

JUDICIAL TENURE COMMISSION

IN RE HONORABLE LISA GORCYCA
Oakland County Circuit Court Judge

Formal Complaint No. 98

Paul J. Fischer (P35454)
Margaret N.S. Rynier (P34594)
Judicial Tenure Commission
3034 W. Grand Blvd, Ste. 801
Detroit, MI 48202
(313) 875-5154

Christian E. Hildebrandt (P46989)
VANDEVEER GARZIA, PC
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Road, Suite 600
Troy, MI 48098
(248) 312.2800
childebrandt@vgpclaw.com

Thomas W. Cranmer (P25252)
MILLER CANFIELD P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 150
Troy, MI 48098
(248) 267-3381

**HONORABLE LISA GORCYCA'S RESPONSE TO
FORMAL COMPLAINT**

NOW COMES The Honorable Lisa Gorcyca, by and through her attorneys,
VANDEVEER GARZIA, P.C. and MILLER CANFIELD, P.C., and in response to the
Commission's Formal Complaint No. 98, states as follows:

1. Respondent is, and at all material times was, a judge of the 6th Circuit Court,
County of Oakland, State of Michigan.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

2. As a judge, Respondent is subject to all duties and responsibilities imposed on
her by the Michigan Supreme Court and is subject to the standards for discipline set forth in
MCR 9.104 and MCR 9.205.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

3. On December 17, 2009, the case of *E-T ("mother") v T ("father")*, Case No. 2009-766749-DM was filed with the 6th Circuit Court and shortly thereafter was assigned to Respondent's docket.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

4. *E-T v T* was a divorce case involving three minor children, LT, (dob) 7/6/2001, RT, (dob) 8/29/2004, and NT, (dob) 12/13/2005.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

5. The Judgment of Divorce ("JOD") was entered on August 8, 2011.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

6. As part of the JOD, the legal custody of the minor children was awarded to both parties, with physical custody to the Plaintiff-mother and parenting-time to the Defendant-father.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

COUNT I
ALLEGED MISCONDUCT ON JUNE 24, 2015

7. On June 23, 2015, the parties appeared before Respondent for a review hearing of the Plaintiff's compliance with the court-ordered parenting time.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

8. On June 23, 2015, Defendant-father's attorney and the parenting time supervisor told Respondent that although the children appeared at visits with their father, their participation in parenting time was minimal.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

9. On June 23, 2015, Respondent told the Plaintiff-mother on the record that if the children's participation in parenting time with their father did not improve, Plaintiff-mother could face jail time.

ANSWER: The Honorable Lisa Gorcyca encourages a full review of the June 23, 2015 hearing. Judge Gorcyca indicated to the mother that if she continued to violate the court's orders she could face punishment. This was in response to a statement by counsel that the mother was controlling the children.

The transcript does not appear to reflect the threat of contempt based upon the children's participation at that time.

Further there had been an order in place since July 24, 2013 which stated, "if either party fails to comply with this Court's orders, they will be subject to the contempt powers of this court and be detained for 20 days for the first violation and 40 days for a subsequent violation." Judge Gorcyca's statements on this record reminded the Plaintiff Mother that her continued interference would have significant consequences.

10. On June 23, 2015, hearing the parties agreed, and Respondent ordered, that the Defendant-father would exercise his parenting time with 10-year-old RT and 9-year-old NT in Respondent's jury room on June 24, 2015.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

11. Respondent entered an order on June 23, 2015, that specified, in part:

ANSWER: The Honorable Lisa Gorcyca admits that an order was entered on June 23, 2015.

a. Defendant-father would have parenting time with RT from 9:00 to 11:00 AM;

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

b. Defendant-father would have lunch with RT and NT from 11 AM until 2:00 PM; and

ANSWER: The Honorable Lisa Gorcyca denies that the order entered stated that Defendant Father would have lunch with RT and NT from 11:00 AM to 2:00 PM on June 24, 2015. The order states that Defendant Father would have lunch with them from 11:00 AM to 12:00 PM.

