

ATTORNEY GRIEVANCE FORM
Alaska Bar Association

ABA File No. 20_____D_____ ABA Date Rec'd Stamp_____

1. Complainant:

David Haeg
PO Box 123
Soldotna, AK 99669
907-262-9249

2. Attorney:

Marla Greenstein
1029 W. 3rd Ave., Suite 550
Anchorage, AK 99501
800-478-1033 or 907-272-1033

3. I am another person with knowledge of attorney's conduct:

4. IF YOU ARE SOMEONE OTHER THAN THE CLIENT:

a. As Executive Director and only attorney/investigator for the Alaska Commission on Judicial Conduct for the past 21 years, Marla Greenstein investigated David Haeg's complaint that Judge Margaret Murphy was chauffeured by the main witness against David Haeg (Trooper Brett Gibbens) during the proceedings against David Haeg.

b. This grievance is related to the following court cases:

Haeg v. State 3HO-10-00064CI and State v. Haeg 4MC-04-00024CR

5. I complain about the following things this attorney did or didn't do:

a. Attorney Greenstein conspired with Judge Murphy and Trooper Gibbens to cover up that Trooper Gibbens, the main witness against David Haeg, impermissibly chauffeured Judge Murphy during David Haeg's trial and/or sentencing. See Judge Joannides referral.

b. Attorney Greenstein claimed she contacted all witnesses to the chauffeuring, that David Haeg provided at her request, when she had not contacted any of them. See Judge Joannides referral.

c. Attorney Greenstein falsified all testimony that would have been given, and that had already been given, by the witnesses to the chauffeuring. Attorney Greenstein claims none of the witnesses provided by David Haeg testified they observed Trooper Gibbens chauffeuring Judge Murphy during the proceedings against David Haeg. Yet every witness David Haeg provided Greenstein subsequently wrote an affidavit that not only were they never contacted by attorney Greenstein, if they had been they would have testified that they had all personally observed Trooper Gibbens chauffeuring Judge Murphy many times - every time Judge Murphy left or arrived the courthouse during the proceedings against David Haeg. Two witness contacted attorney Greenstein on their own (Tom Stepnosky and Jackie Haeg) and affirmatively told attorney Greenstein that they had personally observed Trooper Gibbens chauffeur Judge Murphy during David Haeg's trial and/or sentencing. In other words attorney Greenstein claims the witnesses testified exactly opposite to what they would have had she actually contacted them and falsified the witness testimony actually given her – eliminating evidence that Judge Murphy was guilty of providing David Haeg an illegal and unconstitutional trial/sentencing - and creating false evidence that Judge Murphy had provided David Haeg a legal and constitutional trial/sentencing. See Judge Joannides referral.

d. Attorney Greenstein has stated David Haeg is the only one who has claimed Trooper Gibbens chauffeured Judge Murphy during David Haeg's trial or sentencing. Yet recordings of attorney Greenstein capture her being told by witnesses other than David Haeg that they had also personally seen Trooper Gibbens chauffeuring Judge Murphy during David Haeg's trial or sentencing. See Judge Joannides referral.

e. On or about November 17, 2010 attorney Greenstein stated that Judge Joannides never referred anything to the Alaska Commission on Judicial Conduct, when on August 27, 2010 Judge Joannides certified she was "REFERRING AFFIDAVITS [from all witnesses who attorney Greenstein falsely claims to have contacted and whose testimony she falsified] TO COMMISSION FOR ITS CONSIDERATION." After stating she did not receive anything from Judge Joannides attorney Greenstein stated that she would not reinvestigate Judge Murphy.

