

## **Honorable Robert W. Adkins – District Court Judge**

Serving Salt Lake, Summit and Tooele counties



### **Commission Recommendation: **RETAIN****

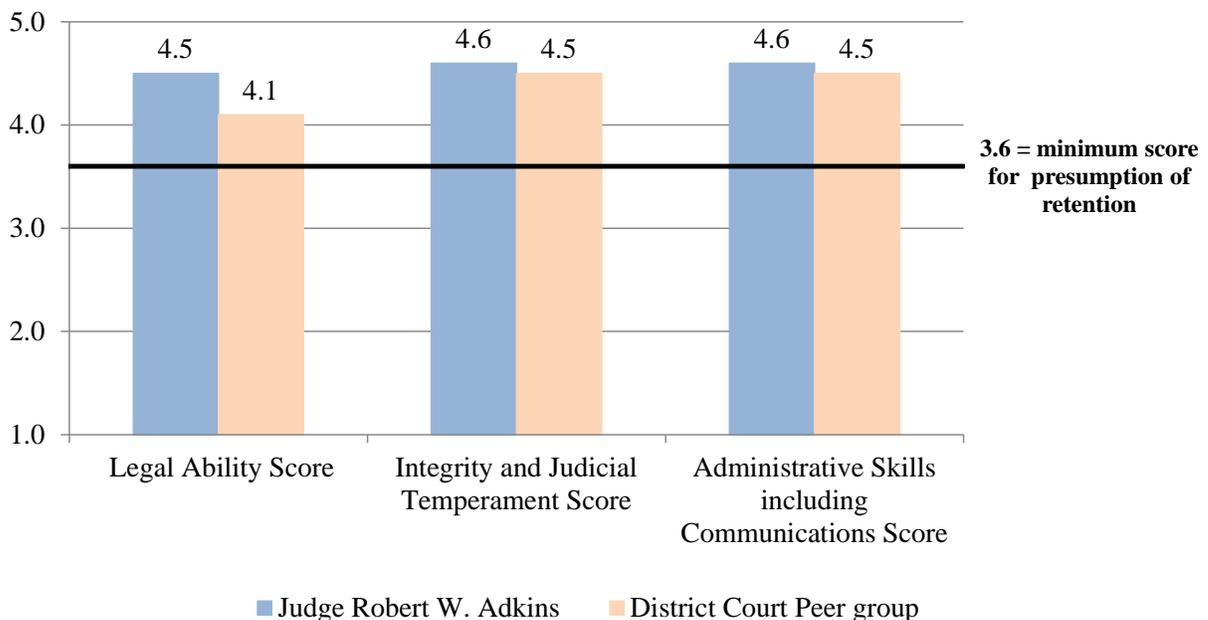
(vote count: 12-0 for retention)

Appointed in 2005, Judge Robert Adkins received consistent praise from survey respondents for his fairness, thoughtfulness, and judicial demeanor. Participants most often described Judge Adkins as knowledgeable, considerate and attentive. The vast majority of respondents used only positive terms to describe their experiences with Judge Adkins. Courtroom observers were likewise impressed with Judge Adkins, noting his impartial, respectful, and unhurried interactions with litigants and his demonstrated concern for each individual appearing before him. Of survey respondents who answered the retention question, 95% recommended that Judge Adkins be retained.

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

Judge Robert W. Adkins was appointed to the Third District Court in 2005 by Gov. Olene Walker. He volunteered as a law clerk for Third District Court Judge D. Frank Wilkins prior to receiving his law degree from the University of Utah College of Law in 1972. Judge Adkins worked at the Salt Lake County Attorney's Office, and the law offices of Roe & Fowler and, later, Adkins and Christiansen. He served as Summit County Attorney from 1975 until his appointment to the bench. Judge Adkins served 10 years as a small claims court judge in Summit County. In addition, he served on the Salt Lake County Children's Justice Center Advisory Board and currently serves as judge of the Tooele County Felony Drug Court.

