

Honorable Robin W. Reese – District Court Judge

Serving Salt Lake, Summit and Tooele Counties



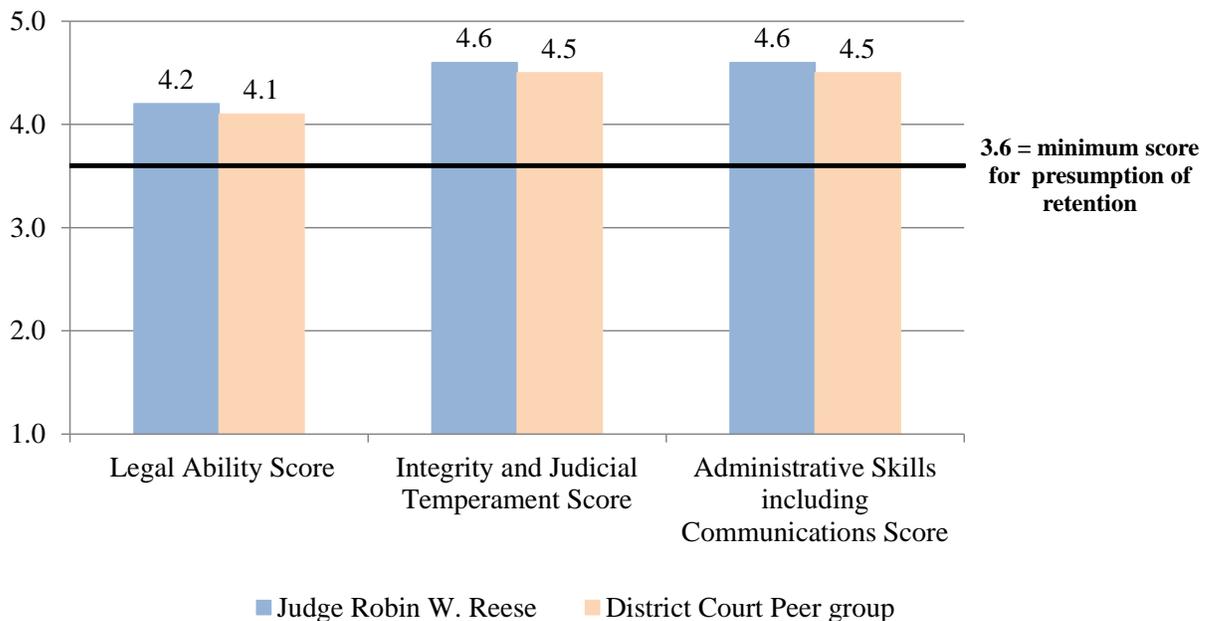
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Judge Robin Reese is an experienced and well-regarded judge whom survey respondents most frequently described as polite, calm, and considerate. Respondents praised his courtroom demeanor and legal knowledge, characterizing him as respectful and professional. A few expressed concern over delays and management of the courtroom calendar. Courtroom observers were largely positive about Judge Reese, citing his efficiency and preparedness. All observers agreed that they would feel comfortable appearing before him. Of the survey respondents who answered the retention question, 95% recommended that Judge Reese be retained.

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

Judge Robin W. Reese was appointed to the Third Circuit Court in 1987 and to the Third District Court in 1996. Judge Reese earned a law degree from the University of Utah College of Law in 1980. He practiced law at Tibbals, Adamson, Peters & Howell and then worked as a Deputy Salt Lake County attorney until his appointment to the bench. Judge Reese served on the Supreme Court Advisory Committee on the Rules of Criminal Procedure, as presiding judge of the Third Circuit Court from 1992 to 1995, and as associate presiding judge of the Third District Court from 1995 to 2001. He also served on the Utah State Bar's Courts and Judges Committee, and on the Court Technology Subcommittee.

