

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

COMPLAINT AGAINST

**Hon. Richard B. Halloran, Jr.**  
Third Circuit Court  
Coleman A. Young Municipal Center  
2 Woodward Avenue  
Room #1511  
Detroit, Michigan 48226

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**Formal Complaint No. 97**

**COMPLAINT**

The Michigan Judicial Tenure Commission (“JTC”) files this complaint against Honorable Richard B. Halloran, Jr. (“Respondent”), judge of the Third Circuit Court, Wayne County, Michigan. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

1. Respondent is, and at all material times was, a judge of the 3<sup>rd</sup> Circuit Court, Wayne County, Michigan.
2. As a judge, Respondent is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.
3. Respondent granted judgments of divorce without taking the statutory proofs establishing the Court’s jurisdiction and/or establishing that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no

reasonable likelihood that the marriage can be preserved as required by MCL 552.9(1) and MCL 552.6(3) and failed to comply with the requirements of MCR 3.210.

A. *Chehab v Chehab*, 13-101623 DM

4. On June 17, 2013, Respondent conducted a hearing entitled on the transcript as a case management conference.
5. Attorneys appeared on behalf of each party.
6. Neither party appeared on the record.
7. The following exchange occurred (transcript pages 4-6):

THE COURT: Would you both allow me to try something new?

MR. HOMEIER (Defendant's attorney): I don't know.

MS. CUSHMAN (Plaintiff's attorney): I'm intrigued.

MR. HOMEIER: What is it?

THE COURT: It just came to me. You are here today representing your clients.

MR. HOMEIER: Yes.

THE COURT: You will be going to a mediation whereupon you'll get a result or is it a arbitration?

MS. CUSHMAN: Mediation.

MR. HOMEIER: Mediation.

THE COURT: You will then be coming back with your clients.

MS. CUSHMAN: Right.

THE COURT: With the mediation with the judgment of divorce. All of that is evidence that the Court can take judicial notice of, that there's been a breakdown. So would you be interested in if the Court takes your appearance today and the fact that you're going to mediation as evidence that there's been a breakdown. And once you work it out in mediation, you won't need to come back, you just submit the judgment of divorce. I'll give you a settlement conference date if you want to use it. But if you have everything done, it gets rid of one more court appearance.

MR. HOMEIER: What about jurisdictional statement, Judge

THE COURT: Did you plead that?

MR. HOMEIER: It's pled of both of them.

THE COURT: Of course it is.

MR. HOMEIER: And if you're happy with that.

THE COURT: So why are we need – are you contesting jurisdiction?

MS. CUSHMAN: No.

THE COURT: Are you contesting jurisdiction?

MR. HOMEIER: Absolutely not.

THE COURT: Then why don't we –

MR. HOMEIER: Let's do it.

MS. CUSHMAN: Yes, sounds –

MR. HOMEIER: Let's do it.

MS. CUSHMAN: Fine to me.

THE COURT: All right --

MS. CUSHMAN: Sure.

THE COURT: The Court takes judicial notice that the parties have filed a complaint for divorce and no one is contesting jurisdiction. And that they're going to mediation. All of which appears to this Court as evidence that there's been a breakdown of this marriage relationship to the extent that the objects of matrimony have been destroyed.

We further find that there is no reasonable likelihood that this marriage can be preserved.

And so therefore, this Court will grant them a judgment of divorce after being presented to this Court a judgment of divorce signed by them after mediation. Whereupon when the Court signs that judgment, they will be officially divorced.

But now I have evidence. And the proofs have now been taken and placed on the record.

8. Respondent failed to take sworn testimony to comply with the statutory requirements to grant a judgment of divorce from either party at any time in this case.
9. Respondent failed to take sworn testimony to establish jurisdiction as required by MCL 552.9(1).
10. Respondent failed to take sworn testimony as required by MCL 552.6(3) to establish that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
11. Respondent granted a judgment of divorce without taking any proofs in open court contrary to MCL 552.9(1), MCL 552.6(3) and MCR 3.210.
12. Per the case Register of Actions, on January 21, 2014 Respondent signed a Judgment of Divorce.

B. Taylor v Taylor, 12-108743 DM

13. On June 17, 2013 Respondent conducted a settlement conference at which both parties appeared with attorneys.
14. Both parties were placed under oath (transcript, page 4). The following exchange occurred:

THE COURT: I can ask either one of you but I think the answer will still be the same. You can put your hands down.

Mr. Taylor, if I were to fail to grant you a divorce, would you go back and live with Julie as husband and wife?

THE PLAINTIFF MR. TAYLOR: No. No.

THE COURT: And I think the answer is the same. Is that correct?

THE DEFENDANT MS. TAYLOR: Yes.

THE COURT: Therefore then the Court does find that there's been a breakdown of this marriage relationship to the extent that the objects of matrimony have been destroyed.

We further find that there is no reasonable likelihood that this marriage can be preserved.

And so therefore we do grant both of you a judgment of divorce.

Counsel, thank you very much for your efforts in this case.