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



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# **The Honorable Robert W. Adkins**

**Judicial Performance Evaluation Commission Report**

**Retention 2014**

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### **II. Courtroom Observation Report**

# I. Survey Report

## Survey Results

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### A. How to Read the Results

For Judge Robert W. Adkins, 53% of qualified survey respondents submitted surveys. Of those who responded, 73 agreed they had worked with Judge Robert W. Adkins enough to evaluate his performance. This report reflects the 73 responses. The survey results are divided into five sections:

- Statutory category scores
- Procedural fairness survey score
- Responses to individual survey questions
- Summary of adjectives
- Retention question

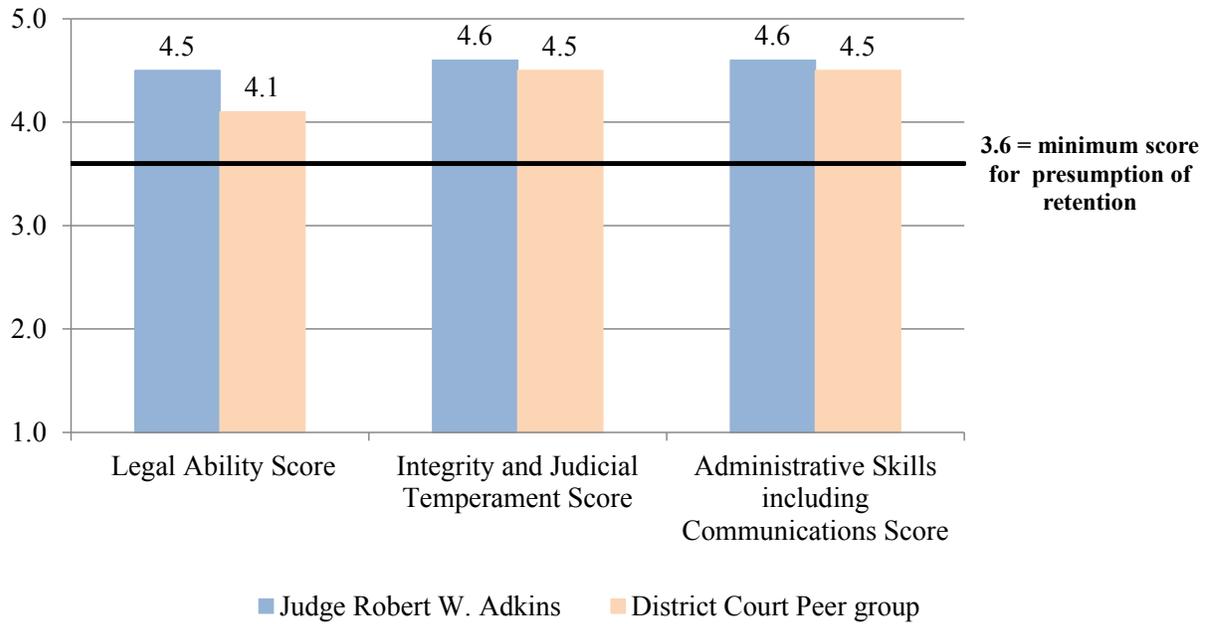
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Court" on the charts.

The statutory category scores and the procedural fairness survey score represent average scores on a scale of 1 (inadequate) to 5 (outstanding). Responses from all survey respondent groups contribute to the average score shown for each category, with the exception of Legal Ability. Only attorneys answer these questions.

What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to recommend retention unless it can articulate a substantial reason for overcoming the presumption in favor of retention. Similarly, if a judge fails to get a 3.6 in a category, the commission will vote against retention unless it can articulate a substantial reason for overcoming the presumption against retention.

