

hee2 - Nahelani

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, January 11, 2012 11:50 AM
To: JDLTestimony
Subject: Testimony for JC 1: the appointment of Mimi DesJardins to be heard 01/12/12 at 10:00am in Room 016

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

LATE TESTIMONY

TO: Senator Clayton Hee, Chair
Senator Maile Shimabikuro, Vice Chair
Judiciary & Labor Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, Hawaii 96734

DATE: January 12, 2012

RE: **Strong Opposition Against the appointment of Second Circuit Nominee, Mimi DesJardins**

Good Morning Senators ~

Happy New Year and my sincerest apologies for having to start off on such a negative note, but I feel compelled to tell you that appointing Mimi DesJardins with a six year appointment in the Second Circuit would be one of the biggest - and most embarrassing - mistakes the State of Hawaii could ever make.

Since 2010 Ms. DesJardins has been and continues to act as the attorney for a perpetrator of domestic violence, Bruce Sotelo Jr., who served jail time for beating the mother of his child, Maria Styke, so badly that she miscarried their 4 month-old fetus as a result. Despite this fact, **Ms. DesJardins ignored and disregarded state statute 571-46(9) and through unethical means**, won full physical/full legal custody of the two year-old daughter for the abuser, NOT the DV survivor. Ms. DesJardins then went on to successfully assist the abuser in relocating out-of-state with the daughter whom her mother has not seen since.

The Washington DC agency **Justice For Children** <http://justiceforchildren.org/> saw the actions in this case as so egregious that they appealed this on Ms. Styke's behalf pro bono (CAAP-11-0000387). While a decision has not yet been rendered, what is clear from the facts on record is that Ms. DesJardins placed profit, power and winning above justice and the law and while Judge Keith Tanaka officiated the rulings, it is clear from the documentation that he was "going along to get along" which resulted in depriving a domestic violence survivor mom and daughter of protection, safety, justice and each other.

The people of the Second Circuit - particularly domestic violence **survivors** - deserve better than that when forced to turn to the Judiciary with life-altering and potentially life-threatening concerns; they need an ethical official who will respect, abide by and be as subject to the laws s/he's supposed to uphold as they are. Ms.

DesJardins has placed her own interests above the law and has proven herself to be subject to nothing but money.

Below is an email I sent to many of the state representatives and senators in April 2010 regarding an audit of contested family court custody cases (SCR91/HCR81) where I refer to Ms. DesJardins. Do you REALLY want someone with this kind of unscrupulous behavior and associations having power over our most vulnerable for the next six years? Ms. DesJardins should not be rewarded or honored for this kind of track record with an appointment (nor should the people of Maui have to suffer more of it).

Again, my sincerest apologies for such harsh words and negative news.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

From: breaking-the-silence@hotmail.com

To: repmckelvey@capitol.hawaii.gov; repaquino@capitol.hawaii.gov; repmarumoto@capitol.hawaii.gov; sentaniguchi@capitol.hawaii.gov; repsay@capitol.hawaii.gov; sennishihara@capitol.hawaii.gov; senhee@capitol.hawaii.gov; senhanabusa@capitol.hawaii.gov; repthielen@capitol.hawaii.gov; senige@capitol.hawaii.gov; repbelatti@capitol.hawaii.gov; senkim@capitol.hawaii.gov; reptakamine@capitol.hawaii.gov; rephanohano@capitol.hawaii.gov; senhemmings@capitol.hawaii.gov; senhooser@capitol.hawaii.gov; repward@capitol.hawaii.gov; repboshiro@capitol.hawaii.gov; senfukunaga@capitol.hawaii.gov; repevans@capitol.hawaii.gov; reptsuji@capitol.hawaii.gov; sengaluteria@capitol.hawaii.gov; repwakai@capitol.hawaii.gov; repmorita@capitol.hawaii.gov; reptokioka@capitol.hawaii.gov; repchang@capitol.hawaii.gov; sentokuda@capitol.hawaii.gov; repbertram@capitol.hawaii.gov; repmanahan@capitol.hawaii.gov; repmizuno@capitol.hawaii.gov; repkaramatsu@capitol.hawaii.gov; sengreen@capitol.hawaii.gov; repsouki@capitol.hawaii.gov; repawana@capitol.hawaii.gov; reprhoads@capitol.hawaii.gov; repito@capitol.hawaii.gov; senkidani@capitol.hawaii.gov; repyamashita@capitol.hawaii.gov; reppine@capitol.hawaii.gov; senihara@capitol.hawaii.gov; repberg@capitol.hawaii.gov; repfinnegan@capitol.hawaii.gov; repshimabukuro@capitol.hawaii.gov; repmoshiro@capitol.hawaii.gov; replee@capitol.hawaii.gov; reptakai@capitol.hawaii.gov; repcarroll@capitol.hawaii.gov; repmagaoy@capitol.hawaii.gov; sengabbard@capitol.hawaii.gov

Subject: Can't stay quiet on this one either

Date: Tue, 6 Apr 2010 14:24:54 -1000

Dear Senators and Representatives ~

One of my domestic violence survivor moms is being poised to lose custody of her 2 year-old little girl on April 27th in Maui in Judge Tanaka's court.

This mom just won an appellate case against Judge Tanaka 6 DAYS AGO on March 31, 2010 (Appellate Case #28562, Styke v. Sotelo) and is to appear before Judge Tanaka today at 1:30pm because her attorney, Nicole, is withdrawing from her case (which will leave her without an attorney for her custody trial on the 27th).

