



The Honorable Roger W. Griffin

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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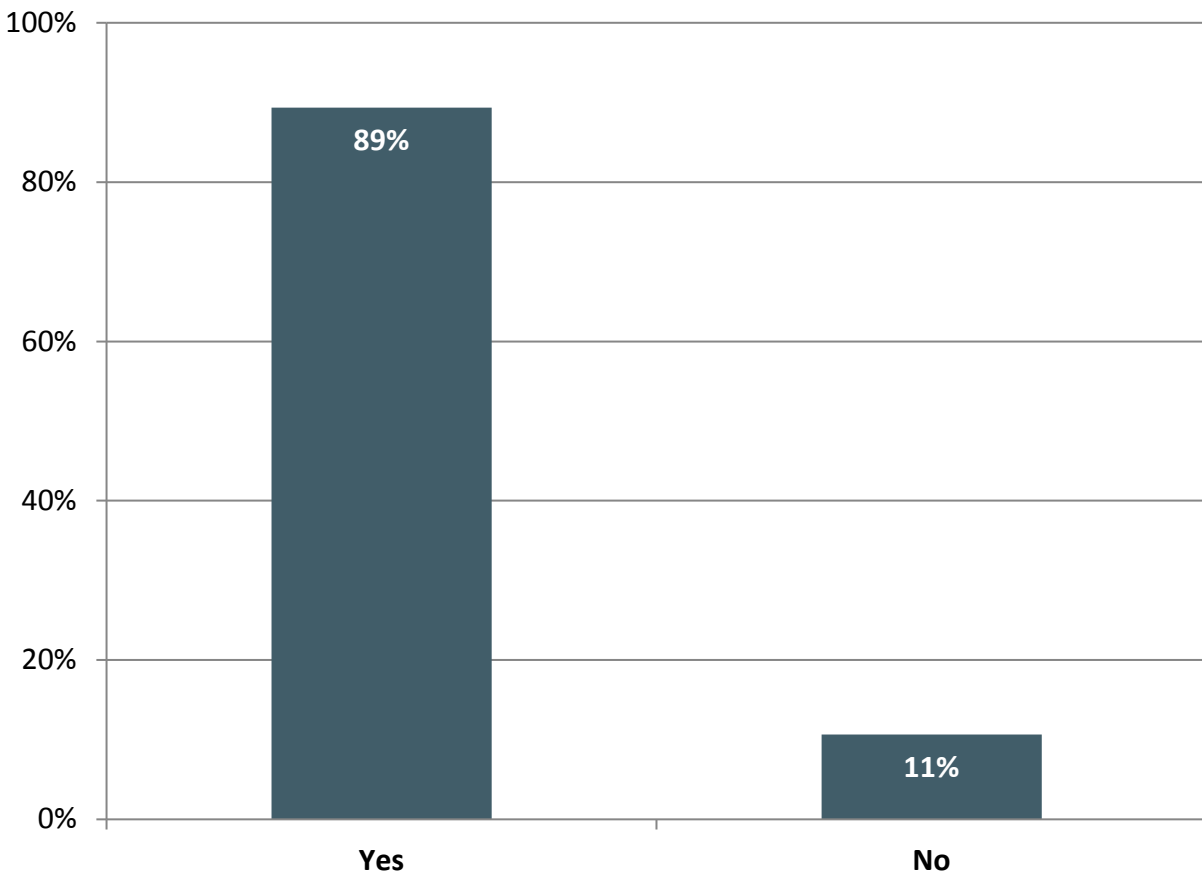
Survey Report

Survey Results

For Judge Roger W. Griffin, 42% of qualified survey respondents submitted surveys. Of those who responded, 78 agreed they had worked with Judge Roger W. Griffin enough to evaluate the judge's performance. This report reflects these 78 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.

