



# Department of Law

## FY23 Civil Division Overview

House Finance Subcommittee

Cori Mills  
Deputy Attorney General  
Civil Division

“There was a slowing of contested hearings at the beginning of the pandemic, but then it picked back up to normal levels. If anything, more recently there seems to have been an uptick in contested hearings and I have observed an increase in workload for my paralegal as a result.

Higher [OCS] worker turnover results in an increase in work for us (my paralegal and I have to know things that we used to be able to ask the worker; my paralegal and I have to do increased communication with the client about the status, reports, petitions to terminate, trial prep, etc.).

Reviewing my calendar for the last year, it is common for me to have fifteen to twenty hearings in a week, plus a contested hearing, plus a mediation or other meeting (or several), in addition to giving the occasional training.

In addition to my hearings, trials, and meetings, I generated more than two hundred and fifty (250) written orders last year, along with an unknown number of motions, oppositions, petitions and other pleadings.

Despite my working very efficiently the current workload exceeds what I can do, and do well, in my allotted time. The sentiment from my coworkers, over and over, is that we’re all in the same boat (my workload isn’t special or unique) and that we’re all doing the best we can but that it is taxing.”

# Recruitment & Retention

2/2/2022

## Currently Vacant Positions

Avg. duration of vacancy: 94 days

- Admin/other: 9
- Paralegal: 0
- Attorney: 15

## Positions out for active recruitment

- Admin/other: 7
- Paralegal: 1\*
- Attorney: 18\*

\* = There are currently more active recruitments for attorneys and paralegals than vacancies due to several incumbents who have given early notice for a future separation from service.

## Two-Year Fellowship Program

Coming September 2022

- Purpose is to recruit outstanding legal talent, maintain the high-quality standard of work Department of Law attorneys provide, and give new attorneys an opportunity to gain experience and insight into public sector work.

## CY2021 -- 22 Attorney Hires

(including 5 lateral transfers from other agencies - Criminal, OPA, PD)

- Over 50% with less than 5 years of experience
- Of those, 3 have not sat for a bar exam yet

## CY2021 -- 17 Attorney Exits

Higher paying SOA job;

Moved out of state;

Personnel related;

Private practice in AK;

Became a judge;

Transfer to Criminal Division;

Retirement;

