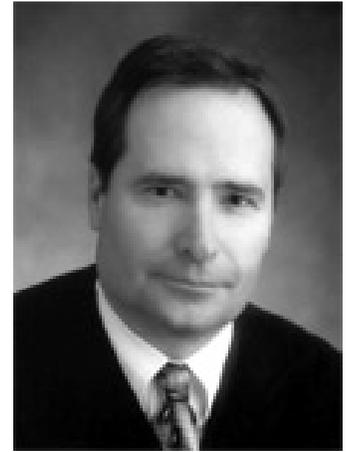


## **Honorable Randall N. Skanchy – District Court Judge**

Serving Salt Lake, Summit, and Tooele counties

**Commission Recommendation: RETAIN**

(vote count: 12-0 for retention)

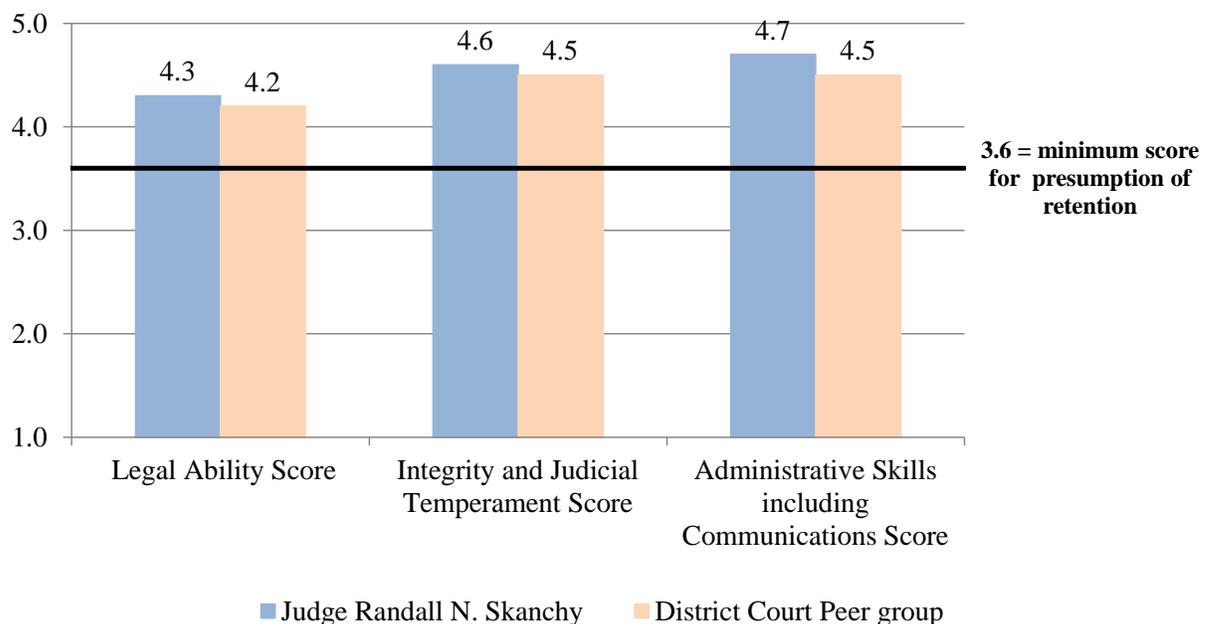


Judge Randall Skanchy is an experienced judge who scores on par with his district court peers in all survey categories. Survey respondents and courtroom observers regard him as knowledgeable, well-prepared, fair, and open-minded. Many survey respondents view Judge Skanchy as an effective manager of a sometimes overburdened daily court schedule. Some respondents, however, describe his temperament as unpredictable, at times marked by impatience and rudeness to people in his court. Courtroom observers are enthusiastically positive, reporting that Judge Skanchy demonstrates genuine concern for each defendant, carefully balancing encouragement with accountability. All observers state they would feel comfortable appearing before him in court. Of 84 survey respondents answering the retention question, 77 (92%) recommend that Judge Skanchy be retained.

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

Judge Randall N. Skanchy was appointed to the Third District Court in 2001. After earning his law degree from Brigham Young University in 1980, Judge Skanchy practiced law as a civil trial litigator for 21 years. He served as chair of the Utah Food Bank from 1996-1999, and serves as an adjunct professor for the School of Business and Economics at Weber State University. Judge Skanchy is a current member of the Utah Judicial Council and past member of the Board of District Court Judges. He now serves as Presiding Judge of the Third District Court and handles a felony criminal calendar and a Felony Drug Court.

