

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

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contract was for a single matter, or for multiple cases in a specified legal area (e.g., pipeline tariff cases, or state corporation bond or investment general counsel).

The department's administrative division does not segregate outside counsel payments by fees and costs. Only the total monthly payment to the prime contractor is recorded. A six-year summary of just fees paid would require examining each monthly bill for every contractor, many of which are stored off-premises in archives. This would be a major project, entailing a significant amount of staff time and cost.

In most contract subject areas listed, the amounts paid reflect only legal fees and costs to the law firm directly. Any expert costs, for example, are incidental. In the oil and gas litigation contract issue area, however, services such as expert consultants and witnesses, court reporting, and document handling were subcontracted through the primary law firm managing the case. The amounts paid for those contracts include those costs, which were quite significant, particularly in the early part of the six-year period you asked be covered.

1. What non-legal services does the Department acquire from outside sources?

With only a few exceptions, almost the entire body of non-legal professional services procured by the Department of Law are related to the procurement, installation, and support of the department's computer systems. These include the Javelan Practice Management System (civil case management, timekeeping and billing); CRIMES (adult criminal case tracking system); oil and gas litigation imaging system; and the collections unit database.

- 2. Does the department have a written selection process for outside counsel? If so, please provide copies.**
- 3. As to legal matters, what criteria are used to determine if civil matters are to be handled by outside counsel?**
- 4. Does the department have written policies setting out those criteria? If so, please provide copies.**
- 5. What safeguards exist to ensure an objective selection process for selection of outside counsel?**

In answering questions 2 - 5 above, we will first discuss the issues related to the decision to use outside counsel and then address the process of selecting such counsel.²

It has long been the stated policy of the Department of Law that legal services provided on behalf of the executive branch will *primarily* be provided by the department's own staff attorneys. The use of outside counsel to provide legal services is only considered after it has been determined by the Attorney General that the department's resources are insufficient to meet the need, that it would be inappropriate for the department to provide the services, or that it would not be cost effective.

There are generally five circumstances in which the Department of Law may decide to seek the assistance of outside counsel. Any given matter may actually entail one or more of these circumstances (and quite possibly all five). Under each of the five "circumstances," there are listed some examples of the types of services, the typical areas of legal expertise, and the remote venues that would cause the department to seriously consider calling upon outside counsel.

- A. Staff Limitations Due to Current Workloads (i.e., rush short-term projects or massive long-term projects where in-house resources are insufficient)
 - a) Major Oil & Gas Tax/Royalty/Tariff Disputes
 - b) Regulations Editing and Review
 - c) Tort Defense (i.e., personal injury claims, etc.)
 - d) Workers' Compensation
- B. Conflicts in Representation (i.e., cases where the interests of the state and that of the named defendant may conflict and affect all or part of the representation)
 - a) Special Prosecutors
 - b) Special Assistant Attorneys General
- C. Specialized Expertise
 - a) Investment Counsel
 - b) Bond Counsel
 - c) Constitutional Law (and other areas of academic specialization)
 - d) Technology/Patent Law

² This discussion applies primarily to the Civil Division. Outside counsel has been hired to prosecute criminal cases in a handful of cases where the Attorney General has had a conflict of interest. If an individual prosecutor has a conflict, the case is assigned to another prosecutor in another office, generally, an attorney in the Office of Special Prosecutions and Appeals. *See also* the answer to question number 8.

- e) Professional Malpractice
- f) Environmental Law

D. Jurisdictions Outside of Alaska

- a) State/Federal Relations Matters Requiring a Washington, D.C., Presence
- b) Multi-State or Multi-Party Coalitions
- c) Bankruptcy and Other Collections Efforts
- d) Other State Courts and Federal District Courts
- e) Federal Appeals Court and U.S. Court of Claims
- f) U.S. Supreme Court

E. Private Bar Efficiencies (i.e., those types of matters routinely handled by private attorneys but rarely or only occasionally by state government attorneys)

- a) Real Estate Transactions
- b) Banking and Other Commercial Business Transactions
- c) Complex Insurance Matters
- d) Large-Scale Collections Efforts
- e) Federal Tax Code

Due in part to its small size, the department has a highly centralized management structure. The Attorney General himself or one of the two Deputy Attorneys General approves all requests regarding the retention of outside counsel on substantive matters (i.e., where the costs of legal services will likely exceed \$2,500). The scope and purpose of the retention as well as the procurement method to be employed are also approved at this level. The entire procurement and contracting process is directed and supervised by the department's contracting officer within the Administrative Services Division. In securing the services of outside counsel, the department adheres to the requirements spelled out in the State Procurement Code (AS 36.30) and the corresponding administrative regulations (2 AAC 12). Because of the centralization referred to above, there is no need for additional or duplicative departmental policies and procedures in this area.

Whether or not a particular matter is handled in-house or by outside counsel, it is always the department's overall objective to seek the best possible resolution of legal matters at the lowest practicable cost. Balancing the need for results against cost is at the heart of the selection process when outside counsel is considered. In any competitive solicitation, the factors that are used in evaluating the suitability of counsel to represent the state in a given situation *must be* established in advance of the solicitation effort. In the case of formal RFP solicitation, the evaluation factors that will be used must be listed in the RFP along with the weight that is to be given to each factor in the evaluation process.

In undertaking a solicitation for the services of outside counsel, the department will almost always consider the following criteria in the selection of legal counsel: the firm's understanding, knowledge, and experience in matters similar to those at issue; the firm's proposed organization of responsibilities, work plan, and approach; the experience and capabilities of the individual attorneys who would be providing services under the contract; the firm's proposed fees; and the presence of any potential conflicts of representation.

In further defining these factors and contemplating others, the following areas may also be considered:

- A. The experience of the attorney/law firm in the type of legal work required or expected to be performed: what type of cases does attorney/firm currently handle; what type of cases does attorney/firm have expertise to handle; what type of work does the State expect to direct to the firm; does the attorney/firm practice in state and/or federal court; does the firm have the specialists that may be needed; and does the firm have appellate experience?
- B. The ability of the attorney/firm to handle the volume of work: how large a firm is it; what is the ratio of partners to associates; is the firm departmentalized; how do they coordinate; what are the number and type of support staff available and the policy on their utilization; and what library facilities and legal computer research capabilities does the firm possess?
- C. The reputation of the attorney/firm in the legal profession and in the locality served: the rating in the Martindale Hubbell Directory; the past experience of major clients of the attorney/firm.
- D. Geographic location of attorney/firm: is location pertinent to performance; what are the locations of branch offices?
- E. Are the rates to be charged by the attorney/firm reasonable: is the work routine in nature or more specialized; if the state will be a major client, is it being given a favorable rate structure; will the firm consider and propose alternative billing arrangements; and will the firm prepare a budget on identified matters; and is the firm conscious of overall costs?
- F. Can the attorney/firm make available an adequate number of attorneys to handle related matters of a routine or less important nature at a lower fee rate: identify who will work on particular matters; and who will work on routine or repetitive matters?

G. Can a high degree of cooperation be expected to exist between the Attorney General's office and the attorney/firm? Will the firm participate in a cooperative or joint effort approach to litigation; will they call upon the state for existing briefs and memoranda as a basis for research; will they supply meaningful status reports; and will they cooperate in following and amending the projected case budget and work plan?

H. Will the attorney/firm be responsive to the needs of the state to be kept informed? Does the attorney/firm return calls in a timely manner; respond to instructions; complete reports in a timely manner; and provide quality reports?

Although not required by statute or regulation, in undertaking the competitive solicitation of outside counsel the department will typically use an evaluation committee of three to five members (often including client agency representatives) to review proposals received in response to both formal and informal solicitations. These committees review the proposals and then forward their recommendations to the Attorney General for final approval. We believe that this review process and our adherence to the state's procurement statute and regulations provide for the fair and equitable treatment of those firms that may wish to be considered for such contracts.

6. Has the department (or reviewing agencies such as OMB) conducted studies on effectiveness of inside and outside counsel?

Experience has shown that using in-house counsel is much more cost efficient than using outside counsel, particularly in the areas of litigation involving relatively large numbers of similar cases and those areas with considerable pro se litigation. The latter are often frivolous, but very time consuming. In the last 10 to 12 years, the department has made a conscious effort to reduce the number of cases handled by outside counsel, to develop expertise in-house, and to ensure appropriate oversight and consistency in positions taken that impact state policy and public interest.

The FY00 hourly rate for a Department of Law Civil Division attorney is \$92.49. This rate includes all normal overhead items such as clerical support, data processing, lease space, etc. The overhead portion of the rate also includes any clerical overtime, faxes, copies, telecommunications costs, and postage — items that are often used as cost centers by private law firms or, at a minimum, billed at cost on top of the hourly rate.

The department typically pays from \$125 to \$200 per hour for the services of private Alaska counsel to handle cases for the state. The rates paid by the department will usually include a discount of ten to twenty percent from any given firm's standard billing rates. Hourly rates paid for the services of non-Alaska private attorneys will typically run from \$180 to as high as \$400 per hour in major metropolitan areas (this usually involves

counsel with specialized expertise.) Again, the department is often able to obtain significant discounts even in such high cost centers of commerce.

The department also has the advantage of being a statewide firm with offices in the three major cities of the state. Computer networking and faxing court filings, affidavits, and other casework saves the state money. There are also more intangible benefits to having in-house legal staff. Department of Law attorneys work with their client agencies on a daily basis providing advice and assistance to insure consistency in treatment of individuals and to reduce the potential for state liability. These same lawyers have the contacts and experience to effectively defend the state's actions.

7. Has the department analyzed and compared damage awards in cases handled by outside counsel and compared those awards to matters handled in-house?

The department has not performed such a formal analysis. Most damage awards, settlements, judgments, and claims are individually reviewed by both the Office of Management and Budget (OMB) and the legislature during the appropriation process. The exceptions are tort claims, which are funded through the risk management self-insurance pool. The appropriations for this self-insurance program are annually reviewed and approved by OMB and the legislature as well.

8. As a philosophical matter, is there any room for the selection of outside counsel for certain criminal matters? If so, would statutes have to be amended?

Philosophically, the hiring of outside counsel as prosecutors does present potential problems.

First, if counsel is paid on an hourly basis, the arrangement could be criticized by defendants who claim that additional charges were pursued, or possible pretrial resolutions *not* pursued, in order to increase the fees paid to the prosecutor. Such criticisms have been leveled at a practice used in some other states of paying prosecutors for each case in which charges are filed. While we do not believe that carefully selected and supervised private counsel would generate excess fees, our experience has been that it costs a great deal more to hire outside counsel than to prosecute a criminal case in-house.

Second, if private counsel prosecute cases under a fixed-price contract, the arrangement could be criticized by victims and police who claim that short-cuts are taken and the cases are not pursued vigorously, so that more time can be spent on private cases compensated on an hourly basis.

Third, especially in areas outside of Anchorage, Fairbanks, and Juneau, the limited number of local attorneys presents a real potential for conflicts of interest within small communities. Hiring private attorneys from out-of-town greatly adds to the costs of prosecution.

This is not to say that outside counsel have never been hired by the Department of Law to work on criminal cases. On rare occasions outside counsel have been appointed to investigate and/or prosecute certain criminal matters, because of a potential ethical conflict within the Department of Law. The Attorney General can enter into such contracts without additional statutory authority. See *State v. Breeze*, 873 P.2d 627 (Alaska App. 1994). These contracts are, however, expensive and cannot be anticipated in the department's annual budget planning. Special appropriations from the legislature are therefore necessary to cover these costs.

On other occasions outside counsel have been hired to work as prosecutors during times of temporary staff shortages. When that happens, the private attorney does not work under contract, but is hired as a temporary state employee who works within the district attorney's office under the direction of the local district attorney. Because temporary state employees do not receive employee benefits, this is a much more cost-effective method of obtaining periodic assistance from the private bar. Again, no additional statutory authority is required.

Overall, in our experience the hiring of private counsel is not a good long-term cost-saving device.

9. What procedures exist for monitoring work of outside counsel? (A) As to matters of substance? (B) Financial administration of outside cases?

Every professional services contract has a project manager assigned to monitor the contractor's work and approve invoices prior to payment by the Administrative Services Division. The department has developed formal guidelines for managing outside counsel. The guidelines are posted on our internal web site, and used as the basis for training sessions for project managers and their supervisors. A copy of these guidelines is attached.

10. Very significant amounts of money have been expended in past years for the retention of outside counsel for oil and gas taxation matters. What is the approach of this Administration to such matters?

Expenditures for outside counsel in the area of oil and gas litigation have declined considerably in recent years. This is due to changes in the nature of the caseload and the resolution of a backlog of large, complex tax, royalty, and regulatory cases. These

changes have allowed the use of less costly in-house legal resources to manage most of the caseload.

The department's Oil and Gas Litigation appropriation reached its highest point in FY94, at over \$31 million, with most of the funding used for contractual services, including outside counsel, experts, and litigation support. Since that time, the appropriation has decreased annually to the current FY00 level of \$5.5 million, approximately one-half of which is budgeted for outside contractual services.

The significant expenditures in the early and mid-1990s were made as part of a conscious effort to deal with a backlog of major oil and gas tax, royalty, and regulatory cases. Outside counsel were largely relied on to prosecute the backlog of cases due to the cases' size and complexity. The state system cannot respond to the rapid, large-scale fluctuations in personnel required to litigate those types of cases, nor does the state have the structural resources needed to prosecute cases of this size without assistance. However, with the resolution of the backlog, cases changed from large-value, complicated cases to relatively smaller, more routine cases. At the same time, the oil and gas caseload was growing, as ANS producers wanted to have their tax cases heard quickly in response to an increase in the interest rate charged on past due taxes.

The growing caseload could either be assigned to outside counsel, or the department's staff could be increased to handle it. In FY96, the administration requested and the legislature appropriated funding for additional in-house positions in the Oil, Gas and Mining section specifically to bring the growing, more routine caseload in-house.

It is more efficient, and much less expensive, for in-house attorneys to handle most of the litigation. Outside counsel is still necessary in certain instances, but they serve in more of a consultative role, rather than staffing and litigating the cases.

11. Is the department aware of the "pay to play" issue which has been the subject of an ABA task force?

The Attorney General is aware of the issue, but has not participated in the debate before the American Bar Association.

12. Does the department perform any functions which would not be considered the rendering of legal services to the state – that is, are there any functions which could be viewed as "general government" services?

As with all state agencies, and indeed, all large law firms, the department has an administrative unit to handle payroll, personnel, payment of bills, procurement, budgeting, and the other administrative tasks needed to keep the department functioning.

Mr. Mark Johnson

August 31, 1999

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In addition, AS 45.68 requires a charitable organization, with certain exceptions, to register with the Department of Law before it can solicit contributions in Alaska. The Consumer Protection unit handles the registrations. Maintenance of this registry could arguably be considered a "general government" function.

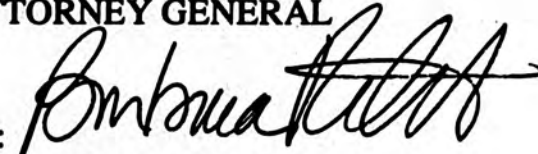
Joan Kasson has relayed Ms. Rollins' request for additional information on the department's staff locations and functions. We will be providing that information under separate cover prior to the September 9 meeting.

