

# NAAG Gazette

A Newsletter of the National Association of Attorneys General

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June 17, 2008



LAWRENCE WASDEN

## Welcome to NAAG's 2008 Summer Meeting

LAWRENCE WASDEN, NAAG PRESIDENT

It is my pleasure to welcome you to the National Association of Attorneys General 2008 Summer Meeting. This year's discussions are sure to be engaging and lively as we hear from various national leaders representing government, industry and law enforcement.

Topics for discussion include technology and crime-fighting, rising energy and fuel costs, law enforcement challenges to protecting children, cross-border issues, digital television transition and other emerging legal issues. We will also welcome delegations from Mexico, Canada and Taiwan to our proceedings to further broader understanding of culture and the law.

In addition, NAAG will host its annual awards ceremony recognizing the work of those who contribute to the Office of the Attorney General, including its most prestigious honor, the Kelley-Wyman Award, presented to an Attorney General who has done the most to achieve the Association's objectives.

This meeting signals the end of my tenure as President. I hope you will join me as I welcome President-Elect Attorney General Patrick Lynch to the helm of NAAG.

We have a beautiful backdrop for this year's gathering — Providence, Rhode Island. Thank you to our host, Rhode Island Attorney General Patrick Lynch and his staff, for their assistance in planning this meeting.

I know that this will be an exciting and substantive meeting as we continue to tackle new and complex legal issues in this forum. I thank you for all of your support this year, and I look forward to seeing you in Rhode Island!



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## NAGTRI Announces New Consumer Protection Fellowship

### NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

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DENNIS CUEVAS

DENNIS CUEVAS, PROJECT DIRECTOR & CHIEF COUNSEL,  
CONSUMER PROTECTION

The National Attorney General Research and Training Institute (NAGTRI) of the National Association of Attorneys General received a grant from The Center for State Enforcement of Consumer Protection and Antitrust Laws, Inc. (State Center) to fund a Consumer Protection Fellowship Program for one year. The NAGTRI/State Center Consumer Protection Fellowship Program will mirror the highly successful NAAG Supreme Court Fellowship program, begun in 1986, during which Assistant Attorneys General in state Attorneys General offices spend three months housed in NAAG's office in Washington, D.C. to focus on improving their brief writing and oral argument skills. The NAGTRI/State Center Consumer Protection Fellow, while continuing to be an employee of the state Attorney General's office, will focus his or her time in Washington, D.C. on a specific consumer protection-oriented research project. Grant funds will be used to cover housing and related costs for a three-month period for two Fellows.

### THE PROGRAM

The NAGTRI/State Center Consumer Protection Fellowship program is designed to provide consumer protection Assistant Attorneys General an extraordinary opportunity to develop expertise in a specific discipline in consumer protection, which would in turn provide tangible and meaningful assistance to his or her colleagues around the country. The work of the Fellow can be divided into two major areas: research/publication and information sharing/liaison work.

The program will allow Assistant Attorneys General from state Attorneys General Consumer Protection Divisions to spend time in Washington, D.C. to research cutting-edge issues of interest to state consumer protection divisions and to develop a monograph or white paper. The monograph or white paper will be "deliverable" under the auspices of NAGTRI and published for state Attorneys General offices, as well as the general public.

Although consumer advocacy groups, industry groups and government agencies conduct and develop consumer protection-oriented research, there is not much original research from the perspective of state Attorneys General, with the exception of the work of the National State Attorneys General Program at Columbia Law School, which the NAGTRI/State Center Consumer Protection Fellow's research would complement. Currently, there are emerging consumer issues that state Attorneys General are continuing to address, including predatory lending, privacy, product safety, automobiles, pharmaceuticals, telecommunications and health care. In addition, there is a need for more scholarly published work in the area of federalism and preemption. The NAGTRI/State Center Consumer Protection

Fellowship Program will allow an Assistant Attorney General to delve much deeper into a specific issue and obtain expertise in an area of consumer protection.

The NAGTRI/State Center Consumer Protection Fellow will be provided access to all of the nation's capital's resources, including the Library of Congress, several law school libraries, including Georgetown University, George Washington University, American University, Catholic University and Howard University; and Capitol Hill.

