

Honorable Christine S. Decker – Juvenile Court Judge

Serving Salt Lake, Summit and Tooele Counties

Commission Recommendation: RETAIN

(vote count: 12-0 for retention)

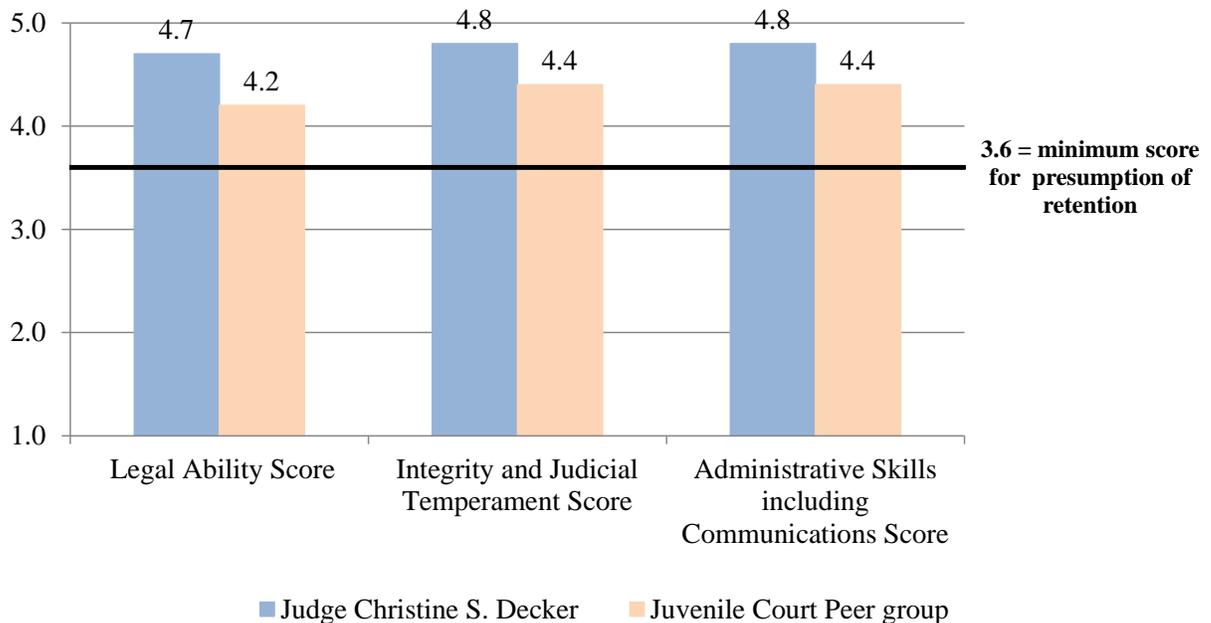


Appointed in 2004, Judge Christine Decker received exceptionally high scores in all survey categories and on all individual questions. Attorney respondents highlighted her strong legal abilities. Survey respondents overwhelmingly described Judge Decker in positive terms such as knowledgeable, attentive, consistent and considerate. Respondents found her compassionate yet impartial, and able to give equal treatment to all. Courtroom observers characterized Judge Decker as well-prepared, insightful, consistent and patient. They described feeling uplifted by the positive manner in which she conducted her courtroom. Survey respondents agreed with the courtroom observers, with 96% of survey respondents who answered the retention question recommending Judge Decker for retention.

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

Judge Christine S. Decker was appointed to the Third District Juvenile Court in 2004 by Governor Olene Walker. After graduating cum laude from Georgetown University, she earned a law degree from the University of Utah College of Law. Judge Decker has worked as a deputy Salt Lake County attorney, a SLC bail commissioner, an attorney in private practice, and a guardian ad litem in Third District Juvenile Court. Prior to her appointment to the bench, Judge Decker worked as an assistant attorney general in the child protection division. From 2009-2011, she served as presiding judge in the Third District Juvenile Court and currently presides over a Family Dependency Drug Court.

