

**State of Alaska**  
**FY2022 Governor's Operating Budget**

**Department of Law**  
**Opinions, Appeals and Ethics**  
**Component Budget Summary**

**Component: Opinions, Appeals and Ethics****Contribution to Department's Mission**

The Opinions, Appeals and Ethics Section represents the State of Alaska and its agencies in civil appeals; provides critical analysis on complex legal questions, and advises the state and its agencies on ethics matters and Native Law issues.

**Core Services**

- Represent the state and its agencies before the Alaska Supreme Court, Ninth Circuit Court of Appeals, and U.S. Supreme Court, providing the highest level of appellate representation in matters that significantly affect state interests. In addition, section attorneys represent the Department of Health and Social Services in all child protection and civil commitment appeals before the Alaska Supreme Court.
- Assist all attorneys in the Civil Division with appeals and critical motions to ensure consistent legal positions and quality representation.
- Advise the executive branch and its agencies on legal questions that demand the most complex and comprehensive research and analysis.
- Review all Attorney General Opinions prior to publication to ensure clarity, consistency, and completeness in addressing questions of public importance. Section attorneys both draft some Attorney General Opinions and review opinions drafted by other attorneys in the Civil Division.
- Ensure compliance with the Executive Branch Ethics Act by training and advising agencies and individual employees on the Act's requirements and by investigating and resolving ethics complaints. An assistant attorney general in the section serves as the designated ethics supervisor for the Department of Law and legal advisor to ethics supervisors in other agencies, and handles professional ethics issues involving both department staff and outside counsel.
- Provide advice and representation to the state and its agencies on specialized legal issues such as attorneys' fees and Native Law issues.
- Recommend to the Attorney General whether to participate as amicus curiae in appeals before the federal courts, including the United States Supreme Court, in cases that may affect state interests.

**Major Component Accomplishments in 2020**

- Represented the Department of Health and Social Services in every child protection and civil commitment appeal before the Alaska Supreme Court.
- Reviewed briefs and staffed moot courts in every Civil Division appeal before the Alaska Supreme Court and Ninth Circuit to ensure the highest quality appellate representation for the state.
- Provided critical motion support and strategic counsel to the Civil Division's Special Litigation section in high-profile and complex trial court cases.
- Represented the Division of Elections in seven different elections appeals in state and federal court—four of which were highly expedited.
- Promoted and enforced compliance with the Alaska Executive Branch Ethics Act by advising individuals and agencies on ethics questions, presenting ethics trainings, drafting ethics opinions and memoranda of advice, and investigating and resolving ethics complaints against former and current state employees.
- Advised state agencies and officials on a wide variety of Native Law issues.

**Key Component Challenges**

- A key challenge for the section is to lend its expertise in appellate briefing and argument to all Civil Division sections, given the volume of appeals to which the state is a party. At any given time, the Civil Division has between 100 and 150 civil appeals pending, 25-30 of which are child protection cases involving child abuse and neglect. The section directly handles all of the child protection appeals statewide, as well as all appeals of civil commitments statewide. The section also generally handles appeals in cases that concern constitutional and legal issues of particular import. For the rest of the Civil Division's appeals, attorneys in the Opinions, Appeals and Ethics section review and revise appellate briefs drafted by other attorneys and help prepare them for oral argument.
- Because section attorneys have expertise in legal writing and analysis, they are frequently consulted on some of the thorniest and most sensitive legal issues facing state government. Providing this high-quality advice, while maintaining the output required by the Civil Division's heavy appellate caseload, is a challenge.
- The section prepares or reviews Attorney General Opinions.
- The Executive Branch Ethics Act is another key challenge for the section. The section handles issues, investigations, hearings, opinions, and oral and written advice, and also provides ethics training for state agencies. Some matters require significant factual and legal research, and advice must be prompt and consistent. The section's designated ethics attorney frequently works extra hours to ensure that individual and agency clients receive the guidance they need.
- Native Law issues continue to impact virtually every area of state government's responsibilities. The section provides advice on a wide variety of Native Law issues including civil and criminal jurisdiction, trust lands, waivers of sovereign immunity, tribal status, the Indian Child Welfare Act, Public Law 280, and many more. The Civil Division is looking to transfer this knowledge and boost cross-section expertise in this area among other section assistant attorneys general, though it anticipates the ongoing need and unique subject matter of this area of law and provision of legal services will be a continuing challenge for the section.

