

# **JUDICIAL PERFORMANCE PROGRAM**

## **2008 REPORT**

**THE JUDICIARY  
STATE OF HAWAII**

**October 29, 2008**

## **JUDICIAL PERFORMANCE PROGRAM 2008 REPORT**

### **INTRODUCTION**

The Judicial Performance Program 2008 Report summarizes the results of evaluations involving nine Courts of Appeal justices and judges and eight Family Court judges. The Appellate and Family Court judicial evaluations conducted this year continued the Internet pilot project that was started last year with the District Court evaluation. The upcoming Circuit Court evaluation will test the Internet procedure in the only court program where it has not been tried.

The justices and judges who are being evaluated in each court program are divided into two groups. One group of justices and judges is evaluated by standard mail, and the other group of justices and judges is evaluated through the Internet. To ensure the security, anonymity, and confidentiality of the evaluation process, the Internet procedure is administered by eHawaii.gov, which is completely independent of the Judiciary.

The Courts of Appeal evaluation consisted of three justices and judges being evaluated by standard mail and six other justices and judges being evaluated through the Internet. The Family Court evaluation consisted of five judges being evaluated by standard mail and three other judges being evaluated through the Internet.

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.

### **JUSTICES' AND JUDGES' RATINGS**

Appellate justices and judges are rated on General Evaluation, Written Opinions, Oral argument, and Overall Evaluation. Family Court judges are evaluated on Legal Ability, Judicial Management Skills, Compartment, 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 justices and judges are available to the Judicial Selection Commission, upon its request.

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

## **EVALUATION CYCLES**

Appellate justices and judges are scheduled for evaluation three times in their ten-year terms. District Family 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.

The 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; that is, about one-half or approximately nine to ten judges from each group are evaluated per cycle. Evaluation of District Court, but not of Family Court, judges was conducted in 2007. Evaluation of Family Court, but not of District Court, judges was conducted in 2008. Evaluations of both Family Court and District Court judges are scheduled for 2009.

In general, every justice and judge gets evaluated about once every three years. Sometimes a change is made to coincide with the dates of the judge's term. The judges assigned to the groups may be shuffled for other reasons, including to make the groups less predictable.

Evaluation of Circuit Court judges was postponed in 2008. There will be only one Circuit Court evaluation cycle in 2008 and 2009. The results for that cycle will be reported next year.

## **JUDICIAL EVALUATION REVIEW PANEL**

The Judicial Evaluation Review Panel assists Chief Justice Ronald T. Y. Moon in the review and evaluation process. The Review Panel interviews the justices and judges, and consists of nine members: Robert Alm, Momi Cazimero, Richard Guy, Douglas McNish, Willson Moore Jr., William Santos, Herbert Shimabukuro, Betty Vitousek, and Stanley Yamagata Jr. 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 justices and judges and help the justices and judges improve their performance.

## APPELLATE COURT STANDARD MAIL EVALUATION RESULTS

Three Appellate Court justices and judges received the results of their evaluations under cover of memoranda dated September 22, 2008. Surveys were distributed on May 27, 2008 and were collected until June 30, 2008. The attorney questionnaire is attached as Appendix B.

Possible ratings based on the multiple-choice format range from one to five. One indicates a Never or Poor rating. Five stands for Always or Excellent. Table 1 on page 5 provides the averages for the three justices and appellate judges.

The mean score for the Fairness/Impartiality section was 4.4, with a standard deviation of 0.4. The standard deviation gives an indication of the amount of variation in the scores between the justices and appellate 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.) Most of the justices and appellate judges received marks between 4.0 and 4.8 in the Fairness/Impartiality section.

For Written Opinions, the justices and appellate judges had a mean score of 4.2, and the standard deviation for this section was 0.5. In the Oral Argument section, the mean score was 4.5, and the standard deviation was 0.3. The mean score for the Overall Evaluation section was 4.1, with a standard deviation of 0.5. The frequencies of the justices' and appellate judges' ratings, by category, are printed on pages 6 to 9.

Attorneys who had appeals in the previous two years were identified using the appellate database. Attorneys matched to a justice or appellate judge were selected first. Additional attorneys were chosen using a random selection procedure. One hundred fifty attorneys were included in the sample for each justice or appellate judge.

The number of survey forms distributed for the three justices and appellate judges was 450. Of this total, 76 questionnaires were returned. The number received for the individual justices and appellate judges ranged from 23 to 29.

Table 1 and Graphs 1 through 4, reflecting the frequencies of justices'/judges' ratings for the Appellate Court justices and judges, appear on pages 5 through 9 of this report.

Appellate Court Internet results are reported on page 10. Table 2 and Graphs 5 through 8, reflecting the frequencies of justices'/judges' ratings for the Internet justices and appellate judges profiled in this report, appear on pages 11 through 15.

Family Court standard mail results are reported on page 16. Table 3 and Graphs 9 through 12, reflecting the frequencies of judges' ratings for the standard mail judges profiled in this report, appear on pages 17 through 21.

Family Court Internet results are reported on page 22. Table 4 and Graphs 13 through 16, reflecting the frequencies of judges' ratings for the Internet judges profiled in this report, appear on pages 23 through 27.

**TABLE 1  
STANDARD MAIL EVALUATION  
JUDICIAL PERFORMANCE PROGRAM - APPELLATE COURTS  
EVALUATION RESULTS FOR THE THREE PARTICIPATING JUSTICES AND JUDGES  
MAY 27, 2008 - JUNE 30, 2008**

<b><u>QUESTIONNAIRE SECTION</u></b>	<b><u>N</u></b>	<b><u>Mean Score</u></b>	<b><u>S.D.</u></b>
<b><u>FAIRNESS/IMPARTIALITY SECTION</u></b>			
1. Removes him/herself from any action that is, or appears to be, a conflict of interest.	3	4.6	0.5
2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.	3	4.5	0.3
3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor/defense attorney, particular attorneys, etc.).	3	4.3	0.3
4. Strives to be impartial on all issues.	3	4.2	0.4
5. Contributes in a meaningful way to administrative committees he or she is assigned to.	2	4.3	0.9
<b>Average Score for the Fairness/Impartiality Section</b>	<b>3</b>	<b>4.4</b>	<b>0.4</b>

<b><u>WRITTEN OPINIONS SECTION</u></b>			
1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.	3	4.4	0.5
2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.	3	4.3	0.5
3. Overall quality of written opinions authored specifically by this justice/judge.	3	4.0	0.5
<b>Average Score for the Written Opinions Section</b>	<b>3</b>	<b>4.2</b>	<b>0.5</b>

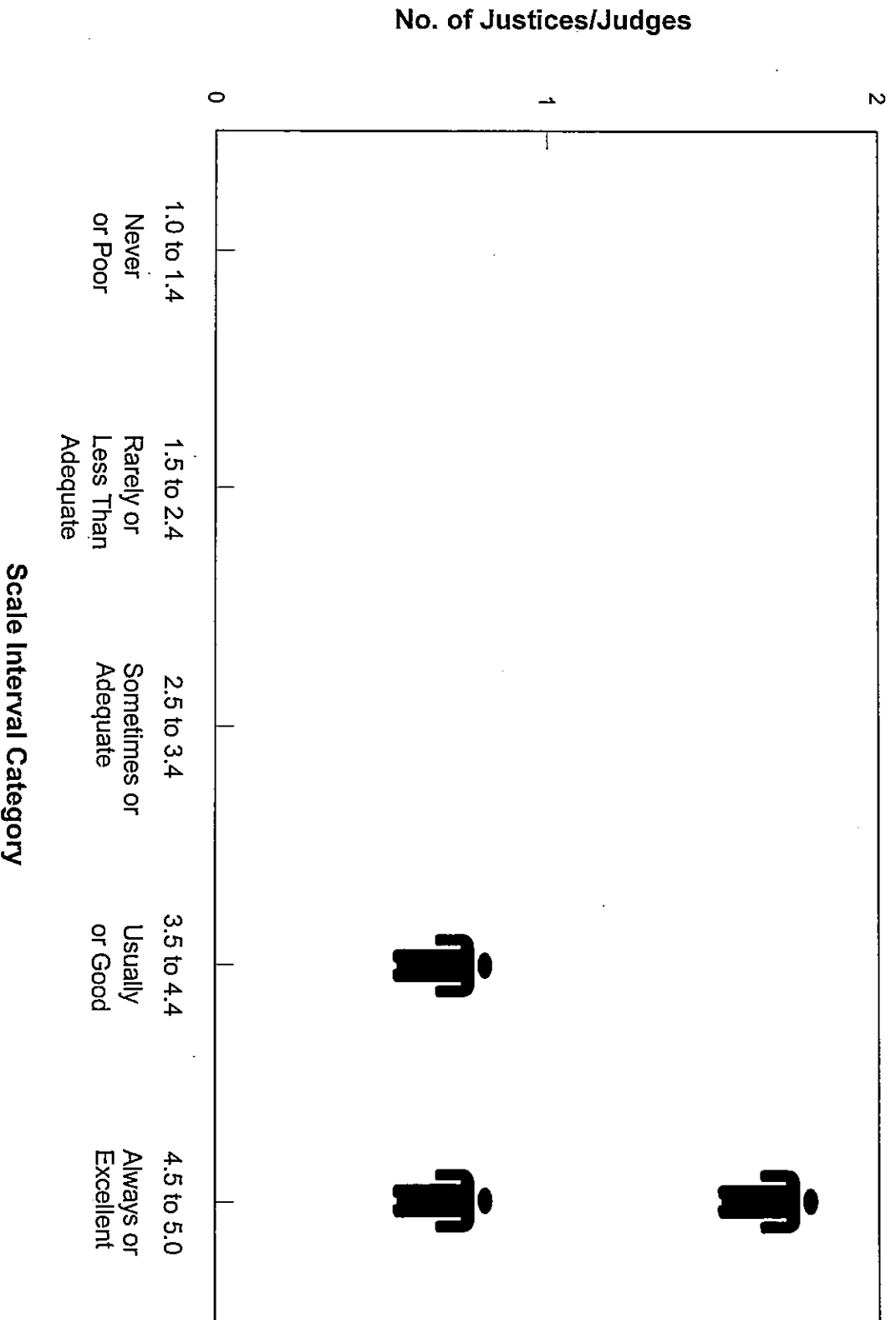
<b><u>ORAL ARGUMENT SECTION</u></b>			
1. In oral argument, this justice/judge exhibits dignified behavior.	3	4.5	0.3
2. This justice/judge is courteous to counsel at oral argument.	3	4.4	0.5
3. In oral argument, this justice/judge is attentive during proceedings.	3	4.9	0.1
4. In oral argument, this justice/judge shows patience during proceedings.	3	4.5	0.4
5. I would rate the relevance of questions posed by this justice/judge to counsel on issues raised by the parties as	3	4.3	0.4
6. I would rate the preparation for oral argument by this justice/judge as	3	4.6	0.2
<b>Average Score for the Oral Argument Section</b>	<b>3</b>	<b>4.5</b>	<b>0.3</b>

<b><u>OVERALL EVALUATION SECTION</u></b>			
1. Overall evaluation of judicial performance.	3	4.1	0.5