The appellate case is about Judge Tanaka wrongfully dissolving and vacating a TRO that my survivor mom filed against her abuser. (In April 2007, the abuser beat mom up and choked her among other things WHILE PREGNANT with the daughter she now has to fight for custody of! Mom filed for a TRO after this attack that was granted and the abuser was CRIMINALLY arrested and charged but in May 2007, Judge Tanaka decided to

dissolve and vacate the TRO for "lack of prosecution". Thankfully, the appellate court just ruled that Judge Tanaka was wrong for doing so.)

Unfortunately after severing her relationship with her daughter's father, mom got involved in yet another abusive relationship that she recently fled. This now ex-boyfriend immediately filed for a TRO against HER although his use of violence against mom has been verified. Incredibly, the two abusers have become friends and both have initiated court cases against mom: one for custody, one for property issues.

So you understand who I'll be referencing to:

Mom's attorney who is withdrawing from the case = **Nicole**

Father's attorney for the custody case = **Mimi**

Mom's ex-boyfriend's attorney for the property issues = **Hayden**

Mom called me this morning saying that Hayden told Nicole that he's going to file a complaint against mom for violating the TRO because he feels Nicole's communication with Hayden on mom's behalf for settlement on the property issues constitutes a violation of the TRO and that the communication itself is harassment! The TRO "protects" mom's ex-boyfriend from mom, **not** the ex-boyfriend's attorney from mom's attorney! This is absolutely preposterous!!! Moreover, I was just sent the following message from my advocate on Maui:

Also did you know Nicole and Mimi Dejardins (per diem judge) are personal friends and Mimi is also Haydens wife? The association and Hayden's complaint defy common logic and attorney ethics.

Can you believe any of this?! So you get beaten up while pregnant, get a TRO, have it taken away and then be set up to lose custody of your child because your attorney is personal friends with the opposing attorney and 571-46 doesn't apply?! Come on! What's going on here????!!!

I know there may be nothing any of you can do about this particular case but please **PLEASE** prevent this from happening in all the other DV cases that will follow this course by making **SCR91/HCR81** happen! The path of the DV cases in family court are all the same:

- Mom flees abusive relationship
- Mom follows the instructions provided to her about ending the abusive relationship, filing a TRO, going through DV services, keeping her children safe from the abuser
- The child custody case in family court begins, the DV issues are cast aside for "the best interests of the child", visitation/joint custody ensues and mom is no longer an authority on her own children: she is a client who needs "help" so the court personnel "have to take her place" as the "expert" parent while they bend over backwards to keep the abuser involved with his children because "we all know" how much "children need their fathers" (and how all child abuse perpetrators are all un-related strangers to the victim children they abuse and molest)
- The abuser does what he's always done: abuse - and that's why it's called DOMESTIC as in FAMILY violence
- When the abuser continues to abuse mom and/or abuse is disclosed by the children, she reports it and in turn is investigated/evaluated for raising "such terrible allegations" against the father of her children
- The abuser is just "a loving father" who "only wants to be a part of his children's lives" and just look at how abusive/hysterical mom is! (BELIEVE ME, if your child

was raped, molested, mutilated, starved, tortured, violated, humiliated, denied medical treatment, exposed to dangerous or inappropriate situations, etc. and everyone continued to allow it because they thought the abuser "is such a nice guy *to me*" you wouldn't look, sound or come across so good yourself)

- NOW, if you have to judge whose the better parent here - hmmm, let's see: loving father falsely accused whose able to afford attorneys fees because he didn't lose all his belongings or home when he had to stay in a shelter vs. angry mom who keeps "using the abuse excuse" to get "a leg up in these family court proceedings" who can barely make ends meet - uh, the answer is obvious, isn't it?
- FORGET the law (cause who uses it anyway, right?) and if you can't stomach the realities of domestic violence and child abuse in your community, just look the other way - turn to another channel or just don't read the paper so you don't have to see/hear about the latest DV-related homicide or attack some "lucky girl" survived - don't forget those "lucky ones"!

If a doctor diagnosed you with cancer and recommended treatment to cure it, you'd do it, right? So can we PLEASE DO SOMETHING about the obvious domestic violence and family court crisis we're facing as a state and nation so WE CAN CURE IT? If you didn't treat your cancer and it metastasized it's a no-brainer how that happened so don't be surprised when these children being exposed to ongoing abuse and violence turn into a breed of "human" that you won't recognize as such. "The gods visit the sins of the fathers upon the children" Euripides (c. 485-406 B.C.), Phrixus, fragment 970

Cases like the one I mentioned above just make my blood boil and I hope it makes you feel the same way. The good news is we CAN do something about it starting with SCR91/HCR81. It's not about "punishing" those who have made mistakes - it's about righting wrongs, correcting injustices and holding each other accountable so that our children can grow and thrive in homes and communities free from violence and abuse. This is NOT unachievable but I/we REALLY NEED YOUR HELP HERE guys!

If you made it to the bottom of this email, THANK YOU listening to me and for taking the time. I hope I didn't come across too harshly but some things are just flat out wrong in life and what's happening to that mom on Maui is one of them! Please see what you can do to make SCR91/HCR81 be the first step to bringing an end to domestic and family violence in the state of Hawaii.

Most sincerely and respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

hee2 - Nahelani

From: Elena Marquez [elenamarquez3@yahoo.com]
Sent: Wednesday, January 11, 2012 1:37 PM
To: JDLTestimony
Subject: JC 1 being heard on Thursday, 01/12/12, at 10AM in Room 016

Follow Up Flag: Follow up
Flag Status: Completed

LATE TESTIMONY

Dear Senators,

I am a domestic violence survivor on Maui whose abuser has been represented by attorney/per diem judge, Mimi DesJardins, for the past two years.

