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SCPW-14-0001375

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CLAUDETTE DE GRACIA,
Petitioner,

vs.

OFFICE OF DISCIPLINARY COUNSEL and CRAIG FURUSHO,
Respondents.

ORIGINAL PROCEEDING

ORDER DENYING THE PETITION FOR A WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the record, we conclude the decision of Respondent Office of Disciplinary Counsel (ODC) to decline to further investigate Petitioner’s allegations against Respondent Furusho is within the discretion of ODC and nothing in the record indicates an abuse of that discretion warranting a writ of mandamus. See Breiner v. Sunderland, 112 Hawai‘i 60, 64-65, 143 P.3d 1262, 1266-67 (2006); In re Disciplinary Board of the Hawai‘i Supreme Court, 91 Hawai‘i 363, 368, 984 P.2d 688, 693 (1999). We further conclude with regard to Respondent Furusho that, while this court has jurisdiction over him pursuant to its

powers to manage and regulate the bar, this court has delegated powers to ODC and the Disciplinary Board of the Supreme Court of the State of Hawai'i to investigate alleged misconduct, and nothing in the record indicates an abuse of that discretion. See In re Disciplinary Bd., 91 Hawai'i at 368, 984 P.2d at 693.

Finally, we note Petitioner has alternate remedies available to her through civil litigation to address her fee dispute with Respondent Furusho, further rendering a writ of mandamus inappropriate. See id. (citing Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996)). Therefore,

IT IS HEREBY ORDERED that the petition is denied as to both Respondent ODC and Respondent Furusho.

DATED: Honolulu, Hawai'i, December 30, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

