

# **JUDICIAL PERFORMANCE PROGRAM**

## **2015 REPORT**

**THE JUDICIARY  
STATE OF HAWAII**

**November 24, 2015**

# **JUDICIAL PERFORMANCE PROGRAM 2015 REPORT**

## **INTRODUCTION**

The Judicial Performance Program 2015 Report summarizes the results of evaluations involving nine Circuit Court judges, eleven Family Court judges, and six District Court judges. The attorney evaluations were conducted over the Internet.

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

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

## **JUDGES' RATINGS**

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

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

## **EVALUATION CYCLES**

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

The full time Family Court and District Court evaluations are phased to result in these courts being included in the evaluation process two out of every three years. About one-half or approximately ten judges from each group are evaluated per cycle. Evaluation of Family Court, but not of District Court, judges was conducted in 2014. Evaluations of both full time Family Court and full time District Court judges were conducted in 2015. Evaluation of District Court, but not of Family Court, judges is scheduled for 2016.

## **JUDICIAL EVALUATION REVIEW PANEL**

The Judicial Evaluation Review Panel assists Chief Justice Mark E. Recktenwald in the review and evaluation process. The Review Panel interviews the judges and consists of nine members: Robert Alm, Momi Cazimero, Kenneth Hipp, Douglas McNish, Willson Moore Jr., Shackley Raffetto, William Santos, Corinne Watanabe, and Ruthann Yamanaka. The Review Panels are organized into groups of three; every effort is made for each panel to consist of one former judge, one nonpracticing attorney, and one member of the public knowledgeable in the law. Their purpose is to interview and counsel the evaluated judges and help the judges improve their performance.

## **CIRCUIT COURT RESULTS**

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

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

The email to active attorneys from Chief Justice Recktenwald and from the President of the Hawaii State Bar Association is printed in Appendix B. The questionnaire is printed in Appendix C. Possible ratings range from one for Poor to five for Excellent. Table 1 on page 4 provides the average scores by section for the nine judges.

The mean score for the Legal Ability section was 4.0, with a standard deviation of 0.4. The standard deviation gives an indication of the variation in the scores of the judges. (A small standard deviation means that scores generally were clustered about the mean; a large standard deviation means that there was less clustering of the scores.) Most of the judges scored between 3.6 and 4.4 in this section.

The mean score for the Judicial Management Skills section was 4.1, with a standard deviation of 0.3. The mean score for the Comportment section was 4.2, with a standard deviation of 0.4. The mean score for the Settlement and/or Plea Agreement Ability section was 4.0, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are printed on pages 5 to 8.

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

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

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

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

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

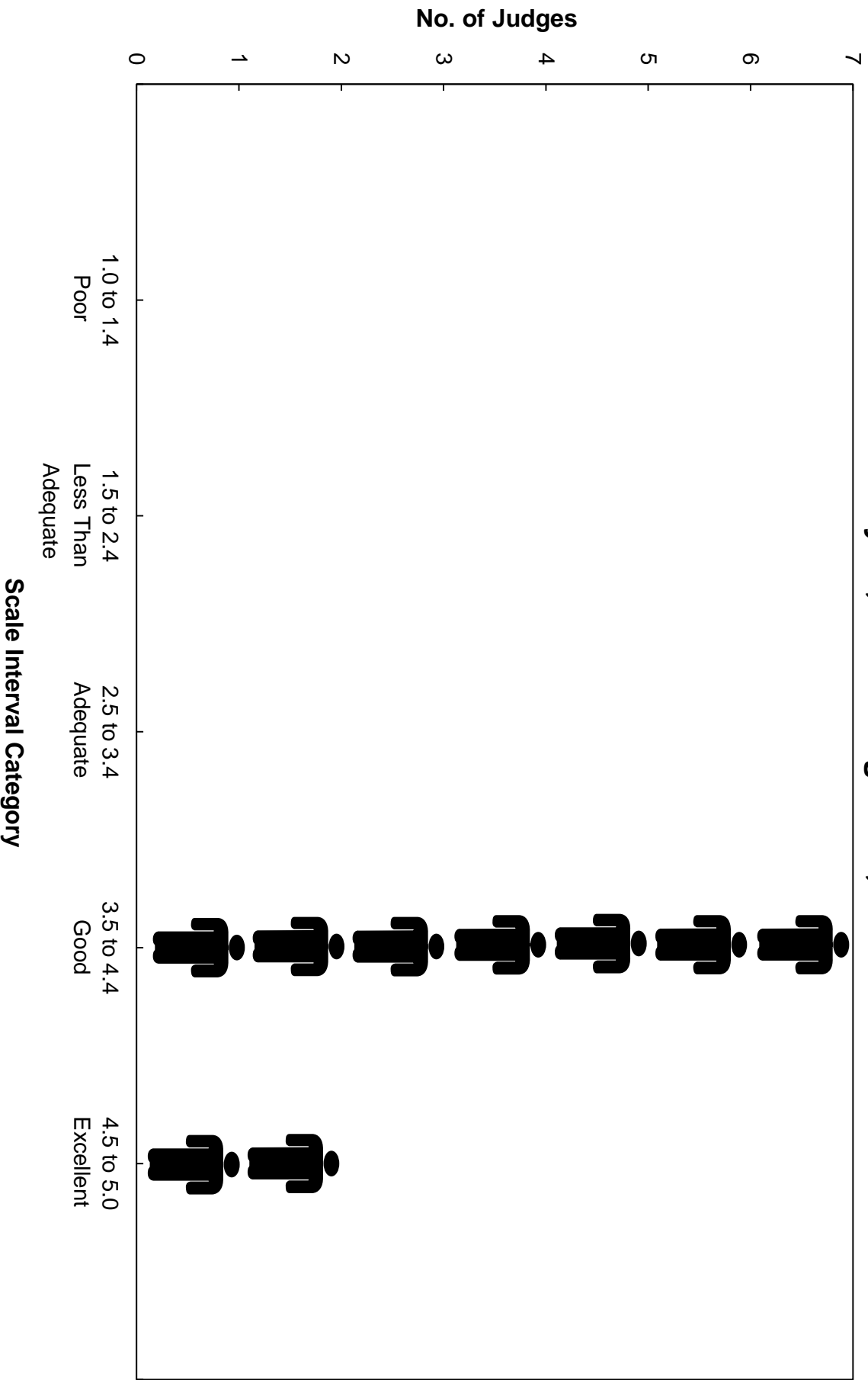
<p>N = Number of Judges with More Than Five Responses for the Item  Legend for Mean Score: 5 = Excellent   4 = Good   3 = Adequate   2 = Less Than Adequate   1 = Poor  S.D. = Standard Deviation</p>
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# Circuit Court

