

**Committees:**

House Finance Committee

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Legislative Budget &  
Audit

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Finance Subcommittee

Chair of:

Alaska Court System  
Department of Law  
Health and Social Services

# ALASKA STATE LEGISLATURE



*Serving Midtown,  
University, and  
East Anchorage  
neighborhoods*

## REPRESENTATIVE ANDY JOSEPHSON

Delivered Electronically

March 10, 2021

Deputy Attorney General Cori Mills  
Deputy Attorney General John Skidmore  
Administrative Services Director Amber LeBlanc

Re: Law Budget Information Request

Dear Deputy Attorneys General and Director LeBlanc:

Please provide the following information to assist the House Finance Law Subcommittee in our work on the Department of Law budget. I would appreciate a written response so the information can be accurately disseminated and retained.

### Position Vacancy

- Provide spreadsheet of Department positions that were vacant on March 1, 2021, organized by appropriation and allocation/component, including job title, PCN, the number of days the position has been vacant and whether the vacancy has been posted on WorkplaceAlaska.
- Update statistics and charts that were included in the Department's February 3, 2020 Criminal Division Recruitment and Retention Report to the Legislature. If similar statistics are available for the Civil Division, please provide them.
- Explain why 10 new positions must be budgeted to prosecute sexual assault crimes if the Criminal Division has longstanding recruitment and retention difficulties that result in multiple prosecutor vacancies. Why cannot existing vacant positions be reallocated to sexual assault prosecution?
- Provide for each Department appropriation, the budgeted vacancy percentage rate and the corresponding unfunded dollar amount and the appropriated Personal Services by source (UGF, DGF, Fed, Other) in the Governor's Amended FY22 budget, as well as the budgeted vacancy

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Rep.Andy.Josephson@akleg.gov

rates and numbers in the FY19-21 budgets and actual Personal Services expenditures for those appropriations.

- Provide responses to subcommittee member requests made during the March 3 & 5 meetings:
  - Comparison of Child Protection caseload per attorney in Alaska to comparable states.
  - Attorney and support staff turnover rates in the Child Protection unit, ideally as compared to other units of the Civil Division.

#### Interagency Receipts

- Hourly rates charged to state agencies for legal work by Department of Law staff in FY14-21.
- Actual IA received by the each of the three Department appropriations in FY14-20.

#### Misdemeanor Prosecution

- Explain the Governor's proposed method of calculating the proposed charge for misdemeanor prosecution in municipalities. Also explain whether a single, annual bill will be sent to municipalities by September of each fiscal year based on the actual number of prosecutions and actual Department personnel costs the previous fiscal year. By what date each year will municipalities have certainty about their total cost for state prosecution for that year?
- Explain whether the charge to municipalities will apply to all prosecution for misdemeanor crimes that occur within their boundaries, regardless of whether the misdemeanor was created by state statute or municipal ordinance, or if the charge will apply to a subset of misdemeanors.
- List types of misdemeanors the Department prosecutes within home rule municipalities in order of frequency.
- Provide statistics on the number of misdemeanors the state has prosecuted in home rule municipalities and the rate of dismissal over the past ten years.
- Explain whether the \$1,290.1 change in fund source from UGF to SDPR will result in more Department staff time and resources being used for prosecution of misdemeanors in home rule municipalities in FY22 than FY19-FY21. No additional staff has been requested in the Governor's budget, so is it reasonable to assume a status quo level of service?
- If a home rule municipality does not sign an MOA and pay the Department in FY22 will fewer misdemeanor prosecutions occur in that municipality or will there be no impact on service to that community?

- In order to balance its UGF budget, it appears the Department will need to ensure that the anticipated number of FTE prosecutors spend no less than the predicted portion of their time on work for paying municipalities, because the alternative will be a reduction in SDPR actual receipts if municipalities are refunded at the end of the year. Is this statement correct?

#### Judgements and Settlements

- Provide a spreadsheet similar to the attached example, listing FY20 judgements and settlements and FY21 to-date judgements and settlements. Include settlement and judgement obligations regardless of whether the funds have been appropriated or the payments made.

#### Expenditure on Statehood Defense

- Describe Statehood Defense appropriations over the past 20 years, including the fiscal years appropriations were made, whether they were single or multi-year operating budget appropriations or capital budget appropriations, and the actual expenditures from those appropriations.

