



Hawaii: Attorney General's Office and Office of Consumer Protection

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Agenda

- Concurrent Jurisdiction
- Consumer Protection Law Lightning Round
- Pleading UDAP in State and Federal Courts – a “Game of Skill”?

Concurrent Jurisdiction

Department of the Attorney General
and
Office of Consumer Protection

Concurrent Jurisdiction

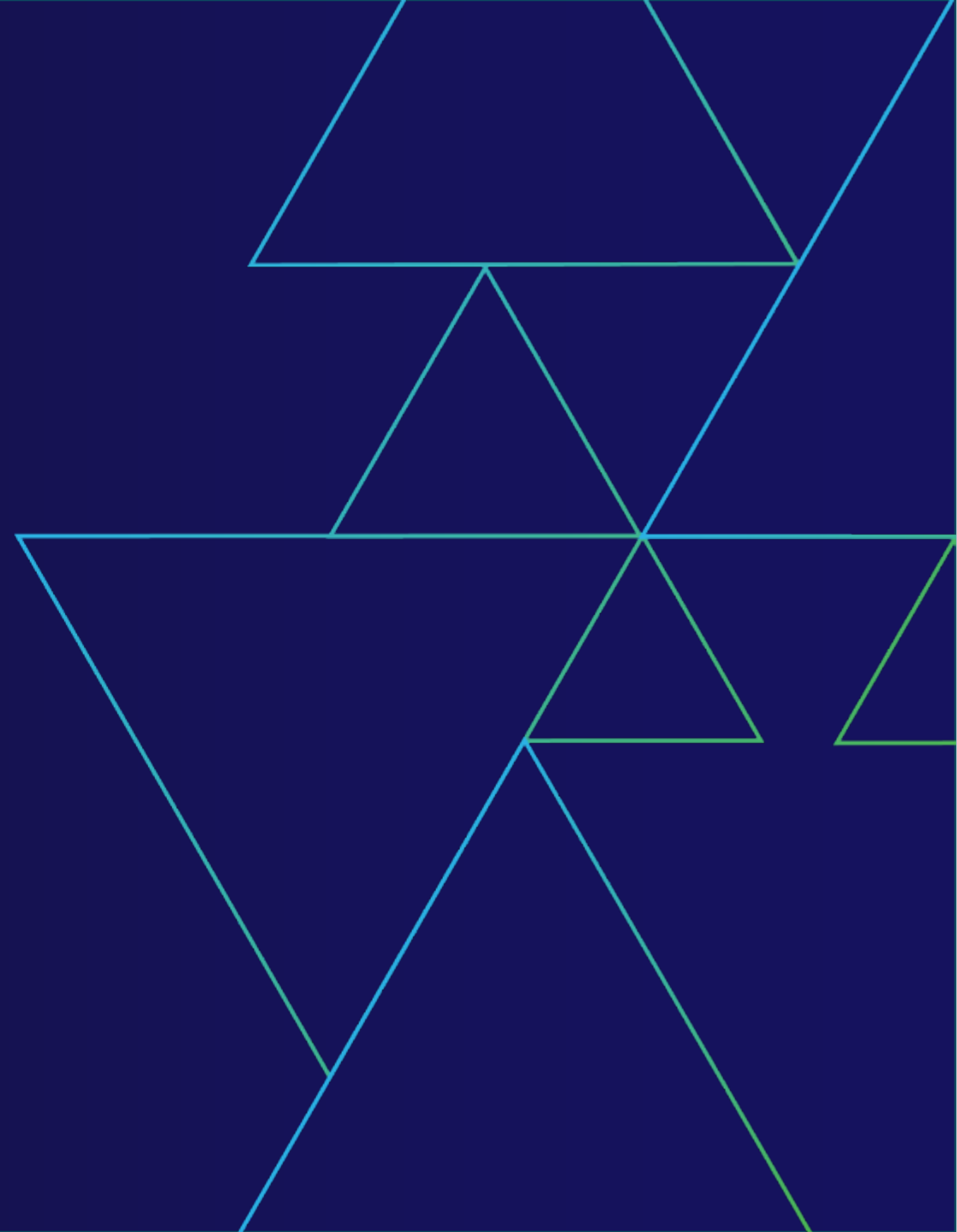
Department of the Attorney General

- How is the AG selected?
- What is the relationship with the Office of Consumer Protection?
- How is CP organized within the office?
- Consumer Protection Duties and Priorities

Concurrent Jurisdiction Office of Consumer Protection

- How is the Executive Director selected? Term?
- How is the office organized?
- How does it fit within the Department of Commerce and Consumer Affairs?
- Duties and Priorities

Consumer Protection Lightning Round



Consumer Protection Lightning Round: Background & Policy

- How are consumer protection priorities set in your offices?
- Do you participate in multistate consumer investigations?
- Do you receive consumer complaints?
- Do you perform any complaint resolution role?

Consumer Protection Lightning Round: State-Specific UDAP Law

- What is your primary consumer protection statute?
- Are you able to conduct pre-suit investigations by statute?
- Can you request documents? Take statements? Depositions?
- Are CIDs confidential? Are answers confidential?
- Does your law allow a party to object or set aside? If so, in what timeframe?
- How can you enforce compliance?
- Do you have a statute of limitations? If so, what is it?
- Do you have to provide pre-suit notice? If so, what timeframe?

Consumer Protection Lightning Round: Remedies & Other Laws

- What types of settlements can you enter into?
- What is your civil penalty authority?
- Can you obtain restitution? Disgorgement?
- Are there times you don't get injunctive relief? Penalties/payment?
- How are IR terms enforced? What if they are in an AOD or AVC?
- Do you have specific laws and remedies for auto-renewals?
- Do you have specific laws and remedies for price gouging?
- Do you have a comprehensive privacy law?

Pleading UDAP in Hawaii State and Federal Courts – A “Game of Skill”?

Hawaii Supreme Court

- Hawaii is a notice pleading jurisdiction
- “[W]hen compared to the “notice pleading” standard, the [federal] “plausibility” pleading standard is restrictive as it results in decreased access to the courts for citizens.”

U.S. District Court

- Federal Rules of Civil Procedure Rule 9(b) applies to UDAP claims grounded in fraud
- Must plead with particularity “averments of ... fraud”

Removal and Remand

Motion to Remand Granted

- Credit card fees
- Failure to disclose prescription drug limitations
- PBM misconduct

Motion to Remand Denied

- PBM misconduct

Thank you



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