

# The Honorable Paul E. Dame

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## 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

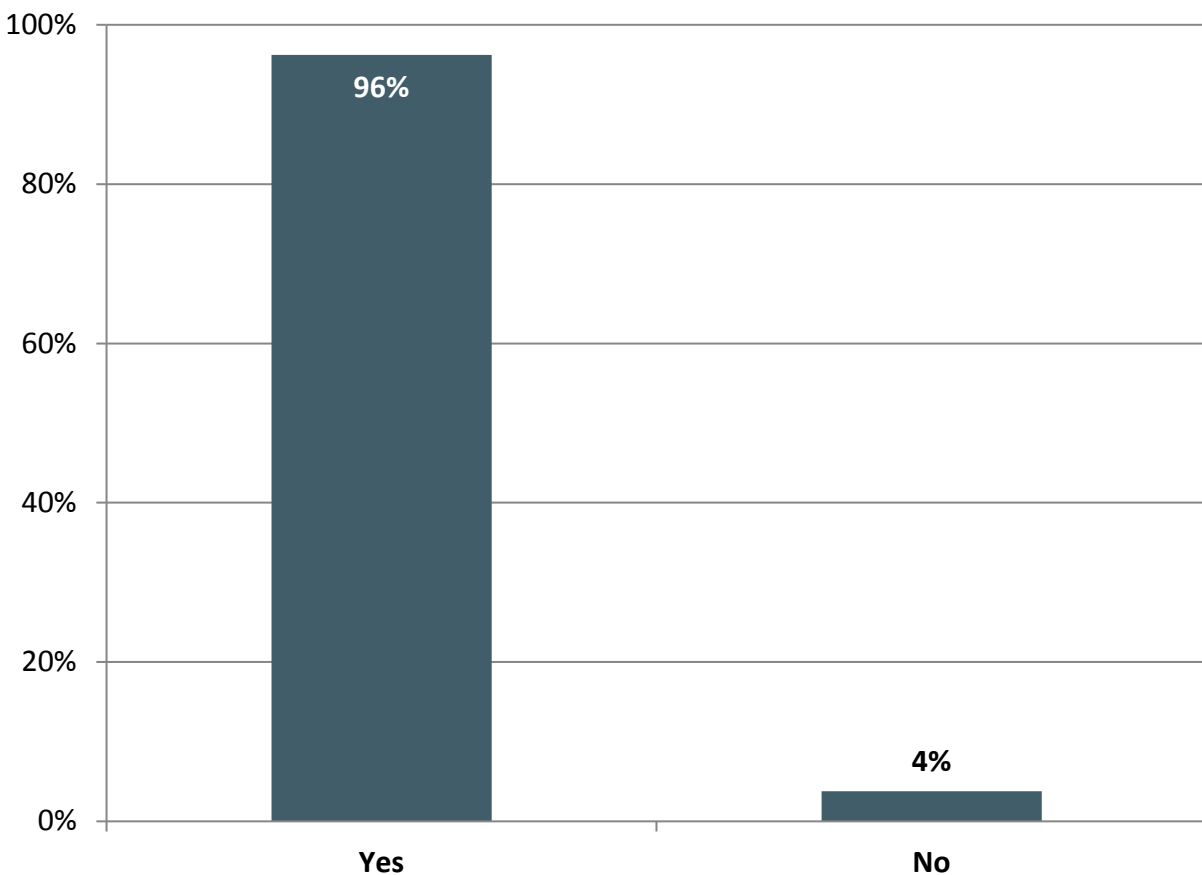
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### Survey Results

For Judge Paul E. Dame, 45% of qualified survey respondents submitted surveys. Of those who responded, 54 agreed they had worked with Judge Paul E. Dame enough to evaluate the judge's performance. This report reflects these 54 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

