

Honorable Sherene T. Dillon – Juvenile Court Judge

Serving Davis, Weber and Morgan counties



Commission Recommendation: **RETAIN**

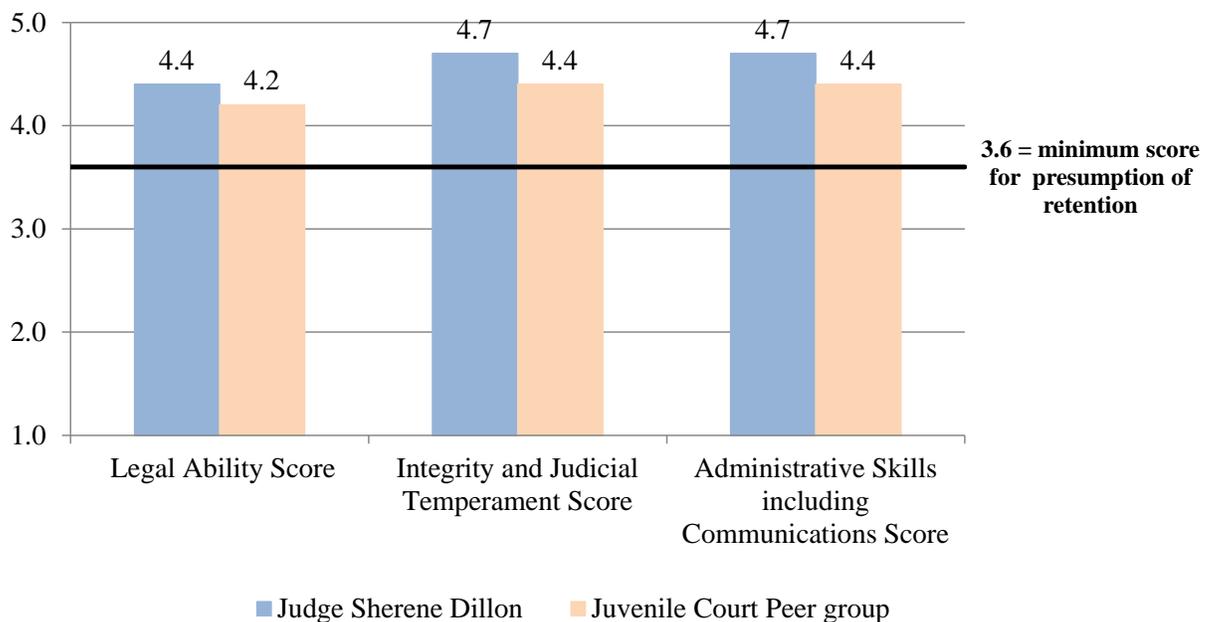
(vote count: 12-0 for retention)

Appointed in 2011, Judge Sherene Dillon has quickly become an effective and capable juvenile court judge. Survey respondents characterized Judge Dillon as knowledgeable, attentive, and consistent, and specifically cited her warmth and encouragement to juveniles attending court. Several survey respondents commented on Judge Dillon's efficiency as well as her respect for the time and expenses of courtroom attendees. All courtroom observers reported they would feel comfortable appearing before Judge Dillon, with several noting her admirable preparation and patience as well as her excellent listening skills. Among survey respondents who answered the retention question, 97% recommended that Judge Dillon be retained.

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

Judge Sherene Terry Dillon was appointed to the Second District Juvenile Court by Governor Gary R. Herbert in January 2011. She is a 1986 Cum Laude graduate of the J. Reuben Clark Law School. Following graduation, she specialized in family law and adoption matters at Kirton, McConkie and Poelman and in private practice. In 1994 Judge Dillon began working in the newly-created Office of the Guardian ad Litem, representing children in Second District Juvenile Court. In 2010 she was certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. She presides over a Juvenile Delinquency Drug Court and an Adult Dependency Drug Court, focusing on children and parents experiencing drug addictions.

