

## **Honorable Paul " " Parker – District Court Judge**

Serving Salt Lake, Summit, and Tooele counties



### **Commission Recommendation: **RETAIN****

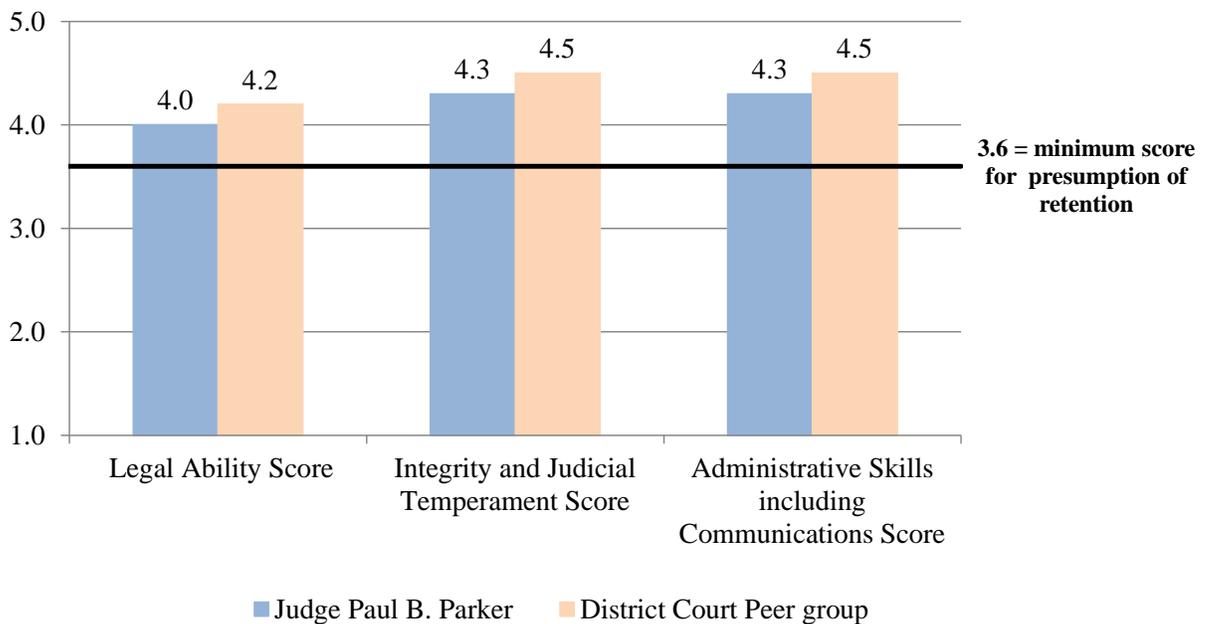
(vote count: 12-0 for retention)

Appointed to the bench in 2013, Judge Paul " " Parker is a relatively new judge who scores consistent with the average of his district court peers in all survey categories. According to survey respondents, Judge Parker is a capable, well-prepared, and professional judge. They describe him as confident and patient. Some attorneys participating in the survey observe that Judge Parker's knowledge of civil law needs to be stronger. All courtroom observers praise Judge Parker and indicate they would feel comfortable appearing before him. They describe him as knowledgeable and prepared, with a calm, focused, and authoritative courtroom presence. Of survey respondents answering the retention question, 86% recommend that Judge Parker be retained.

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

Judge Paul B. Parker was appointed to the Third District Court in 2013 by Governor Gary Herbert. He served as a police officer for the Vernal City Police Department from 1978 until 1985. He left the Police Department to finish his education and completed a Bachelor of Science degree in Police Science from Weber State University later in 1985. He earned his law degree from the University of Utah in 1988. Until his appointment to the bench, Judge Parker practiced law as a deputy Salt Lake County District Attorney, prosecuting felonies such as child abuse, sexual assault and homicide. His assignments at the District Attorney's Office also included supervising the Special Victim Team and, later, the Justice Division.

