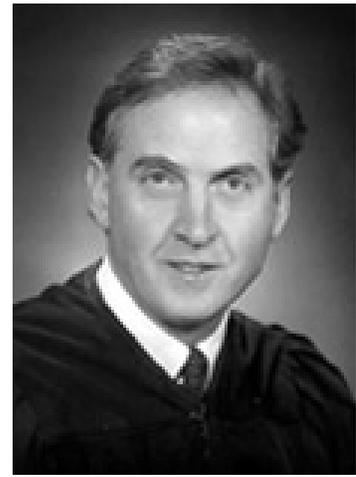


Honorable Glen R. Dawson – District Court Judge

Serving Davis, Weber, and Morgan counties



Commission Recommendation: **RETAIN**

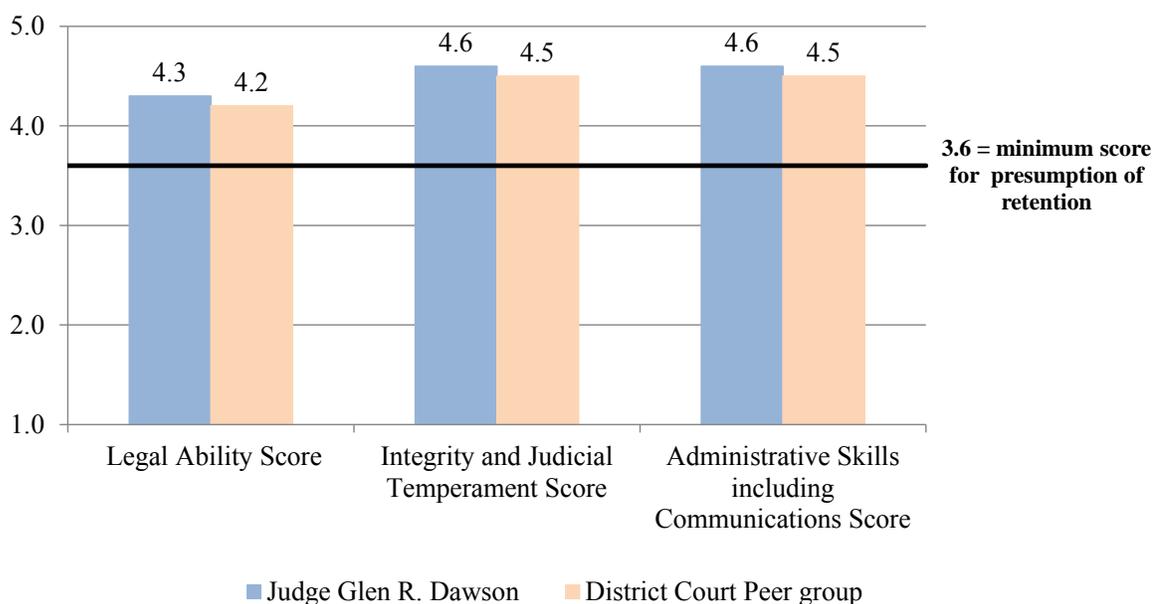
(vote count: 12-0 for retention)

With more than 20 years on the bench, Judge Glen Dawson scores consistent with the average of his district court peers in all survey categories. Survey respondents particularly praise his admirable professionalism. They describe Judge Dawson's patient demeanor that creates a welcoming and respectful courtroom atmosphere and puts people at ease. Respondents also report that Judge Dawson is a competent, hardworking judge who takes care to ensure he fully understands the positions of those appearing before him. Courtroom observers, all generally positive, note Judge Dawson's careful concern for defendants' individual circumstances, his good listening skills, and the non-threatening tone he establishes in his courtroom. Observers report they believe Judge Dawson would treat them fairly if they appeared before him. Of survey respondents answering the retention question, 92% recommend that Judge Dawson be retained.

