

**IN THE SUPREME COURT
STATE OF GEORGIA**


In re: Inquiry concerning Judge)
Eddie Anderson (JQC Docket No.) Case No. _____
207-17C))
)

Rule 23 Approval of Discipline by Consent

Tattnall County Chief Magistrate Judge Eddie Anderson has consented to a public reprimand from the Judicial Qualifications Commission. Pursuant to Commission Rule 23, that proposed sanction was presented to the Commission’s Hearing Panel for review. By a vote of 2-1, with Panelist Jamala McFadden dissenting, the Hearing Panel has accepted the proposed sanction and is now submitting the agreement entered into by Judge Anderson and the Commission’s Investigative Panel for the Supreme Court’s approval. This submission shall remain confidential until the Supreme Court accepts the agreement. Rule 23(D).

With this explanation, the Hearing Panel respectfully submits JQC Docket 207-17C to the Court.

This 5th day of June, 2018.



Hon. Robert C.I. McBurney
Presiding Officer
Judicial Qualifications Commission (Hearing Panel)

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

In re: Inquiry Concerning
Judge **Eddie Anderson**

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) Docket No. 207-17C
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Formal Charges

The Judicial Qualifications Commission’s (the “Commission”) Investigative Panel, after conducting a Full Investigation of the above-referenced complaint against Chief Magistrate Judge Eddie Anderson of Tattnall County and considering Judge Anderson’s responses in writing and in person before the Investigative Panel, files these Formal Charges with the Commission’s Hearing Panel pursuant to Commission Rules 17.D (2)(c) and 19. The Investigative Panel and the respondent-Judge agree that a Public Reprimand best resolves this case. Accordingly, the Investigative Panel respectfully requests that the Hearing Panel accept a Public Reprimand as the agreed-to disposition and file the following documents with the Supreme Court of Georgia for approval pursuant to Commission Rule 23.A:

- Formal Charges;
- Public Reprimand of Judge Eddie Anderson (Exhibit A);

- Affidavit of Consent (Exhibit B); and
- Waiver of Answer, Hearing, and Subsequent Public Reprimand Use (Exhibit C).

The acts of judicial misconduct giving rise to the Public Reprimand stem from the repossession of a vehicle by Bobby Flowers, the complainant against Judge Anderson, for lack of payment to Mr. Flowers' car dealership and a lack of insurance on the vehicle. More specifically, Judge Anderson's specific acts of misconduct are as follows:

Count One

Judge Anderson violated Georgia Code of Judicial Conduct Rules ("Rules") 1.1 and 1.2, which require judges to "respect and comply with the law" and "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary." Judge Anderson violated these provisions by demanding via *ex parte* phone call that Mr. Flowers either return Ms. Johnson's repossessed vehicle or remit the money paid to Mr. Flowers' dealership for the vehicle and reimburse Ms. Johnson for insurance costs. When Mr. Flowers refused these *ex parte* demands, Judge Anderson advised Ms. Johnson to file a case against Mr. Flowers in his court, which she later did. Judge Anderson undermined the public integrity and impartiality of the judiciary by advising Ms. Johnson to file

a case and by making *ex parte* demands before a case was even filed. Moreover, Judge Anderson's demands and Ms. Johnson's subsequent lawsuit violated clearly established law. First, Ms. Johnson was neither entitled to vehicle payments already made to Mr. Flowers' dealership nor entitled to insurance payments she already made under the terms of the vehicle contract. Second, Ms. Johnson improperly brought the action against Mr. Flowers with Judge Anderson's advice. Mr. Flowers was a third-party to the vehicle contract and improperly named in the suit. It was Mr. Flowers' dealership who sold the vehicle, was a party to that vehicle's contract, and was the proper party to the suit. Accordingly, Judge Anderson failed to respect and comply with the law.

Count Two

Judge Anderson violated Rules 2.2 and 2.3, which require judges to "dispose of all judicial matters fairly, promptly, and efficiently" and to "perform judicial duties without bias or prejudice." Judge Anderson also violated Rule 2.8, which requires judges to "be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity." Judge Anderson violated these provisions when, as part of the *ex parte* demands detailed above, he yelled at Mr. Flowers for failing to comply and threatened him with an adverse judgment and court costs if litigation ensued. This conduct, in addition to the *ex parte* demands themselves, showed a temperament neither fit for

nor expected of a judicial officer. Accordingly, Judge Anderson failed to dispose of his judicial matters fairly, perform such duties without bias, or to act in a dignified and courteous manner.

