

**State of Alaska**  
**FY2021 Governor's Operating Budget**

**Department of Law**  
**Special Litigation**  
**Component Budget Summary**

**Component: Special Litigation****Contribution to Department's Mission**

The Special Litigation Section provides specialized legal services and representation to state government, taking major civil cases to trial in state and federal court and administrative proceedings. It also enforces the state's consumer protection statutes.

**Core Services**

- The section enforces state consumer protection and antitrust laws and provides legal services and expertise to departments and agencies faced with major litigation involving large-scale discovery, constitutional challenges, or expedited proceedings.
- Section attorneys lead litigation teams of experienced litigators, appellate specialists and subject matter experts from other sections to provide the state with the strongest possible representation in complex and important litigation.
- Section attorneys serve as a resource for attorneys in other sections, offering advice and assistance in all stages of litigation.

**Major Component Accomplishments in 2019**

The section is representing the Governor in two lawsuits relating to education funding: one involving the constitutionality of forward appropriations enacted in 2018 to fund public schools in FY2020 and the other challenging the distribution of FY2019 supplemental funding for schools in June 2019.

The section continues to manage a variety of cases against pharmaceutical companies — both multistate cases involving anti-trust violations and the state's consumer protection complaints against opioid manufacturers and distributors.

The section is also providing litigation expertise in support of cases in other sections, including the Natural Resources, Human Services, and Labor and State Affairs Sections.

**Key Component Challenges**

The purpose of the section is to take the Civil Division's former ad hoc approach to team building and give it a formal structure, with the expertise of the Special Litigation team at the center. Just as the Opinions, Appeals and Ethics Section functions as a service section for other sections in the division—providing appellate specialists to handle appeals or expert appellate advice to subject matter attorneys—the Special Litigation section provides trial expertise and guidance in cases from every section.

In FY2020, the Consumer Protection Unit is transitioning into the Special Litigation section to leverage the additional litigation resources of the section to enhance the department's consumer protection program. A key challenge for the coming year is to make this transition and strengthen the department's consumer protection enforcement efforts.

**Significant Changes in Results to be Delivered in FY2021**

No changes are anticipated in the coming fiscal year.

**Statutory and Regulatory Authority**

AS 44.23.020

**Contact Information**

**Contact:** Margaret Paton-Walsh, Chief Assistant Attorney General  
**Phone:** (907) 269-5100  
**E-mail:** margaret.paton-walsh@alaska.gov

| Special Litigation<br>Personal Services Information |   |                                  |                                  |                  |
|---|---|----------------------------------|----------------------------------|------------------|
| Authorized Positions                                |   |                                  | Personal Services Costs          |                  |
|   | <u>FY2020</u><br><u>Management</u><br><u>Plan</u> | <u>FY2021</u><br><u>Governor</u> |                                  |                  |
| Full-time   | 9   | 9                                | Annual Salaries                  | 879,124          |
| Part-time   | 0   | 0                                | COLA                             | 529              |
| Nonpermanent  | 0   | 0                                | Premium Pay                      | 0                |
|   |   |                                  | Annual Benefits                  | 467,885          |
|   |   |                                  | <i>Less 0.13% Vacancy Factor</i> | <i>(1,738)</i>   |
|   |   |                                  | Lump Sum Premium Pay             | 0                |
| <b>Totals</b>                                       | <b>9</b>  | <b>9</b>                         | <b>Total Personal Services</b>   | <b>1,345,800</b> |

| Position Classification Summary |           |           |          |          |          |
|---------------------------------|-----------|-----------|----------|----------|----------|
| Job Class Title                 | Anchorage | Fairbanks | Juneau   | Others   | Total    |
| Associate Attorney I            | 1         | 0         | 0        | 0        | 1        |
| Attorney III                    | 1         | 0         | 0        | 0        | 1        |
| Attorney IV                     | 3         | 0         | 2        | 0        | 5        |
| Attorney VI                     | 1         | 0         | 0        | 0        | 1        |
| Law Office Assistant I          | 1         | 0         | 0        | 0        | 1        |
| <b>Totals</b>                   | <b>7</b>  | <b>0</b>  | <b>2</b> | <b>0</b> | <b>9</b> |

