

Article VII. Committee On Unlawful Practice

1. **§ 1. Jurisdiction.** The committee on unlawful practice shall have jurisdiction over all matters and questions which may be considered as constituting the unlawful practice of law under the definition of the practice of law adopted by the supreme court of appeals of West Virginia by rule effective May 1, 1947, and any amendments or changes thereto, and in accordance with other applicable principles of law governing and defining the practice of law in this and other jurisdictions.

§ 2. Powers. Such committee shall investigate, on its own initiative or upon request of any court or judge or upon the verified complaint of any person, any matter involving the alleged unlawful practice of law. Such committee is empowered to dismiss any complaint, to enter into an agreement to desist from unlawful practices, or, when the facts warrant, to institute appropriate proceedings in the name of the West Virginia State Bar, or in the name of any authorized committee or of any member thereof, in any court having jurisdiction, for the purpose of securing appropriate relief.

Such committee may act as a committee, or through any subcommittee thereof, or may refer any matter under consideration to any grievance committee for investigation.

§ 3. Members; Terms; Vacancies; Removals. The committee on unlawful practice shall consist of seven members, selected by the board from the active members of the state bar. When first constituted, three members shall be selected for terms of one year, two for terms of two years, and two for terms of three years. Thereafter, in each year, members shall be selected, each for three-year terms, to fill vacancies occurring in that year by reason of the expiration of the terms of office of members theretofore selected. Vacancies occurring for other reasons shall be filled by the board for the unexpired terms. If a member of such committee be determined by the board to have become incapacitated from performing his duties as such member, or be absent from any two consecutive meetings of such committee, without cause deemed adequate by the board, he may be removed by the board. The term of office of each member shall commence at the conclusion of the annual meeting designated by the board in making his appointment.

§ 4. Officers; Subcommittees. For such committee a chairman and vice chairman shall be designated annually by the board from the members of such committee. Such committee may designate other officers and subcommittees, from its own members, with such of its powers and responsibilities as it may deem proper.

§ 5. Meetings; Quorum. Such committee shall meet, at any place in the State of West Virginia, upon call of its chairman or vice chairman, or upon call of the president of the state bar. Upon written request of five governors the president or secretary shall call a meeting of such committee.

Three members of such committee shall constitute a quorum.

§ 6. Summons and Subpoena Powers. In any investigation or hearing under this article, such committee, any grievance committee, or any authorized member of either thereof, or any governor or officer of the state bar shall have the power, by summons or subpoena issued under

the hand of any authorized member of either committee or of any governor or such officer, to summon and examine witnesses under oath administered by any member of said committees, any governor or such officer, and to compel their attendance and the production of any and all books, papers, letters and other documents necessary or material to the inquiry.

§ 7. Effect of Summons or Subpoena. Any such summons or subpoena issued as provided in the preceding section shall have the same force and effect as a summons or subpoena issued by a circuit court of the State of West Virginia. If any witness or other person shall fail or refuse to appear, or to be sworn, or to testify, or to produce books, papers, letters or other documents demanded, upon application to a circuit court or the judge thereof within the congressional district in which any investigation or hearing is being conducted, a rule or an attachment shall be issued against such witness or other person as in cases of contempt.

§ 8. Reports. Such committee shall report to the secretary in writing immediately upon initiating any investigation or other action, and shall thereafter report to him from time to time the status thereof, and upon final disposition of any matter shall forward to him a report thereon with the complete file thereof.