

Honorable Reed S. Parkin – Justice Court Judge

Serving Orem Municipal Justice Court, Utah County



Commission Recommendation: **RETAIN**

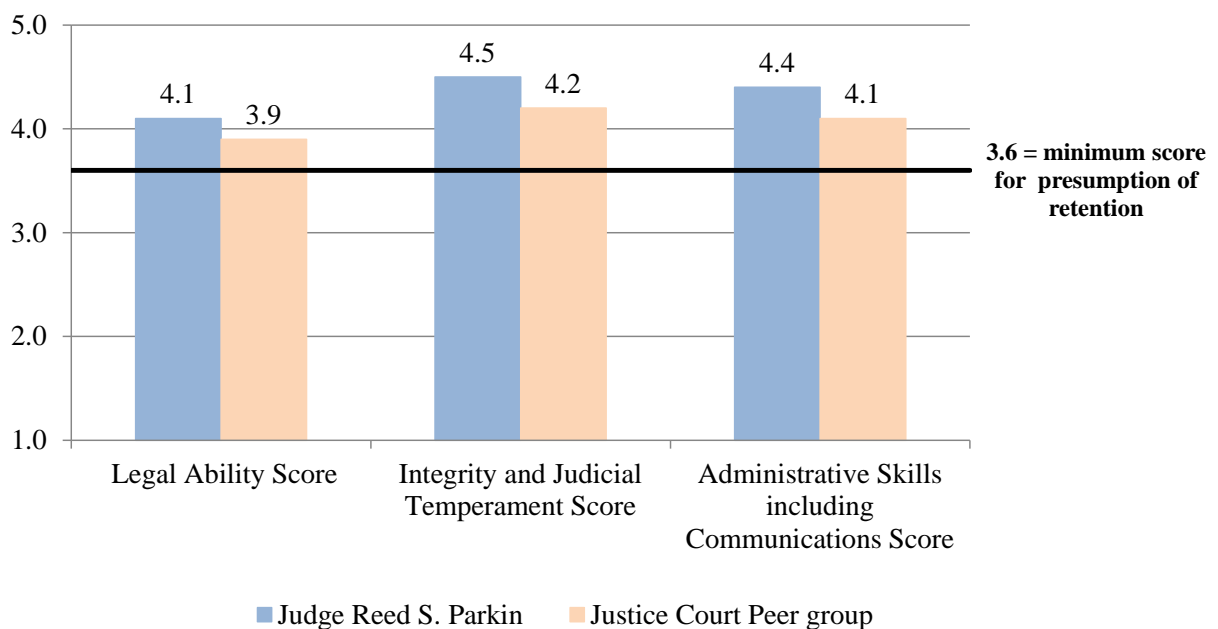
(vote count: 12-0 for retention)

Judge Reed Parkin is an experienced and respected judge whom survey respondents most frequently described as a skilled communicator with an excellent judicial temperament. Respondents also characterized Judge Parkin as calm in his demeanor, and consistently respectful and thoughtful in his decisions. Of adjectives selected from a list by survey respondents to describe Judge Parkin, 99% were positive. Courtroom observers noted Judge Parkin's polite and approachable manner and perceived him as fair and impartial. Observers also reported that Judge Parkin appeared well-prepared, ran an efficient courtroom, and showed compassion and patience. Of survey respondents who answered the retention question, 92% recommended that Judge Parkin be retained.

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

Judge Reed S. Parkin serves the Orem City Justice Court. His first appointment to the bench was in April 2005; he previously served the Bluffdale, Herriman, and Heber Justice Courts. Judge Parkin earned an Associate of Science in Criminal Justice from Salt Lake Community College, and a Bachelor of Science in Business Management and Master of Business Administration, both from the University of Phoenix. He serves on the Utah Judicial Council and has served on the Board of Justice Court Judges. As an adjunct professor at the University of Phoenix, Judge Parkin teaches in the school of business and in criminal justice programs. Judge Parkin also volunteers time in youth programs and enjoys sporting activities. He and his wife have raised four sons.

