

## Honorable Shauna Graves-Robertson – Justice Court Judge

Serving Salt Lake County Justice Court

### Commission Recommendation: **RETAIN**

(vote count: 12-0 for retention)

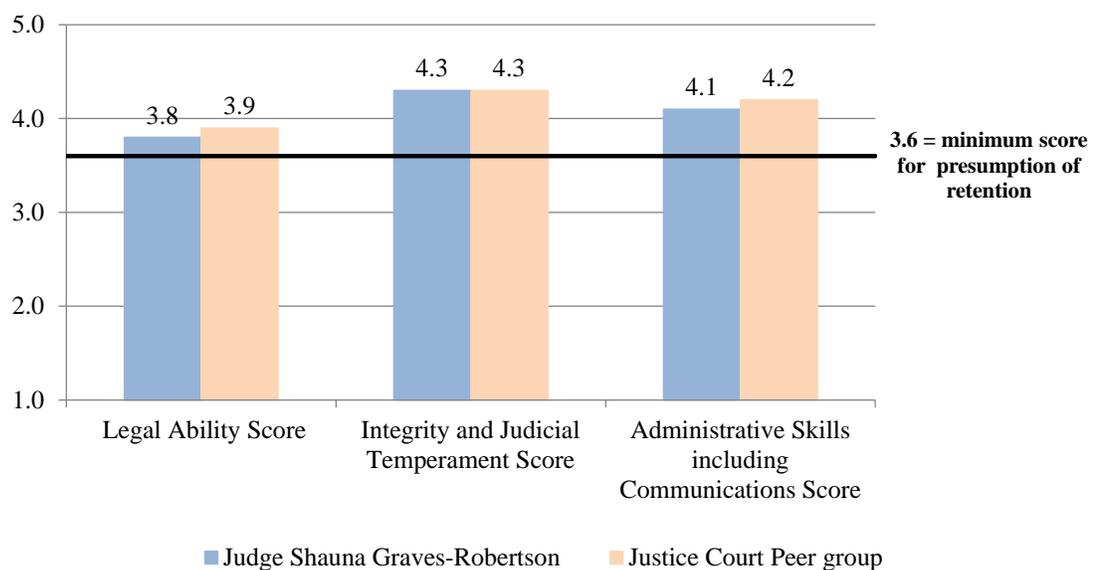
Appointed to the bench in 1999, Judge Shauna Graves-Robertson scores consistent with the average of her justice court peers in all survey categories, an improvement from previous survey results. According to survey respondents, she conducts her busy court with fairness, efficiency and courtesy. Respondents describe her as a patient, confident, and fair judge who ensures that everyone appearing in her courtroom has the opportunity to be heard. Courtroom observers report that Judge Graves-Robertson communicates in a thoughtful, unhurried, and conscientious manner that encourages parties to present their side of the case. All observers say they would feel comfortable appearing before her. Of 47 survey participants answering the retention question, 38 (81%) recommend that Judge Graves-Robertson be retained.



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

Judge Shauna Graves-Robertson was appointed to the Salt Lake County Justice Court in 1999. A graduate of West High, she earned a Bachelor of Science in Criminal Justice from Arizona State University as well as a Masters in Public Administration and a Juris Doctor from the University of Utah. She also earned a Certificate in Judicial Studies from the National Judicial College. Prior to taking the bench, Judge Graves-Robertson worked for the Salt Lake Legal Defenders Association. She is a life member of Alpha Kappa Alpha Sorority and the NAACP. She chairs the Supreme Court’s Community Relations Subcommittee and is a member of the National Bar Association, National Association of Women Judges, Women Lawyers of Utah, and the Utah Minority Bar Association.

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



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# **The Honorable Shauna Graves- Robertson**

**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 Shauna Graves-Robertson, 33% of qualified survey respondents submitted surveys. Of those who responded, 48 agreed they had worked with Judge Shauna Graves-Robertson enough to evaluate her performance. This report reflects these 48 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 "Justice 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.

