

JUDICIAL PERFORMANCE PROGRAM 2010 REPORT

THE JUDICIARY
STATE OF HAWAII
September 23, 2010

JUDICIAL PERFORMANCE PROGRAM 2010 REPORT

INTRODUCTION

The Judicial Performance Program 2010 Report summarizes the results of evaluations involving 10 Circuit Court judges and six District Court judges. The attorney evaluations were conducted over the Internet. To ensure the security, anonymity, and confidentiality of the evaluation process, it was administered by eHawaii.gov, which is completely independent of the Judiciary. In addition, eight Circuit Court judges were evaluated by jurors using standard mail.

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.

Judicial Performance Program reports are issued yearly. Since the evaluation process has been and is still evolving, comparisons of individual scores should be made only within each respective report group.

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 justices and judges are available to the Judicial Selection Commission, upon its request.

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

EVALUATION CYCLES

Appellate justices and judges and Circuit Court judges are scheduled for evaluation three times in their ten-year terms. 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.

The 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; that is, about one-half or approximately ten judges from each group are evaluated per cycle. Evaluations of both Family Court and District Court judges were conducted in 2009. Evaluation of District Court, but not

of Family Court, judges was conducted in 2010. Evaluation of Family Court, but not of District Court, judges is scheduled for 2011.

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, Richard Guy, Douglas McNish, Willson Moore Jr., William Santos, Betty Vitousek, and Stanley Yamagata Jr. The Review Panel is organized into groups of three, with each group having one former judge, one nonpracticing attorney, and one member of the public knowledgeable in the law. Their purpose is to interview and counsel the evaluated judges and help the judges improve their performance.

CIRCUIT COURT ATTORNEY EVALUATION RESULTS

Ten Circuit Court judges received the results of their evaluations under cover of memoranda dated September 23, 2010. A link to the online questionnaire was provided to attorneys by email on July 7, 2010. The surveys were collected from July 7, 2010 until July 27, 2010.

The email to the evaluating attorneys from former Chief Justice Ronald T. Y. Moon and from the President of the Hawaii State Bar Association can be found in Appendix B. The questionnaire is attached as Appendix C. Possible ratings based on the multiple-choice format range from one to five. One indicates a Poor rating. Five stands for Excellent. Table 1 provides the average scores by section for the 10 judges.

The mean score for the Legal Ability section was 4.0, with a standard deviation of 0.3. The standard deviation gives an indication of the amount of variation in the scores between 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 scores.) Most of the judges received marks between 3.7 and 4.3 in the Legal Ability section.

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

Emails were sent to active attorneys who provided the Hawaii State Bar Association with their email addresses. There were 496 responses out of 3,859 emails sent out. Some of the 496 respondents said they had not appeared before any judge in the previous two years. This ended their participation in the evaluation process. The number of questionnaires received for all 10 judges from attorneys who had appeared before them totaled 476, with between 18 and 92 questionnaires being received by each judge.

