

# **JUDICIAL PERFORMANCE PROGRAM 2016 REPORT**

THE JUDICIARY  
STATE OF HAWAII  
November 21, 2016

## **JUDICIAL PERFORMANCE PROGRAM 2016 REPORT**

### **INTRODUCTION**

The Judicial Performance Program 2016 Report summarizes the results of evaluations involving six Circuit Court judges and three District Court and Per Diem judges. Also included are the results of a juror evaluation of seven Circuit Court judges. The attorney evaluations were conducted over the Internet.

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

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

### **JUDGES' RATINGS**

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

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

### **EVALUATION CYCLES**

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

The full time Family Court and District Court evaluations are phased to result in these programs being included in the evaluation process two out of every three years. About one-half or approximately ten judges from each group are evaluated per cycle. 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 was conducted in 2016. Evaluation of Family Court, but not of District Court, judges is scheduled for 2017.

## **JUDICIAL EVALUATION REVIEW PANEL**

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

## **CIRCUIT COURT RESULTS**

Six Circuit Court judges received the results of their evaluations under cover of memoranda dated November 17, 2016. A link to the online questionnaire was provided to attorneys by email on June 21, 2016. The surveys were collected from June 21 until July 22, 2016.

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

The email to active attorneys from Chief Justice Recktenwald is printed in Appendix B. The questionnaire is printed in Appendix C. Possible ratings range from one for Poor to five for Excellent. Table 1 provides the average scores by section for the six judges.

The mean score for the Legal Ability section was 3.9, with a standard deviation of 0.3. 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 4.2 in this section.

The mean score for the Judicial Management Skills section was 4.0, with a standard deviation of 0.3. The mean score for the Comportment section was 4.0, with a standard deviation of 0.5. The mean score for the Settlement and/or Plea Agreement Ability section was 3.9, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are shown in Graphs 1 to 4.

There were 255 evaluations from attorneys out of 5,112 emails sent out. A reminder email sent to attorneys is printed in Appendix D.

The responses for the judges who had fewer than eighteen questionnaires were not counted. Also, some of the 255 attorneys said that they had not appeared before any judges at all. Other attorneys sent in evaluations with responses for more than one judge.

Thus the number of evaluations did not equal the number of questionnaires received. The number of questionnaires received for the six judges totaled 293, with between 41 and 67 questionnaires per judge.

TABLE 1  
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT  
 EVALUATION RESULTS FOR SIX JUDGES  
 JUNE 21, 2016 – JULY 22, 2016

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	6	4.0	0.4
2. Knowledge of Rules of Procedure	6	4.1	0.3
3. Knowledge of Rules of Evidence	6	4.1	0.2
4. Ability to Identify and Analyze	6	3.9	0.4
5. Judgment in Application of Relevant Laws	6	3.8	0.4
6. Giving Reasons for Rulings when Needed	6	3.8	0.3
7. Clarity of Explanation of Rulings	6	3.8	0.3
8. Adequacy of Findings of Fact	6	3.8	0.4
9. Clarity of Judge's Decision(s)	6	3.8	0.4
10. Completeness of Judge's Decision(s)	6	3.9	0.3
11. Judge's Charge to the Jury/Juries	6	3.7	0.6
Average Score for the Legal Ability Section	6	3.9	0.3
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	6	4.0	0.3
2. Maintaining Proper Control	6	4.2	0.3
3. Doing the Necessary Homework on the Case(s)	6	4.0	0.3
4. Rendering Rulings and Decisions w/o Delay	6	4.0	0.2
5. Allowing Adequate Time	6	4.1	0.3
6. Resourcefulness and Common Sense	6	3.9	0.4
7. Skills in Effecting Compromise	6	3.7	0.4
8. Industriousness	6	4.1	0.2
Average Score for the Judicial Management Skills Section	6	4.0	0.3
<b>COMPORMENT SECTION</b>			
1. Attentiveness	6	4.2	0.4
2. Courtesy to Participants	6	4.1	0.6
3. Compassion	6	3.8	0.5
4. Patience	6	3.8	0.6
5. Absence of Arrogance	6	3.9	0.6
6. Absence of Bias and Prejudice	6	4.2	0.4
7. Evenhanded Treatment of Litigants	6	4.0	0.5
8. Evenhanded Treatment of Attorneys	6	4.0	0.5