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

Judge Glen R. Dawson was appointed to the Second District Court in 1994 by Gov. Michael O. Leavitt. He received his law degree from Brigham Young University in 1980 and then served in Washington, D.C. as a trial attorney with the U. S. Department of Justice until 1986. Thereafter, he served in Utah as an Assistant U.S. Attorney until his appointment to the bench. Judge Dawson currently serves as the Mental Health Court Judge for Davis County and is a member of the Utah State Bar Litigation Section Executive Committee. He also works as an Adjunct Professor of Law at the University of Utah in the Trial Advocacy Department and as an Adjunct Professor at Weber State University in Criminal Justice.

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



The Honorable Glen R. Dawson

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 Glen R. Dawson, 44% of qualified survey respondents submitted surveys. Of those who responded, 89 agreed they had worked with Judge Glen R. Dawson enough to evaluate his performance. This report reflects these 89 responses. The survey results are divided into five 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.

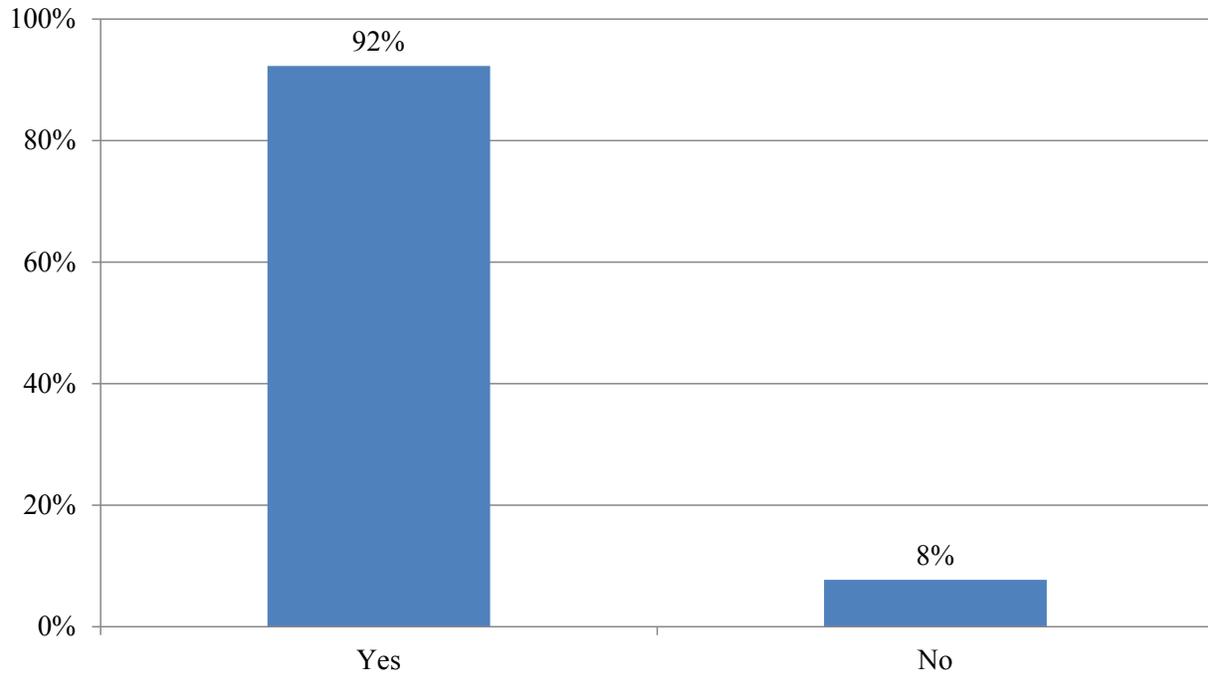
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