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



The Honorable Robin W. Reese

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Robin W. Reese, 60% of qualified survey respondents submitted surveys. Of those who responded, 136 agreed they had worked with Judge Robin W. Reese enough to evaluate his performance. This report reflects the 136 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

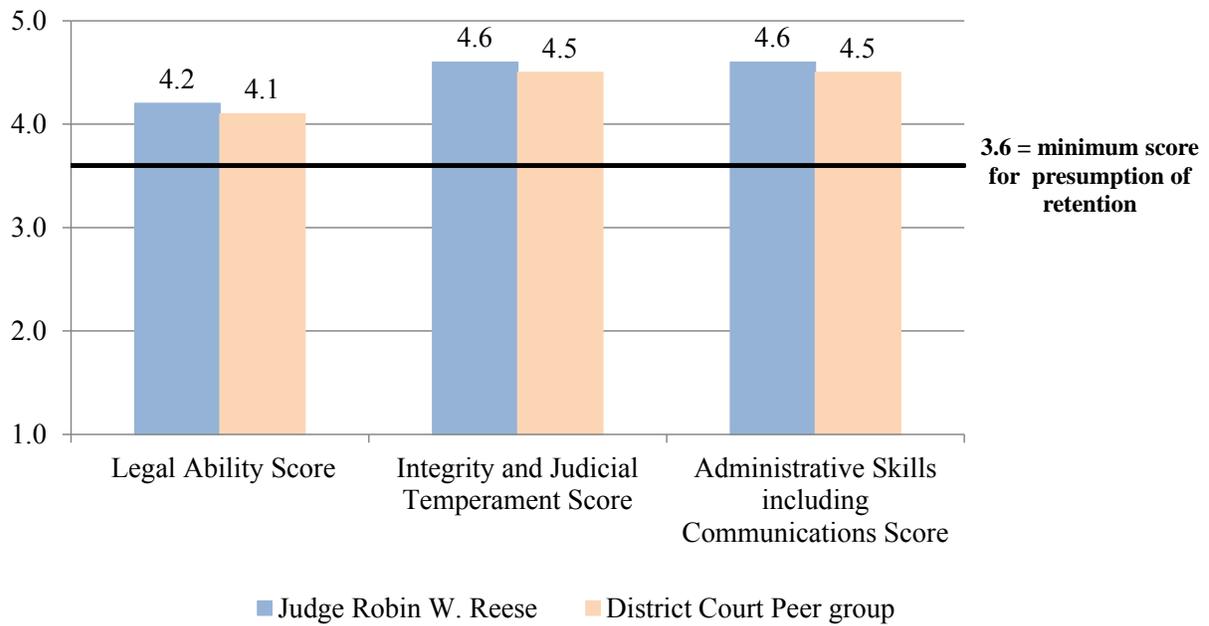
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Court" on the charts.

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.

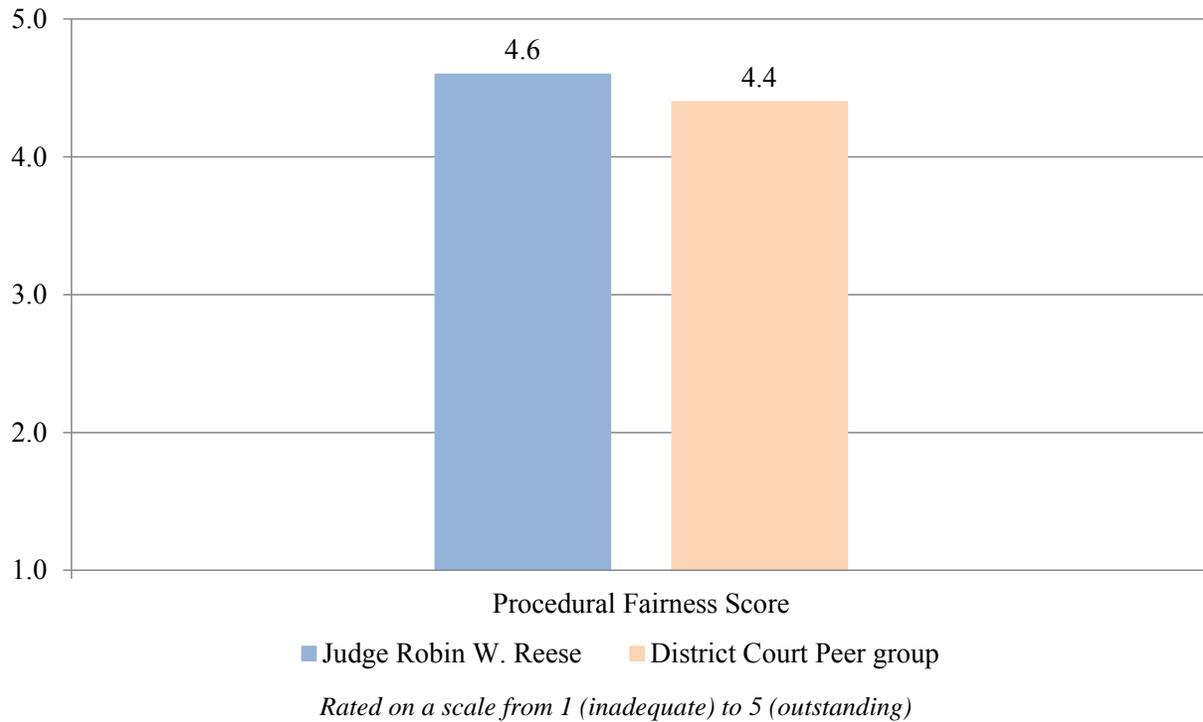
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge Robin W. Reese	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.	4.2	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.2	4.1
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.2	4.1
Legal Ability	The judge only considers evidence in the record.	4.4	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.2	4.1
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.6	4.5
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.	4.4	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.3	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.	4.6	4.6