Average Score for the Compartment Section	6	4.0	0.5
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	6	4.1	0.3
2. Reasonableness of Opinions	6	3.9	0.4
3. Ability to Enhance the Settlement Process	6	3.7	0.4
4. Impartiality	6	4.0	0.3
5. Absence of Coercion or Threat	6	4.2	0.4
6. Effectiveness in Narrowing the Issues	6	4.0	0.4
7. Appropriateness of Judge's Initiatives	6	3.8	0.4
8. Facilitation in Development of Options	6	3.7	0.4
Average Score for the Settlement Section	6	3.9	0.4

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

Circuit Court

Graph 1. Legal Ability Scale

Frequency of Judges' Ratings, By Category

June 21, 2016 – July 22, 2016

No. of Judges	6
Scale Interval Category	3.5 to 4.4
	Good

Circuit Court

Graph 2. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

June 21, 2016 – July 22, 2016

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



Circuit Court

Graph 3. Comportment Scale

Frequency of Judges' Ratings, By Category

June 21, 2016 – July 22, 2016

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

Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

June 21, 2016 – July 22, 2016

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

## **DISTRICT COURT AND PER DIEM RESULTS**

Evaluation results were transmitted to three District Court and Per Diem judges by Chief Justice Recktenwald under cover of memoranda dated June 17, 2016. Surveys could be completed over the Internet from April 5 to April 29, 2016.

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

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

The mean score for the Legal Ability Section was 3.7, and the standard deviation was 0.1. Most of the judges received scores between 3.6 and 3.8.

The mean score for the Judicial Management Skills section was 3.9, and the standard deviation was 0.1. The mean score for the Comportment section was 4.0, and the standard deviation was 0.1. The mean score for the Settlement and/or Plea Agreement Ability section was 3.8, and the standard deviation was 0.1. The frequencies of the judges' ratings, by category, are shown in Graphs 5 to 8.

Of the 5,082 attorneys who were sent emails, 177 returned evaluations. The 177 evaluations were for eleven judges, but the responses for the judges who had fewer than eighteen questionnaires were not used. Also, some attorneys did not appear before any judges at all.

The three judges who were evaluated had 92 evaluations returned. The judges received between 23 and 42 questionnaires each.

TABLE 2  
 JUDICIAL PERFORMANCE PROGRAM  
 EVALUATION RESULTS FOR THREE JUDGES  
 APRIL 5, 2016 – APRIL 29, 2016

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	3	3.9	0.1
2. Knowledge of Rules of Procedure	3	3.9	0.1
3. Knowledge of Rules of Evidence	3	3.8	0.2
4. Ability to Identify and Analyze	3	3.8	0.1
5. Judgment in Application of Relevant Laws	3	3.6	0.2
6. Giving Reasons for Rulings when Needed	3	3.7	0.1
7. Clarity of Explanation of Rulings	3	3.7	0.2
8. Adequacy of Findings of Fact	3	3.5	0.2
9. Clarity of Judge's Decision(s)	3	3.7	0.2
10. Completeness of Judge's Decision(s)	3	3.9	0.1
Average Score for the Legal Ability Section	3	3.7	0.1
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	3	3.7	0.5
2. Maintaining Proper Control	3	3.9	0.2
3. Doing the Necessary Homework on the Case(s)	3	3.9	0.1
4. Rendering Rulings and Decisions w/o Delay	3	4.0	0.1
5. Allowing Adequate Time	3	4.0	0.2
6. Resourcefulness and Common Sense	3	3.8	0.1
7. Skills in Effecting Compromise	3	3.7	0.2
8. Industriousness	3	4.0	0.1
Average Score for the Judicial Management Skills Section	3	3.9	0.1
<b>COMPORTEMNT SECTION</b>			
1. Attentiveness	3	4.2	0.1
2. Courtesy to Participants	3	4.1	0.2
3. Compassion	3	4.0	0.3
4. Patience	3	3.9	0.2
5. Absence of Arrogance	3	4.0	0.2
6. Absence of Bias and Prejudice	3	4.1	0.2
7. Evenhanded Treatment of Litigants	3	3.9	0.1
8. Evenhanded Treatment of Attorneys	3	3.9	0.2
Average Score for the Compartment Section	3	4.0	0.1

## SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	3	3.7	0.3
2. Reasonableness of Opinions	3	3.6	0.1
3. Ability to Enhance the Settlement Process	3	3.7	0.1
4. Impartiality	3	3.7	0.1
5. Absence of Coercion or Threat	3	4.0	0.1
6. Effectiveness in Narrowing the Issues	3	3.9	0.1
7. Appropriateness of Judge's Initiatives	3	3.8	0.2
8. Facilitation in Development of Options	3	3.9	0.1
Average Score for the Settlement Section	3	3.8	0.1

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

Judicial Evaluation

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 5, 2016 – April 29, 2016

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

Judicial Evaluation

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 5, 2016 – April 29, 2016

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

Judicial Evaluation

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

April 5, 2016 – April 29, 2016

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



Judicial Evaluation

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 5, 2016 – April 29, 2016

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

## **CIRCUIT COURT JUROR EVALUATION RESULTS**

Juror evaluation results were transmitted to seven Circuit Court judges by Chief Justice Recktenwald under cover of memoranda dated March 1, 2016. Surveys were sent out by standard mail on January 6, 2016, and could be completed until February 5, 2016. Table 3 provides the averages for the seven judges.

The mean score for Overall Performance was 4.8, with a standard deviation of 0.1. The judges generally received scores between 4.7 and 4.9. The mean score for the other ten evaluation categories combined was 4.8, and the standard deviation was 0.1. The frequencies of the judges' ratings, by category, are shown in graphs 9 and 10. The juror evaluation questionnaire can be found in Appendix F.

Jurors were selected from the pools of jurors who were chosen or sworn, including alternates. Even if a juror did not sit through an entire trial because of settlement or other reasons, it was felt that the juror would have enough contact with the judge to fill out the evaluation. Between 63 and 150 jurors were selected per judge.

The number of survey forms distributed for the seven judges was 896. Of this total, 387 questionnaires were returned. Between 23 and 78 questionnaires were received for each judge.

TABLE 3  
 JUDICIAL PERFORMANCE PROGRAM – JUROR EVALUATION  
 EVALUATION RESULTS FOR SEVEN JUDGES  
 JANUARY 6, 2016 – FEBRUARY 5, 2016

	N	Mean Score	S.D.
Please indicate your assessment of this judge's Overall Performance.	7	4.8	0.1
Please indicate your assessment of this judge's performance as to all parties with respect to the following:			
1. Patience	7	4.7	0.1
2. Dignity	7	4.8	0.1
3. Courtesy	7	4.8	0.1
4. Attentiveness	7	4.8	0.1
5. Fairness	7	4.8	0.1
6. Absence of arrogance	7	4.8	0.1
7. Absence of bias	7	4.8	0.1
8. Absence of prejudice	7	4.8	0.1
9. Clear communication of court procedures	7	4.8	0.1
10. Efficient use of court time	7	4.6	0.2
Average Score for Items 1 Through 10	7	4.8	0.1

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

Juror Evaluation

Graph 9. Overall Performance

Frequency of Judges' Ratings, By Category

January 6, 2016 – February 5, 2016

No. of Judges	7
Scale Interval Category	4.5 to 5.0 Excellent

Juror Evaluation

Graph 10. Average For Items 1 Through 10

Frequency of Judges' Ratings, By Category

January 6, 2016 – February 5, 2016

No. of Judges	7
Scale Interval Category	4.5 to 5.0
	Excellent

## **APPENDIX A**

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

Judge Derrick H.M. Chan, Chair

Judge Rhonda I. L. Loo

Judge Clarence A. Pacarro

Hayley Y.C. Cheng, Esq.

