

ORDINANCE NO. 180174

Authorizing the City Attorney to negotiate and execute Legal Services Contracts with a joint team, consisting of the law firms Simmons Hanly Conroy and Williams Dirks Dameron, for the provision of legal services related to the opioid epidemic.

WHEREAS, there is a current epidemic in our nation, state and city involving those addicted to prescription medications and illegal drugs; and

WHEREAS, the City believes the unlawful acts and other practices of opioid manufacturers and distributors in the marketing and sales of opioids has led to the overprescribing of opioids, an increase in the use of other drugs such as heroin and an increase of overdoses and deaths; and

WHEREAS, the diversion of legally-produced controlled substances into the illicit market causes and contributes to the serious public health and safety crisis; and

WHEREAS, there is a nationwide movement of hundreds of cities, counties and other governmental entities seeking damages against various manufacturers and distributors of opioids for economic damages related to items such as addiction treatment, ambulance services, first responder services, emergency room visits, law enforcement, substance abuse counseling, jail costs, other effects of overdoses and a potential host of other direct costs; and

WHEREAS, the City is also interested in exploring non-economic results from opioid litigation such as the curtailing of deceptive marketing and a lessening of the overprescribing of opioids; and

WHEREAS, the City wants to engage a firm who has the unique or specialized experience and resources to litigate these actions, either through class-actions or direct actions, in state or in federal court as part of multi-district litigation, or through any other means deemed appropriate; and

WHEREAS, a selection committee reviewing a City-issued Request for Proposals (RFP) for these legal services has recommended the City Attorney to engage a joint team of Simmons Hanly Conroy (with offices in New York, Illinois, Missouri and California) and the local firm Williams Dirks Dameron; and

WHEREAS, the selection committee and the City Attorney believe this joint team consisting of a national leader in opioid litigation and two highly-respected local firms will put the City in the best position in terms of any recovery from opioid epidemic cases; and

WHEREAS, the selected firms intend on utilizing the legal services of Hardwick Law Firm,LLC, a local MBE firm who will join the team in this combined effort; and

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WHEREAS, the City Attorney will work with this joint team to analyze potential claims and courses of action; and

WHEREAS, the City will not advance any funds, as any contract for legal services will contain a fairly standard contingency fee arrangement with all legal fees and expenses subtracted from any future settlement or damage recovery; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Attorney is hereby authorized to negotiate and execute legal services contracts and subsequent agreements on a contingency-fee basis with the joint team, consisting of the law firms of Simmons Hanly Conroy and Williams Dirks Dameron, to provide legal services as lead counsel for the City in potential opioid epidemic cases and related actions.

Approved as to form and legality:

Joseph A. Guarino
Assistant City Attorney