

# **JUDICIAL PERFORMANCE PROGRAM 2018 REPORT**

THE JUDICIARY  
STATE OF HAWAII  
November 9, 2018

## **JUDICIAL PERFORMANCE PROGRAM 2018 REPORT**

### **INTRODUCTION**

The Judicial Performance Program 2018 Report summarizes the results of evaluations involving nine Circuit Court judges, nine Family Court judges, and nine 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**

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**

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. Evaluation of Family Court, but not of District Court, judges was conducted in 2017. Evaluations of both Family

Court and District Court judges were conducted in 2018. Evaluation of District Court, but not of Family Court, judges is scheduled for 2019.

## **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 to help the judges improve their performance.

## **CIRCUIT COURT RESULTS**

Nine Circuit Court judges received the results of their evaluations under cover of memoranda dated November 8, 2018. One other judge did not have the minimum eighteen responses needed to be evaluated.

A link to the questionnaire was provided to attorneys by email on July 24, 2018, and the surveys were collected from July 24 to August 17, 2018. The email to attorneys from Chief Justice Recktenwald is printed in Appendix B. A copy of the questionnaire is attached as Appendix C.

Possible scores for the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. Table 1 provides the averages for the nine Circuit Court judges.

The mean score for the Legal Ability Section was 3.7, 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 Circuit Court judges received marks between 3.3 and 4.1 in the Legal Ability section.

For the Judicial Management Skills Section, the judges had a mean score of 3.8. The standard deviation for this section was 0.3. The mean score for the Comportment Section was 3.9, with a standard deviation of 0.5. The mean score for the Settlement and/or Plea Agreement Ability Section was 3.7, with a standard deviation of 0.4. The frequencies of the Circuit Court judges' ratings, by category, are shown in Graphs 1 to 4.

There were 331 responses from attorneys out of 4,474 emails sent out. This includes responses for the judge who had fewer than eighteen questionnaires. The number of responses did not equal the number of questionnaires received. A copy of the reminder email sent to attorneys is provided in Appendix D. The number of questionnaires received for the nine judges totaled 377, with between 19 and 81 questionnaires received for each judge.

TABLE 1  
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT  
 EVALUATION RESULTS FOR NINE JUDGES  
 JULY 24, 2018 – AUGUST 17, 2018

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	9	3.8	0.5
2. Knowledge of Rules of Procedure	9	3.9	0.5
3. Knowledge of Rules of Evidence	9	3.8	0.5
4. Ability to Identify and Analyze	9	3.8	0.4
5. Judgment in Application of Relevant Laws	9	3.7	0.4
6. Giving Reasons for Rulings when Needed	9	3.7	0.4
7. Clarity of Explanation of Rulings	9	3.6	0.4
8. Adequacy of Findings of Fact	9	3.6	0.4
9. Clarity of Judge's Decision(s)	9	3.7	0.4
10. Completeness of Judge's Decision(s)	9	3.7	0.4
11. Judge's Charge to the Jury/Juries	9	3.9	0.4
Average Score for the Legal Ability Section	9	3.7	0.4
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	9	3.8	0.5
2. Maintaining Proper Control	9	4.0	0.4
3. Doing the Necessary Homework on the Case(s)	9	3.8	0.4
4. Rendering Rulings and Decisions w/o Delay	9	4.0	0.3
5. Allowing Adequate Time	9	3.9	0.5
6. Resourcefulness and Common Sense	9	3.7	0.4
7. Skills in Effecting Compromise	9	3.6	0.4
8. Industriousness	9	3.9	0.4
Average Score for the Judicial Management Skills Section	9	3.8	0.3
<b>COMPORIMENT SECTION</b>			
1. Attentiveness	9	4.1	0.4
2. Courtesy to Participants	9	3.9	0.6
3. Compassion	9	3.7	0.5
4. Patience	9	3.6	0.6
5. Absence of Arrogance	9	3.8	0.6
6. Absence of Bias and Prejudice	9	4.1	0.4
7. Evenhanded Treatment of Litigants	9	3.8	0.5
8. Evenhanded Treatment of Attorneys	9	3.8	0.6