## Graph 1. Legal Ability Scale

### Frequency Of Judges' Ratings, By Category

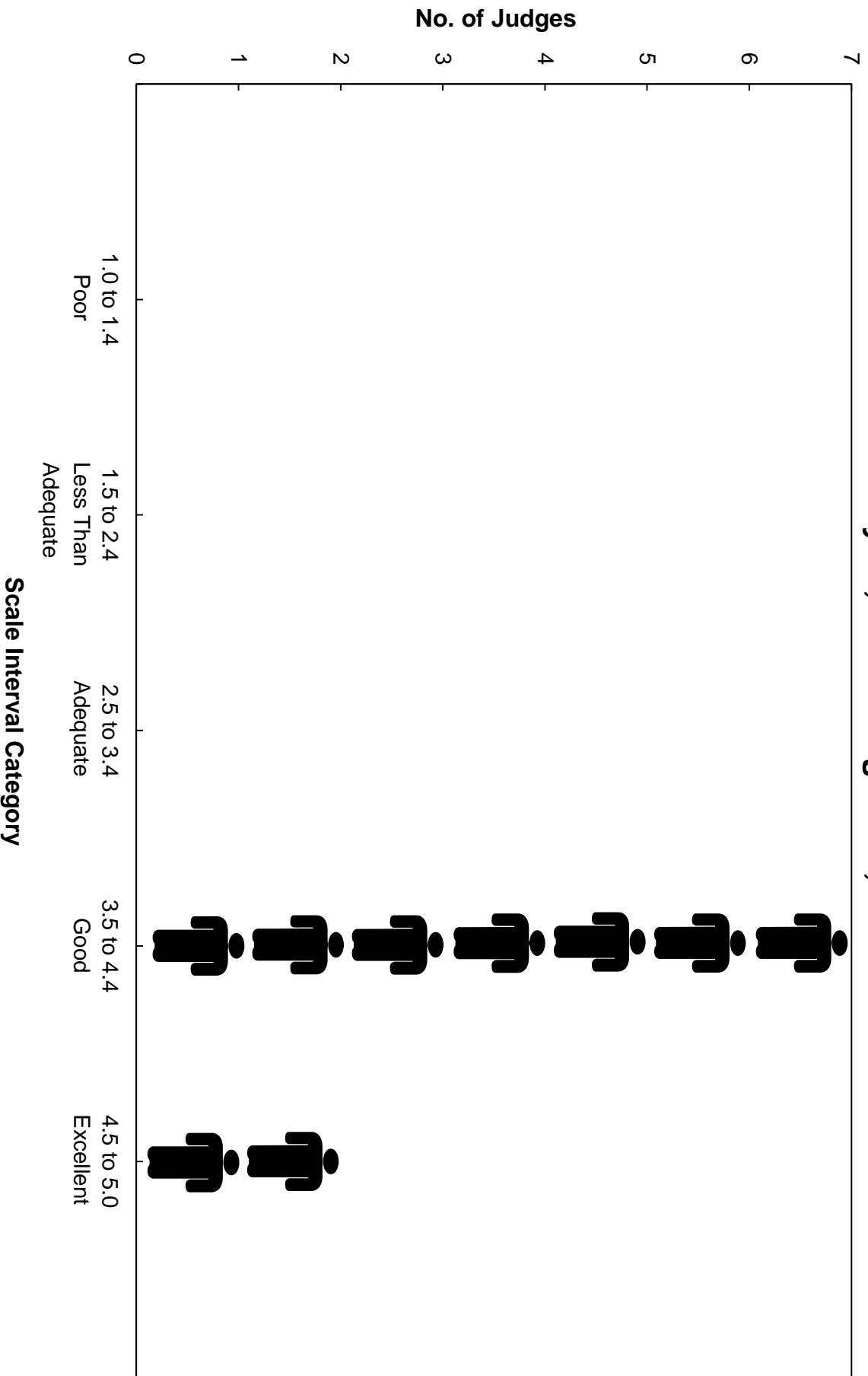
July 21, 2015 – August 21, 2015



### Circuit Court

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

July 21, 2015 – August 21, 2015

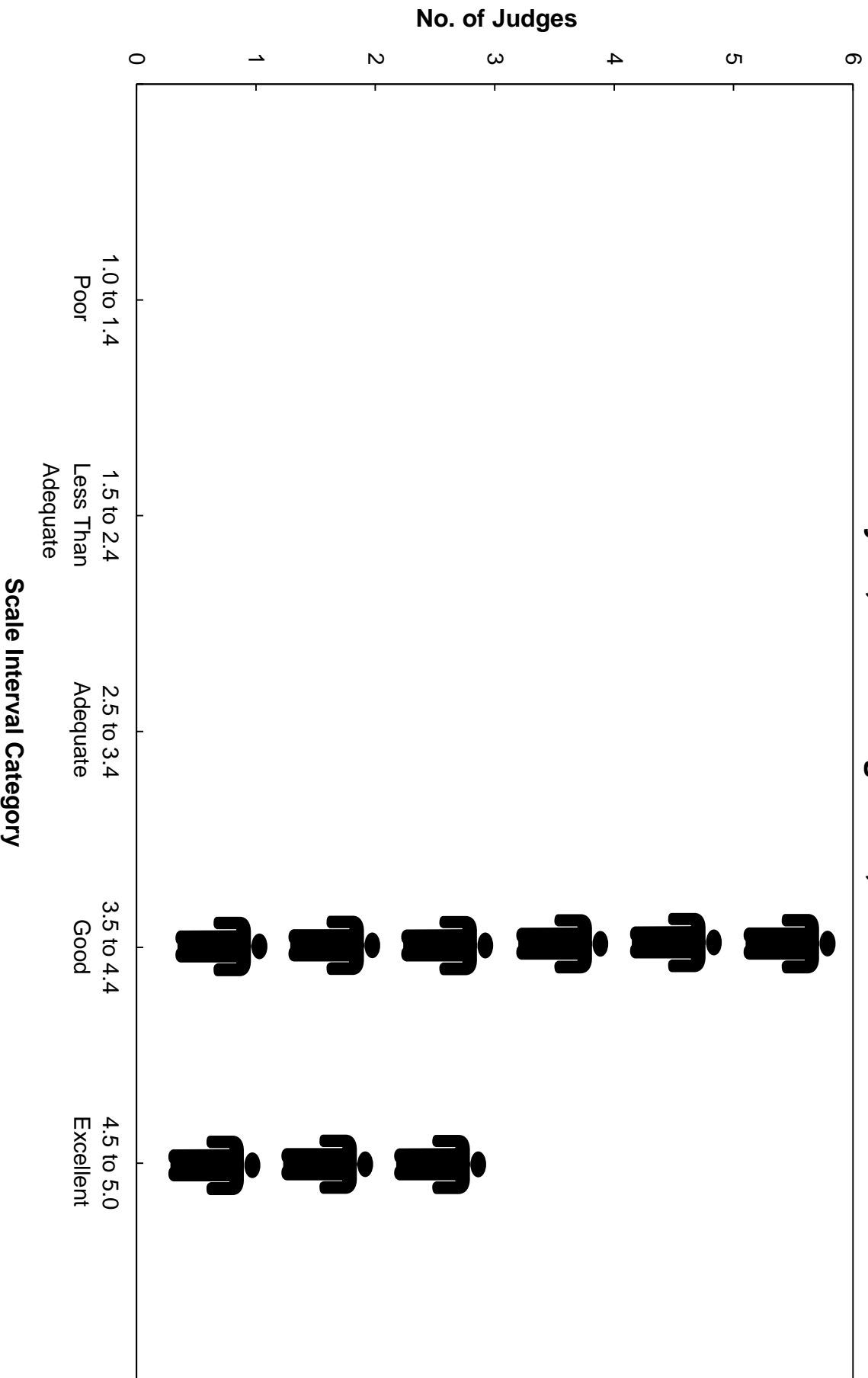


### Circuit Court

### Graph 3. Compartment Scale

### Frequency Of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015



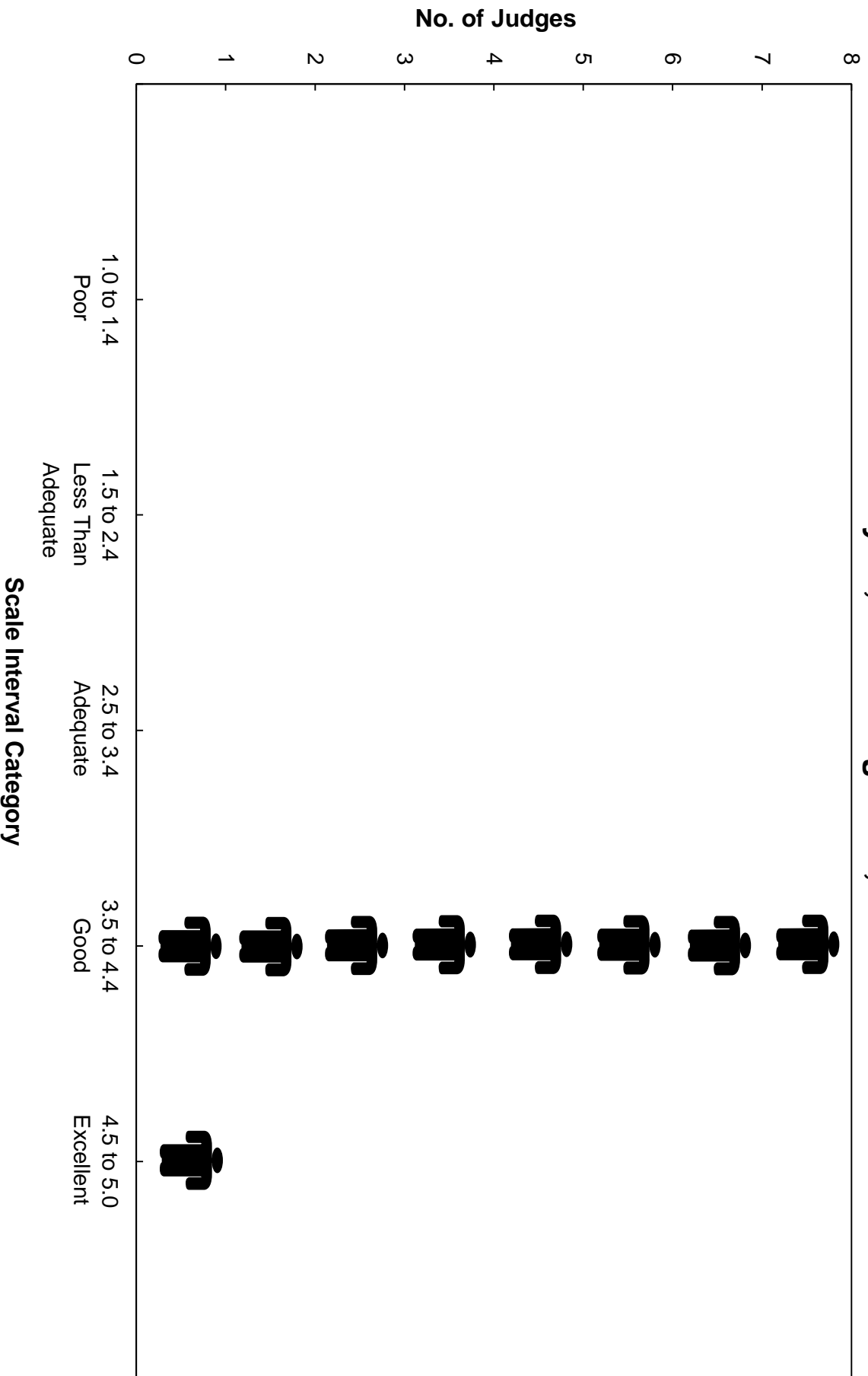


### Circuit Court

## Graph 4. Settlement/Plea Agreement Ability Scale

### Frequency Of Judges' Ratings, By Category

July 21, 2015 – August 21, 2015



## **FAMILY COURT RESULTS**

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

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

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

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

The mean score for the Judicial Management Skills section was 3.9, and the standard deviation was 0.3. The mean score for the Comportment section was 4.0, and the standard deviation was 0.4. The mean score for the Settlement and/or Plea Agreement Ability section was 3.8, and the standard deviation was 0.4. The frequencies of the judges' ratings, by category, are printed on pages 11 to 14.

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

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

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

<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>LEGAL ABILITY SECTION</u></b>			
1. Knowledge of Relevant Substantive Law	11	3.9	0.4
2. Knowledge of Rules of Procedure	11	4.1	0.4
3. Knowledge of Rules of Evidence	11	4.0	0.4
4. Ability to Identify and Analyze Relevant Issues	11	3.9	0.4
5. Judgment in Application of Relevant Laws and Rules	11	3.8	0.4
6. Giving Reasons for Rulings when Needed	11	3.9	0.4
7. Clarity of Explanation of Rulings	11	3.8	0.4
8. Adequacy of Findings of Fact	11	3.8	0.4
