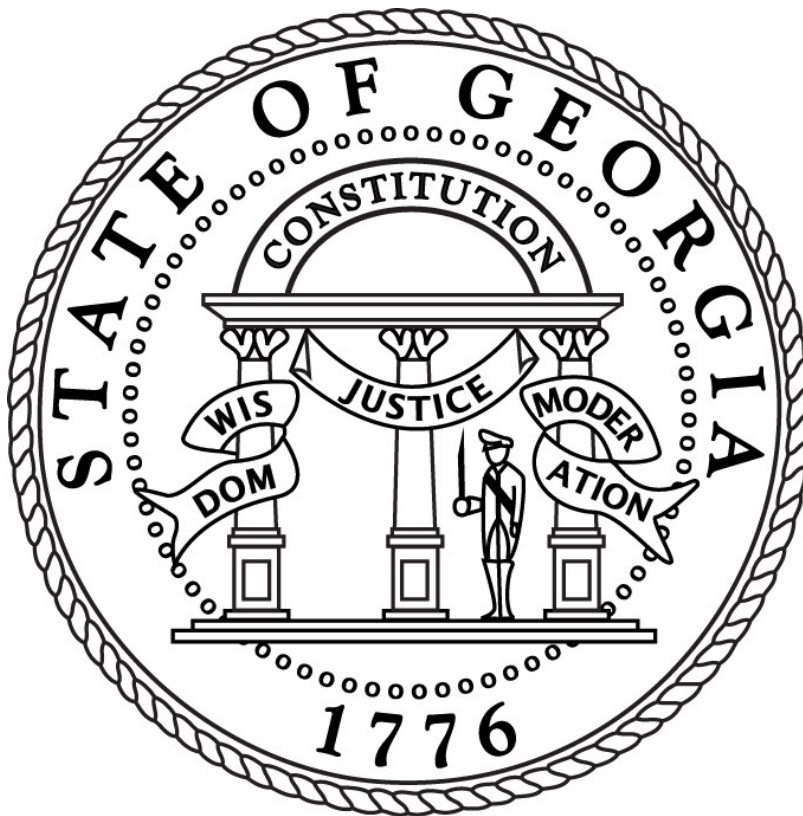


THE JUDICIAL QUALIFICATIONS COMMISSION OF GEORGIA

ANNUAL REPORT 2023



*PO Box 674374, Marietta, GA 30006
404-558-6940
www.gajqc.gov*

COMMISSION MEMBERS

Hearing Panel

Hon. Robert C.I. McBurney Presiding Officer
Judge Member, Superior Court of Fulton County
Supreme Court of Georgia Appointee

Mr. Dax López
Attorney Member, Atlanta
Supreme Court of Georgia Appointee

Mr. Richard Hyde
Citizen Member, Atlanta
Governor Appointee

Investigative Panel

Hon. Stacey K. Hydrick, Chair
Judge Member, Superior Court of DeKalb County
Supreme Court of Georgia Appointee

Mr. James Balli, Vice Chair
Attorney Member, Atlanta
Speaker of the House Appointee

Mr. Bob Barr
Attorney Member, Atlanta
Governor Appointee

Mr. W. Pope Langdale, III
Attorney Member, Valdosta
Lieutenant Governor Appointee

Hon. Victoria S. Darrisaw
Judge Member, Superior Court of Dougherty County
Supreme Court of Georgia Appointee

Mr. Warren Selby
Citizen Member, Macon
Lieutenant Governor Appointee

Mr. Stephen S. Green
Citizen Member, Savannah
Speaker of the House Appointee

COMMISSION STAFF

Mrs. Courtney Veal, Director

Mrs. Ashton Murphy, Deputy Director

Mr. Jonathan McFarland, Chief Investigator

Ms. Yosra Khalifa, Staff Attorney

Ms. Kristen Bertsch, Executive Administrator

Mrs. Marsha Petrea, Administrative Assistant

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PART ONE:

OVERVIEW OF THE JUDICIAL QUALIFICATIONS COMMISSION

I. Authority and Jurisdiction of the Commission

The Judicial Qualifications Commission of Georgia (“Commission”) is the constitutionally created State Commission with the responsibility and power to investigate and prosecute complaints of misconduct by and incapacity of Georgia judges. Currently, there are approximately 1,600 judges in Georgia.

