

Honorable Paul G. Maughan – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

(vote count: 11-0 for retention)

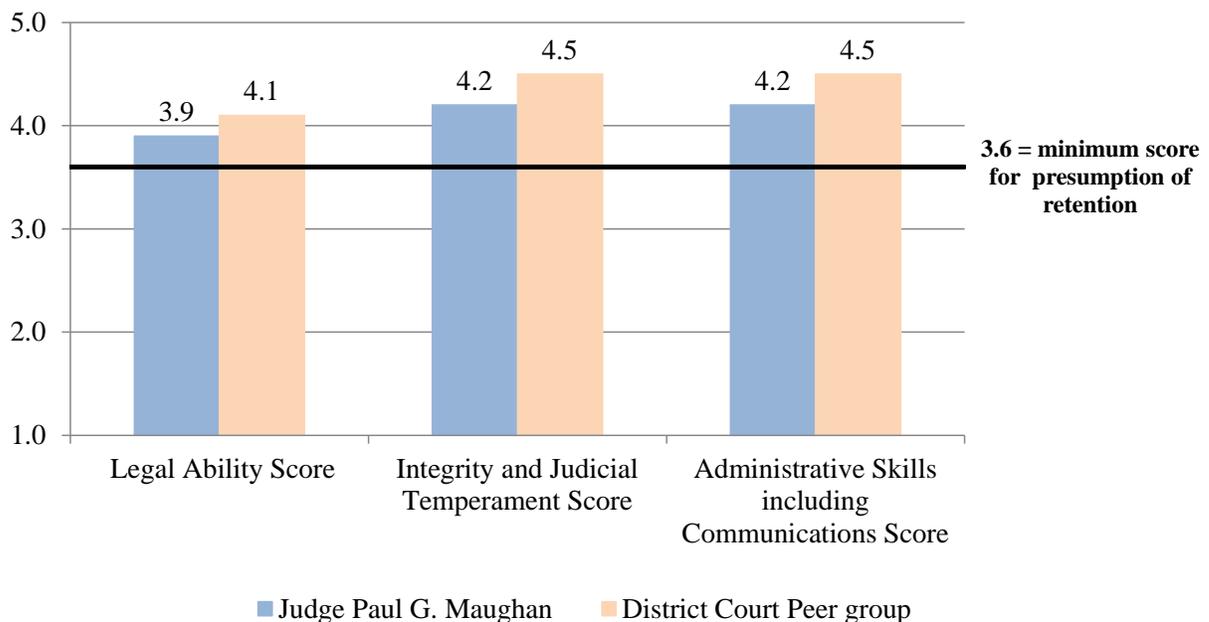


Appointed in 1998, Judge Paul G. Maughan is an experienced judge whom survey respondents described as polite, calm, and attentive. Several noted his thorough preparation and his professionalism. A few characterized him as abrupt and gruff in his oral communication. Courtroom observers described Judge Maughan as competent, organized, and knowledgeable and reported they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 85% recommended that Judge Maughan be retained.

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

Judge Paul G. Maughan was appointed to the bench in 1998 by Governor Michael Leavitt. He graduated from Brigham Young University and obtained his law degree from the University of Utah. Judge Maughan has handled numerous cases involving complex civil litigation, tried many serious felony cases, and handled numerous domestic matters. He served for six years on the Utah Judicial Council and for five years on the Board of District Court Judges. He has also served as Associate Presiding Judge of the Third District Court and is currently a Master of the Bench in the Aldon Anderson Inn of Court. He is a member of the Utah State Bar, the Tenth Circuit, and the United States Supreme Court.

