

Honorable Jeffrey J. Noland –Juvenile Court Judge

Serving Davis, Weber and Morgan counties



Commission Recommendation: **RETAIN**

(vote count: 12-0 for retention)

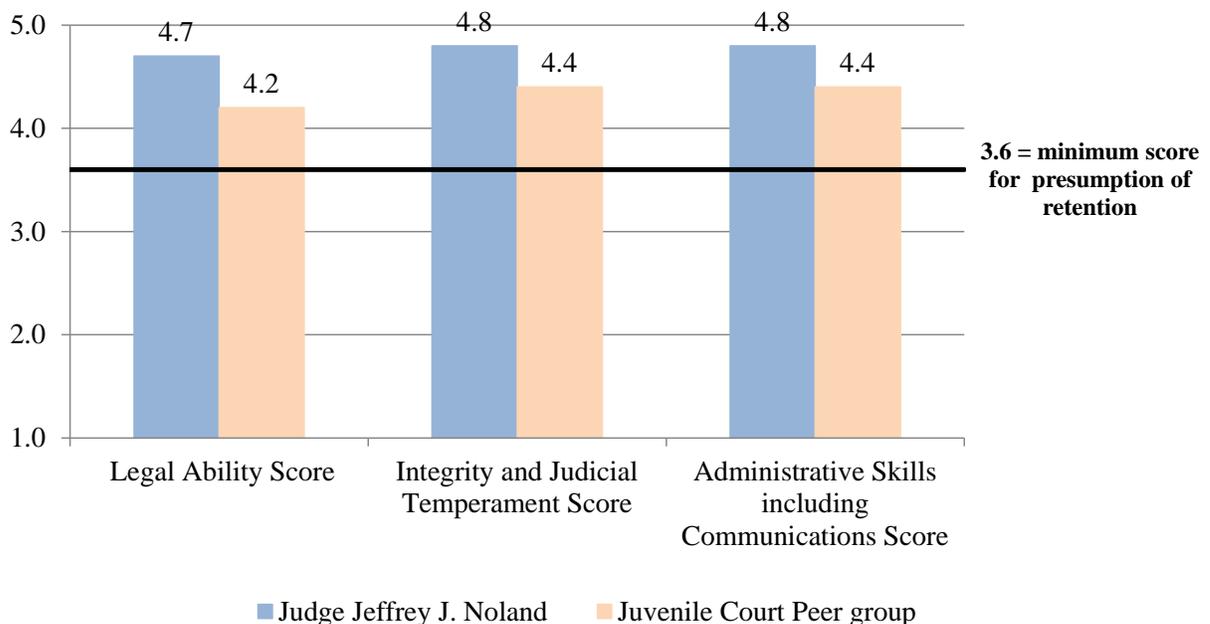
Judge Jeffrey Noland scored higher than the average of his juvenile court peer group in all survey categories. Judge Noland is unique among judges standing for retention this year in that 100% of survey respondents agreed that he should be retained, and 100% of survey respondents characterized him only in positive terms.

Describing Judge Noland as a knowledgeable, considerate, patient and attentive judge, attorneys and staff alike praised him for his model professional demeanor, his ability to work well with everyone and create a team feeling, and his reasoned legal decisions. All courtroom observers reported they would feel comfortable appearing before Judge Noland.

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

Judge Jeffrey J. Noland was appointed to the Second District Juvenile Court by Gov. Gary R. Herbert in July of 2010. He received his education at Weber State College and the University of Utah College of Law. Before his appointment to the bench, Judge Noland served as a deputy county prosecutor, as a parental defender in child welfare matters, and as a Guardian ad Litem for children. Judge Noland currently serves on the state Youth Court Advisory Board, on the Advisory Board for the Department of Child & Family Studies at Weber State University, and as a member of the Electronic Conversion Committee (Efile) for the state's juvenile courts. He also serves as the Associate Presiding Judge for the Second District Juvenile Court.