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



The Honorable Reed S. Parkin

Judicial Performance Evaluation Commission Report

Retention 2014

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I. Survey Report

Survey Results

A. How to Read the Results

For Judge Reed S. Parkin, 51% of qualified survey respondents submitted surveys. Of those who responded, 62 agreed they had worked with Judge Reed S. Parkin enough to evaluate his performance. This report reflects the 62 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

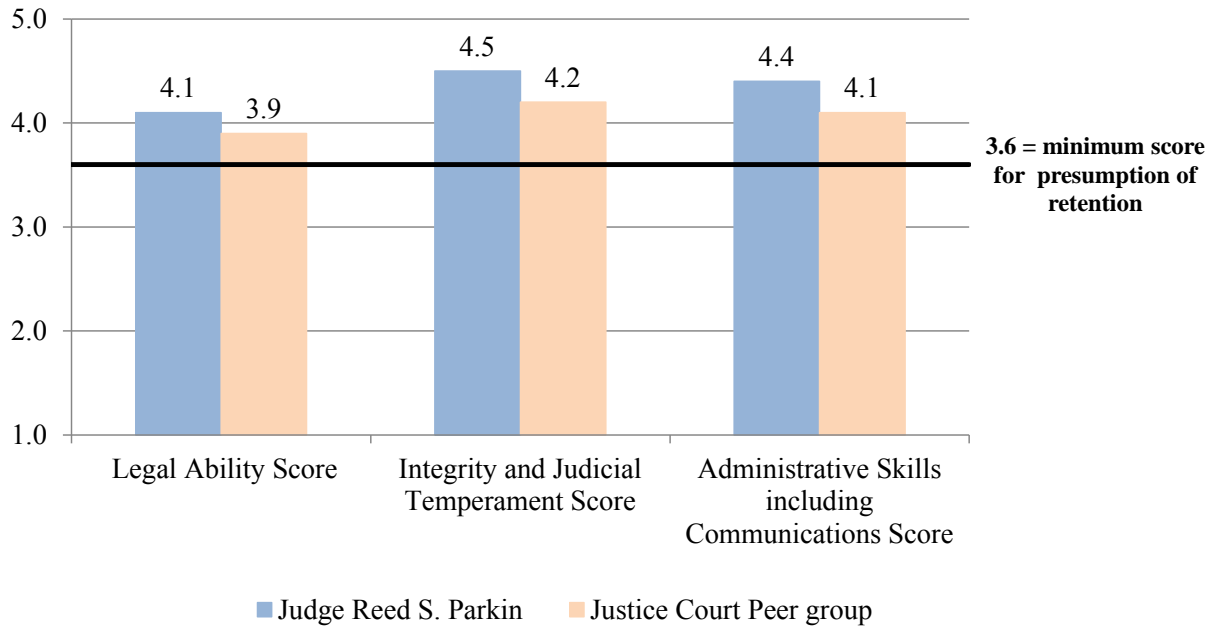
The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Justice Court" on the charts.

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.

