

**Department of Law
FY22 - Mid-Year Status Report**

Item #	Approp/ Allocation	Description	Amount / Fund Source	Comment	LFD Questions	Agency Comments
1	Criminal Division / Various	Add 75% Funding for 10 Attorneys and 9 Support Staff to Address Sexual Assault and Sexual Abuse of Minor Cases	\$2,250.2 Gen Fund (UGF) 19 PFT Positions	<p>The Department reports that there are currently 1,020 sexual assault and sexual abuse of minor cases pending trial, and prosecutors manage an average of 68 cases. This added capacity is anticipated to reduce the average caseload to 40 cases per prosecutor.</p> <p>First Judicial District: \$236.3 and 2 PFTs Attorney IV and Paralegal II in Juneau Second Judicial District: \$363.8 and 3 PFTs Attorney IV, Paralegal II, and Law Office Assistant I in Nome Third Judicial District, Anchorage: \$420.0 and 4 PFTs Two Attorney IVs, Paralegal II, and Law Office Assistant I Third Judicial District, Outside Anchorage: \$357.8 and 3 PFTs Attorney IV and Paralegal in Palmer, and Attorney IV in Kenai Fourth Judicial District: \$444.0 and 3 PFTs Attorney IV and Paralegal II in Bethel, and Attorney IV in Fairbanks Criminal Appeals/Special Litigation: \$428.3 and 4 PFTs Two Attorney IVs, Paralegal II, and Law Office Assistant I in Anchorage</p>	<p>What is the recruitment and hiring status of these positions?</p> <p>What is the average caseload for prosecutors at this time?</p>	<p>Recruitment Status: First Judicial District: \$78.7 Attorney IV in Juneau – Hired as of 1/18/22 Paralegal II in Juneau - Hired Second Judicial District: \$121.2 Attorney IV in Nome - Vacant Paralegal II in Nome - Hired Law Office Assistant I in Nome - Vacant Third Judicial District, Anchorage: \$140.0 Attorney IV in Anchorage - Hired Attorney IV in Anchorage - Hired Paralegal II in Anchorage - Vacant Law Office Assistant I in Anchorage - Hired Third Judicial District, Outside Anchorage: \$119.2 Attorney IV in Palmer - Hired Paralegal in Palmer -Hired Attorney IV in Kenai - Hired Fourth Judicial District: \$148.0 Attorney IV in Bethel - Hired Paralegal II in Bethel - Hired Attorney IV in Fairbanks - Hired Criminal Appeals/Special Litigation: \$142.7 Attorney IV in Anchorage – Vacant Attorney IV in Anchorage - Hired Paralegal II in Anchorage - Hired Law Office Assistant I in Anchorage – Hired as of 1/10/22</p> <p>Average Open Caseload: 226 cases per budgeted PCN</p>

