

Honorable Vernon F. Romney – Justice Court Judge

Serving Provo Municipal Justice Court, Utah County



Commission Recommendation: **RETAIN**

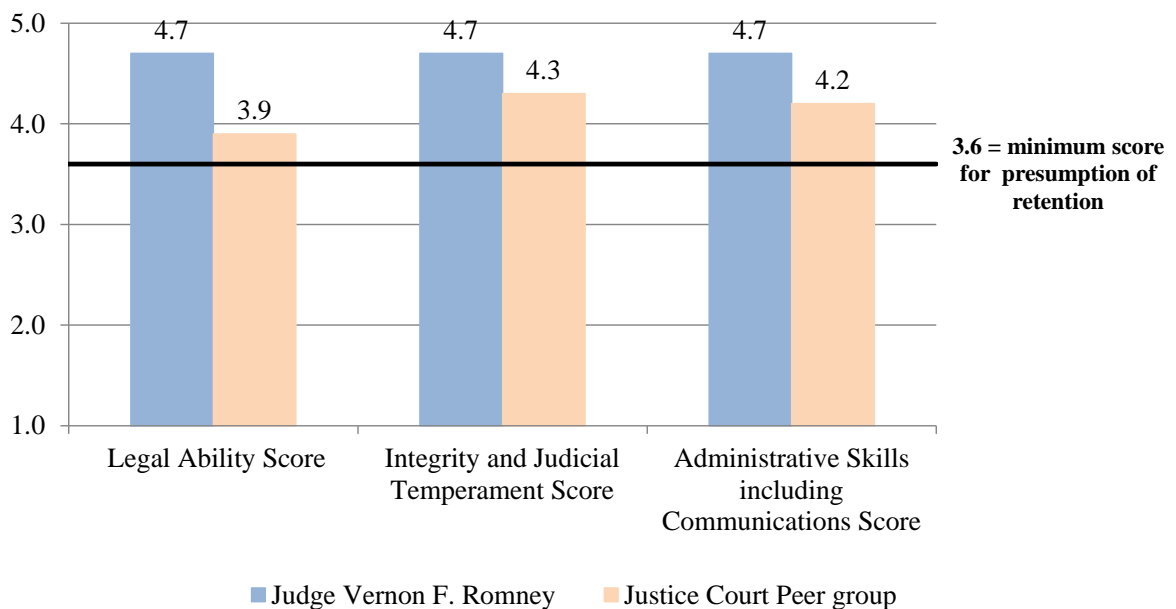
(vote count: 12-0 for retention)

Appointed to the bench in 2007, Judge Vernon Romney receives outstanding evaluations from survey respondents, scoring well above the average of his justice court peers in all survey categories. Survey respondents characterize him as a fair and impartial judge who consistently demonstrates patience, respect, and courtesy towards all. They view him as even-tempered and professional, choosing 99% positive adjectives from a list to describe him. Courtroom observers agree with survey respondents, with most reporting they would feel comfortable appearing before him. The observers describe Judge Romney as an excellent courtroom administrator who efficiently manages a heavy caseload without rushing and who makes sure that the parties have enough time to be fully heard. Of 48 survey respondents answering the retention question, 46 (96%) recommend that Judge Romney be retained.

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

Appointed to the Provo City Justice Court bench in 2007, Judge Vernon F. Romney graduated from Brigham Young University with a degree in English in 1979 and a law degree in 1982. Prior to his appointment, Judge Romney worked for 22 years in the Provo City Attorney's office, serving primarily as lead city prosecutor. Judge Romney has served as president of the Central Utah Bar Association, president of the Utah Municipal Prosecutors' Association, and chair of the Fourth District Court's Victims' Rights Committee. He has also served as a member of the Utah Domestic Violence Council and the Utah Prosecution Council Training Committee. Judge Romney currently chairs the Fourth District Justice Court Education Committee and sits on the Board of Justice Court Judges.

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



The Honorable Vernon F. Romney

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 Vernon F. Romney, 40% of qualified survey respondents submitted surveys. Of those who responded, 48 agreed they had worked with Judge Vernon F. Romney enough to evaluate his 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.

