

**JUDICIAL PERFORMANCE PROGRAM
2021 REPORT**

THE JUDICIARY
STATE OF HAWAII
December 1, 2021

JUDICIAL PERFORMANCE PROGRAM 2021 REPORT

INTRODUCTION

The Judicial Performance Program 2021 Report summarizes the results of evaluations involving seven Circuit Court judges, five Family Court judges, and nine District Court judges. The attorney evaluations were conducted on the Internet.

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

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

JUDGES' RATINGS

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

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

EVALUATION CYCLES

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

The full time Family Court and District Court evaluations are phased to result in these programs being included in the evaluation process two out of every three years. About one-half or approximately ten judges from each group are evaluated per cycle. Evaluation of Family Court, but not of District Court, judges was conducted in 2020. Evaluations of both Family Court and District Court judges were conducted in 2021. Evaluation of District Court, but not of Family Court, judges is scheduled for 2022.

JUDICIAL EVALUATION REVIEW PANEL

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

CIRCUIT COURT RESULTS

Seven Circuit Court judges received the results of their evaluations under cover of memoranda dated December 1, 2021. Two other judges did not have the minimum eighteen responses needed to be evaluated.

A link to the questionnaire was provided to attorneys by email on June 22, 2021, and the surveys were collected from June 22 to July 16, 2022. The email to attorneys from Chief Justice Recktenwald is printed in Appendix B. A copy of the questionnaire is attached as Appendix C.

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

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

For the Judicial Management Skills Section, the judges had a mean score of 3.9. The standard deviation for this section was 0.5. The mean score for the Comportment Section was 3.9, with a standard deviation of 0.7. The mean score for the Settlement and/or Plea Agreement Ability Section was 3.8, with a standard deviation of 0.5. The frequencies of the Circuit Court judges' ratings, by category, are shown in Graphs 1 to 4.

There were 285 responses from attorneys out of 4,651 emails sent out. This includes responses for the judges who had fewer than eighteen questionnaires. The number of responses did not equal the number of questionnaires received. A copy of the reminder email sent to attorneys is provided in Appendix D. The number of questionnaires received for the seven Circuit Court judges totaled 272, with between 28 and 65 questionnaires received for each judge.

TABLE 1
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT
 EVALUATION RESULTS FOR SEVEN JUDGES
 JUNE 22, 2021 – JULY 16, 2021

| QUESTIONNAIRE SECTION | N | Mean Score | S.D. |
|---|---|------------|------|
| LEGAL ABILITY SECTION | | | |
| 1. Knowledge of Relevant Substantive Law | 7 | 4.0 | 0.5 |
| 2. Knowledge of Rules of Procedure | 7 | 4.1 | 0.5 |
| 3. Knowledge of Rules of Evidence | 7 | 4.0 | 0.5 |
| 4. Ability to Identify and Analyze | 7 | 4.0 | 0.4 |
| 5. Judgment in Application of Relevant Laws | 7 | 3.9 | 0.5 |
| 6. Giving Reasons for Rulings when Needed | 7 | 3.9 | 0.5 |
| 7. Clarity of Explanation of Rulings | 7 | 3.9 | 0.5 |
| 8. Adequacy of Findings of Fact | 7 | 3.9 | 0.4 |
| 9. Clarity of Judge's Decision(s) | 7 | 4.0 | 0.4 |
| 10. Completeness of Judge's Decision(s) | 7 | 3.9 | 0.4 |
| 11. Judge's Charge to the Jury/Juries | 6 | 4.2 | 0.5 |
| Average Score for the Legal Ability Section | 7 | 4.0 | 0.4 |
| JUDICIAL MANAGEMENT SKILLS SECTION | | | |
| 1. Moving the Proceeding(s) | 7 | 3.8 | 0.5 |
| 2. Maintaining Proper Control | 7 | 4.0 | 0.4 |
| 3. Doing the Necessary Homework on the Case(s) | 7 | 4.0 | 0.4 |
| 4. Rendering Rulings and Decisions w/o Delay | 7 | 4.0 | 0.4 |
| 5. Allowing Adequate Time | 7 | 4.1 | 0.5 |
| 6. Resourcefulness and Common Sense | 7 | 3.8 | 0.6 |
| 7. Skills in Effecting Compromise | 7 | 3.7 | 0.6 |
| 8. Industriousness | 7 | 4.0 | 0.5 |
| Average Score for the Judicial Management Skills Section | 7 | 3.9 | 0.5 |
| COMPORTEMNT SECTION | | | |
| 1. Attentiveness | 7 | 4.2 | 0.4 |
| 2. Courtesy to Participants | 7 | 3.8 | 0.8 |
| 3. Compassion | 7 | 3.9 | 0.6 |
| 4. Patience | 7 | 3.6 | 0.9 |
| 5. Absence of Arrogance | 7 | 3.7 | 1.0 |
| 6. Absence of Bias and Prejudice | 7 | 4.2 | 0.5 |
| 7. Evenhanded Treatment of Litigants | 7 | 3.9 | 0.6 |
| 8. Evenhanded Treatment of Attorneys | 7 | 3.8 | 0.8 |

