

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 9, 2025

1:30 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator Löki Tobin
Senator Robert Myers

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

PRESENTATION(S) : PUBLIC DEFENDER AGENCY OVERVIEW

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

TERRENCE HAAS, Public Defender
Public Defender Agency
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Presented an overview of the Public Defender Agency.

ACTION NARRATIVE

[1:30:26 PM](#)

CHAIR CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Kiehl, Myers, Tobin, and Chair Claman.

PRESENTATION(S) : PUBLIC DEFENDER AGENCY OVERVIEW

[1:31:08 PM](#)

CHAIR CLAMAN announced an overview of the Public Defender Agency.

CHAIR CLAMAN invited Terrence Haas to put himself on record and begin the overview of the Public Defender Agency.

[1:31:28 PM](#)

TERRENCE HAAS, Public Defender, Public Defender Agency (PDA), Department of Administration (DOA), Anchorage, Alaska, presented an overview of the Public Defender Agency. He said the goals of the presentation were to explain the structure of the agency, how and where it functions, who comprises it, the agency's overall health as reflected in hard data, and plans to address its future challenges.

[1:32:15 PM](#)

MR. HAAS moved to slide 2, PDA Overview:

[Original punctuation provided.]

PDA: Overview

- **Mission: To provide constitutionally mandated legal representation to indigent clients appointed by the court.**

- **83 percent - 85 percent of all indigent appointments are handled by the Public Defender Agency**

Criminal Litigation

- Misdemeanors
- Felonies
- Petitions to revoke probation & parole
- Juvenile Delinquency
- 5th Amendment

Family Defense & Mental Health

- Child in Need of Aid
- Commitment

Post-Conviction

- Appeals
 - Merit, Bail, Sentence
 - Petitions for Post-Conviction Relief (PCR)

[1:36:03 PM](#)

CHAIR CLAMAN inquired about post-conviction relief. He said his general sense was that, for the first few decades of statehood, the Public Defender Agency (PDA) handled very few post conviction relief matters. He recollected that at some point, perhaps in the mid-1990s or later, the agency began taking on a significant number of post-conviction relief cases, to the extent that some attorneys now focus exclusively on that work. He asked when that shift occurred and why it occurred.

[1:36:46 PM](#)

MR. HAAS replied that, based on his general knowledge of criminal justice, the change reflected a broader shift across the criminal justice system at the federal and state levels. Post-conviction relief matters became a more common avenue for addressing cases after conviction as merit appeals declined and appellate routes in many state and federal systems became more restricted. He explained that what had once been a relatively rare procedure expanded and became more common nationwide, including in Alaska. He expressed his belief that the Agency was always responsible for representing clients in those matters when a lawyer was requested and appointed by the court. He said that there are more post-conviction relief cases now.

[1:37:41 PM](#)

MR. HAAS continued with slide 2 to address the Agency's administration:

[Original punctuation provided.]

Administration

- Management
 - Legislation
 - Operations
 - Budget & Accounting
 - Records
 - AmeriCorps/Holistic Defense

MR. HAAS said the Administration Section is the smallest domain in terms of attorneys. He explained that administrative staff handle agency management, legislative communications, coordination with the Department of Administration wherein the Agency is housed, budgeting, accounting, and recordkeeping. AmeriCorps holistic defense is a relatively new concept within

the Agency, which the Agency is attempting to expand. It takes some administrative energy to administer its grants.

[1:38:18 PM](#)

MR. HAAS moved to slides 3 and 4, PDA Overview. He said although the figures on slide 3 are a little stale, they show the number of lawyers handling each of the following practice areas:

[Original punctuation provided.]

Attorneys by Practice Area

Criminal - 90

Family Defense and Mental Health - 20

Post Conviction Relief - 15

Administration - 5

MR. HAAS said public defender agencies are best known for representing individuals who cannot afford counsel. This is often portrayed in police dramas, it is largely what the public associates with public defender agencies, and it is one core function of the Agency. He said 20 attorneys handle Family Defense and Mental Health matters, which had previously been called the Civil Division. He explained that he refers to it as the Parent Defense Division because those attorneys primarily defend parents in child in need of aid (CINA) cases. He said 15 attorneys serve in the Post Conviction Relief (PCR) Section, including both appellate and PCR practitioners. He said that although this group is smaller, it handles a significant volume of work. Five attorneys are assigned to the Administration Section.

