

JUDICIAL PERFORMANCE PROGRAM

2013 REPORT

**THE JUDICIARY
STATE OF HAWAI'I**

November 7, 2013

JUDICIAL PERFORMANCE PROGRAM 2013 REPORT

INTRODUCTION

The Judicial Performance Program 2013 Report summarizes the results of evaluations involving seven Circuit Court judges and four District Court and Per Diem judges. Also included are the results of a juror evaluation of eight Circuit Court judges.

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. Evaluations of both full time Family Court and full time District Court judges were conducted in 2012.

Evaluation of District Court, but not of Family Court, judges was conducted in 2013. Evaluation of Family Court, but not of District Court, judges is scheduled for 2014.

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 nine members: Robert Alm, Momi Cazimero, Kenneth Hipp, Douglas McNish, Willson Moore Jr., William Santos, Betty Vitousek, Corinne Watanabe, and Ruthann Yamanaka. The Review Panel is 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

Seven Circuit Court judges received the results of their evaluations under cover of memoranda dated October 9, 2013. A link to the online questionnaire was provided to attorneys by email on June 25, 2013. The surveys were collected from June 25, 2013 until July 19, 2013.

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

The email to active attorneys from Chief Justice Mark E. 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 on page 4 provides the average scores by section for the seven judges.

The mean score for the Legal Ability section was 3.8, with a standard deviation of 0.2. The standard deviation gives an indication of the amount of variation in the scores among 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 4.0 in this section.

The mean score for the Judicial Management Skills section was 4.0, with a standard deviation of 0.2. The mean score for the Comportment section was 4.0, with a standard deviation of 0.4. The mean score for the Settlement and/or Plea Agreement Ability section was 3.9, with a standard deviation of 0.2. The frequencies of the judges' ratings, by category, are printed on pages 5 to 8.

There were 294 responses from attorneys out of 4513 emails sent out. Some of these attorneys appeared before more than one judge. A reminder email sent to selected attorneys is printed in Appendix D. The number of responses did not equal the number of questionnaires received. The number of questionnaires received for the seven evaluated judges totaled 317, with between 34 and 56 questionnaires received for each judge.

TABLE 1
JUDICIAL PERFORMANCE PROGRAM - CIRCUIT COURT
EVALUATION RESULTS FOR SEVEN JUDGES
JUNE 25, 2013 - JULY 19, 2013

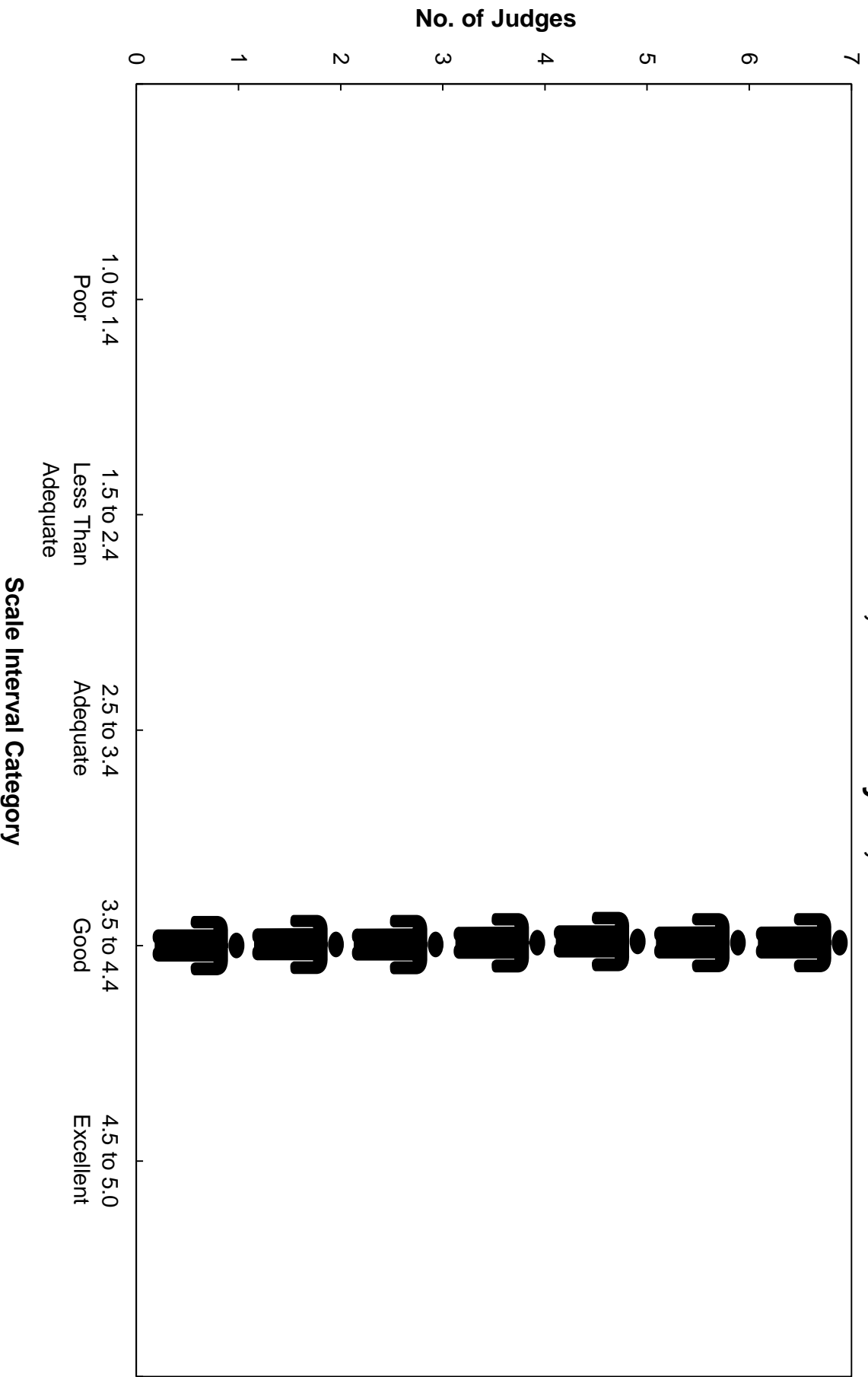
<u>QUESTIONNAIRE SECTION</u>	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
<u>LEGAL ABILITY SECTION</u>			
1. Knowledge of Relevant Substantive Law	7	3.9	0.3
2. Knowledge of Rules of Procedure	7	4.0	0.3
3. Knowledge of Rules of Evidence	7	4.0	0.2
4. Ability to Identify and Analyze Relevant Issues	7	3.9	0.3
5. Judgment in Application of Relevant Laws and Rules	7	3.7	0.3
6. Giving Reasons for Rulings when Needed	7	3.8	0.3
7. Clarity of Explanation of Rulings	7	3.8	0.3
8. Adequacy of Findings of Fact	7	3.7	0.2
9. Clarity of Judge's Decision(s) (oral/written)	7	3.8	0.3
10. Completeness of Judge's Decision(s) (oral/written)	7	3.8	0.2
11. Judge's Charge to the Jury/Juries	5	4.0	0.5
Average Score for the Legal Ability Section	7	3.8	0.2
<u>JUDICIAL MANAGEMENT SKILLS SECTION</u>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	7	3.9	0.2
2. Maintaining Proper Control over the Proceeding(s)	7	4.1	0.2
3. Doing the Necessary Homework on the Case(s)	7	4.0	0.2
4. Rendering Rulings and Decisions w/o Unnecessary Delay	7	4.0	0.2
5. Allowing Adequate Time for Presentation of the Case(s)	7	4.1	0.2
6. Resourcefulness and Common Sense in Resolving Problems	7	3.8	0.2
7. Skills in Effecting Compromise	7	3.7	0.2
8. Industriousness	7	4.1	0.2
Average Score for the Judicial Management Skills Section	7	4.0	0.2
<u>COMPORTEMNT SECTION</u>			
1. Attentiveness	7	4.3	0.3
2. Courtesy to Participants	7	4.1	0.5
3. Compassion	7	3.9	0.4
4. Patience	7	3.9	0.5
5. Absence of Arrogance	7	3.9	0.6
6. Absence of Bias and Prejudice	7	4.1	0.3
7. Evenhanded Treatment of Litigants	7	4.0	0.4
8. Evenhanded Treatment of Attorneys	7	4.0	0.4
Average Score for the Comportment Section	7	4.0	0.4
<u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u>			
1. Knowing the Case(s) and/or the Law	7	3.9	0.3
2. Reasonableness of Opinions	7	3.9	0.3
3. Ability to Enhance the Settlement Process	7	3.7	0.3
4. Impartiality	7	4.0	0.3
5. Absence of Coercion or Threat	7	4.2	0.2
6. Effectiveness in Narrowing the Issues	7	3.8	0.3
7. Appropriateness of Judge's Initiatives	7	3.8	0.2
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

