

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-13-181
	)	
JO desMARETS,	)	ORDER NO. 1823
	)	
Complainant,	)	ORDER DENYING COMPLAINANT'S
	)	MOTION TO RECONSIDER ORDER
and	)	DISALLOWING ATTORNEY'S FEES
	)	
JOHN WAIHEE, Governor, State of	)	
Hawaii and DEPARTMENT OF PUBLIC	)	
SAFETY, State of Hawaii,	)	
	)	
Respondents.	)	
	)	

---

ORDER DENYING COMPLAINANT'S MOTION TO  
RECONSIDER ORDER DISALLOWING ATTORNEY'S FEES

On September 28, 1999, Complainant, by and through her counsel, filed a Motion to Reconsider Order Granting, in Part, and Denying, in Part, Complainant's Motion for Attorney's Fees, Specifically Disallowance of Costs, Attorney's Fees of \$11,587.50 and Consequent GET of \$484.42 with the Hawaii Labor Relations Board (Board). Complainant seeks reconsideration of the Board's order as to the disallowance of costs associated with the preparation and presentation of her case totalling \$6,739.61, for copying charges, exhibit preparation costs, long distance charges, travel expenses for outer-island witnesses, deposition transcript charges and service of process charges. In addition, Complainant seeks reconsideration of the disallowance for 7.5 hours of time expended for the preparation of dual grievance track issues of \$1,125.00. Complainant also seeks reconsideration of the disallowance of 12 hours expended for observing Rene Coester and Malcolm Lee

testifying as witnesses in other cases amounting to \$1,800.00. Further, Complainant seeks reconsideration of the disallowance for 57.75 hours billed in excess of ten hours per day (\$8,662.50).

On October 8, 1999, Respondents, by and through their counsel, filed a position statement regarding Complainant's motion for reconsideration with the Board. Respondents contend that the Board properly disallowed fees for counsel's dual grievance track preparation and for the time spent observing witnesses Rene Coester and Malcolm Lee. Respondents took no position with regard to the Board's order disallowing Complainant's costs or the time spent in excess of ten hours per day.


Based upon the arguments presented and after having reviewed the record herein, the Board affirms its previous rulings with respect to the disallowance of counsel's fees for the dual grievance tracks, time spent observing witnesses in other cases, the disallowance of costs, and the disallowance of counsel's time in excess of ten hours per day. Complainant's counsel argues that the Respondents never objected to counsel's billing rate or the amount of compensation sought. Further, the Board notes that in their position statement, Respondents do not take a position as to the volume of time Complainant's counsel spent on her preparation of the instant case. However, in determining the reasonable value of services performed by Complainant's counsel, the Board, in its discretion, finds that the fees granted in its order reflect the number of hours reasonably expended in this case given the complexity of the case and the results secured for the Complainant. The Board's order in this regard is not intended to cast a negative impression on Complainant's counsel's abilities or her sincerity in

her efforts to represent her client's interests. These amounts awarded merely reflect what the Board finds to be reasonable given the issues presented to the Board.

Accordingly, the Board hereby denies Complainant's motion to reconsider the Board's order disallowing attorney's fees.

DATED: Honolulu, Hawaii, December 9, 1999.

HAWAII LABOR RELATIONS BOARD

  
\_\_\_\_\_  
BERT M. TOMASU, Chairperson

  
\_\_\_\_\_  
RUSSELL T. HIGA, Board Member

Copies sent to:

Mary A. Wilkowski, Esq.  
Janice T. Kemp, Deputy Attorney General  
Joyce Najita, IRC