

## **Honorable Andrea W. Lockwood – Justice Court Judge**

Serving Ogden Municipal Justice Court, Weber County

### **Commission Recommendation: **RETAIN****

(vote count: 12-0 for retention)

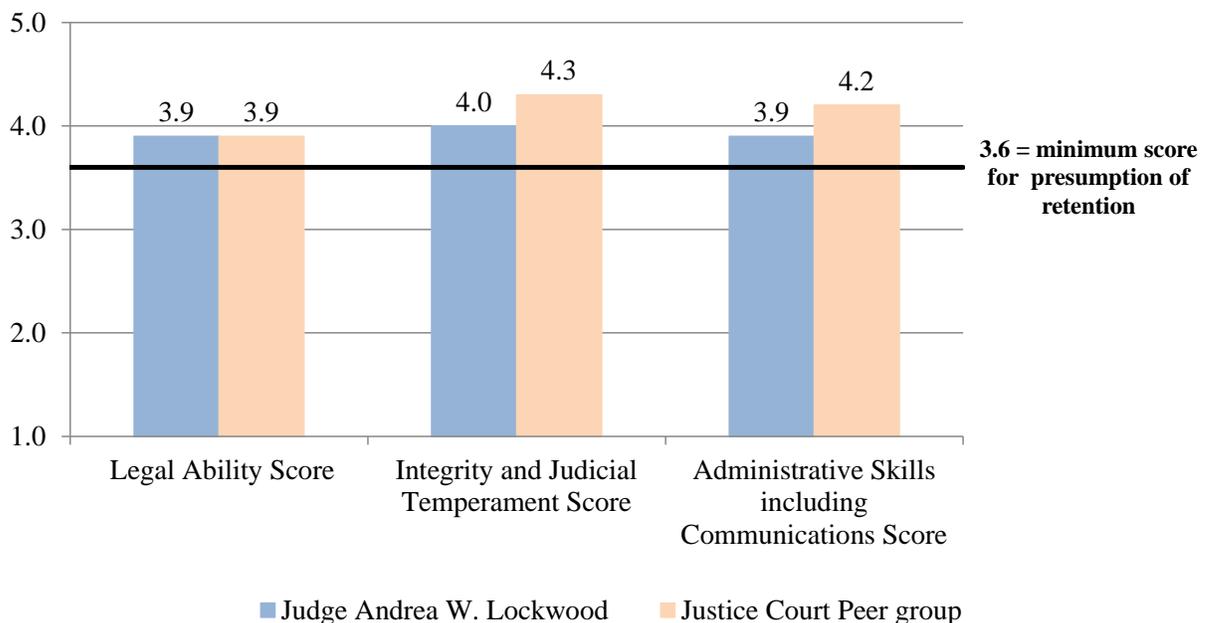


Appointed in 2006, Judge Andrea Lockwood’s survey scores are consistent with the average of her justice court peers in all categories. Many respondents view her as knowledgeable and consistent; some describe her as dismissive and impatient. Some respondents report that her interactions with courtroom participants are not always constructive. Courtroom observers, in contrast, are consistently positive. All report they would feel comfortable appearing before her. They observe a no-nonsense, non-threatening, and professional demeanor and emphasize Judge Lockwood’s particular interest in hearing directly from the people appearing before her. Of 39 survey respondents answering the retention question, 28 (72%) recommend that Judge Lockwood be retained.

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

Judge Andrea W. Lockwood was appointed to the Ogden Justice Court in 2006. She earned a Bachelor of Arts degree from Weber State University in 1974 and a Juris Doctorate degree from the J. Reuben Clark Law School at Brigham Young University in 1979. Prior to joining the bench, Judge Lockwood worked in the Ogden City Attorney’s Office for 27 years, serving the last four years as the Chief Deputy City Attorney. Judge Lockwood currently serves as the Education Director for the Second Judicial District and has served on various state-wide committees for the judiciary. In 2015, Judge Lockwood received the Justice Court Service Award from the Board of Justice Court Judges, and the Quality of Justice Award from the Utah Judicial Council.

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



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# **The Honorable Andrea W. Lockwood**

**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 Andrea W. Lockwood, 39% of qualified survey respondents submitted surveys. Of those who responded, 40 agreed they had worked with Judge Andrea W. Lockwood enough to evaluate her performance. This report reflects these 40 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.

