

Narrative Overview

Honorable Eric A. Ludlow – District Court Judge

Serving Beaver, Iron and Washington counties



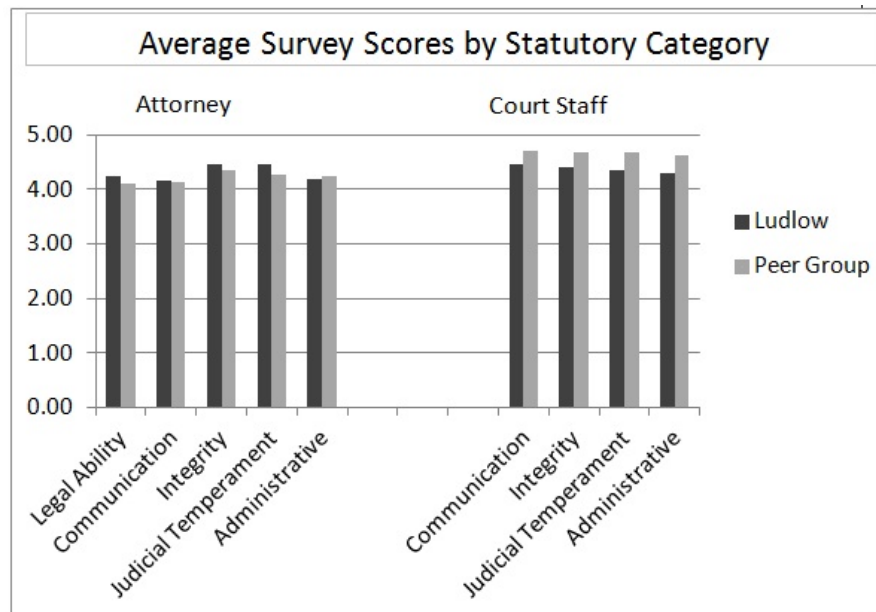
The commission recommends by a vote of 11 - 1
TO RETAIN Judge Eric Ludlow

Judge Eric Ludlow is an experienced judge who is highly regarded by attorneys and courtroom observers. Attorneys scored him above the average of other district court judges in the survey areas of legal ability, communication, integrity, and judicial temperament. Attorneys and court staff described him as considerate, calm, polite, and knowledgeable. Of the 84 attorneys and 15 court staff who responded to the retention question, 94 (95%) recommended that Judge Ludlow be retained. Courtroom observers and all survey respondent groups noted Judge Ludlow's particular strengths as his professional demeanor and treatment of courtroom participants with warm courtesy. Some survey respondents perceived a lack of diligence in Judge Ludlow's work habits.

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

Judge Eric A. Ludlow was appointed to the Fifth District Court in July 2003 by Governor Michael O. Leavitt. Judge Ludlow received a law degree from the J. Reuben Clark Law School at Brigham Young University in 1987 and served as Washington County Attorney from 1991 until 2003. At the time of his judicial appointment, Judge Ludlow was serving as chairman of the Board of Directors of the Utah Prosecution Council and serving on the Governing Board of the Dixie Regional Medical Center, the St. George Area Chamber of Commerce, and the Dixie State College Board of Trustees. He is the immediate past Presiding Judge of the Fifth District Court.

This judge has met all 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: 86

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	79	94%
NO	5	6%

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

2. Statutory Category Scores:

Attorney	Ludlow	Peer Avg.	% of Peer
Legal Ability	4.24	4.11	103%
Communication	4.17	4.13	101%
Integrity	4.46	4.35	103%
Judicial Temperament	4.45	4.27	104%
Administrative	4.20	4.24	99%

3. Average trials before this Judge: 2.48

4. Area of primary practice:

Collections: 9 Domestic: 25 Criminal: 25 Civil: 55 Other: 6

B. Court Staff Survey Overview:

Total Respondents: 15

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	15	100%
NO	0	0%

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

2. Statutory Category Scores:

Court Staff	Ludlow	Peer Avg.	% to Peer
Communication	4.47	4.71	95%
Integrity	4.39	4.69	94%
Judicial Temperament	4.36	4.68	93%
Administrative	4.29	4.62	93%

