

ATTORNEYS GENERAL

TABLE 4.23

Attorneys General: Duties to Administrative Agencies and Other Responsibilities

State or other jurisdiction	Duties to administrative agencies									
	Serves as counsel for state	Appears for state in criminal appeals	Issues official advice	Interprets statutes or regulations	Conducts litigation:		Prepares or reviews legal documents	Represents the public before the agency	Involved in rule-making	Reviews rules for legality
					On behalf of agency	Against agency				
Alabama	A,B,C (a)	★ (a)	★	★	★	★	(b)	(b)	★	★
Alaska	A,B,C	★	★	★	★	★	★	★	★	★
Arizona	A,B,C	★	★	★	★	...	...	...	★	★
Arkansas	A,B,C	★	★	★	★	★	★	★	...	...
California	A,B,C	★	★	★	★	...	...	...	★	★
Colorado	A,B,C	★	★	★	★	★	★	★	★	★
Connecticut	A,B,C	(b)	★	★	★	★	★	★	★	★
Delaware	A,B,C	★ (d)	★	★	★	★	★	★	★	★
Florida	A,B,C	★	★	★	★	...	...	...	...	...
Georgia	A,B,C	★	★	★	★	...	...	...	...	★
Hawaii	A,B,C	★	★	★	★	★	★	★	★	★
Idaho	A,B,C	★	★	★	★	★	★	★	★	★
Illinois	A,B,C	★	...	★	★	...	...	...	...	...
Indiana	A,B,C	★	★	★	★	...	...	...	★	★
Iowa	A,B,C	★	★	★	★	★	★	★	★	★
Kansas	A,B,C	★	★	★	★	★	★	...	★	★
Kentucky	A,B,C	★	★	★	★	...	...	...	...	...
Louisiana	A,B,C	★ (m)	★	★	★	...	...	★	★	★
Maine	A,B,C	★	★	★	★	...	...	...	...	...
Maryland	A,B,C	★	★	★	★	(b)	★	★	★	★
Massachusetts	A,B,C	(b)(c)(d)	★	★	★	★	★	★	★	★
Michigan	A,B,C	★	★	★	★	★	★	★	★	★
Minnesota	A,B,C	(c)(d)	★	★	(a)	★	★	★	★	★
Mississippi	A,B,C	...	★	★	★	...	...	...	...	...
Missouri	A,B,C	★	★	★	★	...	...	...	★	...
Montana (f)	A,B,C	★	★	★	★	...	...	...	...	...
Nebraska	A,B,C	★	★	★	★	★	...	...	...	★
Nevada	A,B,C	★	★	★	★	...	...	...	★	...
New Hampshire	A,B,C	★	★	★	★	...	...	(l)	★	...
New Jersey	A,B,C	★	★	★	★	...	...	...	★	★
New Mexico	A,B,C	★	★	★	★	...	...	...	★	★
New York	A,B,C	(b)	...	★	★	(b)	...	(b)	...	...
North Carolina	A,B,C	★	...	★	★	★	...	(b)	★	★
North Dakota	A,B,C	★	★	★	★	★	...	...	★	★
Ohio	A,B,C	...	★	...	★	...	...	...	...	...
Oklahoma	A,B,C	★	★	★	★	★	...	...	★	★
Oregon	A,B	★	★	★	★	...	...	...	★	★
Pennsylvania	A,B	...	...	...	★	...	...	...	...	★
Rhode Island	A,B,C	★	★	★	★	★	...	...	...	...
South Carolina	A,B,C	★ (d)	(a)	★	★	(b)	...	...	★	★
South Dakota	A,B,C	★	★	★	★	★	...	...	...	...
Tennessee	A,B,C	★	★	★	★	...	...	(e)	(e)	★
Texas (g)	A,B	★ (k)	★	★	★	...	...	...	...	...
Utah	A,B,C	★ (a)	★	★	★	★	...	(b)	★	★
Vermont	A,B,C	★	★	★	★	★	...	...	★	★
Virginia	A,B,C	★	★	★	★	★	...	...	★	★
Washington	A,B,C	★ (i)	★	★	★	★	...	...	★	★
West Virginia	A,B,C	★	★	★	★	★	...	...	(j)	(j)
Wisconsin	A,B,C	★	★	★	★	(b)	(b)	(b)	(b)	(b)
Wyoming	A,B,C	★	★	★	★	★	...	...	★	★
Dist. of Columbia	A,B	★ (h)	★	★	★	...	...	...	★	★
American Samoa	A,B,C	★ (a)	★	★	★	...	...	...	★	★
Guam	A,B,C	★	★	★	(d)	★	...	(b)	★	★
CNMI*	A,B,C	★	★	★	★	★	...	...	★	★
Puerto Rico	A,B,C	★	★	★	★	...	...	...	★	★
U.S. Virgin Islands	A,B	★	★	★	★	★	...	...	...	★

See footnotes at end of table

TABLE 4.23

Attorneys General: Duties to Administrative Agencies and Other Responsibilities (continued)

Sources: The Council of State Governments' survey of attorneys general, state constitutions and statutes, October 2017.

*Commonwealth of the Northern Mariana Islands

Key:

A—Defend state law when challenged on federal constitutional grounds.

B—Conduct litigation on behalf of state in federal and other states' courts.

C—Prosecute actions against another state in U.S. Supreme Court.

★—Has authority in area.

...—Does not have authority in area.

(a) Attorney general has exclusive jurisdiction.

(b) In certain cases only to prepare or review legal documents and represent the public before the agency.

(c) When assisting local prosecutor in the appeal.

(d) Can appear on own discretion.

(e) Consumer Advocate Division represents the public in utility rate making hearings and rule making proceedings.

(f) Most state agencies are represented by agency counsel who do not answer to the attorney general. The attorney general does provide representation for agencies in conflict situations and where the agency requires additional or specialized assistance.

(g) Other administrative duties include representing one state agency before another state agency.

(h) However, OUSA handles felony cases and most major misdemeanors.

(i) Limited to certain collateral challenges to state criminal convictions.

(j) On request of agency. Office acts as legal counsel to any state agency on request and that can include reviewing legislation and drafting rules and regulations.

(k) Regarding criminal appeals, the Office of Attorney General handles federal habeas corpus appeals only.

(l) The Attorney General serves as counsel for the public before 1 administrative body, but otherwise does not represent the public before agencies.

(m) May appear for the state in criminal appeals either as the actual prosecutor in the case or through the solicitor general if the state has a broader interest.