

Honorable George M. Harmond, Jr. – District Court Judge

Serving Carbon, Emery, Grand, and San Juan counties



Commission Recommendation: **RETAIN**

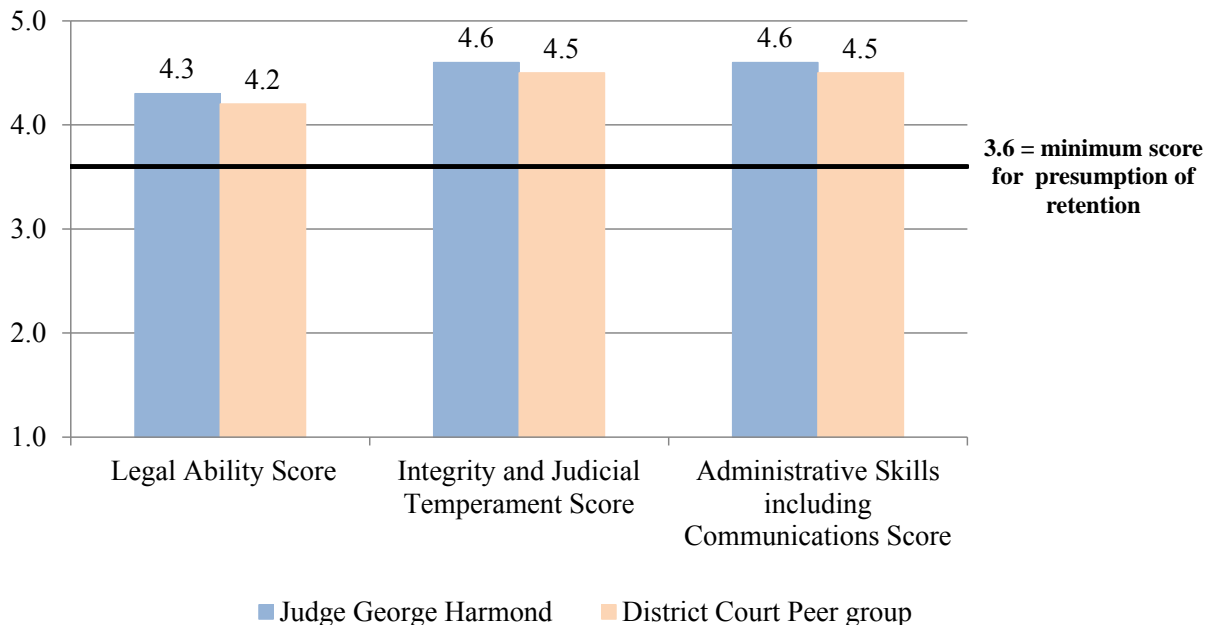
(vote count: 12-0 for retention)

Survey respondents and courtroom observers assess Judge George Harmond positively, describing him as a patient listener and a respectful and courteous judge. Appointed to the bench in 2005, Judge Harmond scores on average with his district court peers in all survey categories. From a list, survey respondents choose 91% positive adjectives to describe him. They praise Judge Harmond for his judicial temperament and effective courtroom management. Courtroom observers describe Judge Harmond as well-prepared and attentive. They highlight his strong communication skills, noting that he consistently takes the time necessary to ensure that people appearing in his court understand both the proceedings and his decisions. All observers report they would feel comfortable appearing before him. Of survey respondents answering the retention question, 93% recommend that Judge Harmond be retained.

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

Judge George M. Harmond, Jr. was appointed to the Seventh District Court in 2005 by Gov. Jon M. Huntsman, Jr. Judge Harmond earned his undergraduate degree from the University of Utah and his law degree from Creighton University School of Law. From 1981 until his appointment to the bench, he maintained a private law practice. In addition, he served as Deputy Carbon County Attorney from 1987-2005. In 2003, Governor Michael O. Leavitt appointed him to the Utah Board of Water Resources, a position he held until his appointment to the bench. In 2011, Judge Harmond was elected by his district court peers to the Utah Judicial Council, where he served until 2014.

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



The Honorable George M. Harmond. 'Lt 0

Judicial Performance Evaluation Commission Report

Retention 2016

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II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge George M. Harmond, Jr. 53% of qualified survey respondents submitted surveys. Of those who responded, 64 agreed they had worked with Judge George Harmond enough to evaluate his performance. This report reflects these 64 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.