<p>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</p>

Circuit Court

Graph 1. Legal Ability Scale

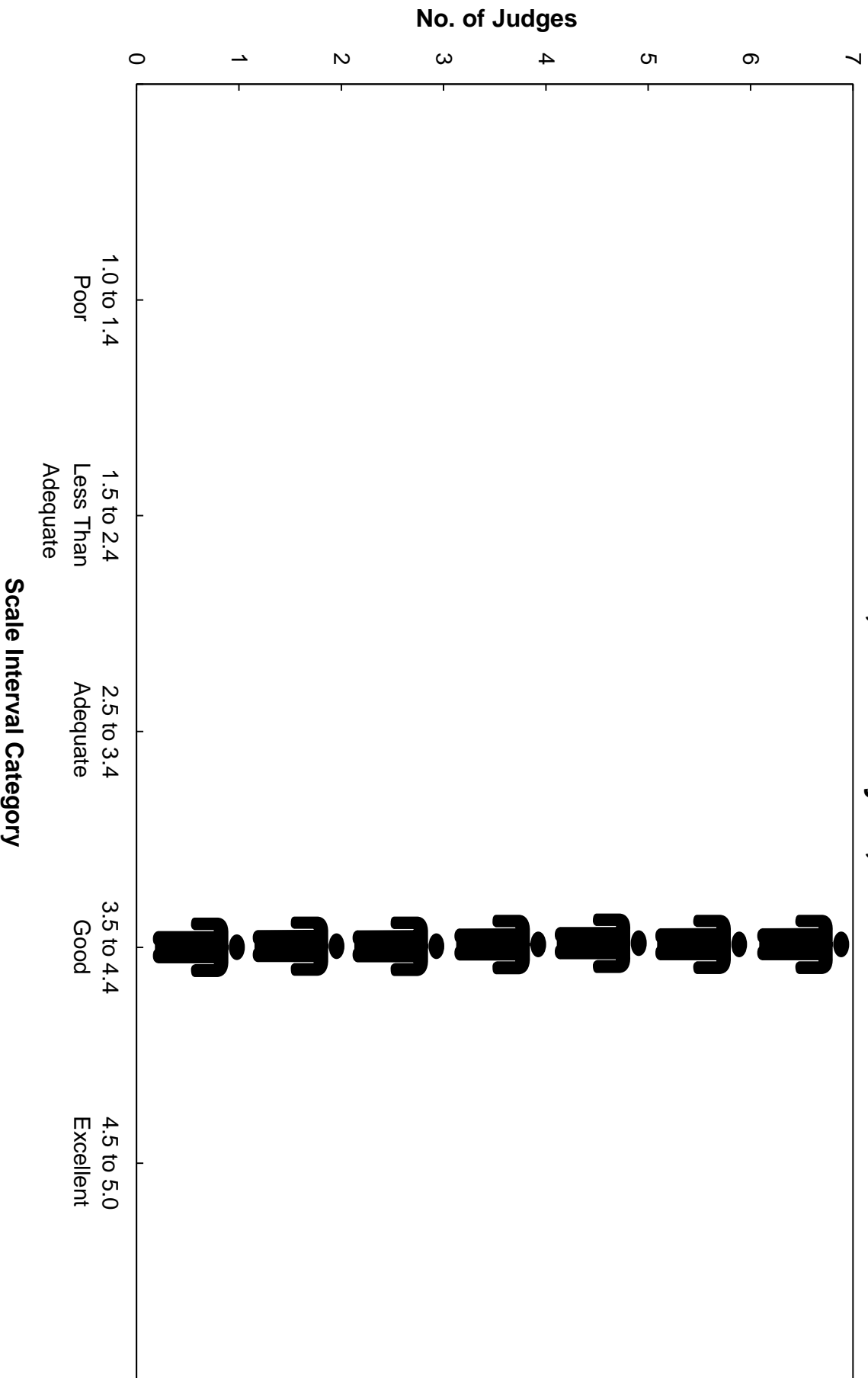
Frequency Of Judges' Ratings, By Category
June 25, 2013 – July 19, 2013



Circuit Court

Graph 2. Judicial Management Skills Scale Frequency Of Judges' Ratings, By Category

