

ALASKA BAR
ASSOCIATION

January 25, 2011

CONFIDENTIAL

David Haeg
P.O. Box 123
Soldotna, AK 99669

RE: ABA File No. 2010D243
Grievance against Marla N. Greenstein

Dear Mr. Haeg:

Enclosed is a copy of a response received from attorney Marla N. Greenstein concerning your grievance.

I would appreciate your written comments on the statements made by the respondent attorney in this response within fifteen (15) days of the date of this letter. Your further comments will enable this office to make an appropriate decision concerning this matter.

Your comments must include the statement "*The information I have provided is true and correct to the best of my knowledge and belief*" above your signature.

If you feel that no further comments are necessary, please advise us in writing. Your continuing cooperation in this matter is sincerely appreciated.

Sincerely,

ALASKA BAR ASSOCIATION



Louise R. Driscoll
Assistant Bar Counsel

LRD/aib

Enclosure

cc: Marla N. Greenstein

2010D243:601 > G:\D\S\CASE\2010\2010D243\Ltr for Comp. Comment



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

CONFIDENTIAL

January 21, 2011

Louise R. Driscoll
Assistant Bar Counsel
Alaska Bar Association
P.O. Box 10029
Anchorage, AK 99510-0279



RE: ABA File No. 2010D243

Dear Ms. Driscoll:

Thank you for allowing me time to provide information in this matter. I was on vacation from January 6th thru January 14th and so did not see your letter of January 5th until I returned to the office this week. Mr. Haeg filed a complaint against a state court judge with our office in 2006. That complaint was fully investigated by staff and reviewed and overseen by the full Commission. We also sought and received a response from the judge in the matter. As a result of the investigation, the complaint was dismissed without any disciplinary action at the Commission's January 22, 2007 meeting.

Mr. Haeg has subsequently sought to re-open the matter and the Commission has declined to do so. He also has raised the same issues relating to his initial complaint with us as part of his post-conviction relief petition in 3HO-10-00064CI. I have enclosed the relevant court documents concerning that matter. I have also enclosed our Formal Ethics Opinion #025 that addresses whether the conduct that Mr. Haeg complains of would constitute a violation of the Alaska Code of Judicial Conduct. Whether that opinion was the result of Mr. Haeg's specific complaint is confidential.

As Executive Director for the Commission, I am the investigator for all complaints. It is within my discretion, as guided by the Commission, how extensive an investigation to undertake. While I often conduct interviews as part of an investigation, I do not always interview every individual that is suggested by the complainant. In Mr. Haeg's matter, I interviewed: Mr. Haeg's attorney, Arthur Robinson; Mr. Tony Zellers, a witness and co-defendant who had settled earlier; Tom Stepnosky; Trooper Gibbens; and the subject judge (who also provided a written statement to the Commission). The Commission did not direct any further investigation.

To the extent that Mr. Haeg states that I claimed that I contacted all witnesses, that is not correct. I did contact the witnesses above, and believe that I communicated that to Mr. Haeg in various phone conversations with him. The witnesses did state that they observed transportation provided by Trooper Gibbons and that was documented in my investigative memo to the Commission. The Commission did not find that those facts constituted a violation of the Code of Judicial Conduct. My investigative memos are confidential, so I cannot provide them here, but the fact of at least one transport occurring is not disputed.

Mr. Haeg asserts that Judge Joannides referred affidavits to our office on August 27, 2010. I have enclosed copies of the filings and orders between Judge Joannides and our office. We did not receive anything dated after August 25, 2010. I also searched CourtView to see if any August 27th document issued (printout enclosed) and have not found any reference to an August 27th document or to affidavits affecting our office. The court documents also reflect that we filed appropriate requests with the court to reconsider the request for our confidential documents. That reconsideration was granted.

Mr. Haeg's request to speak at the October 10, 2010 meeting was not approved by the Chair, as is the procedure under Commission Rule 1(h). Mr. Haeg stated that he would appear and speak despite the Chair's ruling and would bring friends with him. To ensure an orderly public session, staff arranged with Court System Judicial Services for a representative to be accessible to the meeting room. No law enforcement officer entered the meeting room during the public session, as there was no need.

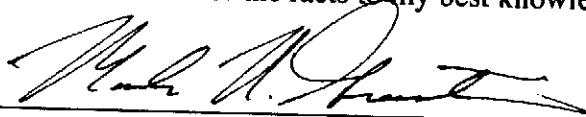
I hope that this information and the attached documents address any concerns.

Sincerely,



Marla N. Greenstein
Executive Director

This letter constitutes a true and correct statement of the facts to my best knowledge and belief.



Marla N. Greenstein
Alaska Bar No. 970848

Dated 1-21-2011