Count Three

Judge Anderson violated Rule 2.9, which states that “[j]udges shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to them outside the presence of the parties, or their lawyers, concerning a pending proceeding or impending matter.” Rule 2.9 also states that judges may not “investigate facts in a pending proceeding or impending matter independently, and in making adjudicative decisions shall consider only the evidence presented and any facts that may properly be judicially noticed.” Judge Anderson violated these provisions by communicating with the parties individually and engaging in an independent investigation of the facts by seeking proof of insurance and payments from Ms. Johnson outside of the judicial process. Although Judge Anderson may have initiated such communication with good intentions, calling the parties individually and conducting a personal investigation into an impending proceeding were both improper. Accordingly, Judge Anderson initiated, permitted, and considered *ex parte* communications and impermissibly engaged in an independent investigation.

Count Four

Judge Anderson violated Rule 2.12, which states the following:

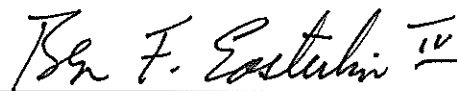
- (A) Judges shall require their staffs, court officials, and others subject to their direction and control to observe the standards of fidelity and diligence that apply to the judges . . . and to act in a manner consistent with the judge's obligations under this Code.

- (B) Judges with supervisory authority for judicial performance of other judges should take reasonable measures to assure the prompt disposition of matters before these judges, along with the proper performance of their other judicial responsibilities.

Judge Anderson violated these provisions by failing to supervise the Associate Magistrate Judge he was responsible for in Tattnall County, who presided over Ms. Johnson's case after it was filed. This failure resulted in the Associate Magistrate Judge issuing orders contrary to clearly established law for the same reasons listed in Count One. Accordingly, Judge Anderson failed to adequately supervise court officials subject to his direction and control.

For these reasons, the Investigative Panel requests that the Hearing Panel accept the agreed-to Public Reprimand.

Respectfully submitted this 2ND day of FEBRUARY, 2018.



Ben F. Easterlin IV, Director
Judicial Qualifications Commission
P.O. Box 2179
Covington, GA 30015
beasterlin@gajqc.com
Georgia Bar Number: 237650

Acknowledgement and Waiver of Service

Pursuant to Judicial Qualifications Commission Rules 13.B and 19, the respondent-Judge Eddie Anderson agrees to waive formal service and has received copies of the following documents:

- Formal Charges;
- Public Reprimand of Judge Eddie Anderson (Exhibit A);
- Affidavit of Consent (Exhibit B); and
- Waiver of Answer, Hearing, and Subsequent Public Reprimand Use (Exhibit C).

This 22 day of January, 2018.

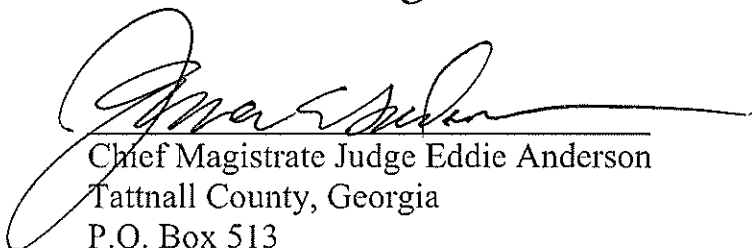

Chief Magistrate Judge Eddie Anderson
Tattnall County, Georgia
P.O. Box 513
Reidsville, GA 30453
jamestattalljudge@yahoo.com

Exhibit A

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

In re: Inquiry Concerning
Judge **Eddie Anderson**

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) Docket No. 207-17C
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Public Reprimand of Judge Eddie Anderson

The Investigative Panel of the Commission has agreed with you, respondent-Judge Eddie Anderson, to resolve this case with a public reprimand. Pursuant to Judicial Qualifications Commission Rules 17.D and 23, the Investigative Panel filed Formal Charges and this Public Reprimand with the Hearing Panel of the Commission for approval. After due consideration, the Hearing Panel approved the Public Reprimand and recommended the same to the Supreme Court of Georgia for final approval, which the Court approved. Specifically, the acts of misconduct for which this Public Reprimand is given are as follows:

Count One

You violated Georgia Code of Judicial Conduct Rules (“Rules”) 1.1 and 1.2 by engaging in *ex parte* conversations with, and issuing demands to, parties in an impending proceeding before your Court. Furthermore, these demands were contrary to clearly established law.

Count Two

You likewise violated Rules 2.2 and 2.3 by yelling at the defendant in the same impending proceeding when that defendant failed to agree to your improper *ex parte* demands, demonstrating temperament unfit for a judicial officer and bias against the defendant on your part.

Count Three

You violated Rule 2.9 for making the same *ex parte* demands and for engaging in an independent investigation about an impending proceeding in your Court.

Count Four

Finally, you violated Rule 2.12 by failing to adequately supervise your Assistant Magistrate Judge, which resulted in rulings contrary to law.

