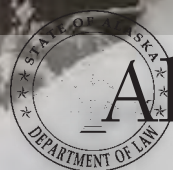


ANNUAL REPORT

2014



Alaska Department of Law

Craig W. Richards, Attorney General

TABLE OF CONTENTS

Message From the Attorney General.....	1
Criminal Division.....	2
First Judicial District.....	3
Second Judicial District.....	5
Third Judicial District.....	6
Fourth Judicial District.....	10
Offices of Special Prosecutions and Appeals.....	13
Civil Division.....	15
Child Protection	16
Collections and Support	17
Commercial and Fair Business	18
Environmental.....	20
Human Services	21
Information and Project Support.....	22
Labor and State Affairs	23
Legislation and Regulations	26
Natural Resources	27
Oil, Gas and Mining	28
Opinions, Appeals and Ethics	29
Regulatory Affairs and Public Advocacy (RAPA).....	30
Torts and Workers' Compensation.....	32
Transportation	34
Administrative Services Division.....	35
Highlights.....	36



MESSAGE FROM THE ATTORNEY GENERAL

Dear Governor Walker and legislators:

I am honored to have been chosen to lead the State's legal department and to represent the best interests of the State in my new role as Attorney General. With the dedicated attorneys and staff at the Department of Law, I am confident in our ability to provide necessary legal advice to the Governor's office and other agencies as well as advocate for the people of Alaska, who have chosen all of you to lead our State.

I come to this office at a challenging time, but one full of opportunities to ensure we are good stewards of the people's money. I am committed to having the Department of Law continue the same level of excellent services, while being cognizant of the need to tighten our belts and maximize efficiencies within our organization.

The core functions of the department—protecting Alaskans, promoting economic opportunities, protecting the state's fiscal integrity, and promoting good government—are vital to the continued growth and well-being of our State. These core missions will continue to drive decisions on how best to manage the department and where to focus our resources.

With this in mind, I will spend the next few months digging into cases that take up significant resources or involve significant sums of money. This exercise will help us prioritize caseloads and determine the best use of attorney time and department resources.

It is a privilege to oversee the high quality attorneys and staff at the Department of Law, and I look forward to working with all of you in the coming years to continue the important role of the department within state government.

Hon. Craig Richards, Attorney General



Criminal Division staff.

CRIMINAL DIVISION

The Criminal Division works to establish safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska and by upholding those convictions on appeal. The Division assists victims and witnesses of crimes, and supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction. It also provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice functions. The division maintains district attorney's offices in 13 communities throughout the State.

In 2014, the Criminal Division received 26,983 referrals for criminal charges; 7,356 were referred for felony charges, while 19,627 were misdemeanor referrals. Approximately 17.5% were domestic violence cases.



Richard Svobodny is the Deputy Attorney General overseeing the Criminal Division.

FIRST JUDICIAL DISTRICT

Two District Attorneys oversee the Juneau, Ketchikan, and Sitka District Attorneys' Offices. Covering numerous isolated communities in Southeast Alaska, prosecutors and paralegals spend a lot of time conversing with local law enforcement and traveling to different towns to work on making all Southeast communities safer.

Juneau and Sitka

- The Juneau and Sitka District Attorney's Offices administer all criminal prosecutions in Juneau as well as nine additional court sites located throughout Southeast Alaska.
- The two offices combined received 392 felony referrals.
- A continued primary emphasis on domestic violence and sexual assault/abuse cases resulted in a correspondingly high number of trials involving these offenses in Juneau, Sitka, and Wrangell.
- Prosecution of felony drug offenses remains a substantial area of practice with 31% of the felony referrals for drug offenses. The offices placed an increased emphasis on the prosecution of cases involving the importation of drugs and other contraband into Lemon Creek Correctional Center.
- The offices continue to participate in court sponsored programs intended to emphasize rehabilitation through sobriety, including the Juneau Therapeutic Court and Community Resources Program. Soon the offices will begin participating in Alaska's PACE (Probation Accountability with Certain Enforcement) program.

Ketchikan

- The Ketchikan District Attorney's Office serves the very southern portion of Southeast Alaska handling all prosecutions in Ketchikan and Craig courthouses.



- The Ketchikan office received 296 felony referrals in 2014.
- The Ketchikan Office conducted approximately 27 jury trials this year in those two locations. Eleven of those 27 trials were assault cases.
- In a sexual abuse of a minor case that went to trial, a 50-year-old man sexually molested an eight-year-old girl on Prince of Wales Island 10 years ago. Shortly after the offense, the victim moved with her family to Hawaii. She reported the incident to the police in Hawaii many years later. The local police department worked with the Honolulu police to have the victim telephone the offender, at which time the offender apologized for his actions. The call was recorded and he was convicted by a jury of sexual abuse of a minor in the first degree.
- A local man was found not guilty of sexual assault in the second degree in a case of engaging in sexual penetration with an incapacitated victim. The victim, who was awoken during the act, was the only witness to the incident. The jury expressed concern with the victim's credibility given her high level of intoxication.
- Co-defendants were convicted of misconduct involving a controlled substance in the second degree for possessing a significant amount of heroin in Ketchikan with intent to distribute it. Heroin has become a larger portion of the drug cases being prosecuted in the Ketchikan office the last few years and shows no sign of declining. Approximately 42% of the felony referrals were for drug offenses.



Juneau District Attorney James Scott received the 2014 Prosecutor of the Year award.

SECOND JUDICIAL DISTRICT

Norton Sound and the North Slope comprise the 2nd Judicial District. The Nome District Attorney oversees the Nome and Kotzebue offices, while the Barrow office is supervised by the Fairbanks District Attorney. Their cases primarily range from sexual abuse of a minor, to drug possession, to burglaries. Criminal Division staff in these offices work tirelessly to protect citizens in northern Alaska.

Barrow

- The North Slope Borough Police Department is the primary law enforcement agency for the Barrow office which received approximately 133 felonies and 437 misdemeanor cases referred for prosecution during 2014.
- Domestic violence crimes continue to be a focus of the office with 38% of the felony referrals and 25% of the misdemeanor referrals being crimes of domestic violence.
- The Barrow office mourned the death of Assistant District Attorney (ADA) Brian Sullivan who was shot and killed on December 8, 2014. That case is being handled by the Office of Special Prosecutions.
- One notable conviction this year involved a defendant convicted at trial of sexual abuse of a minor in the second degree and is pending sentencing. The defendant was an uncle to the young victim. This defendant has two prior sexual molestation convictions and is looking at a maximum sentence of 99 years.

This was also ADA Brian Sullivan's last trial.