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



The Honorable Paul G. Maughan

Judicial Performance Evaluation Commission Report

Retention 2014

Table of Contents

I. Survey Report

Survey Results	1
A. How to Read the Results	1
B. Statutory Category Scores	2
C. Procedural Fairness Survey Score	3
D. Responses to Individual Survey Questions	4
E. Adjective Question Summary	6
F. Retention Question	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 Paul G. Maughan, 53% of qualified survey respondents submitted surveys. Of those who responded, 98 agreed they had worked with Judge Paul G. Maughan enough to evaluate his performance. This report reflects the 98 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

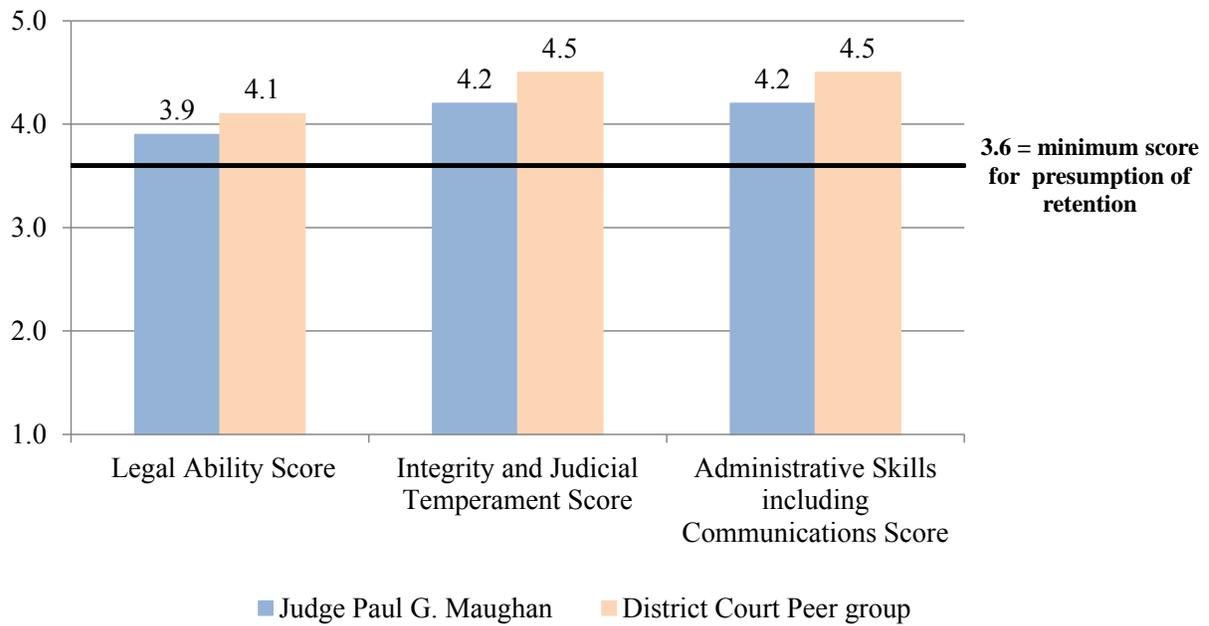
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Court" on the charts.

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.

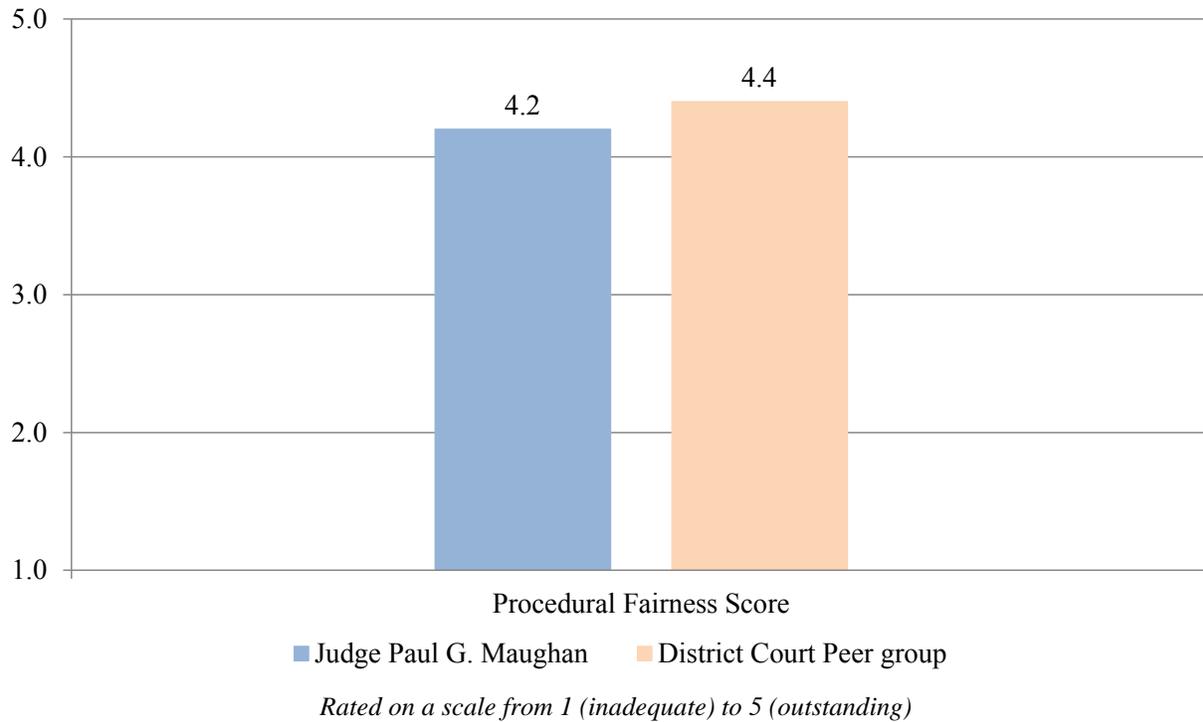
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, 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 Paul G. Maughan
Procedural Fairness	PASS

