

**Honorable Scott M. Hadley – District Court Judge**

Serving Davis, Morgan and Weber counties



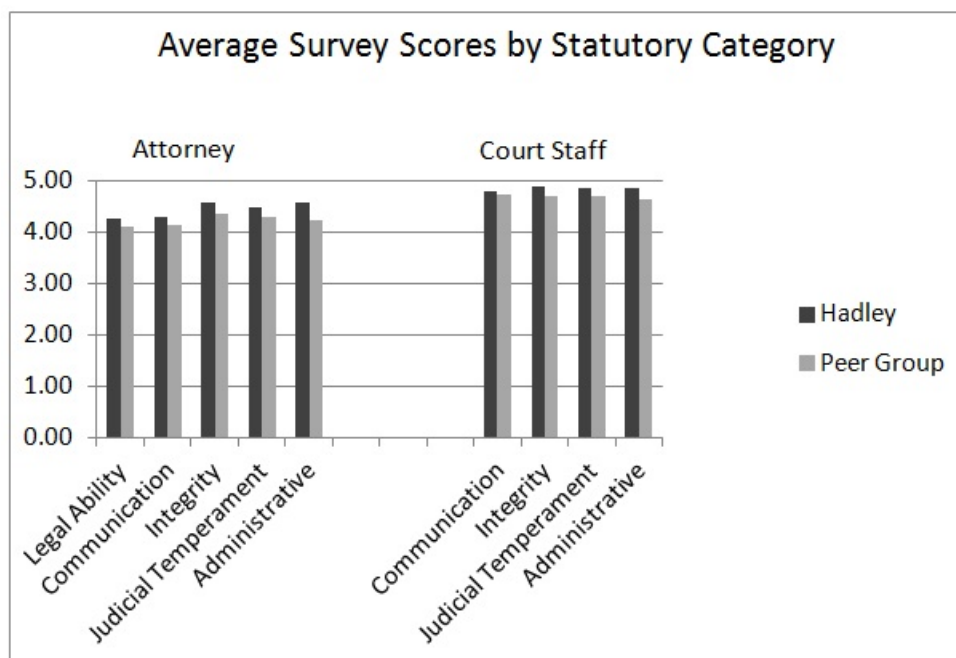
The commission recommends by a vote of 12 - 0  
TO RETAIN Judge Scott Hadley

Judge Scott Hadley is a very strong judge whose demeanor and courtroom conduct are exemplary. Survey results indicate that Judge Hadley is polite, respectful, and willing to listen. Attorneys, court staff, and jurors describe him as knowledgeable, patient, and fair. Attorney responses indicate he is well-prepared for hearings and manages his calendar well. Attorneys, court staff, and jurors all scored him above the average of other district court judges in all survey categories. Some attorneys raise issues regarding his inclination or ability to adequately manage and decide more difficult or complex cases. Of the 66 attorneys who responded to the retention question, 60 (91%) recommended retention. All 15 (100%) court staff also recommended retention. Courtroom observers were very positive, highlighting Judge Hadley’s excellent judicial demeanor, his thoroughness and consistency, and his willingness to hear fully from all parties.

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

Judge Scott M. Hadley was appointed to the Second District Court in May 2003 by Gov. Michael O. Leavitt. Judge Hadley received a B.S. degree from Weber State University and a Juris Doctor from Brigham Young University Law School. He practiced law for 16 years, culminating as a shareholder at Van Cott, Bagley, Cornwall & McCarthy, before being selected as a Court Commissioner in 1997, where he served until his judicial appointment. He co-founded, served as president, and is a Master of the Bench of the Rex E. Lee American Inn of Court, an organization dedicated to the improvement of ethics and professionalism within the legal profession. Judge Hadley currently serves as vice-chair of the Board of District Court Judges.

**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: 70

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	60	91%
NO	6	9%

\* 4 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	Hadley	Peer Avg	% of Peer
Legal Ability	4.26	4.11	104%
Communication	4.28	4.13	103%
Integrity	4.57	4.35	105%
Judicial Temperament	4.48	4.27	105%
Administrative	4.58	4.24	108%

3. Average trials before this judge: 1.9

4. Area of primary practice:

Collections: 8 Domestic: 26 Criminal: 24 Civil: 33 Other: 6

### B. Court Staff Survey Overview:

Total Respondents: 15

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	12	100%
NO	0	0%

\*3 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Court Staff	Hadley	Peer Avg	% to Peer
Communication	4.79	4.71	102%
Integrity	4.88	4.69	104%
Judicial Temperament	4.86	4.68	104%
Administrative	4.84	4.62	105%

