

*In re* the Opioids Crisis  
AG Case No. L 18-6-1009

**DETERMINATION REGARDING PRIVATE ATTORNEY SERVICES**

**COMES NOW, PAMELA JO BONDI, ATTORNEY GENERAL, STATE OF**

**FLORIDA** and states:

1. Pursuant to section 20.11, Florida Statutes, I am the head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the Department). This determination is executed pursuant to the provisions of section 16.0155, Florida Statutes.

2. In this matter, the Department is pursuing claims, *inter alia*, for the restitution and/or recovery of the damages and costs incurred by the State of Florida (including its agencies) as a result of the opioid crisis. The Department has determined that it requires specialized private attorney services to allow it to most effectively pursue the State's claims. A team of five firms has been selected to serve as co-counsel to the Department.

3. I have reviewed this matter and determined that sufficient and appropriate legal and financial resources do not exist within the Department to pursue the necessary litigation. Any such litigation would involve several thousand hours of attorney and paralegal time along with millions of dollars in costs and expenses. The five firms also have special expertise in complex lawsuits and/or pharmaceutical matters.

4. I have reviewed this matter and determined that the retention of outside counsel is appropriate in light of the time and labor required, the novelty, complexity, and difficulty of the questions involved, and the level of skill to properly perform the attorney services. The team of five firms was selected after an extensive interview process designed to identify the law firm(s) best able to assist the Department in its efforts to obtain the maximum available recovery for the State's monetary claims. That effort will involve

several novel, complex, and difficult legal questions as well as a great deal of time and labor.

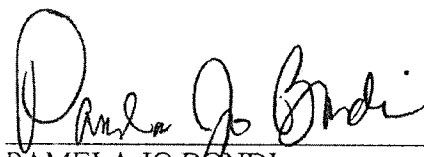
5. I have reviewed this matter and determined that the retention of outside counsel is appropriate in light of the geographic area where the attorney services are to be provided, both with respect to litigation in Florida courts, discovery that will likely take place in Florida and at other locations around the country, and continuing participation in settlement discussions also occurring at various locations around the United States. The five firms are prepared to provide legal services in Florida or in any other necessary forum.

6. I have reviewed this matter and determined that the retention of outside counsel is appropriate in light of the amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases. The five firms have extensive experience with the pursuit of similar monetary claims, including through representing other governmental or private clients in complex lawsuits and/or pharmaceutical matters.

7. I have reviewed this matter and determined that retaining outside counsel on a contingency fee rather than an hourly basis is more advantageous to the State because the law firms will bear the risk of any unsuccessful outcome and such an arrangement avoids the need for substantial, ongoing expenditures of public moneys. The five firms will first seek recovery of their fees, costs, and expenses from the parties legally responsible for the opioid crisis, before requesting any fee from the Department. If a contingency fee cannot be agreed upon, the fee will be determined by an arbitrator selected by the Department based on the factors set forth in Florida Bar Rule 4-1.5(b), but such a fee will never exceed 3.5% of the State's gross recovery on its monetary claims, well short of the limitations of section

16.0155(5), Florida Statutes. The five firms will also advance all costs and expenses, which will be substantial. If successful in litigation, most expenses are recoverable from the defendants.

8. In light of the contract provisions and other factors described above, I have determined that retaining outside counsel on a contingency fee basis for the State's claims is both cost-effective and in the public interest.

  
PAMELA JO BONDI  
ATTORNEY GENERAL

Dated: May 14, 2018