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



The Honorable Jeffrey J. Noland

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Jeffrey J. Noland, 57% of qualified survey respondents submitted surveys. Of those who responded, 88 agreed they had worked with Judge Jeffrey J. Noland enough to evaluate his performance. This report reflects the 88 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

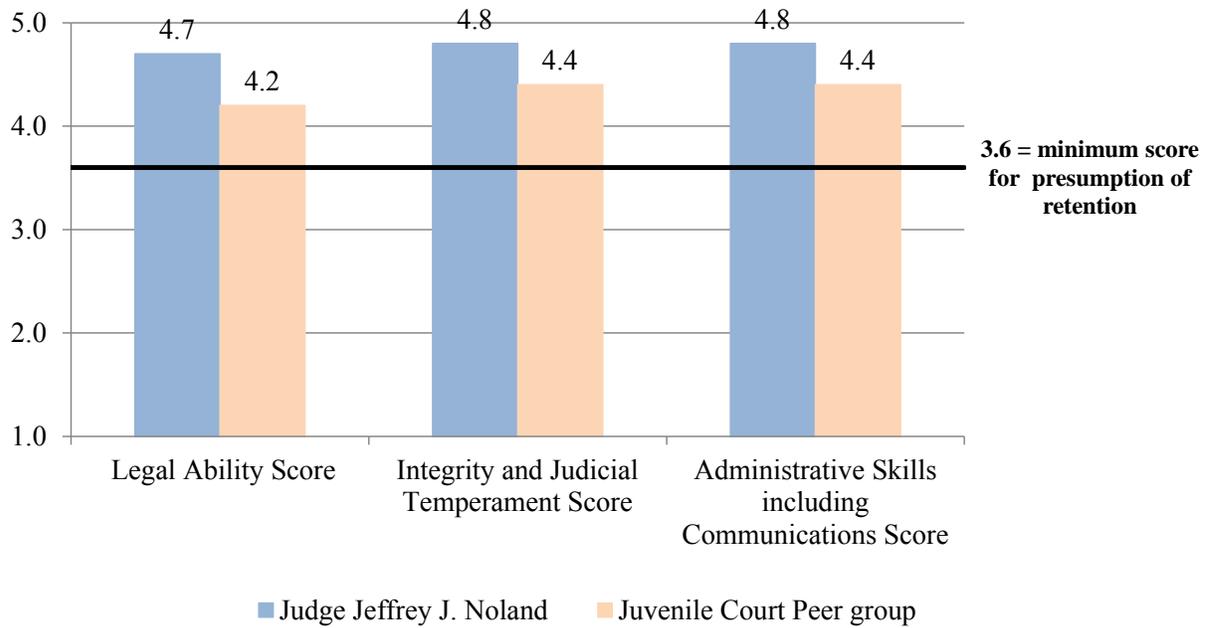
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

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.

