


Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jonathon Torres, Department of Administration
FROM: April Simpson, Office of the Lieutenant Governor 
465.4081
DATE: June 17, 2024
RE: Filed Permanent Regulations: Office of Public Advocacy

Department of Administration - Office of Public Advocacy regulations re: increase compensation for attorneys, guardians, investigators (2 AAC 60.010; 2 AAC 60.030)

Attorney General File:	2023200606
Regulation Filed:	6/17/2024
Effective Date:	7/17/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600

June 13, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *2 AAC 60.010; 2 AAC 60.030: DOA - OPA - Increase compensation for attorneys, guardians, investigators*
Our file: 2023200606

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Administration, Office of Public Advocacy against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Office of Public Advocacy after the close of the public comment period.

The regulations increase the maximum compensation for court-appointed attorneys, guardians ad litem, and investigators.

Both the March 20, 2024 public notice and the June 10, 2024 order adopting changes to regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.06.13
11:45:56 -08'00'

RCP/bws

CC w/enclosure: Jonathon Torres, Regulations Contact
Department of Administration

Claire Keneally, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS
OF OFFICE OF PUBLIC ADVOCACY

The attached 3 pages of regulations, dealing with compensation for court appointed attorneys and compensation for guardians ad litem and investigators, are adopted and certified to be a correct copy of the regulation changes that the Office of Public Advocacy adopts under the authority of AS 44.21.410 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Office of Public Advocacy paid special attention to the cost to private persons of the regulatory action being taken. ¹

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 6/10/2024



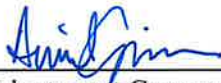
Jonathon Torres, Deputy Director, Office of Public
Advocacy

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

June 17, 2024, at 11:52am., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Nancy Dahlstrom*

Effective: July 17, 2024

Register: 251, October 2024.

¹ For Department of Environmental Conservation regulations related to control, prevention, and abatement of air, water, or land or subsurface land pollution, the Department of Law recommends the addition of the following sentence: "The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action as required by AS 46.03.024."

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

2 AAC 60.010 is amended to read:

2 AAC 60.010. Compensation for court-appointed attorney [ATTORNEYS]. An attorney [ATTORNEYS] appointed by the court under Alaska Administrative Rule 12(b)(1)(B) is [ARE ENTITLED TO BE] compensated at the rate set by the office of public advocacy. Except for when excess compensation has been authorized [ABSENT AUTHORIZATION] under 2 AAC 60.060, total compensation for a [ANY] case for which the office of public advocacy is responsible for paying a private attorney may [WILL] not exceed the amount set out in the following schedule:

(1) criminal and delinquency cases:

(A) misdemeanor - \$3,000 [\$1,625];

(B) class C felony - \$6,800 [\$4,000];

(C) class B felony - \$8,300 [\$4,875];

(D) class A felony - \$15,000 [\$9,000];

(E) unclassified felony - \$30,000 [\$20,000];

(F) probation or parole revocation:

(i) misdemeanor - \$1,000 [\$625];

(ii) felony - \$2,500 [\$1,875];

(G) post-conviction relief:

(i) misdemeanor - \$3,500 [\$2,500];

(ii) felony - \$9,000 [\$7,500];

(H) appeals:

(i) merit or combination merit and sentence - \$9,000 [\$7,500];

(ii) sentence - \$4,000 [\$3,125];

(iii) petition for review or petition for hearing - \$3,500 [\$2,500];

(iv) misdemeanor - \$3,500 [\$2,500];

(2) civil cases:

(A) child in need of aid proceeding brought under AS 47.10.010(a) -

\$9,000 [\$5,200];

(B) protective proceeding under AS 13.26 - \$3,500 [\$2,500];

(C) child custody proceeding - \$9,500 [\$6,250];

(D) appeal - \$9,000 [\$7,500]. (Eff. 7/31/86, Register 99; am 10/17/2021,

Register 240; am 7 / 17 / 2024, Register 251)

Authority: AS 44.21.410 AS 44.21.420

2 AAC 60.030 is amended to read:

2 AAC 60.030. Compensation for guardians ad litem and investigators. (a) A guardian ad litem appointed by the court is [ENTITLED TO BE] compensated as follows:

(1) an attorney appointed as guardian ad litem is **compensated as** [ENTITLED TO RECEIVE THE COMPENSATION] provided in 2 AAC 60.010(2);

(2) a person other than an attorney appointed as guardian ad litem is **compensated** [ENTITLED TO RECEIVE COMPENSATION] in an amount between \$35 [\$25] and \$95 [\$50] per hour, as determined by the office of public advocacy or [AS OTHERWISE] set **out** in [A VALID] contract;

(3) the [MAXIMUM] compensation for a guardian ad litem in **a** [ANY ONE] case involving a child **may** [WILL] not exceed \$9,000 [\$5,200] unless excess compensation is authorized under 2 AAC 60.060.

Register 251, October 2024 ADMINISTRATION

(b) A [A] person hired as an investigator may receive compensation in an amount between \$55 and \$95 [\$65] per hour, as determined by the office of public advocacy. (Eff. 7/31/86, Register 99; am 10/17/2021, Register 240; am 7 / 17 / 2024, Register 251)

Authority: AS 44.21.410 AS 44.21.420