

A photograph of the New York City skyline at sunset, viewed from the water. The sky is a mix of blue, orange, and pink, with the sun low on the horizon. The buildings are silhouetted against the sky, with some lights beginning to glow. The water in the foreground is dark with some ripples.

The Continuing Rise Of The State Attorney General

February 26, 2026

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MCLE Certificate Information

MCLE Certificate Information

- Approved for 1.5 hours General PP credit.
- CLE credit form must be submitted by **Thursday, March 5th**.
- Form Link:
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- Most participants should anticipate receiving their certificate of attendance in four to eight weeks following the webcast.
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Agenda

01 State AGs More Active Amidst Scaled Back Federal Enforcement

02 Increase in Use of Outside Counsel

03 Increase in Coordinated Actions

04 Trends and Notable Actions in Specific Areas of Enforcement

05 Best Practices in State AG Investigations / Enforcement Actions

**STATE AGs MORE
ACTIVE AMIDST
SCALED BACK
FEDERAL
ENFORCEMENT**

01

Large Settlements

Texas v. Google, Inc.

- **\$1.4 billion** settlement of biometric data claims

In re: National Prescription Opiate Litigation

- **\$720 million** settlement with eight opioid manufacturers
- Participating states: NY, CA, CO, IL, NC, OR, TN, UT, VA.

New Jersey v. DuPont

- **\$2 billion** settlement of environmental claims stemming from PFAs (so-called “forever chemicals”)

INCREASE IN USE OF OUTSIDE COUNSEL

02

States Increasingly Turn To Outside Firms To Generate Big Settlements



***County of Santa
Clara v. Super.
Ct., 50 Cal. 4th 35
(2010)***

- Expanded the authority of public entities to hire private counsel on a contingent fee basis
- California District Attorneys Association warned that fee arrangements with private counsel “*jeopardize[] key civil law enforcement statutes by undermining existing public confidence that those statutes will be applied in an even-handed, neutral, impartial manner by financially disinterested prosecutors.*”
- On remand, Defendants Sherwin Williams, ConAgra, and NL industries found jointly and severally liable and ordered to pay \$1,150,000,000.00. Plaintiffs’ attorneys’ contingency = 17% or **\$189,550,000.00**
 - Parties later settled for \$305 million

State AG Actions Prosecuted By Outside Counsel

- *Texas v. Google, Inc.*
- *Oregon v. Coinbase, Inc.*
- *Alabama v. TikTok, Inc.*
- *Minnesota v. TikTok Inc.*
- *Arkansas v. Temu*

INCREASE IN COORDINATED ACTIONS

03

Multistate Coordination

National Association of Attorneys General

- Nonpartisan national forum for state and territory attorneys general to collaborate on legal and law enforcement issues.

Attorney General Alliance

- Alliance of Attorneys General, federal, state, and foreign officials, and public and private sector partners, collaborating on issues in law and policy.
- Traditional focus has been on issues affecting western states like California.

Multistate Coordination (cont'd)

Democratic Attorneys General Association

- Professional committee supporting and electing Democratic AGs.
- “Attorney General Neronha co-leads 22 states and the District of Columbia in suing to stop Trump Administration from withholding essential federal funding.” (Jan. 28, 2025)
- “16 State Attorneys General Offer Guidance on DEI Policies Amid Federal Scrutiny.” (Feb. 13, 2025)

Republican Attorneys General Association

- Organization of Republic AGs from 28 States.
- “Republican AGs Push Back Against “Federal Takeover” of Coal Mining Regulations.” (June 2024)
- “Costco Urged by Republican AGs to Repeal DEI Policies.” (Jan. 2025)

Multistate Coordination (cont'd)

Amicus Briefs

- *Young v. Colorado Department of Corrections*, 2024 WL 1040625 (10th Cir. Mar. 11, 2024)
- *Chicago Women in Trades v. Trump*, No. 1:25-cv-02005 (N.D. Ill. 2025)

Joint Letters

- Letter from Republican AGs to 20 law firms regarding DEI practices (Apr. 2025)
- “DEI Initiatives among Business Roundtable Members.” (Apr. 2025)

Federal/State Coordination

DOJ

- Partnering with State AGs to enforce student athlete right to compete: DOJ, along with 10 states and D.C., filed civil lawsuit under Sherman Act proposing a consent decree to enjoin NCAA from placing “eligibility restrictions” on student athletes who transfer schools more than once.

CFPB

- Partnering with State AGs on consumer protection issues: CFPB and 7 State AGs sued Strategic Financial Solutions for allegedly running illegal debt-relief enterprise, alleging the enterprise collected more than \$100 million through exorbitant, illegal fees from vulnerable consumers.