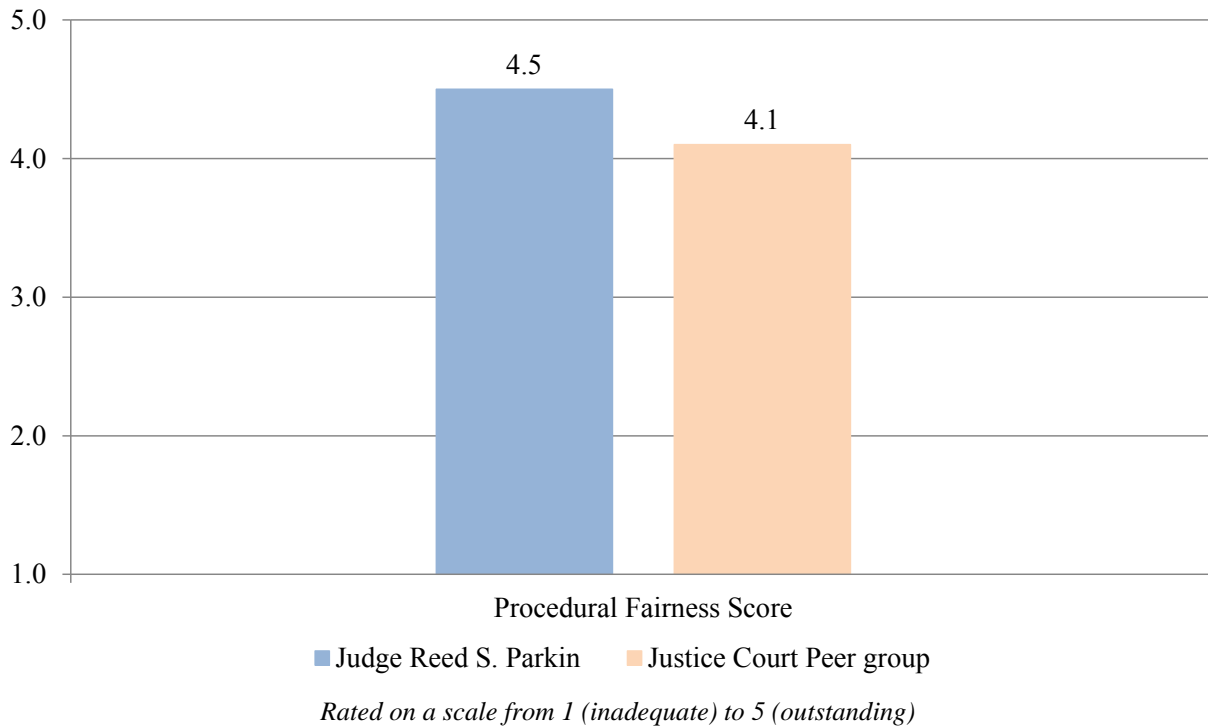
For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness,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

D. Responses to Individual Survey Questions

Category	Question	Judge Reed S. Parkin	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.	4.1	3.9
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.2	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.	4.3	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	3.9	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.	4.5	4.3
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.5	4.1
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.3	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.	4.8	4.5

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

Category	Question	Judge Reed S. Parkin	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.4	4.2
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.6	4.1
Administrative Skills	The judge is an effective manager.	4.4	4.0
Administrative Skills	The judge convenes court without undue delay.	4.0	4.0
Administrative Skills	The judge rules in a timely fashion.	4.5	4.2
Administrative Skills	The judge maintains diligent work habits.	4.5	4.2
Administrative Skills	The judge's oral communications are clear.	4.5	4.2
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.4	4.1
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.7	4.1
Procedural Fairness	The judge is fair and impartial.	4.5	4.1
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.5	4.0
Procedural Fairness	The judge provides the parties with a meaningful opportunity to be heard.	4.5	4.2

