

NAAAGazette

A Newsletter of the National Association of Attorneys General

JUNE 2010

North Carolina Attorney General Roy Cooper Elected NAAG President at Summer Meeting



ROY C. COOPER

The Annual NAAG Summer Meeting, June 14 -16, ushered in new leadership, with North Carolina Attorney General Roy Cooper being elected NAAG president for the 2010-2011 term. Washington Attorney General Rob McKenna is president-elect and Maryland Attorney General Doug Gansler is vice president. Nebraska Attorney General Jon Bruning

became immediate past president.

Cooper began his one-year term June 17 and dedicated his presidential initiative to fighting financial fraud.

“Our goal will be to find ways to detect and prevent financial scams that sink people further into debt and hurt businesses, to make financial products fair to consumers, and to help prevent future financial calamities like we just experienced,” Cooper said.

The NAAG Executive Committee will change with the elections. The Executive Committee is charged with the management of Association operations and yearly approval of a program plan of goals, objectives, and activities to guide its work. The Executive Committee comprises the four NAAG officers, four regional delegates, three presidential appointees, and the chair of the NAAG Mission Foundation, which supports the work of the Association. At press time, the presidential appointees were still being confirmed.

The president appoints all standing and special committee chairs, and those decisions were still being made at press time. Committees are charged with studying all substantive matters within their jurisdiction and recommending policy positions and other matters to the Attorneys General for action by the full Association.

The Association elections were just one part of the NAAG Summer Meeting held in Seattle. The theme was “Using Technology to Protect the Public” with program sessions dedicated to that topic. Meeting highlights included Washington Governor and former Attorney General Christine Gregoire who spoke about access to justice and providing legal services using technology. An afternoon spent at the Microsoft campus had panels discussing how to protect online identification and fighting pirated and counterfeit products.



NAAG Leadership with Washington Governor Christine Gregoire.

IN THIS ISSUE

Decisions Affecting the Powers and Duties of State Attorneys General	3
Employee Spotlight	3
NAAG Signs Training Agreement with the Iraq Jurists Union	6
Drug Takeback Programs – National Day Planned	7
State Attorneys General Participate in Mortgage Fraud Sweep	8
Chief Deputies Meet in Wisconsin	9
NAAG Deputy Director Safely Returns from Iraq	9
NAAG Welcomes Summer Interns	10

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

The NAAGazette is published monthly and is posted at www.naag.org. To subscribe or for more information, contact Marjorie Tharp at 202-326-6047 or via email at mtharp@naag.org.

EXECUTIVE DIRECTOR

JIM MCPHERSON

EDITOR

MARJORIE THARP

Director of Communications

CONTRIBUTORS

PAULA COTTER

Energy & Environment Counsel

EMILY MYERS

Antitrust Counsel

CREATIVE

LISA JETER

Web & New Media Services Director

PRODUCTION & CIRCULATION

BRANDI GREEN

Communications &

Congressional Liaison Assistant

SARA TEHRANI

Communications Intern

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FDA Commissioner Margaret Hamburg, MD, gave the Sorrell Lecture on Tobacco.

awards to two states, Maine and Massachusetts.

“...the Tobacco Control Act authorizes FDA to contract with States and U.S. Territories to assist with compliance and enforcement activities to help limit the availability of tobacco products to young people,” said Lawrence R. Deyton,



Arizona Attorney General Terry Goddard received the Kelley-Wyman Award.

Food and Drug Administration Commissioner Margaret Hamburg, M.D., delivered the Sorrell Lecture on tobacco policy and enforcement. She discussed the new federal law, “Family Smoking Prevention and Tobacco Control Act”, along with ways the federal and state governments can work together to continue the fight against tobacco-related illness.

The day of Dr. Hamburg’s speech, the FDA announced the first round in a series of Tobacco Control Act compliance and enforcement contract

awards to two states, Maine and Massachusetts. “...the Tobacco Control Act authorizes FDA to contract with States and U.S. Territories to assist with compliance and enforcement activities to help limit the availability of tobacco products to young people,” said Lawrence R. Deyton, M.S.P.H., M.D., director, FDA Center for Tobacco Products, in a statement. “That is why we are pleased that several states will shortly begin assisting FDA efforts to enforce the law, and we are hopeful that we will be able to partner with all of the states in the coming months.”

Newly-appointed Julie Brill, commissioner with the Federal Trade Commission, joined a speaker panel on consumer protection. Other meeting topics were preventing online child sexual exploitation, the credit and collections industry, and ‘green building’ regulation.

