

**JUDICIAL PERFORMANCE PROGRAM  
2012 REPORT**

THE JUDICIARY  
STATE OF HAWAII  
December 18, 2012

## **JUDICIAL PERFORMANCE PROGRAM 2012 REPORT**

### **INTRODUCTION**

The Judicial Performance Program 2012 Report summarizes the results of evaluations involving nine Circuit Court judges, nine Family Court judges, and ten District Court judges. Also included are the results of last year's Courts of Appeal evaluation.

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.

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

Appellate justices and judges are rated on General Evaluation, Written Opinions, Oral Argument, and Overall Evaluation. Trial court judges are rated on Legal Ability, Judicial Management Skills, Comportment, and Settlement and/or Plea Agreement Ability. All yearly reports on the Judicial Performance Program are available to the public. Scores and comments received for individual 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 and Circuit Court judges are scheduled for evaluation three times in their ten-year terms. Full time District Family Court judges and District Court judges are scheduled for evaluation twice in their six-year terms. For purposes of this program, Circuit Court judges assigned to the Family Court of the First Circuit are considered Family Court

judges but are evaluated three times during their ten-year terms. A portion of the Per Diem judge pool is scheduled for evaluation every three years.

The full time Family Court and District Court evaluations are phased to result in these programs being included in the evaluation process two out of every three years; that is, about one-half or approximately ten judges from each group are evaluated per cycle. Evaluation of Family Court, but not of District Court, judges was conducted in 2011. 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 is scheduled for 2013. The next evaluation of Per Diem judges is scheduled for 2013 as well.

## **JUDICIAL EVALUATION REVIEW PANEL**

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

## APPELLATE COURT RESULTS

Three of the Supreme Court justices and Intermediate Court of Appeals judges received the results of their evaluations under cover of memoranda dated April 14, 2011. Five other justices and appellate judges did not have the minimum eighteen responses needed to be included.

A link to the online questionnaire was provided to attorneys by email on January 25, 2011. The surveys were collected from January 25, 2011 until February 11, 2011. 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 provides the averages for the three Appellate Court justices and judges.

The mean score for the Fairness/Impartiality section was 4.5, with a standard deviation of 0.2. The standard deviation gives an indication of the variation in the scores among the Appellate Court justices and 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.) The Appellate Court justices and judges generally received marks between 4.3 and 4.7 in the Fairness/Impartiality section.

For Written Opinions, the Appellate Court justices and judges had a mean score of 4.1. The standard deviation for this section was 0.2. The mean score for the Oral Argument section was 4.5, with a standard deviation of 0.2. The mean score for the Overall Evaluation section was 4.0, with a standard deviation of 0.1. The frequencies of the Appellate Court justices' and judges' ratings, by category, are shown in Graphs 1 to 4.

There were 304 responses out of 3881 emails sent out to attorneys who had provided their email addresses to the State Bar Association. Many of the responses were not counted because the attorneys reported that they had not appeared before the justices or judges. The number of responses did not equal the number of questionnaires received. The number of questionnaires received for the three justices and judges with completed evaluations totaled 59, with between 18 and 22 questionnaires received for each justice or judge.

TABLE 1  
 JUDICIAL PERFORMANCE PROGRAM – APPELLATE COURTS  
 EVALUATION RESULTS FOR THREE JUSTICES AND JUDGES  
 JANUARY 25, 2011 – FEBRUARY 11, 2011