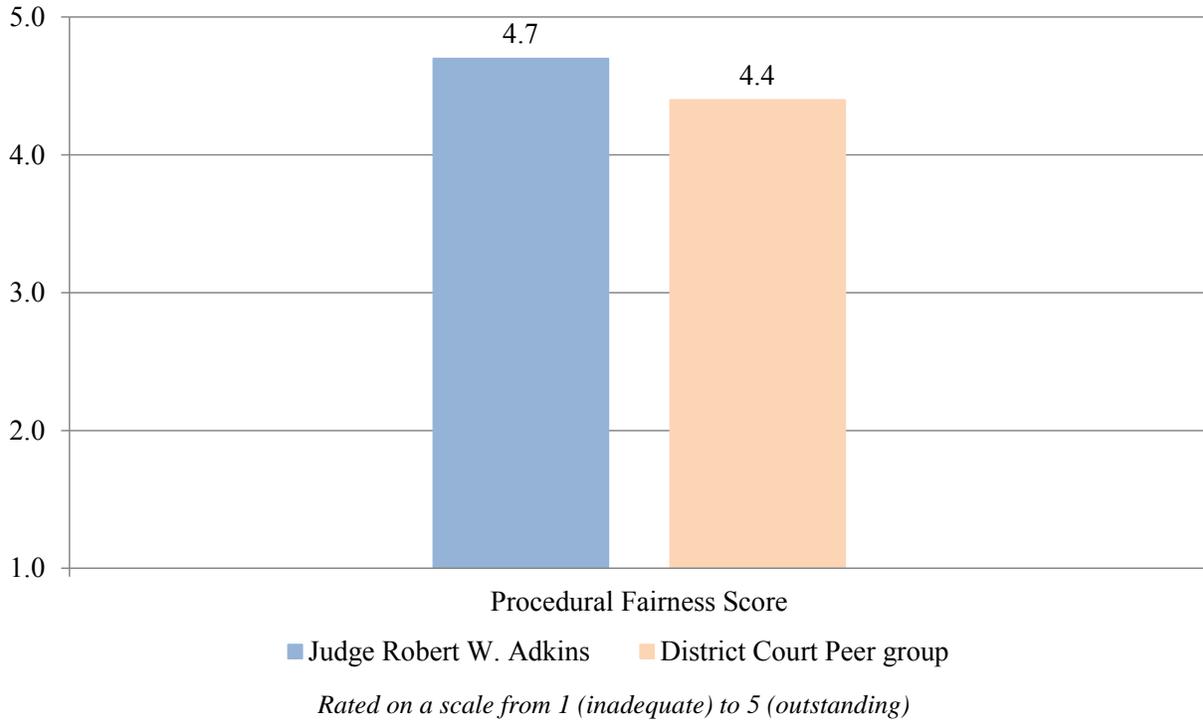
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, and this determination will be made by the commission only during the retention cycle.

## B. Statutory Category Scores



*Rated on a scale from 1 (inadequate) to 5 (outstanding)*

### C. Procedural Fairness Survey Score



For procedural fairness, the judge must demonstrate by a preponderance of the evidence that the judge’s conduct in court promotes procedural fairness for court participants. This determination is based on courtroom observations and relevant survey responses.

#### Overall Procedural Fairness Determination

Category	Judge Robert W. Adkins
Procedural Fairness	PASS

## D. Responses to Individual Survey Questions

Category	Question	Judge Robert W. Adkins	District Court
Legal Ability	The judge follows the applicable legal rules (e.g. civil procedure, criminal procedure, evidence, juvenile, appellate) that apply to the case at issue.	4.5	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.4	4.1
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.5	4.1
Legal Ability	The judge only considers evidence in the record.	4.4	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.5	4.1
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.5	4.5
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.6	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.6	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.6	4.3
Integrity & Judicial Temperament	The judge promotes access to the justice system for people who speak a language other than English, or for people who have a physical or mental limitation.	4.8	4.6

*Rated on a scale from 1 (inadequate) to 5 (outstanding)*

<b>Category</b>	<b>Question</b>	<b>Judge Robert W. Adkins</b>	<b>District Court</b>
Administrative Skills	The judge is prepared for court proceedings.	4.7	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.7	4.5
Administrative Skills	The judge is an effective manager.	4.6	4.3
Administrative Skills	The judge convenes court without undue delay.	4.6	4.5
Administrative Skills	The judge rules in a timely fashion.	4.6	4.4
Administrative Skills	The judge maintains diligent work habits.	4.7	4.5
Administrative Skills	The judge's oral communications are clear.	4.7	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.6	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.8	4.5
Procedural Fairness	The judge is fair and impartial.	4.6	4.4
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.7	4.3
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.7	4.4