The Association also presented its annual awards during a June 16 dinner:

- Arizona Attorney General Terry Goddard received the Kelley-Wyman Award, the Association’s highest honor given to the Attorney General who has done the most to achieve the objectives of NAAG.
- The Marvin Award, given annually to individuals who serve on the staff of state Attorneys General and who have furthered the goals of NAAG, was awarded to Brian Moran with the Washington Attorney General office.
- The Laurie Loveland Award was presented to Leslie Bridges of the Tennessee Attorney General office. The award recognizes individuals within an Attorney General’s office who have helped to advance the work of Attorneys General on tobacco-related issues.
- The NAGTRI Faculty of the Year Award is presented to an individual who has significantly contributed to presenting quality programs for their coun-



MICHAEL HERING

As the deputy chief counsel for MSA payments, Michael Hering assists the Settling States of the Master Settlement Agreement (MSA) with the provisions of the MSA relating to the payment

obligations of the tobacco companies that are party to the MSA. In this role, he monitors the payments that tobacco companies are making to the states, and assists the states in enforcing against tobacco companies that fail to pay. He also collaborates with states on tobacco-related legislation, works with the Independent Auditor to the MSA, and serves as a liaison for federal agencies that focus on tobacco-related issues (e.g. the Bureau of Alcohol, Tobacco and Firearms, the Alcohol and Tobacco Tax and Trade Bureau, Customs and Border Protection, and others).

“I enjoy my job because there’s always something new, different and challenging to do. It’s also extremely rewarding to be working on one of the most important multistate agreements that has such a tremendous impact on public health,” Michael said.

He is no stranger to the inner-workings of an Attorney General Office or tobacco issues.

Prior to joining NAAG in 2002, Michael was an assistant attorney general in the Consumer Protection and Antitrust division of the Massachusetts Office of Attorney General. During his time there, he began working on tobacco issues. He helped bring the action that resulted in the MSA. He also helped write, promulgate, and defend the Massachusetts Consumer Protection Regulations on tobacco products, which were intended to prevent access to tobacco by minors.

Michael is an avid cyclist and bikes to work the majority of most weeks. He’s logged thousands of miles cycling from California to Massachusetts. This New York native also enjoys hiking in his spare time. He received his bachelor’s degree from Middlebury College and his J.D. from University of Virginia Law School.

terparts in the Attorneys General offices. Brendan Ruane, director of the New Jersey Attorney General’s Advocacy Institute, is this year’s recipient.

- Individuals from the Alabama, Louisiana, New York, Ohio, Texas, Virginia and Washington offices of the Attorneys General were recognized for excellence in brief writing in the U.S. Supreme Court. Recipients of the Supreme Court Best Brief Awards were: Solicitor General Corey Maze of Alabama; Appellate Chief Kyle Duncan of Louisiana; Solicitor General Barbara D. Underwood, Benjamin Gutman and Cecelia Chang of New York; Solicitor General Benjamin C. Mizer, Alexandra T. Schimmer, Stephen P. Carney, Elisabeth A. Long, and Barton A. Hubbard of Ohio; Solicitor General James C. Ho, Joseph D. Hughes, and Beth Klusmann of Texas; Solicitor General William E. Thro, Stephen R. McCullough and Alice T. Armstrong of Virginia; and Solicitor General Maureen Hart, William B. Collins, and Anne E. Egeler of Washington.
- The Francis X. Bellotti Award, given to a former Attorney General who has served NAAG and worked diligently to further its vision and mission, was presented to former Massachusetts Attorney General Tom Reilly.

Summer Meeting materials will be posted to the NAAG Web site, www.naag.org.

Decisions Affecting the Powers and Duties of State Attorneys General



EMILY MYERS, ANTITRUST COUNSEL

This is another in our series reporting on recent decisions from across the country affecting the powers and duties of state Attorneys General.

ALABAMA

Attorney General Cannot Control Governor’s Gambling Task Force

Ex parte State of Alabama et al. (Pet. For Writ of Mandamus) No. 1090808 (Ala. May 21, 2010)

EMILY MYERS

The Alabama governor created, by Executive Order, a Gambling Task Force, for the purposes of “promoting and supporting uniform statewide enforcement of Alabama’s anti-gambling laws and to carry out the Alabama Constitution’s strong public policy against lottery schemes and illegal gambling.” The order created a special prosecutor to serve as the commander of the Task Force, who, in that capacity, had “statewide jurisdiction” to “conduct investigations, attend any regular, adjourned or special session of any circuit court . . . for the investigation of or the prosecution of any criminal case or the prosecution or defense of any case related to gambling activity in the State of Alabama.” The governor initially appointed a former district attorney to head the Task Force, pursuant to Ala. Code § 12-17-216, which provides for the appointment of supernumerary district attorneys who, “upon request of the Governor, the Chief Justice of the Supreme Court or the Attorney General” conduct investigations and prosecute criminal cases. The original “supernumerary” district attorney was later replaced as task force head by a current district attorney.

