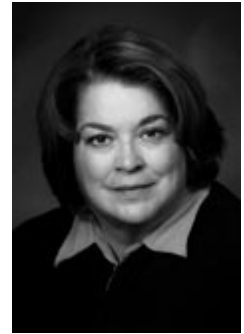


Honorable Janice L. Frost – Juvenile Court Judge

Serving Davis, Morgan, and Weber counties



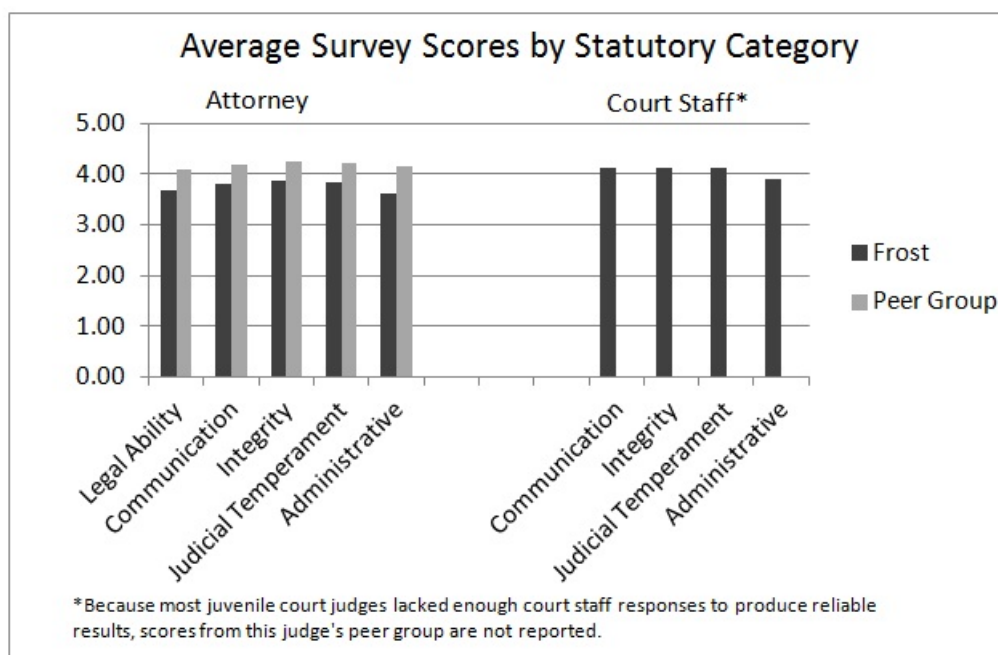
The commission recommends by a vote of 12 – 0
TO RETAIN Judge Janice Frost

Judge Janice Frost is a competent judge, most often described by both attorneys and court staff as intelligent and knowledgeable. Her survey scores, however, are lower than the average of other juvenile court judges in all five survey categories. This may have resulted from an overwhelming workload due to the sudden death of a judge in her district and two recent judicial retirements. Attorneys and court staff noted that Judge Frost’s calendar runs slowly and that her patience with staff and her consistency has suffered in the face of these circumstances. Her scores in most areas have declined since her midterm evaluation. Of the 57 attorneys and court staff who answered the retention question, 52 (91%) recommended that Judge Frost be retained. All courtroom observers were positive about Judge Frost, highlighting her thorough explanations of proceedings, the ample time she gives participants to explain their positions, and her compassionate yet firm demeanor.

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

Judge Janice L. Frost was appointed to the Second District Juvenile Court by Gov. Jon M. Huntsman, Jr. in December 2008. Judge Frost graduated from the University of Utah College of Law in 1985. Before her appointment to the bench, she worked in private practice, served as an assistant city prosecutor for Salt Lake City, worked in both the criminal appeals and child protection divisions of the Attorney General’s Office, served as a senior attorney with the National District Attorneys Association and served as deputy city attorney for the City of South Salt Lake. She currently serves as chair of the Board of Juvenile Court Judges and is a member of the Utah Sentencing Commission.