By claiming the Commission never received Judge Joannides' referral, attorney Greenstein can justify not reinvestigating Judge Murphy, an investigation that would prove attorney Greenstein falsified her first investigation of Judge Murphy.

f. Attorney Greenstein never made Jackie Haeg's written statement (that she personally observed Trooper Gibbens chauffeuring Judge Murphy during David Haeg's trial) a part of the record of David Haeg's Judicial Conduct complaint against Judge Murphy. Yet Attorney Greenstein claims she received Jackie Haeg's written statement - to keep Jackie Haeg from testifying orally under oath to the chauffeuring (see Judge Joannides referral) - and now the Alaska Commission on Judicial Conduct claims they have no record of ever receiving a written statement from Jackie Haeg.

6. Copies of letters, court papers or other documents **already** in the Bar's possession that help explain this complaint:

Superior Court Judge Stephanie Joannides August 27, 2010 referral to the Alaska Commission on Judicial Conduct, a referral which Judge Joannides had no obligation to make. This referral contains: (1) affidavits from witnesses whose testimony attorney Greenstein falsified; (2) certified transcripts of phone conversations with attorney Greenstein; (3) certified transcripts of the official court proceedings against David Haeg; and (4) certification it was sent to Marla Greenstein and the Commission for their "consideration".

These referral documents prove: (1) that Trooper Gibbens chauffeured Judge Murphy during David Haeg's trial and/or sentencing; (2) that Judge Murphy and Trooper Gibbens testified, during Greenstein's investigation, that no chauffeuring took place during David Haeg's trial or sentencing; (3) that attorney Greenstein asked David Haeg for witnesses to the chauffeuring; (4) that David Haeg provided attorney Greenstein these witnesses; (5) that attorney Greenstein claimed she had contacted the witnesses provided when she in fact had not; (6) that attorney Greenstein falsified her investigation in order to claim the witnesses, that Haeg provided at attorney Greenstein's request, claimed they did not see Judge Murphy being chauffeured by Trooper Gibbens during the proceedings against David Haeg; (7) that attorney Greenstein stated David Haeg was the only one who had claimed Trooper Gibbens chauffeured Judge Murphy during David Haeg's trial and/or sentencing; and (8) that attorney Greenstein acknowledged Jackie Haeg provided the Alaska Commission on Judicial Conduct a written statement that she had personally witnessed Trooper Gibbens chauffeuring Judge Murphy during David Haeg's trial.

The Bar has acknowledged it has a copy of this referral. Judge Joannides has stated that if the actual voice recordings of attorney Greenstein are needed she can provide them. A copy of the referral is also published at:

www.alaskastateofcorruption.com

7. The following is a list of letters, court papers or other documents not in my possession which help explain this complaint:

a. Attorney Greenstein's documentation of her investigation of Judge Murphy, although not needed, would provide additional evidence attorney Greenstein falsified her own investigation to cover up that Judge Murphy provided David Haeg an illegal and unconstitutional trial/sentencing. Judge Joannides issued a court order these documents be produced for "*in camera*" (confidential) review during her investigation into whether or not Judge Murphy should be disqualified. Yet these documents were never provided to Judge Joannides.

b. Judge Joannides July 28, 2010 "ORDER FOR INFORMATION FROM JUDICIAL CONDUCT COMMISSION", information attorney Greenstein and the Judicial Conduct Commission never produced.

c. The court record of Judge Joannides August 25, 2010 hearing concerning David Haeg's Post Conviction Relief and his motion to disqualify Judge Murphy for cause. This hearing resulted in Judge Murphy being disqualified for cause and in the August 27, 2010 referral of evidence of attorney Greenstein's corruption and conspiracy to the Commission on Judicial Conduct for its consideration.

During this hearing Judge Joannides specifically stated on record that she was only tasked with determining whether or not Judge Murphy should be disqualified for cause; that she was not tasked with determining the validity of David Haeg's claims of corruption and conspiracy in attorney Greenstein and Judge Murphy; and thus was referring the affidavits and other evidence of this to the Alaska Commission on Judicial Conduct for its consideration.