FTC

- Partnering with State AGs to reduce hidden fees: FTC’s Rule on Unfair or Deceptive Fees, aimed at limiting “junk fees” targeted at consumers, was supported by 19 State AGs in comment letter. The Rule includes requiring businesses to clearly and conspicuously disclose total price, inclusive of mandatory fees.

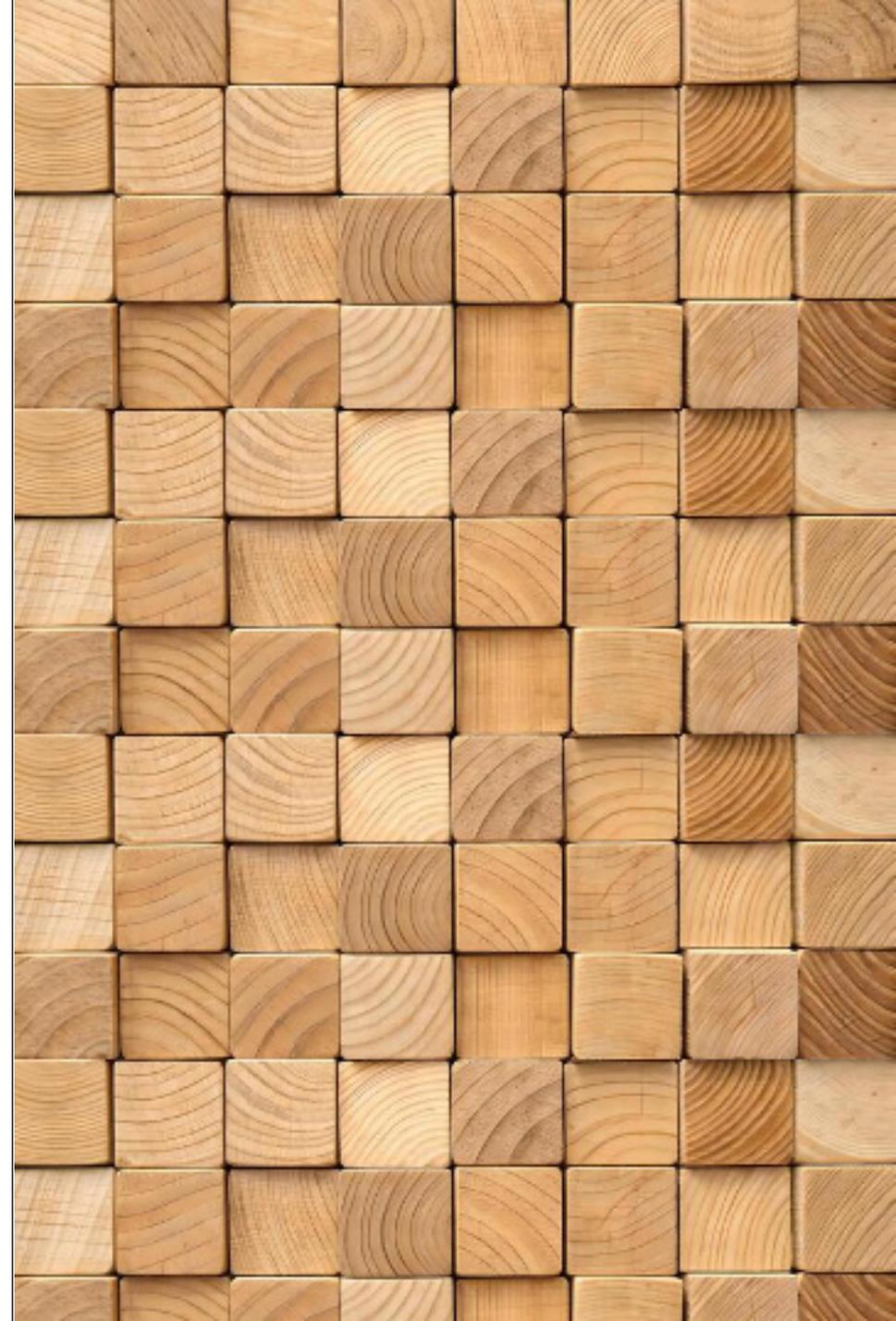
**TRENDS AND
NOTABLE ACTIONS IN
SPECIFIC AREAS OF
ENFORCEMENT**

04

Diversity, Equity & Inclusion

Trends

- Multiple states targeting the same company under similar legal theories
- Refusal to contract with firms that maintain DEI initiatives



Data Privacy

Trends

- Expanding consumers' data privacy rights
- Increase in enforcement actions against companies alleged to have unlawfully accessed, sold, or exposed / failed to protect consumers' personal data

“Data knows no borders — state and nationwide coordination is vital for protecting consumers’ rights, especially in our data-driven world. Collaborating with partners across the country provides another tool in the toolbox for my office to tackle enforcement priorities and continue safeguarding the privacy rights of Californians.”