If you, or members of the subcommittee, have additional or follow-up questions prior to the September 9 meeting, please let Joan or me know.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Barbara J. Ritchie
Deputy Attorney General

Enclosures

cc: The Honorable John Cowdery
Betty Rollins
Bill Satterberg
Richard McVeigh
Scott Brandt-Erichsen
William Oberly
Bruce Weyhrauch
Blake Call

**LEGAL SERVICES CONTRACTUAL EXPENDITURES
FY94 - FY99**

	# CONTRACTS					FY94-99
SUBJECT	CLOSED		ACTIVE		TOTAL	AMT PAID
	Single Matter	Multi- Matter	Single Matter	Multi- Matter		
Administrative Law (federal)	2	1	0	2	5	\$587,304
Bankruptcy	5	0	2	0	7	\$143,765
Bond/Investment Counsel	1	8	0	10	19	\$9,206,446
Canadian/Admiralty	1	0	0	0	1	\$184,221
Child Protection	0	1	0	0	1	\$4,837
Civil Rights	3	0	0	0	3	\$185,727
Collections	8	0	2	0	10	\$23,493
Commercial	4	1	3	0	8	\$139,229
Constitutional	3	0	1	0	4	\$152,758
Construction Claims	4	2	2	0	8	\$890,626
Consumer Protection/Antitrust	5	0	1	0	6	\$57,990
Criminal Prosecution	3	0	0	0	3	\$185,625
Employment	6	2	3	0	11	\$828,011
Environmental	3	1	3	0	7	\$2,593,945
Investment Contract Litigation	4	0	0	0	4	\$1,352,535
Mental Health Lands	3	0	0	0	3	\$2,251,963
Natural Resources	2	0	0	0	2	\$15,083
Oil & Gas Litigation	6	5	2	5	18	\$78,334,941
Other	2	0	0	0	2	\$40,000
Real Estate	3	2	1	2	8	\$356,458
Regulations	20	0	0	0	20	\$271,011
State's Rights	7	2	4	1	14	\$4,834,808
Technology/Patent	0	3	0	1	4	\$133,256
Tort Litigation	6	2	8	0	16	\$2,720,752
Workers' Comp.	4	0	2	0	6	\$74,790
TOTAL	105	30	34	21	190	\$105,569,574

MANAGING OUTSIDE COUNSEL CONTRACTS



**Department of Law
September 1998**

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The Big Picture

The **MOST IMPORTANT PART OF MANAGING OUTSIDE COUNSEL CONTRACTS IS YOUR ACTIVE INVOLVEMENT AS PROJECT MANAGER IN THE PLANNING AND DAY-TO-DAY MANAGEMENT OF A CASE.** In the case of on-going general counsel contracts, a good relationship with the client agency is imperative to ensure that as project manager you know in advance what services the contractor will be providing. As project manager, you must make the commitment to participation.

Fees are by far the largest expense associated with a legal services or expert witness contracts. Work should be agreed upon before it happens. It is difficult to tell a contractor he or she should not have performed certain work and then refuse to pay for the services in a bill received one or two months after the work is performed, unless that work was outside of the parameters you clearly established in advance.

The contractor, wishing to do the best job possible for their client, the state, has the incentive to turn over every legal "rock" as it were. The state, however, wishes to receive the best representation it can, at the least possible cost. Certain work may be nice, but not necessary. It is your job as project manager, to make these decisions in conjunction with the contractor, and the client agency, if necessary, before the work occurs.

To ensure cost effective representation on every matter referred to outside counsel, project attorneys should **READ AND KEEP A COPY OF THE CONTRACT.** This seems simple, but not everyone does. The contract terms clearly set out the state's expectations related to contract management and answer many questions concerning allowable costs. A copy of the department's standard agreement form is appended to this manual for illustrative purposes, but should not substitute for reading the agreement specific to your case as the terms may vary.

General Counsel Contracts - An Extra Step

Outside counsel is sometimes retained to advise the state on specialized matters outside the practical scope of the Department of Law. Investment counsel and bond counsel contracts are examples where specialized expertise located outside of Alaska may be necessary. These types of contracts require extra effort on the part of the project manager, because the work assignments are generally coming from the agency, yet the project manager is ultimately responsible for approving payment of the bills.

The project manager must work with the client agency to establish regular communications regarding the work assignments being given to the contractor. Ideally, the project manager will be working closely with the agency and the contractor on day-to-day legal activities. This is not always practicable, and a mutually agreed upon method of ensuring you, as project manager, are aware of the contractor's work assignments and performance must be formally established and maintained. In addition, but not instead, the client agency must review the contractor invoices concurrently with the project manager, to double check their reasonableness.

Because the Department of Law is ultimately responsible for the legal representation of most executive branch agencies, AS 36.30.015(d) and 2 AAC 12.040 prohibit those agencies from entering into contracts for the services of legal counsel without the prior written approval of the Attorney General. Except in those instances where an agency has been specifically delegated the authority to procure and manage the services of legal counsel, the Department of Law will most likely be the contracting agency and held responsible for the administration of any such agreements. If problems develop over contractor oversight, we are whom the auditors are going to come visit.

Planning Ahead

All contracts regardless of size should have some form of **BUDGET OR WORKPLAN ESTABLISHED AND REGULARLY UPDATED**. They may be incorporated directly into a contract, developed separately after the contract has been executed, perhaps on an annual basis for very large contracts, or, in the case of very small or simple contracts, be an informal understanding between the involved parties.

1. Identify key dates or milestones and develop budget according to the effort needed to reach each point. This is often easiest to do as a month-to-month projection covering one year, keeping in mind court deadlines and the work that is likely to be necessary to meet those deadlines. Questions to ask:

How many attorneys will be assigned at what billing rate, for both prime and co-counsel, if necessary?

What level of expert assistance will be necessary, and at what rates?

What kind of direct case costs might be incurred?

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2. Establish the level of direct involvement and supervision by the department's attorneys and any other protocols necessary for the management of the case/project.
 3. Clearly establish that it is the contractor's responsibility to monitor his work efforts and to notify the state as early as possible when it becomes apparent that his costs and fees may exceed the budget amounts estimated above. Without such prior notification, the contractor may be required to bear the cost of any services beyond the authorized contract ceiling.

General Contract/Case Management

To ensure cost effective representation on every matter referred to outside counsel, the project attorney should:

1. clearly define the objectives to be achieved by contract counsel;
2. ensure that the contractor has a clear understanding of his role;
3. actively participate with the contractor in developing a case plan and budget;
4. impress upon the contractor the need to discuss and obtain the state's concurrence on any material changes in the case plan or budget;
5. ensure that the state is kept advised of any material developments as they occur; and
6. utilize state resources in order to reduce contract costs whenever possible (staff attorneys, paralegals, research, etc.).

Keep in mind that the state's overall objective is to seek the best possible resolution of legal matters at the lowest practicable cost. Consequently, outside counsel must avoid multiple representation at meetings or depositions, overstaffing, rotating lawyers knowledgeable about state matters and using state projects for purposes of training their personnel.

If it is apparent that multiple representation at a meeting would benefit the state or that staffing changes are necessary, these matters should be discussed in advance. Contractors should be expected to control their time carefully, avoid unnecessary polishing of their work, and to seek cost-effective solutions.

The time and effort devoted to legal research has become a costly element of legal representation. To avoid duplication of research efforts, to obtain benefits of previous research, and to ensure consistency with existing opinion, contractors should be instructed to discuss proposed major research efforts in advance with the project attorney and to check the Attorney General's brief bank/opinion index system for related legal opinions.

Monitoring Contract Performance - Status Reports and Billings

Formal written status reports may be requested on a periodic basis depending on the size and complexity of the contract and/or the degree of active involvement by department attorneys. In some cases the contract billings will be detailed enough to serve as status reports. Status reports should, at a minimum, compare the actual expenses to the previously prepared budget, and discuss any significant differences, so that the budget can be adjusted if necessary, to reflect unanticipated changes in the case.

With the utilization of computerized billing systems by most law firms, mathematical errors in invoices rarely, if ever, occur. As such, the project attorney should concentrate on reviewing billings for, among other things, substantive matters, reasonableness, cost consciousness, and compliance with the terms and conditions of the state's contract, including whether the work was within the scope, period of performance, and total amount of the contract. In reviewing invoices, the project attorney may want to ask the following questions:

1. Did the contractor utilize state resources in order to reduce contract costs whenever possible (staff attorneys, paralegals, research, etc.)?
2. Have we been given credit for the learning curve when the firm shifts attorneys for its own purposes rather than at the state's request?
3. Have there been multiple changes in the lawyers or paralegals working on or responsible for any one matter?
4. Is the case under control? Was there research done early in the case so as to establish a direction for the case?
5. Have we been billed for multiple office conferences?
6. Do the hours for any particular matter reflect the result?
7. Has there been excessive review by senior partners in the firm?
8. Has there been excessive time spent on certain pleadings?

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9. Has the case been moving?
 10. Have the disbursements and expenses as agreed upon been properly billed? (See discussion on costs, below.)
 11. Do the cumulative fees accurately reflect the status of the case?
 12. Are the rates charged the same as agreed?
 13. Are there excessive reviews of the file, or reviews of pleadings previously reviewed?
 14. Are there excessive status reports or status reviews? Are they calling client agency personnel to provide same or vice versa?
 15. Are there continuances on our side because firm was not ready?
 16. Has there been consultation with in-house staff before embarking on a major research project on state issues?
 17. Are there more attorneys than necessary working on a file, performing research, etc.?
 18. Are there excessive inter-office conferences? (Perhaps a more senior attorney is needed.)
 19. Are they "papering to death" - always writing a letter when a phone call would do?

Allowable Costs

State contracts have limits on reimbursable costs which may be unfamiliar to new contractors in particular. Most limitations are clearly listed out in Appendix D of the contract.

For example, the state will not pay for First Class airfares unless pre-approved by the Attorney General. The contract establishes a maximum level for hotel and meal costs. Tips will not be reimbursed, nor will laundry costs, alcoholic beverages, videotape rentals, or other entertainment expenses. (As a general rule, the state does not pay for costs which would otherwise be considered normal living expenses.)

The contract also establishes maximum rates which may be charged for certain types of costs, (i.e., copies and faxes), but for most direct disbursements, simply limits reimbursement to the actual amount of the cost incurred (i.e., no administrative surcharge or other overhead recovery fee).

Care should be taken on what costs are billed, which perhaps should be included in the contractor's rates as overhead. For example, time spent preparing budgets and invoices for submission to the state should not be billed to the state, unless the preparation is so onerous that pre-approval is obtained. Secretarial overtime is also an overhead cost, unless required by the nature or timing of the assignments made under the contract, and not because of other client work or other firm priorities. Lease costs, insurance (including automobile rental insurance), furniture, equipment, and software are overhead costs, unless pre-approved by the Deputy Attorney General.

Unless specifically modified during negotiations, the department's standard legal services and expert witness contracts do not permit the state to pay for travel time.

As a general rule, receipts should be provided for expenses over \$250.00 at a minimum. Requests for reimbursement for costs should be individually itemized, and costs categories labeled "miscellaneous" should be discouraged.

Costs are a small expense compared to fees; however, they can add up.

Contract Amendments

Nearly all legal services contracts issued by the department contain provisions that allow the contract to be amended under certain circumstances. 2 AAC 12.040 recognizes the rather unique character of legal services agreements and provides for the inclusion of language allowing for the adjustment of price, time of performance, and total dollar amount. In addition, 2 AAC 12.485 assigns the Attorney General authority to approve amendments that exceed the state's \$50,000 small purchase threshold. When a contract amendment is required, project managers shall work directly with the department's administrative services division to execute the amendment and, as necessary, the client agency to ensure sufficient additional funds are made available. Any amendment resulting in a significant change in the scope of a legal services contract, must be approved in advance by the Attorney General.

Role of Administrative Services Division

The role of the department's administrative services division is primarily two-fold. First, the department's contracting officer is responsible for assisting the project manager in procuring the services required in accordance with the State Procurement Code and department policy. He may undertake the solicitation on behalf of the department, prepare all contract documents (including any subsequent amendments), obtain the necessary signatures from all of the parties, and, if necessary, assist in securing RSA funding from the client agency.

Second, the department's fiscal section is responsible for processing all invoices submitted for payment and obtaining reimbursement from our client agencies as may be required. Unless an invoice is in dispute, AS 37.05.285 requires that payment must be made within thirty-days of receipt of a proper billing. Consequently, it is critical that project managers review and submit invoices as quickly as possible. As a rule, in order to stay within the thirty-day requirement fiscal section personnel will pay the oldest bills first when processing contractor payments. Fiscal will review the bill to determine whether it has been duly authorized for payment, if all necessary backup information and receipts are included, whether it falls within the contract's period of performance, and whether there are sufficient funds encumbered to pay for the services. Periodic spot checks will also occur to check for mathematical accuracy.

Frequently, delays in payment may occur as a result of the RSA process. In such instances, project managers may be asked to prompt client agencies to expedite the authorization of RSA's that are required to pay for services for which the department has already been billed.

Managing within a Fiscal Year

In most cases, you as project manager will need to be concerned about managing a contract and an appropriation at the same time. In certain instances, the legislature will make a separate appropriation for specific litigation. Large, complex cases may have a special appropriation to make it easier for the legislature and the governor to monitor them. Oil and gas litigation is an obvious example, as was the *Exxon Valdez* oil spill litigation. Other cases, not anticipated during budget development, may receive a special appropriation. The *Venetie* case required such an appropriation. In many cases, outside counsel and expert contracts are funded by a reimbursable services agreement (RSA) with another agency. These are like separate appropriations because the funds cannot be used for any other purpose than stated in the RSA.

When managing outside counsel on a case within the confines of a special appropriation or an RSA, the project manager must not only be concerned with costs remaining within the amount of the appropriation, but also on timing. All

appropriations have a lapse date, when any unexpended amount lapses back to the state treasury. **FUNDS CANNOT CARRY OVER PAST THE LAPSE DATE OF THE APPROPRIATION.** Most appropriations have a term of one fiscal year. Sometimes the legislature will add an "extended lapse date" to a special appropriation so it can carry over more than one fiscal year, perhaps two. (The State of Alaska fiscal year runs from July 1 to June 30.)

When requesting a special appropriation for an unanticipated, large case like *Venetie*, the department will request an extended lapse date when it is clear the case will not be completed before June 30 of that year. However, for large annual appropriations like Oil and Gas Litigation, the legislature does not normally provide an extended lapse date. This can be problematical, because cases do not necessarily neatly end by June 30, nor stick to the schedule that a budget was built on 18 months before. (For a fiscal year beginning July 1, the budget bill is introduced in the legislature in January.)

With RSAs, the agency providing the funds to Law encumbers the agreed upon amount in the accounting system so they cannot be used for another purpose.

Careful monitoring of expenditures becomes increasingly important under these circumstances. The legislature is the only body with the power to appropriate funds. They usually meet from mid-January to mid-May. If case expenditures are projected to be more than the amount of the appropriation, a decision must be made, preferably early in the legislative session, whether to seek a supplemental appropriation from the legislature, or to rein in expenditures to remain within the appropriation. On the other hand, if it looks like the case will not cost as much as budgeted, perhaps because delays are moving costs into the next fiscal year, the governor and the legislature need to know that as well. This is so that extra money can be released and reappropriated for some other purpose, and the budget request for the next year adjusted to reflect the delay.