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

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

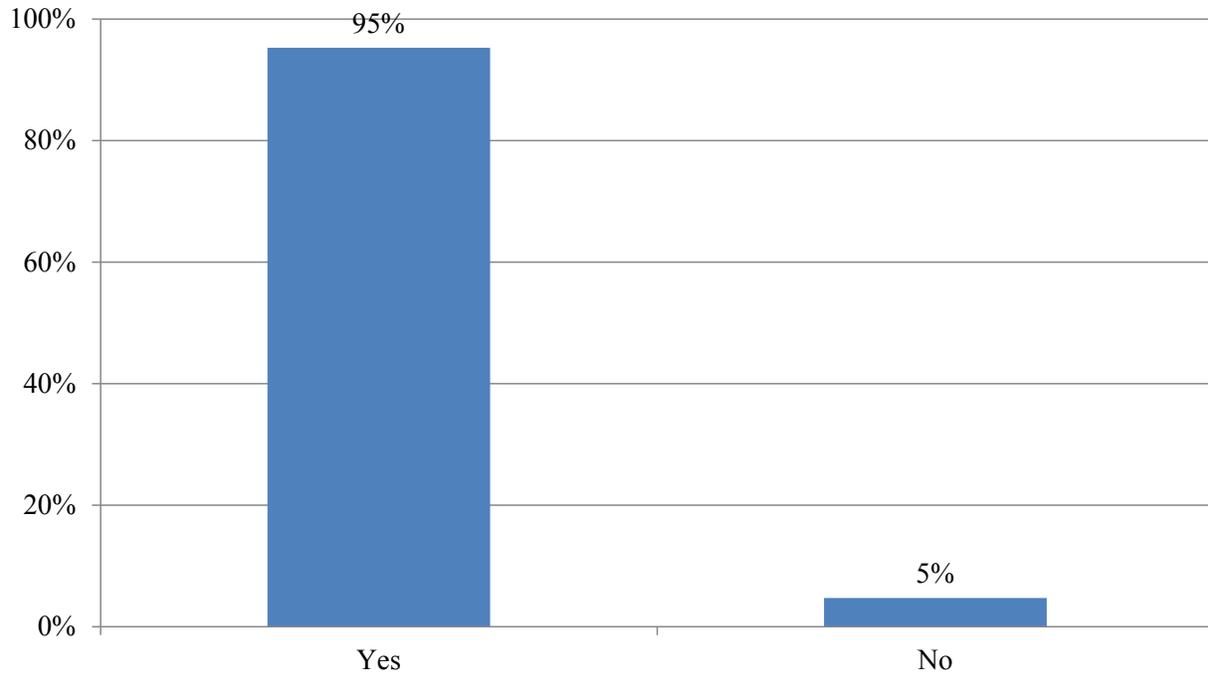
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	34
Calm	45
Confident	22
Considerate	35
Consistent	27
Intelligent	33
Knowledgeable	33
Patient	31
Polite	42
Receptive	14
Arrogant	0
Cantankerous	1
Defensive	1
Dismissive	3
Disrespectful	1
Flippant	0
Impatient	2
Indecisive	3
Rude	1
Total Positive Adjectives	316
Total Negative Adjectives	12
Percent of Positive Adjectives	96%

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 Robin W. Reese be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	1%
Domestic	13%
Criminal	76%
Civil	22%
Other	3%

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

5 or fewer	36%
6 - 10	18%
11 - 15	13%
16 - 20	6%
More than 20	28%

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 ROBIN REESE

Five observers wrote 83 codable units that were relevant to 12 of the 17 criteria. All observers reported that the judge was not aware that JPEC observers were present.

