JPEC
UTAH JUDICIAL PERFORMANCE EVALUATION COMMISSION

Retention Evaluation Report 2020

The Honorable John A. Pearce

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 is the Survey Report. It 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.

Content Links

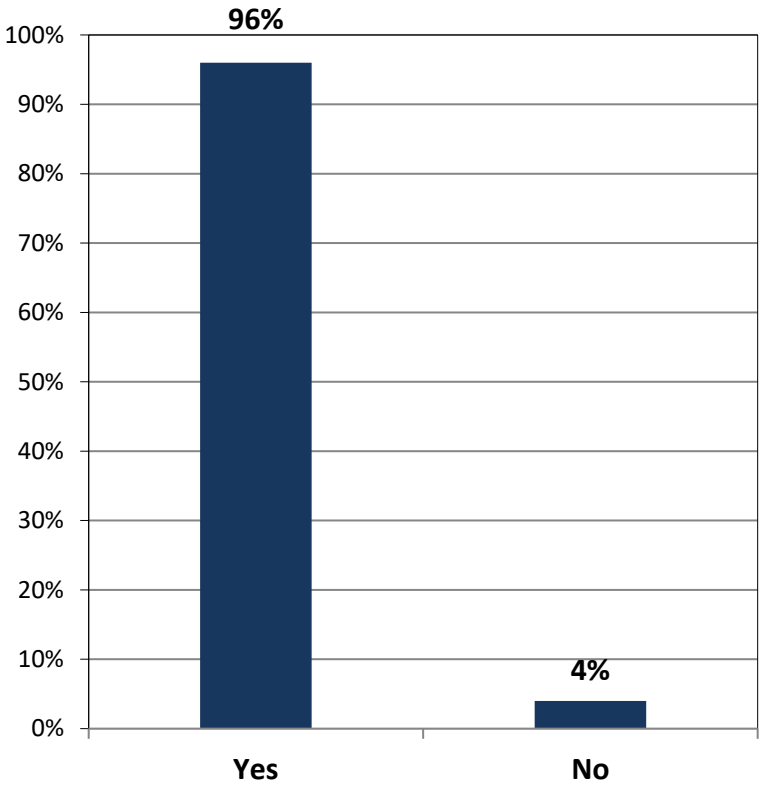
Survey Report
- Survey Results
- Survey Information

