



**BEFORE THE JUDICIAL HEARING BOARD OF WEST VIRGINIA**

**IN THE MATTER OF:  
THE HONORABLE ALLEN H. LOUGHRY II,  
JUSTICE OF THE SUPREME COURT OF  
WEST VIRGINIA**

**SUPREME COURT No. 18-0508  
JIC COMPLAINT NOS. 14-2018,  
17-2018, and 32-2018**

**MOTION TO LIFT STAY AND EXPEDITE FORMAL PROCEEDINGS**

Comes now Judicial Disciplinary Counsel (“Counsel”) and moves the Board to lift the stay of the formal proceedings in the above-captioned matter issued on or about July 2, 2018 and to expedite the disciplinary hearing. In support of this Motion, Counsel states as follows:

1. On February 16, 2018, Judicial Disciplinary Counsel filed Complaint No. 14-2018 against Respondent. Complaint Nos. 17-2018 and 32-2018 came in from members of the public on February 20, 2018, and April 2, 2018. By letter dated February 20, 2018, Judicial Disciplinary Counsel requested a response to Complaint Nos. 14-2018 and 17-2018 within ten business days.
2. Respondent, by and through his attorney, requested and was granted a continuance to respond to March 16, 2018. His attorney was then granted a second continuance to mid-April 2018. On or about April 26, 2018, Respondent was given until May 14, 2018, to answer all three complaints and was further advised that no more continuances would be granted. By letter dated May 14, Respondent declined to submit a response within the time period requested citing certain reasons.
3. In early June 2018, the Judicial Investigation Commission unanimously voted to issue a 32-count formal statement of charges against Respondent.
4. The Formal Statement of Charges was filed in the Supreme Court of Appeals of West Virginia on or about June 6, 2018. On that same day, Judicial Disciplinary Counsel filed a

motion to suspend Respondent without pay pending the outcome of the disciplinary proceedings.

5. On June 8, 2018, a special State Supreme Court made up of five circuit judges, by a vote of 5-0, immediately ordered Respondent suspended without pay.
6. On or about June 19, 2018, a federal grand jury indicted Respondent on 22 felony counts in the United States District Court for the Southern District of West Virginia.<sup>1</sup>
7. On July 2, 2018, the Judicial Hearing Board issued a stay of the disciplinary proceedings upon request of the Respondent pending his federal criminal trial. Judicial Disciplinary Counsel did not object to Respondent's stay request.
8. On or about October 2, 2018, Respondent went to trial on the federal indictment. Following a two week trial, Respondent was found guilty of eleven felony counts by a federal jury in *United States v. Loughry*, Case No. 2:18-cr-00134.
9. Respondent's sentencing in the federal criminal case is set for Wednesday, January 16, 2019.
10. Any further need for a stay in the disciplinary proceedings is obviated by the conclusion of Respondent's criminal trial.
11. An expedited hearing is necessary because Respondent is set to be sentenced on January 16, 2019, and in the event, he receives a term of confinement in a federal penitentiary, it will be impossible for him to appear for hearing after that time.
12. Rule 4.1 of the Rules of Judicial Disciplinary Hearing states that the hearing on the formal charges shall be conducted within one hundred and twenty days of the filing of the formal charges. Importantly, the Rule also states that "[t]he Chairperson of the Judicial Hearing

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<sup>1</sup> Subsequently two superseding indictments were brought and Respondent faced a total of 25 felony counts. However, just prior to trial, the government dismissed three of the counts so Respondent went to trial on 22 of the 24 counts.

Board may extend or shorten periods contained in this rule for good cause shown.” In this case, the 120<sup>th</sup> day falls on or about Tuesday, February 19, 2019, or more than a month after Respondent is sentenced in federal court for his conviction on eleven felony counts. Therefore, Judicial Disciplinary Counsel believes there is good cause to expedite the disciplinary hearing in this matter particularly since the initial delay resulted from a request by the Respondent.

**WHEREFORE** Counsel respectfully requests that the Judicial Hearing Board immediately lift the stay of the judicial disciplinary proceedings and expedite the hearing of the matter so that it occurs before January 16, 2019.

Respectfully submitted,

JUDICIAL DISCIPLINARY COUNSEL



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CERTIFICATE OF SERVICE

I, Teresa A. Tarr, Judicial Disciplinary Counsel, do hereby certify that on the 22nd day of October 2018, I served the Motion to Lift Stay and Expedite Hearing upon the Respondent by placing a true and accurate copy of the same in the United States mail, first-class postage pre-paid, to Respondent's counsel and addressed as follows: John A. Carr, Esquire, Counsel for Respondent, 179 Summers Street, Suite 209, Charleston, WV 25301; by facsimile transmission to (304) 414-2266 (also on 10/19/18); and by email to [jcarr@jcarrlaw.com](mailto:jcarr@jcarrlaw.com) (also on 10/19/18).

Respectfully, submitted,



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