

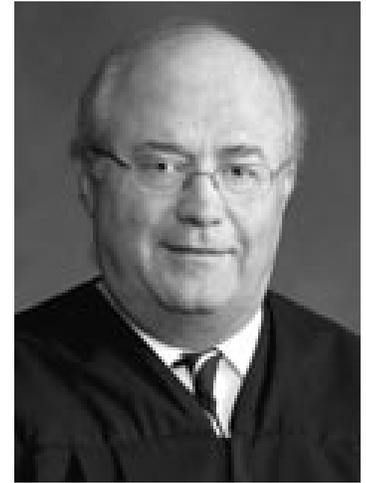
Honorable W. Paul Thompson – Justice Court Judge

Serving Murray Municipal Justice Court, Salt Lake County

Commission Recommendation: **RETAIN**

(vote count: 12-0 for retention)

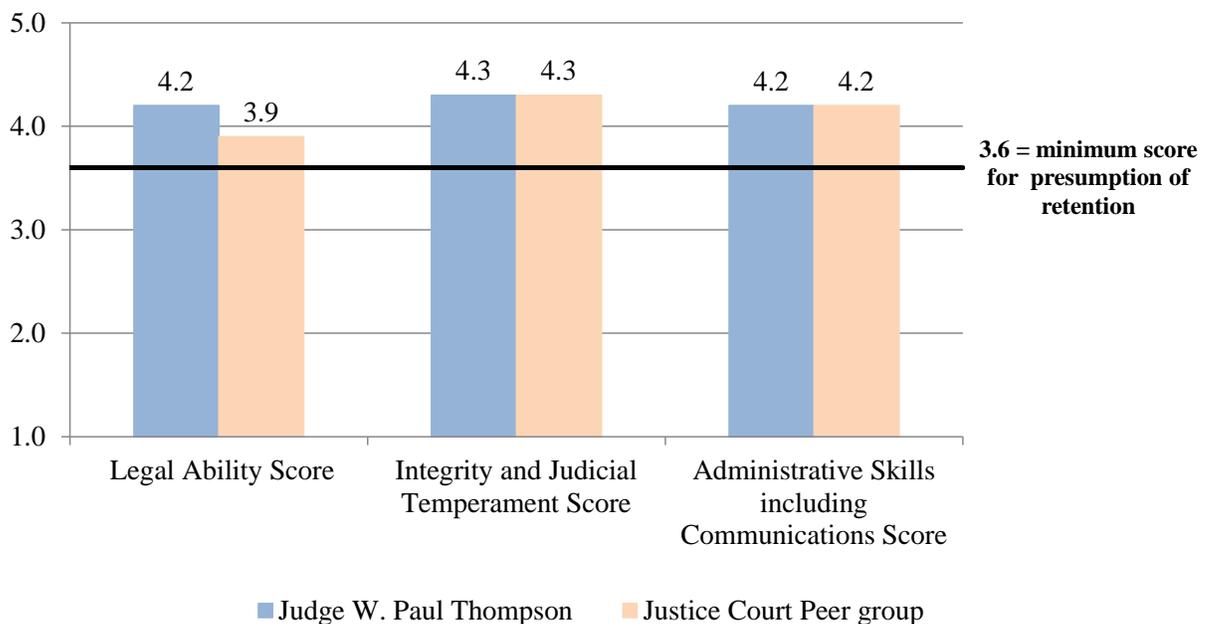
An experienced judge, Judge W. Paul Thompson scores consistent with the average of his justice court peers in all survey categories. Survey respondents choose 92% positive words from a list to describe Judge Thompson, characterizing him as calm and considerate. Some respondents and courtroom observers criticize him for delays in starting court. Observers view Judge Thompson as patient and unbiased, listening to and communicating well with those appearing in his court. All observers report that they would feel comfortable appearing before him. Of 28 survey respondents answering the retention question, 24 (86%) recommend that Judge Thompson be retained.



