**ARTICLES FOR 04-09-15 ROUNDUP**

**Attorney General Hails U.S. Supreme Court Decision in Idaho Medicaid Lawsuit**

(Boise) – Idaho Attorney General Lawrence Wasden is praising an important legal victory handed down today by the U.S. Supreme Court in a 2009 lawsuit over Medicaid reimbursement rates paid to care providers.

The nation’s highest court reversed a decision reached last year by the 9th U.S. Circuit Court of Appeals in a lawsuit between the Idaho Department of Health and Welfare and five Medicaid care providers. Wasden argued the case on behalf of Richard Armstrong, director of the Idaho Department of Health and Welfare, and Lisa Hettinger, the administrator of Idaho Medicaid.

In his U.S. Supreme Court appeal, Wasden argued that lower courts erred in concluding that providers could sue the state to force higher Medicaid reimbursement rates. During oral arguments before the Court in January, Wasden said the lower court decisions created an environment that incorrectly allowed private parties to interfere in the state and federal administration of Medicaid and the Legislature’s choices for that program.

In a 5-4 decision written by Justice Antonin Scalia, the U.S. Supreme Court agreed. The majority rejected the argument made by the providers that the Supremacy Clause in the U.S. Constitution creates the ability to sue states in an effort to force higher Medicaid rates.

“I am pleased with the Supreme Court’s review and having had the opportunity to present Idaho’s case there,” Wasden said. “The State of Idaho has argued consistently that the Supremacy Clause does not create a private cause of action under the law for the providers to seek higher rates than those set by the Legislature.”

Armstrong said the decision allows the Medicaid program to continue focusing on providing quality, accessible services at an economical cost to taxpayers.

“We try to be fair with our reimbursement rates, which in this case is supported by the fact there were no quality of care or access issues at the rates Medicaid was paying,” Armstrong said.

This case – Armstrong v. Exceptional Child Center, Inc., – began in 2009 when the providers filed a federal lawsuit alleging Health and Welfare erred in keeping Medicaid reimbursement rates at 2006 levels, especially as studies showed the costs of providing services across the state were increasing.

In 2011, U.S. District Judge B. Lynn Winmill sided with the providers and ordered the state to increase rates. The state responded, raising rates to the providers at a cost of $12 million in fiscal 2013.

Three years later, the 9th U.S. Circuit Court upheld Winmill’s ruling, also concluding that precedent and the Supremacy Clause in the U.S. Constitution gives private parties – in this case the five providers – the right to enforce Medicaid funding conditions against the state.

Wasden, whose legal case was supported by 28 other states and the U.S. Solicitor General, countered that those lower court decisions infringed on the cooperative balance that exists in the state/federal management of Medicaid and imposed significant financial consequences on states across the country.

“More than anything, this decision reflects my office’s commitment to the Rule of Law,” Wasden said. “It also underscores the competence my attorneys have in defending the state, whether it’s the most routine hearing in a state court to complex litigation in the highest court in the land.

“I hope this decision will reinforce the confidence the citizens and the Idaho Legislature have in my office’s ability to provide the state with the most accurate and objective legal representation possible,” Wasden said.

Scalia was joined in his opinion by Chief Justice John Roberts and Justices Clarence Thomas, Stephen Breyer and Samuel Alito.

**New Mexico pushes claims of poor care at nursing home chain**

By SUSAN MONTOYA BRYAN, Associated Press

Updated 11:16 am, Thursday, April 2, 2015

ALBUQUERQUE, N.M. (AP) — After months of review, New Mexico's top prosecutor is following through with a lawsuit against one of the nation's largest nursing home chains over claims of inadequate care.

The state initially sued in December, alleging that the business' thin staffing made it impossible to provide good care. The suit targeted several nursing homes run by Preferred Care Partners Management Group, a privately held company with operations in at least 10 states: Nevada, Arizona, Colorado, Florida, Iowa, Kansas, Oklahoma, Louisiana, Mississippi and Texas.

