

# **State of Alaska FY2024 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 Family and Children's 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 2022**

- 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 all federal circuit courts 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 state agencies and officials — including the Department of Natural Resources, the Department of Revenue, the Department of Fish and Game, and the Governor's office — in federal and state court appeals.
- 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, including filing an amicus brief in the Alaska Supreme Court on the scope of tribal sovereign immunity.

**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 FY2024**

No changes are anticipated in the coming fiscal year.

### **Statutory and Regulatory Authority**

AS 44.23.020

<b>Contact Information</b>
<b>Contact:</b> Jessie Alloway, Chief Assistant Attorney General <b>Phone:</b> (907) 269-5100 <b>E-mail:</b> jessie.alloway@alaska.gov

Opinions, Appeals and Ethics Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2023</u> <u>Management</u> <u>Plan</u>	<u>FY2024</u> <u>Governor</u>		
Full-time	13	0	Annual Salaries	0
Part-time	0	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	0
			<i>Less 0.00% Vacancy Factor</i>	(0)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>13</b>	<b>0</b>	<b>Total Personal Services</b>	<b>0</b>

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
No personal services.					
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

Non-Formula Component

	<b>FY2022 Actuals</b>	<b>FY2023 Conference Committee</b>	<b>FY2023 Authorized</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>	<b>FY2023 Management Plan vs FY2024 Governor</b>	
71000 Personal Services	286.7	2,125.8	2,490.3	2,490.3	0.0	-2,490.3	-100.0%
72000 Travel	0.7	21.0	21.0	10.0	0.0	-10.0	-100.0%
73000 Services	94.6	244.6	244.6	255.6	0.0	-255.6	-100.0%
74000 Commodities	4.4	0.0	0.0	0.0	0.0	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>386.4</b>	<b>2,391.4</b>	<b>2,755.9</b>	<b>2,755.9</b>	<b>0.0</b>	<b>-2,755.9</b>	<b>-100.0%</b>
<b>Fund Sources:</b>							
1004 Gen Fund (UGF)	386.4	1,351.5	1,716.0	1,716.0	0.0	-1,716.0	-100.0%
1007 I/A Rcpts (Other)	0.0	1,039.9	1,039.9	1,039.9	0.0	-1,039.9	-100.0%
<b>Unrestricted General (UGF)</b>	<b>386.4</b>	<b>1,351.5</b>	<b>1,716.0</b>	<b>1,716.0</b>	<b>0.0</b>	<b>-1,716.0</b>	<b>-100.0%</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>1,039.9</b>	<b>1,039.9</b>	<b>1,039.9</b>	<b>0.0</b>	<b>-1,039.9</b>	<b>-100.0%</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	13	13	13	13	0	-13	-100.0%
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 FY2023 Conference Committee To FY2023 Authorized *****												
<b>FY2023 Conference Committee</b>												
	ConfCom	2,391.4	2,125.8	21.0	244.6	0.0	0.0	0.0	0.0	13	0	0
1004 Gen Fund		1,351.5										
1007 I/A Rcpts		1,039.9										
<b>FY2023 Exempt 5% COLA</b>												
	SalAdj	88.0	88.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		88.0										
FY2023 Exempt 5% COLA: \$88.0												
<b>FY2023 15% Attorney and Administrative Law Judge COLA</b>												
	SalAdj	276.5	276.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		276.5										
FY2023 15% Attorney and Administrative Law Judge COLA: \$276.5												
<b>Subtotal</b>		<b>2,755.9</b>	<b>2,490.3</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>
***** Changes From FY2023 Authorized To FY2023 Management Plan *****												
<b>Transfer Authority from Travel for Anticipated Services Expenditures</b>												
	LIT	0.0	0.0	-11.0	11.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from the travel line to the services line for anticipated costs. The remaining travel authority is anticipated to be sufficient to cover operating expenditures.												
<b>Subtotal</b>		<b>2,755.9</b>	<b>2,490.3</b>	<b>10.0</b>	<b>255.6</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 FY2023 Management Plan To FY2024 Governor *****												
<b>Transfer 13 Personnel and Associated Costs to Government Services for Restructuring Purposes</b>												
	Trout	-2,779.9	-2,514.3	-10.0	-255.6	0.0	0.0	0.0	0.0	-13	0	0
1004 Gen Fund		-1,730.9										
1007 I/A Rcpts		-1,049.0										
Transfer 11 attorney positions to Government Services from Opinions, Appeals and Ethics in order to leverage legal expertise and support in related areas of legal work under a streamlined organizational structure in the Civil Division.												
As part of a broader restructuring of the Civil Division within the Department of Law that will allow the department to operate with greater efficiency and efficacy, the 11 positions and associated activities are transferred to the new Government Services component from the current Opinions, Appeals and Ethics component.												

**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	
<b>FY2024 AlaskaCare Health Insurance Increase - Exempt and Partially Exempt</b>												
	SalAdj	14.5	14.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		8.1										
1007 I/A Rcpts		6.4										
FY2024 AlaskaCare health insurance increase for exempt and partially exempt employees from \$1,685 to \$1,793 per member per month.: \$14.5												
<b>FY2024 PERS Rate Adjustment</b>												
	SalAdj	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		2.9										
1007 I/A Rcpts		2.1										
FY2024 PERS rate adjustment to 25.10%: \$5.0												
<b>FY2024 Salary and Health Insurance Increases</b>												
	SalAdj	4.5	4.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		3.9										
1007 I/A Rcpts		0.6										
FY2024 Salary and Health Insurance Increases: \$4.5FY2024 GGU cost of living increase 2.5%: \$4.3												
FY2024 GGU health insurance increase from \$1,567.50 to \$1,573.50 per member per month.: \$0.2												
<b>Totals</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>0.0</b>	<b>0</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>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
2000	Travel		0.7	10.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>2000 Travel Detail Totals</b>			<b>0.7</b>	<b>10.0</b>	<b>0.0</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.	0.1	3.0	0.0
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	0.5	6.9	0.0
2006	Other Travel Costs	Travel cost transfers.	0.1	0.1	0.0



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

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

<b>Line Number</b>	<b>Line Name</b>		<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
3000	Services		94.6	255.6	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>3000 Services Detail Totals</b>			<b>94.6</b>	<b>255.6</b>	<b>0.0</b>
3000	Education Services	Conferences, training and memberships.	7.9	10.0	0.0
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	23.5	30.0	0.0
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	0.0	0.1	0.0
3007	Advertising and Promotions	Publication of legal notices.	0.0	0.1	0.0
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	63.2	215.4	0.0

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

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

<b>Line Number</b>	<b>Line Name</b>		<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
4000	Commodities		4.4	0.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>4000 Commodities Detail Totals</b>			<b>4.4</b>	<b>0.0</b>	<b>0.0</b>
4022	Commodity Transfer	Commodity cost transfers.	4.4	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	FY2022 Actuals	FY2023 Management Plan	FY2024 Governor
<b>5007 I/A Rcpts (1007 I/A Rcpts)</b>			<b>0.0</b>	<b>1,039.9</b>	<b>0.0</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	1,039.9	0.0
<b>6004 Gen Fund (1004 Gen Fund)</b>			<b>3.0</b>	<b>0.0</b>	<b>0.0</b>
6011 General Fund Gnrl Gov - Chrgs for Svcs Misc Receipts		Miscellaneous Receipts	3.0	0.0	0.0

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

**Scenario:** FY2024 Governor (19867)  
**Component:** Opinions, Appeals and Ethics (2716)  
**RDU:** Civil Division (35)

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.