With respect to information sharing, the program also will afford the Fellow the opportunity to liaise with their federal agency counterparts at the Federal Trade Commission, the U.S. Department of Justice, Office of Consumer Litigation, the Federal Communication Commission, the U.S. Postal Inspection Service and the Executive Office for United States Attorneys. The Fellow also will meet with consumer advocacy groups, as well as industry and trade association groups based in Washington, D.C.

## THE PROCESS

NAGTRI will begin accepting applications and research proposals from state Attorneys General Offices in mid-summer. Selection of the Fellow will be based on the scope, timeliness and the need for the research proposal, and made by a committee. For more information about this exciting opportunity, please contact Dennis Cuevas at [dcuevas@naag.org](mailto:dcuevas@naag.org).



### GLORIA POST

Organization is a key part of Gloria Post's job. As the executive assistant to the chief of staff and to the chief financial officer, she is accustomed to meeting multiple deadlines, juggling various staff

### GLORIA POST

requests, processing meeting registrations and poring over financial paperwork.

But things can get especially busy during audit season or when multiple meetings are scheduled around the same time. And she also enjoys a busy travel schedule when she conducts on-site meeting registrations. The frenetic pace of NAAG and the fast-paced life of Washington, D.C. have meant making some adjustments, but the Kingston, Jamaica native takes it all in stride.

"I like the traveling," Gloria said. "I love to go to the different meeting locations and seeing the different states and meeting people who we talk to or communicate with via email or over the phone. But I also like providing support for the finance office and the chief of staff. There's always something new and different."

Gloria, who joined NAAG's staff in May 2006, has already accumulated a long list of noteworthy accomplishments. Some of her recent successes include streamlining a number of financial processes, coordinating aspects of the fiscal and logistical needs for the National Attorneys General Training and Research Institute, creating a centralized repository for invoices, and revamping the document filing system to make research requests easier. In addition, she just became a notary.

In spite of the long hours, Gloria still finds time to spend with her family, which relocated to Salisbury, Md. when she was younger. And she tries to find time to visit with her eight siblings, all of whom are scattered between Salisbury and Canada. Her 14-year-old daughter, Samantha, also keeps her busy as they try to fit in weekend museum visits and other sightseeing excursions.



# An Ethical Dilemma: Is it Okay to Look for Metadata in Another Attorney's Documents?



HEDDA LITWIN, CYBERCRIME COUNSEL

HEDDA LITWIN

First of all, what is metadata, anyway? Metadata is electronically stored information about a document, usually invisible to the naked eye, that contains the attributes of the document, such as who created it, when was it created, how was it modified and by whom, as well as the date of last modification. Sounds innocent enough, right? That's often the case, but sometimes metadata can be extremely helpful to an attorney on the opposite side.

Suppose your office is working on an amicus brief with other states. A draft is sent by e-mail attachment to all of the state colleagues working on the brief, so they can make changes or comments they deem appropriate. The brief is finalized and filed. If a copy is sent to opposing counsel by e-mail, it may be possible for him or her to access the metadata with those comments and changes.

But is it ethical for that attorney to access the metadata? Some state bars have addressed the issue, with varying results. The New York bar, one of the first to weigh in, concluded that the use of computer technology to access another client's confidential information revealed in metadata constitutes "an impermissible intrusion on the attorney-client relationship." Several other state bar association opinions followed along similar lines. In 2006, the American Bar Association came out with an opposite opinion, finding that attorneys who receive electronic documents are free to look for and use information hidden in metadata, even if the documents were provided by an opposing lawyer. Pennsylvania's bar committee concluded that it would be difficult to establish a rule applicable to all circumstances, so it left the final determination of how to address inadvertent disclosure of metadata to the individual attorney and the relevant facts.

So what should you as a prudent attorney do to prevent the disclosure of metadata in your own docu-

ments? The easiest way is to not create it in the first place. Re-save the document to a floppy disk or flash drive using "Save as" and then use this copy to distribute to the other side. Using Microsoft Word, you can also remove personal information about you and your computer by going to the "Tools" menu, selecting "Options" and then selecting "Security," where you can select the privacy option of "remove personal information from file properties on save." Another technique is to once again select "Tools" and then "Options" but this time select "save" and then ensure that the "allow fast saves" option is not selected which can leave hidden data in the document.

