



The Honorable Eric A. Ludlow

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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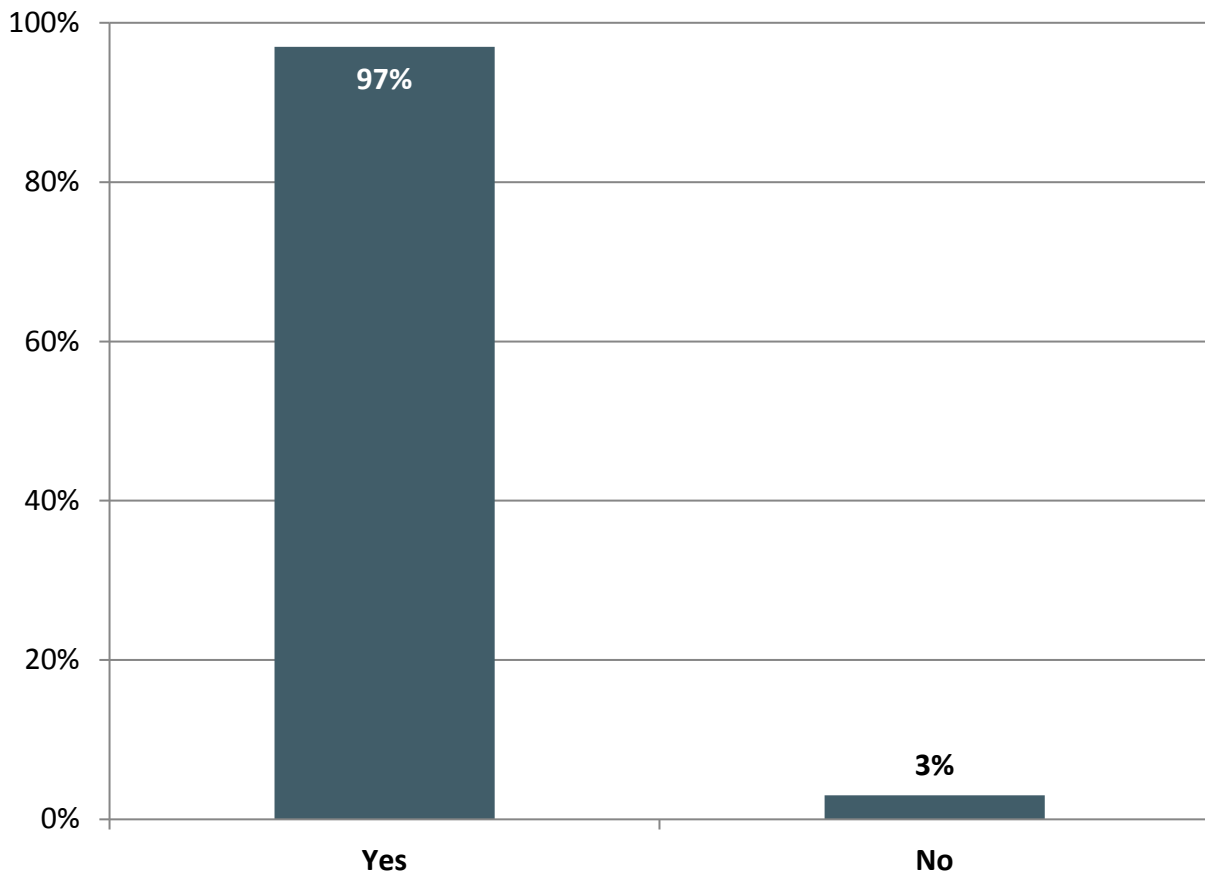
Survey Report

Survey Results

For Judge Eric A. Ludlow, 48% of qualified survey respondents submitted surveys. Of those who responded, 80 agreed they had worked with Judge Eric A. Ludlow enough to evaluate the judge's performance. This report reflects these 80 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.

