

**IN THE SUPREME COURT  
STATE OF GEORGIA**

In re: Inquiry Concerning Judge  
Christian Coomer,

Georgia Supreme Court No. S21Z0595

**JUDGE CHRISTIAN A. COOMER'S  
CONSENT TO INTERIM SUSPENSION**

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*Attorneys for Judge Christian A. Coomer*

**JUDGE CHRISTIAN A. COOMER'S**  
**CONSENT TO INTERIM SUSPENSION**

COMES NOW the Honorable Christian A. Coomer, by and through his counsel, and consents to an interim suspension from active status on the Georgia Court of Appeals until further Order of the Court. Judge Coomer does not consent that he poses a substantial threat of serious harm to the public or to the administration of justice.

**INTRODUCTION**

From the time Judge Coomer learned that formal charges would be filed against him by the Judicial Qualifications Commission (“JQC”), he made it clear to the JQC and to his own Court, the Court of Appeals of the State of Georgia, that he would voluntarily suspend his duties as a judge on the Court of Appeals in order to focus on his defense of the JQC’s Formal Charges and not be a distraction to that court.

The Judicial Qualifications Commission insisted on a “consent” order that, by its very language, required Judge Coomer to, in effect, admit the allegations of the Formal Charges. Instead, Judge Coomer and the Court of Appeals agreed to his removal from all active cases and appointment of a substitute judge on all of his cases pending the resolution of the JQC charges. (Judge Rickman Email, Ex. A.)

## STATEMENT OF FACTS

On December 29, 2020, the JQC filed its Motion to Suspend Pursuant to JQC Rule 15(c). Attached to the Motion are: (1) twenty-six Formal Charges filed with the JQC on December 28, 2020,<sup>1</sup> and (2) an Amended Complaint filed November 23, 2020, before the Georgia Government Transparency and Campaign Finance Commission (“CFC”).<sup>2</sup> The JQC has not filed any evidence with this Court to support the allegations in the Formal Charges.

On December 28 and 29, 2020, Judge Coomer, through counsel, volunteered to submit to an interim suspension from the Court of Appeals until further Order of this Court, in light of the significant amount of time that would be required to defend himself in these multiple proceedings that could distract from his judicial duties. (Cathey Email, December 29, 2020, Ex. B; Judge Rickman Email, Ex. A.) Counsel

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<sup>1</sup> Not one of the twenty six counts alleged in the 165-paragraph JQC Formal Charges relates in any way to Judge Coomer's conduct as a judge on the bench considering any case. Judge Coomer disputes the allegations by the JQC and denies that he violated the Code of Judicial Conduct.

<sup>2</sup> Judge Coomer and his campaign committees, who are represented by other counsel before the CFC, dispute the allegations from the CFC. The allegations made by the CFC misstate the law and the facts, and they relate to conduct that is time-barred. The CFC has already had to amend its complaint once to remove certain allegations after the CFC staff reviewed Judge Coomer's response to the CFC's original complaint. For purposes of these proceedings involving the JQC, it is relevant only that the CFC case is in the preliminary stage and that there has been no finding, much less a final ruling, that Judge Coomer violated any campaign finance laws.

for the JQC instead insisted on a motion that stated that, “[p]ursuant to JQC Rule 15(C), the Investigative Panel has received sufficient evidence to demonstrate that Judge Coomer poses a substantial threat of serious harm to the administration of justice and the public’s confidence in the judiciary.” (Boring Email and Attachment, December 28, 2020, Ex. C; Boring Email, December 29, 2020, Ex. D.)

Counsel for Judge Coomer reached out to Judge Coomer’s colleagues on the Court of Appeals and entered into a voluntary self-suspension agreement such that there will be “no more cases ... going out with Judge Coomer’s name on them” and providing for a substitute judge on all of Judge Coomer’s cases. (Judge Rickman Email, Ex.A.) Vice-Chief Judge Rickman, who is acting with the authority of Chief Judge, noted that the agreement was “best for the Court [of Appeals] and Judge Coomer.” (Id.)

While Judge Coomer consents to a suspension with pay pending resolution of the JQC proceedings, he cannot and does not concede that substantial evidence exists that he poses any such substantial threat. The sole reason that this is an issue is that the JQC is refusing to allow Judge Coomer to consent to a suspension unless he also agrees that he poses such a threat.