**Component Detail All Funds**  
**Department of Law**

**Component:** Special Litigation (2213)  
**RDU:** Civil Division (35)

Non-Formula Component

|                                   | FY2019 Actuals | FY2020 Conference Committee | FY2020 Authorized | FY2020 Management Plan | FY2021 Governor | FY2020 Management Plan vs FY2021 Governor |             |
|-----------------------------------|----------------|-----------------------------|-------------------|------------------------|-----------------|---|-------------|
| 71000 Personal Services           | 107.7          | 875.0                       | 875.0             | 1,345.0                | 1,345.8         | 0.8                                       | 0.1%        |
| 72000 Travel                      | 0.0            | 7.8                         | 7.8               | 13.8                   | 13.8            | 0.0                                       | 0.0%        |
| 73000 Services                    | 4.2            | 300.9                       | 300.9             | 199.9                  | 199.9           | 0.0                                       | 0.0%        |
| 74000 Commodities                 | 0.0            | 27.9                        | 27.9              | 27.9                   | 27.9            | 0.0                                       | 0.0%        |
| 75000 Capital Outlay              | 0.0            | 0.0                         | 0.0               | 0.0                    | 0.0             | 0.0                                       | 0.0%        |
| 77000 Grants, Benefits            | 0.0            | 0.0                         | 0.0               | 0.0                    | 0.0             | 0.0                                       | 0.0%        |
| 78000 Miscellaneous               | 0.0            | 0.0                         | 0.0               | 0.0                    | 0.0             | 0.0                                       | 0.0%        |
| <b>Totals</b>                     | <b>111.9</b>   | <b>1,211.6</b>              | <b>1,211.6</b>    | <b>1,586.6</b>         | <b>1,587.4</b>  | <b>0.8</b>                                | <b>0.1%</b> |
| <b>Fund Sources:</b>              |                |                             |                   |                        |                 |   |             |
| 1004 Gen Fund (UGF)               | 107.7          | 965.2                       | 965.2             | 1,215.2                | 1,216.0         | 0.8                                       | 0.1%        |
| 1007 I/A Rcpts (Other)            | 4.2            | 246.4                       | 246.4             | 371.4                  | 371.4           | 0.0                                       | 0.0%        |
| <b>Unrestricted General (UGF)</b> | <b>107.7</b>   | <b>965.2</b>                | <b>965.2</b>      | <b>1,215.2</b>         | <b>1,216.0</b>  | <b>0.8</b>                                | <b>0.1%</b> |
| <b>Designated General (DGF)</b>   | <b>0.0</b>     | <b>0.0</b>                  | <b>0.0</b>        | <b>0.0</b>             | <b>0.0</b>      | <b>0.0</b>                                | <b>0.0%</b> |
| <b>Other Funds</b>                | <b>4.2</b>     | <b>246.4</b>                | <b>246.4</b>      | <b>371.4</b>           | <b>371.4</b>    | <b>0.0</b>                                | <b>0.0%</b> |
| <b>Federal Funds</b>              | <b>0.0</b>     | <b>0.0</b>                  | <b>0.0</b>        | <b>0.0</b>             | <b>0.0</b>      | <b>0.0</b>                                | <b>0.0%</b> |
| <b>Positions:</b>                 |                |                             |                   |                        |                 |   |             |
| Permanent Full Time               | 6              | 6                           | 6                 | 9                      | 9               | 0   | 0.0%        |
| Permanent Part Time               | 0              | 0                           | 0                 | 0                      | 0               | 0   | 0.0%        |
| Non Permanent                     | 0              | 0                           | 0                 | 0                      | 0               | 0   | 0.0%        |

