

Honorable Jeanne M. Robison – Justice Court Judge

Serving Salt Lake City Justice Court, Salt Lake County



Commission Recommendation: **RETAIN**

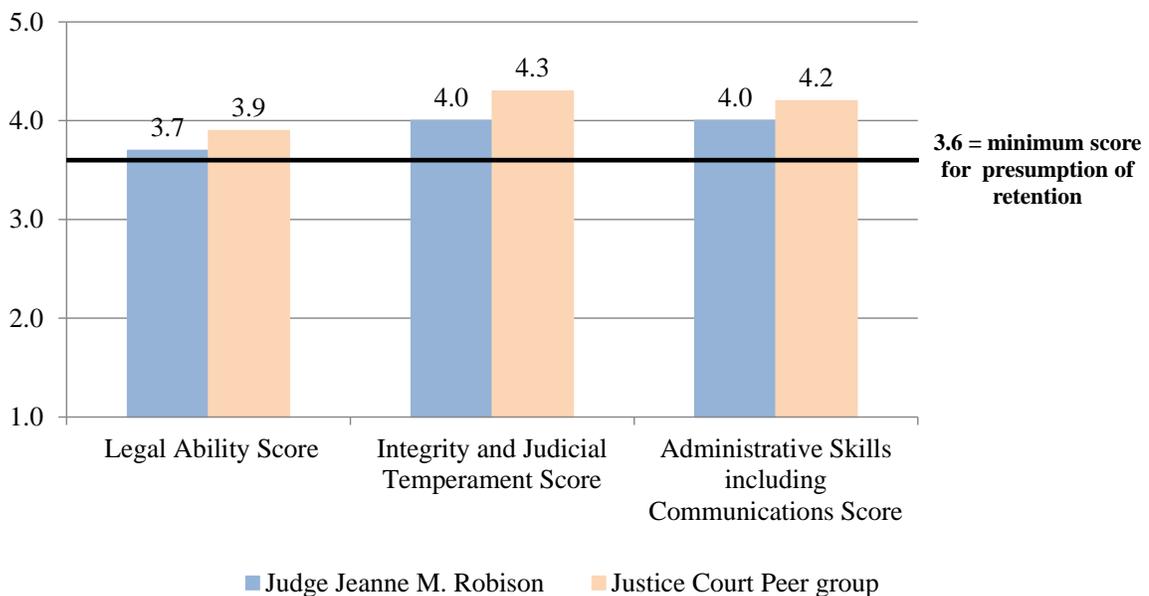
(vote count: 12-0 for retention)

Appointed to the bench in 2005, Judge Jeanne Robison scores consistent with the average of her justice court peers in all survey categories, but evokes contrasting opinions about various aspects of her performance. Survey respondents, who on the whole had a great deal of experience in her courtroom, characterize her as a legally astute and capable administrator of a busy court. However, they also describe her as disrespectful, treating people rudely and with a notable lack of consideration. Courtroom observers are more consistently positive about Judge Robison, with those who had initial reservations about her demeanor later attributing them to her sincere concern for the welfare and success of defendants. All observers say they would feel comfortable appearing before her. Of survey respondents answering the retention question, 77% recommend that Judge Robison be retained.

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

Judge Jeanne Robison has served on the Salt Lake City Justice Court since 2006. After graduating from Brigham Young University in 1986, she earned a law degree from the University of Utah in 1994. Judge Robison has served as a member of the Justice Court Judges' Education Committee and as Presiding Judge of the Salt Lake City Justice Court. She also presided over the collaborative restorative justice program, Passages. Judge Robison currently serves as chair of the Education Curriculum Subcommittee. She is also the Presiding Judge for traffic matters for the Salt Lake City Justice Court, where she is working to reform practices on the issuance of warrants in traffic cases.

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



The Honorable Jeanne M. Robison

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 Jeanne M. Robison, 38% of qualified survey respondents submitted surveys. Of those who responded, 63 agreed they had worked with Judge Jeanne M. Robison enough to evaluate her performance. This report reflects these 63 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.

