

ALASKA LEGISLATURE

2408

HOUSE and SENATE FINANCE COMMITTEE FILES,

2001 - 2002

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: Adult Public Assistance (222)

BRU: Public Assistance (73)

Scenario/ Change Record	Trans Title Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions PFT PPT NP		
FY2002 Supplemental - Governor's													
Sec 10(a)(1) Formula program growth													
	Suppl	541.0	0.0	0.0	0.0	0.0	0.0	0.0	541.0	0.0	0	0	0
1004 Gen Fund	541.0												
Backup justification has been provided under separate cover.													
Totals		541.0	0.0	0.0	0.0	0.0	0.0	0.0	541.0	0.0	0	0	0

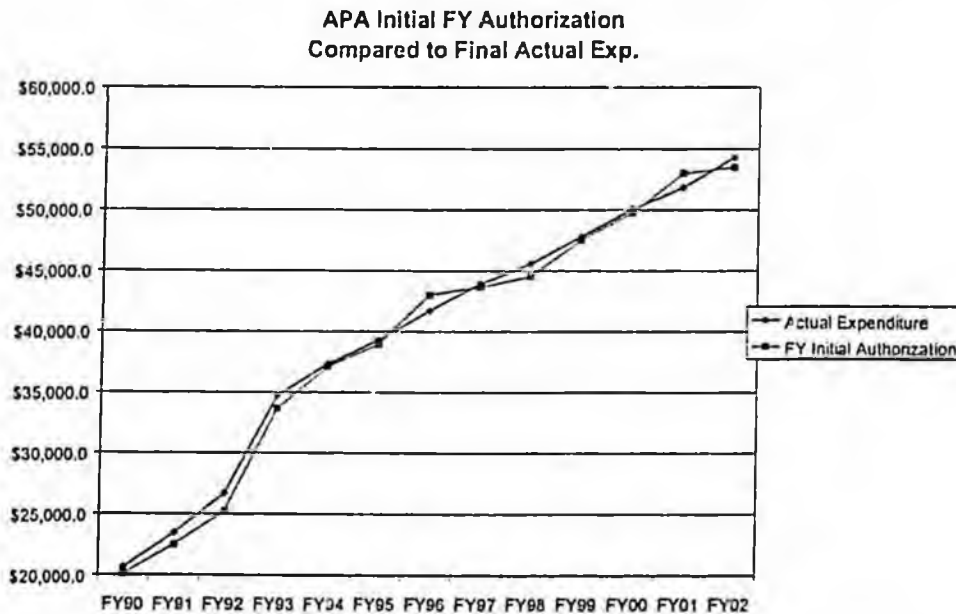
The Division of Public Assistance requests a supplemental appropriation of \$541.0 general fund to meet the projected Adult Public Assistance (APA) formula component expenditure deficit. The projected APA average monthly caseload is 14,595 or about 1% higher than the caseload level funded.

Program Information

The Adult Public Assistance (APA) program provides basic living support to needy elderly, blind and disabled Alaskans. The program was created to supplement federal Supplementary Security Income (SSI) and allow the individual to meet basic needs and remain as independent as possible in their community.

To be eligible for APA, a low-income individual must be over 64 or at least 18 years of age, blind, or diagnosed by a physician as permanently disabled, chronically ill, or terminally ill. Applicants must also undergo a rigorous process to determine that their mental or physical limitations make them temporarily or permanently incapable of self-support through gainful employment. APA benefits help many Alaskans avert problems such as homelessness and avoid higher cost settings such as hospitals, nursing homes or incarceration.

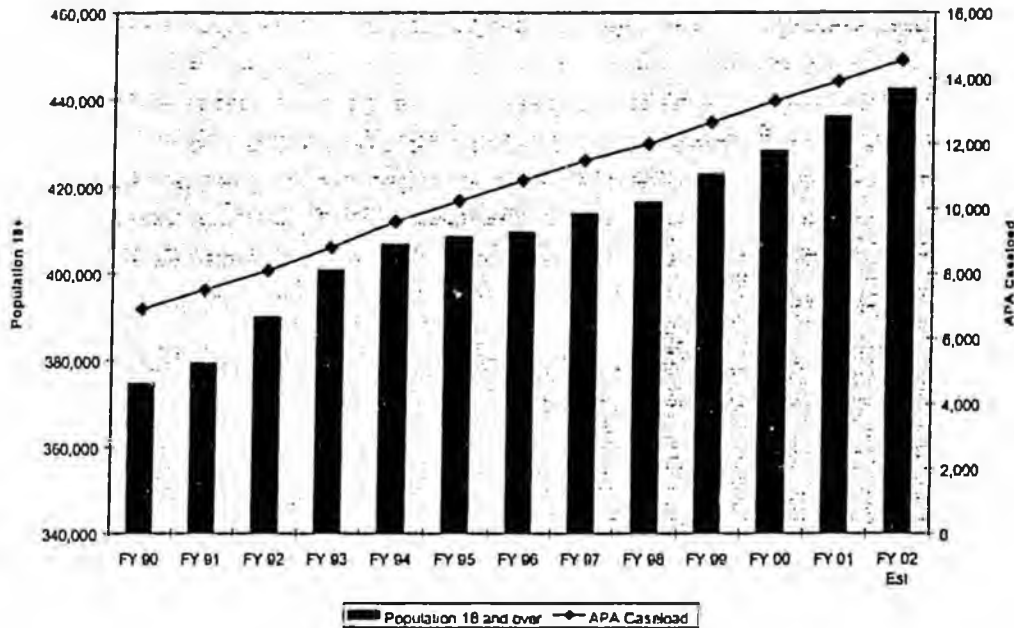
FY 2002 Budget Underfunded APA Caseload Growth



The APA component budget was short-funded by the Legislature in FY 2002. State spending on APA has exceeded the Legislature's appropriation in 11 of the last 13 years, often with the understanding that the need for supplemental funding would be acted upon during the next Legislative session. APA program formula funding is dependent on the number of eligible cases and the cash assistance amount issued monthly. The Division has no discretionary control over formula program service demand or the number of people eligible.

In FY 2002 the Department's budget request included a \$1,835.1 GF increase for APA formula caseload growth. The Legislature funded \$630.0 GF. The current FY 2002 APA authorization funds an annual caseload growth rate of about 3.5%. This is below recent and historic APA caseload trends. In FY 2002, APA is estimated to provide financial assistance and access to medical care for 4,804 elderly and 9,791 disabled Alaskans, the total average monthly caseload is 14,595 – 4.9% above FY 2001. The total projected APA expenditure need of \$54,026.9 is within the Department's original request, but more than the \$53,485.9 currently authorized. An FY 2002 supplemental of \$541.0 general fund is needed to fix the APA formula deficit.

APA Recipients Compared to Population 18+ and over



The reasons for this growth appear to be a combination of increased state population, improved medical technology and an aging "baby boom" cohort. Growth in this program is sustained in part by the long-term needs of recipients - to qualify for APA benefits, an individual must be elderly or have a permanent disability, and therefore this population tends to rely on the APA program for the remainder of their adult lives. Continued APA funding provides critical assistance as the program of last resort for this population.

APA formula obligation

The APA component provides a state legislated level of cash assistance to aged, blind, and disabled persons who meet certain income and resource requirements Alaska statutory provisions creating the APA financial commitment do not permit the Department to implement a ratable reduction of the APA maximum payment schedule.

Based on the projected APA expenditure the current APA component authorization will be fully spent on or about June 1, 2002. In order to process and mail without delay the monthly APA benefits for June this supplemental request needs to be approved by May 20, 2002.

This FY 2002 deficit in APA formula funding was addressed in developing the FY 2003 APA budget. The Governor's FY 2003 request for APA fully funds projected formula need.

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: Advisory Board on Alcoholism and Drug Abuse (2024)

BRU: Mental Health Trust Boards (105)

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions PFT PPT NP		
FY2002 Supplemental - Governor's													
Sec 10(a)(2) Office Relocation to Co-locate with AK Mental Health Board													
	Suppl	40.9	0.0	0.0	40.9	0.0	0.0	0.0	0.0	0.0	0	0	0
1092 MHTAAR	40.9												
Backup justification has been provided under separate cover.													
Totals		40.9	0.0	0.0	40.9	0.0	0.0	0.0	0.0	0.0	0	0	0

The Advisory Board on Alcohol and Drug Abuse (ABADA) requests a supplemental appropriation of \$40,900 in MHTAAR funds to assist in co-locating ABADA with the Alaska Mental Health Board (AMHB). The Alaska Mental Health Trust Authority (AMHTA) has agreed to support this effort and is expected to approve the use of \$40,900 in MHTAAR funds at their February 2002 Board Meeting.

The Advisory Board on Alcoholism and Drug Abuse (ABADA) was established in AS 44.29.100 as part of the Mental Health Trust Land Settlement to act in an advisory capacity to the legislature, the governor, and state agencies in matters concerning alcoholism and drug abuse. The total amount authorized for the ABADA component in FY 2002 is \$360,200 which funds three staff positions and all costs related to support of the 14-member board. Based on the relatively small budget, ABADA cannot absorb the \$40,900 costs of co-location, which is approximately 11% of their entire budget. This supplemental request carries no impact on state positions.

Background

During the fall meeting, the Alaska Mental Health Trust Authority asked the Advisory Board on Alcohol and Drug Abuse to consider the benefits of co-location with the Alaska Mental Health Board. ABADA staff had been reviewing options for additional space because in their location, they occupied only 400 square feet, approximately half of what is needed according to state space standards. The AMHTA was particularly interested in the two beneficiary boards co-locating because they both serve beneficiaries of the Trust and many of the clients are dually diagnosed. The AMHTA agreed to fund the costs of co-location since it was determined that it would be more efficient and increase opportunities for collaboration in the best interests of Trust beneficiaries.

Appropriate and available office space exists in a suite adjoining the AMHB. The Trust and ABADA agreed that the need for more suitable office space and the mutual goal of enhancing cross-board collaboration warranted Trust financial support of the ABADA relocation. This co-locating of boards was achievable by adding to the current lease of the AMHB.

A key benefit will be the increased opportunity for the two planning and advocacy boards to work more closely together to strategize for effective ways to meet the needs of the population of persons experiencing co-occurring mental illness and substance use disorders.

Budgetary Issues

There is no anticipated lapse within the Board's budget for FY 2002. Funds are requested in the contractual line to pay costs related to the move.

Summary of ABADA Supplemental Costs	
One-time Office Configuration/Moving Costs	27.7
One-time Wiring/Phone Rerouting	2.6
Increased Lease Costs for FY2002	10.6
Total Request	40.9

The additional lease costs have been included in the FY2003 Governor's Request.

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: Bureau of Vital Statistics (961)

BRU: State Health Services (96)

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions		
											PFT	PPT	NP
FY2002 Supplemental - Governor's													
Sec 10(a)(3) Rcpt Svcs Auth to Make GF Available for Transfer for Radio Chargeback Costs													
	Suppl	75.0	0.0	0.0	75.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1156 Rcpt Svcs	75.0												
Backup justification has been provided under separate cover.													
Totals		75.0	0.0	0.0	75.0	0.0	0.0	0.0	0.0	0.0	0	0	0

The Division of Public Health (DPH) requests an FY 2002 supplemental authorization increase of \$75.0 in Receipt Supported Services for the Bureau of Vital Statistics (BVS) Component of the State Health Services BRU.

BVS was authorized \$1,085.1 Receipt Supported Services in the FY 2002 Budget. BVS is expecting an increase in collection of Receipt Supported Services in the amount of at least \$75.0. The projected increase of \$75.0 is based on additional revenues generated from the fee increase that went into effect October 2001 to help support additional BVS rent costs that have not yet been incurred due to a significant delay in obtaining new space.

DPH will use the increased authorization for BVS to cover costs and free up general funds for transfer to the Community Health and Emergency Medical Services (CHEMS) component, to cover the unexpected increased charge back costs associated with supporting the statewide EMS communications system for FY 2002. Under AS 18.08.010, the Department of Health and Social Services (DHSS) is responsible for the development, implementation, and maintenance of a statewide comprehensive Emergency Medical Services system. CHEMS is charged with providing this service.

