



The Honorable Andrew H. Stone

About the Report

In making its recommendation to voters about whether a judge should be retained, JPEC considers the judge's legal ability, integrity and judicial temperament, administrative skills, procedural fairness, public comment, and judicial discipline records as well as compliance with judicial education, fitness for office, and case-under-advisement time standards. If a judge meets minimum standards, there is a legal presumption that commissioners will vote to recommend the judge be retained. If a judge fails to meet minimum standards, there is a legal presumption that commissioners will vote not to recommend the judge for retention. Included below are the Survey Report and Report of Courtroom Observation. The Survey Report summarizes information collected from attorneys, court employees, jurors (district and some justice court judges only) and juvenile court professionals (juvenile court judges only). Surveys are anonymous and inclusion in the survey is based on court-appearance records. The Report of Courtroom Observation summarizes information reported by at least four trained, volunteer court observers per judge.

Content Links

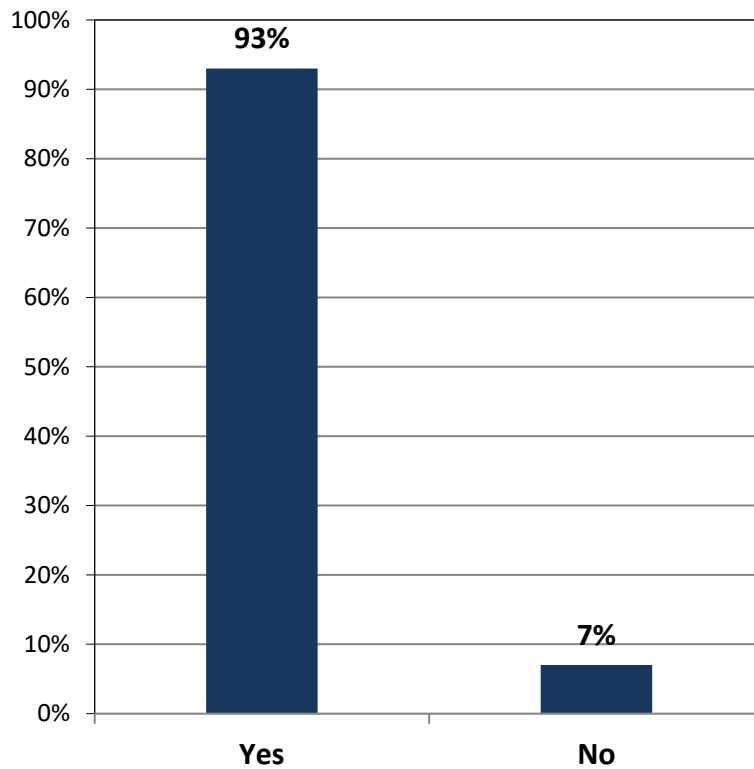
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Survey Report

