



# JB Kelly

Member

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JB Kelly is a member of Cozen O'Connor's State Attorneys General Practice. Leveraging his more than 30-year career in the public sector working with state attorneys general (AG) and as a private sector attorney, he handles a variety of complex, often multistate matters, involving critical public policy and strategic issues.

In addition to advising and representing clients in connection with AG issues across the country, JB counsels clients on a variety of consumer protection issues, especially those involving deceptive or unfair trade practices. He represents clients facing regulatory scrutiny by the Federal Trade Commission (FTC) as well as by the state-level counterparts, which have similar statutory jurisdiction through "Little FTC Acts." JB also helps clients understand consumer fraud laws and assists them in successfully navigating consumer complaints and the related government oversight process.

JB has extensive experience assisting clients in addressing enterprise-threatening, publicly scrutinized issues that require a sophisticated and nuanced approach with regulators, shareholders, consumers and other stakeholders. Although this includes preemptive compliance counseling and training, when issues do arise, JB also works with clients to design and implement accompanying tactics for communication with both regulators and the public that allow for minimal interruption of their business operations. When enforcement action is unavoidable, he regularly advises clients in negotiations with state AGs, the FTC and other federal regulators and represents them in inquiries, investigations and litigation.

Given his robust public service background, JB employs his enforcement insight to advise clients on both preemptive compliance and compliance necessary in the aftermath of a settlement or order. In this capacity, he advises on implementation of remedial measures and improvement of internal controls that both satisfy the agreement terms and bolster investor and consumer confidence.

*Chambers USA: America's Leading Lawyers for Business* has repeatedly ranked JB as a leading practitioner, describing him as a "[h]ighly experienced attorney [who] has significant experience handling matters for public and private sector clients in an impressive docket of Attorney General matters. According to recent editions of *Chambers USA*, clients say "JB is a phenomenal attorney. He brings a unique perspective to his clients and the attorneys he has to work with. He is very adept at guiding clients through a legal process, seeing the issue from 360 degrees."

JB served as general counsel to North Carolina Attorney General Roy Cooper from 2001 to 2012, overseeing major litigation involving the state of North Carolina. He was a member of the negotiation teams in high-profile, multistate settlements involving mortgage foreclosure, Ameriquest and tobacco, among others. He also oversaw the strategy, planning and development of Attorney General Cooper's 2010 National Association of Attorneys General (NAAG) presidential initiative focused on consumer protection strategies, analysis of Dodd-Frank provisions related to attorneys general, and preventing future financial crises. During that time he served in numerous leadership capacities for NAAG, including leading chief deputy training during Attorney General Cooper's NAAG presidential term, as well as serving on its working groups for strategic planning and best practices, and its office review team. From 1996 to 2001, JB was senior counsel at Employment Learning Innovations, and from 1994

## Practice Areas

- State Attorneys General
- Government & Regulatory
- Litigation
- Consumer Protection

## Education

- University of North Carolina School of Law, J.D., 1984
- University of North Carolina - Chapel Hill, B.A., 1980

## Bar Admissions

- District of Columbia
- North Carolina

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court -- Eastern District of North Carolina
- U.S. District Court -- Middle District of North Carolina
- U.S. District Court -- Western District of North Carolina
- U.S. District Court -- District of Columbia

## Awards & Honors

- Chambers USA 2015-2017

## JB Kelly

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to 1996, he was special counsel for policy initiatives to North Carolina Attorney General Mike Easley. JB began his career in private practice.

While in law school, he served as research editor of the *North Carolina Law Review*.

## Experience

### ***JB's recent representations include:***

- Representing clients in advertising substantiation proceedings and investigations conducted by the FTC and state AGs.
- Advising a multi-level marketing company (MLM) in connection with an investigation by the FTC and a State AG alleging deceptive marketing practices and challenging other fundamental business activities.
- Developing a strategy on behalf of an MLM company that successfully addressed business and State AG concerns resulting from an activist hedge fund campaign.
- Representing one of the two leading daily fantasy sports companies in more than 10 State AG investigations in connection with consumer protection policies and safeguards.
- Served as lead counsel for Wells Fargo Bank in negotiating a resolution between the bank and all 50 State Attorneys General and the District of Columbia, ending their investigations into various consumer claims regarding retail sales practices, auto collateral protection insurance and Guaranteed Asset/Auto Protection, and mortgage interest rate lock matters.

### ***JB's experience in the North Carolina's AG office includes:***

- Supervised litigation and strategy involving North Carolina's innovative efforts to reduce cross-border transport of particulate matter by electric utilities through public nuisance actions in *Cooper v. Tennessee Valley Authority*, 593 F. Supp. 2d 812 (W.D. N.C. 2009) rev'd 615 F.3d 291(4th Cir.2010) and challenging federal regulatory schemes in *North Carolina v. Environmental Protection Agency*, 531 F.3d 896 (D.C. Cir. 2008) culminating in a regional settlement on emissions.
- Coordinated North Carolina Attorney General Roy Cooper's team reviewing the Duke Lacrosse criminal allegations.
- Focused on law enforcement, consumer protection, and environmental matters on behalf of the State of North Carolina in recent years.
- Led the National Association of Attorneys General Consumer Financial Protection Bureau (CFPB) working group leading to the development of a multistate understanding of AGs and CFPB regarding responsibilities and enforcement authority under Dodd-Frank, including the publication of Wall Street Reform and Consumer Protection Act Summary for Attorneys General.
- Participated on the negotiating committee for the state and federal \$25 billion settlement with the five largest mortgage servicing banks regarding mortgage fraud claims, resulting in national mortgage servicing standards enforceable by AGs.
- Served on the states' executive committee overseeing coordinated effort in diligent enforcement arbitration stemming from the Tobacco Master Settlement Agreement.

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