

# Takeaways From Kelley Drye's State AG Consumer Protection Enforcement Forum

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Last week, the Kelley Drye State Attorneys General team hosted an in-person forum, *2025 Consumer Protection Enforcement Forum: Anticipating State AG Priorities and Regulatory Shifts*, in our Washington, DC office. The event brought together a state attorney general, AG staff, and AG organizations to discuss ways in which AG offices and businesses can work together, practical guidance for businesses and practitioners interacting with AGs, and enforcement priorities for AG offices in 2025.

Panelists Brian Kane (Executive Director, National Association of Attorneys General) and Jason Isaak (Director of External Affairs, Attorney General Alliance) kicked off the forum with a discussion of how their respective organizations facilitate dialogue and cooperation between state AGs and businesses. The panelists explained that by attending meetings hosted by AG organizations, businesses can create meaningful relationships with AGs and their staff before, not after, an enforcement action. Kane and Isaak also (i) stressed that businesses wanting to meet with a state AG should ensure that they are first talking to and fostering relationships with the AG's staff, and (ii) emphasized the importance of understanding when to proactively (vs. reactively) meet with AGs and their staff. Both of these sentiments were echoed by panelists throughout the day.

Next, New Hampshire Attorney General John Formella (also the [incoming President of the National Association of Attorneys General](#)) discussed the current regulatory and enforcement landscape and provided practical tips for businesses. AG Formella indicated that the trend of increased partnerships between the federal government and AGs will likely continue, particularly with respect to enforcement actions against large industry players. However, AG Formella conveyed that state AGs will continue to actively enforce their own initiatives separate from any federal enforcement actions. With respect to guidance to businesses navigating the current regulatory environment, AG Formella advised that companies should monitor and remedy any consumer complaints they receive, listen to what enforcers say publicly, be aware of actions that AGs have taken in recent years and reform their organizations' conduct accordingly, and pay attention to media since conduct in the news often plays a part in AGs' enforcement priorities and targets.

Nathan Blake (Deputy AG for Consumer Protection, Colorado OAG), Lauren Haggerty (First Assistant AG, DC OAG), and Jeff Hill (Executive Counsel, Tennessee OAG) then discussed the structure and priorities of AG offices. Panelists explained that different state offices may have slightly different functions and capabilities, with some having criminal enforcement authority (as opposed to solely civil), and some playing an active role in supporting or opposing legislation (as opposed to a pure enforcement role), among other differences. In light of the potentially meaningful differences

between offices, panelists advised that companies should be aware of the structure and functionality of the AG offices of the states in which they operate.

Jeff Hill, Todd Leatherman (Director, Center for Consumer Protection, NAAG), Jared Libet (Assistant Deputy AG, Consumer Protection and Antitrust, South Carolina OAG), Adam Teitelbaum (Director, Office of Consumer Protection, DC OAG), and Melissa Wright (Section Chief, Consumer Protection, Ohio OAG) then discussed how their respective AG offices operate in practice. Specifically, panelists described their respective complaint intake systems (and how some states use an informal dispute resolution system to resolve consumer complaints), how they determine whether to open a new matter (and whether that requires AG approval or not), potential pitfalls of proactively approaching AG offices, their document request processes and respective willingness to negotiate the scope of civil investigative demands (they are all generally willing to do so), and whether their offices tend to issue closing letters (by and large, no).

Lastly, panelists throughout the afternoon offered insights on what they view as enforcement priorities in 2025. Almost uniformly, speakers conveyed that they will continue to focus on youth/teen safety (particularly as it relates to social media and gaming), drug and human trafficking, data privacy, and artificial intelligence. Watch for blog posts from our State AG team in 2025 discussing these AG enforcement priorities and other hot topics.

The overarching theme throughout the afternoon was an emphasis that state AGs will be extremely active in consumer protection enforcement in 2025, and opportunities exist for companies to be proactive and partner with the AG community now to demonstrate their pro-customer policies and processes. Notably, we heard the importance of developing that relationship not only with AGs and their front-office staff but also the career staff that often drive investigations. To that end, it is important to seek advice to fully understand the unique authority and structure of AG offices and determine a comprehensive strategy on how to best engage (or not), whether it be proactively or in response to an AG investigation.