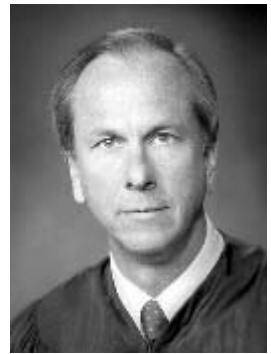


## Narrative Overview

### **Honorable Anthony B. Quinn – District Court Judge**

Serving Salt Lake, Summit, and Tooele Counties



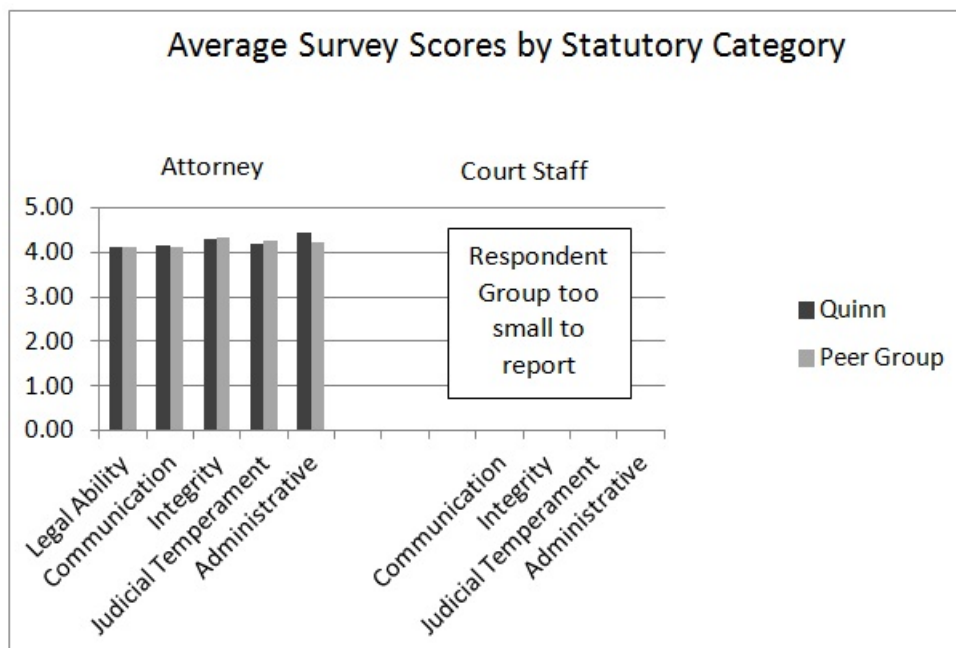
The commission recommends by a vote of 12 – 0  
TO RETAIN Judge Anthony Quinn

Judge Anthony Quinn is an experienced judge. Attorneys scored him near the average of other district court judges in all five survey categories, with his highest rating in administration. Of the 126 attorneys who answered the retention question, 106 (84%) recommended retention for Judge Quinn. Attorneys most often described Judge Quinn as knowledgeable, intelligent, confident, and attentive, while a minority described his behavior at times as impatient, dismissive, and arrogant. Attorneys found Judge Quinn particularly notable for his timely and sound rulings. All courtroom observers were positive about Judge Quinn, describing him generally as well-prepared, efficient, respectful of all courtroom participants, and having an understated, professional demeanor. They also commented on his good listening skills and clear explanations. Jury results were all favorable.

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

Judge Anthony B. Quinn was appointed to the Third District Court in September 1997 by Gov. Michael O. Leavitt. Judge Quinn received a law degree from Brigham Young University in 1980, where he served as an editor of the BYU Law Review. After a one year clerkship with U.S. District Judge David K. Winder, he maintained a civil trial practice until his appointment to the bench. In addition to his work as a judge, he has taught as an adjunct professor at Westminster College. He has served on the Supreme Court Advisory Committee on the Rules of Civil Procedure, the Executive Committee of the Salt Lake Area Safe at Home Coalition, and the Board of District Court Judges.

**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: 127

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	106	84%
NO	20	16%

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

2. Statutory Category Scores:

Attorney	Quinn	Peer Avg	% of Peer
Legal Ability	4.12	4.11	100%
Communication	4.17	4.13	101%
Integrity	4.31	4.35	99%
Judicial Temperament	4.18	4.27	98%
Administrative	4.42	4.24	104%

3. Average trials before this judge: 1.33

4. Area of primary practice:

Collections: 0 Domestic: 52 Criminal: 83 Civil: 83 Other: 6

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

### C. Juror Survey Overview:

Total Respondents: 9

1. Jurors were not asked whether the judge should be retained
2. Statutory Category Scores

Juror	Quinn	Peer Avg.	% of Peer
Communication	4.72	4.77	99%
Integrity	4.94	4.87	102%
Judicial Temperament	4.91	4.84	101%
Administrative	4.78	4.73	101%

