

Honorable James T. Blanch – District Court Judge

Serving Salt Lake, Summit, and Tooele counties



Commission Recommendation: **RETAIN**

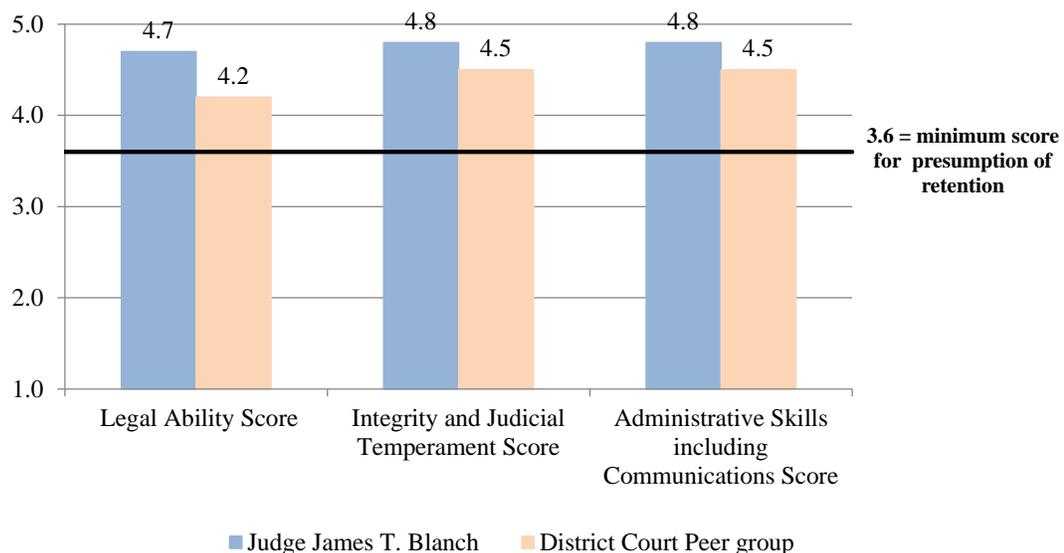
(vote count: 12-0 for retention)

Appointed to the bench in 2012, Judge James Blanch receives outstanding evaluations from survey respondents. He scores well above the average of his district court peers in all survey categories, particularly in legal ability. Many describe Judge Blanch as one of the best judges before whom they've appeared. Respondents note that his demeanor, intelligence, and preparation combine to provide attorneys and litigants with well-reasoned, fair, and understandable decisions and outcomes. One hundred percent (100%) of the adjectives selected by respondents to describe him are positive. Courtroom observers are also enthusiastically positive about Judge Blanch. They note that he is both efficient and patient, that he listens intently, and that he treats all court participants fairly and respectfully, regardless of appearance or background. Notably, all 95 respondents (100%) answering the retention question recommend retention for Judge Blanch.

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

Judge James T. Blanch was appointed to the Third District Court in 2012 by Governor Gary Herbert. Judge Blanch earned a bachelor's degree from the University of Virginia in 1990 and graduated cum laude from Harvard Law School in 1993. Prior to his appointment, he maintained a civil litigation practice with Parsons Behle & Latimer. He now handles a primarily criminal calendar, including the Alternative Substance Addiction Program specialty court, which he helped establish. Judge Blanch has taught at the University of Utah College of Law. He chairs the Committee on the Model Utah Criminal Jury Instructions, is a long-standing member of the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure, and is a member of the Utah Pro Bono Commission.

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



The Honorable James T. Blanch

Judicial Performance Evaluation Commission Report

Retention 2016

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II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge James T. Blanch, 58% of qualified survey respondents submitted surveys. Of those who responded, 140 agreed they had worked with Judge James T. Blanch enough to evaluate his performance. This report reflects these 140 responses. The survey results are divided into the following sections:

- Statutory category scores
- Retention question
- Procedural fairness survey score
- Responses to individual survey questions
- Summary of adjectives

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 the Legal Ability questions.

