

DEPARTMENT OF LAW

OVERVIEW AND RECRUITMENT HOUSE FINANCE SUBCOMMITTEE

Cori Mills
Deputy Attorney General
Civil Division

Angie Kemp
Director
Criminal Division

February 9, 2024





MISSION

DEPARTMENT OF LAW

The Department of Law upholds the rule of law, protects public safety, and provides high quality legal representation to executive branch agencies for the benefit of all Alaskans.

DEPARTMENT OF LAW

MANAGEMENT TEAM



TREG
TAYLOR

Attorney General



JOHN
SKIDMORE

Deputy
Attorney General
Criminal Division



CORI
MILLS

Deputy
Attorney General
Civil Division



ANGIE
KEMP

Director
Criminal Division



STACIE
KRALY

Director
Civil Division



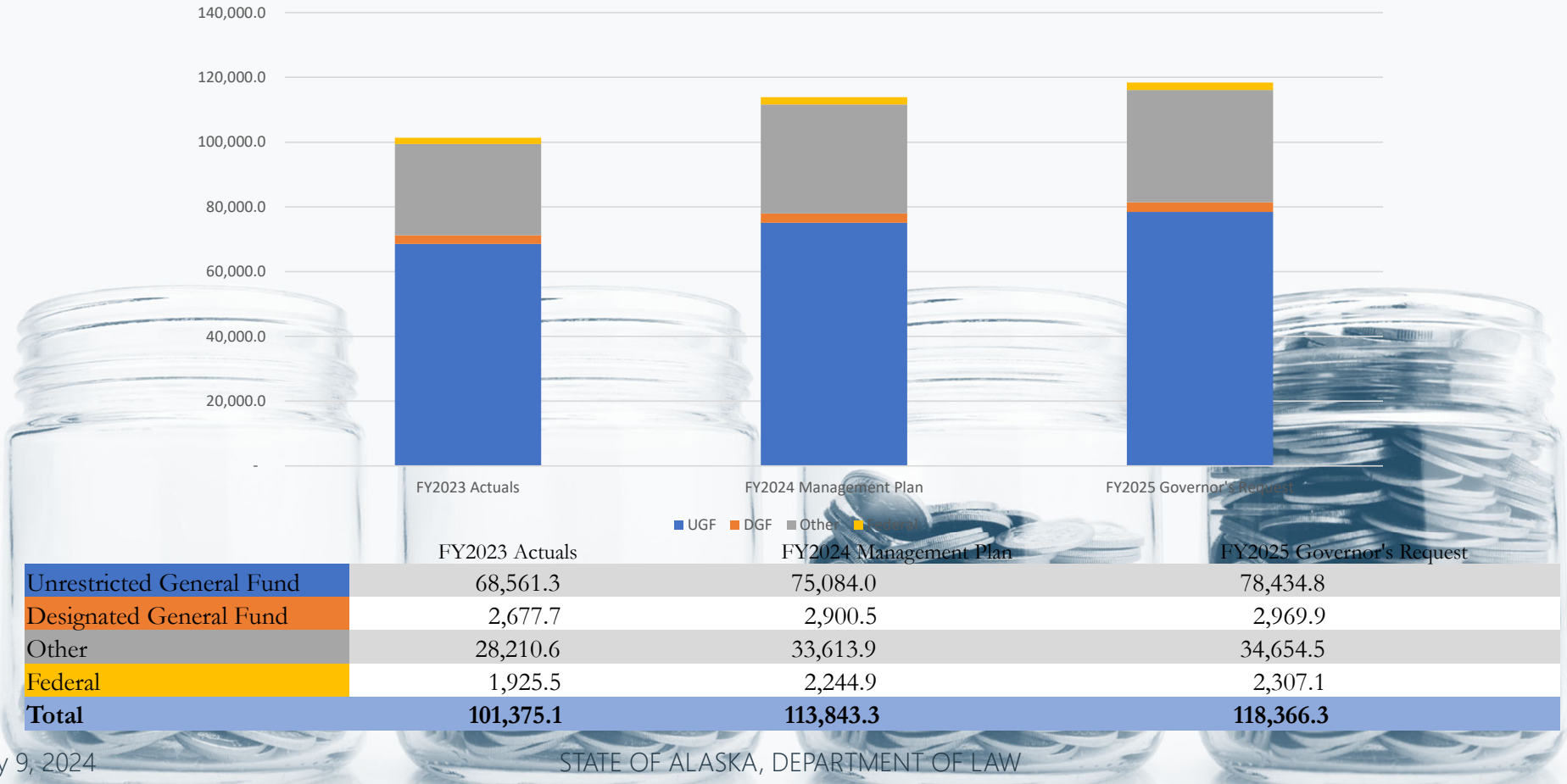
AMBER
LEBLANC

Director
*Administrative
Services Division*

DEPARTMENT OF LAW

FY2023-FY2025 OPERATING BUDGET COMPARISON

*amounts shown in thousands





CIVIL DIVISION MISSION



To provide high-quality legal services that protect the human, financial, and natural resources of the state.