#### Outside Counsel Contracts

- Provide a chart similar to the attached example, showing total expenditures each fiscal year FY11-FY21 YTD on outside counsel contracts managed by the Department of Law, excluding contracts for work for state corporate entities. In other words, exclude the expenditures when the client was AHFC, AIDEA/AEA, AGDC/AKLNG, AHFC, or Other Bond).

In distinct graph lines and in corresponding dollar figures, categorize the expenditures as OGM, ESA, R&B, and further break down Special Litigation and Other/Assorted into subject areas matching Civil Division budget allocations/components that would have been responsible for performing the work in-house (for example Human Services, Child Protection, Labor and State Affairs, Natural Resources, Commercial and Fair Business, etc.) Note whether outside counsel contracts funded through the capital budget or multi-year appropriations are included.

- Excluding contracts on behalf of state corporate entities, provide a spreadsheet listing all outside counsel contracts in effect for any portion of FY21, and all solicitations or RFP's for contracts that have not yet been awarded. Please include:
  - Case name or topic if there is no case
  - Contractor name
  - Contract number
  - Civil Division component
  - Expenditures in FY20
  - Expenditures in FY21 to date

- Financial obligations incurred but not included above because billing or payment processing has not been completed
- Other information the Department decides is relevant
- Copies of the contracts and solicitations included in the spreadsheet.

Thank you for your assistance to the subcommittee.