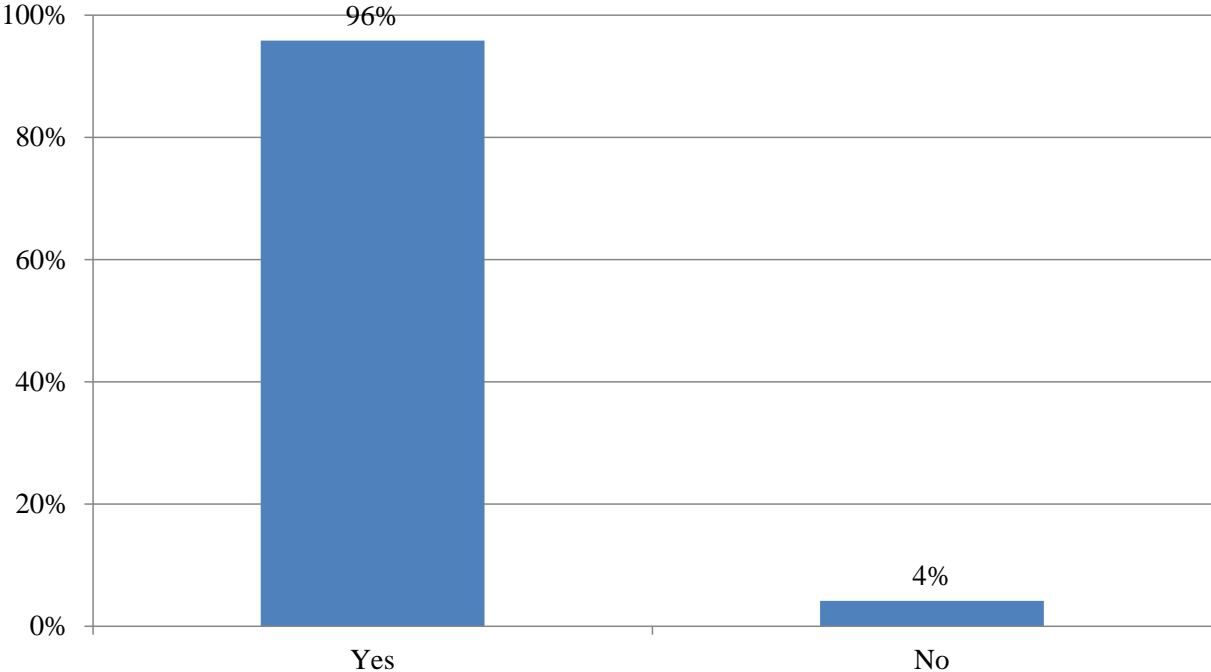
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to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

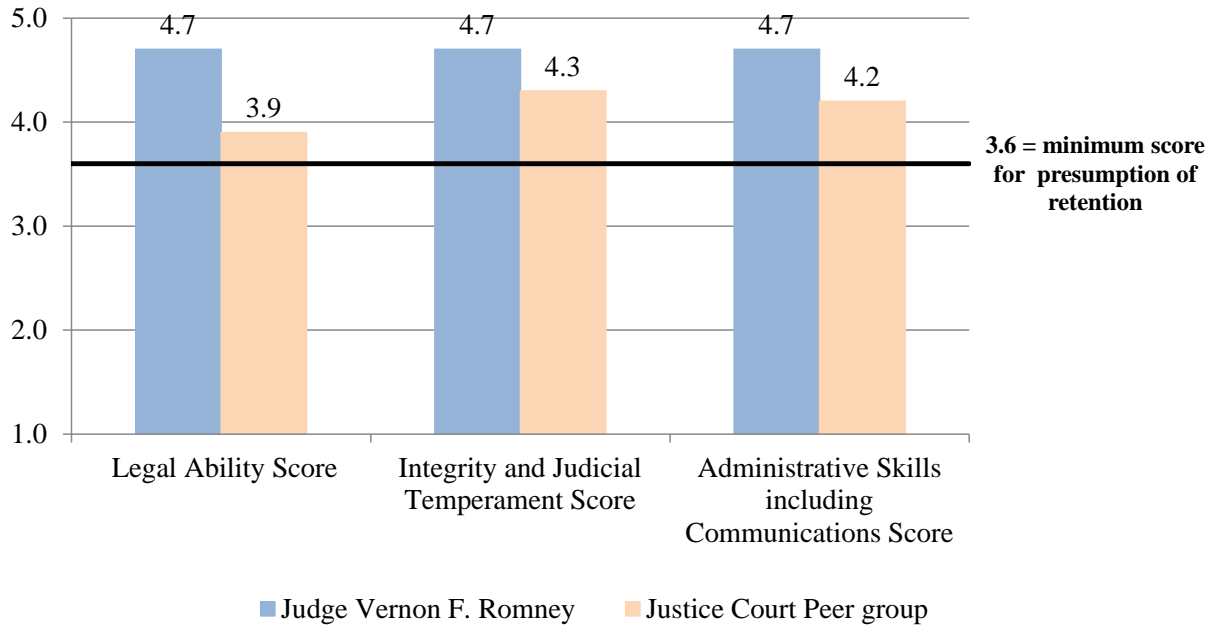
B. Retention Question

Figure A. Would you recommend that Judge Vernon F. Romney be retained?



