

## People

By Dwight A. Weingarten

(June 24, 2025) – **Longtime FTC attorney leaves agency for DLA Piper**

It's not every day a civil servant departs an agency and draws a comparison from a onetime colleague to former NFL MVP Earl Campbell, but that's exactly what happened for attorney Michael Atleson.

Lesley Fair, a former senior attorney with the Federal Trade Commission's Bureau of Consumer Protection, referenced former Houston Oilers coach Bum Phillips remarks about the running back Campbell when asked about Atleson, who left the agency this month after nearly 20 years.

"He may not be in a class by himself," she wrote in a June 11 email to *FTCWatch*, "but it wouldn't take long to call the roll."

What makes the decades-old line from the coach of a team that no longer exists even more extraordinary is the way it was used to describe the seemingly future-oriented skillset of Atleson, who became of counsel to DLA Piper on June 9.

"His most notable characteristic right now is that he really understands [artificial intelligence]," said Fair, now a professorial lecturer in law at George Washington University. "He can communicate the legal issues in language everyone can understand. That's a rare skill set."

A sports reference in the writing from Fair, who ran the agency's business blog program for years, was par for the course for the former attorneys in the Bureau of Consumer Protection.

Atleson garnered national attention last year for his article on AI, which began of all things with a baseball reference to Mark "The Bird" Fidrych, a Detroit Tigers pitcher from the 1970s.

"The way that [Fair] wrote business blog posts with such references and humor and puns, and things like that really gave me the permission structure to write the blog posts on AI that I did in the style that I wrote them," said Atleson, who won an Aspen Institute award while at the agency in 2023 for his writing on generative artificial intelligence.

During a June 18 interview with *FTCWatch*, Atleson outlined the arc of his career so far, including periods around the turn of the century in the Consumer Protection Division of the Massachusetts Attorney General's Office and the Maine Office of Securities, which he called the "state version of the Securities and Exchange Commission." He started at the FTC in 2006.

Arriving at the agency as a staff attorney in the Division of Privacy and Identity Protection after moving to the DC-area from Southern Maine, Atleson said his FTC tenure included stints as assistant director for regional operations, counsel to the director of the Bureau of Consumer Protection, and a few stretches as acting chief of staff for the bureau.

"I also worked for a little over a year as one of the managers of [the] Division of Consumer and Business Education," Atleson said. His most recent role at the agency was as a senior staff attorney in the Division of Advertising Practices.

"He brings a wealth of experience from his tenure at the FTC," said Danny Tobey, chair of DLA Piper's AI and Data Analytics Practice, in an article posted on the firm's website.

It wasn't just business blog posts that Atleson wrote while at the agency. He authored reports to Congress, including an 82-page report called "Combatting Online Harms through Innovation," released in June 2022. He said that work, researched and written before the opening of the FTC's Office of Technology in 2023, prepared him well for the online world that lay ahead.

"By the time I was finished with that report," he said, "I had become pretty obsessed with AI, especially its consumer protection implications, and that was all just before the explosion of generative AI products."

(ChatGPT, for example, released publicly in November 2022.)

"So, I was fairly well situated to start addressing [generative AI products] when they hit the market," Atleson said.

When asked if a disclosure of the use of generative AI is necessary for advertisements, Atleson gave an answer that reflected his experience.

"What I believe the FTC would normally say is: 'It depends,'" he said. "It depends on whether the use of the AI in that ad would be material to a consumer's decision to buy it or take some other consequential action."

While the answer may seem like an equivocation from a former agency employee, Atleson followed up with the example of an ad for a pair of shoes. If the background for the shoe ad was created by generative AI, he indicated that alone wouldn't get a company into trouble with a consumer protection regulator like the FTC. However, he said, if the shoes depicted aren't the ones that are being bought, that could get a company "into trouble."

Such reasoning is not born of theory alone but based on experience. Atleson said he was the lead counsel on a complaint brought against Evolv Technology, which provides weapons screening at schools and stadiums, about misleading AI claims (See *FTCWatch*, Dec. 17, 2024).

"There's no substitute for the thoughtful and measured approach to complicated issues that Mike demonstrated in his 25 years in state and federal law enforcement," Fair said.

Atleson said his new firm's multidisciplinary team of attorneys as well as data scientists was "important for me." He called the creation of the FTC's Office of Technology "one of the best things that happened internally at the agency, and I loved working with the technologists there."

"That kind of team approach," said Atleson, in words that may make an old football coach like Phillips happy, "is just essential these days."

### References:

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