

State Attorneys General Powers and Responsibilities

Edited by
Emily Myers
National Association of Attorneys General

FOURTH EDITION
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Courtesy Chapter

Published by
National Association of Attorneys General
1850 M Street, NW, 12th Floor
Washington, DC 20036
(202) 326-6000

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State Attorneys General Powers and Responsibilities
Fourth Edition

Library of Congress Control Number: 2018960580

ISBN 978-1-946357-00-7
ISBN 978-1-946357-01-4 (Softcover)

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*This book is dedicated to Attorneys General
and the men and women who work for them in the
56 jurisdictions. They continue to make an important
contribution to state government and the American legal
system. Without them, there would be no book to write.*

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Acknowledgments

The editor would like to acknowledge the many individuals who contributed to the preparation of this book.

This book builds on previous editions, which were edited by Lynne Ross. We gratefully acknowledge her hard work and dedication to this project in its early years.

This book is a collaborative effort, in which different authors with expertise in each substantive area contribute their time and talent. The principal authors are noted on each chapter, but we would like to thank them again here for their hard work and dedication. Many thanks to the following authors:

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CHAPTER 7

Public Information

By Marjorie Tharp, former Director of Communications, NAAG

Today, nearly every aspect of citizen life is affected in some way by the work of attorneys general, which includes keeping intrusive and unwanted telemarketers away; protecting consumers against fraud and abuse; ensuring a fair marketplace; fighting crime; defending state laws against court challenges; defending criminal convictions on appeal; and serving as stewards of the environment. Attorneys general are involved in a myriad of issues that affect individuals each day. Public information programs are a key component of an attorney general's efforts. Only when members of the public are well informed about their rights and protections and about the services available to them, can they take better advantage of the efforts the attorney general is making on their behalf.

In the 21st century, the attorney general's role as public advocate enforcing state laws to protect constituents has become increasingly important and visible. On a nationwide scale, they have confronted mortgage foreclosure fraud and a rise in cybercrime, including data breaches, to name just two issues.

As attorneys general serve in their role as the states' chief legal officers, greater public attention has turned to their powers and duties, particularly in the areas of antitrust law, consumer protection, criminal law and the environment. This increased public awareness has led to enormous growth in the demand for prompt and accurate dissemination of public information to citizens, other public officials and the media.

In 1970, almost all attorneys general conducted media relations or educational activities on a regular and ongoing basis, but few employed full-time public information staff. By 1990, at least 37 states employed public information specialists. By 2004, all 50 states, the District of Columbia and the U.S. territories and commonwealths employed at least one full-time public information director or assigned an employee public information functions. By 2014, a couple offices added one full-time person to manage just their digital or social

media communications. In nearly every state, the public information officer (PIO) reports directly to the attorney general or the chief deputy in the office. For example, the Florida Attorney General's Office has a director of media relations, director of public affairs, press secretary and communications specialist. The media relations director writes press releases, draft talking points, responds to reporters' inquiries, answers public information requests from the media and manages the communications staff. The public affairs director handles special projects, organizes press events and manages the agency's main website pages. The press secretary is the primary spokesperson for the office and assists with media requests. The communications specialist assists with new releases, talking points, social media and the agency newsletter.

In less populous states, like Wyoming and North Dakota, the office has a full-time executive assistant who serves as the public information specialist, responding to press and citizen requests in addition to fulfilling other administrative responsibilities.

Some attorneys general employ public information officers who are attorneys, but a majority of public information officers have backgrounds as journalists, editors, writers, legislative staff, or public relations specialists. For example, in one attorney general's office, the communications director was a local television journalist for 20 years specializing in law enforcement, courts, consumer and investigative reporting. Another communications director served as press secretary for four different members of Congress over 26 years before joining his state attorney general's office. Many of these individuals have graduate degrees and at least five years of journalism or public affairs experience, speak multiple languages and incorporate a number of interesting professional experiences including election campaign manager, public relations firm founder, general counsel to a private software company, marketing director, and a digital director for a state senator.

Attorneys general across the country understand the critical need for public communication in government. Much of this work involves reaching out to citizens using a variety of communications tools and strategies, responding to requests from a number of constituencies and enforcing state laws related to public records requests and open meetings. This chapter describes the role of attorneys general in ensuring access to public information, and current public information programs in attorney general offices.

