

DECLARATION OF JOHN D. WAIHEE, III

I, JOHN D. WAIHEE, III, DECLARE:

1. I am a Member of the Bar of this Court, and I make the within statements based upon my own personal firsthand knowledge.

2. I am a former Governor of the State of Hawaii, having had the privilege of serving in that position from 1986 through 1994, and before that as Hawaii State Lieutenant Governor and before that in the Hawaii State Legislature, and my overriding goal in life has always been and remains above all else the well-being and protection of the people of Hawaii.

3. For that reason alone, I write to you because I have read the September 9, 2020 Disbarment Order of Gary Victor Dubin and personally know that that is in grave error, apparently in reliance upon the mistaken judgment of staff, and therefore encourage Your Honor to review this Application personally.

4. In the many positions I have held in Hawaii Government, I have met and interacted with countless Members of the Hawaii Bar, including Mr. Dubin who I have worked closely with for a number of years and who in my experience without reservation is among the most honest and most contributing Members of our entire legal community and who does not deserve to be disbarred on this record before you now.

5. I say this not only as a knowledgeable friend in support of his character and his worth as a practicing attorney to this State, and certainly not because of that friendship alone, but instead because, concerned, I personally sat through the many

prehearing conferences and all seven days of his disciplinary hearings in his case, witnessing firsthand the abuse he experienced, and I can personally verify the truth of all of his factual representations to this Court in these Application papers, including my personally eye-witnessing the extraordinary manner in which he was constantly denied due process of law, as he truthfully summarizes in his Application now before this Court.

6. Unless he is granted emergency relief by Your Honor, the result will truly be the shameful and tragic conclusion of one of the most unjust chapters in the legal history of my State.

7. Mr. Dubin has been the champion of the rights of ordinary people in our community who are neither wealthy nor influential, as their advocate and without regard to his own personal financial sacrifices, and most of his cases have been of a *pro bono* nature, including the many important appellate decisions he has secured, including in this Court.

8. Some talk about Access to Justice in my State and elsewhere. Mr. Dubin in his area of practice has done more than talk about it; through his advocacy he has created Access to Justice for thousands of Hawaii homeowners without seeking any personal recognition or monetary or system rewards.

9. A people's practice such as his, however, spawns many irritated and powerful adversaries and unseen vendettas, not an uncommon experience to many of us as well in public life, even though he serves as advocate and not decision maker.

10. This is a practice and a people's advocate who this Court should protect and applaud, not allow him to be disbarred on such a flawed record as now before you, without a stay and without being heard.

I declare under penalty of perjury under the laws of the United States of América that the foregoing is true and correct. Executed at Honolulu, Hawaii, on October 24, 2020.

/s/ John D. Waihee, III

JOHN. D. WAIHEE, III