

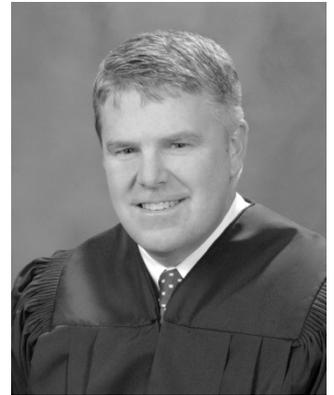
Narrative Overview

Honorable Kevin K. Allen – District Court Judge

Serving Cache, Rich and Box Elder counties

The commission recommends by a vote of 12 – 0
TO RETAIN Judge Kevin Allen

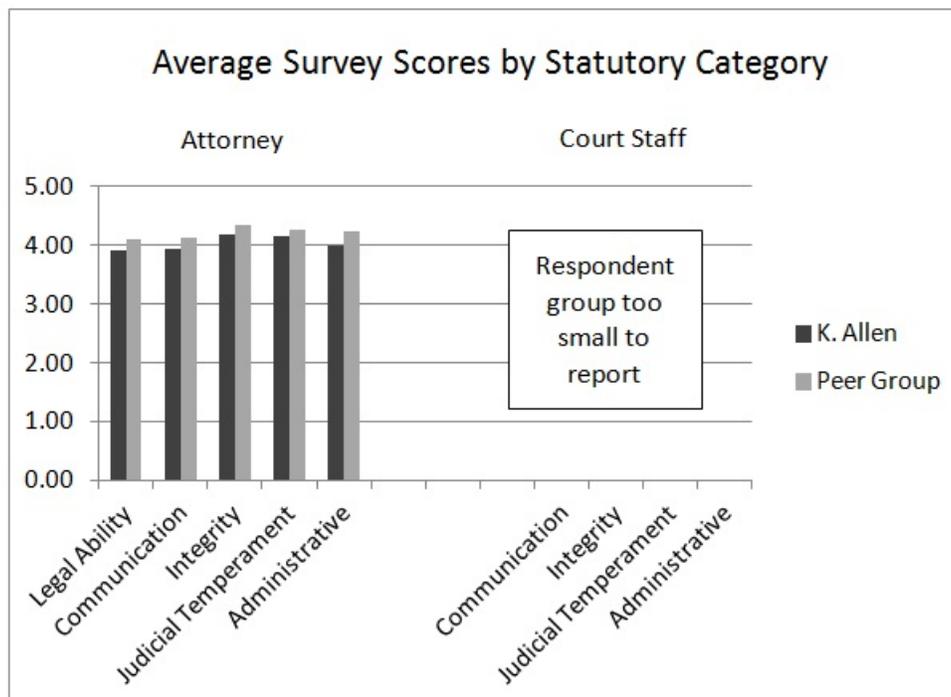
Judge Kevin Allen is a relatively new judge who is learning and growing in his role. Attorneys agree he is showing excellent progress, describing him in consistently positive terms as considerate, calm, and patient. While Judge Allen scored slightly below the average of other district court judges in the five survey categories, several attorneys and a courtroom observer noted his ongoing improvement. Courtroom observers emphasized Judge Allen’s courtesy, patience, and attentive listening; the firm and dignified tone of his courtroom; his friendly, compassionate demeanor; his concern for individual interests, and his willingness to allow participants to fully express their views. Of the 58 attorneys who responded to the retention question, 52 (91%) recommended that Judge Allen be retained.



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

Judge Kevin K. Allen was appointed to the First District Court in 2008 by Governor Jon M. Huntsman, Jr. Judge Allen grew up in Cache County, graduated from Brigham Young University and received a law degree from the University of Oklahoma. Upon graduation, Judge Allen was commissioned as an officer in the United States Navy and served in the JAG Corp in the Northeast and European Commands. Eventually, Judge Allen returned to Logan and practiced law primarily in civil matters. Judge Allen established and presides over the First District Mental Health Court and presides over the Box Elder County Drug Court in addition to his regular duties as a judge. He also serves on the Board of District Court Judges.

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



Survey Overview

Attorneys, court staff and jurors were surveyed about the judge's performance. Survey categories included questions about the judge's legal ability, judicial temperament, integrity, communication skills, and administrative skills. Summarized results for all applicable respondent groups appear below. A judge must score a 3.0 on 80% of the individual questions to pass the minimum performance standard.

