



The Honorable Joseph M. Bean

About the report

In making its recommendation to voters about whether a judge should be retained, JPEC considers the judge's legal ability, integrity and judicial temperament, administrative skills, procedural fairness, public comment, and judicial discipline records as well as compliance with judicial education, fitness for office, and case-under-advisement time standards. If a judge meets minimum standards, there is a legal presumption that commissioners will vote to recommend the judge be retained. If a judge fails to meet minimum standards, there is a legal presumption that commissioners will vote not to recommend the judge for retention. Included below are the Survey and Courtroom Observation Reports. The Survey Report summarizes information collected from attorneys, court employees, jurors (district and some justice court judges only) and juvenile court professionals (juvenile court judges only). Surveys are anonymous and inclusion in the survey is based on court-appearance records. The Courtroom Observation Report summarizes information reported by at least four trained, volunteer court observers per judge.

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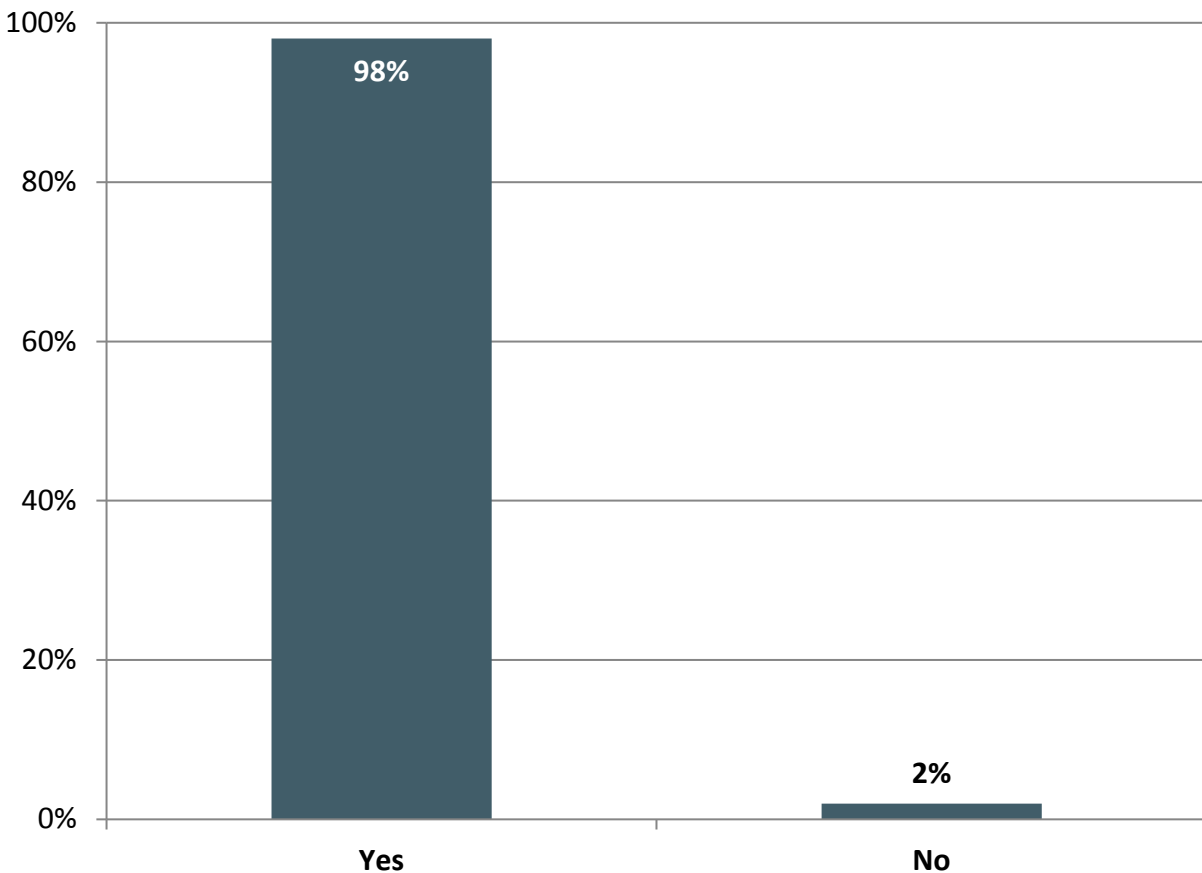
Survey Report

