

Honorable Suchada P. Bazzelle – Juvenile Court Judge

Serving Juab, Millard, Utah, and Wasatch counties



Commission Recommendation: **RETAIN**

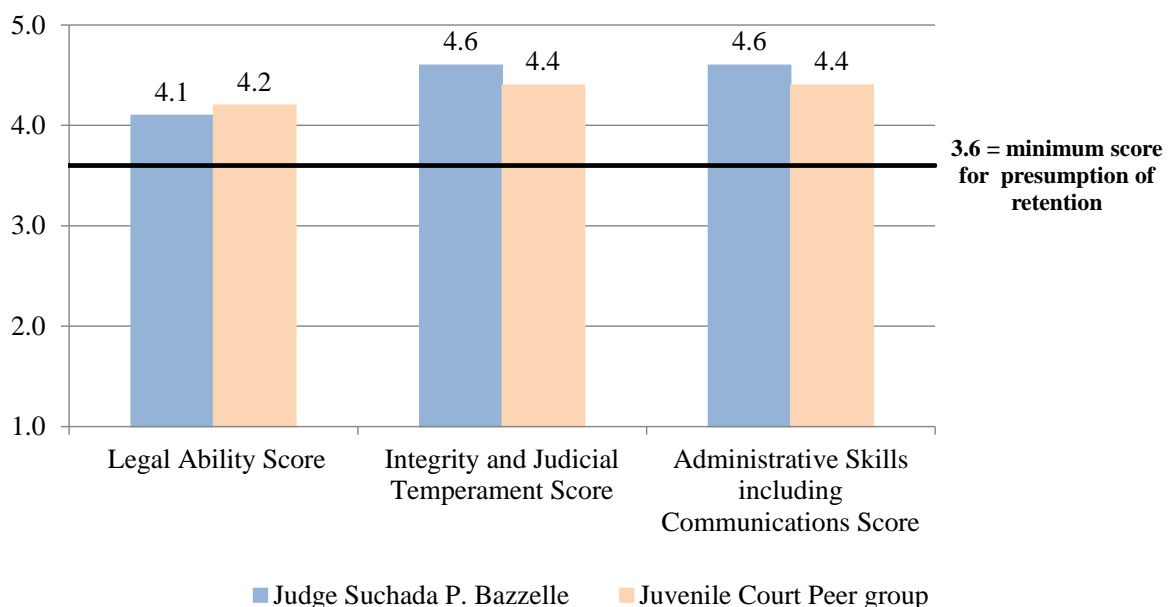
(vote count: 12-0 for retention)

Survey respondents and courtroom observers describe Judge Suchada Bazzelle as an intelligent, confident, and diligent judge, sincerely concerned with the welfare of youth and families appearing in her courtroom. Appointed to the bench in 2007, Judge Bazzelle scores on average with her juvenile court peers in most survey categories, excelling in the category of integrity and judicial temperament. Survey respondents report that Judge Bazzelle holds individuals accountable for their actions, issues well-grounded, thoughtful decisions, and efficiently administers a busy court calendar. They characterize her as empathetic and compassionate but stern when necessary. From a list, survey respondents choose 97% positive adjectives to describe her. All courtroom observers indicate they would feel comfortable appearing before her. Of survey respondents answering the retention question, 93% recommend that Judge Bazzelle be retained.

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

Judge Suchada P. Bazzelle was appointed to the Fourth District Juvenile Court in January 2007 by Governor Jon M. Huntsman, Jr. Judge Bazzelle graduated from the University of Colorado with a degree in journalism and received a law degree from Brigham Young University in 1994. She practiced family law and litigation until 1998 and then served as the Director of Legal Education for Westminster College from 1997-2000. Judge Bazzelle began working as a volunteer Guardian ad Litem in 1997 and joined the Office of the Guardian ad Litem in 2000, where she served until her appointment to the bench. Judge Bazzelle has chaired the Board of Juvenile Court Judges and currently serves as the Presiding Judge of the Fourth District Juvenile Court.

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



The Honorable Suchada P. Bazzelle

Judicial Performance Evaluation Commission Report

Retention 2016

Table of Contents

I. Survey Report

Survey Results	1
A. How to Read the Results	1
B. Retention Question	2
C. Statutory Category Scores	3
D. Procedural Fairness Score	4
E. Responses to Individual Survey Questions	5
F. Adjective Question Summary	7
G. Attorney Demographics	8
Survey Background and Methods	9
A. Survey Overview	9
B. Evaluation Period	10

II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge Suchada P. Bazzelle, 44% of qualified survey respondents submitted surveys. Of those who responded, 82 agreed they had worked with Judge Suchada P. Bazzelle enough to evaluate her performance. This report reflects these 82 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 "Juvenile 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.