### **ARGUMENT AND CITATION OF AUTHORITY**

The JQC’s filing in this Court of its Motion to Suspend and attached Formal Charges and the CFC Amended Complaint was entirely unnecessary, and served

only to publicize allegations to which Judge Coomer has not had a fair opportunity to respond. There is no authority for the proposition that, in order to agree to a voluntary suspension with pay pending final resolution of the JQC proceedings, Judge Coomer must agree or that this Court must make a finding, as requested by the JQC, that “Judge Coomer poses a substantial threat of serious harm to the administration of justice and the public’s confidence in the judiciary.” Rule 15(C) addresses “receipt” by this Court of sufficient evidence, but does mandate such a finding where the judge under review consents to the interim suspension sought by the JQC.

The plenary power of this Court to enter an order of interim suspension without prejudging the allegations against Judge Coomer is clearly set forth in OCGA § 15-2-8 and OCGA § 15-2-17. Under OCGA § 15-2-8(7), “The Supreme Court has authority: ... 7) To exercise such other powers, not contrary to the Constitution of this state, as given to it by law. This paragraph shall not be interpreted to abrogate the inherent power of the court.” Under OCGA § 15-2-17, this Court has “full power and authority to make all rules, not in conflict with the Constitution or laws of this state, as may be necessary for carrying the Constitution into effect and regulating the courts proceedings thereunder .... and it generally may make all regulations as to practice and procedure which experience may show to be convenient and expedient for the proper transaction of its business, with due regard

to the rights of the parties and counsel concerned.” See also Ga. Const. of 1983, Art. VI, Sec. VII, Para. VIII (“No action shall be taken against a judge except after hearing and in accordance with due process of law. No removal or involuntary retirement shall occur except upon order of the Supreme Court after review.”); Ga. Const. of 1983, Art. VI, Sec. VII, Para. VII (“Any judge may be removed, suspended, or otherwise disciplined for willful misconduct in office, or for willful and persistent failure to perform the duties of office, or for habitual intemperance, or for conviction of a crime involving moral turpitude, or for conduct prejudicial to the administration of justice which brings the judicial office into disrepute.”).

This Court, in case number S18Y0794, exercised this plenary power when it accepted a lawyer’s request for interim suspension and declined the State Bar’s request for a quicker ruling on the merits. (*In the Matter of Shannon DeWayne Patterson*, S18Y0794, Order, May 21, 2018.) The Court noted that the “interim suspension [proposed by the lawyer] will serve to protect the public better than what the State Bar proposes ...” (Id., p. 2.)

In circumstances where a respondent consents to the entry of an order of suspension with pay pending the resolution of JQC proceedings, the interests of judicial economy warrant the entry of such an order without requiring the Court and the parties unnecessarily to litigate the question of whether the respondent “poses a

substantial threat of serious harm to the administration of justice and the public's confidence in the judiciary.”

**CONCLUSION**

WHEREFORE, Judge Coomer respectfully requests that this Court enter an interim suspension of his service on the Georgia Court of Appeals with pay until further Order of this Court without any findings that prejudice the matters in dispute, and specifically without any finding that he poses a substantial threat of harm to the public or to the administration of justice, and for such other and further relief as the Court deems just and proper. A proposed Order is attached hereto as Exhibit E.

Respectfully submitted on December 30, 2020.

By: /s/ Dennis J. Cathey  
DENNIS J. CATHEY  
Georgia State Bar No. 116600

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P.O. Box 689  
Cornelia, GA 30531  
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By: /s/ Johannes S. Kingma  
JOHANNES S. KINGMA  
Georgia State Bar No. 421650

By: /s/ Mark D. Lefkow  
MARK D. LEFKOW  
Georgia State Bar No. 004289

*Attorneys for Judge Christian A.  
Coomer*

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[mlefkow@cskl.law](mailto:mlefkow@cskl.law)



**CERTIFICATE OF SERVICE AND COMPLIANCE**

I certify that, on December 30, 2020, I filed the foregoing document with the Clerk of Court through the electronic filing system and have completed service by sending copies of this filing via U.S. Post and by electronic transmission to the following:

Charles P. Boring, Esq.  
Judicial Qualifications Commission  
1995 North Park Place SE, Ste. 570  
Atlanta, GA 30339  
[cboring@gajqc.gov](mailto:cboring@gajqc.gov)

Honorable Robert C.I. McBurney  
Superior Court of Fulton County  
Suite C927 Justice Center Tower  
136 Pryor Street  
Atlanta, GA 30303  
[robert.mcburney@fultoncountyga.gov](mailto:robert.mcburney@fultoncountyga.gov)