<p>N = Number of Justices/Judges with More Than Five Responses for the Item  Legend for Mean Score: 5 = Always or Excellent   4 = Usually or Good   3 = Sometimes or Adequate  2 = Rarely or Less Than Adequate   1 = Never or Poor  S.D. = Standard Deviation</p>
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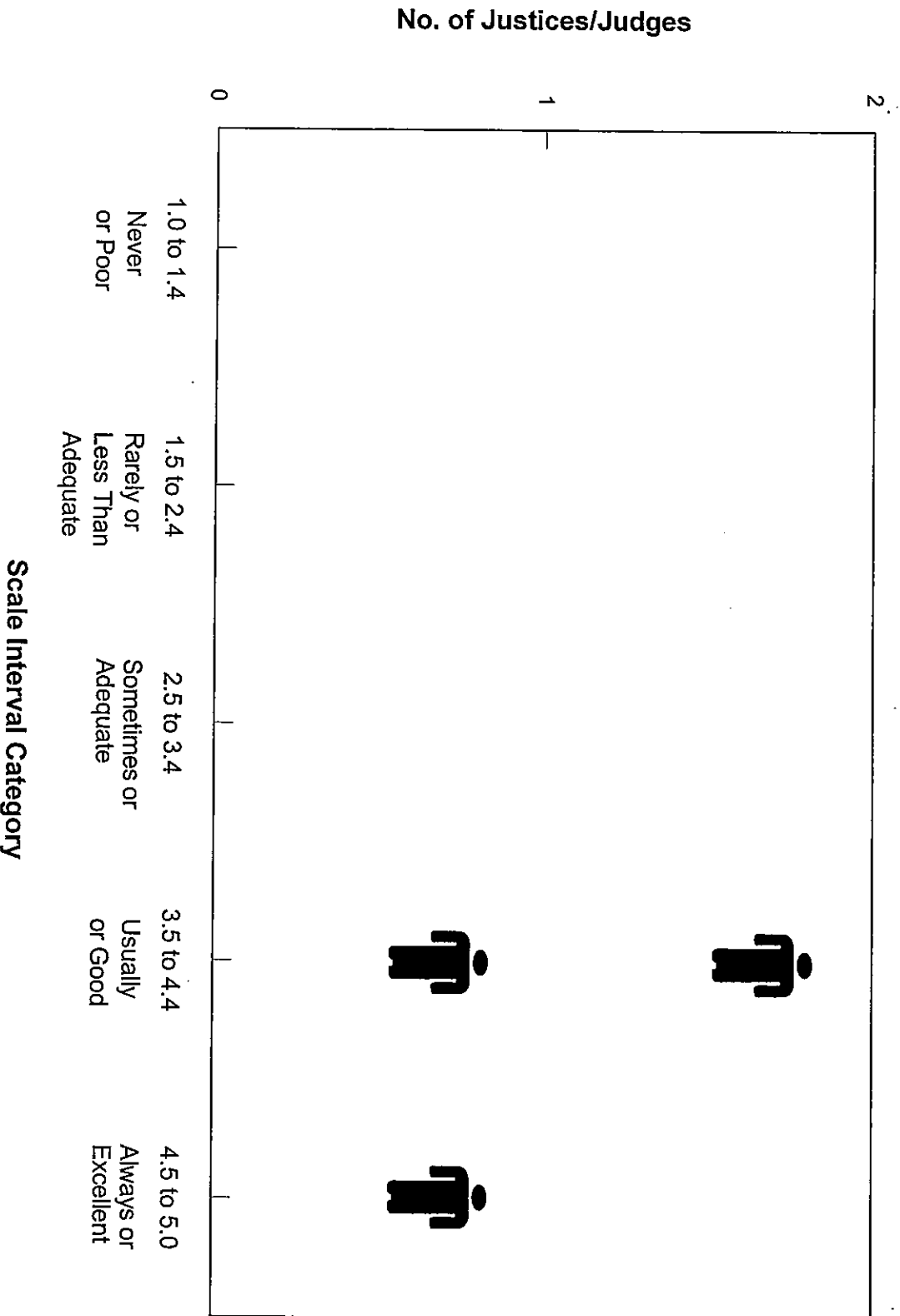
**Standard Mail Evaluation  
Appellate Courts**

**Graph 1. Fairness/Impartiality Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 30, 2008**



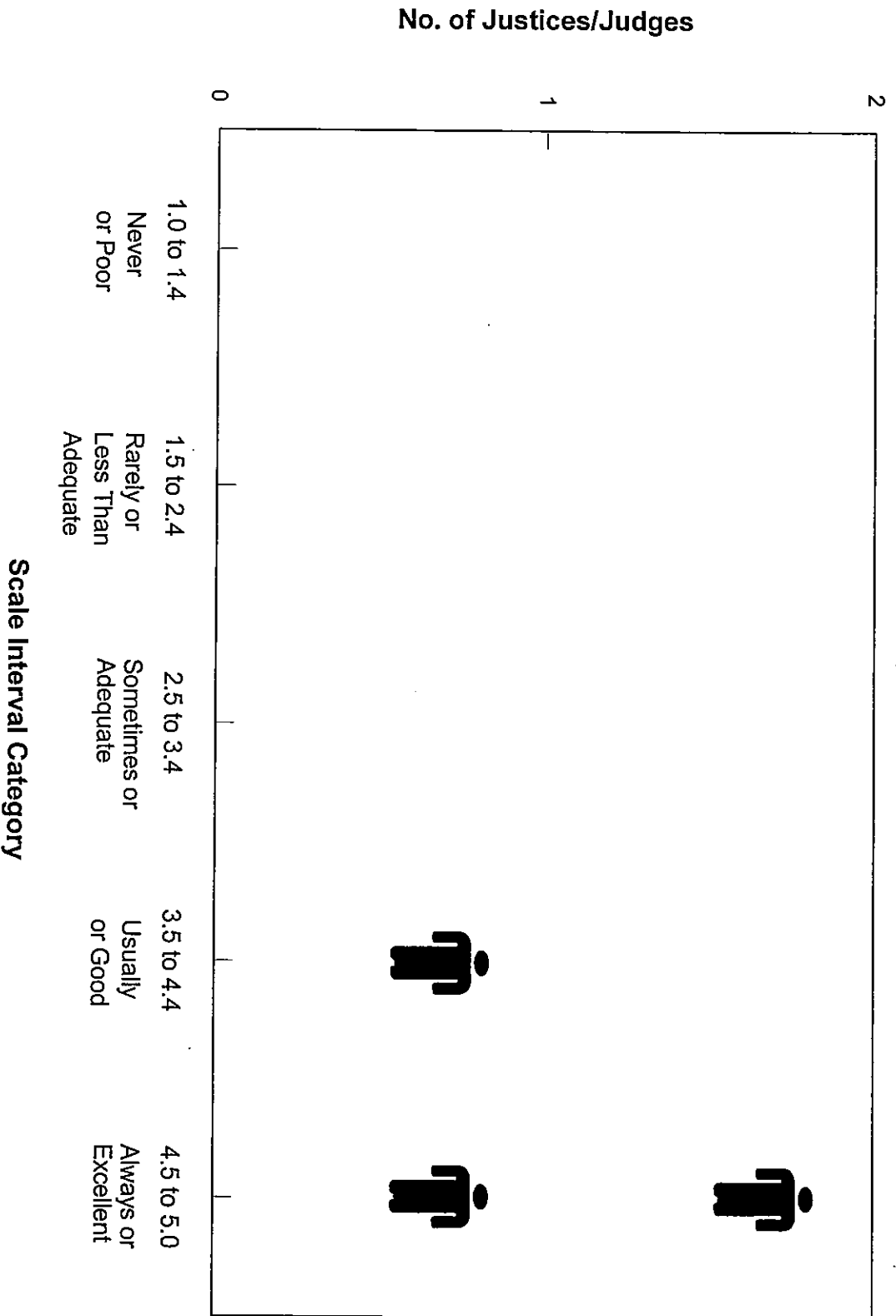
**Standard Mail Evaluation  
Appellate Courts**

**Graph 2. Written Opinions Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 30, 2008**



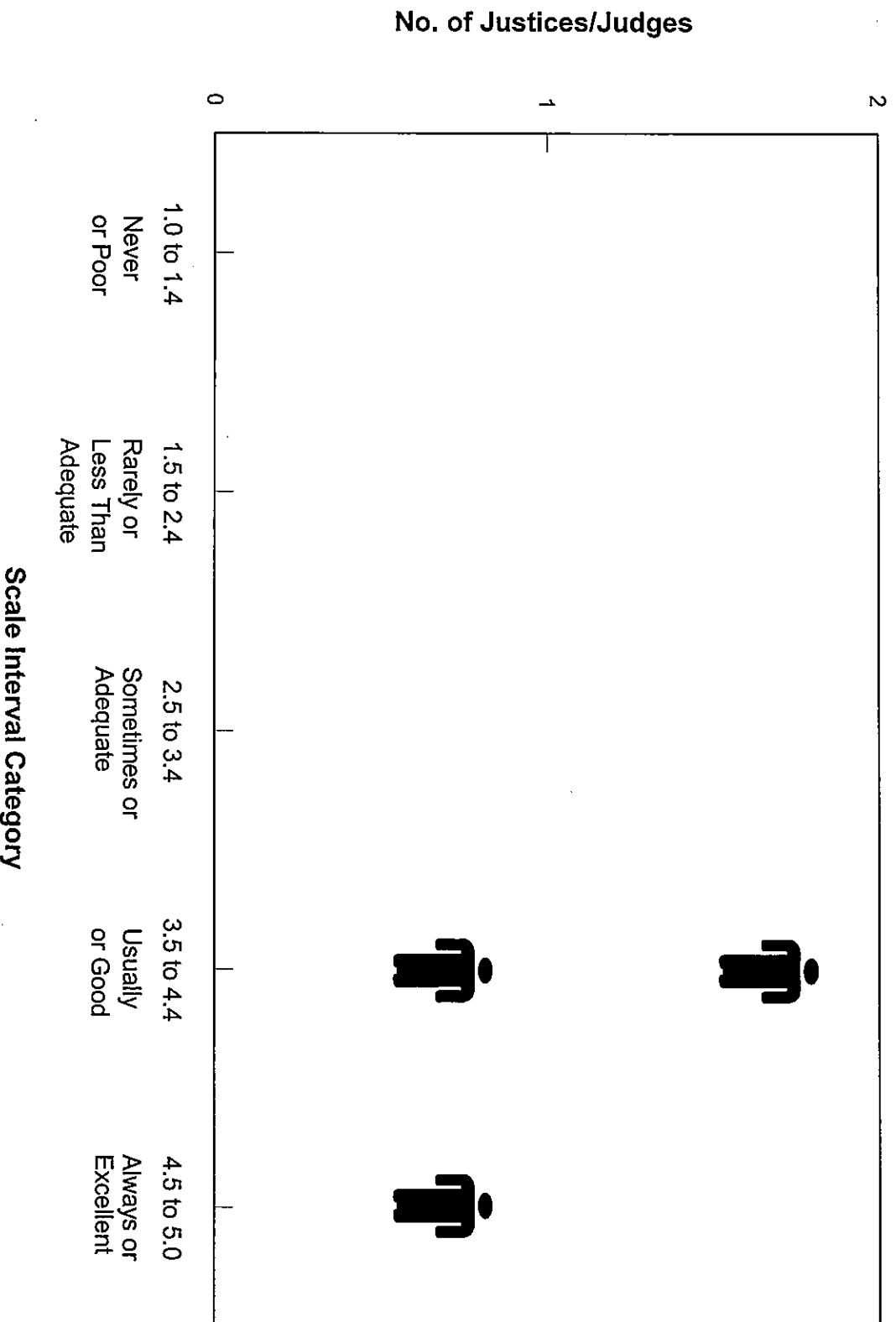
**Standard Mail Evaluation  
Appellate Courts**

**Graph 3. Oral Argument Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 30, 2008**



**Standard Mail Evaluation  
Appellate Courts**

**Graph 4. Overall Evaluation Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 30, 2008**



## APPELLATE COURT INTERNET EVALUATION RESULTS

Six Supreme Court justices and Intermediate Court of Appeals judges received the results of their evaluations under cover of memoranda dated September 22, 2008. A link to the online questionnaire was provided to attorneys by email on May 27, 2008. The surveys were collected from May 27, 2008, until June 27, 2008.

The attorney questionnaire is attached as Appendix C. Table 2 on the next page provides the averages for the six justices and appellate judges.

The mean score for the Fairness/Impartiality section was 4.5, with a standard deviation of 0.2. Many of the justices and appellate judges received marks between 4.3 and 4.7.

For Written Opinions, the justices and appellate judges had a mean score of 4.2, and the standard deviation for this section was 0.2. The Oral Argument section had a mean score of 4.6, with a standard deviation of 0.3. The mean score for the Overall Evaluation section was 4.0, with a standard deviation of 0.3. The frequencies of the justices'/judges' ratings, by category, are printed on pages 12 to 15.

There were 379 responses out of 3,824 emails sent out. One hundred fifty-nine of these responses were not filled out as they were from attorneys who did not have any appeals before the justices and appellate judges being evaluated. Thus, the number of questionnaires received for all six justices and appellate judges with completed evaluations totaled 220, with between 19 and 70 questionnaires being received by each justice or appellate judge.