**Change Record Detail - Multiple Scenarios with Descriptions**  
**Department of Law**

**Component:** Special Litigation (2213)  
**RDU:** Civil Division (35)

| Scenario/Change Record Title   | Trans Type | Totals         | Personal Services | Travel     | Services     | Commodities | Capital Outlay | Grants, Benefits | Miscellaneous | Positions |          | NP       |
|--|------------|----------------|-------------------|------------|--------------|-------------|----------------|------------------|---------------|-----------|----------|----------|
|  |            |                |                   |            |              |             |                |                  |               | PFT       | PPT      |          |
| <b>***** Changes From FY2020 Conference Committee To FY2020 Authorized *****</b>   |            |                |                   |            |              |             |                |                  |               |           |          |          |
| <b>FY2020 Conference Committee</b>   |            |                |                   |            |              |             |                |                  |               |           |          |          |
|  | ConfCom    | 1,211.6        | 875.0             | 7.8        | 300.9        | 27.9        | 0.0            | 0.0              | 0.0           | 6         | 0        | 0        |
| 1004 Gen Fund  |            | 965.2          |                   |            |              |             |                |                  |               |           |          |          |
| 1007 I/A Rcpts   |            | 246.4          |                   |            |              |             |                |                  |               |           |          |          |
| <b>Subtotal</b>  |            | <b>1,211.6</b> | <b>875.0</b>      | <b>7.8</b> | <b>300.9</b> | <b>27.9</b> | <b>0.0</b>     | <b>0.0</b>       | <b>0.0</b>    | <b>6</b>  | <b>0</b> | <b>0</b> |
| <b>***** Changes From FY2020 Authorized To FY2020 Management Plan *****</b>  |            |                |                   |            |              |             |                |                  |               |           |          |          |
| <b>Transfer Attorney IV (03-0267) from Human Services for Required Legal Expertise</b>   |            |                |                   |            |              |             |                |                  |               |           |          |          |
|  | Trin       | 0.0            | 0.0               | 0.0        | 0.0          | 0.0         | 0.0            | 0.0              | 0.0           | 1         | 0        | 0        |
| Transfer a full-time Attorney IV (03-0267), range 24, located in Juneau, from the Human Services section to the Special Litigation office to keep pace with the required level of legal expertise needed within the office. The remaining staff within the Human Services section are sufficient to accommodate anticipated workload.                                |            |                |                   |            |              |             |                |                  |               |           |          |          |
| Department of Law attorney positions are transferred as needed to align expertise with workload.   |            |                |                   |            |              |             |                |                  |               |           |          |          |
| <b>Transfer Attorney IV (03-0345) from Labor and State Affairs for Required Legal Expertise</b>  |            |                |                   |            |              |             |                |                  |               |           |          |          |
|  | Trin       | 0.0            | 0.0               | 0.0        | 0.0          | 0.0         | 0.0            | 0.0              | 0.0           | 1         | 0        | 0        |
| Transfer a full-time Attorney IV (03-0345), range 24, located in Juneau, from the Labor and State Affairs section to the Special Litigation office to keep pace with the required level of legal expertise needed within the office. The remaining staff within the Labor and State Affairs section are sufficient to accommodate anticipated workload.              |            |                |                   |            |              |             |                |                  |               |           |          |          |
| Department of Law attorney positions are transferred as needed to align expertise with workload.   |            |                |                   |            |              |             |                |                  |               |           |          |          |
| <b>Transfer Attorney IV (03-0410) from Opinions, Appeals and Ethics for Required Legal Expertise</b>   |            |                |                   |            |              |             |                |                  |               |           |          |          |
|  | Trin       | 200.0          | 195.0             | 5.0        | 0.0          | 0.0         | 0.0            | 0.0              | 0.0           | 1         | 0        | 0        |
| 1004 Gen Fund  |            | 150.0          |                   |            |              |             |                |                  |               |           |          |          |
| 1007 I/A Rcpts   |            | 50.0           |                   |            |              |             |                |                  |               |           |          |          |
| Transfer a full-time Attorney IV (03-0410), range 24, located in Anchorage, from the Opinions, Appeals and Ethics section to the Special Litigation office to keep pace with the required level of legal expertise needed within the office. The remaining staff within the Opinions, Appeals and Ethics section are sufficient to accommodate anticipated workload. |            |                |                   |            |              |             |                |                  |               |           |          |          |
| Department of Law attorney positions are transferred as needed to align expertise with workload.   |            |                |                   |            |              |             |                |                  |               |           |          |          |
| <b>Transfer Authority from Commercial and Fair Business to Align with Anticipated Expenditures</b>   |            |                |                   |            |              |             |                |                  |               |           |          |          |
|  | Trin       | 175.0          | 175.0             | 0.0        | 0.0          | 0.0         | 0.0            | 0.0              | 0.0           | 0         | 0        | 0        |
| 1004 Gen Fund  |            | 100.0          |                   |            |              |             |                |                  |               |           |          |          |
| 1007 I/A Rcpts   |            | 75.0           |                   |            |              |             |                |                  |               |           |          |          |