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

Judge Paul Thompson was appointed to the Murray City Justice Court in 2008. Having served earlier in the South Salt Lake justice court, he has been an active senior judge since 1992, serving in several local jurisdictions. Judge Thompson earned a law degree from the J. Reuben Clark Law School at BYU in 1976. He served as mayor of Sandy City from 1978 to 1982, and is a former city attorney for South Salt Lake, Alta, and South Jordan. Judge Thompson chaired the Salt Lake County Council of Governments, and was a member of the Wasatch Front Regional Council and trustee of the Salt Lake Convention and Visitors Bureau. He was also the founding chairman of the Third Judicial District Victim's Rights Committee.

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



The Honorable W. Paul Thompson

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 W. Paul Thompson, 31% of qualified survey respondents submitted surveys. Of those who responded, 28 agreed they had worked with Judge W. Paul Thompson enough to evaluate his performance. This report reflects these 28 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.

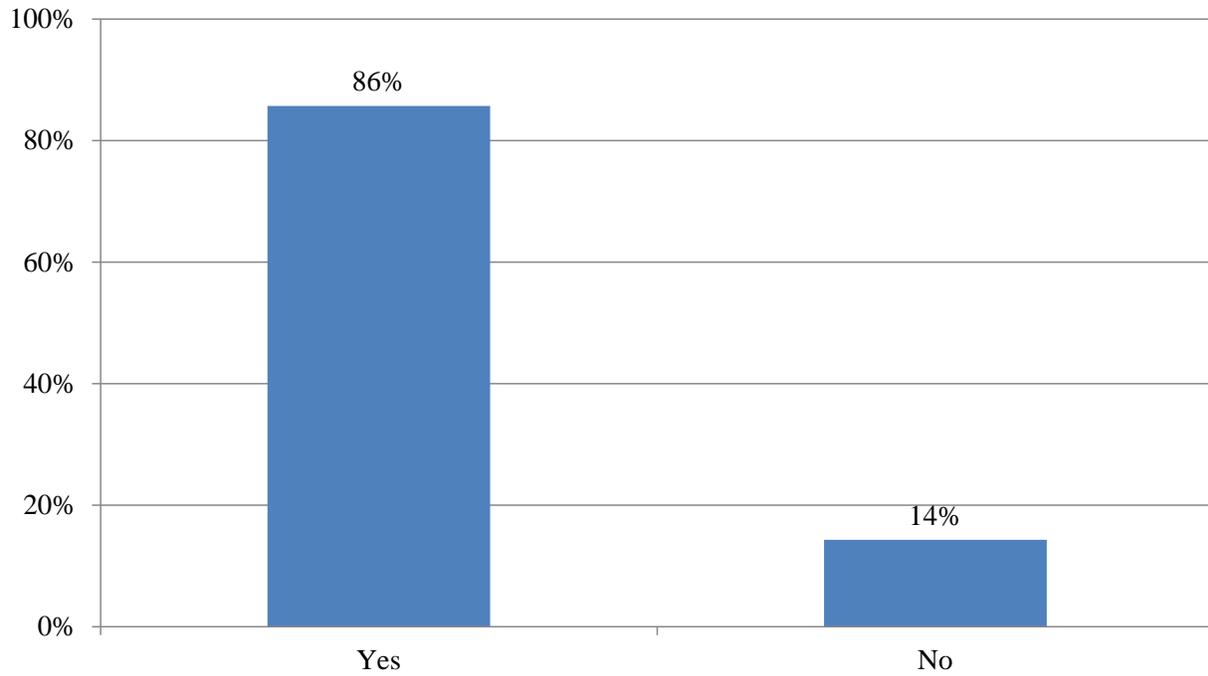
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

