BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS
STATE OF GEORGIA

In re: **Inquiry Concerning Judge Amanda F. Williams**	)	**Docket Nos. 2011-20, 2011-22 & 2011-28**

NOTICE OF FORMAL PROCEEDINGS

TO: Chief Judge Amanda F. Williams
Superior Court, Brunswick Judicial Circuit

This is to notify you that, after conducting an investigation into various complaints against you, the Judicial Qualifications Commission (the "Commission"), has decided to initiate formal proceedings for the purpose of determining whether you are guilty of violations of Georgia law, the Code of Judicial Conduct, willful misconduct in office, or other conduct prejudicial to the administration of justice which brings your judicial office into disrepute.

FACTS APPLICABLE TO ALL COUNTS

1.

You were first elected to judicial office in the Superior Court of Georgia, Brunswick Judicial Circuit, in November 1990. You took office during January 1991. You have continuously held this position since that time.

2.

During a portion of your tenure on the bench, you have presided over the drug court program.

The purpose of these proceedings is to determine whether:

COUNT ONE

3.

a. You violated Canon 2 of the Code of Judicial Conduct, which requires that you "respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary" when you directed that defendant Lindsey Dills be held in restrictive custody in the Glynn County Jail.

b. You violated Canon 3 of the Code of Judicial Conduct which provides that "judges shall accord every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law" when you ordered

defendant Dills into indefinite restrictive custody, without affording her the right to be heard.

c. You violated Canon 2A ("judges shall respect and comply with the law") and Canon 3B ("judges should be faithful to the law") of the Code of Judicial Conduct when you issued a restrictive order that denied Dills the right to consult with her lawyer.

d. You violated Canon 2A ("judges shall respect and comply with the law") and Canon 3B ("judges should be faithful to the law") of the Code of Judicial Conduct when you ordered Dills to be incarcerated indefinitely.

The circumstances giving rise to the violations in Count One are as follows:

4.

Lindsey Dills entered your drug court program in March 2005, after entering a guilty plea for forging two of her parents' checks. The court's records showed that she had a history of attempting suicide.

5.

Despite her history, on or about October 8, 2008, you held in chambers and outside the presence of the public and a court reporter, a hearing at which you sanctioned Dills to 28-days in custody for "violation of [her] drug court contract."

6.

However, on or about October 8, 2008, after Dills was taken into custody and transported to jail, you *sua sponte* modified her 28-day sentence to a period of confinement "indefinitely" in the Glynn County Jail and "until further order of the court."

7.

Furthermore, on or about October 8, 2008, after Dills had been sentenced and transported to jail, and you returned to the courtroom and gave verbal directives to personnel and/or court officers, to wit:

> On Lindsey Dills, she is not to have any telephone privileges and no one is to contact or visit her except Gail Kelly! Nobody! Total restriction!

8.

Contrary to your repeated representations that the Sheriff of Glynn County or the drug treatment team made the decision to hold Dills in isolation, you personally issued the directive, to wit:

> Per Major Thomas: Per Judge Williams: Inmate Lindsey Dills is to have NO contact with anyone while she is incarcerated. No mail, no phone calls, no visitors. The only person she can talk to and/or visit is Drug Court Counselor Gail Kelly.

9.

No one, including either Dills' drug counselor or her attorney, visited her during this confinement period.

10.

Dills remained in custody for approximately 73 days.

11.

On or about December 9, 2008, Dills attempted suicide while in solitary and restrictive confinement. After this suicide attempt, Dills remained on court-ordered lock-down until about December 22, 2008, when she was subsequently transferred to an inpatient treatment facility.

12.

At the time you ordered Dills into indefinite, restrictive custody, you knew or should have known that Dills was predisposed to suicidal tendencies, having previously signed an order placing her on a suicide-watch while she was in custody.

13.

When queried, you and/or your legal counsel, on your behalf, knowingly denied that you ordered any defendant at any time to be held in restricted custody, solitary confinement, or otherwise directed the conditions by which an inmate should be housed.

14.

According to drug court personnel, you have indefinitely incarcerated defendants for drug court violations.

COUNT TWO

15.

a. You violated Canon 2 of the Code of Judicial Conduct by your practice of holding drug court participants indefinitely, without a hearing, and instituting a policy delaying their placement into treatment.

b. You violated Canon 2A of the Code of Judicial Conduct when you sanctioned drug court participant Charlie McCullough for exercising his right to contest the results of a drug screen.

c. You violated Canon 2B of the Code of Judicial Conduct when you allowed social, political, or other relationships to influence your judicial conduct or judgment.

d. You violated Canon 2A of the Code of Judicial Conduct when you failed to comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, by ordering Alisa Branch to be confined to a treatment facility on total restriction.

