

## **Judicial Qualifications Commission (JQC) / Frequently Asked Questions (FAQ):**

### **What is the Judicial Qualifications Commission?**

The Judicial Qualifications Commission is a constitutionally created independent State Commission responsible for investigating complaints of judicial misconduct and/or judicial incapacity and for disciplining judges in the State of Georgia. It is composed of two lay people, two judges and three attorneys who, after investigation and hearings, may recommend to the Supreme Court the removal, discipline, or retirement of a particular judge. The Commission operates under rules established by the Supreme Court, and copies are available upon request from the Commission office.

### **I believe a Judge may have violated the Code of Judicial Conduct. What exactly is judicial misconduct:**

Judicial misconduct is any violation of the Code of Judicial Conduct, which may include, but is not limited to, the following:

- failure to perform duties impartially and diligently,
- failure to dispose promptly of the business of the court,
- conflict of interest, and
- other conduct which reflects adversely on the integrity of the judiciary.

Judicial misconduct does not include:

- rulings on the law and/or the facts,
- matters within the discretion of the trial court,
- rulings on the admissibility of evidence,
- rulings involving alimony, child support, custody or visitation rights,
- sentences imposed by the Court, and
- believing or disbelieving witnesses.

### **Who decides whether a judge has violated the Code of Judicial Conduct?**

In the first instance the Commission makes the decision as to whether or not a violation has occurred. However, any recommendation by the Commission for censure, suspension, removal of a judge or retirement of a judge for disability is subject to review by the Supreme Court. In such an instance, the Supreme Court makes the final decision and is not required to follow the recommendation of the Commission.

### **What will the Commission do with my complaint?**

When a typed or legibly hand-printed and signed complaint is received in the Commission office, it is reviewed by the Executive Director to determine whether it falls within the jurisdiction of the Commission. Many complaints received do not on their face involve judicial misconduct or otherwise fall outside the Commission's authority and such complaints are dismissed and the complainant is so advised. If the complaint appears to be within the Commission's jurisdiction, it is assigned a docket number and reviewed by the full Commission at its next regularly scheduled monthly meeting. If after review, the complaint is found to lack merit, it will be dismissed and complainant so advised. If not dismissed, a copy of the complaint, together with all exhibits, is sent to the judge complained against. The judge is given an opportunity to make an informal response by letter. Such response is for the Commission only and a copy is not provided to the complainant. After receipt of the judge's comments, the matter is again considered at the next monthly meeting. The Commission may admonish or reprimand the judge or otherwise resolve the matter by the use

of the informal sanctions authorized by Commission Rule 4(f). Copies of such informal sanctions are not provided to the complaining party, but he/she is advised of the final Commission decision.

When the Commission believes it to be justified, it will issue a Notice of Formal Proceedings. In such proceedings, the judge has a right to defend against the charges and to be represented by a lawyer. Witnesses and documents may be subpoenaed, and the complaining party is usually called to testify under oath. If no violation is found, the complaint is dismissed. If a violation or a disability is found, the Commission may recommend to the Supreme Court retirement, censure, suspension, or removal from office

### **May I speak privately with individual Commission Members or appear before the Commission?**

**NO.** All communications with the Commission must be in writing and addressed to the Commission Office.

### **Can I get a judge off my case if I make a complaint against the judge?**

**NO.** An allegation of judicial misconduct is not a substitute for recusal procedures, and you should seek the advice of your attorney as to the procedure for attempting to remove a judge from your case. The Commission usually does not consider a complaint while a matter is pending before the Court.

### **How long does it take to resolve a complaint for judicial misconduct?**

The Commission normally meets once a month, so final disposition may take several months, depending on the complexity of the matter. You will receive written notice of the final disposition at such time as it is appropriate. In addition, the Commission has no emergency powers and cannot, under any circumstances, interfere in any pending or ongoing litigation.

### **Over what positions does the Commission have jurisdiction?**

All active Supreme Court justices, Court of Appeals judges, Superior Court judges, State Court judges, Probate judges, Magistrate judges, Municipal Court judges, Judges pro tempore, and all other state judges or state officers exercising judicial authority, except coroners. The Commission does not have jurisdiction over attorneys, federal judges or referees in bankruptcy and has only limited jurisdiction over former state judges.

### **How do I file a complaint about a judge with the Judicial Qualifications Commission?**

Complete the form following this FAQ and mail it to the address on the form. The JQC encourages typed forms, but will accept legible, neat handwritten forms.

**Note:** The Complaint Form **must be printed out** and mailed. No fax or email.



**JUDICIAL QUALIFICATIONS COMMISSION**  
**State of Georgia**

Dear Complainant:

In accordance with your request, we are enclosing a form for the filing of a complaint with this Commission, as well as a brochure, which outlines the function, jurisdiction and procedures used by the Commission in evaluating complaints.

