

NO. 24576

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CAROL L. MCKIM, Ph.D.,
Petitioner/Appellant-Appellant

vs.

BOARD OF PSYCHOLOGY, DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS, STATE OF HAWAI'I,
Respondent/Appellee-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-3167)

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and
Intermediate Court of Appeals Judge Lim,
assigned by reason of vacancy)

Petitioner/Appellant-Appellant Carol L. McKim, Ph.D.
(Appellant), appeals from the August 24, 2001 amended judgment of
the first circuit court affirming the August 25, 2000 final order
of Respondent/Appellee-Appellee Board of Psychology, Department
of Commerce and Consumer Affairs, State of Hawai'i (Appellee),
denying her application for a license to practice psychology in
the State of Hawai'i.

On June 2, 2003, Appellee filed a motion to dismiss the
appeal, contending that an amendment to Hawai'i Revised Statutes
§ 465-7 enacted during the pendency of the appeal has rendered
this appeal moot. On June 6, 2003, Appellant filed a response
to the motion and requested fees and costs, alleging that she
"ha[s] reformed the law to enable others similarly situated to

become psychologists here[,] . . . thus . . . serv[ing] as a 'private attorney general' to protect the constitutional rights of others." On June 23, 2003, Appellee filed a response to Appellant's request, opposing her request for fees and costs based on McCabe Hamilton & Renny, Co. Ltd. v. Chung, 98 Hawai'i 107, 43 P.2d 244 (App. 2002).

On June 19, 2003, Appellee approved Appellant's application for a license to practice psychology in Hawai'i.

After carefully reviewing the record and submissions by the parties, and duly considering and analyzing the law relevant to the issues raised by the parties,

IT IS HEREBY ORDERED that Appellee's motion to dismiss the appeal is granted and Appellant's request for fees and costs is denied.

DATED: Honolulu, Hawai'i, September 30, 2003.

Dorothy Sellers and
Adina L.K. Cunningham,
Deputy Attorneys General,
State of Hawai'i, on the motion
and response for Appellee.

Sherry P. Broder and Jon M.
Van Dyke, on the response,
for Appellant.