PROTECTIVE LEGAL SERVICES AND SUPPORT

CASES AND FILINGS

- 200 child support cases
- More than 2,000 mental commitments filed statewide

APPEALS AND HEARINGS

- 32 Child-in-Need-of Aid appeals (CINA)
- 10 mental commitment appeals
- 100 guardianship and conservatorship hearings
- 50 administrative hearings

COLLECTIONS AND RECOVERY

- Over \$2 million in Medicaid subrogation, estate and trust recovery claims, and the Medicaid audit process

RECRUITMENT CHALLENGES

- Recruitment and retention of Child Protection attorneys, especially in Fairbanks
- Lack of guardians for those in need

PROGRAM CHALLENGES

- Ongoing complex matters involving child protection system, Supplemental Nutrition Assistance Program (SNAP), and long-term institutional care of children in the state's custody

FULFILLING THE CORE SERVICE OF PROTECTING ALASKANS' SAFETY AND FINANCIAL WELL-BEING

AGENCY ADVICE AND REPRESENTATION

TORTS AND CORRECTIONS

- Represented the state in over 50 tort cases
- Over 280 open and active matters involving Department of Corrections inmate litigation

WORKERS' COMPENSATION

- Represented the state in over 150 workers' compensation cases

EDUCATION & EARLY DEV.

- Involved in negotiations between the Department of Education and Early Development and Tribes over tribal-compacting schools

RECRUITMENT EFFORTS

- Improved recruitment efforts leading to fewer vacancies and less reliance on outside counsel

ANTICIPATED CHALLENGES

- Anticipating significant workload increase due to presidential election year for the elections team

FULFILLING THE CORE SERVICE OF PROVIDING HIGH-QUALITY LEGAL ADVICE AND DEFENSE REPRESENTATION WITH THE GOAL OF MITIGATING THE STATE'S LEGAL AND FINANCIAL RISKS

RESOURCE DEVELOPMENT AND INFRASTRUCTURE

RESOURCE MANAGEMENT

- Assisted on the legislation for and the implementation of a carbon offset program

FISH AND GAME

- Over 40 active cases advocating for state rights in Alaska National Interest Lands Conversation Act (ANILCA) and Alaska Native Claims Settlement Act (ANCSA) for fish & game management and resource development

PROPERTY AND LAND USE

- Defended and prosecuted 13 quiet title actions involving access, trespass, and other land issues
- Continued advocacy for a road between King Cove and Cold Bay airport

COLLECTIONS AND RECOVERY

- Recovery of nearly \$790,000 for civil assessments, state costs recovery, and penalties related to spills and violations of state environmental laws

ANTICIPATED CHALLENGES

- Anticipating continued increase in federal actions negatively impacting the state economy and state sovereignty

FULFILLING THE CORE SERVICE OF ASSERTING THE STATE'S RESOURCE MANAGEMENT RIGHTS FOR MAXIMUM SUSTAINED USE CONSISTENT WITH THE PUBLIC INTEREST AND REVENUE PROTECTION

GOVERNMENT SERVICES

REGULATIONS PROCESS

- Implemented improvements to the regulation review process to streamline and allow for more timely and efficient filing of regulations

PUBLIC RECORDS

- Responded to or assisted in responding to over 100 Public Records Act (PRA) requests

EXEC. BRANCH TRAININGS

- Conducted dozens of trainings for the executive branch relating to core government duties, including Open Meetings Act, ethics, and fiduciary duties

TECHNOLOGY CHALLENGES

- Technology changes & AI increase work on cybersecurity, privacy, and legal compliance issues
- New forms of digital data not anticipated when PRA was passed increases work

PERSONNEL CHALLENGES

- Increasing regulations and legislative workloads as well as increasing PRA requests leads to staff burnout and retention issues

FULFILLING THE CORE SERVICE OF PROMOTING GOOD GOVERNANCE

LEGAL SUPPORT SERVICES

PARALEGAL CLASS STUDY

- Completed paralegal classification study
- Study resulted in better promotional path for paralegals

SUPERVISORY STRUCTURE

- Established new supervisory structure
- Paralegals are now supervised by lead paralegals

WORK ALLOCATION

- Lead paralegals work cooperatively with attorney supervisors to ensure effective allocation of work across all sections