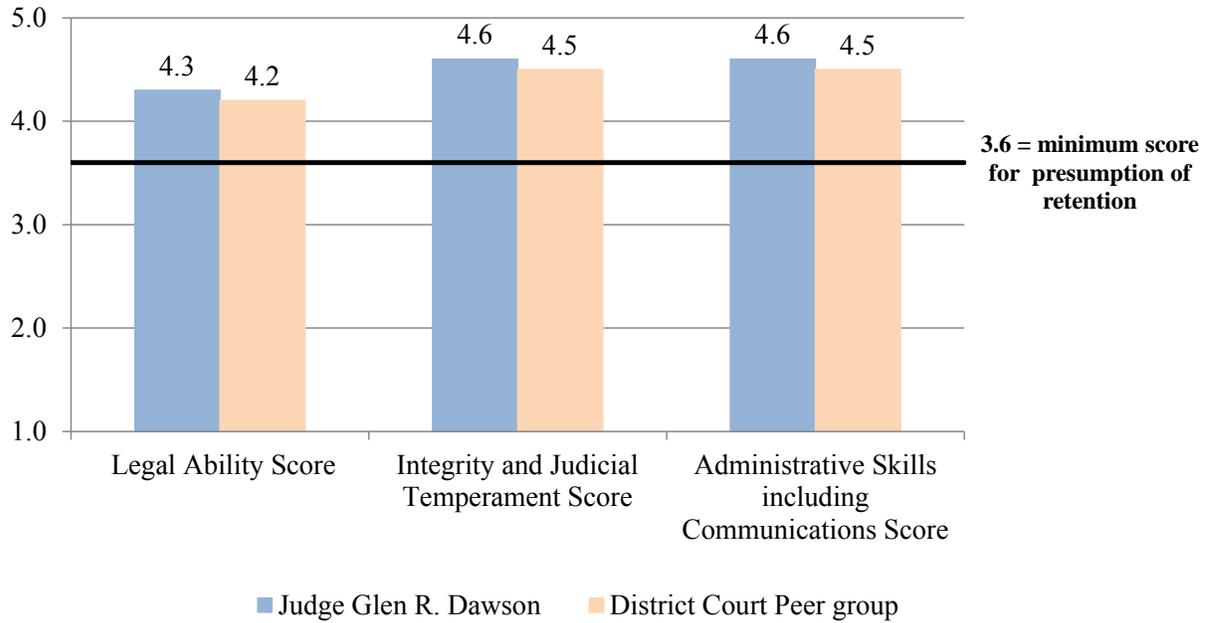
B. Retention Question

Figure A. Would you recommend that Judge Glen R. Dawson be retained?