PUBLIC STATEMENTS BY THE ATTORNEY GENERAL

As an important adjunct to the law enforcement duties of the office, the attorney general typically seeks to educate the public about the law by discussing litigation and investigations undertaken by the office. Parties have challenged these attorney general statements on several grounds, including defamation and prejudice to the jury.

With respect to defamation, the attorney general usually enjoys absolute immunity from defamation claims for press releases and statements issued in connection with his official duties, because “[p]ublic policy dictates that the Attorney-General disclose to the public the facts concerning any fraudulent or illegal activities uncovered in the process of any investigation, as well as the facts concerning any prosecution therefor.”¹ For example, in a Connecticut case, the court held that the attorney general’s statements were protected by sovereign immunity unless he acted “in excess of statutory authority.” Because the attorney general is in charge of all legal matters for the state, it is within the attorney general’s duties to keep the public apprised of his official acts and conduct.²

However, an Arizona case limited the attorney general’s immunity for public statements to “qualified immunity,” which protects the attorney general only if the statements were made in good faith. On appeal, the court did not agree that the attorney general’s official duties included a duty to inform the public through press releases, which it characterized as a highly discretionary function.³

The attorney general’s immunity from defamation claims may also extend to comments in connection with personnel matters in the office as well as investigations. In a Michigan case, the attorney general initiated an investigation into whether transmission shops were doing unnecessary work. Some lost their administrative licenses after the investigation. A newspaper questioned the attorney general, who said the transmission shop owners were crooks and cheats. On appeal, the court found the attorney general was entitled to immunity. “The attorney general was responding to questions regarding an investigation conducted by his department. The attorney general was acting within the scope of his executive authority when he gave the interview and responded to the questions.”⁴

1 *Gautsche v. State of New York*, 67 A.D.2d 167; 415 N.Y.S.2d 280 (N.Y. S. Ct. 1979).

2 *Hultman v. Blumenthal*, 28 Conn. L. Rptr. 377 (Conn. Super. 2000) and cases cited therein; aff’d on appeal, *Hultman v. Blumenthal*, 787 A.2d 666 (Conn. App. Ct. 2002).

3 *Goddard v. Hon. Kenneth L. Fields*, 214 Ariz. 175; 150 P.3d 262 (Ariz. Ct. Apps. 2007). Arizona Supreme Court vacated and dismissed the case as the parties reached a settlement agreement.

4 *Am. Transmissions v. Att’y Gen.*, 560 N.W.2d 50 (Mich. 1997).

Plaintiffs have also sought to challenge the attorney general's statements to the press and public by alleging that the statements will prejudice the defendants at trial. For example, after the attorney general of Rhode Island made statements critical of the defendants in a complex tort case, the trial court issued an order requiring the attorney general to comply with Rule 3.6 of the Rhode Island Rules of Professional Responsibility,⁵ and found him in contempt after he made additional public statements. The Rhode Island Supreme Court overturned the ruling, finding that the attorney general's statements were not prejudicial and that the order was so vague that it did not give the attorney general adequate notice about what types of speech actually were prohibited.⁶

In several cases involving an investigation of Exxon-Mobil, courts addressed allegations that the public statements of attorneys general showed bias. Exxon sought to prevent the attorneys general of Massachusetts and New York from using compulsory process to obtain documents about Exxon's knowledge of and beliefs about climate change.⁷ Exxon alleged that the compulsory process was part of a conspiracy "to silence and intimidate one side of the public policy debate on how to address climate change." Exxon cited a press conference held by the attorneys general in New York at which both indicated that they were investigating potential fraud by Exxon in "a troubling disconnect between what Exxon knew, what industry folks knew, and what the company and industry chose to share with investors and with the American public."⁸ Exxon argued that the AGs' "overtly political tone," and comments on public "confusion" relative to climate change showed that their intent is to chill dissenting speech and that they were retaliating against Exxon for its speech about climate change.

With respect to the attorney general's remarks at the press conference, the Supreme Judicial Court of Massachusetts said, "These remarks do not evidence any actionable bias on the part of the Attorney General: instead it seems logical that the Attorney General inform her constituents about the basis for her investigations."⁹

5 Rule 3.6 provides, in part, "A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding."

6 *State v. Lead Industries Association*, 951 A.2d 428 (R.I. 2008).