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



The Honorable Sherene Dillon

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Sherene Dillon, 51% of qualified survey respondents submitted surveys. Of those who responded, 67 agreed they had worked with Judge Sherene Dillon enough to evaluate her performance. This report reflects the 67 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

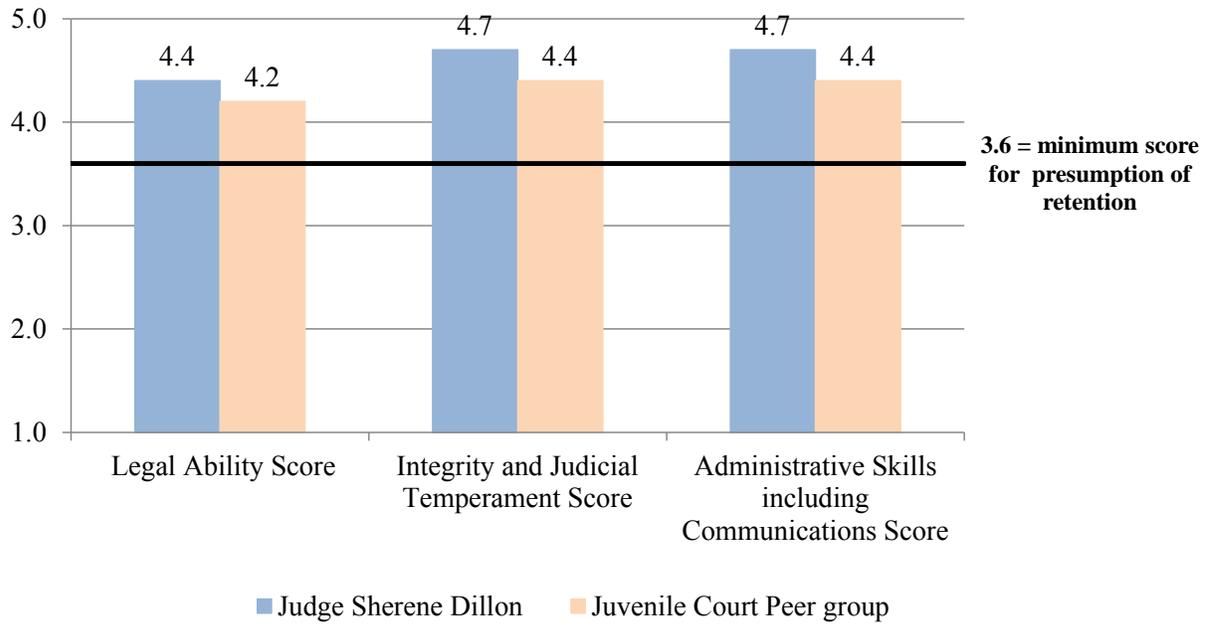
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

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.

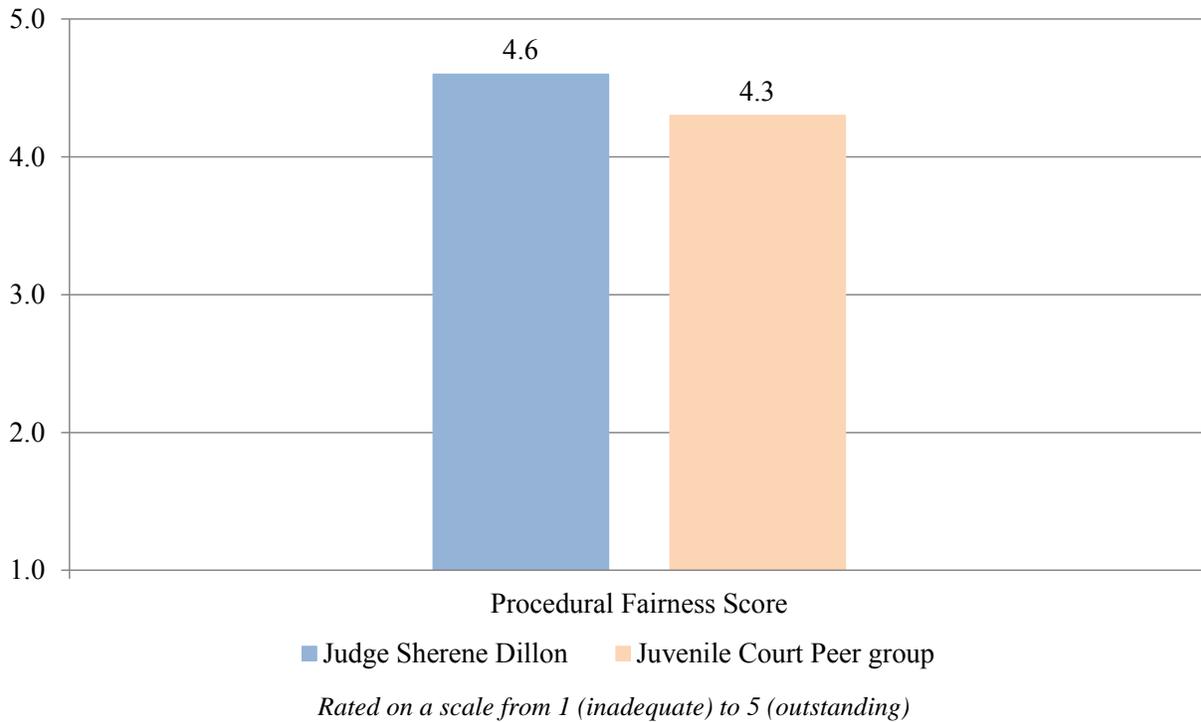
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, 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 Sherene Dillon
Procedural Fairness	PASS