The circumstances giving rise to the violations in Count 2(a) are as follows:

16.

Charles Cunningham entered drug court on or about May 14, 2008. He thereafter absconded. You issued a bench warrant on or about August 27, 2008,

and Cunningham was arrested on or about November 7, 2009. He was not released from custody until the summer of 2010.

17.

The May 12, 2010 official "report to court" notice states the following with regard to Cunningham: "Failure to report – Sit, then placement." Under "RECOMMENDATIONS" is written, "SUMMER-TIME."

18.

Cunningham's case manager sought to have the defendant transferred to a residential treatment program. When the case manager requested that the court release Cunningham into this program, you indicated that you were not ready to deal with him and that Cunningham would have to wait until summer.

19.

Cunningham was not released and transferred into the residential treatment program until around July 12, 2010, when you ordered that he remain there until the completion of the program.

The circumstances giving rise to the violations in Count 2(b) are as follows:

20.

Charlie McCullough was three months away from graduating from the Glynn County drug court program. After 22 months in the program, he was subjected to a random drug screening and tested positive for the presence of an

illegal substance. McCullough requested and took another test approximately 20-minutes after the first one. The result was negative for the presence of an illegal substance. A third test produced the same negative result.

21.

The drug counselor advised McCullough that he would be required to appear in court because of the result of the first drug test. Although he passed both the second and third tests, the counselor informed McCullough that you would only use the first test in determining his sanction.

22.

When McCullough appeared before you and attempted to explain the false-positive drug screen, a colloquy took place between you and him, to wit:

McCullough: Your honor, may I speak please?

Williams: Yeah.

McCullough: I have no explanation for that at all. I don't. Twenty minutes later, I took another test. [The urine] was tested three times. I passed that, okay? I can't explain to you why. All I know is what I've done and what I haven't done, your honor.

Williams: Well, you know, I don't believe you.

McCullough: I'm not going to go 22 months with clean time and then three months from my graduation [from drug court] to use.

Williams: Well, people have done it.

23.

Consequently, you sentenced McCullough to 17 days in the county jail. Court records show that the 17 days is comprised of two sanctions: 3 days for having a positive drug test and 14 days for "disputing the initial screen."

The circumstances giving rise to the violations in Counts 2(c) and 2(d) are as follows:

24.

On or about August 21, 2008, the grandfather of Alisa Branch filed an application for an arrest warrant of Branch for one count of forgery in the first degree and one count of financial transaction card fraud. The warrant was issued and Branch was arrested on or about August 25, 2008.

25.

On or about August 22, 2008, Branch's grandparents filed a "Complaint for Temporary Custody" and a "Motion for Emergency *Ex Parte* Relief," seeking immediate custody of the two minor children of Branch.

26.

You signed the *ex parte* order awarding temporary custody of the children to Branch's grandparents on or about August 22, 2008. No hearing was held on the *ex parte* motion or your temporary order awarding custody to Branch's grandparents.

27.

On or about August 27, 2008, you released Branch on an own recognizance ("OR") bond subject to the special condition that she complete the Bridges of Hope treatment program.

28.

Branch failed to comply with the special condition(s) of her bond by not completing the Bridges of Hope program, and she was taken into custody on or about December 29, 2008. On or about January 9, 2009, you released her on another OR bond and required that she live at the home of her grandparents.

29.

On or about January 14, 2009, Branch appeared before you represented by the public defender, and Branch signed a "Drug Court Contract." She entered the drug court program by pleading guilty to two non-drug related criminal offenses.

30.

On or about March 4, 2009, you issued a bench warrant for Branch's "failure to comply with treatment." Branch was arrested and you ordered that she be held for an indefinite period of time.

31.

Branch was held in the Glynn County Jail until around May 4, 2009, when she was released on an "Order for House Arrest with Electronic Monitoring." She continued in the program but failed to appear for drug court on or about November

18, 2009, and a bench warrant was again issued. She was arrested on or about January 5, 2010, and was incarcerated for a period of about 157 days.

32.

