

Honorable Mary T. Noonan – Juvenile Court Judge

Serving Juab, Millard, Utah and Wasatch Counties



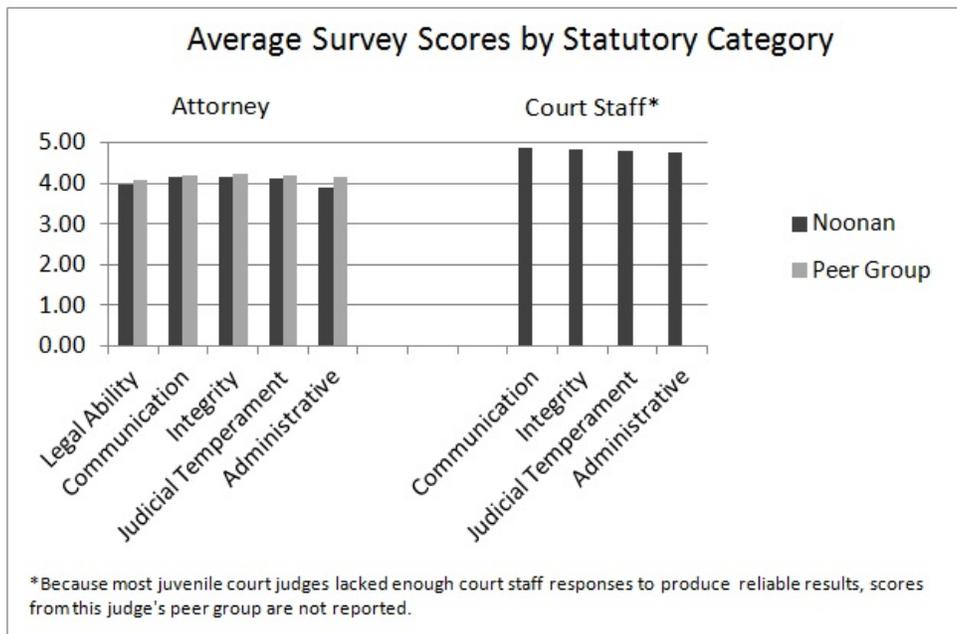
The commission recommends by a vote of 12 - 0
TO RETAIN Judge Mary Noonan

Attorneys and court staff were generally positive about the work of Judge Mary Noonan. They most frequently described Judge Noonan as intelligent, knowledgeable and confident, with some attorneys describing her as arrogant. Attorneys noted that Judge Noonan’s strengths include making sound rulings and appropriate findings of fact, and treating all persons equally and respectfully. They would like to see her improve calendar management. Judge Noonan’s attorney survey scores have improved considerably since her midterm evaluation. Of the 42 attorneys who responded to the retention question, 37 (88%) recommended that Judge Noonan be retained. All 16 court staff (100%) recommended retention. Courtroom observers were uniformly positive in their comments about Judge Noonan.

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

Judge Mary T. Noonan was appointed to the Fourth District Juvenile Court in May 2003. Judge Noonan received her law degree and a Master of Public Administration degree from the University of Utah in 1986. Prior to joining the bench, Judge Noonan served as Division Chief of the Utah Attorney General's Office Child Protection Division. From 1994 - 1998, she served as Director of the Utah Division of Child and Family Services. Judge Noonan was a member of the Board of Juvenile Court Judges for six years and is currently the Presiding Judge for the Fourth District Juvenile Court. She is a founding member of the Wasatch County Children's Justice Center in Heber City, Utah.

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: 46

1. "Should this judge be retained?"

