

HOUSE FINANCE COMMITTEE
February 21, 2025
1:34 p.m.

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CALL TO ORDER

Co-Chair Josephson called the House Finance Committee meeting to order at 1:34 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Andy Josephson, Co-Chair
Representative Calvin Schrage, Co-Chair
Representative Jamie Allard
Representative Jeremy Bynum
Representative Alyse Galvin
Representative Sara Hannan
Representative Nellie Unangiq Jimmie
Representative DeLena Johnson
Representative Will Stapp
Representative Frank Tomaszewski

MEMBERS ABSENT

None

ALSO PRESENT

Terrance Haas, Public Defender, Public Defender Agency, Department of Administration; Treg Taylor, Attorney General, Department of Law; Cori Mills, Deputy Attorney General, Civil Division Department of Law; John Skidmore, Deputy Attorney General, Criminal Division, Department of Law; Noah Klein, Associate Counsel, Alaska Court System; Nancy Meade, General Counsel, Alaska Court System.

SUMMARY

HB 53 APPROP: OPERATING BUDGET; CAP; SUPP

HB 53 was HEARD and HELD in committee for further consideration.

HB 55 APPROP: MENTAL HEALTH BUDGET

HB 55 was HEARD and HELD in committee for further consideration.

OVERVIEW: FY 26 DEPARTMENT BUDGET BY THE PUBLIC DEFENDER AGENCY

OVERVIEW: FY 26 DEPARTMENT BUDGET BY THE DEPARTMENT OF LAW

OVERVIEW: FY 26 DEPARTMENT BUDGET BY THE ALASKA COURT SYSTEM

Co-Chair Josephson reviewed the meeting agenda.

#hb53

#hb55

HOUSE BILL NO. 53

"An Act making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; amending appropriations; making supplemental appropriations; making reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

HOUSE BILL NO. 55

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

^OVERVIEW: FY 26 DEPARTMENT BUDGET BY THE PUBLIC DEFENDER AGENCY

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TERRANCE HAAS, PUBLIC DEFENDER, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, provided a PowerPoint presentation titled "State of Alaska Department of Administration Public Defender Agency: Presentation to House Finance Committee," dated February 21, 2025 (copy on file). He noted that the Public Defender Agency (PDA) had been well taken care of by the legislature in the past

couple of years and did not have any big requests in the FY 26 budget. He provided an overview on slide 2. He described PDA as the frontline indigent defense agency in Alaska. The agency took 83 to 85 percent of all indigent appointments made by the court after determining an individual did not have sufficient resources. All clients were either constitutionally mandated to have a lawyer, or they received a lawyer by statute. He noted that the agency's enabling statute listed all of the things for which a person could get a public defender.

Mr. Haas shared that the agency handled all levels of criminal charges as long as they came with the possibility of being jailed. The agency also handled family defense or Child in Need of Aid (CINA) cases (typically one of the parents and sometimes one of the children) when children were taken into custody and parental rights were at risk. The agency handled civil commitment cases when individuals were brought into the state's custody for mental health reasons, also known as Title 47 cases. In all of the cases, if a disposition in the case resulted in a conviction or someone's children being removed or parental rights being terminated, or an individual was held in a facility of some kind, the agency's Post-Conviction Unit handled appeals and petitions for post-conviction relief. Appeals were a request to a higher court to make a decision, whereas a post-conviction case occurred when someone filed a separate case challenging their conviction saying their lawyer was ineffective, there was insufficient evidence, or new evidence. A small portion of PDA's work was the administration of its own agency.

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Mr. Haas provided a pie chart reflecting attorneys by practice area on slide 3. The agency's primary focus was criminal work. The agency had 20 lawyers working on family defense cases, 15 lawyers working on appeals and post convictions, and 5 lawyers handling administration including oversight of supervision and case management. He moved to a map of Alaska on slide 4 showing where the agency's attorneys, offices, and vacancies were located. He clarified that a column titled "Starting in 2025" reflected lawyers that had been hired but, in most instances, had not yet graduated from law school. The individuals would have to graduate and pass the bar prior to starting work. The "Recruiting for" column reflected positions that had not

yet been hired. The total number of empty seats was the total of the two columns. His focus on recruitment and retention focused on the column showing the agency was still recruiting. He had been with the agency for just over a year and prior to his tenure a recruitment and development deputy position had been created to find lawyers (experienced lawyers if possible) and to oversee training efforts. He relayed that one of the things the agency's attorneys reported when they left was that they felt they were handling cases they did not know enough about. He explained that if the lawyers could be trained and were given the tools and support needed, they were more apt to stay with the agency.

Mr. Haas continued reviewing slide 4. The agency had 13 offices spread across the state, some were quite remote and some were urban. Anchorage was the largest office followed by Fairbanks and Palmer.

Co-Chair Josephson referenced Mr. Haas's statement about exit interviews. He thought Mr. Haas had stated that attorneys reported not knowing what cases were about. He interpreted it to mean that the law was so complicated that the lawyers did not always know if they intellectually brought every argument possible. He asked if attorneys were sufficiently trained on day one.

Mr. Haas replied that the day a lawyer graduated from law school they knew almost nothing about how to practice law. When the agency hired brand new lawyers they arrived needing to know how to do the day-to-day work of being a lawyer. Part of that included gaining substantive knowledge in the area they were practicing law. He elaborated that lawyers were people who knew how to learn the law, but they did not already know it all. Whenever possible, he started new lawyers at a misdemeanor level to have them learn how things worked from there. He elaborated that in private practice, new lawyers or "baby lawyers" in a big firm did not know how to get something to the courthouse and it took them five times longer to do something an experienced lawyer would do in a few minutes; therefore, their billing rate was discounted. The PDA did not bill hours, but it had to assume new lawyers would require significant oversight resources. He noted that a failure to do so could result in cases where the conviction was found later to be unlawful or problematic in some other way, which could result in the reversal of a decision and could create significantly more

work. He relayed that the agency was heavily focused on the issue.

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Representative Hannan referenced the three positions starting in Anchorage and three positions starting in Bethel in 2025. She observed that the agency was still recruiting for positions in other locations. She asked how long a person was bound to a specific position within the agency. For example, in the education sector a beginning teacher may take a remote job before they could move to the road system in Palmer or Fairbanks, which may be considered a better location in the teaching world. She asked how long an attorney had to remain in Bethel after committing to a position before they could internally look at other jobs.

Mr. Haas answered it was one of the great conundrums of operating an agency in Alaska. He described it as a "mothership" problem where so much of the state's population and resources were in Anchorage and often it was viewed as the place people wanted to be. One of his jobs was to make it clear that an attorney may want to be in one of the rural locations. He shared that he practiced in Bethel for ten years before he was a judge in the same location for five years. He viewed it as one of the best places to possibly practice and he got a lot out of the experience. He explained that part of the work was communicating to young lawyers what could be gained by working in places like Bethel and Nome. The agency did not have an exact policy requiring individuals to commit to a given number of years in a specific location. The agency made it clear that an individual was expected to make a commitment to live in a specific location where their clients were located. He elaborated that individuals were also told that if they succeeded, they were likely to advance up in the agency more quickly than if they went directly to work in a city because the agency valued the experience.

Representative Hannan replied that she was thrilled to hear Mr. Haas's response and she recalled that he had worked in Bethel and worked up to being a judge. She presumed that he could tell a law school student that by practicing in Bethel they would have exposure to a wide diversity of cases that they may not see for years working in Anchorage

as one of 62 lawyers and they would see the important role of a public defender daily in their community.

Mr. Haas agreed. He stated that a person working in rural Alaska doing a good job would show up on the radar.

Co-Chair Josephson asked if all 129 PCNs [position control numbers] were filled.

Mr. Haas clarified that there was a total of 129 PCNs. He explained that 7 of that total had been hired, but the new employees had not yet started and 11 of the total remained in open status.

Co-Chair Josephson asked for verification that the agency was trying to fill all of its positions and leave no vacancies.

