

Honorable Ann Boyden – District Court Judge

Serving Salt Lake, Summit and Tooele counties



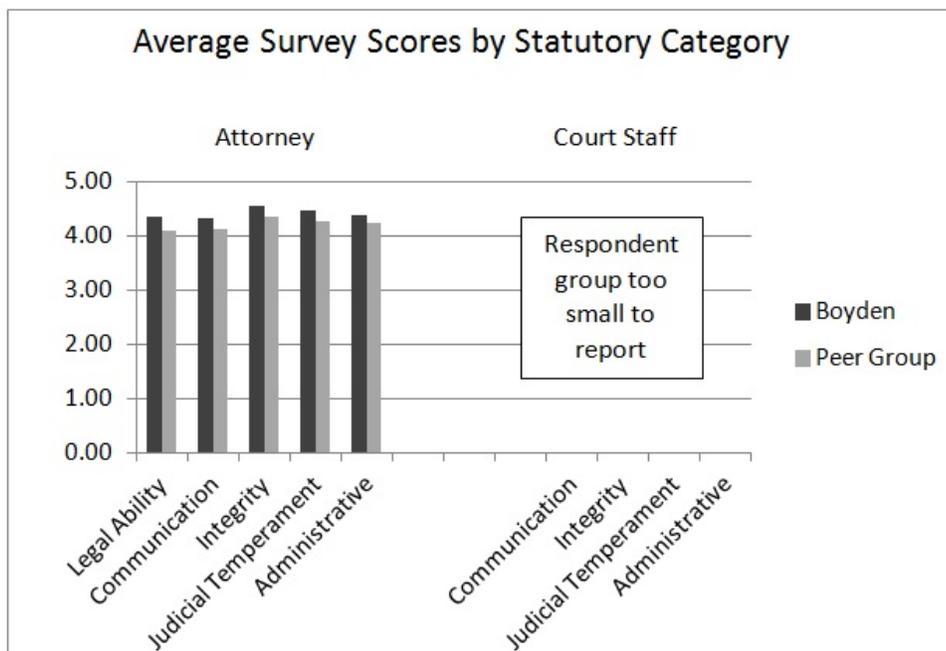
The commission recommends by a vote of 12 – 0
TO RETAIN Judge Ann Boyden

Attorneys described Judge Ann Boyden an outstanding Judge, describing her as patient, considerate, and polite, and uniformly found her to be intelligent and knowledgeable. Ninety-nine per cent of the adjectives that attorneys chose to describe her were positive. Attorneys scored her well above the average of other district court judges on all five survey categories and on every individual survey question. Of the 86 attorneys who responded to the retention question, 83 (98%) recommended that Judge Boyden be retained. Courtroom observers enthusiastically described Judge Boyden’s exemplary qualities, including her thorough explanations and focus on being fully understood, her unwavering respect and courtesy towards all, and her encouragement of parties to express themselves fully.

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

Judge Ann Boyden was appointed to the Third District Court in October 1997 by Gov. Michael O. Leavitt. Judge Boyden received an undergraduate degree, a Master's degree in Education, and a Juris Doctor from the University of Utah. For the ten years prior to her appointment, she served as a deputy district attorney for Salt Lake County. She has served on the Council for Special Education for the SLC School District, and the Advisory Boards for both the Salt Lake County and Utah State Children’s Justice Centers. She also served on the first Utah Supreme Court's Advisory Committee on Professionalism. Currently, Judge Boyden primarily handles criminal felony cases. Additionally, she serves in the Third District's pilot Early Case Resolution calendar.