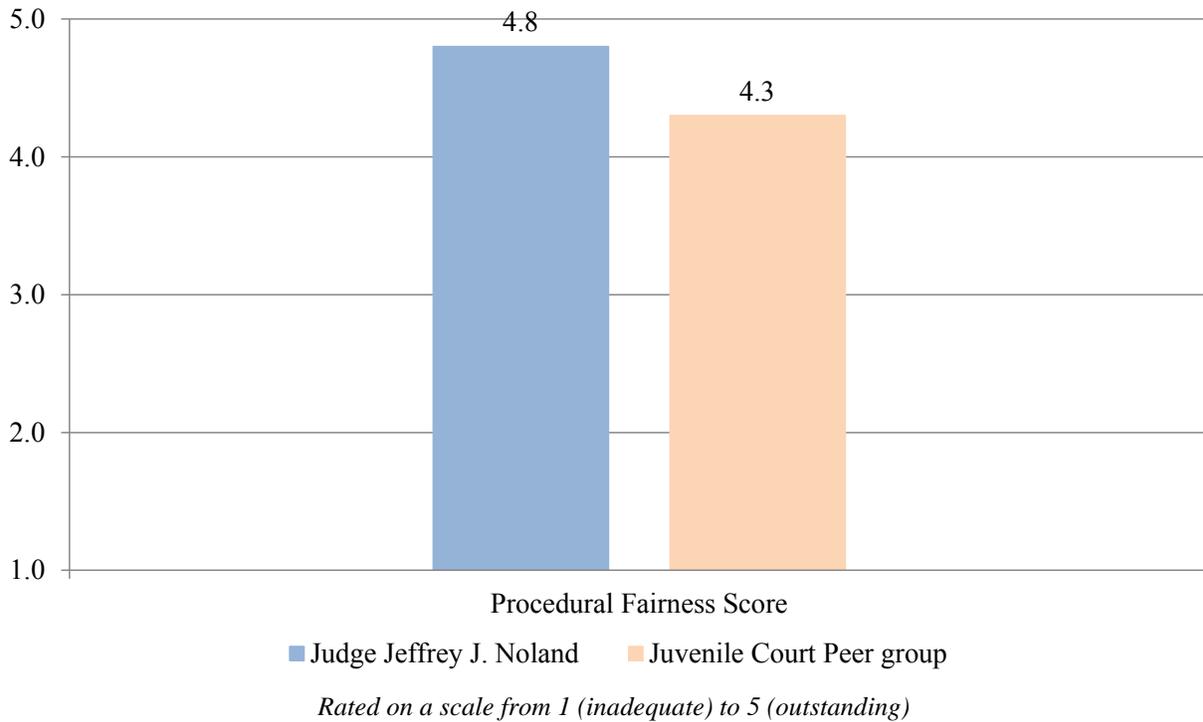
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge Jeffrey J. Noland	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.	4.8	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.7	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.7	4.2
Legal Ability	The judge only considers evidence in the record.	4.6	4.1
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.6	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.	4.9	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.7	4.2
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.6	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.	4.8	4.7

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

Category	Question	Judge Jeffrey J. Noland	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.9	4.5
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.9	4.3
Administrative Skills	The judge is an effective manager.	4.8	4.3
Administrative Skills	The judge convenes court without undue delay.	4.6	4.2
Administrative Skills	The judge rules in a timely fashion.	4.7	4.5
Administrative Skills	The judge maintains diligent work habits.	4.9	4.5
Administrative Skills	The judge's oral communications are clear.	4.8	4.4
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.8	4.4
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.9	4.3
Procedural Fairness	The judge is fair and impartial.	4.8	4.2
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.8	4.2
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.9	4.4

