

Honorable Paul Farr – Justice Court Judge

Serving Herriman Municipal Justice Court, Salt Lake County



Commission Recommendation: **RETAIN**

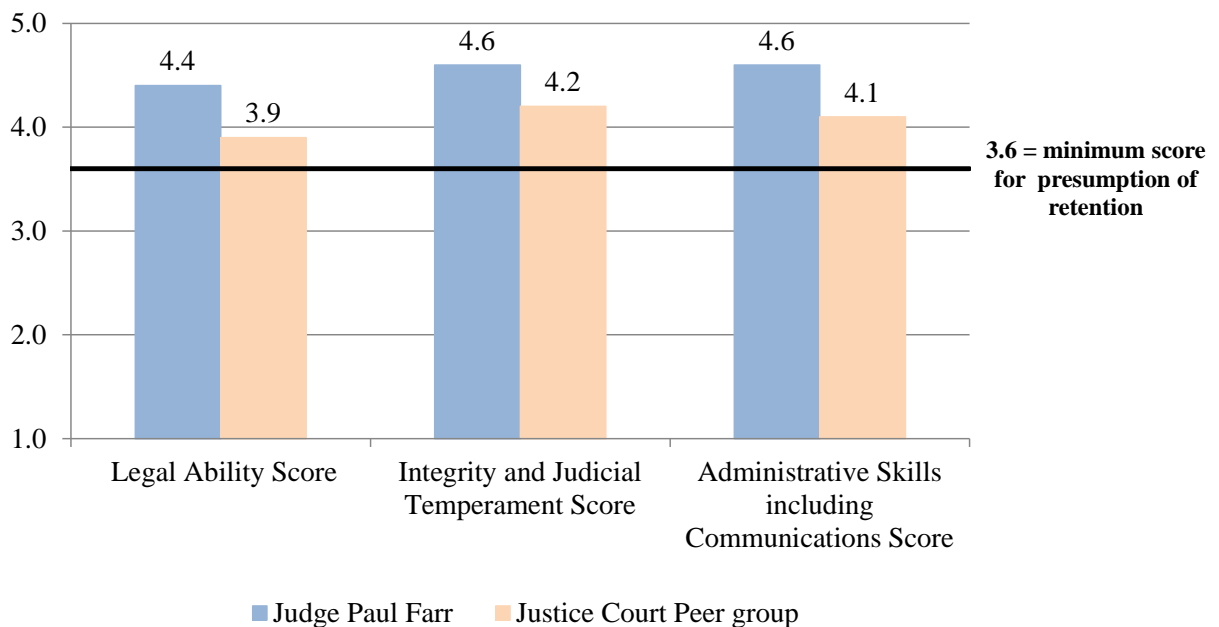
(vote count: 12-0 for retention)

Appointed in 2012, Judge Paul Farr scored higher than the average of his justice court peer group in all survey categories. Survey respondents praised his careful, clear explanations and his thoughtful, professional conduct in the courtroom. Many remarked that Judge Farr regularly offered meaningful analyses and always seemed well-prepared. Of adjectives that respondents chose from a list to describe Judge Farr, 100% were positive. Judge Farr also scored particularly high for his timeliness and efficient courtroom management. Courtroom observers cited with approval Judge Farr's courtroom demeanor, attentiveness, and obvious preparation. Of survey respondents who answered the retention question, 97% recommended that Judge Farr be retained.

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

Judge Farr was appointed to the Herriman City Justice Court in 2010 and to the Sandy City Justice Court in 2012. Judge Farr received an A.S. in History from Dixie State College, a B.S. in Criminal Justice from Weber State University, and a J.D. from Brigham Young University. Judge Farr has been a member of the Utah State Bar since 2000. Prior to his appointment to the bench, Judge Farr was a partner in a Salt Lake City law firm. He has previously worked for the Utah Attorney General's Office, the U.S. Department of the Interior, and in private practice.

