



State of New Jersey
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
POST OFFICE BOX 340
TRENTON, NEW JERSEY 08625-0340

JON S. CORZINE
Governor
Commander-in-Chief

☆☆
GLENN K. RIETH
Major General
The Adjutant General

DEPARTMENTAL DIRECTIVE
NO. 016*

1 October 2006

ADMINISTRATION

REQUEST FOR STATE ATTORNEY GENERAL'S OPINION

1. **PURPOSE:** This directive prescribes the policies and procedures for a request of an opinion of the Attorney General of the State of New Jersey for formal opinions relating to the daily business of the New Jersey Department of Military and Veterans Affairs (DMAVA).
2. **APPLICABILITY:** This directive applies to all commanders of the New Jersey Army and Air National Guard (NJARNG / NJANG), staff officers, and directors or chief executive officers of DMAVA.
3. **REFERENCE:** New Jersey Statutes Annotated (N.J.S.A.) Title 38A Military and Veterans Law.
4. **POLICY:** Formal opinions of the State Attorney General (AG) are legally binding.
5. **PROCEDURES:** In the course of daily business, a possible legal issue may develop which warrants a formal legal opinion by the AG.
 - a. Where staff coordination determines a formal opinion is not required and The Adjutant General (TAG) concurs, the Deputy Adjutant General (DAG) will endorse the request through appropriate channels to the originator with appropriate rationale.
 - b. When a formal legal opinion is deemed necessary, a Request for Legal Advice (NJDMAVA Form 016) (Figure 1) will be drafted and forwarded through administrative channels with endorsements to the DAG, DMAVA.
 - (1) Informal discussions between the DAG and a Deputy AG will occur at this point.
 - (2) Staff coordination shall be accomplished and a formal opinion is developed.
 - (3) The DAG will direct the preparation of a finalized NJDMAVA Form 106 (Figure 1) with the necessary attachments for review by TAG.

****This Directive supersedes Departmental Directive 016, dated 1 December 1997.***

(4) Upon TAG's signature and approval, the DAG will forward the request to the Assistant AG in charge of Administrative Agency Advice for a formal opinion.

(5) When the DAG receives the deposition on a formal opinion; he/she will coordinate the results with TAG.

(a) The initiator and the staff will be advised of the formal opinion by endorsement.

(b) Where there is a general applicability, a letter will be sent to all directorates and subordinate organizations.

The proponent of this Directive is the Deputy Adjutant General, Office of Military Affairs. Users are invited to submit comments and suggested improvements directly to NJDMAVA, ATTN: DAG-OMA, Box 340, Trenton, NJ 08625-0340.

OFFICIAL:



DAVID S. SNEDEKER
Chief Information Officer
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GLENN K. RIETH
Major General, NJARNG
The Adjutant General

DISTRIBUTION: A, A1, A2, B, C, D, E, F

REQUEST FOR LEGAL ADVICE

ATTORNEY GENERAL
Division of Law
Attn: Deputy Attorney General for DMAVA

Instructions: This form should be used for all requests for legal advice. All requested information should be provided to the extent possible (attach additional sheets if required). This form and attached documents should be submitted in triplicate.

A. Issue (phrase in form of a question):

B. Brief Statement of Pertinent Facts:

C. Applicable Statutes, Regulations (citation):

D. Documents attached (please attach all necessary and relevant documents and list herein):

E. Name, title and telephone number of the person to contact for additional information:

DATE: _____ SIGNED: _____
THE ADJUTANT GENERAL

Figure 1