[1:39:56 PM](#)

SENATOR MYERS commented on the Administration Section, stating that it struck him as odd that what was listed as administrative functions involved attorneys. He asked about the need for attorneys in that section, other than drafting legislation.

[1:40:18 PM](#)

MR. HAAS replied that all of those lawyers handle litigation directly and in the trenches. He said he personally does misdemeanor trials with new lawyers because the Agency needs experienced lawyers to help train new ones. He said they all do a certain amount of that. He explained that the Agency is organized with:

- A deputy for criminal matters.
- A deputy for civil matters.

- A deputy for training and development, who oversees recruitment and helps train new attorneys.
- An attorney assigned solely to administrative work, including communications with the Department of Administration and the legislature.

MR. HAAS noted that all of them handle day-to-day casework as well. He explained that the criminal deputy is responsible for distributing cases evenly across the state, in accordance with the public defender's directive. This ensures that, whenever possible, a public defender represents a defendant in their own community. He said that being the public defender's criminal deputy means appearing regularly in court to respond to judges' questions and address conflicts. Resolving conflicts and determining where cases need to go is another major part of the work. He stated that this is a brief example to give the committee a sense of Agency function and structure.

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SENATOR TOBIN asked about the relationship between CINA cases and the Indian Child Welfare Act (ICWA), inquiring whether support is provided to tribes and biological parents.

[1:42:14 PM](#)

MR. HAAS replied that, over the 15 years that he practiced and was a judge in Bethel, CINA cases were almost exclusively ICWA cases. He explained that ICWA cases are governed by federal law involving children who are tribal members and who are brought into state court, often into state custody. He stated that the Agency continually works to coordinate with tribes on the complex issues involving the respective roles of tribes, the Office of Children's Services, and legal advocates. He noted that sometimes the State is aligned with tribes and sometimes it is not; it depends on whether the Agency's client likes or does not like the tribe's position. He said although it gets complicated, the Agency is a strong proponent of getting resources to tribes that help tribal members address the underlying issues which lead to CINA cases. He clarified that the Agency does not operate in tribal courts because its enabling statute limits its work to state courts, however, it routinely communicates with tribes and ICWA workers to help resolve issues.

MR. HAAS noted that the previous slide mentions holistic defense, which is a significant focus in the CINA arena. It is aimed at addressing clients' broader challenges beyond legal

issues, many of which stem from poverty and other contributing factors.

1:44:22 PM

SENATOR TOBIN concurred, noting that many factors contribute to why someone appears before the court or requires services. She asked about the caseloads of newly hired attorneys, the mentorship provided, and the complexities of Alaska ICWA and CINA cases. She inquired about the time it takes for new attorneys to become proficient and able to practice independently, and whether there is significant turnover among attorneys focused on that area of law.

MR. HAAS replied that he will address that subject further along in the presentation, acknowledging that the question relates to one of the Agency's challenges.

1:45:17 PM

MR. HAAS continued the PDA Overview on slide 4:

[Original punctuation provided.]

PDA: Overview

Office	Attorney PCNs	Starting in 2025	Still Recruiting For
Anchorage	62	1	5
Bethel	8	3	2
Dillingham	2	0	0
Fairbanks	15	2	0
Juneau	8	0	0
Kenai	9	2	1
Ketchikan	3	0	0
Kodiak	2	0	1
Kotzebue	2	0	0
Nome	3	0	1
Palmer	14	1	1
Sitka	1	0	0
Utqiagvik	1	0	1
Total	129	7	11

MR. HAAS explained that slide 4 shows the geographic distribution of Agency offices across the state. He said the Agency is spread across Alaska, including northern regions where recruitment has been difficult. He drew attention to the progress made in placing a dedicated attorney in Utqiagvik after a long position vacancy. He stated that the Agency maintains offices in Ketchikan and Kodiak, and everywhere in between.

