

NAAG Gazette

A Newsletter of the National Association of Attorneys General

FEBRUARY 2010

Protecting Children from Internet Predators is Focus of Presidential Initiative Summit

Attorneys General, corporate and association representatives, and other stakeholders convened Feb. 8 - 10 for the NAAG Presidential Initiative Summit, "Virtual World - Real Crime" to discuss strategies to protect children from Internet predators and consumers from online fraud. One critical role of Attorneys General is pursuing and arresting sexual predators who use new technologies to prey on children.

"Predators and scam artists know how to utilize the latest technology. Real crime runs rampant in the virtual world," said NAAG President and Nebraska Attorney General Jon Bruning, who made this topic the focus of his one-year presidential term.

As noted during the summit, law enforcement faces challenges in keeping up with technology. New communications devices and services have made Internet access more portable.

"Unfortunately, as technology advances, online sexual predators find new ways to prey on our children," President Bruning said. "As Internet access becomes more and more 'wireless' and allows people to move around, it becomes harder to track down and prosecute these offenders."

Over the past year as part of this Initiative, Attorneys General have been working towards two goals: streamlining the law enforcement subpoena process and removing child pornography from the Internet.

The summit agenda included a demonstration of the latest technology to identify online child predators. Topics of discussion covered social networking sites, piracy issues, privacy and the First Amendment, online video gaming, behavioral advertising, and the psychology of the online offender. John Walsh, television host of *America's Most Wanted*, served as a guest speaker.

"Together, we can bring emerging trends to the forefront, be diligent in our efforts to harness new technology

and limit the crime and corruption that come with it," said President Bruning.



NAAG President Jon Bruning, left, with former Mississippi Attorney General Mike Moore at the Summit.

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Student Loan Repayment Assistance Available for Public Service Attorneys

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

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BLAIR TINKLE, GENERAL COUNSEL AND CONGRESSIONAL LIAISON

One of the more pressing challenges that the criminal justice system faces today is the retention of public service attorneys. In the current economic climate, both prosecutor's and public defender's offices find it difficult to attract attorneys to public service within their offices with law graduates often times seeking more lucrative private sector positions. There is also the related problem of retaining current levels in public sector legal offices with lawyers choosing to cut their public service short to earn greater salaries in private sector jobs. One of the main reasons for these difficulties is the large educational debt of many recent law graduates.

As a way to encourage public service and strengthen the criminal justice system, the John R. Justice Prosecutors and Defenders Incentive Program was signed into law by President Obama through the Higher Education Opportunities Act (P.L. 110-315, section 952) on Aug. 14, 2008. The program was recently funded in H.R. 3288, the fiscal year 2010 Consolidated Appropriations Act on Dec. 16, 2009. In total, the Act provides \$10 million in student loan repayment assistance for lawyers employed as state and local prosecutors and public defenders, and federal public defenders. More specifically, it provides loan repayment of up to \$10,000 yearly for a maximum of \$60,000 to lawyers who agree to remain employed as prosecutors or public defenders for at least three years. In addition, these grants are available to be used with other loan repayment options offered through schools and government.

According to the National District Attorneys Association (NDAA), since this program is being funded for the first time, administrative details for implementation are currently being finalized by the U.S. Department of Justice (DOJ) and Congress. These details will largely be based on input from stakeholder groups such as the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, the National Association of Criminal Defense Lawyers and the American Bar Association. To date, all reports from Congress and DOJ have been optimistic that the John R. Justice Prosecutors and Defenders Incentive Act would be operational by this summer.

On April 29, 2009, 33 state Attorneys General sent a letter to U.S. Attorney General Eric Holder urging the DOJ to ensure that all prosecuting attorneys, as well as those working for local public defender's offices, be eligible for this loan repayment program. Attorneys employed by the state Attorney General can apply for assistance if they meet the criteria defined in the Act.

For future updates and more information on the John R. Justice Prosecutors and Defenders Act, please see the NDAA Web site at www.ndaa.org.

Combating Financial Fraud: A Federal – State Partnership

The National Association of Attorneys General (NAAG) formed a partnership in July 2009 with several federal departments and agencies, led by the U.S. Department of Justice (DOJ), to address the growing issues surrounding mortgage fraud. Christened the State-Federal Task Force on Mortgage Enforcement, the NAAG effort was led by Co-Chairs Attorneys General Rob McKenna (Wash.) and Tom Miller (Iowa) who were joined by 20 other Attorneys General. The Task Force was divided into four distinct working groups – Data Sharing, Criminal Enforcement, Civil Enforcement, and Civil Rights Enforcement. Each of these working groups was populated by both Attorneys General and various federal representatives. Each working group met periodically to discuss and coordinate their efforts aimed at combating mortgage-related criminal activity.

