### JUDICIAL PERFORMANCE PROGRAM

### **2011 REPORT**

THE JUDICIARY
STATE OF HAWAI'I

December 30, 2011

### JUDICIAL PERFORMANCE PROGRAM 2011 REPORT

### INTRODUCTION

The Judicial Performance Program 2011 Report summarizes the results of evaluations involving ten Circuit Court judges, seven Family Court judges, and five Per Diem judges. The attorney evaluations were conducted over the Internet.

To ensure the security, anonymity, and confidentiality of the evaluation process, it was administered by Hawai'i Information Consortium. Hawai'i Information Consortium maintains and manages the eHawaii.gov website. It is a company that is completely independent of the Judiciary.

The Judicial Performance Program was created by Supreme Court Rule 19 as a method of promoting judicial competence and excellence. The members of the Judicial Performance Committee are listed in Appendix A.

Judicial Performance Program reports are issued yearly. Since the evaluation process has been and is still evolving, comparisons of individual scores should be made only within each respective report group.

### **JUDGES' RATINGS**

Judges are rated on Legal Ability, Judicial Management Skills, Comportment, and Settlement and/or Plea Agreement Ability. All yearly reports on the Judicial Performance Program are available to the public. Scores and comments received for individual judges are available to the Judicial Selection Commission, upon its request.

Pictographs displaying frequency distributions of the judges' ratings are included in this evaluation report. Comparative rankings are provided in each area of assessment.

#### **EVALUATION CYCLES**

Appellate justices and judges and Circuit Court judges are scheduled for evaluation three times in their ten-year terms. Full time District Family Court judges and District Court judges are scheduled for evaluation twice in their six-year terms. For purposes of this program, Circuit Court judges assigned to the Family Court of the First Circuit are considered Family Court judges but are evaluated three times during their ten-year terms. A portion of the Per Diem judge pool is scheduled for evaluation every three years.

The full time Family Court and District Court evaluations are phased to result in these courts being included in the evaluation process two out of every three years; that is, about one-half or approximately ten judges from each group are evaluated per cycle. Evaluation of District Court, but not of Family Court, judges was conducted in 2010. Evaluations of both full time

Family Court and full time District Court judges are scheduled for 2012. The next evaluation of Per Diem judges is scheduled for 2013.

### JUDICIAL EVALUATION REVIEW PANEL

The Judicial Evaluation Review Panel assists Chief Justice Mark E. Recktenwald in the review and evaluation process. The Review Panel interviews the judges, and consists of six members: Robert Alm, Momi Cazimero, Douglas McNish, Willson Moore Jr., William Santos, and Betty Vitousek. The Review Panel is organized into groups of three, with each group having one former judge, one nonpracticing attorney, and one member of the public knowledgeable in the law. Their purpose is to interview and counsel the evaluated judges and help the judges improve their performance.

### **CIRCUIT COURT RESULTS**

Ten Circuit Court judges received the results of their evaluations under cover of memoranda dated November 18, 2011. A link to the online questionnaire was provided to attorneys by email on August 2, 2011. The surveys were collected from August 2, 2011 until August 19, 2011.

The email to active attorneys from Chief Justice Mark E. Recktenwald and from the President of the Hawaii State Bar Association can be found in Appendix B. The questionnaire is attached as Appendix C. Possible ratings based on the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. Table 1 on page 4 provides the average scores by section for the 10 judges.

The mean score for the Legal Ability section was 3.8, with a standard deviation of 0.4. The standard deviation gives an indication of the amount of variation in the scores between the judges. (A small standard deviation means that scores generally were clustered about the mean; a large standard deviation means that there was less clustering of scores.) Many of the judges received marks between 3.4 and 4.2 in the Legal Ability section.

For the Judicial Management Skills section, the judges had a mean score of 3.9, and the standard deviation for this section was 0.4. In the Comportment section, the mean score was 4.1, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability section was 3.8, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are printed on pages 5 to 8.

There were 586 responses out of 4,357 emails sent out to attorneys who had provided their email addresses to the Bar Association. Some of the 586 respondents may have said they had not appeared before any of the judges in the previous two years. This would have ended their participation in the evaluation process. Other attorneys may have said they had appeared before two or more judges. The number of respondents did not equal the number of questionnaires received and tallied. The number of questionnaires received for all 10 judges from attorneys who appeared before them totaled 670, with between 22 and 145 questionnaires received per judge. A reminder email sent to selected attorneys is printed in Appendix D.

Table 1 and Graphs 1 through 4, reflecting the frequencies of judges' ratings for the Circuit Court judges, appear on pages 4 through 8 of this report.

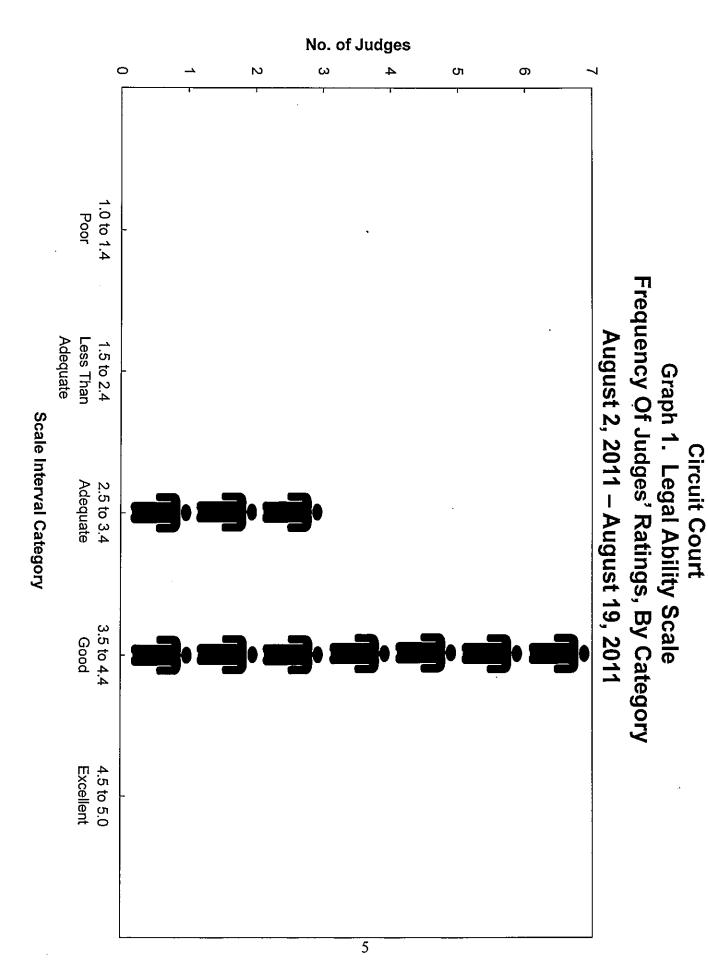
## TABLE 1 JUDICIAL PERFORMANCE PROGRAM - CIRCUIT COURT EVALUATION RESULTS FOR TEN JUDGES AUGUST 2, 2011 - AUGUST 19, 2011

