

FOR IMMEDIATE RELEASE

Attorney General Cuccinelli releases Norment 2008 conflict of interest opinion to clarify the law

RICHMOND (September 2, 2011) - Recent public statements made by state Senator Thomas Norment suggest that for the past several years, he assumed a role of legal counsel for the College of William & Mary. One of his reported statements also incorrectly implied that a 2008 opinion he requested from the Office of the Attorney General affirmed that such an arrangement would be acceptable under the law.

In light of these statements and recent news coverage, Attorney General Ken Cuccinelli has determined that the opinion is now of general interest to the public. Therefore, the attorney general has advised Sen. Norment that he is publishing the opinion today, pursuant to §30-122(2) of the Code of Virginia. [Click here for the July 9, 2008, opinion.](#)

In June 2008, Sen. Norment requested a legal opinion from the attorney general's office asking if Virginia's General Assembly Conflicts of Interests Act prohibited him from accepting a position with the College of William & Mary while serving as a senator. In issuing the opinion, it was understood that Sen. Norment's role would not be that of legal counsel, but only that of professor at the law school and lecturer in the government department.

According to Virginia law, only the attorney general's office can provide legal advice to state agencies, including state colleges and universities. Then-Attorney General Robert McDonnell's 2008 opinion stated:

"Finally, I affirm the intention that your relationship with the College will not be that of attorney and client. As you know, §2.2-507(A) provides that certain legal services to state agencies, officers, and employees be provided by the Attorney General."

The senator's public statements have the potential to cause confusion regarding §2.2-507(A) of the Code of Virginia for other colleges, universities, state agencies, and for those with whom they have dealings. The attorney general wants to avoid circumstances in which advice given by lawyers not provided by the attorney general's office might be subject to public disclosure because it may not be shielded by attorney-client privilege.

Mr. Cuccinelli has stated that the 2008 opinion issued to Sen. Norment is still a correct opinion based on the original set of facts that were provided to this office. However, the attorney general is clarifying that the 2008 opinion affirms that no one other than a member of the Office of the Attorney General can serve in the capacity of legal counsel for a college, university, or other state agency.

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