



REQUEST FOR ATTORNEY GENERAL'S OPINION

Attorney General's Office
Opinions Division
Post Office Box 220
Jackson, Mississippi 39205-0220

Telephone: 601-359-3680
www.ago.ms.gov

THIS OFFICE DOES NOT ADDRESS ISSUES ON MATTERS CURRENTLY IN LITIGATION

Is this issue in litigation? (YOU MUST CHECK ONE)

Yes No

If no, do you anticipate that litigation will be filed? (YOU MUST CHECK ONE)

Yes No

Requestor's Name: _____ Date: _____

City/County/Agency Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Email address: _____

Telephone Number: _____ Alternate Number: _____

Specify public title or official public position that qualifies you to request an opinion:

Specify the question which is the subject of your request for an official opinion (Attach additional sheets if required):

Exhibit "1"

Set forth the facts relevant to the question which is the subject of your request for an official opinion (Attach additional sheets if required):

Please upload your written request for an opinion on your official letterhead here.

Signature and title of individual requesting opinion:

SIGNATURE

TITLE

OPINIONS AND POLICY

— Opinions

The Attorney General issues official opinions pursuant to Section 7-5-25, Miss. Code Ann. The official opinion process can be found [here](#).

[Request form for an official Attorney General's opinion](#)

[Submit the request form and your request letter on official letterhead here](#). If you are in need of the opinion on short notice, please note that and the specific circumstances that necessitate an expedited opinion in your request.

Recently published opinions can be found [here](#).

Search Attorney General opinions [here](#).

The Attorney General's Office publishes opinion outlines, as well, summarizing recent opinions and interlocal agreements.

- The outline covering January 1, 2020 through June 30, 2020 can be found [here](#).
- The outline covering July 1, 2020 through December 31, 2020 can be found [here](#).
- The outline covering January 1, 2021 through March 31, 2021 can be found [here](#).
- The outline covering April 1, 2021 through June 30, 2021 can be found [here](#).
- The outline covering July 1, 2021 through September 30, 2021 can be found [here](#).
- The outline covering October 1, 2021 through December 31, 2021 can be found [here](#).

- Home
- Accounting
- Bureau of Victim Assistance
- Children's Justice
- Civil Litigation
- Communications
- Constituent Outreach
- Consumer Protection
- Criminal Appeals
- Cyber Crime
- Executive
- Information Technology
- Investigations
- Medicaid Fraud Control Unit
- Opinions and Policy
- Prosecutor and Law Enforcement Training

Exhibit "2"

* This is a snip from the website of the Mississippi Attorney General (on June 18, 2026): <https://attorneygenerallynnfitch.com/divisions/opinions-and-policy/>



Lynn Fitch

ATTORNEY GENERAL
OPINIONS AND POLICY

MS ATTORNEY GENERAL'S OFFICE **OFFICIAL OPINION PROCESS**

Issuing legal opinions to Mississippi governmental entities is a very important function of the Office of the Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation to public bodies. Opinions of the Attorney General are advisory only and not binding in a court of law. However, an official written opinion of the Attorney General statutorily affords protection to the requesting public official against civil and/or criminal liability if such official, in good faith, follows the direction of the opinion and acts in accordance.

Attorney General Opinions are intended to address only questions of state law. Official opinions cannot answer questions of federal law, questions of fact, mixed questions of fact and law, or questions of executive, legislative, or administrative policy. *An Attorney General Opinion is not a substitute for the advice and counsel of the attorneys who represent governmental agencies and officials on a day-to-day basis.*

1. Opinion Requests. Requests for official opinions must be submitted electronically through the Attorney General's website. A requesting party must electronically submit a completed "Request for an Official Attorney General's Opinion" form as well as an official request letter on official letterhead.
 - a. If an official opinion is needed on short notice, the requestor may ask for an expedited response and set forth the specific circumstances that necessitate an expedited opinion, including the date by which the opinion must be issued. If an emergency is determined to be legitimate, reasonable efforts shall be made to accommodate the request for an expedited response.
 - b. The Opinions Division will aim to turn around requests within 100 days after receipt. If it is an emergency request, the Opinions Division will aim to turn around requests within 45 days after receipt. Of course, this time frame could be changed depending upon the nature of the request.
2. To Whom Requests May Be Issued. Official opinions of the Attorney General may be issued only to the following officials and entities:
 - Any state-wide elected official;

- Any state agency, board, or commission;
- Member of the Legislature;
- District Attorneys;
- Any County Officer, i.e., boards of supervisors, sheriffs, chancery clerks, circuit clerks, superintendents of education, tax assessors, and county surveyors;
- Mayors, city councils, and boards of aldermen.