On or about June 9, 2010, you issued an order releasing Branch into the custody of her grandfather, who transported her once again to Bridges of Hope treatment facility, where she was ordered to reside for a period of 12 months. You further directed that Branch have no visitation or contact with any outside persons. This deprived Branch of her right to confer with legal counsel.

COUNT THREE

33.

a. You violated Canon 3B of the Code of Judicial Conduct when you engaged in *ex parte* communications about substantive legal matters.

b. You violated Canon 3D of the Code of Judicial Conduct when you failed to recuse yourself from a case, after your impartiality could be reasonably questioned, and thereafter improperly reassigned the case to another judge you selected.

The circumstances giving rise to the violations in Count Three are as follows:

34.

On or about April 15, 2010, Attorney J. Robert Morgan filed a "Complaint for Modification of Child Support" in the domestic case of *Horne v. Horne*, on behalf of his client, Mr. Horne.

35.

While this domestic matter was pending, Ms. Horne, the former wife, was participating as a defendant in the drug court program and was represented by the public defender.

36.

On or about April 28, 2010, Ms. Horne appeared in drug court. After representing Ms. Horne in the criminal case, the public defender consulted with her about her pending domestic case.

37.

Without consulting with opposing counsel, the public defender presented to you a "Motion to Consolidate" the drug court case and the civil domestic matter. Pursuant to this *ex parte* meeting and without a showing of any necessity, you signed an order granting Ms. Horne's motion to consolidate.

38.

When Attorney Morgan learned of this *ex parte* order, he requested a conference with you and the public defender. At this meeting, Attorney Morgan

objected to your consolidation of the criminal and civil cases. In response, you told Attorney Morgan, "I do not give a shit" who hears these cases.

39.

In response, Attorney Morgan presented you two "Orders for Voluntary Recusal." You refused to sign the orders and began yelling and cursing at Attorney Morgan.

40.

You initially refused to recuse yourself, but then improperly reassigned the cases to another judge you selected.

COUNT FOUR

41.

a. You violated Canon 3C of the Code of Judicial Conduct, which provides that judges shall avoid nepotism and exercise the power of appointment impartially, when you appointed your daughter as a guardian *ad litem.*

b. You violated Canon 3 of the Code of Judicial Conduct which provides that "judges shall accord every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law" when you failed to allow all parties the opportunity to be heard on a custody matter.

c. You violated Canon 2B of the Code of Judicial Conduct when you showed favoritism in your order requiring payment to your daughter, under penalty

of contempt, and in doing so allowed your family relationships to influence your judicial conduct.

d. You violated Canon 2A ("judges shall respect and comply with the law") and Canon 3 ("judges shall disqualify in any proceeding in which their impartiality might reasonably be questioned") of the Code of Judicial Conduct when you failed to recuse yourself in a matter where a member of your family appeared before you as guardian *ad litem.*

e. You violated Canon 3 ("judges shall disqualify in any proceeding in which their impartiality might reasonably be questioned") of the Code of Judicial Conduct when you failed to recuse yourself in cases where you had a conflict because your children and your husband appeared before you in the capacity as the lawyer in the proceeding.

f. You violated Canon 3E of the Code of Judicial Conduct when you presided over a case in which you were disqualified and which you had previously reassigned to another judge.

g. You violated Canon 3E of the Code of Judicial Conduct when you, having been disqualified, heard matters on an alleged "emergency basis" under the "rule of necessity" when no such emergency existed.

h. You violated Canon 3E of the Code of Judicial Conduct when you allowed your tenant (also the then-law partner of your son) to appear before you on numerous occasions.

The circumstances giving rise to the violations in Count Four are as follows:

42.

In the case of *Walden v. Walden v. Garner* (as intervenor), a divorce action involving the custody of two minor children, on or about August 6, 2009, you heard a matter involving temporary custody. The litigant parents both appeared *pro se.* Garner, the great-grandmother, as intervenor, was represented by counsel.

43.

Also present in the courtroom was your daughter, Attorney Frances Williams Dyal. You asked your daughter, "Frances, come forward. Go talk to these people [about the children]." Attorney Dyal, the father and Garner left the courtroom to discuss the matter. Garner's counsel remained in the courtroom and the mother was instructed to wait in the outer hallway.

44.

After a short period, Attorney Dyal, the father, and Garner returned to the courtroom and, along with Garner's counsel, approached the bench. Attorney Dyal, acting as the appointed guardian *ad litem,* recommended to you that

temporary custody be given to Garner. You accepted your daughter's recommendation and instructed Garner's counsel to prepare an order.