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



The Honorable Paul Farr

Judicial Performance Evaluation Commission Report

Retention 2014

Table of Contents

I. Survey Report

Survey Results	1
A. How to Read the Results	1
B. Statutory Category Scores	2
C. Procedural Fairness Survey Score	3
D. Responses to Individual Survey Questions	4
E. Adjective Question Summary	6
F. Retention Question	7
G. Attorney Demographics	8
Survey Background and Methods	9
A. Survey Overview	9
B. Evaluation Period	10

II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge Paul Farr, 49% of qualified survey respondents submitted surveys. Of those who responded, 38 agreed they had worked with Judge Paul Farr enough to evaluate his performance. This report reflects the 38 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

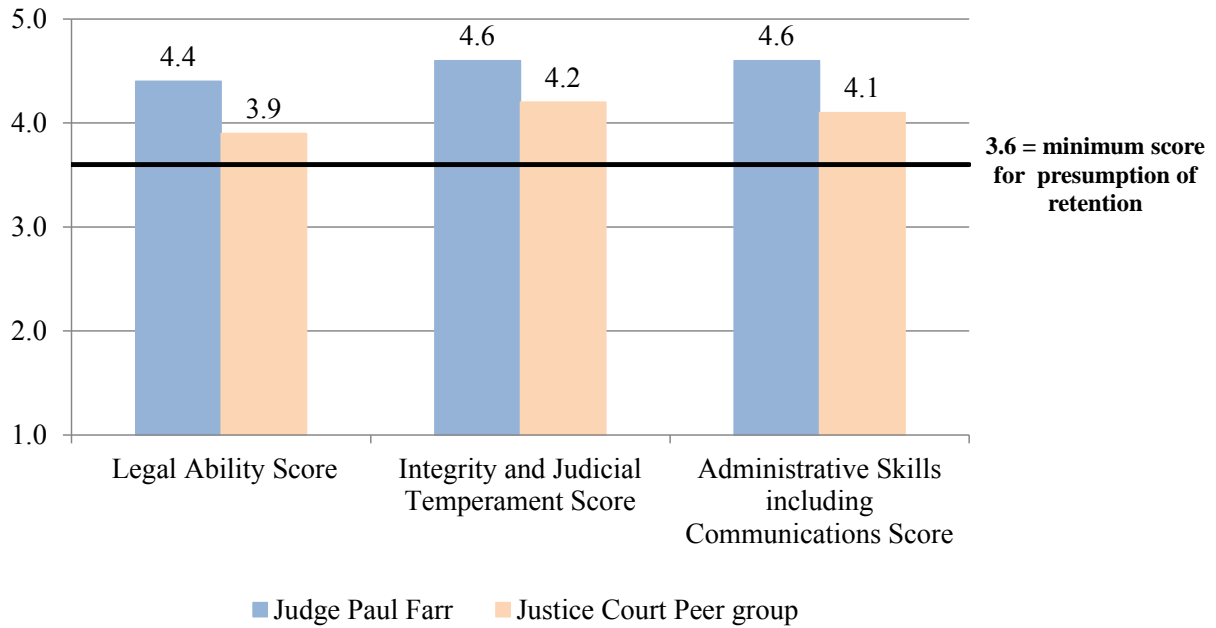
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Justice Court" on the charts.

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.