*Rated on a scale from 1 (inadequate) to 5 (outstanding)*

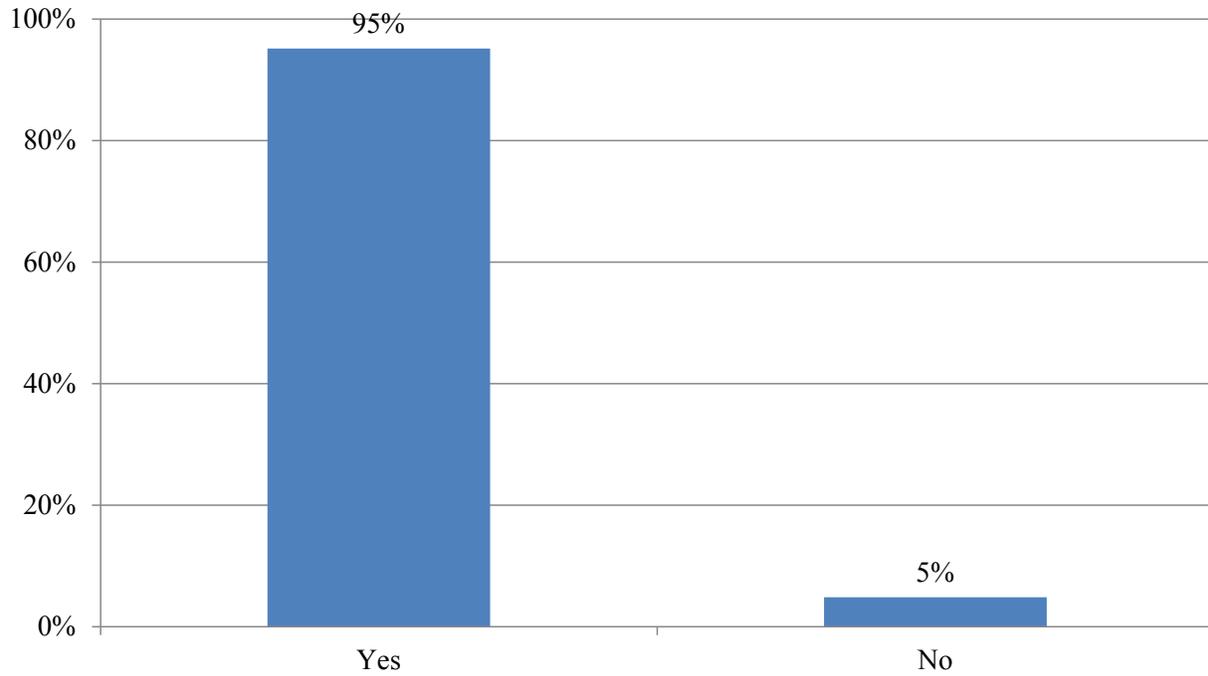
## E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	32
Calm	28
Confident	10
Considerate	31
Consistent	22
Intelligent	30
Knowledgeable	32
Patient	30
Polite	30
Receptive	16
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	1
Disrespectful	0
Flippant	0
Impatient	1
Indecisive	1
Rude	0
<b>Total Positive Adjectives</b>	<b>261</b>
<b>Total Negative Adjectives</b>	<b>4</b>
<b>Percent of Positive Adjectives</b>	<b>98%</b>

Respondents were asked to select adjectives from a list that best described the judge. The number shown is the total number of times an adjective was selected by respondents. The percent of positive adjectives shows the percent of *all* selected adjectives that were positive.

