



# Department of Law

## Department Overview

House Finance Subcommittee

Cori Mills  
Deputy Attorney General  
Civil

John Skidmore  
Deputy Attorney General  
Criminal

Amber LeBlanc  
Administrative Services Director



# MISSION

## The Alaska Department of Law

- Provides legal services to state government
- Prosecutes crime

**for the protection and benefit of Alaska's citizens**



# Civil Division Core Services

- Protecting Alaskans' safety and financial well-being
- Fostering conditions for responsible development of our natural resources
- Protecting the fiscal integrity of the State, and
- Promoting good governance

# Civil Division: Protecting Alaskans



## **Commercial and Fair Business**

- Chief Assistant Attorney General: Rebecca Cain
- Represents and advises independent regulating professional licensing, public utilities, alcohol and marijuana sales, and assists the Child Support Services Division in recovery of child support



## **Human Services**

- Chief Assistant Attorney General: Stacie Kraly
- Protects vulnerable adults and provides advice and representation to the Department of Health and Social Services (DHSS)



## **Opinions, Appeals and Ethics**

- Chief Assistant Attorney General: Janell Hafner
- Defends the state in federal and state appellate courts including Child in Need of Aid (CINA) appeals



## **Child Protection**

- Chief Assistant Attorney General: Carla Erickson
- Represents the Office of Children's Services (OCS) in all CINA proceedings

# Civil Division:

## Protecting Fiscal Integrity & Fostering Economic Development



### **Regulatory Affairs and Public Advocacy**

- Chief Assistant Attorney General: Jeff Waller
- Protects the Alaskan public interest in public utility and pipeline proceedings before the Regulatory Commission of Alaska



### **Special Litigation**

- Chief Assistant Attorney General: Margaret Paton-Walsh
- Handles high-profile, expedited and complex litigation, including constitutional challenges and elections matters
- Enforces Alaska antitrust and consumer protection laws

# Civil Division:

## Protecting Fiscal Integrity & Fostering Economic Development



### Natural Resources

- Chief Assistant Attorney General: Anne Nelson
- Advises and represents the Department of Fish and Game and the Department of Natural Resources
- Represents the state's interests in statehood defense, natural resource management and development, and fish and game management



### Oil and Gas

- Chief Assistant Attorney General: John Ptacin
- Provides legal advice to and represents the Department of Natural Resources and the Department of Revenue
- Ensures that the state receives its appropriate share of royalties and taxes from the oil and gas industry, and other businesses operating in the state

# Civil Division:

## Protecting Fiscal Integrity & Fostering Economic Development



### **Environmental Law**

- Chief Assistant Attorney General: Steve Mulder
- Represents the state's interest in clean water and air matters, and in hazardous waste discharge cases, including cleanup cost recovery



### **Transportation**

- Chief Assistant Attorney General: Jeff Stark
- Represents the Department of Transportation & Public Facilities on the construction and operation of public facilities and major development projects across the state



### **Torts and Workers' Compensation**

- Chief Assistant Attorney General: Patti Shake
- Provides advice and defense to state agencies and employees in tort suits, and defends the state as an employer in workers' compensation claims



# Civil Division:

## Promoting Good Governance



### **Labor and State Affairs**

- Chief Assistant Attorney General: Rachel Witty
- Provides advice and representation to the Governor and Lt. Governor's offices, the Division of Elections, and the departments of Administration, Labor and Workforce Development, and Military and Veteran's Affairs



### **Legislation and Regulations**

- Chief Assistant Attorney General: Susan Pollard
- Oversees all legislative drafting, coordinates review of proposed and enacted legislation and oversees regulations projects for all state agencies



### **Information and Project Support**

- Chief Assistant Attorney General: Alan Birnbaum
- Advises agencies on the management, sharing, retention, and disclosure of information



### **Public Corporations and Government Services**

- Chief Assistant Attorney General: Rebecca Polizzotto
- Provides legal advice and representation to unique state entities such as public corporations, retirement systems, state health plans, and the Department of Education and Early Development