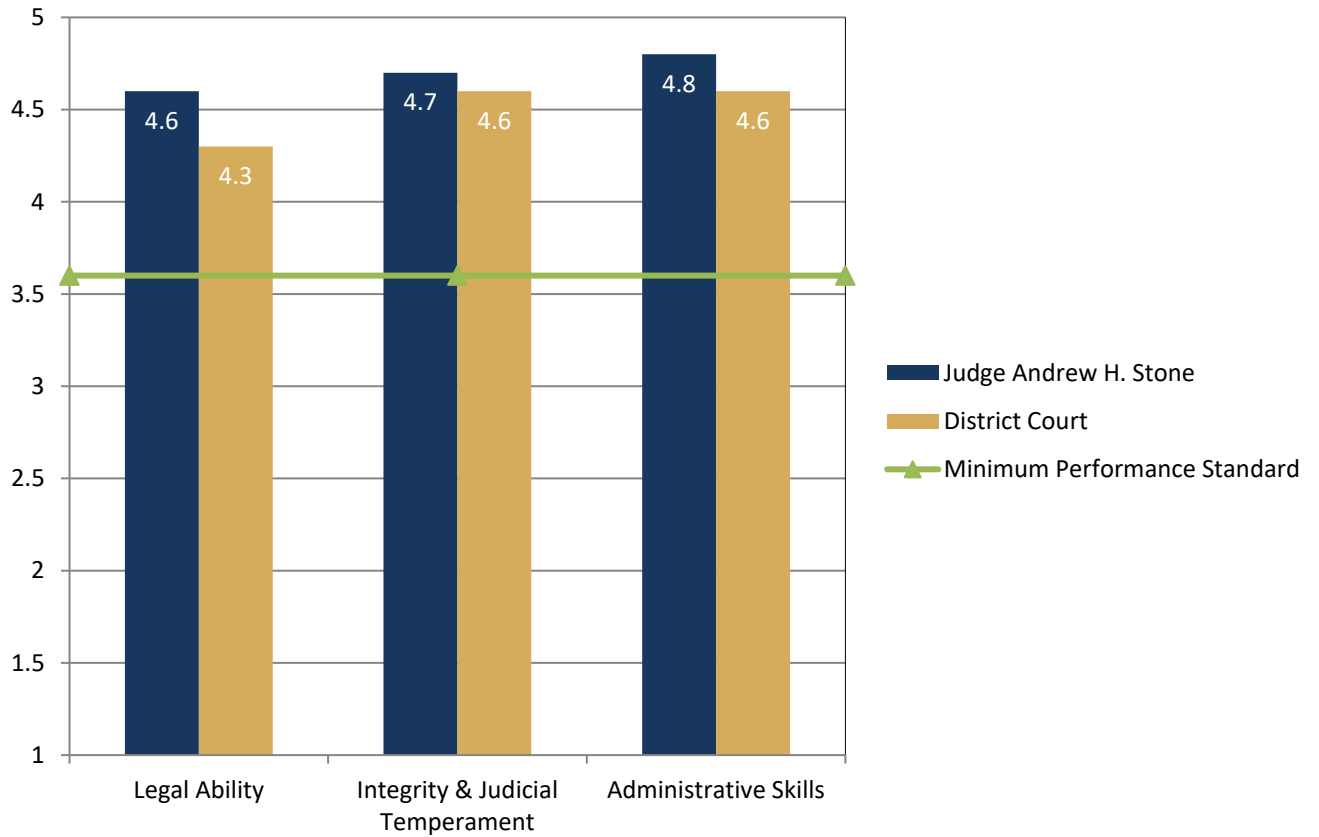
Survey Results

For Judge Andrew H. Stone, 74 qualified survey respondents agreed they had worked with Judge Stone enough to evaluate the judge's performance. This report reflects these 74 responses. For more information on the survey, please see Survey Information. For more information about the evaluation process, please see How to Read the Results.

Retention Question



Statutory Category Scores



Survey Report

Procedural Fairness Results

The judge must demonstrate by the totality of the circumstances that the judge's conduct in court promotes procedural fairness for court participants at a level commensurate with the other scored standards.

Table A. Overall Procedural Fairness Determination

| Category | Judge Stone |
|---------------------|-------------|
| Procedural Fairness | Pass |

To determine whether the judge passes the procedural fairness standard, the Commission considers only data collected as part of the performance evaluation, which includes, but is not limited to:

- Courtroom Observation results
- The judge's disciplinary record
- Survey results (below):

| Category | Judge Stone | District Court |
|---------------------|-------------|----------------|
| Procedural Fairness | 4.8 | 4.6 |



Survey Report

Responses to Survey Questions

| Category | Question | Judge Stone | District Court |
|---------------|--|-------------|----------------|
| Legal Ability | The judge follows the legal rules (e.g. civil procedure, criminal procedure, evidence, juvenile, appellate) that apply to the case at issue. | 4.6 | 4.4 |
| Legal Ability | The judge made adequate findings of fact and applied the law to those facts. | 4.5 | 4.3 |
| Legal Ability | The judge followed legal precedent or explained departures from precedent. | 4.6 | 4.2 |
| Legal Ability | The judge only considered evidence in the record. | 4.7 | 4.4 |
| Legal Ability | The judge based opinions/decisions on applicable legal principles and controlling law. | 4.6 | 4.3 |
| Legal Ability | The judge's opinions contained a readily understandable ruling. | 4.7 | 4.3 |

