



The Honorable Kara L. Pettit

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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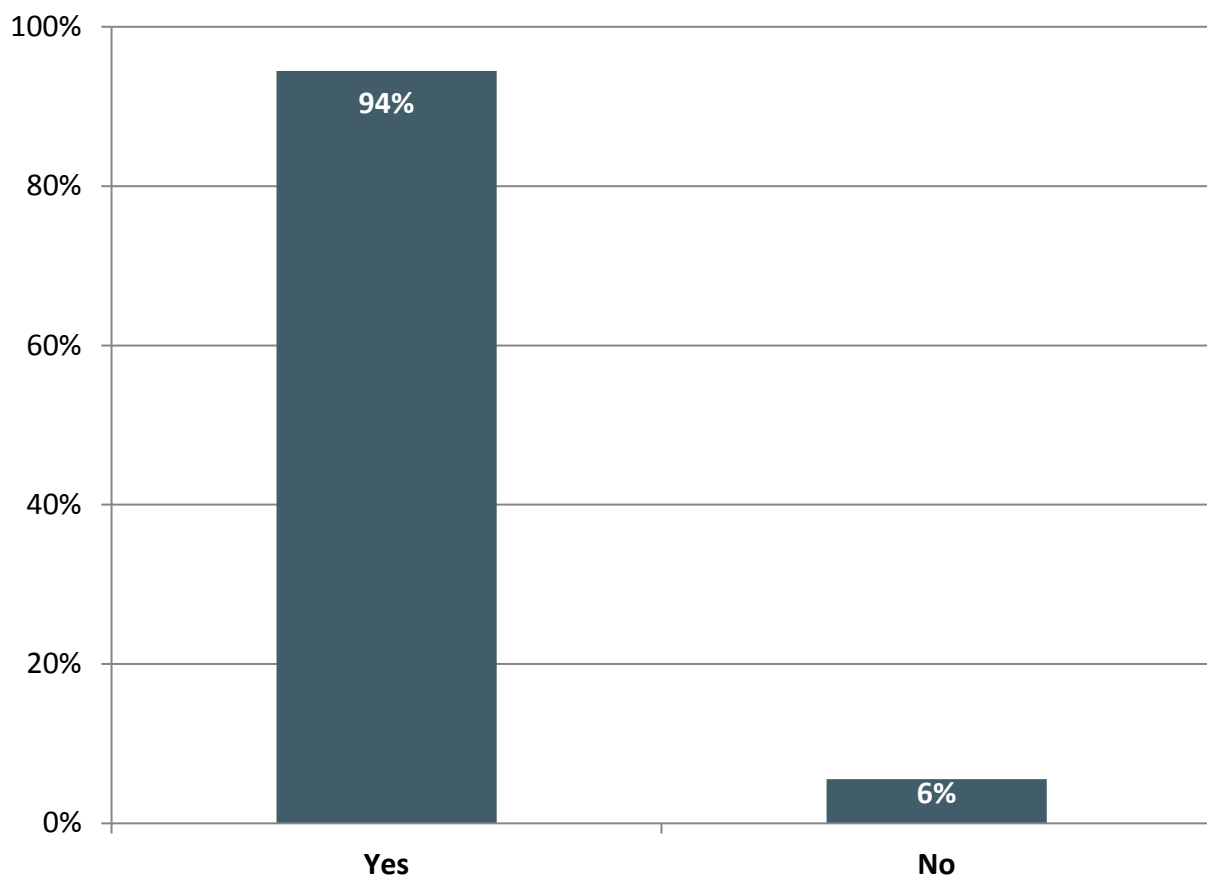
Survey Report

Survey Results

For Judge Kara L. Pettit, 41% of qualified survey respondents submitted surveys. Of those who responded, 89 agreed they had worked with Judge Kara L. Pettit enough to evaluate the judge's performance. This report reflects these 89 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.

