



# Attorney General Presentation to the Budget Committee

Fiscal Year 2026-2027 Budget

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Presented by:

Todd Rokita, *Attorney General*

Clinton Bohm, *Chief Administrative Officer*

Chris Fletcher, *Chief Financial Officer*

December 16, 2024





# Who We Are and What We Do

Division	Principal Activities
Advisory	Provides formal and informal legal opinions to state elected officials and legislators, reviews all state contracts and administrative rules, and serves as legal counsel to all professional licensing boards
Appeals	Represents the State in criminal, civil, and child services appeals
Litigation	Represents and defends the State in lawsuits in which the State's interests are at stake
Consumer Protection	Safeguards Hoosier consumers from predatory and unlawful business practices, antitrust investigations, data privacy violations, and ID theft.
Solicitor General	Defends state statutes from constitutional challenges, pursues litigation against the federal government, and drafts amicus curiae briefs advocating for vital state interests.
Medicaid Fraud Control Unit	Investigates providers and enforces state health care laws to protect elderly patients in Medicaid facilities, keep costs as low as possible, and to ensure tax dollars are being spent properly
Unclaimed Property	Connects Hoosiers to their unclaimed assets that have been remitted to the State



# Caseloads and Representation

2024 Caseloads by Division			
	Opened in 2024	Closed in 2024	Active
Advisory	605	676	449
Appeals <sup>1</sup>	2,060	2,004	1,404
Litigation <sup>2</sup>	7,284	7,096	6,320
Solicitor General	46	45	81
Consumer Protection <sup>3</sup>	16,305	25,106	18,059
Medicaid Fraud <sup>2</sup>	546	607	947
<b>Grand Total</b>	<b>30,848</b>	<b>39,443</b>	<b>27,259</b>

1 – Does not include the 280 households (681 participants) enrolled in the Address Confidentiality Program during 2024.

2 – Includes both active investigations and litigations cases.

3 – Includes both active investigations and litigation cases. Of active, 4.2% are litigation.

Agency or Office Represented by Attorney General's Office	Cases
Department of Correction	3,480
Department of Transportation	2,915
Family & Social Services Administration	702
Department of Child Services	690
Department of Revenue	472
State of Indiana	423
Department of Workforce Development	270
State Board of Accounts	258
State Police - Indiana	255
Office of the Attorney General	213
Utility Regulatory Commission	164
County Prosecutor's Office	164
Department of Natural Resources	158
Judicial Branch - Indiana	151
Department of Environmental Management	139
State Personnel Department	94
Bureau of Motor Vehicles	65
Professional Licensing Agency (IPLA)	65
Department of Health	46
Secretary of State	38
<b>TOP 20</b>	<b>10,762</b>
Additional 51 State and local agencies	405
<b>Grand Total</b>	<b>11,183</b>



# Appeals Division

**Angela Sanchez, Chief Counsel**

The Appeals Division represents the State, its agencies, officers, and employees in civil appeals before the state and federal appellate courts and defends ever conviction challenged in the Indiana appellate courts or federal habeas corpus proceedings. Our Capital Litigation Team prosecutes all phases of a case after a sentence of death is imposed. The division also assists prosecutors, law enforcement, and crime victims by coordinating extradition of wanted fugitives and managing the State's Address Confidentiality Program.

In the first three quarters of 2024, the Division received decisions in over 1,300 cases and achieved favorable outcomes in over 95%. Some notable examples from the Indiana Supreme Court this year include:

- *State v. Franciscan Alliance*: prevented potentially catastrophic road-construction costs by reaffirming longstanding rules on the scope of just compensation owed to landowners in eminent domain suits
- *Rust v. Morales*: successfully defended the constitutionality of Indiana's requirements for candidates to appear on primary election ballot
- *State v. Hancz-Barron*: affirming convictions and four consecutive sentences of life without parole for the murder of mother and her three young children



# Litigation Division

**Patricia Erdmann, Chief Counsel**

The Litigation Division serves as the state's law firm. Our dedicated team represents the State and its agencies, officials, and employees in state and federal courts in complex and significant impact cases in almost every substantive area of the law. This includes representing and defending the State of Indiana in lawsuits in which the State's interests are at stake. The Litigation Division has four Sections – each with their own area of expertise:

- Administrative & Regulatory Enforcement Litigation
- Asset Recovery & Bankruptcy Litigation
- Government Litigation
- Real Estate Litigation

In FY 2024, the Litigation Division recouped more than \$17.6 million.