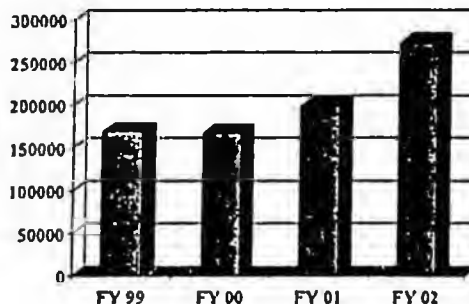
Program Information

EMS communication is one of the essential components of the statewide EMS system. The EMS system provides two-way radio coverage for volunteer ambulance services along Alaska's highway system, enabling communication between ambulance services, dispatch centers, other public safety agencies and medical personnel and facilities.

Statewide, Alaska's EMS system serves approximately 40,000 residents and visitors each year.

Although costs have increased annually, and CHEMS has planned accordingly to cover the anticipated increases, this year's increase exceeded projected costs due to a critical need from Information Technology Group (ITG) for radios and circuit equipment, depreciation of the system and the resulting maintenance and repair costs, and the loss of several paid users of the EMS system. The loss of the paid users has resulted in CHEMS and other users of the state system absorbing additional costs to keep the system operational, and was not anticipated in the proposed DHSS FY 2002 budget.

EMS CHARGEBACK COSTS



The costs associated with operating and maintaining the statewide EMS communications system have continually increased the past few years. The fiscal years 01 and 02 show dramatic increases over the previous years..

Budgetary Issues

Section 10(a)(3)

In FY01, the total Department of Administration (DOA) charge back cost to DHSS for the Statewide EMS system was \$199.2. In FY 2002, this total increased to \$273.4. The FY 2002 cost being charged by DOA is significantly higher than the projected cost at the time of FY 2002 budget preparation.

CHEMS has projected an FY 2002 General Fund (GF) deficit. The significantly increased chargebacks have made it impossible to cover the shortfall with existing GF within the CHEMS component during FY 2002. Rather than requesting a GF supplemental, Public Health proposes a non-GF supplemental in BVS in order to allow a revised program transferring GF to cover the increased charge back costs in CHEMS.

There is no other GF lapse anticipated in the Division. The line item distribution of the proposed supplemental is contractual services.

If this request is denied, in lieu of the devastating impact on the EMS communications system, other reductions in CHEMS would have to be made. The consequences of such a decision would negatively impact the ability to pursue federal funding or complete ongoing projects, as CHEMS would be unable to deliver some essential services related to the EMS system.

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: Foster Care Special Need (2238)

BRU: Purchased Services (78)

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions		
											PFT	PPT	NP
FY2002 Supplemental - Governor's													
Sec 10(a)(4) Formula program growth													
	Suppl	304.6	0.0	0.0	0.0	0.0	0.0	0.0	304.6	0.0	0	0	0
1004 Gen Fund	304.6												
Backup justification has been provided under separate cover.													
Totals		304.6	0.0	0.0	0.0	0.0	0.0	0.0	304.6	0.0	0	0	0

The Division of Family and Youth Services requests a \$304.6 General Fund supplemental to ensure the continuity of client services in the Purchased Services BRU, Foster Care Special Needs component, within the Division of Family & Youth Services.

This request is also necessary in order for the State to maintain compliance with AS 47.14.100 which mandates the Department to "...pay the costs of caring for physically or mentally handicapped foster children, including the additional costs of medical care, habilitative and rehabilitative treatment, services and equipment, special clothing, and the indirect costs of medical care, including child care and transportation expenses."

Program Information

Children who have experienced abuse or neglect often present unique challenges to families, and foster parents are frequently required to access a higher level of service, such as special medical or therapeutic care, to meet the needs of the child. The Foster Care Special Needs program reimburses foster care providers for these pre-approved "one-time" goods or services that are not covered by the Foster Care Base Rate program and that are consistent with the child's case plan. All children in foster care and other out-of-home placements as well as children that are at risk of out-of-home placement are eligible to receive services under this program.

The Foster Care Special Needs component also provides funding for other services including contracts for drug testing; foster parent training as required by AS 47.14.115; foster parent fingerprinting and criminal history background checks as required by AS 47.35; and Vital Statistic data inquiries and Social Security/SSI eligibility.

Without the supplemental appropriation, the Department may possibly be unable to make the June 2002 payments associated with this program. This could delay reimbursement to foster care providers who rely on the state to meet its foster care obligations. The inability to reimburse foster care providers could also seriously impact the Department's efforts to recruit and retain foster parents. Additionally, any reduction in special needs payments may also disrupt foster home placements and result in a shortage of foster parents to care for children in state custody.

Budgetary Issues

The Foster Care Special Needs program budget is based on historical cost data and the projected caseload of the Foster Care Base Rate program. The program budget is calculated in this manner, as all children in foster care are potential recipients of Foster Care Special Needs benefits.

The Department's FY 2002 projected \$304.6 deficit for this component is summarized in the following table. The requested funds will supplement the grants line item.

Table A

Foster Care Special Needs
Summary of FY2002 Projected Budget Deficit

Total FY2002 Foster Care Special Needs Authorization:	3,199.2
Add/(Deduct) RP: \$50.0 excess IA restriction Medicaid Eligible Clients	(50.0)
Add/(Deduct) RP: \$350.0 from Foster Care Base Rate:	350.0
FY2002 Adjusted Authorization:	3,499.2
Less: Projected Expenditures for RSAs & Encumbrances	(1,063.6)
FY2002 Authorization Available for Special Needs Payments:	2,435.6
Less: Projected Special Needs Payments	(2,740.2)
FY2002 Projected Balance/(Deficit) Foster Care Special Needs:	(304.6)

The primary factor leading to the projected deficit is underfunding of the foster care caseload in FY 2002. The Department's FY 2002 budget request included a \$631.9 (50.3 Federal Receipts and \$581.6 General Fund) caseload growth increment based on an estimated 6% caseload growth in this program during FY 2002. Legislative funding of the increment request was reduced by \$557.6 and has resulted in an increment of \$74.3. The caseload underfunding of \$557.67 combined with the higher rates of utilization and the increasing higher needs of the children participating in this program necessitate the Division's supplemental request.

Fiscal Plan to Cover the FY 2002 Foster Care Special Needs Deficit

The following discussion outlines the Department's plan to cover this projected deficit.

FY 2002 Projected Deficit:	\$ 654.6
RP from Foster Care Base Rate component:	350.0
Foster Care Special Needs Supplemental:	304.6
	\$ 654.6

Revised Program from the Foster Care Base Rate component One element of the Department's plan to cover the projected deficit is to transfer \$350.0 from the Foster Care Base Rate component to the Foster Care Special Needs component. The available balance in the Foster Care Base Rate program is due to a slight reduction in the number of children in the foster care system. The overall foster care caseload has decreased over the first four months of FY 2002. Preliminary data suggests that this caseload reduction has resulted in large part due to children transitioning out of foster care and into permanent adoptive and guardianship families.

FY 2002 Supplemental

As the Foster Care Special Needs component cannot cover the projected costs with its FY 2002 available funds, the Department requests a \$304.6 General Fund supplemental.

Section 10(a)(4)

Impact on the FY 2003 Operating Budget

The Department has submitted a FY 2003 budget increment to cover the cost of projected caseload underfunding.

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: General Relief Assistance (221)

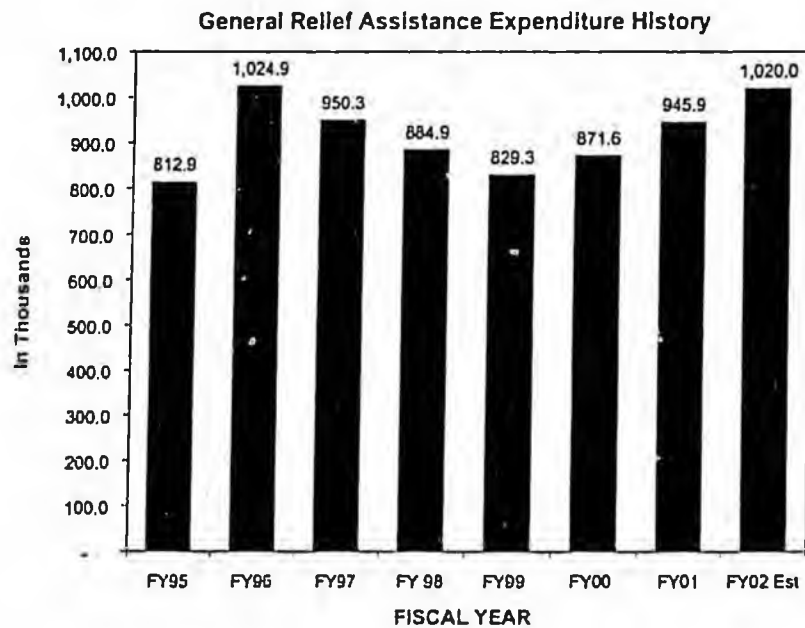
BRU: Public Assistance (73)

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions PFT PPT NP		
FY2002 Supplemental - Governor's													
Sec 10(a)(5) Formula program growth													
	Suppl	190.7	0.0	0.0	0.0	0.0	0.0	0.0	190.7	0.0	0	0	0
1004 Gen Fun J	190.7												
Backup justification has been provided under separate cover.													
Totals		190.7	0.0	0.0	0.0	0.0	0.0	0.0	190.7	0.0	0	0	0

A FY 2002 supplemental of \$190.7 general funds is needed to fund GRA formula expenditures.

Alaska's GRA program dates back to territorial days and was developed as a safety net program for very low income individuals who are not eligible for other state or federal assistance. GRA is used as a last resort program to meet the emergency needs of low-income Alaskans who have no other resources available to meet those needs. Currently about 76 percent of GRA program expenditures are used to pay for funeral and burial expenses of indigent deceased persons. The remainder is used primarily to assist low-income individuals and families who are facing eviction. General Relief burial assistance pays for the costs of a casket, embalming, and a simple funeral service for Alaskans who die without any means to provide for their own burial and without family who can afford to pay.

In the last six years annual GRA program expenditures have ranged from a high of \$1,024.9 in FY 96 to a low of \$829.3 in FY 99. In FY 2001 the Legislature rolled back the GRA authorized budget from \$1,041.9 to the lower \$829.3 FY 99 actual level.



In FY 01 we were able to offset a GRA expenditure deficit with a revised program (RP) that allowed surplus funds in the OAA-ALBHH component to cover the FY 2001 GRA shortfall. There are no FY 2002 Public Assistance BRU surplus funds available to help offset the current GRA shortfall.

The FY 2002 projected GRA program expenditure is \$1,020.0 compared to \$829.3 authorized. Supplemental funding of \$190.7 is needed to fund current GRA formula services. Without this basic state service the cost of shelter and burials would fall on the communities and funeral homes of the state.

GRA formula obligation

Section 10(a)(5)

The GRA component provides a state legislated level of assistance on behalf of persons who are extremely poor and facing an emergency need and who meet certain income and resource requirements. Alaska statutory provisions creating the GRA financial commitment do not permit the Department to implement a ratable reduction of the GRA maximum payment schedule.

To qualify a person must have an immediate and specific need for food, clothing, shelter, or burial and lack the financial means to meet the needs(s). If eligible a maximum monthly payment of \$120.00 per person is allowed for meeting subsistence needs. The General Relief Assistance program pays vendors directly on behalf of eligible persons to ensure that emergency needs for food, clothing or shelter are met.

Based on the projected GRA expenditure the current GRA component authorization will be fully spent on or about May 15, 2002. In order to process and mail without delay the GRA benefits for May and June this supplemental request needs to be approved by May 1, 2002.

This FY 2002 deficit in GRA formula funding was addressed in developing the FY 2003 GRA budget. The Governor's FY 2003 request for GRA fully funds projected formula need.

