

Honorable Augustus G. Chin – Justice Court Judge

Serving Holladay Municipal Justice Court, Salt Lake County

Commission Recommendation: **RETAIN**

(vote count: 11-0 for retention)



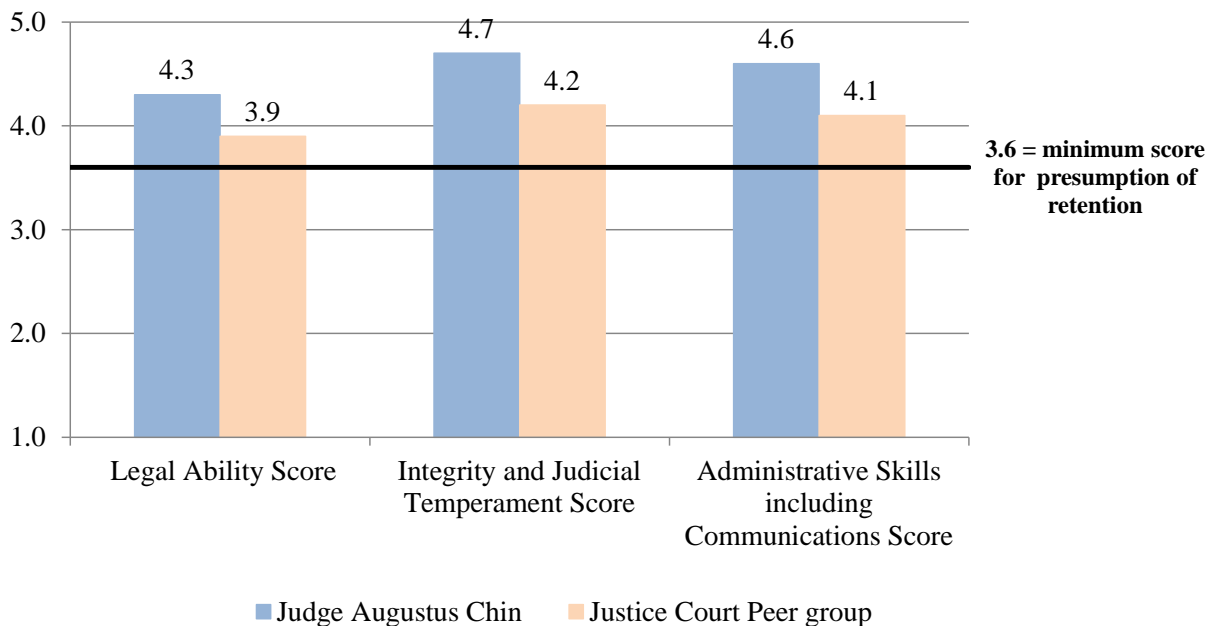
Appointed in 2011, Judge Augustus Chin scored higher than the average of his justice court peer group in all survey categories. Attorneys, jurors and courtroom staff as well as courtroom observers described Judge Chin as calm, polite, knowledgeable, efficient and a respectful listener. When choosing from a list of adjectives to describe Judge Chin, survey respondents chose 98% positive words.

Courtroom observers emphasized his compassion and concern for everyone in his courtroom. They described him as professional, organized, and meticulous in his attention to detail. Of the survey respondents who answered the retention question, 91% recommended that Judge Chin be retained.

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

Judge Augustus G. Chin was appointed to the Holladay Justice Court, serving the cities of Holladay and Cottonwood Heights, in 2011. Judge Chin received his Juris Doctorate from the University of Utah College of Law in 1995. He has a Bachelor of Arts degree in Political Science and a minor in Spanish from the University of Utah. Judge Chin worked as a prosecutor for the Salt Lake City Prosecutor's Office and the Summit County Attorney's Office; and as a criminal defense attorney for Wasatch Advocates and Rasmussen and Miner. He currently serves as president of the Utah Bar Foundation and is a member of the Utah Supreme Court's Advisory Committee on Professionalism and Civility.