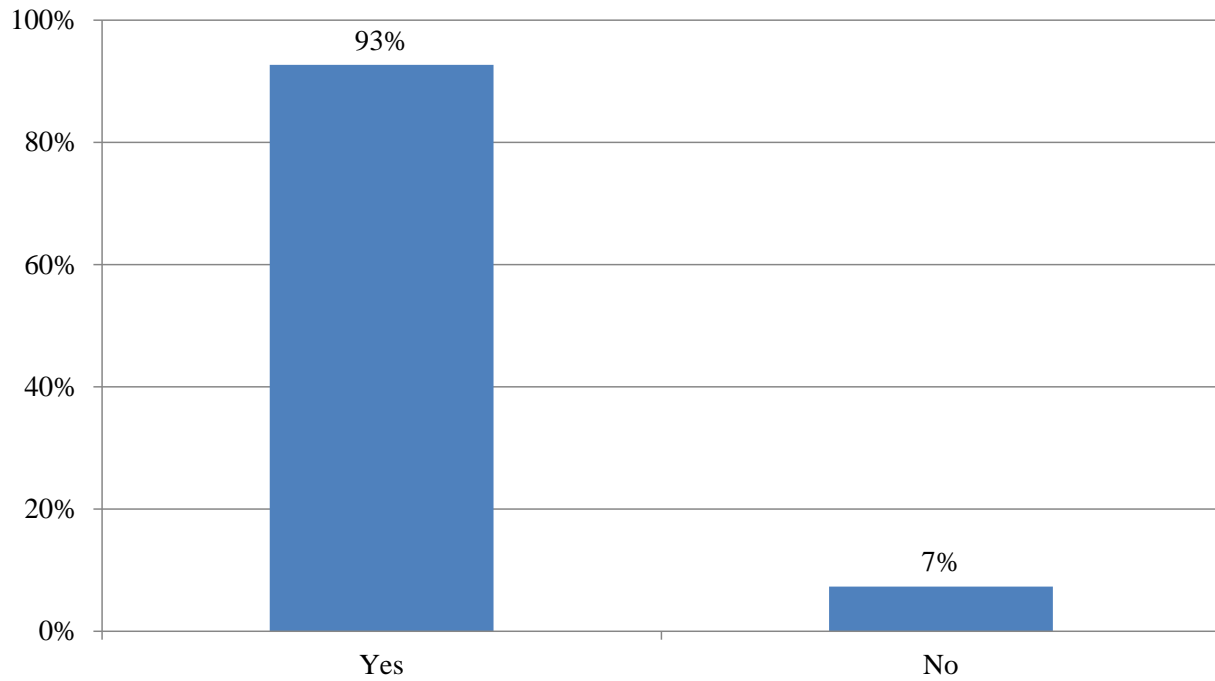
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

