

Vanessa Ott
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IN THE CIRCUIT COURT FOR THE FIRST CIRCUIT
SMALL CLAIMS DIVISION
STATE OF HAWAI'I

Electronically Filed
FIRST CIRCUIT
1DSC-21-0000748
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VANESSA OTT, Plaintiff
2825 S KING ST, HONOLULU HI 96826
MsVOtt@gmail.com

In the matter of defamation

v.

CHRISTINE K. ASUNCION, Defendant
99-523 ALIPOE DR, AIEA HI 96701
Christine.Asuncion@k12.hi.us

Civil No. 1DSC-21-0000748

Plaintiff's Motion to Disqualify the State of
Hawai'i Department of the Attorney
General from Representing Defendant.

**Plaintiff's Motion to Disqualify the Department of the Attorney General
from Representing Defendant**

Plaintiff moves to have the Court disqualify the State of Hawai'i Department of the Attorney General from Representing Defendant.

Based on written correspondence from the State of Hawai'i Department of the Attorney General to Plaintiff in addition to Plaintiff's conversations with the Mediation Center of the Pacific regarding Plaintiff's Small Claims Civil Case No. 1DSC-21-0000748, Plaintiff has been informed that the Department of the Attorney General intends to represent Defendant in Plaintiff's lawsuit concerning the matter of Defamation.

- HRS §662-7¹ states:
 - **“Attorney general.** The State shall be represented by the attorney general of the State in all actions under this chapter.”
- HRS §662-15a(4)² states (underlines added):
 - **“Exceptions. This chapter shall not apply to:**
 - (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;”

¹ https://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0662/HRS_0662-0007.htm

² https://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0662/HRS_0662-0015.htm

The Hawai'i Bar Association Member Directory listing³ for a typical attorney working for the Department of the Attorney General has a **Government** license type.

| | |
|--------------|---|
| Name | |
| JD Number | |
| License Type | Government |
| Employer | Dept. of the Attorney General |
| Address | 235 S. Beretania St. Ste. 304 Honolulu, HI 96813 USA |

The Hawai'i State Bar Association define a **Government** license type as:

Government - Member is admitted to practice law before the Hawaii Supreme Court and who is engaged in the practice of law, either full-time or part-time, salaried or non-salaried, employed by the U.S. Federal government, the State of Hawaii, or the City and County of Honolulu or county within the State, and **does not engage in the private practice of law, compensated or uncompensated, other than pro bono service.**⁴

A reasonable definition for “pro bono”⁵ is:

Free legal services performed by lawyers to help people with legal problems and limited or no funds, or provide legal assistance to organizations involved in social causes.

Defendant Christine Asuncion does not qualify for pro bono service. According to Civil Beat’s Public Employee Salary Database,⁶ I can see that Ms. Asuncion is does not fit the description of a person with “limited or no funds.”

DATABASE UPDATED: Oct. 7, 2021

PUBLIC EMPLOYEES SALARY DATABASE

| DEPT | NAME | | TITLE | SALARY RANGE | | FY |
|-----------|-----------|----------|-----------------|--------------|----------|------|
| Education | Christine | Asuncion | Spec Ed Teacher | \$61,738 | \$87,949 | 2022 |
| Education | Christine | Asuncion | Spec Ed Teacher | \$58,833 | \$83,810 | 2020 |

All attorneys employed by the State of Hawai'i Department of the Attorney General should be disqualified from representing Defendant in **Civil No. 1DSC-21-0000748**.


Plaintiff: Vanessa Ott

November 5, 2021
Date

³ https://hsba.org/HSBA_2020/For_the_Public/Find_a_Lawyer/HSBA_2020/Public/Find_a_Lawyer.aspx

⁴ <https://hsba.org/images/HSBA/MembershipStatus.pdf>

⁵ <https://definitions.uslegal.com/p/pro-bono/>

⁶ <https://www.civilbeat.org/projects/public-employee-salaries/>