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



The Honorable Christine S. Decker

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Christine S. Decker, 43% of qualified survey respondents submitted surveys. Of those who responded, 86 agreed they had worked with Judge Christine S. Decker enough to evaluate her performance. This report reflects the 86 responses. The survey results are divided into five sections:

- Statutory category scores
- Procedural fairness survey score
- Responses to individual survey questions
- Summary of adjectives
- Retention question

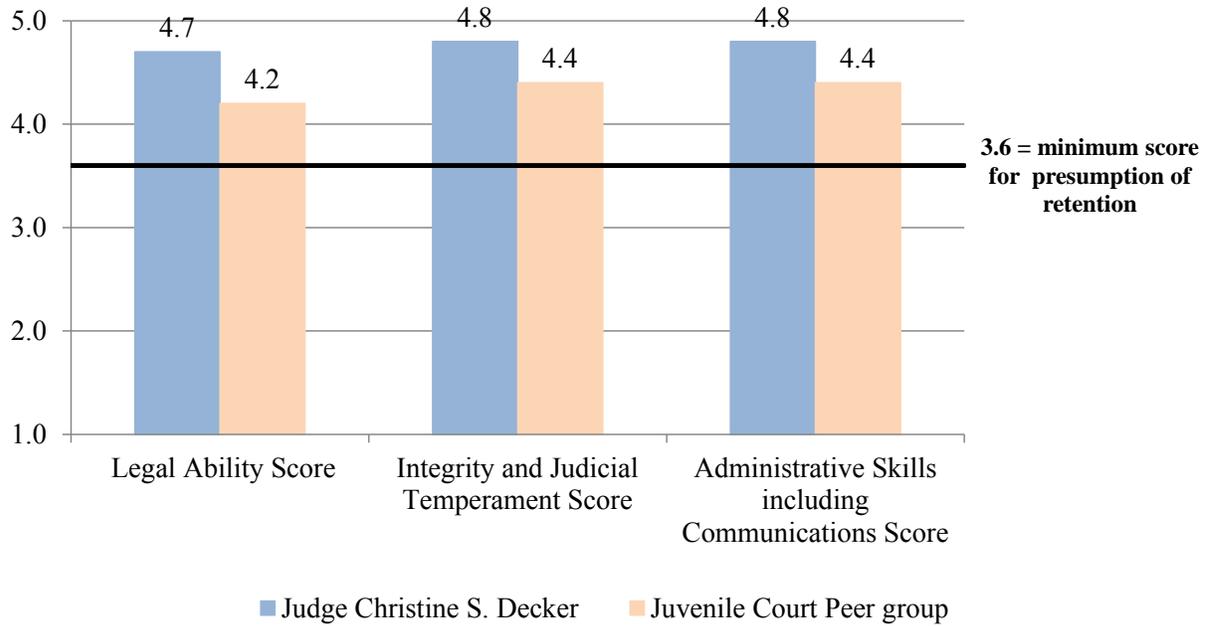
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

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 these 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.

