

Congress Passes Credit Card Reform Legislation



DENNIS CUEVAS, PROJECT DIRECTOR AND CHIEF COUNSEL, CONSUMER PROTECTION

According to the Federal Reserve, consumers owe \$973.5 billion on their credit cards, which translates to \$3,186 of credit card debt per person, or \$8,282 per household.

Typically, consumers who possess several credit cards use them frequently, and have to carry a balance from one month to the next because they are unable to pay each card off in full when the bills come in.

Over the past few years, recent bank practices impacting credit card fees, interest rates, and payment dates have created a national outcry from consumers and consumer advocates. The Center for Responsible Lending estimates that at least 10 million cardholders have seen their interest rates increase significantly in the past several months through no fault of their own. In response, Congress turned the public outcry into public policy by passing historic credit card reform legislation. The legislation, signed into law by President Obama on May 22, gives lenders nine months to implement reforms to their current practices.

Dubbed the “Credit Card Accountability, Responsibility and Disclosure Act,” it addresses several aspects of credit card interest rates, fees, and practices. For example, the legislation:

- Prohibits card companies from increasing interest rates on existing balances, with a few exceptions¹. Credit card companies cannot raise interest rates retroactively on balances accrued before a rate increase takes effect unless the cardholder is more than 60 days late in paying the bill.

- Prohibits card companies from employing universal default. Card issuers cannot increase a cardholder’s interest rates on existing balances based on adverse information not related to card behavior.
- Prohibits card companies from charging over-the-limit fees when cardholders set their own credit limits. Customers must affirmatively agree to allow over-limit transactions.
- Prohibits card companies from using “double-cycle” billing or imposing interest charges on any portion of a balance that is paid by the due date.
- Prohibits card companies from charging a fee for any payment method that is allowed except for expedited service provided by a service representative.
- Requires card companies to apply payments proportionally to the entire balance or to be applied to the balance with the higher interest rate first.

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¹ The increase is under a variable interest rate or it is the end of the promotional period for the promotional rate.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

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- Requires card companies to provide 45 days notice for rate increases to cardholders, thus allowing cardholders to pay off existing balances or transfer balances and shop for another credit card

- Requires card companies to mail bills at least 21 days before the due date and credit payment as “on time” if they are made before 5 pm on the due date, which could be extended to the next busi-

ness day for mailed payments when the due date occurs on Sunday, holidays or other days that companies do not receive mail.

Lastly, the legislation addresses what some consumer groups have labeled “irresponsible and aggressive” marketing to young consumers, especially marketing to college students. It prohibits credit card issuers from extending credit to consumers younger than age 21 unless the person can show an ability to repay or provide a co-signer.

In sum, the new law will provide consumers with some relief from questionable credit card practices. It will provide more upfront disclosures about how consumers will be charged, and restrict how credit card issuers alter fees and interest rates after a customer has signed up for a card.

Attorneys General Crack Down on Charities that Cheat



Missouri Attorney General Chris Koster, left, talks to FTC Chairman Jon Leibowitz before Operation False Charity press conference.

State Attorneys General joined the Federal Trade Commission (FTC), secretaries of state and other law enforcers May 20 to crackdown on fraudulent telemarketers claiming to help police, firefighters, and veterans in a law enforcement sweep dubbed “Operation False Charity.”

Federal and state enforcers announced 76 law enforcement actions against 32 fundraising companies, 22 non-profits or purported non-profits on whose behalf funds were solicited, and 31 individuals.

“Today, 48 states and the District of Columbia are launching lawsuits or enforcement actions against those who use the good names of our most trusted public servants for their own personal gain,” Missouri Attorney General Chris Koster said at the May 20 Washington, DC press conference. “From Washington state to Florida, Attorneys General across the country are taking a stand against charities that collect large sums of money generously donated by citizens, only to keep those vast sums for themselves, rather than distributing them to the promised beneficiaries.”

In one action, 33 states joined together to investigate Community Support, Inc., or “CSI” over their misleading fundraising practices. It solicits funds from consumers in nearly every state on behalf of more than 35 charities. CSI called people seeking donations for charities it contracted with, including Disabled Police Officers of America and National Vietnam Veteran’s Foundation. The contracts that CSI had with the charities provided that CSI would receive between 83 percent to 90 percent of the amount raised, leaving little left for the charities.

