

Honorable Michael D. DiReda – District Court Judge

Serving Weber, Davis and Morgan counties



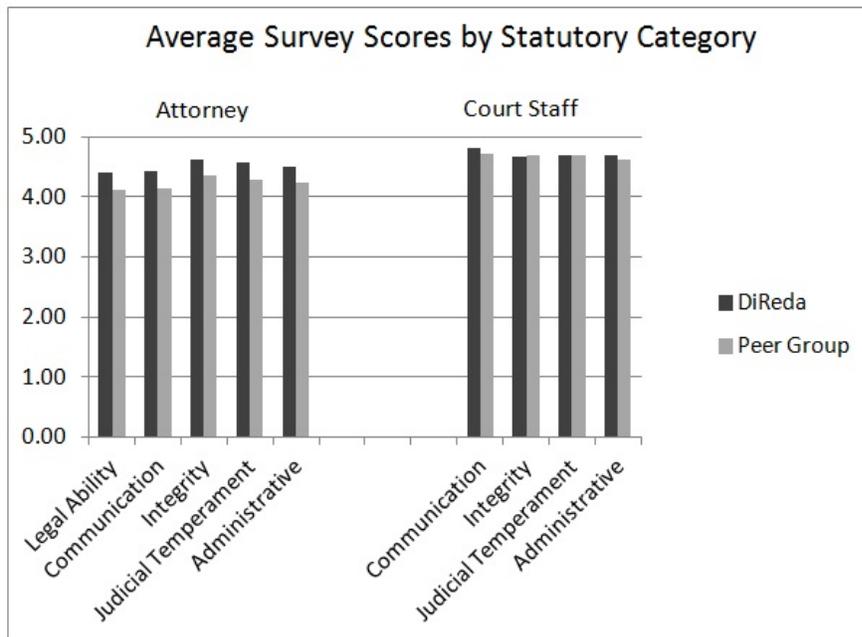
The commission recommends by a vote of 12 – 0
TO RETAIN Judge Michael D. DiReda

Despite serving on the district court for only three years, Judge Michael DiReda has become an outstanding judge who scored higher on the attorney survey in every survey category and on every survey question than the average of other district court judges. Attorneys describe him as attentive, intelligent and knowledgeable, with 84 of 85 (99%) attorneys who responded to the retention question recommending that he be retained. Fourteen of 15 (93%) court staff who responded to the question also supported his retention, noting significant improvement since his midterm staff evaluation. Courtroom observers reported they would feel comfortable appearing before Judge DiReda, emphasizing that his rulings are both helpful to defendants becoming productive and given in a manner to ensure understanding. All juror survey responses were favorable.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge DiReda has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Michael D. DiReda was appointed to the Second District Court by Gov. Jon M. Huntsman, Jr., in December 2008. He received a Bachelor's of Arts degree in Psychology in 1990 and a Juris Doctor degree in 1993 from Pepperdine University. From 1995-2008, he worked as a Deputy Davis County Attorney, where he served as section chief over the criminal and juvenile divisions. He is a former Centerville City Prosecutor and Clinton City Prosecutor. He also works as an Adjunct Professor of Law at the S.J. Quinney School of Law at the University of Utah. He is a member of the National Association of Drug Court Professionals and currently serves on the Standing Committee for Self-represented Parties.

This judge has met all minimum performance standards established by law.



Survey Overview

Attorneys, court staff and jurors were surveyed about the judge's performance. Survey categories included questions about the judge's legal ability, judicial temperament, integrity, communication skills, and administrative skills. Summarized results for all applicable respondent groups appear below. A judge must score a 3.0 on 80% of the individual questions to pass the minimum performance standard.

A. Attorney Survey Overview:

Total Respondents: 90

1. "Should this judge be retained?"