- c. Defendant-father would have parenting time with NT from 2:00 to 4:00 PM.

ANSWER: The Honorable Lisa Gorcyca denies that the order entered stated that Defendant Father would have parenting time with NT from 2:00 PM to 4:00 PM on June 24, 2015. The order states that Defendant Father would have parenting time with her from 12:00 PM to 2:00 PM.

12. The June 23, 2015, order did not address Defendant-father's parenting time with LT.

ANSWER: The Honorable Lisa Gorcyca denies this allegation as the June 23, 2015 order does address parenting time with LT, though not for June 24, 2015, but rather for July 14 and July 17, 2015.

13. On June 24, 2015, RT and NT appeared for parenting time with their father.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

14. RT commenced parenting time with his father in the Respondent's jury room at or about 9:00 AM.

ANSWER: The Honorable Lisa Gorcyca can neither admit nor deny this allegation as stated, in that it is unclear what is meant by the term "commenced." RT did not participate in parenting time as ordered by the Court, and while he may have entered the jury room at or about 9:00 AM, he did not "commence parenting time" at that time.

15. After being informed by her secretary that the Defendant-father's parenting time with RT was not progressing well, Respondent entered the jury room.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

16. Following a short conversation with RT, Respondent exited the jury room and wrote a script to be read by the Plaintiff-mother telling the children, in part, that their father loved them and wanted to have parenting time with them.

ANSWER: The Honorable Lisa Gorcyca admits that she handwrote a script that she wanted the Plaintiff-Mother to read to the children that included statements like, "kids, your dad loves you," "he will not harm you," "your dad wants to be in your life," "I want him to be in your life," "he will not harm me," and "I want you to spend time with your dad and to have a good relationship with your father." Judge Gorcyca does not recall if the exact language used in this allegation was specifically included in the script.

17. At approximately 11:30 AM, all three children were brought into the jury room and Respondent had the Plaintiff-mother read from the scripted note.

ANSWER: The Honorable Lisa Gorcyca responds that Plaintiff Mother consulted with her attorney and they agreed that she would read the scripted note, and she did so at or around the cited time. Plaintiff Mother also added statements in Hebrew on her own.

18. The children were then left with their father in the jury room and the Friend of the Court Family Counselor, Tracey Stieb.

ANSWER: The Honorable Lisa Gorcyca denies that the children were left with only their father in the jury room and the Friend of the Court Family Counselor, Tracey Stieb at this point. When Judge Gorcyca left the jury room the children remained, as did their father, their mother, mother's attorney, Andrew Bossory, the Guardian ad Litem, William Lansat, Family Counselor, Tracey Stieb, and parenting time supervisor, Arthur Gallagher.

19. Shortly thereafter, Tracey Stieb informed Respondent that the children were still not communicating well with their father.

ANSWER: The Honorable Lisa Gorcyca admits that she was made aware that the children were still not communicating with their father even after Judge Gorcyca had left the jury room.

20. Respondent advised the parties' attorneys and the GAL that she was appointing each child an attorney and that she was going to hold an immediate contempt of court hearing against the children.

ANSWER: The Honorable Lisa Gorcyca admits that she advised the parties, the parties' attorneys and the Guardian ad Litem that she was appointing each child an attorney. Judge Gorcyca states that she advised them further that she would hold a contempt hearing, if necessary, after the children had consulted with their respective attorneys.

21. Respondent appointed Attorney G. Jeffrey Schwartz, P-32076, for LT, Attorney Michael Dean, P-32631, for RT, and Attorney Karen Cook, P-26141, for NT.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

22. Respondent provided approximately half an hour for the attorneys to meet and confer with the three minor children.

ANSWER: The Honorable Lisa Gorcyca denies that she "provided" a particular amount of time to the attorneys and states that they were given as much time as needed. Upon each attorney expressing that his or her client was ready, they were brought before Judge Gorcyca.

