

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

**COMPLAINT AGAINST**

Hon. Lisa O. Gorcyca  
6<sup>th</sup> Circuit Court  
1200 North Telegraph  
Pontiac, Michigan 48341

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Formal Complaint No. 98

**FORMAL COMPLAINT**

The Michigan Judicial Tenure Commission (“Commission”) files this complaint against Honorable Lisa O. Gorcyca (“Respondent”), judge of the 6<sup>th</sup> Circuit Court, County of Oakland, State of 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 6<sup>th</sup> Circuit Court, County of Oakland, State of Michigan.

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.

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

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.

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

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.

**COUNT I**  
**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.

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.

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.

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.

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

- a. Defendant-father would have parenting time with RT from 9:00 to 11:00 AM;
- b. Defendant-father would have lunch with RT and NT from 11 AM until 2:00 PM; and
- c. Defendant-father would have parenting time with NT from 2:00 to 4:00 PM.

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

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

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

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.

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.

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.

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

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

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.

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.

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

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

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

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.

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.

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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.

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...

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

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

- c. He would be going to the bathroom in public;
- d. He may be going to summer school at Children's Village;
- e. She doubted that he has a high IQ level;
- f. He was very defiant and had no manners;
- g. He was mentally messed up;
- h. He should do research on Charlie Manson and his cult;

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...

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

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.

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

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

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.

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

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

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

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.

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.

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.

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.

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.

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.

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.

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."

47. When NT stated that she also did not want to have lunch with her father, Respondent laughed and called the situation "ridiculous."



48. Respondent told RT and NT:

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

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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.

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

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

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

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;
- b. Displayed improper demeanor;
- c. Used a raised and/or angry voice;
- d. Laughed at the children and was sarcastic; and
- 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.

**COUNT II**  
**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.

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

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

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.

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

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.

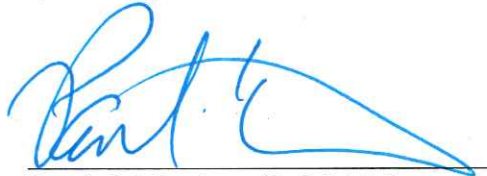
- (p) Conduct in violation of MCR 3.606.
- (q) Conduct in violation of MCL 600.1701 *et seq.*.

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 a 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.

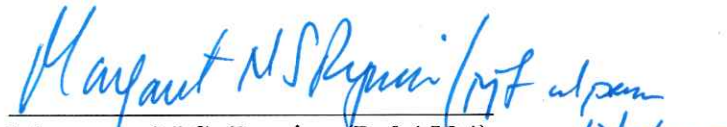
**JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN**

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BY:



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Examiner



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Dated: December 14, 2015  
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