

State Attorney General Actions: How Outside Counsel for AGs Changes the Game

WRITTEN BY

Ashley L. Taylor, Jr. | Ryan J. Strasser | Amy Pritchard Williams

Ashley Taylor, Ryan Strasser and Amy Pritchard Williams of Troutman Pepper Hamilton Sanders LLP discuss the involvement of outside counsel in representing state Attorney Generals and how that involvement can affect the dynamics of the litigation.

As explained in the first three parts of this series, state attorney general (AG) actions pose existential threats to defendant companies because they can cause such companies to confront the risk of a substantial civil penalties award, the entry of draconian injunctive relief, and the suffering of major reputational harm. [“How approaches in state attorney general actions differ from typical litigation,”](#) Reuters Legal News, Feb. 8, 2023; [“State attorney general actions: Strategies for venue and settlement differ from typical litigation,”](#) Reuters Legal News, Feb. 16, 2023; [“Five ways to effectively navigate litigation with state attorneys general,”](#) Reuters Legal News, April 12, 2023.

Because the risks of an adverse trial verdict are so concerning, it is typically advisable to litigate with a state AG strategically and in a way that creates leverage to procure at least tolerable, if not favorable, settlement terms before the case reaches trial.

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