23. At 12:07:13 PM, Respondent held a contempt hearing against LT.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

24. During his contempt hearing, LT apologized to the court.

ANSWER: The Honorable Lisa Gorcyca admits that LT stated, "Okay, so I – I do apologize if I – I didn't understand that the rules of the – like the – with – with – like apologize to whatever I did to you, but I do not apologize for – for not talking to him because I have a reason for that"

25. LT also told Respondent that he did not want to apologize or speak to his father because he believed that his father was violent and because he had observed his father hit his mother.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

26. Without any further inquiry, Respondent found LT in direct civil contempt, stating,

..the court finds you in direct contempt. I ordered you to have a healthy relationship with your father.

I ordered you to talk to your father. You chose not to talk to your father. You defied a direct court order. It's a direct contempt so I'm finding you guilty of civil contempt.

ANSWER: The Honorable Lisa Gorcyca admits to the following record.

COURT: All right. Well, the court finds you in direct contempt. I ordered you to have a healthy relationship with your father. I witnessed your mother at 11:30 tell you very impassionedly that she wants you to talk to your dad, to talk to your dad, that he loves you, that he's not gonna hurt you, that he's not gonna hurt her. You are a defiant, contemptuous young man and I'm ordering you to spend the rest of the Summer – and we'll review it -- we'll review it when school starts, and you may be going to school there. So you're going to be – I'm ordering you to Children's Village. Is there anything you'd like to say about that?

LIAM: I didn't do anything wrong so.

COURT: No, you did. You – I ordered you to talk to your father. You chose not to talk to your father. You defied a direct court order. It's direct contempt so I'm finding you guilty of civil contempt.

LIAM: But he was the one that – something wrong.

COURT: Pardon?

LIAM: How come – I thought there was like rules when – rules for like not, you know, not hitting someone, why am I going to the –

COURT: I ordered you – I will say this again, and apparently you're – you're supposed to have a high IQ, which I'm doubting right now because of the way you act, you're very defiant, you have no manners, I ordered you to have a relationship with your dadder – with your dad. I ordered you to talk to your father. Your mom told you to talk to your father. There is no reason why you do not have a relationship with your father. Your father has never been charged with anything, your father has never been convicted of anything. Your father doesn't have a personal protection order against him. Your father is well liked and loved by the

community, his co-workers, his family, his colleagues. You, young man, have got it wrong. I think your father is a great man who has gone through hoops for you to have a relationship with you. You are in contempt and you are going to live in Children's Village. Remind me how old you are?

LIAM: Fifteen.

COURT: You may stay in there until you graduate from high school.

MR. BOSSORY: And Judge, just for the Record, I'd like to make clear that my client, mother, did comply with the court's directives. The court asked mother to speak with the children about the – the necessity of the relationship with their father and I believe she did so to the court's satisfaction. So as far as that – that aspect of it, I would just like to put that on.

COURT: And that was very well said. Mother, I appreciate that you did say that. It may have been way too late. It probably was way too late. Your children – you need to do a research program on Charlie Manson and the cult that he has. Your behavior in the hall with me months ago, your behavior in this courtroom, your behavior back there is unlike anything I've ever seen in any 46,000 cases. You, young man, are the worst one. So you have bought yourself living in Children's Village, going to the bathroom in public, and maybe Summer school, I don't know, but you and mom, the only person allowed on his – in his – well, I'll it in here, you're not allowed to visit him, it's only your father and any therapist your – and anyone your dad chooses to bring in. And your attorney.

27. Respondent stated to LT:

Your behavior in the hall with me months ago, your behavior in this courtroom, your behavior back there, is unlike any I've ever seen in any 46,000 cases. You, young man, are the worst one. So you have bought yourself living in Children's Village, going to the bathroom in public and maybe summer school...

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements. Further, please see Respondent's answer to number 26 above.

28. Oakland County Sheriff's Deputy immediately handcuffed 13-year-old LT in open court.

ANSWER: The Honorable Lisa Gorcyca admits that a Sheriff's Deputy handcuffed "LT" in the courtroom. Judge Gorcyca does not dictate or interfere with the Oakland County Sheriff's Office's protocols and standard operating procedures.