My abuser went to jail for Abuse of a Household Member serving 45 days in jail with two years of probation for inflicting the following injuries on me:

- two broken ribs,
- a fractured tooth,
- a concussion,
- multiple lacerations,
- contusions and bruising all over my body

As a direct result of this beating, I miscarried my 4 month-old baby.

I was initially given full physical/full legal custody of our daughter while he was given supervised visitation in accordance with the law, but this did not stop Mimi from pursuing custody on my abuser's behalf in violation of Hawaii state law. Court documents and audio recordings memorialize Mimi violating court orders and directives, perjuring herself during court proceedings and using unprofessional, intimidating behavior against me such as calling me a liar when I was talking in court without attorney representation, speaking of which...

I lost my last attorney and have had to be pro se ever since a hearing where Mimi pitched a fit because Judge Pullman was standing in for Judge Tanaka. I paid a one time fee of \$3000 to have an attorney by my side for this hearing but when Mimi heard Judge Pullman would be hearing the case, she denied my Due Process by saying "I will not allow this!" (let Judge Pullman hear our case). I lost my attorney after that hearing because that was the last bit of money I had to my name.

If Mimi can behave this way as an attorney showing no regard, respect or compliance for the law, how do you think she'll behave as a judge?! Thanks to Mimi my daughter is gone. I haven't seen her in over a year now, am at my abuser's mercy for ANY contact with her and while Mimi, her client and her client's parents all swore under oath to support our mother-daughter relationship and ensure that no disconnect or fracture would occur, Mimi has allowed this to happen despite my repeated pleas to her to honor her own word before the court.

Please, I urge you to rethink your nomination for such an important position. Thank you for your time.

Maria Styke
Kihei, Maui

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney

D. RIVERA
Prosecuting Attorney

ROBERT
First Deputy

LATE TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 · FAX (808) 270-7625

January 11, 2012

The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimbukuro, Vice Chair
Twenty-Sixth State Legislature
State Capitol,
Honolulu, Hawaii 96813

Re: JC1, Confirmation to the Circuit Court of the Second Circuit, State of Hawaii, Mimi Desjardins

Dear Chair Hee and Vice Chair Shimabukuro:

I write in favor of the confirmation of Ms. Mimi Desjardins to serve as the District Court Judge of the Second Circuit. I have known and worked with Ms. Desjardin since 1991; she is intelligent, thoughtful, and works hard. She is a valuable asset to the community.

As a *per diem* Judge Ms. Desjardins possesses a keen mind and a good knowledge of the law. She communicates very well with all parties that come before her in court, she treats the parties with respect, and makes quick and consistent decisions. She would be an excellent judge.

Sincerely,

/s/ **John D. Kim**

JOHN D. KIM
Prosecuting Attorney

cc: Mimi Desjardins

ADRIANNE N. HEELY

P.O. Box 1554 • WAILUKU, HAWAI'I • 96793 • TEL: (808) 269-4425 • EMAIL: AHEELY808@YAHOO.COM

January 11, 2012

Via Email: JDLTestimony@Capitol.hawaii.gov

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Committee on Judiciary and Labor ("JDL")

State Capitol, 415 S. Beretania Street, Conference Room 016

Hearing Date/Time: January 12, 2012 at 10:00 am

LATE TESTIMONY

Re: **JC 1: Confirmation of Mimi DesJardins
to the District Court, Second Circuit (Maui), State of Hawaii**

Dear Mr. Chair, Madame Vice-Chair & JDL Committee Members:

It is with great excitement that I submit this letter of support for the Honorable Chief Justice Recktenwald's nomination of Mimi DesJardins for the position of Judge for the District Court, Second Circuit, State of Hawaii.

I had the privilege of practicing law with, against, and before Mimi DesJardins when I was with the State of Hawaii, Office of the Public Defender (Maui Office) (1999-2003) and in my current position at the County of Maui, Department of Corporation Counsel (2006-present).

I am confident in her skills, knowledge and abilities. By reputation I know that she is an outstanding lawyer. From personal experience and observation, I know she has the judicial temperament, the people skills, the administrative skills and leadership skill sets to be an outstanding District Court Judge for the Second Circuit, State of Hawaii.

I gladly volunteered to right this letter in support of the nomination of Mimi DesJardins and have the utmost confidence that she will do a terrific job sitting on the Second Circuit, District Court bench.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



ADRIANNE N. HEELY

From: Tanya Lopes [Tanya.Lopes@co.maui.hi.us]
Sent: Wednesday, January 11, 2012 12:49 PM
To: JDLTestimony
Cc: Thomas Kolbe; thomaskolbelow@gmail.com
Subject: Testimony in **Support of JC1** - Confirmation 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**

Tanya Lopes
Secretary to
Scott K. Hanano
Thomas W. Kolbe
Deputies Corporation Counsel
Department of the Corporation Counsel, County of Maui
200 South High Street, 3rd Floor
Wailuku, HI 96793
Phone: 808-270-5513
Fax: 808-270-7152

From: Elena Marquez [elenamarquez3@yahoo.com]
Sent: Wednesday, January 11, 2012 1:37 PM
To: JDLTestimony
Subject: JC 1 being heard on Thursday, 01/12/12, at 10AM in Room 016

Dear Senators,

I am a domestic violence survivor on Maui whose abuser has been represented by attorney/per diem judge, Mimi DesJardins, for the past two years.

My abuser went to jail for Abuse of a Household Member serving 45 days in jail with two years of probation for inflicting the following injuries on me:

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- multiple lacerations,
- contusions and bruising all over my body

As a direct result of this beating, I miscarried my 4 month-old baby.

I was initially given full physical/full legal custody of our daughter while he was given supervised visitation in accordance with the law, but this did not stop Mimi from pursuing custody on my abuser's behalf in violation of Hawaii state law. Court documents and audio recordings memorialize Mimi violating court orders and directives, perjuring herself during court proceedings and using unprofessional, intimidating behavior against me such as calling me a liar when I was talking in court without attorney representation, speaking of which...

