

**State of Alaska
FY2023 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 2021

The section's attorneys have led litigation teams representing a variety of state agencies, including the executive branch departments of Administration, Natural Resources, and Health and Social Services, as well as the Governor's Office and the Division of Elections.

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 working with multistate groups in antitrust actions against Google, and with outside counsel to pursue price-fixing claims in the meat industry.

The Consumer Protection Unit has brought a number of successful enforcement actions this year and continues to investigate a variety of consumer complaints.

The section continues to provide litigation expertise in support of major cases in other sections.

Key Component Challenges

The purpose of the section is to provide a formal structure to the Civil Division's former ad hoc approach to team building, 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 for every section.

Significant Changes in Results to be Delivered in FY2023

No changes are anticipated in the coming fiscal year.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information

Contact Information

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Special Litigation Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2022</u> <u>Management</u> <u>Plan</u>	<u>FY2023</u> <u>Governor</u>		
Full-time	9	9	Annual Salaries	953,540
Part-time	0	0	COLA	675
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	536,891
			<i>Less 2.33% Vacancy Factor</i>	(34,706)
			Lump Sum Premium Pay	0
Totals	9	9	Total Personal Services	1,456,400

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Associate Attorney 1	1	0	0	0	1
Attorney 3	1	0	0	0	1
Attorney 4	2	0	0	0	2
Attorney 5	1	0	2	0	3
Attorney 6	1	0	0	0	1
Law Office Assistant 2	1	0	0	0	1
Totals	7	0	2	0	9

Component Detail All Funds
Department of Law

Component: Special Litigation (2213)
RDU: Civil Division (Excludes Janus) (35)

Non-Formula Component

	FY2021 Actuals	FY2022 Conference Committee	FY2022 Authorized	FY2022 Management Plan	FY2023 Governor	FY2022 Management Plan vs FY2023 Governor	
71000 Personal Services	0.0	1,497.5	1,497.5	1,489.2	1,456.4	-32.8	-2.2%
72000 Travel	0.0	13.8	13.8	13.8	13.8	0.0	0.0%
73000 Services	4.8	379.9	379.9	379.9	379.9	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%
Totals	4.8	1,919.1	1,919.1	1,910.8	1,878.0	-32.8	-1.7%
Fund Sources:							
1004 Gen Fund (UGF)	4.8	1,492.7	1,492.7	1,239.5	1,198.9	-40.6	-3.3%
1007 I/A Rcpts (Other)	0.0	426.4	426.4	671.3	679.1	7.8	1.2%
Unrestricted General (UGF)	4.8	1,492.7	1,492.7	1,239.5	1,198.9	-40.6	-3.3%
Designated General (DGF)	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Other Funds	0.0	426.4	426.4	671.3	679.1	7.8	1.2%
Federal Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Positions:							
Permanent Full Time	9	9	9	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 (Excludes Janus) (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2022 Conference Committee To FY2022 Authorized *****												
FY2022 Conference Committee												
	ConfCom	1,919.1	1,497.5	13.8	379.9	27.9	0.0	0.0	0.0	9	0	0
1004 Gen Fund		1,492.7										
1007 I/A Rcpts		426.4										
Subtotal		1,919.1	1,497.5	13.8	379.9	27.9	0.0	0.0	0.0	9	0	0
***** Changes From FY2022 Authorized To FY2022 Management Plan *****												
Transfer Two Attorney Positions from Commercial and Fair Business for Required Legal Expertise												
	Trin	308.2	308.2	0.0	0.0	0.0	0.0	0.0	0.0	2	0	0
1007 I/A Rcpts		308.2										
Transfer one full-time Attorney 3 position (03-0055), range 22 and one full-time Attorney 4 position (03-0428), range 24, both located in Anchorage, from the Commercial and Fair Business component to the Special Litigation component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Commercial and Fair Business are sufficient to accommodate anticipated workload.												
Transfer Attorney 4 (03-0026) to Natural Resources for Required Legal Expertise												
	Trout	-170.1	-170.1	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
1004 Gen Fund		-136.1										
1007 I/A Rcpts		-34.0										
Transfer one full-time Attorney 4 position (03-0026), range 24, located in Anchorage, to the Natural Resources component from the Special Litigation component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Special Litigation are sufficient to accommodate anticipated workload.												
Transfer Attorney 4 (03-0410) to Legislation/Regulations for Required Legal Expertise												
	Trout	-146.4	-146.4	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
1004 Gen Fund		-117.1										
1007 I/A Rcpts		-29.3										
Transfer one full-time Attorney 4 position (03-0410), range 24, located in Anchorage, to the Legislation/Regulations component from the Special Litigation component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Special Litigation are sufficient to accommodate anticipated workload.												
Transfer Law Office Assistant 2 (03-0208) from Opinions, Appeals and Ethics to Address Workload Demands												
	Trin	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 2 (03-0208), range 13, located in Anchorage, from the Opinions, Appeals and Ethics component to the Special Litigation component to accommodate workload demands. The remaining staff in the Opinions, Appeals and Ethics are sufficient to cover the anticipated workload.												
Transfer Law Office Assistant 1 (03-0270) to Opinions, Appeals and Ethics to Address Workload Demands												