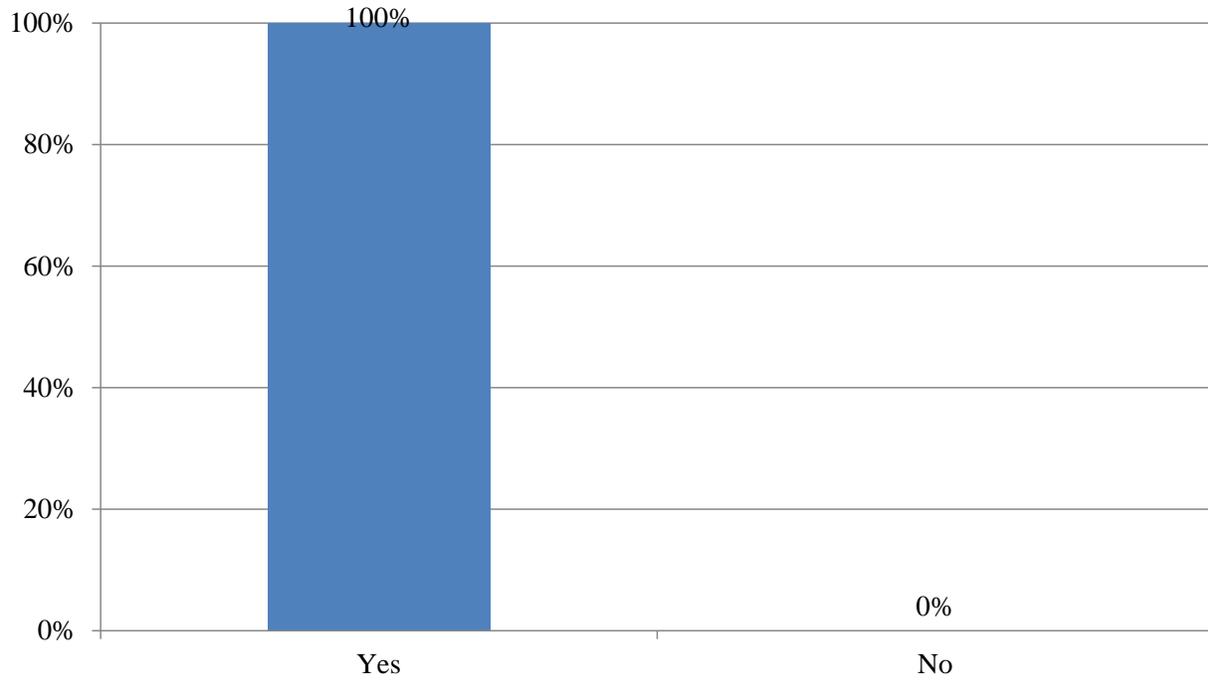
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to 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.

Respondents are asked whether or not they think the judge should be recommended for retention only during the retention cycle.