### **Significant Changes in Results to be Delivered in FY2022**

No changes are anticipated in the coming fiscal year.

### **Statutory and Regulatory Authority**

AS 44.23.020

<b>Contact Information</b>
<b>Contact:</b> Janell Hafner, Chief Assistant Attorney General <b>Phone:</b> (907) 465-3600 <b>E-mail:</b> janell.hafner@alaska.gov

Opinions, Appeals and Ethics Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2021</u> <u>Management</u> <u>Plan</u>	<u>FY2022</u> <u>Governor</u>		
Full-time	13	13	Annual Salaries	1,376,451
Part-time	0	0	COLA	744
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	695,239
			<i>Less 2.80% Vacancy Factor</i>	<i>(57,934)</i>
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>13</b>	<b>13</b>	<b>Total Personal Services</b>	<b>2,014,500</b>

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney II	1	0	0	0	1
Attorney III	1	0	1	0	2
Attorney IV	1	0	0	0	1
Attorney V	5	1	0	0	6
Attorney VI	0	0	1	0	1
Law Office Assistant II	1	0	0	0	1
Paralegal I	1	0	0	0	1
<b>Totals</b>	<b>10</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>13</b>

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

**Component:** Opinions, Appeals and Ethics (2716)  
**RDU:** Civil Division (35)

Non-Formula Component

	<b>FY2020 Actuals</b>	<b>FY2021 Conference Committee</b>	<b>FY2021 Authorized</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>	<b>FY2021 Management Plan vs FY2022 Governor</b>	
71000 Personal Services	433.3	2,073.8	2,073.8	1,953.8	2,014.5	60.7	3.1%
72000 Travel	1.0	21.0	21.0	21.0	21.0	0.0	0.0%
73000 Services	73.2	304.6	304.6	304.6	244.6	-60.0	-19.7%
74000 Commodities	5.0	0.0	0.0	0.0	0.0	0.0	0.0%
75000 Capital Outlay	1.7	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>514.2</b>	<b>2,399.4</b>	<b>2,399.4</b>	<b>2,279.4</b>	<b>2,280.1</b>	<b>0.7</b>	<b>0.0%</b>
<b>Fund Sources:</b>							
1001 CBR Fund (UGF)	0.0	325.5	325.5	325.5	0.0	-325.5	-100.0%
1004 Gen Fund (UGF)	514.2	976.4	976.4	976.4	1,302.6	326.2	33.4%
1007 I/A Rcpts (Other)	0.0	1,097.5	1,097.5	977.5	977.5	0.0	0.0%
<b>Unrestricted General (UGF)</b>	<b>514.2</b>	<b>1,301.9</b>	<b>1,301.9</b>	<b>1,301.9</b>	<b>1,302.6</b>	<b>0.7</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>0.0</b>	<b>1,097.5</b>	<b>1,097.5</b>	<b>977.5</b>	<b>977.5</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	14	14	14	13	13	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:** Opinions, Appeals and Ethics (2716)  
**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	
***** Changes From FY2021 Conference Committee To FY2021 Authorized *****												
<b>Conference Committee</b>												
	ConfCom	2,399.4	2,073.8	21.0	304.6	0.0	0.0	0.0	0.0	14	0	0
1001 CBR Fund		325.5										
1004 Gen Fund		976.4										
1007 I/A Rcpts		1,097.5										
<b>Subtotal</b>		<b>2,399.4</b>	<b>2,073.8</b>	<b>21.0</b>	<b>304.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>14</b>	<b>0</b>	<b>0</b>
***** Changes From FY2021 Authorized To FY2021 Management Plan *****												
<b>Transfer Law Office Assistant II (03-0052) to Information and Project Support to Address Workload Demands</b>												
	Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Transfer a full-time Law Office Assistant II (03-0052), range 13, located in Fairbanks, to the Information and Project Support component from the Opinions, Appeals and Ethics to accommodate workload demands. The remaining staff in Opinions, Appeals and Ethics are sufficient to cover the anticipated workload. The position will be reclassified to an Administrative Assistant II.												
<b>Transfer Authority to Torts and Workers' Compensation to Align with Anticipated Expenditures</b>												
	Trout	-65.0	-65.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1007 I/A Rcpts		-65.0										
Transfer authority to Torts and Workers' Compensation from Opinions, Appeals and Ethics to align with anticipated expenditures required for an adequate level of legal expertise needed within the office. The remaining authority in Opinions, Appeals and Ethics is sufficient to cover anticipated expenditures.												
<b>Transfer Authority to Special Litigation to Align with Anticipated Expenditures</b>												
	Trout	-55.0	-55.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1007 I/A Rcpts		-55.0										
Transfer authority to Special Litigation from Opinions, Appeals and Ethics to align with anticipated expenditures required for an adequate level of legal expertise needed within the office. The remaining authority in Opinions, Appeals and Ethics is sufficient to cover anticipated expenditures.												
<b>Subtotal</b>		<b>2,279.4</b>	<b>1,953.8</b>	<b>21.0</b>	<b>304.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>13</b>	<b>0</b>	<b>0</b>
***** Changes From FY2021 Management Plan To FY2022 Governor *****												
<b>FY2022 Salary Adjustments</b>												
	SalAdj	0.7	0.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.7										
FY2022 1% COLA for ASE/General Government (GG/GP/GY/GZ): \$0.7												
<b>Transfer Attorney IV (03-0134) to Human Services for Required Legal Expertise</b>												