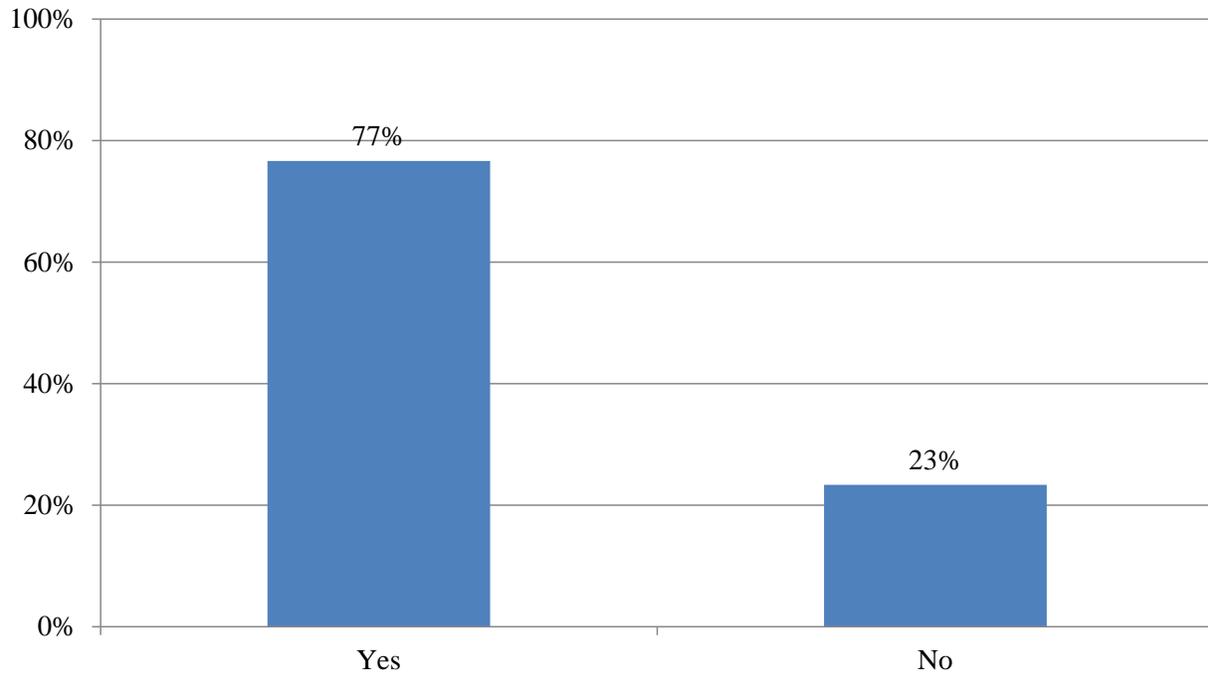
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