The lawsuit used a novel approach to outline its claims, relying on the number of hours it takes to complete basic tasks, from helping residents to the bathroom to feeding and bathing them. With too few nursing assistants, New Mexico alleged residents were not getting the care they needed and the state and federal government were being improperly billed.

Preferred Care Management Partners has argued that New Mexico is targeting practices at facilities that occurred before the company bought them.

The case was highlighted in a New York Times story that detailed the practice of private law firms seeking contracts with state attorneys general to sue companies in the hopes of sharing any money won by the states.

One of those private firms in 2012 approached then-New Mexico Attorney General Gary King to take on the case. The current attorney general, Hector Balderas, initiated a lengthy review after taking over in January.

He told The Associated Press in an interview that it was important for his office to review the merits of the case to ensure it was in the best interest of New Mexicans.

After hearing numerous accounts from residents' families and former nursing home employees, Balderas said he felt compelled to act.

"We're dealing with trying to bring about reforms for one of the most abused and neglected populations in our society as well as systemic accountability in what is already a very abused taxpayer health care system," he said.

Balderas' office filed a revised complaint late Wednesday that included the stories of more nursing home residents and former employees.

An attorney for Preferred Care said Thursday that the company was reviewing the new claims.

Among the accusations, nurses frequently found residents in soiled diapers and beds soaked with urine because the previous shifts couldn't complete their rounds. Residents were left on toilets or bed pans for long periods of time, and one facility had several falls a day because residents' calls for help went unanswered.

In one case, a resident's care plan called for him to be fed pureed food. He choked to death after eating a hamburger with no supervision, according to the lawsuit.

"These tell-tale signs confirm that the defendants did not provide the basic care that was required and paid for and highlight the very human toll of understaffing," the lawsuit states. "Defendants' staffing practices saved them the cost of labor, but cost residents their dignity and comfort and jeopardized their safety."

The complaint states that since 2008, the nursing homes generated more than $236 million in revenue. The state and federal government paid for nearly 80 percent of that care through Medicaid and Medicare.

To get that money, the nursing homes promised to comply with federal and state regulations.

New Mexico's lawsuit relies on an industrial simulation of how long it takes to complete basic care tasks. By calculating the total minutes required to properly care for residents and comparing them with the actual number of hours worked, the state found deficiencies of as much as 50 percent in the total hours worked by nursing assistants.

If the state were to win its case, Balderas said he's optimistic about nursing home reforms.

"The first step in change is holding those accountable," he said, "and I think this litigation will bring out not only the failures, but I'm optimistic it will identify solutions."

**Oregon Department of Justice Asks Legislature to Fund Oregon’s First Statewide Elder Abuse Prosecutor**

March 30, 2015

Article Content

Ten organizations wrote letters or testified today before the Subcommittee on Public Safety of the Oregon legislature’s Committee on Ways and Means in support of funding for Oregon’s first statewide Elder Abuse Resource Prosecutor. The position would be housed within the Oregon Department of Justice’s Criminal Division, and would increase Oregon’s capacity to stop elder financial and physical abuse by providing training, technical assistance and legal expertise to district attorneys, law enforcement and others who work with seniors. If funded, Oregon would be the second state in the country with a statewide prosecutor devoted to elder abuse.

“Oregon has specific laws that criminalize the abuse, neglect and exploitation of older adults. However, these cases can be difficult to prosecute. Many involve the victimization of older adults by family members or others with whom they have an ongoing relationship. Victims may also be slow to recognize and report abuse, and reluctant to cooperate with criminal justice professionals,” said Attorney General Rosenblum.

Elders in Action, the Office of the Long-term Care Ombudsman, AARP, Legal Aid Services of Oregon, the Oregon State Bar, Alzheimer’s Association, the Oregon Department of Veteran Affairs, the Governor’s Commission on Senior Services, Campaign for Oregon’s Seniors & People with Disabilities, and the Residential Facilities Advisory Committee all voiced their support for the new position.