| | | | |
|---|---|-----|-----|
| Average Score for the Comportment Section | 7 | 3.9 | 0.7 |
|---|---|-----|-----|

SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

| | | | |
|--|---|-----|-----|
| 1. Knowing the Case(s) and/or the Law | 7 | 3.9 | 0.4 |
| 2. Reasonableness of Opinions | 7 | 3.8 | 0.5 |
| 3. Ability to Enhance the Settlement Process | 7 | 3.7 | 0.5 |
| 4. Impartiality | 7 | 3.9 | 0.5 |
| 5. Absence of Coercion or Threat | 7 | 3.9 | 0.6 |
| 6. Effectiveness in Narrowing the Issues | 7 | 3.8 | 0.4 |
| 7. Appropriateness of Judge's Initiatives | 7 | 3.8 | 0.5 |
| 8. Facilitation in Development of Options | 7 | 3.7 | 0.5 |
| Average Score for the Settlement Section | 7 | 3.8 | 0.5 |

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation Quantifies the Amount of Variation in a Set of Values

Circuit Court

Graph 1. Legal Ability Scale

Frequency of Judges' Ratings, By Category

June 22, 2021 – July 16, 2021

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

Circuit Court

Graph 2. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

June 22, 2021 – July 16, 2021

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

Circuit Court

Graph 3. Comportment Scale

Frequency of Judges' Ratings, By Category

June 22, 2021 – July 16, 2021

| | | | |
|-------------------------|------------|------------|------------|
| No of Judges | 2 | 3 | 2 |
| Scale Interval Category | 2.5 to 3.4 | 3.5 to 4.4 | 4.5 to 5.0 |
| | Adequate | Good | Excellent |

Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

June 22, 2021 – July 16, 2021

| | | | |
|-------------------------|------------|------------|------------|
| No of Judges | 2 | 4 | 1 |
| Scale Interval Category | 2.5 to 3.4 | 3.5 to 4.4 | 4.5 to 5.0 |
| | Adequate | Good | Excellent |

FAMILY COURT RESULTS

Five Family Court judges received the results of their evaluations under cover of memoranda dated July 2, 2021. A link to the questionnaire was provided to attorneys by email on April 20, 2021. The surveys could be filled out from April 20 to May 14, 2021.

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

The mean score for the Legal Ability section was 4.3, with a standard deviation of 0.2. Most of the judges scored between 4.1 and 4.5 in this section.

The mean score for the Judicial Management Skills Section was 4.3, with a standard deviation of 0.2. The mean score for the Comportment Section was 4.3, with a standard deviation of 0.3. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.2, with a standard deviation of 0.3. The frequencies of the judges' ratings, by category, are shown in Graphs 5 to 8.

There were 179 responses from 4,463 emails sent out to attorneys. Some of the 179 attorneys said they had not appeared before any judges. Other attorneys sent in responses with evaluations for more than one judge. The number of questionnaires received for the five Family Court judges totaled 135, with between 20 and 35 questionnaires per judge.