QUESTIONNAIRE SECTION	<u>N</u>	Mean Score	<u>S.D.</u>
LEGAL ABILITY SECTION			
Knowledge of Relevant Substantive Law	10	3.8	0.5
2. Knowledge of Rules of Procedure	10	4.0	0.4
Knowledge of Rules of Evidence	10	3.9	0.5
Ability to Identify and Analyze Relevant Issues	10	3.9	0.4
5. Judgement in Application of Relevant Laws and Rules	10	3.7	0.4
Giving Reasons for Rulings when Needed	10	3.9	0.4
7. Clarity of Explanation of Rulings	10	3.8	0.4
8. Adequacy of Findings of Fact	10	3.8	0.4
Clarity of Judge's Decision(s) (oral/written)	10	3.8	0.4
10. Completeness of Judge's Decision(s) (oral/written)	10	3.8	0.4
11. Judge's Charge to the Jury/Juries	10	3.8	0.6
Average Score for the Legal Ability Section	10	3.8	0.4
JUDICIAL MANAGEMENT SKILLS SECTION			
Moving the Proceeding(s) in an Appropriately Expeditious Manner	10	3.8	0.3
Maintaining Proper Control over the Proceeding(s)	10	4.0	0.4
Doing the Necessary Homework on the Case(s)	10	3.9	0.4
Rendering Rulings and Decisions w/o Unnecessary Delay	10	3.9	0.4
Allowing Adequate Time for Presentation of the Case(s)	10	4.0	0.3
Resourcefulness and Common Sense in Resolving Problems	10	3.8	0.4
7. Skills in Effecting Compromise	10	3.6	0.4
8. Industriousness	10	4.0	0.4
Average Score for the Judicial Management Skills Section	10	3.9	0.4
COMPORTMENT SECTION			
1. Attentiveness	10	4.3	0.3
2. Courtesy to Participants	10	4.2	0.4
3. Compassion	10	3.9	0.4
4. Patience	10	4.0	0.4
5. Absence of Arrogance	10	4.0	0.5
6. Absence of Bias and Prejudice	10	4.2	0.3
7. Evenhanded Treatment of Litigants	10	4.1	0.4
8. Evenhanded Treatment of Attorneys	10	4.1	0.3
Average Score for the Comportment Section	10	4.1	0.3
SETTI EMENT AND/OD BLEA ACREEMENT ARILITY SECTION			
SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION  1. Knowing the Copy(s) and/or the Law	10	3.9	0.5
Knowing the Case(s) and/or the Law     Research length of Original	10	3.8	0.5
Reasonableness of Opinions     Ability to Enhance the Settlement Process	10	3.6 3.7	0.4
Ability to Emparice the Settlement Process     Impartiality	10	3.7 3.9	0.3
Absence of Coercion or Threat	10	3. <del>9</del> 4.0	0.3
6. Effectiveness in Narrowing the Issues	10	3.8	0.4
7. Appropriateness of Judge's Initiatives	10	3.7	0.4
8. Facilitation in Development of Options	10	3.7	0.4
Average Score for the Settlement and/or Plea Agreement Ability Section	10	3.8	0.4
A stage cools for the cottoment and/or Floa Agreement Ability Section		0.0	<b>∀.</b> ¬

N = Number of Judges with More Than Five Responses for the Item

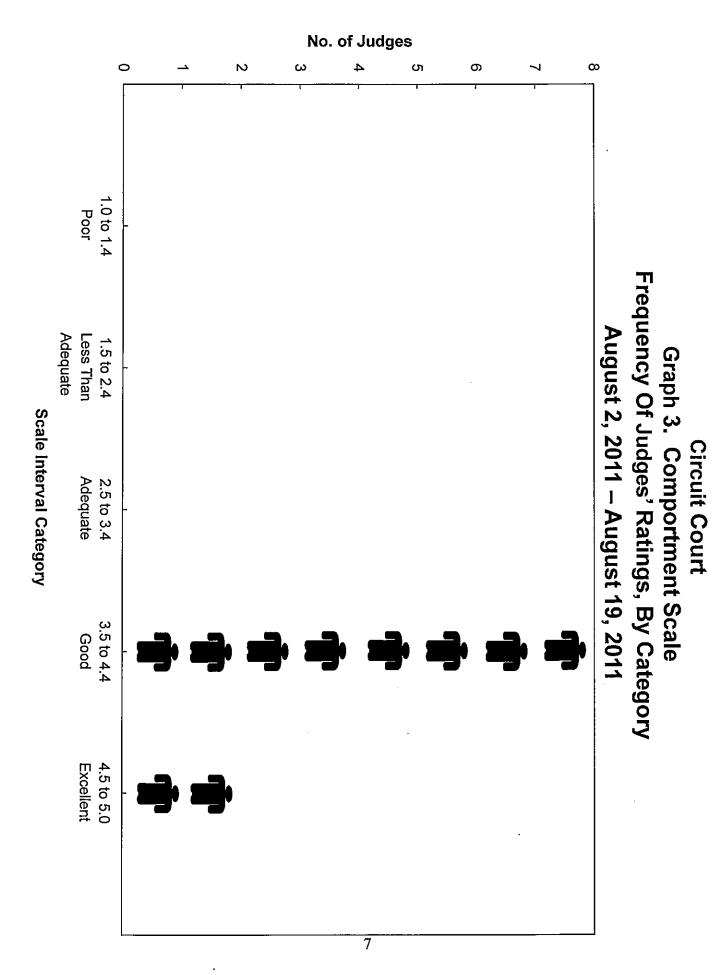
Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor

S.D. = Standard Deviation



No. of Judges 0 2 ω QI တ 7 α \_ 1.0 to 1.4 Poor Frequency Of Judges' Ratings, By Category Graph 2. Judicial Management Skills Scale August 2, 2011 - August 19, 2011 Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good 4.5 to 5.0 Excellent 6

**Circuit Court** 



No. of Judges 0 2 ယ G S Φ 1.0 to 1.4 Poor Frequency Of Judges' Ratings, By Category August 2, 2011 - August 19, 2011 Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good 4.5 to 5.0 Excellent

Graph 4. Settlement/Plea Agreement Ability Scale

**Circuit Court** 

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#### FAMILY COURT RESULTS

Judicial evaluation results were transmitted to seven Family Court judges by Chief Justice Recktenwald under cover of memoranda dated June 29, 2011. Surveys could be completed over the Internet from April 5, 2011 until April 22, 2011.