I lost my last attorney and have had to be pro se ever since a hearing where Mimi pitched a fit because Judge Pullman was standing in for Judge Tanaka. I paid a one time fee of \$3000 to have an attorney by my side for this hearing but when Mimi heard Judge Pullman would be hearing the case, she denied my Due Process by saying "I will not allow this!" (let Judge Pullman hear our case). I lost my attorney after that hearing because that was the last bit of money I had to my name.

If Mimi can behave this way as an attorney showing no regard, respect or compliance for the law, how do you think she'll behave as a judge?! Thanks to Mimi my daughter is gone. I haven't seen her in over a year now, am at my abuser's mercy for ANY contact with her and while Mimi, her client and her client's parents all swore under oath to support our mother-daughter relationship and ensure that no disconnect or fracture would occur, Mimi has allowed this to happen despite my repeated pleas to her to honor her own word before the court.

Please, I urge you to rethink your nomination for such an important position. Thank you for your time.

Maria Styke
Kihei, Maui

hee2 - Nahelani

From: Elizabeth Melehan [lmelehan@aol.com]
Sent: Wednesday, January 11, 2012 8:01 PM
To: JDLEstimony
Subject: Testimony on Behalf of Mimi Desjardins

LATE TESTIMONY

Dear Chair Hee and Members of the Senate Judiciary and Labor Committee:

Please accept this email letter as my testimony in unqualified support of Mimi Desjardins' confirmation to the position of Judge of the District/Family Court for the Second Circuit, State of Hawaii. I have known Ms. Desjardins for more than 15 years, both professionally and personally.

Ms. Desjardins has the integrity, professionalism, experience, and intellectual capacity to be an excellent judge. For more than 20 years she has diligently and competently represented her clients in the Second Judicial Circuit in both criminal and civil matters. She has a strong grasp on all aspects of the law, both civil and criminal, including the rules of evidence. She is an excellent judge of character.

Further, for years she has served as a *per diem* judge in the Second Circuit, where she has demonstrated that she has both the judicial demeanor, intellect, compassion and decisiveness that makes an outstanding judge. She is well respected by other attorneys, judges and the Maui County community.

Ms. Desjardins has repeatedly said that for most of Hawaii's citizens, their only interaction with the judicial system will be in District or Family court. Because of this, she recognizes that it is crucial for Hawaii's citizens to experience a judge who is impartial, fair and compassionate.

I am confident that Ms. Desjardins will be that sort of judge.

Ms. Desjardins will be an asset to the judiciary in Maui County and I highly recommend her to you.

Thank you for your kind attention in this matter.

Sincerely,

ELIZABETH C. MELEHAN

Attorney at Law
1710 Kaahumanu Avenue, PMB 382
Wailuku, Maui, Hawaii 96793
Telephone: (808)-244-1411
Cell: (808)-250-1411
lmelehan@aol.com

From: Jill Nunokawa [kalohe14@gmail.com]
Sent: Wednesday, January 11, 2012 12:30 PM
To: JDLTestimony
Subject: Strong Support for JC 1: Mimi DesJardins consideration and confirmation to the District Court of the Second Circuit Court

TO: Chair Hee, Vice-Chair Shimabukuro, and Committee on Judiciary and Labor Members

FROM: Jill Leilani Nunokawa

RE: Strong support for Mimi DesJardins JC 1
Thursday, January 12, 2012
Conference Room 016
State Capitol
415 South Beretania Street

I am writing in strong support and with great respect for Mimi DesJardins.

I have known Ms. DesJardins for many years (we were both deputy public defenders together on Maui in the early 1990s) and I am able to comment on her superior qualities, which establish her qualifications to serve and succeed as a District Court Judge in the Second Circuit Court.

I have also practiced law in District, Family, and Circuit Courts in Hawaii since graduating from law school in 1988. From 1990 to 1997, I was a deputy public defender for the State of Hawaii.

I have appeared in front of numerous Judges and worked as a law clerk from 1988-1990 in the Second Circuit Court on Maui. I am very familiar with the Second Circuit Court and I still have many close relationships with Judges and Court personnel on Maui, including the Honorable Rhonda Lai Loo (whose vacant position is being filled because of her recent appointment to the Circuit Court). Therefore, I have the background and understanding of the qualities and attributes needed when presiding over cases in the District Court of the Second Circuit Court.

Ms. DesJardins has established herself as a hardworking, devoted, fair-minded jurist who has a keen intellect, an astute awareness of the complex factors that contribute to individual choices, a strong commitment and dedication to justice, and a deep understanding and reverence to the Constitutions of Hawai'i and the United States. Similar to Judge Karen Nakasone (also a former deputy public defender), Ms. DesJardins had a passion, insistence, and drive to ensure clients were well and fairly represented in the various courts of law. Ms. DesJardins has made the successful transition from passionate advocate to per diem Judge in the District Court of the Second Circuit Court. She has devoted herself to the disassociation as a passionate advocate and the development of the necessary skill set and knowledge base needed to preside over cases, particularly cases in Family Court. She is a well-respected Judge in the Maui county and has a rich understanding and respect for the neighbor island nuances that are uniquely found on Maui, Moloka'i, and Lana'i.

In conclusion, I want to acknowledge the list of six (6) finalists for this honorable position, especially since I personally know four (4) of them. It was an impressive list. It also speaks of Ms. DesJardins character and reputation that Chief Justice Recktenwald selected Ms. DesJardins for the vacancy of Judge of the District Court of the Second Circuit Court. I have no doubt she will serve the county of Maui as a district court judge, as she has done as a per diem Judge.

