

Narrative Overview

Honorable Elizabeth A. Lindsley – Juvenile Court Judge

Serving Salt Lake, Summit and Tooele counties



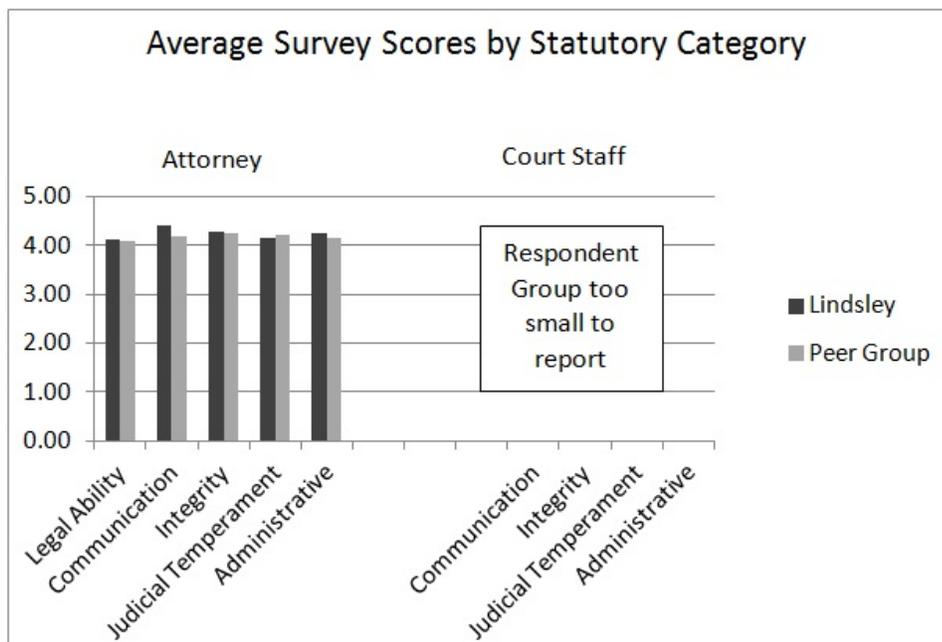
The commission recommends by a vote of 12 - 0
TO RETAIN Judge Elizabeth Lindsley

Judge Elizabeth Lindsley is an experienced judge with high standards both for herself and for those with whom she works. Judge Lindsley scored above the average of other juvenile court judges in communication skills, with attorneys especially noting her strong written opinions and clear, logical legal analysis. Her commitment to self-improvement is evidenced by a marked increase in her survey scores since her midterm evaluation. Forty of 45 attorneys (89%) who answered the retention question recommended Judge Lindsley for retention. Attorneys most often described her as knowledgeable, intelligent, and attentive, with several noting her positive impact on the lives of children. Five courtroom observers were uniformly favorable in their assessment of Judge Lindsley, citing her excellent preparation, her genuine concern for juveniles and their families, her clear and compassionate communications style, and her orderly courtroom.

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

Judge Elizabeth A. Lindsley was appointed to the Third District Juvenile Court in September 2002 by Gov. Michael O. Leavitt. Judge Lindsley received her law degree from the University of Pittsburgh College of Law in 1990. She worked in the Salt Lake County District Attorney's Office until her appointment to the bench. She prosecuted juvenile delinquency and abuse/neglect cases. Currently, Judge Lindsley serves on the Supreme Court Advisory Committee on the Utah Rules of Juvenile Procedure, chairs the Education Standing Committee, is a member of the Utah Commission on Criminal and Juvenile Justice and the Board of Juvenile Court Judges.

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



Survey Overview

Attorneys and court staff 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: 45

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	40	89%
NO	5	11%

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

2. Statutory Category Scores:

Attorney	Lindsley	Peer Avg.	% of Peer
Legal Ability	4.13	4.09	101%
Communication	4.39	4.20	105%
Integrity	4.27	4.24	101%
Judicial Temperament	4.16	4.21	99%
Administrative	4.23	4.14	102%