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>FAIRNESS/IMPARTIALITY SECTION</b>			
1. Removes him/herself from any action that is, or appears to be, a conflict of interest.	3	4.7	0.3
2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.	3	4.6	0.1
3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor, defense attorney, particular attorneys, etc.).	3	4.4	0.2
4. Strives to be impartial on all issues.	3	4.2	0.3
5. Contributes in a meaningful way to administrative committees he or she is assigned to.	2	4.8	0.4
Average Score for the Fairness/Impartiality Section	3	4.5	0.2
<b>WRITTEN OPINIONS SECTION</b>			
1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.	3	4.3	0.3
2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.	3	4.2	0.2
3. Overall quality of written opinions authored by this justice/judge.	3	3.8	0.2
Average Score for the Written Opinions Section	3	4.1	0.2
<b>ORAL ARGUMENT SECTION</b>			
1. In oral argument, this justice/judge exhibits dignified behavior.	3	4.6	0.3
2. This justice/judge is courteous to counsel at oral argument.	3	4.6	0.3
3. In oral argument, this justice/judge is attentive during proceedings.	3	4.8	0.2
4. In oral argument, this justice shows patience during proceedings.	3	4.4	0.3
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	0.2
6. I would rate the preparation for oral argument by this justice judge as	3	4.1	0.2

Average Score for the Oral Argument Section	3	4.5	0.2
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OVERALL EVALUATION SECTION

1. Overall evaluation of judicial performance.	3	4.0	0.1
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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

Appellate Courts

Graph 1. Fairness/Impartiality Scale

Frequency of Justices'/Judges' Ratings, By Category

January 25, 2011 – February 11, 2011

No of Judges	1	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Usually or Good	Always or Excellent

Appellate Courts

Graph 2. Written Opinions Scale

Frequency of Justices'/Judges' Ratings, By Category

January 25, 2011 – February 11, 2011

No of Judges	3
Scale Interval Category	3.5 to 4.4
	Usually or Good



Appellate Courts

Graph 3. Oral Argument Scale

Frequency of Justices'/Judges' Ratings, By Category

January 25, 2011 – February 11, 2011

No of Judges	2	1
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Usually or Good	Always or Excellent

Appellate Courts

Graph 4. Overall Evaluation Scale

Frequency of Justices'/Judges' Ratings, By Category

January 25, 2011 – February 11, 2011

No of Judges	6
Scale Interval Category	3.5 to 4.4
	Usually or Good

## **CIRCUIT COURT RESULTS**

Nine Circuit Court judges received the results of their evaluations under cover of memoranda dated November 28, 2012. A link to the online questionnaire was provided to attorneys by email on July 24, 2012. The surveys were collected from July 24, 2012 until August 17, 2012.

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 C. The questionnaire is printed in Appendix D. Possible ratings range from one for Poor to five for Excellent. Table 2 provides the average scores by section for the nine judges.

The mean score for the Legal Ability section was 3.8, with a standard deviation of 0.4. Most of the judges scored between 3.4 and 4.2 in this section.

The mean score for the Judicial Management Skills section was 3.9, with a standard deviation of 0.4. The mean score for the Comportment section was 3.9, with a standard deviation of 0.5. The mean score for the Settlement and/or Plea Agreement Ability section was 3.8, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are shown in Graphs 5 to 8.

There were 329 responses from attorneys out of 3871 emails sent out. Some of these attorneys appeared before more than one judge. A reminder email sent to selected attorneys is printed in Appendix E. The number of responses did not equal the number of questionnaires received. The number of questionnaires received for the nine judges totaled 487, with between 21 and 122 questionnaires received per judge.

TABLE 2  
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT  
 EVALUATION RESULTS FOR NINE JUDGES  
 JULY 24, 2012 – AUGUST 17, 2012

