

Electronically Filed
Supreme Court
SCPW-11-0000934
25-JAN-2012
01:43 PM

NO. SCPW-11-0000934

IN THE SUPREME COURT OF THE STATE OF HAWAII

STEPHEN M. SHAW, Petitioner,

vs.

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII,
Respondent.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

Upon consideration of petitioner Stephen M. Shaw's petition for a writ of mandamus, it appears that petitioner seeks a writ directing the ICA to vacate its August 3, 2011 attorney's fees and costs order and to approve fees and costs in the full amount requested because the order does not set forth reasons for the reduction in fees. In support of his request, petitioner cites to Bettencourt v. Gonda, SCAP No. 30616, October 19, 2011. However, Bettencourt does not hold that court-appointed counsel is entitled to the full amount of fees and costs requested if a reduction in the requested fees and costs does not set forth reasons for the reduction. The absence of reasons for a

reduction in fees and costs in the ICA's August 3, 2011 order does not entitle petitioner to the full amount of the fees and costs requested. Therefore, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied as to all relief requested.

DATED: Honolulu, Hawai'i, January 25, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

