

## Narrative Overview

### **Honorable C. Dane Nolan – Juvenile Court Judge**

Serving Salt Lake, Summit, and Tooele Counties



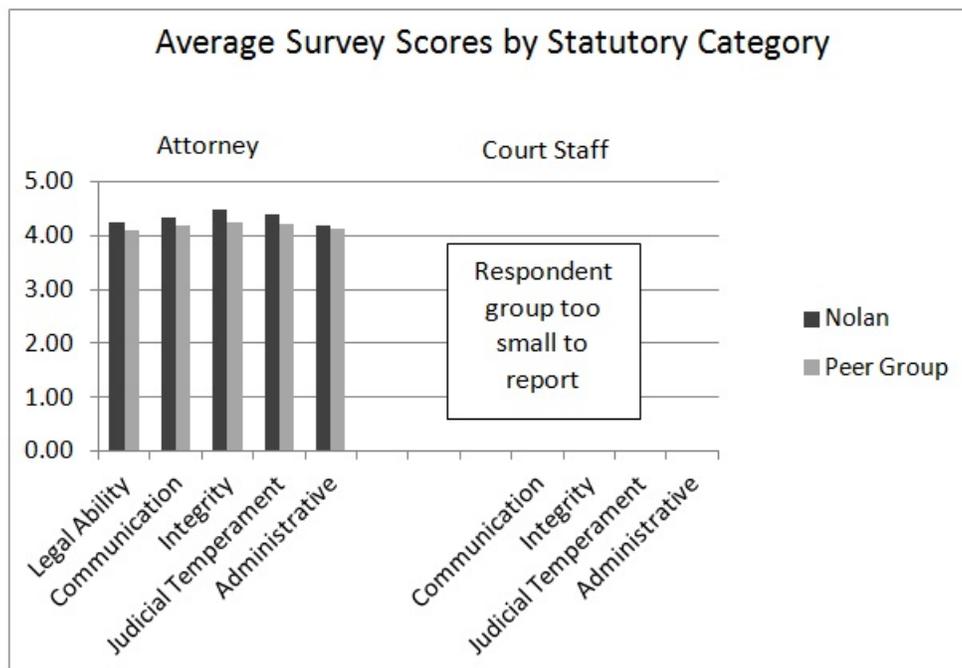
The commission recommends by a vote of 12 - 0  
TO RETAIN Judge C. Dane Nolan

Judge C. Dane Nolan is an experienced judge who received very strong survey scores. Attorneys rated Judge Nolan higher than the average of other juvenile court judges in all survey categories. Judge Nolan's commitment to self-improvement is evidenced by a marked improvement since his midterm evaluation in courtroom administration. Attorneys described him most frequently as knowledgeable, intelligent, and calm; their comments characterized him as courteous, well-prepared, and capable. Of the 42 attorneys who responded to the retention question, 35 (83%) recommended that Judge Nolan be retained. Five courtroom observers also evaluated Judge Nolan; all were positive, noting especially that the judge demonstrated genuine care and dedication to the interests and progress of each participant in his courtroom.

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

Judge C. Dane Nolan was appointed to the Third District Juvenile Court in 2003 by Governor Michael O. Leavitt. Judge Nolan received a law degree from the University of Utah College of Law in 1986. He practiced law at the Utah Legal Clinic, the Utah Attorney General's Office, and the Salt Lake County District Attorney's Office. Judge Nolan was a founding member of the Utah Minority Bar Association, has served as chair of the Judicial Conduct Commission, and as a member of the Utah Judicial Council and the Juvenile Court Board of Judges. He currently serves on the Governor's Mental Health Initiative and the Juvenile Competency Committee. Since 2006, Judge Nolan has presided over Utah's first Juvenile Mental Health Court.

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



## Survey Overview

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Attorneys and court staff 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: 44

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	35	83%
NO	7	17

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

2. Statutory Category Scores:

Attorney	Nolan	Peer Avg.	% of Peer
Legal Ability	4.23	4.09	103%
Communication	4.32	4.20	103%
Integrity	4.49	4.24	106%
Judicial Temperament	4.39	4.21	104%
Administrative	4.18	4.14	101%

