

## **Honorable Mary L. Manley –Juvenile Court Judge**

Serving Carbon, Emery, Grand and San Juan counties



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

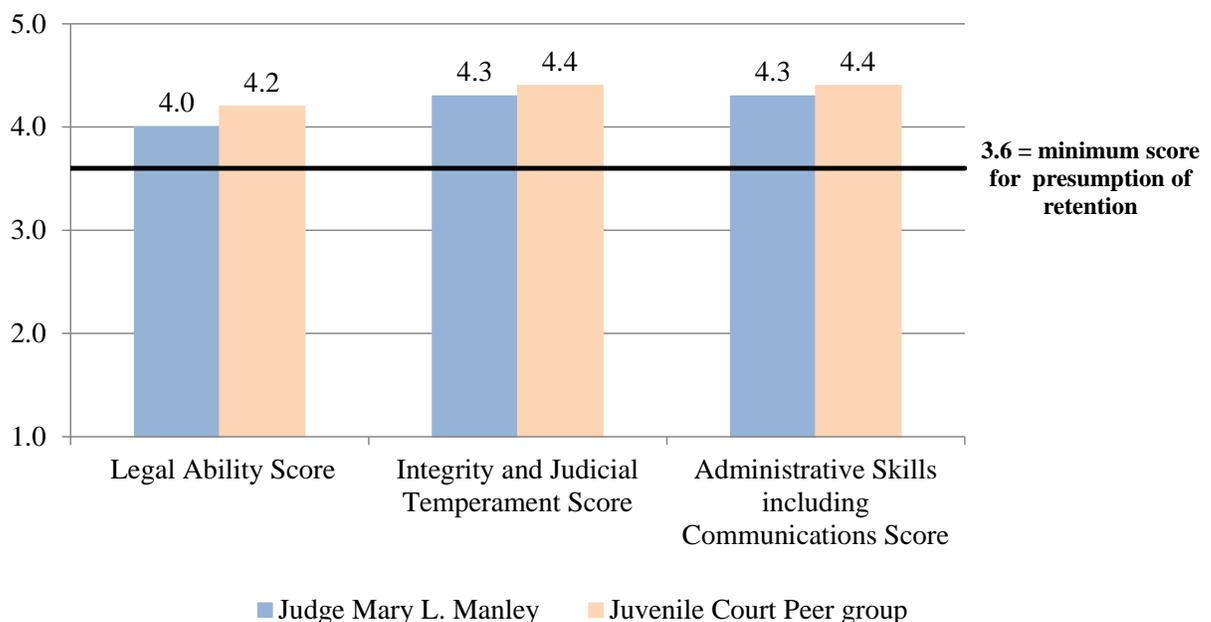
(vote count: 12-0 for retention)

Appointed in 1999, Judge Mary L. Manley is an experienced and capable judge, most frequently described by survey respondents as knowledgeable, intelligent, and attentive. Some survey respondents characterized Judge Manley as fair, strong, and effective. Others, however, described her as disrespectful and noted a tense relationship between the judge and the service professionals who regularly work in her courtroom. Courtroom observers were consistently positive in their reviews of Judge Manley, with all reporting they would feel comfortable appearing before her. Of survey respondents who answered the retention question, 76% recommended that Judge Manley be retained.

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

Appointed in 1999, Judge Mary L. Manley received her law degree from the University of Idaho in 1988. At the time of her appointment, Judge Manley was Chief Deputy County Attorney in the Emery County Attorney's Office. Previously, she had served as Deputy County Attorney in the Washington County Attorney's Office and as Deputy City Attorney in the St. George City Attorney's Office. Judge Manley served as a child abuse team member in St. George and was a founding member of the Domestic Violence Coalition in Emery County. She also implemented a Family Drug Court and a Juvenile Drug and Felony Court in Grand County. From 2004 through 2007, Judge Manley served on the Board of Juvenile Court Judges.

