

ARTICLES FOR 11-16-17 ROUNDUP

MALDEF HONORS FORMER ATTORNEY GENERAL PATRICIA MADRID FOR HER ROLE IN ADVANCING LATINO CAUSES

(LOS ANGELES) – Former Attorney General Patricia Madrid was honored Thursday, at the 2017 MALDEF (Mexican American Legal Defense and Educational Fund) Los Angeles Gala. She was awarded the Valerie Kantor Award for Extraordinary Achievement. The annual event brings together individuals, corporations, and law firms dedicated to advancing Latino causes and civil rights in the United States.

Michelle Valles, news anchor and reporter for NBC4 Southern California, served as Master of Ceremonies. MALDEF President and General Counsel Thomas A. Saenz delivered remarks. Patricia Madrid, the recipient of the Valerie Kantor Award for Extraordinary Achievement, was a former national board chair of MALDEF in 2009.

Patricia A. Madrid grew up in Las Cruces, New Mexico and She gained national recognition when she became the first woman to be elected Attorney General of her native New Mexico, serving from 1999 to 2007, and the first Latina elected Attorney General in the Country. Earlier in her career, she was the first woman to win election as a district court judge in New Mexico, an accomplishment achieved only five years after her graduation from the University of New Mexico Law School.

While Attorney General, she was the Chairman of the Western Attorneys General and founder and co-chairman of the National Democratic Attorneys General Association. Among her many awards, she was named the National Latina Lawyer Bar Association's Mary V. Orozco Abriendo Caminos Award, Hispanic Business Magazine's Elite Women's List, and the prestigious OHTLI Award from the Government of Mexico for her work that spurred Mexico to adopt a new adversarial criminal justice system.

Patricia resides in Albuquerque and on her ranch in Mora, New Mexico, with her husband L. Michael Messina. Her son, Giancarlo Messina is an attorney in Miami, Florida.

The annual gala attracted notable elected officials and community leaders who gathered to celebrate the honorees and MALDEF's long-standing civil rights leadership.

FOLLOWING UNANIMOUS COMMITTEE VOTE, ATTORNEY GENERAL BECERRA URGES FULL SENATE TO APPROVE ANTI-SEX TRAFFICKING LEGISLATION

California Attorney General Xavier Becerra today urged the U.S. Senate to vote to pass The Stop Enabling Sex Traffickers Act of 2017 following unanimous approval to move forward with the legislation by the U.S. Senate Committee on Commerce, Science and Transportation. In September, Attorney General Becerra testified before Congress in support of the legislation, which would amend the Communications Decency Act of 1996 (CDA) and make clear the authority of

state and local law enforcement agencies to investigate and prosecute companies that profit from sex trafficking and crimes against children.

“This bill is about protecting the most vulnerable in a new era of sex trafficking. We can’t deny that the internet plays a significant role in sex trafficking and has created virtual brothels where victims are bought and sold online,” said Attorney General Becerra. “Let’s give state and local law enforcement the clear authority to protect victims of trafficking from those who promote, facilitate and benefit from sex trafficking online.”

The Stop Enabling Sex Traffickers Act of 2017 (S. 1693), supported by 41 cosponsors, will help protect children and other vulnerable individuals from sex trafficking by amending the CDA. The CDA has been broadly interpreted by some courts to limit state and local authorities from prosecuting those who profit from the promotion and facilitation of sex trafficking online. 50 Attorneys General wrote to the Congress in support of this change.

Attorney General Becerra has aggressively targeted sex traffickers, including criminally prosecuting the owners of the website Backpage.com. While a recent court ruling allows the Attorney General to move forward against the defendants for 25 felony counts of conspiracy and money laundering, the court dismissed pimping charges based on the CDA.

AG DEREK SCHMIDT: KANSAS IMPROVES TO AN “A” GRADE IN COMBATING HUMAN TRAFFICKING

Kansas is one of eight states to receive an “A” ranking from an international human trafficking victim advocacy group, Kansas Attorney General Derek Schmidt said today.