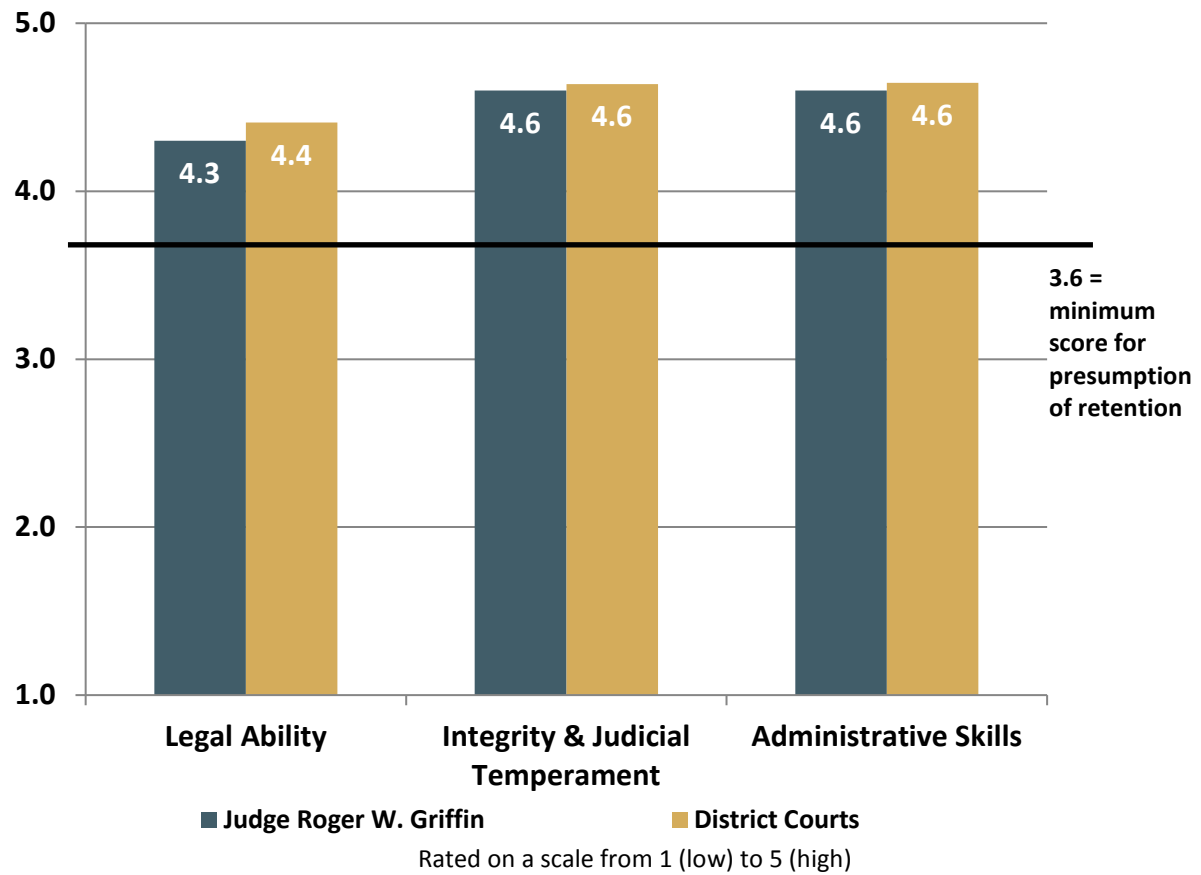
Retention Question

Survey Question: Would you recommend that Judge Roger W. Griffin be retained?



