

# Judicial Profile

J u d g e D e n o H i m o n a s

By Kara M. Houck

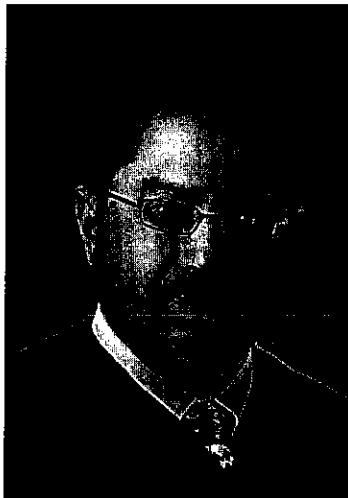
Judge Himonas' life changed when he went from private practice at Jones Waldo Holbrook & McDonough, PC to serving as a Judge for the Third Judicial District Court. For starters, he had to explain to his ten-year-old daughter's grade school teacher why his daughter spent a good deal of her summer vacation in court. Judge Himonas reassured the concerned teacher that his daughter was merely visiting her dad and was not in any legal trouble.

In addition to having to clarify his daughter's summer vacation activities, Judge Himonas' perspective of the legal process changed when he became a judge. Since he no longer advocates for a client's position, he reads pleadings and legal memoranda with a different eye and hears oral arguments with a different ear. From his new point of view on the bench, Judge Himonas more fully appreciates and understands the basic practice pointers that all attorneys are repeatedly given.

Developed from his experience as both an advocate and a judge, Judge Himonas has two specific rules of advocacy for both written and oral arguments: (1) Do not offend the mind you are trying to convince; and (2) Do not bore the mind you are trying to convince.

Judge Himonas' first rule is borrowed from the Honorable George C. Pratt, United States Circuit Judge for the Second Circuit. Simply put, attorneys should avoid unprofessional behavior -- toward opposing counsel or otherwise. Although he believes that most attorneys attempt to argue and brief their cases with objectivity, as an advocate, an attorney often cannot remove himself or herself far enough from the process to be truly objective. Judge Himonas points out that there can be a fine line between a respectable, energetic lawyer that believes in his or her cause, and the lawyer that goes too far and displays unprofessional behavior. For example, Judge Himonas indicated that ad hominem attacks tend to distract a judge, diverting the judge's attention from the real issues, which is rarely the attorney's goal. And, to the extent that an attorney's conduct offends a judge, this same behavior doubly offends the sensibilities of a jury. From Judge Himonas' experiences with talking to juries after trials, an attorney's behavior, whether positive or negative, affects the

jurors' impressions of that attorney's client. With that said, Judge Himonas was pleased to note that the vast majority of the bar that has appeared before him is congenial and professional.



Judge Deno Himonas

Judge Himonas' second rule, not to "bore the mind you are trying to convince," is attributable to one of his former partners at Jones Waldo. As one example of how to avoid this pitfall, Judge Himonas suggests that attorneys refrain from repeating themselves. Repetition does not "help the message to sink in." Instead, repetition causes an argument to "los[e] its force."

Since his appointment by Governor Olene Walker in May 2004, Judge Himonas has already been developing his own personal style for his courtroom. His goal is to keep his courtroom as comfortable as possible for the litigants, attorneys and jurors. Judge Himonas points out that while his

courtroom is traditional, he tries to keep things informal. Judge Himonas has found that the informality has helped put the jury at ease and prevents the feel of a "boot camp." In addition, he has been working on his own set of jury instructions in an effort to develop simplified instructions that use "common English."

Originally from Price, Utah, Judge Himonas attended law school at the University of Chicago. After receiving his J.D. in 1989, he returned to Utah to work at Jones Waldo because his then bride-to-be became "addicted" to Utah. Judge Himonas, his wife and two children enjoy doing anything that gets them outdoors. Calling himself the "worst avid golfer" he knows, Judge Himonas also enjoys playing squash, running and fishing.

*Salt Lake County Bar Association  
Holiday Dinner Dance  
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