By: /s/ Mark D. Lefkow  
MARK D. LEFKOW  
Georgia State Bar No. 004289

COPELAND, STAIR, KINGMA & LOVELL, LLP  
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Suite 3600  
Atlanta, Georgia 30303  
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[mlefkow@cskl.law](mailto:mlefkow@cskl.law)

# EXHIBIT A

Begin forwarded message:

**From:** Brian Rickman <[rickmanb@gaappeals.us](mailto:rickmanb@gaappeals.us)>  
**Subject:** Update-Judge Coomer Agreement with the Court  
**Date:** December 29, 2020 at 8:10:56 PM EST  
**To:** <[dcathey@catheyandstrain.com](mailto:dcathey@catheyandstrain.com)>

Dennis,

Thank you for your quick response and professionalism over the last few days. After we talked about the voluntary suspension agreement yesterday, I spent time conferring with other members of the Court. Also, I spoke to Christian at about 5p.m. today and talked through the logistics, as you and I had discussed. The call went well and I believe there are no outstanding issues. We appreciate the swift work and professionalism in getting this agreement done.

Here is where we stand:

1. As of earlier today, I have confirmed that no more cases will be going out with Judge Coomer's name on them. Judge Phipps will be coming back to substitute, and will substitute in on all of Judge Coomer's cases as soon as possible. (I think we have actually already confirmed this to the media and it is already being reported). Obviously, Judge Coomer won't be supervising his personnel, but I offered up that if any large issues came up I would reach out to him to at least keep him apprised. Of course, the Court will have to make all personnel decisions from this point forward, but I told him we would reach out to let him know of anything big just to be courteous. He was fine with all discussed.
2. Talked with Christian and made him aware of the time frame we have put in place for suspension of key card access and computer access to the network. He was in total agreement and there was no issue. We have discussed all issues regarding his personal property. All discussions went completely fine.

I want to thank you again for working on this so swiftly; this is best for the Court and for Judge Coomer. As always, you are a total professional and a privilege to work with. Let me know of any other issues at any time.

Brian M. Rickman  
Judge, Georgia Court of Appeals  
Nathan Deal Judicial Center  
330 Capitol Avenue S.E.  
Atlanta, GA 30334

# EXHIBIT B

From: ["Dennis Cathey" <DCathey@catheyandstrain.com>](mailto:DCathey@catheyandstrain.com)

To: ["Chuck Boring" <cboring@gajqc.gov>](mailto:cboring@gajqc.gov)  
[plangdale@langdalelaw.com](mailto:plangdale@langdalelaw.com)

CC: ["Doug Chalmers" <dchalmers@cpblawgroup.com>](mailto:dchalmers@cpblawgroup.com)  
["Kingma, Johannes S." <jkingma@cskl.law>](mailto:jkingma@cskl.law)  
["Lefkow, Mark D." <mlefkow@cskl.law>](mailto:mlefkow@cskl.law)

Date: 12/29/2020 3:41:23 PM UTC

Subject: Message from "RNP002673E7F61D"

Attachments: Consent Mtn to Suspend.pdf

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chuck-Attached is our version of a consent order of suspension...Dennis

**IN THE SUPREME COURT  
STATE OF GEORGIA**

**In re: Inquiry Concerning**                    )  
**Christian Coomer**                            )  
  )

**Supreme Court**  
**Case Number:** \_\_\_\_\_

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**CONSENT MOTION TO SUSPEND PURSUANT TO JUDICIAL  
QUALIFICATIONS COMMISSION RULE 15 (C)**

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CHARLES P. BORING 065131  
DIRECTOR  
JUDICIAL QUALIFICATIONS COMMISSION

Please serve:  
Charles P. Boring  
Director, Judicial Qualifications Commission  
1995 North Park Place SE, Suite 570  
Atlanta, Georgia 30339  
Georgia Bar No.: 065131

**CONSENT MOTION TO SUSPEND PURSUANT TO JUDICIAL  
QUALIFICATIONS COMMISSION RULE 15 (C)**

COMES NOW the Judicial Qualifications Commission Investigative Panel (“Investigative Panel”), by and through the Director, and submits this Consent Motion to Suspend Judge Christian Coomer, (“Coomer”) of the Georgia Court of Appeals pursuant to JQC Rule 15 (C).

1.

On December 18, 2020, Investigative Panel found reasonable cause to believe that Coomer committed misconduct and directed the Director to file formal charges. On December 28, 2020, the Director filed formal charges on Complaint 2020-128, which includes 26 counts alleging violations of the Georgia Code of Judicial Conduct. A copy of the filed formal charges is attached as Exhibit “A.”