C. Statutory Category Scores

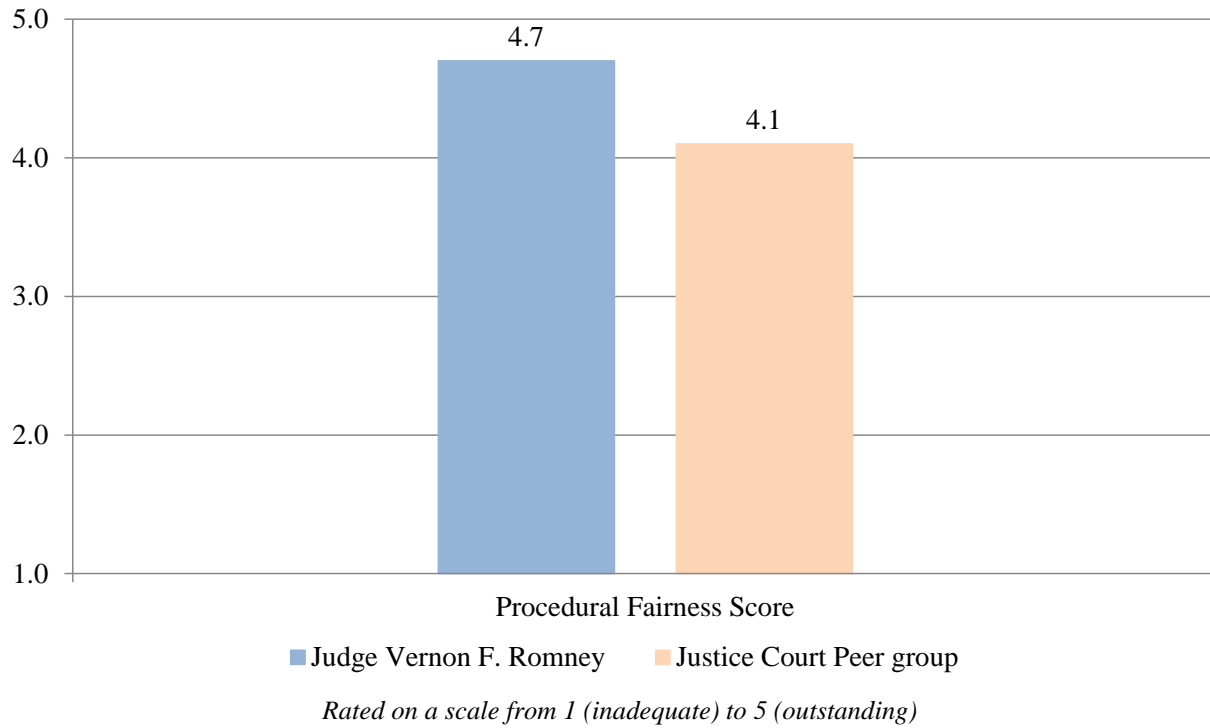
Figure B. Statutory Category Scores



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 Vernon F. Romney
Procedural Fairness	Pass

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

Category	Question	Judge Vernon F. Romney	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.	4.7	4.0
Legal Ability	The judge makes appropriate findings of fact and applies the law to those facts.	4.6	3.9
Legal Ability	The judge follows legal precedent or clearly explains departures from precedent.	4.7	3.9
Legal Ability	The judge only considers evidence in the record.	4.7	3.9
Legal Ability	The judge's written opinions/decisions offer meaningful legal analysis.	4.6	3.8
Legal Ability	The judge's written opinions contain a readily understandable, concise ruling	4.7	3.9
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.	4.7	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.	4.8	4.4

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

Table C. Responses to Survey Questions (continued)