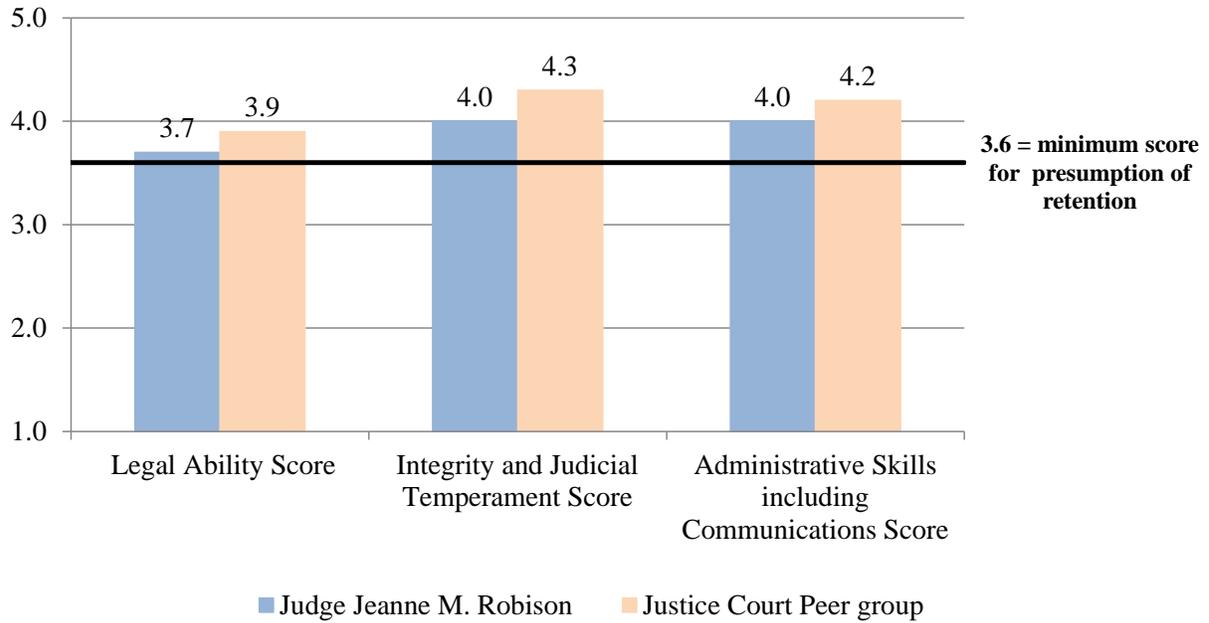
B. Retention Question

Figure A. Would you recommend that Judge Jeanne M. Robison be retained?



