

JUDICIAL PERFORMANCE PROGRAM 2015 REPORT

THE JUDICIARY
STATE OF HAWAII
November 24, 2015

JUDICIAL PERFORMANCE PROGRAM 2015 REPORT

INTRODUCTION

The Judicial Performance Program 2015 Report summarizes the results of evaluations involving nine Circuit Court judges, eleven Family Court judges, and six District Court 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 web portal. 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.

JUDGES' RATINGS

Trial court 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 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 programs being included in the evaluation process two out of every three years. About one-half or approximately ten judges from each group are evaluated per cycle. Evaluation of Family Court, but not of District Court, judges was conducted in 2014. Evaluations of both full time

Family Court and full time District Court judges were conducted in 2015. Evaluation of District Court, but not of Family Court, judges is scheduled for 2016.

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 justices and judges and consists of nine members: Robert Alm, Momi Cazimero, Kenneth Hipp, Douglas McNish, Willson Moore Jr., Shackley Raffetto, William Santos, Corinne Watanabe, and Ruthann Yamanaka. The Review Panels are organized into groups of three; every effort is made for each panel to consist of 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

Nine Circuit Court judges received the results of their evaluations under cover of memoranda dated October 12, 2015. A link to the online questionnaire was provided to attorneys by email on July 21, 2015. The surveys were collected from July 21 until August 21, 2015.

Although ten judges were selected for the evaluation, only nine judges received at least the eighteen responses required to be included. The other judge did not receive an evaluation report.

The email to active attorneys from Chief Justice Recktenwald and from the President of the Hawaii State Bar Association is printed in Appendix B. The questionnaire is printed in Appendix C. Possible ratings range from one for Poor to five for Excellent. Table 1 provides the average scores by section for the nine judges.

The mean score for the Legal Ability section was 4.0, with a standard deviation of 0.4. The standard deviation gives an indication of the variation in the scores of 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 the scores.) Most of the judges scored between 3.6 and 4.4 in this section.

The mean score for the Judicial Management Skills section was 4.1, with a standard deviation of 0.3. The mean score for the Comportment section was 4.2, with a standard deviation of 0.4. The mean score for the Settlement and/or Plea Agreement Ability section was 4.0, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are shown in Graphs 1 to 4.

There were 321 evaluations from attorneys out of 5,085 emails sent out. A reminder email sent to selected attorneys is printed in Appendix D.

The responses for the judge who had fewer than eighteen questionnaires were not counted. Also, some of the 321 attorneys said that they had not appeared before any judges at all. Other attorneys sent in evaluations with responses regarding more than one judge.

Thus the number of evaluations did not equal the number of questionnaires received. The number of questionnaires received for the nine judges totaled 433, with between 22 and 75 questionnaires received per judge.

TABLE 1
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT
 EVALUATION RESULTS FOR NINE JUDGES
 JULY 21, 2015 – AUGUST 21, 2015

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
LEGAL ABILITY SECTION			
1. Knowledge of Relevant Substantive Law	9	4.1	0.5
2. Knowledge of Rules of Procedure	9	4.2	0.5
3. Knowledge of Rules of Evidence	9	4.1	0.5
4. Ability to Identify and Analyze	9	4.1	0.5
5. Judgment in Application of Relevant Laws	9	4.0	0.4
6. Giving Reasons for Rulings when Needed	9	4.0	0.4
7. Clarity of Explanation of Rulings	9	4.0	0.4
8. Adequacy of Findings of Fact	9	3.9	0.5
9. Clarity of Judge's Decision(s)	9	4.0	0.4
10. Completeness of Judge's Decision(s)	9	4.0	0.4
11. Judge's Charge to the Jury/Juries	9	4.1	0.5
Average Score for the Legal Ability Section	9	4.0	0.4
JUDICIAL MANAGEMENT SKILLS SECTION			
1. Moving the Proceeding(s)	9	4.1	0.3
2. Maintaining Proper Control	9	4.2	0.3
3. Doing the Necessary Homework on the Case(s)	9	4.1	0.4
4. Rendering Rulings and Decisions w/o Delay	9	4.2	0.3
5. Allowing Adequate Time	9	4.2	0.3
6. Resourcefulness and Common Sense	9	4.1	0.4
7. Skills in Effecting Compromise	9	3.9	0.4
8. Industriousness	9	4.2	0.3
Average Score for the Judicial Management Skills Section	9	4.1	0.3
COMPORIMENT SECTION			
1. Attentiveness	9	4.4	0.3
2. Courtesy to Participants	9	4.3	0.5
3. Compassion	9	4.2	0.4
4. Patience	9	4.1	0.5
5. Absence of Arrogance	9	4.1	0.5
6. Absence of Bias and Prejudice	9	4.3	0.3
7. Evenhanded Treatment of Litigants	9	4.2	0.4
8. Evenhanded Treatment of Attorneys	9	4.2	0.4

