

Narrative Overview

Honorable Judge W. Brent West – District Court Judge

Serving Davis, Morgan and Weber counties



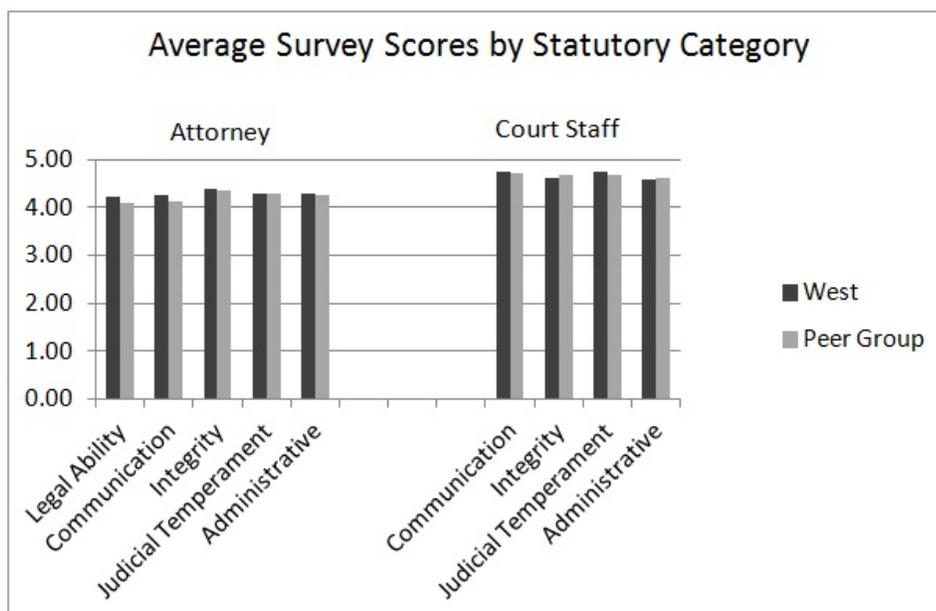
The commission recommends by a vote of 12 - 0
TO RETAIN Judge W. Brent West

Judge W. Brent West is one of the most experienced judges in the state; his performance is very strong. Attorneys widely recognize him as intelligent, knowledgeable, and attentive. Both attorneys and court staff scored him at or above the average of other district court judges in all survey categories, with 74 out of 82 attorneys (90%) and all 13 court staff (100%) who answered the retention question recommending that Judge West be retained. Several respondents noted, however, that Judge West has become uncharacteristically impatient over the past couple of years. All courtroom observers were positive about Judge West, reporting that he gave participants a full opportunity to speak and listened to them with interest, explained decisions in layperson's language and ensured their understanding, treated all with kindness and empathy, was compassionate but not a pushover, and ran an orderly courtroom.

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

Judge W. Brent West was appointed to the Second Circuit Court in March 1984 by Governor Scott M. Matheson. He became a District Court Judge in July 1996. Judge West received his law degree from Southern Methodist University in 1975. Judge West has served on the Judicial Council, the Board of Circuit Judges, the Utah Task Force on Gender and Justice, and the Utah Task Force on Racial and Ethnic Fairness in the Legal System. He currently serves as Associate Presiding Judge for the Second District Court. He has previously served as Presiding Judge for the Second Circuit and District Courts. Judge West received the Circuit Court Judge of the Year Award in 1989, the Utah Justice Court's Friend of the Court Award in 1991 and the Judge of the Year Award in 1997. In 2011, he received the Weber County Bar Association's Lifetime Achievement Award.

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 Data Summary:

Total Respondents: 87

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	74	90%
NO	8	10%

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

2. Statutory Category Scores:

Attorney	West	Peer Avg.	% of Peer
Legal Ability	4.21	4.11	103%
Communication	4.24	4.13	103%
Integrity	4.39	4.35	101%
Judicial Temperament	4.30	4.27	101%
Administrative	4.28	4.24	101%

3. Average trials before this judge: 1.59

4. Area of primary practice:

Collections: 6 Domestic: 31 Criminal: 33 Civil: 46 Other: 8

B. Court Staff Survey Overview:

Total Respondents: 19

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	13	100%
NO	0	0%

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

2. Statutory Category Scores:

Court Staff	West	Peer Avg	% to Peer
Communication	4.75	4.71	101%
Integrity	4.63	4.69	99%
Judicial Temperament	4.75	4.68	101%
Administrative	4.58	4.62	99%

