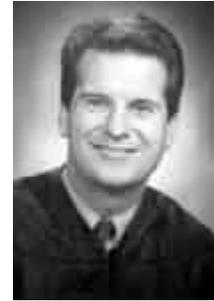


Narrative Overview

Honorable Charles D. Behrens Jr. – Juvenile Court Judge

Serving Salt Lake, Tooele and Summit counties



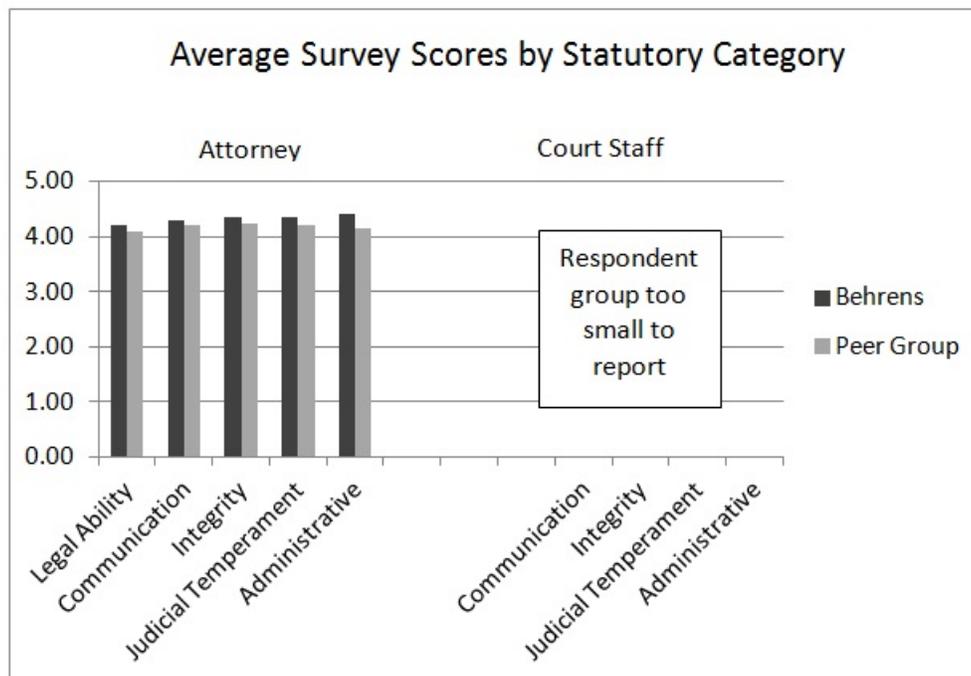
The commission recommends by a vote of 12 – 0
TO RETAIN Judge Behrens

Judge Charles Behrens is an experienced judge, most often characterized by attorneys as knowledgeable, intelligent, and calm. Attorneys scored him above the average of other juvenile court judges in all survey categories. They found him particularly strong in his calendar management and for respecting the time of participants. Of the 32 attorneys who answered the retention question, 29 (91%) recommended that Judge Behrens be retained. All courtroom observers highlighted the judge's respectful behavior, listening skills, clear explanations and even-handedness; some noted that his demeanor lacked warmth.

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

Judge Charles D. Behrens Jr. was appointed to the Third District Juvenile Court in 1997 by Gov. Michael O. Leavitt. He earned his law degree from Lewis and Clark School of Law in 1982. Judge Behrens served as a deputy in the Salt Lake District Attorney's Office for 10 years, prosecuting crimes against children and drug offenses. He also served as chief deputy of the Juvenile Division of the District Attorney's Office. Judge Behrens, who currently presides over a Family Drug Court, has previously served as Presiding Judge of the Third District Juvenile Court and on the Board of Juvenile Court Judges as well as co-chairing the Utah Judicial Council's Standing Committee on Children and Family Law.

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



Survey Overview

Attorneys and court staff were surveyed about the judge's performance. Survey categories included questions about the judge's legal ability, judicial temperament, integrity, communication skills, and administrative skills. Summarized results for all applicable respondent groups appear below. A judge must score a 3.0 on 80% of the individual questions to pass the minimum performance standard.