June 25, 2013 – July 19, 2013

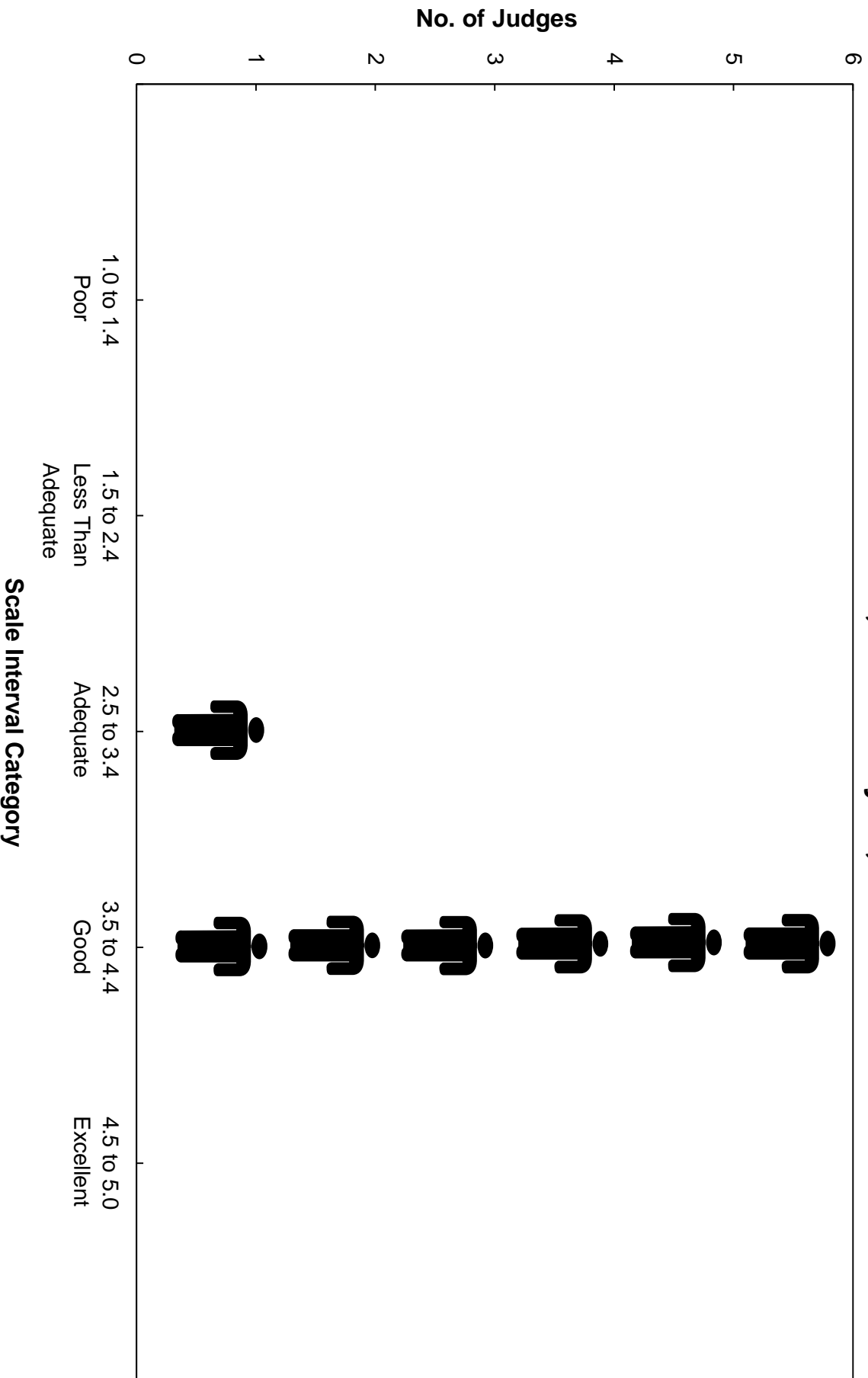


Circuit Court

Graph 3. Compartment Scale

Frequency Of Judges' Ratings, By Category

June 25, 2013 – July 19, 2013

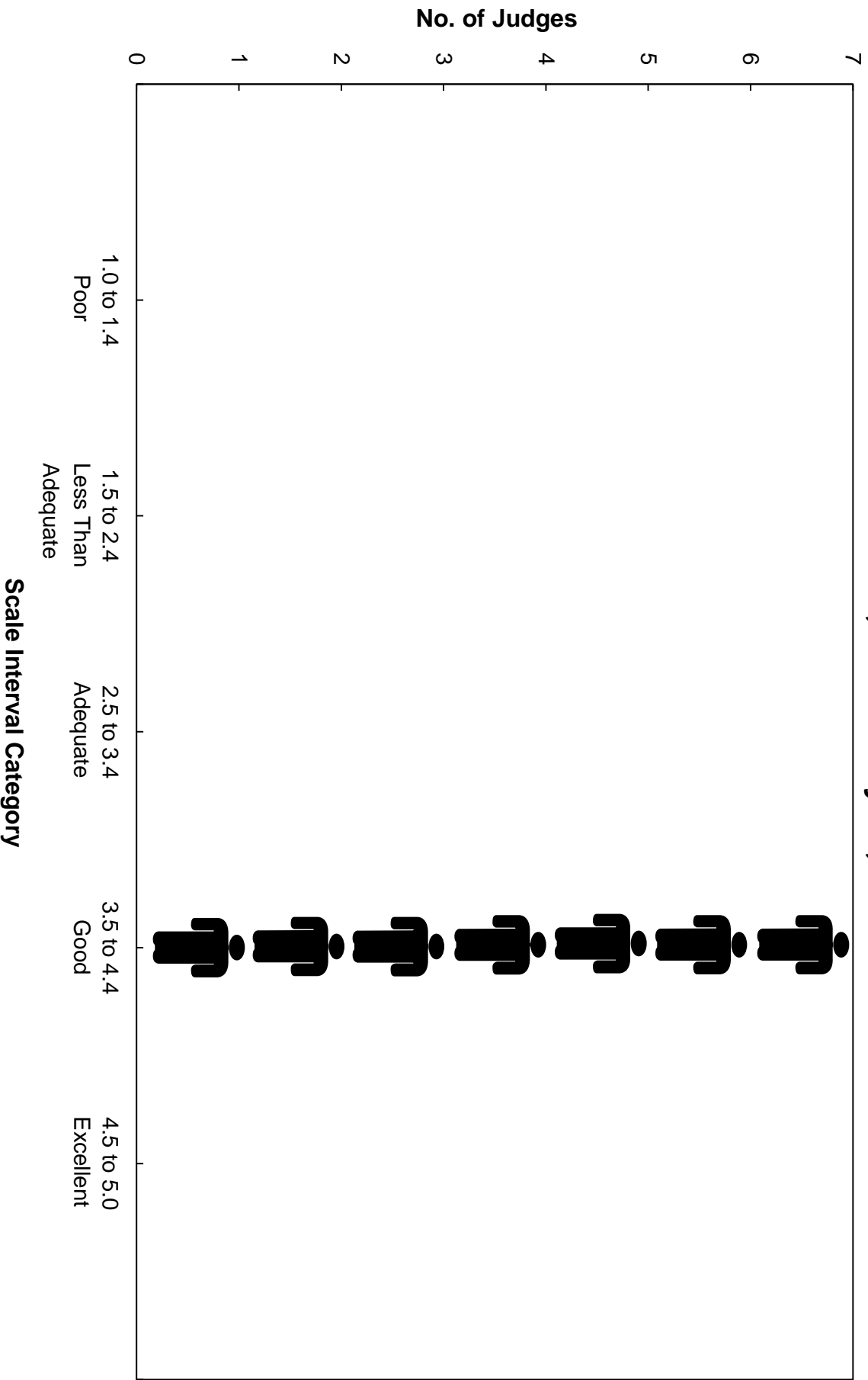


Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency Of Judges' Ratings, By Category