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	West	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	4.11	4.01	102%
The judge properly applies the rules of civil procedure.	✓	4.38	4.14	106%
The judge properly applies the rules of criminal procedure.	✓	4.30	4.14	104%
The judge properly applies the rules of evidence.	✓	4.29	4.12	104%
The judge's sentencing fits the offenses.	✓	4.14	4.01	103%
The judge makes appropriate findings of facts.	✓	4.19	4.07	103%
The judge appropriately applies the laws to the facts.	✓	4.20	4.06	103%
The judge follows legal precedent.	✓	4.15	4.12	101%
The judge only considers evidence in the record.	✓	4.12	4.08	101%
The judge's written decisions are clear and logical.	✓	4.21	4.09	103%
The judge's written opinions offer meaningful legal analysis.	✓	4.16	4.06	103%
The judge was fair and impartial.	✓	4.27	4.21	101%
The judge avoids impropriety and the appearance of impropriety.	✓	4.47	4.41	102%
The judge avoids improper ex parte communications.	✓	4.57	4.49	102%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.38	4.36	100%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.29	4.26	101%
The judge holds attorneys accountable for inappropriate conduct.	✓	4.10	3.97	103%
The judge's oral communication while in court is clear and logical.	✓	4.35	4.26	102%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.30	4.29	100%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.14	4.15	100%
The judge is prepared for argument and hearings.	✓	4.43	4.29	103%
The judge treats all attorneys with equal courtesy and respect.	✓	4.29	4.39	98%
The judge rules in a timely manner.	✓	4.31	4.24	102%
The judge realistically manages his or her calendar.	✓	4.27	4.20	102%
The judge convened court without undue delay.	✓	4.25	4.28	99%
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.	✓	4.35	4.32	101%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.46	4.48	100%

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	West	Peer Avg.	% of Peer Avg.
The judge was fair and impartial.	✓	4.56	4.70	97%
The judge avoids impropriety and the appearance of impropriety.	✓	4.66	4.77	98%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.53	4.71	96%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.68	4.66	100%
The judge's oral communication while in court is clear and logical.	✓	4.82	4.71	102%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.68	4.72	99%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	4.75	4.54	105%
The judge is prepared for argument and hearings.	✓	4.95	4.75	104%
The judge treats all attorneys with equal courtesy and respect.	✓	4.77	4.72	101%
The judge rules in a timely manner.	✓	4.64	4.69	99%
The judge realistically manages his or her calendar.	✓	4.63	4.53	102%
The judge convened court without undue delay.	✓	4.62	4.62	100%
The judge is willing to make difficult or unpopular decisions.	✓	4.71	4.58	103%
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.62	4.70	98%
The judge explains the reasons for his or her decisions, when appropriate.	✓	4.72	4.72	100%
The judge works with pro se litigants fairly and effectively.	✓	4.71	4.72	100%
The judge’s personal life does not impair his or her judicial performance.	✓	4.87	4.73	103%
The judge maintains diligent work habits.	✓	4.71	4.59	103%
The judge’s interactions with court staff are professional and constructive.	✓	4.59	4.71	97%
The judge is an effective manager of his or her staff, operations and business.	✓	4.27	4.51	95%
The judge appropriately enforces deadlines and court orders.	✓	4.77	4.63	103%
The judge is appropriately accessible to court personnel.	✓	4.78	4.75	101%
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.84	4.69	103%
The judge reasonably accommodates changing technology.	✓	4.17	4.57	91%
The judge paid attention to the proceedings in the courtroom.	✓	4.85	4.79	101%

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.”

W. West			
Attorney		Court Staff	
Attentive	38	Attentive	7
Calm	31	Calm	3
Confident	35	Confident	11
Considerate	36	Considerate	10
Consistent	29	Consistent	4
Intelligent	41	Intelligent	11
Knowledgeable	57	Knowledgeable	15
Patient	25	Patient	6
Polite	27	Polite	9
Receptive	27	Receptive	8
Arrogant	1	Arrogant	0
Cantankerous	9	Cantankerous	0
Defensive	6	Defensive	0
Dismissive	6	Dismissive	1
Disrespectful	2	Disrespectful	0
Flippant	3	Flippant	0
Impatient	11	Impatient	0
Indecisive	3	Indecisive	1
Rude	1	Rude	0

Positive	346	Positive	84
Negative	42	Negative	2
Positive	89%	Positive	98%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE W. BRENT WEST

Five observers wrote 68 codable units that were relevant to 14 of the 17 criteria. One observer reported that the judge was not aware that JPEC observers were present (four did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were positive about Judge West. All observers reported that Judge West was collaborative, straightforward and polite, treated all with kindness and empathy, and while compassionate was not a pushover. Judge West was experienced and competent and the busy courtroom was orderly and smooth. All observers reported that Judge West gave participants full opportunity to speak and listened to them with interest. He took account of their input in his decisions, and also considered their individual situations and circumstances. Four observers reported that he explained all his decisions and the reasons for them in clear, layman's language and ensured that defendants clearly understood their sentences or obligations. Three observers reported that they would feel comfortable appearing before Judge West (two did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Two observers would have preferred Judge West to ask all speakers to stand and to remind disruptively conferring attorneys and clients that they were in court and not in the hall. Two observers reported that Judge West had little eye contact when reading the rulings or informing defendant's of their rights, although he did in other situations.
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	5	4	4	4
Respect	4	5	5	4	4
Ability to earn trust	4	5	5	4	4
Skill at providing voice	5	5	5	4	4

Summary and *exemplar language* of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	One observer reported that Judge West listened intently.
Well-prepared & efficient	Three observers reported that Judge West always had the files he needed and quickly understood what was happening in each case, was familiar with many cases, and remembered what had occurred in previous hearings.
Respectful behavior generally	Three observers offered examples of Judge West's respectful behavior, for example he treated <i>really tough looking</i> defendants with respect and kindness, was empathic with a woman's request for a name change and <i>wished her well</i> , and after leaving the podium would say "Thank you and good luck."

