

THOMAS J. MILLER

ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
515-281-5926
www.iowaattorneygeneral.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

May 23, 2022

Reps. McMorris Rodgers and Griffith:

Thank you for providing us more time to respond to your letter of April 14 regarding outside counsel contracts. Our office uses outside counsel, particularly on a contingency basis, in rare cases.

Such contracts are governed by [Chapter 23B of the Iowa Code](#), which dictates that our office determine that contingency fee representation shall be “both cost-effective and in the public interest.” The law sets out other factors and restrictions, including limits on the fees. In addition, use of outside counsel is approved by the state’s Executive Council, which consists of the governor, state auditor, treasurer, and secretaries of state and agriculture. Our office has not granted ethics or conflicts waivers to outside counsel.

Attached to this message are recent contingency-fee contracts. These involve litigation over the Tobacco Master Settlement Agreement and an antitrust case against GlaxoSmithKline. In both cases, the litigation involves recovery of money owed to the State of Iowa. We also have a [terminated contract involving U.S. Savings Bond litigation](#). In July 2019, the Executive Council approved the payment of a contingency fee of \$52,305 and reimbursement of expenses and advances of \$1,572 to Horn, Aylward and Bandy LLC in connection with the U.S. Savings Bond Litigation.

Over the last 10 years, our office has not hired outside counsel on a contingency basis to pursue consumer protection cases.

Our office has identified more than \$178.67 million in money secured for consumers between 2012 and April 18, 2022. This includes \$169.69 million in consumer restitution from complaint mediation, multistate settlements, consent judgments, and assurances of voluntary compliance. This also includes at least \$8.97 million in savings for consumers obtained through complaint mediation. This savings consists primarily of debt

forgiveness, contractual releases, and other money that were saved on a consumer's behalf. Please see the attached documents for annual breakdowns and totals.

These totals do not include 60 cases in which large sums of consumer restitution were recovered but were not tracked by our office. In many instances this relief came in the ability for consumers to request and receive refunds and cancellations directly from the respondent or, in the instance of federal and multistate co-actions, relief was managed by another entity.

As these settlements show, our office puts the highest priority on securing consumer restitution over other remedies. I have dedicated my nearly 40 years as attorney general to protecting consumers.

I hope this letter answers your questions.

Thank you,

A handwritten signature in black ink that reads "Tom Miller". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Miller, Iowa Attorney General