 and younger are solo practitioners compared to 54% of attorneys between 45 and 65 years of age.³⁶

Finally, young attorneys are statistically more likely to reside in counties with higher populations. 91.8% of attorneys under age 44 or younger live in a county above the West Virginia county median population and 84.5% live in a county in the top quartile of population.³⁷ 70% of attorneys accepting court-

³⁴ See Appendix

³⁵ Id.

³⁶ Id.

³⁷ Id.

appointed work report traveling, on average, less than 50 miles per day for appointed work.³⁸

This data points to an overwhelming conclusion: To increase the number of lawyers available for court appointments, West Virginia must find a way to make it more attractive for attorneys age 44 and younger to open a small practice in underserved areas.

A. Create a robust rural practice incubator program.

A rural practice incubator would be an incentivized program to prepare and attract law students and young lawyers to engage in the private practice of law in rural communities. It would require collaboration between the Judicial Branch, WVU College of Law, State Bar, and Legislature, and would likely require legislative and/or regulatory changes.

At the law school level, students could enroll in practice readiness classes or lecture series; however, as noted above, faculty capacity is low, making support from outside partners critical.

After graduating law school, a “Rural Practice Resource Center” at the State Bar, College of Law, or the Judiciary would provide support to new attorneys or attorneys entering rural practice for the first time with legal research databases, guidance for starting a law practice, and mentorship, with a mission of developing the practice of law in rural communities. As administrative support was identified as a key area of need for solo and small firm practitioners in rural areas, such a hub could help consolidate and market the low-cost practice management and insurance services which are already available through State Bar partnerships, thereby providing greater administrative support to these practitioners. Additionally, a Rural Practice Coordinator Committee, potentially with a full-time or part-time staff coordinator position, could be established at the State Bar.

Currently, only 14% of solo practitioners report having an attorney mentor.³⁹ Further developing a mentorship program as part of the incubator could connect experienced attorneys to newer attorneys and provide much needed support.

Funding would also be needed for financial incentives for students to engage in the program. However, incentives could potentially be tied to a commitment to practice in a rural community for a certain number of years and to accept

³⁸ Id.

³⁹ Id.

court appointments as a certain percentage of their practice. Incentives could include scholarships; a stipend for each year in rural practice (similar to the Ascend WV program)⁴⁰; loan forgiveness or repayment (discussed more fully below as a standalone concept); and/or access to certain state benefits such as health insurance through the Public Employees Insurance Agency (PEIA)⁴¹ and malpractice insurance. Potential funding sources include legislative appropriations and the State Bar.



B. Create low-interest loan programs, student loan forgiveness, or grants for lawyers to open a practice in designated areas.

Business financing was identified as another key area of need for solo and small firm practitioners in rural areas. Small business loans specifically for these new lawyers were discussed as a measure to bridge the gap between graduation and the first paycheck, with credit unions being recognized to generally offer more creative options. However, because the debt/asset ratio

⁴⁰ Ascend West Virginia, <https://ascendwv.com/>.

⁴¹ West Virginia Public Employees Insurance Agency, <https://peia.wv.gov/>.

could prevent qualification for a loan in many instances, a more pragmatic approach would be needed, and could dovetail with the loan forgiveness concept after practicing a certain number of years in the area.

Similarly, a student loan forgiveness or repayment program could provide for a percentage of a private attorney's student loans being forgiven or repaid in exchange for practicing a percentage of public interest work in a rural community for a certain period of time. Repayment would be staggered to increase annually to incentivize longer commitment.

Existing opportunities for financial support which are available to certain public interest attorneys in West Virginia include the John R. Justice Grant Program,⁴² which offers loan repayment assistance to public defenders, prosecuting attorneys, and full-time employees of a nonprofit contracted with state or local governments providing similar indigent legal services in exchange for a three-year service agreement. The Legal Services Corporation's Loan Repayment Assistance Program⁴³ and West Virginia State Bar Foundation's Public Service Scholarship⁴⁴ are additional existing options. The West Virginia Department of Homeland Security's Division of Administrative Services, Justice and Community Services Section⁴⁵ has expressed willingness to help identify or administer rural practice funding.

