

Appendix 6

Q1 Are you an attorney or judge with past or present CIVIL LITIGATION experience in the Circuit Courts of Hawai'i? For this survey, civil litigation does not include domestic relations or family law.

Answered: 408 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	80.88%	330
No	19.12%	78
TOTAL		408

Q2 Number of years of experience in civil litigation, including years serving as a judge:

Answered: 288 Skipped: 120

#	RESPONSES	DATE
1	8	2/1/2019 8:56 AM
2	5	1/23/2019 8:17 PM
3	15	1/8/2019 11:14 PM
4	6	1/7/2019 9:58 AM
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6	30	1/2/2019 4:19 PM
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8	47	12/30/2018 11:04 AM
9	4	12/28/2018 5:13 PM
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11	3	12/27/2018 9:55 AM
12	25	12/26/2018 9:10 PM
13	3	12/26/2018 4:52 PM
14	10	12/26/2018 3:22 PM
15	32	12/26/2018 2:28 PM
16	15	12/26/2018 1:00 PM
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23	36	12/26/2018 12:26 PM
24	14	12/26/2018 11:46 AM
25	4	12/26/2018 11:45 AM
26	2	12/26/2018 11:45 AM
27	7	12/26/2018 11:42 AM
28	25	12/26/2018 11:40 AM
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31	7	12/17/2018 3:13 PM
32	5	12/17/2018 11:30 AM
33	5	12/11/2018 4:08 PM
34	40+	12/10/2018 5:18 PM

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35	22	12/10/2018 2:27 PM
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39	10	12/7/2018 9:20 AM
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41	176	12/6/2018 8:23 AM
42	28	12/6/2018 7:55 AM
43	12	12/6/2018 7:03 AM
44	15 years	12/5/2018 3:22 PM
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53	7	12/1/2018 9:14 PM
54	35	12/1/2018 3:15 PM
55	18 or so	11/30/2018 9:33 PM
56	30	11/30/2018 7:57 PM
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58	45	11/30/2018 1:41 PM
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62	3	11/29/2018 9:44 PM
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64	6	11/29/2018 9:02 PM
65	1	11/29/2018 5:04 PM
66	34	11/29/2018 2:49 PM
67	25	11/29/2018 2:06 PM
68	40 plus	11/29/2018 1:57 PM
69	0	11/29/2018 1:35 PM
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75	12	11/29/2018 11:51 AM

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76	17	11/29/2018 11:34 AM
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131	11	11/28/2018 9:17 PM
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157	15	11/28/2018 5:26 PM

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187	24	11/28/2018 4:49 PM
188	38	11/28/2018 4:48 PM
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198	11 years	11/19/2018 10:38 AM

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200	10	11/19/2018 10:30 AM
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203	21	11/19/2018 9:27 AM
204	42	11/19/2018 9:20 AM
205	30	11/15/2018 10:49 AM
206	36	11/15/2018 10:44 AM
207	40	11/15/2018 10:30 AM
208	25	11/15/2018 10:29 AM
209	17	11/15/2018 9:32 AM
210	30	11/15/2018 9:14 AM
211	35	11/15/2018 8:53 AM
212	25	11/15/2018 7:54 AM
213	10	11/15/2018 7:50 AM
214	two	11/15/2018 7:38 AM
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218	13	11/13/2018 3:17 PM
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240	40	11/9/2018 8:03 AM
241	40	11/9/2018 7:55 AM
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254	42	11/8/2018 1:14 PM
255	12	11/8/2018 1:10 PM
256	12	11/8/2018 1:02 PM
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259	40	11/8/2018 12:42 PM
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266	33	11/8/2018 10:39 AM
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268	39	11/8/2018 10:27 AM
269	45	11/8/2018 10:24 AM
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271	25	11/8/2018 10:06 AM
272	30	11/8/2018 9:57 AM
273	31	11/8/2018 9:53 AM
274	36	11/8/2018 9:48 AM
275	50	11/8/2018 9:41 AM
276	40	11/8/2018 9:13 AM
277	29	11/8/2018 9:09 AM
278	40	11/8/2018 8:59 AM
279	34	11/8/2018 8:55 AM
280	20	11/8/2018 8:48 AM

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281	34	11/8/2018 8:40 AM
282	48	11/8/2018 8:35 AM
283	37	11/7/2018 2:49 PM
284	26	11/7/2018 2:43 PM
285	30	11/7/2018 2:29 PM
286	40	11/7/2018 2:15 PM
287	34	11/7/2018 2:14 PM
288	36	11/7/2018 10:58 AM

Q3 Which of the following best describes your experience in civil litigation?

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
My current practice involves civil litigation.	73.96%	213
My current practice does not involve civil litigation, but I have past experience in civil litigation.	26.04%	75
TOTAL		288

Q4 Please identify the judicial circuit in which you have primarily conducted your civil litigation practice.

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
First Circuit	77.78%	224
Second Circuit	6.94%	20
Third Circuit	10.76%	31
Fifth Circuit	4.51%	13
TOTAL		288

Q5 Estimated number of Hawai'i Circuit Court civil cases in which you have been an attorney of record (entered an appearance) or a judge within the last ten years:

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
None	5.21%	15
1 to 10	12.50%	36
11 to 50	29.17%	84
51 to 100	17.71%	51
Over 100	35.42%	102
TOTAL		288

Q6 Estimated number of your Hawai'i Circuit Court civil cases that have gone to trial in the last ten years (Judges, please include cases over which you have presided at trial):

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
None	36.81%	106
1 to 5	40.28%	116
6 to 10	10.07%	29
11 to 20	4.86%	14
Over 20	7.99%	23
TOTAL		288

Q7 Identify the types of civil cases with which you have the most experience in Hawai'i Circuit Court. Select up to three areas but do not include areas of minimal involvement:

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
Contract	55.56%	160
Motor Vehicle Tort	34.03%	98
Assault and Battery	4.86%	14
Construction Defect	19.44%	56
Medical Malpractice	13.89%	40
Legal Malpractice	5.90%	17
Product Liability	15.63%	45
Other Non-Vehicle Tort	39.93%	115
Condemnation	4.17%	12
Environment	9.38%	27
Foreclosure -- Mortgage /Agreement of Sale	23.26%	67
Agency Appeal	14.58%	42
Declaratory Judgment	14.93%	43
Other (please specify)	21.53%	62
Total Respondents: 288		

#	OTHER (PLEASE SPECIFY)	DATE
1	Representing government in various actions	12/28/2018 5:13 PM
2	Contested probate and trust litigation	12/26/2018 2:28 PM
3	Planned Community Assoc. litigation CC&Rs/CPRs	12/26/2018 12:59 PM
4	Condominium	12/26/2018 11:42 AM
5	estate planning contests	12/10/2018 2:27 PM
6	Interpleader	12/10/2018 10:08 AM
7	Business Collections	12/7/2018 9:20 AM
8	trust litigation and probate litigation	12/4/2018 5:03 PM
9	boundary dispute	12/4/2018 1:10 PM
10	Code Enforcement	11/30/2018 4:10 PM
11	Real Property Title Cases	11/30/2018 10:47 AM
12	employment	11/29/2018 12:44 PM
13	Tax	11/29/2018 11:51 AM
14	Employment	11/29/2018 11:34 AM

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15	Govt civil enforcement	11/29/2018 11:16 AM
16	Employment Law	11/29/2018 11:03 AM
17	Real Property; Trust	11/29/2018 10:59 AM
18	Homeowners AOA Law	11/29/2018 9:58 AM
19	Tort or insurance litigation	11/29/2018 9:42 AM
20	IDEA	11/29/2018 9:24 AM
21	land use; native hawaiian issues	11/29/2018 9:06 AM
22	UDAP	11/29/2018 8:04 AM
23	quiet title	11/29/2018 7:42 AM
24	Real Property	11/29/2018 7:14 AM
25	Civil rights	11/28/2018 7:55 PM
26	Quiet Title	11/28/2018 7:23 PM
27	Commercial litigation	11/28/2018 7:06 PM
28	Damages for Breach of Trust	11/28/2018 6:37 PM
29	Admiralty	11/28/2018 6:10 PM
30	real property dispute	11/28/2018 5:37 PM
31	Injunctive Relief	11/28/2018 5:29 PM
32	Trust and Estate	11/28/2018 5:17 PM
33	All of the above	11/28/2018 5:00 PM
34	Partition	11/28/2018 4:54 PM
35	land titles and easements	11/28/2018 4:52 PM
36	Public Records	11/28/2018 4:50 PM
37	Partition	11/28/2018 4:49 PM
38	employment	11/28/2018 4:49 PM
39	business torts	11/28/2018 4:48 PM
40	Insurance Bad Faith	11/28/2018 4:45 PM
41	Civil rights	11/27/2018 12:54 PM
42	torts	11/19/2018 10:45 AM
43	property disputes	11/19/2018 9:38 AM
44	real estate	11/15/2018 10:29 AM
45	employment	11/15/2018 7:50 AM
46	employment law	11/13/2018 3:22 PM
47	partition/real property quiet title	11/13/2018 3:06 PM
48	insurance defense	11/13/2018 1:48 PM
49	employment, discrimination in employment	11/13/2018 1:41 PM
50	Tax	11/13/2018 1:12 PM
51	bank and trust matter, real estate	11/13/2018 12:50 PM
52	condo/AOAO	11/9/2018 8:07 AM
53	civil fraud	11/9/2018 7:55 AM
54	Labor Law	11/9/2018 7:49 AM
55	employment, complex commercial litigation	11/8/2018 2:44 PM

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56	summary possession	11/8/2018 2:13 PM
57	unfair business practice; wrongful death	11/8/2018 2:01 PM
58	partition & quiet title	11/8/2018 1:50 PM
59	defense use of force	11/8/2018 1:33 PM
60	no response	11/8/2018 12:26 PM
61	left blank	11/8/2018 10:24 AM
62	Sexual Assault	11/7/2018 2:49 PM

Q8 Which of the following best describes your civil litigation role over the course of your career? If applicable, you may check “neutral decision maker” in addition to any other box.

Answered: 288 Skipped: 120

ANSWER CHOICES	RESPONSES	
Represent plaintiffs in all or nearly all cases	20.83%	60
Represent defendants in all or nearly all cases	18.40%	53
Represent plaintiffs and defendants, but plaintiffs more frequently	19.44%	56
Represent plaintiffs and defendants, but defendants more frequently	19.44%	56
Represent plaintiffs and defendants equally	13.19%	38
Neutral decision-maker	8.68%	25
TOTAL		288

Q9 Your current position is best described as:

Answered: 287 Skipped: 121

ANSWER CHOICES	RESPONSES	
Law firm lawyer or solo practitioner	61.67%	177
In-house counsel	0.70%	2
Government lawyer	12.20%	35
Judge	15.33%	44
Retired or inactive lawyer	5.57%	16
Other (please specify)	4.53%	13
TOTAL		287

#	OTHER (PLEASE SPECIFY)	DATE
1	Government lawyer in "non-attorney" position	12/26/2018 12:32 PM
2	non-profit	12/10/2018 5:19 PM
3	Nonprofit	12/7/2018 1:09 PM
4	Pro Bono cases only	12/2/2018 1:42 PM
5	Mediator	12/1/2018 9:14 PM
6	HRS ch. 90 volunteer	11/28/2018 7:34 PM
7	Retired judge	11/28/2018 6:38 PM
8	Mediator	11/28/2018 5:22 PM
9	Non profit public interest	11/27/2018 12:55 PM
10	no respnse	11/8/2018 12:26 PM
11	arbitrator/mediator	11/8/2018 10:43 AM
12	left blank	11/8/2018 10:24 AM
13	Public Interest	11/8/2018 10:12 AM

Q10 Current number of full- and part-time attorneys who work in your firm.

Answered: 177 Skipped: 231

ANSWER CHOICES	RESPONSES	
1 to 5	56.50%	100
6 to 10	14.69%	26
11 to 20	10.73%	19
21 to 50	11.86%	21
Over 50	6.21%	11
TOTAL		177

Q11 Will your firm refuse to file or defend a case based on the amount in controversy?

Answered: 172 Skipped: 236

ANSWER CHOICES	RESPONSES	
Yes	35.47%	61
No	43.02%	74
I don't know	21.51%	37
TOTAL		172

Q12 As a general matter, your firm will not file or defend a case unless the amount in controversy exceeds (in \$):

Answered: 53 Skipped: 355

#	RESPONSES	DATE
1	Depends on Amount of Time Required	12/30/2018 11:16 AM
2	50,000	12/26/2018 9:11 PM
3	depends on type of case	12/26/2018 2:29 PM
4	\$40,000.00	12/26/2018 1:12 PM
5	\$15,000	12/26/2018 12:55 PM
6	No set \$ amount, and case by case basis	12/7/2018 4:17 PM
7	5000	12/7/2018 9:20 AM
8	200,000	12/6/2018 7:56 AM
9	50,000	12/4/2018 5:04 PM
10	25000	12/4/2018 1:11 PM
11	25,000	12/1/2018 3:17 PM
12	30,000	11/30/2018 7:59 PM
13	5000	11/29/2018 2:50 PM
14	\$500,000	11/29/2018 1:58 PM
15	15,000	11/29/2018 1:15 PM
16	15000	11/29/2018 12:45 PM
17	10000	11/29/2018 12:17 PM
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20	10,000	11/29/2018 11:35 AM
21	50,000	11/29/2018 10:41 AM
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24	25,000	11/29/2018 8:31 AM
25	10000	11/29/2018 8:05 AM
26	15000	11/29/2018 2:46 AM
27	30000	11/29/2018 2:07 AM
28	50000	11/28/2018 11:24 PM
29	100000	11/28/2018 9:26 PM
30	25000	11/28/2018 9:07 PM
31	10000	11/28/2018 7:31 PM
32	No fixed amount	11/28/2018 5:47 PM
33	is less than \$25,000	11/28/2018 5:30 PM
34	25,000	11/28/2018 5:27 PM

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35	5,000.00	11/28/2018 5:13 PM
36	20000	11/28/2018 5:13 PM
37	\$100,000	11/28/2018 4:58 PM
38	depends	11/28/2018 4:58 PM
39	\$15000	11/28/2018 4:54 PM
40	\$10,000	11/28/2018 4:51 PM
41	it depends on the case	11/28/2018 4:51 PM
42	20,000	11/28/2018 4:48 PM
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48	100000	11/14/2018 3:08 PM
49	100000	11/13/2018 11:39 AM
50	50000	11/9/2018 7:49 AM
51	50000, but various amounts may be much higher or lower depending on the client & matter	11/8/2018 2:45 PM
52	10000 to 15000	11/8/2018 1:28 PM
53	\$30,000	11/8/2018 12:42 PM

Q13 What was your last year of practice?

Answered: 15 Skipped: 393

#	RESPONSES	DATE
1	2017	12/3/2018 7:43 PM
2	2016	11/29/2018 8:04 AM
3	2011	11/29/2018 6:09 AM
4	2017	11/29/2018 5:39 AM
5	2011	11/29/2018 5:17 AM
6	2014	11/28/2018 11:10 PM
7	2012	11/28/2018 7:11 PM
8	2002	11/28/2018 6:11 PM
9	2008	11/28/2018 5:03 PM
10	Current	11/28/2018 5:00 PM
11	2016	11/28/2018 4:54 PM
12	2018	11/28/2018 4:51 PM
13	2010	11/28/2018 4:49 PM
14	2016	11/19/2018 9:27 AM
15	2017	11/8/2018 10:47 AM

Q14 Do you have civil litigation experience in federal court in the District of Hawai'i?

Answered: 285 Skipped: 123

ANSWER CHOICES	RESPONSES	
Yes	80.70%	230
No	19.30%	55
TOTAL		285

Q15 How would you describe the frequency of your appearance in federal court in the District of Hawai'i?

Answered: 230 Skipped: 178

ANSWER CHOICES	RESPONSES	
Rarely appear	40.87%	94
Occasionally appear	42.61%	98
Frequently appear	16.52%	38
TOTAL		230

Q16 Between the Hawai'i Circuit Courts and the U.S. District Court for the District of Hawai'i:

Answered: 230 Skipped: 178

ANSWER CHOICES	RESPONSES	
I prefer litigating in Hawai'i Circuit Courts.	33.91%	78
I prefer litigating in U.S. District Court for the District of Hawai'i	33.91%	78
No preference	32.17%	74
TOTAL		230

Q17 Why do you prefer litigating in Hawai'i Circuit Courts?

Answered: 65 Skipped: 343

#	RESPONSES	DATE
1	Simpler	12/28/2018 5:14 PM
2	More used to it	12/26/2018 4:53 PM
3	Our offices are located in Kona, Hawaii. As a general rule, we limit our civil practice to the Circuit Courts of the Third Circuit and primarily West Hawaii.	12/26/2018 1:16 PM
4	Less rigid formalities.	12/26/2018 1:02 PM
5	Familiarity makes me more comfortable even though federal system is easier to navigate administratively.	12/26/2018 12:56 PM
6	Since my practice included more Circuit Court cases, I had more familiarity with Circuit Court rules, policies, procedures, etc.	12/6/2018 12:51 PM
7	The Hawaii Circuit Courts are more familiar with my practice area and I prefer the case management and deadlines in Hawaii Circuit Courts.	12/6/2018 8:24 AM
8	I am not as familiar with current local rules in Fed Court	12/6/2018 7:58 AM
9	I am more familiar with the rules and judges.	12/4/2018 8:56 AM
10	that's where most of the complaints are filed; so, majority of my practice, so I'm familiar with it	12/3/2018 10:53 AM
11	More familiar	12/2/2018 1:43 PM
12	The federal courts are far too conservative. The U.S. Supreme Court is dominated by right-wing ideologues. State law is more protective of the public.	11/30/2018 9:36 PM
13	I know most of the state court rules without having to look them up. Additionally, Federal Court does not see much in the way of collection or foreclosure cases and therefore is unfamiliar with how to handle them which can complicate matters for me and place a level of uncertainty for my client.	11/30/2018 8:04 PM
14	Because you get a more honest decision.	11/30/2018 1:43 PM
15	I have little experience in district courts.	11/30/2018 10:46 AM
16	I am more familiar with the rules and culture	11/29/2018 9:45 PM
17	It is less formal than federal court.	11/29/2018 9:42 PM
18	everything is simpler, better judges	11/29/2018 12:46 PM
19	Familiarity with court rules	11/29/2018 12:18 PM
20	Not familiar with federal district practice or procedure	11/29/2018 11:17 AM
21	Familiarity with Judges and my location on Maui. When I worked in Honolulu, I appeared in Federal court more. It was fine.	11/29/2018 9:43 AM
22	location; local judges and juries	11/29/2018 9:15 AM
23	majority of the cases are filed in the Circuit Court so I am more familiar with the rules.	11/29/2018 9:04 AM
24	More time; less fast-track	11/29/2018 7:26 AM
25	Familiarity	11/29/2018 7:15 AM
26	Less procedurally formalistic. More personal touch with Judges and alternative forms of resolution.	11/29/2018 5:28 AM
27	Better for plaintiffs	11/28/2018 11:25 PM
28	I am n Maui. Federal court is inconvenient and more costly for my clients.	11/28/2018 11:13 PM
29	Because the Federal judges often refuse to follow hawaii law, and are defense oriented.	11/28/2018 8:17 PM

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30	Less time consuming and formal.	11/28/2018 7:32 PM
31	I have a neighbor island practice so litigating in federal court is costly for my clients especially if they want to witness hearings. My practice focuses mostly on Hawai'i law involving government defendants or other persons domiciled in Hawaii and I rarely litigate federal questions -- and when there is a question that can be raised under state constitution or federal constitution, we typically litigate the state constitutional question.	11/28/2018 7:27 PM
32	Appeared more often in State circuit courts.	11/28/2018 7:14 PM
33	More well-versed in state law than federal law; less formality, more collegiality in state court	11/28/2018 5:35 PM
34	I am more familiar with litigation in Hawaii Circuit Courts.	11/28/2018 5:31 PM
35	more familiar with rules and procedures; don't have many cases within the jurisdiction of federal court	11/28/2018 5:07 PM
36	State claims	11/28/2018 5:01 PM
37	They are user friendly. The Hawaii courts provide the opportunity for meaningful jury selection and voir dire. The judges, for the most part, put substance above form and typically are less rigid in their interpretation of the rules.	11/28/2018 5:01 PM
38	I am more comfortable with the rules, procedures and people in State courts.	11/28/2018 4:53 PM
39	It's much more a known quantity.	11/28/2018 4:53 PM
40	More straight forward filing requirements, better involvement of judiciary for conferences and settlement discussions, friendlier judges and staff.	11/28/2018 4:48 PM
41	Easier to be a Plaintiff's attorney in Hawaii Circuit Courts, because there are no immediate timelines or mandatory disclosure requirements imposed upon filing.	11/28/2018 4:47 PM
42	Judges and staff are more accessible. Hawaii law is better than federal law.	11/28/2018 4:46 PM
43	More experience, familiarity with the court rules.	11/27/2018 8:50 PM
44	my practice is based in the 2nd Circuit	11/19/2018 10:39 AM
45	no travel required, more familiar with jury venire	11/19/2018 10:34 AM
46	more knowledgeable of the rules than US District Court	11/19/2018 9:28 AM
47	easier filing procedure	11/15/2018 10:44 AM
48	no need to fly & ease of filing	11/15/2018 10:40 AM
49	live on neighbor island. travel to Oahu difficult	11/15/2018 10:29 AM
50	More flexibility and less restrictive rules	11/15/2018 9:15 AM
51	no need to fly to go to court. federal ct is more biased, in favor of corporate defts.	11/15/2018 7:55 AM
52	more accessibility	11/13/2018 3:22 PM
53	faster response; easier access to judicial resources	11/13/2018 3:18 PM
54	live on Maui	11/13/2018 3:06 PM
55	available, tech, flexibility	11/13/2018 2:38 PM
56	More familiar w/ rules/procedure	11/13/2018 2:28 PM
57	familiarity	11/9/2018 7:49 AM
58	b/c of my familiarity w/the Rules of Court & judges	11/8/2018 1:50 PM
59	Accessibility of judges	11/8/2018 1:41 PM
60	Rules are less restrictive & allows parties leeway to set deadlines	11/8/2018 12:43 PM
61	the U.S. District Court is generally with noted exceptions a hostile forum for injury claims.	11/8/2018 11:18 AM
62	familiarity	11/8/2018 10:28 AM
63	greater interest in state laws; nature of current practice involves more state as opposed to federal laws.	11/8/2018 10:13 AM

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64	simpler	11/8/2018 9:42 AM
65	12 person juries in state court vs. 8 person juries in federal court.	11/7/2018 2:16 PM

Q18 Why do you prefer litigating in U.S. District Court for the District of Hawai'i?