## F. Retention Question

**Would you recommend that Judge Robert W. Adkins be retained?**



## G. Attorney Demographics

### What are your primary areas of practice?

Collections	11%
Domestic	30%
Criminal	27%
Civil	59%
Other	5%

### How many trials or hearings have you had with this judge over the past year?

5 or fewer	67%
6 - 10	16%
11 - 15	2%
16 - 20	2%
More than 20	14%

# Survey Background and Methods

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This report presents the results from the 2013 survey process, conducted by Market Decisions, LLC. A detailed description of the survey methodology is available separately on the Utah Judicial Performance Evaluation website.

## A. Survey Overview

### 1. Description of Sample

The following groups are invited to participate in the survey process:

- Attorneys with appearances before the judge
- Court staff who work with the judge
- Juvenile court professionals who work in the judge's courtroom on a regular and continuing basis to provide substantive input to the judge (juvenile court judges only)
- Jurors who participate in jury deliberation (district and justice court judges only)

With the exception of the attorney survey, the survey contractor attempts to survey all court staff and juvenile court professionals who work with judge and all jurors who reach the point of jury deliberation. The lists of court staff and juvenile court professionals are provided by the courts and by the Division of Child and Family Services and Juvenile Justice Services. A list of jurors is created after each trial. All lists are forwarded to the surveyor, Market Decisions, LLC.

For the attorney survey, a representative sample of attorneys is drawn to evaluate each judge based on appearances over a designated two-year period. The sample is weighted to select those with the greatest experience before the judge, assuming that these people will have a better knowledge base about the judge than those with less experience. Attorneys are first stratified into three groups; those with one or more trial appearances, those with 3 or more non-trial appearances, and those with 1-2 non-trial appearances. Attorneys within each sample are then randomized prior to selection. Selection begins with attorneys who have trial experience, then those with a greater number of non-trial appearances (if needed), and finally those with fewer non-trial appearances (if needed).

### 2. Summary of Survey Methods

Surveys are conducted online, using web-based survey software. Each respondent receives an initial email invitation requesting participation in the survey. A separate email is sent for each judge that a respondent is asked to evaluate. A reminder email is sent one week later to those who did not respond by completing and submitting a survey. This is followed by three additional reminder emails sent to respondents over the next three weeks. If a respondent completes only part of the survey, he or she is able to finish the survey at a later time. Once a respondent has completed the survey for a specific judge, the survey is locked and cannot be accessed again.

The number of questions included in the survey varies, ranging from 9 (jurors) to 24 (attorneys with an appearance before an appellate court judge). Each question is evaluated on a sliding scale ranging from 1 (inadequate) to 5 (outstanding).

Responses to individual questions are used to calculate averaged scores in three statutory categories: Legal Ability, Integrity & Judicial Temperament, and Administrative Skills. Judges also receive an averaged score in Procedural Fairness.

## **B. Evaluation Period**

The retention evaluation period for judges standing for election in 2014 began on June 1, 2012 and ended on June 30, 2013.

# II. Courtroom Observation Report

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE ROBERT ADKINS

Four observers wrote 75 codable units that were relevant to 13 of the 17 criteria. Two observers reported that the judge was not aware that JPEC observers were present, and two did not know if the judge was aware.

### Overview

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WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"><li>• All observers were positive about Judge Adkins.</li><li>• All observers variously reported that Judge Adkins generally started on time and accommodated all requested schedules. He addressed all participants respectfully, was polite and courteous, was not demeaning to indigent defendants, and gave all participants the same impartial treatment. He often wished participants good luck and thanked them for participating. Judge Adkins was both professional and open, calm but fully alert, in charge and in control. He was thorough and unhurried, and did not rush even when attempting to complete all hearings after a late start. He was genuinely concerned that participants understood their rights and the requirements of their sentences, and he was outstanding at giving clear directions and explaining allegations and why he was making his decisions.</li><li>• All observers particularly noted that Judge Adkins acted with concern for each individual, ensuring defendants knew their rights to a lawyer, and worked with defendants to accommodate their needs and help them meet their requirements. In drug court he worked to determine the best path for each participant, and applied sanctions consistently but with appropriate variation. All observers particularly emphasized that Judge Adkins wanted to hear from all parties, encouraged full comments with open ended questions, and indicated through his responses that he listened to what he heard.</li><li>• All observers reported that they would feel comfortable appearing before Judge Adkins.</li></ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"><li>• Two observers noted that Judge Adkins looked down at his computer or looked through documents rather than put his full attention on the speaker (see “Listening &amp; focus”).</li><li>• Two observers reported that Judge Adkins did not indicate through eye contact that he was giving his full attention, and that he at times appeared bored (see “Courtroom tone &amp; atmosphere” and “Body language”).</li></ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"><li>• In contrast to all other observers, one observer reported that Judge Adkins had a habit of ending a case with a “thank you” that suggested a dismissal, and that some defendants were frustrated that they had not said all they wanted (see “Considered voice”).</li></ul>