Mahalo for your consideration and support!

hee2 - Nahelani

From: Paul Horikawa [phorikawa3316@gmail.com]
Sent: Wednesday, January 11, 2012 5:49 PM
To: JDLTestimony
Subject: Confirmation of Mimi DesJardins; JC 1

LATE TESTIMONY

Senator Hee:

This letter is sent to you to support the confirmation of Mimi DesJardins as Judge for the District Court for the Second Circuit Court, State of Hawaii.

I have known Mimi DesJardins for more than ten (10) years. I litigated several cases with Ms. DesJardins in which we represented opposing parties. Ms. DesJardins is a very talented, intelligent and experienced litigator. She has superior knowledge of the Hawaii Rules of Evidence and has excellent trial skills.

I believe that Ms. DesJardins has the wisdom, temperament and skills to be an excellent Judge. I recommend without hesitation that she be confirmed as the Judge for the District Court of the Second Circuit, State of Hawaii.

Please contact me if you have any questions regarding the aforementioned.

Very truly yours,

Paul L. Horikawa

hee2 - Nahelani

From: Matthew Kohm [mkohm@hawaii.rr.com]
Sent: Wednesday, January 11, 2012 6:47 PM
To: JDLTestimony; Sen. Clayton Hee; Sen. Maile Shimabukuro
Subject: Judicial Candidate Mimi DesJardins

LATE TESTIMONY

Honorable Chairman Senator Clayton Hee & Vice Chair Maile Shimabukuro,

I am writing this letter in support of Mimi DesJardin's candidacy for the position of District Court Judge of the Second Circuit. I have been an attorney for eighteen years and have known Mimi DesJardin's for about sixteen years. I have worked as a private attorney for most of my career, handling civil cases and criminal defense work before the appellate courts and on remand to the trial courts. I have gotten to know Mimi DesJardin's through my (former) work as a deputy prosecutor; a civil attorney with Corporation Counsel; through the Maui County Bar Association; seeing her serving as a Per Diem Judge, and through handling appellate work. She is held in high regard by our Maui Bar.

I believe that Mimi DesJardin would be an excellent judge because of her personal skills, knowledge of the law of evidence and procedure, and her commitment to the Maui Community. In dealing with Mimi DesJardin, I always found her to be professional and civil. She has an extremely quick wit and strong verbal skills. In all my professional dealings with Mimi DesJardin, I have found her to be honorable, committed to her profession, and highly principled.

A district court judge needs to have a strong understanding of criminal procedure, evidence, and have the administrative skills to move along the consistently heavy docket. Ms. DesJardin seems to do a well "above" average job in her role as a Per Diem Judge. It is my opinion that Mimi DesJardin is the best suited candidate for this position. I would humbly urge that she be given strong consideration for the position of District Court Judge of the Second Circuit, and that her nomination be approved. Should you want any further input, I would be happy to provide such.

Matthew S. Kohm
Bar Id 6103

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Matthew S. Kohm
Attorney at Law

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LATE TESTIMONY

PHILIP H. LOWENTHAL

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January 9, 2012

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

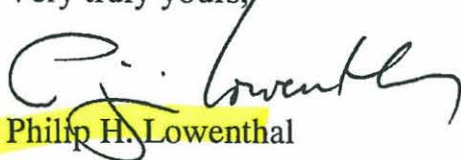
Re: Confirmation of **Mimi Desjardins**
To District Court Bench of the
Second Circuit

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

Testimony of Susan L. Arnett
to the Senate Committee on Judiciary & Labor

LATE TESTIMONY

August 29, 2011

RE: JC1. NOMINATION OF MIMI DESJARDINS TO THE DISTRICT
COURT OF THE SECOND CIRCUIT, STATE OF HAWAII

Senator Hee and Members of the Committee:

I write in strong support of the nomination of Mimi DesJardins as a Judge of the Second Circuit District Court.

I have known Mimi since she started with the Public Defender's Office in 1991. I knew her as a colleague in our Maui office and was impressed by her abilities which I saw first hand each year at our statewide seminar. She had moved on from our office when I moved to Maui In 1998 to head our public defender office there. However, during my three and a half year tenure, I had the chance to work with her as co-counsel in cases and as a fellow member of the Maui bar.

Suffice to say that I have respected her as a colleague for many years. I know her to be organized, prepared and a zealous advocate for her clients. I have been continually impressed by her ability to advocate in a calm, reasoning manner, always according the other side respect for their position, with a goal of reaching an appropriate outcome for her client. She has handled difficult cases and exhibited real empathy not only for her clients, but for all those impacted by a case.

One of the measures of a trial lawyer is whether they rest on their in-court ability or are willing to do the less glamorous work of researching and staying abreast of current caselaw and legislation. Mimi has kept herself informed and up to date and it is reflected in her pre-trial motions work. I know she will bring the same strong work ethic with her to the bench.

I believe Mimi will be an outstanding judge and recommend her wholeheartedly. Thank you for the opportunity to comment on this nomination.



LATE TESTIMONY

LATE TESTIMONY

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Lynn A.S. Araki-Regan
Stephen E. Pike
Attorneys

Christopher R. Dang
Garrick L.H. Goo
Of Counsel

January 11, 2012

SENATOR CLAYTON HEE
Senate District 23
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96803(?)