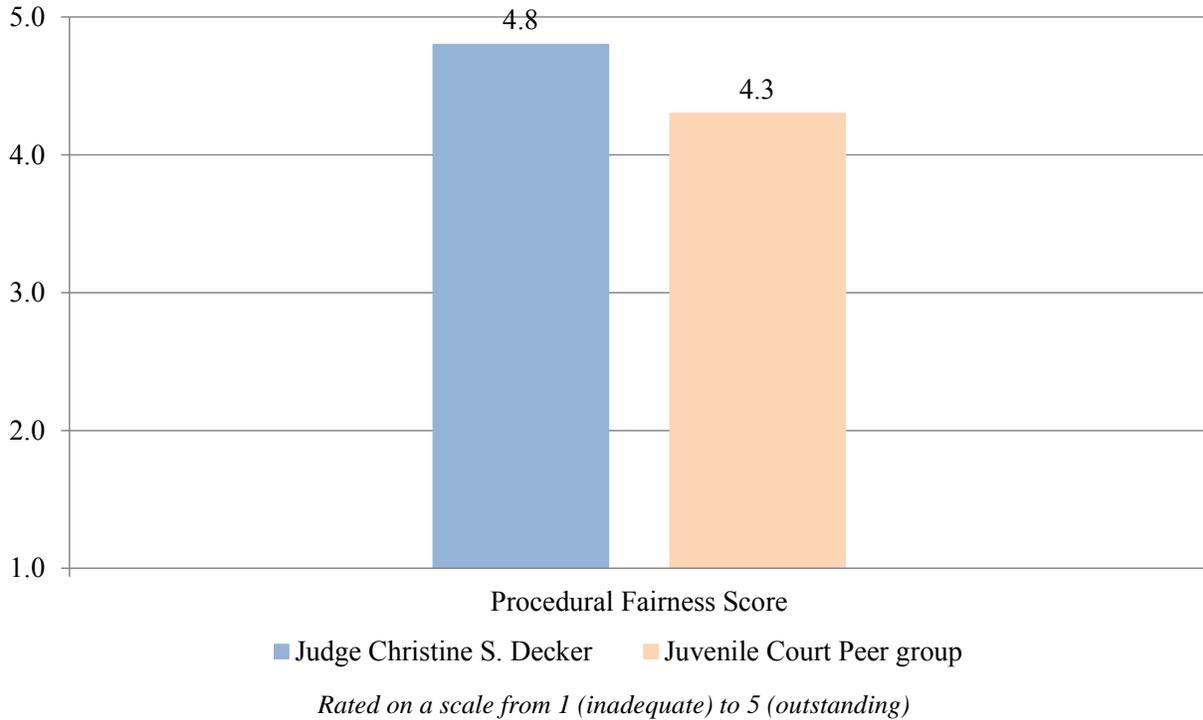
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, and this determination will be made by the commission only during the retention cycle.

B. Statutory Category Scores



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

C. Procedural Fairness Survey 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.

Overall Procedural Fairness Determination

Category	Judge Christine S. Decker
Procedural Fairness	PASS

D. Responses to Individual Survey Questions

Category	Question	Judge Christine S. Decker	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.	4.9	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.8	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.8	4.2
Legal Ability	The judge only considers evidence in the record.	4.7	4.1
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.7	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.8	4.4
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.9	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.7	4.2
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.7	4.2
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.	4.9	4.7

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

Category	Question	Judge Christine S. Decker	Juvenile Court
Administrative Skills	The judge is prepared for court proceedings.	4.9	4.5
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.9	4.3
Administrative Skills	The judge is an effective manager.	4.8	4.3
Administrative Skills	The judge convenes court without undue delay.	4.6	4.2
Administrative Skills	The judge rules in a timely fashion.	4.8	4.5
Administrative Skills	The judge maintains diligent work habits.	4.9	4.5
Administrative Skills	The judge's oral communications are clear.	4.8	4.4
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.8	4.4
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.8	4.3
Procedural Fairness	The judge is fair and impartial.	4.8	4.2
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.9	4.2
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.8	4.4

