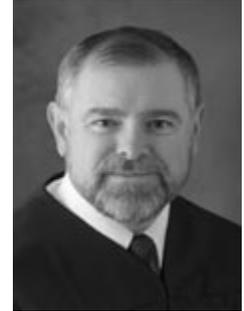


## Narrative Overview

### **Honorable Edwin T. Peterson – District Court Judge**

Serving Daggett, Duchesne and Uintah counties



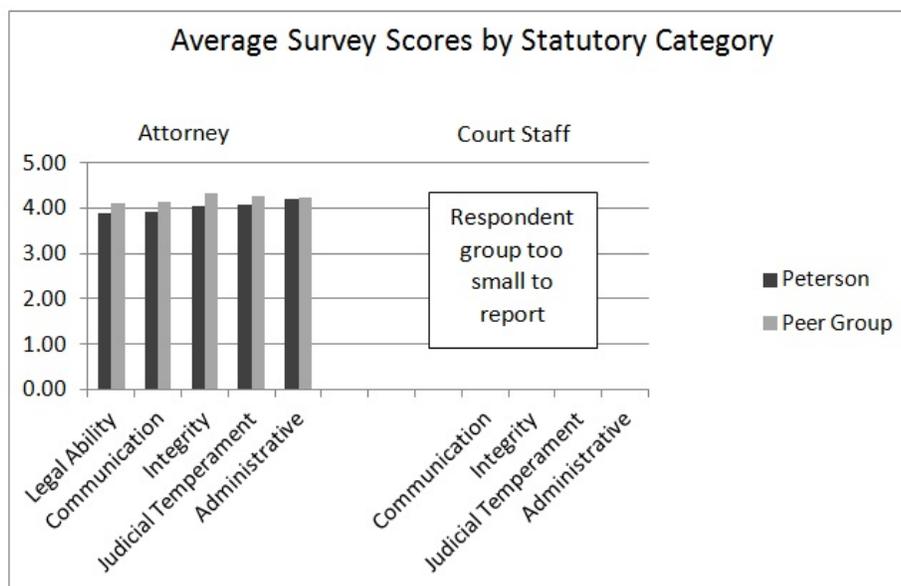
The commission recommends by a vote of 12 – 0  
TO RETAIN Judge Edwin Peterson

Appointed in 2009, Judge Edwin Peterson is a competent judge. Attorneys most frequently described him as intelligent and confident; a minority characterized him as arrogant or impatient. Judge Peterson scored somewhat lower than the average of other district court judges in all survey categories. Of the 59 attorneys who answered the retention question, 50 (85%) recommended that Judge Peterson be retained. All courtroom observers were positive about Judge Peterson, emphasizing his preparedness and efficiency as well as the order and organization of his courtroom. Several observers noted that Judge Peterson was not always clear and that defendants sometimes seemed to misunderstand his decisions. Both attorneys and observers noted that Judge Peterson effectively uses humor to put people at ease and help diffuse difficult situations. Juror surveys were all favorable.

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

Judge Edwin T. Peterson was appointed to the Eighth District Court in September 2009 by Governor Gary R. Herbert and currently serves as the Presiding Judge of the district. Before taking the bench, Judge Peterson served as Deputy Uintah County Attorney, as an Assistant Utah Attorney General in the Child Protection Division, as a Pro Tem District Court Judge in the Third District, and as the Murray City Prosecutor. Prior to that he was in private practice in Salt Lake County, and served 4 years active duty as a Captain in the U.S. Air Force as a Judge Advocate. Judge Peterson received a Juris Doctorate degree from the University of Utah and a Bachelor's degree from Utah State University.