Response	Number	Percent of Total
YES	84	99%
NO	1*	1%

*The respondent voting "no" demonstrated in a comment that his or her vote was not referring to this judge.
5 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	DiReda	Peer Avg.	% of Peer
Legal Ability	4.40	4.11	107%
Communication	4.42	4.13	107%
Integrity	4.63	4.35	107%
Judicial Temperament	4.56	4.27	107%
Administrative	4.51	4.24	106%

3. Average trials before this Judge: 1.75

4. Area of primary practice:

Collections: 10 Domestic: 27 Criminal: 28 Civil: 53 Other: 5

B. Court Staff Survey Overview:

Total Respondents: 16

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	14	93%
NO	1	7%

*1 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Court Staff	DiReda	Peer Avg.	% to Peer
Communication	4.81	4.71	102%
Integrity	4.68	4.69	100%
Judicial Temperament	4.69	4.68	100%
Administrative	4.70	4.62	102%

C. Juror Survey Overview:

Total Respondents: 10

1. Jurors are not asked whether a judge should be retained.

2. Statutory Category Scores:

Juror	DiReda	Peer Avg.	% of Peer
Communication	4.69	4.77	98%
Integrity	4.83	4.87	99%
Judicial Temperament	4.68	4.84	97%
Administrative	4.60	4.73	97%

Survey Scores

Attorney Survey Scores:

Below are listed: 1) the attorney survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Attorney Question	Statutory Pass: 3.0	DiReda	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.32	4.01	108%
The judge properly applies the rules of civil procedure.	✓	4.44	4.14	107%
The judge properly applies the rules of criminal procedure.	✓	4.45	4.14	108%
The judge properly applies the rules of evidence.	✓	4.41	4.12	107%
The judge's sentencing fits the offenses.	✓	4.08	4.01	102%
The judge makes appropriate findings of facts.	✓	4.43	4.07	109%
The judge appropriately applies the laws to the facts.	✓	4.36	4.06	108%
The judge follows legal precedent.	✓	4.43	4.12	108%
The judge only considers evidence in the record.	✓	4.33	4.08	106%
The judge's written decisions are clear and logical.	✓	4.31	4.09	105%
The judge's written opinions offer meaningful legal analysis.	✓	4.41	4.06	109%
The judge was fair and impartial.	✓	4.59	4.21	109%
The judge avoids impropriety and the appearance of impropriety.	✓	4.63	4.41	105%
The judge avoids improper ex parte communications.	✓	4.66	4.49	104%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.63	4.36	106%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.65	4.26	109%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.23	3.97	107%
The judge's oral communication while in court is clear and logical.	✓	4.55	4.26	107%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.60	4.29	107%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.51	4.15	109%
The judge is prepared for argument and hearings.	✓	4.63	4.29	108%
The judge treats all attorneys with equal courtesy and respect.	✓	4.63	4.39	106%
The judge rules in a timely manner.	✓	4.56	4.24	108%
The judge realistically manages his or her calendar.	✓	4.45	4.20	106%
The judge convened court without undue delay.	✓	4.51	4.28	105%
The judge provides the parties due process; namely, advance notice of issues to be heard an adequate opportunity to prepare and a meaningful opportunity to be heard.	✓	4.59	4.32	106%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.64	4.48	104%

Court Staff Survey Scores:

Below are listed: 1) the court staff survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Court Staff Question	Statutory Pass: 3.0	DiReda	Peer Avg.	% of Peer Avg.
The judge was fair and impartial.	✓	4.70	4.70	100%
The judge avoids impropriety and the appearance of impropriety.	✓	4.53	4.77	95%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.44	4.71	94%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.75	4.66	102%
The judge's oral communication while in court is clear and logical.	✓	4.88	4.71	104%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.39	4.72	93%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.73	4.54	104%
The judge is prepared for argument and hearings.	✓	4.91	4.75	103%
The judge treats all attorneys with equal courtesy and respect.	✓	4.70	4.72	100%
The judge rules in a timely manner.	✓	4.91	4.69	105%
The judge realistically manages his or her calendar.	✓	4.73	4.53	104%
The judge convened court without undue delay.	✓	4.88	4.62	106%
The judge is willing to make difficult or unpopular decisions.	✓	4.78	4.58	105%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.86	4.70	104%
The judge explains the reasons for his or her decisions, when appropriate.	✓	4.83	4.72	102%
The judge works with pro se litigants fairly and effectively.	✓	4.73	4.72	100%
The judge’s personal life does not impair his or her judicial performance.	✓	4.51	4.73	95%
The judge maintains diligent work habits.	✓	4.59	4.59	100%
The judge’s interactions with court staff are professional and constructive.	✓	4.40	4.71	93%
The judge is an effective manager of his or her staff, operations and business.	✓	4.37	4.51	97%
The judge appropriately enforces deadlines and court orders.	✓	4.84	4.63	105%
The judge is appropriately accessible to court personnel.	✓	4.76	4.75	100%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.89	4.69	104%
The judge reasonably accommodates changing technology.	✓	4.85	4.57	106%
The judge paid attention to the proceedings in the courtroom.	✓	4.81	4.79	100%