TABLE 2
 JUDICIAL PERFORMANCE PROGRAM – FAMILY COURT
 EVALUATION RESULTS FOR FIVE JUDGES
 APRIL 20, 2021 – MAY 14, 2021

| QUESTIONNAIRE SECTION | N | Mean Score | S.D. |
|---|---|------------|------|
| LEGAL ABILITY SECTION | | | |
| 1. Knowledge of Relevant Substantive Law | 5 | 4.4 | 0.2 |
| 2. Knowledge of Rules of Procedure | 5 | 4.4 | 0.1 |
| 3. Knowledge of Rules of Evidence | 5 | 4.3 | 0.2 |
| 4. Ability to Identify and Analyze | 5 | 4.4 | 0.2 |
| 5. Judgment in Application of Relevant Laws | 5 | 4.2 | 0.2 |
| 6. Giving Reasons for Rulings when Needed | 5 | 4.1 | 0.3 |
| 7. Clarity of Explanation of Rulings | 5 | 4.2 | 0.3 |
| 8. Adequacy of Findings of Fact | 5 | 4.3 | 0.3 |
| 9. Clarity of Judge's Decision(s) | 5 | 4.2 | 0.3 |
| 10. Completeness of Judge's Decision(s) | 5 | 4.2 | 0.3 |
| 11. Judge's Charge to the Jury/Juries | 1 | 4.9 | --- |
| Average Score for the Legal Ability Section | 5 | 4.3 | 0.2 |
| JUDICIAL MANAGEMENT SKILLS SECTION | | | |
| 1. Moving the Proceeding(s) | 5 | 4.2 | 0.2 |
| 2. Maintaining Proper Control | 5 | 4.4 | 0.2 |
| 3. Doing the Necessary Homework on the Case(s) | 5 | 4.4 | 0.2 |
| 4. Rendering Rulings and Decisions w/o Delay | 5 | 4.4 | 0.2 |
| 5. Allowing Adequate Time | 5 | 4.2 | 0.2 |
| 6. Resourcefulness and Common Sense | 5 | 4.1 | 0.3 |
| 7. Skills in Effecting Compromise | 5 | 4.0 | 0.3 |
| 8. Industriousness | 5 | 4.4 | 0.2 |
| Average Score for the Judicial Management Skills Section | 5 | 4.3 | 0.2 |
| COMPORMENT SECTION | | | |
| 1. Attentiveness | 5 | 4.5 | 0.2 |
| 2. Courtesy to Participants | 5 | 4.3 | 0.3 |
| 3. Compassion | 5 | 4.2 | 0.3 |
| 4. Patience | 5 | 4.2 | 0.4 |
| 5. Absence of Arrogance | 5 | 4.1 | 0.5 |
| 6. Absence of Bias and Prejudice | 5 | 4.4 | 0.2 |
| 7. Evenhanded Treatment of Litigants | 5 | 4.3 | 0.3 |
| 8. Evenhanded Treatment of Attorneys | 5 | 4.2 | 0.2 |

| | | | |
|---|---|-----|-----|
| Average Score for the Comportment Section | 5 | 4.3 | 0.3 |
|---|---|-----|-----|

SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

| | | | |
|--|---|-----|-----|
| 1. Knowing the Case(s) and/or the Law | 5 | 4.3 | 0.2 |
| 2. Reasonableness of Opinions | 5 | 4.2 | 0.3 |
| 3. Ability to Enhance the Settlement Process | 5 | 4.0 | 0.4 |
| 4. Impartiality | 5 | 4.2 | 0.2 |
| 5. Absence of Coercion or Threat | 5 | 4.4 | 0.3 |
| 6. Effectiveness in Narrowing the Issues | 5 | 4.2 | 0.2 |
| 7. Appropriateness of Judge's Initiatives | 5 | 4.1 | 0.4 |
| 8. Facilitation in Development of Options | 5 | 4.1 | 0.3 |
| Average Score for the Settlement Section | 5 | 4.2 | 0.3 |

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation Quantifies the Amount of Variation in a Set of Values