D. Responses to Individual Survey Questions

Category	Question	Judge Paul G. Maughan	District 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.	4.0	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.9	4.1
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.9	4.1
Legal Ability	The judge only considers evidence in the record.	3.9	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.8	4.1
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.3	4.5
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.3	4.5
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.0	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.0	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.	4.4	4.6

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

Category	Question	Judge Paul G. Maughan	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.0	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.3	4.5
Administrative Skills	The judge is an effective manager.	4.1	4.3
Administrative Skills	The judge convenes court without undue delay.	4.4	4.5
Administrative Skills	The judge rules in a timely fashion.	4.3	4.4
Administrative Skills	The judge maintains diligent work habits.	4.3	4.5
Administrative Skills	The judge's oral communications are clear.	4.0	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	3.9	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.3	4.5
Procedural Fairness	The judge is fair and impartial.	4.2	4.4
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.1	4.3
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.2	4.4

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

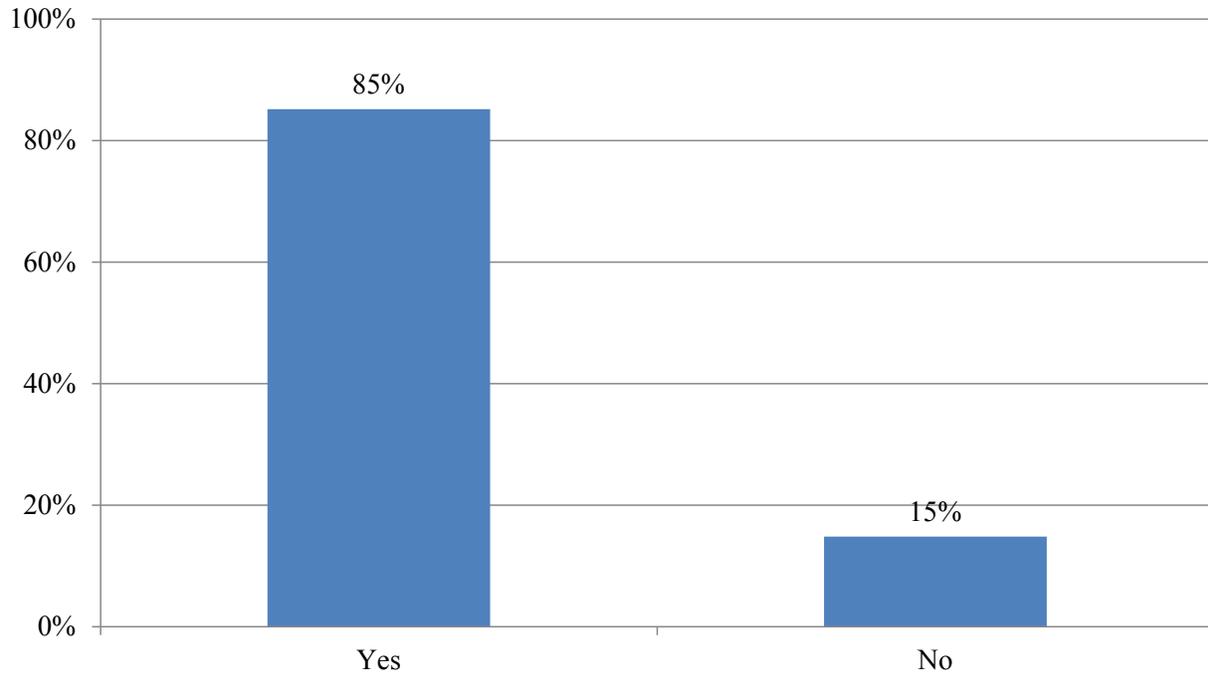
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	37
Calm	36
Confident	10
Considerate	24
Consistent	20
Intelligent	18
Knowledgeable	27
Patient	25
Polite	40
Receptive	16
Arrogant	7
Cantankerous	6
Defensive	5
Dismissive	11
Disrespectful	3
Flippant	1
Impatient	11
Indecisive	8
Rude	2
Total Positive Adjectives	253
Total Negative Adjectives	54
Percent of Positive Adjectives	82%