**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: 63

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	50	85%
NO	9	15%

\*4 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	Peterson	Peer Avg	% of Peer
Legal Ability	3.89	4.11	95%
Communication	3.92	4.13	95%
Integrity	4.03	4.35	93%
Judicial Temperament	4.09	4.27	96%
Administrative	4.21	4.24	99%

3. Average trials before this judge: 2.17

4. Area of primary practice:

Collections: 2 Domestic: 24 Criminal: 27 Civil: 36 Other: 3

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

### C. Juror Survey Overview:

Total Respondents: 50

1. Jurors were not asked whether or not a judge should be retained

2. Statutory Category Scores:

Juror	Peterson	Peer Avg.	% of Peer
Communication	4.70	4.77	99%
Integrity	4.73	4.87	97%
Judicial Temperament	4.73	4.84	98%
Administrative	4.66	4.73	98%

## 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	Peterson	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	3.75	4.01	93%
The judge properly applies the rules of civil procedure.	✓	3.85	4.14	93%
The judge properly applies the rules of criminal procedure.	✓	3.79	4.14	92%
The judge properly applies the rules of evidence.	✓	3.81	4.12	92%
The judge's sentencing fits the offenses.	✓	4.08	4.01	102%
The judge makes appropriate findings of facts.	✓	3.86	4.07	95%
The judge appropriately applies the laws to the facts.	✓	3.82	4.06	94%
The judge follows legal precedent.	✓	3.92	4.12	95%
The judge only considers evidence in the record.	✓	3.80	4.08	93%
The judge's written decisions are clear and logical.	✓	3.91	4.09	96%
The judge's written opinions offer meaningful legal analysis.	✓	3.81	4.06	94%
The judge was fair and impartial.	✓	4.01	4.21	95%
The judge avoids impropriety and the appearance of impropriety.	✓	4.04	4.41	92%
The judge avoids improper ex parte communications.	✓	4.09	4.49	91%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.08	4.36	94%
The judge appears to consider both sides of an argument before rendering a decision.	✓	3.95	4.26	93%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.07	3.97	103%
The judge's oral communication while in court is clear and logical.	✓	4.02	4.26	94%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	3.99	4.29	93%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.04	4.15	97%
The judge is prepared for argument and hearings.	✓	4.14	4.29	96%
The judge treats all attorneys with equal courtesy and respect.	✓	4.16	4.39	95%
The judge rules in a timely manner.	✓	4.26	4.24	100%
The judge realistically manages his or her calendar.	✓	4.13	4.20	98%
The judge convened court without undue delay.	✓	4.25	4.28	99%
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.	✓	4.15	4.32	96%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.31	4.48	96%

**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.

<b>Juror Question</b>	<b>Statutory Pass: 3.0</b>	<b>Peterson</b>	<b>Peer Avg.</b>	<b>% of Peer Avg.</b>
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.80	4.85	99%
The judge is prepared for argument and hearings.	✓	4.66	4.80	97%
The judge convened court without undue delay.	✓	4.60	4.65	99%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.66	4.89	95%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.72	4.82	98%
The judge paid attention to the proceedings in the courtroom.	✓	4.78	4.82	99%
When the judge explained to the jury the reasons for his or her decision, I understood.	✓	4.59	4.64	99%
Based on the judge's explanations, I clearly understood my role and responsibility as a juror.	✓	4.80	4.88	98%
The jury instructions from the judge were clear and understandable.	✓	4.82	4.85	99%
Based on the judge's explanations, I understood the evidence I could or could not consider.	✓	4.60	4.68	98%
The judge demonstrated courtesy toward the attorneys, court staff, litigants and others in the court room.	✓	4.66	4.87	96%
The judge made me feel that the court system is fair.	✓	4.66	4.76	98%
The judge took the case seriously.	✓	4.72	4.82	98%
The judge treated the jury with respect.	✓	4.86	4.93	99%
The judge provided recesses (breaks) in the trial that were adequate	✓	4.72	4.81	98%
My experience with the judge helped me understand the role of the jury in the legal system.	✓	4.73	4.79	99%

## Adjective Summary

Respondents were asked to select adjectives that best described the judge. Results are shown from each respondent category. The adjectives highlighted in green are “positive” adjectives and those in red are “negative” adjectives.

<b>E. Peterson</b>			
<b>Attorney</b>		<b>Juror</b>	
Attentive	25	Attentive	24
Calm	20	Calm	20
Confident	31	Confident	18
Considerate	23	Considerate	27
Consistent	11	Consistent	19
Intelligent	33	Intelligent	34
Knowledgeable	24	Knowledgeable	40
Patient	20	Patient	22
Polite	21	Polite	28
Receptive	12	Receptive	12
Arrogant	10	Arrogant	0
Cantankerous	3	Cantankerous	0
Defensive	4	Defensive	0
Dismissive	5	Dismissive	0
Disrespectful	4	Disrespectful	0
Flippant	3	Flippant	0
Impatient	12	Impatient	0
Indecisive	2	Indecisive	0
Rude	1	Rude	0
Positive	220	Positive	244
Negative	44	Negative	0
Positive	83%	Positive	100%

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE EDWIN PETERSON

Five observers wrote 105 codable units that were relevant to 15 of the 17 criteria. Three observers reported that the judge was aware that JPEC observers were present and two reported that the judge was not aware.

### Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers were positive about Judge Peterson, while qualifying their positivity in several areas regarding some consequences of the speed and efficiency of the proceedings.</li> <li>Four observers particularly emphasized Judge Peterson's extreme preparedness and efficiency, and the order and organization in the courtroom.</li> <li>All observers reported that while Judge Peterson encouraged all defendants to express their perspectives and showed concern for their best interests, three observers were concerned that his efforts to explain the proceedings and his decisions were insufficient and were frequently misinterpreted or misunderstood.</li> <li>All observers reported that Judge Peterson was courteous to all, that his serious, strict demeanor and clear, firm speech were usually expressed in respectful terms, and that his body language and eye contact exuded interest in the proceedings.</li> <li>Two observers reported that they would feel comfortable appearing before Judge Peterson, and two reported they would not (one did not comment).</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>Two observers reported that Judge Peterson either explained rights quickly or did not fully inform every defendant of their rights if they had already heard them while waiting in court.</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>None</li> </ul>

Numerical ratings:	Observer 1	Observer 2	Observer 3	Observer 4	Observer 5
Neutrality	5	4	5	4	3
Respect	5	4	4	4	3
Ability to earn trust	4	-	5	4	4
Skill at providing voice	4	4	4	4	4

### Summary and *exemplar language* of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	One observer reported that Judge Peterson was attentive, involved, and engaged at all times.
Well-prepared & efficient	Four observers reported that Judge Peterson was extremely <i>well versed on his cases and more prepared than some of the attorneys</i> . He ran a <i>VERY efficient court</i> with a <i>full schedule</i> that he <i>kept pushing through admirably</i> , assisted by a <i>well organized and efficient courtroom staff</i> .
Respect for others' time	Two observers reported that when Judge Peterson arrived late he explained the reason and apologized, saying he <i>knew how important time was to those in attendance</i> . At other times he <i>thanked those waiting for their patience</i> and heard prisoners' cases first so they could <i>return before dark to state prison</i> . One observer was impressed that he was <i>quick to send out parties who weren't quite ready</i> asking how much <i>time they needed to prepare</i> .

Respectful behavior generally	<p>All observers reported that Judge Peterson was consistent in his use of defendants' <i>name and clarified pronunciation as needed</i>. His firm manner and speech was often expressed in respectful terms, for example when a man asked "Can I talk to you for a minute Judge" he replied "Your case is not up yet" <i>but then did answer briefly and said</i> "I'll talk to you again when your case is up". One observer was <i>impressed that after a long morning Judge Peterson took the time to validate and praise the efforts of a defendant who had taken control of his life and stayed out of trouble</i>, and in another case complimented a defendant who testified against others involved in his crime, saying "You caught a lot of heat for being honest. I admire that".</p> <p>But one observer offered many examples of Judge Peterson's <i>clarity that may have detracted from polite, respectful language</i>, for example "I don't need to hear your story...can you get your driver's license back?" or "I don't care about when you went to a bar...How is this relevant?"</p>
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*RESPECTFUL TONE*

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Courtesy, politeness and patience	<p>Three observers reported that Judge Peterson treated everyone with courtesy, addressing them as "Sir", and greeted everyone with a respectful "Good Morning Mr. X" or "How are you today Mr. X".</p>
Courtroom tone & atmosphere	<p>Four observers reported that Judge Peterson explained his expectations for courtroom etiquette with <i>clarity</i> which <i>set the tone</i> in a court with many <i>disheveled people and oil field workers</i>. He maintained a <i>serious, strict, and straightforward</i> demeanor which one observer described as "<i>impersonal</i>" but in the sense of <i>efficient and impartial</i>. When a defendant facing a <i>severe issue</i> received a <i>grilling</i>, this was <i>not unexpected from Judge Petersen</i>. However, he sometimes used humor to <i>make a point</i>, and one observer described his demeanor as <i>very cheerful and upbeat</i>.</p> <p><i>Control was maintained in a court filled to the brim, with the first two rows reserved for victims.</i></p>
Body language	<p>Three observers reported that Judge Petersen <i>maintained almost constant eye contact</i>, and his voice and body language <i>exuded his interest in the proceedings</i>.</p>

