



James Piergies



Mary Wiseman

Attorney calls for bar associations to take stand against remarks

By Lynn Hulsey
Staff Writer

DAYTON — A local attorney is calling for Montgomery County Area Court Judge James Piergies to withdraw from the Democratic primary race for county common pleas court because of comments he made about his openly gay opponent.

"If people of good will are going to stand by when this sort of thinly veiled bigotry is thrown out and traded upon, then where are we?" said attorney Steven K. Dankof Sr., who called for the Ohio and Dayton bar associations to take a public stand against Piergies' remarks.

Dankof accused Piergies of violating canons of judicial conduct and betraying the public trust.

Last week Piergies said Montgomery County Common Pleas Judge Mary L. Wiseman should remove herself from cases involving gay rights, including those challenging Dayton's new anti-discrimination law or the Ohio constitutional amendment banning gay marriage.

Piergies said it would violate the judicial canon of ethics if she would rule on such cases because of her outspoken support of gay rights and her role in promoting an anti-discrimination law that failed in 1999 when she was a Dayton city commissioner.

In an open letter to Piergies, Dankof said, "You clearly raised Judge Wiseman's sexuality in the hope that homophobia would rear its ugly head and propel you to elected office."

Piergies said he had not seen the letter but that it was inappropriate for an attorney to raise ethics issues about another attorney in a public forum. He declined further comment.

Wiseman also declined comment on the specifics of Dankof's letter, which she had not seen, saying it would be inappropriate for her to comment on Piergies' ethics.

"I don't want to head down that path," Wiseman said. "I don't think it

brings the sort of respect to the office that the office deserves."

She said the focus should be on the two candidates' qualifications, judicial temperament and community involvement. Wiseman said sexual orientation has nothing to do with how she would rule on cases because her job is to be impartial in applying the law.

"If you are gay that is a life experience that you bring to the office. And that is different than having a personal view about something that is not in your life experience," she said.

Wiseman said she should not be automatically disqualified from ruling on Dayton's new law banning discrimination against gays just because she promoted the failed anti-discrimination law.

But she said she has and will continue to remove herself from cases involving city actions that occurred during her tenure on commission or, for at least a year, those involving her former law firm.

"Anytime a judge has had personal involvement in an issue that might come before the court, then you have to be very sensitive to the conflict issue and, if appropriate, recuse yourself," she said.

Wiseman, the state's first openly gay judge, was appointed by Gov. Ted Strickland last year to fill the seat of retiring Common Pleas Judge John Kessler.

Piergies also applied for the job but was passed over by Strickland. Montgomery County Democratic Party Chairman Mark Owens said he strongly discouraged Piergies from running against Wiseman.

"It's divisive for him, it's divisive for the community and divisive for the party," Owens said.

Piergies said he agonized over the decision but decided he was ready to move up after 13 years as an area court judge.

"In terms of waiting your turn, I have," he said.

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