Under the settlement, a consent judgment will be entered against CSI enjoining it from engaging in specific deceptive fundraising practices. In addition, CSI will have to regularly report information to the states and be more responsible for its employees’ training and conduct and representations made to consumers. Violations of the settlement may result in penalties of \$10,000 per violation. CSI also must reimburse the states \$200,000 for the costs of the investigation.

“In these difficult economic times, Americans want to make every contribution count,” said FTC Chairman Jon Leibowitz, whose agency filed two enforcement actions. “The good news is they’re still being generous and donating to charitable organizations, including those that support our police officers, firefighters, military families, and veterans. The bad news is that some unscrupulous operators have seized on this goodwill to make a quick buck. The actions we’re announcing today demonstrate that federal and state partners will find charity scammers and we will stop them.”

State Attorneys General and the FTC also released new education materials to help consumers recognize and avoid charitable solicitation fraud. For more information, go to your state Attorneys General Web site, http://www.naag.org/attorneys_general.php or the FTC Web site, www.ftc.gov.

NAAG Tobacco Project: 11 Years of MSA Coordination



PATRICIA MOLTENI, TOBACCO PROJECT STAFF ATTORNEY

What has 52 Attorneys General as clients devoted to regulating the tobacco industry, is involved in dozens of lawsuits against tobacco companies, monitors multi-billion dollar settlement payments and has a staff that uses terms like “PM”, “SPM”, and “NPM”? The answer is the NAAG Tobacco Project.

The Tobacco Project’s responsibilities began 11 years ago with a historic, landmark settlement known as the tobacco Master Settlement Agreement (“MSA”).

This 1998 agreement was executed by 52 Attorneys General (46 state Attorneys General, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianas, collectively called the “Settling States”) and the then four largest tobacco manufacturers in the United States (Philip Morris, Lorillard, Brown & Williamson, and R.J. Reynolds). The other four state Attorneys General entered into separate settlement agreements with the “big four.” The MSA resolved over 40 lawsuits brought by the states against tobacco manufacturers to recover billions of dollars in costs incurred by the



Bill Malloy joined NAAG in August 2008 and quickly grasped the duties in his role as the project assistant for both the Legislation and Criminal Law projects. In this capacity, Bill represents the As-

sociation on Capitol Hill, gains valuable legislative experience, works on key law enforcement issues and circulates sign-on letters to Attorneys General. He handles the work for both projects with ease and learns a great deal in the process.

“Through this position, I have learned the importance of federal and state cooperation with many law enforcement issues including human trafficking, child predators and law enforcement grants. I also find it rewarding to see direct democracy through state leaders, including Attorneys General, in addressing these issues,” said Bill.

During his time here, he hopes to gain more experience with the legislative process and focus on specific areas such as organized crime and the U.S. drug trade.

Prior to joining NAAG, Bill was a full-time student studying international studies, philosophy and French at the University of Scranton in Scranton, Pennsylvania, home to the popular television show, “The Office.” During college, he worked an array of odd jobs including a prep chef for a catering company and a telephone services representative. He also studied abroad at the La Sorbonne, a name commonly referred to the historic University of Paris in Paris, France.

In his spare time, this Hazleton, Pennsylvania native enjoys sampling cuisine from ethnic restaurants, mastering the French language, listening to music from the 1970s and 1980s, and watching his favorite television shows, “30 Rock” and “The Office.”

states to treat smoking related illnesses. At the heart of this very complex agreement is a simple bargain. The “big four” companies agreed (1) to make multi-billion dollar payments, annually and in perpetuity, to the states and (2) to significantly restrict the way they market and advertise their tobacco products, including a prohibition on the use of cartoons in cigarette advertising or any other method that targets youth. In exchange for these benefits, the states agreed to release the “big four” and any other tobacco company that became a signatory to the MSA, from past and future liability arising from the health care costs caused by smoking. Individual claims against tobacco companies are unaffected by the MSA.