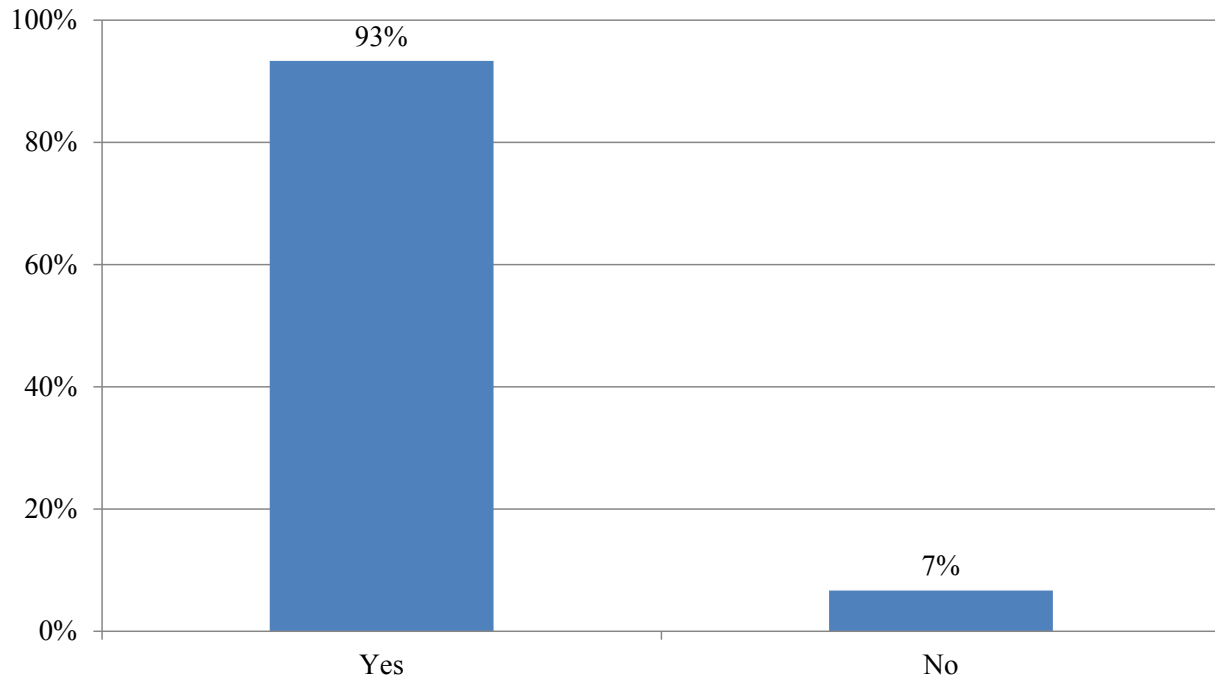
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

