

JC1
TESTIMONY



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

MIMI DESJARDINS
District Court Judge, Second Circuit Court

To: Senate Committee on Judiciary and Government Operations
The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice-Chair

From: Carol K. Muranaka, President, Hawaii State Bar Association

Hearing: Thursday, January 12, 2012 at 10:00 a.m.
Conference Room 016
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Mimi DesJardins for the position of District Court Judge, Second Circuit Court.

The HSBA Board has established criteria for determining the qualifications of judicial appointments generally utilizing the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. The HSBA 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 HSBA Board's rating system includes the categories of "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial appointments, the HSBA Board utilizes a subcommittee of the HSBA Board to review materials presented by the nominee and input from members. The subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the materials submitted by the nominee and members, and conducts an interview of the nominee.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the Board of Directors of the Hawaii State Bar Association finds Mimi DesJardins to be qualified for the position of District Court Judge, Second Circuit Court.

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hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Monday, January 09, 2012 4:43 PM
To: hee5 - Kathryn
Subject: Fwd: FW: Mimi DeJardins - Family/District Court Judge Position, Second Circuit

Follow Up Flag: Follow up
Flag Status: Flagged

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From: **Sherrie Seki** <sherrieseki@gmail.com>
Date: Fri, Jan 6, 2012 at 5:26 PM
Subject: Fwd: FW: Mimi DeJardins - Family/District Court Judge Position, Second Circuit
To: hee8@capitol.hawaii.gov

Testimony for Mimi.

----- Forwarded message -----

From: **Sen. Clayton Hee** <senhee@capitol.hawaii.gov>
Date: Fri, Jan 6, 2012 at 5:03 PM
Subject: FW: Mimi DeJardins - Family/District Court Judge Position, Second Circuit
To: "sherrieseki@gmail.com" <sherrieseki@gmail.com>

From: Wendy.A.Hudson@hawaii.gov [mailto:Wendy.A.Hudson@hawaii.gov]
Sent: Friday, January 06, 2012 12:29 PM
To: Sen. Clayton Hee; Sen. Maile Shimabukuro
Subject: Mimi DeJardins - Family/District Court Judge Position, Second Circuit

Aloha,

I am writing in enthusiastic support of Ms. Mimi DesJardins for the position of Judge, Family/District Court of the Second Circuit, State of Hawai`i.

I have known Ms. DesJardins and practiced along side her on the Hawai`i bar for over twelve years. I have always found her to be an extraordinary attorney and person. She possesses all the attributes of a good attorney and judge. She is extremely intelligent, courteous, fair, and approachable and is a joy to appear in front of when she is a per diem judge. She doesn't have a "one size fits all" mentality when it comes to sentencing. Her sentences are appropriate and

reasonable and she looks at each defendant before her as an individual, with individual issues and circumstances. She knows the law and can apply it and I've found her to be very balanced in her rulings.

Ms. DesJardins has earned the reputation on Maui of being an extremely effective advocate and well learned in the most important tools of a trial attorney or judge - the rules of evidence and the rules of penal procedure. She also has extensive experience in family, criminal and civil law areas. She's extremely diligent in her work. I should know, as my husband hired her for some post divorce issues and due to her great advocacy, knowledge and savoir-faire, she was able to get him excellent results. She also gets along well with her own staff and the court staff.

Besides Ms. DesJardins' legal qualifications, she possesses an exemplary character. She is friendly, community-minded, respectful of all people, compassionate and a loving, involved family woman. The members of the bar and the citizens of Hawai'i would be fortunate to have her as a Family or District Court Judge in the Second Circuit.

Wendy A. Hudson
Supervising Attorney
Office of the Public Defender- Maui
81 N. Market Street
Wailuku, HI 96793
808-984-5011
808-984-5022 fax

hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Monday, January 09, 2012 4:42 PM
To: hee5 - Kathryn
Subject: Fwd: Letter in support of Mimi DesJardins

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Sat, Jan 7, 2012 at 12:08 PM
Subject: RE: Letter in support of Mimi DesJardins
To: Thomas Kolbe <Thomas.Kolbe@co.maui.hi.us>, "Sen. Maile Shimabukuro" <senshimabukuro@capitol.hawaii.gov>
Cc: "Mimi Desjardins" <mims@clearwire.net>, "sherrieseki@gmail.com" <sherrieseki@gmail.com>

Dear Mr. Kolbe:

Thanks for the letter of support for Mimi. My staff and I met with Mimi yesterday and (barring any information to the contrary) believe that she will be an excellent addition to the bench on Maui.

