

The Honorable Garry C. Piiparinen
Wyoming State Representative
June 11, 2015
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Under Wyoming Statute § 9-1-603(a), the attorney general “shall” defend or represent the state and state officers in suits brought in various courts. That duty to represent the state includes representation in suits where statutes are alleged to be unconstitutional. In fact, a Wyoming law specifically requires litigants who allege a Wyoming statute to be unconstitutional to give notice to the Attorney General so that he may appear in the suit to defend the constitutionality of the statute. Wyo. Stat. § 1-37-113 (2015); *See also* Wyo. R. Civ. P. 24(d).

Because of the potential conflict that could arise if the Attorney General were to provide an opinion on the constitutionality of a statute and later be called upon to defend the constitutionality of that statute, I decided to carefully research whether the Attorney General has an obligation to provide an opinion of the sort you have requested here to an individual legislator. As a result of that research and analysis, I have concluded that the Attorney General has no obligation to issue such an opinion to an individual legislator. Notably, subsection (a)(vi) of § 9-1-603 states that the Attorney General shall, “[w]hen requested, given written opinions upon questions submitted to him by . . . **either branch of the legislature**, when in session.” Obviously, individual legislators are not the equivalent of an entire branch of the legislature.

As a result of my analysis of the potential conflict discussed above, I respectfully decline to answer either of the two questions that you have posed.

Sincerely,



Peter K. Michael
Attorney General

PKM:jlm