

The New York Times

NEW YORK, WEDNESDAY, OCTOBER 29, 2014



ALEX WONG/GETTY IMAGES

Emails detail interactions between the office of Attorney General Pam Bondi of Florida and a law firm trying to sway her.

Lobbyists, Bearing Gifts, Pursue Attorneys General

With Few Disclosure Rules, State Officials Are Pressed on Inquiries and Policy

By ERIC LIPTON

WHEN the executives who distribute 5-Hour Energy, the popular caffeinated drinks, learned that attorneys general in more than 30 states were investigating allegations of deceptive advertising — a serious financial threat to the company — it moved quickly to shut the investigations down, one state at a time.

COURTING FAVOR

'The People's Lawyers'

Instead, it came at the opulent Loews Santa Monica Beach Hotel in California, with its panoramic ocean views, where more than a dozen state attorneys general had gathered last year for cocktails, dinners and fund-raisers organized by the Democratic Attorneys General Association. A lawyer for 5-Hour Energy roamed the event, setting her

sights on Attorney General Chris Koster of Missouri, whose office was one of those investigating the company.

“My client just received notification that Missouri is on this,” the lawyer, Lori Kalani, told him.

Ms. Kalani’s firm, Dickstein Shapiro, had courted the attorney general at dinners and conferences and with thousands of dollars in campaign contributions. Mr. Koster told Ms. Kalani that he was unaware of the investigation, and he reached for his phone and called his office. By the end of the weekend, he had ordered his staff to pull out of the inquiry, a clear victory for 5-Hour Energy.

The quick reversal, confirmed by Mr. Koster and Ms. Kalani, was part of a pattern of successful lobbying of Mr. Koster by the law firm on behalf of clients like Pfizer and AT&T — and evidence of a largely hidden dynamic at work in state attor-

neys general offices across the country.

Attorneys general are now the object of aggressive pursuit by lobbyists and lawyers who use campaign contributions, personal appeals at lavish corporate-sponsored conferences and other means to push them to drop investigations, change policies, negotiate favorable settlements or pressure federal regulators, an investigation by The New York Times has found.

A robust industry of lobbyists and lawyers has blossomed as attorneys general have joined to conduct multistate investigations and pushed into areas as diverse as securities fraud and Internet crimes.

But unlike the lobbying rules covering other elected officials, there are few revolving-door restrictions or disclosure requirements governing state attorneys general, who serve as “the people’s lawyers” by protecting consumers and individual citizens.

A result is that the routine lobbying and deal-making occur largely out of view. But the extent of the cause and effect is laid bare in The Times’s review of more than 6,000 emails obtained through open records laws in more than two dozen states, interviews with dozens of participants in cases and attendance at several conferences where corporate representatives had easy access to attorneys general.

Often, the corporate representative is a former colleague. Four months after leaving office as chief deputy attorney general in Washington State, Brian T. Moran wrote to his replacement on behalf of a client, T-Mobile, which was pressing federal officials to prevent competitors from grabbing too much of the available wireless spectrum.

“As promised when we met the A.G. last week, I am attaching a draft letter for Bob to consider circulating to the other states,” he wrote late last year, referring to the attorney general, Bob Ferguson.

A short while later, Mr. Moran wrote again to his replacement, David Horn. “Dave: Anything you can tell me about that letter?” he said.

“Working on it sir,” came the answer. “Stay tuned.” By January, the letter was issued by the attorney general largely as drafted by the industry lawyers.

The exchange was not unusual. Emails obtained from more than 20 states reveal a level of lobbying by representatives of private inter-

ests that had been more typical with lawmakers than with attorneys general.

“The current and increasing level of the lobbying of attorneys general creates, at the minimum, the appearance of undue influence, and is therefore unseemly,” said James E. Tierney, a former attorney general of Maine, who now runs a program at Columbia University that studies state attorneys general. “It is undermining the credibility of the office of attorney general.”

Private lawyers also have written drafts of legal filings that attorneys general have used almost verbatim. In some cases, they have become an adjunct to the office by providing much of the legal work, including bearing the cost of litigation, in exchange for up to 20 percent of any settlement.

Money gathered through events like the one in February 2013 at the Loews hotel is flooding the political campaigns of attorneys general and flowing to party organizations that can take unlimited corporate contributions and then funnel money to individual candidates. The Republican Attorneys General Association alone has pulled in \$11.7 million since January.