Although nine judges were selected for the evaluation, only seven judges received at least the 18 responses required for profiles to be prepared. The other two judges did not receive evaluation reports.

The Family Court questionnaire is printed in Appendix E. Table 2 on the next page provides the averages for the seven judges.

The mean score for the Legal Ability Section was 3.9, and the standard deviation was 0.2. Most of the judges received scores between 3.7 and 4.1.

The mean score for the Judicial Management Skills section was 4.0, and the standard deviation for this section was 0.3. The mean score for the Comportment section was 4.2, and the standard deviation was 0.2. The mean score for the Settlement and/or Plea Agreement Ability section was 3.9, and the standard deviation was 0.2. The frequencies of the judges' ratings, by category, are printed on pages 11 through 14.

Of the 4,406 emails sent out for nine judges, 327 surveys were returned. Some of the attorneys may have said they had not appeared before any of the judges in the previous two years. This would have ended their participation in the evaluation process, and the survey would not have been counted for any judge. Other attorneys may have said they had appeared before two or more judges. Thus the number of surveys returned may not have equaled the total number of surveys received for all the judges because some of the surveys returned may not have been counted and others may have been counted for two or more judges.

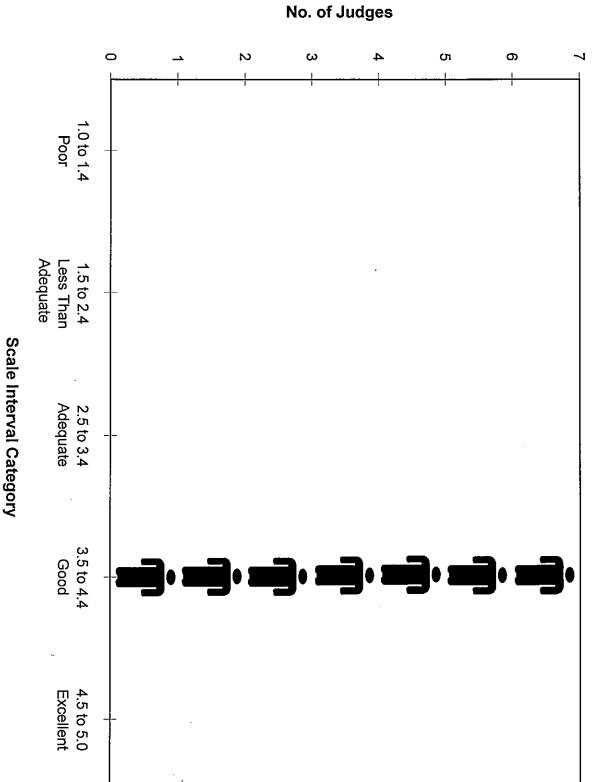
The judges who were evaluated received between 21 and 61 questionnaires each. The seven judges had a total of 222 questionnaires returned from attorneys who appeared before them.

Table 2 and Graphs 5 through 8, reflecting the frequencies of judges' ratings for the Family Court judges profiled in this report, appear on pages 10 through 14.

# TABLE 2 JUDICIAL PERFORMANCE PROGRAM - FAMILY COURT EVALUATION RESULTS FOR SEVEN JUDGES APRIL 5, 2011 - APRIL 22, 2011

QUESTIONNAIRE SECTION	<u>N</u>	Mean Score	<u>S.D.</u>
LEGAL ABILITY SECTION			•
Knowledge of Relevant Substantive Law	7	4.0	0.2
Knowledge of Rules of Procedure	7	4.0	0.3
Knowledge of Rules of Evidence	7	4.0	0.2
Ability to Identify and Analyze Relevant Issues	7	4.0	0.3
Judgement in Application of Relevant Laws and Rules	7	3.8	0.2
Giving Reasons for Rulings when Needed	7	3.9	0.2
7. Clarity of Explanation of Rulings	7	3.8	0.2
Adequacy of Findings of Fact	7	3.7	0.1
Clarity of Judge's Decision(s) (oral/written)	7	3.8	0.2
10. Completeness of Judge's Decision(s) (oral/written)	7	3.8 、	0.2
11. Judge's Charge to the Jury/Juries	1	3.2	
Average Score for the Legal Ability Section	7	3.9	0.2
JUDICIAL MANAGEMENT SKILLS SECTION			
Moving the Proceeding(s) in an Appropriately Expeditious Manner	7	4.0	0.4
Maintaining Proper Control over the Proceeding(s)	7	4.2	0.3
Doing the Necessary Homework on the Case(s)	7	3.9	0.2
Rendering Rulings and Decisions w/o Unnecessary Delay	7	4.0	0.5
5. Allowing Adequate Time for Presentation of the Case(s)	7	4.0	0.2
Resourcefulness and Common Sense in Resolving Problems	7	3.9	0.3
7. Skills in Effecting Compromise	7	3.7 ·	0.3
8. Industriousness	7	4.1	0.3
Average Score for the Judicial Management Skills Section	7	4.0	0.3
COMPORTUENT SECTION			
COMPORTMENT SECTION	-7		0.0
1. Attentiveness	7	4.3	0.2
2. Courtesy to Participants	7	4.3	0.3
3. Compassion	7	4.2	0.2
4. Patience	7	4.2	0.3
5. Absence of Arrogance	7	4.2	0.2
6. Absence of Bias and Prejudice	7	4.2	0.2
7. Evenhanded Treatment of Litigants	7	4.1	0.2
8. Evenhanded Treatment of Attorneys	<u>7</u> 7	4.1	0.1
Average Score for the Comportment Section	/	4.2	0.2
SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION			
Knowing the Case(s) and/or the Law	7	4.0	0.3
2. Reasonableness of Opinions	7	3.9	0.3
Ability to Enhance the Settlement Process	7	3.8	0.2
4. Impartiality	7	4.0	0.2
5. Absence of Coercion or Threat	7	4.2	0.2
6. Effectiveness in Narrowing the Issues	7	3.9	0.2
7. Appropriateness of Judge's Initiatives	7	3.9	0.3
8. Facilitation in Development of Options	7	3.8	0.3
Average Score for the Settlement and/or Plea Agreement Ability Section	7	3.9	0.2