Nome and Kotzebue

- The Nome and Kotzebue District Attorney's Offices serve the Norton Sound area and their corresponding courts.
- These two offices received 354 felony referrals and 1,621 misdemeanor referrals. Forty percent of the felonies and 30% of the misdemeanors were domestic violence referrals.
- As it has in the past several years, the Nome office saw a seasonal uptick in gold miners arrested on various charges. These miners tend to be from outside Alaska and come to Nome for the summer to seek their fortune.
- In one of the cases involving a gold miner, the defendant, charged with driving under the influence, introduced an expert from Mississippi, who told the jury the state crime lab is unable to accurately test blood for alcohol content. In the end, the jury agreed with the prosecution and quickly convicted the defendant following a weeklong trial.
- In Kotzebue, Assistant District Attorney Aaron Michels secured a conviction for attempted murder in *State v. Paul Carter*. Carter threatened to kill his sister, pointed a gun at her, and pulled the trigger, although the gun misfired. Carter, who had two prior felony assaults, was convicted after a four-day trial in August.

THIRD JUDICIAL DISTRICT

Southcentral Alaska has four District Attorneys supervising five offices: Anchorage, Dillingham, Kenai, Palmer, and Kodiak. With over half of the state's population in Southcentral Alaska these five offices stay busy protecting those citizens.

Anchorage and Dillingham

- The Anchorage District Attorney's Office prosecutes some misdemeanor and all felony crimes that occur within the Municipality of Anchorage. They also handle all criminal cases that occur within Sand Point, Unalaska, Whittier, and St. Paul, and they supervise the Dillingham District Attorney's Office. The Dillingham office prosecutes all criminal cases that occur in the Bristol Bay region.
- These offices received 2,619 felony referrals and 2,713 misdemeanor referrals. The Municipality of Anchorage also has a prosecutor's office which handles the bulk of the misdemeanors that occur within the municipality.
- From January 2014 through October 31, 2014, the Anchorage District Attorney's Office prosecuted more than 115 jury trials, including eight murder trials and 20 sexual assault trials.
- In April 2014, Tidiane Kone was convicted of first degree murder for fatally stabbing a person to death in the Fairview neighborhood. Kone was out on bail release from a theft case at the time of the murder.
- In June 2014, U.S. Army Soldier David Lopez was convicted of first degree murder for shooting and killing his wife in December 2012 after she took their daughter to the JBER hospital with concerns about possible child abuse.
- Kone and Lopez each face up to 99 years in prison and will be sentenced in January 2015.
- The office has seen a dramatic increase in the number of cases going to "open" sentencing hearings. At these hearings, a superior court judge decides what sentence to impose on a defendant following a fully litigated hearing. This increase in "open sentencing" litigation is especially seen in sexual assault and sexual abuse of a minor cases where the office prosecuted more than 60 defendants in 2014.
- Anchorage has experienced an increase in methamphetamine and heroin related prosecutions in 2014 but a decrease in cocaine cases. The office has also seen an increase in the cases involving the distribution of drugs from Anchorage to communities across the state. In the area of property crimes, the Anchorage office has seen the number of check forgery cases increase in 2014. For example, checks are being stolen from mailboxes and then forged or cashed in a variety of ways. The office is working with the Anchorage Police and the U.S. Postal Service on many of these cases.
- The Dillingham Office tried 14 cases by October of 2014.

Two large Kenai drug busts resulted in seizure of over

500 grams

of heroin and methamphetamine.

- Most notably, the office successfully prosecuted Stephen Alvarado in April for sexually abusing his daughter in 2010 and 2011. He was sentenced to spend more than 30 years in prison for his crimes.
- The office has continued to focus its efforts on sexual assault and domestic violence in the Bristol Bay Region.
- The office has also been responsive to the community's concerns about increased use and distribution of illegal drugs.
- The two largest drug busts resulted in approximately 274 grams of heroin and 238 grams of methamphetamine seized amounting to an approximate street sale value of over \$200,000.
- With the increase in heroin and other drug cases, the community has seen a considerable upturn in the number of residential burglaries and theft offenses. The increase in property crime has been an issue of considerable public concern, resulting in town hall style meetings organized by both the public and local political figures to bring awareness to the problem and to find solutions to address the issue.

Kenai

- The Kenai District Attorney's Office prosecutes crime occurring on the Kenai Peninsula and covers the courts in Homer and Seward.
- The Kenai District Attorney's Office received 714 felony referrals and 2,602 misdemeanor referrals in 2014. Sixteen percent of the felony referrals and 13% of the misdemeanor referrals were domestic violence cases.
- The Kenai Office conducted 61 trials during the last year—27 felony trials and 34 misdemeanor trials.
- Continuing a trend from the prior year, a large percentage of these trials, 25 in total, involved domestic violence.
- The drug cases have seen a continuing increase in the number of heroin prosecutions on the Kenai Peninsula. Although methamphetamine use continues to plague the area, heroin is now the most widely prosecuted controlled substance. The office also continues to see substantial increases in the amount of drugs that are being interdicted.

- Another trend of note for the Kenai Peninsula is an increase in violent crime with firearms. Of particular concern have been cases in which local law enforcement have been intentionally shot at or threatened with firearms in apparent "suicide by cop" situations. Additionally, the general public has been placed at increased risk from gun violence in the last year, including two shootings in the parking lot of a local retailer.

Kodiak

- The Kodiak Office prosecutes all crimes that occur on Kodiak and the surrounding islands.
- The Kodiak District Attorney's office received 148 felony referrals and 643 misdemeanor referrals. Fourteen percent of the felony referrals and 13% of the misdemeanor referrals were domestic violence referrals.
- Kodiak experienced a continued upswing in the number of felony cases related to narcotics trafficking,

particularly cases involving methamphetamine and heroin. The incidence of crimes related to narcotics addiction in the form of theft and nuisance offenses also increased.

- The office experienced a significant increase in the number of cases proceeding to trial. In 2014, the office presented more than 12 jury trials involving both felony and misdemeanor charges. This is in stark contrast to the number of cases proceeding to trial as little as four years ago when the office averaged one or two trials a year. Half of the trials presented and prosecuted this year involved felony charges.

- During the first half of the year, Kodiak police arrested a man and woman in a local hotel following an investigation where one and a half pounds of methamphetamine was found. The Anchorage U.S. Attorney's office ended up charging the male defendant in federal court, taking over what started as a state court prosecution.

Palmer

- The Palmer District Attorney's Office serves the fastest growing area of Alaska, the Mat-Su Valley, as well as the communities of Glennallen, Valdez, and Cordova.



Kodiak Victim Witness Paralegal Missy Stark received the 2014 Model of Excellence award.

- In 2014, 1,006 felony cases and more than 3,632 misdemeanor cases were referred to the Palmer office for prosecution.
- As of mid-November, Palmer prosecutors had handled 20 felony trials and 37 misdemeanor trials.
- Crimes against persons, such as murder, assault, sexual assault, and sexual abuse, remain a priority for the Palmer office. Residents of the Mat-Su Valley have also expressed a very strong concern about the growing number of burglaries and thefts. Palmer prosecutors are working together with Alaska State Troopers to address this problem.
- Most property crimes in the region are related to heroin, methamphetamine, or prescription pill use, which is widespread.
- The roads in the Mat-Su Valley are getting more traffic, and there was an increase in cases involving death or serious physical injury due to intoxicated or reckless driving last year. Palmer has one assistant district attorney assigned to prosecute all felony DUI, vehicular homicide, and vehicular assault cases. Because of the prosecutor's efforts, numerous vehicles were seized and forfeited in conjunction with felony DUI arrests this year.
- In addition to traditional prosecutor work, the Palmer office participates in the Community Resource Project (mental health court) and Department of Corrections' PACE program. Palmer prosecutors also lecture at the Trooper Academy in Sitka, the Department of Corrections Training Academy, and at the Mat-Su Community College, and provide paralegal externship opportunities for students of the Mat-Su Charter College.
- A few court-imposed sentences in 2014 are noteworthy. Robert Cunningham pled guilty to two charges of sexual abuse of a minor in the first degree and one charge of possession of child pornography. He was sentenced to serve 90 years in prison. Arthur Gray was sentenced to serve 30 years, and co-defendant Benjamin Lega was sentenced to serve 45 years for a myriad of crimes, including robbery and kidnapping.