45.

The mother had no opportunity to be heard on, challenge, participate in, or cross-examine Attorney Dyal's findings. You failed to allow all parties to be heard prior to accepting your daughter's recommendation.

46.

Attorney Dyal was operating under no written appointment as a guardian *ad litem*. There was no disclosure on the record, or otherwise, to any party regarding your familial relationship with Attorney Dyal.

47.

Also in the domestic case of *Joseph v. Joseph*, you appointed Attorney Dyal as guardian *ad litem*. You contended that the attorneys handling this matter insisted on this appointment because Attorney Dyal was the only lawyer available with the expertise to take care of the issues related to the children.

48.

Moreover, in the *Joseph* case, you failed to make a record of any alleged waiver, and you further failed to advise the parties of this *per se* conflict.

49.

Mr. Joseph contends that he was never advised of any such conflict by you or his counsel, and that if had known, he would not have consented to the appointment of Attorney Dyal.

50.

Also in the *Joseph* case, you ordered that the parties pay your daughter $1000 within 30 days; failing which the parties would be subject to contempt of court.

51.

In *Crabb v. Crabb*, you signed a "Temporary Consent Order" which was prepared by your daughter. The pleadings were signed by both your husband, James Williams, and daughter as attorneys for the defendant. You explained your involvement in this case, stating that the order presented to you was agreed to by all parties. However, there is no known record of any said notice of conflict to the parties or counsel as required by Canon 3F of the Code of Judicial Conduct.

52.

On or about March 24, 2008, Attorney Dyal wrote a letter to the Glynn County Clerk of Court, requesting that the *Crabb* case be scheduled before you on April 8, 2008. You, however, failed to timely disqualify and recuse yourself pursuant to Canon 3E. Rather, you allowed this case to remain on your docket

until around January 6, 2009, when you reassigned the matter to Judge Rountree, a Glynn County Juvenile Court Judge.

53.

The following cases are other instances where your family members were involved in litigation and you improperly ordered reassignment to judges you selected:

a. *Lindsey v. Lindsey* – Nathan Williams (your son), Counsel for defendant, case re-assigned to Judge Rountree;

b. *Wallace v. Wallace* – Frances Dyal (your daughter), Counsel for plaintiff, case re-assigned to Judge Rountree;

c. *Cobb v. Cobb* – Frances Dyal (your daughter), Counsel for the defendant, case reassigned to Judge Rountree;

d. *Loizzi v. Loizzi* – Frances Dyal (your daughter) and James Williams (your husband), Counsel for the plaintiff, case reassigned to Judge Caldwell, a juvenile court judge from Wayne County who sits on domestic relations cases; and

e. *Santiago v. Chabla* – Frances Dyal (your daughter), Counsel for the defendant, case reassigned to Judge Rountree.

54.

Additionally, there are several cases where you, having been disqualified, contend that you heard the matters on an "emergency basis" under "the rule of

necessity" as provided for in the Commentary to Canon 3E of the Code of Judicial Conduct, when no such emergency existed.

55.

Falagan v. Lovell, a petition for "Family Violence Twelve Month Protective Order," was filed on or about December 11, 2007, by your daughter, Attorney Dyal. You entered an *ex parte* order directing the respondent to appear on January 8, 2008 in another judge's court. You then improperly reassigned the case to Judge Scarlett. In spite of this reassignment, on or about January 8, 2008, you presided over this matter and signed an order prepared by Attorney Dyal.

56.

In *McDonough v. BAC Home Loans Servicing, LP, et al.,* a temporary restraining order was presented to you by your daughter-in-law, Attorney Martha Williams. This Order was signed by you on or about November 30, 2009 You failed to disclose on the record the basis for the disqualification due to your familial relationship with Mr. Williams.

57.

Attorney Jason Clark, while the law partner of your son, Nathan Williams, regularly appeared before you in both contested and uncontested matters.

58.

Attorney Clark was, then not only a law partner of your son, but he also was a tenant who paid monthly rent to you. As such, you, as his landlord, had a financial interest bias in his successful law practice.

59.

You contend that your son's law partner appeared in drug court as a result of a waiver signed by the district attorney in 2007, although this waiver is dated and signed on or about November 15, 2010. There was no waiver signed prior to this time when Attorney Clark was, nevertheless, appearing before you in court.

COUNT FIVE

60.

