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December 1, 1997

Honorable Bambi E. Weil
Judge, Circuit Court of the
First Circuit, State of Hawaii
777 Punchbowl Street
Kaahumanu Hale
Honolulu, Hawaii 96813

Re: Request for Disqualification pursuant to Canon 2 and Canon 3,
Code of Judicial Conduct in Civil No. 97-0512-02

Dear Judge Weil:

With all due respect to the Court, I request, pursuant to the Code of Judicial Conduct, that you disqualify yourself for bias and prejudice toward defendant/counterclaimant, Bobbie Harmon, and toward me, as his attorney in prosecution of the Counterclaim filed by him. The Code requires you to disqualify yourself where your impartiality might reasonably be questioned, and by the Code you are required to accord every person who has a legal interest in the proceeding or that person's lawyer the right to be heard according to law.

You refused my requests to be heard as Bobbie Harmon's lawyer even though I was not co-counsel with Mr. Hughes and I was not in support of Mr. Hughes' motion to dissolve the preliminary injunction. It has been my position at all times that the preliminary injunction of February 23, 1997 was, in its entirety, a prior restraint on speech and, therefore, void and of no effect. My attempts to be heard, including my written request to you of October 22, 1997 to take judicial notice of the invalidity on constitutional grounds of the preliminary injunction were ignored or denied summarily.

You held that Bobbie Harmon waived First Amendment rights without any record that he had knowledge or awareness of the existence of such rights in the context presented. Without such knowledge or awareness there can be no waiver of constitutional rights.

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In the matter of the assessment of sanctions against me personally you twice asked counsel for the Bishop Estate if plaintiff was seeking such sanctions before getting a request therefor from him and, thereafter, found my counsel to Bobbie Harmon to have been in bad faith without any evidence thereof and without according me an opportunity for hearing thereon. It is axiomatic in the United States and Hawaii that an award of attorney's fees requires a showing that the party acted in bad faith, vexatiously, wantonly or for an oppressive purpose. Bad faith is defined synonymously with dishonest or fraudulent. Certainly, the most basic considerations of procedural due process required you to afford me an opportunity to present testimony and evidence prior to your order.

Lastly, you failed to disclose the association and involvement with the Bishop Estate and its trustees of lawyers with whom you have previously practiced law, which associations and involvements are relevant on the issue of judicial impartiality.

Bobbie Harmon has a clear right and possibly a duty to speak out in aid ~~of~~ of law enforcement. He has charged certain trustees and officers of the Bishop Estate with unethical and illegal behavior, yet he has been and continues to be judicially hindered in his efforts to inform responsible administrative and legislative bodies regarding that behavior.

It is in the interest of justice and of public respect for the judicial process that this request for disqualification is made.

Sincerely,



John W. Goemans
Attorney for Plaintiff
Bobbie Harmon

JWG:nkf

cc: Honorable Janet Reno, Attorney General
of the United States
Margery Bronster, Attorney General of
the State of Hawaii
Marcus Owens, Director of Exempt Organizations,
Internal Revenue Service
Roy F. Hughes, Esq.
Matt A. Tsukazaki, Esq.