FOURTH JUDICIAL DISTRICT

The Yukon-Kuskokwim Delta and the Interior make up most of the Fourth Judicial District. There are two offices that cover this region: Bethel and Fairbanks. This is a vast land mass with numerous small courts. The dedicated attorneys, paralegals, and staff in these offices dedicate themselves to protecting the numerous villages and hub communities in the region.

Bethel

- The Bethel District Attorney's Office, which covers the Y-K Delta, received 455 felony referrals and 1,771 misdemeanor referrals. Forty-three percent of the felony referrals and 33% of the misdemeanor referrals were for crimes of domestic violence.
- The Bethel office places emphasis on contacting and communicating with victims. That emphasis received a boost with a new paralegal position. The Bethel office also partners with the Jesuit Volunteer/AmeriCorps Program, which gives the office a full-time volunteer to reach out to victims at the earliest stages of a case. The goal is to be able to talk with each victim as often as they need and to work to ensure that they are supportive of the prosecution.
- Following the long-time trend in the region, the majority of victims the office works with are victims of domestic violence. They range from children assaulted by parents, to grandparents assaulted by grown children, with the vast majority being adult females physically injured by their significant others. Victims in domestic violence cases often face many challenges when the person who has hurt them is related to them. Those challenges can be amplified by the isolation of the rural villages, by cultural differences, and by the need for help in just surviving.
- Although not a listed "household member" for domestic violence purposes, one case of significance in the Delta involved a 54-year-old woman who lived alone and was awakened by her cousin beating in her door with a sledgehammer.
 - The incident occurred in Sleetmute, a village of approximately 30 households containing 86 people on the bank of the Kuskokwim River approximately 166 miles northeast of Bethel. The defendant repeatedly raped the victim, dragged her to the river, told her to choose how she wanted to die, threatened to kill her, strangled her, and assaulted her.
 - The defendant was convicted of kidnapping, four counts of sexual assault, three counts of felony assault, burglary, and felony criminal mischief.
 - As a result of these crimes, the victim moved from the Delta because she was too afraid to stay.
 - The defendant was on bail conditions of release for a robbery/burglary when he committed these crimes. He also had a conviction as a juvenile for kicking in a woman's door and raping her—a crime that also

occurred in Sleetmute. When he was released from detention for that rape, he assaulted the woman's son with a knife and was convicted of felony assault.

- The defendant drew out the case as long as he could, and at the time of trial, the victim was in a wheelchair as a result of crippling arthritis. She sat through the whole trial and showed an amazing amount of strength. The defendant, who is awaiting sentencing, could receive a maximum sentence of 421 years.

Fairbanks

- The Fairbanks District Attorney's Office had 3,857 misdemeanor defendants referred to the office for prosecution and 1,060 felony defendants referred. Sixteen percent of both the misdemeanor and felony cases involved domestic violence.
- Domestic violence crimes continue to be a focus. The following are some of the most notable convictions during the last year:
 - Edward Parks was sentenced to 59 years imprisonment for kidnapping, assault in the first degree, assault in the second degree, and witness tampering. Parks had held his victim captive in their residence for several days, beating her to the point that her lung collapsed, among other serious physical injuries.
 - Lindsey Preshaw received a four-year prison sentence following her conviction at trial for stabbing her fiancée in the leg with a knife. Of note, the victim was uncooperative throughout the entire prosecution and even testified that he had stabbed himself.
 - Kwame Forks was sentenced to the maximum C felony sentence



Members of the Criminal Division participate in a fun run for those attending the District Attorney/Victim Witness Paralegal Conference. The run raised over \$1,000 through donations from Criminal Division employees that was given to the Girls on the Run program.

of five years to serve for assault in the third degree for assaulting his girlfriend, which included an act of strangulation. The trial judge found this defendant was a “worst offender” given his prior history of assaults and violence.

- Another focus of the Fairbanks office is combating drug and alcohol distribution, along with the crimes driven by the drug trade or driven by alcohol such as burglaries, thefts, and assaults.
 - One assistant district attorney is cross-designated as an assistant United States Attorney and prosecuted Nathan Hanley in federal court. Hanley received a five-year sentence for importing a large amount of methamphetamine and heroin into the Fairbanks area. When arrested carrying the package of methamphetamine and a gun to protect his drugs, he told investigators he was on his way to pick up his daughter from school.
 - Jarrett Osborne received a nine-year prison sentence and was fined \$5,000 for dealing methamphetamine; \$12,000 cash was seized and forfeited along with various additional assets.
 - For a series of thefts and burglaries, Jerad Zabriskie, a first-time felon, received a nine-year prison sentence with five years suspended. Zabriskie’s conviction closed 10 cases that included 17 victims. He was placed on probation for 10 years and ordered to pay approximately \$20,000 in restitution.
- Cornelius Everett pled to murder in the second degree and received a sentence of 20 years with nine years suspended. Everett had been sitting around drinking and playing cards with some “buddies” when one of them grabbed his leg as Everett tried to stand up and leave the game. In response, Everett beat his friend, including kicking him multiple times in the chest. The victim was injured, but did not seek medical attention and was found dead in the apartment three days later. The medical examiner determined the victim had died of internal bleeding.
- Driving while under the influence also continues to be a focus of the Fairbanks office, and during the past year the office accepted 608 misdemeanor drunk driving cases and 43 felony drunk driving cases. That amounts to almost two cases a day for every single day of the year. At least three of the felony drunk driving defendants were arrested for their third felony drunk driving conviction. Fortunately, no one was killed by a drunk driver in Fairbanks during the last 12 months.

The MFCU saved the state an estimated

\$15 million

in 2013 alone.

OFFICES OF SPECIAL PROSECUTIONS AND APPEALS

Office of Criminal Appeals

The Office of Criminal Appeals represents the state in most felony criminal and post-conviction relief appeals in the Alaska Court of Appeals and in all criminal cases in the Alaska Supreme Court. The office also represents the state in all federal habeas cases and provides advice to other state prosecutors.