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	9	3.9	0.4
2. Knowledge of Rules of Procedure	9	4.0	0.4
3. Knowledge of Rules of Evidence	9	4.0	0.4
4. Ability to Identify and Analyze	9	3.9	0.5
5. Judgment in Application of Relevant Laws	9	3.7	0.5
6. Giving Reasons for Rulings when Needed	9	3.8	0.4
7. Clarity of Explanation of Rulings	9	3.7	0.4
8. Adequacy of Findings of Fact	9	3.7	0.4
9. Clarity of Judge's Decision(s)	9	3.7	0.4
10. Completeness of Judge's Decision(s)	9	3.7	0.5
11. Judge's Charge to the Jury/Juries	8	3.9	0.5
Average Score for the Legal Ability Section	9	3.8	0.4
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	9	3.9	0.5
2. Maintaining Proper Control	9	4.0	0.4
3. Doing the Necessary Homework on the Case(s)	9	3.9	0.5
4. Rendering Rulings and Decisions w/o Delay	9	3.9	0.5
5. Allowing Adequate Time	9	4.0	0.4
6. Resourcefulness and Common Sense	9	3.8	0.5
7. Skills in Effecting Compromise	9	3.5	0.5
8. Industriousness	9	3.9	0.4
Average Score for the Judicial Management Skills Section	9	3.9	0.4
<b>COMPORMENT SECTION</b>			
1. Attentiveness	9	4.1	0.3
2. Courtesy to Participants	9	4.0	0.7
3. Compassion	9	3.9	0.6
4. Patience	9	3.8	0.7
5. Absence of Arrogance	9	3.8	0.7
6. Absence of Bias and Prejudice	9	4.1	0.4
7. Evenhanded Treatment of Litigants	9	3.9	0.4
8. Evenhanded Treatment of Attorneys	9	3.9	0.6

Average Score for the Compartment Section	9	3.9	0.5
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	9	3.9	0.5
2. Reasonableness of Opinions	9	3.8	0.5
3. Ability to Enhance the Settlement Process	9	3.6	0.5
4. Impartiality	9	3.8	0.3
5. Absence of Coercion or Threat	9	4.0	0.5
6. Effectiveness in Narrowing the Issues	9	3.8	0.5
7. Appropriateness of Judge's Initiatives	9	3.6	0.5
8. Facilitation in Development of Options	9	3.6	0.5
Average Score for the Settlement Section	9	3.8	0.4

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

Circuit Court

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

July 24, 2012 – August 17, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Circuit Court

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

July 24, 2012 – August 17, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Circuit Court

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

July 24, 2012 – August 17, 2012

No. of Judges	2	6	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent



Circuit Court

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

July 24, 2012 – August 17, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

## **FAMILY COURT RESULTS**

Judicial evaluation results were transmitted to nine Family Court judges by Chief Justice Recktenwald under cover of memoranda dated September 12, 2012. Surveys could be completed over the Internet from April 24, 2012 until May 11, 2012.

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

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

The mean score for the Legal Ability Section was 3.9, and the standard deviation was 0.3. Most of the judges received scores between 3.6 and 4.2.

The mean score for the Judicial Management Skills section was 3.9, and the standard deviation for this section was 0.2. The mean score for the Comportment section was 4.1, 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 0.3. The frequencies of the judges' ratings, by category, are shown in Graphs 9 to 12.

Of the 3882 emails sent out for ten judges, 184 attorney evaluations were returned. One attorney evaluation could contain more than one individual judge evaluation because the attorney could have appeared before more than one judge.

The number of attorney evaluations returned did not equal the total number of individual evaluations. The judges who were evaluated received between 26 and 43 individual evaluations. In total, the nine judges had 287 individual evaluations returned.

TABLE 3  
 JUDICIAL PERFORMANCE PROGRAM – FAMILY COURT  
 EVALUATION RESULTS FOR NINE JUDGES  
 APRIL 24, 2012 – MAY 11, 2012

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	9	4.0	0.3
2. Knowledge of Rules of Procedure	9	4.0	0.3
3. Knowledge of Rules of Evidence	9	4.1	0.2
4. Ability to Identify and Analyze	9	4.0	0.3
5. Judgment in Application of Relevant Laws	9	3.8	0.4
6. Giving Reasons for Rulings when Needed	9	3.9	0.3
7. Clarity of Explanation of Rulings	9	3.9	0.4
8. Adequacy of Findings of Fact	9	3.8	0.3
9. Clarity of Judge's Decision(s)	9	3.9	0.3
10. Completeness of Judge's Decision(s)	9	3.8	0.3
11. Judge's Charge to the Jury/Juries	1	4.0	---
Average Score for the Legal Ability Section	9	3.9	0.3
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	9	3.8	0.3
2. Maintaining Proper Control	9	4.0	0.2
3. Doing the Necessary Homework on the Case(s)	9	4.0	0.3
4. Rendering Rulings and Decisions w/o Delay	9	4.0	0.3
5. Allowing Adequate Time	9	3.9	0.2
6. Resourcefulness and Common Sense	9	3.8	0.2
7. Skills in Effecting Compromise	9	3.7	0.3
8. Industriousness	9	4.1	0.2
Average Score for the Judicial Management Skills Section	9	3.9	0.2
<b>COMPORIMENT SECTION</b>			
1. Attentiveness	9	4.2	0.3
2. Courtesy to Participants	9	4.2	0.4
3. Compassion	9	4.0	0.4
4. Patience	9	4.1	0.4
5. Absence of Arrogance	9	4.1	0.4
6. Absence of Bias and Prejudice	9	4.2	0.3
7. Evenhanded Treatment of Litigants	9	4.0	0.3
8. Evenhanded Treatment of Attorneys	9	4.0	0.4

