

May 21, 2025

JUDICIAL QUALIFICATIONS COMMISSION
STATE OF GEORGIA

Lin. C. Rulston
SUPREME COURT OF GEORGIA

In Re:)
JUDGE SHERMELA J. WILLIAMS) SUPREME COURT
) DOCKET NO. S24Z1139
)
) JQC COMPLAINT NOS.
) 2022-102, 2023-223, AND 2023-348
)
In Re:)
JUDGE SHERMELA J. WILLIAMS) SUPREME COURT
) DOCKET NO. S25Z0722
)
) JQC COMPLAINT NOS.
) 2023-813, 2023-1023, 2024-123,
) 2024-197, 2024-294, 2024-661, 2024-
) 887, 2024-691, and 2024-960

**JUDGE SHERMELA J. WILLIAMS’S MOTION TO QUASH
FORMAL CHARGES OR IN THE ALTERNATIVE REQUEST FOR
A STAY OF THE PROCEEDINGS AND AN EVIDENTIARY HEARING**

NOW COMES, Shermela J. Williams, Judge of the Superior Court of Fulton County (hereinafter referred to as “Judge Williams”), by and through undersigned counsel, Gabe Banks, Esq. and Jamala McFadden, Esq., and hereby files this Motion to Quash the Formal Charges filed by the Judicial Qualifications Commissions. Should the Hearing Panel decide that more factual information is needed to decide the merits of the Motion to Quash—a threshold, dispositive motion—Judge Williams requests that the trial set to begin on May 21, 2025 be stayed and an evidentiary hearing commence. In support of her motion, Judge Williams would show the Hearing Panel the following:

INTRODUCTION

This motion to quash arises from egregious breaches of judicial ethics and fairness by two members of the Judicial Qualifications Commission's ("JQC") Investigative Panel, specifically Judges Stacey K. Hydrick and Victoria S. Darrisaw. These panel members actively participated in the investigation, deliberation, and adverse actions against the Honorable Judge Shermela J. Williams while failing to disclose significant financial and public support for Judge Williams's political opponent during her prior judicial campaign. Additionally, Judge Hydrick failed to disclose her personal relationship with Judge Williams's political opponent and various witnesses—i.e., William Alexander and Dawn Smith—who have cooperated with the JQC as witnesses against Judge Williams during the JQC's investigation. Their undisclosed conduct not only creates an undeniable appearance of impropriety but also constitutes a direct violation of Rule 1.2 of the Georgia Code of Judicial Conduct, which mandates the avoidance of impropriety **and** the appearance of impropriety. Ga. Code of Judicial Conduct 1.2(A)—ironically, the very same violation that they charged Judge Williams. Additionally, their actions have tainted the integrity and impartiality of the disciplinary proceedings, depriving Judge Williams of her right to a fair and unbiased tribunal. As such, the charges against Judge Williams must be quashed to preserve the foundational fairness and due process guarantees afforded to her under both the Georgia and United States Constitutions.

Accordingly, the Hearing Panel should quash the Formal Charges pending against Judge Williams. At the very least, the Hearing Panel should stay the proceedings and

conduct an evidentiary hearing so that Judge Williams can fully explore her due process rights.

FACTUAL BACKGROUND

On November 7, 2018, Judge Reider was appointed to the Superior Court Bench of the Atlanta Judicial Circuit by then Governor Nathan Deal. While serving at the helm of the JQC's Investigative Panel, Judge Stacey Hydrick attended Judge Reider's appointment ceremony and subsequently posted the picture below of her and former Judge Reider (and others) on social media. In her post, Judge Hydrick referred to Judge Reider as her "dear friend" Kyla Lines, a witness who the JQC interviewed in this case, is also depicted in the picture below.