N = Number of Judges with More Than Five Responses for the Item Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor S.D. = Standard Deviation



Frequency Of Judges' Ratings, By Category April 5, 2011 - April 22, 2011

Graph 5. Legal Ability Scale

**Family Court** 

### 0 N ယ G O 1.0 to 1.4 Poor Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good

No. of Judges

Graph 6. Judicial Management Skills Scale Frequency Of Judges' Ratings, By Category April 5, 2011 - April 22, 2011

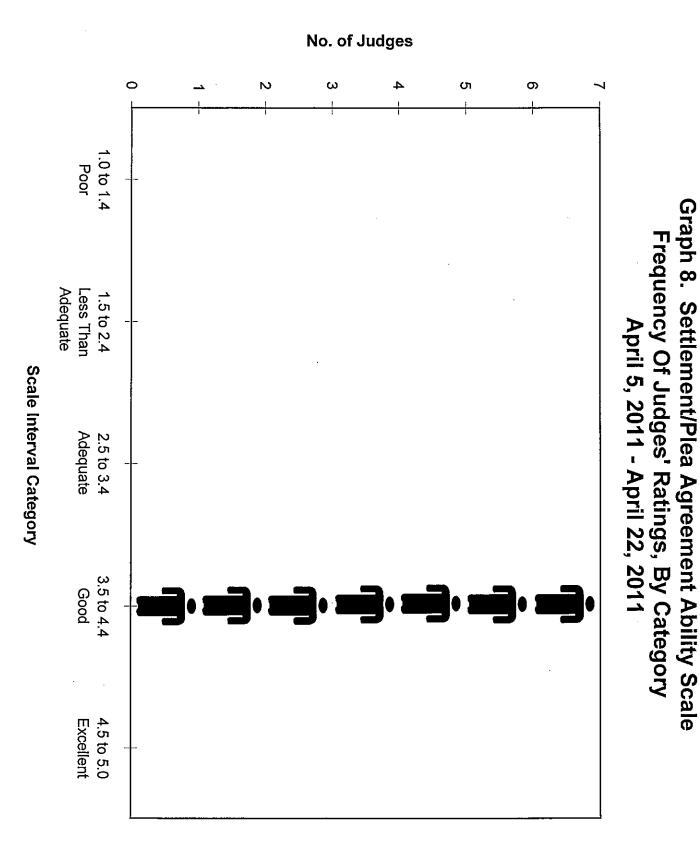
**Family Court** 

4.5 to 5.0 Excellent

ယ တ 0 2 QI 1.0 to 1.4 Poor Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good Excellent 4.5 to 5.0

No. of Judges

Family Court
Graph 7. Comportment Scale
Frequency Of Judges' Ratings, By Category
April 5, 2011 - April 22, 2011



**Family Court** 

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#### PER DIEM RESULTS

Evaluation results were transmitted to five Per Diem judges by Chief Justice Recktenwald under cover of memoranda dated August 17, 2011. Surveys could be completed over the Internet from June 21, 2011 to July 8, 2011. Although eight judges were selected for the evaluation, only five judges received at least the 18 responses required for profiles to be prepared. The other three judges did not receive evaluation reports.

The Per Diem questionnaire is printed in Appendix F. Table 3 on the next page provides the averages for the five judges.

The mean score for the Legal Ability Section was 3.7, and the standard deviation was 0.5. Most of the judges received scores between 3.2 and 4.2.

The mean score for the Judicial Management Skills section was 3.8, and the standard deviation for this section was 0.4. The mean score for the Comportment section was 4.0, and the standard deviation was 0.8. The mean score for the Settlement and/or Plea Agreement Ability section was 3.7, and the standard deviation was 0.6. The frequencies of the judges' ratings, by category, are printed on pages 17 through 20.

Of the 4,382 emails sent out for eight judges, 519 surveys were returned. Some of the attorneys may have said they had not appeared before any of the judges in the previous two years. This would have ended their participation in the evaluation process. Other attorneys may have said they had appeared before two or more judges.

The judges who were evaluated received between 20 and 52 questionnaires each. The five judges had a total of 143 questionnaires returned from attorneys who appeared before them.

Table 3 and Graphs 9 through 12, reflecting the frequencies of judges' ratings for the Per Diem judges profiled in this report, appear on pages 16 through 20.

# TABLE 3 JUDICIAL PERFORMANCE PROGRAM - PER DIEM EVALUATION RESULTS FOR FIVE JUDGES JUNE 21, 2011 - JULY 8, 2011

QUESTIONNAIRE SECTION	<u>N</u>	Mean Score	<u>S.D.</u>
LEGAL ABILITY SECTION			
Knowledge of Relevant Substantive Law	5	3.6	0.5
2. Knowledge of Rules of Procedure	5	3.7	0.5
Knowledge of Rules of Evidence	5	3.6	0.4
Ability to Identify and Analyze Relevant Issues	5	3.7	0.5
<ol><li>Judgement in Application of Relevant Laws and Rules</li></ol>	5	3.7	0.5
Giving Reasons for Rulings when Needed	5	3.7	0.6
7. Clarity of Explanation of Rulings	5	3.6	0.6
Adequacy of Findings of Fact	5	3.7	0.6
Clarity of Judge's Decision(s) (oral/written)	5	3.7	0.5
10. Completeness of Judge's Decision(s) (oral/written)	5	3.7	0.5
Average Score for the Legal Ability Section	5	3.7	0.5
HIDIOLAL MANIA OFMENT CIVIL I C CECTIONI	·		
JUDICIAL MANAGEMENT SKILLS SECTION	_	3.7	0.2
Moving the Proceeding(s) in an Appropriately Expeditious Manner     Maintaining Proper Control over the Proceeding(s)	5 5	3.7 3.9	0.2
Maintaining Proper Control over the Proceeding(s)     Point the Negocomy Harmonicals on the Control		3.6	0.5
Doing the Necessary Homework on the Case(s)	5		0.8
4. Rendering Rulings and Decisions w/o Unnecessary Delay	5	4.0 3.9	0.3 0.6
5. Allowing Adequate Time for Presentation of the Case(s)	5	3.6	0.5
6. Resourcefulness and Common Sense in Resolving Problems	5 5	3.6	0.6
7. Skills in Effecting Compromise	5 5	3.8	0.6
Industriousness     Average Score for the Judicial Management Skills Section	5	3.8	0.4
Average ocore for the addicial Management Okilis Section		<u> </u>	0.4
COMPORTMENT SECTION			
1. Attentiveness	5	4.0	0.7
2. Courtesy to Participants	5	4.1	0.8
3. Compassion	- 5	3.9	0.9
4. Patience	5	3.8	0.9
5. Absence of Arrogance	5	4.0	1.0
Absence of Bias and Prejudice	5	4.1	0.7
7. Evenhanded Treatment of Litigants	5	3.9	8.0
8. Evenhanded Treatment of Attorneys	5	4.0	8.0
Average Score for the Comportment Section	5	4.0	8.0
CETTI EMENIT AND/OD DI CA ACREEMENT ADULTY OCCTION			
SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION	E	2.6	0.5
Knowing the Case(s) and/or the Law     Responsibleness of Opinions	5	3.6 3.6	0.5
2. Reasonableness of Opinions	5		
Ability to Enhance the Settlement Process     Importiolity	5 5	3.6 3.8	0.6 0.7
4. Impartiality		3.6 4.1	0.7
5. Absence of Coercion or Threat 6. Effectiveness in Narrowing the Issues	5 5	3.7	0.7
Effectiveness in Narrowing the Issues     Appropriateness of Judge's Initiatives	5 5	3. <i>1</i> 3.6	0.8
8. Facilitation in Development of Options	5 5	3.6	0.7
Average Score for the Settlement and/or Plea Agreement Ability Section	<u>5</u>	3.7	0.6
Experage ocore for the permement and/or Flea Adreement Aprilly Section	<u> </u>	<u> </u>	0.0

