

**Electronically Filed
Supreme Court
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SCAD-13-0001538

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

MIMI DESJARDINS, Respondent.

ORIGINAL PROCEEDING
(ODC 12-032-9102)

ORDER GRANTING MOTION TO DISMISS

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

Upon consideration of the June 19, 2013 petition filed by the Office of Disciplinary Counsel (ODC), pursuant to Rule 2.13 of the Rules of the Supreme Court of the State of Hawai'i (RSCH), the June 24, 2013 motion to dismiss ODC's petition, filed by Respondent Mimi DesJardins, the June 26, 2013 memorandum in opposition filed by ODC, the June 27, 2013 reply filed by Respondent DesJardins, RSCH Rules 2 and 8, and Sections 602-5(a)(6) and 605-1(a) of the Hawai'i Revised Statutes, this court has jurisdiction and is vested with the authority to place Respondent DesJardins under interim suspension in response to a motion from the Commission on Judicial Conduct. However, in light of the exclusive authority of the Commission on Judicial

Conduct over any misconduct committed by a jurist as part of the jurist's official judicial duties, see RSCH Rule 8.2(c)(1), the provisions of RSCH Rule 2.13 are not applicable in this matter. Therefore,

IT IS HEREBY ORDERED that Respondent DesJardins's June 24, 2013 motion to dismiss ODC's June 19, 2013 petition is granted.

IT IS FURTHER ORDERED that ODC's June 19, 2013 petition is denied.

DATED: Honolulu, Hawai'i, July 18, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

