

Research Tip – Attorney General Opinions

I. Quick Links

[HeinOnline \(1917-current\)](#)

[Westlaw \(1977-current\)](#)

[Department of Law \(1986-current\)](#)

II. What is an Attorney General Opinion? ¹

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.

¹ http://www.law.state.ak.us/doctrinary/opinions_index.html

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III. Where to Find

a. HeinOnline

Alaska attorney general opinions are [available on HeinOnline](#) back to 1917. The opinions are available in PDF format. Accessible from any court or law library computer.

b. Westlaw

Alaska attorney general opinions are [available on Westlaw](#). Coverage begins in 1977, with selected documents beginning in 1970, and includes new documents as they are released by the state. The Attorney General may issue documents not considered official, and not included in this content. Accessible from any location with your Westlaw username and password or from any court or law library computer.

c. Department of Law

The Department of Law provides an online [Index of Attorney General Opinions](#) of attorney general opinions issued since the mid-1980's, with some gaps from the mid-1980's until 1990. The opinions are available in PDF format. Freely accessible from any location.

d. Print

All opinions, including territorial opinions, are available in print at Anchorage, Fairbanks, and Juneau Law Libraries. Contact [Ashley Stewart](#) for access to items not available in your location.

IV. How to Cite ²

Attorney general opinions (which is the designation for all attorney general opinions issued since September 14, 2006) are cited by their date of issuance:

2008 Op. Alaska Att'y Gen. (Aug.4)

Formal opinions (which were issued until September 14, 2006) were sequentially numbered, beginning with No. 1 each year. Formal opinions are cited by that sequential number:

1996 Op. Att'y Gen. No. 5 (Nov. 29)

Informal opinions (which were issued until September 14, 2006) are cited by their issuance date and case management number:

2005 Inf. Op. Att'y Gen. (July 5; 665-05-0171).

V. Further Information

For more information, visit the [Department of Law's website](#) or contact Ashley Stewart at 907-264-0583 or astewart@akcourts.us.

² http://www.law.state.ak.us/doclibrary/opinions_index.html