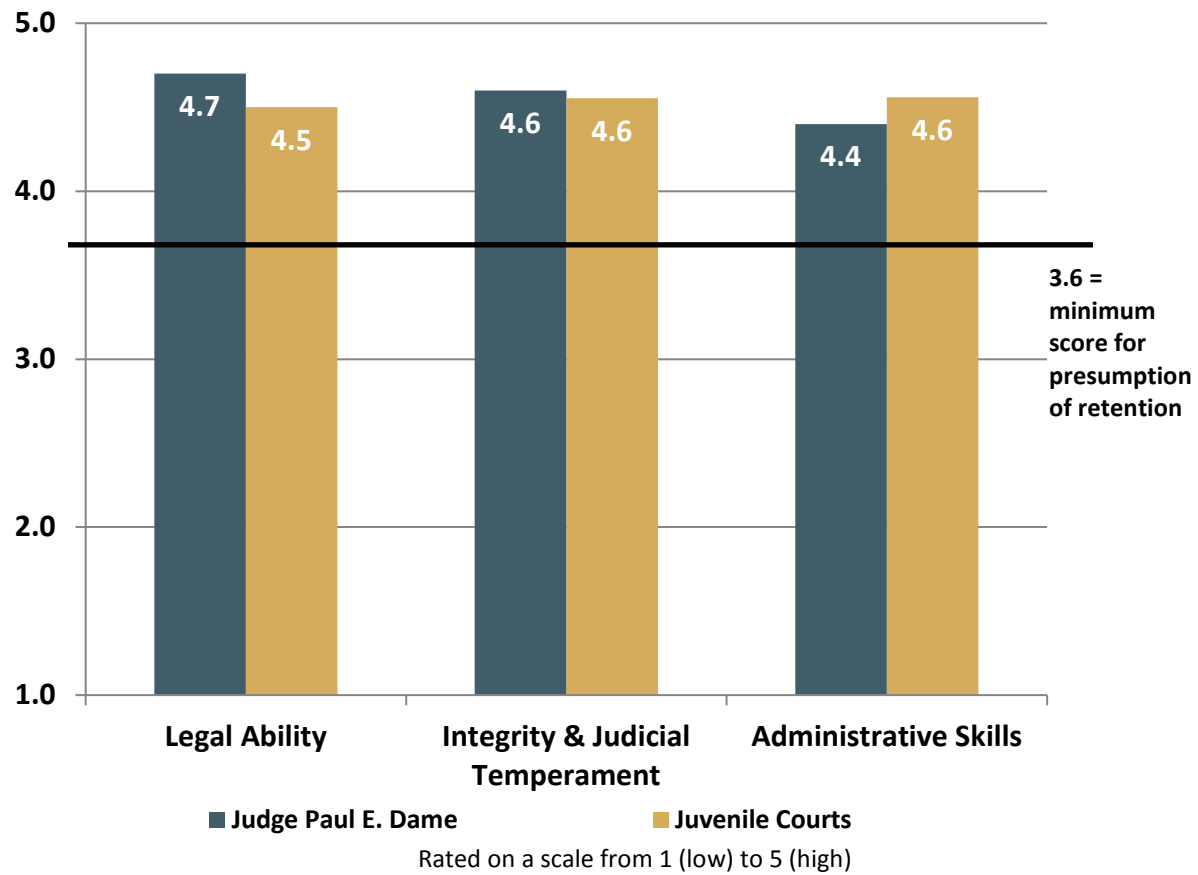
**Survey Question: Would you recommend that Judge Paul E. Dame be retained?**