California AG Rob Bonta

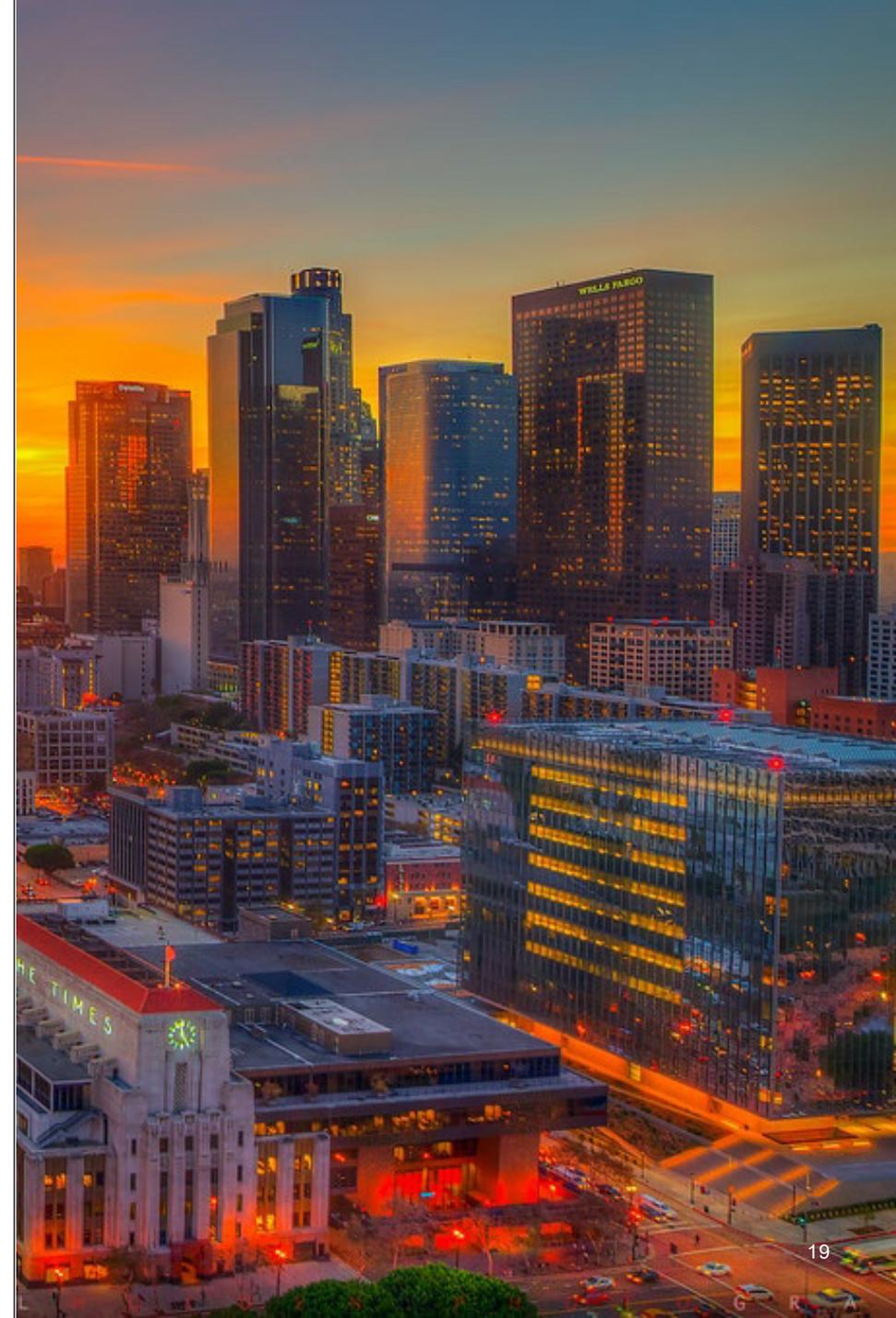
“Technology companies are on notice that my office is vigorously enforcing Texas’ strong data privacy laws.”

