

Honorable Kevin R. Christensen – Justice Court Judge

Serving Garland Municipal, Tremonton Municipal, Willard Municipal,
and Box Elder County Justice Courts



Commission Recommendation: **RETAIN**

(vote count: 12-0 for retention)

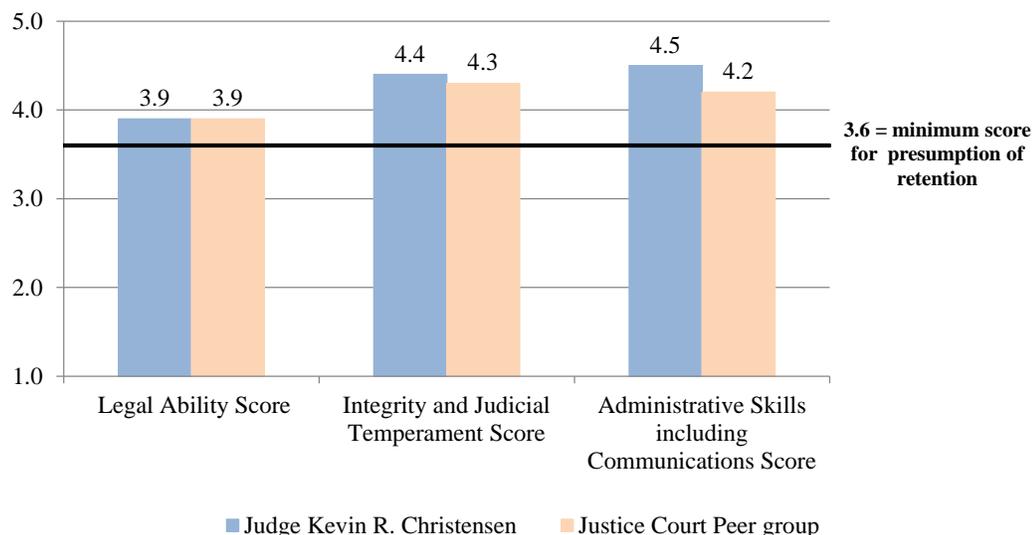
Appointed in 1996, Judge Kevin Christensen scores consistent with the average of his justice court peers in all survey categories. Survey respondents describe him as a fair and impartial judge who gives people a full opportunity to speak, listens carefully, and treats people well. From a list, respondents choose 92% positive adjectives to describe him, emphasizing his consistency, legal knowledge, and polite manner. Courtroom observers all feel they would receive a fair hearing from him.

They emphasize his excellent judicial demeanor and his apparent concern for the future of each defendant appearing before him. Of survey respondents answering the retention question, 91% recommend that Judge Christensen be retained. As required by statute, the Judicial Performance Evaluation Commission notes that Judge Christensen received a censure from the Utah Supreme Court in 2013 for allowing his justice court salary to exceed a statutory cap. He has since paid back the excess, and the commission is satisfied with the outcome. The commission believes the matter should have no influence on the retention decision.

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

Judge Kevin R. Christensen was appointed to the Box Elder County Justice Court in May 1996. He serves Box Elder County, Tremonton City, Brigham City, Garland City, and Willard City. Judge Christensen is a graduate of Weber State University and the Gonzaga University School of Law. He was in private practice before being appointed to the bench. In addition to his judicial and family duties, Judge Christensen often speaks to various youth and civic groups about the structure and function of the court system. In 2006, Judge Christensen received the Scott M. Matheson Award for outstanding service to law-related education.

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



The Honorable Kevin R. Christensen

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 Kevin R. Christensen, 37% of qualified survey respondents submitted surveys. Of those who responded, 34 agreed they had worked with Judge Kevin R. Christensen enough to evaluate his performance. This report reflects these 34 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 "Justice 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.

