



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: March 26, 2019

**DATE:** Wednesday, March 20, 2019  
**TO:** Board of County Commissioners  
**FROM:** Christopher J. Hicks, District Attorney  
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**SUBJECT:** Recommendation to approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Washoe County agencies in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and to authorize the filing of actions against such entities. (All Commission Districts)

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### SUMMARY

An agreement to engage two Nevada law firms to work together to represent Washoe County in litigation against manufacturers, distributors and dispensers of opioid-based drugs and to authorize the filing of such actions.

**Washoe County Strategic Objective supported by this item:** Safe, Secure and Healthy Communities

### PREVIOUS ACTION

None.

### BACKGROUND

Washoe County District Attorney Chris Hicks is the attorney for Washoe County and its various agencies and officials and provides a variety of legal services and advice. Chapter 252 of NRS. Occasionally, a legal matter arises which exceeds either the expertise or resources of the District Attorney and Washoe County benefits from the engagement of outside counsel. Prior examples include complex bankruptcy matters, complying securities and tax laws in the issuance of bonds, and out-of-state legal matters. The widely-known problems with injuries and death from consumption of opioid-based drugs have caused a number of complex legal problems. District Attorney Hicks met

AGENDA ITEM # \_\_\_\_\_

with the principals of the Eglet Prince, LLP and Bradley, Drendel & Jeanney law firms to discuss representation of Washoe County in actions against manufacturers, distributors and dispensers of opioid-based drugs. The two firms have demonstrated experience in highly complex litigations against companies with lots of resources. The firms are also currently representing other Nevada entities in litigation over opioids. Mr. Hicks believes that in this matter the services of outside law firms is warranted and the experience of the two law firms will benefit Washoe County.

The compensation of the two law firms under the proposed engagement is a 25% contingency fee of any recovery. The County is not responsible for pay court costs, expenses of litigation, or any other costs or expenses including the value of the time of County other than if a recovery occurs. Upon a recovery the costs and expenses will be paid from the recovery, but cannot exceed the amount of the recovery. If there is no recovery, contract counsel is not reimbursed for any costs or expense, including County staff time.

The Board of County Commissioners must act in a public meeting to authorize legal actions against the manufacturers, distributors and dispensers of opioid-based drugs. Eglet Prince, LLP and Bradley, Drendel & Jeanney have an extensive presentation on the scope of the opioid problems and the impact on local governments. They can also describe the potential for recovery. If the Board is in favor of moving forward with the engagement and the authorization of the legal actions, the recommended motion would accomplish both approvals.

### **FISCAL IMPACT**

No negative fiscal impact is expected unless the services of the law firms are terminated before the resolution of the law suits expected to be filed. In the event of such a termination, the expenses incurred by the law firms and the value of the attorney's fees must be repaid by the County at the hourly rate or 25% of the last offer of settlement communicated to the County whichever is more.

### **RECOMMENDATION**

It is recommended the Board of County Commissioners approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Washoe County agencies in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and authorize the filing of actions against such entities.

### **POSSIBLE MOTION**

I move that the Board of County Commissioners approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Washoe County agencies in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and authorize the filing of actions against such entities.