Shared Hope International, a victim advocacy group that seeks to end sex trafficking and exploitation of women and children worldwide, issues annual report cards for states through its Protected Innocence Challenge. The “grade” Kansas received from Shared Hope International for its efforts to combat human trafficking has improved to an “A” this year, with Kansas receiving 92 out of a possible 100 points for 2017.

According to Shared Hope, Kansas is the third most-improved state in the nation and one of only two states that increased four grade levels since the group’s report card began in 2011. Since Schmidt took office as attorney general, Kansas’ score has risen from an “F” to an “A.”

Combating human trafficking in Kansas has been a priority for Schmidt. While serving in the State Senate, he supported the 2005 legislation that created the first Kansas anti-human trafficking statute and proposed additional legislation in 2010. As attorney general, he proposed legislation in 2013, 2015 and 2017 that strengthened Kansas laws against human trafficking. The legislation enacted this year, Senate Bill 40, strengthened enforcement, support for child victims, anti-demand efforts, and awareness training.

“We are taking a comprehensive approach to address what is a complex crime,” said Schmidt. “The result of these efforts has been more-effective prosecution, additional training and better support for victims. One key is raising awareness of the driving force behind sex trafficking – the

demand for commercial sex, most often with children. Buyers who create this demand must be held accountable for their enabling role. We will continue to work with the Legislature and other partners across the state to make a positive difference for victims in Kansas.”

According to the U.S. Department of Justice, human trafficking is one of the largest and fastest-growing criminal industries in the world. It is based on recruiting, harboring and transporting people for the purpose of exploitation. Both sex trafficking and labor trafficking occur in Kansas, and both adults and children are victims.

ATTORNEY GENERAL LAXALT’S OFFICE OF MILITARY LEGAL ASSISTANCE CELEBRATES TWO YEARS OF SERVING NEVADA’S SERVICE MEMBERS AND VETERANS

Carson City, NV – Today, Nevada Attorney General Adam Paul Laxalt celebrates two years of serving Nevada’s military service members and veterans through his Office of Military Legal Assistance @EASE Program. Two years ago, the program was officially launched around the State as the nation’s first attorney general-led, public-private partnership offering our military communities access to pro bono civil legal services. Since then, the program has gone on to serve more than two thousand military service members and veterans through its pro bono legal affiliates and volunteer attorneys.

In practice, the program pairs military service members in need of legal assistance with pro bono private legal counsel for civil matters including consumer fraud, military rights, immigration, landlord/tenant, predatory lending and creditor/debtor issues. The program also provides monthly workshops dedicated to drafting free wills and powers of attorney for Nevada veterans across the State. Thus far, more than 50 of these workshops have been held in every county of the State.

“Veterans Day is a time to honor those who have honored our country with their selfless service and fierce sense of duty,” said Laxalt. “As a veteran of the Iraq war, the Office of Military Legal Assistance @EASE Program is my way of ensuring that our service members and their families are shown the gratitude and statewide commitment they are owed for their service to our State and country. With more than 150 Nevada attorneys assisting in this effort, we are proud to have served over 2,300 veterans in the past two years, and I am thrilled to announce our latest partnership with the U.S. Department of Veterans Affairs to bring free legal clinics to the VA Medical Centers in Nevada beginning in 2018. Today and every day, I hope you will join me in expressing our deepest appreciation for the humility and love of country our veterans have demonstrated.”

Last year, the Department of Defense named the Office of Military Legal Assistance @EASE Program a “Best Practice Program,” and recommended that the program be duplicated in states throughout the country. The early success of this program resulted in the program being replicated in three other states thus far, with more than a dozen in various stages of development, including in the legislative process to bring the program to service members and veterans in those states. Just this week, South Carolina Attorney General Alan Wilson announced that his office would launch its V.A.L.O.R. Program, which stands for Veterans, Active/Reserve Legal OutReach, in January 2018.