Other states' business financing incentive models include tuition reimbursement in exchange for a commitment to practice in a rural area for a certain number of years; state-supported recruitment and loan repayment programs; loan assistance for lawyers in public service; or an attorney shortage plan with an entrepreneurial incubator, rural practice hub, and advocacy for financial incentives such as tax breaks or stipends. Additionally, loan assistance programs for physicians who commit to practicing medicine in rural, underserved areas offer a comparable model.⁴⁶

This concept is entirely contingent on the availability of funding. Possible funding sources include legislative appropriation, State Bar, American Bar Association, private donors, WVU Foundation, West Virginia Bar Foundation,

⁴² U.S. Dept. of Justice, Office of Justice Programs, John R. Justice Grant Program, <https://bja.ojp.gov/program/john-r-justice/overview>.

⁴³ Change to Program and add FN: Legal Services Corporation, Loan Repayment Assistance Program, <https://www.lsc.gov/grants/loan-repayment-assistance-program>.

⁴⁴ West Virginia State Bar Foundation, Grants, <https://wvbarfoundation.org/grants>.

⁴⁵ West Virginia Department of Homeland Security, Division of Administrative Services, Justice and Community Services Section, <https://das.wv.gov/JCS/Pages/default.aspx>.

⁴⁶ See, e.g., West Virginia Department of Health, State Office of Rural Health, <https://dhhr.wv.gov/ruralhealth/repayment/Pages/default.aspx>.

and grants. Additionally, legislation may be required to provide broader definitions for public interest work and who may qualify as a state employee or contractor to enable loan forgiveness for private attorneys.

C. Leverage internships, externships, and term-circuit clerk programs to expose law students to practice in high need areas.

The law school would facilitate placement of students in externships for credit, or summer internships with a stipend, with family court judges, circuit judges, prosecutors, public defenders, and/or private attorneys; and interns/externs could be assigned to a mentor. This could require collaboration between the Judicial Branch, WVU College of Law, State Bar, West Virginia Prosecuting Attorneys Institute, and Public Defender Services.

The College of Law has facilitated various part-time externship opportunities with state court judges, prosecutors, and public defenders in the past. When students seek academic credit for such externships/internships opportunities, various ABA and curricular requirements must be satisfied related to rigor, learning outcomes, and assessment. College of Law faculty or staff overseeing externships could provide training for judges, court staff, prosecutors, and public defenders at their annual conferences to ensure all requirements are met. Expanding these externship opportunities could be discussed with judges, prosecutors, and public defenders at their respective annual conferences, and a survey could be disseminated to better match their needs with educational development needs and requirements. These externship/internship opportunities could be expanded during the academic year or over the summer. Externship placements within reasonable driving distance of the College of Law would be needed during the academic year. For summer externships, the College of Law does have a policy prohibiting compensation when credit is earned for externships.⁴⁷ However, this policy could be reexamined to facilitate paid summer externships when compensation for summer work is particularly relevant to students' decision-making.

Funding would be required for summer internship stipends. It was reported that students often sacrifice good summer opportunities because they need money from a summer position. Potential funding sources include WVU Foundation, the State Bar, legislative appropriation, or federal grant money.

⁴⁷ West Virginia University 2026-27 Academic Catalog, WVU Morgantown, Law, Externships/Pro-Bono, https://catalog.wvu.edu/graduate/law/academic_policies_and_procedures/externships__probono/.

Additionally, due to academic transformation, the number of faculty is the lowest it has been in a long time, resulting in faculty being stretched thin; support from outside partners would be necessary. As the College of Law would likely not be able to add faculty or staff for this purpose, absent independent funding, it was suggested that the Administrative Office have a coordinator who could serve as a liaison between the three groups.

Geography may pose an additional challenge, as there may not be enough students to fill slots in some places, especially when it is not their home. Locations would need to be chosen strategically to ensure a manageable drive.

3. THE COMMISSION RECOMMENDS INCENTIVES TO RETAIN EXISTING COURT-APPOINTED ATTORNEYS AND ENCOURAGE MORE MEMBERS TO ACCEPT COURT-APPOINTED WORK

Only 32% of current private-practice attorneys accept court-appointed cases and 44% of private-practice attorneys accepted court-appointments in the past but no longer offer these services.⁴⁸ To solve the shortage of court appointments, West Virginia needs to retain existing attorneys, and recruit experienced attorneys back to the work.

