

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TABATHA MARTIN, TRACY MARTIN, T.M., a minor, by her parents and next friends TABATHA MARTIN and TRACY MARTIN, KIONINA KENESO, K.H., a minor, by her next friend KIONINA KENESO, TANAKO YUG, GABRIEL YUG, G.Y., a minor, by his next friends, TANAKO YUG and GABRIEL YUG, DIANA CHONIONG, JON JOSEPHSON, NORMA MANUEL, MENSU RIKAT, ARI RODEN, RIMUO RUNTE, and SNOPIA WEINEI, individually and on behalf of the class of homeless or formerly homeless individuals whose property was seized and destroyed by City and County of Honolulu officials,

Plaintiffs,

vs.

CITY AND COUNTY OF HONOLULU, a municipal corporation, and DOE EMPLOYEES OF CITY AND COUNTY OF HONOLULU 1-100,

Defendants.

Case No. 1:15-cv-00363-HG-KSC
[CLASS ACTION]

**DECLARATION OF
PAUL ALSTON**

DECLARATION OF PAUL ALSTON

I, PAUL ALSTON, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a shareholder, officer and director of the Alston Hunt Floyd & Ing (“AHFI”), counsel for Plaintiffs herein.

2. I make this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Non Taxable Costs. This Declaration is based on my personal knowledge. I am competent to testify as to the matters set forth herein.

3. I am lead counsel for Plaintiffs, who prevailed in this matter.

4. I have been representing disadvantaged individuals in disputes with the State of Hawai`i since 1972 when I filed the first class action in the history of Hawai`i challenging the State’s failure to provide services to those children (*Kekahuna v. DOE*) (USDC Haw. April 1972). That action resulted in an unprecedented consent decree that required the Department of Education (“DOE”) to improve the services it provides to handicapped students. Similarly, in this case, AHFI represents a class of disadvantaged individuals challenging the City and County’s illegal seizures and

destruction of Plaintiffs' property in "sweeps" in the Kakaako area and other parts of the City. I supervised the filings from the start of this litigation. AHFI funded the litigation from the beginning and I have been responsible for overseeing the successful prosecution of the claims.

5. AHFI had and continues to have a substantial interest in the case (having risked substantial time and resources on litigating this matter for over a year). Based on the firm's experience handling many complex civil rights class actions, it is unlikely that a small firm, the ACLU alone, or a sole practitioner could have provided the resources and support needed to litigate this case on behalf of Plaintiffs.

6. I have reviewed and approved the time and charges for the attorneys' fees incurred by AHFI in this matter, as attached to the Declaration of Nickolas A. Kacprowski as Exhibits "16" and "17" in support of this Motion. They are reasonable and were necessarily incurred in this lawsuit to prevail against the City. The fees requested are for the "net" amount of time devoted to this matter, after exercising billing judgment and deducting various time entries.

7. I have been admitted to practice before all Courts in the State of Hawai`i since 1971, and have over 44 years of experience in complex commercial litigation matters. The following information reflects my reputation and experience:

- I was a law clerk for the Honorable Walter Ely, of the Ninth Circuit in 1971-72. After that, I worked for the Legal Aid Society of Hawai`i and served as co-director of litigation in 1975-77. After that, I participated as a trainer in the Legal Service Corporation's Federal Practice Training in locations around the county. I am now an adjunct professor at the University of Hawai`i School of Law teaching "Public Interest Lawyering."
- I am a former president of the Hawai`i State Bar Association (1990-91), the Hawai`i Justice Foundation, and the Hawai`i Chapter of the Federal Bar Association.
- I have an av rating from Martindale-Hubbell, have been rated as a "Best Lawyer in America" in seven categories, and have been named Hawai`i Lawyer of the Year four times. No other lawyer in Hawai`i has received as many of these accolades.

- I am the only Hawai`i member of the invitation-only American Academy of Appellate Advocates.
- I have served as co-chair of the Hawai`i State Bench-Bar Conference and been a delegate from the District of Hawai`i to the Ninth Circuit Judicial Conference.
- I am a certified specialist in both trial and pretrial practice (National Board of Trial Advocacy), and I was the first Civil Trial Specialist certified by the Hawai`i Supreme Court.
- I received a national award from Superlawyers (Thompson-Reuters) for my pro bono work in 2012, and I have received similar honors from the Hawai`i State Bar Association and the Legal Aid Society of Hawai`i.
- I have been litigating cases for disadvantaged individual since 1972. In my career, I have been lead counsel in more than 30 certified class actions against the State of Hawai`i. No other lawyer has that experience.
- My 2016 hourly billing rate for new business clients in complex commercial cases is \$785.00, and I am handling much work for clients who are sophisticated consumers of legal services at that rate. I bill lower rates only for long-time

clients whose rates I have not raised, friends, family, and charitable clients. I sometimes bill lower rates when all lawyers in the firm are billed at "blended rates." Those matters do not reflect the current "market value" that knowledgeable clients place on my work.

- In September 2013, I requested a rate of \$592.52 for my work on the appeal of two civil rights litigation cases (at that time my 2012-2013 hourly billing rate for new business clients in complex commercial cases was of \$695). The Ninth Circuit recently awarded this rate. Attached hereto as Exhibits "18" and "19" are the relevant orders in *E.R.K ex rel. R.K. v. State of Hawaii Department of Education*, No.12-16063, and *R.T.D. ex rel. R.D. v. State of Hawaii Department of Education*, No. 12-16191.

8. The rate I seek in this case is, I submit, commensurate with my experience and the market value of my services.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai`i, September 9, 2016.

A handwritten signature in black ink, appearing to read "Paul Alston", written over a horizontal line.

PAUL ALSTON