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

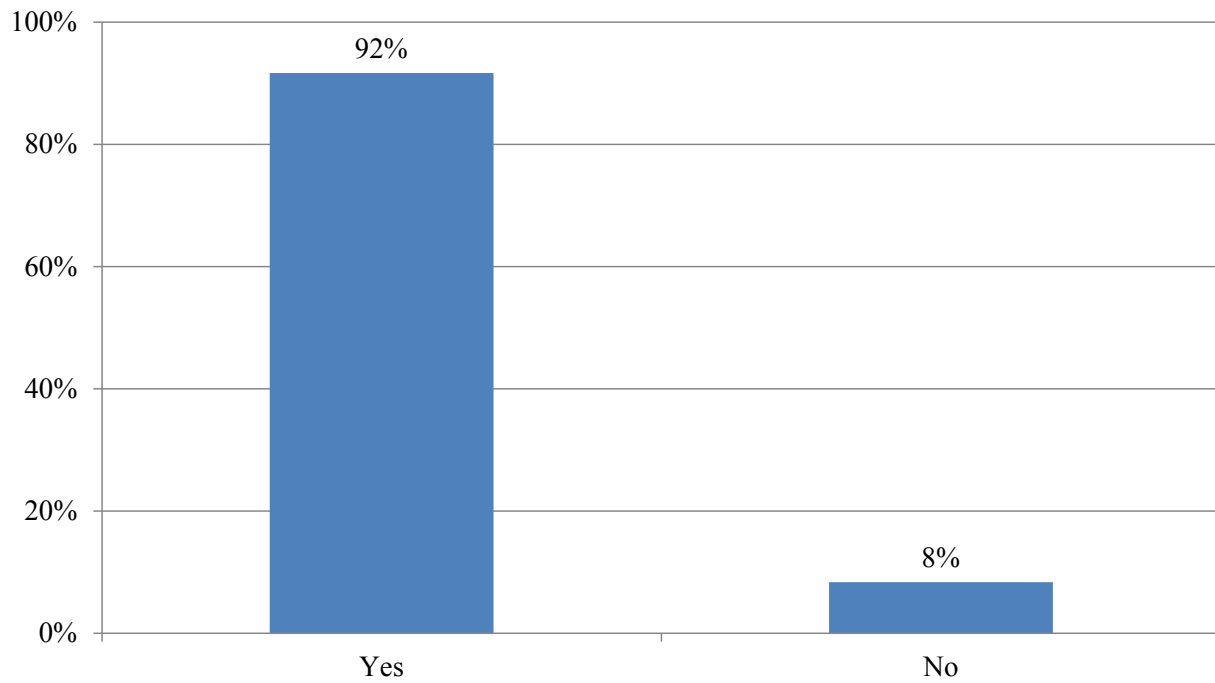
E. Adjective Question Summary

	Number of Times Mentioned*
Attentive	23
Calm	30
Confident	19
Considerate	25
Consistent	20
Intelligent	19
Knowledgeable	14
Patient	26
Polite	25
Receptive	16
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	1
Disrespectful	0
Flippant	0
Impatient	0
Indecisive	0
Rude	0
Total Positive Adjectives	217
Total Negative Adjectives	2
Percent of Positive Adjectives	99%

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 Reed S. Parkin be retained?



G. Attorney Demographics

What are your primary areas of practice?

Collections	3%
Domestic	36%
Criminal	89%
Civil	36%
Other	6%

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

5 or fewer	44%
6 - 10	28%
11 - 15	17%
16 - 20	6%
More than 20	6%

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 REED S. PARKIN

Four observers wrote 90 codable units that were relevant to 15 of the 17 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

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Parkin. All observers variously reported that Judge Parkin listened attentively without any distractions, was knowledgeable and prepared, and announced the reasons for any delays. He was efficient and orderly, and he described and adopted a consistent structure to all the proceedings, inviting those in the gallery to learn the procedures from the first few cases. He greeted each participant and was friendly, positive, and complimentary, reassuring those who were nervous. He was polite, courteous, and patient, and light-hearted on occasion. His demeanor was warm, caring, approachable, empathetic, supportive and engaged, and he made all parties feel their case was important. He was also business-like, in control, and professional, and the courtroom was ordered and quiet. While the proceedings and his rulings were consistent and uniform, he adjusted his behavior appropriately to the situation and was flexible when defendants had difficulty paying fines. He never hurried and gave ample opportunity for participants to express themselves, often asking for input, especially before ruling. He listened carefully to what he heard when weighing their arguments. Judge Parkin consistently asked for questions about his decisions, took the time to provide detailed explanations, and spoke clearly and changed his wording whenever a participant did not understand something. All observers reported that they would feel comfortable appearing before Judge Parkin.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> One observer reported that Judge Parkin's lack of eye contact and his gaze that was downcast or moved around the room, indicated boredom, which was unfortunate as the observer believed the judge to be engaged but not showing it (see "Body language").