Change Record Detail With Description

Department of Health and Social Services

Scenario: FY2002 Supplemental - Governor's (2454)

Component: Community Health/Emergency Medical Services (2078)

BRU: State Health Services (96)

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Positions PFT PPT NP		
FY2002 Supplemental - Governor's													
Sec 10(b) Fund Change from Tobacco Settlement to Tobacco Educ/Cess													
	Suppl	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1119 Tobac Sell		-487.9											
1168 Tob Ed/Ce		487.9											
Backup justification has been provided under separate cover.													
Totals		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

State Health Services
 Community Health/Emergency Medical Services (AS _____)

Section 10(b)

A supplemental fund source change is requested for \$487.9 from Tobacco Settlement Funds to Tobacco Use Education and Cessation Funds.

Background

The FY02 Budget assigned the revenue source for the Fiscal Note on Chapter 88, SLA 2001 as Tobacco Settlement Funds (GF). However, a new fund was created last year, the Tobacco Cessation and Education Fund (non-GF), into which a portion of the Tobacco Settlement was placed. The Tobacco Settlement Funds in the Tobacco Prevention and Control component were converted to the new fund source by the legislature. It is appropriate to also convert the Tobacco Settlement Funds in the CHEMS component to the new fund source.

This fund change reflects the conversion of Settlement funds to the Tobacco Use Education and Cessation funding source for FY02. A fund change has also been submitted in the FY03 Governor's Budget. This funding will continue to support the Tobacco Prevention and Control program

Summary of FY2002 Authorization	Tobacco Cessation/ Education Fund	Tobacco Settlement Funds	Total
Public Health: Tobacco Prevention and Control	2,512.1		2,512.1
Public Health: Community Hlth/EMS Svcs (HB228 FN)		487.9	487.9
Total FY2002 Authorized	2,512.1	487.9	3,000.0
Proposed Supplemental Fund Source Change	487.9	(487.9)	0.0
Adjusted FY2002 Authorization	3,000.0	-	3,000.0

Section 11

Judgments and Claims

Department of Law

MEMORANDUM

Sec 11
State of Alaska
Department of Law
Division of Administrative Services

TO: Annalee McConnell, Director
Office of Management and Budget

DATE: 31 January, 2002

FROM: Kathryn Daughhetee, Director *Kad*
Division of Administrative Services

PHONE: 465-3673

SUBJECT: FY 2002 Supplemental Items

FY 2002 Judgments and Claims

The attached schedules, totaling \$816,486.85 reflect the current level of judgments and claims awaiting legislative appropriation. The funds for this request are as follows:

\$631,486.85 General Fund
\$185,000.00 PERS Fund

The need for a supplemental appropriation for expert costs in the Planned Parenthood parental right case has not yet been determined. The Attorney General has not had an opportunity to review the circumstances. Pursuant to your request for agencies to find funding sources for general fund supplemental requests, the department suggests that Ch. 61 Sec. 41, p. 93, SB 29 (*Bank of America* - \$425,000), could be used for the general fund portion of the law office assistant reclass (\$206,000) and any amount that might be needed for the aforementioned Planned Parenthood case. As you know, the Bank of America case was settled and only a small portion of those funds are being spent to support in-house work in the current fiscal year.

Thank you for your consideration of these requests, please contact me if you have questions or require further information.

cc: Bruce Botelho, Attorney General
Barbara Ritchie, Deputy Attorney General, Civil Division
Cynthia Cooper, Deputy Attorney General, Criminal Division
Dean Guaneli, Chief Assistant Attorney General, Criminal Division

Department of Law

Sec 11

FY2002 Judgments & Claims - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
1	Darryl Thompson & Verne Rupright Doe v. Otte	Challenge to sex offender registration legislation	9/4/01	\$40,115.37	\$2,957.55	\$43,072.92	
2	ACLU Planned Parenthood of Alaska, et al v. Commissioner Perdue/DHSS	Challenge to legislative elimination of funding for the General Relief Medical Program	10/9/99 01/05/01 09/20/01	\$236,026.16	\$33,882.51	\$269,908.67	
3	Foster Pepper Rubini & Reeves ACLU v. State	Challenge to 1996 campaign finance reform legislation	4/27/00 08/30/01	\$107,954.28	\$23,706.39	\$131,660.67	
4	Steven D. Smith, P.C. CSED v. Ragula	Child support lien and withholding lien vs. attorney's lien	6/30/00 9/27/01	\$2,344.08	\$268.48	\$2,612.56	
5	Michael Gershel, Esq. Brooker v. Brooker	Agreements between private parties not involving CSED	10/30/01	\$525.00	\$31.46	\$556.46	
6	Hagans, Ahearn, McLaughlin & Webb Herold v. State	Wrongful termination	1/2/02	\$80,000.00	\$0.00	\$80,000.00	
7	Alaska Legal Services Corporation Quinhagak v. U.S.	Subsistence jurisdiction over navigable rivers	9/30/96 10/24/00	\$82,525.07	\$16,955.56	\$99,480.63	
8	Marston & Cole Trust Fund Thomas Brown v. DMV	Right to due process re: telephonic testimony in driver's license revocation administrative hearing	1/7/02	\$414.43	\$52.81	\$467.24	
9	Kasmar & Slone ITF Peter T. Knight Peter T. Knight v. DMV	Right to due process re: telephonic testimony in driver's license revocation administrative hearing	1/7/02	\$873.20	\$17.69	\$890.89	
10	Randall Luffberry, Esq. ITF Donald A. Ryall Donald Ryall v. DMV	Challenge to administrative revocation of driver's license	10/31/01	\$1,262.14	\$75.31	\$1,337.45	
11	Ingaldson Maassen, P.C. ITF Nicholas Digel Nicholas Digel v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/7/01	\$229.01	\$23.66	\$252.67	

Department of Law

FY2002 Judgments & Claims - General Funds

Sec 11

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
12	Larry L. Caudle Brandon Garrett v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/7/01	\$536.50	\$64.55	\$601.05	
13	Bankston, Gronning et.al, P.C. ITF for Melissa Witteveen Melissa Witteveen v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/11/01	\$500.00	\$51.16	\$551.16	
14	Richard Brandon v. Corrections	Ambiguity as to filing fee deadline in inmate civil case	9/4/01	\$87.00	\$7.48	\$94.48	
15	Foster, Pepper, Rubini & Reeves Ulmer v. Alaska Restaurant and Beverages	Challenge to ballot initiative increasing state's liquor taxes	11/9/01	\$1,595.67	\$91.67	\$1,687.34	\$631,486.85

FY 2002 Judgments - Other Fund Sources

Sec 11

Item #	Case Name	Description	Date	Amount	Interest	Total	Fund Source
1	Dennis Bailey, Esq. ITF Terri Hale Terri Hale v. State, PERS	Settlement in occupational disability case	10/11/01	\$185,000.00	\$0.00	\$185,000.00	PERS Fund

Section 11
Judgments and Claims

Department of Law

Doe v Otte

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. Case Name: Doe v. Otte
 2. Case Number: 99-35845 (U.S. Court of Appeals for 9th Cir.)
 3. Judge/Justices: D. Nelson, Reinhardt, Thomas
 4. Date Judgment entered: 9/4/01
 5. Did the date of the cause of action accrue on or after August 7, 1997? No
 6. Amount to be paid: N/A
 7. Interest Rate: 9% (kad) Effective Date: 9/4/01 (kad)
 8. Requested hourly rate and total compensation of attorneys to be paid: \$ 150/hr.; \$ 55,694.27
 9. Court approved/ordered hourly rate and total compensation of attorneys to be paid: \$ 150/hr.; \$ 39,854.27 (in addition, the court awarded costs of \$261.10 for a total of \$40,115.37)
 10. Payable to: Darryl L. Thompson and Verne E. Rupright
 11. EIN: _____ or SSN: _____
 12. Send check to: _____ above address Departmental contact: x
- Departmental attorney contact: _____ Departmental Approval: _____

Kenneth M. Rosenstein
Name

907-269-6250
Telephone Number

Revised 08/25/99

Cynthia M. Cooper
Deputy Attorney General

10/18/01
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: Doe v. Otte

Case No.: 99-35845 (U.S. Court of Appeals for 9th Cir.)

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

In 1994, the legislature enacted legislation requiring convicted sex offenders to register with the Department of Public Safety. The legislation required registration by many sex offenders who had been convicted before the effective date of the statute.

This case involved a challenge by two individuals who had been convicted of sex offenses in the 1980's who claimed that the statute violated the constitutional prohibition against ex post facto laws and also due process.

The state obtained summary judgment in its favor in U.S. District Court, and the plaintiffs appealed to the U.S. Court of Appeals for the Ninth Circuit. The court of appeals reversed the district court on ex post facto grounds. The court of appeals also awarded the plaintiffs costs and attorney's fees.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

The legislature enacted the sex offender registration act to protect the public by providing information regarding the whereabouts of convicted sex offenders. This lawsuit threatened the integrity of the legislative scheme by seeking to exempt from registration those sex offenders who were convicted before the effective date of the act. The department mounted a vigorous defense to preserve that legislative scheme and the legislature's intent.

3. Did the State prevail on any issues? If so, describe.

No

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

The appellants initially asked for attorney's fees in the amount of \$ 55,694.27. This included their request that the base amount of their fees (hours expended x hourly rate) be increased by 50% because of various factors.

The state opposed both the base amount of the appellants' request as well as their request for a 50% increase of the base amount. The state argued that the appellants' lawyers had submitted incomplete, inconsistent, and duplicative documentation. The state also argued that this case involved no factors that would warrant increasing a fee award beyond the base amount.

The appellants also asked for cost reimbursement in the amount of \$261.10 (this covered the cost of printing and serving their brief).

The court awarded \$ 39,854.27 for attorney's fees and \$261.10 for costs for a total of \$40,115.37.

5. What was the source of the State's liability in this case?

Federal law (42 U.S.C. § 1983) authorizes suits by individuals who claim that a state statute deprives them of any rights under the federal constitution. The plaintiffs in this case filed suit against the state in federal district court alleging that the sex offender registration laws violated the federal constitutional prohibition against ex post facto laws. They also alleged that the laws violated their constitutional guarantee of due process by infringing their right to privacy and other asserted rights.

The district court granted the state's motion for summary judgment and issued a judgment in the state's favor. The plaintiffs appealed to the Ninth Circuit Court of Appeals. After briefing and argument, the court of appeals ruled that the sex offender registration statute was an unconstitutional ex post facto law. The court of appeals did not decide the due process claims.

Federal law (42 U.S.C. § 1988) authorizes a federal court to award attorney's fees to a party who prevails in a suit brought under 42 U.S.C. § 1983. Federal law (28 U.S.C. § 1920) also authorizes a federal court to award certain costs to a prevailing party in a suit brought in federal court. After the plaintiffs prevailed on appeal, they applied for an award of costs and fees. As described in ¶ 4, the court of appeals granted that application.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

No action is appropriate at this time. The state will be asking the U.S. Supreme Court to review the federal court of appeals' decision. In addition, the Alaska Supreme Court has two pending cases in which it will be reviewing the sex offender registration laws in light of the decision in *Doe v. Otte*.

The Department of Law should continue to vigorously defend against legal challenges to the laws enacted by the legislature. The Department of Public Safety should continue to administer the sex offender registration laws.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

None is appropriate at this time. The state has treated the decision in this case as applying only to the plaintiffs and not to other sex offenders who were convicted before the 1994 effective date of the sex offender registration law. The Department of Public Safety has continued to administer the sex registration laws and the Department of Law has continued to prosecute persons who violate those laws.

8. Any recommendations concerning cases of this type in the future?

No

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No

Attorney completing form:

Kenneth M. Rosenstein

Assistant Attorney General

Title

Date:

10/18/01

907-269-6250

Phone Number

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP - 4 2001

CATHY A. GATTER, CLERK
U.S. COURT OF APPEALS

JOHN DOE I, JANE DOE, and
JOHN DOE II,

Plaintiffs-Appellants,

v.