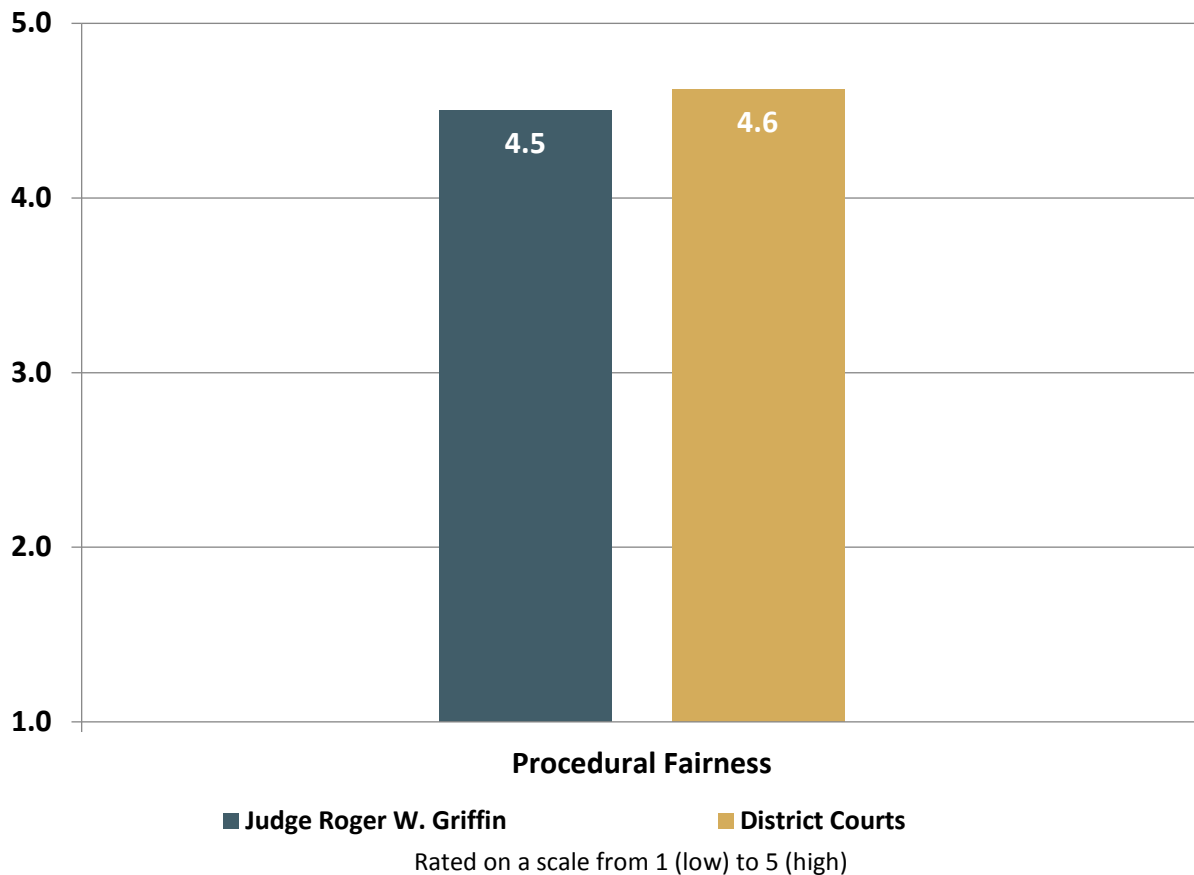
Survey Report

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 Roger W. Griffin
Procedural Fairness	Pass



Survey Report

Responses to Survey Questions

Category	Question	Judge Roger W. Griffin	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.	4.4	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.	4.3	4.4
Legal Ability	The judge only considered evidence in the record.	4.4	4.5
Legal Ability	The judge based opinions/decisions on applicable legal principles and controlling law.	4.3	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 Roger W. Griffin	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.	4.5	4.5
Integrity & Judicial Temperament	The judge demonstrated respect for the time and expense of those attending court.	4.4	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.	4.4	4.6
Integrity & Judicial Temperament	The judge considered arguments from all sides before ruling.	4.5	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.	4.7	4.7

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



Survey Report

Responses to Survey Questions (continued)