The Georgia Judicial Qualifications Commission serves many purposes: to instruct judges on ethical conduct; to promote public confidence in the integrity, independence, and impartiality of the Georgia judiciary; and to encourage judges in Georgia to maintain high standards of conduct both on and off the bench. One of the most important ways the Commission accomplishes this mission is through its investigation of allegations of judicial misconduct.

Please review these materials, including the information set forth on the last page of the form, before attempting to complete the form and note that this form must be typed or legibly handprinted, dated and signed.

To be considered, all complaint forms must describe specific allegations of judicial misconduct in **five (5) pages or less, double-spaced**.

**Please keep copies of all documents sent to the Commission, do not send originals.** The Commission is unable to return documents to complainants. The Commission will not review any documents or other papers included with a complaint unless evidence of judicial ethical misconduct is first set forth in the complaint.

If, after reviewing the form and the brochure, you have further questions, the Commission will welcome your inquiry. Be assured that any complaint, which lies within the authority of the Commission, will be carefully considered.

**JUDICIAL QUALIFICATIONS COMMISSION**

Enclosures



FOR JQC OFFICIAL USE ONLY

## JUDICIAL QUALIFICATIONS COMMISSION

### State of Georgia

8206 Hazelbrand Road, Suite C  
Covington, GA 30014  
(770) 784-3189  
[www.gajqc.com](http://www.gajqc.com)

Complaint Number \_\_\_\_\_

## COMPLAINT AGAINST A GEORGIA JUDGE

*Confidential under Georgia Constitution Article VI, Section VII, Paragraph VI and Commission Rule 20*

**Please read the entire form and the enclosed brochure explaining the Commission's function, jurisdiction and procedures before attempting to complete this form.**

**PLEASE NOTE: Complaint form must be typed or legibly hand-printed, dated and signed before it will be considered.**

### I. Person Making Complaint

Full Name \_\_\_\_\_

Mr.

Ms.

Mrs.  *Inmates Must Include EF or GDC Number* \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone (Day) \_\_\_\_\_ (Eve) \_\_\_\_\_

### II. Judge Against Whom Complaint Is Made

Name \_\_\_\_\_

The Court is located in: \_\_\_\_\_  
City County

Court Level: (check one)  Supreme Court  Court of Appeals  Superior

State  Magistrate  Probate  Municipal  Juvenile  Recorder's  Other



IV. Additional Information (if available)

a. If your complaint arises out a court case, please answer the following questions:

1. What is the name and number of the case?

Case name: \_\_\_\_\_ Case Number: \_\_\_\_\_

2. What kind of case is it?

civil  criminal  domestic relations  probate  small claims  traffic  other (specify)

3. What is your relationship to the case?

plaintiff/petitioner  defendant/ respondent

attorney for \_\_\_\_\_  witness for \_\_\_\_\_

other (specify) \_\_\_\_\_

b. If you were represented by an attorney in this matter at the time of the judge's conduct, please identify the attorney:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

c. List and attach copies of any relevant documents which you believe support your claim that the judge has engaged in judicial misconduct or has a disability. (Note: these documents may not be returned to you and you should retain a copy for your records.)

\_\_\_\_\_  
\_\_\_\_\_

d. Identify, if you can, any other witnesses to the conduct about which you complain:

Name(s): \_\_\_\_\_

Addresses: \_\_\_\_\_

\_\_\_\_\_

**In filing this complaint, I understand that:**

- **The Commission's rules provide that all proceedings of the Commission, including complaints filed with the Commission, shall be kept confidential, until this complaint has been resolved.**
- **I further understand that this rule of confidentiality attaches and becomes effective upon the filing of this complaint and that any violation could result in a citation for contempt of the Supreme Court.**
- **The Commission may find it necessary to disclose my identity and the existence of this complaint to the involved judge. By filing this complaint I expressly consent to any such disclosure.**

V. Under penalty of perjury, I declare that I have examined and understand this complaint form and to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

\_\_\_\_\_

Date

\_\_\_\_\_

Complainant's Signature

(Only signed complaints will be considered)

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**Please note that the Commission only has authority to investigate allegations of judicial misconduct or permanent disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against federal judges, lawyers, police, court personnel or District Attorneys. The Commission does not act as an appellate court and cannot review, reverse or modify a legal decision made by a judge in the course of a court proceeding.**

**For example, the Commission does not investigate claims that a judge wrongfully excluded evidence; imposed an improper sentence; awarded custody to the wrong party; incorrectly awarded alimony or child support; incorrectly resolved a legal issue or believed perjured testimony.**

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**Please return this form and direct all future communications to:**

**Judicial Qualifications Commission  
8206 Hazelbrand Road, Suite C  
Covington, GA 30014**

You are permitted to make copies of this blank form if you require additional forms.

If after reviewing this form and the accompanying brochure, you have further questions, the Commission will welcome your inquiry. Be assured that any complaint which lies within the jurisdiction of the Commission will be carefully considered.

How did you hear about the Judicial Qualifications Commission?

- State Bar of Georgia    Another State Agency    News Media    Attorney    Friend    Other