N = Number of Judges with More Than Five Responses for the Item Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor S.D. = Standard Deviation

1.0 to 1.4 Poor Frequency Of Judges' Ratings, By Category June 21, 2011 - July 8, 2011 Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good Excellent 4.5 to 5.0

No. of Judges

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Graph 9. Legal Ability Scale

**Per Diem Evaluation** 

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Frequency Of Judges' Ratings, By Category June 21, 2011 - July 8, 2011

Graph 10. Judicial Management Skills Scale

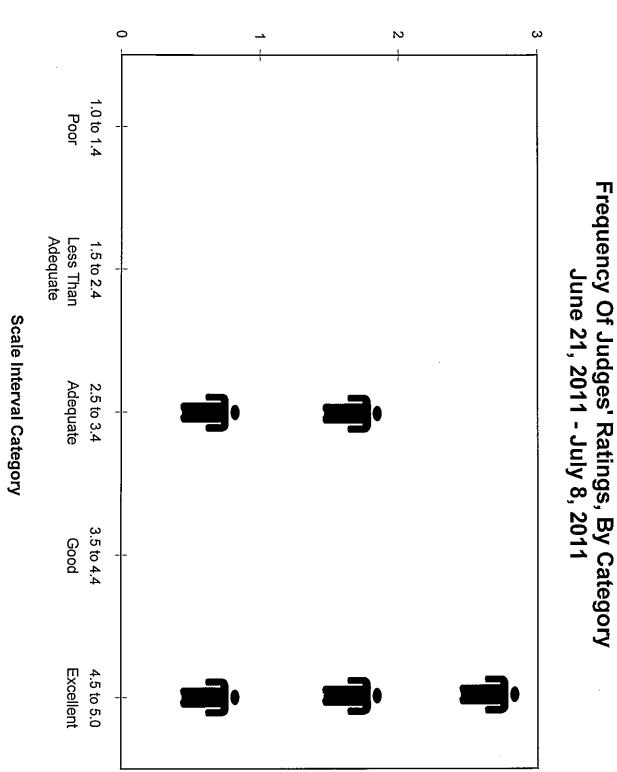
Per Diem Evaluation

No. of Judges

0

1.0 to 1.4 Poor Adequate Less Than 1.5 to 2.4 Scale Interval Category Adequate 2.5 to 3.4 3.5 to 4.4 Good Excellent 4.5 to 5.0

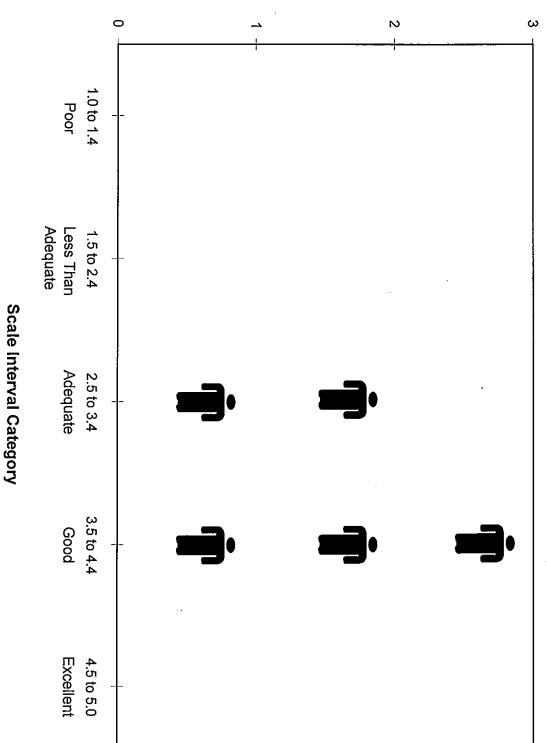
No. of Judges



Graph 11. Comportment Scale

**Per Diem Evaluation** 

### No. of Judges



Graph 12. Settlement/Plea Agreement Ability Scale

Per Diem Evaluation

Frequency Of Judges' Ratings, By Category June 21, 2011 - July 8, 2011

### APPENDIX A

### MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge Derrick H.M. Chan, Chair

Judge Rhonda I. L. Loo

Judge Clarence A. Pacarro

Susan L. Arnett, Esq.

Gail Y. Cosgrove, Esq.

Todd W. Eddins, Esq.

Rosemary T. Fazio, Esq.

Dr. Allan K. Izumi

Joelle Segawa Kane, Esq.

Rodney A. Maile, Esq., Administrative Director of the Courts

James C. McWhinnie, Esq.

Joe C. Rice

### APPENDIX B

### EMAIL FROM THE CHIEF JUSTICE AND THE PRESIDENT OF THE BAR

To:

From: Rodney.A.Maile@courts.state.hi.us

Sent: August 2, 2011

Subject: Joint Email From Chief Justice Recktenwald and HSBA President Ing Re

Judicial Evaluations

Dear Attorney:

This is a joint email from Chief Justice Mark E. Recktenwald and HSBA President Louise K.Y. Ing. The Judiciary is conducting an online evaluation of ten Circuit Court judges. The Judiciary and the HSBA encourage all members to participate in the evaluation process. This evaluation differs from the HSBA's judicial evaluation survey, but both programs are designed to give you the opportunity to provide valuable feedback concerning individual judges. Judges are receptive to receiving comments and suggestions, which often help them to improve their judicial skills and techniques.