Sincerely,



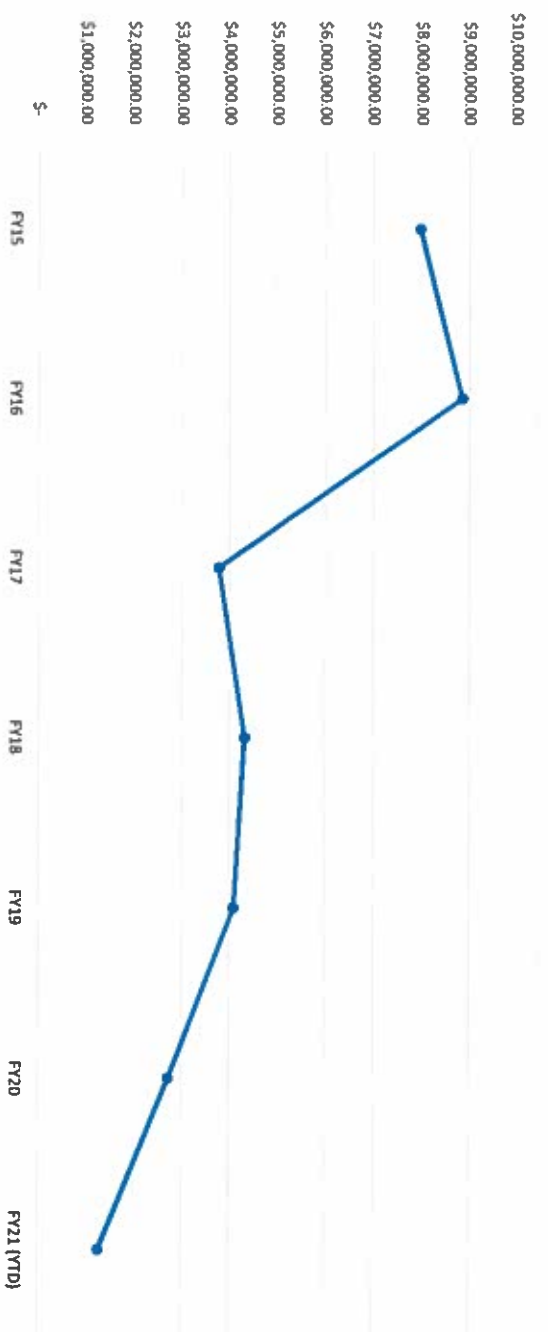
Representative Andy Josephson

# FY2019 Judgments and Settlements

Payer	Case Name	Signed by DAG?	Send Check to Attorney?	Interest Applied?	Date Interest Commences	Anticipated Pymt Date	Judgment	Int Rate	Days	Interest Total	To Be Paid
1 Disability Law Center	Disability Law Center v. Dardson	Yes	No	Yes	08/01/18	07/02/19	91,000.00	5.00%	335	4,176.03	\$95,176.03
2 Choate Law Firm, LLC	Alaska Democratic Party v. SOA - <i>Supreme Court Attorney Fees/Costs</i>	Yes	No	Yes	01/02/18	07/02/19	34,081.29	5.00%	546	2,349.09	\$36,630.38
3 Choate Law Firm, LLC	Alaska Democratic Party v. SOA - <i>Supreme Court Attorney Fees</i>	Yes	No	Yes	08/24/18	07/02/19	17,225.00	5.00%	312	736.19	\$17,961.19
4 Choate Law Firm, LLC	Alaska Democratic Party v. SOA - <i>Supreme Court Costs</i>	Yes	No	Yes	08/27/18	07/02/19	138.43	5.00%	309	5.86	\$144.29
5 Northern Justice Law Project, LLC	Kenneth Pruitt v. SOA, DOC	Yes	No	Yes	01/07/19	07/02/19	89,745.50	6.00%	176	2,596.98	\$92,342.06
6 Estate of Alexis Hathaway (pending settlement review)	Estate of Alexis Hathaway v. SOA, DOC	-	Yes	Yes	07/31/19	07/02/19	125,000.00	6.00%	-	-	\$125,000.00
8					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
9					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
10					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
11					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
12					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
13					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
14					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
15					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
16					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
17					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
18					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
19					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
20					07/02/19	07/02/19		0.00%	43,648	-	\$0.00
Total Judgments Funded by Section 17 (a)							\$ 357,193.22		\$ 10,063.73	\$ 367,256.95	
21											
22											
23											
24											
25											
Total Judgments Funded by Section 17 (b)							\$ -		\$ -	\$ -	
26											
27											
28											
29											
30											
31											
Total Judgments Paid by Other Funding							\$ -		\$ -	\$ -	
TOTAL ALL JUDGMENTS							\$ 357,193.22		\$ 10,063.73	\$ 367,256.95	

Example Format #1

# Total Outside Counsel Contracts Managed by Department of Law FY15-FY21 YTD



Fiscal Year	TOTAL	AIDEA/AEA	AGDC/AKLG	OGM	AHFC	ESA	OTHER BOND	R&B	SPECIAL LIT	OTHER
FY15	\$ 7,971,781.65	1,040,733.77	4,266,969.02	959,878.88	353,803.70	359,163.00	142,123.05	275,388.45	194,548.67	379,173.11
FY16	\$ 8,858,292.95	394,675.00	3,818,465.24	3,375,306.77	272,656.49	168,384.31	286,621.08	240,632.26	-	301,551.80
FY17	\$ 3,777,053.45	597,066.27	2,064,970.77	243,012.29	224,514.32	-	300,149.00	123,016.35	-	224,324.45
FY18	\$ 4,323,536.35	360,010.66	2,922,537.19	227,828.29	385,339.74	-	144,662.96	-	-	283,157.51
FY19	\$ 4,094,256.67	397,464.21	2,180,432.28	375,430.57	518,659.49	-	274,219.09	53,544.26	1,886.50	292,619.27
FY20	\$ 2,729,392.60	726,992.69	23,864.50	341,197.78	248,408.45	-	65,337.45	145,717.65	-	1,177,874.08
FY21 (YTD)	\$ 1,266,336.10	206,926.29	33,277.33	128,896.99	204,872.03	31,123.98	147,500.00	87,485.51	-	426,250.97
FY21 (Enc)	\$ 1,245,289.37	655,728.98	31,722.67	158,172.11	167,127.97	18,876.02	5,000.00	124,983.75	-	83,657.87

- CATEGORIES**
- AIDEA/AEA: Alaska Industrial Development and Export Authority (AIDEA) / Alaska Energy Authority (AEA)
  - AGDC/AKLG: Alaska Gasline Development Corporation (AGDC) / Alaska Liquefied Natural Gasline project (AKLG)
  - OGM: Oil, Gas and Mining
  - AHFC: Alaska Housing Finance Corporation
  - ESA: Endangered Species Act
  - Other Bond: multiple corporations such as the Alaska Student Loan Corporation and the State Bond Counsel
  - R&B: Retirement and Benefits
  - Special Lit: Special Litigation
  - Other: Assorted

Example Format #2