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Consumer Protection Cases and Trends to Watch in 2026

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Ashley L. Taylor, Jr.

Ashley L. Taylor, Jr., a partner in Troutman Pepper Locke's Regulatory Investigations, Strategy, and Enforcement Practice Group, was quoted in the January 2, 2026 *Law360* article, "Consumer Protection Cases and Trends to Watch in 2026."

> Consumer protection litigation will go in three different directions in 2026, said Ashley L. Taylor Jr., a Troutman Pepper Locke LLP partner based in Richmond, Virginia, and Washington, who believes lawsuits will increasingly be brought by state attorneys general via their own offices while they also will rely on outside counsel for help in cases. Thirdly, Taylor added, he expects to see plenty of suits filed by private consumers.
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> "I'm usually defending cases that arise from the same set of operative facts," he said. "I'll have one case filed by a state attorney general in State A, I'll have a case filed by private counsel for the AG in State B, and in State C, we'll have a class action filed by private parties. That wasn't the case 20 years ago, when states were less likely to engage in active litigation."
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> Twenty years ago, Taylor said, he correctly anticipated that there would be no sweeping national regulation and states would fill the void in consumer protection. The Federal Trade Commission, he asserted, "is not primary anymore."
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> As co-leader of Troutman's state attorneys general practice and a partner in its regulatory investigations group, Taylor said the firm is taking on more regulatory matters because state attorneys general have been ramping up their consumer litigation while toning down investigative demands.
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> "They've beefed up litigation internally, and the plaintiffs' bar and AGs have relationships now. That has also increased the litigation," he observed. "In the past, you would have had a state AG who did investigation, but now they're hiring outside counsel, which is more likely to file a complaint than conduct an investigation."
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> For example, Taylor noted, Texas and Meta Platforms Inc. in December 2024 reached a $1.4 billion deal in state Attorney General Ken Paxton's biometric data suit following the Republican AG's accusation that Meta illegally collected Facebook users' data through its now-discontinued facial recognition feature. The settlement was the largest ever obtained from an action brought by a single state, Texas said.
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> "This is not a partisan issue," Taylor asserted, saying state attorneys general are doing more litigation because citizens' view of what they should do has changed in the past 20 years.
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> Previously, Taylor said, they would run for office to serve as a state's "top cop." But today, consumers think of their attorney general as the primary consumer protection advocate or enforcement officer. "That's fundamentally different from being a top cop."

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