

PR 19-0677

IN THE SUPREME COURT OF THE STATE OF MONTANA

2023 MT 73

PUBLIC REPRIMAND AND SUSPENSION
UNDER RULE 10(G) OF THE JUDICIAL
STANDARDS PROCEDURAL RULES

PROFESSIONAL REGULATION: Judicial Standards Commission of the
 Supreme Court of the State of Montana

COUNSEL OF RECORD:

For the Judicial Standards Commission:

Amy D. Christensen, Christensen & Prezeau, PLLP, Helena, Montana

For Respondent:

Honorable Raymond Dayton, Self-Represented, Anaconda, Montana

Decided: May 2, 2023

Filed:



Clerk

Chief Justice Mike McGrath delivered the Opinion and Order of Discipline of the Court.

¶1 This matter comes before the Court on a stipulation for public reprimand and suspension filed by the Judicial Standards Commission (Commission) against Montana District Court Judge Raymond Dayton.

¶2 In August 2022, the Commission received Complaint No. 22-050 alleging that Judge Dayton engaged in conduct that violated the Canons of Judicial Ethics, specifically that he made inappropriate comments of a sexual nature about a witness in a pending matter who had alleged she had been stalked by the defendant. Judge Dayton made these comments in a public hallway in the Anaconda-Deer Lodge County Courthouse, where the comments were overheard by courthouse employees.

¶3 After investigating the Complaint, the Commission determined that it was substantiated and that Judge Dayton had violated M. C. Jud. Cond. 1.2. Rule 1.2 provides, “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

¶4 Judge Dayton has stipulated to violating Rule 1.2 and admitted that his inappropriate comments undermined public confidence in the impartiality of the judiciary.

¶5 Article VII, Section 11(3), of the Montana Constitution, and § 3-1-1107, MCA, allow this Court, upon recommendation of the Commission, to impose discipline upon any Montana judge for violation of the Code of Judicial Conduct. As provided by Rules 9(c)(3) and 9(c)(5) of the Commission’s Rules, the Commission recommends, and Judge Dayton

agrees, that the Court should publicly reprimand Judge Dayton and suspend him from office for 30 days without pay.

¶6 We ACCEPT and ADOPT the recommendation of the Commission and declare that Judge Dayton's actions were unacceptable and constitute grounds for discipline as a violation of the provisions of the Code of Judicial Conduct. As such, we determine that Judge Dayton's conduct warrants public reprimand by this Court.

¶7 IT IS THEREFORE ORDERED that Judge Dayton shall appear before this Court in our courtroom in Helena, Montana, at **1:00 p.m. on May 11, 2023**, for the delivery of a public reprimand by this Court.

¶8 We further ACCEPT and ADOPT the recommendation of the Commission and stipulation of Judge Dayton that Judge Dayton be SUSPENDED from office for 30 DAYS WITHOUT PAY, from May 13, 2023, to and including June 11, 2023.

¶9 IT IS FURTHER ORDERED that Judge Dayton shall not (1) discuss Complaint No. 22-050 with the complainant or any witnesses; (2) engage in conduct, directly or indirectly, that could reasonably be viewed as retaliatory toward the complainant or any witnesses; or (3) otherwise comment, directly or indirectly, on Complaint No. 22-050 with any party, witness, or attorney.

The Clerk of this Court is directed to serve a copy of this Opinion and Order of Discipline upon the complainant in Complaint No. 22-050 and upon the Hon. Raymond Dayton, and to provide copies to each member of the Judicial Standards Commission.

DATED this 2nd day of May, 2023.

/S/ MIKE McGRATH

We Concur:

/S/ BETH BAKER

/S/ LAURIE McKINNON

/S/ INGRID GUSTAFSON

/S/ DIRK M. SANDEFUR

/S/ JAMES JEREMIAH SHEA

/S/ JIM RICE