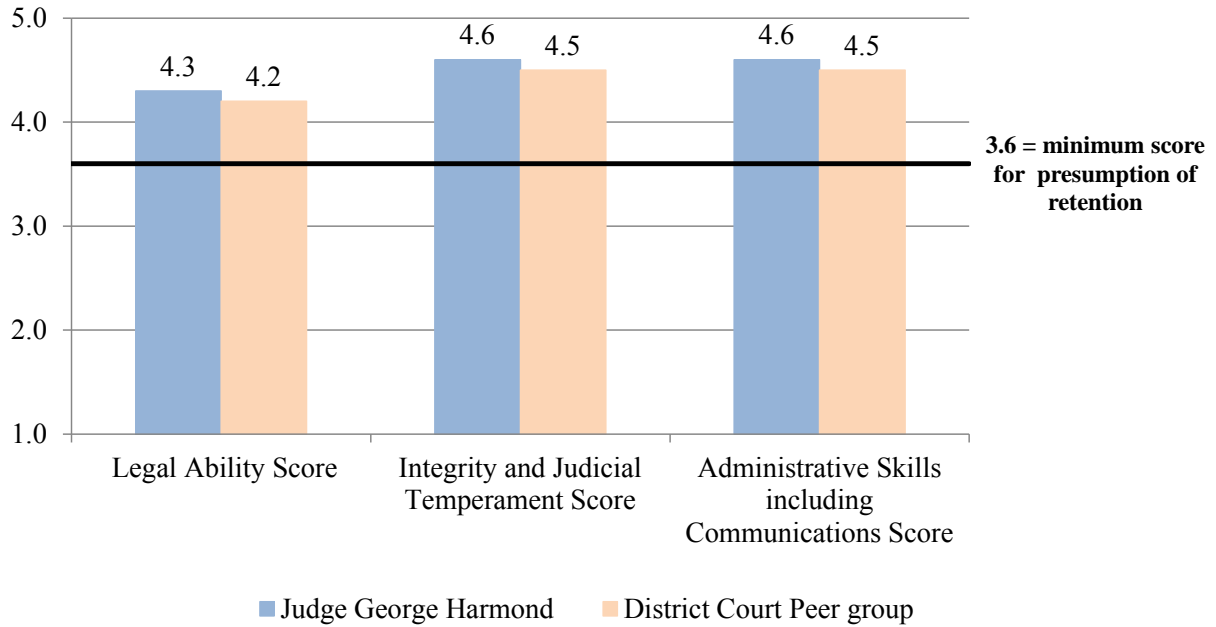
B. Retention Question

Figure A. Would you recommend that Judge George Harmond be retained?