Response	Number	Percent of Total
YES	37	88%
NO	5	12%

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

2. Statutory Category Scores:

Attorney	Noonan	Peer Avg.	% of Peer
Legal Ability	3.95	4.09	97%
Communication	4.14	4.20	99%
Integrity	4.14	4.24	98%
Judicial Temperament	4.12	4.21	98%
Administrative	3.88	4.14	94%

3. Average trials before this judge: 2.98

4. Area of primary practice:

Collections: 2 Domestic: 19 Criminal: 16 Civil: 17 Other: 18

B. Court Staff Survey Overview:

Total Respondents: 16

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	16	100%
NO	0	0%

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

2. Statutory Category Scores:

Court Staff	Noonan	Peer Avg.	% of Peer
Communication	4.85	No comparison to peer average because insufficient # of judges had a sufficient court staff sample size	
Integrity	4.82		
Judicial Temperament	4.80		
Administrative	4.77		

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	Noonan	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.03	4.05	100%
The judge properly applies the rules of civil procedure.	✓	4.12	4.12	100%
The judge properly applies the rules of criminal procedure.	✓	3.98	4.08	98%
The judge properly applies the rules of evidence.	✓	3.99	4.08	98%
The judge's sentencing fits the offenses.	✓	3.74	4.02	93%
The judge makes appropriate findings of facts.	✓	4.13	4.15	100%
The judge appropriately applies the laws to the facts.	✓	3.84	4.09	94%
The judge follows legal precedent.	✓	4.07	4.15	98%
The judge only considers evidence in the record.	✓	3.87	4.06	95%
The judge's written decisions are clear and logical.	✓	4.16	4.20	99%
The judge's written opinions offer meaningful legal analysis.	✓	4.03	4.11	98%
The judge was fair and impartial.	✓	4.00	4.13	97%
The judge avoids impropriety and the appearance of impropriety.	✓	4.24	4.34	98%
The judge avoids improper ex parte communications.	✓	4.26	4.35	98%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.23	4.21	101%
The judge appears to consider both sides of an argument before rendering a decision.	✓	3.99	4.16	96%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.02	4.02	100%
The judge's oral communication while in court is clear and logical.	✓	4.24	4.28	99%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.00	4.23	95%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	3.65	4.01	91%
The judge is prepared for argument and hearings.	✓	4.29	4.36	98%
The judge treats all attorneys with equal courtesy and respect.	✓	4.22	4.22	100%
The judge rules in a timely manner.	✓	4.32	4.41	98%
The judge realistically manages his or her calendar.	✓	3.54	3.98	89%
The judge convened court without undue delay.	✓	3.77	4.03	93%
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.	✓	3.98	4.21	95%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.55	4.46	102%

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. Because most juvenile court judges lacked a sufficient number of court staff responses to produce reliable results, average court staff scores from other juvenile court judges are not reported.

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	Noonan
The judge was fair and impartial.	✓	4.88
The judge avoids impropriety and the appearance of impropriety.	✓	4.71
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.87
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.83
The judge's oral communication while in court is clear and logical.	✓	4.86
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.81
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.60
The judge is prepared for argument and hearings.	✓	4.85
The judge treats all attorneys with equal courtesy and respect.	✓	4.86
The judge rules in a timely manner.	✓	4.77
The judge realistically manages his or her calendar.	✓	4.63
The judge convened court without undue delay.	✓	4.61
The judge is willing to make difficult or unpopular decisions.	✓	4.78
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.87
The judge explains the reasons for his or her decisions, when appropriate.	✓	4.85
The judge works with pro se litigants fairly and effectively.	✓	4.85
The judge’s personal life does not impair his or her judicial performance.	✓	4.65
The judge maintains diligent work habits.	✓	4.79
The judge’s interactions with court staff are professional and constructive.	✓	4.85
The judge is an effective manager of his or her staff, operations and business.	✓	4.81
The judge appropriately enforces deadlines and court orders.	✓	4.81
The judge is appropriately accessible to court personnel.	✓	4.86
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.80
The judge reasonably accommodates changing technology.	✓	4.79
The judge paid attention to the proceedings in the courtroom.	✓	4.89

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.”

