

ALASKA STATE LEGISLATURE



REPRESENTATIVE ZACK FIELDS

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HB 58 Sponsor Statement

The Office of Public Advocacy (OPA) was created in 1984 by the Alaska Legislature to provide legal advocacy and guardianship services to vulnerable Alaskans. Before OPA, the court system acted as the public guardian for low-income clients and appointed private attorneys when the Public Defender Agency (PDA) had a conflict of interest. The PDA provides court-appointed legal representation as required by the Constitution. Both OPA and PDA are part of the Department of Administration.

Initially, OPA was responsible for public guardianship, guardian ad litem (GAL) services, legal representation for low-income individuals, and supporting private guardians and conservators in accessing necessary services. Over time, OPA's responsibilities have grown to include legal representation and GAL services in cases involving termination of parental rights, children testifying in criminal proceedings, juvenile delinquency proceedings, protective orders for minors, elder fraud, and other areas.

Today, OPA and PDA operate as separate law firms of comparable size, yet their leadership selection processes differ significantly. The Alaska Judicial Council nominates candidates for PDA Director (Public Defender), from which the Governor chooses. However, the Public Advocate (OPA Director) position lacks this initial vetting process by the Council, despite both positions requiring substantial legal experience. Additionally, the Public Defender has a term limit of at least four years, while the Public Advocate serves at the pleasure of the Commissioner and can be terminated at any time.

House Bill 58 would make the selection of the Public Advocate analogous with that of the Public Defender. The bill aims to standardize the nomination process to ensure stability and continuity in this important agency.