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• All observers were positive about Judge Reese, with some reservations in some areas.• All observers variously reported that Judge Reese was efficient and prepared, and cooperative and flexible in scheduling hearings for the convenience of all. He was thoughtful, calm and serious with an impartial bearing, and generally maintained eye contact and a pleasant facial expression. Judge Reese was careful to ensure that defendants understood their rights, the consequences of their pleas, and his decisions, and he asked many questions and varied his language to ensure their understanding.• Observers particularly reported that Judge Reese was interested to hear as much information as possible from all parties, gave ample time and opportunity for all to speak, and was patient with long explanations. He gave his full attention while participants spoke, and he showed that he had listened to and considered what he heard.• Four observers reported that they would feel comfortable appearing before Judge Reese. One reported that she would not feel comfortable, at ease, or feel free to ask questions if appearing before Judge Reese, but she did feel his judgments would be fair and thoughtful.
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• While three observers reported that Judge Reese was patient, understanding, and spoke sincerely and respectfully, two observers reported that he did not greet or acknowledge participants, did not smile or show appreciation for efforts made, and did nothing to make people feel comfortable (see “Respectful behavior generally” and “Courtesy, politeness and patience”).• While two observers reported that Judge Reese asked all parties for information and treated all participants in the same manner, two observers did not understand why the judge appeared less respectful to some defendants, looking down and showing disinterest when they were speaking, but looked directly with interest at other defendants (see “Consistent and equal treatment”).
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• In stark contrast to other observers, one observer reported that Judge Reese did not ask defendants much about their understanding of their rights or the reasons for his decisions or whether they had questions (see “Ensures information understood” and “Provides adequate explanations”).• One observer reported that Judge Reese allowed disturbing conversations in the busy courtroom that made it difficult to hear the proceeding or concentrate on what was occurring (see “Courtroom tone & atmosphere”).

