

Honorable James R. Taylor – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties



Commission Recommendation: **RETAIN**

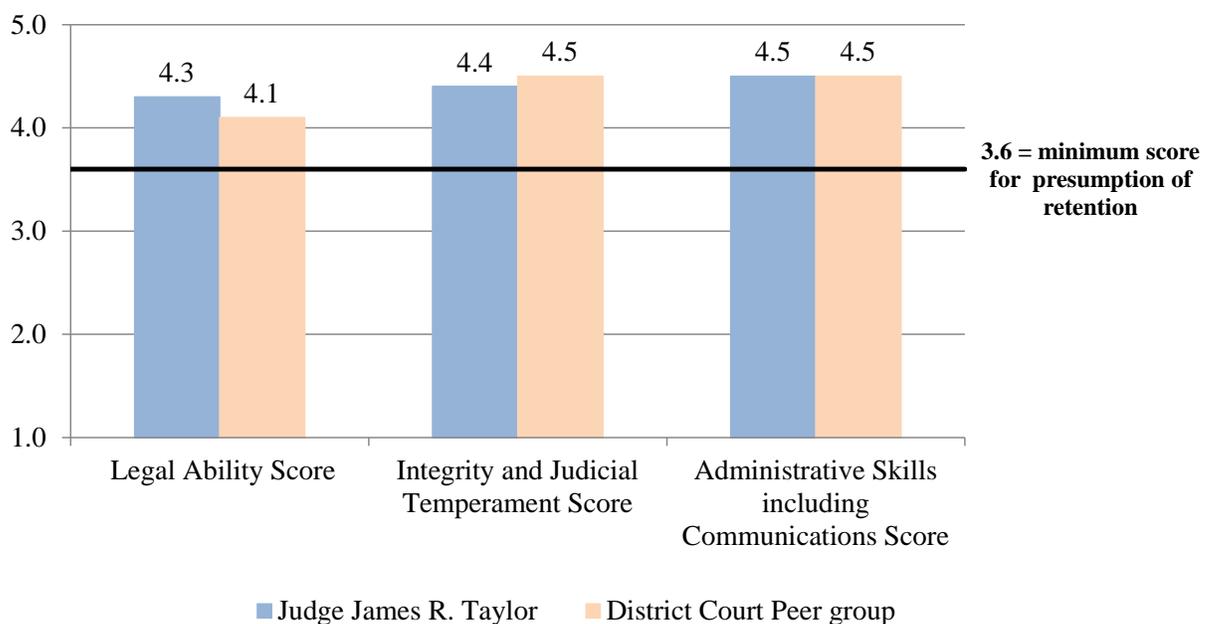
(vote count: 12-0 for retention)

Judge James Taylor is an experienced, smart, and hard-working judge who comes to the bench well-prepared and expects attorneys appearing before him to be equally prepared. According to survey respondents, Judge Taylor stays focused, gets to the point quickly, and keeps proceedings moving ahead efficiently. When choosing from a list of adjectives to describe Judge Taylor, respondents most often selected knowledgeable, confident, and attentive. Some respondents, however, viewed Judge Taylor as arrogant and impatient towards courtroom participants. Courtroom observers were positive about Judge Taylor, with all reporting they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 92% recommended that Judge Taylor be retained.

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

Judge James R. Taylor was appointed to the Fourth District Court by Gov. Michael O. Leavitt in 1999. Named a Joseph Fielding Smith Scholar at Brigham Young University in 1973, Judge Taylor went on to earn his law degree from the University of Utah College of Law in 1980. He worked in general private practice and served as Spanish Fork City Attorney before becoming a deputy Utah County Attorney in 1987. In 2006, UVSC named Judge Taylor as Adjunct Professor of the Year for the School of Business. Judge Taylor has presided over an adult Drug Court in Utah County since 2002, previously served as the presiding judge for the Fourth District Court, and currently serves on the Board of District Judges.