Mr. Haas replied affirmatively.

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Representative Galvin appreciated hearing there was no request for anything more at the current juncture. She had visited six of the prisons during the interim. She understood some incarcerated Alaskans were waiting for trial and had been waiting longer than what she would consider to be a speedy trial. She thought Mr. Haas made it sound like everything was rolling along perfectly, but she heard something different. She asked for context.

Mr. Haas responded that he was happy with the way things were going within his agency, but there were things to work on in the criminal justice system. He stated that there were certainly instances where there was a lot of delay. One of the difficulties in the press was there were some cases that stood out as extreme examples. He was worried about those, but "as a good bureaucrat" he was concerned more about the overall picture of things. He remarked that there was still more delay than there should be in many cases. He saw slow improvement, which was not surprising. He explained that sometimes he was hiring in the middle of winter for an attorney who would not arrive until August. He elaborated that when brand new lawyers were hired it was necessary to provide the education and support needed to make it to the point where they were happy. He remarked that it could be a snowball effect if people were not happy

or overworked and it could result in the loss of employees that had to be built back up. He stated the agency had a lot of work to ensure its lawyers had the experience they needed. Additionally, the agency had work to do addressing the backlog.

Representative Galvin asked for verification that the agency had a plan where once the younger newer attorneys were trained that things would level off and there would be a different outcome with regard to the average wait time for trials to begin.

Mr. Haas pledged to do his part. He noted that the number of actors and people involved was extraordinarily complicated.

Co-Chair Schrage observed that Utqiagvik was shown on the map on slide 4. He asked why it was not listed under offices on the slide. He asked how those cases were being managed.

Mr. Haas answered that the cases were currently managed out of Fairbanks, which he did not like. He would like there to be an attorney in the Utqiagvik office; over the years it had been the most difficult office to recruit for. Housing was an enormous issue, and he was thinking about ways to deal with it. He had been in the office for about one year and he likened it to dog years, meaning it was about five minutes of agency time. He would keep working on the issues. He relayed that Utqiagvik had an office with a local staff person, but it did not have an attorney. He reiterated that he would like to fix that.

Representative Bynum discussed workforce development. He stated it was necessary to take a holistic review of the pipeline of everything from K-12 all the way to people going into retirement and the Department of Corrections was part of that. He stated there was an ecosystem in PDA that involved managing caseload and getting cases resolved. He noted there were people in custody waiting for trial with no convictions. He referenced Mr. Haas's statement that he was happy with the way things were currently. He remarked that if a person was on a sinking ship and everyone had their finger in a hole, the person was likely fairly happy with the condition. He was trying to get a better idea of the holistic ecosystem of the criminal justice system. He noted that PDA was one part of that system. He asked if the

agency was coordinating through the Department of Administration (DOA) to look at the whole picture and determine whether justice was being done for residents whether it was prosecutions, adjudicating, or defending. He was interested to learn how the legislature could get a better picture of the situation because it was responsible for funding. He wanted to know how healthy the system was and how to create efficiencies to save money and adjudicate cases on a quicker timeline.

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Mr. Haas answered that how to determine the overall health of the system was a big question. He stated there were indicators of that health, some of which were difficult currently and some of which were better. He advanced to slide 6 titled "PDA: Workload Five-Year Lookback" to help answer the question. He noted that the slide showed some basic numbers reflecting how cases moved through PDA. He clarified that the Department of Law was a different department and the individuals he reported to were in DOA where defense services were located. He noted that the agency was the "odd man out" within DOA. He looked at the information and noted there was still a lot of work to do, including pretrial delay that was a constant issue needing attention. He looked at the number of cases coming in, going out, and in the open/active category. He pointed to a graph showing that appointments from the court (reflecting the numbers coming in) were going down modestly from FY 20. He remarked that the decrease likely reflected numerous things that would take a whole study to figure out.

Mr. Haas moved to the middle graph on slide 6 showing the disposition rate: the rate at which cases were resolved. He detailed that 100 percent would mean the agency resolved as many cases as it received. Anything over 100 percent meant the caseload was shrinking and anything under 100 percent indicated the caseload was growing. The rate was at 90 percent in FY 20 and FY 21, indicating a growth rate of approximately 10 percent. By FY 22 the rate was 107 percent and remained over 100 percent the following two years, meaning the caseload was coming down. He clarified that it did not mean everyone was happy and had the caseload they needed and that caseloads were as small as they should be, but it meant that steady progress was being made.

Mr. Haas looked at the third graph on slide 6 showing open/active cases in January from FY 20 to FY 25. In FY 20 the number was 10,000, which increased dramatically to 14,000 in FY 21. The number had steadily declined and in FY 25 it was 8,936. He clarified that the caseloads were still very difficult and the job was not easy. He noted that the job would never be easy, but the agency should continue to bring the numbers down. As he recruited the numbers would continue to decline. He relayed that the graphs on slide 6 were all indicators of health and progress. He clarified that they did not suggest that a goal had been achieved, but they strongly suggested that the agency was moving in the right direction. As caseloads decreased, lawyers would be happier, stay longer, gain more experience, and they would be able to handle their caseloads effectively, which would allow the agency to move some of the backlog cases. He believed other presenters would be able to talk in more detail about the types and age of cases.

Representative Bynum observed that the caseload equated to 130 cases per attorney if the distribution was even. He did not believe the distribution was even, which meant some offices were overrun. He asked what constituted a healthy caseload.

Mr. Haas replied that there was an older cap set by the American Bar Association. He noted it was very dependent on case type. For example, one unclassified felony was a large case to handle, and it was possible to handle many more misdemeanors; therefore, caseloads tended to be weighted. He offered to follow up with the specifics from the particular caseload standard. Since then, there was more research and more standards. He explained it was a difficult and controversial question.

Representative Bynum requested the information through Co-Chair Josephson's office.

Co-Chair Josephson believed the attorneys were maxed out and working hard. Additionally, he had no reason to challenge the data for appointments and disposition rates. He also believed media accounts suggesting there were grave problems. He did not know how to unravel it. He asked for comment.

Mr. Haas answered that he wished he had an answer about what thing would fix the problem. He knew there were recent

media accounts of problems with specific cases and a lot of attention paid to the delay in the system and the sense that defendants and victims were waiting too long to get to their disposition. He stated that it was a problem that would take significant time to address. He noted that a healthy defense system helped move things along. He elaborated that attorneys who knew a case and knew what they were doing could bring cases to a resolution much more quickly through negotiations with the prosecution and figuring out which cases should go to trial. Currently, his lawyers had too many cases to be doing that as effectively as possible. He believed in coming fiscal years he would make a request as he got a sense of what the caseloads looked like going forward and as people gained experience. He thought PDA likely needed a few more lawyers, but it was hard to measure currently. He wanted to figure out how existing resources were working before requesting more.

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Co-Chair Josephson remarked that presenters during the meeting would review their budgets and purported trial backlogs. He stated that the legislature had been told a couple of years back that the agency could not take any more cases. He recalled it was a western Alaska problem in particular. He asked if the situation had been fixed. He recognized that Mr. Haas had just stated the agency could use more attorneys. He asked if the problem had been remedied in part by contractual increases (i.e., the hiring of outside counsel) and by other legislative contributions. He surmised that things were a lot better and asked if that was true.

Mr. Haas believed things were improving significantly. He noted there was a crisis at one point that involved not having enough attorneys to move around to places where cases needed to be handled. He noted that it remained an issue - he believed DOL and the Office of Public Advocacy would say the same - there would still be difficulty getting individuals trained up for the most serious cases. He did not have enough attorneys with the appropriate experience to handle the most serious cases. He could not produce them overnight. He stated that he could find a certain percentage of experienced lawyers who were ready and willing to come have the Alaska adventure, but not enough to solve the problems immediately. The agencies' ability to contract for cases made a big difference. He

referenced empty PCNs and the question about what PDA was doing with its money if it was not paying attorneys. He explained that the agency was paying lawyers with the funding because the work did not decrease merely because the agency did not have lawyers in the office. Much of the resources went to contract private attorneys to handle cases to get the job done. He explained that it created some breathing room allowing the agency to address the problem. One of the first things he had done in his position was create a deputy focused on recruitment, training, and retention, which he believed had already begun to make a difference.