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



The Honorable Augustus Chin

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Augustus Chin, 45% of qualified survey respondents submitted surveys. Of those who responded, 36 agreed they had worked with Judge Augustus Chin enough to evaluate his performance. This report reflects the 36 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

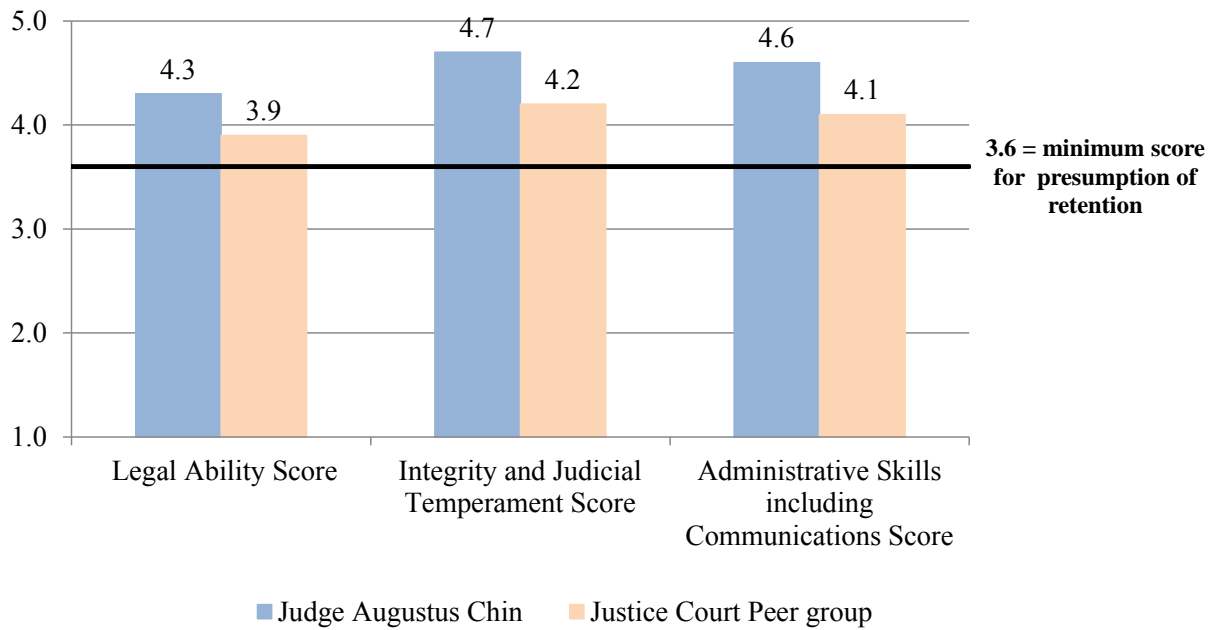
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Justice Court" on the charts.

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 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.

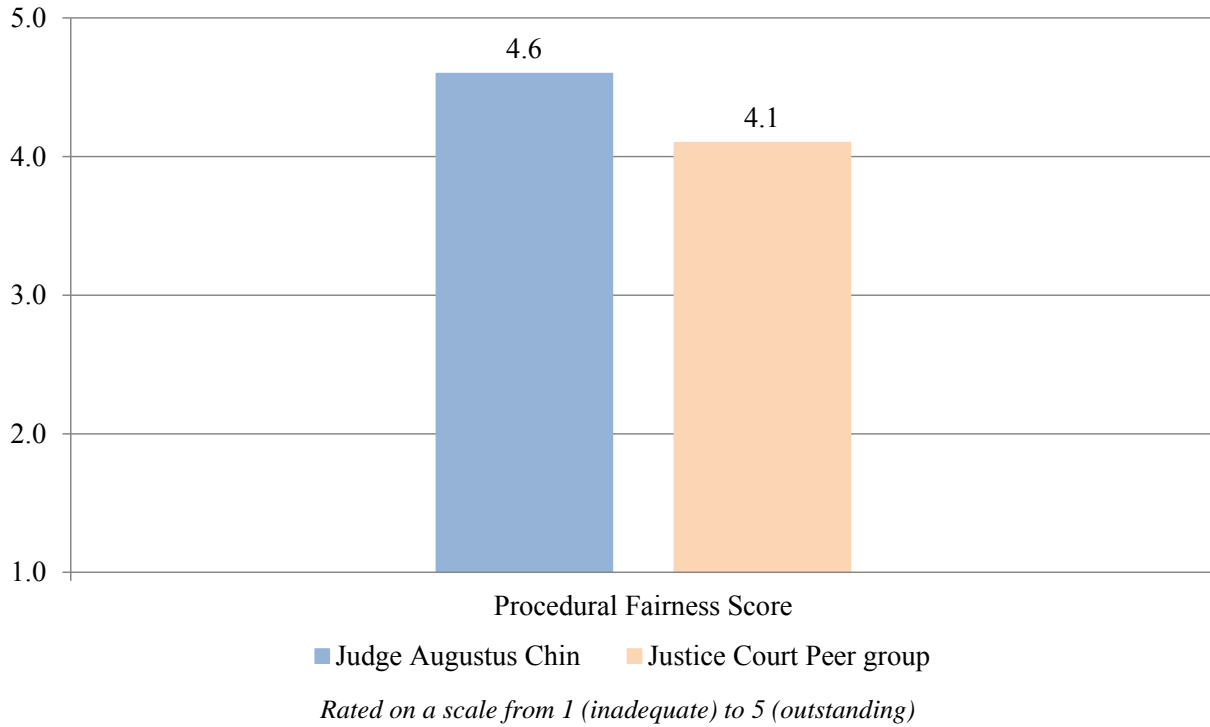
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge Augustus Chin	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.	4.3	3.9
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.3	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.2	3.9
Legal Ability	The judge only considers evidence in the record.	4.2	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.2	3.8
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.7	4.3
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.8	4.3
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.4	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.7	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.	4.9	4.5