It is a self-perpetuating network that includes a group of former attorneys general called SAGE, or the Society of Attorneys General Emeritus, most of whom are now on retainer to corporate clients.

Giant energy producers and service companies like Devon Energy of Oklahoma, the Southern Company of Georgia and TransCanada have retained their own teams of attorney general specialists, including Andrew P. Miller, a former attorney general of Virginia.

For some companies, the reward seems apparent, according to the documents obtained by The Times. In Georgia, the attorney general, after receiving a request from a former attorney general who had become a lobbyist, disregarded written advice from the state’s environmental regulators, the emails show. In Utah, the attorney general dismissed a case pending against Bank of America over the objections of his staff after secretly meeting with a former attorney general working as a Bank of America lobbyist.

That Bank of America case was cited in July when the two most recent former attorneys general in Utah were charged with granting official favors to donors in exchange for

golf getaways, rides on private planes and a luxury houseboat.

While the Utah case is extreme, some participants say even the daily lobbying can corrode public trust.

“An attorney general is entrusted with the power to decide which lawsuits to file and how to settle them, and they have great discretion in their work,” said Anthony Johnstone, a former assistant attorney general in Montana. “It’s vitally important that people can trust that those judgments are not subject to undue influence because of outside forces. And from what I have seen in recent years, I am concerned and troubled that those forces have intensified.”

Several current and former attorneys general say that while they are disappointed by the increased lobbying, they reject the notion that the outside representatives are powerful enough to manipulate the system.

“There is no Mr. Fix-It out there you can hire and get the job done no matter what the merits are,” said Attorney General Tom Miller of Iowa, the longest-serving state attorney general in the country, at 19 years.

Mr. Koster said he regretted the prominence of groups like DAGA and RAGA — as the Democratic and Republican attorneys general associations are known — saying the partisanship and increased emphasis on money had been damaging.

“I wish those two organizations did not exist,” Mr. Koster said during an interview at his office in Kansas City, even though the Democratic group has contributed at least \$1.4 million to his election campaigns, more than any other source.

But he rejected any suggestion that his office had taken actions as a result of the lobbying, instead blaming mistakes made by his staff for moves that ended up benefiting Dickstein’s clients.



STEVE CANNON/ASSOCIATED PRESS

PAM BONDI

Corporate sponsors or state taxpayers generally cover airfare, hotels and meals at conferences for the Florida attorney general and her counterparts.

Some companies have come grudgingly to the influence game.

Executives from the company that distributes 5-Hour Energy, for example, have contributed more than \$280,000 through related corporate entities in the last two years to political funds of attorneys general.

Company executives wrote those checks after the investigation into false claims and deceptive marketing, which initially involved 33 states, opened in January 2013. Requests started to come in for contributions, including a phone call this year directly from Mr. Ferguson of Washington State, whose staff was involved in the inquiry.

In a statement after the company was sued by three states in July, the company strongly denied the allegations and compared being solicited for contributions to being pressured to pay “ransom.” It asked, “Is it appropriate for an attorney general to ask for money from a company they plan to sue?”

A spokesman for Mr. Ferguson first called the allegation baseless. But after being shown a copy of an invitation to a fund-raising event that Mr. Ferguson held in May during a DAGA conference — where 5-Hour Energy was listed as a sponsor — his spokesman confirmed that Mr.

Ferguson had made a personal appeal to the company.

Secluded Access

Breakfast was served on a patio overlooking the Pacific Ocean — a buffet of fresh baked goods, made-to-order eggs, lox and fruit — as the Republican attorneys general, in T-shirts and shorts, assembled at Beach Village at the Del, in Coronado, Calif.

These top law enforcement officials from Alabama, South Carolina, Nebraska, Wisconsin, Indiana and other states were joined by Ms. Kalani, of Dickstein Shapiro, and representatives from the U.S. Chamber of Commerce, Pfizer, Comcast and Altria, among other corporate giants.

The group had gathered at the exclusive Beach Village at the Del — where rooms go for as much as \$4,500 a night and a special key card is required to enter the private compound — for the most elite event for Republican attorneys general, a gathering of the Edmund Randolph Club (named for the first United States attorney general).

The club, created by the Republican Attorneys General Association, has a \$125,000 entry fee — money used to fund the campaigns of attorney general candidates with as much as \$1 million, and to pay for the hotel bills, airfare and meals for the attorneys general who attend the events.