RONALD O. OTTE and BRUCE M.
BOTELHO,

Defendants-Appellees.

No. 99-35845

D.C. No. CV-94-00206-HRH

ORDER

Before D. NELSON, REINHARDT, and THOMAS, Circuit Judges:

Upon reviewing appellants' request for attorney's fees, appellees' opposition, and appellants' reply, it is hereby ordered that appellants are awarded such fees in the amount of \$39,854.27.

RECEIVED

DEPARTMENT OF LAW

SEP 10 2001

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
ANCHORAGE, ALASKA

rd by: EJ KMR

to: _____

99-90354

A TRUE COPY
 CATHY A. CATTERSON
 Clerk of Court
 ATTEST

AUG 31 2001

United States Court of Appeals for the Ninth Circuit
 BILL OF COSTS

... wish to file a bill of costs- it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39,28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

John Doe, et al v. Ronald L. Otte, et al CA No. 99-35845

Deputy Clerk *Jer*

The Clerk is requested to tax the following costs against Ronald Otte, State of Alaska, et al

COST TAXABLE UNDER FRAP 39,28 U.S.C. § 1920, Circuit Rule 39-1	REQUESTED Each Colman Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Documents*	Pages per Document	Cost per Page**	TOTAL COST	No. of Documents	Pages per Document	Cost per Page	TOTAL COST
Excerpt of Record	7	111	.008	63.60				63.60
Appellants Brief	18	110	.009	197.50				197.50
Appellee's Brief	N/A	N/A	N/A	N/A				
Appellant's Reply Brief	N/A	N/A	N/A	N/A				
Other See Affidavit	Of Counsel	Attached	-----	4,269.27				
			TOTAL:	\$5,030.37			TOTAL:	\$ 261.10

Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys fees cannot be requested on this form

* If more than 7 excerpts or 20 briefs are requested a statement explaining the excess number must be submitted.

** Costs per page may not exceed .20 or actual cost, whichever is less. Circuit Rule 39-1.

See C.R. 39-1

I, D. Thompson, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed. If the printer's itemized statement showing actual costs per page is attached.

Signature: *Darryl L. Thompson*

Date: 4/17/01

FILED

Name of Counsel (printed or typed): Darryl L. Thompson

Attorney for: John Doe I, Jane Doe

APR 23 2001

Date: 8/31/01

Costs are taxed in the amount of \$ 261.10

Clerk of Court
 By: *Cathy A. Catterson* Deputy Clerk

CATHY A. CATTERSON, CLERK
 U.S. COURT OF APPEALS

JUDGMENT

COSTS TAXED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 04 2001

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By CAC Deputy

NO. 99-35845
CT/AG#: CV-94-00206-HRH

JOHN DOE, I; JANE DOE; JOHN DOE, II
Plaintiffs - Appellants

v.

RONALD L. OTTE; BRUCE M. BOTELHO
Defendants - Appellees

RECEIVED
DEPARTMENT OF LAW
SEP - 6 2001
OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
ANCHORAGE, ALASKA

ALASKA NETWORK ON DOMESTICE VIOLENCE & SEXUAL ASSAULT
Amicus

APPEAL FROM the United States District Court for the
District of Alaska (Anchorage) .

THIS CAUSE came on to be heard on the Transcript of the
Record from the United States District Court for the
District of Alaska (Anchorage) and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and
adjudged by this Court, that the judgment of the said
District Court in this cause be, and hereby is REVERSED AND REMANDED.

Filed and entered: 04/09/01

rd by: EJ → KMR

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

AUG 31 2001

by: gr
Deputy Clerk

143

. THOMPSON
. LOMBARDI
. HANLEY (AG-STE-308)

v. RUPRIGHT
Judge Holland

Section 11

Judgments and Claims

Department of Law

Planned Parenthood v Perdue

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. **Case Name:** Planned Parenthood of Alaska, *et al* v. Commissioner Perdue, DHSS, State of Alaska
2. **Case Number:** 3AN-98-7004 CI (Appeal No.: S-09109)
3. **Judge/Justices:** Judge Sen K. Tan, Chief Justice Fabe (unanimous decision)
4. **Date Judgment entered:** The Superior Court entered its judgment on April 4, 1999, and was affirmed by the Alaska Supreme Court on July 27, 2001.
5. **Did the date of the cause of action accrue on or after August 7, 1997?**
Yes, the complaint was filed June 17, 1998.
6. **Amount to be paid:**

There were three separate fee awards, one in 1999 for the initial case through summary judgment, a second award in 2001 for the discovery and hearings on contempt when the legislature failed to appropriate funds to pay for the services the court had ordered the state to pay, and a third award for the appeal.

a)	Attorney fees \$106,372.50	b)	\$54,539.10	c)	\$67,150.00
	Litigation costs \$3,555.91		\$ 3,543.25		\$ 865.40

7. **Interest Rate:** a) 7.5% b) 8.0% c) 9.0%
Effective Date: a) Oct. 19, 1999 b) January 5, 2001 c) September 20, 2001
8. **Requested hourly rate and total compensation of attorneys to be paid:**
\$130-\$250/hour (several different attorneys); total \$160,911.60.
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:**
same as above.

10. Payable to: American Civil Liberties Union Foundation
125 Broad St., 18th Floor
New York, NY 10004

11. EIN: 136213516 or SSN:

12. Send check to: X above address Departmental contact: _____

Departmental attorney contact:

Departmental Approval:

Lisa M. Kirsch

Deputy Attorney General

(907) 465-3600
Telephone Number

Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: Planned Parenthood of Alaska, Inc., et al. v. Perdue, and on appeal,
State of Alaska, DHSS, et al. v. Planned Parenthood of Alaska, Inc., et al.

Case No.: 3AN-98-7004 CI (Superior Court)
S-09109 (Supreme Court)

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

During the 1998 legislative session, the legislature eliminated funding for the General Relief Medical Program. This program formerly paid for medical services for poor Alaskans that were not reimbursed under the Medicaid program, including therapeutic abortions.

In June of 1998, Planned Parenthood of Alaska and two doctors filed a complaint alleging that the failure to pay for medically necessary abortions violated the constitutional rights of Medicaid eligible women under Alaska's constitution.

In April of 1999, the Superior Court found that under the Alaska constitution, failure to fund medically necessary abortion for Medicaid eligible women--while funding childbirth for these same women--constituted a violation of the right of privacy of women who chose a medically necessary abortion.

On July 27, 2001, the Alaska Supreme Court affirmed the Superior Court decision, but based its decision upon equal protection instead of the right of privacy.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

This case raised several important constitutional issues. Plaintiffs asked the court to apply Alaska's express right of privacy to compel state funding. Plaintiffs also argued that the

state had violated the equal protection rights, civil rights, and human rights of Medicaid eligible women under Alaska law.

The plaintiffs' request for relief necessitated the court's review of state budget issues and an order directing the spending of state funds. The state argued that this result would violate separation of powers doctrine as it relates to the Alaska budget process. It required many resources to review the detailed budget of DHSS, to review the vast array of other documents pertaining to the DHSS budget, and to depose DHSS staff regarding budget issues.

The intervention of several amici curiae (friends of the court) also expanded the scope of the legal arguments. The legislature and United Families International entered this case as amici to argue in opposition to plaintiffs, and National Organization for Women entered as an amicus supporting plaintiffs' position.

3. Did the State prevail on any issues? If so, describe.

The state did not prevail on any major issue. We were successful in preventing the issuance of a TRO. We were also successful in showing cause why the state should not be held in contempt, and we were successful in reducing some costs claimed by plaintiffs.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

We challenged the status of the doctor plaintiffs as public interest litigants, the reasonableness of the plaintiffs' attorney fees, and objected to plaintiffs' billing for costs not allowed under the Civil Rules. We succeeded in reducing the costs by \$2,024.50.

5. What was the source of the State's liability in this case?

Civil Rule 82 provides for an award of attorney fees to a prevailing party in a civil case. Civil Rule 79 provides for an award of costs to a prevailing party. Plaintiffs received full reasonable fees here because they prevailed, and because they are public interest litigants. *Anchorage Daily News v. Anchorage School District*, 803 P.2d 402, 404 (Alaska 1990).

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

This question does not apply to this case.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

This question does not apply to this case.

8. Any recommendations concerning cases of this type in the future?

No, unique cases, such as this one, would not necessarily give rise to recommendations, or changes in statute, regulation, or policy.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

See #8.

Attorney completing form:

Date: 10/22/01

Lisa M. Kirsch
Assistant Attorney General

OCT 21 1999

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

PLANNED PARENTHOOD OF ALASKA)
INC., JAN WHITEFIELD. M.D.,)
AND SUSAN LEMAGIE, M.D.,)

Plaintiffs,)

v.)

KAREN PERDUE, Commissioner,)
Department of Health and)
Social Services, and the)
DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES, STATE OF)
ALASKA)

Defendants.)

ORDER

I. INTRODUCTION

This order addresses two issues, the Motion for Stay of Injunction, and the Plaintiffs' Motion for Attorneys' Fees and Costs.

These motions follow from the court's decision granting plaintiffs summary judgment declaring certain regulations unconstitutional. In the Final Judgment, the defendants were enjoined from enforcing the regulation.

II. MOTION FOR STAY OF INJUNCTION

Under Alaska Civil Rule 62(c), "the court in its discretion may suspend, modify, restore or grant an injunction during the pendency of the appeal." In deciding whether or not to grant a

stay, Powell v. City of Anchorage, 536, P.2d 1228, 1229 (Alaska 1973) adopted the four factor test set out in Moore's Federal Practice, (2d ed. 1972). The current edition of Moore's Federal Practice, section 62.06, at 62-15 (3d ed. 1998) sets out the updated criteria as:

1. the likelihood of prevailing on the merits on appeal;
2. the likelihood of suffering irreparable injury;
3. the other parties involved will not be substantially harmed by granting of the stay; and
4. the granting of the stay will serve the public interest.

A. The Likelihood of Prevailing on the Merits on Appeal

The defendants reiterated the same arguments they raised in opposition to summary judgment. Those arguments were fully addressed in this court's March 16, 1999 decision. I decline to revisit those issues here, other than to note that given the Alaska Supreme Court's decision in Valley Hospital Association, Inc. v. Mat-Su Coalition for Choice, 948 P.2d 963, 969 (Alaska 1997), the defendant's likelihood of prevailing on the merits is low. Also, the defendant's separation of powers argument contradicts established principles of law.

B. The Likelihood of Suffering Irreparable Injury

Defendants argue that the irreparable harm that would result from this court's order comes in three forms, "the Department is left with a 'choice' between spending money in violation of legislative intent and appropriations acts; incurring a debt in violation of statute; or amending the state Medicaid plan in

violation of statutory authority to end coverage of pregnancy-related services." Memorandum at 7. This court recognizes that the defendants are faced with difficult choices. But that alone does not equate to irreparable harm.

Addressing the concerns in turn, defendants contend that to reallocate money to cover the services in question would violate the express intent of the legislature that the funds be spent in a certain manner. Deference to legislative intent, however, cannot override constitutional guarantees. Therefore, there is no irreparable harm.

Next, defendants argue that by diverting money for medically necessary abortions would mean a loss of federal funds, or the state could incur a debt to abortion providers. Certainly the defendants will have to make choices with economic consequences:

----- But economic injury by itself does not constitute irreparable harm.

Defendants also argue that enforcement of the injunction may result in the elimination of pregnancy-related services entirely. But this scenario is only one of several outcomes, depending on the choices made by the defendants. Because there are alternatives available, it does not follow that all pregnancy-related services would be eliminated from the entire Alaska Medicaid program.

In reality, there is no irreparable harm.

C. The Plaintiffs Will Not Be Substantially Harmed by the Stay

The plaintiffs in this case are Planned Parenthood and doctors; they will not be substantially harmed by the granting of a stay. Planned Parenthood and the doctors seek to represent

unidentified plaintiff Jane Does. Those interests are better considered under the next factor, addressing public policy.