The Oakland County Sheriff's Office's policies regarding detention and safety are dictated by the Sheriff's Office.

29. During LT's contempt hearing, Respondent stated, among other things, that,
- a. He would spend the rest of the summer at Children's Village;

ANSWER: The Honorable Lisa Gorcyca admits to the following record.

"I'm ordering you to spend the rest of the Summer – and we'll review it – we'll review it when school starts, and you may be going to school there. So you're going to be – I'm ordering you to Children's Village."

Among the other things stated, Judge Gorcyca also told LT,

"Ok so, I'm sentencing you to Children's Village, I guess Mandy's Place, pending you following the court's direct order. When you can follow the court's direct order and have a normal, healthy relationship with your father I would review this. I mean, it might be one day, it might be – it might be three years. It might be til you're 18. . . . So, that's my order. We'll set a review hearing I guess what, September 1st? Unless you, for whatever reason, talk to your dad and your dad comes to me and says, "Oh my gosh" – oh, and he needs to have counseling in Children's Village. And your dad says, "Judge Gorcyca, I – my son has seen the light and he's changed and can – can you let him out? And he's (sic) -- wants to have a relationship with me. And then I'll do it"

- b. He would live in Children's Village;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- c. He would be going to the bathroom in public;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- d. He may be going to summer school at Children's Village;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- e. She doubted that he has a high IQ level;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- f. He was very defiant and had no manners;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- g. He was mentally messed up;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

- h. He should do research on Charlie Manson and his cult;

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

30. Respondent told the Defendant-father,

Dad, if you ever think that he has changed and therapy has helped him and he's no longer like Charlie Manson's cult, then you let us know...

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

31. While making the above comment to Defendant-father, Respondent used her index finger to make circles at her right temple.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

32. Respondent ordered that while LT was at Children's Village, the Plaintiff-mother and her family members were not permitted to have any contact with him.

ANSWER: The Honorable Lisa Gorcyca admits that this was the effect of the orders entered following the June 24, 2015 hearing.

33. Respondent advised LT that the matter would not be reviewed until he turned 18 years old.

ANSWER: The Honorable Lisa Gorcyca admits to the following record,

“I’m ordering you to spend the rest of the Summer – and we’ll review it – we’ll review it when school starts, and you may be going to school there. So you’re going to be – I’m ordering you to Children’s Village.”

Among the other things stated, Judge Gorcyca also told LT,

“Ok so, I’m sentencing you to Children’s Village, I guess Mandy’s Place, pending you following the court’s direct order. When you can follow the court’s direct order and have a normal, healthy relationship with your father I would review this. I mean, it might be one day, it might be – it might be three years. It might be til you’re 18. . . . So, that’s my order. We’ll set a review hearing I guess what, September 1st? Unless you, for whatever reason, talk to your dad and your dad comes to me and says, “Oh my gosh” – oh, and he needs to have counseling in Children’s Village. And your dad says, “Judge Gorcyca, I – my son has seen the light and he’s changed and can – can you let him out? And he’s (sic) -- wants to have a relationship with me. And then I’ll do it. . . .”

34. At 12:33 PM, Respondent commenced the contempt hearing as to RT and NT.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

35. Using a written note, RT apologized to Respondent and to his father, advised his father that he enjoys soccer and hopes to be on the soccer team, and promised that he would communicate with his father at future parenting sessions.

ANSWER: The Honorable Lisa Gorcyca admits to the following record:

COURT: All right. All right, what do you want to say, Roe?

RT: Judge, I’m sorry for my behavior and dad, I’m sorry for my behavior –

MR. DEAN: Look in his eyes I told you, remember to look –

RT: Dad, the Judge wanted me to talk to you so here is something about myself. I enjoy soccer and I hope to be on the soccer team –

(Undecipherable).