Juror Survey Scores:

Below are listed: 1) the juror survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Juror Question	Statutory Pass: 3.0	DiReda	Peer Avg	% of Peer
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.67	4.85	96%
The judge is prepared for argument and hearings.	✓	4.60	4.80	96%
The judge convened court without undue delay.	✓	4.60	4.65	99%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	5.00	4.89	102%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.70	4.82	97%
The judge paid attention to the proceedings in the courtroom.	✓	4.60	4.82	95%
When the judge explained to the jury the reasons for his or her decision, I understood.	✓	4.50	4.64	97%
Based on the judge's explanations, I clearly understood my role and responsibility as a juror.	✓	4.90	4.88	100%
The jury instructions from the judge were clear and understandable.	✓	4.90	4.85	101%
Based on the judge's explanations, I understood the evidence I could or could not consider.	✓	4.70	4.68	100%
The judge demonstrated courtesy toward the attorneys, court staff, litigants and others in the court room.	✓	4.80	4.87	99%
The judge made me feel that the court system is fair.	✓	4.44	4.76	93%
The judge took the case seriously.	✓	4.60	4.82	95%
The judge treated the jury with respect.	✓	4.80	4.93	97%
The judge provided recesses (breaks) in the trial that were adequate	✓	4.60	4.81	96%
My experience with the judge helped me understand the role of the jury in the legal system.	✓	4.70	4.79	98%

Adjective Summary

Survey respondents were asked to select adjectives that best described the judge. Results are shown from each respondent group. The adjectives highlighted in green are “positive” adjectives, while those in red are “negative.”

M. DiReda					
Attorney		Court Staff		Juror	
Attentive	55	Attentive	9	Attentive	7
Calm	32	Calm	9	Calm	6
Confident	28	Confident	10	Confident	4
Considerate	46	Considerate	10	Considerate	6
Consistent	25	Consistent	11	Consistent	7
Intelligent	53	Intelligent	12	Intelligent	6
Knowledgeable	50	Knowledgeable	13	Knowledgeable	8
Patient	35	Patient	8	Patient	7
Polite	38	Polite	10	Polite	8
Receptive	24	Receptive	4	Receptive	5
Arrogant	1	Arrogant	1	Arrogant	0
Cantankerous	0	Cantankerous	0	Cantankerous	0
Defensive	1	Defensive	0	Defensive	0
Dismissive	2	Dismissive	0	Dismissive	0
Disrespectful	0	Disrespectful	1	Disrespectful	0
Flippant	1	Flippant	1	Flippant	0
Impatient	1	Impatient	2	Impatient	0
Indecisive	3	Indecisive	1	Indecisive	0
Rude	0	Rude	0	Rude	0

Positive	386	Positive	96	Positive	64
Negative	9	Negative	6	Negative	0
Positive	98%	Positive	94%	Positive	100%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE MICHAEL DIREDA

Five observers wrote 78 comments that were relevant to 16 of the 22 criteria. One observer reported that the judge was not aware that a JPEB observer was present (four did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> • All observers were positive about Judge DiReda. • Observers particularly emphasized Judge DiReda’s rulings that helped defendants become productive and get back on track, and in taking extra time to ensure understanding of his rulings and the law. • Four observers reported that they would feel comfortable appearing before Judge DiReda (one did not comment).
MINORITY OBSERVATIONS	
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> • One observer reported that the courtroom was stark, depressing and dismal, with no pictures or color, and the shades shut on blackout (see “Courtroom tone & atmosphere”). • In great contrast to the other observers, one observer felt Judge DiReda put forth minimal effort in “reading the rights” to the defendants when they had reached a plea (see “Ensures information understood”).

