



ATTORNEY GENERAL WILLIAM TONG  
STATE OF CONNECTICUT

**TESTIMONY OF THE OFFICE OF THE ATTORNEY GENERAL**

**February 22, 2021**

Thank you to the General Government B Subcommittee Chairs, Sen. Lesser and Rep. Baker, Ranking Members Sen. Miner and Rep. Bolinsky, and the distinguished members of the Subcommittee for the opportunity to provide this testimony concerning the Administration's proposed budget for the Office of the Attorney General (the "Office").

The Attorney General is the chief legal officer of the State of Connecticut, charged with representing and protecting the interests of the State and its citizens in all legal matters affecting the State. Our Assistant Attorneys General spend every day protecting abused and neglected children, obtaining child support money owed single parents, protecting our clean air and water, recovering money for consumers victimized by fraud, and defending state agencies and their employees from a multitude of lawsuits seeking millions of dollars in damages, among many other responsibilities.

**2020 Caseload Highlights**

In the past fiscal year, the Office has handled more than 38,000 court cases and completed 300 appeals, with another 265 appeals pending. The Office has participated in and/or completed over 6,500 administrative proceedings, and reviewed more than 7,400 contracts, legal memoranda and other operative legal documents and issued 42 formal legal opinions. We have also handled thousands of consumer complaints.

As you all know, the last year was particularly challenging in numerous ways due to the pandemic. I am extraordinarily proud of how our staff and attorneys adjusted to working remotely and rose to the occasion again and again to serve the residents of our state. In addition to a significant increase in consumer complaints, our Consumer Protection Section fielded roughly 750 reports of price gouging. Through this process, we learned that our current price gouging statute limits our ability to protect our residents, so I have submitted HB 5307, which will expand the Office's ability to investigate price gouging during a state of emergency by any seller, distributor, wholesaler, or manufacturer in the chain of commerce. The Office also defended multiple legal challenges to the Governor's Executive Orders, including the COVID-related changes to our states' elections procedures. We also held Eversource accountable for their failure to prepare for Tropical Storm Isaias, which left hundreds of thousands of Connecticut residents without power for days.

**Key Areas in Representing the State**

This caseload includes the Office's everyday work saving the State millions of dollars each year in defending our state agencies. Our attorneys engage in complex litigation each day in courtrooms throughout the State. These attorneys handle all aspects of civil litigation, including pretrial discovery, complex legal writing and argument, and in many instances, full blown trials. The majority of these cases are ones that we have little or no discretion in choosing - meaning that we either receive an agency referral for enforcement or we respond to a lawsuit filed against the State. This includes over 6,600 Child Protection cases, over 10,000 Child Support Enforcement cases and



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hundreds of cases in our General Litigation and Public Safety sections. I want to especially commend our Health and Education Section, which has working closely throughout the pandemic with the Department of Public Health and State Department of Education.

### **OAG Return on Investment**

We devote a substantial amount of time and resources to recovering money and generating revenue for the State and its citizens. During fiscal year 2019-20, we were successful in recovering nearly **\$212 million** for constituents and businesses in the State of Connecticut. We also generated nearly **\$167 million** for the State's General Fund. In sum, the Office of the Attorney General has saved or obtained for the state and its citizens **\$395 million**. We accomplished these recoveries on a budget of a little over \$31 million. In other words, this office returned roughly **13 times** the dollars spent on our budget in FY 2019-20.

### **“Punching above our weight”**

The affirmative cases we choose to bring are no less important in both their legal significance and their outcomes for the State. As noted above, we return substantial funds to constituents and the State based on our affirmative investigations and litigation, mostly in the areas of consumer protection and antitrust. Many of our most significant lawsuits and associated settlements are coordinated with other state attorneys general in what are commonly known as "multistates." Connecticut has become a recognized national leader in these matters and we regularly “punch above our weight.” By devoting substantial resources and assuming a leadership role in multistates, Connecticut has received larger recoveries than it otherwise would have received. These larger recoveries dwarf the amount needed to hire the Assistant Attorneys General and staff that are required to play these important roles. This includes our leadership on the generic drug price-fixing case, big tech antitrust cases, the Home Depot data breach, opioids litigation, and our groundbreaking lawsuit against Exxon for its role in climate change.

### **Recent and Upcoming Settlements**

I would also like to highlight a few recent high-profile settlements from our Consumer Protection and Privacy Sections. The recent \$573 million settlement with McKinsey over their “turbocharging” of the opioid epidemic with Purdue Pharma, is the first of potentially many settlements with opioid manufacturers and distributors that we hope to see in the coming months and years. We also continue to work on the generics price-fixing case and many others that will make Connecticut residents whole and bring money into the General Fund.

### **Modernizing the OAG Structure**

For years, the Office has had a departmental structure which led to our staff being compartmentalized or “siloes”, with limited cross-departmental or cross-disciplinary collaboration. That rigid structure also led to few avenues for upward mobility. Seeking to improve our internal



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structure, last year we invited the National Association of Attorneys General to perform a “management review” of the office. We considered their restructuring recommendations and the opinions of our staff who voiced that they wanted additional opportunities regarding advancement and variety of workload and then devised a more modern, divisional structure. These changes, which took effect this month, will eventually allow for more opportunities for advancement, as well as more diversity in leadership roles. The divisional structure allows for our staff to handle cases which they may not have been able to tackle before. It also allows for ease in creating cross divisional teams to handle cases. There is no negative fiscal impact and this restructuring will allow the office to operate more efficiently.

### **Staffing Challenges**

Over this past fiscal year, several of our most knowledgeable and experienced attorneys and staff have retired. Additionally, many of our valuable attorneys have been selected for appointment as judges. As we look towards more retirements and a potentially huge drop in our workforce in 2022, we are working to try to address this issue. We have over 80 staff members, attorneys and support staff who are eligible for retirement in 2022 and we are expecting a good percentage of these employees to do so. In anticipation of this exodus, our Division Directors and Section Chiefs are working towards succession planning; however, we will need to hire additional staff for this plan to succeed. We are hoping to be allowed to fill vacancies we presently have, in addition to the anticipated vacancies. We also will seek permission to hire additional staff who will be able to “overlap” with our retiring employees. This will allow for a training and learning period, which will make for a smooth transition.

Pursuant to the request of the Subcommittee and the Office for Fiscal Analysis for staffing numbers, we note that the Office currently maintains 279 filled positions. We have 32 vacant positions, 10 of which we have been authorized to refill. In addition to the 279 filled positions, we also have several positions that are funded by other agencies, such as PURA and the Second Injury Fund, which brings our total head count to 313.

We need adequate staffing levels to continue to provide legal services at the level the public demands and deserves. As noted, expenditures on our operations represent a wise and fruitful investment of public funds.

Thank you, again, for taking the time to hear about the important work the Office of the Attorney General does every day.