Claire K. S. Cooper

Rosemary T. Fazio, Esq.

P. Gregory Frey, Esq.

Jeen H. Kwak, Esq.

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

R. Patrick McPherson, Esq.

Stephanie A. Rezens, Esq.

Janice Wakatsuki

**APPENDIX B**

**EMAIL FROM CHIEF JUSTICE MARK E. RECKTENWALD**

To:

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

Sent: June 21, 2016

Subject: Email From Chief Justice Recktenwald Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of Circuit Court Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. The Judiciary encourages all active members of the Bar 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.

The judicial evaluation program is designed to give you an opportunity to provide meaningful input concerning these individuals. 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 July 22, 2016.

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. Please \_\_\_\_\_ reference [http://www.courts.state.hi.us/courts/performance\\_review/judge\\_evaluations\\_faqs](http://www.courts.state.hi.us/courts/performance_review/judge_evaluations_faqs) 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.

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*



## **APPENDIX C**

### **CIRCUIT COURT QUESTIONNAIRE**

Judicial Circuit Court Evaluation – June 2016  
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 June 1, 2014 to May 31, 2016? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

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

1-2

3-5

6-10

More than 10

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

Jury trial(s)

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial Circuit Court Evaluation – June 2016  
Sample – Legal Ability

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

1. Knowledge of relevant substantive law

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

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

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

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

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

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

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

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

11. Judge's charge to the jury/juries

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Circuit Court Evaluation – June 2016  
Sample – Judicial Management Skills

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Skills in effecting compromise

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Industriousness

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Circuit Court Evaluation – June 2016  
Sample – Comportment

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

1. Attentiveness

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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2. Courtesy to participants

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – June 2016  
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 – June 2016  
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General



Judicial Circuit Court Evaluation – June 2016  
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 – June 2016  
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

Decline 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

Decline to answer

Other (please specify)

Judicial Circuit Court Evaluation – June 2016  
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 Planning and Program Evaluation Division 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: June 27, 2016

Subject: Circuit Court Judicial Evaluation

Dear Attorney:

The Judiciary recently sent you an email regarding the evaluation of Circuit Court Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. We are asking you to fill out a 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.

If you would like to receive the evaluation again or if you did not receive the email, please respond to this email. Thank you for your assistance. We appreciate your participation if you did complete the evaluation.

Michael Oki  
The Judiciary — State of Hawai‘i

**APPENDIX E**

**DISTRICT COURT QUESTIONNAIRE**

Judicial District Court Evaluation – April 2016  
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, 2014 to March 31, 2016? (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 – April 2016  
Sample – Legal Ability

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

1. Knowledge of relevant substantive law

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

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

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

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

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

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

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

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – April 2016  
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 – April 2016  
Sample – Comportment

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

1. Attentiveness

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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2. Courtesy to participants

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial District Court Evaluation – April 2016  
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 – April 2016  
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Family Court Evaluation – April 2016  
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 2016  
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 2016  
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 Planning and Program Evaluation Division at 539-4870. Mahalo!

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



## **APPENDIX F**

### **JUROR QUESTIONNAIRE**

**SAMPLE**

**DO NOT DUPLICATE**

**CONFIDENTIAL**  
**Judicial Performance Program - Circuit Court**  
**Juror Evaluation of Judge \_\_\_\_\_**

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

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

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

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

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

Comments:

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