



DAVE LaROCK
POST OFFICE BOX 6
HAMILTON, VIRGINIA 20159
THIRTY-THIRD DISTRICT

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

COMMITTEE ASSIGNMENTS:
EDUCATION
TRANSPORTATION
SCIENCE AND TECHNOLOGY

FOR IMMEDIATE RELEASE
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Contact: Daniel Davies
(540) 751-8364

Delegate LaRock files suit to compel Attorney General Herring to provide official opinion

RICHMOND, VA – Delegate Dave LaRock (R-Loudoun) filed a Writ of Mandamus asking the Circuit Court of Richmond to compel Attorney General Herring to perform his lawful obligation as Attorney General by responding to a request for an advisory opinion. Delegate LaRock submitted an official request to Attorney General Mark Herring on September 21, 2015 for clarification of various provisions in the Virginia Code prohibiting discrimination. The request was acknowledged in writing by the Attorney General’s office on September 23, 2015, however Delegate LaRock has yet to receive an opinion or any indication an opinion is forthcoming. After receiving no answer from the Attorney General’s office following subsequent follow-up conversations, Delegate LaRock filed the suit seeking a court order against Attorney General Herring.

“As elected officials, we are required by the Constitution of Virginia to fulfill our obligations and duties in a timely fashion,” said **Delegate LaRock**. “The Attorney General is required by law to give advice when a member of the General Assembly requests a legal opinion. To this date I have yet to receive an advisory opinion on my request. Recently, when Delegate Jackson Miller requested an opinion regarding the legality of the Governor’s proposed amendments to his lethal injection bill, he received it within a matter of days. That’s a reasonable time. In contrast, my request to the Attorney General has gone missing for months. My opinion request is urgent, as demonstrated by [yesterday’s Gloucester Schools decision issued by the Fourth Circuit](#). Because the Attorney General has failed to carry out his duty, I am left with no other choice but to ask the court to compel Attorney General Herring to respond to the request.”

Background: § 2.2-505 of the Virginia Code states, “The Attorney General shall give his advice and render official advisory opinions in writing only when requested in writing so to do by one of the following: the Governor; a member of the General Assembly; a judge of a court of record or a judge of a court not of record; the State Corporation Commission; an attorney for the Commonwealth; a county, city or town attorney in those localities in which such office has been created; a clerk of a court of record; a city or county sheriff; a city or county treasurer or similar officer; a commissioner of the revenue or similar officer; a

chairman or secretary of an electoral board; or the head of a state department, division, bureau, institution or board.”

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