C. Statutory Category Scores

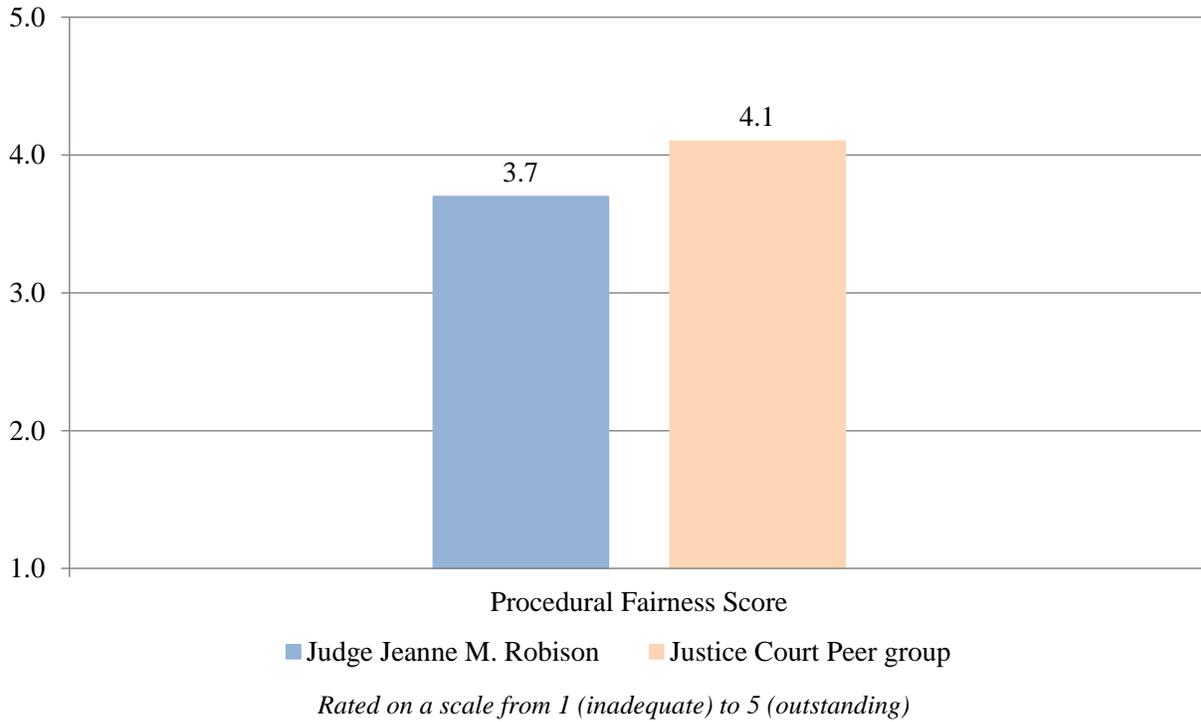
Figure B. Statutory Category Scores



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 Jeanne M. Robison
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Jeanne M. Robison	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.	3.7	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.8	3.9
Legal Ability	The judge only considers evidence in the record.	3.8	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.6	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	3.6	3.9
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.1	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.	3.8	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	3.7	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.	4.2	4.4

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

Table C. Responses to Survey Questions (continued)

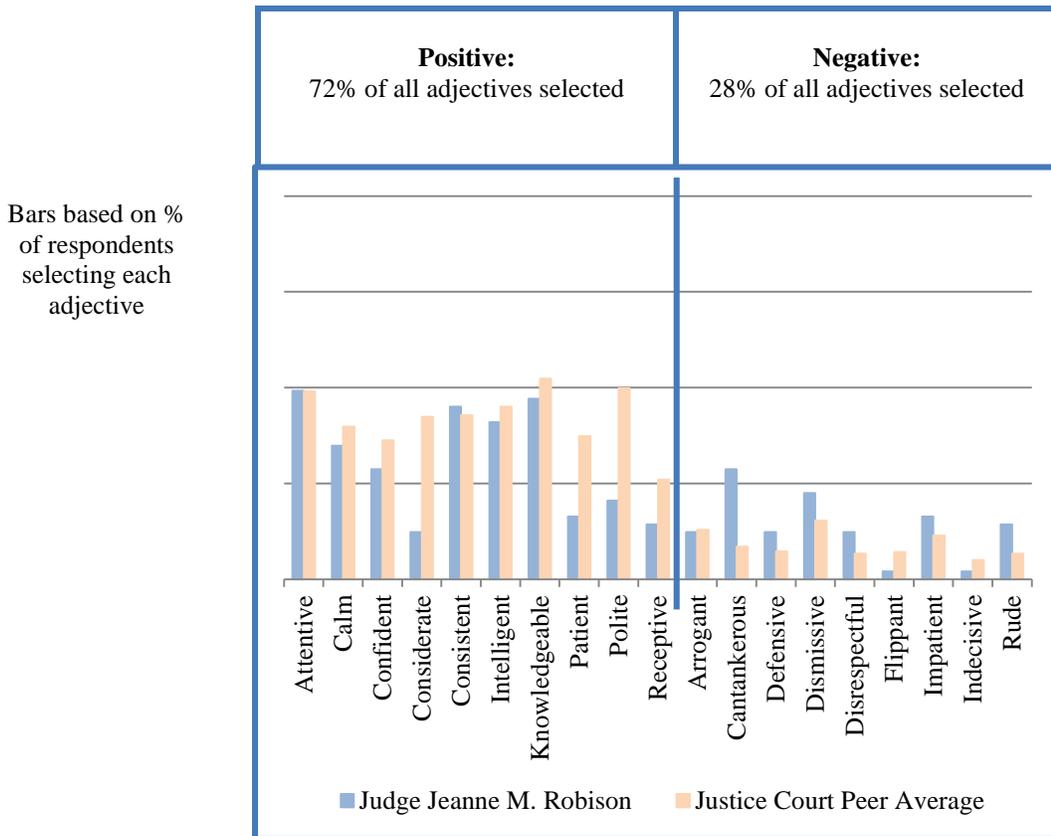
Category	Question	Judge Jeanne M. Robison	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.2	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	3.7	4.1
Administrative Skills	The judge is an effective manager.	3.8	4.1
Administrative Skills	The judge convenes court without undue delay.	4.1	4.1
Administrative Skills	The judge rules in a timely fashion.	4.2	4.3
Administrative Skills	The judge maintains diligent work habits.	4.1	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	-
Domestic	8%
Criminal	98%
Civil	6%
Other	2%

Because many attorneys practice in multiple areas, totals may not equal 100%

Table E: How many trials or hearings have you had with this judge over the past year?