June 25, 2013 – July 19, 2013



DISTRICT COURT AND PER DIEM RESULTS

Evaluation results were transmitted to four District Court and Per Diem judges by Chief Justice Recktenwald under cover of memoranda dated May 1, 2013. Surveys could be completed over the Internet from February 26, 2013 to March 22, 2013.

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

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

The mean score for the Legal Ability Section was 3.8, and the standard deviation was 0.4. Most of the judges received scores between 3.4 and 4.2.

The mean score for the Judicial Management Skills section was 3.9, and the standard deviation was 0.4. 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 3.9, and the standard deviation was 0.4. The frequencies of the judges' ratings, by category, are printed on pages 11 to 14.

Of the 3838 attorneys who were sent emails, 199 returned evaluations. Some of the 199 attorneys said they had not appeared before any judges, and some attorneys appeared before two or more judges.

The four evaluated judges received between 22 and 48 evaluations each. The four judges had a total of 127 evaluations returned.

TABLE 2
JUDICIAL PERFORMANCE PROGRAM
EVALUATION RESULTS FOR FOUR JUDGES
FEBRUARY 26, 2013 - MARCH 22, 2013

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

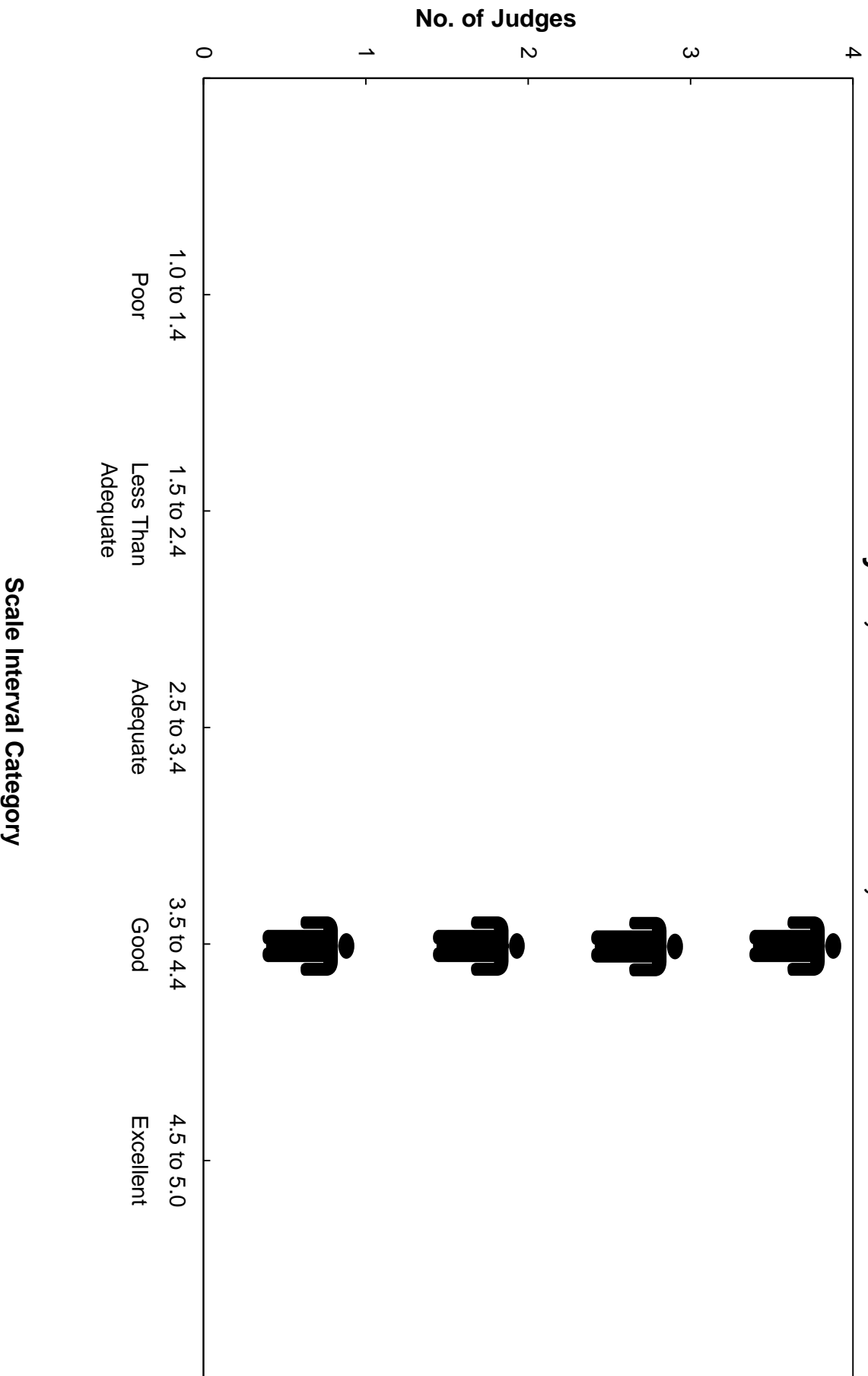
<p>N = Number of Judges with More Than Five Responses for the Item Legend for Mean Score: 5 = Excellent 4 = Good 3 = Adequate 2 = Less Than Adequate 1 = Poor S.D. = Standard Deviation</p>

