

Honorable John R. Morris – District Court Judge

Serving Davis, Weber and Morgan counties



Commission Recommendation: **RETAIN**

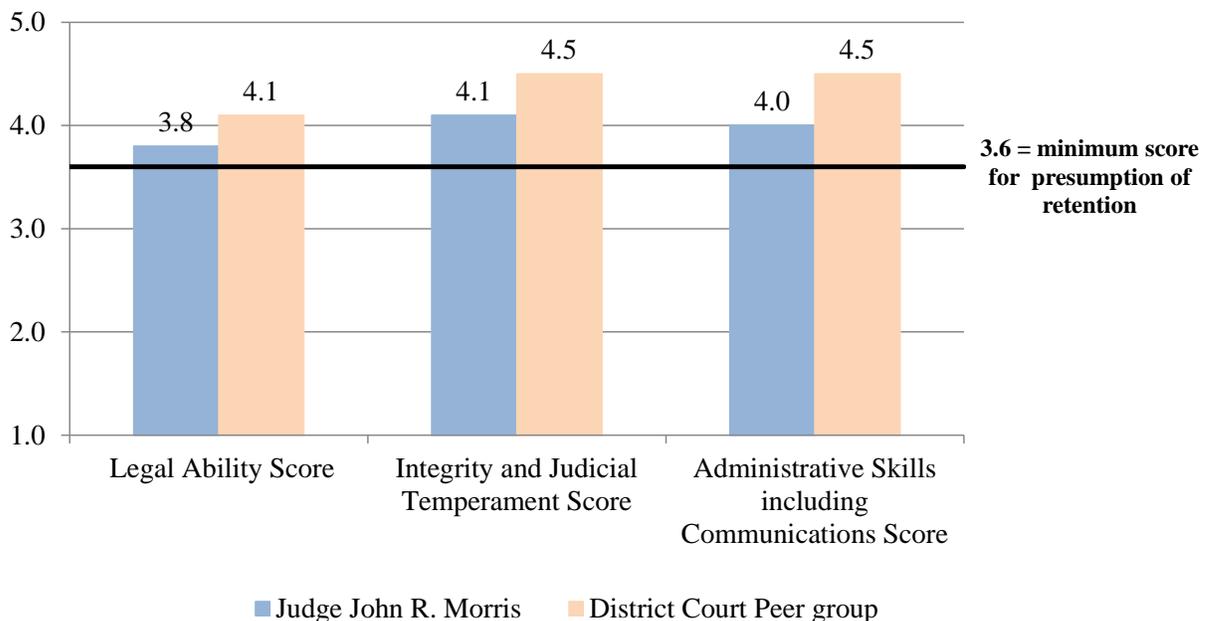
(vote count: 12-0 for retention)

Judge John Morris is an experienced judge who received mixed evaluations of his performance from survey respondents. Judge Morris' scores in all survey categories exceeded the required minimum standard but were somewhat lower than the average scores of his district court peers. Most survey respondents described Judge Morris as intelligent and knowledgeable. Although courtroom observers and many respondents described him as polite and courteous, other survey respondents characterized him as arrogant and dismissive. Respondents also reported that he sometimes takes too long to issue rulings and begin court sessions. Courtroom observers were generally positive about Judge Morris, praising his preparation and the efficiency of his courtroom. Of the survey participants who answered the retention question, 79% recommended that Judge Morris be retained.

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

John R. Morris was appointed to the Second District Court in 2004 by Gov. Olene S. Walker. Judge Morris received a bachelor's degree in astrophysics from Princeton University, an M.B.A. degree from Brigham Young University, and a law degree magna cum laude from Brigham Young University. He is admitted to practice law in Utah, California, and with the U.S. Patent Office. Judge Morris is chair of the online Court Assistance Program Policy Board and a former member of the court's Standing Committee on Technology. He also serves as Associate Presiding Judge for the Second District Court.