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

**Component:** Opinions, Appeals and Ethics (2716)  
**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
	Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Transfer full-time Attorney IV (03-0134), range 24, to the Juneau office of the Human Services component from the Anchorage office of the Opinions, Appeals and Ethics component to meet the required level of legal expertise needed within the office. The remaining staff in Opinions, Appeals and Ethics are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Transfer Attorney III (03-0325) 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 full-time Attorney III (03-0325), range 22, from the Juneau office of the Human Services component to the Anchorage office of the Opinions, Appeals and Ethics component to meet the required level of legal expertise needed within the office. The remaining staff in Human Services are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Fund Source Adjustment of CBRF to UGF</b>												
	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1001 CBR Fund		-325.5										
1004 Gen Fund		325.5										
<b>Transfer Authority from Services for Anticipated Personal Service Expenditures</b>												
	LIT	0.0	60.0	0.0	-60.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from the services line to the personal services line for anticipated personal services costs. The remaining services authority is anticipated to be sufficient to cover operating expenditures.												
<b>Totals</b>		<b>2,280.1</b>	<b>2,014.5</b>	<b>21.0</b>	<b>244.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>13</b>	<b>0</b>	<b>0</b>

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

**Component:** Opinions, Appeals and Ethics (2716)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
2000	Travel		1.0	21.0	21.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>2000 Travel Detail Totals</b>			<b>1.0</b>	<b>21.0</b>	<b>21.0</b>
2000	In-State Employee Travel	Travel for attorneys to interview witnesses and attend court proceedings, as well as for necessary training for both attorneys and paraprofessionals. Includes travel for management purposes.	0.0	11.0	11.0
2006	Other Travel Costs	Travel cost transfers.	1.0	10.0	10.0



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

**Component:** Opinions, Appeals and Ethics (2716)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
3000	Services		73.2	304.6	244.6
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>3000 Services Detail Totals</b>			<b>73.2</b>	<b>304.6</b>	<b>244.6</b>
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	2.7	10.0	10.0
3007	Advertising and Promotions	Publication of legal notices.	0.4	0.5	0.5
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	70.1	294.1	234.1

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

**Component:** Opinions, Appeals and Ethics (2716)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
4000	Commodities		5.0	0.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>4000 Commodities Detail Totals</b>			<b>5.0</b>	<b>0.0</b>	<b>0.0</b>
4022	Commodity Transfer	Commodity cost transfers.	5.0	0.0	0.0