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2	Civil Division Except Contracts Relating to Interpretation of Janus v AFSCME / Deputy Attorney General's Office	Sec 20(c), HB 69 Outside Counsel and Expertise to Support Statehood Defense (FY21- FY25)	\$4,000.0 Gen Fund (UGF) MultiYr	The legislature modified the Governor's request for funding to engage in legal services "related to the defense of Alaska's rights provided at statehood to develop and protect the state's natural resources, and to manage its fish and wildlife resources." These funds can be spent as an FY21 supplemental, and used through FY25 for the agency's own attorneys and staff, as well as outside legal counsel, retained experts, and consultants.	Please list any statehood defense litigation efforts supported by this funding, as well as the date the litigation was initiated.	There are currently 13 legal matters that are either being primarily funded or secondarily funded with the \$4 million multi-year statehood defense appropriation and have already been initiated. The vast majority were initiated in either the latter half of FY2021 or after July 1, 2021. "Secondarily" funded means that, if applicable, the historic funding source is being utilized first, followed by the multi-year appropriation.
3	Civil Division Except Contracts Relating to Interpretation of Janus v AFSCME / Deputy Attorney General's Office	Maintain Civil Division (Excludes Janus) Structure	n/a	The legislature denied the Governor's request to change of the name of the Civil Division (Excludes Janus) back to the Civil Division, and provided funding for litigation related to the Janus decision in a separate appropriation titled Janus v AFSCME Legal Contracts. Items 3 and 4 are related.	Has the agency continued to expend funds on litigation related to the Janus decision?	The Department has continued to expend funds on contracts related to the Janus Decision. However, per the direction of the Attorney General, the cases have been taken over by Law's attorneys and outside counsel is being used only in a consultation role since September. In FY22, less than \$15,000 has been spent on outside counsel for litigation matters related to Janus.
4	Civil Division Except Contracts Relating to Interpretation of Janus v AFSCME / Labor and State Affairs	Eliminate Funding Not Required to Maintain Agency's Core Operations	(\$200.0) Gen Fund (UGF)	This decrement is approximate to the amount that the agency spent on contracts related to the interpretation of Janus v. AFSCME in FY21. The legislature enacted structure changes in FY21 to restrict the amount of funding that was expended for this purpose. Items 3 and 4 are related.	What are the impacts of this reduction?	See response for number 3. The Civil Division has reduced the use of outside counsel related to Janus litigation. Additional reductions will be made by holding attorney positions vacant, if necessary.

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5	Civil Division Except Contracts Relating to Interpretation of Janus v AFSCME / Special Litigation	Add Funding to Protect Constitutional Right to Bear Arms	\$200.0 Gen Fund (UGF)	Funding was added to the base budget for the Department of Law to fight any potential federal restrictions related to the Second Amendment to the United States Constitution, which states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."	Please list any litigation related to protection of the constitutional right to bear arms that has been initiated during FY22.	The Department of Law has not initiated any litigation on this matter, but has contributed or joined a number of amicus briefs for matters across the nation that are related to the second amendment. The department has also provided letters of comment for proposed regulatory changes by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives which could result in further litigation in the future.
6	Administration and Support / Office of the Attorney General	Eliminate Vacant Chief of Staff Position and Interagency Receipt Authority	(\$266.6) I/A Rcpts (Other) (1) PFT Position	The agency reclassified a position in the FY20 Management Plan to Chief of Staff, and the position later became vacant in February, 2021. The position was created using Interagency (I/A) Receipt Authority which the agency can add outside of the appropriation process, and which allowed the Office of the Attorney General to draw various fund sources from both the civil and criminal divisions to fund that position, with the rationale that the position provides indirect administrative services to the rest of the agency. The elimination of this vacant position and receipt authority does not represent a decrease in the agency's budget, and fund sources that were used to satisfy the I/A during the period in which this position was filled may continue to be used within their respective divisions.	What are the impacts of this reduction, if any?	The Chief of Staff position was reclassified from a vacant Civil Division attorney. The Civil Division intended to reclassify the position back to an attorney position, therefore this reduction has prevented the division from hiring one attorney.

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7	Various	SB 55, Ch. 9, SLA 2021 Employer Contributions to PERS	\$3,442.1 Gen Fund (UGF)	SB 55 removes the 22% cap on payroll contributions to the Public Employee Retirement System (PERS) for the State of Alaska as a PERS employer. The budgetary impact of this legislation is reflected as a shift from the direct appropriation to PERS (which is typically funded with UGF) to agency payroll, where the cost can be spread across all fund sources. This shift results in a UGF increase to Agency Operations of \$72,871.7, and a UGF decrease to Statewide Items of \$95,794.5, for a net statewide UGF savings of \$22,922.8. Specifically, the UGF impact to the Department of Law is \$3,442.1 spread across multiple appropriations.	How has SB 5 impacted your agency? Have your non-UGF fund sources been sufficient?	As part of the fiscal note process for SB55, OMB worked with departments to identify fund sources that would not be realizable and backfill them with UGF. The department is not aware of any additional areas of concern at this time. The department will continue to monitor this through the projections process and will notify OMB if there are any concerns identified.