Staffing numbers reflect his priorities and the priorities of the Agency based on the distribution of staff. He emphasized that Anchorage has by far the largest number of attorneys. He said that having spent significant time in rural Alaska, one of his priorities, when he first took over as director, was to focus resources where people are located. He noted that Anchorage offers practical advantages, including easier recruitment, available office space, and lower costs. He said the distribution of attorneys reflects those realities. He noted that Fairbanks is the second-largest office, with Palmer close behind, and that Bethel and several other regional offices serve large geographic areas. He stated that his goal is to continue improving how resources are allocated to regional offices to better meet people where they are. He said that this directly relates to ICWA and CINA matters. He explained that staffing concentrations in urban areas versus rural communities creates ongoing challenges in meeting statewide needs, for instance, the difficulty of getting attorneys where they are needed especially in the current job market.

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SENATOR MYERS recalled that Anchorage is the Agency's largest office and noted the recent public attention on caseload pressures on public defenders. He brought up the Agency's proposal to have its attorneys serve as public defenders in municipal cases in Anchorage. He said he was less concerned about the budget implications of such an arrangement, given likely receipt authority, but questioned how taking on Anchorage municipal cases would affect caseloads. Especially if the Agency is already experiencing staff overload.

[1:47:34 PM](#)

MR. HAAS moved to slide 6, PDA: Workload 5-year Lookback, to respond to the question. He stated that the Department's budget has steadily increased, largely due to higher attorney salaries. He said a portion of the increase also allowed the Agency to address its case backlog.

MR. HAAS said slide 6 shows data on case appointments, disposition rates, and open and active cases. He noted that the number of case appointments declined, a trend he believes was also referenced by the Alaska Court System and the Department of Law (DOL). Appointments peaked in 2020 at just over 22,000 cases and declined to fewer than 17,000 cases in 2024, with the trend continuing downward. He characterized this as fewer cases coming in the door.

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MR. HAAS explained that the disposition rate has been a priority during his time on the bench and in his role as public defender. He stated that a disposition rate of 100 percent means the Agency is resolving as many cases as it receives. In comparison, a rate above 100 percent indicates a reduction in overall caseload, while a rate below 100 percent indicates an increase in caseload. He said disposition rates in 2020 and 2021 were approximately 91 percent, which resulted in growing caseloads. Beginning in 2022, disposition rates increased and continued to improve. He said the disposition rates increased in 2024, which he attributed to having already resolved lower-complexity cases. He said the projected disposition rate for the current year is approximately 110 percent, based on data from the first two quarters, indicating that more cases are being resolved than received. Meaning, the Agency's caseload is shrinking. He said in January 2021, the Agency had over 14,000 open cases, and a year later, on January 1, 2025, the number of open cases dropped to 8,936. During that same time period, the vacancy rate continued to drop to 8 percent, which is significantly better than in 2022 when it was 14 percent.

[1:51:24 PM](#)

MR. HAAS addressed the question of why the Agency would take on Anchorage municipality cases, stating the issue is complex. He said the work requires experience, knowledge, confidence, and, in criminal defense, independence. He stated that he cannot consult with all attorneys on every decision they make for nearly 9,000 clients, so he must rely on their independent judgment, skill, and knowledge.

MR. HAAS explained that the recent period of high caseloads and vacancy rates was driven largely by the departure of mid-level attorneys. Mid-level attorneys typically supervise newer attorneys and pass along essential practical knowledge in the trenches with the lawyers they work with. He compared the situation to assigning a brand-new, just graduated engineer to design and oversee the construction of the Brooklyn Bridge; a brand-new engineer would not be ready. Similarly, new lawyers must develop foundational skills by handling cases with lower stakes and more frequent trial opportunities.

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MR. HAAS stated that the Agency hired many new attorneys who will soon graduate from law school, must pass the bar, and learn how to practice law. Although it may seem counterintuitive, taking on certain types of cases is essential to train these

lawyers and to continue improving disposition rates. Without that training pathway, new attorneys may become overwhelmed when handling high-stakes cases with limited knowledge, causing caseloads to grow, snowball, and eventually stall progress.