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



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# **The Honorable Randall N. Skanchy**

**Judicial Performance Evaluation Commission Report**

**Retention 2016**

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### II. Courtroom Observation Report

# I. Survey Report

## Survey Results

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### A. How to Read the Results

For Judge Randall N. Skanchy, 53% of qualified survey respondents submitted surveys. Of those who responded, 191 agreed they had worked with Judge Randall N. Skanchy enough to evaluate his performance. This report reflects these 191 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.

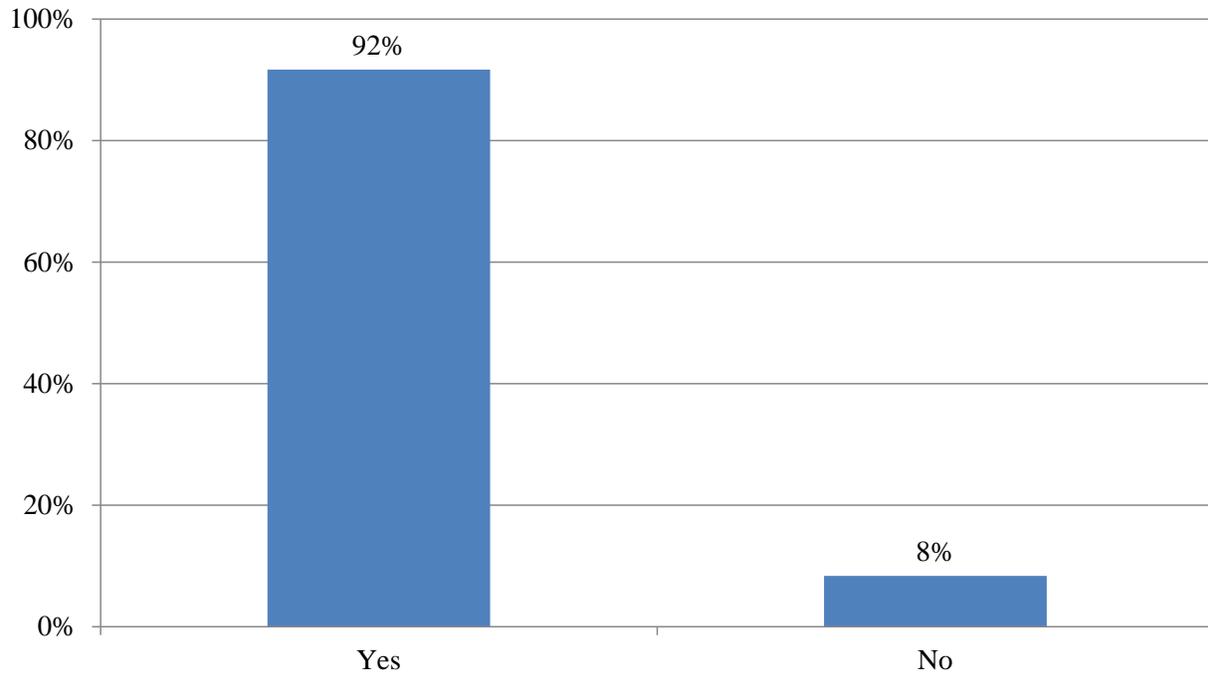
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