3. Average trials before this judge: 2.38

4. Area of primary practice:

Collections: 0 Domestic: 17 Criminal: 20 Civil: 13 Other: 15

B. Court Staff 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	Lindsley	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.02	4.05	99%
The judge properly applies the rules of civil procedure.	✓	4.20	4.12	102%
The judge properly applies the rules of criminal procedure.	✓	4.18	4.08	102%
The judge properly applies the rules of evidence.	✓	4.19	4.08	102%
The judge's sentencing fits the offenses.	✓	4.13	4.02	103%
The judge makes appropriate findings of facts.	✓	4.10	4.15	99%
The judge appropriately applies the laws to the facts.	✓	4.10	4.09	100%
The judge follows legal precedent.	✓	4.09	4.15	98%
The judge only considers evidence in the record.	✓	4.09	4.06	101%
The judge's written decisions are clear and logical.	✓	4.45	4.20	106%
The judge's written opinions offer meaningful legal analysis.	✓	4.37	4.11	106%
The judge was fair and impartial.	✓	4.07	4.13	98%
The judge avoids impropriety and the appearance of impropriety.	✓	4.50	4.34	104%
The judge avoids improper ex parte communications.	✓	4.50	4.35	103%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.09	4.21	97%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.18	4.16	100%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.09	4.02	102%
The judge's oral communication while in court is clear and logical.	✓	4.34	4.28	101%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.17	4.23	99%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.01	4.01	100%
The judge is prepared for argument and hearings.	✓	4.45	4.36	102%
The judge treats all attorneys with equal courtesy and respect.	✓	3.98	4.22	94%
The judge rules in a timely manner.	✓	4.43	4.41	100%
The judge realistically manages his or her calendar.	✓	4.13	3.98	104%
The judge convened court without undue delay.	✓	4.15	4.03	103%
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.	✓	4.12	4.21	98%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.33	4.46	97%

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.”

E. Lindsley	
Attorney	
Attentive	27
Calm	8
Confident	18
Considerate	16
Consistent	18
Intelligent	27
Knowledgeable	31
Patient	12
Polite	17
Receptive	9
Arrogant	5
Cantankerous	3
Defensive	6
Dismissive	4
Disrespectful	1
Flippant	1
Impatient	7
Indecisive	3
Rude	1

Positive	183
Negative	31
Positive	86%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE ELIZABETH LINDSLEY

Five observers wrote 84 codable units that were relevant to 15 of the 17 criteria. Three observer reported that the judge was aware that JPEC observers were present (two did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> • All observers were positive about Judge Lindsley. • All observers reported that Judge Lindsley was well-prepared, and particularly emphasized her interest and concern for all juveniles and parents and the opportunity she gave all parties to express themselves fully. • Four observers reported Judge Lindsley’s courtesy, her praise and recognition of juveniles’ accomplishments, her demeanor that was calm, congenial and compassionate as well as businesslike and stern as appropriate, and her appropriately subdued and orderly courtroom. • Four observers reported that Judge Lindsley thoroughly explained all proceedings and ensured understanding through repetition and rephrasing, simplifying her language when speaking to juveniles. • Four observers reported that they would feel comfortable appearing before Judge Lindsley (one did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> • None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> • None

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

Summary and *exemplar language* of five observers’ comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Four observers reported that Judge Lindsley listened to all speakers <i>carefully</i> and <i>intently</i> and <i>without interrupting ... prior to making decisions</i> .
Well-prepared & efficient	All observers reported that Judge Lindsley was <i>well prepared</i> for each case, her clerk and bailiff were <i>efficient and organized</i> , and <i>staff was helpful</i> by offering to make copies of reports.
Respect for others’ time	Four observers reported that Judge Lindsley was <i>punctual</i> , scheduled hearings to <i>accommodate work schedules</i> or to coincide with their relative’s hearings. When hearings were delayed for a variety of reasons Judge Lindsley <i>acknowledged the delay</i> and <i>apologized</i> to participants.
Respectful behavior generally	Three observers reported that Judge Lindsley <i>thanked each person</i> after they spoke, <i>praised</i> and expressed <i>enthusiasm</i> for juveniles <i>making good progress</i> , often presented a cake or cupcakes to juveniles <i>as a birthday treat</i> , and made a <i>special effort to thank and compliment foster parents</i> and reminded foster children to <i>recognize, respect</i> and where necessary apologize to them. One observer commented that the judge <i>treated a father in shackles as respectfully as anyone else</i> .