MR. HAAS said the short answer is that the Agency needs to train lawyers, and Anchorage needs lawyers to represent defendants. It is not possible to proceed with prosecutions without defense counsel in Alaska. He said the Agency is therefore a vital part of the process going forward and justice getting done for everybody involved.

[1:54:28 PM](#)

CHAIR CLAMAN drew attention to slide 4 and asked the public defender to elaborate on the chart, specifically requesting definitions for the column headings: "Attorney PCNs," "Starting in 2025," and "Still Recruiting For."

MR. HAAS replied that "Office" refers to the geographic location, and "Attorney PCNs" identifies the number of position control numbers assigned to that location. He stated that "Starting in 2025" reflects the number of attorneys the Agency has hired for that office who have not yet arrived. "Still Recruiting For" represents the remaining open positions for which the Agency has not yet hired an attorney, totaling 11 systemwide. He said the Agency has hired seven attorneys and is reasonably confident they will arrive to fill those positions. He further stated that additional prospects exist, but only those who have formally accepted offers are included in the chart.

[1:55:49 PM](#)

CHAIR CLAMAN sought confirmation that since the Sitka "Starting in 2025" column reflects a zero, the Agency is not recruiting for that office.

MR. HAAS replied that is exactly right, the Agency has a lawyer in Sitka.

CHAIR CLAMAN said Utqiagvik, in contrast, has one PCN for which the Agency is still recruiting.

MR. HAAS replied that is right.

CHAIR CLAMAN sought confirmation that of the three attorney PCNs assigned to Nome, two are filled and one is vacant.

[1:56:13 PM](#)

MR. HAAS said Utqiagvik is a community that deserves to have someone on the ground working on ICWA cases and, more broadly, serving as part of the community in a way that reflects Alaska's commitment to it. He said hiring in Utqiagvik is very difficult, and as a result, for a long time, predating his tenure, there was not a resident public defender. It is easier to cover the work out of Fairbanks than to find the right person for Utqiagvik. He said it requires a special person and he wants to find that person, expressing his belief that the agency would be able to do so within the next year.

[1:56:57 PM](#)

MR. HAAS moved to a graph on slide 5, PDA: Budget 5-year Lookback, which shows increased attorney salaries, funding for attorney contracts to address backlog and vacancies, and added positions related to increased workload from FY 2020 through FY 2024.

MR. HAAS spoke to the budget 5-year lookback, stating he did not request a supplemental this year. He said he has no other requests for the coming fiscal year beyond what was already included in the governor's budget. He explained that the Agency was well supported by the legislature and the administration, thus was able to contract for cases that affected its backlog and enabled it to begin recruiting in a meaningful way. He stated that the salary increases had done a great deal of good, and that the Agency was now very competitive in recruiting public defender positions. He addressed workload concerns, stating it takes time for attorneys to become comfortable in their roles. When workloads become excessively high, there is concern about whether the Agency can continue to take cases. He said those conditions have a detrimental impact on the lives of attorneys doing important work and, over time, on work culture. He reported that the Agency is beginning to move out of that situation, stating available resources made that possible.

[1:58:04 PM](#)

MR. HAAS revisited slide 6, PDA Workload 5-year Lookback, highlighting the high disposition rate.

MR. HAAS spoke about the projected conflict rate for FY 2025, stating it was 2,904 cases, compared to 3,008 cases in FY 2021. Conflict cases are matters that are referred either to the Office of Public Advocacy or to contract attorneys. He said the conflict rate, as a percentage of total incoming cases, had remained consistent for years. He expressed his hope to reduce

the conflict rate through a misdemeanor program he was seeking to fund through receipt authority, noting that he was not requesting state funds for the program. He explained that the program involved a relatively small subset of cases, designed to be conflict-free with cases screened for conflicts with the rest of the Agency, as well as two units that were conflict-screened to one another. He said this structure should allow the program to handle its own cases without referring matters out to the Office of Public Advocacy (OPA). Any remaining cases would be contracted using funds received by the city. He said the long-term goal is to demonstrate that a coordinated conflict process could be done efficiently and effectively, which could significantly improve systemwide efficiency. He said judges frequently express frustration with late-declared or discovered conflicts and with the delays caused by moving defendants and cases from one agency to the other. He said his long-term hope is to demonstrate an ability to coordinate a process that is better for clients and for state government, noting that duplication and inefficiency created by two separate administrative systems is fairly significant. So, the Agency is working on this with the Municipality of Anchorage project.