The Task Force conducted a raid on a facility and confiscated a number of electronic gambling machines and some money. No one from the Attorney General's office or the county district attorney's office was on the Task Force. As a result of this raid, a declaratory judgment action was filed by the operators of the gambling facility, and a forfeiture action was filed by the Task Force. Both actions were filed in the Circuit Court for Lowndes County. The trial court held that the statute contemplated that the supernumerary district attorney would act under the supervision and control of the Attorney General. Because the Attorney General did not authorize the filing of the answer and counterclaim in the declaratory judgment action and the complaint in the forfeiture action, those filings must be "regarded as a nullity, just as if they had been filed by a private citizen who claimed to represent the state." Similarly, although the current head of the Gambling Task Force is a currently serving district attorney, he too is subject to the control of the Attorney General. The governor and members of the Task Force appealed the court's ruling.

The Alabama Supreme Court held that the governor's action in establishing the Task Force was within his executive power. The court reviewed the various state constitutional provisions that established the office of governor and enumerated its powers, and stated,

First, if our constitution's grant of "supreme executive authority" to the governor and its charge that the governor "take care that the laws be faithfully executed" mean anything in relation to a matter for which another constitutional officer is also given responsibility, they at least mean as follows: when the governor determines that, whether due to inaction or inadequate action by the other official, it is necessary for him to act lest the law go unenforced, he may act.

The court also determined that Attorney General's common law powers do not conflict with the governor's supreme executive powers, which are still paramount. The court held, "We conclude that the common-law powers that have been "prescribed" to the Attorney General do not include the right to countermand the "chief mag-

istrate" where the chief magistrate is acting within the bounds of the power given to him." The court concluded, "the statutes discussing the powers and duties of the attorney general do not authorize the attorney general to interfere with or to direct and control litigation being pursued by officers who are acting pursuant to directions from the governor [under the applicable statutes]." The court also overruled *Ex parte Weaver*, concluding that its holding that the Attorney General controls all litigation in the state is inconsistent with the "supreme executive authority" of the governor. In dicta, the court indicated that the Attorney General might be able to intervene in a case brought by the governor in order to represent the public interest.

COLORADO

AAG is Employee of "Law Enforcement Agency" for purposes of jury selection

People v. Novotny, 2010 Colo. App. LEXIS 364 (Colo. Ct. App. Mar. 18, 2010)

In a criminal trial for murder and burglary, defendant challenged a prospective juror because he was an employee of the Colorado Attorney General's office, representing the state Department of Corrections. Section 16-10-103(1)(k) requires a trial court to sustain a challenge for cause to a prospective juror who is "a compensated employee of a public law enforcement agency." In this case, the court denied defendant's challenge because "the Attorney General does a whole bunch of things besides law enforcement" and "this guy works in an area that's not law enforcement." Defendant used one of his peremptory challenges to excuse the AAG, and subsequently used all of his peremptory challenges. Following prior rulings to the same effect, the Court of Appeals held that the statute applied to "any employee under the control of a law enforcement agency, irrespective of his or her job duties, so long as he or she was under the control of such agency", citing a "concern . . . that one who is employed by a law enforcement agency will favor, or will be perceived to favor, the prosecution side of a criminal case." The court then analyzed Colorado statutes to determine that the Attorney General's office is a law enforcement agency within the meaning of the statute. This classification is supported by the Attorney General's authority to prosecute criminal antitrust and securities violations and handle all appeals from criminal convictions. Therefore, the Attorney General's office is a "law enforcement agency" for purposes of jury selection in Colorado.



CONNECTICUT

Attorney General Qualifications

Bysiewicz v. DiNardo, No. HHD-CV-10-6008194S (Conn. Super. Ct. May 5, 2010)

In a rare case analyzing qualifications for the office of Attorney General, the Connecticut Supreme Court held that a candidate for Attorney General who had practiced law for four years in Connecticut and had then served a decade as secretary of state, did not meet the state's statutory requirement that the Attorney General be "an attorney at law of at least ten years' active practice of the bar of this state."