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	Ludlow	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.13	4.01	103%
The judge properly applies the rules of civil procedure.	✓	4.23	4.14	102%
The judge properly applies the rules of criminal procedure.	✓	4.42	4.14	107%
The judge properly applies the rules of evidence.	✓	4.22	4.12	102%
The judge's sentencing fits the offenses.	✓	4.33	4.01	108%
The judge makes appropriate findings of facts.	✓	4.12	4.07	101%
The judge appropriately applies the laws to the facts.	✓	4.16	4.06	103%
The judge follows legal precedent.	✓	4.24	4.12	103%
The judge only considers evidence in the record.	✓	4.20	4.08	103%
The judge's written decisions are clear and logical.	✓	4.10	4.09	100%
The judge's written opinions offer meaningful legal analysis.	✓	4.05	4.06	100%
The judge was fair and impartial.	✓	4.34	4.21	103%
The judge avoids impropriety and the appearance of impropriety.	✓	4.51	4.41	102%
The judge avoids improper ex parte communications.	✓	4.55	4.49	101%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.49	4.36	103%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.40	4.26	103%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.38	3.97	110%
The judge's oral communication while in court is clear and logical.	✓	4.36	4.26	103%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.48	4.29	104%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.44	4.15	107%
The judge is prepared for argument and hearings.	✓	4.17	4.29	97%
The judge treats all attorneys with equal courtesy and respect.	✓	4.58	4.39	105%
The judge rules in a timely manner.	✓	3.95	4.24	93%
The judge realistically manages his or her calendar.	✓	4.20	4.20	100%
The judge convened court without undue delay.	✓	4.45	4.28	104%
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.	✓	4.39	4.32	102%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.69	4.48	105%

Court Staff Survey Scores:

Below are listed: 1) the court staff 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.

Court Staff Question	Statutory Pass: 3.0	Ludlow	Peer Avg.	% of Peer Avg.
The judge was fair and impartial.	✓	4.52	4.70	96%
The judge avoids impropriety and the appearance of impropriety.	✓	4.53	4.77	95%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.45	4.71	94%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.44	4.66	95%
The judge's oral communication while in court is clear and logical.	✓	4.41	4.71	94%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.35	4.72	92%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.31	4.54	95%
The judge is prepared for argument and hearings.	✓	4.47	4.75	94%
The judge treats all attorneys with equal courtesy and respect.	✓	4.65	4.72	99%
The judge rules in a timely manner.	✓	4.41	4.69	94%
The judge realistically manages his or her calendar.	✓	4.31	4.53	95%
The judge convened court without undue delay.	✓	4.66	4.62	101%
The judge is willing to make difficult or unpopular decisions.	✓	4.06	4.58	89%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.37	4.70	93%
The judge explains the reasons for his or her decisions, when appropriate.	✓	4.51	4.72	96%
The judge works with pro se litigants fairly and effectively.	✓	4.49	4.72	95%
The judge’s personal life does not impair his or her judicial performance.	✓	4.13	4.73	87%
The judge maintains diligent work habits.	✓	3.73	4.59	81%
The judge’s interactions with court staff are professional and constructive.	✓	4.50	4.71	96%
The judge is an effective manager of his or her staff, operations and business.	✓	4.19	4.51	93%
The judge appropriately enforces deadlines and court orders.	✓	4.19	4.63	91%
The judge is appropriately accessible to court personnel.	✓	4.23	4.75	89%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.59	4.69	98%
The judge reasonably accommodates changing technology.	✓	4.35	4.57	95%
The judge paid attention to the proceedings in the courtroom.	✓	4.66	4.79	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. Ludlow			
Attorney		Court Staff	
Attentive	30	Attentive	6
Calm	41	Calm	6
Confident	22	Confident	7
Considerate	58	Considerate	6
Consistent	21	Consistent	4
Intelligent	32	Intelligent	8
Knowledgeable	36	Knowledgeable	9
Patient	26	Patient	4
Polite	43	Polite	6
Receptive	24	Receptive	7
Arrogant	3	Arrogant	0
Cantankerous	0	Cantankerous	0
Defensive	1	Defensive	0
Dismissive	1	Dismissive	0
Disrespectful	0	Disrespectful	0
Flippant	1	Flippant	0
Impatient	1	Impatient	1
Indecisive	3	Indecisive	1
Rude	0	Rude	0

Positive	333	Positive	63
Negative	10	Negative	2
Positive	97%	Positive	97%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE ERIC LUDLOW

