

State of Maryland

OFFICE OF THE ATTORNEY GENERAL

November 16, 1995

**REQUEST FOR PROPOSALS FOR PRIVATE
COUNSEL TO ASSIST IN REPRESENTING THE
STATE IN MAJOR LITIGATION**

In connection with an ongoing review of the possibility of the State of Maryland instituting litigation against cigarette manufacturers and related parties, the Attorney General of Maryland hereby requests proposals from law firms interested in and capable of assisting the state in such litigation. The State is seeking to determine the costs of such litigation and is interested in proposals under which a firm or firms would agree to be compensated on a contingent basis from any monies recovered by way of settlement or judgment.

Applicants should understand that the retention of counsel is intended to aid the Attorney General in representing the State in a potentially major matter. The Attorney General will be actively involved in all stages of this matter, including advising with respect to and, if so, against what parties; what claims to assert; and whether or on what basis to settle or proceed to trial.

The potential lawsuit would seek to recover public funds, principally Medicaid funds, expended to provide health care for Maryland citizens with tobacco-related illnesses, as well as other appropriate relief, including remedies for claims under the Consumer Protection Act.

Interested firms or consortiums of firms should submit the following information *on or before December 29, 1995* to J. Joseph Curran, Jr., Attorney General, 200 St. Paul Place-20th Floor, Baltimore, Maryland 21202.

1. A list of the lawyers who would be principally responsible for handling the matter and for each, a copy of his or her resume, a description of his or her practice areas, and a description (including a list of cases with appropriate citations) of any prior litigation experience relevant to his or her qualification for work on the contemplated lawsuit. A designation of proposed lead counsel and a representation of that person's availability to undertake the proposed litigation. A description of other staff (i.e., associates, paralegals, and support personnel) that the firm(s)

would devote to the matter. With this description, applicants should describe how they would propose to coordinate their activities with the Attorney General's Office, including expectations with respect to the numbers, types (i.e., lawyers and paralegals) of staff to be allocated by the Attorney General's Office.

2. Because the Attorney General seeks to encourage participation by "Minority Business Enterprises," as defined in Ann. Code of Maryland, State Fin. and Proc. Art., 14-301(e), respondents should make clear how, if at all, their team includes such participation. Here, this may be done at a law firm or by a joint venture with a predominantly minority staffed and owned firm.

3. A Statement concerning the firm's suitability for involvement in and prior experience with long-term, complex litigation, including the firm's ability to engage in protracted litigation on a contingent fee basis, the firm's technological resources, and any other specific attributes that indicate the firm would be capable, by itself or in conjunction with any other firms, to manage the contemplated litigation to successful conclusion. Prior involvement in major litigation against tobacco companies or entities of comparable size, sophistication, and financial resources should be described.

4. An outline of a litigation plan, with rough estimates of the amount of time projected for each stage of litigation.

5. A detailed fee and litigation expense proposal.

6. An identification and description of the types of matters, litigation and otherwise, in which the firm(s) is/are involved with or against the State of Maryland or any of its agencies and a concise statement of how the applicant would propose to resolve any conflicts of interest with the State. All cases involving Medicaid issues and/or the Maryland Department of Health and Mental Hygiene should be identified specifically.

7. Following a review of written submissions, applicants may be asked to make an oral presentation. For additional information, call (410) 576-6489, a voice mail number, and leave a message and your call will be returned.