



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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Frequently Asked Questions on Attorney General Opinions

What are Attorney General opinions?

Attorney General opinions (sometimes called opinion letters) are official, written opinions explaining how the Attorney General understands state law to apply to a given situation. They generally address situations where existing laws and regulations are unclear. They do not resolve factual disputes.

Although West Virginia courts often treat them as persuasive, they are not binding. The Attorney General does not “rule” like a court. Attorney General opinions also cannot create new provisions in the law or correct unintended, undesirable effects of the law. Lastly, they do not necessarily reflect the Attorney General’s personal views.

What questions might be inappropriate for an Attorney General opinion?

We generally cannot provide opinions on:

- Matters in pending litigation,
- Proposed (but not passed) legislation,
- Disputes between private parties,
- Questions about the validity of laws the Attorney General may be called on to defend,
- Issues unrelated to the requester’s duties, or
- Purely federal or local matters.

Who may request an opinion?

Our authority to answer an opinion request is defined by statute. Those statutes say that we can provide opinions when requested by the Governor, [several other specific](#)

[State executive officers](#), the heads of certain state institutions, the President of the Senate, the Speaker of the House and “any other state officer, board or commission.” The Attorney General can also provide advice to county prosecuting attorneys.

Unfortunately, we cannot provide opinion letters to federal officers and employees, individual state legislators, state agency employees, local officials (other than the prosecuting attorney), or individual citizens.

How long will it take for the Attorney General to provide an opinion?

Typically, six to eight weeks, and sometimes longer.

Although opinions are not binding, they are published—and affected officials then take the advice seriously. For that reason, the Attorney General carefully deliberates on each opinion request and takes special care to ensure that each answer is an accurate reflection of the law.

Because of the process and analysis involved, faster answers cannot be provided except in extraordinary circumstances.

What should I include in my opinion request?

Requests must be in writing—and better information produces better opinions. Consider including the following in any opinion request:

- An accurate and complete description of the implicated facts;
- Any specific laws, regulations or other authority that you think may be relevant; and
- If the request involves competing interpretations of relevant authority, a description of that dispute.

Where a request comes from a county prosecuting attorney, we also ask that it be accompanied by the legal opinion and analysis of that attorney.

Please do not include confidential information in your request. Opinions are posted publicly on our website, and requests are generally subject to the West Virginia Freedom of Information Act.

Are there alternatives to issuing formal opinions?

On some occasions, the Office may be able to provide informal advice. That advice represents only the considered legal analysis of the Assistant Attorneys General or Solicitors General who provide it; the Attorney General may not personally review it.

Who should I contact to request an opinion?

Requesters should send their written request to the Solicitor General, Michael Williams, at michael.r.williams@wvago.gov.