The disciplinary authority of the Commission extends to all full-time and part-time Georgia judges and encompasses all levels of court, including our two appellate-level courts: the Supreme Court of Georgia and the Georgia Court of Appeals; and our six classes of trial-level courts: Superior Court, State Court, Juvenile Court, Probate Court, Magistrate Court, and Municipal Court. JQC Rule 1. The Commission also has disciplinary authority over judicial candidates, judges pro tempore, special masters, and others who perform judicial functions under the Constitution and laws of Georgia.¹ The Commission does not have authority over federal judges.

Pursuant to JQC Rule 2 (B)(1), “the Commission has jurisdiction over judges regarding allegations that misconduct occurred before or during service as a judge and regarding allegations of incapacity during service as a judge.” Further, the Commission has continuing jurisdiction over former judges and judicial candidates regarding allegations that misconduct occurred during service as a judge or judicial candidate, if a complaint is made within one year following service as a judge or judicial candidate. JQC Rule 2 (B)(2).

II. Members of the Commission

In 2017, the Commission was reconstituted and divided into two Panels, an Investigative Panel of seven members and a Hearing Panel of three members. Each Panel includes three categories of members: judge members, who must be elected or appointed and preside over courts of record; attorney members, who must be registered Georgia voters and active status members of the State Bar of Georgia for at least ten years; and citizen members, who are neither attorneys nor judges and must be registered Georgia voters. O.C.G.A. 15-1-21 (f)(1). Commission members were initially appointed for staggered terms beginning July 1, 2017, as provided in O.C.G.A. 15-1-21 (f)(3)(A) and (f)(4)(A). Successors to those members serve four year terms beginning on July 1 following their appointment and are eligible for reappointment to second full terms. O.C.G.A. 15- 1-21 (f)(5) and (f)(6). All Commission members serve in a volunteer, unpaid capacity.

¹ “Anyone, whether or not a lawyer, who performs judicial functions under the Constitution and laws of Georgia, including an associate judge, senior judge, special master, magistrate, or municipal judge, or any person who is a judicial candidate for any such office, is a judge for purposes of this Code.” Code of Judicial Conduct, Application Section.

A. The Hearing Panel

The Hearing Panel consists of one judge member, one attorney member, and one citizen member. The judge member serves as the presiding officer. O.C.G.A. 15-1-21 (f)(4)(A) and (f)(4)(B). The Hearing Panel has the duty and authority to adjudicate formal charges filed by the Investigative Panel, which includes ruling on pre-hearing motions, conducting hearings, and making findings, conclusions, and recommendations to the Supreme Court. The Hearing Panel also has the authority to issue formal advisory opinions regarding the Code of Judicial Conduct, which are subject to review by the Supreme Court. JQC Rule 3 (E)(4).

Judge Robert C.I. McBurney, a Superior Court Judge in Fulton County and a Supreme Court appointee, has served as the judge member and presiding officer of the Hearing Panel since 2017. Judge McBurney was most recently reappointed by the Supreme Court to serve a term that began on July 1, 2020, and ends on June 30, 2024.

Mr. Dax López, a former State Court of Dekalb County Judge, serves as the attorney member of the Hearing Panel. Mr. López was appointed by the Supreme Court on July 1, 2022, to serve a term that ends on June 30, 2026.

Mr. Richard Hyde serves as the citizen member of the Hearing Panel. Mr. Hyde was most recently reappointed by Governor Brian Kemp to serve a term that began on July 1, 2021, and ends on June 30, 2025. Mr. Hyde has served the Commission in various capacities since 2004, and is the Commission's longest serving member.

B. The Investigative Panel

The Investigative Panel consists of two judge members, three attorney members, and two citizen members. O.C.G.A. 15-1-21 (f)(3)(A). The Investigative Panel has the duty and authority to promulgate rules for the Commission's governance, subject to review and adoption by the Supreme Court; propose amendments to the Code of Judicial Conduct, subject to review and adoption by the Supreme Court; recommend formal advisory opinions to the Hearing Panel; select the Director of the Commission and authorize the employment of additional staff; review the recommendations of the Director after preliminary investigations and decide how to proceed after full investigations; and oversee the Director's prosecution of formal charges. JQC Rule 3 (E)(1) and (E)(3). The Investigative Panel delegates to the Director the duty and authority to maintain the Commission's records; maintain statistics concerning the operation of the Commission; prepare the Commission's budget for approval and administer the funds; and to inform the judiciary and public of the existence and operation of the Commission. JQC Rule 3 (E)(2).