The best thing you can do, however, is to understand more about the electronic documents you are working with. Whether you work on criminal appeals, corrections litigation or civil enforcement, you will need to know your data and the data in your data.



# Receiverships— A Better Alternative to Bankruptcy for Government Regulators?

KAREN CORDRY, BANKRUPTCY COUNSEL



**KAREN CORDRY**

For some regulators, such as those that are watchdogs for the banking and insurance industries, it is relatively common to use receiverships to replace the management of problematic entities, whether those companies are suffering financial distress through no fault of their own, or have been engaged in a criminally fraudulent enterprise, or anything in between. Other regulators, such as in the environmental or consumer protection area, may occasionally attempt to obtain a receiver, but the process is far less common there. At a recent conference for securities regulators held in Atlanta, NAAG Bankruptcy Counsel engaged in a lively “Point, Counterpoint,” with David Dantzler of Troutman Sanders LLP, who often serves as a receiver in the securities area.

The discussion began with NAAG Counsel presenting the case for using the bankruptcy process. She noted that creditors can force a debtor into bankruptcy and the Bankruptcy Code provides that a trustee “shall” be appointed, even in a reorganization case in Chapter 11, if there is evidence of prior misconduct or mismanagement by current management. (A trustee is always appointed if there is a Chapter 7 liquidation.) The trustee has total control over all of the assets of the estate, as well as its privileges, and can waive them and open the books to government regulators to assist in their investigations. The trustee is also charged with obeying the law and should be able to end any misconduct by the debtor. The bankruptcy filing creates an automatic stay that ensures that the limited assets will be preserved and made available ratably and equitably to victims and other creditors and not dissipated in endless, duplicative litigation -- while preserving an exception for police and regulatory litigation by the government. Bankruptcy has a national scope and national jurisdiction and a large body of established law

(albeit the law is far less settled than one would expect from a field of law that is constitutionally mandated to be “uniform”). The bankruptcy trustee has extensive powers to avoid fraudulent transfers and, unlike most private parties, the power to avoid *preferential* transfers as well, *i.e.*, those that allow one creditor to receive more than what would otherwise be its fair share of the estate.

In response to these arguments, Dantzler expounded on the virtues of using the receivership process in securities cases, in particular, and in government regulation cases, in general. The initial virtue he extolled was that receivership allows the government to be *proactive* and not merely to react to a debtor’s choice to file bankruptcy. NAAG Counsel added that, while it was true that Chapter 7 cases automatically had trustees and they could be appointed in Chapter 11, the reality was that debtors in involuntary Chapter 7 cases could very easily convert them to Chapter 11 and regain control of the assets. Further, for either Chapter 7 or 11, filing an involuntary bankruptcy requires that one must have creditors with *undisputed* debts (which is usually not the case with the government’s claims), and the debtor must not be *generally* paying its bills as they come due, which may again not be true if the only debts going unpaid are those of the victims or the costs of cleaning up contaminated property.



**DAVID DANTZLER**

Troutman Sanders LLP

Dantzler next noted that, in Chapter 11, the courts have adopted an extremely high standard to show cause to displace management -- *and* have held that, if the current corrupt or incompetent management has appointed new, “independent” management in its stead, then the incompetence and/or misfeasance of prior management can be disregarded. To be sure, the court is expected to ensure that the new management is truly “independent,” but there is still a difference between being hired by (and being in at least a psychological sense beholden to) those who violated the law and having one’s appointment procured by those sworn to *uphold* the law. That difference, even if only

(Continued on page 6)

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subconscious, can also affect the underlying approach of judges adjudicating the case before them. When a receiver is requested, the court typically is dealing with a government plaintiff suing a party labeled “defendant,” which sets up the typical “white hat, black hat” scenario for the court. On the other hand, in a bankruptcy setting, when one requests a trustee, one is dealing only with the “debtor” -- the object of the court’s attention and solicitude -- and is seeking to displace the management of that entity, which is presumed to be the best party to operate for the benefit of all creditors, because of the concerns of only *one* group of creditors.

