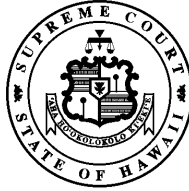


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FOR IMMEDIATE RELEASE

Date: Wednesday, September 9, 2020

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PRESS RELEASE

HONOLULU, HAWAI'I - On September 9, 2020, the Hawai'i Supreme Court entered a final order imposing the sanction of disbarment from the practice of law, upon attorney Gary Victor Dubin, of Honolulu, effective Friday, October 9, 2020.

In its disbarment order the Hawai'i Supreme Court found, by clear and convincing evidence, that Mr. Dubin, committed multiple serious acts of misconduct. Specifically,

In Office of Disciplinary (ODC) Case No. 16-O-151, the court found that Dubin knowingly misrepresented the truth when he stated in a 2008 application for a mortgage solicitors license that he had not been convicted of a crime within 20 years of the submission date.

In ODC Case No. 16-O-147, the court found that Dubin engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, by signing the names of his clients, without their permission, to cash a \$132,000.00 settlement check made out to them alone, and placing the funds in his client trust account which he controlled. As to that deposit, the court found that Dubin did not immediately inform the clients of the receipt of the funds, and that the late 2015 invoice he issued to the clients was the first billing statement or accounting since the inception of his representation of them in early 2012. As to that 2015 invoice, Dubin asserted \$69,702.87 in fees and costs owing, based upon an hourly rate of \$385.00 for associates on the case; which the court found unreasonable as it exceeded by \$115.00 the hourly rate agreed upon, and because it included charges for one "associate" attorney for work done at a time when that person was not licensed to practice law. The court then concluded that, as a result, Dubin overcharged the clients a minimum of \$19,885.00.

In ODC Case No. 16-O-326, Dubin withdrew \$3,500.00 of the client's funds at a time when, based upon Dubin's own accounting, Dubin had not yet earned those funds, thereby misappropriating client funds. The court also found that he did not inform the client when he fully disbursed the client's \$45,000.00 from his client trust account, thereby misappropriating client funds, violating trust reporting requirements, and for failing to cooperate with the disciplinary authorities investigating the case.

As to the first case (ODC Case No. 16-O-151) the court found Dubin's conduct inflicted injury on the public at large and injured the integrity of the profession. As to the later two cases (ODC Case Nos. 16-O-147 and 16-O-326) the court found Dubin inflicted actual, serious, injury upon his clients and upon the legal profession.

In aggravation, the court found that Dubin had two prior disciplinary findings against him; evinced a dishonest or selfish motive; demonstrated a pattern of misconduct; committed multiple offenses; refused to acknowledge the wrongful nature of his conduct; and had substantial experience in the practice of law. In mitigation, Dubin presented many positive comments from clients, and the court noted that Dubin had contributed positively to the development of the law.

The court, after reviewing precedent determined that disbarment is the appropriate sanction and ordered that Dubin pay \$19,885.00 in restitution to the clients harmed in ODC Case No. 16-O-147. The court also ordered that Dubin shall bear the costs of these disciplinary proceedings.

Upon entry of this September 9, 2020 disbarment order, Mr. Dubin shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, between September 9, 2020 and concluding October 9, 2020 he may wind up and complete, on behalf of any client, all matters that were pending on September 9, 2020. During that time, he is required to promptly notify all of his clients, and any attorneys for any adverse party in any pending litigation, of his disbarment and consequent inability to act as an attorney. By October 10, 2020, Mr. Dubin shall surrender to all clients, all papers and property to which the clients are entitled, and refund any advance payments of fees that have not been earned.

September 9, 2020

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Mr. Dubin, age 82, was admitted to the Hawai'i bar in 1982, and is a graduate of New York University, School of Law. If there are any questions, please contact me at (808) 469-4026.

Case information: *ODC v. Dubin*, SCAD-19-0000561 (the order was signed by: Chief Justice Recktenwald, and Associate Justices Nakayama, McKenna, and Wilson, with Intermediate Court of Appeals Associate Judge Leonard, assigned by reason of vacancy.)

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