In 2023, the Investigative Panel met monthly to review disciplinary, incapacity, and administrative matters. The in-person meetings were held at Freeman Mathis and Gary, LLP in Atlanta, Georgia and at the Methodist Home for Children and Youth in Macon, Georgia.

Judge Stacey K. Hydrick, a Superior Court Judge in DeKalb County and former Vice Chair of the Investigative Panel, serves as the Chair, a position to which she was elected by her fellow Panel members on June 16, 2023. Judge Hydrick was initially appointed by the Supreme Court as a judge member on the Panel in 2017 and was most recently reappointed to a term that began on July 1, 2021, and ends on June 30, 2025.

Mr. James Balli, an attorney member of the Investigative Panel, serves as Vice Chair, a position to which he was elected by his fellow Panel members on June 16, 2023. Mr. Balli was initially appointed in 2017 and was most recently reappointed by late Speaker of the House of Representatives David Ralston to a term that began on July 1, 2020, and ends on June 30, 2024.

Mr. Bob Barr serves as an attorney member of the Investigative Panel. Mr. Barr previously served as the Chair of the Investigative Panel from May 21, 2021, to June 16, 2023. Mr. Barr was initially appointed in 2019 and was most recently reappointed by Governor Brian Kemp to a term that began on July 1, 2023, and ends on June 30, 2027.

Mr. W. Pope Langdale III serves as an attorney member of the Investigative Panel. Mr. Langdale was initially appointed in 2017 and was most recently reappointed by former Lieutenant Governor Geoff Duncan to a term that began on July 1, 2021, and ends on June 30, 2025. Mr. Langdale previously served as the Chair of the Investigative Panel and continues to provide invaluable institutional knowledge to the Commission.

Judge Victoria S. Darrisaw, a Superior Court Judge in Dougherty County, serves as a judge member on the Investigative Panel. Judge Darrisaw was initially appointed in 2021 and was most recently reappointed by the Supreme Court to a term that began on July 1, 2023, and ends on June 30, 2027.

Mr. Warren Selby serves as a citizen member on the Investigative Panel. Mr. Selby was initially appointed in 2017 and was most recently reappointed by former Lieutenant Governor Geoff Duncan to a term that began on July 1, 2022, and ends on June 30, 2026.

Mr. Stephen S. Green, the newest member of the Investigative Panel, was appointed by the Speaker of the House of Representatives Jon Burns to fill the citizen member vacancy created upon the resignation of Mr. Alexander Rainey on November 27, 2023. Mr. Green was appointed on January 11, 2024 to a term that ends on June 30, 2027.

III. Commission Staff

In January 2023, upon resignation of Director Chuck Boring, the Investigative Panel delegated the powers and duties of the Director to then Deputy Director Courtney Veal. On April 21, 2023, Mrs. Veal was selected as the Commission's permanent Director by unanimous vote of the Investigative Panel. Director Veal began her service with the Commission as Deputy Director in March 2020.

In June 2023, the Commission welcomed Mrs. Ashton Murphy as Deputy Director. Deputy Director Murphy graduated from Atlanta's John Marshall Law School in 2012 and has served the State of Georgia in various prosecutorial positions since her graduation.

In November 2023, the Commission welcomed Mr. Jonathan McFarland as its Chief Investigator. Investigator McFarland brings nearly seventeen years of law enforcement and investigatory experience to the Commission.

Ms. Yosra Khalifa left the Commission in February of 2024 for private practice, after nearly three years of service as Staff Attorney. Ms. Kristen Bertsch completed her third full year as the Commission's Executive Administrator, and Mrs. Marsha Petrea completed her first full year as a part-time Administrative Assistant.

