

*** NOT FOR PUBLICATION ***

NO. 24610

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII

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LAW OFFICE OF DAVID M. HAGINO, Petitioner-Appellant

vs.

GTE HAWAIIAN TELEPHONE COMPANY, INC., and TRAVELERS INSURANCE COMPANY, Employer/Insurance Carrier-Respondent-Appellees

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2000-035 (2-96-17596))

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Petitioner-appellant Law Office of David M. Hagino [hereinafter "Hagino"] appeals from the Labor and Industrial Relations Appeals Board's [hereinafter "LIRAB"] September 6, 2001 order partially granting Hagino's request for attorneys' fees and costs against GTE Hawaiian Telephone Company [hereinafter "GTE"]. On appeal, Hagino claims that: (1) the LIRAB erred when it reduced the requested hourly fee rate from \$175/hour to \$125/hour, a rate below that which was previously approved by the director of the Department of Labor and Industrial Relations; (2) the LIRAB erred when it reduced the requested hours from 89.6 hours to 69.1 hours; and (3) the LIRAB erred by failing to adopt findings of fact or otherwise provide an explanation for its order.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that the LIRAB's September 6, 2001 order fails to provide a sufficient basis for meaningful review. In order for this court to

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meaningfully review the arguments presented by the parties on appeal, the LIRAB's order must either provide a sufficient explanation or, absent explanation, the LIRAB's rationale must be readily apparent from the record.¹ Inasmuch as the LIRAB's September 6, 2001 order is devoid of any explanation whatsoever and we can decipher no readily apparent rationale from the record, we have no choice but to remand the present matter for recalculation or further explanation. Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is vacated, and the matter is remanded for further proceedings consistent with this order.

DATED: Honolulu, Hawai'i, February 17, 2006.

On the briefs:

David M. Hagino
petitioner-appellant
pro se

Stanford M.J. Manuia
for respondent-appellee
GTE Hawaiian Telephone Co., Inc.



Stanford M.J. Manuia



Stanford M.J. Manuia

¹ See Ranger Ins. Co. v. Hinshaw, 103 Hawai'i 26, 33, 79 P.3d 119, 126 (2003) ("The reasonableness of an expenditure of attorneys' fees is a matter within the discretion of the circuit court . . . [and, thus, a] detailed explanation of the rationale underlying the reduction in attorneys' fees awarded is unnecessary." However, the denial or reduction of attorneys' fees must have support in the record.) (citing Finley v. Home Ins. Co., 90 Hawai'i 25, 39, 975 P.2d 1145, 1159 (1998)) (ellipses in original) (alteration in original) (emphasis supplied); Finley, 90 Hawai'i at 39, 975 P.2d at 1159 (upholding the trial court's reduction of attorneys' fees -- despite the trial court's failure to provide an explanation -- because the reduction was supported by the record); Wennik v. Polygram Group Distribution, Inc., 304 F.3d 123, 134 (1st Cir. 2002); Kassim v. City of Schenectady, 415 F.3d 246, 256 (2nd Cir. 2005); Loughner v. Univ. of Pittsburgh, 260 F.3d 173, 178 (3rd Cir. 2001); In re MRRM, P.A., 404 F.3d 863, 870 (4th Cir. 2005); Schwarz v. Folloder, 767 F.2d 125, 133 (5th Cir. 1985); Louisville Black Police Officers Org., Inc. v. City of Louisville, 700 F.2d 268, 273 (6th Cir. 1983); Uphoff v. Elegant Bath, Ltd., 176 F.3d 399, 409 (7th Cir. 1999); Hardman v. Bd. of Educ. of the Dollarway, Arkansas School Dist., 714 F.2d 823, 825-826 (8th Cir. 1983); Chalmers v. City of Los Angeles, 796 F.2d 1205, 1213 (9th Cir. 1986); Mares v. Credit Bureau of Raton, 801 F.2d 1197, 1201 (10th Cir. 1986); Meyer v. Sullivan, 958 F.2d 1029, 1035 (11th Cir. 1992).