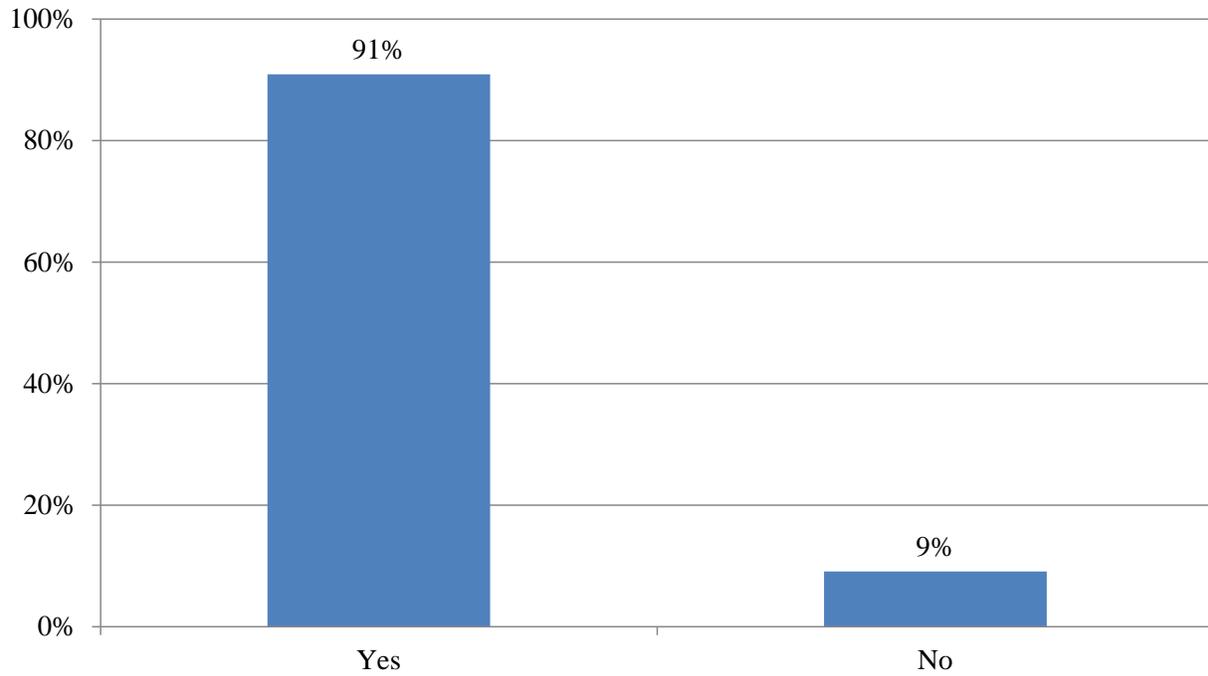
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