## Survey Report

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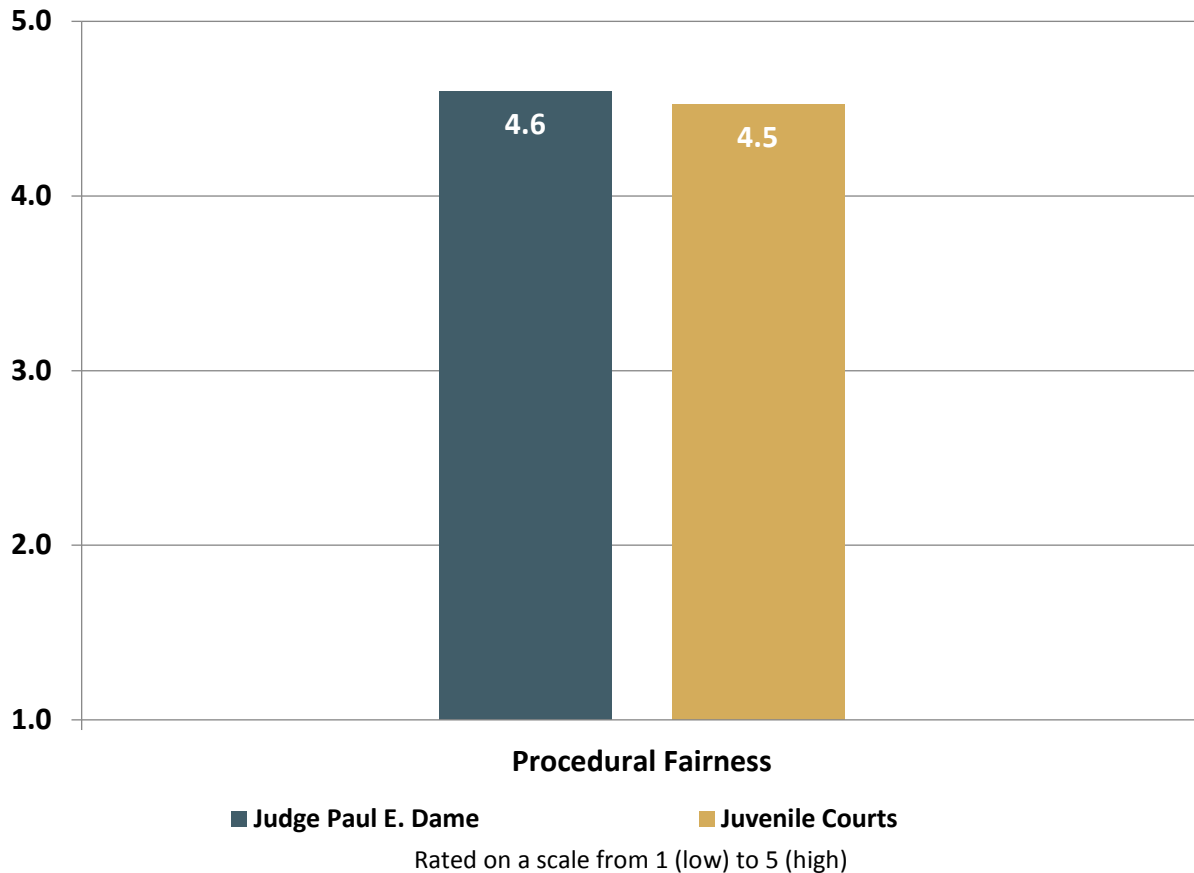
### Statutory Category Scores



## Survey Report

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### 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 Paul E. Dame
Procedural Fairness	Pass



## Survey Report

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### Responses to Survey Questions

Category	Question	Judge Paul E. Dame	Juvenile 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.	<b>4.7</b>	<b>4.5</b>
Legal Ability	The judge made adequate findings of fact and applied the law to those facts.	<b>4.8</b>	<b>4.5</b>
Legal Ability	The judge followed legal precedent or explained departures from precedent.	<b>4.7</b>	<b>4.5</b>
Legal Ability	The judge only considered evidence in the record.	<b>4.7</b>	<b>4.5</b>
Legal Ability	The judge based opinions/decisions on applicable legal principles and controlling law.	<b>4.7</b>	<b>4.5</b>
Legal Ability	The judge's opinions contained a readily understandable ruling.	<b>4.7</b>	<b>4.5</b>