A. Increase compensation for court-appointed work.

W. Va. Code §29-21-13a should be amended to increase out-of-court and in-court rates of compensation for panel attorneys (currently \$60/hour and \$80/hour, respectively); or to provide a single, flat rate. These would be minimum rates, and other sources could supplement these payments with non-appropriated funds. For solo attorneys and attorneys at firms with five or fewer lawyers that currently do not accept court appointments, “monetary compensation inadequate” was most frequently listed as the top barrier identified in the survey administered in the last quarter of 2025.⁴⁹ Survey results also showed that the mode for range of private pay criminal appointments was between \$151 and \$250 an hour.⁵⁰ Only 6% of attorneys currently accepting state court appointments listed their average rate for

⁴⁸ See Appendix

⁴⁹ Id.

⁵⁰ Id.



private criminal defense work at less than \$150 an hour.⁵¹ Finally, 49% of attorneys who have accepted court appointments report no support staff; and of that number, 90% are solo practitioners.⁵² This is likely because current rates barely support the lawyer's income and cannot justify additional staff.

The hourly rates in W. Va. Code § 29-21-13a were last amended during the 2019 Legislative Session.⁵³ Just accounting for inflation, the \$60/hour and \$80/hour rates should be at least \$77/hour for out-of-court and \$103/hour for in-court work.⁵⁴

In *Jewell v. Maynard*, 181 W. Va. 571, 383 S.E.2d 536 (1989), the Court considered the constitutional impact on low rates of pay for court-appointed counsel, and concluded that “[h]ourly compensation for court-appointed representation that is so low that it fails to cover a lawyer's overhead and makes no contribution to a lawyer's net income creates a conflict of interest between lawyer and client that implicates the Sixth Amendment right of the indigent client to effective assistance of counsel.” *Id.* at Syl. Pt. 4. The Court further held that “no lawyer in West Virginia may be involuntarily appointed to

⁵¹ *Id.*

⁵² *Id.*

⁵³ 2019 W. Va. Acts, c. 113.

⁵⁴ Consumer Price Index Inflation Calculator https://www.bls.gov/data/inflation_calculator.htm

a case unless the hourly rate of pay is at least \$45 per hour for out-of-court work and \$65 per hour for in-court work.” Id. at 581-582, 546-547. It is worth noting that the Jewell court rate was actually higher than the \$40/\$60 federal system rate at the same time.⁵⁵ Adjusted for inflation, the Jewell rates today would be \$112/hour for out-of-court and \$162/hour for in-court work.⁵⁶

Although compensation alone will not resolve the structural shortage of attorneys, survey responses strongly suggest that it remains one of the most significant barriers to participation in court-appointed work. In the view of Commission member Tim Haught, the “single most important thing we can do to support the rural practice of law is to obtain a significant rate increase for appointed attorneys.” He recommends that the hourly rate for court-appointed work in West Virginia be increased to match the rates for federal appointments as set forth in the Criminal Justice Act Guidelines (currently \$175/hour subject to certain maximum amounts depending on the type of case)⁵⁷; or, at a minimum, statutory rates adjusted to current value for inflation. Further, he recommends that these rates be adjusted each year for inflation. Mr. Haught also believes the compensation of lawyers employed by Public Defender Services needs to be addressed, given their caseloads and very low pay when compared to prosecutors.⁵⁸

B. Authorize continuing legal education (CLE) credit for court-appointed work.

Rule 6.05(f) of the State Bar Administrative Rules could be amended to include court-appointed work as pro bono service that qualifies for CLE credit. Currently, this exchange is limited to “approved pro bono organizations,” which does not include court-appointed work.

Additionally, this rule could be amended to increase the exchange rate (currently one CLE hour for every three hours of qualifying pro bono service) or the maximum amount of CLE credit that can be earned from pro bono service (currently 6 hours, which is 25% of the biannual CLE requirement).⁵⁹ The most generous states, in terms of the ratio of CLE credit per pro bono hours, are Florida and Washington (1:1), and Delaware, New York, and Oregon (1:2).⁶⁰ The

⁵⁵ Report of the Proceedings of the Judicial Conference of the United States, p. 15 (March 14, 1989), <https://www.uscourts.gov/file/1648/download>

⁵⁶ Consumer Price Index Inflation Calculator https://www.bls.gov/data/inflation_calculator.htm

⁵⁷ U.S. Courts, Criminal Justice Act (CJA) Guidelines, § 230.

⁵⁸ See W. Va. Code §7-7-4.

