

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in detail. The stars are white on a dark blue field, and the stripes are red and white.

Post Election Briefing - State Attorneys General

Stephen Cobb: Partner, Former Deputy Attorney General of Virginia

Jim Schultz: Partner, Former Senior Associate White House Counsel, Former General Counsel to Pennsylvania Governor

Bill Shepherd: Partner, Florida's Former Statewide Prosecutor

December 8, 2020

Holland & Knight

Thank you for joining today's program

- All participants are on mute
- Please ask questions via Q&A box
- Today's program is being recorded and will be posted on our website
- For technical assistance please reach out to the host via the chat box

Today's Presenters



Stephen Cobb

Partner
Former Deputy
Attorney General
of Virginia



Jim Schultz

Partner
Former Senior Associate
White House Counsel,
Former General Counsel
to Pennsylvania
Governor



Bill Shepherd

Partner
Florida's Former
Statewide Prosecutor

The Growing Role of State Attorneys General

Looking Back on 2020

The Election Results

2021 – What to Expect

Priorities of State Attorneys General During 2020

- Consumer Protection
- False Claims Act
- Antitrust
- Environmental Enforcement Actions
- COVID-19
- Data Breach/Data Privacy

State Attorney General Race Results

- **Indiana**
 - **Todd Rokita (R)** defeated Jonathan Weinzapfel (D)
- **Missouri**
 - **Eric Schmitt* (R)** defeated Richard Finneran (D)
- **Montana**
 - **Austin Knudsen (R)** defeated Ralph Graybill (D) vs.
- **North Carolina**
 - **Josh Stein* (D)** defeated Jim O'Neill (R)
- **Oregon**
 - **Ellen Rosenblum* (D)** defeated Michael Cross (R)
- **Pennsylvania**
 - **Josh Shapiro* (D)** defeated Heather Heidelbaugh (R)
- **Utah**
 - **Sean D. Reyes* (R)** defeated Greg Skordas (D)
- **Vermont**
 - **T.J. Donovan* (D)** defeated H Brooke Paige (R)
- **Washington**
 - **Bob Ferguson* (D)** defeated Matt Larkin (R)
- **West Virginia**
 - **Patrick Morrisey* (R)** defeated Sam Brown Petsonk (D)

Aside from the 10 races detailed above, Maine's next state legislature and the governors of New Hampshire, Puerto Rico, and American Samoa are due to appoint new AGs.

New Political Leadership Team

Democratic Attorney Generals Association

- Nevada AG Aaron Ford will join Massachusetts AG Maura Healey as a Co-chair to lead the growing committee.
- Current Co-chair Oregon AG Ellen Rosenblum will remain on DAGA's Executive Committee as Chair emeritus.
- Delaware AG Kathy Jennings will join California AG Xavier Becerra**, Connecticut AG William Tong, and District of Columbia AG Karl Racine on the DAGA Executive Committee

Republican Attorney Generals Association

- Chairman Georgia AG Chris Carr, Vice-Chairman Missouri AG Eric Schmitt, and Policy Chairman Alabama AG Steve Marshall

2021- What to Expect from State Attorneys General

- Nonpartisan Efforts
 - Consumer Protection
 - False Claims
 - Human trafficking
- Partisan Efforts
 - Democratic State Attorneys General
 - No longer have the Trump Administration to focus on.
 - Democratic State Attorneys General sued Trump Administration 138 times.
 - Environmental
 - Immigration
 - Labor
 - Teaming with Biden Administration in certain regulatory areas
 - Environmental enforcement actions
 - Labor/Worker Misclassification
 - Big Tech
 - Republican State Attorneys General
 - Challenging Executive Actions
 - Defending against regulatory overreach by Biden/Harris administration
 - Areas of interest will include: energy and climate change, health care, financial services, communications policy, 2nd Amendment.

How to Be Prepared

- Engagement

- State Attorneys General are very active and that will continue
- Regular Monitoring is important
- Engaging with regulatory offices early in the process can be helpful

- Compliance

- Ensuring that compliance programs are up to date and reflect the most recent areas of State Enforcement

- Litigation/Investigations

- Working with State Attorneys General is often different than other regulators and should be treated as such

Questions?