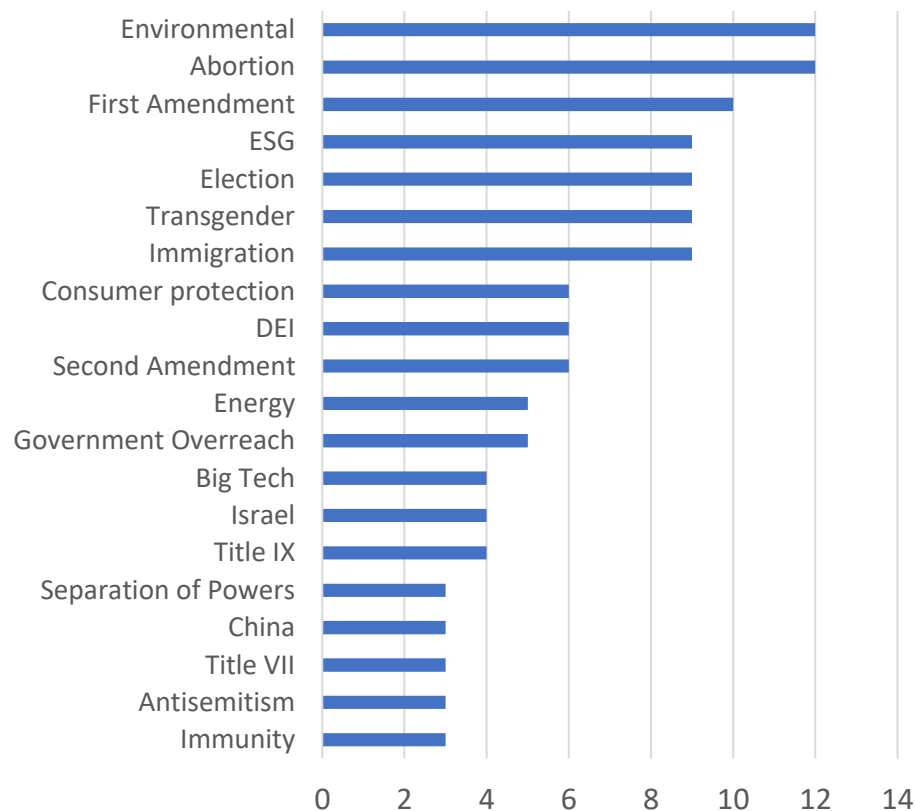
- Saved millions through successful litigation defense strategy and advocacy - achieving significant savings for taxpayers.
- In 2024, the Litigation Division has 5,500 active matters. The Division has opened 3,274 and closed 3,110 matters.



# Protection of State Interests

**James Barta Solicitor General and Corrine Youngs, Policy Director & Legislative Counsel**

- Reviewed or authored 280 sign-on letters and amicus briefs in 2024.
- Received sign-on letters and amicus briefs from 39 states, both Republican and Democrat
- Joined 191 sign-on letters and amicus briefs that align with Indiana's values.
  - Top 20 topics shown in graph to the right.





# Defense of State Legislation

**James Barta Solicitor General**

- One of the primary functions of the Solicitor General is to defend the laws passed by the General Assembly against constitutional challenges.
- Status of Recent Challenges
  - Pro Life: In 2023, the Indiana Supreme Court rejected the argument that Indiana's pro-life law violates an unwritten right to abortion. On remand, the trial court rejected other constitutional challenges to the law.
  - Sex in Schools: In 2023, a district court upheld the state law that ensures our very youngest schoolchildren do not receive age-inappropriate instruction on human sexuality.
  - Age Verification: In 2024, the Seventh Circuit allowed Indiana to implement its law requiring websites that offer hardcore pornography to verify that users are adults.
  - Protecting Hoosier Children: Recently, the Seventh Circuit upheld the State's law barring unproven gender-transition procedures for minors.