⁵⁹ West Virginia State Bar Administrative Rules, Rule 6.02(b).

⁶⁰ Florida Bar, Pro Bono Service Options and Reporting, <https://www.floridabar.org/member/probono/>; Washington State Bar Association, MCLE Credit for Mentorship & Pro Bono, <https://www.wsba.org/for-legal-professionals/mcle/mcle-credit-for-mentorship>; Delaware Rules for Continuing Legal Education, Rule 9(D);

most generous states, in terms of the portion of the CLE requirement that can be earned through pro bono service, are Delaware (5/6) and New Hampshire (1/2).

There is no cost associated with this proposal. Many attorneys would benefit from it and could incentivize attorneys to accept at least one court appointment.

C. Improve court practices and procedures to better accommodate lawyer schedules.

A preliminary review indicated that judges believe intra-circuit scheduling is coordinated, but cross-circuit scheduling varies significantly. The Administrative Office could explore technology and best practices to improve regional scheduling, including, but not limited to, an online scheduling portal allowing attorneys to select docket slots; expanded video technology, including court-provided systems for inter-courthouse connections; statewide scheduling best practices (including coordination with regional jails); and use of AI tools to assist with bulk scheduling as technology advances.

Collaboration with circuit judges and the Division of Corrections would be essential to ensure solutions are feasible in real-world settings. Costs are unknown at this time, but the improvements could increase efficiency and provide much needed relief on scheduling of overwhelmed court-appointed attorneys.

D. Implement system that provides better data to evaluate and manage the pool of court-appointed attorneys.

Although it is generally understood that there are currently not enough attorneys accepting court appointments across the state, the exact number of those attorneys in each of the counties and in each of the relevant case categories at a given time is challenging to ascertain due to panel attorney lists being maintained at the local circuit level pursuant to W. Va. Code §29-21-9, the dynamic nature of the lists (i.e., attorneys requesting to be added or removed, or to place various limitations on the types of appointments they are willing to take), and the absence of a mechanism to share updated lists in real-time with the Court's Administrative Office.

We believe a centralized system for collecting, updating, maintaining, and sharing this information is needed to accurately quantify our panel attorneys

New York State CLE Board Regulations and Guidelines, Section 3(D)(11); Oregon State Bar Rules of Licensure, Rules 8.7(1)(c) and 9.13(2).

and determine which geographical areas and case categories have the highest need so that we can effectively implement some of the solutions proposed by the Commission to address the shortage.

Our early efforts to envision this system include a requirement for each private practice attorney to affirmatively register or decline to register as a panel attorney as part of the State Bar's annual reporting and indicate the counties and case types for which he or she is willing to regularly accept court appointments. Attorneys would have the ability to update their registration at any time. Updates could be provided by the State Bar to the Administrative Office and individual circuits on a quarterly basis or possibly more often if automated. This could serve as each circuit's official list of attorneys who are willing to routinely or regularly accept court appointments, but each judge could still maintain individual lists of attorneys willing to serve on an as-needed basis.

The biggest and most obvious potential benefit of collecting panel attorney information in a centralized, uniform manner is more accurate, reliable, and recent information regarding the identity and number of panel attorneys willing to accept court appointments in each county and case category to assist the Administrative Office with identifying relevant trends over time. It is also possible that merely by being prompted to affirmatively register or decline to register on an annual basis, the number of panel attorneys could increase.

4. THE COMMISSION RECOMMENDS EXPLORING MORE OPPORTUNITIES FOR INDIVIDUALS TO ENTER THE LEGAL PROFESSION AS ATTORNEYS OR AS NON-LAWYERS

A. Expand access to legal training.

Recruiting out-of-state attorneys or recent West Virginia-born graduates to move to a rural part of the state to start a career will always be a major barrier. However, some existing residents that might be interested in law as a second career face many challenges. For example, a spouse's job or family connections make it impossible to move to Morgantown for three years of law school.

In response to a presentation at a stakeholders meeting, one non-lawyer professional in the child-welfare field sent this email to the Chair:

“ . . . I was and always have been interested in going to law school and when I went back to receive my masters, I picked a program and degree I could do online because I was working full-time and I could not relocate to go to WVU Law (Also, at the time, online JD programs were unheard of). Now, there are many ABA accredited law schools that offer distance learning Distance Education J.D. Programs and this has encouraged me to go back with the intention of attending law school.