Clayton Hee

From: Thomas Kolbe [Thomas.Kolbe@co.maui.hi.us]
Sent: Friday, January 06, 2012 2:22 PM
To: Sen. Clayton Hee; Sen. Maile Shimabukuro
Cc: Mimi Desjardins <mims@clearwire.net>
Subject: Letter in support of Mimi DesJardins

Dear Senators Shimabukuro and Hee:

It is with great enthusiasm that I write this letter in support of Mimi DesJardins. I have known Mimi for about eight years as a friend and colleague. Mimi is positively upbeat about life in general which I think stems from her love of Maui, her family, and her numerous friends.

She will bring that sunny perspective with her to the bench. As an attorney, she is unquestionably bright and has a great courtroom demeanor. I have appeared before her while she was sitting as a per diem judge on numerous occasions including substantive hearings involving contested restraining orders, criminal traffic trials, and even Constitutional motions. There is no doubt that she is fascinated by the law and has an excellent understanding of Hawaii statutory and case law, and the Rules of Court. I found her rulings to be on point with a clear understanding of the legal principles at issue. She also maintains an admirable equanimity while on the bench. In all of the

hearings I have witnessed or been a part of I have never seen her lose her patience, even when confronted with the most truculent of petitioners.

At Judge Kobayashi's swearing in ceremony last year, speakers commented on the fact that the District Court is the "People's Court", and I agree with that sentiment. I believe that courtroom efficiency must be balanced with a healthy dose of compassion for the people appearing before the bench. Mimi has been sitting as a per diem judge for years now, and I can assure you that she understands the People's Court. Her courtroom is efficient and yet she understands the need to allow those appearing before her the chance to explain themselves. Sometimes that is crucial to the public's whole view of whether the system works. Mimi Desjardins is "tried and true", as the saying goes. Maui is lucky to have such a fine addition to the bench. I wholeheartedly urge your Committee to confirm Judge DesJardins.

If you have any questions regarding my comments, please do not hesitate to contact me.

Sincerely yours, Thomas Kolbe

County of Maui.
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high-risk file types in attachments.

hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Monday, January 09, 2012 4:43 PM
To: hee5 - Kathryn
Subject: Fwd: FW: Mimi DeJardins

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

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From: **Sherrie Seki** <sherrieseki@gmail.com>
Date: Fri, Jan 6, 2012 at 8:16 PM
Subject: Fwd: FW: Mimi DeJardins
To: hee8@capitol.hawaii.gov

Testimony forwarded by Senator.

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From: **Sen. Clayton Hee** <senhee@capitol.hawaii.gov>
Date: Fri, Jan 6, 2012 at 6:28 PM
Subject: FW: Mimi DeJardins
To: "sherrieseki@gmail.com" <sherrieseki@gmail.com>

From: David Gierlach [david.gierlach@gmail.com]
Sent: Friday, January 06, 2012 6:04 PM
To: Sen. Clayton Hee
Subject: Mimi DeJardins

Dear Senator Hee,

I support without qualification Mimi DeJardins to the district court on Maui.
I have known Mimi for over ten years. We have worked against each other on a number of cases and I have appeared before her as she has served as a per diem judge on Maui. I have the highest regard for her legal acumen, her compassion and her fundamental decency. I urge her confirmation.

Very truly yours,

david gierlach

TOM PARRISH

Tel. No. (808) 244-9848

Attorney at Law

Fax No: (808) 573-5289

Post Office Box 2773, Wailuku, Maui, Hawaii 96793

January 8, 2012

Clayton Hee
Senate District 23
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, HI 96813

Maile S.L. Shimabukuro
Senate District 21
Hawaii State Capitol, Room 223
415 South Beretania Street
Honolulu, HI 96813

Re: Mimi DesJardins Confirmation for District Court Judge

Dear Mr. Hee and Ms. Shimabukuro:

Please find enclosed my letter of recommendation for Mimi DesJardins confirmation as District Court Judge of the Second Circuit.

