

MAINE STATE LEGISLATURE

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8-14-2015



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STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

August 14, 2015

Cynthia L. Montgomery
Chief Legal Counsel
Office of the Governor
1 State House Station
Augusta ME 04333-0001

Re: Authorization to Engage Outside Counsel

Dear Ms. Montgomery:

The Attorney General has authorized me to respond to your request on behalf of Governor Paul R. LePage to retain outside counsel in the matter of *Mark W. Eves v. Paul R. LePage*, 15-cv-300 GZS (D. Me). The purpose of this letter is to provide authorization pursuant to 5 MRSA §191 for the retention of outside counsel subject to the terms and conditions set forth below.

It is our understanding that you have requested authorization to retain outside counsel because you believe that it would be a conflict for the Office of the Attorney General to represent the Governor in this matter. We do not necessarily agree that a conflict exists. However, the request for retention of outside counsel is approved due to the unique circumstances presented by the Speaker of the House making a claim in his individual capacity against the Governor in his official and personal capacities.

This authorization allows the Governor to retain Patrick Strawbridge, Esquire of the law firm of Consovoy McCarthy Park PLLC to provide necessary legal representation in the matter of *Mark W. Eves v. Paul R. LePage* in which the Governor is a named defendant in his individual and official capacities. Such representation is provided for pursuant to 14 MRS § 8112. I understand the hourly rate is \$380 per hour for attorney Strawbridge. Reasonable and necessary mileage shall be paid at the current state rate. This authorization extends to other attorneys in the firm who may be called upon from time to time to assist in a case and their billing rate may not exceed \$380 per hour.

As will be described in more detail in a separate letter relating to representation, the State's self-insurance arrangement provides up to \$400,000 for any and all claims for any one occurrence. This cap includes any potential damages as well as attorney's fees and other defense

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costs. Payments beyond this cap are not authorized under the State self-insurance program. This authorization does not extend to any form of appellate action. If the scope of the engagement, term of the agreement, or hourly rate require amendment, further written authorization will be required.

You have advised that flat rate fees for specified legal services may also be available. A flat fee arrangement is acceptable provided such an arrangement is reviewed for reasonableness by you and the Director of Risk Management and is within the overall \$400,000 cap outlined above.

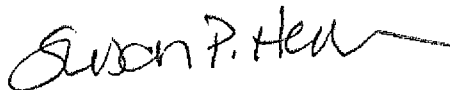
Mr. Strawbridge must provide proof of his good standing with the Maine Board of Bar Overseers by sending the certificate of good standing to my attention. Proof of adequate professional liability insurance coverage has been provided. A record of billing by the firm should be invoiced monthly and reviewed for reasonableness by you and the Director of Risk Management.

Mr. Strawbridge may not represent clients with claims against the State, its officers or employees while this matter is pending. Other attorneys in the firm may not provide legal advice to the Governor if they represent clients adverse to the State and such representation constitutes a conflict under the Maine Rules of Professional conduct.

Finally, this authorization terminates December 31, 2016.

Should you have any questions, please feel free to contact me

Sincerely,



SUSAN P. HERMAN
Deputy Attorney General

SPH/ah

cc: Patrick Strawbridge, Esq.
David Fitts, Director, Risk Management
Holly E. Lusk, Esq.