I was very disheartened to learn that WV prohibits anyone with a law degree, even law degrees from ABA accredited law schools, from taking the WV Bar Exam if more than 50% of classes were Internet-based.

I really hope this is an area that is being looked at to help improve the attorney shortage in WV. If it ever does change, I would love to go back!”

Measures to generally increase the number of attorneys practicing in West Virginia could include expanding availability to law training at WVU College of Law such as night classes, satellite courses, programs for nontraditional students who are working full-time or part-time, and satellite locations in collaboration with Marshall University. Additionally, enhanced pre-law programs could be developed at WVU, Marshall, and other colleges in the state.

These measures would require collaboration between WVU College of Law (including its law school admissions and curriculum deans), Higher Education Policy Commission, undergraduate institutions, and the State Bar. Additional faculty and classroom space could potentially be needed to implement the measures; WVU’s Equities House in Charleston could possibly be utilized. However, development of part-time law programs is an enormous effort at a time when there are limited resources at WVU College of Law for additional programs. The Commission recognizes the significant challenges in offering these alternatives and ultimately a cost-benefit analysis may weigh against feasibility.

B. Explore alternative pathways to licensure.

West Virginia could explore alternative licensure models which have been or are being implemented in other states, such as law clerk or law office study programs allowing apprenticeship in lieu of law school; post-graduate supervised practice portfolios that are reviewed and scored by the Board of Bar Examiners instead of a traditional bar exam; a restructured bar exam to include both a foundational multiple-choice test and lawyer performance exam focused on real-world skills; an apprenticeship program allowing candidates to practice under supervision in rural or public interest settings and receive full admission after a certain number of years of supervised practice; and experiential or curricular pathways embedded within law school.



Particular attention was given to the concept of a limited diploma privilege, which could be reinstituted for attorneys who open or join a practice in designated geographic areas and perform a threshold level of “public” legal work (e.g., prosecutor’s office, public defender corporation, circuit judge clerkship, or legal nonprofit). The privilege would be contingent on five years of service, participation in a mentorship program developed by the Supreme Court, State Bar, and College of Law and approval of a submitted portfolio. Students would be required to complete a specific curriculum with an

emphasis on practice-focused coursework and clinics/externships. This diploma privilege would not be limited to WVU College of Law graduates but would permit out-of-state students who meet equivalent requirements.

Implementation of any alternative licensure pathway would require collaboration between the Judicial Branch, State Bar, and WVU College of Law. It may involve a dedicated working group to study existing models, evaluate outcomes from other states, and design a pathway tailored to West Virginia's needs, geography, and professional landscape; amendments to the Rules of Admission to the Practice of Law initiated by the Board of Law Examiners and approved by the Supreme Court of Appeals; and potentially increased administrative capacity at the Board of Law Examiners in the form of additional staffing, supervision mechanisms, and monitoring systems to ensure consistency, quality, and integrity. Administration of an alternative diploma privilege program could also require additional staff at the Supreme Court.

C. Explore additional concepts for non-lawyers to support the legal system.

Although the Commission is focused on increasing the number of attorneys as the primary means of addressing unmet legal needs in West Virginia, staff has also researched measures being implemented in other jurisdictions that utilize non-lawyers in innovative ways to support the legal system. Underpinning these measures is a recognition that, for many reasons, the supply and availability of lawyers is unlikely to ever meet the demand in all geographic areas and for all categories of legal matters, particularly those categories that require court-appointed representation; individuals may have unrecognized legal needs and, as a result, may not consult an attorney while those legal needs remain manageable and before they have ballooned into greater legal problems; individuals who do have recognized legal needs may not qualify for Legal Aid yet cannot afford an attorney. Some jurisdictions recognize there are many non-lawyer professionals and volunteers who want to help their community and can help fill these gaps in the legal system if given the appropriate training, tools, and authority to do so.

Additionally, there is a growing awareness of the connection between social, health, and civil and criminal legal issues. This has led to collaborative efforts among professionals in these fields, resulting in a holistic system that can better recognize and address individuals' needs.