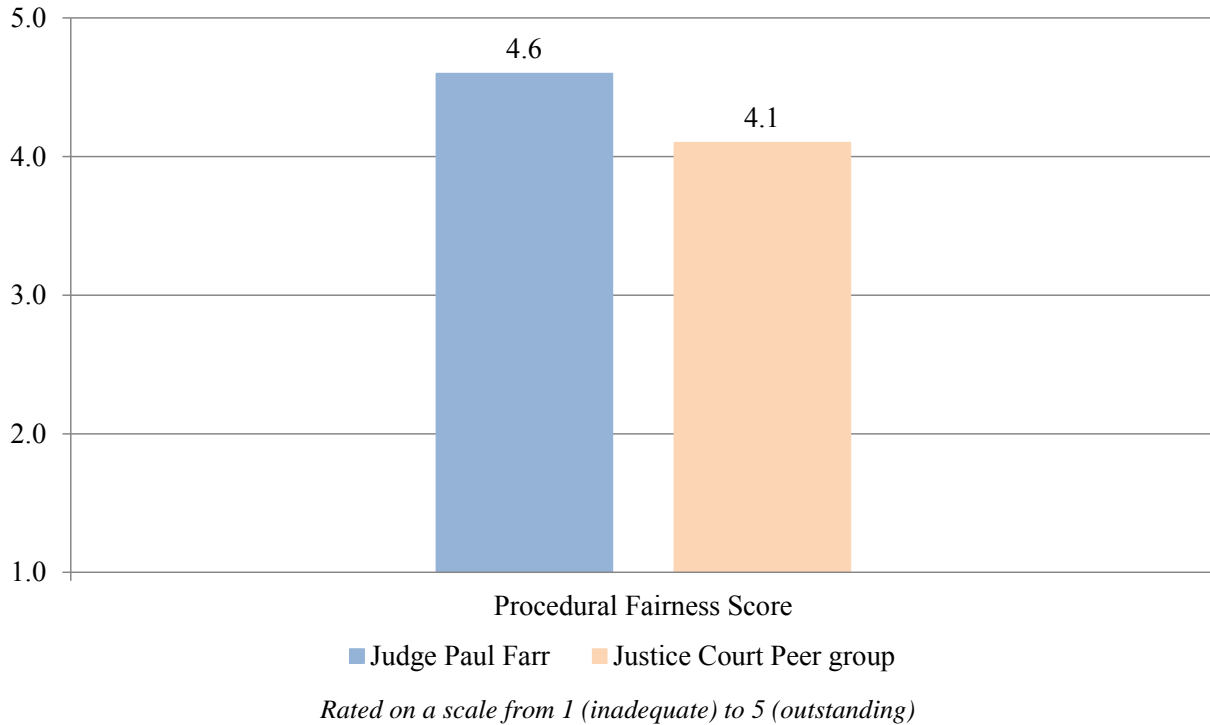
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

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

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

Category	Question	Judge Paul Farr	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.	4.7	4.1
Administrative Skills	The judge is an effective manager.	4.5	4.0
Administrative Skills	The judge convenes court without undue delay.	4.5	4.0
Administrative Skills	The judge rules in a timely fashion.	4.7	4.2
Administrative Skills	The judge maintains diligent work habits.	4.7	4.2
Administrative Skills	The judge's oral communications are clear.	4.6	4.2
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.5	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.	4.6	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.	4.6	4.2

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

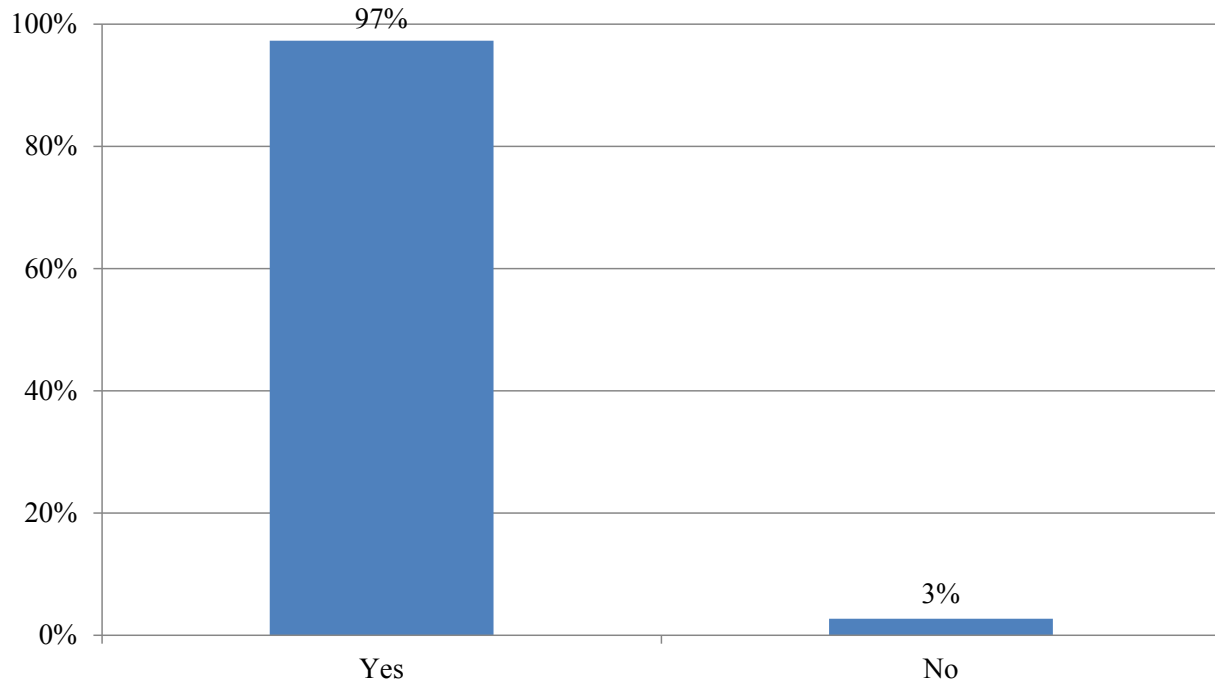
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	16
Calm	18
Confident	12
Considerate	21
Consistent	16
Intelligent	19
Knowledgeable	23
Patient	20
Polite	24
Receptive	10
Arrogant	0
Cantankerous	0
Defensive	0
Dismissive	0
Disrespectful	0
Flippant	0
Impatient	0
Indecisive	0
Rude	0
Total Positive Adjectives	179
Total Negative Adjectives	0
Percent of Positive Adjectives	100%