- The caseload of the office, based on the number of briefs that have been filed, has increased during the past year by about 40 percent. This appears to be due in part from new time limits for briefing imposed by the court of appeals in January 2014. These limits were a response to extreme delays (often nearly two years) in the filing of opening briefs by the Public Defender Agency and Office of Public Advocacy. The new limits resulted in an increase in the number of briefs filed by the criminal defense agencies and a corresponding increase for the Office of Criminal Appeals.
- For the past year, the court of appeals has been working with only two permanent members and a pro tem judge, District Court Judge Patrick Hanley. This resulted from conflicts of interest that arose from the appointment of Douglas Kossler, the former chief of the Office of Criminal Appeals, to the court of appeals. As a result, the pace at which the court of appeals decides cases has slowed significantly, and the court has issued few opinions of note. The following are three noteworthy decisions:

- In *Mund v. State*, the court of appeals refused to enforce AS 22.55.120(e), which restricted the right of defendants to appeal their sentence, because the statute conflicted with a court rule and had not received the required two-thirds vote to modify the rule.
- In *State v. Leighton*, the court of appeals held that the grand jury provision of the Alaska Constitution gives a grand jury no discretion to reject an indictment when the state presents sufficient evidence to indict; in other words, the grand jury lacks the authority to “nullify” the law.
- In *State v. Finley*, the court of appeals held that the Alaska Constitution does not require that a witness receiving transactional immunity from the state also receive transactional immunity in jurisdictions outside Alaska in which a witness may be exposed to criminal liability.

Office of Special Prosecutions

The Office of Special Prosecutions handles highly specialized cases, such as cold case homicide and sexual assaults, alcohol interdiction, sex trafficking, environmental law violations, fish and game offenses, public-integrity offenses, and cases that pose a conflict for the local district attorney’s offices throughout the state. The office is also responsible for prosecuting individuals who defraud the State and others through the criminal non-payment of child support and various

types of fraud involving Medicaid, public assistance, Permanent Fund Dividends, and taxes.

- In April 2014, a Juneau Superior Court jury convicted Robert Kowalski of second-degree murder in the cold case prosecution arising from Kowalski's 1996 murder of his girlfriend in Yakutat. At trial, the prosecution was permitted to introduce evidence of a 2008 Montana murder committed by Kowalski, which occurred under circumstances similar to the Yakutat homicide, to show that the 1996 shooting was not an accident as originally thought. Following trial, the superior court imposed a 40-year sentence, which is in addition to the sentence Kowalski already received for the Montana murder.
- The office also successfully prosecuted Leroy Dick, Jr. for the intentional murder of Village Public Safety Officer Thomas Madole. Dick murdered VPSO Madole in the line-of-duty in the Southwest Alaska community of Manokotak. The first-degree murder conviction followed a

weeklong jury trial in Dillingham. Dick faces a mandatory minimum term of imprisonment of 99 years.

- The office has continued its aggressive prosecution of individuals accused of defrauding the State of Alaska. During the past year, the public assistance welfare fraud unit obtained approximately \$429,000 in court-ordered restitution. Likewise, the permanent fund dividend unit has increased the number of successful prosecutions from prior years.
- Finally, the Medicaid Fraud Control Unit (MFCU)—the unit tasked with the prosecution of Medicaid fraud and elder abuse—secured 43 convictions and three civil resolutions resulting in \$507,767 in restitution judgments with approximately \$3 million in additional fraud alleged in pending cases. Since October 2012, the unit secured 70 total convictions in contrast to six total convictions in the prior three years. The Department of Health and Social Services estimated that the convictions by the MFCU in 2013 alone saved the State of Alaska a total of \$15 million.



Civil Division summer interns participate in a mock trial.

CIVIL DIVISION

The Civil Division provides legal advice to the governor, and executive branch agencies. The Civil Division will also assist the legislative branch, upon request, regarding legislation. It defends, prosecutes, and oversees all civil litigation involving the State.



James Cantor is the Deputy Attorney General overseeing the Civil Division.

CHILD PROTECTION

Protecting Alaska's children is one of the Civil Division's most important tasks. The Child Protection Section helps combat child abuse and neglect in confidential Child in Need of Aid (CINA) cases. The section's attorneys help the Office of Children's Services (OCS) (1) implement plans to safely return children in state custody to their parents or (2) take legal action to terminate parental rights, allowing children to be placed in safe, permanent homes.

2014 Highlights

- The section continued to work with the Child Support Services Division in the Department of Revenue to establish paternity early in CINA cases and to obtain child support orders from parents whose children are in state custody.
- The section provided regular training on the child protection legal system at the social worker academy and in the OCS field offices.
- The section actively participated in the Court Improvement Project, the CINA Rules Committee, a statewide Indian Child Welfare Act (ICWA) committee, and several other groups and committees dedicated to improving the child protection system.
- The section worked with OCS to establish procedures to ensure timely compliance with requirements of Title IV-E of the Social Security Act, which provides for federal reimbursement for a portion of state foster care costs in some cases.
- The Civil Division's case management system, ProLaw, has made significant changes in the way the section operates. The system tracks numerous data points and deadlines for each case, including deadlines for filing petitions to terminate parental rights or establish guardianships. This data will help OCS secure the maximum amount of federal Title IV-E reimbursement.