# Litigation Status: Opioid Settlement

**Betsy DeNardi, Special Counsel of Complex Litigation**

- Anticipated total contribution to State revenue of nearly \$1 billion
  - Confirmed settlements
    - Distributors \$407M over 18 years (reduced slightly because of pre-payments)
    - Janssen \$96M over 11 years
    - Three settlements for approximately \$7M each (Endo, Mallinckrodt, and Publicis)
    - Walgreens \$114 M over 15 years
    - CVS \$104.9 M over 10 years
    - Teva \$86M over 13 years
    - Allergan \$47M over 7 years
    - Walmart \$59M in single payment in 2024
  - Pending settlements
    - Continuing work to resolve Purdue Pharma bankruptcy
    - Kroger \$43M over 11 years
    - Anticipate additional settlements

We have been able to create a collaborative environment to work with local governments. Through our partnership, we have been a key participant in facilitating recoveries for cities, towns and counties.

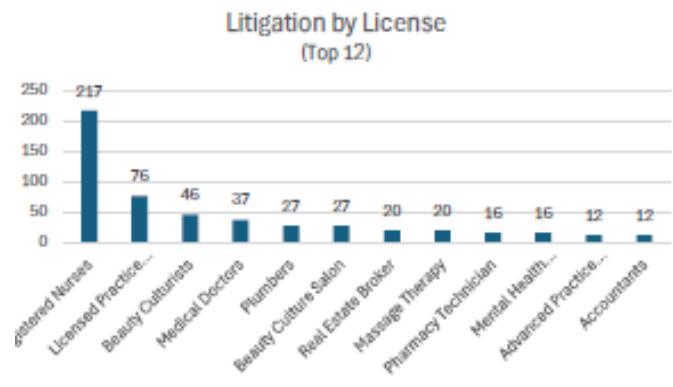
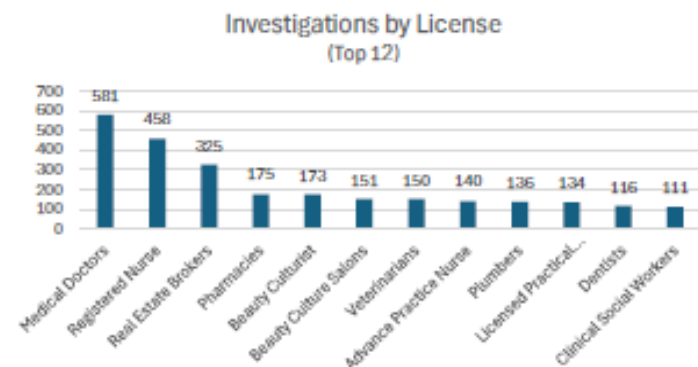




# Licensing Enforcement

**Scott Barnhart, Chief Counsel and Amy Osborne Section Chief**

- The mission of the Licensing Enforcement Section is to protect the rights of consumers using licensed professionals by investigating and litigating where appropriate.
- Since December of 2022, there have been 4,677 investigations opened with 724 of those matters being litigated.





