

Honorable Christine S. Johnson – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties



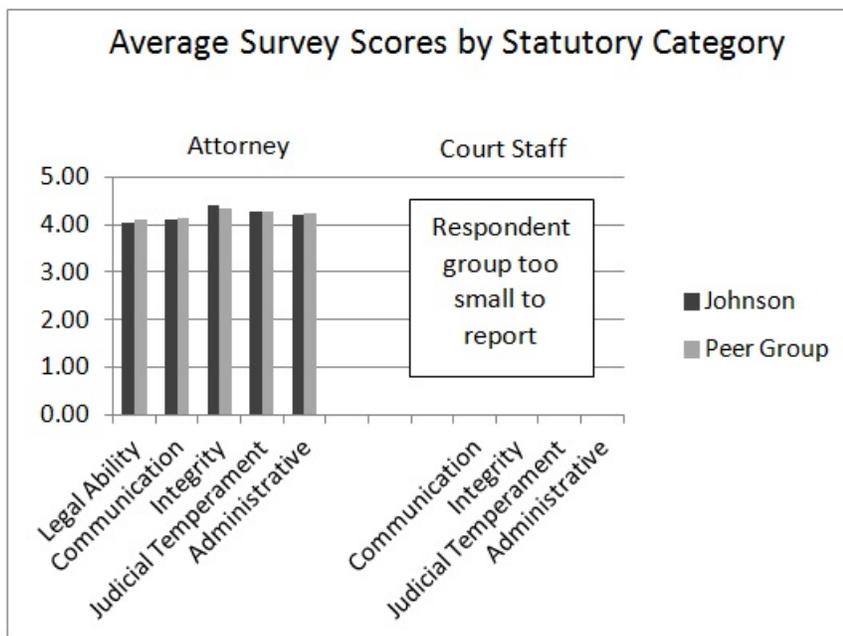
The commission recommends by a vote of 11 - 1
TO RETAIN Judge Christine Johnson

Appointed in 2008, Christine Johnson has been effective in winning over the attorneys who practice before her. When asked to rate her courtroom performance, attorneys most often described Judge Johnson as attentive, intelligent and patient. Ninety-six percent of the adjectives used by the lawyers were positive. When asked if they would vote to retain Judge Johnson, 80 of the 88 attorneys responding (91%) said they would. While attorneys spoke well of Judge Johnson’s strengths, some of the courtroom observers noted issues such as starting court late, recessing abruptly without apology or explanation, and the casual atmosphere in the courtroom. Three of these observers said they would not feel comfortable appearing before Judge Johnson.

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

Judge Christine S. Johnson was appointed to the Fourth District Court in October 2008 by Gov. Jon M. Huntsman, Jr. Judge Johnson received her Juris Doctor from the J. Reuben Clark School of Law at Brigham Young University. She worked as a judicial clerk in the Fourth Judicial District before beginning her practice as a criminal defense attorney at the Utah County Public Defenders Association. She was later employed as the assistant city attorney and city prosecutor at Spanish Fork City. Judge Johnson serves on the Standing Committee on Judicial Branch Education, which oversees the continuing education of judges and court staff in Utah.

This judge has met all 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: 95

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	80	91%
NO	8	9%

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

2. Statutory Category Scores:

Attorney	Johnson	Peer Avg.	% of Peer
Legal Ability	4.05	4.11	99%
Communication	4.12	4.13	100%
Integrity	4.39	4.35	101%
Judicial Temperament	4.25	4.27	100%
Administrative	4.21	4.24	99%

3. Average trials before this judge: 2.34

4. Area of primary practice:

Collections: 15 Domestic: 21 Criminal: 33 Civil: 60 Other: 4

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

C. Juror Survey Overview:

Total Respondents: 10

1. Jurors were not asked whether the judge should be retained.
2. Statutory Category Scores

Juror	Johnson	Peer Avg	% of Peer
Communication	4.48	4.77	94%
Integrity	4.75	4.87	98%
Judicial Temperament	4.73	4.84	98%
Administrative	4.50	4.73	95%