9. Clarity of Judge's Decision(s) (oral/written)	11	3.8	0.4
10. Completeness of Judge's Decision(s) (oral/written)	11	3.8	0.4
11. Judge's Charge to the Jury/Juries	0	---	---
Average Score for the Legal Ability Section	11	3.9	0.4
<b><u>JUDICIAL MANAGEMENT SKILLS SECTION</u></b>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	11	3.9	0.4
2. Maintaining Proper Control over the Proceeding(s)	11	4.1	0.3
3. Doing the Necessary Homework on the Case(s)	11	3.9	0.5
4. Rendering Rulings and Decisions w/o Unnecessary Delay	11	4.0	0.3
5. Allowing Adequate Time for Presentation of the Case(s)	11	4.0	0.3
6. Resourcefulness and Common Sense in Resolving Problems	11	3.8	0.4
7. Skills in Effecting Compromise	11	3.7	0.4
8. Industriousness	11	4.0	0.3
Average Score for the Judicial Management Skills Section	11	3.9	0.3
<b><u>COMPORTEMNT SECTION</u></b>			
1. Attentiveness	11	4.2	0.3
2. Courtesy to Participants	11	4.1	0.4
3. Compassion	11	4.0	0.4
4. Patience	11	3.8	0.4
5. Absence of Arrogance	11	3.9	0.6
6. Absence of Bias and Prejudice	11	4.0	5.0
7. Evenhanded Treatment of Litigants	11	3.9	5.0
8. Evenhanded Treatment of Attorneys	11	3.9	5.0
Average Score for the Compartment Section	11	4.0	0.4
<b><u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u></b>			
1. Knowing the Case(s) and/or the Law	11	3.9	0.4
2. Reasonableness of Opinions	11	3.9	0.3
3. Ability to Enhance the Settlement Process	11	3.7	0.4
4. Impartiality	11	3.8	0.4
5. Absence of Coercion or Threat	11	4.0	0.5
6. Effectiveness in Narrowing the Issues	11	3.9	0.4
7. Appropriateness of Judge's Initiatives	11	3.8	0.4
8. Facilitation in Development of Options	11	3.8	0.4
Average Score for the Settlement and/or Plea Agreement Ability Section	11	3.8	0.4

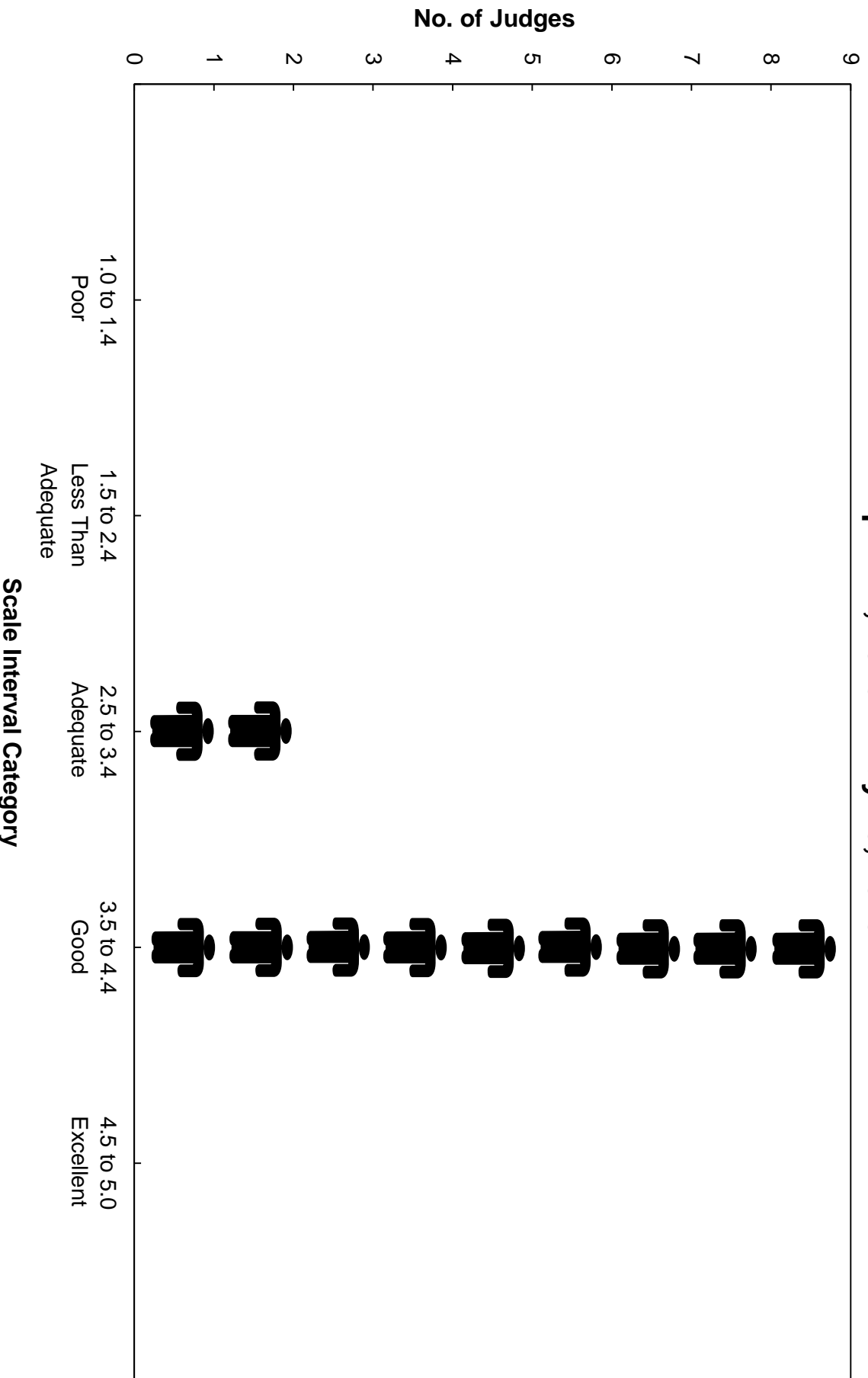
N = Number of Judges with More Than Five Responses for the Item  
Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor  
S.D. = Standard Deviation