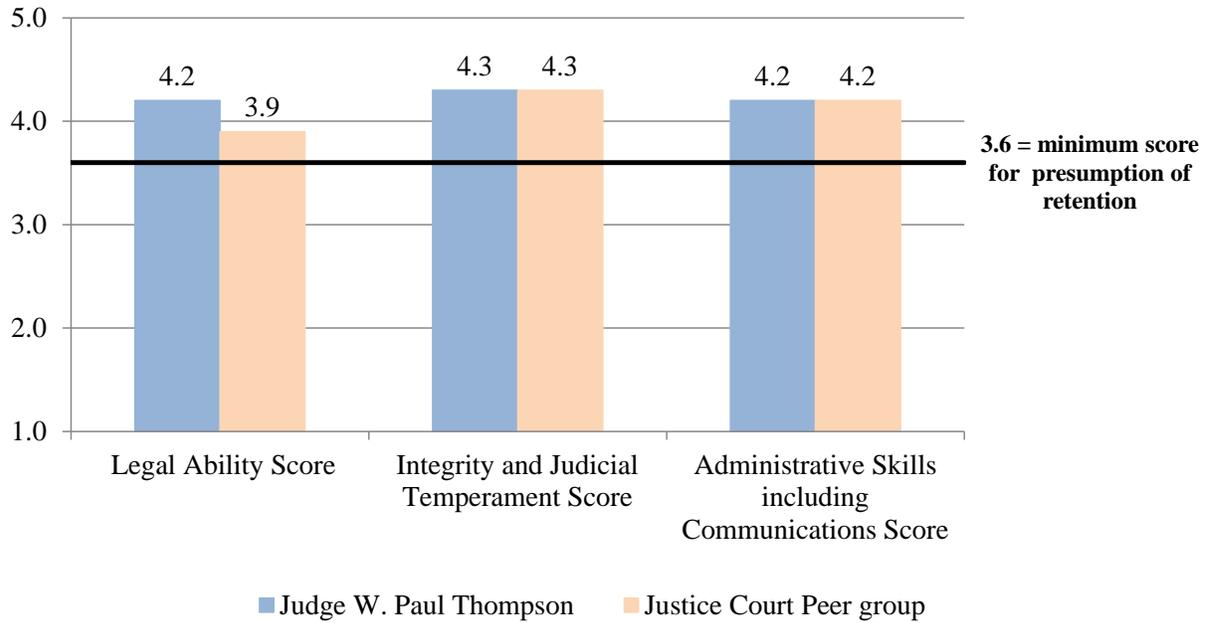
B. Retention Question

Figure A. Would you recommend that Judge W. Paul Thompson be retained?