Susan Bysiewicz filed suit against the head of the Democratic party in Connecticut, as well as the Democratic party and the secretary of state's office (as the agency that is responsible for placing names on the ballot). She sought a declaratory judgment in Connecticut Superior Court that 1) the statutory requirement was unconstitutional or 2) if the statutory requirement is constitutional, her years of service as secretary of state constitute the active practice of law. The court allowed the Republican party of Connecticut to intervene.

Bysiewicz argued that the purely statutory provision requiring "ten years active practice at the bar of this state" is inconsistent with the Article VI, § 10 of the Connecticut Constitution, which provides in part that "Every elector who has attained the age of eighteen years shall be eligible to any office in this state, . . . except in cases provided for in this constitution" and that the statutory requirements violate her right as a Connecticut elector older than 18 years old to serve as Attorney General. Alternatively, she argued that her years in private practice as an attorney and her 11 years of public service as secretary of state, "fulfill[ing] her numerous statutory and administrative responsibilities" and supervising a number of attorneys qualify her for the position under the statutory language.

The trial court did an extensive analysis of Bysiewicz's claims and determined that the statutory language was constitutional, and that "the 'ten years' active practice" requirement of General Statutes § 3-124 must be understood to mean that the Attorney General had 10 years' experience actually engaging in some form of legal practice as a member of the bar of this state, although not necessarily doing so in a courtroom, or on a continuing basis, or with any particular degree of frequency or intensity."

After analyzing each of the tasks that Bysiewicz performed as secretary of state, to determine whether they constituted the practice of law, the court concluded,

For the last eleven years the plaintiff, as Secretary of the State and the state's Commissioner of Elections, has regularly drawn upon her skill and training as a

Connecticut attorney to issue rulings, instructions and opinions concerning the administration of elections in this state. Her responses to such inquiries, when issued in written form, are presumed as a matter of law to be correct under General Statutes § 9-3. In addition, the plaintiff has regularly made herself available to give advice to local election officials in connection with properly conducting elections, as is required of her under General Statutes § 9-4. These requests, which are made of her personally almost every day, have frequently required the plaintiff to use her legal skill and training to give proper guidance to election officials for the benefit of the general public – in essence, all who will benefit from a properly held election. The Court concludes that by engaging in the performance of these services in her capacity as Secretary of the State throughout her tenure in office, the plaintiff has engaged in the practice of law for at least ten years.

The Republican Party appealed the court's ruling. The Connecticut Supreme Court issued a single-page ruling, holding that Bysiewicz's was not qualified to serve as Attorney General of Connecticut. The court is expected to issue a detailed ruling soon.



Connecticut State Supreme Court

NEW JERSEY

Attorney General Office Advice to State Agency is Privileged, Not Disclosable Under State Sunshine Law

Paff v. Division of Law, 412 N.J. Super. 140; 988 A.2d 1239; (N.J. Super. 2010)

The New Jersey Appellate Division issued a decision holding that unpublished Administrative Agency Advice (AAA) letters issued by the New Jersey Attorney General's Division of Law, which interpret the statutes and regulations the Division's administrative agency clients are required to apply and enforce, are not disclosable government records for purposes of the Open Public Records Act (OPRA), because they are protected by the attorney-client privilege.

The New Jersey Attorney General is the “sole legal adviser” for all state agencies, boards and authorities, and is also responsible for “interpret[ing] all statutes and legal documents” for those clients. *N.J.S.A. 52:17A-4(e)*. The Attorney General accomplishes this by, among other things, issuing “legal opinions, known as Administrative Agency Advice letters, whenever a State agency requests legal advice.” The Attorney General designates some of these AAA letters as “formal” AAAs and releases them publicly. The remaining letters are considered by the Attorney General’s office to be confidential advice, and are not publicly released. Plaintiff made a request under the state’s public records act for a list of the topics of all informal AAA letters since 2002, and a request for all indexes of AG informal opinions or AAA letters. The Attorney General declined to respond to either request, citing attorney-client privilege.

A long line of New Jersey court decisions held that the attorney-client privilege exists for advice given by the Attorney General to state agencies. The court therefore focused on whether the subject of the AAAs was attorney-client privileged communication.

Plaintiff argued that this case was similar to *Tax Analysts v. Internal Revenue Service*, 117 F.3d 607, 326 U.S. App. D.C. 53 (D.C. Cir. 1997), in which the D.C. Circuit found that Field Service Advice Memoranda from the IRS were not protected by the attorney-client privilege because “FSAs issued by the Chief Counsel create a body of private law, applied routinely as the government’s legal position in its dealings with taxpayers. It is this quality, not the objective character of the legal analyses in the documents, that [is] significant.”