As at the Democrats' event, the agenda included panels to discuss emerging legal issues. But at least as important was the opportunity for the lobbyists, corporate executives and lawyers to nurture relationships with the attorneys general — and to lobby them in this casual and secluded setting. (A reporter from The Times attended this event uninvited and, once spotted, was asked to leave.)



WHITNEY CURTIS FOR THE NEW YORK TIMES

CHRIS KOSTER

The office of the Missouri attorney general pulled out of an inquiry into 5-Hour Energy after he spoke with a lawyer from the law firm Dickstein Shapiro.

The appeals began the moment the law enforcement officials arrived, as gift bags were handed out, including boxes of 5-Hour Energy, wine from a liquor wholesalers group and music CDs (Roy Orbison for the adults, the heart-throb Hunter Hayes for their children) from the recording industry.

Andy Abboud, a lobbyist for Las Vegas Sands, which donated \$500,000 through its chief executive to the Republican group this year, has been urging attorneys general to join an effort to ban online poker. At breakfast, he approached Attorney General Pam Bondi of Florida.

"What are you going to be doing today?" he asked.

"Sailing," Ms. Bondi replied.

"Great, I want to go sailing, too," Mr. Abboud said, and they agreed to connect later that day.

The increased focus on state attorneys general by corporate interests has a simple explanation: to guard against legal exposure, potentially in the billions of dollars, for corporations that become targets of the state investigations.

It can be traced back two decades, when more than 40 state attorneys general joined to challenge the tobacco industry, an inquiry that resulted in a historic \$206 billion settlement.

Money Going to Attorneys General

Several of the largest donors to the Republican and Democratic Attorneys General Associations are companies or groups that have been targets of investigations or are seeking help from attorneys general in challenging federal regulations.

KEY \$0 \$100,000 \$500,000 \$2.3 million



DONOR	AMOUNT GIVEN TO:		RELEVANT ISSUES
	Reps. '14*	Dems. '13-'14	
U.S. Chamber of Commerce			Pushing attorneys general to curb what it considers excessive litigation against pharmaceutical, financial services and other industries.
Judicial Crisis Network			Conservative nonprofit groups pushing for limits on federal environmental regulation and continued challenges to the Obama health care program.
American Future Fund			
Sheldon G. Adelson			C.E.O. of Las Vegas Sands, seeking attorneys general support to ban online poker.
Teamsters union			Pushing Democrats to support a narrower definition of "independent contractor."
Pinnacle West Capital			Owner of an Arizona electric utility that could benefit from action taken by the attorney general there in challenging federal rules on coal-burning power plants.
Altria			Involved in recent disputes over continuing payouts from the 1998 tobacco settlement and seeking to play a role in decisions over regulation of e-cigarettes.
Reynolds America			
Blue Cross & Blue Shield			Members of the network were targeted, but cleared, in an inquiry alleging anti-competitive practices. Plaintiff's lawyers have urged that new actions be filed.
Devon Energy			Seeking help in blocking Obama administration rules governing fracking.
Trinity Industries			Targeted in investigations related to alleged defects in its highway guardrails.
Comcast			Seeking antitrust approval for a proposed merger with Time Warner Cable.
Rent-A-Center			Previously targeted by attorneys general for alleged deceptive marketing practices.
Citigroup			Recently settled a case related to its marketing and issuance of residential mortgage-backed securities before 2009.
Google			Targeted in an inquiry into allegations that it allows illegal products to be sold via its search engine.
Coca-Cola			A possible target if attorneys general pursue litigation, as one law firm has advocated, against the food industry concerning obesity-related health costs.
DirecTV			Antitrust review underway related to a proposed merger with AT&T. Previously targeted for alleged deceptive marketing.
Herbalife International			Targeted in an inquiry over allegations of fraudulent business practices.
Labaton Sucharow			Plaintiff's law firm seeking to act as contingency lawyer to attorneys general.
5-Hour Energy affiliates			Targeted in a consumer fraud investigation over product labeling and claims.
Pfizer			Targeted in multiple investigations related to alleged fraudulent drug marketing.

*Contributions for 2013 are not available for the Republican Attorneys General Association, because until January 2014, the group was a part of the Republican State Leadership Committee, which also supports other candidates for state office.

Source: Internal Revenue Service

ERIC LIPTON, GRIFF PALMER AND ALICIA PARLAPIANO/THE NEW YORK TIMES

Microsoft became the target of a similar multistate attack, accused of engaging in an anticompetitive scheme by bundling its Internet Explorer with the Windows operating system. Then came the pharmaceutical industry, accused of improperly marketing drugs, and, more recently, the financial services industry, in a case that resulted in a \$25 billion settlement in 2012 with the nation's five largest mortgage servicing companies.