<i>Numerical ratings:</i>	<i>Observer 1</i>	<i>Observer 2</i>	<i>Observer 3</i>	<i>Observer 4</i>	<i>Observer 5</i>
Neutrality	5	4	5	5	5
Respect	5	4	4	4	5
Ability to earn trust	5	4	5	5	5
Skill at providing voice	5	4	5	5	5

Summary and exemplar language of five observers’ comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Four observers reported that Judge DiReda variously was a <i>very good listener, listened attentively, listened intently, and listened carefully for insight.</i>
Well-prepared & efficient	<p>All observers reported that Judge DiReda was organized and efficient and <i>in total control</i> of the courtroom in which matters <i>continued smoothly throughout the session.</i></p> <p><i>The judge encouraged attorneys to have all the “prelims” submitted by 10:30 each morning. He said that by being organized ahead of time the court could arrange for extra judges if needed.</i></p> <p>Judge DiReda was well-prepared for each case, arriving with the required law books to reference.</p>
Respect for others’ time	Two observers reported that Judge DiReda coordinated with all parties to determine the optimum schedule to best accommodate everyone, <i>no easy task. In all cases, he was considerate of the time and schedules of the defendants, attorneys and prosecutors or APP representative.</i>

Respectful behavior generally	<p>Three observers reported that Judge DiReda <i>tried to please and appease everyone</i> respectfully. <i>The only time all morning he inadvertently interrupted an attorney, he apologized saying, "I'm sorry I interrupted you."</i></p> <p><i>A woman was very panicked. I was thinking the judge would stop her but he listened to all she had to say. Then a friend in the audience asked to speak. He calmly listened to him also. Judge DiReda handled it all with respect to the woman with impressive fairness and calmness.</i></p>
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RESPECTFUL TONE

Courtesy, politeness and patience	<p>Four observers reported that Judge DiReda was polite and respectful, and treated all parties with dignity, addressing all defendants by name. When intervening the judge said <i>"Thank you for letting me ask my questions along the way. Thanks for being patient with me."</i></p> <p>Observers particularly noted the judge's calmness, and patience <i>above and beyond the line of duty with one incarcerated defendant ... who started complaining about his attorneys [and] the way one guard was treating him, on and on. The Judge very patiently broke down his ramblings and addressed each one ... Judge DiReda didn't lose his cool once. Very commendable.</i></p>
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Courtroom tone & atmosphere	<p>Three observers reported that Judge DiReda maintained a serious expression and a quiet and decorous courtroom. He <i>set the tone for a congenial atmosphere by saying after introductions "Nice to meet you all"</i>. The atmosphere was <i>formal without being rigid ... an environment that seemed to say, "I'm interested in getting the most information and understanding I can"</i>.</p> <p>One observer reported <i>the physical appearance of the courtroom was stark and depressing. The shades were shut on blackout; there were no pictures or color in the courtroom. It was dismal.</i></p>
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Body language	<p>Three observers commented positively on Judge DiReda's eye contact. The judge's body language <i>gave confidence that he was taking their viewpoint into consideration</i>, e.g. when asking or answering questions the judge was <i>all the while leaning toward them</i>, and he <i>nodded and followed their stories</i>.</p>
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NEUTRALITY