**Line Item Detail (1676)**

**Department of Law  
Capital Outlay**

**Component:** Opinions, Appeals and Ethics (2716)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
5000	Capital Outlay		1.7	0.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>5000 Capital Outlay Detail Totals</b>			<b>1.7</b>	<b>0.0</b>	<b>0.0</b>
5009	Capital Outlay Transfer	Capital cost transfers.	1.7	0.0	0.0

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

**Component:** Opinions, Appeals and Ethics (2716)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2020 Actuals	FY2021 Management Plan	FY2022 Governor
<b>5007 I/A Rcpts (1007 I/A Rcpts)</b>			<b>0.0</b>	<b>977.5</b>	<b>977.5</b>
5301 Inter-Agency Receipts	Law - Opinions, Appeals and Ethics (2716)	Interagency receipts - the Opinions, Appeals and Ethics component provides senior-level analysis and specialized legal services and representation to state government on all legal opinions, civil appeals in state and federal court, all executive branch ethics, public finance matters, and Native Alaskan/Indian Law matters. Billable time is charged directly to the case/matter of reimbursable service agreements throughout the Civil Division.	0.0	977.5	977.5

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

**Scenario:** FY2022 Governor (17280)  
**Component:** Opinions, Appeals and Ethics (2716)  
**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
03-0007	Attorney V	FT	A	XE	Anchorage	N00	25F / J	12.0		117,822	0	0	58,934	176,756	0
03-0048	Attorney V	FT	A	XE	Fairbanks	99	25Q / R	12.0		158,296	0	0	71,810	230,106	172,580
03-0057	Paralegal I	FT	A	GP	Anchorage	200	14G	12.0		55,439	744	0	37,728	93,911	93,911
03-0203	Attorney III	FT	A	XE	Anchorage	N00	22D / E	12.0		87,165	0	0	48,462	135,627	67,814
03-0208	Law Office Assistant II	FT	A	SS	Anchorage	600	13B / C	12.0		47,775	0	0	35,150	82,925	41,463
03-0295	Attorney V	FT	A	XE	Anchorage	N00	25K	12.0		121,973	0	0	60,352	182,325	136,744
03-0316	Attorney II	FT	N	XE	Anchorage	N00	20D / E	12.0		78,066	0	0	28,179	106,245	53,123
03-0325	Attorney III	FT	A	XE	Juneau	N05	22J	12.0		100,796	0	0	53,118	153,914	100,044
03-0338	Attorney VI	FT	A	XE	Juneau	N05	26M	12.0		141,414	0	0	66,993	208,407	156,305
03-0342	Attorney V	FT	A	XE	Anchorage	N00	25L / M	12.0		127,296	0	0	62,171	189,467	94,734
03-0379	Attorney IV	FT	A	XE	Anchorage	N00	24D	12.0		99,665	0	0	52,732	152,397	76,199
03-0380	Attorney V	FT	A	XE	Anchorage	N00	25J / K	12.0		118,771	0	0	59,258	178,029	0
03-0408	Attorney V	FT	A	XE	Anchorage	N00	25J / K	12.0		121,973	0	0	60,352	182,325	136,744

	<b>Total Positions</b>	<b>New</b>	<b>Deleted</b>									<b>Total Salary Costs:</b>	1,376,451		
												<b>Total COLA:</b>	744		
	<b>Full Time Positions:</b>	13	0	0								<b>Total Premium Pay:</b>	0		
	<b>Part Time Positions:</b>	0	0	0								<b>Total Benefits:</b>	695,239		
	<b>Non Permanent Positions:</b>	0	0	0											
	<b>Positions in Component:</b>	13	0	0											
													<b>Total Pre-Vacancy:</b>	2,072,434	
													<b>Minus Vacancy Adjustment of 2.80%:</b>	(57,934)	
													<b>Total Post-Vacancy:</b>	2,014,500	
													<b>Plus Lump Sum Premium Pay:</b>	0	
													<b>Personal Services Line 100:</b>	2,014,500	

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	1,129,658	1,098,079	54.51%
1007 Interagency Receipts	942,776	916,421	45.49%
<b>Total PCN Funding:</b>	<b>2,072,434</b>	<b>2,014,500</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

## Opinions, Appeals and Ethics