Average Score for the Compartment Section	9	4.2	0.4
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	9	4.1	0.6
2. Reasonableness of Opinions	9	4.0	0.4
3. Ability to Enhance the Settlement Process	9	3.9	0.4
4. Impartiality	9	4.1	0.3
5. Absence of Coercion or Threat	9	4.2	0.4
6. Effectiveness in Narrowing the Issues	9	4.0	0.4
7. Appropriateness of Judge's Initiatives	9	4.0	0.4
8. Facilitation in Development of Options	9	3.9	0.4
Average Score for the Settlement Section	9	4.0	0.4

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

Circuit Court

Graph 1. Legal Ability Scale

Frequency of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015

No. of Judges	7	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

Circuit Court

Graph 2. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015

No. of Judges	7	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

Circuit Court

Graph 3. Comportment Scale

Frequency of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015

No. of Judges	6	3
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015

No. of Judges	8	1
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

FAMILY COURT RESULTS

Evaluation results were transmitted to eleven Family Court judges by Chief Justice Recktenwald under cover of memoranda dated July 2, 2015. Surveys could be completed over the Internet from April 21 to May 15, 2015.

Although twelve judges were selected for the evaluation, only eleven judges received at least the eighteen responses required to be included. The other judge did not receive an evaluation report.

The Family Court questionnaire is printed in Appendix E. Table 2 provides the averages for the eleven judges.

The mean score for the Legal Ability Section was 3.9, and the standard deviation was 0.4. Most of the judges received scores between 3.5 and 4.3.

The mean score for the Judicial Management Skills section was 3.9, and the standard deviation was 0.3. The mean score for the Comportment section was 4.0, and the standard deviation was 0.4. The mean score for the Settlement and/or Plea Agreement Ability section was 3.8, and the standard deviation was 0.4. The frequencies of the judges' ratings, by category, are shown in Graphs 5 to 8.

Of the 4,864 attorneys who were sent emails, 205 returned evaluations. The 205 evaluations were for twelve judges, but the responses for the judge who had fewer than eighteen questionnaires were not used. Also, some attorneys had not appeared before any judges.

In total, the eleven judges who were evaluated had 309 individual evaluations returned. The judges received between 21 and 37 questionnaires each. The reason that the 309 individual judge evaluations is a higher number than the 205 attorney evaluations is that some attorneys appeared before two or more judges.

TABLE 2
 JUDICIAL PERFORMANCE PROGRAM – FAMILY COURT
 EVALUATION RESULTS FOR ELEVEN JUDGES
 APRIL 21, 2015 – MAY 15, 2015

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
LEGAL ABILITY SECTION			
1. Knowledge of Relevant Substantive Law	11	3.9	0.4
2. Knowledge of Rules of Procedure	11	4.1	0.4
3. Knowledge of Rules of Evidence	11	4.0	0.4
4. Ability to Identify and Analyze	11	3.9	0.4
5. Judgment in Application of Relevant Laws	11	3.8	0.4
6. Giving Reasons for Rulings when Needed	11	3.9	0.4
7. Clarity of Explanation of Rulings	11	3.8	0.4
8. Adequacy of Findings of Fact	11	3.8	0.4
9. Clarity of Judge's Decision(s)	11	3.8	0.4
10. Completeness of Judge's Decision(s)	11	3.8	0.4
11. Judge's Charge to the Jury/Juries	0	---	---
Average Score for the Legal Ability Section	11	3.9	0.4
JUDICIAL MANAGEMENT SKILLS SECTION			
1. Moving the Proceeding(s)	11	3.9	0.4
2. Maintaining Proper Control	11	4.1	0.3
3. Doing the Necessary Homework on the Case(s)	11	3.9	0.5
4. Rendering Rulings and Decisions w/o Delay	11	4.0	0.3
5. Allowing Adequate Time	11	4.0	0.3
6. Resourcefulness and Common Sense	11	3.8	0.4
7. Skills in Effecting Compromise	11	3.7	0.4
8. Industriousness	11	4.0	0.3
Average Score for the Judicial Management Skills Section	11	3.9	0.3
COMPORTMENT SECTION			
1. Attentiveness	11	4.2	0.3
2. Courtesy to Participants	11	4.1	0.4
3. Compassion	11	4.0	0.4
4. Patience	11	3.8	0.4
5. Absence of Arrogance	11	3.9	0.6
6. Absence of Bias and Prejudice	11	4.0	0.5
7. Evenhanded Treatment of Litigants	11	3.9	0.5
8. Evenhanded Treatment of Attorneys	11	3.9	0.5