Federal government jobs

# Civil Division

**Child  
Protection**



**Good  
Governance**



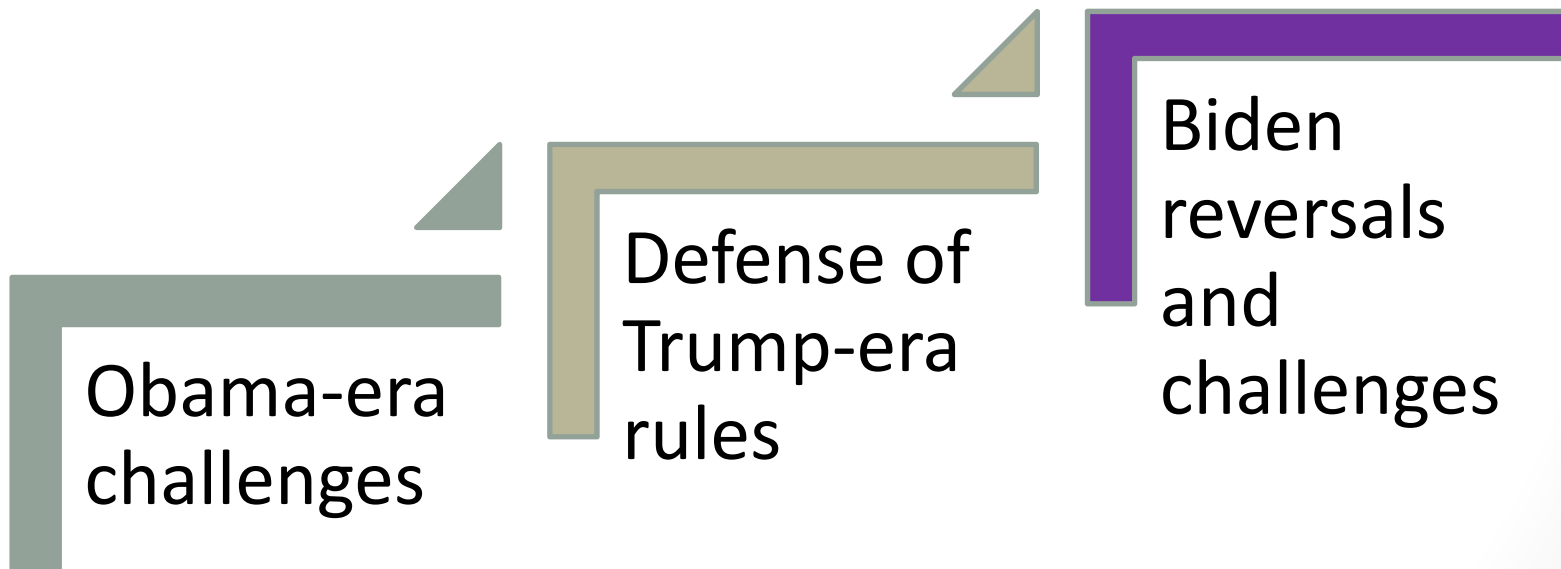
**Statehood  
Rights**



# Civil Division Multi-Year Appropriation

The sum of \$4,000,000 is appropriated from the general fund to the Department of Law, Civil Division, for litigation relating to the defense of rights to develop and protect the state's natural resources, to access land, to manage its fish and wildlife resources, and to protect state sovereignty in the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025.

