

Press Coverage | June 8, 2023

State Attorneys General Flexing Muscles, Posing Growing Risk to Legal Departments

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Judith "Judy" Jagdmann | Christopher Carlson

Judy Jagdmann and Chris Carlson, a partner and an associate in Troutman Pepper's Regulatory Investigations, Strategy + Enforcement Practice Group, were quoted in the June 8, 2023 *Corporate Counsel* article, "[State Attorneys General Flexing Muscles, Posing Growing Risk to Legal Departments](#)."

"I don't see this activity slowing down at all," said Judith Jagdmann, a former Virginia attorney general and now a partner at Troutman Pepper's regulatory investigations, strategy and enforcement practice.

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It was another addictive product that Jagdmann sees as perhaps kickstarting the vigorous, redefined role of state attorneys general that prevails today.

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"That was the first. That was really groundbreaking," Jagdmann said. "That I think opened a lot of eyes as to how the states can effect policy on a national level."

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Their cases often mirror, and sometimes outpace, regulatory actions brought by the federal government. "It's clear there is a different expectation. They are primarily concerned with consumer harm. Federal agencies are more reticent," said Christopher Carlson, a former West Virginia assistant attorney general who's now a member of Troutman Pepper's state AG practice group.

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Courts had been clogged with thousands of individual lawsuits against the pharmaceutical industry. Many states "view the federal government to be asleep at the wheel" on such issues, Carlson said.

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Carlson said CFPB Director Rohit Chopra has been having periodic phone calls with state AGs suggesting "why don't we do joint lawsuits together?"

“It’s a very savvy move by him that he’s using the authority of the states,” Carlson said.

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Carlson recalled the days when they were “revolving doors” for attorneys who saw the offices as a stop-off point to gain experience for work later at federal regulatory agencies or in private practice. “People always viewed the states as secondary actors,” he recalled.

But now Carlson can rattle off a list of people who’ve left federal agencies such as CFPB for roles in state AG offices in places such as Pennsylvania.

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