

State of Alaska FY2025 Governor's Operating Budget

Department of Law Civil Division Results Delivery Unit Budget Summary

Civil Division Results Delivery Unit

Contribution to Department's Mission

Provide high-quality legal representation to executive branch agencies for the benefit of all Alaskans.

Core Services

- Protecting the safety and physical and financial well-being of Alaskans.
- Asserting the state's resource management rights for maximum sustained use consistent with the public interest and revenue protection.
- Promoting good governance.
- Provide high-quality legal defense representation when the state is sued with the goal of mitigating the state's legal and financial risks.

Major RDU Accomplishments in 2023

Protecting the safety and physical and financial well-being of Alaskans

- The Civil Division handled:
 - 200 child support cases
 - 54 Forcible Entry and Detainer cases for Alaska Housing Finance Corporation
 - 100 guardianship and conservatorship hearings
 - More than 2,000 mental commitments that were filed statewide
 - 50 administrative hearings
 - Supreme court appeals
 - 32 Child in Need of Aid
 - 10 mental commitments
- The Human Services Section collected (as it has in the past few years) over two million dollars through the Medicaid subrogation, estate and trust recovery claims, and the Medicaid audit process, ensuring more money is available for vulnerable populations.
- The Regulatory Affairs and Public Advocacy Section appears before the Regulatory Commission of Alaska to advocate for fair rates in utility rates matters.

Asserting the State's resource management rights for maximum sustained use consistent with the public interest and revenue protection

- Assisted in passing Carbon Offset and Sequestration legislation as a priority of the Governor.
- The Civil Division continues to effectively manage the multi-year appropriation to cover the myriad of litigation where interests are adverse to the federal government, whether filed by the State or where the State is intervening, or in a defense posture. This allows the State to more readily utilize outside counsel and experts to ensure there is sufficient coverage to protect Alaska's interests.

Providing high quality legal defense representation when the state is sued with the goal of mitigating the State's legal and financial risks.

- The Civil Division represented the State and/or its employees in over 50 tort cases and 150 workers' compensation cases.
- The Torts Section and Workers' Compensation and Corrections Section also pursue aggressive motion practice, trial, or negotiation to contain costs associated with civil and administrative litigation filed by inmates against the Department of Corrections (DOC) and its employees. The section also represents the DOC and/or its employees in both civil and administrative matters. The four Attorneys in the Corrections Section currently have over 280 open matters.

Promoting and defending good governance

- Pursuant to legislation passed in 2022, Civil Division attorneys are actively participating and advising Department of Education and Early Development during negotiations with several tribes to establish a pilot program for tribal-compacting schools, and to produce a report to the legislature on that subject.
- The Civil Division completed and implemented a comprehensive review of the entire regulations process and identified improvements to provide for more efficient and streamlined promulgation of regulations. Those process improvements have been incorporated into the Drafting Manual for Administrative Regulations, resulting in significant improvements in the process and reducing the time for Civil to review regulations in many instances by months.
- The Civil Division represented various state agencies in dozens of administrative hearings related to occupational health and safety, procurement, and grants.
- The Civil Division advised and worked on over 100 public records requests for their department or other executive branch agencies.
- The Civil Division provided or participated in dozens of trainings for the executive branch related to
 - Open Meetings Act
 - Ethics
 - Regulations
 - Fiduciary Duties
 - Public Records
 - Procurement

Key RDU Challenges

Protecting children, vulnerable adults, and consumers is at the core of the Civil Division's mission to protect both the physical and financial well-being of Alaskans.

- The Civil Division has been and will continue to be involved in advising and representing the Department of Health and the Department of Family and Community Services in various complex matters, including a class action seeking systemic reform of the child protection system and various litigation related to the Supplemental Nutrition Assistance Program (SNAP) and Medicaid eligibility delays and the ongoing investigation alleging violation of the Olmstead decision (finding long-term institutional care to violate federal law) in how children with complex medical and mental health needs are treated.
- Child protection continues to be an area of concern. The caseloads are high and the opportunity for burnout among employees dealing with difficult material remains an issue.
- The Division is also focusing on vulnerable Alaskans through the emergency mental health system and the challenges currently facing the Office of Public Advocacy related to guardianship and conservatorships. Additional pressure relates to the need for improved forensic services in Alaska.