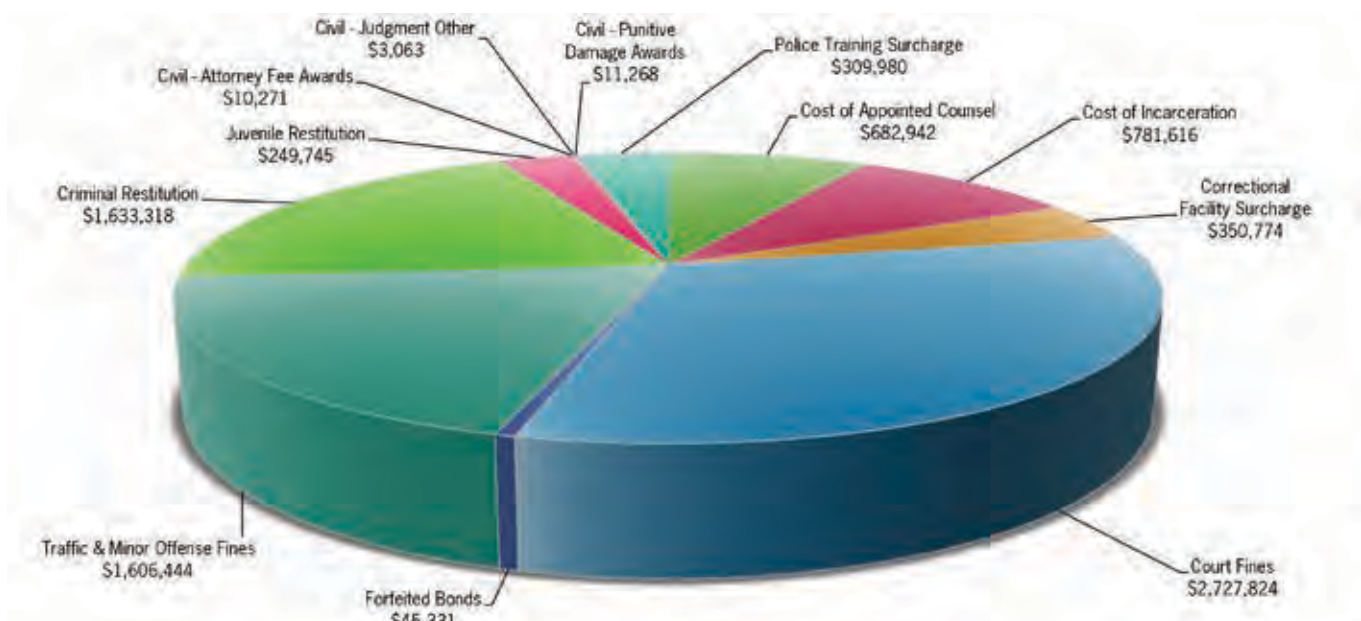


COLLECTIONS AND SUPPORT

The Collections and Support section includes two units: collections and child support. The Child Support Unit helps the Department of Revenue's Child Support Services Division (CSSD) enforce and modify child support orders, including by establishing paternity and seeking court orders requiring parents to apply for PFDs that can be garnished for past due child support. The Collections Unit collects criminal fines, costs, and surcharges owed to the State and criminal restitution judgments owed to victims of crimes.

2014 Highlights

- CSSD referred approximately 1,850 matters to the Child Support Unit in FY2014, an overall 23% increase over FY2013. The largest increase was in enforcement referrals with around a 50% rise, followed by a 20% increase in modification matters.
- The Collections Unit collected more than \$8.4 million in FY2014, including approximately \$1.9 million for crime victims and \$6.5 million in other fees, costs, and fines. Of the total collected, \$6.6 million resulted from garnishment of the debtor's PFD—funds that most likely would not have been recovered but for the unit's efforts.
- The Collections Unit also continued to improve its collections and disbursements by eliminating the previous backlog of unopened cases and reducing the backlog of undisbursed victim funds by 88%.



Department of Law Collections FY2014
Total \$8,412,575.84

COMMERCIAL AND FAIR BUSINESS

The Commercial and Fair Business Section represents and advises 16 different divisions, commissions, and public corporations within the Departments of Administration, Revenue, Education and Early Development, Natural Resources, and Commerce, Community, and Economic Development. The section also represents and advises 20 professional licensing boards and commissions.

The section includes the Consumer Protection and Antitrust Unit, which investigates and brings enforcement actions against businesses that

engage in unfair and deceptive trade practices. In 2014, the unit received and processed approximately 470 consumer complaints, the majority related to telecommunications, auto sales and repairs, retail sales, home repair and construction, and tourism related issues. The unit also participated in many multi-state enforcement actions resulting in sizeable recoveries against national companies whose activities harmed Alaskans. The unit's efforts resulted in collection of over \$3.6 million for consumers and the State. Below are notable results achieved in 2014.



In 2014, over

\$3.6 million

was collected for consumers and the State.

Average Wholesale Price (AWP) Litigation

- The AWP litigation, which was initiated in 2006 against 41 pharmaceutical companies, alleges that manufacturers reported false drug prices, known as “average wholesale prices.”
- As a result of the inflated AWP, the State’s Medicaid agency reimbursed pharmacies and other providers more than they actually paid for the drugs.
- In 2014, the State settled with the last of the AWP defendants, Johnson & Johnson. The State recovered \$2.2 million under this settlement.
- In total, the State recovered about \$45 million from the 41 AWP defendants, most of which went to the State’s Medicaid program.

Apple E-books Litigation

- In 2012, Alaska and 32 other states pursued an antitrust action against four publishers of electronic books (e-books), including Apple Inc. The complaint alleged that the defendants conspired to artificially raise prices by imposing a distribution model in which the publishers set the prices for bestsellers at \$12.99 and \$14.99.
- The states’ complaint also alleged that the publishers and Apple relied on contract terms that forced all e-book outlets to sell their products at the same price, thereby eliminating retail

competition. The states estimated that this coordinated agreement to fix prices resulted in e-book customers paying more than \$100 million in overcharges.

- The states reached settlements with all of the defendants except Apple in 2012 and 2013. The states went to trial against Apple in June 2013 and prevailed on all claims. Apple appealed. In June 2014, the states reached a settlement with Apple. The settlement is contingent on the outcome of the appeal, but could result in payment of \$450 million to the states and consumers.

AT&T Mobility Settlement

- Alaska worked with 49 other states and the District of Columbia to settle claims that AT&T Mobility placed unauthorized charges for third party text message subscription services on consumers’ mobile telephone bills, a practice known as “mobile cramming.”
- The agreement prohibits the company from billing for third party “premium” text messaging services in the future. Alaska received \$213,952 under this agreement.
- AT&T Mobility also settled with the Federal Communications Commission and Federal Trade Commission, and the company will pay \$80 million in refunds to consumers who were billed for the third party services, including consumers in Alaska.

\$1.5 million

was recovered for violations of state environmental laws.

ENVIRONMENTAL

The Environmental Section primarily provides advice and legal representation to the Department of Environmental Conservation relating to oil spills, contaminated site cleanups, and enforcement of air and water quality laws. The following cases exemplify the varying issues the section addresses.

British Petroleum (BP) North Slope Oil Spills

- The section resolved eight outstanding BP oil spill cases, four of which involved the U.S. Environmental Protection Agency (EPA) and the Department of Justice (DOJ), which greatly complicated negotiations.
- The section successfully worked with BP, EPA, and DOJ as well as BP's working interest partners to resolve the Lisburne Flowline spill, the Lisburne L-1 spill, the Drill Site 16 spill, and the Drillsite 6, Well 11 spill.
- BP will pay a Clean Water Act civil penalty of \$450,000 and \$180,100 to the State as civil assessments. Additionally, BP will complete tundra restoration and reimburse the State's future restoration monitoring costs.

Challenge to GHG Endangerment Finding – *Utility Air Regulatory Group v. EPA*

- The State intervened in a case challenging EPA's greenhouse gas endangerment finding. EPA relied on this finding to not only regulate cars

and trucks, but also stationary source emissions.

- The State and others filed petitions for certiorari with the U.S. Supreme Court after the D.C. Circuit Court of Appeals upheld the EPA's regulations.
- The U.S. Supreme Court granted certiorari and rejected EPA's interpretation of the Clean Air Act, finding EPA lacked authority to impose permitting requirements upon stationary sources based solely on their potential greenhouse gas emissions. However, the Court upheld EPA's authority to require stationary sources emitting conventional pollutants to comply with "best available control technology" for greenhouse gases.

Clean Air Act Emission Standards – *Michigan v. EPA*

- The State intervened with Michigan and several other states to challenge EPA's rule setting new Clean Air Act hazardous air pollutant emission standards for power plants. The D.C. Circuit Court of Appeals found in favor of the EPA and upheld the new rules.
- In November 2014, the Supreme Court granted the states' petition for certiorari to consider the issue of "[w]hether the Environmental Protection Agency unreasonably refused to consider costs in determining whether it is appropriate to regulate hazardous air pollutants emitted by electric utilities."