Answered: 68 Skipped: 340

#	RESPONSES	DATE
1	More efficient disposition of cases along with strict deadlines. More dispositive rulings on motions to dismiss and summary judgment.	1/7/2019 9:59 AM
2	Judges are efficient, the rules are adhered to fairly. In Circuit court it sometimes seems that when plaintiffs counsel fails to follow rules there are no consequences.	12/31/2018 9:13 AM
3	More intelligent judges. Written decisions are generally thorough in cases decided on motion. Far better facilities. Juries are impressed with court's precision and surroundings' grandeur and therefore likely to award more.	12/30/2018 11:24 AM
4	electronic filing	12/27/2018 9:56 AM
5	The cases proceed faster, the judges and magistrates seem more experienced, more qualified and have more control over cases	12/26/2018 2:30 PM
6	USDC is far more efficient and expedient. The FRCP and Local Rules remove a lot of questions and inconsistencies about procedures whereas in State Court every judge does things differently. USDC seems much more willing to grant dispositive motions if merited.	12/26/2018 12:37 PM
7	FRCP require Plaintiffs to actively prosecute their claims and expend time and effort. This weeds out frivolous actions whereas HRCP permits a Plaintiff to file a claim and essentially do nothing but issue discovery requests in the hopes of incentivizing settlement based solely on costs rather than the merit of the claims presented.	12/26/2018 12:31 PM
8	Easier online filing and document retrieval. Streamlined processes. Less stalling and gamesmanship.	12/26/2018 11:48 AM
9	online filing.	12/26/2018 11:47 AM
10	They are more likely to follow the law and their decisions are reasonable.	12/26/2018 11:41 AM
11	Because I get a free flight to Honolulu.	12/10/2018 10:10 AM
12	Rules are easier and the judges are accountable. Plus, State Judges never sanction malfeasance and frivolous motions, but instead give them total deference, while lawyers rarely pull stunts or file frivolous motions in federal court because they are sanctioned.	12/7/2018 9:23 AM
13	It's more formal.	12/5/2018 3:23 PM
14	They had more resources.	12/1/2018 9:15 PM
15	Online filing and quicker resolution of cases	11/30/2018 7:13 AM

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16	<p>The Electronic Filing System and I believe there is more judicial impartiality in the federal court and more professional collegiality among attorneys, but I have had limited experience in both. For some strange reason there does not seem to be as much collegiality between the counsel and the Judges as I have experienced in my Canadian practice. However, that may be my own lack of familiarity with the Hawaii Courts compared to the system I am familiar with in Canada (British Columbia principally). It does seem the Federal Court bar is much more collegial with the Court than in the State courts, especially District Court. Again, I have had very limited experience in both Federal Court and State Courts. I was shocked to see the Courthouses do not provide barrister rooms or counsel lockers for trial apparel. Barrister/Counsel rooms are where counsel meet, discuss cases, prepare for hearings, relax during breaks at trial, and socialize with other counsel (Judges do not enter Barrister/Counsel Rooms for obvious reasons). That is part of the reason for the lack of collegiality (I believe), is that the Counsel are not constantly reminded they are part of a system that depends on respect, integrity and collegiality toward other counsel, as well as the Court (Judges, Jurors, Clerks, Staff, witnesses etc.) The offsetting factor is that some of what might be lacking in the infrastructure supporting collegiality, is built into the Hawaii Culture, which stresses mutual respect and consideration toward others and I believe this does carry over into the practice of law generally and in the courts. So, overall I have a very positive view of fellow attorneys in my Hawaii Practice. I do miss the positive benefits of having a Barristers/Counsel room, but this is a different country, different system, and has developed a somewhat different perspective on the roll of trial counsel in the adversary system. Therefore, the collegiality may not be seen as promoting the necessary "adversarial mentality" of counsel as zealous advocates of their respective clients best interests. I cannot comment further and I offer those observations humbly and with the greatest respect.</p>	11/29/2018 12:00 PM
17	Federal Judges are not afraid to grant dispositive motions	11/29/2018 11:05 AM
18	More efficient. (Magistrate judges, e-filing, active case management)	11/29/2018 11:02 AM
19	More efficient, filing is easier, cases are managed better	11/29/2018 10:56 AM
20	more consistent with procedures and decisionmaking	11/29/2018 10:42 AM
21	Cases move more quickly; courts more inclined to grant substantive motions.	11/29/2018 8:31 AM
22	The judges have a lighter case load and more resources. I think that allows them the luxury (and responsibility) to spend more time on their decisions.	11/29/2018 8:26 AM
23	The availability of e-filing, the level of attention that the judge, clerks and staff are able to give to a case, the technology available in the courtroom, and generally the more streamlined process for getting things done, such as requesting telephone appearances.	11/29/2018 8:25 AM
24	Judges prove written decisions on their rulings.	11/29/2018 8:06 AM
25	electronic filing	11/29/2018 7:54 AM
26	documents filed are better organized. communication with court staff are easier. documents filed are easily retrievable where in state court, the document list and minute are often delayed and not current or even inaccurate. Improvements needs to be made in handling of documents and pleadings in State Court.	11/29/2018 7:44 AM
27	Procedural rules provided more predictable pre-trial management and outcomes; helpful, professional staff	11/29/2018 6:14 AM
28	Better judges; better pre-trial procedures	11/29/2018 5:40 AM
29	Cases move faster	11/29/2018 3:21 AM
30	fewer case on docket, more expedited handling, greater competence of judges, proceeding generally more efficient.	11/29/2018 2:08 AM
31	More regimented and they follow the rule of law.	11/28/2018 9:35 PM
32	The rules, procedures, and precedents are more detailed and clearly stated, and adhered to more rigorously than in the state courts	11/28/2018 7:34 PM
33	Responsiveness of court and staff	11/28/2018 7:07 PM
34	Except for a few exceptions, better quality of judges who make decisions based on the law rather than their personal bias	11/28/2018 6:34 PM
35	More fair and equal treatment by the court for me and my clients.	11/28/2018 5:47 PM

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36	Better quality of judges who are willing to apply the law rather than deciding on the basis of personal bias.	11/28/2018 5:30 PM
37	E-filing and quick timelines	11/28/2018 5:14 PM
38	Scheduling is more orderly.	11/28/2018 5:06 PM
39	Rules streamline discovery and pretrial process and set deadlines early on.	11/28/2018 4:55 PM
40	They have less cases, hearings and trials happen sooner	11/28/2018 4:52 PM
41	More efficient procedures to resolve discovery disputes. Trial dates are set earlier than in State courts. Electronic filing/service.	11/28/2018 4:52 PM
42	Electronic filing; more predictable.	11/28/2018 4:51 PM
43	Judges tend to be more decisive in issuing rulings on substantive pre-trial motions.	11/28/2018 4:51 PM
44	quality of opposing attorneys.	11/28/2018 4:50 PM
45	rules are actually enforced	11/28/2018 4:50 PM
46	Better active case management In federal court through the magistrates	11/28/2018 4:49 PM
47	Electronic filing system is so much easier than paper filing and of JEFs filing in the ICA. Magistrate judges are easy to contact and they resolve a lot of minor disputes via status conferences. That saves a lot of time and expense.	11/27/2018 1:17 PM
48	Clarity of rules, sensible processes, highly competent judges	11/27/2018 12:57 PM
49	much more structured and efficient	11/19/2018 9:44 AM
50	less busy; judges and clerks have more time	11/19/2018 9:20 AM
51	Prefer federal trial practice and substantive jurisprudence as well as less crowded calendars.	11/15/2018 8:55 AM
52	fewer conflicts	11/14/2018 3:02 PM
53	faster resolution	11/13/2018 1:48 PM
54	because judges are less plaintiff friendly	11/13/2018 11:40 AM
55	Electronic filing/clear standards under rule 12 (b)(6). Magistrate judges handle discovery/settlement.	11/9/2018 8:08 AM
56	online filing system, rules for proceeding and consistency in rule application	11/9/2018 7:55 AM
57	Faster, more efficient, better prepared, more consistent results & user friendly	11/8/2018 2:45 PM
58	discovery rules & early case assessment	11/8/2018 2:13 PM
59	Our office has a effective motions practice (motions to dismiss & summary judgements have been granted more often than in state courts) & tighter case management.	11/8/2018 1:34 PM
60	Process better defined & structured	11/8/2018 1:04 PM
61	discovery disputes handled quicker; earlier court oversight.	11/8/2018 10:52 AM
62	The rules are more streamlined and there is a greater body of law to draw upon, and thus, greater certainty.	11/8/2018 10:32 AM
63	mandatory initial disclosures, scheduling conference, faster track	11/8/2018 10:07 AM
64	excellent magistrates	11/8/2018 9:49 AM
65	prefer case management and discovery rules	11/8/2018 9:14 AM
66	courts are more likely to issue summary judgment orders limiting issues; electronic filing.	11/8/2018 8:41 AM
67	faster track	11/8/2018 8:35 AM
68	Small caseload for judges. More established law from USDC and 9th Circuit.	11/7/2018 2:14 PM

Q19 Why do you have no preference between litigating in the Hawai'i Circuit Courts and the U.S. District Court for the District of Hawai'i?

Answered: 39 Skipped: 369

#	RESPONSES	DATE
1	I am comfortable litigating in both.	1/8/2019 11:17 PM
2	No preference.	1/6/2019 10:22 PM
3	Litigating in each gives a broader range of experience. Each court has its plusses and minuses.	12/26/2018 12:28 PM
4	Depends on the case	12/23/2018 5:16 PM
5	I will litigate wherever necessary for my clients	12/17/2018 3:37 PM
6	Good experiences in both courts	12/11/2018 4:09 PM
7	State court: Prefer atmosphere (less formal) and less intrusive security Federal court: Prefer some of the procedures - e.g., division of labor with magistrates; more user-friendly language in FRCP	12/10/2018 5:28 PM
8	Some types of cases I prefer to have in State Court, and other types I prefer to have in Federal Court.	12/7/2018 4:18 PM
9	depends upon the case.	12/3/2018 10:46 AM
10	Similar rules and procedures.	12/1/2018 3:18 PM
11	Have had no issues with either.	11/30/2018 4:12 PM
12	Circuit court is more familiar but USDC is generally better run. It balances out	11/29/2018 2:51 PM
13	there are many pluses and minuses in both venues which tend to end up as a wash	11/29/2018 1:59 PM
14	I had good experiences in both courts with well managed cases	11/29/2018 1:35 PM
15	Except for the court rules, which are somewhat similar, the judges and staff in both courts provide exceptional service to the litigants and counsel.	11/29/2018 12:04 PM
16	Familiarity with the Circuit Courts but appreciate the rules and timelines adhered to in the U.S. District Court	11/29/2018 10:49 AM
17	I don't have enough experience with either to have a preference. However, filing, scheduling, and case management seem to be easier with the U.S. District Court.	11/29/2018 10:23 AM
18	each court system addresses its own unique citizen based needs. The federal interests are not the same as a state's interest in either providing access to justice or the court. Thus, the systems should be different to reflect the priority of needs being bet.	11/29/2018 9:28 AM
19	Not having a preference gave me breadth of experience and revenue.	11/29/2018 8:52 AM
20	Limited recent experience	11/29/2018 8:52 AM
21	n/a	11/29/2018 8:32 AM
22	It all depends on which court has jurisdiction over the case I am involved	11/29/2018 8:23 AM
23	Each has its pros and cons. E-filing with the USDC is much easier and convenient. The opportunity to settle is more likely in Hawaii Circuit Courts given how the courts handles its cases.	11/28/2018 11:04 PM
24	????	11/28/2018 9:19 PM
25	I have had both good and bad experiences in both places.	11/28/2018 7:57 PM
26	Neutral work is the same.	11/28/2018 6:40 PM
27	Each had advantages and disadvantages.	11/28/2018 6:28 PM
28	civil litigation is a very small part of my practice. I have no basis to prefer on jurisdiction over the other. Both have their positive and negative aspects.	11/28/2018 5:39 PM

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29	there are pros and cons for each	11/28/2018 4:58 PM
30	It is dependent upon case load. Federal Court cases move quickly, time is needed to confirm the applicable rules and MSJs are granted and up held by appellate courts. In Circuit Court cases move much slower, MSJs are rarely granted and there seems to be more discovery. Depending upon my case load, Circuit Court or Federal Court may be preferred.	11/28/2018 4:57 PM
31	Each has its pros and cons. Each has/had judges who are/were excellent and judges who who are/were not.	11/28/2018 4:55 PM
32	Each jurisdiction has different pros and cons that equal out.	11/28/2018 4:55 PM
33	Forum for cases is dictated by statute, no choice	11/28/2018 4:52 PM
34	I would prefer Federal but i am on Maui so it makes it more efficient	11/19/2018 10:46 AM
35	I don't currently litigate	11/15/2018 9:33 AM
36	deal with both	11/9/2018 8:04 AM
37	I do appreciate the case management that happens in Federal Court. Attys are more transparent w/ each other. Issues of discovery & pretrial litigation b/c of the magistrate & district judge involvement. Deadlines are important & HI circuit courts would benefit fr. having them set early in the cases.	11/8/2018 2:03 PM
38	depends on the type of case	11/8/2018 1:18 PM
39	Cases dictate venue both venues have pluses & minuses	11/8/2018 12:50 PM

Q20 Please indicate your level of agreement with each statement as it relates specifically to Hawai'i Circuit Courts.

Answered: 263 Skipped: 145

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL RESPONDENTS
The civil justice system provides for the just, speedy, and inexpensive determination of civil actions.	12.55% 33	61.22% 161	19.39% 51	2.28% 6	4.56% 12	263
The civil justice system is reasonably efficient and fundamental changes to reduce costs and delay and streamline the litigation process are not necessary.	15.65% 41	62.21% 163	16.03% 42	2.67% 7	3.44% 9	262
Fundamental changes need to be made to the civil justice system to reduce costs and delay and to streamline the litigation process.	3.42% 9	12.93% 34	44.11% 116	34.22% 90	5.32% 14	263
The civil justice system takes too long.	1.53% 4	9.96% 26	42.91% 112	39.08% 102	6.51% 17	261
The civil justice system is too expensive.	1.90% 5	8.37% 22	43.35% 114	40.30% 106	6.08% 16	263
The civil justice system is too complex.	5.32% 14	36.88% 97	31.18% 82	19.39% 51	7.22% 19	263
Cases are resolved based on considerations unrelated to the merits of the parties' claims or defenses.	6.11% 16	25.57% 67	37.40% 98	22.14% 58	8.78% 23	262
Opposing counsel are generally uncooperative.	6.56% 17	59.85% 155	20.46% 53	5.79% 15	7.72% 20	259

Q21 In your experience, how often are litigation costs proportional to the value of the case in Hawai'i Circuit Courts?

Answered: 253 Skipped: 155

ANSWER CHOICES	RESPONSES	
Almost never	16.60%	42
Occasionally	40.71%	103
About 50% of the time	23.32%	59
Often	15.42%	39
Almost always	3.95%	10
TOTAL		253

Q22 The primary cause of delay in the litigation process in Hawai'i Circuit Courts is:

Answered: 250 Skipped: 158

ANSWER CHOICES	RESPONSES	
Lack of a trial setting conference at the outset of the case	16.00%	40
Delayed rulings on pending motions	6.00%	15
Court continuances of scheduled events	1.20%	3
Attorney requests for extensions of time and continuances	16.00%	40
The time spent on discovery	23.60%	59
Lack of attorney collaboration on discovery issues and proceedings	10.80%	27
Other (please specify)	26.40%	66
TOTAL		250

#	OTHER (PLEASE SPECIFY)	DATE
1	No cause is primary. It often depends on the judge or opposing attorneys involved. Mediation/arbitration often adds a layer of costs to cases which cannot be settled. It seems the courts will do anything to avoid a trial on the merits, increasing costs of litigation..	12/31/2018 11:51 AM
2	all of the above.	12/26/2018 2:48 PM
3	combination of time in discovery and delayed rulings	12/26/2018 1:40 PM
4	Trials are scheduled prematurely often requiring subsequent rescheduling that causes repeated strain on the court's caldenar.	12/26/2018 1:08 PM
5	All of the above. Setting a trial date at the outset of a case would be beneficial and may reduce the impact of the other options. Courts don't usually delay rulings in my experience, but there seems to be a general unwillingness to grant dispositive motions when warranted, which results in many cases remaining on calendar for far longer than they should, resulting in the court and the parties wasting time and resources. Parties no longer seem willing to settle cases on their own anymore, instead doing so only at mediation or perhaps a settlement conference.	12/26/2018 12:50 PM
6	Backlog of trial dates	12/26/2018 11:50 AM
7	Plaintiffs failing to be diligent	12/26/2018 11:45 AM
8	Need earlier serious ADR promotion	12/10/2018 5:38 PM
9	Lack of enforcement of directives intended to expedite litigation.	12/10/2018 10:14 AM
10	Frivolous litigation by defense attorneys who never, ever get sanctioned, no matter how much extra fees their lies and frivolity cost the plaintiff.	12/7/2018 9:26 AM
11	trial date scheduling and appeals	12/3/2018 10:53 AM
12	The court grants too many continuances to the government.	11/30/2018 1:48 PM
13	None primary but all secondary causes.	11/30/2018 10:49 AM
14	defense attorneys schedules	11/29/2018 2:03 PM

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15	I caveat my comment with my limited experience in Hawaii Courts, but I believe there is a lack of collegiality between the Judges and Counsel. In the system I come from Judges regularly have counsel (both sides together of course) for pre-hearing discussions on many timing and scheduling issues. Sometimes it is one of the counsel that requests the pre-trial meetings. Sometimes the Judge wants to know how things are progressing and quite often directs counsel to have a Pre-trial settlement conference to resolve some or all of the issues. Also, mediations and other forms of ADR are employed at the recommendation or request of both counsel and the Judges. Here it is mandated and mechanical, as set out in the HRCP and the FRCP, but in the system I come from it is less mandated by the Rules and primarily initiated by the Counsel and the Judges. I realize it is a fundamental difference between the systems, but the British/Canadian system generally awards cost (on a two or three tier scale) to the successful party in virtually all proceedings and this discourages litigation and encourages settlement and ADR, but the US system has its benefits by encouraging Pro Se Litigants/Plaintiff Contingency Litigants to bring actions that are generally not feasible under the British System. It does heavily burden the legal system though.	11/29/2018 12:24 PM
16	There is no "delay". "judicial due process" simply requires time. Justice is not instant pudding and the Courts should stop trying to make it such. Educate the public about what real access to justice is would be preferable to asking about an alleged "delay"	11/29/2018 9:33 AM
17	the overloading of cases to judges. there is a need for a judicial or non judicial review of the cases before trial. there needs to be a level before CAAP.	11/29/2018 9:14 AM
18	ALL OF THE ABOVE	11/29/2018 8:35 AM
19	attorney laziness, and economic disincentives to settle	11/29/2018 7:56 AM
20	All of the above	11/29/2018 6:22 AM
21	Court and Party's continuances	11/28/2018 9:16 PM
22	Lack of court supervision over discovery issues and proceedings	11/28/2018 7:34 PM
23	each of the choices represent delay causes depending on the case...	11/28/2018 7:31 PM
24	various reasons	11/28/2018 7:18 PM
25	No one primary cause; need to look at case-by-case	11/28/2018 6:38 PM
26	Too much discovery, too many court mandated statements and no incentive for defense counsel to settle cases early. Judges over use mediation. Judges should set clear and certain deadlines, refuse extensions, limit discovery and eliminate paperwork. Nothing induces a faster resolution more than a quick and certain trial date.	11/28/2018 6:28 PM
27	Not requiring early settlement conference	11/28/2018 5:55 PM
28	Delays in court setting of settlement conferences	11/28/2018 5:50 PM
29	I haven't done a civil case in Circuit Court for a while, so no opinion	11/28/2018 5:43 PM
30	Complexities caused by legal and evidentiary issues, e.g., Reyes-Toldeo	11/28/2018 5:39 PM
31	A primary cause is difficult to select because I think that a couple of issues are the common sources of delay. First, discovery is broad and unmanaged from the beginning, which enables counsel to draw out the discovery process, sometimes hoping to outspend the other side. Second, extensions and continuance are a common source of delay. Courts grant them freely and counsel is encouraged to agree to any reasonable request. Reasonable requests require no verification so these requests are likely abused regularly. The effect of these issues is that firms continue to accept litigation cases because there can be huge lulls in activity. Then, an inevitable "perfect storm" of deadlines and appearances drains firm resources and attorneys are spread thin. This scenario is unlikely to result in excellent representation of clients.	11/28/2018 5:27 PM
32	Trial should be within 12 months of filing date. Immediate conferences, 45 day mandatory dual document production, etc.	11/28/2018 5:02 PM
33	judges who take steps to prevent speedy trials	11/28/2018 5:01 PM
34	all of these at different times. Also the long appeal process	11/28/2018 5:01 PM
35	Defense try to rack up billables	11/28/2018 4:58 PM
36	lack of trial setting...time spent on discovery....lack of attorney collaboration	11/19/2018 10:47 AM
37	don't know currently	11/19/2018 10:36 AM

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38	all of the above	11/19/2018 9:45 AM
39	attorney requests...the time spent...lack of attorney collaboration	11/19/2018 9:22 AM
40	court continuances & criminal priority	11/15/2018 10:45 AM
41	lack of trial; time spent; lack of atty; atty requests	11/15/2018 7:52 AM
42	lack of atty collaboration; inefficiency of the CAAP process	11/14/2018 3:09 PM
43	court continuances as scheduled events, lack of atty collaboration & time spent on discovery	11/13/2018 1:50 PM
44	lack of attorney collaboration and need for earlier settlement conference and monitoring of discovery	11/13/2018 1:43 PM
45	attorneys' calendars are not compatible with early trial dates	11/13/2018 1:22 PM
46	attorney request for extensions of time, time spent on discovery and lack of attorney collaboration.	11/13/2018 1:18 PM
47	the system is too crowded. We need more judges, maybe state court magistrates. As well as support staff and physical plant (more courtrooms).	11/13/2018 11:41 AM
48	delayed ruling, time spent on discovery, failure to enforce rule 12(b)(6) at pleading stage.	11/9/2018 8:09 AM
49	available realistic court dates and attorney trial schedules	11/9/2018 8:05 AM
50	court continuances and attorney requests	11/9/2018 7:56 AM
51	attorney request for extension and time spent on discovery	11/9/2018 7:50 AM
52	Lack of trial setting, time spent on discovery, counsels' packed schedules	11/8/2018 3:40 PM
53	Lack of trial setting conference & time spent on discovery	11/8/2018 2:46 PM
54	lack of trial setting conference at outset & lack of atty collaboration	11/8/2018 2:04 PM
55	Court continuances & lack of court availability for hearing & trial dates	11/8/2018 1:52 PM
56	Atty requests; time spent on discovery; lack of atty collaboration	11/8/2018 1:20 PM
57	not setting hearings with 20 days	11/8/2018 1:16 PM
58	Lack of trial setting conference & Lack of atty collaboration	11/8/2018 1:06 PM
59	Atty requests for ext. time & continuances; Lack of atty collaboration on disc. issues/proceedings	11/8/2018 12:45 PM
60	lack of trial setting conference at outset of case & lack of case managment by attys	11/8/2018 12:33 PM
61	The burden and unreasonable expectations plays on lawyers to try a case if trial courts force the parties to try the case on truly disputed issues more cases would ... (see original)	11/8/2018 11:18 AM
62	No urgency by attorneys. Attorneys too busy.	11/8/2018 10:29 AM
63	checked #4, #5, and #6	11/8/2018 10:00 AM
64	five selected except delayed rulings	11/8/2018 9:50 AM
65	attorney request for extensions and time spent on discovery	11/8/2018 8:50 AM
66	lawyers not seeking prompt resolution (i.e. not paying enough attention to their cases)	11/7/2018 2:31 PM

Q23 How often does the cost of litigation force cases to settle that should not settle based on the merits?

Answered: 258 Skipped: 150

ANSWER CHOICES	RESPONSES	
Almost never	5.04%	13
Occasionally	31.01%	80
About 50% of the time	14.34%	37
Often	43.02%	111
Almost always	6.59%	17
TOTAL		258

Q24 How often does the length of time it takes to get a case to trial force cases to settle that should not settle based on the merits?

Answered: 258 Skipped: 150

ANSWER CHOICES	RESPONSES	
Almost never	16.67%	43
Occasionally	41.09%	106
About 50% of the time	10.85%	28
Often	28.29%	73
Almost always	3.10%	8
TOTAL		258

Q25 How often is each of the following a significant factor in the decision to settle a case?

Answered: 254 Skipped: 154

	ALMOST NEVER	OCCASIONALLY	ABOUT 50% OF THE TIME	OFTEN	ALMOST ALWAYS	TOTAL
Expert witness costs	8.76% 22	45.42% 114	13.94% 35	25.50% 64	6.37% 16	251
Deposition costs	16.67% 42	42.06% 106	17.46% 44	20.63% 52	3.17% 8	252
Document production costs	26.59% 67	44.44% 112	14.29% 36	13.10% 33	1.59% 4	252
E-discovery costs	33.33% 81	39.92% 97	13.58% 33	10.70% 26	2.47% 6	243
Trial costs	6.37% 16	21.51% 54	12.75% 32	40.64% 102	18.73% 47	251
Legal research costs	49.80% 123	30.77% 76	8.91% 22	8.50% 21	2.02% 5	247
Motions practice costs	30.12% 75	38.15% 95	14.06% 35	13.25% 33	4.42% 11	249
Attorney fees	9.92% 25	19.05% 48	13.10% 33	35.32% 89	22.62% 57	252
Time it takes to get to trial	16.40% 41	26.40% 66	14.80% 37	30.00% 75	12.40% 31	250

Q26 Please indicate how often the following occur in your experience as it relates to Hawai'i Circuit Courts.