Moreover, outside of bankruptcy, the issue of appointing a receiver is normally a matter solely between the governmental entity and the debtor. While the interests of other parties, such as trade creditors, are not to be ignored in enforcing the receivership, they normally are not consulted in deciding on the appointment. In bankruptcy, on the other hand, traditional creditors are parties that are always officially recognized in the case and allowed to comment on and object to *any* action in the case, particularly one that might focus payments away from business operations and towards the victims of those operations. The split in approach between victim creditors (whether consumers or those charged with cleaning up contaminated land) and trade creditors is particularly difficult in cases where the government believes that “business as usual” by the debtor is exactly the problem. Where the government’s goal may be to shut down or dramatically restructure an offender’s operations, the participatory process in bankruptcy can substantially increase the number of players that may seek to oppose the government’s actions.

As Dantzer explained, while the standard for appointing a receiver is also relatively high outside bankruptcy, it does, in practice, require quite the same extraordinary showing as in bankruptcy. Once appointed, the receiver, as in bankruptcy, controls the debtor’s privileges and records and can be expected to be more cooperative about complying with the government’s information requests and/or considering its settlement proposals. Too often in bankruptcy, particularly in closely held corporations, the management/owners, despite their fiduciary duties to creditors, use the corporation’s assets to engage in a scorched earth defense to ensure that liability will not extend beyond the debtor to the owner’s own personal assets. The re-

ceiver has no interest in protecting the owner’s assets, so he can act more freely to settle litigation based on its own merits.

One major difference, of course, is that there is only one, national bankruptcy law. Receiverships, on the other hand, can be created based on the authority of many federal and state laws. Moreover, the general concept of an “equity receiver,” *i.e.*, a party with full authority to operate the company during litigation, is an equitable remedy that exists in federal (and many states’) common law, without the existence of a specific authorizing statute. As a result of this multiplicity of authority, both the blessing and the bane of receiverships is that they possess great flexibility. In large measure, they operate based solely on the authority granted by the court order that authorizes the receiver. Thus, as Dantzer noted, it is critical to ensure that such an order is sufficiently broad and comprehensive to ensure that the receiver is granted the powers necessary to fully control the entity’s assets and litigation. Such an order can, for instance, impose a stay on litigation that parallels the scope of the automatic stay in bankruptcy. Although it will not be effective prior to its service, the bankruptcy stay goes into effect as soon as a petition is filed. (A model of such an order, as well as Dantzer’s paper discussing receiverships and NAAG Counsel’s discussion of the various bankruptcy statutes, rules, and cases are available from NAAG.) One problem that will always exist with receiverships, as opposed to bankruptcies, is that they require a court to exercise far-reaching authority under a process with which it has little familiarity or certainty that it has such authority. This may result in the court being unwilling to authorize the full range of authority that is always available in bankruptcy.

One of the critical points is that, for *federal* receivers, there are two sections that expand the receiver’s authority nationwide – 28 U.S.C. § 754 allows the receivership order to be filed in other districts and 28 U.S.C. § 1692 then extends the territorial jurisdiction of the original court to include any district where the order was filed under Section 754. This process, once implemented, gives the receivership court jurisdiction that can be roughly equivalent to that of the bankruptcy court, although it does require a substantial amount of additional paperwork that can cause delays in the order becoming fully effective. State court receivers may have considerably more difficulty in being able to ensure they can control all of the

defendant's property if it is scattered over a number of states.

Receivers have essentially the same authority as bankruptcy trustees to bring actions to avoid fraudulent transfers, but generally will *not* be able to attack preferential transfers. If this appears to be a major source of revenues in the case, Dantzler conceded this was an area in which bankruptcy would have the edge. On the other hand, he asserted that receivers have tended to fare better than bankruptcy trustees in avoiding application of the *in pari delicto* defense when suing on behalf of the corporation. In bankruptcy, that defense has often been used to preclude the trustee from suing on behalf of the corporation against those who assisted in the misconduct. To be sure, the creditors, as such, are allowed to bring such litigation, but it is usually far more difficult for them to join together to do so, rather than to have the corporation bring the litigation and distribute the proceeds thereof to them.