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

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#### RESPECTFUL BEHAVIORS

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Listening & focus	Two observers reported that it was <i>a little disconcerting</i> that Judge Adkins <i>mostly looked down at his computer screen while he was talking and often while he was listening</i> . During some cases he <i>looked through documents rather than putting his full attention on who he was communicating with</i> , making him appear to <i>not be respectful</i> .
Respect for others’ time	Two observers reported that Judge Adkins <i>started on time</i> and restarted promptly after a recess at the previously announced time. He was very accommodating to all schedule <i>requests made by the attorneys</i> . <i>One observer reported that court was delayed 30 minutes due to attorneys’ lack of readiness</i> , and resumed after Judge Adkins returned <i>without any explanation for the delay</i> ; however, he did <i>not break for lunch or any other recesses</i> so that he could stay on schedule.

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Respectful behavior generally	<p>Three observers reported that Judge Adkins began the court session <i>with a cheerful “Good morning” and always addressed each person as Mr. or Ms.</i> He was respectful and polite when determining if a defendant qualified for a public defender, saying for example, <i>“Sir, do you support anyone but yourself?”</i> He was <i>not demeaning or “looking down” on indigent defendants.</i></p> <p>When a participant <i>had some excuse</i>, for example protesting saying that he had been testing three times each week and had always been clean, the judge respectfully told the litigant that <i>he appreciated that he had been testing clean but that he was being taken into custody.</i> He often told participants <i>“good luck” and thanked them for their participation,</i> and when participants reported the number of days they had been sober, Judge Adkins <i>sincerely congratulated each one.</i></p>
<i>RESPECTFUL TONE</i>	
Courtesy, politeness and patience	Two observers reported that Judge Adkins’ strength is his <i>polite and respectful attitude</i> , and his <i>courteous manner throughout.</i> He treated the attorneys and staff in an <i>appreciative, friendly manner.</i>
Courtroom tone & atmosphere	<p>Three observers reported that Judge Adkins was <i>professional and open, controlled and engaged</i> at the same time, <i>calm and steady but fully alert and totally engaged.</i> One observer felt <i>great confidence in his ability as a judge</i>, noting that his manner expressed that he was <i>in charge here, and no matter what is said I will remain in control, so go ahead and tell me your story, I have the time to listen.</i> One observer felt his manner was <i>a bit aloof</i>, but noted this <i>could be a result of asking the same questions multiple times in a session.</i></p> <p>The fourth observer reported on Judge Adkins’ staid demeanor, noting that he <i>appeared to be bored and “displeased”</i> with the progress of the proceedings, and that he could have presented a more <i>“businesslike” appearance by staying on the bench and working during wait times.</i></p>
Body language	One observer reported that Judge Adkins did not <i>fidget, move around, or move papers or files around.</i> However, another observer would <i>like to have seen more eye-contact</i> so that defendants would <i>feel they had his total attention</i> , and another noted that he <i>spent much of the time with his hand propping up his head, almost as if bored or tired.</i>
Voice quality	One observer reported that Judge Adkins spoke in a <i>calm and measured voice.</i>
<i>NEUTRALITY</i>	
Consistent and equal treatment	Three observers reported that all defendants, either in custody or not, were <i>given the same treatment and impartiality.</i> He <i>started every case in the exact same way</i> , saying, <i>“This is case number. . . Is your true and correct name X?”</i>
Acts with concern for individual needs	<p>All observers reported that Judge Adkins <i>made sure each defendant knew they had the right to see a lawyer</i>, and when defendants needed a public defender he was <i>quick to have one appointed</i>, for which a <i>couple of defendants were quite grateful.</i> He <i>attempted to work with defendants to make it possible for them to comply with requirements</i>, and he allowed defendants to set their own payment schedules. He accommodated the needs of a <i>woman and her five adult children</i>, saying, <i>“If we could please have the people identify themselves. Do you all want a Bench Trial? We’ll see if we can find a trial date that will be convenient for you.”</i> He consolidated cases to <i>make things more ‘doable’</i> for a defendant, and the <i>clerks took the time to look over past files</i> to work out difficulties when a defendant had multiple charges and court dates.</p> <p>Judge Adkins worked with all drug court staff to <i>determine the best path</i> for each participant. He listened to the varied explanations of those who had not showed for mandatory testing, and applied sanctions <i>consistently but with appropriate variation</i> based on each participant’s situation. One participant had his small child with him and said that <i>he had no care for the child until the child’s mother got off work at 5pm, and Judge Adkins ordered that the litigant report to the jail no later than 6:00 that evening.</i> One observer found drug court a <i>humbling experience, in which the participants were fighting for their lives, and Judge Adkins was right there with them and gave them every opportunity to succeed.</i></p>