Average Score for the Compartment Section	11	4.0	0.4
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	11	3.9	0.4
2. Reasonableness of Opinions	11	3.9	0.3
3. Ability to Enhance the Settlement Process	11	3.7	0.4
4. Impartiality	11	3.8	0.4
5. Absence of Coercion or Threat	11	4.0	0.5
6. Effectiveness in Narrowing the Issues	11	3.9	0.4
7. Appropriateness of Judge's Initiatives	11	3.8	0.4
8. Facilitation in Development of Options	11	3.8	0.4
Average Score for the Settlement Section	11	3.8	0.4

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

Family Court

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015

No. of Judges	2	9
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Family Court

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015

No. of Judges	1	9	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

Family Court

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015

No. of Judges	1	10
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Family Court

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015

No. of Judges	1	10
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

DISTRICT COURT RESULTS

Evaluation results were transmitted to six District Court judges by Chief Justice Recktenwald under cover of memoranda dated April 27, 2015. Surveys could be completed from January 21, 2015, to February 20, 2015.

Although thirteen judges were selected for the evaluation, only six judges received at least the eighteen responses required to be included. The other seven judges did not receive evaluation reports.

The District Court questionnaire is printed in Appendix F. Table 3 provides the averages for the six judges.

The mean score for the Legal Ability section was 4.1, and the standard deviation was 0.3. Most of the judges received scores between 3.8 and 4.4.

The mean score for the Judicial Management Skills section was 4.2, and the standard deviation was 0.3. The mean score for the Comportment section was 4.3, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability section was 4.1, and the standard deviation was 0.4. The frequencies of judges' ratings, by category, are shown in Graphs 9 to 12.

The six judges received between 18 and 32 questionnaires each. There were a total of 146 evaluations returned.

TABLE 3
 JUDICIAL PERFORMANCE PROGRAM – DISTRICT COURT
 EVALUATION RESULTS FOR SIX JUDGES
 JANUARY 21, 2015 – FEBRUARY 20, 2015

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
LEGAL ABILITY SECTION			
1. Knowledge of Relevant Substantive Law	6	4.2	0.3
2. Knowledge of Rules of Procedure	6	4.3	0.3
3. Knowledge of Rules of Evidence	6	4.2	0.2
4. Ability to Identify and Analyze	6	4.2	0.4
5. Judgment in Application of Relevant Laws	6	4.1	0.4
6. Giving Reasons for Rulings when Needed	6	4.1	0.3
7. Clarity of Explanation of Rulings	6	4.1	0.3
8. Adequacy of Findings of Fact	6	3.9	0.5
9. Clarity of Judge's Decision(s)	6	4.1	0.4
10. Completeness of Judge's Decision(s)	6	4.1	0.3
Average Score for the Legal Ability Section	6	4.1	0.3
JUDICIAL MANAGEMENT SKILLS SECTION			
1. Moving the Proceeding(s)	6	4.2	0.2
2. Maintaining Proper Control	6	4.3	0.2
3. Doing the Necessary Homework on the Case(s)	6	4.2	0.4
4. Rendering Rulings and Decisions w/o Delay	6	4.2	0.3
5. Allowing Adequate Time	6	4.2	0.3
6. Resourcefulness and Common Sense	6	4.2	0.4
7. Skills in Effecting Compromise	6	4.1	0.4
8. Industriousness	6	4.2	0.3
Average Score for the Judicial Management Skills Section	6	4.2	0.3
COMPORTEMNT SECTION			
1. Attentiveness	6	4.4	0.3
2. Courtesy to Participants	6	4.4	0.4
3. Compassion	6	4.1	0.5
4. Patience	6	4.2	0.4
5. Absence of Arrogance	6	4.3	0.4
6. Absence of Bias and Prejudice	6	4.4	0.2
7. Evenhanded Treatment of Litigants	6	4.3	0.3
8. Evenhanded Treatment of Attorneys	6	4.3	0.3
Average Score for the Compartment Section	6	4.3	0.3

SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	6	4.1	0.4
2. Reasonableness of Opinions	6	4.1	0.4
3. Ability to Enhance the Settlement Process	6	4.0	0.4
4. Impartiality	6	4.2	0.3
5. Absence of Coercion or Threat	6	4.4	0.3
6. Effectiveness in Narrowing the Issues	6	4.1	0.4
7. Appropriateness of Judge's Initiatives	6	4.1	0.5
8. Facilitation in Development of Options	6	4.0	0.5
Average Score for the Settlement Section	6	4.1	0.4

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

District Court

Graph 9. Legal Ability Scale

Frequency of Judges' Ratings, By Category

January 21, 2015 – February 20, 2015

No. of Judges	4	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 10. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

January 21, 2015 – February 20, 2015

No. of Judges	4	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 11. Comportment Scale

Frequency of Judges' Ratings, By Category

January 21, 2015 – February 20, 2015

No. of Judges	3	3
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 12. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

January 21, 2015 – February 20, 2015

No. of Judges	5	1
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

APPENDIX A

MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge Derrick H.M. Chan, Chair

Judge Rhonda I. L. Loo

Judge Clarence A. Pacarro

Claire K. S. Cooper

Rosemary T. Fazio, Esq.

Jeen H. Kwak, Esq.

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

R. Patrick McPherson, Esq.

James C. McWhinnie, Esq.

Stephanie A. Rezents, Esq.

Audrey L. E. Stanley, Esq.

Janice Wakatsuki

APPENDIX B

EMAIL FROM THE CHIEF JUSTICE AND THE PRESIDENT OF THE BAR

To:

From: Michael.A.Oki@courts.hawaii.gov

Sent: July 21, 2015

Subject: Joint Email From Chief Justice Recktenwald and HSBA President Markham Re Judicial Evaluations

Dear Attorney:

This is a joint email from Chief Justice Mark E. Recktenwald and HSBA President Gregory K. Markham. The Judiciary is conducting an online evaluation of Circuit Court Judges _____, _____, _____, _____, _____, _____, _____, _____, _____, and _____.

The Judiciary and the HSBA encourage all members to participate in the evaluation process. If an insufficient number of evaluations for a particular judge are received, then that judge will not be evaluated. An independent consultant has determined that at least eighteen evaluations must be submitted in order for a judge to receive a reliable and accurate evaluation report.

While this online judicial evaluation differs from the HSBA's judicial evaluation survey, both programs are designed to give you the opportunity to provide meaningful input concerning individual judges. Judges are receptive to receiving your comments, suggestions, and feedback. Your evaluations serve to enhance judicial performance and improve the judicial skills and techniques of Hawai'i's judges.

Please click on the Begin Evaluation button below to commence your judicial evaluations. The link is unique to your email address, so please do not forward this email. You may exit and later return to the evaluations simply by clicking this button. The judicial evaluations will remain accessible to you until August 21, 2015.

To ensure security and confidentiality, the evaluation process is conducted by SurveyMonkey. It is administered by the eHawaii.gov web portal, which is independent of the Judiciary and the HSBA. Please reference http://www.courts.state.hi.us/courts/performance_review/judge_evaluations_faqs.html for a list of Frequently Asked Questions. To read the judicial evaluation reports, follow the link to the Judicial Performance Program.

The evaluation is designed to obtain fair assessments from attorneys who actually had any cases or served in any other capacity with the evaluated judge. Please ensure that your evaluation is based solely on your direct experience and not obtained through hearsay or through other means.

If you did not have any cases or serve in any other capacity with a judge, enter that option after selecting the judge's name.

Thank you for your consideration. If you have any questions, please contact Michael Oki at (808)539-4870.

Sincerely,

Mark E. Recktenwald
Chief Justice
Supreme Court of Hawai'i

Gregory K. Markham
President
Hawaii State Bar Association

APPENDIX C

CIRCUIT COURT QUESTIONNAIRE

Judicial Circuit Court Evaluation – July 2015
Sample – Basic Evaluation Questions

Please answer all multiple choice questions. There will be a place for general comments at the end of the evaluation.