However, the initial filing is not the end of the story, since a determined fraudster still has an option after a receivership is filed, namely, to file its own voluntary bankruptcy and demand that control of the assets be returned to it. Normally, under 11 U.S.C. § 542, any party holding "property of the estate" is required to turn such assets over to the debtor immediately upon the filing of the case. An exception is made, however, in 11 U.S.C. § 543(d)(1) for assets that are being held by a "custodian" such as a receiver. The court "may," in its discretion, decline to require the assets to be turned over if the creditors would be "better served" by allowing the assets to remain with the receiver. Thus, while this exception is not automatic, it does provide a basis for the receiver (and the entity seeking the receiver's appointment) to argue that the receiver should remain in place. This will obviously be most effective in situations where there is a well-structured receivership order in place, where the receiver has been doing its job effectively and economically, and where the process has been in place for some time. It will also be important to show the underlying basis for the receivership, *i.e.*, the fraud or gross mismanagement of the debtor's affairs so that the bankruptcy court will be convinced that it would be to the detriment of the creditors to allow that same management to seize control of the debtor again.

The bottom line is that receiverships are a way for the government to act proactively. Instigating an invol-

untary bankruptcy case is difficult and obtaining a trustee in such a case is equally difficult. Having a receiver appointed, while not a routine matter, can plainly be done more easily than in a bankruptcy case. More importantly, it can also be done earlier in that it need not require a showing of "insolvency" in the way that is required in a bankruptcy case. Receiverships also often operate with less of the formal trappings – and consequent expenses – of a bankruptcy case. While not a panacea, it is clearly an arrow that government regulators should explore and place in their quiver. If they can utilize the federal procedures, there are existing mechanisms to deal with a number of issues. If they will normally be proceeding under state law, they will need to explore that law and determine what the practices are and, perhaps, if necessary, work to implement additional statutory and administrative procedures to handle the sorts of issues that may arise. What they should not do is let this valuable tool go to waste.

*David Dantzler is the practice group leader of the Securities Litigation Practice Group at Troutman Sanders. His practice is focused on corporate and securities litigation, including cases involving allegations of fraud, breach of fiduciary duty, and other business torts. He has also served as lead counsel for court-appointed receivers in enforcement actions filed by the SEC, FTC, and CFTC.*

*Karen Cordry is Bankruptcy and Special Issues Counsel for NAAG. She serves as a resource person to the states for all issues relating to the effect of bankruptcy on the activities of the Attorneys General.*

# Legislative Update



**BLAIR TINKLE**

BLAIR TINKLE, GENERAL COUNSEL AND CONGRESSIONAL LIAISON

Several issues important to state Attorneys General are likely to see action on the Hill as Congress heats up in the summer months heading into the August break and a hotly contested presidential election looms in the fall. Although many believe that

Congress will continue to be busy addressing and moving legislation, few in the nation's Capitol believe that bipartisan compromise can be achieved in the coming months and much will be left to the incoming 111<sup>th</sup> Congress and a new President. Nonetheless, state Attorneys General are working to address important issues affecting the states and their citizens.

Since March, when NAAG held its national conference in Washington, D.C., Congress has continued to address the issue of lead tainted toys. Both the House and Senate have moved to expand the authority of the Consumer Product Safety Commission (CPSC) to oversee goods, particularly imports, to address concerns about lead contained in children's products. While both the House and Senate passed versions of the bill that lowered lead concentration limits on all parts of children's products, required testing of children's products before sale and increased the authority and resources of the CPSC, there remain important differences.

The bill passed in the House gave state Attorneys General a right of action to enforce a consumer product safety rule or order and the ability to obtain appropriate injunctive relief. However, with the backing of consumer advocates and state Attorneys General, the Senate passed its own version of the CPSC bill. The Senate version gives state Attorneys General enforcement authority, but also gave stronger penalties, contained whistleblower protections and offered whistleblowers a portion of civil penalties collected as a result of information that they have provided.

