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

In the Matter of)
A Request for Information)
)
)
)

Case No. 3AN-16-00695 DN

API RESPONSE TO DR. GOTZSCHE COMMENTS

API agrees that the court's proposal will make any results skewed because it will destroy random selection. But API points out that Dr. Gotzsche's original proposal *also* creates skewed results because it asks for 30 consecutive petitions, not 30 randomly chosen petitions. **Because the proposal is skewed, it is academically worthless, and so the court should, for that reason alone, deny the request.**

API **agrees with Dr. Gotzsche and this court that this court, in its role as the judge in this case, as opposed to this court's role as Presiding Judge, does not have the authority to order the Clerk's office to redact records.** API also believes that logic extends to the answer that the Clerk's office cannot be ordered to take any other administrative tasks on behalf of Dr. Gotzsche. API points out that redacting records in these cases would involve significant effort. Not only would staff have to redact written records, but **the recordings would have to be redacted** – and that, particularly, is no quick task.

Canon 2 (B) of the Code of Judicial Conduct states that "A judge shall not use or lend the prestige of judicial office to advance the private interests of the judge or others." Having a judicial officer order the court's administrative clerks to, in effect, work for Dr. Gotzsche implicates this Canon.

Dr. Gotzsche again states that there is "no" risk to anyone's privacy under this approach. API respectfully disagrees, and points out that Alaska's Constitution specifically enumerates a *right* to privacy.

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The Alaska Supreme Court has not held that this court has the authority to have court personnel redact records. All the Court said was that *if* the request was granted, costs should be imposed pursuant to the Administrative Rules. That was in no way a ruling on if the request could be granted. That was dicta.

API disagrees with Dr. Gotzsche that the judicial officer conducting the hearing should ask the respondent if the respondent consents to be part of Dr. Gotzsche's project. Canon 2 (B) of the Code of Judicial Conduct states that "A judge shall not use or lend the prestige of judicial office to advance the private interests of the judge or others." This Canon applies to magistrate judges. Having a magistrate judge or superior court judge ask respondents to participate in Dr. Gotzsche's study advances Dr. Gotzsche's own interests. Furthermore, with the inherent prestige and authority of the office, no respondent could feel the court's inquiry was simply neutral, and not a request.

DATED: December 6, 2019.

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CERTIFICATE OF SERVICE

I certify that on this date, true and correct copies of the *API Response to Dr. Gotzsche Comments*, and this *Certificate of Service* in this proceeding were served to the following parties via **hand delivery**:

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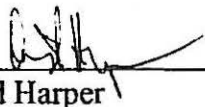
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12/06/19

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