I have known and practiced with Mimi DesJardins for the last 20 years. During this time, I have witnessed Mimi's commitment to the honorable practice of law, her clients and her fellow attorneys. She is one of the most caring and professional people I have met. It is a privilege to know her and practice in the same jurisdiction.

Mimi has the right temperament to be a Judge. While she has great ability to be decisive, Mimi also has compassion and the balance to know what is appropriate in a time sensitive and public environment. Having served as Per Diem District Court Judge for the last five years, Mimi has already gained a lot of the experience necessary to handle this position in a professional and competent manner.

In addition, having served as Prosecutor and Public Defender, Mimi knows both sides of the criminal cases. Her civil practice has given Mimi the necessary experience for the civil calendar.

You could not have picked a better person for this job. I humbly and strongly recommend that you confirm Mimi DesJardins as District Court Judge of the Second Circuit.

If you need or desire more information, please feel free to contact me at the address and/or telephone number above. Thank you for your consideration.

Sincerely,

TOM PARRISH
Attorney at Law

JOEL E. AUGUST
RETIRED JUDGE

484 PALANI PLACE
WAILUKU, HAWAII 96793
j.august2@hawaiiantel.net

808-244-8611
808-242-9952
808-268-1463 (C)

January 9, 2012

Senator Maile S.L. Shimabukuro
Senate District 21
Hawaii State Capitol, Room 223
Honolulu, Hawaii

Re: Nomination of Mimi DesJardins, Esq.
As District Court Judge, Second Circuit

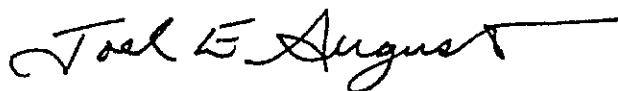
Dear Senator Shimabukuro:

I am writing to support the confirmation of Mimi DesJardins to be a District Court Judge of the Second Circuit. Having known Ms. DesJardins for approximately 20 years as a professional colleague and Maui resident, I am confident that her tenure as a District Court judge will be marked by fairness, highly competent implementation of our laws and respect for the dignity of all who will appear before her.

Compared to most candidates who seek a judicial position, Ms. DesJardins has a broad based legal background encompassing both civil and criminal matters. Her lengthy employment experience encompasses government work and practice in the private sector. In all of those endeavors she has earned a reputation for diligence and ethical behavior. Quite frankly, I cannot think of a more highly qualified person for this position.

I thank you and the Senate Committee on Judiciary and Labor for considering these comments.

Sincerely,



Joel E. August



DATE: January 9, 2012

TO: Senate Judiciary Committee Chair Clayton Hee
Senate Judiciary Committee Vice Chair Maile Shimabukuro
and Members of the Committee

FROM: Stacey Moniz, Executive Director

RE: Testimony in Support of Mimi DesJardins as Judge for Second Circuit

Aloha Chair Clayton Hee, Vice Chair Maile Shimabukuro and honorable members of the Senate Judiciary Committee:

It is with great enthusiasm and confidence that I offer my support for Mimi DesJardins to fill the vacancy as Judge for Maui County. I believe she is an outstanding choice for Family Court and will be of great value to any of our court openings available at this time. I am most familiar with her work in her capacity as a private family law attorney and Per Diem Judge in Family Court. She has always been fair and very respectful to all parties. In addition she has taken great care to educate herself in many areas important to our work at Women Helping Women and has attended every training opportunity on Maui relating to domestic violence.

She has worked to learn all aspects of the courts and judicial system during her many years practicing law in Maui County and remains open to learning more from peers, trainings, and by finding educational opportunities on her own.

I strongly encourage the Hawaii State Senate to confirm Mimi DesJardins as Judge for the Second Circuit. She has a breadth of knowledge and depth of experience and skills that are needed during this time. Our community really needs someone as just and capable as Ms. DesJardins.

Please feel free to contact me at 242-6600 x20 should you have any questions or need more information. My email is director@whwmaui.net. I am happy to speak with you regarding my support.