The trend accelerated as attorneys general — particularly Democrats — began hiring outside law firms to conduct investigations and sue corporations on a contingency basis.

The widening scope of their investigations led companies to significantly bolster efforts to influence their actions. John W. Suthers, who has served as Colorado's attorney general for a decade, said he was not surprised by this campaign.

"I don't fault for one second that corporate America is pushing back on what has happened," Mr. Suthers said. "Attorneys general can do more damage in a heartbeat than legislative bodies can. I think it is a matter of self-defense, and I understand it pretty well, although I have got to admit as an old-time prosecutor, it makes me a little queasy."

Republican attorneys general were the first to create a party-based fund-raising group, 14 years ago. An initial appeal for contributions to corporate lobbyists and lawyers said that public policy was being shaped "via the courthouse rather than the statehouse." It urged corporate lawyers "to round up your clients and come see what RAGA is all about." The U.S. Chamber of Commerce alone has contributed \$2.2 million this year to the group, making it the association's biggest donor.

The Democrats at first fought the idea, but two years later formed a counterpart.

Dickstein, and a handful of other law firms, moved to capitalize by offering lobbying as well as legal assistance to deal with attorneys general, whom Dickstein called "the new sheriffs in town."

In an effort to make allies rather than adversaries, Bernard Nash, the head of the attorney general practice at Dickstein and the self-proclaimed "godfather" of the field, tells clients that it is essential to build a personal relationship with important attorneys general, part of what his firm boasts as "connections that count."

"Through their interaction with A.G.s, these individuals will become the 'face' of the company to A.G.s, who are less likely to demagogue companies they know and respect," said a confidential memo that Dickstein sent late last year to one prospective client, Caesars Entertainment.

Executing this strategy means targeting the attorneys general "front office," a reference to the handful of important decision makers.

"Front office interest or lack of interest in an issue can come from an assessment of media reports and potential media scrutiny; advocacy group requests; political benefit or detriment; legislative inquiries; and 'pitches' made by law firms or other professionals in whom the front office has confidence," Dickstein said in the memo pitching business to executives at Caesars that asked the company to pay \$35,000 a month, plus expenses, for lobbying and strategic advice, not including any legal work.

Mr. Nash and his team build relationships through dinners at exclusive spots like the Flagler Steakhouse in Palm Beach, Fla., and Brown's Beach House Restaurant in Waimea, Hawaii, during attorneys general conferences, as well as with a constant stream of campaign contributions, totaling at least \$730,000 in the last five years.

Dickstein is hardly alone.

Other dinner invitations have come from former Attorney General Thurbert E. Baker of Georgia, whose clients have included AT&T and the debt buyers industry; former Attorney General Patrick C. Lynch of Rhode Island, who represents payday lenders, Comcast and makers of online video games; and former Attorney General Rob McKenna of Washington State, who has been retained by Microsoft and T-Mobile.

In several cases, these former officials are clearly acting as lobbyists. Mr. Lynch, who declined several requests for comment, tells prospective clients that he can guide them "through the national network of attorneys general associations and work with them to build relationships," yet The Times could find no record that he had registered as a lobbyist in more than two dozen states where he has worked.

State lobbying laws generally require registration when corporations hire someone to influence legislation, but appeals targeting attorneys general are not explicitly covered, even if a company is pushing its agenda.

Why AGs Matter

AGs primarily serve as their State's lawyer. While they are lawyers first, AGs are also policy advocates, regulators, and enforcers. They are also influential on legislation. They interpret state laws by issuing opinions. Many have original criminal prosecutorial authority. All of them are seen as the state's top cop. Simply put, AGs hold a unique position in that they have almost unfettered ability to use their "bully pulpits" to advocate on behalf of the public interest.

- NV AG Catherine Cortez Masto (D): As the AG of the center of legalized gaming in the U.S., AG Masto is or will be a thought leader regarding Internet gaming. Since she will be serving her last year in office, it will also be important to engage with Ross Miller and the other candidates vying to succeed her. Lori Kalani is a close personal friend of the AG, and others in the Firm also have good relationships with her.

attend national AG meetings and dinners, which present invaluable opportunities to establish personal relationships with AGs and key AG staff and educate them on the company and its issues. Through their interaction with AGs, these individuals will become the "face" of the company to AGs, who are less likely to demagogue companies they know and respect. Positive outreach efforts also will allow Caesars to counter and contain more effectively attempts by Adelson to encourage AGs to investigate the company.