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 Paul G. Maughan be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	4%
Domestic	21%
Criminal	20%
Civil	74%
Other	5%

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

5 or fewer	78%
6 - 10	22%
11 - 15	-
16 - 20	-
More than 20	-

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 PAUL G. MAUGHAN

Four observers wrote 76 codable units that were relevant to 15 of the 17 criteria. One observer reported that the judge was aware that JPEC observers were present, one observer reported that the judge was not aware, and two 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 Maughan. All observers variously reported that Judge Maughan listened carefully and always focused on speakers. He was competent, organized, and efficient, and knowledgeable about the cases. He started on time and apologized for and explained any delays. He greeted each person by name, ensured that he pronounced names correctly, and was polite, courteous, and very patient. His demeanor was cordial, considerate, and thoughtful, and he maintained a calm, quiet, and professional atmosphere in the court. He made good eye contact, and while his quiet and sometimes monotone voice was on occasion difficult to hear, his animated expressions indicated his level of interest and attentiveness. Judge Maughan gave equal consideration to each side, showed concern and compassion for defendants' individual circumstances, and took the necessary time for each case, never hurrying or interrupting speakers. He gave the opportunity and much time to all parties to present their positions and consistently asked if anyone had anything to add. He used clear language and concise explanations for his reasoning, and he carefully explained defendants' rights and court procedures. He asked questions to ensure that defendants understood their rights. All observers reported that they would feel comfortable appearing before Judge Maughan.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Two observers reported that Judge Maughan <i>listened carefully, always focused, watching speakers, and asking questions to understand the information presented.</i>
Well-prepared & efficient	Three observers reported that Judge Maughan ran a <i>very competent, well organized, and efficient courtroom. He was knowledgeable about the cases and prepared for the proceedings.</i>
Respect for others' time	Two observers reported that Judge Maughan started <i>on time</i> and explained to <i>those waiting</i> if there were delays. He was <i>very patient in listening to long examinations and never interrupted any speaker</i> ; however when an opposing attorney objected that a <i>question had already been asked in many different ways</i> , the judge agreed, saying, <i>"I've got this, I really have."</i>
Respectful behavior generally	All observers reported that Judge Maughan <i>consistently greeted everyone with a sincere "Good morning"</i> and ensured that he <i>pronounced each person's name correctly</i> . When speaking with attorneys he <i>referred to their clients by name, rather than saying "your client" or "the plaintiff."</i> He <i>thanked witnesses for being there and apologized whenever attorneys had to remind him of details he did not recollect or for any brief recesses.</i>

