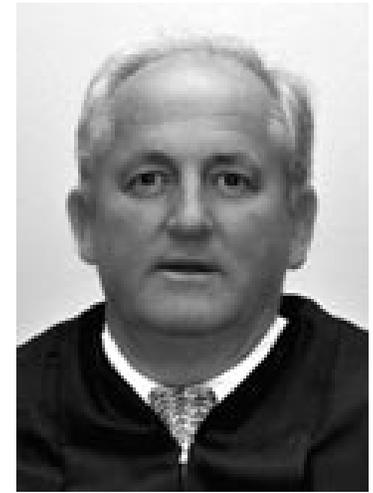


Honorable Ronald E. Kunz – Justice Court Judge

Serving West Jordan Municipal Justice Court, Salt Lake County



Commission Recommendation: **RETAIN**

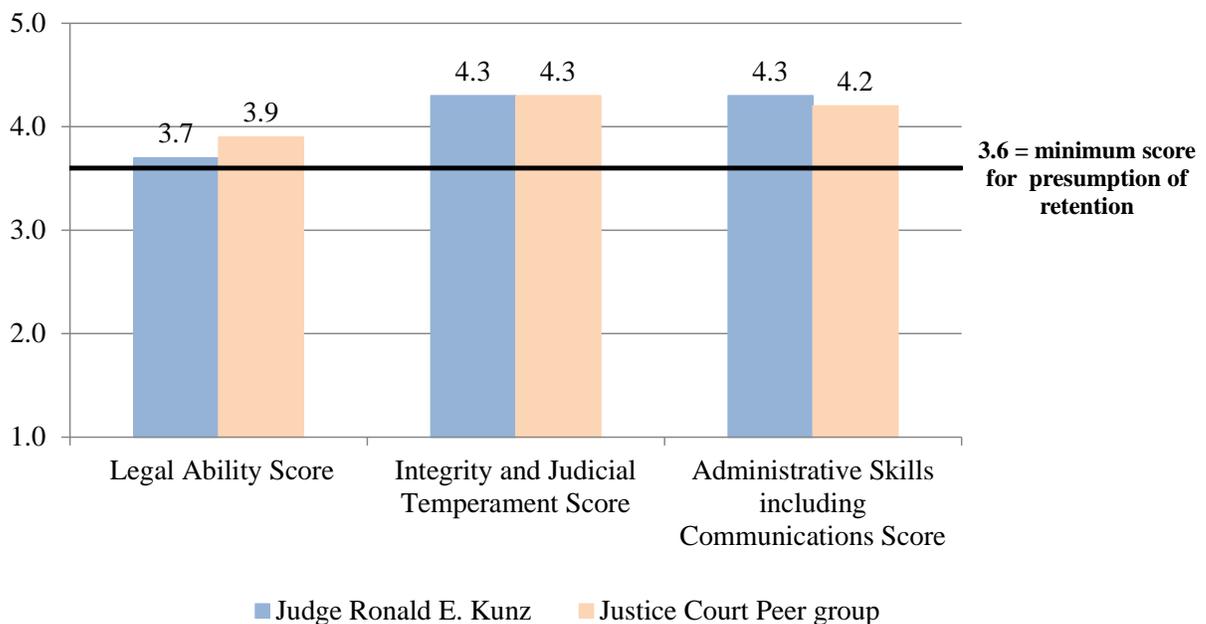
(vote count: 12-0 for retention)

Judge Ronald Kunz is an experienced judge who scores consistent with the average of his justice court peers in all survey categories. Survey respondents generally praise Judge Kunz as fair, efficient, and knowledgeable, describing his demeanor as both confident and polite. From a list, respondents choose 89% positive adjectives to describe him. Courtroom observers view Judge Kunz as an effective communicator who seeks the views of all participants and who uses understandable language to explain his decisions. All observers report that they would feel comfortable appearing before him in court. Of 45 survey respondents answering the retention question, 37 (82%) recommend that Judge Kunz be retained.