D. Responses to Individual Survey Questions

Category	Question	Judge Sherene Dillon	Juvenile 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.	4.4	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.4	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.4	4.2
Legal Ability	The judge only considers evidence in the record.	4.2	4.1
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.4	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.7	4.4
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.8	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.6	4.2
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.7	4.2
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.	4.7	4.7

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

Category	Question	Judge Sherene Dillon	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.7	4.5
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.7	4.3
Administrative Skills	The judge is an effective manager.	4.7	4.3
Administrative Skills	The judge convenes court without undue delay.	4.5	4.2
Administrative Skills	The judge rules in a timely fashion.	4.7	4.5
Administrative Skills	The judge maintains diligent work habits.	4.8	4.5
Administrative Skills	The judge's oral communications are clear.	4.7	4.4
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.7	4.4
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.6	4.3
Procedural Fairness	The judge is fair and impartial.	4.6	4.2
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.6	4.2
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.6	4.4

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

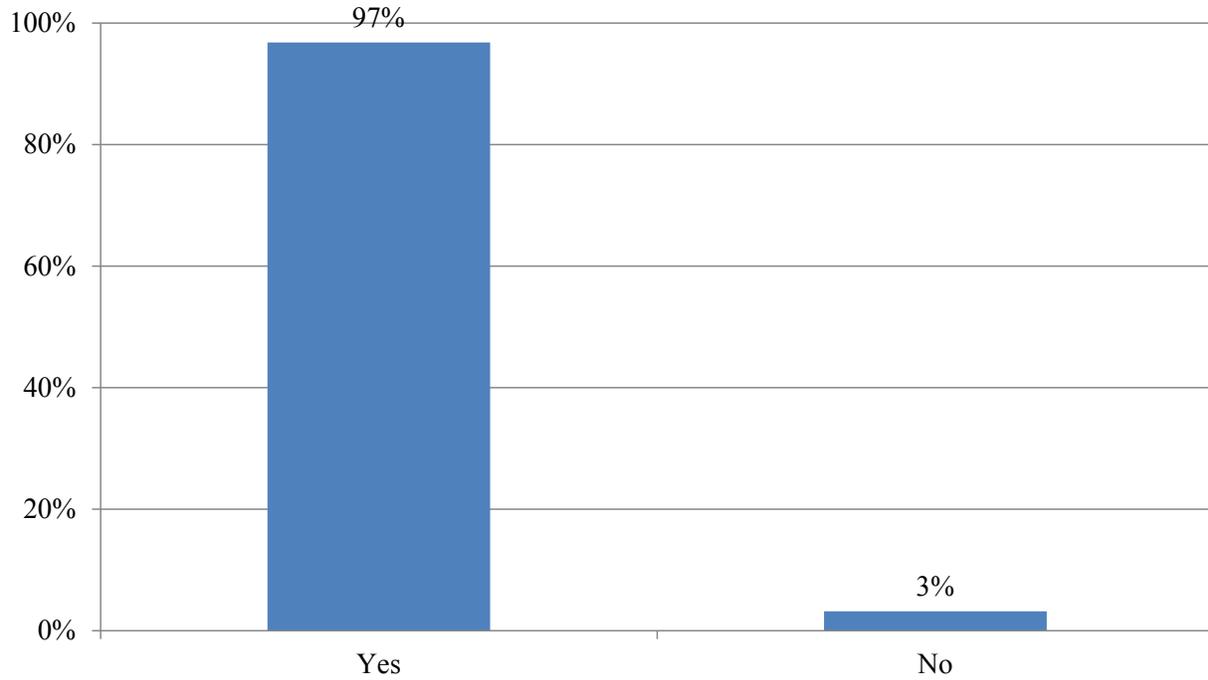
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	35
Calm	16
Confident	22
Considerate	29
Consistent	29
Intelligent	23
Knowledgeable	44
Patient	15
Polite	16
Receptive	26
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	1
Disrespectful	1
Flippant	0
Impatient	0
Indecisive	1
Rude	0
Total Positive Adjectives	255
Total Negative Adjectives	4
Percent of Positive Adjectives	98%

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 Sherene Dillon be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	-
Domestic	58%
Criminal	50%
Civil	17%
Other	33%

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

5 or fewer	33%
6 - 10	33%
11 - 15	8%
16 - 20	4%
More than 20	21%

Survey Background and Methods

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 SHARENE DILLON

Four observers wrote 117 codable units that were relevant to 16 of the 17 criteria. All observers reported that the judge was aware that JPEC observers were present.