HUMAN SERVICES

The Human Services Section advises and represents the Department of Health and Social Services (DHSS) on a variety of issues, such as licensing (including assisted living home, foster home, and childcare licensing), certificates of need, public health matters, third party and estate recovery under the Medicaid program, and Medicaid provider audits. The section advises DHSS about changes in federal law and steps necessary to maintain maximum federal participation in public benefit programs. The section also advises and represents Adult Protective Services on adult guardianship and conservatorship matters and on issues relating to the Pioneer Homes. Finally, the section acts as legal counsel for the Alaska Psychiatric Institute and initiates involuntary mental commitment cases throughout the state.

2014 Highlights

- The section represented the State in over 100 evidentiary hearings for mental commitments, adult conservatorships, and adult guardianships, including four jury trials. Of the four jury trials, the State prevailed on three of them.
- The section was instrumental in advising DHSS through significant changes in its Medicaid programs, including representing DHSS in over 50 hearings related to recipient benefits.
- The section helped DHSS recover over \$2 million for the Medicaid program in 2014 through its third party recovery efforts, defending DHSS in many administrative hearings involving Medicaid audits.
- The section assisted DHSS in implementing changes to the personal care attendant and waiver programs, including representing the department in over 100 fair hearings related to Medicaid beneficiary benefits.



INFORMATION AND PROJECT SUPPORT

The Information and Project Support Section counsels the Civil Division and other state agencies on the management, sharing, retention, and disclosure of information and records. The section provides advice and training on legal holds, the Alaska Public Records Act, and grounds for withholding information to safeguard the rights of third parties and the interests of the government. The section also provides support for Civil Division litigation and projects, including by operating the division's electronic discovery and legal hold applications and maintaining the division's accounting, timekeeping, and case-management

database. The section also designs, updates, and maintains the Civil Division's Internet and intranet sites and designs its publications.

2014 Highlights

- The section counseled numerous state agencies on responding to requests under the Alaska Public Records Act.
- The section coordinated the Department of Law's efforts to review over 44,000 emails for protected information in response to requests received by other agencies.



LABOR AND STATE AFFAIRS

The Labor and State Affairs Section handles a wide range of issues unique to the operation of state government including public finance, election law, retirement and benefits, education, military and veterans affairs, public contracts, labor issues, and employment matters. The section also advises several prominent public corporations: the Alaska Energy Authority, the Alaska Industrial and Development and Export Authority, and the Alaska Permanent Fund Corporation. A few cases exemplifying the section's work are highlighted below.

Challenge to Alaska Marriage Amendment – *Hamby v. Parnell*

- The section defended the governor and other state officials in a suit brought by same-sex couples contending that the definition of marriage in the Alaska Constitution and state statutes as between one woman and one man violated the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution.
- In October, the federal district court ruled in favor of the plaintiffs and enjoined the State from enforcing its prohibition on same-sex marriage.
- The State has appealed the ruling. Since the appeal was filed, the U.S. Supreme Court agreed to hear several cases addressing the same legal questions, and the State will request to put the appeal on hold until the U.S. Supreme Court issues a decision.

Challenge to Mandatory Local Contribution– *Ketchikan Gateway Borough v. State*

- The section defended the State in a suit brought by the Ketchikan Gateway Borough challenging the constitutionality of the mandatory local contribution for education that municipalities must pay.
- The borough claimed that the required local contribution amounts to “dedicated funds” in violation of art. IX, sec. 7 of the Alaska Constitution, and was not appropriated through the general fund in violation of art. IX, section 13.
- In ruling against the State, the court held that the required contribution was a dedicated fund in violation of the constitution but that it did not violate other provisions. The court also held that the borough was not entitled to a refund.
- The State has appealed the ruling and is requesting to put the trial court's decision on hold until the Alaska Supreme Court has ruled.

State Procurement and Contract Disputes

- The section advises executive branch agencies in the procurement of goods and services, lease space, and professional services, and represents state agencies in procurement protests and contract disputes.
- In 2014, section attorneys filed an administrative claim against Xerox State Healthcare on behalf of DHSS,

seeking a corrective action plan and contract damages, including \$46.7 million in liquidated damages, for Xerox's failure to provide a fully functional system for processing Medicaid claims. Proceedings before the Office of Administrative Hearings will commence in 2015.

Election Matters

- The section successfully defended a suit brought by a Wisconsin resident challenging the state's residency requirement for circulators of ballot measure petitions. The Ninth Circuit Court of Appeals upheld the federal district court's dismissal of the case for lack of standing.
- The section successfully defended a suit brought by mining interests that challenged the certification of ballot measure 12BBAY, which proposed additional legislative permitting in the Bristol Bay Fisheries Reserve. The Alaska Supreme Court upheld the lieutenant governor's decision to certify the ballot measure.
- The section worked with the administration on various other certification issues, including certifying the Senate Bill 21 referendum,



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settling an associated lawsuit, the minimum wage ballot measure (13MINW), and the marijuana measure (13PSUM), and denying certification of a ballot measure proposing to ban the use of set nets and gill nets in non-subsistence areas of the state (13PCAF). That certification denial was rejected by the superior court in a lawsuit brought by sport-fishing interests. The State has appealed the decision to the Alaska Supreme Court.

- The section defended the administration in a two-week bench trial in federal district court in *Toyukak v. Treadwell*, a case about language assistance under the Voting Rights Act. The plaintiffs alleged both constitutional violations and violations of Section 203 of the Voting Rights Act, and sought numerous remedies, including federal observers and imposition of pre-clearance requirements. The district court found for the plaintiffs on the statutory claim and imposed interim remedies; the court's decision on the constitutional claims and final remedies is still pending.
- The section defended the Division of Elections' adoption of an emergency regulation to permit non-party

gubernatorial candidate Bill Walker to substitute Byron Mallott as his running mate after the non-party candidate for lieutenant governor withdrew. A voter challenged the validity of the regulation on the grounds that no genuine emergency existed and that the statutes prohibited the late substitution. The superior court upheld the regulation.

Defending State on Employment Claim – *Ward v. State*

- In 2014, the State finally resolved a 20-year-old claim of sexual harassment and retaliation filed with the federal EEOC by a member of staff at the governor's Anchorage office in 1994.
- The complaint had languished with the EEOC for many years and, after several years litigating the State's sovereign immunity, the matter was tried before an Administrative Law Judge (ALJ) in late 2012 and early 2013.
- In August 2014, the ALJ issued a decision vindicating the State and determining that the sexual harassment and retaliation claims were without any merit. That decision was not appealed.

LEGISLATION AND REGULATIONS

The Legislation and Regulations Section tracks all legislative bills; reviews all passed legislation for legal issues; assists state agencies with the legislative process and regulations projects; and provides legal review of all adopted regulations. Section attorneys also respond to press and public inquiries on litigation and other matters of public interest. Other state attorneys use the section as a source for historical legislative information useful in litigation or policy-development projects.

2014 Highlights

- The section revised the forms used by state agencies to propose regulations to comply with new legal requirements.
- The section held training sessions for agency personnel and state attorneys to explain the new legal requirements for information to be included with the notice of proposed regulations.