# Primary General Fund Uses

# Statehood Defense and Revenue Protection

Hatchery Net Pens



Chugach State Park



RS2477 Field Work



Independence Gold Mine



# Child Protection

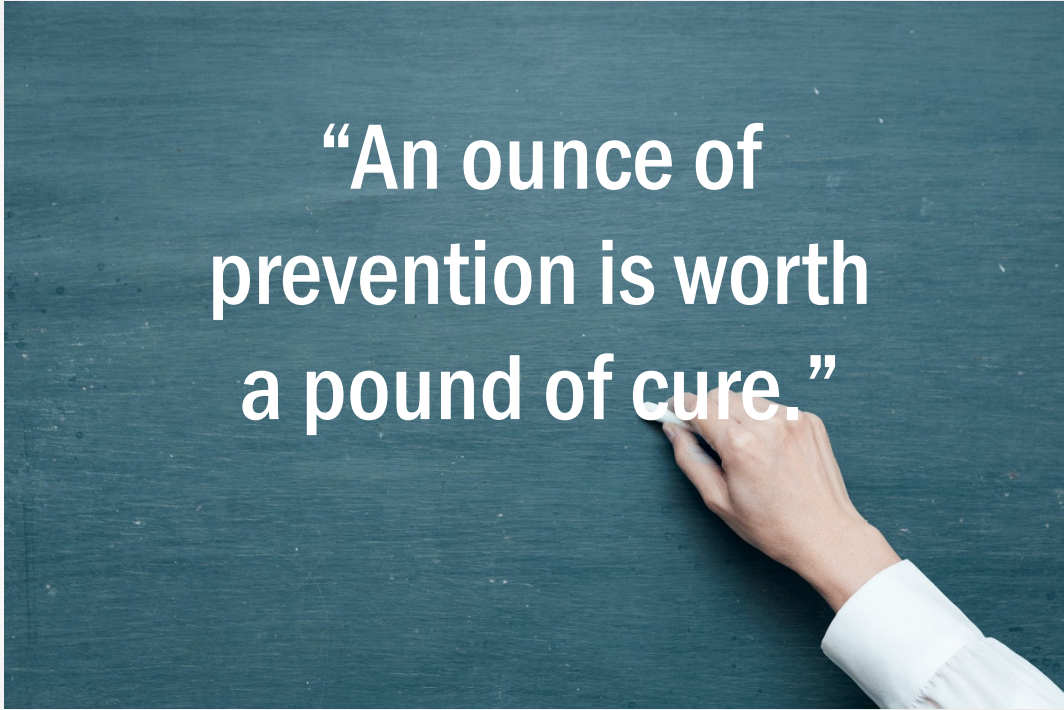
- In FY20, the average caseload per attorney was 60 to 95 cases. Variables include location and severity.
- Attorneys have been conducting virtual hearings using a secure Zoom license since November 2020.
- COVID-19 created a significant backlog of cases because of trial suspension.
- The section expects to see an increase in cases over the next year.



Photo by [Michał Parzuchowski](#) on [Unsplash](#)



# Good Governance



“An ounce of  
prevention is worth  
a pound of cure.”

Employment

Legislation

Governor

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Elections

Ethics

Lt. Governor



# 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 state of cases.

### What we do not do

- Prosecute federal crimes
- Prosecute municipal crimes
- Investigate criminal conduct



# Criminal Division

## The Duty of a Prosecutor

- The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done.

*-Canons of professional ethics: Canon 5. American Bar Association (1908).*

- The prosecutor may prosecute with earnestness and vigor – indeed he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

*-Justice George Southerland, Berger v. United States, 295 U.S. 78, 88 (1935).*

# Criminal Division: Core Services

- Investigation Assistance
- Formal Referral
- Screening
- Pretrial Litigation
- Pretrial Resolution
- Trial
- Post-Trial Litigation



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



# Criminal Division

## Statewide Services

- 9 District Attorney Offices
- 4 satellite offices (Utqiagvik, Kotzebue, Dillingham, and Sitka)
- Criminal Appeals
- Special Prosecutions
- Central Office