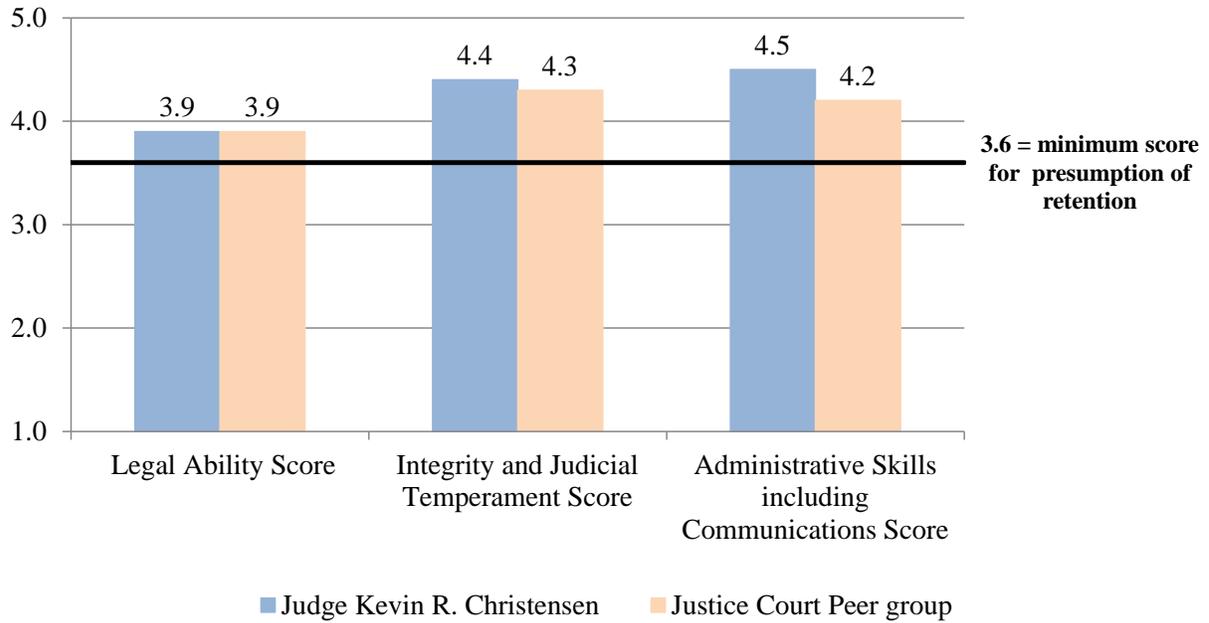
B. Retention Question

Figure A. Would you recommend that Judge Kevin R. Christensen be retained?



C. Statutory Category Scores

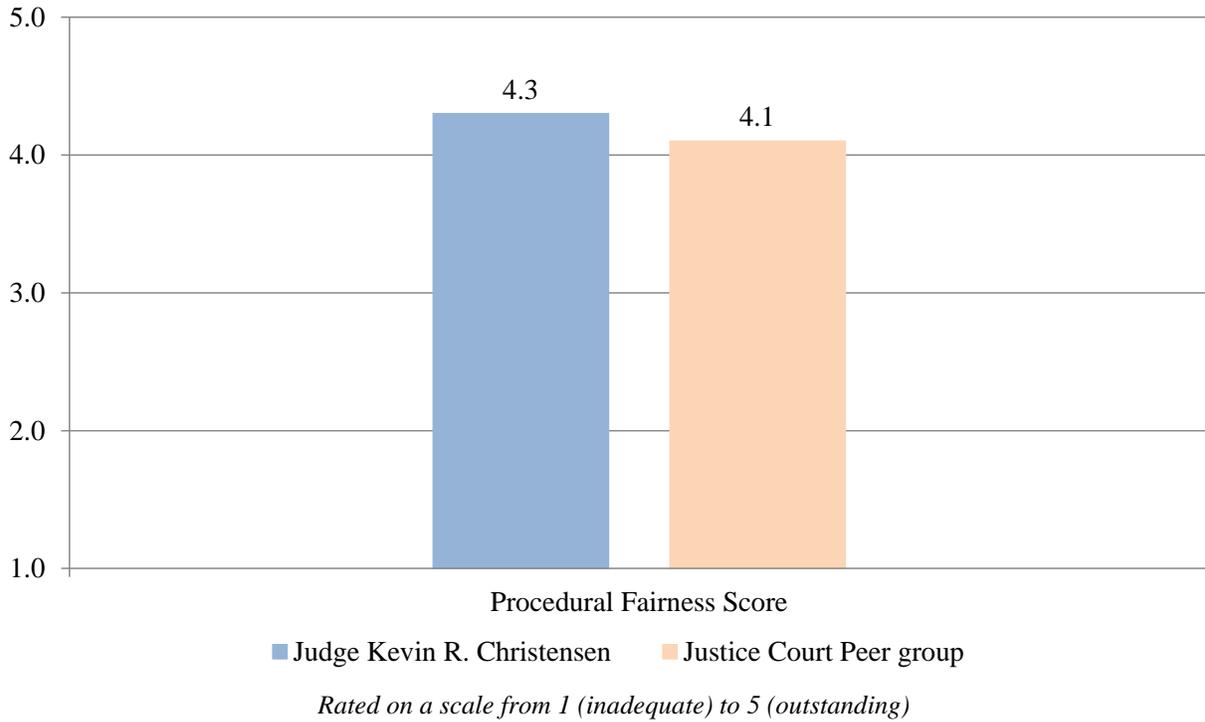
Figure B. Statutory Category Scores



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 Kevin R. Christensen
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Kevin R. Christensen	Justice 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.	4.1	4.0
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.9	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.0	3.9
Legal Ability	The judge only considers evidence in the record.	3.9	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.1	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.0	3.9
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.4	4.3
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.5	4.3
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.3	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.3	4.0
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	4.4

