


JUDICIAL PERFORMANCE PROGRAM

2023 REPORT

**THE JUDICIARY
STATE OF HAWAI'I**

December 20, 2023

 RG-AC-508 (01/2024) WF

JUDICIAL PERFORMANCE PROGRAM 2023 REPORT

INTRODUCTION

The Judicial Performance Program 2023 Report summarizes the results of evaluations involving eleven Appellate Court justices and judges, six Circuit Court judges, sixteen Family Court Judges, and sixteen District Court judges. Evaluations were based on attorney responses to surveys conducted on the internet.

To ensure the security and confidentiality of the evaluation process, the survey was administered by Tyler Technologies (formerly NIC Hawaii). Tyler Technologies 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 Rule 19 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 three times in their six-year terms, although prior to 2023, evaluations were conducted twice in that period. 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. Appellate justices and judges and a portion of the Per Diem judge pool is scheduled for evaluation every three years.

Evaluations of Appellate, Circuit, Family, and District Court justices and judges were conducted in 2023. Evaluations of Circuit, Family, and District Court judges are scheduled for 2024.

JUDICIAL EVALUATION REVIEW PANEL

The Judicial Evaluation Review Panel assists Chief Justice Mark E. Recktenwald in the review and evaluation process. The Review Panel interviews the judges and consists of nine members: Robert Alm, Momi Cazimero, Kenneth Hipp, 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.

APPELLATE COURT RESULTS

Three out of eleven Supreme Court justices and Intermediate Court of Appeals judges received the results of their evaluations under cover of memoranda dated April 10, 2023. Eight other justices and judges did not have the minimum eighteen responses needed to be evaluated.

A link to the questionnaire was provided to attorneys by email on March 7, 2023. The surveys were collected from March 7 to March 31, 2023. The email to attorneys from Chief Judge Browning is printed in Appendix B. The questionnaire is attached as Appendix C. Reminder emails were sent on March 13, 2023 and March 27, 2023

Possible scores for the multiple-choice format range from one to five. One indicates a Never or Poor rating. Five stands for Always or Excellent. A table on page 4 provides the averages for the three Appellate Court justices and judges.

The mean score for the Fairness/Impartiality Section was 4.2, with a standard deviation of 0.3. The standard deviation gives an indication of the variation in the scores of the justices and 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 Appellate Court justices and judges received marks between 3.9 and 4.5 in the Fairness/Impartiality Section.

For Written Opinions, the justices and judges had a mean score of 3.9. The standard deviation for this section was 0.5. The mean score for the Oral Argument Section was 4.2, with a standard deviation of 0.5. The mean score for the Overall Evaluation Section was 3.9, with a standard deviation of 0.4. The frequencies of the Appellate Court justices' and judges' ratings, by category, are printed on pages 5 to 8.

There were 296 responses from 4,746 emails sent out to attorneys. This includes responses for the justices and judges who had fewer than eighteen questionnaires. The number of questionnaires received for the eleven Appellate Court justices and judges totaled 146, with between 6 and 29 questionnaires per justice or judge. The number of responses did not equal the number of questionnaires received because some attorneys sent in responses with evaluations for more than one judge and others said that they had not appeared before any judges.

**JUDICIAL PERFORMANCE PROGRAM - APPELLATE COURTS
EVALUATION RESULTS FOR 3 JUSTICES AND JUDGES
MARCH 7, 2023 - MARCH 31, 2023**

<u>QUESTIONNAIRE SECTION</u>	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
<u>FAIRNESS/IMPARTIALITY SECTION</u>			
1. Removes him/herself from any action that is, or appears to be, a conflict of interest.	3	4.5	0.2
2. Treats all parties fairly regardless of race, age, gender, economic status, or other ...	3	4.6	0.2
3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor...	3	4.3	0.4
4. Strives to be impartial on all issues.	3	4.1	0.4
5. Contributes in a meaningful way to administrative committees he or she is assigned to.	3	3.9	0.5
Average Score for the Fairness/Impartiality Section	3	4.2	0.3

<u>WRITTEN OPINIONS SECTION</u>			
1. ...demonstrates knowledge of relevant substantive law at issue.	3	4.0	0.5
2. ...demonstrates legal reasoning ability.	3	3.9	0.6
3. Overall quality of written opinions authored specifically by this justice/judge.	3	3.8	0.4
Average Score for the Written Opinions Section	3	3.9	0.5

<u>ORAL ARGUMENT SECTION</u>			
1. In oral argument, this justice/judge exhibits dignified behavior.	3	4.4	0.5
2. This justice/judge is courteous to counsel at oral argument.	3	4.4	0.5
3. In oral argument, this justice/judge is attentive during proceedings.	3	4.5	0.2
4. In oral argument, this justice/judge shows patience during proceedings.	3	4.3	0.5
5. I would rate the relevance of questions ... to counsel on issues raised by the parties as	3	3.9	0.6
6. I would rate the preparation for oral argument by this justice/judge as ...	3	3.9	0.5
Average Score for the Oral Argument Section	3	4.2	0.5

<u>OVERALL EVALUATION SECTION</u>			
1. Overall evaluation of judicial performance.	3	3.9	0.4

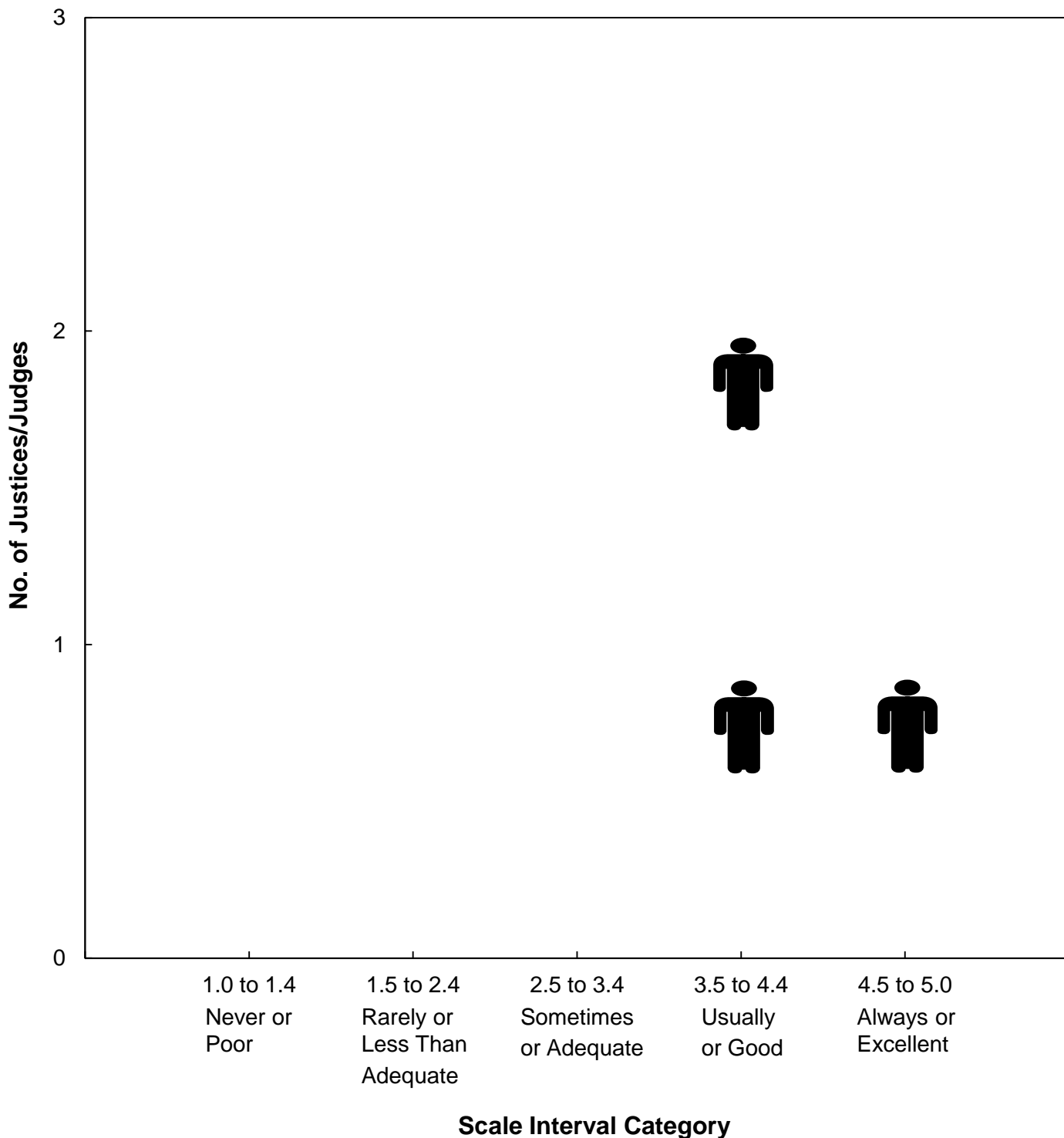
<p>N = Number of Justices/Judges with More Than Five Responses for the Item Legend for Mean Score: 5 = Always or Excellent 4 = Usually or Good 3 = Sometimes or Adequate 2 = Rarely or Less Than Adequate 1 = Never or Poor S.D. = Standard Deviation Quantifies the Amount of Variation in a Set of Values</p>
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Appellate Courts