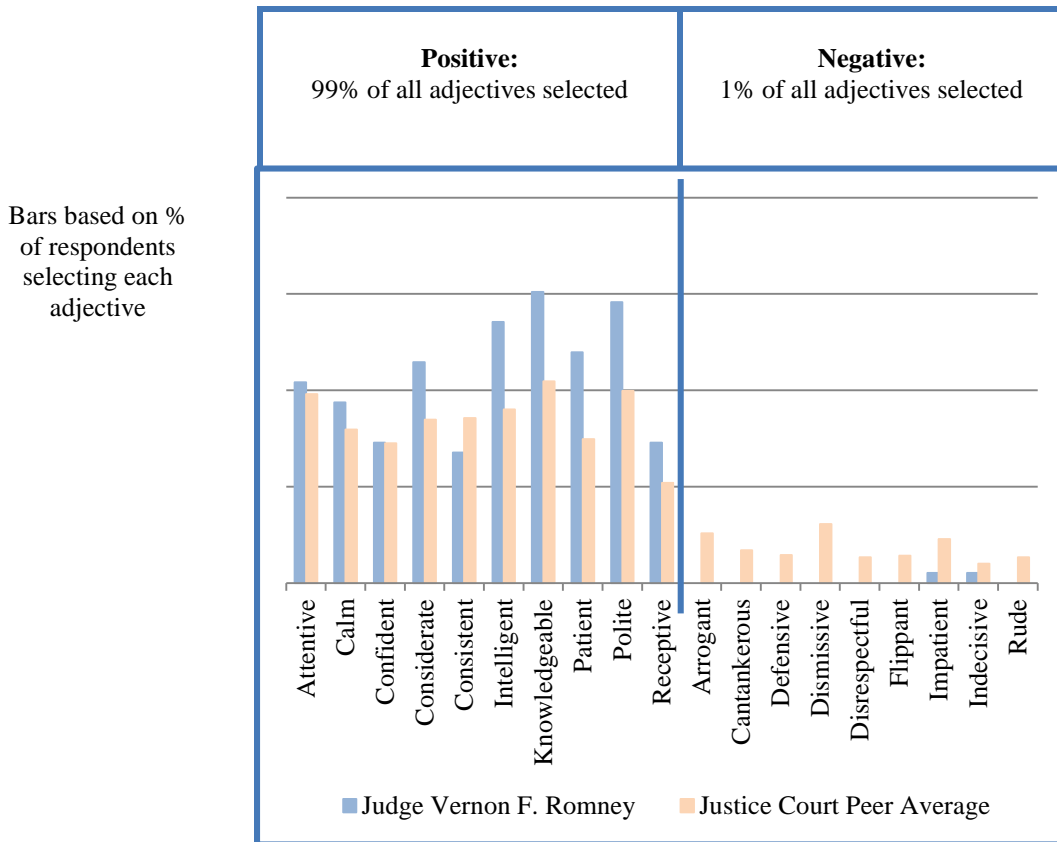
Category	Question	Judge Vernon F. Romney	Justice Court
Administrative Skills	The judge is prepared for court proceedings.	4.7	4.3
Administrative Skills	The judge's interactions with courtroom participants and staff are professional and constructive.	4.8	4.1
Administrative Skills	The judge is an effective manager.	4.6	4.1
Administrative Skills	The judge convenes court without undue delay.	4.4	4.1
Administrative Skills	The judge rules in a timely fashion.	4.7	4.3
Administrative Skills	The judge maintains diligent work habits.	4.8	4.3
Administrative Skills	The judge's oral communications are clear.	4.7	4.3
Administrative Skills	The judge's written opinions/decisions are clear and logical.	4.8	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.	4.7	4.0
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)

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	17%
Criminal	89%
Civil	54%
Other	6%

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	31%
6 - 10	17%
11 - 15	17%
16 - 20	-
More than 20	34%

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 VERNON ROMNEY

Four observers wrote 74 codable units that were relevant to 14 of the 15 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