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



The Honorable James R. Taylor

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge James R. Taylor, 55% of qualified survey respondents submitted surveys. Of those who responded, 87 agreed they had worked with Judge James R. Taylor enough to evaluate his performance. This report reflects the 87 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

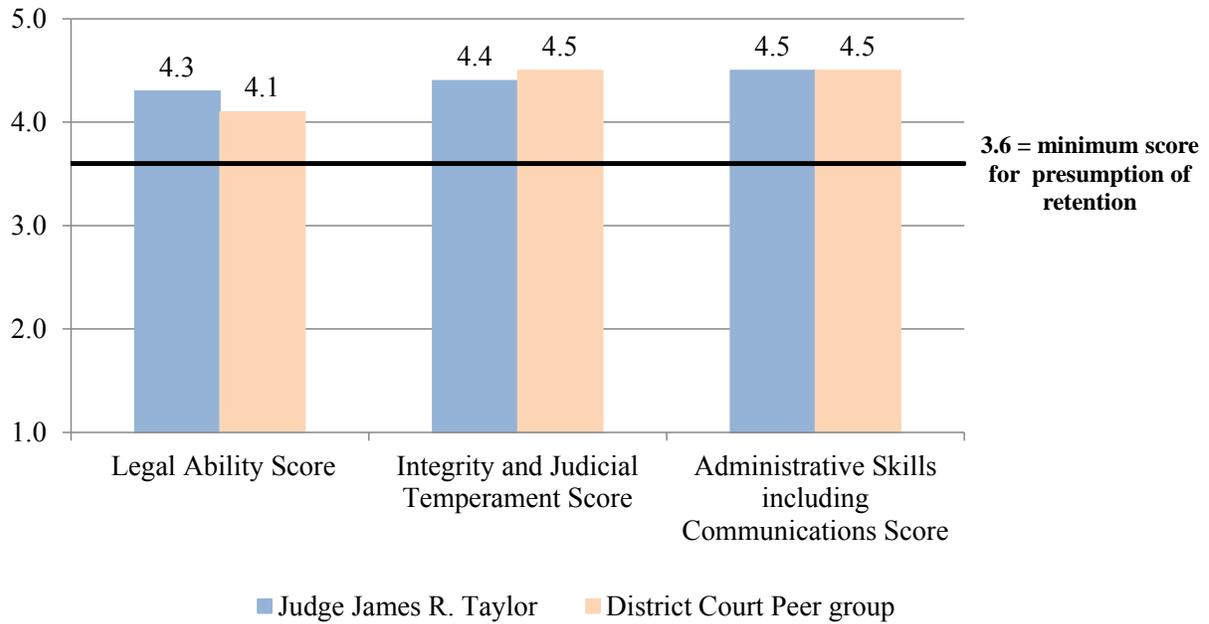
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Court" on the charts.

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.

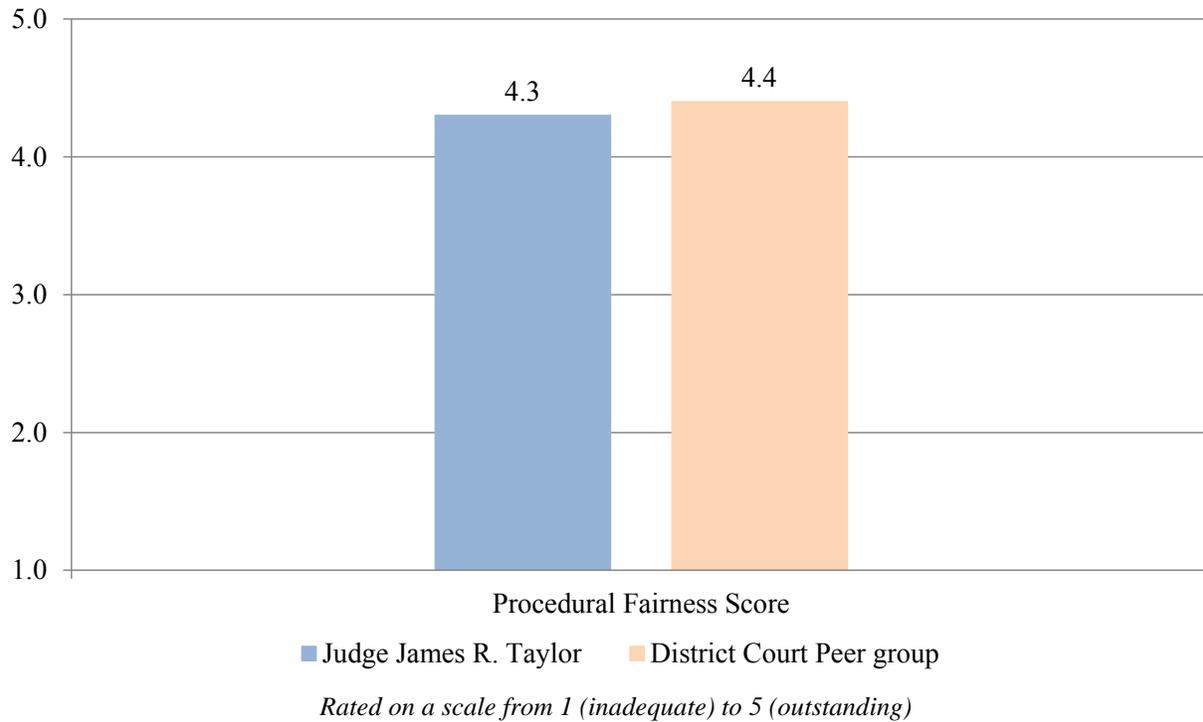
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