Answered: 257 Skipped: 151

	ALMOST NEVER	OCCASIONALLY	ABOUT 50% OF THE TIME	OFTEN	ALMOST ALWAYS	TOTAL	WEIGHTED AVERAGE
Litigants engage in misconduct and rule violations that serve to increase the costs of and/or delay litigation.	24.90% 64	56.03% 144	7.39% 19	9.73% 25	1.95% 5	257	2.08
Litigants request sanctions for such misconduct and rule violations.	35.55% 91	46.88% 120	7.42% 19	8.20% 21	1.95% 5	256	1.94
Courts impose sanctions for such misconduct and rule violations	60.94% 156	33.98% 87	2.73% 7	1.56% 4	0.78% 2	256	1.47

Q27 For each statement, please indicate your level of agreement as it applies to Hawai'i Circuit Courts.

Answered: 253 Skipped: 155

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
Discovery and judicial involvement should be tailored to the needs of a case, as not every case requires the same amount of discovery and judicial involvement.	1.20% 3	1.99% 5	46.22% 116	49.00% 123	1.59% 4	251	3.48
Efficiency and costs savings would be enhanced if cases were separated into different pathways based on criteria such as amount in controversy and complexity, with appropriate levels of discovery and judicial resources applied to each pathway.	3.97% 10	9.92% 25	44.84% 113	34.52% 87	6.75% 17	252	3.30
Judicial involvement should happen once the parties have answered the complaint.	3.60% 9	14.40% 36	45.60% 114	31.20% 78	5.20% 13	250	3.20
The Court Annexed Arbitration Program (CAAP) should be modified to make participation in the program voluntary.	19.05% 48	33.33% 84	18.65% 47	11.51% 29	17.46% 44	252	2.75
Jury trials with a jury of less than twelve but not less than six jurors should be authorized.	8.37% 21	14.74% 37	37.45% 94	18.73% 47	20.72% 52	251	3.29

Q28 Please indicate your level of agreement with this statement as it applies to Hawai'i Circuit Courts: The Court Annexed Arbitration Program (CAAP) should be modified to increase the \$150,000 "probable jury award" ceiling for acceptance into the program.

Answered: 261 Skipped: 147

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	5.75% 15	17.24% 45	33.72% 88	19.54% 51	23.75% 62	261	3.38

Q29 To what dollar amount should the ceiling be increased?

Answered: 127 Skipped: 281

#	RESPONSES	DATE
1	500000	1/7/2019 10:01 AM
2	No opinion.	1/6/2019 10:40 PM
3	don't know	12/28/2018 5:21 PM
4	500,000	12/27/2018 11:28 AM
5	300,000.00	12/27/2018 10:02 AM
6	300000	12/26/2018 3:28 PM
7	\$ 300,000.00	12/26/2018 1:43 PM
8	250,000	12/26/2018 1:10 PM
9	250,000	12/26/2018 12:38 PM
10	no limit	12/26/2018 11:46 AM
11	\$250,000	12/17/2018 4:01 PM
12	250,000	12/10/2018 5:39 PM
13	\$250,000	12/10/2018 10:16 AM
14	\$250,000	12/6/2018 1:14 PM
15	200000	12/4/2018 5:09 PM
16	\$200,000	12/4/2018 9:05 AM
17	1,000,000	12/3/2018 7:50 PM
18	\$350,000	12/2/2018 1:47 PM
19	\$250,000	11/30/2018 8:11 PM
20	250000	11/30/2018 10:52 AM
21	one millioin	11/30/2018 10:51 AM
22	\$250,000	11/30/2018 7:17 AM
23	\$200,000	11/29/2018 9:51 PM
24	\$250,000	11/29/2018 9:46 PM
25	1 million	11/29/2018 1:39 PM
26	250000	11/29/2018 1:22 PM
27	500000	11/29/2018 12:52 PM
28	250,000	11/29/2018 11:57 AM
29	500,000	11/29/2018 11:39 AM
30	\$500,000	11/29/2018 11:07 AM
31	250,000	11/29/2018 10:52 AM
32	250,000	11/29/2018 10:49 AM
33	500,000	11/29/2018 10:38 AM
34	\$300,000.00	11/29/2018 10:14 AM
35	no opinion	11/29/2018 10:03 AM

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36	\$250,000	11/29/2018 9:38 AM
37	250,000	11/29/2018 9:16 AM
38	\$250,000	11/29/2018 9:10 AM
39	300000	11/29/2018 8:13 AM
40	\$250,000	11/29/2018 7:48 AM
41	\$200,000	11/29/2018 6:26 AM
42	500,000	11/29/2018 5:20 AM
43	200,000.00	11/29/2018 3:24 AM
44	300000	11/29/2018 3:19 AM
45	1million	11/28/2018 11:10 PM
46	300000	11/28/2018 9:26 PM
47	175000	11/28/2018 9:22 PM
48	500,000	11/28/2018 8:02 PM
49	300000	11/28/2018 7:38 PM
50	300,000	11/28/2018 6:29 PM
51	No limit	11/28/2018 5:57 PM
52	\$200,000	11/28/2018 5:47 PM
53	\$300,000	11/28/2018 5:42 PM
54	?	11/28/2018 5:28 PM
55	\$250,000.00	11/28/2018 5:20 PM
56	250000	11/28/2018 5:12 PM
57	\$250,000	11/28/2018 5:05 PM
58	\$500,000	11/28/2018 5:04 PM
59	\$250,000	11/28/2018 5:03 PM
60	\$250,000	11/28/2018 4:59 PM
61	500,000.00	11/28/2018 4:59 PM
62	250,000	11/28/2018 4:59 PM
63	1,000,000	11/28/2018 4:56 PM
64	200,000	11/28/2018 4:53 PM
65	\$250,000	11/28/2018 4:52 PM
66	\$250,000.00	11/28/2018 4:50 PM
67	\$250,000	11/27/2018 8:53 PM
68	\$500,000	11/27/2018 1:25 PM
69	500000	11/19/2018 10:47 AM
70	500000	11/19/2018 10:40 AM
71	unlimited	11/19/2018 10:30 AM
72	300000	11/19/2018 9:46 AM
73	300000	11/19/2018 9:39 AM
74	350000	11/19/2018 9:23 AM
75	250000	11/15/2018 10:51 AM
76	300000	11/15/2018 10:46 AM

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77	250000	11/15/2018 9:19 AM
78	250000	11/15/2018 8:19 AM
79	450000	11/15/2018 7:56 AM
80	\$500,000	11/15/2018 7:44 AM
81	250000	11/13/2018 3:23 PM
82	250000	11/13/2018 3:19 PM
83	250000	11/13/2018 3:15 PM
84	500000	11/13/2018 3:08 PM
85	250000	11/13/2018 3:02 PM
86	250000	11/13/2018 2:46 PM
87	300000	11/13/2018 2:35 PM
88	200000	11/13/2018 2:30 PM
89	250000	11/13/2018 2:25 PM
90	250000	11/13/2018 1:43 PM
91	250000	11/13/2018 1:29 PM
92	250000	11/13/2018 1:19 PM
93	250000	11/13/2018 1:09 PM
94	300000	11/13/2018 12:57 PM
95	250000	11/13/2018 12:43 PM
96	250000	11/13/2018 11:42 AM
97	200000	11/9/2018 7:51 AM
98	250000	11/8/2018 3:40 PM
99	250000	11/8/2018 2:41 PM
100	500000	11/8/2018 2:15 PM
101	500000	11/8/2018 1:53 PM
102	250000	11/8/2018 1:43 PM
103	250000	11/8/2018 1:35 PM
104	200000	11/8/2018 1:20 PM
105	300000	11/8/2018 1:16 PM
106	250000	11/8/2018 1:12 PM
107	\$250,000	11/8/2018 12:52 PM
108	\$250,000	11/8/2018 12:35 PM
109	200,000	11/8/2018 12:28 PM
110	250000	11/8/2018 10:44 AM
111	250000	11/8/2018 10:40 AM
112	200000	11/8/2018 10:33 AM
113	250000	11/8/2018 10:25 AM
114	250000	11/8/2018 10:00 AM
115	250000	11/8/2018 9:50 AM
116	300000	11/8/2018 9:43 AM
117	250000	11/8/2018 9:10 AM

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118	200000	11/8/2018 9:00 AM
119	200000	11/8/2018 8:57 AM
120	500000	11/8/2018 8:51 AM
121	350000	11/8/2018 8:44 AM
122	250000	11/8/2018 8:37 AM
123	250000	11/7/2018 2:52 PM
124	500000	11/7/2018 2:46 PM
125	500000	11/7/2018 2:37 PM
126	500000	11/7/2018 2:13 PM
127	250,000	11/7/2018 11:02 AM

Q30 Please indicate your level of agreement with this statement as it applies to Hawai'i Circuit Courts: The CAAP should be expanded to apply to cases besides tort cases.

Answered: 260 Skipped: 148

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	3.85% 10	17.69% 46	41.54% 108	19.23% 50	17.69% 46	260	3.29

Q31 What other types of cases should be included in the CAAP?

Answered: 140 Skipped: 268

#	RESPONSES	DATE
1	Minor contract disputes (less than \$50,000 at issue).	1/8/2019 11:27 PM
2	Injunction	1/7/2019 10:02 AM
3	Simpler disputes	12/28/2018 5:22 PM
4	not sure, maybe contract disputes?	12/27/2018 10:03 AM
5	All non-declaratory relief and non-injunctive relief cases. Vetting for arbitrators should be more stringent for non-tort cases.	12/26/2018 3:30 PM
6	Contract, Construction and Planned Community Association Disputes	12/26/2018 1:46 PM
7	simple contract disputes	12/26/2018 1:10 PM
8	Cases in which requested relief is primarily monetary, e.g, contract, employment	12/26/2018 12:39 PM
9	Contract disputes.	12/26/2018 12:33 PM
10	Declaratory judgment	12/26/2018 11:49 AM
11	most civil cases should be included. complex cases can be assigned to more experienced attorneys to act as arbitrators	12/26/2018 11:47 AM
12	dec actions	12/23/2018 5:24 PM
13	All	12/17/2018 4:01 PM
14	Contract disputes (e.g., breach)	12/17/2018 11:39 AM
15	Contract	12/10/2018 5:40 PM
16	contract	12/10/2018 2:33 PM
17	contract	12/7/2018 4:33 PM
18	Other civil cases with anticipated judgment of <\$250K.	12/6/2018 1:15 PM
19	contract cases	12/6/2018 8:07 AM
20	contract; construction disputes	12/5/2018 3:29 PM
21	contract disputes: participated in this requirement in Oregon courts years ago	12/4/2018 5:09 PM
22	contract disputes, boundary disputes	12/4/2018 1:15 PM
23	Contract disputes	12/4/2018 9:06 AM
24	All cases.	12/2/2018 1:47 PM
25	Non-mandatory contract and other business litigation.	11/30/2018 8:12 PM
26	Contract cases	11/30/2018 4:23 PM
27	civil rights, criminal defense	11/30/2018 1:52 PM
28	Real Estate	11/30/2018 10:52 AM
29	small contract disputes; other disputes with low dollar value, but not class actions or complex litigation.	11/30/2018 10:52 AM
30	Contract disputes that are not complex	11/30/2018 7:17 AM
31	Contact disputes	11/29/2018 9:52 PM
32	Business litigation	11/29/2018 9:47 PM
33	contract	11/29/2018 1:39 PM

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34	contract, some employee matters, medical malpractice to 250K, contested probate	11/29/2018 1:26 PM
35	medical malpractice, everything	11/29/2018 12:55 PM
36	Contract cases, agency appeals, all civil cases	11/29/2018 11:58 AM
37	Employment	11/29/2018 11:40 AM
38	Govtenforcement cases	11/29/2018 11:23 AM
39	All cases included in CAAP or a modified version of CAAP where the judiciary creates full-time positions for CAAP arbitrators.	11/29/2018 11:08 AM
40	Contract disputes, including labor, employment and construction, as well as other civil cases that are not subject to referral to special boards or commissions.	11/29/2018 10:55 AM
41	Not sure	11/29/2018 10:53 AM
42	all cases involving monetary damages	11/29/2018 10:39 AM
43	all cases except malpractice and a separate CAAP like process should be set up for these and other cases.	11/29/2018 9:19 AM
44	All civil cases except multiparty complex	11/29/2018 9:10 AM
45	All civil (and family and probate) cases, up to a monetary limit (except for family, which should be limited by other criteria).	11/29/2018 8:58 AM
46	contract; UDAP	11/29/2018 8:13 AM
47	Contract	11/29/2018 8:07 AM
48	all cases, no special treatment	11/29/2018 7:57 AM
49	condemnation, inmate litigation	11/29/2018 7:49 AM
50	all civil cases	11/29/2018 7:30 AM
51	Contract	11/29/2018 6:27 AM
52	All civil cases	11/29/2018 5:44 AM
53	Contract	11/29/2018 5:20 AM
54	contract	11/29/2018 3:25 AM
55	literally everything	11/29/2018 3:19 AM
56	personal injury, contract	11/28/2018 11:12 PM
57	Construction defects condo disputes	11/28/2018 9:27 PM
58	Debts, contracts,	11/28/2018 9:24 PM
59	Most tort, contract, and basic disputes	11/28/2018 8:03 PM
60	contract (but not foreclosure)	11/28/2018 7:38 PM
61	Contract, collection cases but not foreclosure.	11/28/2018 7:21 PM
62	Breach of contract, but not complex mixed-claims cases	11/28/2018 7:11 PM
63	All circuit court cases. Not family court	11/28/2018 5:52 PM
64	Contract	11/28/2018 5:47 PM
65	property disputes, debtor/creditor disputes, some contract matters	11/28/2018 5:46 PM
66	All	11/28/2018 5:42 PM
67	any case that litigants believe would benefit from the process.	11/28/2018 5:38 PM
68	contract, partnerships, domestic relations	11/28/2018 5:35 PM
69	Pretty much anything except foreclosure cases.	11/28/2018 5:21 PM
70	contract	11/28/2018 5:13 PM

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71	Any type of case where the parties and their counsel agree to participate in CAAP. It can be a useful tool to help resolve the case sooner, but it is important to have an attorney familiar with the area of practice for each case.	11/28/2018 5:10 PM
72	Cases that are more than likely to go to trial.	11/28/2018 5:09 PM
73	Contract	11/28/2018 5:07 PM
74	Landlord/Tenant Disputes or breach of rental agreement cases	11/28/2018 5:06 PM
75	Contract.	11/28/2018 5:05 PM
76	Contract cases	11/28/2018 5:05 PM
77	relatively less complex civil cases that usually settle 90% of the time	11/28/2018 5:04 PM
78	all types	11/28/2018 5:03 PM
79	Contract cases with less than 3 parties or a \$ ceiling.	11/28/2018 5:02 PM
80	Breach of Contract	11/28/2018 4:59 PM
81	Contract	11/28/2018 4:59 PM
82	any complaint seeking money damages	11/28/2018 4:56 PM
83	All civil cases	11/28/2018 4:53 PM
84	real property disputes, construction defect, small business disputes	11/28/2018 4:51 PM
85	Contracts, construction litigation	11/27/2018 8:53 PM
86	discrimination, contracts	11/19/2018 10:48 AM
87	under 50000 any civil case	11/19/2018 10:37 AM
88	all cases unless elected out	11/19/2018 10:30 AM
89	contract	11/19/2018 9:46 AM
90	contracts	11/19/2018 9:39 AM
91	business and litigation	11/19/2018 9:24 AM
92	AOAO, covenants/deed covenant violations; smaller construct defects case involving homeowners; breach of warranty in consumer product cases	11/15/2018 10:52 AM
93	admin appeals, landlord, contracts, purchase & sale of residential property	11/15/2018 10:47 AM
94	contract disputes	11/15/2018 10:42 AM
95	Two party contract cases. Product liability. Single plaintiff (not AOAO) construction cases.	11/15/2018 9:21 AM
96	contract	11/15/2018 8:19 AM
97	sexual harassment, breach of contract, premises liability, privacy tort	11/15/2018 8:06 AM
98	employment	11/13/2018 3:24 PM
99	breach of contract	11/13/2018 3:20 PM
100	all	11/13/2018 3:15 PM
101	contract, property disputes, others	11/13/2018 3:09 PM
102	contract, agency appeals	11/13/2018 3:02 PM
103	contract cases	11/13/2018 2:46 PM
104	contract	11/13/2018 2:30 PM
105	contract, construction litigation	11/13/2018 2:26 PM
106	Employment, construction, any case in which insurance coverage is available	11/13/2018 1:43 PM
107	contracts, employment	11/13/2018 1:29 PM
108	all cases	11/13/2018 1:22 PM
109	contract, environmental	11/13/2018 1:01 PM

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110	Assumpsit	11/13/2018 12:43 PM
111	foreclosure, collections, AOAO cases	11/13/2018 11:42 AM
112	simple contract disputes	11/9/2018 8:05 AM
113	contract	11/9/2018 7:51 AM
114	contract	11/8/2018 3:40 PM
115	contracts	11/8/2018 2:42 PM
116	AOAO disputes & construction disputes	11/8/2018 2:16 PM
117	breach of contract	11/8/2018 1:53 PM
118	contracts	11/8/2018 1:43 PM
119	contract dispute & foreclosures	11/8/2018 1:35 PM
120	all	11/8/2018 1:12 PM
121	contracts	11/8/2018 12:52 PM
122	contracts	11/8/2018 12:35 PM
123	all other cases except product liability and construction defects.	11/8/2018 10:49 AM
124	all civil	11/8/2018 10:45 AM
125	contracts below a certain \$ amount in dispute.	11/8/2018 10:41 AM
126	contract case below a specific amount. For example, \$100,000	11/8/2018 10:34 AM
127	contract, other civil actions	11/8/2018 10:30 AM
128	2 party contract disputes	11/8/2018 9:55 AM
129	contract but not foreclosures	11/8/2018 9:44 AM
130	contract, lease	11/8/2018 9:11 AM
131	contract	11/8/2018 9:00 AM
132	contract	11/8/2018 8:51 AM
133	contract, collection cases	11/8/2018 8:44 AM
134	non-tort	11/8/2018 8:37 AM
135	contracts, employment cases	11/7/2018 2:52 PM
136	contract	11/7/2018 2:46 PM
137	all	11/7/2018 2:37 PM
138	contract, not forclosures	11/7/2018 2:18 PM
139	employment law	11/7/2018 2:13 PM
140	Non-complex contract matters	11/7/2018 11:02 AM

Q32 Please indicate your level of agreement with this statement as it applies to Hawai'i Circuit Courts: Specialized courts to handle specific types of civil cases or disputes should be created.

Answered: 260 Skipped: 148

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	6.92% 18	23.46% 61	33.08% 86	16.92% 44	19.62% 51	260	3.19

Q33 What types of specialized courts would you recommend?

Answered: 91 Skipped: 317

#	RESPONSES	DATE
1	Courts focused on commercial contract disputes and insurance coverage issues.	1/8/2019 11:28 PM
2	agency appeal	1/7/2019 10:02 AM
3	Need separate civil and criminal judges on the 2nd, 3rd, and 5th circuit.	12/27/2018 11:29 AM
4	Construction	12/26/2018 5:02 PM
5	Business-litigation related courts like the chancery courts in Delaware and a fed-court style magistrate judge that handles discovery disputes. A full-time discovery master would be a great idea.	12/26/2018 3:33 PM
6	At minimum - civil and criminal cases should be litigated in separate courts, especially where the Circuit Court judges experience is primarily civil or criminal. This is not done in the Third Circuit. Cases involving property and Association disputes.	12/26/2018 1:48 PM
7	Construction litigation	12/26/2018 1:11 PM
8	Construction court; malpractice (medical and other professional malpractice)	12/26/2018 12:34 PM
9	wrongful foreclosure court	12/26/2018 11:51 AM
10	Condominium/HOA	12/26/2018 11:49 AM
11	The environmental court is great. Would also be great to have a property court handling land use, property and QT issues	12/23/2018 5:25 PM
12	not sure	12/17/2018 4:02 PM
13	construction cases (both contract disputes, and cases on construction defects)	12/6/2018 8:08 AM
14	construction	12/5/2018 3:30 PM
15	probate and trust	12/4/2018 5:10 PM
16	commercial litigation court	12/4/2018 1:15 PM
17	construction, med mal, large contract disputes, product liability...anything where specialization and background knowledge and experience is helpful.	12/3/2018 10:55 AM
18	Asbestos; Medical Malpractice; Construction Defects	12/1/2018 3:26 PM
19	environmental; foreclosure;	11/30/2018 9:40 PM
20	Commercial litigation, construction litigation, secured transaction litigation and collections and foreclosure litigation with judges who come from that practice area.	11/30/2018 8:14 PM
21	Foreclosures, personal injury	11/30/2018 7:19 AM
22	Torts, Business litigation	11/29/2018 9:48 PM
23	courts dealing with tort cases so judges will be experts in that area.	11/29/2018 2:06 PM
24	(1) Construction litigation / bid protests, (2) corporate issues such as embezzlement, conversion, stockholder claims.	11/29/2018 12:26 PM
25	Perhaps divided by level of court involvement rather than areas of law. E.g., parties who waive jury trial could be fast-tracked to court that only addresses bench trials;	11/29/2018 11:14 AM
26	Employment law and labor law cases including employment related discrimination	11/29/2018 11:13 AM
27	Foreclosure court; eviction court; separate court for custody issues vice general family court	11/29/2018 10:53 AM
28	Court to handle Landlord/Tenant disputes; court to handle real property related issues such as foreclosures, partitions, boundary disputes, etc.	11/29/2018 10:18 AM
29	construction defect; med mal; civil rights; employment	11/29/2018 9:41 AM

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30	malpractice and other areas like construction lit	11/29/2018 9:21 AM
31	unsure. need further analysis	11/29/2018 9:11 AM
32	Homeowner Association Disputes	11/29/2018 8:14 AM
33	as many as financially possible	11/29/2018 7:31 AM
34	Real Property	11/29/2018 7:21 AM
35	business related matters; tax matters; IP law matters	11/29/2018 3:20 AM
36	Harassment, medmal	11/28/2018 11:28 PM
37	Judges familiar with the type of civil case litigated.	11/28/2018 11:28 PM
38	residential foreclosure	11/28/2018 11:13 PM
39	Commercial/Chancery	11/28/2018 9:32 PM
40	Construction insurance condominium	11/28/2018 9:28 PM
41	Foreclosure, debts and contracts,	11/28/2018 9:26 PM
42	contract disputes, construction disputes	11/28/2018 7:39 PM
43	foreclosure courts to streamline the process	11/28/2018 7:21 PM
44	Based on amount in controversy.	11/28/2018 6:29 PM
45	tort, contract, specify a sought amount in complaint	11/28/2018 5:53 PM
46	complex litigation, probate, class actions	11/28/2018 5:47 PM
47	1) Household Mortgage Foreclosures; and 2) Condominiums, each with court-approved forms as it is in the District Courts for assumpsit and summary possession cases	11/28/2018 5:44 PM
48	small torts (less than \$150,000), contract, foreclosure	11/28/2018 5:36 PM
49	Personal injury, malpractice, construction	11/28/2018 5:30 PM
50	Foreclosure. Breach of Construction Contracts.	11/28/2018 5:23 PM
51	foreclosure; condominium and planned community disputes	11/28/2018 5:14 PM
52	Construction defect, contract, real property, product liability are worth at least a try.	11/28/2018 5:10 PM
53	contract and tort	11/28/2018 5:09 PM
54	malpractice (where standard of care is primary issue) construction condos quiet titles/partitions eminent domain auto/no fault	11/28/2018 5:07 PM
55	Civil rights.	11/28/2018 5:05 PM
56	Corporate/Commercial/Construction	11/28/2018 5:05 PM
57	Real property issues including foreclosure; commercial;	11/28/2018 4:57 PM
58	foreclosure	11/28/2018 4:55 PM
59	separate civil and criminal courts and treatment courts	11/19/2018 10:48 AM
60	torts	11/19/2018 10:41 AM
61	complex	11/19/2018 10:30 AM
62	constructions courts, medical malpractice	11/19/2018 9:39 AM
63	AOAO/private deed covenant cases	11/15/2018 10:53 AM
64	real estate	11/15/2018 10:47 AM
65	DUI	11/15/2018 8:19 AM
66	civil rights & employment	11/15/2018 8:07 AM
67	business courts, commercial courts, labor courts	11/13/2018 2:46 PM
68	indigenous cultural	11/13/2018 2:19 PM

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69	discovery	11/13/2018 1:29 PM
70	personal injury, product liability, employment, etc.	11/13/2018 12:44 PM
71	foreclosure and collections	11/13/2018 11:43 AM
72	condo/AOAO ??? Division???	11/9/2018 8:10 AM
73	On Maui we have no real specializations so trust/property, real estate	11/9/2018 7:57 AM
74	Courts that handle commercial cases similar to Delaware.	11/8/2018 3:32 PM
75	foreclosures, liens, construction	11/8/2018 2:42 PM
76	construction & AOAO disputes.	11/8/2018 2:16 PM
77	contract disputes	11/8/2018 1:35 PM
78	personal injury	11/8/2018 1:30 PM
79	complex litigation e.g. malpractice	11/8/2018 1:22 PM
80	Probate	11/8/2018 1:12 PM
81	personal injury courts	11/8/2018 11:19 AM
82	foreclosure	11/8/2018 10:34 AM
83	based on pathways	11/8/2018 10:14 AM
84	environmental, foreclosure, collection	11/8/2018 10:09 AM
85	foreclosure court	11/8/2018 10:01 AM
86	tort, contract, foreclosure	11/8/2018 9:44 AM
87	keep foreclosure separate	11/8/2018 9:16 AM
88	contract, tort	11/8/2018 8:51 AM
89	contract disputes	11/8/2018 8:37 AM
90	complex and class action	11/7/2018 2:18 PM
91	Foreclosure, agency appeals	11/7/2018 11:03 AM

Q34 Please indicate your level of agreement with this statement as it applies to Hawai'i Circuit Courts: The District Court's \$40,000 jurisdictional limit should be increased so that more cases can be filed in District Court.

