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 ADMINISTRATIVE RULES 13.03, 13.04, 13.06, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, AND 13.14 OF THE WEST VIRGINIA STATE BAR ADMINISTRATIVE RULES, No. 25-764

On November 12, 2025, Mary Jane Pickens, then-Executive Director of the West Virginia State Bar, submitted to the Court proposed amendments to Administrative Rules 13.03, 13.04, 13.06, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, and 13.14 of the West Virginia State Bar Administrative Rules regarding the Board of the Young Lawyer Section of the West Virginia State Bar.

This Court has jurisdiction to consider the proposed amendments under Article VIII, §§ 1 and 3 of the West Virginia Constitution. By that authority, the Court has considered the proposed amendments to Administrative Rules 13.03, 13.04, 13.06, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, and 13.14 of the West Virginia State Administrative Rules.

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 the proposed amendments to Administrative Rules 13.03, 13.04, 13.06, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, and 13.14 of the West Virginia State Administrative Rules as set forth in this order.

Justice Flanigan would refuse the amendments because they increase the total number of voting members of the Young Lawyer Board from twenty-one members to twenty-two members, allowing for tied voting and unsettled business.

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

WEST VIRGINIA STATE BAR ADMINISTRATIVE RULES

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Rule 13 Young Lawyer Section

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13.03 Young Lawyer Board—membership

The Young Lawyer Board shall consist of the following ~~twenty-one~~ twenty-two voting members and one non-voting member:

(a) The chair, who is chosen and serves as provided in Rule 13.11;

(b) The chair-elect, who is chosen and serves as provided in Rule 13.11;

(c) The secretary, who is chosen and serves as provided Rule 13.11;

(d) The immediate past chair;

(e) One elected district representative from each of the districts established in State Bar Bylaw 5.04 and one additional district representative from District 8;

~~(f) One African-American representative, elected by the method described in Rule 13.08;~~

Two at-large representatives appointed by the Young Lawyer Board from applicants as described in Administrative Rule 13.10; and

~~(g)~~ (f) A law student at West Virginia University College of Law, as a non-voting member, designated by the dean of the law school.

13.04 Qualifications of Young Lawyer Board district and at-large representatives

Each Young Lawyer Board member serving as a district representative shall have their principal office for the practice of law in the State Bar district which the member represents, and the removal of the member's principal office from such district shall result in the automatic termination of board membership. Each Young Lawyer Board member serving as an at-large representative shall have their principal office of the practice of law in the state of West Virginia, and the removal of the member's principal office from the state of West Virginia shall result in the automatic termination of board membership. Each Young Lawyer Board officer, ~~and~~ district representative, and at-large representative shall be an active member of the State Bar in good standing, and the loss of that status in any manner shall result in the automatic termination of that membership.

13.06 Election and term

Each year an election shall be conducted for Young Lawyer Board district representatives. The yearly elections shall be staggered in the following four-year cycle beginning in the year 2020:

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

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

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

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

Young Lawyer Board district representatives 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 Young Lawyer Board district representative previously elected in that district. An elected district representative is eligible to be elected to succeed himself or herself for one consecutive term. Any appointment to serve the remainder of a vacated term prior to being elected does not disqualify a district representative from consecutive election to two full terms.

Each year, the election for district representatives shall be held at least one month before the West Virginia State Bar annual ~~conference~~ meeting. In any year in which there is more than one position 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 candidates in a multi-member district shall run at large.

The term of office of each district representative shall commence at the conclusion of the State Bar annual ~~conference~~ meeting next succeeding the representative's election. ~~Representatives~~ District representatives shall hold office until a successor is elected and qualified, including any extended period necessitated by changes in election cycles or terms.

~~**13.08 Election of an African-American representative to the Young Lawyer Board**~~

~~An African-American representative shall be elected by the African-American lawyers in the Young Lawyer Section to serve a four-year term on the Young Lawyer Board. Nominating and voting procedures shall be timed, to the extent possible, to coincide with the nomination and election of district representatives on the Young Lawyer Board.~~

~~The State Bar Executive Director shall email all African-American lawyers in the Young Lawyer Section who so registered with the State Bar, soliciting nominations for the African-American representative position, noting the eligibility requirements for such representative. A ballot will be prepared listing all nominees and distributed to all African American lawyers in the Young Lawyer Section who have so registered, each of whom shall have one vote. Ballots will be counted and verified in the same manner as ballots for Young Lawyer Board district representatives. The candidate receiving the highest number of votes shall be elected for a four year term, commencing~~

~~at the conclusion of the following State Bar annual meeting. An elected African-American representative is eligible to be elected to succeed himself or herself for one consecutive term. Any appointment to serve the remainder of a vacated term prior to being elected does not disqualify a representative from consecutive election to two full terms.~~

~~13.09~~ 13.08 Removal of district representatives from the Young Lawyer Board

If any district representative is determined by the Young Lawyer Board to be incapacitated from continuing to perform duties as a board member, or if any district representative is absent from any two consecutive meetings of the Young Lawyer Board, without cause deemed adequate by the Young Lawyer Board, the district representative may be removed by a majority vote of the Young Lawyer Board.

