

# Troutman Pepper Locke State Attorneys General Monitor – March 12, 2026

## WRITTEN BY

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State attorneys general increasingly impact businesses in all industries. Our nationally recognized [state AG team](#) has been trusted by clients for more than 20 years to navigate their most complicated state AG investigations and enforcement actions.

*State Attorneys General Monitor* analyzes regulatory actions by state AGs and other state administrative agencies throughout the nation. Contributors to this newsletter and related [blog](#) include attorneys experienced in regulatory enforcement, litigation, and compliance. Also visit our [State Attorneys General Monitor microsite](#).

Contact our State AG Team at [StateAG@troutman.com](mailto:StateAG@troutman.com).

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## Troutman Pepper Locke Spotlight

### Cyber Threats – Are You Prepared?

By [Gene Fishel](#)

[Register Here](#)

Thursday, March 26 • 12:00 – 1:00 p.m. ET

Gene Fishel will be speaking on the “Cyber Threats – Are You Prepared?” webinar, being held on March 26.

[Read more](#)

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## Multistate AG News

### Virginia AG Joins Multistate Suit Over CFPB Funding Signaling More Aggressive Enforcement in the Commonwealth

By [Troutman Pepper Locke State Attorneys General Team](#)

Virginia Attorney General (AG) Jay Jones has joined an ongoing lawsuit by 23 Democratic AGs challenging Consumer Financial Protection Bureau (CFPB) Acting Director Russell T. Vought’s interpretation of the CFPB’s statutory funding mechanism that would leave the agency without operating funds.

[Read more](#)

## **Federal Judge Holds Generative AI Communications Are Not Privileged in Decision Likely to Impact Litigation and Regulatory Enforcement**

By [Troutman Pepper Locke State Attorneys General Team](#) and [Lauren Hancock Miller](#)

As the use of artificial intelligence (AI) becomes more prevalent in day-to-day life and in the legal field, in particular, thorny questions arise regarding the implications of that use. One such question is whether exchanges with a publicly available generative AI platform in connection with pending litigation are protected by the attorney-client privilege or the work product doctrine. In a matter of first impression nationwide, U.S. District Judge Jed S. Rakoff of the Southern District of New York answered that question in the negative and required a defendant to provide the prosecution documents memorializing litigation-related communications with a generative AI platform.[1] Applying traditional principles governing the attorney-client privilege and the work product doctrine, the court reasoned that the communications did not involve an attorney-client relationship, were not confidential, were not made for the purpose of obtaining legal advice, and did not reflect an attorney's trial strategy.[2] The ruling will likely impact whether legal protections are afforded to AI communications, prompts, and output in both litigation and regulatory inquiries, including state attorneys general (AG) investigations.

[Read more](#)

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## **Single State AG News**

### **New York AG Settles Ghost Network Investigation**

By [Troutman Pepper Locke State Attorneys General Team](#)

New York Attorney General (AG) Letitia James reached a \$2.5 million settlement with health insurer EmblemHealth following an investigation of the behavioral health provider "ghost networks." "Ghost networks" are provider networks in which many of the providers listed in the insurer's directory of "in-network" providers are actually unavailable, not accepting new patients, or not actually participating in the network. The investigation also focused on compliance with state and federal behavioral health parity laws. As part of the settlement, the insurer will pay more than \$2.5 million and undertake changes to its policies and procedures.

[Read more](#)

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## **AG of the Week**

### **Mike Hilgers, Nebraska**

Mike Hilgers was elected Nebraska attorney general (AG) in 2022 and took office in 2023. He previously served in the Nebraska Legislature representing the 21st District from 2017 to 2023, where he served as rules chair, chair of the Executive Board, and speaker of the 107th Legislature.

Before his public service, Hilgers spent more than 15 years in private practice handling complex litigation in state and federal courts. He practiced at a large law firm before founding a litigation boutique that was named to Inc. Magazine's list of fastest-growing private companies in the U.S. for three consecutive years.

He began his legal career clerking for Judge Edith Brown Clement of the U.S. Court of Appeals for the Fifth Circuit. Hilgers earned a degree in economics from Baylor University and a J.D. from the University of Chicago Law School, where he was an editor of the *Law Review*.

A Nebraska native, he lives in Lincoln with his wife and four children.

### Nebraska AG in the News:

- Hilgers, leading a 15-state coalition, filed a U.S. Supreme Court [amicus brief](#) arguing that federal law preempts state-imposed warning labels on glyphosate, urging a uniform national labeling standard to preserve farmers' access to this widely used herbicide and avoid increased costs, supply disruptions, and reliance on more toxic alternatives.
- Hilgers joined an [amicus brief](#) supporting the U.S. Supreme Court review to overturn Department of Energy (DOE) efficiency rules that effectively ban common noncondensing natural gas appliances, arguing the District of Columbia Circuit wrongly deferred to DOE in violation of *Loper Bright* and the Energy Policy and Conservation Act (EPCA) consumer and federalism protections, which would otherwise prevent costly harms to consumers.
- A [coalition](#) of 19 state AGs, including Hilgers, has asked the U.S. Department of Justice to investigate more than 150 U.S.-based climate activist nonprofits for allegedly acting as unregistered foreign agents under Foreign Agents Registration Act (FARA) by accepting nearly \$2 billion from five foreign climate organizations to influence U.S. energy policy and undermine American energy independence.

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### Upcoming AG Events

- March: RAGA | Spring Meeting | New Orleans, LA
- April: NAAG | Annual Meeting | Charleston, SC
- April: AGA | International Delegation | TBD

For more on upcoming AG Events, [click here](#).

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Troutman Pepper Locke's State Attorneys General team combines legal acumen and government experience to develop comprehensive, thoughtful strategies for clients. Our attorneys handle individual and multistate AG investigations, proactive counseling and litigation, and manage ancillary regulatory issues. Our successful approach has been recognized by *Chambers USA*, which ranked our practice as a leader in the industry.

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