

SUPREME COURT OF ALASKA

Haynes v. McComb

147 P.3d 700 (Alaska 2006) · Decided November 17, 2006

SUMMARY

The Alaska Supreme Court held that a former criminal defendant’s vacated conviction could not support collateral estoppel or serve as admissible evidence of the conduct underlying a legal malpractice claim. Because the attorney did not make a prima facie showing of actual guilt with admissible evidence, the superior court improperly granted summary judgment. The court reversed and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Justice Matthews; Bryner; Carpeneti; Eastaugh; Fabe; Matthews
JURISDICTION	Alaska
DECIDED	November 17, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a superior court summary judgment in favor of a former criminal defense attorney and the Alaska Public Defender Agency in a legal malpractice action.
STANDARD OF REVIEW	Summary judgment is reviewed based on whether the moving party presented admissible evidence showing no genuine issue of material fact and entitlement to judgment as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Haynes v. Michelle McComb, Alaska Public Defender Agency

TOPICS

- summary judgment
- affirmative defenses
- evidence
- post-conviction relief
- civil procedure

PRACTICE AREAS

- legal malpractice
- civil procedure
- evidence
- post-conviction relief

QUESTIONS PRESENTED

1. Whether a court of appeals opinion affirming a criminal conviction may collaterally estop a former criminal defendant from litigating actual guilt in a malpractice action when the conviction has been vacated.
2. Whether the vacated conviction and the court of appeals opinion could be used as admissible evidence to establish the conduct underlying the criminal charge.
3. Whether McComb made the prima facie showing required for summary judgment on the actual-guilt affirmative defense.

HOLDINGS

1. A former criminal defendant is not collaterally estopped from litigating the elements of the prior criminal charge when the conviction has been vacated; the court of appeals opinion affirming that conviction therefore could not be used as a collateral-estoppel bar.
2. A vacated criminal conviction and the opinion affirming it could not be used as evidence of the conduct underlying the conviction to establish actual guilt in the malpractice action.
3. McComb was not entitled to summary judgment because she failed to present admissible evidence making a prima facie showing of actual guilt.

KEY QUOTATIONS

“A civil litigant is collaterally estopped from relitigating any element of a criminal charge of which he stands convicted.” (147 P.3d at 700)

“A summary judgment movant has the burden of presenting evidence that would be admissible if presented at trial that, if unrefuted, shows that there are no genuine issues of material fact and that the movant is entitled to judgment as a matter of law.” (147 P.3d at 701)

FACTUAL BACKGROUND

Haynes brought a legal malpractice action against his former criminal defense attorney, Michelle McComb, and the Alaska Public Defender Agency. McComb asserted actual guilt as an affirmative defense and relied on a court of appeals opinion affirming Haynes's criminal conviction. Haynes's conviction had been vacated by stipulation in post-conviction proceedings before the malpractice case was resolved.

PROCEDURAL HISTORY

Haynes sued his former defense attorney and her employer for legal malpractice. The superior court granted McComb summary judgment based on the affirmative defense of actual guilt, relying on a court of appeals opinion affirming Haynes's criminal conviction. The conviction had subsequently been vacated by stipulation in post-conviction proceedings, and the Alaska Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the superior court for further proceedings consistent with the opinion.

CASES CITED

- Shaw v. State, Department of Administration, Public Defender Agency, 816 P.2d 1358, 1359 (Alaska 1991)
- Shaw v. State, Department of Administration, 861 P.2d 566, 570-72 (Alaska 1993)
- Haynes v. State, 15 P.3d 1088 (Alaska App. 2001)
- Burcina v. City of Ketchikan, 902 P.2d 817, 822 (Alaska 1995)
- Scott v. Robertson, 583 P.2d 188, 192 (Alaska 1978)
- Guerrero v. Alaska Housing Finance Corp., 123 P.3d 966, 971 (Alaska 2005)
- Hymes v. Deramus, 119 P.3d 963, 968 n. 22 (Alaska 2005)
- Alaska Travel Specialists v. First National Bank of Anchorage, 919 P.2d 759, 762 (Alaska 1996)