RESPECTFUL TONE

Courtesy, politeness and patience	One observer reported that Judge Lindsley was <i>courteous</i> in her speech and <i>meticulous in using honorifics</i> , and another noted approvingly that <i>hearing cases individually</i> with the next participants <i>waiting in the hall ensured privacy</i> and helped <i>participants feel comfortable</i> .
Courtroom tone & atmosphere	Four observers reported that Judge Lindsley was <i>impressively straightforward</i> , both <i>congenial and informal</i> with a <i>calm, impartial demeanor</i> while treating <i>juveniles with compassion</i> , yet not <i>“touchy feely”</i> but <i>businesslike and respectful, as suited these proceedings</i> . Where necessary Judge Lindsley spoke in <i>stern tones</i> , for example when ordering a juvenile to write a detailed apology to a victim, and to express the unacceptability of a mother <i>not showing up for a visitation</i> . Three observers noted the courtroom decorum was <i>subdued, ordered, serene</i> , with <i>no disruptions and no glitches</i> . All staff and attorneys <i>worked well and got along</i> with and <i>liked each other</i> , and one observer appreciated <i>a shelf with children’s books and a space for them to sit</i> .
Body language	Two observers reported that Judge Lindsley <i>often leaned forward, looked concerned and interested</i> , and <i>paid close attention</i> to speakers.

NEUTRALITY

Consistent and equal treatment	One observer reported that while Judge Lindsley was <i>clearly determined to act in the best interests of the child</i> , she seemed to <i>balance that with an equal concern for all parties</i> .
Acts with concern for individual needs	All observers offered numerous examples extolling Judge Lindsley’s actions in <i>the interests of the young people and their parents</i> , for example making <i>allowances</i> to ensure <i>continuance dates were convenient</i> for those <i>traveling long distances</i> , and arranging <i>without being asked a final visit of a father</i> to his young child and <i>strongly suggesting he write a letter explaining how he felt that could be given to her when she was older and could understand</i> .
Expresses concern for the individual	Three observers reported Judge Lindsley always <i>appeared interested in the juvenile’s feelings</i> . She <i>came across wanting to do what was best</i> for all parties, for example explaining to a boy how he <i>should do everything he could to make it easier for his mother who had a lot on her plate</i> . She expressed <i>concern and disappointment</i> in a youth’s quick return to court by <i>putting responsibility directly on him</i> and asking <i>why he was not participating in the programs provided for him</i> .
Unhurried and careful	Two observers reported that Judge Lindsley seemed <i>willing to take the time to thoroughly consider each case, reviewing all documents carefully and choosing programs ... the juvenile should fulfill to stay on track</i> . She <i>took the time to calculate the acceptable hours of community service and how they could be counted</i> .

VOICE

Considered voice	All observers reported that Judge Lindsley gave <i>everyone ample opportunity to express themselves or offer information</i> , and <i>rotated around inviting each party in the case for his side of the story</i> . She then <i>questioned and commented on the replies</i> and <i>demonstrated their story/perspective had been heard by asking further questions</i> , for example asking a young man who stated he <i>“learned a lot in therapy”</i> what he had learned. Toward the end of each hearing she asked all present <i>if they had questions or anything else they wanted to tell her</i> . One parent with a <i>number of concerns</i> was given <i>ample time to read her concerns into the record</i> .
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COMMUNICATION

Communicates clearly	Three observers reported that Judge Lindsley <i>spoke evenly and clearly</i> and when reading rights to a juvenile <i>simplified her language</i> . She <i>asked and answered questions in an understandable way</i> .
Ensures information understood	Four observers reported that Judge Lindsley always asked juveniles <i>if they understood the consequences of admitting to allegations, or what they were being asked to do</i> . She <i>usually repeated or rephrased questions several times to ensure understanding, and required an answer</i> . She made certain <i>through repetition</i> that a parent <i>understood his parental rights would be terminated even if a proposed adoption did not go through</i> .

Provides
adequate
explanations

Three observers offered numerous examples of Judge Lindsley's *clear and simple* explanations for everything going on in her court, including *what legal terms meant*, what were *defendants' options*, and how the *rules of law are applied*. She explained *how her decisions were made*, explained a ruling to a juvenile by saying that even though he was making *improvements* he was *not consistent, as he procrastinated and then scrambled to fulfill obligations just before appearing in court*.

At the end of each hearing Judge Lindsley set a time for the next proceeding, and staff prepared a notice sheet which was given to the appropriate participants. In one case she explained the appropriate place to lodge a complaint about something the judge had no control over.