3. Average trials before this judge: 2.7

4. Area of primary practice:

Collections: 1 Domestic: 18 Criminal: 18 Civil: 14 Other: 16

### 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	Nolan	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.16	4.05	103%
The judge properly applies the rules of civil procedure.	✓	4.29	4.12	104%
The judge properly applies the rules of criminal procedure.	✓	4.39	4.08	108%
The judge properly applies the rules of evidence.	✓	4.16	4.08	102%
The judge's sentencing fits the offenses.	✓	4.10	4.02	102%
The judge makes appropriate findings of facts.	✓	4.27	4.15	103%
The judge appropriately applies the laws to the facts.	✓	4.23	4.09	104%
The judge follows legal precedent.	✓	4.26	4.15	103%
The judge only considers evidence in the record.	✓	4.13	4.06	102%
The judge's written decisions are clear and logical.	✓	4.29	4.20	102%
The judge's written opinions offer meaningful legal analysis.	✓	4.22	4.11	103%
The judge was fair and impartial.	✓	4.31	4.13	104%
The judge avoids impropriety and the appearance of impropriety.	✓	4.60	4.34	106%
The judge avoids improper ex parte communications.	✓	4.73	4.35	109%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.35	4.21	103%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.45	4.16	107%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.93	4.02	98%
The judge's oral communication while in court is clear and logical.	✓	4.45	4.28	104%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.40	4.23	104%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.19	4.01	104%
The judge is prepared for argument and hearings.	✓	4.70	4.36	108%
The judge treats all attorneys with equal courtesy and respect.	✓	4.46	4.22	106%
The judge rules in a timely manner.	✓	4.46	4.41	101%
The judge realistically manages his or her calendar.	✓	3.95	3.98	99%
The judge convened court without undue delay.	✓	4.12	4.03	102%
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	4.21	104%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.65	4.46	104%

## Adjective Summary

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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.”

C. D. Nolan	
<b>Attorney</b>	
Attentive	18
Calm	28
Confident	12
Considerate	21
Consistent	11
Intelligent	26
Knowledgeable	28
Patient	19
Polite	23
Receptive	12
Arrogant	4
Cantankerous	0
Defensive	3
Dismissive	4
Disrespectful	1
Flippant	1
Impatient	4
Indecisive	1
Rude	1

Positive	198
Negative	19
Positive	91%

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE C. DANE NOLAN

Five observers wrote 99 comments that were relevant to 16 of the 18 criteria. Three observers 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"> <li>All observers were positive about Judge Nolan.</li> <li>Observers particularly emphasized Judge Nolan's demonstrations of genuine care and dedication to the interests and progress of each participant in his courtroom.</li> <li>Four observers reported that they would feel comfortable appearing before Judge Nolan (one did not comment).</li> </ul>
MINORITY OBSERVATIONS	
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>One observer would have preferred more formality in the courtroom, but was unsure if more formality was appropriate in a juvenile court (see "Courtroom tone &amp; atmosphere").</li> </ul>

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

### Summary and exemplar language of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Two observers reported that Judge Nolan <i>listened carefully</i> .
Well-prepared & efficient	<p>Four observers reported that Judge Nolan was <i>well versed</i> and <i>demonstrated throughout the session that he was well prepared</i> for each case.</p> <p><i>When the state referred to having filed for termination of parental rights, he immediately said, "I've never received that". The proceedings stopped until copies of the order could be distributed</i></p>
Respect for others' time	One observer reported that Judge Nolan exhibited <i>good use of time</i> by moving onto another case when an attorney and then a social worker could not be found
Respectful behavior generally	<p>One observer reported that Judge Nolan's respectful language. <i>He said "When you come back to talk to me..." rather than "when you next appear before me" which conveyed a sense of openness and respect for what the defendant would have to say.</i></p> <p>Three observer reported that when Judge Nolan was admonishing defendants for shortcomings or encouraging them to make greater efforts, he always sincerely praised them for accomplishments or thanked them for following his suggestions.</p> <p><i>The judge told a young man "he had done very well...it was obvious that the young man felt proud and delighted that the judge was praising him."</i></p>

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*RESPECTFUL TONE*

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Courtesy, politeness and patience	Four observers reported that Judge Nolan was always polite and courteous, and especially when talking to a child. Two qualities were particularly noted: patient behavior in situations where impatience would have been understandable, and politeness when needing to be firm or admonishing.  <i>Judge Nolan truly “reached out” to put everyone at ease...he greeted each one individually and respectfully... “Ma’am, Sir, I’m Judge Nolan and I welcome you here today”.</i>
Courtroom tone & atmosphere	All observers commented on Judge Nolan’s demeanor, described as <i>serious... dedicated... compassionate... neutral... calm... a gentle, friendly manner...mild mannered but not weak.</i>  One observer prefers more formality: <i>There was no formal beginning...no one was required to stand when addressing him...I would prefer a little more formality to set a serious tone, but perhaps in juvenile court that is not as necessary.</i>
Body language	Two observers commented positively on Judge Nolan’s eye contact, and one observer noted that <i>his expression showed concern and interest at all times.</i>

