

## Outside Counsel Complex Litigation and Labor RFQs

### Questions and Answers

Q: With regard to the RFQ for Special Counsel for Complex Litigation and Labor for the Department of Law, can you provide a representative sampling of the types of matters anticipated under each area? Are there specific divisions/departments within the Division of Law from which the matters would normally arise (would they involve litigation on behalf of other state departments (i.e., DEP) and Boards (i.e., Board of Medical Examiners, Board of Pharmacy, Nursing, Div. of ABC)? I would be pleased to discuss this inquiry by phone to provide clarity or to avoid a burdensome response.

A: The Complex Litigation RFQ covers State agencies and includes, but is not limited to, matters such as class actions, mass torts, antitrust and insurance coverage matters. The Labor RFQ also covers State agencies and includes, but is not limited to, collective bargaining negotiations with unions.

Q: Does the Special Counsel RFQ for Complex Litigation cover counsel for securities fraud litigation, or will a separate RFQ be issued for securities litigation counsel?

A: The Complex Litigation RFQ does not cover counsel for securities fraud litigation.

Q: Section 8.0 of the Complex Litigation Request for Qualifications states that the “State will negotiate rates for legal staff, including partners, associates, and paralegals at the time of retention.” Does the Request for Qualifications contemplate affirmative litigation with a contingent-fee arrangement?

A: The Complex Litigation RFQ does not cover affirmative litigation with a contingent-fee arrangement.