How to Read the Results
Voter Information Pamphlet

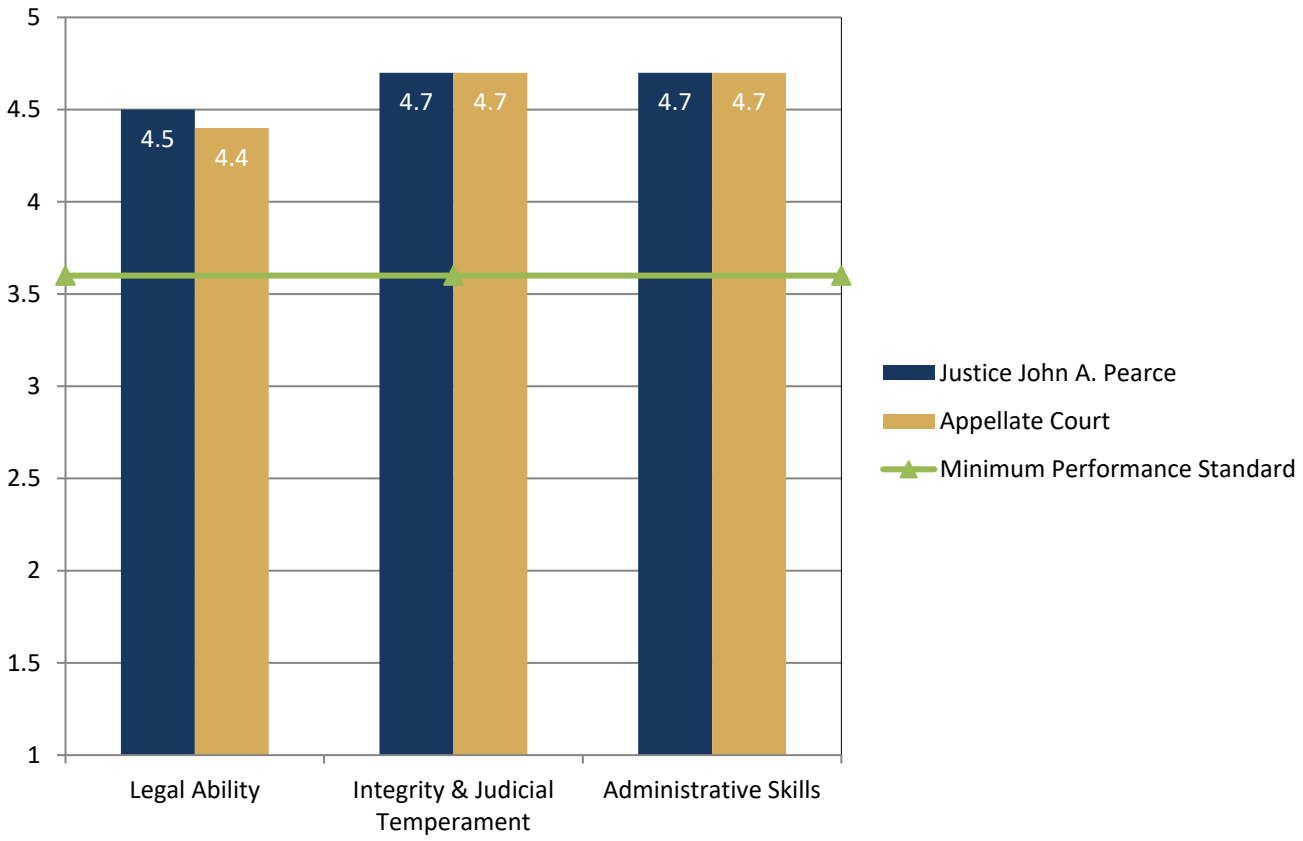
Survey Results

For Justice John A. Pearce, 46 qualified survey respondents agreed they had worked with Justice Pearce enough to evaluate the judge's performance. This report reflects these 46 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



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	Justice Pearce
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 judge's disciplinary record
- Survey results (below):

Category	Justice Pearce	Appellate Court
Procedural Fairness	4.7	4.7

Responses to Survey Questions

Category	Question	Justice Pearce	Appellate 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.	4.7	4.5
Legal Ability	The judge followed legal precedent or explained departures from precedent.	4.4	4.3
Legal Ability	The judge only considered evidence in the record.	4.6	4.5
Legal Ability	The judge based opinions/decisions on applicable legal principles and controlling law.	4.4	4.3
Legal Ability	The judge's opinions contained a readily understandable ruling.	4.5	4.5
Legal Ability	The judge’s written opinions state the pertinent facts.	4.6	4.5
Legal Ability	The judge’s written opinions address the merits of the legal issues advanced by the parties.	4.5	4.4
Legal Ability	The judge’s written opinions provide guidance to trial court judges and practitioners.	4.6	4.3
Legal Ability	The judge’s written opinions reflect a neutral, professional tone.	4.4	4.5

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

Responses to Survey Questions (continued)

Category	Question	Justice Pearce	Appellate 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.	4.6	4.7
Integrity & Judicial Temperament	The judge conducted proceedings without favoritism.	4.6	4.6
Integrity & Judicial Temperament	The judge considered arguments from all sides before ruling.	4.7	4.6
Integrity & Judicial Temperament	The judge demonstrated diligent work habits.	4.6	4.7
Integrity & Judicial Temperament	The judge maintained a professional demeanor in the courtroom.	4.8	4.8

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

Responses to Survey Questions (continued)

Category	Question	Justice Pearce	Appellate Court
Administrative Skills	The judge was prepared for court proceedings.	4.8	4.7
Administrative Skills	The judge's interactions with courtroom participants and staff were professional and constructive.	4.7	4.8
Administrative Skills	The judge ruled in a timely fashion.	4.4	4.4
Administrative Skills	The judge communicated clearly.	4.7	4.7
Category	**Question**	**Justice Pearce**	**Appellate Court**
Procedural Fairness	The judge treated all courtroom participants with equal respect.	4.7	4.8
Procedural Fairness	The judge performed his or her duties fairly and impartially.	4.7	4.7
Procedural Fairness	The judge promoted public trust and confidence in the courts through his or her conduct.	4.7	4.7
Procedural Fairness	The judge provided the court participants with a meaningful opportunity to be heard.	4.8	4.7