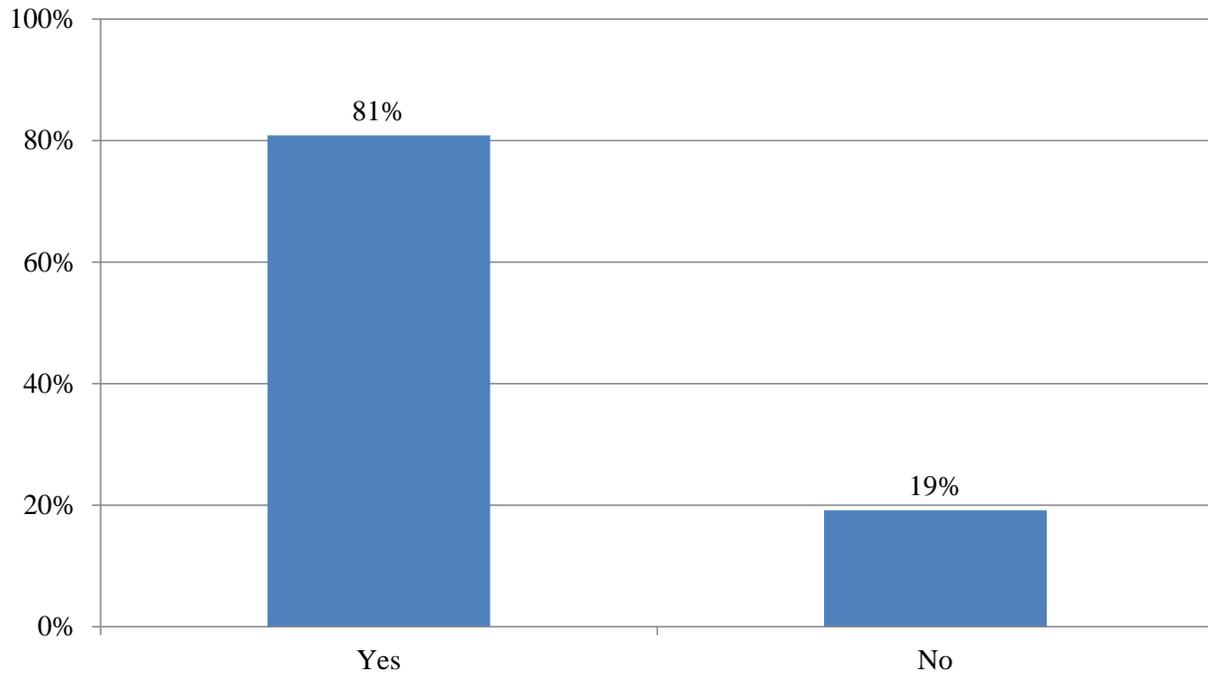
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

