



# The Honorable John M. Dow

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### About the Report

For the purpose of performance evaluations, justice court judges receive either a full evaluation, mid-level evaluation, or basic evaluation. A judge receives a mid-level performance evaluation if at least one of the judge's court locations has a weighted case load at least 0.2 and fewer than 50 qualified attorneys have appeared in the judge's court(s). In making its recommendation to voters about whether a mid-level judge should be retained, JPEC considers the judge's procedural fairness, public comment, and judicial discipline records as well as compliance with judicial education, fitness for office, and case-under-advisement time standards. The Mid-Level Report is based on a series of in-person, court user interviews conducted by JPEC staff. 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 is the Mid-Level Report.

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## Evaluation Report

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### Introduction

Judge John Dow's report consists of 45 interviews conducted on two days outside of his courtroom. The interview sample consists of court staff, attorneys, litigants, and the family members and friends of litigants. Court staff may include clerks, bailiffs, interpreters, and service providers.

### Overall Assessment

Judge Dow received positive reviews from most respondents, though some respondents expressed criticism. Respondents find the judge to be helpful and understanding towards the needs of courtroom participants. Judge Dow demonstrates respectful behaviors but also maintains a straightforward demeanor that allows him to hold courtroom participants accountable. A few respondents felt that the judge displayed disrespectful behavior.

### Widely Agreed-Upon Themes

Respondents praise Judge Dow most for his responsiveness and flexibility in meeting the needs of courtroom participants and for his overall helpfulness towards their cases. Judge Dow is "understanding" and "compassionate", one who "is always trying to help people out." One litigant stated, "He gave me a break," while another recognized that the judge "gives [people] different options." Judge Dow is concerned about whether or not people can afford an attorney and is "willing to help with treatment as opposed to just throwing you in jail." According to an attorney, the judge "works with [defendants] if they're in a poverty situation."

Many respondents valued Judge Dow's "respectful" behaviors and straightforward demeanor from the bench. The judge impressed a family member/friend of a litigant by "[making] eye contact," while a different family member/friend noted that the judge was "to the point." One litigant found Judge Dow to be "very polite, very honest, and very forward." According to another, the judge "lets you know what you did wrong and tells you what you need to do." A couple of the respondents expressed appreciation that the judge recognized their compliance with the demands of the court.

### Other Observations

- Five respondents found that Judge Dow prioritized accountability, as he "balances public safety with the needs of the people." According to one, "He punishes them [defendants] when they need to be punished." Another noted, "He held a girl accountable who seemed to deserve it," while another articulated, "[He's] stern, not lenient, but not unfair."
- In contrast to the many that found Judge Dow to be respectful, four had differing experiences. One felt like the judge and courtroom personnel were on a "power trip," two described the judge as a "dick," while another added, "He's pretty fair most of the time, but he can be pretty disrespectful to people."
- Three did not feel that Judge Dow was neutral. One, who reported that the judge threatened to throw him in jail now over allegations, stated, "How can I get a fair trial if the judge has already made up his mind." Another, who expressed surprise that the judge did treat her fairly that day, indicated that the judge gives men more breaks than he gives women. "Overall, I feel that he's a woman hater."
- Three remarked positively concerning Judge Dow's listening skills. One stated, "He listens to defendants," indicating that other judges do not always listen to defendants.



## Evaluation Report

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### Anomalous Comments

None.



## Evaluation Report

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### 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 Dow |
|---------------------|-----------|
| 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:

- The Mid-Level Evaluation
- The judge's disciplinary record



## Mid-Level Interview Method

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### Purpose

Mid-level Justice Court interviews are designed to evaluate the judge according to principles of procedural fairness. These interviews are generally conducted outside of the judge's court with people who have just exited the courtroom. The interviewer typically spends two to three days at the courthouse collecting interviews.

### Data Collection

The interviewer approaches court participants who exit the courtroom to conduct brief interviews. Potential respondents may be litigants, family or friends of litigants, attorneys, witnesses, court interpreters, and/or service providers. The total number of people interviewed per judge depends on when the interviewer reaches the point of data saturation. In other words, once the interviewer obtains no new additional information concerning a judge's performance, data saturation is achieved, and the interviewer then seeks no further interviews.