Consistent and equal treatment	<p>Four observers reported that Judge DiReda was principled and consistent, not singling anyone out for extra attention, and was <i>exceedingly balanced in calling upon, listening to, and questioning the attorneys as they argued the interpretation of the law</i>. He was <i>mindful of the impact his decisions had on all parties</i>.</p>
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Unbiased	<p>Four observers reported that Judge DiReda's strength was in having an open mind and carefully considering all sides before making a clear decision according to the law.</p> <p><i>He had not come into the courtroom with a pre-determined position. In fact, it was clear that he was listening carefully for insight as both sides argued for and against the two main issues...</i></p> <p><i>His real strength was his ability to listen to and consider all the recommendations...</i></p> <p><i>After the defense attorney argued for concurrent sentences and the prosecutor argued for consecutive sentences, the judge read aloud from one of his law books. This demonstrated his willingness to do what was right according to the law.</i></p>
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Acts with concern for individual needs	<p>Three observers reported that Judge DiReda sought outcomes that would best help the defendant get <i>productive and back on track</i>. When an attorney said the client could get better rehab on the outside the judge <i>told the defendant he would recommend he get into the program at the prison, and said, "You also have to be strong on your own, and get what you need."</i> <i>I thought this was important when he stressed responsibility to the defendant.</i></p> <p>In one case he did not follow the state or defense recommendations. <i>He said, "I respect your attorney and I respect the State's opinion ... I'm going to give you a chance. Make the most of this time. Come back so we can celebrate your success"</i>.</p>
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Expresses concern for the individual	<p>Three observers reported that Judge DiReda demonstrated great concern for the defendants. <i>Of all the judges I have observed, Judge DiReda's manner conveyed the most concern through eye contact, questions and explanations.</i> The judge was concerned for all parties. <i>After reading his sentence the judge asked the victim if he was okay with the sentence. I feel the judge demonstrated he had the interests of all parties in mind before he made his rulings final.</i></p> <p>Judge DiReda encouraged productive behavior, such as <i>making use of "work release"</i>. He told one defendant <i>"Don't apologize to me, you need to apologize to the people you have hurt."</i> <i>I liked that he was letting this person know what he should do as a result of his poor decisions.</i></p>
Unhurried and careful	<p>Two observers reported that Judge DiReda took the necessary time to carefully read materials provided him, and to announce he would take sufficient time to think about a case and review the law.</p>

VOICE

Considered voice	<p>Four observers reported that Judge DiReda insisted on hearing to everyone's point of view. <i>"I will need to hear from [the opposing attorney] ... You have raised an issue I admit I hadn't thought about."</i></p> <p><i>After hearing a defendant's lack of progress, the judge said "Mr. X, what would you like to say?" When the man was not answering, the judge said he knew he had caught him off-guard, so "I want to give you time to think." He waited until the person began to give examples of things that he wanted the judge to know.</i></p>
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COMMUNICATION

Communicates clearly	<p>Four observers reported that Judge DiReda communicated clearly, and was <i>masterful in his summary of the arguments.</i> When telling a defendant to <i>make sure he received a copy of his ruling he went into detail about where the clerk's office was located and was very specific.</i></p>
Ensures information understood	<p>Three observers reported that Judge DiReda <i>took extra time if needed</i> to ensure that defendants understood the meaning of their pleas, his orders, and particularly documents they were about to sign. Judge DiReda always asked defendants to affirm their understanding by repeating back their understanding, <i>especially when they were giving up rights.</i></p> <p><i>With every defendant he had them read along with him as he read each charge. After all of the charges were read he checked for understanding and accuracy of the charge.</i></p> <p><i>One observer felt that Judge DiReda put forth minimal effort in "reading the rights" to the defendants when they had reached a plea, especially in contrast to many other judges I've observed. He would say to everyone... "Have you read it? Do you understand it? You are bound by it. I'm relying on you to understand what is in this document. Sign it." And that was about it.</i></p>
Provides adequate explanations	<p>Four observers gave numerous examples showing that Judge DiReda always took <i>extra time and effort</i> to explain clearly and at length how he had applied the law, what his ruling was, why he had made a decision, why defendant's were unavoidably inconvenienced by scheduling issues, and to demonstrate <i>that he had heard and considered all sides of the argument.</i> Defendants were <i>truly informed as to the reasons behind his decisions.</i></p>