LOA CHALLENGES

- Continued recruitment and retention issues with legal office assistant positions

PARALEGAL CHALLENGES

- Continued recruitment and retention issues for paralegal and staff supervisors due to a lack of pay incentive to be a supervisor

PROVIDES THE PARALEGAL AND OTHER LEGAL SUPPORT STAFF NECESSARY
TO SUPPORT THE MISSION AND CORE SERVICES OF THE CIVIL DIVISION



CRIMINAL DIVISION MISSION

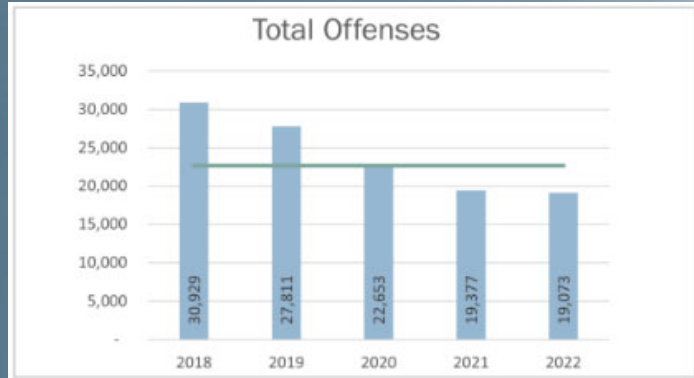


The mission of the Criminal Division is to seek justice, promote public safety, and further public respect for government through prompt, effective, and compassionate prosecution of cases. The Criminal Division will prosecute cases in a manner that advocates for the interests of the public including victims, respects the law enforcement agencies, responsibly stewards public resources, and holds offenders accountable while at the same time protecting the constitutional and legal rights of the accused.

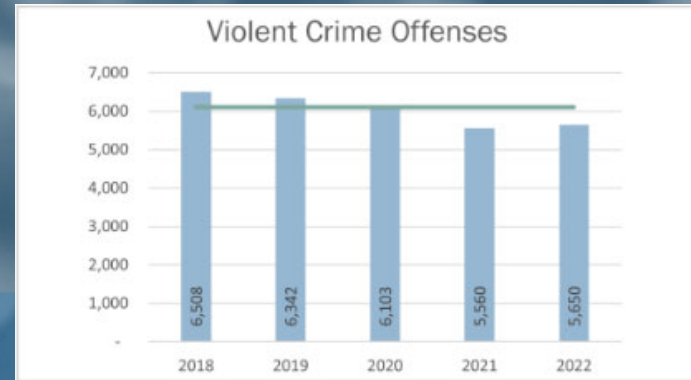
CRIME RATE FALLS AGAIN IN 2022

MAINTAINS 40-YEAR LOW

Dept. of Public Safety's
Crime in Alaska 2022
Uniform Crime Reporting Program
Summary Reporting System Oct. 2023*
*Numbers are calendar year



