STATE OF WEST VIRGINIA

On October 23, 2026, the Supreme Court of Appeals of West Virginia made and entered the following order:

RE: APPROVAL OF AMENDMENTS TO BYLAWS 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, and 5.12 OF THE WEST VIRGINIA STATE BYLAWS, No. 25-763

On April 20, 2026, Kevin Baker, Executive Director of the West Virginia State Bar, submitted to the Court confirmation that proposed amendments to Bylaws 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, and 5.12 of the West Virginia State Bar Bylaws regarding the Board of Governors were approved by membership at the West Virginia State Bar's Annual Meeting under Bylaw 11.01 (amendments by membership at annual meeting).

This Court has jurisdiction to consider proposed amendments to the West Virginia State Bylaws under Bylaw 11.01 and Article VIII, §§ 1 and 3 of the West Virginia Constitution. By that authority, the Court has considered the proposed amendments to Bylaws 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, and 5.12 of the West Virginia State Bylaws.

By orders entered on June 25, 2026, and July 8, 2026, the Court published these rule proposals for a period of public comment of thirty days. The period of public comment closed on July 27, 2026.

Upon consideration and review, the Court is of the opinion to, and does, approve amendments to Bylaws 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, and 5.12 of the West Virginia State Bylaws as set forth in this order. Justice Flanigan would refuse the amendments because they increase the total number of voting members of the Board of Governors from twenty-five members to twenty-six members, allowing for tied voting and unsettled business.

The amendments to the Bylaws are as follows. Additions are indicated by underscoring, and deletions are indicated by strike-throughs.

WEST VIRGINIA STATE BAR BYLAWS

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Article 5 Board of Governors

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Bylaw 5.02 Members of the Board of Governors

The Board of Governors shall consist of the following ~~twenty-five~~ twenty-six voting members and one non-voting member:

(a) The president, president-elect, vice-president, and immediate past president;

(b) One district governor from each of the sixteen State Bar districts set forth in Bylaw 5.04;

(c) Three additional district governors from State Bar District Eight;

(d) ~~One African-American lawyer elected as described in Bylaw 5.06;~~ Two at-large governors appointed by the Board of Governors from applicants as described in Bylaw 5.09(b);

(e) The Chairperson of the Young Lawyer Section; and

(f) The Dean of the West Virginia University College of Law, as a non-voting member.

Bylaw 5.03 ~~Election~~ District governor election and term

(a) Each year an election shall be conducted for district governors. The yearly elections shall be staggered in the following four-year cycle beginning in the year 2020:

(1) Year One: State Bar Districts Six through Eight;

(2) Year Two: State Bar Districts Nine through Twelve ~~and the African-American lawyer~~;

(3) Year Three: State Bar Districts Thirteen through Sixteen; and

(4) Year Four: State Bar Districts One through Five.

(b) ~~Governors~~ District governors shall be elected, each for four-year terms, from the State Bar districts in which vacancies occur in that year by reason of the expiration of the term of office of a district governor previously elected in that district. No district governor who has served a full term shall be eligible to succeed himself or herself.

(c) In any year in which there is more than one office to fill in the same district, those voting shall be entitled to vote for as many candidates as the number of positions to be filled. All such candidates shall run at large.

(d) The term of office of each district governor shall commence at the conclusion of the annual meeting of the State Bar next succeeding their election, and they shall hold office until their successor is elected and qualified, including any extended period necessitated by changes in election cycles or terms.

Bylaw 5.04 State Bar districts

For the purpose of election of district governors, the State is divided into the following State Bar districts:

District 1 — Brooke, Hancock, and Ohio Counties

District 2 — Marshall, Pleasants, Tyler, and Wetzel Counties

District 3 — Calhoun, Gilmer, Ritchie, Wirt, and Wood Counties

District 4 — Clay, Jackson, Mason, Putnam, and Roane Counties

District 5 — Cabell and Wayne Counties

District 6 — McDowell and Mingo Counties

District 7 — Boone, Lincoln, and Logan Counties

District 8 — Kanawha County

District 9 — Raleigh and Wyoming Counties

District 10 — Mercer, Monroe, and Summers Counties

District 11 — Fayette, Greenbrier, and Nicholas Counties

District 12 — Braxton, Pendleton, Pocahontas, Randolph, Upshur, and Webster Counties

District 13 — Doddridge, Harrison, and Lewis Counties

District 14 — Marion and Monongalia Counties

District 15 — Barbour, Preston, Taylor, and Tucker Counties

District 16 — Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties

Bylaw 5.05 Qualifications of district governors

A district governor shall be an active member with their principal office for the practice of law in the State Bar district they represent, or an active non-practicing member whose mailing address of record is in the represented district. An active member's change of principal office, or an active non-practicing member's change of mailing address, to a location outside the district shall automatically terminate a district governorship. A district governor shall maintain State Bar membership in good standing, and a loss of that status in any manner shall automatically terminate a district governorship.

Bylaw 5.06 Nomination of district governors

(a) Nomination for the office of district governor shall be by written petition signed by not less than ten members of the State Bar eligible to vote in the district where such nominee is qualified for office, except that where there are fewer than ninety eligible members in the district, the signatures of ten percent of the members shall be sufficient. No member shall sign more than one nominating petition in any year. If in any year the Executive Director does not receive, within the time fixed by the Board, from any state bar district for which a district governor is to be elected in

that year, a petition nominating an eligible person for district governor, the President shall appoint a committee from the Board, and that committee shall nominate at least two eligible persons.