2.

Coomer denies the allegations in the Formal Charges and intends to defend himself against the same. Notwithstanding this, Coomer consents to the JQC’s Motion to Suspend pending a final determination of the Formal Charges.

Therefore, the Investigative Panel, by and through its Director, moves the Supreme Court of Georgia to SUSPEND Coomer pending a final determination on the Formal Charges.

Respectfully submitted, this 28<sup>th</sup> day of December, 2020.

<signatures follow on next page>

s:\ CHARLES P. BORING  
CHARLES P. BORING 065131  
DIRECTOR  
JUDICIAL QUALIFICATIONS COMMISSION

Consented as to form and the relief requested by:

s:\ DENNIS T. CATHEY  
DENNIS T. CATHEY  
GEORGIA BAR NO. 116600

ATTORNEY FOR CHRISTIAN COOMER



# EXHIBIT C

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From: Chuck Boring  
Sent: Monday, December 28, 2020 5:12 PM  
To: Dennis Cathey  
Subject: Consent Motion to Suspend

Attached. Given the recent opinions of the SC on discipline cases, this is as basic as I can make it.

**IN THE SUPREME COURT  
STATE OF GEORGIA**

**In re: Inquiry Concerning**                    )  
**Christian Coomer**                            )  
  )  
  )  
  )

**Supreme Court**  
**Case Number:** \_\_\_\_\_

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**CONSENT MOTION TO SUSPEND PURSUANT TO  
JUDICIAL QUALIFICATIONS COMMISSION RULE 15 (C)**

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CHARLES P. BORING      065131  
DIRECTOR  
JUDICIAL QUALIFICATIONS COMMISSION

Please serve:  
Charles P. Boring  
Director, Judicial Qualifications Commission  
1995 North Park Place SE, Suite 570  
Atlanta, Georgia 30339  
Georgia Bar No. 065131

**CONSENT MOTION TO SUSPEND PURSUANT TO  
JUDICIAL QUALIFICATIONS COMMISSION RULE 15 (C)**

COMES NOW the Judicial Qualifications Commission Investigative Panel (“Investigative Panel”), by and through the Director, and submits this Consent Motion to Suspend Judge Christian Coomer (“Coomer”) of the Georgia Court of Appeals. Pursuant to JQC Rule 15 (C), the Investigative Panel has received sufficient evidence to demonstrate that Coomer poses a substantial threat of serious harm to the administration of justice and the public’s confidence in the judiciary.

1.

On or about March 20, 2020, the Investigative Panel became aware of a civil lawsuit which had been filed against Coomer by a former client, James Filhart (“Filhart”). The lawsuit alleged that Coomer committed malpractice, fraud, and a breach of fiduciary duty during Coomer’s representation of, and relationship with, Filhart. The allegations contained in the lawsuit primarily centered around misconduct which occurred while Coomer was a practicing attorney.

2.

As a result of the above information, the Investigative Panel initiated a complaint and an accompanying investigation into the allegations set forth in the lawsuit.

3.

On December 18, 2020, after a lengthy and thorough investigation, the Investigative Panel found reasonable cause to believe that Coomer committed misconduct and directed the Director to file formal charges. Today, on December 28, 2020, the Director filed Formal Charges on Complaint 2020-128, which includes 26 Counts alleging violations of the Georgia Code of Judicial Conduct. A copy of the filed Formal Charges is attached as “Exhibit A.”

4.

Additionally, Coomer consents to the JQC’s Motion to Suspend, and while not admitting the allegations set forth in the Formal Charges, agrees that it is in the best interest of the State of Georgia for the Motion to be granted by this Court at this time. Thus, the Director files this Consent Motion to Suspend without including the voluminous information that JQC Staff has obtained during its investigation of this matter. Should it become necessary for the Director to produce further information in support of this Consent Motion to Suspend, the Director stands ready to provide that additional information upon request.

5.

Therefore, the Investigative Panel, by and through its Director, moves the Supreme Court of Georgia to SUSPEND Coomer pending a final determination on the Formal Charges.