The same applies to RSAs, with a slightly different twist. The funding agency has its own appropriation that is paying for the legal services contract. If costs are running above the RSA amount, that agency must agree to the increase and find the funds to pay for the increase either from existing appropriations or through a supplemental appropriation. If costs will be significantly under budget, they need to know about that too in a timely manner so they can use those funds for another purpose, and be aware that additional funds will be necessary in the next fiscal year. If they are not notified, the unused part of the RSA will lapse, and the agency may be startled to find out they are being asked to pay for the same legal services a second time.

Once the legislature is out of session in mid-May, this careful monitoring must continue. Outside counsel bills usually come in a month or more after the work is performed. If you are surprised by a larger than expected bill that blows your

budget, and exceeds your appropriation or RSA level, the funds will need to come from somewhere else in the department. If there are no excess funds elsewhere, the department will be before the legislature during the next session to explain why. This type of mismanagement can have painful consequences.

Disciplining Outside Counsel

If a problem becomes apparent, discuss it with the contractor attorney doing the work; if that does not bring about the desired result, review the matter in specific detail with your immediate supervisor, who should in turn discuss the problem with the responsible partner within the firm.

1. Remember that at one time we thought this was a good firm.
2. Have a meeting, detail the problems you have had or are having, but be willing to listen to the problems the firm may be having with the state.

If this fails, alert the Deputy Attorney General or the Attorney General to the problem in order to discuss available remedies.

STANDARD AGREEMENT FORM

1. Agency Contract Number	2. ASPS Number	3. Financial Coding	4. Agency Assigned Encumbrance Number
5. Vendor Number		6. Alaska Business License Number	
This contract is between the State of Alaska,			
7. Department of		Division	
		hereafter the State, and	
8. Contractor		hereafter the Contractor	
Mailing Address	Street or P.O. Box	City	State ZIP+4
9. ARTICLE 1. Appendices: Appendices referred to in this contract and attached to it are considered part of it. ARTICLE 2. Performance of Service: 2.1 Appendix A (General Provisions), Articles 1 through 14, governs the performance of services under this contract. 2.2 Appendix B sets forth the liability and insurance provisions of this contract. 2.3 Appendix C sets forth the services to be performed by the contractor. ARTICLE 3. Period of Performance: The period of performance for this contract begins _____, and ends _____. ARTICLE 4. Considerations: 4.1 In full consideration of the contractor's performance under this contract, the State shall pay the contractor a sum not to exceed \$ _____ in accordance with the provisions of Appendix D. 4.2 When billing the State, the contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:			
10. Department of		Attention: Division of	
Mailing Address		Attention:	
11. CONTRACTOR Name of Firm Signature of Authorized Representative Typed or Printed Name of Authorized Representative Title Employer ID No. (EIN) or SSN		13. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the variety, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815-.820. Other disciplinary action may be taken up to and including dismissal.	
12. CONTRACTING AGENCY Department/Division Signature of Project Director Typed or Printed Name of Project Director Title		Signature of Head of Contracting Agency or Designee Typed or Printed Name Title	

GENERAL PROVISIONS

Article 1. Definitions.

- 1.1 In this contract and appendices, "Project Director" or "Agency Head" or "Procurement Officer" means the person who signs this contract on behalf of the Requesting Agency and includes a successor or authorized representative.
- 1.2 "State Contracting Agency" means the department for which this contract is to be performed and for which the Commissioner or Authorized Designee acted in signing this contract.

Article 2. Inspection and Reports.

- 2.1 The department may inspect, in the manner and at reasonable times it considers appropriate, all the contractor's facilities and activities under this contract.
- 2.2 The contractor shall make progress and other reports in the manner and at the times the department reasonably requires.

Article 3. Disputes.

- 3.1 Any dispute concerning a question of fact arising under this contract which is not disposed of by mutual agreement shall be decided in accordance with AS 36.30.620-632.

Article 4. Equal Employment Opportunity.

- 4.1 The contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, or because of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position(s) do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The contractor shall take affirmative action to insure that the applicants are considered for employment and that employees are treated during employment without unlawful regard to their race, color, religion, national origin, ancestry, physical handicap, age, sex, marital status, changes in marital status, changes in marital status, pregnancy or parenthood. This action must include, but need not be limited to, the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting out the provisions of this paragraph.
- 4.2 The contractor shall state, in all solicitations or advertisements for employees to work on State of Alaska contract jobs, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
- 4.3 The contractor shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' compensation representative of the contractor's commitments under this article and post copies of the notice in conspicuous places available to all employees and applicants for employment.
- 4.4 The contractor shall include the provisions of this article in every contract, and shall require the inclusion of these provisions in every contract entered into by any of its subcontractors, so that those provisions will be binding upon each subcontractor. For the purpose of including those provisions in any contract or subcontract, as required by this contract, "contractor" and "subcontractor" may be changed to reflect appropriately the name or designation of the parties of the contract or subcontract.
- 4.5 The contractor shall cooperate fully with State efforts which seek to deal with the problem of unlawful discrimination, and with all other State efforts to guarantee fair employment practices under this contract, and promptly comply with all requests and directions from the State Commission for Human Rights or any of its officers or agents relating to prevention of discriminatory employment practices.
- 4.6 Full cooperation in paragraph 4.5 includes, but is not limited to, being a witness in any proceeding involving questions of unlawful discrimination if that is requested by any official or agency of the State of Alaska; permitting employees of the contractor to be witnesses or complainants in any proceeding involving questions of unlawful discrimination, if that is requested by any official or agency of the State of Alaska; participating in meetings; submitting periodic reports on the equal employment aspects of present and future employment; assisting inspection of the contractor's facilities; and promptly complying with all State directives considered essential by any office or agency of the State of Alaska to insure compliance with all federal and State laws, regulations, and policies pertaining to the prevention of discriminatory employment practices.
- 4.7 Failure to perform under this article constitutes a material breach of the contract.

Article 5. Termination.

The Project Director, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the State. The State is liable only for payment in accordance with the payment provisions of this contract for services rendered before the effective date of termination.

Article 6. No Assignment or Delegation.

The contractor may not assign or delegate this contract, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Project Director and the Agency Head.

Article 7. No Additional Work or Material.

No claim for additional services, not specifically provided in this contract, performed or furnished by the contractor, will be allowed, nor may the contractor do any work or furnish any material not covered by the contract unless the work or material is ordered in writing by the Project Director and approved by the Agency Head.

Article 8. Independent Contractor.

The contractor and any agents and employees of the contractor act in an independent capacity and are not officers or employees or agents of the State in the performance of this contract.

Article 9. Payment of Taxes.

As a condition of performance of this contract, the contractor shall pay all federal, State, and local taxes incurred by the contractor and shall require their payment by any Subcontractor or any other persons in the performance of this contract. Satisfactory performance of this paragraph is a condition precedent to payment by the State under this contract.

Article 10. Ownership of Documents.

All designs, drawings, specifications, notes, artwork, and other work developed in the performance of this agreement are produced for hire and remain the sole property of the State of Alaska and may be used by the State for any other purpose without additional compensation to the contractor. The contractor agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The contractor, for a period of three years after final payment under this contract, agrees to furnish and provide access to all retained materials at the request of the Project Director. Unless otherwise directed by the Project Director, the contractor may retain copies of all the materials.

Article 11. Governing Law.

This contract is governed by the laws of the State of Alaska. All actions concerning this contract shall be brought in the Superior Court of the State of Alaska.

Article 12. Conflicting Provisions.

Unless specifically amended and approved by the department of Law the General Provisions of this contract supersede any provisions in other appendices.

Article 13. Officials Not to Benefit.

Contractor must comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.

Article 14. Covenant Against Contingent Fees.

The contractor warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, contingent fee, or brokerage except employees or agencies maintained by the contractor for the purpose of securing business. For the breach or violation of this warranty, the State

may terminate this contract without liability or in its discretion deduct from the contract price or consideration the full amount of the commission, percentage, brokerage, or contingent fee.

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APPENDIX B²
INDEMNITY AND INSURANCE

Article 1. Indemnification

The Contractor shall indemnify, hold harmless and defend the contracting agency from and against any claim of liability for error, omission, or negligent act of the Contractor under this agreement. The Contractor shall not be required to indemnify the contracting agency for a claim of, or liability for, the independent negligence of the contracting agency. If there is a claim of, or liability for, the joint negligent error or omission of the Contractor and the independent negligence of the contracting agency, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "Contractor" and "contracting agency," as used within this and the following article, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in the contracting agency's selection, administration, monitoring, or controlling of the Contractor and in approving or accepting the Contractor's work.

Article 2. Insurance

Without limiting contractor's indemnification, it is agreed that Contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the Contractor's policy contains higher limits, the state shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30-day prior notice of cancellation, nonrenewal or material change of conditions. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach of this contract and shall be grounds for termination of the Contractor's services. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under AS 21.

2.1. Workers' Compensation Insurance: The contractor shall provide and maintain, for all employees engaged in work under this contract, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L.&H. and Jones Acts requirements. The policy must waive subrogation against the State.

2.2. Commercial General Liability Insurance: covering all business premises and operations used by the Contractor in the performance of services under this agreement with minimum coverage limits of \$300,000 combined single limit per occurrence.

2.3. Commercial Automobile Liability Insurance: covering all vehicles used by the Contractor in the performance of services under this agreement with minimum coverage limits of \$300,000 combined single limit per occurrence.

2.4. Professional Liability Insurance: covering all errors, omissions or negligent acts in the performance of professional services under this agreement. Limits required per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$300,000 per Occurrence/Annual Aggregate
\$100,000-\$499,999	\$500,000 per Occurrence/Annual Aggregate
\$500,000-\$999,999	\$1,000,000 per Occurrence/Annual Aggregate
\$1,000,000 or over	Refer to Risk Management

APPENDIX C

Article 1. The services to be performed by the Contractor.

Article 1.1. At the specific direction of the Attorney General's Office, the Contractor ([INSERT FIRM NAME]) shall provide legal services to the State of Alaska in connection with the matter, [INSERT CASE NAME]. It is agreed between the parties that the State shall determine the scope of the services to be rendered by the Contractor and that the State has the option to and may perform all or part of the work involved in each matter assigned under this contract. It is further agreed that the State may require a separate contract on any matter which, in its judgment, may be sufficiently complicated or prolonged to justify a separate contract.

Article 2. Contract Management

Article 2.1 The designated contact person and lead attorney for the Contractor will be [INSERT NAME]. The Contractor's services under this contract shall be directed and managed from the Contractor's [INSERT CITY] office. In addition to [INSERT LEAD ATTORNEY], [INSERT OTHER KEY PERSONNEL] shall also provide attorney services under this agreement. The Contractor may assign other attorneys or paralegals to provide services under the contract after providing notice to, and obtaining approval from, the Project Director. All attorneys assigned to provide services under this Contract shall work under the direction and management of the lead attorney listed above.

Article 2.2 The Contractor will maintain the involvement of the individuals identified in Article 2.1 above in advising and representing the State in this matter. In the event of an unforeseeable circumstance that requires substitution for any of those individuals, the Contractor shall notify the State in writing of the proposed substitution. The State reserves the right to accept or reject a proposed substitute.

Article 2.3 In addition to providing notification of proposed substitution for the key individuals listed in Article 2.1, the Contractor is also required to notify the State where substitution of other attorney staff is made. Before substitution of any individual is effected, the State must approve the extent to which transitional time will be billed.

Article 2.4 Within the time period established by the Project Director, the Contractor shall develop an estimate of the time and costs necessary to litigate the matter assigned under this contract.

Article 2.5 The Contractor shall prepare and maintain a workplan and budget approved by the Project Director to accomplish the tasks necessary to defend the State's position in the assigned matter. The proposed workplan and budget shall be prepared by the Contractor within the time period established by the Project Director and shall include:

- a. a summary of the case;
- b. a discussion of the major strategy options including benefits, risks and the potential costs associated with each;
- c. a proposed/recommended strategy;
- d. a list of major tasks to accomplish within the next 12 months to support the recommended approach and strategies;
- e. identification of critical dates and proposed monthly schedule for completion of each task including responsibilities and estimated time and cost to complete; and
- f. a description of staffing roles and responsibilities.

The Project Director will review the proposed workplan and budget, specify any necessary changes, and approve the final plan. During the period of this agreement the Contractor shall continually update the workplan and budget to reflect changes in strategy, timing, cost, etc. and submit all proposed revisions to the Project Director for approval.

Article 2.6 The Contractor agrees to participate in periodic status meetings with the Project Director and others the Project Director shall designate, and to prepare and present at the meeting a summary of the status of the tasks for which the Contractor is responsible.

Article 2.7 BEFORE A COST OVERRUN IS INCURRED, THE CONTRACTOR AGREES TO ALERT THE PROJECT DIRECTOR AS SOON AS IT APPEARS THAT TOTAL EXPENDITURES UNDER THE CONTRACT MAY EXCEED THE CONTRACT CEILING ESTABLISHED UNDER APPENDIX D, ARTICLE 1.3. IN THE EVENT THE CONTRACTOR FAILS TO NOTIFY THE PROJECT DIRECTOR PRIOR TO INCURRING A COST OVERRUN, THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY EXCESS COSTS AND FEES INCURRED UP UNTIL THE TIME AT WHICH THE CONTRACTOR NOTIFIES THE PROJECT DIRECTOR OF THE OVERRUN.

Article 2.8 For those issues in which the parties determine that professional/expert witness services are needed by subcontract, the State shall set criteria for the Contractor to apply in selecting such experts. The State reserves the right to approve or reject the selection of all expert witnesses, to select the expert witnesses, and to participate in any subcontract negotiations with the Contractor. Generally, the State will require the Contractor to impose upon expert witnesses terms and conditions identical to those contained in this agreement, including the preparation and maintenance of a detailed workplan and budget, clearly establishing liability for cost overruns, and compliance with the billing policies and procedures contained in Appendix D. The Contractor agrees to direct and monitor expert witness performance and to assume responsibility for payment of expert witness invoices and the resolution of any fee disputes. For its part, the State agrees to reimburse the Contractor for all expert witness costs and fees that fall within the scope of an approved workplan and budget or are otherwise allowable under the terms and conditions of an approved expert witness subcontract or letter of agreement.

Article 2.9 At any point during the period of this agreement that the Contractor becomes aware of a potential conflict of representation and wishes to obtain a waiver from the State, the Contractor shall submit a written request to the Deputy Attorney General, with a copy to the Project Director, that contains the following information:

- a. Full disclosure of the scope of the matter the firm and designated lawyers desire to perform for the named entity or individual, and
- b. Statement of the reason why the conflict would not be so substantial as to be deemed likely to interfere with the lawyer's exercise of independent professional judgment or affect the integrity of services which the State expects and the firm and designated lawyers have contracted to perform for the State.

Article 2.10 Copies of any significant briefs prepared by the Contractor shall be sent to the department's Legal Administrator for review and possible inclusion in the state's automated brief bank indexing system. In addition, upon conclusion of this agreement, unless other storage/retention agreements are approved by the Deputy Attorney General, all case files including discovery, other evidentiary materials, and any automated litigation support data shall be forwarded to the department.

Article 2.11 As the demands of the case may dictate, the period of performance, scope and amount of this agreement may be amended in writing at the discretion of the State. In addition, the parties to this agreement acknowledge that work may begin on the date shown in Article 3. ("Period of Performance") and that the foregoing date may precede the date of execution of this agreement because immediate performance is required to serve the best interest of the state.