**TABLE 2**  
**INTERNET EVALUATION**  
**JUDICIAL PERFORMANCE PROGRAM - APPELLATE COURTS**  
**EVALUATION RESULTS FOR THE SIX PARTICIPATING JUSTICES AND JUDGES**  
**MAY 27, 2008 - JUNE 27, 2008**

<u>QUESTIONNAIRE SECTION</u>	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
<u>FAIRNESS/IMPARTIALITY SECTION</u>			
1. Removes him/herself from any action that is, or appears to be, a conflict of interest.	6	4.4	0.3
2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.	6	4.6	0.2
3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor/defense attorney, particular attorneys, etc.).	6	4.5	0.2
4. Strives to be impartial on all issues.	6	4.4	0.2
5. Contributes in a meaningful way to administrative committees he or she is assigned to.	6	4.5	0.3
<b>Average Score for the Fairness/Impartiality Section</b>	<b>6</b>	<b>4.5</b>	<b>0.2</b>

<u>WRITTEN OPINIONS SECTION</u>			
1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.	6	4.3	0.1
2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.	6	4.2	0.2
3. Overall quality of written opinions authored specifically by this justice/judge.	6	4.1	0.2
<b>Average Score for the Written Opinions Section</b>	<b>6</b>	<b>4.2</b>	<b>0.2</b>

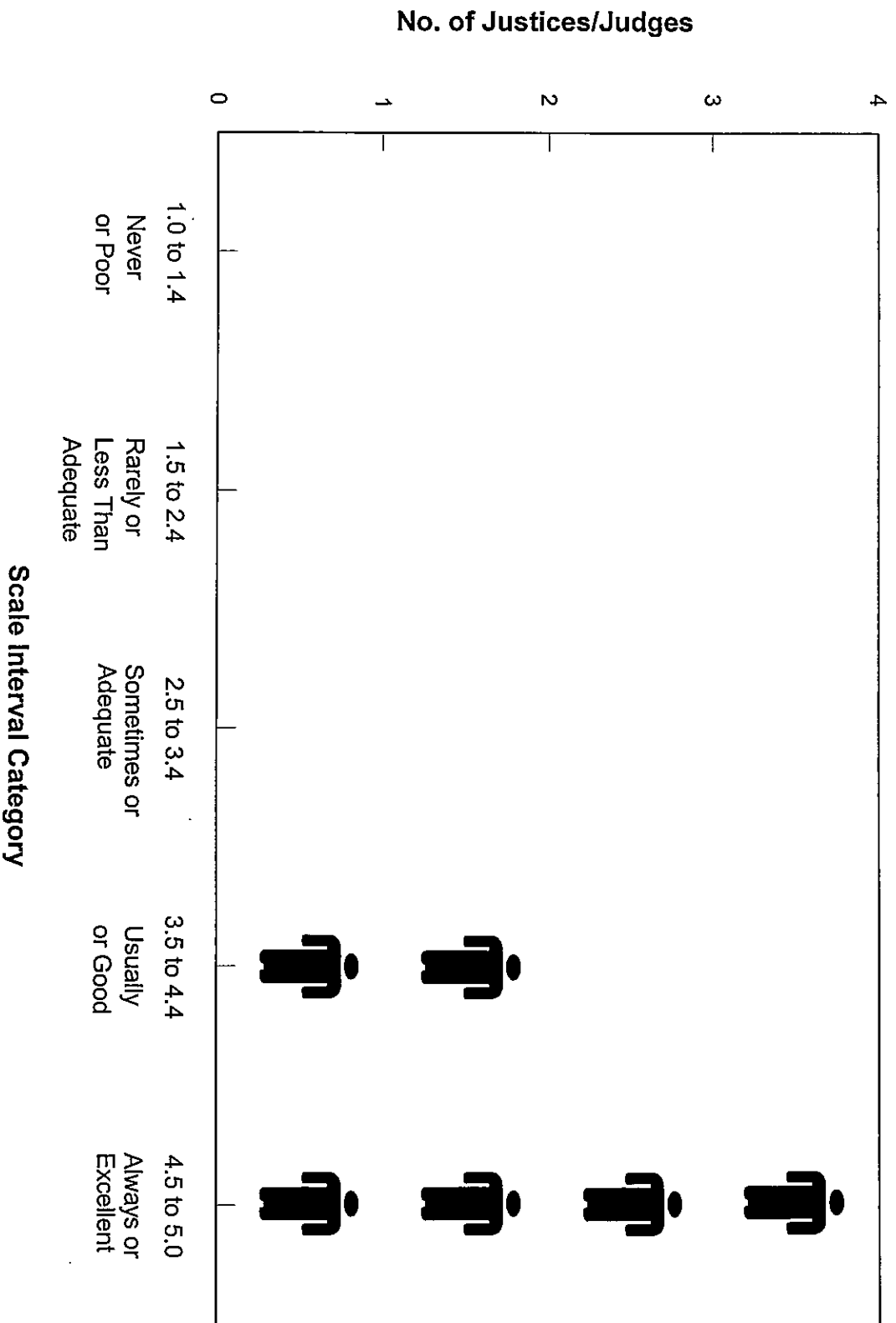
<u>ORAL ARGUMENT SECTION</u>			
1. In oral argument, this justice/judge exhibits dignified behavior.	6	4.7	0.2
2. This justice/judge is courteous to counsel at oral argument.	6	4.8	0.2
3. In oral argument, this justice/judge is attentive during proceedings.	6	4.7	0.4
4. In oral argument, this justice/judge shows patience during proceedings.	6	4.7	0.3
5. I would rate the relevance of questions posed by this justice/judge to counsel on issues raised by the parties as	6	4.4	0.4
6. I would rate the preparation for oral argument by this justice/judge as	6	4.3	0.4
<b>Average Score for the Oral Argument Section</b>	<b>6</b>	<b>4.6</b>	<b>0.3</b>

<u>OVERALL EVALUATION SECTION</u>			
1. Overall evaluation of judicial performance.	6	4.0	0.3

<p style="text-align: center;">N = Number of Justices/Judges with More Than Five Responses for the Item  Legend for Mean Score: 5 = Always or Excellent   4 = Usually or Good   3 = Sometimes or Adequate  2 = Rarely or Less Than Adequate   1 = Never or Poor  S.D. = Standard Deviation</p>
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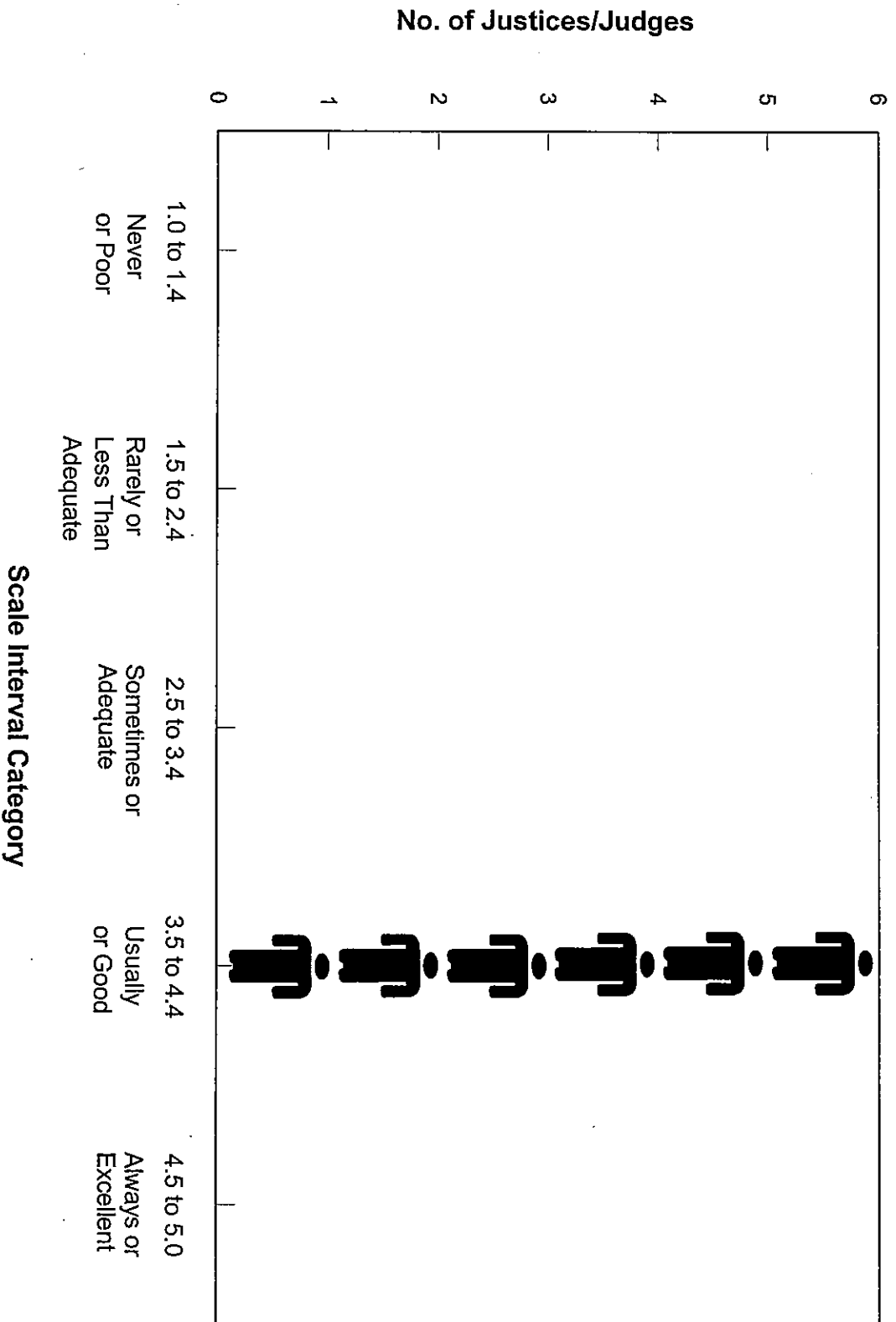
**Internet Evaluation  
Appellate Courts**

**Graph 5. Fairness/Impartiality Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 27, 2008**



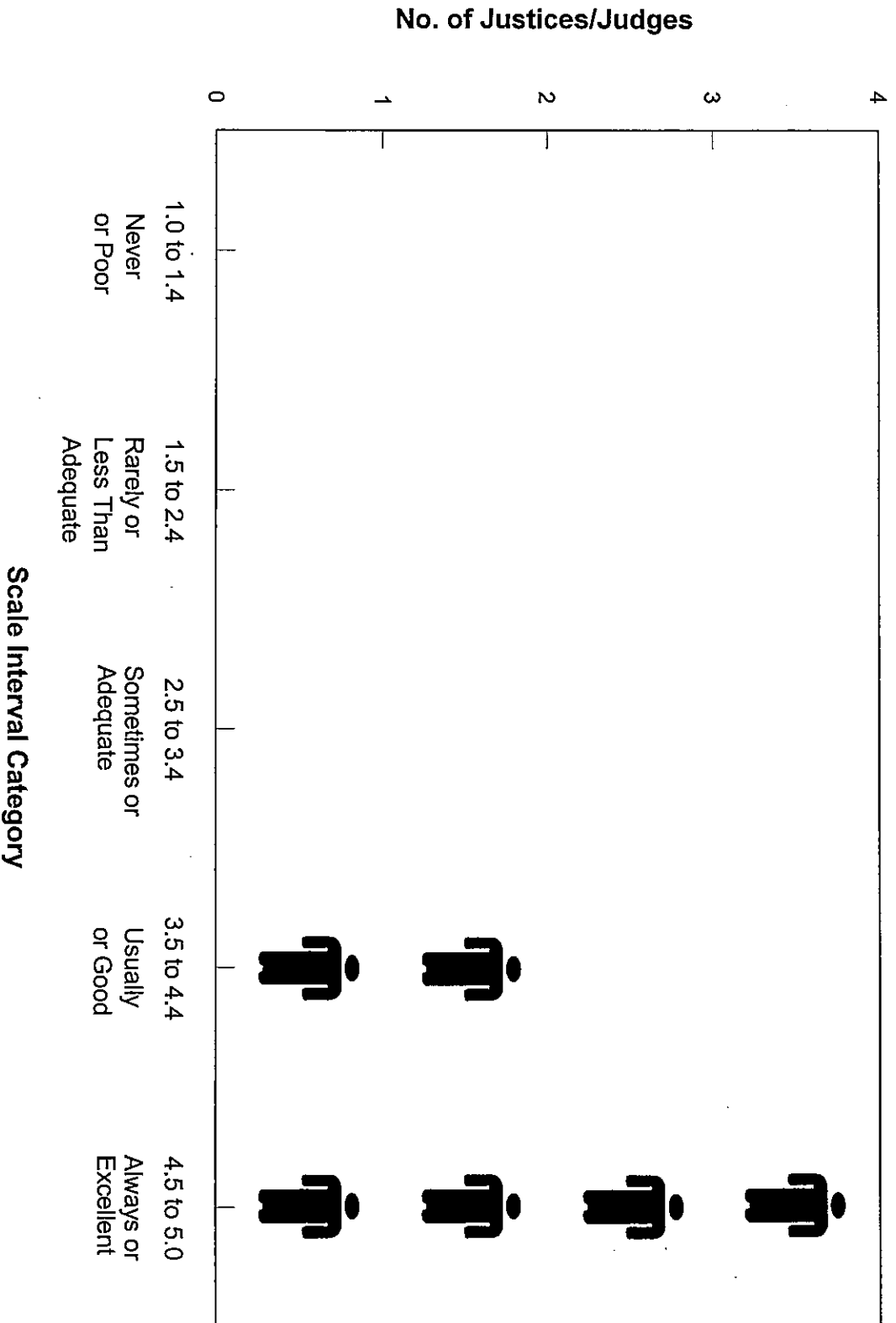
**Internet Evaluation  
Appellate Courts**