A. Attorney Survey Overview:

Total Respondents: 33

1. "Should this judge be retained?" Results:

Response*	Number	Percent of Total
YES	29	91%
NO	3	9%

*1 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	Behrens	Peer Avg.	% of Peer
Legal Ability	4.21	4.09	103%
Communication	4.28	4.20	102%
Integrity	4.34	4.24	102%
Judicial Temperament	4.34	4.21	103%
Administrative	4.42	4.14	107%

3. Average trials before this Judge: 2.77

4. Area of Primary Practice:

Collections: 0 Domestic: 16 Criminal: 13 Civil: 6 Other: 9

B. Court Staff Survey Overview: Respondent group too small to report

Survey Scores

Attorney Survey Scores:

Below are listed: 1) the attorney survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Attorney Questions	Statutory Pass: 3.0	Behrens	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.17	4.05	103%
The judge properly applies the rules of civil procedure.	✓	4.09	4.12	99%
The judge properly applies the rules of criminal procedure.	✓	4.00	4.08	98%
The judge properly applies the rules of evidence.	✓	4.15	4.08	102%
The judge's sentencing fits the offenses.	✓	4.17	4.02	104%
The judge makes appropriate findings of facts.	✓	4.22	4.15	102%
The judge appropriately applies the laws to the facts.	✓	4.28	4.09	105%
The judge follows legal precedent.	✓	4.33	4.15	104%
The judge only considers evidence in the record.	✓	4.30	4.06	106%
The judge's written decisions are clear and logical.	✓	4.37	4.20	104%
The judge's written opinions offer meaningful legal analysis.	✓	4.20	4.11	102%
The judge was fair and impartial.	✓	4.31	4.13	104%
The judge avoids impropriety and the appearance of impropriety.	✓	4.43	4.34	102%
The judge avoids improper ex parte communications.	✓	4.44	4.35	102%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.35	4.21	103%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.17	4.16	100%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.98	4.02	99%
The judge's oral communication while in court is clear and logical.	✓	4.28	4.28	100%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.41	4.23	104%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.37	4.01	109%
The judge is prepared for argument and hearings.	✓	4.44	4.36	102%
The judge treats all attorneys with equal courtesy and respect.	✓	4.35	4.22	103%
The judge rules in a timely manner.	✓	4.43	4.41	101%
The judge realistically manages his or her calendar.	✓	4.42	3.98	111%
The judge convened court without undue delay.	✓	4.41	4.03	109%
The judge provides the parties due process; namely, advance notice of issues to be heard an adequate opportunity to prepare and a meaningful opportunity to be heard.	✓	4.29	4.21	102%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.60	4.46	103%

Adjective Summary

Survey respondents were asked to select adjectives that best described the judge. Results are shown from each respondent group. The adjectives highlighted in green are “positive” adjectives, while those in red are “negative.”

C. Behrens	
Attorney	
Attentive	13
Calm	20
Confident	7
Considerate	15
Consistent	13
Intelligent	18
Knowledgeable	19
Patient	12
Polite	14
Receptive	10
Arrogant	0
Cantankerous	1
Defensive	0
Dismissive	1
Disrespectful	0
Flippant	0
Impatient	6
Indecisive	0
Rude	0

Positive	141
Negative	8
Positive	95%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE CHARLES BEHRENS

Five observers wrote 75 codable units that were relevant to 14 of the 17 criteria. Four observers reported that the judge was aware that JPEC observers were present (one did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers reported that Judge Behrens exhibited respectful behavior to individuals, including many examples of acknowledgement, appreciation, and apologies. All observers reported that Judge Behrens listened to all sides and acted even handedly, at the same time acting with care and concern for each individual's different circumstances. All observers reported that Judge Behrens articulately provided clear explanations for his decisions and actions, and ensured all participants understand all proceedings in his court. Three observers reported that they would feel comfortable appearing before Judge Behrens (two did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Different observers reported contradictory experience of Judge Behrens's general demeanor. While some comments indicated that Judge Behrens was congenial and smiled often, a greater number mentioned a lack of warmth, expressiveness, wholehearted praise, encouragement, or enthusiasm for juveniles. While some observers reported that Judge Behrens solicited comments and gave opportunity for participants to voice concerns, one observer was concerned that Judge Behrens rarely asked questions, engaged in discussion, or sought input. One observer noted Judge Behrens's respect for participants' time, whereas another noted a lengthy delay in starting court.
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

