

RE:           **Proposed Amendments to the Principles of  
Professionalism for Hawai'i Judges**

*PRINCIPLES FOR HAWAII JUDGES*

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend the Principles of Professionalism for Hawai'i Judges. The proposal addresses principles to be followed by all judges of the State of Hawai'i. The proposed amendments are attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Monday, January 23, 2017**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENTS TO  
PRINCIPLES OF PROFESSIONALISM FOR HAWAI‘I JUDGES**  
(Deleted material is bracketed and stricken; new material is underlined)

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**EXHIBIT B-1  
PRINCIPLES OF PROFESSIONALISM  
FOR HAWAI‘I JUDGES**

**PREAMBLE**

The following Principles, previously adopted by the Supreme Court of Delaware for judges in that State, are designed to encourage judges, including judicial commissioners and others appointed to act on behalf of or at the direction of a court, to be civil and respectful to all persons with whom they deal in an official capacity and to require similar conduct from others under their supervision and control. Having concluded the Principles would encourage judges and their appointees or agents to be civil and respectful to all persons with whom they deal in an official capacity the Principles are adopted by the Supreme Court of Hawai‘i for Hawai‘i Judges. These Principles are not intended to alter the Hawai‘i Revised Code of Judicial Conduct or judges’ obligations thereunder, or to create additional standards under which judges may be disciplined. The principles should, however, be followed by all judges of the State of Hawai‘i.

**PRINCIPLES**

1. A judge should be courteous, respectful and civil to lawyers, parties, witnesses, court personnel, and all other participants in the legal process.
2. A judge should maintain control of the proceedings, recognizing that judges have both the obligation and the authority to ensure that all proceedings are conducted in a civil and respectful manner by counsel and the parties.
3. A judge should be considerate of the time schedules of lawyers, parties, and witnesses, and the expenses attendant to litigation, in scheduling trials, hearings, meetings and conferences.
4. A judge should be punctual in convening trials, hearings, meetings and conferences and notify counsel or *pro se* parties promptly if the judge becomes aware that a matter will not begin when scheduled.
5. While endeavoring to resolve disputes efficiently, a judge should be considerate of the time constraints and pressures imposed on lawyers, parties or other participants in the legal process.

6. A judge should allow a lawyer or *pro se* party to present a cause properly and to make a complete and accurate record, free from unreasonable or unnecessary judicial interruption.

7. To the extent possible, a judge should give all issues in controversy deliberate, informed, impartial and studied analysis and consideration [~~and~~]; a judge should explain, when necessary, the reasons for the decisions of the court.

8. A judge should make all reasonable efforts to decide promptly all matters presented for decision.

9. A judge should not employ hostile, demeaning or humiliating language [~~in opinions or~~] in written or oral communications with other judges, lawyers, parties, witnesses or court personnel, including in written decisions and opinions of the court.

10. A judge should work in cooperation with other judges in this and other jurisdictions on matters relating to the availability of lawyers, parties, witnesses or court resources. A judge should not [~~knowingly~~] unnecessarily create a scheduling conflict with another judge's judicial proceeding.

11. A judge should ensure that court personnel act civilly and respectfully toward each other and toward judges, lawyers, parties, witnesses and all other participants in the legal process.

12. A judge should not impugn the integrity or professionalism of any lawyer on the basis of the lawyer's clients or cause.

13. A judge should avoid procedures that needlessly increase litigation expenses and should discourage unnecessary litigation expenses.

14. A judge should refer to counsel by surname preceded by the preferred title (Mr., Mrs., Ms. or Miss), or by the professional title of attorney, counsel, or counselor while in the courtroom. In any proceeding, on or off the record, a judge should refer to all counsel in a like manner.

15. A judge should be courteous and respectful in opinions and decisions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly. A judge should endeavor to work with other judges to foster a spirit of cooperation in the mutual goal of enhancing the administration of justice.