# Family Court

## Graph 5. Legal Ability Scale

### Frequency Of Judges' Ratings, By Category

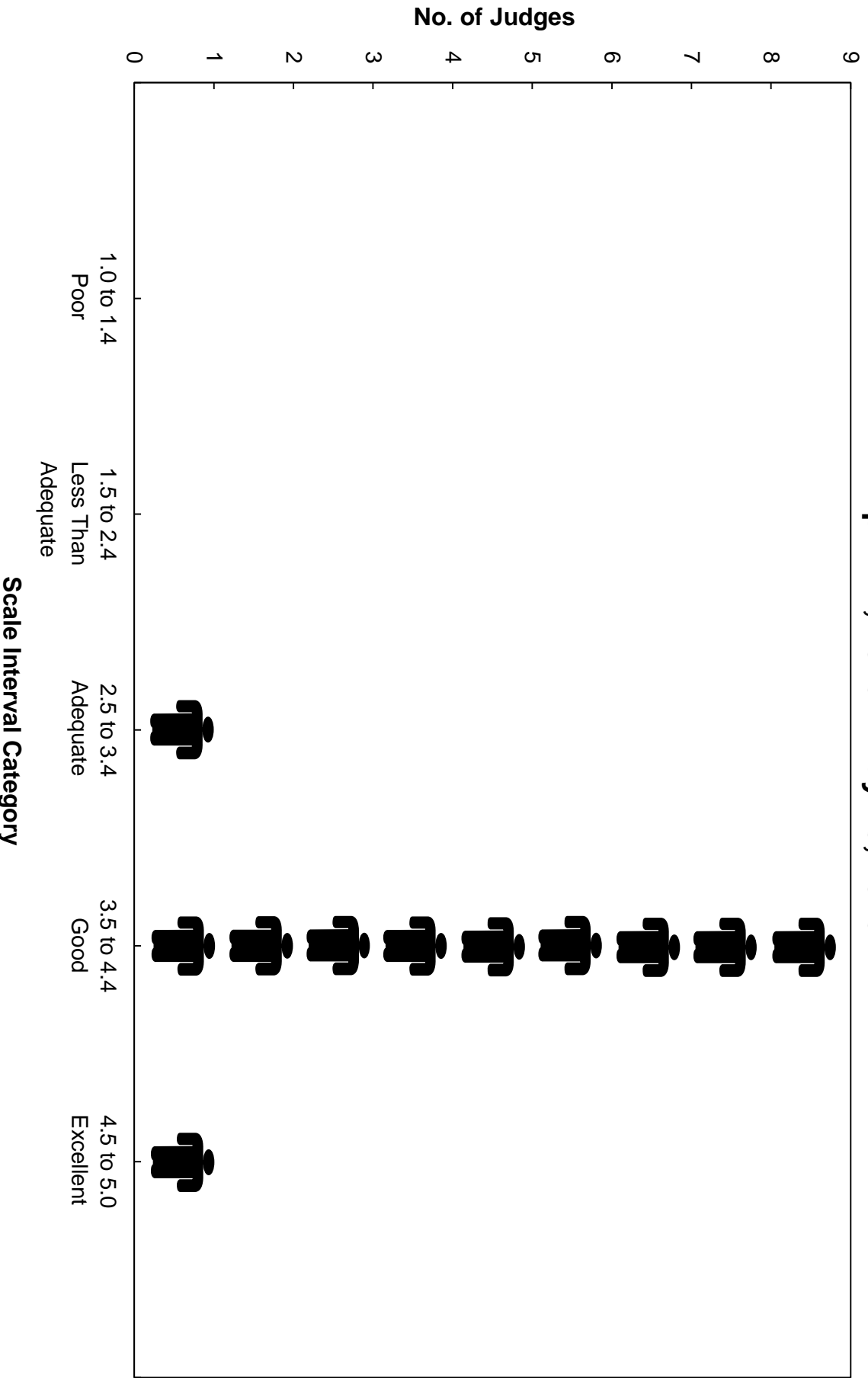
April 21, 2015 – May 15, 2015



# Family Court

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

April 21, 2015 – May 15, 2015

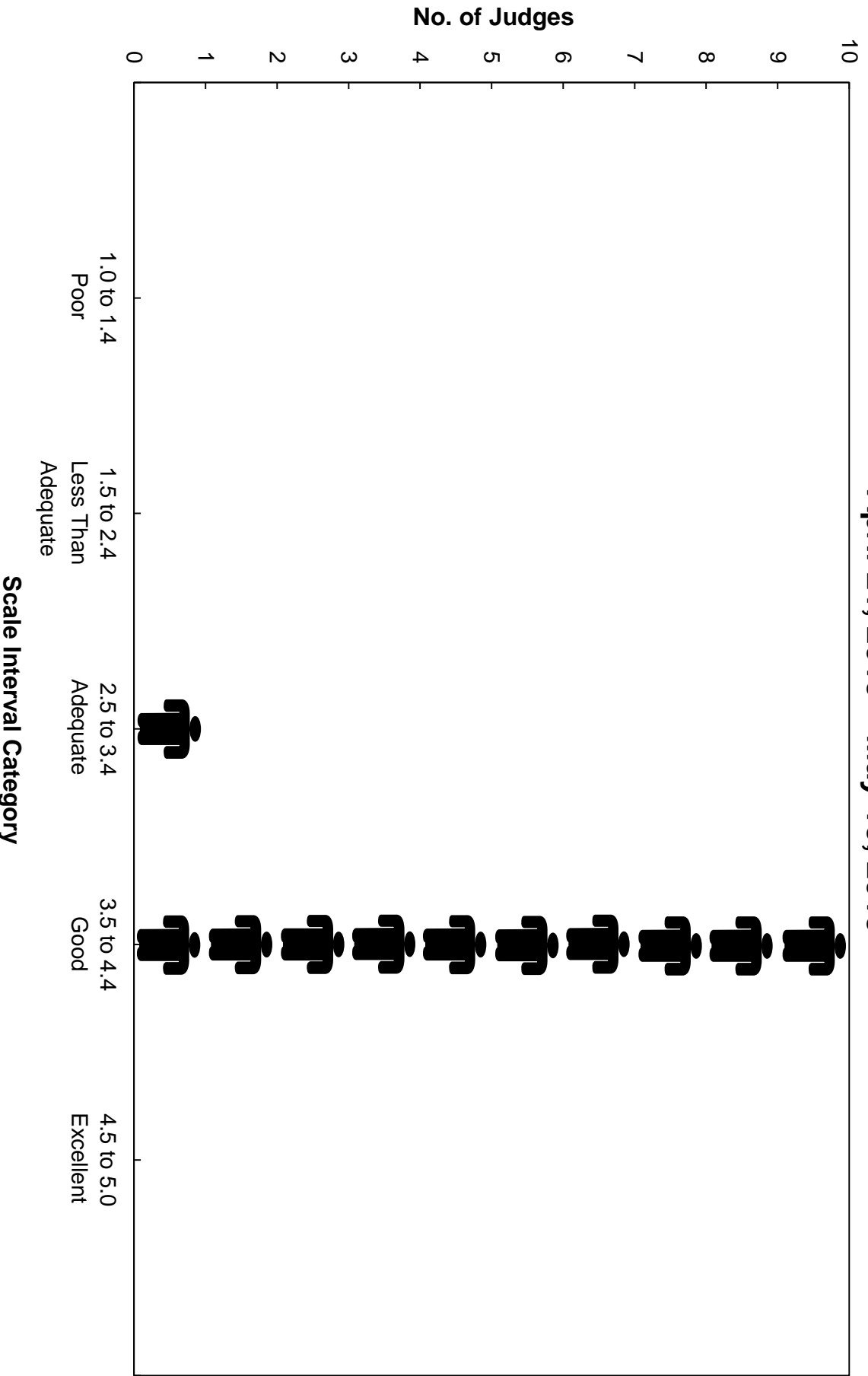


# Family Court

## Graph 7. Compartment Scale

### Frequency Of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015

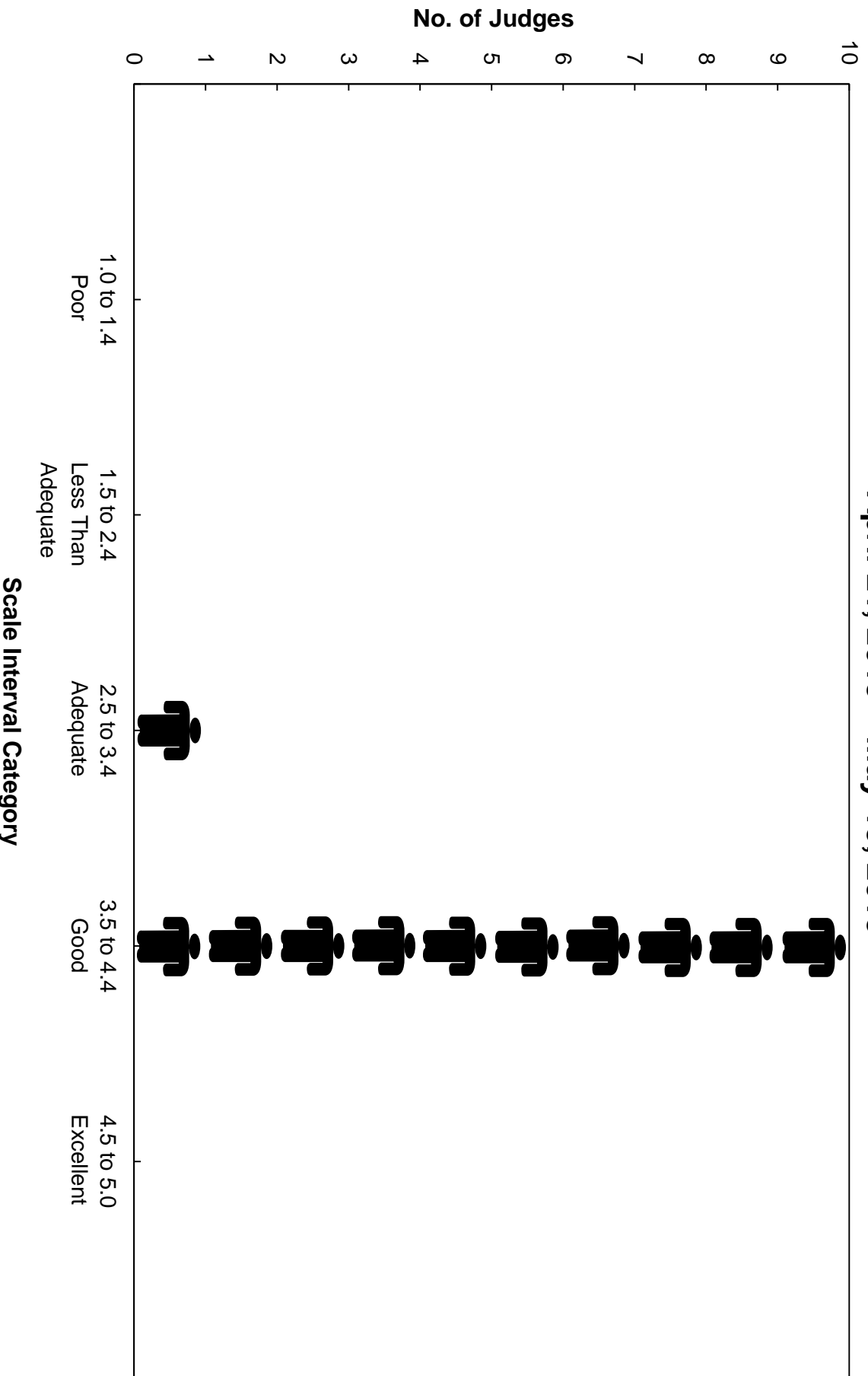


# Family Court

## Graph 8. Settlement/Plea Agreement Ability Scale

### Frequency Of Judges' Ratings, By Category

April 21, 2015 – May 15, 2015



## **DISTRICT COURT RESULTS**

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

