

**BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF GEORGIA**

In re: Inquiry concerning) **Case No.: S21Z-0916**
)
Judge Eric W. Norris)
)

ANSWER AND RESPONSE OF JUDGE ERIC W. NORRIS

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ANSWER AND RESPONSE

JUDGE ERIC W. NORRIS (“Judge Norris”), by and through his counsel, hereby Answers and Responds to the Formal Charges dated March 31, 2021, and shows as follows:

First Defense

Judge Norris acted in good faith and with an objectively reasonable concern for the judicial system in general, and the Western Judicial Circuit in particular, when calling for a meeting with Mr. Owens. Mr. Owens’s false publications in relation to a rape case and the judiciary was the catalyst for calling the meeting. Judge Norris had an actual concern for the integrity and public perception of the judiciary, judicial process, and the accused in a criminal case. His decision to have the meeting was not itself wrongful, or the result of bad faith, or a violation of any rule of judicial conduct. Yet, admittedly, despite his good intentions, Judge Norris took the wrong steps in trying to remedy the concerns he had and the meeting did not go well or as planned. Judge Norris has admitted that, in retrospect, based on how the meeting progressed in a manner he never intended, that he regrets having

the meeting at all; he remains apologetic for his tone, raising his voice, and communicating in an impatient, discourteous, and undignified manner that was simply not appropriate for a Superior Court Judge. Judge Norris has never had such a meeting before and does not expect or intend another one anytime in the future.

Second Defense

Judge Norris did not limit or punish Mr. Owens's speech, nor did he limit or punish Mr. Owens's freedom of speech.

Third Defense

Judge Norris was not personally present at or involved directly in Deputy Henson asking the meeting participants to leave their cell phones outside of judicial chambers. Judge Norris believed at the time, and still believes, that Uniform Superior Court Rule 22 applies to his chambers. Judge Norris does not believe that anyone at the meeting objected to Deputy Henson's request; accordingly, the formal issue was never put before Judge Norris (either that day or earlier). Judge Norris is not sure how he would have handled an objection had one been raised, which is a bit speculative because it was simply not an issue because everyone honored Deputy Henson's request. The somewhat pejorative word "confiscate" used in the Formal Charges seems to cast a pall over this action and the meeting when, in reality, this was simply a routine application of Rule 22 to judicial chambers. If Rule 22 does

not, in fact, apply to judicial chambers Judge Norris would appreciate some clarification.

Fourth Defense

The meeting at all times was voluntary. Judge Norris did not detain, arrest, or imprison Mr. Owens or any of the meeting participants; he did not order or compel Mr. Owens to attend; he did not use or hint at using any force or legal compulsion for or during the meeting. Deputy Henson did nothing of the sort either. While there was one statement *during* the meeting that Mr. Owens would “sit down and listen”—which created a subjective belief that Mr. Owens was not free to leave—Mr. Owens was never *actually prohibited* from leaving (from an objective standpoint), and at all times Mr. Owens and the other guests were always free to leave. Deputy Henson was not physically located at either of the two office doorways and never blocked either door or doorway or Mr. Owens’s ability to exit. Further, Deputy Henson never touched, handled, grabbed, pushed, gestured or moved toward Mr. Owens at or around the time when Judge Norris said Mr. Owens would “sit down and listen,” or within the meeting, nor did Deputy Henson issue any verbal instructions or directives to Mr. Owens once the meeting began. The meeting at all times remained voluntary.

Fifth Defense

Substantial mitigating factors that should in fairness be considered have not been considered. Even if the Formal Charges were true as stated, as a matter of fundamental fairness and due process these mitigating factors in favor of Judge Norris should be considered before deciding whether a rules violation occurred and what the appropriate sanction, if any, is for said violation. The substantial mitigating factors also provide a context for why Judge Norris was willing to agree to a Consent Public Reprimand based on the first Formal Charges so as to conclude this matter without further stress and delay. Judge Norris requests that all substantial mitigating factors be considered (but in such a manner as to maintain the private and confidential nature of the mitigating factors).

Sixth Defense

The Formal Charges, even if true, do not rise to the level justifying sanctions beyond a private reprimand.

Seventh Defense

As his Seventh Defense, Judge Norris answers each and every paragraph of the Formal Charges in like numbered paragraphs as follows: The sentences in the first and second unnumbered paragraphs beginning on page 1 of the Formal Charges are not material factual allegations of the charges, and as such, require neither an admission nor denial. In an abundance of caution, Judge Norris denies said

paragraphs to the extent any response is required or so as to avoid any admission by implication or failure to deny.