Peace be the journey,

Stacey Moniz
Executive Director



1935 Main Street
Suite 202
Wailuku, HI 96793

Phone: (808) 242-6600
Fax: (808) 249-8147

www.whwmaui.net

hee2 - Nahelani

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Tuesday, January 10, 2012 11:39 AM
To: hee2 - Nahelani; hee3 - Keiki
Subject: Fwd: Support for Mimi DesJardins for Maui Judge

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From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Tue, Jan 10, 2012 at 9:41 AM
Subject: RE: Support for Mimi DesJardins for Maui Judge
To: Stacey Moniz <staceymoniz@gmail.com>, "Sen. Roz Baker" <senbaker@capitol.hawaii.gov>, "Sen. Maile Shimabukuro" <senshimabukuro@capitol.hawaii.gov>, "Sen. Mike Gabbard" <sengabbard@capitol.hawaii.gov>, "Sen. Les Ihara, Jr." <senihara@capitol.hawaii.gov>, "Sen. Sam Slom" <senslom@capitol.hawaii.gov>
Cc: hee5 - Kathryn <hee5@capitol.hawaii.gov>, "sherrieseki@gmail.com" <sherrieseki@gmail.com>

Hi Ms. Moniz:

Thank you for your email in support of Mimi DesJardins. I have met with her and, barring an new information to the contrary, intend to recommend the committee on Judiciary and Labor consent to her nomination as Judge of the District Court for Maui County. Nice to hear from you.

clayton hee

From: Stacey Moniz [staceymoniz@gmail.com]
Sent: Monday, January 09, 2012 2:40 PM
To: Sen. Roz Baker; Sen. Clayton Hee; Sen. Maile Shimabukuro; Sen. Mike Gabbard; Sen. Les Ihara, Jr.; Sen. Sam Slom
Subject: Support for Mimi DesJardins for Maui Judge

Aloha Senators:

Please see my attached letter in strong support of Mimi DesJardins for the Judge vacancy in the Second Circuit. As the Executive Director at Women Helping Women, Maui's domestic violence victims service agency, we have had many opportunities to interact with Ms. DesJardins and have been extremely pleased with her clarity, fairness and insightfulness.

On behalf of Women Helping Women, please accept our strong support of Mimi DesJardins.

Mahalo,
Stacey

Stacey Moniz
Executive Director
Women Helping Women
1935 Main Street, Suite 202

hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Monday, January 09, 2012 4:40 PM
To: hee5 - Kathryn
Subject: Fwd: attachment

Follow Up Flag: Follow up
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From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Mon, Jan 9, 2012 at 4:06 PM
Subject: RE: attachment
To: Sharon Coelho <sharon@lowenthal-hawaii.com>
Cc: hee5 - Kathryn <hee5@capitol.hawaii.gov>, "sherrieseki@gmail.com" <sherrieseki@gmail.com>

Hi Phil:

Thank you for your email in support of Ms. DesJardins. The Chief of Staff of the Senate Committee on Judiciary and Labor and I have met with Ms. DesJardins and has scheduled a public hearing this Thursday. At this time we believe Ms. DesJardins to be qualified and, barring any new information to the contrary, support her nomination.

Nice to hear from you.

Clayton

From: Sharon Coelho [sharon@lowenthal-hawaii.com]
Sent: Monday, January 09, 2012 11:04 AM
To: Sen. Clayton Hee
Subject: attachment

Senator Hee,

Pursuant to Mr. Lowenthal's request attached is his letter of recommendation.

Sharon Coelho
Secretary
Law Office of Philip Lowenthal
33 N. Market Street, Suite 101
Wailuku, Hawaii 96732
Phone: (808) 242-5000
Fax: (808) 242-1500

PHILIP H. LOWENTHAL

A LAW CORPORATION
PHILIP H. LOWENTHAL
BENJAMIN LOWENTHAL
SAMUEL G. MACROBERTS

ATTORNEY AT LAW
33 N. MARKET STREET, SUITE 101
WAILUKU, MAUI, HAWAII 96793

MAUI: (808) 242-5000
HNL: (808) 545-5688
FAX: (808) 242-1500

January 9, 2012

Sen. Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol, Room 407
Honolulu, Hawaii

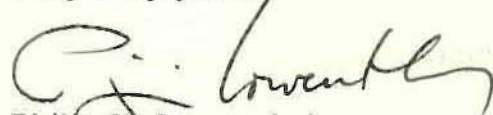
Re: Confirmation of **Mimi Desjardins**
To District Court Bench of the
Second Circuit

Dear Sen. Hee and Hon. Members of the Senate Judiciary Committee:

As a long-time practicing attorney in the Second Circuit, it is my pleasure to recommend to you Mimi Desjardins for confirmation to her appointment to the bench of the District Court of the Second Circuit. I have known Ms. Desjardins throughout the many years she has worked on Maui and I am very familiar with the quality of her work and her temperament. Based on my experience with Ms. Desjardins, I have no doubt that as a judge she will be a credit to those who appointed her and true asset to the judiciary and our community.