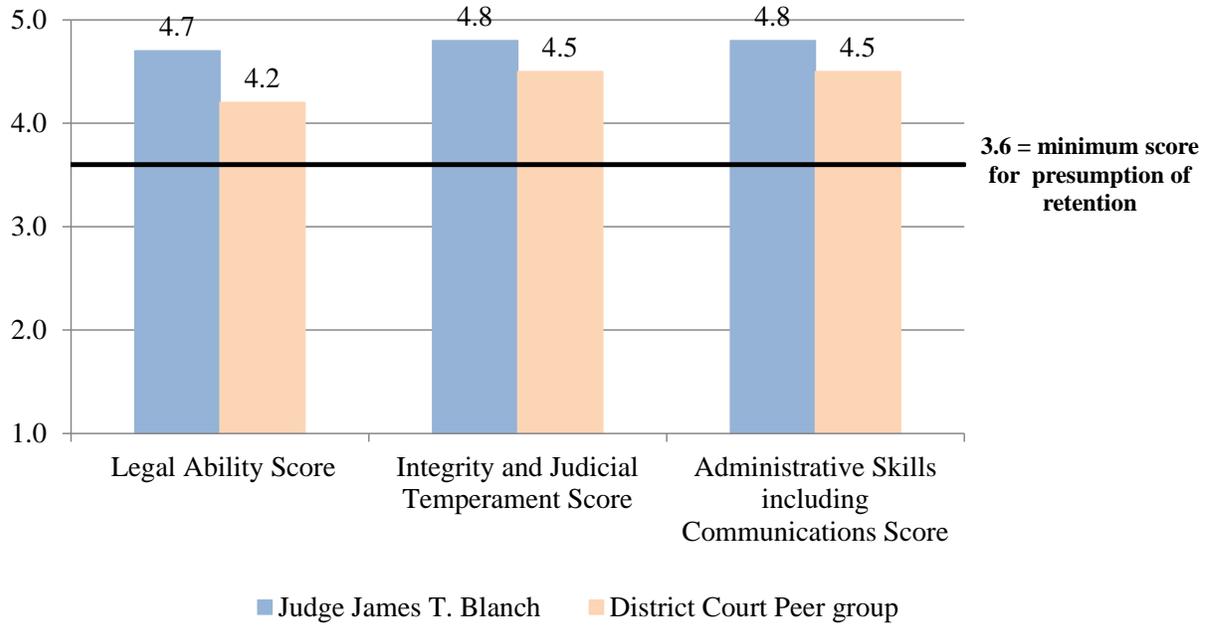
B. Retention Question

Figure A. Would you recommend that Judge James T. Blanch be retained?



C. Statutory Category Scores

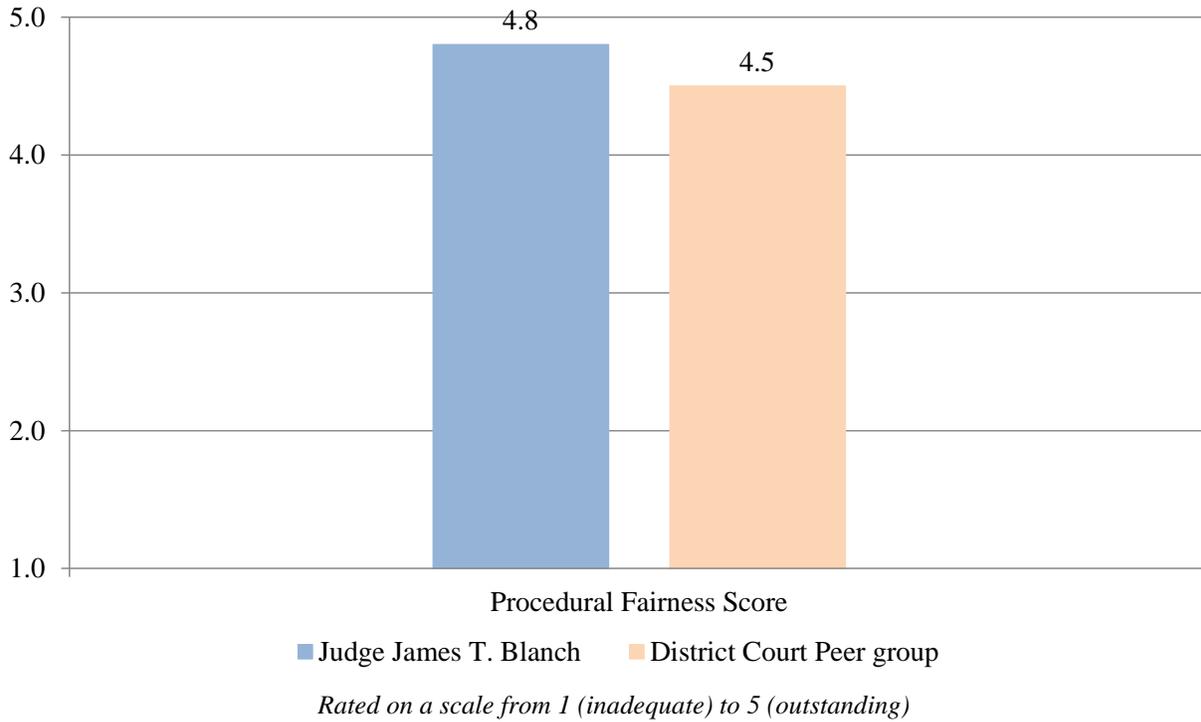
Figure B. Statutory Category Scores



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

D. Procedural Fairness Score

Figure C. Procedural Fairness 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.