Summary and *exemplar language* of five observers’ comments

RESPECTFUL BEHAVIORS

Well-prepared & efficient	Three observers reported that Judge Reese was <i>efficient, prepared, and knowledgeable</i> , with a <i>good grasp</i> of the cases, but was <i>careful to check files if he felt the need</i> .
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Respect for others' time	<p>Four observers reported that court <i>began on time</i>, and that Judge Reese was <i>cooperative and flexible</i> about hearing dates, showing consideration for participants' schedules. He was patient with delays while attorneys conferred with clients, explaining, "<i>For those waiting...we can't go on because attorneys aren't ready. I'll take a recess now and will be back as soon as I get word that we can proceed.</i>" In one case, when a <i>witness in military training was not available on several dates</i>, he was careful to make sure that both sides were satisfied with the dates of a trial.</p> <p>In contrast, one observer noted that when court began 40 minutes late, Judge Reese launched into the first case without a greeting.</p>
Respectful behavior generally	<p>Three observers reported that Judge Reese addressed each defendant <i>by name to clarify that the individual was as named in the file</i>, asking, "<i>Are you Mr. X?</i>" He often <i>opened his remarks to attorneys by stating in a sincere and respectful tone</i>, "<i>What would you like to do?</i>" He treated all parties with the same respect, for example letting them know he had reviewed submitted documents, saying, "<i>I have read the report and considered the matter. I am ready for sentencing.</i>"</p> <p>In contrast, two observers reported that Judge Reese <i>did not greet participants or acknowledge their presence at the outset, rarely smiled or engaged in social pleasantries, and did not show appreciation for people's efforts or input or ever say "thank you."</i></p>
RESPECTFUL TONE	
Courtesy, politeness and patience	<p>Two observers reported that Judge Reese was <i>courteous, patient, and understanding</i>. In one case in which an unrepresented defendant <i>did not know the process</i>, Judge Reese explained the requirements for a written motion <i>several times without any show of impatience</i>.</p> <p>In contrast, one observer reported that Judge Reese <i>did nothing to make people feel comfortable</i>.</p>
Courtroom tone & atmosphere	<p>Four observers reported that Judge Reese was <i>thoughtful, serious and efficient</i>, with a <i>properly impartial judicial bearing</i>. He had a <i>calm demeanor</i>, such as when saying, "<i>We still have quite a few files and seem to have run out of attorneys. I'm sure that will be remedied soon.</i>"</p> <p>One observer reported that Judge Reese <i>did not maintain an appropriate atmosphere in the full and busy courtroom</i>, but allowed <i>disturbing personal conversations</i> to continue, making it <i>difficult to hear the judge, attorneys and defendants</i>, or to <i>concentrate on what was occurring</i>.</p>
Body language	<p>Three observers reported that Judge Reese made <i>good eye contact, especially when checking for understanding of his decisions</i>, when he would <i>nod frequently to show he was listening and understanding</i>. He maintained a <i>pleasant, interested and neutral facial expression</i>.</p> <p>However, one of these observers also noted that <i>frequently during sentencing he had only intermittent or no eye contact and seemed to be talking to papers on his desk, as if he didn't like this part of the judicial process</i>.</p>
NEUTRALITY	
Consistent and equal treatment	<p>Two observers reported that Judge Reese listened to all pleas and requests <i>before making decisions</i>, and he consistently <i>asked if the opposing side had additional information</i>. He was consistent when sentencing, <i>treating everyone in the same manner regardless of gender, race, or whether or not incarcerated</i>.</p> <p>In contrast, two observers reported that Judge Reese appeared less respectful to some defendants, and they did not understand the reason for this inconsistency. To some defendants he read pre-sentencing reports <i>without looking at them or looked down to give the impression that he was not interested or listening</i>, whereas in other cases he <i>looked directly at defendants while sentencing</i> and ensured that these defendants understood the reasons for the sentence and all its requirements.</p>
Acts with concern for individual needs	<p>One observer reported that Judge Reese considered individual needs, in one case considering a woman's financial situation when <i>negotiating her return to Utah</i>, and in another case considering the <i>severe nature of a crime</i> and the victim in his decision making.</p>

Unhurried and careful	Two observer reported that Judge Reese was unhurried and took time to <i>read files or new reports before ruling.</i>
<i>VOICE</i>	
Considered voice	All observers reported that Judge Reese was <i>interested to hear from all parties</i> , including <i>victims and relatives of defendants</i> . He asked each defendant if he or she <i>had anything to say</i> and then gave them <i>ample time and opportunity to voice their feelings, concerns, and questions</i> . He was <i>patient with long explanations, engaged in problem solving</i> conversations as appropriate, and wanted to <i>hear as much information regarding each case as possible</i> . He <i>gave his full attention</i> while participants were speaking and <i>let participants know he had listened</i> and considered what they had to say, and his <i>explanations of his decisions</i> indicated that he had done so.
<i>COMMUNICATION</i>	
Communicates clearly	One observers reported that Judge Reese gave <i>clear but brief explanations</i> .
Ensures information understood	<p>Three observers reported that Judge Reese was <i>very careful in determining</i> that defendants understood their rights, and he <i>used his colloquy as an opportunity to engage the defendant in conversation</i> regarding their understanding of those rights. He was very careful to ensure defendants understood <i>possible repercussions of their pleas</i>, asking, <i>“Do you feel that you understand? If at any time you don’t understand or have a question, let me know and I will let you speak to your attorney,” and then asked the attorney, “Do you think your client understands what is going on here?”</i> Judge Reese <i>varied his word usage for some defendants</i> to ensure they understood the reasons for his decisions or his directions, and defendants <i>responded favorably</i>, saying <i>“Thank you” at the end of their sentence</i>.</p> <p>In stark contrast, one observer reported that Judge Reese did <i>not ask defendants very much about their comprehension of their rights, or if they understood the reasoning behind decisions, or what they needed to do, or whether they had questions</i>.</p>
Provides adequate explanations	One observer reported that Judge Reese was <i>transparent</i> in ensuring that each person <i>understood their sentence and the consequences of future violations of the law</i> . In contrast, another observer reported that Judge Reese did <i>not provide a lot of information or explanation about procedure or decisions</i> .