1.

Judge Norris admits the allegations in paragraph 1.

2.

Judge Norris admits the allegations in paragraph 2.

3.

Judge Norris admits the allegations in paragraph 3.

4.

Judge Norris denies the allegations in paragraph 4 as stated. Judge Norris is without knowledge or information as to whether the article was, in fact, posted by Mr. Owens on his personal Facebook page but admits it was posted on “Overhead at UGA” (a public forum). Judge Norris admits that Mr. Owens is a local bondsman and, upon information and belief, is twenty-nine years old. Judge Norris admits the second sentence of paragraph 4, with the exception above about not being sure if it was on a “personal” Facebook page. Judge Norris admits the third sentence of paragraph 4.

5.

Judge Norris admits the first sentence of paragraph 5, with the exception concerning the personal Facebook page as noted above. Judge Norris denies the

second sentence of paragraph 5. Judge Norris admits that he was frustrated with, and concerned with, the false statements in the publication, and, that he does not take personal pleasure in being referred to in the manner he was referred to by Ms. Sheppard but that was not a motivating factor in calling the meeting. In fact, quite the contrary, based on Judge Norris's length and breadth of judicial and military experience, he has extremely thick skin and even told Mr. Owens in the meeting that he could say any opinion he wanted to about Judge Norris, and that his concern was about the false statements about the case and the judicial system. Except as admitted herein, the remaining allegations are denied.

6.

Judge Norris admits the first sentence of paragraph 6, with the exception concerning the personal Facebook page as noted above. Judge Norris admits the second sentence of paragraph 6 up to the word "Owens," and denies the remainder, to wit: that the purpose was *"to discuss the news story and the case and to provide Judge Norris's perspective and side of the story"* – as that description is not accurate. Judge Norris admits the third sentence of paragraph 6.

7.

Judge Norris denies the first sentence of paragraph 7 insofar as it was Judge Norris who sent a text on July 9, 2019, otherwise this is admitted. Judge Norris admits the second sentence of paragraph 7. Judge Norris does not have the

knowledge or information sufficient to admit or deny the first part of the third sentence concerning the reason for the prior commitment, as Mr. Owens did not communicate that to Judge Norris, but he admits the last clause of the third sentence of paragraph 7 concerning the time and location of the meeting. Judge Norris admits the fourth sentence of paragraph 7.

8.

Judge Norris denies paragraph 8 as stated because he is without knowledge or information as to that matter, but the allegation seems likely to be true. Judge Norris admits that Mr. Owens arrived at the meeting with Mr. Hall, the Vice President of the Georgia Association of Professional Bondsmen, and Mr. Elliot, a local bondsman involved in the initial contact between Judge Norris and Mr. Owens.

9.

Judge Norris is without knowledge or information as to the first and second sentences of paragraph 9. Judge Norris states that he was not present and in their vicinity when Deputy Henson is alleged to have asked them for their phones. Judge Norris is without knowledge or information as to this paragraph, given he was not in the immediate area when this occurred, but he believes that generally this is true and he has no reason to dispute that Deputy Henson asked for and collected their cell phones and believes this was done without objection.

10.

Judge Norris admits the first two sentences in paragraph 10. Judge Norris denies the third sentence in paragraph 10 as stated because it was not a conference room; it was his office, but otherwise he admits that Mr. Owens came into his office and Ms. Walker and Deputy Henson were present along with Judge Norris. Judge Norris admits that Mr. Hall and Mr. Elliot waited outside for a little bit of time. Judge Norris denies the fourth sentence of paragraph 10 as to the exact words, but he generally admits that he asked Mr. Owens to have a seat. Judge Norris denies the fifth and sixth sentences of paragraph 10. Except as expressly admitted, the allegations of paragraph 10 are denied.

11.

Judge Norris denies the allegations in paragraph 11 as stated. Judge Norris denies he was “visibly agitated.” As such, Mr. Owens could not have “noticed” that he was visibly agitated because he was not, in fact, visibly agitated. Judge Norris denies the second sentence for the same reason as his hands were not shaking and he was not “extremely upset,” and therefore, Mr. Owens could not have noticed this or observed it. Judge Norris admits he had the posted article out on the table. Judge Norris denies that there was a Georgia code book out and open, but states that there was a printed-out copy of a portion of the code out on the table. Except as expressly admitted, the remaining allegations of paragraph 11 are denied.

12.

Judge Norris denies the allegations in paragraph 12.

