

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on August 15, 2013, the following order was made and entered **in vacation**:

**In the Matter of: Michael Thornsbury
Judge of the Thirtieth Judicial Circuit, Mingo County**

No. 13-0828

On this day, came the Office of Disciplinary Counsel, by Teresa A. Tarr, Judicial Disciplinary Counsel, and presented to the Court its report pursuant to Rule 2.14 of the Rules of Judicial Disciplinary Procedure in the above-captioned matter, in response to a complaint filed by the Administrative Director of the Courts on the respondent herein, Michael Thornsbury, Judge of the Thirtieth Judicial Circuit, based upon the fact that the respondent had been indicted by a federal grand jury on two felony counts of conspiracy to violate a person's civil rights in violation of 18 U.S.C. § 241.

Having maturely considered the report pursuant to Rule 2.14(c) of the Rules of Judicial Disciplinary Procedure, the Court is of the opinion that there is probable cause to believe the respondent has engaged or is currently engaged in a serious violation of the Code of Judicial Conduct.

Therefore, pursuant to Rule 2.14(d)(2) of the Rules of Judicial Disciplinary Procedure, it is hereby directed that the respondent is suspended without pay, and is hereby prohibited from hearing any further civil or criminal matter or performing any other judicial functions during the pendency of this matter. The respondent is hereby notified of the right to request a hearing on the issue of his suspension pursuant to Rule 2.14(c) of the Rules of Judicial Disciplinary Procedure and Article VIII, Section 8 of the Constitution of West Virginia. Any request for a hearing must be in writing and filed with the Clerk within thirty days of the date of this order.

It is hereby ordered that this matter be remanded to the Judicial Investigation Commission for the filing of formal charges and proceedings pursuant to Rule 2.7(d) and 4 of the Rules of Judicial Disciplinary Procedure. It is further ordered that the complaint filed by the Administrative Director and the report filed by Judicial Disciplinary Counsel shall be public.

In the same report filed on this day, the Office of Disciplinary Counsel, by Teresa A. Tarr, Judicial Disciplinary Counsel, asserts pursuant to Rule 3.27 of the Rules of Lawyer Disciplinary Procedure that Michael Thornsbury, Judge of the Thirtieth Judicial Circuit, has committed a violation of the Rules of Professional Conduct and poses a substantial threat of irreparable harm to the public, and requests that the respondent be immediately suspended from the practice of law.

Upon consideration whereof, the Court is of the opinion to and does hereby find that good cause exists to impose such an immediate suspension. It is hereby ordered that the respondent's license to practice law in West Virginia be and hereby is, suspended, effective immediately. The respondent is hereby notified of the right to request a hearing on the issue of his suspension pursuant to Rule 3.27(c) of the Rules of Lawyer Disciplinary Procedure. Any request for a hearing must be in writing and filed with the Clerk within thirty days of the date of this order.

Justice Ketchum would suspend Judge Thornsbury with pay, and would not suspend Judge Thornsbury from the practice of law.

Service of an attested copy of this order upon the respondent shall constitute sufficient notice of its contents.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court