Average Score for the Compartment Section	9	4.1	0.4
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	9	4.0	0.3
2. Reasonableness of Opinions	9	3.9	0.2
3. Ability to Enhance the Settlement Process	9	3.7	0.3
4. Impartiality	9	4.0	0.4
5. Absence of Coercion or Threat	9	4.1	0.4
6. Effectiveness in Narrowing the Issues	9	3.9	0.2
7. Appropriateness of Judge's Initiatives	9	3.9	0.2
8. Facilitation in Development of Options	9	3.8	0.2
Average Score for the Settlement Section	9	3.9	0.3

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

Family Court

Graph 9. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 24, 2012 – May 11, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Family Court

Graph 10. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 24, 2012 – May 11, 2012

No. of Judges	9
Scale Interval Category	3.5 to 4.4
	Good

Family Court

Graph 11. Comportment Scale

Frequency of Judges' Ratings, By Category

April 24, 2012 – May 11, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Family Court

Graph 12. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 24, 2012 – May 11, 2012

No. of Judges	1	8
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good



## **DISTRICT COURT RESULTS**

Evaluation results were transmitted to ten District Court judges by Chief Justice Recktenwald under cover of memoranda dated April 17, 2012. Surveys could be completed over the Internet from January 18, 2012 to February 10, 2012.

The District Court questionnaire is printed in Appendix G. Table 4 provides the averages for the ten judges.

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

The mean score for the Judicial Management Skills section was 4.2, and the standard deviation was 0.3. The mean score for the Comportment section was 4.3, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability section was 4.2, and the standard deviation was 0.4. The frequencies of judges' ratings, by category, are shown in Graphs 13 to 16.

Of the attorneys who were sent emails, 278 returned evaluations. Some of the 278 attorneys said they had not appeared before any judges, and some attorneys appeared before two or more judges.

The judges received between 19 and 54 evaluations each. The ten judges had a total of 282 evaluations returned.

TABLE 4  
 JUDICIAL PERFORMANCE PROGRAM – DISTRICT COURT  
 EVALUATION RESULTS FOR TEN JUDGES  
 JANUARY 18, 2012 – FEBRUARY 10, 2012

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

## SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	10	4.1	0.3
2. Reasonableness of Opinions	10	4.2	0.4
3. Ability to Enhance the Settlement Process	10	4.2	0.4
4. Impartiality	10	4.2	0.4
5. Absence of Coercion or Threat	10	4.3	0.4
6. Effectiveness in Narrowing the Issues	10	4.2	0.4
7. Appropriateness of Judge's Initiatives	10	4.2	0.4
8. Facilitation in Development of Options	10	4.2	0.4
Average Score for the Settlement Section	10	4.2	0.4

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

District Court

Graph 13. Legal Ability Scale

Frequency of Judges' Ratings, By Category

January 18, 2012 – February 10, 2012

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

District Court

Graph 14. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

January 18, 2012 – February 10, 2012

No. of Judges	7	3
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 15. Comportment Scale

Frequency of Judges' Ratings, By Category

January 18, 2012 – February 10, 2012

No. of Judges	8	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 16. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

January 18, 2012 – February 10, 2012

No. of Judges	1	5	4
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent





## **APPENDIX A**

### **MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE**

Judge Derrick H.M. Chan, Chair

Judge Rhonda I. L. Loo

Judge Clarence A. Pacarro

Susan L. Arnett, Esq.