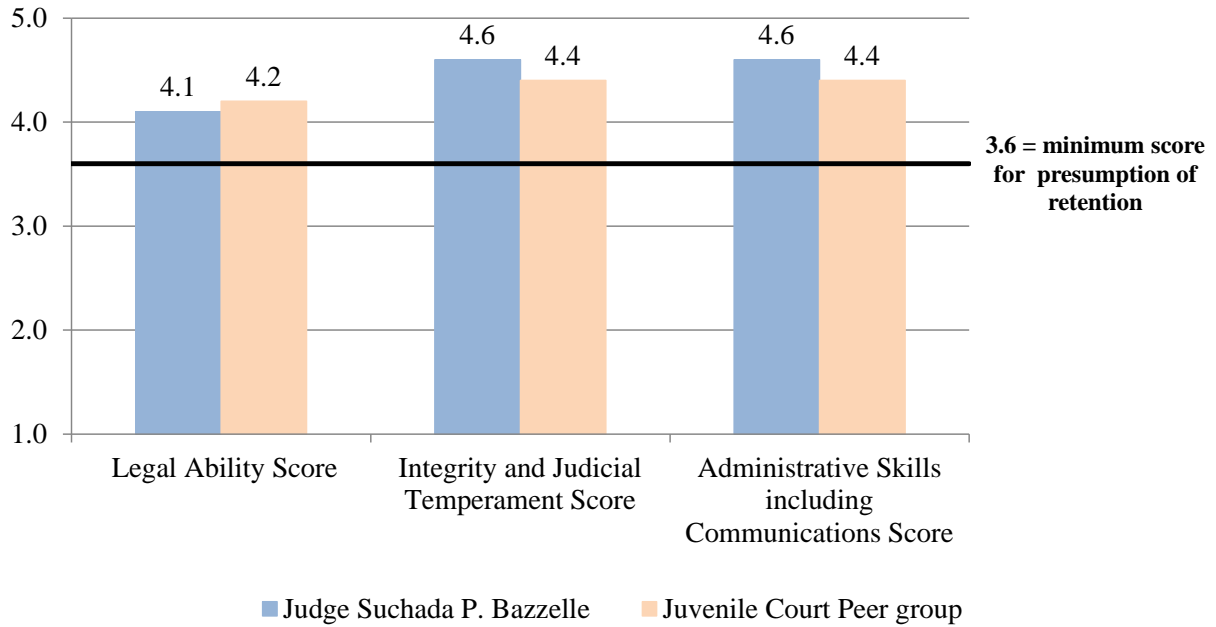
B. Retention Question

Figure A. Would you recommend that Judge Suchada P. Bazzelle be retained?



C. Statutory Category Scores

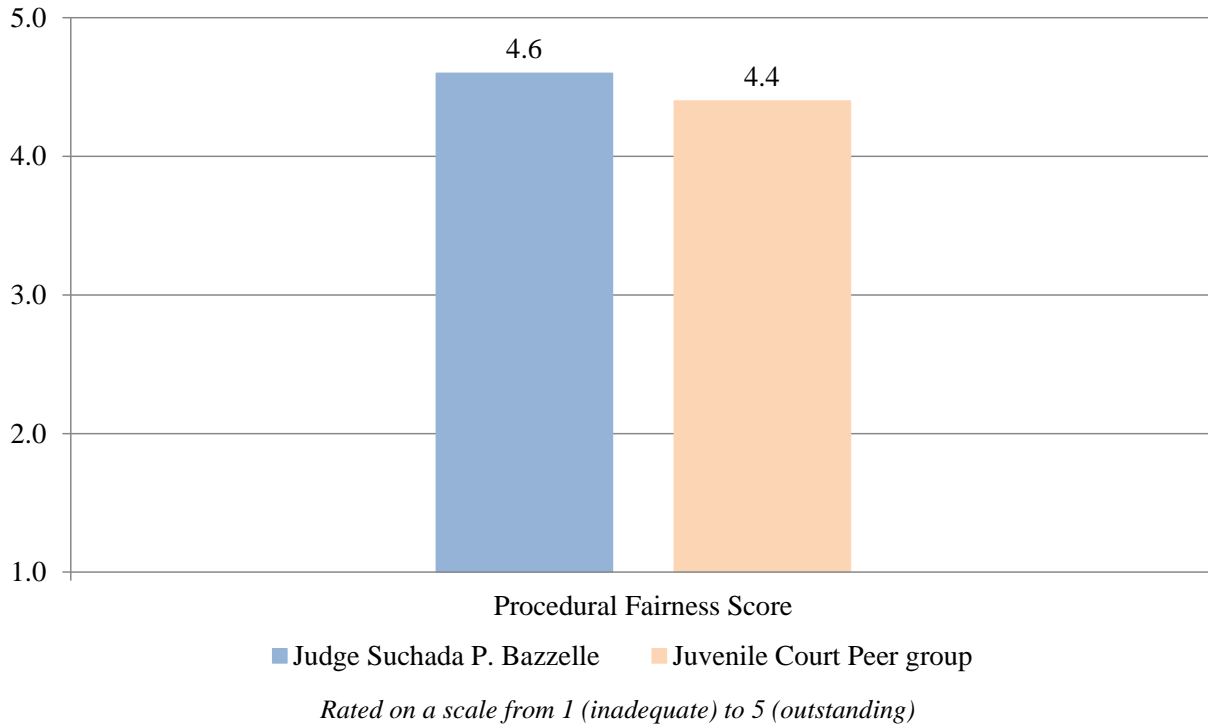
Figure B. Statutory Category Scores



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 Suchada P. Bazzelle
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Suchada P. Bazzelle	Juvenile 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.	4.1	4.3
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.1	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.0	4.2
Legal Ability	The judge only considers evidence in the record.	3.9	4.1
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.0	4.2
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.2	4.3
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.7	4.6
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.7	4.6
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.5	4.4
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.5	4.3
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.	4.8	4.7