DICKSTEIN SHAPIRO In an effort to make allies, the law firm told clients that it is essential to build a personal relationship with important attorneys general, part of what it boasted as "connections that count."

The documents obtained by The Times include dozens of emails that Mr. Lynch has sent to attorneys general on behalf of clients. He is also a regular at the attorney general conferences, which include social events like trap shooting, fitness training and all-terrain-vehicle rides, in addition to cocktail parties and meals.

These conferences also include panels on topics like regulation of oil and natural gas pipelines.

Yet often a seat on these panels is, in effect, for sale. A large donation can secure the right to join a panel or provide an opportunity for a handpicked executive to make a solo presentation to a room full of attorneys general. That is what a top executive from TransCanada, the company behind the Keystone XL pipeline, did at two recent attorneys general meetings in Utah and Colorado.



For the attorneys general, there is a personal benefit, too: Their airfare, meals and hotel bills at these elite resorts are generally covered, either by the corporate sponsors or state taxpayers.

Ms. Bondi, the Florida attorney general, for example, received nearly \$25,000 worth of airfare, hotels and meals in the past two years just from events sponsored by the Republican Attorneys General Association, state disclosure reports show. That money came indirectly from corporate donors.

She has charged Florida taxpayers nearly \$14,000 since 2011 to take additional trips to meetings of the National Association of Attorneys General and the Conference of Western Attorneys General, including travel to Hawaii. Those events were also attended by dozens of lobbyists. Ms. Bondi, in a statement, said the support she had received — directly or through the Republican Attorneys General Association — had not had an impact on any of her actions as attorney general.

But Matthew L. Myers, the president of the nonprofit Campaign for Tobacco-Free Kids, who was on a panel about e-cigarettes at an event in Park City, Utah, was startled by what he saw: lobbyists from regulated industries — financial, energy, alcohol, tobacco and pharmaceutical companies — socializing with top state law enforcement officers.

“You play golf with somebody, you are much less likely to see them as a piranha that is trying to devour consumers, even if that is just what they are,” said Mr. Myers.

Mr. Tierney, the former Maine attorney general, said that lobbyists were entitled to set up a meeting with the attorneys general in their offices. But to write a check, for as much as \$125,000, to gain days’ worth of private time with the attorneys general is another matter, he said.

“When you start to connect the actual access to money, and the access involves law enforcement officials, you have clearly crossed a line,” he said. “What is going on is shocking, terrible.”

An Ear in Missouri

In Missouri, as in other states, the attorney general’s office has provided a springboard to higher office, either to the governor’s mansion or the Senate. So even before Mr. Koster was sworn in for his second term, he was being

mentioned as a candidate for higher office. And that made him an ideal target for the team at Dickstein.

The Dickstein lawyers have donated to his campaigns, invited him and his chief deputy to be featured speakers at law firm events and hosted Mr. Koster at dinners, and stayed in close contact with his office in emails that suggest unusual familiarity.

The relationship seems to have benefited some Dickstein clients.

Pfizer, the New York-based pharmaceutical giant, had hired Dickstein to help settle a case brought by at least 20 states, which accused the company of illegally marketing two of its drugs — Zyvox and Lyrica — for unapproved uses, or making exaggerated claims about their effectiveness.

Instead of participating in the unified investigation with other states — which gives attorneys general greater negotiating power — Mr. Koster’s office worked directly with Mr. Nash and Pfizer’s assistant general counsel, Markus Green.

Mr. Nash negotiated with Deputy Attorney General Joseph P. Dandurand through a series of emails, followed by a visit to Missouri in April 2013.

But both Pfizer and Dickstein had already built a relationship with Mr. Koster. Dickstein had participated in at least four fund-raising events for Mr. Koster, with its lawyers and the firm donating \$13,500 to his campaigns, records show.

Several of those contributions came after Mr. Nash had invited Mr. Koster to participate in an “executive briefing” at the Park Hyatt for Dickstein’s clients. That same day, Mr. Koster held a fund-raising event, taking in contributions from Mr. Nash and other lawyers involved in matters that Mr. Koster would soon be, or already was, investigating, the records show.

Pfizer had directly donated at least \$20,000 to Mr. Koster since 2009 — more than it gave to any other state attorney general, according to company records. That does not include the \$320,000 that Pfizer donated during the same period to the Democratic Attorneys General Association, which in turn has donated to Mr. Koster’s campaigns.