District Court

Graph 5. Legal Ability Scale

Frequency Of Judges' Ratings, By Category

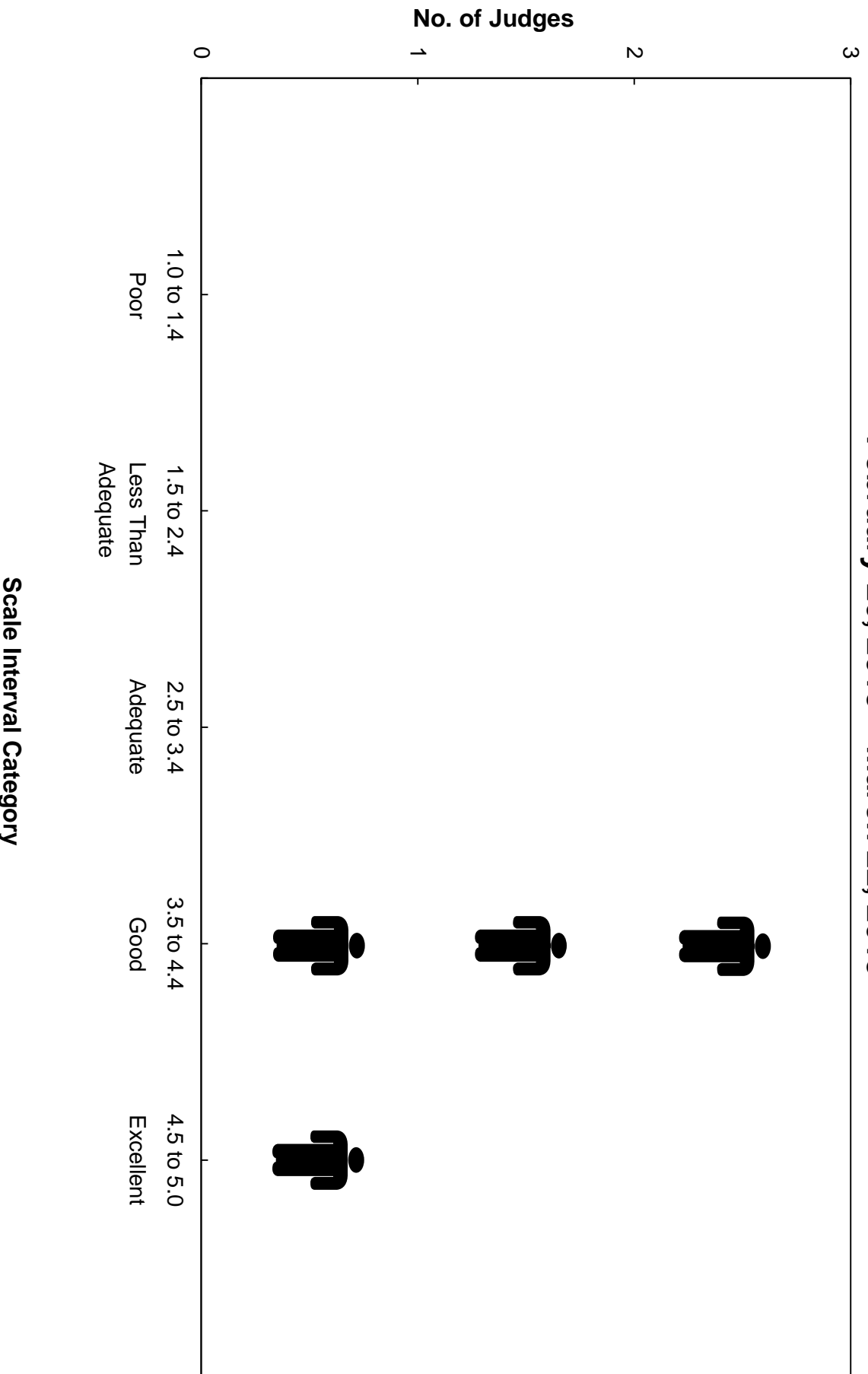
February 26, 2013 – March 22, 2013



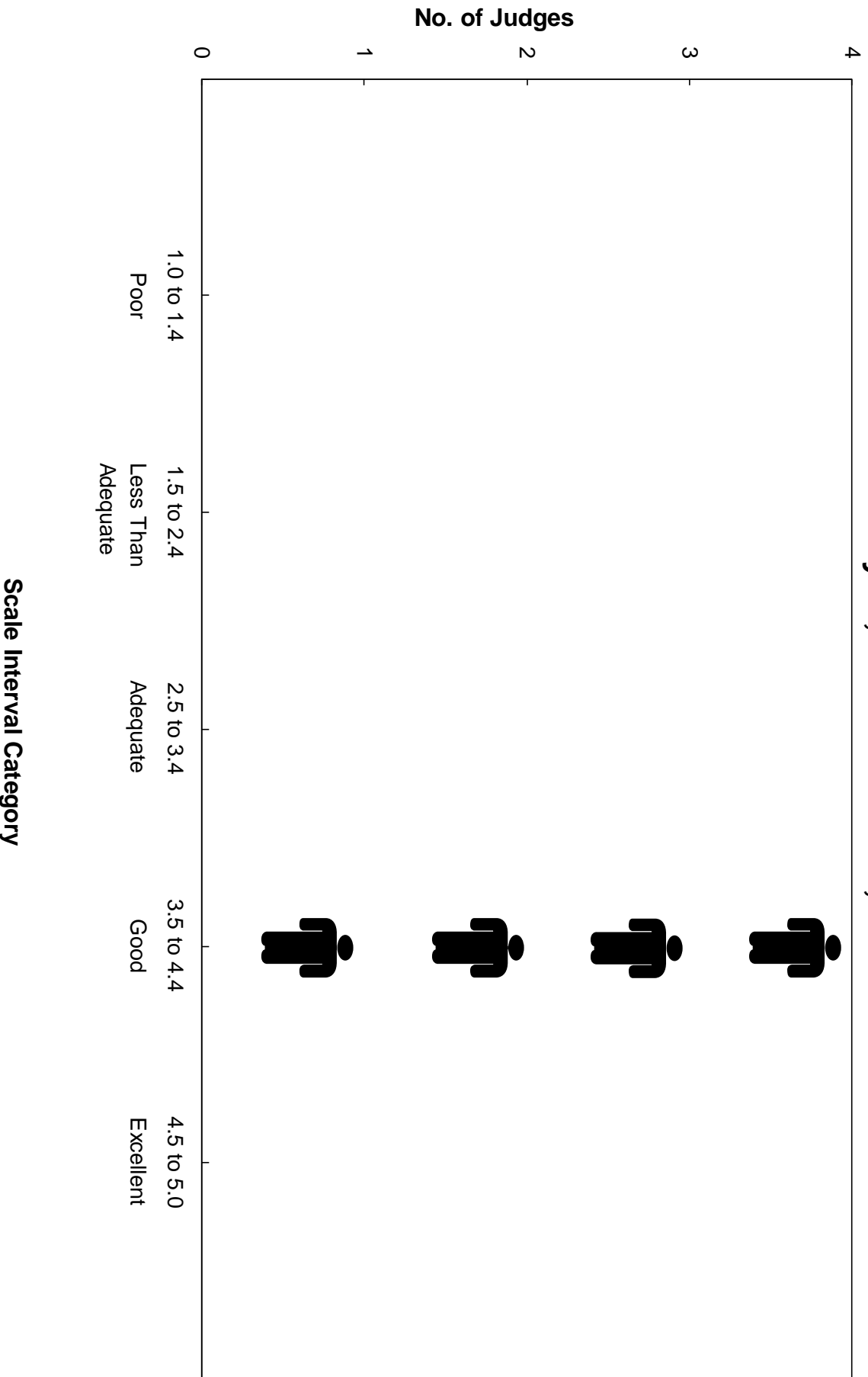
District Court

**Graph 6. Judicial Management Skills Scale
Frequency Of Judges' Ratings, By Category**

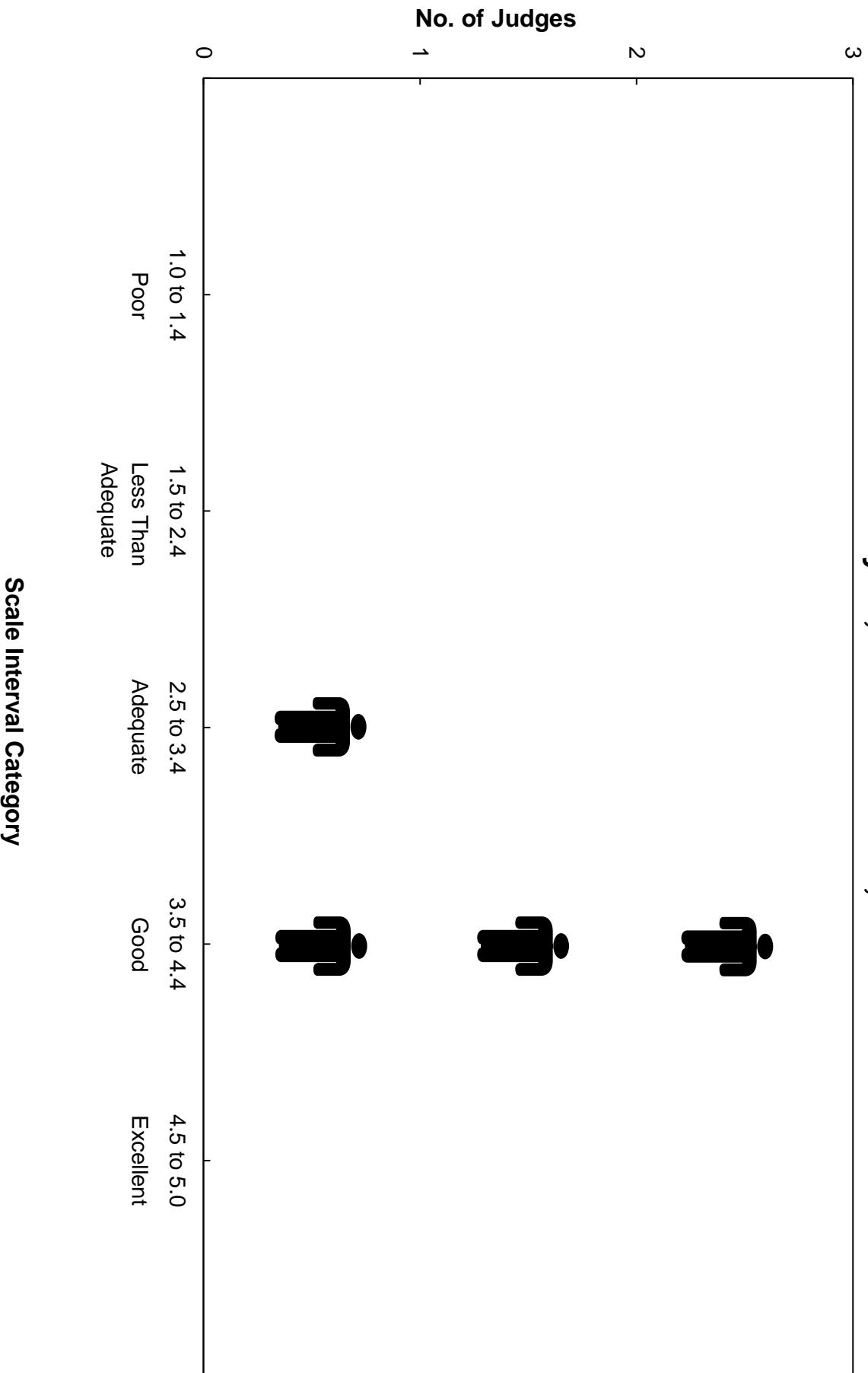
February 26, 2013 – March 22, 2013



**District Court
 Graph 7. Compartment Scale
 Frequency Of Judges' Ratings, By Category
 February 26, 2013 – March 22, 2013**



**District Court
 Graph 8. Settlement/Plea Agreement Ability Scale
 Frequency Of Judges' Ratings, By Category
 February 26, 2013 – March 22, 2013**



CIRCUIT COURT JUROR EVALUATION RESULTS

Juror evaluation results were transmitted to eight Circuit Court judges by Chief Justice Recktenwald under cover of memoranda dated May 1, 2013. Surveys were distributed by standard mail on January 24, 2013 and were collected until February 27, 2013. Table 3 on the next page provides the averages for the eight judges.

The mean score for Overall Performance was 4.8, with a standard deviation of 0.1. Most of the judges received scores between 4.7 and 4.9 for Overall Performance. The mean score for the other ten evaluation categories combined was 4.7, and the standard deviation was 0.0. The frequencies of judges' ratings, by category, are printed on pages 17 and 18. The juror evaluation questionnaire is included as Appendix F.

Jurors were selected from the pools of jurors who had been chosen or sworn, including alternates. Even if a juror had not sat through an entire trial because of settlement or other reasons, it was felt that the juror would have had sufficient contact with the judge to be able to fill out the evaluation. Between 128 and 150 jurors were selected for each judge.

The number of survey forms distributed for the eight judges was 1172. Of this total, 473 questionnaires were returned. Between 48 and 68 questionnaires were received per judge.