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



The Honorable John R. Morris

Judicial Performance Evaluation Commission Report

Retention 2014

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II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge John R. Morris, 57% of qualified survey respondents submitted surveys. Of those who responded, 92 agreed they had worked with Judge John R. Morris enough to evaluate his performance. This report reflects the 92 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

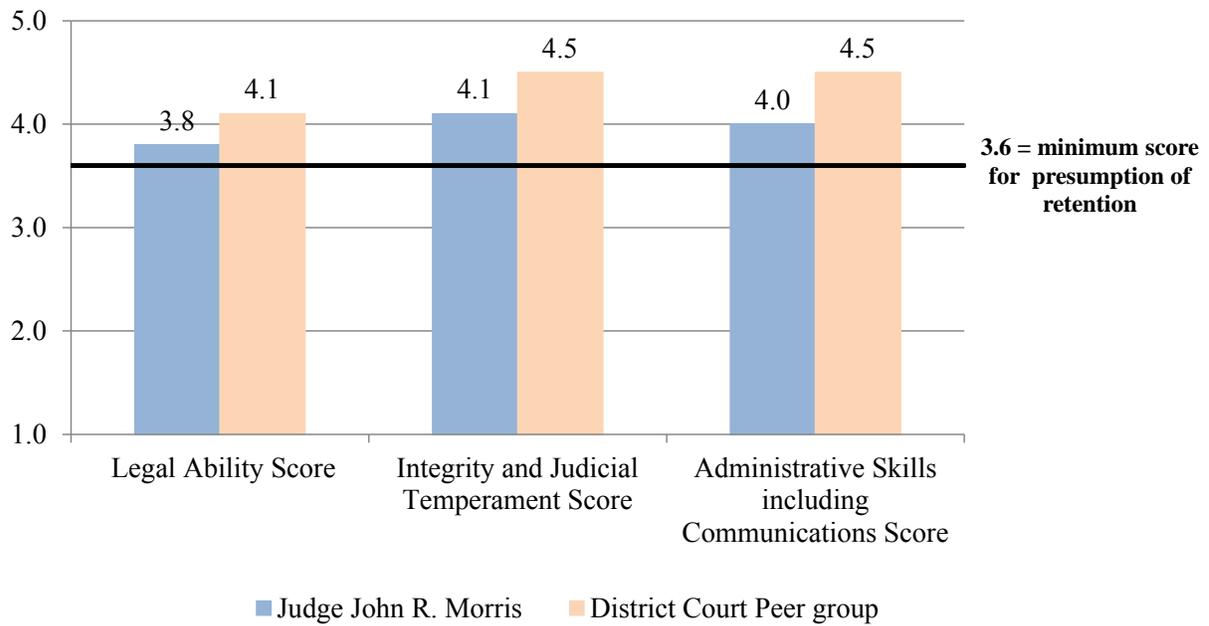
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Court" on the charts.

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.

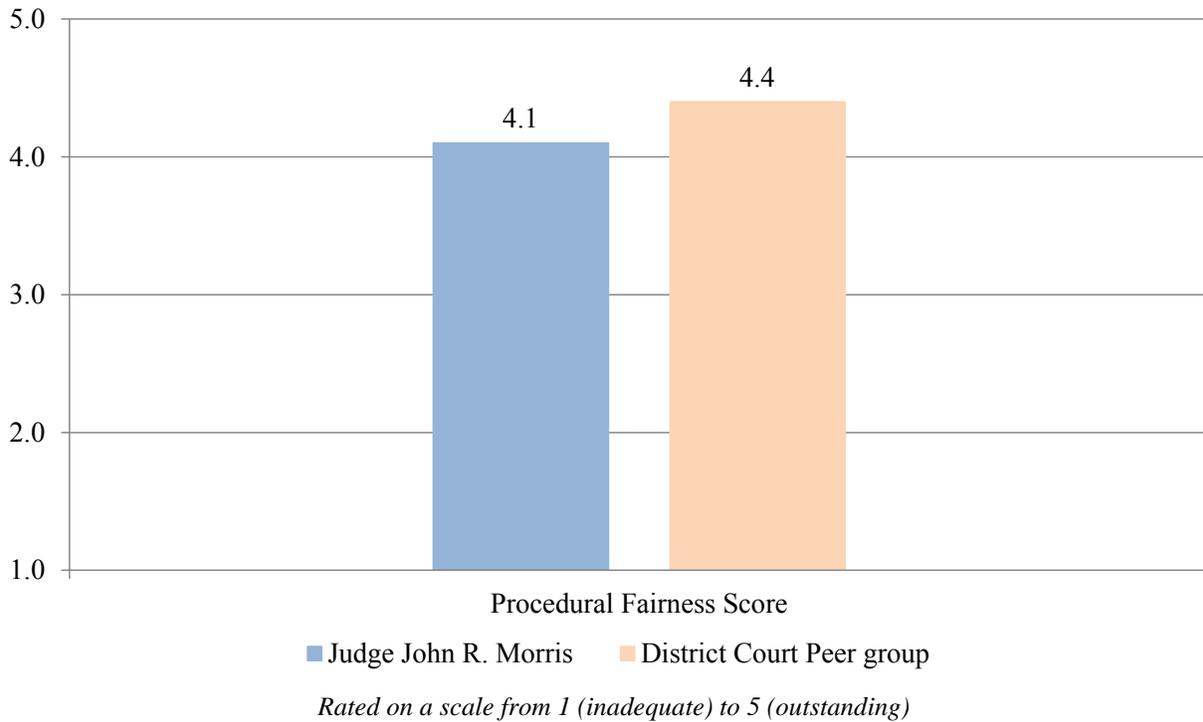
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge John R. Morris	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.	3.9	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.8	4.1
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.8	4.1
Legal Ability	The judge only considers evidence in the record.	3.9	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.7	4.1
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.3	4.5
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.1	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	3.8	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	3.7	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.	4.4	4.6