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Dillon. All observers variously reported that Judge Dillon was an excellent listener, prepared and efficient, and current on cases. She explained and apologized for delays, and she showed concern for participants' time and schedules. She greeted participants by name and spoke politely to all, thanking, complimenting, and acknowledging those making great progress, and never demeaning those who had not. She handled assertive, angry or argumentative participants smoothly and always without negativity. Judge Dillon was patient, accommodating and gracious, put the juveniles at ease, and made participants feel comfortable and safe, but she was also firm and in control. She displayed interested and appropriate body language, making direct eye contact while leaning forward, and never raised her voice. Judge Dillon behaved consistently towards everyone and listened with equal interest to all, but her first priority was always the interests and welfare of the juveniles. She never rushed or hurried, gave all parties ample time to have their say and respond to the other side, and was skilled in getting juveniles to open up. She gave lengthy and detailed explanations of her decisions and specific explanations of how to fulfill her orders. She ensured that defendants understood their rights and the proceedings, asking if they had questions or concerns. All observers reported that they would feel comfortable appearing before Judge Dillon.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Three observers reported that Judge Dillon was an <i>excellent</i> and <i>attentive listener</i> who not only relied upon listening but <i>gained information by closely observing facial expressions and physical demeanor</i> .
Well-prepared & efficient	Three observers reported that Judge Dillon was <i>prepared, efficient, and current on each juvenile's case</i> . She was able to <i>refer back to past agreements</i> .
Respect for others' time	Three observers reported that Judge Dillon <i>explained and apologized</i> for delays. When <i>running behind she was concerned that people might be waiting too long</i> , but later informed the court, " <i>We are caught up.</i> " She was <i>generous with the time requested by an attorney to review evidence</i> , and she <i>explored ways to avoid repeated trips by a juvenile and grandmother to Salt Lake City</i> .
Respectful behavior generally	All observers reported that Judge Dillon <i>greeted</i> all participants <i>using their names</i> and treated all participants <i>with a great deal of polite and interested attention</i> , saying, " <i>Good to see you today,</i> " or, " <i>Look really good today.</i> " She <i>graciously thanked</i> a probation officer called back to court and <i>apologized for the inconvenience</i> . She <i>complimented a foster mother for her work with a child in the absence (again) of the parents</i> .