Survey Results

For Judge Joseph M. Bean, 42% of qualified survey respondents submitted surveys. Of those who responded, 69 agreed they had worked with Judge Joseph M. Bean enough to evaluate the judge's performance. This report reflects these 69 responses. For more information on the survey, please see Survey Information. For more information about the evaluation process, please see How to Read the Results.

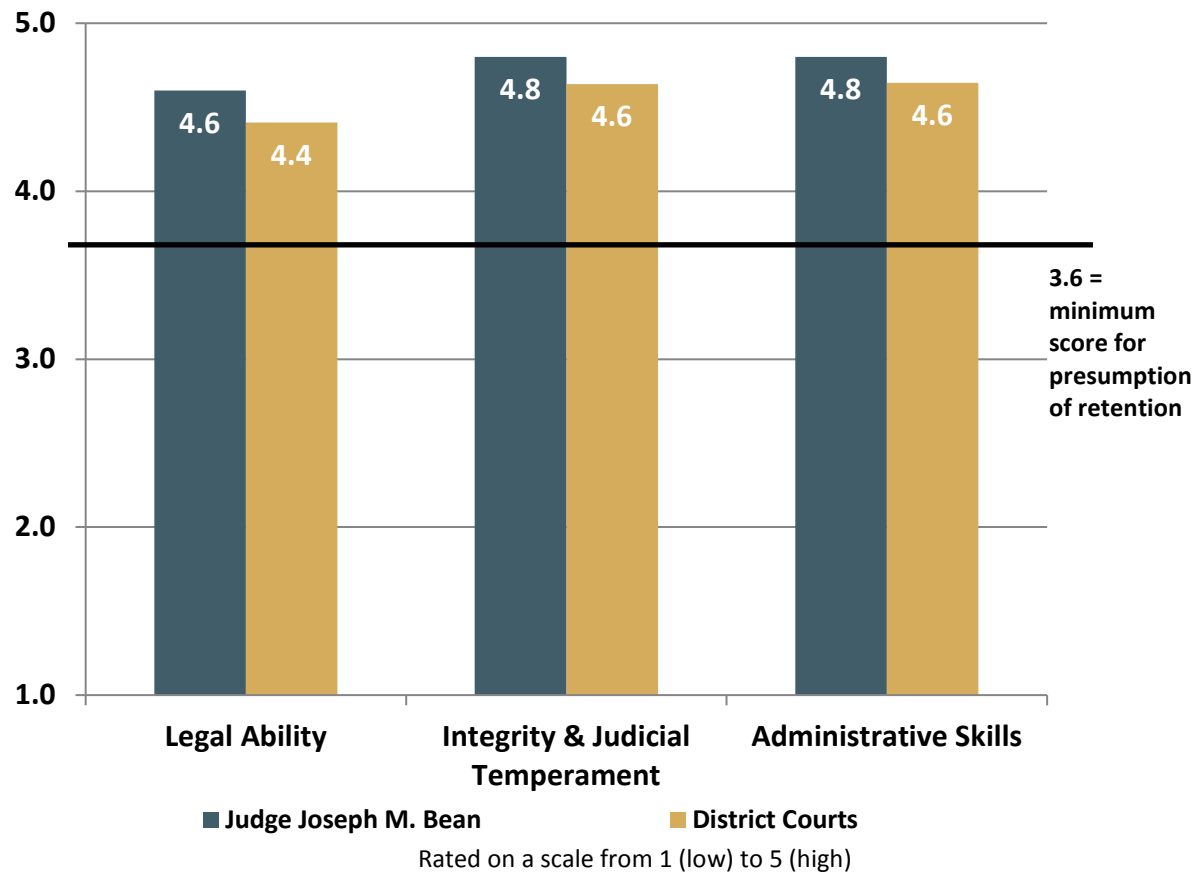
Retention Question

Survey Question: Would you recommend that Judge Joseph M. Bean be retained?