Asserting the State's resource management rights for maximum sustained use consistent with the public interest and revenue protection

- Between aggressive regulatory policy changes from the federal government and lawsuits by third party groups impacting Alaska's interests, it is difficult to keep up with every action that adversely affects the State. One way the Civil Division is addressing this is to partner more frequently with other aligned states on issues of national interest, letting the other states take the lead, and focus the State's limited legal resources on issues that are unique to Alaska.
- Due to the increase in federal issues, this has also strained legal resources for the day-to-day operational work in assisting the resources agencies.
- The Civil Division advises on the implementation of the newly enacted carbon offset/sequestration programs.
- The Civil Division advises on the implementation of Broadband expansion in Alaska.

- The Civil Division advises in managing and administering federal infrastructure funds.

Provide high quality legal defense representation when the state is sued with the goal of mitigating the State's legal and financial risks.

- Despite some recent challenges with vacancies, the Torts Section, Workers Compensation and Corrections team has been very successful in meeting the increasing needs and demands related to their work. While still requiring some assistance from outside counsel, new matters are all being handled in house, and the division does not expect that to change over the coming months.

Promoting and Defending Good Governance

- The division has seen a significant increase in both the volume and complexity of public records requests for records of the department but also in advising the executive branch agencies on public records matters. The department responds to and advises on dozens of public records matters every fiscal year.
- Additional time and effort will be required in the coming year to advise on cybersecurity, Information Technology (IT) privacy and confidentiality, data security rules, and Artificial Intelligence. These issues are all highly technical and complex and developing in-house expertise to advise the executive branch on these issues is critical.
- Increased efforts to meet the needs of the administrator to achieve their policy initiative will require additional resources to support the legislative and regulatory needs of the executive branch. The volume of requests are outpacing the internal resources, and to meet statutory deadlines as well as other deadlines will require additional resources.
- Calendar year 2024 is both a state and federal election year. The division anticipates, as in other election years, significant litigation. As in other years, the division will create an election team to handle the agency advice, the civil litigation, and any appeals that might be filed in state or federal court. This team will be assigned to election work in addition to their present caseload, noting that most election work is managed on an expedited basis.

Significant Changes in Results to be Delivered in FY2025

As the Civil Division continues to rebuild, there will be increased focus on how to effectively onboard and train attorneys to ensure they can perform at their optimal level. In some instances, the Civil Division appears to be stabilizing in its vacancy rate; however, challenges remain in Child Protection, Oil and Gas, and in seeking attorneys with significant litigation experience as well as subject matter experience (procurement and IT). Using more targeted recruiting efforts and utilizing a legal recruiter agency, the Civil Division hopes that by FY2025 there will be fewer vacancies, higher retention rates, and more depth in experience across the sections.

Contact Information

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Civil Division
RDU Financial Summary by Component

All dollars shown in thousands

	FY2023 Actuals				FY2024 Management Plan				FY2025 Governor			
	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds
Formula Expenditures None.												
Non-Formula Expenditures												
Agency Advice & Representation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3,134.8	7,171.9	0.0	10,306.7
Resource Dev. & Infrastructure	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4,896.3	7,942.6	0.0	12,838.9
Government Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6,345.9	4,516.9	0.0	10,862.8
Legal Support Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2,161.2	2,187.4	0.0	4,348.6
Protective Legal Svcs & Support	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	12,290.6	7,037.8	0.0	19,328.4
Dep. Attny General's Office	3,982.1	0.0	0.0	3,982.1	6,645.4	107.6	0.0	6,753.0	2,441.6	107.6	0.0	2,549.2
Child Protection	6,513.5	3,225.8	0.0	9,739.3	6,557.6	2,359.1	0.0	8,916.7	0.0	0.0	0.0	0.0
Commercial and Fair Business	1,085.1	4,524.4	0.0	5,609.5	1,256.6	4,199.3	0.0	5,455.9	0.0	0.0	0.0	0.0
Environmental Law	759.0	1,402.0	0.0	2,161.0	917.1	1,327.1	0.0	2,244.2	0.0	0.0	0.0	0.0
Human Services	1,688.7	1,305.7	0.0	2,994.4	2,521.7	1,690.3	0.0	4,212.0	0.0	0.0	0.0	0.0
Information and Project Support	232.1	1,037.2	0.0	1,269.3	728.0	1,755.3	0.0	2,483.3	0.0	0.0	0.0	0.0
Labor and State Affairs	3,362.2	3,103.6	0.0	6,465.8	2,336.4	3,147.2	0.0	5,483.6	0.0	0.0	0.0	0.0
Legislation/Regulations	3,230.7	230.4	0.0	3,461.1	1,788.0	556.4	0.0	2,344.4	0.0	0.0	0.0	0.0
Natural Resources	3,222.4	3,919.2	0.0	7,141.6	3,825.2	4,073.9	0.0	7,899.1	0.0	0.0	0.0	0.0
Opinions, Appeals and Ethics	973.6	0.0	0.0	973.6	1,866.1	1,051.7	0.0	2,917.8	0.0	0.0	0.0	0.0
Reg Affairs Public Advocacy	2,993.9	0.0	0.0	2,993.9	3,054.6	0.0	0.0	3,054.6	0.0	0.0	0.0	0.0
Special Litigation	417.8	0.0	0.0	417.8	1,119.2	685.6	0.0	1,804.8	0.0	0.0	0.0	0.0
Torts and Workers' Compensation	1,075.3	3,971.6	0.0	5,046.9	695.8	4,291.7	0.0	4,987.5	0.0	0.0	0.0	0.0
Transportation Section	283.8	1,662.2	0.0	1,946.0	401.7	2,815.8	0.0	3,217.5	0.0	0.0	0.0	0.0
Totals	29,820.2	24,382.1	0.0	54,202.3	33,713.4	28,061.0	0.0	61,774.4	31,270.4	28,964.2	0.0	60,234.6