Re: Approval and confirmation of Mimi Desjardins for judicial vacancy in the District Court of the Second Circuit

Dear Senator Hee:

I and my law firm take this opportunity to urge you and the other members of the State Senate Judiciary Committee to approve and confirm the nomination of Mimi Desjardins to the current vacancy in the District Court of the Second Circuit. We have appeared before the nominee on the civil calendar approximately twenty times during her years as a per diem judge. We believe that her legal knowledge and skill are well developed and more than sufficient to adequately serve the District Court. Her variegated background as a public defender, prosecutor, and county deputy corporation counsel have prepared her to preside comfortably over criminal and civil matters. Her judicial temperament has been one of patience and consistency, a valued asset in cases involving pro se litigants. We believe that her integrity is beyond reproach. In our opinion she would be an excellent choice to this position.

Sincerely,

LYNN A.S. ARAKI-REGAN

STEPHEN E. PIKE

/as

hee2 - Nahelani

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, January 11, 2012 11:50 AM
To: JDLTestimony
Subject: Testimony for JC 1: the appointment of Mimi DesJardins to be heard 01/12/12 at 10:00am in Room 016

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

LATE TESTIMONY

TO: Senator Clayton Hee, Chair
Senator Maile Shimabikuro, Vice Chair
Judiciary & Labor Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, Hawaii 96734

DATE: January 12, 2012

RE: **Strong Opposition Against the appointment of Second Circuit Nominee, Mimi DesJardins**

Good Morning Senators ~

Happy New Year and my sincerest apologies for having to start off on such a negative note, but I feel compelled to tell you that appointing Mimi DesJardins with a six year appointment in the Second Circuit would be one of the biggest - and most embarrassing - mistakes the State of Hawaii could ever make.

Since 2010 Ms. DesJardins has been and continues to act as the attorney for a perpetrator of domestic violence, Bruce Sotelo Jr., who served jail time for beating the mother of his child, Maria Styke, so badly that she miscarried their 4 month-old fetus as a result. Despite this fact, **Ms. DesJardins ignored and disregarded state statute 571-46(9) and through unethical means**, won full physical/full legal custody of the two year-old daughter for the abuser, NOT the DV survivor. Ms. DesJardins then went on to successfully assist the abuser in relocating out-of-state with the daughter whom her mother has not seen since.

The Washington DC agency **Justice For Children** <http://justiceforchildren.org/> saw the actions in this case as so egregious that they appealed this on Ms. Styke's behalf pro bono (CAAP-11-0000387). While a decision has not yet been rendered, what is clear from the facts on record is that Ms. DesJardins placed profit, power and winning above justice and the law and while Judge Keith Tanaka officiated the rulings, it is clear from the documentation that he was "going along to get along" which resulted in depriving a domestic violence survivor mom and daughter of protection, safety, justice and each other.

The people of the Second Circuit - particularly domestic violence **survivors** - deserve better than that when forced to turn to the Judiciary with life-altering and potentially life-threatening concerns; they need an ethical official who will respect, abide by and be as subject to the laws s/he's supposed to uphold as they are. Ms.

DesJardins has placed her own interests above the law and has proven herself to be subject to nothing but money .

Below is an email I sent to many of the state representatives and senators in April 2010 regarding an audit of contested family court custody cases (SCR91/HCR81) where I refer to Ms. DesJardins. Do you REALLY want someone with this kind of unscrupulous behavior and associations having power over our most vulnerable for the next six years? Ms. DesJardins should not be rewarded or honored for this kind of track record with an appointment (nor should the people of Maui have to suffer more of it).

Again, my sincerest apologies for such harsh words and negative news.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

From: breaking-the-silence@hotmail.com

To: repmckelvey@capitol.hawaii.gov; repaquino@capitol.hawaii.gov; repmarumoto@capitol.hawaii.gov; sentaniguchi@capitol.hawaii.gov; repsay@capitol.hawaii.gov; sennishihara@capitol.hawaii.gov; senhee@capitol.hawaii.gov; senhanabusa@capitol.hawaii.gov; repthielen@capitol.hawaii.gov; senige@capitol.hawaii.gov; repbelatti@capitol.hawaii.gov; senkim@capitol.hawaii.gov; reptakamine@capitol.hawaii.gov; rephanohano@capitol.hawaii.gov; senhemmings@capitol.hawaii.gov; senhooser@capitol.hawaii.gov; repward@capitol.hawaii.gov; repboshiro@capitol.hawaii.gov; senfukunaga@capitol.hawaii.gov; repevans@capitol.hawaii.gov; reptsuji@capitol.hawaii.gov; sengaluteria@capitol.hawaii.gov; repwakai@capitol.hawaii.gov; repmorita@capitol.hawaii.gov; reptokioaka@capitol.hawaii.gov; repchang@capitol.hawaii.gov; sentokuda@capitol.hawaii.gov; repbertram@capitol.hawaii.gov; repmanahan@capitol.hawaii.gov; repmizuno@capitol.hawaii.gov; repkaramatsu@capitol.hawaii.gov; sengreen@capitol.hawaii.gov; repsouki@capitol.hawaii.gov; repawana@capitol.hawaii.gov; reprhoads@capitol.hawaii.gov; repito@capitol.hawaii.gov; senkidani@capitol.hawaii.gov; repyamashita@capitol.hawaii.gov; reppine@capitol.hawaii.gov; senihara@capitol.hawaii.gov; repberg@capitol.hawaii.gov; repfinnegan@capitol.hawaii.gov; repshimabukuro@capitol.hawaii.gov; repmoshiro@capitol.hawaii.gov; replee@capitol.hawaii.gov; reptakai@capitol.hawaii.gov; repcarroll@capitol.hawaii.gov; repmagaoay@capitol.hawaii.gov; sengabbard@capitol.hawaii.gov

Subject: Can't stay quiet on this one either

Date: Tue, 6 Apr 2010 14:24:54 -1000

Dear Senators and Representatives ~

One of my domestic violence survivor moms is being poised to lose custody of her 2 year-old little girl on April 27th in Maui in Judge Tanaka's court.