Article 3. General Litigation Policies

Article 3.1 The Contractor shall represent the State in a manner that is consistent with the State's philosophy of pursuing litigation in an aggressive and forthright manner while maintaining the overall objective of resolving litigation in the most expeditious and cost-effective manner.

The Contractor shall avoid taking extreme advocacy positions that are not likely to have a substantive impact on the litigation. Coercive, delaying or obstructive tactics are also to be avoided. In addition, the State discourages engaging in motion practice unless there is some clear, strategic advantage to be gained. Where appropriate, however, motions for judgment on the pleadings or for summary judgment pursuant to applicable rules should be employed to resolve or refine as many issues in dispute as possible.

Lengthy interrogatories or requests for extensive document production solely for the purpose of burdening another party are to be avoided. It is generally recognized that costly delays frequently result from abuses of the discovery process. The Contractor, in consultation with the Project Director, should consider available remedies when another party appears to be abusing the discovery process.

Article 3.2 The Contractor shall identify and consider early in the proceedings, and at each stage thereafter, the settlement possibilities of the dispute in order to achieve the greatest degree of cost-effectiveness. The Contractor should promptly report any and all settlement overtures received to the Project Director to permit his or her involvement in planning and negotiations.

Article 3.3 The Department of Law, Civil Division does not normally have the authority or responsibility for instituting, conducting or disposing of criminal proceedings. The department's policy is that the settlement of civil litigation may not, expressly or by implication, extend to the disposition of any criminal charges or recommendations with respect to such charges. In undertaking any settlement negotiations the Contractor shall not agree either to not disclose or not refer to law enforcement authorities any information relating to a possible criminal violation or investigation.

Article 3.4 The Contractor should be alert to and apprise the State of any opportunities for utilizing non-judicial dispute resolution approaches. Generally speaking, the State does not favor the use of arbitration or other forms of binding alternative dispute resolution; however, certain non-binding approaches, such as mediation or mini-trials, may result in a faster, less expensive resolution of disputes.

Article 3.5 In the event of any adverse ruling, the Contractor must notify the Project Director promptly in order that a decision may be made regarding possible appeals. No appeal may be taken without the prior approval of the Project Director, but the Contractor should protect the state's appeal rights pending a decision to appeal.

Article 3.6 The Project Director or the Attorney General's Office shall be the primary points of contact for all substantive dealings with the media. In the event the Contractor is contacted by media representatives concerning this or other cases being handled on behalf of the state, the Contractor should decline any comment beyond confirming factual matters that are already a matter of public record and refer the individuals to the Project Director.

Article 3.7 Prior to approaching employees of other government agencies for any purpose, including scheduling depositions or requesting documents, the Contractor shall notify the Project Director. In the event that such a contact or request for information is deemed to be of a sensitive nature, it may be coordinated directly by the Project Director.

APPENDIX D

Article 1. Consideration

Article 1.1 In full consideration of the Contractor's performance under this contract, the State shall pay the Contractor **[INSERT HOURLY RATES FOR EACH INDIVIDUAL]**. Additionally, the State shall pay the Contractor for the services of other attorneys or paralegals who may be utilized in providing services under this agreement as long as the use of those individuals and their hourly rates are approved in advance by the State's project director.

Article 1.2 The State agrees to reimburse the Contractor for actual out-of-pocket expenses incurred while providing such services. Such reimbursement shall be limited as follows:

<u>Service or Expense</u>	<u>Charge/Rate</u>
Reproduction	\$0.10 per page
Computerized Legal Research (such as Lexis/Nexis, Westlaw/Dialog)	At cost as invoiced
Courier Services	
Automobile Messenger Deliveries	At cost as invoiced
Overnight Deliveries (such as UPS, Federal Express, Express Mail, DHL)	At cost as invoiced
Postage	At cost
Telephone	At cost as invoiced
Telecopier	\$0.75 (local), \$1.50 (domestic), \$2.25 (international) per page to send
Travel and Lodging	
Hotel Accommodations	Not to exceed \$150/night
Air Fare	Not to exceed coach fares
Cab Fare	At cost as invoiced
Meals	Not to exceed \$42.00/day
Litigation Process Disbursements (i.e., filing fees, subpoenas, depositions)	At cost as invoiced

Reimbursement for any of the above shall be limited to actual costs. No reimbursement shall be made for any administrative, surcharge, or other overhead recovery fee. Reimbursement shall not be made for the purchase or lease of office space, furnishings, equipment, or software unless approved in advance by the Deputy Attorney General. Upon conclusion of this agreement, unless other arrangements are approved by the Deputy Attorney General, the ownership of any furnishings, equipment, or software purchased under this contract shall revert back to the State and those items returned to the Department of Law.

Reimbursement for secretarial overtime or other temporary administrative or clerical assistance may be authorized but only if required by the nature or timing of assignments made under this contract (e.g. large projects or court imposed deadlines) and not because of other client work or firm priorities.

Unless otherwise approved by the Project Director, reimbursement for airline travel costs under this contract shall be limited to coach class fares. Contractor will not bill the State for time in travel status, except for that time during which the individual has performed work on the State's matter while in travel status; in that situation the Contractor shall adhere to billing rates provided in Article 1.2 of this appendix.

Reimbursement of hotel costs shall be limited to a maximum of \$150.00 per night unless otherwise approved by the Project Director. The Contractor shall, when possible, utilize moderately priced hotels comparable to those used by Department of Law employees. Reimbursement for meals shall be limited to either a total of \$42.00 per day or partial reimbursement for individual meals not to exceed \$9.00 for breakfast, \$11.00 for lunch, or \$22.00 for dinner. No reimbursement shall be made for alcoholic beverages, entertainment, gratuities, or what might otherwise be considered normal living expenses.

Article 1.3 Unless amended in writing, the total sum expended under this contract shall not exceed **\$(INSERT CONTRACT AMOUNT)**, including out-of-pocket expenses.

Article 2. Billing Procedures

Article 2.1 The Contractor agrees to bill the State on at least a monthly basis and to bill the State within thirty days of the end of the monthly billing period.

Article 2.2 The Contractor's billing statements shall be itemized to show the time spent, a task description and the dates that the tasks were performed by the name and hourly rate of the individual performing the work. Billing statements shall also include an itemization of all costs and copies of invoices for travel and other significant out-of-pocket expenses.

Article 2.3 As applicable, monthly submission of bills shall include a contractor billing summary that shows the original estimated cost of completion as well as the monthly and cumulative total of fees and expenses incurred for each major task identified in the Contractor's workplan. The billing summary shall also provide an explanation for any variances from amounts budgeted for each task (ref. Appendix C, Article 2.6). The State reserves the right to withhold payment of fees and expenses pending satisfactory explanation and authorization to exceed original cost estimates or an approved task budget. As a standard cost control practice, the State may conduct an audit of time and cost records of the Contractor, its employees and expert witness subcontractors. Any such audit may be conducted at the Contractor's offices or a place mutually agreed to by the Contractor and the Project Director.

Article 2.4 Billing rates are capped for one year from date of execution of this Contract. If after one year the Contractor wishes to seek an adjustment of its billing rates, the Contractor shall:

- a. notify the Project Director in writing sixty (60) days before activating any increase in billing rates;
- b. specify the impact the rate adjustment would have on the existing workplan and budget; and
- c. limit the change in any individual billing rate to an amount that does not exceed the percentage increase in the Consumer Price Index (CPI) for the locale from which the services are being rendered, or obtain the approval of the Deputy Attorney General for any increase above the CPI.

If billing rates are increased under this article, the new rates are capped for one year following the date of the increase.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

September 8, 1999

Mr. Mark K. Johnson
Attorney at Law
13631 Windward Circle
Anchorage, AK 99516

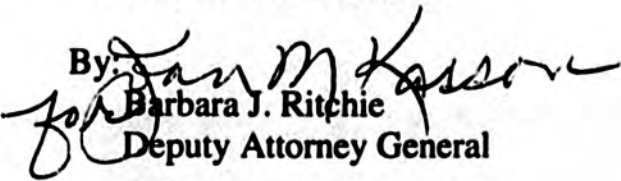
Dear Mr. Johnson:

In response to Ms. Rollins' request for additional information on the department's staff locations and functions, enclosed are copies of position descriptions and budget documents. The budget documents are copied from the detail budget book describing the FY00 Governor's Request for the Department of Law as submitted to the legislature last January. They are the summary documents describing the functions of the offices within each division, and include organizational charts indicating where all the department's budgeted positions are located.

We will be following up with case statistics as soon as they can be generated.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Barbara J. Ritchie

Deputy Attorney General

Enclosure

cc: All members
Subcommittee on the Department of Law
Commission on Privatization and Delivery of
Government Services

Finalized on

Approved by

State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 09:59 AM

Category: Professional

Class Title: Attorney II

Class Code: P7143

Class Range: 19

Original Date:

05/07/71

Original Comments:

ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

12/01/83

Last Update

Comments:

(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney II positions serve as Assistant Attorneys General, Assistant District Attorneys, Assistant Public Defenders, or in any other agency, board, or commission when authorized by the Attorney General. They conduct the agency's routine legal work under general supervision, and learn to assist in the more difficult cases.

Distinguishing Characteristics:

This is the initial level of professional law practice following admission to the Alaska State Bar. Attorneys II are assigned to complete routine noncomplex cases or legal problems independently. In such cases/problems, the legal questions or facts are relatively easily resolved in light of well-established or easily determined facts and clearly applicable precedents. Legal sanctions or penalties pursued are relatively minor. Precedents of wider potential impact are rarely involved. Attorneys II also assist more experienced attorneys in more complex cases where considerable research and analysis are needed. Work at this level is typically subject to technical and substantive review. Training and experience are gained in a variety of the agency's work. This class may be used for subfilling positions classified at a higher level.

Examples of Duties:

Review legislative measures, statutes, regulations, rules and other legal actions, and case histories. Analyze and make recommendations concerning proposed laws and regulations. Assist with drafting to assure constitutionality and absence of conflict with other laws.

Evaluate precedents, legislative intent, and potential effect of recommendations. Prepare pleadings and verify propriety and completion of legal documentation for hearings, suites,

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 10:02 AM

Category: Professional

Class Title: Attorney III

Class Code: P7144

Class Range: 22

Original Date:
05/01/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

12/01/83

**Last Update
Comments:**
(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney III positions provide legal services of moderate difficulty as an Assistant Attorney General, Assistant District Attorney, Assistant Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the first experienced level of professional practice. Attorneys III do a variety of work independently where important precedents or policy matters are not involved. They are expected to determine all the technical (factual and procedural) needs of the cases or legal problems assigned. Completed work is typically reviewed for substantive findings and conclusions. Assigned cases or legal problems are often difficult due to lack of clear precedents, or applicable precedents are arguable due to factual complexity or different constructions that could be placed on the facts or laws or precedents involved. Assignments may require development of an extensive factual record.

Examples of Duties:

Draft informal opinions to interpret and apply legislation, regulations or other legal instruments. Assist in drafting formal opinions involving limited legal or policy issues or constitutional problems. Prepare, evaluate, interpret or recommend changes to a variety of legal documents. Perform comprehensive studies of legal questions where development of all background material is required. Perform legal investigations.

Advise and assist State agencies in conducting hearings and conferences and in preparing findings of fact, conclusions of law and decisions. May be designated to serve as counsel to a specialized State agency.

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 09:59 AM

Category: Professional

Class Title: Attorney II

Class Code: P7143

Class Range: 19

Original Date:
05/07/71

Original Comments:
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Subsequent Revision Dates/Comments:

Last Update:

12/01/83

**Last Update
Comments:**

(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney II positions serve as Assistant Attorneys General, Assistant District Attorneys, Assistant Public Defenders, or in any other agency, board, or commission when authorized by the Attorney General. They conduct the agency's routine legal work under general supervision, and learn to assist in the more difficult cases.

Distinguishing Characteristics:

This is the initial level of professional law practice following admission to the Alaska State Bar. Attorneys II are assigned to complete routine noncomplex cases or legal problems independently. In such cases/problems, the legal questions or facts are relatively easily resolved in light of well-established or easily determined facts and clearly applicable precedents. Legal sanctions or penalties pursued are relatively minor. Precedents of wider potential impact are rarely involved. Attorneys II also assist more experienced attorneys in more complex cases where considerable research and analysis are needed. Work at this level is typically subject to technical and substantive review. Training and experience are gained in a variety of the agency's work. This class may be used for subfilling positions classified at a higher level.

Examples of Duties:

Review legislative measures, statutes, regulations, rules and other legal actions, and case histories. Analyze and make recommendations concerning proposed laws and regulations. Assist with drafting to assure constitutionality and absence of conflict with other laws.

Evaluate precedents, legislative intent, and potential effect of recommendations. Prepare pleadings and verify propriety and completion of legal documentation for hearings, suites,

trials and other legal proceedings when area of responsibility includes some depth of research in a general area.

Act as defense attorney or prosecuting attorney in average types of misdemeanor trials. Assist in more difficult litigation such as complex regulatory crimes, felonies or appeals.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and their applications, the powers, functions and duties of the Attorney General, District Attorneys or Public Defender; methods and tactics employed in the prosecution and defense of noncomplex legal actions in courts or before administrative agencies; methods and procedures involving judicial review of noncomplex "administrative decisions; methods and tactics, employed in noncomplex" appellate court work. (Specifics depend on agency assignment.)

Ability to prepare briefs, opinions and pleadings in noncomplex legal matters; carry out legal research; analyze legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and logically, clearly, and concisely present noncomplex evidentiary matters and other materials in accepted oral and written legal forms; work effectively with attorneys, agency personnel and the public.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Admission to the Alaska State Bar.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 10:02 AM

Category: Professional

Class Title: Attorney III

Class Code: P7144

Class Range: 22

Original Date:
05/01/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

12/01/83

**Last Update
Comments:**

(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney III positions provide legal services of moderate difficulty as an Assistant Attorney General, Assistant District Attorney, Assistant Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the first experienced level of professional practice. Attorneys III do a variety of work independently where important precedents or policy matters are not involved. They are expected to determine all the technical (factual and procedural) needs of the cases or legal problems assigned. Completed work is typically reviewed for substantive findings and conclusions. Assigned cases or legal problems are often difficult due to lack of clear precedents, or applicable precedents are arguable due to factual complexity or different constructions that could be placed on the facts or laws or precedents involved. Assignments may require development of an extensive factual record.

Examples of Duties:

Draft informal opinions to interpret and apply legislation, regulations or other legal instruments. Assist in drafting formal opinions involving limited legal or policy issues or constitutional problems. Prepare, evaluate, interpret or recommend changes to a variety of legal documents. Perform comprehensive studies of legal questions where development of all background material is required. Perform legal investigations.

Advise and assist State agencies in conducting hearings and conferences and in preparing findings of fact, conclusions of law and decisions. May be designated to serve as counsel to a specialized State agency.

Serve as defense attorney or prosecuting attorney in all types of misdemeanor trials or class B or C felony trials. Conduct sentence appeals, misdemeanor merit appeals, or less complex felony merit appeals.