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

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

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

The mean score for the Judicial Management Skills section was 4.2, and the standard deviation was 0.3. The mean score for the Comportment section was 4.3, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability section was 4.1, and the standard deviation was 0.4. The frequencies of the judges' ratings, by category, are printed on pages 17 to 20.

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

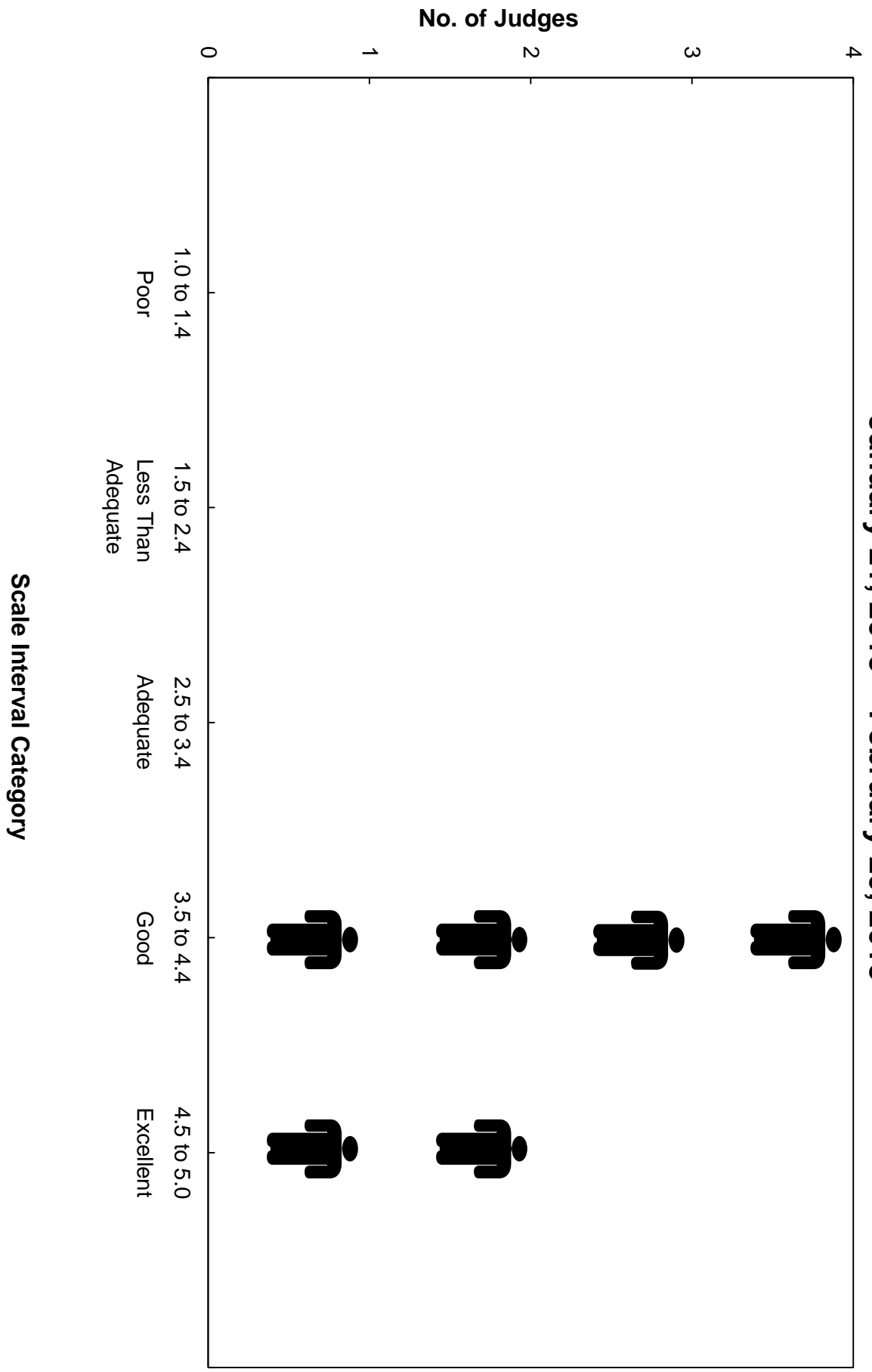


**TABLE 3**  
**JUDICIAL PERFORMANCE PROGRAM - DISTRICT COURT**  
**EVALUATION RESULTS FOR SIX JUDGES**  
**JANUARY 21, 2015 - FEBRUARY 20, 2015**

