

STATE OF WEST VIRGINIA

At a Regular Term the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on May 9, 2018, the following order was made and entered:

**RE: Provisional Adoption of and Request for Public Comment on Proposed Amendments to the Rules of Judicial Disciplinary Procedure and the Rules for Admission to the Practice of Law
18-Rules-03**

On this day came the Court, on its own motion, and proceeded to consider amendments to **Rule 1.9** of the **Rules of Judicial Disciplinary Procedure** and **Rule 1.0(a)** of the **Rules for Admission to the Practice of Law**. The proposed amendments are the result of the change in payment structure to the members of the Judicial Investigation Commission and to the Board of Law Examiners. Additionally, the Court takes this opportunity to amend Rules 1.2 and 1.6 of the **Rules of Judicial Disciplinary Procedure**, as requested by the Judicial Investigation Commission. The Court is of the opinion that the proposed amendments should be provisionally adopted, subject to being published for a thirty-day period of public comment. Comments must be filed in writing with the Clerk of the Court on or before **June 15, 2018**.

The proposed additions to the rule are indicated by underscoring, and deletions are indicated by strikethrough, to read as follows:

Rules of Judicial Disciplinary Procedure

Rule 1.9. Compensation and expenses.

All Mmembers of the Commission shall be eligible for reimbursement for travel and other expenses incidental to the performance of their duties. Members of the Commission who are not judicial officers shall be considered temporary employees of the Supreme Court of Appeals only for the limited purpose of payment and shall receive per diem ~~W-2~~ compensation of in the amount of one hundred dollars per meeting to be paid by the State from funds appropriated to the judiciary. The limited nature of the classification shall not subject the non-judicial members to any of the rules or requirements set forth in the West Virginia Judicial Personnel System Manual or the Code of Judicial Conduct. Any lawyer member shall not be conflicted off any case or controversy before any court in West Virginia by virtue of his or her affiliation with and service on the Commission.

In addition, the Court takes this opportunity to propose amendments to the rules on Terms and Reappointment as follows:

Rule 1.2. Terms.

The members of the Commission shall serve staggered terms of ~~three~~ four years. * * *

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Rule 1.6. Reappointment.

* * * The Chairperson and Vice Chairperson of the Commission ~~is~~ are not subject to the term limits.

Rules for Admission to the Practice of Law

Rule 1.0. Board of Law Examiners.

(a) Membership. * * *

All members of the Board shall be eligible for reimbursement for travel and other expenses incidental to the performance of their duties. Members of the Board who are not judicial officers shall be considered temporary employees of the Supreme Court of Appeals only for the limited purpose of payment and shall receive W-2 compensation in the amount of six hundred dollars per meeting to be paid by the State from funds appropriated to the judiciary. The limited nature of the classification shall not subject the non-judicial members to any of the rules or requirements set forth in the West Virginia Judicial Personnel System Manual or the Code of Judicial Conduct. Members shall not be conflicted off any case or controversy before any court in West Virginia by virtue of their affiliation with and service on the Board.

A True Copy

Attest: //s// Edythe Nash Gaiser
Clerk of Court

