NAGTRI New Initiatives

2017 Summer Meeting
A Legal Resource Made By and For the AG Community

Presented by: Joanne Thomka
Consumer Protection

Introduction

Attorneys General bear unique responsibilities in protecting consumers from misinformation, scams, and negligence. States’ attorneys general are available to assist in resolving disputes against businesses. AGs work with consumers, the business community, and federal regulators such as the U.S. Department of Justice and the Federal Trade Commission to ensure that consumers are treated fairly. Consumer protection statutes have been developed to protect American consumers from threats to their health, safety, and financial security. Many Attorneys General Offices have created Consumer Protection Divisions to facilitate the investigation and necessary legal actions to protect consumers from fraud, deception, and other unfair business practices.[1]

Topics of Interest

- Attorney General Authority
- Depositions Under 30(b)(6)
- Federal Agency Authority and Action
- Financial Institutions Fraud
- Identity Theft and Privacy
- Civil Investigative Subpoenas
- Investment Fraud
- Multi-State Case Litigation
- State Enforcement of Federal Laws
- State Enforcement of State Laws
- Telemarketing Fraud
- Unfair and Deceptive Acts and Practices (UDAP)

Programs & Resources

- NAAG Committee on Consumer Protection
- Consumer Financial Protection Bureau (CFPB)
  - The CFPB protects consumers from unfair, deceptive, or abusive practices and take action against companies that break the law and arms people with the information, steps, and tools that they need to make smart financial decisions.

- Consumer Protection
  - The Consumer Protection site on USA.gov is a guide for consumers to learn scam types, state or local fraud protection resources and pathways for action in the event of a qualifying consumer situation.
Unfair and Deceptive Acts and Practices (UDAP)

Introduction

Every state has a consumer protection law that prohibits deceptive practices. These statutes are commonly known as Unfair and Deceptive Acts and Practices, or "UDAP statutes." Section 5 of the Federal Trade Commission Act ("FTC Act") and Section 129 of the Homeownership and Equity Protection Act ("HOEPA") are the primary federal laws prohibiting UDAP, but virtually every state has also enacted its own UDAP law, many of which are patterned after Section 5 of the FTC Act and referred to as "little FTC Acts."  

Importance of UDAP Statutes

UDAP statutes provide the basic protections of everyday transactions that each consumer in the United States enters into. Although these statutes vary from state to state, the basic premise is that unfair and deceptive tactics within the marketplace are inappropriate. Therefore, UDAP statutes are the "legal underexploring" for fair treatment of consumers. Before UDAP statutes were adopted there were no effective tools that consumers or state agencies could use against fraud and abuse. Even though the FTC had prohibited unfair or deceptive acts in 1938, in the majority of states there was no state agency with a mandate to "root out" consumer fraud and abuse, or even tools to sue fraud artists. Due to this, UDAP statutes were passed which all go beyond the FTC Act by giving state agencies the authority to enforce the prohibitions.

Topics of Interest

- Strength of State UDAP Statutes
- Scope of State UDAP Statutes
- State Enforcement of UDAP Statutes
- State Specific Litigation (Including Multistate Litigation)
- Mortage Fraud

Programs and Resources

- State-by-State Analysis of Statute of Limitations Under UDAP
- State-by-State Summaries of State UDAP Statutes

Publications
Center for Consumer Protection

2017 NAAG Summer Meeting
Director: Abigail Stempson
Overview

• Official launch – April 2017
• Director: Abigail Stempson
• Counsel: Blake Bee
• Coordinator: Elizabeth Tyler
CCP: FY 2017/2018

- 15 trainings already planned including national, mobile and online, plus 3 national conferences
- Courses:
  - Consumer Protection 101
  - Anatomy of a Complex Consumer Protection Case
  - Advanced Charity Regulation and Enforcement
  - Webinar Series: Consumer Protection Partners
  - Webinar Series: Regulation and Enforcement in the Charitable Sector
CCP: FY 2017/2018

- Reconstructed Newsletter
- Systems for enhanced communication and other information sharing
- Members Only Pages: Consumer & Charities
  - AAG Contact Information
  - General information about Multistate Investigations and Working Groups
- Database of Enforcement Actions
Center for Consumer Protection

If you have a special organization need or a particular issue that you feel would benefit from our involvement, please contact:

astempson@naag.org

202.320.2902
Center for Ethics & Public Integrity

2017 NAAG Summer Meeting

CEPI Director Amie Ely
CEPI

Anticorruption & Ethics Resources for Government Attorneys
CEPI History

Inaugural Anticorruption Academy, Aug. 2016
CEPI Mission

The CEPI mission is to provide training, research, and technical assistance to prosecutors involved in the fight against corruption, and to provide training and other resources on the ethical practice of law by government attorneys.
CEPI Overview

• Training
  • Nationals & Mobiles
• Outreach
  • Corruption Prosecutors & “Ethics Gurus”
• Research
CEPI Training

• National Trainings
  – Anticorruption/ white collar/ complex crime courses
  – Ethics courses
• Mobile Trainings
  – Ethics
  – Anticorruption
Mobile Trainings

- **Alabama**: Discovery (Dec. 2016)
- **Guam**: Discovery & Conflicts (Jan. 2017)
- **Hawaii**: Corruption Units (Feb. 2017)
- **Massachusetts**: Discovery (Aug. 2017)
- **West Virginia**: Conflicts (Sept. 2017)
- **Utah**: White Collar Cases (Oct. 2017)
2017 National CEPI Trainings

- Financial Investigations Training *(with DOJ)*
  - March 14-16, 2017 (Lexington, KY)

- Forensic Science Symposium
  - July 19-21, 2017 (Washington, DC)

- Anticorruption Academy
  - Aug. 21-25, 2017 (Minneapolis, MN)

- Ethics Summit & Training
  - Oct. 23-24, 2017 (Savannah, GA)
Outreach

• Who
  • Corruption Prosecutors
  • Ethics Gurus

• What
  • Surveys
  • Circulate Email Queries
Ethics Survey Results (1/2)

• 26 AGOs completed survey
• Most gurus oversee all ethics issues (admin, civil, & criminal); few have ethics role full-time
• Selected Issues
  • All: conflicts of interest (most within the office)
  • Many: “who is the client” & contacts with current/former employees
  • 10: R. of Prof’l C. 8.4 (deception; issue in UC investigations)
Ethics Survey Results (2/2)

• Several AGOs have ethics committees and/or consult with bar counsel/state ethics commission
  • Most (23) have ethics commission in state
• In-house ethics training appears to be common
CEPI Research & Technical Assistance

• CEPI Newsletter
• Anticorruption Manual (~2017)
• Anti-Money Laundering Manual (~2018)
• Ongoing research
Center for Ethics & Public Integrity

Website: www.naag.org/nagtri/cepi.php
Amie Ely: aely@naag.org
Center for Leadership Development

2017 NAAG Summer Meeting

Director: Al Lama
Presented by: Erin Schechter
Overview

• Official launch – 2016
• Nikki Calvano, J.D. MSSL
• Al Lama, NAGTRI Center for Leadership Development Director
The NAGTRI Center for Leadership Development serves the state and territorial attorneys general by offering training programs and resources to assist leaders and managers in their efforts to maximize organizational and individual performance.
FY 2017

• Total number of trainings
• Total number of students
FY 2017

• New Courses
  • National Core Competencies for Senior and Executive Level Leaders
  • Mobile Management Processes and Practices
  • Identifying and Selecting High Performance Hires
• Blended learning opportunities
• Future online training topics
• Customized training
Special Requests Contact:
Al Lama
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