Thank you for considering my views. If anecdotal details may be useful to you or your committee, I will be pleased to provide them.

Very truly yours,



Philip H. Lowenthal

hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Monday, January 09, 2012 4:38 PM
To: hee5 - Kathryn
Subject: Fwd: Mimi Des Jardins Senate Confirmation Hearing

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From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Mon, Jan 9, 2012 at 3:59 PM
Subject: RE: Mimi Des Jardins Senate Confirmation Hearing
To: Spalding Realty <spaldingrealty@gmail.com>, "Sen. Maile Shimabukuro" <senhimabukuro@capitol.hawaii.gov>
Cc: "sherrieseki@gmail.com" <sherrieseki@gmail.com>, hee5 - Kathryn <hee5@capitol.hawaii.gov>

Dear Mr. Spalding:

Thank you for your email in support of Ms. DesJardins. The Chief of Staff of the Senate Committee on Judiciary and Labor and I have met with Ms. DesJardins and has scheduled a public hearing this Thursday. At this time we believe Ms. DesJardins to be qualified and, barring any new information to the contrary, support her nomination.

Thank you again.

Clayton Hee

From: Spalding Realty [spaldingrealty@gmail.com]
Sent: Monday, January 09, 2012 1:19 PM
To: Sen. Clayton Hee; Sen. Maile Shimabukuro
Subject: Mimi Des Jardins Senate Confirmation Hearing

Dear Clayton and Senator Shimabukuro:

I have known Mimi DesJardins for over 20 years. She has integrity, has lots of experience in the legal field and fair minded. She would make an excellent judge.

I recommend that she be confirmed as a District Court Judge for the Second Circuit.

If you have any questions, please contact me.

Cordially yours,

Michael S. Spalding

Michael Spalding Realty, Inc.
75-B N. Church Street
Wailuku, Maui, Hawaii 96793
Ph. (808) 242-5788
Fax (808) 242-6912
Email - spalding.realty@hawaiiantel.net or spaldingrealty@gmail.com
Website - www.mspaldingrealty.com

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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

hee6 - Dinna

From: Guy Haywood [guy@guyhaywood.com]
Sent: Tuesday, January 10, 2012 9:35 AM
To: JDLEstimony
Subject: Mimi DesJardin Testimony

Committee Members,

I am writing this email in support of the appointment of Ms. Mimi Desjardin who will be coming before your committee for review.

I have lived on Maui all of my life, have been licensed to practice law in the State of Hawaii since 1975 and I have practiced continuously on Maui since 1980, including a term as the Corporation Counsel for the County of Maui. Currently I am in private practice.

I know Ms. Desjardins personally. We have opposed each other on cases, we have worked on cases together and I have appeared before her on numerous occasions when she was sitting as a per diem Judge on both the civil calendar of the District Court and the Family Court.

At the times I appeared before her, I have found her to be very intelligent and efficient. She always understood the issues before her, she was prepared for the hearings and understood the Court rules and procedures. She always conducted herself with the appropriate judicial demeanor.

More importantly to me, she was sensitive to the realities and the underlying personal issues of the cases presented. As a result, I was always left with the impression that my clients' positions were fairly evaluated, whether or not we prevailed.

I believe she will make a positive contribution to the judicial system of the Second Circuit as well as the State Judiciary in general. I highly recommend her.

Guy A. Haywood, Esq.
2121 Main Street
Wailuku, Hawaii 96793
808-242-4994 tel
808-244-2104 fax
guy@guyhaywood.com

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hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Tuesday, January 10, 2012 11:39 AM
To: hee3 - Keiki; hee5 - Kathryn
Subject: Fwd: Mimi DesJardins as District Court Judge of the Second Circuit

Follow Up Flag: Follow up
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From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Tue, Jan 10, 2012 at 9:37 AM
Subject: RE: Mimi DesJardins as District Court Judge of the Second Circuit
To: Gary Robert <grlaw@hawaiiantel.net>
Cc: hee5 - Kathryn <hee5@capitol.hawaii.gov>, "sherrieseki@gmail.com" <sherrieseki@gmail.com>

Dear Mr. Robert:

Thank you for your email in support of Ms. Des Jardins. We will hold a public hearing for her on Thursday and, barring any new information to the contrary, intend to recommend her nomination to the Judiciary Committee.