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

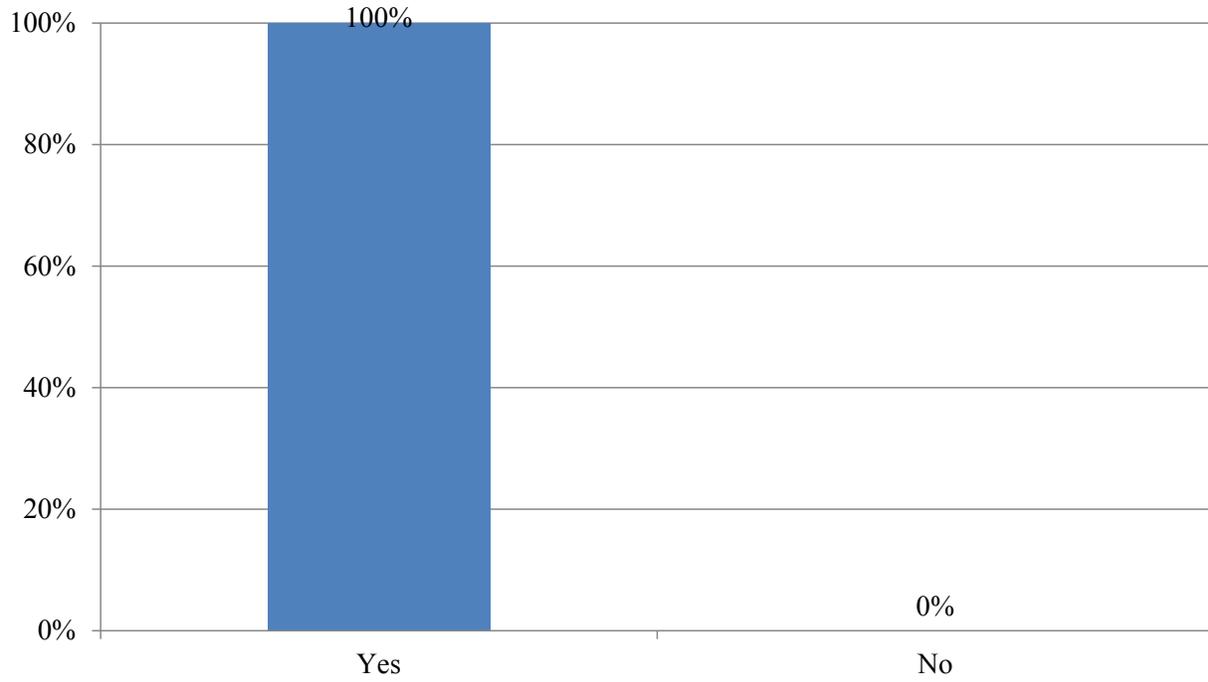
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	48
Calm	36
Confident	22
Considerate	52
Consistent	22
Intelligent	34
Knowledgeable	48
Patient	47
Polite	44
Receptive	35
Arrogant	0
Cantankerous	0
Defensive	0
Dismissive	0
Disrespectful	0
Flippant	0
Impatient	0
Indecisive	0
Rude	0
Total Positive Adjectives	388
Total Negative Adjectives	0
Percent of Positive Adjectives	100%

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 Jeffrey J. Noland be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	-
Domestic	44%
Criminal	41%
Civil	26%
Other	37%

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

5 or fewer	46%
6 - 10	25%
11 - 15	11%
16 - 20	-
More than 20	18%

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 JEFFREY NOLAND

Four observers wrote 99 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 Noland. Observer A additionally expressed qualifications in some areas (see “Anomalous comments”). All observers variously reported that Judge Noland was an excellent listener, was efficient and organized, and showed his knowledge and understanding of cases. He explained any delays and was polite and courteous, even with indignant participants. His demeanor was calm, compassionate, and professional, and he set a tone of true concern, kindness and warmth towards the juveniles. He leaned forward and smiled while making eye contact with speakers, his facial expression was pleasant and open, his voice was calm and authoritative, and he was never hurried or impatient. He did a good job of showing his unwaveringly impartiality, especially in contentious and complex cases. He was obviously engaged with juveniles and concerned for their best interest. He understood juveniles’ issues and had a good relationship with them, showing his care and compassion in his explanations of his decisions and actions. Judge Noland allowed adequate time for all participants to speak as long as needed, he made participants feel they always had the opportunity to be heard, and they were comfortable speaking their mind to him. He was precise in explaining his decisions, orders and expectations, and he asked questions and engaged in dialog to ensure defendants’ understanding of their rights and his orders. All observers particularly emphasized that Judge Noland went out of his way to show respect for all participants. He warmly greeted and thanked all parties, explained the purpose of hearings, and recognized accomplishments. He consistently recognized the professionals’ hard work and thanked extended family members for their important support. All observers reported that they would feel comfortable appearing before Judge Noland.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> Observer A qualified her positive reports of Judge Noland with several suggestions (see “Respectful behavior generally,” “Acts with concern for individual needs,” “Considered voice,” and “Provides adequate explanations”).