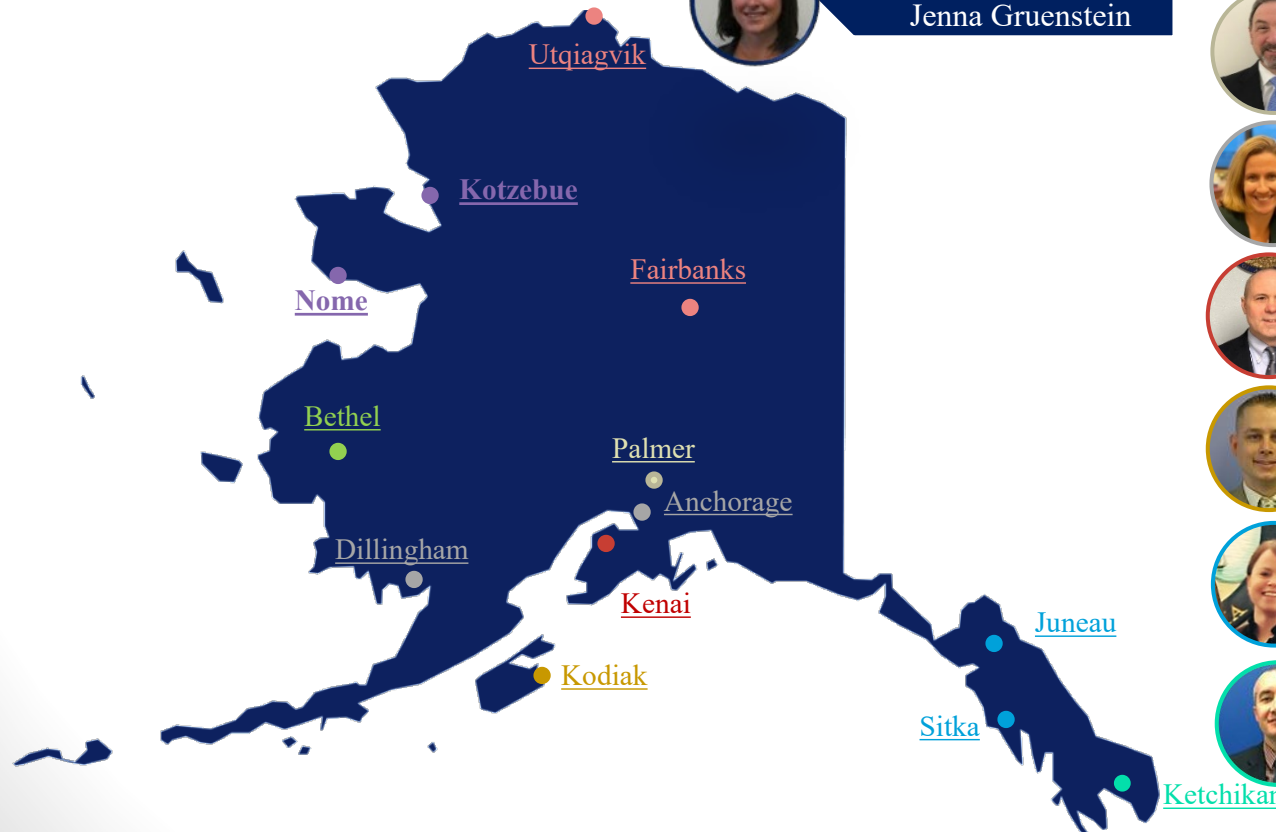
### Appeals

Tamara DeLucia



### Special Prosecutions

Jenna Gruenstein



### Nome

John Earthman



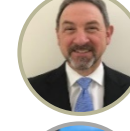
### Fairbanks

Joe Dallaire



### Bethel

Tom Hoffer



### Palmer

Roman Kalytiak



### Anchorage

Brittany Dunlop



### Kenai

Scot Leaders



### Kodiak

Gustaf Olson



### Juneau

Angela Kemp



### Ketchikan

Tim McGillicuddy

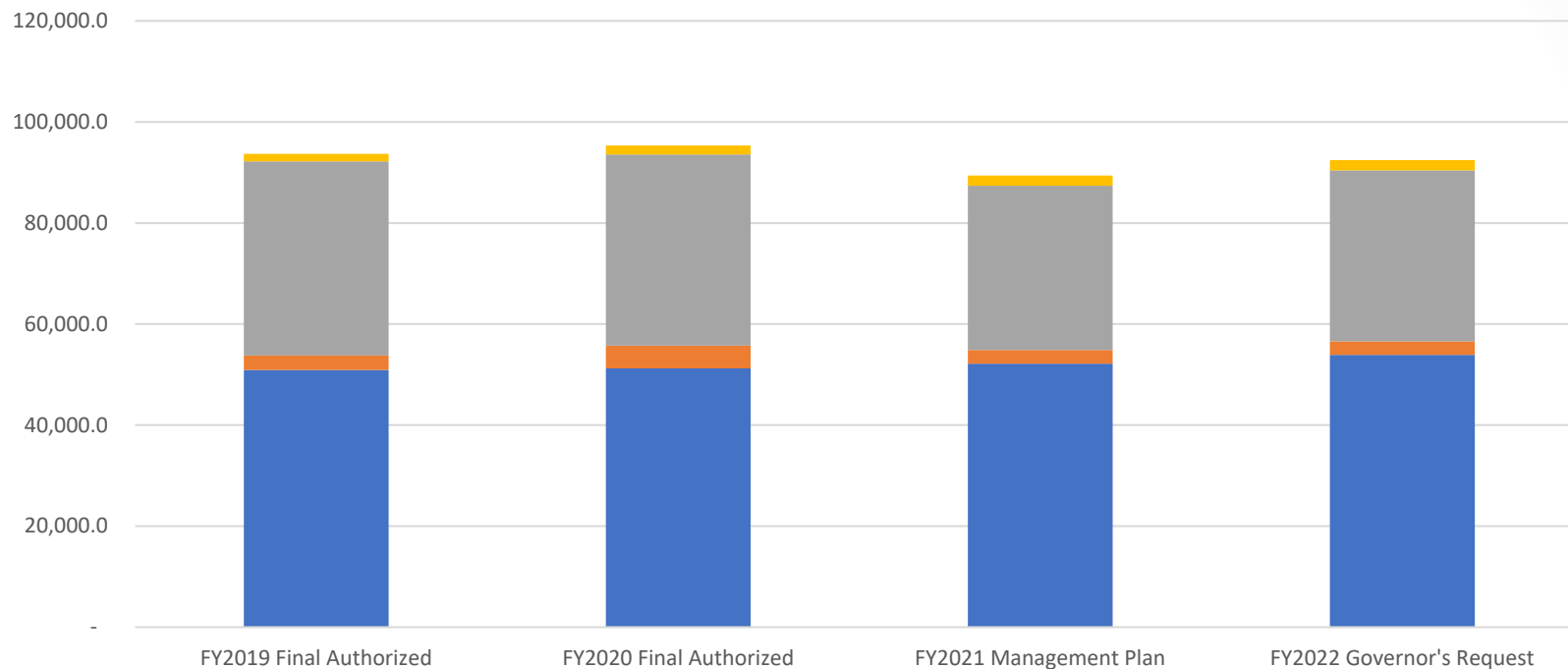
# State Fiscal Preservation

## Examples of FY2020 Revenue Generation and Protection

- Medicaid Fraud Control Unit (MFCU): MFCU is 75% federally funded with 25% state match required. The GF Match portion of the FY20 MFCU budget was \$511,678. MFCU recouped actual payments of \$1,904,014, out of a total judgment recovery of \$3,455,157 for FY20.
- Human Services: Inclusive of audits, subrogation, annuities, and estates, the section's work resulted in \$3,571,016 funds recovered for the state.
- Natural Resources/Oil & Gas: The Natural Resources oil and gas work resulted in over \$275 million in tax, royalty, and attorneys' fees for the state. The section also secured a \$1.625 million settlement in the course of litigation related to a wildfire.
- Transportation: Collected \$943,000 from an insurer arising from damage to a state highway overpass in the Anchorage area.

# Department of Law FY2019-FY2022 Operating Budget Comparison

(amounts shown in thousands)



	FY2019 Final Authorized	FY2020 Final Authorized	FY2021 Management Plan	FY2022 Governor's Request	Difference Between FY2019 and FY2022	% Difference Between FY2019 and FY2022
UGF	50,903.0	51,228.6	52,162.8	53,880.9	2,977.9	5.9%
DGF	2,882.2	4,510.4	2,691.5	2,697.8	(184.4)	-6.4%
Other	38,406.4	37,823.0	32,509.1	33,836.3	(4,570.1)	-11.9%
Federal	1,498.5	1,768.7	2,026.4	2,032.5	534.0	35.6%