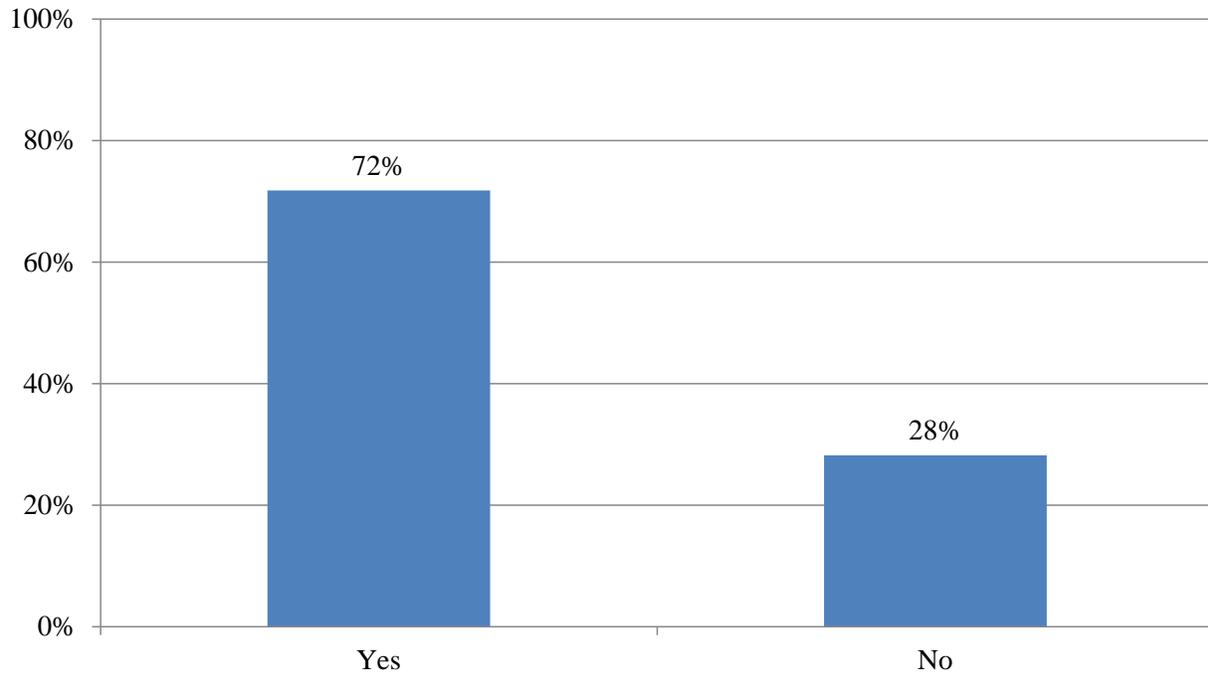
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