D. The Granting of a Stay Will Serve the Public Interest

The granting of a stay here will not serve a public purpose. Here, this court has concluded that there has been an ongoing violation of the Alaska Constitution. To allow further violation of the Alaska Constitution is corrosive to the rights of citizens and should not be countenanced.

Further, there is a class of low-income women who will be denied medical services based on their reproductive choice. This does not serve the public interest.

Considering the Powell factors, they weigh in favor of denying a stay. Accordingly, the Motion for Stay of Injunction is DENIED.

III. MOTION FOR ATTORNEYS' FEES AND COSTS

Plaintiffs move as public interest litigants for full attorneys' fees. Defendants dispute whether plaintiffs qualify as public interest litigants, and they also question the reasonableness of some of the fees sought. Lastly, defendants object to certain parts of the cost bill.

A prevailing public interest litigant is normally entitled to full reasonable attorney's fees. To qualify as a public interest litigant, Alaska has articulated a four part test:

1. Is the case designed to effectuate strong public policies?
2. If the plaintiff succeeds will numerous people receive

benefits from the lawsuit?

3. Can only a private party have been expected to bring a suit?
4. Would the purported public interest litigant have sufficient economic incentive to file suit even if the action involved issues lacking general importance.

Municipality of Anchorage v. CFRG, 880 P.2d 1058, 1061-61 (Alaska 1994) (citing Anchorage Daily News v. Anchorage School District, 803 P.2d 402, 404 (Alaska 1990)).

In a prior case, this court has ruled that plaintiffs, such as those here, are public interest litigants. Planned Parent of Alaska, Jan Whitefield, M.D., Robert Klem, M.D., Jane Does I-X v. State of Alaska, 3AN-97-6014 CI. In opposition, defendants appear to concede the first three factors, as they focus only on the fourth. They argue that because the plaintiffs have an economic stake in the outcome of the case, plaintiffs do not qualify as public interest litigants.

There are three plaintiffs here. Planned Parenthood of Alaska is a nonprofit corporation that provides a broad range of family planning and health services. Planned Parenthood of Alaska does not provide abortion services. Thus, there is no economic incentive for the organization to participate in this lawsuit. Defendants suggest that Planned Parenthood may benefit from the lawsuit because of the loan fund set up by the organization to provide services denied by the State. But there is no evidence that Planned Parenthood has sought reimbursement from the state for

expenditures from the loan fund. Absent such a nexus, there is no economic incentive for Planned Parenthood to participate in the lawsuit.

With respect to Dr. Whitefield and Dr. Lemagie, both have an economic interest in the outcome of the case. Both doctors provide abortion services to low-income women. But the test is whether the doctors have sufficient economic incentive to file suit even if the action has no issues of general importance. I find that they do not.

Dr. Whitefield's affidavit provides that his clinic "suffered little or no economic loss." The doctor has a backlog of patients for gynecological and obstetrical care other than abortions, and he can replace any lost income from those patients.

Dr. Lemagie's affidavit states that abortion services comprise a small part of her practice, and contribute "a very small part" of her annual income. Like Dr. Whitefield, Dr. Lemagie also has a backlog of patients seeking other services that would replace any lost income from not performing abortions. Since there are no real economic incentives for the doctors to pursue this case, I conclude that the fourth factor is also satisfied.

Accordingly, the plaintiffs qualify as public interest litigants.

The defendants argue that even if plaintiffs qualify as public interest litigants, this court should evaluate the reasonableness of awarding full fees. Here, defendants advance two arguments: (1) that plaintiffs failed to get a TRO, and (2) the work done at the

TRO stage. was duplicated at summary judgment. I reject both arguments.

By nature, there is bound to be some duplication of effort by a party seeking a TRO, and later a permanent injunction. A TRO is a temporary remedy, and is often the precursor to a more fully developed factual and legal challenge. This was indeed the case here, and the duplication of effort was neither unjustified nor excessive.

Next, the defendant is essentially asking the court to reduce fees because plaintiffs failed to prevail at the TRO stage. In essence, this court is asked to apportion fees based on result. This same argument was rejected by Dansereau v. Ulmer, 955 P.2d 916, 919-20 (Alaska 1998), a case where the trial judge was reversed for apportioning fees by issue. The Alaska Supreme Court ruled that "attorney's fees for public interest litigants, therefore may only be apportioned only in exceptional circumstances." Id. at 920. The defendants have not established exceptional circumstances here.

Lastly, the defendants ask for some adjustment in allowable costs. The defendants' request is granted. Civil Rule 79 governs the recovery of costs. One objected item is the cost of travel for Ms. Landau to attend the TRO hearing. Civil Rule 79(g)(1)(A) provides that travel costs will be allowed for "one attorney to attend . . . hearings . . . but only if no local attorney is present." Ms. Schleuss was local counsel and was present at the hearing. The fact that plaintiffs made a choice for Ms. Landau to

present the case is not an exception to Civil Rule 79(g)(1)(A). Therefore, Ms. Landau's travel cost of \$1,851.20 is disallowed.

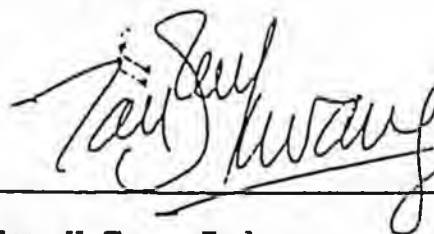
Lastly, the cost of shipping of exhibits and other material is not an allowable cost under Civil Rule 79. The Clerk of Court is requested to make the proper adjustments.

IV. CONCLUSION

Having reviewed the motions, oppositions and replies, this court orders the following:

- (1) The motion for Stay of Injunction is DENIED;
- (2) Plaintiffs' Motion for Attorneys' Fees GRANTED. Plaintiffs are public interest litigants and shall be awarded full attorneys' fee in the amount of \$106,372.50;
- (3) The matter of taxable costs is reduced by travel costs for Ms. Landau and for shipping costs. The Clerk of Court is directed to make the necessary adjustments.

Dated this 19th day of October, 1999.



Sen K Tan, Judge

I certify that on 10-20-99
a copy of the above was mailed to each
of the following at their addresses of
record.

E. Muller Schless
Kirsch (AA)
Secretary/Deputy Clerk

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

Planned Parenthood of Alaska, et al.)
Plaintiff(s))
vs.)
Perdue, et al.,)
Defendant(s))

CASE NO. JAN-98-07004 CI

COST BILL

Plaintiff(s) Defendant(s) seek to recover the costs listed below. These costs are allowable under Civil Rule 79(f) and were necessarily incurred in the action. The amount listed for each item is the amount specified in the rule or the cost actually incurred.

		Date Incurred (only required if relevant under Civil Rule 6E)
1. Filing fee	\$ <u>100.00</u>	_____
2. Service of process	\$ <u>65.00</u>	_____
3. Other process server fees	\$ _____	_____
4. Publication	\$ _____	_____
5. Premiums for undertakings, bonds, and other security	\$ _____	_____
6. Depositions		
a. Court reporter's fee	\$ <u>140.00</u>	_____
b. Court reporter's travel expenses	\$ _____	_____
c. Audio and audio-visual deposition costs	\$ _____	_____
d. Transcript **	\$ <u>702.94</u>	_____
e. List deponents: <u>Nancy Weller</u> <u>and Randall Super</u>		_____

**This figure reflects costs for the transcript (552.05), exhibit duplication (30.75), signature requested (50.00), copies CIV-410 (7/98) (cs) (30.00) and city tax (40.14).
Page 1 of 3
COST BILL

- 7. Witness fees
 - a. Non-expert witnesses \$ _____
List: _____

 - b. Expert witnesses \$ _____
List: _____

- 8. Interpreter and translator fees \$ _____
- 9. Total travel \$ 2,355.20 -
(Attach itemized trip information. See form CIV-411.)
- 10. Long distance telephone charges for telephonic participation at court proceedings, depositions, the meeting of the parties, and witness interviews \$ 122.65
- 11. Computerized legal research \$ _____
- 12. Copying
 - a. In-house copies (\$.15 per page) \$ 1792.65
 - b. Outside copy costs (actual cost) \$ 128.67
 - c. Other. Describe: _____ \$ _____
- 13. Exhibit preparation *** \$ 173.30
- 14. Court-ordered transcripts \$ _____
- 15. Other costs allowed by statute. Describe: _____ \$ _____

TOTAL COSTS \$ 5580.41

April 22, 1999
Date

Jennifer Dalven
Signature
ACLU, 125 Broad Street, Floor 18
Mailing Address
New York, NY 10004
City State Zip
212 549 2641
Daytime Phone

*** These are costs incurred in shipping exhibits and other briefing materials.

Attachment To Cost Bill

Case No. 3AN-98-07004 CJ

Page 1 of 1

ITEMIZED TRIP INFORMATION

Traveler Christine Schleuss attorney legal assistant investigator witness
 Reason for travel depositions Travel date(s) 7/31/98
 Airfare (coach fare or actual fare, whichever is less) \$ 467.00
 Ground transportation
 Car rental and taxi outside traveler's home city \$ 37.00
 Mileage at \$.31 per mile for privately-owned vehicle \$ _____
 Meals (daily allowance is \$42.00 for Alaska and \$36.00 for contiguous United States) \$ _____
 Lodging (actual room costs only) \$ _____
TOTAL COST \$ 504.00

ITEMIZED TRIP INFORMATION ****

Traveler Lisa Landau attorney legal assistant investigator witness
 Reason for travel oral argument (pro) Travel date(s) 6/29 7/1
 Airfare (coach fare or actual fare, whichever is less) \$ 1740.00
 Ground transportation
 Car rental and taxi outside traveler's home city \$ _____
 Mileage at \$.31 per mile for privately-owned vehicle \$ _____
 Meals (daily allowance is \$42.00 for Alaska and \$36.00 for contiguous United States) \$ 19.60
 Lodging (actual room costs only) \$ 91.80
TOTAL COST \$ 1851.20

ITEMIZED TRIP INFORMATION

Traveler _____ attorney legal assistant investigator witness
 Reason for travel _____ Travel date(s) _____
 Airfare (coach fare or actual fare, whichever is less) \$ _____
 Ground transportation
 Car rental and taxi outside traveler's home city \$ _____
 Mileage at \$.31 per mile for privately-owned vehicle \$ _____
 Meals (daily allowance is \$42.00 for Alaska and \$36.00 for contiguous United States) \$ _____
 Lodging (actual room costs only) \$ _____
TOTAL COST \$ _____

Alaska counsel, Ms. Schleuss, was present at the hearing; however, Ms. Landau's travel was necessary as she was presenting the argument in support of the injunctive relief.

Verification

I state on oath or affirm that I have read this cost bill and its attachments and that all statements and costs contained in these documents are true and correct.

Jennifer DeLuca
Signature

Subscribed and sworn to or affirmed before me at New York
Alaska, on 4/22/99
New York (date)

(SEAL)

Louise Melling
Clerk of Court, Notary Public, or (other person
authorized to administer oaths.
My commission expires: _____

I certify that on 4-23-99
a copy of this cost bill was served
on: Lissa Kirsch
By: M. C. [unclear] By mail & by fax

LOUISE MELLING
NOTARY PUBLIC, State of New York
No. ME-02-497808
Qualified in New York County
Commission Expires June 15, 2004
2000

CLERK'S RULING ON COST BILL

Costs are hereby taxed in favor of _____

and against _____

Remarks: _____

Date _____

I certify that on _____
a copy of this ruling was served
to:

Clerk: _____

The clerk never
ruled on this.
Instead it's got
an amended
judgment
combining both
fee / cost awards.
See the
Proposed
Amended
Judgment
dated 3/14/01

1-25-01

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

PLANNED PARENTHOOD OF ALASKA,)
 INC, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 KAREN PERDUE, Commissioner,)
 Department of Health and)
 Social Services, et al.,)
)
 Defendants.)

RECEIVED

JAN 30 2001

ATTORNEY GENERAL'S OFFICE
JUNEAU

Case No. 3AN-98-07004 CI

ORDER

This matter is before the court on the award of attorneys' fees related to the show cause hearing. In October 19, 1999, this court previously found the plaintiffs to be public interest litigants, and will do so here, subject to the objections of defendants.