5 or fewer	20%
6 - 10	22%
11 - 15	16%
16 - 20	8%
More than 20	34%

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 JEANNE ROBISON

Four observers wrote 79 codable units that were relevant to 14 of the 15 criteria. All observers reported that the judge was not aware that JPEC observers were present.

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> All observers were positive about Judge Robison. Some observers reported initial reservations in some areas that were later recognized to reflect her sincere concern for defendants' success and well-being (see "Minority observations"). All observers reported that they would feel comfortable appearing before Judge Robison.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Robison listened actively and intently with keen attention to detail. She was calm, cordial, and courteous, thanking participants and apologizing for mistakes. She was also business-like and in control, and the court reflected a sense of order and comfort. She spoke clearly and distinctly, albeit very quickly and at times with a robotic tone. She consistently gave everyone time to speak and ask questions, and she took the additional information into account. Her language was clear and concise, and she repeatedly asked if defendants understood their rights and the proceedings. All observers particularly emphasized and provided many examples of Judge Robison's care and concern for defendants' success and well-being and of her consideration of individual and mitigating circumstances (see "Demonstrates concern for individual needs"). Three observers provided many examples of Judge Robison's full and understandable explanations of the reasoning for and consequences of her rulings, of the meanings of different pleas, and of various court procedures (see "Provides adequate explanations").
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Two observers reported that court started on time. However, one observer reported that a session began after an unexplained forty-minute delay during which participants had become restive, and Judge Robison was initially preoccupied but then quickly became engaged (see "Respect for others' time" and "Courtesy, politeness, and general demeanor"). Two observers reported that Judge Robison was very patient. However, one observer was initially put off by the judge's harsh tone but later recognized that her apparent impatience with defendants' behavior indicated her wish for their success and well-being. Another observer felt that her scowl reflected that she was discouraged by defendants' behavior rather than angry (see "Courtesy, politeness, and general demeanor" and "Body language").
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> One observer was offended when Judge Robison was engaged in paperwork during the routine questioning of a witness' credentials, but the judge was very attentive and engaged when the witness was asked to do a demonstration (see "Consistent and equal treatment").

Summary and *exemplar language* of four observers' comments

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Robison <i>listened intently</i> with <i>active listening</i> and <i>keen attention to factual details</i> .
Well-prepared & efficient	Two observers reported that Judge Robison <i>spoke very quickly</i> and ensured that the <i>process moved along smoothly</i> . She was <i>comfortable with the computer technology and programs</i> .
Respect for others' time	Two observers reported that the court <i>started on time</i> , but one observer reported that one session began <i>after a forty-minute unexplained delay</i> when the judge appeared and began <i>with a terse "Good Morning!"</i> Participants in court had become <i>restive after roughly twenty minutes of waiting without any explanation for how long the delay would last</i> .