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

Category	Question	Judge Augustus Chin	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.7	4.2
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.8	4.1
Administrative Skills	The judge is an effective manager.	4.6	4.0
Administrative Skills	The judge convenes court without undue delay.	4.6	4.0
Administrative Skills	The judge rules in a timely fashion.	4.6	4.2
Administrative Skills	The judge maintains diligent work habits.	4.8	4.2
Administrative Skills	The judge's oral communications are clear.	4.7	4.2
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.	4.6	4.1
Procedural Fairness	The judge is fair and impartial.	4.4	4.1
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.6	4.0
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.7	4.2

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

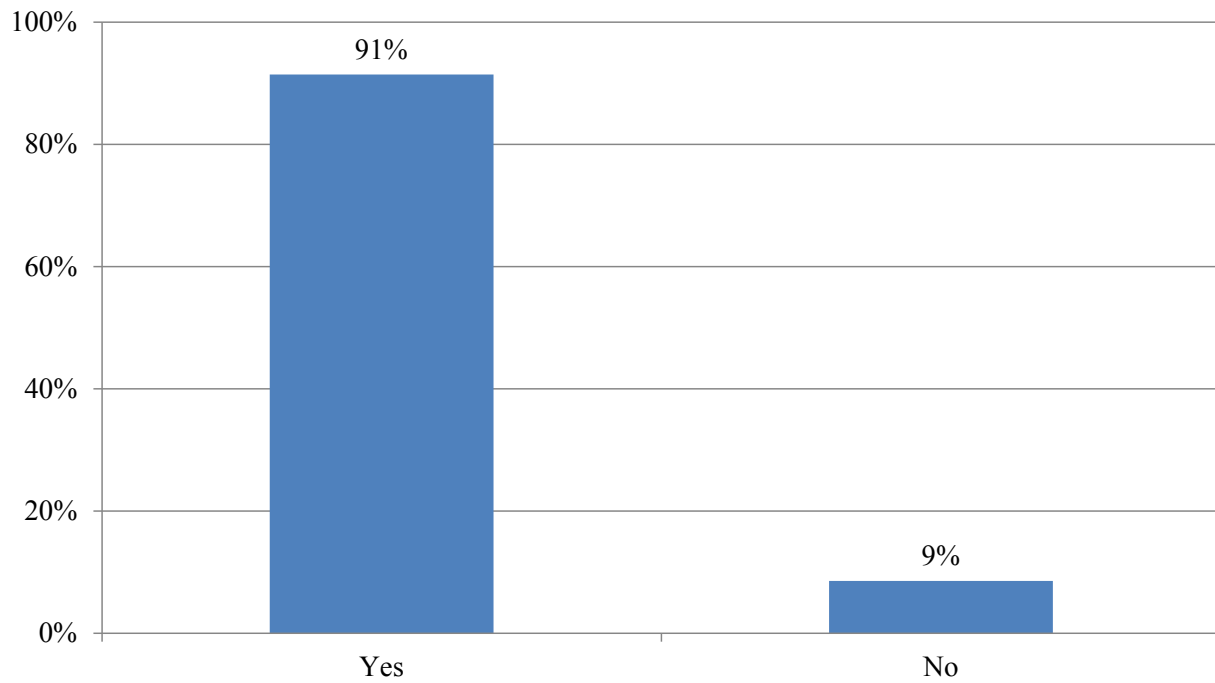
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	18
Calm	21
Confident	11
Considerate	22
Consistent	9
Intelligent	18
Knowledgeable	17
Patient	18
Polite	26
Receptive	6
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	1
Disrespectful	0
Flippant	0
Impatient	0
Indecisive	1
Rude	0
Total Positive Adjectives	166
Total Negative Adjectives	3
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 Augustus Chin be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	6%
Domestic	32%
Criminal	74%
Civil	55%
Other	6%