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*NEUTRALITY*

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Consistent and equal treatment	All observers reported that Judge Nolan treated everyone in the same way.  <i>He showed the same patience and consideration with a sex offender as he did to a grandma there to support her grandchild.</i>  <i>Despite dealing with exasperating parents, he uses the same tone of voice with everyone.</i>
Unbiased	Three observers reported that Judge Nolan carefully considered all sides of each issue, and made clear his purpose was to discern and act only on facts.  <i>His courtroom atmosphere is one of a group trying to discern the facts...</i>  <i>When one defendant’s attorney tried to interject new information, he stopped her, saying, “I’m going only with the adjudicated facts here”.</i>
Acts with concern for individual needs	Three observers reported a variety of examples demonstrating that Judge Nolan was compassionate and took actions based on the best interests of the participants.  <i>He ordered no contact for quarreling parents because they were bad influences on each other.</i>  <i>The judge told parents who lacked appropriate parenting skills that the counseling they had access to was a “valuable resource and it shouldn’t be wasted.” He [ordered] an evaluation as soon as possible because he felt something was going on with the parents he didn’t understand.</i>
Expresses concern for the individual	All observers reported that Judge Nolan <i>genuinely cared for each participant</i> and was dedicated to helping them aspire to a better life. <i>He often said “Anything I can order to help you”?</i> He made sure all participants knew the children’s needs always came first in his decisions. <i>He reminded participants “My focus is on the children and what’s best for the children”.</i>  Judge Nolan demonstrated concern in various ways, e.g. by shaking participants’ hands on disposition and wishing them good luck, by <i>presenting them with a small stuffed animal and then came off the bench to be photographed with the family, or with a gesture I have never seen in the courtroom.</i> <i>When a defendant made solid progress or a case was closed he gave them a personal hand written note. What a nice touch! In my mind, I thought that note would be framed and kept forever by most of the kids.</i>  <i>The juveniles were in good hands with Judge Nolan. He truly coached his kids with positive reinforcement...He had many encouraging words for them, and an appropriate kick in the pants when needed. He was very good at getting the juveniles to verbalize their goals and intentions...</i>
Unhurried and careful	Three observers reported that Judge Nolan took as much time as necessary to thoroughly read all materials given to him.

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*VOICE*

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Considered voice	<p>Four observers reported that Judge Nolan actively encouraged participants <i>to speak and explain their situation</i>, and gave them <i>adequate time to voice their perspectives and arguments</i>.</p> <p><i>One young man didn't want to talk but after encouragement from Judge Nolan he opened up.</i></p> <p>Judge Nolan <i>clearly took into consideration comments and evidence presented by all parties</i>, and ensured that participants knew their voice was being considered:</p> <p><i>In order to demonstrate that the juvenile had been heard, the judge said that he understood what she was saying...but then said, "I have to deal with your actions, not your words."</i></p>
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*COMMUNICATION*

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Communicates clearly	<p>Two observers reported that Judge Nolan communicated clearly. One noted that he was <i>very articulate and a great communicator</i>. Another noted that Judge Nolan used clear language, and with a child <i>used language that he could understand and respond to</i>.</p>
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Ensures information understood	<p>All observers reported that Judge Nolan went to great lengths to ensure that participants understood all aspects of the proceedings, his decisions, and the actions they had to take. <i>He made sure they understood by soliciting and receiving positive responses</i>, particularly regarding the consequences of a guilty plea. He ensured an interpreter was available and used at every step.</p> <p><i>Judge Nolan was very attentive to comprehension, and emphasized, "If you have any questions, speak up and let me know, okay?" The Judge did not have to refer to notes which enabled him to watch body language and constantly check for understanding...</i></p>
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Provides adequate explanations	<p>Four observers reported that Judge Nolan always explained matters until the participants' understood and were comfortable, particularly regarding the impact of his rulings and their pleas, <i>even though he has probably done it thousands of times</i>.</p> <p>He recognized participant discomfort quickly and explained matters until the discomfort was relieved:</p> <p><i>He ordered mediation. No one seemed pleased, so the judge went into great detail about the process. This totally changed the family's attitude and willingness to try the process.</i></p> <p><i>A 19 year old was concerned about job applications following a petition to expunge. Judge Nolan quickly and completely set her mind at ease by explaining the Sealed File and the only way it could be unsealed is with a court order.</i></p>
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