Respondents were asked to select adjectives from a list that best described the judge. The number shown is the total number of times an adjective was selected by respondents. The percent of positive adjectives shows the percent of *all* selected adjectives that were positive.

F. Retention Question

Would you recommend that Judge Paul Farr be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	-
Domestic	31%
Criminal	88%
Civil	50%
Other	-

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

5 or fewer	69%
6 - 10	19%
11 - 15	-
16 - 20	-
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 PAUL FARR

Four observers wrote 96 codable units that were relevant to 16 of the 17 criteria. One observer reported that the judge was aware that JPEC observers were present, two reported that the judge was not aware, and one 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 Farr in every area. One felt that it was a shame that Judge Farr was part-time, as he would benefit the court system in a full-time capacity. All observers reported that Judge Farr was well prepared and listened carefully and intently. He started on time and showed consideration when scheduling. He greeted all participants, thanked them often, and spoke respectfully throughout. Judge Farr was polite, courteous, patient, relaxed, congenial and unflappable. He was compassionate, but firm, and authoritative, but not harsh. He spoke evenly and calmly and made eye contact with each speaker. He was consistent with all participants regardless of their appearance, was sincerely interested in each defendant's well being, and when sentencing showed consideration for each participant's life circumstances. Judge Farr was obviously concerned that all participants had the time and opportunity to explain their situation and never hurried or rushed a participant. He spoke clearly and concisely and asked questions to ensure that participants understood their rights and responsibilities, what was happening in the proceedings, and where and when they next had to appear. He explained each person's rights and the reasons for his decisions. All observers reported that they would feel comfortable appearing before Judge Farr.
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	Three observers reported that Judge Farr <i>listened carefully with undivided attention, checking facts in the charts before him and concentrating on the testimonies</i> so that he was able to issue <i>immediate rulings</i> . In one case the prosecution and defense <i>spent a lot of time reviewing a patrol car video tape</i> , and Judge Farr <i>watched the video intently</i> .
Well-prepared & efficient	One observer reported that Judge Farr was <i>well prepared</i> .
Respect for others' time	All observers reported that Judge Farr <i>started on time</i> and showed <i>consideration</i> for participants' circumstances when scheduling <i>court dates</i> or <i>ordering programs</i> . When a defense lawyer had a conflict with dates, Judge Farr said, <i>"If you need to move dates, I am happy to."</i>
Respectful behavior generally	All observers reported that Judge Farr <i>greeted all participants</i> with <i>"Good morning"</i> and <i>nodded his head</i> when people addressed him. He explained his procedure for bench trials, and at the end he <i>thanked each person who participated</i> . When there was <i>confusion about which court the cases were assigned to</i> , he explained why there was confusion and <i>even had the bailiff check the other courtroom to see if the litigant had gone to the wrong room</i> . He impressed on defendants, <i>without making them feel reprimanded</i> , that they needed to fulfill court orders <i>in a timely manner</i> , saying, <i>"I tend to procrastinate, so make sure you don't procrastinate when it comes to the class."</i>

