

State AGs Close Out 2024 and Preview 2025 at NAAG Capital Forum

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2024's National Association of Attorneys General (NAAG) Capital Forum took place December 9-11. The Kelley Drye State AG Practice team was there as the AGs closed out a year of insights, including Oregon Attorney General Ellen Rosenblum's [Presidential Initiative](#) concerning children's welfare. During the sessions, we heard from two federal agency heads regarding their goals and how they can collaborate with AGs to accomplish them. We also heard from AGs and other notable panelists on topics ranging from charity to national security. Here are some of the highlights.

CFPB Director

First, the sessions kicked off with the "CFPB Update" from Director Rohit Chopra. Director Chopra said that as new AGs start their tenures in 2025, tackling big tech firms and their effects on families and wallets should continue to be a big priority. Director Chopra spoke about the CFPB's proposed data broker rules and hopes to work hand and hand with states to beef up privacy. Director Chopra also noted his concerns with debanking. In particular, he noted "overdraft abuses" where fees pile up, leading to a consumer losing the account and being blacklisted from the entire banking system. He also mentioned digital payment platforms sanctioning users for off-platform conduct or speech. Director Chopra's view on preemption was that citizens should be protected by state laws as long as they don't conflict with federal protections – citing the issues states have had in regulating airlines as an example. Director Chopra also specifically discussed state AG partnerships. He said that after long investigations which may result in a judgment proof defendant, a state can partner with the CFPB allowing consumers to qualify for its victims relief fund. Director Chopra discussed the partnership with states in the Navient multistate and warned that issues with medical debt are next on the horizon. Director Chopra also flagged the increasing role of video games in people's lives – and how currencies are being used in the virtual world. Kids in particular have trouble navigating what the virtual currencies are worth, and video games have become another place for fraud, crime, and abuse to take place for both kids and adults. Director Chopra also warned of the need to crack down on AI use of voices and images to avoid being behind the eight ball. He also warned the AI and algorithms have pushed the prices of housing higher, referencing the RealPage case. Finally, he announced CFPB's rulemaking to help domestic violence survivors recover financially. He concluded that – no matter who we voted for, we should think about harm to kids and others where technology and data are causing harm. While Chopra's remarks largely encouraged continued action by the CFPB and partnership with AGs, he did not address the likely changes coming with the new administration, including his plans as Director.

Surgeon General

Surgeon General Dr. Vivek Murthy next spoke on the topics of the Presidential Initiative “America’s Youth: AGs Looking Out for the Next Generation.” He focused his comments on the concerns he had with social media, including the use of phones in class. He noted that whether technology helps or hurts is determined by how it is designed, and companies can be transparent with the data they have so parents can independently research and see how it affects kids. Health should be a key feature, not just an afterthought, when it comes to technology platforms. Dr. Murthy referenced his proposed warning label and his desire for a study on a digital warning label to make sure it is effective – but that a warning label should not be a substitute for addressing his concerns of harmful content, lack of transparency, and addictive features.

Charities

Attorneys General Brian Schwalb from D.C. and Alan Wilson from South Carolina moderated a panel called “Protecting Consumers, Charitable Donors, and the Charitable Sector from Fraud.” The moderators highlighted the important role that AGs play in the charitable space. AG Wilson said it is important for AGs to have relationships with stakeholders and that AGs should have an open door. He said he is unaware of having investigated a company without first reaching out to the company. AG Schwalb described the huge charitable industry in D.C. and the importance of using civil enforcement in his office, so people have confidence in their contributions. While some nonprofits are small passionate startups, others are large, sophisticated organizations; each have their own types of potential issues. General Schwalb also has an open door policy and works to proactively educate the public on the importance of nonprofit governance. Panelists raised new methods of fundraising such as peer to peer or “viral” events causing stress to the industry or potential fraudulent conduct – including potentially manufacturing a viral event that didn’t happen through AI for example. AG Wilson suggested the AGs nationwide could create best practices for the charitable industry as educational resources.

Cybersecurity

Arkansas Attorney General Tim Griffin and Connecticut Attorney General William Tong held a panel with the Director of the Cybersecurity and Infrastructure Security Agency (CISA) in “Securing the Future: A Conversation with CISA Director Jen Easterly on U.S. Cybersecurity.” The AGs questioned Director Easterly on the safety and security of elections and other cyberthreats. Director Easterly said it is important for the U.S. to win the war of AI to be able to dominate our adversaries using its power. She also highlighted the agency’s role as the newest agency with the task to understand, manage, and reduce risk to physical and cyber infrastructure. As a voluntary partnership agency, she works closely with companies and government agencies throughout the country to try to advance technology and encourage “secure by design” practices. AG Tong pointed out that while litigation is not a great way to make policy, it is sometimes the only way. AG Griffin stated that state UDAP laws may be extremely subjective with evolving values. For example, even if a law does not specifically require a certain practice, if you are the only vendor that uses a particular method or markets a particular product without that safety practice, the omission may itself become unconscionable as everyone else recognizes a certain industry standard.

Looking Ahead

At the end of the conference, Oregon Attorney General Rosenblum passed the torch to New Hampshire Attorney General John Formella as the incoming NAAG President. He previewed his presidential initiative on tackling the Fentanyl crisis. We were fortunate to hear more from AG Formella later that week at Kelley Drye’s [2025 Consumer Protection Enforcement Forum](#):

[Anticipating State AG Priorities and Regulatory Shifts](#). We look forward to providing continued updates in the coming year.