May be assigned cases in rural areas.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and their application; the State statutes and their judicial interpretation and precedents; the powers, functions and duties of the Attorney General, District Attorneys or Public Defender; methods and tactics employed in the prosecution and defense of legal actions in courts or before administrative agencies; methods and procedures involving judicial review of administrative decisions; methods and tactics employed in appellate court work. (Depends on agency assignment.)

Ability to prepare briefs, opinions and pleadings; carry out legal research; analyze legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other materials in accepted oral and written legal forms; work effectively with attorneys, agency personnel and the public.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Admission to the Alaska State Bar and at least two years of legal experience.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 10:04 AM

Category: Professional

Class Title: Attorney IV

Class Code: P7145

Class Range: 24

Original Date:

05/01/71

Original Comments:

ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

12/01/83

Last Update

Comments:

(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney IV positions render legal services of a difficult nature in a variety of fields of law in an office of the Attorney General (including Chief Prosecutor, Special Prosecutions and Appeals, and District Attorneys), the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the typical full working level class. Broad knowledge of legal precedents and trends is required for application to the cases assigned. Attorneys IV provide a variety of legal services and work independently in most cases, and also may assist more senior attorneys with portions of the most complex and exceptional cases of great significance. Attorneys at this level are expected to exercise their own judgment on supervision needed and otherwise to provide complete analysis and response to the problem, subject to review for important policy or precedent effect. Assigned cases or legal problems often involve difficult legal issues (e.g., several and conflicting issues, precedents are lacking or highly arguable) difficult policy issues, or significant potential ramifications. Assignments may also require supervising other attorneys in specific legal matters.

Examples of Duties:

Provide legal advice and prepare formal opinions, legislation, regulations, rules, contracts and a variety of other documents, and present cases that may involve highly technical as well as legal procedural complexity and may have the effect of substantially broadening or restricting activities of an agency or major public or private interests. Negotiate settlements of average difficulty.

Serve as counsel to specialized state agencies. Present analysis, conclusions and advice to agency executives. Explain and defend content of legislation, regulations, etc., before boards, commissions, industry representatives, legislators, concerned public or other groups, where issues or proposed actions may be controversial.

Act as defense attorney or prosecuting attorney for all types of felony cases. Conduct felony appeals. Negotiate settlements or changes of plea. Screen cases to determine appropriate action or assignment in the agency. Routinely represent the agency and present cases in rural areas.

Periodically supervise other attorneys in matters involving particular legal experience.

Knowledge, Skills and Abilities:

Considerable knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies; the state statutes and their judicial interpretation and precedents; the powers, functions and duties of the Attorney General, District Attorneys or Public Defenders; methods and tactics employed in the prosecution and defense of legal actions in courts or before administrative agencies; methods and procedures involving judicial review of administrative decisions; methods and tactics employed in appellate court work. (Depends on agency assignment.)

Ability to analyze highly complex legal documents for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; work effectively with attorneys, agency officers and executives, and the public.

Demonstrated skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a difficult nature.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Admission to the Alaska State Bar and at least four years of legal practice.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 09:57 AM

Category: Professional

Class Title: Attorney I

Class Code: P7142

Class Range: 16

Original Date:
05/01/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

12/01/83

**Last Update
Comments:**
(Def., DC, Example
of Duties, MQs)

Definition:

Attorney I positions conduct legal research, fact-finding studies, and litigation proceedings under close supervision of experienced attorneys in an office of the Attorney General (including Chief Prosecutor, Special Prosecution and Appeals, and District Attorneys), the Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the entry level to professional legal practice. Attorneys I perform legal research/assistance and court proceedings consistent with Alaska Bar Rule 44 (persons are trained in law but are not bar members). Assignments are made to assist other attorneys, to carry out routine matters, and to become familiar with the agency's legal practice. Immediate supervision may be relaxed as experience is gained; however, all work is subject to close review while in progress or on completion. This is an in-training class that may be used for subfilling positions which are classified at a higher level.

Examples of Duties:

Conduct legal and factual research related to litigation, legal questions or problems, statutes, regulations, or other matters of the agency's responsibility. Analyze information and develop findings and recommendations.

Assist in preparing briefs, motions, cases, legal advice, opinions, legislation and regulations. Participate in arraignments, pleas, bail hearings, sentencing and in-chambers conferences. Write pleadings and trial memorandums. Prepare witnesses for testimony.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and practices, administrative and constitutional law, legal procedures, methods of legal research, and rules of evidence.

Ability to gather facts, weigh variables, analyze and make recommendations on legal questions; prepare concise written reports on facts and applicable laws and precedents; establish and maintain cooperative relationships with those contacted in the work.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Graduation from an approved school of law.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

Finalized on

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 10:06 AM

Category: Professional

Class Title: Attorney V

Class Code: P7146

Class Range: 25

Original Date:
05/01/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:
Rev: 4/1/75

Last Update:

12/01/83

**Last Update
Comments:**

(Def., DC, Example
of Duties, KSA's,
MQs)

Definition:

Attorney V positions perform and supervise a variety of complex and specialized legal work in an office of the Attorney General (including Chief Prosecutor, Special Prosecutions and Appeals, and District Attorneys), the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the "expert" or supervisory class. They serve as section chiefs, as District Attorneys or Assistant Public Defenders for moderately active geographic areas, as assistant chiefs in large metropolitan offices, or as experts in highly technical and specialized areas of law. Attorneys V who do not have a regularly assigned subordinate staff also frequently direct the work of other attorneys, e.g., contract attorneys or other agency staff who assist on difficult cases. Assignments performed at this level are often large and either time-consuming or need immediate response, and, therefore, the Attorney V leads a team effort.

Attorneys V work independently except in extraordinary cases. They work almost exclusively on the most difficult cases, for example, where a high order of original and creative legal endeavor is required to obtain a reasonable balance of conflicting interests. Complex factual or policy issues require extensive research, analysis, obtaining and evaluating expert testimony or information in controversial or highly technical areas (scientific, financial, corporate, etc.). Cases typically have substantial impact on large-scale and important activities of state agencies or public or private parties, and cases are often contested by extremely capable legal talent.

Examples of Duties:

Act as legal expert and perform legal services related to one or more specialized fields of law.

Determine how a variety of legal problems will be dealt with (e.g., formal or informal opinion, litigation, negotiated settlement, etc.) and direct the response.

Draft formal opinions, legislation, regulations and other legal instruments involving complex legal and technical issues.

Responsible for development and presentation of cases in various state and federal courts. Present cases involving complex constitutional problems before the U.S. Supreme Court.

Conduct the most difficult civil litigation. Develop and argue serious Class A felony and unclassified criminal cases and appeals.

Obtain and evaluate expert testimony and information in highly specialized, technical and/or controversial areas.

Assign cases and supervise other attorneys. Advise on the selection of legal staff to perform work for the agency. Evaluate work of others.

Knowledge, Skills and Abilities:

Extensive knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies, and of the powers, duties and functions of the Attorney General, District Attorneys or the Public Defender (depends on agency assignment).

Thorough knowledge of state statutes and their judicial interpretation and precedents with extensive knowledge in the specialized field of law; methods and tactics employed in the prosecution and defense of legal actions in courts and in conducting procedures before administrative agencies, both state and federal; methods and tactics employed in appellate court work, both state and federal.

Knowledge of principles of personnel supervision.

Ability to analyze the most complex legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; train, supervise, plan, organize and evaluate the work of junior staff attorneys; work effectively with attorneys, agency heads, and the public; carry out legal assignments with minimal supervision.

Skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a highly difficult nature.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Admission to the Alaska State Bar and at least five years of legal practice that includes substantial experience in a specialized area of practice. Supervisory experience is desirable.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might

need in order to understand or answer questions about the minimum qualifications.
Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

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State of Alaska Class Specifications

Created By: Rachel Wilson on 10/27/97 at 10:09 AM

Category: Professional

Class Title: Attorney VI

Class Code: P7147

Class Range: 26

Original Date:
05/01/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:
5/16/74; 5/16/77;

Last Update:

12/01/83

**Last Update
Comments:**

Def., DC, Example of
Duties, KSA's, MQs

Definition:

Attorney VI positions supervise a large office or direct major statewide legal services in an office of the Attorney General (including Chief Prosecutor, Special Prosecutions and Appeals, District Attorneys), the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

Distinguishing Characteristics:

This is the managerial class of the Attorney series. Attorneys VI direct and coordinate a substantial area of the state's legal services provided by a large staff of attorneys. They supervise the biggest legal offices of the Attorney General or District Attorneys. At this level responsibilities are primarily managerial, for example, organizing the handling of legal services, managing the flow of cases, working with officials in other agencies, dealing with administrative and policy concerns. Caseload personally handled is generally limited to the most extraordinary problems.

Examples of Duties:

Direct a large District Attorney's office or office of the Attorney General. Organize and assign work to subordinate attorneys and supervisors. Review and authorize staff work.

Direct the response to be taken to a variety of problems presented to the office. Direct case screening. Supervise litigation activity. Supervise advisory service to state agencies.

Direct and coordinate all activities relevant to legislation and regulation drafting and review; determine constitutionality, workability and impact on existing statutes; prepare analysis of legislation passed by the Legislature for the Governor's use in evaluating legislation.

Direct and coordinate major statewide legal services; determine policies and priorities for the program area on a statewide basis.

Act as expert consultant and legal adviser. Advise officials on changes in legislation, regulations, policies and practices to protect agencies from litigation.

Present and defend opinions and positions on various legal issues, policies, and actions.

Develop cooperative working relationships with other officials who are involved in or affected by the office's activities.

Knowledge, Skills and Abilities:

Extensive knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies, and of the powers, duties and functions of the Attorney General, District Attorneys or the Public Defender.

Thorough knowledge of state statutes and their judicial interpretation and precedents with extensive knowledge in the specialized field of law; methods and tactics employed in the prosecution and defense of legal actions in courts and in conducting procedures before administrative agencies, both state and federal; methods and tactics employed in appellate court work, both State and federal.

Knowledge of principles of personnel supervision and office management.

Ability to analyze the most complex legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; train, supervise, plan, organize and evaluate the work of junior staff attorneys; work effectively with attorneys, agency heads, and the public; carry out legal assignments with minimal supervision.

Skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a highly difficult nature.

Minimum Qualifications:

Positions in this class are partially exempt, but the following minimum qualifications are recommended:

Admission to the Alaska State Bar and at least six years of legal practice that includes substantial experience in one or more specialized areas of practice and supervisory experience.

(This class is partially exempt.)

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.
Special Note:

Minimum Qualification Questions:

This position is in the partially exempt service. Are you still interested in applying for this vacancy?

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State of Alaska Class Specifications

Created By: Adrienne Snow on 12/31/97 at 09:20 AM

Category: Technical

Class Title: Paralegal Assistant I

Class Code: P7105

Class Range: 13

Original Date:

11/16/77

Original Comments:

ORIGINAL

Subsequent Revision Dates/Comments:

5-16-78;

11-1-79 - Def., D.C., duties, K.S.A.

9-16-83 - D.C., MQs, duties.

Last Update:

04/01/84

Last Update

Comments:

MQs, PA II.

Definition:

Under supervision, this class series represents positions assigned to learn and perform research, investigation, reporting and drafting of legal documents specifically related to and done in support of litigatory efforts of attorneys or the quasi-judicial activities of administrative agencies.

Distinguishing Characteristics:

Paralegal Assistant I is the entry level class. Incumbents have little or no prior professional level experience, and undergo on-the-job training to learn and apply specific required research, investigation, reporting and legal drafting techniques. Incumbents work under the immediate leadership and guidance of attorneys or administrators of the employing agency. Under the flexible staffing agreement, promotion to Paralegal Assistant II occurs when the agency determines the incumbent is trained and capable of performing the variety and with the independence associated with the full working level.

This series is distinguished from the Associate Attorney series in that the latter includes those positions which are regularly engaged in complex research, investigative and reporting work in support of litigatory efforts of high level attorneys, and which require incumbents to possess and apply the knowledge and skills of law school graduates.

Examples of Duties:

Receives telephone or personal client contacts; obtains individual identification, address and nature of legal business or problem; determines whether or not the caller is eligible for services of that office and the need for investigatory assistance; performs preliminary analysis as to severity of the problem and whether or not there is a potential violation of law; refers

callers to other agencies as appropriate.

Finds out all relevant facts which the client knows or which are revealed on any documents in his or her possession; identifies specific legal problems involved; formulates questions which must be answered in order to resolve specific problems; verifies information obtained in preliminary questioning complainants or other persons who might possess pertinent information, obtains statements and affidavits, examines records and documents and compiles evidence pertaining to an investigation.

Researches facts and uncovers the law as it applies to the client and the client's problems; prepares preliminary statements of facts; examines and analyzes evidence procured to determine if a violation may exist, consults with an attorney as to findings, and makes verbal and/or written recommendations for appropriate courses of action; when appropriate, drafts subpoenas for attorney's signature; researches existing statutes and regulations relevant to complaints; does substantive legal research to assist attorneys; assembles exhibits, affidavits and other legal documents for use in case preparation.

Performs legal research relative to quasi-judicial hearings before administrative agencies on points of law such as admission of evidence, motions for discovery, competence of witnesses; may attend hearings to determine need for additional research concerning points of law and/or factual information; drafts administrative orders dealing with procedural and the less complex substantive issues.

Is responsible for witness coordination in prosecution offices; is responsible for witness scheduling in criminal cases, providing witness counseling and conducting in-depth witness interviews of friendly and hostile witnesses in both misdemeanor and felony cases.

Conducts substantive research relating to points and conclusions of law in assisting to prepare for litigation; assists in investigating mediation cases of a complex nature and complaints which must be resolved using the litigation process.

Communicates verbally and/or in writing with clients and with other agencies, including community, other state and federal, police and legal organizations; drafts legal documents such as discovery requests and assurances of voluntary compliance.

Represents the client before hearings conducted by the administrative agency as a formal advocate; makes legal and factual arguments, presents evidence, examines and cross-examines witness.

Knowledge, Skills and Abilities:

Ability to reason logically; utilize analytical techniques to solve problems; analyze data, develop alternatives and recommend particular actions; organize work and time, establish priorities and meet deadlines; read, comprehend, interpret and apply written material such as statutes, texts and journals, contracts, and similar resource material; write clear, concise reports, letters, administrative orders and similar communications; give organized oral presentations; assimilate new information and apply it to the duties of the job; conduct effective interpersonal relationships; perform arithmetical computations involving fractions, decimals and percentages.

Minimum Qualifications:

Three years of experience as a legal secretary, court clerk, legal intern, or law clerk.

OR

Certification from a state paralegal training and education program.

OR

Graduation from associate of arts program with major courses study in paralegal, criminal justice, or law studies.

Substitutions: Bachelor's degree or the equivalent in the social studies or behavioral sciences.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

Do you have three years experience as a legal secretary, court clerk, legal intern, or law clerk?

Or Substitution:

Do you have certification from a state paralegal training and education program?

Or Substitution:

Do you have an associate of arts degree with major course study in paralegal, criminal justice, or law studies?

Or Substitution:

Do you have a bachelor's degree or the equivalent in social studies or behavioral sciences?

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State of Alaska Class Specifications

Created By: Adrienne Snow on 12/31/97 at 09:28 AM

Category: Technical

Class Title: Paralegal Assistant II

Class Code: P7106

Class Range: 16

Original Date:

11/16/77

Original Comments:

ORIGINAL

Subsequent Revision Dates/Comments:

5-16-78;

11-1-79 - Def., D.C., duties, K.S.A.