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

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

Category	Question	Judge James R. Taylor	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.4	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.	4.4	4.3
Administrative Skills	The judge convenes court without undue delay.	4.5	4.5
Administrative Skills	The judge rules in a timely fashion.	4.5	4.4
Administrative Skills	The judge maintains diligent work habits.	4.7	4.5
Administrative Skills	The judge's oral communications are clear.	4.5	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.4	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.2	4.5
Procedural Fairness	The judge is fair and impartial.	4.3	4.4
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.3	4.3
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.4	4.4

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

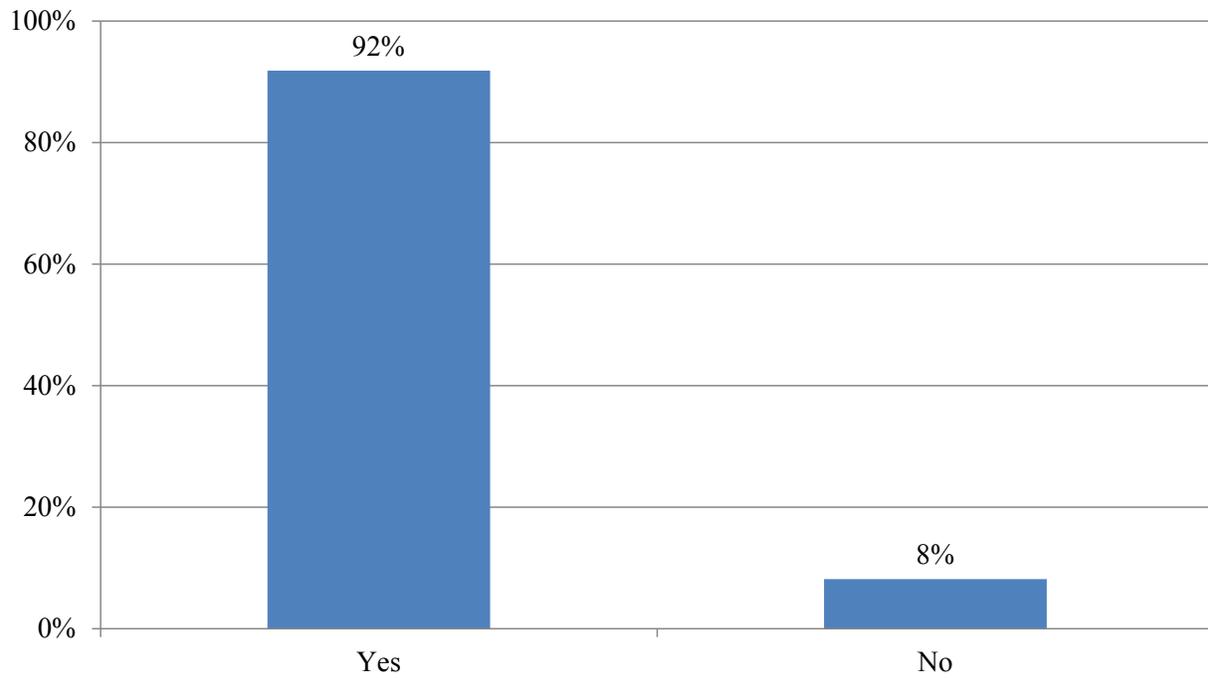
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	46
Calm	12
Confident	48
Considerate	20
Consistent	17
Intelligent	41
Knowledgeable	54
Patient	8
Polite	18
Receptive	15
Arrogant	22
Cantankerous	12
Defensive	2
Dismissive	10
Disrespectful	5
Flippant	3
Impatient	12
Indecisive	0
Rude	4
Total Positive Adjectives	279
Total Negative Adjectives	70
Percent of Positive Adjectives	80%

