



Client Alert: A Candid Discussion with State Attorneys General

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Attorneys General Doug Gansler (Maryland), Scott Pruitt (Oklahoma) and Luther Strange (Alabama) recently participated in a U.S. Chamber of Commerce panel discussion on state and federal affairs. The wide ranging discussion addressed how their AG's offices and federal regulators affect the business community.

Although their views on the role of their offices and on the impact of federal regulations from agencies like the National Labor Relations Board and the Environmental Protection Agency varied widely, it is clear that state attorneys general continue to shape both state and federal public policy. Whether driving the agenda or responding to legal or policy initiatives of others, AGs cannot be ignored. As former Georgia Attorney General and panel moderator Thurbert Baker said, "state attorneys general are no longer merely 'down ballot officeholder[s]' not deserving of much attention."

As President of the National Association of Attorneys General, Gansler focused his remarks on privacy issues. Pruitt continued his zealous defense of domestic energy, energy production and Oklahoma's various battles with the EPA, and Strange discussed his role as coordinating counsel in the multi-state litigation against BP. The panel also discussed other matters that their offices are addressing, including mortgage fraud and the foreclosure crisis, implementation of intellectual property piracy protections, environmental issues, right to work laws, class action policy, religious liberty and separation of powers. Once the province of state legislatures or Congress, attorneys general are now intimately involved in all aspects of public policy and law.

As demonstrated in the back and forth among the panel members, state attorneys general find themselves on opposite sides of policy debates and litigation surrounding Dodd-Frank, the Patient Protection and Affordable Care Act (PPACA), the EPA's regulation of utilities, antitrust, regulation of the internet, privacy and labor relations. As their state's chief legal officer, they often sit at the intersection of law and policy, advocating for or against a myriad of issues. Knowing the difference between how one attorney general will view a matter versus another is critically important to successfully navigating these relationships.

For more information about this topic, please contact the authors or any member of the Williams Mullen Attorneys General and State Agency Team.

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