As an Iraq war veteran and a former officer in the U.S. Navy, AG Laxalt noticed a critical gap in legal assistance while serving his country. With the brave men and women of our military in mind, AG Laxalt was driven to create the Office of Military Legal Assistance @EASE Program in order to give back to those who have given so much in service to this State and country. He remains proud to be the first attorney general in the country to lead this effort and demonstrate a commitment to our military communities.

For more information about the Office of Military Legal Assistance @EASE Program, or if you are an attorney who would like to volunteer please call 775-684-1100 or visit nvagomla.nv.gov.

IN HONOR OF VETERANS DAY, AG HEALEY ANNOUNCES NEW VETERANS AFFAIRS COORDINATOR, OFFICE'S EFFORTS TO EXPAND SERVICES

In commemoration of Veterans Day, Attorney General Maura Healey announced a new position within her office to assist Massachusetts veterans, servicemembers and their families. In addition, AG Healey has highlighted the enhanced efforts across the office to provide services to veterans in need.

As the Veterans Affairs Coordinator for the Attorney General's Office, David Bolcome is the office's point of contact for issues and initiatives within the Massachusetts veterans community. Bolcome – a veteran of the U.S. Marine Corps and a Senior Investigator in AG Healey's Civil Investigations Division – is focused on increasing communication between the AG's Office and the veteran and servicemember community in the state.

In addition to this new role, AG Healey's Consumer Advocacy and Response Division (CARD) has bolstered a team of consumer specialists – led by Legal Analyst Janice Fahey – that handle calls to its hotline and review complaints focused on veteran-specific issues and concerns including accessing earned benefits. Since January 2017, more than 1,200 veterans and servicemembers have filed complaints with the AG's Office on a wide variety of issues including telemarketing scams, predatory debt collection, home improvement contracts and issues with retail and utility companies.

“Our veterans and servicemembers served and protected our country and we will do everything we can to support and honor them,” said AG Healey. “Our office is committed to ensuring that veterans, servicemembers and military families can access the protections and benefits owed to them.”

As part of his new role, Bolcome has been working with a number of organizations and state agencies to help identify issues that affect veterans, service members and their families and to develop collaborative partnerships that will enhance the services and assistance offered to those in need.

Prior to joining the AG's Office in March 2014, Bolcome was enlisted in the Marines for six years and served in the infantry rifle company of the 1st Battalion, 25th Marine Regiment, 4th Marine Division. He is a combat veteran of the Afghanistan war: Operation Enduring Freedom, and

obtained the rank of Corporal before his honorable discharge. Bolcome is continuing to serve in his current position as a Senior Investigator in the AG's Office as well.

AG Healey's Office works in a number of other ways to help the veteran community:

Raising awareness: Earlier this week, AG Healey and members of her staff joined Carlos and Mélida Arredondo to raise awareness about U.S. military veterans who take their lives by participating in the "22 Pushup Challenge."

Ensuring Inclusion: AG Healey led a coalition of attorneys general in filing an amicus brief strongly opposing the Trump Administration's plan to ban military service by transgender servicemembers.

Student loans: The AG's Office secured a \$2 million settlement with a company that made predatory and illegal loans to 85 Massachusetts consumers. AG Healey also sent a letter to the U.S. Department of Veterans Affairs urging the department to reinstate protections for veteran borrowers against predatory for-profit schools.

Grant funding: In February 2017, the AG's Office awarded \$350,000 in grant funding to four organizations – Community Legal Aid, Inc, The Legal Services Center of Harvard Law School, Veterans Legal Services and Montachusett Veterans Outreach Center – to provide legal assistance to hundreds of veterans in need.

The AG's Consumer Advocacy and Response Division also works closely with the state's Department of Veterans Services and with the Massachusetts Veterans Services Officer Association to support the organizations in their efforts to support veterans who have concerns around their economic stability.

Veterans looking for more information or assistance with their student loans should visit the AG's Student Lending Assistance page or call the Student Loan Assistance Unit Hotline at 1-888-830-6277. Consumers with other questions or concerns can call the Attorney General's consumer hotline at 617-727-8400 or file a complaint with the office.

AGO WINS UNANIMOUS APPEALS COURT DECISION IN FREEDOM FOUNDATION CAMPAIGN FINANCE CASE

Appeals court: Foundation's position 'would create a large loophole' in reporting requirements

OLYMPIA — A Washington state appeals court unanimously ruled in favor of Attorney General Bob Ferguson's campaign finance lawsuit against the Freedom Foundation, overturning the trial court's decision to dismiss the case. The court sent the case back to the lower court for further proceedings.

"This ruling is a victory for transparency in our democracy," Ferguson said. "Voters have a right to know who is influencing their elections, and I am committed to enforcing the campaign finance laws that protect that right."

The unanimous decision issued yesterday by the state Court of Appeals, Division 2, completely rejects the Foundation's position and sends the case back to the trial court.

“The Foundation’s interpretation of [the relevant statute] would lead to an absurd result,” the court writes.

“As the State points out, adopting the Foundation’s position would create a large loophole in the [Fair Campaign Practices Act’s] reporting requirements,” the court continues. “The public would be precluded from receiving information regarding the financing of local initiatives at the most critical time — when signatures in support of the initiatives are being collected. On the other hand, the State’s position is consistent with the primary purpose of the FCPA — to fully disclose to the public political campaign contributions and expenditures.”

The case relates to a 2015 lawsuit, alleging the Freedom Foundation failed to properly and timely file independent expenditure reports disclosing the value of the legal services it provided to support ballot propositions in the cities of Sequim, Chelan and Shelton, as required under the state’s campaign finance laws.

In 2014, the Freedom Foundation staff created a set of sample ordinances and ballot propositions to change local laws related to collective bargaining between municipalities and their employee bargaining representatives. These drafts were publicly available via the Freedom Foundation’s website.

Using the draft documents from the website, community activists from Sequim, Chelan and Shelton gathered signatures from citizens in their communities and filed ballot propositions. None of the ballot propositions were accepted for submission to voters.

In response, Freedom Foundation staff served as counsel for the community activists and filed separate lawsuits against those cities. The lawsuits requested that the courts order the propositions be placed on their corresponding ballots.

Throughout the lawsuits, the Freedom Foundation paid their staff attorney his normal salary, and the community activists did not pay the Freedom Foundation or its staff for legal counsel. Ferguson’s lawsuit argues that providing this legal counsel at no cost to the community activists constitutes an independent expenditure, which should have been reported to the Public Disclosure Commission under state law.

By not reporting its contributions to these efforts, the state argues, the Freedom Foundation inhibited the public’s right to know the source of funds supporting these proposed ballot measures.

This is unrelated to another campaign finance case pending against the Freedom foundation. That case involves allegations that the Freedom Foundation paid its staff to engage in activities opposing an initiative and did not report the expenditure as required by law.

The Attorney General’s Office enforces the state’s campaign finance disclosure law to ensure free, open and fair elections in Washington state. A summary of campaign finance case resolutions is available [here](#).

Among the campaign finance lawsuits filed by the office are the political party central committees for six counties: King, Pierce, San Juan, Kittitas and Spokane Democrats, and Clark County Republicans.

SERIAL LITIGANT PERMANENTLY ENJOINED FROM FILING FRIVOLOUS ADA LAWSUITS AGAINST AZ BUSINESSES

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PHOENIX - Attorney General Mark Brnovich announced a serial litigant organization will soon be permanently barred from filing frivolous disability lawsuits against Arizona businesses. The settlement comes after Judge David M. Talamante dismissed more than 1,000 lawsuits filed by Advocates for Individuals with Disabilities (“AID”). Under the settlement, AID agrees to a number of significant concessions, including:

1. AID will drop their appeal of the order dismissing the Consolidated Cases for lack of standing, thereby ending these lawsuits (other than any fee requests);
2. AID, their affiliates, and successors will be permanently enjoined from filing any new actions in Arizona State Courts alleging violations of either the Americans with Disabilities Act (“ADA”) or the Arizonans with Disabilities Act (“AzDA”);
3. AID LLC and AID Foundation have agreed to have judgment entered against them for reasonable attorneys’ fees and costs in each consolidated case in which they were a party; and
4. Plaintiffs will pay \$25,000 to the Arizona Attorney General’s Office, which will be used to educate businesses regarding ADA/AzDA compliance and create a fund to which businesses can apply to help pay for ADA/AzDA parking lot compliance measures.

The settlement will allow small businesses to seek an award of reasonable attorneys’ fees and costs based on AID’s conduct.

“Today’s settlement is a victory for Arizona consumers and small businesses,” said Attorney General Mark Brnovich. “Arizona is not going to tolerate serial litigants who try to shake down small hardworking businesses by exploiting the disability community.”

The settlement resolves the Arizona Attorney General’s Office request for sanctions against AID and must be approved by Judge Talamante. Advocates for Individuals with Disabilities (“AID”) flooded state courts with more than 1,700 lawsuits against Valley businesses in 2016. The copy-and-paste lawsuits alleged that businesses’ parking lots did not comply with regulations related to persons with disabilities. Many of the issues were minor and easily fixable, but the lawsuits sought thousands of dollars in damages and attorneys’ fees.

This case was handled by Matthew du Mee, Unit Chief Counsel of the Arizona Attorney General’s Office Consumer Litigation Unit and Deputy Division Chief Brunn “Beau” Roysden III.

AG PAXTON FILES MORE LAWSUITS AGAINST BUSINESSES ACCUSED OF PRICE GOUGING DURING HURRICANE HARVEY

Attorney General Ken Paxton today filed more price gouging lawsuits against businesses accused of taking advantage of Texans affected by Hurricane Harvey. In these cases, consumers were allegedly charged excessive prices for gasoline.

“Price gouging by unscrupulous profiteers is something that no Texan should have been confronted with during a declared disaster like Hurricane Harvey,” Attorney General Paxton said. “Price gouging is illegal, unconscionable and completely opposite the spirit of cooperation we saw just about everywhere else in our state before, during and after the hurricane. My office will continue to aggressively investigate and prosecute more cases arising from Harvey.”

After a state disaster has been declared, as Governor Greg Abbott did on August 23, Texas law prohibits selling necessities such as drinking water, food, medicine, and fuel at an exorbitant or excessive price. Attorney General Paxton named the following defendants in Hurricane Harvey price gouging lawsuits:

Big Willy’s which has locations south/southwest the Dallas-Fort Worth metroplex, charged \$3.99 and \$4.99 per gallon of unleaded gasoline at numerous stations.

Tejano Mart in Laredo, which charged consumers up to \$9.99 per gallon of unleaded regular gasoline.

In September, Attorney General Paxton filed the first round of Hurricane Harvey price gouging lawsuits against a motel in Robstown and gas stations in Dallas-Fort Worth and Laredo. Last month, he sent notices of violations to 127 Texas retailers accused of price gouging at their gas stations. A finding of price gouging carries civil penalties up to \$20,000 for each violation, rising to \$250,000 for violations targeting those 65 and older.

Texans who believe they’ve been scammed or price gouged should call the attorney general’s Consumer Protection Hotline toll-free at (800) 621-0508, email consumeremergency@oag.texas.gov, or file a complaint online at <https://www.texasattorneygeneral.gov/cpd/file-a-consumer-complaint>.

To view the petition filed against Big Willy’s, click here: <http://bit.ly/2jmb1Pr>

To view the petition filed against Tejano Mart, click here: <http://bit.ly/2iUFDnl>