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

Table C. Responses to Survey Questions (continued)

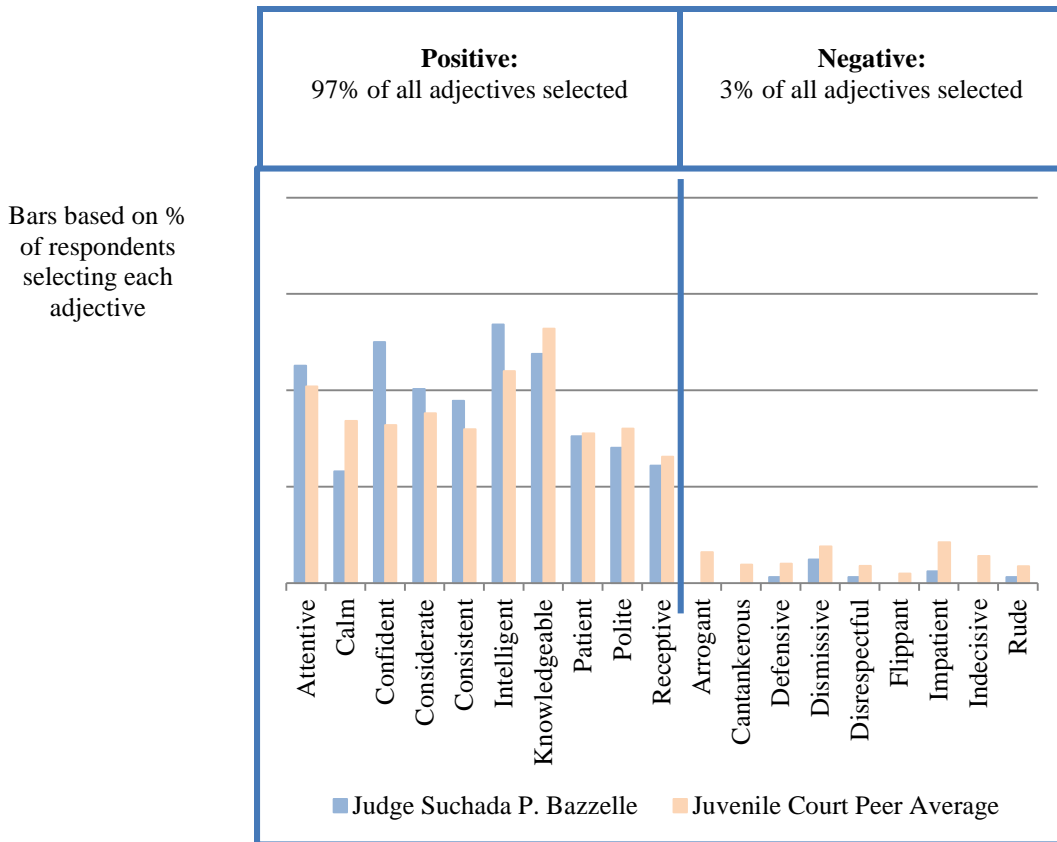
Category	Question	Judge Suchada P. Bazzelle	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.6	4.6
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.6	4.5
Administrative Skills	The judge is an effective manager.	4.6	4.4
Administrative Skills	The judge convenes court without undue delay.	4.3	4.3
Administrative Skills	The judge rules in a timely fashion.	4.6	4.6
Administrative Skills	The judge maintains diligent work habits.	4.6	4.6
Administrative Skills	The judge's oral communications are clear.	4.7	4.6
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.6	4.6
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.5	4.5
Procedural Fairness	The judge is fair and impartial.	4.5	4.5
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.6	4.5
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.6	4.6

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	48%
Criminal	48%
Civil	24%
Other	32%

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	42%
6 - 10	12%
11 - 15	15%
16 - 20	4%
More than 20	27%