Measures that have been implemented in other states range from "alternative legal practitioners" who are credentialed via a formal regulatory structure to provide limited legal assistance in certain areas (e.g., landlord/tenant issues);

to existing employees working in public information and public health settings (e.g., libraries, county health departments, free health clinics) and trained as “court navigators” to assist with filling out legal forms, connecting individuals with legal and other resources, and providing information to interact with the court system; to medical-legal partnerships in which healthcare workers are trained to screen patients for common legal issues and can then refer patients to an attorney.

In the view of staff, non-lawyers could fill gaps that exist in the availability of legal services throughout the state (which may require amending the Rules of Professional Conduct governing the unauthorized practice of law, depending on the model) and would complement other efforts to increase the number of lawyers in West Virginia. Staff would encourage further exploration of these concepts by the Commission itself or otherwise.

5. THE COMMISSION RECOMMENDS SEEKING NEW FUNDING OPPORTUNITIES TO SUPPORT INNOVATION AND ROBUST PROGRAMS

The Commission recognizes that many of the above concepts require funding and further acknowledges that additional funding from general revenue will be difficult. For these reasons, the Commission specifically considered possible new funding sources needed to implement some of these concepts on the scale necessary to meet the magnitude of the problem.

A. New appearance fee to fund programs.

W. Va. Code §59-1-11 requires a \$200 fee for complaints filed in circuit court. This fee was last increased in 2014 and would be \$275 if adjusted for inflation.⁶¹ A new “appearance fee” could be added to this section or in a new section applicable to attorneys filing fees in a civil case. For complaints, we suggest \$50 in addition to the \$200 filing fee; for responsive pleadings, it would be \$250. A waiver could be offered to any law firm that can demonstrate, via application to the Administrative Office, that a certain percentage (e.g., 5%) of its aggregate billable hours constituted court-appointed work. If granted, a waiver letter could be filed in lieu of the Notice of Appearance Fee for a one-year period.

⁶¹ Consumer Price Index Inflation Calculator https://www.bls.gov/data/inflation_calculator.htm

The \$50 increase and \$250 appearance fee would go to a special revenue fund managed by the Administrative Office of the Supreme Court of Appeals for the purpose of funding programs to address shortages in court-appointed attorneys. We roughly estimate the fund could generate around \$2 million annually from civil case filings, many of which include multiple defendants.⁶² The fund could also pay for an administrative position if needed.

Support of the Legislature, West Virginia Defense Trial Council, and West Virginia Association for Justice would be required to implement. While the fee would likely be passed on to clients and would cause a slight increase to the overall cost of litigation, it could be seen as better for lawyers' practices than mandated work. This measure could also encourage smaller-value cases to magistrate court, thereby providing some relief to overburdened circuit court dockets.

B. Redirection of cy pres funds.

Rule 23(h) of the Rules of Civil Procedure currently directs 25% of cy pres funds in class actions to Legal Aid and 75% to other organizations. In 2022, Legal Aid received approximately \$1.7 million in cy pres funds.⁶³ The rule could be amended so that 25% would continue to go to Legal Aid, 25% to the above-described special revenue account to be administered by the Supreme Court of Appeals to support programs recommended by the Commission, and 50% to the other organizations. While the existing recipients may oppose these changes, all funds originate through court actions, making some allocation to the Court reasonable.

⁶² The exact figure is difficult to calculate at this time depending on parameters set for indigency, case type, and waivers. However to roughly illustrate, a \$50 filing fee increase and \$250 new fee on appearances in 9,000 general civil filings generates \$2.7M annually.

⁶³ Legal Aid of West Virginia, Inc., LSC Grant Recipient Number 449041, Financial Statements and Supplementary Information (Dec. 31, 2022), <https://legalaidwv.org/wp-content/uploads/2024/04/FSAUDIT-2022-final-449041.pdf>.

CONCLUSION

The Commission on the Future of the Practice of Law in West Virginia has made significant progress on its research, efforts to quantify and obtain baseline information about private attorneys providing valuable court-appointed legal services across the state, and the development of concept models to increase the number of lawyers who can provide such services, particularly in rural areas, as well as possibilities for collaboration with non-lawyers to fill access to justice gaps.

The Commission recommends that relevant stakeholders work to begin to refine the concepts into actionable plans. Some steps will require Court rule change proposals, legislative changes, and policy or procedural changes by the State Bar, Board of Law Examiners, and/or the West Virginia University College of Law.

The future of the court-appointed practice of law in West Virginia depends on our collective willingness to implement targeted policy changes to holistically address the structural challenges identified in this report.