Please click on the following link, [link to questionnaire], to complete the questionnaire. Because this link is unique to your email address, please do not forward this message. If at any time you wish to stop and later return to the questionnaire, please click on the same link. The questionnaire will remain accessible to you until August 19, 2011. To ensure security and confidentiality, the evaluation process is being administered by eHawaii.gov, which is independent from the Judiciary and the HSBA.

The evaluation is designed to obtain the assessments of attorneys who have actually appeared before the judge. Please be sure that your evaluation is based solely on your experience, and not on hearsay. If you did not have cases before a judge, you may click on that option after you select the judge's name. Also, if you do not wish to receive any judicial evaluation questionnaires, please click on [link to opt out], and you will automatically be removed from this mailing list.

Thank you in advance for your participation. If you have any questions, please contact Michael Oki at 539-4870.

Sincerely,

Mark E. Recktenwald Chief Justice Supreme Court of Hawai'i Louise K.Y. Ing President Hawaii State Bar Association

## APPENDIX C CIRCUIT COURT QUESTIONNAIRE

### Judicial Circuit Court Questionnaire - August 2011 Please answer all multiple choice questions. There will be a place for general comments at the end of the survey. \*1. Have you appeared before this judge during the period from August 1, 2009 to July 31, 2011? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue). 2. How many times have you appeared before this judge during the referenced period? 1-2 3-5 More than 10 3. For what types of matters have you appeared before this Judge during the referenced period ? (Please select all that apply.) Jury trial(s) Nonjury trial(s) Contested motion(s) with significant legal issues Settlement or pretrial plea agreement conference(s) Evidentiary hearing(s) Sentencing(s) Other substantive matter(s) (describe)

#### SAMPLE - LEGAL ABILITY Judicial Circuit Court Questionnaire - August 2011 This section deals with legal competence, learning, and understanding. It also deals with the judicial application of knowledge in the conduct of court proceedings. 1. Knowledge of relevant substantive law Excellent Good Adequate Less than Poor Not Applicable Adequate 2. Knowledge of rules of procedure Excellent Good Adequate Less than Not Applicable Adequate 3. Knowledge of rules of evidence Excellent Adequate Poor Not Applicable ) Less than Adequate 4. Ability to identify and analyze relevant issues Excellent Good Adequate Poor Not Applicable Less than Adequate 5. Judgment in application of relevant laws and rules Excellent Poor Not Applicable Good Adequate Less than Adequate 6. Giving reasons for rulings when needed Excellent Good Adequate Less than Poor Not Applicable Adequate 7. Clarity of explanation of rulings Adequate Excellent Good Less than Poor Not Applicable Adequate 8. Adequacy of findings of fact Excellent ( ) Less than Adequate Poor Not Applicable Adequate

Less than

Adequate

Poor

Not Applicable

Adequate

9. Clarity of judge's decision(s) (oral/written)

Good

Excellent

Judicial Circuit Court Questionnaire - August 2011							
10. Completeness of judge's decision(s) (oral/written)							
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
11. Judge's charge to the jury/juries							
Excellent	Good	Adequate	Less than adequate	Poor	Not applicable		
·							
	,						

### Judicial Circuit Court Questionnaire - August 2011 This section deals with judicial ability and skill in the organization, management, and handling of court proceedings. 1. Moving the proceeding(s) in an appropriately expeditious manner Excellent Good Less than Adequate Poor Not Applicable Adequate 2. Maintaining proper control over the proceeding(s) Excellent Adequate Less than Poor Not Applicable Adequate 3. Doing the necessary homework on the case(s) Excellent Good Not Applicable Adequate ) Less than Poor 4. Rendering rulings and decisions without unnecessary delay Excellent Good Adequate ( ) Less than Not Applicable 5. Allowing adequate time for presentation of the case(s) or motion(s) in light of existing time constraints Adequate Less than Not Applicable ( ) Excellent Good 6. Resourcefulness and common sense in resolving problems arising from the proceeding (s) Роог ( ) Excellent Good Adequate Less than Not Applicable Adequate 7. Skills in effecting compromise Adequate Less than Not Applicable Excellent Good Poor Adequate 8. Industriousness Excellent Poor Not Applicable Adequate ( ) Less than Adequate

#### Judicial Circuit Court Questionnaire - August 2011 This section deals with various aspects of judicial personality and behaviour in the court proceedings, such as temperament, attitude, and manner. 1. Attentiveness Excellent Good Adequate Less than Poor Not Applicable Adequate 2. Courtesy to participants Excellent Good Adequate Less than Poor Not Applicable Adequate 3. Compassion Excellent Not Applicable Good Adequate Less than Роог Adequate 4. Patience Excellent Good Adequate Less than Poor Not Applicable Adequate 5. Absence of arrogance Excellent Less than Good Adequate Not Applicable Adequate 6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor Excellent Good Adequate ( ) Less than Poor Not Applicable Adequate 7. Evenhanded treatment of litigants Excellent Good Adequate ( ) Less than Poor Not Applicable Adequate 8. Evenhanded treatment of attorneys Poor Excellent Good Adequate Less than Not Applicable Adequate

### Judicial Circuit Court Questionnaire - August 2011 This section assumes you have participated in one or more settlement/plea agreement conferences with this judge. This section deals with the settlement/plea agreement process including settlement conferences pursuant to rule 12.1, circuit court rules, and pretrial conferences involving rule 11, rules of penal procedure. Knowing the case(s) and/or the law well enough to address key issues Poor Excellent Good Adequate Less than Not Applicable Adequate 2. Reasonableness of opinions on how key issues might be resolved at trial Excellent Good Adequate Less than Not Applicable Adequate 3. Ability to enhance the settlement process by creating consensus or to facilitate the plea agreement process Excellent Good ( ) Less than Not Applicable Adequate 4. Impartiality as to how/in whose favor agreement was reached Excellent ( ) Less than Good Not Applicable Adequate Adequate 5. Absence of coercion or threat Excellent Poor Not Applicable Good Adequate Less than Adequate 6. Effectiveness in narrowing the issues in dispute Excellent Poor Not Applicable Good Adequate ) Less than Adequate 7. Appropriateness of judge's settlement/plea initiatives Excellent Good Adequate Less than Poor Not Applicable Adequate 8. Facilitation in development of options for settlement/plea Poor Not Applicable Excellent Good Adequate Less than Adequate

### **Judicial Circuit Court Questionnaire - August 2011**

We understand that anonymity is important. However, the more specific the input, the more useful it will be for the judge. Constructive comments that explain why a judge is viewed positively or negatively will assist the judge more than broad statements that a judge is good or not good. Please be advised that your comments will be forwarded to the Chief Justice. If your comments relate to a case that is on appeal, you should exercise caution in your remarks. Please type your comments, and remember not to identify yourself.