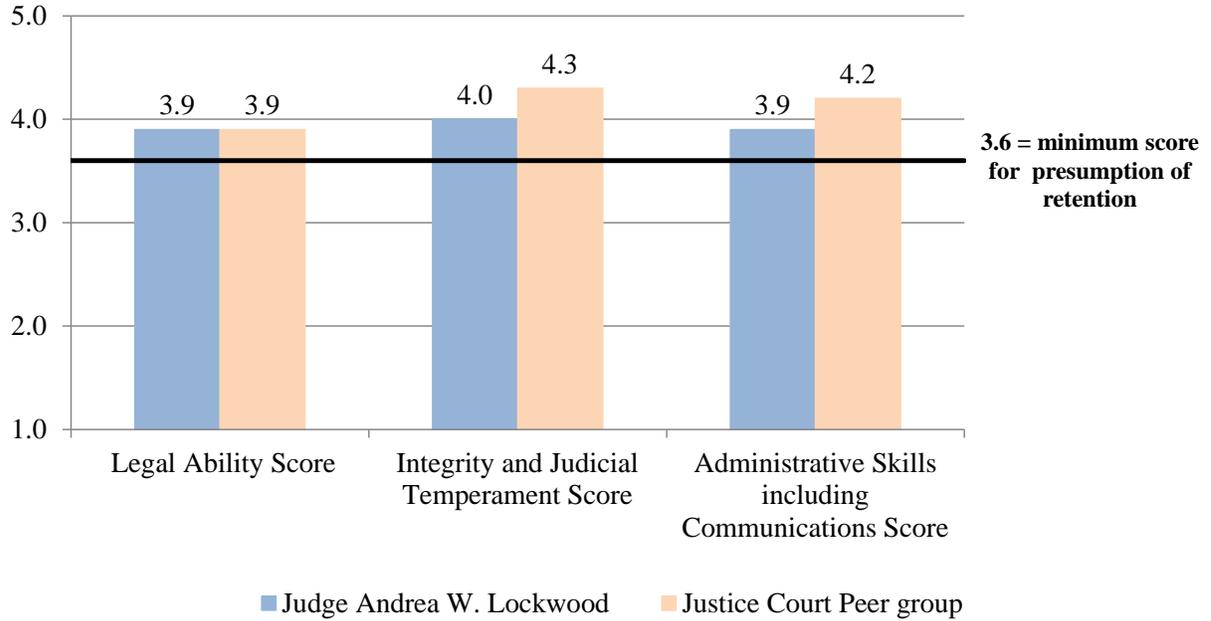
## B. Retention Question

**Figure A. Would you recommend that Judge Andrea W. Lockwood be retained?**



## C. Statutory Category Scores

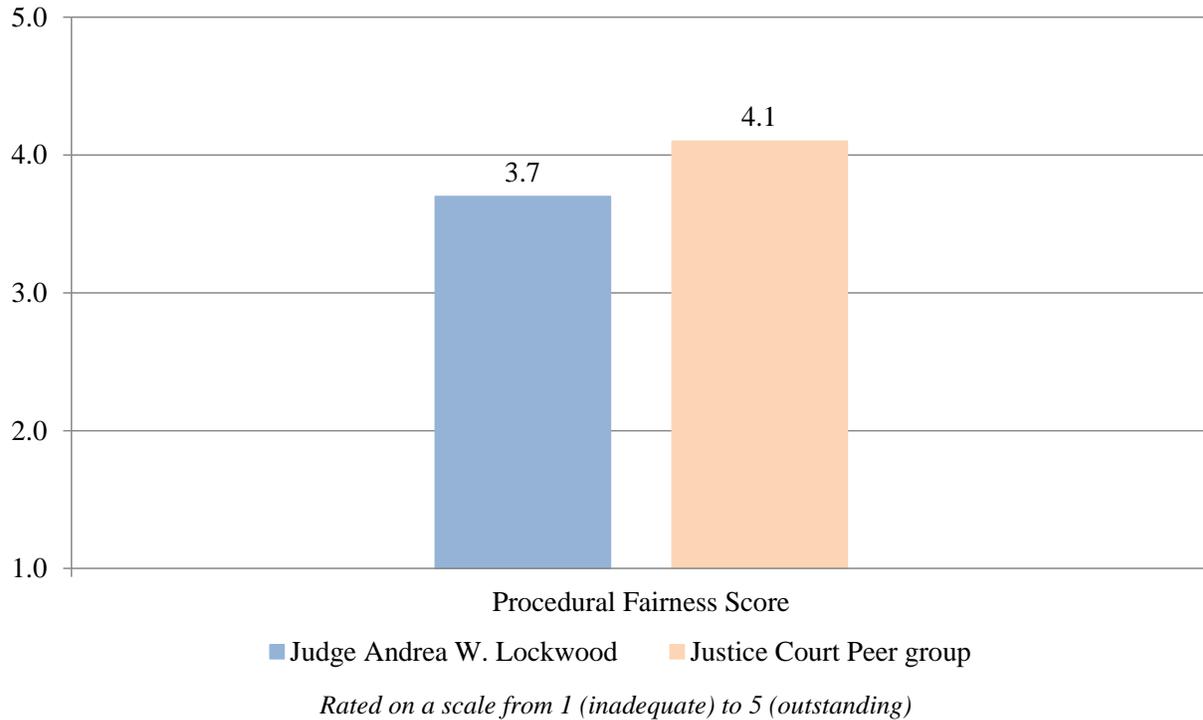
**Figure B. Statutory Category Scores**



*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 Andrea W. Lockwood
Procedural Fairness	Pass

## E. Responses to Individual Survey Questions

**Table B. Responses to Survey Questions**

Category	Question	Judge Andrea W. Lockwood	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.	4.0	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.	3.7	3.9
Legal Ability	The judge only considers evidence in the record.	4.0	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.2	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	3.2	3.9
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.3	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.	3.9	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	3.6	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.	4.1	4.4