Table A. Overall Procedural Fairness Determination (for Retention Only)

Category	Judge James T. Blanch
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge James T. Blanch	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.	4.7	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.	4.7	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.8	4.2
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.8	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.7	4.6
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.8	4.6
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.8	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.7	4.4
Integrity & Judicial Temperament	The judge promotes access to the justice system for people who speak a language other than English, or for people who have a physical or mental limitation.	4.7	4.6

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

Table C. Responses to Survey Questions (continued)

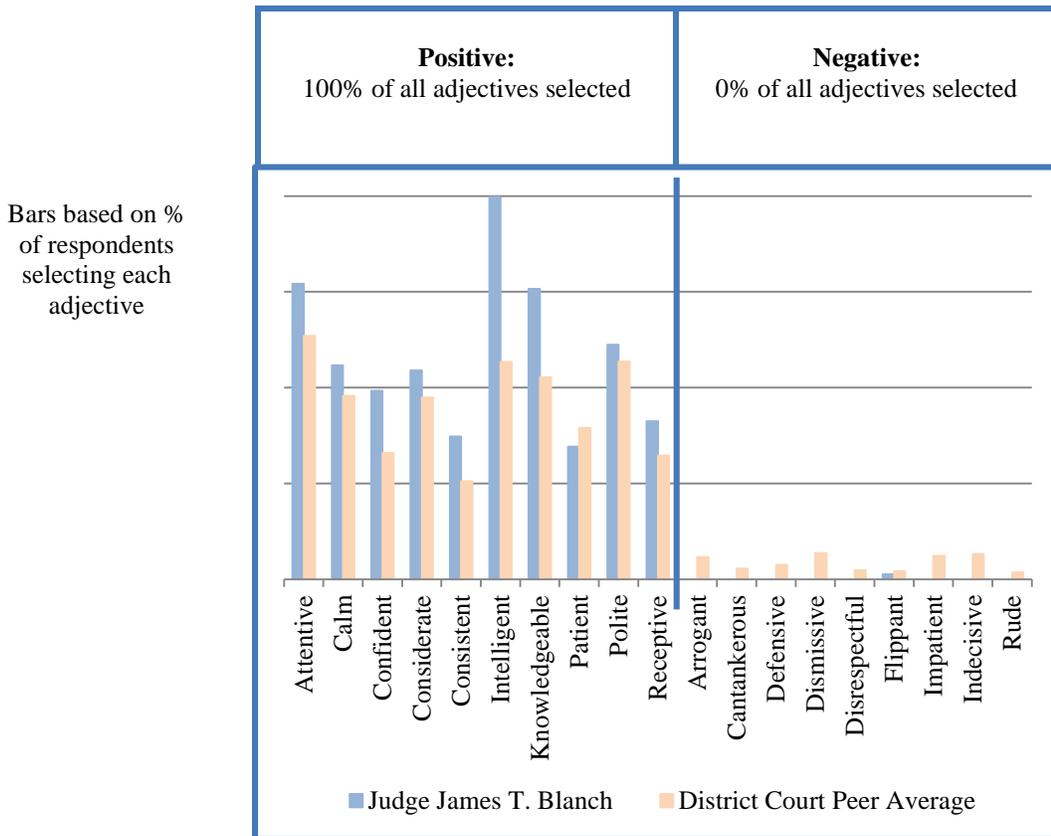
Category	Question	Judge James T. Blanch	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.8	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.9	4.6
Administrative Skills	The judge is an effective manager.	4.8	4.5
Administrative Skills	The judge convenes court without undue delay.	4.8	4.6
Administrative Skills	The judge rules in a timely fashion.	4.8	4.5
Administrative Skills	The judge maintains diligent work habits.	4.7	4.5
Administrative Skills	The judge's oral communications are clear.	4.8	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.8	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.8	4.6
Procedural Fairness	The judge is fair and impartial.	4.8	4.5
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.8	4.5
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.8	4.4

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

F. Adjective Question Summary

From a provided list, survey respondents selected multiple adjectives to best describe the judge. The “positive” and “negative” labels at the top of the graph refer to the percent of all adjectives selected by all respondents that were either positive or negative. Each bar is based on the percent of respondents who selected that adjective. The adjacent bar shows a comparison to the other evaluated judges who serve on the same court level.

Figure D. Adjective Responses



G. Attorney Demographics

Table D: What are your primary areas of practice?

