Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR**
**ALASKA**

# MEMORANDUM

**TO:** Ninia Dizon, Regulations Contact
Department of Law

**FROM:** April Simpson, Alaska Administrative Code Coordinator
Office of the Lieutenant Governor

**DATE:** November 17, 2026

**RE:** Filed Permanent Regulations: Department of Law

Dept. of Law regulations re: Outisde Counsel 362 (9 AAC 2, 9 AAC 70)

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|---|---|
| Attorney General File: | 2026100665 (Part 1) |
| Regulation Filed: | 11/17/2026 |
| Effective Date: | 12/17/2026 |
| Print: | 260, January 2027 |

cc with enclosures: Legislation, Regulations, and Legislative Research Section
Department of Law

Lisa Gorman, Alaska Legal Analyst
LexisNexis

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
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November 16, 2026

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

Re: Approval and Submission of Regulations for Filing
9 AAC 2: Dept. of Law - Outside Counsel
Our file: 2026100665 (Part I)

Dear Lieutenant Governor Dahlstrom:

Pursuant to AS 44.62.060, the Department of Law has reviewed the enclosed regulations adopted by the Department of Law, concerning the supervision of legal services to state agencies by the attorney general.

Our review examined each regulation for legality, existence of statutory authority, clarity, compliance with the *Drafting Manual for Administrative Regulations*, and conformance with the procedural requirements of AS 44.62.010 - 44.62.290.

Based upon this review, the Department of Law approves each regulation as to form and legality. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to accept the regulations for filing.

In the course of review, the regulations attorney made technical and conforming changes under AS 44.62.125. These changes are incorporated into the enclosed copy and do not alter the substantive effect or meaning of the regulations.

We hereby submit the regulations to you for filing under AS 44.62.040 on behalf of the Department of Law.

Sincerely,

CORI MILLS
ACTING ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Digitally signed by Rebecca C. Polizzotto
Date: 2026.11.16 15:07:53 -09'00'
Legislation, Regulations, and
Legislative Research Section

RCP/PWP/tg

CC w/enclosure: Ninia Dizon, Regulations Contact
Department of Law

Parker W. Patterson, Senior Assistant Attorney General
Juneau
Department of Law

Cori Mills, Acting Attorney General
Department of Law

**Appendix I: Adoption Order**

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF LAW

The attached regulations, dealing with Supervision of Legal Services, is adopted and certified to be a correct copy of the regulation changes that the Department of Law adopts under the authority of AS 44.17.030 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 Department of Law 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: November 10, 2026

Cori Mills, Acting Attorney General

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on November 17, 2026, at 1:35 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Lieutenant Governor Nancy Dahlstrom

Effective: December 17, 2026.

Register: 260, January 2027.

[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.**

**NANCY DAHLSTROM**
**LIEUTENANT GOVERNOR**

9 AAC is amended by adding a new chapter to read:

## Chapter 2. Supervision of Legal Services.

**Section**

10. Purpose

15. Contracts for legal services

20. Attorneys employed by state agencies to provide legal services

25. Supervision of legal services

30. Definitions

**9 AAC 02.010. Purpose.** (a) The purpose of this chapter is to implement requirements for the administration of legal services to the state and to ensure that the attorney general maintains the appropriate supervision, direction, control, and coordination of state legal services.

(b) Except as otherwise provided in this chapter, the attorney general administers and supervises all legal services provided to state agencies, including legal services contracted for in accordance with statute, regardless of the source of funds to pay for those services.

(Eff. 12/17/2026, Register 260)

**Authority:** AS 44.17.010 AS 44.17.040 AS 44.23.020
AS 44.17.030

**9 AAC 02.015. Contracts for legal services.** (a) An agency may not contract for legal services without the approval of the attorney general, regardless of the source of funds to pay for legal services.

(b) If the attorney general determines that retaining counsel outside the department is

necessary to provide legal services to an agency, the attorney general may

(1) procure a contract for legal services; or

(2) permit the agency to procure a contract for legal services, provided that the attorney general approves the request for proposals, the form of contract, and the cost of the legal services.

(c) Before finalizing a contract for legal services under (b) of this section, the attorney general will determine whether the contract or legal services present a potential conflict of interest under the Alaska Rules of Professional Conduct or the Alaska Executive Branch Ethics Act (AS 39.52). A waiver of a conflict of interest or potential conflict of interest must be approved by the attorney general.

(d) A contract for legal services under this section must

(1) be approved in writing by the attorney general under 9 AAC 02.025;

(2) comply with AS 36.30 (State Procurement Code) and 2 AAC 12.010 - 2 AAC 12.990; and

(3) require the contracted attorney to consult with and defer to the attorney general on all questions of law affecting the administration of legal services to the state, including

(A) interpretation of the Alaska Constitution;

(B) interpretation of state laws concerning statutory authority of an agency;

(C) interpretation of state laws relating to the operation of state government, including

(i) AS 44.62.310 - 44.62.319 (Open Meetings Act);

(ii) AS 44.62 (Administrative Procedure Act);

(iii) AS 40.25.100 - 40.25.295 (Alaska Public Records Act);

(iv) AS 36.30 (State Procurement Code);

(v) AS 39.52 (Alaska Executive Branch Ethics Act);

(vi) AS 37.07 (Executive Budget Act);

(vii) AS 39.25 (State Personnel Act); and

(viii) the governance of state boards and commissions.