Every year, it is estimated that 2.1 million older Americans are the victims of elder abuse, neglect, or exploitation. In Oregon, nearly 30,000 reports of potential abuse were made in 2013. To combat this growing epidemic, the new statewide prosecutor will assist local district attorneys in the prosecution of complex cases; develop training materials, best-practice policies and other publications to improve the identification, investigation and prosecution of elder abuse, including financial exploitation.

“DOJ’s proposed Elder Abuse Resource Prosecutor would be an essential addition to resources aimed at preventing the victimization of older veterans and citizens by perpetrators with whom they have an ongoing and trusting relationship,” wrote Cameron Smith, Director of the Oregon Department of Veterans’ Affairs, in a letter to the committee. “The position is well aimed to creatively coordinate and leverage partners to positively increase awareness, training, prevention, detection and prosecution of elder abuse.”

Currently, the Oregon Department of Justice includes two other statewide resource prosecutors for Domestic Violence and DUII. The creation of the Elder Abuse Prosecutor would make three full-time special prosecutors within the Oregon Department of Justice to assist in complex cases statewide. The Oregon Department of Justice also requested funding for two additional full-time investigators to assist the new Elder Abuse Prosecutor.

“This model has served the state well in Domestic Violence and DUII. Adding Elder Abuse will fill an urgent need, especially given the complexity of these types of cases,” Attorney General Rosenblum added.

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**Western governors tout sage grouse conservation efforts**

By KEITH RIDLER

BOISE, Idaho (AP) — A group of Western-state governors has released a report on voluntary efforts in 11 states to conserve the habitat of sage grouse as part of an effort to avoid a federal listing of the bird under the federal Endangered Species Act.

The 32-page "2014 Sage-Grouse Inventory" released Thursday by the Western Governors' Association identifies conservation work during the year and is accompanied by a 101-page appendix listing efforts since 2011.

"The states have certainly done all that has been asked of them and all that can be done to prove to the federal government that a listing is unnecessary," said Idaho Gov. C.L. "Butch" Otter, who has proposed ideas for protecting habitat that have been incorporated by federal planners.

The U.S. Fish and Wildlife Service has a Sept. 30 deadline to decide whether to propose the greater sage grouse as needing protections that could limit ranching as well as oil and gas drilling in the West. The Western Governors' Association said a listing will reduce voluntary conservation work and harm states' economies.

The chicken-sized bird once numbered in the millions, but current estimates put the population between 200,000 and 500,000. Experts blame loss of habitat. They attribute that loss to development and, in the last decade, massive wildfires blamed on a warming climate and invasive species, namely fire-prone cheatgrass that has transformed large areas into monocultures unsuitable for sage grouse.

"It's a good report," said John Freemuth, a Boise State University professor and public lands expert who analyzed the documents. "What they're trying to do is show — primarily Fish and Wildlife — that all these efforts are being done to protect sage grouse habitat."

Some highlights in the report include Montana Gov. Steve Bullock's executive order creating a statewide greater sage-grouse habitat conservation program and requiring compliance by state agencies. In Nevada, the report said, the state's Sagebrush Ecosystem Council adopted a plan in 2014 building on the recommendations made by the state's Greater Sage-Grouse Advisory Committee.

The report noted that the Colorado Cattleman's Agricultural Land Trust holds conservation easements on more than 45,000 acres of sage grouse habitat. In November, though, Fish and Wildlife listed another type of sage grouse, the Gunnison, in Colorado as threatened. The state responded by suing Fish and Wildlife.

Federal officials are also trying to avoid a listing. Interior Secretary Sally Jewell in January issued an order seeking a science-based approach to find a way to stop wildfire and other threats to protect sage grouse habitat.

The first part of the plan released in March calls for prioritizing and protecting sage-grouse habitat most at risk by using veteran crews, rural fire departments and fire protection associations made up of ranchers who can respond quickly.