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



Survey Overview

Attorneys, court staff and jurors 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: 88

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	83	97%
NO	3	3%

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

2. Statutory Category Scores:

Attorney	Boyden	Peer Avg	% of Peer
Legal Ability	4.35	4.11	106%
Communication	4.33	4.13	105%
Integrity	4.56	4.35	105%
Judicial Temperament	4.47	4.27	105%
Administrative	4.38	4.24	103%

3. Average trials before this Judge: 2.95

4. Area of primary practice:

Collections: 1 Domestic: 90 Criminal: 14 Civil: 14 Other: 6

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

C. Juror 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 Question	Statutory Pass: 3.0	Boyden	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.32	4.01	108%
The judge properly applies the rules of civil procedure.	✓	4.22	4.14	102%
The judge properly applies the rules of criminal procedure.	✓	4.38	4.14	106%
The judge properly applies the rules of evidence.	✓	4.41	4.12	107%
The judge's sentencing fits the offenses.	✓	4.29	4.01	107%
The judge makes appropriate findings of facts.	✓	4.37	4.07	107%
The judge appropriately applies the laws to the facts.	✓	4.37	4.06	108%
The judge follows legal precedent.	✓	4.36	4.12	106%
The judge only considers evidence in the record.	✓	4.35	4.08	107%
The judge's written decisions are clear and logical.	✓	4.33	4.09	106%
The judge's written opinions offer meaningful legal analysis.	✓	4.29	4.06	106%
The judge was fair and impartial.	✓	4.43	4.21	105%
The judge avoids impropriety and the appearance of impropriety.	✓	4.59	4.41	104%
The judge avoids improper ex parte communications.	✓	4.58	4.49	102%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.65	4.36	107%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.55	4.26	107%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.98	3.97	100%
The judge's oral communication while in court is clear and logical.	✓	4.36	4.26	102%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.51	4.29	105%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.40	4.15	106%
The judge is prepared for argument and hearings.	✓	4.50	4.29	105%
The judge treats all attorneys with equal courtesy and respect.	✓	4.61	4.39	105%
The judge rules in a timely manner.	✓	4.48	4.24	106%
The judge realistically manages his or her calendar.	✓	4.30	4.20	102%
The judge convened court without undue delay.	✓	4.36	4.28	102%
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.	✓	4.51	4.32	104%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.59	4.48	102%

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.”

A. Boyden	
Attorney	
Attentive	42
Calm	44
Confident	25
Considerate	57
Consistent	28
Intelligent	44
Knowledgeable	47
Patient	58
Polite	52
Receptive	30
Arrogant	1
Cantankerous	0
Defensive	1
Dismissive	1
Disrespectful	1
Flippant	0
Impatient	2
Indecisive	0
Rude	0

Positive	427
Negative	6
Positive	99%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE ANN BOYDEN

Six observers wrote 116 codable units that were relevant to 16 of the 17 criteria. Two observers reported that the judge was aware that JPEC observers were present and two believed the judge was unaware (two did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers enthusiastically described Judge Boyden’s exemplary qualities in several areas: her active encouragement of all parties to express themselves fully, her thorough explanation of all proceedings and rulings and her concern that these were clearly understood, and her unwavering respectful and courteous treatment of all participants. However most observers also expressed ambivalence regarding courtroom tone. While four observers extolled Judge Boyden’s positive, pleasant, engaged, and authoritative general demeanor as a “definite asset to Utah Courts” five observers were also quite concerned with the informality and disrespectful decorum permitted in the courtroom. Five of the six observers reported that Judge Boyden acted consistently with all parties while also taking account of and expressing concern for many individual circumstances. All observers reported that they would feel comfortable appearing before Judge Boyden.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
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>	<i>Observer 6</i>
Neutrality	5	5	4	4	5	5
Respect	4	5	5	3	5	4
Ability to earn trust	4	5	4	3	5	4
Skill at providing voice	3	5	5	4	5	5