**Change Record Detail - Multiple Scenarios with Descriptions**  
**Department of Law**

**Component:** Special Litigation (2213)  
**RDU:** Civil Division (35)

| Scenario/Change Record Title   | Trans Type | Totals         | Personal Services | Travel      | Services     | Commodities | Capital Outlay | Grants, Benefits | Miscellaneous | Positions |          | NP       |
|--|------------|----------------|-------------------|-------------|--------------|-------------|----------------|------------------|---------------|-----------|----------|----------|
|  |            |                |                   |             |              |             |                |                  |               | PFT       | PPT      |          |
| Transfer authority from Commercial and Fair Business to Special Litigation to align with anticipated expenditures for personal services. The remaining authority within Commercial and Fair Business is sufficient to cover anticipated expenditures with no impact on services. |            |                |                   |             |              |             |                |                  |               |           |          |          |
| <b>Align Authority with Anticipated Expenditures</b>   |            |                |                   |             |              |             |                |                  |               |           |          |          |
|  | LIT        | 0.0            | 100.0             | 1.0         | -101.0       | 0.0         | 0.0            | 0.0              | 0.0           | 0         | 0        | 0        |
| Transfer authority from services to cover anticipated personal services and travel costs. The remaining services authority is sufficient to cover anticipated expenditures.  |            |                |                   |             |              |             |                |                  |               |           |          |          |
| <b>Subtotal</b>  |            | <b>1,586.6</b> | <b>1,345.0</b>    | <b>13.8</b> | <b>199.9</b> | <b>27.9</b> | <b>0.0</b>     | <b>0.0</b>       | <b>0.0</b>    | <b>9</b>  | <b>0</b> | <b>0</b> |
| ***** Changes From FY2020 Management Plan To FY2021 Governor *****   |            |                |                   |             |              |             |                |                  |               |           |          |          |
| <b>FY2021 Salary and Health Insurance Increases</b>  |            |                |                   |             |              |             |                |                  |               |           |          |          |
|  | SalAdj     | 0.8            | 0.8               | 0.0         | 0.0          | 0.0         | 0.0            | 0.0              | 0.0           | 0         | 0        | 0        |
| 1004 Gen Fund  |            | 0.8            |                   |             |              |             |                |                  |               |           |          |          |
| FY2021 GGU Salary Increases: \$0.5   |            |                |                   |             |              |             |                |                  |               |           |          |          |
| FY2021 increase to GGU Health Insurance from \$1530 to \$1555 per member per month: \$0.3  |            |                |                   |             |              |             |                |                  |               |           |          |          |
| <b>Totals</b>  |            | <b>1,587.4</b> | <b>1,345.8</b>    | <b>13.8</b> | <b>199.9</b> | <b>27.9</b> | <b>0.0</b>     | <b>0.0</b>       | <b>0.0</b>    | <b>9</b>  | <b>0</b> | <b>0</b> |

**Line Item Detail (1676)**  
**Department of Law**  
**Travel**

**Component:** Special Litigation (2213)

| <b>Line Number</b>               | <b>Line Name</b>        |                        | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
|----------------------------------|-------------------------|------------------------|-----------------------|-------------------------------|------------------------|
| 2000                             | Travel                  |                        | 0.0                   | 13.8                          | 13.8                   |
| <b>Object Class</b>              | <b>Servicing Agency</b> | <b>Explanation</b>     | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
| <b>2000 Travel Detail Totals</b> |                         |                        | <b>0.0</b>            | <b>13.8</b>                   | <b>13.8</b>            |
| 2006                             | Other Travel Costs      | Travel cost transfers. | 0.0                   | 13.8                          | 13.8                   |