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Unhurried and careful	Two observers reported that Judge Adkins was <i>always thorough when reviewing charges</i> and <i>answered questions carefully</i> . He was <i>unhurried and patient</i> , even when attorneys were not ready to present their cases. While he tried to finish all the scheduled hearings set and <i>make up for a late start</i> , he <i>did not rush the hearings but gave full attention to each one</i> as if there was not a time factor in finishing the schedule.
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*VOICE*

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Considered voice	<p>All observers reported that Judge Adkins <i>really wants to hear all parties</i>, and that he gave each side the opportunity to <i>explain their side of the story</i>, saying for example, “<i>All right, Mr. W., if you want to be heard, you may do so now. Is there anything you’d like to say?</i>” He encouraged <i>more than yes or no answers by asking open ended questions</i>, and he allowed defendants to comment on the allegations against them. Judge Adkins showed he listened to participants’ comments, as was <i>evidenced by his follow-up questions and comments</i>. When a city attorney objected to bail because additional charges would be filed later that day, the judge <i>listened calmly but respectful said they would address that issue when it happened</i>. In one case a defendant requested release time to attend his grandfather’s funeral, and <i>after inviting comments from the family he granted it with strict conditions</i> that the observer found reasonable.</p> <p>However, one observer additionally noted that Judge Adkins had a <i>habit of ending a case with “Thank you” in a way that suggested a dismissal that implied “That’s it, I’m done.”</i> Some defendants seemed <i>frustrated</i> that they had not said all they apparently wanted. In one case a <i>family member waved and wanted to speak, but the judge did not recognize her, possibly because he did not look up more often</i>. An attorney who noticed this spoke to the woman after the case.</p>
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*COMMUNICATION*

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Ensures information understood	Two observers reported that Judge Adkins was <i>genuinely concerned</i> that each defendant <i>clearly understood their rights</i> , and he watched defendants as they responded to his <i>direct questions</i> and his <i>colloquy</i> . After sentencing he ensured defendants <i>claimed to fully understand what they had to do or were prohibited from doing</i> .
Provides adequate explanations	<p>All observers reported that Judge Adkins was <i>outstanding in giving clear directions</i> to defendants, for example, “<i>Report to A.C. no later than 4:00 pm today and we’ll see you in two weeks. It’s important that you see A.C. by 4:00 pm and provide proof of employment.</i>”</p> <p>He clearly advised defendants of the source of the allegations against them, naming the <i>charging agencies</i>, and <i>explaining the allegations clearly</i>. He explained <i>why he was making his decisions</i>, and he <i>carefully and clearly explained the actions required under the terms of the sentences</i>.</p>

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