Judicial Circuit Court Questionnaire - August 2011					
*1. Thank you for con	npleting the questionr	naire for Judge	4		
I would like to fill out a question					
I have completed questionnair	es for all judges and am ready to s	ubmit my questionnaires.			
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				)	
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			-		

Judicial Circuit Court Questionnaire - August 2011	
This information will be used for statistical purposes only.	
1. How long have you practiced law ? (years)	
0 to 3	
4 to 7	
8 to 11	
12 to 15	
16 to 19	
20 to 23	
24 to 27	
28 or more	
Refuse to answer	
2. Which of the following describes your practice of law?	
Solo (including office sharing)	
Law firm with 2-15 attorneys	
Law firm with more than 15 attorneys	
Corporate or house counsel	
Pro se (Representing self)	
Government	
Refuse to answer	
Other (please specify)	
	•

Judicial Circuit Court Questionnaire - August 2011					
Please confirm that you have your responses.	ave completed question	nnaires for judges y	ou have appeared b	efore and you are	ready to subm
Thank you for taking the t	ime to provide feedbac	k. Your opinion is v	ery important.		
If you have any questions	about this questionnai	re, please call the I	Policy and Planning	Department at 539	-4870. Mahalo
1. Please let us know	w what you think	of the online s	urvey process.		
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## APPENDIX D REMINDER EMAIL TO ATTORNEYS

Bcc:

From: Rodney.A.Maile@courts.state.hi.us

Sent: August 10, 2011

Subject: Circuit Court Judges Evaluations

Dear Attorney:

You should have received an email from the Judiciary and the HSBA regarding the evaluation of Circuit Court judges. Please help us by completing the questionnaire if you have appeared before one or more of the judges. If you have already completed the questionnaire, we appreciate your participation in the process.

If a judge does not have eighteen or more questionnaires returned for him or her, that judge cannot be evaluated. We are sending this email to attorneys who we feel have participated in matters before the Circuit Court. If you are not in a position to evaluate a judge but another attorney in your office is, please forward this email to that person.

The Judicial Performance Program is an important part of the Judiciary's ongoing efforts to better serve those who deal with the judicial system. The success and effectiveness of the Program depend upon the completed questionnaires, and results cannot be compiled without a sufficient number of responses. Thank you very much for your assistance.

Rodney A. Maile Administrative Director of the Courts the Judiciary - State of Hawaii

# APPENDIX E FAMILY COURT QUESTIONNAIRE

Please answer all multip	ble choice questions. There	will be a place for general cor	mments at the end of the survey.	
			rom April 1, 2009 to March 31, nd proceed by clicking on	
Yes		○ No		
2. How many tir 2009 to March 3		ed before this judge d	uring the period from April 1,	
1-2	3-5	6-10	More than 10	
	es of matters have yo e select all that apply.	• •	s Judge during the referenced	I
Jury trial(s)				
Nonjury trial(s)		,		
Contested motion(	(s) with significant legal issues			
Settlement or pret	rial plea agreement conference(s)			
Evidentiary hearing	g(s)			
Sentencing(s)	•			
Other substantive	matter(s) (describe)			
	•			
			:	

his section deals with legal competence, learning, and understanding. It also deals with the judicial application of nowledge in the conduct of court proceedings.							
1. Knowledg	e of relevant s	substantive law					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
2. Knowledge of rules of procedure							
Excellent	Good	Adequate	Less thán Adequate	Poor	Not Applicable		
3. Knowledg	e of rules of e	vidence			•		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
4. Ability to i	dentify and ar	nalyze relevant is	sues				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
5. Judgment	in application	of relevant laws	and rules				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
6. Giving rea	sons for rulin	gs when needed					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
7. Clarity of e	explanation of	rulings					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
8. Adequacy	of findings of	fact					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		
9. Clarity of j	9. Clarity of judge's decision(s) (oral/written)						
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable		

licial Fami	ly Court Qu	estionnaire -	April 2011		
10. Complete	eness of judge	's decision(s) (o	ral/written)		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
11. Judge's d	charge to the j	ury/juries.			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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				-	
				:	
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his section deals wi	ith judicial ability a	and skill in the organiz	ation, management	, and handling of	court proceedings.			
1. Moving the proceeding(s) in an appropriately expeditious manner								
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
2. Maintainin	2. Maintaining proper control over the proceeding(s)							
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
3. Doing the	necessary ho	mework on the o	ase(s)					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
4. Rendering	rulings and o	lecisions withou	t unnecessary	delay				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
5. Allowing a time constrai		for presentation	of the case(s)	or motion(s) i	n light of existing			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
6. Resourcef		ommon sense in	resolving prob	lems arising	from the			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			
7. Skills in ef	fecting compi	omise						
Excellent	Good	Adequate	Less than Adequate	Paor	Not Applicable			
8. Industriou	sness							
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable			

1. Attentiven	ess				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
2. Courtesy t	o participants	;			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
3. Compassi	on				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
4. Patience				J	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
5. Absence o	f arrogance				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
6. Absence o	f bias and pre	judice based on	race, sex, ethr	nicity, religion	, social class, or
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
7. Evenhand	ed treatment o	of litigants			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
8. Evenhand	ed treatment o	of attorneys			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable

ction deals with the	e settlement/plea	agreement process in ales, and pretrial confi	ncluding settlement	conferences purs	ces with this judge. This uant to rule 12.1, circuit nal procedure.
1. Knowing t	he case(s) an	d/or the law well	enough to add	lress key issu	es
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
2. Reasonab	leness of opir	ions on how key	y issues might	be resolved a	t trial
Excellent	Good	Adequate	Less than Adequate	Paor	Not Applicable
3. Ability to e	nhance the se	ettlement proces	s by creating o	onsensus or	to facilitate the
plea agreem	ent process		-		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
4. Impartiality	y as to how/in	whose favor ag	reement was re	eached	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
5. Absence o	f coercion or	threat			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
6. Effectiven	ess in narrow	ing the issues in	dispute		
Excellent	Good	Adequate	Less than Adequate	O Poor	Not Applicable
7. Appropriat	eness of judg	e's settlement/p	lea initiatives		
Excellent	. Good	Adequate	Less than Adequate	Poor	Not Applicable
8. Facilitation	ı in developm	ent of options fo	r settlement/pl	ea	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable

We understand that anonymity is important. However, the more specific the input, the more useful it will be for the judge. Constructive comments that explain why a judge is viewed positively or negatively will assist the judge more than broad statements that a judge is good or not good. Please be advised that your comments will be forwarded to the Chief Justice. If your comments relate to a case that is on appeal, you should exercise caution in your remarks. Please type your comments, and remember not to identify yourself.

