Order

Entered: June 27, 2003

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

121995 & (4)

In re:

The Honorable GERARD TRUDEL,
Judge, 24th District Court

SC: 121995
JTC: Formal Complaint No. 68

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On order of the Court, the Decision and Recommendation of the Judicial Tenure Commission is considered. We accept the determination that respondent engaged in judicial misconduct in violation of Const 1963, art 6, § 30, MCR 9.104(A)(1), (2), (4), MCR 9.205(B) and (B)(1)(d), as amended, and Code of Judicial Conduct Canons 1, 2A, 2B, 2C, 3B(1), (2), and 3(C). Had respondent not already resigned from judicial office, we would have ordered him removed from office for the remainder of his term, which would have ended January 1, 2005. Since respondent has resigned from judicial office, we ORDER that respondent shall not fill any Michigan judicial office prior to the time that his term would have ended, January 1, 2005.

We further ORDER that respondent shall pay costs of $12,777.33 to the Judicial Tenure Commission.

Kelly, J., concurs in part and dissents in part, and states as follows:

I concur in the order of the Court except regarding the award of costs to the Judicial Tenure Commission.

A majority of the commission found credible evidence that respondent had a psychological disorder that caused his misconduct. I agree with the commission's conclusions that respondent must be removed from office, but that the assessment of further sanctions is tantamount to punishing him for his mental illness.

Therefore, I dissent from the portion of the order that requires respondent to reimburse the commission for costs it incurred in prosecuting him.

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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 27, 2003

Deputy Clerk