



NATIONAL ATTORNEYS GENERAL TRAINING & RESEARCH INSTITUTE

THE TRAINING & RESEARCH ARM OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

State Attorneys General

Al Lama

Deputy Director

National Association of Attorneys General

September 26, 2019

Facts and Figures

Selection

- 47 Attorneys General are separately elected
- 8 are appointed by the Governor
- 1 is elected by the legislature
- 1 is appointed by the state supreme court

Basis for the office

- 7 are created by state statute
- All others are created by the state constitution

Chief Legal Officer

- Attorney General is not necessarily the state's "top cop"
 - Only in Alaska, Delaware and Rhode Island are local prosecutors in the attorney general's office
 - In other states, Attorney General may have little criminal jurisdiction
- Attorney General is the state's chief legal officer
 - AG typically has control over all litigation involving the state, including
 - when to investigate
 - when and where to bring the case
 - when to settle and for how much.
 - Can be a sore spot for Governor, legislature.

Many Roles

Representation

- Represents the state itself, as a purchaser of goods or services, or as an employer, both as a plaintiff and as a defendant
- Represents state agencies in an enforcement capacity (e.g., Department of Health, Child Protective services)
- Represents the state itself in an enforcement action (e.g., antitrust, consumer protection, environmental, civil rights)
- Represents the people of the state as a whole (not individuals) as *parens patriae*

Many Roles

- **Counseling and Advice**
- Provides counsel and advice to state agencies, the legislature, the Governor, state boards, etc.
- May advise the governor and legislature on the constitutionality/legality of legislation
- Provides opinions on matters of state law if requested(who may request opinions varies state-to-state)

Attorney General Powers

- Common Law powers
 - Most state AGs have them
 - Power to represent and protect the public interest, without having a specific statutory authorization
 - Does not require a “client”, e.g., a specific state agency