## Compounding actions over time...

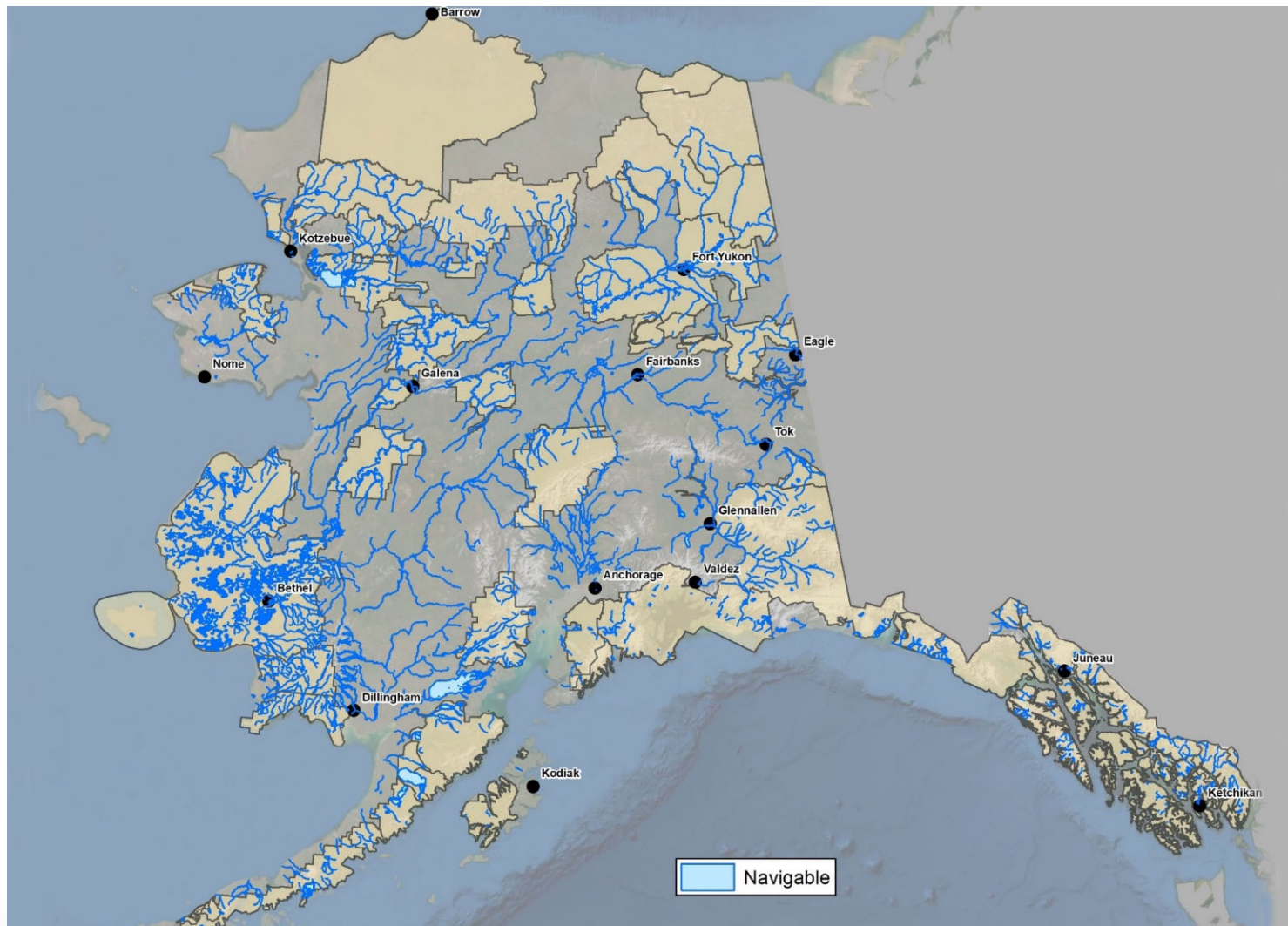


# General Strategy



# STATE-OWNED NAVIGABLE WATERS

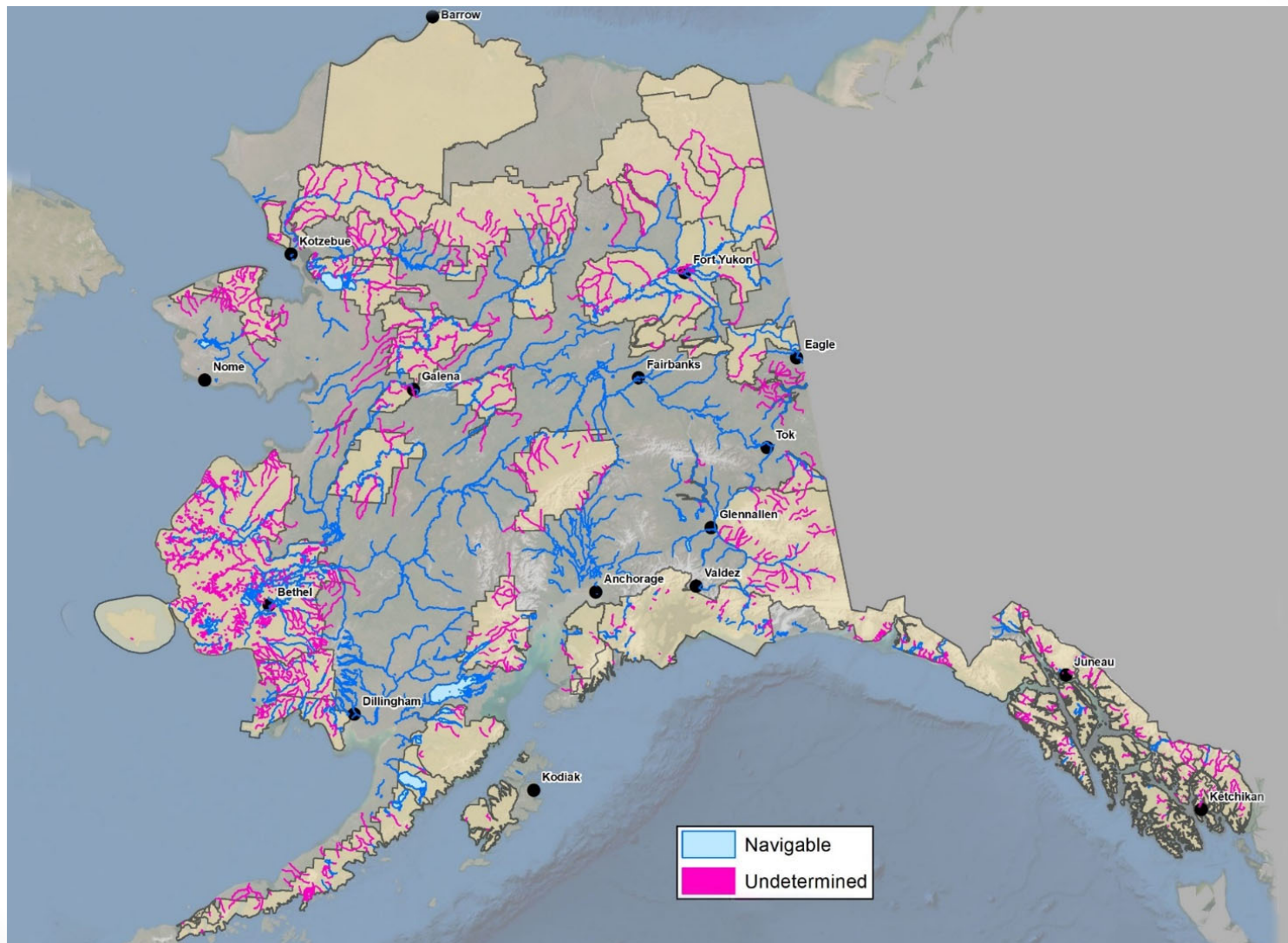
## AFTER STATE MANAGEMENT ASSERTION





# STATE-OWNED NAVIGABLE WATERS

## ACKNOWLEDGED TO DATE





Knik River  
Alaska

# CODIFIED R.S. 2477 RIGHTS OF WAY







Chicken Ridge,  
Fortymile

# Typical Case Costs

## Navigable Waters / RS 2477

Cost type	Est. Annual Hours	Est. Annual Cost	3-year Lifecycle Cost (not including appeal)
Attorney	700	\$119,000	\$357,000
Paralegal	550	\$59,950	\$179,850
Costs (travel, court reporters, tech)		\$50,000	\$150,000
	<b>TOTAL</b>	<b>\$218,000</b>	<b>\$686,850</b>

## APA Case Costs: District Court

Cost type	Total Hours per Case	Est. Annual Cost	Est. 2-year Lifecycle Cost (not including appeal)
Attorney	800	\$68,000	\$136,000
Paralegal	100	\$5,450	\$10,900
Costs (travel, court reporters, tech)		\$750	\$1,500
	<b>TOTAL</b>	<b>\$74,200</b>	<b>\$148,400</b>

## APA Case Costs: Appellate Court

Cost type	Total Hours per Case	Est. Annual Cost	Est. 2-year Lifecycle Cost (not including remand, if any)
Attorney	250	\$21,250	\$42,500
Paralegal	40	\$2,180	\$4,360
	<b>TOTAL</b>	<b>\$23,430</b>	<b>\$46,860</b>

NOTE: Where the State of Alaska signs on to a brief, estimate 40% of the rounded costs (\$59,360). For an estimate of outside counsel costs, multiply state costs by two.

# Use of Multi-Year Appropriation Funding

## Primarily funded by MYA

**ANCSA 17(d)(1) Revocation Delays**

**Biden Oil and Gas Leasing Moratorium (LA Case)**

**GHG Social Costs (MO Case)**

**Fortymile Rivers Quiet Title Actions**

## Secondarily funded by MYA

**Ambler Road Challenges**

**Polar Bear Incidental Take Regulation**

**AIDEA/ANWR**

**ANWR 1002 Area Leasing Program**

**Chicken Trail RS2477**

**NPR-A Integrated Activity Plan Challenges**

**Pebble Mine Clean Water Act Section 404 Permit**

**Willow Project Challenges**

# Thank you

Any questions?