<i>Numerical ratings:</i>	<i>Observer 1</i>	<i>Observer 2</i>	<i>Observer 3</i>	<i>Observer 4</i>	<i>Observer 5</i>
Neutrality	4	3.5	4	4	5
Respect	5	4	4	4	5
Ability to earn trust	4	3	4	4	5
Skill at providing voice	3	3	5	4	5

Summary and *exemplar language* of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Two observers reported that Judge Behrens was an <i>intent listener</i> .
Well-prepared & efficient	<p>Three observers reported that Judge Behrens was <i>well prepared for each case with all the materials with him on the bench</i>.</p> <p>One observer thought there was <i>a lot of time between cases</i> while the judge had to <i>wait for attorneys to copy papers or speak to participants</i>, but a state's attorney told the observer this was <i>normal and that Judge Behrens courtroom was one of the most efficient</i>.</p>

Respect for others' time	<p>One observer reported that Judge Behrens took account of participant's schedules when scheduling, for example to ensure work or a teen's graduation was not missed.</p>
	<p>However, another observer noted that all present had to wait 30 minutes outside the courtroom waiting for a person to appear, rather than <i>moving onto the next case instead of delaying all the others who were waiting.</i></p>
Respectful behavior generally	<p>All observers reported that Judge Behrens exhibited respectful behavior, for example expressing his <i>appreciation for a foster family's efforts, thanking a boy for coming to court, readily acknowledging participants' contribution to the safety and success of a child, was particularly solicitous of the stress</i> he assumed a father was under, and treated non English speaking families and parents with respect and care. He often apologized to those inconvenienced by shortcomings of the court, for example for a <i>mix-up for a case needing to be handled in District Court, not Juvenile Court</i>, to a petitioner not advised of an order dismissal, and to a defendant whose request he denied to expunge a record, saying "I want to see a track record as an adult. I'm sorry if this impacts your chance to go into the military."</p>
	<p>While three observers reported that Judge Behrens <i>often offered encouragement and positive feedback and congratulations to juveniles</i>, including <i>wishing a Happy Birthday to a juvenile who would soon be 18</i>, one observer reported in contrast that <i>praise or encouragement is infrequent and muted</i>, giving an example that the response to a father who reported the son's <i>behavior at home had been much better</i> was "He has to get his restitution done", with <i>no recognition of the father's comment or praise for the boy.</i></p>
RESPECTFUL TONE	
Courtroom tone & atmosphere	<p>One observer reported that Judge Behrens has a <i>great demeanor</i>, spoke to all of the defendants in a <i>very congenial way</i>, was supportive and complimentary when warranted and firm as needed, and <i>felt that everybody could sense his compassion.</i></p>
	<p>However two observers criticized Judge Behrens general demeanor. <i>When he entered the courtroom there was no greeting or smile, just "please be seated", and that when the right words are said ("good report", "doing a good job") they sound perfunctory.</i> An emotional man brought in from jail to sign papers giving up his parental rights told the judge he knew it was the right thing to do, but the observer <i>thought the judge could have responded to him in some way.</i> One observer felt <i>one doesn't sense that he has any passion for working with juveniles, proceedings are dry and unemotional, and there is not much warmth or cordiality in his manner.</i> This observer noted that if appearing before Judge Behrens <i>I would be disappointed in his lack of enthusiasm for the task</i>, compared with <i>other juvenile court judges.</i></p>
Body language	<p>While two observers reported that Judge Behrens <i>smiled often</i>, another noted <i>he probably doesn't realize it, but when he is listening to the child he has a quizzical look on his face.</i></p>
Voice quality	<p>Three observers reported that Judge Behrens, <i>wasn't very expressive, conducted the court proceeding with economy of style, could have been more expressive when speaking to the children or young people</i>, and <i>seemed a little exasperated</i> with a mother in drug court, dismissing <i>her repeated concerns about the father's drug use as speculation.</i></p>
	<p>However, one observer reported that Judge Behrens's <i>voice was soft and calm.</i></p>
NEUTRALITY	
Consistent and equal treatment	<p>Four observers reported that Judge Behrens <i>displayed the same rules to all parties</i> and appeared <i>very concerned for each defendant.</i> He <i>listened carefully to both sides for recommendation</i>, was <i>very evenhanded with each case</i> regardless of the <i>age, gender or ethnicity of the juvenile.</i> For example, in acknowledging a DCFS recommendation as "a really good idea" the judge showed <i>concern for the child and equally showed respect for the DCFS representative's recommendation</i>, and in another case asked a young girl if she wanted to move out of state and said to the attorneys he was concerned about all the children in the family and wanted to hear a plan from them.</p>