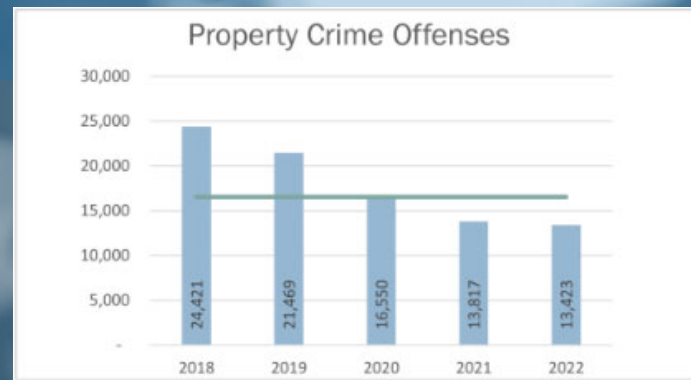
38.3% from 2018



CRIME INDEX 2018-2022

Number of Offenses Reported
Five-year median¹

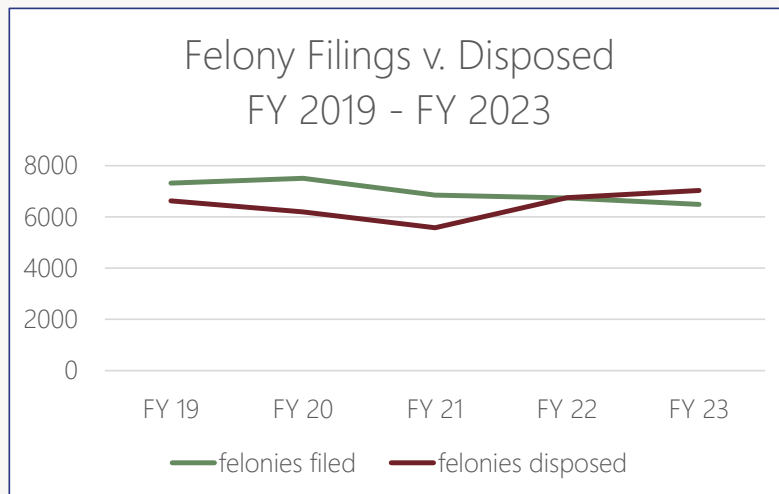
13.2% from 2018



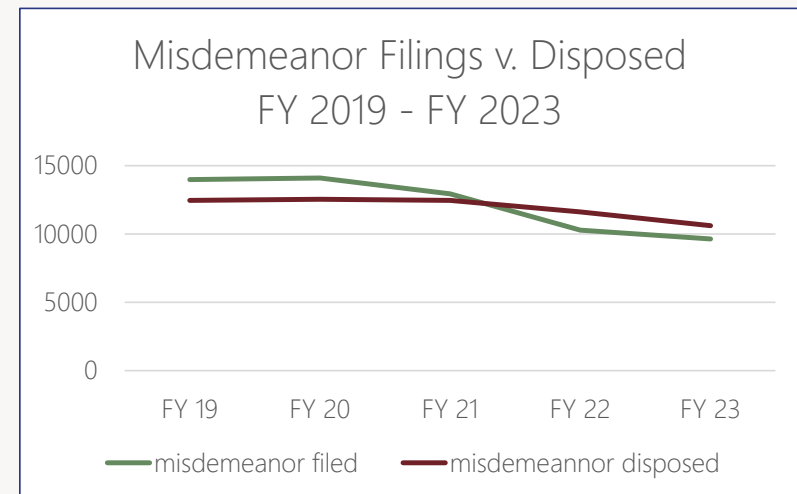
45.0% from 2018

PROGRESS ON THE COVID BACKLOG

ALASKA COURT SYSTEM STATISTICAL REPORT FY 2023 & FY 2021*



- 549 more cases disposed than filed in FY23 (6485-7034)
 - 338% more trials conducted in FY23 than in FY21 (132-39)
- * Numbers are fiscal year



- 980 more cases disposed than filed in FY23 (9631-10611)
 - 236% more trials conducted in FY23 than in FY21 (111-47)
- * Numbers are fiscal year



STAGES OF A CRIMINAL PROSECUTION

- Investigation
- Informal referral
- Formal referral
- Screening
- Pretrial litigation
- Pretrial resolution
- Trial
- Post-trial litigation



It is the duty and obligation of the District Attorney to ensure that citizens' constitutional rights are safeguarded at every step of the criminal prosecution.



FORMAL REFERRAL

CREATION OF THE FILE

Most labor-intensive step in referral stage

LEGAL/FACTUAL ANALYSIS

VICTIM CONTACT

CHARGED CASE

Clerical/administrative obligations

Grand jury practice

UNCHARGED CASE

Clerical/administrative tasks

Grand jury practice

TYPICALLY, THE FIRST SERIES OF STEPS FOR THE CRIMINAL DIVISION



PRE-TRIAL LITIGATION

ARRAIGNMENT

BAIL HEARINGS

DISCOVERY

Discovery is the most labor-intensive step in this stage
Includes gathering, reviewing, tracking, and providing
documents and materials

Discovery is largely digital now as opposed to paper/hard
copies of documents and materials