**C. Juror Survey Overview:**

Total Respondents: 39

1. Jurors were not asked whether or not the judge should be retained.

2. Statutory Category Scores:

<b>Juror</b>	<b>Hadley</b>	<b>Peer Avg</b>	<b>% of Peer</b>
Communication	4.74	4.77	99%
Integrity	4.86	4.87	100%
Judicial Temperament	4.84	4.84	100%
Administrative	4.71	4.73	99%

## 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	Hadley	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.16	4.01	104%
The judge properly applies the rules of civil procedure.	✓	4.32	4.14	104%
The judge properly applies the rules of criminal procedure.	✓	4.25	4.14	103%
The judge properly applies the rules of evidence.	✓	4.22	4.12	102%
The judge's sentencing fits the offenses.	✓	3.93	4.01	98%
The judge makes appropriate findings of facts.	✓	4.23	4.07	104%
The judge appropriately applies the laws to the facts.	✓	4.22	4.06	104%
The judge follows legal precedent.	✓	4.35	4.12	106%
The judge only considers evidence in the record.	✓	4.29	4.08	105%
The judge's written decisions are clear and logical.	✓	4.23	4.09	103%
The judge's written opinions offer meaningful legal analysis.	✓	4.13	4.06	102%
The judge was fair and impartial.	✓	4.44	4.21	105%
The judge avoids impropriety and the appearance of impropriety.	✓	4.66	4.41	106%
The judge avoids improper ex parte communications.	✓	4.68	4.49	104%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.56	4.36	105%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.49	4.26	105%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.89	3.97	98%
The judge's oral communication while in court is clear and logical.	✓	4.46	4.26	105%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.56	4.29	106%
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.	✓	4.52	4.29	105%
The judge treats all attorneys with equal courtesy and respect.	✓	4.68	4.39	107%
The judge rules in a timely manner.	✓	4.62	4.24	109%
The judge realistically manages his or her calendar.	✓	4.53	4.20	108%
The judge convened court without undue delay.	✓	4.59	4.28	107%
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.	✓	4.51	4.32	104%
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 Score: 3.0	Hadley	Peer Avg.	% of Peer Avg.
The judge was fair and impartial.	✓	4.92	4.70	105%
The judge avoids impropriety and the appearance of impropriety.	✓	4.98	4.77	104%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.98	4.71	106%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.86	4.66	104%
The judge's oral communication while in court is clear and logical.	✓	4.82	4.71	102%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.84	4.72	103%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.84	4.54	107%
The judge is prepared for argument and hearings.	✓	4.97	4.75	105%
The judge treats all attorneys with equal courtesy and respect.	✓	4.90	4.72	104%
The judge rules in a timely manner.	✓	4.80	4.69	102%
The judge realistically manages his or her calendar.	✓	4.78	4.53	105%
The judge convened court without undue delay.	✓	4.82	4.62	104%
The judge is willing to make difficult or unpopular decisions.	✓	4.68	4.58	102%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.88	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.	✓	4.72	4.72	100%
The judge’s personal life does not impair his or her judicial performance.	✓	4.95	4.73	105%
The judge maintains diligent work habits.	✓	4.95	4.59	108%
The judge’s interactions with court staff are professional and constructive.	✓	4.95	4.71	105%
The judge is an effective manager of his or her staff, operations and business.	✓	4.71	4.51	104%
The judge appropriately enforces deadlines and court orders.	✓	4.72	4.63	102%
The judge is appropriately accessible to court personnel.	✓	4.91	4.75	103%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.73	4.69	101%
The judge reasonably accommodates changing technology.	✓	4.89	4.57	107%
The judge paid attention to the proceedings in the courtroom.	✓	4.89	4.79	102%

**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	Hadley	Peer Avg.	% of Peer
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.82	4.85	99%
The judge is prepared for argument and hearings.	✓	4.76	4.80	99%
The judge convened court without undue delay.	✓	4.68	4.65	100%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.89	4.89	100%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.76	4.82	99%
The judge paid attention to the proceedings in the courtroom.	✓	4.82	4.82	100%
When the judge explained to the jury the reasons for his or her decision, I understood.	✓	4.68	4.64	101%
Based on the judge's explanations, I clearly understood my role and responsibility as a juror.	✓	4.79	4.88	98%
The jury instructions from the judge were clear and understandable.	✓	4.79	4.85	99%
Based on the judge's explanations, I understood the evidence I could or could not consider.	✓	4.59	4.68	98%
The judge demonstrated courtesy toward the attorneys, court staff, litigants and others in the court room.	✓	4.90	4.87	101%
The judge made me feel that the court system is fair.	✓	4.76	4.76	100%
The judge took the case seriously.	✓	4.82	4.82	100%
The judge treated the jury with respect.	✓	4.97	4.93	101%
The judge provided recesses (breaks) in the trial that were adequate	✓	4.74	4.81	98%
My experience with the judge helped me understand the role of the jury in the legal system.	✓	4.78	4.79	100%