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Responses to Survey Questions (continued)

| Category | Question | Judge Stone | District Court |
|----------------------------------|--|-------------|----------------|
| Integrity & Judicial Temperament | The judge paid attention to what went on in court. | 4.8 | 4.7 |
| Integrity & Judicial Temperament | The judge's personal life or beliefs did not impair his or her judicial performance. | 4.9 | 4.5 |
| Integrity & Judicial Temperament | The judge conducted proceedings without favoritism. | 4.6 | 4.5 |
| Integrity & Judicial Temperament | The judge considered arguments from all sides before ruling. | 4.7 | 4.5 |
| Integrity & Judicial Temperament | The judge demonstrated diligent work habits. | 4.8 | 4.6 |
| Integrity & Judicial Temperament | The judge maintained a professional demeanor in the courtroom. | 4.8 | 4.7 |
| Integrity & Judicial Temperament | The judge worked to ensure that the participants understood the court proceedings. | 4.8 | 4.6 |
| Integrity & Judicial Temperament | The judge demonstrated respect for the time and expense of those attending court. | 4.8 | 4.6 |
| Integrity & Judicial Temperament | The judge made sure that everyone's behavior in the courtroom was proper. | 4.8 | 4.7 |

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Responses to Survey Questions (continued)

| Category | Question | Judge Stone | District Court |
|-----------------------|--|-------------|----------------|
| Administrative Skills | The judge was prepared for court proceedings. | 4.8 | 4.6 |
| Administrative Skills | The judge's interactions with courtroom participants and staff were professional and constructive. | 4.9 | 4.7 |
| Administrative Skills | The judge ruled in a timely fashion. | 4.8 | 4.6 |
| Administrative Skills | The judge communicated clearly. | 4.8 | 4.6 |
| Administrative Skills | The judge managed the court calendar effectively. | 4.8 | 4.5 |
| Administrative Skills | The judge convened court without undue delay. | 4.9 | 4.7 |
| Category | Question | Judge Stone | District Court |
| Procedural Fairness | The judge treated all courtroom participants with equal respect. | 4.8 | 4.6 |
| Procedural Fairness | The judge performed his or her duties fairly and impartially. | 4.8 | 4.6 |
| Procedural Fairness | The judge promoted public trust and confidence in the courts through his or her conduct. | 4.7 | 4.5 |
| Procedural Fairness | The judge provided the court participants with a meaningful opportunity to be heard. | 4.9 | 4.6 |

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Attribute Question Summary

Survey respondents rated how well a list of attributes describes the judge. A rating of 1 indicates the descriptor *does not describe the judge at all*, and a rating of 5 indicates the descriptor *describes the judge very well*. For the positive descriptors, a higher average score is better. For the negative descriptors, a lower average score is better.

| Descriptor | Judge Stone | District Court | |
|---------------|-------------|----------------|---|
| Attentive | 4.7 | 4.5 | Positive Attributes HIGHER average score is better |
| Capable | 4.6 | 4.4 | |
| Ethical | 4.8 | 4.7 | |
| Knowledgeable | 4.7 | 4.4 | |
| Impartial | 4.5 | 4.3 | |
| Open-minded | 4.4 | 4.2 | |
| Disrespectful | 1.2 | 1.5 | Negative Attributes LOWER average score is better |
| Impatient | 1.6 | 1.8 | |
| Indecisive | 1.6 | 1.8 | |
| Unprepared | 1.5 | 1.6 | |



Survey Information

This report presents the results from the 2019 survey process, conducted by Market Decisions, LLC. A detailed description of the survey methodology is available separately on the Utah Judicial Performance Evaluation website.

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), and
- 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 five or more non-trial appearances, and those with fewer than five 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).

Summary of Survey Methods

Surveys are conducted online, using web-based survey software. Each qualified respondent receives an initial email notification signed by the Chief Justice, the Utah State Bar President, and JPEC Chairperson. Next, an email invitation, signed by JPEC's Executive Director contains a link to access 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 at least 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.

The number of questions included in the survey varies, ranging from 9 (jurors) to 35 (attorneys with an appearance before an appellate court judge). Each question is evaluated on a sliding scale ranging from 1 (low) to 5 (high).



Survey Information

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 average score in Procedural Fairness.

Evaluation Period

The retention evaluation period for judges standing for election in 2020 began on October 1, 2017 and ended on September 30, 2019.