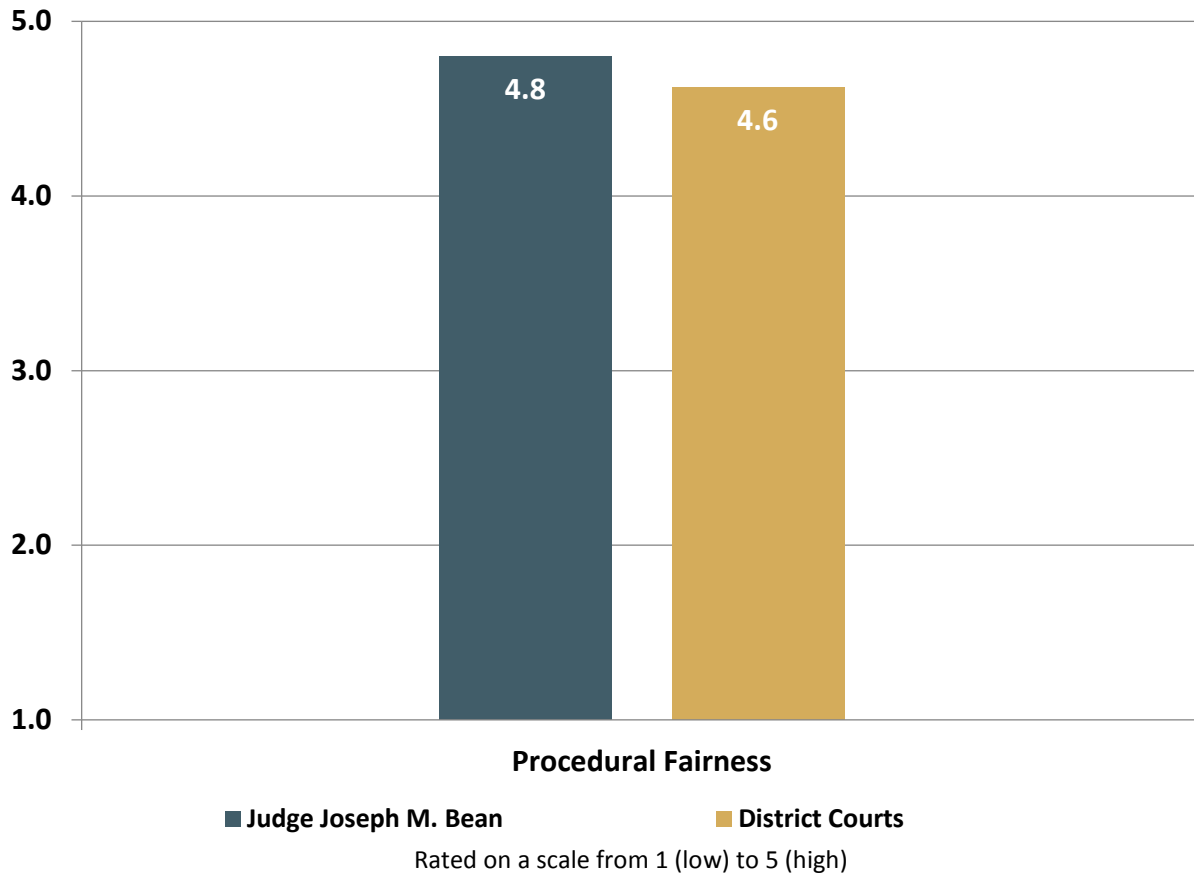
Survey Report

Statutory Category Scores



Survey Report

Procedural Fairness Score



For procedural fairness, the judge must demonstrate by a preponderance of the evidence that the judge's conduct in court promotes procedural fairness for court participants.

