

FILED**FEB 24 2021**

STATE OF WISCONSIN

**CLERK OF SUPREME COURT
OF WISCONSIN** IN SUPREME COURT

In the matter of Disciplinary Proceedings
against H. Craig Haukaas:

LAWYER REGULATION SYSTEM,

Complainant,

CASE CODE: 30912

vs.

CASE NO. 19AP579-D**H. CRAIG HAUKAAS,**

Respondent.

RESPONDENT'S PRE-HEARING MEMORANDUM

The parties' have entered into a series of stipulated facts. As Complainant correctly points out the dispute here is over whether the Respondent's actions constituted a breach of any ethical obligation and if so what the appropriate sanction is.

Respondent will address what the Complainant believes the disputed facts to be.

1. The timing of when Haukaas provided the shotgun to Linehan and whether Haukaas surrendered ownership as well as possession of the shotgun.

Response: The Respondent admits that he gave a shotgun to a friend's son. He believes it was in the late summer or early fall on the same day that he helped Linehan transport a big screen T.V. in a small sports car with his friend for Mr. Linehan. These events are tied together in his mind. In reality this really seems irrelevant.

Further, the gun recovered by the Respondent is not even the same gun which was taken from the Linehan residence. (See Exhibits 108 and 109).

2. The timing of when Linehan notified Haukaas that the shotgun had been stolen.

Response: The Respondent is unsure why this is a disputed fact. He was on vacation and

believes Mr. Linehan called him on his cell phone the morning following the burglary. Again this seems irrelevant.

3. Whether Defoe's bail was modified pursuant to an agreement with Wickman so that Defoe could be released to search for the shotgun.

Response: Defoe's bail was modified so that he would provide the location of Reese Bresette and can get a gun. (See exhibit 122) At this time, Mr. Bresette was wanted for First Degree Reckless Endangerment and Fleeing an Officer (See exhibit 117), and was believed to be in possession of stolen firearms.

4. Whether Defoe was released as a result of the bail modification and whether he was able to retrieve the shotgun or not.

Response: Defoe was released as a result of the bail modification. It was not conditional on him retrieving a shotgun or it would have been revoked because he did not. It was conditioned on providing information leading to the arrest of Reese Bresette which was accomplished.

5. Whether Haukaas had any assistants in the Bayfield County District Attorney's office to whom or could have assigned the Defoe and King matters and whether the appointment of a special prosecutor could have been requested by Haukaas.

Response: At the time in question, the Bayfield County District Attorney's office was a single attorney unit. The rationale for not requesting a special prosecutor is explained by the Respondent in his letters to the Special Investigator dated January 5, May 18, and August 22, 2015 (See exhibits 5, 7, and 9). This may have been an error in judgment but was not an ethical breach for which sanctions should be employed.

6. Whether Haukaas was representing the State of Wisconsin the Defoe matter.

Response: Clearly Haukaas was representing the State of Wisconsin in the Defoe matter. He was the elected Bayfield County District Attorney, his paycheck came from the Department of Administration and he was considered a State employee by all concerned.

7. Whether Haukaas advised local defense attorney's after the shotgun had been stolen, that he would give consideration in sentencing recommendations for the return of any gun that had been taken

in a burglary.

Response: Respondent admits that he advised local defense attorney's that he would give consideration, both before and after the Linehan burglary, in sentencing recommendations for information leading to the return of the stolen firearms.

8. Whether the shotgun retrieved by Haukaas from Wickman's office, after he was advised that King had brought in a stolen shotgun, was in fact the shotgun Haukaas had given to Linehan.

Response: This does not appear to be the case. The serial number which was located on the recovered gun is AH13112. (See exhibit 108). The serial number of the firearm that Haukaas purchased in 1999 was AH23442 (See exhibit 109).

9. Whether Haukaas, before being asked, notified the Bayfield County Sheriff's Department that he had retrieved the shotgun and whether he turned the shotgun over to the Bayfield County Sheriff's Department.

Response: For the reasons set forth in exhibits 5, 7 and 9, the Respondent did not immediately turn the firearm retrieved from Wickman's office into the Bayfield County Sheriff's Department. He simply did not know what he had and was attempting to get a serial number resurrected by a gun smith. It was unknown at the time if in fact the gun was stolen and who it may have belonged to. If there was something inappropriate going on, Respondent could have simply secreted the gun away.

10. Whether a change in the joint sentencing recommendation in the King matter, at least partially, resulted from King returning the shotgun.

Response: Respondent admits that it did. It also involved King relaying information about other burglaries to law enforcement the case beginning to have difficulties and, the presentence investigation recommending less time than had been the joint agreement of the parties' In order to make a credible sentencing recommendations, it is difficult to "jump" the recommendations of a report requested by the Court.

CONCLUSION

The Respondent may have made errors in judgment but this was not done in a vacuum. As can be seen from the exhibits, the level of violence in Bayfield County at the time was rapidly escalating. Adding stolen firearms to the mix only exacerbated the problem. It is well within a District Attorney's discretion to offer sentence consideration for good behavior on the part of those she/he prosecutes.

There was no violation of the Wisconsin Rules of Professional Conduct and the Complainant's petition should be dismissed. If the reference does find a rule violation, the conduct does not rise to the level necessitating a public reprimand, as is being sought.

DATED this 19th day of February, 2021

Respondent



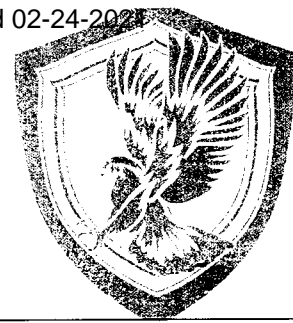
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February 19, 2021

Clerk of Court
Wisconsin Supreme Court
110 East Main Street, Suite 215
Madison, WI 53703

RECEIVED**FEB 24 2021****CLERK OF SUPREME COURT
OF WISCONSIN**

RE: Lawyer Regulation System v. Haukaas
Case No. 2019 AP 579-D

Dear Clerk:

Enclosed for filing the Respondent's Prehearing Memorandum in the above-referenced matter. Copies have been provided to the parties via email.

Sincerely,

Haukaas Law Office, S.C.

Craig Haukaas

CH/sld

Enclosure

C: Attorney Gregory Seibold

Referee Edward Leineweber

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