*1. Did you have any cases or serve in any other capacity with this judge during the period from July 1, 2013 to June 30, 2015? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

2. How many times have you appeared before this judge during the referenced period?

1-2

3-5

6-10

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)

Judicial Circuit Court Evaluation – July 2015
Sample – Legal Ability

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 Adequate	Poor	Not Applicable
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2. Knowledge of rules of procedure

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Knowledge of rules of evidence

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Ability to identify and analyze relevant issues

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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5. Judgment in application of relevant laws and rules

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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6. Giving reasons for rulings when needed

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Clarity of explanation of rulings

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Adequacy of findings of fact

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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9. Clarity of judge's decision(s) (oral/written)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – July 2015

10. Completeness of judge's decision(s) (oral/written)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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11. Judge's charge to the jury/juries

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – July 2015
Sample – Judicial Management Skills

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 Adequate Less than Adequate Poor Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Doing the necessary homework on the case(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Allowing adequate time for presentation of the case(s) or motion(s) in light of existing time constraints

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Resourcefulness and common sense in resolving problems arising from the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Skills in effecting compromise

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Industriousness

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation – July 2015
Sample – Comportment

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 Adequate	Poor	Not Applicable
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2. Courtesy to participants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Compassion

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Patience

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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5. Absence of arrogance

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Evenhanded treatment of litigants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Evenhanded treatment of attorneys

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – July 2015
Sample – Settlement and/or plea agreement ability

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.

1. Knowing the case(s) and/or the law well enough to address key issues

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Reasonableness of opinions on how key issues might be resolved at trial

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Ability to enhance the settlement process by creating consensus or to facilitate the plea agreement process

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Impartiality as to how/in whose favor agreement was reached

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation – July 2015
Sample – Comment Page

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 remember not to identify yourself.

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Circuit Court Evaluation – July 2015
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

I would like to fill out an evaluation for another judge.

I have completed evaluations for all judges.

Judicial Circuit Court Evaluation – July 2015
Sample – Background Characteristics

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 Evaluation – July 2015
Sample – Submit Evaluations

Please confirm that you have completed evaluations 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 evaluation, please call the Policy and Planning Department at 539-4870. Mahalo!

1. Please let us know what you think of the online evaluation process. Are you comfortable with the confidentiality and anonymity of this process? Why or why not?

APPENDIX D

REMINDER EMAIL TO ATTORNEYS

Bcc:

From: Michael.A.Oki@courts.hawaii.gov

Date: July 27, 2015

Subject: Circuit Court Judicial Evaluation

Dear Attorney:

The Judiciary and the Hawaii State Bar Association recently sent you an email regarding the evaluation of Circuit Court judges. We are asking you to fill out the form if you had any cases or served in any other capacity with one or more of the judges identified in the evaluation. If you are not in a position to evaluate a judge, but another attorney in your office is, please forward this email to that attorney.

The Judicial Performance Program is an important part of our ongoing efforts to improve the judicial system. Because of the statistical requirements of the process, we cannot evaluate any judge who does not receive at least eighteen questionnaires during the rating period.

Thank you for your assistance. We appreciate your participation if you have completed the evaluation.

Michael Oki
The Judiciary — State of Hawai'i

APPENDIX E

FAMILY COURT QUESTIONNAIRE

Judicial Family Court Evaluation – April 2015
Sample – Basic Evaluation Questions

Please answer all multiple choice questions. There will be a place for general comments at the end of the evaluation.

*1. Did you have any cases or serve in any other capacity with this judge during the period from April 1, 2013 to March 31, 2015? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

2. How many times have you appeared before this judge during the referenced period?

1-2

3-5

6-10

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)

Judicial Family Court Evaluation – April 2015
Sample – Legal Ability

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 Adequate	Poor	Not Applicable
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2. Knowledge of rules of procedure

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Knowledge of rules of evidence

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Ability to identify and analyze relevant issues

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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5. Judgment in application of relevant laws and rules

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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6. Giving reasons for rulings when needed

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Clarity of explanation of rulings

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Adequacy of findings of fact

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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9. Clarity of judge's decision(s) (oral/written)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Family Court Evaluation – April 2015

10. Completeness of judge's decision(s) (oral/written)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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11. Judge's charge to the jury/juries.