Collections	8%
Domestic	7%
Criminal	86%
Civil	16%
Other	2%

Because many attorneys practice in multiple areas, totals may not equal 100%

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

5 or fewer	33%
6 - 10	24%
11 - 15	15%
16 - 20	1%
More than 20	28%

Survey Background and Methods

This report presents the results from the 2015 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 the 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 time 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 three or more non-trial appearances, and those with one to two 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 qualified respondent receives an initial email notification signed by the Governor, Chief Justice, President of the Senate, and Speaker of the House, requesting participation in the survey. Next, an email invitation, signed by JPEC's Executive Director and the Utah State Bar President, contains links to all the individual surveys each respondent is invited to complete. A reminder email is sent one week later to those who did not respond by completing and submitting a survey. This is followed by two 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, that 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 2016 began on January 1, 2014 and ended on June 30, 2015.

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE JAMES BLANCH

Four observers wrote 73 codable units that were relevant to 12 of the 15 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

OVERALL ASSESSMENT	<ul style="list-style-type: none">• All observers were enthusiastically positive about Judge Blanch, and one observer commented that Judge Blanch did an exceptional job.• All observers reported that they would feel comfortable appearing before Judge Blanch.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• All observers variously reported that Judge Blanch listened intently with full, engaged attention. He was efficient, thorough, and extremely knowledgeable about the cases, which allowed the busy schedule to proceed smoothly. The court was organized and businesslike and surprisingly quiet given its small size and large number of participants. Judge Blanch called cases by name and greeted defendants politely and respectfully, looked directly at speakers while maintaining eye contact, thanked participants, and at times offered fatherly advice. He treated all of the diverse defendants in the same patient and courteous manner, and he showed sincere concern and compassion when appropriate for their circumstances. At no time did he rush a case or a participant, giving ample time for all to say whatever they had to say. He was very thorough in delivering colloquies without just going through the motions, stopping periodically to ask defendants if they understood or had questions, and he slowed down or repeated in another way if they did not understand. He carefully explained the reasons for his sentences and explained that he was aware of the impact his sentences would have on their lives.• Observers variously reported that Judge Blanch's demeanor was sober, serious, dignified, and almost without levity, but he was not stern or rigid but rather kind and considerate. Observers considered Judge Blanch to be very genuine.
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• None
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• One observer, while recognizing that his discomfort may be old-fashioned, felt the solemnity of the court was undermined by staff drinking from water bottles and Starbucks cups (see "Courtroom tone & atmosphere").

Summary and *exemplar language* of four observers' comments

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Blanch <i>listened intently to</i> all before him, giving <i>his full attention</i> and remaining <i>totally engaged from beginning to end</i> .
Well-prepared & efficient	Two observers reported that Judge Blanch <i>handled cases efficiently and thoroughly</i> . He was <i>extremely knowledgeable about the cases</i> , and his <i>advance preparation paid off</i> , with <i>no paper shuffling, lengthy pauses, or searching for documents</i> . He <i>literally took just a few seconds to look up the next case</i> . In a few cases he was able to <i>firmly recall conversations with previous attorneys and their clients that helped cases move forward where they might have been stalled</i> .

