

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 3, 2018, the following order was made and entered in vacation:

IN THE MATTER OF: JACK PAULEY, MAGISTRATE OF KANAWHA COUNTY

No. 17-0638

ORDER

On November 27, 2017, the Judicial Hearing Board, by its chairperson, Honorable Lawrance S. Miller, Jr., in accord with Rule 4.8, Rules of Judicial Disciplinary Procedure, filed its written recommended decision, recommending that the Court adopt the parties' joint stipulations and recommendations. Thus, the Judicial Hearing Board recommends that:

- (1) Respondent be suspended for a period of 45 days, without pay, pursuant to Rule 4.12 of the Rules of Judicial Disciplinary Procedure;
- (2) Respondent be publicly censured for each count pursuant to Rule 4.12 of the Rules of Judicial Disciplinary Procedure;
- (3) Respondent be ordered to pay the costs of the investigation in the amount of \$7,159.03, plus the Hearing Board costs in an amount yet to be determined; and
- (4) Respondent be ordered to make payments toward the costs at a fixed rate beginning one month after this Court's final order in this case.

Thereafter, on December 4, 2017, Judicial Disciplinary Counsel, by Brian J. Lanham, Esq., filed its consent to the recommendation. The respondent did not file a consent nor an objection.

Upon consideration and review, the Court is of the opinion to and does hereby adopt the recommendation of the Judicial Hearing Board. It is therefore ORDERED that:

- (1) Respondent shall be, and he hereby is, **suspended without pay** for a period of 45 days, and is hereby prohibited from hearing any civil or criminal matter or performing any other judicial functions during the 45-day suspension. It is ORDERED that the first day of the suspension shall begin on Saturday, January 6, 2018.
- (2) Respondent shall be, and he hereby is, **censured** for violating Rules 1.1, 1.2, 2.5, 2.12, and 2.16 of the Code of Judicial Conduct in Count I of the complaint, for violating Rules 2.1, 2.5, and 3.1 of the Code of Judicial Conduct in Count II of the complaint; and for violating Rules 1.1, 1.2, 2.2, 2.4, and 2.5 of the Code of Judicial Conduct in Count III of the complaint; and
- (3) Respondent is ORDERED to pay the costs of the investigation of this matter in the amount of \$7,159.03, plus the costs associated with the disciplinary hearing, which have yet to be determined. Payments toward the total costs shall be made by respondent in

an amount agreed upon by the respondent and Judicial Disciplinary Counsel, said payments to begin on February 5, 2018.

Justice Workman did not participate in the consideration or decision of this matter.

Service of an attested copy of this order upon the Respondent, Judicial Disciplinary Counsel, and the Administrative Director of the Court, shall constitute sufficient notice of the contents herein.

A True Copy

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