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

Table C. Responses to Survey Questions (continued)

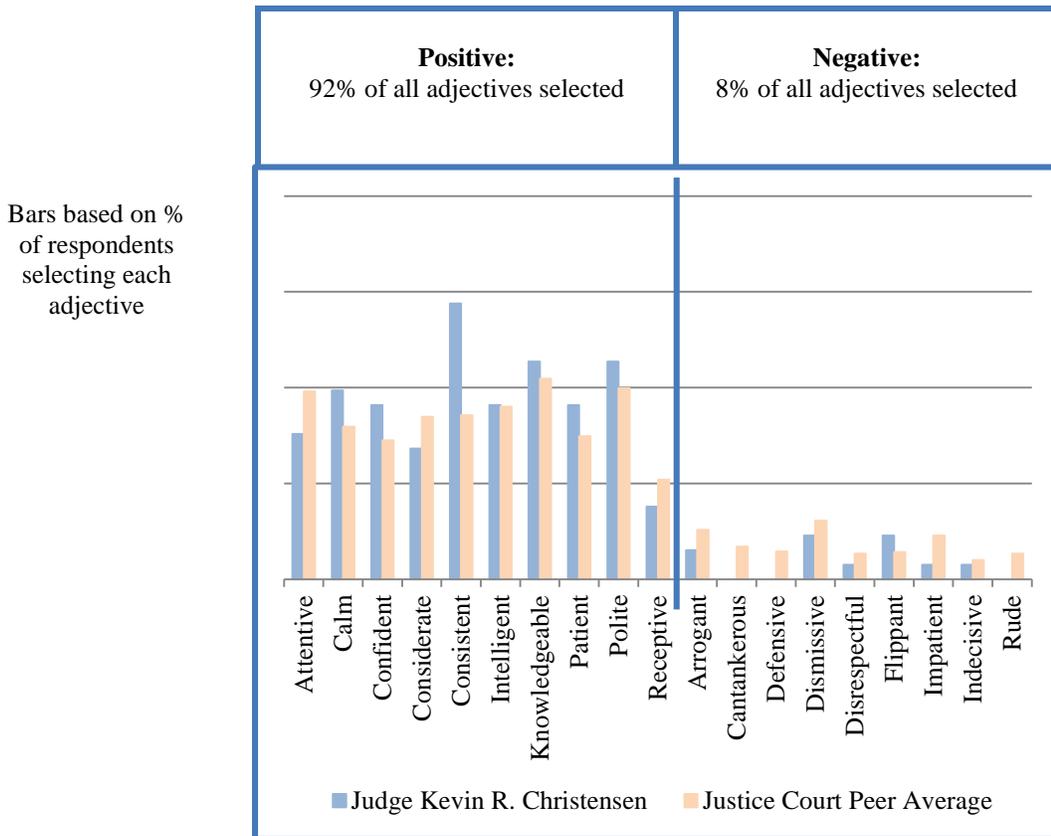
Category	Question	Judge Kevin R. Christensen	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.6	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.5	4.1
Administrative Skills	The judge is an effective manager.	4.5	4.1
Administrative Skills	The judge convenes court without undue delay.	4.5	4.1
Administrative Skills	The judge rules in a timely fashion.	4.2	4.3
Administrative Skills	The judge maintains diligent work habits.	4.6	4.3
Administrative Skills	The judge's oral communications are clear.	4.5	4.3
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.4	4.1
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.3	4.1
Procedural Fairness	The judge is fair and impartial.	4.2	4.0
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.2	4.0
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.4	4.2

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	14%
Domestic	41%
Criminal	100%
Civil	45%
Other	5%

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	27%
6 - 10	23%
11 - 15	5%
16 - 20	9%
More than 20	36%

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 KEVIN CHRISTENSEN

Four observers wrote 112 codable units that were relevant to 14 of the 15 criteria. One observer reported that the judge was aware that JPEC observers were present, one observer reported that the judge was not aware, and two did not know if the judge was aware.