Civil Division
Summary of RDU Budget Changes by Component
From FY2024 Management Plan to FY2025 Governor

All dollars shown in thousands

	<u>Unrestricted</u> <u>Gen (UGF)</u>	<u>Designated</u> <u>Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal</u> <u>Funds</u>	<u>Total Funds</u>
FY2024 Management Plan	30,863.2	2,850.2	28,061.0	0.0	61,774.4
Base for structure changes:					
-Agency Advice & Representation	3,008.6	0.0	7,171.9	0.0	10,180.5
-Resource Dev. & Infrastructure	4,733.1	0.0	7,942.6	0.0	12,675.7
One-time items:					
-Dep. Attny General's Office	-6,226.4	0.0	0.0	0.0	-6,226.4
Adjustments which continue current level of service:					
-Agency Advice & Representation	3,008.6	0.0	7,171.9	0.0	10,180.5
-Resource Dev. & Infrastructure	4,733.1	0.0	7,942.6	0.0	12,675.7
-Government Services	6,191.9	0.0	3,918.2	0.0	10,110.1
-Legal Support Services	2,161.2	0.0	2,187.4	0.0	4,348.6
-Protective Legal Svcs & Support	9,063.6	2,909.6	6,861.6	0.0	18,834.8
-Dep. Attny General's Office	2,022.6	0.0	0.0	0.0	2,022.6
-Child Protection	-6,557.6	0.0	-2,359.1	0.0	-8,916.7
-Commercial and Fair Business	-1,006.1	-250.5	-4,199.3	0.0	-5,455.9
-Environmental Law	-917.1	0.0	-1,327.1	0.0	-2,244.2
-Human Services	-2,521.7	0.0	-1,690.3	0.0	-4,212.0
-Information and Project Support	-728.0	0.0	-1,755.3	0.0	-2,483.3
-Labor and State Affairs	-2,336.4	0.0	-3,147.2	0.0	-5,483.6
-Legislation/Regulations	-1,788.0	0.0	-556.4	0.0	-2,344.4
-Natural Resources	-3,825.2	0.0	-4,073.9	0.0	-7,899.1
-Opinions, Appeals and Ethics	-1,866.1	0.0	-1,051.7	0.0	-2,917.8
-Reg Affairs Public Advocacy	-464.9	-2,589.7	0.0	0.0	-3,054.6
-Special Litigation	-1,119.2	0.0	-685.6	0.0	-1,804.8
-Torts and Workers' Compensation	-695.8	0.0	-4,291.7	0.0	-4,987.5
-Transportation Section	-401.7	0.0	-2,815.8	0.0	-3,217.5
Proposed budget increases:					
-Agency Advice & Representation	126.2	0.0	0.0	0.0	126.2
-Resource Dev. & Infrastructure	163.2	0.0	0.0	0.0	163.2
-Government Services	154.0	0.0	598.7	0.0	752.7

Civil Division
Summary of RDU Budget Changes by Component
From FY2024 Management Plan to FY2025 Governor

All dollars shown in thousands

	<u>Unrestricted Gen (UGF)</u>	<u>Designated Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>Total Funds</u>
-Protective Legal Svcs & Support	317.4	0.0	176.2	0.0	493.6
FY2025 Governor	28,350.8	2,919.6	28,964.2	0.0	60,234.6