OVERALL ASSESSMENT	<ul style="list-style-type: none">• All observers were positive about Judge Romney. Observer A was positive in many areas but expressed reservations about Judge Romney’s lack of interaction with defendants during a particularly busy calendar of cases (see “Anomalous comments”).• Three observers reported that they would feel comfortable appearing before Judge Romney. While Observer A felt Judge Romney’s judgment would probably be correct, he would not want to appear in this courtroom (see “Anomalous comments”).
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• All observers variously reported that Judge Romney was extremely efficient and well organized, he accommodated participants’ schedules and apologized for delays or other inconvenience, and he was knowledgeable about the law. He was polite, calm, and professional, and greeted and spoke to defendants with respect. Although he rarely smiled, he usually maintained good eye contact and spoke in a calm, clear somewhat comforting voice that was authoritative but not strident. He spoke very consistently to each defendant, and although moving at a good pace he paid attention and took time to review each case without hurrying. He gave all participants time to speak and asked multiple times for questions before sentencing. He communicated clearly and took time to explain the consequences of pleas, enhanceable crimes, and other consequences of the law.• Three observers emphasized that Judge Romney gave careful consideration to and wanted to accommodate defendants’ situations. He never sounded bored with the similar cases, but communicated interest and gave his clear explanations in a personalized manner.
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• None
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• In marked contrast to the other observers, Observer A reported that Judge Romney showed little personal interaction with defendants but maintained a no-nonsense, very business-like and almost cold demeanor and felt perhaps the judge was just trying to get through a particularly busy calendar of cases (see “Demonstrates concern for individual needs”).• One observer suggested that Judge Romney eliminate the phrase, “I intend to follow the advice of the prosecutor,” before he asked defendants’ to speak, as this gave the incorrect impression that his mind was made up (see “Considered voice”).

Summary and *exemplar language* of four observers’ comments

<i>RESPECT</i>	
Listening & focus	One observer reported that Judge Romney’s <i>conversation indicated he had been listening to the speakers.</i>
Well-prepared & efficient	Three observers reported that Judge Romney was <i>knowledgeable about the law</i> and the penalties and was <i>extremely well organized</i> , in one case <i>adjusting the proceedings to accommodate the arrival of attorneys.</i> One observer felt <i>this was the most efficient Justice Court she had observed.</i>

Well-prepared & efficient & efficient continued	In contrast one observer noted <i>a few instances when his information was in error or he had not prepared in advance</i> , and the clerk corrected him. The observer wondered <i>if a defendant would be concerned whether the judge had the correct facts when he made his decision.</i>
Respect for others' time	Two observers <i>appreciated</i> that Judge Romney <i>apologized</i> for a 90 minute delay in starting court <i>due to a video court session</i> and that defendants were permitted <i>to sign paperwork after appearing before the judge</i> , thereby <i>managing time for all</i> . He was <i>flexible in changing a hearing date</i> because a defendant would be out of the country.
Courtesy, politeness, and general demeanor	All observers reported that Judge Romney <i>greeted</i> participants with <i>"Good Morning Mr. A.,"</i> thanked them as they <i>moved on</i> , and <i>often called</i> defendants <i>"Sir"</i> or <i>"Ma'am"</i> which one observer <i>didn't think many of the defendants were used to</i> . The majority of participants were <i>Hispanic</i> and the judge either <i>pronounced names correctly or asked if he had</i> , treating everyone <i>with respect and courtesy</i> . He <i>consistently repeated back to the defendants their home or contact address</i> which one observer felt was a <i>good technique that clarified their address</i> for the clerk and <i>sent a good message that he was really listening to them</i> . When a defendant asked <i>to release a protective order</i> and the judge found that <i>the other party was in the courtroom</i> , the observer felt it respectful that the judge <i>asked that person if he was comfortable with ending it as well</i> . Judge Romney was <i>polite, calm and professional</i> . When the clerk asked the judge <i>to speak a "little slower,"</i> he said, <i>"Yes, thank you, let me go a little slower. Our clerks work very hard and are very efficient. I must slow down now. They work very hard."</i> He <i>apologized</i> for inconvenience caused to those in the gallery, saying, <i>"Problems with the building, resulting in you folks being out there. Our landlord is getting right on it now. We thank you for your patience."</i>
Body language	Two observers reported that Judge Romney <i>rarely smiled</i> , but <i>maintained good eye contact</i> with speakers, although Observer A commented that he <i>sometimes but sometimes not</i> made eye contact when <i>calling each defendant by name</i> . He had his <i>computer screen low enough so that he could see each participant clearly without needing to look over his screen</i> .
Voice quality	Two observers reported that Judge Romney spoke in a <i>calm, clear, well-modulated, and somewhat comforting</i> voice. His well-amplified voice had <i>authority</i> but was <i>not strident or patronizing</i> .
Courtroom tone & atmosphere	One observer was <i>very impressed</i> by Judge Romney's clerk who <i>clarified charges, updated the judge on fines, and brought to his attention additional information regarding cases</i> . However, many cases were <i>delayed</i> as there was no prosecutor in the court, which was the fault of the <i>system</i> rather than the judge and <i>seemed an inefficient way to run a court</i> .