Summary and *exemplar language* of four observers’ comments

RESPECTFUL BEHAVIORS

Listening & focus	Three observers reported that Judge Noland was an <i>excellent listener</i> , listening <i>intently</i> and giving <i>his full attention to the person before him</i> . He <i>occasionally</i> said, “ <i>Okay</i> ” and “ <i>Good</i> ” to <i>demonstrate that he had heard what was said</i> .
Well-prepared & efficient	Two observers reported that Judge Noland <i>showed his knowledge and understanding</i> of cases and was <i>efficient and organized</i> .
Respect for others’ time	Three observers reported that Judge Noland <i>explained the reason for a late start, which was not his fault</i> , and <i>explained a delay due to a case running over time</i> , saying, “ <i>Thanks for your patience on the delay, these difficult matters often take more time than expected.</i> ” When rescheduling dates he ensured that <i>everyone was able to make the new time and date</i> .

Respectful behavior generally	<p>All observers reported that Judge Noland <i>went out of his way</i> to demonstrate respect towards all individuals. He <i>greeted everyone with a smile</i> and a few <i>welcoming words</i> and <i>thanked them for their participation</i>. He <i>asked everyone to introduce themselves</i>, including <i>extended family members</i>. He explained the <i>purpose of the hearing</i> and the <i>status of each case</i>.</p> <p>All observers offered many examples of Judge Noland’s continuing respectfulness throughout. He recognized accomplishments and expressed appreciation for efforts, saying, “<i>I know this is a hard choice to realize you cannot take care of your son, but thanks for taking the best interest of your son to mind, not many parents can do that. I really hope things turn around for you Mr. X, good luck to you.</i>” He <i>thanked a translator who apologized for being late</i>, saying, “<i>Thanks for being here. You are fine. We know you hustle and try to cover three courts at a time.</i>” He <i>consistently recognized the professionals for their hard work</i>, for example, <i>praising a case worker for finding solutions</i> instead of just stating problems. He thanked extended family members for their <i>important help in aiding the parents to raise happy, healthy children</i>. He <i>did not demean</i> but <i>treated with dignity</i> two divorcing parents, <i>no matter how childish they acted</i>.</p> <p>Observer A wished that in an adoption session the judge <i>could have shared more advice with all the families</i>, but <i>recognized</i> that the judge was <i>sensitive to parents who seemed anxious that their toddlers were about to misbehave</i>, and he thoughtfully <i>curtailed his shared wisdom accordingly</i>.</p>
RESPECTFUL TONE	
Courtesy, politeness and patience	One observer reported that Judge Noland was <i>very polite to all</i> and treated everyone with <i>courtesy, even when being firm with an indignant and angry mother who was talking out of turn</i> .
Courtroom tone & atmosphere	Three observers reported that Judge Noland was consistently <i>calm, compassionate, engaged, and professional</i> . His <i>personality set the tone of courtesy, kindness, and warmth for the juveniles and their families</i> , and his <i>attitude of true concern for the betterment of society seemed more than just a job for him</i> . Participants <i>all seemed open and willing to talk with him and accept his decisions</i> . One observer felt it <i>impressive</i> the way Judge Noland and the bailiff <i>handled with calmness and efficiency</i> a man who had assaulted a participant and was <i>trying to force himself into the court</i> .
Body language	Three observers reported that Judge Noland <i>leaned forward, looked directly</i> at speakers with <i>eye contact</i> , and <i>smiled throughout</i> . His <i>facial expression was always pleasant, open, and neutral</i> .
Voice quality	One observer reported that Judge Noland’s voice was <i>calm, authoritative, and kind</i> .
NEUTRALITY	
Consistent and equal treatment	Three observers reported that Judge Noland <i>engaged with each party while remaining unwavering in his impartiality</i> . One observer was impressed with Judge Noland’s <i>ability to take the different positions into account in very complex cases</i> . Another felt <i>he did a very good job of showing he was unbiased in a case of angry, divorcing parents: he maintained focused on each speaker with a neutral but attentive expression</i> without turning to the <i>offending party</i> when one or other party <i>accused the other</i> , thereby <i>conveying effectively and powerfully that he was listening and withholding judgment until everyone had a chance to speak</i> .
Acts with concern for individual needs	<p>All observers reported that Judge Noland <i>obviously engaged with</i> and <i>projected a feeling of caring and doing what is best for</i> the juveniles. Three observers offered many examples that showed his great concern for participants’ individual circumstances and that he understood and took account of the <i>impact of his decisions</i> when ruling, while still <i>following the law</i>.</p> <p>In marked contrast, Observer A reported that Judge Noland was <i>more formal, less conversational, and spent less time asking questions or explaining concerns and decisions</i> than other juvenile court judges, while also noting that his decisions were <i>appropriate</i> and he <i>never tried to hurry things along</i>. In one case he said, “<i>The concern I have sir, is your drug use,</i>” without expanding. In another case he <i>ruled very appropriately</i> that, “<i>No party is allowed to make disparaging remarks in front of kids,</i>” but <i>did not explain the reason</i>, whereas the observer felt that the judge <i>should not take for granted that parents understand why such talk is harmful to their children</i>.</p>

