

2.6 OPINIONS OF THE ATTORNEY GENERAL

The Minnesota attorney general issues opinions on state law to state agencies, public pension funds and local subdivisions of government. These opinions are advisory, except that in all school matters and some issues relating to the commissioner of revenue, opinions are binding until overturned by the courts. Since 1968, opinions of the Minnesota attorney general have been published monthly in the *Minnesota Legal Register*. Selected opinions or summaries also appear in other legal newspapers, such as *Finance and Commerce*. Attorney general opinions issued since 1977 are available on WestlawNext and Lexis Advance. Opinions issued since 1993 are available on the Attorney General's library.¹

From 1894 to 1968, selected opinions were included in the attorney general's biennial report. Compilations of selected opinions were published from 1858 to 1865, 1858 to 1885, and 1960 to 1968. These opinions were arranged by topic and numbered consecutively. Since 1934, the attorney general's office has assigned classification numbers reflecting the topic of the opinion. A complete set of opinions from 1858 to date on microfiche is available from the Minnesota Attorney General's Library.² These opinions are arranged both chronologically and by subject classification number.

Due to the complexity of locating Minnesota Attorney General Opinions, it is recommended to consult with a law librarian or the Attorney General's Library staff.³

There is no comprehensive index to attorney generals' opinions. The attorney general's office maintains the only complete list of the subject classifications by which opinions are numbered, although these classifications have been somewhat inconsistent. The *Numerical Index to the Selected Opinions of the Minnesota Attorney General 1933-1969*, compiled in 1976 by Barbara Golden, who went on to become State Law Librarian, provides a useful cross-reference from the subject classification numbers to the numbers assigned in the biennial reports, the 1960 to 1968 compilation, and volumes 1 and 2 of the *Minnesota Legal Register*. This allows the researcher with only the subject classification number to locate the opinion if it appears in one of the listed sources. There is a subject index covering 1894 to 1902 prepared by the public examiner, and one from 1910 to 1938 prepared by the Minnesota County Attorneys' Association. There are also individual subject indexes in the biennial reports and annual volumes of the *Minnesota Legal Register*.

Minnesota Statutes Annotated includes references to attorney generals' opinions in its annotations to statutory sections that have been the subject of an opinion. The opinions are cited by the year, number, and page in the biennial report. *Shepard's Minnesota Citations* lists attorney generals' opinions as citing references to cases but lists selected opinions in the biennial reports from 1902 to 1960 as cited references.

Selected *Opinions of the Attorney General of the United States* are published by the Office of Legal Counsel via their electronic reading room.⁴ *Official Opinions of the Attorneys General of the United States* is the official reporter of federal attorney generals' opinions.

¹ *Attorney General Opinions*, THE OFFICE OF THE MINNESOTA ATTORNEY GENERAL, <http://www.ag.state.mn.us/office/Opinions/Default.asp> (last visited June 2, 2015).

² *Id.*

³ As of October 2014, the Minnesota Attorney General's library may be contacted by emailing library.ag@ag.state.mn.us.

⁴ *Opinions*, THE U.S. DEPARTMENT OF JUSTICE,, <http://www.justice.gov/olc/opinions-main> (last visited Oct. 3, 2014).

Bound volumes are published very slowly. *Attorney General Opinions* back to 1791 are available from Westlaw, Lexis and HeinOnline.⁵

⁵ *Attorney General Opinions*, ZIMMERNAN'S RESEARCH GUIDE, ,
<http://law.lexisnexis.com/infopro/zimmermans/disp.aspx?z=1198> (last visited Oct. 3, 2014).