2:00:19 PM

CHAIR CLAMAN sought clarification that the Agency would essentially try to create a separate unit within the Agency that would allow cases which would otherwise be conflicted out to OPA. He characterized the scenario as an internal unit that would remain technically part of the Public Defender Agency but would operate independently, with its files and systems kept fully separate, thereby removing the conflict, like by being a different entity.

MR. HAAS replied that is right. He said OPA already does this, but does it differently than he intends. He stated he wants to retain the benefits of a statewide agency while also creating conflict-screened entities within it. He said large private firms routinely use similar screening procedures, which allow them to operate nationally and internationally without conflicts preventing representation. He explained that the biggest benefit is that the Public Defender Agency already has the administrative machinery for conflict checking and record keeping. In contrast, OPA has a separate, distinct set of machinery to perform the same tasks. He said that operating two separate systems creates friction in getting cases to and from where they belong because the entities cannot coordinate easily. He said the goal is to assign every client to a conflict-free lawyer and to do so as efficiently as possible, for the client's

greatest benefit. He stated his belief that the Agency may ultimately accomplish this more effectively in-house and that the municipal project should provide an opportunity to demonstrate its workability.

2:02:08 PM

MR. HAAS moved to slide 7, PDA Challenges. He said the next slide outlines future challenges, the largest being the loss of many of the Agency's most experienced attorneys. He said the remaining group of defined-benefit employees will soon retire, noting that salary increases kept some in place longer so they could reach their high-three calculation. He stated that this cohort is now approaching retirement quickly, and the Agency will no longer have those senior attorneys. The Agency also lost many mid-level attorneys, who made up the life of the organization:

[Original punctuation provided.]

PDA Challenges

- Loss of experienced attorneys & increase of attorneys right out of law school or new to the practice areas handled by the agency
 - Steady recruitment and improved retention is key
- Discovery processing - digital discovery is large and voluminous 15-200 gigabytes per case
 - Overwhelms our networks
 - Increases time spent by staff downloading and storing
 - Increases storage costs
 - Large increases in attorney time spent to review the material
- Pre-trial Delay - New Supreme Court order related to continuances
 - Balancing the needs of individual cases/clients, competing demands on individual attorney time/schedules, and the need for improved disposition rates to increase efficiency, decrease workloads and reduce backlogs

2:03:02 PM

MR. HAAS said a major challenge for the future is training new lawyers, not only for the Agency but effectively for the entire justice system. He noted the Agency typically retains about one-

third of the attorneys it trains; the remaining two-thirds go on to become prosecutors, assistant attorneys general, or private practitioners. He said Alaska must "grow its own" experienced lawyers, in large part because the state has no law school and few mechanisms to develop attorneys locally. Most lawyers come to Alaska early in their careers seeking adventure, not later, and the Agency works to encourage some to stay and become long-term Alaskans.

[2:04:00 PM](#)

MR. HAAS said another challenge is managing discovery. With technology producing vast amounts of digital evidence, the Agency now receives multiple gigabytes of data continuously from police databases and the district attorney's office. He said processes built for the paper era have not kept pace with the digital-age volume of evidence, creating significant strain across state government. The greatest costs are storing massive amounts of data and attorney time. Downloading files can consume a substantial amount of time; reviewing long recordings only to find out it had little relevant content, for example, someone driving around for 1.5 hours. He noted it is not uncommon to receive 45 minutes to an hour of footage before anything relevant occurs.

[2:05:49 PM](#)

SENATOR MYERS asked whether other states facing similar volumes of digital evidence have developed procedures that avoid the longer case times Alaska is experiencing, and whether those approaches could offer lessons.

MR. HAAS replied that there is almost certainly more Alaska could learn from other jurisdictions. He agreed the volume of data contributes to pretrial delay but said a larger factor is the coordination required between agencies, the Public Defender Agency, its conflict relationship with OPA, and transferring files from one place to another.