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

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

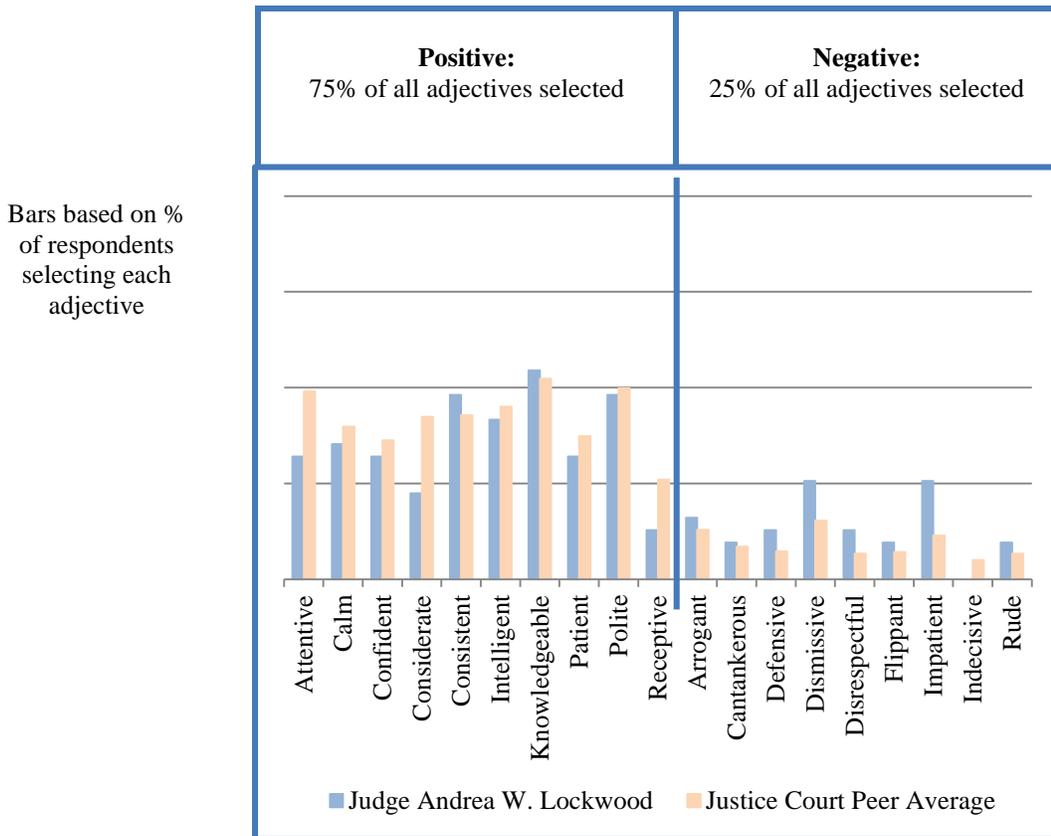
<b>Category</b>	<b>Question</b>	<b>Judge Andrea W. Lockwood</b>	<b>Justice Court</b>
Administrative Skills	The judge is prepared for court proceedings.	4.2	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	3.5	4.1
Administrative Skills	The judge is an effective manager.	3.8	4.1
Administrative Skills	The judge convenes court without undue delay.	3.5	4.1
Administrative Skills	The judge rules in a timely fashion.	4.1	4.3
Administrative Skills	The judge maintains diligent work habits.	3.9	4.3
Administrative Skills	The judge's oral communications are clear.	4.1	4.3
Administrative Skills	The judge's written opinions/decisions are clear and logical.	3.9	4.1
Procedural Fairness	The judge treats all courtroom participants with equal respect.	3.6	4.1
Procedural Fairness	The judge is fair and impartial.	3.7	4.0
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	3.7	4.0
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	3.9	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	13%
Domestic	43%
Criminal	83%
Civil	53%
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	67%
6 - 10	20%
11 - 15	-
16 - 20	7%
More than 20	7%

## 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 ANDREA LOCKWOOD

Four observers wrote 63 codable units that were relevant to 11 of the 15 criteria. Three observers reported that the judge was not aware that JPEC observers were present, and one did not know if the judge was aware.

### Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> <li>All observers were positive about Judge Lockwood.</li> <li>All observers reported that they would feel comfortable appearing before Judge Lockwood.</li> </ul>
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers variously reported that Judge Lockwood looked attentively at speakers, asked if hearing dates would work for defendants, and was well-organized and prepared for each case. She greeted participants courteously, was very patient with all, and her demeanor was pleasant, friendly and nonthreatening as well as professional and no-nonsense. She leaned forward with an open expression and made good eye contact, which put people at ease. She was consistent, caring, and accommodating, and interested in listening to and understanding defendants, treating each case with fresh attention as a new situation. She was unhurried in applying the laws carefully and took time to explain the process and her decisions. She provided specific information about what to do next and clearly spelled out arrangements for paying fines or what to do if they could not make payments.</li> <li>Observers particularly emphasized that Judge Lockwood let all participants express themselves as needed, and she wanted to hear defendants' perspectives in their own words rather than hear from the prosecutor and then ask the defendant if that reading was correct.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>None</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	One observer reported that Judge Lockwood <i>always looked directly and attentively</i> at each speaker.
Well-prepared & efficient	One observer reported that Judge Lockwood <i>asked questions that showed she was prepared for each proceeding.</i>
Respect for others' time	One observer reported that Judge Lockwood asked defendants <i>what worked for them</i> when setting hearing dates, and when she recessed to <i>see if witnesses were available</i> she asked the attorney to <i>keep the time down to ten minutes</i> , which he did.
Courtesy, politeness, and general demeanor	Three observers reported that Judge Lockwood <i>greeted all participants pleasantly and courteously</i> with a smile and was <i>very patient with staff and defendants alike</i> . Her demeanor was <i>pleasant, warm, friendly, and nonthreatening</i> , and also <i>professional and no-nonsense</i> . She gave <i>no impression of finding anyone's situation trivial or the proceedings tedious</i> . One observer was impressed that the judge <i>interrupted her schedule</i> to accommodate a defendant with an infant by returning to the courtroom to <i>listen to the case early</i> and then <i>spending time giving the defendant referral information for counseling</i> . She <i>patiently took time with a defendant who claimed she did not get any notifications of charges, asking about her confusion and if she had changed her address recently</i> .

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Body language	All observers reported that Judge Lockwood <i>leaned forward and made good eye contact</i> while speaking and listening, with an <i>open expression that seemed to show that she was open to believing what they were saying</i> . She <i>put people at ease with her positive physical presence</i> .
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Courtroom tone & atmosphere	Three observers reported that the court was <i>well organized and ran smoothly</i> . Judge Lockwood <i>worked smoothly with her staff, respecting the opinions</i> of the prosecutor and attorneys, and she was <i>willing to take direction</i> from the staff <i>without irritation</i> .
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*NEUTRALITY*

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Consistent and equal treatment	One observer reported that Judge Lockwood was <i>fair with defendants and listened to their explanations</i> , but was <i>consistent in cutting through extraneous explanations</i> , saying for example, <i>“In all of this I have not heard a reason as to why you are driving.”</i> While <i>considering their pleas she did not lose sight of the law</i> , and she <i>did not try and solve their social problems</i> .
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Demonstrates concern for individual needs	All observers reported that Judge Lockwood was <i>interested in what defendants had to say and intent on understanding the impact of the cases</i> . She gave defendants <i>her undivided attention, giving each case fresh attention as though each case was a new situation</i> . She was <i>caring and picked up immediately</i> when a confused defendant <i>did not have a clue what to do</i> , taking a <i>bit more time to walk him through the process</i> , not making any <i>sharp comments or demands that were beyond his comprehension</i> .  Judge Lockwood <i>set fines within the law</i> but also <i>took circumstances into consideration</i> . If defendants <i>could not pay all at once</i> , she set up payments which they <i>said they could manage</i> . She was <i>good at guiding conversations to a conclusion</i> when defendants were <i>inexperienced</i> .
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Unhurried and careful	Three observers reported that Judge Lockwood was <i>calm and unhurried, taking her time to listen and apply the laws carefully</i> . In one case she <i>re-read a long explanation of charges and review of decisions as there were multiple issues at stake</i> .
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*VOICE*

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Considered voice	All observers reported that Judge Lockwood <i>let the prosecutor and attorneys express themselves as needed</i> but wanted to hear the defendants' <i>perspectives in their own words</i> , rather than <i>hear from the prosecutor and then ask the defendant if that reading is correct</i> . She consistently asked defendants, <i>“What happened, what do you want to say?”</i> or, <i>“What are you wanting the court to do?”</i> and she <i>took the time to let defendants fully state their case before asking any questions</i> . On occasion Judge Lockwood allowed conversation <i>to be passed back and forth between the representatives, which might appear to be out of order but contributed to clarifying the case</i> .
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*COMMUNICATION*

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Provides adequate explanations	Two observers reported that Judge Lockwood <i>took time to explain and help defendants understand the process, her decisions and the options a person may or may not have</i> , and ensured that a nervous and non-English-speaking defendant had a <i>good understanding of the proceedings</i> . She <i>provided participants with specific information about what to do, where to go and when to appear</i> , and <i>clearly spelled out payment arrangements, including when the first payment was to be made and what defendants should do when they could not make payments or if they had any questions</i> . She explained to a defendant <i>why automobile insurance was needed</i> and offered a <i>little history on the insurance statute in question</i> .
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