Respectfully submitted, this 28<sup>th</sup> day of December, 2020.

s:\CHARLES P. BORING  
CHARLES P. BORING           065131  
DIRECTOR  
JUDICIAL QUALIFICATIONS COMMISSION

Consented to by:

---

Judge Christian Coomer  
Georgia Court of Appeals

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Dennis Cathey  
Attorney for Judge Christian Coomer

**IN THE SUPREME COURT  
STATE OF GEORGIA**

**In re: Inquiry Concerning** ) **Supreme Court**  
**Christian Coomer** ) **Case Number: \_\_\_\_\_**  
)  
)  
)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing Consent Motion to Suspend on counsel for Coomer by placing a copy of same via United States Mail with adequate postage affixed thereon and via electronic transmission:

Dennis Cathey  
649 Irvin Street  
P.O. Box 689  
Cornelia, Georgia 30531  
[DCathey@catheyandstrain.com](mailto:DCathey@catheyandstrain.com)

Additionally, a copy of this Motion has been provided to all members of the JQC Investigative Panel by electronic transmission.

Respectfully submitted, this 28<sup>th</sup> day of December, 2020.

s:\CHARLES P. BORING  
CHARLES P. BORING 065131  
DIRECTOR  
JUDICIAL QUALIFICATIONS COMMISSION

Judicial Qualifications Commission  
1995 North Park Place SE, Suite 570  
Atlanta, Georgia 30339

# EXHIBIT D



**From:** ["Chuck Boring" <cboring@gajqc.gov>](mailto:cboring@gajqc.gov)  
**To:** ["Dennis Cathey" <DCathey@catheyandstrain.com>](mailto:DCathey@catheyandstrain.com)  
[plangdale@langdalelaw.com](mailto:plangdale@langdalelaw.com)  
**CC:** ["Doug Chalmers" <dchalmers@cpblawgroup.com>](mailto:dchalmers@cpblawgroup.com)  
["Kingma, Johannes S." <jkingma@cskl.law>](mailto:jkingma@cskl.law)  
["Lefkow, Mark D." <mlefkow@cskl.law>](mailto:mlefkow@cskl.law)  
**Date:** 12/29/2020 8:26:54 PM UTC  
**Subject:** RE: Message from "RNP002673E7F61D"

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dennis, I spoke with Pope and we agree that the version I sent you yesterday is appropriate and necessary under the circumstances. Unless you want a version in which Judge Coomer expressly agrees that the criteria required for interim suspension apply in this case, then we either need to use the consent I sent you or we just need to file our original full motion to suspend today. Please let me know ASAP, I'll be on and off of phone meetings the rest of the afternoon but available via email. Thanks.

-----Original Message-----

**From:** Dennis Cathey <DCathey@catheyandstrain.com>  
**Sent:** Tuesday, December 29, 2020 10:41 AM  
**To:** Chuck Boring <cboring@gajqc.gov>; [plangdale@langdalelaw.com](mailto:plangdale@langdalelaw.com)  
**Cc:** 'Doug Chalmers' <dchalmers@cpblawgroup.com>; Kingma, Johannes S. <jkingma@cskl.law>; Lefkow, Mark D. <mlefkow@cskl.law>  
**Subject:** Message from "RNP002673E7F61D"

Chuck-Attached is our version of a consent order of suspension...Dennis

# EXHIBIT E

**IN THE SUPREME COURT  
STATE OF GEORGIA**

In re: Inquiry Concerning Judge  
Christian Coomer,

Georgia Supreme Court No. S21Z0595

**JUDGE CHRISTIAN A. COOMER’S  
PROPOSED ORDER**

In the Supreme Court of Georgia

Decided: \_\_\_\_\_

S18Y0794. IN RE INQUIRY CONCERNING JUDGE CHRISTIAN  
COOMER.

PER CURIAM.

On December 28, 2020, the Judicial Qualifications Commission (“JQC”) filed Formal Charges against Judge Christian Coomer seeking unspecified “disciplinary action” for alleged violations of the Georgia Code of Judicial Conduct. On December 29, 2020, the JQC filed a Motion to Suspend Pursuant to Judicial Qualifications Commission Rule 15(C). Judge Coomer filed a separate consent requesting that the Court impose an interim suspension with pay without a

finding that he poses a substantial threat of harm to the public or to the administration of justice. At this stage, this Court is not in receipt of any evidence to support the allegations of the Formal Charges and, therefore, the Court declines to make such a finding. However, in light of Judge Coomer's voluntary submission to an interim suspension with pay and agreement with the Court of Appeals concerning the same, it is hereby ordered that Judge Christian Coomer be suspended from the Georgia Court of Appeals with pay until further order of this Court.

Motion granted in part, denied in part, with consent. Suspension with pay until further order of this Court. All the justices concur.