**Line Item Detail (1676)**  
**Department of Law**  
**Services**

**Component:** Special Litigation (2213)

| <b>Line Number</b>                 | <b>Line Name</b>            |  | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
|------------------------------------|-----------------------------|--|-----------------------|-------------------------------|------------------------|
| 3000                               | Services                    |  | 4.2                   | 199.9                         | 199.9                  |
| <b>Object Class</b>                | <b>Servicing Agency</b>     | <b>Explanation</b>   | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
| <b>3000 Services Detail Totals</b> |                             |  | <b>4.2</b>            | <b>199.9</b>                  | <b>199.9</b>           |
| 3002                               | Legal and Judicial Services | Depositions, research costs, expert witness and consultant fees.                     | 4.2                   | 5.0                           | 5.0                    |
| 3011                               | Other Services              | Cost transfers and miscellaneous items within the services line (commissions, etc.). | 0.0                   | 194.9                         | 194.9                  |

**Line Item Detail (1676)**  
**Department of Law**  
**Commodities**

**Component:** Special Litigation (2213)

| <b>Line Number</b>                    | <b>Line Name</b>        |                           | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
|---------------------------------------|-------------------------|---------------------------|-----------------------|-------------------------------|------------------------|
| 4000                                  | Commodities             |                           | 0.0                   | 27.9                          | 27.9                   |
| <b>Object Class</b>                   | <b>Servicing Agency</b> | <b>Explanation</b>        | <b>FY2019 Actuals</b> | <b>FY2020 Management Plan</b> | <b>FY2021 Governor</b> |
| <b>4000 Commodities Detail Totals</b> |                         |                           | <b>0.0</b>            | <b>27.9</b>                   | <b>27.9</b>            |
| 4022                                  | Commodity Transfer      | Commodity cost transfers. | 0.0                   | 27.9                          | 27.9                   |

**Revenue Detail (1681)**  
**Department of Law**

**Component:** Special Litigation (2213)

| Revenue Type (OMB Fund Code)<br>Revenue Source | Component                                | Comment  | FY2019 Actuals | FY2020<br>Management Plan | FY2021 Governor |
|--|--|--|----------------|---------------------------|-----------------|
| <b>5007 I/A Rcpts (1007 I/A Rcpts)</b>         |  |  | <b>4.2</b>     | <b>371.4</b>              | <b>371.4</b>    |
| 5301 Inter-Agency Receipts                     | Admin - Department-wide                  | RSA Administration - expert witness for Alaska dental plan litigation. Program code: CV03216001.   | 4.2            | 5.0                       | 5.0             |
| 5301 Inter-Agency Receipts                     | Law - Dep. Attny General's Office (2205) | Special Litigation provides experienced, specialized legal services and representation to state government for litigation of a complex, specific, and/or large-scale nature. The casework is not necessarily predictable or consistent, so individual agency service costs vary from year to year depending on the volume and length of cases. | 0.0            | 366.4                     | 366.4           |