Clayton Hee

From: Gary Robert [grlaw@hawaiiantel.net]
Sent: Monday, January 09, 2012 4:34 PM
To: Sen. Clayton Hee
Subject: Mimi DesJardins as District Court Judge of the Second Circuit

Aloha, Senator Hee:

I am writing this e-mail letter to you in support of Chief Justice Mark Recktenwald's nomination of Mimi DesJardins as District Court Judge of the Second Circuit. Please be advised that I believe that Ms. DesJardins is healthy, knowledgeable, able, experienced, responsible, trustworthy, respectful, caring, fair, and financially responsible. In other words, Ms. DesJardins is a fine lawyer, with good character and values, and I support her nomination. I have no doubts that she will diligently fulfill the responsibilities and duties of the position.

I trust that this letter is sufficient for your purposes. However, if it is not, or if you have any questions or comments, or if you need any other or further information, please do not hesitate to contact me.

Sincerely,

GARY ROBERT
Attorney-At-Law
A Law Corporation
808 Wainee Street, #201

hee6 - Dinna

From: Tom Pierce [tom@mauilandlaw.com]
Sent: Tuesday, January 10, 2012 1:24 PM
To: JDLEstimony
Subject: Testimony in support of Mimi Desjardins judicial nomination

Aloha,

Please accept this email as my written testimony in support of Mimi Desjardins. I think her appointment to the Second Circuit Court would be a benefit to the public and the Hawaii courts.

I have known Mimi for over thirty years. I will start by identifying my bias, but one that speaks measures regarding balance, fairness and composure: Mimi is my ex-wife, but also the mother of our beautiful and smart almost-19-year old daughter, and also a life long friend. Having gone to an academically rigorous college with Mimi, and having watched her through law school, and having been a member of the Hawaii bar with her, I can attest to her critical thinking, her incredible grasp of court room practice, and her extremely strong interest in supporting and furthering a fair, balanced and efficient judicial system.

I respectfully urge you to confirm Judge Recktenwald's appointment of Mimi Desjardins.

Tom Pierce, Attorney at Law, A Limited Liability Law Company
PO Box 798, Makawao, HI 96768
PHONE: (808) 573-2428 FAX: (866) 776-6645
tom@mauilandlaw.com Mauilandlaw.com [Ti Leaf Express](http://TiLeafExpress.com)



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~~Aluli~~

hee6 - Dinna

From: Hayden Aluli [haydenaluli@hawaiiintel.net]
Sent: Tuesday, January 10, 2012 3:05 PM
To: JDLEvidence
Cc: haydenaluli@hawaiiintel.net;.mvp@mvpresents.com
Subject: JC 1 Hearing 01/12/2011 re Judicial Nominee Mimi DesJardins

Please find attached a letter from Matthew V. Pietsch, dated Jan. 10, 2012, in support of Mimi DesJardins' appointment. I am forwarding you this letter because it may not have been sent to your committee via the correct channels.

Hayden Aluli
Attorney At Law
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January 10, 2012

Via email senhee@Capitol.hawaii.gov
and U.S. Mail

Clayton Hee
Senate District 23
Hawaii State Capital, Room 407
415 South Beretania Street
Honolulu, Hawaii 96813

Via email senshimabukuro@Capitol.hawaii.gov
and U.S. Mail

Maile S. L. Shimabukuro
Senate District 21
Hawaii State Capital, Room 223
415 South Beretania Street
Honolulu, Hawaii 96813

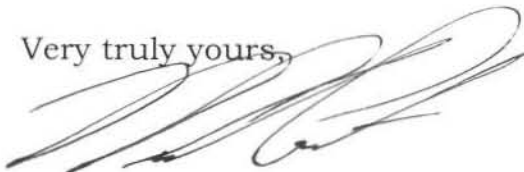
Re: Mimi DesJardins

Dear Senators Hee and Shimabukuro:

I am writing in support of the nomination of Mimi DesJardins as a judge of the District Court of the Second Circuit of the State of Hawaii.