Co-Chair Josephson was the most sensitive to the Public Defender Agency out of the three agencies presenting. He did not expect PDA to say it was the cause of delay. He noted he had distributed a copy of Rule 45 from the Rules of Criminal Procedure (copy on file). He read from Rule 45(d)(2) related to speedy trials and excluded periods:

"...only if it is satisfied that the postponement is in the interest of justice, taking into account the public interest in the prompt disposition of criminal offenses, and after consideration of the interests of the crime victim."

Co-Chair Josephson provided a hypothetical scenario where PDA had a new client who pled not guilty, wanted no motion practice and asked for the discovery and a trial within 120 days. He recognized that it was what PDA was required to do. He stated that the agency may advise the client it was against their self-interest. He asked if the court drilled down with PDA attorneys if the agency wanted to waive Rule 45 to determine what the delay was about. He stated it suggested it was supposed to happen and findings were made, which he believed would take a long time. He asked what information Mr. Haas was comfortable sharing about trial and disposition delays.

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Mr. Haas answered that one thing to note with Rule 45 that a stack of caselaw was needed to understand the meaning of much of the rule. He noted that the court had interpreted the rule in many ways. He explained that the court was supposed to make a case specific evaluation of a delay. He elaborated that if the defense attorney requested to have

the case continued, the court was supposed to ask him what needed to be done to do so. He believed an increasing number of courts were doing that. He addressed the question of when to ask for a delay. He stated that from the defense perspective, it was not always in the defendant's favor to continue a case. He was obligated to request a continuance if it would be strategically helpful or if he thought it was absolutely necessary for him to be an effective lawyer. He elaborated that if a prosecutor did not want a continuance, they presented their argument, and the judge had the difficult job of deciding what to do. He noted that a more recent difficulty was that it was not uncommon for both sides to request a continuance. He believed the court was still obligated to go through the facts specific to a case and why a continuance was requested.

Co-Chair Josephson informed the committee that when he entered Rule 45 into the Alaska Court System library, the search resulted in 447 cases. He remarked that many of the instances would be superficial, but there would be scores of cases interpreting the rules. He noted Mr. Haas had skipped slide 5.

Mr. Haas addressed slide 5 showing a five-year budget lookback. He referenced his earlier statement that the legislature and administration had been very supportive of the agency. The slide showed the agency's increase in budget, which was not unreasonable and primarily reflected an increase in attorney salaries in the past couple of years.

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Mr. Haas turned to slide 7 and discussed PDA challenges. The biggest challenge was getting brand new attorneys from where they began to where they needed to be to handle the large number of serious cases to provide effective assistance to clients and to provide them with the expertise they relied on and that he believed made Alaska's justice system one of the best in the nation and world. He elaborated that recruiting, retaining, and training the agency's attorneys was a big part of his job. Discovery processing and management was another challenge that would likely result in a financial request in the future. Since his start date of 2008 in Bethel, the amount of discovery had increased exponentially. He detailed that officers now wore body cameras when they arrived on a scene, which

resulted in hundreds to thousands of hours of video and many terabytes of information. He explained that the prosecution was obligated to provide it to PDA and the agency was obligated to review it on behalf of its clients. He reported that the staff and lawyer time it took to review the information had and would continue to increase extraordinarily.

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Representative Galvin referenced recruitment and retention out of law school. She recalled the previous year a program was presented to the legislature with a plan to bring students to Alaska for a summer session after their first year to use the university and bring them up to speed in an internship program. She asked if it was through PDA or another agency.

Mr. Haas replied that he was not familiar with the program, but he would need to look into it to provide an answer. He relayed that the agency had a solid intern program and recruited through internships. Additionally, the agency recruited law clerks. He noted that Alaska did not have a law school; therefore, it was necessary to find people who wanted to have their Alaska adventure.

Representative Galvin believed the program she mentioned was through another department, but she found it relevant to the current conversation.

Mr. Haas replied that he was interested.

Co-Chair Schrage looked at PDA's challenge associated with the loss of experienced attorneys and the increase of brand new attorneys. He relayed that the subcommittee had talked about some of the trends in the workforce. He asked Mr. Haas to expand on some of the things that had kept longer term attorneys employed in the agency.

Mr. Haas answered there were many factors. He stated that the best lawyers who stayed the longest had a passion for the work, which did not have anything to do with retirement or anything else. He detailed that sometimes people left if the pay was not good enough because they could not afford to keep doing it. He believed that all agencies with lawyers would tell the committee there was a certain kind of person who was up for an Alaska adventure with a passion

for the work. He relayed that when those individuals stayed with the agency it was where PDA got its core of people to keep the energy level where it ought to be. In terms of other factors, some of the oldest and most experienced lawyers who were working to get their "high three" years in their pension plan. He explained that each time the pay was increased it likely increased the number of those individuals willing to stay on. Another factor was burnout. He thought it was fair to say that not everyone had it in them to be a lifelong public defender. He stated it was a special and wonderful kind of person. He had to expect that the majority of people who came to work for the agency would put in a good few years and most likely move on in government or the private sector.

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Representative Hannan noted that the presentation did not include much of the agency's budget information. She referenced the technology element and massive increase in discovery from things like body cameras. She believed it was four years back when the Department of Public Safety (DPS) started requesting digital clerks, processing, and new computers associated with the implementation of body cameras. She asked if the agency's budget request included an increment for the technology component to ensure its attorneys were not spending all of their time restarting their computers to get through the discovery of massive amounts of data the agency had to process, DPS had to store, and the courts had to make sure the information was accessible.

Mr. Haas answered that he had preliminarily started a discussion with DOL about how to work on the issue. The biggest complication was there were several agencies across a couple of departments that needed to coordinate. He remarked that failure to do so would result in fancy software and equipment that would not do the job. The requests would be in his budget, but he wanted to be thoughtful about what he was requesting and how it was done. He suspected DOL would agree that the only way it would work was to work together. He noted that DOL had to provide PDA with enormous files across networks. The agency needed to have the storage, capacity, and ability to review the information. He appreciated the question and it was on his radar.

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Co-Chair Josephson moved to the next presentation from the Department of Law (DOL).

^OVERVIEW: FY 26 DEPARTMENT BUDGET BY DEPARTMENT OF LAW

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TREG TAYLOR, ATTORNEY GENERAL, DEPARTMENT OF LAW, introduced himself and others at the table. He remarked that it would become clear that the Civil and Criminal Divisions operated very differently, which made for interesting meetings when talking about recruitment and retention due to the divisions' different needs. He noted that some of the needs of one conflicted with some of the needs of the other and it was a constant balancing act. He introduced a PowerPoint presentation titled "Alaska Department of Law," dated February 21, 2025 (copy on file). He began on slide 2 and reviewed the department leadership. He turned to slide 3 and noted that the department had revised its mission statement several years back to encompass core responsibilities and allow it to develop a plan for improving in the areas. The improvements were made through training, reorganizations, policy changes, hiring and retention decisions, and by redefining the department's relationship with its clients. He was proud of the progress that had been made and of the work performed daily by the attorneys.

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CORI MILLS, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF LAW, discussed the Civil Division on slide 3. She reported that the division focused on providing high-quality legal services to the executive branch. She elaborated that the division represented all agencies in state government in one way or another. The division had about 144 attorneys and a total of around 250 staff including attorneys, law office assistants, and paralegals. She noted the vacancy rate was doing well and the division was feeling good about its status compared to several years back. The division was currently recruiting for nine attorneys, three law office assistants, and one paralegal. She relayed that three years back the division had 24 open attorney positions. The division was filling the positions less quickly than it would like. She explained that the

number of students graduating from law school had decreased, meaning the supply was not very high and the demand from private and public legal firms was much higher; therefore, the number of applicants received by the division was lower. She reported that the division used to get 20 applicants for a job and now it was happy to receive three. Filling jobs took longer, and everyone was pulling from the same pool of law students around the U.S. Another challenge facing the division in the five-year timeframe was the fact that 30 of its employees would be up for retirement. She noted that it did not account for normal attrition. The division was looking at ways to build a deeper bench to avoid scrambling in the future.