In 2020, then incumbent Judge Reider stood for re-election. On March 6, 2020, Judge Williams qualified against Judge Hydrick's "dear friend," Judge Reider. Within days

of her qualification against Judge Reider, Judges Hydrick and Darrisaw made financial campaign contributions towards former Judge Reider's bid for re-election. *See* Judge Rieder's May 2, 2020 Campaign Contribution Disclosure Report attached hereto as Exhibit A. Judge Hydrick, through her campaign "Friends of Judge Hydrick, Inc." contributed the maximum contribution allowed at that time (\$2,800.00) toward former Judge Rieder's bid for re-election. *Id.* at p. 7. Judge Darrisaw contributed \$200.00 in support of Judge Rieder, which was enough to make the contribution public. *Id.* at p. 6. The race was hotly contested and over 200,000 citizens of Fulton County, Georgia cast their votes in that particular judicial race, i.e., more than any other local race on the ballot. During her first bid for election, Judge Williams bested Judge Rieder, earning well over 106,000 votes from the citizens of Fulton County. Specifically, Judge Williams was elected with 52.5% of the vote, winning the race by a large margin of more than 10,136 votes.

Judge Williams then took the bench on January 1, 2021. While some individuals celebrated Judge Williams's victory, others were extremely upset and believed that Judge Reider's "seat" was stolen from her. A large number of the unhappy folks included judges and members of the close-knit family law bar, of which former Judge Reider is a prominent, respected member, and who are listed witnesses in the charges pending against Judge Williams.

In any event, early in her second year, Judge Williams received a letter of inquiry from the JQC. The allegations stemmed from an alleged improper ex parte conversation. The JQC invited Judge Williams to speak with its members and Director about the

allegations. Unbeknownst to Judge Williams, Judges Hydrick and Judge Darrisaw had supported her political opponent in that hotly contested race. Moreover, at least Judge Hydrick had a “dear” personal friendship with former Judge Reider. Neither the Director of the JQC nor either Judge (Hydrick or Darrisaw) disclosed that two active judges had contributed to Judge Williams’s political opponent days after she qualified against former Judge Reider. And, as previously stated, Judge Hydrick failed to disclose her close personal relationship with former Judge Rieder. In the three years that this matter has been pending, the JQC’s Investigative Panel had actual knowledge of these obvious conflicts, but choose not to disclose the contributions or relationship between Judge Hydrick and certain witnesses in the investigation against Judge Williams.¹ It is also important to note that upon information and belief, some of the “witnesses” who filed complaints and/or are “corroborating” witnesses against Judge Williams and were interviewed by the JQC were friends and/or supporters of Judge Hydrick, and contributed to her 2020 campaign.

Eventually, the Investigative Panel—with Hydrick and Darrisaw at the helm as the two Judges of the Panel—authorized the JQC to open up a formal investigation into the allegations of against Judge Williams. This investigation lasted over two (2) years. In June 2024, the Investigative Panel (including Judges Hydrick and Darrisaw) authorized the JQC to file Formal Charges against Judge Williams. Finally, it is worth noting that from the inception of the JQC’s investigation, Judge Williams has participated in the process at

¹ Because Judges Hydrick and Darrisaw were Chair and Vice Chair, respectively, of the Investigative Panel during most if not all of the time during the pendency of the JQC’s investigation into Judge Williams, the JQC is therefore responsible for withholding information that was material to Judge Williams defense.

every turn and attempted to resolve her matter short of removal. However, through its Director, the Investigative Panel has never made an offer to Judge Williams, let alone an offer less than removal. Additionally, when Judge Williams sent a letter attempting to resolve the matter, the Investigative Panel rejected her offer and declined to counter. Undoubtedly, the position of the Investigative Panel was largely influenced by Judges Hydrick and Darrisaw.

Since the filing of the first set of Formal Charges, Judge Williams has been widely criticized in the press and media outlets. Notwithstanding those public criticisms, in 2024 the citizens of Fulton County, Georgia voted to re-elect Judge Williams to the bench.