C. Statutory Category Scores

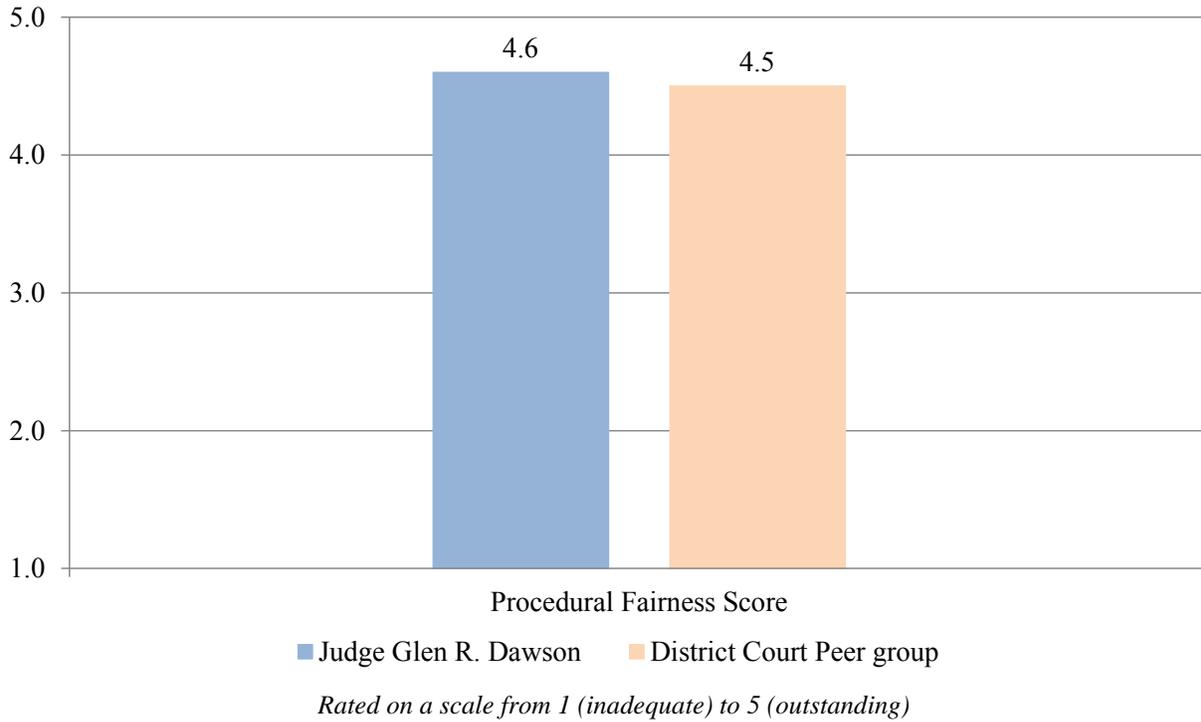
Figure B. Statutory Category Scores



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 Glen R. Dawson
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Glen R. Dawson	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.	4.4	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.3	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.3	4.2
Legal Ability	The judge only considers evidence in the record.	4.3	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.2	4.2
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.3	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.	4.7	4.6
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.3	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.4	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)

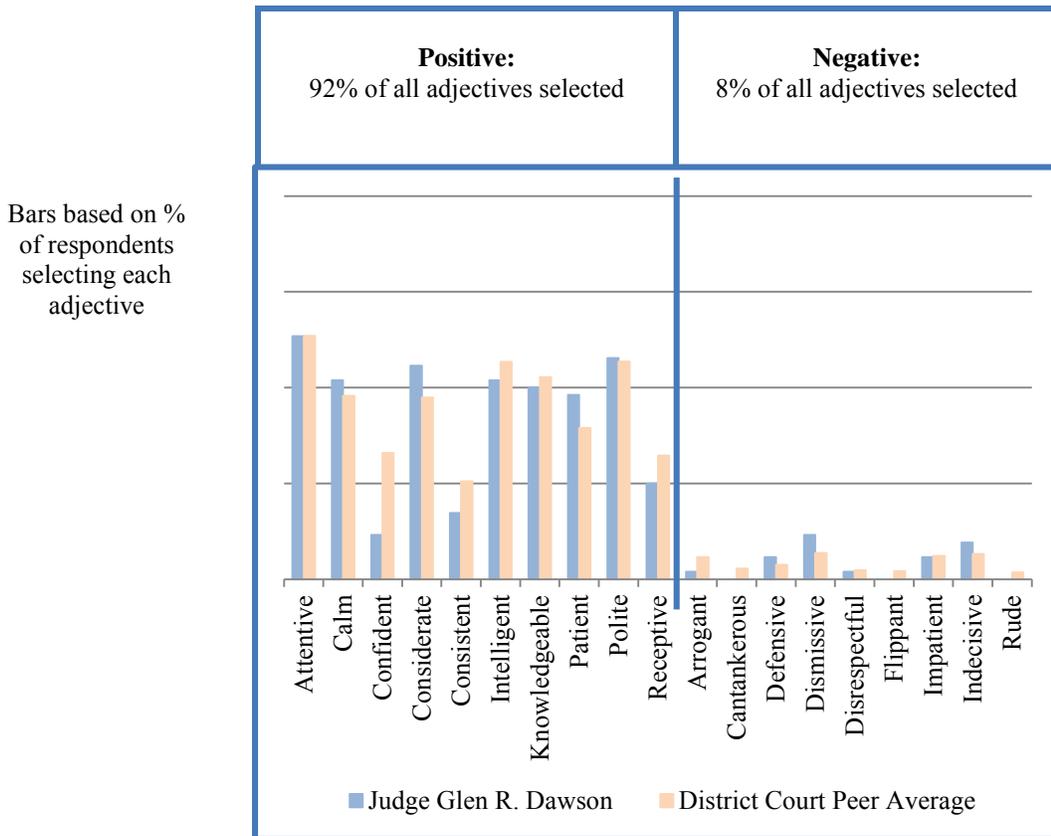
Category	Question	Judge Glen R. Dawson	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.5	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.7	4.6
Administrative Skills	The judge is an effective manager.	4.6	4.5
Administrative Skills	The judge convenes court without undue delay.	4.7	4.6
Administrative Skills	The judge rules in a timely fashion.	4.6	4.5
Administrative Skills	The judge maintains diligent work habits.	4.6	4.5
Administrative Skills	The judge's oral communications are clear.	4.7	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.5	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.7	4.6
Procedural Fairness	The judge is fair and impartial.	4.6	4.5
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.6	4.5
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)