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

Category	Question	Judge John R. Morris	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.2	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	3.9	4.5
Administrative Skills	The judge is an effective manager.	3.7	4.3
Administrative Skills	The judge convenes court without undue delay.	3.8	4.5
Administrative Skills	The judge rules in a timely fashion.	3.8	4.4
Administrative Skills	The judge maintains diligent work habits.	4.1	4.5
Administrative Skills	The judge's oral communications are clear.	4.2	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	3.9	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.0	4.5
Procedural Fairness	The judge is fair and impartial.	4.1	4.4
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	3.9	4.3
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.1	4.4

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

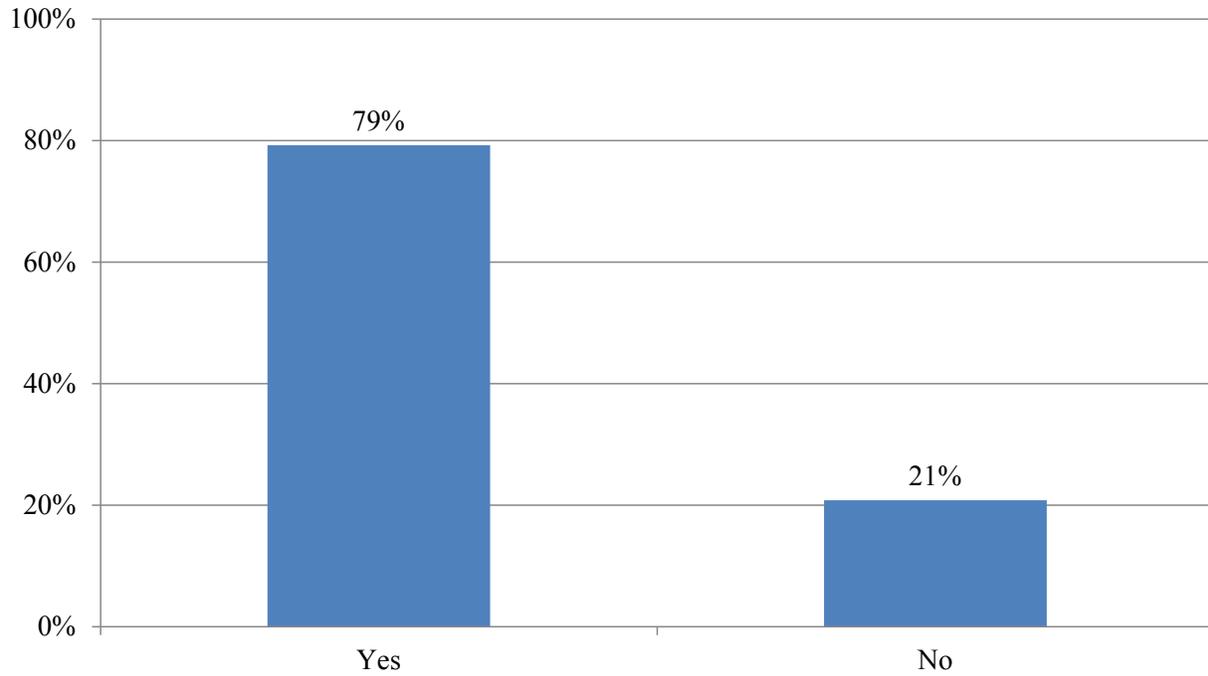
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	18
Calm	26
Confident	25
Considerate	14
Consistent	9
Intelligent	47
Knowledgeable	32
Patient	11
Polite	29
Receptive	6
Arrogant	31
Cantankerous	4
Defensive	5
Dismissive	14
Disrespectful	7
Flippant	7
Impatient	8
Indecisive	3
Rude	4
Total Positive Adjectives	217
Total Negative Adjectives	83
Percent of Positive Adjectives	72%