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



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# **The Honorable Mary L. Manley**

**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 Mary L. Manley, 61% of qualified survey respondents submitted surveys. Of those who responded, 49 agreed they had worked with Judge Mary L. Manley enough to evaluate her performance. This report reflects the 49 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

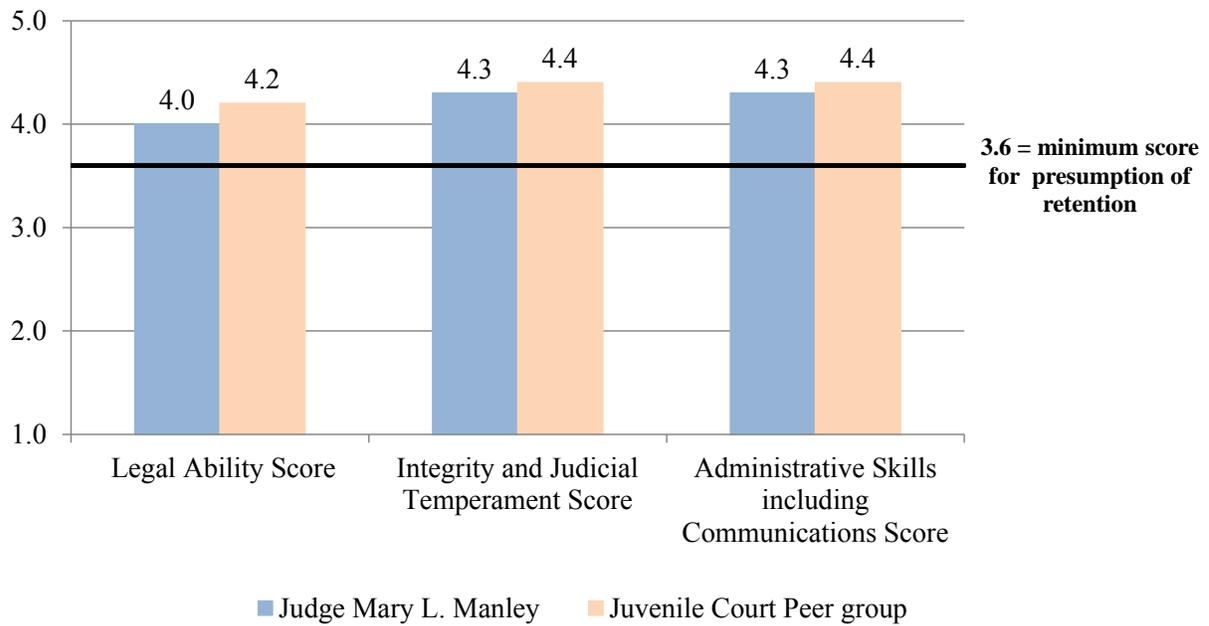
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

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.

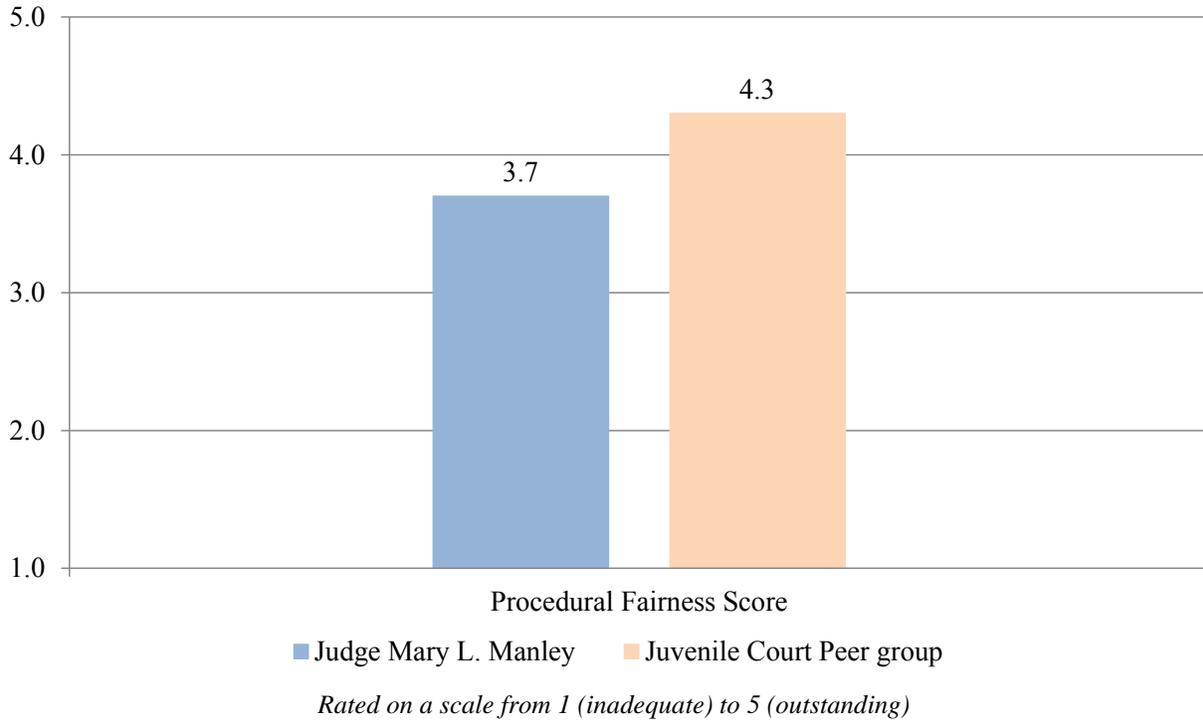
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