Table A. Overall Procedural Fairness Determination (for Retention Only)

Category	Judge Joseph M. Bean
Procedural Fairness	Pass



Survey Report

Responses to Survey Questions

Category	Question	Judge Joseph M. Bean	District Courts
Legal Ability	The judge followed the legal rules (e.g. civil procedure, criminal procedure, evidence, juvenile, appellate) that applied to the case at issue.	4.6	4.4
Legal Ability	The judge made adequate findings of fact and applied the law to those facts.	4.6	4.4
Legal Ability	The judge followed legal precedent or explained departures from precedent.	4.5	4.4
Legal Ability	The judge only considered evidence in the record.	4.6	4.5
Legal Ability	The judge based opinions/decisions on applicable legal principles and controlling law.	4.5	4.4
Legal Ability	The judge's opinions contained a readily understandable ruling.	4.6	4.5

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Responses to Survey Questions (continued)

Category	Question	Judge Joseph M. Bean	District Courts
Integrity & Judicial Temperament	The judge made sure that everyone's behavior in the courtroom was proper.	4.8	4.7
Integrity & Judicial Temperament	The judge paid attention to what went on in court.	4.8	4.7
Integrity & Judicial Temperament	The judge's personal life or beliefs did not impair his or her judicial performance.	4.5	4.5
Integrity & Judicial Temperament	The judge demonstrated respect for the time and expense of those attending court.	4.7	4.6
Integrity & Judicial Temperament	The judge worked to ensure that the participants understood the court proceedings.	4.7	4.7
Integrity & Judicial Temperament	The judge conducted proceedings without favoritism.	4.7	4.6
Integrity & Judicial Temperament	The judge considered arguments from all sides before ruling.	4.7	4.6
Integrity & Judicial Temperament	The judge demonstrated diligent work habits.	4.8	4.6
Integrity & Judicial Temperament	The judge maintained a professional demeanor in the courtroom.	4.9	4.7

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Responses to Survey Questions (continued)

Category	Question	Judge Joseph M. Bean	District Courts
Administrative Skills	The judge was prepared for court proceedings.	4.8	4.6
Administrative Skills	The judge's interactions with courtroom participants and staff were professional and constructive.	4.8	4.7
Administrative Skills	The judge managed the court calendar effectively.	4.5	4.5
Administrative Skills	The judge convened court without undue delay.	4.7	4.7
Administrative Skills	The judge ruled in a timely fashion.	4.8	4.6
Administrative Skills	The judge communicated clearly.	4.8	4.7
Category	Question	Judge Joseph M. Bean	District Courts
Procedural Fairness	The judge treated all courtroom participants with equal respect.	4.8	4.6
Procedural Fairness	The judge performed his or her duties fairly and impartially.	4.7	4.6
Procedural Fairness	The judge promoted public trust and confidence in the courts through his or her conduct.	4.8	4.6
Procedural Fairness	The judge provided the court participants with a meaningful opportunity to be heard.	4.8	4.7

Rated on a scale from 1 (low) to 5 (high)



Survey Report

Adjective Question Summary

Survey respondents rated how well a list of adjectives describes the judge. A rating of 1 indicates the adjective *does not describe the judge at all*, and a rating of 5 indicates the adjective *describes the judge very well*. For the positive adjectives, a higher average score is better. For the negative adjectives, a lower average score is better.