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NATURAL RESOURCES

Through litigation, administrative proceedings, and advice to executive branch agencies, the Natural Resources Section helps support the responsible development of the State's natural resources. In 2014, the section continued its efforts on various fronts, including asserting the State's right to certain roads and navigable waterways, litigating issues under the Endangered Species Act, and litigating rules applicable to the Tongass National Forest. Two matters of particular importance are outlined below.

Alaska Allowed to Pursue Its Challenge to the Roadless Rule

- In 2001, the U.S. Department of Agriculture adopted a rule prohibiting timber harvests and the construction or reconstruction of roads on millions of acres of national forest lands that previously had been identified as "roadless," including most of the Tongass and Chugach National Forests.
- The Roadless Rule was the subject of much litigation, both in Alaska and the western United States, resulting in the repeal of the rule in 2005, and its subsequent reinstatement by a California court in 2006.
- In 2011, Alaska challenged the Roadless Rule as it applied to

Alaska, but the district court ruled that Alaska's suit was barred by the statute of limitations. Alaska appealed to the D.C. Circuit Court of Appeals, which agreed with Alaska that the suit was not barred and that Alaska's challenge to the Roadless Rule could go forward.

Beringia Population of Bearded Seals Removed from ESA Listing

- In 2012, the National Marine Fisheries Service (NMFS) listed the Beringia population of bearded seals as threatened under the Endangered Species Act. The Beringia population of bearded seals is found within Alaska and other U.S. lands and waters.
- Although the NMFS admitted that the Beringia population is currently at healthy levels, it decided to list the population anyway.
- Alaska worked with other groups to challenge that listing because it was based solely on speculative 100-year projections that lacked the necessary scientific basis to support the decision. In July 2014, the district court agreed that the listing was improper.
- The case is now on appeal before the Ninth Circuit Court of Appeals.

OIL, GAS AND MINING

The Oil, Gas and Mining Section represents the Department of Natural Resources (DNR), the Department of Revenue (DOR), and the Alaska Oil and Gas Conservation Commission (AOGCC). The section protects Alaska's interest in the development of oil and gas resources, and the State's receipt of petroleum taxes and royalties. Last year, the section assisted its clients in both transactional and litigation matters, including the following examples.

Alaska LNG Project

- The section provided legal support to advance a liquefied natural gas (LNG) project to transport natural gas from the North Slope for in-state use and export.
- The State participates in the AKLNG project, under the terms of SB 138 (passed by the Legislature in 2014), along with the other project participants, including the Alaska Gasline Development Corporation (AGDC), TransCanada, BP, ConocoPhillips and ExxonMobil. The project involves a gas treatment plant on the North Slope, a gas pipeline, and an LNG plant in southcentral Alaska. The project is currently in the preliminary front-end engineering and design phase, called Pre-FEED.
- The section advised DNR and DOR on legal issues relating to the commercial, regulatory, and fiscal aspects of a large-scale LNG project.

Schlumberger Technology Corporation v. Department of Revenue

- The section prevailed in an Alaska Supreme Court case in which

a company challenged Alaska's corporate income tax law.

- The Alaska Net Income Tax Act (ANITA) apportions a company's worldwide income to determine the share of income Alaska may tax. This apportionment applies where the company operates in a unitary manner with its Alaska subsidiaries, which is determined by a number of considerations including whether the subsidiary and parent-corporation are functionally integrated. Alaska's tax law and DOR's application of the law were upheld by the court.

Wishbone Hill Coal Permit

- Several groups, collectively called the Friends of the Mat-Su as well as the Chickaloon Village Traditional Council, challenged the validity of the Wishbone Hill coal mine permits issued by DNR to Usibelli, and requested an inspection by the federal oversight agency, the Office of Surface Mining Reclamation and Enforcement (OSMRE). The groups claimed that the permits were invalid because mining operations did not begin within three years of permit issuance under the terms of a statute.
- Section attorneys provided legal advice to DNR and represented the agency in communications with OSMRE.
- OSMRE recently issued a decisional letter finding that the coal permits were valid, but also directing DNR to implement certain procedures regarding timely commencement of mining operations.

OPINIONS, APPEALS AND ETHICS

The attorneys in the Opinions, Appeals, and Ethics Section handle important or complex appeals; assist with the appellate work of other sections; handle Executive Branch Ethics Act matters; and provide advice and representation in Indian law matters. Section attorneys are often asked to lend their legal research and writing skills to other important litigation. Last year, the section assisted in drafting and negotiating an intergovernmental template agreement relating to tribal courts.

Civil Diversion Agreement – Intergovernmental Agreement Relating to Tribal Courts

- In the late summer of 2013, the governor was approached by Native leaders seeking an agreement with the State to delegate authority over certain crimes in the rural villages to the tribes. The Indian law attorneys worked closely with the attorney general, deputy attorney general, and leaders at the Tanana Chiefs Conference to come up with a working draft of the Civil Diversion Agreement.
- The purpose of the Civil Diversion Agreement is to create a path for tribes to handle violations of certain state law misdemeanors and offenses in tribal court. As it is presently written, the agreement covers alcohol offenses, including minor consuming or in possession offenses, as well as local option possession offenses in communities that have voted to ban alcohol. It also includes Class B misdemeanor offenses (which include some drug-related offenses) and some fourth degree assault offenses.
- Under the Civil Diversion Agreement, an offender will be offered the option of having a tribal civil remedy imposed in tribal court instead of being prosecuted in state court. Both tribal members and non-members can choose to have their case diverted to the tribal court. If the offender agrees to have the cases diverted, then the procedure and remedy is completely up to the tribal court. This allows the tribal court to determine the restorative justice remedies that will be most meaningful to the offender and the community. The hope is that this tribal process will get offenders back on track after witnessing the impact their actions have had within their families and within their local communities.

REGULATORY AFFAIRS AND PUBLIC ADVOCACY (RAPA)

RAPA advocates for the general public interest in matters that come before the Regulatory Commission of Alaska (RCA), including the interests of consumers who would not otherwise have an effective voice regarding the rates and services provided by regulated utilities or pipeline carriers. Regulated public utilities are generally monopoly providers of essential

public services (water, electric power, natural gas for heat, etc.). Regulated pipelines are generally common carriers transporting oil or gas products to meet public utility fuel requirements or to bring hydrocarbons to market. Three cases RAPA addressed last year are highlighted on the following page.



RAPA advocacy resulted in approximately

\$4.43 million

in quantifiable consumer benefits.

Municipal Light & Power (ML&P) Rates

- ML&P is owned by the Municipality of Anchorage and provides electric power service within parts of the Municipality. It is regulated by the RCA, and any rate increases it seeks must be approved by the RCA.
- ML&P filed a rate case in 2012 seeking a 9.72 percent rate increase. RAPA participated in the docket, investigated, and disputed parts of ML&P's rate request.
- Following trial, the RCA determined ML&P's rate increase should be limited to 6.57 percent, resulting in a \$2.3 million reduction in the utility's revenue requirement and a \$600,000 refund to consumers.