In other words Judge Joannides very clearly stated she had no authority to decide the merits of David Haeg's claims of corruption and conspiracy and was thus forwarding the evidence to the proper authorities that could decide David Haeg's claims of corruption and conspiracy (the Alaska Commission on Judicial Conduct) – the same Commission who now claims not to have received this referral.

d. The record of the Alaska Commission on Judicial Conduct October 10, 2010 public meeting, during which testimony exposing attorney Greenstein's corruption was first not allowed and then severely limited by the calling in of a SWAT team made up of Alaska State Troopers and Anchorage City Police.

e. The record of the Alaska Bar Association December 1, 2010 public meeting. Witnesses, whose testimony had been falsified by attorney Greenstein, testified at this meeting. In addition, other physical evidence was presented at this

meeting that may help explain this complaint, including evidence it is this Bar's pattern and practice to cover up for guilty attorneys instead of prosecuting them.

8. The following persons have information concerning this grievance (all of these witnesses, other than Judge Murphy and Trooper Gibbens, have already provided affidavits to Judge Joannides and are a major part of Judge Joannides' August 27, 2010 referral to the Alaska Commission on Judicial Conduct):

Judge Margaret Murphy
3670 Lake Street, Building A
Homer, AK 99603
907-235-8171

Trooper Brett Gibbens
PO Box 465
Delta Junction, AK 99737
907-895-4800

Tony Zellers
9420 Swan Circle
Eagle River, AK 99577
907-696-2319

Tom Stepnosky
47062 Belmont Court
Kenai, AK 99611
907-420-7449

Wendell Jones
PO Box 942
Cordova, AK 99574
907-424-7607

Drew Hilterbrand
PO Box 1038
Soldotna, AK 99669
907-252-4090

Jackie Haeg
PO Box 123
Soldotna, AK 99669
907-262-9249

These persons, other than Judge Murphy and Trooper Gibbens, can provide the following information:

- (a) That attorney Greenstein falsely claimed she contacted them to investigate the complaint that Trooper Gibbens impermissibly chauffeured Judge Murphy during the proceedings against David Haeg
- (b) That attorney Greenstein falsified the testimony they would have given had they been contacted.
- (c) That attorney Greenstein falsified the testimony that they had already given to attorney Greenstein.

These witnesses have sworn affidavits that not only were they not contacted by attorney Greenstein but that if they had been they would have testified they personally observed Trooper Gibbens chauffeuring Judge Murphy many times - every time Judge Murphy left or arrived court during the proceedings against David Haeg – directly **opposite** to what attorney Greenstein claimed they testified.

One witness (Jackie Haeg) is recorded telling attorney Greenstein that she had personally observed Judge Murphy being chauffeured by Trooper Gibbens during David Haeg's trial and attorney Greenstein is recorded telling this witness (Jackie Haeg) that she does not need to testify to this as she (attorney Greenstein) already has this statement in writing – the same statement that is now missing from the record of attorney Greenstein's investigation of Judge Murphy. And now attorney Greenstein is claiming no witnesses, other than David Haeg, have claimed Trooper Gibbens chauffeured Judge Murphy during David Haeg's trial or sentencing.

David Haeg is not listed as a witness as attorney Greenstein has stated his testimony is no longer valid after he was convicted of a crime.

- 9. I have made a copy of this Attorney Grievance Form for my own use.
- 10. I have reviewed "Ethical Grievances Against Attorneys" which provides answers to common questions about the attorney discipline process. If I have other questions, I may contact the Bar Association.
- 11. Additional Concerns:

Attorney Greenstein has been the **sole** investigator of all Alaskan judges **for the past 21 years.** The corruption of most attorneys will only taint the 100 or so cases they participate in each year. Attorney Greenstein's corruption could theoretically

taint every case before every Alaskan judge she investigated. Without any doubt whatsoever Marla Greenstein is the most critically important attorney in Alaska.

Steve Van Goor, chief discipline officer for the Alaska Bar Association, has consistently stated, “The third rail of being an attorney is honesty. If an attorney is dishonest the whole system collapses.” How truer could this be when the only investigator of judges in an entire State is covering up for corrupt judges instead of prosecuting them? It is an abomination of unimaginable consequences.

