

State of Alaska FY2010 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 provides 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 Indian law.

Core Services

- The Opinions, Appeals and Ethics Section provides legal services and expertise to departments and agencies, including attorney general opinions on all subjects and appeals of civil cases in state or federal court. The section serves all departments, boards, and commissions on Executive Branch Ethics Act matters. The section provides advice and representation on specialized areas of the law, including Indian law and the public records act.
- The section's primary functions are to improve the state's civil appellate work, improve the quality of attorney general opinions, provide more timely and comprehensive services on executive branch ethics for all of state government, and provide specialized legal expertise in certain areas. Attorneys in the section evaluate and make recommendations to the attorney general and deputy attorney general on all civil appeals and petitions for review.
- The section also provides assistance with appellate briefing and case preparation, and handles appeals where the case presents significant constitutional issues or where matters of statewide implication are involved. The section handles all of the state's appellate cases concerning child abuse and neglect.
- The section is responsible for attorney general opinions, and in carrying out that function it both prepares opinions on significant legal issues, and reviews opinions generated by others in the department. As with the appellate function, the section's opinion function has improved the substance, quality, and consistency of the written legal advice issued by the department.
- The section is assigned the Executive Branch Ethics function for state government. This focus has improved the timeliness and quality of ethics advice being rendered to all state agencies. An Assistant Attorney General in the section serves as the designated ethics supervisor for the Department of Law, and handles professional ethics issues involving both department staff and outside counsel.
- The section also reviews briefs and makes recommendations to the attorney general on participation in United States Supreme Court cases as an amicus or "friend of the court."

FY2010 Resources Allocated to Achieve Results

FY2010 Component Budget: \$1,780,900

Personnel:

Full time	11
Part time	0
Total	11

Key Component Challenges

The Opinions, Appeals and Ethics Section currently oversees the work of the civil division on over 100 active appeals pending in state and federal court. At any given time, the civil division has between 90 and 110 civil appeals pending, about 25 of which are "Child-in-Need-of-Aid" (CINA) cases, involving child abuse and neglect. The section is currently handling all of the CINA appeals statewide. We also handle appeals in other cases that concern constitutional and legal issues of particular import. A key challenge for the section is to be involved in the briefing and preparation of all civil appeals.

The section also prepares or reviews Attorney General Opinions. A key challenge in this area has been to develop protocols to ensure the section is involved early in the opinion process so that the department can render timely and high quality advice to state agencies, which improves agency decision making. Section members developed a department policy on opinions that will help the department issue higher quality opinions in a timelier manner. Ethics is another key challenge for the section. The section handles scores of ethics issues, investigations, opinions, and oral and written advice. These issues come up literally every day from all over state government. It is important that ethics advice be rendered promptly and in a consistent manner. Opinions and advice often require significant factual and legal research. The section also provides ethics training for state agencies. Better and more frequent training should reduce the number of ethics problems that arise and improve agency action and decision making on these issues.

Indian law issues continue to impact virtually every area of state government's responsibilities. The section is working to provide advice on a wide variety of issues including civil and criminal jurisdiction and authority, Indian gaming, waivers of sovereign immunity, Indian country, tribal status, the Indian Child Welfare Act, Public Law 280, and many more. We anticipate this area of law and legal services to be a continuing challenge for the section.

Significant Changes in Results to be Delivered in FY2010

The ethics attorneys have recently begun a training program for all other state executive branch departments and boards, and are developing an interactive training program for the Department of Law website. This effort will continue into 2009. The section also has added an Indian law attorney in response to the steady increase in issues in this area.

Major Component Accomplishments in 2008

The section evaluated and made recommendations to the attorney general on whether to appeal in 157 cases. The evaluations include careful review of the cases, consultation with the attorney and agency involved, preparation of memoranda analyzing the case and making a recommendation, and discussion with the attorney general and the deputy attorney general.

The section worked on appellate briefs in many cases, set up moot courts for 31 cases and participated in oral argument preparation in many of those, and provided consultation on appellate issues for the civil division.

The section prepared and issued several attorney general opinions and assisted with the preparation of many other opinions.

The section handled all of the court appeals in CINA cases.

The section provided legal advice on over 380 ethics issues, provided nearly 40 ethics trainings, rendered several ethics opinions and memoranda of advise on topics such as outside employment, post-state employment, gifts, contracts, etc., investigated and resolved several ethics complaints, and is continuing work on several pending investigations and issues.

The section worked on a wide variety of Indian law issues including the Indian Child Welfare Act, Indian gaming, sovereign immunity, and tribal jurisdiction in civil and criminal arenas.

Statutory and Regulatory Authority

No statutes and regulations.

Contact Information

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**Opinions, Appeals and Ethics
Component Financial Summary**

All dollars shown in thousands

	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	218.8	1,419.0	1,478.4
72000 Travel	3.4	33.6	33.6
73000 Services	47.1	217.4	217.4
74000 Commodities	4.4	32.0	32.0
75000 Capital Outlay	2.8	19.5	19.5
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	276.5	1,721.5	1,780.9
Funding Sources:			
1004 General Fund Receipts	169.5	1,280.1	1,322.3
1007 Inter-Agency Receipts	107.0	441.4	458.6
Funding Totals	276.5	1,721.5	1,780.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	107.0	441.4	458.6
Restricted Total		107.0	441.4	458.6
Total Estimated Revenues		107.0	441.4	458.6

**Summary of Component Budget Changes
From FY2009 Management Plan to FY2010 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2009 Management Plan	1,280.1	0.0	441.4	1,721.5
Adjustments which will continue current level of service:				
-FY2010 Wage and Health Insurance Increases for Bargaining Units with Existing Agreements	42.2	0.0	13.2	55.4
-Transfer Funds from Labor and State Affairs for Personal Services Vacancy Factor Adjustments	0.0	0.0	4.0	4.0
FY2010 Governor	1,322.3	0.0	458.6	1,780.9

**Opinions, Appeals and Ethics
Personal Services Information**

Authorized Positions			Personal Services Costs	
	FY2009 Management Plan	FY2010 Governor		
Full-time	11	11	Annual Salaries	1,037,034
Part-time	0	0	COLA	40,378
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	462,215
			<i>Less 3.98% Vacancy Factor</i>	(61,227)
			Lump Sum Premium Pay	0
Totals	11	11	Total Personal Services	1,478,400

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney IV	4	0	0	0	4
Attorney V	3	1	0	0	4
Attorney VI	1	0	0	0	1
Law Office Assistant I	1	0	0	0	1
Law Office Assistant II	1	0	0	0	1
Totals	10	1	0	0	11