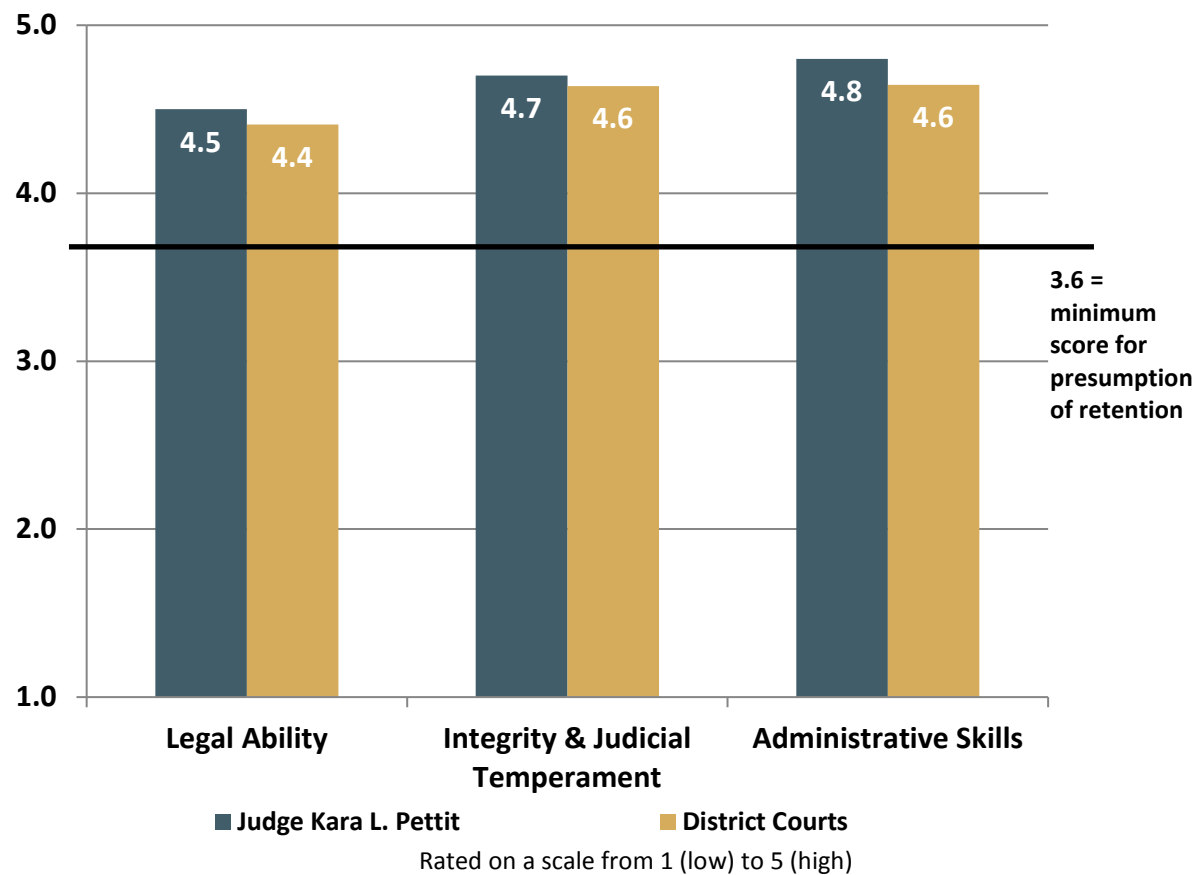
Retention Question

Survey Question: Would you recommend that Judge Kara L. Pettit be retained?