Graph 1. Fairness/Impartiality Scale

Frequency Of Justices'/Judges' Ratings, By Category

March 7, 2023 – March 31, 2023

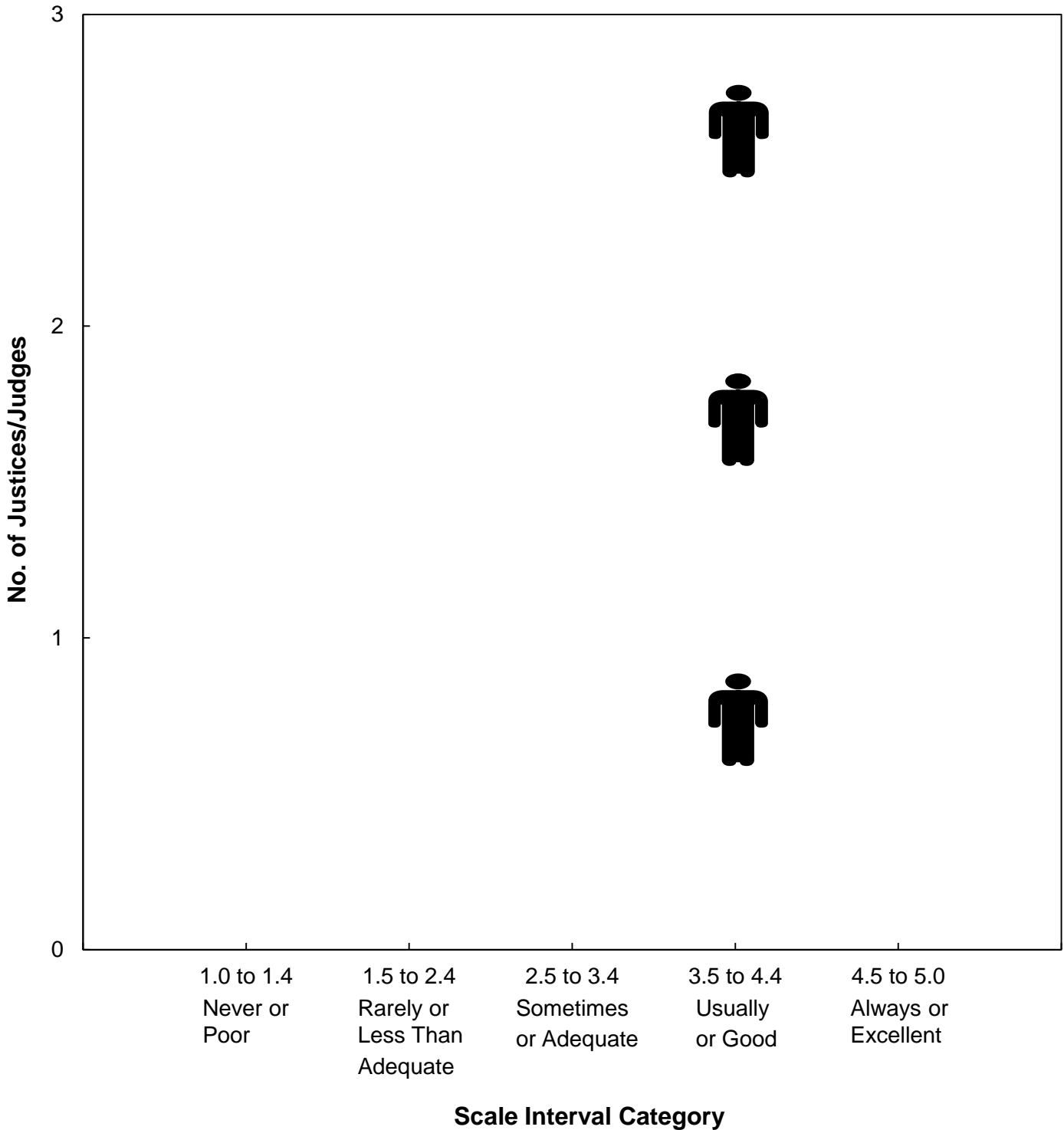


Appellate Courts

Graph 2. Written Opinions Scale

Frequency Of Justices'/Judges' Ratings, By Category

March 7, 2023 – March 31, 2023

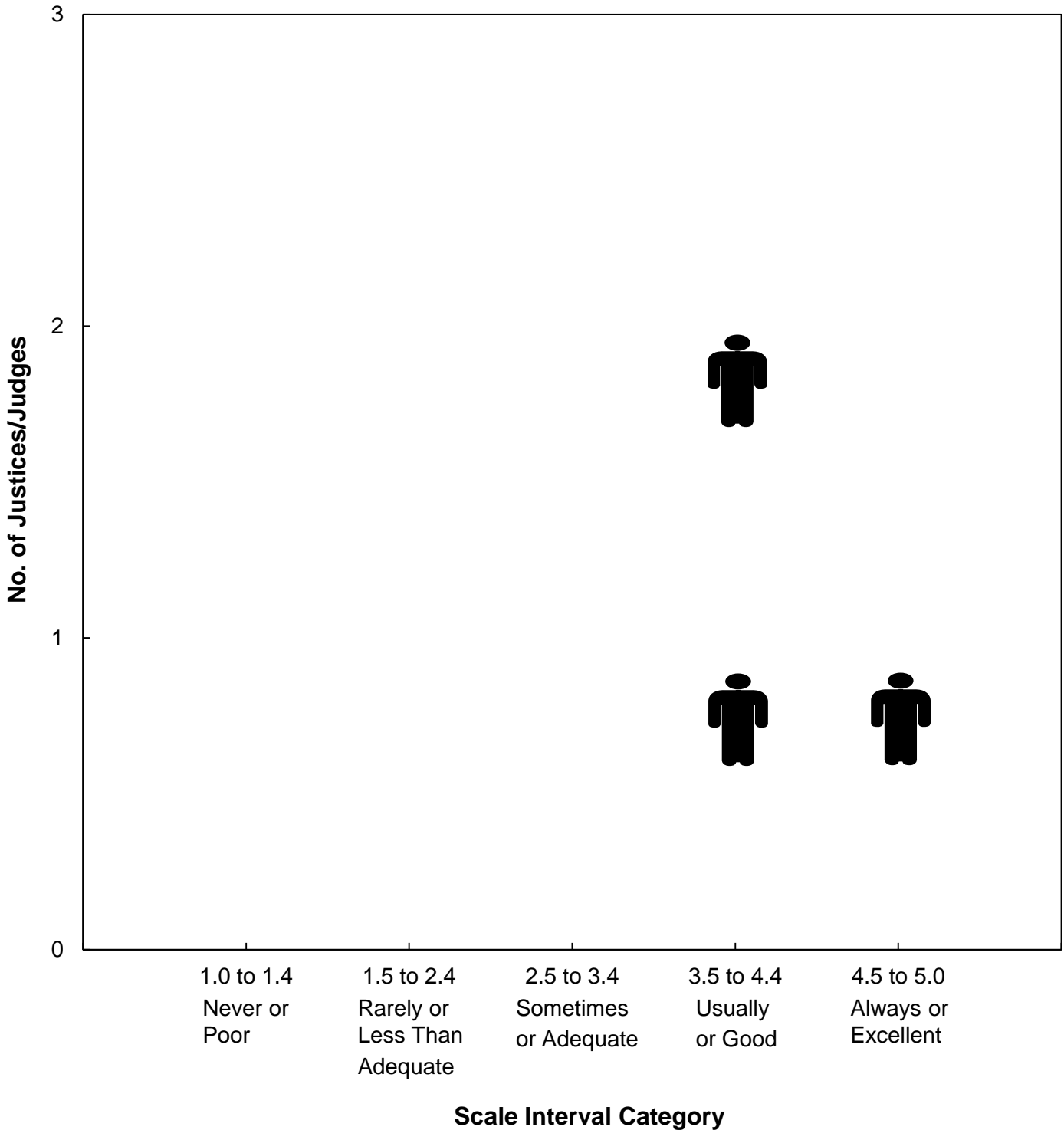


Appellate Courts

Graph 3. Oral Argument Scale

Frequency Of Justices'/Judges' Ratings, By Category

March 7, 2023 – March 31, 2023

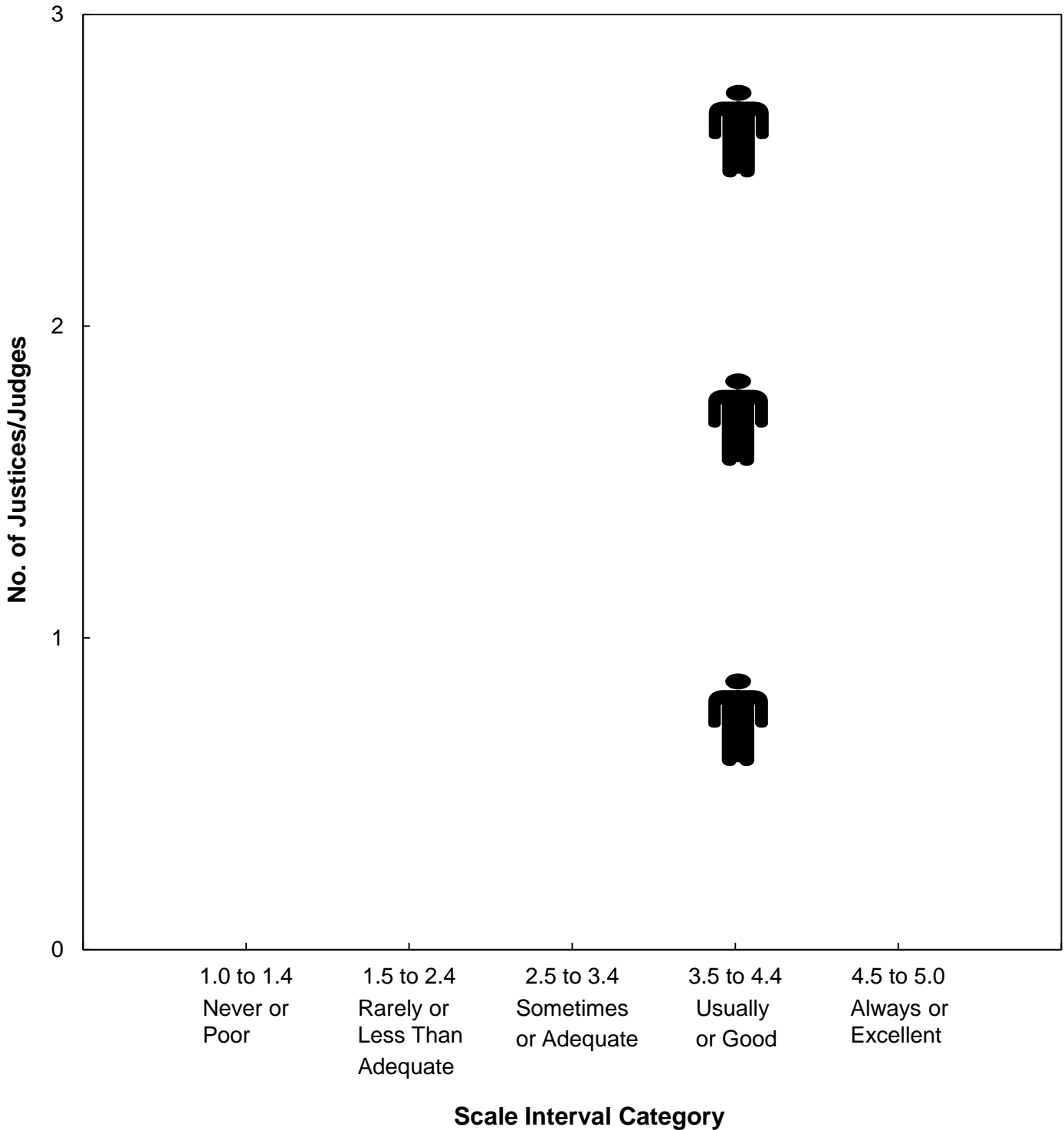


Appellate Courts

Graph 4. Overall Evaluation Scale

Frequency Of Justices'/Judges' Ratings, By Category

March 7, 2023 – March 31, 2023



CIRCUIT COURT RESULTS

Six out of six Circuit Court judges received the results of their evaluations under cover of memoranda dated September 22, 2023.

A link to the questionnaire was provided to attorneys by email on August 1, 2023, and the surveys were collected from August 1 to August 25, 2023. The email to attorneys from Chief Justice Recktenwald is printed in Appendix D. A copy of the questionnaire is attached as Appendix E. Reminder emails were sent on August 7, 2023 and August 21, 2023.

Possible scores for the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. The table on page 10 provides the averages for the six Circuit Court judges.

The mean score for the Legal Ability Section was 3.82, with a standard deviation of 0.37. 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 3.45 and 4.19 in the Legal Ability Section.

For the Judicial Management Skills Section, the judges had a mean score of 3.90. The standard deviation for this section was 0.30. The mean score for the Comportment Section was 3.85, with a standard deviation of 0.64. The mean score for the Settlement and/or Plea Agreement Ability Section was 3.80, with a standard deviation of 0.30. The frequencies of the Circuit Court judges' ratings, by category, are printed on page 11.