The recordings of attorney Greenstein capture her in one breath telling David Haeg that he is only one who has testified Trooper Gibbens chauffeured Judge Murphy during the proceedings against him (David Haeg) and then in the next breath telling Jackie Haeg three times in a row she need not give further verbal sworn testimony that Trooper Gibbens chauffeured Judge Murphy during the proceedings against David Haeg because “I already have your statement in writing.” Attorney Greenstein cannot claim David Haeg is the **only** witness to the chauffeuring and then, in the very same conversation, tell a **different** witness **three times in a row** they don’t have to orally testify under oath to the chauffeuring because their testimony was already received in writing.

Recently, on December 16 and 17, 2010 the Alaska Commission on Judicial Conduct claims Jackie Haeg’s statement in writing, documenting that she personally observed Trooper Gibbens chauffeuring Judge Murphy during David Haeg’s trial, **is not in their possession and is not a part of the record of David Haeg’s complaint against Judge Murphy.** Yet Marla Greenstein acknowledges receiving Jackie Haeg’s statement in writing. Please read very carefully the paragraph above and the certified transcriptions by Judge Joannides.

In other words, all evidence there were additional witnesses that Trooper Gibbens chauffeured Judge Murphy during David Haeg’s trial and sentencing (other than David Haeg) is gone from all record of Marla Greenstein’s investigation of Judge Murphy.

Attorney Greenstein even claims, “It’s not that serious a thing anyway – even if it did happen. Which we don’t have any evidence that it did.”

How many Americans or anyone else for that matter, on trial for everything they had in life, would agree they were getting a fair trial if the main witness against them got to chauffeur the judge during the proceedings? **NO ONE.**

This breathtaking statement indicates attorney Greenstein knew she was falsifying and eliminating evidence to exonerate Judge Murphy and Trooper Gibbens and was attempting to justify it by claiming even if it did happen it was not serious. It

cannot get more serious than having judges and Troopers conspiring to provide an illegal and unconstitutional trial/sentencing and later conspiring to cover this up by agreeing to both falsely claim it never happened.

Attorney Greenstein agreeing to jump in and falsify her investigation to back up Judge Murphy and Trooper Gibbens' false claims expanded the conspiracy and seriousness of this situation by at least an order of magnitude.

Another amazing fact is the official record proves the witnesses, that David Haeg gave attorney Greenstein, were present when Judge Murphy and Trooper Gibbens admitted the chauffeuring was taking place during the proceedings against David Haeg. If the witnesses testified as attorney Greenstein claims (that they did not know if Trooper Gibbens was chauffeuring Judge Murphy during the proceedings against David Haeg) **they could successfully be prosecuted for perjury – because the official record proves they had to know Trooper Gibbens was chauffeuring Judge Murphy during her proceedings against David Haeg.**

Judge Joannides even issued an order for production of attorney Greenstein's documentation of the Judge Murphy investigation and attorney Greenstein, claiming "confidentiality", failed to produce the documentation.

Attorney Greenstein may accomplish even greater levels of cover up by utilizing the positions and influence of all past judges and Alaska State Troopers she has covered up for.

During Judge Joannides investigation Judge Murphy was subpoenaed to testify under oath about whether or not she was chauffeured by Trooper Gibbens during the proceedings against David Haeg and then afterward gave false testimony during attorney Greenstein's investigation into this. Rather than obeying the subpoena Judge Murphy hired one of Alaska's best private criminal defense law firms, Ingaldson, Maassen, and Fitzgerald; they filed a motion to quash the subpoena so Murphy did not have to testify; and Judge Murphy was then never required to testify.

12. Alaska Rules of Professional Conduct violated by attorney Greenstein, who is the Executive Director and only investigator of the Alaska Commission on Judicial Conduct (others may also apply):

Rule 8.3. Reporting Professional Misconduct.