# Litigation Status: Big Tech and Data Privacy

**Scott Barnhart, Chief Counsel and Doug Swetnam, Section Chief**

- Settled Litigation
  - State of Indiana v Google LLC Location Tracking (20M)
  - Blackbaud (3.6M)
- Active Litigation
  - US et al v Google LLC
  - Apria Healthcare LLC
  - State of Texas et al v Google LLC
  - LiveNation—Ticketmaster
  - TikTok cases (2) related to content available to children and CCP influence
- Investigations and Consumer Mediations
  - Google Ascension patient information deal (“Project Nightingale”)
  - Social Media Platforms and Problematic Use in Children & Teens
  - Change Healthcare
  - Powerhome Solar
  - Since December of 2022, mediators obtained \$13,817,058.66 in total value

**\$30.8+ Million  
in Settlements**

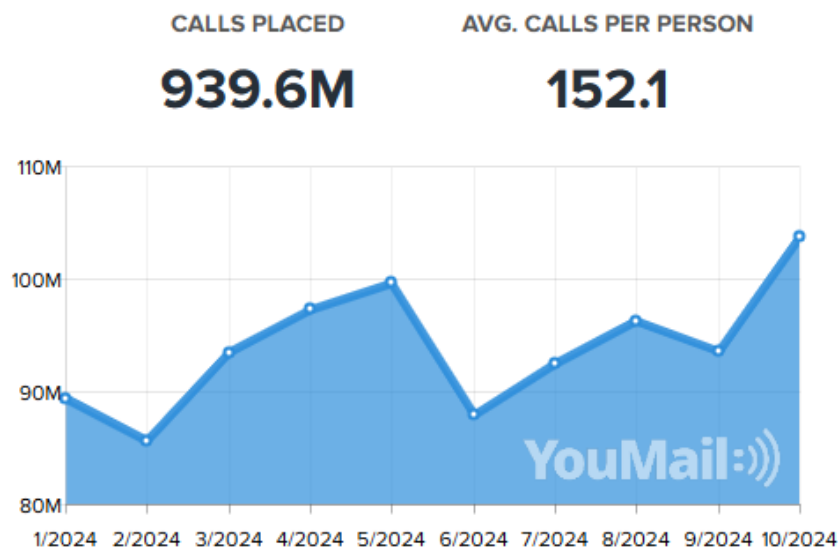


# Litigation Status: Robocalls

**Scott Barnhart, Chief Counsel and Doug Swetnam, Section Chief**

- Leading two active multistate cases against organizations responsible for over 1 billion robocalls
- Leader of 50 state robocall task force with NC and OH
- Active Task Force investigations of the 20 worst robocall offenders
- Lead national monthly working group call members/interest from:
  - All US federal agencies
  - Canadian agencies
  - Agencies in UK

## 2024 Robocall Impact

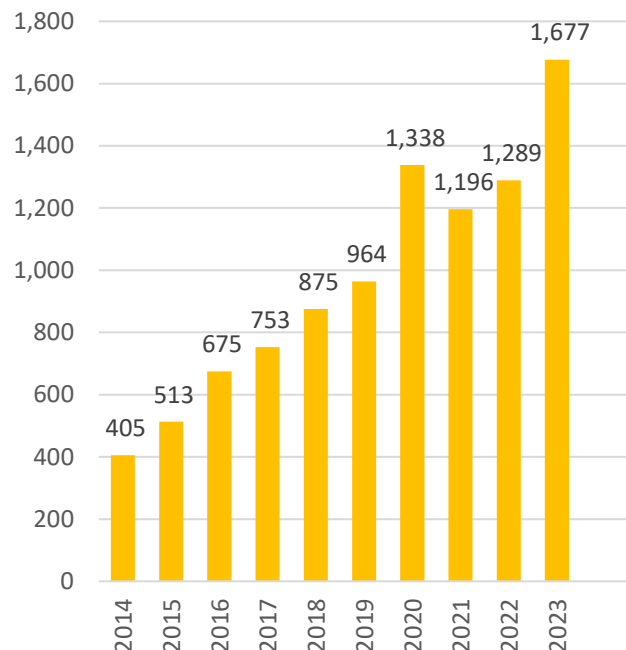




# Data Privacy & Identity Theft

**Scott Barnhart, Chief Counsel and Doug Swetnam, Section Chief**

Data Breaches



Total Indiana residents impacted:

2021 = 2,081,087

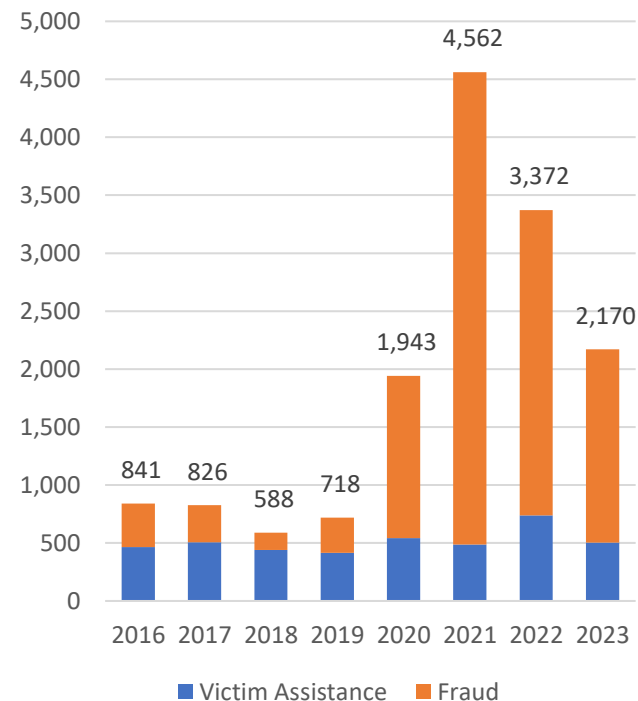
2022 = 1,875,758

2023 = 8,307,402\*

Current large and/or multi-state cases:

- Change Healthcare
- 23andme
- Google-Ascension
- Quest/Optum
- Labcorp
- AT&T
- T-Mobile
- GM
- Apria

Identity Theft Investigations



\*Number exceeds population indicating some residents have been impacted at least twice.



# Homeowner Protection

**Scott Barnhart, Chief Counsel and Chase Haller, Section Chief**

- The mission of the Homeowner Protection Unit is to protect the rights of all individuals involved in the housing market by investigating and redressing deceptive acts in connection with mortgage lending and violations of relevant state and federal laws.
- Landlords at the very least owe their tenants properties that are fit for human habitation. When they fall short of that, we intervene.
  - 585 Complaints Resolved: Addressing issues such as landlord/tenant disputes, homeowners' association (HOA) complaints, and loan servicing conflicts.
  - Landlord Tenant Disputes: Represented 47.7% of total HPU complaints, with over 52% of investigations finding legal violations.
  - In Fiscal Year 2024, HPU obtained \$718,077.60 in judgments, including \$412,842.10 in consumer restitution.
  - Willow Brook Gardens Lawsuit: Resulted in \$150,000.00 in restitution and rent credits as well as over 160 eviction expungements.
  - Lugar Towers AVC Monitoring - HPU has conducted multiple inspections and meetings with residents to ensure compliance with a settlement reached with Indianapolis Housing Agency.
  - HPU's impact is state-wide with lawsuits or investigations in Merrillville, Anderson, Plymouth, Indianapolis, and Mt. Vernon.
  - Criminal referrals: Work with FBI and other LEOs led to at least 30 felony and 11 misdemeanor charges.



# Medicaid Fraud Control Unit

**Matthew Whitmire, Chief Counsel**

MFCU as it is known across the state, fights to reduce Fraud by Medicaid providers and protect Medicaid recipients from abuse and neglect.

