

IN THE SUPREME COURT
STATE OF GEORGIA

JUDICIAL QUALIFICATIONS COMMISSION PROCEEDING

Inquiry concerning
JUDGE THOMAS C. BORDEAUX, Jr.

Respondent.

SUPREME COURT
Nos. S25Z0219, S25Z0981

JQC COMPLAINT
Nos. 2023-1082, 2025-081

RESPONDENT'S REQUEST FOR ORAL ARGUMENT

S. LESTER TATE, III
Georgia Bar No. 698835

AKIN & TATE
P.O. Box 878
Cartersville, Georgia 30120
Telephone: (770) 382-0780
lester@akin-tate.com

W. MATTHEW WILSON
Georgia Bar No. 392385

BELL WILSON LAW, LLC
750 Piedmont Avenue NE
Atlanta, Georgia 30308
Telephone: (678) 916-8758
matthew@bellwilsonlaw.com

Attorneys for Respondent

COMES NOW Respondent Judge Thomas C. Bordeaux, Jr., and, in accordance with Rule 51, requests that this matter be set for oral argument. If granted, S. Lester Tate, III, will argue for Respondent. Counsel for the Judicial Qualifications Commission (“JQC”) have been notified of this request and do not desire oral argument, though stand ready should oral argument be granted.

This matter presents an important question of first impression for this Court. At the center is a well-known fact pattern that occurs in courtrooms all across this state each and every day: an overburdened judge who has taken longer to rule on a matter than the deadline provided by O.C.G.A. § 15-6-21. The more common disciplinary scenario presented to this Court with this fact pattern is a judge who has not been showing up for work. But the judge in this matter – a man who has served his community through various elected positions at the local and state level for over 25 years – presents the inverse scenario: he objectively works longer hours and more days than any judge should be expected. Judge Bordeaux of the Probate Court of Chatham County stays late often and works the vast majority of weekends. Despite this dedication, of the thousands of matters that come before his court each year, Judge Bordeaux has admittedly exercised bad judgment in not issuing timely rulings in sixteen probate matters in recent years. But it was not for lack of trying.

When faced with instances of judges exhibiting habitual tardiness and excessive absenteeism, the JQC Hearing Panel and this Court have issued public reprimands and short suspensions as sanctions. Incredibly, for his lapse in judgment here, the JQC Hearing Panel has recommended that Judge Bordeaux be removed from office by this Court. But the sanction of removal has generally required willfulness. So, despite the clear record showing Judge Bordeaux's diligence, conscientiousness, and zeal for judicial perfection, the Hearing Panel has "transformed" these traits into bad faith to justify the ultimate sanction against him.

The Hearing Panel's Report suffers from critical errors. Respondent intends to focus his oral argument on the following: First, the Hearing Panel's conflating of Code of Judicial Conduct Rule 2.5(A) with Rule 2.2 has rendered Rule 2.5(A) mere surplusage, producing due process concerns in its enforcement. Second, the Hearing Panel misapplied its own factual findings to "transform" Judge Bordeaux's diligence and dedication into "bad faith" to justify a sanction based on willingness. Third, significant substantive due process violations are raised by the Hearing Panel's arbitrary line-drawing to determine the point in time when Judge Bordeaux's failure to rule on specific matters crossed the threshold of "bad faith." Finally, the Hearing Panel's recommendation of removal is not only contrary to this Court's jurisprudence but also raises critical

concerns that its precedential value would open the floodgates to disciplinary complaints by litigants wishing to use the JQC as a traffic cop for jurists who, even for legitimate reasons, have held a matter in abeyance for longer than O.C.G.A. § 15-6-21 allows.

For each of these reasons, oral argument will be beneficial to the Court and significantly aid the decisional process.

Respectfully submitted this 27th day of January, 2026.

AKIN & TATE

/s/ S. Lester Tate, III

S. LESTER TATE, III

Georgia Bar Number: 698835

P.O. Box 878
Cartersville, Georgia 30120
Phone: (770) 382-0780
Fax: (770) 386-1452
lester@akin-tate.com

BELL WILSON LAW, LLC

/s/ W. Matthew Wilson

W. MATTHEW WILSON

Georgia Bar Number: 392385

750 Piedmont Avenue NE
Atlanta, Georgia 30308
Phone: (678) 916-8758
Fax: (678) 820-7441
matthew@bellwilsonlaw.com

Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that there is a prior agreement with the Judicial Qualifications Commission and the members of the JQC Hearing Panel to allow documents in a PDF format sent via e-mail to suffice for service under Supreme Court Rule 14 and that I have this day served upon them a copy of the foregoing **RESPONDENT'S REQUEST FOR ORAL ARGUMENT** by email, addressed as follows:

Courtney M. Veal, Esq.
Ashton Murphy, Esq.
JUDICIAL QUALIFICATIONS
COMMISSION
244 Washington St SW, Suite 440
Atlanta, Georgia 30334
cveal@gajqc.com
amurphy@gajqc.com
*Counsel for the Judicial Qualifications
Commission*

Hon. Alison T. Burleson, Esq.
OCMULGEE CIRCUIT
SUPERIOR COURT
P.O. Box 769
Madison, Georgia 30650
burlsona@eighthdistrict.org
JQC Hearing Panel Presiding Officer

Richard Hyde
BALCH & BINGHAM LLP
30 Ivan Allen Jr. Blvd. NW, Suite 700
Atlanta, Georgia 30308
rhyde@balch.com
JQC Hearing Panel Member

Hon. Dax E. Lopez
PRIETO DELCAMPO LOPEZ
MARIGLIANO LLC
1555 Mount Vernon Road
Atlanta, Georgia 30338
dlopez@pdlmlaw.com
JQC Hearing Panel Member

This 27th day of January, 2026.

AKIN & TATE

/s/ S. Lester Tate, III
S. LESTER TATE, III
Georgia Bar Number: 698835
Attorney for Respondent

P.O. Box 878
Cartersville, Georgia 30120
Phone: (770) 382-0780
Fax: (770) 386-1452
lester@akin-tate.com