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

5 or fewer	48%
6 - 10	23%
11 - 15	13%
16 - 20	3%
More than 20	13%

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 AUGUSTUS CHIN

Four observers wrote 104 codable units that were relevant to 16 of the 17 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

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Chin. All observers variously reported that Judge Chin listened carefully and attentively, was well prepared and organized, and scheduled cases to minimize participants' waiting times. He apologized for delays and accommodated scheduling requests. He greeted each person in a pleasant and proper manner, and he thanked and complimented participants as appropriate. He was calm, courteous, proper, and patient. His demeanor was professional, competent, and firm when needed. He was also caring, compassionate, and empathetic. He demanded respect, and as a consequence the courtroom was quiet, controlled and orderly. Judge Chin looked everyone in the eye with a friendly expression and used appropriate hand gestures. His voice was melodic, well enunciated and projected, and his appearance neat and judge-like. He treated everyone equally and impartially, showed concern for every person's rights, and was detailed and unrushed even in this busy court. He was skillful at engaging each participant to tell their full story and asked questions to allow each defendant to explain their concerns or personal situations. He ensured that his rulings were understood and that defendants understood their rights, and he sensed if there were any misunderstandings. He carefully explained his decisions and the law and the requirement of his sentences. All observers particularly emphasized Judge Chin's concern and engagement at a human level and the extent to which he had defendants' best interests at heart. Observers gave many examples of his desire to make his punishments attainable and fit each individual's personal circumstances. All observers reported that they would feel comfortable appearing before Judge Chin.
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	All observers reported that Judge Chin <i>listened carefully and intently</i> and was <i>extremely attentive</i> to what participants were saying. He was <i>always listening</i> and <i>reading the room with glances up while reviewing the paper files</i> .
Well-prepared & efficient	Two observers reported that Judge Chin was <i>prepared</i> , with his files <i>organized in sequence</i> .
Respect for others' time	All observers reported that the calendar was <i>scheduled in intervals so no one had to sit around all morning for their case to be called</i> . He <i>apologized several times</i> for a delay when a case went on for a long time, <i>saying he knew it was frustrating for everyone</i> . Judge Chin always <i>asked for input regarding the best time</i> for reappearances and <i>graciously obliged</i> when defendants asked for a continuance <i>because of personal obligations</i> . He emphasized the need for <i>punctuality</i> , saying, <i>"You weren't here on time. I called you earlier. Do you understand the charges against you?"</i>

