

Who is entitled to request a formal Attorney General opinion?

The Governor, Legislature, state officers and agencies, offices of county corporation counsel and district attorneys may request a formal opinion.

Who is not entitled to request a formal Attorney General opinion?

Private citizens; city, village, town or other municipal attorneys; and state agency employees are not entitled to request a formal Attorney General opinion.

What questions are appropriate for an Attorney General opinion?

The most appropriate use for an Attorney General opinion is to clarify the interpretation of statutes whose meaning is in dispute or doubt, or which appear to be inconsistent with other state laws.

How is an Attorney General opinion requested?

An authorized person submits a written request to the Attorney General that includes:

- Each question upon which an opinion is desired;
- All of the facts giving rise to each question presented;
- A tentative conclusion upon any question presented and the reasoning upon which that conclusion is based;
- An analysis of all relevant statutory provisions, case law and other authorities, whether or not they support the tentative conclusion concerning the question presented.

Please see 77 Op. Att’y Gen. Preface (1988) for a more detailed explanation of the criteria for requesting a formal opinion. An opinion request which does not comply with these criteria may be returned to the requester with instructions to re-submit the request in an appropriate form.

What questions are not appropriate for an Attorney General opinion?

- Questions seeking to resolve issues of fact, since the Attorney General has no authority to decide questions of fact
- Questions relating to issues of current or reasonably imminent litigation
- Questions involving the exercise of legislative or executive judgment or the exercise of discretion by public officers
- Questions seeking interpretation of purely federal or purely local laws
- Questions unrelated to the duties and responsibilities of the officer making the request, or questions asked on behalf of persons not entitled to request an Attorney General’s opinion
- Questions relating to disputes between private persons