M. Noonan			
Attorney		Court Staff	
Attentive	23	Attentive	9
Calm	10	Calm	5
Confident	26	Confident	13
Considerate	16	Considerate	11
Consistent	17	Consistent	10
Intelligent	28	Intelligent	13
Knowledgeable	29	Knowledgeable	12
Patient	13	Patient	7
Polite	16	Polite	7
Receptive	13	Receptive	11
Arrogant	9	Arrogant	0
Cantankerous	3	Cantankerous	0
Defensive	4	Defensive	0
Dismissive	5	Dismissive	0
Disrespectful	3	Disrespectful	0
Flippant	3	Flippant	0
Impatient	6	Impatient	0
Indecisive	0	Indecisive	0
Rude	1	Rude	0

Positive	191	Positive	98
Negative	34	Negative	0
Positive	85%	Positive	100%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE MARY NOONAN

Five observers wrote 110 codable units that were relevant to 15 of the 17 criteria. All observers reported that the judge was aware that JPEC observers were present.

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge Noonan. Four observers emphasized that Judge Noonan was resolute in making the welfare of the juveniles her primary concern, her skill in questioning and encouraging each participant to speak and explain their perspective, and her use of clear, age-appropriate language. Four observers reported Judge Noonan’s courtesy to all and the sincerity and skill with which she communicated with juveniles, always explaining her decisions and ensuring they understood. She was calm and understanding as well as authoritative and firm, and the no nonsense courtroom atmosphere was also pleasant and comfortable. All observers reported that they would feel comfortable appearing before Judge Noonan.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Three observers complimented Judge Noonan’s body language that communicated her attentive and concerned listening.
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

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

Summary and *exemplar language* of five observers’ comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Three observers reported that Judge Noonan was a <i>good listener</i> , and that her body language demonstrated the <i>intensity</i> and <i>conscientiousness</i> of her listening (see Body language)
Well-prepared & efficient	All observers reported that Judge Noonan was <i>well-prepared</i> and <i>familiar with each case</i> , and when nobody was in the courtroom she <i>spent her time reviewing materials for the next case</i> . The court was <i>professional</i> and <i>orderly</i> , for example when <i>two strangers entered this juvenile courtroom they were immediately asked to leave</i> .
Respect for others’ time	Three observers reported that Judge Noonan <i>started every case on time</i> and <i>looked ahead</i> to the time needs of future hearings. She was willing to <i>adjust scheduling</i> to help participants, for example scheduling parents in the best way to avoid <i>missing work</i> . When a father had not appeared she apologized to those present and found a time in the same day when he could appear.
Respectful behavior generally	Four observers particularly emphasized the sincere and effective way in which Judge Noonan communicated her respect, praise and encouragement to both juveniles and parents. She referred to participants as mom, dad etc. indicating that <i>role was more important in court</i> than names, and juveniles found it <i>friendly when called “kiddo”</i> . She readily complimented and praised successful juveniles, calling many to the bench for candy and inviting applause.

Respectful behavior generally <i>continued</i>	<p>Observers emphasized that Judge Noonan was also skillful in making juveniles feel comfortable when not praising them, such as asking <i>children to remove their gum in a teasing but serious manner</i>, and when <i>saying somewhat sadly</i> “You’ve not always done so well in the courtroom” but following with a friendly “Are you a candy bar kind of kid?” after which the youth looked <i>surprised and pleased</i> and <i>listened and responded</i> to the judge. In another case Judge Noonan’s <i>encouraging but direct</i> and <i>candid</i> manner engendered <i>confidence</i> and <i>trust</i> in a boy.</p> <p>The judge was also understanding to staff, for example expressing great concern for a recorder who felt unwell, and during a break phoning a bailiff with a shoulder injury to wish him well.</p>
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RESPECTFUL TONE

Courtesy, politeness and patience	<p>Four observers reported that Judge Noonan was <i>very courteous</i>, always used “please” and “thank you” with everyone, and made all participants feel comfortable and welcome with greetings such as “Good morning, come on in everyone, welcome”. When a family arrived late she graciously accepted their apologies without further comment.</p>
Courtroom tone & atmosphere	<p>Four observers reported that Judge Noonan was <i>calm</i> and <i>understanding</i> and conveyed that she <i>was concerned for each participant</i>. But she also <i>spoke with authority</i> and could be <i>very firm when needed</i>, saying for example “When in detention ... follow the rules and be 110% honest.”</p> <p>The atmosphere was <i>pleasant</i> and <i>comfortable</i> with <i>open, casual conversation</i>, but there was <i>no nonsense in the court</i> and observers approvingly commented on the <i>order maintained</i> and that the judge required all to stand. Juveniles <i>showed a genuine respect</i> for the judge. One young man asked the bailiff if he could put on a suit before he came in the room, and the judge was pleased.</p>
Body language	<p>Three observers reported that Judge Noonan had great <i>eye contact</i>, and complimented her body language which expressed <i>intense listening and seriousness</i> when her hand rested on her fist and she tilted her head to one side, which showed her <i>involvement in the discussion</i> when her body bent forward, and when her <i>outstretched arms and open hands</i> drew participants to her.</p>