## D. Responses to Individual Survey Questions

Category	Question	Judge Mary L. Manley	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.	4.1	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.0	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.2	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.	4.0	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.6	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.	4.0	4.2
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	3.9	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.	4.6	4.7

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

Category	Question	Judge Mary L. Manley	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.6	4.5
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	3.7	4.3
Administrative Skills	The judge is an effective manager.	4.2	4.3
Administrative Skills	The judge convenes court without undue delay.	4.2	4.2
Administrative Skills	The judge rules in a timely fashion.	4.6	4.5
Administrative Skills	The judge maintains diligent work habits.	4.6	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.	4.2	4.4
Procedural Fairness	The judge treats all courtroom participants with equal respect.	3.5	4.3
Procedural Fairness	The judge is fair and impartial.	3.8	4.2
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	3.7	4.2
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.0	4.4

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

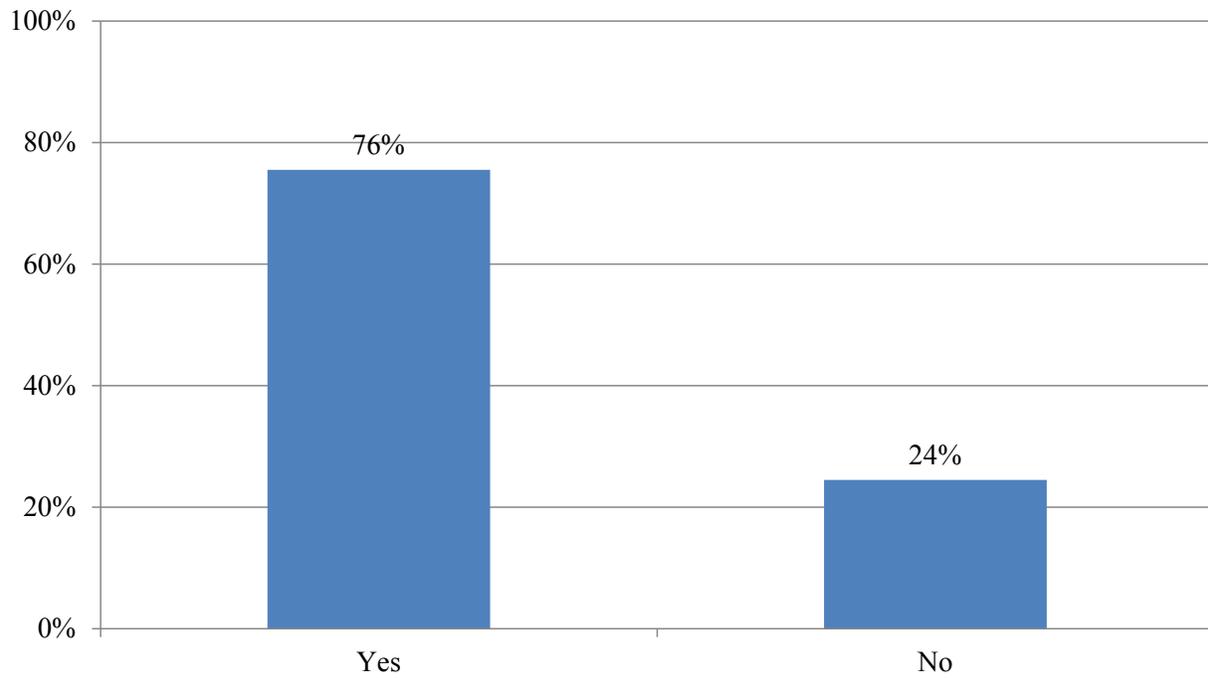
## E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	26
Calm	6
Confident	22
Considerate	7
Consistent	15
Intelligent	32
Knowledgeable	36
Patient	7
Polite	5
Receptive	10
Arrogant	6
Cantankerous	8
Defensive	4
Dismissive	4
Disrespectful	8
Flippant	3
Impatient	8
Indecisive	0
Rude	5
<b>Total Positive Adjectives</b>	<b>166</b>
<b>Total Negative Adjectives</b>	<b>46</b>
<b>Percent of Positive Adjectives</b>	<b>78%</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 Mary L. Manley be retained?**