C. Statutory Category Scores

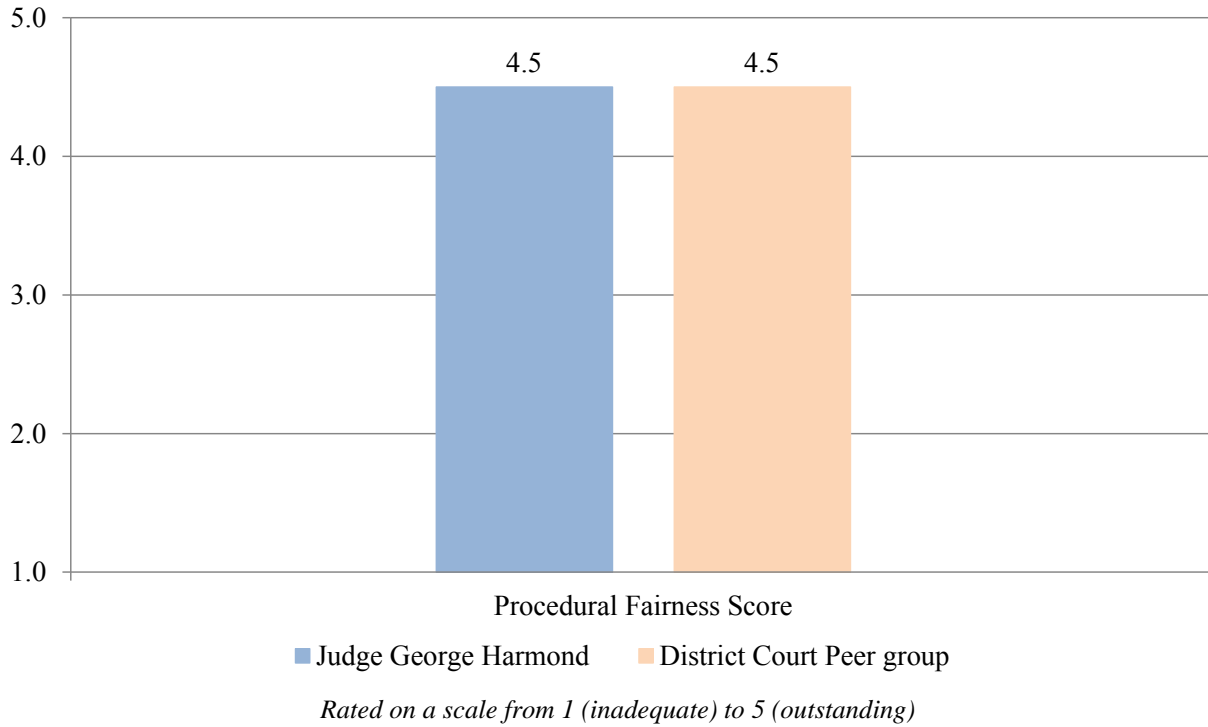
Figure B. Statutory Category Scores



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 George Harmond
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge George Harmond	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.	4.3	4.2
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.3	4.2
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.2	4.2
Legal Ability	The judge only considers evidence in the record.	4.3	4.2
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.2	4.2
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.3	4.2
Integrity & Judicial Temperament	The judge makes sure that everyone's behavior in the courtroom is proper.	4.7	4.6
Integrity & Judicial Temperament	The judge appears to pay attention to what goes on in court.	4.6	4.6
Integrity & Judicial Temperament	The judge's personal life or beliefs do not impair his or her judicial performance.	4.5	4.3
Integrity & Judicial Temperament	The judge demonstrates respect for the time and expense of those attending court.	4.6	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.	4.8	4.6

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

Table C. Responses to Survey Questions (continued)

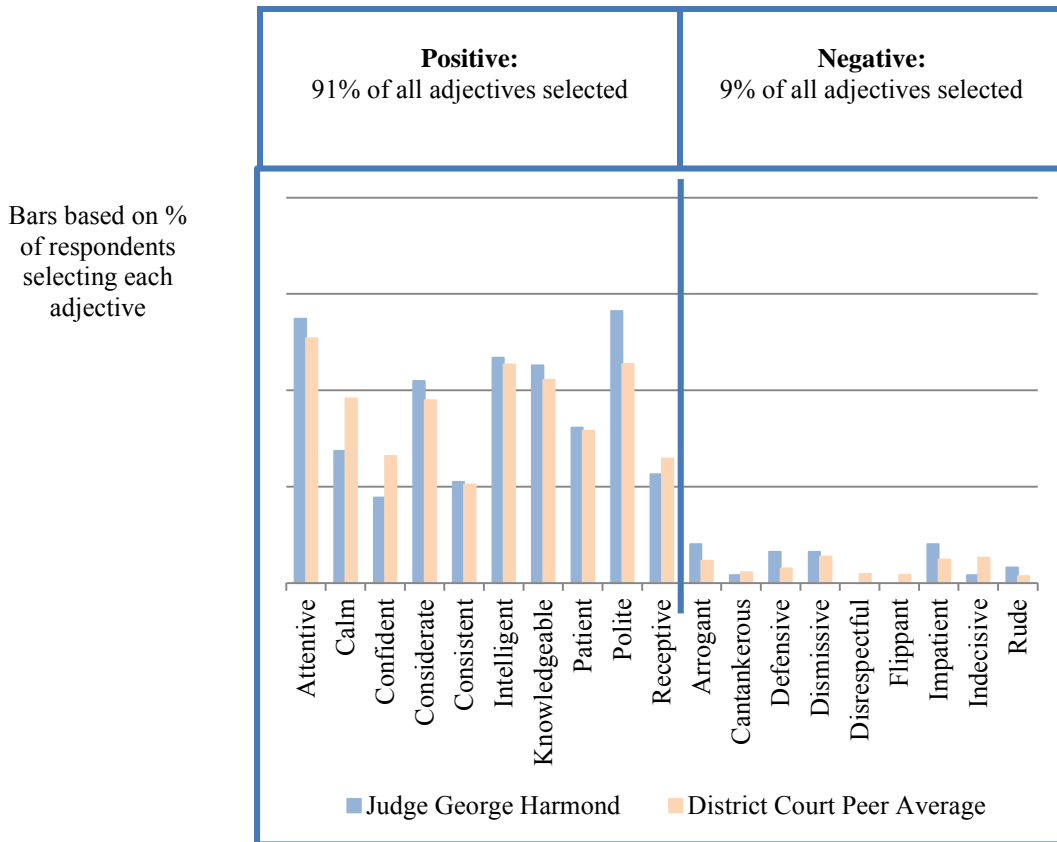
Category	Question	Judge George Harmond	District Court
Administrative Skills	The judge is prepared for court proceedings.	4.7	4.4
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.6	4.6
Administrative Skills	The judge is an effective manager.	4.5	4.5
Administrative Skills	The judge convenes court without undue delay.	4.7	4.6
Administrative Skills	The judge rules in a timely fashion.	4.6	4.5
Administrative Skills	The judge maintains diligent work habits.	4.7	4.5
Administrative Skills	The judge's oral communications are clear.	4.5	4.5
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.4	4.3
Procedural Fairness	The judge treats all courtroom participants with equal respect.	4.6	4.6
Procedural Fairness	The judge is fair and impartial.	4.4	4.5
Procedural Fairness	The judge promotes public trust and confidence in the courts through his or her conduct.	4.4	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	6%
Domestic	33%
Criminal	39%
Civil	63%
Other	2%

