

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

In re: Inquiry Concerning) Case: S21Z1297
Christina Peterson)
) Complaint Numbers:
) 2020-280, 2020-316,
) 2020-317, 2020-525, 2021-017

ANSWER

Now Comes Christina Peterson, Judge of the Probate Court of Douglas County, (hereinafter referred to as Judge Peterson), by and through her undersigned counsel, and files this, her answer to the Formal Charges initiated by the Judicial Qualifications Commission, respectfully responding as follows:

INTRODUCTION

The Hon. Christina Peterson Judge is the Probate Judge of Douglas County and, like many judges in Georgia and elsewhere, maintains various social media accounts. The Formal Charges at issue stem from several posts made by Judge Peterson, ALL of which occurred prior to December 29th 2020, the date she assumed the office of Probate Judge.

Judge Peterson denies that her conduct was violative of any provision of the Code of Judicial Conduct and, further, asserts that the posts which she made are protected by the First Amendment of the United States Constitution. Republican Party of Minnesota v. White, 536 US. 765 (2002). Even assuming *arguendo*, that there was a violation, in no way did Judge Peterson's conduct amount to "willful misconduct in office" or "conduct prejudicial to the administration of justice which brings the judicial office into disrepute." Accordingly, any imposition of discipline in this matter is unauthorized and unwarranted.

AFFIRMATIVE DEFENSES

1.

The First Amendment to the United States Constitution provides all citizens with the right of free speech and forbids government action that suppresses, impedes or chills that right.

2.

In Republican Party of Minnesota v. White, 536 US. 765 (2002), (hereinafter *White*) the United States Supreme Court held that judicial officers and

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judicial candidates do not lose the right to free speech by holding or seeking judicial office.

3.

Specifically, the Court in *White* held that Minnesota could not enforce an "announce clause" in its rules governing judicial conduct that prohibited judges and judicial candidates from exercising their First Amendment rights.

4.

While Georgia's Code of Judicial Conduct contains no *per se* rule against a judge exercising their First Amendment rights, the Georgia Judicial Qualifications commission has exceeded and abused its authority and violated Respondent's constitutional rights by applying other provisions of the Code of Judicial Conduct in such a way as to suppress, impede, and chill respondent's free speech rights.

5.

Respondent believes that the U.S. Supreme Court's decision in *White* provides a complete defense to the Commission's improper application of other provisions of the Code of Judicial Conduct in an attempt to violate Respondent's first amendment rights.

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6.

Respondent further believes, based on Rule 8 of the Judicial Qualifications Commission which incorporates Georgia Rules of Civil Procedure, that the Commission may be liable, pursuant to O.C.G.A. 9-15-14 (and similar provisions) for litigation costs and attorney's fees incurred by Judge Peterson in her defense.

7.

Respondent, further, reserves the right to contest the violation of her civil rights in any other state or federal court pursuant to 42 U.S.C. 1983 (or similar provisions) as the law may provide.

RESPONSE TO ALLEGATIONS

As to the allegations contained in the charges, Judge Peterson responds as follows:

1.

The allegations contained in paragraph 1 of the Formal Charges are admitted.

2.

The allegations contained in paragraph 2 of the Formal Charges are admitted.

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3.

The allegations contained in paragraph 3 of the Formal Charges are admitted.

4.

The allegations contained in paragraph 4 of the Formal Charges are denied.

5.

The allegations contained in paragraph 5 of the Formal Charges are admitted.

6.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the formal charges.

7.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7 of the formal charges.

8.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of the formal charges.

9.

The allegations contained in paragraph 9 of the Formal Charges are admitted.

10.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the Formal Charges.

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11.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of the Formal Charges.

12.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 12 of the Formal Charges.

13.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13 of the Formal Charges.

14.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Formal Charges.

15.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the Formal Charges.

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16.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 16 of the Formal Charges.

17.

The allegations contained in paragraph 17 of the Formal Charges are admitted.

18.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the Formal Charges.

19.

The allegations contained in paragraph 19 of the Formal Charges are admitted.

20.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the Formal Charges.

21.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 21 of the Formal Charges.

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22.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the Formal Charges.

23.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the Formal Charges.

24.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the Formal Charges.

25.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 25 of the Formal Charges.

26.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the Formal Charges.

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27.

Judge Peterson is without information or belief sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the Formal Charges.

28.

The allegations contained in paragraph 28 of the Formal Charges are admitted.

29.

The allegations contained in paragraph 29 of the Formal Charges are admitted.

30.

The allegations contained in paragraph 30 of the Formal Charges are admitted.

31.

The allegations contained in paragraph 31 of the Formal Charges are admitted.

32.

The allegations contained in paragraph 32 of the Formal Charges are denied.

33.

The allegations contained in paragraph 33 of the Formal Charges are denied.

34.

The allegations contained in paragraph 34 of the Formal Charges are denied.

35.

The allegations contained in paragraph 35 of the Formal Charges are denied.

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36.

The allegations contained in paragraph 36 of the Formal Charges are denied.

WHEREFORE Respondent prays as follows:

- a) that this matter be dismissed;
- b) that costs be cast against the commission, and
- c) that she receive such other relief as she may be entitled to.

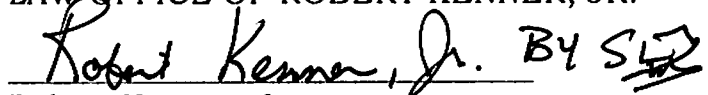
Respectfully submitted, this 25th day of August, 2021.

AKIN & TATE


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VERIFICATION


Personally appeared before me the undersigned duly authorized to administer oaths, **JUDGE CHRISTINA PETERSON**, who first being sworn, deposes and states that the facts contained in the foregoing **ANSWER** are true and correct to the best of her knowledge and belief.

This 25 day of August, 2021.

Sworn to and subscribed by me,
This 25 day of August, 2021.



NOTARY PUBLIC



Hon. Christina Peterson
Judge, Probate Court



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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon opposing counsel a copy of the foregoing **ANSWER** by depositing same in a properly addressed envelope in the United States Post Office with sufficient postage affixed thereon, to the following:

Charles P. Boring,
Director Judicial Qualifications Commission
1995 North Park Place SE, Suite 570
Atlanta, GA 30339cboring@gajqc.gov

This 25th day of August, 2021.

AKIN & TATE


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