13.

Judge Norris is without knowledge or information sufficient to form a belief about whether Mr. Owens “became concerned” about “the tenor of the meeting,” so that is denied for that reason, but Judge Norris admits the meeting was not going well, the tenor was tense and awkward, and seemed to digress further at times, and that Judge Norris did not acting in a patient, dignified, and courteous manner. Judge Norris further denies the allegation that “he had asked to leave and was told to sit down,” because that is not true as stated – either as to content, timing and sequence of that communication. Judge Norris denies the second sentence as stated. There was a mention by Mr. Owens of his wanting an attorney, and, in response, Judge Norris made clear that Mr. Owens did not violate any laws and was not in trouble and there was no reason for an attorney, because he did not commit any crime and was not going to be asked questions. Judge Norris denies the content and timing of the statement about Mr. Owens sitting down. Judge Norris denies the third and fourth sentences of paragraph 13. Except as expressly admitted, the remaining allegations of paragraph 13 are denied.

14.

Judge Norris admits that in the meeting he told Mr. Owens that Mr. Hall and Mr. Elliot could join the meeting and invited them in and they joined the meeting. Judge Norris denies the first sentence of this paragraph as phrased because the word “then” improperly connects this paragraph, and the allegations in it, to the preceding paragraph in a manner that could imply Judge Norris agrees with the context or sequence of the preceding paragraph, when he does not agree with it because the preceding paragraph was inaccurate. Judge Norris denies the second and third sentences of paragraph 14. Except as expressly admitted, the remaining allegations of paragraph 14 are denied.

15.

Judge Norris admits the allegations of paragraph 15.

16.

Judge Norris denies the allegations of paragraph 16 as stated. Judge Norris admits that Mr. Hall and Mr. Elliot came in to the meeting a little after it started based on how it was transpiring before then. Judge Norris denies that Mr. Owens asked for an attorney more than one time. Judge Norris does not believe he was visibly agitated, but he admits that the meeting was digressing into something he did not wish for or intend and becoming more and more uncomfortable and awkward. Judge Norris admits that he said Mr. Owens could just listen to what Judge Norris

had to say (and that he did not have to speak or answer any questions). Judge Norris denies the allegations concerning the location or positioning of Deputy Henson; although Deputy Henson was in the room, had a firearm as a law enforcement officer, but he was not situated at or blocking access to either of the two doorways; further, to be clear, at no time did Deputy Henson give any commands, instructions, or make any gestures or movements toward Mr. Owens limiting his movement or freedom of movement. Except as admitted or stated herein, the remaining allegations of paragraph 16 are denied.

17.

Judge Norris denies the allegations of paragraph 17 and the adverb “finally” in reference to Mr. Owens sitting down, as Mr. Owens sat down at the outset of the meeting without delay, incident or issue. Judge Norris admits that he chastised and berated Mr. Owens, but he does not agree that he demeaned or intended to demean him. To be clear, during the meeting Judge Norris did not curse at Mr. Owens, yell or scream at him, call him names, joke or mock him or his profession, or belittle his educational background or work experience. Judge Norris admits the third sentence of paragraph 17, and by way of further explanation, states that he cited his public service record as the foundation for and basis of his desire to call Mr. Owens to commit to higher ideals involved in public service and any involvement in the judicial process. Judge Norris was not listing his service and accomplishments in a

manner intended to demean or belittle Mr. Owens; however, the way this transpired did not have the effect that Judge Norris intended, and in light of the overall tenor and content of the meeting, it certainly could have caused Mr. Owens to feel belittled and disrespected, and no doubt, once he left the meeting and thought back on it, it would be reasonable for Mr. Owens to have felt belittled and disrespected based on how the meeting ended up progressing. For that, Judge Norris is sorry and remains apologetic because that was not Judge Norris's intent. Judge Norris denies the fourth and fifth sentences of paragraph 17.

18.

Judge Norris admits the allegations in the first sentence of paragraph 18, except that Judge Norris read from a print out of certain pages of the code and did not have the code book itself open. Judge Norris admits the first clause of the second sentence of paragraph 18, but denies the last clause as stated. Judge Norris did reference that Mr. Owens spoke to the legislature in 2019 about bail reform, but the sentence as phrased seems inaccurate.

19.

Judge Norris denies paragraph 19 as stated. Judge Norris admits Mr. Hall brought up bail reform as that presumably was the very reason Mr. Hall and Mr. Elliot were invited by Mr. Owens and came to the meeting on short notice.¹ Judge

¹ This clear divergence in purposes made failure unsurprising; Judge Norris planned on a one-on-one meeting to address Mr. Owens's false statements and the bondsmen planned for a discussion of bail reform.