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 John R. Morris be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	5%
Domestic	41%
Criminal	45%
Civil	42%
Other	2%

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

5 or fewer	47%
6 - 10	24%
11 - 15	9%
16 - 20	11%
More than 20	9%

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 JOHN R. MORRIS

Four observers wrote 88 codable units that were relevant to 13 of the 17 criteria. Three observers reported that the judge was not 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"> All observers were positive about Judge Morris, with some reservations in some areas. All observers variously reported that Judge Morris was well prepared and well organized, and accommodated attorneys' schedules when setting calendars. He greeted participants by name and praised and wished them good luck. He was courteous and patient and complimentary to his staff. The judge's demeanor was calm, open, interested, and also professional, no-nonsense, and compassionate when appropriate. The courtroom was informal with a good and positive feeling. Judge Morris treated people as individuals and was concerned for their welfare and rights. Cases moved quickly, but the judge was unhurried and never rushed or interrupted anyone. He listened to and gave consideration to all requests, and he was very good at explaining the law and his decisions. Three observers reported that they would feel comfortable appearing before Judge Morris, and one reported that she would not feel comfortable due to the judge's preference for speaking to attorneys rather than directly to defendants (see "Minority observations").
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Three observers reported that Judge Morris ensured that all parties had plenty of time to speak and provide input. In contrast, two observers reported that the judge preferred to speak to and hear from attorneys rather than defendants and that he had less interaction with defendants than other judges. He also showed more concern that attorneys and translators understand the proceedings than that defendants did (see "Considered voice" and "Ensures information understood"). Two observers noted that Judge Morris was particularly congenial and skilled with those who needed interpreters. He dramatically changed his facial expressions and body language and maintained firm eye contact with non-English speakers (see "Respectful behavior generally" and "Body language").
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Well-prepared & efficient	Three observers reported that Judge Morris was <i>well prepared, well organized, and used technology to ensure he had the most current information</i> before him.
Respect for others' time	Three observers reported that Judge Morris <i>moved things along expeditiously</i> . When setting calendars he often <i>asked attorneys how much time they needed to prepare and adjusted or willingly postponed</i> court appearances <i>when there were conflicts</i> .
Respectful behavior generally	All observers reported that Judge Morris called attorneys and defendants <i>by name, praised</i> all who were in compliance, and <i>wished them good luck</i> . He <i>went out of his way to greet</i> the participants <i>as individuals</i> , saying, <i>"I understand you called with a problem. What do you need?"</i> or, <i>"How are you doing? How is your autobiography coming?"</i> He <i>enthusiastically greeted</i> a young woman and <i>congratulated</i> her for complying with the requirements imposed on her, <i>and she responded that it was a pleasure to see him again</i> .

Respectful behavior generally continued	Observers particularly noted that Judge Morris was <i>very congenial and friendly towards defendants who required interpreters</i> , and also to the interpreters <i>for taking time to ensure his comments were understood</i> . He was <i>skilled at working with defendants who required interpreters</i> .
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RESPECTFUL TONE

Courtesy, politeness and patience	Two observers reported that Judge Morris was <i>courteous and patient, reassuring to defendants, and complimentary to his staff</i> . He <i>patiently waited when attorneys needed time to confer with clients</i> , and he <i>even waited more than half an hour for a litigant to appear before declaring the man a no-show</i> .
Courtroom tone & atmosphere	All observers reported that Judge Morris was <i>calm, open, inviting, and interested</i> . He was <i>professional with a succinct “no-nonsense” approach</i> to moving cases forward. He was <i>compassionate but just</i> , telling a <i>pleading</i> defendant with six DUI charges, <i>“Mr. X, thank you for those thoughts. If this were an ecclesiastical court, I might do something else. I am required to consider public safety. You have repeatedly shown that when left to your own devices you put public safety in jeopardy. I am sentencing you to 0-5 years. Good luck to you.”</i> Judge Morris <i>constantly scanned the location of the lawyers</i> , indicating to the observer that if the noise or activity level <i>rose too much he would intervene</i> . Observers reported that the courtroom was less formal than other courts, with a <i>really good and positive feeling</i> . One reported that <i>for some reason his opening words of “The sun came up, the water level is normal, the 49ers are in the playoffs. All is well,” created a friendly, calm atmosphere in his court</i> .
Body language	One observer reported that Judge Morris <i>made eye contact</i> with participants. Another observer reported that Judge Morris’s <i>body language and facial expressions changed dramatically with non-English speaking defendants, leaning forward, smiling, pausing more frequently and maintaining firm eye contact</i> . The observer concluded that he was very aware of what was happening in court despite his lack of eye contact with English speaking defendants, who <i>unfortunately may interpret the Judge’s lack of eye contact as not attending to their case</i> .
Voice quality	One observer reported that Judge Morris spoke <i>rather quickly and routinely</i> , and two younger participants <i>may have benefited from a slower and clearer explanation</i> .

