

The Attorney General Opinion Process



By Greg Abbott
Attorney General of Texas

One of my primary duties as the Attorney General is to render Attorney General Opinions. These are written interpretations of existing law. This task is part of my responsibility as legal counsel for the State of Texas.

Attorney General Opinions interpret specific points of existing law and address legal issues that are ambiguous or unclear. They do not deal with questions of fact. Opinions cannot create new law, nor can they change undesirable aspects of a law. Only the state legislature can create or change Texas laws. An Attorney General Opinion does not reflect the Attorney General's personal opinion or view on a particular matter, nor is it a "ruling." It is strictly an unbiased interpretation of existing law.

Although an Attorney General Opinion is advisory, it carries the weight and force of law unless or until it is modified or overruled by a statute, a judicial decision, or a subsequent Attorney General Opinion. While an Attorney General Opinion is deemed to correctly state the law, ultimate

determination of a law's applicability, meaning or constitutionality is left to the courts.

Opinions may only be issued to certain state and local officials as prescribed by state law. These officials are called authorized requestors and are listed in Sections 402.042 and 402.043 of the Texas Government Code. The Attorney General is prohibited from providing a legal opinion to private individuals or to public officials not specified by statute.

If you are not authorized to request an Attorney General Opinion, but feel one is warranted to clarify a part of the law, you may wish to contact an authorized requestor to see if he or she would be willing to make a request on your behalf.

Once an official, valid opinion request is made, the Attorney General must interpret existing law in accordance with all applicable statutes, judicial decision and the Texas and United States Constitutions. This process involves extensive legal research by the Opinions Committee, a group of lawyers on my staff.

In addition to researching the law, the Committee solicits legal briefs from groups that are likely to be affected by the opinion. Comments from the general public are also welcomed.

The majority of Opinions are issued within 180 days of the request, but the amount of time will vary due to the amount of research involved and the number of legal briefs received.

All Attorney General Opinions are posted on our Web site at www.oag.state.tx.us, usually within 24 hours after they are issued. Pending opinion requests are also posted.

You can search opinions dating back to 1939 in the Opinions Section of our Web site. You can also use our Web site to register for automated e-mail notification of new opinions.

For more information about the Opinions process, read the Opinions Section of our Web site or call (800) 252-8011.

POINTS TO REMEMBER

ATTORNEY GENERAL OPINIONS

You can sign up for automated e-mail notification of opinions in the E-mail Subscription Section of our Web site at:

www.oag.state.tx.us

Authorized requestors include:

- the governor
- the head of a department of state government
- the head or board of a penal institution, the head or board of an eleemosynary institution
- the head of a state board, a regent or trustee of a state educational institution
- the chair of committee of the Texas Legislature
- a county auditor authorized by law
- the chairman of the governing board of a river authority
- a district or county attorney



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Information on this and other topics is available on the Attorney General's Web site at www.oag.state.tx.us.