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

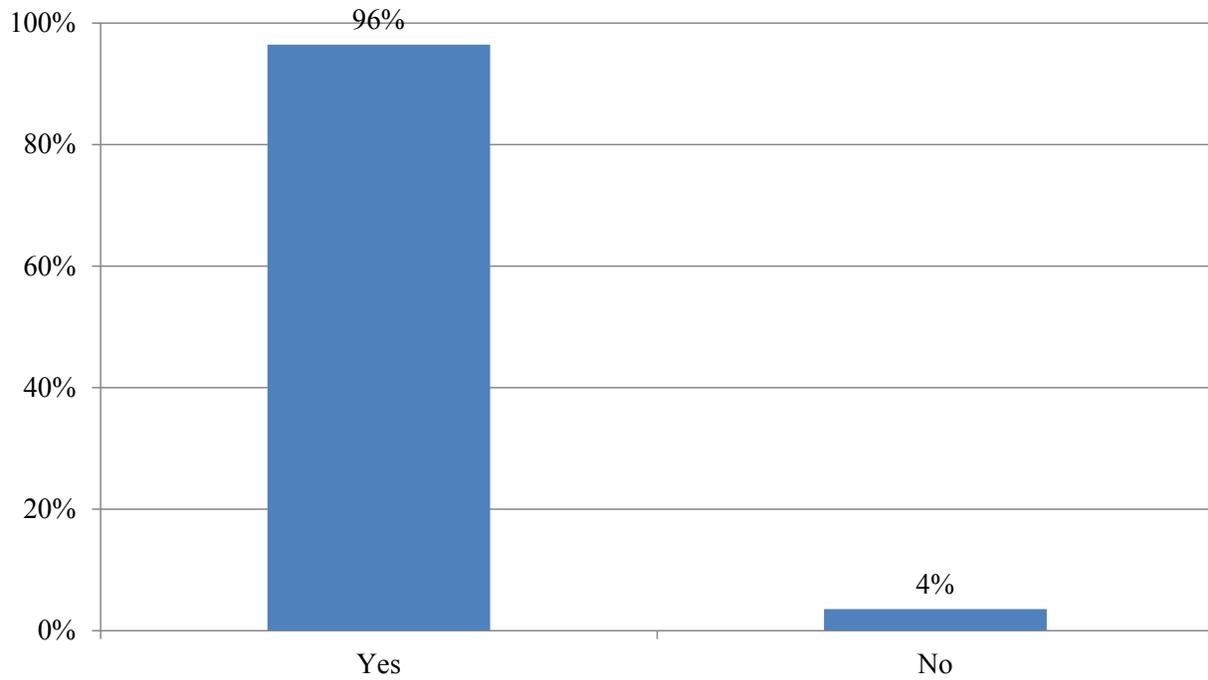
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	47
Calm	32
Confident	35
Considerate	45
Consistent	38
Intelligent	36
Knowledgeable	55
Patient	39
Polite	33
Receptive	24
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	3
Disrespectful	0
Flippant	1
Impatient	2
Indecisive	1
Rude	0
Total Positive Adjectives	384
Total Negative Adjectives	8
Percent of Positive Adjectives	98%

Respondents were asked to select adjectives from a list that best described the judge. The number shown is the total number of times an adjective was selected by respondents. The percent of positive adjectives shows the percent of *all* selected adjectives that were positive.

F. Retention Question

Would you recommend that Judge Christine S. Decker be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	3%
Domestic	33%
Criminal	47%
Civil	25%
Other	50%

How many trials or hearings have you had with this judge over the past year?

5 or fewer	42%
6 - 10	19%
11 - 15	14%
16 - 20	-
More than 20	25%

Survey Background and Methods

This report presents the results from the 2013 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 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 two-year 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 3 or more non-trial appearances, and those with 1-2 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 respondent receives an initial email invitation requesting participation in the survey. A separate email is sent for each judge that a respondent is asked to evaluate. A reminder email is sent one week later to those who did not respond by completing and submitting a survey. This is followed by three 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, the 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 2014 began on June 1, 2012 and ended on June 30, 2013.

II. Courtroom Observation Report

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE CHRISTINE S. DECKER

Six observers wrote 143 codable units that were relevant to 16 of the 17 criteria. Three observers reported that the judge was aware that JPEC observers were present, and three did not know if the judge was aware.

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Decker. All observers variously reported that Judge Decker listened carefully and intently, often summarizing what she had heard and asking if it was correct. She was well-prepared, organized, and efficient, apologized for and explained any delays, and was accommodating and flexible with participants' schedules. She was polite, patient, and welcoming, and generous with compliments and praise. Observers particularly noted her consistently positive and uplifting manner. Her demeanor was professional, serious, firm, and dignified, but also warm, insightful, caring, and encouraging, and reflected her understanding and love for children. She consistently made eye contact, exhibited sympathetic, compassionate and concerned body language, and spoke in a clear, pleasant, and calming voice. Judge Decker treated all with the same courtesy and interest, and she considered the individual needs of each family, acting as a caring 'coach' to help solve participants' problems. She was unhurried and gave adequate time to each case in her full calendar. She encouraged all participants to tell their side of the story and provide input, and she was sincerely interested in and responded to all comments. Judge Decker's speech was clear and articulate. She was not ponderous or preachy with juveniles, and she ensured that everyone understood the proceedings and their rights by asking appropriate questions. She clearly explained the reasoning for her decisions and provided alternative scenarios to help clarify her rulings. All observers reported that they would feel comfortable appearing before Judge Decker.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> One observer noted various minor critical points in several areas, but his comments overall were positive.