Norris quickly cut that off and stated that this meeting was not going to be about bail reform. Judge Norris does not believe it was being turned to that subject to “calm” Judge Norris but rather because that was likely the interest Mr. Hall, and others, had for the meeting.

20.

Judge Norris admits the first two sentences and denies the third sentence of paragraph 20.

21.

Judge Norris admits the allegations of paragraph 21.

22.

Judge Norris denies the allegations of paragraph 22. First of all, this was not a tirade. Moreover, he never said “testicular fortitude,” rather he made a statement sort of in the nature of a question as to whether Mr. Owens would have the “intestinal fortitude” or “the cajones” to admit that he made a mistake and had spread false information about the court and the case and that this was done because his bonding business was struggling. This statement was not a comment about “coming alone” but was about Mr. Owens having the boldness and courage to admit that he made a mistake and spread false information about the matter. It was certainly not dignified or courteous, but he was not outright saying, “You don’t have the intestinal fortitude or cajones to admit you were wrong” but more like, “I wonder if/hope you will have

the intestinal fortitude or cajones to admit you are wrong.” It was not a dignified phrase to use, and he is sorry he used that phrase. A more professional and appropriate phrase would have been “the boldness, courage, personal strength and moral fortitude” to admit he was wrong in spreading false information about the case and the judicial system. Judge Norris admits he was wrong in using this phrasing as it is undignified and inappropriate. Further, Judge Norris denies the first clause of the second sentence of paragraph 22, but admits generally that at one point he made a statement that his words carry weight.

23.

Judge Norris admits the allegations of paragraph 23.

24.

Judge Norris denies paragraph 24 as stated. Judge Norris admits the meeting in chambers lasted about 30 minutes. Judge Norris denies the use of the word “demeaned,” and he denies that almost the entire meeting was spent criticizing or berating Mr. Owens, although he admits that a significant portion of the meeting was spent criticizing or berating Mr. Owens. Judge Norris denies the second sentence of paragraph 24. Judge Norris admits the third sentence of paragraph 24. Judge Norris denies the fourth sentence of paragraph 24.

25.

Judge Norris denies paragraph 25 as stated. At all times, from an objective standpoint, all members of the meeting were free to leave as more particularly set forth in the defenses above. Judge Norris admits that after Mr. Owens's statement all three gentlemen left his chambers and Deputy Henson escorted them out of chambers but not with any force or show of force (e.g., he did not touch or grab their arms, etc.). It would be more apt to describe this as Deputy Henson "saw them out." Further, Judge Norris was not personally present outside of his chambers to witness the return of the cell phone by Deputy Henson, but he believes that to be true. Judge Norris has no knowledge or information sufficient to form a belief as to what Mr. Owens said to Mr. Hall about a job.

26.

Judge Norris denies paragraph 26 as stated. In further response, Judge Norris does not have knowledge or information sufficient to form a belief as to the first sentence of this paragraph, and, as written, it is too vague and general to constitute allegations that justify a specific response from Judge Norris, but if a response is actually required, then Judge Norris denies same. Moreover, in further response to the second sentence, Judge Norris has no knowledge of any questions being asked of Mr. Owens about the interaction; regardless, Judge Norris was not the cause of any putative questions or communications. As to the third sentence, Judge Norris

does not have information or knowledge as to any such comments or unfavorable postings on the business page allegedly made by Rachel Williams, a public defender, and does not know if Ms. Williams knew Mr. Owens. Judge Norris denies that Judge Norris communicated to Rachel Williams or anyone else concerning Mr. Owens's business or Liberty Bonding after this meeting, and did not ask for or know about any unfavorable reviews. Judge Norris admits that Liberty Bonding is upon information and belief Mr. Owens's bonding business.

27.

This is a recitation of Rule 1.2(A) which is admitted.

28.