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	5%
Domestic	30%
Criminal	30%
Civil	67%
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	74%
6 - 10	10%
11 - 15	5%
16 - 20	2%
More than 20	10%

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 GLEN DAWSON

Five observers wrote 83 codable units that were relevant to 13 of the 15 criteria. Two observers reported that the judge was not aware that JPEC observers were present, and three did not know if the judge was aware.

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none">• All observers were positive about Judge Dawson in most areas, but all expressed one or more reservations in some areas.• Two observers reported that they would feel comfortable appearing before Judge Dawson, two reported that they would feel comfortable but with some reservation, and one observer was unsure if the judge would treat him fairly.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• Observers variously reported that Judge Dawson listened carefully, was well prepared and knowledgeable, and applied rules consistently. He spoke in a calm, well-modulated voice, although a little too quietly, creating a comfortable and non-threatening atmosphere. Observers provided numerous examples of Judge Dawson’s careful concern for defendants’ individual circumstances and his willingness to listen to and take these into account. He was calm and unhurried, and no one felt rushed. He provided opportunity for defendants to explain their situations at length and ask questions, and he ensured that they understood their rights before accepting their pleas. He thoroughly explained their options, explained the law and his sentences in detail, and gave specific instruction of what to do next.• All observers reported Judge Dawson’s respectful behaviors, but all observers also variously reported examples of less respect in several areas:<ul style="list-style-type: none">• <u>RESPECTFUL BEHAVIORS</u> Judge Dawson welcomed participants and treated everyone with professional courtesy. He did not raise his voice or show irritation, explained matters patiently, and apologized when interrupting or when there were delays.• <u>LESS RESPECTFUL BEHAVIORS</u> Judge Dawson was more accommodating and polite to attorneys than defendants, made little eye contact, and made offhand remarks that made one observer uncomfortable (see “Respect for others’ time,” “Courtesy, politeness, and general demeanor,” “Consistent and equal treatment,” and “Body language”).
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• While one observer reported that Judge Dawson leaned forward and maintained eye contact, two observers expressed concern at Judge Dawson’s distracting chair rocking, extreme lack of eye contact with defendants, and attention to the computer monitor, all of which would make it difficult for a defendant to concentrate (see “Body language”).
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• One observer reported an exception to Judge Dawson’s numerous explanations to defendants. The observer felt it would be beneficial to explain to defendants the consequences of Judge Dawson’s practice of researching all prior charges even when the penalties for these had been completed (see “Provides adequate explanations”).

Summary and *exemplar language* of five observers’ comments

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Dawson <i>listened carefully and courteously</i> to all participants, and when he <i>didn’t understand asked for clarification</i> .
Well-prepared & efficient	Three observers reported that Judge Dawson was <i>well prepared and knowledgeable of the law, referring to documents</i> in each case to help <i>direct his questions and make decisions</i> .