Descriptor	Judge Joseph M. Bean	District Courts	
Attentive	4.7	4.6	Positive Adjectives HIGHER average score is better
Capable	4.6	4.5	
Ethical	4.6	4.7	
Knowledgeable	4.6	4.4	
Impartial	4.5	4.3	
Open-minded	4.4	4.3	
Disrespectful	1.3	1.4	Negative Adjectives LOWER average score is better
Impatient	1.3	1.6	
Indecisive	1.3	1.6	
Unprepared	1.2	1.4	



Survey Information

This report presents the results from the 2017 survey process, conducted by Market Decisions, LLC. A detailed description of the survey methodology is available separately on the Utah Judicial Performance Evaluation website.

Description of Sample

The following groups are invited to participate in the survey process:

- Attorneys with appearances before the judge,
- Court staff who work with the judge,
- Juvenile court professionals who work in the judge's courtroom on a regular and continuing basis to provide substantive input to the judge (juvenile court judges only), and
- Jurors who participate in jury deliberation (district and justice court judges only).

With the exception of the attorney survey, the survey contractor attempts to survey all court staff and juvenile court professionals who work with the judge and all jurors who reach the point of jury deliberation. The lists of court staff and juvenile court professionals are provided by the courts and by the Division of Child and Family Services and Juvenile Justice Services. A list of jurors is created after each trial. All lists are forwarded to the surveyor, Market Decisions, LLC.

For the attorney survey, a representative sample of attorneys is drawn to evaluate each judge based on appearances over a designated time period. The sample is weighted to select those with the greatest experience before the judge, assuming that these people will have a better knowledge base about the judge than those with less experience. Attorneys are first stratified into three groups: those with one or more trial appearances, those with three or more non-trial appearances, and those with one to two non-trial appearances. Attorneys within each sample are then randomized prior to selection. Selection begins with attorneys who have trial experience, then those with a greater number of non-trial appearances (if needed), and finally those with fewer non-trial appearances (if needed).

Summary of Survey Methods

Surveys are conducted online, using web-based survey software. Each qualified respondent receives an initial email notification signed by the Chief Justice and JPEC Chairperson. Next, an email invitation, signed by JPEC's Executive Director and the Utah State Bar President, contains links to all the individual surveys each respondent is invited to complete. A reminder email is sent one week later to those who did not respond by completing and submitting a survey. This is followed by at least two additional reminder emails sent to respondents over the next three weeks. If a respondent completes only part of the survey, he or she is able to finish the survey at a later time. Once a respondent has completed the survey for a specific judge, that survey is locked and cannot be accessed again.



The number of questions included in the survey varies, ranging from 9 (jurors) to 35 (attorneys with an appearance before an appellate court judge). Each question is evaluated on a sliding scale ranging from 1 (inadequate) to 5 (outstanding).

Responses to individual questions are used to calculate averaged scores in three statutory categories: Legal Ability, Integrity & Judicial Temperament, and Administrative Skills. Judges also receive an average score in Procedural Fairness.

Evaluation Period

The retention evaluation period for judges standing for election in 2018 began on January 1, 2016 and ended on September 30, 2017.