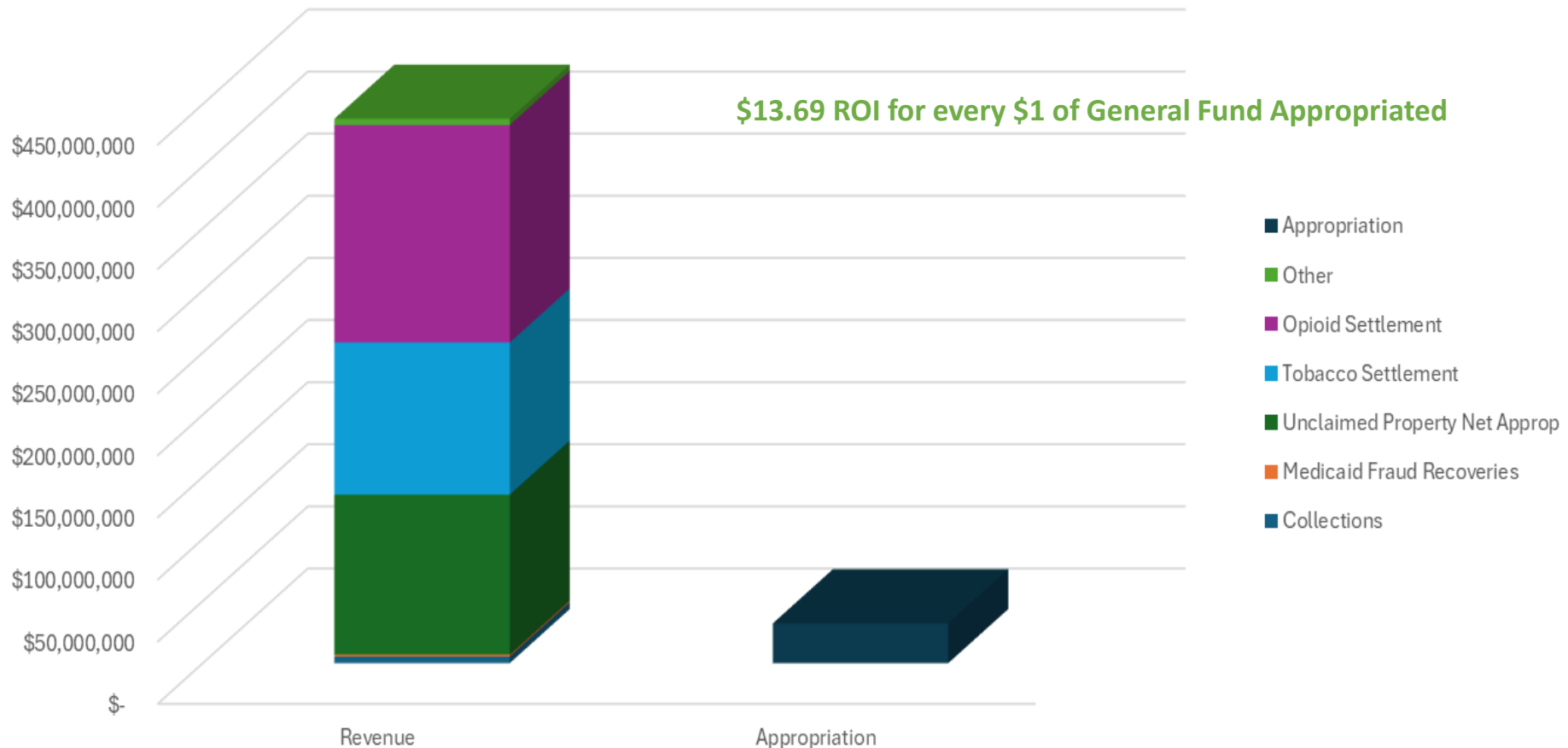
- The Unit is funded by a 75% federal grant and a 25% state match.
- The operation of an effective MFCU is required by federal regulations.

When Medicaid Providers commit fraud on the Medicaid program or Medicaid patients are harmed by providers, the unit investigates and prosecutes those cases criminally, civilly, or administratively – or sometimes all three. During the present biennial budget:

- The unit has thus far recovered over 4 million dollars from Medicaid Providers
- The Unit recovered over 2 million dollars from Durable Medical Equipment vendors in criminal cases leveraging data analytics and investigative work. This recovery highlights not just the funding recovered from unscrupulous providers but stopped future losses by those specific providers and deterred other fraud.
- The Unit has recovered nearly 900K in civil settlements from whistleblower suits.
- Investigations by the unit have resulted in 72 convictions and 66 indictments in state and federal courts for fraud on the Medicaid system or abuse and neglect of patients.