Respect for others' time	Three observers reported that Judge Blanch began by <i>pointing out that there was lots to do and that he had prepared extensively beforehand, so the proceedings would go smoothly and efficiently.</i> He <i>checked for an absent defendant's arrival between cases for about an hour before releasing the translator with an apology and a "Thank you."</i> When scheduling decisions were made, he asked, " <i>Does that work for you?"</i> or, " <i>That will give you plenty of time [to prepare]."</i>
Courtesy, politeness, and general demeanor	All observers reported that Judge Blanch <i>called cases by name first and number second,</i> and he <i>greeted every defendant politely</i> as they approached the bench, saying, " <i>Good morning Mr. or Ms.</i> " and, " <i>How are you today?"</i> On occasion the judge <i>thanked people in a genuine manner, at times offering almost fatherly advice,</i> saying, " <i>This is a very good opportunity for you,</i> " and when a prosecutor <i>made a procedural suggestion, he replied, "I think that's a good idea."</i> Judge Blanch's demeanor was <i>sober, serious, and dignified</i> with an <i>appropriate gravity in his bearing,</i> but he was also <i>kind and considerate.</i> While he did <i>smile on occasion,</i> he carried off his <i>dignified style that included almost no levity without seeming unduly stern or rigid,</i> and defendants <i>responded with respect.</i> He was capable of <i>hearing himself and self-correcting,</i> for example, <i>apologizing when he caught himself in some small verbal mistakes.</i> One observer wrote that Judge Blanch does an <i>exceptional job</i> without <i>operating from autopilot,</i> and is <i>one of the most genuine of judges she had observed.</i>
Body language	Three observers reported that Judge Blanch <i>looked directly at speakers, maintaining eye contact and staying focused</i> on defendants and their cases. His <i>expressions were never once anything but neutral.</i>
Courtroom tone & atmosphere	One observer reported that the court was <i>organized and businesslike</i> and the clerks <i>focused and serious.</i> Despite the <i>small courtroom that seemed barely adequate,</i> and the <i>disruptive conversations amongst the attorneys,</i> the courtroom was <i>surprisingly orderly and quiet.</i> This observer also commented that the <i>solemnity of the court was undermined by staff drinking from Starbucks cups and water bottles,</i> while <i>recognizing his discomfort may be old-fashioned.</i>
NEUTRALITY	
Consistent and equal treatment	All observers reported that Judge Blanch treated all parties in the same <i>patient, respectful, and courteous manner regardless of race, gender, and whether or not represented, in custody, an attractive female, or dressed "inappropriately."</i> His demeanor was <i>calm and collected regardless of the situation in the courtroom.</i>
Demonstrates concern for individual needs	Two observers reported that Judge Blanch <i>modeled sincere concern</i> for defendants, attorneys, and a victim <i>who thanked him profusely.</i> He showed <i>compassion</i> for a defendant who had <i>failed after being given many opportunities,</i> stating that " <i>It makes me sad</i> " to have to send him to prison. <i>After pronouncing sentences, Judge Blanch finished with remarks such as, "Stay on the straight and narrow path," and "Think about your life and how to better it," trying to direct defendants' attention to their own behavior.</i>
Unhurried and careful	Two observers reported that Judge Blanch allowed participants <i>ample time and did not rush anyone at any time.</i> When a defendant <i>asked questions regarding the process, the judge was not rushed or bothered by the questions but took the time until the defendant was satisfied.</i> When presented with <i>new information</i> in one case, he took <i>a few minutes to read and absorb a medical letter concerning a defendant</i> and ensured that <i>all parties had seen the letter before proceeding,</i> regardless of the day's caseload. Judge Blanch <i>took considerable extra time with interpreters.</i>
VOICE	
Considered voice	All observers reported that Judge Blanch <i>invited and gave defendants ample opportunity to voice their feelings, requests and comments</i> and was <i>willing to hear whatever they had to say.</i> When he asked a defendant <i>if she had anything to say</i> before sentencing, and <i>there was a little bit of doubt from the defendant when the attorney responded that the defendant did not,</i> Judge Blanch <i>directed his response directly to the defendant to make sure she really didn't have anything to say,</i> saying, " <i>You don't have to, but you can if you would like.</i> "

COMMUNICATION

Ensures information understood	<p>All observers reported that Judge Blanch was <i>very thorough</i> with <i>individualized colloquies</i> to those accepting pleas, <i>stopping periodically</i> before <i>proceeding to the end</i> to ask if they understood or had questions, and if they had had <i>adequate opportunity</i> to discuss the particulars with counsel. This gave them a chance to think and formulate questions they might be too anxious to remember if they had to wait until the colloquy was complete. He was never “going through the motions” but went through <i>each and every step</i> to explain what other options they had. When a defendant <i>did not fully comprehend</i> something, he would slow down, repeat the question, or explain in another way.</p> <p>Although Judge Blanch delivered his instructions <i>rapid-fire</i>, defendants were asked if they understood. In a <i>complex case</i> the defendant clearly did not understand the situation in the beginning, but after a <i>lengthy back and forth</i> with the defendant, attorney and interpreter, the defendant seemed to understand his overall situation much better before leaving the courtroom.</p>
Provides adequate explanations	<p>One observer reported that Judge Blanch <i>carefully explained</i> the reasons for his sentences in a <i>congenial voice</i>, explaining their requirements and that he was aware of the impact it would have on the lives of those receiving the sentence.</p>
