

# BUCKLEY

## **State Attorneys General Practice**

State attorneys general have adopted an increasingly active stance in pursuing enforcement matters in virtually every U.S. industry, often working together in concerted multistate efforts. The volume of single and multistate attorneys general investigations, inquiries, litigation, and legislative initiatives is increasing across the country. Not only are attorneys general working together, but they also are conducting investigations and litigation in conjunction with federal enforcement agencies including the Department of Justice (DOJ), Federal Communications Commission (FCC), Federal Trade Commission (FTC), and Consumer Financial Protection Bureau (CFPB). Whether undertaken independently, in conjunction with other attorneys general or federal agencies, or in response to media reports, these actions can have long-lasting reputational and financial implications for companies and individuals.

Buckley's State Attorneys General practice provides comprehensive representation in all aspects of state enforcement activities. We represent businesses and individuals facing investigations and enforcement matters before all 51 state attorneys general in a range of industries, including financial services, hospitality, digital commerce, payments and data, cybersecurity, energy, healthcare, pharmaceuticals, telecommunications, insurance, and other consumer-centric industries. Our work also includes representing companies before state agencies, including state banking commissioners, which typically are represented by state attorneys general.

Our thorough knowledge of the law is informed by an understanding of the personality and policy considerations that affect AG decisions. We anticipate challenges and design innovative strategies before difficulties can arise, and are efficient and creative problem-solvers when they do. We offer solutions that help our clients avoid costly investigations and litigation, as well as unwanted scrutiny. Where litigation is inevitable, our team aggressively defends against claims, including multistate and federal enforcement investigations related to consumer protection, data privacy, advertising, consumer finance, and environmental and energy concerns, as well as state qui tam actions.

We stay abreast of broader and emerging industry issues gaining currency in the state AG community, and closely monitor trends and developments that have the potential to affect our clients. To that end, our team also represents corporate clients participating in conferences and meetings sponsored by NAAG, the Democratic Attorneys General Association (DAGA), and Republican Attorneys General Association (RAGA).

We often work on an ongoing basis with clients, including major international and national companies in a variety of industries, to design and maintain an overall strategy for managing issues and concerns raised by state AGs, covering initial response through potential litigation. These relationship clients include a global social-media company, one of the country's largest distributors of pharmaceuticals, a multinational pharmaceutical manufacturer, a top national solar-power company, and a global professional-services

firm.

We have worked with financial institutions of all types, including banks, marketplace lenders, auto-finance companies, student-loan servicers, and mortgage companies, to respond to inquiries from state AGs, involving various aspects of their business practices including sales, advertising, servicing, collection, and licensing matters.

Other representations in this area include:

- A global wireless telecommunications company in a multistate, multiagency investigation and settlement involving 51 state attorneys general, the CFPB, and the FCC related to allegations that “cramming” allowed third parties to bill consumers for unauthorized charges
- A top-five U.S. bank in a joint CFPB and state attorney general investigation and settlement concerning allegations that loan officers accepted leads and marketing assistance from a title company in exchange for referrals
- International hospitality companies in multistate investigations and pre-litigation matters involving 47 state attorneys general over advertising practices
- An innovative international automotive company to resolve a potential multimillion-dollar licensing issue with a state attorney general with no fine and no press release
- Appointed by the Pennsylvania Attorney General to conduct an independent investigation of any crimes or ethical violations committed by state government officials, including judges and prosecutors, which resulted in the identification of thousands of improper emails sent or received by dozens of public officials
- A leading homebuilder, mortgage originator, and mortgage servicer in parallel investigations of various subsidiaries by a large multistate attorney general group, an individual state attorney general, the CFPB, the DOJ, and HUD, among others
- One of the largest mortgage loan servicers and its affiliates before more than 30 state regulatory agencies and the CFPB in lawsuits and administrative actions alleging improper servicing practices
- An online lender facing a state attorney general’s claim of usury based on choice-of-law violations in connection with closed-end products

- Top national tax-preparation companies in investigations before various states attorneys general related to advertising and tax refund matters
- A large captive auto-finance company in handling an inquiry brought by a state attorney general into guaranteed asset-protection products sold in connection with loans
- Several mortgage origination and servicing companies, including a reverse mortgage company, in joint investigations by state attorneys general, federal agencies, and state regulators