3. Subject Matter of Requests. Requests for official opinions may only seek an interpretation of Mississippi statutory law. The Office of the Attorney General **will decline** to issue an official opinion upon any of the following questions:

- Questions of a speculative nature;
- Questions involving federal law;
- Questions interpreting contracts;
- Questions requiring factual determinations;
- Questions which cannot be resolved due to an irreconcilable conflict in the laws;
- Questions of executive, legislative, or administrative policy;
- Questions on matters that are addressed in proposed legislation currently before the Legislature;
- Questions pending before a court or administrative forum;
- Questions involving only an interpretation of local codes, charters, ordinances, or regulations;
- Questions involving the official duties of someone other than the requestor;
or
- Questions the official or agency has already acted on (past actions) and is seeking to justify (such as the expenditure of public funds or the adoption of an ordinance).

4. Acknowledgement of Opinion Requests. Receipt of a proper request is acknowledged by electronic correspondence to the requestor within three (3) business days of receipt. If the request is not one upon which the Opinions Division can opine because it is from an improper official or entity or involves an improper question, the requestor will be notified of such by electronic correspondence.

5. Requests for Withdrawal. A request for withdrawal of a pending opinion may be made at any time by the requesting party. A request for a withdrawal must be made electronically through the website. A request for withdrawal made after the opinion is in the drafting process is subject to the discretion of the Office of the Attorney General and may not be granted if it is determined significant time and effort has already been expended in drafting

an opinion in response to the request. If the withdrawal is granted, the requesting party will receive electronic correspondence acknowledging the withdrawal.

6. Opinion Review. Draft opinions are subject to a rigorous review process prior to final review by the Attorney General including, but not limited to, review by the Opinions Committee, which consists of the Deputy Attorney General over Opinions, Solicitor General, and the Division Directors for Opinions, Civil Litigation, Criminal Litigation, and State Agencies. The Opinions Committee meets every month, but may meet more often, dependent upon the volume of pending opinion requests or any request seeking an expedited response.
7. Opinion Approval. Upon the Attorney General's approval, the final opinion is issued to the requesting party by electronic correspondence and posted on the website.
8. Publication of Issued Opinions. A comprehensive summary outline of all official opinions issued each month is published on the Attorney General's website. Furthermore, a searchable database of published opinions is available through the website as well as Lexis and Westlaw.
9. Request for Reconsideration. A requestor may request an official opinion be reconsidered. Such a request must be submitted in the same form as any other opinion request, cite the opinion to be reconsidered and set forth the reasons for which the opinion should be reconsidered.

Miss. Code Ann. § 7-5-23

§ 7-5-23. Opinion-book

Currentness

The attorney general shall keep an “opinion-book”, in which he shall record or cause to be recorded each and every opinion given by him, or by his assistants, in pursuance of law. Each of his opinions shall be prefaced with a clear and concise statement of the facts upon which it is predicated. The “opinion-book” shall be kept well indexed, both as to subject matters and parties.

Credits

Laws 1930, Ch. 154, § 8, eff. the first day of the month next after its passage (approved May 19, 1930).

Miss. Code Ann. § 7-5-25

§ 7-5-25. Written opinions

Effective: [See Text Amendments] to June 30, 2026

Currentness

The Attorney General shall give his opinion in writing, without fee, to the Legislature, or either house or any committee thereof, and to the Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Superintendent of Public Education, the Insurance Commissioner, the Commissioner of Agriculture and Commerce, the State Geologist, the State Librarian, the Director of Archives and History, the Adjutant General, the State Board of Health, the Commissioner of Corrections, the Public Service Commission, Chairman of the State Tax Commission, the State Forestry Commission, the Transportation Commission, and any other state officer, department or commission operating under the law, or which may be hereafter created; the trustees and heads of any state institution, the trustees and heads of the universities and the state colleges, the district attorneys, the boards of supervisors of the several counties, the sheriffs, the chancery clerks, the circuit clerks, the superintendents of education, the tax assessors, county surveyors, the county attorneys, the attorneys for the boards of supervisors, mayor or council or board of aldermen of any municipality of this state, and all other county officers (and no others), when requested in writing, upon any question of law relating to their respective offices.

When any officer, board, commission, department or person authorized by this section to require such written opinion of the Attorney General shall have done so and shall have stated all the facts to govern such opinion, and the Attorney General has prepared and delivered a legal opinion with reference thereto, there shall be no liability, civil or criminal, accruing to or against any such officer, board, commission, department or person who, in good faith, follows the direction of such opinion and acts in accordance therewith unless a court of competent jurisdiction, after a full hearing, shall judicially declare that such opinion is manifestly wrong and without any substantial support. However, if a court of competent jurisdiction makes such a judicial declaration about a written opinion of the Attorney General that applies to acts or omissions of any licensee to which Section 63-19-57, 75-67-137 or 75-67-245 applies, and the licensee has acted in conformity with that written opinion, the liability of the licensee shall be governed by Section 63-19-57, 75-67-137 or 75-67-245, as the case may be. No opinion shall be given or considered if the opinion is given after suit is filed or prosecution begun.

Credits

Laws 1930, Ch. 154, § 9; Laws 1940, Ch. 249, § 1; Laws 1978, Ch. 458, § 7; Laws 1997, Ch. 332, § 14, eff. from and after passage (approved March 17, 1997).