(e) This section does not apply to contracts for legal services provided to

(1) the Public Defender Agency in criminal proceedings, child-in-need-of-aid proceedings, mental commitment proceedings, or in any other matter in which the attorney general is an adverse party;

(2) the Office of Public Advocacy in criminal proceedings, child-in-need-of-aid proceedings, public guardianship proceedings, or in any other matter in which the attorney general is an adverse party; or

(3) the Office of Administrative Hearings with respect to legal services procured under AS 44.64.040. (Eff. 12 / 17 / 2026, Register 260)

**Authority:** AS 44.17.030 AS 44.23.020

**9 AAC 02.020. Attorneys employed by state agencies to provide legal services.** (a) An agency may not directly employ an attorney to provide legal services to the agency without the approval of the attorney general unless

(1) the agency is expressly authorized by statute to employ legal counsel without the approval of the attorney general; or

(2) the attorney general and the agency have entered into a memorandum of understanding permitting the agency to hire an attorney to provide legal services, provided that the memorandum of understanding incorporates the requirements of this section.

(b) Before an agency directly employs an attorney to provide legal services under this section, the attorney general shall determine whether a conflict of interest exists under the Alaska Rules of Professional Conduct or the Alaska Executive Branch Ethics Act (AS 39.52). A waiver of a conflict of interest or potential conflict of interest must be approved by the attorney general.

(c) An attorney employed by an agency under this section may not appear on behalf of the agency in a legal proceeding before a court or administrative tribunal without the approval of the attorney general, unless the agency has express authority to hire counsel to represent it in legal proceedings without the approval of the attorney general.

(d) An attorney employed by an agency under this section shall consult with and defer to the attorney general on all questions involving interpretation of the Alaska Constitution, interpretation of state laws concerning statutory authority of an agency, and the interpretation of state laws relating to the operation of state government, including

(1) AS 44.62.310 - 44.62.319 (Open Meetings Act);

(2) AS 44.62 (Administrative Procedure Act);

(3) AS 40.25.100 - 40.25.295 (Alaska Public Records Act);

(4) AS 36.30 (State Procurement Code);

(5) AS 39.52 (Alaska Executive Branch Ethics Act);

(6) AS 37.07 (Executive Budget Act);

(7) AS 39.25 (State Personnel Act); and

(8) the governance of state boards and commissions.

(e) This section does not apply to the employment and supervision of attorneys by the Public Defender Agency, the Office of Public Advocacy, or the Office of Administrative Hearings.

(f) This section does not apply to the employment of an attorney for a purpose other than providing legal services to an agency. An employee of an agency who is an attorney not approved by the attorney general to provide legal services to the agency may not provide legal services to the agency without first complying with the requirements of this section. (Eff. 12/17/2026, Register 260)

**Authority:** AS 44.17.030 AS 44.23.020

**9 AAC 02.025. Supervision of legal services.** (a) An agency may not, without first obtaining written approval from the attorney general,

(1) waive sovereign immunity;

(2) initiate civil litigation by filing a suit in a state or federal court;

(3) enter into a settlement agreement to resolve a claim, regardless of whether litigation of the claim is pending;

(4) agree to indemnify a third party;

(5) appeal a decision of a court or administrative tribunal;

(6) agree to a choice-of-law provision that consents to the application of the laws of a jurisdiction other than the state; or

(7) agree to a choice-of-forum provision that consents to a forum other than the courts of the state.

(b) This section does not apply to

(1) the Public Defender Agency in criminal proceedings, child-in-need-of-aid proceedings, mental commitment proceedings, or in any other proceeding in which the attorney general is an adverse party; or

(2) the Office of Public Advocacy in criminal proceedings, child-in-need-of-aid proceedings, public guardianship proceedings, or in any other proceeding in which the attorney general is an adverse party. (Eff. 12/17/2026, Register 260)

Authority: AS 44.17.030 AS 44.23.020

**9 AAC 02.030. Definitions.** In this chapter,

(1) "attorney general" means the attorney general or the attorney general's designee;

(2) "department" means the Department of Law;

(3) "state agency" or "agency" means a department, institution, board, commission, division, authority, public corporation, or other administrative unit of the executive branch of state government, except

(A) the Alaska Railroad Corporation;

(B) the University of Alaska;

(C) the Alaska Bar Association;

(4) "legal services" means professional services requiring a legal license under AS 08.08.210, including services in representing the state, an agency, or state official in a legal proceeding, or providing legal consultation or advice to an agency; "legal services" does not include service as a hearing officer or administrative law judge under AS 44.64, AS 23, or AS 42, as an appeals commission member under AS 23, or in a quasi-judicial capacity

in any other administrative hearing in which the state may appear as a party. (Eff. 12/17/2026, Register 260)

**Authority:** AS 44.17.030 AS 44.23.020