PRETRIAL MOTION PRACTICE

THE SECOND SERIES OF STEPS FOR THE CRIMINAL DIVISION



RECRUITMENT



TRAINING



RETENTION



TECHNOLOGY

DEPARTMENT'S KEY TO SUCCESS

PROSECUTOR VACANCY CRISIS

Vacancy Rates Nationally

15% - 33% vacancy in large offices

- Houston, Los Angeles, Detroit, Miami-Dade, Alameda, Cook

50% - 82% in smaller offices

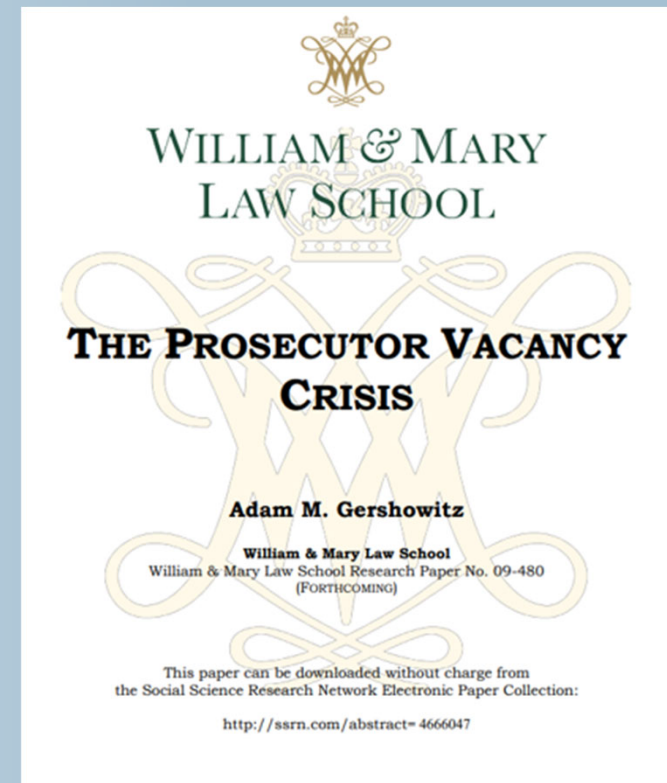
- Nueces (Corpus Christi), Pueblo, Athens, St. Louis, Yakima, Salt Lake

Alaska Faring Better

Prosecutor vacancy 7.7% (11 of 142) Jan 5, 2024

Retention remains an issue

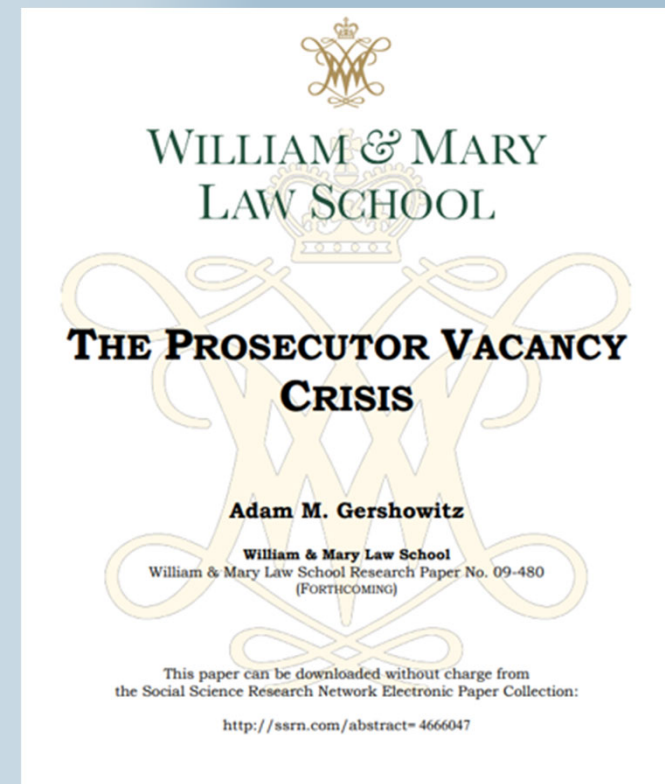
Prosecutors in 2018	36.5% turned over (42 of 115)
Prosecutors in 2019	22.3% turned over (27 of 121)
Prosecutors in 2020	15.8% turned over (20 of 126)
Prosecutors in 2021	20.6% turned over (27 of 131)
Prosecutors in 2022	19.0% turned over (25 of 131)
Prosecutors in 2023	19.7% turned over (28 of 142)



PROSECUTOR VACANCY CRISIS

"Prosecutor vacancies cause a downward spiral. The remaining prosecutors must pick up the cases of those who quit, resulting in astronomical caseloads. Prosecutors can try to mitigate the problem by dropping low-level drug cases and other quality-of-life offenses. But prosecutors' offices cannot ignore most crimes. Murders, robberies, and other violent crime must be prosecuted, regardless of whether the district attorney's office is fully staffed or 30% vacant.