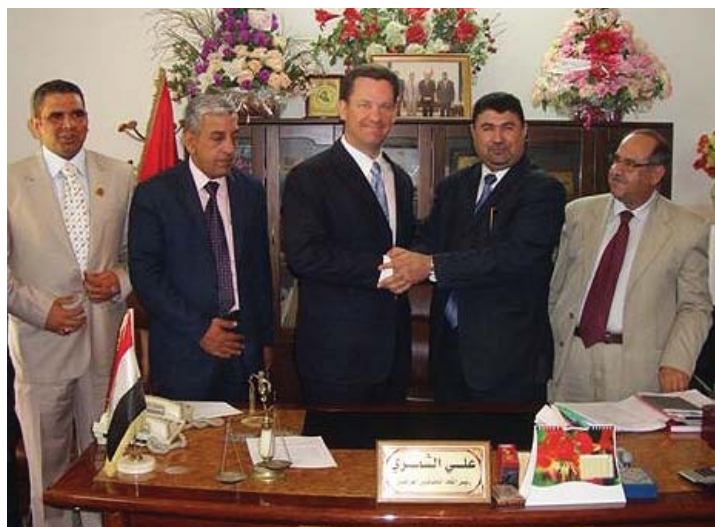
The state argued that the AAAs were “not merely objective analyses of the law, as was the case in *Tax Analysts* and *Coastal States*” nor “binding opinion[s],” nor “administrative determination[s],” but were rather “advice by the Attorney General to a client, which the client could accept or reject.” [citations omitted]

The Appellate Division held the AAAs privileged on the grounds that “state agencies requesting legal advice from their attorneys concerning the exercise of the statutory responsibilities they are required by law to discharge are entitled to receive legal advice from their attorneys on a confidential basis.” The court specifically declined to follow the D.C. Circuit’s decision in *Tax Analysts*, stating, “Nothing in the decisional or statutory law of this State would support the miserly view of the attorney-client privilege that the D.C. Circuit adopted in *Tax Analysts* . . .” The court concluded,

Thus, unlike the District of Columbia Court of Appeals, we are satisfied that an administrative agency or other public body is entitled to maintain the confidentiality of the legal advice it receives from its attorney concerning

the interpretation of the very statutes and regulations that the agency is responsible for enforcing. We see no reason to conclude that such legal advice is any less deserving of the protection afforded by the attorney-client privilege than the advice provided by corporate counsel to its clients.

NAAG Signs Training Agreement with the Iraq Jurists Union



NAAG President Jon Bruning in Iraq.

NAAG President and Nebraska Attorney General Jon Bruning was present in Baghdad, Iraq June 3 to sign on behalf of NAAG a Memorandum of Understanding (MOU) between NAAG and Iraq Jurists Union (IJU). The IJU is an organization that represents Iraqi government attorneys, including judges, prosecutors and attorney general equivalents. The goals of the MOU include the provision by NAAG of training and technical assistance to the IJU, as well as the exchange of personnel and ideas. Bruning traveled to Baghdad with assistance from the U.S. State Department.

“As the people of Iraq struggle to rebuild their legal system, it’s our justice system they have chosen as a model,” Bruning said. “By helping institute the rule of law, we help the people of Iraq settle disputes in the courtroom with judges instead of in the streets with violence.”

Prospective training will become part of the National Attorneys General Training and Research Institute (NAGTRI) international program. Last year, NAGTRI trained 26 Mexican prosecutors as Mexico’s judicial system transitions from written proceedings to an oral adversarial system.

Drug Takeback Programs – National Day Planned



PAULA COTTER, ENERGY & ENVIRONMENT COUNSEL

A number of states and localities have instituted “drug takeback” programs. The purpose of such programs is to allow for safe, legal, and environmentally-friendly disposal of extra drugs that patients have not used. People instituting the programs – including Attorneys General

PAULA COTTER

offices – face a variety of legal and practical challenges: finding resources, complying with state and federal law, and setting up practical systems.

The Drug Enforcement Administration (DEA) is planning to assist state and local authorities by coordinating legal collection of unused prescription drugs in conjunction with state Attorneys General and local law enforcement authorities.