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 James R. Taylor be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	2%
Domestic	15%
Criminal	28%
Civil	70%
Other	7%

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

5 or fewer	66%
6 - 10	18%
11 - 15	7%
16 - 20	4%
More than 20	5%

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 JAMES TAYLOR

Four observers wrote 72 codable units that were relevant to 15 of the 17 criteria. Two observers reported that the judge was aware that JPEC observers were present, 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 Taylor. All observers variously reported that Judge Taylor listened carefully and intently, ran the court efficiently, started on time, and explained delays such as taking time to read a file. He addressed each defendant by name, and in drug court he appreciated progress and encouraged those doing less well. He was personable, enthusiastic and upbeat, thoughtful, and professional. He made good eye contact, maintained appropriate body language, and spoke clearly with a pleasant voice. He displayed the same demeanor with all participants and was genuinely concerned with the best interests of both defendants and victims, accommodating requests and allowing defendants to set their own payment schedules. He wanted to hear all participants' perspectives before making a decision and went to great lengths to ask many open ended questions to draw out information, and he showed that he considered their arguments in his decisions. Judge Taylor spoke clearly in plain English, but without talking down to defendants, and went out of his way to ensure they understood what he was saying. He clearly explained the reasons for his decisions, explained defendants' next steps, and was very instructive in explaining the correct procedure for obtaining a drug assessment. All observers reported that they would feel comfortable appearing before Judge Taylor.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> One observer reported that drug court participants were comfortable talking to Judge Taylor, but another reported that communication was mainly one-way giving of directions, and so participants were not anxious to voice their concerns (see "Considered voice").
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> One observer noted a case that the observer found inconsistent when the judge reconsidered a decision (see "Consistent and equal treatment").

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Two observers reported that Judge Taylor <i>listened carefully, intently, and patiently</i> . Even though <i>he used a laptop to look up files and type in information</i> , he was still able to <i>focus on the participants and keep eye contact</i> .
Well-prepared & efficient	Three observers reported that Judge Taylor was <i>organized and ran the court very efficiently without wasted time</i> , and there was a <i>great feeling of 'teamwork.'</i>
Respect for others' time	One observer reported that Judge Taylor <i>started right on time and kept things going at a fast clip</i> . If he had to <i>spend time</i> on his computer, he <i>excused himself and asked for a few minutes to review the file</i> .
Respectful behavior generally	Two observers reported that Judge Taylor <i>greeted everyone in a friendly manner and addressed each defendant by name</i> , although one other observer noted that Judge Taylor <i>did not initially greet or acknowledge defendants but at first just had conversations with the attorneys</i> . In drug court, Judge Taylor always <i>appreciated good work</i> , saying, " <i>Good work, you're doing great,</i> " or, " <i>You've made some good progress, keep it up,</i> " and he sometimes <i>commented on what could be improved</i> . He encouraged a defendant being <i>released from the program because of new charges that even those who don't finish the program have been proven to have benefitted from it, and wished this man well</i> .

RESPECTFUL TONE

Courtroom tone & atmosphere	Three observers reported that Judge Taylor was <i>personable, enthusiastic and upbeat, thoughtful, always positive and open</i> . He <i>projected professionalism and a matter of fact demeanor</i> . One observer noted that during <i>a recess when the judge was not in the courtroom the prosecutors, bailiffs and clerks were talking and laughing loudly about other cases and attorneys</i> . The observer felt <i>this was too casual and cheapened the court</i> .
Body language	Two observers reported that Judge Taylor had <i>good eye contact, always looked directly at the person with whom he was conversing, and maintained appropriate body language</i> .
Voice quality	Two observers reported that Judge Taylor spoke <i>very clearly with a pleasant voice and projected well</i> .