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 SUCHADA BAZZELLE

Five observers wrote 77 codable units that were relevant to 11 of the 15 criteria. Three observers reported that the judge was 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 Bazzelle. All observers reported that they would feel comfortable appearing before Judge Bazzelle.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Bazzelle was efficient and prepared. She was courteous, polite, and approachable, and she apologized for all delays. Her demeanor was neither overly friendly nor overly dry, but compassionate and firm as needed. She maintained good eye contact and a welcoming body language. Judge Bazzelle treated all parties in a case equally and dealt with each case in a thoughtful and unhurried manner. She gave opportunity and ample time for all participants to give input, and she asked clarifying questions. She was skilled at communicating with young defendants, explaining how the juveniles' behavior impacted her decisions. She used language that could be understood, and she simplified her language whenever necessary. The bright courtroom ran smoothly and had a good feel. All observers particularly emphasized and provided many illustrations of Judge Bazzelle's respectful treatment of participants, her engagement and sincere interest in each juvenile's needs and future, and her efforts to include both juveniles and families in coming up with solutions. She made all parties feel their case was important, and she related well to juveniles by sharing her own experiences.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of five observers' comments

<i>RESPECT</i>	
Well-prepared & efficient	Two observers reported that Judge Bazzelle <i>handled cases efficiently, move up another case if a participant was late in arriving</i> . During breaks the judge <i>read the court documents</i> and so was <i>prepared for all cases</i> .
Respect for others' time	Three observers reported that if Judge Bazzelle <i>needed a moment</i> for review she would first say, <i>"Please give me a moment to look over some past documents here."</i> She <i>apologized and offered a brief explanation</i> for all delays, for example <i>when cases took longer than anticipated she said, "I'm sorry to keep you waiting. I had a couple of cases that have got me behind. I apologize,"</i> and she apologized to the court when it <i>took quite a while to find trial dates that worked for everyone</i> .
Courtesy, politeness, and general demeanor	All observers reported that Judge Bazzelle was <i>courteous, polite, patient, approachable, open and warm, compassionate but firm when needed</i> . Her demeanor was <i>neither overly friendly nor dry</i> . She <i>praised</i> when appropriate and <i>recognized the accomplishments of adolescent boys with gift cards</i> . She pointed out positive behaviors, saying, <i>"Your accomplishment speaks to your organizational skills. You've really done well. I think at this time I can let you go. We wish you the best of luck."</i> She <i>delighted</i> a seven-year-old with a <i>small birthday gift</i> .