7 *Exxon Mobil v. Schneiderman*, 2018 U.S. dist. LEXIS 54027 (Mar. 29, 2018); *Exxon Mobil Corp. v. Attorney General*, 479 Mass. 312 (Mass. 2018).

8 *Exxon Mobil v. Schneiderman* at 11.

9 *Exxon Mobil Corp. v. Attorney General*, 479 Mass. at 329.

A federal district court, addressing the same remarks, held, “The fact that [the attorney general of New York] believes climate change is real—so does Exxon apparently—and advocates for particular policy responses does not mean the NYAG does not also have reason to believe that Exxon may have committed fraud. Similarly, the court stated, “[The Massachusetts Attorney General’s] statement suggests that she believes Exxon may have made false statements to its investors and the public and may have committed fraud.”¹⁰

PRESERVING OPEN GOVERNMENT

In the last decade, government at all levels has been subject to more scrutiny than ever by members of the press, watchdog advocacy groups and citizens who want to know more about how their government works. Although new technologies have allowed for the improved delivery of services and for instant connections with government agencies and officials through the Internet, email, Facebook, Twitter and other tools, many citizens and watchdog groups argue that government agencies and officials are increasingly less responsive to requests for public information.

As representatives of the public interest, attorneys general provide legal counsel to a variety of state agencies, state boards and commissions, state colleges and universities, as well as to the legislature and governor. They also advise and assist district and county prosecuting attorneys in the investigation and, if needed, the prosecution of crimes; and issue legal opinions upon the request of legislators and heads of state agencies.

Attorneys general play a vital role in enforcing state laws regarding open government and ensuring that the inner workings of both state and local governments remain open to the public. Attorneys general issue rulings and decisions on whether information is open to the public under the state’s Public Information Act and other applicable laws. They also have the authority to take action to enforce these decisions and educate citizens and government officials about the state’s open government laws.

For example, the Georgia Attorney General’s Office pressed for legislation that was signed into state law in 2012. It made Georgia’s open meetings and open records laws more user-friendly for citizens. It makes clear that final votes must be

¹⁰ *Exxon Mobil Corp. v. Schneiderman*, 2018 U.S. Dist. LEXIS 54027 at *56.

taken in public, including real estate transactions, and clarifies and streamlines how government officials must respond to a request.

Iowa's attorney general issued a series of "Sunshine Advisory" bulletins beginning in 2001, which continue to serve as an easily accessible resource for common legal questions about open government. The advisories address such topics as: "Golden Rules for Public Records Requests"; "Can Governmental Bodies hold Hearings in Closed Session?" and "No Secret Settlements." These guides are posted on the attorney general's website and have been widely published in newspapers. They are a trusted resource for citizens, news media and government entities throughout Iowa.

The California Attorney General's Office provides the public with access to governmental information and processes where citizens can find information on proposed initiatives and ballot measures, the Public Records Act, open meeting laws, meeting notices and ethics and conflicts of interest laws. It also promotes the state auditor hotline to enable state employees and the public to report improper acts committed by state agencies, departments or employees.

Every state or jurisdiction has laws that address public records and open meetings and nearly every attorney general has some explanation of these laws available to the public through their website, social media, published opinions, brochures distributed by the office, public service announcements and/or the news media.

The Ohio Attorney General's Office provides Sunshine Laws Training for public officials. The office also publishes an annual Sunshine Law Manual to help answer questions about Ohio's open government laws.

PUBLIC INFORMATION OFFICERS (PIOs)

Public information officers (PIOs) or communications directors serve as the primary liaison between the office of the attorney general and journalists. Their professional expertise is critical in understanding the needs of the media. They must know how to work with each medium by providing appropriate content, meeting varied deadlines and adhering to style requirements that will appeal to diverse audiences.

As a whole, attorneys general believe their media relations and communications with the press and general public are handled far more effectively and efficiently by a skilled communications professional. After the attorney general, the PIO is often the most public face of the attorney general's office and PIOs also

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work to build and maintain professional relationships with journalists. In all jurisdictions, the PIO is the media gatekeeper, providing answers to media questions or ensuring, when appropriate, that the attorney general or the responsible legal staff speak to reporters. In most offices, assistant attorneys general will meet with a reporter only where additional factual information is necessary.