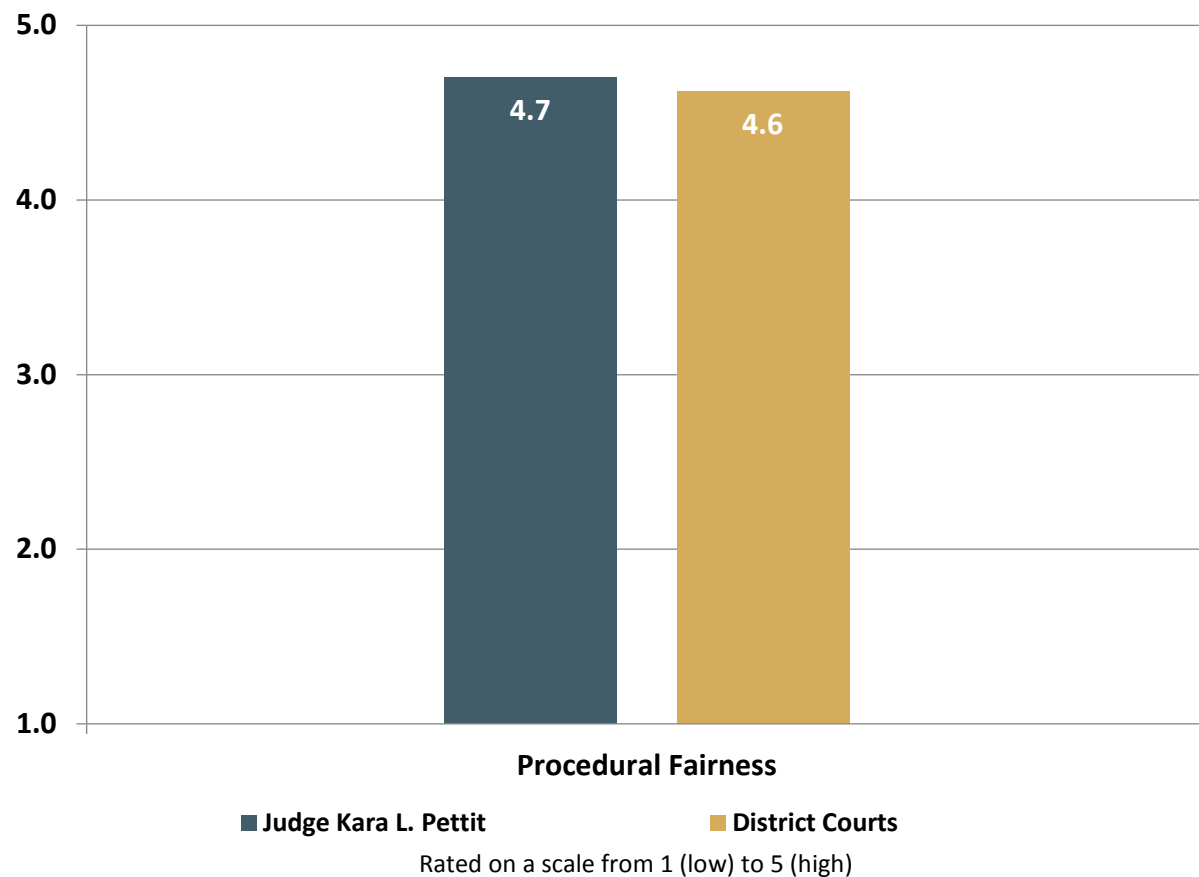
Survey Report

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 Kara L. Pettit
Procedural Fairness	Pass



Survey Report

Responses to Survey Questions

Category	Question	Judge Kara L. Pettit	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.	4.4	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.	4.5	4.5
Legal Ability	The judge based opinions/decisions on applicable legal principles and controlling law.	4.4	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 Kara L. Pettit	District Courts
Integrity & Judicial Temperament	The judge made sure that everyone's behavior in the courtroom was proper.	4.7	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.	4.6	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.	4.8	4.7
Integrity & Judicial Temperament	The judge conducted proceedings without favoritism.	4.6	4.6
Integrity & Judicial Temperament	The judge considered arguments from all sides before ruling.	4.6	4.6
Integrity & Judicial Temperament	The judge demonstrated diligent work habits.	4.7	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 Kara L. Pettit	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.	4.9	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.	4.8	4.7
Category	Question	Judge Kara L. Pettit	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.	4.6	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.	4.8	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 Kara L. Pettit	District Courts	
Attentive	4.9	4.6	Positive Adjectives HIGHER average score is better
Capable	4.6	4.5	
Ethical	4.8	4.7	
Knowledgeable	4.6	4.4	
Impartial	4.4	4.3	
Open-minded	4.4	4.3	
Disrespectful	1.2	1.4	Negative Adjectives LOWER average score is better
Impatient	1.3	1.6	
Indecisive	1.7	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 Pettit.• All observers reported confidence that if appearing before Judge Pettit they would be treated fairly.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none">• All observers variously reported that Judge Pettit paid close attention while taking detailed notes during testimony. She was thoroughly prepared for all cases with a strong grasp of the law, and her notes were used to good advantage to the court during a long hearing. She showed great concern for participants' time and schedule, even scheduling a hearing when due to leave on a family outing, for the convenience of the attorneys. Her demeanor was calm, steady and thoughtful, professional and serious, and also friendly and approachable. She extended the same respect equally to all parties and tailored her conversations and rulings to the needs of defendants, and she successfully encouraged several litigants to reach agreement and avoid a trial. Defendants were comfortable speaking for themselves before her, and litigants were pleased when given the opportunity to express their positions and expand and offer counter-arguments as hearings progressed. She took participants' testimony into consideration when ruling and explained why she was ruling in certain ways. She made eye contact when reading rights to ensure comprehension and looked for clues in dependents' statements to see if they comprehended what was happening to them.
MINORITY OBSERVATIONS	<ul style="list-style-type: none">• None
ANOMALOUS COMMENTS	<ul style="list-style-type: none">• None