Family Court

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 20, 2021 – May 14, 2021

| | | |
|-------------------------|------------|------------|
| No. of Judges | 3 | 2 |
| Scale Interval Category | 3.5 to 4.4 | 4.5 to 5.0 |
| | Good | Excellent |

Family Court

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 20, 2021 – May 14, 2021

| | | |
|-------------------------|------------|------------|
| No. of Judges | 4 | 1 |
| Scale Interval Category | 3.5 to 4.4 | 4.5 to 5.0 |
| | Good | Excellent |

Family Court

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

April 20, 2021 – May 14, 2021

| | | |
|-------------------------|------------|------------|
| No. of Judges | 3 | 2 |
| Scale Interval Category | 3.5 to 4.4 | 4.5 to 5.0 |
| | Good | Excellent |

Family Court

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 20, 2021 – May 14, 2021

| | | |
|-------------------------|------------|------------|
| No. of Judges | 4 | 1 |
| Scale Interval Category | 3.5 to 4.4 | 4.5 to 5.0 |
| | Good | Excellent |

DISTRICT COURT RESULTS

Evaluation results were transmitted to nine District Court judges by Chief Justice Recktenwald under cover of memoranda dated March 12, 2021. Surveys could be completed from January 12 to February 5, 2021.

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

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

The mean score for the Legal Ability Section was 4.1, and the standard deviation was 0.2. Most of the judges received scores between 3.9 and 4.3.

The mean score for the Judicial Management Skills Section was 4.2, and the standard deviation was 0.2. The mean score for the Comportment Section was 4.2, and the standard deviation was 0.2. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.2, and the standard deviation was 0.3.

Of the 4,705 lawyers who were sent emails, 251 returned evaluations. Some of the 251 lawyers said they had not appeared before any judges, and some lawyers appeared before two or more judges.

The nine evaluated judges received between 19 and 30 evaluations each. The nine District Court judges had a total of 223 evaluations returned.

TABLE 3
 JUDICIAL PERFORMANCE PROGRAM – DISTRICT COURT
 EVALUATION RESULTS FOR NINE JUDGES
 JANUARY 12, 2021 – FEBRUARY 5, 2021

| QUESTIONNAIRE SECTION | N | Mean Score | S.D. |
|---|---|------------|------|
| LEGAL ABILITY SECTION | | | |
| 1. Knowledge of Relevant Substantive Law | 9 | 4.1 | 0.2 |
| 2. Knowledge of Rules of Procedure | 9 | 4.2 | 0.2 |
| 3. Knowledge of Rules of Evidence | 9 | 4.2 | 0.3 |
| 4. Ability to Identify and Analyze | 9 | 4.1 | 0.3 |
| 5. Judgment in Application of Relevant Laws | 9 | 4.0 | 0.3 |
| 6. Giving Reasons for Rulings when Needed | 9 | 4.1 | 0.3 |
| 7. Clarity of Explanation of Rulings | 9 | 4.1 | 0.3 |
| 8. Adequacy of Findings of Fact | 9 | 4.1 | 0.3 |
| 9. Clarity of Judge's Decision(s) | 9 | 4.1 | 0.3 |
| 10. Completeness of Judge's Decision(s) | 9 | 4.2 | 0.3 |
| Average Score for the Legal Ability Section | 9 | 4.1 | 0.2 |
| JUDICIAL MANAGEMENT SKILLS SECTION | | | |
| 1. Moving the Proceeding(s) | 9 | 4.2 | 0.2 |
| 2. Maintaining Proper Control | 9 | 4.3 | 0.2 |
| 3. Doing the Necessary Homework on the Case(s) | 9 | 4.1 | 0.2 |
| 4. Rendering Rulings and Decisions w/o Delay | 9 | 4.3 | 0.2 |
| 5. Allowing Adequate Time | 9 | 4.3 | 0.2 |
| 6. Resourcefulness and Common Sense | 9 | 4.1 | 0.3 |
| 7. Skills in Effecting Compromise | 9 | 4.0 | 0.3 |
| 8. Industriousness | 9 | 4.3 | 0.2 |
| Average Score for the Judicial Management Skills Section | 9 | 4.2 | 0.2 |
| COMPORTEMNT SECTION | | | |
| 1. Attentiveness | 9 | 4.4 | 0.2 |
| 2. Courtesy to Participants | 9 | 4.3 | 0.3 |
| 3. Compassion | 9 | 4.2 | 0.4 |
| 4. Patience | 9 | 4.1 | 0.3 |
| 5. Absence of Arrogance | 9 | 4.2 | 0.2 |
| 6. Absence of Bias and Prejudice | 9 | 4.4 | 0.3 |
| 7. Evenhanded Treatment of Litigants | 9 | 4.2 | 0.3 |
| 8. Evenhanded Treatment of Attorneys | 9 | 4.2 | 0.2 |
| Average Score for the Compartment Section | 9 | 4.2 | 0.2 |

SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

| | | | |
|--|---|-----|-----|
| 1. Knowing the Case(s) and/or the Law | 9 | 4.1 | 0.3 |
| 2. Reasonableness of Opinions | 9 | 4.1 | 0.4 |
| 3. Ability to Enhance the Settlement Process | 9 | 4.1 | 0.3 |
| 4. Impartiality | 9 | 4.1 | 0.3 |
| 5. Absence of Coercion or Threat | 9 | 4.4 | 0.2 |
| 6. Effectiveness in Narrowing the Issues | 9 | 4.2 | 0.3 |
| 7. Appropriateness of Judge's Initiatives | 9 | 4.2 | 0.3 |
| 8. Facilitation in Development of Options | 9 | 4.2 | 0.4 |
| Average Score for the Settlement Section | 9 | 4.2 | 0.3 |

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

District Court

Graph 9. Legal Ability Scale

Frequency of Judges' Ratings, By Category

January 17, 2018 – February 9, 2018

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

District Court

Graph 10. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

January 12, 2021 – February 5, 2021

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

District Court

Graph 11. Comportment Scale

Frequency of Judges' Ratings, By Category

January 12, 2021 – February 5, 2021

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

District Court

Graph 12. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

January 12, 2021 – February 5, 2021

| | |
|-------------------------|------------|
| No. of Judges | 8 |
| Scale Interval Category | 3.5 to 4.4 |
| | Good |

APPENDIX A

MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge R. Mark Browning, Chair

Judge Rhonda I. L. Loo

Judge Clarissa Y. Malinao

Judge Clarence A. Pacarro

Claire K. S. Cooper

Rosemary T. Fazio, Esq.

Jeen H. Kwak, Esq.

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

John S. Nishimoto, Esq.

Richard H.S. Sing, Esq.

Alan Van Etten, Esq.

Janice Wakatsuki

APPENDIX B

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

To:

Sent: June 22, 2021

Subject: Email From Chief Justice Recktenwald Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of Circuit Court Judges _____, _____, _____, _____, _____, _____, _____, and _____. The purpose of the evaluation is to help the judges improve their performance. The Judiciary encourages all active attorneys to participate in the evaluation process.

The judicial evaluation program is designed to give you an opportunity to provide input concerning these individuals. Judges are receptive to receiving your comments, suggestions, and feedback. If an insufficient number of evaluations for a particular judge are received, then that judge will not be evaluated.

The evaluation process is conducted using a third-party survey tool. It is administered by NIC Hawaii, an independent contractor retained by the State of Hawai'i as its internet portal manager. The process was designed to ensure confidentiality, and only composite results are transmitted to the Judiciary. (Please reference http://www.courts.state.hi.us/courts/performance_review/judge_evaluations_faqs for a list of Frequently Asked Questions.)

Please click on the Begin Evaluation button below to commence your judicial evaluations. Because the link is unique to your email address, please do not forward this email. If you exit, you may return to the evaluations by clicking the button again. The judicial evaluations will remain accessible to you until July 16, 2021.

The evaluation is designed to obtain fair assessments from attorneys who actually had any cases or served in any other capacity with the evaluated judge. Thus your evaluation must be based solely on your direct experience and not based on hearsay.