Answered: 258 Skipped: 150

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	4.65% 12	22.48% 58	37.60% 97	20.16% 52	15.12% 39	258	3.19

Q35 To what dollar amount should the jurisdictional limit be increased?

Answered: 140 Skipped: 268

#	RESPONSES	DATE
1	50000	1/7/2019 10:03 AM
2	\$50,000 - 75,000	12/28/2018 5:23 PM
3	\$100,000	12/27/2018 11:29 AM
4	\$60,000	12/26/2018 2:51 PM
5	\$100,000.00	12/26/2018 1:49 PM
6	\$75,000	12/26/2018 1:20 PM
7	75,000	12/26/2018 1:11 PM
8	50,000	12/26/2018 12:39 PM
9	50000	12/26/2018 11:52 AM
10	\$100,000	12/17/2018 4:02 PM
11	\$100,000	12/17/2018 11:40 AM
12	75,000	12/10/2018 5:41 PM
13	100,000	12/10/2018 2:35 PM
14	100,000	12/10/2018 10:17 AM
15	\$60,000+	12/7/2018 1:19 PM
16	100,000	12/7/2018 9:28 AM
17	\$50K	12/6/2018 1:15 PM
18	50,000	12/6/2018 8:08 AM
19	125000	12/4/2018 1:15 PM
20	\$60,000	12/4/2018 9:06 AM
21	\$100,000	12/2/2018 1:48 PM
22	UNLIMITED - with an option above \$50,000 for the Defendant to request transfer to Circuit Court	11/30/2018 8:17 PM
23	100000	11/30/2018 10:53 AM
24	\$100,000	11/30/2018 10:52 AM
25	\$50,000	11/29/2018 9:53 PM
26	\$75,000	11/29/2018 9:48 PM
27	\$100,000	11/29/2018 2:06 PM
28	75 k	11/29/2018 1:40 PM
29	100000	11/29/2018 12:58 PM
30	Not sure it depends on complexity of Case	11/29/2018 12:32 PM
31	100,000	11/29/2018 11:58 AM
32	100,000	11/29/2018 11:40 AM
33	100,000	11/29/2018 11:14 AM
34	\$150,000	11/29/2018 11:14 AM
35	50000	11/29/2018 11:03 AM

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36	75,000	11/29/2018 10:58 AM
37	75,000	11/29/2018 10:54 AM
38	50,000	11/29/2018 10:40 AM
39	\$50,000.00	11/29/2018 10:19 AM
40	\$100,000	11/29/2018 9:41 AM
41	\$150,000.00	11/29/2018 9:35 AM
42	300,000	11/29/2018 9:22 AM
43	\$100,000	11/29/2018 9:12 AM
44	\$75,000	11/29/2018 8:43 AM
45	50,000	11/29/2018 8:36 AM
46	100,000	11/29/2018 8:36 AM
47	100,000	11/29/2018 8:14 AM
48	\$50,000	11/29/2018 8:08 AM
49	100,000	11/29/2018 7:49 AM
50	\$100,000	11/29/2018 7:31 AM
51	\$200,000	11/29/2018 7:21 AM
52	75,000	11/29/2018 5:44 AM
53	\$100,000	11/29/2018 5:35 AM
54	100,000	11/29/2018 5:21 AM
55	100,000.00	11/29/2018 3:25 AM
56	75000	11/28/2018 11:29 PM
57	\$75000	11/28/2018 11:28 PM
58	\$50,000	11/28/2018 11:13 PM
59	75000	11/28/2018 9:52 PM
60	75000	11/28/2018 9:32 PM
61	70000	11/28/2018 7:39 PM
62	75000	11/28/2018 7:16 PM
63	100,000	11/28/2018 6:49 PM
64	150,000	11/28/2018 6:31 PM
65	100,000	11/28/2018 6:29 PM
66	\$50,000.00	11/28/2018 5:53 PM
67	\$50,000	11/28/2018 5:48 PM
68	\$60,000	11/28/2018 5:44 PM
69	\$100,000	11/28/2018 5:36 PM
70	100k	11/28/2018 5:31 PM
71	80000	11/28/2018 5:28 PM
72	\$75,000.00	11/28/2018 5:21 PM
73	\$80,000	11/28/2018 5:15 PM
74	100000	11/28/2018 5:14 PM
75	75000	11/28/2018 5:12 PM
76	\$75,000	11/28/2018 5:10 PM

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77	\$100,000	11/28/2018 5:08 PM
78	\$75,000	11/28/2018 5:07 PM
79	\$50,000	11/28/2018 5:03 PM
80	100,000.00	11/28/2018 5:02 PM
81	\$75,000	11/28/2018 5:00 PM
82	100,000	11/28/2018 4:59 PM
83	\$50,000	11/28/2018 4:58 PM
84	75,000	11/28/2018 4:56 PM
85	75,000	11/28/2018 4:54 PM
86	\$100,000	11/28/2018 4:52 PM
87	\$75,000.00	11/28/2018 4:51 PM
88	100,000	11/27/2018 1:26 PM
89	75000	11/19/2018 10:48 AM
90	75000	11/19/2018 10:41 AM
91	60000	11/19/2018 9:46 AM
92	100000	11/19/2018 9:24 AM
93	75000	11/15/2018 10:53 AM
94	150000	11/15/2018 10:47 AM
95	50000	11/15/2018 10:42 AM
96	75,000	11/15/2018 9:39 AM
97	\$75,000	11/15/2018 9:22 AM
98	\$100,000	11/15/2018 9:01 AM
99	100000	11/15/2018 8:19 AM
100	120000	11/15/2018 8:07 AM
101	100000 to unlimited w/ more district court judges	11/13/2018 3:09 PM
102	150000	11/13/2018 3:02 PM
103	75000	11/13/2018 2:30 PM
104	50000	11/13/2018 2:20 PM
105	75000	11/13/2018 1:30 PM
106	75000	11/13/2018 1:22 PM
107	50000	11/13/2018 1:14 PM
108	75000	11/13/2018 1:10 PM
109	50000	11/13/2018 12:44 PM
110	75000	11/13/2018 11:43 AM
111	100000	11/9/2018 7:57 AM
112	75000	11/8/2018 2:42 PM
113	100000	11/8/2018 1:58 PM
114	50000	11/8/2018 1:53 PM
115	100000	11/8/2018 1:43 PM
116	50000	11/8/2018 1:35 PM
117	75000	11/8/2018 1:30 PM

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118	100000	11/8/2018 1:22 PM
119	80000	11/8/2018 1:16 PM
120	100000	11/8/2018 1:12 PM
121	100000	11/8/2018 1:07 PM
122	75000	11/8/2018 12:52 PM
123	\$100,000	11/8/2018 12:35 PM
124	\$50,000 or \$75,000	11/8/2018 12:29 PM
125	\$75,000 w/District Ct being an option for pltf rather than CAAP	11/8/2018 11:19 AM
126	75000	11/8/2018 10:45 AM
127	75000	11/8/2018 10:41 AM
128	75000	11/8/2018 10:30 AM
129	75000	11/8/2018 10:25 AM
130	75000	11/8/2018 10:01 AM
131	60000	11/8/2018 9:44 AM
132	75000	11/8/2018 9:16 AM
133	50000	11/8/2018 9:01 AM
134	50000	11/8/2018 8:51 AM
135	75000	11/8/2018 8:44 AM
136	100000	11/8/2018 8:37 AM
137	50000	11/7/2018 2:52 PM
138	100000	11/7/2018 2:38 PM
139	100000	11/7/2018 2:14 PM
140	100000	11/7/2018 11:03 AM

Q36 Please indicate your level of agreement with this statement as it applies to Hawai'i Circuit Courts: The \$5,000 threshold for the right to a jury trial should be increased.

Answered: 257 Skipped: 151

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	6.23% 16	14.79% 38	34.24% 88	31.91% 82	12.84% 33	257	3.30

Q37 To what dollar amount should the jury trial threshold be increased?

Answered: 152 Skipped: 256

#	RESPONSES	DATE
1	\$100,000.00	1/23/2019 8:24 PM
2	50000	1/7/2019 10:03 AM
3	35,000	12/30/2018 11:50 AM
4	\$40,000	12/26/2018 9:16 PM
5	\$40,000	12/26/2018 3:34 PM
6	\$25,000	12/26/2018 2:52 PM
7	\$25,000.00	12/26/2018 1:51 PM
8	\$20,000	12/26/2018 1:21 PM
9	20,000	12/26/2018 12:53 PM
10	25,000	12/26/2018 12:40 PM
11	\$25,000	12/26/2018 12:35 PM
12	\$100,000	12/17/2018 4:03 PM
13	10,000	12/10/2018 5:42 PM
14	100,000	12/10/2018 2:35 PM
15	100,000	12/10/2018 10:17 AM
16	\$25,000	12/7/2018 4:34 PM
17	\$75,000	12/7/2018 1:20 PM
18	50,000	12/7/2018 9:28 AM
19	\$25K	12/6/2018 1:16 PM
20	50,000	12/6/2018 8:09 AM
21	\$25,000	12/5/2018 3:31 PM
22	100,000	12/4/2018 5:10 PM
23	125000	12/4/2018 1:16 PM
24	\$10,000	12/4/2018 9:06 AM
25	\$100,000	12/2/2018 1:49 PM
26	\$50,000	11/30/2018 8:17 PM
27	150000	11/30/2018 4:25 PM
28	50000	11/30/2018 10:53 AM
29	\$25,000	11/30/2018 10:53 AM
30	\$25,000	11/29/2018 9:48 PM
31	\$100,000	11/29/2018 2:07 PM
32	20000	11/29/2018 1:27 PM
33	25000	11/29/2018 12:58 PM
34	\$100,000	11/29/2018 12:32 PM
35	\$100,000	11/29/2018 11:15 AM

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36	25,000	11/29/2018 11:12 AM
37	35,000	11/29/2018 10:54 AM
38	50,000	11/29/2018 10:51 AM
39	\$25,000.00	11/29/2018 10:20 AM
40	\$25,000	11/29/2018 9:41 AM
41	200,000	11/29/2018 9:22 AM
42	\$10,000	11/29/2018 9:00 AM
43	\$20,000	11/29/2018 8:44 AM
44	25,000	11/29/2018 8:37 AM
45	75,000	11/29/2018 8:29 AM
46	100,000	11/29/2018 8:14 AM
47	100,000	11/29/2018 7:49 AM
48	\$50,000+	11/29/2018 7:31 AM
49	\$200,000	11/29/2018 7:22 AM
50	50,000	11/29/2018 5:45 AM
51	\$50,000	11/29/2018 5:35 AM
52	\$500,000	11/29/2018 5:33 AM
53	75,000.00	11/29/2018 3:26 AM
54	25000	11/28/2018 11:30 PM
55	30000	11/28/2018 11:29 PM
56	\$20,000	11/28/2018 11:14 PM
57	75000	11/28/2018 9:52 PM
58	12500	11/28/2018 9:28 PM
59	10,000	11/28/2018 7:46 PM
60	20000	11/28/2018 7:39 PM
61	\$25,000	11/28/2018 7:22 PM
62	Above District Court jurisdictional limit	11/28/2018 7:12 PM
63	commensurate with the type of case	11/28/2018 6:41 PM
64	35,000	11/28/2018 6:31 PM
65	50,000	11/28/2018 6:29 PM
66	\$25,000	11/28/2018 6:00 PM
67	50000	11/28/2018 5:58 PM
68	\$50,000.00	11/28/2018 5:53 PM
69	\$7,000	11/28/2018 5:49 PM
70	\$10,000	11/28/2018 5:48 PM
71	\$100,001	11/28/2018 5:37 PM
72	\$250,000.00	11/28/2018 5:22 PM
73	\$10,000	11/28/2018 5:16 PM
74	250000	11/28/2018 5:14 PM
75	50000	11/28/2018 5:13 PM
76	\$20,000	11/28/2018 5:11 PM

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77	\$100,000	11/28/2018 5:10 PM
78	15,000	11/28/2018 5:08 PM
79	\$40,000	11/28/2018 5:08 PM
80	\$50,000	11/28/2018 5:08 PM
81	10,000	11/28/2018 5:06 PM
82	\$25,000 and eliminate CAAP. It is largely worthless	11/28/2018 5:04 PM
83	250,000.00	11/28/2018 5:03 PM
84	\$50,000	11/28/2018 5:03 PM
85	\$25,000	11/28/2018 5:00 PM
86	250,000	11/28/2018 5:00 PM
87	\$30,000	11/28/2018 4:58 PM
88	\$100,000	11/28/2018 4:57 PM
89	100,000	11/28/2018 4:57 PM
90	75,000	11/28/2018 4:54 PM
91	\$100,000.00	11/28/2018 4:52 PM
92	50,000	11/27/2018 8:54 PM
93	50000	11/19/2018 10:48 AM
94	100000	11/19/2018 10:41 AM
95	25000	11/19/2018 10:30 AM
96	50000	11/19/2018 9:46 AM
97	100000	11/19/2018 9:24 AM
98	50000	11/15/2018 10:53 AM
99	100000	11/15/2018 10:47 AM
100	25000	11/15/2018 10:42 AM
101	75,000	11/15/2018 9:39 AM
102	10000	11/15/2018 9:22 AM
103	50000	11/15/2018 8:19 AM
104	50000	11/13/2018 3:24 PM
105	100000	11/13/2018 3:20 PM
106	100000	11/13/2018 3:15 PM
107	25000	11/13/2018 3:02 PM
108	100000	11/13/2018 2:30 PM
109	50000	11/13/2018 2:26 PM
110	10000	11/13/2018 2:20 PM
111	100000	11/13/2018 1:44 PM
112	75000	11/13/2018 1:30 PM
113	75000	11/13/2018 1:23 PM
114	20000	11/13/2018 1:19 PM
115	25000	11/13/2018 1:10 PM
116	20000	11/13/2018 1:02 PM
117	100000	11/13/2018 12:51 PM

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118	25000	11/13/2018 12:44 PM
119	20000	11/13/2018 11:44 AM
120	20000	11/9/2018 8:10 AM
121	20000	11/9/2018 8:05 AM
122	25000	11/9/2018 7:57 AM
123	20000	11/9/2018 7:51 AM
124	10000	11/8/2018 3:33 PM
125	25000	11/8/2018 2:42 PM
126	100000	11/8/2018 1:58 PM
127	10000	11/8/2018 1:53 PM
128	100000	11/8/2018 1:43 PM
129	10000	11/8/2018 1:36 PM
130	50000	11/8/2018 1:22 PM
131	250000	11/8/2018 1:16 PM
132	100000	11/8/2018 1:12 PM
133	40000	11/8/2018 12:58 PM
134	50000	11/8/2018 12:52 PM
135	\$100,000	11/8/2018 12:35 PM
136	\$50,000 or \$75,000	11/8/2018 12:29 PM
137	\$75,000	11/8/2018 11:19 AM
138	100000	11/8/2018 10:45 AM
139	7500	11/8/2018 10:41 AM
140	75000	11/8/2018 10:34 AM
141	75000	11/8/2018 10:30 AM
142	250000	11/8/2018 10:01 AM
143	20000	11/8/2018 9:56 AM
144	10000	11/8/2018 9:44 AM
145	25000	11/8/2018 9:16 AM
146	40000	11/8/2018 9:11 AM
147	200000	11/8/2018 8:51 AM
148	25000	11/8/2018 8:45 AM
149	50000	11/8/2018 8:38 AM
150	10000	11/7/2018 2:52 PM
151	50000	11/7/2018 2:38 PM
152	50,000	11/7/2018 11:03 AM

Q38 Do you have any suggestions or recommendations on how case triage/tiering and other case differentiation measures can be used to reduce costs and delay and streamline the litigation process in Circuit Court?

Answered: 133 Skipped: 275

#	RESPONSES	DATE
1	A status conference with the court soon after all parties are served and the responsive pleading deadline has passed may help all appearing parties sit down and discuss with the court the issues each party currently sees/has in the action. If any issues can be focused or eliminated then maybe discovery could be more focused and the court may be able to help a party, especially a pro se party, understand the issues before the court.	1/23/2019 8:27 PM
2	No.	1/8/2019 11:29 PM
3	No opinion.	1/6/2019 10:42 PM
4	Eliminate mandatory CAAP, encourage mediation.	12/31/2018 11:54 AM
5	The CAAP program stinks. Attorneys serving as arbitrators cannot resist evaluating claims to coincide with their viewpoints. The time it takes to select an arbitrator is way to long; use of the alternative procedure of making the list of available arbitrators available to the parties should be encouraged, but there must be protections against the same arbitrator being burdened, by removing his name from the list for a while after he has handled each case. It makes no sense to discourage discovery requests until an arbitrator gets appointed.	12/30/2018 12:02 PM
6	None	12/28/2018 5:23 PM
7	A magistrate judge in every circuit to handle discovery disputes and the sorts of things that a federal judge handles.	12/26/2018 3:34 PM
8	Holding scheduling conferences upfront to set deadlines, rather than 8 months into case.	12/26/2018 2:53 PM
9	Courts should be separately designated as civil, criminal, property (real estate disputes) and Planned Community Association. More legal support should be given to Circuit Court judges - like federal "Magistrate Judges." Additional law clerks should be provided to Circuit Court judges. Salaries for law clerks should be increased in order to attract more qualified and experienced law clerks upon whom the Circuit Court judges can rely..	12/26/2018 2:01 PM
10	In lower dollar cases the ability to have a bench trial, rather than a jury trial, would be helpful.	12/26/2018 1:23 PM
11	Often the number of parties on the caption is an indication of the case's likely complexity. Generally, the more parties there are, the more discovery and costs of litigation. However, one caveat is when the same attorney represents multiple parties on the same matter.	12/26/2018 1:15 PM
12	Court management of discovery early in the case.	12/26/2018 12:41 PM
13	courts should be more willing to dismiss cases that do not have merit. Meritless cases are often filed, but the courts are reluctant to dismiss given recent decisions by the appellate courts.	12/26/2018 11:48 AM
14	Initial screening.	12/17/2018 4:03 PM
15	The way first circuit is set up, there is one foreclosure judge to handle the bulk of the foreclosure cases. Perhaps if this same concept was applied in the neighbor islands, it might alleviate the workload of the judges who currently handle both civil and criminal cases, often in the same day. Regarding the streamlining of the litigation process in Circuit Court, this is a difficult matter to address. While the process is streamlined to an extent, there are often delays beyond the control of the attorneys, which thereby cause delays to moving the litigation along in the court. Delays can range from bankruptcy filings, service issues, service transfers of the file, discovery requests, changes in case law coming from both the ICA and Supreme Court of Hawaii, and other delays. It might be best to have a foreclosure judge in every circuit to streamline the litigation process. It seems to work in First Circuit, so it's a process that may work in the other Circuits as well.	12/17/2018 3:22 PM

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16	Not at this time.	12/17/2018 11:41 AM
17	Clarification of complex-case determination	12/10/2018 5:43 PM
18	Shorten discovery cut off dates and time within which dispositive motions can be brought. Make the attorneys work on the front end of the case.	12/10/2018 10:28 AM
19	At least start to sanction frivolous motions and defenses by unethical defense counsel. My time representing honest plaintiff would have been reduced by 80%, to almost nothing, if I never had to defend against frivolous motions. They were never sanctioned, even when what they asked for, as a matter of law, was illegal or unethical, regardless of the merits of the evidence proffered.	12/7/2018 9:30 AM
20	Not at this time.	12/6/2018 1:16 PM
21	I don't think any changes are necessary.	12/6/2018 8:28 AM
22	Early judge involvement in conferences where the attorneys are expected to be familiar enough with the facts of their cases to discuss what discovery is likely to be needed, and rough timetables for discovery. For example, discussion early with the judge about how much discovery burden is appropriate given the case value and case issues should occur early. Best to try to flush out likely areas for discovery disputes, so there can be early informal judicial feedback to the attorneys. When motions to compel discovery are filed, judges should be much more aggressive in dishing out Rule 37 sanctions. Virtually all attorneys know that most Hawaii judges only impose small discovery sanctions, if any. That only encourages discovery "stonewalling" which is all-to-frequent in Hawaii.	12/6/2018 8:23 AM
23	Have counsel create a discovery plan and timeline.	12/5/2018 3:31 PM
24	use of proposed rulings in motions practice, available to the attorneys before the motion hearing, and hearing is held only if attorneys want to argue at hearing. Done in California courts	12/4/2018 5:11 PM
25	look at New Zealand system. Upon filing cases are screened by trained court staff to determine course	12/4/2018 1:17 PM
26	no. mostly concerned about the delay on appeal	12/3/2018 10:56 AM
27	Not at this time.	12/2/2018 1:49 PM
28	I do NOT think it should be based on the amount in controversy. There is no justification for giving more attention to a case just because the amount sought is higher. There are other important considerations such as the complexity of the issues and the potential impact of the case on the parties.	12/1/2018 9:24 PM
29	No.	12/1/2018 3:27 PM
30	Unfortunately, I think the survey's perception of the problem, and my views of the problem are incompatible - rendering this question difficult to answer.	11/30/2018 9:42 PM
31	Create FORMS like District Court has and the California Courts of similar jurisdiction to HI's Circuit Courts have, plus additional forms for things Circuit Court does that District Court does not have. Also, allow parties in cases that are above the current District Court jurisdictional amount and that are filed in Circuit Court to elect to go to District Court. All parties would need to consent and any amount in controversy would be allowed (remember, the parties would be consenting).	11/30/2018 8:26 PM
32	no	11/30/2018 4:26 PM
33	I think the system works okay	11/30/2018 1:54 PM
34	Judges should be authorized to decide motions based on the written submissions, as is done in King County (Seattle), where motions are decided faster. Also federal courts can do the same in Hawaii, and magistrates can decide based on letters.	11/30/2018 10:55 AM
35	no	11/30/2018 10:53 AM
36	No	11/29/2018 9:48 PM
37	pretrial conference with court leading to schedule	11/29/2018 1:40 PM
38	impose a rule that parties make a good faith effort to settle before trial date will be set	11/29/2018 1:32 PM
39	limit depositions to 2 hours	11/29/2018 12:59 PM