C. Statutory Category Scores

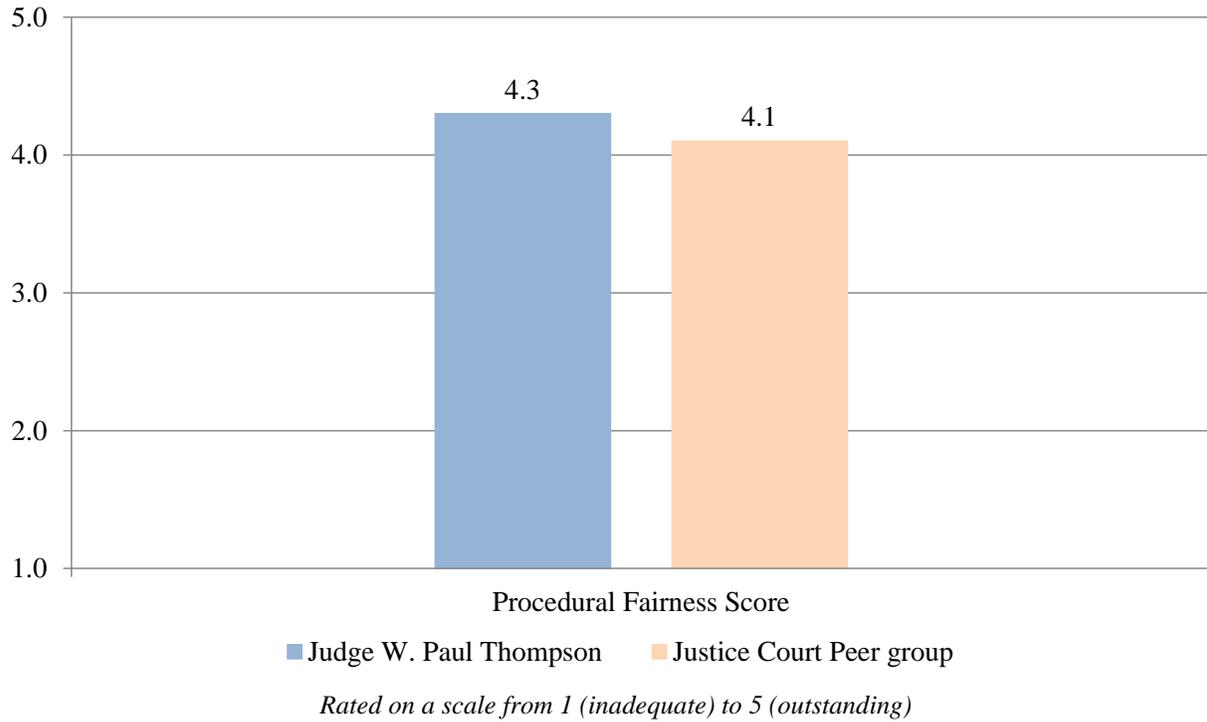
Figure B. Statutory Category Scores



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 W. Paul Thompson
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

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

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

Table C. Responses to Survey Questions (continued)

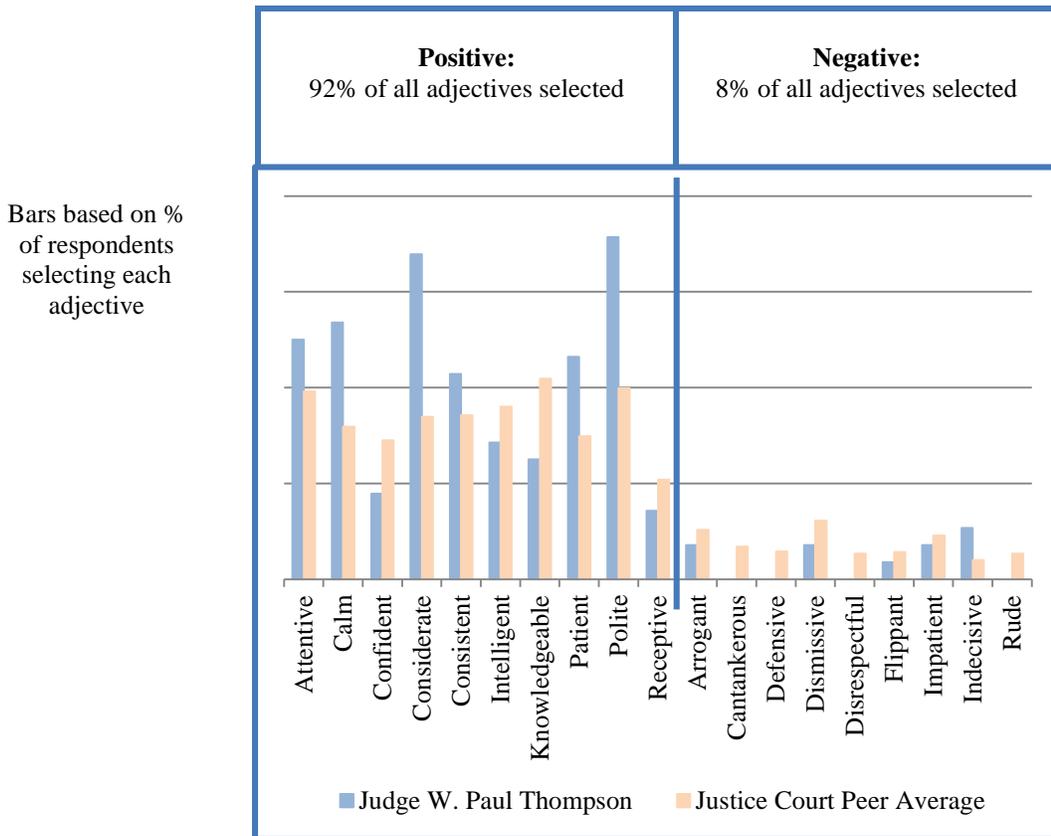
Category	Question	Judge W. Paul Thompson	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.2	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.4	4.1
Administrative Skills	The judge is an effective manager.	4.2	4.1
Administrative Skills	The judge convenes court without undue delay.	3.7	4.1
Administrative Skills	The judge rules in a timely fashion.	4.3	4.3
Administrative Skills	The judge maintains diligent work habits.	4.1	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.	4.4	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.	4.4	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	-
Domestic	17%
Criminal	83%
Civil	26%
Other	4%