Gail Y. Cosgrove, Esq.

Todd W. Eddins, Esq.

Rosemary T. Fazio, Esq.

Dr. Allan K. Izumi\*

Joelle Segawa Kane, Esq.

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

James C. McWhinnie, Esq.

Joe C. Rice

\*Dr. Allan K. Izumi served on the Judicial Performance Committee until he passed away on June 21, 2012.

**APPENDIX B**

**APPELLATE COURT QUESTIONNAIRE**

Judicial Appellate Court Questionnaire – January 2011  
Sample

\*1. Have you had any cases, decided or open, before this justice/judge during the period from January 1, 2009 to December 31, 2010?

(Note: By answering yes, you will proceed to fill in the evaluation for this justice/judge. By answering no, you will bypass the questions for this justice/judge.)

Yes

No

Judicial Appellate Court Questionnaire – January 2011  
Sample – Fairness/Impartiality

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 January 1, 2009 to December 31, 2010.

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

4. Strives to be impartial on all issues.

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

Judicial Appellate Court Questionnaire – January 2011  
Sample – Written Opinions

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 Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Excellent    Good    Adequate    Less than Adequate    Poor    Not Applicable

Judicial Appellate Court Questionnaire – January 2011  
Sample – Oral Argument

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Always    Usually    Sometimes    Rarely    Never    Not Applicable

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

Excellent    Good    Adequate    Less than Adequate    Poor    Not Applicable

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

Excellent    Good    Adequate    Less than Adequate    Poor    Not Applicable

Judicial Appellate Court Questionnaire – January 2011  
Sample – Overall Evaluation

1. Overall evaluation of judicial performance.

Excellent    Good        Adequate    Less than Adequate    Poor        Not Applicable

Judicial Appellate Court Questionnaire – January 2011  
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?

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 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 – January 2011  
Sample – Survey Complete

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.

Judicial Appellate Court Questionnaire – January 2011  
Sample – Submit Questionnaires

Please confirm that you have completed all questionnaires for justices/judges you have appeared before and you are ready to submit your responses.

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

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

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

## **APPENDIX C**

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

To:

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

Sent: July 24, 2012

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

Dear Attorney:

This is a joint email from Chief Justice Mark E. Recktenwald and HSBA President Carol K. Muranaka. 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 August 17, 2012.

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 in advance for your participation. Click [http://www.courts.state.hi.us/courts/performance\\_review/judge\\_evaluations\\_faqs.html](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*

*Carol K. Muranaka*  
*President*  
*Hawaii State Bar Association*

**APPENDIX D**

**CIRCUIT COURT QUESTIONNAIRE**

Judicial Circuit Court Evaluation – July 2012  
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 July 1, 2010 to June 30, 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.)

Jury trial(s)

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial Circuit Court Evaluation – July 2012  
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 – July 2012

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 – July 2012  
SAMPLE – Judicial Management Skills

This section deals with judicial ability and skill in the organization, management, and handling of court proceedings.

1. Moving the proceeding(s) in an appropriately expeditious manner

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Skills in effecting compromise

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Industriousness

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Circuit Court Evaluation – July 2012  
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
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8. Evenhanded treatment of attorneys

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – July 2012  
SAMPLE – Settlement and/or plea agreement ability

This section assumes you have participated in one or more settlement/plea agreement conferences with this judge. This section deals with the settlement/plea agreement process including settlement conferences pursuant to rule 12.1, circuit court rules, and pretrial conferences involving rule 11, rules of penal procedure.

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Circuit Court Evaluation – July 2012  
SAMPLE – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Circuit Court Evaluation – July 2012  
SAMPLE – Evaluation Complete

1. Thank you for completing the evaluation for JUDGE \_\_\_\_\_.

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

I have completed evaluations for all judges.