LEGAL ARGUMENTS AND AUTHORITY

A fair process² is a constitutional right to which all individuals are entitled. *See Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 876, 129 S.Ct. 2252, 2259, 173 L.Ed.2d 1208 (2009) (*citing, In Re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955)). In *Murchison*, the United States Supreme Court observed that:

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no [wo]man can be a judge in h[er] own case and no [wo]man is permitted to try cases where [s]he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that [e]very procedure which would offer a possible temptation to the average [wo]man as a judge not to hold the balance nice, clear, and true between the State and the accused denies the latter due process of law. Such a stringent rule may

² This right applies and extends to individuals who appear in court as well as in administrative proceedings. *See Gibson v. Berryhill*, 411 U.S. 564, 579, 93 S.Ct. 1689, 1698, 36 L.Ed.2d 488 (1973).

sometimes bar a trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way ‘justice must satisfy the appearance of justice.

Caperton, 349 U.S. at 136 (citations and quotations omitted).

A. Caperton Holding

In *Caperton*, the United States Supreme Court held that due process can be violated when contributions to a judge's campaign create a "probability of bias" that threatens the fairness of judicial proceedings. *Id.* at 2263-64. Specifically, the Court found that significant financial contributions made by the CEO of Massey Coal to the campaign of a state judge presiding over Massey's appeal created a constitutionally impermissible risk of actual bias and required the judge's recusal. *Id.* at 2263.

1. The “Probability of Bias” Test and Its Application

The *Caperton* opinion establishes a clear threshold for recusal based on a probability of bias arising from campaign contributions, particularly when the relationship between the contributor and the judge casts doubt on impartiality. Several factors weighed heavily in the Court's reasoning, including the magnitude of the contributions, their timing relative to the judicial election, and their significant impact on the contributor's interest in a pending matter before the judge. 349 U.S. at 2255-56.

In this case, Judges Hydrick and Darrisaw's financial contributions to Judge Reider's campaign created a comparable, if not more pronounced, appearance of bias. Judge Hydrick contributed \$2,800 (the maximum allowed at that time) to Judge Reider on March 18, 2020, and Judge Darrisaw contributed \$200 on March 7, 2020—i.e., within a

day/days of Judge Williams announcing her candidacy against Judge Reider on March 6, 2020. These contributions, coupled with Judge Hydrick’s public statements identifying Judge Reider as a “dear friend,” raise substantial concerns of bias, especially given that Judge Williams was the target of disciplinary proceedings overseen by Judges Hydrick and Darrisaw. The timing of their contributions closely aligns with their involvement in the Investigative Panel, creating a clear conflict of interest under the framework established by *Caperton*.

Furthermore, *Caperton* emphasized that the “probability of bias” test considers not only actual bias but also the appearance of bias that undermines public confidence in the judiciary. 349 U.S. at 2266. Here, Judges Hydrick and Darrisaw’s conduct strikes at the core of judicial impartiality, as their undisclosed ties to Judge Reider’s campaign directly conflict with their role in adjudicating complaints against Judge Williams. This appearance of impropriety violates Judge Williams’ due process rights under *Caperton* and demands that the Formal Charges be quashed.

2. Judicial Standards of Impartiality and the Role of Disclosure

Caperton underscores the importance of a transparent adjudicative process free from undisclosed conflicts of interest. The Supreme Court highlighted that the Due Process Clause is not satisfied when there is a significant risk that bias—whether actual or perceived—favorably influences judicial decision-making. *Id.* at 2264. Judges Hydrick and Darrisaw’s failure to disclose their financial support for Judge Reider’s campaign falls squarely within the scope of behavior *Caperton* sought to guard against. Their

contributions and public endorsements should have been disclosed at the inception of the investigation, yet their silence impeded Judge Williams' ability to raise objections or request their recusal in a timely manner.

Caperton reinforces that the risk of bias stemming from campaign contributions is exacerbated in cases involving high-stakes decisions that affect the public trust. *Id.* at 2266. The JQC's procedural rules must not tolerate conflicts of interest, especially in quasi-judicial proceedings where impartiality is paramount to the integrity of the process. Judges Hydrick and Darrisaw's actions create an unavoidable appearance of bias that renders the disciplinary proceedings against Judge Williams fundamentally unfair and constitutionally defective.