You have met with the Investigative Panel and acknowledged that these actions violated the Code and that the Director and the Investigative Panel could prove these allegations in a proceeding before the Hearing Panel. The public expects and the Code demands that judges be held to a high standard of ethical conduct in discharging their responsibilities and duties. You are publicly reprimanded for failing to meet this standard. You are further cautioned that any repetition of such conduct can, and likely will, result in punishment of the severest possible nature.

In arriving at a decision in recommending a Public Reprimand, the Commission balanced its public duty to ensure an honorable and independent judiciary with the responsibility to deal fairly with a judge who the citizens of Tattnall County have duly elected. The Commission also considered the following mitigating factors:

1. Your cooperation with the Investigative Panel by responding to the allegations of misconduct;
2. Your candor in meeting with the Investigative Panel, admitting to the mistakes, and pledging to adhere to all provisions of the Code in the future;
and
3. The fact that the acts of misconduct were not undertaken in bad faith or with malice, but rather with good intentions to resolve the underlying dispute.

You are instructed and directed to carefully review and comply with each and every provision of the Code and to hereafter conduct yourself in accordance with such provisions. The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Georgia Constitution and the Code.

Exhibit B

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

In re: Inquiry Concerning
Judge **Eddie Anderson**

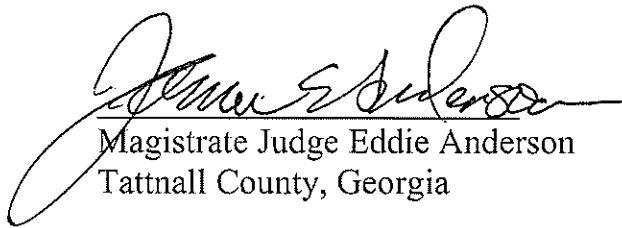
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Affidavit of Consent

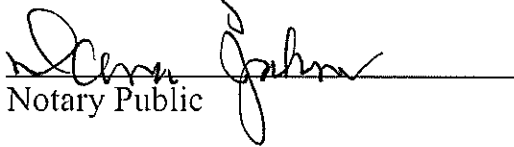
I, Eddie Anderson of the Magistrate Court of Tattnall County, Georgia swear to the following pursuant to Judicial Qualifications Commission Rule 23.C:

- (1) I consent to receive a Public Reprimand for the judicial misconduct in this case. More specifically, that misconduct detailed in the complaint against me and the Formal Charges filed with this Affidavit of Consent before the Hearing Panel of the Commission;
- (2) My consent to receive a Public Reprimand is freely and voluntarily rendered;
- (3) There is presently pending a proceeding against me involving allegations of judicial misconduct;
- (4) I admit that the allegations of judicial misconduct in this case, including those allegations detailed in the complaint and Formal Charges, are true and could be proven by the Director and the Investigative Panel of the Commission;
- (5) The facts set forth in this Affidavit of Consent are true.

IN WITNESS WHEREOF, I have set my hand and seal this 22 day of January, 2018.


Magistrate Judge Eddie Anderson
Tattnall County, Georgia

Signed, sealed, and subscribed before
the undersigned this 22 day of
January, 2018.


Notary Public

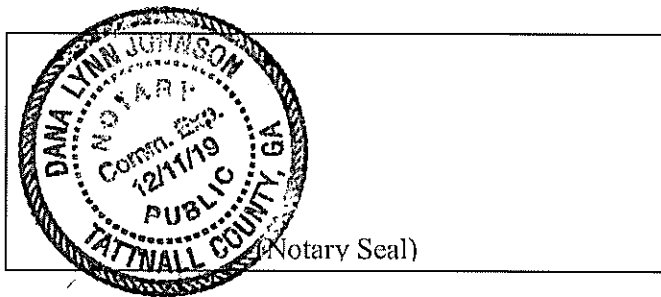


Exhibit C

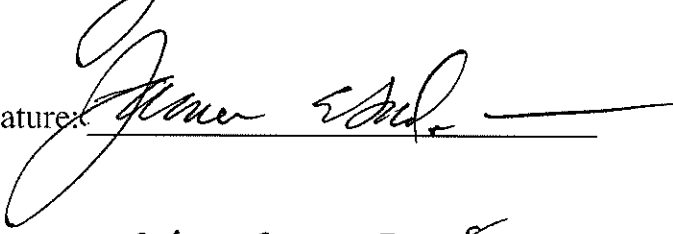
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STATE OF GEORGIA

In re: Inquiry Concerning)
Judge **Eddie Anderson**) Docket No. 207-17C
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Waiver of Answer, Hearing, and Subsequent Public Reprimand Use

I hereby waive my right to answer the Formal Charges in this case or to have a hearing on those allegations pursuant to Judicial Qualifications Commission Rules 20 and 24. I also waive any objection to the use of the Public Reprimand I have agreed to receive in this case in a subsequent Commission proceeding or investigation.

Printed Name: James E. Anderson

Signature: 

Date: 01-22-2018