

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

DAVID HAEG

Plaintiff,

v.

STATE OF ALASKA

Defendant.

Case No. 3KN-10-01295 CI

(Previously identified as PCR Case No. 3HO-10-00064 CI
and Trial Case No. 4MC-04-00024 CR)

ORDER

*(Notifying Parties of Court Error in Serving Orders on Commission,
Confirming August 27, 2010 Order, and
Referring Materials to Judicial Conduct Commission for Review)*

Mr. Haeg contacted my law clerk, both by phone and by letter,¹ and requested formal confirmation that my chambers sent the Executive Director of the Alaska Commission on Judicial Conduct, Marla N. Greenstein, a copy of my August 27, 2010 order wherein I referred certain documents to the Alaska Commission on Judicial Conduct for their consideration. The original order and fax transmittal sheet in question were located in the file which is now in Kenai. Therefore, the court obtained a faxed copy of the original order and a copy of the transmittal sheet which are attached to this order as Exhibit 2.² Based upon my review of the documents it appears that the Alaska Judicial Conduct Commission was not properly served. The fax transmittal sheet shows their telephone number as their fax number. Therefore, unless they were provided the order from Mr. Haeg, or another

¹ See Exhibit 1, faxed letter of March 22, 2011 and attachments (11 pages).

² The fax transmittal sheet reflects that 43 pages were faxed to the interested parties. A review of the document and attachments received from the Kenai court reveals that 54 pages are in the file. It appears that Attachment of I of Exhibit 2 consists of two versions of the transcript. Only one of them must have been sent. Since the other version is easier to read we have attached both versions to this order. Because of this error, and in an abundance of caution, the entire document with its attachments is being provided with this order. See Exhibit 2 with attachments A through I. (54 pages)

interested party requesting that they take action on the order, they would not have known the court referred the matter back to the Commission for review.

Over the last couple of months, Mr. Haeg has sent me courtesy copies of the materials he is filing in his case. Because there are no pending issues before me, I have not taken any action on them. Because of this recent request, I reviewed the submitted documents, including Ms. Greenstein's letter to Assistant Bar Counsel Louise Driscoll. Ms. Greenstein notes that Courtview does not include a reference to the court's August 27, 2010 order. Ms. Greenstein is correct, it does not. This error is being corrected and the docket shall now reflect the August 27, 2010 order.

Because of the discovery of the errors in the service of the August 27, 2010 order and in the failure to enter the order in Courtview, I requested copies of the two August 25, 2010 orders. The orders faxed to me from the Kenai court reveal that these documents were served on the Alaska Judicial Council rather than the Alaska Commission on Judicial Conduct.³ This error is being corrected by the service of the documents as attachments in this case.

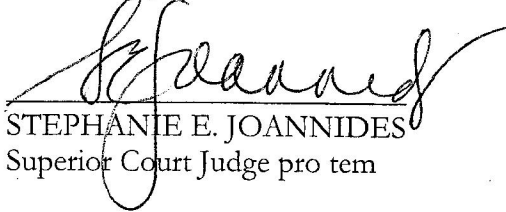
In summary, it is unacceptable that this series of errors occurred and I must apologize to the parties for the errors in service and in Courtview.⁴ These errors have further frustrated a long and fairly complicated case that required careful review. As the August 27, 2010 order states, my task was limited in scope. At the conclusion of my review, I granted Mr. Haeg's request to disqualify Judge Murphy from the Post Conviction Relief case because I found that, at a minimum, there was an appearance of impropriety. Because I was not privy to the parameters of the Commission's investigation of Mr. Haeg's complaint

³ See Exhibits 3 (5 pages) and 4 (2 pages).

⁴ In an abundance of caution, this order with the attachments is being served on all the individuals who should have been previously served. In addition, this order is being served on Assistant Bar Counsel Driscoll and Assistant Ombudsman Higgins since the issue of the receipt of the documents is being reviewed by them.

and because I was unable to evaluate any alleged factual discrepancies⁵ between the affidavits submitted by Mr. Haeg's witnesses and (1) the information in the taped conversations between Mr. Haeg and Ms. Greenstein and (2) the statements made by Judge Murphy and Trooper Gibbens, I referred the matter back to the Commission so they could evaluate the consistency of the statements. Therefore, I provided pages of information, along with the August 27, 2010 order, to the Commission for their consideration.⁶

DONE this 25th day of March 2011 in Anchorage, Alaska.


STEPHANIE E. JOANNIDES
Superior Court Judge pro tem

I certify that on 3/29/11
a copy of the above was mailed and/or faxed to
each of the following at their
addresses of record:

David Haeg, by fax and mail
Judge Bauman, assigned judge, by mail
Members of the Alaska Commission on Judicial Conduct, by mail
Assistant Bar Counsel Louise Driscoll, by mail
Assistant Ombudsman Kate Higgins, by mail
Marla Greenstein, by fax and mail
Peter Maasen, counsel for Judge Murphy, by mail
A. Andrew Peterson, Office of Special Prosecutions, by mail
Original order sent to Kenai Court to be placed in the file



Judicial Assistant

⁵ Some of the factual conflicts that Mr. Haeg raised are addressed in the court's August 27, 2010 order.

⁶ In addition to the courtesy copies of the pleadings and the letter discussed above, Mr. Haeg provided the court with a CD of what appears to be a February 2011 conversation between Mr. Robinson, Mr. Haeg's attorney, and Mr. Haeg. During the conversation, Mr. Robinson states he spoke to Ms. Greenstein about this matter. Mr. Haeg supplied this CD because he believes that it directly contradicts Ms. Greenstein's verified January 21, 2011 letter to the Alaska Bar Association Bar Counsel that she spoke to Mr. Robinson. Because these issues are not ones assigned to me, I do not intend to address the substantive issue. I only note it for the record because it is unclear to me if I was provided a courtesy copy of the CD or if this is an original that should be made part of the record in Mr. Haeg's PCR case or his other complaints. Mr. Haeg should file notice with the court no later than April 15, 2011 if he wishes the CD provided to me to be made part of the record in his PCR case or any other case. If he has already provided it to the Kenai court or other agencies, it need not be made part of the record a second time.