I have known Ms. DesJardins for over 18 years. Although I do not practice in the same area of law that she does, I know her to be very intelligent, thoughtful, conscientious, and hard-working. She will be an excellent addition to the Court. Without reservation, I urge the Senate Judiciary Committee to confirm Ms. DesJardins' appointment to the bench.

Very truly yours,



Matthew V. Pietsch

hee6 - Dinna

From: Greg Garneau [greggarneau@hawaii.rr.com]
Sent: Tuesday, January 10, 2012 3:36 PM
To: JDLEstimony
Subject: Judiciary Committee Consideration of Mimi DesJardins, Judicial Nominee, to the District Court of the Second Circuit

Testimony for Judiciary Committee No. 1
Date: January 12, 2012
Time: 10:00 a.m.

To Chair Hee, Vice Chair Shimabukuro and the Members of the Senate Committee on Judiciary and Labor,

This correspondence is sent in support of the appointment of Mimi DesJardins as Judge of the District Court of the Second Circuit.

I have known Ms. DesJardins, both professionally and personally, for more than twenty years. During that time, I have had the opportunity to observe her legal skills as well as witness her interaction with clients, other members of the bar, and the court. She has always been a strong advocate for her clients and is knowledgeable about the law. Mimi will bring many years of experience to the bench including expertise in the areas of criminal and family law.

I therefore ask that your Committee recommend to the Senate that Ms. DesJardins' appointment be confirmed.

Respectfully submitted,

Greg Garneau, Esq.
Kiefer & Garneau LLC
A Limited Liability Law Company
444 Hana Hwy, Suite 204
Kahului, Hawaii 96732
Telephone: 808-871-9716

hee6 - Dinna

From: Dave Jorgensen [dave@tonytlaw.com]
Sent: Tuesday, January 10, 2012 4:12 PM
To: JDLEvidence
Subject: Nomination of Mimi DesJardins for District Court Judge for Second Circuit Court

Aloha Ladies and Gentlemen,

I hereby submit this testimony in support of the nomination of Mimi DesJardins for the position of District Court Judge for the Second Circuit Court.

I first met Mimi many years ago when I worked as a Deputy Corporation Counsel for the County of Maui and our daughters were both born around the same time. I appreciated her demeanor and her legal knowledge from the first times I observed her in meetings and in Court, and in all my dealings with her, she has always impressed me with her ability to identify an issue and reach a reasonable resolution.

I believe Mimi has the perfect disposition to be a fine full-time judge and when I've observed her sitting as a per diem judge, I really liked her judicial temperament. She gives everyone a fair opportunity to present their case while at the same time keeping control of her Courtroom in a very professional manner. I have not always agreed with her decisions, but she has always been very clear and logical and, I would have to generally admit, correct, in her rationale for ruling the way she did. Mimi strikes me as a conscientious and compassionate person who truly has the best interests of the people of Maui and Hawaii at heart.

I believe Mimi has the highest level of integrity and legal knowledge and I believe she has all the qualities that make a good judge. I have no hesitation in whole-heartedly requesting your favorable consideration and support of the nomination of Mimi DesJardins for the position of District Court Judge for the Second Circuit Court.

Please let me know if you would like any additional information.

David M. Jorgensen, Esq.
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hee6 - Dinna

From: Gordon Stewart [gordy@gstewartlaw.com]
Sent: Tuesday, January 10, 2012 5:54 PM
To: JDLTestimony
Subject: Re Nomination for Mimi Desjardins for Second Circuit District Judge

Aloha Senators:

It is with great pleasure that I want to submit this testimony on behalf of Mimi Desjardins for Second Circuit District Judge. I am a Past President of the Maui County Bar Association and former outer island representative to the HSBA. I am familiar with the criteria used by the HSBA when evaluating a nominee's fitness which is how I would like to begin my testimony:

- 1) Integrity and Diligence: I can only give her high praise as a member of the bar who has a reputation of integrity and diligence in handling client matters and dealing with other lawyers;
- 2) Legal Knowledge and Ability: I have sought her advice in juvenile matters and family law referrals. I am aware of her ability as an attorney in family matters regarding custody and significant assets in which she exhibited excellent legal knowledge and ability;
- 3) Professional Experience: I know that she has a wealth of experience in especially District Court Juvenile and Family law matters developed over the last 20 years;
- 4) Judicial Temperament; She is very even tempered and even though I do not do District Court work, my interaction and contact with her has shown me all attributes of fairness, understanding and patience which I know are the fundamentals of a good judicial temperament.
- 5) Financial Responsibility: I am unaware of any financial issues;
- 6) Public Service: I know she has generously worked in our juvenile system amongst other activities;
- 7) Health: I am aware that she is an energetic and active person;

My law practice started on the mainland in 1974 and I have practiced in State and Federal Courts in a variety of matters from criminal law, family practice and various other areas of civil litigation. I have appeared in front of numerous Judges over the years giving me insight into what our community needs from a Judge. I have also done a good amount of administrative law and served as a Mediator and Arbitrator. I have evaluated a number of judicial appointments over the years and through that process I have gained perspective as I have not always been right as to who will be a successful judge and who will not.

Appointing the right judge benefits our community in many different ways which makes your decision so important to our community. Fortunately Mimi Desjardins is an outstanding nominee who has the ability to fulfill the responsibilities and duties of the position.

My experience and observations of Mimi give me the great pleasure to highly recommend her without reservation as a District Court Judge. She will be a fine addition to our Hawaii Judiciary. Thank you for allowing me to testify in this important Judicial matter.

Mahalo,

Gordy Stewart

Comments re: Mimi Desjardins

What I most would like to say is "Finally!" Mimi's legal experience (both private, government and as a per diem judge); personal/life experiences; and general intelligence makes her perfect for the position as the next Maui District Court judge.

She is a competent professional. She is an advocate and a litigator. It is important for a judge to have had real life practical and significant litigation experience. Litigators have trained their minds to think quickly and make decisions. That is important especially for dealing with courtroom objections and evidentiary rules. She is a great lawyer and has a varied legal background that I believe to be essential to any District Court Judge.

Mimi is highly intelligent and I do believe has a breadth of life experiences from which wisdom comes. Upon any interview, one would recognize this instantly.

In the personal observance of her work ethic and evaluation in cases involving our mutual and opposing clients, she has displayed her integrity and diligence. Again, all one needs to do is talk to her about an ongoing case, you will know her commitment, stamina, energy and quick thinking. Mimi is also down to earth. She is passionate, but has a sense of humor and can relate to a lot of people very well. She is comfortable with herself and that brings comfort to those around her. We don't have to worry about any issues of judicial temperament. She just has a very natural way about her that is a good balance for the courtroom.

I have known Mimi for almost twenty years now, primarily as an opposing counsel. I practice primarily family law (though I still do some work in Circuit and District Court) and often have CPS, TRO and criminal elements in my cases. Many of my clients needed help beyond the scope of my expertise. When asking other lawyers about cases, I would often get referred to Mimi. So, the question hanging for years is "why hasn't Mimi become a judge yet?" When discussing the different elements a judge should have, Mimi would be someone we could trust to decide our cases and she possesses the characteristics the judiciary seeks.

If Mimi is selected, we will lose a really great lawyer, but we have the potential to make someone who is already a good judge to be a great one. I feel that she has been passed over enough. I was happy to see that she was selected to serve as a per diem judge, but that's really the worst place for her to be. She is neither a full time judge and she is disqualified from representing people in the kinds of cases where she is a great advocate. Yet, through that experience she now knows how to manage a courtroom. All of her experiences would make Mimi one of the most versatile judges in the Second Circuit.

I humbly ask for your support to confirm Mimi Desjardins as our next District Court Judge. Thank you.

hee6 - Dinna

From: Linda Monden [lmonden@lava.net]
Sent: Wednesday, January 11, 2012 6:04 AM
To: JDLEstimony
Subject: JC 1 - January 12, 2012 at 10:00 a.m. re: Mimi Desjardins
Attachments: MimiDesjardins.pdf

Dear Committee on Judiciary and Labor,

Please accept my testimony in support of Judicial Nominee, Mimi Desjardins, for the District Court of the Second Circuit. I have attached comments that I have prepared. Confirming this nominee will be very beneficial to the people of the County of Maui.

Thank you,
Linda Monden

Linda Monden
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