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	Johnson	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	3.94	4.01	98%
The judge properly applies the rules of civil procedure.	✓	4.02	4.14	97%
The judge properly applies the rules of criminal procedure.	✓	4.02	4.14	97%
The judge properly applies the rules of evidence.	✓	4.02	4.12	97%
The judge's sentencing fits the offenses.	✓	4.03	4.01	101%
The judge makes appropriate findings of facts.	✓	4.01	4.07	99%
The judge appropriately applies the laws to the facts.	✓	3.96	4.06	98%
The judge follows legal precedent.	✓	4.05	4.12	98%
The judge only considers evidence in the record.	✓	4.07	4.08	100%
The judge's written decisions are clear and logical.	✓	4.06	4.09	99%
The judge's written opinions offer meaningful legal analysis.	✓	4.06	4.06	100%
The judge was fair and impartial.	✓	4.25	4.21	101%
The judge avoids impropriety and the appearance of impropriety.	✓	4.46	4.41	101%
The judge avoids improper ex parte communications.	✓	4.60	4.49	102%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.42	4.36	102%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.24	4.26	100%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.85	3.97	97%
The judge's oral communication while in court is clear and logical.	✓	4.23	4.26	99%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.29	4.29	100%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.10	4.15	99%
The judge is prepared for argument and hearings.	✓	4.27	4.29	100%
The judge treats all attorneys with equal courtesy and respect.	✓	4.43	4.39	101%
The judge rules in a timely manner.	✓	4.33	4.24	102%
The judge realistically manages his or her calendar.	✓	4.27	4.20	102%
The judge convened court without undue delay.	✓	4.03	4.28	94%
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.	✓	4.32	4.32	100%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.40	4.48	98%

Juror Survey Scores:

Below are listed: 1) the juror 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.

Juror Question	Statutory Pass: 3.0	Johnson	Peer Avg.	% of Peer
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.70	4.85	97%
The judge is prepared for argument and hearings.	✓	4.50	4.80	94%
The judge convened court without undue delay.	✓	4.30	4.65	92%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.80	4.89	98%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.70	4.82	97%
The judge paid attention to the proceedings in the courtroom.	✓	4.80	4.82	100%
When the judge explained to the jury the reasons for his or her decision, I understood.	✓	4.30	4.64	93%
Based on the judge's explanations, I clearly understood my role and responsibility as a juror.	✓	4.70	4.88	96%
The jury instructions from the judge were clear and understandable.	✓	4.60	4.85	95%
Based on the judge's explanations, I understood the evidence I could or could not consider.	✓	4.20	4.68	90%
The judge demonstrated courtesy toward the attorneys, court staff, litigants and others in the court room.	✓	4.70	4.87	97%
The judge made me feel that the court system is fair.	✓	4.50	4.76	94%
The judge took the case seriously.	✓	4.80	4.82	100%
The judge treated the jury with respect.	✓	4.90	4.93	99%
The judge provided recesses (breaks) in the trial that were adequate	✓	4.70	4.81	98%
My experience with the judge helped me understand the role of the jury in the legal system.	✓	4.60	4.79	96%

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. Johnson			
Attorney		Juror	
Attentive	60	Attentive	5
Calm	42	Calm	7
Confident	25	Confident	5
Considerate	44	Considerate	6
Consistent	21	Consistent	5
Intelligent	47	Intelligent	5
Knowledgeable	39	Knowledgeable	8
Patient	46	Patient	7
Polite	42	Polite	4
Receptive	30	Receptive	4
Arrogant	2	Arrogant	0
Cantankerous	0	Cantankerous	0
Defensive	3	Defensive	0
Dismissive	7	Dismissive	0
Disrespectful	1	Disrespectful	0
Flippant	0	Flippant	0
Impatient	2	Impatient	1
Indecisive	3	Indecisive	0
Rude	0	Rude	0

Positive	396	Positive	56
Negative	18	Negative	1
Positive	96%	Positive	98%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE CHRISTINE JOHNSON