MR. DEAN: And what do you hope – Do you mind, your Honor? What do you – what is the thing that you’re –

COURT: Oh, it’s impressive.

MR. DEAN: -- we talked about, what do you, you’re going to tell the Judge that you’re going to be doing from this point forward when you get together with your dad, what was the “C” word we talked about?

RT: Communicate.

MR. DEAN: Communicate. That means dialogue, back and forth. Remember I told you not to be just a stick in the mud, your dad asks you a question, you respond. That’s how one develops a relationship, starting through communication. Are you in agreement with starting to communicate with your father so that you can build a relationship?

RT: Yes.

MR. DEAN: Look at your father’s eyes and say that.

RT: Yes.

MR. DEAN: Look at the Judge’s eyes and say that.

RT: Yes.

36. Immediately thereafter, Respondent addressed nine-year-old NT.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

37. NT was present in the courtroom during LT’s contempt hearing.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

38. When NT’s contempt hearing started, NT was visibly shaking and crying and remained so during the entire proceeding.

ANSWER: The Honorable Lisa Gorcyca admits that NT appeared upset and was crying.

39. NT’s attorney, Karen Cook, advised Respondent that she did not have a “complete narrative” as to everything that the nine-year-old had allegedly done wrong.

ANSWER: The Honorable Lisa Gorcyca admits that Ms. Cook made this statement in the context of the following argument:

“Oh, thank you. Your Honor, I’ve had an opportunity to talk to Natalie and told her the consequences of not being respectful to the court and to court orders, and told her what Children’s Village was like, which I have a very good acquaintance with, and told her my best legal advice would be for her to apologize for whatever she did. I don’t have a complete narrative on everything she’s done, and she’s absolutely refusing to cooperate even with me.”

40. When NT did not immediately answer Respondent’s inquiry of what she had to say, Respondent declared that NT did not want to say anything.

ANSWER: The Hon. Lisa Gorcyca admits that she made the following statements:

Judge Gorcyca asked NT: “What do you want to say Natalie?”

NT’s attorney, Ms. Cook, stated, “I’m just asking her now that her brother’s apologized if she would reconsider? Would you like to apologize now that your brother has?”

Judge Gorcyca offered NT an opportunity to respond to these questions before stating, “Alright, I’m taking that as a no. Alright, Natalie doesn’t want to say anything.”

41. Respondent did not permit NT to use the note read by RT, stating:

..no, no, [NT], don't read what your brother wrote. You're your own person. Do you know what? I know you're kind of religious. God gave you a brain. He expects you to use it. You have a brain, you are not your brother. You are not your big, defiant brother who's living in jail. Do you want to live in jail? Just tell me this right now.

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

42. After NT apologized to the court and stated that she would try to work with her father at visits, Respondent told NT and RT,

Well, you're going to stay here all day and it's going to be up to your dad. I'm going to see how you two act. Maybe the three of you should go to lunch in the cafeteria? If you have any

hesitation at all, you're living in Children's Village. You're living in Children's Village.

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

43. Respondent advised RT and NT that,

I'm so upset with you, I'm so upset with you, I'm even more upset with your brother, and I won't say what I think about your mother. I think your mom did something nice in the jury room for once. And I like your dad. And I – you have me as your judge for five and a half years.

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

44. Respondent stated to NT:

How old will you be, [N]? Let's see, you're going to be a teenager. You want to have your – you want to have your birthdays in Children's Village? Do you like going to the bathroom in front of people.

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

45. Respondent informed RT and NT that she had placed other children at Children's Village and warned them that they had her as a judge for the next five and a half years.

ANSWER: The Honorable Lisa Gorcyca admits that she informed RT and NT that she had placed other children at Children's Village, and that she told the children that they had her as a judge for five and a half years. Judge Gorcyca encourages the reader to examine the record in its entirety, as well as the context of the statements.

46. When RT refused to have lunch with his father and stated that he wished to be with older brother, Respondent stated,

You're not even going to be with your brother. That's cool. You won't be in the same cell. I'll put in there "Stay away from your brother."