Summary and *exemplar language* of four observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Two observers reported that Judge Parkin <i>listened attentively</i> and had <i>no outside distractions</i> . His <i>occasional glances at the computer monitor did not distract his attention</i> .
Well-prepared & efficient	All observers reported that Judge Parkin was <i>knowledgeable, prepared and expedient</i> . He described to the participants a <i>consistent structure</i> to the proceedings so that cases <i>moved along smoothly and efficiently</i> , and he <i>asked the defendants in the gallery to observe and learn from the first few cases</i> . The courtroom was <i>very efficient and orderly</i> and began with a <i>helpful instructional video regarding rights and summarizing the "guilty," "not guilty," and "no contest" pleas</i> . <i>The judge stayed in court even during slow times to work on things with his clerks</i> .
Respect for others' time	Two observers reported that when there were <i>delays</i> in the proceedings, Judge Parkin <i>announced the reasons</i> . He said to <i>more than one person</i> , " <i>Just get the paper from ___ and you can be on your way.</i> "

Respectful behavior generally	<p>All observers reported that Judge Parkin <i>greeted each person with a friendly, “Good afternoon Mr./Ms. X, how are you doing today?”</i> and was very <i>positive and complimentary</i> when participants were doing better, saying, <i>“I commend you for your compliance and good behavior.”</i> He treated those in custody with the <i>same dignity</i> by addressing them <i>Mr., Ms., or Sir</i>. When defendants were <i>quite nervous</i>, Judge Parkin would <i>speak with reassurance and remind them of their rights regularly</i>. He <i>took time to explain to those in the gallery</i> what was going to happen and how they could expect to proceed. At the end of each case he said, <i>“Good luck.”</i></p> <p>His description of court <i>procedures and expectations</i> helped those who were <i>self-represented by helping them understand the procedures</i>. One observer felt it was <i>another kind of respect</i> when Judge Parkin was <i>brave enough to speak directly and somewhat harshly</i> to give a <i>needed jolt</i> to two young men telling <i>long convoluted stories</i>, saying, <i>“I see a pattern, does that make sense?...If you want to be free, you can’t continue this...Let’s not hear excuses in the future, let’s just get it done.”</i> The observer felt this helped them learn to <i>take responsibility</i> for their actions.</p>
<i>RESPECTFUL TONE</i>	
Courtesy, politeness and patience	<p>Three observers reported that Judge Parkin was <i>polite and courteous to everyone</i>. He was always <i>patient</i> when <i>explaining things</i> and when <i>waiting for defendants meeting in an adjoining room with the prosecutor</i>.</p>
Courtroom tone & atmosphere	<p>Three observers reported that Judge Parkin was <i>warm, caring, approachable, even, and light-hearted</i> on occasion. He was also <i>business-like, in control, and professional with an appropriate level of compassion</i>. One observer was impressed with his <i>intervention model of allowing people to improve from their mistakes and giving them the support needed to make this happen</i>.</p> <p>The courtroom was <i>ordered and quiet</i>, with officers and attorneys speaking in <i>brief whispered conversations between themselves</i>. When a defendant was <i>becoming agitated, two police officers entered the courtroom and stood by</i>, which made the observer <i>feel safe</i>.</p>
Body language	<p>One observer reported that Judge Parkin did <i>not make consistent eye contact while speaking or listening</i>. His eyes were <i>often downcast or moving around the room as if bored by the process</i>. The observer wondered if this was the <i>other side of being very structured</i> in the proceedings but found this to be <i>very unfortunate</i>, as the observer <i>believed that the judge must have been engaged, but not really showing it</i>.</p>
Voice quality	<p>Three observers reported that Judge Parkin had a <i>patient, soothing voice</i>. His tone <i>appropriately displayed some sternness</i> with a participant <i>making excuses about why she did not make an appointment</i>. He <i>spoke distinctly into a microphone set at a proper volume</i>, and so his voice, as well as those of the attorneys and defendants, were <i>easily heard throughout the court, reflecting a proper courtroom atmosphere</i>.</p>
<i>NEUTRALITY</i>	
Consistent and equal treatment	<p>Three observers reported that Judge Parkin’s <i>strengths</i> were the <i>consistent structure</i> of the proceedings and his <i>uniform rulings, demeanor, and tone of voice</i>. He <i>not only refrained from assuming guilt or innocence but impressively conveyed his lack of judgment towards defendants</i>.</p>
Acts with concern for individual needs	<p>Two observers reported that Judge Parkin was <i>empathetic, supportive, positive, and highly engaged</i>, making all parties <i>feel their case was important and their time valued</i>. He asked about <i>individual needs, problems or concerns</i>, and he was always <i>careful to follow defendant’s preferences</i>. He <i>adjusted his behavior</i> appropriately for each situation. When defendants indicated <i>difficulty paying fines</i>, the judge granted <i>payment plans or community service</i>. He was willing to <i>switch mental health services for one defendant in order to get the intervention started sooner</i>.</p> <p>Judge Parkin remained <i>interested and patient</i> and acted in the <i>best interest</i> of an <i>unhappy and surly</i> young man with repeated failures to appear, reviewing his record and asking questions, such as whether he <i>preferred jail to being in court</i>, adding <i>“You can be honest. What do you want me to do?”</i> The judge eventually ruled that this person would have a <i>mental health evaluation</i>.</p>