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

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

5 or fewer	35%
6 - 10	13%
11 - 15	26%
16 - 20	-
More than 20	26%

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 W. PAUL THOMPSON

Five observers wrote 118 codable units that were relevant to 14 of the 15 criteria. Three observers reported that the judge was not aware that JPEC observers were present, and two did not know if the judge was aware.

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none">• All observers were positive about Judge Thompson. Additionally, Observer A expressed reservations in some areas (see “Minority observations” and “Anomalous comments”).• All observers reported that they would feel comfortable appearing before Judge Thompson.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• All observers variously reported that Judge Thompson truly listened carefully, was well prepared, and skillfully applied the law. He leaned forward with strong eye contact, smiled, and spoke in a calm, patient voice. He consistently encouraged defendants to express themselves, he listened, he was patient and persistent in asking questions, and he was skilled in finding out the full story. He fully explained the proceedings, his decisions, and the reasons for sentences, and he used easy to understand language.• Four observers particularly emphasized Judge Thompson’s welcoming, friendly and happy persona, his courteous greetings, and his praise and congratulations to defendants making progress. He did not just go through the motions to appear concerned, but cared about defendants and took their best interests into account, accommodating their needs when justifiable. Even though defendants viewed a video explaining their rights, he explained the information again in a personal manner and repeatedly emphasized that defendants should ask him questions if there was any misunderstanding about their rights.
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• Observer A and one other observer reported that the proceedings did not start on time and that the participants who had arrived on time were owed the same courtesy from the judge. In marked contrast to the other observers, Observer A wondered if the delays were because Judge Thompson was not fully prepared (see “Well-prepared & efficient” and “Respect for others’ time”).
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• Three observers variously reported that Judge Thompson was consistent and took extended time and gave careful consideration to every defendant. In stark contrast, Observer A was bothered that the judge rushed through and abruptly concluded some cases, while listening patiently and giving more time to others. Observer A wondered if this was due to the different types of cases (see “Consistent and equal treatment” and “Unhurried and careful”).• Observer A reported that although Judge Thompson thoroughly explained information and asked defendants if they understood by saying “Okay?” in some cases he continued on to the next case without pausing to find out if they actually did understand (see “Ensures information understood”).• Observer A reported that it was at times hard to hear Judge Thompson due to his soft-spoken voice, especially when he looked down while talking or when he covered his mouth with his hand. Another observer suggested that microphones be used due to the unfavorable acoustics in the courtroom (see “Voice quality” and “Courtroom tone & atmosphere”).

Summary and *exemplar language* of five observers’ comments

<i>RESPECT</i>	
Listening & focus	Four observers reported that Judge Thompson <i>truly listened carefully</i> to each participant, which was <i>apparent</i> from his <i>expression</i> and <i>follow-up responses</i> .