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



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# **The Honorable Paul B. Parker**

**Judicial Performance Evaluation Commission Report**

**Retention 2016**

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### II. Courtroom Observation Report

# I. Survey Report

## Survey Results

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### A. How to Read the Results

For Judge Paul B. Parker, 53% of qualified survey respondents submitted surveys. Of those who responded, 89 agreed they had worked with Judge Paul B. Parker enough to evaluate his performance. This report reflects these 89 responses. The survey results are divided into five sections:

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

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 the Legal Ability questions.

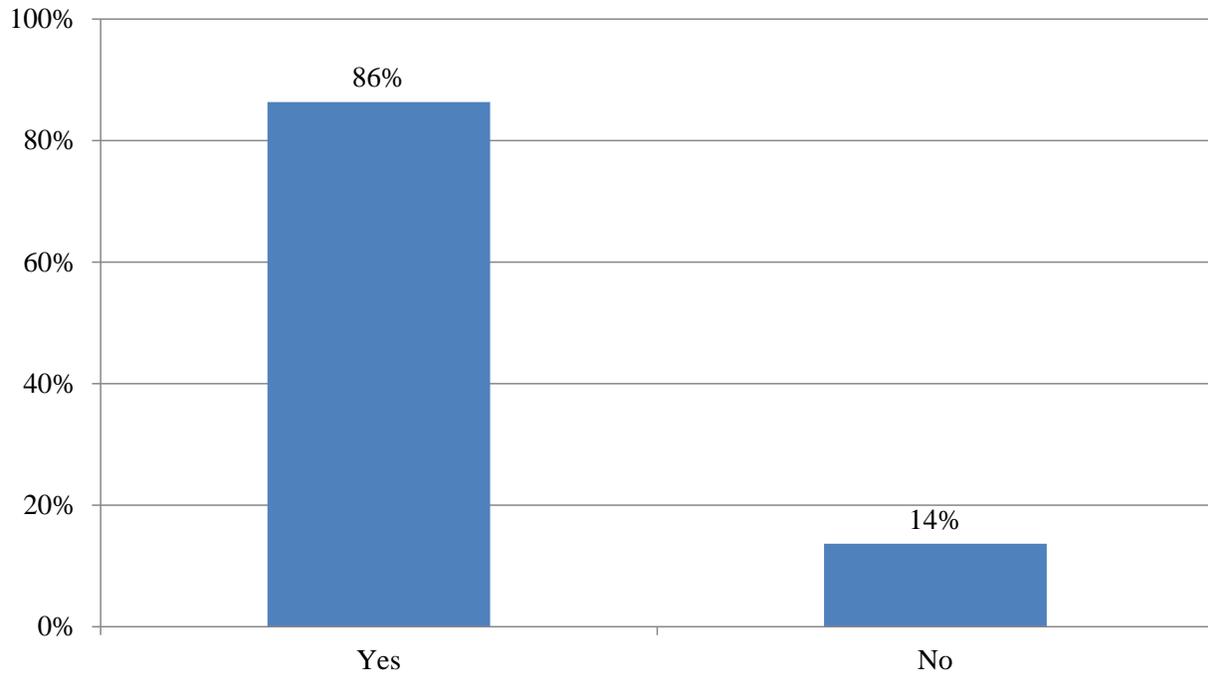
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to 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.

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.

Respondents are asked whether or not they think the judge should be recommended for retention only during the retention cycle.

