

Attorney General Opinions and Legal Disclaimer

Legal Disclaimer:

What is an Attorney General's Opinion?

Opinions may be issued by the Attorney General in response to requests by state agency officials and state legislators to help them perform their duties. These opinions are not law, but rather they advise state officials on questions of law and on how the law applies to particular fact situations. The Attorney General may not issue opinions or provide legal advice to local government officials, private individuals, or private entities.

Prior to September 14, 2006, Attorney General Opinions came in two forms: Formal Attorney General Opinions and Informal Attorney General Opinions. Formal opinions were in letter format and were signed by the Attorney General as the chief legal officer of the State. Formal opinions typically responded to questions concerning constitutional issues and other matters of statewide concern. Informal opinions were typically issued in memorandum format and were signed by the Assistant Attorney General who prepared them or by the Deputy Attorney General. Informal opinions typically were issued on matters less likely to impact those other than the requestor.

On September 14, 2006, the formal/informal distinction was eliminated. After that date all published opinions are issued in letter format and are referred to as "Attorney General Opinions." Attorney General Opinions may be signed by the Attorney General, the Deputy Attorney General, or by an Assistant Attorney General.

Attorney General Opinions are letters of legal advice that are not confidential or otherwise privileged, and that are considered to have significance as applied to other circumstances. Significant ethics opinions to which confidentiality was waived and significant bill review letters are also published as Attorney General Opinions. Ethics opinions are advisory opinions interpreting the Executive Branch Ethics Act (AS 39.52.010 – AS 39.52.960). Bill review letters provide to the Governor a legal analysis of passed legislation that is before the Governor for signature or veto. Not all legal advice prepared by the Department of law is published as an Attorney General Opinion.

Attorney General Opinions express a well-considered opinion that may or may not be agreed with by a court faced with the same issue at a later date. The Attorney General may reevaluate and, if necessary, revoke or modify prior opinions. Additionally, because the Attorney General's obligation to publicly provide advice may at times collide with the Attorney General's obligation to represent the State of Alaska as litigation counsel, the Attorney General may be required to take a litigation position at odds with a prior opinion.

Because we do not have the resources to maintain a constant review of all the issues in all the Attorney General Opinions, not all overruled or obsolete opinions may be noted. We cannot answer questions about the continuing validity of opinions.