PART TWO:

INTERNAL AND ADMINISTRATIVE IMPROVEMENTS

I. Commission Records

The Commission's staff continues to work to improve the manner in which its records are received, stored, and maintained. This is a priority given the sensitive and confidential nature of many of the Commission's records. Currently, all complaints and related documentation are securely stored, both electronically and physically. The secure, cloud-based storage system currently utilized by the Commission's staff stores data including, but not limited to complaints, all related documentation, the date of complaint and supporting documentation receipt, complaint status, and party contact information. Additionally, the Commission's staff has implemented a new system in which all matters involving Director's Opinions are saved and maintained, including, but not limited to the requests for written Director's Opinions, the resulting Director's Opinions, and relevant corresponding communications and information. Implementing this method ensures that the requests and/or resulting Director's Opinions may be referenced in the future if necessary.

II. Commission Website

In 2021, the Commission began the process of updating its outdated and non-functional website. The updated website (www.gajqc.gov) provides quick access to Commission information and simple navigation for members of the judiciary and public. The website now allows individuals to submit complaints and request Director' Opinions electronically. These website enhancements have greatly assisted the Commission's staff in streamlining its intake and tracking procedures for complaints as well as requests for Director's Opinions.

Each month, the Commission's staff posts informational items on its website. These items include Investigative Panel meeting notices, as well as previous Panel meeting minutes and agendas. The Commission also posts information related to appointments and announcements when there are changes in the Commission's members. The Commission's website directs viewers to the Supreme Court's website for information and filings related to public judicial disciplinary matters.

PART THREE:

JUDICIAL EDUCATION AND GUIDANCE IN 2023

One of the primary functions and focuses of the Investigative Panel and the Director is providing education and guidance to the judiciary on the Code of Judicial Conduct and judicial ethics. The Commission recognizes that proper education on the Code and guidance in interpreting and applying its provisions will aid in preventing and mitigating ethical violations by judges.

I. Judicial Ethics Presentations

In 2023, the Commission received more invitations to present at judicial conferences than in any prior year. As a result, the Commission staff and members conducted 16 presentations on judicial ethics, marking the largest number of ethics presentations conducted by the Commission in a calendar year. The presentations were conducted at judicial conferences primarily hosted by the Institute of Continuing Judicial Education (“ICJE”)². The presentations provided an overview of the Commission’s structure and function and offered practical considerations, hypotheticals, and guidance for common Code of Judicial Conduct issues. The Commission’s staff spends a great amount of time preparing presentations specifically tailored to the audience class of court, which focus on the issues most relevant to that class of court. During 2023, the Commission presented to Superior Court judges, State Court judges, Juvenile Court judges, Probate Court Judges, Magistrate Court judges, and Administrative Law judges³. Table A, found below, outlines the dates, conferences, and Commission presenters for each presentation in calendar year 2023.

² The ICJE is a “resource consortium” of the Georgia Judicial Branch, the State Bar, and Georgia’s accredited law schools. Significantly, the ICJE bears the main responsibility for providing training and continuing education for Georgia’s judiciary and other court personnel. More information about the ICJE is available on its website, <http://icje.uga.edu>.

³ The Council of Municipal Court Judges did not extend a presentation invitation to the Commission in 2023.

Table A: 2023 Judicial Ethics Presentations

Date	Conference	Speaker
January 19, 2023	Superior Court Judges Winter Conference	Director Veal
January 30, 2023	State Court Judges New Judge Orientation	Director Veal
February 21, 2023	Magistrate Court Judges 40-Hour Criminal Certification	Director Veal
March 23, 2023	Multi-Class of Court Preventing Sexual Harassment in the Judicial Branch	Director Veal
April 5, 2023	Probate Court Judges Spring Conference	Director Veal and Judge Darrisaw
April 17, 2023	Magistrate Court Judges Spring Recertification	Director Veal
May 9, 2023	Juvenile Court Judges Spring Conference	Director Veal
July 17, 2023	Multi-Class of Court Judicial Ethics in the Age of Social Media	Director Veal
July 29, 2023	Superior Court Judges New Judge Orientation	Director Veal
August 2, 2023	Superior Court Judges Summer Conference	Director Veal and Judge Hydrick
August 14, 2023	Judicial Staff Attorneys Annual Conference	Director Veal and Staff Attorney Khalifa
August 28, 2023	Magistrate Court Judges 40-Hour Civil Certification	Director Veal
September 12, 2023	CACJ Accountability Courts Training Conference	Director Veal
September 27, 2023	Administrative Law Judges Judicial Education Conference	Deputy Director Murphy
October 2, 2023	Magistrate Court Judges Fall Recertification	Director Veal
October 10, 2023	Probate Court Judges Fall COAG Conference	Director Veal