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



## Survey Report

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### Responses to Survey Questions (continued)

Category	Question	Judge Paul E. Dame	Juvenile Courts
Integrity & Judicial Temperament	The judge made sure that everyone's behavior in the courtroom was proper.	4.6	4.6
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.	4.7	4.4
Integrity & Judicial Temperament	The judge demonstrated respect for the time and expense of those attending court.	4.1	4.4
Integrity & Judicial Temperament	The judge worked to ensure that the participants understood the court proceedings.	4.7	4.6
Integrity & Judicial Temperament	The judge conducted proceedings without favoritism.	4.7	4.4
Integrity & Judicial Temperament	The judge considered arguments from all sides before ruling.	4.8	4.6
Integrity & Judicial Temperament	The judge demonstrated diligent work habits.	4.7	4.7
Integrity & Judicial Temperament	The judge maintained a professional demeanor in the courtroom.	4.7	4.6

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



## Survey Report

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### Responses to Survey Questions (continued)

Category	Question	Judge Paul E. Dame	Juvenile Courts
Administrative Skills	The judge was prepared for court proceedings.	4.7	4.7
Administrative Skills	The judge's interactions with courtroom participants and staff were professional and constructive.	4.5	4.6
Administrative Skills	The judge managed the court calendar effectively.	4.1	4.5
Administrative Skills	The judge convened court without undue delay.	4.3	4.4
Administrative Skills	The judge ruled in a timely fashion.	4.1	4.6
Administrative Skills	The judge communicated clearly.	4.5	4.6
Category	Question	Judge Paul E. Dame	Juvenile Courts
Procedural Fairness	The judge treated all courtroom participants with equal respect.	4.5	4.5
Procedural Fairness	The judge performed his or her duties fairly and impartially.	4.6	4.5
Procedural Fairness	The judge promoted public trust and confidence in the courts through his or her conduct.	4.5	4.5
Procedural Fairness	The judge provided the court participants with a meaningful opportunity to be heard.	4.6	4.6

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



## Survey Report

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### 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 Paul E. Dame	Juvenile Courts	
Attentive	4.7	4.6	<b>Positive Adjectives HIGHER average score is better</b>
Capable	4.5	4.5	
Ethical	4.7	4.6	
Knowledgeable	4.6	4.5	
Impartial	4.4	4.1	
Open-minded	4.3	4.2	
Disrespectful	1.5	1.5	<b>Negative Adjectives LOWER average score is better</b>
Impatient	2.1	1.8	
Indecisive	2.4	1.8	
Unprepared	1.3	1.4	





## Survey Information

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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

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## Evaluative Criteria

CRITERIA	DESCRIPTION
<b>RESPECT</b>	
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.
<b>NEUTRALITY</b>	
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.
<b>VOICE</b>	
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.
<b>COMMUNICATION</b>	
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

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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>

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### 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"> <li>All observers were strongly positive about Judge Dame.</li> <li>All observers reported confidence that if appearing before Judge Dame they would be treated fairly.</li> </ul>
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>All observers variously reported that Judge Dame was a skilled active listener, maintaining eye contact and speaking in a soft, clear, understandable voice. He began court promptly or apologized for delays, greeted the court and each participant by name, and put participants at ease. He was polite, patient, and approachable, and he effusively praised the juveniles' progress. He was also business-like, thorough, and professional, and conveyed to juveniles the importance of attending to his orders. He was extremely consistent in manner and tone in all types of cases and with all parties. He was dedicated to the well-being of the children and their families, and they felt his interest and that the judge was on their side. He allowed sufficient time to cover each case in a deliberate manner, and he extended the time without hurrying whenever needed. He used clear, understandable, age-appropriate language, explained points of law and judicial processes, and went to great lengths and checked frequently to ensure that all participants understood what was being said and their situation.</li> <li>All observers particularly emphasized Judge Dame's skill in engaging juveniles and parents in conversation, eliciting the information needed for his rulings, and his willingness to allow every participant to have their say. He encouraged the expression of other opinions and viewpoints, asked open-ended questions in a conversational tone, and showed that he heard and appreciated each person's concern or perspective.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>None</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>None</li> </ul>