A. Attorney Survey Overview:

Total Respondents: 59

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	52	90%
NO	6	10%

*1 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	Allen	Peer Avg.	% of Peer
Legal Ability	3.91	4.11	95%
Communication	3.95	4.13	95%
Integrity	4.17	4.35	96%
Judicial Temperament	4.15	4.27	97%
Administrative	4.00	4.24	94%

3. Average Trials before this Judge: 2.17

4. Area of Primary Practice:

Collections: 6 Domestic: 22 Criminal: 28 Civil: 34 Other: 4

B. Court Staff Survey Overview: Respondent group too small to report

C. Juror Survey Overview: Respondent group too small to report

Survey Scores

Attorney Survey Scores:

Below are listed: 1) the attorney survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Attorney Question	Statutory Pass: 3.0	Allen	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	3.73	4.01	93%
The judge properly applies the rules of civil procedure.	✓	3.97	4.14	96%
The judge properly applies the rules of criminal procedure.	✓	4.01	4.14	97%
The judge properly applies the rules of evidence.	✓	3.93	4.12	95%
The judge's sentencing fits the offenses.	✓	3.84	4.01	96%
The judge makes appropriate findings of facts.	✓	3.85	4.07	94%
The judge appropriately applies the laws to the facts.	✓	3.80	4.06	94%
The judge follows legal precedent.	✓	3.85	4.12	93%
The judge only considers evidence in the record.	✓	3.94	4.08	96%
The judge's written decisions are clear and logical.	✓	3.89	4.09	95%
The judge's written opinions offer meaningful legal analysis.	✓	3.78	4.06	93%
The judge was fair and impartial.	✓	4.03	4.21	96%
The judge avoids impropriety and the appearance of impropriety.	✓	4.19	4.41	95%
The judge avoids improper ex parte communications.	✓	4.26	4.49	95%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.27	4.36	98%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.13	4.26	97%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.89	3.97	98%
The judge's oral communication while in court is clear and logical.	✓	4.17	4.26	98%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.13	4.29	96%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.12	4.15	99%
The judge is prepared for argument and hearings.	✓	4.03	4.29	94%
The judge treats all attorneys with equal courtesy and respect.	✓	4.31	4.39	98%
The judge rules in a timely manner.	✓	3.92	4.24	93%
The judge realistically manages his or her calendar.	✓	4.00	4.20	95%
The judge convened court without undue delay.	✓	4.07	4.28	95%
The judge provides the parties due process; namely, advance notice of issues to be heard an adequate opportunity to prepare and a meaningful opportunity to be heard.	✓	4.15	4.32	96%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.29	4.48	96%

Adjective Summary

Survey respondents were asked to select adjectives that best described the judge. Results are shown from each respondent group. The adjectives highlighted in green are “positive” adjectives, while those in red are “negative.”

K. Allen	
	Attorney
Attentive	30
Calm	34
Confident	12
Considerate	36
Consistent	14
Intelligent	27
Knowledgeable	20
Patient	32
Polite	20
Receptive	24
Arrogant	1
Cantankerous	0
Defensive	0
Dismissive	2
Disrespectful	1
Flippant	1
Impatient	2
Indecisive	1
Rude	0

Positive	249
Negative	8
% Positive	97%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE KEVIN ALLEN

Five observers wrote 91 codable units that were relevant to 15 of the 17 criteria. One observer reported that the judge was aware that JPEC observers were present and one reported that the judge was not aware (three did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Allen. Observers particularly emphasized Judge Allen's courtesy, patience, and attentive listening; his friendly and compassionate demeanor combined with a firm and dignified courtroom atmosphere; the concern he displayed for individual interests; and his willingness to allow all those in court to fully express their views and feelings. Three observers reported that they would feel comfortable appearing before Judge Allen (two did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> One observer who had observed Judge Allen last year reported a significant improvement this year in body language that indicated attentive listening.
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Numerical ratings:	<i>Observer 1</i>	<i>Observer 2</i>	<i>Observer 3</i>	<i>Observer 4</i>	<i>Observer 5</i>
Neutrality	5	5	5	4	4
Respect	4	5	5	5	5
Ability to earn trust	4	5	5	4	4
Skill at providing voice	4	5	5	4	5

