

Honolulu, Hawaii

JAN 19 2012

RE: JUD. COM. NO. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Judiciary Communication No. 1, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE SECOND CIRCUIT, STATE OF HAWAII

J.C. No. 1 MIMI DESJARDINS
for a term to expire in six years,

begs leave to report as follows:

Your Committee has reviewed the resume submitted by the appointee and finds Mimi DesJardins to possess the requisite qualifications to be appointed to the District Court of the Second Circuit, State of Hawaii.

Testimony in support of the appointment of Ms. DesJardins was submitted by the Prosecuting Attorney of the County of Maui; the Executive Director of Women Helping Women; Araki-Regan & Associates, LLC; and twenty-one private individuals. Testimony in opposition was received from two private individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Court Judge, Second Circuit, based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following



criteria in its deliberations: integrity and diligence; legal knowledge and ability; professional experience; judicial temperament; financial responsibility; public service; health; and responsibilities and duties required of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified."

Ms. DesJardins received her Bachelor of Arts degree in Liberal Arts at St. John's College in Annapolis, Maryland, and her Doctorate of Jurisprudence from the University of Puget Sound School of Law. She is currently a solo practitioner concentrating in family law, including the areas of paternity, guardianship, divorce, custody, and visitation; child protective proceedings; custody evaluations and guardian ad litem appointments; and juvenile proceedings. She also has extensive practice experience in the area of criminal defense, including felony and misdemeanor jury trials; and family and district court bench trials. Prior to entering private practice, Ms. DesJardins served as a Deputy Prosecuting Attorney, Deputy Public Defender, and Deputy Corporation Counsel, all in the County of Maui. Since 2006, she has served as a Per Diem Judge for the District Court of the Second Circuit.

Ms. DesJardins is licensed to practice law in Washington and Hawaii. She has previously served on the Board of Directors of the Montessori School of Maui and the Board of Directors of the Maui County Bar Association.

Testimony in support of Ms. DesJardins' appointment commended her broad legal background as an asset that will help her preside effectively over criminal and civil matters as well as her judicial temperament of patience and consistency. Testimony in support noted that as a Per Diem Judge, she possesses the keen mind and good knowledge of the law, and communicates well with all parties that come before her in court where she treats parties with respect and makes quick and consistent decisions. She is known among her peers in the legal community as intelligent, thoughtful, conscientious, and hard working while possessing the highest level of integrity.

Your Committee notes the testimony submitted in opposition relates to a single custody case in which Ms. DesJardins represented the father. The opposing testimony claims that she disregarded certain criteria used to determine the award of child custody in order to obtain a favorable ruling for her client.



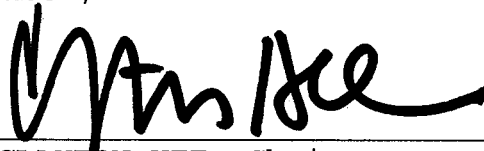
Ms. DesJardins disclosed to your Committee that the case is currently on appeal.

While your Committee recognizes the sensitive and emotional nature of custody cases, it also understands that the issue currently on appeal involves the presiding judge's ruling that awarded custody to her client; not Ms. DesJardins' conduct. Since this case is considered ongoing litigation and noting that none of the individuals in opposition to Ms. DesJardins' appointment appeared during her confirmation hearing, your Committee is satisfied that she is fully qualified to serve as a District Court Judge.

As such, your Committee finds that, based on testimony submitted on her behalf, Mimi DesJardins has the experience, temperament, judiciousness, and other competencies to be a District Court Judge. She has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a District Court Judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