TABLE 1
 JUDICIAL PERFORMANCE PROGRAM – CIRCUIT COURT
 EVALUATION RESULTS FOR TEN JUDGES
 JULY 7, 2010 – JULY 27, 2010

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
LEGAL ABILITY SECTION			
1. Knowledge of Relevant Substantive Law	10	4.1	0.3
2. Knowledge of Rules of Procedure	10	4.2	0.3
3. Knowledge of Rules of Evidence	10	4.2	0.3
4. Ability to Identify and Analyze	10	4.1	0.3
5. Judgment in Application of Relevant Laws	10	3.9	0.3
6. Giving Reasons for Rulings when Needed	10	3.9	0.3
7. Clarity of Explanation of Rulings	10	3.9	0.3
8. Adequacy of Findings of Fact	10	3.9	0.2
9. Clarity of Judge's Decision(s)	10	3.9	0.2
10. Completeness of Judge's Decision(s)	10	3.9	0.2
11. Judge's Charge to the Jury/Juries	10	4.2	0.4
Average Score for the Legal Ability Section	10	4.0	0.3
JUDICIAL MANAGEMENT SKILLS SECTION			
1. Moving the Proceeding(s)	10	4.0	0.3
2. Maintaining Proper Control	10	4.1	0.3
3. Doing the Necessary Homework on the Case(s)	10	4.0	0.3
4. Rendering Rulings and Decisions w/o Delay	10	4.1	0.2
5. Allowing Adequate Time	10	4.1	0.2
6. Resourcefulness and Common Sense	10	3.9	0.3
7. Skills in Effecting Compromise	10	3.8	0.4
8. Industriousness	10	4.2	0.2
Average Score for the Judicial Management Skills Section	10	4.0	0.3
COMPORIMENT SECTION			
1. Attentiveness	10	4.3	0.2
2. Courtesy to Participants	10	4.0	0.5
3. Compassion	10	3.9	0.4
4. Patience	10	3.9	0.5
5. Absence of Arrogance	10	3.8	0.5
6. Absence of Bias and Prejudice	10	4.1	0.2
7. Evenhanded Treatment of Litigants	10	3.9	0.3
8. Evenhanded Treatment of Attorneys	10	3.9	0.4

Average Score for the Comportment Section	10	4.0	0.4
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SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

1. Knowing the Case(s) and/or the Law	10	4.1	0.3
2. Reasonableness of Opinions	10	4.0	0.3
3. Ability to Enhance the Settlement Process	10	3.8	0.3
4. Impartiality	10	3.9	0.3
5. Absence of Coercion or Threat	10	4.0	0.3
6. Effectiveness in Narrowing the Issues	10	4.0	0.3
7. Appropriateness of Judge's Initiatives	10	3.9	0.3
8. Facilitation in Development of Options	10	3.9	0.4
Average Score for the Settlement Section	10	3.9	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

Circuit Court

Graph 1. Legal Ability Scale

Frequency of Judges' Ratings, By Category

July 7, 2010 – July 27, 2010

No. of Judges	10
Scale Interval Category	3.5 to 4.4
	Good

Circuit Court

Graph 2. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

July 7, 2010 – July 27, 2010

No. of Judges	10
Scale Interval Category	3.5 to 4.4
	Good

Circuit Court

Graph 3. Comportment Scale

Frequency of Judges' Ratings, By Category

July 7, 2010 – July 27, 2010

No. of Judges	9	1
Scale Interval Category	3.5 to 4.4	4.5 to 5.0
	Good	Excellent

Circuit Court

Graph 4. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

July 7, 2010 – July 27, 2010

No. of Judges 10

Scale Interval Category 3.5 to 4.4

Good

DISTRICT COURT ATTORNEY EVALUATION RESULTS

Judicial evaluation results were transmitted to six District Court judges by former Chief Justice Moon under cover of memoranda dated June 2, 2010. Surveys could be completed on the Internet from April 6, 2010 until April 27, 2010. Although evaluation of 11 judges was attempted, only six judges received at least the minimum 18 responses for profiles to be prepared.

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

The mean score for the Legal Ability section was 3.9, and the standard deviation was 0.4. Most of the judges received scores between 3.5 and 4.3.

The mean score for the Judicial Management Skills section was 4.1, and the standard deviation for this section was 0.4. The mean score for the Comportment section was 4.2, and the standard deviation was 0.3. The mean score for the Settlement and/or Plea Agreement Ability section was 4.0, and the standard deviation was 0.4. The frequencies of judges' ratings, by category, are shown in Graphs 5 to 8.

From the 3,881 emails sent out for the judges, 480 surveys were returned. Some of the attorneys said they had not appeared before a judge, which ended their participation in the evaluation process for that judge.

We received between 23 and 64 questionnaires for each of the six judges from attorneys who said they had appeared before the judge. The six judges had a total of 231 questionnaires returned from attorneys who had appeared before them.