**Graph 6. Written Opinions Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 27, 2008**



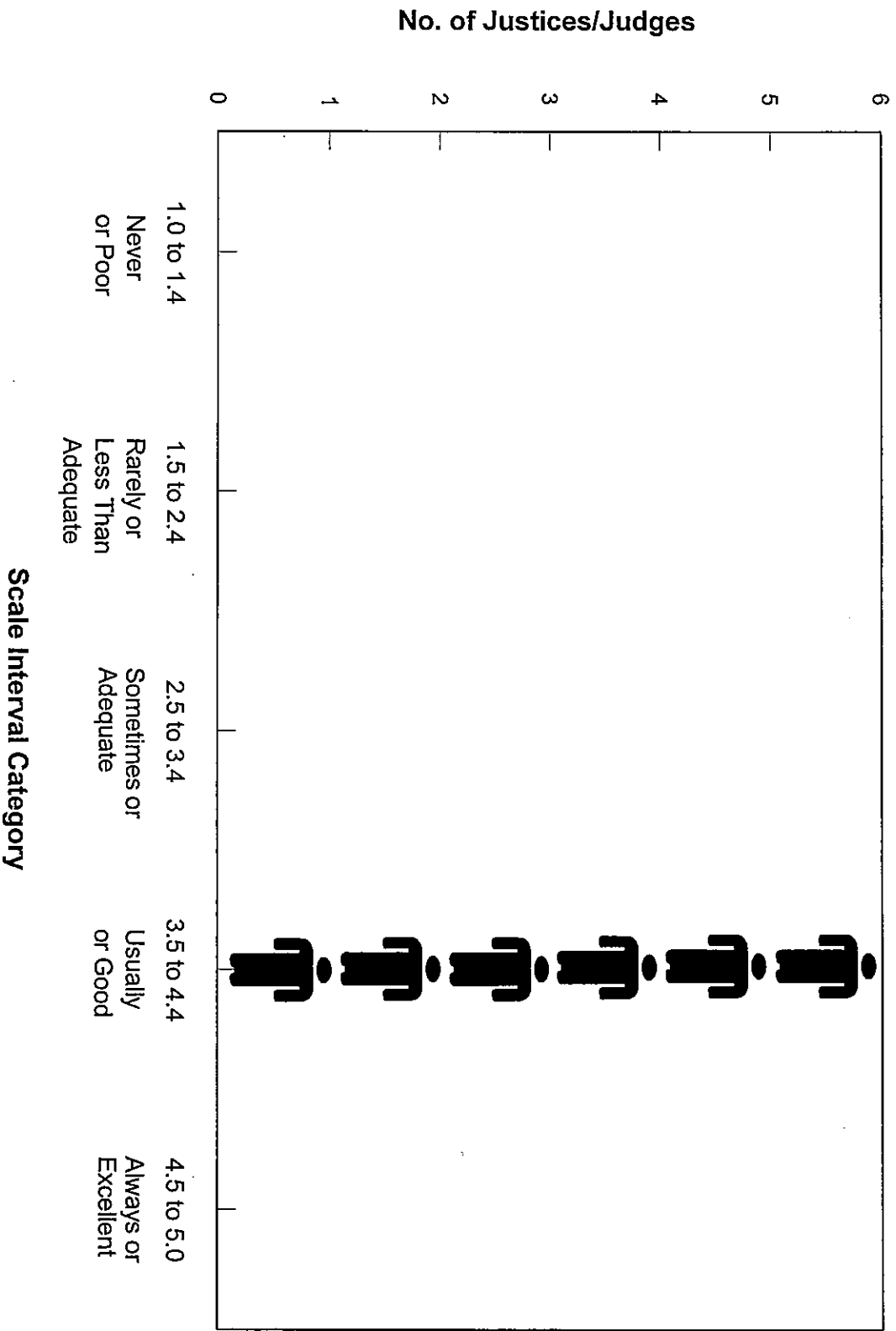
Internet Evaluation  
Appellate Courts

Graph 7. Oral Argument Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 27, 2008



**Internet Evaluation  
Appellate Courts**

**Graph 8. Overall Evaluation Scale  
Frequency Of Justices'/Judges' Ratings, By Category  
May 27, 2008 - June 27, 2008**



## **FAMILY COURT STANDARD MAIL EVALUATION RESULTS**

Judicial evaluation results were transmitted to five Family Court judges by Chief Justice Moon under cover of memoranda dated October 29, 2008. Questionnaires filled out for this phase were collected from July 29, 2008 to September 2, 2008.

A sample cover letter to the evaluating attorneys from Chief Justice Moon can be found in Appendix D. A cover letter from the president of the Hawaii State Bar Association, supporting the efforts of the Judiciary, is printed in Appendix E.

The Family Court standard mail questionnaire can be found in Appendix F. Table 3 on the next page provides the averages for the Family Court judges evaluated by standard mail.

The mean score for the Legal Ability section was 4.1, and the standard deviation was 0.5. Most of the judges had marks between 3.6 and 4.6. The mean score for the Judicial Management Skills section was 4.1, and the standard deviation was 0.4. 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 0.5. The frequencies of the judges' ratings, by category, are printed on pages 18 to 21.

For each judge, 150 questionnaires were sent out. Names of attorneys came from HAJIS and JUSTIS computer reports. The 100 attorneys with the most appearances before the judge were chosen first. After that, random selections were made from the remaining attorneys who appeared five or more times before the judge. If fewer than 150 attorneys appeared five or more times before the judge, then random selections were added from attorneys who appeared four times before the judge. This procedure was repeated, if necessary, adding random selections of attorneys who appeared three times, then two times, and then one time.

The total number of survey forms distributed was 750. Two hundred thirty-six questionnaires were returned for the five judges. The number received for each judge ranged from 37 to 61.

**TABLE 3**  
**STANDARD MAIL EVALUATION**  
**JUDICIAL PERFORMANCE PROGRAM - FAMILY COURT**  
**EVALUATION RESULTS FOR THE FIVE PARTICIPATING JUDGES**  
**JULY 29, 2008 - SEPTEMBER 2, 2008**

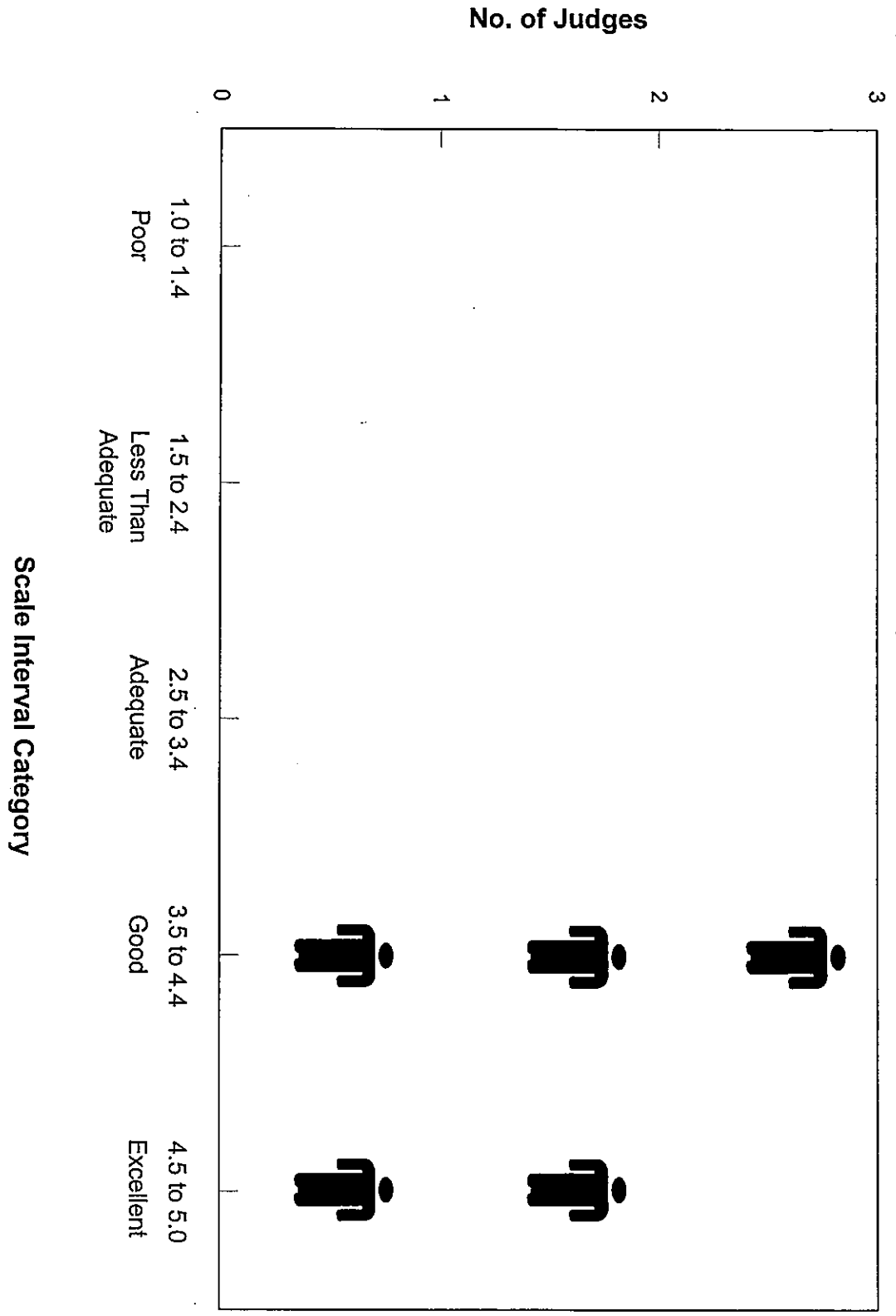
<u>QUESTIONNAIRE SECTION</u>	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
<u>LEGAL ABILITY SECTION</u>			
1. Knowledge of Relevant Substantive Law	5	4.1	0.5
2. Knowledge of Rules of Procedure	5	4.2	0.4
3. Knowledge of Rules of Evidence	5	4.1	0.5
4. Ability to Identify and Analyze Relevant Issues	5	4.2	0.6
5. Judgement in Application of Relevant Laws and Rules	5	4.0	0.5
6. Giving Reasons for Rulings when Needed	5	4.0	0.5
7. Clarity of Explanation of Rulings	5	4.0	0.5
8. Adequacy of Findings of Fact	5	4.0	0.5
9. Clarity of Judge's Decision(s) (oral/written)	5	4.0	0.5
10. Completeness of Judge's Decision(s) (oral/written)	5	4.0	0.4
11. Judge's Charge to the Jury/Juries	4	4.7	0.5
<b>Average Score for the Legal Ability Section</b>	<b>5</b>	<b>4.1</b>	<b>0.5</b>
<u>JUDICIAL MANAGEMENT SKILLS SECTION</u>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	5	4.1	0.4
2. Maintaining Proper Control over the Proceeding(s)	5	4.2	0.4
3. Doing the Necessary Homework on the Case(s)	5	4.2	0.4
4. Rendering Rulings and Decisions w/o Unnecessary Delay	5	4.1	0.4
5. Allowing Adequate Time for Presentation of the Case(s)	5	4.1	0.3
6. Resourcefulness and Common Sense in Resolving Problems	5	4.1	0.6
7. Skills in Effecting Compromise	5	4.0	0.6
8. Industriousness	5	4.3	0.5
<b>Average Score for the Judicial Management Skills Section</b>	<b>5</b>	<b>4.1</b>	<b>0.4</b>
<u>COMPORIMENT SECTION</u>			
1. Attentiveness	5	4.4	0.3
2. Courtesy to Participants	5	4.3	0.3
3. Compassion	5	4.2	0.4
4. Patience	5	4.1	0.3
5. Absence of Arrogance	5	4.2	0.4
6. Absence of Bias and Prejudice	5	4.3	0.3
7. Evenhanded Treatment of Litigants	5	4.2	0.4
8. Evenhanded Treatment of Attorneys	5	4.2	0.3
<b>Average Score for the Comportment Section</b>	<b>5</b>	<b>4.3</b>	<b>0.3</b>
<u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u>			
1. Knowing the Case(s) and/or the Law	5	4.2	0.5
2. Reasonableness of Opinions	5	4.1	0.5
3. Ability to Enhance the Settlement Process	5	4.1	0.6
4. Impartiality	5	4.1	0.5
5. Absence of Coercion or Threat	5	4.2	0.3
6. Effectiveness in Narrowing the Issues	5	4.1	0.5
7. Appropriateness of Judge's Initiatives	5	4.1	0.5
8. Facilitation in Development of Options	5	4.1	0.6
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>5</b>	<b>4.1</b>	<b>0.5</b>

