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Supreme Court
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NO. SCPW-12-0000671

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CLIFTON M. HASEGAWA, Petitioner,

vs.

OFFICE OF DISCIPLINARY COUNSEL, Respondent.

ORIGINAL PROCEEDING

ORDER

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

By e-mail dated July 12, 2012, which we treat as a petition for a writ of mandamus, petitioner Clifton Hasegawa asks this court to direct the Office of Disciplinary Counsel to proceed with an investigation into the complaints he filed against David M. Louie, John M. Molay, Mark J. Bennett and Caron (misspelled "Coron") Inagaki.

A writ of mandamus and/or prohibition will not issue unless a petitioner demonstrates a clear and indisputable right to relief and a lack of other means to redress adequately the alleged wrong or obtain the requested action. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999). Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available. In re

Disciplinary Bd., 94 Hawai'i 363, 368, 371, 984 P.2d 688, 693, 695 (1999) (citations omitted). Inasmuch as disciplinary counsel has authority to investigate and dismiss matters involving alleged misconduct called to his or her attention, which actions are more than ministerial, see RSCH Rule 2.6(b)(2) and (3); In re Disciplinary Bd., 94 Hawai'i at 368, 371, 984 P.2d 688 at 693, 695, Hasegawa fails to demonstrate that he is entitled to mandamus relief. Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition is denied.

DATED: Honolulu, Hawai'i, August 8, 2012.

/s/ Mark E. Recktenwald
/s/ Paula A. Nakayama
/s/ Simeon R. Acoba, Jr.
/s/ Sabrina S. McKenna
/s/ Richard W. Pollack