Thank you for helping to improve the skills and techniques of Hawai'i's judges. If you have any questions, please contact Michael Oki at (808)539-4870.

Sincerely,

/s/

Mark E. Recktenwald

Chief Justice

Supreme Court of Hawai'i

APPENDIX C

CIRCUIT COURT QUESTIONNAIRE

Judicial Circuit Court Evaluation – June 2021
Sample – Basic Evaluation Questions

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

*1. Did you have any cases or serve in any other capacity with this judge during the period from June 1, 2019 to May 31, 2021? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

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

1-2

3-5

6-10

More than 10

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

Jury trial(s)

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial Circuit Court Evaluation – June 2021
Sample – Legal Ability

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

1. Knowledge of relevant substantive law

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

2. Knowledge of rules of procedure

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

3. Knowledge of rules of evidence

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

4. Ability to identify and analyze relevant issues

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

5. Judgment in application of relevant laws and rules

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

6. Giving reasons for rulings when needed

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

7. Clarity of explanation of rulings

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

8. Adequacy of findings of fact

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

9. Clarity of judge's decision(s) (oral/written)

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

11. Judge's charge to the jury/juries

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation – June 2021
Sample – Judicial Management Skills

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Skills in effecting compromise

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Industriousness

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation – June 2021
Sample – Comportment

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

1. Attentiveness

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

2. Courtesy to participants

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

3. Compassion

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

4. Patience

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

5. Absence of arrogance

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

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

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

7. Evenhanded treatment of litigants

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

8. Evenhanded treatment of attorneys

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

Judicial Circuit Court Evaluation – June 2021
Sample – Settlement and/or plea agreement ability

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Circuit Court Evaluation – June 2021
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Circuit Court Evaluation – June 2021
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

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

I have completed evaluations for all judges.

Judicial Circuit Court Evaluation – June 2021
Sample – Background Characteristics

This information will be used for statistical purposes only.

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

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Decline to answer

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

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Decline to answer

Other (please specify)

Judicial Circuit Court Evaluation – June 2021
Sample – Submit Evaluations

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

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

If you have any questions about this evaluation, please call the Planning and Program Evaluation Division at (808)539-4870. Mahalo!

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

APPENDIX D

REMINDER EMAIL TO ATTORNEYS

Bcc:

Date: June 23, 2021

Subject: Circuit Court Judicial Evaluation

Dear Attorney:

The Judiciary recently sent you an email regarding the evaluation of Circuit Court Judges. We are asking you to fill out a form if you had any cases or served in any other capacity with one or more of the judges identified in the evaluation.

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

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

You must respond to this email by June 30, 2021, to receive another evaluation. If you did not get the initial evaluation, please provide a different email address.

Thank you for your assistance. We appreciate your participation if you did complete the evaluation.

Michael Oki
The Judiciary
State of Hawai'i

APPENDIX E

FAMILY COURT QUESTIONNAIRE

Judicial Family Court Evaluation – April 2021
Sample – Basic Evaluation Questions

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

*1. Did you have any cases or serve in any other capacity with this judge during the period from April 1, 2019 to March 31, 2021? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

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

1-2

3-5

6-10

More than 10

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

Jury trial(s)

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial Family Court Evaluation – April 2021
Sample – Legal Ability

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

1. Knowledge of relevant substantive law

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

2. Knowledge of rules of procedure

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

3. Knowledge of rules of evidence

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

4. Ability to identify and analyze relevant issues

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

5. Judgment in application of relevant laws and rules

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

6. Giving reasons for rulings when needed

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

7. Clarity of explanation of rulings

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

8. Adequacy of findings of fact

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

9. Clarity of judge's decision(s) (oral/written)

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

11. Judge's charge to the jury/juries.

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Family Court Evaluation – April 2021
Sample – Judicial Management Skills

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Maintaining proper control over the proceeding(s)

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Rendering rulings and decisions without unnecessary delay

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Skills in effecting compromise

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Industriousness

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Family Court Evaluation – April 2021
Sample – Comportment

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

1. Attentiveness

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

2. Courtesy to participants

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

3. Compassion

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

4. Patience

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

5. Absence of arrogance

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

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

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

7. Evenhanded treatment of litigants

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

8. Evenhanded treatment of attorneys

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

Judicial Family Court Evaluation – April 2021
Sample – Settlement and/or plea agreement ability

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial Family Court Evaluation – April 2021
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial Family Court Evaluation – April 2021
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

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

I have completed evaluations for all judges.