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	65%
6 - 10	15%
11 - 15	8%
16 - 20	-
More than 20	12%

Survey Background and Methods

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 GEORGE HARMOND

Four observers wrote 70 codable units that were relevant to 14 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"> All observers were enthusiastically positive about Judge Harmond. One observer described Judge Harmond as one of the best. All observers reported that they would feel comfortable appearing before Judge Harmond.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Harmond gave his full attention and demonstrated an astounding capacity for engaged listening. He was well-prepared, began promptly, acknowledged any delays, and worked hard to accommodate participants' schedules. He greeted and thanked participants cordially and courteously, was kind and understanding, and never responded emotionally to inconvenience or ineptness. He displayed good eye contact, and his expressions and gestures enhanced his effective communication. He showed the same attention and patient, caring, and neutral manner to all. He was always patient with no sense of urgency and gave all participants the opportunity and as much time as they needed to express themselves, however extended this might be. He spoke in clear and simple terms and took the time to fully and clearly explain the reasons for his sentences. Judge Harmond was matchless in ensuring that defendants understood their rights, charges, and the proceedings, repeatedly explaining in different ways until assured that they comprehended.
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

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Harmond gave <i>his full attention</i> to speakers and demonstrated an <i>astounding capacity for engaged listening</i> .
Well-prepared & efficient	One observer reported that Judge Harmond was <i>prepared with ready access to any information</i> he needed. He <i>thinks and speaks rapidly</i> and is <i>capable of covering a lot of ground</i> .
Respect for others' time	Three observers reported that court <i>began promptly as scheduled</i> . When transportation from the jail was delayed, Judge Harmond <i>acknowledged the delay, took it in stride and commenced as normal when the prisoners arrived</i> . He tried <i>very hard and patiently to accommodate all parties</i> , saying, " <i>Mr. K., would that date work for you?</i> " or, " <i>If I were to have you report on July 7th, would that work out?</i> " Whenever defendants were delayed, the <i>bailiff communicated the delay</i> .
Courtesy, politeness, and general demeanor	All observers reported that Judge Harmond began each session with a " <i>Good Morning all</i> " in a <i>pleasant and respectful</i> voice. He greeted each defendant with a <i>courteous and cordial</i> " <i>Good morning Mr. X, How are you today?</i> " and <i>consistently and sincerely</i> concluded each case by stating " <i>Thank you</i> " to all participants and asking " <i>Is there anything else I can do today? Did I miss anything?</i> " When appropriate he would say, " <i>You have done everything that I've asked, and congratulations. Thank you very much, Mr. W.</i> "

Courtesy, politeness, and general demeanor <i>continued</i>	Judge Harmond's <i>control</i> of the courtroom was <i>never ostentatiously displayed</i> , and he did not respond with <i>negative body language</i> or <i>emotion</i> to any <i>inconvenience</i> or <i>ineptness</i> but rather <i>flowed with the current</i> . One observer concluded that Judge Harmond is <i>overall one of the best, administering the law through kindness, understanding, and a genuine love of fellowman</i> .
Body language	Three observers reported that Judge Harmond displayed <i>excellent eye contact, sitting upright</i> , and using <i>facial expressions and appropriate hand gesturing</i> to enhance his <i>effective communication</i> and demonstrate his <i>interest and engagement</i> .
Voice quality	Two observers reported that Judge Harmond <i>consistently maintained a calm, respectful, and congenial tone of voice</i> .
Courtroom tone & atmosphere	Two observers reported that the court ran <i>very smoothly</i> . <i>Voice amplification</i> allowed all speakers to be <i>heard throughout the court without straining</i> .