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40	Increase to level of Collegiality and cooperation between opposing Counsel and also between Counsel and the Court. Greater mutual respect will promote fair and reasonable behavior and promote fair and reasonable outcomes. Very few litigants enjoy seeing their counsel squander their money fighting and arguing over technicalities in civil matters. With few exceptions clients want pragmatic, fair and reasonable solutions to their disputes by their counsel and the courts. Those litigators/(and the occasional Judge) that exacerbate the disputes by their actions/decisions are doing no service to their clients (usually)/ the parties or to the general public's trust, confidence and respect they hold for the civil judicial system capacity to be fair, just and swift.	11/29/2018 12:44 PM
41	The ICA is stretched far too thin. Need to go back to system where more appeals could be made directly to State Supreme Court.	11/29/2018 12:27 PM
42	No	11/29/2018 11:40 AM
43	I think civil parties should be under obligations similar to a prosecutor in a criminal case: all relevant documents and information should be turned over to the other side without the necessity of a request. The burden should be on the party possessing the information. Sanctions should be harsh and routine for those who do not comply.	11/29/2018 11:18 AM
44	I think case differentiation and judges specialization would increase costs and delays. All judges should handle all types of cases and be ready and available to handle all types of cases.	11/29/2018 11:02 AM
45	Initial trial setting conference; settlement conference within 90 days of close of pleadings; and limits on depositions within the first 180 days of the close of pleadings	11/29/2018 10:55 AM
46	initial judicial involvement, 1 year deadline to trial for less complex cases	11/29/2018 10:52 AM
47	It's great that we want access to justice but while we embrace this concept we do not provide the mechanism to accomplish this goal. All the extra work will fall on the Judiciary and yet we do not have an increase in staff to address the work load. The bottom line is the greatest costs for civil litigation is the attorneys fees and generation of costs for litigation. We all know which attorneys charge excessive fees and costs.	11/29/2018 10:44 AM
48	In breach of contract cases where liability is not an issue, the case could be automatically referred to mediation first; where liability and damages are at issue and there is no arbitration clause, there could be a threshold of claimed damages set such that claims for amounts below the threshold would be required to go to arbitration first.	11/29/2018 10:27 AM
49	No. I think e-filing would be a simpler first step.	11/29/2018 10:05 AM
50	Allow me to say there is "no delay". To frame the question this way misses the point and further drives citizen dissatisfaction in any response the court undertakes. The time it takes is necessary to ensure the due process for the citizens of this state in the resolution of their legal problems. That said, I note below one area of concern that could be improved. By increasing predictability of court rulings on recurrent disputed issues would save time and money. However, the cost to access justice for an individual is still quite cheap. Moreover, the costs to litigate are driven by "for profit legal markets" and not by the courts. Again to frame the question in this way totally misses the factors which produce high case costs to begin with. Lastly, Judicial Rulings on frequently recurrent common issues in both discovery and evidentiary motion practice - should be more uniform across all courts and all circuits- as executed by all judges - This is needed to increase predictability of outcome for the parties- pre and during trial. Finally, The trial lawyers should be able to put on the case they have determined best suits the needs and interests of their client and not what a judge has predetermined to be better for the judge's courtroom or calendar needs. While Parties generally respect the Court and its complex social and legal function - they soon fail to do so and may recoil from a "bad outcome" as perceived by them - when they see first hand- in the execution of their "once in a life time case" - a judge's decision to "move things along" to prioritize and serve a need of either the bench - or the judicial administration behind the bench- over the parties interest in being heard. A commission or skilled working panel of trial lawyers could easily address this type of an issue, as was done decades ago re: uniformed circuit court standard jury instructions - which can always be modified via the court's discretion to fit the particular facts of a individual case.	11/29/2018 9:59 AM
51	appoint discovery oversight and deadlines for conducting same	11/29/2018 9:42 AM
52	Need time for further analysis	11/29/2018 9:13 AM
53	Create automatic early deadlines (e.g., ADR attempt, discovery initiation, discovery completion, preliminary exhibits and witness list), and a "fast track" calendar for violations of, and exceptions from, the same.	11/29/2018 9:01 AM

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54	Assign discovery masters to handle discovery matters and disputes (like federal magistrates in Federal Court)	11/29/2018 8:45 AM
55	Change rules to more closely resemble federal court rules -- much faster deadlines for discovery, witness, expert disclosure. This forces parties to analyze and evaluate their cases much sooner.	11/29/2018 8:38 AM
56	I think it is unfair to consider case triage/tiering without addressing the Circuit Court judge's case load. My impression is that active case management for them is basically impossible due to their case load. If you want more management, authorize more judgeships and consider a state equivalent to the magistrate judge position.	11/29/2018 8:31 AM
57	Judicial involvement/mediation at the outset of cases	11/29/2018 8:15 AM
58	not really	11/29/2018 7:32 AM
59	Are there efforts to survey civil litigants/parties regarding their personal experiences and ideas on the topic? Their perspectives would be relevant and informative.	11/29/2018 6:35 AM
60	Judges need to be more involved in case management similar to the federal courts	11/29/2018 5:46 AM
61	Enforce attorney behavior n discovery process and less leverage and advantages in set ups. Enforce frivolous deposition objections and practices.	11/29/2018 5:34 AM
62	it would take constitutional amendments to eliminate/reduce jury trials for most matters as the USA is virtually the only country to have such an outdated requirement.	11/29/2018 3:21 AM
63	Reduce time for appellate decisions in civil cases. 4 years is outrageous.	11/28/2018 11:33 PM
64	Pro Se Plaintiff; Agency Appeal	11/28/2018 9:54 PM
65	Not sure	11/28/2018 9:29 PM
66	Early retrial or status conference as in federal courts with mandatory initial disclosures	11/28/2018 8:04 PM
67	Parties needing to meet to go over a discovery plan in the beginning and shortening the default time to file a pretrial statement (etc) would help. For cases involving declaratory/injunctive relief with government defendants where the legal consequences of undisputed actions are at issue, it has been my experience that joint exhibit stip are very helpful, unfortunately, that only happens if the deputy AG or corp counsel happens to be collegial. there are some cases that drag on unnecessarily where there is really no factual dispute but in order to obtain authenticated documents, discovery drags out. I've found this generally not to be a problem in the environmental court but I can't explain why that it compared to other circuit court cases. It may just be coincidence. In quiet title cases, it would be helpful if there were a rule that stayed the time for a party to answer while other parties are being served. In these cases, many parties are self-represented and in many instances they are cousins or siblings who all have the same factual basis for their claim of interest and when the number of defendants is numerous, things can get complicated where the court is ruling on issues that will affect others in the case who haven't answered yet or haven't been served. Maybe the number of cases this applies to state wide is small enough that a rule is not appropriate, but I still see this issue come up to this day.	11/28/2018 7:42 PM
68	Have the judge become an arbitrator for non tort cases	11/28/2018 7:41 PM
69	Circuit judges assigned to the civil division should be able to handle all civil cases, other than those assigned to the family, tax and probate courts	11/28/2018 7:34 PM
70	May be civil cases that have a value between \$25,000 to \$100,000 can be tried by a jury of only 6.	11/28/2018 7:23 PM
71	Reducing costs/delay necessarily involves reduction in current rights to discovery. Streamlining or restricting discovery in order to reduce cost is a policy decision for the Courts or Legislature to make. Potentially, it is at the cost of litigant rights.	11/28/2018 7:14 PM
72	look at cases that are appealed from CAAP; perhaps the smaller cases (e.g., \$10,000 and under) can be put on a different track with limitations on time and discovery and early settlement conferences	11/28/2018 6:47 PM
73	See Sec II	11/28/2018 6:29 PM
74	Tiering cases should happen after counsel works out a discovery plan and timeline. Cases that have a discover plan requiring 6 months or less should be scheduled for trial immediately. Cases requiring discovery of 6-12 months should be set for trial after the first 6 months of discovery. Discovery benchmarks should be set in every discovery plan and status conferences held with the court by phone to ensure that those benchmarks are met.	11/28/2018 6:02 PM

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75	Require specification of amount sought in complaint. Set case for CAAP faster. Have settlement conference date sooner.	11/28/2018 5:55 PM
76	Not at this time.	11/28/2018 5:51 PM
77	Six person juries in cases of limited monetary damages or other consequential factors in controversy	11/28/2018 5:50 PM
78	need to think about this one	11/28/2018 5:37 PM
79	?	11/28/2018 5:32 PM
80	Pay CAAP arbitrators at hourly rate of about 75% of circuit court judge salary. Allow/require parties to opt for binding CAAP arbitration, especially is amount in controversy is \$50K or less. Provide for substantial sanctions for failure to make good faith efforts in arbitration. Exclude from trial any evidence that was available for a CAAP hearing, but not put into evidence.	11/28/2018 5:27 PM
81	A judge can be assigned for all pre-trial matters and assist with settlement. A different judge can be asked to preside over actual trials. The pre-trial judge can be forceful in getting discovery completed, motions filed and disposed of within 1.5 years, and constant settlement efforts. The judge can try to get the attorneys into a mindset of "do what is right for the client" as compared to being motivated towards billable hours. Settlement often has little to do with what was found in discovery and courts are reluctant to rule on substantive motions, yet the attorneys focus on this. Perhaps this is considered overreaching by the judiciary but it is clear that if let to the attorneys, the system stalls out. Allow judges to take forceful positions to get the bar back in line with representing clients instead of making money.	11/28/2018 5:19 PM
82	There is a huge problem with the Hawaii Supreme Court continually reversing trial court decisions and failing to provide clear guidance going forward. This uncertainty is a primary factor in how cases are litigated and evaluated for settlement.	11/28/2018 5:16 PM
83	no	11/28/2018 5:16 PM
84	Earlier Court involvement setting deadlines. Grant MSJs and limit sending all cases to a jury. Require parties to retain experts much earlier so they can determine if they will pend the money to do so or settle/dismiss the case.	11/28/2018 5:14 PM
85	Earlier mandatory expert deadlines should be imposed. If no CAAP, an early or immediate status/settlement conferences with confidential ex parte communication might be useful to force the parties to think about ADR.	11/28/2018 5:13 PM
86	Have cases assessed early by the parties for likelihood of trial--e.g., medma--or involving complex legal issues or issues of first impression!. If trial is highly likely in a case or these other factors manifest, the case should be designated for "active" management by the court, with frequent status conferences to resolve discovery and other issues without the necessity of motions or having to listen to name-calling-for-profit arguments.	11/28/2018 5:11 PM
87	See earlier comment. Immediate judicial involvement, coordination with CAAP, no nonsense document production, common sense depo period given facts of the case, Swift adjudication of discovery disputes, taking a hammer to those playing games, and trial within a year of filing.	11/28/2018 5:11 PM
88	have rule 16 conferences and deadline setting very early as in Fed Court	11/28/2018 5:09 PM
89	Stronger sanctions in the event that a party does not "better" a Rule 68 offer.	11/28/2018 5:05 PM
90	No	11/28/2018 5:03 PM
91	Based on amount of claimed damages	11/28/2018 5:00 PM
92	require a settlement conference BEFORE the Pretrial Statement Deadline	11/28/2018 4:59 PM
93	Increase threshold for district court, increase number of sitting judges at district and circuit court, create specialized courts familiar with certain areas of the law, speed up ICA/Supreme court decisions projected to have major impacts on certain areas of the law	11/28/2018 4:58 PM
94	No	11/28/2018 4:58 PM
95	Letter briefs for discovery disputes; allow early summary judgment motions. Hawai'i Supreme Court has essentially made it impossible to resolve a case early or get early ruling Lo's in key issues to drive casss to settlement.	11/28/2018 4:55 PM
96	mandatory disclosure requirements and pretrial procedures similar to US District Court. Creation of a Circuit Court discovery master/magistrate position to resolve all pretrial discovery disputes.	11/28/2018 4:53 PM

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97	Something needs to be done to bring discovery under control. Discovery costs are very difficult for Plaintiffs.	11/27/2018 8:55 PM
98	discovery streamlined-more court mediation-settlement involvement-separate the courts civil/criminal and appoint judges who have experience in their matters	11/19/2018 10:50 AM
99	discovery/status conferences	11/19/2018 10:30 AM
100	set deadlines similar to federal court local rules and revised eventuality rules to allow medical records presentation of admissibility	11/19/2018 9:31 AM
101	limit amount of discovery, based on the case value initial pretrial conference early on. set limits	11/19/2018 9:25 AM
102	Early intervention by judges, such as a Rule 16 conference in Federal Ct as an example	11/15/2018 10:54 AM
103	expand mediation	11/15/2018 10:47 AM
104	A status/trial setting conference should take place within 45 days of the filing of the Answer. Then the Court should prioritize the case and set discovery parameters--including deadlines. If the matter is in CAAP, the Court should set discovery parameters and deadlines to minimize litigation costs.	11/15/2018 9:24 AM
105	early settlement conferences	11/15/2018 8:19 AM
106	Case should be referred to early settlement conferences w/ the judge who will revisit settlement as the case progresses. Judges should sanction abusive advocates & 998 offers should have more teeth.	11/15/2018 8:08 AM
107	Before increasing the monetary CAAP ceiling or expanding the subject matter of CAAP cases, something needs to be done to assure that the CAAP arbitrator is competent & has the requisite experience to serve as an effective arbitrator.	11/14/2018 3:20 PM
108	Early, special masters possibly volunteers	11/13/2018 3:10 PM
109	Promote private mediation	11/13/2018 3:02 PM
110	set a hearing w/ the court w/in 30 days after service of complaint or petition. At that hearing, set deadlines for discovery and further status hearings.	11/13/2018 2:47 PM
111	???case	11/13/2018 2:21 PM
112	require plaintiff to set forth in two paragraphs what the case is about. Require a two paragraph response as to why the defendant is not liable. Have pre-trial conferences within 60 days to monitor discovery. Set a date by which settlement offer to be exchanged.	11/13/2018 1:45 PM
113	If this is implemented, judges' need more staff support, similar in concept, similar to federal magistrate judges.	11/13/2018 1:23 PM
114	special masters for discovery and/or potentially settlement via ADR mediation or dedication of a judge specifically for settlements for a significant period of time (6 months or more).	11/13/2018 1:03 PM
115	Early settlement and or mediation of cases with experienced judges or mediators in the particular types of cases.	11/13/2018 12:44 PM
116	Not at this time	11/13/2018 11:44 AM
117	set up special procedures for foreclosure and debt collection cases to streamline them.	11/9/2018 8:06 AM
118	limitations on discovery in smaller cases.	11/9/2018 7:58 AM
119	The key is less discovery & quicker trial dates. We allow very little discovery for criminal cases. Why allow so much for civil?	11/8/2018 3:41 PM
120	Follow the Federal Court model regarding the scheduling of conferences.	11/8/2018 3:33 PM
121	If there is to be a triage in process, the early intervention of the court should still include setting of a trial date & the imposition of deadlines concerning discovery, etc. the parties should feel the presence of the court early on & have access to the court throughout.	11/8/2018 2:06 PM
122	Statute & rule establishing that certain kinds of cases w/ jurisdictional amount of less than \$250000 goes into a triage tiering structure.	11/8/2018 1:36 PM
123	Expedited trials	11/8/2018 1:30 PM
124	tiering early settlement conferences w/ confidential settlement statements only	11/8/2018 12:53 PM

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125	Mandatory mediation	11/8/2018 12:36 PM
126	If litigants did not have to jump through tremendous evidentiary and foundations requirements to get the real disputed issues b/f the jury, cases could be tried much cheaper w/ fewer experts. This would in turn result in cases being resolved on merits, not cost and burden of going to trial.	11/8/2018 11:19 AM
127	Attorney input into categorizing cases should be part of the process somewhere, but the court should be able to presumptively put cases into a category/track based on objective criteria. The attorney input could be used to modify the category to which the case is assigned.	11/8/2018 10:35 AM
128	Supreme court must pass court rules to ensure attorney compliance.	11/8/2018 10:30 AM
129	use judges as arbitrators	11/8/2018 9:44 AM
130	create a process similar to federal court rule 16.	11/7/2018 2:53 PM
131	early involvement of the judge	11/7/2018 2:19 PM
132	not yet	11/7/2018 2:14 PM
133	No	11/7/2018 11:04 AM

Q39 Who primarily controls the pace of litigation in Circuit Court?

Answered: 236 Skipped: 172

ANSWER CHOICES	RESPONSES	
The Court	25.00%	59
The Lawyers	65.25%	154
The Litigants	4.24%	10
Don't know	5.51%	13
TOTAL		236

Q40 For each statement, please indicate your level of agreement as it applies to Hawai'i Circuit Courts.

Answered: 242 Skipped: 166

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
The court, rather than the lawyers or the parties, should exercise ultimate responsibility over the management of cases.	3.73% 9	22.41% 54	47.72% 115	19.50% 47	6.64% 16	241	3.03
Judges should take a more active role in imposing deadlines and managing the progress of a case.	1.24% 3	15.70% 38	51.24% 124	27.69% 67	4.13% 10	242	3.18
Hawai'i should adopt procedures to facilitate early judicial involvement in a case.	1.66% 4	6.64% 16	51.04% 123	31.95% 77	8.71% 21	241	3.39
Hawai'i should adopt procedures to facilitate the early establishment of the trial date and pretrial deadlines.	2.07% 5	9.96% 24	49.38% 119	33.20% 80	5.39% 13	241	3.30
Hawai'i should adopt procedures similar to the scheduling conference provisions of Rule 16 of the Federal Rules of Civil Procedure.	2.92% 7	8.33% 20	48.75% 117	30.00% 72	10.00% 24	240	3.36
Hawai'i should adopt procedures to facilitate the early identification and review of frivolous lawsuits.	4.17% 10	10.83% 26	36.25% 87	42.50% 102	6.25% 15	240	3.36

Q41 The following are statements related to trial dates. For each, please give your opinion as it applies to Hawai'i Circuit Courts.

Answered: 240 Skipped: 168

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL
Trial dates should be set early in the case.	4.18% 10	15.90% 38	46.03% 110	26.78% 64	7.11% 17	239
Trial dates should be set after the parties answer the complaint.	2.52% 6	24.37% 58	41.18% 98	23.95% 57	7.98% 19	238
Trial dates should be set after discovery is completed.	19.15% 45	45.53% 107	24.26% 57	5.11% 12	5.96% 14	235
Trial dates should be continued or vacated only under rare circumstances.	9.70% 23	33.33% 79	37.97% 90	14.35% 34	4.64% 11	237
It is too easy for parties to obtain extensions of trial dates already set.	5.88% 14	29.83% 71	36.55% 87	15.55% 37	12.18% 29	238

Q42 The following are statements about judicial role in litigation. For each, please give your opinion as it applies to Hawai'i Circuit Courts.

Answered: 240 Skipped: 168

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
One judge should handle a case from start to finish.	0.42% 1	7.92% 19	47.92% 115	35.00% 84	8.75% 21	240	3.44
The judge who is going to try the case should handle all pre-trial matters.	1.26% 3	10.88% 26	48.54% 116	28.87% 69	10.46% 25	239	3.36
It is more important that pre-trial matters are handled promptly than whether the trial judge or another judicial officer handles the matter.	3.36% 8	26.89% 64	40.76% 97	18.07% 43	10.92% 26	238	3.06
Judges are involved early in case proceedings.	5.04% 12	45.38% 108	27.73% 66	10.08% 24	11.76% 28	238	2.78
Involvement by judges early in the case helps to narrow the issues.	0.43% 1	10.73% 25	52.36% 122	30.04% 70	6.44% 15	233	3.31
Involvement by judges early in the case helps to narrow discovery to the information necessary for case resolution.	1.26% 3	12.61% 30	48.32% 115	26.89% 64	10.92% 26	238	3.34

Q43 Do you have any suggestions or recommendations on how case management practices can be used to reduce costs and delay and streamline the litigation process in Circuit Court?

Answered: 87 Skipped: 321

#	RESPONSES	DATE
1	Adopt procedures similar to Rules 16 and 26 of the Federal Rules of Civil Procedure.	1/8/2019 11:36 PM
2	Please establish a computer program, accessible throughout the pendency of each case by any party, showing the deadlines, automatically computing the number of days remaining before each deadline is reached, showing the status of the pending motions, and availability to proceed with trial as scheduled, identifying cases scheduled such that they could interfere with subject case's proceeding as scheduled.	12/30/2018 12:15 PM
3	Maybe have a magistrate system for Circuit Courts	12/28/2018 5:25 PM
4	Early settlement conferences, early scheduling conferences. I have no problem with current system where a separate judge handles settlement in a jury case.	12/26/2018 2:57 PM
5	Motions for Dismissal and/or Summary Judgment should be scheduled and ruled upon as quickly as possible but no later than 45 days after the close of discovery. This would help to limit the issues to be determined at trial, the number of witnesses and the amount of documentary evidence needed for trial. Joint Exhibits stipulated by opposing counsel should be required to be filed if reasonably possible. Petitions solely for Declaratory/Injunctive Relief should be given a scheduling priority.	12/26/2018 2:13 PM
6	For complex cases requiring trial length of over two weeks, trial should only be set after the parties have completed discovery rather than setting trials prematurely at the outset of the case as is currently required under the rules. This would alleviate much of the court's setting of multiple concurrent trials on the calendar.	12/26/2018 1:21 PM
7	Early mandatory settlement conferences. Not related to this question, but please add somewhere: the tremendous waste of time and money preparing paper documents. We are long overdue.	12/23/2018 5:31 PM
8	If there is earlier involvement in cases, it is probable and possible that litigation fees will only increase.	12/17/2018 3:25 PM
9	Not at this time.	12/17/2018 11:47 AM
10	Impose a rule requiring all non complex matters to be tried within fifteen months of the date of filing.	12/10/2018 10:32 AM
11	Not at this time.	12/6/2018 1:19 PM
12	Not at this time.	12/2/2018 1:52 PM
13	No.	12/1/2018 3:30 PM
14	Generally, defendants attempt to delay giving a plaintiff his or her day in court. When judges delay rulings on motions, justice is denied.	11/30/2018 9:45 PM
15	Set a settlement conference within 60 days after the complaint is answered with a simple settlement conference letter from each counsel (not the long and detailed settlement conference statement required under the Rules). Not all parties will be in a position to settle, and in some cases, because discovery has not been done, it may not work at all, in fact, I would guess that the number is low, but for the cases where little discovery will be necessary, a certain number of cases will settle at that point or at least a seed will be planted for future settlement discussions. Note: not necessary for foreclosure cases because 99% of the time there is no dispute - the mortgagor simply failed to make the payments due because the mortgagor is broke and the property will need to be sold. Not a lot to compromise in that area.	11/30/2018 8:43 PM
16	no	11/30/2018 4:33 PM