Unhurried and careful	Two observers reported that Judge Parkin <i>took plenty of time</i> to review each defendant's rights and <i>never hurried or seemed to grow tired of repeating the same rights or sentences to many individuals</i> . He took time to <i>sort out all the details</i> of the charges for a defendant who had almost the <i>exact name of his father and was facing some charges that were actually his father's</i> .
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VOICE

Considered voice	All observers reported that Judge Parkin gave defendants <i>ample opportunity to participate and express themselves, actively asking</i> if they had any <i>comments or questions regarding their charges</i> , and <i>clearly inviting them to tell their side of the story</i> . He often asked if there was <i>anything else they wanted to tell him</i> and was <i>open to all explanations</i> of why defendants now in custody had not appeared in court. He asked for <i>input from case workers</i> and ended most cases by asking, " <i>Anything else you want me to know before I rule?</i> " He <i>listened carefully</i> to what he heard, asked for <i>clarification if needed</i> , and took participants' <i>positions into consideration</i> when <i>weighing their arguments</i> .
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COMMUNICATION

Communicates clearly	One observer reported that Judge Parkin spoke with <i>clarity</i> and <i>adjusted his interaction to each circumstance</i> .
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Ensures information understood	Three observers reported that Judge Parkin <i>consistently asked if there were any questions on why he was making his decisions</i> . His <i>colloquy was unhurried</i> , and he <i>watched each defendant or interpreter closely when they were speaking</i> . He <i>changed his wording</i> if a person seemed to have a <i>hard time understanding</i> , or he <i>moved closer to the microphone to repeat a question</i> . If a defendant expressed <i>uncertainty or confusion</i> , Judge Parkin <i>took the time to rephrase his comments</i> or <i>patiently reviewed the options available to a defendant</i> .
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Provides adequate explanations	Two observers variously reported that when a defendant asked if the judge <i>knew of driving classes offered in Spanish</i> , he <i>took the time to explain where to find the information</i> on the papers he had given her. He <i>stated in detail</i> the consequences of not consistently <i>following through with a treatment plan</i> , and he gave a <i>detailed and empathetic explanation</i> of what he expected to occur before he could lift probation early for a defendant who requested this as <i>he was doing so well</i> .
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