Judge Norris denies the allegations of paragraph 28. Judge Norris's reasons for calling the meeting were for promoting public confidence in the integrity of the judiciary in general and the Western Judicial Circuit in particular. Judge Norris admits that at times in the meeting the tone and content was poor, certainly less than ideal, and perhaps excessive; he further states that he intends to never have a meeting like this again given how the meeting turned out. Except as specifically responded to in his defenses or in response to paragraphs 1-26 above, Judge Norris denies paragraph 28, and further denies that "he had an armed courthouse deputy confiscate" the cell phones (as explained above). In further response, Judge Norris has denied intending to demean Mr. Owens, and he did not yell, scream, or curse at

him, joke about him, or mock him. Judge Norris denies making any threats—direct, indirect, veiled, or otherwise—to Mr. Owens or his business that would cause a reasonable and justifiable concern under such circumstances about adverse career consequences or in a manner that limited or restricted his free speech. Judge Norris appreciates and admits how the discussion about the moral fitness requirements of being a bondsman could cause concern by Mr. Owens related to his business, but that was not the intent, as the intent was to cite to that as a basis for addressing the false statements. Judge Norris admits that the overall environment and the tone and tenor of the meeting, when mixed with other facts and circumstances, was not good and creates a concern about Mr. Owens’s right to speak freely. That said, Judge Norris denies that he actually limited, inhibited or punished Mr. Owens in any way that violated his speech or his freedom of speech. In fact, Judge Norris told Mr. Owens that he could say anything he wanted about Judge Norris, but that this meeting was about the false statements and the impact this was having on the public perception of the judiciary and judicial process. Judge Norris denies that Mr. Owens requested to leave, as alleged, but Judge Norris at one point said something to the effect that Mr. Owens was going “to sit down and listen” but that he did not have to say anything or answer any questions. This was not done in a way that actually created any physical restraint on Mr. Owens’s person or his freedom to leave the meeting. No force or threat of force was used at all. Judge Norris, however, admits

that these words and the direct and fairly harsh and candid tone in the meeting overall created a subjective belief in Mr. Owens that he was not free to leave. Judge Norris denies any allegation, express or implied, that he detained, restrained, imprisoned, arrested, or imposed any physical restraint or compulsion on Mr. Owens so as to make the meeting anything other than voluntary. The meeting was and remained voluntary. That said, Judge Norris admits and apologizes for the manner, tone and impolite, discourteous, and undignified content he used to speak to Mr. Owens.

29.

Judge Norris incorporates his defenses and prior responses to paragraphs 1-26.

30.

This is a recitation of Rule 2.8(B) which is admitted.

31.

Paragraph 31 incorrectly cites the language of Rule 1.2(A) concerning the “public confidence in the integrity of the judiciary,” as opposed to Rule 2.8(B), and for that reason it is denied. Judge Norris admits that on this occasion he was not “patient, dignified, and courteous” as Rule 2.8(B) requires. Specifically, in relation to the meeting with Mr. Owens, Judge Norris admits the following specifics:

- Judge Norris should not have asked if Mr. Owens had the “intestinal fortitude” or “cajones” sufficient to admit he was wrong and had spread false information;
- Judge Norris should not have read Ms. Shepherd’s comment or offered his thoughts for why she made negative statements about him;
- Judge Norris should not have raised his voice in the meeting, or allowed it to digress in the manner in which it seemed to digress;
- Judge Norris should not have told Mr. Owens that he was going to sit there and listen to what Judge Norris had to say; and
- Judge Norris should not have listed his educational, judicial, and military background in any way that could be construed or interpreted as making a comparison to Mr. Owens’s background or in a manner belittling of Mr. Owens.

Apart from the above admissions, which Judge Norris notes was an isolated violation of Rule 2.8(B), Judge Norris denies paragraph 31. Judge Norris reincorporates his specific defenses and responses to paragraphs 1-26 and 28.

32.

Judge Norris denies all further allegations, averments, allegations, charges, conclusions, and denies any sanction beyond a private reprimand.

33.

Judge Norris reiterates his apology for raising his voice, lacking patience, being discourteous, and using undignified language to Mr. Owens in the meeting, and for allowing the meeting to have a tone and digress in a way that was not intended so as to likely leave Mr. Owens feeling disrespected.

WHEREFORE, having fully stated his Defenses and Answer to the Formal Charges, Judge Norris respectfully requests that the tribunal provide a scheduling order for discovery and the proceedings in this matter, allow for reasonable discovery, have a hearing on this matter, that the substantial mitigating factors be considered (but that the confidential and private nature of those factors be maintained), and that this matter be dismissed, or, in the alternative, any sanction be limited to a private reprimand.

RESPECTFULLY SUBMITTED this 29th day of June, 2021.

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CERTIFICATE OF SERVICE

I certify that I have this 29th day of June, 2021 served the *Answer and Response* of Judge Eric W. Norris by electronic mail and by US Mail with adequate postage prepaid and addressed as follows:

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