Summary and *exemplar language* of six observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Five observers reported that Judge Decker <i>listened carefully and intently</i> , giving her <i>full attention, jotting down quick notes</i> and often <i>summarizing what she'd heard</i> , which was <i>helpful</i> to all participants' comprehension of each speaker.
Well-prepared & efficient	Three observers reported that Judge Decker had <i>knowledge</i> of each case and was <i>well prepared and very organized</i> . She was <i>efficient and yet flexible</i> enough to accommodate unexpected things that happened, such as <i>waiting an appropriate amount of time for a translator</i> .
Respect for others' time	Five observers reported that Judge Decker was <i>very accommodating</i> when delays occurred and future dates needed to be set, and she was <i>flexible about scheduling and patient with the multiple needs and requests of participants</i> . In one case she <i>rearranged schedules so that the father of a child would not have to make unnecessary trips from out of state</i> . She explained her reasons for delays when she left the courtroom, explained <i>pauses to review materials</i> , and <i>apologized for "holding people up, and keeping people from work" and said "we must move ahead."</i> However, one observer noted that court started half an hour late with <i>no explanation or apologies</i> .

Respectful behavior generally	Five observers reported that Judge Decker was <i>polite and welcoming</i> , saying, “ <i>Please be seated, K, would you stand, please?</i> ” She always <i>used the names</i> of the juveniles as she addressed them, had <i>everyone introduce themselves and where they were from</i> , and said “ <i>Thank you</i> ” after each exchange. She <i>consistently acknowledged progress and generously handed out compliments, focused and specific praise, and encouragement</i> . Observers felt <i>uplifted</i> by, and provided numerous examples of, her <i>very positive manner</i> with each young person and their parents, for example, “ <i>You should be proud of yourself - you have excelled - I’m really, really proud of you...you look very, very nice today - you’re all dressed up and look like you’re ready for court.</i> ”
RESPECTFUL TONE	
Courtesy, politeness and patience	Two observers reported that Judge Decker remained <i>calm, polite, and patient</i> in all her responses. When <i>appropriate she smiled to make the litigant feel more comfortable</i> .
Courtroom tone & atmosphere	All observers reported that Judge Decker was <i>professional and dignified, serious</i> although <i>smiling when appropriate, insightful, warm, caring, and encouraging</i> . Observers particularly emphasized that Judge Decker was <i>consistently positive</i> but also <i>quite firm in explaining her expectations or her disappointment</i> when dealing with <i>setbacks</i> . She addressed each person with <i>compassion and dignity</i> , and in one case she spoke <i>compassionately as one mother to another who understood the situation when a mother could not bring a child as she was ill with croup</i> . She managed to <i>not sound patronizing even when giving parenting advice</i> . The courtroom was <i>quiet and calm</i> , and the framed children’s artwork indicated that she <i>understands, loves and respects</i> children.
Body language	Four observers reported that Judge Decker exhibited <i>warm, caring, and consistent eye contact</i> . She appeared <i>sympathetic and concerned</i> by <i>nodding in affirmation</i> as she asked and responded to questions. Her <i>facial expressions</i> showed that she was <i>concerned about how defendants were behaving</i> and where their <i>lives might be heading</i> . Judge Decker became <i>quite animated at times, waving her hands around and speaking loudly, or modulating her voice</i> to make a point. Although <i>slightly off-putting at first, it creates an impression of someone who is passionate about what she is doing and wants to impress participants with the seriousness and gravity of her rulings</i> .
Voice quality	Three observers reported that <i>everyone could hear</i> her <i>clear, pleasant, and distinct</i> voice, which was <i>calming to listen to</i> . One observer noted that the <i>microphone was amplified quite loudly and at times had a slightly booming quality</i> .
NEUTRALITY	
Consistent and equal treatment	Four observers reported that Judge Decker treated all participants with <i>the same level of courtesy and equal interest</i> . Her recommendations were <i>reasoned, fair, and consistent</i> . She gave the <i>same equal but separate attention to several co-defendants</i> who were not in the courtroom at the same time, <i>giving similar probation requirements</i> .
Acts with concern for individual needs	Four observers reported that Judge Decker takes <i>each case separately and looks at the specific needs of the family and how they can solve their problems</i> . She <i>recognized a mother’s feelings</i> when facing a transfer to a facility in southern Utah, saying, “ <i>I know you don’t want to go, but it will be in your best interest to go. You may learn some good things there.</i> ” Her decisions were given in a <i>humane and caring way</i> , and she <i>explained how the decision was meant to help the juvenile</i> , for example, “ <i>I’m going to put you on probation because I think you need more structure.</i> ” She acts as a ‘coach’ to <i>get the children and their parents working together and behaving like a team to keep the children on the path to success</i> .
Expresses concern for the individual	Four observers reported that Judge Decker showed her concern for all participants. She asked a defendant <i>with challenges making appointments</i> , “ <i>How are you going to change that?</i> ” and then <i>offered timely advice in using planners and setting boundaries</i> . She asked a juvenile if he had goals, and as she listened reminded him that “ <i>to meet those goals and be what you would like to become, you must read well and have additional training.</i> ” She <i>knew and understood the problems that this young man faced</i> , and the observer felt <i>that she really sincerely had his best interest at heart</i> .

Unhurried and careful	Two observers reported that Judge Decker <i>gave adequate time</i> to each case despite her <i>full calendar</i> , and she seemed <i>unhurried as she asked questions like, "Tell me what happened," and "Why did this happen?"</i> that showed that <i>each case was equally important to her</i> .
<i>VOICE</i>	
Considered voice	<p>All observers reported that Judge Decker gave <i>everyone the opportunity to speak</i> and give their <i>own side of the story</i>. She <i>consistently asked for input</i> and seemed <i>sincerely interested in all comments and encouraging in her responses</i>. She tried to get all family members to voice their concerns, and <i>some of the parents seemed surprised that they were asked to speak</i>, but <i>all responded and were carefully listened to</i>. She asked <i>open ended questions</i> to get the participants to give her <i>detailed information</i> regarding their lives. When young persons were speaking <i>she did not interrupt and gave lots of wait time</i>, saying, "<i>Can you tell me about leadership camp...Did you enjoy it?</i>" There was never a conclusion until each person had had a chance to speak.</p> <p>One observer was <i>confused</i> about the identity of the grandparents of a child and wished these participants were given more <i>opportunity to explain their interests</i>. Judge Decker's <i>brevity with the grandparents may have seemed slightly dismissive</i> and <i>might have left them feeling unheard</i>.</p>
<i>COMMUNICATION</i>	
Communicates clearly	Three observers reported that Judge Decker is <i>very articulate</i> , uses <i>clear language</i> , and <i>avoids sounding ponderous and preachy</i> when talking to young people She <i>explains the reasons for her decisions in language that is easily understandable</i> .
Ensures information understood	<p>Four observers reported that Judge Decker ensured that <i>everyone understood what was occurring</i> by asking <i>clarifying questions</i> that ensured <i>appropriate comprehension</i>. She <i>provided a summary</i> at the beginning of hearings to ensure comprehension. She made sure that a litigant knew his rights of representation and <i>how he could qualify for a court appointed attorney</i>. <i>Ultimately, he decided not to have an attorney present, but the judge asked more than once if he was okay with that</i>.</p> <p>In contrast, one observer reported that Judge Decker <i>did not often ask participants if they understood</i>, but she <i>did make sure that she understood</i> what participants were saying by <i>repeating back to them what they had just said with some reframing, and then asking "Is that correct?"</i></p>
Provides adequate explanations	<p>Four observers reported that Judge Decker was <i>very clear in explaining her reasoning</i>, giving explanations which <i>always seemed sensible and appropriate to the offense</i>. She <i>often explained what the alternative scenarios would be if she made other decisions, which seemed to really help clarify the reasons for her rulings</i>.</p> <p>One observer reported that Judge Decker was a <i>little brief in explanations at times</i>.</p>