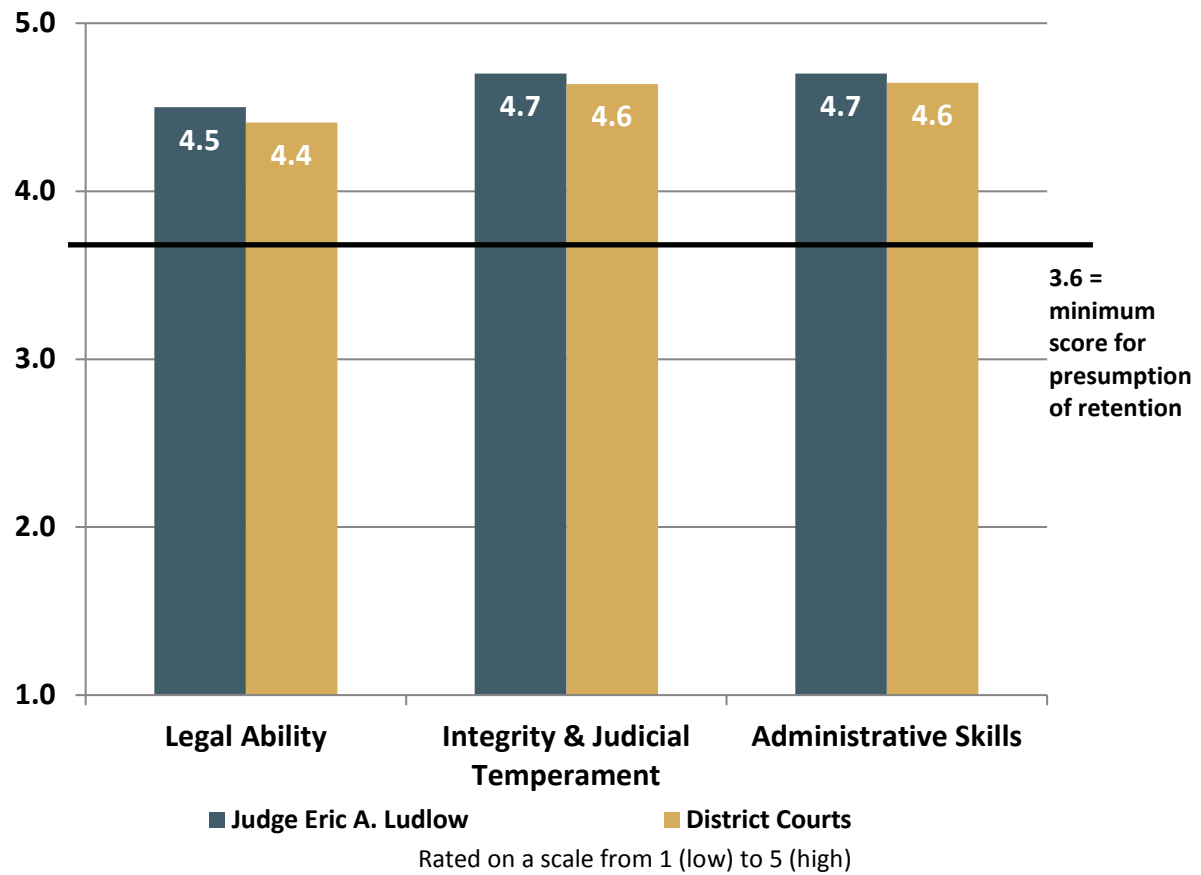
Retention Question

Survey Question: Would you recommend that Judge Eric A. Ludlow be retained?