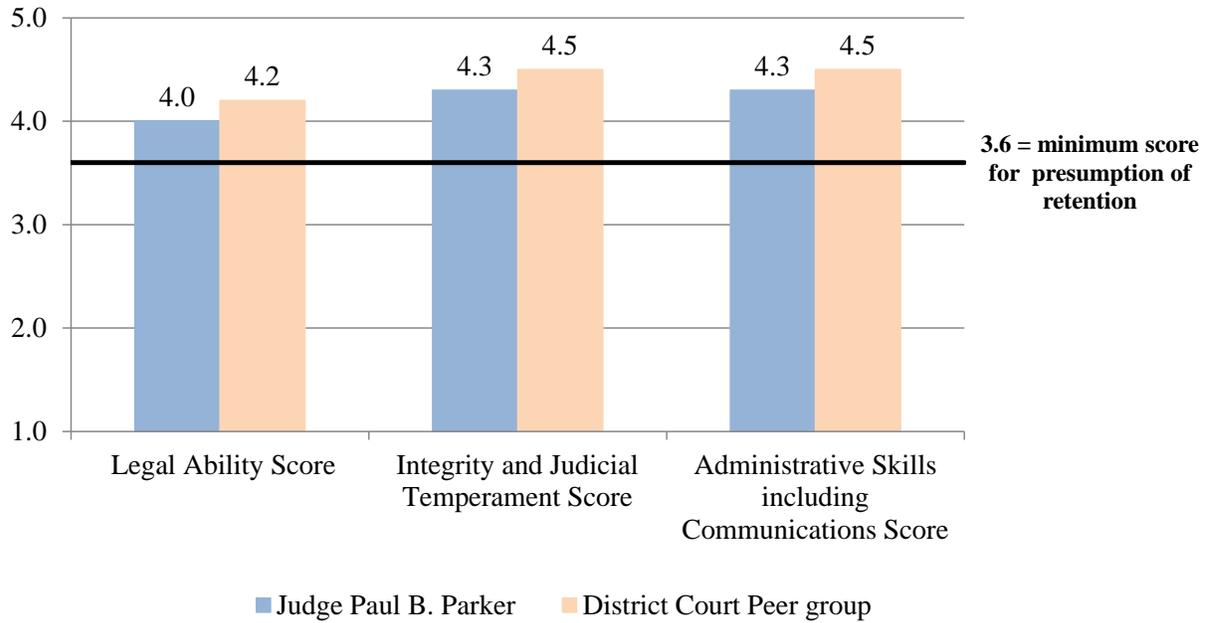
## B. Retention Question

**Figure A. Would you recommend that Judge Paul B. Parker be retained?**



## C. Statutory Category Scores

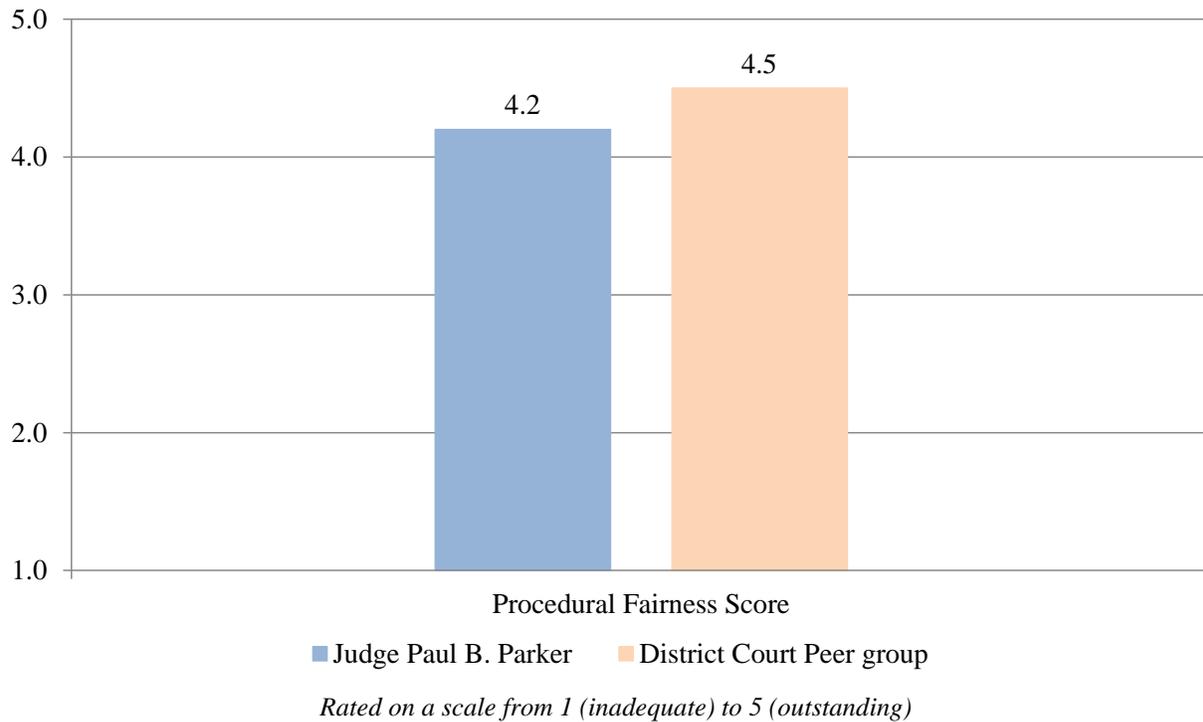
**Figure B. Statutory Category Scores**



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

## D. Procedural Fairness Score

**Figure C. Procedural Fairness 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.

**Table A. Overall Procedural Fairness Determination (for Retention Only)**

Category	Judge Paul B. Parker
Procedural Fairness	Pass

## E. Responses to Individual Survey Questions

**Table B. Responses to Survey Questions**

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

**Table C. Responses to Survey Questions (continued)**

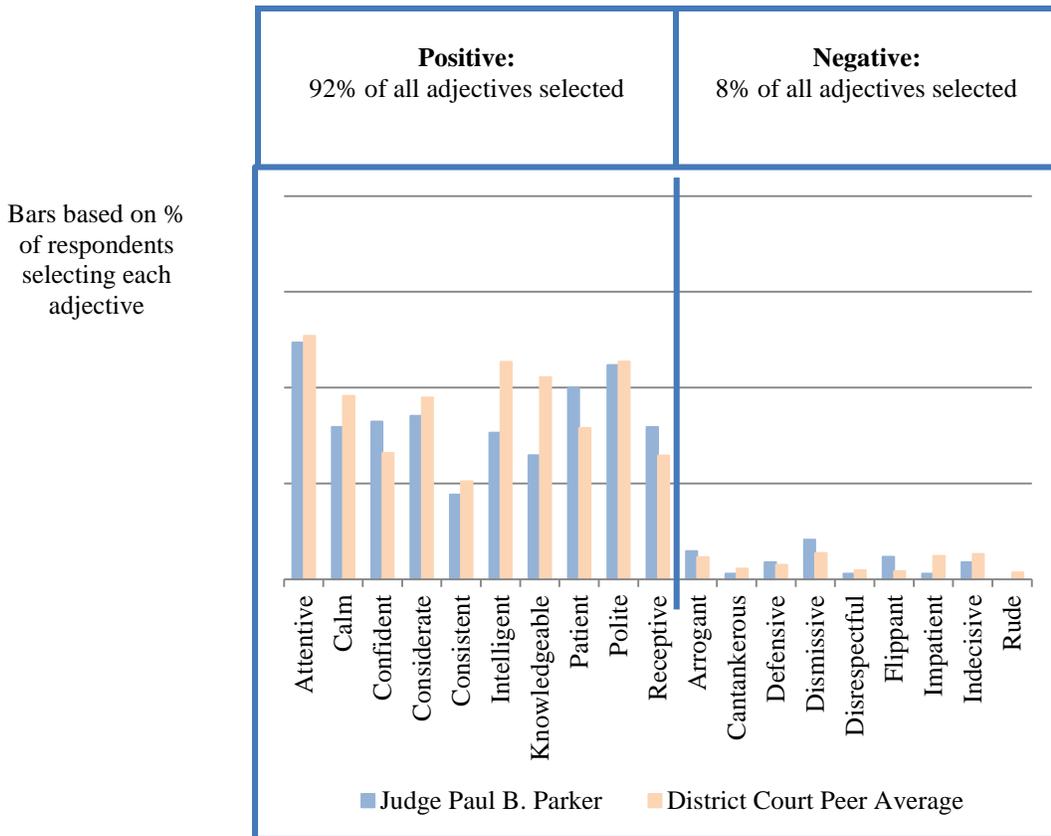
<b>Category</b>	<b>Question</b>	<b>Judge Paul B. Parker</b>	<b>District Court</b>
Administrative Skills	The judge is prepared for court proceedings.	4.3	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.4	4.6
Administrative Skills	The judge is an effective manager.	4.2	4.5
Administrative Skills	The judge convenes court without undue delay.	4.4	4.6
Administrative Skills	The judge rules in a timely fashion.	4.4	4.5
Administrative Skills	The judge maintains diligent work habits.	4.4	4.5
Administrative Skills	The judge's oral communications are clear.	4.3	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.0	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.3	4.6
Procedural Fairness	The judge is fair and impartial.	4.1	4.5
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.1	4.5
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)*

## F. Adjective Question Summary

From a provided list, survey respondents selected multiple adjectives to best describe the judge. The “positive” and “negative” labels at the top of the graph refer to the percent of all adjectives selected by all respondents that were either positive or negative. Each bar is based on the percent of respondents who selected that adjective. The adjacent bar shows a comparison to the other evaluated judges who serve on the same court level.