Significantly, the MSA expressly charges NAAG with providing “coordination and facilitation for the implementation and enforcement of this Agreement on behalf of the Attorneys General of the Settling States, including... support[ing] and coordinat[ing] the efforts of the Attorneys General of the Settling States in carrying out their responsibilities under this Agreement.” MSA, §VIII(a). The Tobacco Project carries out these duties.



Today, about 50 tobacco manufacturers are MSA signatories (called “Participating Manufacturers” or “PMs”) and about an equal number have not signed the MSA (called “Non-Participating Manufacturers” or “NPMs”) but are regulated by the Settling States under state law. This means that the Tobacco Project has 52 Attorney General clients responsible for regulating some 100 tobacco companies. Annually, these companies sell billions of cigarettes in the United States, and these sales generate billions of dollars in liability owed to the states under the MSA and under state law.

Litigation

Tobacco Project staff spends a lot of time helping its clients litigate MSA-related issues. The MSA, unlike many

settlement agreements, gives rise to considerable litigation because it is a living document—meaning that it allows for additional tobacco companies to become signatories, it contains on-going payment obligations, and it permanently enjoins PMs from certain advertising practices. For these reasons, and because the MSA was crafted with creative ambiguity and involves so much money – over \$68.3 billion in payments to the states to date—it has provided, and continues to provide, fertile ground for disputes over its interpretation and challenges to its existence. This has created significant litigation responsibilities for the Tobacco Project. Typically, the staff advises and supports the states in this litigation, but, in some instances, we represent them in court.

To date, over 20 lawsuits have been filed challenging the MSA or its related state laws on constitutional or antitrust preemption grounds. States have also filed numerous suits against PMs alleging violations of the MSA’s payment provisions or its marketing restrictions. In all of this litigation, the Project provides the states with expertise on legal and factual issues and on tactics and strategy. Typically, we review legal pleadings and coordinate a consistent legal position, and on occasion we appear as counsel for the states in court. Thus far, no suit challenging the MSA or related state laws has been successful, and most have been resolved in the states’ favor through dispositive motions. Project Attorneys Ilana Knoff and Nathan Doty work closely with states on this litigation, and Bill Lieblich, deputy chief counsel for MSA Public Health Provisions, oversees their work and has primary responsibility for such cases.

Conversely, state suits against PMs alleging MSA violations have been largely successful. We estimate that such lawsuits have resulted in recoveries to states of \$277 million they would not otherwise have received.

Bankruptcy

When a tobacco manufacturer files for bankruptcy, NAAG has consistently represented the states in bankruptcy court. To date, eight such companies have filed for bankruptcy protection, and in all of these cases, Karen Cordry, NAAG Bankruptcy counsel and, since 2006, Patricia Molteni, Project attorney, have represented the states in bankruptcy court. In these cases NAAG goals include: (1) preventing the debtors from using bankruptcy law to avoid their MSA or state law payment obligations to the states and (b) to ensure that states can continue to perform their regulatory duties despite the bankruptcy filing. We are proud to say that even after filing for bankruptcy, these debtors have been required to pay states over \$83 million for their tobacco sale liabilities and more payments are expected.

MSA Payment Calculations

An independent auditor, PriceWaterhouseCoopers, calculates payments due under the MSA, and how such payments are allocated among PMs and disbursed among Settling States. The Project has primary responsibility for reviewing such calculations and raising any payment issues with the independent auditor. The MSA's payment provisions are lengthy and complex. The final amount due each year from each PM varies, but it is a function of numerous factors including the number of cigarettes sold by each PM in the previous calendar year, the PM's cigarette market share in 1997, last year's inflation rate, and other variables that can adjust payments upward or downward. Project Attorney Michael Hering, deputy chief counsel for MSA Payments, has primary responsibility for these duties and has increased payments to the states each year (by \$1.2 million in 2008 alone) as a result of these efforts.