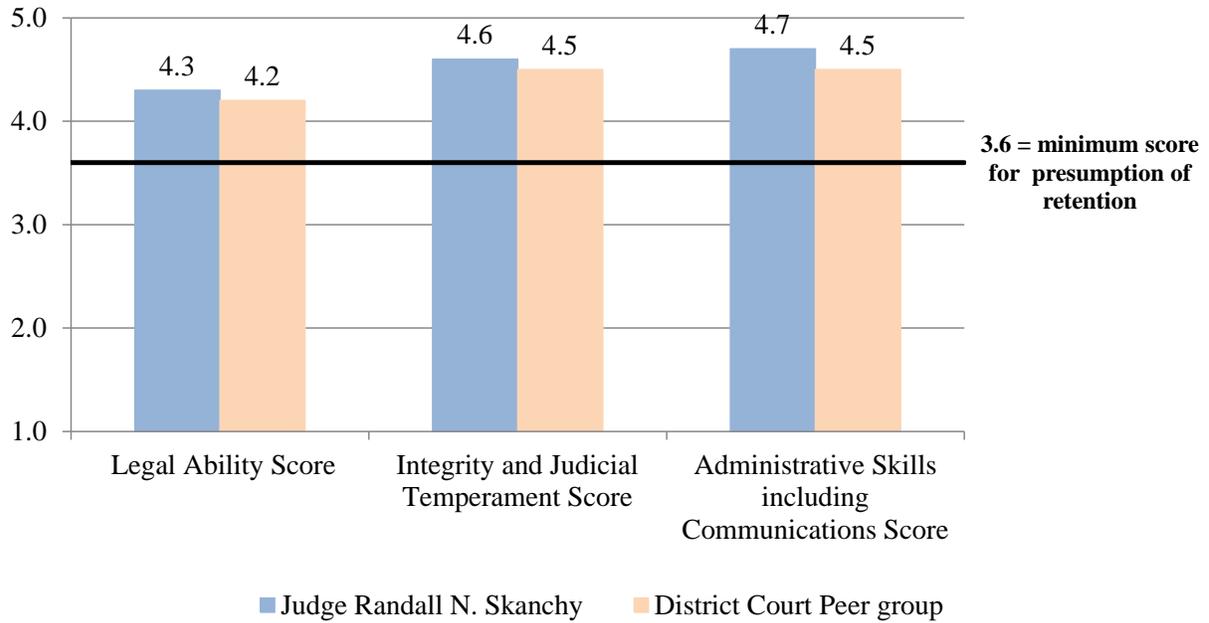
## B. Retention Question

**Figure A. Would you recommend that Judge Randall N. Skanchy be retained?**



## C. Statutory Category Scores

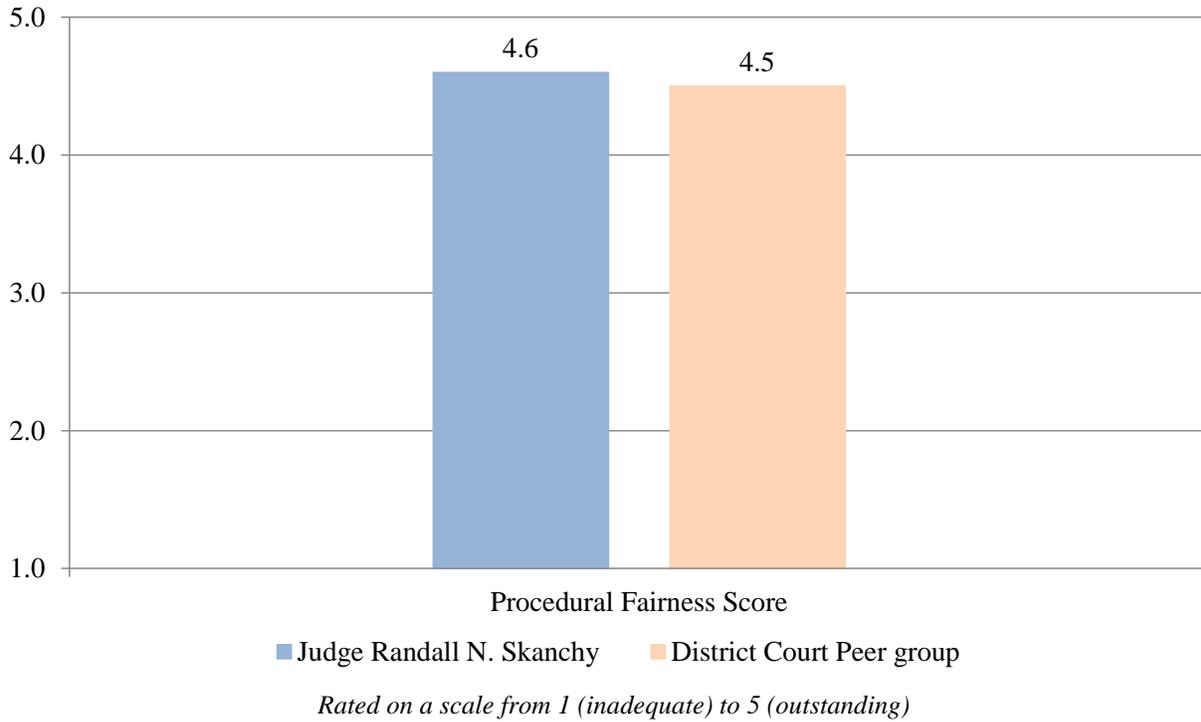
**Figure B. Statutory Category Scores**



*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 Randall N. Skanchy
Procedural Fairness	Pass