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

Judge Ronald E. Kunz was appointed as the West Jordan City Justice Court Judge in 1990. He earned his law degree from the University of Utah College of Law in 1979. As a general law practitioner for 11 years, he handled a wide variety of cases in state and federal court. Judge Kunz served as a contract legal defender for the Third Circuit Court and the City of West Jordan. As a judge, he served on two committees to improve the state's trial-by-jury system. For proactively implementing domestic violence programs in the West Jordan Justice Court, Judge Kunz received the 2006 Freedom Award from the Salt Lake Area Domestic Violence Coalition and the 2008 Advocate of the Year Award from the Utah Domestic Violence Council.

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



The Honorable Ronald E. Kunz

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 Ronald E. Kunz, 39% of qualified survey respondents submitted surveys. Of those who responded, 53 agreed they had worked with Judge Ronald E. Kunz enough to evaluate his performance. This report reflects these 53 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.

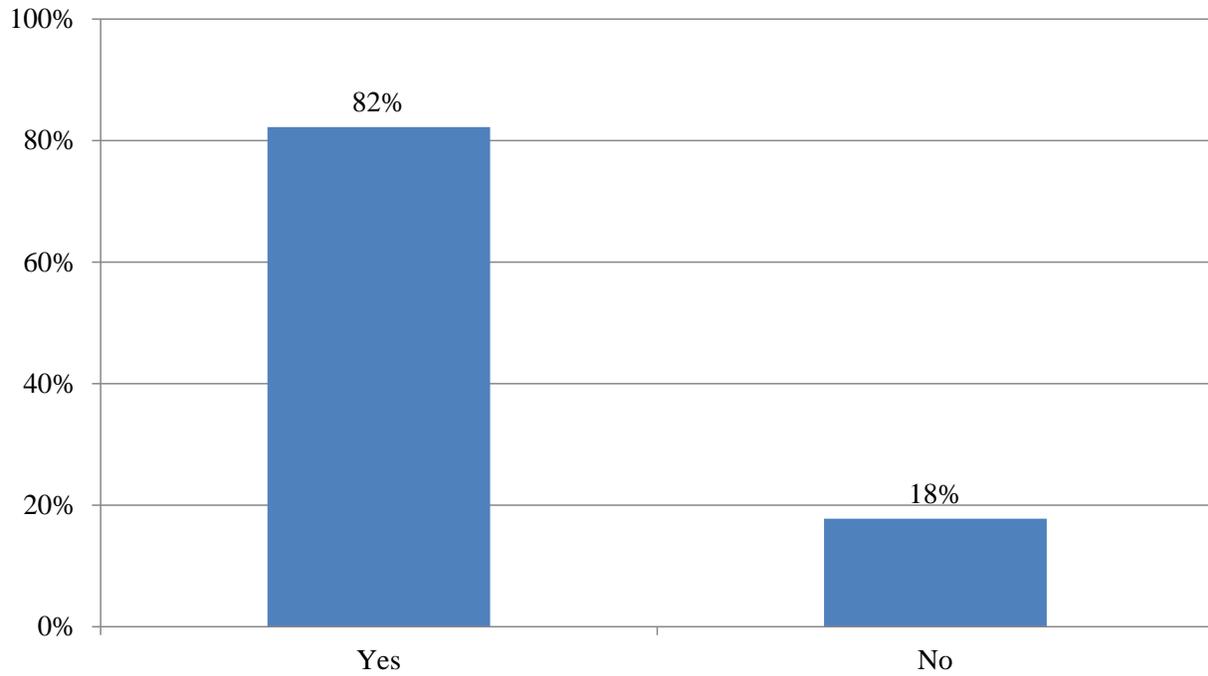
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