Attorneys general often have cited the following advantages to centralizing public information activities through a public information unit:

- Media relations professionals are frequently better able to explain complicated legal issues and terminology in language that reporters can understand. The resulting stories are more likely to present a clear picture than those produced by a reporter confronted by a lawyer who may use legal jargon;
- Public information and communications staff are frequently better able to respond to the general policy questions often posed by reporters and to place a lawsuit or legal issue in a broader context to make it more easily understood by the average citizen;
- Attorneys may feel uncomfortable talking to media representatives or they may have difficulty translating legal concepts into commonly used language. Attorneys may be distracted from their primary function by frequent and occasionally confrontational interruptions by reporters;
- Public information specialists, who deal with the press regularly on a wide range of matters are more likely to develop a good sense of how to balance appropriately the obligation of public officials to be forthcoming and informative against the countervailing concern not to unfairly influence the outcome of legal proceedings. A regular media contact within the attorney general's office develops relationships with reporters and editors to further cooperation on stories of mutual interest and to allow easier resolution of conflicts.

OFFICE MEDIA POLICIES

In many offices, staff attorneys must initially refer all reporter inquiries to the public information or communications staff. However, in some states,

attorneys can answer factual questions about cases, but refer any policy questions to the PIO staff. Another approach requires the attorney to promptly notify the public information staff after speaking with the media about the substance of the conversation.

The Nevada Attorney General's Office has a written media policy that is accessible to staff via an intranet. All reporter inquiries are to be referred to the communications director. However, if a reporter approaches a staff attorney at a meeting, event or in court, he/she can decide whether to answer the questions onsite or answer them later. If a staff attorney chooses to respond to a basic media inquiry, such as when is the next court date, they are taught to be prepared to be quoted in the press. If the staff attorney speaks to the media onsite, he/she should then notify the communications director.

Public records requests are directed to the public records department in the Nevada Attorney General's Office. However, any requests made from reporters or media outlets are forwarded to the communications director, who works with the public records department to fulfill those specific requests. A public records orientation is offered by the communications director to new office employees.

The Washington Attorney General's Office occasionally provides media training or coaching to assistant attorneys general to prepare them for interaction with journalists. Some assistant attorneys general are authorized, in particular matters, to respond directly to the media. Assistant attorneys general are asked to refer media inquiries in the first instance to its Public Affairs Unit, to coordinate any response with Public Affairs and to detail their interactions with reporters to the office communications team after the fact, when so authorized on a case-by-case basis.

STATUTORY GUIDELINES FOR PRESS COMMENT

There are often competing interests involving the dissemination of information about criminal, consumer protection and antitrust investigations and cases. On one hand, there is a legitimate need for citizens to be informed about the conduct of judicial proceedings and the administration of justice in their community. On the other hand, there are often legitimate reasons for information to be withheld. Examples may include withholding identifying information about the victim of a sexual assault, the need to protect the integrity of an ongoing investigation, or the need to forego some public comment in order to afford an

accused the right to a fair and impartial criminal trial or to avoid public censure of a business or individual before an investigation is completed.

One of the most difficult issues arising for attorneys general in their media relations efforts is what and how much information may appropriately be given to the press. Statements about legislative issues, policy matters and opinions of the attorney general are generally not subject to ethical or statutory restraints. However, attorneys general are subject to a variety of formal and informal restrictions on press comments, some of them statutory, some imposed by ethical canons and others self-imposed.

The most widely applicable guidelines in this regard are contained in the Model Rules of Professional Conduct, adopted by the American Bar Association (ABA), which address trial publicity and the special responsibilities of the prosecutor.¹¹ The ABA also issued standards of conduct of attorneys in criminal cases for fair trial and free press.¹² These codes cover extrajudicial statements by attorneys; the conduct of law enforcement officers, judges and court personnel in criminal cases and the release of information by law enforcement agencies; the conduct of judicial proceedings in criminal cases including prohibition of direct restraints on the media; public access to judicial proceedings and related documents and exhibits; and broadcasting, televising, recording and photographing courtroom proceedings.

