



ALASKA DEPARTMENT OF LAW

SUPPLEMENTALS, JUDGMENTS & SETTLEMENTS, STATEHOOD DEFENSE MULTI-YEAR FUNDING

Cori Mills

Deputy Attorney General
Civil Division

Senate Finance
February 18, 2025

Supplemental Request - *J.M., et al. v. Kovol, et al.*



May 2022: Filed in the United States District Court for the District of Alaska

Plaintiffs: 14 children who are or were in custody of the Office of Children's Services, represented by A Better Childhood (ABC), a New York City non-profit advocacy organization and local counsel in Alaska.

Suit is an “institutional” or “structural” reform case asking the court to direct the State on how much money must be spent on child welfare, exactly how that money should be used, and other specific measures. If successful, plaintiffs will likely ask the court to award a third-party monitor to oversee compliance with any injunction (to be paid by the State).

A vigorous defense by the State will help protect the legislature's role to appropriate funds and shape child welfare through legislation and appropriations and reduce unnecessary oversight.

Judgments and Settlements



Sargent v. DOLWD - \$50.0 (attorney's fees)

SEACC v. DNR - \$68.6 (attorney's fees)

Donkel v. DNR - \$12.2 (attorney's fees)

Lane v. DFCS

Note: \$ in thousands

Lane v. State, Dep't. Family & Comm. Servs., OCS



Background:

Plaintiff prevailed in a jury trial against the State on claims of wrongful constructive termination and retaliation, in violation of the Alaska Whistleblower Act and was awarded **\$2,580.6** in damages, plus interest.

On appeal, the Alaska Supreme Court generally affirmed the jury's awards, but vacated for past and future emotional distress and/or loss of enjoyment of life and ordered a new jury trial to determine noneconomic damages.

The parties settled in mediation for **\$1,800.0**, with interest accruing from March 2, 2020, and **\$699.0** in Workers' Compensation benefits; **\$2,616.1** total due to plaintiff.

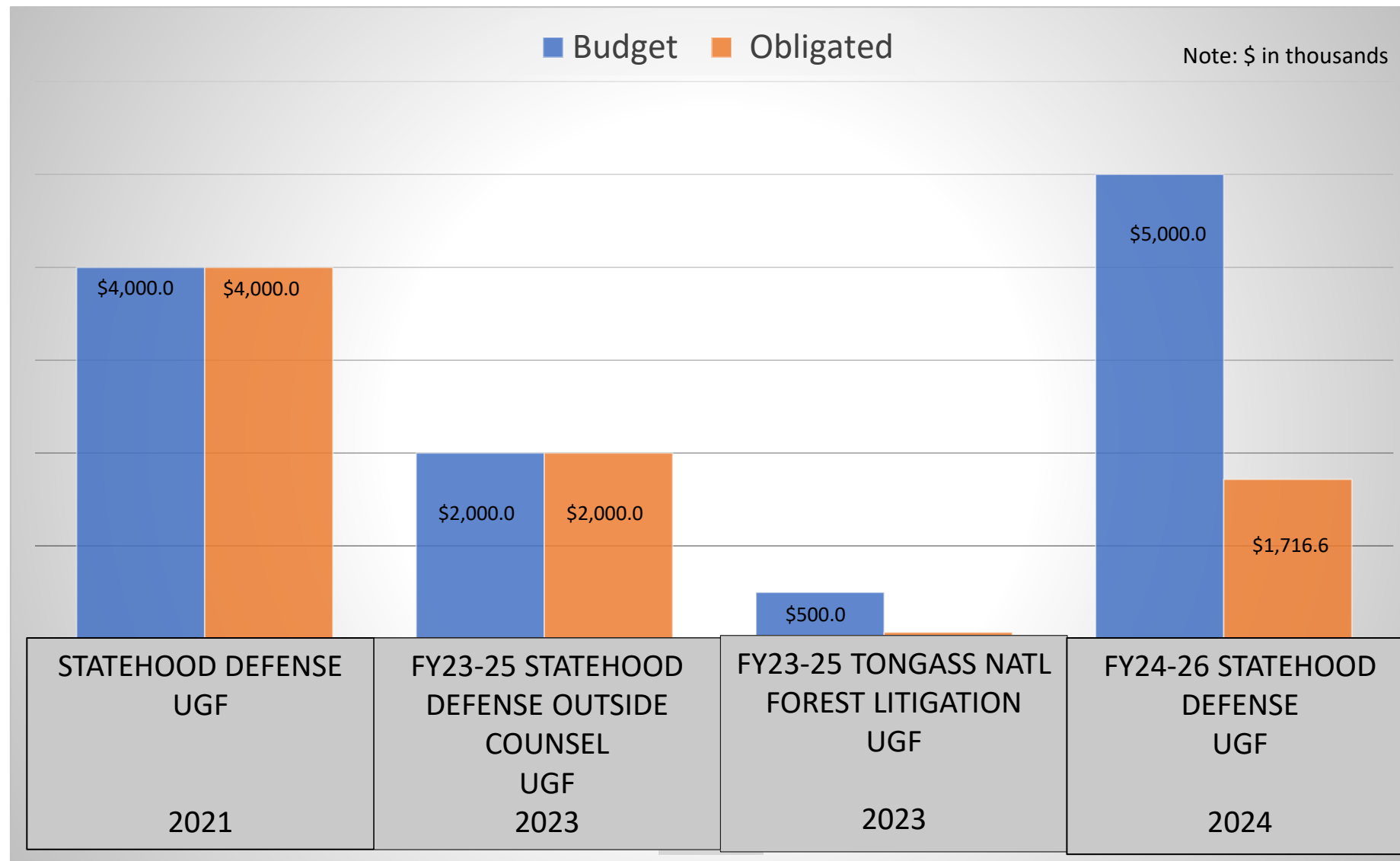
Re-trial exposure was at least \$550.0 with no cap; the Workers' Compensation exposure was as much as **\$3,800.0** plus fees and costs.

Note: \$ in thousands

SUCCESSSES IN FEDERAL ISSUES LITIGATION

- Maintained the Incidental Take Regulation for Polar Bears, ensuring no disruption to resource development on the North Slope
- Kept commercial Chinook fishing open in Southeast Alaska while the National Marine Fisheries Service completes a new biological opinion
- Received favorable decision overturning the vast critical habitat designation for ice seals that would hinder resource development (On appeal)
- Stopped Federal Highway Administration from forcing the state Department of Transportation to develop Greenhouse Gas performance measures covering vehicles on state highways (On appeal)
- Received recognition of Alaska's ownership of a majority of Fortymile River (Remainder going to trial in March)
- Secured access on trails for recreation and mining around Chicken, Alaska (RS 2477)
- Joined with many others to ensure the Willow project could continue (On appeal)

MULTI-YEAR STATEHOOD DEFENSE APPROPRIATIONS



REQUESTING CONTINUATION OF TEMPORARY INCREMENT



Last session, the Legislature approved a \$500.0 temporary increment for FY2025, intending to add the same increment for three years

This increment would total \$1,500.0 over three years (down from the \$6,000.0 that was previously requested)

For FY2026, request to continue with the Legislature's intent for \$500.0

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Deputy Attorney General

Civil Division

(907) 465-3600

cori.mills@alaska.gov



Questions