Additionally, defendants contend that certain fees claimed by the plaintiffs are duplicative of earlier efforts. The objections center around the substitution of attorney Ms. Yetzer in place of her predecessor Ms. Landau. The defendants contend that a total of 37 hours should be reduced for the review of files.

Review of defendants' specific objections show that of the 37 hours, 20 hours were expended reading the complaint, answer, decision, deposition, memoranda, statutes, and case

law relating to the case. Another 17 were expended on legal research and drafting a memorandum of law.

The issue of duplicative attorney fees when a new attorney enters a case was addressed in *Tenala, Ltd., v. Fowler*, 993 P.2d 447, 452 (Alaska 1999). There the court stated "to the extent that work performed is duplicative and unnecessary, it should not be considered." (cite omitted). The court found that reviewing files was not *per se* unnecessary.

In this case, more than one year had passed between the court's summary judgment order and the order to show cause motion. Even if Ms. Landau had not departed, she would need some time to review the case file to prepare the new motion. The substitution of Ms. Yetzer may have incrementally increased the review time, but it was necessary work. Further, the amount of time actually spent on re-reading material is modest, and the court does not regard it as unnecessary or excessive.

Accordingly, the Plaintiffs are awarded the sum of \$58,082.35 for attorneys' fees and costs as the prevailing party.

Dated January 25, 2001.



SEN K. TAN
Superior Court Judge

I certify that on 1-26-01
a copy of the above was mailed to each
of the following at their addresses of
record.

Schluess
Kirch
E. Miller

In the Supreme Court of the State of Alaska

RECEIVED
SEP 25 2001
ATTORNEY GENERAL'S OFFICE
JUNEAU

State of Alaska, DHSS, et al.,)
)
Appellants,)
v.)
Planned Parenthood of Alaska, et al.,)
)
Appellees.)

Supreme Court No. S-09109

Order

Awarding Costs and Attorney's Fees

Date of Order: 9/20/01

Trial Court Case # 3AN-98-07004CI

On consideration of the cost bill, filed on 8/30/01, and no opposition having been filed by any party,

IT IS ORDERED:

- Appellant shall pay appellee the following allowable costs:

Copies of appellee's brief	\$572.60
Copies of supplemental brief	\$ 48.30
<u>Copies of appellee's excerpt</u>	<u>\$244.50</u>
Total	\$865.40

- The following costs are disallowed:

Copies of appellee's memorandum in opposition to motion for stay of injunction	\$264.00
Appendix of cases in support of appellee's opposition to stay	\$343.20

- At the direction of an individual justice, attorney's fees in the amount of \$67,150.00 are awarded to the appellee.

Clerk of the Appellate Courts

Marilyn May
Marilyn May

JCW
2/17

3-14-01 RECEIVED

MAR 19 2001

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

ATTORNEY GENERAL'S OFFICE
JUNEAU
APPELLATE COURTS OF THE
STATE OF ALASKA

THIRD JUDICIAL DISTRICT

PLANNED PARENTHOOD OF ALASKA,)
 INC., et al.,)
)
 Plaintiffs,)
)
 v.)
)
 KAREN PERDUE, Commissioner, Department)
 of Health and Social Services, et al.,)
)
 Defendants.)

MAR - 6 2001

CLERK

By _____ Deputy

5-9109

1 FEB 21

Case No. 3AN-98-07004

PROPOSED AMENDED JUDGMENT

The Plaintiffs having moved the Court and having been granted by the Court awards of attorneys' fees and costs in the sum of \$109,928.41 on October 19, 1999, and in the sum of \$58,082.35 on January 25, 2001, it is hereby ordered that the Final Judgment be amended to include the prior orders for attorneys' fees and costs totaling \$168,010.76. Post-judgment interest at the statutory rate of 7.5 percent per year shall accrue on the October 19, 1999, award from that date until paid. Post-judgment interest at the statutory rate of 8 percent per year shall accrue on the January 25, 2001, award from that date until paid.

ENTERED this 14 day of March, 2001, at Anchorage, Alaska.

Tan

Sen K. Tan
Superior Court Judge

I certify that on 3-15-01
a copy of the above was mailed to each
of the following at their addresses of
record.

Schleuss
Rischer (AAG)
E. Mulder
 Secretary/Deputy Clerk

IDDOCK & SCHLEUSS, P.C.
 ATTORNEYS AT LAW
 100 L STREET, SUITE 300
 ANCHORAGE, ALASKA
 99501-5910
 TEL: (907) 258-7807
 FAX: 278-1158

Section 11

Judgments and Claims

Department of Law

ACLU v State

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. **Case Name:** *Alaska Civil Liberties Union v. State*
2. **Case Number:** 3AN-97-05289 CI, S-08967, S-09710
3. **Judge/Justices:** Michael Wolverton/Alaska Supreme Court
4. **Date Judgment entered:**
The Superior Court entered judgment for attorney's fees on April 27, 2000.
The Alaska Supreme Court entered its order awarding costs and attorney's fees on August 30, 2001.
5. **Did the cause of action accrue on or after August 7, 1997?** No.
6. **Amount to be paid:** \$107,954.28, plus interest.
7. **Interest Rate:** 10.5% **Effective Date:** April 27, 2000, for \$101,203.75;
August 30, 2001, for \$6,750.53.
8. **Requested hourly rate and total compensation of attorneys to be paid:** The ACLU based its requests on hourly rates of \$200, \$175, and \$150. The ACLU requested \$102,866.25 in attorney's fees and \$6,875 in expert fees from the Superior Court, and requested \$6,610 in attorney's fees from the Alaska Supreme Court for the appeal.
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** Based on hourly rates of \$200, \$175, and \$150, the Superior Court awarded \$101,203.75 in attorney's fees and the Alaska Supreme Court awarded \$6,610 in attorney's fees on appeal.
10. **Payable to:** Foster Pepper Rubini & Reeves LLC
1007 West Third Avenue, Suite 100
Anchorage, AK 99501

11. EIN: 92-0163530

or SSN:

12. Send check to: _____ above address

Departmental contact: X

Departmental attorney contact:

Departmental Approval:

David T. Jones
Name

Ben Jones
Deputy Attorney General

269-5100
Telephone Number

10/12/01
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *Alaska Civil Liberties Union v. State of Alaska*

Case No.: 3AN-97-05289 CI, S-08967, S-09710

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

The Alaska Civil Liberties Union sued the State of Alaska, asserting that every provision of the 1996 campaign finance reform legislation (Ch. 48 SLA 1996) was invalid because many of the legislation's provisions were unconstitutional. Superior Court Judge Michael Wolverton granted summary judgment to the ACLU, ruling that all of the legislation's provisions were invalid. Because the ACLU was a public-interest litigant, Judge Wolverton awarded the ACLU \$99,703.75 as its full, reasonable attorney's fees and \$6,875 in expert fees.

We appealed the decision to the Alaska Supreme Court. The Alaska Supreme Court reversed nearly all of Judge Wolverton's decision on the merits, holding all but two provisions of the 1996 reform legislation constitutional and valid. The Alaska Supreme Court remanded the case to Judge Wolverton to determine whether the ACLU was still entitled to an award of attorney's fees and expert fees.

On remand, Judge Wolverton concluded that the ACLU was still a prevailing public-interest litigant and awarded the ACLU \$101,203.75 in attorney's fees and no expert fees. We appealed Judge Wolverton's award, asserting that the ACLU was not entitled to any attorney's fee award because it was not the prevailing party. In a memorandum decision, the Alaska Supreme Court upheld Judge Wolverton's fee award. Only Justice Eastaugh dissented from the decision. The Alaska Supreme Court then awarded the ACLU \$6,610 for attorney's fees and \$140.53 for costs incurred in the appeal.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

We defended the constitutionality of the 1996 reform legislation and succeeded in large measure. We unsuccessfully attempted to convince the courts that, in light of the ACLU's very

limited success, the ACLU was not the prevailing party. Consequently, as a public-interest litigant, the ACLU received awards for its full, reasonable attorney's fees incurred in the case.

3. Did the State prevail on any issues? If so, describe.

Yes. The Alaska Supreme Court upheld the constitutionality of

(1) the ban on independent expenditures by non-group entities, to the extent it applies to corporations, labor unions, and other entities meeting the court's three-part test (AS 15.13.135);

(2) the ban on contributions by corporations, labor unions, and other entities meeting the court's three-part test (AS 15.13.074(f));

(3) the limits on contributions by individuals (AS 15.13.070(b)), groups (AS 15.13.070(c)), and political parties (AS 15.13.070(d));

(4) the restrictions on contributions by nonresident individuals and groups (AS 15.13.072(a)(2) and (3), (e), and (f));

(5) the ban on lobbyists' contributions to out-of-district candidates (AS 15.13.074(g));

(6) the restriction on carrying forward contributions (AS 15.13.116); and

(7) the ban on inter-candidate contributions (AS 15.13.112(b)(7)).

The court also held that the unconstitutional provisions of the 1996 reform legislation were severable from the constitutional provisions, allowing the constitutional provisions to remain in effect.

The court left to future legal challenges determination of which specific classes of "non-group" entities besides corporations and labor unions may be permissibly subject to the expenditure and contribution bans set out in AS 15.13.135 and 15.13.074(f).

The court affirmed the superior court's judgment to the extent it held invalid the ban on non-election year contributions (AS 15.13.074(c)(1), (2), and (3)) and the ban on contributions to candidates during the legislative session (AS 15.13.074(c)(2)).

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

Yes, we convinced Judge Wolverton not to award expert fees (\$6,875) and to eliminate charges for duplicate hours and hours spent on press releases (\$1,662.50). On appeal, we unsuccessfully challenged Judge Wolverton's conclusion that the ACLU was the prevailing party. We did not challenge the ACLU's request for costs and attorney's fees incurred in the appeal.

5. What was the source of the State's liability in this case?

The State adopted and defended legislation to reform its campaign finance system. The court concluded that two of the legislation's provisions were unconstitutional.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

We will continue to review proposed and enacted legislation in an attempt to determine whether any provisions are unconstitutional.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

The Alaska Public Offices Commission is not enforcing the provisions that the Alaska Supreme Court ruled unconstitutional.

8. Any recommendations concerning cases of this type in the future?

None other than to continue to review proposed and enacted legislation for constitutional defects.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No.

Attorney completing form:

Date:

David T. Jones
Assistant Attorney General
Title

September 18, 2001
269-5100
Phone Number

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

STATE OF ALASKA,)
)
 Appellant,)
)
 vs.)
)
 ALASKA CIVIL LIBERTIES UNION,)
)
 Appellee.) Case No. 3AN-97-05289CI
_____)

ORDER GRANTING ATTORNEY'S FEES

Based upon a review of the briefing filed by the parties, and upon a review of the entire record herein, the Court is persuaded that the Alaska Civil Liberties Union (AkCLU) is the prevailing party for Rule 82 purposes. As a prevailing public interest litigant, AkCLU is entitled to an award of its full, reasonable attorneys' fees.

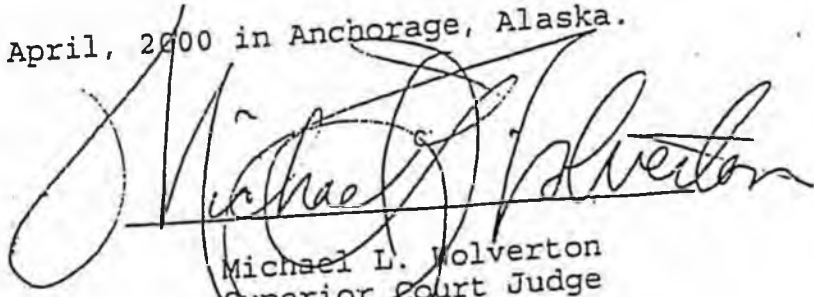
This Court finds that the full reasonable attorneys' fees in this matter amounts to \$101,203.75. The figure of \$101,203.75 was determined by taking the Appellee's request and subtracting the duplicate listing of 5.5 hours of work done by Suzanne LaPierre on 3/30/98, and 3.5 hours for work done by Jonathan Rubini on press releases.