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Ms. Mills turned to slide 5 titled "Biggest Law Firm in the State." She shared that the division had to bill its hours. A pie chart on the slide reflected the number of hours worked for all of the agencies represented by the division. The Department of Family and Community Services (DFCS) was the highest. She elaborated that DFCS housed the Child in Need of Aid (CINA) and Office of Children's Services (OCS) and the Civil Division was responsible for all of the cases, which were about 3,000 per year. The division was also responsible for all of the mental commitments, guardianships, and conservatorships under DFCS and the Department of Health (DOH). She explained that the division was responsible for work under all Alaska Statutes with the exception of Titles 11 and 12.

Representative Hannan had heard in finance subcommittees that labor relations and bargaining for the state was moving from the Department of Administration (DOA) to the Civil Division. She asked if it meant the division would need to recruit additional attorneys. She assumed the division had always been involved in the labor relations aspect. She asked how it impacted the division's staffing and budget needs.

Ms. Mills pointed to the gray section of the pie chart on slide 5 reflecting DOA. She noted that DOA was a broad department including the Division of Motor Vehicles (DMV); the Division of Retirement and Benefits (DRB), which represented a large amount of work including a lot of administrative hearing work; and the Division of Personnel and what used to be Labor Relations. She explained that the

Civil Division had always had a portion of the work, especially the employment work. The division had an attorney that specialized in employment law and advised the Division of Personnel and dealt with employment litigation and employment actions. The division had helped with labor relations and negotiations in various circumstances over the years. She elaborated that the division helped with arbitrations when they were complicated or required legal expertise.

Ms. Mills skipped ahead to slide 10 titled "Labor Relations Funding." She detailed that the division had received four positions from the DOA Labor Relations unit. She clarified that the positions were labor relations analysts and one paralegal, not attorneys. The positions were still doing the same work they did under Labor Relations. The division was looking to add one attorney position to assist with the cases. She explained that some of the cases would remain under the DOA Division of Personnel because they would continue to do low level disciplinary grievance-type matters that employee relations was better capable of doing. The Civil Division was focused on labor negotiations, and as grievances worked into arbitrations, which resulted in more legal work. The departments tried to be intentional with how the work was divided. She reported that thus far, the work was going well. Only two of the four positions received by the division had been filled and the division had since filled the remaining two positions. The division had received good feedback from the individuals who had come to work for them; they liked the proximity to attorneys they could ask questions about contracts.

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Ms. Mills moved to the Civil Division budget on slide 6 titled "Funding Sources." She detailed that about 50 percent of the division's budget was paid for through other agencies. She pointed to a bar graph on the slide and noted that the dark blue portion of the bars reflected money the division received from other agencies paying for its services. The division billed in six-minute increments and sent a bill to the agencies. She explained the reason with an example. She detailed that if DOH received federal funding, it could pay for legal services with some of the funding, but if it went directly to DOL, it would all have to be paid for with state funds. She explained it boiled

down to figuring out the best use for the money coming into Alaska's treasury. The bottom blue portion of the bars represented undesignated general funds (UGF). The small strip in the middle of the bars shown in yellow reflected designated general funds (DGF) made up of the small amount the division received from the regulatory cost charge, the receipts through the Regulatory Commission of Alaska (RCA) for the division's public advocate position under the RCA.

Ms. Mills turned to "FY2024 Monies Collected" on slide 7. The division brought in about \$19 million in FY 24. She noted that the number did not include opioid remediation funds brought in through various opioid lawsuits and settlements, which amounted to about \$100 million over a 15-year timeframe.

Representative Galvin asked for a definition of the term "special litigation" shown on slide 7.

Ms. Mills answered that the Special Litigation Section was created about eight years back. She explained that special litigation was found in many attorneys general's offices and the focus was having a highly specialized team of litigators for complex litigation with large amounts of discovery and depositions or with complicated legal questions requiring numerous procedural moves in the court. She explained that it was litigation that would not go to an inexperienced attorney.

Representative Galvin asked for detail about the procedures and monies collected by the Special Litigation Section of the division.

Ms. Mills stated that Special Litigation Section was also responsible for consumer protection. She explained that consumer protection was a unit within Special Litigation because much of its work was complex multistate litigation. The money collected was brought in through antitrust actions or violations of the state's consumer protection laws.

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Ms. Mills advanced to slide 8 showing the history of statehood defense appropriations. She detailed that in FY 21, the legislature appropriated the division's first \$4 million multiyear increment, which was available for three consecutive years. She reported that the increment had been

spent. The next \$2 million was appropriated in FY 23 and had been spent. A small amount had been appropriated specifically for issues in the Tongass, but the cases had not taken off in the way others had. The division had spent about \$68,000 of the funds, but she expected the cases to heat up in the next year. She recognized there was a new federal administration and noted that it was subject to the new administration. The division received \$5 million in FY 24, which was the pot of money the division was currently working off of. As of the end of December, the division spent \$1.7 million of the \$5 million appropriation. She estimated that the division's spend had been \$2 million to \$3 million per year. The \$5 million would expire next year and the division would have to assess what it needed at that time.

[2:30:20 PM](#)

Ms. Mills turned to slide 9 titled "Requesting Continuation of Temporary Increment." The past session the legislature approved \$500,000 as a temporary increment for FY 25 intending to add the same increment for three years. She clarified that the \$500,000 did not go into the division's base budget. She explained that the money would expire at the end of the FY 25 fiscal year. The appropriation bill the previous session included intent language saying the legislature was expected to appropriate \$500,000 for the next two fiscal years, which would lapse at the end of each fiscal year. The division was requesting the \$500,000 increment in the FY 26 budget. She imagined the following year she would have a better picture of what the division would need going forward based on federal litigation, where the federal administration stood, and what it had done to the division's cases.

Co-Chair Schrage recalled that much of the statehood defense activity was around defending the state's rights to develop natural resources, build roads, and fight off federal shutdowns of the activity the state felt it had the right to pursue. He asked if the depiction was accurate.

Ms. Mills agreed.

Co-Chair Schrage imagined the new administration that had already put out an executive order in support of Alaska developing its natural resources and securing energy dominance was much more friendly to Alaska in terms of

state's rights. He asked if litigation was expected to fall precipitously and if some of the pursuits may be nullified or no longer necessary.

Ms. Mills answered it was currently a bit of a crystal ball and hard to pinpoint things. There were currently slightly over 80 statehood defense related cases. She detailed that the division had tried to use existing and new funding sources to get by. She explained that winding down cases did not happen overnight, and she did not believe they would go away immediately, especially because there were third parties involved in some of the lawsuits. She thought the cases would likely remain for the next year or two. She believed there may be increased litigation against actions the federal government was taking where the state may be aligned with the federal government. There still may be litigation where the state would want to assert its interest because it differed from the federal government's interest. The division would have to evaluate the cases as they arose. She reiterated that over the next two years there may be an increase, which she thought would decline and level off.

[2:34:08 PM](#)

JOHN SKIDMORE, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, addressed the mission of the Criminal Division on slide 11. The division's primary mission was to seek justice. When the division looked at cases, it evaluated whether there was sufficient and appropriate evidence to file charges and move forward. Additionally, the division's mission included the promotion of public safety and public respect for government through prompt, effective, and compassionate prosecution of cases. He recognized there had been some discussion earlier in the meeting about delays and time to disposition. He was familiar with the topic and offered to provide information if committee members had questions.