The association's report said various agencies have also been working with private citizens to protect habitat through easements. Though too recent to be in the report, Jewell last week visited central Oregon to celebrate agreements with ranchers intended to protect sage grouse habitat.

Travis Bruner of the Idaho-based Western Watersheds Project, a conservation group, said voluntary measures on private land fall short because they lack scientific monitoring. He also said that could cause federal authorities to do less on public lands that contain most of the sage grouse habitat. If Fish and Wildlife had to make a decision today, he said, sage grouse should be listed.

"We haven't seen any kind of stringent regulations implemented to protect their habitat," Bruner said.

Freemuth said the association's documents could be enough to persuade the federal agency to decline a listing. "The sense is that Fish and Wildlife — they don't want to list either — but they need to be given enough evidence that they feel comfortable with that," he said.

'2014 Sage-Grouse Inventory'

Western Governors today released the 2014 Sage-Grouse Inventory, highlighting the effective conservation work undertaken by public, private and non-governmental groups during the past year across the 11-state range of the greater sage-grouse.

The greater sage-grouse was listed as "warranted but precluded" under the Endangered Species Act (ESA) in 2010 by the U.S. Fish and Wildlife Service (FWS), which has said it will make a "warranted' or "not warranted" decision by Sept. 30, 2015.

Western Governors assert that the magnitude of voluntary conservation efforts across the region, if allowed to run their course, will provide the bird with the necessary habitat to live and thrive.

Gov. Hickenlooper

 "The Sage-Grouse Inventory highlights the fact that Western states are doing an enormous amount of work to preserve the greater sage-grouse, as well as the Gunnison sage-grouse here in Colorado," said Colorado Gov. John Hickenlooper, co-chair of the Sage Grouse Task Force.

"Conservation partnerships across the West are a key element of that work," said Gov. Hickenlooper. "Governors believe that a listing of the greater sage-grouse by the Fish and Wildlife Service would diminish the amount of conservation work undertaken and have a significant, negative economic impact across the West."

The fourth annual inventory produced by the Governors, through the Western Governors' Association, has expanded its focus from previous years. In addition to state and local government conservation initiatives, it includes reports from federal agencies, conservation districts, industry and nonprofits.

"The 2014 Sage-Grouse Inventory, a compendium of successful voluntary sage-grouse conservation initiatives, helps demonstrate that a listing of the bird as threatened or endangered under the ESA would be both unnecessary and counterproductive," said WGA Executive Director Jim Ogsbury.

The Governors also released the 2014 Sage Grouse Appendix, which collects all conservation initiatives reported by the states and counties between 2011 and 2014.

SAGE-GROUSE INVENTORY HIGHLIGHTS

 Highlights from the 2014 Sage-Grouse Inventory:

•Colorado, Idaho and Montana have collectively protected nearly 350,000 acres of greater sage-grouse habitat through purchase or conservation easements.

•Nevada Mining Association members have developed Habitat Conservation Plans on 1.2 million acres.

•Landowners working with the Natural Resources Conservation Service's Sage Grouse Initiative have reclaimed over 400,000 acres of sage-grouse habitat through conifer removal.

**Federal District Court Upholds Rails-to-Trails Designation**

PIERRE – Attorney General Marty Jackley announced today the United States District Court has granted the State of South Dakota’s motion to dismiss in Trevarton et al. and Miller et al. v. State of South Dakota and the South Dakota Game, Fish and Parks. The decision preserves sections of the Mickelson Trail located in Fall River County.

“Many volunteers and state workers have dedicated considerable resources and care in improving and maintaining the Mickelson Trail to provide miles of enjoyment for South Dakotans and our guests. This decision strikes an important balance in preserving our South Dakota treasure and respecting private property interests,” said Jackley.