The interviewer makes contact with the interviewee, identifies his/her role with JPEC, and briefly explains the purpose of the interview. Upon receiving permission to proceed, the interviewer asks the respondent the following question, "How well did the judge do today at treating everyone fairly?" The interviewer listens to and jots down the response. Where necessary, the interviewer seeks to clarify details of the response, or asks the respondent for more information. A typical follow-up question probes what the judge did or said to induce such reactions from the respondent. In other words, the interviewer seeks to gather information that focuses on the behaviors of the judge. After all of the information has been collected, the interviewer thanks the respondent and waits for the next interview. The duration of the average interview is about one minute long.

Court clerks and bailiffs are typically interviewed during breaks from the courtroom proceedings or after proceedings have finished for the day. Interviews with clerks are usually conducted in an office, or other private setting in the courthouse, or by telephone. The number of clerks and bailiffs interviewed for a particular judge depends on the administrative makeup of the particular court(s).

### Data Analysis

Once the interviews are complete, the interviewer evaluates the data according to procedural fairness criteria. The interviewer analyzes interview content according to the procedural fairness principles of respect, neutrality, and voice. The results are organized into a report with four distinct overview sections:

- The Overall Assessment section serves as an overall summary of the entire set of respondent comments.
- The Widely Agreed-Upon Themes section discusses the most frequently noted and forcefully expressed themes in the data.
- The Other Observations section addresses behaviors noted by a roughly three to five respondents. Not every behavior reported by a minority of observers is summarized here but, rather, those that reflect a notable or somewhat inconsistent perspective upon which there was not wide agreement.
- Finally, an Anomalous Comments section addresses comments of one or two observers that reflect a markedly different or contradictory perspective from all other respondents. The purpose



## Mid-Level Interview Method

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of this section is to stimulate reflection pertaining to the relationship between behaviors, situational contexts, and respondent perceptions. Not every anomalous comment is included in this section because they are either too minor, or appear to reflect something about the respondent rather than the judge.

During the retention cycle, the Commission determines if the judge receives a Pass or Fail regarding the minimum performance standard of procedural fairness. The commission considers only data collected as part of the judge's performance evaluation. The judge's evaluation 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 scored standards for full evaluation judges.



# Justice Court – Mid-Level Evaluation\*

Visit [JUDGES.UTAH.GOV](http://JUDGES.UTAH.GOV) for more information about this judge



## Honorable John M. Dow

- Serving Tooele County Justice Court, Tooele County
- Commission Recommendation: **Retain**
- Commission Vote Count: 9 - 3 (for retention)
- Performance Standards: Passed 5 of 5

Appointed in 2010, Judge John Mack Dow passes all the minimum standards established for retention, leading a majority of the Commission to recommend that he be retained. However, the evaluation indicates concerns with Judge Dow's performance.

In 2019, the Utah Supreme Court publicly reprimanded Judge Dow for forwarding a short, graphic video by group text to court staff. Further, court staff reported an unprofessional work environment during the investigation of misconduct. The Commission finds the judge's actions deeply concerning, though it recognizes that the judge has taken responsibility for his actions. He expressed meaningful remorse and voluntarily completed workplace sensitivity training. Judge Dow has committed to exercise better judgment in order to avoid future problems. In court-user interviews, Judge Dow receives positive views from most respondents, though some express criticism. Respondents find the judge to be helpful and understanding toward the needs of courtroom participants. Most respondents report that Judge Dow demonstrates respectful behaviors but also maintains a straightforward demeanor that allows him to hold courtroom participants accountable. However, a few respondents feel the judge displays disrespectful behavior. This judge meets the discipline standards set by statute of no more than one public sanction per term of office and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge John Mack Dow was appointed to the Tooele County Justice Court in May 2010. He attended Dixie College and earned a Bachelor of Science Degree in Political Science from the University of Utah. He earned a Juris Doctorate Degree from Pepperdine University School of Law. Prior to his appointment to the bench, Judge Dow worked for the Tooele County Attorney's Office where he prosecuted felony, misdemeanor, and juvenile cases for 15 years. Prior to this, he maintained a private practice that focused primarily on criminal defense and family law. Judge Dow worked for the Tooele County Sheriff's Office while attending college and has been a volunteer firefighter for Tooele City. He has served as president of the Tooele County Bar Association, on the Citizen's Review Board for the Division of Child and Family Services, on the Utah Firefighter's Museum Board, and was counsel for the Utah State Firefighter's Association.

\*See Judges Section Introduction for Justice Court Information