9-16-83 - D.C., MQs, duties.

Last Update:

04/01/84

Last Update

Comments:

MQs, PA II.

Definition:

Under supervision, this class series represents positions assigned to learn and perform research, investigation, reporting and drafting of legal documents specifically related to and done in support of litigatory efforts of attorneys or the quasi-judicial activities of administrative agencies.

Distinguishing Characteristics:

Paralegal Assistant II is the working level class assigned a variety of duties and responsibilities requiring independent performance of routine legal research, investigation, reporting and legal drafting. Incumbents perform the full range of support efforts typically associated with routine litigation or the quasi-judicial activities of administrative agencies.

This series is distinguished from the Associate Attorney series in that the latter includes those positions which are regularly engaged in complex research, investigative and reporting work in support of litigatory efforts of high level attorneys, and which require incumbents to possess and apply the knowledge and skills of law school graduates.

Examples of Duties:

Receives telephone or personal client contacts; obtains individual identification, address and nature of legal business or problem; determines whether or not the caller is eligible for services of that office and the need for investigatory assistance; performs preliminary analysis as to severity of the problem and whether or not there is a potential violation of law; refers callers to other agencies as appropriate.

Finds out all relevant facts which the client knows or which are revealed on any documents in

his or her possession; identifies specific legal problems involved; formulates questions which must be answered in order to resolve specific problems; verifies information obtained in preliminary questioning complainants or other persons who might possess pertinent information, obtains statements and affidavits, examines records and documents and compiles evidence pertaining to an investigation.

Researches facts and uncovers the law as it applies to the client and the client's problems; prepares preliminary statements of facts; examines and analyzes evidence procured to determine if a violation may exist, consults with an attorney as to findings, and makes verbal and/or written recommendations for appropriate courses of action; when appropriate, drafts subpoenas for attorney's signature; researches existing statutes and regulations relevant to complaints; does substantive legal research to assist attorneys; assembles exhibits, affidavits and other legal documents for use in case preparation.

Performs legal research relative to quasi-judicial hearings before administrative agencies on points of law such as admission of evidence, motions for discovery, competence of witnesses; may attend hearings to determine need for additional research concerning points of law and/or factual information; drafts administrative orders dealing with procedural and the less complex substantive issues.

Is responsible for witness coordination in prosecution offices; is responsible for witness scheduling in criminal cases, providing witness counseling and conducting in-depth witness interviews of friendly and hostile witnesses in both misdemeanor and felony cases.

Conducts substantive research relating to points and conclusions of law in assisting to prepare for litigation; assists in investigating mediation cases of a complex nature and complaints which must be resolved using the litigation process.

Communicates verbally and/or in writing with clients and with other agencies, including community, other state and federal, police and legal organizations; drafts legal documents such as discovery requests and assurances of voluntary compliance.

Represents the client before hearings conducted by the administrative agency as a formal advocate; makes legal and factual arguments, presents evidence, examines and cross-examines witness.

Knowledge, Skills and Abilities:

Knowledge of legal research and investigative techniques; legal practices and procedures; general and legal office practices and procedures; specific knowledge of practices, procedures, policies and forms of the employing agency.

Ability to reason logically; utilize analytical techniques to solve problems; analyze data, develop alternatives and recommend particular actions; organize work and time, establish priorities and meet deadlines; read, comprehend, interpret and apply written material such as statutes, texts and journals, contracts, and similar resource material; write clear, concise reports, letters, administrative orders and similar communications; give organized oral presentations; assimilate new information and apply it to the duties of the job; conduct effective interpersonal relationships; perform arithmetical computations involving fractions, decimals and percentages.

Minimum Qualifications:

One year of experience as a Paralegal Assistant I with the State of Alaska or the equivalent elsewhere.

OR

One year of study in an accredited school of law.

Substitution: 1) Bachelor's degree or the equivalent in paralegal, criminal justice, or law studies; 2) up to six months of experience as a Community Counselor with the Department of Law may substitute for an equal amount of the required experience.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

Do you have one year of work experience as a paralegal assistant?

OR

Do you have one year of study in an accredited school of law?

Or Substitution:

Do you have a bachelor's degree or the equivalent in paralegal, criminal justice, or law studies?

Or Substitution:

Do you have six months experience as a paralegal assistant?

AND

Do you have six months of experience as a Community Counselor with the Department of Law?

Finalized on

Approved by

State of Alaska Class Specifications

Created By: Rachel Wilson on 09/18/97 at 04:07 PM

Category: Clerical

Class Title: Legal Secretary I

Class Code: P1145

Class Range: 10

Original Date:
01/26/73

Original Comments:
Original

Subsequent Revision Dates/Comments:

10/1/89 Reimplement MQs for Office Skills Application (KY)

Last Update:

04/01/94

**Last Update
Comments:**

Rewrite, MQs; New
T&E due to the
elimination of the
Office Skills
Application. (JP/KC)

Definition:

Under general supervision, performs a variety of secretarial and specialized legal clerical tasks generally for one or more attorneys.

Distinguishing Characteristics:

This is the full proficiency level of the series. Incumbents work alone or in teams and may perform general administrative tasks such as maintaining office supplies, inventory accounting, maintaining petty cash accounts and coding invoices. A variety of special legal guides and procedures are used to carry out the work assignment.

Examples of Duties:

Transcribes and prepares a variety of legal correspondence, petitions, briefs, legislative measures, pleadings, contracts, subpoenas, and other forms appropriate to the work of the office.

Processes and ensures that legal forms are prepared to meet legal and judicial requirements and deadlines; assists attorneys in editing and formatting legal copy; revises draft correspondence and reports to improve clarity and syntax.

Gathers material from a variety of sources for articles, speeches, and routine production or discovery; may answer inquiries concerning the progress of legal actions in process and convey information on the procedures required to handle these actions; may contact witnesses to exchange routine information concerning trial instructions or to make travel

arrangements.

Maintains a variety of legal texts and references; sets up and maintains case files and other attorney files and follow-up records relating to legal cases or administrative matters; maintains court calendar; prepares records and files for scheduled archiving.

Arranges for the transportation and accommodation of supervisor and other staff who travel; checks and processes travel expense claims; keeps time and attendance records; makes arrangements for meeting and notifies conferees.

May perform general administrative tasks such as ordering and stocking of desk top supplies and property accounting, maintaining trust and petty cash accounts, certifying field warrants, approving and coding invoices for processing by the administrative services unit of the agency, and scheduling the maintenance and installation of office equipment.

Performs other related duties as required.

Knowledge, Skills and Abilities:

Considerable knowledge of office practices and procedures, basic record keeping systems and account maintenance; business or legal forms and documents such as applications for cash benefits, goods or services, financial documents, motions, petitions, briefs, legislative measures, legal opinions, pleadings, contracts and affidavits.

Considerable knowledge of correct business practices, correspondence and typing formats, including English grammar, composition, spelling and punctuation.

Considerable knowledge of the use of computer systems and software in a business environment.

Some knowledge of governmental organization.

Skill in formatting and typing letters, forms, and documents.

Ability to use data and word processing equipment and software.

Ability to prepare briefs of reports and correspondence and compose letters or reports independently or from oral and written instructions.

Ability to organize and plan record keeping and filing systems.

Ability to work independently and prioritize workload.

Ability to use diplomacy and judgment in giving out information and referring callers, both in person and over the telephone.

Ability to establish and maintain cooperative working relations with those contacted in the course of the work.

Minimum Qualifications:

High school diploma or the equivalent; AND, two years of office clerical experience of which one year was full proficiency level experience performing a variety of office clerical assignments of average difficulty and/or defined clerical services in support of a specific regulatory program, service or organization function requiring the use of computer data and/or word processing equipment and software to prepare correspondence, reports or documents.

Special Requirement: Must be able to type at a net speed of 50 words per minute.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

Do you have a high school diploma or a GED?

AND

Do you have two years of office clerical experience which includes one year at the full proficiency level performing a variety of office clerical assignments and/or defined clerical service in support of a regulatory program, service, or organization function?

AND

Did this experience require the use of computer data and/or word processing equipment and software to prepare correspondence, reports, or documents?

AND

Are you able to type at a net speed of fifty words per minute?

Finalized on

Approved by

State of Alaska Class Specifications

Created By: Rachel Wilson on 09/18/97 at 04:11 PM

Category: Clerical

Class Title: Legal Secretary II

Class Code: P1146

Class Range: 11

Original Date:

09/04/69

Original Comments:

Original

Subsequent Revision Dates/Comments:

4/15/73

10/1/89 Reimplement MQs for Office Skills Application (KY)

Last Update:

04/01/94

Last Update

Comments:

Rewrite, MQs; New
T&E due to the
elimination of the
Office Skills
Application for Legal
Secretary I. (JP/KC)

Definition:

Under general supervision, leads a work unit performing a variety of secretarial and specialized legal clerical tasks generally for one or more attorneys and may perform general administrative tasks such as maintaining office supplies, inventory accounting, maintaining petty cash accounts, and coding invoices.

Distinguishing Characteristics:

This is the lead level of the series where most positions perform and lead the work of a specialized legal clerical unit and may be responsible for general administrative activities. In independent field offices, the lead responsibilities may be over general clerical support tasks rather than specialized legal clerical tasks. In this environment, the Legal Secretary II is responsible for performing the specialized and general administrative tasks as well as exercising lead authority.

This class may be used for positions, in the Department of Law, Office of the Attorney General, which serve as a personal assistant to a Deputy Attorney General whether or not lead responsibilities are assigned.

Examples of Duties:

Plans and makes day-to-day work assignments; reviews work in progress and upon completion; determines work flow based on priorities and workload; recommends on the hire,

reassignment, promotion, and demotion of subordinates; recommends or resolves employee problems and complaints and evaluates employee performance.

Transcribes and prepares a variety of legal correspondence, petitions, briefs, legislative measures, pleadings, contracts, subpoenas, and other forms appropriate to the work of the office.

Processes and ensures that legal forms are prepared to meet legal and judicial requirements and deadlines; assists attorneys in editing and formatting legal copy; revises draft correspondence and reports to improve clarity and syntax.

Gathers material from a variety of sources for articles, speeches, and routine production or discovery; may answer a wide variety of inquiries concerning the progress of legal actions in process and convey information on the procedures required to handle these actions; may contract witnesses to exchange routine information concerning trial instructions or to make travel arrangements.

Maintains a variety of legal texts and references; sets up and maintains case files and other attorney files and follow-up records relating to legal cases or administrative matters; maintains the court calendar; directs and performs the scheduled archiving of records and files.

Arranges for the transportation and accommodation of supervisor and other staff who travel; checks and processes travel expense claims; keeps time and attendance records; makes arrangements for meetings and notifies conferees.

May perform general administrative tasks such as ordering and stocking of desk top supplies and property accounting, maintaining trust and petty cash accounts, certifying field warrants, approving and coding invoices for processing by the administrative services unit of the agency, and scheduling the maintenance and installation of office equipment.

Performs other related duties as required.

Knowledge, Skills and Abilities:

Considerable knowledge of legal forms and documents such as motions, petitions, briefs, legislative measures, legal opinions, pleadings, contracts and affidavits.

Considerable knowledge of office practices and procedures, basic record keeping systems and account maintenance.

Considerable knowledge of correct business practices, correspondence and typing formats, including English grammar, composition, spelling and punctuation.

Considerable knowledge of the use of computer systems and software in a business environment.

Working knowledge of office management, supervision/personnel policies and procedures.

Working knowledge of governmental organization.

Skill in formatting and typing letters, forms, and documents.

Ability to lead, train, and motivate workers and to evaluate their performance.

Ability to organize, plan, set priorities, coordinate and direct the work flow, policies and procedures for record keeping, filing, and other office systems.

Ability to use data and word processing equipment and software.

Ability to prepare briefs of reports and correspondence and compose letters or reports independently or from oral and written instructions.

Ability to use diplomacy and judgment in giving out information and referring callers, both in person and over the telephone.

Ability to establish and maintain cooperative working relations with those contacted in the course of the work.

Minimum Qualifications:

High school graduation or the equivalent;

AND

(1) one year of full proficiency level experience performing a variety of office clerical assignments of average difficulty and/or defined clerical services in support of a specific regulatory program, service or organization function requiring the use of computer data and/or word processing equipment and software to prepare correspondence, reports or documents;

AND

(2) one year of experience equivalent to a Legal Secretary I with the State of Alaska.

Special Requirement: Must be able to type at a net speed of 50 words per minute.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

Do you have a high school diploma or a GED?

AND

Do you have one year of full proficiency level experience performing a variety of office clerical assignments and/or defined clerical services in support of a regulatory program, service, or organization function?

AND

Did this experience require the use of computer data and/or word processing equipment and software to prepare correspondence, reports, or documents?

AND

Do you have one year performing a variety of secretarial and specialized legal clerical tasks for one or more attorneys?

AND

Are you able to type at a net speed of fifty words per minute?

Finalized on

Approved by

State of Alaska Class Specifications

Created By: Rick Davis on 01/05/98 at 11:32 AM

Category: Professional

Class Title: Associate Attorney I

Class Code: P7110

Class Range: 17

Original Date:
07/15/71

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

**Last Update
Comments:**

Definition:

Under general supervision, serves as an associate to one or more attorneys or judicial officers, performing more difficult assignments in assisting the legal staff in litigation, providing routine legal information and advice developed by attorneys, drafting reports and correspondence dealing with departmental programs, policies and action under direction of attorneys.

Distinguishing Characteristics:

This class of positions represents duties of a "mixed" nature containing those of a paralegal and/or a law clerk type, designed to free others on the professional staff to devote full time to problems requiring legal expertise.

Examples of Duties:

Assists attorneys with litigation; prepares exhibits and routine pleadings, interviews witnesses, prepares and answers interrogatories, researches the factual background of the case.

Assists in resolving a variety of legal problems, for example, in condemnation proceedings, gathers "comparables" for use in establishing market values; in lien foreclosure proceedings, prepares special legal form involved, researches court and title records.

Receives requests from other departments, private or public agencies, and the general public for general and routine legal information, texts of statutes, proper channels to obtain special legal assistance, researches individual requests and prepares replies to individuals in a variety of specialized and professional fields.

Maintains files on a status of on-going cases, pending files, document deadline and courtroom date files; adds to, deletes from, and researches files for statistical and narrative data; prepares records related to criminal law, including such items as arrests, indictments, and convictions, by type of offense, confers and coordinates criminal research and statistics with

the district attorneys' offices and with the State Troopers.

Is assigned a particular legal interest area and a departmental policy position; determines format of presentation depending upon the media to be used; conducts files research, interviews knowledgeable individuals, monitors preparation of exhibits and photographic presentations, prepares draft reports and correspondence.

Reviews, makes analyses and recommendations pertaining to existing and proposed statutes, regulations,, and rules; assists state officials in drafting specific portions of legislation.

Performs other related duties as required.

Knowledge, Skills and Abilities:

Knowledge of legal principles and practices; administrative and constitutional law, legal procedures, methods of legal research, and rules of evidence; criminal proceedings; journalistic procedures.

Ability to conduct research projects, interview people, gather facts, analyze collective data and make recommendations; prepare concise but comprehensive records and reports; meet the public and maintain pleasant relationships; write speeches, scripts, and news releases.