Summary and *exemplar language* of six observers’ comments

RESPECTFUL BEHAVIORS

Listening & focus	Three observers reported that Judge Boyden <i>listened intently</i> with her <i>total attention focused on each defendant</i> , and proceeded without being <i>distracted by other things going on in the courtroom</i> .
Well-prepared & efficient	All observers reported that Judge Boyden was <i>well prepared with more than just a passing familiarity</i> with each case, <i>understood the arguments and was in touch with the positions that were being presented</i> , stating that she had fully considered and reviewed all reports “at some length”. The court <i>ran smoothly</i> and the many cases were dispensed with quickly and efficiently.
Respect for others’ time	Two observers reported that Judge Boyden <i>juggled cases around and kept things moving</i> , grouped cases of each attorney together so they could leave, and was able to give people <i>enough time to get things done in a timely manner</i> . She apologized to participants whose hearings were delayed. One observer noted Judge Boyden appear in the courtroom 25 minutes late without explanation, whereas another observer noted that Judge Boyden explained a 30 minute delay <i>by stating that the attorneys needed to confer with their clients and that this is the usual procedure</i> .

Respectful behavior generally	<p>Five observers reported that Judge Boyden always behaved with great respect, listening to each case <i>as if it were the most important of the day</i>, explaining rights <i>as if for the first time</i>, and expressing appreciation and thanks, for example by <i>commending a defendant for showing up when no one from the AG's office was present</i>, and by <i>complimenting both sides and appreciating the work that both had done</i>.</p> <p>One observer drew attention to a case in which a mother was hoping to speak on her son's behalf but could not be permitted to do so. Judge Boyden did not let her speak but behaved with utmost respect by <i>acknowledging her and gently explaining why the charges couldn't be dropped</i>.</p>
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RESPECTFUL TONE

Courtesy, politeness and patience	<p>Five observers reported that Judge Boyden was unwavering in treating everyone with courtesy, dignity, and respect. She approached each defendant with a thoughtful greeting and full attention, and addressed all defendants as Mr./Ms. consistently. Judge Boyden patiently waited while several attorneys searched for needed documents.</p>
Courtroom tone & atmosphere	<p>Four observers reported very positively about Judge Boyden's general demeanor and tone, but very negatively about the courtroom atmosphere.</p> <p>Regarding general demeanor, Judge Boyden was described as <i>a very strong judge and a definite asset to Utah Courts</i>. She takes her role <i>very seriously and performs her duties in an exceptional manner</i>. She has a <i>positive, energetic persona</i>, was <i>pleasant, relaxed and patient</i>, and displayed some <i>light humor, often directed at herself</i>. Her <i>impressive manner was forthright and direct, accommodating and yet authoritative, and confident, knowledgeable, and yet easy-going</i>.</p> <p>However, one observer felt Judge Boyden <i>a bit "chatty" at times</i>, and was concerned that <i>humor and off hand comments may not be well accepted by a person facing the worst day of their life</i>.</p> <p>Regarding courtroom atmosphere, five observers noted the disrespectful decorum that <i>could take away from a defendant's voice during their "day in court" ... Judge Boyden definitely needs to take a look at this situation</i>. Examples include an observer <i>somewhat chagrined that the judge had to shout to make herself heard, a young women with her feet up on the top of the back of the seat the observer was sitting on, city/defense attorneys chatting among themselves and laughing, joking, flirting, and being annoying</i>. One observer reported that <i>5 or 6 times the bailiff and clerk appeared to be looking at text messages or e-mails, and snickering and nodding</i>.</p>
Body language	<p>Four observers reported that Judge Boyden had <i>exceptionally good eye contact, a sympathetic look on her face while listening, and turned her body and leaned forward in her chair to focus on each defendant</i>. She had <i>lots of smiles</i> for all participants, and was <i>serious when appropriate</i>.</p> <p>However, two observers commented on Judge Boyden's informality, for example <i>playing with her hair while thinking, smiling when delivering a very serious message when a neutral demeanor would have been more effective</i>, and on one occasion Judge Boyden <i>wore casual clothes and was not wearing a robe</i>, and this observer preferred the <i>dignity and respect that the robe demands</i>.</p>
Voice quality	<p>One observer reported that Judge Boyden had <i>a great deal of expression</i> when reading rights.</p>