Six observers wrote 131 codable units that were relevant to 16 of the 17 criteria. One observer reported that the judge was aware that JPEC observers were present and two reported that the judge was not aware (three did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> • Most criteria garnered ambivalent comments, either with half the observers positive and half negative, or with some observers offering positive and negative comments for the same criteria. Most negative comments were expressed strongly, whereas about half the positive comments were muted. Taking all comments together, the overall impression was negative. • Five observers reported negatively on the casual atmosphere and decorum in court. • Criteria garnering almost equally positive and negative comments included active listening; preparation for cases; courteous, respectful, hurried, and cool manner; attentive body language; consistency in showing respect and neutrality; demonstrating consideration of expressed positions or opinions; and adequately explaining her rulings and other matters. • Three observers reported that they would not feel comfortable appearing before Judge Johnson, and two observers reported they would feel comfortable (one did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> • Four observers were positive in reporting that Judge Johnson accommodated reasonable requests from defendants and offered advice and encouragement. • Three observers reported negatively about late starting without apology and frequent abrupt recesses without explanation.
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> • Two observers proposed several explanations to account for Judge Johnson’s nervous and uncomfortable manner (see “Courtroom tone & atmosphere”).

<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	3	4	4	2	4	4
Respect	3	3	4	2	4	4
Ability to earn trust	3	3.5	4	2	5	3
Skill at providing voice	3	3.5	3	2	5	4

Summary and *exemplar* language of six observers’ comments

RESPECTFUL BEHAVIORS

Listening & focus	Two observers reported that Judge Johnson <i>appeared to listen well</i> , and <i>maintained a watchful and listening composure</i> . However, two observers reported Judge Johnson was <i>not able to actively listen, look at participants or give each defendant 100% of her attention</i> as she was often <i>reading cases files while participants were addressing her</i> .
Well-prepared & efficient	Three observers reported that Judge Johnson <i>appeared prepared</i> , had <i>documents on her desk that she could consult</i> for each case, had <i>clearly studied the cases and given thought to her decisions</i> , and did <i>not spend more than the usual amount of time reviewing files</i> at the bench. In contrast one observer reported that Judge Johnson was <i>not prepared, all too often read through the case file rather than looking at those before her</i> , and that this <i>interfered with doing an acceptable job</i> .

Well-prepared & efficient <i>continued</i>	Two observers reported that Judge Johnson's <i>strength is her organizational skill and ability to adjudicate so many cases so quickly</i> . However in contrast one observer reported that because of the <i>many recesses and attorneys shuffling paperwork, talking to each other, and moving about while the judge was talking, the proceedings seemed rather disorganized</i> .
Respect for others' time	One observer mentioned that Judge Johnson in one instance <i>made an effort to move things along faster</i> by saying "We may want to piggy back this court order onto the other court's." But three observers reported that court started late with no explanation or apology even though <i>all seemed to be present</i> . Shortly after commencing, and again after an hour, 15-minute recesses <i>were called abruptly, during which no one left the courtroom except the judge</i> , on one occasion with no indication to participants when to return.
Respectful behavior generally	Four observers each offered a somewhat muted example of a respectful behavior, for example an apology ("I keep interrupting you Mr.X, I'm sorry") or mentioning that Judge Johnson <i>occasionally smiled at a defendant as she thanked them or wished them "Good Luck"</i> . However three observers noted that <i>salutations were inconsistent</i> , that Judge Johnson <i>called cases by number</i> rather than name, that she sometimes " <i>spoke down</i> " to a defendant, and in one case <i>could have been more sensitive about missing paperwork that kept a defendant in jail</i> .