Summary and *exemplar language* of four observers' comments

RESPECT	
Listening & focus	Two observers reported that Judge Pettit <i>showed complete interest and focus</i> on each speaker, and throughout a <i>long, tedious, and salacious</i> testimony she paid <i>very close attention while taking very detailed notes concerning the proceedings</i> .
Well-prepared & efficient	Three observers reported that Judge Pettit was <i>thoroughly prepared</i> and familiar with the <i>submitted documents</i> for the cases, which moved along in a <i>very orderly and respectful manner</i> . She <i>knew the law and how it applied to each case, and also had a good grasp of the Idaho laws and the role of the Utah Constitution in determining which state had the controlling context in one case</i> . Her <i>personal notes were used throughout the day to clarify points about testimony and became important as the prosecuting attorney lost track several times of the exhibit numbers, which the judge cleared up. Without the judge's notes this long preliminary hearing would have been drawn out even further</i> .



Respect for others' time	All observers reported that Judge Pettit showed great concern for participants time and schedules. When attorneys <i>could not agree on any of the dates suggested</i> , Judge Pettit <i>bent over backwards to schedule the rest of a preliminary hearing on a date that she was scheduled to leave on a family outing, consulting her husband during the court and providing this new date that satisfied all, even though it was going to impact her personal family time</i> . She apologized to the jury when one of the sidebars took several minutes, explaining that sometimes it was necessary to straighten things out. Additionally, when court was scheduled to start at 13:30 and the courtroom was not opened until 13:28 without any explanation and at 13:31 the judge changed courtrooms, it turned out that Judge Pettit had granted a request for a full preliminary hearing at the last minute and arranged for another judge to take the rest of her calendar and she later called for a recess to check that the participants were adequately taken care of in the first court.
Courtesy, politeness, and general demeanor	<p>All observers reported that Judge Pettit's demeanor was <i>steady and thoughtful, professional, serious and stern, yet friendly and approachable with a good sense of humor when appropriate</i>. She was <i>patient, involved, reasonable, considerate, knowledgeable, and empathetic and conscientious</i> in her work, <i>in total control of the proceedings</i>. When a plaintiff expanded her answers to talk about things that were said to her by firemen, doctors, dentists etc., Judge Pettit did not interrupt but remained professional and in a calm and friendly voice explained that this was hearsay and that she could only testify to things she said or did. When she was concerned for the well-being of a plaintiff, she motioned to the bailiff to provide a glass of water, and later during cross examination the judge asked if she needed more water.</p> <p>One observer commented that in some cases Judge Pettit was <i>a little tentative but overcame this with self-deprecation to elicit comments from the attorneys and the witnesses</i>. This observer noted that Judge Pettit is already <i>competent</i> and anticipated that she will <i>become more confident in her courtroom demeanor with more experience and will become the master of her universe</i>.</p>
Courtroom tone & atmosphere	Two observers reported that Judge Pettit <i>maintained a very calm and professional atmosphere</i> .
<i>NEUTRALITY</i>	
Consistent and equal treatment	Three observers reported that Judge Pettit <i>extended the same respect across the board and treated all participants equally and without bias against or toward any of the litigants</i> . She was always <i>neutral and impartial</i> and did not interfere with the presentations during testimony from an accuser that was long and tedious and lasted well over 2 ½ hours, allowing all sides to present their case without judicial interference
Demonstrates concern for individual needs	Two observers reported that Judge Pettit <i>tailored her conversations and rulings according to the needs of the participants</i> . When she <i>restricted a defendant from possession of alcohol during probation and his attorney told the judge that his business was selling alcohol, she clarified the restriction, "Not possession, but under the influence."</i> In two cases she asked if litigants had attempted to reach a settlement before coming to trial and when neither party had done so because of issues in contacting each other the judge asked if they would like to take the opportunity to do so, and in both cases the parties returned and expressed to the judge that they had reached agreement.
Unhurried and careful	Two observers reported that Judge Pettit was <i>unhurried</i> and did not rush as she read the defendants' rights.