As the House and Senate have both acted, the bill is now in conference and another letter signed by 50 state Attorneys General was sent to the Hill on May 29, 2008 in support of strong enforcement language in the bill. Conference Committee members are expected to

wrap up negotiations in the next several weeks and the bill should hit full floor consideration in the Senate on June 24, 2008.

As the price of housing continues to plunge and the number of foreclosures soars, Congress is looking to act in the short term, with more action likely to occur before the August break.

In early May of this year, the House passed the "The American Housing Rescue and Foreclosure Prevention Act." Among other issues, the bill provides for mortgage refinancing assistance for primary residences, expands affordable mortgage opportunities, strengthens regulation of Fannie Mae, Freddie Mac and the Federal Home Loan Bank System and gives first-time homebuyers a refundable tax credit. In addition, with the strong backing of NAAG and other consumer groups, the bill was amended to clarify that the bill would not preempt state foreclosure laws for national banks or federally chartered thrifts, protecting the long-standing role of states in governing foreclosure laws. At this time, the bill remains in the Senate for potential action.

There was also action in the Senate recently to address the foreclosure crisis. In late May of this year, the Senate Banking Committee passed "The Federal Housing Finance Regulatory Reform Act of 2008." The bill, similar to the House bill, is designed to address the rising number of foreclosures by assisting borrowers in refinancing their mortgages, establishing a fund that would help create more affordable housing and give greater regulatory authority to Fannie Mae and Freddie Mac.

The Senate bill would move next to floor action. There is skepticism amongst stakeholders that House and Senate agreement on the two bills could be reached before the August break, or even in the 110<sup>th</sup> Congress.

On the criminal law front, all 56 Attorneys General signed a letter on March 3 of this year urging Congress, through the supplemental appropriations package, to restore funding for the Byrne Justice Assistance Grant (JAG) program, cut dramatically by 67 percent from FY 2007 levels. Byrne/Justice Assistance Grants fund multi-jurisdictional drug enforcement, treatment interventions, police training, technology improvements, crime prevention programs and crime victims' assistance programs at the state level. The supplemental appropriations package under consideration in both

chambers in Congress is tied to Iraq war spending and a presidential veto has been threatened if domestic spending issues are included. The Senate passed a version of the supplemental bill restoring the Byrne grant funding and the House passed a supplemental without restoration of JAG programs with an eye to avoiding presidential veto. Negotiations continue on the supplemental and some action is expected before Congress takes its August break.

Also, "The Free Flow of Information Act" is an initiative currently pending in Congress that would recognize a news reporter's qualified privilege in federal-court proceedings, a right that is not currently perfected in the U.S. Code. A new law, if enacted to recognize the privilege, would bring federal law in line with the laws of 49 states and the District of Columbia in which reporter shield laws have been adopted by legislative or judicial fiat. The underlying policy consideration is that an informed citizenry and the preservation of news information are vital to a free society and the incongruity between federal and state laws has a chilling effect. This initiative has seen both House and Senate action and state Attorneys general are looking to weigh in on the issue before the August break.

A renewed effort to revive the "Prevent All Cigarette Trafficking Act (PACT Act)" is underway in the House. Representative Anthony Weiner (D-NY) led a Crime Subcommittee of the House Judiciary Committee hearing in May 2008 on this initiative that would effectively curtail the sale of cigarettes over the Internet, skirting federal law that preserves and generates state taxes on such sales. The PACT Act would also halt the unregulated practice of selling tobacco products to minors and potentially prevent the sale of cigarettes over the Internet by terrorists to fund terrorist activity. Representative Weiner is expected to hold another hearing and is negotiating with stakeholders on the issue to move a bill in the House. NAAG has consistently supported the measure and is preparing to support this action in the House as well as any potential activity in the Senate this summer.

Lawmakers on Capitol Hill are also grappling with the issue of fighting "Spyware," the practice of computer software that is installed surreptitiously on personal computers to intercept or take partial control over a user's computer without informed consent. Members of the Senate Commerce Committee met on June 11, 2008 to discuss the issue.