In Vermont, the assistant attorneys general may not announce that a criminal investigation is underway, unless authorized by the Division Chief or top management. Although the receipt of non-criminal complaints may be acknowledged, assistant attorneys general should not, without approval of the Division Chief or top management, indicate that the office is conducting an “investigation.” In most instances, guidelines provided by the office note that it suffices to indicate to inquiring reporters that the matter is “under review” or that the office is “following up” on the matter. In some circumstances, there may be applicable confidentiality statutes that may further circumscribe the extent of public comments that can be made. Assistant attorneys general are also cautioned to be aware of the trial publicity provisions of the Rules of Professional Conduct.

11 American Bar Association, Model Rules for Professional Conduct.

12 American Bar Association. Criminal Justice Section Standards. Fair Trial and Free Press.

MEDIA RELATIONS

The news media continues to be one of the most effective means of communicating with the public about the activities of the office of the attorney general and about any public safety or legal issues. Consequently, it is the widely accepted practice and policy of attorneys general to cooperate with the members of the media whenever possible, by responding to requests for information about matters in which the office is involved and by assisting the media, when possible, with respect to general inquiries about state laws.

Overall, by cultivating relationships with members of the media, attorneys general can effectively:

- Provide accurate and timely information about the work of the attorney general's office;
- Inform the public of the attorney general's views on important legal and public policy issues;
- Alert consumers to their legal rights and to the passage of new consumer protection statutes;
- Publicize enforcement actions in order to clarify the public's understanding of legal requirements, deter violators, and warn consumers of current frauds;
- Encourage members of the public to utilize the services of the attorney general's office and to bring complaints or other information on appropriate matters to the office's attention; and
- Advance and reinforce the professionalism of the attorney general's office and its reputation for providing quality legal services and serving the public interest.

Although attorneys general may use one tool more often than another, a comprehensive, successful communications plan includes strategic uses of 1) regular contact with reporters, including interviews, and issuing news releases and media advisories, 2) press conferences and virtual press conferences, 3) public appearances, 4) the Internet, including websites and social media accounts, 5) videos, 6) publications, 7) annual reports, and 8) awareness campaigns and programs.

Almost every attorney general's office has routine policies and procedures to alert the news media about the actions of the office that are potentially matters of public interest. Standard news releases continue to be the most popular form of press outreach for attorneys general. The vast majority use blast emails to send news releases and notices immediately. These are also posted on the web site, and disseminated via social media, and sometimes include photos, brief videos and live links to related documents such as charts, state statutes and other information.

Some offices have the ability to produce video packages in-house that can be distributed to the news media. In Texas, for example, the attorney general's Communications Office includes former television journalists who work as videographers, producers and editors. Materials from this multi-media team include producing public service announcements and other video projects to increase awareness about important issues in Texas. In addition to website and public awareness video elements, the team also acts as a cost-savings to the state by providing in-house videotaped depositions, thus eliminating some of the costs of hiring outside videography services.

THE INTERNET

The Internet is by far the most useful, cost-effective communications tool attorneys general can use.

Websites

Every attorney general's office has an active website that features useful information about the operations and activities of the office—often in more than one language. Because it is an effective tool in reaching the public and the media, offices strive to meet best practices in website management, improve the effectiveness of the web-based services offered and meet constituents' needs and expectations.

These websites contain organizational information, staff contact listings, materials on topics of public interest, and consumer complaint procedures. Attorneys general who make a large number of public appearances may also post online schedules that are updated regularly for reporters and citizens.

As state budgets began to shrink, attorneys general were forced to decrease monies spent on printing publications and brochures for public distribution. Consequently, resources increasingly were put online for citizens to access.

Everything from consumer protection information to anti-tobacco materials have been placed on the web. These appear in the form of online brochures, calendars, annual reports and other materials that were historically printed in large quantities. Initially, this information was produced primarily for hard-copy distribution and was adapted to be delivered via the Internet, but as usage of the websites increased, materials were developed specifically for the web.

In addition many of the services that attorney general offices offer to the public are easily offered on the web. Consumer complaints, for example, can be filed on attorney general websites. This process can be made even more efficient for the attorney general's office by the integration of databases with the complaint forms. When a citizen files a complaint it can be automatically entered as a new database record, making it instantly available to an investigator.