Owing to the on-going success of the Task Force, President Obama signed an Executive Order on Nov. 17, 2009 formally creating the Financial Fraud Enforcement Task Force (FFETF) and appointed U.S. Attorney General Eric Holder the chair. The Executive Order designated seven federal departments and 20 federal agencies as FFETF members and specifically directed the chair to include NAAG and the National District Attorneys Association (NDAA) in the effort. The FFETF work was divided between five working groups – Mortgage Fraud, Securities Fraud, Recovery Act Fraud, Rescue Fraud, and Non-Discrimination. NAAG was invited to participate in two of those working groups. Attorneys General McKenna, Miller, and John Suthers (Colo.) were appointed co-chairs of the Mortgage Fraud and Recovery Act Fraud working groups. Attorney General Roy Cooper (N.C.) is also co-chair of the Recovery Act Fraud Working Group; Attorney General Chris Koster (Mo.) is also co-chair of the Mortgage Fraud Working Group. Both working groups are active in developing enforcement strategies and coordinating enforcement actions between federal and state offices.

Although the work of the FFETF and the various working groups parallels the efforts of the State-Federal State Task Force on Mortgage Enforcement, the FFETF will not replace that earlier, precedent-setting model. Work continues in both venues and the consumers of all jurisdictions will be well-served through those efforts.



Photo courtesy Bfrendel



Emily Myers juggles a few roles at NAAG. As the antitrust counsel, she helps states coordinate multi-state antitrust cases, serves as the liaison with the federal antitrust agencies (the U.S. Department

of Justice and Federal Trade Commission), serves as an information clearinghouse for antitrust lawyers in the Attorneys General offices, and maintains the antitrust Web page on the NAAG Web site.

Additionally, she also monitors powers and duties cases—any cases that affect the authority of the Attorney General office. She was a co-editor of the 2nd edition of NAAG's *State Attorneys General: Powers and Responsibilities* book, which was published in 2007.

Emily first joined the NAAG staff in 1993 and has been here ever since, except for a several year hiatus ending in 2004. She has worked on antitrust issues for most of her career and really enjoys working with the antitrust lawyers in the Attorneys General Offices.

"Antitrust issues are intellectually challenging and legally interesting. I enjoy seeing the interaction of antitrust laws and antitrust enforcement decisions at the state and federal level."

Prior to joining NAAG, Emily worked as an associate at Squire, Sanders & Dempsey, LLP.

This native Washingtonian resides in the city with her family. She obtained her bachelor's in history from Brown University and her J.D. from University of Pennsylvania Law School. She enjoys reading and cheering on the District of Columbia's various sports teams.

GET TO KNOW: The Northwestern Law Attorneys General Education Program



LINDA E. KELLY, DIRECTOR,
NORTHWESTERN LAW ATTORNEYS
GENERAL EDUCATION PROGRAM

The Northwestern Law Attorneys General Education Program (AGEP) offers free—no tuition, plus reimbursement of expenses—education programs to Attorneys General and their senior staff. The AGEP is a new program for state Attorneys General and their

staff at Northwestern Law School in Chicago. The program was established in 2009 under the auspices of the Searle Center on Law, Regulation and Economic Growth. The Searle Center is a nonprofit research and educational organization committed to the study of the impact of laws and regulations on economic growth. The Center was founded in 2006 with a generous grant from the late Daniel C. Searle, and is led by Executive Director Henry N. Butler, PhD. Our efforts seek to provide academic, public policy, and judicial leaders with analytically rigorous and balanced information on important and timely issues. Research, education, and outreach are conducted in accordance with the highest academic standards and maintain practical utility through consultation with our Advisory Boards.

The Searle Center is organized into three divisions. These are the Searle Civil Justice Institute, Searle Legal and Regulatory Studies, and Education and Outreach. The Searle Civil Justice Institute is a public policy institute focused on producing large-scale, empirical studies on important civil justice issues. Our Legal and Regulatory Studies division sponsors scholarly academic research on important issues related to the study of laws, regulation, and economic growth, which is disseminated through a variety of program models including roundtables, conferences, and symposia. Our Education and Outreach division houses two programs – the Northwestern Law Judicial Education Program and the Northwestern Law Attorneys General Education Program.

The Northwestern Law Judicial Education Program, formerly the AEI-Brookings Judicial Education Program, has provided high-quality, relevant and timely education programs to more than 3,000 members of the state and

federal judiciary over its 15-year history. Building upon this successful model, last year we established the Northwestern Law Attorneys General Education Program (AGEP) as a sister program to the Judicial Education Program.

The purpose of the AGEP is to provide balanced, educational programming to Attorneys General and their staff that will enhance their understanding of the public policy implications and context of their actions. Because Attorneys General assume increasingly central roles in policy formation and implementation, we saw a need for a common forum for identifying and analyzing such issues on a broad policy level, allowing Attorneys General to communicate directly with one another and with leading experts with varying points of view. The program is a natural extension of the work we already do with the judiciary and fit well with the law school's objective of increasing its reach to key policy makers.

The activities of our program are informed by a bipartisan Advisory Board that currently includes Attorneys General Thurbert Baker (Ga.), John Suthers (Colo.), Rob McKenna (Wash.), Martha Coakley (Mass.), Bill McCollum (Fla.), and Lisa Madigan (Ill.).