Spyware often collects various types of personal information, such as an individual's Internet surfing habits and tracking web sites visited. However, spyware can also interfere with user control of the computer, such as installing additional software, redirecting activity of a web browser, forcing access to websites that could cause harmful viruses or diverting advertising revenue to a third party. In addition, spyware can change computer settings, resulting in slow connection speeds, different home pages and loss of programs, including Internet access itself.

At the June 11 hearing, senators Mark Pryor (D-Ark), Bill Nelson (D-Fla), Barbara Boxer (D-Calif), Daniel K. Inouye (D-HI), Byron L. Dorgan (D-ND) and David Vitter (R-La) discussed the need for congressional action that would provide for sanctions to the practice, with an appropriate definition that is not limiting for future changes in technology. More action on the issue is expected in coming months.

Finally, both the House and Senate recently agreed on a budget. Congressional budgets are blueprints on spending, not law; not every Congress can agree on a budget and congressional budgets are not required to be signed by the President. Congressional budgets are not funded, rather, they are simply guidelines on spending that need further, actual appropriations. Nonetheless, like any budget, it is better to be included in one than not. On a positive note, the recent budget agreement by Congress created a fund and essentially restored the child support enforcement incentive grants that were cut by the Deficit Reduction Act of 2005. The task ahead remains to obtain an appropriation for this measure.

Clearly, there is much ahead for the final months of the 110<sup>th</sup> Congress. However, it remains to be seen whether the flurry of congressional activity is just that, or whether bills will land on the President's desk and become law. In either case, state Attorneys General remain engaged in shaping policy on Capitol Hill.

# NAAG Hosts Interns

BRANDI GREEN, COMMUNICATIONS ASSISTANT

Every year, NAAG hosts interns from across the country to provide meaningful opportunities for undergraduate and law students to gain valuable work experience, refine their skills and learn about the work of Attorneys General in various legal and policy areas. Interns work alongside NAAG Counsel and participate in a number of other activities to supplement their learning experience.



**John Grant** is the Cybercrime Law Clerk from the University of Mississippi Law School. In the fall, he will return to school for his final year and will work as a member of the Mississippi Law Journal. Later this summer, John will be interning for the Chief Justice James W. Smith, Jr. of the Mississippi Supreme Court. He previously interned at the

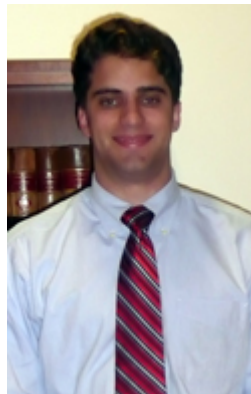
Mississippi Court of Appeals and the House Committee on Energy and Commerce in Washington, D.C. After graduating from law school, John plans to pursue a career in public service in criminal law. John received his undergraduate degree in political science from Mississippi State University. John's interests include fishing, golf, and playing guitar.



**Joy Miller** is the 2008 Bill Brown Scholarship recipient from Ohio Northern Petit College of Law. Bill Brown served as Ohio Attorney General from 1971-1983 and received his law degree from Ohio Northern University. The school established a scholarship in his honor, which is awarded annually to an incoming first-year student.

Joy will be returning to school for her second year this fall and will work as a member of the school's Law Review. Joy also participates in Street Law, a 10-week program for high school students to learn general aspects of the law and how to prepare and compete in an area wide mock trial competition. Joy obtained her undergraduate degree in history from Hillside College. She previously interned for Congressman Chris Chocola (R-Indiana) and at the Department of Homeland Security.

Joy likes playing the piano and visiting art museums in her spare time.



**Sean Douglass** is a rising fourth-year student at the University of Virginia where he is an Echols Scholar and the president of his fraternity. Sean is completing a double major in history and government and is planning to attend law school in the future. He worked for NAAG last year on a large health privacy project and the year before as a Congressional intern on Capitol Hill.

This summer, in addition to working as a public policy intern with NAAG, he will be vacationing in Scandinavia for two weeks. Sean's hobbies include weightlifting, tennis and going to used bookstores and local coffee shops.