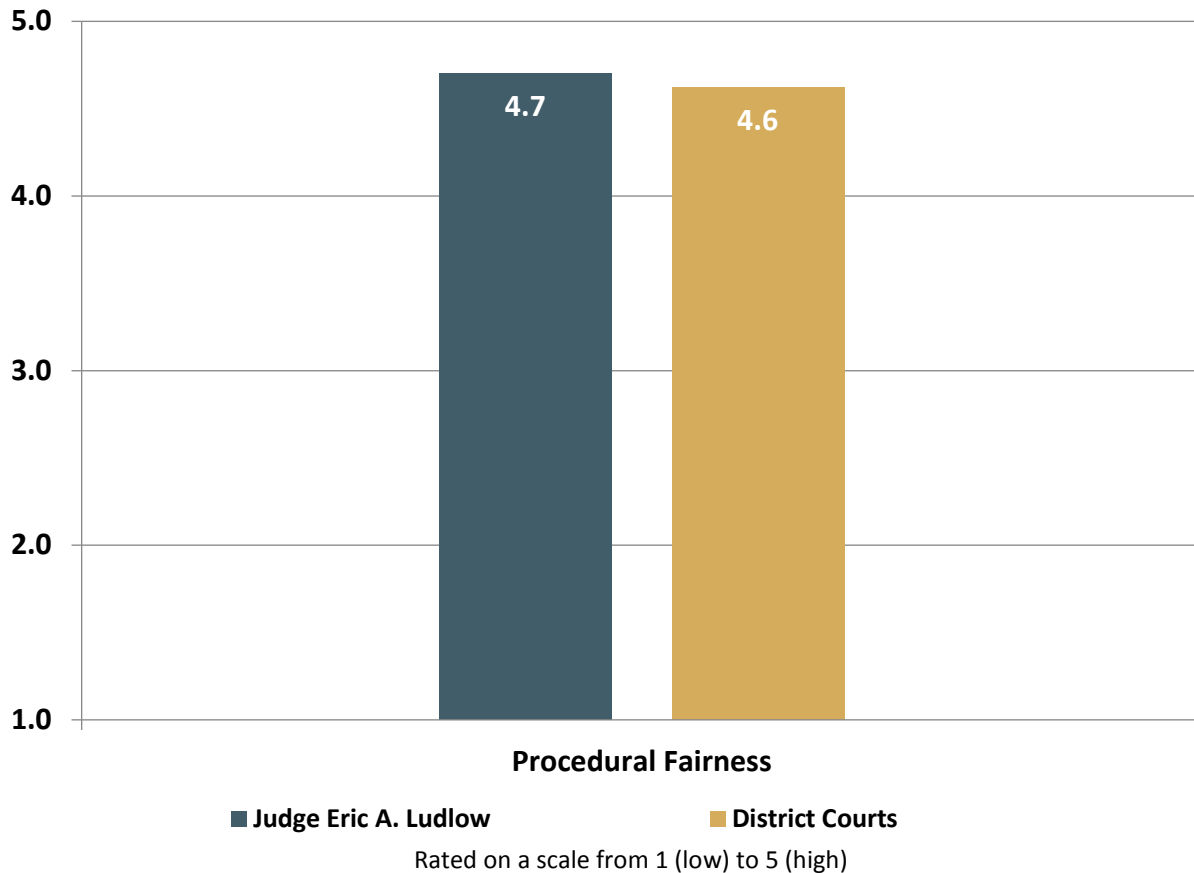
Survey Report

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 Eric A. Ludlow
Procedural Fairness	Pass



Survey Report

Responses to Survey Questions

Category	Question	Judge Eric A. Ludlow	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.	4.5	4.4
Legal Ability	The judge made adequate findings of fact and applied the law to those facts.	4.3	4.4
Legal Ability	The judge followed legal precedent or explained departures from precedent.	4.4	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.	4.5	4.5

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



Survey Report

Responses to Survey Questions (continued)

Category	Question	Judge Eric A. Ludlow	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.	4.7	4.7
Integrity & Judicial Temperament	The judge's personal life or beliefs did not impair his or her judicial performance.	4.6	4.5
Integrity & Judicial Temperament	The judge demonstrated respect for the time and expense of those attending court.	4.8	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.	4.5	4.6
Integrity & Judicial Temperament	The judge maintained a professional demeanor in the courtroom.	4.7	4.7

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



Survey Report

Responses to Survey Questions (continued)