RESPECTFUL TONE

Courtesy, politeness and patience	All observers reported that Judge Farr said “thank you” often and was always <i>polite, patient</i> and <i>courteous</i> . He was <i>concerned that participants felt comfortable and respected</i> , he made people <i>feel less nervous</i> , and he sometimes used <i>humor to put people at ease</i> .
Courtroom tone & atmosphere	All observers reported that Judge Farr was <i>calm, quiet, relaxed, congenial, “unflappable,”</i> and <i>professional</i> , and he <i>smiled and laughed</i> when appropriate. He was <i>compassionate yet firm</i> in his rulings and had a <i>presence of authority but not harshness</i> . The courtroom felt very <i>calm, quiet, and well organized</i> . One observer noted, “ <i>It is a shame that Judge Farr is a part-time judge...he would benefit the court system in a full-time capacity.</i> ”
Body language	Three observers reported that Judge Farr <i>consistently made eye contact with each person</i> .
Voice quality	Two observers reported that Judge Farr was <i>soft spoken</i> , and his tone was <i>even and calm</i> .

NEUTRALITY

Consistent and equal treatment	Two observers reported that Judge Farr listened to each party, staff member, or attorney and was <i>consistent with many different types of defendants</i> without regard to their <i>personal appearance</i> .
Acts with concern for individual needs	Three observers reported that Judge Farr was <i>sincerely interested in the well being</i> of each defendant, asked <i>clarifying questions</i> , and displayed a <i>kind, interested attitude which encouraged participation</i> . He <i>guided</i> unrepresented participants through the court process, <i>anticipating their concerns, questions and difficulties</i> . When a defendant said that “ <i>there was not really going to be a trial,</i> ” Judge Farr calmly asked the defendant what he meant and invited him to talk to the prosecutor before going forward. The defendant eventually returned and pled “ <i>no contest,</i> ” and Judge Farr then told the defendant, “ <i>Let me explain what it means to plead ‘no contest.’</i> ”
Expresses concern for the individual	Two observers reported that Judge Farr <i>always showed consideration</i> for participants’ <i>life circumstances when scheduling payments or jail time</i> . He also <i>admonished</i> a defendant when necessary to <i>let him know that the rules were meant for him and must be followed</i> to avoid <i>consequences and enhanced charges</i> .
Unhurried and careful	Three observers reported that Judge Farr was <i>unhurried</i> and <i>managed the caseload without making anyone feel rushed</i> or that <i>they didn’t have a chance to explain their case</i> .

VOICE

Considered voice	All observers reported that Judge Farr was <i>obviously concerned</i> that everyone had the <i>opportunity to be heard</i> and were given the <i>chance to explain their situation</i> , saying, “ <i>Tell me what happened.</i> ” He would often <i>stop and ask</i> participants if they had questions, saying, “ <i>Is there anything else you want me to know?</i> ” or, “ <i>Your thoughts?</i> ” after which he would <i>consider the new input and modify his ruling</i> . In some cases after explaining <i>what his normal ruling would have been</i> , he asked, “ <i>Why should I deviate from that practice?</i> ” and gave the defendant a <i>chance to argue their case or add something new</i> .
------------------	--

COMMUNICATION

Communicates clearly	Two observers reported that Judge Farr was <i>clear in his rulings</i> and <i>concise in explaining his reasoning</i> .
----------------------	---

Ensures
information
understood

All observers reported that Judge Farr ensured that participants *understood their rights and responsibilities*. After giving *clear and precise explanations* about the proceedings, “*Just to make sure you understand how it works...*,” he then asked, “*Does that make sense?*” He asked defendants if they had any questions about forms that they signed and made sure they *understood when and where to appear next*.

Judge Farr was *very respectful* with a defendant whose first language was not English and who was *fearful he would lose his job*. The judge made every effort to ensure the man *understood the difference* between having points removed from the DMV record and removing a conviction from his record.

Provides
adequate
explanations

All observers reported that Judge Farr *explained the court process* at the beginning of the case to ensure that those not represented *understood what was happening*, saying that he knew this was not a familiar process. He explained *each person’s rights* and took care to explain that *they could tell their side of the story but that the city had the burden to prove guilt*. He *carefully explained* enhanced charges and how fines were applied, *explained the reasons for his decisions*, and asked defendants if they were *ready for sentencing*. When a defendant needed fingerprints, the judge advised him *where to go to do that*. When there was a misunderstanding, Judge Farr *explained the defense argument to the prosecutor*.