NEUTRALITY

Consistent and equal treatment	Two observers reported that Judge Taylor <i>explained everything equally well to both parties, and he displayed the same positive and welcoming demeanor to participants just entering the program in custody, or graduating</i> . In contrast, one observer reported that the judge was <i>inconsistent</i> when he <i>hit a defendant hard with a fine</i> , and after the attorney <i>responded quickly and raised her voice, saying, "Judge Taylor, I am appalled. That is way too steep!"</i> then the judge <i>reconsidered and said to the defendant, "Well, because your attorney almost fell over, it saved you a few hundred dollars!"</i>
Acts with concern for individual needs	Two observers reported that Judge Taylor was <i>genuinely concerned</i> with both defendants and victims. He <i>accommodated</i> defendants requests, always asking them to <i>set their own</i> payment schedules, and accommodated a request to be <i>released from jail in time to go to work on Monday</i> . When a victim asked to speak and <i>disclosed repeated lies</i> of the defendant, Judge Taylor asked the defendant, <i>"What do you want to tell me?"</i> and after hearing from the defendant told him, <i>"The first time you came before me I was lenient. This time you have committed these crimes a step at a time, and you will need to get out of it a step at a time," and included these in his sentence</i> .
Expresses concern for the individual	Two observers reported that Judge Taylor was <i>very respectful</i> of a defendant's <i>concern about deportation if a guilty plea stood</i> , and when he <i>failed to see how the cited case law pertained to the case</i> , the judge still <i>considerately voiced his concern for the petitioner being deported</i> . Judge Taylor was <i>very clear and encouraging</i> to defendants who were <i>watching the proceedings about what to expect from drug court</i> . He <i>encouraged the rare participant who was not doing well</i> , asked for the participant's story, and said, <i>"You have really progressed and come a long ways. You made a mistake. I'm proud of you. You didn't give up."</i>
Unhurried and careful	Two observers reported that Judge Taylor <i>took time</i> with each defendant, <i>asked many questions when necessary to clarify points, and did not rush</i> into any decision.

VOICE

Considered voice	Three observers reported that Judge Taylor wanted to <i>hear and understand</i> each participant's perspectives <i>before reaching a decision</i> . He was <i>consistent</i> in how he <i>asked to hear from the attorneys and then the defendant</i> , and <i>went to great lengths by asking question after question</i> to ensure that attorneys and prosecutors explained their positions, <i>asking open ended questions in an effort to draw more information when it would have been easier for him to ask questions requiring a simple yes or no</i> . He <i>listened to each perspective</i> and showed he had fully considered the <i>arguments and documents presented before reaching his decision, and he gave his reasons if he ruled in a different way</i> .
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Considered voice continued	One observer reported that in drug court Judge Taylor <i>began by asking defendants what they were working on and how they thought they were doing</i> , and those who had been in court before <i>seemed comfortable in talking to him</i> . In contrast, another observer reported that the judge <i>got very little response from drug court participants, since his "connection/interaction" was mainly one-way and involved giving directions</i> , and so they were <i>not anxious to voice their concerns or opinions</i> . Only in one case did Judge Taylor <i>really push a defendant to speak up by drilling him</i> , saying, <i>"What's going on in your life, what is your family situation? Are you alone? Can you give me any explanation? Why would you do such a thing?"</i>
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COMMUNICATION

Communicates clearly	Two observers reported that Judge Taylor <i>spoke clearly, structured his sentences appropriately and in plain English</i> so that each participant <i>could understand him, yet he did not talk down to anyone</i> .
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Ensures information understood	Three observers reported that Judge Taylor <i>went out of his way to ensure participants understood exactly what he was saying, asking numerous times if they understood</i> . He <i>took the time to ensure that an attorney who seemed very uncomfortable in front of the court understood what was happening</i> . He <i>did an excellent job of checking for their understanding of their rights</i> , particularly when pleading guilty, <i>looking them in the eye as he explained and consistently asking, "Do you understand those consequences, are you confused in anyway?"</i>
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Provides adequate explanations	Three observers reported that Judge Taylor <i>clearly explained the reasons for his decisions</i> , in one case explaining to a defendant who <i>wanted outpatient care and work release so he could take care of his family, that his drug habits would either kill him or send him to prison and both of those will take the defendant away from his family</i> . In another case he explained that he was <i>giving a defendant "a lot of rope,"</i> and that if he did not <i>follow through</i> with probation then it will be <i>his choice to go to prison</i> . Judge Taylor <i>took time to explain what was needed and expected of attorneys</i> and explained the steps that <i>both parties needed to do at the next court hearing</i> . He was <i>VERY instructive when it came to explaining the what/when/where of getting and reporting a drug assessment</i> , and the observer was <i>impressed by his technique and confident that the defendant would follow through with the procedure</i> .
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