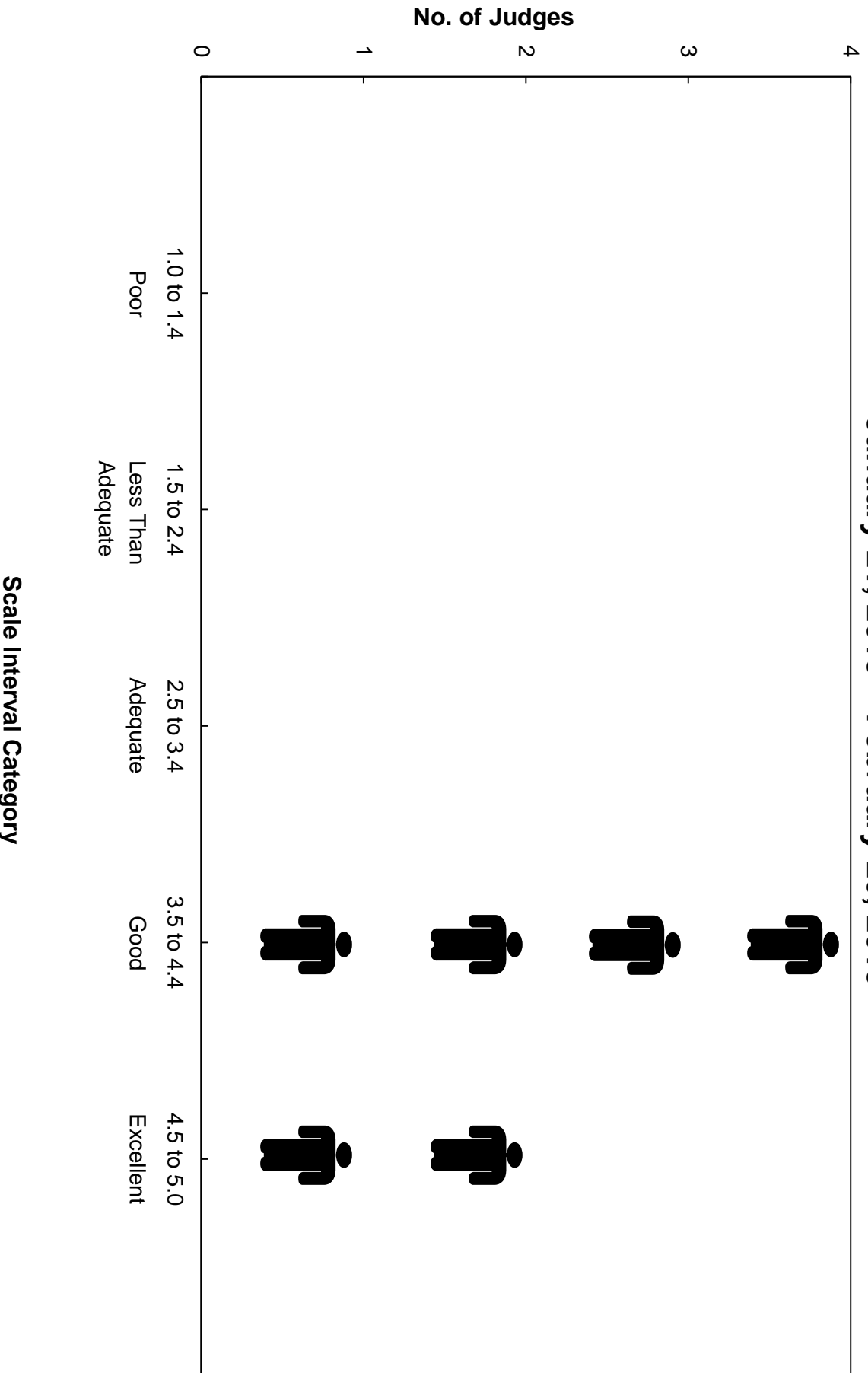
<b><u>QUESTIONNAIRE SECTION</u></b>	<b><u>N</u></b>	<b><u>Mean Score</u></b>	<b><u>S.D.</u></b>
<b><u>LEGAL ABILITY SECTION</u></b>			
1. Knowledge of Relevant Substantive Law	6	4.2	0.3
2. Knowledge of Rules of Procedure	6	4.3	0.3
3. Knowledge of Rules of Evidence	6	4.2	0.2
4. Ability to Identify and Analyze Relevant Issues	6	4.2	0.4
5. Judgment in Application of Relevant Laws and Rules	6	4.1	0.4
6. Giving Reasons for Rulings when Needed	6	4.1	0.3
7. Clarity of Explanation of Rulings	6	4.1	0.3
8. Adequacy of Findings of Fact	6	3.9	0.5
9. Clarity of Judge's Decision(s) (oral/written)	6	4.1	0.4
10. Completeness of Judge's Decision(s) (oral/written)	6	4.1	0.3
<b>Average Score for the Legal Ability Section</b>	<b>6</b>	<b>4.1</b>	<b>0.3</b>
<b><u>JUDICIAL MANAGEMENT SKILLS SECTION</u></b>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	6	4.2	0.2
2. Maintaining Proper Control over the Proceeding(s)	6	4.3	0.2
3. Doing the Necessary Homework on the Case(s)	6	4.2	0.4
4. Rendering Rulings and Decisions w/o Unnecessary Delay	6	4.2	0.3
5. Allowing Adequate Time for Presentation of the Case(s)	6	4.2	0.3
6. Resourcefulness and Common Sense in Resolving Problems	6	4.2	0.4
7. Skills in Effecting Compromise	6	4.1	0.4
8. Industriousness	6	4.2	0.3
<b>Average Score for the Judicial Management Skills Section</b>	<b>6</b>	<b>4.2</b>	<b>0.3</b>
<b><u>COMPORMENT SECTION</u></b>			
1. Attentiveness	6	4.4	0.3
2. Courtesy to Participants	6	4.4	0.4
3. Compassion	6	4.1	0.5
4. Patience	6	4.2	0.4
5. Absence of Arrogance	6	4.3	0.4
6. Absence of Bias and Prejudice	6	4.4	0.2
7. Evenhanded Treatment of Litigants	6	4.3	0.3
8. Evenhanded Treatment of Attorneys	6	4.3	0.3
<b>Average Score for the Comportment Section</b>	<b>6</b>	<b>4.3</b>	<b>0.3</b>
<b><u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u></b>			
1. Knowing the Case(s) and/or the Law	6	4.1	0.4
2. Reasonableness of Opinions	6	4.1	0.4
3. Ability to Enhance the Settlement Process	6	4.0	0.4
4. Impartiality	6	4.2	0.3
5. Absence of Coercion or Threat	6	4.4	0.3
6. Effectiveness in Narrowing the Issues	6	4.1	0.4
7. Appropriateness of Judge's Initiatives	6	4.1	0.5
8. Facilitation in Development of Options	6	4.0	0.5
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>6</b>	<b>4.1</b>	<b>0.4</b>