**Figure D. Adjective Responses**



## G. Attorney Demographics

**Table D: What are your primary areas of practice?**

Collections	4%
Domestic	22%
Criminal	47%
Civil	49%
Other	1%

Because many attorneys practice in multiple areas, totals may not equal 100%

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

5 or fewer	58%
6 - 10	16%
11 - 15	5%
16 - 20	2%
More than 20	19%

## Survey Background and Methods

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This report presents the results from the 2015 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 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 three or more non-trial appearances, and those with one to two 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 qualified respondent receives an initial email notification signed by the Governor, Chief Justice, President of the Senate, and Speaker of the House, requesting participation in the survey. Next, an email invitation, signed by JPEC's Executive Director and the Utah State Bar President, contains links to 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 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. Once a respondent has completed the survey for a specific judge, that 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 2016 began on January 1, 2014 and ended on June 30, 2015.

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE PAUL PARKER

Four observers wrote 52 codable units that were relevant to 11 of the 15 criteria. Two observers reported that the judge was not aware that JPEC observers were present, and two did not know if the judge was aware.

### Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> <li>All observers were strongly positive about Judge Parker. Observer A had some additional comments (see “Anomalous comments”).</li> <li>All observers reported that they would feel comfortable appearing before Judge Parker.</li> </ul>
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers variously reported that Judge Parker was completely focused on speakers, was knowledgeable and obviously prepared, and accommodated participants’ schedules. He was compassionate, engaged, thorough, and meticulous, and his presence was calm, focused, and authoritative. The proceedings were the epitome of professionalism, with equal time given to both sides of each case. He was interested in each person regardless of their appearance or attitude, wanting input from both defendants and victims, and allowed ample time for arguments and pleas without rushing or cutting anyone off. He gave thoughtful attention to what he heard and to the answers to his questions. He thoroughly presented the reasoning behind his sentences, and made every effort to patiently ensure that every participant understood their rights, the implications of their pleas, and what was happening.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>None</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>Observer A additionally noted that Judge Parker was less attentive during the early part of a more repetitious motion hearing and commented that his strong, authoritative voice did not match his more laid back body language. This observer was distracted when the judge was passed papers to be signed during the hearing (see “Listening &amp; focus,” “Body language,” and “Courtroom tone &amp; atmosphere”).</li> </ul>

### Summary and *exemplar language* of four observers’ comments

<i>RESPECT</i>	
Listening & focus	Observer A reported that Judge Parker’s attention was completely focused on the person to whom he was talking. However, another observer noted that during the <i>early part</i> of a motion hearing Judge Parker’s <i>attention drifted towards the courtroom clock a number of times</i> or to individuals entering the court. On one occasion he <i>thumbed through papers while listening to a lawyer</i> , saying, “ <i>In all fairness to you, let me sign these documents.</i> ” The observer <i>assumed that this part of the hearing was repetitious and did not require his full attention.</i>
Well-prepared & efficient	Two observers reported that Judge Parker was <i>knowledgeable and obviously prepared on the many cases he had before him</i> , referring to <i>reports in depth</i> and <i>letters</i> he had read from inmates.
Respect for others’ time	Two observers reported that Judge Parker <i>accommodated</i> attorneys’ and defendants’ needs when <i>setting dates for follow-on sessions</i> , asking the defendant if a <i>delay was acceptable and if not what other arrangements could be made.</i>
Courtesy, politeness, and general demeanor	Three observers reported that Judge Parker <i>ensured that defendants were properly identified</i> , addressing them as “ <i>Sir</i> ” or “ <i>Ma’am.</i> ” He <i>welcomed each lawyer as “Mr. X” or “Ms. X,”</i> saying, “ <i>I appreciate your time.</i> ” He was <i>unfailingly respectful, laboriously repeating</i> through an interpreter <i>the best way</i> for an undocumented defendant to <i>coordinate his incarcerations.</i>

