

ALASKA LEGISLATIVE COUNCIL, on  
behalf of the ALASKA STATE  
LEGISLATURE,  
  
Plaintiff,  
  
vs.  
  
ATTORNEY GENERAL TREG TAYLOR,  
in his official capacity, and THE STATE  
OF ALASKA, DEPARTMENT OF LAW,  
  
Defendants.

3AN-24-04218 CI  
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Per AS 22.10.020(g), the superior court can grant declaratory relief only “[i]n the case of an actual controversy.” This phrase encompasses considerations of standing, mootness, and ripeness.<sup>2</sup> The State argues that this case is moot, and the court agrees: ALC’s complaint is based upon appropriations made by the Legislature for fiscal years 2021 and 2022. The money is long spent, and the language used in the appropriations has not been repeated.

In response to the State’s position, ALC argues that the public interest exception to the mootness doctrine applies. Under the exception, the court may decide to hear a moot case after considering three factors: (1) whether the disputed issues are capable of repetition; (2) whether the mootness doctrine, if applied, may cause review of the issues to be repeatedly circumvented; and (3) whether the issues presented are so important to the public interest as to justify overriding the mootness doctrine.<sup>3</sup>

The court does not perceive the disputed issues to be capable of repetition. The appropriations language for fiscal year 2021 was remarkably specific, divided between: (1) “Civil Division Except Contracts Relating to the Interpretation of *Janus v. AFSCME*” in the amount of \$48,036,200; and (2) “Legal Contracts Relating to Interpretation of

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<sup>2</sup> See *Young v. State*, 502 P.3d 964, 969 (Alaska 2022) (quoting *Alaska Com. Fisherman’s Mem’l in Juneau v. City & Borough of Juneau*, 357 P.3d 1172, 1175 (Alaska 2015)).

<sup>3</sup> See *Kodiak Seafood Processors Ass’n v. State*, 900 P.2d 1191, 1196 (Alaska 1995). The standard of review on appeal for a trial court’s decision declining to apply the public interest exception to mootness is “abuse of discretion.” See, e.g., *Young*, 502 P.3d at 969.

Janus v. AFSCME Decision” in the amount of \$20,000.<sup>4</sup> For fiscal year 2022, the same language was utilized, with only the amount of one appropriation varying.

The State asserts, and ALC does not dispute, that *Janus*-related litigation has concluded. Accordingly, this disputed issue – whether the Legislature’s appropriations prohibiting the Civil Division of the Department of Law from contracting in excess of a particular sum for outside legal services related to the *Janus* decision were constitutionally invalid – almost certainly will not be repeated.

The court must also consider whether the mootness doctrine, if applied, could cause review of the issues to be repeatedly circumvented. The court is not convinced that it would. In matters involving important and time-sensitive public considerations, the judicial system can move with considerable speed. Here, ALC did not file a complaint until January 12, 2024 – it did not seek prompt judicial review of the issues presented in this case.<sup>5</sup>

Finally, the court considers whether the issues presented are so important to the public interest as to justify overriding the mootness doctrine. Whether a given appropriation is constitutional or not could certainly be characterized as such. But given the very specific language used in these appropriations, deciding whether these particular

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<sup>4</sup> See Defs.’ Answer ¶¶ 24-25.

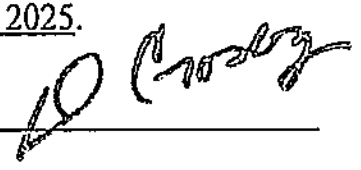
<sup>5</sup> As discussed at oral argument, there may have been reasons for ALC waiting to file a complaint, but the passage of time in this case from appropriations to a decision from the trial court is not particularly probative on the issue of the possibility of repeated circumvention.

appropriations were constitutional is not so critical to the public interest as to override the mootness doctrine and to, in essence, give an advisory opinion on the topic.

**The court will rule out Case Motion #2 as DENIED and Case Motion #4 as GRANTED.**

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 18 February 2025.

  
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Dani Crosby  
Superior Court Judge

I certify that on 2.18.25 a copy  
of the above was mailed/mailed to each of the  
following at their address of record:

CGT W. Brown, K. Cuddy, M. Paton-Walsh  
Judicial Assistant