There were 342 responses from attorneys out of 4,820 emails sent out. The number of questionnaires received for the six Circuit Court judges totaled 315, with between 20 and 97 questionnaires received for each judge. The number of responses did not equal the number of questionnaires received because some attorneys sent in responses with evaluations for more than one judge and others said that they had not appeared before any judges.

**JUDICIAL PERFORMANCE PROGRAM - CIRCUIT COURT
EVALUATION RESULTS FOR SIX JUDGES
AUGUST 1, 2023 - AUGUST 25, 2023**

Legal Ability Section	N*	Mean**	SD***
1. Knowledge of Relevant Substantive Law	6	3.96	0.30
2. Knowledge of Rules of Procedure	6	4.03	0.30
3. Knowledge of Rules of Evidence	6	3.99	0.39
4. Ability to Identify and Analyze Relevant Issues	6	3.89	0.33
5. Judgment in Application of Relevant Laws and Rules	6	3.79	0.25
6. Giving Reasons for Rulings when Needed	6	3.69	0.46
7. Clarity of Explanation of Rulings	6	3.69	0.47
8. Adequacy of Findings of Fact	6	3.58	0.45
9. Clarity of Judge's Decision(s) (oral/written)	6	3.76	0.38
10. Completeness of Judge's Decision(s) (oral/written)	6	3.69	0.38
11. Judge's Charge to the Jury/Juries	6	4.08	0.45
Average Score for the Legal Ability Section	6	3.82	0.37

Judicial Management Skills Section	N*	Mean**	SD***
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	6	3.90	0.34
2. Maintaining Proper Control over the Proceeding(s)	6	4.08	0.23
3. Doing the Necessary Homework on the Case(s)	6	3.89	0.31
4. Rendering Rulings and Decisions Without Unnecessary Delay	6	3.99	0.25
5. Allowing Adequate Time for Presentation of the Case(s)	6	3.97	0.47
6. Resourcefulness and Common Sense in Resolving Problems	6	3.76	0.33
7. Skills in Effecting Compromise	6	3.68	0.37
8. Industriousness	6	3.93	0.41
Average Score for the Judicial Management Skills Section	6	3.90	0.30

Comportment Section	N*	Mean**	SD***
1. Attentiveness	6	4.02	0.40
2. Courtesy to Participants	6	3.82	0.82
3. Compassion	6	3.78	0.63
4. Patience	6	3.62	0.84
5. Absence of Arrogance	6	3.69	0.77
6. Absence of Bias and Prejudice	6	4.09	0.48
7. Evenhanded Treatment of Litigants	6	3.86	0.52
8. Evenhanded Treatment of Attorneys	6	3.79	0.69
Average Score for the Comportment Section	6	3.85	0.64