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17	Follow federal practice more. Initial disclosures and more tailored discovery to make it less broad and burdensome.	11/30/2018 10:59 AM
18	no	11/30/2018 10:55 AM
19	No	11/29/2018 9:51 PM
20	have a team of 3 retired judges review the case to determine the court the case belongs and/or if the case should be in the circuit court.	11/29/2018 2:07 PM
21	impose a rule that parties make a good faith effort to settle before trial date will be set	11/29/2018 1:33 PM
22	The Federal Court Model Is a good start, even though it is too mechanical and Judges should be more involved with Counsel in working through the cases. I refer to the Judicial Involvement as more Collegial rather than Authoritarian, which is why necessarily requiring the same Judge be assigned to all pre-trial matters is not always helpful. If the Judge is not willing to work with counsel to narrow the issues, look hard at resolving the matter(s) by pre-trial conferences, settlement conferences, ADR, then getting another judge involve with a positive attitude toward resolving issues is helpful. I want to go on the record as suggesting the Circuit court has in my limited experience display more focus on making the litigation process function smoothly, efficiently, fairly, and effectively for all concerned than the District Court Civil System, so many of my comments would be better aimed at the District Court, which seems to put efficiency ahead of justice at the expense of the litigants, especially those defendants least able to protect their own interests. Again, I have only had limited exposure to the District Court, but it seems to put emphasis of form over substance. At least the Circuit Courts "no bounce rule" suggests it is not a "slave" to form and seeks to allow litigants to have their day in court if their is merit to their claims or defenses.	11/29/2018 1:06 PM
23	set trials sooner	11/29/2018 1:01 PM
24	No.	11/29/2018 11:45 AM
25	Except for lack of info to accurately identify case, filing clerks should not 'bounce' filings. Filing clerks should accurately docket cases.	11/29/2018 11:30 AM
26	Put limits on discovery, especially production of documents.	11/29/2018 11:18 AM
27	No	11/29/2018 11:08 AM
28	Schedule for parties' depositions early in the case	11/29/2018 10:57 AM
29	adopt a magistrate judge system to promptly and informally address discovery issues, deadlines, motions	11/29/2018 10:56 AM
30	Create position for more law clerks and court clerks to assist in determining reasonable attorney fees and costs.	11/29/2018 10:50 AM
31	Courts should require that counsel identify the issues in the case as early as possible so as to be able to focus discovery on these issues.	11/29/2018 10:34 AM
32	uniform case management practice for all judges	11/29/2018 10:19 AM
33	Adopt the practices of the federal courts. Also, even in a jury trial case, the trial judge should not be the settlement judge. It should be like the federal system where the magistrate judge handles settlement discussions.	11/29/2018 10:08 AM
34	Implement the above procedures across the board	11/29/2018 9:15 AM
35	The master calendar system generally works well in First Circuit Court, but there is an occasional problem if the judge is too determined to settle the case at the expense of the merits of the case.	11/29/2018 8:42 AM
36	See above - we cannot ask Circuit Court judges to do more and maintain their current case load. If you create more judgeships, they would have more time to actively manage their cases.	11/29/2018 8:33 AM
37	Hawai'i should adopt procedures to facilitate the early identification and review of frivolous lawsuits. Frivolous defenses should be included.	11/29/2018 8:00 AM
38	see above answers	11/29/2018 7:34 AM
39	Judges need to set deadlines and require the attorneys meet those deadlines	11/29/2018 5:48 AM
40	It is all based on delays and attorney games in the discovery process. Document requests are frequently blown off or delayed significantly until pushed and then not everything is produced. Some better way to manage document discovery is needed that is flexible and case tailored. Attorneys who play games should be held accountable.	11/29/2018 5:38 AM

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41	Judicial oversight of attorneys' case management.	11/28/2018 11:40 PM
42	Electronic filing and service of process; waiver of service procedures; ban "take under advisement"; do not assign former prosecutors to the civil docket unless they have significant recent civil experience.	11/28/2018 10:00 PM
43	I think that Circuit Courts are too reluctant to seriously consider dispositive motions early in the case.	11/28/2018 9:37 PM
44	Follow procedures in use in federal courts	11/28/2018 8:07 PM
45	In environmental court cases in the Second Circuit, Judge Cardoza established a practice of a status conference once all parties were served and defense counsel was known. He goes through how the court can be involved in moving the case forward, etc., and I've found that to be helpful in most cases.	11/28/2018 7:47 PM
46	Circuit judges assigned to the civil division should be able to handle all civil cases, other than those assigned to the family, tax and probate courts	11/28/2018 7:34 PM
47	Perhaps early settlement conferences or mandatory mediation should be instituted.	11/28/2018 7:26 PM
48	These questions are difficult to answer because it all depends on the judge. Judges should be willing to grant dispositive motions -- some have admitted that they almost NEVER grant dispositive motions because they don't want to be appealed/reversed on appeal	11/28/2018 6:54 PM
49	Set early deadlines and enforce them.	11/28/2018 6:32 PM
50	More transparency and accountability	11/28/2018 5:36 PM
51	By being firm with the court deadlines, the attorneys will be forced to get to the substance of the dispute early on. The pretrial judge can simply ask counsel what are the issues and decipher through what matters. Then case efforts can focus on what actually counts which will place the litigants in best position for settlement. Do not allow the bar to lead. Have the judiciary take lead and force the bar to get to the point of resolving cases in the best interest of their client, including fees and costs consideration.	11/28/2018 5:27 PM
52	The rigidity and formality of the USDC process should be avoided. For example, expert disclosures should not mimic FRCP 26 and every discovery hangnail should not require a motion. Uniformity regarding the application of rules--e.g. final naming of witnesses limits who who can testify vs. anyone named in discovery can testify--should be encouraged. Attempts to import Draconian and unsound limitations on proof and pleading, such as Daubert and Towbly/Iqbal should be expressly rejected and sanctions should be imposed for federal court mavens who continue to argue for their implementation in Hawai'i courts. The trial courts should be encouraged to contribute to the development of the common law.	11/28/2018 5:26 PM
53	practices should be uniform, not subject to individual judges' preferences; pro se litigants should be required to inform themselves and comply to the same extent as represented litigants	11/28/2018 5:23 PM
54	Get everyone to agree on dates early and then stick to them. Require standard disclosures like the Feds. Tailor discovery to the size and complexity of the case. One size does not fit all. assume every case will be set for trial within one year of completion of service and filing answers. Use mini trials for key issues.	11/28/2018 5:22 PM
55	Earlier involvement by the Court, granting of MSJs instead of requiring a jury hear the evidence.	11/28/2018 5:22 PM
56	The volume of case makes it unrealistic to handle cases like the federal courts.	11/28/2018 5:19 PM
57	Shorter pretrial deadlines for expert disclosure will reduce delay but won't necessarily decrease cost.	11/28/2018 5:17 PM
58	1. Early and short trials for matters under \$x threshold 2. Court enforcement of time limits for attorneys at motions and at trial (a la Judge Chang) 3. Court-administered settlement efforts -- early and aggressive	11/28/2018 5:12 PM
59	Have judges issue decisive orders in pre-trial motions	11/28/2018 5:04 PM
60	No	11/28/2018 5:01 PM
61	Early status conference would be helpful. Make sure litigation tactics are proportional to amount in disputes. Higher pleading standard.	11/28/2018 4:58 PM
62	Set the trial date and deadlines right after the filing of the Complaint.	11/28/2018 4:57 PM

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63	Having Judges control the scope of discovery given the type of case and the amount in controversy.	11/27/2018 8:57 PM
64	Modify rule 16 conference procedure as done in Federal Ct	11/15/2018 10:55 AM
65	Each judge is different and should be able to exercise their discretion in case management. Too many rules defeat flexibility. Judges handling civil cases should have had significant experience in civil litigation.	11/15/2018 9:27 AM
66	Judges should be more active in facilitating settlemt. Each case should have at least 2 mandatory settlement conferences in person.	11/15/2018 8:09 AM
67	Judicial involvement for the purpose of facilitating discovery should be available early on to assure the timely disclosure of information and records which are the subject of discovery. It has been my experience that significant delay results when discovery ??? are not ??? complete, thus, necessitating repeated requests & ultimately judicial involvement.	11/14/2018 3:23 PM
68	Hold early settlement conferences and more frequent status conferences.	11/13/2018 3:03 PM
69	Judicial enforcement of deadlines w/ sanctions for violations.	11/13/2018 2:48 PM
70	Assuming adequate resources: 1) informal discovery dispute resolution; 2) power-judges to limit discovery; 3) authorize judges to sanction abusive behavior; 4) appellate courts must be more supportive of trial court sanctions; 5) require parties to submit early relevant pages of exhibits (not entire document if only 2 pages are relevant; 6) restrict malpractice against attorneys if they abbreviate trial procedures.	11/13/2018 1:26 PM
71	No	11/13/2018 1:15 PM
72	see comments on page 7	11/13/2018 1:03 PM
73	Again, early pre-trial conferences and mediation would focus the relevant issues and reduce costs and dealy.	11/13/2018 12:45 PM
74	early settlement conferences/mandatory mediation	11/9/2018 8:11 AM
75	Informal discovery rulings by letter brief would be incredibly helpful and expeditious. Less costly too. Scheduling conferences by phone more often.	11/9/2018 7:59 AM
76	If tracks or categories exist, judges can have early process to decide the track & set trial date & limit discovery the sooner the better.	11/8/2018 3:44 PM
77	Set trial dates & discovery deadlines at the outset of the case, i.e., after the party's answer.	11/8/2018 2:07 PM
78	Rule should be established similar to Federal rules regarding Rule 16 conferences & Rule 26(b) proportionality provisions.	11/8/2018 1:37 PM
79	Purchase software that would assist the judges & staff.	11/8/2018 1:23 PM
80	Trial setting conference to be set 60-75 days after Answer.	11/8/2018 12:54 PM
81	Earlier trial status conferences & limiting discovery & shorter discovery periods.	11/8/2018 12:30 PM
82	Early trial dates & deadlines based upon an understanding of the nature of the case & what discovery it will take to try the case. Standardized ? events for all circuit judges would help as well.	11/8/2018 11:19 AM
83	In addition to realistically accessing the strengths/weaknesses of a case, the parties/attorneys need to realistically access likely cost, early on, and such that clients are knowledgeable and advised of potential costs.	11/8/2018 10:55 AM
84	Set discovery deadlines early in the case.	11/8/2018 10:46 AM
85	Trial dates and the pre-trial deadlines that are keyed to trial dates need to be firmer. Parties tend to drag out a case because deadlines are not strictly enforced. Early setting of pre-trial and trial deadlines that are enforced would help to cut delays.	11/8/2018 10:36 AM
86	create a process similar to federal court rule 16	11/7/2018 2:54 PM
87	none	11/7/2018 2:14 PM

Q44 For each statement, please indicate your level of agreement as it applies to Hawai'i Circuit Courts.

Answered: 233 Skipped: 175

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
Hawai'i should incorporate considerations of proportionality in defining the scope of discovery.	3.91% 9	7.83% 18	46.52% 107	27.83% 64	13.91% 32	230	3.40
Hawai'i should adopt mandatory initial disclosure requirements, such as the ones imposed by the federal rules, to require disclosure of certain matters without the need for a discovery request.	2.58% 6	10.73% 25	50.21% 117	30.04% 70	6.44% 15	233	3.27
Hawai'i should impose a mandatory requirement, such as the one imposed by the federal rules, to require the parties to meet and confer after a complaint has been served to discuss discovery and obtain agreement to a discovery plan.	2.15% 5	7.73% 18	50.64% 118	30.90% 72	8.58% 20	233	3.36
Judges are available to resolve discovery disputes on a timely basis.	3.88% 9	27.59% 64	41.38% 96	18.10% 42	9.05% 21	232	3.01
Judges should be more willing and available to resolve discovery disputes on an informal (non-motion) and expedited basis, such as through discovery/status conferences or letter briefing.	0.86% 2	4.74% 11	42.24% 98	47.41% 110	4.74% 11	232	3.50
The First Circuit should consider designating a specialized judge to resolve discovery disputes as a means of reducing costs and delay.	7.79% 18	21.65% 50	27.27% 63	16.02% 37	27.27% 63	231	3.33
Judges enforce discovery rules by imposing sanctions for discovery violations when warranted.	6.96% 16	25.65% 59	40.43% 93	13.91% 32	13.04% 30	230	3.00

Q45 Judges offer and are available to resolve discovery disputes on an informal (non-motion) and expedited basis:

Answered: 216 Skipped: 192

ANSWER CHOICES	RESPONSES	
Almost never	36.57%	79
Occasionally	44.44%	96
About 50% of the time	6.48%	14
Often	10.65%	23
Almost always	1.85%	4
TOTAL		216

Q46 The following statements relate to rules concerning expert discovery. For each statement, please indicate your level of agreement as it applies to Hawai'i Circuit Courts.

Answered: 231 Skipped: 177

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	NO OPINION	TOTAL	WEIGHTED AVERAGE
Hawai'i should adopt rules, similar to the federal rules, that impose specific deadlines for disclosure of expert witnesses and expert reports.	3.03% 7	7.36% 17	50.65% 117	31.17% 72	7.79% 18	231	3.33
Hawai'i should adopt rules, similar to the federal rules, regarding what an expert's report must contain.	2.60% 6	10.39% 24	51.52% 119	27.71% 64	7.79% 18	231	3.28
Hawai'i should adopt rules, similar to the federal rules, regarding the extent to which communications between counsel and an expert are discoverable.	3.91% 9	6.96% 16	46.52% 107	29.57% 68	13.04% 30	230	3.41

Q47 If there are aspects of discovery that you could change in order to reduce costs and delay and streamline the litigation process, what would they be and why?

Answered: 74 Skipped: 334

#	RESPONSES	DATE
1	Adopt rules/procedures similar to that of federal courts.	1/8/2019 11:39 PM
2	No opinion.	1/6/2019 10:51 PM
3	If mandatory disclosures are imposed, they should be enforced, particularly against the plaintiffs who bring the lawsuit.	12/31/2018 11:59 AM
4	The more important consideration is whether strict deadlines are used to frustrate justice. Every time sanctions are imposed that imperil a party's chances of getting a fair end-result justice is denied and the Judiciary has failed.	12/30/2018 12:30 PM
5	Earlier and simplified production of critical discovery info	12/28/2018 5:28 PM
6	Adopt the federal rule limiting each party to 25 interrogatories without first seeking leave of court.	12/27/2018 10:12 AM
7	More judicial willingness to sanction.	12/26/2018 3:41 PM
8	The Courts should require that discovery be completed within 6-10 months of the filing of the Answer, Counter and Cross claims and/or Third Party pleadings - whichever is later. The Judge (or Magistrate Judge/Officer/Clerk) should schedule a discovery status conference among all counsel within 6 months of the filing of the initial Summons and Complaint and make recommendations to the Circuit Court Judge for the Circuit Judge's ruling.	12/26/2018 2:24 PM
9	Clarifying the extend of e-discovery required under the rules. For many litigants and practitioners, e-discovery represents a significant added costs often requiring specialized IT vendors to cull through electronic data, convert data to searchable form, electronic bate-stamping, and purchase of proprietary software to make efficient use of e-discovery.	12/26/2018 1:29 PM
10	Initial Disclosures help immensely. Too often we proceed for months with no understanding of the basis for a claim. Proportionality would also help, especially since the discovery burden is often far greater for one side than the other. Expert deadlines should be set to avoid parties sitting on expert opinions until the last possible moment. If expert deadlines are established, the responding party should have more than 30 days to produce its report. That turn around time is impractical and prejudices the responding party.	12/26/2018 1:03 PM
11	It would be nice if the circuit court judges had a letter briefing procedures for discovery disputes like federal court.	12/26/2018 11:53 AM
12	Require parts of the Sedona Principles and related discovery guidelines	12/23/2018 5:36 PM
13	None.	12/17/2018 3:26 PM
14	Shorten the discovery cut off date as it would lead to attorneys to properly evaluate their cases early in the proceeding.	12/10/2018 10:37 AM
15	Not at this time.	12/6/2018 1:27 PM
16	1. Early judge involvement on an informal basis. 2. Imposing more and larger Rule 37 sanctions when motions to compel discovery are brought.	12/6/2018 8:42 AM
17	Limit the number of document requests and admissions requests the same way there is a limit for interrogatories.	12/6/2018 8:31 AM
18	Not at this time.	12/2/2018 1:54 PM
19	Judge's should more enforce the discovery rules -- with sanctions -- more vigorously. Stop the game playing.	11/30/2018 9:48 PM

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20	Instead of having one party file a motion regarding discovery issues, have a simple option available where the party wanting to enforce or protect sends a letter to the judge and a meeting is set up with the judge. If the dispute cannot be resolved through discussion, then the party who initiated the meeting with the judge can file a motion for a formal order and sanctions.	11/30/2018 8:49 PM
21	Reduce number of interrogatories, like federal, and put a cap on document requests and requests for admissions.	11/30/2018 11:01 AM
22	no	11/30/2018 10:56 AM
23	stronger sanctions for failure to provide discovery, incomplete answers, no answers, perjured testimony	11/29/2018 1:37 PM
24	I lack the experience to properly answer this question	11/29/2018 1:10 PM
25	limit discovery	11/29/2018 1:04 PM
26	I think mandatory disclosure would be great. But it needs to be enforced. Even in Federal court I don't think it is enforced completely.	11/29/2018 11:22 AM
27	Make it mandatory to provide discovery materials at initiation of complaint and answer.	11/29/2018 11:14 AM
28	none	11/29/2018 10:59 AM
29	uniformity in execution along judges should be mandated.	11/29/2018 10:21 AM
30	Forced and early disclosure of basic information (which will differ depending on the type of case), with firm deadlines; accountability to a judge quickly (e.g., telephone conference); certainty about the imposition of sanctions.	11/29/2018 9:07 AM
31	Impose a meet and confer requirement that an actual conversation take place regarding all disputed issues, similar to Fed Local Rule 37.1. Emails do not suffice. This forces lawyers to speak with each other; and if a good faith meet and confer doesn't happen, the Court can quickly and easily deny the discovery motion.	11/29/2018 8:35 AM
32	require more specific responses to discovery; despite rules,, there is way too much game playing.	11/29/2018 7:36 AM
33	Discovery needs to be tailored to the nature of the case. Unlimited discovery should not be a tool to force a settlement for reasons unrelated to the merits of the case.	11/29/2018 5:51 AM
34	Pre-approval of types of experts required and cost limitations.	11/29/2018 5:40 AM
35	Judicial oversight of the necessity for and good faith compliance with discovery.	11/28/2018 11:47 PM
36	Ditch 2 paper copies and prescribe rules for furnishing electronic media because the paper is an anachronism, expensive, and increases costs.	11/28/2018 10:05 PM
37	Filing electronically will help significantly:)	11/28/2018 10:03 PM
38	Meet and confer at the beginning of the case on discovery and a status conference with the court thereafter.	11/28/2018 7:51 PM
39	Judges should be required to review and rule on all objections made included in responses to Depositions Upon Written Depositions, Interrogatories to Parties, Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes, Requests for Admissions Parties should be made to adhere more closely to the rules limiting the number of written interrogatories, and the duration of depositions they are appeared to request and take.	11/28/2018 7:41 PM
40	Rules of civility should be made mandatory.	11/28/2018 7:28 PM
41	Again, this is a policy decision. Restricting to discovery in order to streamline the litigation process comes at a cost of litigants' rights. This is a decision which changes the playing field for all litigants and should be a decision for the Legislature or Supreme Court after notice and comment.	11/28/2018 7:19 PM
42	Limit discovery based on the amount in controversy and nature of the case.	11/28/2018 6:35 PM
43	Mandatory initial productions of documents and court-approved discovery plans early in the case. These requirements would enable the parties to evaluate each other's claims and defenses, narrow the issues for discovery early, and enable counsel to establish a timeline for discovery.	11/28/2018 6:10 PM
44	limited discovery except in substantial cases	11/28/2018 5:41 PM

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45	Sanctions should be issued for non-compliance with the rules when it affects substantive issues. Attorneys cannot be allowed to provide non-responsive answers and deceptive or incomplete production of documents. The bar should just get to the truth of the matters that are important. Deception should be sanctioned else the bar will continue the pattern which has become more prominent in decades past.	11/28/2018 5:39 PM
46	?	11/28/2018 5:38 PM
47	(1) Early disclosures; (2) Reduce copying costs when obtaining records, a court reporter charges a substantial sum already, it is absurd for a person who is subpoenaed to charge the same as a court reporter to copy documents, when those copies can be made at a copy company for 10 cents a page. (3) require expert opinions earlier so that the parties can start talking to resolve case earlier.	11/28/2018 5:38 PM
48	The judiciary should maintain a record for each attorney that tracks requests for delays, motions to compel etc so that problem attorneys can be identified and disbarred. There are plenty of attorneys pulling the same stunts in one case after another because nobody is tracking misbehavior.	11/28/2018 5:36 PM
49	Mandatory disclosure is a great idea and should be implemented.	11/28/2018 5:28 PM
50	Discovery should be tailored to the case and to the critical threshold issues. Decide primary or threshold issues early.	11/28/2018 5:26 PM
51	Serious discovery conferences with knowledgeable, engaged judges early and, if need be, often, with common sense and a hammer to limit nonsense.	11/28/2018 5:20 PM
52	Interrogatories may be propounded only with leave of Court, sanctions for "contention"-type interrogatories	11/28/2018 5:15 PM
53	Enforce the rule that e-discovery requests must be reasonable in scope given the cost of compliance in relation to the case	11/28/2018 5:06 PM
54	Need certainty! Right now each judge has his or her own expert rules and requirements.	11/28/2018 5:01 PM
55	allow insurance carrier/industry ??? to make it uneconomical to parse claims-and blanket denials of safety and claims of ???	11/19/2018 10:30 AM
56	Attorneys should be required to meet and confer and prepare a litigation plan for court approval. If there are disagreements, the court can order a discovery plan that can be modified as the circumstances dictate.	11/15/2018 9:29 AM
57	Judges should twist arms in chambers & sanction discovery abuses.	11/15/2018 8:09 AM
58	Streamline discovery requests, standardize sanctions	11/13/2018 3:04 PM
59	allow &/or require e-discovery. It's faster & less costly. Plus, easier to verify regarding pages sent as well as date & time sent/received.	11/13/2018 2:57 PM
60	If resources are increased, greater supervision over discovery will significantly improve efficiency of litigation.	11/13/2018 1:26 PM
61	Special masters should definitely oversee discovery or complex litigation cases where there is voluminous e-discovery. Consideration of retaining a handful of e-discovery vendors that lawyers must use when e-discovery is in play. Judges should have training on e-discovery, and have vendors as advisors when understanding discovery issues and in making decisions on whether/expand e-discovery in any particular case and within what appropriate parameters.	11/13/2018 1:05 PM
62	having mandatory and early disclosures of relevant evidence	11/13/2018 12:46 PM
63	proportionality standard	11/9/2018 8:12 AM
64	More limits on discovery and the scope and volume proportionally is a good start	11/9/2018 7:59 AM
65	It is critical to get serious about limiting discovery. Almost all problems stem from too much discovery. Second big item is quicker trial dates (which also tend to limit discovery.)	11/8/2018 3:45 PM
66	Set clear deadlines	11/8/2018 2:08 PM
67	Early pretrial conference	11/8/2018 1:45 PM
68	Include limited discovery such as a specific amount of interrogatories and deposition of witnesses.	11/8/2018 1:38 PM

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69	Have each party submit a proposed discovery & proposed deposition list at time of Rule 16 meeting & the trial judge will limit or allow each side's discovery keeping in mind the rule of proportionality of the parties.	11/8/2018 1:32 PM
70	Discovery is in significant part a function of what the trial court requires in order to present the disputed issues to the jury. Why do litigants take 20 depositions? B/c if they don't, they risk the trial court prohibiting the witness from testifying or severely limiting testimony. Why can arbitration cases be heard in 1 or 2 days and the same trial jury trial would take 2 to 3 weeks? Unreasonable expectations as to what must be presented in order to get evidence b/f the jury. Discovery is a function of what must be presented to get a case b/f a jury & make it easier to get evidence b/f the jury, discovery costs will go down proportionately.	11/8/2018 11:19 AM
71	Should use discovery masters in significant cases	11/8/2018 10:46 AM
72	Set limits on discovery (subject to modification by stipulation or leave of court) that are stated in a rule, and vary the limits based on type of case, as determined during the triage process.	11/8/2018 10:37 AM
73	create a process similar to federal court rule 16	11/7/2018 2:54 PM
74	early involvement of judge. Less discovery motions which only encourage gamesmanship and sanction games.	11/7/2018 2:22 PM

Q48 Should the Hawai'i Circuit Courts adopt an expedited trial program or pilot project to provide for expedited jury or bench trials for certain types of cases?

