

Response to Question - RFP for Securities Litigation Counsel

Q: The Scope of Services specified by Part VI of the RFP includes various legal services other than representation of PABF as counsel in pending litigation. Those services may (as stated in Part VI) include monitoring of securities class actions (including identification of cases in which PABF may be a class member), consulting with Staff regarding the PABF's interest as a class member, calculating losses, submission of periodic reports, monitoring the submission of claims, etc. However, Part VIII of the RFP ("Fee Arrangements") expresses the expectation that "in litigation pursuant to this RFP" counsel would be compensated on a contingency fee basis, only from the proceeds of any recovery.

Are services such as monitoring, consulting with the Staff, calculating losses and/or periodic reporting considered to be services rendered "in litigation pursuant to this RFP", for which compensation is to be wholly contingent upon an eventual-- recovery, or can responders propose some non-contingent compensation arrangement with respect to such services (e.g., hourly rates, flat fees for specified services, etc.)?

A: The answer to your inquiry is a simple yes. The Policemen's Annuity and Benefit Fund of Chicago has traditionally operated on a contingent-fee basis for all services described in the RFP. Any requests outside of the normal undertaking would have to be considered and approved by the Board of Trustees.