Five observers wrote 127 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 two observers reported that the judge was not aware (two did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> • All observers were positive about Judge Ludlow. • All observers particularly emphasized that Judge Ludlow was well-prepared, efficient and organized, and displayed courtesy to all with a professional demeanor both warm and friendly but also firm and that inspired a quiet and respectful courtroom atmosphere. • All observers reported that Judge Ludlow showed a sincere interest for each individual, actively encouraged all parties to express themselves, and thoroughly explained the basis of his rulings and defendants' responsibilities. Four observers reported he actively ensured understanding of all that transpired in court. • Four observers reported that Judge Ludlow was sensitive to others' time, always spoke with consideration and excellent body language, and acted with thoughtfulness for individual circumstances, not allowing defendants to feel rushed while moving the caseload forward. • Four observers reported that they would feel comfortable appearing before Judge Ludlow and one reported she would not (see "Anomalous comments").
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> • None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> • One observer was alone in reporting that she would not feel well served appearing in Judge Ludlow's court due only to the rapid speed of the proceedings (see "Unhurried and careful").

<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	5	4	4	4	4
Respect	4	4	4	4	4
Ability to earn trust	4	4	4	4	4
Skill at providing voice	5	4	4	3	4

Summary and *exemplar language* of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Three observers reported that Judge Ludlow actively listened carefully and attentively with his eyes, ears, and face fully engaged with the speaker.
Well-prepared & efficient	All observers emphasized that Judge Ludlow was <i>well prepared</i> and <i>well organized</i> , and that the <i>management of this courtroom was outstanding</i> . Because of his <i>careful preparation he knew every person who came before him</i> and was <i>familiar with their extensive paperwork</i> . He <i>rarely had to consult the case file</i> , and was <i>ready to make decisions after hearing the attorneys and defendants</i> .
Respect for others' time	Four observers reported that court started exactly on schedule, and that Judge Ludlow seemed <i>very aware of people's time</i> , scheduling a case in consideration of the availability of a caregiver, and for a defendant with several cases offering to schedule them together. He took all charges of a defendant <i>on the same day at the same time to lessen the time the defendant would be in shackles</i> .

Respectful behavior generally	Three observers reported that Judge Ludlow always spoke respectfully, called defendants <i>by name</i> , apologizing for not knowing the correct pronunciation of a name, and when interrupted said “I’m sorry, you go first.” During an exchange over missing paperwork he <i>never discredited a defendant’s claim</i> that it had been submitted, and <i>when the document was admitted dismissed the man with</i> “Good job. Thanks for being here.”
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RESPECTFUL TONE

Courtesy, politeness and patience	<p>All observers particularly emphasized Judge Ludlow’s <i>common courtesies</i>, beginning each session <i>cheerfully with a robust</i> “Good morning ladies and gentlemen” and displaying <i>caring and warm verbal and non-verbal behaviors</i> to all. He consistently <i>thanked participants for appearing in court and typically ended cases with</i> “Good luck”. He was <i>patient when attorneys needed to confer</i> with each other or clients, often saying “Take your time.”</p> <p>One observer was alone in suggesting that the <i>consistency of delivery</i> with which Judge Ludlow thanked participants for being in court <i>could be taken as just rote</i>.</p>
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Courtroom tone & atmosphere	<p>All observers commented approvingly and extensively about Judge Ludlow’s professional demeanor with a <i>range of behaviors perfect for this setting</i> that was both firm but fair. He often said “Does this sound fair to you?”, and created an <i>open, warm, caring, kind and comfortable climate</i> for all, <i>friendly and amusing at times with some kidding with people</i> in the courtroom <i>but always respectful in tone</i>, and <i>without seeming too familiar</i>. When necessary, and always prior to sentencing, he was very <i>firm</i>, as <i>serious as a sheriff at a traffic stop or a good parent</i>.</p> <p>He was <i>absolutely in charge</i> of the courtroom, did not allow distracting noises, asking a bailiff to get rid of a buzzing watch and turn off a ringing phone. All participants were <i>quiet</i>, and <i>attorneys were respectful and not visiting</i> with each other. One observer commented that the courtroom tone <i>was a measure of respect</i> for the judge, and that he <i>was so comfortable with his knowledge of the law, with the cases, and with himself, he actually came across as humble</i>.</p>
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Body language	Three observers reported that Judge Ludlow always maintained <i>good eye contact</i> and greeted participants <i>warmly with an inviting smile</i> . One noted that by bending forward and locking eyes with participants he <i>communicated encouragement to speak</i> , and another noted his body language indicated <i>a person ready to get to work, by becoming comfortable in his chair, adjusting the microphone and looking around to assess readiness of the participants</i> .
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NEUTRALITY