(Transcript page 4)

15. Respondent failed to take sworn testimony to establish jurisdiction as required by MCL 552.9(1).
16. Respondent failed to take sworn testimony as required by MCL 552.6(3) to establish that there has been a breakdown in the marriage relationship

to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

17. Respondent granted a judgment of divorce without taking the statutorily required proofs in open court contrary to MCL 552.9(1), MCL 552.6(3) and MCR 3.210.
18. On June 17, 2013 Respondent signed a Consent Judgment of Divorce.

C. *Hightower v Hightower*, 13-101780 DM

19. On September 24, 2013 Respondent conducted a hearing entitled on the transcript as a settlement conference.
20. Both parties appeared without counsel.
21. Both parties were placed under oath (transcript page 8).
22. The following exchange occurred (transcript page 9):

THE COURT: I'm going to ask you just one question, Ms. Hightower.

If I were to fail to grant you a divorce, would you go back and live with Vincent as husband and wife?

THE PLAINTIFF MS. HIGHTOWER: No.

THE COURT: Then based on the testimony this Court has now heard. And a review of the complaint filed in this matter. This Court does find that there's been a breakdown of this marriage relationship to the extent that the objects of matrimony have been destroyed.

We further find that there is no reasonable likelihood that your marriage could be preserved.

And so therefore I do grant both of you a judgment of divorce.

23. Respondent failed to take sworn testimony to establish jurisdiction as required by MCL 552.9(1).
24. Respondent failed to take sworn testimony as required by MCL 552.6(3) to establish that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
25. Respondent granted a judgment of divorce without taking the statutorily required proofs in open court contrary to MCL 552.9(1), MCL 552.6(3) and MCR 3.210.
26. Per the case Register of Actions, on October 3, 2013 Respondent signed a Judgment of Divorce.

D. McElrath v McElrath, 12-107723 DO

27. On June 17, 2013 Respondent conducted a hearing entitled on the transcript as a settlement conference/trial. Both parties and plaintiff's attorney made statements on the record regarding issues in contention, including alimony, the marital home, the division of personal property, and plaintiff's pension.
28. Plaintiff's attorney stated,

MR. MARKOWITZ: We'll prepare – I don't know if you've taken proofs yet?

29. Respondent stated,

THE COURT: Not yet. But I don't need to take proofs. I just held a trial. And it's basically pretty clear to this Court that there's been a breakdown of this marriage relationship to the extent that the objects of matrimony have been destroyed.

I further find that there's no reasonable likelihood that this marriage could be preserved.

And so therefore I do grant both of you a judgment of divorce.

(Transcript, page 20)

30. Respondent failed to take any sworn testimony as neither party had been placed under oath.
31. Respondent failed to take sworn testimony to establish jurisdiction as required by MCL 552.9(1).
32. Respondent failed to take sworn testimony as required by MCL 552.6(3) to establish that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
33. Respondent granted a judgment of divorce without taking any proofs in open court contrary to MCL 552.9(1), MCL 552.6(3) and MCR 3.210.
34. Per the case Register of Actions, on August 19, 2013 Respondent signed a Default Judgment of Divorce

E. Other Cases

35. Pursuant to MCR 9.207(D)(2), the Commission requested Respondent's response to certain allegations on January 8, 2015.
36. In question 27 Respondent was requested,  

Please identify any other cases in which you did not place proofs on the record in open court and establish jurisdiction or the breakdown of the marital relationship.
37. In his response dated February 26, 2015, Respondent stated in response to this question,

With the exception of having parties sworn before testifying, the deficiencies you have referenced in the requests for investigation (as to statutory requirements) would be evident in most, if not all of the "consent" type cases Judge Halloran handled during the time referenced in the request for investigation through January 14, 2015.

(Remainder of response omitted.)

38. Information from the State Court Administrative Office indicates that between June 1, 2013 and January 14, 2015 Respondent granted judgments of divorce in approximately 407 divorce cases that were either consent judgments or judgments entered without a trial.
39. Respondent admitted to granting judgments of divorce despite failing to establish the statutory requirements in possibly over 400 divorce cases he handled between June 2013 and January 14, 2015.
40. The conduct described in paragraphs 1 through 37, if true, may constitute:
  - (a) Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 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 yourself at all times in a manner which would enhance the public's confidence in the

integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;

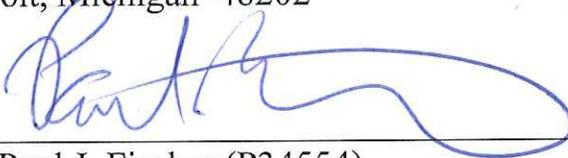
- (g) Failure to be faithful to the law, contrary to the Code of Judicial Conduct, Canon 3A(1);
- (h) Conduct which is prejudicial to the proper administration of justice, in violation of MCR 9.104(1);
- (i) Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
- (j) Conduct which is contrary to MCL 552.9(1);
- (k) Conduct which is contrary to MCL 552.6(3);
- (l) Conduct which is contrary to MCR 3.210;
- (m) Lack of personal responsibility for your own behavior and for the proper conduct and administration of the court in which you preside, contrary to MCR 9.205(A);
- (n) Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).
- (o) Conduct in violation of Michigan Constitution of 1963, as amended, Article 1, Section 24.

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service, upon Respondent of the complaint. Such answer shall be in the form similar to the answer in a civil action in a circuit court

and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN

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By: 

Paul J. Fischer (P34554)  
Examiner