Mr. Skidmore turned to a map on slide 12 identifying where the Criminal Division offices were located throughout the state. The division had had two sections including the Office of Criminal Appeals and the Office of Special Prosecutions, which handled cases from all over the state. He detailed that the division had 13 offices and nine district attorneys. Four of the district attorney offices had satellite offices. For example, the division had

personnel located in Utqiagvik, but the district attorney was located in Fairbanks and supervised from there. He noted that Johan Earthman supervised Kotzebue from Nome, Brittany Dunlap supervised Dillingham from Anchorage, and Whitney Bostick supervised Sitka from Juneau. The division also had the central office where he and Criminal Division Director Angie Kemp were located along with individuals providing legal services to the Department of Public Safety (DPS) and administrative issues for the division.

[2:37:05 PM](#)

Co-Chair Josephson thought it appeared that Valdez and Homer were outliers in that they were homes of superior courts but there was an itinerant prosecutor covering those calendars.

Mr. Skidmore answered that he did not have the map of court locations on hand. He believed there were 44 or 47 court locations statewide and the Criminal Division did not have offices in all of the locations. He confirmed that each of the division's offices covered court locations. For example, Dillingham covered Naknek, Kodiak had some other locations on Kodiak Island, Anchorage went out to St Paul and Unalaska, etcetera. Each office had some other court locations they had to cover.

Mr. Skidmore advanced to slide 13 titled "How We Achieve Our Mission." He explained that the division covered a vast majority of criminal prosecutions in the state including anything that was a violation of state criminal law. The division did not prosecute federal crimes, which were handled by the U.S. Attorney's Office (there were occasional individuals who were cross-deputized, but it was rare). The division did not typically prosecute violations of municipal law, which were under a municipal ordinance and not state statute. There was a recent exception where the Municipality of Anchorage was short-staffed, and the division had been providing some assistance in covering trials. Additionally, the division did not prosecute traffic tickets. There were some prosecutor's offices in the Lower 48 that would handle traffic tickets, but that was not the case in Alaska. He noted that law enforcement handled traffic tickets.

Mr. Skidmore turned to slide 14 titled "Felonies." He reported that the division had more cases that were being

disposed of than were filed. He explained that it was decreasing attorneys' caseloads and the backlog in the courts. He stated that progress was being made, but substantial work remained. He explained that the number of felonies filed was decreasing because for the past three years the state's crime rate was the lowest it had been in the past 40 years. He relayed that public safety was improving, but it did not mean improvements could not be made. The graph on the left reflected felony filings (in blue) versus dispositions (in orange). The graph on the right represented felony trials. The graph showed the number of felony trials pre-COVID-19, how the numbers dropped off during the pandemic, and the conviction rate. He noted that the conviction rate had been increasing along with the number of trials, which he attributed significant progress in resolutions and dispositions. When the division went to trial and was successful it saw a larger number of cases that ended up going to changes and plea. He elaborated that people accepted offers because the threat of trial.

[2:41:07 PM](#)

Representative Galvin asked about Mr. Skidmore's remark that the state had the lowest crime rate in 40 years. She wondered where the statistic had come from. She asked if Mr. Skidmore had any data indicating it was possible that some crimes were not being reported anymore. She had heard repeatedly in her community council meetings about things that had happened where individuals were going to Facebook to find who stole a car and other similar occurrences.

Mr. Skidmore replied that in the past year there was a 15 percent decrease in sexual assaults reported. He was referring to the Uniform Crime Rate, and the numbers were found in the annual report published by DPS. He addressed the decrease in sexual assaults reported and questioned whether there were really fewer sexual assaults or if there were cases that were not being reported. He served on the Council on Domestic Violence and Sexual Assault (CDVSA) and the agency would be doing a victimization survey that would try to assess the amount of victimization occurring that was different than determining the number of cases reported to law enforcement. To his knowledge there was not a victimization survey for property offenses, and he did not know how to quantify it. He stated that for three years in a row, having a consistent reduction in the crime rate was

significant. He did not know if everyone suddenly gave up on reporting crimes, but when the number remained relatively consistent, it became more significant to researchers.

Representative Hannan stated that the current year's budget, Child Advocacy Centers (CACs) were zero funded. She noted that CACs were not part of the division's budget. She did not really like the name for the centers because in reality they were forensic child abuse and sexual assault places. She was concerned that a lack of funding would derail prosecutions of child abuse and sexual assault cases. She asked how it played into the Criminal Division's ability to prosecute the most heinous crimes if CACs were not functioning.

Mr. Skidmore answered that funding of CACs was very important. He noted that some funds flowed from CDVSA to CACs. He was not familiar with the zero in the budget that Representative Hannan referenced. He relayed that if there was no money going to CACs and they could no longer operate it would impact the division's ability. The CAC was a multidisciplinary location that involved law enforcement, medical personnel, and advocates. He explained that the state did not want someone to have to retell the story of their victimization over and over. He noted that the same thing was done for adults in sexual assault cases. He relayed that CACs had been found to be very effective and helpful. He could not comment on the funding because he was not familiar with it. He added that fundamentally, CACs were important.

[2:45:51 PM](#)

Representative Hannan answered that the committee had heard recently from CACs that their grant funds were zeroed out in the FY 26 budget. She heard from her police department that when there was not a functioning CAC, it was very difficult to get the crime to prosecution. She was glad to hear Mr. Skidmore say that CACs were a critical piece in ensuring the state was able to prosecute child sexual abuse cases across the state and that it was important to fund the centers operating as a vital piece of the criminal justice system in order to ensure prosecutions could take place.

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Mr. Skidmore advanced to slide 15 titled "Misdemeanors." He noted that felonies were more serious cases where someone had the potential to go to jail for more than a year, while jail time for misdemeanors was capped at a year. The chart on the left side of the slide showed misdemeanor filings versus disposed. The blue line representing cases filed showed a decrease. Likewise, there was a decrease in dispositions, but the lines had crossed and the dispositions were higher than the filings, which was responsible for bringing down caseloads. He related it to the concept discussed earlier by Mr. Haas about appointments PDA had and the number of cases coming into the system.

Mr. Skidmore pointed to the graph on the right of slide 15 reflecting misdemeanor trials. The graph showed trials prior to the COVID-19 pandemic, a substantial decrease during the pandemic, and an increase post-pandemic. He noted that similarly, the conviction rates in the trials increased. The data meant that the backlog in the court system was decreasing and the Criminal Division and other criminal justice agencies were bringing down their caseloads. Caseloads were not at the desired level, but progress was being made.

Mr. Skidmore moved to slide 16 titled "Key Issues Impacting Our Work." He began with the challenge related to inexperienced workforce. The division had taken a number of steps to address the issue including the creation of a training unit. Time to disposition was the second challenge shown on the slide. He detailed that the time to disposition still created substantial challenges for the division. The cases he had heard reported in the media were a sample of the challenges the division faced. He believed and hoped the division was making improvements on time to disposition, but there were a number of cases in the system that had substantial problems. For example, he read an email earlier in the day about a sexual assault charged in 2016. In January 2025 the victim told the division they were no longer cooperating. The individual told the division they had moved on with their life and did not want the pressure any longer. The case had to be resolved as a coercion because of pretrial delay. There were over 43 continuances. The division filed oppositions to the continuances, but they continued to be granted for various reasons. He emphasized that time to disposition continued

to be a problem and the media reports were merely a sample of the cases. The division continued to focus on the issue and in the past month it had provided guidance to its attorneys to begin to object to every continuance requested that did not have a necessary component. He elaborated that if a defense attorney had a family medical emergency he believed a continuance was necessary. Absent those types of circumstances, the division's attorneys would object to continuances because the division believed continuances had occurred far too often. He shared that in his 26 years as a prosecutor he had gone to many trials and trial calls where he objected to continuances and sometimes he had not been given the opportunity to object. He stressed that it did not happen all of the time, but it could occur. He reiterated that the division would be objecting to all continuances that were not absolutely necessary. He did not know how it would impact the challenges with time to disposition; it would play out over time. He saw it as a fundamental problem that the division had not been asserting the objections as objectively as it should have been.