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

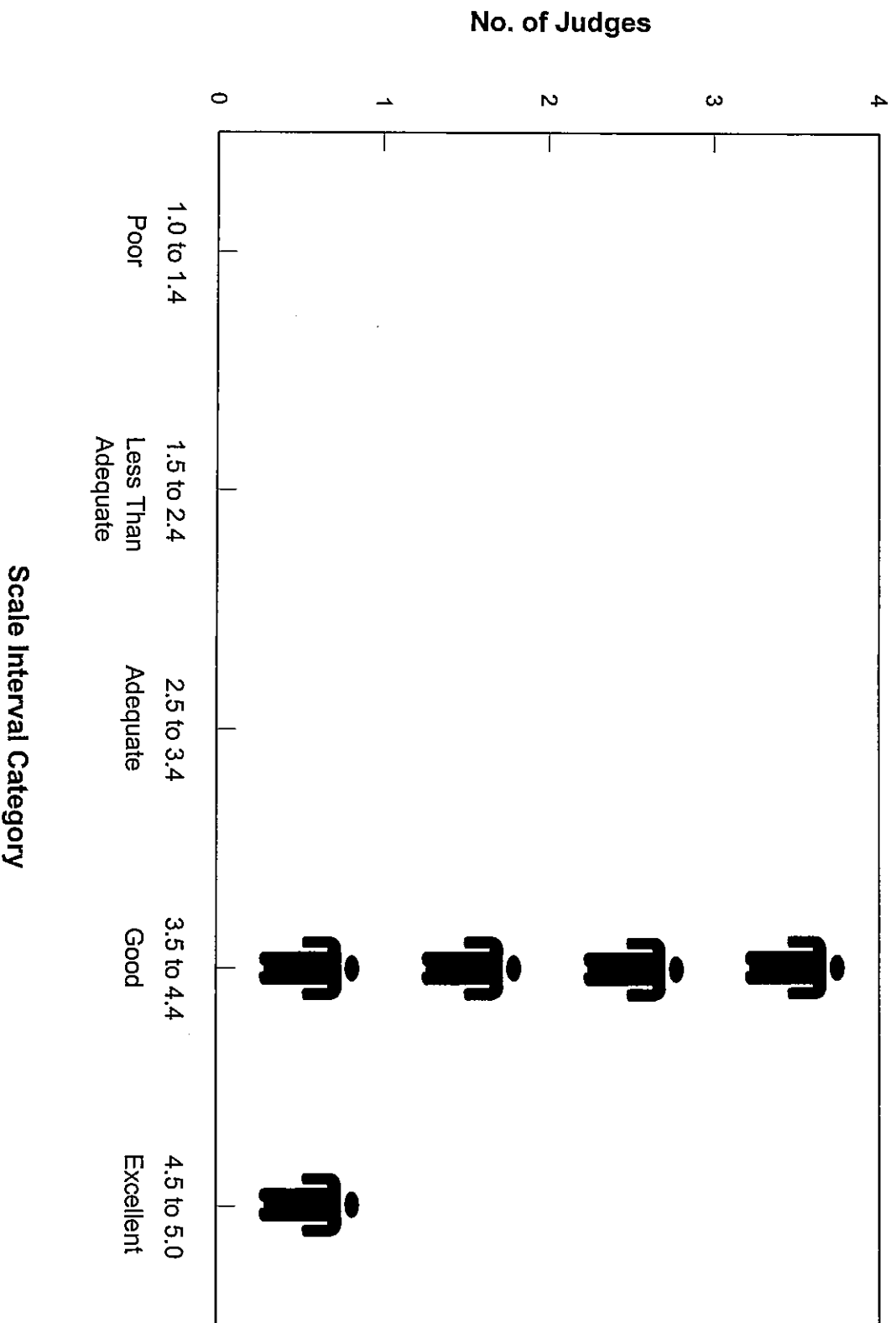
Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor

S.D. = Standard Deviation

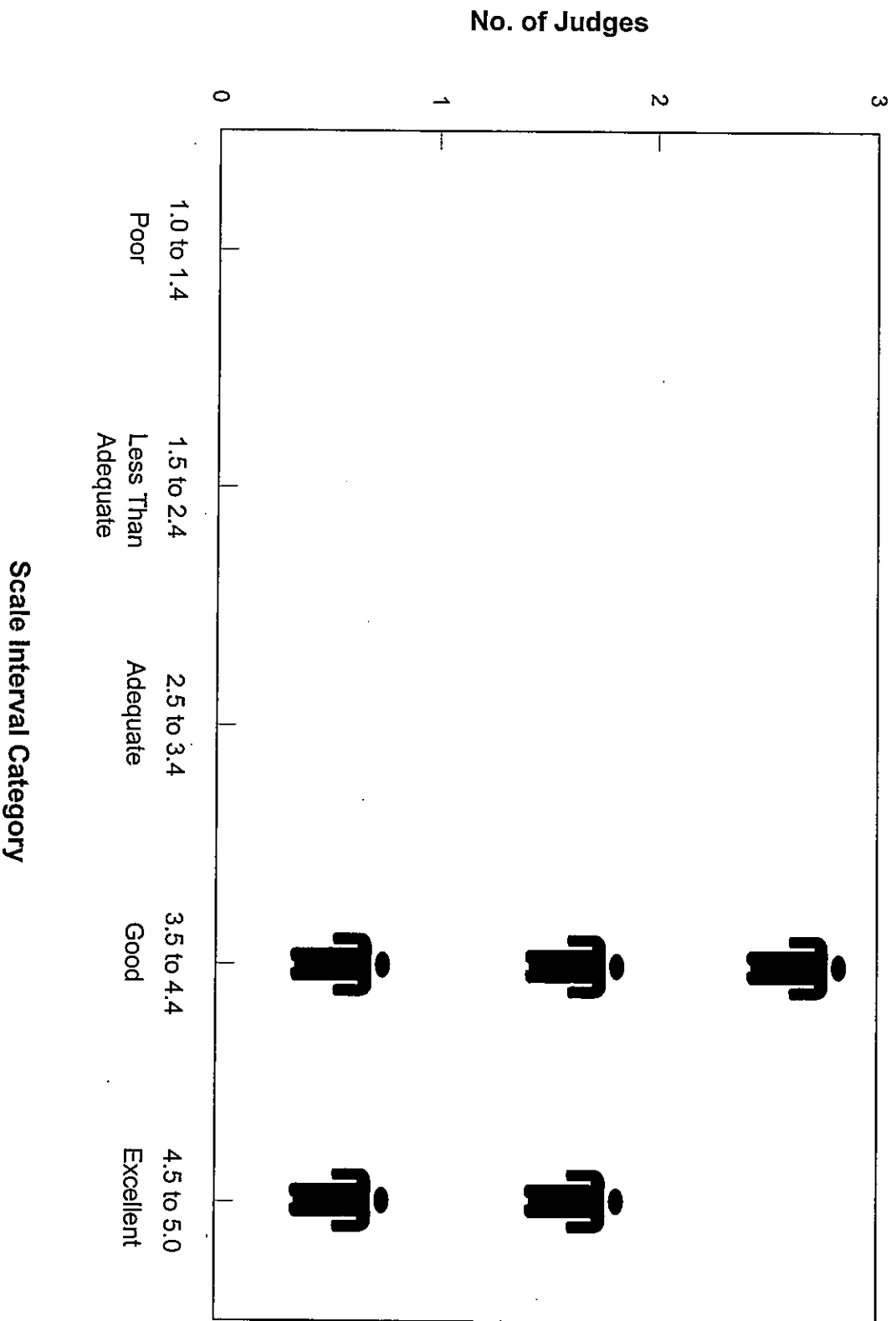
**Standard Mail Evaluation**  
**Family Court**  
**Graph 9. Legal Ability Scale**  
**Frequency Of Judges' Ratings, By Category**  
**July 29, 2008 - September 2, 2008**



**Standard Mail Evaluation  
Family Court  
Graph 10. Judicial Management Skills Scale  
Frequency Of Judges' Ratings, By Category  
July 29, 2008 - September 2, 2008**

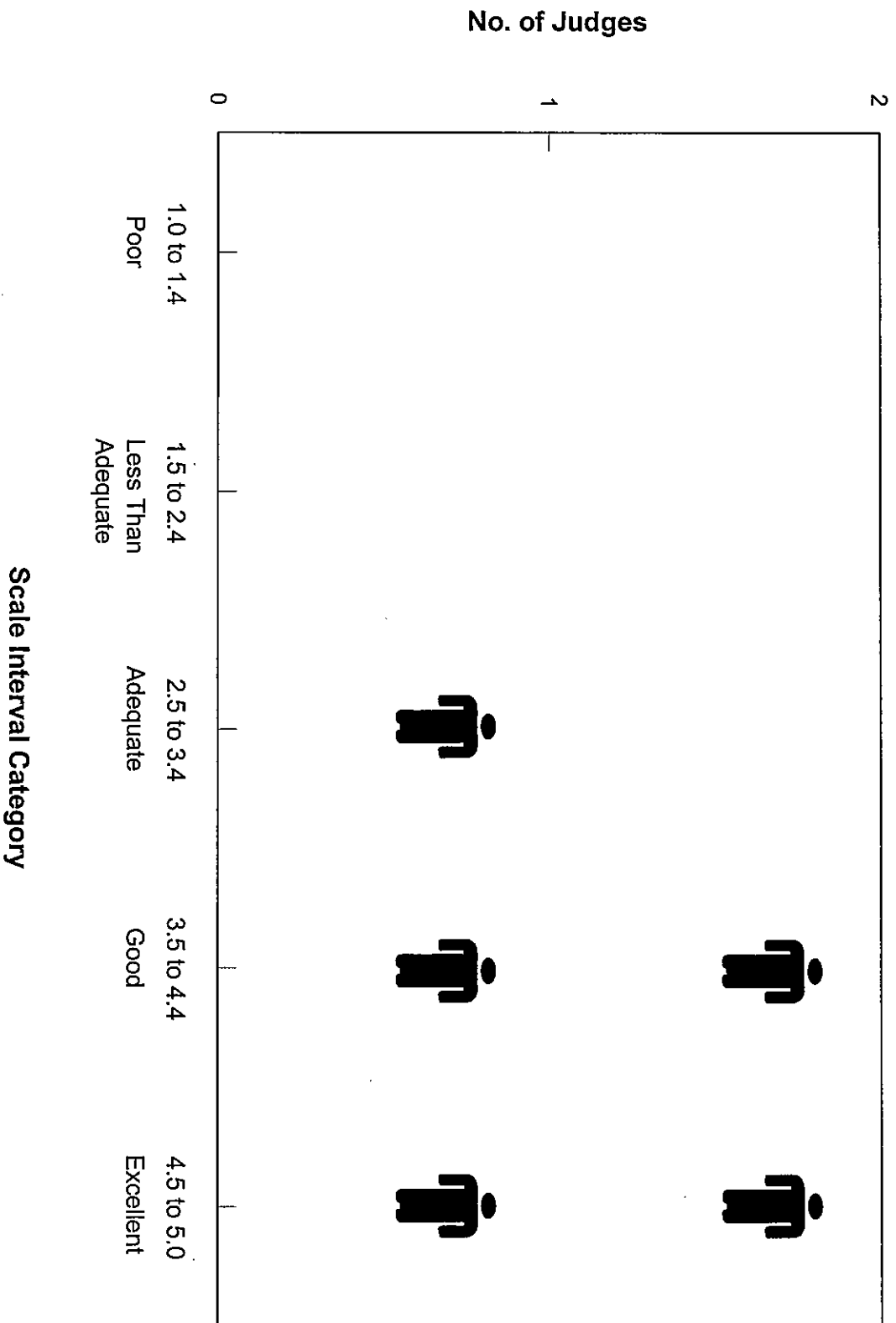


**Standard Mail Evaluation**  
**Family Court**  
**Graph 11. Comportment Scale**  
**Frequency Of Judges' Ratings, By Category**  
**July 29, 2008 - September 2, 2008**



**Standard Mail Evaluation  
Family Court**

**Graph 12. Settlement/Plea Agreement Ability Scale  
Frequency Of Judges' Ratings, By Category  
July 29, 2008 - September 2, 2008**



## **FAMILY COURT INTERNET EVALUATION RESULTS**

Judicial evaluation results were transmitted to three Family Court judges by the Chief Justice under cover of memoranda dated October 29, 2008. Surveys could be completed on the Internet from July 29, 2008 until August 29, 2008. As with the Appellate Court Internet evaluation, the website for the Family Court evaluation was administered by eHawaii.gov.

The Family Court Internet evaluation questionnaire is printed in Appendix G. Table 4 on the next page provides the averages for the three judges.

The mean score for the Legal Ability Section was 4.0, and the standard deviation was 0.4. Most of the judges received scores between 3.6 and 4.4.

For the Judicial Management Skills section, the mean score was 4.1, and the standard deviation was 0.5. For Comportment, the mean score was 4.2, and the standard deviation was 0.7. For Settlement and/or Plea Agreement Ability, the mean score was 3.9, and the standard deviation was 0.6. The frequencies of the judges' ratings, by category, are printed on pages 24 through 27.

Emails were sent to active attorneys who provided the Hawaii State Bar Association with their email addresses. Of the 3,751 emails sent out per judge, 218 completed surveys were returned. Most of the attorneys said they had not appeared before the judge, which ended their participation in the evaluation process.