Respectful behavior generally continued	He was <i>very patient and respectful towards a very old attorney who appeared hard of hearing, a little confused, and difficult to understand</i> , and he clearly explained and repeated information for the attorney.
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RESPECTFUL TONE

Courtesy, politeness and patience	All observers reported that Judge Maughan was <i>polite, courteous, patient, and calm</i> . When <i>public defenders were also participating in other courtrooms, he patiently waited until all were present</i> .
Courtroom tone & atmosphere	All observers reported that Judge Maughan was <i>cordial, considerate, and thoughtful</i> , and <i>showed compassion with a litigant whose case had dragged on for almost ten years</i> . One observer found the judge <i>a bit aloof and unemotional but never questioned his expertise or professionalism</i> . Observers commented on the <i>calm and professional atmosphere</i> in court, even during an <i>emotionally difficult case</i> . <i>The bailiff asked everyone to turn their cell phones off, saying, "If you want to visit with your neighbor, please go outside,"</i> and in one case Judge Maughan <i>motioned a person testifying to wait a minute and held up court until the two attorneys realized that they were disrupting the proceedings, after which both attorneys apologized to the court</i> .
Body language	One observer reported that Judge Maughan <i>made good eye contact, leaning side to side or forward and back, placing his hands or fingers on his face in a pensive manner</i> .
Voice quality	One observer reported that only during the first one or two cases Judge Maughan <i>seemed to mumble, and it was difficult to hear or understand what he was saying</i> . Another observer reported that the judge's <i>tone is calm, quiet, low and even a bit monotone, but in contrast to the tone of his voice, his facial expressions are animated and reflect his level of interest and attentiveness</i> .

NEUTRALITY

Consistent and equal treatment	One observer reported that Judge Maughan consistently gave equal consideration to each side.
Acts with concern for individual needs	Two observers reported that Judge Maughan showed concern for the interests of defendants. In one case he did not want to issue a warrant without an evaluation in case the defendant <i>had some mental health issues that may be affecting his failure to report</i> . In another case he did want to delay a trial date as recommended until the defendant agreed and signed a <i>release to waive her right to a speedy trial</i> . When a defendant said that she had been <i>advised by her attorney not to testify</i> , Judge Maughan made sure that it was the defendant's <i>wish not to speak at that time</i> .
Unhurried and careful	Three observers reported that Judge Maughan <i>took the necessary time to deal with each case and remained patient even during lengthy questioning, never hurrying the speaker</i> . When a litigant had <i>two cases before the judge but the judge had only one on the calendar</i> , he <i>patiently worked through the record until it was resolved</i> .

VOICE

Considered voice	All observers reported that Judge Maughan gave all participants an <i>opportunity to present their cases and positions</i> , and one observer found it <i>most noteworthy that the judge allowed both sides so much time to present their cases and gave them both his full attention</i> . He <i>consistently asked each attorney if...they had anything to add</i> , and he asked <i>questions to gather information and understand participants' positions</i> , such as, <i>"Could you tell me where you are with this?"</i> Judge Maughan <i>provided an atmosphere where those speaking were not interrupted or distracted</i> , and if an attorney was asking questions faster than the witness could answer, the judge <i>instructed the attorney to slow down and let the witness answer</i> .
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COMMUNICATION

Communicates clearly	Three observers reported that Judge Maughan gave <i>clear, concise reasons</i> for his rulings and used <i>clear language and terms the participants could easily understand</i> .
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Ensures
information
understood

Two observers reported that Judge Maughan *was very careful* to ensure that defendants understood their rights, *questioning* them to make sure they did before, for example, *allowing them to waive the right to a preliminary hearing*. He *asked questions to let defendants know he understood them and made sure that they understood him*, saying for example, “*Let me clarify again,*” or, “*Let me make sure the court understands your motion.*”

Provides
adequate
explanations

Three observers reported that Judge Maughan *carefully explained* defendants’ rights and *court procedure*, what *rights they were giving up*, the *state’s obligation in meeting the burden of proof*, and that the litigant was *not required to testify*. He explained his *decisions or queries* by saying, “*... that might sound like nit picking but...*” or, “*... cases have turned on smaller matters... even periods and commas can matter a lot.*”