TABLE 2
 JUDICIAL PERFORMANCE PROGRAM – DISTRICT COURT
 EVALUATION RESULTS FOR SIX JUDGES
 APRIL 6, 2010 – APRIL 27, 2010

QUESTIONNAIRE SECTION	N	Mean Score	S.D.
LEGAL ABILITY SECTION			
1. Knowledge of Relevant Substantive Law	6	4.0	0.5
2. Knowledge of Rules of Procedure	6	4.0	0.4
3. Knowledge of Rules of Evidence	6	3.9	0.5
4. Ability to Identify and Analyze	6	4.0	0.4
5. Judgment in Application of Relevant Laws	6	3.9	0.5
6. Giving Reasons for Rulings when Needed	6	3.8	0.4
7. Clarity of Explanation of Rulings	6	3.9	0.4
8. Adequacy of Findings of Fact	6	3.8	0.5
9. Clarity of Judge's Decision(s)	6	3.9	0.4
10. Completeness of Judge's Decision(s)	6	3.9	0.3
Average Score for the Legal Ability Section	6	3.9	0.4
JUDICIAL MANAGEMENT SKILLS SECTION			
1. Moving the Proceeding(s)	6	4.2	0.4
2. Maintaining Proper Control	6	4.2	0.4
3. Doing the Necessary Homework on the Case(s)	6	3.9	0.4
4. Rendering Rulings and Decisions w/o Delay	6	4.2	0.4
5. Allowing Adequate Time	6	4.2	0.3
6. Resourcefulness and Common Sense	6	4.0	0.4
7. Skills in Effecting Compromise	6	4.0	0.4
8. Industriousness	6	4.1	0.3
Average Score for the Judicial Management Skills Section	6	4.1	0.4
COMPORTEMNT SECTION			
1. Attentiveness	6	4.4	0.3
2. Courtesy to Participants	6	4.3	0.2
3. Compassion	6	4.1	0.3
4. Patience	6	4.1	0.3
5. Absence of Arrogance	6	4.2	0.3
6. Absence of Bias and Prejudice	6	4.3	0.4
7. Evenhanded Treatment of Litigants	6	4.2	0.4
8. Evenhanded Treatment of Attorneys	6	4.2	0.3
Average Score for the Compartment Section	6	4.2	0.3

SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION

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

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

Legend for Mean Score: 5 = Excellent

4 = Good

3 = Adequate

2 = Less Than Adequate

1 = Poor

S.D. = Standard Deviation

District Court

Graph 5. Legal Ability Scale

Frequency of Judges' Ratings, By Category

April 6, 2010 – April 27, 2010

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

District Court

Graph 6. Judicial Management Skills Scale

Frequency of Judges' Ratings, By Category

April 6, 2010 – April 27, 2010

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

District Court

Graph 7. Comportment Scale

Frequency of Judges' Ratings, By Category

April 6, 2010 – April 27, 2010

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

District Court

Graph 8. Settlement/Plea Agreement Ability Scale

Frequency of Judges' Ratings, By Category

April 6, 2010 – April 27, 2010

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

CIRCUIT COURT JUROR EVALUATION RESULTS

Juror evaluation results were transmitted to eight Circuit Court judges by former Chief Justice Moon under cover of memoranda dated April 21, 2010. Surveys were distributed by standard mail on January 4, 2010 and were collected until February 3, 2010. Table 3 provides the averages for the eight judges.

The mean score for Overall Performance was 4.8, with a standard deviation of 0.1. Most of the judges received scores between 4.7 and 4.9 for Overall Performance. For each of the other ten evaluation categories, the mean scores were 4.7 or 4.8, and the standard deviation was 0.1. The frequencies of judges' ratings, by category, are shown in Graphs 9 and 10. The juror evaluation questionnaire is included as Appendix E.

Jurors were selected from the pools of jurors who had been chosen or sworn, including alternates. Even if a juror had not sat through an entire trial because of settlement or other reasons, it was felt that the juror would have had sufficient contact with the judge to be able to fill out the evaluation. Between 41 and 150 jurors were selected for each judge.