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: 33

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	29	91%
NO	3	9%

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

2. Statutory Category Scores:

Attorney	Frost	Peer Avg.	% of Peer
Legal Ability	3.69	4.09	90%
Communication	3.79	4.20	90%
Integrity	3.87	4.24	91%
Judicial Temperament	3.82	4.21	91%
Administrative	3.62	4.14	88%

3. Average trials before this judge: 2.72

4. Area of primary practice:

Collections: 1 Domestic: 19 Criminal: 13 Civil: 12 Other: 6

B. Court Staff Survey Overview:

Total Respondents: 28

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	23	92%
NO	2	8%

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

2. Statutory Category Scores:

Court Staff	Frost	Peer Avg.	% of Peer
Communication	4.12	No comparison to peer average because insufficient # of judges had a sufficient court staff sample size	
Integrity	4.13		
Judicial Temperament	4.13		
Administrative	3.90		

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	Frost	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	3.62	4.05	89%
The judge properly applies the rules of civil procedure.	✓	3.64	4.12	88%
The judge properly applies the rules of criminal procedure.	✓	3.60	4.08	88%
The judge properly applies the rules of evidence.	✓	3.59	4.08	88%
The judge's sentencing fits the offenses.	✓	3.68	4.02	91%
The judge makes appropriate findings of facts.	✓	3.91	4.15	94%
The judge appropriately applies the laws to the facts.	✓	3.78	4.09	92%
The judge follows legal precedent.	✓	3.76	4.15	90%
The judge only considers evidence in the record.	✓	3.59	4.06	88%
The judge's written decisions are clear and logical.	✓	3.80	4.20	90%
The judge's written opinions offer meaningful legal analysis.	✓	3.67	4.11	89%
The judge was fair and impartial.	✓	3.86	4.13	93%
The judge avoids impropriety and the appearance of impropriety.	✓	3.91	4.34	90%
The judge avoids improper ex parte communications.	✓	3.88	4.35	89%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	3.84	4.21	91%
The judge appears to consider both sides of an argument before rendering a decision.	✓	3.85	4.16	93%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.73	4.02	93%
The judge's oral communication while in court is clear and logical.	✓	3.91	4.28	91%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	3.92	4.23	93%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	3.48	4.01	87%
The judge is prepared for argument and hearings.	✓	3.96	4.36	91%
The judge treats all attorneys with equal courtesy and respect.	✓	3.78	4.22	90%
The judge rules in a timely manner.	✓	4.19	4.41	95%
The judge realistically manages his or her calendar.	✓	3.36	3.98	84%
The judge convened court without undue delay.	✓	3.32	4.03	82%
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.	✓	3.97	4.21	94%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.02	4.46	90%

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	Frost
The judge was fair and impartial.	✓	4.11
The judge avoids impropriety and the appearance of impropriety.	✓	4.34
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	3.97
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.12
The judge's oral communication while in court is clear and logical.	✓	4.07
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	4.06
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	3.50
The judge is prepared for argument and hearings.	✓	4.40
The judge treats all attorneys with equal courtesy and respect.	✓	4.14
The judge rules in a timely manner.	✓	3.96
The judge realistically manages his or her calendar.	✓	3.38
The judge convened court without undue delay.	✓	3.62
The judge is willing to make difficult or unpopular decisions.	✓	4.16
The judge did not allow his or her personal beliefs to inappropriately influence the proceedings.	✓	4.07
The judge explains the reasons for his or her decisions, when appropriate.	✓	4.14
The judge works with pro se litigants fairly and effectively.	✓	4.14
The judge’s personal life does not impair his or her judicial performance.	✓	4.23
The judge maintains diligent work habits.	✓	4.02
The judge’s interactions with court staff are professional and constructive.	✓	3.73
The judge is an effective manager of his or her staff, operations and business.	✓	3.93
The judge appropriately enforces deadlines and court orders.	✓	4.20
The judge is appropriately accessible to court personnel.	✓	4.12
The judge made sure that everyone's behavior in the courtroom was proper.	✓	4.35
The judge reasonably accommodates changing technology.	✓	4.15
The judge paid attention to the proceedings in the courtroom.	✓	4.51

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.”