**Personal Services Expenditure Detail**  
**Department of Law**

**Scenario:** FY2021 Governor (16414)  
**Component:** Special Litigation (2213)  
**RDU:** Civil Division (35)

| PCN     | Job Class Title        | Time Status | Retire Code | Barg Unit | Location  | Salary Sched | Range / Step | Comp Months | Split / Count | Annual Salaries | COLA | Premium Pay | Annual Benefits | Total Costs | UGF Amount |
|---------|------------------------|-------------|-------------|-----------|-----------|--------------|--------------|-------------|---------------|-----------------|------|-------------|-----------------|-------------|------------|
| 03-0026 | Attorney IV            | FT          | A           | XE        | Anchorage | N00          | 24F          | 12.0        |               | 106,452         | 0    | 0           | 55,050          | 161,502     | 129,202    |
| 03-0042 | Attorney VI            | FT          | A           | XE        | Anchorage | N00          | 26P          | 12.0        |               | 148,260         | 0    | 0           | 68,629          | 216,889     | 173,511    |
| 03-0141 | Attorney IV            | FT          | A           | XE        | Anchorage | N00          | 24C / D      | 12.0        |               | 97,860          | 0    | 0           | 52,115          | 149,975     | 149,975    |
| 03-0231 | Associate Attorney I   | FT          | A           | XE        | Anchorage | 99           | 17M          | 12.0        |               | 76,424          | 0    | 0           | 44,793          | 121,217     | 60,609     |
| 03-0267 | Attorney IV            | FT          | A           | XE        | Juneau    | N05          | 24F          | 12.0        |               | 111,780         | 0    | 0           | 56,870          | 168,650     | 84,325     |
| 03-0270 | Law Office Assistant I | FT          | A           | GP        | Anchorage | 200          | 11C / D      | 12.0        |               | 39,464          | 529  | 0           | 32,271          | 72,264      | 72,264     |
| 03-0345 | Attorney IV            | FT          | A           | XE        | Juneau    | N05          | 24F          | 12.0        |               | 111,780         | 0    | 0           | 56,870          | 168,650     | 134,920    |
| 03-0410 | Attorney III           | FT          | A           | XE        | Anchorage | N00          | 22A          | 12.0        |               | 78,492          | 0    | 0           | 45,499          | 123,991     | 99,193     |
| 03-0422 | Attorney IV            | FT          | A           | XE        | Anchorage | N00          | 24F / J      | 12.0        |               | 108,612         | 0    | 0           | 55,788          | 164,400     | 131,520    |

|                                 |   |   |   |  |  |  |  |  |  |  |  |  |   |           |  |
|---------------------------------|---|---|---|--|--|--|--|--|--|--|--|--|---|-----------|--|
| <b>Total Positions:</b>         | 9 | 0 | 0 |  |  |  |  |  |  |  |  |  | <b>Total Salary Costs:</b>                | 879,124   |  |
| <b>Full Time Positions:</b>     | 9 | 0 | 0 |  |  |  |  |  |  |  |  |  | <b>Total COLA:</b>                        | 529       |  |
| <b>Part Time Positions:</b>     | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  | <b>Total Premium Pay:</b>                 | 0         |  |
| <b>Non Permanent Positions:</b> | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  | <b>Total Benefits:</b>                    | 467,885   |  |
| <b>Positions in Component:</b>  | 9 | 0 | 0 |  |  |  |  |  |  |  |  |  | <b>Total Pre-Vacancy:</b>                 | 1,347,538 |  |
|                                 |   |   |   |  |  |  |  |  |  |  |  |  | <b>Minus Vacancy Adjustment of 0.13%:</b> | (1,738)   |  |
|                                 |   |   |   |  |  |  |  |  |  |  |  |  | <b>Total Post-Vacancy:</b>                | 1,345,800 |  |
|                                 |   |   |   |  |  |  |  |  |  |  |  |  | <b>Plus Lump Sum Premium Pay:</b>         | 0         |  |
|                                 |   |   |   |  |  |  |  |  |  |  |  |  | <b>Personal Services Line 100:</b>        | 1,345,800 |  |

| PCN Funding Sources:       | Pre-Vacancy      | Post-Vacancy     | Percent        |
|----------------------------|------------------|------------------|----------------|
| 1004 General Fund Receipts | 1,035,518        | 1,034,183        | 76.85%         |
| 1007 Interagency Receipts  | 312,020          | 311,617          | 23.15%         |
| <b>Total PCN Funding:</b>  | <b>1,347,538</b> | <b>1,345,800</b> | <b>100.00%</b> |

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column. [No valid job title] appearing in the Job Class Title indicates that the PCN has an invalid class code or invalid range for the class code effective date of this scenario.

# CIVIL DIVISION

## Special Litigation