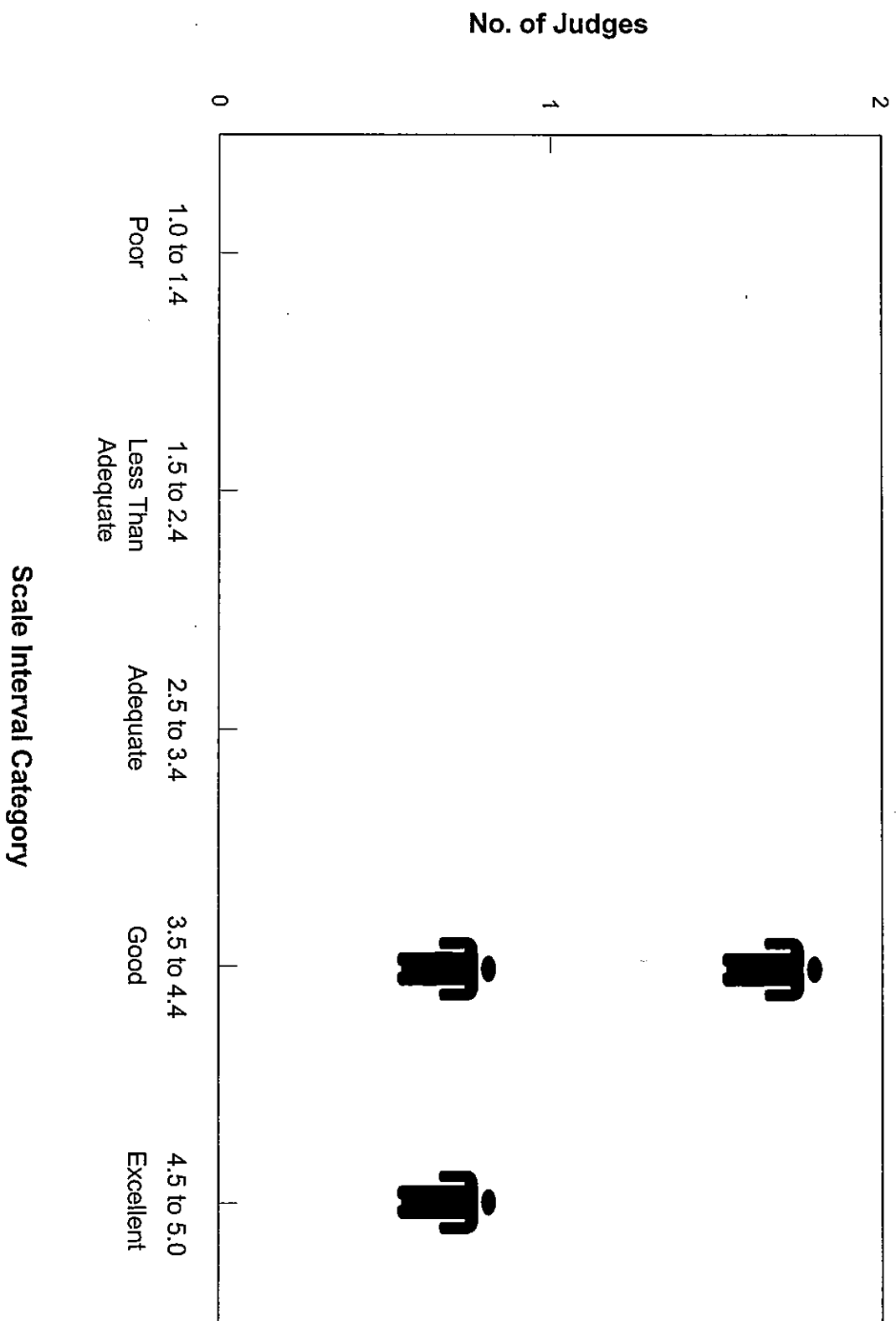
We received between 22 and 48 questionnaires for each judge from attorneys who said they had appeared before the judge. The three judges had 107 questionnaires returned in all from attorneys who had appeared before them.

**TABLE 4**  
**INTERNET EVALUATION**  
**JUDICIAL PERFORMANCE PROGRAM - FAMILY COURT**  
**EVALUATION RESULTS FOR THE THREE PARTICIPATING JUDGES**  
**JULY 29, 2008 - AUGUST 29, 2008**

<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	3	4.2	0.3
2. Knowledge of Rules of Procedure	3	4.2	0.4
3. Knowledge of Rules of Evidence	3	4.0	0.3
4. Ability to Identify and Analyze Relevant Issues	3	4.1	0.4
5. Judgement in Application of Relevant Laws and Rules	3	4.0	0.5
6. Giving Reasons for Rulings when Needed	3	4.0	0.4
7. Clarity of Explanation of Rulings	3	4.0	0.5
8. Adequacy of Findings of Fact	3	4.1	0.5
9. Clarity of Judge's Decision(s) (oral/written)	3	4.0	0.4
10. Completeness of Judge's Decision(s) (oral/written)	3	3.9	0.4
11. Judge's Charge to the Jury/Juries	0	---	---
<b>Average Score for the Legal Ability Section</b>	<b>3</b>	<b>4.0</b>	<b>0.4</b>
<u>JUDICIAL MANAGEMENT SKILLS SECTION</u>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	3	4.0	0.6
2. Maintaining Proper Control over the Proceeding(s)	3	4.2	0.4
3. Doing the Necessary Homework on the Case(s)	3	4.1	0.6
4. Rendering Rulings and Decisions w/o Unnecessary Delay	3	4.1	0.5
5. Allowing Adequate Time for Presentation of the Case(s)	3	4.1	0.5
6. Resourcefulness and Common Sense in Resolving Problems	3	4.1	0.5
7. Skills in Effecting Compromise	3	3.9	0.6
8. Industriousness	3	4.3	0.4
<b>Average Score for the Judicial Management Skills Section</b>	<b>3</b>	<b>4.1</b>	<b>0.5</b>
<u>COMPORTEMNT SECTION</u>			
1. Attentiveness	3	4.4	0.3
2. Courtesy to Participants	3	4.3	0.7
3. Compassion	3	4.3	0.6
4. Patience	3	4.2	0.8
5. Absence of Arrogance	3	4.3	0.8
6. Absence of Bias and Prejudice	3	4.2	0.7
7. Evenhanded Treatment of Litigants	3	4.1	0.7
8. Evenhanded Treatment of Attorneys	3	4.1	0.7
<b>Average Score for the Comportment Section</b>	<b>3</b>	<b>4.2</b>	<b>0.7</b>
<u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u>			
1. Knowing the Case(s) and/or the Law	3	4.1	0.5
2. Reasonableness of Opinions	3	4.0	0.6
3. Ability to Enhance the Settlement Process	3	3.8	0.7
4. Impartiality	3	3.9	0.7
5. Absence of Coercion or Threat	3	4.1	0.7
6. Effectiveness in Narrowing the Issues	3	4.1	0.6
7. Appropriateness of Judge's Initiatives	3	3.8	0.8
8. Facilitation in Development of Options	3	3.7	0.7
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>3</b>	<b>3.9</b>	<b>0.6</b>

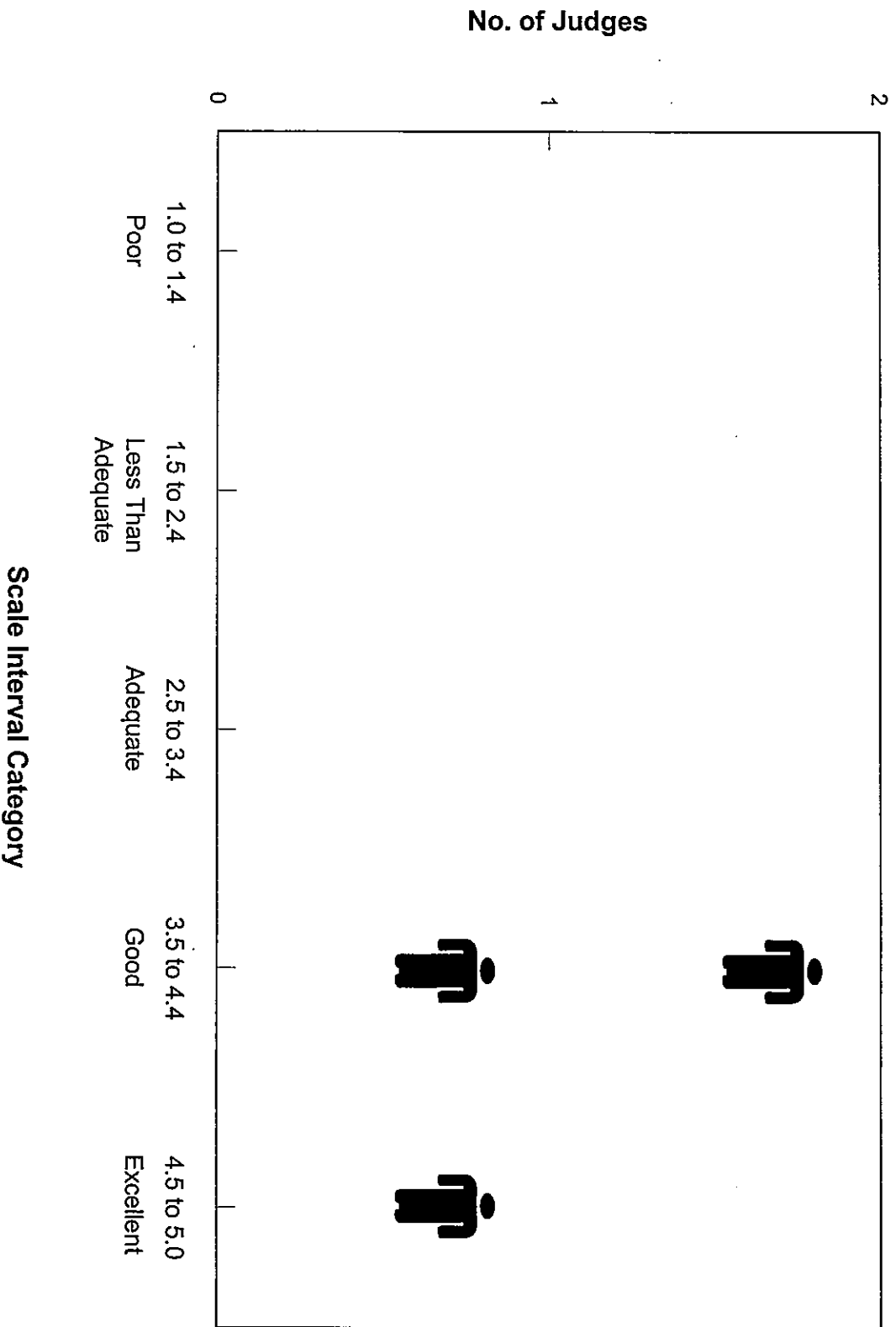
N = Number of Judges with More Than Five Responses for the Item  
Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor  
S.D. = Standard Deviation

**Internet Evaluation  
 Family Court  
 Graph 13. Legal Ability Scale  
 Frequency Of Judges' Ratings, By Category  
 July 29, 2008 - August 29, 2008**



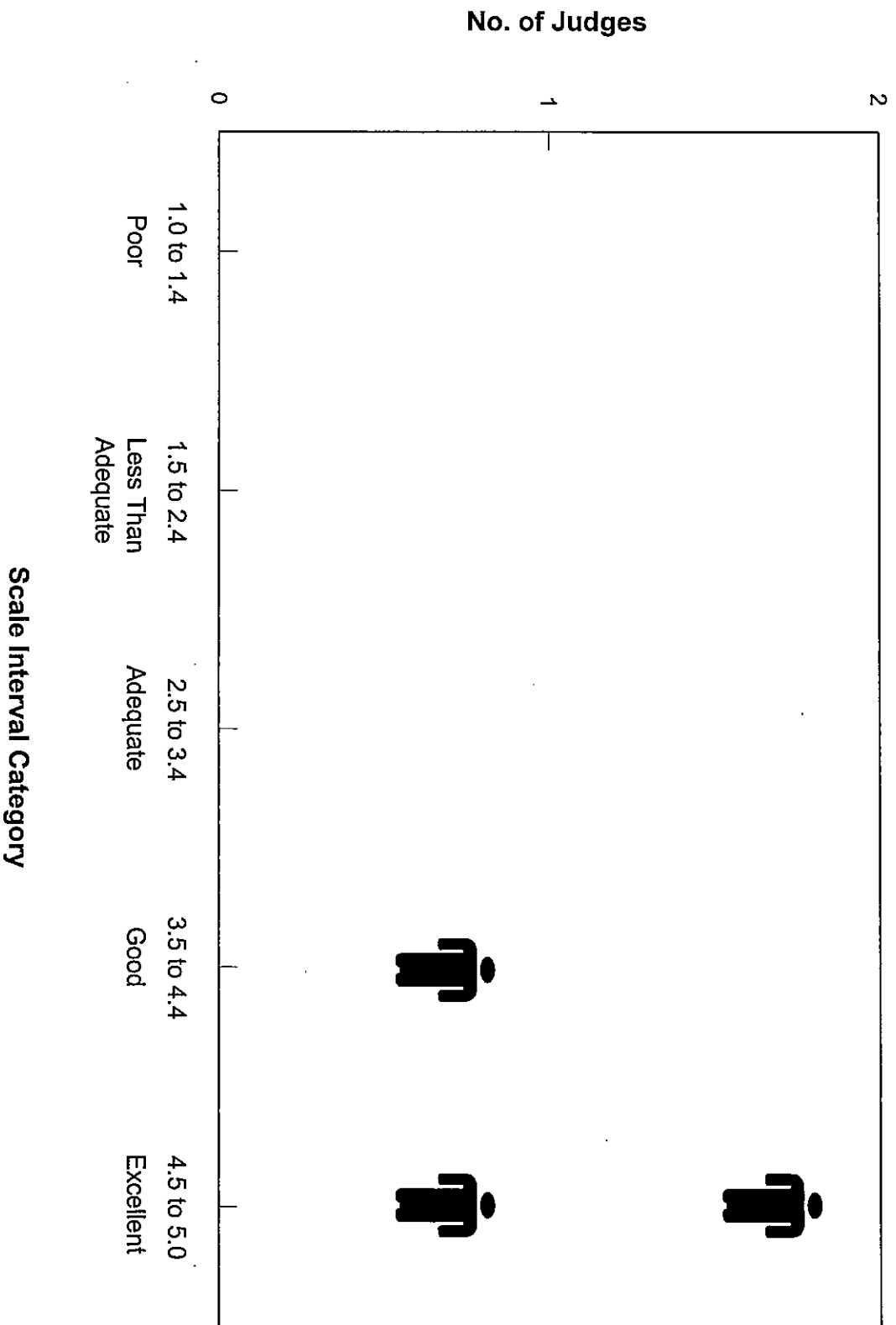
**Internet Evaluation  
Family Court**

**Graph 14. Judicial Management Skills Scale  
Frequency Of Judges' Ratings, By Category  
July 29, 2008 - August 29, 2008**