## G. Attorney Demographics

### What are your primary areas of practice?

Collections	7%
Domestic	57%
Criminal	64%
Civil	36%
Other	29%

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

5 or fewer	14%
6 - 10	21%
11 - 15	-
16 - 20	14%
More than 20	50%

# 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 MARY MANLEY

Four observers wrote 79 codable units that were relevant to 13 of the 17 criteria. Three observers reported that the judge was aware that JPEC observers were present, and one did not know if the judge was aware.

### Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>• All observers were positive about Judge Manley.</li> <li>• All observers variously reported that Judge Manley was well suited to her calling and was the epitome of respect. She addressed all participants by name and in a respectful voice, regardless of their status, and treated all cases, even if routine and repetitive, as if the first case of the day. She gave praise and encouragement whenever deserved, maintained good eye contact while sitting forward and looking directly at speakers, and took as much time as necessary with each case. She always thanked participants at the end of hearings. She was patient, friendly, gracious, kind, and even-tempered, and also conscientious, professional, and extremely firm when necessary. Judge Manley showed her concern for the welfare of the juveniles by solving problems and offering advice as if an older sister, and she gave every participant the time and opportunity to express their own concerns and feelings. She was good at drawing input from juveniles and engaging them and their parents in dialogue and always asked for questions before making her judgments. She spoke in age appropriate language, took the time to explain what her orders meant, and explained court procedures and participants' next steps. She ensured the juveniles' understanding by speaking slowly and clearly and asked all participants' for questions about the proceedings and her orders.</li> <li>• All observers reported that they would feel comfortable appearing before Judge Manley.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>• None</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>• None</li> </ul>

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

#### *RESPECTFUL BEHAVIORS*

Listening & focus	One observer reported that Judge Manley <i>listened as she asked questions</i> and then <i>asked more questions</i> .
Well-prepared & efficient	Two observers reported that Judge Manley was <i>familiar with most of the cases</i> . She <i>spent the extra time</i> between cases <i>reviewing her files without leaving the bench</i> . The court was <i>efficient and effective</i> .
Respectful behavior generally	All observers reported that Judge Manley was the <i>epitome of respect</i> . She addressed each participant <i>by name</i> and greeted a 16 year old appearing <i>over the television monitor, and who expected to be charged as an adult, as cordially as everyone else</i> . Though most cases were <i>routine and repetitive</i> , the judge <i>treated each person as if they were the first of the day</i> . While she <i>admonished juveniles when necessary</i> , she was <i>eager to give praise where deserved</i> and <i>expressed pleasure with those who had tried to improve school participation and grades</i> . She praised one girl, saying, <i>"I know that you did well...I have read comments from your teacher. So did you prove to yourself that you're a smart girl? No doubt about it!"</i> and the little girl and her mother <i>beamed with pride</i> . She sought to <i>de-stigmatize the weekly check-in responsibility</i> by saying, <i>"Think of it as giving me a valentine."</i>

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*RESPECTFUL TONE*

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Courtesy, politeness and patience Two observers reported that Judge Manley was *very patient*, for example with defendants who *vacillated in making choices* and when *waiting for the next case to appear*.