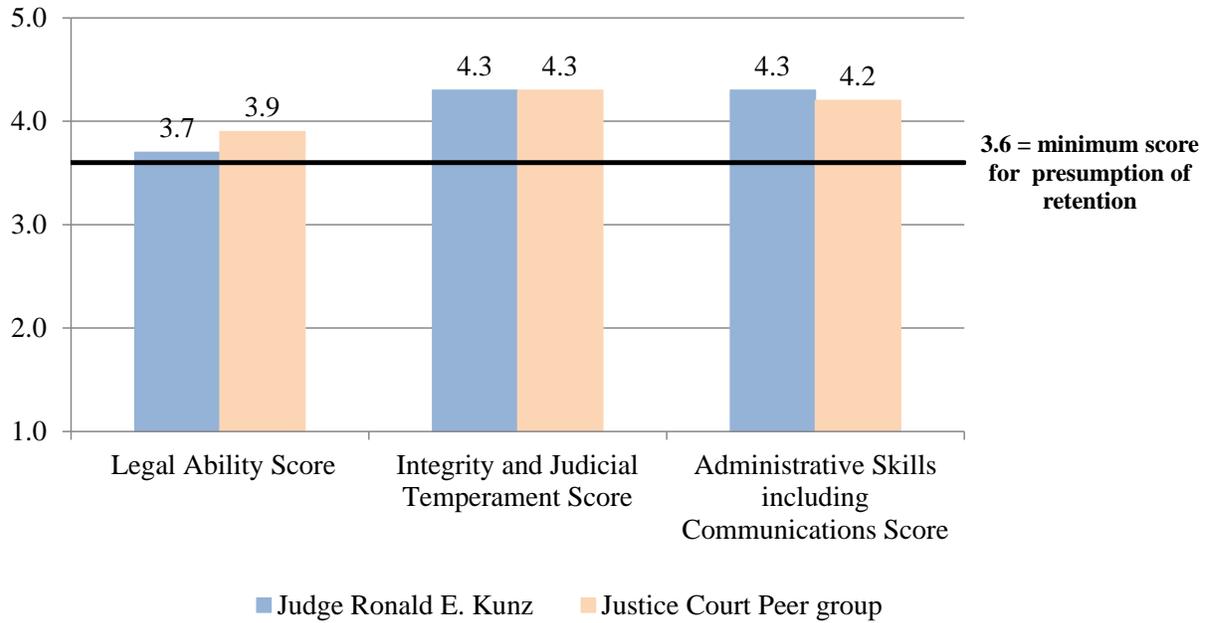
B. Retention Question

Figure A. Would you recommend that Judge Ronald E. Kunz be retained?