NPM Adjustment Dispute

Currently, the most significant litigation involving our clients is a matter known as the "2003 NPM Adjustment Dispute". This is an arbitration proceeding involving all states and all PMs. At stake is a potential \$1.15 billion reduction in the PMs' annual payment due in 2004 but based on their 2003 sales. While the current arbitration involves only the potential adjustment based on 2003 cigarette sales, disputes exist over potential NPM Adjustments based on sales in years 2004-2008. Decisions made in the current arbitration proceeding could affect resolution of these other disputes. Taken together, the potential NPM Adjustments for years 2003 through 2008 is \$5.3 billion. Although all Project attorneys work with the states to some degree on this litigation, Peter Levin, Project director and chief counsel, has primary responsibility for assisting the states on this matter.

Project Communication

The magnitude of our clients' regulatory activity creates numerous and challenging coordination responsibilities for the Tobacco Project. To help clients communicate, the Project employs both traditional methods and new technology. Staff organizes at least two in-person meetings each year, and we host multi-state conference calls nearly every day. But most recently, we partnered with an outside company to develop software to provide our clients with a secure, Wiki-type Web site customized for the states' use. Just like the Wiki that you may have used on the Internet, the NAAG Wiki provides a cyber workspace that allows the states to communicate directly with each other, either en masse or to a specific subgroup, without having to rely on the Project to send their message via

group e-mail. It also gives our clients the ability to design their own workspace, to post documents to it, and to organize information in a way that suits them best. It removes NAAG from being an information funnel (or bottleneck) and enables the states to collaborate directly with the Project and each other. The Wiki has been up and running for about six months and, although it continues to evolve, it has greatly improved efficiency of communication and collaboration of ideas. Nathan Doty, a Project staff attorney, has been the point person for the design, implementation, and training of personnel on this system.

The Project has other duties, but the above represent the most pressing matters and consume the most time. In addition to the lawyers mentioned above, the Project also relies on three outstanding paralegals in performing its work; they are Erjona Fatusha, Albert Cahn, and Dan Ngo. Put most simply, the Tobacco Project is dedicated to assisting our Attorney General clients in enforcing the MSA and regulating the tobacco industry.

Protecting the Protected: Overseeing Adult Guardianship



JUDY MCKEE, END OF LIFE HEALTHCARE COUNSEL, SEAN M. DOUGLASS²

According to the most recent statistics, by 2030, there will be 71.5 million people living in the United States who are 65 or over.³ With this graying of our population, the number of seniors with cognitive disabilities will also increase with a concomitant increase for the need for guardians. Guardianship for older adults, while designed to be protective, too often has resulted in harm rather than help for this vulnerable segment of our society.

States have, over the last 20 years, taken steps to tighten guardianship proceedings, ensuring that due process is observed and that accountability is tightened. The Minnesota legislature currently is considering H.F. 804, which would include a bill of rights for protected persons and other procedural safeguards. The year 2006 was

² Much of the research for this article was conducted by Sean Douglass, who was an undergraduate intern at NAAG during the summers of 2007 and 2008. Sean will be attending law school this fall.

³ Senators Gordon H. Smith and Herb Kohl, "Guardianship for the Elderly: Protecting the Rights and Welfare of Seniors with Reduced Capacity." U.S. Senate Special Commission on Aging at 1 (Dec. 2007).

an especially busy one for changes in state guardianship laws. Among the states tightening and strengthening their procedures were California, Florida, Georgia, Idaho, Kansas, Maine, Virginia, and Wisconsin.

However, even with the best laws in place, there will continue to be exploitation of incapacitated individuals. The dark side of guardianship often occurs outside of public view, with the protected individual being increasingly isolated from neighbors, friends, and even family members. Sometimes these issues erupt on the front page of newspapers such as happened with the fight over Brooke Astor's guardianship when her grandson challenged his own father's handling of affairs. Subsequently, Anthony Marshall, Brooke Astor's only child, was indicted on theft and undue influence charges in a trial that is on-going in Manhattan.⁴ Even popular novelists have found this a useful theme on which to build a gripping plot.⁵

The saga of then 95-year-old Emma France is an example of how even good intentions by state authorities can go awry. France was sent to the hospital in May 2007 by a Missouri county public administrator, concerned, evidently, that the elderly woman was not mentally capable of taking care of her finances after she had lost money in lottery schemes. She was deemed to be incapacitated and in need of a public guardian. The petition for guardianship, filed by county authorities, did not comply with state law in that it failed to include notification to France's daughter, Delores Forste, or to any other relative. The "examining" physician later admitted that he signed a blank certificate. France's appointed attorney, although knowing that she wished to be present at the hearing, decided that it would be "better" if she were not present.