Answered: 233 Skipped: 175

ANSWER CHOICES	RESPONSES	
Yes	65.67%	153
No	10.73%	25
Don't know	23.61%	55
TOTAL		233

Q49 Do you have any suggestions or recommendations regarding what types of cases should be included in the expedited trial program and what procedures should apply to trials within the program?

Answered: 85 Skipped: 323

#	RESPONSES	DATE
1	No.	1/8/2019 11:39 PM
2	Parties should be able to opt in to an expedited trial program. Or if only one party wants it, a judge can decide via motion.	12/31/2018 12:01 PM
3	Contract	12/28/2018 5:58 PM
4	Smallish personal injury cases.	12/26/2018 3:42 PM
5	Declaratory and injunctive relief cases not requiring a jury and where all material facts are stipulated to and not disputed by all counsel, cases should be resolved by summary judgment /disposition within 6 months of the filing of the initial Summons and Complaint.	12/26/2018 2:29 PM
6	Lower dollar motor vehicle cases.	12/26/2018 1:28 PM
7	Low-value cases. Perhaps jury demands up to the 40k AIC, so parties have to weigh whether they are demanding a jury because they want one vs. demanding a jury because they want to avoid the expediency of proceeding in District Court and to drive up costs for the opposing party. Simple cases involving only two parties. Certain bench trials. Perhaps parties could have a choice between this program and CAAP?	12/26/2018 1:14 PM
8	Declaratory and injunctive actions that are not significantly focused on monetary damages and their supporting records.	12/26/2018 12:47 PM
9	Foreclosure, declaratory relief, interpleader, quiet title, and condemnation proceedings.	12/10/2018 10:38 AM
10	Either side should be able to opt out when the program is still in the testing phase.	12/6/2018 8:43 AM
11	All types with expedited rules.	12/2/2018 1:55 PM
12	Collection cases. Foreclosure cases.	11/30/2018 8:50 PM
13	car accidents, limit discovery, allow experts to testify without having to pay for reports	11/30/2018 8:42 AM
14	Tort cases	11/29/2018 9:53 PM
15	no	11/29/2018 1:37 PM
16	Contract cases	11/29/2018 12:31 PM
17	no	11/29/2018 11:14 AM
18	Foreclosures and evictions. Expedited trial setting, mandatory disclosure and exchange of evidence with identification of percipient witnesses	11/29/2018 11:00 AM
19	contract disputes, collection cases	11/29/2018 11:00 AM
20	Further research needed and discussions	11/29/2018 10:56 AM
21	Certain contracts cases (non-technical subject; no expert witnesses; low damages claimed) may be suitable for expedited trial; such trials could be limited to jury waived trials lasting 1-2 days with less than 5 witnesses testifying live or by deposition.	11/29/2018 10:45 AM
22	death cases.	11/29/2018 10:22 AM
23	Ejectment, breach of certain contracts (e.g., real estate purchase/sale; foreclosure; settlement agreement); enforcement.	11/29/2018 9:09 AM
24	Homeowner Association disputes	11/29/2018 8:25 AM
25	if you are testing a process, test all types of cases in proportion to their proportion of all cases.	11/29/2018 8:05 AM

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26	cases valued at less than \$10,000	11/29/2018 7:54 AM
27	as many as possible	11/29/2018 7:36 AM
28	Contract cases may be more amenable to such a program as they are often document based.	11/29/2018 6:50 AM
29	Low value tort cases; limited discovery; firm trial dates	11/29/2018 5:52 AM
30	Not at this time. More data is required to have such opinions. But dollar amount realistically contested and complexity are important.	11/28/2018 11:51 PM
31	No	11/28/2018 8:09 PM
32	Declaratory/injunctive relief type complaints against government defendants where facts are generally not in dispute should be included in an expedited trial program.	11/28/2018 7:58 PM
33	simple tort and contract cases	11/28/2018 7:46 PM
34	contract and non-vehicle tort cases with value of \$150,000 or less	11/28/2018 7:28 PM
35	minimal value cases with simple issues that do not require extensive discovery	11/28/2018 6:59 PM
36	Routine tort and contract cases. Set firm deadlines. Limit discovery and limit expert testimony. Disallow a wealthy litigant from over litigating in order to achieve an advantage.	11/28/2018 6:39 PM
37	Trials in which the amount in controversy does not exceed a limit, the exact amount of which I leave to the task force.	11/28/2018 5:55 PM
38	Contract cases bench trial only are the obvious ones. An in depth pre-trial conference with the attorneys narrowing down the trial issues should be mandatory. Should an attorney claim the kitchen sink, sanctions against that attorney post trial should be ordered. Frivolous issues are a waste of time and have real costs to all involved. Offers of proof per witness in writing and proposed FF/CL before trial. This will force attorneys to be prepared. Xcel sheets the court can follow the proof with highlighted essential documents an exhibit list that in part states what will be introduced	11/28/2018 5:53 PM
39	separate rules of evidence for judge trials - everything comes in and judges decide weight	11/28/2018 5:42 PM
40	If the parties/attorneys feel their case is ready for expedited trial program then they should be entered into the program, earlier disclosures and full disclosures so parties can obtain the records they need.	11/28/2018 5:40 PM
41	No	11/28/2018 5:39 PM
42	Foreclosure cases. The defendants rarely have any defenses to non-payment but use trials to delay the inevitable. Create magistrate judges to handle discovery and other pre-trial proceedings	11/28/2018 5:30 PM
43	Those that now go to CAAP, cases where liability is not disputed, cases where the parties agree an expedited trial is fair and useful	11/28/2018 5:29 PM
44	Foreclosure, declaratory relief, breach of contract under \$500,000.	11/28/2018 5:22 PM
45	No	11/28/2018 5:20 PM
46	Liens Will Contests	11/28/2018 5:17 PM
47	Actions for declaratory relief; HRS 343, 205A and other environmental cases	11/28/2018 5:10 PM
48	Based on amount of claimed damages	11/28/2018 5:06 PM
49	Cases identified by statute as requiring expedited review	11/28/2018 5:04 PM
50	AOAO, foreclosure, and slip and fall cases are clogging the system so maybe start there.	11/28/2018 5:02 PM
51	real property, construction defect, small business disputes	11/28/2018 4:57 PM
52	non-complex, non-experts	11/19/2018 10:51 AM
53	criminal cases and contract disputes	11/19/2018 9:47 AM
54	car accident cases	11/19/2018 9:39 AM
55	Cases limited to a few issues and/or causes of action	11/15/2018 10:55 AM
56	Simple personal injury matters with an anticipated verdict value not to exceed \$250,000.	11/15/2018 9:30 AM
57	Cases w/ children or elderly persons as parties. Also, cases alleging on-going harm. Quiet title.	11/15/2018 8:10 AM

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58	Non-motor vehicle tort, environmental, agency appeals, declaratory judgment	11/13/2018 3:04 PM
59	Cases that go to CAAP & do not settle. Set more than 1 case for trial on the same week.	11/13/2018 2:58 PM
60	smaller uncomplex and stupid cases	11/13/2018 1:27 PM
61	No	11/13/2018 1:15 PM
62	limited party/issue case	11/13/2018 1:11 PM
63	smaller (less than \$100,000) personal injury and assumpsit cases	11/13/2018 12:47 PM
64	simple tort cases with low value. simple contract disputes.	11/9/2018 8:07 AM
65	Basic contract, collections and neighbor easement/other dispute cases	11/9/2018 8:00 AM
66	low value car accidents	11/9/2018 7:54 AM
67	Cases w/ limited key issues.	11/8/2018 3:45 PM
68	Cases that are being "litigated" by e-Bay & Amazon and is non-judicial foreclosure.	11/8/2018 2:09 PM
69	Motor vehicle accident & personal injury cases; non-complex breach of contract cases	11/8/2018 1:55 PM
70	simple contract disputes	11/8/2018 1:45 PM
71	All cases that want to be in this program.	11/8/2018 1:32 PM
72	The more simple tort case, auto accidents, premises liability (should result in limited discovery) & less than 12-jurors	11/8/2018 1:25 PM
73	small value cases; pro se cases	11/8/2018 1:17 PM
74	Jury demand cases transferred fr. district ct small contract cases.	11/8/2018 12:59 PM
75	contract disputes	11/8/2018 12:55 PM
76	contracts	11/8/2018 12:37 PM
77	Any case by which Pltf requests & Judge agrees after consideration of Deft's position or any case so Deft by the trial court after consideration of the position of all parties.	11/8/2018 11:19 AM
78	By agreement of parties similar to consent to magistrate trials at federal court.	11/8/2018 10:56 AM
79	No	11/8/2018 10:47 AM
80	The response. Tort and contract cases value of which is less than \$ ceiling.	11/8/2018 10:42 AM
81	smaller dollar amounts	11/8/2018 9:45 AM
82	No. I will leave that issue to the informed task force	11/8/2018 8:53 AM
83	those on the streamlined tract as described	11/8/2018 8:39 AM
84	tort, contract, employment	11/7/2018 2:54 PM
85	love the idea of a partial trial to adjudicate certain key issues which can lead to settlement and if not, to a full trial on the remainder issues.	11/7/2018 2:22 PM

Q50 Do you have any suggestions or recommendations on how the Hawai'i Circuit Courts can use technology to make the litigation process more user friendly and transparent for pro se litigants and to help reduce costs and delay?

Answered: 96 Skipped: 312

#	RESPONSES	DATE
1	No.	1/8/2019 11:39 PM
2	No opinion.	1/6/2019 10:51 PM
3	In my experience, pro se litigants are difficult to work with and often have hand written documents. How can those litigants be expected to use technology? For the ones with computer access, they often copy and paste from cases which have no relation to the law or facts in their case, confusing the issues. I don't think our government should provide a legal education or free advocacy from the bench to pro se litigants.	12/31/2018 12:05 PM
4	Maybe provide an overview of how the system works.	12/28/2018 5:58 PM
5	adopt electronic filing. have computer terminals available in law library for common fillable court forms such as family law forms, non-vehicle tort, etc.	12/27/2018 10:14 AM
6	E-filing in the Circuit Courts should be required, although paper pleadings should be sent to pro se litigants if requested by the pro se party. Appearance of counsel by Skype or other technology should be permitted in all cases in which opposing counsel are located in Circuits other than the forum Circuit. This would reduce costs of travel and legal fees for travel time substantially.	12/26/2018 2:35 PM
7	Electronic filing, generally. Better and more comprehensive forms available on judiciary website for pro se litigants. Change the name of In Forma Pauperis to something normal people would recognize. Provide easy access to the HRCF and RCCH on judiciary website (it could be a lot easier to find). Adopt procedural rules for all divisions and post them on the judiciary website. For those procedures that vary from division to division, create a web page for each division that details those particular procedures. This would save pro se litigants, practitioners, and court staff a lot of time.	12/26/2018 1:21 PM
8	Increase the availability of online fillable forms.	12/26/2018 12:48 PM
9	online filing system with how to instructions	12/26/2018 11:56 AM
10	efiling	12/26/2018 11:53 AM
11	The Hawaii civil court system is long over due in getting going paperless both in motions practice and in the court room. This is a massive and useless waste of money to parties.	12/23/2018 5:39 PM
12	No. The Circuit courts provide forms for pro se litigants to use, but often times the pro se litigants still choose to take advantage of the system and cause delays of their own by filing numerous documents, some of which is illegible and some also try to use the fact that they are pro se to try get leniency from the judges. They should be held accountable for the rules, especially if they are choosing to represent themselves in Court.	12/17/2018 3:27 PM
13	Not at this time.	12/17/2018 11:51 AM
14	Unsure what resources now available for pro se	12/10/2018 5:51 PM
15	videos that explain the court system and rules	12/10/2018 2:40 PM
16	Provide the public with access to view and copy case, other than their own, pleadings at no charge.	12/10/2018 10:40 AM
17	Not at this time.	12/6/2018 1:27 PM
18	E-filing.	12/6/2018 8:31 AM
19	Not at this time.	12/2/2018 1:55 PM

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20	Develop a comprehensive set of forms like HI District Court and the California Court system.	11/30/2018 8:51 PM
21	Bring e-filing to circuit courts soon!	11/30/2018 11:02 AM
22	no	11/30/2018 10:56 AM
23	do everything in paper	11/30/2018 8:43 AM
24	Online filing in civil cases	11/30/2018 7:24 AM
25	No	11/29/2018 9:54 PM
26	availability of pleadings/documents online	11/29/2018 2:59 PM
27	standardize the on line fillable forms so that each circuit has the same ones	11/29/2018 1:38 PM
28	The Federal Court CM-ECF System is incredibly efficient and convenient for Counsel, but it is not used by Pro Se Litigants. Even the "no bounce rule" of the Circuit Court makes it more user friendly than the District Court for all concerned including Pro Se Litigants. Putting the Summons at the beginning of the Process instead of the end may eliminate some defaults by those that rely on the front page to convey the message. I believe that the British System of costs eliminates frivolous claims, but it must be tempered with less ridged mechanical approach to the rules, so Pro Se Litigants are not totally discourage from pursuing legitimate claims despite being unable to find legal counsel they can afford.	11/29/2018 1:20 PM
29	All documents should be filed and visible electronically like the JEFS system.	11/29/2018 12:31 PM
30	Get the circuit courts on the JEFS system and allow for electronic filing and service of pleadings other than the initial complaint.	11/29/2018 12:03 PM
31	Institute e-system similar to fed pacer	11/29/2018 11:33 AM
32	clearly e-filing , which i understand is on the way. Hearings by online video conferencing could be considered.	11/29/2018 11:24 AM
33	no	11/29/2018 11:15 AM
34	Yes. The program must actually be paperless. The technology is there, however, our system is cumbersome and outdated. Requires funding for updated technology	11/29/2018 10:57 AM
35	Provide a room of computers and volunteers where pro se litigants can sign up: to view training webinars on filling out documents and/or presenting in court; to complete documents from templates provided by the Court; to ask questions of staff/volunteers in the room. regarding forms or process.	11/29/2018 10:54 AM
36	Have more forms available, as well as a "help" window (like the Family Court).	11/29/2018 9:10 AM
37	No	11/29/2018 8:26 AM
38	why "reinvent" the wheel. copy the feds as closely as possible and do not allow individual judges to have their own unique rules.	11/29/2018 8:06 AM
39	have all pleadings and documents available on electronics so they are easily retrievable and accessible.	11/29/2018 7:55 AM
40	not really	11/29/2018 7:36 AM
41	Some pro se litigants may need the assistance of court navigators - someone who doesn't provide legal advice but administrative support on where to go, how to file things, assistance with navigating website, etc. Expanding the availability of on line forms is helpful. The First Circuit Court deserves recognition for the progress to made so far.	11/29/2018 6:56 AM
42	No suggestions	11/29/2018 5:53 AM
43	yes. Like the District Court and the Bankruptcy Court, provide training/instruction sessions; make it mandatory	11/29/2018 3:26 AM
44	No	11/28/2018 11:52 PM
45	e-filing like the USDC	11/28/2018 11:22 PM
46	No. This is impossible. The judiciary would need a level of interface that is well beyond its ability to administer.	11/28/2018 10:08 PM
47	No	11/28/2018 8:09 PM

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48	E-filing with a functioning milestone system would probably be the most elegant way to make litigation more transparent and understandable to self represented litigants especially with the regular issues like serving all parties, having access to the court file outside of court hours. E-notification system that the Second Circuit is trying in criminal cases might be another way to help self-represented parties in civil cases.	11/28/2018 8:03 PM
49	Hoohiki should be expanded to include an electronic copy of each document included in the Document List of each case; persons searching Hoohiki should be able to download a copy of each document included in the system Electronic copies of transcripts of proceedings that have been ordered in a case should be included in the Document List for the case on Hoohiki The per page costs for transcripts of proceedings need to be adjusted to reflect the improved technology available to prepare and store them	11/28/2018 7:42 PM
50	have pleadings available online on judiciary website	11/28/2018 7:30 PM
51	Make all pleadings accessible via the internet - whether at a cost or for free, accessibility without having to retrieve records from the courthouse is valuable.	11/28/2018 7:20 PM
52	efiling like the federal court system (NOT JEFS)	11/28/2018 7:01 PM
53	No.	11/28/2018 6:40 PM
54	perhaps ongoing educational opportunities for attorneys with lesser technological aptitude	11/28/2018 5:57 PM
55	Put all court documents online. Force the pro se litigants into CAAP--they truly need the helpful admonitions.	11/28/2018 5:54 PM
56	Pro se litigants are a problem in my practice. Some are sophisticated and do fairly well. Most just gum up the works. Many are representing themselves because attorneys and service groups won't represent them. I am not sure that making things easier for them would advance the cause. Admittedly, I do not deal much with the poor or economically disadvantaged, who need some help.	11/28/2018 5:48 PM
57	standardize forms on line	11/28/2018 5:43 PM
58	Scan the documents in so you can see/read what has been filed. Names of documents do not help people understand what was filed.	11/28/2018 5:41 PM
59	No	11/28/2018 5:39 PM
60	Make all case records available at no cost or at a nominal cost online. If PACER can do it, the State of Hawaii should be able to do it. It's not about just being able to look at your own case. It also enables people to look through similar cases and find samples that can be adapted for their own matter. Also, cases should be searchable by attorney name so people can review the attorney's history in litigation.	11/28/2018 5:39 PM
61	Create more fillable PDF forms and require their use in most cases, similar to the District Courts	11/28/2018 5:32 PM
62	Flat screen in every courtroom and larger lecterns.	11/28/2018 5:30 PM
63	Allow for more telephonic or Skype appearances at motions hearings. E-filing and service of documents.	11/28/2018 5:23 PM
64	No	11/28/2018 5:20 PM
65	Make court documents more accessible to the public. This might be accomplished by storing e-copies of filed documents on a cloud that is accessible to the public	11/28/2018 5:12 PM
66	The sooner electronic filing system is adopted in civil proceedings, the less expensive litigation will become.	11/28/2018 5:07 PM
67	Make it possible to see, download and print filed documents online (the actual pleading, not just the docket listing)	11/28/2018 5:07 PM
68	Electronic filing system	11/28/2018 5:03 PM
69	Absolutely need electronic filing for circuit court civil cases. This way there won't be any disputes about whether someone received notice.	11/28/2018 5:03 PM
70	JEFS/JIMS is a start but PACER is far superior. The PACER program in federal court is so much more user friendly it makes access to documents, minute orders, etc., so simple and quick to find.	11/27/2018 1:34 PM
71	a new system that is more workable than JIMS/JEFS	11/19/2018 10:51 AM
72	offer template discovery requests and responses	11/19/2018 10:43 AM

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73	More PDF forms on line for pro se litigants	11/15/2018 10:55 AM
74	Allow pro se litigants to obtain a portal entry number so they can file electronically (with JIMS) like the attorneys.	11/15/2018 9:31 AM
75	The state of the technology is not keeping w/ our needs. Costs is the main factor & the technicians are not readily available on the neighbor islands.	11/13/2018 3:05 PM
76	Use e-discovery & forms available to download on smart phone &/or tablets which are fillable & printable.	11/13/2018 2:58 PM
77	plain language resources online with plain language forms as well as staff who may answer questions (but not give legal advice) or direct them to legal resources for more detailed assistance.	11/13/2018 1:06 PM
78	expand self-help and access to justice services	11/13/2018 12:47 PM
79	permit parties/counsel to appear via phone or video more often when the case is in a neighbor island.	11/9/2018 8:12 AM
80	Online system must be brought technologically current and filings available online. Current system is often days out of date.	11/9/2018 8:01 AM
81	Use e-mail to communicate w/ parties.	11/8/2018 3:35 PM
82	expedite on-line filing	11/8/2018 2:17 PM
83	We should adopt an electronic docketing system like the federal system. We should be able to file documents on-line, have access to them electronically as soon as they are filed & be able to download fr. the court system any publically filed document and order in the case.	11/8/2018 2:11 PM
84	Ability to sign up to find out status of case so electronic notification would assist pro se litigants.	11/8/2018 1:39 PM
85	No	11/8/2018 1:32 PM
86	Create more templates, discovery requests, motions, e/z,	11/8/2018 1:25 PM
87	Explain process on website	11/8/2018 1:00 PM
88	Access to all filed documents for a maximum fee (see Pacer)	11/8/2018 12:55 PM
89	funding for upgrades	11/8/2018 12:31 PM
90	No	11/8/2018 10:47 AM
91	efiling, electronically delivery of court notices.	11/8/2018 10:38 AM
92	electronic filing and access to court documents electronically will be very helpful	11/8/2018 10:11 AM
93	electronic filing of all pleadings	11/8/2018 10:03 AM
94	electronic filing	11/8/2018 9:46 AM
95	service by email	11/8/2018 8:39 AM
96	electronic filing. Means to obtain filed documents electronically	11/7/2018 2:55 PM

Q51 If you could change one rule or procedure in the Hawai'i Circuit Courts to reduce costs and delay and secure a more streamlined court process for litigants, what would it be and why?