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

1. Knowing the Case(s) and/or the Law	9	3.8	0.4
2. Reasonableness of Opinions	9	3.7	0.4
3. Ability to Enhance the Settlement Process	9	3.5	0.4
4. Impartiality	9	3.7	0.4
5. Absence of Coercion or Threat	9	3.9	0.5
6. Effectiveness in Narrowing the Issues	9	3.8	0.4
7. Appropriateness of Judge's Initiatives	9	3.6	0.4
8. Facilitation in Development of Options	9	3.6	0.4
Average Score for the Settlement Section	9	3.7	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

July 24, 2018 – August 17, 2018

No of Judges	3	6
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

Circuit Court

Graph 2. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

July 24, 2018 – August 17, 2018

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

Circuit Court

Graph 3. Comportment Scale

Frequency of Judges' Ratings, By Category

July 24, 2018 – August 17, 2018

No of Judges	3	5	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

July 24, 2018 – August 17, 2018

No of Judges	3	6
Scale Interval Category	2.5 to 3.4	3.5 to 4.4
	Adequate	Good

## **FAMILY COURT RESULTS**

Nine Family Court judges received the results of their evaluations under cover of memoranda dated June 26, 2018. A link to the questionnaire was provided to attorneys by email on April 3, 2018. The surveys could be filled out from April 3 to April 27, 2018.

A copy of the questionnaire is provided in Appendix E. Table 2 provides the averages for the nine judges.

The mean score for the Legal Ability section was 4.0, with a standard deviation of 0.4. Most of the judges scored between 3.6 and 4.4 in this section.

The mean score for the Judicial Management Skills Section was 4.0, with a standard deviation of 0.3. The mean score for the Comportment Section was 4.1, with a standard deviation of 0.3. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.0, with a standard deviation of 0.3. The frequencies of the judges' ratings, by category, are shown in Graphs 5 to 8.

There were 238 responses from 4,514 emails sent out to attorneys. Some of the 238 attorneys said they had not appeared before any judges. Other attorneys sent in responses with evaluations for more than one judge. The number of questionnaires received for the nine judges totaled 242, with between 21 and 36 questionnaires per judge.

TABLE 2  
 JUDICIAL PERFORMANCE PROGRAM – FAMILY COURT  
 EVALUATION RESULTS FOR NINE JUDGES  
 APRIL 3, 2018 – APRIL 27, 2018

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</b>			
1. Knowledge of Relevant Substantive Law	9	4.1	0.4
2. Knowledge of Rules of Procedure	9	4.2	0.4
3. Knowledge of Rules of Evidence	9	4.2	0.4
4. Ability to Identify and Analyze	9	4.2	0.4
5. Judgment in Application of Relevant Laws	9	4.0	0.4
6. Giving Reasons for Rulings when Needed	9	3.9	0.4
7. Clarity of Explanation of Rulings	9	3.9	0.5
8. Adequacy of Findings of Fact	9	3.9	0.5
9. Clarity of Judge's Decision(s)	9	3.9	0.4
10. Completeness of Judge's Decision(s)	9	3.9	0.5
11. Judge's Charge to the Jury/Juries	0	---	---
Average Score for the Legal Ability Section	9	4.0	0.4
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	9	3.7	0.5
2. Maintaining Proper Control	9	4.1	0.4
3. Doing the Necessary Homework on the Case(s)	9	4.0	0.5
4. Rendering Rulings and Decisions w/o Delay	9	4.0	0.4
5. Allowing Adequate Time	9	4.1	0.3
6. Resourcefulness and Common Sense	9	4.0	0.4
7. Skills in Effecting Compromise	9	3.8	0.4
8. Industriousness	9	4.2	0.4
Average Score for the Judicial Management Skills Section	9	4.0	0.3
<b>COMPORIMENT SECTION</b>			
1. Attentiveness	9	4.4	0.3
2. Courtesy to Participants	9	4.2	0.3
3. Compassion	9	4.1	0.3
4. Patience	9	4.0	0.4
5. Absence of Arrogance	9	4.1	0.5
6. Absence of Bias and Prejudice	9	4.2	0.3
7. Evenhanded Treatment of Litigants	9	4.1	0.4
8. Evenhanded Treatment of Attorneys	9	4.0	0.4