 Filed in April of 2014, Plaintiffs’ Complaint sought a court declaration that portions of the Mickelson Trail located in Fall River County, originally owned by the Grand Island Railroad, had passed to private ownership. The State of South Dakota filed a motion to dismiss arguing that the railroad corridor was not abandoned as determined by federal law but was instead subject to a “interim trail use / rail banking” agreement entered into in 1989 which allowed the railroad right-of-way to be used as a recreational trail managed by the State of South Dakota and the South Dakota Game, Fish and Parks.

The Court agreed thereby confirming the State’s right to use and manage the Mickelson Trail for recreational purposes.

In 2010, the Mickelson Trail was one of twenty-five trails selected from more than 1,600 trails to be granted admittance to the Rails-to-Trails Hall of Fame.

**San Juan commissioner not protected by First Amendment in ATV protest ride in protected canyon, judge says**

 By BRIAN MAFFLY | The Salt Lake Tribune

A federal judge on Wednesday rejected San Juan County Commissioner Phil Lyman's claim that the First Amendment shields him from conspiracy charges stemming from his role in organizing a motorized group ride into southeastern Utah's Recapture Canyon last year.

"Speech is not protected if it is the vehicle of the crime itself," said U.S. District Court Judge Robert Shelby after a two-hour hearing in his Salt Lake City courtroom.

Four Utah men are to be tried April 28 in the alleged conspiracy. The charges carry up to a year in jail and $100,000 in fines.

Shelby also rejected Lyman's argument that the U.S. Bureau of Land Management illegally blocked motorized access to the scenic canyon east of Blanding. Under that logic, the canyon would have been open on May 10, the day Lyman led 50 motorized protesters, including armed anti-federal militia members, through the canyon.

In 2007, the agency closed the canyon, once inhabited by Anasazi communities, following the discovery that unauthorized trail construction had damaged archaeological sites.

In separate motions, Lyman and two of his co-defendants, blogger Monte Wells and Shane Marian, sought to dismiss misdemeanor charges arising from the May 10 event, while Franklin Holliday did not participate.

Lyman's attorney Jared Stubbs argued federal prosecutors failed to adequately outline the alleged conspiracy, which entailed extensive media coverage promoting the illegal ride.

But Shelby found the basis of charges to be plainly obvious.

"The allegation is the four of you conspired to illegally ride in the canyon and then you went and did it," he said.

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**California takes sweeping steps to conserve water in drought**

By FENIT NIRAPPIL and GILLIAN FLACCUS

Associated Press

TUSTIN, Calif. (AP) -- Gary Whitlock watched water run to a sidewalk as gardeners hosed down a bed of marigolds outside an Orange County office building and questioned whether California's latest attempt to curb water use would be any more successful than previous efforts in the drought-stricken state.

"You see people that just run water all the time, people that are watering their lawns, parks that are not using recycled water," Whitlock said. "This has been going on for years, and everybody that I talk to says, `Oh, well, you know, it's going to rain, El Nino's coming."

Whitlock's observation came after Gov. Jerry Brown ordered sweeping, unprecedented measures on Wednesday to save water in California as he stood in a brown meadow that's normally blanketed in snow.

Surveyors that day found the lowest water level in the Sierra Nevada snowpack in 65 years of record-keeping, signaling the fourth consecutive year of vanishing snow that California depends on to melt into rivers and replenish reservoirs.

"We're in a new era; the idea of your nice little green grass getting water every day, that's going to be a thing of the past," Brown said.

The governor's order requires cities and towns to cut water use by 25 percent. So far in the current drought, many Californians have not made changes to their daily routines to save water or taken a hit in their wallets because of it.

Early last year, Brown called for a 20 percent voluntary cutback, but the state achieved just half of that.

In recent years, cities have developed storage capacity and supplies to soften the blow of future dry years - a move that has insulated residents from the severity of the current drought.

In 1977, Brown asked for a voluntary 25 percent cut in water use during his first term as governor.