The AGEP has established two standard program models: Public Policy Conferences, which are two to three day programs focusing on a particular public policy issue or arena, such as last year's program on the financial crisis, and Public Policy Institutes, which are week-long programs intended to enhance the toolkit of Attorney General staff by providing instruction in basic economics, statistics, empirical legal research, judicial behavior and other topics. The curriculum of the Public Policy Institutes remains standard, while the topics covered by the Public Policy Conferences vary. In all, representatives from 31 states and two territories participated in our 2009 programs.

This year, the AGEP will host its Second Annual Public Policy Conference on May 6-7, 2010, with a program entitled *Data Privacy, Internet Regulation and Antitrust: Balancing Commerce and Consumer Protection in the Digital World*. In addition, the AGEP will host two Public Policy Institutes, the first will run June 6-11, 2010 and the second will take place Oct. 3-8, 2010. It is our hope that all 56 Attorneys General offices will take advantage of these great, tuition-free programs in 2010.

Linda Kelly is a graduate of the Georgetown University Law Center. She assumed her role as Director of the Northwestern Law Attorneys General Education Program in January 2009. She can be reached at Linda-Kelly@law.northwestern.edu. For more information on the Northwestern Law Attorneys General Education Program, please visit <http://www.law.northwestern.edu/agep>.

State Attorneys General Participant in National Consumer Protection Week

Attorneys General across the country will join a group of federal, state, and local government agencies and national consumer advocacy organizations to recognize the 12th annual National Consumer Protection Week (NCPW) held March 7 - 13. This coordinated education campaign encourages individuals across the country to be empowered as consumers.

This year's theme is "Dollars and Sense: Rated "A" for All Ages," which highlights consumer education for every stage of life – from grade school to retirement. This message demonstrates that regardless of your age or financial situation, there are useful lessons to learn about making wise financial decisions.

This year, NCPW organizations are reaching out to kids, focusing on Web sites, videos and games designed for a younger audience. Kids younger than 12 spend billions of dollars on goods and services each year, so it makes sense to provide them with these valuable tools. It's essential that kids understand key consumer and business concepts, like credit and identity theft, banking and fraud, and marketing and advertising.

In addition, for the first time, the NCPW Web site features a blog, where visitors can discover new consumer resources in an informal and interactive environment. Here, visitors have the opportunity to connect directly with representatives of public and private consumer protection organizations.

National organizers of this year's NCPW include AARP, the Comptroller of the Currency, the Consumer Federation of America, the Council of Better Business Bureaus, the

Federal Citizen's Information Center, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Federal Trade Commission, the National Association of Consumer Agency Administrators, the National Consumers League, the U.S. Department of the Treasury, the U.S. Postal Inspection Service, and the U.S. Postal Service.

For more information and to obtain resources about NCPW, visit <http://consumer.gov/ncpw/>.

Federal Office Provides Assistance and Training for SORNA

When the Adam Walsh Child Protection and Safety Act became law on July 27, 2006, it set the stage for jurisdictions to strengthen their monitoring and tracking of sex offenders. The Act also established, within the U.S. Department of Justice, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to help jurisdictions nationwide implement Title I of the Act's provisions, also known as the Sex Offender Registration and Notification Act (SORNA).

SMART Office staff provides technical assistance and training regarding SORNA implementation issues to jurisdictions and professionals in the field of sex offender management. The office also determines whether the 50 states and the District of Columbia, and the five principal U.S. territories and 197 Indian tribes that have elected to implement the Act, have substantially implemented SORNA's minimum requirements. The first implementation deadline was set by statute as July 2009. On May 26, 2009, the U.S. Attorney General exercised his authority to extend this deadline for all registration jurisdictions to July 2010. All jurisdictions are eligible to request another one-year extension, bringing the final deadline to July 2011.

Linda M. Baldwin joined as the SMART Office director last summer. She will be a speaker during the NAAG Spring Meeting, March 1 – 3 to discuss SORNA's requirements and the ways her office can assist Attorneys General offices.

Prior to joining the SMART Office, Baldwin served as a project manager for the New York State Unified Court System's Office of Court Administration. During her seven-year tenure, she implemented and expanded statewide initiatives for New York State's sex offense, mental health and drug treatment courts. As part of her work on the New York State Sex Offense Court Initiative, Baldwin organized training programs designed to teach and promote best practices for managing the high risk population of sex offenders.



She began her legal career as a law clerk for New Jersey Supreme Court Justice Gary S. Stein after receiving her law degree from Columbia University School of Law in 1993.

SMART Office Contact Information

If state Attorneys General offices have questions about SORNA, the final guidelines, or SMART's role, please visit the Web site or contact the SMART Office directly.

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SAVE THE DATE



NAAG 2010 Summer Meeting

June 15-17, 2010
Seattle, WA

CALENDAR



Eastern States CAFOs Training

March 8 - 9, 2010

Raleigh, NC

Contact: Paula Cotter, pcotter@naag.org



Trial Advocacy

March 21 - 26, 2010

Indianapolis, IN



**National Association
of Attorneys General**

Eastern States Conference on

Environmental Issues:

Oceans, Rivers & Lakes

April 18 - 19, 2010

Baltimore, MD

Contact: Paula Cotter, pcotter@naag.org