Mr. Koster said his office was forced to nego-



GABRIELLA DEMCZUK/THE NEW YORK TIMES

BERNARD NASH The head of Dickstein's attorney general practice and the field's self-proclaimed "godfather."



"My client just received notification that Missouri is on this."

LORI KALANI, a Dickstein partner, discussing the 5-Hour Energy case with the state's attorney general.



"The folks at Pfizer are very appreciative and excited to hear from the General."

J. B. KELLY, a Dickstein partner, writing to a Missouri official about an appearance by the attorney general at an event sponsored by Pfizer.

tiate directly with Mr. Nash and Pfizer because a staff lawyer missed a deadline to participate in the multistate investigation.

"This was an accident," Mr. Koster said, adding that since he became attorney general in 2009, his office has participated in six cases against Pfizer that brought a total of \$26 million to Missouri.

But the emails show that just as the negotiations on the 2013 case were intensifying, Mr. Koster's chief deputy received an unusual invitation: Would the attorney general be interested in flying to Chicago to be the keynote speaker at a breakfast that Pfizer was sponsoring for its

political action committee?

The topic was "the importance of corporations' building productive relationships with A.G.s," according to an email in March from Dickstein to Mr. Dandurand.

"As you know, these relationships are important to allow A.G.s and corporations to work together to address important public policy issues of concern to both the A.G. and the corporation," the invitation said. "The conference participants also would like to hear how these relationships can help to efficiently address A.G.s' questions or concerns before they escalate into major problems (like multistate investigations or litigation),

as well as how they can carry over when A.G.s are elected to higher offices.”

Mr. Dandurand worked to accommodate the request.

“Trying now to clear his calendar,” Mr. Dandurand wrote back to the Dickstein lawyer, before confirming that Mr. Koster would accept the invitation.

“The folks at Pfizer are very appreciative and excited to hear from the General,” J. B. Kelly, a partner at Dickstein, replied.

Five days later — and just before Mr. Koster was scheduled to give the speech — Mr. Dandurand and Mr. Nash met to discuss a settlement in the fraud investigation. They agreed that Pfizer would pay Missouri \$750,000 — at least \$350,000 less than it would have collected if it had been part of the multistate investigation.

“Thank you for the meeting,” Mr. Nash wrote to Mr. Dandurand, after the settlement meeting in Missouri. “Pfizer is pleased.”

Mr. Koster said Missouri received a smaller payment from Pfizer because the state had less leverage after missing the multistate deadline. Oregon, the other state to negotiate directly with Pfizer on the Zyvox matter, secured a settlement worth \$3.4 million — four times what Missouri received — even though Oregon’s population is far smaller.

Pfizer was not the only Dickstein client pleased with the firm’s representation before Mr. Koster’s office.

AT&T was also subject to an investigation by Mr. Koster’s office, something that Mr. Nash learned at the conference held at the Loews hotel. And like Ms. Kalani, Mr. Nash pleaded his case directly with Mr. Koster.

Three weeks after the conversation with Mr. Nash, Mr. Koster’s office took a step that questioned the legal strategy of a multistate investigation of AT&T’s billing practices, email records show. Mr. Koster did not officially back out of the inquiry, and Missouri ultimately benefited from a national settlement announced this month.

But frustrating leaders of the multistate investigation, Mr. Koster decided to join a small

group of attorneys general who, to the industry’s pleasure, wanted to resolve the matter without subpoenas or the threat of a lawsuit, the emails show.

AT&T has been a major campaign contributor to Mr. Koster’s political causes, donating more than \$27,000 in just the last two years, half before and half after his actions regarding the investigation.

Mr. Koster said the donations had no effect on his actions, adding that he was determined



THE FORMER ATTORNEYS GENERAL From left, Rob McKenna of Washington State, Patrick C. Lynch of Rhode Island and Thurbert E. Baker of Georgia. Each now represents major corporations and other clients that have business before state attorneys general.

to investigate the company for its deceptive billing practices. With 5-Hour Energy, he added, he pulled out of the investigation because he did not believe it was merited — adding that he personally uses the energy drink.

Yet he said he was angry that his staff had not notified him before joining investigations into these two major companies.

“Its stock price would move at the mere mention of our involvement,” Mr. Koster said, referring to AT&T.

Mr. Nash’s appeals were not finished.

A month after returning from the Santa Monica meeting, Mr. Koster adopted a new office policy requiring lawyers and managers in his consumer affairs division to get approval from his top aides before opening any investigations involving a publicly traded company or any company with more than 10 employees.