Courtesy, politeness, and general demeanor continued	Observers were impressed by Judge Parker's <i>compassionate, professional and engaged behaviors</i> , and his <i>calm, focused and authoritative presence</i> . One observer was <i>overwhelmed by the very full and noisy courtroom crowd</i> , but Judge Parker was <i>controlled and not bothered by the many cases before him</i> . He went through a colloquy of questions <i>as if he was doing it for the first time that day, completely focused on the defendant</i> .
Body language	Observer A felt that Judge Parker's <i>strong, authoritative voice did not match his more casual or laid back body language</i> , for example when leaning back in his chair or running his hand over his face, and a person <i>would pay more attention to the body language when a judge does not speak much</i> . The observer <i>did not interpret the judge's "scowling" expression as negative or related to issues discussed, but was the physical aspect of his face</i> .
Courtroom tone & atmosphere	One observer felt that the <i>entire proceedings were the epitome of professionalism</i> . However Observer A was <i>distracted</i> when individuals <i>delivered papers to be signed by the judge during the hearing</i> and also noted the <i>somewhat casual, nonchalant manner of both the clerk and the bailiff when the time had passed</i> for a motion hearing to start.

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*NEUTRALITY*

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Consistent and equal treatment	Two observers reported that Judge Parker <i>gave both sides equal time and opportunity to present their arguments</i> , and he <i>listened with interest whether the person before him was in shackles, a business suit, or didn't appear even to care</i> .
Unhurried and careful	Three observers reported that Judge Parker was <i>very thorough</i> as he <i>moved steadily through the docket without a break</i> , addressing cases <i>cited during the hearing</i> and <i>meticulously ensuring that plea agreements correctly identified the charges</i> . Each case was <i>evaluated fully and not rushed</i> .

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*VOICE*

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Considered voice	<p>All observers reported that Judge Parker allowed participants <i>ample time to express their arguments and pleas, did not cut anyone off or rush them</i>, and always asked <i>pertinent questions to find out all the aspects of participants' stories</i>. He <i>wanted defendants' input</i>, for example when attorneys asked for a delay, the judge asked the defendant <i>if they wanted to accept the delay by waiving their right to a speedy trial</i>. He was <i>genuinely concerned</i> to hear from a victim <i>before he ruled</i>, and when she indicated by <i>nodding that she wouldn't speak</i> the judge <i>took time with her and asked why, reducing her timidity and listening intently to her brief and shaky response despite the hectic, busy calendar he had ahead</i>.</p> <p>Judge Parker paid <i>thoughtful attention</i> to what defendants had to say and to the <i>answers to his questions</i>. When he <i>referred to his notes it demonstrated he had heard the parties' stories</i>. When a defendant <i>requested placement at a facility the judge was not acquainted with, he allowed the man to explain how that facility could help him more than the program that was readily available</i>.</p>
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*COMMUNICATION*

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Ensures information understood	One observer reported that Judge Parker ensured that defendants <i>understood all the implications of their plea, asking questions in a different manner</i> when he was <i>concerned there might be confusion</i> . He <i>made every effort to ensure that a mentally challenged adult male understood what was happening</i> , demonstrating <i>great patience</i> with the defendant's questions. He <i>spoke slowly and distinctly</i> to the translator for a defendant who <i>only spoke Arabic, earnestly trying to ensure the defendant understood the rights he was waiving</i> and as an <i>added step asking the defense attorney if he had gone through the plea document thoroughly</i> and was confident the defendant completely understood, and only when he was <i>convinced that the defendant understood did he proceed</i> .
Provides adequate explanations	Three observers reported that Judge Parker <i>thoroughly and completely presented the reasoning behind his sentences</i> . When making a decision he was <i>thorough, open, and clear, referring back to his notes and referencing his previous decision and the rationale for that decision</i> . He <i>carefully explained why he could do no more</i> in one case, explaining he <i>could not tell or advise an unrepresented participant how to get a change in a Commissioner's decision</i> .