Courtroom Observation Report

Evaluative Criteria

CRITERIA	DESCRIPTION
<i>RESPECT</i>	
Listening & focus	Listening refers to all indications of attention and engagement through active listening. Giving voice to those in court is included below under “Considered voice”.
Well-prepared & efficient	Efficiency refers to the judge’s behaviors. The court’s efficiency appears below under “Courtroom tone & atmosphere”.
Respect for other's time	This includes the starting time of sessions as well as all interactions with those in court that take into consideration the value of their time.
Courtesy, politeness, and general demeanor	This refers to respectful behaviors generally, as well as behaviors directed at specific individuals that indicate respect for a person’s value or status.
Body language	This refers to eye contact and facial expressions, general body language, and engaged behavior.
Voice quality	This refers to both mechanical qualities such as pitch and volume, and emotional qualities such as inexpressive, sarcastic or exasperated tone.
Courtroom tone & atmosphere	This refers more generally to the tone and atmosphere of the courtroom.
<i>NEUTRALITY</i>	
Consistent and equal treatment	This refers to listening to all sides, and treating individuals in similar situations similarly.
Demonstrates concern for individual needs	This refers to concern for individual differences and giving due regard to the individual’s specific situation. Expressing concern that individuals understand the proceedings is included below under “Ensures information understood”.
Unhurried and careful	This refers to allowing sufficient time for the judge and those in court to conduct themselves in a thorough manner.
<i>VOICE</i>	
Considered voice	This refers both to allowing those in court to express themselves and to the judge’s consideration of what was expressed in his/her statements or decision.
Formal voice	This refers to giving voice based on required procedure without apparent consideration by the judge of what was expressed.
<i>COMMUNICATION</i>	
Communicates clearly	This refers both to clarity of speech and to the use of language appropriate to the listener.
Ensures information understood	This refers to active attention by the judge in ensuring those in court understand all information relevant to them, and includes translation and comprehension for non native English speakers.
Provides adequate explanations	This refers to providing sufficient explanation of the basis of decisions and of legal procedure and terminology to ensure that those in court understand proceedings relevant to them.



FOUR OVERVIEW SECTIONS

Overall assessment	<p>The first statement in this section is an overall summary of the entire set of observer comments.</p> <p>The second statement indicates the number of observers indicating that they would feel comfortable appearing before the judge.</p>
Widely agreed-upon themes	<p>Behaviors reported by all (or almost all) observers and thus well established. Deficits mentioned here were widely reported and therefore merit attention.</p> <p>The subsequent statements are not intended to be a complete summary of the observers comments, but rather highlight the most frequently noted and forcefully expressed themes in the way that the observers expressed them, with the goal of evoking an overall sense of the entire set of observer comments.</p>
Minority observations	<p>Behaviors noted by two (or possibly three) observers that would be worth building on (if desirable) or otherwise thinking about avoiding.</p> <p>Not every behavior reported by a minority of observers is summarized here, only those that reflect a notable or somewhat discrepant perspective that was not widely agreed upon.</p>
Anomalous comments	<p>Comments of one (or in rare cases two) observers that reflect a markedly different or decidedly contradictory perspective from all other observers are included here. They are intended to stimulate reflection, such as: why were these observers affected by this behavior, or does this particular situation tend to lead to this uncharacteristic behavior?</p> <p>Not every anomalous comment in the report is included in this summary section. While all have been included in the report, some are not included in this summary section because they are too minor, or appear to reflect something about the observer rather than the judge.</p>

Italicized text

Throughout the report, italicized text refers to actual words or phrases used by the observers.

Terminology

In all three overview sections, paragraphs are introduced with the following terminology.

If the number of observers is specified, e.g. “All observers reported...” or “Three observers reported...”, then every statement in the paragraph was mentioned or implied or alluded to by that number of observers.

If the word “variously” is added, e.g. “All observers variously reported...” or “Three observers variously reported...”, then not every statement in the paragraph was directly mentioned or implied or alluded to by every one of those observers, but rather the sense of all the statements in the paragraph taken together was.

To avoid repetition, the word “variously” is not used to open every paragraph in every detail box of the report, even though it generally applies.



Content Analysis

Overview

OVERALL ASSESSMENT	<ul style="list-style-type: none"> All observers were positive about Judge Bean. All observers reported confidence that if appearing before Judge Bean they would be treated fairly.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Bean listened patiently and sympathetically, and he was well prepared and very familiar with the cases. He greeted all participants politely, affirmed the pronunciation of names, and at the conclusion of cases thanked attorneys and thanked and wished good luck to defendants with supportive words. He was courteous, patient, gracious, calm, and commanded respect, and while he was firm and the court had a sense of severity, he had a great rapport with defendants. He made eye contact, his body language and pleasant expression were positive and respectful, and his voice was welcoming and even. He treated every defendant in the same consistent way. In drug court he really cared about restoring participants to healthy lives and helped them own their challenges and problems instead of lecturing them. He provided sympathy along with firmness, and he was flexible in his sanctions to help defendants succeed. He sought as much information as possible in every case, giving ample time for participants to explain or share, and he listened carefully and was very receptive to their input. He was concerned that defendants understood the proceedings and the meaning of their admissions of guilt, and he spent time explaining what would happen in court so that defendants were properly informed when giving answers.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> None
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> None