~~(b) In each year in which an African-American lawyer is to be elected as a governor, the Executive Director shall identify African-American lawyers so registered with the State Bar and send them a notice regarding the nomination for the position on the Board of Governors. Nomination for the position shall be by written petition signed by not less than ten African-American members of the State Bar eligible to vote, except that if there are fewer than ninety eligible African American lawyers in the state, the signatures of ten percent of the African-American lawyers shall be sufficient. No African-American lawyer shall sign more than one nominating petition in any year. If in any year the Executive Director does not receive, within the time fixed by the Board, a petition nominating an African-American lawyer for governor, the President shall appoint a committee from the Board, and that committee shall nominate at least two eligible African-American lawyers.~~

Bylaw 5.07 Election of district governors

Each district governor shall be elected by an electronic vote of the active members having their principal offices for the practice of the law in the State Bar district and active nonpracticing members whose mailing addresses of record are in that district. ~~Each governor in the African-American lawyer position shall be elected by an electronic vote of the African-American lawyers so registered who are active members and active nonpracticing members of the State Bar.~~ Such elections shall be conducted and canvassed, and any tie votes determined, in accordance with State Bar Administrative Rule 5.05.

Bylaw 5.08 ~~Vacancies~~ District governor vacancies; removals

Vacancies in the office of district governor shall be filled by the Board for the unexpired term. If any district governor be determined by the Board to have become incapacitated from performing their duties as district governor, or if any district 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.

Bylaw 5.09 At-large governor appointments and terms

(a) In recognition of service to West Virginia attorneys before the West Virginia State Bar was created, the Board of Governors shall include two at-large governors, one from The West Virginia Bar Association and one from the Mountain State Bar Association. No later than March 1 on the year in which at-large appointments are to be made, The West Virginia Bar Association and the Mountain State Bar Association may each provide one candidate to the Executive Director from their active membership, who is qualified as described in Bylaw 5.10, for appointment as an at-large governor.

(b) Qualified candidates shall be appointed as an at-large governor by the Board of Governors at the Annual Meeting on the year in which at-large appointments are to be made. If the Executive Director does not receive qualified candidates from either The West Virginia Bar Association or the Mountain State Bar Association, or both, the President shall consult with the leadership of The

West Virginia Bar Association and/or the Mountain State Bar Association to identify a qualified candidate for appointment.

(c) At-large governors shall be appointed on the year of the election cycle of district governors for State Bar Districts Nine through Twelve to a four-year term. A governor whose board seat was terminated by the Bylaw amendments creating the at-large governors shall be appointed as at-large governor for either The West Virginia Bar Association or the Mountain State Bar Association, whichever organization in which that governor is an active member, and shall serve until such time as the Board of Governors appoints an at-large governor on the election cycle above. The President shall consult with the leadership of The West Virginia Bar Association or the Mountain State Bar Association, whichever organization is not represented by the governor whose board seat was terminated, to identify a qualified candidate for appointment to serve as at-large governor until the election cycle above. No at-large governor who has served a full term shall be eligible to succeed himself or herself.

(d) The term of office of at-large governors shall commence at the conclusion of the annual meeting of the State Bar next succeeding their appointment, and they shall hold office until their successor is appointed, including any extended period necessitated by changes in appointment cycles or terms.

Bylaw 5.10 Qualifications of at-large governors

The at-large governors shall be an active member with their principal office for the practice of law in the State of West Virginia, or an active non-practicing member whose mailing address of record is in the State of West Virginia. An active member's change of principal office, or an active non-practicing member's change of mailing address to a location outside the State, shall automatically terminate the at-large governorship. The at-large governors shall maintain State Bar membership

in good standing, and a loss of that status in any manner shall automatically terminate the at-large governorship.

Bylaw 5.11 At-large governor vacancy and removal

A vacancy in the office of at-large governor shall be filled by the Board of Governors for the unexpired term after consultation with the leadership of The West Virginia Bar Association or the Mountain State Bar Association, whichever organization's at-large governorship appointment is vacant. If an at-large governor is determined by the Board to have become incapacitated from performing their duties as at-large governor, or if the at-large governor is absent from any two consecutive meetings of the board, without cause deemed adequate by the Board, they may be removed by the Board.

Bylaw ~~5.09~~ 5.12. Meetings; quorum

The Board may meet at any place in the State of West Virginia and shall regularly meet at least once each quarter of the fiscal year. The Board shall meet for its final quarterly meeting of the fiscal year on the day preceding the opening day of each annual meeting of the State Bar membership. New governors and officers shall begin their terms following the adjournment of the annual meeting. The President may call other meetings of the Board. Upon written request of five ~~Governors~~ governors, the President or the Executive Director shall within five days thereafter call a meeting of the Board. Attendance at and participation in any Board meeting by means of conference telephone or other remote communications equipment by which all persons participating in the meeting can hear and speak to each other is expressly permitted if such equipment is available for the meeting site. Any Board member wishing to attend a scheduled meeting remotely shall provide notice to the Executive Director at least 5 days in advance of the

meeting.

One half plus one of the voting ~~membership~~ members of the Board shall constitute a quorum of the Board. Members of the Board shall be considered present at a meeting if they attend in person or by means of conference telephone or other remote communications equipment as permitted in the previous paragraph. Only those members so present may vote on matters before the Board; voting by proxy is not permitted.

A True Copy

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