Category	Question	Judge Eric A. Ludlow	District Courts
Administrative Skills	The judge was prepared for court proceedings.	4.6	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.	4.7	4.5
Administrative Skills	The judge convened court without undue delay.	4.8	4.7
Administrative Skills	The judge ruled in a timely fashion.	4.7	4.6
Administrative Skills	The judge communicated clearly.	4.7	4.7
Category	Question	Judge Eric A. Ludlow	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.	4.7	4.6
Procedural Fairness	The judge provided the court participants with a meaningful opportunity to be heard.	4.7	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 Eric A. Ludlow	District Courts	
Attentive	4.4	4.6	Positive Adjectives HIGHER average score is better
Capable	4.6	4.5	
Ethical	4.7	4.7	
Knowledgeable	4.4	4.4	
Impartial	4.2	4.3	
Open-minded	4.3	4.3	
Disrespectful	1.4	1.4	Negative Adjectives LOWER average score is better
Impatient	1.7	1.6	
Indecisive	1.5	1.6	
Unprepared	1.6	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
RESPECT	
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.
NEUTRALITY	
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.
VOICE	
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.
COMMUNICATION	
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"> • Three observers were positive about Judge Ludlow. Observer A was positive in some areas and expressed reservations in other areas (see “Anomalous comments”). • Three observers reported confidence that if appearing before Judge Ludlow they would be treated fairly.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> • All observers variously reported that Judge Ludlow gave his whole attention, understood what was needed in each case, and was fast and efficient in moving through the calendar. He took cases out of order to accommodate attorneys, and he apologized for and explained any delays. He greeted defendants by name and wished them good luck at the end of their cases, and he was a consummate professional, cordial, and sincere when asking questions. He spoke clearly and pleasantly in a business-like tone, maintained eye contact with those speaking, and he treated defendants consistently regardless of their situation. He told attorneys to take their time, and he allowed the defendants to express their thoughts and ask questions regarding his rulings and how the sentences would affect them, and he listened to explanations and took them into consideration. He was thorough and competent in explaining the consequences of pleas, conditions of probation, and how he made his decisions, and he politely answered questions, keeping his eye on defendants to ensure they understood what was said.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> • Two observers gave examples of Judge Ludlow’s quick and frequent use of humor, but another observer and Observer A expressed reservations about the frequency and tone of the judge’s inside jokes with attorneys and staff between cases, which they considered disrespectful to the seriousness of the proceedings faced by those sitting on the benches.
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> • Observer A reported that a session for setting court dates seemed like a factory for moving cases and that the judge generally spoke only to attorneys, and when there was a reason to speak to defendants directly he did so as shortly as possible. He did not invite questions and defendants had to move fast to jump in to ask a question, in one case apologetically, before the next case began. The observer felt that Judge Ludlow’s ending words of good luck and thanks were more to cut off conversation than a sincere statement (see “Courtesy, politeness, and general demeanor,” “Unhurried and careful,” and “Considered voice”).

Summary and *exemplar language* of four observers’ comments

<i>RESPECT</i>	
Listening & focus	One observer reported that Judge Ludlow <i>gave his total attention in asking and answering their questions and giving his response.</i>
Well-prepared & efficient	Two observers reported that Judge Ludlow <i>understand what needed to be done in each case and operated at several intellectual levels at the same time. He was fast, efficient, and effective in moving through the calendar.</i>
Respect for others’ time	Two observers reported that Judge Ludlow <i>took cases out of order to accommodate attorneys who had traveled a long way or to accommodate those present as scheduled. When court began a few minutes late he apologized to those waiting and explained that he was in conference with the Presiding Judge. Observer A noted that Judge Ludlow was respectful with the lawyers when setting dates, but he rarely asked the defendants if the dates worked for them.</i>



Courtesy, politeness, and general demeanor

All observers variously reported that Judge Ludlow *greeted the entire courtroom and got right to work*. He greeted each defendant with a *robust, “Good Morning”* and stated their name, and *dismissed each defendant with a sincere “Good luck”* and restating of the person’s name. In contrast Observer A reported that his *ending words of, “Good luck, thank you,” were said so quickly that it appeared they were said to cut off the conversation, and not as a sincere statement*.

Judge Ludlow was *cordial with attorneys and staff*, his tone was *professional and not condescending*, and he was *very sincere when asking people questions, for example after explaining a woman’s rights he asked, “Do you want time to think about this?”* One observer reported that Judge Ludlow is a *consummate professional and superstar who used all the instruments in his courtroom to produce effective results*. For example, when a Spanish interpreter was not present, he *asked a defense attorney not associated with the case if he would interpret*, and when *defendants missed drug tests he had no patience or sympathy but insisted they not leave the court until they had passed a drug test or proceeded directly to jail*, saying that he was *good to be here all day and you’re going to be here until you do*.

Two observers noted Judge Ludlow’s quick and frequent use of humor. However, another observer felt that *in some instances he did not show complete judicial respect for the seriousness of the court when joking with staff between cases*, and Observer A was *uncomfortable with the inappropriate constant joking and kidding around with attorneys in which the rest of us were out of the loop, not in on the inside jokes, and based on the look on a defendant’s face who did not find it amusing the observer felt it was disrespectful to the seriousness of what is happening in the lives of the people sitting in the benches*.