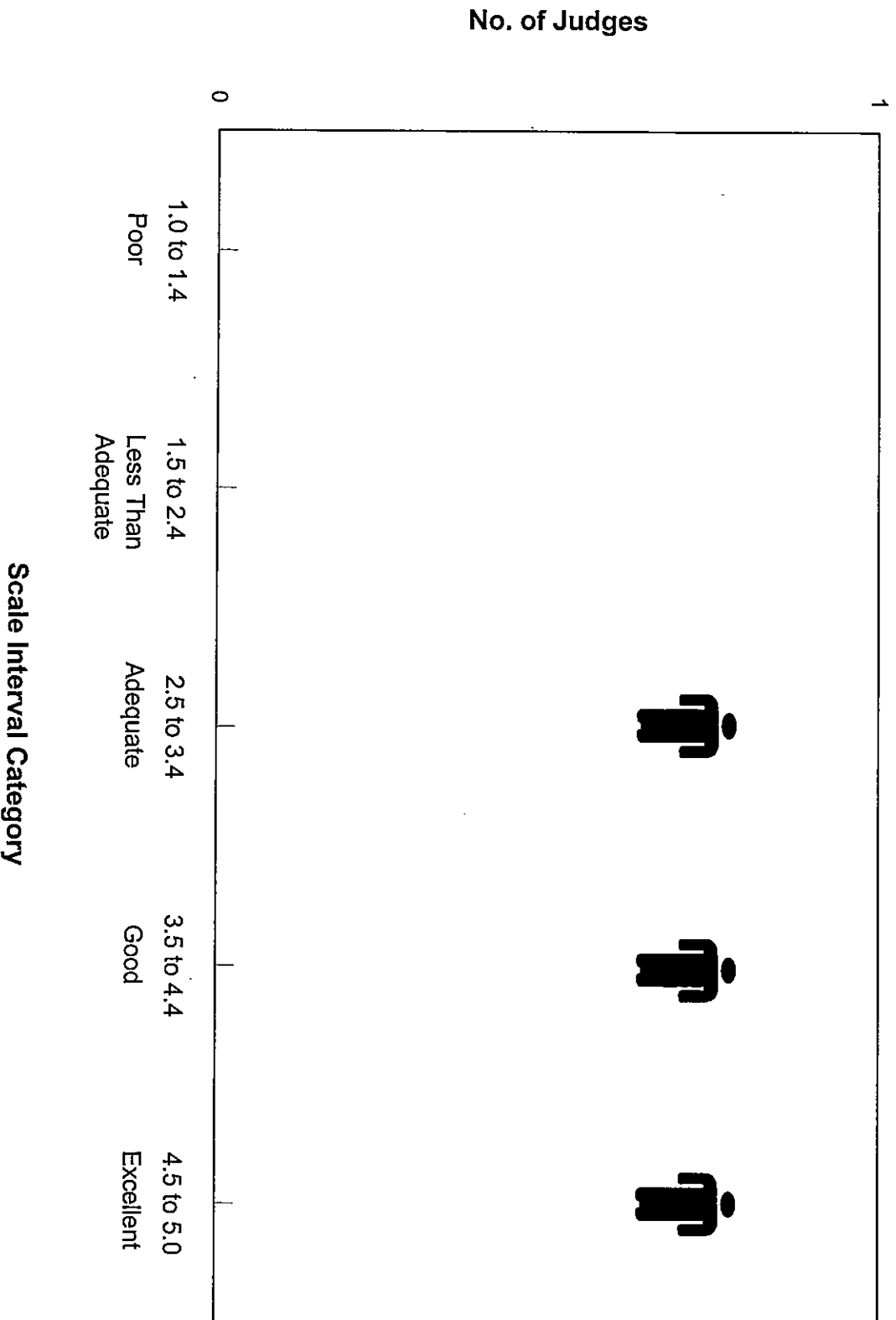
**Internet Evaluation  
Family Court**

**Graph 15. Comportment Scale  
Frequency Of Judges' Ratings, By Category  
July 29, 2008 - August 29, 2008**



**Internet Evaluation  
Family Court**

**Graph 16. Settlement/Plea Agreement Ability Scale  
Frequency Of Judges' Ratings, By Category  
July 29, 2008 - August 29, 2008**



## APPENDIX A

### MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge Colleen K. Hirai, Chair  
David M. Louie, Esq., Vice-Chair  
Judge Michael F. Broderick  
Judge Rhonda I. L. Loo  
Susan L. Arnett, Esq.  
Edward L. Broglio  
Gail Y. Cosgrove, Esq.  
Todd Eddins, Esq.  
Dr. Allan K. Izumi  
Thomas R. Keller, Esq., Administrative Director of the Courts  
James C. McWhinnie, Esq.  
Joe C. Rice  
Wilma J. Sur, Esq.

**APPENDIX B**

**APPELLATE COURT STANDARD MAIL QUESTIONNAIRE**

**SAMPLE**  
**DO NOT DUPLICATE**  
 STATE OF HAWAII  
 APPELLATE COURT EVALUATION  
 Attorney Questionnaire

NAME OF JUSTICE/JUDGE: \_\_\_\_\_

Please circle the number that best describes your perception of the justice's/judge's performance in any matters you have had before the court during the period from April 1, 2006, to March 31, 2008.

FAIRNESS/IMPARTIALITY

1. Removes himself/herself from any action that is, or appears to be, a conflict of interest.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor/defense attorney, particular attorneys, etc.).

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

4. Strives to be impartial on all issues.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

5. Contributes in a meaningful way to administrative committees he or she is assigned to.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

WRITTEN OPINIONS

1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

## SAMPLE

2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

3. Overall quality of written opinions authored specifically by this justice/judge.

5	4	3	2	1	N/A
EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT OBSERVED

### ORAL ARGUMENT

1. In oral argument, this justice/judge exhibits dignified behavior.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

2. This justice/judge is courteous to counsel at oral argument.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

3. In oral argument, this justice/judge is attentive during proceedings.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

4. In oral argument, this justice/judge shows patience during proceedings.

5	4	3	2	1	N/A
ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER	NOT OBSERVED

5. I would rate the relevance of questions posed by this justice/judge to counsel on issues raised by the parties as:

5	4	3	2	1	N/A
EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT OBSERVED

6. I would rate the preparation for oral argument by this justice/judge as:

5	4	3	2	1	N/A
EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT OBSERVED

### OVERALL EVALUATION

1. Overall evaluation of judicial performance.

5	4	3	2	1	N/A
EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT OBSERVED

**SAMPLE**  
**BACKGROUND CHARACTERISTICS**

1. How many times have you appeared before this justice/judge in the last three years?

Number of times: \_\_\_\_\_

2. How many cases have you had on appeal in the last three years?

Number of cases: \_\_\_\_\_

3. Have you served on a committee with this justice/judge?

YES \_\_\_ NO \_\_\_

4. How many years have you practiced law?

[1] under 5 years                      [2] 5 to 10 years                      [3] over 10 years

5. What percentage of your practice is before appellate courts?

\_\_\_\_\_%

6. What percentage of your practice is devoted to

Civil law \_\_\_\_\_%              Criminal law \_\_\_\_\_%              Family law \_\_\_\_\_%

7. COMMENTS (We understand that anonymity is important. However, the more specific the input, the more useful it will be for the justice/judge. Constructive comments that explain why a justice/judge is viewed positively or negatively will assist the justice/judge more than broad statements that a justice/judge is good or not good.)

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

**APPENDIX C**  
**APPELLATE COURT INTERNET QUESTIONNAIRE**

## Judicial Appellate Court Questionnaire

**\* 1. Have you had any cases, decided or open, before this justice/judge in the last two years?  
(Note: By answering yes, you will proceed to fill in the questionnaire for this justice/judge.  
By answering no, you will bypass the questions for this justice/judge.)**

Yes

No

## Judicial Appellate Court Questionnaire

Please select the response that best describes your perception of the justice's/judge's performance in any matters you have had before the court during the period from April 1, 2006 to March 31, 2008.

**1. Removes himself/herself from any action that is, or appears to be, a conflict of interest.**

- Always     
  Usually     
  Sometimes     
  Rarely     
  Never     
  Not Observed

**2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.**

- Always     
  Usually     
  Sometimes     
  Rarely     
  Never     
  Not Observed

**3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor/defense attorney, particular attorneys, etc.)**

- Always     
  Usually     
  Sometimes     
  Rarely     
  Never     
  Not Observed

**4. Strives to be impartial on all issues.**

- Always     
  Usually     
  Sometimes     
  Rarely     
  Never     
  Not Observed

**5. Contributes in a meaningful way to administrative committees he or she is assigned to.**

- Always     
  Usually     
  Sometimes     
  Rarely     
  Never     
  Not Observed

## Judicial Appellate Court Questionnaire

**1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.**

- Always       Usually       Sometimes       Rarely       Never       Not Observed

**2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.**

- Always       Usually       Sometimes       Rarely       Never       Not Observed

**3. Overall quality of written opinions authored specifically by this justice/judge.**

- Excellent       Good       Adequate       Less Than Adequate       Poor       Not Observed

# Judicial Appellate Court Questionnaire

**1. In oral argument, this justice/judge exhibits dignified behavior.**

- Always   
  Usually   
  Sometimes   
  Rarely   
  Never   
  Not Observed

**2. This justice/judge is courteous to counsel at oral argument.**

- Always   
  Usually   
  Sometimes   
  Rarely   
  Never   
  Not Observed

**3. In oral argument, this justice/judge is attentive during proceedings.**

- Always   
  Usually   
  Sometimes   
  Rarely   
  Never   
  Not Observed

**4. In oral argument, this justice/judge shows patience during proceedings.**

- Always   
  Usually   
  Sometimes   
  Rarely   
  Never   
  Not Observed

**5. I would rate the relevance of questions posed by this justice/judge to counsel on issues raised by the parties as:**

- Excellent   
  Good   
  Adequate   
  Less Than Adequate   
  Poor   
  Not Observed

**6. I would rate the preparation for oral argument by this justice/judge as:**

- Excellent   
  Good   
  Adequate   
  Less Than Adequate   
  Poor   
  Not Observed

# Judicial Appellate Court Questionnaire

**1. Overall evaluation of judicial performance.**

- Excellent     Good     Adequate     Less Than Adequate     Poor     Not Observed

# Judicial Appellate Court Questionnaire

**1. How many times have you appeared before this justice/judge in the last three years?**

Number of times:

**2. How many cases have you had on appeal in the last three years?**

Number of cases:

**3. Have you served on a committee with this justice/judge?**

- Yes
- No

**4. How many years have you practiced law?**

- under 5 years
- 5 to 10 years
- over 10 years

**5. What percentage of your practice is before appellate courts?**

Percentage:

**6. What percentage of your practice is devoted to**

Civil law:

Criminal law:

Family law:

**7. COMMENTS (We understand that anonymity is important. However, the more specific the input, the more useful it will be for the justice/judge. Constructive comments that explain why a justice/judge is viewed positively or negatively will assist the justice/judge more than broad statements that a justice/judge is good or not good.)**

## Judicial Appellate Court Questionnaire

**\* 1. Thank you for completing the questionnaire for**

- I would like to fill out a questionnaire for another justice/judge.
- I have completed questionnaires for all justices/judges and am ready to submit my questionnaires.

**APPENDIX D**

**SAMPLE COVER LETTER FROM CHIEF JUSTICE RONALD T. Y. MOON**

# SAMPLE



Supreme Court — THE JUDICIARY • STATE OF HAWAII

417 SOUTH KING STREET • ALI'IOLANI HALE • HONOLULU, HAWAII 96813-2902 • TELEPHONE (808) 539-4700 • FAX (808) 539-4703

Ronald T.Y. Moon  
CHIEF JUSTICE

July 29, 2008

Re: Judge \_\_\_\_\_

Dear Attorney:

Enclosed is a Lawyer's Questionnaire to help evaluate judges. This request is part of the Judiciary's Judicial Performance Program, developed pursuant to Supreme Court Rule 19. The Program evaluates judges at periodic intervals during their tenure, based upon their legal abilities, judicial management skills, comportment, and, as applicable, their skills in facilitating settlement and plea agreements. Judges are receptive to receiving comments and suggestions, which often help them to improve their judicial skills and techniques.

The Program is currently evaluating, as a group, a number of Family Court judges. You were selected to complete a questionnaire for Judge \_\_\_\_\_ based on your participation in matters before the Family Court. You may also receive a number of evaluation requests; this is a result of efforts by both the Judiciary and members of the Bar to increase the number of participants in the evaluation process. We would like to have the forms completed by attorneys who participated in matters before the above-named judge. I strongly encourage you to complete the questionnaire, including the comment page, if you appeared before the judge on a substantive matter. If you did not appear before the judge, but another attorney in your office did, pass this packet on to that person. Please do not duplicate the packet or return more than one questionnaire on a particular judge.

