

SUPPLEMENT TO REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Pursuant to O.C.G.A. § 45-15-4, the Attorney General of the State of Georgia is seeking assistance of outside private counsel to provide representation and serve as co-counsel to the Georgia Department of Law in an investigation and possible litigation involving the manufacture, marketing, sale, and distribution of prescription opioid products in the State of Georgia. The representation will include significant evaluative and investigative work. Litigation may include drafting pleadings, motions, briefs, and other papers to be filed in court; participating in discovery; and participating in pre-trial, trial and post-trial court appearances, both in Georgia and possibly other jurisdictions.

Selected outside counsel, if any, will be appointed as a Special Assistant Attorney General (“SAAG”) pursuant to O.C.G.A. § 45-15-4.

Qualified attorneys are invited to submit sealed proposals to the Office of the Attorney General on or before Friday, May 18, 2018 at 5:00 p.m., EST. Selection of an attorney to serve as a SAAG, if any, will occur as soon as practicable after that date, at which time proposals will be public records.

A proposal should identify the individual who will serve as the SAAG if selected and all attorneys who would work with the SAAG. Information should include educational and professional background, particular abilities and experience relevant to representation of the Georgia Department of Law for purposes of conducting the investigation and possible pursuit of litigation as described above. Proposals should identify the SAAG’s and firm’s experience with the pharmaceutical industry; state consumer protection laws, including the Georgia Fair Business Practices Act; Medicaid and false claims laws; damage and economic loss recovery; the firm’s trial and appellate experience; and the firm’s arrangements for large and complex litigation matters (including the adequacy of financial resources for such litigation). Proposals should disclose any prior or current representations of (1) any entity or official of the State of Georgia and (2) apparent or potential conflict(s) with your existing or former clients. The final selection of outside counsel, if any, is contingent upon the successful completion of a conflicts of interest analysis.

The Attorney General, directly or through his staff, shall at all times retain control of representation including any litigation and shall retain final decision-making authority over any proposed actions by the SAAG related to litigation. Decisions regarding settlement of any case shall be reserved exclusively to the Attorney General and shall not be delegated to the SAAG.

It is anticipated that compensation for services performed will be solely based on a contingency fee. Proposals should set forth specific information for a contingency fee arrangement. Parties submitting responses are encouraged to review the Administrative Order issued by the Attorney General dated October 16, 2017, which addresses contingency fee arrangements.

The Office of the Attorney General shall have the right to modify or cancel this RFP and to negotiate with specific attorneys responding to this RFP without any obligation to any party. Submission of a response to this RFP in no way forms a written contract.

Responses to this RFP should be directed by mail to: Anne S. Infinger, Deputy Attorney General, Consumer Protection Unit, 2 Martin Luther King, Jr. Drive, Suite 356, East Tower, Atlanta, Georgia 30334.

Responses To Inquiries Related To The Prescription Opioid Products RFP

May 15, 2018

Q: Can proposals be submitted electronically?

A: Yes. Proposals may be submitted electronically to Anne Infinger at ainfinger@law.ga.gov.

Q: Who bears upfront costs in connection with the possible litigation?

A: This case will be handled on a contingency fee basis. Your proposals should address how you plan to handle upfront costs.