Chugach Electric Association Rates

- Chugach is a cooperative providing electric utility service in the Anchorage bowl and in parts of the Kenai Peninsula.
- Chugach filed a rate case in 2012 seeking a 26 percent rate increase. RAPA participated in the docket, investigated, and disputed parts of Chugach's rate request.
- A settlement was reached in 2013 which was approved by the RCA. The

settlement resulted in a \$2 million reduction in Chugach's revenue requirement and a \$160,000 refund to consumers.

Hilcorp Cook Inlet Pipelines

- Hilcorp Alaska, LLC recently acquired Marathon Oil Company's Cook Inlet natural gas assets. As a result of this acquisition, Hilcorp is now the sole owner of four interconnected natural gas pipelines in the Kenai Peninsula.
- Each pipeline acquired operated independently under different tariff terms and conditions resulting in increased costs to natural gas shippers and consumers, including Cook Inlet utilities that use natural gas to produce electric power and provide space heat throughout Southcentral Alaska.
- RAPA participated in a successful mediation with Hilcorp and various Hilcorp customers over a six month period in 2014. The mediation resulted in a settlement approved by the RCA creating a unified pipeline operating under a uniform ("postage stamp") tariff rate. This will result in increased efficiencies and lower costs in moving gas from Cook Inlet natural gas producers to utility and industry purchasers, and ultimately to utility consumers.

TORTS AND WORKERS' COMPENSATION

The Torts and Workers' Compensation Section defends the State and its employees in tort lawsuits, and represents the State as an employer before the Alaska Workers' Compensation Board. The tort claims handled by the section range from personal injury and property damage to medical malpractice, wrongful death, and civil rights. Below are several examples of the section's recent accomplishments.

Substitution of the State for an Employee Defendant

- AS 09.50.253 provides for substitution of the State of Alaska as a party in place of individual state employee defendants in certain types of cases. This substitution occurs when the attorney general certifies that the defendant employee was acting within the scope of employment. The State's defenses then apply to those claims.



There are routinely

200 cases

being handled by workers' compensation attorneys.

- Under the Alaska Supreme Court decision in *State, DOC v. Heisey*, a plaintiff can challenge the attorney general's certification decision through an evidentiary hearing. In the *Heisey* case, on remand, the trial court affirmed certification following the evidentiary hearing.
- The section participated in three other certification hearings in 2014, and the court affirmed substitution of the State in all of those cases. In two other cases in which certification was challenged, a federal court and a state court affirmed certification and substitution without a hearing.
- A federal court dismissed a woman's civil rights lawsuit against state social workers and a trooper who were involved in taking the woman's baby into emergency state custody. The court found that the state court child protection proceedings had conclusively resolved all issues being raised in the federal lawsuit.
- A state court granted summary judgment to the State in a lawsuit regarding damage to a floatplane on Lake Hood at the Ted Stevens Anchorage International Airport. The court found that the damage claims were barred by the terms of the lease between the airport and the floatplane owner.

Containing Costs of Litigation Through Motion Practice

- The section pursues aggressive motion practice whenever possible to contain the ultimate costs of litigation in tort cases. In at least 15 cases in 2014, the section prevailed on dispositive motions, terminating the cases favorably and without trial. The following are some notable examples.
- The section obtained complete summary judgment in a lawsuit brought against two former state employees and an assistant attorney general for their role in calling a fish hatchery's state loans due in 1997. The creditor claimed that the state employees were personally liable for conspiring to commit a fraudulent conveyance. The court found that there was no fraudulent conveyance as a matter of law and a past settlement agreement the creditor had entered into barred all claims against the state employees.

- A federal court dismissed an action brought by a contractor against a state procurement official and two assistant attorneys general about the handling of a contract claim after the Alaska Supreme Court issued an opinion in the contract claim appeal.

Medicaid Fraud Control Unit – Seizure of Records

- The section represented the Medicaid Fraud Control Unit in a lawsuit challenging the scope of a seizure of patient medical records during an investigation of Medicaid provider fraud in Ketchikan.
- After extensive motion practice, a bench trial, and supplemental briefing, the court found that the seizure and the applicable search warrant did not violate patients' constitutional right to privacy. The court denied the injunctive relief requested by the plaintiffs.

TRANSPORTATION

The Transportation Section assists Department of Transportation and Public Facilities and other state agencies with transportation and infrastructure projects and operations. Section attorneys provide legal advice on everything from construction issues, real property and right-of-way acquisition, funding issues, airport and Marine Highway System operations, legislative and regulatory issues, environmental permitting and compliance issues, and even media contracts for Alaska-based television shows. Much of the section's efforts are spent helping its client agencies with many of the State's largest infrastructure projects, and big projects can lead to big disputes. Section attorneys therefore regularly engage in both litigation and the administrative dispute resolution process to protect the State's interests.

Juneau Access

- The Federal Highway Administration prepared an Environmental Impact Statement (EIS) for the proposed road from Juneau north to a ferry terminal near Haines and Skagway.
- The EIS was challenged in federal court, where section attorneys worked with the Federal Highway Administration to defend it.
- As a result of the lawsuit additional work on the EIS is required, which is proceeding with the help of section attorneys.
- Section attorneys are also working to secure right-of-way easements from the U.S. Forest Service that were created by federal law, but which the Forest Service has so far refused to convey to the State.



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ADMINISTRATIVE SERVICES DIVISION

The Division of Administrative Services provides administrative support to the Civil and Criminal Divisions to fulfill the mission of the department. Its functions include procurement, information technology, budget, financial management (including funds collected and disbursed as court-ordered restitution for victims of crime), timekeeping, and human resources.



*Dave Blaisdell is the Director of the
Administrative Services Division.*

HIGHLIGHTS INCLUDE:

- The division helped the department collect and manage in excess of \$400 million of awards and collections.
- The division administered over 169 professional services contracts, managed a nearly \$100 million budget and managed the information technology for the department. The information technology continued to grow with:
 - the expanded deployment of the Civil Division case management system;
 - the development of a receipting program to improve the process of collecting and disbursing funds, including restitution;
 - the deployment of an evidence tracking tool allowing the electronic transfer of evidence to defense attorneys; and
 - the deployment of an electronic discovery application to be used in both litigation and responding to public records requests.
- The department is replacing the Criminal Division's obsolete case management system with a system that is up to current business standards. The division plans to configure and deploy the system statewide in the coming year.
- Efforts are underway to deploy CITRIX, a remote connectivity service. Initial deployment to the Civil Division's rural offices enabled the offices to use the division's case management system, instead of sending information to Anchorage to be entered. The department is now incorporating CITRIX into the Criminal Division's operations. This will enable the Criminal Division to upgrade their existing desktop software from Office 2003 to Office 2010, the current State of Alaska standard.
- The division implemented a high speed scanning process in our core locations increasing productivity and floor space by allowing for high speed document management and the elimination of boxes of physical media in the office space.
- The division provided personnel training related to performance management and performance coaching to employees in the Civil and Criminal Divisions, as well as training to employees statewide on personnel matters pursuant to a Memorandum of Agreement with the Division of Personnel, Department of Administration.