Report of Courtroom Observations

Explanation of Courtroom Observation Summary

| SECTION | DESCRIPTION |
|---------------------------|--|
| Overall assessment | <p>The first statement in this section is an overall summary of the entire set of observer comments.</p> <p>The second statement indicates the number of observers indicating that they would feel comfortable appearing before the judge.</p> |
| Widely agreed-upon themes | <p>Behaviors reported by all (or almost all) observers and thus well established. Deficits mentioned here were also widely reported and therefore merit attention.</p> <p>The subsequent statements are not intended to be a complete summary of the observers' comments, but rather highlight the most frequently noted and forcefully expressed themes, presented in the way that the observers expressed them, with the goal of evoking an overall sense of the entire set of observer comments.</p> |
| Minority Observations | <p>Behaviors noted by two (or possibly three) observers that would be worth building on (if desirable) or otherwise thinking about avoiding.</p> <p>Not every behavior reported by a minority of observers is summarized here, only those that reflect a notable or somewhat discrepant perspective that was not widely agreed upon.</p> |
| Anomalous comments | <p>Comments of one (or in rare cases two) observers that reflect a markedly different or decidedly contradictory perspective from all other observers. They are intended to stimulate reflection, such as: why were these observers affected by this behavior, or does this particular situation tend to lead to this uncharacteristic behavior?</p> <p>Not every anomalous comment in the observers' comments are included in this section, typically if they are too minor, or appear to reflect something about the observer rather than the judge.</p> |

Paragraphs are introduced with the following terminology.

If the number of observers is specified, e.g. "All observers reported..." or "Three observers reported...", then every statement in the paragraph was mentioned or implied or alluded to by that number of observers.

If the word "variously" is added, e.g. "All observers variously reported..." or "Three observers variously reported...", then not every statement in the paragraph was directly mentioned or implied or alluded to by every one of those observers, but rather the sense of all the statements in the paragraph taken together was.



Report of Courtroom Observations

Evaluative Criteria for Courtroom Observation

| CRITERIA | DESCRIPTION |
|--|---|
| RESPECT | |
| Listening & Focus | Listening refers to all indications of attention and engagement through active listening. |
| Well-prepared & efficient | Efficiency refers to the judge's behaviors. The court's efficiency appears below under "Courtroom tone & atmosphere". |
| Respect for other's time | This includes the starting time of sessions as well as all interactions with those in court that take into consideration the value of their time. |
| Courtesy, politeness, and general demeanor | This refers to respectful behaviors generally, as well as behaviors directed at specific individuals that indicate respect for a person's value or status. |
| Body language | This refers to eye contact and facial expressions, general body language, and engaged behavior. |
| Voice quality | This refers to both mechanical qualities such as pitch and volume, and emotional qualities such as inexpressive, sarcastic or exasperated tone. |
| Courtroom tone & atmosphere | This refers more generally to the tone and atmosphere of the courtroom. |
| NEUTRALITY | |
| Consistent and equal treatment | This refers to listening to all sides, and treating individuals in similar situations similarly. |
| Demonstrates concern for individual needs | This refers to concern for individual differences and giving due regard to the individual's specific situation. |
| Unhurried and careful | This refers to allowing sufficient time for the judge and those in court to conduct themselves in a thorough manner. |
| VOICE | |
| Considered voice | This refers both to allowing those in court to express themselves and to the judge's consideration of what was expressed in his/her statements or decision. |
| Formal voice | This refers to giving voice to participants based only on required procedure without apparent consideration by the judge of what was expressed. |



Report of Courtroom Observations

COMMUNICATION

| | |
|--------------------------------|--|
| Communicates clearly | This refers both to clarity of speech and to the use of language appropriate to the listener. |
| Ensures information understood | This refers to active attention by the judge in ensuring those in court understand all information relevant to them, and includes translation and comprehension for non-native English speakers. |
| Provides adequate explanations | This refers to providing sufficient explanation of the basis of decisions and of legal procedure and terminology to ensure that those in court understand proceedings relevant to them. |



Report of Courtroom Observations

Content Analysis

Overall Assessment

- All observers were positive about Judge Stone. One observer had an additional comment (see Anomalous comments”).
 - All observers reported confidence that if appearing before Judge Stone they would be treated fairly.
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Widely Agreed-Upon Themes