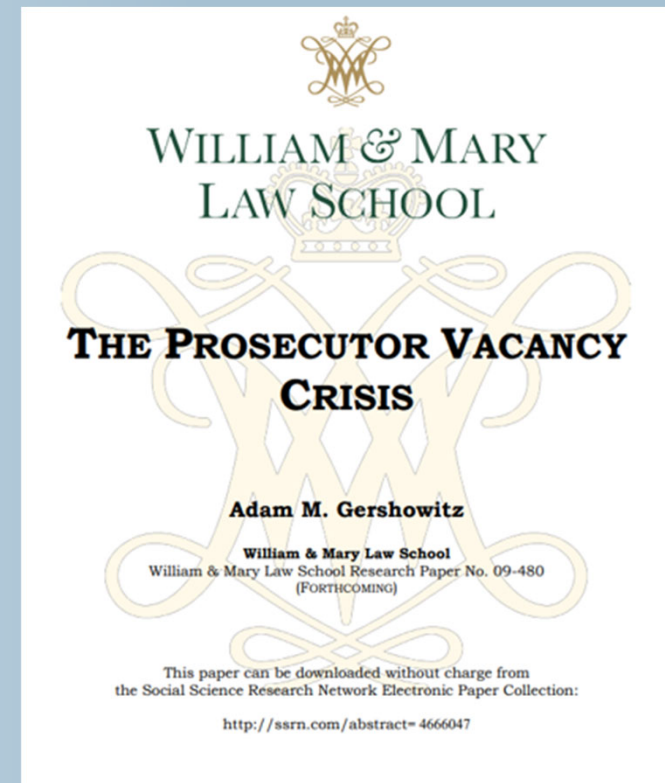
With massive caseloads, prosecutors are forced to work nights and weekends to try to keep up. But this 'overtime' typically does not translate into additional pay because prosecutors are salaried employees. Increased workloads for the same low pay hurts morale. In turn, more prosecutors quit their jobs and matters become even worse for those who stay. Entry-level lawyers look at this situation and decide to begin their careers elsewhere. The downward spiral feeds on itself and vacancies grow."



PROSECUTOR VACANCY CRISIS

Why is this happening?

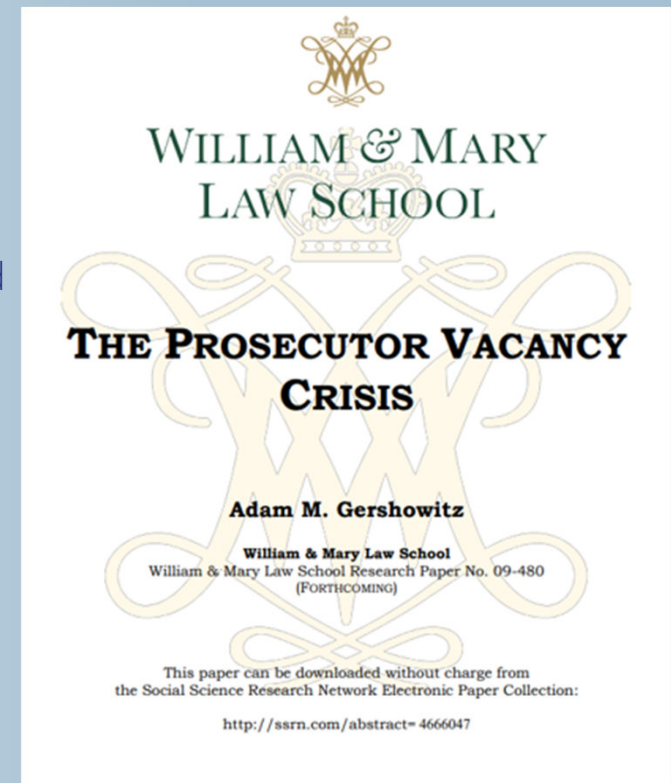
- Compensation low – overall / Cost of Living Allowances (COLA) for inflation
- Discovery obligations growing
 - Technology – body cams, dash cams, home security footage, cell phones
 - New laws – NY statutes, AK case law: *Stacey*
- Workloads too high
- Lack of remote work
- Smaller pool
 - Reduced law school grads from '13 - '22 / 46,000 – 34,000 (12,000)
 - Lower % passing BAR – national rate dropped '20 - '22 / 84% - 78%
- Hostility toward law enforcement and prosecutors
- Pipelines broken



PROSECUTOR VACANCY CRISIS

Public Safety Problem

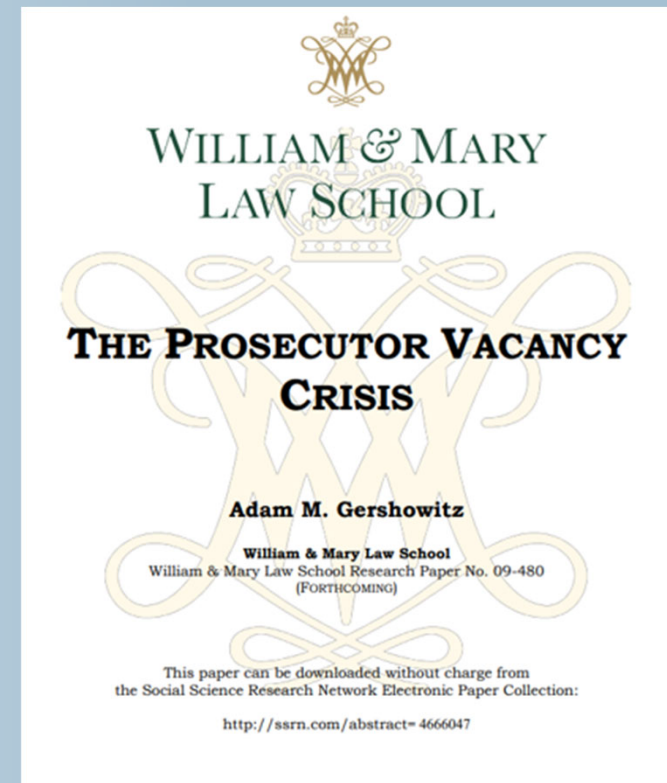
- Defendants not held accountable because of mistakes
- Difficult to train newer prosecutors without enough bodies or experienced trainers
- No specialized units = inability to develop expertise and focus on certain crimes
- Failure to dismiss cases timely for lack of evidence
- Less culpable defendants do not receive deals commensurate with their culpability
- Failure to identify good candidates for drug / therapeutic courts