Settlement and/or Plea Agreement Ability Section	N*	Mean**	SD***
1. Knowing the Case(s) and/or the Law	6	3.80	0.38
2. Reasonableness of Opinions	6	3.76	0.30
3. Ability to Enhance the Settlement Process	6	3.72	0.28
4. Impartiality	6	3.78	0.44
5. Absence of Coercion or Threat	6	3.96	0.44
6. Effectiveness in Narrowing the Issues	6	3.83	0.28
7. Appropriateness of Judge's Initiatives	6	3.82	0.27
8. Facilitation in Development of Options	6	3.77	0.26
Average Score for the Settlement and/or Plea Agreement Ability Section	6	3.80	0.30

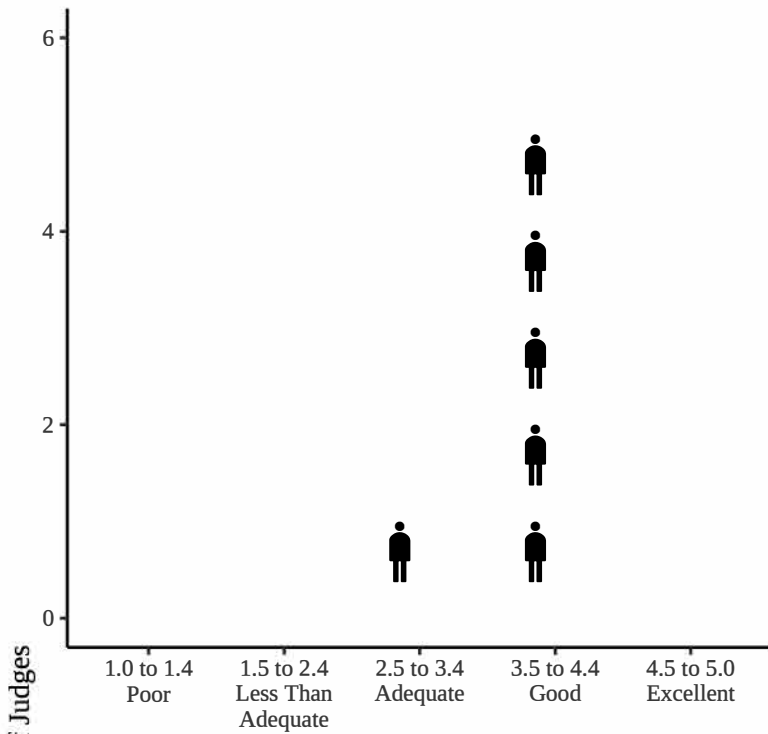
* N: Number of judges with more than five responses for the item.

** Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor.

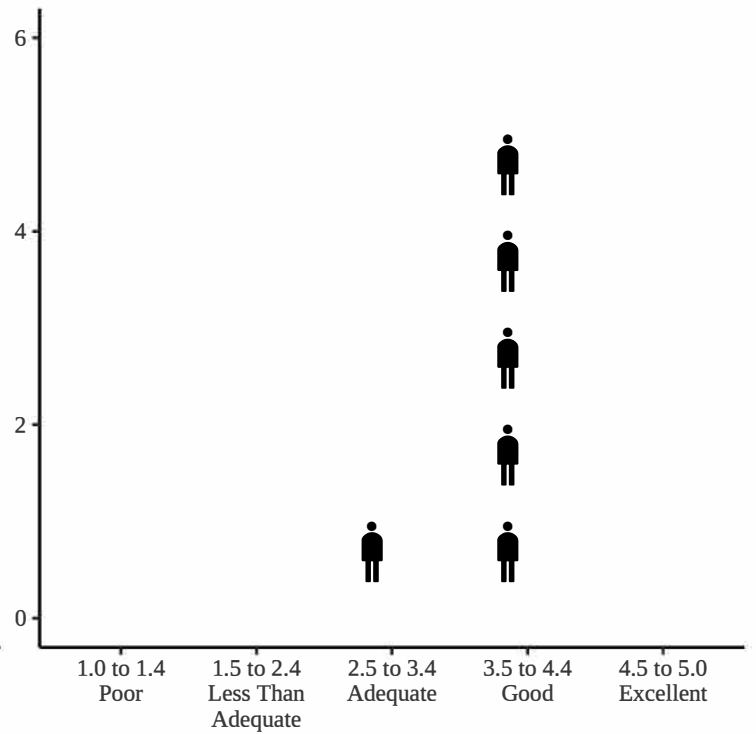
*** S.D.: Standard deviation quantifies the amount of variation in a set of values.

CIRCUIT COURT FREQUENCY OF JUDGES' RATINGS, BY CATEGORY AUGUST 1, 2023 - AUGUST 25, 2023

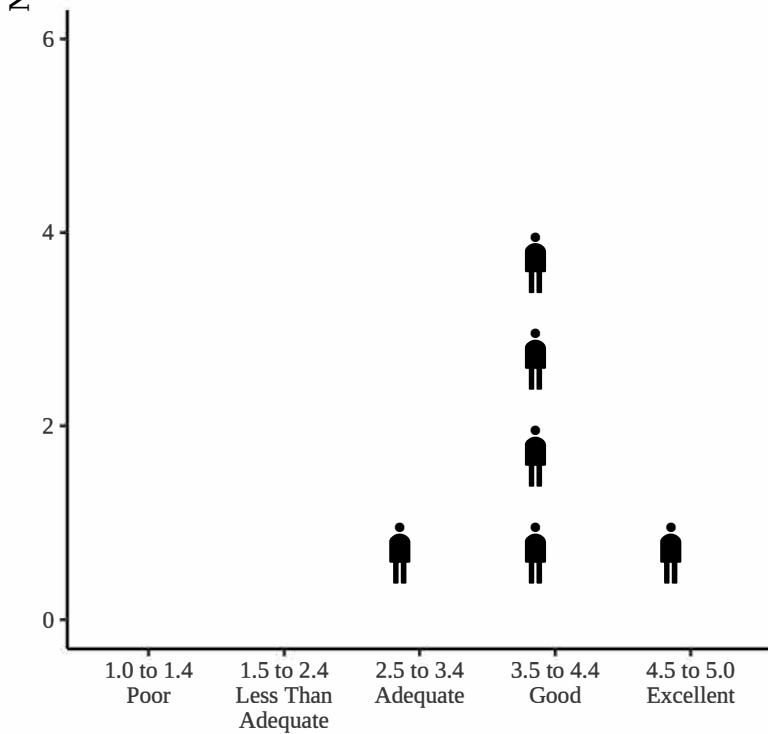
Graph 1. Legal Ability Scale



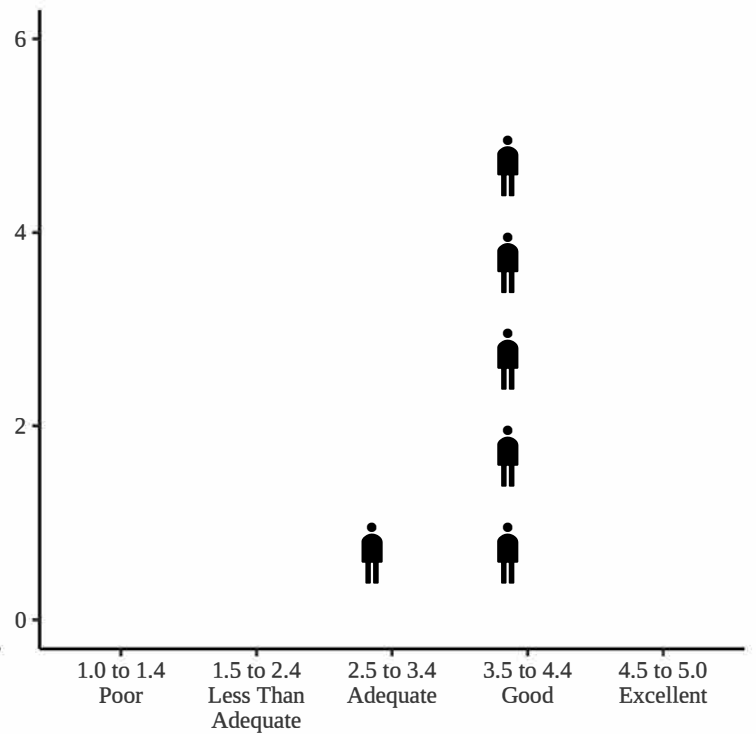
Graph 2. Judicial Management Skills Scale



Graph 3. Comportment Scale



Graph 4. Settlement/Plea Agreement Ability Scale



FAMILY COURT RESULTS

Twelve out of sixteen Family Court judges received the results of their evaluations under cover of memoranda dated August 9, 2023. Four other judges did not have enough responses to be evaluated.