Mr. Nash and Lisa A. Rickard, a senior executive from the U.S. Chamber of Commerce, were so pleased with the change that they asked Mr. Koster to give a talk about his new

office policy at a meeting of attorneys general in Washington.

“This is going to be titled my Lisa Rickard memorial presentation,” Mr. Koster said at the February 2014 meeting. “She was the one who initiated this idea.”

The email records also reveal the personal nature of the relationship between Mr. Koster’s office and the lawyers at Dickstein.

In an August 2013 exchange, in which the attorney general’s office assured Mr. Nash that it would not share potentially damaging information on a Dickstein client with another state attorney general who was investigating the company — saying the documents were considered confidential — the conversation took a sudden turn away from business.

“Let’s go bowling sometime,” Mr. Dandurand wrote.

“Thanks,” Mr. Nash wrote back. “I’d rather eat and drink with you any time, any place.”

And an Ear in Florida

The email records show a similarly detailed interaction with the office of Ms. Bondi, the Florida attorney general and a fast-rising star in the Republican Party.

Mr. Nash and his partners worked to help Ms. Bondi further her political ambitions at the same time they were lobbying her office on behalf of companies under investigation by it.

Accretive Health, a Chicago-based hospital bill collection company, whose operations in Minnesota had been shut down by the attorney general’s office there for abusive collection practices, had turned to Dickstein Shapiro to try to make sure that other states did not follow Minnesota’s lead. Mr. Nash contacted Ms. Bondi’s chief deputy and urged the office to take no action.

“We persuaded A.G.s not to sue Accretive Health following the filing of a lawsuit by the Minnesota A.G.,” Dickstein wrote in a recent marketing brochure.

Bridgepoint Education, a for-profit online school that has been under scrutiny for what Mr. Miller, the Iowa attorney general, called “unconscionable sales practices,” turned to Dickstein to set up meetings with Ms. Bondi’s staff, to urge her not to join in the inquiries underway in several states. Again, her office decided not to take up the matter, citing the small

number of complaints about Bridgepoint it has received.

Dickstein set up a similar meeting for Herbalife, which has been investigated by federal and state authorities for sales practices related to its nutritional shakes and other products. No investigation was opened; again, Ms. Bondi’s staff said her office had received few complaints.

Perhaps the greatest victory in Florida for Dickstein relates to a lawsuit filed by Ms. Bondi’s predecessor against online reservation companies, including Travelocity and Priceline, which Dickstein then represented, based on allegations that they were conspiring to improperly withhold taxes on hotel rooms booked in the state.

Local officials in Florida were confounded by the fact that the case, which was filed before Ms. Bondi was sworn in, suddenly seemed to come to a halt.

“As our state’s highest-ranking law enforcement official, and as the people’s attorney, you have the authority to pursue action on behalf of the citizens of Florida,” Mayor Rick Kriseman of St. Petersburg, a Democrat, wrote to Ms. Bondi in 2011, while he was a state legislator, estimating that Florida was losing \$100 million a year.

Behind the scenes, Dickstein had been working to get the case dropped.

“Thank you so much for chatting with me last week about the online travel site suit,” said a January 2012 email to Deputy Attorney General Patricia A. Conners from Christopher M. Tampio, a former lobbyist for the convenience store industry who was hired to work in Dickstein’s attorney general practice, even though he is not a lawyer or a registered lobbyist in Florida.

A year later, a second round of emails arrived in Ms. Bondi’s office: first, one inviting Ms. Bondi or her top aide to dinner at Ristorante Tosca in Washington, and then one from a Dickstein lawyer pointing out that similar online travel cases had recently been dismissed by Florida judges.

The email records provided to The Times show no response to Dickstein, other than a terse “thanks.” But two months later, Ms. Bondi’s office moved to do what the firm had sought.

“Dismissed before hearing,” the state court



PHOTOGRAPHS BY SANDY HUFFAKER FOR THE NEW YORK TIMES

HOTEL DEL CORONADO A conference of the Republican Attorneys General Association was held in June in Coronado, Calif. Representatives from the U.S. Chamber of Commerce, Pfizer, Comcast and Altria, as well as a Dickstein Shapiro lawyer, attended the event.



docket shows, as the case was closed in April 2013 even before it was officially taken up by the court.