Well-prepared & efficient	<p>Three observers reported that court <i>moved smoothly and quickly</i>. Judge Thompson was <i>well prepared</i> he had <i>obviously reviewed the cases</i>, and <i>did not simply rely on his clerks' reading of records</i> or need an <i>exceptional</i> amount of research. He <i>skillfully applied the law to each case</i>, and defendants <i>seemed to be satisfied</i>, often <i>thanking the judge at the conclusion of their cases</i>.</p> <p>In stark contrast, Observer A reported that the <i>proceedings did not start on time, possibly because the judge was not properly prepared to hear the cases, since he shuffled papers a lot with long pauses followed by numerous inquiries to the clerk regarding the status of cases</i>. However, once the hearings began, they <i>proceeded without interruptions in an orderly, efficient manner</i>.</p>
Respect for others' time	<p>One observer reported that Judge Thompson had a true concern for others' time and was willing to work with other calendars and schedules when cases involved multiple jurisdictions. He even apologized when he lost power to his computer.</p> <p>Observer A and one other observer noted the <i>delayed start of court</i> of approximately 45 minutes <i>without an explanation or apology</i>, and they felt that participants who <i>had made an effort to be in court on time</i> were <i>owed the same courtesy</i> from the judge, as well as <i>not having their anxiety intensified</i> by long delays. Observer A heard a prosecutor say, "<i>Am I the only one bored here?</i>" and the other observer <i>heard defendants complain to others of waiting up to an hour or more</i>.</p>
Courtesy, politeness, and general demeanor	<p>Three observers reported that Judge Thompson <i>opened with a courteous greeting</i> whether defendants appeared in <i>sweatpants, jail attire or a suit, saying, "Good morning Mr. X, how are you?"</i> and he <i>carefully explained the reason for their hearing</i>. He <i>dismissed participants with a "Thank you very much,"</i> and also <i>thanked the officers who transported inmates</i>. He <i>praised individuals who had made progress in completing community service hours and congratulated them for getting jobs, completing treatment programs, and paying court-ordered fines</i>, saying with <i>sincere empathy, "I appreciate that you are getting those things done,"</i> which impressed one observer who had only <i>previously seen this concern in Drug Court</i>. He was <i>never angry, frustrated, or confrontational</i>, but maintained a <i>conversational tone and interested demeanor</i>, and in a <i>couple of instances created a lighter mood by making humorous comments</i>. He was <i>very welcoming, friendly, and warm</i>, and <i>seemed to enjoy his duties</i>. He <i>smiled a lot after almost every statement, generated a "happy" persona</i>, and was <i>just pleasant toward the person before him</i>.</p>
Body language	<p>Two observers reported that Judge Thompson <i>leaned forward making strong eye contact</i> when <i>asking questions for clarification</i>. He <i>maintained a pleasant, warm facial expression and periodically smiled</i>.</p>
Voice quality	<p>Two observers reported that Judge Thompson <i>consistently spoke in a calm, patient and unemotional voice</i>. However, Observer A reported that while the speed of Judge Thompson's speech was <i>easy to keep up</i>, his <i>soft-spoken voice that was not effectively projected</i>, his <i>mumbled articulation when looking down at paperwork while talking</i>, and at times his <i>covering of his mouth with one hand when he spoke</i> made it <i>hard to hear what he was saying, even near the front of the courtroom</i> where the observer was sitting.</p>
Courtroom tone & atmosphere	<p>Two observers reported that a pre-recording explaining defendants' rights was played <i>approximately every 30 minutes</i>, which combined with the <i>acoustics in the courtroom which accentuated every little noise or conversation</i> made it <i>difficult to hear the judge or defendants</i>. One observer suggested that <i>microphones to project the participant's voices need to be used</i>.</p>