A link to the questionnaire was provided to attorneys by email on May 2, 2023. The surveys could be filled out from May 2 to May 26, 2023. The email to attorneys is printed in Appendix F. A copy of the questionnaire is attached as Appendix G. Reminder emails were sent on May 8, 2023 and May 22, 2023.

Possible scores for the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. The table on page 13 provides the averages for the twelve 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 Family Court judges received marks between 3.6 and 4.4 in the Legal Ability Section.

The mean score for the Judicial Management Skills Section was 4.0, with a standard deviation of 0.3. The mean score for the Comportment Section was 4.2, with a standard deviation of 0.3. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.0, with a standard deviation of 0.4. The frequencies of the judges' ratings, by category, are printed on page 14.

There were 410 responses from 4,820 emails sent out to attorneys. This includes responses for the judges who had fewer than eighteen questionnaires. The number of questionnaires received for the sixteen Family Court judges totaled 406, with between 8 and 41 questionnaires per judge. The number of responses did not equal the number of questionnaires received because some attorneys sent in responses with evaluations for more than one judge and others said that they had not appeared before any judges.

**JUDICIAL PERFORMANCE PROGRAM - FAMILY COURT
EVALUATION RESULTS FOR TWELVE JUDGES
MAY 2, 2023 - MAY 26, 2023**

Legal Ability Section	N*	Mean**	SD***
1. Knowledge of Relevant Substantive Law	12	4.11	0.41
2. Knowledge of Rules of Procedure	12	4.18	0.36
3. Knowledge of Rules of Evidence	12	4.17	0.35
4. Ability to Identify and Analyze Relevant Issues	12	4.05	0.40
5. Judgment in Application of Relevant Laws and Rules	12	3.93	0.35
6. Giving Reasons for Rulings when Needed	12	3.99	0.36
7. Clarity of Explanation of Rulings	12	3.93	0.34
8. Adequacy of Findings of Fact	12	3.89	0.43
9. Clarity of Judge's Decision(s) (oral/written)	12	3.95	0.38
10. Completeness of Judge's Decision(s) (oral/written)	12	3.97	0.30
11. Judge's Charge to the Jury/Juries	2	4.42	0.59
Average Score for the Legal Ability Section	12	4.02	0.36

Judicial Management Skills Section	N*	Mean**	SD***
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	12	3.88	0.39
2. Maintaining Proper Control over the Proceeding(s)	12	3.99	0.37
3. Doing the Necessary Homework on the Case(s)	12	4.09	0.47
4. Rendering Rulings and Decisions Without Unnecessary Delay	12	4.06	0.31
5. Allowing Adequate Time for Presentation of the Case(s)	12	4.05	0.17
6. Resourcefulness and Common Sense in Resolving Problems	12	3.92	0.35
7. Skills in Effecting Compromise	12	3.75	0.35
8. Industriousness	12	4.11	0.36
Average Score for the Judicial Management Skills Section	12	3.98	0.32

Comportment Section	N*	Mean**	SD***
1. Attentiveness	12	4.27	0.34
2. Courtesy to Participants	12	4.36	0.31
3. Compassion	12	4.06	0.26
4. Patience	12	4.14	0.28
5. Absence of Arrogance	12	4.14	0.37
6. Absence of Bias and Prejudice	12	4.27	0.20
7. Evenhanded Treatment of Litigants	12	4.15	0.30
8. Evenhanded Treatment of Attorneys	12	4.23	0.29
Average Score for the Comportment Section	12	4.20	0.27

Settlement and/or Plea Agreement Ability Section	N*	Mean**	SD***
1. Knowing the Case(s) and/or the Law	12	4.09	0.43
2. Reasonableness of Opinions	12	3.91	0.45
3. Ability to Enhance the Settlement Process	12	3.79	0.41
4. Impartiality	12	4.10	0.29
5. Absence of Coercion or Threat	12	4.31	0.26
6. Effectiveness in Narrowing the Issues	12	3.96	0.40
7. Appropriateness of Judge's Initiatives	12	3.90	0.41
8. Facilitation in Development of Options	12	3.82	0.40
Average Score for the Settlement and/or Plea Agreement Ability Section	12	3.98	0.36

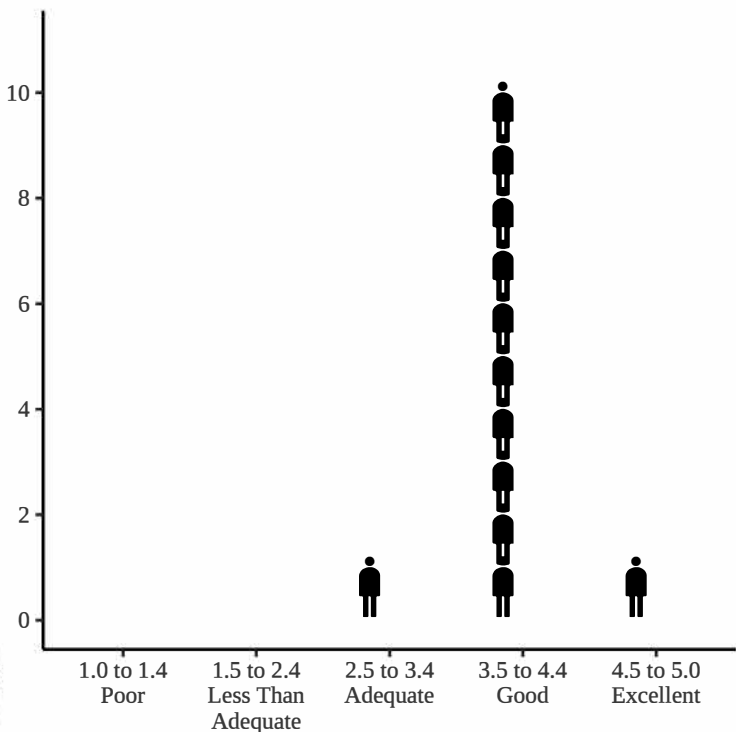
* N: Number of judges with more than five responses for the item.

** Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor.

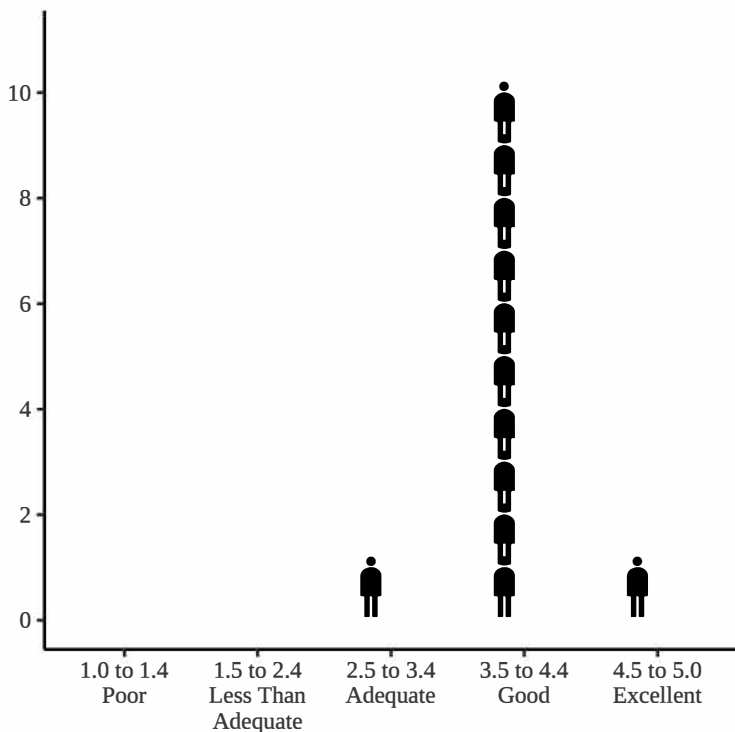
*** S.D.: Standard deviation quantifies the amount of variation in a set of values.