[2:06:39 PM](#)

MR. HAAS said an enormous efficiency project underway with DOL is to stop the duplication of digital evidence. The way it works now is that there is no shared database; police upload large files, sometimes 150 gigabytes; then the district attorney sends the Agency a link; and the Agency must create a full separate copy on its own servers. If a lawyer in another location needs that evidence for a related case, chances are they are going to download yet another copy over limited bandwidth. This means the same material may be duplicated multiple times. He stated that

if the Agency, DOL, and APO can coordinate a shared approach, it would save tremendous amounts of data storage and time. He said that is a long-term project given the volume of existing data already housed across multiple systems.

[2:08:02 PM](#)

MR. HAAS said pretrial delay remains one of PDA's most significant challenges and is extraordinarily complex. The Alaska Supreme Court issued an order designed to push older cases forward and to limit the number of continuances. The problem is more complicated than that. The Agency cannot take cases to trial unless an attorney is fully prepared, or it risks appeals and post-conviction relief that further slow the system. He said the real, long-term solution returns to recruitment and training. The biggest problem, in terms of trial delay, is having enough experienced attorneys to try the most serious cases, which cannot be given to new lawyers. Only attorneys with sufficient time, proficiency, and judgment can handle those matters. Any other approach is unfair to defendants and creates problems in the system down the line. He said no amount of court orders can solve this; the Agency must hire, train, and equip the attorneys needed to tackle pretrial delay.

[2:09:32 PM](#)

SENATOR KIEHL said that in reviewing the Alaska Court System's efforts and hearing DOL's efforts to work through backlogged cases, it is hard to tell whether the court's orders are pushing cases to trial too aggressively, when continuances are legitimately needed, or when cases have simply lingered for years. He asked where the Agency's main concerns lie with the level of pressure and the recent procedural changes.

[2:10:25 PM](#)

MR. HAAS replied that this is the question the Agency faces. The Alaska Supreme Court's new order addresses the number of continuances each side may obtain before a case must proceed to trial. It limits continuances to "extraordinary circumstances." Lawyers are still interpreting what that means, and it is unclear how judges will apply it. He stated that his primary concern for the Agency and its clients is that the process remain orderly and fair. It is rare in the implementation of criminal justice processes that bright lines can be maintained unless judges and other participants carefully examine the specific circumstances of each case. In law, there is always tension between the general rule, which is the bright-line rule, and the specific, idiosyncratic facts that pertain to an individual person.

MR. HAAS said the biggest worry among attorneys in the Agency is that courts may enforce the new limits too rigidly in an effort to push cases to trial, without considering case-specific circumstances. He said, speaking from his time on the bench, the goal was always to create an orderly, predictable process. The idea was that parties know where they stood in the line of cases, and when they had to be ready. He likened the backlog to a giant pile of wood: the only way through it is steady, piece-by-piece work, which is what the court is attempting to do with the backlog of cases.

MR. HAAS said it is always the worry that an order ends up in a head-butting battle rather than a process that creates notice and opportunity in a clear path forward. He explained that lawyers are not famous for making the complicated simple. They are more famous for making the simple complicated.

[2:13:26 PM](#)

CHAIR CLAMAN commented that the most effective lawyers are often those who make complicated issues appear simple and understandable.

MR. HAAS agreed with that wholeheartedly.

[2:13:48 PM](#)

MR. HAAS moved to slide 8, PDA Initiatives:

[Original punctuation provided.]

- **PDA: Initiatives**
- Dedicated Training and Development Deputy focused on training and recruitment
- Municipal Misdemeanor Training Unit
 - Authorized by AS 18.85.155(b)
 - 10 Attorneys, 2 staff
- PDA needs to complete implementation
 - Receipt authority (\$ in thousands):
 - Supplemental for FY2025 \$785.9
 - Operating for FY2026 \$1,571.6
 - Permanent (8) and non-permanent (4) PCNs

MR. HAAS said the slide outlines Agency initiatives, some already discussed. He said that when he became director, one of his first directives was that everyone had to return to work, then he figured out who could work remotely. The Agency completed that process.