Courtesy, politeness, and general demeanor	<p>All observers reported that Judge Robison was <i>calm, polite, business-like, and in control of the proceedings</i>. She was <i>consistently pleasant, cordial, and courteous, and generally used a title of respect</i>, saying “<i>You can have a seat over there, sir,</i>” or, “<i>Thank you, Mrs. D.</i>” When a jury pool was dismissed she took time to thank them and <i>clarify the process</i>. She <i>admitted and apologized</i> for her own mistakes, for example <i>stopping when she got ahead of herself</i> and saying, “<i>I’m sorry. I’ll go back now.</i>” When there was a <i>minor disagreement over facts</i> she said, “<i>I see. You’re right.</i>” She <i>injected little bits of humor here and there in a natural manner to put people at ease</i>, for example <i>when several people stood up after a brief recess but were puzzled when others did not, the judge noticed and explained it was not necessary</i>, adding “<i>Thank you, anyway.</i>”</p> <p>Two observers reported that Judge Robison was <i>very patient</i>. She <i>waited several times</i> for attorneys to <i>read through materials to ensure facts were correct</i>, and she did not <i>interrupt an elderly and slightly incoherent inmate who spoke at some length before she redirected him back to the issues</i>. She was <i>not irritated when a man stood up and said “I really don’t think I’m where I’m supposed to be,” but smiled kindly and allowed her clerk to direct him to the correct place</i>. However, one observer was initially <i>a bit put off by her somewhat sharp tone and seeming harshness</i> but recognized that her <i>apparent impatience with defendants’ behavior indicated her wish for them to succeed for their own well-being</i>. When taking a <i>firm stance</i> in a case held over three times, she <i>kind of hector</i>ed the defendant not to do what’s <i>convenient</i> but what the <i>law requires no matter what</i>, but eventually <i>relented</i>, saying, “<i>I do recognize that mitigating factor,</i>” and <i>worked out a gentler arrangement</i>. The observer <i>ended up feeling he could trust this judge</i>.</p> <p>One observer reported that in one late starting session Judge Robison was initially <i>expressionless and preoccupied</i>, and the observer <i>would not have wanted to be the first defendant on the docket</i>. But <i>that inauspicious beginning quickly gave way to a much more engaged and animated manner</i>, and by the end the observer concluded that Judge Robison was <i>a credit to Utah’s Judiciary</i>.</p>
Body language	<p>One observer reported that Judge Robison’s <i>facial expression for much of the time was a sort of scowl</i>, with her eyebrows <i>drawn in to a point that looked more pained than angry</i>. The observer felt that the judge was <i>a bit discouraged</i> with defendants <i>not living up to their commitments</i>.</p>
Voice quality	<p>Two observers reported that Judge Robison’s speech was <i>clear, distinct, and easy to hear</i>, but also very <i>quick and clipped</i> with a <i>robotic tone at times</i>.</p>
Courtroom tone & atmosphere	<p>One observer reported the <i>sense of order and comfort</i> in the court. The bailiff explained all rules and protocols at the beginning of the session , including that “<i>Everyone will be seen,</i>” and if a defendant <i>stepped out when their name was called, it would be called again</i>.</p> <p>However, another observer reported that during an extended delay one of the clerks <i>appeared in an open-necked sport shirt, chewing gum and engaging in extensive chit chat</i>, while another left and returned with a <i>large beverage, displaying inappropriate levity in front of a sad and worried looking shackled female prisoner</i>. Additionally, <i>opposing counsel engaged in personal conversations and sharing of family photos</i>. In contrast, defendants and family members were <i>somber and patient</i>, and the observer felt they <i>deserved commensurate decorum</i>. The observer suggested that Judge Robison <i>review with her staff what happens before she arrives in court</i>.</p>
<i>NEUTRALITY</i>	
Consistent and equal treatment	<p>One observer reported that Judge Robison addressed all participants <i>with equal tone and mannerisms</i>, and she was careful that her microphone was off <i>when discussing issues at the bench</i>. However, another observer was <i>offended</i> when she was <i>obviously engaged in paper work during the routine questioning of a witness’ credentials and details of how his tests were performed</i>, but <i>when he was asked to do a demonstration she was very attentive and involved</i>.</p>
Demonstrates concern for individual needs	<p>All observers reported that Judge Robison was <i>thoughtful and considerate of each defendant’s individual circumstances</i>. She asked about defendants’ <i>ability to pay fines</i>, worked with them on <i>pay and service schedules that were not overwhelming</i>, and ensured that defendants <i>knew to keep and turn in their own records</i>. She asked, “<i>What is the best day of the month for you to pay your fine?</i>” or, “<i>I gave you an extra month since you’re not back to work yet,</i>” and told them, “<i>Don’t ignore the payments; if your job does not start, call me and I will work with you.</i>”</p>