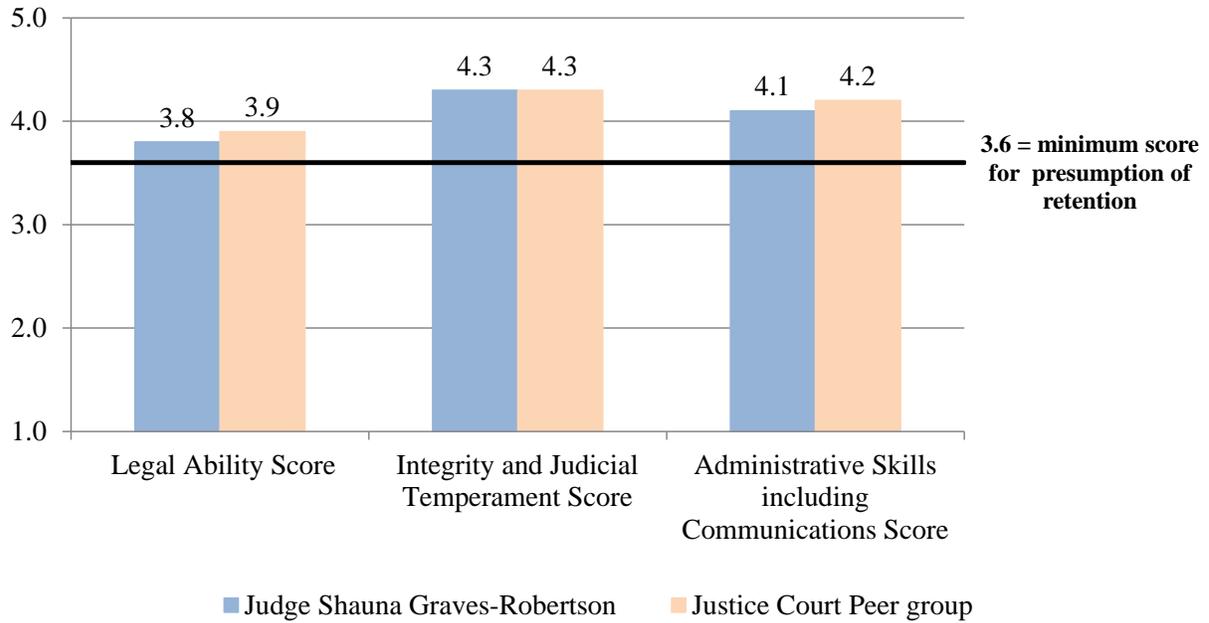
## B. Retention Question

Figure A. Would you recommend that Judge Shauna Graves-Robertson be retained?



## C. Statutory Category Scores

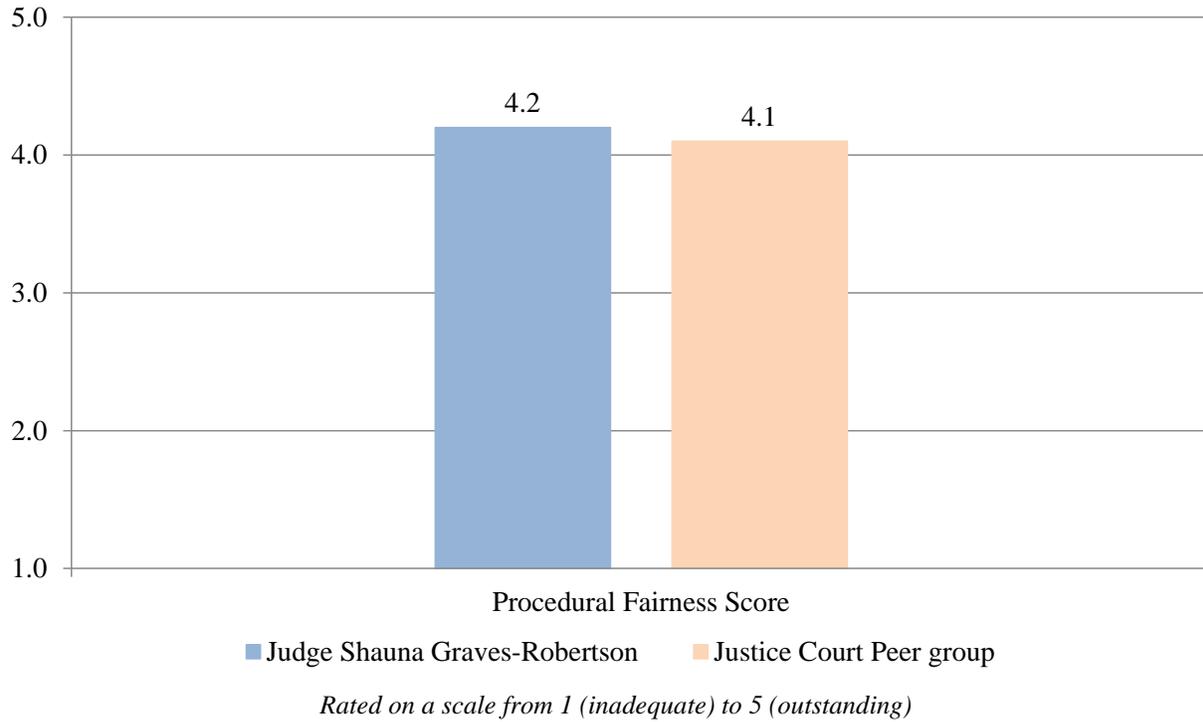
**Figure B. Statutory Category Scores**



*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 Shauna Graves-Robertson
Procedural Fairness	Pass