NEUTRALITY

Consistent and equal treatment	<p>One observer reported that while Judge Noonan’s cases often involved divorced parents, step-parents and foster parents plus <i>a full complement of case workers and attorneys</i>, the judge was <i>careful to involve all parties</i> fully.</p>
Acts with concern for individual needs	<p>Three observers reported that Judge Noonan’s <i>concern for everyone was evident</i>, in one case refusing a mother’s offer to sign for her deaf child, instead waiting <i>until the official “signer” arrived</i>. She showed through extensive questions that she was <i>interested in learning as much as possible</i> about each case, and one observer was impressed with the <i>different approach and tone</i> the judge used to act and show her concern for different participants, for example <i>folding her arms when sternly</i> telling a mother in an <i>exceedingly direct manner</i> that she would be in contempt if she did not follow court orders to “get on track for these children”, while encouraging the children’s father who had <i>signed up for jail programs</i>, telling him kindly “Good work, Dad.”</p>
Expresses concern for the individual	<p>Four observers emphasized that Judge Noonan was <i>resolute in reaffirming her concern</i> was for the <i>best interests</i> of the children, that the juvenile was <i>the most important person in the courtroom</i>, and her <i>resolve to provide a safe environment for them</i>. She questioned their responses to ensure they were expressing themselves truthfully and to assure herself of the realism of their plans and goals. When <i>a boy said he had been doing better</i> the judge asked “Are you just saying this because you [are in] court”, and when he replied “No” she continued by asking “Honest?”</p> <p>Judge Noonan was concerned for all participants’ rights, in one case suggesting to a mother with a question that she first tell her attorney to make sure he thought it appropriate to ask the judge</p>
Unhurried and careful	<p>Two observers reported that Judge Noonan was thorough and gave all participants the time they needed.</p>

VOICE

Considered voice	<p>Four observers reported that Judge Noonan was <i>exceptionally careful</i> to allow all participants to speak and <i>explain their perspectives and needs</i>, was <i>tremendous at listening to all sides</i>, and <i>responded directly to concerns</i> raised. In one case she called two telephone numbers from the bench in an attempt to include a father <i>who had not shown up for any hearings</i>. She often asked “Anything more you’d like to say”, <i>answered requests</i> made by any participant, and always <i>asked for further questions before she adjourned the case</i>.</p> <p>Observers mentioned Judge Noonan’s <i>outstanding ability</i> in having participants tell their stories by asking warm and encouraging questions such as “Sure your opinion is important. Should we be doing anything different?” or “How come school is better for you?”</p>
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COMMUNICATION

Communicates clearly	<p>Four observers reported that Judge Noonan used <i>clear and specific</i> language and was skilled in using language appropriate to the age of each participant. She had a <i>well stocked toolbox of ways to interact with juveniles</i> including a <i>nice way of speaking to kids in their own language</i>, for example “I know this is boring” or “What’s going on?”</p>
Ensures information understood	<p>Two observers reported that Judge Noonan <i>read children their rights in a manner they would understand</i>, asked questions to ensure everyone <i>understood what was going on</i>, then <i>asked again before adjourning each case so there could not be any misunderstandings</i>. She asked each participant if they understood when they were to return, and <i>often had children repeat their goals</i>.</p>
Provides adequate explanations	<p>Four observers reported that Judge Noonan was very transparent about how and why her decisions were made and always explained the law to those who were confused. She let juveniles know her expectations.</p>