**Please be assured that your completed questionnaire is confidential. Your identity will not be disclosed to anyone. Your anonymity is also protected by the process because you do not sign the questionnaire, your completed questionnaire will not be shown to the judge, and great care is taken to present comments and suggestions from responding attorneys in a manner that ensures their identities cannot be determined from the substance of the comments.**

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 depends upon the completed questionnaires, and results will not be compiled without a sufficient number of responses. Thank you for your participation.

Sincerely,

Ronald T. Y. Moon  
Chief Justice  
Supreme Court of Hawaii'i

Enclosure

If you have any questions about this questionnaire or how it will be used, please contact Michael Oki, Policy and Planning Department, Office of the Administrative Director of the Courts, at 539-4870.

Please Return By: August 29, 2008

Please Return to: Policy and Planning Department  
Ali'iōlani Hale  
417 South King Street, Room 219  
Honolulu, HI 96813

Mark Return Envelope: Judicial Evaluation Project

**APPENDIX E**

**COVER LETTER FROM THE HAWAII STATE BAR ASSOCIATION**

Dear HSBA Member:

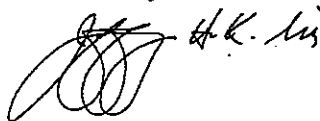
The Hawaii State Bar Association strongly supports the State Judiciary's Judicial Performance Program and its efforts relating to the evaluation of our state court judges and justices. The HSBA encourages all its members to participate in the Judiciary's evaluation process, which is administered with the HSBA's assistance. The Judiciary's evaluation process and HSBA's own evaluation program are designed to give you the opportunity to provide valuable feedback to the Judiciary and the individual judges or justices.

Because of your recent involvement in court proceedings, you are in the position of providing an assessment of the abilities of the judge before whom you appeared in the areas of legal ability, judicial management skills, comportment and settlement and/or plea agreement. Please be sure that your evaluation is based solely on your experience before the judge with whom you have had experience, not on hearsay.

Please take the time to carefully complete the enclosed Lawyer's Questionnaire for the Judiciary. Your confidential assessment will be used to help improve the judicial performance and to assist decision makers in the retention process.

Thank you in advance for your cooperation and participation in the Judiciary's Judicial Performance Program.

Sincerely,



Jeffrey H.K. Sia  
President

**OFFICERS**

Jeffrey H.K. Sia, President  
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Lyn Flanigan

**APPENDIX F**

**FAMILY COURT STANDARD MAIL QUESTIONNAIRE**

**SAMPLE**  
**LAWYER'S QUESTIONNAIRE**  
**DO NOT DUPLICATE**

---

NAME OF JUDGE: \_\_\_\_\_

THIS IS PAGE 1 OF A 7-PAGE QUESTIONNAIRE.

---

I. HAVE YOU APPEARED BEFORE THIS JUDGE DURING THE PERIOD FROM JUNE 1, 2006, TO MAY 31, 2008?

YES \_\_\_\_\_

NO \_\_\_\_\_

IF YES, PROCEED THROUGH QUESTION III BELOW. IF NO, DO NOT PROCEED OR FILL OUT THIS EVALUATION.

II. HOW MANY TIMES HAVE YOU APPEARED BEFORE THIS JUDGE DURING THE PERIOD FROM JUNE 1, 2006, TO MAY 31, 2008?

1-2 \_\_\_\_\_

3-5 \_\_\_\_\_

6-10 \_\_\_\_\_

MORE THAN 10 \_\_\_\_\_

III. FOR WHAT TYPES OF MATTERS HAVE YOU APPEARED BEFORE THIS JUDGE DURING THE REFERENCED PERIOD? (PLEASE CIRCLE ALL THAT APPLY.)

A. JURY TRIAL(S)

B. NONJURY TRIAL(S)

C. CONTESTED MOTION(S) WITH SIGNIFICANT LEGAL ISSUES

D. SETTLEMENT OR PRETRIAL PLEA AGREEMENT CONFERENCE(S)

E. EVIDENTIARY HEARING(S)

F. SENTENCING(S)

G. OTHER SUBSTANTIVE MATTER(S) (DESCRIBE) \_\_\_\_\_

IF YOU HAVE SELECTED ONE OR MORE OF THE ABOVE CHOICES IN THIS QUESTION, PROCEED TO FILL OUT THE EVALUATION.

THE EVALUATION IS CONTINUED ON THE BACK OF THIS PAGE.

# SAMPLE LAWYER'S QUESTIONNAIRE

PLEASE READ THE COVER SHEET BEFORE BEGINNING THIS QUESTIONNAIRE.  
THIS IS PAGE 2 OF A 7-PAGE QUESTIONNAIRE.

SECTION 1: 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. CHECK ONLY ONE RESPONSE FOR EACH QUESTION, AND PLEASE BE SURE TO ANSWER EVERY QUESTION.

	EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT APPLICABLE
1. KNOWLEDGE OF RELEVANT SUBSTANTIVE LAW						
2. KNOWLEDGE OF RULES OF PROCEDURE						
3. KNOWLEDGE OF RULES OF EVIDENCE						
4. ABILITY TO IDENTIFY AND ANALYZE RELEVANT ISSUES						
5. JUDGMENT IN APPLICATION OF RELEVANT LAWS AND RULES						
6. GIVING REASONS FOR RULINGS WHEN NEEDED						
7. CLARITY OF EXPLANATION OF RULINGS						
8. ADEQUACY OF FINDINGS OF FACT						
9. CLARITY OF JUDGE'S DECISION(S) (ORAL/WRITTEN)						
10. COMPLETENESS OF JUDGE'S DECISION(S) (ORAL/WRITTEN)						
11. JUDGE'S CHARGE TO THE JURY/JURIES						

# SAMPLE LAWYER'S QUESTIONNAIRE

THIS IS PAGE 3 OF A 7-PAGE QUESTIONNAIRE.

**SECTION 2: JUDICIAL MANAGEMENT SKILLS**

THIS SECTION DEALS WITH JUDICIAL ABILITY AND SKILL IN THE ORGANIZATION, MANAGEMENT, AND HANDLING OF COURT PROCEEDINGS. CHECK ONLY ONE RESPONSE FOR EACH QUESTION, AND PLEASE BE SURE TO ANSWER EVERY QUESTION.

	EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT APPLICABLE
1. MOVING THE PROCEEDING(S) IN AN APPROPRIATELY EXPEDITIOUS MANNER						
2. MAINTAINING PROPER CONTROL OVER THE PROCEEDING(S)						
3. DOING THE NECESSARY HOMEWORK ON THE CASE(S)						
4. RENDERING RULINGS AND DECISIONS WITHOUT UNNECESSARY DELAY						
5. ALLOWING ADEQUATE TIME FOR PRESENTATION OF THE CASE(S) OR MOTION(S) IN LIGHT OF EXISTING TIME CONSTRAINTS						
6. RESOURCEFULNESS AND COMMON SENSE IN RESOLVING PROBLEMS ARISING FROM THE PROCEEDING(S)						
7. SKILLS IN EFFECTING COMPROMISE						
8. INDUSTRIOUSNESS						

THE EVALUATION IS CONTINUED ON THE BACK OF THIS PAGE.

# SAMPLE LAWYER'S QUESTIONNAIRE

THIS IS PAGE 4 OF A 7-PAGE QUESTIONNAIRE.

## SECTION 3: COMPORTMENT

THIS SECTION DEALS WITH VARIOUS ASPECTS OF JUDICIAL PERSONALITY AND BEHAVIOR IN THE COURT PROCEEDINGS, SUCH AS TEMPERAMENT, ATTITUDE, AND MANNER. CHECK ONLY ONE RESPONSE FOR EACH QUESTION, AND PLEASE BE SURE TO ANSWER EVERY QUESTION.

	EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT APPLICABLE
1. ATTENTIVENESS						
2. COURTESY TO PARTICIPANTS						
3. COMPASSION						
4. PATIENCE						
5. ABSENCE OF ARROGANCE						
6. ABSENCE OF BIAS AND PREJUDICE BASED ON RACE, SEX, ETHNICITY, RELIGION, SOCIAL CLASS, OR OTHER FACTOR						
7. EVENHANDED TREATMENT OF LITIGANTS						
8. EVENHANDED TREATMENT OF ATTORNEYS						

# SAMPLE LAWYER'S QUESTIONNAIRE

THIS IS PAGE 5 OF A 7-PAGE QUESTIONNAIRE.

## SECTION 4: SETTLEMENT AND/OR PLEA AGREEMENT ABILITY

**NOTE: 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(a), FAMILY COURT RULES, AND PRETRIAL CONFERENCES INVOLVING RULE 11, RULES OF PENAL PROCEDURE. CHECK ONLY ONE RESPONSE FOR EACH QUESTION, AND PLEASE BE SURE TO ANSWER EVERY QUESTION.**

	EXCELLENT	GOOD	ADEQUATE	LESS THAN ADEQUATE	POOR	NOT APPLICABLE
1. KNOWING THE CASE(S) AND/OR THE LAW WELL ENOUGH TO ADDRESS KEY ISSUES						
2. REASONABLENESS OF OPINIONS ON HOW KEY ISSUES MIGHT BE RESOLVED AT TRIAL						
3. ABILITY TO ENHANCE THE SETTLEMENT PROCESS BY CREATING CONSENSUS OR TO FACILITATE THE PLEA AGREEMENT PROCESS						
4. IMPARTIALITY AS TO HOW/ IN WHOSE FAVOR AGREEMENT WAS REACHED						
5. ABSENCE OF COERCION OR THREAT						
6. EFFECTIVENESS IN NARROWING THE ISSUES IN DISPUTE						
7. APPROPRIATENESS OF JUDGE'S SETTLEMENT/PLEA INITIATIVES						
8. FACILITATION IN DEVELOPMENT OF OPTIONS FOR SETTLEMENT/PLEA						

THE EVALUATION IS CONTINUED ON THE BACK OF THIS PAGE.

# SAMPLE

## COMMENT PAGE (SECTION 5)

THIS IS PAGE 6 OF A 7-PAGE QUESTIONNAIRE

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.

LEGAL ABILITY

JUDICIAL MANAGEMENT SKILLS

COMPORTMENT

SETTLEMENT/PLEA AGREEMENT ABILITY

OVERALL/GENERAL

**SAMPLE**

**LAWYER'S QUESTIONNAIRE**

---

THIS IS PAGE 7 OF A 7-PAGE QUESTIONNAIRE.

---

**SECTION 6: BACKGROUND CHARACTERISTICS**

THIS INFORMATION WILL BE USED FOR STATISTICAL PURPOSES ONLY.

1. HOW LONG HAVE YOU PRACTICED LAW? (YEARS)

0 TO 3

20 TO 23

4 TO 7

24 TO 27

8 TO 11

28 OR MORE

12 TO 15

REFUSE TO ANSWER

16 TO 19

2. WHICH OF THE FOLLOWING DESCRIBES YOUR PRACTICE OF LAW?

SOLO (INCLUDING OFFICE SHARING)

GOVERNMENT

LAW FIRM WITH 2-15 ATTORNEYS

REFUSE TO ANSWER

LAW FIRM WITH MORE THAN 15 ATTORNEYS

OTHER (PLEASE SPECIFY)

CORPORATE OR HOUSE COUNSEL

PRO SE (REPRESENTING SELF)

IF YOU HAVE ANY QUESTIONS ABOUT THIS QUESTIONNAIRE, PLEASE CALL THE POLICY AND PLANNING DEPARTMENT AT 539-4870.

**APPENDIX G**  
**FAMILY COURT INTERNET QUESTIONNAIRE**

## Judicial Family Court Questionnaire

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 June 1, 2006 to May 31, 2008? (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 period from June 1, 2006 to May 31, 2008?**

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)

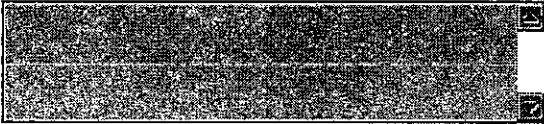
Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)



## Judicial Family Court Questionnaire

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

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

- Excellent   
  Good   
  Adequate   
  Less than Adequate   
  Poor   
  Not Applicable

## Judicial Family Court Questionnaire

**11. Judge's charge to the jury/juries**

- Excellent     Good     Adequate     Less than adequate     Poor     Not applicable

## Judicial Family Court Questionnaire

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 Questionnaire

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 Family Court Questionnaire

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(a), 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 Questionnaire

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 Family Court Questionnaire

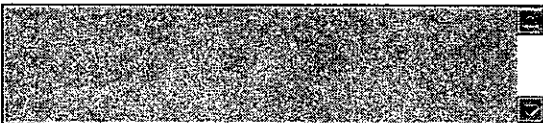
This information will be used for statistical purposes only.

**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 Questionnaire

**1. Thank you for completing the questionnaire for Judge**

- 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.

## Judicial Family Court Questionnaire

Please confirm that you have completed all questionnaires 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.**