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> All observers were enthusiastically positive about Judge Christensen, emphasizing his favorable demeanor and his concern for defendants' successful futures. All observers reported that they would feel comfortable appearing before Judge Christensen.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Christensen was a great listener, focused and undistracted. He greeted and thanked participants cordially and ensured correct pronunciation of names. He smiled, leaned forward, and maintained good eye contact, giving the impression that each time he gave the same information it was specifically intended for that defendant. He treated everyone in the same manner, handled cases efficiently without rushing, and allowed everyone to speak for themselves without interceding, asking questions to ensure he understood them or that defendants agreed with and understood their attorneys. However, while he tried to get a clear answer, he did not press if it was not forthcoming. Judge Christensen habitually repeated his decisions and explanations to ensure no misunderstanding, he spoke in an easy to understand manner, and he unfailingly explained defendants' options and the reasons for his decisions. All observers particularly emphasized with numerous illustrations both Judge Christensen's favorable demeanor and his concern that defendants have successful futures. He was personable, empathetic, calm, and relaxed, with a good balance of principle and compassion. He was a good communicator and kept the atmosphere light but respectful. He cared for defendants and went the extra mile for their benefit, holding defendants accountable but taking personal situations into account when sentencing in order to help them turn their lives around.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of four observers' comments

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Christensen was a <i>great listener, focused</i> without being <i>distracted by other issues</i> , and gave <i>full attention to defendants' statements</i> .
Well-prepared & efficient	One observer reported that Judge Christensen was <i>organized</i> and had <i>documentation about the cases</i> . Another appreciated his <i>knowledge of the rural community</i> and its <i>roads and speed signs</i> .
Respect for others' time	One observer reported that Judge Christensen asked the attorneys if <i>future court dates worked for both of them</i> and asked <i>how much time they needed</i> .
Courtesy, politeness, and general demeanor	All observers reported that Judge Christensen greeted participants <i>cordially</i> , saying, " <i>Good afternoon</i> " and " <i>Thank you,</i> " and <i>wishing them good luck</i> . He ensured <i>correct pronunciation of names</i> and asked <i>defendants questions about themselves</i> , which was <i>comforting and kind</i> .

Courtesy, politeness, and general demeanor <i>continued</i>	<p>Judge Christensen's demeanor was <i>personable, approachable, empathetic, and connected at all times</i>. His <i>friendly manner, relaxed attitude and appropriate sense of humor relaxed and calmed people down</i>, keeping the mood <i>light but respectful</i> and making participants <i>feel safe</i>. He was an <i>excellent communicator, guiding without looking down on defendants, and never tired or rude</i>. He was <i>patient in understanding the frustrations of others, and neither stern, upset, nor chastising when holding defendants accountable for their actions</i>. He exhibited a <i>good balance between being principled and compassionate while maintaining a professional and business atmosphere</i>.</p> <p>Observers provided numerous illustrations of Judge Christensen's <i>sympathetic patience and professional restraint</i>. He <i>stayed calm with a man who was very upset and loudly tossing his papers around, asking him not to talk that way but leave for a while to discuss his case with the prosecutor and return</i>. When he returned, the judge <i>did not hold anything against him and he arranged to pay his fines</i>.</p> <p>Observers noted that Judge Christensen could <i>relate to people of all ages</i>. He <i>spoke calmly and fairly with a 20 year old young lady who the observer read as insolent as she walked up, but the judge allowed her to tell her side of the situation and appeared interested in what she had to say</i>. He allowed a <i>very elderly man who had been speeding to give an extremely lengthy explanation and then kindly asked a few questions and ordered him to pay his fine, treating him very well so the he was made to feel better about his onetime mistake</i>. Everyone who came before Judge Christensen was <i>held accountable and paid some price for breaking the law but was treated fairly, and he had a heart about it</i>.</p>
Body language	All observers reported that Judge Christensen <i>leaned forward with an open demeanor</i> . He <i>maintained good eye contact while listening carefully</i> . When giving the same information to each defendant he <i>gave the impression through his eye contact that this information was intended specifically for this defendant</i> . He <i>smiled often which took the edge off defendants' stress</i> .
Voice quality	Three observers reported that Judge Christensen spoke in a <i>businesslike but pleasant, friendly, and non-threatening tone of voice</i> .
Courtroom tone & atmosphere	One observer reported that the <i>atmosphere was light but not frivolous</i> as the judge <i>stayed on track and got right back to the business at hand</i> . Another observer commented on the <i>lack of concern for security</i> , as even in this <i>very small court participants were not all from the community but from all over the country, and individuals were not very physically distanced from the judge</i> .

