

HB

333

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO. 1
Bill Version: Hb 333
,H) Publish Date: 1/24/96

Revision Date: _____ Department Affected: Administration
Title: "An Act relating to licensure requirements for employees of the office of public advocacy and the Public Defender Agency" BRU: Public Defender Agency
Sponsor: Rep. Pamell Component: Public Defender Agency
Requestor: Rep. Pamell COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
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CHANGE IN REVENUES ()	***	***	***	***	***	***
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 96) cost: \$ 0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill will result in some savings for the PD in its personal services line. Currently the PD is only able to recruit staff attorneys from among those individuals who are members of the Alaska Bar. Because of this state's relatively small population, and the fact that there is no law school, the number of eligible applicants for a given position is sometimes quite small. Passage of this bill will expand the pool of applicants, making recruitment much more competitive. It is anticipated that with increased competition PD will be able to subfill positions on a regular basis while at the same time attracting experienced lawyers for its staff.

Prepared by John B. Salerni, Director Phone (907) 261-4412
Division Public Defender Agency Date _____

Approved by Commissioner Mark Boyer *M. Boyer*
Agency Department of Administration Date 1/22/96

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SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/15/96

FURTHER:

DATE TURNED INTO OFFICE: 4-3-96

The Judiciary Committee considered HOUSE BILL NO. 333

Relating to licensure requirements for employees of the office of public advocacy and the Public Defender Agency.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical title
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John D. ...</i>	✓				
<i>John D. ...</i>	✓				
<i>John D. ...</i>	✓				
<i>John D. ...</i>	✓				
<i>John D. ...</i>	✓				
CHAIR: <i>John D. ...</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Public Defender</i>	<i>1/2</i>	✓	

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



216 WEST 4TH AVENUE, SUITE 100
ANCHORAGE, ALASKA 99501
(907) 258-5194

While in office of
STATE ATTORNEY
JUNEAU, ALASKA 99801-1115
(907) 463-2900 FAX (907) 463-2905

HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT House Bill 333

"An act relating to licensure requirements for employees of the office of public advocacy and the Public Defender Agency."

HB 333 would afford the office of public advocacy and the Public Defender Agency the same hiring privilege currently enjoyed by the Attorney General's office. HB 333 would allow each of these agencies to hire attorneys before passing the Alaska Bar and allow them a ten month period to pass the Bar in Alaska.

Since the state of Alaska has no law schools and the cost moving to Alaska without a job can be prohibitive, a ten month window will help in recruiting competent attorneys and help reduce some of the initial hiring cost of the respective agencies.

I respectfully request your support.

ALASKA PUBLIC DEFENDER AGENCY

900 West Fifth Avenue, Suite 200 • Anchorage, AK 99501 • (907) 264-4400 • fax (907) 269-5476

March 7, 1996

Senator Robin Taylor
State Capitol
Room 30
Juneau, Alaska 99801-1182

RE: HB 333

Dear Senator Taylor:

Representative Parnell and I have been working on passage of the above-referenced bill, a copy of which is attached for your review. If passed into law the bill would permit the Public Defender Agency and the Office of Public Advocacy to draw from a larger pool of attorney applicants. Currently we are limited to individuals who are already members of the Alaska Bar. (Compare the Department of Law, which is permitted to hire an attorney and send him/her to court so long as that individual obtains a license to practice law within 10 months of commencement of employment).

As you are probably aware, not every lawyer is interested in criminal defense work. Without a law school in Alaska there are times when recruitment for Public Defender staff positions is problematic. If this bill passes the Public Defender will be able to recruit and offer positions to individuals who are not yet members of the Alaska Bar. This would put us in a favorable position both with respect to hiring qualified individuals and negotiating favorable (to the agency) starting salaries.


Because this bill has no fiscal impact it is my understanding it can be fast tracked in terms of the committee process. I would ask that you consider calendaring this bill before your Senate Judiciary Committee to facilitate movement of the bill.

Please contact me if you have questions regarding this matter.

Very truly yours,


John B. Salemi
Public Defender

JBS:sh

P.S. Dept. of Law supports this bill. 

MEMORANDUM

STATE OF ALASKA

DATE: January 18, 1996

TO: Representative Sean Parnell/Rich Vitale

FROM: John B. Salemi *JBS / SH*
Public Defender

SUBJECT: HB 333/Potential Civil Liability

It is my understanding that you have questions about the effect of HB 333 in terms of potential increase of malpractice claims against PD staff lawyers.

It is highly unlikely the passage of HB 333 will increase the PD Agency's exposure to such claims. Being a member of the Alaska Bar does not insulate lawyers from a malpractice suit. Conversely, lack of membership will not be a determinative factor in such claims. Furthermore, individuals who become members of the PD staff as a result of HB 333 will be subject to strict supervision until they become full members of the Alaska Bar Association.

JBS:sh