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that

lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate disciplinary authority unless the lawyer reasonably believes that the misconduct has been or will otherwise be reported.

COMMENT

[1] Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct. **Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.**

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(d) state or imply an ability either to influence a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

COMMENT

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[2] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning, or application of the law apply to challenges of legal regulation of the practice of law.

[3] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director, or manager of a corporation or other organization.

Attorney Greenstein's near limitless authority and ability to claim "confidentiality", as Executive Director and only investigator of the Alaska Commission on Judicial Conduct, means the odds of proving her corruption are near non-existent. Only David Haeg's tape recordings of her conversations, combined with Judge Joannides 4-month investigation and witness affidavits, have allowed her stunning actions covering up for corrupt judges to be proved.

Because this devastating corruption will "evade review" for untold years more if not addressed now, I flat demand attorney Greenstein be permanently disbarred and that this Bar file a complaint with the United States Department of Justice that she be prosecuted criminally for conspiracy and corruption to deprive U.S. citizens of rights guaranteed under U.S. and Alaska Constitutions. Applicable federal law (others may also apply):

- 18 U.S.C. 241 (Conspiracy against rights)
- 18 U.S.C. 242 (Deprivation of rights under color of law)
- 18 U.S.C. 1510 (Obstruction of criminal investigation)
- 18 U.S.C. 1512 (Tampering with a witness)
- 18 U.S.C. 1962 (Racketeering Influenced Corrupt Organization – RICO)

I ask the record of Greenstein's Judge Murphy investigation be made public, so all may know the extent of the corruption. The rule that this investigation cannot be made public, because it may unjustly damage Judge Murphy's reputation, is no longer valid. Judge Murphy is proven to have lied to thwart the investigation against her - when she testified no chauffeuring took place during David Haeg's trial or sentencing when the official court record captures her admitting otherwise. Thus Judge Murphy is no longer entitled to the confidentiality established by rule.

Because there is evidence this Bar's pattern and practice is to protect attorneys instead of prosecuting them, I ask all actions taken to investigate attorney Greenstein be painstakingly documented. For this will be the most scrutinized investigation the Alaska Bar Association has ever conducted, as we fully expect attorney Greenstein will be exonerated and not be disbarred.

The official court record of David Haeg's case proves that nearly 7 years ago Judge Murphy and Trooper Gibbens conspired to deprive David Haeg of a fair

trial and sentencing – destroying his livelihood. Judge Murphy and Trooper Gibbens have since conspired to thwart the investigation into the corruption during David Haeg’s trial and sentencing.

Attorney Greenstein, as the Executive Director and sole investigator for the Alaska Commission on Judicial Conduct, has now irrefutably joined this conspiracy to continue the cover up of David Haeg’s illegal and unconstitutional trial and sentencing.

This is unacceptable.

13. PLEASE RETURN THIS ATTORNEY GRIEVANCE FORM AND ATTACHMENTS TO:

Bar Counsel
Alaska Bar Association
P.O. Box 100279
Anchorage, AK 99510

14. PLEASE DATE AND SIGN THIS ATTORNEY GRIEVANCE FORM BELOW. GRIEVANCES WHICH ARE NOT SIGNED OR ARE UNCLEAR OR INCOMPLETE WILL BE RETURNED FOR APPROPRIATE COMPLETION. VERIFICATION: I have reviewed this Attorney Grievance Form and the information I have provided is true and correct to the best of my knowledge and belief.

I also certify that a copy of this grievance was sent to:

**United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530**

DATE: _____ SIGNED: _____
Complainant *

*PLEASE SUBMIT YOUR ORIGINAL ATTORNEY GRIEVANCE FORM WITH YOUR ORIGINAL SIGNATURE. THE ALASKA BAR ASSOCIATION CANNOT ACCEPT A COPY OR FAX OF YOUR ATTORNEY GRIEVANCE FORM. PLEASE KEEP A COPY OF EVERYTHING YOU SUBMIT TO OUR OFFICE FOR YOURSELF.