France at some point called her daughter, who arrived from California and took her mother back to live near her. Missouri filed an arrest warrant for kidnapping whereupon California authorities placed Forste in jail for two weeks prior to extraditing her to Missouri. These charges were eventually dismissed. France filed a law suit against the attorneys for Rita Hunter, the public administrator in Jasper County who had initiated the hospitalization and subsequent petition for guardianship. This lawsuit has been dismissed. However, France's lawsuit against Hunter is still pending.⁶

There is evidently no allegation that Hunter initiated the guardianship procedure from anything other than genuine concern for France's welfare. Unfortunately, the

4 Unfortunately, even public guardians fall prey to greed. Recently, a federal judge sentenced a former Buchanan County, Mo., public administrator to three years' imprisonment for embezzling over \$119,000 from Social Security payments intended for clients served by her office. Press release available at <http://www.usdoj.gov/usao/mow/news2009/lawson.sen.htm>.

5 See, e.g., Sue Grafton, "T Is for Trespass" (New York, G.P. Putnam, 2007).

6 *France v. Hunter et al.*, No. 08 AP-CC-00095 (Jasper County, MO).

stream-lined procedure whereupon France was deemed incapacitated and minimal safeguards were followed may not be unusual when a seemingly urgent situation arises. An article analyzing emergency guardianship statutes appeared in the December 2008 of the American Bar Association's (ABA) "Bifocal".⁷ The article concluded that state statutes on emergency guardianship procedures remain uneven with some not meeting due process standards. It concluded by quoting a 2007 U.S. Senate Special Committee on Aging report that "emergency appointments, by their nature, immediately deny prospective wards their rights to due process."⁸

Security industry regulators have tackled the issue of dealing with elderly clients' diminishing capacities by publishing a best practices report.⁹ Among the suggestions is that brokers be taught how to recognize clients in declining health and identify red flags of financial abuse. Some of these red flags include sudden, unexplained withdrawal of large amounts of cash, "shielding" by the caretaker so that the financial advisor is unable to talk to the client, and a client's power of attorney being given to an inappropriate person. Advisers who live in states that have passed the model Uniform Power of Attorney Act



7 Angela Grady, "Emergency Guardianship Statutes: An Analysis of Legislative Due Process Reforms Since *Grant v. Johnson*", 30 *Bifocal* 28 (2008). It is not clear whether the guardianship petition regarding Ms. France was conducted as an emergency procedure.

8 *Id.* at 33, quoting *supra* n.1 at 12.

9 Office of Compliance, Inspections and Examinations, Securities and Exchange Commission, North American Securities Administrators Association, and the Financial Industry Regulatory Authority, "Protecting Senior Investors: Compliance, Supervisory and Other Practices Used by Financial Services Firms in Serving Senior Investors" (Sept. 22, 2008), available at <http://www.sec.gov/spotlight/seniors/seniorspracticesreport092208.pdf>.

may refuse orders from an agent if they have good reason to think that something is wrong.¹⁰ These situations are then reported to the state agency with responsibility to provide protective services to elderly citizens.

Other than tightening laws and procedures, what else could states be doing to ensure that this extremely vulnerable segment of our society is adequately protected from their court-appointed “protectors”? One approach, which has been tried by several states, is an adult guardianship and conservatorship mediation program. The Center for Social Gerontology pioneered training in this area;¹¹ mediation has been used successfully to handle issues both within the traditional guardianship paradigm and as an alternative to guardianship. Another promising development is the use of emeritus pro bono attorneys to assist courts by providing both oversight and legal assistance. North Dakota is the latest state to pass emeritus rules that waive normal licensing requirements for qualified attorneys who offer to provide pro bono services.¹² The ABA’s Commission on Law and Aging recently announced funding for programs using emeritus counsel in California, Oregon, Texas, Utah, and West Virginia.¹³