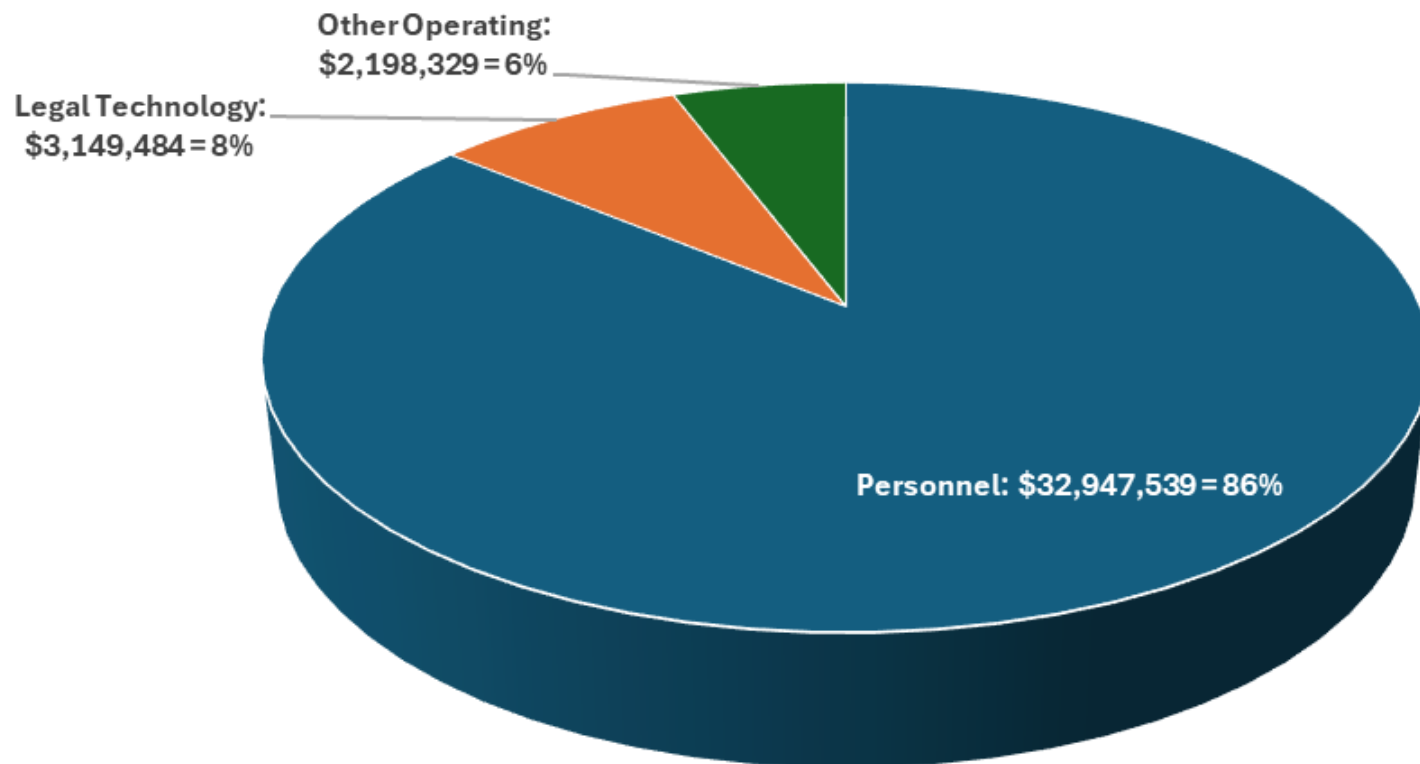


## General Fund (FY24) Appropriation vs Revenue





## OAG Operating Fund Budget



**Total Operating Fund Request = \$38,295,352**





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to learn more about the programs  
and services we offer.

Thank you!