

Commission on Judicial Fitness and Disability

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FOR IMMEDIATE RELEASE

BEAVERTON, OREGON, SEPTEMBER 8, 2015 – A hearing before the Commission on Judicial Fitness and Disability on the Formal Complaint filed against the Honorable Vance Day, Marion County Circuit Court Judge, has been set to begin on November 9, 2015 at 9:00 a.m. at the Willamette Heritage Center, Dye House, 1313 Mill Street SE, Salem, Oregon. This notice is being disseminated pursuant to Rule 12 b of the Commission's Rules of Procedure.

At this public hearing, the Commission will receive evidence regarding the following allegations, among others, against Judge Day that he violated the Oregon Code of Judicial Conduct and the Oregon Constitution (1) by submitting a false statement to the Commission, in connection with an investigation of complaints about him, that he was grabbed by the shoulders from behind without warning while attending his son's soccer game; (2) by falsely claiming that he did not know that a veteran in Veteran's Court, over which he presided, had a felony conviction; (3) by permitting that veteran to handle firearms when the judge lacked authority to waive the statutory prohibition against a felon having or handling a firearm; (4) by hanging a picture of Hitler in the Marion County Courthouse; (5) by collecting money from lawyers, some of whom appeared before him in court, to sponsor veteran-related wall hangings in the courthouse hallways; and (6) by screening, or having his staff screen, wedding applicants to ensure that they were not same-sex applicants, which he refused to marry before he discontinued presiding over weddings.

The Formal Complaint alleges the following violations, among others, of the Code of Judicial Conduct: Rule 2.1 (A) A judge shall observe high standards of conduct so that the integrity, impartiality and independence of the judiciary and access to justice are preserved and shall act at all times in a manner that promotes public confidence in the judiciary and the judicial system; Rule 2.1 (C) A judge shall not engage in conduct that reflects adversely on the judge's character, competence, temperament, or fitness to serve as a judge; and Rule 2.1 (D) A judge shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

The judge has filed his Answer. The hearing is an adversarial proceeding during which the Commission's counsel will present evidence establishing the violations set forth in the Formal Complaint. Judge Day has retained counsel and will have an opportunity to present evidence to refute the allegations. The hearing is open to the public, but only witnesses subpoenaed by the Commission or Judge Day will be allowed to testify. If, at the conclusion of the hearing the Commission finds that the Code of Judicial Conduct and Oregon Constitution Article VII (Amended) Section 8(1) have been violated, the Commission will make a recommendation to the Oregon Supreme Court regarding an appropriate sanction. If the burden of proof of clear and convincing evidence is not met, the Commission will make a recommendation of dismissal. The Oregon Supreme Court makes the final determination on formal complaints filed by the Commission against a judge, following briefing and oral argument based on the hearing record.