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*NEUTRALITY*

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Consistent and equal treatment	<p>One observer reported that Judge Peterson was <i>reasonably consistent</i>, and expressed concern that not every defendant was informed of rights given up if pleading guilty, but sometimes asked instead if they had already heard this information, saying "Have you heard me talk about rights?"</p>
Acts with concern for individual needs	<p>Three observers reported that Judge Peterson acted in the interests of defendants, allowing a defendant described as a <i>valuable employee to serve time on his days off</i>, and often encouraging or ensuring that substance abusers took advantage of treatment programs. In one case when <i>disappointed and at the end of his rope</i> with a defendant he still tried to get some cooperation, saying "I thought we had a reciprocal agreement...I kept my part – now what about you?"</p>
Expresses concern for the individual	<p>Four observers reported that the <i>overall feeling was that the judge cared about defendants</i>, for example scheduling jail time to allow a defendant to <i>keep his new job</i>, supporting a defendant in doing community service in her new distant location, and showing great concern for a disabled defendant by suggesting resources and offering recommendations in how he might practically fulfill his community service. With defendants who had already gone through drug court Judge Peterson asked "I am trying to do my job better...write down what tools we could have given you in drug court that could have helped you stay clean".</p>
Unhurried and careful	<p>One observer reported that while <i>cases moved quickly</i> and Judge Peterson <i>explained rights quickly to defendants</i> and gave <i>only bare bones time</i> when delays were requested, he was <i>open, sincere, and VERY deliberate in his sentencing and decisions</i>.</p>

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*VOICE*

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Considered voice      All observers reported that Judge Peterson went to repeated lengths to learn defendants' perspectives, saying "Tell me in your own words what happened...I'll listen to anything you have to say", in one case giving a defendant *plenty of time and leeway to get his entire story out*. He was *very adept at soliciting information*, for example when asking "This is your chance to speak to me. What would you like me to know?" He *showed by his responses* that he had listened to information provided, in one case letting the defendant know his information had been *helpful* but when considering all evidence provided *did not justify his fraudulent action*.

But one noted that while Judge Peterson was *almost always most anxious to hear* defendants' *perspectives*, he was then quick...to let defendants "hang themselves" by admitting guilt.

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*COMMUNICATION*

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Communicates clearly      Two observers reported that Judge Peterson's strength was *clarity of speech*, with their examples implying this referred to forthrightness. One suggested *more simple language* to increase clarity.

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Ensures information understood      Two observers reported that Judge Peterson was concerned that defendants understood the proceedings, in one case explaining an agreement *in laymen's terms*, and in another telling a defendant it was assumed he knew Utah law and to review a code section with his attorney.

However three observers felt Judge Peterson's efforts did not ensure sufficient understanding, and his *decisions appeared to be misinterpreted or misunderstood quite frequently*. As he *spoke very quickly* when providing information defendants often *did not really understand what was happening*, and one observer was herself *left in the dark* when the judge *discussed "legal fiction"*.

One felt that sentencing explanations were often unclear and could be *more detailed, more thoroughly elaborated, and repeated*. During sentencing, when the judge asked "Did you follow all that?", the defendant sometimes did not and needed explanation from their attorney at the podium, which for some *may have been intimidating to admit*. In one case an attorney misunderstood a sentence to be 6 months jail; fortunately it *was cleared up* as it was suspended with probation given. One observer reported a defendant *seemed fine* when Judge Peterson tried to explain some "legalese" and finally said "It's a formal thing...like sitting up here in black robes".

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Provides adequate explanations      Four observers reported that Judge Peterson did explain his actions and the proceedings, including specific information about orders and the consequences of not meeting them, and the consequences of different pleadings, *sometimes gently "leading" the accused through the process of the plea*. He clearly explained drug court and why it would not work if *the purpose is to "get out of trouble" rather than get out of drugs*.

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