Summary and *exemplar language* of five observers' comments

RESPECT

Listening & focus	One observer reported that Judge Bean did an <i>excellent job of listening patiently and sympathetically</i> , asking questions and <i>eliciting good decisions from defendants</i> .
Well-prepared & efficient	Four observers reported that Judge Bean was <i>extremely well prepared for each defendant</i> and was <i>so familiar with the cases that you can tell he has thought about them extensively</i> . <i>Procedurally he was great</i> and there were <i>no delays in moving along the cases</i> .
Courtesy, politeness, and general demeanor	All observers reported that Judge Bean <i>greeted each defendant politely by name in a friendly manner</i> , in a <i>pleasant tone</i> , and with a <i>warm smile</i> , <i>affirming the correct pronunciation</i> of their name, saying “ <i>Good afternoon</i> ” <i>before moving to the substance of the hearing</i> , and <i>expressing interest in their progress with drug treatment, jobs, family, and any challenges in their lives</i> . He was <i>unfailingly polite, courteous, gracious, calm and judicial</i> , and he was <i>patient</i> , even with <i>lawyers who didn't appear to be very prepared to answer his questions</i> . He ended each case by <i>thanking each person by name and thanking the attorneys again</i> , saying, “ <i>Good luck to you, sir or ma'am. I wish you the best,</i> ” or with <i>supportive words</i> such as, “ <i>I think it speaks a lot to your character that you have accomplished these things</i> ” or <i>reminding them they can do better</i> . One observer was <i>impressed</i> that when an <i>Asian man</i> who had been <i>transferred from jail</i> entered the court and <i>walked to the podium and bowed to the judge</i> , the judge <i>bowed his head in acknowledgment</i> , showing <i>respect for the Asian man's culture</i> .



Courtesy, politeness, and general demeanor <i>continued</i>	One observer noted approvingly that Judge Bean <i>took time to look over the court room audience, wanting to be aware of and trying to get a feel for the participants and the court. Despite the sense of severity in the courtroom, Judge Bean had a great rapport with defendants. He was kind but firm, and he was successful because he spoke with an unyielding sense of respect and commanded respect back.</i> An observer who had not previously experienced a Drug Court felt that Judge Bean <i>deserves a round of applause in the way that he works with drug court defendants. After a defendant thanked him for being hard on her and pushing her to get her life back on track, he replied that they call him “mean mean Judge Bean.”</i>
Body language	One observer reported that Judge Bean demonstrated <i>positive and respectful</i> body language, with an <i>open and pleasant facial expression.</i> He <i>smiled a lot and made eye contact with every participant.</i>
Voice quality	Three observers reported that Judge Bean’s tone of voice was <i>welcoming, always even, and pleasant.</i>

NEUTRALITY

Consistent and equal treatment	Four observers reported that Judge Bean treated each defendant <i>consistently</i> in the same <i>fair and balanced way,</i> and no defendant was <i>chastised because of their charges.</i> He <i>placed very high importance on fact finding, asking everyone who may be pertinent to a case what information they had.</i>
Demonstrates concern for individual needs	Four observers reported that Judge Bean made an <i>effort to attain the best results in every case, really caring about restoring defendants to healthy, productive lives, and taking his role very seriously. Instead of lecturing relapsed defendants he made them think about their challenges so that they owned the problems and the changes they needed to make.</i> He told a young defendant, <i>“It looks like you had a bit of a rocky week – what do you think happened? What do you think can help you?”</i> and provided <i>sympathy but with an appropriate degree of firmness when assigning a sanction but encouraging her, “You can do this.”</i> He was <i>flexible in working with a young male who was about to start a new job, ordering community service on the weekend that would be reasonable for him to accomplish. He worked hard with AP&P to create an alternative sentencing to prison so that an impoverished defendant could receive the inpatient treatment he might need to succeed, while also telling the man he would be sent to prison if he does not follow through.</i>
Unhurried and careful	Two observers reported that Judge Bean was <i>unhurried and patient</i> and made a <i>conscious effort to really think about his decisions.</i>