C. Statutory Category Scores

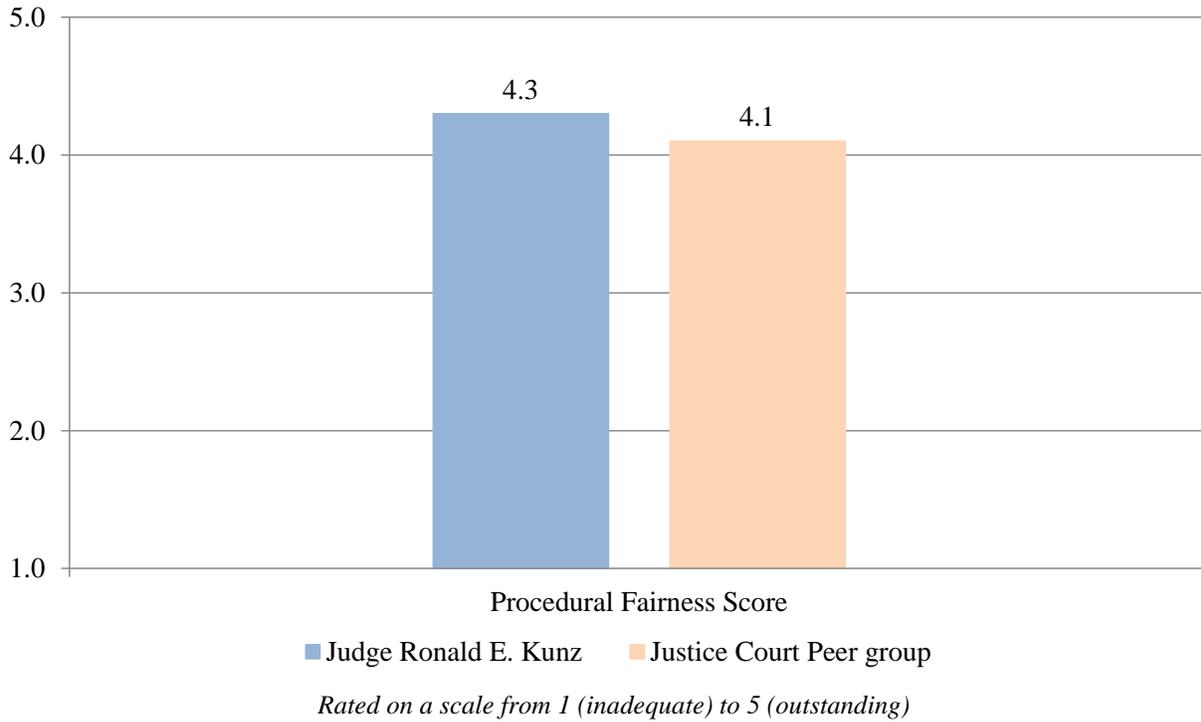
Figure B. Statutory Category Scores



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 Ronald E. Kunz
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Ronald E. Kunz	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.	3.9	4.0
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.8	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.9	3.9
Legal Ability	The judge only considers evidence in the record.	3.7	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.5	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	3.7	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.	4.2	4.3
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.1	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.	4.5	4.4

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

Table C. Responses to Survey Questions (continued)

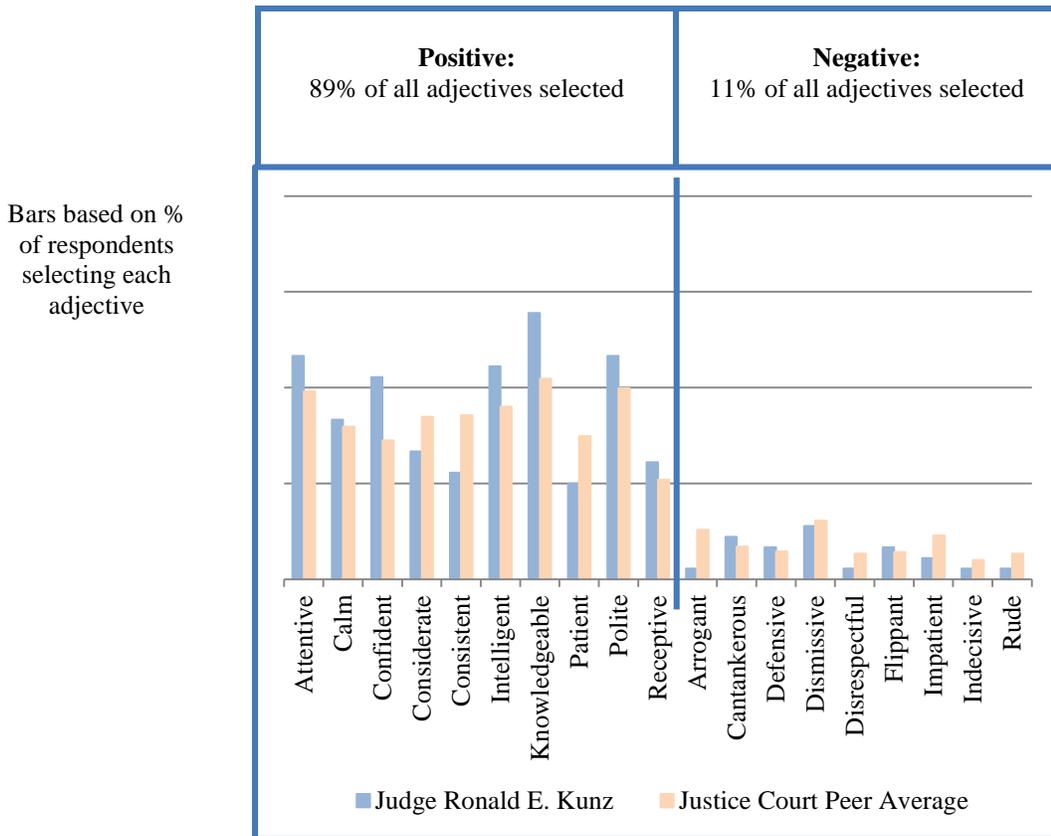
Category	Question	Judge Ronald E. Kunz	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.3	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.3	4.1
Administrative Skills	The judge is an effective manager.	4.4	4.1
Administrative Skills	The judge convenes court without undue delay.	4.2	4.1
Administrative Skills	The judge rules in a timely fashion.	4.3	4.3
Administrative Skills	The judge maintains diligent work habits.	4.4	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.	4.0	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.	4.3	4.0
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.3	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	3%
Domestic	13%
Criminal	75%
Civil	25%
Other	13%