[2:14:04 PM](#)

MR. HAAS said his second major initiative was to create a new deputy, the "training and development deputy," which has been highly successful. That deputy focuses on recruitment. He explained the rationale for establishing the new deputy. When he first joined the Agency, there were routinely 100 applicants for each position. It is no longer a buyer's market when it comes to labor in the legal community, that world no longer exists. The Agency adapted; it actively markets itself, strengthened recruitment, and implemented processes that work. He expressed his belief that the Agency's efforts have been successful.

[2:15:00 PM](#)

SENATOR TOBIN noted that the Council of State Governments Justice Center mentioned to her that some states use student loan forgiveness or similar incentives to recruit and retain individuals. She asked about recommendations or tools the legislature should consider to support recruitment and retention.

MR. HAAS replied that he is always grateful when asked what he needs. Though expensive, defined benefit pensions would absolutely help with recruitment and retention. Other strategies may be more workable, including loan-forgiveness-type benefits. Currently, the federal student loan system largely occupies that space, and the "ten-year forgiveness moment" is a major factor in recruitment and retention. He said that he worries about the 10-year moment when loans are forgiven; it is an aspect of retention that the Agency has to deal with it.

[2:16:51 PM](#)

MR. HAAS said the most significant step Alaska has taken in recruitment and retention is raising salaries to match national levels, and recommended reviewing wages as the cost of living rises. Part of the challenge was not adjusting salaries quickly enough in prior years.

MR. HAAS expressed his belief that bureaucracy should switch the way it works, such as sending attorneys to travel to law schools to meet students where they are, strengthening social-media

outreach, and actively marketing Alaska as a destination. Convey encouraging messaging that Alaska is the place to be.

MR. HAAS emphasized the importance of building strong training systems, supporting new lawyers, and maintaining manageable caseloads so attorneys want to stay. The legislature has provided resources, and now it is on the Agency to use them effectively to retain its attorneys.

[2:18:04 PM](#)

SENATOR TOBIN said she noticed the Agency offers an unpaid undergraduate internship program and suggested that changing to a paid model could strengthen recruitment.

MR. HAAS replied that is exactly right. Many defense and prosecution offices nationwide use paid internships or fellowships as recruitment tools, and that is an area the Agency should pursue. He added that updating practice models toward holistic defense, where attorneys are part of broader solutions, also improves job satisfaction and retention. Young lawyers want meaningful, innovative work, and if Alaska remains on the cutting edge, they are more likely to come and more likely to stay.

[2:19:36 PM](#)

MR. HAAS continued slide 8, Public Defender Agency Initiatives, and described the Municipal Misdemeanor Training Unit. He acknowledged there may be controversy in taking on more work but emphasized that misdemeanor trial experience is a tremendous training opportunity. He said he watched young lawyers move through the process and begin to understand what it takes to become criminal defense attorneys, noting the work is not easy.

MR. HAAS said the goal is to have eight permanent and four nonpermanent position control numbers (PCNs) as part of that unit. The nonpermanent positions allow new attorneys to "try it out," and those who show commitment can transition into permanent roles across the Agency. He said the others might eventually become prosecutors, assistant attorneys general, or private attorneys. He explained that the Anchorage contract provides nearly \$786,000 in FY2025, and in future years, if case levels remain within about 25 percent of today's levels, the city would pay just under \$1.6 million per year. That amount covers operational costs, though it does not cover the significant training and hiring workload. He noted that interest has exceeded expectations, with many lawyers reaching out

because the program offers courtroom experience without overwhelming new attorneys.

MR. HAAS concluded his presentation and said he was happy to take questions.

[2:21:29 PM](#)

SENATOR MYERS drew attention to pretrial delays on slide 7 and expressed concern about continuances. He said it could become a self-fulfilling cycle: more continuances cause trials to extend, which increases the case backlog, which then leads attorneys to need more time and request more continuances. He asked whether the Agency is seeing these problems.

MR. HAAS replied that it is. He said continuances quickly become complicated for defense attorneys. He noted recent Anchorage Daily News (ADN) reporting on the issue and explained that each continuance request is driven by the lawyer's assessment of what benefits the client. But the defense is only one part of the equation: once a continuance is requested, the prosecution responds, and the judge must then balance multiple interests, including victims' concerns and whether the case has already had too many delays.