Average Score for the Comportment Section	9	4.1	0.3
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	9	4.0	0.4
2. Reasonableness of Opinions	9	4.0	0.4
3. Ability to Enhance the Settlement Process	9	3.8	0.3
4. Impartiality	9	4.0	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	3.9	0.3
8. Facilitation in Development of Options	9	3.8	0.3
Average Score for the Settlement Section	9	4.0	0.3

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

Family Court

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 3, 2018 – April 27, 2018

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

Family Court

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 3, 2018 – April 27, 2018

No. of Judges	1	7	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

Family Court

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

April 3, 2018 – April 27, 2018

No. of Judges	1	7	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

Family Court

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 3, 2018 – April 27, 2018

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

## **DISTRICT COURT RESULTS**

Evaluation results were transmitted to nine District Court judges by Chief Justice Recktenwald under cover of memoranda dated March 21, 2018. Surveys could be completed from January 17 to February 9, 2018.

Although eleven judges were selected, only nine judges received the minimum eighteen responses. The other two judges did not receive evaluation reports.

A copy of the District Court questionnaire is printed in Appendix F. Table 3 provides the averages for the nine judges. The frequencies of the judges' ratings, by category, are shown in graphs 9 to 12.

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

The mean score for the Judicial Management Skills Section was 4.1, and the standard deviation was 0.3. The mean score for the Comportment Section was 4.2, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.0, and the standard deviation was 0.3.

Of the 4,576 lawyers who were sent emails, 327 returned evaluations. Some of the 327 lawyers said they had not appeared before any judges, and some lawyers appeared before two or more judges.

The nine evaluated judges received between 22 and 59 evaluations each. The nine judges had a total of 335 evaluations returned.

TABLE 3  
 JUDICIAL PERFORMANCE PROGRAM – DISTRICT COURT  
 EVALUATION RESULTS FOR NINE JUDGES  
 JANUARY 17, 2018 – FEBRUARY 9, 2018

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
<b>LEGAL ABILITY SECTION</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	4.0	0.5
4. Ability to Identify and Analyze	9	4.1	0.5
5. Judgment in Application of Relevant Laws	9	4.0	0.4
6. Giving Reasons for Rulings when Needed	9	4.0	0.5
7. Clarity of Explanation of Rulings	9	4.0	0.4
8. Adequacy of Findings of Fact	9	3.9	0.4
9. Clarity of Judge's Decision(s)	9	4.0	0.4
10. Completeness of Judge's Decision(s)	9	4.1	0.4
Average Score for the Legal Ability Section	9	4.0	0.4
<b>JUDICIAL MANAGEMENT SKILLS SECTION</b>			
1. Moving the Proceeding(s)	9	4.2	0.3
2. Maintaining Proper Control	9	4.2	0.4
3. Doing the Necessary Homework on the Case(s)	9	4.0	0.4
4. Rendering Rulings and Decisions w/o Delay	9	4.3	0.3
5. Allowing Adequate Time	9	4.1	0.3
6. Resourcefulness and Common Sense	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>COMPORTEMNT SECTION</b>			
1. Attentiveness	9	4.3	0.3
2. Courtesy to Participants	9	4.2	0.3
3. Compassion	9	4.1	0.3
4. Patience	9	4.1	0.3
5. Absence of Arrogance	9	4.1	0.3
6. Absence of Bias and Prejudice	9	4.3	0.3
7. Evenhanded Treatment of Litigants	9	4.1	0.4
8. Evenhanded Treatment of Attorneys	9	4.1	0.3
Average Score for the Compartment Section	9	4.2	0.3

## SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	9	4.0	0.5
2. Reasonableness of Opinions	9	4.0	0.5
3. Ability to Enhance the Settlement Process	9	3.9	0.3
4. Impartiality	9	4.0	0.4
5. Absence of Coercion or Threat	9	4.3	0.3
6. Effectiveness in Narrowing the Issues	9	4.1	0.4
7. Appropriateness of Judge's Initiatives	9	4.0	0.3
8. Facilitation in Development of Options	9	3.9	0.3
Average Score for the Settlement Section	9	4.0	0.3