FAMILY COURT FREQUENCY OF JUDGES' RATINGS, BY CATEGORY MAY 2, 2023 - MAY 26, 2023

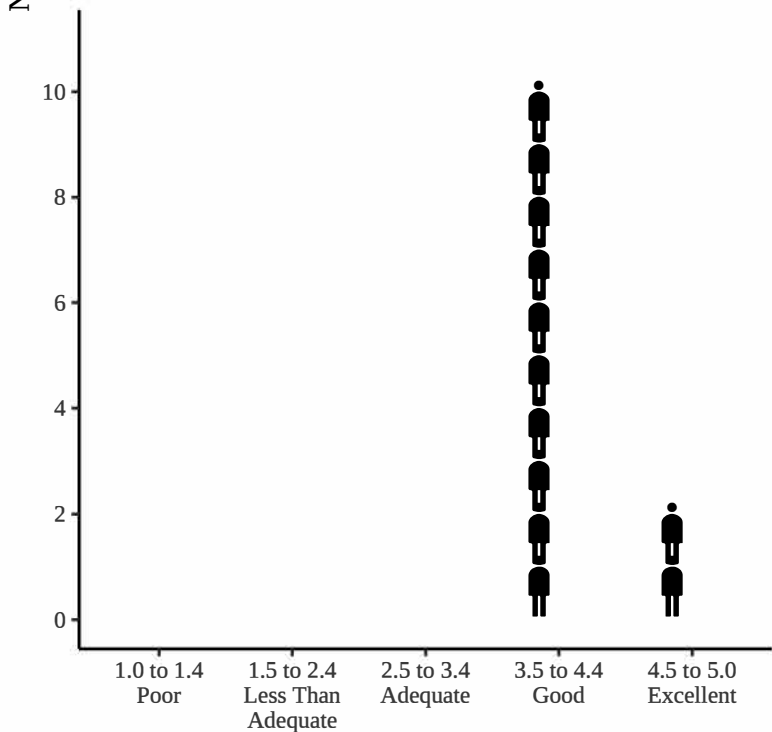
Graph 1. Legal Ability Scale



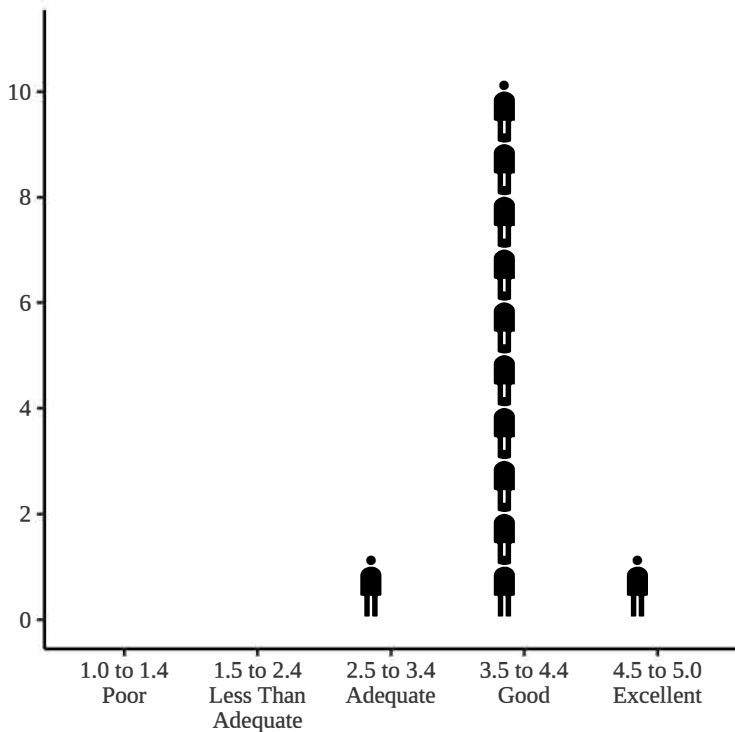
Graph 2. Judicial Management Skills Scale



Graph 3. Comportment Scale



Graph 4. Settlement/Plea Agreement Ability Scale



DISTRICT COURT RESULTS

Eleven out of sixteen District Court judges received the results of their evaluations under cover of memoranda dated October 30, 2023. Five other judges did not have enough responses to be evaluated.

A link to the questionnaire was provided to attorneys by email on October 3, 2023. The surveys could be filled out from October 3 to October 27, 2023. The email to attorneys is printed in Appendix H. A copy of the questionnaire is attached as Appendix I. Reminder emails were sent on October 8, 2023 and October 23, 2023

Possible scores for the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. The table on page 16 provides the averages for the eleven judges.

The mean score for the Legal Ability Section was 4.07, with a standard deviation of 0.33. 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 District Court judges received marks between 3.74 and 4.40 in the Legal Ability Section.

The mean score for the Judicial Management Skills Section was 4.11, with a standard deviation of 0.42. The mean score for the Comportment Section was 4.03, with a standard deviation of 0.47. The mean score for the Settlement and/or Plea Agreement Ability Section was 4.01, with a standard deviation of 0.42. The frequencies of the judges' ratings, by category, are printed on page 17.

There were 414 responses from 4,876 emails sent out to attorneys. This includes responses for the judges who had fewer than eighteen questionnaires. The number of questionnaires received for the sixteen District Court judges totaled 366, with between 8 and 37 questionnaires per judge. The number of responses did not equal the number of questionnaires received because some attorneys sent in responses with evaluations for more than one judge and others said that they had not appeared before any judges.

**JUDICIAL PERFORMANCE PROGRAM - DISTRICT COURT
EVALUATION RESULTS FOR ELEVEN JUDGES
OCTOBER 3, 2023 - OCTOBER 27, 2023**

Legal Ability Section	N*	Mean**	SD***
1. Knowledge of Relevant Substantive Law	11	4.15	0.30
2. Knowledge of Rules of Procedure	11	4.19	0.32
3. Knowledge of Rules of Evidence	11	4.17	0.32
4. Ability to Identify and Analyze Relevant Issues	11	4.12	0.33
5. Judgment in Application of Relevant Laws and Rules	11	4.01	0.37
6. Giving Reasons for Rulings when Needed	11	4.00	0.36
7. Clarity of Explanation of Rulings	11	3.99	0.36
8. Adequacy of Findings of Fact	11	4.04	0.37
9. Clarity of Judge's Decision(s) (oral/written)	11	4.07	0.36
10. Completeness of Judge's Decision(s) (oral/written)	11	4.05	0.35
Average Score for the Legal Ability Section	11	4.07	0.33

Judicial Management Skills Section	N*	Mean**	SD***
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	11	4.12	0.56
2. Maintaining Proper Control over the Proceeding(s)	11	4.21	0.45
3. Doing the Necessary Homework on the Case(s)	11	4.11	0.38
4. Rendering Rulings and Decisions Without Unnecessary Delay	11	4.23	0.44
5. Allowing Adequate Time for Presentation of the Case(s)	11	4.10	0.44
6. Resourcefulness and Common Sense in Resolving Problems	11	4.03	0.47
7. Skills in Effecting Compromise	11	3.87	0.52
8. Industriousness	11	4.14	0.34
Average Score for the Judicial Management Skills Section	11	4.11	0.42

Comportment Section	N*	Mean**	SD***
1. Attentiveness	11	4.25	0.38
2. Courtesy to Participants	11	4.00	0.63
3. Compassion	11	3.98	0.51
4. Patience	11	3.85	0.64
5. Absence of Arrogance	11	3.91	0.57
6. Absence of Bias and Prejudice	11	4.22	0.39
7. Evenhanded Treatment of Litigants	11	4.05	0.42
8. Evenhanded Treatment of Attorneys	11	4.00	0.51
Average Score for the Comportment Section	11	4.03	0.47

Settlement and/or Plea Agreement Ability Section	N*	Mean**	SD***
1. Knowing the Case(s) and/or the Law	11	4.08	0.38
2. Reasonableness of Opinions	11	4.05	0.44
3. Ability to Enhance the Settlement Process	11	3.85	0.50
4. Impartiality	11	3.96	0.43
5. Absence of Coercion or Threat	11	4.18	0.47
6. Effectiveness in Narrowing the Issues	11	4.10	0.38
7. Appropriateness of Judge's Initiatives	11	3.93	0.46
8. Facilitation in Development of Options	11	3.87	0.43
Average Score for the Settlement and/or Plea Agreement Ability Section	11	4.01	0.42