Minimum Qualifications:

This class of positions is in the partially exempt service.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

This position is partially-exempt; no minimum qualifications are established. Do you wish to continue?

Finalized on

Approved by

State of Alaska Class Specifications

Created By: Rick Davis on 01/05/98 at 01:54 PM

Category: Professional

Class Title: Associate Attorney II

Class Code: P7111

Class Range: 19

Original Date:
02/16/72

Original Comments:
ORIGINAL

Subsequent Revision Dates/Comments:

Last Update:

**Last Update
Comments:**

Definition:

Under administrative supervision, serves as an independent agent of the Attorney General, their Deputy, or their designate in performing unusually difficult assignments in assisting legal staff in litigation, coordination of extremely sensitive projects, drafting reports and correspondence dealing with department programs, policies, and actions.

Distinguishing Characteristics:

This class of positions represents the journey level of paralegal work, responsible for assistance on the most sensitive projects in the broadest framework of the State service involving quasi-legal, social, political, economic, and ecological problem areas. It may also be a supervisory position, supervising individuals serving as Associate Attorney I.

Examples of Duties:

Reviews major State reports and documents and indicates areas needing additional or varied treatment; investigates complaints related to major state civil programs, conducting interviews and providing liaison between department and other agencies; provides through various communications media, legal and regulatory requirements affecting individuals, groups, and agencies; gathers information at all levels for evaluation by staff attorneys; provides comprehensive analysis in a wide range of fields.

Assists attorneys with litigation; prepares exhibits and routine pleadings; interviews witnesses, prepares questions and answers on interrogatories; researches the factual background of the case.

Assists in resolving a variety of factual problems, for example, in condemnation proceedings, gathers "comparables" for use in establishing market values; in lien foreclosure proceedings, prepares the routine legal forms involved, researches court and title records.

Receives requests from other departments, private, or public agencies and the general public for general and routine legal information, texts of statutes, proper channels to obtain special legal assistance, researches individual requests and prepares replies for signature of attorney to individuals in a variety of specialized professional fields.

Maintains files on status of ongoing cases, pending files, document deadline and courtroom date files; adds to, deletes from, and researches files for statistical and narrative data.

Is assigned a particular legal interest area and a departmental policy position; determines format of presentation depending upon the media to be used; conducts files research; interviews knowledgeable individuals, monitors preparation of exhibits and photographic presentations, prepares draft reports and correspondence.

Reviews, makes analysis and recommendations pertaining to existing and proposed statutes, regulations, and rules; assists state officials in drafting specific portions of legislation.

Performs other related duties as assigned.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and practices; administrative laws and procedures, methods of factual investigation; and journalistic procedures.

Ability to conduct research projects, interview people, gather facts, analyze collective data and make recommendations; prepare concise but comprehensive records and reports; meet the public and maintain pleasant relationships; write speeches, scripts, and news releases.

Minimum Qualifications:

This class of positions is the partially exempt service.

Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

Special Note:

Minimum Qualification Questions:

CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

SUMMARY OF BRU SERVICES AND RESPONSIBILITIES:

(1) The BRU prosecutes all violations of state criminal law committed by adults, and a large portion of the serious crimes committed by juveniles. Prosecution services protect the public by convicting criminals and placing them under appropriate controls. Without the prosecution services provided by the BRU, Alaskans would not be able to live in safe and healthy communities.

In the fiscal year ending June 30, 1998, over 29,000 cases (including 7,000 felony and 21,000 misdemeanor, and 1,000 other cases) were sent to the BRU by police or probation agencies. This is an increase of roughly 40 percent in felonies and 10 percent in misdemeanors in the 1990s. However, between FY97 and FY98 the felony caseload for new crimes increased nearly 5 percent, and the misdemeanor caseload for new crimes increased 3 percent.

The increase in new felony crimes is primarily the result of an upswing in drug crimes being sent to prosecution offices. In addition, the number of felony probation revocations has also increased, such that the overall felony caseload is up substantially, largely in Anchorage and Fairbanks. Although the increase in new misdemeanor crimes is not large, the Criminal Division workload has been affected by a large number of domestic violence assaults, which are among the most time-consuming and difficult cases to prosecute. Those cases increased 23 percent over the last two years, most likely due to mandatory arrest statutes in the Domestic Violence and Prevention Act of 1996. *(continued on page 2)*

SUMMARY OF BRU ISSUES:

Issue No. 1: How To Respond To Increased Enforcement of Child Abuse Laws

Child abuse cases (both sexual and physical abuse) are among the most difficult to prosecute. Although sexual abuse cases are routinely reported and prosecuted, it is believed that child physical abuse cases are not as well reported or investigated. Recent attention focused on child physical abuse cases is likely to result in an increase in the number of such cases sent to prosecution offices for review and prosecution. Additional resources will be required to appropriately respond to this increase.

Issue No. 2: How To Respond To Increased Enforcement of Domestic Violence Laws

The Domestic Violence Prevention and Victim Protection Act of 1996 requires arrests to be made in all cases of domestic violence. Even before this requirement became law, many police agencies voluntarily adopted mandatory arrest policies, and the number of domestic violence cases grew to over half of all misdemeanor assaults, and a large percentage of all felony assaults and murders. In the year following enactment of the 1996 Act, the percentage of misdemeanor assaults related to domestic violence increased to 65 percent, or nearly two out of every three. In the last year the Criminal Division handled over 2500 cases of misdemeanor domestic violence.

(continued on page 3)

Page 1 of 3

Revised Date:

FY 2000

**BRU
OVERVIEW**
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

000076

CONTINUATION OF FORM: BRU OVERVIEW

SUMMARY OF BRU SERVICES AND RESPONSIBILITIES: *(continued from page 1)*

(2) The BRU provides assistance to victims and witnesses of crimes, such as travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crimes compensation procedures. Demands on the victim-witness assistants have increased substantially over the last several years as a result of victims' rights laws enacted in 1989 and 1991, the Victims' Rights Amendment to the Alaska Constitution approved by the voters in 1994, and the Domestic Violence Prevention and Victim Protection Act of 1996. Two-thirds of the BRU's travel budget is used to bring victims and witnesses to court.

(3) The BRU represents the state in all criminal appellate proceedings, and state and federal post-conviction and habeas corpus proceedings. These post-trial procedures are constitutionally required; when such actions are filed by convicted criminals there must be a response by the state. Without these functions, the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction would be nullified. In addition, the BRU also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration and victims' rights.

(4) The BRU provides basic legal services to the departments of Corrections and Public Safety, consisting of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The BRU also provides advice to the legislature on criminal justice matters, and handles all appeals of administrative license revocations by the Division of Motor Vehicles in the Department of Administration.

(5) The BRU activities are carried out in fifteen offices across the state. Thirteen regional prosecution offices provide day-to-day criminal prosecution services, as set out in paragraphs (1) and (2) above. An office in Anchorage handles appellate matters in the Court of Appeals, the Supreme Court and the federal courts, as described in paragraph (3). An office in Juneau is responsible for representing criminal justice system agencies and providing legislative advice, as described in paragraph (4). In addition, the BRU's offices in Anchorage also have special units for:

- a. narcotics prosecution (funded by the Department of Public Safety)
- b. environmental crime (funded by the Department of Environmental Conservation)
- c. child support enforcement (funded by the Department of Revenue)
- d. welfare fraud (funded by the Department of Health and Social Services)
- e. Medicaid provider fraud (federally-funded)
- f. selected fish and game prosecution (funded by the Fish and Game Fund)
- g. white collar and other special prosecution (general fund)

**ADDITIONAL
EXPLANATION
FORM**
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

COMPONENT

Page 2 of 3

Revised Date:

FY 2000

000077

CONTINUATION OF FORM: BRU OVERVIEW

SUMMARY OF BRU ISSUES: *(continued from page 1)*

Issue No. 3: How To Respond To The High Volume Of Sexual Offenses

After several years of a relatively stable number of felony sexual offenses being sent to prosecutors for review, the number of these cases increased dramatically to over 700 in FY93. Cases of rape of adult women increased 16 percent to over 300, while cases of abuse of children increased 21 percent to 400. Those numbers leveled off in FY94-98, but there are still over 600 felony sexual offenses being sent to Criminal Division offices for review each year. This increase in sexual crimes is also reflected in the growing number of requests for safe housing, reported by the Network on Domestic Violence and Sexual Assault.

Issue No. 4: How To Respond To Other Demands For Criminal Division Legal Services

Along with heavy criminal caseloads, the Criminal Division is also called on to defend the legality of new laws. For example, there is a great deal of litigation over the legality of sex offender registration laws. Laws relating to victim rights, such as the right not to be secretly recorded by defense attorneys, are being challenged in court. New laws relating to abortion are also being challenged. All these lawsuits are being handled by Criminal Division attorneys. Criminal Division attorneys have also upheld challenges to the concealed handgun regulations, and annually the division handles dozens of appeals from driver license revocations imposed by the Division of Motor Vehicles in the Department of Administration.

In addition, the Criminal Division is being called on more and more to perform other functions. For example, Criminal Division attorneys spend significant amounts of time providing training to other agencies. The State Trooper Academy in Sitka has several courses each year to train new trooper and police recruits, as well as separate classes for village public safety officers and experienced police officers. Each course contains a component for legal training in the criminal code and criminal procedure, which requires instruction by a trained prosecutor. The Anchorage Police Department conducts similar training for its own recruits. The Department of Corrections has training requirements for correctional officers and probation officers, which also require an attorney's services for instruction. Community groups, such as victim service agencies, often require attorney training as well.

ADDITIONAL
EXPLANATION
FORM
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

COMPONENT _____

Page 3 of 3

Revised Date: _____

FY 2000

000078

CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

COMPONENT GOALS:

First Judicial District (Juneau, Ketchikan, Sitka)

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

	FY 98 ACTUAL	FY 99 AUTHORIZED	FY 2000 GOVERNOR
EXPENDITURES:			
Personal Services	942.0	957.2	970.1
Other Program Costs	220.5	210.5	210.5
Total	1,162.5	1,167.7	1,180.6
FUNDING SOURCES:			
Federal Receipts			
General Fund Match			
General Fund	1,162.5	1,167.7	1,180.6
GF Program Receipts			
GF Mental Health			
Other Funds			
Total	1,162.5	1,167.7	1,180.6
STAFFING:			
Permanent Full-Time	16	16	16
Permanent Part-time			
Temporary			

DESCRIPTION OF COMPONENT SERVICES:

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of welfare and Medicaid fraud. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures. (continued on page 2)

DESCRIPTION OF COMPONENT CHANGES:

No changes were made in FY99 and none are requested for FY00.

**COMPONENT GOALS
AND SERVICES**

Form CF1
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

COMPONENT First Judicial District #2198

Page 1 of 2

Revised Date: .

FY 2000

000079

CONTINUATION OF FORM: COMPONENT GOALS AND SERVICES

DESCRIPTION OF COMPONENT SERVICES. *(continued from page 1)*

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by seven attorneys in three offices in Juneau, Ketchikan and Sitka. In the fiscal year ending June 30, 1998, over 4,000 criminal cases (900 felonies and over 3,000 misdemeanors) were referred for prosecution or probation revocation.

ADDITIONAL
EXPLANATION
FORM
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

COMPONENT First Judicial District #2198

Page 2 of 2

Revised Date:

FY 2000

600080

CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

OBJECTIVES AND ACCOMPLISHMENT MEASURES:

The primary objective for prosecution offices is to deter crime and, in so doing, to help create safer and healthier communities in Alaska. — cause these objectives are subjective, they can be measured only indirectly, by assessing the number of criminal cases handled. The focus, we believe, should be on the most important, and most resource-intensive, cases: violent felonies, misdemeanor assaults (most of which are domestic violence) and drunk driving. The objectives set out below are based on historical caseloads and, where appropriate, a reflection of anticipated increases in caseloads. The violent felony crime caseload in the First Judicial District remained relatively constant, and in line with predictions, and is expected to continue at this level.

	Prior Yr <u>Predicted</u>	Prior Yr <u>Actual</u>	Next Yr <u>Predicted</u>
Number of Violent Felonies Reviewed:	200	200	200
Number of Violent Felonies Filed:	110	109	110
Number of Convictions for Violent Felonies:	60	62	60
Domestic Violence Assaults Reviewed:	350	355	350

STATUTORY/REGULATORY CITATIONS

AS 44.23.020

Page 1 of 1
Revised Date:

FY 2000

COMPONENT
OBJECTIVES AND
ACCOMPLISHMENT
MEASURES
Form CF2
REVISED 8/26/98

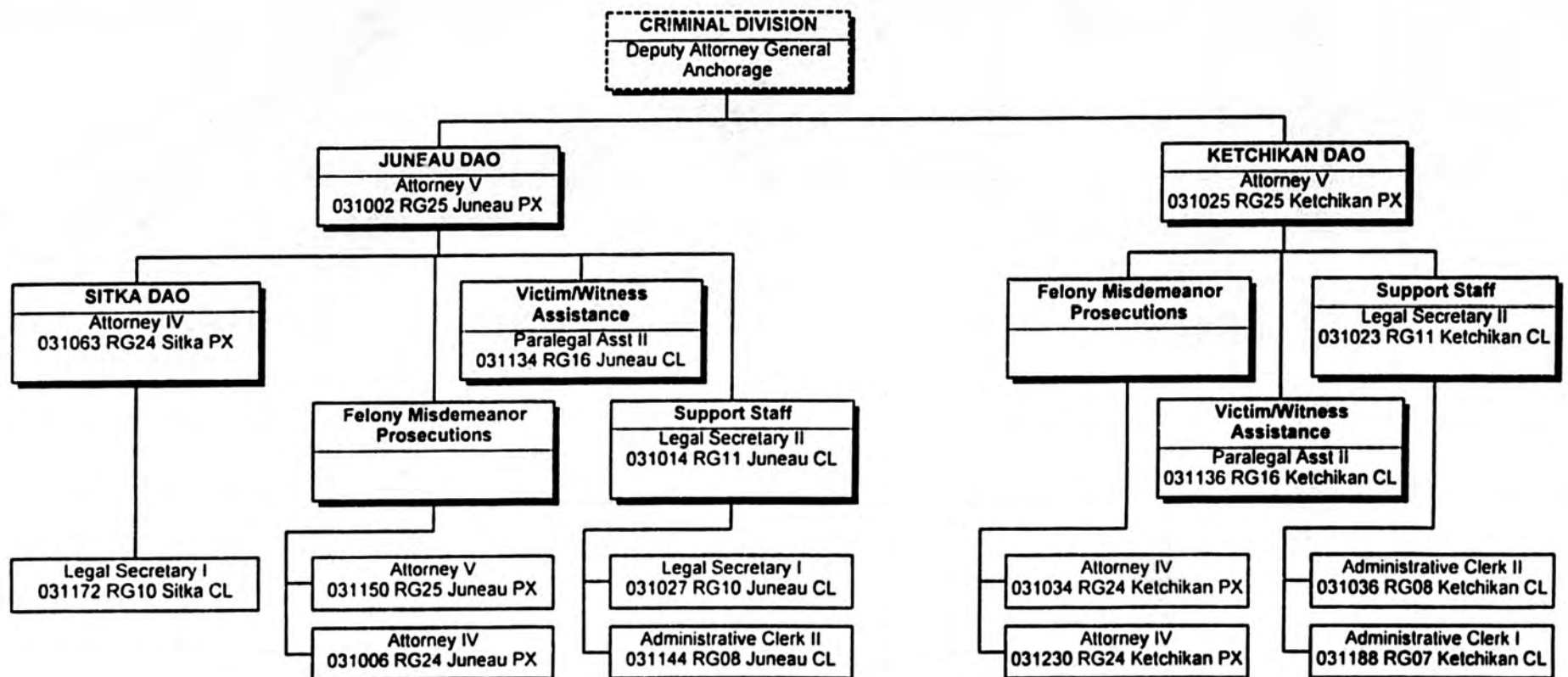
AGENCY Department of Law

BRU Criminal Division

COMPONENT First Judicial District #2198

000081

CRIMINAL DIVISION
First Judicial District



CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

COMPONENT GOALS:

Second Judicial District (Nome, Kotzebue, Barrow)

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in rural Alaska.