Consistent and equal treatment	Four observers reported that every defendant <i>received the same treatment</i> and that <i>rules were applied consistently across people and cases</i> , and offered several examples of Judge Ludlow’s <i>weighting each opposing sides of a case equally</i> . One observer mentioned that the <i>organization of proceedings was geared to prevent bias</i> , and another noted approvingly that Judge Ludlow recused himself as he <i>knew the mother of a girl killed</i> in the incident being litigated.
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Acts with concern for individual needs	Four observers reported numerous examples of Judge Ludlow’s respect for participants’ circumstances, for example when directing defendants to <i>counseling</i> or ordering <i>probation</i> , and he <i>allowed latitude</i> in reappearance dates based on <i>personal situations</i> , including a defendant’s baby’s due date. He asked a man <i>upset while recounting his story if he needed a brief recess</i> , and allowed several attorneys to <i>present their cases out of order when they requested it</i> .
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Expresses concern for the individual	Four observers reported that Judge Ludlow had a <i>sincere interest</i> in every case and to <i>all those who came before him</i> , and seemed <i>thoughtful towards all parties</i> , in one case respectfully offering a <i>hopeful comment in a sad situation</i> , telling a man “With what I’ve seen today I really don’t think you will spend much time in prison. Remember, what really counts is what you do after you get out.” He often encouraged defendants to have a lawyer and to <i>keep in touch with their attorneys</i> while waiting for their next court appearances.
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Unhurried and careful	Four observers reported that Judge Ludlow moved cases <i>efficiently</i> but treated each participant <i>as though he had all the time in the world</i> , and the observer <i>never felt he rushed the cases</i> . He told an attorney he would <i>take his case in just a moment to look through his paperwork as his client had not completed something</i> , and in a preliminary hearing ensured a defendant accused of attempted murder <i>was given adequate time to respond</i> to all questions.
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However, one observer was alone in reporting that while *the judge seems thorough* and the *proceedings were fair and unbiased*, cases were heard and decisions made *so quickly that my head was almost spinning and I wondered how the proceedings felt to others in the courtroom* and whether *it would all appear as a whirlwind*. On this basis, and despite *not faulting* Judge Ludlow, the observer felt she would not *feel well served appearing* in Judge Ludlow's court.

VOICE

Considered voice	All observers reported that Judge Ludlow <i>offered all parties the opportunity to express themselves</i> , allowing <i>input from family members</i> as well as questions and comments from defendants and attorneys, and he <i>invited a young person who had prepared a letter for the court to read it</i> . He ensured everyone <i>had said everything they wanted by asking each one</i> , and often said, "What would you like to say about this?", "Is that correct?" All <i>were comfortable expressing themselves</i> and <i>no person seemed afraid to have a discussion</i> with the judge. He demonstrated his understanding of both sides of issues, in one case <i>combining sentencing requests from both sides</i> .
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COMMUNICATION

Communicates clearly	One observer reported that Judge Ludlow's language was clear and his delivery direct.
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Ensures information understood	Four observers reported that Judge Ludlow was <i>meticulous in attending to defendants' comprehension of what had transpired</i> , made sure they <i>understood the consequences</i> of delaying sentencing or being sentenced immediately, and ensured they <i>understood their obligations and the penalties</i> if they did not perform. He <i>held up the plea document</i> and asked if they <i>recognized it as what they signed</i> , and consistently asked if defendants understood his rulings and their agreements, saying "Do you want me to read that information to you?" He <i>offered translation services</i> to those he felt might need them.
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Provides adequate explanations	All observers reported that Judge Ludlow explained his decisions, for example saying "There is a factual basis" for his <i>denial of a Christmas furlough</i> , and explaining <i>the result of his rulings</i> and that defendants' <i>actions have consequences</i> . He was clear how he <i>applied the law</i> and frequently <i>stated the statue number</i> in explaining the penalties for a crime. He issued <i>clear and specific information</i> regarding penalties and <i>carefully explained</i> defendants' responsibilities. Participants were <i>given instructions about where</i> to pay fines, pick up paperwork and return to court. He advised defendants that they were <i>entitled to appeal and gave them specific directions on how to do this</i> .
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