TABLE 3
JUDICIAL PERFORMANCE PROGRAM - JUROR EVALUATION
EVALUATION RESULTS FOR EIGHT JUDGES
JANUARY 24, 2013 - FEBRUARY 27, 2013

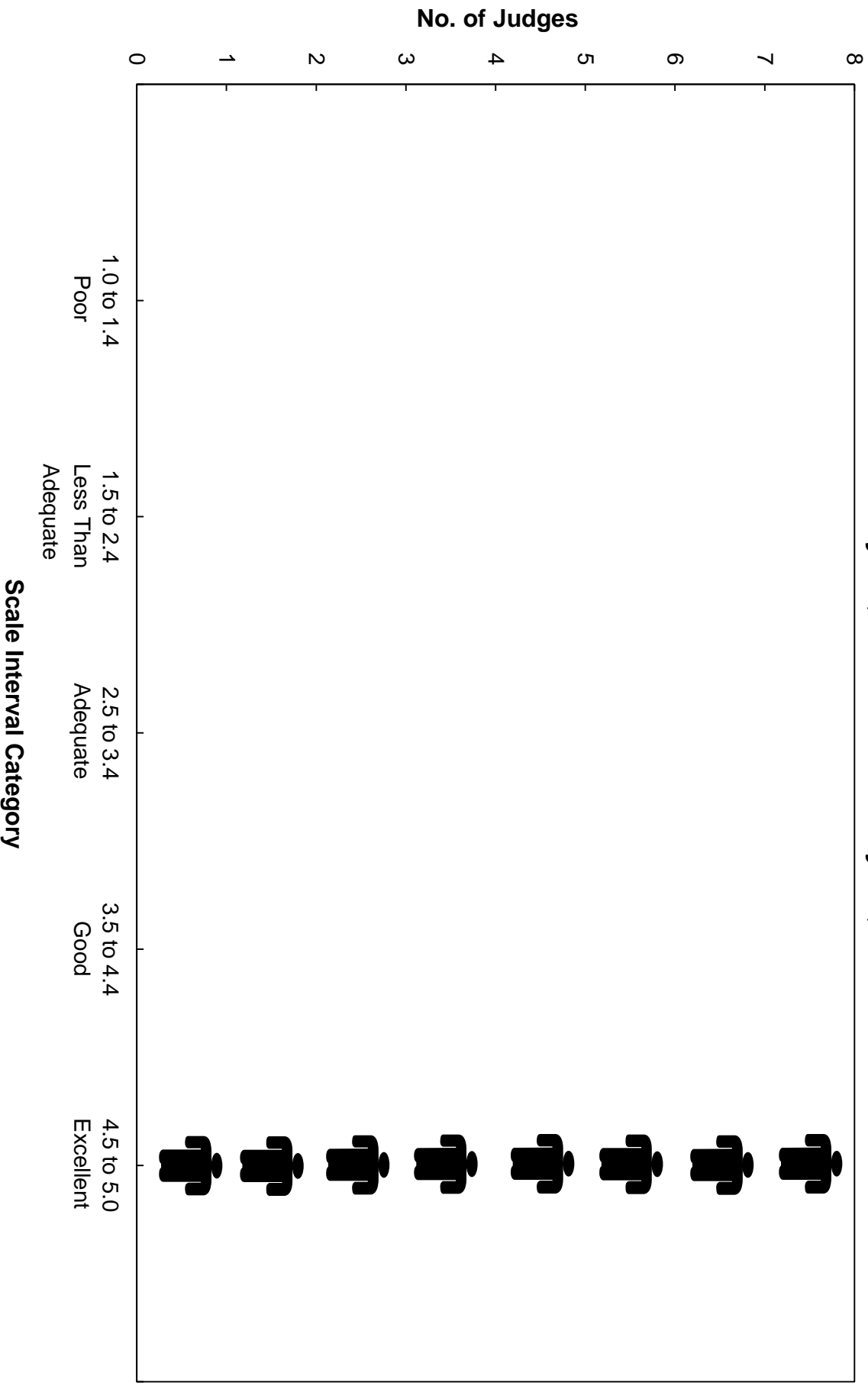
	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
Please indicate your assessment of this judge's Overall Performance.	8	4.8	0.1
<u>Please indicate your assessment of this judge's performance as to all parties with respect to the following:</u>			
1. Patience	8	4.7	0.0
2. Dignity	8	4.8	0.0
3. Courtesy	8	4.8	0.1
4. Attentiveness	8	4.7	0.0
5. Fairness	8	4.7	0.1
6. Absence of arrogance	8	4.7	0.0
7. Absence of bias	8	4.7	0.1
8. Absence of prejudice	8	4.7	0.0
9. Clear communication of court procedures	8	4.8	0.1
10. Efficient use of court time	8	4.6	0.1
Average Score for Items 1 through 10	8	4.7	0.0