ANSWER: The Honorable Lisa Gorcyca admits that she made this statement immediately after mother's attorney, Mr. Bossory asked, "Do they realize that they would not be seeing their siblings?" Judge Gorcyca encourages the reader to examine the record in its entirety, as well as the context of the statements:

47. When NT stated that she also did not want to have lunch with her father,

Respondent laughed and called the situation "ridiculous."

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements. Judge Gorcyca again apologizes for the display of frustration in this exchange and is aware this is not a laughing matter. She has taken this case, and specifically the reunification of the children with Defendant Father, very seriously. She has made monumental efforts to assist these children and did so with their best interests in mind. Judge Gorcyca would like nothing more than to see the children have a healthy relationship with both parents.

48. Respondent told RT and NT:

You have been brainwashed. You are brainwashed...Every single adult in this courtroom thinks you have been brainwashed.

When you are ready to have lunch with your dad, to have dinner with your dad, to be normal human beings, I will review this when your dad tells me you are ready. Otherwise you are living in Children's Village til you graduate from high school.

ANSWER: The Honorable Lisa Gorcyca admits this allegation and encourages the reader to examine the record in its entirety, as well as the context of the statements.

49. Respondent ordered that the Plaintiff-mother and her family were not to have any contact with RT and NT.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

50. Respondent found RT and NT in contempt of court.

ANSWER: The Honorable Lisa Gorcyca admits this allegation.

51. Oakland County Sheriff Deputies handcuffed ten-year-old RT and nine-year-old NT and removed them from the courtroom.

ANSWER: The Honorable Lisa Gorcyca admits that Sheriff's Deputies handcuffed RT and NT in the courtroom. Judge Gorcyca does not dictate or interfere with the Oakland County Sheriff's Office's protocols and standard operating procedures. The Oakland County Sheriff's Office's policies regarding detention and safety are dictated by the Sheriff's Office.

52. During the June 24, 2015 contempt hearings for LT, RT, and NT, Respondent:

a. Failed to act in a patient, dignified, and courteous manner;

ANSWER: The Honorable Lisa Gorcyca admits that, at times, she was exasperated and frustrated, but encourages the reader to examine the record in its entirety, as well as the context of the statements.

b. Displayed improper demeanor;

ANSWER: The Honorable Lisa Gorcyca admits that, at times, she displayed a frustrated demeanor, but encourages the reader to examine the record in its entirety, as well as the context of the statements.

c. Used a raised and/or angry voice;

ANSWER: The Honorable Lisa Gorcyca admits that, at times, she used a raised voice out of a sense of frustration, but encourages the reader to examine the record in its entirety, as well as the context of the statements.

d. Laughed at the children and was sarcastic; and

ANSWER: The Honorable Lisa Gorcyca admits that, at one point, in exasperation she laughed in response to NT's decision. Judge Gorcyca was frustrated with the seemingly nonsensical decisions being made by NT and RT.

Judge Gorcyca again apologizes for the display of frustration in this exchange and is aware this is not a laughing matter. She has taken this case, and specifically the reunification of the children with Defendant Father, very seriously. She has made monumental efforts to assist these children and did so with their best interests in mind.

Judge Gorcyca encourages the reader to examine the record in its entirety, as well as the context of the statements.

e. Made significant misrepresentations of law and fact, including, but not limited to the following:

1. The children would be housed in jail cells at Children's Village;
2. The children would not have any privacy in using the bathroom at Children's Village; and
3. A review of their incarceration would not take place until after they turned 18 years old.

ANSWER: The Honorable Lisa Gorcyca denies that she made any significant misrepresentations of law and fact at the cited hearing, and asserts that any misstatements were appropriately corrected on the record to the extent they were identified. The Honorable Lisa Gorcyca denies any misconduct in office and otherwise denies any conduct in violation of the Code of Judicial Conduct or the Michigan Rules of Professional Responsibility.

COUNT II **ALLEGED MISREPRESENTATIONS**

53. In her October 23, 2015 answers to the Commission's 28-Day Letter, Respondent stated that when she was making circular motions at her right temple when referring to LT she was not indicating that he was crazy but was referring to the forward movement he would make in therapy.

ANSWER: The Honorable Lisa Gorcyca denies any misrepresentation or false statement.

Judge Gorcyca recognizes how the hand gesture is portrayed on the video and realizes the symbolism and common interpretation behind the gesture. There exists a misunderstanding of Judge Gorcyca's actual subjective intent behind the hand movement. Never was there a malevolent intent behind the gesture and in no way was it intended to insult anyone.

54. Respondent's answer to the Commission was false.

ANSWER: The Honorable Lisa Gorcyca denies any misrepresentation or false statement.

Judge Gorcyca had no specific memory of the action referred to prior to watching the video, and that lack of direct memory necessitates that she rely upon her belief as to the intended meaning. Judge Gorcyca admitted the gesture, and realizes the symbolism of the gesture as it appears on the video record. Judge Gorcyca never intended to insult anyone.

55. When making the circles at her temple, Respondent was comparing LT to Charles Manson and his cult.

ANSWER: The Honorable Lisa Gorcyca denies any misrepresentation or false statement. Judge Gorcyca did not compare LT to Charles Manson directly at any time, but admits that she said “Dad, if you ever think that he has changed and therapy has helped him and he’s no longer like Charlie Manson’s cult, then you let us know and we can do it.”

Judge Gorcyca adopted this shorthand reference to the GAL report of November 3, 2014, understandable by the parties, the attorneys, the GAL, the Family Counselor and the Court, to describe the bizarre behavior she saw in the children.

56. In her October 23, 2015 answers to the Commission’s 28-Day Letter, Respondent stated that she did not find the children in contempt for their refusal to talk to or have lunch with their father.

ANSWER: The Honorable Lisa Gorcyca denies any misrepresentation or false statement.

Judge Gorcyca found the children in contempt for their refusal to participate in parenting time and comply with the orders for parenting time. Judge Gorcyca did not hold the children in contempt specifically for their refusal to have lunch with their father on June 24, 2015. Thus, Judge Gorcyca’s partial denial of the allegation was appropriate, at least as the question was originally read.

The partial denial was correct when made and remains a correct, fair statement of the facts and circumstances related to the original allegation in the 28-day letter.

57. Respondent’s answer to the Commission was false.

ANSWER: The Honorable Lisa Gorcyca denies any misrepresentation or false statement.

The conduct described in the above paragraphs, if true, may constitute:

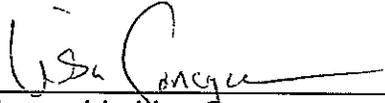
- (a) Misconduct in office, as defined by the Michigan Constitution of 1963, Article VI, Section (2) and MCR 9.205.
- (b) Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, section 30, and MCR 9.205.
- (c) Failure to establish, maintain, enforce, and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1.
- (d) Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A.
- (e) Conduct involving impropriety and the appearance of impropriety, in violation of the Code of judicial conduct, Canon 2A.
- (f) Failure to respect and observe the law and to conduct herself at all times in a manner which would promote the public's confidence in the integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B.
- (g) Failure to be faithful to the law and maintain professional competence in it, contrary to the Code of Judicial Conduct, Canon 3A(1).
- (h) Failure to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, contrary to the Code of Judicial Conduct, Canon 3A(3).
- (i) Failure to adopt the usual and accepted methods of doing justice; failure to avoid the imposition of humiliating acts of discipline, not authorized by law in

sentencing and failure to endeavor to conform to a reasonable standard of punishment, contrary to the Code of Judicial Conduct, Canon 3A(9)

- (j) Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).
- (k) Conduct which is contrary to justice, ethics, honesty or good morals in violation of MCR 9.104(3).
- (l) Conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, contrary to MCR 9.104(4).
- (m) Lack of personal responsibility for her own behavior and for the proper conduct and administration of the court in which the judge presides, contrary to MCR 9.205(5).
- (n) Conduct in violation of MCL 552.601 *et seq.*
- (o) Conduct in violation of MCR 3.208.
- (p) Conduct in violation of MCR 3.606.
- (q) Conduct in violation of MCL 600.1701 *et seq.*

ANSWER: The Honorable Lisa Gorcyca denies that she made any significant misrepresentations of law and fact at the cited hearing, and asserts that any misstatements were appropriately corrected on the record to the extent they were identified. The Honorable Lisa Gorcyca denies any misconduct in office and otherwise denies any conduct in violation of the Code of Judicial Conduct, The Michigan Court Rules, the Statutes of the State of Michigan, or the Michigan Rules of Professional Responsibility.

Dated: January 21, 2016



Honorable Lisa Gorcyca
Circuit Court Judge
Respondent

Dated: January 21, 2015



Christian E. Hildebrandt (P46989)
VANDEVEER GARZIA, P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 600
Troy, MI 48098
(248) 312-2800



Thomas W. Cranmer (P25252)
MILLER CANFIELD P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 150
Troy, MI 48098
(248) 267-3381

JUDICIAL TENURE COMMISSION

IN RE HONORABLE LISA GORCYCA
Oakland County Circuit Court Judge

Formal Complaint No. 98

Paul J. Fischer (P35454)
Margaret N.S. Rynier (P34594)
Judicial Tenure Commission
3034 W. Grand Blvd, Ste. 801
Detroit, MI 48202
(313) 875-5154

Christian E. Hildebrandt (P46989)
VANDEVEER GARZIA, PC
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Road, Suite 600
Troy, MI 48098
(248) 312.2800
childebrandt@vgpclaw.com

Thomas W. Cranmer (P25252)
MILLER CANFIELD P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 150
Troy, MI 48098
(248) 267-3381

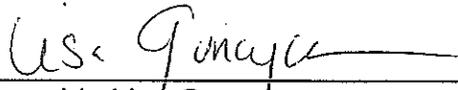
THE HONORABLE LISA GORCYCA'S' AFFIRMATIVE DEFENSES

NOW COMES the Honorable Lisa Gorcyca, by and through her attorneys,
VANDEVEER GARZIA, P.C. and MILLER CANFIELD P.C., and for her Affirmative Defenses,
state as follows:

1. The Judicial Tenure Commission's unitary structure of investigation, prosecution, and adjudication violates the Honorable Lisa Gorcyca's right to due process.
2. To the extent that the Judicial Tenure Commission has violated the notice provisions of MCR 9.207(D)(1) in providing notice of the nature of the charges against Judge Gorcyca, the Judicial Tenure Commission is barred from proceeding on any claims and/or allegations which were not specified in the notice.
3. The Judicial Tenure Commission's Complaint is barred by the Doctrine of Laches.

4. Pursuant to MCR 9.203(B), "The Judicial Tenure Commission may not function as an appellate court to review the decision of a court or to exercise superintending control or administrative control of a court, . . ." This commission by this Complaint seeks to question and criticize the decision of Judge Gorcyca to hold the children in contempt for their willful violations of the Court's orders, among other decisions. The Judicial Tenure Commission is barred from addressing the propriety of Judge Gorcyca's rulings as would a court of review, and any claims and/or allegations that do so are improper and beyond the jurisdiction of this body.
5. Even if Judge Gorcyca's decision was erroneous, she at all time acted in good faith and with due diligence. MCR 9.203(B).

Dated: January 21, 2016



Honorable Lisa Gorcyca
Circuit Court Judge
Respondent

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Christian E. Hildebrandt (P46989)
VANDEVEER GARZIA, P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 600
Troy, MI 48098
(248) 312-2800



Thomas W. Cranmer (P25252)
MILLER CANFIELD P.C.
Attorney for Hon. Lisa Gorcyca
840 W. Long Lake Rd., Ste. 150
Troy, MI 48098
(248) 267-3381