II. Director's Opinions

Pursuant to Commission Rule 28, the Commission's Director, or any other staff member designated by the Director, may render an informal opinion (i.e., a "Director's Opinion") regarding the Code of Judicial Conduct as applied to a given state of facts. When judges, judicial candidates, or other interested parties are faced with inquiries related to the Code and need assistance in interpreting and/or applying the Code, they can reach out to the Commission's staff via the website, email, or phone to request a Director's Opinion. Director's Opinions are designed to address the submitting party's inquiry by providing written or verbal guidance and analysis related to the fact-specific scenario and the Code. Once an inquiry is received, the Director, or staff designated by the Director, aim to issue a Director's Opinion within a week. Some inquiries, however, require research and a deeper examination of the issues raised, and therefore, may take longer to issue.

In 2023, the Director and staff rendered numerous Director's Opinions on a myriad of judicial ethics topics, including but not limited to: judges engaging and participating in campaign activities or fundraisers, disqualification and recusal, part-time judges and the practice of law, judges serving on community boards, and judges participating in law-related activities. In 2023, the Director and staff rendered 162⁴ written Director's Opinions based upon requests from judges, judicial candidates, attorneys, and members of the public. This figure does not include the weekly, and sometimes daily, verbal requests for guidance or verbal Director's Opinions given to the judiciary. **Table C**, found below, reflects the number of requests for written Director's Opinions by class of court for calendar year 2023.

Table B: Requests for Director's Opinions

	2022	2023
Number of Requests	145	162

Table C: Requests for Director's Opinions by Class of Court

Class of Court	2022	2023
Superior Court	38	32
State Court	27	20
Juvenile Court	16	17
Probate Court	19	11
Magistrate Court	29	41
Municipal Court	9	9
Recorders Court	0	4
Administrative Court	0	1

⁴ Of the 162 requests received, 135 were from judges and judicial candidates, and 27 were from attorneys or other members of the public.

PART FOUR: COMMISSION REPORT FOR 2023

I. Complaint Information

The number of complaints received annually by the Commission continues to increase. In 2023, the Commission received 1,348 complaints – the largest number of complaints received in a calendar year in the history of the Commission. Despite the significant increase in the number of complaints received, the Director continues to dismiss a large percentage of complaints during the first stage of the Commission’s review process. The increased volume of complaints requires Commission staff to spend a significant amount of time and resources on thoroughly reviewing complaints, which often includes review and consideration of extensive supporting documentation such as court filings, orders, transcripts, and audio/video recordings.

The Commission’s Director has the duty to receive and screen complaints alleging judicial misconduct or incapacity. JQC Rule 4 (B)(1). In so doing, the Director evaluates all information that comes to her attention, by complaint or from any other source. If, after the conclusion of the Director’s review, the information would not constitute misconduct or incapacity if true, the Director must dismiss the complaint. JQC Rule 17 (A).

If, after review, the information raises allegations that would constitute judicial misconduct or incapacity if true, the Director must conduct a preliminary investigation. *Id.* During preliminary investigations, the Director may conduct interviews. If evidence supports the allegations against a judge, the Director recommends a full investigation to the Investigative Panel. See JQC Rules 17 (B)(1) and (B)(2). The Investigative Panel then reviews the Director’s recommendation for a full investigation and either dismisses the complaint or authorizes a full investigation. JQC Rule 17 (B)(3).

Tables D – I, found below, offer overviews of complaint data and compare figures from calendar years 2022 and 2023 (January 1 – December 31).

Table D: Complaint Summary

	2022	2023
Complaints Filed	1,103	1,348
Complaints Dismissed after Director Review	979	1,248
Complaints Withdrawn by Complainant after Filing	10	12
Complaints Pending Review by Director	35	33
Complaints Warranting Preliminary/Full Investigation	79	55

Table E: Reason for Complaint Dismissal after Director Review

	2022	2023
Allegations are Legal/Appellate Issues	392	588
Allegations Do Not Constitute a CJC Violation	552	560
The Commission Does Not Have Jurisdiction	22	51
No Further Intervention Needed/Moot	13	49