In December 2007, AARP published a report, in conjunction with the ABA’s Commission on Law and Aging, that detailed practices some jurisdictions were using to enhance oversight of guardianship proceedings.¹⁴ The report followed an earlier survey by the ABA of court practices; this report found many courts did not have anyone designated to verify information provided in mandatory reports, that funding for oversight was minimal, technology was not being utilized effectively, and many jurisdictions had no one assigned by the court to visit individuals under guardianship.¹⁵

The promising practices highlighted in the 2007 report fell within several categories: reports and plans, court actions, protection of assets, court review of reports, investigations and sanctions, and court links with community groups. Increasing the use of technology would greatly assist in the oversight mission of the courts. This would include standardizing guardian report forms, posting them on the Web, allowing e-filing that would be filtered through software with built-in red flags, automatic com-

parison with earlier filings, and alerts to court personnel when mandated filings are missing. In addition, software that would randomly select filings for more thorough auditing would promote more careful and thorough reports by guardians. A chilling effect against malfeasance would be created if courts followed through, as does Maricopa County, Ariz., by issuing felony warrants where there is evidence of legal abuse by a guardian. Suffolk County, N.Y., has developed a model guardianship court that integrates all pending cases involving incapacitated individuals and incorporates mediation, volunteer advocates, and a resource coordinator. Courts looking for volunteers to assist in oversight activities need look no further than their local AARP chapters and their local and state bar and ABA’s information on volunteer opportunities for emeritus lawyers.

In an era of diminishing resources and an increasing number of adults under guardianship, it is important that states develop innovative methodologies for ensuring that those who cannot handle their own affairs are protected, instead of ignored or — even worse — exploited, by the guardianship system.

New NDAA Executive Director Named



SCOTT BURNS

Scott Burns has been named executive director of the National District Attorneys Association (NDAA), a 7,000-member organization of elected and appointed state and local prosecutors.

Burns spent more than 15 years as the district attorney in Iron County, Utah, before serving as deputy director for State, Local, and Tribal Affairs within the Office of National Drug Control Policy (ONDCP) from 2002-2007. In 2007, he became ONDCP deputy director, a position he held until recently.

“Prosecutors measure their success not by conviction rate but by whether justice is done in their communities and, as importantly, whether the people in those communities feel that justice is being done,” said Burns.

NAAG Executive Director Jim McPherson said, “NAAG’s relationship with NDAA is vitally important to our membership. As the third pillar of the prosecution structure [federal, state, and local], the role of the local prosecuting attorney is essential to government’s mission of serving and protecting its citizens.”

“Scott brings a wealth of experience having served as a district attorney and a federal policy maker. I look for-

¹⁰ Uniform Power of Attorney Act, available at http://www.law.upenn.edu/bll/archives/ulc/dpoaa/2008_final.htm.

¹¹ On its Web site, the Center lists several resources for states desiring to initiate a mediation program.

¹² See Rule 3.1 of the North Dakota Admission to Practice Rules.

¹³ “ABA Commission Awards Funding for Pro Bono Indigent Guardianship Projects”, 30 *Bifocal* 55 (2009).

¹⁴ Naomi Karp and Erica Wood, AARP, No. 2007-21, “Guarding The Guardians: Promising Practices For Court Monitoring” (2007), available at http://assets.aarp.org/rgcenter/il/2007_21_guardians.pdf.

¹⁵ Naomi Karp and Erica Wood, AARP No. 2006-14, “Guardianship Monitoring: A National Survey of Court Practices” (2006), available at http://assets.aarp.org/rgcenter/consumer/2006_14_guardianship.pdf.

ward to working closely with him as we partner with NDAA to serve our members and help them serve their citizens,” McPherson said.

One NDAA goal includes obtaining funding for the John Justice Act, named after a former NDAA president, that would provide student loan debt relief for both young prosecutors and public defenders in order to encourage the best young lawyers to dedicate their careers to public justice.

Burns leads a staff of 42 in the Alexandria, Va., headquarters and Columbia, S.C. NDAA consists of the American Prosecutors Research Institute (APRI), the National College of District Attorneys and the National Advocacy Center. NDAA's board of directors is made up of representatives of all 50 states.