MR. HAAS gave a brief overview that dated back to the pandemic, when "the trial machine was turned off." He compared it to a diesel generator that must stay running or becomes very hard to restart. When trials stopped, many newer attorneys never experienced a functioning trial system. At the same time, there was a major outflux of experienced lawyers. As a result, newer, inexperienced lawyers were pushed to try cases without having seen the system operate. He said rebuilding trial momentum is difficult and cannot be accomplished by orders or mandates alone. Attorneys need to see trials in action to understand the benefit of the trial system, emphasizing that trials set the "gold standard." That is how attorneys figure out the economics of a criminal case, considering such factors as:

- What a case is worth.
- What would the judge give me?
- What is the likelihood of an acquittal?
- What is the likelihood of a conviction, and would that be better than a given offer?

MR. HAAS explained that those kinds of questions all arise in the environment of a trial.

[2:24:43 PM](#)

SENATOR MYERS sought confirmation that the public defender was appointed in 2021.

MR. HAAS replied that date is complicated because he was appointed, then later confirmed.

SENATOR MYERS clarified that he does not want to assign blame for issues that pre-date his appointment. He stated that while COVID significantly worsened delays, it is his understanding that trial-related problems existed even before the pandemic. He acknowledged the difficulty of restarting the trial machine but expressed concern that if pre-COVID conditions are treated as the benchmark, that period already had systemic issues. He stated that he wants to avoid attributing systemic issues entirely to COVID.

[2:25:37 PM](#)

MR. HAAS quipped that he discovered that part of the job is being blamed for decisions made before his tenure. He agreed with the point, noting that trial-delay issues were developing before the pandemic. He said that when he first joined the Agency, he reviewed a 1978 report and found that the problems described then closely mirror those faced today. In the long view, trial delay is a recurring challenge, and keeping cases moving will always require attention. He said that while the pandemic did not create the problem, it created administrative difficulty. He said addressing the problem is harder, for him personally, because the Agency had the compounded workload of finding and training new lawyers.

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CHAIR CLAMAN asked whether the Agency has receipt authority or needs authorization to use it.

MR. HAAS replied that the Agency does not currently have receipt authority and is working through the executive branch process, noting he does not believe it appears in any budget at this time.

CHAIR CLAMAN sought confirmation that no legislation is required and that the receipt authority would simply need to be included in the budget documents.

MR. HAAS said he believed that was correct but cautioned that he does not fully understand the budget process.

CHAIR CLAMAN directed the inquiry to a member of the Senate Finance Committee.

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SENATOR KIEHL said the authority to receive and expend funds must go into the budget, actively working with the Department of Administration on FY2026 and with the cochairs on the more complex FY2025 supplemental.

[2:27:41 PM](#)

CHAIR CLAMAN sought verification that separate legislation is not required and that the matter falls entirely to Finance.

SENATOR KIEHL answered that separate legislation is not required and that it is a Finance matter.

CHAIR CLAMAN asked whether the misdemeanor unit's eight permanent and four nonpermanent positions effectively equal 12 PCNs. He sought confirmation that nonpermanent hires receive different benefits, such as real-life trial experience with the freedom of having no expectation of continuing employment with the Agency. They can move on to private practice or can switch over to a permanent position with the Agency when they are ready.

MR. HAAS replied that nonpermanent roles allow attorneys to try the work and transition quickly into permanent positions when openings arise, provided it is a good fit.

[2:28:31 PM](#)

CHAIR CLAMAN recalled that in some larger Alaska cities, prosecution offices, and defense offices partner with private firms on one-year internships that give new attorneys trial experience without an expectation they will remain long-term.

MR. HAAS expressed that he thinks that is right. The question highlights the value of being creative and borrowing effective strategies and solutions wherever he sees them.

[2:29:19 PM](#)

CHAIR CLAMAN expressed appreciation to the public defender for traveling to Juneau, stating in-person is an improvement over the virtual option.

[2:29:52 PM](#)

There being no further business to come before the committee,
Chair Claman adjourned the Senate Judiciary Standing Committee
meeting at 2:29 p.m.