Expresses concern for the individual	Three observers reported that Judge Noland <i>understood the issues facing the juveniles and had a good relationship with them</i> . His explanations always seemed to be the result of caring and concern, for example, when telling young man with drug problems, “I want to come up with a plan that meets your best interests. I’m worried about you falling into the old life-style.” He explained to a young woman wanting her case closed that he knows he sometimes keeps juveniles communicating with the court longer than they wish, but he wants her to be stable, and she seemed to accept the decision. He was very compassionate with an incarcerated young women, explaining that juvenile court was not about punishment but about getting young people to turn their lives around, and he felt drug court would be a great program for her.
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Unhurried and careful	One observer reported that Judge Noland <i>never seemed hurried or impatient</i> .
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VOICE

Considered voice	<p>All observers reported that Judge Noland was <i>highly skilled at making everyone feel they had an opportunity to be heard</i> and gave <i>adequate time for all to speak as long as they needed</i>. Participants <i>felt comfortable expressing themselves and speaking their minds</i> because of the judge’s <i>interested demeanor</i>.</p> <p>Observer A reported that Judge Noland <i>handled one case well</i> by allowing a <i>frustrated grandfather</i> in a divorce case <i>to vent</i>, and when the grandfather <i>apologized for going on so long</i>, the judge responded in a <i>very kind tone</i>, “No, I understand and I thank you for your input.” However, in marked contrast to another observer who reported Judge Noland’s <i>impressive ability to manage complex cases</i>, Observer A reported that in a <i>contentious hearing with lots of issues flying around</i>, the judge had to be <i>reminded of serious issues</i> mentioned by a participant that were not addressed in his ruling, and the observer wondered if <i>additional note taking would help the judge’s organization and help participants feel heard</i>.</p>
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COMMUNICATION

Communicates clearly	One observer reported that Judge Noland <i>articulated the reasons for his decisions, even the tough ones, in a way that made them more acceptable to the participants</i> .
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Ensures information understood	Two observers reported that Judge Noland <i>asked questions and engaged in dialog to assess each individual’s comprehension</i> , and he ensured they <i>understood the rights they were waiving and what they were agreeing to</i> . Defendants <i>signed orders while in court</i> , and Judge Noland <i>encouraged them to become familiar with the orders</i> .
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Provides adequate explanations	<p>Two observers reported that Judge Noland was <i>very precise</i> in spelling out his orders and <i>exactly what was expected of defendants</i>. He <i>emphasized the importance of court orders and the possible results if violated</i>. He was <i>careful to explain his decisions and actions simply, but in detail</i>.</p> <p>In contrast, Observer A <i>wished the judge explained his decisions more</i>, which the observer felt <i>might also be helpful to the judge in clarifying his thinking and case plan</i>. Participants <i>seemed to be begging the judge to make some clear cut decisions and move the case forward</i>. While his voice was <i>commanding and decisive as he said, “I’m ready to rule,”</i> his goals for the case were <i>hard to understand</i>, and the observer did not know if participants <i>felt after the ruling that progress had been made</i>.</p>
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