NAAG Counsel: Speaking Engagements and Appointments

NAAG counsel is often invited by the legal community and other organizations to speak on areas of expertise or to serve on a committee. The following are some recent speaking engagements and committee appointments.

Dennis Cuevas, Consumer Protection counsel, will participate on a state enforcement update panel at the Advertisers' and Marketers' Regulatory Summit, June 25-26 in Washington, DC.

Karen Cordry, Bankruptcy counsel, spoke to the International Municipal Lawyers' Association (IMLA) in April about the interplay between the automatic stay in bankruptcy and the police and regulatory exceptions and bankruptcy preemption, primarily with regard to regulation of going-out-of-business (GOB) sales. In recent months, debtors have sought not only to limit laws specifically relating to GOB sales but also to impose overbroad restrictions in this area on general laws such as those regulating the use of “sign walkers.” IMLA presented Karen at the meeting with its Service Award for coordinating successful efforts among IMLA and NAAG in resisting these new attempts to bar enforcement activities.

Karen also spoke in April to the International Association of Industrial Accident Board and Commissions (IA-IABC), the association that represents state workers' compensation administrators, on bankruptcy issues relating to their programs, particularly those relating to self-insured employers. Workers' compensation benefits currently receive no specific protection in bankruptcy; the Attorneys General approved a 2004 resolution urging Congress to

provide those benefits.

Karen has been appointed as one of the co-chairs of the American Bankruptcy Institute (ABI) Legislation Committee. The committee analyzes bills of interest and monitors congressional action. This year, there have been numerous proposed changes to the Bankruptcy Code.

Dan Schweitzer, Supreme Court counsel, spoke at a February symposium sponsored by New York University Law School's Annual Survey of American Law entitled “Tort Law in the Shadow of Agency Preemption.” He participated on a panel addressing federalism issues. Dan also served as a guest lecturer at a February seminar on Supreme Court practice at the University of Pennsylvania Law School.

NAAG Hosts Communications Intern



Eric Thibault is working as NAAG's communications intern this summer assisting the communications team with various projects. He attends George Washington University (GW), where he is a junior majoring in political communication.

Currently, Eric is a general assignment staff writer for GW's school newspaper, the GW Hatchet. He also covers academic related stories. In addition, he works as a student manager at the Colonial Connection, the GW alumni association, where he manages calling shifts during fundraising and outreach efforts to alumni.

Previously, he served as an aide to the director of communications at the CentroNia, a bilingual charter school in Washington, DC, where he conducted interviews and wrote newsletter articles.

Eric is a member of the National Society of Collegiate Scholars and Phi Sigma Phi fraternity, a national co-ed honors fraternity.

Don't Miss the NAAG Summer Meeting



There is still time to join NAAG for its Summer Meeting, June 16-18 in Colorado Springs, Colorado. Thirty Attorneys General are attending to discuss the latest state legal issues, including Mexico-U.S. border action, DNA databases and the Communications Decency Act.

NAAG is also welcoming the first Sorrell Lecture series speaker on Tobacco Policy and Enforcement, Steven Shroeder, MD, director of the Smoking Cessation Leadership Center at University of California, San Francisco.

NAAG officers will be elected by the membership and awards will be presented to Attorneys General and their staff. Nebraska Attorney General Jon Bruning will succeed Rhode Island Attorney General Patrick Lynch as NAAG president during this meeting.

The Summer Meeting is open to the public. To register, go to <http://www.naag.org/naag-summer-meeting.php> or contact Jeffrey Hunter, jhunter@naag.org.

NAAG & NAGTRI Calendar



Western Region Trial Practice

June 7 -14, 2009

Denver, CO

Contact: Dennis Cuevas

dcuevas@naag.org



NAAG Summer Meeting

June 16 -18, 2009

Colorado Springs, CO

Contact: Jeffrey Hunter

jhunter@naag.org

CWAG Annual Meeting

August 2 - 5, 2009

Sun Valley, ID

Contact: Karen White

karen.white@cwagweb.org