Body language

Two observers reported that Judge Ludlow *made eye contact with the person speaking*.

Voice quality

One observer reported that Judge Ludlow *spoke clearly and pleasantly while maintaining a business like tone*.

NEUTRALITY

Consistent and equal treatment

Two observers reported that Judge Ludlow displayed the *same fairness and neutrality* regardless of the defendant’s *situation or appearance*, and he was *consistent in explaining rights and responsibilities and treating the defendants in the same way*.

Unhurried and careful

One observer reported that Judge Ludlow *allowed defense attorneys time with prisoners to confer before proceeding*, and he *told an attorney trying to find the right papers, “Take your time.”*

In contrast, Observer A reported that Judge Ludlow was *neither patient nor unhurried* in a session in which the judge was setting court dates. While the judge was *intelligent and not unpleasant*, the court *seemed like a factory for cases that needed to be scheduled*, and he *did not seem like he wanted to be there*. He *usually interacted with attorneys*, but if there was a reason to speak *directly to the defendant he was consistently as short as possible*, for example when *quickly telling a man who he was releasing from jail to show up for the next hearing or he won’t be as charitable*. Even though Judge Ludlow stopped the proceeding to go *off the record and explain that the court that day was like a Seinfeld episode where nothing really happened*, the observer felt that *it is enough of something that people take their mornings off work to show up to appear before him*.

VOICE

Considered voice

Two observers reported that Judge Ludlow in all cases *allowed the defendants and attorneys to express their thoughts regarding the sentences, requirements of probations, and how the sentences would affect themselves and their families*. He *listened to the explanations given for the circumstances of the alleged violations and took them into consideration in his rulings and asked if there were any questions in a respectful and helpful manner*.



Considered voice continued	In contrast, Observer A reported that Judge Ludlow <i>never asked anyone if they had any questions. He allowed people to ask questions if they asked, but they had to jump in before he moved on and if they didn't move fast enough he was already on to the next case. One woman did manage to jump in and ask a question which the judge answered, but the woman felt so uncomfortable in the intimidating environment that she kept apologizing for asking.</i>
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COMMUNICATION

Ensures information understood	Two observers reported that Judge Ludlow <i>politely answered all questions and kept his eye on defendants to ensure they understood the proceedings and what he was saying, clearly interested in them as individuals.</i>
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Provides adequate explanations	Two observers reported that Judge Ludlow was <i>thorough and competent in carefully and completely explaining the consequences of defendants' pleas, their choice of how to proceed with their cases, how he made his decisions, and the conditions of probation and the possible consequences of violation. He was careful to ensure that prisoners received their charging documents, and he explained rights to appeal.</i>
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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.



5TH JUDICIAL DISTRICT COURT

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



Honorable Eric A. Ludlow

- Serving **Beaver, Iron & Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2003, Judge Eric A. Ludlow's scores are consistent with the average of his district court peers on all minimum performance standards, and 97% of survey respondents recommend Judge Ludlow for retention. There is broad agreement among survey respondents and courtroom observers that Judge Ludlow efficiently manages his court calendar, is well prepared, and treats litigants consistently, regardless of their situation. Despite his busy calendar, he has a remarkable ability to remember the names of all participants. A number of survey respondents appreciate Judge Ludlow's sense of humor. Courtroom observers, however, have a mixed reaction to Judge Ludlow's wit. Most courtroom observers report that if appearing before the judge, they would expect to be treated fairly. 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 Eric A. Ludlow was appointed to the Fifth District Court in July 2003 by Governor Michael O. Leavitt. Judge Ludlow received a law degree from the J. Reuben Clark Law School at Brigham Young University in 1987 and served as Washington County Attorney from 1991 until 2003. At the time of his judicial appointment, Judge Ludlow was serving as chairman of the Board of Directors of the Utah Prosecution Council and serving on the Governing Board of the Dixie Regional Medical Center, the St. George Area Chamber of Commerce, and the Dixie State College Board of Trustees. He has previously served as the Presiding Judge of the Fifth District Court.

