**STATE OF WEST VIRGINIA**

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on September 26, 2013, the following order was made and entered:

Office of Lawyer Disciplinary Counsel,
Petitioner

vs.) No. 13-0954

C. Michael Sparks, a member
of the West Virginia State Bar,
Respondent

On a former day, to-wit, September 19, 2013, came the Office of Disciplinary Counsel, by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, pursuant to Rule 3.27 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court a petition, which was later amended, seeking the immediate suspension of the license to practice law in the State of West Virginia of the respondent, C. Michael Sparks, a member of The West Virginia State Bar. Disciplinary Counsel alleges that the respondent has committed violations of the Rules of Professional Conduct and poses a substantial threat of irreparable harm to the public. Thereafter came the respondent, C. Michael Sparks, by Lonnie Simmons, DiTrapano, Barrett, DiPiero, McGinley & Simmons, PLLC, and presented to the Court two motions for leave to file responses to the petition. The Court granted the respondent's motions and ordered the responses to be filed.

By order entered September 23, 2013, the Court granted the Office of Disciplinary Counsel leave to file a reply to the responses on or before 9:30 a.m. today, and deferred further consideration of this matter until such time as the deadline for filing a reply passed. On September 25, 2013 the Office of Disciplinary Counsel complied with the deadline by filing a supplement to its amended petition, together with exhibits containing affidavits and other materials. Finally, the respondent earlier today filed a motion for leave to file a response to the supplement. The Court is of the opinion to and does hereby grant the motion and does order the response to be filed. The matter is now ripe for the Court's consideration.

Rule 3.27(c) of the Rules of Lawyer Disciplinary Procedure governs the Court's consideration of this matter. Under Rule 3.27(c), the Court is charged with "determining the existence of good cause" as to whether the respondent has violated the Rules of Professional Conduct that poses a substantial threat of irreparable harm to the public. If the Court determines that good cause exists, the Respondent is provided notice of the charges and a right to a hearing before the Court within thirty days. Rule 3.27(c) further states: "After such hearing, the Supreme Court may temporarily suspend the lawyer or may order such other

action as it deems appropriate until underlying disciplinary proceedings before the Lawyer Disciplinary Board have been completed." Importantly, this procedure requires that the Court must provide notice and the opportunity to be heard *before* the respondent's law license may be temporarily suspended.

Upon consideration of the petition and the exhibits attached to the petition, the Court is of the opinion that good cause exists pursuant to Rule 3.27(c). Accordingly, this matter is set for hearing under Rule 19 of the Revised Rules of Appellate Procedure on Wednesday, October 16, 2013. The respondent has leave to file an original and ten copies of any supplemental response on or before October 10, 2013, which may include supporting documents and affidavits to counter the petition's allegations. The issue before the Court at the hearing is whether the respondent's license to practice law in West Virginia should be temporarily suspended.

It is further ordered that the Lawyer Disciplinary Board is hereby directed to proceed forthwith to formally conclude the underlying disciplinary complaints so that soon after the conclusion of these extraordinary proceedings the Court can review a full evidentiary record in accordance with the procedures that apply in lawyer disciplinary cases generally.

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

A True Copy

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