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Family Court Evaluation – April 2015
Sample – Judicial Management Skills

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 Adequate Less than Adequate Poor Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Doing the necessary homework on the case(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Allowing adequate time for presentation of the case(s) or motion(s) in light of existing time constraints

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Resourcefulness and common sense in resolving problems arising from the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Skills in effecting compromise

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Industriousness

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Family Court Evaluation – April 2015
Sample – Comportment

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 Adequate	Poor	Not Applicable
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2. Courtesy to participants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Compassion

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Patience

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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5. Absence of arrogance

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Evenhanded treatment of litigants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Evenhanded treatment of attorneys

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Family Court Evaluation – April 2015
Sample – Settlement and/or plea agreement ability

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, or rule 16(1), family court rules, and pretrial conferences involving rule 11, rules of penal procedure.

1. Knowing the case(s) and/or the law well enough to address key issues

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Reasonableness of opinions on how key issues might be resolved at trial

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Ability to enhance the settlement process by creating consensus or to facilitate the plea agreement process

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Impartiality as to how/in whose favor agreement was reached

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Family Court Evaluation – April 2015
Sample – Comment Page

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 remember not to identify yourself.

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Family Court Evaluation – April 2015
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

I would like to fill out an evaluation for another judge.

I have completed evaluations for all judges.

Judicial Family Court Evaluation – April 2015
Sample – Background Characteristics

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 Family Court Evaluation – April 2015
Sample – Submit Evaluations

Please confirm that you have completed evaluations 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 evaluation, please call the Policy and Planning Department at 539-4870. Mahalo!

1. Please let us know what you think of the online evaluation process. Are you comfortable with the confidentiality and anonymity of this process? Why or why not?

APPENDIX F

DISTRICT COURT QUESTIONNAIRE

Judicial District Court Evaluation – January 2015
Sample – Basic Evaluation Questions

Please answer all multiple choice questions. There will be a place for general comments at the end of the survey.

*1. Did you have you any cases or serve in any other capacity with this judge during the period from January 1, 2013 to December 31, 2014? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

2. How many times have you appeared before this judge during the referenced period?

1-2

3-5

6-10

More than 10

3. For what types of matters have you appeared before this judge during the referenced period ?
(Please select all that apply.)

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)

Judicial District Court Evaluation – January 2015
Sample – Legal Ability

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 Adequate	Poor	Not Applicable
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2. Knowledge of rules of procedure

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Knowledge of rules of evidence

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Ability to identify and analyze relevant issues

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
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6. Giving reasons for rulings when needed

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Clarity of explanation of rulings

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Adequacy of findings of fact

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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9. Clarity of judge's decision(s) (oral/written)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial District Court Evaluation – January 2015

10. Completeness of judge's decision(s) (oral/written)

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation – January 2015
Sample – Judicial Management Skills

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 Adequate Less than Adequate Poor Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Doing the necessary homework on the case(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Allowing adequate time for presentation of the case(s) or motion(s) in light of existing time constraints

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Resourcefulness and common sense in resolving problems arising from the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Skills in effecting compromise

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Industriousness

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation – January 2015
Sample – Comportment

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 Adequate	Poor	Not Applicable
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2. Courtesy to participants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Compassion

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Patience

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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5. Absence of arrogance

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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7. Evenhanded treatment of litigants

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Evenhanded treatment of attorneys

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial District Court Evaluation – January 2015
Sample – Settlement and/or Plea Agreement Ability

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, district court rules, and pretrial conferences involving rule 11, rules of penal procedure.

1. Knowing the case(s) and/or the law well enough to address key issues

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Reasonableness of opinions on how key issues might be resolved at trial

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Ability to enhance the settlement process by creating consensus or to facilitate the plea agreement process

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Impartiality as to how/in whose favor agreement was reached

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation – January 2015
Sample – Comment Page

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

Judicial District Court Evaluation – January 2015
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

I would like to fill out an evaluation for another judge.

I have completed evaluations for all judges.

Judicial District Court Evaluation – January 2015
Sample – Background Characteristics

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 District Court Evaluation – January 2015
Sample – Submit Evaluations

Please confirm that you have completed evaluations 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. Are you comfortable with the confidentiality and anonymity of this process? Why or why not?