PROSECUTOR VACANCY CRISIS

Lack of Applications

- Miami-Dade, FL: 2,000 new applicants in 1991 / 300 in 2023.
- 17th District of Colorado: 10 new job openings in August 2021, did not receive more than 1-2 applications for any position. All positions remained unfilled as of March 2022.
- Montgomery, TX: 200 applications in 2016 / 10-20 in 2023 for the same posting
- Halifax, VA: 100+ applications in 2014 / "Over time, the quantity and quality of the applicants declined." In 2020, positions sat mostly empty for over a year.
- Kalamazoo County, MI: 50 applications within 10 days of posting / 2023 "10 resumes in 10 months."
- Pueblo, CO: 7 of 23 positions unfilled in late 2021 / "no applicants for any of the jobs and haven't for the better part of a year"
- San Diego, CA: applications "fell 28% between 2019 and 2021."





DEPARTMENT RECRUITMENT & RETENTION APPLICANT SHORTAGES



It's not just prosecution – the entire legal field is experiencing recruitment challenges

- A higher percentage of the public sector workforce is retiring.
- A smaller number of applicants are applying for public sector work.
- The result? More positions remain open for long periods of time.



NATIONAL DATA FROM 2019 – PUBLIC SECTOR

Recruitment and Retention *Applicant Shortage*

- 8% decrease in number of applicants looking for public sector jobs
- Average of 22% fewer applicants per job 2013-2018
- ***“Legal has suffered the biggest impact in applicants per job, with a 64% decline in applications. Legal jobs saw, on average, 33 fewer applicants per available job in 2018 compared to 2013.”***
(NEOGOV Hiring Trends Report 2019)
- 19% decrease in Alaska applicants over last five years
(Alaska Department of Administration)
- 49 prosecutor positions recruited during 2019 with an average of less than 5 applicants per position.

*Fewer applicants
Less experienced
Longer recruitment periods
Greater stress on current employees*

*FY2021 Department of Law Budget Slide

1/29/2020

[15]

ALASKA IS NOT IMMUNE

Our numbers of applicants improved in 2023, but we still have vacancies and not enough quality applicants...

DEPARTMENT'S EFFORTS

- Pay increased
- Training provided (and continuing to do so)
- Website revamped (continuing to build upon)
- Social media presence created
- Posting locations expanded
- Job fairs
- Communications team hired
- Improved Internet = better access to Prosecutor by Karpel (PBK)
- Software to help manage digital evidence is being implemented
- Working to automate some basic functions

Still room for improvement...



PIPELINES

DEPARTMENT'S INTERNSHIP PROGRAM

ROBUST HISTORY OF QUALITY INTERNS

- 2 current DAs are former department interns
- Criminal Division Director
- Civil Division Deputy Attorney General
- Civil Division Director
- 36 current department employees are former department interns
 - 12 civil division employees, 24 criminal division employees

CIVIL DIVISION PROGRAM

- Usually 1L students (first year of law school completed)
- Learn the different sections of the Civil Division
- Get to experience Alaska

CRIMINAL DIVISION PROGRAM

- Usually 2L students
- Able to appear in court: arraignments, bail hearings, motion work, TRIAL EXPERIENCE





CHALLENGES

DEPARTMENT'S INTERNSHIP PROGRAM

COMPENSATION

Historically, interns have not been paid

- No per diem provided
- No housing provided
- Airfare only sometimes provided

RESOURCES

Issues are compounded by the fact that there is no law school in the state (Alaska is the only state without a law school)