Respectful behavior generally	All observers reported that Judge Chin had a <i>very proper way of greeting each person in a quiet voice</i> , addressing each person as “Sir” or “Ma’am” and <i>extending his calm, pleasant greetings with “Good Afternoon Sir/Ms X, how are you today?”</i> and <i>looking up from his files directly at the defendant</i> . After reviewing a case and seeing that a young man’s drug tests were clean, he <i>complimented the parents for being there to support him and for having him assume his own responsibility</i> . He thanked people when appropriate and on leaving <i>wished them “Good Luck.”</i>
RESPECTFUL TONE	
Courtesy, politeness and patience	Three observers reported that Judge Chin was <i>always calm and courteous and very patient, especially when explaining procedures and rights</i> . In one case he was very patient when getting ‘push back’ from a defendant regarding an assessment. <i>After some discussion, the judge stopped him</i> , had the bailiff hand him papers, and asked him to read what it said, and <i>the defendant finally understood the mistake</i> .
Courtroom tone & atmosphere	Three observers reported that Judge Chin is a <i>very proper and principled</i> man, that he was <i>professional, competent, direct, decisive, very confident</i> , and that <i>everyone knew he was in charge</i> . He <i>looked and acted the part of a judge</i> . He was also <i>concerned, caring, compassionate, and empathetic</i> , but <i>remained firm</i> in cases where he did not feel the defendant had reasonable explanations. He was <i>light-hearted where appropriate</i> , for example when a young man explained he was afraid of a judge, Judge Chin responded, <i>“Oh so you are not afraid of me!?”</i> Judge Chin’s demeanor <i>demanded respect</i> from the audience, and <i>you could hear a pin drop most of the time</i> in the <i>controlled, formal, and orderly</i> courtroom.
Body language	All observers reported that Judge Chin had <i>mastered the “art” of public speaking, looking everyone in the eye</i> as they spoke and <i>listening intently</i> , using <i>appropriate hand gestures to emphasize his statements</i> . He displayed “friendly” <i>expressions in body and face</i> when defendants spoke. His <i>neat and organized appearance</i> with robe and a red bowtie was <i>judge-like</i> .
Voice quality	Three observers reported that Judge Chin’s <i>melodic, soft voice</i> was <i>easy to hear, varied in volume</i> when needed, and was the “ultimate” in <i>voice quality, enunciation, projection and delivery</i> . He speaks with an accent in a <i>very proper manner</i> that was <i>interesting to listen to</i> , consistently using a <i>unique and formal speech pattern</i> , for example, <i>“Tell me then, sir, why should I depart from standard practice?”</i>
NEUTRALITY	
Consistent and equal treatment	All observers reported that Judge Chin <i>treated everyone equally</i> and with the same <i>fairness and impartiality</i> , whether or not the defendant was <i>represented by an attorney</i> .
Acts with concern for individual needs	All observers reported that Judge Chin treated each case with concern and was <i>extremely attentive and highly engaged on a human level</i> , asking for <i>clarifications</i> from defendants that showed he had <i>each participant’s best interest at heart</i> . <i>When making his decisions he treated each defendant as an individual with individual needs, problems and responsibilities</i> , demonstrating a desire to <i>make his punishments attainable</i> . He ordered community service for a woman who was in a wheelchair, but then immediately said, <i>“Community service in Holladay is generally very physical. If you have limitations I can try to find a spot elsewhere,”</i> and <i>made every attempt to accommodate her</i> . He tried to set fine payments <i>according to the defendant’s ability to pay</i> and jail sentences that would allow defendants <i>to continue to provide support for their families</i> . He was <i>very accommodating</i> of a young man who had failed to pay his fines after the man explained that <i>he had been paying for his own treatment in a drug rehabilitation program and paying for drug tests once a week and did not have the money for his fines</i> .
Expresses concern for the individual	Three observers reported that Judge Chin was <i>very concerned about the rights</i> of each person and <i>carefully explained</i> to unrepresented defendants what <i>choices they had and the consequences of each choice</i> , allowing each defendant to <i>make the choice that would be best for them</i> .
Unhurried and careful	Two observers reported that <i>although the courtroom was busy</i> , Judge Chin was <i>not in a rush</i> and <i>meticulously paid attention to details</i> .

VOICE

Considered voice All observers reported that Judge Chin was *skilled at engaging* with each participant and *listened with interest and attention to what they had to say*. In Small Claims Court he *kept his focus on the individual speaking* and did a good job of *keeping everyone on track*. While he *listened to each "story," he was not easily swayed one way or the other*.

Judge Chin *graciously asked for questions and for a response to his orders*, allowing defendants to *express their concerns, explain their personal situations, or explore alternate solutions* to their sentences. One observer wondered if Judge Chin *"maybe allowed too much voice?"*

COMMUNICATION

Communicates clearly Two observers reported that Judge Chin used phrases that *we do not normally use here*, such as, *"not at all, apology not necessary,"* but *he was understood*. He *nicely adapted his vocabulary* to help a *very agitated* defendant understand why he was issued a warrant to appear, which *dissipated the man's anger*.

Ensures information understood Three observers reported that Judge Chin *ensured that all defendants understood the allegations* against them and the *possible penalties* and what *rights they would give up if they pled guilty*, and he *often asked if his rulings were understood*. He *asked for and answered* all defendants' questions in a *polite and complete manner*. Judge Chin had a *good sense of body language*, and if defendants had any *hesitations* he had them *review the declaration*, saying, *"We will talk later,"* and he *called them within 10-15 minutes and resumed*.

Provides adequate explanations Three observers reported that Judge Chin *carefully and fully explained how he had come to a decision* and the *requirement and completion time for each part of the sentence*. He was *good at explaining the rule of law* and very *consistent at reviewing for each individual the court procedures and their rights*.