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Courtroom tone & atmosphere All observers reported that Judge Manley was *friendly, pleasant, gracious, kind, and compassionate*. She was *even tempered and not easily riled by ridiculous comments from juveniles or lax parents*. She seemed *more like an older sister or good friend, listening and then problem solving and offering advice*. She was *conscientious and professional, not an 'easy judge,' but extremely firm when she needed to be*. In one case she *imposed heightened sanctions while speaking in the same calm manner, stating, "Once it comes to me I'm mandated to do this."*  
One observer felt Judge Manley was *appropriately suited to her calling*, and another could *not emphasize too strongly how positive she felt about Judge Manley*.

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Body language Two observers reported that Judge Manley *looked directly at the juveniles, sat forward* in her chair, and *maintained good eye contact* as she *asked questions and listened to answers*.

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*NEUTRALITY*

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Acts with concern for individual needs Two observers reported that Judge Manley *took truancy and delinquency cases very seriously* but took care that the *orders she issued were not so harsh that the students could not comply*. Her interactions indicated that she *felt she could have an immediate and positive impact on the juveniles*.

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Expresses concern for the individual Three observers provided many examples of Judge Manley's concern and advice for juveniles. In responding to a youth who wanted to work in a coal mine, the judge *didn't miss a beat* as she *turned his comment into a lesson as to why he needs a good education to be successful in that career as an engineer or other professional rather than as an underground miner*. She complimented another on his *ability to speak two languages and pointed out the many opportunities that can open for him if he were to use that skill*. She *praised a juvenile who carefully ushered his fragile grandmother into the courtroom, carrying her oxygen tank, saying his kindness and helpfulness were admirable* but also informing him about *several community services who could help his grandmother so that the boy could also concentrate on his education*. She asked a girl who worked as a busser for a restaurant, *"Do you ever have customers who are rowdy, loud, disturbing other customers? That's what it is like in school for a teacher,"* and the girl *understood her own obnoxious behavior a little better*.

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Unhurried and careful One observer reported that Judge Manley *took as much time as necessary with each case*.

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*VOICE*

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Considered voice All observers reported that Judge Manley gave every participant the *opportunity and time* to express their *concerns and feelings* and to *ask questions regarding their case*. She consistently asked *parents and grandparents for information about how the juveniles were doing at home, asking, "Is he helping round the house?"* She *listened to input from everyone who wished to be involved in the proceeding*, especially the juveniles, and was *good at engaging the youth and their parents in dialogue and problem solving by asking open ended questions such as, "Explain about your parenting,"* or, *"What do you do when you get home?"* There was *not a single case where the judge did not ask the participants questions before she made her judgments*.  
One observer considered that Judge Manley was the *best judge* she had observed in *consistently drawing input from participants, including juveniles who are notoriously unwilling to do more than respond with one syllable words*.

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*COMMUNICATION*

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Communicates clearly Two observers reported that Judge Manley *consistently ruled in terms that the young people could relate to*, and her rights colloquy was stated *appropriately and adjusted for participants' ages*.

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Ensures  
information  
understood

All observers reported that Judge Manley spoke *slowly and clearly*, asking each child if they *understood what she was saying and what it 'meant' to each of them*. She ensured that participants *understand the ramifications of their actions* and made certain that her orders were understood, for example that it was *very important to personally bring their weekly report to court* in order *keep themselves out of further difficulty*. While she *mainly spoke with the youth*, she also often *asked parents, "Mom or Dad do you have any questions?"* After *clearly repeating* to a grandmother *what an 'excused absence' is*, she again *asked her for any questions*.

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Provides  
adequate  
explanations

Three observers reported that Judge Manley *took the time to explain* what each of her orders *meant* and was *very clear* how juveniles *could work off their community service*. She *explained the rules governing trials* and what *courses of action and choices* were open to each defendant. She clarified for a juvenile who was going to be criminally charged as an adult *how the process works and what the next steps would be*, and she also explained to his mother who was also present.

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