Judicial Family Court Evaluation – April 2021
Sample – Background Characteristics

This information will be used for statistical purposes only.

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

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Decline to answer

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

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Decline to answer

Other (please specify)

Judicial Family Court Evaluation – April 2021
Sample – Submit Evaluations

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

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

If you have any questions about this evaluation, please call the Planning and Program Evaluation Division at (808)539-4870. Mahalo!

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

APPENDIX F

DISTRICT COURT QUESTIONNAIRE

Judicial District Court Evaluation – January 2021
Sample – Basic Evaluation Questions

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

*1. Did you have any cases or serve in any other capacity with this judge during the period from January 1, 2019 to December 31, 2020? (If you answer No, please skip questions 2 and 3, and proceed by clicking on Continue).

Yes

No

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

1-2

3-5

6-10

More than 10

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

Nonjury trial(s)

Contested motion(s) with significant legal issues

Settlement or pretrial plea agreement conference(s)

Evidentiary hearing(s)

Sentencing(s)

Other substantive matter(s) (describe)

Judicial District Court Evaluation – January 2021
Sample – Legal Ability

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

1. Knowledge of relevant substantive law

Excellent Good Adequate Less than Adequate Poor Not Applicable

2. Knowledge of rules of procedure

Excellent Good Adequate Less than Adequate Poor Not Applicable

3. Knowledge of rules of evidence

Excellent Good Adequate Less than Adequate Poor Not Applicable

4. Ability to identify and analyze relevant issues

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Judgment in application of relevant laws and rules

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Giving reasons for rulings when needed

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Clarity of explanation of rulings

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Adequacy of findings of fact

Excellent Good Adequate Less than Adequate Poor Not Applicable

9. Clarity of judge's decision(s) (oral/written)

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation – January 2021
Sample – Judicial Management Skills

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

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

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

2. Maintaining proper control over the proceeding(s)

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

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

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

4. Rendering rulings and decisions without unnecessary delay

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

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

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

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

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

7. Skills in effecting compromise

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

8. Industriousness

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

Judicial District Court Evaluation – January 2021
Sample – Comportment

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

1. Attentiveness

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

2. Courtesy to participants

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

3. Compassion

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

4. Patience

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

5. Absence of arrogance

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

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

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

7. Evenhanded treatment of litigants

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

8. Evenhanded treatment of attorneys

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

Judicial District Court Evaluation – January 2021
Sample – Settlement and/or Plea Agreement ability

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

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

5. Absence of coercion or threat

Excellent Good Adequate Less than Adequate Poor Not Applicable

6. Effectiveness in narrowing the issues in dispute

Excellent Good Adequate Less than Adequate Poor Not Applicable

7. Appropriateness of judge's settlement/plea initiatives

Excellent Good Adequate Less than Adequate Poor Not Applicable

8. Facilitation in development of options for settlement/plea

Excellent Good Adequate Less than Adequate Poor Not Applicable

Judicial District Court Evaluation – January 2021
Sample – Comment Page

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

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

Judicial District Court Evaluation – January 2021
Sample – Evaluation Complete

1. Thank you for completing the evaluation for Judge _____.

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

I have completed evaluations for all judges.

Judicial District Court Evaluation – January 2021
Sample – Background Characteristics

This information will be used for statistical purposes only.

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

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Decline to answer

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

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Decline to answer

Other (please specify)

Judicial District Court Evaluation – January 2021
Sample – Submit Evaluations

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

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

If you have any questions about this evaluation, please call the Planning and Program Evaluation Division at (808)539-4870. Mahalo!

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