

Article 14 Legal Practice Entities

Bylaw 14.01 Registration of practice entities

The State Bar is the designee of the Supreme Court of Appeals for purposes of reviewing and issuing registration certificates for legal practice entities as required by law. The procedures for application, review, issuance, and renewal are set forth in the West Virginia State Bar Administrative Rules 11 and 12.

[CLERK'S COMMENTS: This new article contains the general authorizing language related to the State Bar's authority to issue registration certification for legal practice entities.]

Article 15 Mandatory continuing legal education

Bylaw 15.01 Obligation to maintain continuing legal education

Every lawyer has a mandatory obligation to continue legal education throughout their period of active practice in order to maintain the knowledge and skill necessary to fulfill their professional responsibilities. Failure to comply with mandatory continuing legal education requirements as set forth in State Bar Administrative Rule 6 may result in suspension from the practice of law and other sanctions.

Bylaw 15.02 Mandatory Continuing Legal Education Commission

(a) The Mandatory Continuing Legal Education Commission ("Commission") administers the program of mandatory continuing legal education. The Commission shall consist of nine members, at least seven of whom shall be active members of the State Bar. It will elect its own chairperson. Members of the Commission shall be appointed by the Board of Governors of the State Bar and confirmed by the Supreme Court of Appeals. Any vacancy occurring on the Commission shall be filled by the same appointment procedure. At least three members of the Commission shall be under the age of 36 or admitted to The West Virginia State Bar for less than ten years. Appointments shall be for a 3-year term. No member may serve more than two consecutive 3-year terms. Terms shall expire on June 30 of the applicable year. Members shall continue to serve until their successors are appointed and confirmed notwithstanding any age or years-of-admission restrictions.

(b) For any meeting of the Commission a majority of the duly appointed members shall constitute a quorum. Participation in meetings may be by conference telephone or similar two-way remote communications equipment.

(c) The members of the Commission shall have immunity from civil liability as provided in Bylaw 10.03. Any member of the Commission may be removed by the Supreme

Court of Appeals for cause, which may include failure to attend Commission meetings, disability, or misconduct. Members of the Commission shall serve without compensation, but each member is entitled to reimbursement for their actual and necessary expenses in the performance of Commission duties.

Bylaw 15.03 Powers and Duties of the Commission

The Commission shall administer the program of mandatory continuing legal education and shall have the following powers and duties:

(a) To approve, pursuant to State Bar Administrative Rule 6, individual courses and all or portions of the entire continuing legal education programs and presumptively accredit specific providers which, in the judgment of the Commission, will provide legal education courses and programs that satisfy the educational objectives of this Bylaw and State Bar Administrative Rule 6.

(b) To determine the number of credit hours to be allowed for each accredited course.

(c) To grant conditional, partial, or complete exemptions from the education requirements of these rules on an individual basis in cases of extreme hardship or extenuating circumstances.

(d) To notify each lawyer who is not in compliance with the reporting or minimum continuing legal education requirements of the specific manner of noncompliance.

(e) To seek appropriate disciplinary action by the Supreme Court of Appeals in the case of any active member of the State Bar failing to comply with the mandatory continuing legal education requirements.

(f) To meet, conduct hearings, and make determinations as required to administer the program of mandatory continuing legal education.

(g) To recommend reinstatement to active status in the case of any member of the State Bar attaining compliance with the mandatory continuing legal education requirements after having been suspended from active status for noncompliance.

(h) To submit biennially a written report to the Supreme Court of Appeals and to the Board of Governors of the State Bar of the Commission's activities during the preceding year and any recommendations for changes to this Bylaw or State Bar Administrative Rule 6.

(i) To report to the Board of Governors of the State Bar any significant deficiency in the availability of continuing legal education courses or programs within the State of West Virginia.

(j) To promulgate, and amend and revoke, policies and procedures for the transaction of its business, for the procedure in meetings of the Commission, and for the general administrative conduct of the Commission that are consistent with this Bylaw and State Bar Administrative Rule 6.

(k) To impose and collect fees payable to the West Virginia State Bar as set forth in State Bar Administrative Rule 6.

[CLERK’S COMMENTS: Article 15 sets out the primary obligation to maintain continuing legal education, the structure of the Commission, and the powers and duties of the Commission. These items were formerly contained in Chapter VII of the Rules and Regulations. Consistent with the overall governance structure of these revisions, the primary authority is contained in the bylaws, with the specific details set forth in the administrative rule. In addition to the Rules and Regulations in Chapter VII, the Commission had adopted another set of “Regulations” that are not published in the Michie’s Court Rules volume. These stand-alone regulations are being incorporated into State Bar Administrative Rule 6.]

Article 16 Judicial and Lawyer Assistance Program

Bylaw 16.01 Judicial and Lawyer Assistance Program

The State Bar is authorized to coordinate with the West Virginia Judicial and Lawyer Assistance Program established in West Virginia State Bar Administrative Rule 9 to the extent necessary to effectively carry out the purposes of the program.

[CLERK’S COMMENTS: The Lawyer Assistance Program was originally promulgated as a stand-alone rule. By order entered September 20, 2017, the Court amended several rules to combine the functions and operations of the Lawyer Assistance Program with the Judicial Committee on Assistance and Intervention. The new combined program is funded by the State Bar and administered by a board of directors appointed by the Board of Governors. This bylaw authorizes the State Bar to coordinate with the program. The amended rules for the combined program, as promulgated by the Court in the September 20, 2017 order, are incorporated as State Bar Administrative Rule 9.]

Article 17 Young Lawyer Section

Bylaw 17.01 Young Lawyer Section

The Young Lawyer Section of the West Virginia State Bar is authorized to assist new lawyers in making the transition between law school and the practice of law by providing a means for personal and professional growth and encouraging participation in the activities of the Bar. The Young Lawyer Section, as provided in West Virginia State Bar Administrative Rule 13, implements and contributes to programs that promote education, leadership, and