<p>N = Number of Judges with More Than Five Responses for the Item  Legend for Mean Score: 5 = Excellent   4 = Good   3 = Adequate   2 = Less Than Adequate   1 = Poor  S.D. = Standard Deviation</p>
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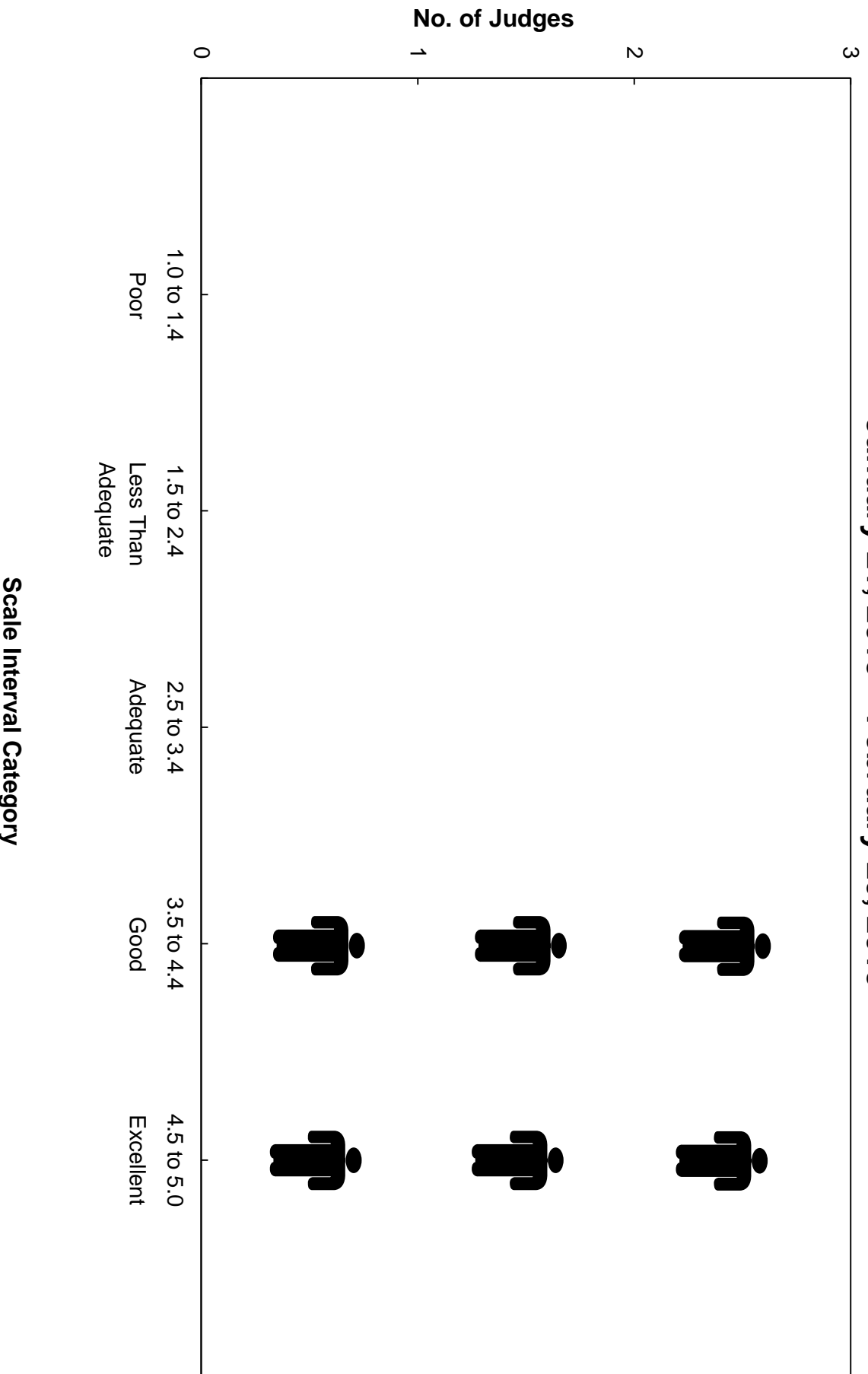
**District Court**  
**Graph 9. Legal Ability Scale**  
**Frequency Of Judges' Ratings, By Category**  
**January 21, 2015 – February 20, 2015**



**District Court**  
**Graph 10. Judicial Management Skills Scale**  
**Frequency Of Judges' Ratings, By Category**  
**January 21, 2015 – February 20, 2015**



**District Court  
 Graph 11. Compartment Scale  
 Frequency Of Judges' Ratings, By Category  
 January 21, 2015 – February 20, 2015**

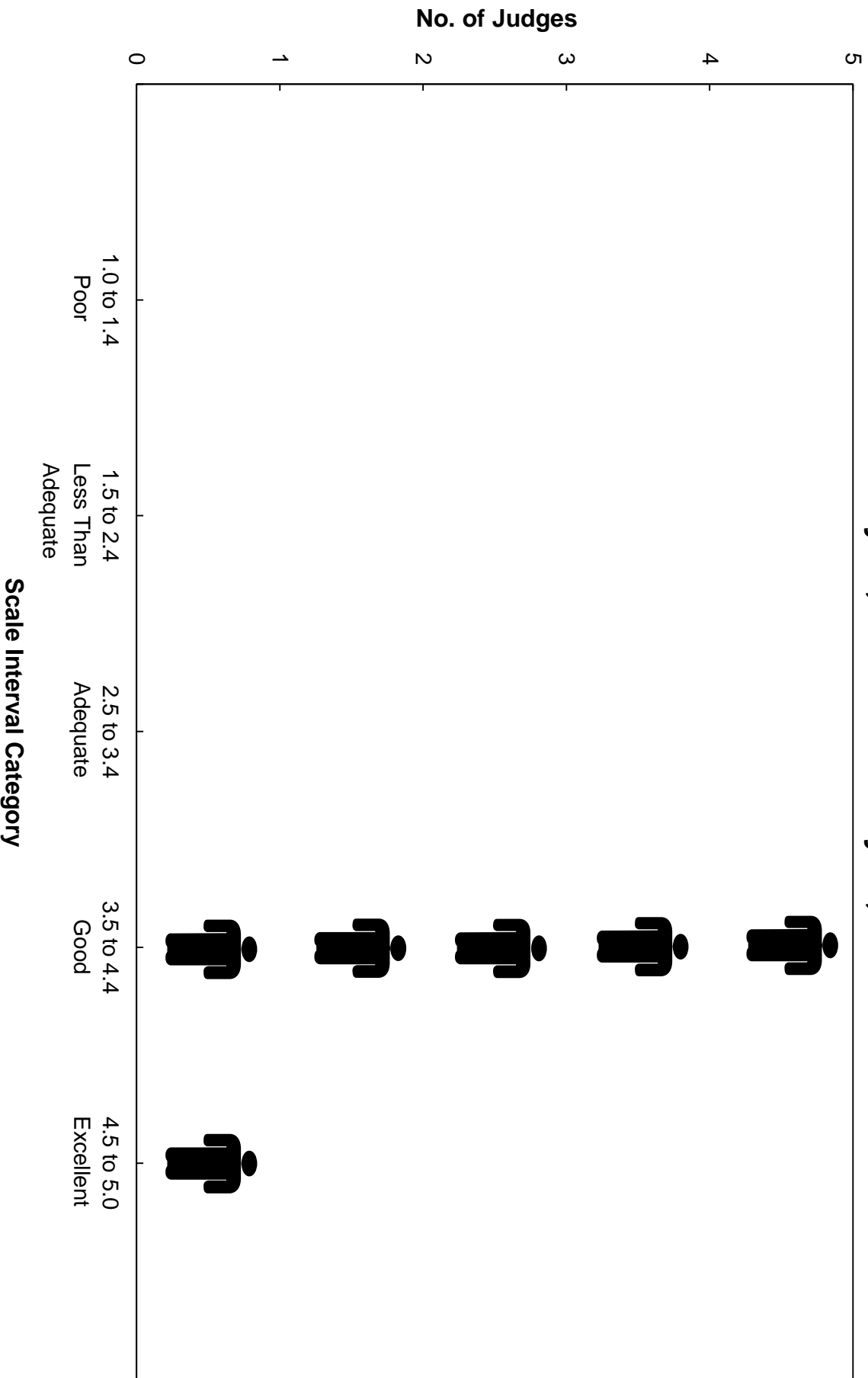


### District Court

## Graph 12. Settlement/Plea Agreement Ability Scale

Frequency Of Judges' Ratings, By Category

January 21, 2015 – February 20, 2015



## **APPENDIX A**

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

Judge Derrick H.M. Chan, Chair  
Judge Rhonda I. L. Loo  
Judge Clarence A. Pacarro  
Claire K. S. Cooper  
Rosemary T. Fazio, Esq.  
Jeen H. Kwak, Esq.  
Rodney A. Maile, Esq., Administrative Director of the Courts  
R. Patrick McPherson, Esq.  
James C. McWhinnie, Esq.  
Stephanie A. Rezens, Esq.  
Audrey L. E. Stanley, Esq.  
Janice Wakatsuki