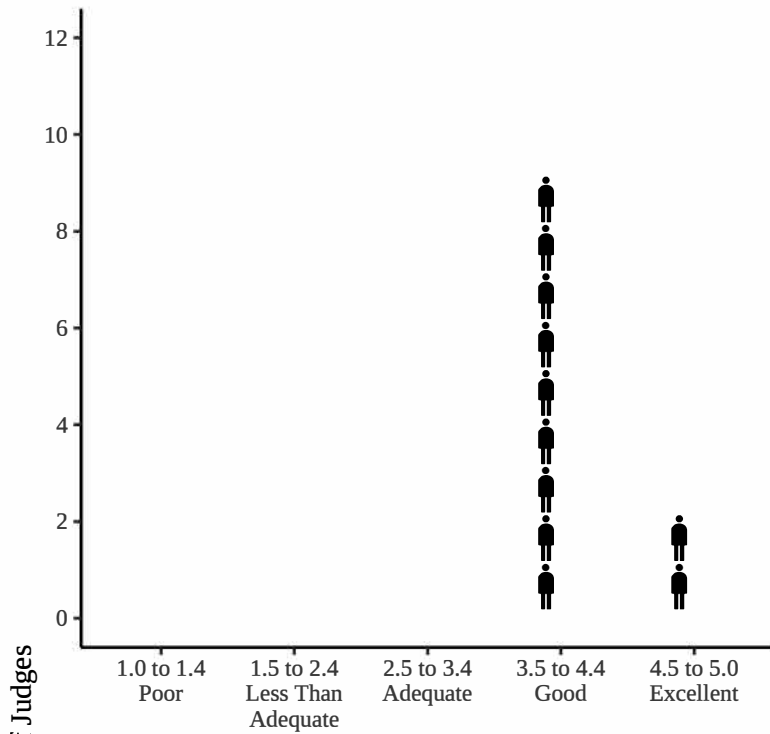
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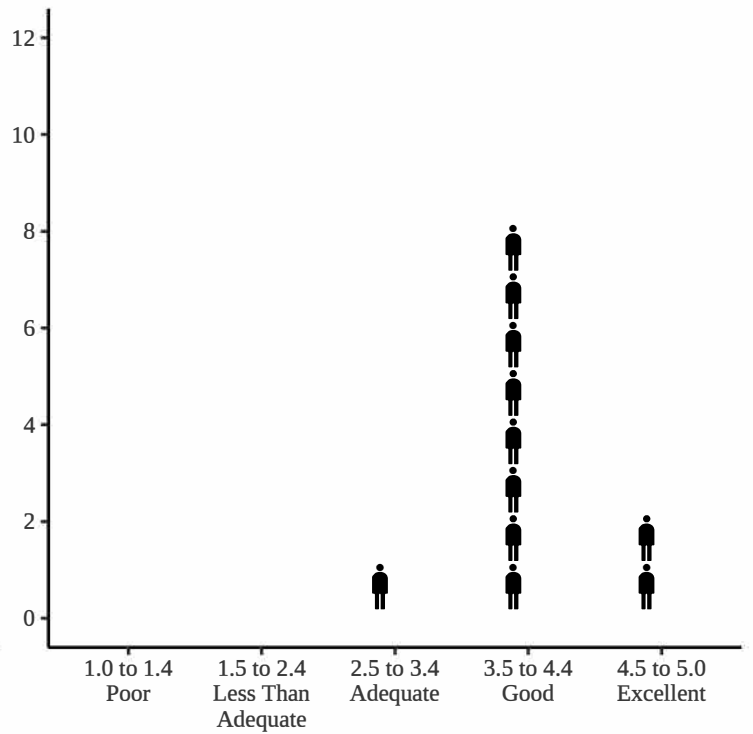
*** S.D.: Standard deviation quantifies the amount of variation in a set of values.

DISTRICT COURT FREQUENCY OF JUDGES' RATINGS, BY CATEGORY OCTOBER 3, 2023 - OCTOBER 27, 2023

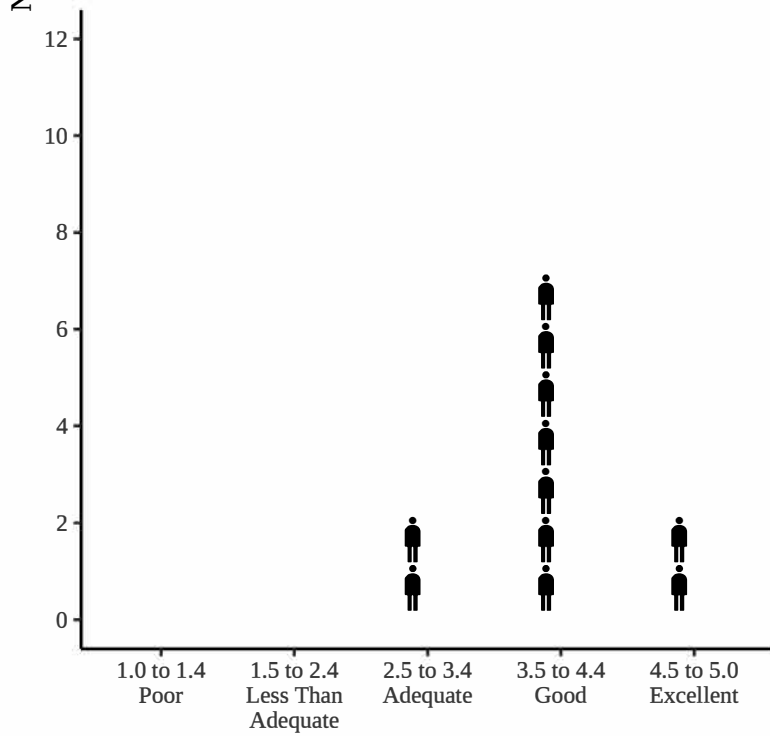
Graph 1. Legal Ability Scale



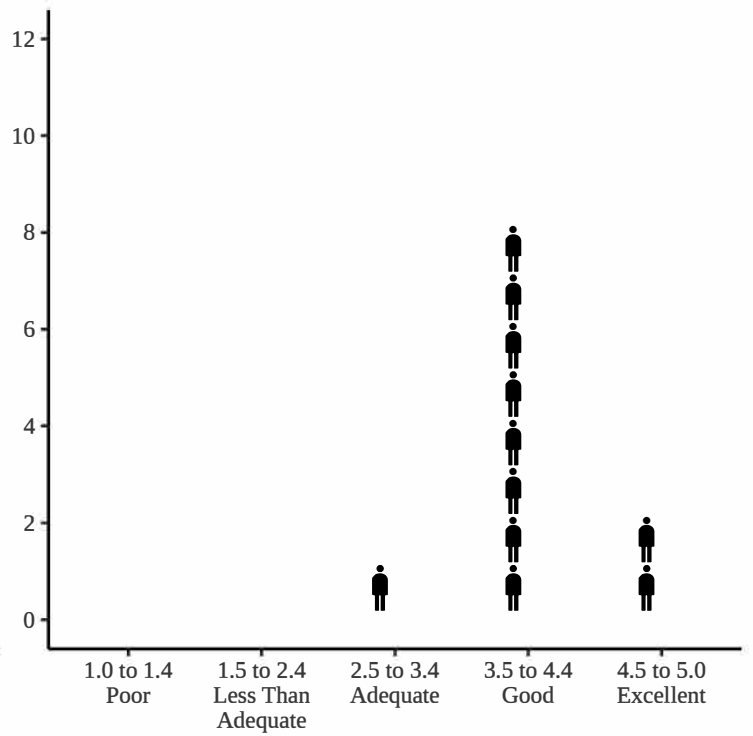
Graph 2. Judicial Management Skills Scale



Graph 3. Comportment Scale



Graph 4. Settlement/Plea Agreement Ability Scale



APPENDIX A

MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge R. Mark Browning, Chair
Judge Rhonda I. L. Loo
Claire K. S. Cooper
Darcia Forester, Esq.
Lars Isaacson, Esq.
Jeen H. Kwak, Esq.
Rodney A. Maile, Esq., Administrative Director of the Courts
R. Patrick McPherson, Esq.
Lisa Munger, Esq.
John S. Nishimoto, Esq.
Richard H.S. Sing, Esq.
Alan Van Etten, Esq.
Janice Wakatsuki
Eric Yau, Esq.

APPENDIX B

EMAIL FROM CHIEF JUDGE BROWNING RE JUDICIAL EVALUATIONS

APPELLATE COURT

To:

Sent: March 7, 2023

Subject: Email From Judge R. Mark Browning Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of Appellate Court justices and judges _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, and _____. The purpose of the evaluation is to help the justices and judges improve their judicial 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. Justices and judges are receptive to receiving your comments, suggestions, and feedback. If an insufficient number of evaluations for a particular justice or judge are received, then that justice or judge will not be evaluated.

The evaluation process is conducted using a third-party survey tool. It is administered by Tyler Technologies, an independent contractor retained by the State of Hawai'i as its internet portal manager. The process was designed to ensure confidentiality, and only de-identified 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 March 31, 2023.