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

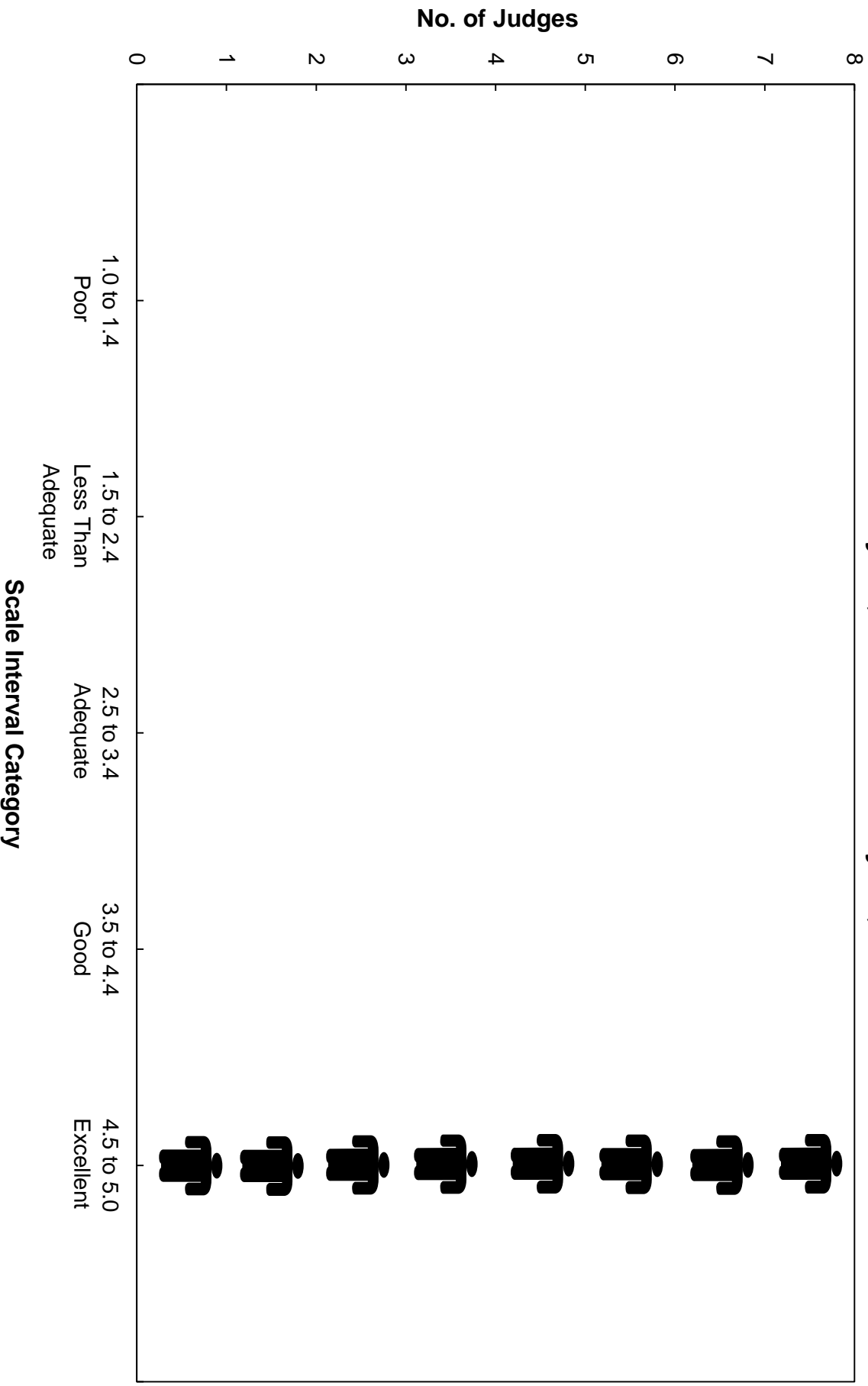
Graph 9. Overall Performance

Frequency Of Judges' Ratings, By Category
January 24, 2013 – February 27, 2013



Juror Evaluation

**Graph 10. Average For Items 1 Through 10
Frequency Of Judges' Ratings, By Category
January 24, 2013 – February 27, 2013**



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.
Claire K. S. Cooper
Gail Y. Cosgrove, Esq.
Todd W. Eddins, Esq.
Rosemary T. Fazio, Esq.
Rodney A. Maile, Esq., Administrative Director of the Courts
James C. McWhinnie, Esq.
Audrey L. E. Stanley, Esq.
Janice Yee

APPENDIX B

EMAIL FROM THE CHIEF JUSTICE AND THE PRESIDENT OF THE BAR

To:

From: Rodney.A.Maile@courts.hawaii.gov

Sent: June 25, 2013

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

Dear Attorney:

This is a joint email from Chief Justice Mark E. Recktenwald and HSBA President Craig P. Wagnild. 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 access [*link to questionnaire*] 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 link. The judicial evaluations will remain accessible to you until July 19, 2013.

To ensure security and confidentiality, the evaluation process is conducted by SurveyMonkey. It is administered by eHawaii.gov, which is independent of the Judiciary and the HSBA. Only composite results are transmitted to the Judiciary.

The evaluation is designed to obtain fair assessments from attorneys who have actually appeared before 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 appear before a judge, enter that option after selecting the judge's name. Also, if you do not wish to participate in future judicial evaluations, please select [*link to opt out*], and you will be removed from this mailing list.

Thank you for your consideration.
Click http://www.courts.state.hi.us/courts/performance_review/judge_evaluations_faqs.html for a list of Frequently Asked Questions. For other questions, please contact Michael Oki at (808)539-4870.

Sincerely,

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

Craig P. Wagnild
President
Hawaii State Bar Association

APPENDIX C
CIRCUIT COURT QUESTIONNAIRE

Judicial Circuit Court Evaluation - June 2013

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. Have you appeared before this judge during the period from June 1, 2011 to May 31, 2013? (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 - June 2013

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

2. Knowledge of rules of procedure

- Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Knowledge of rules of evidence

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

6. Giving reasons for rulings when needed

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

- Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation - June 2013

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 Evaluation - June 2013

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 - June 2013

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

2. Courtesy to participants

- Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Compassion

- Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Patience

- Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of arrogance

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

7. Evenhanded treatment of litigants

- Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Evenhanded treatment of attorneys

- Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation - June 2013

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

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

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.

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)

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

Sent: July 2, 2013

Subject: Circuit Court Judges' Evaluation

Dear Attorney:

The Judiciary and the Hawaii State Bar Association recently sent you an email regarding the evaluation of Circuit Court judges. We would like to ask you for your assistance by completing the questionnaire if you have appeared before one or more of the judges identified in the questionnaire. If you are not in a position to evaluate a judge, but another attorney in your office is, would you please forward this email to that attorney?

The Judicial Performance Program is an important part of the Judiciary's ongoing efforts to better serve those who deal with the judicial system. Because of the statistical requirements of our evaluation process, each judge undergoing evaluation needs to have at least eighteen completed questionnaires submitted. Consequently, we will not be able to complete the evaluation of any judge who does not receive at least eighteen completed questionnaires during the evaluation period.

We thank you very much for your assistance in this process, and if you have already completed the questionnaire, we greatly appreciate your participation.

Rodney A. Maile
Administrative Director of the Courts
The Judiciary — State of Hawai'i

APPENDIX E
DISTRICT COURT QUESTIONNAIRE

Judicial District Court Evaluation - February 2013

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. Have you appeared before this judge during the period from January 1, 2011 to December 31, 2012? (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 - February 2013

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

2. Knowledge of rules of procedure

- Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Knowledge of rules of evidence

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

6. Giving reasons for rulings when needed

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

- Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation - February 2013

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

- Excellent Good Adequate Less than
Adequate Poor Not Applicable

Judicial District Court Evaluation - February 2013

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 - February 2013

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

2. Courtesy to participants

- Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Compassion

- Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Patience

- Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of arrogance

- Excellent Good Adequate Less than Adequate Poor Not Applicable

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

7. Evenhanded treatment of litigants

- Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Evenhanded treatment of attorneys

- Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation - February 2013

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

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

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.

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)

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
JUROR EVALUATION QUESTIONNAIRE

SAMPLE

DO NOT DUPLICATE

CONFIDENTIAL
Judicial Performance Program - Circuit Court
Juror Evaluation of Judge _____

Please complete the following evaluation based on your personal knowledge and experience with the above-named Judge. If you wish to offer additional comments about the Judge's performance, please elaborate in the comments section below.

		Excellent	Good	Adequate	Less Than Adequate	Poor
	Please indicate your assessment of this judge's Overall Performance					

Please indicate your assessment of this judge's performance as to all parties with respect to the following:

		Excellent	Good	Adequate	Less Than Adequate	Poor
1	Patience					
2	Dignity					
3	Courtesy					
4	Attentiveness					
5	Fairness					
6	Absence of arrogance					
7	Absence of bias					
8	Absence of prejudice					
9	Clear communication of court procedures					
10	Efficient use of court time					

Please check the type of trial in which you served on a jury in this judge's courtroom.
(Please check one only.) Civil Trial Criminal Trial

Comments:
