

Honorable Julie V. Lund –Juvenile Court Judge

Serving Salt Lake, Summit and Tooele counties



Commission Recommendation: **RETAIN**

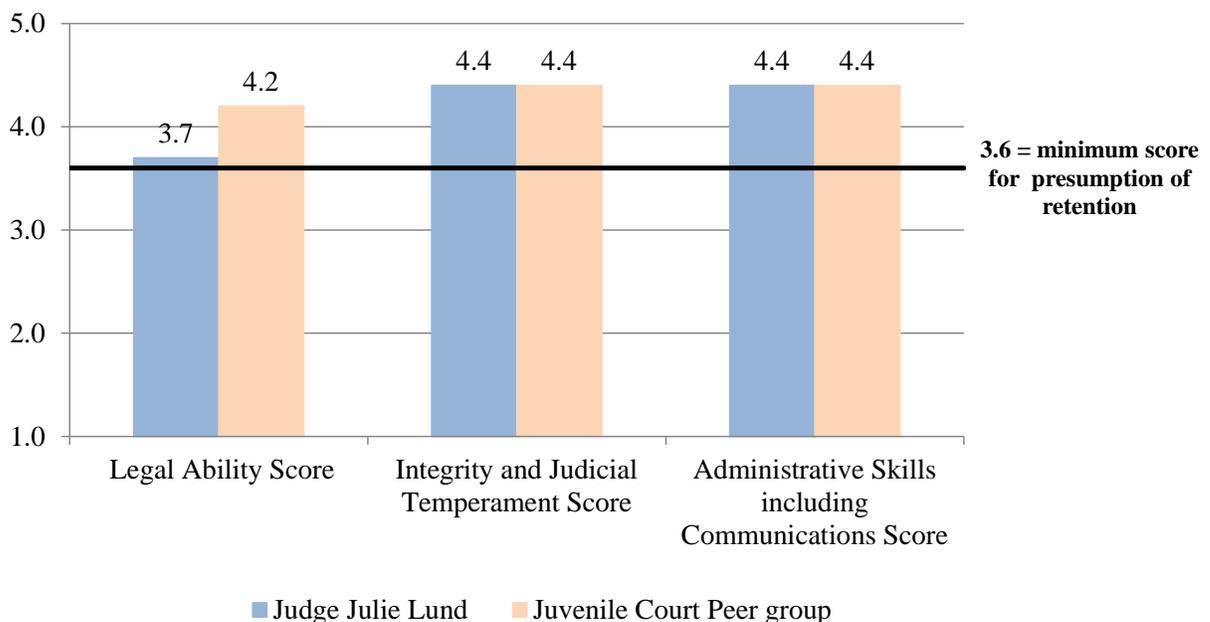
(vote count: 12-0 for retention)

Appointed in 2010, Judge Julie Lund is a diligent, hard-working judge who continues to grow in her professional role as a judge. She received strong reviews from survey respondents for her preparation and patience, and for promoting a respectful courtroom environment. Respondents most frequently described Judge Lund as calm, polite, patient, and considerate. Given a list of adjectives, respondents chose 94% positive words to describe her. Courtroom observers praised Judge Lund’s engagement, compassion, and clear communication style. All reported they would feel comfortable appearing before her. Of survey respondents who answered the retention question, 93% recommended that Judge Lund be retained.

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

Appointed to the Third District Juvenile Court in November 2010 by Governor Gary R. Herbert, Judge Julie V. Lund graduated from the University of Colorado-Boulder and earned her law degree from the University of Utah College of Law in 1986. Employed in a civil litigation practice until 1995, she then joined the Child Protection Division of the Utah Attorney General's office, where she served as division chief for three years prior to her appointment to the bench. Judge Lund was named Attorney of the Year in 2003. She has served on the Salt Lake Children's Justice Center Advisory Board and the Judicial Outreach Committee and is a member of the executive committee of the Salt Lake County Bar Association.

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



The Honorable Julie Lund

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Julie Lund, 48% of qualified survey respondents submitted surveys. Of those who responded, 87 agreed they had worked with Judge Julie Lund enough to evaluate her performance. This report reflects the 87 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

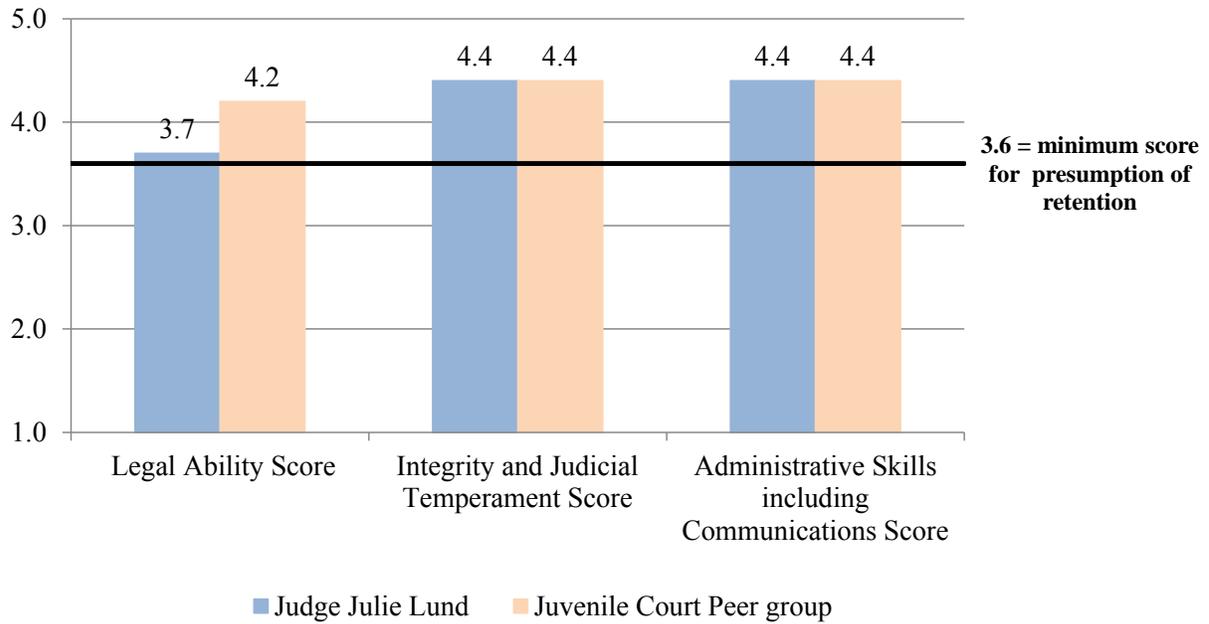
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

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.

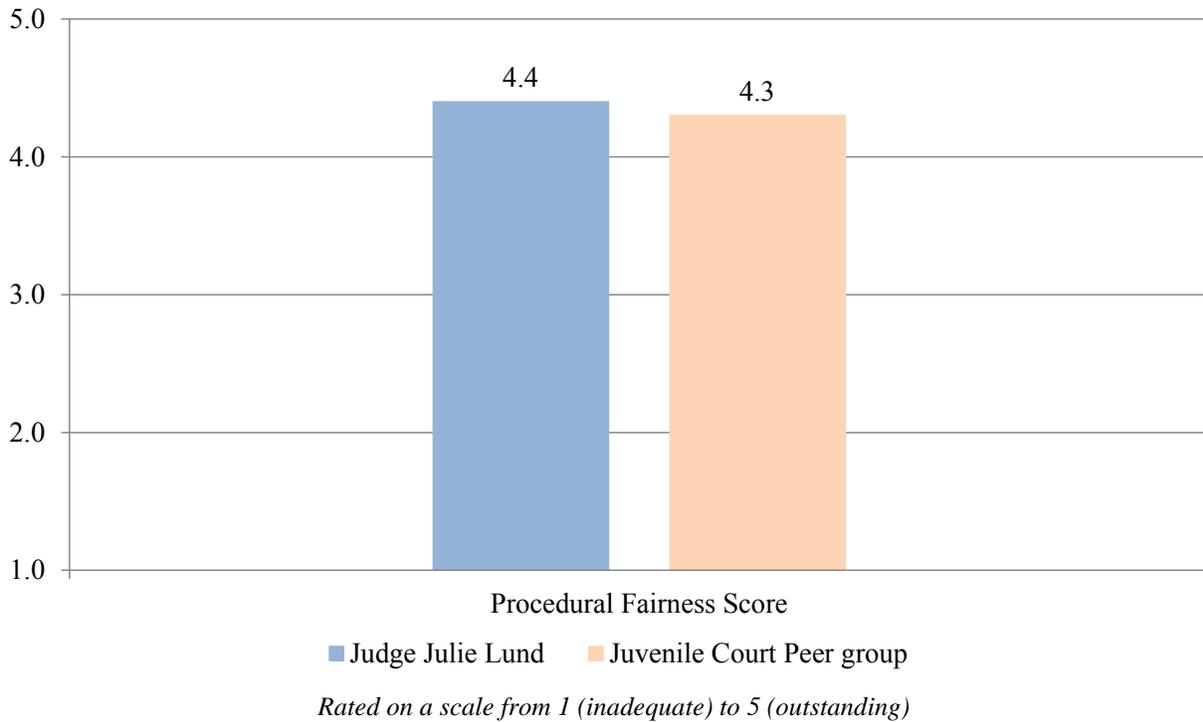
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge Julie Lund	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.	3.8	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.8	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.6	4.2
Legal Ability	The judge only considers evidence in the record.	3.8	4.1
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.5	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.2	4.4
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	4.2
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.3	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 Julie Lund	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.4	4.5
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.5	4.3
Administrative Skills	The judge is an effective manager.	4.2	4.3
Administrative Skills	The judge convenes court without undue delay.	4.3	4.2
Administrative Skills	The judge rules in a timely fashion.	4.4	4.5
Administrative Skills	The judge maintains diligent work habits.	4.5	4.5
Administrative Skills	The judge's oral communications are clear.	4.3	4.4
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.3	4.4
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.5	4.3
Procedural Fairness	The judge is fair and impartial.	4.3	4.2
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.3	4.2
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.5	4.4

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

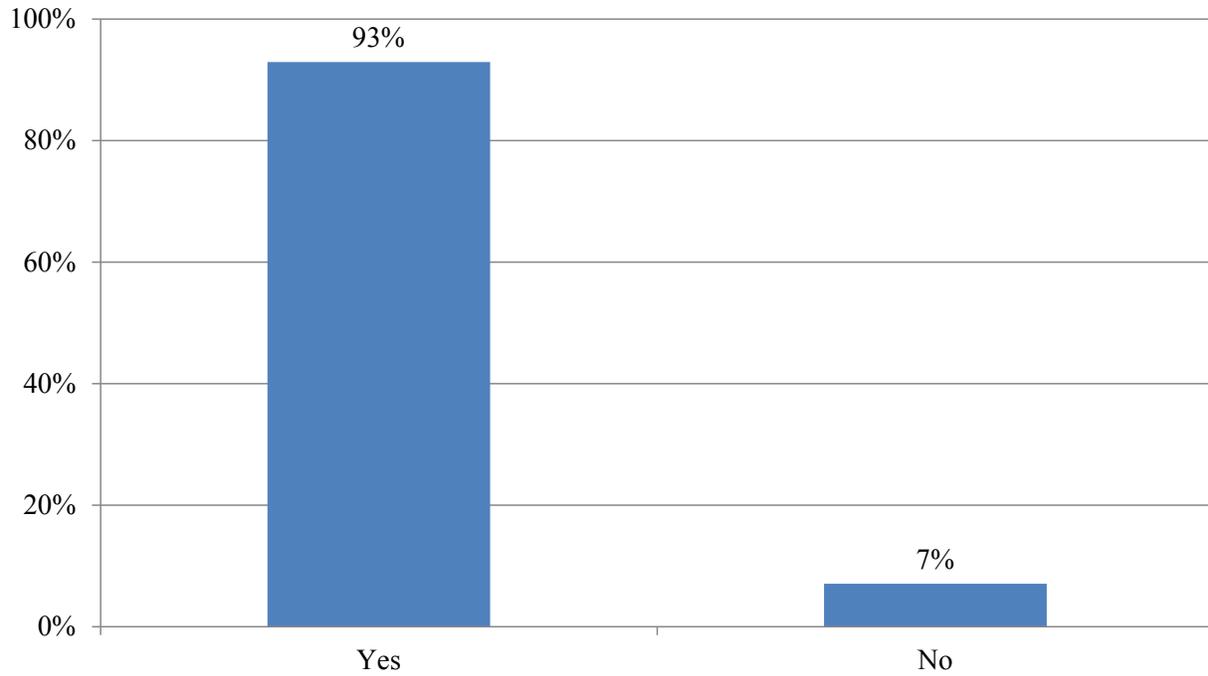
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	40
Calm	47
Confident	21
Considerate	44
Consistent	11
Intelligent	30
Knowledgeable	20
Patient	45
Polite	46
Receptive	34
Arrogant	0
Cantankerous	0
Defensive	3
Dismissive	3
Disrespectful	1
Flippant	0
Impatient	0
Indecisive	13
Rude	1
Total Positive Adjectives	338
Total Negative Adjectives	21
Percent of Positive Adjectives	94%

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 Julie Lund be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	-
Domestic	38%
Criminal	63%
Civil	31%
Other	28%

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

5 or fewer	47%
6 - 10	22%
11 - 15	9%
16 - 20	3%
More than 20	19%

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 JULIE LUND

Four observers wrote 106 codable units that were relevant to 15 of the 17 criteria. Two observers reported that the judge was aware that JPEC observers were present, and two did not know if the judge was aware.

Overview

WIDELY AGREED-UPON THEMES

- All observers were positive about Judge Lund.
- All observers variously reported that Judge Lund listened patiently and intently and was competent and well-prepared, with very good knowledge of the status of each case and each juvenile. She greeted participants warmly and by name and consistently encouraged and acknowledged progress. She was caring and compassionate, personable, congenial, and approachable, and skilled at making participants feel at ease. She was interested and engaged, she always remained professional and decisive, and her courtroom was controlled, formal, and orderly. Judge Lund consistently made eye contact, smiled and nodded, and spoke with a clear and gentle voice. She treated all parties with equal courtesy and concern, showed consideration for each side's perspective, and showed that she acted with each persons' best interests at heart, but especially the juveniles whose well-being was clearly her top priority. She was deliberate, meticulous, and unhurried and gave every party the opportunity to speak, including family and friends in the gallery. She used clear language to concisely explain the issues of each case and gave clear reasoning and detailed information about her rulings and her expectations about her orders. She asked questions to ensure that all were in agreement at the end of each case and that they understood the next steps.
- Observers particularly emphasized Judge Lund's appreciation for extended families and grandparents who provided support for children while their parents received treatment, and for parents who made progress and did what was best for their children.
- All observers reported that they would feel comfortable appearing before Judge Lund.

MINORITY OBSERVATIONS

- None

ANOMALOUS COMMENTS

- None

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Listening & focus

Three observers reported that Judge Lund *listened patiently and intently* and was *extremely attentive*, always *reading the room with glances while reviewing paperwork*.

Well-prepared & efficient

All observers reported that Judge Lund was *highly competent and well prepared* with a *good knowledge of the cases*. When *reports had been given to her*, she made a point of indicating that she had *read the report and was taking it into consideration*. She was *informed about where each case "was" in the process and was very "in touch" with where each juvenile was in their treatment program*. Judge Lund was *efficient and highly organized and attentive to details*.

Respectful behavior generally	<p>All observers reported that all participants were <i>called by name</i>, <i>received a warm, friendly greeting</i>, and were <i>asked to introduce themselves</i>. She <i>consistently encouraged</i> and was <i>quick to acknowledge progress and accomplishments</i>, telling one mother, “<i>Ms. B, I am very proud of you. This is an amazing report...The case is terminated. Custody of J is granted to you.</i>”</p> <p>She <i>thanked each person</i> and especially noted her <i>appreciation for the valuable support of extended families in taking care of children while the parents received the treatment they needed</i>, saying, “<i>I do want to thank you, Ma’am, for taking such good care of these boys. Without you, they might have ended up in a foster home.</i>” She thanked grandparents who had taken children into their home, saying, “<i>I express my appreciation to you. We are always lucky to have family members who are willing to support those in crisis.</i>”</p> <p>One observer reported that it was <i>quite moving</i> when Judge Lund <i>thanked</i> a father who voluntarily relinquished guardianship to the grandparents, <i>as he had seen how his son was thriving in their care</i>, and she thanked him for <i>making such a “courageous decision” and for doing “what was in his son’s best interest.”</i> In another case, when an <i>emotional father</i> who had been brought in from jail told Judge Lund, “<i>I appreciate the court stepping in and helping my family,</i>” she replied, “<i>Thank you very much and I wish you the very best. I will see you in only 46 days.</i>”</p>
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RESPECTFUL TONE

Courtesy, politeness and patience	<p>One observer reported that Judge Lund had a <i>special sensitivity</i> to making victims <i>feel at ease in potentially frightening situations</i>. In one case she <i>smiled kindly</i> at a <i>seven year old victim</i> when she had to go up and testify, and after she finished the judge <i>invited the child to pick a book to keep from a bookcase in the courtroom.</i></p>
Courtroom tone & atmosphere	<p>All observers reported that Judge Lund was <i>calm, caring, personable, approachable, welcoming, interested and pensive, always attentive to the environment and engaged on a human level</i>. While <i>congenial, friendly, and compassionate</i>, she <i>remained professional, direct, and decisive</i>, and the courtroom tone was <i>controlled, formal, structured and orderly</i>. Even when there was <i>tension between parties</i>, Judge Lund <i>kept control and made sure there was a calm, respectful atmosphere.</i></p>
Body language	<p>Two observers reported that Judge Lund <i>faced each speaker</i> and <i>consistently made eye contact</i> as they spoke, <i>smiling and thanking</i> participants. She <i>nodded when considering information, only occasionally looking down to make notes.</i></p>
Voice quality	<p>Three observers reported that Judge Lund had a <i>clear, soft spoken and gentle voice.</i></p>

NEUTRALITY

Consistent and equal treatment	<p>Three observers reported that Judge Lund treated <i>staff, attorneys, and family with equal courtesy and concern</i>. She <i>asked questions and showed full consideration of each perspective and rarely changed her tone of voice</i>. In one case of <i>parents not ‘together’ and who both wanted involvement with their children</i>, Judge Lund was <i>unbiased and welcomed input from all parties with interest.</i></p>
Acts with concern for individual needs	<p>Three observers reported that Judge Lund was <i>sincerely interested in the progress of each family</i> and had each participant’s <i>best interest at heart when making decisions</i>. She was <i>very good at addressing each party as an individual and including each person in the case</i>, including all <i>agency representatives, attorneys, grandparents and peer parents as well as the mother and father and child</i>. Her <i>highly informed style</i> showed that she was <i>engaged and concerned.</i></p>
Expresses concern for the individual	<p>Three observers reported that Judge Lund was <i>especially interested</i> in the juveniles, and it was <i>clear that their well-being was always the top priority</i>. When one juvenile <i>indicated he liked books</i>, Judge Lund asked him <i>what his favorite books were and how impressed she was</i>, saying, “<i>Before you go, I hope you will go over and get a book from my bookcase.</i>”</p>
Unhurried and careful	<p>Three observers reported that Judge Lund was <i>deliberate and unhurried</i> in reviewing the details of paperwork, <i>sharp to note discrepancies</i> in reports, and <i>meticulous in updating records</i>. She gave <i>adequate wait time</i> for each response without <i>appearing rushed</i>. When considering an objection that had never come up before, she <i>took a few moments to think and then ruled and explained her thinking for the ruling.</i></p>

VOICE

Considered voice	All observers reported that Judge Lund gave <i>each party an opportunity to speak</i> , including <i>extended family and friends from the gallery</i> . She <i>involved the participants in the process of her reviews</i> , calling on each participant to <i>present their statements and questions</i> . She <i>considered every request and acknowledged all who needed to be heard</i> . She let a father know that his <i>responses were important to the record by instructing him to speak a little louder and into the mike so that he could be heard</i> . In a <i>very complicated case with a lot of disagreement between parties</i> , Judge Lund was able to maintain a calm courtroom <i>while assuring that everyone had an opportunity to be heard</i> . She <i>asked questions for clarification and carefully and thoughtfully considered what people were saying</i> .
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COMMUNICATION

Communicates clearly	Three observers reported that Judge Lund was <i>articulate, explained issues concisely</i> , and made <i>clear and detailed statements of each case</i> . She used <i>clear language when explaining her decisions and procedures</i> .
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Ensures information understood	Two observers reported that Judge Lund ensured that <i>all parties were in agreement at the conclusion of each case</i> and <i>clear about the next step</i> . She looked directly at juveniles when asking, <i>“Do you understand?”</i> or, <i>“Are you sure, or do you have any questions?”</i>
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Provides adequate explanations	Three observers reported that Judge Lund gave <i>clear reasoning and very detailed information</i> about her rulings. She <i>always re-stated the new plan and which court and judge would be in charge as she would be changing courts</i> . She was <i>crystal clear when explaining to parents exactly what they could expect if court orders were not followed precisely</i> .
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