RESPECTFUL TONE

Courtesy, politeness and patience	Three observers offered examples of Judge West's polite and patient behavior, for example he <i>patiently</i> reviewed the <i>account in a garnishment case line by line</i> , and he <i>listened politely</i> as a defendant spoke several times about <i>how he had done his best to take care of his mother</i> .
Courtroom tone & atmosphere	All observers reported that Judge West was <i>very experienced, very competent, and very good</i> at his job. His demeanor was <i>straightforward and polite</i> , and he <i>promoted an atmosphere of collaboration and easy rapport</i> with attorneys and prosecutors. While he <i>showed compassion and support he was not a push over</i> . The courtroom was crowded but the proceedings were <i>very orderly and smooth</i> , and at the end of the session Judge West asked "Has everyone been helped?" which the observer <i>felt indicated the atmosphere in the courtroom</i> . One observer would have <i>preferred speakers to stand when addressing the court to maintain the gravitas of the courtroom</i> , and another was surprised that Judge West <i>did not stop an attorney and client in court talking as if out in the hall</i> .
Body language	Two observers reported that Judge West had <i>little eye contact</i> when reading the rulings or informing defendant's of their rights, although the judge did look at defendants <i>if they had questions</i> and maintained <i>good eye contact in other situations</i> .

NEUTRALITY

Consistent and equal treatment	Two observers reported that Judge West treated all defendants equally, in one case <i>refusing to move up time for parole</i> as the defendant <i>had not done anything to deserve parole</i> compared with others in line. One observer noted with approval that the judge <i>never revealed what, if anything, he might be thinking as he listened to the matters before him</i> .
Acts with concern for individual needs	Three observers reported that Judge West <i>applied rules and laws consistently</i> while <i>taking individual situations</i> into consideration, for example adjusting a sentence to <i>allow work release as the defendant was employed</i> , changing <i>fines to community service when the defendant would be unable to pay</i> , but when a long time gang member requested probation, the judge noted his <i>record reached the point</i> where he had to consider society's needs as well the defendant's, and sentenced him to prison. Judge West went <i>an extra mile</i> on behalf of a defendant stopped while driving who was now out and could not find her car. The judge <i>ordered the prosecution to locate and get the car back</i> for the woman.
Expresses concern for the individual	One observer reported that Judge West was understanding and showed concern, for example reminding a defendant planning to <i>speak with the prosecutors</i> about the charges saying "Remember, they are not your friends, they are not representing you", and in another case asking defendants from jail <i>if they were being given medications and if they were helping</i> .
Unhurried and careful	One observer reported that Judge West <i>never appeared to be rushing and never cut anyone off</i> .

VOICE

Considered voice	All observers reported that Judge West made certain that each defendant <i>had an opportunity to speak to him</i> , in some cases allowing them <i>considerable time</i> to make their requests with reasons. He listened to all arguments <i>with great interest</i> , in some cases <i>altering a sentence after the defendant explained his current situation</i> . One observer felt that one defendant <i>appeared to accept the judge's ruling</i> having been permitted to <i>tell his side of the story</i> .
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COMMUNICATION

Communicates clearly	Three observers reported that Judge West thoroughly explained the proceedings <i>in layman's language</i> without <i>uncommon words or excessive "legalese"</i> but <i>without being patronizing</i> . One observer felt that as <i>in all courtrooms</i> she has observed, <i>rules were explained by rote and delivered quickly</i> presumably because the <i>judges have said them so many times</i> .
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Ensures
information
understood

Two observers reported that Judge West always asked defendants if they had any *questions after sentencing* and *always took time to answer them*. He ensured defendants understood their *obligations for restitution by repeating the amount* several times and asking *if they had jobs and when they could begin payments*. He asked interpreters to ensure defendants *understood their fine or sentence*, and asked that *documents be given in both English and Spanish*.

Provides
adequate
explanations

Four observers reported that Judge West always provided explanations so that all parties understood the reasons for his rulings and the consequences of defendants' behavior, for example he explained why he could not give a defendant a requested *second chance* at this time by reading out his file so *everyone in court could understand he had been arrested on DUI in about eight states*. Whenever defendants requested work release he explained why he did or did not grant their requests, for example giving one defendant specific instructions on what he had to do to fulfill previous commitments before being given work release.