Demonstrates concern for individual needs <i>continued</i>	<p>Observers provided many examples of Judge Robison's <i>care and concern</i>. She <i>at times went to great lengths</i> to devise <i>fair and workable</i> arrangements to <i>ease the burden</i> on people. She encouraged a defendant to complete community service, saying, "<i>Churches and schools are non-profits, and almost everybody is within walking distance of one,</i>" and when the defendant responded that it <i>wouldn't work for him as he worked two jobs without a car</i> and asked for jail time, the judge said, "<i>I just wanted to give you a chance, so you were sure of your options.</i>"</p> <p>Judge Robison <i>listened intently for mitigating circumstances</i> and was willing to <i>adjust the penalty to the situation</i>. She <i>cut the prosecutor's recommendation of 12-month good behavior probation to 6 months</i>, noting that the defendant <i>had taken the required class on his own and corrected the problem before coming to court</i>. She required an <i>11 p.m. drug test</i> to ensure a defendant <i>could not easily cheat</i>, but <i>agreed to 10pm</i> when told he was <i>150 days sober and had to get up very early for work</i>. When no one knew of a parenting class in Spanish, she said, "<i>Let me take a minute to check, I don't want to send you out of here and make you find your own class in Spanish.</i>"</p>
Unhurried and careful	One observer reported that Judge Robison was <i>careful to check for "priors" or other relevant facts of the case</i> .

VOICE

Considered voice	Three observers reported that Judge Robison <i>consistently gave everyone ample opportunity to ask questions</i> , and she <i>repeatedly asked for defendants' input</i> , saying, " <i>Do you have anything to add?</i> " or, " <i>If you leave and still have questions please call.</i> " While her questions were <i>quick and clipped</i> , many defendants <i>did not seem to be afraid to take her up on her offer</i> and tried to <i>explain their situations</i> . Although she <i>at times seemed to be lecturing</i> , she <i>clearly took into account additional information and changed or modified her original position accordingly</i> .
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COMMUNICATION

Communicates clearly	One observer reported that Judge Robison was <i>very concise and clear</i> when <i>addressing the jury</i> , and <i>she spoke on a level that the observer could comprehend</i> .
Ensures information understood	One observer reported that Judge Robison <i>repeatedly asked whether participants understood the proceedings</i> . She <i>reiterated defendants' rights</i> , saying, " <i>Do you understand what you have read?</i> " or, " <i>Did you read all the parts and sign your name?</i> " or, " <i>Do you understand what you are waiving?</i> " or, " <i>Do you have any questions for me?</i> " In a case that involved a <i>lot of stipulations</i> , she asked if he <i>understood that he could not drive "any motor vehicle,"</i> and said to <i>make sure to call with questions</i> as she had given him " <i>a lot of instructions.</i> "
Provides adequate explanations	<p>Three observers reported that Judge Robison <i>took time to explain her reasoning and fully explained in terms understandable why she had made the ruling</i>. She <i>consistently explained what a plea in abeyance or a guilty plea meant</i>, and she <i>regularly reminded defendants to bring her information on community service completed</i>, in one case taking the time to explain that a <i>service project at her church would be satisfactory, but simply attending church services would not</i>.</p> <p>Observers provided many examples of Judge Robison's careful explanations. She <i>carefully outlined the serious consequences of non-payment of fines, including garnishment and withheld tax refunds</i>. She explained to a defendant who had <i>failed to pay fines or restitution</i>, "<i>I am willing to work with you on the fines, but not the restitution. [The victim] has been waiting for months to pay off their bills, how would you feel?</i>" She <i>carefully went over the process of making an appointment to appear at the jail</i> and told a defendant who was <i>required to get an evaluation</i>, "<i>I want a copy of the actual evaluation, not just a letter describing it, so be sure I get an actual copy.</i>"</p>