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SCPW-14-0000793

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CLAUDETTE DE GRACIA,
Petitioner,

vs.

CHARLENE NORRIS, ACTING FUND ADMINISTRATOR, LAWYERS' FUND FOR
CLIENT PROTECTION; LAWYERS' FUND FOR CLIENT PROTECTION,
Respondents.

ORIGINAL PROCEEDING

ORDER GRANTING PETITION FOR A WRIT OF MANDAMUS

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

Upon consideration of the March 17, 2014 letter from Claudette de Gracia to the Chief Justice of this court, which this court has deemed a petition for a writ of mandamus, and the May 13, 2014 reply timely filed by Charlene Norris, Acting Fund Administrator for the Lawyers' Fund for Client Protection, this court finds and concludes the following; that Rule 10.5(e) of the Rules of the Supreme Court of the State of Hawai'i (RSCH) and Rule 5.2(j) of the Lawyers' Fund Rules and Regulations (LFRR) grant both a denied claimant to the Fund and the respondent attorney the right to a hearing if timely requested following

notification of the Fund's final determination of a claim. Insofar as Ms. de Gracia timely made a request for the required hearing, the Fund has refused to provide her the hearing, and she has no other remedy for the denial of the hearing to which she has a right, see In re Disciplinary Board of the Hawai'i Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999), therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is granted.

IT IS FURTHER ORDERED that the Lawyers' Fund shall timely convene a hearing on the denied claim, pursuant to RSCH Rule 10 and the LFRR.

DATED: Honolulu, Hawai'i, June 18, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