Appendix: Survey Results

In collaboration with the State Bar, staff sent a survey to all active status, in-state attorneys subject to Interest on Lawyers Trust Accounts (IOLTA) reporting. The purpose of this distinction was to focus the survey on private practice attorneys.

- Survey dates: 12/3/2025 – 1/9/2026
- The survey was administered to 2,177 attorneys.
- 538 responses.
- 25% response rate.
- Statistically reliable sample, producing approximately a $\pm 3.7\%$ margin of error at the 95% confidence level, assuming the respondents are reasonably representative of the overall group.

Age range	Total
44 and under	130
45-64	262
65 and older	146
Total	538

Gender	Total
Female	169
Male	367
Prefer not to answer	2
Total	538

Race / Ethnicity	Total
Caucasian (non-Hispanic or Latino)	514
African American	8
Hispanic or Latino	6
Asian	2
Multi-Racial	8
Total	538

Employment Status	Percentages
Full-time	55%
Part-time	11%
Not applicable	20%
Not employed	204
Total	538

State of primary residence	Total
West Virginia	459
Kentucky	3
Maryland	4
Ohio	16
Pennsylvania	29
Virginia	16
Other Jurisdiction	11
Total	538

Born in WV?	Total
Yes	334
No	204
Total	538

County of current residence	Total
WV County	466
Non-WV County	69
Preferred Not to Answer	3
Total	538

State where you attended college	Total
West Virginia	352
Kentucky	7
Maryland	7
Ohio	33
Pennsylvania	26
Virginia	39
Other Jurisdiction	74
Total	538

What brought you to WV?	Total
Law School	20
Spouse/Partner enrolled in school/training in WV	3
Job opportunity for me	37
Job opportunity for my spouse/partner	13
Military assignment	0
Proximity to family	20
Other Reasons	37
Not Applicable	408
Total	538

Law school attended	Total
West Virginia University College of Law	352
Law school in Kentucky	7
Law school in Maryland	7
Law school in Ohio	33
Law school in Pennsylvania	26
Law School in Virginia	39
Other Jurisdiction	74
Total	538

Years of active licensure in all jurisdictions	Total
0-5 years	50
6-10 years	40
11-20 years	98
21-30 years	142
31-40 years	112
41-50 years	82
51+ years	13
Total	538

Years of active licensure in West Virginia	Total
0-5 years	63
6-10 years	42
11-20 years	109
21-30 years	128
31-40 years	107
41-50 years	76
51+ years	13
Total	538

Select the most appropriate response	Total
I took the bar exam in West Virginia to obtain licensure in this state	395
I was admitted to practice law in West Virginia via diploma privilege	87
I was admitted to practice law in West Virginia via reciprocity from another jurisdiction	56
Total	538

Is the practice of law your first or subsequent career after college?	Total
First career	377
Second or subsequent career	161
Total	538

In what county is the office of the law firm or organization where you primarily work located?	Total
Barbour	2
Berkeley	25
Boone	4
Braxton	2
Brooke	5
Cabell	28
Calhoun	0
Clay	0
Doddridge	1
Fayette	5
Gilmer	1
Grant	2
Greenbrier	6
Hampshire	4
Hancock	9
Hardy	5
Harrison	28
Jackson	1
Jefferson	17
Kanawha	94
Lewis	9
Lincoln	0
Logan	4
Marion	15
Marshall	6
Mason	1
McDowell	0
Mercer	14
Mineral	1

Mingo	9
Monongalia	55
Monroe	2
Morgan	2
Nicholas	2
Ohio	22
Pendleton	1
Pleasants	1
Pocahontas	4
Preston	7
Putman	18
Raleigh	17
Randolph	6
Ritchie	2
Roane	1
Summers	3
Taylor	4
Tucker	3
Tyler	1
Upshur	6
Wayne	2
Webster	0
Wetzel	0
Wirt	0
Wood	28
Wyoming	3
Other Jurisdiction	50
Total	538

Have you considered relocating?	Total
Yes	123
No	415
Total	538

Which option best describes you?	Total
Solo practitioner	268
Partner, shareholder, or similar role in law firm with more than one attorney	172
Salaried associate or contract attorney in law firm with more than one attorney	89
Attorney at non-profit with one or more attorneys	9
Total	538