NEUTRALITY

Consistent and equal treatment	Two observers reported that Judge Christensen <i>treated everyone the same no matter the offense, listening to all sides and offering everyone the same options</i> . When <i>politely stopping defendants from discussing their case prior to pleading, he explained it would not be in their best interest for him to be privy to information that could be presented at trial, as it could affect his ability to remain impartial</i> .
Demonstrates concern for individual needs	All observers reported that Judge Christensen was <i>not just being an administrator of law but actually cared for defendants and wanted them to turn their lives around and have successful futures</i> . He <i>took their personal situation into account before he sentenced them and often counseled them or imparted a bit of wisdom, for example asking, "Looking back, would you do things differently?"</i> He <i>tended to go the extra mile for the benefit of defendants</i> . He was <i>flexible in the date for a return to court as he did not want to put a defendant's job in jeopardy, and he asked treatment providers to cut their fee in half to help the young men get their lives in order</i> . He was <i>hesitant to issue a bench warrant for a no-show until they knew for sure if they had used the correct address for the notice and even remembered the case and the address of the defendant from the first time they had met</i> . He <i>offered options for paying fines and repeatedly told people to come and talk to him if they couldn't make a scheduled fine payment and he would always be willing to work with them</i> . He explained that <i>he only gave jail time if it will serve a purpose and to take it seriously</i> . He frequently made a <i>connection between the defendant's actions and the consequences, in one case forfeiting a man's bail who had not shown up for his last appearance</i> .

Unhurried and careful	Three observers reported that Judge Christensen <i>handled cases efficiently</i> but the proceedings <i>did not feel rushed</i> . He <i>took the time to review cases and always asked a lot of questions</i> .
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VOICE

Considered voice	<p>Three observers reported that Judge Christensen <i>allowed everyone time to speak for themselves to tell their story or explain their circumstances, never rushing them or trying to intercede unless he believed it was in their own best interest</i>. He <i>signified that he was listening and that their story had been heard by summing up their account or asking defendants to clarify their statements</i>.</p> <p>Judge Christensen <i>probed with questions to ensure the defendants were agreeing with and understanding their attorneys</i>, and he <i>asked questions to ensure he understood each participant's rationale</i>. However, at times the information given was <i>unclear or did not answer the question</i>, and while he <i>tried to get a clear answer he did not press it if it was not forthcoming</i>. In one case a defendant who had failed to appear explained that he was <i>living up in Idaho and did not have a way back to Utah</i>, and when the judge asked, <i>"If you were stopped while driving, you apparently had a car. Why couldn't you come back?"</i> the defendant continued to give evasive answers.</p>
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COMMUNICATION

Communicates clearly	One observer reported that Judge Christensen <i>explained processes in an easy to understand manner</i> .
Ensures information understood	All observers reported that Judge Christensen <i>habitually repeated all decisions, settlements, and sentences so there were no misunderstandings</i> , and he <i>asked defendants if they understood or had any questions</i> . He <i>spent quite some time with a participant who had missed a court date, discussing the importance of returning to court and asking, "So I know you understand, tell me what you need to have when you come back next week?"</i>
Provides adequate explanations	Two observers reported that Judge Christensen <i>unfailingly explained the options with defendants' choice of plea</i> . He <i>reflected out loud on the information he had before him and then presented the reason for his decision</i> . Several participants were <i>confused about the court process</i> , and when their attorney <i>didn't seem able to clarify things</i> , the judge was <i>very helpful in explaining the process, the importance of communicating with their attorney, their payment options, and the next steps required</i> . One participant <i>seemed to understand the second time around</i> .