Courtesy, politeness, and general demeanor <i>continued</i>	Observers provided many illustrations of Judge Bazzelle's respect for participants. She <i>made all parties feel their case was important</i> , and she <i>showed sensitivity to a victim of domestic violence</i> , saying, " <i>I am pausing here,</i> " wanting to ensure the woman would not be traumatized being in the court with her ex-partner. She related to juveniles by sharing her own experience, telling a young, black defendant on the autism spectrum who was called names on the bus, " <i>I'm a person that is a different color, too. I'm Asian, so I'm a different color. Sometimes people say things they shouldn't, but you just have to learn to ignore it.</i> " When a young man was not turning in his homework, she suggested in a non-judgmental way that he purchase a weekly planner, saying that she needed to write everything on her schedule to make sure she didn't forget something.
Body language	Two observers reported that Judge Bazzelle <i>maintained good eye contact</i> with a <i>welcoming body language</i> and had a <i>pleasant tone of voice</i> .
Courtroom tone & atmosphere	Three observers reported that the court had a <i>good feel</i> and ran <i>smoothly in an efficient, professional manner</i> . The court was <i>bright and well lit</i> and the <i>judge clearly visible</i> . It was <i>more casual than many others</i> , with <i>no command by the bailiff to stand when the judge entered or left</i> , and one observer noted it was the first juvenile court she had observed that was <i>not locked</i> .
<i>NEUTRALITY</i>	
Consistent and equal treatment	Two observers reported that Judge Bazzelle <i>spoke equally strongly</i> to two parents who were <i>still using drugs and alcohol</i> , addressing <i>each equally in their failure to progress</i> . She maintained a <i>neutral expression</i> whether listening to a <i>young juvenile, parent, attorney or probation officer</i> .
Demonstrates concern for individual needs	All observers reported that Judge Bazzelle was <i>engaged</i> with the juveniles and showed a <i>sincere interest</i> in their <i>needs, problems, and future</i> . Observers provided many illustrations of her concern and appropriate behavior in each situation. She <i>clearly cared for a young man</i> doing well, <i>praising and encouraging him to continue on the path</i> he was on. She <i>expressed disappointment</i> in the choices of another not doing as well, pointed out that he was <i>headed in the wrong direction</i> . Judge Bazzelle was <i>direct when needed</i> , informing one mother in a <i>firm voice</i> that she needed to <i>change her behavior and practice the skills from the Peer Parenting Program</i> or risk losing her children in ninety days if she <i>did not demonstrate ability to parent her children</i> . She <i>took time to explain to a juvenile charged with a felony in another state</i> what he might expect, <i>advising him to work closely with his lawyer in the other state so that the positive steps he was taking in Utah might help in the other state</i> . She wanted <i>arrangements made so a child and father could Skype</i> as there had been <i>limited contact</i> and the father indicated he was in a <i>position to care for his son</i> . She <i>showed great compassion</i> for the <i>hardships of a family</i> in the rape of their seven-year-old girl, saying, " <i>I'm certainly willing to do what I can to help [and] I am willing to keep restitution open.</i> " She asked the victim's mother if <i>she was getting treatment for her daughter</i> and <i>told the mother it was very important to get treatment for her, even if she looks like she's getting better</i> .
Unhurried and careful	Two observers reported that Judge Bazzelle dealt with each case in a <i>careful, thoughtful and unhurried manner</i> , and the <i>environment was unhurried</i> which <i>encouraged openness</i> .
<i>VOICE</i>	
Considered voice	All observers reported that Judge Bazzelle gave <i>opportunity and ample time</i> to all participants to <i>have input and speak their minds</i> , and she asked <i>additional questions</i> for clarification. Her questions were <i>very specific</i> , with <i>no 'yes or no' type questions</i> . In cases with children she <i>expected everyone to have their say</i> so that the <i>child become the primary concern</i> . Observers provided many elaborated illustrations of cases in which Judge Bazzelle <i>worked very hard</i> to include juveniles as well as the family in <i>coming up with solutions</i> . She looked at a young man and asked if he had comments, then <i>turned to the parents</i> and asked, " <i>Would you like to say anything?</i> " thereby offering the family members a way to <i>bring closure to a difficult time in their lives</i> . She told two parents, " <i>Grandmother T. [who has custody of the children] has a right to be heard ... They are well cared for by Grandmother T. They are clean, happy and safe. I'm going to identify a permanent custodianship goal to designate Grandmother T. to be that relative.</i> "

Considered voice <i>continued</i>	<p>Two observers were surprised by cases that were <i>out of character</i>, as they gave the appearance that participants were not given a voice in the proceedings. In one case the judge decided to proceed with a hearing without the DCFS staff who was delayed, as Judge Bazzelle said she was <i>familiar with the case and could proceed with the information she had</i>. The observer was <i>taken aback</i> with the very quick decision that <i>appeared to have been made prior to the hearing</i>, as the judge had been so <i>inclusive in all the other hearings she had observed</i>. However, the observer understood her knowledge of this <i>situation was limited</i> and was only reporting on its appearance.</p> <p>In the second case the judge <i>made a ruling after hearing testimony</i> from an expert witness about a child's medical treatment, and although <i>the parents seemed to understand that the decision addressed the child's best interest</i>, the observer <i>felt bad</i> that the judge did not allow the mother, who <i>became defensive</i> after the testimony, an <i>opportunity to be heard</i>.</p>
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COMMUNICATION

Communicates clearly	<p>Two observers reported that Judge Bazzelle was <i>adept at gearing her language to a level that could be understood</i>. She was <i>very patient with a young man on the autism spectrum</i>, used <i>language consistent with his understanding</i>, <i>patiently read each charge</i>, <i>reworded the language</i>, and asked separately <i>if each charge was correct</i>. When he <i>seemed confused and asked</i>, "<i>What does disruption mean?</i>" Judge Bazzelle explained in <i>more simple language and gave some behavioral examples</i>. She was <i>very respectful at all times and sensitive to his special needs</i>.</p>
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Provides adequate explanations	<p>Two observers reported that Judge Bazzelle was <i>very skilled at communicating to young defendants the consequences of their behaviors and how they impacted her decisions</i>. She had a <i>good handle on addictive behavior and explained how her decision for jail time was in the best interest of the young IV drug user</i>, saying, "<i>Your 'addict' thinking is so overbearing that it's not working. I know you don't agree, but this is going to give you time to reflect and get clean. This is a big time-out that can be a turning point for you,</i>" and the observer wondered as the judge gave her ruling if the <i>explanation was as much for the young woman's mother</i>.</p>
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