Nearly 40 years later, he warns that drought might be the new normal as he ramps up efforts to adapt. His executive order on Wednesday directed officials to impose statewide mandatory water restrictions and expand programs intended to reshape how Californians use water.

Cemeteries, golf courses and business headquarters must significantly cut back on watering the large landscapes. Local governments will tear out 50 million square feet of lawns and instead use drought-tolerant plants. And customers will get money for replacing old water-sucking appliances with efficient ones under a temporary rebate program.

The initiatives are part of the goal to reduce water use by 25 percent compared to levels in 2013 - the year before Brown declared a drought emergency.

The order also directs local agencies to charge extra for high water use.

Water officials vowed to crack down on waste and illegal water diversion, acknowledging there has been spotty enforcement of existing rules limiting outdoor water use.

The order also prohibits new homes and developments from using drinkable water for irrigation if the structures lack water-efficient drip systems. In addition, the watering of decorative grasses on public street medians is banned.

"We have to pull together and save water in every way we can," Brown said.

Critics of the Democratic governor said his order does not go far enough to address agriculture - the biggest water user in California.

The order contains no water reduction target for farmers. Instead, it requires many agricultural water suppliers to submit detailed drought management plans that include how much water they have and what they're doing to scale back.

After a drought in the previous decade, state officials acknowledged that some suppliers did not submit similar required plans. Mark Cowin, director of the Department of Water Resources, said the state will provide money to make sure the plans are written and might penalize those who do not comply.

The state is not aiming to go after water-guzzling crops such as almonds and rice the same way Brown has condemned lawns.

Dave Kranz, a spokesman for the California Farm Bureau Federation, said farmers have already suffered deep cutbacks in water supply during the current drought. Farmers have let hundreds of thousands of acres go fallow and laid off thousands of workers as the state and federal government slashed water deliveries from reservoirs.

Officials said Wednesday the statewide snowpack is equivalent to 5 percent of the historical average for April 1 and the lowest for that date since the state began record-keeping in 1950.

"It is such an unprecedented lack of snow, it is way, way below records," said Frank Gehrke, chief of snow surveys for the California Department of Water Resources.

Associated Press writer Juliet Williams in Sacramento, California, and Ellen Knickmeyer in San Francisco and contributed to this report.

**AG sues firm over illegal student loan practices**

Scores of Washington consumers affected by fees of $132,000

SEATTLE — Attorney General Bob Ferguson today announced action against a student loan debt adjusting firm that exploited borrowers for financial gain.

Ferguson filed a lawsuit Monday charging StudentLoanProcessing.US (SLP) and its president James Krause with violating Washington’s Debt Adjusting Act and Consumer Protection Act, including charging illegal fees for debt adjusting and failing to inform customers of important rights as is legally required. The same services SLP offers are available — for free — through the U.S. Dept. of Education (DOE).

“My office will aggressively crack down on those who prey on student loan borrowers — many of whom are already overburdened — for profit,” Ferguson said. “This firm charged exorbitant and illegal fees for services that student loan borrowers can obtain for free.”

Many student loan debt adjustment firms have sprung up as a result of the $1.2 trillion debt burden carried by nearly 40 million American borrowers. Most offer to help students fill out and submit paperwork to DOE to consolidate their federal student loans.

Since July 2011, SLP has marketed and advertised for-cost services to assist student loan borrowers applying for DOE federal student loan repayment programs, including the Income-Based Repayment Program, and Direct Consolidation Loans.

SLP charged each consumer an upfront enrollment fee of $250, or one percent of their outstanding loan balance, whichever was greater. A vast majority of consumers paid more than the $250 enrollment fee, even as high as $2,000. Washington’s Debt Adjustment Act places a strict limit of $25 on initial fees, meaning even SLP’s minimum fee was ten times the legal limit, the Attorney General’s Office alleges.

The Debt Adjustment Act also dictate’s that a debt adjuster’s fee may not exceed 15 percent of each payment, which SLP’s monthly fee of $39 did for most Washington consumers.