The evaluation is designed to obtain fair assessments from attorneys who actually had any cases or served in any other capacity with the 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. For technical support with the survey, please contact Tyler Technologies at (judgeevalsupport@ehawaii.gov), and for other questions, please contact the Planning and Program Evaluation Division (adam.s.cohen@courts.hawaii.gov).

Sincerely,

/s/

Judge R. Mark Browning

Chair

Judicial Performance Committee

APPENDIX C
APPELLATE COURT QUESTIONNAIRE

Judicial Appellate Court Evaluation - March 2023

2. Justice/Judge First Name Last Name

* 1. Have you had any cases, decided or open, or served on any committee or in any other capacity with Justice/Judge First Name Last Name during the period from March 1, 2021 to February 28, 2023? (Note: By answering yes, you will proceed to fill in the evaluation for this justice/judge. By answering no, you will bypass the questions for this justice/judge.)

Yes

No

3. Justice/Judge First Name Last Name - Fairness/Impartiality

Please select the response that best describes your perception of the justice's/judge's performance in any matters you have had before the court during the period from March 1, 2021 to February 28, 2023.

1. Removes himself/herself from any action that is, or appears to be, a conflict of interest.

- Always Usually Sometimes Rarely Never Not Applicable

2. Treats all parties fairly regardless of race, age, gender, economic status, or any other reason.

- Always Usually Sometimes Rarely Never Not Applicable

3. Treats all parties fairly regardless of position (e.g., plaintiff/defendant, prosecutor/defense attorney, particular attorneys, etc.)

- Always Usually Sometimes Rarely Never Not Applicable

4. Strives to be impartial on all issues.

- Always Usually Sometimes Rarely Never Not Applicable

5. Contributes in a meaningful way to administrative committees he or she is assigned to.

- Always Usually Sometimes Rarely Never Not Applicable

4. Justice/Judge First Name Last Name - Written Opinions

1. In opinions authored by this justice/judge, he or she demonstrates knowledge of relevant substantive law at issue.

- Always Usually Sometimes Rarely Never Not Applicable

2. In opinions authored by this justice/judge, he or she demonstrates legal reasoning ability.

- Always Usually Sometimes Rarely Never Not Applicable

3. Overall quality of written opinions authored specifically by this justice/judge.

- Excellent Good Adequate Less Than Adequate Poor Not Applicable

5. Justice/Judge First Name Last Name - Oral Argument

1. In oral argument, this justice/judge exhibits dignified behavior.

Always Usually Sometimes Rarely Never Not Applicable

2. This justice/judge is courteous to counsel at oral argument.

Always Usually Sometimes Rarely Never Not Applicable

3. In oral argument, this justice/judge is attentive during proceedings.

Always Usually Sometimes Rarely Never Not Applicable

4. In oral argument, this justice/judge shows patience during proceedings.

Always Usually Sometimes Rarely Never Not Applicable

5. I would rate the relevance of questions posed by this justice/judge to counsel on issues raised by the parties as:

Excellent Good Adequate Less Than Adequate Poor Not Applicable

6. I would rate the preparation for oral argument by this justice/judge as:

Excellent Good Adequate Less Than Adequate Poor Not Applicable

6. Justice/Judge First Name Last Name - Overall Evaluation

1. Overall evaluation of judicial performance.

- Excellent Good Adequate Less Than Adequate Poor Not Applicable

7. Justice/Judge First Name Last Name - Background Characteristics

1. Have you served on a committee with this justice/judge?

Yes

No

2. COMMENTS (We understand that anonymity is important. However, the more specific the input, the more useful it will be for the justice/judge. Constructive comments that explain why a justice/judge is viewed positively or negatively will assist the justice/judge more than broad statements that a justice/judge is good or not good. Please remember not to identify yourself.)

8. Justice/Judge First Name Last Name - Evaluation Complete

* 1. Thank you for completing the evaluation for Chief Justice Mark E. Recktenwald.

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

79. General - Background Characteristics

This information will be used for statistical purposes only.

1. How many cases have you had on appeal in the last three years?

Number of cases:

2. How many years have you practiced law?

under 5 years

5 to 10 years

over 10 years

3. What percentage of your practice is before appellate courts?

Percentage:

4. What percentage of your practice is devoted to

Civil law:

Criminal law:

Family law:

80. Submit Evaluations

Please confirm that you have completed all questionnaires for justices/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 questionnaire, please direct technical questions to Tyler Technologies at judgeevalsupport@ehawaii.gov, and any other questions to the Judiciary's Planning and Program Evaluation Division at adam.s.cohen@courts.hawaii.gov.

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

EMAIL FROM CHIEF JUSTICE RECKTENWALD RE JUDICIAL EVALUATIONS

CIRCUIT COURT

To:

Sent: August 1, 2023

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 judicial 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 is received, then that judge will not be evaluated.

The evaluation process is conducted using a third-party survey tool. It is administered by Tyler Technologies, an independent contractor retained by the State of Hawai'i as its internet portal manager. The process was designed to ensure confidentiality, and only de-identified 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 August 25, 2023.

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

For technical support with the survey, please contact Tyler Technologies at (judgeevalsupport@ehawaii.gov), and for other questions, please contact the Planning and Program Evaluation Division (adam.s.cohen@courts.hawaii.gov). Thank you for helping to improve the skills and techniques of Hawai'i's judges.

Sincerely,

/s/

Mark E. Recktenwald

Chief Justice

Supreme Court of Hawai'i

APPENDIX E
CIRCUIT COURT QUESTIONNAIRE

Judge First and Last Name - 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 Judge First and Last Name during the period from August 1, 2021 to July 31, 2023? (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)

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

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

Judge First and Last Name - 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

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

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

Judge First and Last Name - Evaluation Complete

* 1. Thank you for completing the evaluation for Judge First and Last Name.

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

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)

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

EMAIL FROM CHIEF JUSTICE RECKTENWALD RE JUDICIAL EVALUATIONS

FAMILY COURT

To:

Sent: May 2, 2023

Subject: Email From Chief Justice Recktenwald Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of Family Court judges _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, and _____. The purpose of the evaluation is to help the judges improve their judicial 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 is received, then that judge will not be evaluated.

The evaluation process is conducted using a third-party survey tool. It is administered by Tyler Technologies, an independent contractor retained by the State of Hawai'i as its internet portal manager. The process was designed to ensure confidentiality, and only de-identified 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 May 26, 2023.

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

For technical support with the survey, please contact Tyler Technologies at (judgeevalsupport@ehawaii.gov), and for other questions, please contact the Planning and Program Evaluation Division (adam.s.cohen@courts.hawaii.gov). Thank you for helping to improve the skills and techniques of Hawai'i's judges.

Sincerely,

/s/

Mark E. Recktenwald

Chief Justice

Supreme Court of Hawai'i

APPENDIX G
FAMILY COURT QUESTIONNAIRE

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 Judge _____ during the period from May 1, 2021 to April 30, 2023? (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)

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

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

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

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

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

Judge _____ - Evaluation Complete

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

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

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)

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 questionnaire, 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 H

EMAIL FROM CHIEF JUSTICE RECKTENWALD RE JUDICIAL EVALUATIONS

DISTRICT COURT

To:

Sent: October 3, 2023

Subject: Email From Chief Justice Recktenwald Re Judicial Evaluations

Dear Attorney:

The Judiciary is conducting an online evaluation of District Court judges _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, and _____. The purpose of the evaluation is to help the judges improve their judicial 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 is received, then that judge will not be evaluated.

The evaluation process is conducted using a third-party survey tool. It is administered by Tyler Technologies, an independent contractor retained by the State of Hawai'i as its internet portal manager. The process was designed to ensure confidentiality, and only de-identified 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 October 27, 2023.

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

For technical support with the survey, please contact Tyler Technologies at (judgeevalsupport@ehawaii.gov), and for other questions, please contact the Planning and Program Evaluation Division (adam.s.cohen@courts.hawaii.gov). Thank you for helping to improve the skills and techniques of Hawai'i's judges.

Sincerely,

/s/

Mark E. Recktenwald

Chief Justice

Supreme Court of Hawai'i

APPENDIX I
DISTRICT COURT QUESTIONNAIRE

Judge First and Last Name - 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 Judge First and Last Name during the period from October 1, 2021 to September 30, 2023? (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)

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

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

Judge First and Last Name - 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

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

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

Judge First and Last Name - Evaluation Complete

* 1. Thank you for completing the evaluation for Judge First and Last Name.

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

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)

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?