

LEGAL SERVICES

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MEMORANDUM

January 29, 2026

SUBJECT: EO 137 Litigation - Stoel Rives Contract Amendment

TO: Representative Sara Hannan
Attn: Tim Clark

FROM: Megan A. Wallace
Chief Counsel



On September 10, 2025, Legislative Council authorized a contract, not to exceed \$100,000, to undertake litigation on behalf of the legislature regarding the governor's issuance of Executive Order 137 (EO 137) during the First Special Session of the 34th Alaska State Legislature. Legislative Council retained Stoel Rives to represent the legislature in this litigation. A complaint was filed thereafter, and the parties filed cross-motions for summary judgment. On December 31, 2025, the Juneau Superior Court granted Legislative Council's motion for summary judgment, finding EO 137 unconstitutional, and holding that "[t]he Constitutional drafting history is clear: the framers intended that the Governor transmit a proposed executive order to the Legislature only during a regular session."

The Governor immediately appealed the superior court's ruling to the Alaska Supreme Court. There are not sufficient funds left on the initial contract authorization to cover the cost of defending the appeal. The costs for the legal services on this matter to date total \$92,050. Stoel Rives estimates it will cost between \$75,000 - \$85,000 for the appeal. Accordingly, I recommend that Legislative Council approve an additional \$85,000 to cover the cost of defending the appeal.

If you have questions, please let me know.

cc: Jessica Geary, Executive Director

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