

**THE WEST VIRGINIA STATE BAR
INSTRUCTIONS FOR FORMING
A LIMITED LIABILITY COMPANY (LLC),
A PROFESSIONAL LIMITED LIABILITY COMPANY (PLLC), OR
A LIMITED LIABILITY PARTNERSHIP (LLP)
(STATE BAR ADMINISTRATIVE RULE 12)**

1. A LLC or PLLC shall consist of one or more persons. A LLP shall consist of two or more partners. (Rule 12.02)
2. An application for each LLC, PLLC or LLP shall be submitted, with the \$100 application fee, to the West Virginia State Bar. (Rule 12.02(a) - LLP or Rule 12.02(b) - PLLC)
3. Each LLC or PLLC application shall be signed by a member or manager having signature authority and state the name, office address, email address, telephone number, and facsimile number for the contact person designated as the contact person by the applicants (Rule 12.02(b))
4. Each LLP application shall be signed by a partner and state the name, office address, email address, telephone number, and facsimile number for the contact person designated by the applicant. (Rule 12.02(a))
5. Each multijurisdictional organization application must (1) include a designation of one or more licensed West Virginia lawyers associated with the limited liability organization who shall be responsible for the organization and its lawyers' compliance with the unauthorized practice of law provisions of the West Virginia Rules of Professional Conduct, and (2) certify that the West Virginia lawyer or lawyers and the limited liability organization has sufficient policies and procedures in place to prevent the unauthorized practice of law in West Virginia by any person associated with the limited liability organization. (Rule 12.02(c))
6. Each company or partnership has a statutory duty to maintain at least \$1,000,000 of professional liability insurance per occurrence/aggregate or have a designated fund for the satisfaction of judgments against the company and/or its partners or members. (Rule 12.04(b))
7. The ownership, management, and name (including any trade name) of the limited liability organization must comply with the ethical requirements of the Rules of Professional Conduct. (Rule 12.04(c))
If a tradename is used, the name must comply with the Rules of Professional Conduct. Questions regarding a tradename should be directed to the Office of Disciplinary Counsel.
8. Each company or partnership must comply with the IOLTA requirements of Administrative Rule 10.
9. Limited liability organizations amending its professional liability insurance coverage or designated fund must notify the West Virginia State Bar in advance of the proposed amendment, pay the \$25.00 amendment fee, and acknowledge that the amendment is in compliance with all applicable statutory requirements, the West Virginia Rules of Professional Conduct, and this Rule. (Rule 12.07)
10. All approved limited liability organizations must file a renewal application with the West Virginia State Bar, with the applicable \$100.00 renewal fee, on or before November 1 of each year. (Rule 12.06)

Review the WV Rules of Professional Conduct, WV State Bar Administrative Rule 12, and WV Code requirements.

Fee: \$100.00
Form: LLC/PLLC/LLP Application



The West Virginia State Bar
2000 Deitrick Blvd
Charleston, West Virginia 25311
Telephone: 304-553-7220
Toll-Free: 800-989-8227
Website: www.wvbar.org

**THE WEST VIRGINIA STATE BAR
APPLICATION TO FORM A LIMITED LIABILITY COMPANY (LLC),
OR A LIMITED LIABILITY PARTNERSHIP (LLP)
(STATE BAR ADMINISTRATIVE RULE 12)**

1. Check one designation below:

- Limited Liability Corporation (LLC)**
- Limited Liability Partnership (LLP)**

2.

Name of LLC or LLP (designation must be identified in the name)

3.

The West Virginia State Bar member's name and bar number, or the name of the partner of the LLP, or the name of the member/manager of the LLC in accordance with the provisions of West Virginia Code and West Virginia State Bar Administrative Rule 12.

a. _____
Name of WV Bar member(s) or partner(s) or member(s)/manager(s)

b. _____
WV State Bar No.

4. Office Address

a. _____
Street Address or Post Office Box Number

b. _____
City, State, and Zip Code

5. Designated contact person.

a. _____
Name and title of designated contact person

b. _____
Email Address

c. _____
Telephone number

d. _____
Facsimile number

6. Multijurisdictional organizations – Responsible attorney:

- a. _____
Name of responsible licensed/admitted West Virginia attorney and WV Bar No.
(If more than one responsible attorney, identify and list each separate sheet of paper.)
- b. I, _____, (responsible attorney) certify that the LLC/LLP has sufficient policies and procedures in place to prevent the unauthorized practice of law in West Virginia by any person associated with the LLC/LLP.

7. Professional Liability Insurance:

- a. _____ I certify that the LLC/LLP has at least \$1,000,000 of professional liability insurance per occurrence/aggregate or a designated fund for the satisfaction of judgment against LLC/LLP and its partners or members.
 - i. Name of Insurance Company _____
 - ii. Address _____

 - iii. Policy Number _____
 - iv. Coverage Date _____ to _____
(A copy of the declarations page must be attached to this application)

8. Administrative Rule 10 of the West Virginia State Bar establishes a comprehensive Interest on Lawyers Trust Accounts (IOLTA) program.

Notice of Compliance with Rule 10 must be filed annual with The West Virginia State Bar by each West Virginia lawyer participating in the IOLTA program.

Bank Name: _____

Account Name: _____

Account Number: _____

Routing Number: _____

(If you have more accounts, identify and list each on a separate sheet of paper.)

9. Review and initial

_____ I acknowledge that the LLC/LLP is required to submit a renewal application and \$100 renewal fee on or before November 1 of each year.

_____ I acknowledge that at renewal the LLC/LLP must update its liability insurance and IOLTA information.

Signature of Partner/Member/Manager

Date of Application