NEUTRALITY

Consistent and equal treatment	Three observers reported that Judge Romney spoke <i>the same words</i> to each defendant, saying, <i>"Mr. M., good morning, let's start off with your correct address."</i> He handled <i>similar cases consistently</i> and treated all defendants of <i>different races and genders equally</i> .
Demonstrates concern for individual needs	Three observers reported that Judge Romney gave <i>careful consideration to defendants' situations</i> and <i>wanted to accommodate and assist them in achieving a positive outcome</i> . He accommodated a defendant who was <i>ordered to take anger management classes but had an opportunity for a job in another state</i> , saying, <i>"You would probably have to start over Mr. D ... I have extended the time for the plea-in-abeyance."</i> He <i>understood the concerns and practicalities of the real lives of defendants</i> , saying for example, <i>"You know your circumstances better than anyone else. How much are you able to pay each month?"</i> He <i>never sounded or acted bored or impatient</i> even though all the cases were <i>basically the same</i> , and he <i>communicated interest</i> in all defendants when explaining <i>clearly and slowly in a personalized manner</i> the rights foregone by pleading guilty or about <i>enhancement for a DUI or domestic violence</i> .

Demonstrates concern for individual needs <i>continued</i>	In marked contrast, Observer A reported that <i>about a dozen</i> defendants had been added to the cases already on the calendar, and the observer felt that <i>perhaps this was why he was so routine and business-like, just to get through the number of cases that morning. He showed very little personal interaction with defendants but maintained the same tone of voice and expression, neither friendly nor unfriendly, with a no-nonsense almost cold demeanor that seemed pretty sterile, emotionless and very business-like. Although he conversed with defendants, he was definitely in charge of the conversation like a stern parent speaking to a wayward child.</i>
Unhurried and careful	Two observers reported that Judge Romney <i>never hurried participants through the system</i> although the court <i>moved along at a good pace</i> . He took time to <i>read and review each case, sometimes commenting to himself, "Interesting," or commenting to a defendant, "I'm concerned in your case. Let me tell you why."</i> He showed he was <i>paying attention and not hurrying through the proceedings</i> when he reminded a defendant that the defendant had <i>something else to say</i> that the defendant had initially <i>brought up earlier</i> when Judge Romney <i>seemed to quickly move on</i> .
VOICE	
Considered voice	Three observers reported that Judge Romney <i>gave all participants an opportunity to tell their story, and he often asked</i> defendants multiple times if they had any <i>questions before sentencing</i> , saying, <i>"Is there anything else you want to tell me?"</i> or, <i>"Do you have any questions about the offer? You have the right to address the Court,"</i> and also asked, <i>"What is the City's input here?"</i> One observer felt it <i>unfortunate</i> that <i>several times</i> the judge told defendants, <i>"I intend to follow the advice of the prosecutor. Is there anything that you wish to say?"</i> indicating that his mind was <i>made up and the defendant's participation was not of importance</i> . In some cases when defendants <i>did speak up</i> Judge Romney <i>agreed and granted the request</i> , showing that <i>even if he had his mind made up he was willing to consider a change</i> . However, a <i>scared or nervous</i> defendant <i>might not feel it worthwhile to speak up</i> after the judge's comment, and the observer suggested he <i>eliminate the phrase, "I intend to follow the advice of the prosecutor," before listening to the defendant.</i>
COMMUNICATION	
Communicates clearly	One observer <i>respected</i> and provided several examples of Judge Romney's clarity in communicating information to the defendant, for example, <i>"Mr. R., let me indicate what the charges are and you may indicate a plea."</i>
Ensures information understood	One observers reported that Judge Romney asked defendants <i>who had an interpreter</i> if they had <i>"read the documents in Spanish form?"</i>
Provides adequate explanations	Two observers reported that Judge Romney took time to explain <i>enhanceable crimes, community service requirements, and quoted the law and explained the consequences of violations</i> . When defendants had multiple charges, he asked <i>if they were aware</i> of this and if not he <i>took time to go over the multiple cases and explain them to each person</i> . After clearly explaining the consequences of pleading guilty, he <i>said to each defendant, "I think that you are fully informed."</i>