Acts with concern for individual needs	<p>Three observers offered numerous examples of Judge Behrens taking individual circumstances into account in his rulings, for example the financial hardship to a boy's parents in visiting him at a distant location, and <i>acting in fairness to both the juvenile and the judicial process</i> by deferring a warrant while the probation officer verified school attendance to avoid issuing a warrant on an 11 year-old defendant.</p> <p>Observers described the thoroughness with which Judge Behrens identified individual circumstances, in one case <i>conversing with a defendant and pursuing the exchange until discovering she had been suspended from school</i>, then including in his decision what she would do to change that.</p>
Expresses concern for the individual	<p>One observer reported Judge Behrens concern for individual juveniles, for example he <i>reminded the AG's office to do what was in the best interest of the child</i> whether he was <i>adoptable or not</i>.</p> <p>However, another observer felt that <i>with these children's lives already in peril, I would like to see more genuine care and concern overtly expressed</i>.</p>

VOICE

Considered voice	<p>Three observers reported that Judge Behrens solicited comments from the parents and listened to their plea to keep their son <i>close enough to easily visit</i>, listened carefully to a boy's explanation that he was <i>afraid and only defending himself</i>, solicited recommendations of all participants in a delinquency hearing, giving each participant several opportunities to voice recommendations and concerns, and freely allowed statements by the participants showing an interest in all comments.</p> <p>One observer expressed concern that Judge Behrens <i>rarely asked many questions</i>, seemed to <i>ask for input mostly from attorneys</i>, and after hearing a teen's statement <i>there didn't seem to be any discussion</i>. This observer <i>kept looking for the judge to seek more input</i>, and reported a conversation with a foster mother <i>who turned to me and asked if that was it, that was all? When I said yes, she said, well there should have been more</i>. However, this observer noted that <i>Judge Behrens seemed concerned and didn't rush anyone, he just appeared to feel little need for discussion or input, and other than the foster mom, the participants didn't seem perturbed or eager to speak</i>.</p>
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COMMUNICATION

Communicates clearly	<p>Two observers reported that Judge Behrens is <i>very articulate, communicated well, and clearly explained the rationale behind his decisions</i>.</p>
Ensures information understood	<p>Three observers reported that Judge Behrens made sure everybody <i>understood what was going on and understood what they were agreeing to</i>. He made clear to all parties when they were to return with <i>a written date and time</i>. Judge Behrens gave interpreters from three separate countries <i>time to convey what was taking place</i> so participants would <i>understand the rulings</i>.</p>
Provides adequate explanations	<p>Three observers reported that Judge Behrens clearly explained the rationale behind his decisions and explained his actions thoroughly, for example, <i>when an attorney questioned why a therapist report must be due within three weeks, Judge Behrens stated that by statute he must rule on the petition within thirty days</i>.</p>