~~13.10~~ 13.09 Young Lawyer Board district representative vacancies

A district representative vacancy on the Young Lawyer Board shall be filled for the unexpired term. The district representative vacancy shall be announced by the State Bar in an email to eligible members, therein seeking applications for appointment to the vacant office. The applications submitted shall be distributed to the Young Lawyer Board, which shall fill the district representative vacancy by appointment from the applications submitted. Any member so appointed to the Young Lawyer Board shall continue to serve in that capacity for the remainder of the term vacated. If no eligible young lawyer member seeks to serve the remainder of the unexpired term, the Chair shall appoint a committee from the Board and that committee shall appoint a young lawyer member to serve for the remainder of the term vacated.

13.10 At-large representative appointments and terms

(a) In recognition of service to West Virginia attorneys before the West Virginia State Bar was created, the Young Lawyer Board shall include two at-large representatives, 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 13.04, for appointment as an at-large representative.

(b) Qualified candidates shall be appointed as an at-large representative by the Young Lawyer Board at its meeting during the State Bar 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 Chair of the Young Lawyer Board 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 representatives shall be appointed on the year of the election cycle of district representatives for State Bar Districts Nine through Twelve to a four-year term. A representative whose board seat was terminated by the Administrative Rule amendments creating the at-large representatives shall be appointed as at-large representative for either The West Virginia Bar Association or the Mountain State Bar Association, whichever organization in which that representative is an active member, and shall serve until such time as the Young Lawyer Board appoints an at-large representative on the election cycle above. The Chair of the Young Lawyer Board shall consult with the leadership of The West Virginia Bar Association or the Mountain State Bar Association, whichever organization is not represented by the representative whose board seat was terminated, to identify a qualified candidate for appointment to serve as at-large

representative until the election cycle above. An at-large representative is eligible to be appointed to succeed himself or herself for one consecutive term.

(d) The term of office of at-large representative 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.

13.11 Qualifications of at-large representative

The at-large representative 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 representative membership on the Young Lawyer Board. The at-large representative shall maintain State Bar membership in good standing, and a loss of that status in any manner shall automatically terminate the at-large representative's membership on the Young Lawyer Board.

13.12 At-large representative vacancy and removal

A vacancy in the office of at-large representative shall be filled by the Young Lawyer Board 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 representative appointment is vacant. If an at-large representative be determined by the Board to have become incapacitated from performing their duties as at-large representative, or if the atlarge representative be absent

from any two consecutive meetings of the board, without cause deemed adequate by the Board, they may be removed by the Board.

~~13.11~~ 13.13 Officers

(a) Chair. The chair shall be the chief executive officer of the Young Lawyer Section and shall faithfully endeavor to accomplish a successful achievement of its objectives, aims, and purposes. The chair shall preside at all meetings of the Young Lawyer Section and of its Young Lawyer Board, or in lieu thereof, the chair or the Young Lawyer Board may designate a presiding officer. The chair shall further perform those duties which usually devolve upon a chief officer, and such duties as may be prescribed from time to time by the Young Lawyer Board. The chair shall have previously served as chair-elect during the immediately preceding year unless a vacancy requires otherwise. Following one year as chair, the chair shall serve one year as immediate past chair.

(b) Chair-Elect. The chair-elect shall perform such duties and have such authority as may be prescribed from time to time by the Young Lawyer Board. The chair-elect shall have previously served as secretary during the immediately preceding year unless a vacancy requires otherwise. Following one year as chair-elect, the chair-elect shall serve one year as chair.

(c) Nomination of Secretary. Each year the Young Lawyer Board, at its meeting during the annual conference of the State Bar, shall accept a nominee or nominees for the office of secretary. Those persons eligible to be nominated must be serving on the Young Lawyer Board at the time of the nomination and be a qualified member of the Young Lawyer Section under Rule 13.01.

(d) Selection of secretary; term. Each year, at its meeting during the annual conference of the State Bar, the Young Lawyer Board of the Young Lawyer Section shall, by secret ballot of those members present, elect a secretary from the nominations submitted. If there are more than two nominees, then the nominee with the least number of votes shall be eliminated from the

ballot and the Young Lawyer Board shall recast their votes for the remaining nominees. This voting procedure shall continue until such time as one nominee receives at least fifty percent plus one of the votes cast and a winner can be declared. The secretary shall serve one full year until the adjournment of next annual conference of the State Bar, at which time the secretary shall become the chair-elect of the Young Lawyer Section.

(e) Commencement and duration of terms. The term of each officer shall commence at the conclusion of each State Bar annual conference and shall continue until the conclusion of the next succeeding State Bar annual conference and the qualification of a successor.

(f) Removals; Vacancies. If any officer is determined by the Young Lawyer Board to be incapacitated from continuing to perform the duties of such office, that officer may be removed by a majority vote of the Young Lawyer Board and a vacancy shall be deemed to have been created. In the event that the chair-elect is unable or unwilling to serve as chair, then a vacancy will be deemed to have been created in the office of chair. If the secretary is unable or unwilling to become the chair-elect, then a vacancy will be deemed to have been created in the office of chair-elect.

(g) Filling vacancies. Vacancies in any office shall be filled by the Young Lawyer Board with the nominee(s) being chosen from the Young Lawyer Board membership and elected to serve for the remainder of the unexpired term.

~~13.12~~ 13.14 Compensation; expenses

A Young Lawyer Board member or officer shall not receive compensation for services. But any such person may be reimbursed for necessary and actual traveling and subsistence expenses when authorized by the Young Lawyer Board.

A True Copy

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