



Bernard Nash

Member

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Bernie has cultivated an unsurpassed understanding of the state attorneys general (AG) world over his 50-plus years of practice. He co-founded Cozen O'Connor's State Attorneys General Group, the leading practice in the United States devoted entirely to state AG-related work.

As state AGs' political, policy, regulatory, and enforcement powers have dramatically increased, Bernie has led the way in developing successful strategies for defending clients in AG investigations and litigations, resolving state AG disputes, and counselling clients on effectively navigating and managing AG scrutiny and oversight. He was the first to recognize the coming boom in AG authority, and is widely recognized as the godfather of the modern state AG legal practice.

Bernie represents some of the largest corporations in the world, including those among the Fortune 50, from across a wide range of industries, including financial services, telecommunications, technology, software, retail, energy, automotive, pharmaceuticals, and agriculture. Sophisticated clients come to him when their company's reputation, market position, and very existence are on the line. He frequently advises on large mergers with antitrust implications, and defends clients against single-state AG actions and large multistate actions when the stakes are win or go home.

Bernie's depth and breadth of experience gives him a unique ability to see all pieces of the state regulatory puzzle and guide his clients to clear and decisive action. This no-nonsense, reality-based perspective facilitates candid conversations through which Bernie helps clients identify achievable solutions and winning litigation strategies. Taken alongside Bernie's decades of professional interaction and engagement with AGs and their staffs, Bernie is well positioned to negotiate creatively with AGs to achieve the best possible outcomes for his clients, aligned with their strategic business goals.

Indeed, clients readily offer high praise. According to a client interview conducted by *Chambers USA*, "Bernie has the rare combination of immediate responsiveness as well as deep experience in his subject matter. His relationships and his analytical insights are equally impressive. For the right client, retaining Bernie Nash can be transformative to their business."

A former trial attorney and special counsel to the U.S. Securities and Exchange Commission and counsel to the U.S. Senate Subcommittee on Antitrust and Monopoly, Bernie was the architect of and driving force behind passage of the Hart-Scott-Rodino Antitrust Act of 1976 (referred to as "the Nash Act" by *The National Journal*), which remains the most important antitrust legislation since 1914. That high-level government experience continues to deeply inform his work for clients today.

Experience

Represented Intuit in the successful negotiation of a multi-state agreement with 50 state attorneys general and the District of Columbia, resolving an investigation related to the company's advertising practices for free tax preparation services.

Obtained an important judgment, on behalf of payments technology company CardX, LLC, that a long-standing Kansas law prohibiting credit card surcharges is unconstitutional as applied to the company's surcharging model. The court held that the statute violated CardX's First Amendment right to commercial speech by unjustifiably controlling how prices are communicated to consumers, and

Practice Areas

- State Attorneys General
- Government & Regulatory
- Antitrust & Competition

Education

- Brooklyn Law School, J.D., *cum laude*, 1966
- City College of New York, B.B.A., 1963

Bar Admissions

- Maryland
- New York
- District of Columbia

Awards & Honors

- Brooklyn Law School Lifetime Achievement Award, 2018
- Chambers & Partners USA 2007-2021; Band 1 in Government Relations: State Attorneys General
- Chambers & Partners USA 2022-2024; Senior Statesperson in Government Relations: State Attorneys General
- Chambers & Partners USA 2022 - 2023; Band 1 in Corporate Crime & Investigations Department: Highly Regarded
- Best Lawyers in America 2007-2025
- State AG Report named "Blog of the Year in Law" by the Burton Awards, 2017, 2021, 2022 and 2023
- Brooklyn Law School Alumnus of the Year, 2023

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rejected the Kansas Attorney General's argument that the statute furthers a substantial state interest by encouraging businesses to charge lower prices to customers who pay with cash.

Advising a major drug manufacturer on issues related to the importation of pharmaceuticals into the United States from Canada and the threat presented to the drug industry and consumers by international counterfeiters. We are working with State Attorneys General to represent our client's interests and address consumer protection concerns.

Secured AG antitrust clearances of multiple billion dollar mergers in a variety of industries.

Secured AG amicus support in landmark U.S. Supreme Court cases for Fortune 100 companies and associations.

Successfully represented a multinational financial institution in a multistate AG investigation of the alleged manipulation of LIBOR.

Successfully represented a major financial institution in negotiating a settlement of a 50-state multistate investigation of its mortgage-related practices.

Successfully represented multiple credit card companies in AG consumer protection investigations and litigation.

Successfully represented a major tax and financial software company in multiple AG investigations of data breaches, account takeovers, privacy and consumer protection issues.

Successfully represented a Fortune 100 insurance and financial services company regarding AG issues involving consumer protection, unclaimed property and other matters.

Successfully represented a Fortune 100 telecommunications company in a settlement with 50 AGs, FTC, and FCC to resolve an industry-wide investigation into third-party billing practices.

Represented a Fortune 100 telecommunications company to secure the support of 16 AGs to oppose the FCC's data privacy rule.

Developed "franchise reform" strategies and initiatives to facilitate a Fortune 100 telecommunication company's entry into the video services market.

Advised a Fortune 100 pharmaceutical company on the legal, media, and political ramifications of multiple data breach incidents and managed communications on these breaches with AGs.

Successfully represented a Fortune 100 pharmaceutical company to avoid AG antitrust investigations and lawsuits regarding foreign drug importations.

Successfully represented a Fortune 100 company in landmark lead paint public nuisance litigation.

Successfully represented a major nutritional supplement company in a multistate AG investigation with respect to its marketing practices.

Successfully represented a Fortune 100 company in multiple pricing investigations and litigation by AGs.

Serving as national AG counsel for a global financial services company in various consumer protection, privacy and antitrust investigations and litigation.

Representing a Fortune 100 financial institution in a multistate AG investigation of its sales practices.

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Representing a national business legal reform advocacy organization before State AGs.

Representing major automobile manufacturers in numerous AG consumer protection investigations and enforcement actions.

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