This mom just won an appellate case against Judge Tanaka 6 DAYS AGO on March 31, 2010 (Appellate Case #28562, Styke v. Sotelo) and is to appear before Judge Tanaka today at 1:30pm because her attorney, Nicole, is withdrawing from her case (which will leave her without an attorney for her custody trial on the 27th).

The appellate case is about Judge Tanaka wrongfully dissolving and vacating a TRO that my survivor mom filed against her abuser. (In April 2007, the abuser beat mom up and choked her among other things WHILE PREGNANT with the daughter she now has to fight for custody of! Mom filed for a TRO after this attack that was granted and the abuser was CRIMINALLY arrested and charged but in May 2007, Judge Tanaka decided to

dissolve and vacate the TRO for "lack of prosecution". Thankfully, the appellate court just ruled that Judge Tanaka was wrong for doing so.)

Unfortunately after severing her relationship with her daughter's father, mom got involved in yet another abusive relationship that she recently fled. This now ex-boyfriend immediately filed for a TRO against HER although his use of violence against mom has been verified. Incredibly, the two abusers have become friends and both have initiated court cases against mom: one for custody, one for property issues.

So you understand who I'll be referencing to:

Mom's attorney who is withdrawing from the case = **Nicole**

Father's attorney for the custody case = **Mimi**

Mom's ex-boyfriend's attorney for the property issues = **Hayden**

Mom called me this morning saying that Hayden told Nicole that he's going to file a complaint against mom for violating the TRO because he feels Nicole's communication with Hayden on mom's behalf for settlement on the property issues constitutes a violation of the TRO and that the communication itself is harassment! The TRO "protects" mom's ex-boyfriend from mom, **not** the ex-boyfriend's attorney from mom's attorney! This is absolutely preposterous!!! Moreover, I was just sent the following message from my advocate on Maui:

Also did you know Nicole and Mimi Dejardins (per diem judge) are personal friends and Mimi is also Haydens wife? The association and Hayden's complaint defy common logic and attorney ethics.

Can you believe any of this?! So you get beaten up while pregnant, get a TRO, have it taken away and then be set up to lose custody of your child because your attorney is personal friends with the opposing attorney and 571-46 doesn't apply?! Come on! What's going on here????!!!

I know there may be nothing any of you can do about this particular case but please **PLEASE** prevent this from happening in all the other DV cases that will follow this course by making **SCR91/HCR81** happen! The path of the DV cases in family court are all the same:

- Mom flees abusive relationship
- Mom follows the instructions provided to her about ending the abusive relationship, filing a TRO, going through DV services, keeping her children safe from the abuser
- The child custody case in family court begins, the DV issues are cast aside for "the best interests of the child", visitation/joint custody ensues and mom is no longer an authority on her own children: she is a client who needs "help" so the court personnel "have to take her place" as the "expert" parent while they bend over backwards to keep the abuser involved with his children because "we all know" how much "children need their fathers" (and how all child abuse perpetrators are all un-related strangers to the victim children they abuse and molest)
- The abuser does what he's always done: abuse - and that's why it's called DOMESTIC as in FAMILY violence
- When the abuser continues to abuse mom and/or abuse is disclosed by the children, she reports it and in turn is investigated/evaluated for raising "such terrible allegations" against the father of her children
- The abuser is just "a loving father" who "only wants to be a part of his children's lives" and just look at how abusive/hysterical mom is! (BELIEVE ME, if your child

was raped, molested, mutilated, starved, tortured, violated, humiliated, denied medical treatment, exposed to dangerous or inappropriate situations, etc. and everyone continued to allow it because they thought the abuser "is such a nice guy *to me*" you wouldn't look, sound or come across so good yourself)

- NOW, if you have to judge whose the better parent here - hmmm, let's see: loving father falsely accused whose able to afford attorneys fees because he didn't lose all his belongings or home when he had to stay in a shelter vs. angry mom who keeps "using the abuse excuse" to get "a leg up in these family court proceedings" who can barely make ends meet - uh, the answer is obvious, isn't it?
- FORGET the law (cause who uses it anyway, right?) and if you can't stomach the realities of domestic violence and child abuse in your community, just look the other way - turn to another channel or just don't read the paper so you don't have to see/hear about the latest DV-related homicide or attack some "lucky girl" survived - don't forget those "lucky ones"!

If a doctor diagnosed you with cancer and recommended treatment to cure it, you'd do it, right? So can we PLEASE DO SOMETHING about the obvious domestic violence and family court crisis we're facing as a state and nation so WE CAN CURE IT? If you didn't treat your cancer and it metastasized it's a no-brainer how that happened so don't be surprised when these children being exposed to ongoing abuse and violence turn into a breed of "human" that you won't recognize as such. "The gods visit the sins of the fathers upon the children" Euripides (c. 485-406 B.C.), Phrixus, fragment 970

Cases like the one I mentioned above just make my blood boil and I hope it makes you feel the same way. The good news is we CAN do something about it starting with SCR91/HCR81. It's not about "punishing" those who have made mistakes - it's about righting wrongs, correcting injustices and holding each other accountable so that our children can grow and thrive in homes and communities free from violence and abuse. This is NOT unachievable but I/we REALLY NEED YOUR HELP HERE guys!

If you made it to the bottom of this email, THANK YOU listening to me and for taking the time. I hope I didn't come across too harshly but some things are just flat out wrong in life and what's happening to that mom on Maui is one of them! Please see what you can do to make SCR91/HCR81 be the first step to bringing an end to domestic and family violence in the state of Hawaii.

Most sincerely and respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

The Honorable E. John McConnell (Ret.)