NEUTRALITY

Consistent and equal treatment	Two observers reported that Judge Harmond showed the <i>same attention, uniform tone of voice, and patient and careful manner to all</i> , whether represented by an attorney, whether in custody, or regardless of their manner of behavior toward him. He acted as a <i>neutral arbiter, asking both sides for their preference regarding taking the motions together or sequentially</i> , and worked <i>through issues so the results would be most satisfactory to both parties</i> .
Demonstrates concern for individual needs	Three observers reported that Judge Harmond's <i>attentive demeanor evoked expressions of gratitude from defendants regarding how their cases were handled</i> , with many saying, " <i>Thank you, your honor</i> ." When a defendant <i>apologized</i> for his tardiness due to <i>having gone to the wrong court</i> , the judge said, " <i>I will recall the warrant</i> ," and when the <i>grateful</i> defendant thanked him the judge replied, " <i>You are very welcome, things happen</i> ." The repetition of defendants' rights and consequences of pleading guilty did <i>not seem mundane for him</i> , and each defendant was <i>treated equally and personally</i> with an <i>animated and conversational review</i> that <i>projected a feeling that he was sincere in wanting to protect those rights</i> . While reviewing rights he <i>raised his eyebrows, moved from side to side</i> and <i>spoke very clearly, modulating his voice to emphasize various points, working hard to communicate these facts</i> , in contrast to judges who review rights <i>too quickly in a monotone</i> .
Unhurried and careful	Two observers reported that there was never a <i>sense of urgency to "move on"</i> , and in one case after <i>twenty minutes into an opening discourse about the background to the case</i> Judge Harmond said, " <i>Take your time</i> ." He <i>accommodated an attorney attempting to come up with information</i> who asked for " <i>further time to look at the case</i> ," and the judge replied, " <i>Yes, take your time Mr. (Attorney)</i> ."

VOICE

Considered voice	Three observers reported that Judge Harmond <i>consistently gave each person an opportunity to speak</i> , saying, " <i>Is there anything else from the State? Ms. J. is there anything you have to ask me?</i> " He always <i>set up a "conversation" between himself and the defendant</i> to ensure that <i>he understood their situation</i> . He asked each defendant, " <i>Mrs. N., do you have anything that you want to say before I sentence you?</i> " and he would <i>pause and wait in order to allow the defendant to answer</i> . Everyone had <i>sufficient time to express themselves</i> , and there were <i>no occasions where any questions were left on the table</i> . One observer considered that Judge Harmond's <i>focused listening</i> was a <i>very strong example</i> of his <i>appropriate temperament and high tolerance for listening and providing voice</i> . When arguments seemed to <i>go on endlessly, sometimes beating a point to death, or comprised a string of words that did not communicate anything</i> , the judge still said, " <i>Take as much time as necessary. There is no rush</i> ," and while the observer found the <i>discourse painfully boring to listen to</i> and his attention <i>clouding over</i> , the judge <i>gave no indication</i> that his was.
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COMMUNICATION

Communicates clearly Two observers reported that Judge Harmond *spoke simply and clearly* to defendants so that *he would be understood*, for example, *“If you pay it off early, the state will issue a statement and that will be the end of it. If it’s delinquent, I will send out a warrant to see what happened.”* He *cared enough about each case and each defendant to work at communicating clearly.*

Ensures information understood Three observers reported that Judge Harmond was *matchless and nearly flawless in ensuring that each participant was completely informed and apparently comprehending the proceedings.* When a defendant was *somewhat unresponsive and gave mumbled responses*, the judge was *undeterred in maintaining his normal tone of voice and ensured that defendants acknowledged understanding their rights and the choices they could make.* He asked, *“The charge is enhanceable. Do you know what that means?”* and if he *doubted comprehension he would clarify more and ask, “Do you understand?”* then give more explanation and ask, *“Do you understand that?”*

Provides adequate explanations Three observers reported that Judge Harmond always *took the time to fully and carefully explain very clearly why he chose the sentence.* In a case when he *felt there was no other fair judgment than a state prison term*, he *presented his reasons and reluctance very clearly*, saying, *“We are right back where we started. I don’t have any more options for treatment ... I don’t know what to do. There seems to be no way that I can get your attention. Some people work hard to stay on probation. I know you have an addiction and that clouds the mind and makes it difficult. You will serve a term in the Utah State Prison. Good luck, Ma’am.”*