Under Administrative Rule 7(c), expert witness fees are available only for the time spent testifying. Because AkCLU's expert witness did not testify in connection with this case, AkCLU is not entitled to recover expert witness fees. Therefore,

IT IS HEREBY ORDERED that the Appellee Alaska Civil Liberties Union is entitled to attorneys' fees in the amount of

\$101,203.75.

ENTERED this 27th day of April, 2000 in Anchorage, Alaska.


Michael L. Wolverton
Superior Court Judge

I certify that on 5/1/00
a copy of the above was mailed to each
of the following at their addresses of
record:

1- Rubini 1-Jones
Secretary/Deputy Clerk
Caw

RECEIVED

AUG 31 2001

Department of Law
Office of Attorney General
3rd Judicial District
Anchorage, Alaska

In the Supreme Court of the State of Alaska

State of Alaska,)
)
 Appellant(s),)
 v.)
)
 Alaska Civil Liberties Union,)
)
 Appellee(s).)
 _____)

Supreme Court No. S-08967/9710

Order
Attorney's Fees and Costs

Date of Order: 8/30/01

Trial Court Case # 3AN-97-05289CI

On consideration of the unopposed motion for attorney's fees and cost bill, filed on 8/27/01,

IT IS ORDERED:

1. The motion is GRANTED.
2. APPELLANT shall pay APPELLEE \$6,610.00 for attorney's fees and \$140.53 for costs.

Entered by direction of an individual justice.

Clerk of the Appellate Courts

Marilyn May

Marilyn May

Distribution:

David T Jones
Jan Hart DeYoung
Asst Attorney General
1031 West Fourth Ave #200
Anchorage AK 99501

Thomas P. Amodio
Jonathan B. Rubini
Foster Pepper Rubini & Reeves LLC
1007 W. Third Ave. Ste. 100
Anchorage AK 99501

Section 11

Judgments and Claims

Department of Law

CSED v Ragula

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

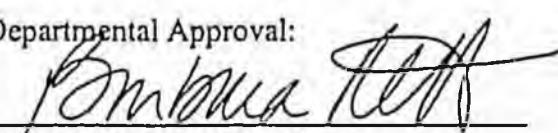
1. Case Name: *Ragula v. State, Dep't of Revenue, Child Support Enforcement Div.*
2. Case Number: Trial Court No. 3AN-97-3966 CI; Supreme Court No. S-09702
3. Judge/Justices: District Court Judge Murphy; Superior Court Judge Reese; none at Supreme Court level.
4. Date Judgment entered: 6/30/00 (superior court) and 9/27/01 (supreme court)
5. Did the date of the cause of action accrue on or after August 7, 1997? Yes
6. Amount to be paid: \$1,185.00 (superior court); \$1,159.08 (supreme court)
7. Interest Rate: 8% & 9% respectively Effective Date: 6/30/00 & 9/27/01
8. Requested hourly rate and total compensation of attorneys to be paid:
Superior court: 20 percent of actual attorneys fees, plus costs of \$85.00 requested (actual fees were \$200 per hour for total of \$5,500)
Supreme court: \$200 per hour for total of \$3,000, plus costs of \$159.08, requested
9. Court approved/ordered hourly rate and total compensation of attorneys to be paid:
In the first award, the court awarded 20% of Ragula's actual fees (\$1,100), plus costs of \$85.00. At the supreme court level, the court awarded \$1,000 and costs of \$159.08.
10. Payable to: Steven D. Smith, P.C.
11. EIN: 92-0104043 or SSN:
12. Send check to: above address Departmental contact: _____

Departmental attorney contact:

Diane Wendlandt
Name

Telephone Number

Departmental Approval:


Deputy Attorney General

12/18/01
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *Ragula v. State, Dep't of Revenue, Child Support Enforcement Div.*

Case No.: Trial Court No. 3AN-97-3966 CI; Supreme Court No. S-09702

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State. Thomas Ragula owes child support in a case being enforced by the Alaska Child Support Enforcement Division (CSED). In November 1993, Ragula's home was damaged by a fire allegedly caused by a defective adaptor sold by Sears and manufactured by Sega. Ragula hired attorney Steve Smith to file an action against Sears and Sega. The action was filed in September 1995.

In September 1996, CSED recorded a lien against Ragula's property. In January 1997, CSED issued an administrative withholding order requiring Smith to withhold and deliver to CSED any money or property belonging to Ragula (which would include any proceeds of the Sega/Sears litigation). By then, Ragula owed over \$16,000 in child support arrears.

Ragula's action against Sears and Sega was settled for \$18,500 on May 15, 1997. When Smith received the check, he retained \$9,230.38 for his attorney's fees and costs, and paid the balance into the court registry as part of an interpleader action filed in the Anchorage district court. CSED filed a motion asking the court to order that the settlement funds (after payment of two prior uncontested assignments to unrelated parties), including the amount retained by Smith as fees and costs, be paid to CSED to pay Ragula's child support debt. Extensive briefing was submitted by the parties on the competing priorities of the child support and attorney's liens. Finally, in July 1998, Smith filed a notice of attorney's lien under AS 34.35.430.

On May 27, 1999, Judge Murphy granted CSED's motion, ruling that CSED's lien and withholding order had priority over Smith's claim for attorney's fees both by statute and because Smith had not properly recorded his lien. Smith appealed to the superior court. On April 24, 2000, after additional briefing focusing on the lien priority issues, Judge Reese reversed Judge Murphy's decision. Judge Reese did not address the lien priority issue. Instead, he held that "under a contingency fee agreement, an attorney owns his or her fees and advanced costs in a successful litigation from the date of the contract." Thus, Judge Reese concluded that Smith "had a vested contractual interest in the outcome of Mr. Ragula's litigation with Sega which was effective on the date of contract, contingent only on successful completion of the suit."

CSED filed a petition for hearing with the Alaska Supreme Court pursuant to Appellate Rule 302(b). Because this case had been heard by the superior court on appeal from the district court, review by the supreme court was not a matter of right, but was discretionary only. The court denied CSED's petition for hearing, without stating a reason for the denial.

At the district court level, Smith filed a motion for attorney's fees and costs incurred in the district court proceeding. Smith requested an award of 20% of his actual attorney's fees pursuant to Civil Rule 82(b)(2). Smith stated that his actual fees were \$5,500 (\$200 per hour for 27.5 hours). Thus, he requested an award of \$1,100. In addition, he requested costs of \$85 under Civil Rule 79. We opposed that motion. However, the court granted the motion in full, awarding fees of \$1,100 and costs of \$85.

At the supreme court level, Smith filed a motion requesting an award of \$3,000 in actual attorney's fees, plus costs of \$159.08, incurred in the proceeding before the supreme court. We opposed that motion, arguing that an award of fees after the denial of a petition for hearing is not a matter of right and should not be awarded in this case. In addition, we argued that under Appellate Rule 508(e), an award of fees was intended only to *partially* compensate for attorney's fees. At most, we argued, Smith should be awarded only 20% of his actual fees (by analogy to Civil Rule 82(b)(2)). The court granted Smith's motion for attorney's fees, but refused to award full fees. Instead, the court only awarded Smith \$1,000, plus costs in the amount of \$159.08.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case. The primary issue addressed by the district court was whether a child support lien and withholding order took priority over an attorney's lien that was not properly perfected under the attorney's lien statute until long after recording and service of the child support lien and withholding order. At the superior court level, the judge framed the issue in terms of an attorney's vested ownership interest in the proceeds of litigation.

These are important issues for CSED. In this particular case, resolution of the competing priorities cost the custodial parent over \$9,000. Moreover, the impact of the decision is not limited to this case. Several times a year, we must resolve a dispute with an attorney over the competing claims to litigation proceeds. Unless the settlement is large enough to cover both the attorney's fees and all other claims, including the child support claim, CSED (and, by extension, the custodial parent and children) walk away with nothing, while the attorney is paid in full.

3. Did the State prevail on any issues? If so, describe. Although CSED prevailed at the district court level, that decision was reversed by the superior court. Because the supreme court declined to accept the petition for hearing, the superior court decision stands. Thus, CSED lost on all substantive issues. However, as discussed in question 1 above, we did prevail to a limited degree on the amount of fees to be awarded.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful. Yes. See discussion in question 1 above.

5. What was the source of the State's liability in this case? Civil Rules 79 and 82(b) are the sources of the state's liability in this case. Civil Rule 82(b)(2) allows the recovery of a portion of a prevailing party's attorney's fees on appeal, and Civil Rule 79 allows a prevailing party to recover certain costs incurred in the litigation. At the supreme court level Appellate Rule 508 was the source of the state's liability. Appellate Rule 508 allows the recovery of a portion of a prevailing party's attorney's fees on appeal. Because Ragula was the prevailing party on the petition for hearing, the court could award fees to him under Appellate Rule 508.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future? CSED does not intend to take preventative action as a result of this decision. We believe the superior court's decision was contrary to Alaska's lien laws and inconsistent with case law in this area. We are currently looking for another case which raises the same legal issues but which can be brought in the superior court, thus an allowing appeal as a matter of right to the Alaska Supreme Court. In this way, CSED hopes to obtain a final determination on these legal issues.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was. No, as explained in response to question 6, CSED is not taking corrective action as a result of this case. Instead, CSED is waiting for another case that raises the same issues and can be brought before the Alaska Supreme Court through an appeal as of right.

8. Any recommendations concerning cases of this type in the future? As explained in response to question 6, we are recommending that CSED identify an appropriate case which raises the same legal issues and can be brought before the Alaska Supreme Court through an appeal as of right.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations. We believe that the child support and attorney's lien statutes already provide a priority for child support liens and withholding orders, thus no changes in statutes or regulations are recommended at this time.

Attorney completing form:

Date:

Diane L. Wendlandt

11/19/2001

Assistant Attorney General

269-6600

Title

Phone Number

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

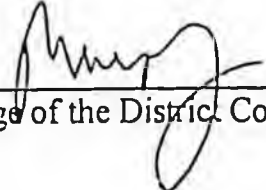
THOMAS RAGULA by STEVEN D. SMITH,)
P.C. as Trustee,)
)
Plaintiff,)
)
vs.)
)
THOMAS, HEAD & GRIESEN, CPA'S and)
STATE OF ALASKA DEPARTMENT OF)
REVENUE, CSED,)
)
Defendants.)

Case No. 3AN-97-3966 CI


ORDER

The plaintiff having been found to be the prevailing party in the above-entitled action,

IT IS ORDERED that the plaintiff is awarded \$ 1,100.00 in attorney's fees and \$ 85.00 in costs against the defendant, State of Alaska, Department of Revenue, Child Support Enforcement Division.