Respectful behavior generally continued	<p>Judge Dillon adopted the same <i>professional, positive attitude</i> with all. She was <i>quick to acknowledge</i> a young mother who had made <i>substantial progress</i>, but she was <i>just as positive to parents who had not had such success and never demeaned</i> them. She told an angry young man not happy to be in a special school, <i>“I can tell you’re still mad at me. I know you’re angry and I accept that. I couldn’t leave you with your dad who’s leaving. But I want you healthy and safe.”</i> The judge <i>consistently closed cases</i> with comments such as, <i>“You’re doing so well,” “You’re a different person now,”</i> and, <i>“I wish you the best.”</i></p> <p>Judge Dillon <i>never used negativism or corrected anyone inappropriately</i>. One observer wished the judge could have asked a <i>somewhat assertive</i> Guardian ad Litem to <i>tone down his rhetoric</i>, but she didn’t, and <i>handled the situation very smoothly without flippant statements</i>.</p>
RESPECTFUL TONE	
Courtesy, politeness and patience	Two observers reported that Judge Dillon <i>listened patiently</i> and put the children <i>at ease</i> so that they were <i>able to freely express their concerns</i> . The <i>“goodie basket”</i> added to the <i>feeling of comfort and caring</i> .
Courtroom tone & atmosphere	<p>All observers reported that Judge Dillon was <i>accommodating and gracious</i>, made participants feel <i>comfortable and safe</i>, but <i>left no doubt that she was in control, firm in her expectations, and knew what she was doing</i>. Even when <i>not pleased</i> she <i>retained a professional demeanor</i>. In one case she explained to an argumentative father upset about having to continue random drug testing, <i>“If you want me out of your life, do what is required,”</i> and noted that when <i>someone protests as much as he did, it could make others feel that maybe he had something to hide</i>.</p> <p>All staff and court members were <i>gracious and spoke quietly, keeping conversation confidential and never disturbing the court</i>.</p>
Body language	Three observers reported that Judge Dillon <i>maintained direct eye-contact</i> with <i>everyone who spoke</i> and took only a <i>rare glance at papers on her desk</i> . Her body language was <i>very appropriate, leaning forward, nodding and smiling, and moving her body to different sides of the court when addressing individuals</i> , showing that the speaker was <i>the judge’s top concern</i> .
Voice quality	One observer reported that Judge Dillon <i>never raised her voice</i> , and her <i>tone of voice and pitch</i> were <i>non-threatening and soothing</i> to hear.
NEUTRALITY	
Consistent and equal treatment	Three observers reported that Judge Dillon was <i>consistent in her behavior towards everyone</i> . While she <i>listened to all parties with equal interest</i> , she demonstrated that the <i>best interest of the child was her first priority</i> .
Acts with concern for individual needs	All observers reported that Judge Dillon always held the <i>interest and well-being</i> of the children as <i>her main priority</i> , and she <i>seemed truly delighted to see</i> them. She <i>worked with everyone</i> to try to make the <i>best decision for the children</i> , in one case turning to them and saying, <i>“Okay you three, I’ll be making a decision that concerns you, do you want to visit your dad?”</i> and when a little boy said that his <i>father lived with his grandmother and sometimes gets mad at the grandmother</i> , she asked, <i>“Where do you think you would be safe? What about your grandmother?”</i>
Expresses concern for the individual	Three observers reported that Judge Dillon was <i>always open</i> to suggestions that would <i>help parents have the opportunity to be reunited with their children</i> . She showed <i>empathy</i> for a juvenile who requested that his non-custodial father be ordered not to drink, saying, <i>“I wish I could order that,”</i> and explained why she was unable to do so. She ordered that <i>non-distinguishing attire</i> be made available for a juvenile who had been brought to court dressed in the orange and khaki uniform of the facility, which <i>identified her in a negative way and disadvantaged</i> her in contrast to the juveniles <i>dressed in an appropriate manner for court</i> . Judge Dillon <i>took great pains</i> to explain to an <i>argumentative father</i> that if he was giving the mother cash when <i>she said that she needed something for the child</i> , he was not getting credit for child support, and that <i>she was only trying to help him get the credit he deserved</i> .

Unhurried and careful	Three observers reported that Judge Dillon never <i>rushed through proceedings</i> , made <i>hurried decisions</i> , or “ <i>cut</i> ” short a speaker. She was <i>very thorough in gleaning information</i> from every side and was <i>never afraid to admit that she needed time to study a problem</i> . In one case she <i>listened patiently and attentively to a long argument</i> and then called a recess so she could <i>further study the objection</i> .
<i>VOICE</i>	
Considered voice	<p>All observers reported that Judge Dillon <i>gave all parties ample time and opportunity to have their say, present their side, and respond to the other side</i>. She asked, “<i>What do you want to say?</i>” or, “<i>Anything you want me to know?</i>” and <i>spoke in a way</i> that indicated that she was <i>listening with interest</i> to what was being said. She <i>never cut anyone off</i> before they had completed their statement. Her rulings showed that she gave <i>attention and credence</i> to what she heard.</p> <p>Judge Dillon was <i>skilled in getting juveniles to open up</i>. In one case in which an <i>absolutely reticent young man refused to talk</i>, the judge said, “<i>That’s OK, come up and get a Christmas treat anyway.</i>” The next time the judge <i>asked about his therapy</i>, the boy <i>opened up and told her about his suicidal thoughts and feelings</i>, and she <i>reiterated her concern for him being in a safe place</i>. The observer felt Judge Dillon <i>handled the young man nicely</i>.</p>
<i>COMMUNICATION</i>	
Communicates clearly	One observer reported that Judge Dillon used <i>clear, comprehensible</i> language.
Ensures information understood	Two observers reported that Judge Dillon ensured that participants <i>understood their rights</i> and the proceedings, saying, “ <i>I can tell you are feeling overwhelmed,</i> ” or “ <i>Do you have any concerns?</i> ” She <i>twice asked a father if he understood his right to an attorney and spent a few minutes clarifying what he might do and what he was entitled to</i> .
Provides adequate explanations	Two observers reported that Judge Dillon gave <i>lengthy and detailed explanations</i> of her decisions and <i>detailed information about opportunities</i> to complete community service. She was <i>very specific</i> as to what participants needed to do to fulfill her orders. She ensured that participants <i>understood what was happening and why they were in court</i> , telling one juvenile, “ <i>You probably don’t know why you are here, I am going to explain it to you.</i> ”