A spokesman for Ms. Bondi said her office had dropped the matter after concluding, as Dickstein had argued, that state tax law was ambiguous. The office urged the State Legislature to clarify the matter. But several Florida counties have continued to pursue the matter, taking it to the State Supreme Court.

Dickstein also took unusual steps to promote Ms. Bondi's political career.

The firm's lawyers helped arrange a cover article for Ms. Bondi in a magazine called *InsideCounsel*, which is distributed to corporate lawyers, and invited her, as it did Mr. Koster, to

appear at an event in Washington that included the firm's clients.

And as with Mr. Koster, the assistance included direct political contributions. Mr. Nash was a sponsor of an elaborate fund-raising event this year in Ms. Bondi's honor at the Mar-a-Lago Club in Palm Beach, owned by Donald J. Trump, which is considered one of the most opulent mansions in the United States.

Ms. Bondi, in a statement, said none of these efforts had affected her decisions.

"My office aggressively protects Floridians from unfair and deceptive business practices, and absolutely no access to me or my staff is going to have any bearing on my efforts to protect Floridians," she said.

The Revolving Door

In at least 31 states and in Congress, elected officials are banned from lobbying their former colleagues during a cooling-off period, which is intended to limit their ability to cash in on their contacts. Once they do start to lobby, they are required to register to disclose the work.

But even in states like Georgia, where the law prohibits state officials from registering as lobbyists or engaging in lobbying for one year after leaving office, a former attorney general made appeals almost immediately to his former office.

Mr. Baker, who left his post as the state's attorney general in January 2011, wrote repeatedly that year to the office of his successor, Sam Olens, and to Mr. Olens's chief deputy, who had served in the same role during Mr. Baker's tenure, to ask them to take actions that would benefit AT&T, which he had been hired to represent.

"Hi Thurbert," Jeff Milsteen, Georgia's chief deputy attorney general, replied to one of the emails that Mr. Baker sent to him in 2011, as Mr. Baker sought his successor's public support for the proposed merger between T-Mobile and AT&T. "I'll let you know as soon as I can."

The next day, Mr. Milsteen wrote back. "I've talked to Sam," he said, "and he is fine with you adding him to the letter."

A spokesman for Mr. Olens said that he saw nothing wrong with the exchanges because Mr. Baker was acting as a lawyer, not as a lobbyist, and therefore was exempt from the one-year ban — which covers only lobbying of the legislature or the governor, not the attorney general.

But Mr. Baker declined, when asked by The Times, to identify a single legal filing concerning AT&T that he had been involved with. He wrote back to say that this definition of "lawyer" was too narrow.

"Lawyers are advocates," he said.

In Washington State, both Mr. McKenna, the former attorney general, and Mr. Moran,

who had been his top deputy, were pressing their former colleagues within months of leaving their jobs last year, on behalf of clients including Microsoft and T-Mobile, emails show.

For Mr. McKenna, it was quite a turnaround. He had sued T-Mobile in September 2011 to block its proposed merger with AT&T. Now, as a corporate lawyer, Mr. McKenna was setting up meetings with his successor, Mr. Ferguson, to ask him to intervene with federal officials on T-Mobile's behalf in the inquiry over whether the company was seeking to prevent its competitors from acquiring what it thought was too large a share of the available federal wireless spectrum.

"I write today on behalf of the millions of consumers of wireless and mobile computing services," said a letter, drafted initially by T-Mobile, but sent out by Mr. Ferguson in January, although it made no mention of the role played by the company or the former attorney general.

Email records show a similar intervention by Mr. McKenna on behalf of Washington State-based Microsoft, with outcomes that brought praise from the corporate executives. "I know that Microsoft was very pleased that you made yourself available," Mr. McKenna wrote to Mr. Ferguson last October. "Thank you again."

Mr. Baker and Mr. McKenna are both regulars at the attorneys general retreats. As former attorneys general, they are also special guests at events of the Society of Attorneys General Emeritus.

They have good company in the SAGE club: More than a dozen of the members are now lawyers and lobbyists for corporations, or work at plaintiff's law firms that are seeking to secure commission-based contracts and then sue corporations on a state's behalf.

The schedule of attorney general conferences for the coming year is laid out — after a pause for the elections — with events set for the Fontainebleau resort in Miami Beach, the Four Seasons Hotel at Mandalay Bay in Las Vegas and the Grand Wailea resort on Maui, among many others. The invitations for corporate sponsorships are already being sent. ■

Stacey Solie contributed reporting from Seattle. Griff Palmer and Kitty Bennett contributed research.