NEUTRALITY

Consistent and equal treatment	<p>One observer reported that Judge Thompson was <i>consistent</i>, and his <i>questions and comments did not show a bias or opinion regarding the situation</i>.</p> <p>In stark contrast, Observer A was <i>slightly bothered</i> by Judge Thompson's inconsistency in <i>seeming to rush through some cases by abruptly concluding proceedings and hastily moving to the next case without giving the parties eye-contact or time to fully present their case or respond to his questions</i>, while <i>listening patiently and giving more time for other defendants to explain their situations and make comments and ask additional questions</i>. Observer A wondered if it was because the judge <i>didn't see a need to devote as much of his time to defendants only there for an arraignment</i>, but he gave other defendants <i>who were there for review hearings more attention</i>.</p>
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Demonstrates concern for individual needs	Four observers reported that Judge Thompson did not just “ <i>go through the motions</i> ” to appear concerned, but cared about the <i>personal lives of the defendants and wanted to get them the help they needed</i> . His judgements <i>took the best interests of the parties into account</i> , and he went out of his way to <i>accommodate the needs of defendants when justifiable</i> , setting <i>manageable payment schedules</i> which considered each defendant’s costs of living. He <i>consistently broke payments into small amounts that could be paid within a year</i> , saying “ <i>Fine \$700. Get started a month from today, pay \$70 a month and you will get it completed in a year. OK? If you cannot pay the fine or have difficulties paying the fine, let the court know,</i> ” yet making clear the consequences of failure to pay their fines, saying, “ <i>The plea in abeyance would be revoked and the warrant recalled.</i> ”
Unhurried and careful	Three observers reported that Judge Thompson <i>took time and careful consideration</i> when sentencing, taking <i>extended time to clarify charges and ask questions</i> of confused defendants who were <i>unclear about charges against them</i> . Despite a very full calendar he never hurried or worked with a script, but <i>allowed the fifteenth person as much time to offer their story as the first.</i>

VOICE

Considered voice	All observers reported that Judge Thompson <i>encouraged defendants to take part in their case, consistently allowing them to express their version of events and the reasons for their actions</i> . His <i>concerned and non-confrontational manner</i> demonstrated it was “ <i>safe</i> ” for defendants to <i>express themselves</i> . The <i>feeling of being listened to was obvious to all</i> . He <i>asked many questions</i> to allow defendants to <i>clarify or augment their testimony</i> , and he was <i>skilled in finding out the full story</i> before making his decisions. He was <i>very patient</i> with one defendant who denied his charges, saying “ <i>it wasn’t him,</i> ” but the judge <i>persisted with questions and provided time for the man to think until he was aware the judge had heard his “perspective” and eventually agreed it was him.</i>
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COMMUNICATION

Communicates clearly	One observer reported that <i>when a party asked for more clarification</i> , Judge Thompson <i>spelled out the order decisively using easy to understand language and terminology.</i>
Ensures information understood	Four observers reported that even though an <i>oft repeated video was shown in English and Spanish explaining legal terms and rights</i> , Judge Thompson <i>explained the information again</i> which made it <i>a bit more personal</i> , and he <i>reiterated that further explanation was available</i> and that they were <i>to ask questions to ensure there were no misunderstandings about their rights</i> , and added, “ <i>I’m interrupting the video ... If you have any questions, feel free to ask when you come forward.</i> ” Observer A reported that Judge Thompson <i>repeated each defendants’ charges</i> and asked <i>if they knew what rights they would be giving up with their plea</i> . After <i>thoroughly explaining the sentencing guidelines or the full impact of his ruling</i> , he asked <i>if they understood the information</i> , saying, “ <i>Do you have any other questions?</i> ” or, “ <i>Okay?</i> ” However, Observer A noted instances when the judge <i>continued onto the next case without pausing momentarily after his “Okay?” question or asking if they actually understood his rulings or what he had instructed them about</i> , and Observer A <i>felt the judge sometimes assumed that the defendants always comprehended.</i>
Provides adequate explanations	All observers reported that Judge Thompson <i>fully explained the meanings of different pleas, probation requirements, applicable statutes, and sentencing criteria</i> . He <i>explained his decisions and the reason for sentences</i> . He <i>clearly explained the reason for a mandatory fine when a defendant expressed frustration over the cost of a citation</i> , and he <i>patiently clarified his ruling each time an incarcerated defendant repeatedly asked, “Do I get credit for the time already served?”</i> He explained that a defendant’s license was <i>suspended due to her failure to appear, and directed her to the clerk for instructions on re-instituting the license.</i>