33 N. Market Street, Suite 200
Wailuku, Maui, Hawai'i 96793
Maui Phone: (808) 244-6531
Fax (808) 242-4610
Email: judgemcconnell@msn.com

VIA FACSIMILE 808-586-7334

LATE TESTIMONY

10 January 2012

The Honorable Clayton Hee
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

RE: Confirmation of Mimi DesJardins as District Judge of the Second Circuit

Dear Senator Hee and Members of the Committee:

I write to lend as much support as I am able to the confirmation of Mimi DesJardins as District Judge of the District Court of the Second Circuit.

I do not believe it can be reasonably questioned that she possesses the intellect, demeanor and diligence to be an outstanding judge. She has been repeatedly nominated by the Judicial Selection Commission in connection with recent vacancies in our Circuit.

I believe, however, that it bears emphasis that she has those intangible qualities of leadership, courage, and energy which, coupled with a deep understanding of our local community, will enable her to tackle the systemic problems that beset Maui's Family Court.

The Second Circuit Family Court in my judgment has lacked consistency and has failed to manage its calendars effectively since the retirement of Judges McNish and Romanchak several years ago. Some of the judges although well motivated simply lacked the skills necessary to be effective. Others have focused on their own often narrow calendars with little evident concern for the functioning of the Court as a whole. My discussions with Ms. DesJardins have convinced me she fully understands this and appreciates what has become a glaring need to apply rules fairly, consistently and efficiently in order to effectively dispose of cases. The family law area is perhaps the most taxing area for any judge. The litigants are often hostile, belligerent and plainly unreasonable. This may be understandable given the severe stresses faced by divorcing

or otherwise dysfunctional families. Nonetheless, it demands excellence on the part of judges.

Ms. DesJardins has a brisk and profitable family practice and is not looking for a retirement haven. Rather, she has a keen desire to improve our courts, the skills to carry that out, and, I believe, her confirmation will greatly assist the Judiciary and our community.

Thank you for considering my comments.

Very truly yours,



E. John McConnell

EVE M. GREEN

Attorney at Law

24 N. Church Street, Suite 409
Waifuku, Hawaii 96793

TELEPHONE (808) 242-4049 FACSIMILE (808) 244-4021

LATE TESTIMONY

January 9, 2012

Clayton Yee
Senate District 23
Hawaii State Capitol, Room 407

via facsimile 808-586-7334

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

via facsimile 808-586-7797

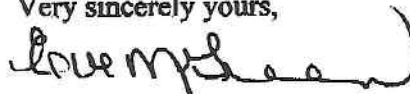
RE: Appointment of Mimi DesJardins to District Court
Of the Second CircuitDear Senator Yee and Senator Shimabukuro and members of the State Senate Committee
on Judiciary and Labor:

I am writing in support of the appointment of Mimi DesJardins to the District Court of the Second Circuit. I have known and practiced with Ms. DesJardins since 1999 and have found her to be extremely intelligent, hardworking and honest. When I went out on my own in 1999, Ms. Desjardins was always willing to be a sounding board, and offer advice and support. I could always count on her to lead me in the right direction.

Ms. DesJardins has a broad range of knowledge and is fair in dealing with all parties. She has served well as a per diem judge since 2006 and I am confident she will make an excellent District Court Judge.

Please support her nomination to the District Court of the Second Circuit.

Very sincerely yours,



EVE M. GREEN

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ATTORNEYS AT LAW

Peter T. Cahill
Licensed in HI, NJ & NY

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John M. O'Neill
Licensed in HI & MA

January 10, 2012

LATE TESTIMONY

The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor
State Capitol
Room 407
Honolulu, Hawaii 96813

Re: Nomination of Mimi DesJardins

Dear Senator Hee:

I write in support of Chief Justice Recktenwald's nomination of Mimi DeJardins as a judge to the District Court of the Second Circuit, State of Hawaii. I have known Ms. DesJardins for many years and find her to be a competent professional.

I also had the privilege of appearing before Ms. DesJardins when she sat as a per diem judge in a traffic matter. Again she handled the matter showing knowledge, professionalism and with courtesy to all parties.

I respectfully request that your committee confirm Mimi DesJardins' nomination as a District Court Judge. The people of the Maui shall be well served by her appointment.

Respectfully yours,



Peter T. Cahill

PTC:jbc
Via fax 808-586-7334
Judicial Nomination\120110 Ltr Senator Hee

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

LATE TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

January 11, 2012

The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimbukuro, Vice Chair
Twenty-Sixth State Legislature
State Capitol,
Honolulu, Hawaii 96813

Re: JC1, Confirmation to the Circuit Court of the Second
Circuit, State of Hawaii, Mimi Desjardins

Dear Chair Hee and Vice Chair Shimabukuro:

I write in favor of the confirmation of Ms. Mimi Desjardins to serve as the District Court Judge of the Second Circuit. I have known and worked with Ms. Desjardin since 1991; she is intelligent, thoughtful, and works hard. She is a valuable asset to the community.

As a *per diem* Judge Ms. Desjardins possesses a keen mind and a good knowledge of the law. She communicates very well with all parties that come before her in court, she treats the parties with respect, and makes quick and consistent decisions. She would be an excellent judge.

Sincerely,

/s/ *John D. Kim*

JOHN D. KIM
Prosecuting Attorney

cc: Mimi Desjardins

JOEL E. AUGUST
RETIRED JUDGE

484 PALANI PLACE
WAILUKU, HAWAII 96793
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808-244-8611
808-242-9952
808-268-1463 (C)

January 9, 2012

Senator Clayton Hee
Senate District 23
Hawaii State Capitol, Room 407
Honolulu, Hawaii

LATE TESTIMONY

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

Dear Senator Hee:

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