NEUTRALITY

Consistent and equal treatment	<p>Five observers reported that Judge Boyden consistently maintained the same demeanor and adhered to the same standards in severe cases such as <i>sexual abuse of a child</i> as in <i>lesser offenses</i> such as <i>theft</i>. She often indicated that she had <i>considered the prosecutors arguments as well as the defense before reaching a decision</i>.</p> <p>While she was generally without personal prejudice, one observer did not understand why Judge Boyden would <i>particularly ... not tolerate news of alcohol use ... and why she considered breaking this parole directive worse than any other</i>.</p>
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Acts with concern for individual needs	Three observers reported that Judge Boyden was flexible in adjusting penalties in light of individual circumstances. Examples included modifying <i>evaluation and treatment deadlines</i> for a defendant <i>who had just started a new job</i> , adjusting a payment deadline based on time needed to complete payment, adjusting an early morning hearing time for a defendant living in another county, and <i>trading fines to be paid with community service hours to fit the needs of the person</i> .
Expresses concern for the individual	Three observers reported that Judge Boyden is <i>sincerely concerned for persons in the justice system</i> . For a defendant determined <i>not competent</i> she said, <i>"I want to make sure he is not being held in jail on my case"</i> , and for another <i>"He is not to be released until there is space available in the Rescue Mission Program."</i> One observer felt her <i>focus and concern demonstrated for each defendant was fairly unique</i> .
Unhurried and careful	Two observers reported that <i>though Judge Boyden's docket was overloaded</i> , the most impressive part of her demeanor was that <i>she did not rush or give "short shrift" to any defendant, and truly offered people "their day in court"</i> . She was <i>very careful to make sure everything was exact and correct in the records</i> , and this observer <i>appreciated her concern and attention to detail</i> .

VOICE

Considered voice	All observers enthusiastically and voluminously reported that Judge Boyden <i>not only allowed but encouraged ... all participants the opportunity to express themselves, ... without fail asked the defendants if they wished to speak</i> . She always asked for input: <i>"What can I do for you?"</i> , <i>"Is there anything anyone wants me to know?"</i> She provided <i>ample opportunity for all to speak freely and seemed very concerned about giving people all the time they needed</i> . In the case of the mother acknowledged by Judge Boyden but who could not be permitted to speak, the observer approvingly noted that the woman was given <i>"voice" without speaking</i> .
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COMMUNICATION

Communicates clearly	Four observers reported that Judge Boyden used <i>clear, easily understandable language, excellent enunciation</i> , and <i>very clearly explained her rulings and the judicial process</i> .
Ensures information understood	All observers enthusiastically reported that Judge Boyden went to exceptional lengths to ensure all parties fully understand the proceedings. She <i>employed a unique technique of giving a running commentary on what is happening in the courtroom</i> which this observer <i>found extremely valuable</i> . She <i>carefully explored whether the parties comprehended what had transpired</i> and often asked <i>if there were any questions</i> , counseled participants to <i>listen carefully</i> , and asked <i>"Do you honestly understand?"</i> She told defendants to always ask questions of their attorneys. She <i>did the best job this observer ever witnessed of reading people their rights ... with a unique approach of explaining that defendants were "offered" benefits but had to "give up" significant benefits</i> . On <i>careful questioning</i> a defendant through a translator understood and reversed his plea.
Provides adequate explanations	All observers reported that Judge Boyden was extremely thorough in fully explaining her rulings and outlining how the rules applied to each case. She was specific about what each person should do next, carefully explaining where and when each defendant was to next appear, and providing directions. Where appropriate she explained procedures, for example when the judge stopped a defendant from speaking she explained <i>she couldn't hear anything that might jeopardize his case</i> . This observer had not heard judges explain this, and <i>liked it when reasons for actions are given</i> .