Judicial Circuit Court Evaluation – July 2012  
SAMPLE – Background Characteristics

This information will be used for statistical purposes only.

1. How long have you practiced law ? (years)

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Refuse to answer

2. Which of the following describes your practice of law ?

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Refuse to answer

Other (please specify)

Judicial Circuit Court Evaluation – July 2012  
SAMPLE – Submit Evaluations

Please confirm that you have completed questionnaires for judges you have appeared before and you are ready to submit your responses.

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

If you have any questions about this 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 E**

**REMINDER EMAIL TO ATTORNEYS**

Bcc:

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

Date: July 30, 2012

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 F**

**FAMILY COURT QUESTIONNAIRE**

Judicial Family Court Evaluation – April 2012  
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 April 1, 2010 to March 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 period from April 1, 2010 to March 31, 2012?

1-2

3-5

6-10

More than 10

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

Jury trial(s)

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial Family Court Evaluation – April 2012  
Sample – Legal Ability

This section deals with legal competence, learning, and understanding. It also deals with the judicial application of knowledge in the conduct of court proceedings.

1. Knowledge of relevant substantive law

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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2. Knowledge of rules of procedure

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
-----------	------	----------	--------------------	------	----------------

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
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Judicial Family Court Evaluation – April 2012

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Family Court Evaluation – April 2012  
Sample – Judicial Management Skills

This section deals with judicial ability and skill in the organization, management, and handling of court proceedings.

1. Moving the proceeding(s) in an appropriately expeditious manner

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Skills in effecting compromise

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Industriousness

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Family Court Evaluation – April 2012  
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
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Judicial Family Court Evaluation – April 2012  
Sample – Settlement and/or Plea Agreement Ability

This section assumes you have participated in one or more settlement/plea agreement conferences with this judge. This section deals with the settlement/plea agreement process including settlement conferences pursuant to rule 12.1, circuit court rules, or rule 16(1), family court rules, and pretrial conferences involving rule 11, rules of penal procedure.

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Family Court Evaluation – April 2012  
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Family Court Evaluation – April 2012  
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge \_\_\_\_\_.

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

I have completed evaluations for all judges.

Judicial Family Court Evaluation – April 2012  
Sample – Background Characteristics

This information will be used for statistical purposes only.

1. How long have you practiced law? (years)

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Refuse to answer

2. Which of the following describes your practice of law?

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Refuse to answer

Other (please specify)

Judicial Family Court Evaluation – April 2012  
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 G**

**DISTRICT COURT QUESTIONNAIRE**

Judicial District Court Evaluation – January 2012  
Sample – Basic Evaluation Questions

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

\*1. Have you appeared before this judge during the period from January 1, 2010 to December 31, 2011? (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 January 1, 2010 to December 31, 2011?

1-2

3-5

6-10

More than 10

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

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial District Court Evaluation – January 2012  
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 – January 2012

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – January 2012  
Sample – Judicial Management Skills

This section deals with judicial ability and skill in the organization, management, and handling of court proceedings.

1. Moving the proceeding(s) in an appropriately expeditious manner

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Skills in effecting compromise

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Industriousness

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – January 2012  
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
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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 – January 2012  
Sample – Settlement and/or Plea Agreement Ability

This section assumes you have participated in one or more settlement/plea agreement conferences with this judge. This section deals with the settlement/plea agreement process including settlement conferences pursuant to rule 12.1, district court rules, and pretrial conferences involving rule 11, rules of penal procedure.

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – January 2012  
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial District Court Evaluation – January 2012  
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge \_\_\_\_\_.

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

I have completed evaluations for all judges.

Judicial District Court Evaluation – January 2012  
Sample – Background Characteristics

This information will be used for statistical purposes only.

1. How long have you practiced law? (years)

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Refuse to answer

2. Which of the following describes your practice of law?

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Refuse to answer

Other (please specify)

Judicial District Court Evaluation – January 2012  
Sample – Submit Evaluations

Please confirm that you have completed evaluations for judges you have appeared before and you are ready to submit your responses.

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

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

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