Category	Question	Judge Roger W. Griffin	District Courts
Administrative Skills	The judge was prepared for court proceedings.	4.7	4.6
Administrative Skills	The judge's interactions with courtroom participants and staff were professional and constructive.	4.7	4.7
Administrative Skills	The judge managed the court calendar effectively.	4.3	4.5
Administrative Skills	The judge convened court without undue delay.	4.6	4.7
Administrative Skills	The judge ruled in a timely fashion.	4.6	4.6
Administrative Skills	The judge communicated clearly.	4.6	4.7
Category	Question	Judge Roger W. Griffin	District Courts
Procedural Fairness	The judge treated all courtroom participants with equal respect.	4.6	4.6
Procedural Fairness	The judge performed his or her duties fairly and impartially.	4.4	4.6
Procedural Fairness	The judge promoted public trust and confidence in the courts through his or her conduct.	4.5	4.6
Procedural Fairness	The judge provided the court participants with a meaningful opportunity to be heard.	4.6	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 Roger W. Griffin	District Courts	
Attentive	4.7	4.6	Positive Adjectives HIGHER average score is better
Capable	4.5	4.5	
Ethical	4.6	4.7	
Knowledgeable	4.4	4.4	
Impartial	4.2	4.3	
Open-minded	4.2	4.3	
Disrespectful	1.5	1.4	Negative Adjectives LOWER average score is better
Impatient	1.6	1.6	
Indecisive	1.6	1.6	
Unprepared	1.4	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"> All observers were positive about Judge Griffin. All observers reported confidence that if appearing before Judge Griffin they would be treated fairly.
WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> All observers variously reported that Judge Griffin listened intently and was prepared and knowledgeable about each case and each defendant’s prior history. His body language was attentive, and he treated everyone thoughtfully in the same evenhanded manner. He never hurried but patiently took the time needed to receive input and to address matters thoroughly. He listened to all parties without hurrying them and showed in his responses that he had listened to them. He explained his decisions and clarified sentences. All observers particularly emphasized Judge Griffin’s professional, friendly, courteous, and calming demeanor. He greeted and wished good luck to all participants politely by name, and he used his delightful sense of humor in a positive way. All observers noted his respectful communications to all parties, his prompt admission of any errors, and that he frequently took advantage of learning opportunities for attorneys, the audience, and even himself. All observers noted that he showed an interest in defendants’ problems and tried to find solutions within the legal system, individualizing sentences appropriately to best accommodate the needs of defendants.
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> Two observers reported that Judge Griffin on occasion spoke too quickly to be easily understood, and suggested he could extend his patience to himself by speaking more slowly (see “Voice quality,” “Unhurried and careful,” “Communicates clearly”)
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 Griffin <i>listened intently and remained focused at all times, asking questions to make certain that he had a full understanding of the facts.</i>
Well-prepared & efficient	Three observers reported that Judge Griffin <i>acknowledged that he had read all the background information and was prepared and knowledgeable, with facts about defendants’ previous cases at his fingertips. Court proceedings flowed efficiently, and he asked each defendant to confirm their address and personal info in the court records, and several gave new or corrected addresses.</i>
Respect for others’ time	One observer reported that Judge Griffin <i>started court very promptly.</i>
Courtesy, politeness, and general demeanor	All observers reported that Judge Griffin was <i>professional, polite, friendly and engaging, and courteous</i> at all times, calling everyone <i>by their names</i> and greeting them with “ <i>Good morning,</i> ” and ending cases with “ <i>Thank you, gentlemen. Have a good day,</i> ” or, “ <i>Good luck to you both.</i> ” His demeanor was <i>calming</i> , and he had a <i>great capacity for patience</i> when others were speaking. Judge Griffin <i>smiled and laughed when appropriate</i> , and observers <i>especially enjoyed and appreciated his delightful sense of humor, which he used as a positive way to get his point across.</i> His humor was always <i>in reaction to the situation and never aimed at a person.</i>



Courtesy, politeness, and general demeanor continued	<p>Observers noted Judge Griffin’s respectful communications. When repeating the same <i>pattern</i> of words he <i>made it seem he was talking directly and freshly to each defendant</i>. He asked an attorney to respond <i>based on his professional opinion</i>, and when an attorney <i>needed a few minutes to read through paperwork</i> he said, “I’ll just stay in here so you don’t have to jump up like a jack in the box,” thereby <i>avoiding everyone in the courtroom having to stand again</i>. He had given <i>permission to a prosecuting attorney with his leg in a cast to wear shorts</i>, which the attorney did not do, and <i>he also gave permission for him to stay seated</i>.</p> <p>Judge Griffin responded to <i>opportunities for learning</i>, for the <i>defense, sometimes for the prosecution, sometimes for the judge himself</i>, and <i>always for those of us in the gallery</i>. When a defense attorney felt an <i>error had been made in calculating the attorney’s fees for the plaintiff</i>, Judge Griffin <i>looked down briefly and replied</i>, “My note says you were right and I was wrong,” and he <i>gave the corrected amount</i>.</p>
Body language	Two observers reported that Judge Griffin’s <i>body language was very attentive</i> , and he <i>made excellent eye contact with each defendant</i> .
Voice quality	One observer reported that the voices of the judge and all participants were <i>properly amplified</i> , but another observer reported that the judge <i>rested his chin on his hand or had his hand in front of his face</i> , and this <i>made hearing him even more difficult</i> on those occasions when he had to repeat information about rights or rules <i>over and over and he spoke very quickly to the point of mumbling</i> .