Select the best response	Total
Full-time (40+ hours per week)	443
Part-time (less than 40 hours per week)	95
Total	538

Number of attorneys at law firm or organization in which you are employed	Total
Solo practitioner	260
2-5 attorneys	180
6-10 attorneys	30
11-50 attorneys	25
51-100 attorneys	7
More than 100 attorneys	36
Total	538

Number of physical office locations at your law firm or organization in West Virginia?	Total
1	453
2	49
3	7
4	2
5	19
6+	8
Total	538

Number of physical office locations at your law firm or organization outside of West Virginia?	Total
1	473
2	9
3	7
4	2
5	4
6+	43
Total	538

How many paralegals/legal assistants are employed full-time in your law firm or organization in West Virginia	Total
0	217
1	110
2	67
3	42
4	26
5	14
6+	62
Total	538

Do you plan to retire?	
In the next 12 months	29
In the next 2-5 years	109
In the next 6-10 years	80
More than 10 years away	232
Not sure	88
Total	538

If you are a sole proprietor or partner in a law firm with 5 or fewer attorneys, do you have a formal succession plan in place for when you retire?		Total
No		125
Not Applicable		140
Yes		273
Total		538

Do you have an attorney mentor?		Total
No		429
Yes		109
Total		538

Do you serve as a mentor to another lawyer or lawyers?		Total
No		400
Yes		138
Total		538

What is your average hourly rate for criminal work that is not court appointed?	Total
\$151 to \$250 an hour	88
\$251 to \$350 an hour	79
Less than \$150 an hour	14
More than \$350 an hour	34
Not applicable - I am in a salaried position	14
Not applicable - My practice does not include criminal work	309
Total	538

Do you provide pro bono services?	Total
No	195
Yes	343
Total	538

Choose the best response:	Total
100% of my practice is currently court appointments.	23
Approximately half of my current practice consists of court appointments.	35
I am not currently handling any court appointments, but I have previously accepted court appointments	235
I have never accepted any court appointments	130
Less than half of my current practice consists of court appointments	58
More than half, but less than 100% of my practice is currently taking court appointments.	57
Total	538

Choose the best response:	Total
I travel, on average 0-50 miles per day for work relating to court appointments.	153
I travel, on average, 101+ miles per day for work relating to court appointments	7
I travel, on average, 51-100 miles per day for work relating to court appointments.	41
Not applicable, I am not currently taking court appointments.	337
Total	538

Choose the best response:	
I am not currently accepting court appointments of any kind.	350
I currently accept both state and federal court appointments	17
I currently accept only federal court appointments	13
I currently accept only state court appointments	158
Total	538

Below are some potentially challenging aspects of practicing rural law in West Virginia. Please rank these features based on which you personally find to be most **challenging**:

	Percentage
Lack of offers from local firms	31%
Limited income potential	31%
Inadequate salary	14%
Startup / overhead costs	12%
Student loan obligation / debt	0.8%
Lack of mentorship	0.3%

Note: N=538 this Table represents the percentage of participants that ranked each response first.

Below are some potentially beneficial features of practicing rural law in West Virginia. Please rank these features based on which you personally find to be most **beneficial**.

	Percentage
Being close to friends and family	30%
Firm culture	28%
Independence and flexibility	20%
Quality of life	16%
Variety of general practice	5%
Income potential	2%

Note: N=538 this Table represents the percentage of participants that ranked each response first.

In the past 12 months, have you accepted a court appointment in any of the following categories (select all that apply):

	Percentage
Not applicable	60%
Child abuse/neglect – Guardian ad litem representing child	16%
Child abuse/neglect – Representing respondent or other adult in the case	10%
Criminal defense – Felony	4%
Criminal defense – Misdemeanor	3%
Criminal defense- Habeas	1%
Criminal defense – Appeal	1%
Other category of court appointment	5%

Note: N=538 this Table represents the percentage of participants that ranked each response first.

If you are currently not accepting court appointments, please rank your reasons from highest to lowest concern:

	Percentage
I do not have enough time to devote to court appointments in addition to other work in my law practice	55%
The monetary compensation is inadequate	21%
I do not feel I have the requisite training or experience to take court appointments	12%
I do not have enough time to devote to court appointments in addition to my personal life and responsibilities	9%
The stress or mental/emotional toll of court appointed work is too much	3%

Note: N=538 this Table represents the percentage of participants that ranked each response first.