The AGO also alleges SLP failed to include language in its contracts informing consumers of their three-day “right to cancel” period, a further violation of the Debt Adjustment Act.

Violations of the Debt Adjustment Act are automatic violations of the Consumer Protection Act.

A total of 88 Washington consumers, with an average student loan debt of approximately $58,000, used SLP’s services. SLP has received roughly $132,000 in fees from these consumers.

The AGO is seeking:

•To void all SLP contracts with Washington consumers;

•Restitution for consumers for all fees paid to SLP;

•An injunction against SLP prohibiting future violations of the Debt Adjustment Act and Consumer Protection Act;

•Payment of $2,000 for each violation of the Consumer Protection Act; and

•Attorney’s costs and fees.

The complaint can be found here.

Assistant Attorneys General John Nelson and Ben Roesch are leads on this case.

.- See more at: <http://www.atg.wa.gov/news/news-releases/ag-sues-firm-over-illegal-student-loan-practices#sthash.LKNUAfO1.dpuf>

# [Catherine Masto, Ex-Attorney General in Nevada, Announces Bid to Succeed Harry Reid](http://www.nytimes.com/politics/first-draft/2015/04/08/catherine-masto-ex-attorney-general-in-nevada-announces-bid-to-succeed-harry-reid/)

The race to succeed Senator Harry Reid in Nevada has its first candidate.

Catherine Cortez Masto, a Democrat and former attorney general in Nevada,[announced Wednesday](http://linkis.com/nvrdc.wordpress.com/aQ9Zg)that she was running for the seat of [Mr. Reid](http://www.nytimes.com/2015/03/28/us/politics/senator-harry-reid-retire.html), who is retiring next year.

“I’m running for the Senate to continue my work standing up for Nevada seniors, consumers, homeowners, women and children,” Ms. Masto said, asking for donations to help combat an expected flood of outside money and attacks.

Ms. Masto, 51, is [“>Mr. Reid’s preferred successor](http://www.nytimes.com/2015/04/03/us/harry-reid-hopes-to-ensure-democrats-success-as-tenure-winds-down.html) and would be the first Latina elected to the Senate. She was elected attorney general in 2006 and served two terms, but was barred from running again by term limits.

The Republican field remains less clear, with Michael Roberson, a State Senate majority leader, expected to be in the mix.

The Democratic Senatorial Campaign Committee endorsed Ms. Mastro on Wednesday, calling her “the strongest candidate to keep this Senate seat in Democratic hands and continue Harry Reid’s legacy of fighting for Nevada’s best interests.”

[**For her next act, Martha Coakley gets comfortable on camera**](http://www.bostonglobe.com/metro/2015/04/03/for-her-next-act-martha-coakley-gets-comfortable-camera/FNBB2fGo1mNLY3e1UssSrJ/story.html)

CAMBRIDGE — With a small notebook in hand, Martha Coakley walked to the courtyard outside of Harvard University's John F. Kennedy School of Government to a waiting television crew.

As the cameras rolled on Tuesday afternoon, the former attorney-general-turned-television-commentator homed in on key moments in the two high-profile cases she has been monitoring: the Boston Marathon bombing trial and the murder trial of former New England Patriots player Aaron Hernandez.

This was not the spotlight she had planned for — or wanted.

Last year, Coakley came within 41,000 votes of being governor of Massachusetts, losing her second statewide election in five years, but she’s not hiding from the spotlight. To the contrary, she can be found all over campus this spring as a fellow with the Institute of Politics, and periodically stepping in front of a television camera for WCVB-TV.

“You can run and lose and not fall off the planet,” Coakley said recently in an interview from her Harvard office. “In fact, you can work for the planet.”

Coakley doesn’t avoid talking about her losses in the 2010 US Senate race and last year’s governor’s race, referring to both in conversations and interviews. At a round table about health care at Harvard on Tuesday, she explained she thought Massachusetts’ health care law would help buoy her Senate run since it had served as the model for the federal overhaul. What she didn’t anticipate, she said, was such a backlash to the national law.