## 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.”

S. Hadley					
Attorney		Court Staff		Juror	
Attentive	37	Attentive	7	Attentive	21
Calm	39	Calm	8	Calm	22
Confident	10	Confident	5	Confident	20
Considerate	44	Considerate	12	Considerate	25
Consistent	12	Consistent	7	Consistent	16
Intelligent	36	Intelligent	10	Intelligent	21
Knowledgeable	36	Knowledgeable	11	Knowledgeable	26
Patient	25	Patient	13	Patient	21
Polite	41	Polite	10	Polite	31
Receptive	22	Receptive	8	Receptive	12
Arrogant	0	Arrogant	0	Arrogant	0
Cantankerous	0	Cantankerous	0	Cantankerous	0
Defensive	0	Defensive	0	Defensive	0
Dismissive	1	Dismissive	0	Dismissive	0
Disrespectful	0	Disrespectful	0	Disrespectful	0
Flippant	0	Flippant	0	Flippant	0
Impatient	0	Impatient	0	Impatient	0
Indecisive	7	Indecisive	0	Indecisive	0
Rude	0	Rude	0	Rude	0

Positive	302	Positive	91	Positive	215
Negative	8	Negative	0	Negative	0
Positive	97%	Positive	100%	Positive	100%

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE SCOTT HADLEY

Five observers wrote 103 codable units that were relevant to 16 of the 17 criteria. One observer reported that the judge was aware that JPEC observers were present and two reported that the judge was not aware (two did not comment).

### Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>• All observers were positive about Judge Hadley.</li> <li>• All observers particularly noted Judge Hadley’s willingness to hear fully from all parties and to actively consider all information expressed, and his concern for the impact of his rulings by consistently applying the law in a way that did not unnecessarily harm defendants. Observers approvingly offered an unusual number of examples in these areas.</li> <li>• All observers noted Judge Hadley’s demeanor was friendly and open but also serious, businesslike and appropriately reserved. Four observers reported that Judge Hadley addressed all parties courteously and with appreciation and encouragement where possible.</li> <li>• All observers reported that Judge Hadley thoroughly explained all proceedings and his rulings, and went to great lengths to ensure they were understood. Four observers noted his consistency in treating all persons and in applying the law, extending to using identical language in similar situations. One observer was alone in noting that this seemed to prevent Judge Hadley from restating in different ways information that was not understood.</li> <li>• Three observers reported that they would feel comfortable appearing before Judge Hadley (two did not comment).</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>• None</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>• One observer was alone in reporting that Judge Hadley did not personally greet defendants.</li> <li>• One observer was alone in suggesting that when issuing an order for “No contact either direct or indirect” that “indirect” could be defined, as some other judges do.</li> </ul>

<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	4	5	4	4	5
Respect	4	5	4	4	4
Ability to earn trust	4	5	4	4	5
Skill at providing voice	4	5	5	4	4

### Summary and *exemplar language* of five observers’ comments

#### *RESPECTFUL BEHAVIORS*

Listening & focus	Two observers reported that Judge Hadley was a <i>very good listener, listening carefully and calmly</i> to all answers with an <i>alert, attentive posture</i> .
Well-prepared & efficient	<p>Three observers reported that the court was <i>well organized and efficient</i> with no “downtime”. When cases were delayed because <i>attorneys were not ready</i> the judge <i>stayed in the courtroom and made good use of his time by discussing scheduling, etc.</i></p> <p>He was <i>very well prepared</i>, stating each case and then saying what documents he had read to prepare, in one case already having reviewed papers received that morning.</p>



Respect for others' time	One observer noted Judge Hadley <i>steered attorneys to less crowded dates</i> when the docket was filling, and <i>pressed attorneys</i> in a long drawn out case for a <i>date at the earliest opportunity</i> .
Respectful behavior generally	Four observers reported that Judge Hadley addressed every person as Mr. or Ms., made <i>information repeated many times</i> sound as though <i>being said just for that person</i> , thanked <i>each person by name</i> when they left court, and with appreciation and encouragement where possible, saying for example, "Thank you for complying with everything, keep it up", and when sentencing a defendant to prison saying "I feel you ... have great value ... when you come out, that will be your opportunity to prove your value and be the father and husband you want to be". He readily apologized for a <i>mix-up in the paperwork</i> , and took a <i>correction for a mistake graciously</i> .  One observer in contrast reported that the judge did not give a <i>personal touch to a bad situation</i> by greeting defendants instead saying "Let the record show that Mr. X is now in the courtroom".