Summary and *exemplar language* of five observers' comments

RESPECTFUL BEHAVIORS

Listening & focus	Three observers reported that Judge Allen was <i>a great listener</i> , and <i>was consistently engaged, attentive, and alert</i> . An individual in the court told one observer that the judge <i>really listens and knew when he wasn't always "straight" with the judge</i> . Another observer noted a significant improvement in <i>attentiveness</i> and appearance of interest since the prior year's observation.
Well-prepared & efficient	All observers reported that Judge Allen was <i>very prepared</i> for all proceedings, in one case <i>showing a defense attorney who thought a decision had been adjudicated ... where a motion to dismiss had not been filed</i> . An example of his efficiency was <i>making it very clear if he did not have an answer that he or someone else would have the answer by the next week</i> .
Respect for others' time	One observer noted that Judge Allen <i>apologized</i> for a witness' time due to <i>the postponement of a case</i> , and <i>ruled and moved on when postponement was recommended and he saw no justification for it</i> . The same observer did note that court began 15-20 minutes late both morning and afternoon and said that <i>acknowledging the tardiness to those waiting would be a nice gesture</i> .
Respectful behavior generally	One observer was <i>impressed by the way</i> Judge Allen handled <i>the very sensitive matter</i> of a defendant determined not competent to stand trial by asking the defendant <i>to be sure to thank</i> the prosecutor on his way out for making a very generous offer. Another observer in mental health court noted Judge Allen <i>called everyone by their first name and congratulated all on their achievements</i> , praising past successes and setting expectations for future behavior.

RESPECTFUL TONE

Courtesy, politeness and patience	Three observers reported that Judge Allen was courteous, <i>addressing parties by name</i> and being <i>quick to say "thank you" as each was dismissed</i> , and always patient, such as <i>keeping his cool while everyone in the court was shaking their heads while a plaintiff was ranting and raving.</i>
Courtroom tone & atmosphere	Four observers reported that Judge Allen was <i>always friendly</i> , his body language was <i>positive and compassionate but firm</i> , he <i>felt sober in his responsibility as a judge</i> , was <i>passionately conscientious about his job</i> , and set the tone for everyone <i>to be courteous, respectful, appropriate, and dignified</i> . Mental health court had an <i>exceptionally positive atmosphere</i> in which <i>everyone applauded at the end of each person's visit</i> . One observer noted <i>this was like no courtroom I've been in ...there was no anger even from the incarcerated who could not to get in the program.</i>
Body language	Three observers reported Judge Allen had <i>great eye contact</i> (in one case compared favorably with last year), and one observer noted he <i>always smiled</i> .

NEUTRALITY

Consistent and equal treatment	Three observers reported that Judge Allen <i>applied rules consistently</i> and made a point of stating "I have to be fair to both parties". He <i>did NOT fall for pleas of righteous intent</i> but always <i>referred to evidence when making decisions</i> .
Acts with concern for individual needs	All observers reported numerous examples of Judge Allen doing <i>what he considers right</i> for each defendant <i>within the boundaries of the law</i> as well as <i>the safety of the public</i> . For example, he said "I'm trying hard to accommodate you - even more because I know you are representing yourself". He allowed another to participate by phone when his job required him to be out of town, and in the face of a <i>heavy volume of cases</i> took time to urge another to reconsider his intention to unthinkingly plead guilty and to seek the services of a court appointed attorney.
Expresses concern for the individual	Two observers reported Judge Allen was <i>consistently concerned, caring and knowledgeable</i> about all who came before him. He told one defendant, "Remember that your attorney, the prosecutor and I are all concerned about you and want the very best for you. Take care."
Unhurried and careful	One observer reported that Judge Allen <i>gave as much time as was needed</i> and never made anyone feel rushed or hurried.

VOICE

Considered voice	All observers reported that Judge Allen often asked for input from all parties <i>to explain the situation from their vantage point</i> , and <i>NEVER interrupted, but listened intently and patiently until the defendant/plaintiff had exhausted all conversation</i> . Just before a ruling he asked defendant's attorney if he had any comments, and when <i>frustration with the plaintiff came pouring out the judge fully allowed him his voice</i> . Even when <i>abhorred he was attentive, as patient as he could be for a sex offender's story</i> . One observer approved of Judge Allen's ability to balance his desire to give a person the opportunity to have voice and yet cut it off when inappropriate, at one point saying "I'm going to stop you right there, you cannot talk that way in my court room."
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COMMUNICATION

Communicates clearly	Four observers reported that Judge Allen always used <i>clear language</i> , and explained and encouraged all other speakers to communicate clearly. When a plaintiff repeatedly spoke to a defendant directly Judge Allen said "Let's talk in a triangular fashion. You both address me."
Ensures information understood	Four observers reported that Judge Allen often asked if instructions were understood, and to ensure he understood often said, "Now let me make sure I understand this correctly" and repeated back what he had heard.

Provides
adequate
explanations

Four observers reported that Judge always *explained what defendants were giving up when they waived their rights to hearings, and clearly explained the reasons for his decisions when appropriate*. He was sincere about the basis for actions, often saying “you are responsible for your choices, and are accountable”, *making the sentence seemingly the natural consequence of the convicted’s actions*. He went out of his way to make each person know exactly what was expected, and in mental health court *made the limits of tolerated behavior very clear*.
