



REQUEST FOR QUALIFICATIONS FOR
SPECIAL COUNSEL FOR
E-CIGARETTE LITIGATION

Date Issued: September 12, 2019

Question & Answer Cut-off Date: September 19, 2019

Proposals Due: October 3, 2019

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1.0 PURPOSE AND INTENT

The Attorney General of New Jersey, through the Department of Law and Public Safety, Division of Law, serves as the legal representative and counsel for the departments, boards, offices, commissions, and other instrumentalities of State government, its officers, and employees. The Attorney General issues this Request for Qualifications intending to select Special Counsel for the Scope of Services as described in Section 3.0 below.

- 1.1 The Attorney General will designate one or more attorneys from the Division of Law and/or Office of the Attorney General in the Department of Law and Public Safety who will be the sole point(s) of contact for all matters pertaining to this engagement and who will oversee and coordinate the activities of Special Counsel.
- 1.2 The firm selected to serve as Special Counsel must comply with all local, State, and federal laws, rules, and regulations applicable to the engagement and to the services to be performed thereunder.
- 1.3 Compensation for a firm selected as Special Counsel shall be consistent with the provisions set forth in Section 8.0 below.
- 1.4 A firm selected to serve as Special Counsel must designate for each matter assigned pursuant to this Request for Qualifications one lawyer in that firm who will be the principal point of contact for that matter and who will be primarily responsible for handling the matter on behalf of the State. The firm may nonetheless, consistent with the requirements of the *Outside Counsel Guidelines*, available for review at <http://www.nj.gov/oag/law/pdf/rfqs/oag-dol-Outside->

Counsel-Guidelines.pdf, described in Section 5.0 below, utilize more than one lawyer from the firm to provide legal services in any one matter.

2.0 MINIMUM REQUIREMENTS

AT A MINIMUM, RESPONDING FIRMS MUST HAVE THE FOLLOWING QUALIFICATION:

Substantial experience in litigation pertaining to deceptive, fraudulent, or illegal marketing or sales practices impacting public health and safety, or similar consumer protection litigation.

IN ADDITION, AT A MINIMUM:

Each lawyer whom the firm proposes will be primarily responsible for matters assigned under this Request for Qualifications must have five or more years of experience in litigation pertaining to deceptive, fraudulent, or illegal marketing or sales practices or public health and safety impact litigation.

3.0 SCOPE OF SERVICES

3.1 The firm(s) selected as Special Counsel will be required to handle all aspects of providing representation to the Attorney General in his role as Chief Law Enforcement Officer, the Acting Director of the New Jersey Division of Consumer Affairs, the Commissioner of Health as the State official responsible for public health, or other State officials or agencies in litigation seeking the recovery of damages and other remedies for the illegal, deceptive, or fraudulent marketing and sale of e-cigarettes in the State of New Jersey, including but not limited to the marketing and sale of e-cigarettes to minors and as a safer alternative to tobacco products.

3.2 If legal action is approved by the Attorney General, the firm(s) may be retained to prepare, commence, and manage litigation on behalf of the Attorney General, the the New Jersey Division of Consumer Affairs, the Commissioner of Health or other State officials or agencies, under the supervision and control of the Attorney General. Preparation may include significant pre-filing evaluative and investigative work. Litigation will include: drafting pleadings, motions, briefs, and all other papers to be filed in court; conducting and responding to discovery; attending all pre-trial, trial and post-trial court appearances; conducting settlement negotiations; and handling appeals. Counsel will also be expected to handle all issues arising in the litigation, including all issues that must be raised in compliance with the entire controversy doctrine.

4.0 TERM

The term of the Special Counsel designation made pursuant to this Request for Qualifications will be from the notification that the firm has been designated and approved as Special Counsel for E-Cigarette Litigation until a new list of firms is designated and approved for the same practice area, and for a sufficient period to complete all matters for which the firm has been retained.

5.0 OUTSIDE COUNSEL GUIDELINES

Counsel designated as Special Counsel and retained on any specific matter shall comply with the *Outside Counsel Guidelines*. The *Outside Counsel Guidelines* may be updated from time to time. If your firm is designated as Special Counsel, by submitting a proposal, you agree that whenever your firm is retained, it shall abide by the *Outside*