Table F: Complaint Dispositions⁷

	2022	2023
Complaints Warranting Preliminary/Full Investigation	79	55
Complaints Resolved after Preliminary Investigation	24	19
• Resignation/Retirement	0	3
• Dismissal with Letter of Instruction	15	8
• Dismissal	9	8
Complaints Resolved after Full Investigation	23	8
• Resignation/Retirement	8	1
• Deferred Discipline Agreement	2	0
• Private Admonition	3	2
• Dismissal with Letter of Instruction	4	6
• Dismissal	5	1
Complaints Resulting in Formal Charges	18	0

Table G: Preliminary/Full Investigation Complaints by Class of Court

	2022	2023
Supreme Court	0	1
Court of Appeals	0	1
Superior Court	31	31
State Court	4	4
Juvenile Court	6	3
Probate Court	14	6 ⁸
Magistrate Court	14	7 ⁹
Municipal Court	9	2
Special Master	1	0

⁷ Though the Commission is diligent in intaking, reviewing, investigating, and resolving complaints, not every complaint is disposed of in the calendar year in which it was filed. As such, these figures reflect the complaints that have been disposed of at the time of this Report.

⁸ Of the six complaints against Probate judges which warranted Preliminary/Full Investigation, all six were against judges that are lawyers.

⁹ Of the seven complaints against Magistrate judges which warranted Preliminary/Full Investigations, three were against non-lawyer Magistrate judges, and four were against judges that are lawyers.

Table H: Preliminary/Full Investigation Complaints by Primary Allegation

	2022	2023
Demeanor/Temperament	19	21
Failure to Follow Law	14	8
Conflict of Interest/Failure to Recuse	10	2
Lending Prestige of Office	10	8
Improper Social Media Conduct	8	0
Improper Ex-Parte Communication	9	3
Bias/Prejudice	6	2
Delay	3	11

Table I: Sources of Complaints and Allegations

	2022	2023
Website/Electronic Submission	844	1,084
Mail Submission	197	216
Initiated by Director or Investigative Panel¹⁰	61	43
Hand Delivered	1	5

¹⁰ The JQC Rules define “complaint” as “information in any form from any source received by the Investigative Panel that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated. If there is no written complaint from another person, the Director’s written statement of the allegations constitutes the complaint.” JQC Rules, Terminology Section.

II. Final Hearings

In 2023, the Director conducted one final hearing before the Commission's Hearing Panel in *Inquiry Concerning Judge Christina Peterson*, S22Z0180. The Commission's final hearings are akin to bench trials – the Director must present evidence on the formal charges sufficient to prove the allegations contained in the Formal Charges by clear and convincing evidence. JQC Rules 7 and 24 (C). Often, depositions are taken during discovery and the Director files and responds to multiple substantive motions prior to final hearings.

The evidentiary portion of the final hearing in Judge Peterson's matter was conducted in September and November 2023. Closing arguments were completed in February 2024. On April 1, 2024, the Hearing Panel filed its Report and Recommendation with the Supreme Court, which found that Judge Peterson violated multiple provisions of the Code of Judicial Conduct between 2020 and 2022 and recommended her removal from judicial office. Judge Peterson's matter is currently pending final decision by the Supreme Court.

III. Public Discipline Matters Concluded

Inquiry Concerning Judge Christian Coomer, S21Z0595, decided by the Supreme Court on August 16, 2023; Removal from office.

Inquiry Concerning Judge Gerald Johnson, S22Z0858, decided by the Supreme Court on August 16, 2023; Dismissed as moot, following Judge Johnson's resignation.

IV. Budget

The Commission is an independent agency within Georgia's judicial branch and is funded through a line item in the State of Georgia's annual budget. The Commission received an appropriation of \$1,297,679.00 for Fiscal Year 2024. The Commission appreciates the consideration given by members of the Senate and the House of Representatives, as well as by the Governor, in providing an increase of funds for the Staff and in supporting the work of the Commission.

V. Conclusion

An independent and honorable judiciary is indispensable to justice in our society; therefore, the Commission will continue to work to maintain and enhance public confidence in the independence, integrity, and impartiality of Georgia's judiciary. To this end, the Commission intends to diligently pursue investigations and prosecutions of violations of the Code of Judicial Conduct when warranted, and to focus on and improve education to the judiciary regarding the Code and judicial ethics.

/s/Courtney Veal

Courtney Veal

Director

Judicial Qualifications Commission

March 31, 2024