The programs serve two purposes. First, they reduce the risk of prescription drugs entering the water, potentially harming aquatic life or getting into a human water supply. In the past, people were advised to flush unused drugs down the toilet—but that option can lead to a questionable mix of contaminants ultimately going to wastewater treatment plants that are ill-equipped to handle the chemical and antibiotic components. Currently, the Environmental Protection Agency and the Food and Drug Administration encourage people to dispose of excess drugs by mixing them with kitty litter, coffee grounds, or other unpalatable items. This strategy, too, can be problematic. If the household waste is incinerated, the drugs are far less likely to pose an environmental problem than if they go into the waste water stream. However, if the household waste goes to a landfill, the constituents of the drugs will someday leach out—either to collection at the wastewater treatment plant, or directly into groundwater.

Perhaps more importantly, takeback programs reduce the risk of prescription drugs being consumed inappropriately—either by accident or through illegal sale. Widespread anecdotal and survey evidence indicates that a huge portion of illegal prescription drug use occurs when people raid friends’ and relatives’ medicine cabinets.

Proposals for takeback programs must address two requirements: accessibility and compliance with relevant legal requirements. Existing programs have followed three models. In one scenario, drugstores or other commercial

outlets take back the leftover drugs and dispose of them in accordance with state and local law. In this model, the pharmacies or retail stores pay for disposal of the drugs which are returned to them. Of course this approach is convenient for the public. Almost everyone can get to a pharmacy, pharmacies are open for a huge proportion of the week, and certainly most people who already possess unused prescription drugs have access to a drugstore. Therefore, from the point of view of the public, accessibility is manageable under this model.

The drawback associated with the pharmacy-as-collection-point model is that pharmacy employees are not permitted to collect and dispose of controlled substances. A Walgreen’s staff person, for instance, can gather many standard prescription drugs that have not been used. “Controlled substances,” as defined by the DEA, however, must be collected or disposed of by DEA agents, or by someone authorized under DEA procedures to collect and dispose of such narcotics.

A different approach to collection is for law enforcement groups to collect the unused prescription drugs. Pursuant to federal regulations, law enforcement officials engaged in the enforcement of state or local law relating to controlled substances are exempt from registration with DEA in the course of their professional duties. As such, the law enforcement agency arranges for collection activities to occur at a private business or public location. On the collection day, law enforcement people are present so that they can physically take possession and maintain custody of the unused controlled substances. Under that scenario, the question of legal compliance is resolved, but accessibility and perhaps cost can become issues. Some part of the public might find it impractical to drop off unused prescriptions at the time when law enforcement staff are available.

Another variation, in use in several states, is to set up secure collection containers at law enforcement agency offices. In that situation, the unused drugs are always under the control of the law enforcement agency, which routinely empties the collection containers and takes their contents for disposal. In this situation, the accessibility question seems less prominent, since police stations are generally open at all hours and throughout the year. The problem of having to find authorized people to dispose of the controlled substances is also mitigated, since law enforcement officers are generally eligible to perform that function.

Parallel bills that would address takeback programs have been introduced in the U.S. House and Senate. H.R. 1359 and S. 3397 would both give the U.S. Attorney General authority to issue regulations allowing “ultimate users” of controlled substances to deliver them to autho-

rized disposers, provided that the disposer operates in accordance with regulations issued by the U.S. Attorney General. Moreover, the bills specifically permit the U.S. Attorney General to authorize long-term care facilities to dispose of controlled substances. In May, 36 state Attorneys General signed a letter supporting the House version of the bill, H.R. 1359, the “Secure and Responsible Drug Disposal Act of 2009.” The U.S. Department of Justice has also provided Congress a letter giving its support of the bill.

State Attorneys General Greg Abbott (Texas), Steve Bullock (Mont.), Rob McKenna (Wash.), and Lori Swanson (Minn.), circulated a sign on letter in support of the Senate bill, S. 3397, the “Secure and Responsible Drug Disposal Act of 2010.” Forty-two Attorneys General signed it and the letter was sent June 25. The substance of the two bills is identical, although they were introduced at various times, and the Senate bill includes a series of congressional findings in support of the bill’s requirements. The House bill does not include the findings, although its substantive provisions are the same as those in S. 3397.

National Takeback Day Planned

In a different but complementary effort to reduce the risks and problems caused by the accumulation of unused prescription drugs, the DEA has initiated a collaborative effort to organize a nationwide day for collection of unused prescription medications on Sept. 25. The national “takeback day” will allow people who want to get rid of unwanted prescription drugs to comply with the law because DEA expects a multitude of state and local law enforcement authorities to participate in programs. The hope is for state Attorneys General to encourage local law enforcement to participate in the nationwide initiative. To further the planning for the national event, DEA expects to contact state Attorneys General in the near future. Attorneys General offices with questions about the takeback day may contact Mark Caverly, chief of the Liaison and Policy Unit, DEA, at (202) 307-7297 or mark.w.caverly@usdoj.gov.