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	45%
6 - 10	29%
11 - 15	6%
16 - 20	6%
More than 20	13%

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 RONALD KUNZ

Four observers wrote 70 codable units that were relevant to 13 of the 15 criteria. Two observers reported that the judge was aware that JPEC observers were present, one observer reported that the judge was not aware, and one did not know if the judge was aware.

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> All observers were positive about Judge Kunz. All observers reported that they would feel comfortable appearing before Judge Kunz.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Kunz listened intensely, knew each case, and was orderly and organized. He was pleasant, polite, welcoming and warm, and wished everyone Good Morning. He put everyone at ease, acknowledging defendants by name and being aware to pronounce names correctly. He smiled and made good eye contact, leaning back in a relaxed manner when listening, and leaning forward when talking. He followed the same process and used the same language with all defendants, modified his judgments and arrangements for paying fines based on defendants' circumstances, and assisted defendants who were representing themselves. He was thorough when asking questions and did not make people feel rushed. He used layman language, asked participants to indicate they understood what had been said, and explained his decisions and the right to appeal. He gave defendants detailed and specific instructions after sentencing. All observers emphasized that Judge Kunz provided the opportunity for all defendants to speak even though the court was busy, asking defendants what had happened, what they had learned, and he listened intently to their explanations. He asked probing questions, gave defendants uninterrupted time to respond, and considered the information he heard in his decisions.
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	One observer reported that Judge Kunz <i>listened very intensely</i> and <i>asked questions for clarification</i> .
Well-prepared & efficient	Three observers reported that Judge Kunz was <i>orderly</i> and <i>organized</i> , <i>knew each case</i> , and he was <i>quick at summarizing charges and moving directly to the pleadings</i> . The court <i>ran very smoothly</i> .
Respect for others' time	Two observers reported that when a defendant <i>did not want to stop talking</i> Judge Kunz <i>showed respect</i> for another <i>waiting defendant</i> , saying, <i>"I understand your explanations and recognize it is an awkward intersection. Unless you have additional information, I think we can conclude now."</i>
Courtesy, politeness, and general demeanor	Three observers reported that Judge Kunz <i>came into the courtroom smiling</i> , <i>wished everyone "Good morning,"</i> and at the <i>end of each case</i> said, <i>"Good luck to you Mr. X."</i> He was <i>very welcoming and warm</i> and put everyone <i>at ease with his happy tone of voice</i> . He <i>acknowledged defendants by name</i> , and they appreciated that he was <i>very aware of pronouncing their names correctly</i> , in one case saying, <i>"I'm sure I mispronounced your name. How do you pronounce it? Where is that name from?"</i> His demeanor was <i>pleasant, polite, and admirably patient</i> .