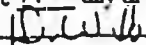
6/30/08 


Judge of the District Court

I certify that a true & correct copy of the foregoing was mailed/hand delivered/faxed to: 

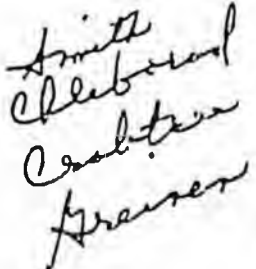
Terisia Chleborad
Attorney General's Office
1031 W. 4th Avenue, Ste. 200
Anchorage, AK 99501

Richard Crabtree
Routh & Crabtree
3510 Spenard Rd., Ste. 200
Anchorage, AK 99503

Ron Griesen
Thomas, Head & Griesen
1400 West Benson
Anchorage, AK 99503
on the 11th day of May, 2000.
By: 

I certify that on 7/3/00
a copy of the above was mailed to each
of the following at their addresses of
record: 

Secretary



MAY 11 2000

Law Offices of
Steven D. Smith, P.C.
1029 West Third Avenue, Suite 250
Anchorage, Alaska 99501
Phone: (907) 276-2197/fax: (907) 258-3804
Ak. Only: 800-478-5345

Section 11

Judgments and Claims

Department of Law

Brooker v Brooker

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

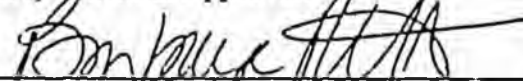
1. Case Name: *Kathleen Brooker v. Ronald Brooker*
2. Case Number: 3AN-94-4278 Civil
3. Judge/Justices: Superior Court Judge Eric T. Sanders
4. Date Judgment entered: October 30, 2001
5. Did the date of the cause of action accrue on or after August 7, 1997? Yes
6. Amount to be paid: \$525.00
7. Interest Rate: 9% Effective Date: October 30, 2001
8. Requested hourly rate and total compensation of attorneys to be paid: The attorney requested an hourly rate of \$150 for total actual fees of \$2,625.
9. Court approved/ordered hourly rate and total compensation of attorneys to be paid: The court awarded the attorney 20% of his actual fees (\$2,625), for a total award of \$525, pursuant to the fee schedule of Civil Rule 82(b)(2).
10. Payable to: Michael Gershel, Esq.
11. EIN: 91-1854753 ^(kad) or SSN:
12. Send check to: above address Departmental contact: _____

Departmental attorney contact:

Diane Wendlandt
Name

(907) 269-5228
Telephone Number

Departmental Approval:


Deputy Attorney General

12/4/01
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *Kathleen Brooker v. Ronald Brooker*

Case No.: 3AN-94-4278 Civil

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State. This case was sent to our office by CSED to file a motion to modify the Brookers' child support order. The Brookers have shared physical custody of their two children. On July 31, 2000, after lengthy litigation in which each party was represented by private counsel, the court issued an interim support order requiring Ronald Brooker to pay child support of \$33.48 per month. That amount was incorporated into a final order, based on the agreement of the parties, on June 26, 2001. Unfortunately, a copy of that final order was not sent to CSED.

In the meantime, in May 2001, Kathleen Brooker asked CSED to review the interim order for possible modification. CSED completed its review and determined that Mr. Brooker should pay approximately \$475 per month based on the child support guidelines of Civil Rule 90.3(b). The file was then forwarded to the Department of Law to file a motion for prospective modification.

In reviewing the file, the assistant attorney general assigned to the case determined that the interim order was based on erroneous or fraudulent information submitted by Mr. Brooker. Therefore, instead of filing a motion to prospectively modify the support order, the assistant attorney general filed a motion to vacate the interim order under Civil Rule 60(b). (Because this office was unaware of the June 2001 order, the motion focused on the earlier interim order from July 2000.) Mr. Brooker filed an opposition, pointing out a number of significant problems with the motion, including the fact that the support amount was resolved by agreement of the parties (both of whom were represented by counsel) in June 2001. Mr. Brooker argued that it was inappropriate for CSED to seek relief from an order issued in an action between private parties, each of whom was adequately represented by counsel and had full access to all income information needed to reach an informed decision.

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(File 2)

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FILE

Due to staffing changes in the CSED unit at Department of Law, the case was reassigned and reviewed again, at which time we determined, in light of the June 26, 2001 agreement between the parties, that Mr. Brooker's opposition was well taken. In consultation with CSED, it was agreed that we would withdraw the motion to vacate the prior order. Although we understood that Mr. Brooker would request attorney's fees for having to respond to our motion, we believed that the withdrawal of the motion, prior to additional briefing and a hearing on the motion, would limit our liability for attorney's fees and would reduce our own attorney's fees in the matter. CSED agreed with this decision.

We will be filing a motion for prospective modification within the next several weeks. In the meantime, Mr. Brooker's attorney filed a motion for attorney's fees incurred in responding to our motion. The attorney, Michael Gershel, requested an hourly rate of \$150, for total actual fees of \$2,625. Mr. Gershel asked for an award of \$828.92 under Civil Rule 82(b)(1). We opposed that request, arguing that CSED was unaware of the critical order issued in June 2001 because that order was never served on CSED. In addition, we argued that if fees were awarded, the percentages of Civil Rule 82(b)(2) should apply. Under subsection (b)(2), Mr. Gershel was entitled to only 20% of his actual fees, for a total award of only \$525. Although the court granted Mr. Brooker's motion for attorney's fees, it limited the award to \$525 as we had argued.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case. The primary issue of law in this case concerned whether there were grounds for relief under Civil Rule 60(b) from a child support order that arguably was based on a mistake or omission in the income information provided by the obligor. In our motion, we argued that Civil Rule 60(b)(1) (allowing relief from mistakes) and Civil Rule 60(b)(3) (allowing relief from fraud) applied. In response, Mr. Brooker argued that all of the information upon which we relied in our 60(b) motion was available to Mrs. Brooker and her attorney during the original proceeding and during the settlement proceedings that led to the June 2001 order. Mr. Brooker concluded that any arguments based on that information should have been raised in the original proceeding and settlement discussions.

3. Did the State prevail on any issues? If so, describe. We prevailed only on the question of which formula applies for calculating the attorney's fee award under Civil Rule 82(b). Mr. Brooker argued that the "percentage of recovery" approach under Civil Rule 82(b)(1) should apply. Under Civil Rule 82(b)(1), a prevailing party may recover as attorney's fees a percentage of the money judgment entered in the party's favor. Mr. Brooker argued that by prevailing, he avoided additional liability of \$4,605.12. He thus argued that he should receive a percentage of this "avoided liability," in the amount of \$828.92, as attorney's fees under Civil Rule 82(b)(1).

We argued that Civil Rule 82(b)(1) only applies when there is a money judgment issued. No money judgment was issued in this case. Therefore, Civil Rule 82(b)(2) applied. Under Civil Rule 82(b)(2), a prevailing party is entitled to recover a percentage of the actual reasonable fees incurred. Here, the applicable percentage was 20%, which resulted in a fee award of \$525. The court agreed with our analysis and awarded only \$525 in attorney's fees.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful. Yes. Please see the answer to question 3, above.

5. What was the source of the State's liability in this case? Civil Rule 82(b) was the source of the state's liability in this case. As explained in response to questions 1 and 3 above, Civil Rule 82 allows the recovery of a portion of a prevailing party's attorney's fees. Because Mr. Brooker was the prevailing party, he was entitled to an award under Civil Rule 82.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future? We have confirmed with CSED that, absent extremely unusual circumstances, the agency does not want the Department of Law to file motions to set aside support orders that were issued in litigation between private parties to which CSED was not a party and in which the state has no financial interest.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was. No corrective action by CSED is necessary. CSED has confirmed that in cases like this, it will pursue prospective modification only. The assistant attorneys general who represent CSED have been or will be informed of this position.

8. Any recommendations concerning cases of this type in the future? Absent extremely unusual circumstances, such as cases in which there was egregious misconduct or coercion to the detriment of an unrepresented party on the other side, we will not request relief from a child support order issued in a private action to which CSED was not a party and in which the State has no financial interest. Any exception to this rule would be cleared through both the director of CSED and the supervisor of the Collections & Support Section of the Civil Division of the Department of Law.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations. No. There is no need for changes to statutes, regulations, or policies. The only change concerns the internal practices of the Department of Law to assure that all child support attorneys are aware of the existing position on motions for relief from support orders.

Attorney completing form:

Date:

Diane Wendlandt

11/16/2001

Assistant Attorney General

(907) 269-6600

Title

Phone Number

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

KATHLEEN A. BROOKER, a.k.a.
KATHLEEN A. BROOKER-SORGE,

Plaintiff,

vs.

RONALD J. BROOKER,

Defendant.

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OCT 31 2001

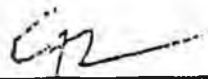
Department of Law
Office of Attorney General
3rd Judicial District
Anchorage, Alaska

Case No. 3AN-94-4278CI

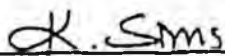
ORDER

Ronald Brooker's motion for attorney's fees is granted. Pursuant to Civil Rule 82, Mr. Brooker is awarded \$525.00

DONE this 30 day of October, 2001, at Anchorage, Alaska.


Eric T. Sanders
Superior Court Judge

I, Karen J. Sims, certify that on: 10/31/01
a copy of the above was mailed to each of the
following at their addresses of record.


Aguero/Gershel/Stil/AG's/CSED

Section 11

Judgments and Claims

Department of Law

Herold v State

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. Case Name: *William Leroy Herold v. State of Alaska, Department of Corrections, Commissioner Margaret Pugh, Margot Knuth, Allen Cooper, and Mel Henry.*
2. Case Number: 3AN-00-10938 CI
3. Judge/Justices: Superior Court Judge Eric T. Sanders
4. Date Judgment entered: No judgment; settlement agreement signed January 2, 2002
5. Did the cause of action accrue on or after August 7, 1997? yes
6. Amount to be paid: \$80,000
7. Interest Rate: No interest to be paid. Effective Date: No interest to be paid.
8. Requested hourly rate and total compensation of attorneys to be paid: No separate amount for attorney's fees.
9. Court approved/ordered hourly rate and total compensation of attorneys to be paid: No separate amount for attorney's fees.
10. Payable to: William Leroy Herold, M.D.
c/o Linda Anna Webb
Hagans, Ahearn, McLaughlin & Webb
310 K Street, Suite 400
Anchorage, AK 99501
11. EIN: _____ or SSN: 528-66-0167
12. Send check to: _____ above address Departmental contact: X
Departmental attorney contact: _____ Departmental Approval: _____

David T. Jones
Name

269-5100
Telephone Number

Bombardier
Deputy Attorney General

1/8/02
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *William Leroy Herold v. State of Alaska, Department of Corrections, Commissioner Margaret Pugh, Margot Knuth, Allen Cooper, and Mel Henry.*

Case No.: 3AN-00-10938 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

Dr. Herold claimed to have suffered discrimination and retaliation for various acts of whistleblowing. Dr. Herold worked for the Department of Corrections for approximately three months before his employment was terminated. He claimed that the department terminated his employment because he raised concerns about plans to reduce health-care staffing levels at correctional facilities, contacted the Board of Medicine and the Board of Nursing about the effects of staffing cuts on licensed health-care staff, and contacted the court-appointed *Cleary* monitor about the staff reductions. The department defended by explaining that it terminated Dr. Herold's employment because he sent a questionnaire to health-care staff members without first obtaining the approval that the commissioner had told him was required and baselessly accused co-workers of lying instead of assisting with the process of reorganizing the health-care program. Dr. Herold's expert estimated his lost wages and benefits at \$1.2 million.

In the course of litigation, we prepared and filed a motion for partial summary judgment and a motion to preclude the expert's testimony, but settled before the court ruled on the motions. It is possible that the pending motions affected the plaintiff's willingness to settle the case. After taking the plaintiff's deposition, obtaining substantial documentation from the plaintiff through discovery, and discussing the case at length with representatives of the Department of Corrections, we concluded that settlement would serve the best interests of the state.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

The case involved the difficult distinction between inappropriate, insubordinate actions and protected communications on matters of public concern.

3. Did the State prevail on any issues? If so, describe.

No, because the case settled before the court ruled on the state's motion for partial summary judgment.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

Because the case settled, the plaintiff did not make a request for costs or fees. All claims for costs and fees were included in the settlement amount.

5. What was the source of the State's liability in this case?

Management terminated the employment of an employee who arguably had made reports to public bodies concerning matters of public concern.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

The lawsuit and settlement have served an educational function for members of management. I am unaware of any other preventative action that the agency has taken.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

The agency has agreed to settle Dr. Herold's claims. I am unaware of any other corrective action that the agency may have taken.

8. Any recommendations concerning cases of this type in the future?

I am not sure that Corrections could have taken any additional precautions to avoid the suit, other than electing not to terminate Dr. Herold's employment.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No; so long as we serve the policy of protecting whistleblowers, there will be difficult questions of motive to resolve when employers terminate the employment of employees who also happen to have made reports on matters of public concern.

Attorney completing form:

Date:

David T. Jones
Assistant Attorney General
Title

January 7, 2002
269-5100
Phone Number