[2:51:45 PM](#)

Co-Chair Josephson thought Alaska's court system was the best in the country. He referenced language in Rule 45(a) [handout by Co-Chair Josephson] that "the court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth." He cited language from Rule 45(d)(2) that "the court shall grant such a continuance only if it is satisfied the postponement is in the interest of justice taking into account public interest...and after considerations of the interest of the crime victim." Additionally, he cited Rule 45(h) "before ruling on a motion of continuance in a case involving a victim...the court shall consider the victim's position." He highlighted that the rule clearly recognized the importance of victims. He recalled from his time as a prosecutor in the past that the prosecutor may have a box of 100 cases and it was not possible to have a lengthy discussion about why there was a continuance in 100 cases. He acknowledged it was possible, but it would take considerable time. He asked how to solve the issue. He appreciated Mr. Skidmore's position that Criminal Division attorneys would object [to the request for a continuance], but he recalled being so swamped that when Rule 45 was

waived he was relieved because he already had two trials and a heavy workload.

Mr. Skidmore replied that he had been the sole prosecutor in Dillingham in the past. He recalled trial calls where he had 100 cases and they talked about all of the cases on the call. He detailed that one-third of the cases ended up being continued, one-third were changed to a plea, and the remaining one-third had trials or dismissals due to a problem with the case. He understood the dynamic Co-Chair Josephson was describing. There were far too many cases that were being continued and an appropriate record of the reason for the continuance was not being created. He explained that the state needed to do a better job doing so. He did not mean to suggest that if the division objected that a continuance would not be granted. He explained that without an objection, there was no appropriate inquiry about why the continuance was needed that allowed the judge to make the findings Co-Chair Josephson pointed out in Rule 45. He stressed that there needed to be thoughtful, careful consideration. He thought it was likely occurring in some cases, but he did not believe it was happening in all cases. He wanted to try to make sure it happened in all cases. The division had an obligation to notify the victim and was required when it went to court to say whether the victim had been notified, what the victim's position was, and whether or they had decided to come to court to voice their own position. He stated that the things needed to be happening and it was an area the department could improve on. He planned to talk about the issue more in several minutes.

Co-Chair Josephson referenced the scenario where a case was reduced to coercion. He asked for verification that the division could subpoena the victim.

Mr. Skidmore replied affirmatively.

Co-Chair Josephson observed that the individual would be quite angry.

Mr. Skidmore explained that under the circumstance, the division would issue a criminal subpoena, the victim would fail to show up, and the division would have the option to obtain a material witness warrant, which essentially indicated that because the witness failed to appear in court, they would be arrested. The division would have to

decide whether it wanted to arrest the victim of a sexual assault because it had taken the state a decade to get to trial. Due to the lengthy timeframe, the individual had moved on with their life. He stated that it was a decision the division had to make.

[2:56:37 PM](#)

Representative Bynum considered the health of the overall justice system and a holistic approach. He did not necessarily need an answer in the current meeting. He referenced the discussion about trying to make sure cases were looked at and worked on. He remarked that a lot of the state's small communities had police departments that were trying to do the best for their communities. He elaborated that those departments made arrests, which were referred to the Criminal Division and in some cases they were pretty serious offenses. There were several cases in small communities where significant arrests were made related to drug dealing. He remarked that illegal drugs could have ravaging effects in Alaska's small communities very quickly. He noted that multiple serious felony cases had been brought forward and dismissed. He asked about the department's process for communicating to communities about why it may make a decision to drop those types of cases. He asked what the process should be. He explained that the situation had recently occurred and the leadership in the communities were outraged that the cases were dropped. He thought they did not seem to be receiving a response about why it was happening. He asked for the standard protocol of making a connection between DOL and law enforcement and leadership in those communities.

Mr. Skidmore answered that he would not go into depth on the ecosystem [of the criminal justice system] during the current meeting, but he was happy to talk about the issue offline. He addressed the question about the dismissal of cases. The division's obligation was to notify victims about what was going on in a case. He explained that drug offences were typically considered victimless crimes, meaning there was not a victim for the division to reach out to. The division tried to communicate with law enforcement about what it was doing with various cases, there was a paperwork trail that was supposed to be making that happen. He did not know whether it was failing in the particular case. He always encouraged division staff to be in continual communication with law enforcement about cases

and their status and about why the division made the decisions it had because he believed it made for better investigations and understanding of what was taking place. He heard Representative Bynum saying it was not working in a particular case. He welcomed the opportunity to talk about the specific case offline to get to the bottom of the issue.

3:00:03 PM

Mr. Skidmore advanced to expanding discovery obligations on slide 17. He referenced earlier discussion about body cameras and digital evidence. A graph on the slide provided a representation of the exponential increase in the volume of digital evidence. The division was taking efforts to manage the situation through different software. He relayed that the division had been in contact with Mr. Haas and the PDA about how the process would take place and agreed with Mr. Haas that there needed to be some coordination. Additionally, with those cases there were challenges where the division had to look at impeachment material. He referenced the case names Brady and Giglio listed on the slide, which talked about what the obligations were. The department's obligation to provide the material was a budget increment request in the division's FY 26 budget.

Mr. Skidmore discussed the three offices with the highest caseloads within the Criminal Division on slide 18. The offices included Dillingham, Palmer, and Ketchikan. He detailed that Dillingham had a total of 289 cases, including 109 felonies, which included 28 murders, sexual abuse of minors, and sexual assaults. The average caseload for the single prosecutor in Dillingham was 289. Palmer had 11 prosecutors with a total of 2,783 cases including 909 felonies, which included 112 murders, sexual abuse of minors, and sexual assaults. The average caseload was 253 per attorney. He noted that for the Ketchikan office, the division's request for positions was broader than Ketchikan, but the division used Ketchikan numbers to try to help illustrate the point. He highlighted that the vacancy factor was not included on the slide. The numbers on the slide assumed the caseload per attorney was if all positions were filled. He explained that all positions were not filled and were almost never filled. The division was always striving to fill every position, but there was turnover and he had rarely seen all positions filled. The average caseload the division aimed for was 100. The

division's budget request included the addition of prosecutors to each of the offices. He recognized that even with the addition of prosecutors it would not reduce the caseloads to 100. He elaborated that caseloads were coming down and the division was disposing of more cases than it was filing; therefore, the division did not want to overshoot the mark and had made a conservative request in its budget to try to reach the goal.

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Mr. Skidmore addressed the Criminal Division's strategic plan (on slide 19) to reduce caseloads and for specialized positions for Brady and post-conviction relief (PCR). He briefly discussed a request for caseload reduction on slide 20. The request included three attorneys to go to Dillingham, Palmer, and Ketchikan, a paralegal, and a law office assistant. The slide also included information about the challenges facing the division when there was a high caseload. He moved to slide 21 titled "Request: Brady Prosecutor." He explained that "Brady" talked about the division's obligations to disclose information. When the division had law enforcement officers working for the division, and an officer's personnel file included something to suggest there was an issue the division needed to reveal that was of an impeachment nature (i.e., they had done something that may suggest they were dishonest or biased in some way). He elaborated that the division had received over 400 alerts where an issue existed and there was something the department needed to disclose. He explained that it involved managing confidential personnel files; therefore, it was a complicated process that involved talking with law enforcement, getting them to cooperate, and evaluating whether the information constituted a bias in a particular case. If someone was dishonest, it had to be provided in every case. He used an example where an officer used excessive force, and the case was about an assault as opposed to a theft. The division would have to evaluate whether excessive force by the officer became relevant impeachment in the trial.

Co-Chair Josephson asked for verification that when an officer had alleged to have committed a misdeed, the division had to manage the issue potentially for the officer's entire career.

Mr. Skidmore answered affirmatively. He explained that it was slightly more complicated than that an individual was alleged to have done so. There had to be some corroboration or finding that the incident took place, which created further complications of what to do during the pending decision. He confirmed that if there was a finding, the division had to manage it going forward.