3. Remedy Under Caperton Doctrine

Caperton's remedy for the appearance of bias mandates recusal or disqualification to preserve due process and public confidence in the judiciary. While *Caperton* addressed the need for recusal in cases of judicial campaign contributions, its underlying principles are equally applicable to disciplinary tribunal members, such as the JQC Investigative Panel. The integrity of judicial oversight demands adherence to heightened standards of impartiality, and both Judges Hydrick and Darrisaw's participation in the inquiry against Judge Williams is antithetical to these standards.

This Court must act within the bounds of *Caperton* to safeguard Judge Williams' constitutional rights and ensure the disciplinary process is free from undue influence. The violations committed by Judges Hydrick and Darrisaw necessitate that the complaint be

quashed to rectify the improper proceedings and restore confidence in the JQC's mission to uphold judicial accountability without bias.

In conclusion, *Caperton's* "probability of bias" framework compels the Court to assess the significant risk of impartiality introduced by Judges Hydrick and Darrisaw's financial contributions to Judge Reider's campaign. Their failure to disclose these contributions undermines both the fairness and integrity of the disciplinary process, thereby necessitating immediate action to quash the complaint against Judge Williams.

B. Violations of the Georgia Code of Judicial Conduct and the Appearance of Impropriety

Judges Hydrick and Darrisaw violated the core principles of judicial ethics by failing to disclose their financial contributions and public support for Judge Williams's opponent, Judge Rebecca Reider, during the 2020 judicial election. Judges Hydrick and Darrisaw's financial campaign contributions were made shortly after Judge Williams declared her candidacy and directly supported her political opponent in a contentious and high-profile race.

Rule 1.2(A) of the Georgia Code of Judicial Conduct explicitly states that judges must act in a manner that promotes public confidence in the judiciary's independence, integrity, and impartiality and avoid impropriety and its appearance. Ga. Code of Judicial Conduct 1.2(A). Rule 1.3 further prohibits judges from abusing the prestige of their judicial office to advance the private interests of others. By financially supporting Judge Reider's campaign and failing to disclose this fact while serving as Investigative Panel members

overseeing proceedings against Judge Williams, Judges Hydrick and Darrisaw violated these judicial Canons and compromised the impartiality of the disciplinary process.

C. Prejudice

Other than the obvious prejudice that Judge Williams has endured as a result of an unfair process, Judge Williams has also been prejudiced by submitting to an interviewed of an otherwise tainted JQC Investigative Panel.

WHEREFORE, for the above stated reasons, Judge Williams respectfully requests that the Hearing Panel Quash the Formal Charges. Alternatively, Judge Williams respectfully requests that Hearing Panel conduct a full evidentiary hearing so that, at the very least, Judge Williams can explore the prejudice that she has suffered as a direct result from the JQC and its members' failure to disclose³ this information.

[signature page to follow]

³ Judge Williams anticipates that an evidentiary hearing would involve questioning of at least Judges Hydrick and Darrisaw, in addition to potentially other members of the Investigative Panel. The examinations would explore, among other topics, Judges Hydrick and Darrisaw's respective relationships with former Judge Reider; whether they disclosed their relationship and contributions to Judge Reider's campaign to the broader panel and when; and the extent of their participation in the discussion and votes concerning proceeding with Formal Charges and resolution efforts with Judge Williams

Respectfully submitted this the 20TH day of May, 2025.

BANKS WEAVER, LLC

/s/ Gabe Banks

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CERTIFICATE OF SERVICE

Pursuant to Judicial Qualifications Commission Rule 13 and the Georgia Civil Practice Act, I hereby certify that I have on this day served a true and correct copy of the within and foregoing **MOTION TO QUASH THE FORMAL CHARGES AND REQUEST FOR EVIDENTIARY HEARING** upon all parties or counsel of record via the United States Postal Service with sufficient postage, the Court's electronic e-filing system, email, and/or hand delivery.

Executed this the 20TH day of May, 2025.

BANKS WEAVER LLC

/s/ Gabe Banks

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