VOICE

Considered voice	Four observers reported that Judge Bean was <i>very receptive to participants’ input.</i> He <i>very deliberately asked every person involved in a case for as much information as possible, and his friendly and open manner opened the door for defendants to participate in the proceedings.</i> Participants were <i>not hurried and were given the time needed to explain or share.</i> He <i>listened carefully and took a visible pause to process it all and incorporate it into his existing ideas, weighing information carefully.</i>
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COMMUNICATION

Ensures information understood	One observer reported that Judge Bean <i>stopped the proceedings</i> when a defendant said <i>“No... not sure,”</i> when asked if the admitted charges were <i>true or not true,</i> and the judge <i>asked if he understood what he was admitting to.</i> He then asked the attorney, <i>“Do you want some time to speak with your client? We’ll call you back when you’ve had time to speak in greater detail,”</i> as he was concerned that the participant <i>wasn’t fully understanding the proceedings.</i>
Provides adequate explanations	Two observers reported that Judge Bean <i>spent time explaining to each defendant the chain of events that would occur</i> in court so that they were <i>properly informed and could give educated answers.</i>



How to Read the Results

The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "District Courts" on the charts.

The statutory category scores and the procedural fairness survey score represent average scores on a scale of 1 (inadequate) to 5 (outstanding). Responses from all survey respondent groups contribute to the average score shown for each category, with the exception of Legal Ability. Only attorneys answer the Legal Ability questions.

What does it take to "pass"?

The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to recommend retention unless it can articulate a substantial reason for overcoming the presumption in favor of retention. Similarly, if a judge fails to get a 3.6 in a category, the commission will vote against retention unless it can articulate a substantial reason for overcoming the presumption against retention.

For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, and this determination will be made by the commission only during the retention cycle.

Respondents are asked whether or not they think the judge should be recommended for retention only during the retention cycle.



2ND JUDICIAL DISTRICT COURT

Visit JUDGES.UTAH.GOV for more information about this judge



Honorable Joseph M. Bean

- Serving **Davis, Morgan & Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Joseph M. Bean's scores are statistically above his district court peers on procedural fairness and consistent with his peers on all other scored minimum performance standards. Ninety-eight percent of survey respondents recommend Judge Bean for retention. Survey respondents and courtroom observers laud Judge Bean's preparedness and impartiality. They report he consistently treats participants with respect and gives all parties ample time to make their positions clear. Observers of his drug court are impressed that Judge Bean skillfully engages participants to help them recognize problem behaviors and actively participate in their solution. He is firm about positive and negative consequences, while also offering heartfelt encouragement with comments such as, "You can do it!" When rating judicial attributes, respondents characterize Judge Bean as notably patient, decisive, and prepared. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Joseph M. Bean was appointed to the Second District Court in March 2014 by Governor Gary R. Herbert. He serves Davis, Morgan, and Weber counties. Prior to his appointment, Judge Bean served as a Justice Court judge for Syracuse City for twenty years while also serving as managing partner for Bean & Micken, P.C., in Layton, Utah. In addition to his regular duties, Judge Bean serves as the Drug Court judge for Weber County. Judge Bean received a B.S. in Political Science from the University of Utah in 1986 and a Juris Doctor from the University of Utah College of Law in 1989.