Texas AG Ken Paxton

Consumer Protection

Trends

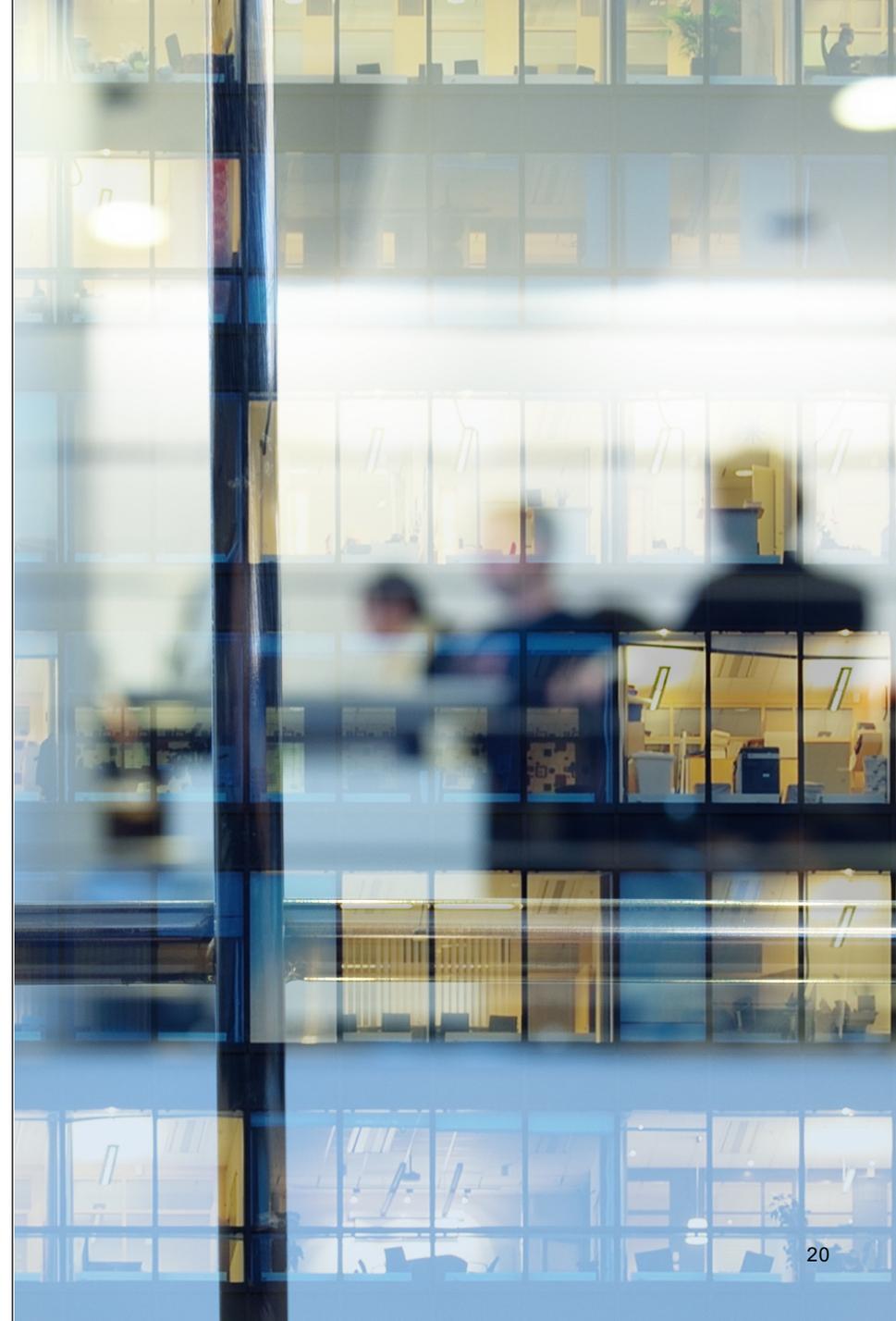
- Look like class actions. Talk like class actions. Not class actions.
- Civil penalties (unique to public enforcers) + partner with plaintiffs' counsel
- Increased partnership with private counsel + activity in previously pro-business, “red” states



Antitrust

Trends

- State AGs are focusing on software restrictions and platform access
- State AGs are focusing on horizontal agreements between competitors
- Red-state AGs are using antitrust law to combat ESG and “climate cartels”
- Increased scrutiny of mergers
- State AGs are focusing on anticompetitive restrictions on digital advertising



Environmental

Trends

- Partisan enforcement priorities
 - Red state AGs are scrutinizing ESG initiatives and combatting “climate cartels” and greenwashing
 - Blue state AGs are attacking fossil fuel “cartels” and supporting environmental considerations for business decisions
- PFAs remains a lightning rod for litigation



False Government Claims & Healthcare

Trends

- AGs beginning to pursue Medicaid cases on their own
- Prioritizing healthcare billing and coding issues
- Investigating the financial incentives for medical providers to recommend childhood vaccines
- Seeking recovery for tax evasion schemes under state false claims acts
- Targeting private equity firms



Securities & Financial Fraud

Trends

- Treating cryptocurrencies as “securities” and bringing enforcement actions targeting exchanges, yield programs, and token promotions
- Using consumer protection and investor protection theories to go after “retail investor harm,” pursuing investment-related misconduct
- New York AG continues to emphasize investigations of insider trading and scrutinizing executive trading plans under the Martin Act



**BEST PRACTICES IN
STATE ATTORNEYS
GENERAL
INVESTIGATIONS &
ENFORCEMENT
ACTIONS**

05

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