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

District Court

Graph 9. Legal Ability Scale

Frequency of Judges' Ratings, By Category

January 17, 2018 – February 9, 2018

No. of Judges	1	7	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

District Court

Graph 10. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

January 17, 2018 – February 9, 2018

No. of Judges	1	7	1
Scale Interval Category	2.5 to 3.4	3.5 to 4.4	4.5 to 5.0
	Adequate	Good	Excellent

District Court

Graph 11. Comportment Scale

Frequency of Judges' Ratings, By Category

January 17, 2018 – February 9, 2018

No. of Judges	7	2
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

District Court

Graph 12. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

January 17, 2018 – February 9, 2018

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

## **APPENDIX A**

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

Judge R. Mark Browning, 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.

John S. Nishimoto, Esq.

Janice Wakatsuki

**APPENDIX B**

**EMAIL FROM CHIEF JUSTICE RECKTENWALD RE  
JUDICIAL EVALUATIONS**

To:

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

Sent: July 24, 2018

Subject: Email From Chief Justice Recktenwald Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of Circuit Court Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. The purpose of the evaluation is to help the judges improve their performance. The Judiciary encourages all active members of the Hawaii State Bar Association to participate in the evaluation process.

The judicial evaluation program is designed to give you an opportunity to provide 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. If an insufficient number of evaluations for a particular judge are received, then that judge will not be evaluated.

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 17, 2018.

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. Only composite results are transmitted to 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 – July 2018  
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, 2016 to June 30, 2018? (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 2018  
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
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11. Judge's charge to the jury/juries

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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Judicial Circuit Court Evaluation – July 2018  
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 2018  
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 – July 2018  
Sample – Settlement and/or plea agreement ability

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Circuit Court Evaluation – July 2018  
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 – July 2018  
Sample – Evaluation Complete

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

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

I have completed evaluations for all judges.

Judicial Circuit Court Evaluation – July 2018  
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 – July 2018  
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 (808)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 30, 2018

Subject: Circuit Court Judicial Evaluation

Dear Attorney:

The Judiciary recently sent you an email regarding the evaluation of Circuit Court Judges. 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 did not receive the Circuit Court email or if you would like to receive it again, please reply to this email. If you are not in a position to evaluate a judge but another attorney in your office is, please ask that attorney to contact me. Please do not forward your evaluation email because the link is unique for each attorney. (This is intended to prevent multiple responses from the same attorney.)

The Judicial Performance Program is an important part of our ongoing effort to improve the judicial system. If an insufficient number of evaluations for a particular judge are received, then that judge will not be evaluated.

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**

**FAMILY COURT QUESTIONNAIRE**

Judicial Family Court Evaluation – April 2018  
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, 2016 to March 31, 2018? (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 2018  
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
-----------	------	----------	--------------------	------	----------------

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
-----------	------	----------	--------------------	------	----------------

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 Family Court Evaluation – April 2018  
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 2018  
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
-----------	------	----------	--------------------	------	----------------

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
-----------	------	----------	--------------------	------	----------------

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 Family Court Evaluation – April 2018  
Sample – Settlement and/or plea agreement ability

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial Family Court Evaluation – April 2018  
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 2018  
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 2018  
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 Family Court Evaluation – April 2018  
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 (808)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 2018  
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, 2016 to December 31, 2017? (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 2018  
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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – January 2018  
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
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2. Maintaining proper control over the proceeding(s)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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3. Doing the necessary homework on the case(s)

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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4. Rendering rulings and decisions without unnecessary delay

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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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
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7. Skills in effecting compromise

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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8. Industriousness

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

Judicial District Court Evaluation – January 2018  
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
-----------	------	----------	--------------------	------	----------------

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
-----------	------	----------	--------------------	------	----------------

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 2018  
Sample – Settlement and/or Plea Agreement ability

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

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

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

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

5. Absence of coercion or threat

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent    Good        Adequate        Less than Adequate    Poor        Not Applicable

Judicial District Court Evaluation – January 2018  
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 District Court Evaluation – January 2018  
Sample – Evaluation Complete

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

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

I have completed evaluations for all judges.

Judicial District Court Evaluation – January 2018  
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 District Court Evaluation – January 2018  
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?