In another example, the Arkansas Attorney General's Office unveiled a website in 2016 hosted by the Arkansas Crime Information Center. NeverForgotten.ar.gov enables the public to access information on Arkansas missing persons' cases with an easy-to-use searchable database.

This enhanced access to information increases the visibility of an office and its work. In addition, it offers an excellent means of reaching members of the press immediately. Attorney general websites encourage members of the press and public to sign up for email notifications or attorney general listservs to receive instant news releases, updates and notices of attorneys general news, opinions and other initiatives. These websites also contain links to an office's social media tools where reporters can follow an office's daily action on Twitter, for example.

Social Media

A majority of Americans now say they get news via social media, and half of the public turned to these sites to learn about the 2016 presidential election, according to the Pew Research Center. Attorney general offices use social media to share content, notify the media of breaking news, and participate in public conversations.

Digital communications is a key component of any communications strategy. Attorney general offices have Facebook pages, Twitter, Instagram, and LinkedIn accounts, and post video to YouTube. Video is emerging as a useful communications technology and some offices are using Facebook Live or Twitter's Periscope to broadcast live video from press conferences or community events.

An attorney general office Facebook account can increase traffic to a website; it can help reach a younger demographic and target specific populations;

it provides an easy way to share multimedia content; and it is another way to expand the reach of information in news releases, columns, and consumer scams.

Social media also enables the attorney general's office to disseminate news to the media. Sixty-eight percent of journalists use at least three types of social media.¹³ According to Adweek, which covered a 2016 Cision media report, "Journalists are more active on social media than ever before, with a notable increase in daily activity. From reading posts from people they follow to monitoring the conversation around their own content and reposting on micro-blogging sites, participation from journalists is up anywhere as much as 34 percent compared with similar data from 2013."¹⁴ Publishing and promoting content were the most important uses for social media for journalists.

According to Brian Kane, chief deputy attorney general in the Idaho Attorney General's Office,

Social media brings the world to your doorstep, but it also brings you to the world. As a powerful informational resource, social media and the Internet carry with them a responsibility for appropriate use. By striking the appropriate balance, attorneys and judges can harness this unparalleled resource, while remaining compliant with their respective ethical requirements.¹⁵

There are legal considerations for social media use by attorney general offices. For example, social media may be subject to public records laws, and if information is being exchanged through these sites, there may be open meeting issues as well. Establishing social media policies is often recommended.¹⁶

Social Media Policies

Social media policies help govern how such tools will be used for internal and external audiences of the attorney general offices.

Communications staff from the Washington Attorney General's Office served on a committee in 2010 that developed statewide best practices for social media. The purpose was to provide guidelines for social media use across

13 2016 Global Social Journalism Study, <http://www.cision.com>.

14 "How are Journalists Using Social Media?" (Report), Adweek, Aug. 23, 2016.

15 "A Deputy Tweet, An Attorney General's Headache: Balancing Personal Social Media with Public Service," March 2011 NAAGazette.

16 *Id.*

Washington state government. State agencies were encouraged to use the guidelines as a component of agency policy and procedure development as they saw fit.

These guidelines were based on the shared experiences of other states, state agencies, industry best practices, and social media research. Given the evolving nature of social media, it was recommended agency guidelines and policies related to social media be reviewed and updated periodically as technologies or law develop.¹⁷

The Massachusetts Attorney General's Office recently created a full-time digital director position to develop content for its social media accounts. Their office uses Facebook, Twitter, LinkedIn and Instagram for outreach, education and information. This helps reach more residents and businesses with consumer and safety information, and is intended to enhance, but not replace, the office's interaction with constituents and journalists.

PUBLICATIONS

Nearly all attorney general offices publish pamphlets, newsletters, or information sheets for public distribution. The topics of these publications typically mirror the functions of the attorney general. The most common topic by far is consumer fraud. Attorneys general also distribute publications on antitrust law and anticompetitive practices in the marketplace, criminal law and cybercrime and the Internet, preventing prescription drug abuse, bullying and youth violence, Medicaid, environmental law, the rights of veterans or servicemembers, and domestic violence.