### Summary and *exemplar language* of four observers' comments

<i>RESPECT</i>	
Listening & focus	Two observers reported that Judge Dame was particularly skilled at careful and active listening, nodding while listening, and offered follow up questions and observations.
Respect for others' time	Two observers reported that Judge Dame <i>began promptly or apologized when hearings began late</i> . When a case extended from a <i>planned 20 minutes to nearly an hour</i> , he <i>apologized for the delay to all participants in each successive case and thanked them for their patience, briefly explaining the delay</i> .



Courtesy, politeness, and general demeanor	All observers reported that Judge Dame opened by saying, “Welcome to court,” and greeted participants by name, for example, “Good morning. William is it? What do you prefer to be called?” His style was casual and conversational without officiousness or a bureaucratic air which skillfully put all participants at ease and evoked trust and cooperation. He was polite, approachable, open, and personable, and he patiently repeated explanations despite emotional interruptions. He recognized participants in a genial voice, saying, “Mom and Dad, I appreciate both of you being here. This is important.” He was effusive in his praise of juveniles’ progress and conveyed his pride in their performance. He was also business-like, composed, professional. He was thorough and caring rather than upbeat and all smiles, and the children and nearly all parents responded to him well. He was not hard or judgmental, but he did convey to the juveniles the importance of attending to his orders, saying, “Young people think differently than older folks and sometimes make mistakes. But it’s very important that you follow all the orders that I am imposing so we can get you to move on from this mistake and not make this into a bad life changing event for you.”
Body language	Two observers reported that Judge Dame maintained eye contact with each person he spoke with and listened intently to them.
Voice quality	Two observers reported that Judge Dame spoke in a soft, amiable, clear and understandable conversational voice.

*NEUTRALITY*

Consistent and equal treatment	Three observers reported that Judge Dame was extremely consistent in manner and tone of voice and in a variety of types of juvenile cases. He treated all parties, whether in prison, jail, or a homeless shelter, with the same degree of respect and concern. In one case he indicated that he did not see how to properly get around considering a motion prior to trial as this would grossly affect the strategy of both the prosecution and the defense, and he indicated that each side would need some time to develop their strategy.
Demonstrates concern for individual needs	Three observers reported that Judge Dame was dedicated to the well-being of the children and their families and in gaining a positive experience and outcome for them. Juveniles felt that the judge had understood them and was very interested in them, and he gave advice to help younger participants create positive life habits. He asked, “Were you anticipating your parents being here today? I’d like to wait a few minutes to see if they make it. I have some things I would like them to hear,” and when the parents didn’t appear he arranged a hearing by phone to enable the parents to attend. He hit a good balance of support and firmness in his rulings so that the youth and families really felt he was on their side. He discussed with a juvenile’s mother and the state’s representative the best way to phrase issues, respecting a juvenile’s sore spots and understanding how subtle nuances can help move things forward without triggering hostility. He talked with a father by phone in the Utah State Prison to check with the dad on his progress with drug treatment and the probable length of his prison time.
Unhurried and careful	Three observers reported that Judge Dame was unhurried, careful and patient, allocating sufficient time to cover each case in a deliberate manner with ample time for discussion. He put extra time into a case that went from a 20 minute planned hearing to nearly an hour to try to ensure that a child’s best interests would be protected and the family had the best opportunity to resolve their problems together. In another case with a lost delivery of papers Judge Dame encouraged rescheduling a trial despite the juvenile not wishing to delay, saying that this “involves a child’s well-being and I don’t see how you can skip the time necessary for this step. Both counsel can go and talk about it to see if there are other options.”