## E. Responses to Individual Survey Questions

**Table B. Responses to Survey Questions**

Category	Question	Judge Shauna Graves-Robertson	Justice 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.	3.9	4.0
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	3.8	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	3.8	3.9
Legal Ability	The judge only considers evidence in the record.	3.6	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.7	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	3.8	3.9
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.4	4.3
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.3	4.3
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.3	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.1	4.0
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	4.4

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

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

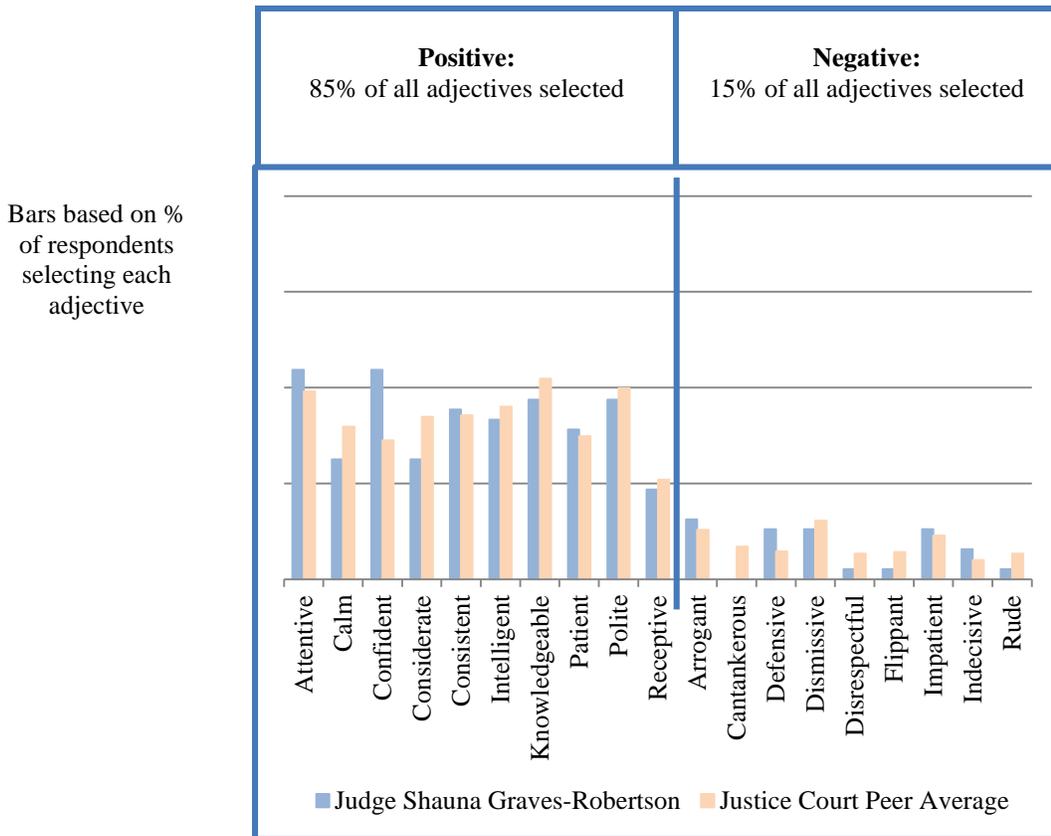
<b>Category</b>	<b>Question</b>	<b>Judge Shauna Graves-Robertson</b>	<b>Justice Court</b>
Administrative Skills	The judge is prepared for court proceedings.	4.2	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.1	4.1
Administrative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

*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	5%
Domestic	18%
Criminal	87%
Civil	34%
Other	8%

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	50%
6 - 10	24%
11 - 15	8%
16 - 20	-
More than 20	18%

## 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 SHAUNA GRAVES-ROBERTSON

Four observers wrote 71 codable units that were relevant to 12 of the 15 criteria. One observer reported that the judge was not aware that JPEC observers were present, and three did not know if the judge was aware.

### Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> <li>All observers were positive about Judge Graves-Robertson.</li> <li>All observers reported that they would feel comfortable appearing before Judge Graves-Robertson.</li> </ul>
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers variously reported that Judge Graves-Robertson was well-prepared and the court ran smoothly and efficiently. She greeted all participants in an upbeat, kindly tone, and her demeanor was relaxed and engaged but also businesslike with no humor or joking around. She was very patient courteous in dealing with irate defendants, showing no animosity but handling their cases in a polite and unhurried manner. She made direct eye contact, looking back to the courtroom from her computer when listening attentively and asking or answering questions. Judge Graves-Robertson applied the law consistently without regard to the dress or attitude of defendants, and she interacted with each one in a personalized manner while still upholding formality and decorum. She varied her words and based her sentences on individual circumstances and gave defendants all the benefit of the doubt that she could. She was thoughtful, unhurried and conscientious, and her way of asking questions was successful in getting defendants to speak, and her questions demonstrated that she attended to what they were saying. She spoke in clear, easy to understand language rather than legalese, and she carefully explained defendants' rights, the consequences of pleas, the proceedings in a bench trial, and clarified their next steps. She asked if participants understood their charges and the proceedings and waited for an interpreter to arrive before accepting a non-English speaking defendant's plea.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>Two observers noted the long recesses and waiting times caused by having only one public defender and a somewhat disorganized DA, for which Judge Graves-Robertson apologized. One observer was also troubled by inappropriate and audible discussion about a homeless defendant between the public defender and DA (see "Courtroom tone &amp; atmosphere").</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>None</li> </ul>

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

<i>RESPECT</i>	
Well-prepared & efficient	One observer reported that Judge Graves-Robertson was <i>very well prepared and knew the cases quite well.</i>
Respect for others' time	One observer reported that Judge Graves-Robertson <i>respectfully told waiting defendants, "You all have been here waiting. We appreciate your patience."</i> She noted that she would like to have an <i>interpreter's case go early due to the cost to the court, but had to wait for the defendant to arrive.</i>
Courtesy, politeness, and general demeanor	All observers reported that Judge Graves-Robertson <i>stated a defendant's name and case number, greeting them in an upbeat, kindly, and friendly tone of voice, saying, "Good morning," and double checking the spelling and pronunciations of difficult names. She greeted attorneys similarly and generously used courtesies such as "Please" and "Thank you, Sir."</i> She was <i>patient with a DA who was less smooth and put together than other DAs and just kept him on task in a kindly fashion. Her demeanor was relaxed, engaged, and businesslike, with no joking around or humorous side comments.</i>