	FY 98	FY 99	FY 2000
EXPENDITURES:	ACTUAL	AUTHORIZED	GOVERNOR
Personal Services	651.1	654.3	653.8
Other Program Costs	143.2	168.2	164.6
Total	794.3	822.5	818.4
FUNDING SOURCES:			
Federal Receipts			
General Fund Match			
General Fund	794.3	822.5	818.4
GF Program Receipts			
GF Mental Health			
Other Funds			
Total	794.3	822.5	818.4
STAFFING:			
Permanent Full-Time	8	8	8
Permanent Part-time			
Temporary			

DESCRIPTION OF COMPONENT SERVICES:

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of welfare and Medicaid fraud. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures. *(continued on page 2)*

DESCRIPTION OF COMPONENT CHANGES:

The local option election in Barrow returning the area to "damp" status has resulted in a large increase in criminal cases. In 1998, an areawide ballot in the North Slope Borough resulted in a continuation of "damp" status, thus assuring a continued high rate of violent crime. No changes are requested for FY00.

**COMPONENT GOALS
AND SERVICES**

Form CF1
Revised 8/26/98

AGENCY Department of Law

BRU Criminal Division

COMPONENT Second Judicial District #2199

Page 1 of 2

Revised Date:

FY 2000

000092

CONTINUATION OF FORM: COMPONENT GOALS AND SERVICES

DESCRIPTION OF COMPONENT SERVICES: *(continued from page 1)*

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Right Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by four attorneys in three offices in Nome, Kotzebue and Barrow. In the fiscal year ending June 30, 1998, nearly 2,000 criminal cases (500 felonies and 1,500 misdemeanors) were referred for prosecution or probation revocation. In Barrow, the one-attorney office receives periodic assistance from Fairbanks, even though the Fairbanks District Attorney's Office has two attorney positions unfilled due to lack of funding.

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CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

OBJECTIVES AND ACCOMPLISHMENT MEASURES:

The primary objective for prosecution offices is to deter crime and, in so doing, to help create safer and healthier communities in Alaska. Because these objectives are subjective, they can be measured only indirectly, by assessing the number of criminal cases handled. The focus, we believe, should be on the most important, and most resource-intensive, cases: violent felonies, misdemeanor assaults (most of which are domestic violence) and drunk driving. The objectives set out below are based on historical caseloads and, where appropriate, a reflection of anticipated increases in caseloads. The violent felony crime caseload in the Second Judicial District was about 10 percent higher than anticipated, and will likely continue to increase as the reintroduction of alcohol in Barrow contributes to more crime.

	Prior Yr <u>Predicted</u>	Prior Yr <u>Actual</u>	Next Yr <u>Predicted</u>
Number of Violent Felonies Reviewed:	170	193	200
Number of Violent Felonies Filed:	90	91	90
Number of Convictions for Violent Felonies:	50	56	50
Domestic Violence Assaults Reviewed:	500	490	500

STATUTORY/REGULATORY CITATIONS

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AGENCY Department of Law

BRU Criminal Division

COMPONENT Second Judicial District #2199

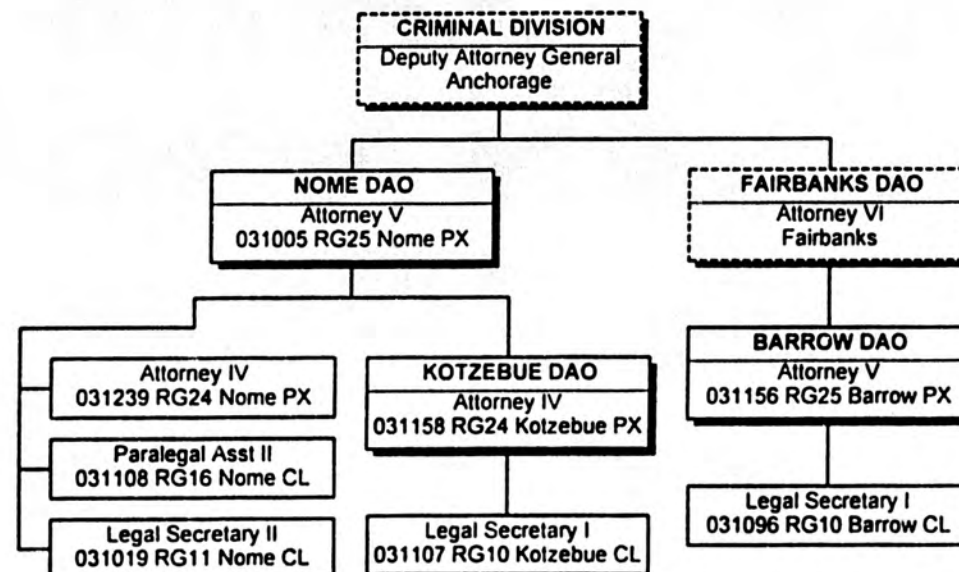
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CRIMINAL DIVISION
Second Judicial District



CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

COMPONENT GOALS:

Third Judicial District (Dillingham, Kenai, Kodiak, and Palmer):

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

	FY 98 ACTUAL	FY 99 AUTHORIZED	FY 2000 GOVERNOR
EXPENDITURES:			
Personal Services		1,788.4	1,846.4
Other Program Costs		330.7	291.6
Total		2,119.1	2,138.0
FUNDING SOURCES:			
Federal Receipts			
General Fund Match			
General Fund		2,119.1	2,138.0
GF Program Receipts			
GF Mental Health			
Other Funds			
Total		2,119.1	2,138.0
STAFFING:			
Permanent Full-Time		28	28
Permanent Part-time			
Temporary			

DESCRIPTION OF COMPONENT SERVICES:

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of welfare and Medicaid fraud. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes.

(continued on page 2)

DESCRIPTION OF COMPONENT CHANGES:

No changes were made in FY99 and none are requested for FY00. FY98 actuals are reported in the Third Judicial District component. That component was split into two new components in FY99: Third Judicial District: Anchorage and Third Judicial District: Outside Anchorage. This structure change was made to allow regional costs to be more readily identified.

**COMPONENT GOALS
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BRU Criminal Division

COMPONENT Third Judicial District: Outside Anchorage #2279

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CONTINUATION OF FORM: COMPONENT GOALS AND SERVICES

DESCRIPTION OF COMPONENT SERVICES: *(continued from page 1)*

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 13 attorneys in four offices in Palmer, Kenai, Kodiak, and Dillingham. The one attorney in Dillingham is supervised by the Anchorage District Attorney's Office. In the fiscal year ending June 30, 1998, the offices dealt with over 8,000 cases (over 1,200 felony and 7,000 misdemeanor) that were referred for prosecution in Palmer, Kenai, Kodiak and Dillingham.

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BRU Criminal Division

COMPONENT Third Judicial District: Outside Anchorage #2279

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Revised Date:

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000124

CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

OBJECTIVES AND ACCOMPLISHMENT MEASURES:

The primary objective for prosecution offices is to deter crime and, in so doing, to help create safer and healthier communities in Alaska. Because these objectives are subjective, they can be measured only indirectly, by assessing the number of criminal cases handled. The focus, we believe, should be on the most important, and most resource-intensive, cases: violent felonies, misdemeanor assaults (most of which are domestic violence) and drunk driving. The objectives set out below are based on historical caseloads and, where appropriate, a reflection of anticipated increases in caseloads. The violent felony caseload in the Third Judicial District outside of Anchorage was not as great as anticipated, although violent misdemeanors, especially domestic violence, increased more than expected.

	<u>P/Y</u> <u>Predicted</u>	<u>P/Y</u> <u>Actual</u>	<u>Next Yr</u> <u>Predicted</u>
Number of Violent Felonies Reviewed:	400	346	350
Number of Violent Felonies Filed:	200	156	160
Number of Convictions for Violent Felonies:	150	77	100
Domestic Violence Assaults Reviewed:	700	763	800

STATUTORY/REGULATORY CITATIONS

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COMPONENT Third Judicial District: Outside Anchorage #2279

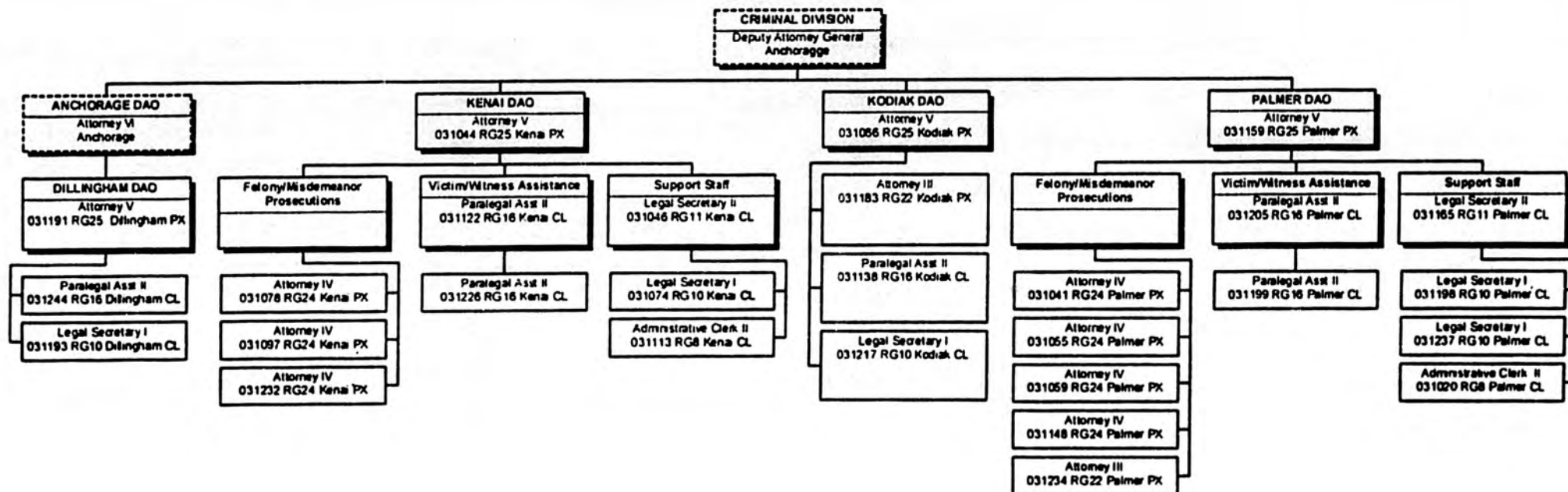
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CRIMINAL DIVISION
Third Judicial District: Outside Anchorage
Dillingham, Kenai, Kodiak, and Palmer District Attorney's Office



CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

COMPONENT GOALS:

Third Judicial District - Anchorage District Attorney's Office

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban Alaska. The federally funded drug unit provides prosecution of drug offenses in Anchorage, and serves as a legal resource for drug investigation and prosecution in the rest of the state.

	FY 98 ACTUAL	FY 99 AUTHORIZED	FY 2000 GOVERNOR
EXPENDITURES:			
Personal Services		3,139.6	3,197.7
Other Program Costs		352.9	338.4
Total		3,492.5	3,536.1
FUNDING SOURCES:			
Federal Receipts			
General Fund Match			
General Fund		3,104.9	3,052.8
GF Program Receipts			
GF Mental Health			
Other Funds		387.6	483.3
Total		3,492.5	3,536.1
STAFFING:			
Permanent Full-Time		52	50
Permanent Part-time		1	
Temporary			

DESCRIPTION OF COMPONENT SERVICES:

(A) The office in this component prosecutes all violations of state criminal law in Alaska, with the exception of welfare and Medicaid fraud. In addition to filing criminal charges and conducting criminal trials, the office gives day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serves as legal advisor to grand juries, and handles sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney's office provides victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes.

(continued on page 2)

DESCRIPTION OF COMPONENT CHANGES:

In FY99, an attorney was added to handle child physical abuse cases as part of the Governor's Smart Start program. Paraprofessional support services for that position are requested in FY00.

FY98 actuals are reported in the Third Judicial District component. That component was split into two new components in FY99 to separate the

(continued on page 2)

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COMPONENT Third Judicial District - Anchorage #2261

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CONTINUATION OF FORM: COMPONENT GOALS AND SERVICES

DESCRIPTION OF COMPONENT SERVICES: *(continued from page 1)*

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 24 attorneys (four through a federally funded reimbursable service agreement) in one office in Anchorage. The office also supervises the one attorney in Dillingham who is budgeted in the Third Judicial District: Outside Anchorage. In the fiscal year ending June 30, 1998, the Anchorage office handled over 5,000 cases. There were nearly 3,000 new felonies or felony probation revocations referred for prosecution in the Anchorage office. In addition, 3,000 misdemeanor cases and probation revocations were handled by the Anchorage office, despite the fact that that Municipal Attorney's office handles the bulk of misdemeanor cases occurring in Anchorage. These caseload figures represent a 20 percent increase over just the last two years.

DESCRIPTION OF COMPONENT CHANGES: *(continued from page 1)*

Anchorage District Attorney's Office from the other southcentral DAOs. This structure change was made to allow regional costs to be more readily identified.

ADDITIONAL
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COMPONENT Third Judicial District: Anchorage #2261

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CONTACT: Cynthia M. Cooper, Deputy Attorney General, 269-6379

OBJECTIVES AND ACCOMPLISHMENT MEASURES:

Third Judicial District -- Anchorage District Attorney's Office

The primary objective for prosecution offices is to deter crime and, in so doing, to help create safer and healthier communities in Alaska. Because these objectives are subjective, they can be measured only indirectly, by assessing the number of criminal cases handled. The focus, we believe, should be on the most important, and most resource-intensive, cases: violent felonies, misdemeanor assaults (most of which are domestic violence) and drunk driving. The objectives set out below are based on historical caseloads and, where appropriate, a reflection of anticipated increases in caseloads. The level of violent felony crimes in Anchorage increased much more than anticipated. This occurred despite reports by the Department of Public Safety of an overall decrease in crime in Alaska. The number of new Anchorage Police Department officers and the general increase in drug usage largely accounts for the increase in violent crimes.

	<u>P/Y</u> <u>Predicted</u>	<u>P/Y</u> <u>Actual</u>	<u>Next Yr</u> <u>Predicted</u>
Number of Violent Felonies Reviewed:	600	681	650
Number of Violent Felonies Filed:	300	475	450
Number of Convictions for Violent Felonies:	200	185	175
Domestic Violence Assaults Reviewed:	100	84	100

STATUTORY/REGULATORY CITATIONS

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