## E. Responses to Individual Survey Questions

**Table B. Responses to Survey Questions**

Category	Question	Judge Randall N. Skanchy	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.	4.3	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.	4.3	4.2
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.4	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.6	4.6
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.6	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.	4.3	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.	4.5	4.6

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

**Table C. Responses to Survey Questions (continued)**

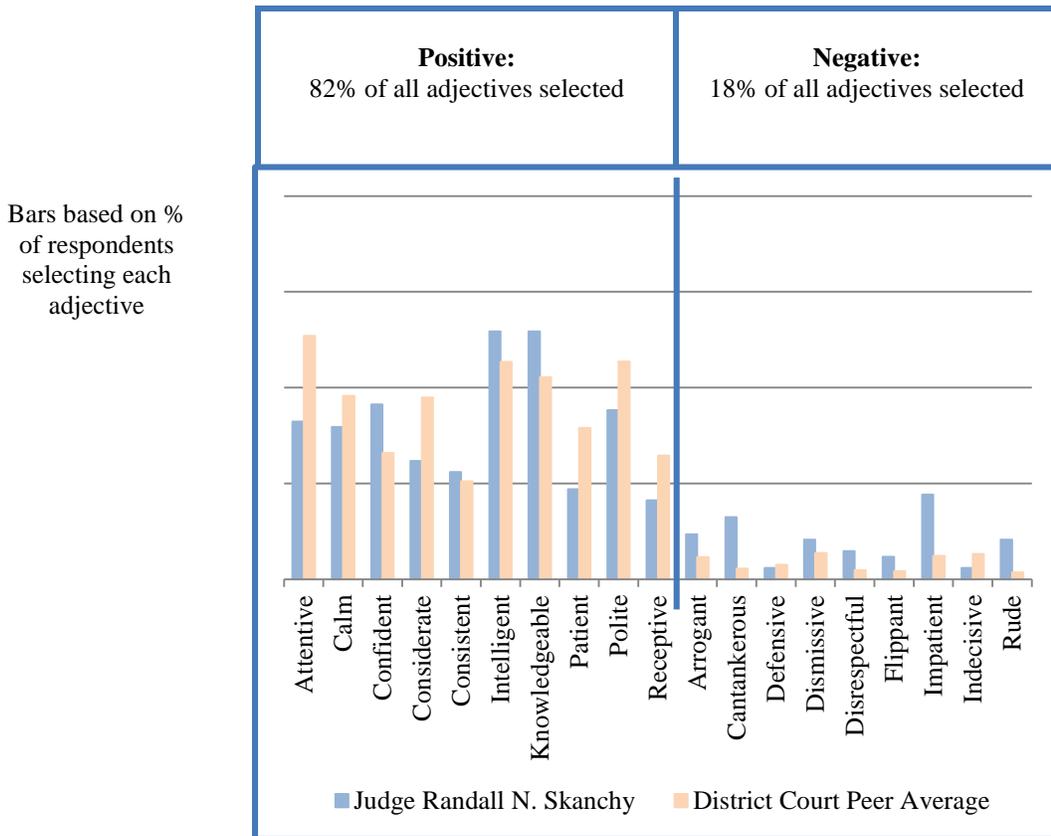
<b>Category</b>	<b>Question</b>	<b>Judge Randall N. Skanchy</b>	<b>District Court</b>
Administrative Skills	The judge is prepared for court proceedings.	4.4	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.6	4.6
Administrative 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.	4.4	4.5
Administrative Skills	The judge maintains diligent work habits.	4.5	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.	4.6	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.	4.3	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	-
Domestic	8%
Criminal	69%
Civil	29%
Other	10%

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	35%
6 - 10	23%
11 - 15	8%
16 - 20	5%
More than 20	29%

## Survey Background and Methods

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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 RANDALL SKANCHY

Four observers wrote 93 codable units that were relevant to 14 of the 15 criteria. Two observers reported that the judge was not aware that JPEC observers were present, and two did not know if the judge was aware.

### Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> <li>All observers were enthusiastically positive about Judge Skanchy.</li> <li>All observers reported that they would feel comfortable appearing before Judge Skanchy.</li> </ul>
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers variously reported that Judge Skanchy did an outstanding job of active listening. He was efficient and very well prepared, quickly grasped the essentials of each case, and never appeared to rush. He apologized for delays and greeted participants by name. In regular court sessions he was serious and consistently professional, and in drug court his demeanor was calm, patient, warm, caring, and positive, and his good rapport and encouragement of laughter were very appropriate for that situation. He avoided causing embarrassment to noncompliant drug court participants when admonishing them or providing guidance in a courteous manner. He leaned forward with total eye contact while speaking in a clear, even, nonjudgmental voice, and he encouraged participants with his relaxed posture and range of body language. Judge Skanchy treated everyone in a consistent manner without making exceptions and gave each individual an opportunity to speak, if necessary at length. He skillfully used open-ended questions to gather information, and his comments showed that he heard their stories. He communicated in clear, simple language, he explained defendants' rights, and he was open and transparent about how he applied the rules of law to each person's situation.</li> <li>All observers particularly emphasized with numerous illustrations that Judge Skanchy cared and wanted the best for each participant, showing genuine concern and taking a personal interest in each individual's life and their goals for the future. He was consistently encouraging while still holding participants accountable in a firm but not harsh manner.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>Two observers reported personal and distracting conversations among staff and lawyers, and one observer suggested that these should take place outside the courtroom (see "Courtroom tone &amp; atmosphere").</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>None</li> </ul>

### Summary and *exemplar language* of four observers' comments

<i>RESPECT</i>	
Listening & focus	Three observers reported that Judge Skanchy did an <i>outstanding job of listening carefully and intently without interrupting</i> , and he asked <i>specific follow-up</i> questions. The <i>young, recovering people responded to his active listening</i> .
Well-prepared & efficient	Three observers reported that Judge Skanchy was <i>very well prepared</i> and had <i>reviewed reports prior to the courtroom appearances</i> . He <i>quickly grasped the essentials of each case</i> . He handled the proceedings <i>with efficiency</i> , and <i>court hummed along smoothly</i> .
Respect for others' time	Two observers reported that Judge Skanchy apologized for delays, saying, " <i>Good morning. Thank you for being here. I apologize for being late. We had something come up that I had to attend to.</i> "

Courtesy, politeness, and general demeanor	<p>All observers reported that Judge Skanchy <i>greeted participants by name</i>, putting one drug court participant <i>at ease by saying with a slight chuckle, "Your smile is infectious. You know that?"</i> His <i>demeanor was always pleasant, calm, warm, open, jovial, and caring</i>, and his <i>"happy" approach very appropriate for the situation</i>. He <i>maintained a good rapport and spoke to each person as if speaking to a business associate</i>. Observers noted his frequent humor and <i>encouragement of laughter</i> in drug court, but he <i>never laughed at anyone, only "with" a person</i>. He was <i>patient with rambling comments or when asking for clarification</i>. He <i>apologized, saying, "I forgot about that, thank you for reminding me," or "Sorry, I misheard you."</i> Judge Skanchy's <i>mannerisms, active listening and sense of humor</i> led juveniles to <i>trust, like, and respect</i> him.</p> <p>Observers provided numerous illustrations of Judge Skanchy's respect for drug court participants. After asking, <i>"How many days clean?"</i> he <i>enthusiastically led the applause and ended on a positive note, saying, "Good luck to you. Congratulations for being here today."</i> He <i>did not tolerate any slacking off, instead providing guidance in a respectful and courteous manner</i>. When participants were <i>not compliant he asked why in a way that avoided embarrassing the participant</i>, saying to a participant who <i>said he didn't have time, "Let's breakdown your time and see why."</i></p> <p>In regular court sessions his demeanor was <i>matter-of-fact, serious, and very consistently professional, but certainly pleasant in tone</i>.</p>
Body language	<p>Two observers reported that Judge Skanchy <i>leaned forward with his chin on his hands, nodded with encouragement and kept total eye contact</i>, giving a <i>feeling of encouragement and approval</i>. Observers were <i>very impressed by the intensity and the encouragement</i> he gave each drug court participant with his <i>facial and body expressions, relaxed posture, and range of body language</i>.</p>
Voice quality	<p>Two observers reported that Judge Skanchy <i>consistently spoke in a loud, clear, even, and nonjudgmental voice</i>.</p>
Courtroom tone & atmosphere	<p>One observer reported that the staff and an attorney were having a <i>loud, personal, and very distracting conversation</i> while prospective drug court participants were <i>listening to a video legal orientation on the other side of the courtroom</i>, and the observer felt <i>such conversations should take place outside the courtroom</i>. Another observer reported <i>occasional social conversations between lawyers</i> during a regular court session.</p>
<i>NEUTRALITY</i>	
Consistent and equal treatment	<p>Three observers reported that Judge Skanchy was <i>impressive in his determination to treat everyone in a consistent manner</i>, in one case <i>listening carefully to but denying a drug court participant's passionate plea to graduate early in order to join the military</i>, saying, <i>"I appreciate your efforts in making a case for yourself. You will do well,"</i> but <i>making it clear there would be no exceptions for anyone</i>. In a regular court session Judge Skanchy's tone remained <i>businesslike and serious, without being severe</i>, whether discussing a <i>minor or a more severe crime</i>.</p>
Demonstrates concern for individual needs	<p>All observers provided numerous illustrations that Judge Skanchy <i>cared and wanted the best for each individual</i>. He made <i>no disparaging comments</i> but only <i>encouraged</i>, saying, <i>"What's happened? How can we help you? You've had a setback. You've been in a better place. You can get back to that spot,"</i> and one observer would have been <i>very touched by his encouragement and genuine concern</i>. He asked a <i>young man who attempted suicide</i>, saying, <i>"What happened? Remember, everybody is here to help you. I will order a reassessment. We will start over. See you in two weeks."</i> He also <i>admonished him in a firm but not harsh tone</i>, <i>"I need you to go where we ask you to go and stay where we ask you to stay,"</i> and ended with a <i>slight smile</i>, <i>"When did you last use? How are we going to keep you safe?"</i> showing that he <i>recognized the difficulty of staying sober</i>. He also expected accountability, telling a young woman who <i>"caved and got high,"</i> <i>"You know that we do sanctions. Think of USE as INCARCERATION. Where were you?"</i> and ending in a <i>kindly voice while issuing the sanction, "You can do better than that."</i></p>

