



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

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February 14, 2019

Senator Donald Olson, Chair
Senate Finance Subcommittee, Law
Senate District T
Alaska State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Olson:

Thank you for the opportunity to have the Department of Law provide a departmental overview on February 7, to the Senate Finance Subcommittee. Please find our responses to questions that were asked during our meeting.

1. On the 10-Year History Tab, Appropriations within the Department of Law graph, Slide 4, why is the Civil Division higher than the Criminal Division?

The graph on Slide 4 shows all funds, rather than just UGF. The Criminal Division is primarily UGF-funded whereas the Civil Division has other funding sources, primarily inter-agency receipts, included in all funds and this is why Civil has the higher line on the graph. Slide 8 in the 10-Year History tab provides an overview of the department's fund sources. More information is provided on the Civil Division's workload below.

2. How much did the State of Alaska spend on the Sturgeon case?

We handled that case in-house and absorbed the costs as part of our regular work. The case began in 2011, and involved two trips to the Ninth Circuit Court of Appeals, and two trips to the U.S. Supreme Court. The internal cost for handling that was approximately \$733,655.00.

3. Can you tell us the number of attorneys in the Civil Division and the amount of work the Civil Division performs comparing the cost of doing work, versus dollars collected or returned to the State, versus money it saved the state.

In the Civil Division, there are 145 budgeted attorney positions in the FY19 Management Plan budget, and some of those attorneys have very high caseloads. For example, our child protection attorneys average 90 cases each. Other attorneys might work on a single case for months, like the TAPS litigation, or BP corrosion case. It's difficult to assess how busy we are by looking at the number of cases we handle. Still, at any given time, the division has about 12,271 open matters—approximately 2,500 of which are child protection matters. In terms of revenues collected, see attached examples covering natural resource litigation, Medicaid recoveries, and consumer protection collection. Please note these are just examples of the most readily available numbers on recoveries. The amount the department has saved the State is difficult to quantify, as deterrence or potential cost avoidance cannot be ascertained in many cases.

4. What is the total number of attorneys in the Criminal Division?

In the Criminal Division there are 120 budgeted attorney positions in the FY19 Management Plan budget. The division continues to prioritize cases based on violent versus non-violent crime and felonies over misdemeanors.

5. How much has been spent on outside counsel contracts overseen by the Civil Division, and why?

From FY15 to FY18, outside counsel expenditures were approximately \$21.5 million dollars total. Thus far, FY19 outside counsel contracts total approximately \$2 million. The vast majority of these contracts (approximately \$19.3 million) are related to outside counsel providing advice to AGDC, DNR or DOR on the gasline project between FY15 and FY19. Aside from the appropriations for outside counsel on the gasline, we have substantially reduced the use of outside counsel.

Sincerely,



for Kevin G. Clarkson
Attorney General

The Honorable Donald Olson, Chair
Senate Finance Subcommittee
Re: Departmental Overview

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Attachments:

- 1. Department of Law Consumer Protection Recoveries, FY07-FY18*
- 2. Summary of Total Revenue and Recent Savings from Natural Resource Litigation*
- 3. Department of Law FY17-Present Medicaid Reform and Fraud Collections*
- 4. Summary of Outside Counsel Contracts, FY15-Present*