Respect for others' time	<p>Two observers reported that Judge Dawson was <i>quick to apologize</i> whenever there were <i>delays of any kind</i>. When the prosecutor had two different courtrooms to attend to which caused delays, he <i>interrupted the proceedings</i> and announced that his court was “<i>way behind</i>” and the “<i>schedule has run amuck</i>.” One observer was <i>unsure</i> why Judge Dawson left the court unannounced <i>three times in about 30 minutes</i>, but <i>appreciated that he didn't make everyone stand up every time he returned</i>.</p> <p>One observer noted that while Judge Dawson was <i>polite and reasonable</i> in working with attorneys to find convenient court dates, he <i>never asked defendants</i> if the schedule worked for them.</p>
Courtesy, politeness, and general demeanor	<p>All observers reported that Judge Dawson <i>welcomed everyone</i> and treated everyone with <i>professional courtesy</i>. He wished defendants “<i>Good luck</i>” and <i>apologized for interrupting a participant</i>. He <i>never raised his voice or showed irritation</i> and did not give ‘<i>mini lectures</i>.’ He was <i>happy to incorporate the recommendation of a probation officer as part of a sentence</i>, saying, “<i>Thank you, I love that</i>.” When notified that an absent defendant had <i>over-dosed and died</i>, the judge <i>exhibited proper sympathy</i>. He <i>very patiently explained that</i> a defendant's assets were too high for a public defender, but as she <i>couldn't afford an attorney he said</i> “<i>I can give you some extra time to work out the financial issues and get a lawyer</i>.”</p> <p>Observers additionally reported examples of less respect. Judge Dawson seemed <i>much more accommodating and polite</i> to attorneys, and <i>especially prosecutors</i>, than defendants. In one case he was <i>annoyed and impatient</i> with an <i>intimidated</i> defendant who was <i>unsure if he was supposed to approach the bench and trying not to offend the judge</i>. The judge said a <i>little rudely</i>, “<i>Come up when your name is called</i>.” He also made <i>offhand remarks intended to be humorous</i> but were <i>sometimes quite startling</i>, for example, “<i>Do you want to lobby me off the record?</i>” and, “<i>Would you mind coming to my house? No, (name) wouldn't like it</i>.” These remarks made the observer <i>uncomfortable</i>, and she wondered if the judge was <i>aware of how they might impact others</i>.</p>
Body language	<p>One observer reported that Judge Dawson <i>leaned forward and maintained eye contact</i>, always <i>looking in the direction of the person speaking</i>. In stark contrast, two observers expressed concern that there was <i>extremely little eye contact</i> between the judge and the defendants. He was either <i>rocking back and forth in his chair, standing behind the chair</i>, looking at the computer monitor, or looking off <i>toward the clerks</i>, and these observers felt it would have been <i>difficult for a defendant to make eye contact and concentrate when the judge is exhibiting this type of behavior</i>.</p> <p>One observer felt that his <i>continual chair rocking and lack of eye contact suggested he was either bored or that there were much more interesting things to see on his monitor</i>. When sentencing Judge Dawson used a <i>formal, monotonic voice, avoiding eye contact, which indicated a seeming lack of concern</i>. One observer wondered if a <i>cast on the judge's leg</i> explained his body language, but if so he could have <i>explained this to the court and asked for their understanding</i>.</p>
Voice quality	<p>Three observers reported that Judge Dawson spoke in a <i>calm, clear, and well-modulated</i> voice. However, two observers could not hear the judge's <i>low, soft spoken</i> and <i>monotone</i> voice, and suggested speaking more loudly with <i>more inflection</i>.</p>
Courtroom tone & atmosphere	<p>Two observers reported that the atmosphere in the court created by Judge Dawson's tone of voice was <i>comfortable</i> and <i>nonthreatening</i>.</p> <p>Two observers reported that while Judge Dawson <i>did the best he could under the circumstances</i>, the court was <i>neither timely nor efficient</i> due to the repeated <i>absence of a prosecutor</i>, and the judge had to <i>repeatedly tell defendants</i>, “<i>I hear what you are saying, but I have no discretion in this matter. You will have to wait until the prosecutor is in court</i>.” Additionally, a prosecutor's <i>inconsiderate interruptions when loudly calling names</i> made it difficult to hear the proceedings.</p>
<i>NEUTRALITY</i>	
Consistent and equal treatment	<p>Two observers reported that Judge Dawson <i>applied rules consistently</i>. While he was especially <i>friendly</i> and <i>spent extra time</i> with a participant needing to attend drug court, the observer was comfortable this indicated he was <i>fully involved in building trust and confidence in the system</i>.</p>