The number of survey forms distributed for the eight judges was 822. Of this total, 442 questionnaires were returned. Between 26 and 85 questionnaires were received per judge.

TABLE 3
 JUDICIAL PERFORMANCE PROGRAM – JUROR EVALUATION
 EVALUATION RESULTS FOR EIGHT JUDGES
 JANUARY 4, 2010 – FEBRUARY 3, 2010

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

N = Number of Judges with More Than Five Responses for the Item
 Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate
 2 = Less Than Adequate | 1 = Poor
 S.D. = Standard Deviation

Juror Evaluation

Graph 9. Overall Performance

Frequency of Judges' Ratings, By Category

January 4, 2010 – February 3, 2010

No. of Judges	8
Scale Interval Category	4.5 to 5.0
	Excellent

Juror Evaluation

Graph 10. Average For Items 1 Through 10

Frequency of Judges' Ratings, By Category

January 4, 2010 – February 3, 2010

No. of Judges	8
Scale Interval Category	4.5 to 5.0
	Excellent

APPENDIX A

MEMBERS OF THE JUDICIAL PERFORMANCE COMMITTEE

Judge Derrick H.M. Chan, Chair

David M. Louie, Esq., Vice-Chair

Judge Michael F. Broderick

Judge Rhonda I. L. Loo

Susan L. Arnett, Esq.

Edward L. Broglio

Gail Y. Cosgrove, Esq.

Todd Eddins, Esq.

Dr. Allan K. Izumi

Thomas R. Keller, Esq., Administrative Director of the Courts

James C. McWhinnie, Esq.

Joe C. Rice

Wilma J. Sur, Esq.

APPENDIX B

EMAIL FROM THE CHIEF JUSTICE AND THE PRESIDENT OF THE BAR

To:

From: Michael.A.Oki@courts.state.hi.us

Sent: July 7, 2010

Subject: Joint Email From Chief Justice Moon and HSBA President Jones Re Judicial Evaluations

Dear Attorney:

This is a joint email from Chief Justice Ronald T. Y. Moon and HSBA President Hugh R. Jones. The Judiciary is conducting an online evaluation of ten Circuit Court Judges. The Judiciary and HSBA encourage all members to participate in the evaluation process. This evaluation differs from HSBA's judicial evaluation survey, but both programs are designed to give you the opportunity to provide meaningful input concerning individual judges. Judges are receptive to receiving comments and suggestions, which often help them to improve their judicial skills and techniques.

Please click on the following link, [*link to questionnaire*], to complete the questionnaire. Because this link is unique to your email address, please do not forward this message. If at any time you wish to stop and later return to the questionnaire, please click on the same link. The questionnaire will remain accessible to you until July 27, 2010. To ensure security and confidentiality, the evaluation process is being administered by eHawaii.gov, which is independent of the Judiciary and HSBA.

The evaluation is designed to obtain the assessments of attorneys who have actually appeared before the judge. Please be sure that your evaluation is based solely on your experience, and not on hearsay. If you did not have cases before a judge, you may click on that option after you select the judge's name. Also, if you do not wish to receive any judicial evaluation questionnaires, please click on [*link to opt out*], and you will automatically be removed from this mailing list.

Thank you in advance for your consideration. If you have any questions, please contact Michael Oki at 539-4870.

Sincerely,

Ronald T. Y. Moon
Chief Justice
Supreme Court of Hawai'i

Hugh R. Jones
President
Hawaii State Bar Association

APPENDIX C

CIRCUIT COURT QUESTIONNAIRE

SAMPLE – BASIC SURVEY QUESTIONS
Judicial Circuit Court Questionnaire – July 2010

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

*1. Have you appeared before this judge during the period from July 1, 2008 to June 30, 2010? (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)

SAMPLE – LEGAL ABILITY

Judicial Circuit Court Questionnaire – July 2010

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

1. Knowledge of relevant substantive law

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

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

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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SAMPLE – LEGAL ABILITY

Judicial Circuit Court Questionnaire – July 2010

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

SAMPLE – JUDICIAL MANAGEMENT SKILLS
Judicial Circuit Court Questionnaire – July 2010

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

SAMPLE – COMPORTMENT

Judicial Circuit Court Questionnaire – July 2010

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

1. Attentiveness

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

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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SAMPLE – SETTLEMENT AND/OR PLEA AGREEMENT ABILITY
Judicial Circuit Court Questionnaire – July 2010

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

SAMPLE – COMMENT PAGE

Judicial Circuit Court Questionnaire – July 2010

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 type your comments, and remember not to identify yourself.