1. Legal ability
2. Judicial management skills
3. Comportment
4. Settlement/plea agreement ability
5. Overall/General

This information will be used for statistical purposes only.
1. How long have you practiced law ? (years)
0 to 3
4 to 7
8 to 11
12 to 15
16 to 19
20 to 23
24 to 27
28 or more
Refuse to answer
2. Which of the following describes your practice of law?
Solo (including office sharing)
Law firm with 2-15 attorneys
Law firm with more than 15 attorneys
Corporate or house counsel
Pro se (Representing self)
Government
Refuse to answer
Other (please specify)

1 would like to fill out a questionnaire for another judge.						
I have completed questionnaires for all judges and am ready to submit my questionnaires.						
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Please confirm that you have completed questionnaires for judges you have appeared before and you are ready to submit your responses.						
Thank you for taking the time to provide feedback. Your opinion is very important.						
If you have any questions about this questionnaire, please	call the Policy and Planning Department at 539-4870. Mahalo!					
1. Please let us know what you think of the	e online survey process.					
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# APPENDIX F PER DIEM QUESTIONNAIRE

ease answer all mult	iple choice questions. There w	rill be a place for general con	nments at the end of the survey.
			om June 1, 2009 to May 31, d proceed by clicking on
Yes		○ No	
2. How many t 2009 to May 31	<del></del>	ed before this judge du	aring the period from June 1,
1-2	3-5	6-10	More than 10
period ? (Pleas	e select all that apply.)		Judge during the referenced
Nonjury trial(s)		·	
	n(s) with significant legal issues etrial plea agreement conference(s)		
Evidentiary heari			
Sentencing(s)	8(~)		
	e matter(s) (describe)		
Control de la co	III		
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nis section deals wi nowledge in the cor		ice, learning, and und eedings.	erstanding. It also o	leals with the judi	cial application of
1. Knowledg	e of relevant s	substantive law			·
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
2. Knowledg	e of rules of p	rocedure			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
3. Knowledg	e of rules of e	vidence			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
4. Ability to i	dentify and an	alyze relevant is	sues	÷	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
5. Judgment	in application	of relevant laws	and rules		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
6. Giving rea	sons for rulin	gs when needed			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
7. Clarity of e	explanation of	rulings			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
8. Adequacy	of findings of	fact			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
9. Clarity of j	udge's decisio	on(s) (oral/writte	n)		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable

10. Completeness of judge's decision(s) (oral/written)					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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. Moving the	e proceeding(	s) in an appropri	ately expeditio	us manner	
Excellent .	Good	Adequate	Less than Adequate	Poor	Not Applicabl
2. Maintainin	ıg proper cont	rol over the proc	ceeding(s)		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
. Doing the	necessary ho	mework on the o	case(s)		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
l. Rendering	rulings and d	ecisions withou	t unnecessary	delay	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
i. Allowing a ime constra		for presentation	of the case(s)	or motion(s) i	n light of existing
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicab
. Resourcef	ulness and co	ommon sense in	resolving prob	lems arising	from the
roceeding(s	s)		,		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicab
'. Skills in ef	fecting compr	omise			
Excellent	Good	Adequate	Less than .	Poor	Not Applicab
. Industriou	sness				
Excellent	Good	Adequate	Less than Adequate	Poor	O Not Applicab

perament, attitud	e, and manner.	•	y and behaviour in t	·	
1. Attentiven	ess				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
2. Courtesy t	o participants	<b>;</b>			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
3. Compassi	on .				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
4. Patience					
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
5. Absence o	f arrogance				
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
6. Absence o	f bias and pre	judice based on	race, sex, ethr	icity, religion	, social class, or
other factor					
Excellent	Good	· Adequate	Less than Adequate	Poor	Not Applicable
7. Evenhande	ed treatment o	of litigants			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
8. Evenhande	ed treatment o	of attorneys			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable

1. Knowing t	he case(s) an	d/or the law wel	l enough to add	lress key issu	es
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
2. Reasonab	leness of opin	ions on how key	issues might	be resolved a	t trial
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
3. Ability to e	enhance the se	ettlement proces	s by creating c	onsensus or t	o facilitate the
plea agreem	ent process				
Excellent ,	Good	Adequate	Chess than Adequate	Poor	Not Applicable
4. Impartialit	y as to how/in	whose favor ag	reement was re	eached	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
5. Absence o	f coercion or t	threat			
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicabl
6. Effectiven	ess in narrow	ing the issues in	dispute		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicabl
7. Appropriat	eness of judge	e's settlement/pl	ea initiatives		
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicabl
B. Facilitatio	n in developm	ent of options fo	r settlement/pl	ea	
Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable

We understand that anonymity is important. However, the more specific the input, the more useful it will be for the judge. Constructive comments that explain why a judge is viewed positively or negatively will assist the judge more than broad statements that a judge is good or not good. Please be advised that your comments will be forwarded to the Chief Justice. If your comments relate to a case that is on appeal, you should exercise caution in your remarks. Please type your comments, and remember not to identify yourself.

1. Legal ability
2. Judicial management skills
3. Comportment
4. Settlement/plea agreement ability
5. Overali/General

This information will be used for statistical purposes only.	
1. How long have you practiced law? (years)	
0 to 3	
O 4 to 7	
8 to 11	
12 to 15	
16 to 19	
20 to 23	
24 to 27	
28 or more	
Refuse to answer	
2. Which of the following describes your practice of	law ?
Solo (including office sharing)	
Law firm with 2-15 attorneys	
Law firm with more than 15 attorneys	
Corporate or house counsel	
Pro se (Representing self)	•
Government	
Refuse to answer	
Other (please specify)	
	•
	•
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•	

I would like to fill out a questionnaire for another judge.						
I have completed questionnaires for all judges and am ready to submit my questionnaires.						
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		·	•			
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Please confirm that you have completed questionnaires for judges you have appeared before and you are ready to submit your responses.

Thank you for taking the time to provide feedback. Your opinion is very important.

If you have any questions about this questionnaire, please call the Policy and Planning Department at 539-4870. Mahalo!

1. Please let us know what you think of the online survey process.