Consistent and equal treatment continued	One observer was <i>disconcerted</i> by <i>banter and joking</i> between the judge and two defense attorneys. When the judge commented, “ <i>I don’t want the two of you talking to each other and conspiring,</i> ” and “ <i>He’s softening me up,</i> ” the observer was left with the <i>impression of having an advantage in Judge Dawson’s court if one of those attorneys representing her.</i>
Demonstrates concern for individual needs	<p>Three observers provided numerous examples of Judge Dawson’s willingness to <i>listen carefully to individual circumstances</i> and <i>adjust his sentences accordingly</i>, including to <i>not negatively impact employment</i>. He suggested that a defendant with <i>multiple charges plead not guilty and come back with proof of insurance and thus save the \$400 fine as the other fines would be hefty</i>. He demonstrated general concern for defendants, suggesting that <i>counseling might help one</i>, and <i>responded kindly</i> to another who <i>asked to say something even though it wasn’t the time to explain the situation</i>, and he asked her to <i>remind him of her situation</i> at the time of sentencing.</p> <p>When a defendant <i>replied with a slow “yes”</i> when asked if she was pleading guilty, Judge Dawson <i>would not accept her plea, saying, “Your body language is telling me that you are not in agreement with the plea.”</i> He asked her to <i>think about it further</i> and later <i>calmly</i> answered all her <i>aggressive questioning</i>, showing that he was <i>listening carefully to both voice and body language</i>.</p>
Unhurried and careful	Three observers reported that Judge Dawson <i>did not rush, taking his time with each defendant to understand their past court history</i> . After <i>going into great detail</i> regarding rights with two individuals, he asked a third individual if he needed to go through it again, confirming that he <i>understood without repetition</i> . He was <i>calm and unhurried</i> and <i>no one felt rushed understanding the rights sheet</i> .
<i>VOICE</i>	
Considered voice	Three observers reported that Judge Dawson <i>provided opportunities to ask questions or provide information</i> , saying, “ <i>Anything else you wish to state?</i> ” or, “ <i>I’m glad you asked the question.</i> ” When defendants pled guilty they were asked if they would like to <i>explain what happened</i> . He listened to a defendant’s <i>lengthy explanation</i> of why he had used a different provider for a drug test and <i>tempered his concern</i> once understanding the man’s <i>apparently honest effort to comply</i> .
<i>COMMUNICATION</i>	
Ensures information understood	Two observers reported that Judge Dawson was <i>careful</i> to ensure that defendants <i>read and understood the rights sheet</i> or <i>had any questions answered</i> before they <i>signed the sheet</i> and he accepted a plea. He ensured that defendants who <i>did not speak English had a translator before proceeding</i> , and in one case <i>apologized in stilted Spanish that the interpreter had not yet appeared</i> .
Provides adequate explanations	<p>All observers reported that Judge Dawson <i>thoroughly explained the options</i> after pleading. He <i>clearly explained his sentences in detail</i> and how the <i>law informed his judgements</i>. He <i>took time to explain</i> the documents needed to verify a defendant’s claimed disability and where to bring them. He explained to a <i>dumbfounded man with an extensive criminal record</i> why he imposed jail time rather than community service, <i>patiently but firmly</i> explaining that the man needed “<i>a wake up call.</i>” He gave specific instructions on where to get <i>written documentation of the next steps before they left the building</i>, making <i>eye contact</i> to motion defendants to the clerk’s desk.</p> <p>One observer noted an exception to Judge Dawson’s numerous explanations of fines, rights, and court processes. While it may be <i>fair judicially to discuss, research, and take into consideration</i> any history of <i>prior legal charges</i> in a <i>deliberate and careful attempt to get a whole picture of the defendant’s personality and actions</i>, the observer wondered if a defendant would <i>feel that even if the penalties had been completed, past charges would count against them forever</i>. It would be <i>beneficial for the defendant to understand</i> that by giving a guilty plea the defendant was <i>liable for enhanced charges in the future</i>, which this observer <i>only heard him explain once</i>.</p>