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VOICE

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Considered voice All observers reported that Judge Dame *consistently allowed ample time* for all participants to *have their say, answer questions, and state their views*. He asked one participant, “*You are gesticulating like you have a problem with (what the Judge had just said). Did you want to make a comment?*” He *spent the time necessary to elicit information needed to make a ruling and was willing to explore the complete explanation of situations*. He was *very skilled in engaging juveniles and parents in a conversational back and forth and then waited for the minor to explain the situation*. He asked *open-ended questions such as “Tell me what happened? and “How are you doing in school?” and in a conversational tone he encouraged one juvenile to describe his reasons for running away from detention*. He gave *proper consideration to all information, and his behavior indicated that he had heard and appreciated each person’s concerns or perspective*.

Judge Dame *actively encouraged other opinions and viewpoints, showing a great willingness to hear other voices even if this opened the door to disagreement with what he had just said*. In a case with a difficult mother he allowed everyone involved to express themselves, *only politely reigning in the mother when she interrupted and when she said things that distressed and drove her daughter out of court*. He asked the *representative of a parenting services agency, “Is there a better way you would like me to deal with this?” and he asked the parents of a juvenile if the family services agency could be doing anything better*.

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COMMUNICATION

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Communicates clearly Two observers reported that Judge Dame was *clear in articulating points of law*, and he explained his decisions in *very clear and easy to understand language appropriate to the age of the listeners*, for example *simplifying his language when talking to a thirteen year old about a drinking charge*.

Ensures information understood Two observers reported that Judge Dame went to *great lengths to ensure that participants understood their situation*. He *checked frequently that a twelve years old youth understood what was being said and allowed him to respond in his own way, and that “mom” and “dad” understood and agreed with the process*. He ensured *all issues were clear to a minor and parent before accepting the minor’s plea*.

Provides adequate explanations Two observers reported that Judge Dame was *willing to explain individual points of law where appropriate*, and he provided *guidance about procedures and how the rules of law worked to an unrepresented mother who might be in over her head*, saying, “*What are you asking me to do, so I can make a ruling?*” He spent *considerable time explaining to a minor how the system would work if he wanted a trial, pointing to the witness stand and explaining that it would happen in the same courtroom*. When a youth wanted to plead guilty, he was *very careful in discussing his rights*.

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## How to Read the Results

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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 "Juvenile 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.





# 5<sup>TH</sup> JUDICIAL DISTRICT JUVENILE COURT

Visit [JUDGES.UTAH.GOV](http://JUDGES.UTAH.GOV) for more information about this judge



## Honorable Paul E. Dame

- Serving **Beaver, Iron & Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Paul E. Dame’s minimum performance standard scores are consistent with the average of his juvenile court peers. Ninety-six percent of respondents recommend him for retention. Respondents say Judge Dame is a knowledgeable professional who adheres strictly to the law and controls his courtroom effectively. They praise his respectful and skilled interactions with youth and families. Some suggest Judge Dame’s rigid thoroughness and slow decision-making can affect court participants negatively. However, courtroom observers laud Judge Dame’s conversational interactions with court participants, describing him as supportive yet firm. They also note his intelligent handling of often delicate matters. All observers report confidence that they would be treated fairly if they were to appear in Judge Dame’s court. 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 Paul E. Dame was appointed to the Fifth District Juvenile Court in 2014 by Governor Gary R. Herbert. He serves Beaver, Iron, and Washington counties. Judge Dame graduated cum laude from the J. Reuben Clark Law School at Brigham Young University in 1990. Prior to his appointment, he worked as an attorney at Parsons Behle & Latimer (1990-1994), served as a Deputy Washington County Attorney (1994-1995), served as the St. George City Prosecutor (1995-1998), served as the Chief Deputy Washington County Prosecutor (1998-2004) and served as a Washington County Justice Court Judge (2004-2014). Judge Dame currently serves as the presiding judge for the Fifth District Juvenile Court.