State Attorneys General Participate in Mortgage Fraud Sweep

State Attorneys General, as members of the Financial Fraud Enforcement Task Force (FFETF), participated in the broadest mortgage fraud sweep in history. Starting March 1 to mid-June, Operation Stolen Dreams has involved 1,215 criminal defendants nationwide, including 485 arrests, who are allegedly responsible for more than \$2.3 billion in losses. It has also resulted in 191 civil enforcement actions which have resulted in the recovery of more than \$147 million.

The FFETF was established to lead an aggressive, coordinated and proactive effort to investigate and prosecute financial crimes. Last November, an Executive Order by President Obama designated seven federal departments and 20 federal agencies as FFETF members and specifically directed the chair to include the National Association of Attorneys General (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 Rob McKenna (Wash.), Tom Miller (Iowa), 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 and Attorney General Chris Koster (Mo.) is also a 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.

“Mortgage fraud ruins lives, destroys families and devastates whole communities, so attacking the problem from every possible direction is vital,” said U.S. Attorney General Eric Holder during a June 17, Washington, D.C., press conference to announce the sweep results. “We will use every tool available to investigate, prosecute and prevent mortgage fraud, and we will not rest until anyone preying on vulnerable American homeowners is brought to justice.”

Operation Stolen Dreams focused not only on federal criminal cases, but also on civil enforcement, recovering money for victims and increasing cooperation with state and local partners. The operation was conducted in conjunction with the U.S. Dept. of Justice, NAAG, NDAA, U.S. Dept. of Housing and Urban Development, U.S. Dept. of Treasury, the Federal Trade Commission, the Internal Rev-

ene Service, the U.S. Postal Inspection Service and the U.S. Secret Service.

For more information on the task force, visit www.StopFraud.gov.

Chief Deputies Meet in Wisconsin



WISCONSIN ATTORNEY GENERAL J.B. VAN HOLLEN

Thirty-nine chief deputies attended the annual NAAG Chief Deputies Seminar in Madison, Wis., May 18-20. Hosted by Wisconsin Attorney General J.B. Van Hollen and his Chief Deputy Raymond Taffora, the two-day seminar allowed attendees to discuss a wide variety of issues and explore new ways of addressing common questions. The topics included such timely issues as legislative investigations,

deconfliction between civil and criminal cases, employee performance evaluations, budget issues, electronic document retention, and the Endangered Species Act. Guest speakers included former Maine Attorney General Jim Tierney who spoke on the "Rules of Professional Responsibility as Applied to Attorney General Offices" and NAAG Supreme Court Counsel Dan Schweitzer who provided a Supreme Court update.



RAYMOND TAFFORA

As always, highlights included time apart in a roundtable discussion during which each chief deputy took the opportunity to share solutions to common problems they each faced, solicit ideas on various issues, and discover common ground that cut across regional or political divides. The chief deputies discovered once more the strength in their shared experiences and common goals.

The highlight of the seminar was a heartfelt tribute to Nebraska Chief Deputy Dave Cookson for his year of inspiring leadership and tireless efforts on behalf of all the chief deputies.

NAAG Deputy Director Safely Returns from Iraq



CHRIS TOTH

Chris Toth, NAAG deputy executive director and director of the National Attorneys General Training and Research Institute (NAGTRI), safely returned to the United States and NAAG in May following a one-year deployment to Iraq.

Chris, a Lieutenant Colonel in the U.S. Army Reserves, served as second-in-command of a Provincial Reconstruction Team (PRT) in Diwaniyah Province. Chris's PRT worked with Iraqi leaders and citizens to re-establish communities. The PRT's efforts included mentoring and training Iraqi government officials, supporting free and fair elections, rebuilding power grids and water supplies, supporting agricultural initiatives, and building and supporting schools. Chris was awarded the Bronze Star and Combat Action Badge for his service in Iraq.



Chris Toth in Iraq meeting with local sheikhs.



During the NAAG Summer Meeting, Robert Tessaro, left, with Fight Crime, Invest in Kids, presented a check to NAAG Executive Director Jim McPherson for grant work on childcare and education.

NAAG Welcomes Summer Interns

NAAG is pleased to welcome this summer four distinguished interns accepted to work alongside NAAG counsel in the D.C. office, contributing hard work and motivation in exchange for an opportunity to learn and grow in their related fields of interest.



Marielle Dirx

NAAG's Cyberspace Law intern is Marielle Dirx from Madison, Miss. Marielle is a third-year law student at the University of Mississippi School of Law.

