

NO. 26517

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

RONALD G.S. AU, Respondent.

EMERMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 OCT 19 PM 1:43

FILED

In re application for Reinstatement of RONALD G.S. AU,
Applicant.

ORDER DISMISSING "MOTION/WRIT"

(By: Moon, C.J., Nakayama, J.,
Circuit Judge Wong in place of Acoba, J., recused,
Circuit Judge Crandall, in place of Duffy, J., recused, and
Intermediate Court of Appeals Associate Judge Watanabe,
assigned by reason of vacancy)

Upon consideration of the Office of Disciplinary Counsel's "Motion/Writ to Prohibit Relitigation of Runner's Fee Issue in Reinstatement, and for Entry of Judgment(s) (If Required) and to Declare Ronald G.S. Au a Vexatious Litigator," (Motion), the response submitted by Ronald G.S. Au, and the Office of Disciplinary Counsel's Supplemental Memorandum in Support of its Motion, and the record, it appears an application for reinstatement is pending before a duly appointed hearing committee and the Office of Disciplinary Counsel seeks this court's intervention in those proceedings. Intervention might be appropriate if there were evidence the hearing committee had exceeded its authority or had manifestly abused its discretion with regard to the orderly processes for reinstatement set out in Rule 2.17 of the Rules of the Supreme Court, cf. State ex rel Marsland v. Ames, 71 Haw. 304, 307, 788 P.2d 1281, 1283 (1990)

(where the trial judge has discretion, mandamus will not lie to interfere with or control the exercise of that discretion unless the judge has exceeded his jurisdiction, committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court) and Breiner v. Sunderland, 112 Hawai'i 60, 67, 143 P.3d 1262, 1269 (2006) (review of investigative procedure that "exceed[ed] any rule of reasonableness that [could] be applied to the broad discretion granted for disciplinary investigation"), but there is no evidence the hearing committee has exceeded its authority or has manifestly abused its discretion. Therefore,

IT IS HEREBY ORDERED that the motion is dismissed.

DATED: Honolulu, Hawai'i, October 19, 2009.



Puna C. Kawamura



Virginia A. Randall

Corinne K. A. Watanabe