



Supreme Court of Appeals State of West Virginia

News

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Supreme Court suspends Kanawha County magistrate

For immediate release Monday, April 9, 2012

CHARLESTON, W.Va. – The Supreme Court today suspended Kanawha County Magistrate Carol Fouty without pay, effective immediately, and directed the Judicial Disciplinary Counsel to file formal charges against her.

The order entered today, April 9, in the Supreme Court Clerk's Office, says Judicial Disciplinary Counsel Theresa Tarr has presented to the Court a report on a complaint against Fouty filed by Supreme Court Administrative Director Steve Canterbury. The order is a public document and available from the Supreme Court Public Information Office.

“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,” the order says. “In addition, the Court notes that the respondent received a written admonishment in December 2011 for violating Canon 1A, 2A, 2B, 2B, 3B(1), and (2), and 3E(1)(a) of the Code of Judicial Conduct. (Judicial Investigation Commission Complaint No. 12-2010.)”

A copy of that admonishment is available from the Supreme Court Public Information Office.

The Code of Judicial Conduct is posted on the West Virginia Judiciary website at <http://www.courtsvw.gov/legal-community/court-rules/judicial-conduct/judicial-conduct.html>.

If Fouty wants a hearing on her suspension, she must ask for it within thirty days.

The Supreme Court has remanded the case against Fouty 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.

Under the Rules of Judicial Disciplinary Procedure, the complaint by Director Canterbury and Counsel Tarr's report to the Court are confidential and are not public records. Once formal charges are filed in the Clerk's Office and served on Fouty, the charges will be public.

The Rules of Judicial Disciplinary Procedure are posted on the West Virginia Judiciary website at <http://www.courtsvw.gov/legal-community/court-rules/judicial-disciplinary/judicial-contents.html>.

Fouty served as a magistrate from 1985 to 1991 and was re-elected in 1996.

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