J. Frost			
Attorney		Court Staff	
Attentive	12	Attentive	10
Calm	10	Calm	8
Confident	7	Confident	12
Considerate	10	Considerate	7
Consistent	5	Consistent	10
Intelligent	15	Intelligent	14
Knowledgeable	13	Knowledgeable	16
Patient	15	Patient	7
Polite	10	Polite	8
Receptive	6	Receptive	6
Arrogant	0	Arrogant	3
Cantankerous	1	Cantankerous	2
Defensive	2	Defensive	1
Dismissive	5	Dismissive	2
Disrespectful	1	Disrespectful	1
Flippant	3	Flippant	1
Impatient	4	Impatient	5
Indecisive	2	Indecisive	1
Rude	0	Rude	1

Positive	103	Positive	98
Negative	18	Negative	17
Positive	85%	Positive	85%

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE JANICE FROST

Five observers wrote 83 codable units that were relevant to 14 of the 17 criteria. Four observers reported that the judge was aware that JPEC observers were present (one did not comment).

Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers were very positive about Judge Frost. One felt Judge Frost to be the most involved and concerned juvenile judge she had observed, and another more clearly understood the objectives of juvenile court from observing Judge Frost's court. All observers reported that Judge Frost gave all parties ample time to explain their positions, four observers gave numerous examples of the sincere concern Judge Frost exhibited, particularly to juveniles, and three observers noted her impartiality and consistent focus on the facts of cases. All observers reported the lengths to which Judge Frost went to thoroughly explain the proceedings, and three observers described her effective efforts to ensure her explanations were understood, especially by juveniles. Four observers reported that Judge Frost displayed both a compassionate and firm demeanor as appropriate. Three observers noted her patience in all circumstances, and her courteous and respectful manners of speech. Four observers reported that they would feel very comfortable appearing before Judge Frost (one did not comment).
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> One observer was alone in feeling that not requiring speakers to stand is a shortcoming that detracts from the significance of the proceedings.

<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	4	5	5	5
Respect	5	5	5	5	4
Ability to earn trust	5	4	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 Frost <i>listened intently, attentively and dispassionately</i> , and was <i>never distracted or diverted when participants</i> were speaking.
Well-prepared & efficient	Two observers reported that Judge Frost generally had <i>all the necessary paperwork</i> and ran the court in an <i>orderly and timely fashion</i> .
Respectful behavior generally	Three observers reported that Judge Frost greeted participants by name and was respectful to those inconvenienced, having a <i>bailiff locate a mother to avoid keeping a boy in detention longer than necessary</i> , and acknowledging to a family <i>the stress of having the state involved in their life</i> . She praised and expressed pride in those who had done well, and respectfully encouraged those who had not, saying "I'm sure your grades will have improved by the time we meet again."

RESPECTFUL TONE

Courtesy, politeness and patience Three observers emphasized Judge Frost’s patience, for example in allowing sufficient *time for people to make decisions, temporarily postponing a hearing while an emotional father composed himself, and very patiently explaining to a boy the reasons he could not be at his mother’s house.*

Judge Frost was also courteous, saying for example “I’m sorry I interrupted you, please go ahead” or “I’m sorry I mispronounced your name, please tell me again the correct pronunciation”, and was always *cognizant that the court is in all probability scary and alien, especially to children.*

Courtroom tone & atmosphere Four observers reported that an *admirable ability* of Judge Frost is to *react professionally to a variety of circumstances*, particularly to express both compassion and firmness as needed, for example when *balancing compassion for a father in emotional distress with helping him realize the negative affect of an unreasonable delay.* She was *very gentle* with juveniles as she solicited responses, *showed great compassion toward a youth who has successfully completed probation.* However, the judge was appropriately stern, for example with a mother for not engaging in her son’s case.