“I’d rather bring it up so people don’t feel they have to tiptoe around it or think that I’m sensitive about it, because I’m not,” she said of her losses. “I just prefer to face it head on.”

And while she’s not sure what the next act of her life will include, Coakley, 61, said these two short-term positions — the Harvard fellowship and as legal analyst for WCVB — provide the necessary respite and inspiration to figure it out.

Coakley, once the state’s top prosecutor, says her new role analyzing the case of admitted Boston Marathon bomber Dzhokhar Tsarnaev is not as odd as some might think. She’s prosecuted cases before cameras, scrutinized others’ trial work, and made more than a few television appearances on the stump.

She views the role not so much as providing color commentary on the case — something she said annoys her about how media covers court cases — but exploring the legal strategies of both sides.

“I hope to help people understand what may not seem quite so clear to them,” she said. “Why did the judge do this? Why did the prosecution say this? And not just a play-by-play of ‘they said this today and they said that today.’ ”

The station approached Coakley as she was still working full time to ensure that her successor at the attorney general’s office, Maura Healey, had a smooth transition. WCVB’s longtime legal analyst, David Frank, was appointed to be a judge in Concord District Court, and the station was looking for a replacement.

“It made a lot of sense,” Andrew Vrees, WCVB’s news director, wrote in an e-mail. Still, he said, “Given her credentials and the fact she just wrapped up a run for governor, I thought it was a long shot.”

E-mails were exchanged. Phone calls made. A lunch date had.

Eventually, the deal was done.

Coakley said her goal is to be as objective as possible, as the final decision about Tsarnaev’s guilt or innocence — and ultimately whether he should be put to death — rests in the hands of a jury of 12. She will continue to appear during key moments in both cases: opening and closing statements, key witnesses and evidence, and verdicts.

The jury — and the public — has listened to gripping testimony from bombing survivors and forensic experts in the case that began four weeks ago with the startling admission from Tsarnaev’s defense attorney that “It was him.”

Tsarnaev faces 30 charges — 17 of which carry the possibility of the death penalty — for carrying out, along with his late older brother, Tamerlan, the April 15, 2013, Marathon bombings, the murder of an MIT police officer, and a shootout in Watertown that nearly killed a Transit Police officer.

“The defense’s goal during this phase has always been to mitigate the damage to their client in terms of what he did,” Coakley said into the camera Tuesday afternoon. “They’re really going to be front and center now in the penalty phase. Their real work is going to start in the next phase.”

It was hours after the defense rested its case, and a WCVB reporter started asking her questions about what happens next. It was an eight-minute conversation, including a few questions on the Hernandez trial, that would eventually be truncated into sound bites.

Her television schedule can be unpredictable, and she’s taped segments everywhere from a campus library to a spot in front of her house. She’s parsed the opening statements of both the prosecution and the defense in the Tsarnaev case.

She’s appeared on camera live at least twice. During the noon news last month, she stood in the cold in front of the federal courthouse in a red coat, and later that day from the studio, where she did her best to answer the question: Where does the defense go after admitting Tsarnaev’s guilt?

This won’t become a full-time job, she said. Her fellowship at Harvard, where her focus has been on creating change in courts, legislation, and grass-roots politics, lasts three months. Working with students, though, has helped give her new vigor as she figures out what’s next, she said.

Her friend and colleague at Harvard, Barbara Anthony, a former undersecretary of consumer affairs for the state who is a senior fellow at the Kennedy School of Government, is delighted by Coakley’s most recent chapter.

“The thing about her being here at the Kennedy School is she gets to share her perspective, her knowledge, her expertise, her credibility, in these sorts of informal settings,” Anthony said. “You can’t buy that.”

And while the future remains unclear, Coakley is certain about some things in her past: “I don’t miss some of the adversarialness of being in the public sector or campaigning.”