- All observers variously reported that Judge Stone listened carefully. He was experienced, knowledgeable, and impressively prepared, appearing to have done a significant amount of reading on case law and precedent prior to the cases. He greeted every participant by name, referring to them as “Maam” or “Mr./Sir” and saying “Thank you” and “Good luck.” His warm low-key manner was welcoming, and he treated everyone with courtesy, using light humor sparsely but appropriately. He never interrupted a defendant, asking follow up questions or clarifications only after the speaker was done. He was respectful towards prisoners, which is often lacking, by patiently waiting until they appeared at the podium before courteously addressing them. He was equally respectful to participants from a variety of races and whether male or female, never changing his attitude or manner, and applying rules consistently to each defendant. He understood and considered each person’s needs, and he showed a genuine interest in making decisions in the best interest of all, making statements like, “I have sympathy for your situation.”
 - Judge Stone gave all participants the opportunity to make their argument and share their perspectives, and he heard everyone out, allowing a lot of back-and-forth interaction and conversation, including skillfully interrupting attorneys as a way to cut-to-the-chase rather than to show disrespect, allowing for a more in-depth conversation about the nuances of the law. He listened to both sides and showed that he heard their stories. He ensured that defendants understood the proceedings, particularly when making decisions about their rights, and there was no rushing for answers or making a defendant feel pressured about time. When a translator was used he looked at the defendant while talking and gave plenty of time for translation, comprehension, and response. He carefully explained terms, and he explained why he had made decisions, in one case walking through the conflicting statutes to make clear why he chose not to intervene in an adoption. He patiently answered attorneys’ questions about how his rulings were to be applied and how to contact him to clarify issues in the future. He was good at explaining options to each defendant and what it meant if they plead guilty or not guilty. He clearly explained that if an individual failed to abide by the law between their release and their court hearing they would be placed back in prison.
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Minority Observations

- Two observers reported that Judge Stone made good eye contact with each individual he interacted with, and he spoke respectfully in a welcoming, consistent and neutral tone. However, two observers also reported that when Judge Stone was slumping in his chair or resting his head on a hand with less eye contact, he seemed somewhat disinterested, and his facial expression ranged from passive listening to somewhat friendly.
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Anomalous Comments

- One observer was alone in reporting that the judge entered the courtroom 20 minutes late, and it took a while for things to get flowing smoothly.
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How to Read the Results

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 "District Court" on the charts.

The statutory category scores and the procedural fairness survey score represent average scores on a scale of 1 (low) to 5 (high). 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.

To determine whether the judge passes the Procedural Fairness standard, the Commission considers only data collected as part of the performance evaluation. 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. For midterm evaluations, respondents are asked whether they think the judge would benefit from added training or education.



3rd Judicial District Court

Visit JUDGES.UTAH.GOV for more information about this judge



Honorable Andrew H. Stone

- Serving Salt Lake, Summit & Tooele counties
- Commission Recommendation: **Retain**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2010, Judge Andrew Stone's scores are statistically above the average of his district court peers on legal ability and administrative skills and consistent with his peers on all other scored minimum performance standards. Ninety-three percent of survey respondents recommend him for retention. Survey ratings of judicial attributes indicate Judge Stone is particularly capable and knowledgeable, as well as notably respectful. Respondents find the judge to be intelligent and fair, and they describe his rulings as both thoughtful and decisive. They appreciate Judge Stone's diligence and timeliness, and, along with courtroom observers, value how he gives all participants the opportunity to make their arguments and share their perspectives. All court observers report confidence that they would be treated fairly if they were to appear in Judge Stone's court. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Andrew Stone was appointed to Utah's Third District Bench in 2010. Prior to becoming a judge, he began his legal career as a judicial clerk for Judge Bruce Jenkins of the United States District Court in Utah, and went on to become a trial attorney at the United States Department of Justice based in Washington D.C. (under the Attorney General's Honor Program). Thereafter he practiced civil litigation at Jones Waldo in Salt Lake City until his appointment to the bench. Judge Stone now serves on the Utah

Supreme Court's Advisory Committee on the Rules of Civil Procedure and the Court's Advisory Committee on Model Utah Jury Instructions (Civil), which he currently chairs. He also chairs the Judicial Council's Committee on Judicial Wellness and serves on the Utah State Bar's Litigation Section Executive Committee. He is a member and previous chair of the statewide Board of District Court Judges. In 2018, he was awarded the Utah State Bar Litigation Section's Judicial Excellence award.