Change Record Detail - Multiple Scenarios with Descriptions
Department of Law

Component: Special Litigation (2213)
RDU: Civil Division (Excludes Janus) (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
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 1 (03-0270), range 11, located in Anchorage, to the Opinions, Appeals and Ethics component from the Special Litigation component to accommodate workload demands. The remaining staff in the Special Litigation are sufficient to cover the anticipated workload.												
Subtotal		1,910.8	1,489.2	13.8	379.9	27.9	0.0	0.0	0.0	9	0	0
***** Changes From FY2022 Management Plan To FY2023 Governor *****												
FY2023 Salary and Benefit Adjustments												
SalAdj		0.7	0.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.4										
1007 I/A Rcpts		0.3										
FY2023 SU BU - Supervisory Employees (SS) 1% COLA: \$0.7												
FY2023 Executive Health Insurance, SBS, and Risk Management Rate Changes												
SalAdj		15.4	15.4	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		8.7										
1007 I/A Rcpts		6.7										
FY2023 Change Partially Exempt & Exempt Executive (EE) - Health Insurance from \$1,555 to \$1,685; SBS and Risk Management Rates: \$15.4												
FY2023 Supervisory Employees Health Insurance, SBS, and Risk Management Rate Changes												
SalAdj		1.7	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.9										
1007 I/A Rcpts		0.8										
FY2023 Change Supervisory Employees (SS) - Health Insurance from \$1,555 to \$1,685; SBS and Risk Management Rates: \$1.7												
FY2023 PERS Actuarial Rate Adjustment to 24.79% Ch9 SLA2021 (SB55)												
SalAdj		-50.6	-50.6	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-30.1										
1007 I/A Rcpts		-20.5										
Includes: FY2023 Adjustment for PERS ARM Board Approved Rate of 24.79% (from 30.11%): \$-50.6												
Realign PERS Rate Adjustment by Fund Source Ch9 SLA2021 (SB55)												
FndChg		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-20.5										
1007 I/A Rcpts		20.5										
Remove one-time UGF subsidy for rate agency assigned in SB55 fiscal note (Ch 9 SLA 2021).												

Change Record Detail - Multiple Scenarios with Descriptions
Department of Law

Component: Special Litigation (2213)
RDU: Civil Division (Excludes Janus) (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
	Totals	1,878.0	1,456.4	13.8	379.9	27.9	0.0	0.0	0.0	9	0	0

Line Item Detail (1676)
Department of Law
Travel

Component: Special Litigation (2213)

Line Number	Line Name		FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
2000	Travel		0.0	13.8	13.8
Object Class	Servicing Agency	Explanation	FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
2000 Travel Detail Totals			0.0	13.8	13.8
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)

Line Number	Line Name		FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
3000	Services		4.8	379.9	379.9
Object Class	Servicing Agency	Explanation	FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
3000 Services Detail Totals			4.8	379.9	379.9
3000	Education Services	Conferences, training and memberships.	3.2	3.5	3.5
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	1.6	0.0	9.5
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	0.0	376.4	366.9

Line Item Detail (1676)
Department of Law
Commodities

Component: Special Litigation (2213)

Line Number	Line Name		FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
4000	Commodities		0.0	27.9	27.9
Object Class	Servicing Agency	Explanation	FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
4000 Commodities Detail Totals			0.0	27.9	27.9
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) Revenue Source	Component	Comment	FY2021 Actuals	FY2022 Management Plan	FY2023 Governor
5007 I/A Rcpts (1007 I/A Rcpts)			0.0	671.3	679.1
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	671.3	679.1

Personal Services Expenditure Detail
Department of Law

Scenario: FY2023 Governor (18673)
Component: Special Litigation (2213)
RDU: Civil Division (Excludes Janus) (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
03-0042	Attorney 6	FT	A	XE	Anchorage	N00	26Q	12.0		153,075	0	0	76,836	229,911	183,929
03-0055	Attorney 3	FT	A	XE	Anchorage	N00	22C / D	12.0		86,525	0	0	52,451	138,976	0
03-0141	Attorney 5	FT	A	XE	Juneau	N05	25J	12.0		124,040	0	0	66,417	190,457	190,457
03-0208	Law Office Assistant 2	FT	A	SS	Anchorage	600	13B / C	12.0		49,168	675	0	38,687	88,530	44,265
03-0231	Associate Attorney 1	FT	A	XE	Anchorage	N00	17A / B	12.0		57,701	0	0	41,719	99,420	49,710
03-0267	Attorney 4	FT	A	XE	Anchorage	N00	24F / J	12.0		106,882	0	0	60,029	166,911	83,456
03-0345	Attorney 5	FT	A	XE	Juneau	N05	25O	12.0		145,568	0	0	74,432	220,000	176,000
03-0422	Attorney 5	FT	A	XE	Anchorage	N00	25K	12.0		121,973	0	0	65,648	187,621	150,097
03-0428	Attorney 4	FT	A	XE	Anchorage	N00	24F / J	12.0		108,608	0	0	60,672	169,280	0
													Total Salary Costs:	953,540	
													Total COLA:	675	
													Total Premium Pay:	0	
													Total Benefits:	536,891	
													Total Pre-Vacancy:	1,491,106	
													Minus Vacancy Adjustment of 2.33%:	(34,706)	
													Total Post-Vacancy:	1,456,400	
													Plus Lump Sum Premium Pay:	0	
													Personal Services Line 100:	1,456,400	
		Total Component Months:	108.0												

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	877,913	857,479	58.88%
1007 Interagency Receipts	613,193	598,921	41.12%
Total PCN Funding:	1,491,106	1,456,400	100.00%

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