Answered: 116 Skipped: 292

#	RESPONSES	DATE
1	Provide for early settlement conferences.	1/8/2019 11:43 PM
2	Rule 23(a) & (b).	1/6/2019 10:58 PM
3	Never should sanctions for expediency violations attributable to an attorney's negligence be imposed on a party. Eliminating even the possibility of imperiling a legitimate claim or defense would prevent opposing parties from attempting to take unfair advantage of opposing counsel's being overburdened, and would thereby encourage those who would try to take such unfair advantage, instead of waiting for non-compliance to get worse to the extent that sanctions will be imposed to remind opposing counsel	12/30/2018 12:45 PM
4	mandatory discovery disclosures.	12/26/2018 3:47 PM
5	Adopt Rule 16 of FCRP	12/26/2018 3:01 PM
6	Filing all pleadings, motions, exhibits and evidence in Circuit Court and serving opposing parties - - by email. Paper documents can be filed before the hearing date or trial - if necessary. This would substantially reduce costs of copying, postage, service and courier services.	12/26/2018 2:58 PM
7	Delete Circuit Court Rule 12's requirement that the parties schedule a trial setting conference regardless of the parties' actual readiness for trial.	12/26/2018 1:35 PM
8	Adopt FRCP Rule 16.	12/26/2018 1:32 PM
9	Mandatory initial disclosures.	12/26/2018 12:50 PM
10	letter briefs for discovery disputes.	12/26/2018 11:57 AM
11	online filing system and updated court docket available online	12/26/2018 11:56 AM
12	Do away with paper service and paper exhibits. Get electronic.	12/23/2018 5:39 PM
13	Nothing.	12/17/2018 3:29 PM
14	Rule 56, I would lengthen from 50 days to 100 days the time in which an MSJ must be brought before trial. It would lead to more early settlements.	12/10/2018 10:45 AM
15	Allow for a judgment to be entered automatically after agreeing on the form without an extra motion to enter the judgment.	12/7/2018 9:37 AM
16	I would have the rules establish earlier trial dates, quicker disposition of discovery issues, earlier settlement conferences, etc.	12/6/2018 1:29 PM
17	Rule 56(f) should be changed to require the party requesting a continuance to explain why they haven't conducted discovery to date.	12/6/2018 8:32 AM
18	require a meeting of parties and judge within 30 days of answer being filed	12/4/2018 1:21 PM
19	Eliminate the rule requiring a Table of Authorities. Who even looks at those things?	11/30/2018 9:51 PM
20	Figure out how to offer litigants more ways to end up in District Court. District Court is fast, gives the parties an opportunity to have a judge hear their case, is less complicated, less paperwork intensive, and therefore, less expensive for the litigants.	11/30/2018 9:06 PM
21	Add a rule like FRCP 16.	11/30/2018 11:04 AM
22	Don't know	11/30/2018 10:57 AM
23	set trial dates sooner, limit discovery to not more than two depositions and CAAP rogs	11/30/2018 8:45 AM
24	The rule that a plaintiff has 8 months to file a pretrial statement. Trial dates should be set earlier.	11/30/2018 7:24 AM

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25	more teeth in discovery sanctions	11/29/2018 2:59 PM
26	REQUIRE DEFENSE ATTORNEYS TO DOUBLE SET TRIALS SO IF THE FIRST CASE SETTLES, THE 2ND WILL GO.	11/29/2018 2:13 PM
27	make every complaint filed be verified by party litigant under penalty of perjury	11/29/2018 1:43 PM
28	I think the proportionality rules of the federal court are fairer for discovery purposes, but I think the HRCF are moving in that direction now anyway.	11/29/2018 1:22 PM
29	Create a rule that would have standard language to replace the "Definitions" and "Instructions" that now take up a dozen pages or more in each discovery request and are hardly read anyway.	11/29/2018 12:06 PM
30	I would look at Rule 12 of the Circuit Court Rules and reduce the time to file the pretrial statement (from 8 months to 6 months) as well as the time to file the ready to proceed statement (from 60 days to 45 days). The additional pressure on Plaintiff to file the pretrial statement should force counsel to carefully and thoroughly review the case and to move quickly to serve the complaint and begin conversations with defense counsel.	11/29/2018 11:36 AM
31	Mandatory discovery disclosures to try to eliminate the gamesmanship and delay and cost in discovery. Allow a fast-track bench trial or even purely document based trial (no live testimony or even attorney argument), where the trial will occur so much faster than jury trial that parties will choose the fast-track.	11/29/2018 11:27 AM
32	Don't know	11/29/2018 11:16 AM
33	A deadline for when each type of case must begin trial	11/29/2018 11:01 AM
34	transforming a nonappealing party following a CAAP award- into a non prevailing party so that CAAP case costs and later sanctions can then be imposed upon them- even though they did not file the appeal from the CAAP award is simply wrong headed. This is particularly true where the same party secures a favorable verdict not overturned on appeal, in the personal exercise of a violation of their rights under the law.	11/29/2018 10:28 AM
35	All discovery rules. There should be a separate set of automatic but expedited discovery rules which should be used first, followed by a case management conference with the judge who will control whether the "traditional" discovery rules will now apply.	11/29/2018 9:12 AM
36	Implement a rule similar to FRCP Rule 26	11/29/2018 8:46 AM
37	Add a magistrate judge equivalent. Maybe you only need a couple to start and see how it goes.	11/29/2018 8:38 AM
38	Trial setting and settlement conferences should occur early in the case.	11/29/2018 8:29 AM
39	electronic filing identical to the feds and uniform for all courts at all levels	11/29/2018 8:06 AM
40	early settlement conferences with judicial involvement	11/29/2018 7:38 AM
41	A meeting with the judge once all parties have entered an appearance to conduct a preliminary discussion regarding the legal issues, scope of discovery, facilitate communications, etc. could help.	11/29/2018 6:59 AM
42	An early scheduling conference where limitations on discovery are set as well as firm deadlines for completion of discovery, expert witness reports, etc.	11/29/2018 5:54 AM
43	Allowing form objections to document discovery. Somehow need to get compliance within the first 30 days or a process to handle it if it cannot be done in that time completely.	11/29/2018 5:42 AM
44	limit discovery as much as possible	11/29/2018 3:26 AM
45	Have judicial oversight of discovery requests and compliance to make it more timely and efficient.	11/28/2018 11:59 PM
46	Start copying the federal court system because they have already put a ton of resources into working out these issues.	11/28/2018 10:11 PM
47	Earlier trial setting process as in federal courts	11/28/2018 8:10 PM
48	The per page costs for transcriptions of proceedings need to be adjusted to reflect the improved technology available to prepare and store them	11/28/2018 7:42 PM
49	allow skype calls to suffice for face to face requirement prior to filing the PTS	11/28/2018 7:31 PM
50	Similar to federal court, requiring the parties to meet and agree on a discovery plan after all parties have appeared would accelerate the current timeline to trial preparation.	11/28/2018 7:21 PM

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51	efiling for all documents	11/28/2018 7:01 PM
52	Eliminate or seriously curtail pretrial statements and settlement conference statements and the like. Just get the case to trial.	11/28/2018 6:43 PM
53	Set a settlement conference date and trial date within ten days of the filing of the answer	11/28/2018 5:59 PM
54	Sorry i have 2. 1) trials set within one year of answer (truly complex cases handled on a different track).2) Appellate decisions within 12 months of filing the final brief.	11/28/2018 5:57 PM
55	Upon a finding that a party has been substantially non-compliant with an order to give discovery, the party should be defaulted and not reinstated to the case unless within 30 days, the party (a) comes into substantial compliance with the order; and (b) pays all attorneys fees and costs incurred chasing after the discovery.	11/28/2018 5:46 PM
56	settlement conferences early to limit issues and often	11/28/2018 5:44 PM
57	(1) Limited Scope Representation should be allowed and accepted by the Courts. (2) Requirement of early disclosures and earlier deadlines for experts so the cases get ready for trial earlier.	11/28/2018 5:43 PM
58	?	11/28/2018 5:39 PM
59	Mandatory discovery disclosure and early settlement conferences.	11/28/2018 5:39 PM
60	Don't require pretrial statements unless the case is not resolved by motion.	11/28/2018 5:33 PM
61	Immediate trial scheduling and discovery conference	11/28/2018 5:22 PM
62	Do away with interrogatories	11/28/2018 5:18 PM
63	Make trial dates and deadline dates "real". Nothing moves a case like a deadline.	11/28/2018 5:14 PM
64	RCCH 22: Parties should not be required to pay for transcripts (which causes delay and increases costs because any appeal will require paying for the transcript again) to prepare an order that the judge dictated at a hearing; some, but not all judges transcribe the information in the minutes. If the court dictated an order and reasoning, it should be able to prepare the order faster than the parties.	11/28/2018 5:14 PM
65	Very early status conference or meet and confer.	11/28/2018 5:06 PM
66	Initial disclosures similar to the Federal Rules	11/28/2018 5:03 PM
67	End the current pretrial statement requirement, I've heard from judges that they do not read it, maybe a more streamlined version. Have a trial setting as early as possible.	11/28/2018 5:00 PM
68	\$5,000.00 jury trial amount	11/28/2018 4:58 PM
69	Scope of discovery; it should be tailored to the amount in controversy	11/27/2018 8:58 PM
70	The early advisory trials discussed at the conference seem to have a lot of potential. A lot of litigants and their clients will be hesitant to go to an expedited trial with limited discovery if they know that the verdict will be binding. It's hard to recommend taking that risk to clients. Clients and adjusters would be a lot more willing to have an advisory trial so that they can gain insight on how a jury will feel about liability and damages without being bound by the decision (and 2+ years in the appellate courts) and without expending trial costs.	11/27/2018 1:47 PM
71	require early settlement conferences within 90 days of answer to complaint being filed	11/19/2018 10:44 AM
72	need to change CAAP arbitration ??? provisions litigant who ??? at CAAP hearing still obligated to pay cost if loses at trial even if he/she prevailed at CAAP arbitration hearing ???.	11/19/2018 10:32 AM
73	Move up/advance the trial setting conferences and implement Rule 16 in HI court	11/15/2018 10:56 AM
74	require mediation arbitraiton	11/15/2018 10:48 AM
75	Eliminate interrogatories. Document production and depositions only.	11/15/2018 9:45 AM
76	Expert depositions should require Court approval.	11/15/2018 9:33 AM
77	Early & frequent settlement conferences	11/15/2018 8:20 AM
78	Judges should be more active in settlement.	11/15/2018 8:11 AM
79	See 32 & 33	11/14/2018 3:24 PM
80	Trial dates should not be automatically set. Early settlement conference should be required.	11/13/2018 3:05 PM

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81	Adopt Federal procedures	11/13/2018 2:23 PM
82	service of process should be made more efficient	11/13/2018 1:27 PM
83	require meet and confer and rule 16 conference with special master in complex litigation cases.	11/13/2018 1:07 PM
84	incorporate proportionality in all discovery	11/13/2018 12:53 PM
85	mandatory and early disclosures of relevant materials and evidence.	11/13/2018 12:47 PM
86	streamline process for discovery disputes. It could take up to 60 days to obtain a ruling on a discovery dispute meet and confer, followed by a motion, ??? hearing, etc.	11/9/2018 8:16 AM
87	eliminate settlement conference statements	11/9/2018 7:54 AM
88	Limited discovery by rule so attorneys don't fear malpractice so they have to make a compelling showing to opt out of limiting discovery.	11/8/2018 3:46 PM
89	Keep rules 12, 56, 37, but have judges actually enforce the preceeding rules.	11/8/2018 3:37 PM
90	Rule 16 scheduling conference should follow FRCP	11/8/2018 2:44 PM
91	Already stated--adopt the modified FRCP (12/1/15) re: ESI & E-discovery.	11/8/2018 2:18 PM
92	Early scheduling conference w/the Court to set a trial date & other important deadlines are the key to getting anything done & getting it done timely.	11/8/2018 2:12 PM
93	Have parties seeking e-discovery pay for the cost of such discovery.	11/8/2018 2:00 PM
94	Reduce the deadline for filing of the initial pretrial statement to w/in 2 months of filing of the Complaint & make it clear that the "initial pretrial statement" may also be filed by a deft, & adjust corresponding trial setting rules. This should "move up" the deadline for the setting of a trial date.	11/8/2018 1:56 PM
95	Change discovery rule to include proportionality.	11/8/2018 1:39 PM
96	Make CAAP optional not mandatory.	11/8/2018 1:32 PM
97	Some form of meaningful meet & confer prior to a Rule 16 scheduling conference. Encouraging frank discussion regarding the issues, defenses, discovery. Implement a more formalistic process to resolve discovery disputes expeditiously short of filing a motion.	11/8/2018 1:27 PM
98	Make something happen b/f case is 8 months old.	11/8/2018 1:09 PM
99	Require courts to schedule trial setting w/in 60 days of pretrial statement. Pltfs often don't schedule trial setting. Much delay caused by this. Require court to schedule Rule 16 if PTS not filed w/in 8 months.	11/8/2018 1:01 PM
100	Eliminate pretrial statement as prerequisite for obtaining trial date.	11/8/2018 12:55 PM
101	1-Adopt Fed rules as discussed & proposed 2- Make mediation mandatory in most cases except CAAP 3-Formation of court annexed mediation w/mediators practicing in field	11/8/2018 12:39 PM
102	6-person juries w/ relaxed rules of evidence	11/8/2018 11:22 AM
103	discovery compliance	11/8/2018 10:47 AM
104	Enforcement of the rules. Rule amendments are great and needed, but the existing rules already have features, that are seldom used/enforced. Rules are of little use if they're not seriously enforced.	11/8/2018 10:39 AM
105	Adopt the federal rules	11/8/2018 10:27 AM
106	Adopt pathways. Triage/tiery ??? to cases that the court decides initially. That would enforce cases that are simple get to trial quickly. The over-arching goal is to get cases to trial, even jury trial.	11/8/2018 10:17 AM
107	mandatory mediation/ADR with parameters and cost because parties here can choose the neutral, and the neutral can help identify issues and streamline the process to get cases resolved.	11/8/2018 10:11 AM
108	if the court would rule on as many issues pre-trial which would reduce the triable issues.	11/8/2018 10:04 AM
109	eliminate hcr rule 12 and hrpc rule 26. Substitute with federal rules frcp local rule 16 and rule 26.	11/8/2018 9:53 AM
110	use judges as arbitrators if the parties agree. Cheaper and must faster to "try" a case.	11/8/2018 9:47 AM
111	order proportionally on discovery and give court autonomy to issue specific sanctions.	11/8/2018 9:13 AM

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112	Judges seem concerned about granting dispositive motions despite of lack of facts supporting a cognizable claim or facts supporting certain issues. Rule 56 guidelines should be applied both by circuit and appellate courts.	11/8/2018 8:48 AM
113	adopt rule 16.	11/8/2018 8:39 AM
114	creating a process similar to federal court rule 16 would be helpful. Because it requires the parties to litigate the case early.	11/7/2018 3:19 PM
115	Require all attorneys to annually attend a day long CLE emphasizing applicable HRCP and civility guidelines.	11/7/2018 2:41 PM
116	adopt federal court standards for rule 56 motions. Have appellate courts give more deference to trial courts in considering disposition motions.	11/7/2018 2:14 PM

Q52 Please include any recommendation, information, clarification, or comment you would like to add.

Answered: 56 Skipped: 352

#	RESPONSES	DATE
1	Trial court judges (District and Circuit Court) should be less focused on clearing their dockets and forcing the party they perceive to be the "deep pocket" to settle cases and more focused on the merits of cases when engaged in settlement conferences.	1/8/2019 11:43 PM
2	Electronic filing in civil cases is a must!	1/6/2019 10:58 PM
3	I think this survey, while well-intentioned, is severely biased and worded to discourage participants from taking into account the damage to the quality of justice that can result from expediency, particularly the threat of sanctions for discovery procedure violations.	12/30/2018 12:45 PM
4	magistrate judge is a great idea.	12/26/2018 3:47 PM
5	The Legislature should provide the Judiciary with additional funds to hire qualified and experienced law magistrates, officers and/or law clerks to assist Circuit Court Judges. Courts on all Islands, at minimum, should be divided into separate civil and criminal dockets so that those with the most experience and expertise in those areas can preside over cases in which they are most qualified.	12/26/2018 2:58 PM
6	Much of the backlog on the court's trial calendar is caused by premature setting of trials which are then subsequently rescheduled repeatedly. The premature trial settings hinder the parties who are actually ready to proceed to trial and seek to obtain a firm trial date.	12/26/2018 1:35 PM
7	the current trial date outlined in circuit court rule 12(c)(2)(A), 150-240 days from the initial pretrial statement makes no sense and is never followed. It's not realistic deadline, so it is generally ignored. A case can't even be decided In CAAP by that deadline. A realistic trial date should be set.	12/26/2018 11:57 AM
8	If the Courts were to implement an earlier trial schedule, it may lead to more trials, more work for the judges, and more attorney's fees and costs incurred.	12/17/2018 3:29 PM
9	Rewording HRCP to more closely mimic FRCP would make them more understandable to pro se & lay clients	12/10/2018 5:52 PM
10	Start sanctioning frivolous motions by awarding the full cost of defending against them.	12/7/2018 9:37 AM
11	Please see above.	12/6/2018 1:29 PM
12	look at NZ system. Trained staff screen new case to decide on course of litigation	12/4/2018 1:21 PM

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13	<p>Proposal # 1 Regarding Notice Problem: Too many poor people facing eviction, foreclosure or quiet title fail to respond in a timely manner after receiving a complaint. Too often, defendants call public interest legal service providers after judgment as been issued. Case law and unsympathetic judges can make it difficult to set these decisions aside – even where a defendant has legitimate defenses. It is ironic that attorneys are given thirty days to respond to a discovery request, but ordinary people have less than three weeks to respond to a complaint. The complaint itself is often couched in legalese. The summons is only found at the very back of the complaint – and includes confusing verbiage about when the summons can be served. Regular people who have never been to court are very confused and often paralyzed when receiving a complaint. Why not inform defendants in plain English the importance of responding on time? Proposal: Court clerks should staple to the front of every complaint – or at least every complaint in which a defendant is a human being and not a corporation – a simple statement in plain English. It could read something like: You have been sued. You have twenty days to respond. If you fail to respond within twenty days, you could lose important legal rights. Consult an attorney as soon as possible. If your income is limited, you can contact the following non-profit public interest legal service providers: Legal Aid: Domestic Violence Clearinghouse: etc. Proposal #2 Regarding Quiet Title Actions Problem: It is virtually impossible to thoroughly research the land title in quiet title cases within twenty days. Proposal: Hawai'i Rules of Civil Procedure Rule 12 should be amended to include a new section to read something like: (h) In any quiet title action, the 20 days referred to in this Rule shall instead be 40 days.</p>	11/30/2018 9:51 PM
14	<p>Go the California Court's website and hit forms. CA uses forms in multi-million dollar cases and they have hundreds of forms that cover virtually everything the court does or handles. Then go to the HI District Court's website and hit forms. Forms not only make it easier and cheaper for the litigants to get things done, it makes the court's job easier because the paperwork it sees is more uniform.</p>	11/30/2018 9:06 PM
15	<p>Reduce number of hearing motions. Judges usually decide, or can decide, based on the written submissions. See King County, where nondispositive motions are decided fast.</p>	11/30/2018 11:04 AM
16	<p>don't know</p>	11/30/2018 10:57 AM
17	<p>Justice delayed is justice denied</p>	11/30/2018 8:45 AM
18	<p>The state courts should adopt the federal court's e-filing system. This a superficial critique, but even the ICA and Supreme Court's e-filing system is clunky and inconvenient when compared to Pacer. For example, when you receive the e-filing notice, you cannot access the document directly by clicking on the link. Hoohiki takes an unknown amount of time to be updated, and the First Circuit Court filing office is incredibly slow in processing requests to see and copy files. It also appears that even judges cannot get quick access to their own case files, and must go through a request process, which inevitably must slow down the process of deciding motions. E-filing also saves practitioners the time/expense of serving opposing counsel with hard copies of all filed documents. This is also unlikely to happen, but the state courts should consider raising the salaries of law clerks in order to attract the strongest candidates, and to attract clerks who have actually been practitioners.</p>	11/29/2018 2:15 PM
19	<p>For the most part judges do an admirable job</p>	11/29/2018 1:43 PM
20	<p>None</p>	11/29/2018 11:16 AM
21	<p>Court rules should apply to all circuits. We presently have different requirements depending on what circuit you practice in.</p>	11/29/2018 10:54 AM
22	<p>Cheap and quick does not equate with access to meaningful justice. Never has and never will....</p>	11/29/2018 10:28 AM
23	<p>I formerly practiced largely in state court. I don't think you can ask more of the Circuit Court judges given their current case load. If the legislature will authorize more judgeships, then I think the ideas you are considering could be implemented. And that would be a good thing.</p>	11/29/2018 8:38 AM
24	<p>I'd like to see the partner judge get involved early in a case and hold multiple settlement/status conferences.</p>	11/29/2018 8:29 AM
25	<p>documents and pleadings MUST be kept more accurately, consistently, and more readily up to date and available for parties in the litigation. all pleadings, documents should be retrievable without cost to the parties once in the system, as it is in federal court.</p>	11/29/2018 7:56 AM
26	<p>No additional comments</p>	11/29/2018 5:54 AM
27	<p>The time for a decision on appeal of a civil case in the context of the needs of litigants and the education of judges is outrageous.</p>	11/28/2018 11:59 PM

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28	It is stunning to me that judges still routinely allow defendants to not bring insurance adjusters with full settlement authority to settlement conferences.	11/28/2018 9:33 PM
29	encourage early settlement conferences	11/28/2018 7:31 PM
30	See all answers.	11/28/2018 6:43 PM
31	Thank you for the opportunity. This is a good move in the necessary direction.	11/28/2018 5:58 PM
32	Many of my responses would be "it depends" if there was a category. Every litigant should feel that the or she had a fair opportunity to be heard. Speed,alone, is not the goal. However, a slow, expensive system does not guaranty a fair opportunity- it is just slow and expensive- and tends to discourage dispute resolution.	11/28/2018 5:57 PM
33	Court appointed counsel fees should be increased to \$400 an hour to give parity with government attorneys who get a salary, ludicrously generous benefits (including retirement), free office space, utilities, transportation, and staff. That's not the comment you wanted for this survey, but nobody ever does surveys about being fair to the bottom-feeding attorneys so we have to slip it in whenever we get a chance.	11/28/2018 5:46 PM
34	simplified evidence rules for non-jury trials	11/28/2018 5:44 PM
35	Judges do not have enough time or resources to maintain as much involvement in settlement as they otherwise might. Mandatory early settlement conferences where the parties have to declare their positions could help. Providing judges access to mediators for consultation as needed also could be of use.	11/28/2018 5:39 PM
36	Needs to be more uniformity between judge rules. Also the current judge requirements and scheduling by judges make it nearly impossible for young mothers or single parents to practice law. need To include young people and younger law firm partners in discussions of how to improve court system.	11/28/2018 5:06 PM
37	I am concerned that expediting trial and discovery could impair a litigant's opportunity to meaningfully prepare for trial and present evidence at trial	11/19/2018 10:44 AM
38	require insurance ??? to ??? in good faith in ??? to claims and ???	11/19/2018 10:32 AM
39	high technology has already been implemented by many other jurisdictions. don't reinvent the wheel. just use their recommendations	11/19/2018 9:48 AM
40	trial judge in a jury trial should not be the settlement judge. a separate independent judge should serve as the settlement judge	11/19/2018 9:40 AM
41	I am not a proponent of additional rules. We need judges who are committed to prioritizing matters and expeditiously moving cases through the system. Early meaningful settlement conferences are the most efficient method of resolving cases quickly and with minimal costs.	11/15/2018 9:33 AM
42	There should be a deadline for the ICA to rule. Typically it takes over 3-4 yrs. The ICA's extreme delays in ruling skews a fair process.	11/15/2018 8:11 AM
43	The Judiciary does a good job in moving the cases along. Lawyers need to be prepared. When the Complaint is filed, discovery should be half-way done & ready to go to trial w/in 6 months.Court hearing should be held to make sure case moves along. Sanctions should be imposed if deadlines are not followed.	11/13/2018 2:59 PM
44	I believe the civil circuit court system is working reasonably well. However, there is a vast difference between complex cases and other cases where the amount in controversy is relatively small in amount and where legal costs may outweigh legal benefits if the party prevails.	11/13/2018 1:07 PM
45	The lack of clarity with respect to rule 12(b)(6) should be addressed. The circuit courts often decline to dismiss non viable claims even without prejudice based on the antiquated quote "no set of fact" standard that was adopted in federal courts by ????? (It seems like a case but can't read it.).	11/9/2018 8:16 AM
46	Although it would be tough at first, there is a huge need to go to the rule 16 scheduling conferencing procedure.	11/9/2018 8:02 AM

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47	The current situation is not working. It takes too long and too expensive to litigate most cases, particularly when you factor in 2-4 yrs for an appeal period. Part of the problem is the lack of preparation by judges who appear to have too many cases. Part of the problem is the judges' unwillingness to dismiss claims & cases that have no merit. Another is the lack of involvement or oversight early in the case. We need to model the federal system, if possible. At a minimum, judges need to be more user friendly. Being available by phone & e-mail for conferences would help.	11/8/2018 3:37 PM
48	We might need to consider how expeditious these matter might then warrant changes/reforms to the Appellate process which takes a long time and also contributes to delay.	11/8/2018 2:12 PM
49	We should require at least 6 CLE credits per year w/ the same credit in ethics every 3 years.	11/8/2018 1:39 PM
50	Delete Rule 25 (a)(1) of HI Arbitration Rules -- unfair.	11/8/2018 1:01 PM
51	Thank you for working on these important changes.	11/8/2018 12:39 PM
52	I understand that judges & lawyers consider the rules of evidence to be essentially sacrosanct; however, if we had relaxed rules of evidence, discovery would be reduced dramatically, cases could be tried much cheaper and/or resolved on the merits. Why does a jury trial have to be a monumental, exhaustive & expensive process. 6 person juries, relaxed rules of evidence & reasonable trial court requirements for trial would make the litigation process cheaper and more efficient.	11/8/2018 11:22 AM
53	Please keep in mind that any expedition of pre-trial/trial process may increase the trial attorney to a malpractice claim.	11/8/2018 10:04 AM
54	Do not use doctors testimony at trial; use their reports or depositions only. Cuts trial time and expense.	11/8/2018 9:47 AM
55	Consider adopting the Utah rule. Judge Castagnetti discussed regarding trial continuances.	11/7/2018 2:41 PM
56	Don't forget that the new generation needs to go to trial. If we streamline and mechanize the process to ... we might as well have a legal app that people can access and obtain justice. 2. We are a small bar. Why can't we think outside the box to make litigation more efficient. More rules make more games. Seasoned and reasonable counsel don't need the structures. Can we find a way to encourage collegiality and cooperation rather than sanctioning missteps. For example, force counsel to come early to motions to discuss or explain to the court what they discussed. Can we figure out a social way to get lawyers to be collegial. For example, a barrister designation which can be withdrawn if you're an ass.	11/7/2018 2:26 PM