"I wanted to do something out of state [regarding] the law and I hope to gain a lot of legal experience here, as well as learn more about cybercrime and cybercrime prevention,"

MARIELLE DIRKX

she said.

Prior to interning at NAAG, Marielle had interned at the Mississippi Dept. of Transportation and the Southwest Center for Law and Policy in Tucson, Ariz. She was a horse wrangler in Texas for one summer and is a CHA certified horse instructor.

She completed her undergraduate studies at Union University in Jackson, Tenn., where she received a bachelor's in political science and a bachelor's in business administration, as well as completing a minor in history.

Marielle has played soccer competitively for 12 years and enjoys baking. In college she spent three weeks in Morocco working at an orphanage and she is currently writing and editing in The Mississippi Law Journal as well as The Journal of Space Law. Marielle has a Teacup Yorkshire Terrier named Gertrude.

Caroline Bolton

Caroline Bolton, a law student from San Diego, Calif., will be assisting the Tobacco Project. As a tobacco bankruptcy intern, Caroline appreciates the new area of law she is exploring alongside NAAG counsel.

Caroline is a rising third-year law student at the University of San Diego School of Law and graduated from the University of Connecticut in 2006, completing a double major in political science and history.

From her NAAG internship, she hopes to gain a greater understanding of not only what the Attorneys General do but also learn more about what issues they share in common, as well as how they reach common ground on issues and achieve legislative success.

Caroline previously interned for Gov. Arnold Schwarzenegger in the legal affairs division working on parole cases, for Sen. Joseph Lieberman, and for the Conference of Western Attorneys General (CWAG) in Sacramento, Calif. She is also currently interning at the American Bar Association for their Center on Children and the Law.

Of her current internship at NAAG, Caroline said, "I really enjoy learning a new area of law. Every day I come to work and I learn something new and that's exciting for me."

Caroline has been a vegetarian for half of her life. She is an only child and a member of the Delta Gamma sorority. She has a passion for criminal law and children's rights. After completing law school she hopes to work for the government and would like to become a lifelong public servant.



Sara Tehrani

Joining the NAAG communications staff this summer, Sara Tehrani is a junior at The George Washington University double majoring in English and creative writing. She is an aspiring lawyer and is looking forward to gaining experience in the field of communications while learning in the legal setting offered by NAAG.

SARA TEHRANI

"I've always known that I wanted to enter the field of law someday and I have a real passion for writing and editing so my internship at NAAG allows me to gain exposure to the legal field while also giving me the opportunity to hone and expand my writing and communication skills," she said.

Some of Sara's tasks include drafting media advisories and articles for NAAG publications.

Sara is from New Canaan, Conn., and is currently also interning at The Ocean Foundation. This summer she is teaching English as a second language (ESL) to adult refugee and immigrant students, as well as volunteering for Lucky Dog Animal Rescue, contributing to their fundraising and public relations teams and assisting at their adoption events. She is a member of the Phi Alpha Delta professional law fraternity and is the PR representative for GW's Iranian Cultural Society. Sara speaks fluent Farsi and has played the piano for 14 years.



Greg Lalla

Greg Lalla is the 2010 recipient of the Bill Brown Scholarship. Bill Brown served as Ohio Attorney General from 1971-1983 and received his law degree from Ohio Northern University. The school established this scholarship in his honor.

Greg is from Iowa City, Iowa, and is a second-year law student at Ohio Northern University.

He completed his undergraduate degree at Coe College in Cedar Rapids, Iowa and earned his degrees in public accounting and business administration.

At NAAG, Greg is working on bankruptcy projects as well as conducting research for projects on intellectual property crime. Prior to this, he was an accounting intern for a debt collection law firm for one and a half years.

Greg is a country music fan who is also as an assistant wrestling coach at Ohio Northern University. He wrestled for four years as an undergraduate. Greg plans on practicing tax law in his future.

GREG LALLA

SAVE THE DATE

NAAG 2010 Winter Meeting

Ft. Lauderdale, Florida

Attorneys General and AG Staff Only

New Attorney General Orientation:

November 29 - 30, 2010

Winter Meeting:

November 30 – December 2, 2010

CALENDAR



Trial Advocacy Training

July 18-23, 2010

Alexandria, Virginia

Contact: Dennis Cuevas

dcuevas@naag.org



Bankruptcy from a Government Perspective

September 12-15, 2010

Santa Fe, New Mexico

Contact: Karen Cordry

kcordry@naag.org