NEUTRALITY

Acts with concern for individual needs	Three observers reported that Judge Morris <i>treated each defendant as an individual</i> and was <i>truly concerned for their welfare and rights</i> . In one case when a case worker noted that a defendant’s <i>medication seemed to be working well and she had a good family support system</i> , the judge ruled, <i>“With her mental health component, jail will not serve her best interests,” and set strict conditions, including close monitoring by the family</i> . He was flexible in adjusting the court appearance of an <i>elderly man who was scheduled to have non-emergency surgery just as his trial would start</i> , while also expressing some <i>reservations about the scheduling coincidence</i> .
Expresses concern for the individual	One observer reported that when the temperature was <i>close to 0 degrees</i> , Judge Morris <i>advised a defendant in a short-sleeved shirt that he should be wearing a long-sleeved shirt and a really warm jacket</i> , and the observer felt this was a <i>very human person to person reaction</i> .
Unhurried and careful	Three observers reported that the proceedings <i>moved quickly and efficiently</i> , but there was <i>no feeling of being rushed through the calendar</i> or to a decision. Judge Morris <i>took the time necessary to deal with each case and never hurried or interrupted anyone, even though the courtroom was pretty full</i> . He took time to <i>access information about one defendant’s legal history and used the history very specifically to make his decision</i> .

VOICE

Considered voice Three observers reported that Judge Morris *ensured everyone had plenty of time to speak and always faced them as they did so, asking for input from each side*. When a defendant was allowed to *apologize* to the court, Judge Morris *thanked him and said, "We'll keep that in mind."* He *listened to all parties and gave careful consideration* to all requests, asking questions after considering what he heard, for example, after hearing the problems a drug court participant had at home, the judge said, *"You have been suspended from treatment because of words and actions. Your letter says you appreciate drug court, but your actions don't show that. Why?"*

In contrast, two observers reported that Judge Morris *did not have the same level of interaction with litigants as in other courts*, but *primarily talked to the attorneys* and not to the defendants. In one case, Judge Morris told a defendant to speak to his attorney and not to the judge. *The man, frustrated, replied that he just wanted the judge to know he had a 2 ½ yr. old child he was supporting. A woman accompanying him asked if she could address the court and was told no. The observer felt that his man did not feel he had been heard or his concerns addressed.*

COMMUNICATION

Ensures information understood Three observers reported that Judge Morris *did not hesitate to ask prosecutors and defense lawyers questions* to ensure that he understood what they said, and he also showed concern that interpreters understood what was said. In one case Judge Morris asked *the interpreter to go with the defendant to a conference room to review the police report and discuss the case*.

However, two observers expressed reservations that Judge Morris did not show the same concern for defendants' understanding as for attorneys and translators, and *some defendants appeared to be somewhat confused, as shown by their facial expressions as they left the podium*. Judge Morris preferred that *defense lawyers speak for defendants*, who most often stood by as observers. The judge seemed to talk "around" or "at" defendants, in one case saying, *"Relax and have your lawyer do his job."* One observer concluded that this may be to ensure that defendants don't say something incriminating, and another concluded that *because English is the judge's second language, his concern about language might be the reason for his limited interaction with defendants*, both in *listening and instructing* them about the proceedings and the law.

Provides adequate explanations Three observers reported that Judge Morris was *very good at explaining the laws and the reasons for his decisions*. He *clearly explained that a defendant and her family must be very serious about complying with all conditions of her probation*. He also explained that *defendants would be financially responsible for costs associated with requests for substance retesting* and asked one defendant *if could afford testing*.