Individual offices frequently publish and post online booklets on topics reflecting the interests of citizens in their respective jurisdictions. For instance, the Alabama Attorney General's Office publishes a comprehensive guidebook to the state's death penalty appeals process to assist the family members of victims of violent crime. The Kansas attorney general publishes a monthly "Consumer Corner" for citizens. The New York Attorney General's office developed a resource guide for veterans and active duty personnel with information about accessing the benefits to which they are entitled. The guide also contains details on the federal and state laws that impact those who have served in the armed forces. The Louisiana Attorney General's Office offers educational resources for teens. "Know

17 *The Guidelines and Best Practices for Social Media Use in Washington State.*

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More” covers Louisiana law for youth, as well offering as books and presentations designed to empower teens with the knowledge they need to make informed decisions on the complex path to adulthood.

In addition, many of these offices publish these brochures in multiple languages, based on constituent needs. Spanish-language publications are very popular but some states, like California, offer citizens information in several different languages.

ANNUAL REPORTS

Almost half of the attorney general offices produce an annual report or a summary of office accomplishments periodically for the governor or the legislature. A number of them are required by statute to produce these reports. Although print copies are made available to the public, the majority of offices currently offer these publications online to reduce printing costs. These documents are usually written and designed in-house.

Typically, these reports describe major court cases in which the office was involved, give statistics on the number of cases handled, and provide a financial report. Attorney general opinions are frequently summarized in the report, and a staff list or description of the office structure is often provided. These reports are used to demonstrate to the legislature accomplishments as well as challenges that can be addressed with additional funding or resources and new or amended legislation. In other cases, the report is required as part of the attorney general’s budget submission, and therefore provides support and justification for the office’s budget request.

OTHER PUBLIC INFORMATION PROGRAMS

Attorneys general conduct a number of other public information programs in their offices. Some offices produce periodic electronic updates or newsletters about individual accomplishments in the office, as well as changes in office policies/procedures. Other public information programs include radio and television shows, public awareness campaigns or contests.

The Wisconsin Attorney General’s Office launched a statewide marketing campaign called “Dose of Reality” to alert Wisconsinites to the dangers of

misusing prescription pain medications also known as opioids. It includes a website with resources, and TV and radio spots and social media use to spread the word.

Although PIOs pitch stories to national media outlets on occasion, the bulk of their attention is focused on state news organizations and their coverage of attorney general speeches or events, testimony before state legislatures, Congress or federal agencies; arguments before the state supreme courts or the U.S. Supreme Court; educational seminars and specific public awareness campaigns.

THE CONTINUED TRANSFORMATION OF JOURNALISM

Even if an office boasts the best technology, a well-intentioned communications plan, the most seasoned PIO and the most media-savvy attorney general, public communication efforts will fail to engage the media and reach audiences without some understanding of journalism's continued digital transformation in the 21st century. With an explosion of new technology, reporters and citizen journalists are regularly using social media tools such as Facebook, Twitter, LinkedIn and YouTube to find sources and immediately post content. In 2016, the Pew Research Center, Journalism and Media section, produced "*The State of the News Media 2016: An Annual Report on American Journalism*."¹⁸ The report describes significant trends and how consumers are getting news:

Though the industry has been struggling for some time, *2015 was perhaps the worst year for newspapers since the 2008 recession and its immediate aftermath*. Daily circulation fell by 7 percent, the most since 2010, while advertising revenue at publicly traded newspaper companies fell by 8 percent, the most since 2009. At the same time, newsroom staffing fell by 10 percent in 2014, the last year for which data were available. Coming amid a wave of consolidation, this accelerating decline suggests the industry may be past its point of no return.

Almost two-thirds of \$60 billion in digital advertising spending (65%) went to just five technology companies: Google, Facebook, Yahoo, Microsoft and Twitter.

In contrast to newspapers' troubles and digital's rise, local television news revenue is relatively steady—at least for now.

These are just a few of the major trends cited in the transformation of journalism. Technology is offering new public information opportunities for targeting

18 *The State of the News Media 2016: An Annual Report on American Journalism*.

audiences with tailored content and specialized delivery. It is something attorney general offices have and are incorporating into their overall communications strategy and efforts.

There is no doubt that attorney general offices will continue to explore new public outreach options as budget and staffing allow. They will strive to meet ongoing public information needs as the communications frontier continues to evolve and expand with technology use.

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