Representative Hannan was startled by the number 400. She asked if it was normal compared to other states. She asked if Alaska had a lot of issues in its law enforcement personnel files.

Mr. Skidmore clarified there were 10,000 to 13,000 misdemeanors and 6,000 to 7,000 felonies filed per year in Alaska. He clarified that the number 400 pertained to 400 different cases, not 400 different officers. He explained that there may be one officer with an issue in their file and if they worked 100 cases, the division may receive 100 alerts for that officer. He was not saying it was the case, but he was trying to help explain what the number meant. He did not believe 400 was high and he did not believe Alaska had a large significant problem within its law enforcement ranks. There were issues that needed to be managed, but he would not characterize them as outsized.

[3:07:28 PM](#)

Mr. Skidmore advanced to slide 22 titled "Post-Conviction Relief (PCR)." He explained that PCR were cases where someone had been charged, convicted, an appeal had been filed and lost, and the individual was doing a "collateral attack where they filed a civil case to claim their case needed to be reversed for some reason. There were 376 PCRs currently pending in Alaska. He detailed that it was more like a civil case that engaged in civil discovery with depositions and filing requests for information. The attorney had to review the old files, any old court records, and old transcripts. There were different legal standards and issues. For example, it was the defendant, not the prosecution who bore the burden of proof in a PCR case. The division's budget request included an attorney to focus on PCR cases. He noted that Mr. Haas had discussed that the Public Defender Agency had a PCR unit responsible for appeals and PCRs. He explained that the Criminal Division's appellate unit was only responsible for appeals. The division was requesting one position to help it manage

the most serious PCRs. Otherwise, PCRs were handled by the division's line attorneys. The one new attorney would return the division to a system that had been in place in the past.

Mr. Skidmore referenced an earlier question about an intern program. He relayed that the program was managed by DOL and it had been a phenomenal success. He shared that more individuals were applying more quickly and with greater experience. The program had been a great benefit to the Criminal and Civil Divisions.

Co-Chair Josephson looked at slide 18 and asked for verification that the division wanted new prosecutors in Dillingham, Palmer, and Ketchikan.

Mr. Skidmore agreed.

Co-Chair Josephson asked about the timeframe of the 28 murders listed under Dillingham.

Mr. Skidmore replied that he did not have the dates on hand. He explained that the slide had been created a while back and he could not verify it was the most recent information.

Co-Chair Josephson realized that the number included murders, sexual abuse of minors, and sexual assaults.

Mr. Skidmore agreed. He clarified that there was not a sudden wave of homicides occurring in Bristol Bay.

Co-Chair Josephson assumed it would be in the interest of the public defender, court, and the Criminal Division to expand the Palmer courthouse.

Mr. Skidmore responded that he was not able to comment on the needs of the court system or the public defender. From the perspective of DOL, it had outgrown its current space in the Palmer courthouse, and it would benefit the division to have more space.

Co-Chair Josephson thanked the testifiers for their candid testimony and hard work.

^OVERVIEW: FY 26 DEPARTMENT BUDGET BY THE ALASKA COURT SYSTEM

3:10:35 PM

NOAH KLEIN, ASSOCIATE COUNSEL, ALASKA COURT SYSTEM, introduced himself and other available colleagues. He thanked the committee for inviting the court system to present to the committee. He introduced a PowerPoint presentation titled "House Finance Committee Alaska Court System Budget Overview," (copy on file). He began with the court system's mission statement on slide 2 and thought it perfectly tied up the questions about criminal case delays because part of the court system's mission was expeditiously deciding cases. He asked to hear from Nancy Meade on the topic.

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NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, relayed that the delays in the backlog were vastly improving. She explained that last year, the court system took a point-in-time-look at the number of pending cases and on January 1, 2024, there were over 15,000, compared to about 10,000 on January 1, 2025. She noted it was a remarkable change in one year. She explained that the court system was closing more cases than it was opening. The public defender was disposing more cases than it was receiving, and the Department of Law (DOL) was closing more than it was filing. She stated that the whole system was on a good trajectory. She spoke about unacceptable delays in outlying cases. She clarified that delays occurred because either the defense attorney or the prosecutor asked for a postponement. The court did not postpone court dates unless something rare and serious occurred (e.g., illness). The court had a policy of always having a judge available if the parties were ready for trial. She elaborated that the court brought in retired pro tem judges to handle a particular case when necessary. She detailed that if parties came in Monday morning ready, the court was ready to go. To keep things moving more quickly, the courts were scheduling trailing calendars. For example, a judge would tell four different cases they were going to trial Monday morning at 9:00 a.m. The expectation was that at least three of the cases would enter into a plea bargain by Monday morning, because experience indicated that the closer the trial date, the quicker a case went into plea bargain status. If two cases were ready to go to trial that Monday morning, the department would get a retired judge to

take the second case. The court system was doing what it could to ensure that every time the parties were ready, they could go to trial.

Ms. Meade relayed that the backlog was being lowered and was currently at the level it was prior to the COVID-19 pandemic. The case level was on par with 2018 and 2019. She noted that outliers taking longer to get to disposition were the most serious cases and were atypical. The typical time to disposition was shorter than one may think. The median time to disposition for misdemeanors was about six months even for the most serious cases. The same was true for Class C felonies including theft. She clarified that median was not average and removed the outliers at each end, but the court believed it was a better way to illustrate what was more typical.

Ms. Meade explained that more serious cases took longer because they involved more evidence, more complicated evidence, and more parties. She relayed that Class A felonies had a median time of three years, which could involve delays in receiving reports from the crime lab and the troopers and all other parties had substantially more investigations to do. She referenced cases that may be in the media that may take eight years or may have to be dismissed because a victim became disillusioned with the length of time it was taking and clarified that it was not typical. She recognized that it was unacceptable and there was no defense for it, but it was not occurring on repeat and the overall system was not broken. She stated that no one liked the delays in the system, but sometimes they could not be helped. She addressed the question about why a party would ask for a postponement. She referenced testimony from agencies earlier in the meeting that they had somewhat of an attrition problem, which was improving. She explained that agencies had inexperienced lawyers, which meant individuals were less able to assess the strength of their case and what their next steps may be; it was slower to get things done. She elaborated that if someone left an agency and a new attorney had to step in, the new attorney likely needed to start from square one. If discovery had already been exchanged, the new attorney may not be familiar with what the departing attorney had already spent many hours on.

Ms. Meade underscored that the amount of discovery had been growing over the past decade. For example, if an attorney

received a "phone dump" in a drug case and it took hours for someone to go through the terabyte of information. Cases were taking longer on average, and the median time was growing, partially due to the circumstances in digital discovery.

3:17:59 PM

Ms. Mead continued to discuss reasons for delays. She relayed that part of the delay was due to attorneys. Additionally, there were some number of defendants represented by private counsel. She explained that private counsel could be overworked with too many cases and there were numerous scheduling problems. For example, if a person was scheduled to be in a courtroom and another judge wanted the attorney in their courtroom, something had to give. She remarked that it was a fairly common request from private defense attorneys because of scheduling problems; they could not be in two places at once. She noted it was an issue for defense attorneys and prosecutors as well, but it was prevalent for private attorneys who had extremely high caseloads. When a new attorney was on a case they may ask for a continuance because they just received the discovery or for other reasons. She explained that the court was hard pressed to force someone to go to trial when an attorney was not ready. She detailed that it was counterproductive and resulted in fodder for a later claim of ineffective assistance of counsel, which turned into an appeal and added another several years onto the timeframe. She stated that the victim did not want that, nor did anyone else. She characterized it as being between a rock and a hard place when an attorney said they were not ready for trial. Forcing attorneys to trial did not lead to results that anyone in the system would be happy with.

Representative Tomaszewski asked if there were any guidelines that put rails on what could be considered or not considered a continuances. Alternatively, he asked if it was solely at the judge's discretion.