**APPENDIX B**

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

To:

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

Sent: July 21, 2015

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

Dear Attorney:

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

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

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

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

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

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

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



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

Sincerely,

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

*Gregory K. Markham*  
*President*  
*Hawaii State Bar Association*

**APPENDIX C**  
**CIRCUIT COURT QUESTIONNAIRE**

# Judicial Circuit Court Evaluation - July 2015

## Sample - Basic Evaluation Questions

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

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

- Yes  No

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

- 1-2  3-5  6-10  More than 10

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

- Jury trial(s)
- Nonjury trial(s)
- Contested motion(s) with significant legal issues
- Settlement or pretrial plea agreement conference(s)
- Evidentiary hearing(s)
- Sentencing(s)
- Other substantive matter(s) (describe)

# Judicial Circuit Court Evaluation - July 2015

## Sample - Legal Ability

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

### 1. Knowledge of relevant substantive law

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 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 2015

## 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 2015

## Sample - Judicial Management Skills

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

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 2. Maintaining proper control over the proceeding(s)

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 4. Rendering rulings and decisions without unnecessary delay

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 7. Skills in effecting compromise

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 8. Industriousness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

# Judicial Circuit Court Evaluation - July 2015

## Sample - Comportment

This section deals with various aspects of judicial personality and behaviour in the court proceedings, such as temperament, attitude, and manner.

### 1. Attentiveness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 2. Courtesy to participants

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 3. Compassion

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 4. Patience

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 5. Absence of arrogance

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 7. Evenhanded treatment of litigants

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 8. Evenhanded treatment of attorneys

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

# Judicial Circuit Court Evaluation - July 2015

## Sample - Settlement and/or plea agreement ability

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

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 5. Absence of coercion or threat

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 6. Effectiveness in narrowing the issues in dispute

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 7. Appropriateness of judge's settlement/plea initiatives

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 8. Facilitation in development of options for settlement/plea

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable



## Sample - Comment Page

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

### 1. Legal ability

### 2. Judicial management skills

### 3. Comportment

### 4. Settlement/plea agreement ability

### 5. Overall/General

## Sample - Evaluation Complete

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

- I would like to fill out an evaluation for another judge.
- I have completed evaluations for all judges.

## Sample - Background Characteristics

This information will be used for statistical purposes only.

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

- 0 to 3
- 4 to 7
- 8 to 11
- 12 to 15
- 16 to 19
- 20 to 23
- 24 to 27
- 28 or more
- Refuse to answer

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

- Solo (including office sharing)
- Law firm with 2-15 attorneys
- Law firm with more than 15 attorneys
- Corporate or house counsel
- Pro se (Representing self)
- Government
- Refuse to answer
- Other (please specify)

## Sample - Submit Evaluations

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

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

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

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

**APPENDIX D**  
**REMINDER EMAIL TO ATTORNEYS**

Bcc:

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

Date: July 27, 2015

Subject: Circuit Court Judicial Evaluation

Dear Attorney,

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

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

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

Michael Oki  
The Judiciary – State of Hawai‘i

**APPENDIX E**  
**FAMILY COURT QUESTIONNAIRE**

## Sample - Basic Evaluation Questions

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

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

- Yes  No

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

- 1-2  3-5  6-10  More than 10

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

- Jury trial(s)
- Nonjury trial(s)
- Contested motion(s) with significant legal issues
- Settlement or pretrial plea agreement conference(s)
- Evidentiary hearing(s)
- Sentencing(s)
- Other substantive matter(s) (describe)



# Judicial Family Court Evaluation - April 2015

## Sample - Legal Ability

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

### 1. Knowledge of relevant substantive law

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 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 Family Court Evaluation - April 2015

## 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 Family Court Evaluation - April 2015

## Sample - Judicial Management Skills

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

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 2. Maintaining proper control over the proceeding(s)

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 4. Rendering rulings and decisions without unnecessary delay

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 7. Skills in effecting compromise

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 8. Industriousness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

# Judicial Family Court Evaluation - April 2015

## Sample - Comportment

This section deals with various aspects of judicial personality and behaviour in the court proceedings, such as temperament, attitude, and manner.

### 1. Attentiveness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 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 Evaluation - April 2015

## Sample - Settlement and/or plea agreement ability

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

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 5. Absence of coercion or threat

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 6. Effectiveness in narrowing the issues in dispute

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 7. Appropriateness of judge's settlement/plea initiatives

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 8. Facilitation in development of options for settlement/plea

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

## Sample - Comment Page

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

### 1. Legal ability

### 2. Judicial management skills

### 3. Comportment

### 4. Settlement/plea agreement ability

### 5. Overall/General

## Sample - Evaluation Complete

### 1. Thank you for completing the questionnaire for Judge \_\_\_\_\_.

- I would like to fill out an evaluation for another judge.
- I have completed evaluations for all judges.

## Sample - Background Characteristics

This information will be used for statistical purposes only.

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

- 0 to 3
- 4 to 7
- 8 to 11
- 12 to 15
- 16 to 19
- 20 to 23
- 24 to 27
- 28 or more
- Refuse to answer

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

- Solo (including office sharing)
- Law firm with 2-15 attorneys
- Law firm with more than 15 attorneys
- Corporate or house counsel
- Pro se (Representing self)
- Government
- Refuse to answer
- Other (please specify)



## Sample - Submit Evaluations

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

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

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

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

**APPENDIX F**  
**DISTRICT COURT QUESTIONNAIRE**

# Judicial District Court Evaluation - January 2015

## Sample - Basic Evaluation Questions

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

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

- Yes  No

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

- 1-2  3-5  6-10  More than 10

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

- Nonjury trial(s)
- Contested motion(s) with significant legal issues
- Settlement or pretrial plea agreement conference(s)
- Evidentiary hearing(s)
- Sentencing(s)
- Other substantive matter(s) (describe)

# Judicial District Court Evaluation - January 2015

## Sample - Legal Ability

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

### 1. Knowledge of relevant substantive law

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 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 2015

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

- Excellent       Good       Adequate       Less than  
Adequate       Poor       Not Applicable

# Judicial District Court Evaluation - January 2015

## Sample - Judicial Management Skills

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

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 2. Maintaining proper control over the proceeding(s)

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 4. Rendering rulings and decisions without unnecessary delay

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

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

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 7. Skills in effecting compromise

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 8. Industriousness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

# Judicial District Court Evaluation - January 2015

## Sample - Comportment

This section deals with various aspects of judicial personality and behaviour in the court proceedings, such as temperament, attitude, and manner.

### 1. Attentiveness

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 2. Courtesy to participants

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 3. Compassion

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 4. Patience

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 5. Absence of arrogance

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 6. Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 7. Evenhanded treatment of litigants

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

### 8. Evenhanded treatment of attorneys

- Excellent       Good       Adequate       Less than Adequate       Poor       Not Applicable

# Judicial District Court Evaluation - January 2015

## Sample - Settlement and/or Plea Agreement Ability

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

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

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

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 5. Absence of coercion or threat

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 6. Effectiveness in narrowing the issues in dispute

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 7. Appropriateness of judge's settlement/plea initiatives

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable

### 8. Facilitation in development of options for settlement/plea

- Excellent     Good     Adequate     Less than Adequate     Poor     Not Applicable



## Sample - Comment Page

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

### 1. Legal ability

### 2. Judicial management skills

### 3. Comportment

### 4. Settlement/plea agreement ability

### 5. Overall/General

## Sample - Evaluation Complete

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

- I would like to fill out an evaluation for another judge.
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- 4 to 7
- 8 to 11
- 12 to 15
- 16 to 19
- 20 to 23
- 24 to 27
- 28 or more
- Refuse to answer

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

- Solo (including office sharing)
- Law firm with 2-15 attorneys
- Law firm with more than 15 attorneys
- Corporate or house counsel
- Pro se (Representing self)
- Government
- Refuse to answer
- Other (please specify)

## Sample - Submit Evaluations

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

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

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

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