LIMITS ON THE TYPE OF APPLICANTS WHO CAN SURVIVE UNDER THESE CIRCUMSTANCES LIMITS THE NUMBER OF STUDENTS WHO APPLY



COMPETITION FOR APPLICANTS

SURVEY OF SOME OF OUR COMPETITORS IN HIRING

- Multnomah County Attorney (Portland, OR)
- Bronx DA (New York, NY)
- Ramsey County Attorney (St. Paul, MN)
- Prosecuting Attorney Assoc. of Michigan (throughout MI)
- Hennepin County (Minneapolis, MN)
- Pierce County Attorney (Tacoma, WA)
- Washington State Attorney General
- Utah State Attorney General
- King County Attorney (Seattle, WA)



WHAT WE'VE LEARNED

\$2,400 - \$4,200 monthly
May live at home or in law school residence
May not have significant travel expenses



2024 INTERN APPLICATION CHALLENGES

82 Negative result – 67.8%

- 27 incomplete
- 22 we passed
- 9 accepted another position
- 16 declined due to lack of pay
- 1 declined due to duration
- 7 declined without offering a reason

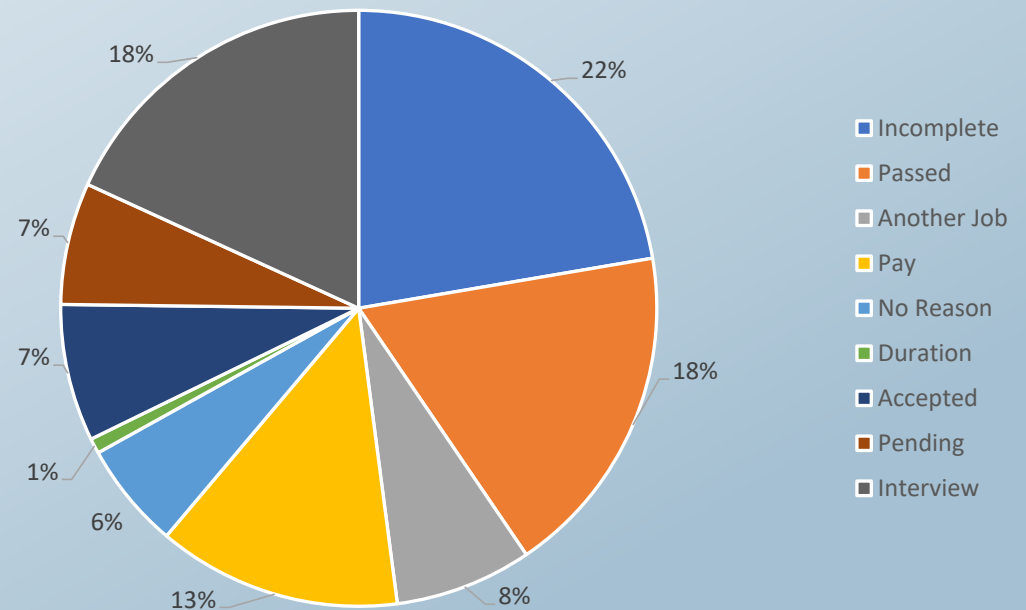
9 accepted – 7.4%

- Anchorage, Fairbanks, Juneau, Kodiak, Ketchikan, Palmer

8 offers outstanding – 6.6%

22 pending interview – 18.2%

Criminal Div. Intern Applications 2024



121 APPLICATIONS

DEPARTMENT'S REQUEST: PAID INTERNS

State Position Description: Graduate Intern 2

Range 16: \$4,570/month in Anchorage

Airfare: \$750

Housing Stipend: \$3,000

Partner with University of Alaska for dorm rooms: University gets stipend

District Attorney Offices (DAO) in Anchorage, Fairbanks, Palmer, Juneau (SE), Kenai, Bethel, Nome, Kotzebue, Utqiagvik

Total 58 interns / 3 months: \$1,072,800

BENEFITS OF PAID INTERNS

EQUITABLE COST BENEFITS

- Department benefits from inexpensive intern labor
- Interns add to their resume while gaining valuable knowledge from the department

INCREASED APPLICANTS

- Pay and benefits attract larger applicant pool
- More applicants provides more opportunity to be selective and make offers to well-qualified students

BETTER INTERN EXPERIENCE

- Interns will have more financial freedom to explore Alaska
- Experience diverse culture, visit various communities, and partake in outdoor activities

COMPETITIVE RECRUITMENT

- Targeting schools to recruit applicants will be more successful with competitive compensation
- Word-of-mouth from previous interns likely to spread

LONG-TERM RESULTS

- Interns who have a good experience with the department are more likely to return to Alaska after law school
- Increased applicant pool for future department employees

UP NEXT



CIVIL DIVISION BUDGET REQUESTS

Cori Mills
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CRIMINAL DIVISION BUDGET REQUESTS

Angie Kemp
Director
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CLOSEOUT AND QUESTIONS