Body language	All observers reported that Judge Kunz <i>leaned back in his chair in a relaxed manner while listening patiently, leaned forward and looked directly at each defendant when talking to them, made good eye contact and smiled often, and gave each defendant his undivided attention.</i>
Courtroom tone & atmosphere	Three observers reported that the clerks and bailiff worked well with the judge, and the bailiff told one observer that he worked for several judges, and Judge Kunz <i>was very thorough and fair.</i> One observer suggested that the <i>video explaining individual rights could have closed caption for older participants with hearing issues.</i>

NEUTRALITY

Consistent and equal treatment	Three observers reported that Judge Kunz <i>followed the same process, covered all of the same items, and used the same language and tone</i> with each defendant.
Demonstrates concern for individual needs	Two observers reported that Judge Kunz asked defendants <i>if they could pay their fines or if they needed to make arrangements, and he was willing to modify his judgments based on defendants' circumstances.</i> In one case he <i>asked how a defendant wearing an arm sling intended to pay his fine, and when the defendant explained that he had applied for disability and lived with his mother and did not expect to be able to work in the near future, the judge scheduled his initial payment date out several weeks to allow his disability process to conclude.</i> He helped those representing themselves regarding <i>where to sit and when to take the stand and call any witnesses, and he waited as they stopped to gather their thoughts and phrase their questions.</i>
Unhurried and careful	Three observers reported that there was <i>no feeling of people being rushed, and Judge Kunz was unhurried as he addressed each case, taking the time to fully explore the current status of treatment or compliance with previous court orders.</i> He was <i>very thorough</i> in asking questions to gain clarification, saying, <i>“Was the street offset?”</i> or, <i>“Do you have any objection to me looking at these photographs?”</i> In one case he <i>delayed judgment, saying he would view the scene of the incident to gain a better understanding before making a ruling.</i>

VOICE

Considered voice	All observers reported that Judge Kunz <i>provided the opportunity for all participants to present their story even though the court was busy.</i> He was <i>very generous</i> with a defendant who repeated himself four to five times trying to convince the judge of his position, and he told the defendant, <i>“I will give you time to summarize your case when it is the appropriate time. You need to take a seat back at the table.”</i> He asked a defendant who was charged with domestic violence what had happened, ending with, <i>“Have you learned anything from this?”</i> and then allowing the defendant to share what he had learned. He asked <i>exploratory questions</i> such as, <i>“Why don't you have a driver's license?”</i> or, <i>“Is this your first offense?”</i> and then <i>listened intently to their explanations.</i> Before sentencing he asked participants to tell him about the crime, what happened and why they did it. He asked <i>polite but probing questions</i> on how the defendants were intending to comply with the sentences and gave each defendant <i>uninterrupted time to respond.</i> He <i>fully considered any information he heard and made changes in his decisions based on information he received.</i>
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COMMUNICATION

Communicates clearly	One observer reported that none of the defendants had attorneys, and so Judge Kunz <i>used layman language during most of his statements</i> to them.
Ensures information understood	Three observers reported that Judge Kunz <i>asked each party to indicate that they understood what had been said and asked if they had any questions.</i> He <i>stressed the importance of complying with his ruling, asking, “Do you understand this is an enhanceable offense and if you do it again, it will mean an increased fine and jail time?”</i> When there was an interpreter he <i>spoke in short individual sentences and waited for the interpreter to convey the sentence and provide a response.</i>

Provides
adequate
explanations

All observers reported that Judge Kunz *restated or clarified facts, explaining his decisions and telling defendants that they had the right to appeal. He gave specific instructions to participants who needed to pay fines, including where to go and the exact amounts to pay. He gave detailed instructions about signing documents regarding rights given up, and about the next steps, and when to appear next and what to bring or prepare.*