Courtesy, politeness, and general demeanor <i>continued</i>	Observers emphasized Judge Graves-Robertson's <i>patient and courteous</i> manner of dealing with irate defendants. When a defendant accused the judge of <i>being in collusion with the arresting officer since both worked for a Utah law enforcement agency</i> , she showed <i>no hostility or animosity when asking if he had any proof of his innocence of the traffic violation</i> . She handled a defendant's <i>tirade in a polite, unhurried, and interested manner</i> , allowing the defendant to <i>have the final say regarding people who deliberately cause a vehicle collision in order to have the other party pay to fix their 'previously' damaged vehicles, before judging him guilty</i> .
Body language	Two observers reported that Judge Graves-Robertson <i>made direct eye contact and conveyed honest and genuine interactions by nodding and shifting forward</i> . When working on the computer which did not face toward the defendants, she was <i>not able to look right at them unless she turned sideways, which she did sometimes to ask and answer questions or give legal instructions and outline their rights</i> , and then she <i>did look participants in the eye and listen attentively</i> .  While she <i>did not show emotion on her face or in her voice</i> , she was <i>pleasant</i> .
Courtroom tone & atmosphere	Three observers reported that the court <i>ran smoothly and efficiently</i> . The clerk <i>worked well with the judge to fix errors or misunderstandings in the records</i> , and the bailiff <i>took time to help a participant who did not understand English complete paperwork</i> .  Two observers noted long recesses and <i>waiting times</i> caused by the somewhat <i>disorganized DA with many cases on his plate</i> and the fact that <i>there was only one public defender and one state attorney present</i> . One observer was <i>troubled by an inappropriate interaction during a recess between the public defender and DA who discussed a client who was present in voices loud enough to overhear</i> . The DA <i>disparaged the defendant for being homeless</i> , and the public defender <i>defended his right to not be held in jail just because he was homeless</i> .
<i>NEUTRALITY</i>	
Consistent and equal treatment	Three observers reported that defendants' <i>dress, attitude, behavior in court</i> , or whether or not represented, <i>did not seem to have relevance in her decisions</i> , and she <i>applied the law consistently</i> . When a defendant was <i>eager to stand for his sentencing even though his attorney had stepped out momentarily</i> , Judge Graves-Robertson stated that <i>in fairness to himself he should wait</i> .
Demonstrates concern for individual needs	Three observers reported that Judge Graves-Robertson <i>interacted in a personalized manner while still upholding the courtroom formality and decorum</i> . When offering up the colloquy of defendants' rights she <i>varied her choice of words</i> , which was <i>particularly well-suited</i> for unrepresented defendants. She <i>spoke and acted in a way that showed her sentences were based on the circumstance of the individual cases</i> , and when a fine was imposed, she ensured that the defendant could <i>afford the pay-off schedule</i> . She gave <i>all the benefit of the doubt that she could</i> to a defendant who asked <i>if they could hurry because she needed to get back to work</i> , patiently explaining that the <i>notices sent out said to "plan on half a day for their case to be heard."</i> The defendant was <i>upset but the judge remained calm and reassuring, calling a break so the defendant and DA could go out and confer</i> . She was <i>very deferential</i> when instructing a defendant who was representing himself, <i>explaining the law and her reasoning in her guilty ruling and reducing his fine</i> . She was <i>very patient in letting him talk after his time to talk was over</i> .
Unhurried and careful	All observers reported that Judge Graves-Robertson <i>approached each case with thoughtfulness and in an unhurried manner</i> . She <i>took the necessary time to understand the issues</i> , in one case saying, <i>"Alright, let's make sure I have it all."</i> She was <i>conscientious, reading about each case on her computer</i> , and in one case <i>getting out her Utah Code book when there was a question as to the statute being quoted in order to verify it</i> .

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VOICE

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Considered voice	Three observers reported that Judge Graves-Robertson was <i>successful in getting defendants to speak by the way she invited them</i> , saying, “Do you have any questions of me?” rather than, “Do you have any questions?” She <i>allowed every participant to have their say for a reasonable amount of time and asked respectful questions to make clear what she wanted them to convey</i> . She asked a participant to <i>speak up</i> , saying, “I’ve got to hear you.” She demonstrated that she had attended when saying, “What I believe I’ve heard today...” or asking, “Tell me what happened.”
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COMMUNICATION

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Communicates clearly	One observer reported that Judge Graves-Robertson spoke in <i>clear, easy to understand language and did not rush or speak legalese when giving the rights colloquy before sentencing</i> .
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Ensures information understood	Two observers reported that Judge Graves-Robertson <i>asked participants if they understood their charges and the proceedings</i> , and if not <i>she would clarify</i> . When a defendant <i>entered a guilty plea she asked why the defendant felt comfortable proceeding without an attorney</i> .
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While waiting for an interpreter, the prosecutor said to the non-English speaking participant, “All you need to do is say guilty,” apparently unconcerned whether or not the defendant understood his rights, charges or the consequences. The observer did not think the judge heard the prosecutor say this, but in any event Judge Graves-Robertson waited for the interpreter.

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Provides adequate explanations	All observers reported that Judge Graves-Robertson <i>instructed defendants in their judicial rights, what courses of actions they could take, and what the possible consequences and the outcome of the judgment could be</i> . She <i>carefully explained how a bench trial would operate and described that a defense witness could be called to testify</i> . She <i>took time to explain to an unrepresented defendant what a ‘worrying’ charge meant, that a dog growling is considered ‘worrying.’</i> She <i>completely and comprehensively explained how she had come to her conclusions and rulings</i> . She told a defendant <i>she could not give legal advice</i> , but did give <i>helpful information</i> . She <i>clarified their next steps and specifically told them what to do</i> , saying, “Wait a moment until we can get you the papers,” or, “You may step outside the courtroom and pay your fine at the desk.”
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