VOICE

Considered voice	Two observers reported that Judge Pettit <i>meticulously</i> ensured that all parties had an <i>opportunity to express their positions and to rebut counter-arguments or expand their own statements</i> . All parties <i>seemed genuinely pleased with the manner in which they were allowed to examine the opposing arguments as well as reinforce their own</i> . Defendants were <i>comfortable speaking for themselves before her</i> , and she <i>encouraged them to share their own story and was interested in their perspective</i> , saying in one case, “ <i>I’m not sure I understand, please elaborate on your obstruction of justice charge.</i> ” In a domestic violence case she <i>allowed the wife of the defendant to speak through a translator to beg for mercy and not commit her husband to any jail time as that would be a tremendous hardship on her and their six children, concurring with her husband that things had improved between them</i> . She took her testimony into consideration and <i>waived jail time and sentenced him to fines and classes</i> . When a defendant <i>entered a guilty plea to attempted aggravated assault and made some confusing comments</i> , Judge Pettit asked for clarification to further “ <i>explain the context, what happened,</i> ” and he <i>seemed relieved to be able to clearly communicate his story to the judge, expressed in his body language and calm voice</i> .
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COMMUNICATION

Ensures information understood	One observer reported that Judge Pettit <i>made eye contact as she read the defendant’s rights</i> to ensure they comprehended. When a young man <i>hesitated</i> in his response, she asked, “ <i>Are you sure? You seem tepid,</i> ” looking for clues as to whether he fully comprehended what was happening to him.
Provides adequate explanations	One observer reported that Judge Pettit was <i>very good at explaining why she was ruling in certain ways, and if there was an objection she patiently explained why she was going to rule the way she was</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.



3RD JUDICIAL DISTRICT COURT

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Honorable Kara L. Pettit

- Serving **Salt Lake, Summit & Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Kara L. Pettit's scores are statistically above the average of her district court peers on administrative skills and consistent with her peers on all other scored minimum performance standards. Ninety-four percent of survey respondents recommend Judge Pettit for retention. Survey respondents and courtroom observers agree that she is very diligent, demonstrates equal respect for all parties, and is considerate of individual circumstances and time, though some note she could more actively manage the conduct of attorneys and litigants. When rating judicial attributes, respondents identify Judge Pettit as particularly attentive. They also characterize her as notably respectful, patient, and prepared. All courtroom observers report that if appearing before the judge, they expect Judge Pettit would treat them 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.

Governor Gary R. Herbert appointed Judge Kara L. Pettit to the bench in September 2014. She served in Summit County from 2015-2017 but now handles a civil calendar in Salt Lake County. In 1988, Judge Pettit obtained an accounting degree, magna cum laude, from the University of Northern Iowa. From 1988-1992 she was an internal auditor for 3M Company. In 1995, she obtained her law degree from the University of Utah. From 1995-1999, Judge Pettit was a deputy prosecuting attorney in Boise, Idaho. From 2000-2014, she practiced civil litigation at the law firm of Snow, Christensen & Martineau, until being appointed to the bench. Judge Pettit currently serves as a member of the Utah Judicial Council and the Utah Bar's New Lawyer Training Program.