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

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	Justice Pearce	Appellate Court	
Attentive	**4.8**	**4.7**	**Positive Attributes HIGHER average score is better**
Capable	**4.7**	**4.6**	
Ethical	**4.7**	**4.8**	
Knowledgeable	**4.7**	**4.5**	
Impartial	**4.5**	**4.5**	
Open-minded	**4.6**	**4.3**	
Disrespectful	**1.3**	**1.3**	**Negative Attributes LOWER average score is better**
Impatient	**1.4**	**1.5**	
Indecisive	**1.7**	**1.6**	
Unprepared	**1.3**	**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.

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 "Appellate 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.

Utah Supreme Court

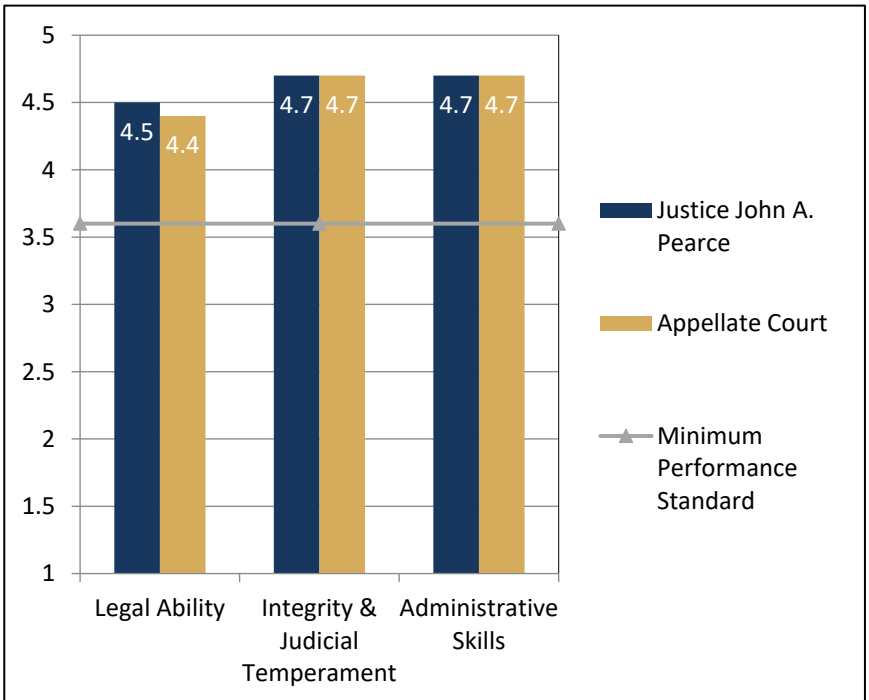
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable John A. Pearce

- Serving The State of Utah
- Commission Recommendation: **Retain**
- Commission Vote Count: 12 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the Utah Supreme Court in 2015, Justice John Pearce's scores are consistent with his appellate court peers on all minimum performance standards. Ninety-six percent of survey respondents recommend him for retention. Respondents say that Justice Pearce is fair and respectful. They compliment him for his diligence, thoughtfulness, and well-written opinions. Justice Pearce 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.

Justice John A. Pearce was appointed to the Utah Supreme Court in 2015. Prior to joining the Supreme Court, he served on the Utah Court of Appeals. Justice Pearce started his legal career at Wilson Sonsini Goodrich & Rosati in Palo Alto, California before returning to Utah to work at Jones Waldo where he was a shareholder and a member of the firm's management committee. He left Jones Waldo to serve as general counsel to Governor Gary R. Herbert. Justice Pearce currently chairs the Utah State Court Standing Committee on Technology and sits on the Utah Center for Legal Inclusion's board of directors. He was chair of the Indigent Juvenile Representation Committee and has been a member of the Guardian ad Litem Oversight Committee and the Government Records Access and Management Act Working Group. Justice Pearce holds a degree in economics from the University of Utah and a Juris Doctor from the University of California, Berkeley. Justice Pearce teaches statutory interpretation and legislative process as an adjunct professor at the S.J. Quinney College of Law.



Note: By statute, judges' scores are compared to the average of their court level peers.