

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities

TO: DISTRIBUTION

DATE: January 4, 198

TELEPHONE NO: 465-3900

SUBJECT: Requests for
Legal Opinions
and Advice

FROM: Mark S. Hickey *MSH*
Commissioner

Please find attached a memorandum sent to me by the Attorney General which sets out guidelines for requesting legal advice and legal opinions.

In addition to reiterating the Attorney General's long standing policy requiring that all formal legal requests go through the head of a department, this memorandum requires that all requests for legal advice be channelled through my office. Consequently, in addition to the requirements of my October 8, 1987 memorandum (attached), please write a brief description of all legal advice requested from the Attorney General's Office and channel it through the department's liaison with the Department of Law, Clyde Stoltzfus. It is particularly important that the procedures outlined be followed as Clyde will need to clear all requests for a written legal opinion with the Governor's Office.

DISTRIBUTION:

W. Keith Gerken, Deputy Commissioner, Operations
D. Randy Simmons, Deputy Commissioner, Budget & Finance
All Regional/System Directors
All Division Directors

cc: Grace Schaible, Attorney General, Department of Law
M. Clyde Stoltzfus, Special Assistant to the Commissioner
Ron Clarke, Special Staff Assistant, Office of the Governor

MEMORANDUM

State of Alaska
Department of Law

TO: Lt. Governor Stephen McAlpine
Commissioners of all Departments
Presiding Officers and Executive
Directors of all Boards,
Commissions and Authorities

DATE: December 19, 1988

FILE NO.:

TEL. NO.: 465-3600

SUBJECT: Requests for legal
opinions

FROM: *Grace Berg Schaible*
Grace Berg Schaible
Attorney General

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DOT&PF
COMMISSIONER'S OFFICE

Somewhat over a year ago I addressed a memorandum to you, a copy of which is attached, requesting your cooperation in submitting requests for legal opinions.

At this time I would like to reiterate that all requests for legal advice be in writing and be initiated by or channelled through the head of the department. Also, please keep in mind that the request must contain an adequate statement of the question and underlying facts.

In addition, effective immediately, all opinion requests are to be submitted to Governor Cowper's office for policy issue review. To avoid delay in having an opinion request acted on, mail it directly to the appropriate Governor's office special assistant clearly marked "Opinion Request."

This memorandum is not designed to discourage seeking oral advice on minor matters or emergency requests which are to be followed by a written request as outlined in the last paragraph of my memorandum of September 18, 1987.

Requests received by this office which have not been routed through the Governor's office will be forwarded to the appropriate special assistant for policy issue review before assignment.

GBS/lg
Encl.

cc: Garrey Peska, Chief of Staff
All attorneys, Civil Division and
Central Office, Criminal Division

MEMORANDUM

State of Alaska
Department of Transportation & Public Facilities

TO: DISTRIBUTION

DATE: October 8, 1987

FILE NO:

TELEPHONE NO: 465-3900

FROM: Mark S. Hickey *MSH*
Commissioner

SUBJECT: Request for
Legal Opinions

Please find attached a memorandum sent to me by the Attorney General regarding requests for legal opinions. The Attorney General has reiterated a long standing policy of the Department of Law that all requests for legal opinions be channeled through my office. I support this request and have appointed Clyde Stoltzfus, Special Assistant to the Commissioner, as the department's liaison with the Department of Law.

To implement this policy internally, all requests for a written legal opinion from the Department of Law need to be first channeled through Clyde. When practical, all requests for a written legal opinion shall be in writing and shall include a brief description and documentation of the origin of the controversy or dispute. After his initial inquiries regarding the request, Clyde will report the request to the appropriate Deputy Commissioner and me for approval.

DISTRIBUTION:

W. Keith Gerken, Deputy Commissioner, Operations
Robert G. Poe, Jr., Deputy Commissioner, Budget & Finance
All Regional/System Directors
All Division Directors

cc: Grace Schaible, Attorney General, Department of Law
M. Clyde Stoltzfus, Special Assistant to the Commissioner
DOT&PF
Ray Price, Special Staff Assistant, Office of the Governor

MEMORANDUM

State of Alaska

Department of Law

TO: Heads of All Departments,
Boards, Commissions, and
Authorities

DATE: September 18, 1987

FILE NO:

TELEPHONE NO: 465-3600

THRU:

SUBJECT: Requests for legal
opinions

FROM: Grace Berg Schaible
Attorney General

Even though most of you (and your staff) are probably aware of the Department of Law's long-standing policy regarding the submission of requests for legal opinions, I think it worthwhile to reiterate it under my signature at this time.

All requests for written opinions by this office must be in writing and either be initiated by, or channeled through, the head of the agency in which the requesting entity is located.

Adherence to this procedure serves at least two purposes. First, it makes it possible for agency heads to evaluate whether or not a particular question is one which he or she believes needs to be resolved by the Department of Law. Second, it gives that head some idea of the variety and magnitude of legal problems with which his or her agency is dealing.

Whenever possible, I recommend that the appropriate attorney or attorneys in this department be contacted before any written opinion requests are prepared and forwarded to us. By discussing the question with them in advance, it may be possible to either resolve the question without the need for a written opinion or at least assist the agency in identifying and stating precisely the legal problem with which it is faced.

On an emergency basis you may submit oral requests only to my deputy, Ron Lorensen, or myself. However, we would expect that the oral request would be followed quickly by a written request.

GBS/lg

cc: Staff Attorneys, Civil Division, DOL