<b>Total</b>	<b>93,690.1</b>	<b>95,330.7</b>	<b>89,389.8</b>	<b>92,447.5</b>	<b>(1,242.6)</b>	<b>-1.3%</b>

# COVID-19 Impacts on Department of Law Operations

## Major Operational Impacts

- Telework: Law had infrastructure in place that supported a quick transition to telework for department staff. This allowed Law to prioritize public health and safety while maintaining the mission of the department.
- Criminal Proceedings: The implementation of video conferencing by the courts has allowed many hearings to continue, but there will be a significant backlog of trial work once the courts have reopened.
- Civil Agency Services: Client agencies required immediate and robust legal advice, which necessitated a significant pivot from standard agency activity to appropriate guidance for continuing operations in a developing pandemic.

# COVID-19 Impacts on Department of Law Operations

## Notable COVID-19 CARES Act Expenditures

- FY20 Personal Services: \$1,316.1
  - The dynamic and rapidly changing circumstances of the pandemic necessitated redirecting workforce focus and service delivery in a substantially different manner. Some personnel required the use of COVID-19-specific leave.
  - Law provides estimates of personnel time spent addressing COVID-19 issues for staff across all divisions as part of the coordinated monthly report to the legislature. Civil's timekeeping system provides detailed reporting that allows for reimbursement of personal services associated with substantial COVID-19 work.
- FY21 IT – Citrix Expansion: \$136.9
  - The virtual network environment already in use by the department allowed for an expedient shift to telework. Sustained telework for a majority of personnel required additional infrastructure to maintain stable and consistent access.

# Thank you

Any questions?