## 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	Quinn	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.11	4.01	102%
The judge properly applies the rules of civil procedure.	✓	4.27	4.14	103%
The judge properly applies the rules of criminal procedure.	✓	3.83	4.14	93%
The judge properly applies the rules of evidence.	✓	4.22	4.12	102%
The judge's sentencing fits the offenses.	✓	3.90	4.01	97%
The judge makes appropriate findings of facts.	✓	4.12	4.07	101%
The judge appropriately applies the laws to the facts.	✓	4.13	4.06	102%
The judge follows legal precedent.	✓	4.15	4.12	101%
The judge only considers evidence in the record.	✓	4.24	4.08	104%
The judge's written decisions are clear and logical.	✓	4.13	4.09	101%
The judge's written opinions offer meaningful legal analysis.	✓	4.13	4.06	102%
The judge was fair and impartial.	✓	4.12	4.21	98%
The judge avoids impropriety and the appearance of impropriety.	✓	4.39	4.41	100%
The judge avoids improper ex parte communications.	✓	4.59	4.49	102%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.30	4.36	99%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.14	4.26	97%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.01	3.97	101%
The judge's oral communication while in court is clear and logical.	✓	4.25	4.26	100%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.12	4.29	96%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.08	4.15	98%
The judge is prepared for argument and hearings.	✓	4.36	4.29	102%
The judge treats all attorneys with equal courtesy and respect.	✓	4.14	4.39	94%
The judge rules in a timely manner.	✓	4.47	4.24	105%
The judge realistically manages his or her calendar.	✓	4.39	4.20	105%
The judge convened court without undue delay.	✓	4.41	4.28	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.	✓	4.28	4.32	99%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.24	4.48	95%

**Juror Survey Scores:**

Below are listed: 1) the juror 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.

<b>Juror Question</b>	<b>Statutory Pass: 3.0</b>	<b>Quinn</b>	<b>Peer Avg</b>	<b>% of Peer</b>
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	5.00	4.85	103%
The judge is prepared for argument and hearings.	✓	4.89	4.80	102%
The judge convened court without undue delay.	✓	4.78	4.65	103%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.89	4.89	100%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.89	4.82	101%
The judge paid attention to the proceedings in the courtroom.	✓	4.88	4.82	101%
When the judge explained to the jury the reasons for his or her decision, I understood.	✓	4.56	4.64	98%
Based on the judge's explanations, I clearly understood my role and responsibility as a juror.	✓	4.89	4.88	100%
The jury instructions from the judge were clear and understandable.	✓	4.78	4.85	98%
Based on the judge's explanations, I understood the evidence I could or could not consider.	✓	4.67	4.68	100%
The judge demonstrated courtesy toward the attorneys, court staff, litigants and others in the court room.	✓	5.00	4.87	103%
The judge made me feel that the court system is fair.	✓	4.67	4.76	98%
The judge took the case seriously.	✓	4.78	4.82	99%
The judge treated the jury with respect.	✓	5.00	4.93	102%
The judge provided recesses (breaks) in the trial that were adequate	✓	4.78	4.81	99%
My experience with the judge helped me understand the role of the jury in the legal system.	✓	4.78	4.79	100%

## 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.”

A. Quinn			
Attorney		Juror	
Attentive	56	Attentive	6
Calm	43	Calm	3
Confident	49	Confident	2
Considerate	33	Considerate	4
Consistent	29	Consistent	4
Intelligent	75	Intelligent	4
Knowledgeable	68	Knowledgeable	6
Patient	24	Patient	3
Polite	27	Polite	5
Receptive	25	Receptive	3
Arrogant	15	Arrogant	0
Cantankerous	7	Cantankerous	0
Defensive	8	Defensive	0
Dismissive	19	Dismissive	0
Disrespectful	7	Disrespectful	0
Flippant	5	Flippant	0
Impatient	21	Impatient	0
Indecisive	1	Indecisive	0
Rude	10	Rude	0

Positive	429	Positive	40
Negative	93	Negative	0
Positive	82%	Positive	100%

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE ANTHONY QUINN

Five observers wrote 75 codable units that were relevant to 15 of the 17 criteria. One observers reported that the judge was aware that JPEC observers were present and two reported that the judge was not aware (two did not comment).

### Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>• All observers were positive about Judge Quinn.</li> <li>• Four observers reported that Judge Quinn was well-prepared and efficient; spoke affably and respectfully with good eye contact; had a pleasing demeanor that was understated and unstuffy as well as professional and direct; gave ample opportunity for all participants to express themselves and listened to them carefully; and explained the reasons for his rulings, the consequences of giving up rights, and the meaning of various terms and procedures.</li> <li>• Four observers reported that they would feel comfortable appearing before Judge Quinn (one did not comment).</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>• Two observers reported the noisy and busy courtroom atmosphere to be distracting, but one recognized this was partially due to Judge Quinn allowing participants ample time to prepare and confer in the courtroom.</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>• None</li> </ul>

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

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

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	One observer reported that Judge Quinn <i>faced the party</i> speaking and <i>listened attentively</i> .
Well-prepared & efficient	Four observers reported that Judge Quinn had <i>obviously prepared</i> extensively for his cases and was <i>familiar with the files</i> . Two observers particularly noted Judge Quinn's knowledge of relevant <i>past</i> and <i>very recent rulings</i> . He was <i>efficient</i> and <i>processed everything in the time allotted</i> .
Respect for others' time	Two observers reported that Judge Quinn began hearings promptly <i>when all were present</i> and encouraged participants to resolve issues <i>in a timely manner</i> .
Respectful behavior generally	Three observers reported that Judge Quinn <i>addressed speakers by name</i> , repeated names to make sure his <i>pronunciation was correct</i> , and generally treated participants with respect, for example skillfully <i>prompting an attorney to keep him on track</i> without embarrassing him, and asking a witness who began coughing "Do you need some water?"

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*RESPECTFUL TONE*

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Courtesy, politeness and patience      One observer reported that Judge Quinn spoke *affably* in a *pleasant voice*, and was accommodating, polite, and patient. However in one case the judge displayed *noticeable impatience* with an *unprepared prosecutor*, granting *dismissal with prejudice for the defendant* which the observer felt was justified.

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Courtroom tone & atmosphere      Four observers described Judge Quinn's pleasing demeanor that combined a *light-hearted, non-threatening, understated, self-assured* and *unstuffy* manner with a *high level of professionalism* and *very direct* speech. In one case the judge began "Why does everyone look so serious?" at which *there was an audible sigh and everyone seated and got to work*.

While one observer appreciated the *professional yet remarkably non-stressful ambience* of the courtroom, two observers felt the *noisy and busy* atmosphere of *controlled chaos* in which everyone *spoke constantly among themselves* made the *proceedings difficult to hear*, and that the judge should require these conversations to be limited to outside the courtroom.

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Body language      Three observers reported that Judge Quinn made good eye contact with all, leaned forward when listening, and used gestures to emphasize some points, staying engaged throughout.

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*NEUTRALITY*

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Consistent and equal treatment      Four observers reported that Judge Quinn applied the law *strictly* but *consistently* and with *equality*, in one case saying "Everything I relied on today was from your documents", and in another emphasizing that whether choosing to begin or cross examine each party would *have the same opportunity*.

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Acts with concern for individual needs      Two observers reported that Judge Quinn was responsive to defendant's individual needs, and in one case allowed an attorney who had driven some distance considerable leeway in contacting his client so he could expedite his filing that morning.

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Expresses concern for the individual      Two observers reported that Judge Quinn was concerned that *litigants' rights were always protected*, and in one case an observer *found admirable* Judge Quinn's reluctance to keep a defendant in jail who had been cleared for release.

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Unhurried and careful      Two observers reported that participants were *obviously grateful* that Judge Quinn allowed time for parties to resolve issues or prepare with their attorneys, and one observer noted that this source of *disconcerting chaos* in the courtroom was *respectful* of the needs of the participants. A public defender offered an unsolicited comment that Judge Quinn was very good and thorough judge.

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*VOICE*

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Considered voice      Four observers reported that Judge Quinn *gave everyone who appeared before him ample time and opportunity to express themselves... listening attentively and impartially*, and *repeating participants' statements to make certain they were aware he had heard and understood them*. He always asked to hear from both sides before ruling, and after saying "I am going to tell you what I think and then you can respond" he did *give each party the time they needed to respond*.

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*COMMUNICATION*

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Communicates clearly      Two observers reported that Judge Quinn spoke *plainly* and *directly*, his *colloquy was short* and *explanations clear*.

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Ensures information understood      Two observers reported that Judge Quinn was concerned that defendants understood *statements he read to them* and the *effects of waiving their rights*, by looking directly at them for *signs of understanding* or requiring *verbal affirmation*, and paused between sentences to allow interpreters to "catch up". In one case he took *considerable time to ascertain defendant in custody comprehended the terms and responsibilities of his release*.

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Provides  
adequate  
explanations

Four observers reported that Judge Quinn was clear in *explaining the reasons for his rulings* and their *basis in law*. He *took care to explain to each defendant the rights they were giving up* and the *possible consequences*, and explained “*preliminary hearings*” in detail and the meaning of terms such as ‘*enhanceable*’ and ‘*abeyance*’. In one case he gave *ample instructions* for processing a name change order.

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