NEUTRALITY

Consistent and equal treatment	All observers reported that Judge Griffin <i>treated everyone in the same evenhanded manner</i> , was <i>thoughtful and attentive</i> to each defendant, and was <i>consistent</i> in his manner of <i>requesting identifying information</i> . He gave time for both parties to <i>voice their story and asked pertinent questions without appearing to take sides at all</i> .
Demonstrates concern for individual needs	All observers reported that Judge Griffin <i>showed an interest in defendants and their problems and tried to find solutions within the legal system</i> . He cared about their <i>ability to pay fines, assigning community service in some cases</i> , and he <i>pro-actively inquired if a defendant required a translation</i> . He <i>individualized sentences</i> in order to accommodate the needs of the defendant, giving one defendant a “ <i>break</i> ” if he <i>completed a drug program</i> , but <i>refusing a work-release program to another who had fled the state in the past</i> . When a defendant wanted to go <i>straight to prison instead of county jail the judge spent some time finding out if there was treatment available in prison that was not available in jail in order to best accommodate the needs of the defendant</i> .
Unhurried and careful	<p>Three observers reported that Judge Griffin <i>proceeded in an unhurried manner</i>. When a defendant <i>failed to show</i>, the judge <i>took the time to ask the attorneys for their input and spent some time getting to the bottom of what happened and why it happened</i> until he discovered the defendant was in jail in another county. In one case he <i>patiently halted proceedings to read aloud the statute and discuss the meaning and intent of the law for 10 to 15 minutes</i> until the matters had been fully addressed.</p> <p>One observer suggested that Judge Griffin <i>extend his patience to himself by speaking slower and allowing defendants more time to absorb his spoken words</i>.</p>

VOICE

Considered voice	Two observers reported that Judge Griffin <i>listened to all parties and gave them a chance to say what they needed to say without hurrying them through their statements</i> . In a <i>complex sentence he addressed points proffered by both the prosecutor and the defendant, showing that he had listened and responded</i> .
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COMMUNICATION

Communicates clearly	One observer reported that Judge Griffin’s review of rights was <i>thorough</i> but <i>spoken too fast using uncommon terms</i> . When a defendant <i>hesitatingly responded “I guess”</i> when the judge asked him if the review of rights <i>had been understood</i> , the judge <i>stopped right there and responded, “I don’t think you understand,”</i> and the defendant’s lawyer <i>restated what the judge had said in everyday language</i> . The observer recommended a <i>slower rate of speech</i> and <i>avoidance of technical terms when speaking directly to defendants</i> .
Provides adequate explanations	Two observers reported that Judge Griffin was <i>careful to explain his decisions</i> and to <i>take the time to clarify sentences</i> , for example when <i>pausing to explain with examples what constitutes community service</i> , saying <i>“I thought I explained that clearly. I’m sorry ... So I’m clear: one should shovel his neighbor’s driveway, that does not count as community service. One person showed that he worked in a bar and that’s clearly not right.”</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.



4TH JUDICIAL DISTRICT COURT

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



Honorable Roger W. Griffin

- Serving **Juab, Millard, Utah & Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the district court bench in 2014, Judge Roger W. Griffin scores consistently with his peers on all scored minimum performance standards. Eighty-nine percent of all survey respondents recommend the judge for retention. Respondents describe Judge Griffin as a “bright legal mind” who is thoroughly prepared for hearings. They also compliment his professionalism and timeliness in managing his court calendar. A minority of respondents express varied criticisms about Judge Griffin. Courtroom observers note how Judge Griffin listens intently and is prepared and knowledgeable about each case before him. Observers all express confidence that they would be treated fairly by him were they to appear before Judge Griffin. 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 Roger W. Griffin was appointed to the Fourth District Court in 2014 by Governor Gary R. Herbert. Judge Griffin obtained his law degree from the J. Reuben Clark Law School at Brigham Young University in 1993. He received his Bachelor of Arts degree, cum laude, from Utah State University. Prior to his judicial appointment, Judge Griffin was the chief litigation officer for a multi-state law firm. While in private practice, Judge Griffin was selected as a Legal Elite by the Utah Business Magazine four separate times. He has also served as a mentor for the Utah State Bar Association's New Lawyer Training Program. In 2018, he received a Judicial Excellence Award from the Utah State Bar's Litigation Section.