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*RESPECTFUL TONE*

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Courtesy, politeness and patience	Four observers reported that Judge Hadley created a <i>comfortable atmosphere by entering the courtroom with a pleasant "good morning" and a smile</i> , listened <i>very patiently and never interrupted</i> , even when <i>put to the test</i> by an obnoxious and discourteous inmate. He was as courteous to staff and attorneys as to defendants.
Courtroom tone & atmosphere	All observers reported Judge Hadley's demeanor was <i>cordial, open</i> and he <i>interacts easily</i> with all, <i>showing a sense of humor</i> at times; but also <i>businesslike, serious, and reserved which is good in a judge</i> . He was <i>definitely in charge of his courtroom</i> , which was <i>orderly, efficient and serious</i> .  One observer noted approvingly a unique <i>poster in a "proclamation" format</i> that stated expected standards of behavior in court, and that the <i>bailiff announced cellphones should be off</i> .
Body language	Three observers reported that Judge Hadley maintained eye contact when reading rights and especially when asking questions, and greeted the courtroom pleasantly with a smile.
Voice quality	One observer noted that Judge Hadley spoke clearly and loudly.

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*NEUTRALITY*

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Consistent and equal treatment	Four observers reported that Judge Hadley was <i>absolutely consistent</i> with all defendants, regardless of their dress or appearance or whether privately or publicly represented, and always used the <i>same words</i> in the same situation. One observer mentioned Judge Hadley's <i>unique verbiage</i> – for example "Are you pleading ... knowingly, voluntarily, intentionally and intelligently" – as <i>quite a mouth full but I guess covered all the bases</i> .  One observer noted that Judge Hadley welcomed an attorney by asking if he was related to a person known to the judge with the same last name, and he was, but the observer <i>didn't think the judge let this affect the proceedings and felt it was not improper</i> .
Acts with concern for individual needs	All observers reported that Judge Hadley was <i>mindful of the impact his decisions had on people's lives</i> , and elaborated an unusually large number of examples that demonstrated the lengths to which the judge went to apply the law in a way that did not unnecessarily harm the defendants. Whenever possible he modified his rulings to allow defendants to maintain employment or fulfill parental responsibilities, often with strict conditions.  Another was impressed that the judge <i>listened to and took notes of the recording of a previous appearance</i> in order to be clear <i>how to rule on a request to withdraw a guilty plea</i> ; another was impressed that the judge noticed a defendant had no address and so could not have been informed that his appearance date had changed, declining to issue a warrant until the original date.
Expresses concern for the individual	Three observers reported that Judge Hadley expressed concern for defendants' circumstance, for example inquiring how defendants would be able to pay fines or for treatment. He particularly expressed concern for unrepresented defendants, repeating over and over "It is highly advisable that you have an attorney. I will give you two more weeks to find one."

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Unhurried and careful	Two observers reported that the proceedings were <i>efficient</i> with <i>only seconds between most cases</i> , but without any <i>rushing through cases</i> .
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*VOICE*

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Considered voice	All observers reported that Judge Hadley was <i>very good at allowing all parties to have a voice</i> , and they elaborated an unusually large number of examples. He <i>consistently asked</i> “Do you have anything you’d like to say?” or “Do you agree with what your attorney is doing?” He gave defendants <i>time to speak</i> without <i>interrupting</i> and <i>frequently repeated what was said</i> to show he had <i>understood</i> . He <i>took seriously defendants’ questions or comments</i> and attorneys’ proposals <i>for plans of action that might better suit a situation</i> , often adjusting the sentence accordingly.
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*COMMUNICATION*

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Communicates clearly	One observer reported that Judge Hadley spoke <i>very clearly</i> in a <i>slow, forceful and impartial</i> manner. But another felt he <i>could have been more clear</i> particularly when a <i>defendant was confused</i> and the judge <i>repeated information but did not often restate in a different way</i> , although he <i>seemed genuinely concerned that each individual did understand his rulings and reasons</i> .
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Ensures information understood	All observers reported that Judge Hadley spoke slowly and clearly to ensure the defendants understood, frequently asked if they understood <i>what they were being asked to do</i> , waited for <i>signs of understanding before moving on</i> , and <i>accommodated his speech and timing to allow interpreters to do their job</i> . In one case <i>he went further than he had to</i> to ensure the defendant understood the reality of a guilty plea that he explained at length “is very, very hard to undo.”  Judge Hadley did an exceptionally good job by reading orders when rendering a sentence, which one observer felt had much more impact than just handing them the court order.
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Provides adequate explanations	All observers reported that Judge Hadley explained the consequences of defendants’ actions and choices, which on occasion led them to change their mind. He always gave <i>clear instructions regarding what each party needed to do next</i> . He <i>usually made a comment to justify his sentencing</i> , and always <i>explained what guidelines he was following regarding time to be served and fines to be paid</i> . He explained his procedures and <i>noted that he had a check list for attorneys</i> .  However one observer mentioned that when Judge Hadley issues an order for “No contact either direct or indirect” it might be better to define “indirect” as this observer had heard other judges do, for example “that means no email, texting or cell phone calls”.
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