

State Attorneys General Share Consumer Protection Viewpoints in Chicago

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Twice a year, state attorneys general consumer protection staff gather to discuss consumer protection issues. Our state attorney general team was at the public sessions, attending and presenting on issues important to AGs. We first heard from NAAG's Todd Leatherman, Director, Center for Consumer Protection, and Brian Kane, Executive Director, as they explained the changes to the format this year resulting from interest from the public. These conferences are now accepting input from the public on panel topics, and NAAG extended the public's attendance from half a day to a full day. As Kane put it, part of the benefits of these conferences is "between the panels" allowing people from AG offices and the public to have conversations in person.

Attorneys General Promote Conversation in Light of Federal Uncertainty

Attorney General Kwame Raoul of Illinois, who co-chairs the NAAG Consumer Protection Committee alongside [AG Sunday](#) of Pennsylvania, addressed the audience. He explained that we are entering into a unique time of opportunity to meet while there is uncertainty about federal consumer protection enforcement. He stated that AG offices individually and collectively will have to step up and increase collaboration and sharing of ideas. This includes working on multistate actions as well as collaborating on individual actions states may have in common. He asked the audience to give thought on how to "step up on behalf of consumers" (including in conversations between sessions).

NAAG President Attorney General John Formella of New Hampshire touted the importance of consumer protection as, "among the most important spaces we work in." He echoed the sentiment that it is a particularly important time for AGs because of uncertainty at the federal level. He believes, politics aside, AG offices "do a lot more with a lot less" and expects AGs to continue to be active in consumer protection. He explained that one reason consumer protection is important is because it is where the attorneys general meet the private sector most often. Though interactions between the industry and AGs will at times be adversarial, partnership is also important to protect consumers. AG Formella, too, emphasized the importance of the conversations between panels that occur both during the public day of the conference and on conference days designated exclusively for AG staff, noting that their collaborative efforts are more important than ever. He believes the AGs are the last public officials doing great work on a bipartisan basis, and they need to talk about things they disagree on as much as they agree on.

Help Me Help You: The Do's and Don'ts of Working with State Regulators

The public sessions included information about scams, AI companion chatbots, earned wage access, and collaboration between defense counsel and state AGs. Kelley Drye's Paul Singer presented on

collaboration, in a panel called “Help Me Help You: The Do’s and Don’ts of Working with State Regulators” also including Jeff Hill, Executive Counsel in the Tennessee Attorney General’s office and Jessica Whitney, Deputy Attorney General at the Minnesota Attorney General’s office. Whitney repeated what seemed to be a theme of the conference -- that conferences are important to build relationships both for industry and AG staff. Singer explained that in developing those relationships, it is important to understand not only the inner workings of a particular office, but also what that state’s consumer protection laws allow and prohibit. Whitney agreed “1000%” with doing your homework and explained that it is a good way to show you have taken the time to get to know that particular state.

Singer described that the impact of CID responses on companies can sometimes be very costly, and relationships help facilitate working through some initial compliance burdens and getting the state the information it wants. Hill explained that states sometimes issue overbroad CIDs because they might not know the right questions to ask, so approaching the states with “what would you like first?” could be a helpful approach. Whitney agreed, explaining that offering up an org chart, custodians, or word searches could be helpful, even in situations where the state may not be able to be transparent about their investigation initially. Ultimately, it can be a win-win for the business and the state to not have to review millions of documents. Whitney cautioned that not responding to complaints could eventually lead to CIDs.

Whitney further warned against going over the heads of staff during an investigation, stating it might undermine credibility unless the relationship becomes untenable. If it does, Singer explained that sharing your intended outreach with staff first, and messaging appropriately with both staff and front office executives, is important to avoid further roadblocks.

Navigating Consumer Protection in a Shifting Political Landscape

The Kelley Drye State AG team, together with Chicago Managing Partner Matt Luzadder, stayed in town post-conference to talk consumer protection for clients in an event entitled “Navigating Consumer Protection in a Shifting Political Landscape.” Kelley Drye hosted Steve Baker, former Director of the FTC’s Midwest Region, Jeff Hill of Tennessee, and Andrea Law, Deputy Bureau Chief, Illinois Attorney General’s Office to better understand state priorities and how they may be affected by the federal landscape. The panelists also addressed compliance strategies, risk mitigation, and the evolving role of AI, cryptocurrency, and digital transactions in fraud prevention.

We look forward to continuing these important discussions with AGs and their staff at future events, including the Attorney General Alliance Annual Meeting in June and National Association of Attorneys General Presidential Summit in August along with other meetings held by the Republican and Democratic Attorneys General this summer.