

The conversations that Ms. Moore has had with Defendant and her efforts to help him are a stark illustration of why there should be a judicial deliberation privilege. If every disappointed litigant could go behind a judge's rulings by subpoenaing a judge's former employee, there would be no end to litigation. See *Judicial Privilege*, 22 Ga. L. Rev. 89, 117-118 (1987).

Therefore, any communication between Ms. Krystal Moore and Judge Tusan which related to this case is privileged and should not be disclosed or used in evidence. See also, *Are Law Clerks Fair Game? Invading Judicial Confidentiality*, 43 Val. U. L. Rev. 1 (2008).

Provided however, the privilege should be narrowly tailored, applying only to intra-court communications made in the course of the judicial decision-making process and concerning the court's official business. *Thomas v. Page* at 410.

Even if there was no judicial deliberation privilege, it is clear to the court from a review of the recordings of the conversations that Defendant had with Ms. Moore, that the testimony of Ms. Moore, if allowed, would be opinions and conclusions of Ms. Moore based upon her poor opinion of Judge Tusan personally and of how she ran her office and her court in general. In the April 30, 2013 conversation, Defendant questioned Ms. Moore extensively, trying to establish that Judge Tusan held a bias against him; lied; had ex parte communications regarding his case; violated his Constitutional rights; and pre-judged the issues in his case. Ms. Moore's answers do not support his allegations. While Ms. Moore expressed her opinion that Judge Tusan shouldn't have cut him off and generally treated him unfairly, it was, just that, her subjective opinion. Ms. Moore expressed that many times she disagreed with Judge Tusan, and that she voiced her disagreement, but Judge Tusan ignored her advice. Ms. Moore said "that didn't sit well with me."

Further, much of the discussion centered on Defendant's post-trial motions and what Defendant could do about those (Denial of his Pauper's Affidavit; Filing restrictions Order; Mandamus; Habeas ). At one point, Ms. Moore began giving Defendant legal advice about how