RESPECTFUL TONE

Courtesy, politeness and patience	Three observers noted that Judge Johnson <i>always greeted each defendant with "Good Morning, Sir"</i> ; was patient in <i>allowing an attorney considerable latitude to express himself as his delivery was halting and unsure</i> ; and <i>twice used humor, perhaps to put people at ease</i> .
Courtroom tone & atmosphere	Two observers reported that Judge Johnson's <i>appeared relaxed but serious with a businesslike demeanor</i> , and <i>cheerfully accepted many requests for continuance</i> . However three reported a <i>rather stiff, business-like manner that was not especially warm or professional, with little personal interaction</i> . One felt Judge Johnson <i>seemed somewhat nervous and uncomfortable until the eighth or ninth defendant, almost never smiled and seemed cool to all</i> . This observer proposed that her <i>demeanor may reflect a desire to appear authoritative, her stiff body language and perfunctory comments may be intended to convey she could not be manipulated</i> , and some of her <i>behaviors may be a result of being a relatively young woman</i> . Another observer wondered whether awareness of the observer's presence <i>frightened her so she appeared nervous in the beginning of the session but less nervous after returning from recess</i> . One observer reported courtroom decorum was <i>acceptable with similar staff chattering as in other courts</i> . However, five noted unfavorably the <i>casual atmosphere with the judge not commenting on the hubbub of activity, such as people talking jovially, a relaxed bailiff eating an apple and who left attorneys to go around and find out who was there, attorneys' calling defendants' names, an interpreter carrying a sign on a clipboard offering his services, and a public defender disengaged with his clients and not paying any attention to what the judge was telling his client</i> . One observer reported the lack of <i>decorum was distracting and prevented her hearing everything the judge said</i> .
Body language	While two observers reported Judge Johnson's <i>good eye contact</i> , three reported that her <i>lack of consistent eye-contact was bothersome and was her weakness</i> . Four reported that her <i>rote and perfunctory manner and detached and non-expressive demeanor demonstrated a lack of real interest or appeared stiff and dismissive</i> . Another noted that <i>putting her hands in front of her face was a distraction that conveyed uncertainty</i> . However one observer felt a <i>slight expression of anger</i> to be appropriate when the judge was justifiably <i>dissatisfied with a defendant's behavior</i> .

NEUTRALITY

Consistent and equal treatment	Three observers reported that Judge Johnson was <i>absolutely consistent when defendants did not show up for appearances</i> , and always <i>listened to and gave equal time to all participants before ruling</i> . However, one observer's <i>greatest concern</i> with Judge Johnson was her <i>inconsistency in showing respect and neutrality towards different defendants</i> .
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Acts with concern for individual needs	Four observers reported that Judge Johnson was <i>willing to accommodate</i> defendants' requests, for example to visit children or <i>wrap up personal affairs</i> before going to jail, or to be released from jail to attend a newly available <i>treatment program</i> .
Expresses concern for the individual	Two observers reported that Judge Johnson offered defendants helpful advice and encouragement in minimizing fines by completing their GED or paying off interest bearing fines sooner, but one observer felt <i>cases seemed to be decided without much connection to the defendants</i> .
Unhurried and careful	One observer reported that before making one ruling the judge <i>spent some time looking at documents and thinking and explained that this put her in a difficult position</i> . But another reported more generally that Judge Johnson <i>appeared rushed on arrival</i> in court, and <i>defendants were rushed through earlier, but not later, in the morning</i> .

VOICE

Considered voice	Four observers reported that Judge Johnson was <i>expansive in allowing all participants the opportunity to explain their positions</i> , and <i>showed she had listened to and understood the stories that were told</i> .
Formal voice	However, two observers were more guarded, one wishing for better demonstration of understanding of expressed opinions, for example by <i>repeating a litigant's argument</i> , and another feeling <i>dialogue was seldom observed or encouraged</i> , for example following a lengthy request for drug rehab rather than jail, the judge <i>proceeded to sentence without comment or question</i> .

COMMUNICATION

Communicates clearly	One observer reported that Judge Johnson used <i>clear language</i> .
Ensures information understood	Three observers reported that Judge Johnson <i>seemed to want to do the right thing</i> by ensuring understanding, saying for example "Write down [the hearing time] so you don't forget" or "Do you understand the charge?" After explaining her rulings she asked for and responded to questions, and gave defendants enough time to understand interpreters and then took the time to ensure they understood what was being decided.
Provides adequate explanations	Five observers reported that Judge Johnson <i>explained the reasoning behind her rulings</i> , sought <i>feedback from interested parties</i> , <i>told the courtroom the maximum penalty, terms of parole, what was expected of defendants and what they should do next</i> . But positive reports were muted, for example <i>usually the judge was careful to tell defendants where to go</i> , or when explaining a multi-part sentence or plea in abeyance, <i>no written document appeared to be prepared at the time</i> . Two observers felt Judge Johnson was <i>not clear about the basis for decisions</i> and did not <i>discuss the rationale for decisions</i> or if there were discussions they were <i>very brief and obscure</i> . One observer had not seen <i>so many defendants agree to go forward without talking to an attorney</i> and did not know <i>if this process had been explained to them before their appearance</i> .
