

State Attorneys General

Companies engaged with state AGs face formidable challenges. State AG offices can draw on broad powers to examine and challenge an organization's conduct, leaving companies to navigate complex legal, public relations and crisis management hurdles. Our State AG Group draws on experience at the highest levels of state AG offices, strength across areas of state AG enforcement authority, and deep crisis management experience, which gives us the foresight to advise on state AG priorities and procedures, resolve complicated investigations and litigation, and argue and win in court.

PRACTICE AT A GLANCE

- Led by former US Deputy AG Jamie Gorelick, our group has deep policy and industry experience. Our lawyers, including the former Chief of Staff to the New York AG Brian Mahanna, are well known and respected among AG ranks.
- Clients benefit from our nuanced perspective on how AGs and other government agencies approach issues. That intra-agency perspective is crucial—state AGs often investigate alongside other regulators, including the Securities and Exchange Commission, the Federal Trade Commission, the Federal Communications Commission, and the Department of Justice, and our broad government experience means we are well equipped to work with any agency involved.
- For clients facing an AG investigation—whether by individual states, including the increasingly active AGs of New York, California, Texas, Massachusetts and Washington, or by a combination of AGs—our team understands the challenges that can result and the best path to resolution. When litigation is required and the stakes are high, we offer deep trial experience litigating—and winning—against state AGs.
- We also keenly understand the considerations and implications of each jurisdiction; our teams have handled matters in 47 states, DC and the US Virgin Islands. We have significant experience effectively coordinating and representing companies in multistate AG investigations, including investigations of alleged unfair and deceptive acts and practices, as well as parallel proceedings.

400+

matters handled by WilmerHale lawyers involving state attorneys general

COSTLY CONSEQUENCES

\$344 million

judgment obtained by California AG against a major consumer products company.

\$330 million

settlement obtained by coalition of 48 state AGs with loan servicing arm of higher education institution.

\$10 million

settlement obtained by coalition of 30 state AGs with a health insurance company related to a data breach.

Source: National Association of Attorneys General

EXPERIENCE

Technology

- Won a resounding victory for clients T-Mobile and Deutsche Telekom in a landmark antitrust trial in which attorneys general from 13 states and the District of Columbia sought to enjoin the merger of T-Mobile and Sprint.
- Represented Comcast at trial in litigation brought by the Washington attorney general alleging violations of the state’s Consumer Protection Act. Prevailed on summary judgment on one of the state’s claims and prevailed on a “half-time” motion to substantially curtail the scope of the remaining claims.

Financial Services

- Serving a financial institution as national coordinating counsel for state AG inquiries related to the Paycheck Protection Program and COVID-19 issues.
- Representing an investment fund in connection with a potential New York AG inquiry into possible market manipulation related to Puerto Rico debt.

Healthcare and Pharmaceuticals

- Assisting a healthcare company with response to New York AG request for information concerning the sale of essential goods during the COVID-19 pandemic.
- Representing a pharmaceutical company facing potential state AG investigations, as well as congressional inquiries and potential investigations by the Department of Justice and the Department of Health and Human Services, arising from charges of data manipulation at a subsidiary of the company.

Energy and Environment

- Represented a utility company in a multifaceted inquiry following an accident, which involved a Massachusetts AG inquiry and numerous other agencies and proceedings.
- Advising a Fortune 100 company on potential AG actions over alleged environmental liabilities.

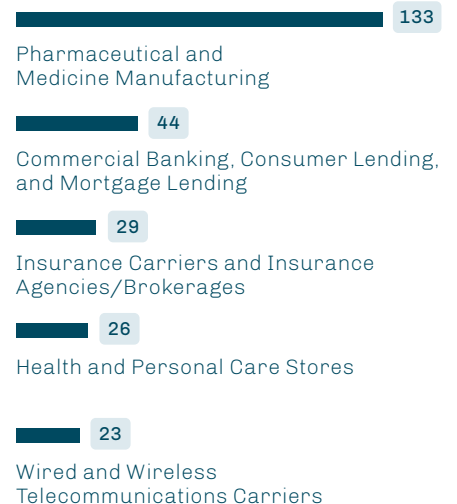
Media and Entertainment

- Represented the Berkshire Museum in multiple appellate proceedings and a wide-ranging investigation by the Massachusetts AG in relation to the Museum’s art collection, including two paintings by Norman Rockwell.
- Represented a large media company in connection with the New York AG’s investigation regarding #MeToo-related allegations.

STATE AG AREAS OF FOCUS

- Consumer financial protection
- Antitrust and competition
- Potential False Claims Act violations
- Cybersecurity and data breaches
- COVID-19-related business practices
- Civil rights
- Environmental practices
- Tech, pharmaceutical and retail industries

Most Targeted Industries, 1980-present Number of Multistate Settlements



Source: State Litigation and AG Activity Database

For more information, please contact:

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