Demonstrates concern for individual needs <i>continued</i>	Judge Skanchy <i>treated each person as an individual and took personal interest in what was happening in their lives to help them set goals for their future.</i> He asked “everyone wearing a tie please step forward to the lectern” and gave a few-sentence talk about how being respectfully dressed will give them an advantage ... in job interviews.  Participants <i>expressed their appreciation to and for the judge in their letter of gratitude.</i>
Unhurried and careful	Two observers reported that Judge Skanchy <i>was not worried about time and never appeared rushed.</i>

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*VOICE*

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Considered voice	All observers reported that Judge Skanchy gave <i>each individual an opportunity to speak.</i> Whether their stories were <i>short or lengthy he never shut anyone down or tried to rush them.</i> He listened <i>patiently and demonstrated that he had heard each story by commenting, “Love that report,” or, “Kids doing okay?” or, “Do you have a place to sleep in that house?”</i> He listened <i>carefully to attorneys, getting everyone’s perspectives and then asking jailed defendants directly if they had any questions, in some cases adjusting fines, credit for days spent in jail, etc.</i>  Judge Skanchy was <i>skilled at asking questions to gather information from hesitant and nervous participants.</i> He asked a young man, “ <i>What interesting, new thing have you learned in CATS this week?</i> ” and when he responded that <i>he learned about triggers, the judge encouraged him to think through his answers by asking him to elaborate, “What are your triggers?”</i> He asked <i>open-ended questions such as, “How have you used your support people?” or, “Tell me about your job. How hard did you have to work to become a manager?” really wanting to get the answer and not guiding the individual with a leading question to what they thought the judge wanted to hear.</i>
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*COMMUNICATION*

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Communicates clearly	One observer reported that Judge Skanchy communicated very clear using simple language so he would be understood.
Ensures information understood	One observer reported that Judge Skanchy <i>patiently explained rights given up with a guilty plea and asked one young man, “Do you know what’s going on this morning?”</i>
Provides adequate explanations	Two observers reported that Judge Skanchy was <i>open, clear, and transparent</i> about how the <i>rules of law were applied and how his decisions were being made, summarizing the balance of negatives and positives of a person’s situation and the reasoning underpinning his decision, as the attorneys’ reports could sound overly optimistic about defendants’ good intentions.</i> He was <i>consistent in explaining defendants’ rights, and he was careful to tell defendants when they had to return to court and to tell drug court participants where and when graduation would be held.</i>