You violated Canon 7 of the Code of Judicial Conduct when you publicly endorsed Jackie Johnson for the office of district attorney in April of 2009.

The circumstances giving rise to the violation in Count Five are as follows:

61.

At a reception held at your home on or about April 6, 2009, you announced to a group of women lawyers and constituents that it was time for the circuit to have a female district attorney and that you were supporting Jackie Johnson, a

female assistant district attorney, to replace District Attorney Steven Kelly in anticipation of a vacancy in his public office.

62.

Since that time, you have denied and, at times, qualified this political endorsement.

COUNT SIX

63.

a. You violated Canon 2B of the Code of Judicial Conduct when you showed favoritism to certain defendants in drug court.

b. You violated Canon 3B(7) of the Code of Judicial Conduct when you engaged in a pattern of improper *ex parte* communications with regard to who would be admitted to drug court.

c. You violated Canon 2A when you acted as "gatekeeper" and showed favor to certain drug court defendants, undermining "public confidence in the integrity and impartiality of the judiciary."

d. You violated Canon 2B of the Code of Judicial Conduct when you allowed social, political, or other relationships to influence your judicial conduct or judgment.

e. You violated Canon 3E of the Code of Judicial Conduct when you failed to disqualify yourself in matters where you had a personal bias such that your impartiality might reasonably be questioned.

f. You violated Canon 3 of the Code of Judicial Conduct which provides that "judges shall accord every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law" when you ordered a defendant be held in contempt of court without having that defendant in court when you issued that order.

The circumstances giving rise to the violations in Count Six are as follows:

64.

You asserted on multiple occasions that the "district attorney is the gatekeeper" for the drug court program, and you have denied any influence over the decision of the prosecutor to admit anyone into the drug court program.

65.

However, in several criminal cases you have, in fact, acted as "gatekeeper" by admitting defendants into the drug court program, contrary to your expressed policy and over the objection of the district attorney and court personnel who believed that some defendants did not qualify for the drug court program, to wit:

a) In the case of Robert M. Torras, involving charges of non-drug related, property offenses, and

b) In the case of Henry Bishop III, involving charges of violent felony offenses.

66.

In these aforementioned cases and others, you departed from any standard or customary protocol by allowing certain defendants to enter the drug treatment program after their criminal case was dead-docketed and without the entry of a pre-adjudicated plea of guilty to the charges.

67.

Furthermore, you continued to improperly act *ex parte* in proceedings where the respondents were denied the opportunity to be heard by the court or given due process of the law, to wit: in the domestic relations contempt action brought by Henry Bishop, III against his former wife, resulting in an illegal "lock-up" order against Lisa Bishop.

COUNT SEVEN

68.

a. You violated Canon 2B of the Code of Judicial Conduct when you allowed your social or employment relationships with your bailiff to influence your judicial conduct or judgment.

b. You violated Canon 3E of the Code of Judicial Conduct when you failed to disqualify yourself in a case involving your bailiff's son, having a personal bias concerning this family, such that your impartiality might reasonably be questioned. Moreover, there existed no "emergency," as contemplated by Canon 3E, requiring you to hear a case involving your bailiff's son. You further failed to disclose, on the record, your basis for hearing that matter.

The circumstances giving rise to the violations in Count Seven are as follows:

69.

Sometime in February 2010, a woman applied for a warrant for the arrest of her former husband, Jay Kaufman, based on accusations of aggravated stalking. Jay Kaufman is the son of Patricia Kaufman, your bailiff and friend. Pursuant to the warrant, Jay Kaufman was arrested on or about February 12, 2010.

70.

At the time of his felony arrest, a civil domestic relations case was pending between Jay Kaufman and his former wife, who was represented by counsel. There was a history of alleged domestic violence between the parties.

71.

You failed to disqualify yourself from hearing this matter involving the son of your bailiff. When you became aware of Kaufman's arrest, you arranged a

meeting between you, the District Attorney (who appeared in chambers), and the former wife's attorney (who participated by conference call). You agreed to give Jay Kaufman a bond immediately. Furthermore, despite your obligation to disqualify yourself, you nonetheless heard the criminal bond issue without either demonstrating or articulating an "emergency."

COUNT EIGHT

72.

You violated Canons 2 or 3, or both, of the Code of Judicial Conduct, when you improperly expressed bias in criminal matters being heard before you in the drug court. Examples of this misconduct include, but are not limited to, the case of Brandi Byrd, who came before you in drug court pursuant to a standing order with respect to all drug-related charges.