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

SAMPLE – BACKGROUND CHARACTERISTICS
Judicial Circuit Court Questionnaire – July 2010

This information will be used for statistical purposes only.

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

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Refuse to answer

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

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Refuse to answer

Other (please specify)

SAMPLE – SURVEY COMPLETE
Judicial Circuit Court Questionnaire – July 2010

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

I would like to fill out a questionnaire for another judge.

I have completed questionnaires for all judges and am ready to submit my questionnaires.

SAMPLE – SUBMIT QUESTIONNAIRES
Judicial Circuit Court Questionnaire – July 2010

Please confirm that you have completed questionnaires 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 Policy and Planning Department at 539-4870. Mahalo!

1. Please let us know what you think of the online survey process.

APPENDIX D

DISTRICT COURT QUESTIONNAIRE

SAMPLE – BASIC SURVEY QUESTIONS
Judicial District Court Questionnaire – April 2010

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

*1. Have you appeared before this judge during the period from April 1, 2008 to March 31, 2010?
(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 period from April 1, 2008 to March 31, 2010?

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)

SAMPLE – LEGAL ABILITY

Judicial District Court Questionnaire – April 2010

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

1. Knowledge of relevant substantive law

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

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

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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SAMPLE – LEGAL ABILITY

Judicial District Court Questionnaire – April 2010

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

Excellent Good Adequate Less than Adequate Poor Not Applicable

SAMPLE – JUDICIAL MANAGEMENT SKILLS
Judicial District Court Questionnaire – April 2010

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

SAMPLE – COMPORTMENT

Judicial District Court Questionnaire – April 2010

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

1. Attentiveness

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

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

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

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

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

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

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

Excellent	Good	Adequate	Less than Adequate	Poor	Not Applicable
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SAMPLE – SETTLEMENT AND/OR PLEA AGREEMENT ABILITY
 Judicial District Court Questionnaire – April 2010

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

SAMPLE – COMMENT PAGE

Judicial District Court Questionnaire – April 2010

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 type your comments, and remember not to identify yourself.

1. Legal ability

2. Judicial management skills

3. Comportment

4. Settlement/plea agreement ability

5. Overall/General

SAMPLE – BACKGROUND CHARACTERISTICS
Judicial District Court Questionnaire – April 2010

This information will be used for statistical purposes only.

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

0 to 3

4 to 7

8 to 11

12 to 15

16 to 19

20 to 23

24 to 27

28 or more

Refuse to answer

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

Solo (including office sharing)

Law firm with 2-15 attorneys

Law firm with more than 15 attorneys

Corporate or house counsel

Pro se (Representing self)

Government

Refuse to answer

Other (please specify)

SAMPLE – SURVEY COMPLETE
Judicial District Court Questionnaire – April 2010

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

I would like to fill out a questionnaire for another judge.

I have completed questionnaires for all judges and am ready to submit my questionnaires.

SAMPLE – SUBMIT QUESTIONNAIRES
Judicial District Court Questionnaire – April 2010

Please confirm that you have completed questionnaires 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 Policy and Planning Department at 539-4870. Mahalo!

1. Please let us know what you think of the online survey process.

APPENDIX E

JUROR EVALUATION QUESTIONNAIRE

SAMPLE

DO NOT DUPLICATE

CONFIDENTIAL

Judicial Performance Program - Circuit Court

Juror Evaluation of Judge _____

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

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

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

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

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

Comments: _____