Ms. Mead replied that the rules specified that there needed to be good cause shown. She elaborated that if an attorney had just been given the case, it was likely good cause. There had been recent and older efforts by the court to ratchet down on when continuances would be allowed. She relayed that everyone in the system was aware that long times to disposition were not helpful to anyone. There were

some cooperative efforts by a working group comprised of the agencies and court system. She noted there was recently a presiding judge order that all of the other judges had to follow that said in part and in certain circumstances generally good cause would not include lack of an offer, outstanding discovery, ongoing (plea bargain) negotiations, application to a different court, new charges, or other pending cases unless in another jurisdiction, the defendant's participation in a treatment program, or the defendant being out of state because of a case in another jurisdiction. She remarked that sometimes one of the items had to be considered good cause. The presiding judge order applied to an extension of the time at the very beginning of a case prior to an indictment in a felony. The court system was making an effort to give guidance to attorneys about what they could and could not ask for.

[3:21:47 PM](#)

Co-Chair Josephson asked when the order had been issued.

Ms. Mead replied that the order was dated February 8, 2024.

Representative Tomaszewski suspected that the order likely came out because some were abusing the system. He felt very frustrated for victims when trials were delayed eight to ten years and the victim could not take it any longer. He was glad to hear there were remedies coming forth. He wondered if the legislature could do anything such as putting guidelines into law in terms of what could or could not constitute a continuance.

Ms. Mead was happy to talk about the topic offline. There were criminal rules (referenced earlier by Co-Chair Josephson) that were very long with all sorts of reasons and timeframes and with a lot of caselaw. She noted that they would bump into due process concerns and the ineffective assistance of counsel concerns that may be counterproductive. She thought the effort by the court to set some guidelines was bearing fruit, which was reflected in the data over the past year showing improvement.

[3:23:32 PM](#)

Co-Chair Josephson returned to the presentation. He wanted to make sure to get to the budget issues.

Mr. Klein briefly went over slides 3 and 4. The court system was entirely state funded, all of its revenues went into the General Fund, and the state had a unified judiciary. Slide 4 showed a map of Alaska with superior and district court locations across the state. There were 38 locations with 39 courthouses. He reviewed slide 5:

Alaskans Served in 2024

- 93,315 new cases filed (trial and appellate courts)
- 5,691 contacts thru the Family Law Self Help Center
- 3,573 Alaskans served on juries
- 7,738,378 visits to <https://courts.alaska.gov/>
- 2,664,760 CourtView searches
- 429 therapeutic court participants
- Tens of thousands of on line court forms accessed or downloaded

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Mr. Klein addressed the caseload change from FY 23 to FY 24 on slide 6. There was a slight uptick in FY 24 after a slight decrease in FY 23. Specifically, in the superior court, there was a decrease of 3.4 percent. There was an increase in the district court. Slide 7 listed factors impacting the court system workloads:

- Population
- Demographics
- Police
- Economy
- Statutory Changes
- Recovery from Pandemic Era
- Staff Vacancies

Mr. Klein elaborated on slide 7. He relayed that due to the state's aging population, the types of cases in Alaska were changing. He relayed that in poor economic years, the court system may see more family law and Child in Need of Aid (CINA) cases. He noted that statutory changes such as the Court Visitor Program that the legislature moved to the court system was the type of thing that increased the court system's workload.

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Mr. Klein relayed that the Court System vacancies were trending downward (slide 8). The court system was proud of the work its HR department was doing. The highest vacancy rate was 13.3 percent in FY 21 and it had been reduced to 10 percent in the last calendar year. The current vacancy rate was almost exactly at the 7.2 percent the court system was funded for.

Co-Chair Josephson asked for verification that under HB 226 [SB 259], a typical court system employee was under the supervisory bargaining unit.

Ms. Mead replied that it was generally correct.

Mr. Klein clarified that the bill number was SB 259. He moved to slide 9 and reviewed who worked for the court system. There were more than 650 nonjudicial positions, which were primarily clerical (range 10 to range 14). There were numerous lower paying positions within the court system in addition to the administration office, which housed HR, fiscal, Ms. Meade and himself. He moved to slide 11 and addressed all funding sources for the court system. A pie chart on the slide depicted the court system's budget compared to all state agencies for all funding sources. The judicial branch included the court system, the Judicial Council, and the Commission on Judicial Conduct and made up about 1.5 percent of the FY 26 operating budget request.

Co-Chair Josephson asked for verification that filing fees of \$250 for a civil suit went to the general fund.

Mr. Klein responded affirmatively. He detailed above \$7 million had been deposited into the General Fund from the courts in the current year.

Mr. Klein turned to slide 12 and addressed a breakdown showing where court system funding went. The vast majority went to trial courts. Other funding areas included administration, therapeutic courts, and appellate courts. He looked at slide 13 showing a breakdown of where the court system spent its money. Personal services accounted for the vast majority of the court system budget, followed by contractual services (facility leases).

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Mr. Klein reviewed the FY 26 budget request. The number one item was facility maintenance and operations in the amount of \$552,300. He explained that the governor's budget included \$362,000. The increment was for lease cost increases - Consumer Price Index (CPI) costs - as well as utility costs and costs owed to the Department of Transportation and Public Facilities for facility maintenance. The next increment was to true up the cost of the court visitor services, statutorily mandated court visitors moved to the court system from the Office of Public Advocacy a couple of years back. He noted that it was the last time the court system expected to request an increment for court visitors. The budget reflected what the court system expected its actual cost to be moving forward. The third request was for reimbursable services agreements (RSAs) for staff members in the therapeutic courts. He explained that the individuals were employees of executive branch agencies working for the therapeutic courts and paid for by the court system through RSAs. He noted that the employees received raises and the increment would cover those raises. The budget request included \$92,400 was for two positions in therapeutic courts, which were primarily funded with Alaska Mental Health Trust Authority (AMHTA) money. The money did not cover the full cost of the positions. The UGF portion of the two positions combined was \$92,400.

Co-Chair Josephson looked at the asterisk at the bottom of slide 14 and asked how the governor's office had derived the figure of \$188,800.

Mr. Klein replied that he did not know.

Mr. Klein addressed FY 26 operating requests (non-UGF) on slide 15. The first increment was the AMHTA money for the two positions he had just discussed. There was \$200,000 in interagency federal receipts from the Child Support Division to fund an additional position in the early resolution project.

Co-Chair Josephson referenced Rule 45. He thought it seemed to say if there was a motion to suppress that no pretrial motion shall be held under advisement for more than 30 days. He noted he was not saying it was not happening. He interpreted the rule to say that when the court system received an important substantive motion in a criminal case that it would act within 30 days. He thought it was strange

that the rule also stated that if the court system did not act within 30 days it would come out of "the hide" of the defendant in terms of the speedy trial rule. He cited that "anything longer than 30 days shall not be considered as an excluded period."

Ms. Mead replied that they could talk about it offline. She did not have the rule on hand. She would need to follow up.

Co-Chair Josephson asked for verification that the court system was supposed to rule quickly on pretrial practice.

Ms. Mead responded affirmatively. She noted that it was after motions were fully ripe. She noted that briefs went back and forth before motions were ripe.

Representative Hannan looked at the asterisk on slide 14 that the governor's budget was \$188,800 less than the court's assessment of what it needed to continue on the current trajectory. She asked if failing to receive the additional money would slow the disposition of cases brought before the court system.

Mr. Klein answered that he did not believe the \$188,000 would slow the disposition of cases. The court system would either find the money somewhere else or cut something that did not impact disposition times.

Co-Chair Josephson asked if there was an understanding in a memo from 1962 that the court system would propose a budget to the Office of Management and Budget and it would be the amount included in the governor's budget.

Mr. Klein confirmed that until about five years back, an operating budget from the court system came out of OMB unchanged because the Judiciary, as an independent branch of government, should have the ability for the legislature to see its entire budget request as required by separation of powers.

Co-Chair Josephson thanked the presenters. He reviewed the schedule for the following meeting.

ADJOURNMENT

3:33:43 PM

The meeting was adjourned at 3:33 p.m.