73.

In court, you told Byrd that she could either choose to contest the charges and go to trial, or enter the drug court program. If she chose drug court, she could be immediately released on an OR bond. Furthermore, you advised that if she wanted a trial, she would be given a bond of $15,000, your standard bond amount for all defendants who elect not to enter drug court. You further advised Byrd that if she went to trial and was convicted, you would sentence her to a year in the detention center plus four years of probation. You advised her that was the

minimum sentence she would receive. When Byrd asked you about the "detention center," you explained that it was "a lock down detention center, [or] boot camp."

74.

Byrd was wrongfully persuaded by your colloquy on the consequences of her decision to either enter the drug court program or withstand her chances of being convicted at trial, and as a result, she opted to enter the drug court program.

75.

When Byrd failed to complete the program on or about January 28, 2009, she attempted to withdraw her pre-adjudicated guilty plea during her termination hearing, to wit:

> THE COURT: I'm going to deny her [Byrd's] right to withdraw her plea. Are you ready to go the termination hearing?
>
> DEFENSE COUNSEL: Yes, your Honor.
>
> THE COURT: Okay. Who is going to comment about Ms. Byrd? Okay.
>
> DEFENSE COUNSEL: Can we be seated your Honor?
>
> THE COURT: Yes, sir. I'm sorry. Yes, you may. And in the meantime, Mr. Crowe, if you appeal this case I'll tell the State to get ready if she [Byrd] comes back and the case is undone to get ready to try that I will, I will take no pleas from her. We'll have a jury trial.

76.

Your threat and stated refusal to take any pleas from Byrd, should she exercise her right to appeal her conviction, effectively chilled her right to contest your ruling.

COUNT NINE

77.

You violated Canons 2 or 3, or both, of the Code of Judicial Conduct by failing to be patient, dignified, and courteous to individuals appearing before you. You have used rude, abusive, or insulting language.

78.

Examples of this misconduct include, but are not limited to, the incident in or about 2010 group of juvenile probationers appeared in the Camden County Drug Court to observe drug court proceedings. You acknowledged the group of young girls and boys, telling them about the dangers of drug abuse. One of the participants chuckled during court, at which time you began screaming at her and ordered your bailiff to remove the juvenile, who was crying, from the courtroom in handcuffs. Later, while still in handcuffs, the juvenile was brought back before you. You admonished the juvenile about appropriate courtroom behavior and then ordered her removed from the courtroom again to be sent to meet with the public

defender. When the juvenile was returned to the courtroom, you ordered that she be released from custody.

79.

A drug court defendant appeared before you to request to be excused from a Saturday class for a family function. Because of your disdain for the young man's use of the term "baby momma," you ordered that the defendant be summarily jailed.

80.

You have often appeared frustrated with drug court defendants who wished to address the court, gesturing with your hand and saying "don't talk to me." Any further attempt by the defendant to speak would often result in you directing the bailiff to take them into custody. When the bailiff inquired about the duration of detention, you often replied that you did not know and/or to make it for an indefinite period of time.

COUNT TEN

81.

The conduct in Counts One through Nine violates Canon 1 of the Code of Judicial Conduct, which requires you to establish, maintain, and enforce high standards of conduct so that the integrity and independence of the judiciary may be preserved.

COUNT ELEVEN

82.

The conduct in Counts One through Nine violates Canon 2 of the Code of Judicial Conduct, and O.C.G.A. §45-11-4, which prohibits you from "using tyrannical partiality in the administration or under the color of [your] office."

COUNT TWELVE

83.

During the course of this investigation you have made material false statements in violation of O.C.G.A. §16-10-20, including but not limited to those identified in paragraphs 8, 13, 59, 62, and 64. This conduct also violates Canon 2 of the Code of Judicial Conduct, which requires that judges respect and comply with the law.

NOTICE PURSUANT TO RULE 5(B)

Pursuant to Rule 5(b) of the Rules of the Judicial Qualifications Commission, you are hereby notified that you have a right to file a verified answer with the Commission to these charges. Your answer shall be filed within thirty days after service of these proceedings and shall consist of an original and six copies.

Respectfully submitted this 9th day of November, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing "Notice of Formal Proceedings" via U.S. Mail (Certified, Return Receipt Requested) to:

Mr. Wallace E. Harrell, Esq.
Gilbert, Harrell, Sumerford, and Martin, P.C.
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This 9h day of November, 2011

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