One observer felt that not requiring *standing while speaking* may be intended *to create a mood of informality* but this observer *considered this a shortcoming that detracts from the significance of the events under consideration.*

Body language One observer reported that Judge Frost *demonstrated excellent eye contact.*

Voice quality One observer reported that Judge Frost was *very expressive when explaining rights of juveniles,* and another noted that when making people *feel comfortable enough to answer her questions you could feel compassion in her voice.*

NEUTRALITY

Consistent and equal treatment Three observers reported that Judge Frost handled each case *in the same manner, took the facts of each case in consideration* and was *not swayed by demonstrated emotion*, for example *listening attentively and dispassionately to the tearful pleadings and apologies of a youth* and then *rendering a judgment commensurate with the crime.* In one case the judge did a *very good job of being open and sincere* with two estranged parents, and demonstrated *her intention to do the right thing for the mother, the father, and the child.*

Acts with concern for individual needs Four observers reported that Judge Frost served the interest of all parties, one feeling this *very emphatically.* She was considerate that *court times would not interfere with jobs, therapy, etc.,* and was considerate of juveniles’ ability to pay fines, *setting up payment schedules* but making it clear that *16-18 year olds were to earn the money and not have family pay the fines.* She *commendably offered to reschedule the case of a young girl with family problems that morning.*

One observer commended Judge Frost questioning a *crying young woman with a three-month-old baby,* telling her to *see the doctor to address post-partum depression,* and asking the probation officer to be more involved. Judge Frost was *evidently concerned* and the observer wondered *if a male juvenile judge would recognize post partum depression and recommend treatment.*

Expresses concern for the individual Four observers reported that Judge Frost expressed *sincere concern for each person,* for example telling parents *representing themselves that this was their right but not their best option,* in order to *avoid possible future conflicts.* One observer noted her *finer were quite a bit higher* than in other courtrooms, but that she expressed concern by *asking each defendant if they could meet the required payment schedule .*

It was obvious Judge Frost was sincerely interested in the welfare of the children beyond what was required by law, and appropriately made it clear that in juvenile court her concern was for the needs of the children. She always asked juveniles *what was happening with them, their motivations, how they were doing in school, and their relationships with their family.* In one case she asked about the potential *problems of getting a disabled child into the court,* and left attendance *open if it would present too many problems.*

VOICE

Considered voice All observers reported that Judge Frost *without exception* gave all participants *ample time to explain their position* and gave the *juvenile and their parents all the time they wanted to ask questions or to state their case*. She asked one mother “Is there anything you want to say?”, and *encouraged clarification and elaboration of vague statements*.

She made sure a child not in the courtroom would *have a chance to talk to her if he wanted to*, and throughout one *emotional ordeal* in which a father expressed that he was *uncomfortable with his public defender*, the judge *went the extra mile to make sure the father had the opportunity to have his say in court*.

COMMUNICATION

Communicates clearly Two observers reported that Judge Frost was *concise when she spoke* and *answered questions clearly*.

Ensures information understood Three observers reported that Judge Frost made sure each person *understood fines and programs she imposed*, and *made sure that everyone, including the young children, understood the proceedings*. During an adoption she was *very gentle as she solicited responses assuring their comprehension*, and asked the man “You are choosing to not be a parent - do you understand that?” When explaining pleas and rights to a public defender *she did not do this by “rote” but personalized it and made it very understandable*.

Provides adequate explanations All observers reported that Judge Frost was thorough in explaining the court’s proceedings, relevant law, and her rulings. Defendants always *received copies of pertinent paperwork including date and time to return*. The judge frequently *explained her expectations*, such as “Here are some things I want to see happen” with *a very specific list of things to be done*. She explained the reasons for her decisions, telling a father going to jail with *a long history of not following no contact orders* “I have no faith in your ability to follow my orders”.

Judge Frost was particularly thorough in explanations to juveniles, in one case going *to great lengths to explain to a youth her right to a court appointed attorney and the state’s responsibility to prove guilt, and the youth indicated a clear understanding* of the judge’s extensive explanations. She made clear what juveniles needed to do to change their behavior and the consequences to their lives if they did not.
