

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**

**ATTORNEY GENERAL**  
**KARL A. RACINE**



April 29, 2019

**MARKET SURVEY**

**OUTSIDE LEGAL SERVICES FOR FORECLOSURE LITIGATION**

**SURVEY NO. DCCB-2019-S-0015**

The Office of the Attorney General for the District of Columbia (OAG) seeks a qualified law firm to investigate predatory and discriminatory residential mortgage lending and servicing activities in the District of Columbia (District). Under D.C. Code §2-354.13(3), the procurement for these legal services is exempt from the competitive procurement process. However, in the interest of transparency and acquiring the best services for the District, OAG is inviting a select few firms to notify the District that they are interested in representing the District in this matter.

**THE CLIENT**

OAG is responsible for conducting the District's legal business in a manner that is in the public interest. The Attorney General is the chief legal officer of the District.

**BACKGROUND**

Some mortgage lenders providing services to District residents may have disproportionately extended higher costs and predatory mortgages to black and Latino residents in violation of the Fair Housing Act (FHA), 42 U.S.C. § 3601, *et seq.* This potential practice may have led and continue to lead to a higher rate of foreclosures of black and Latino residents' homes. The practice may have also harmed the District by increasing foreclosure-proceeding-related costs and decreasing tax revenue. Potential targets of the investigation may include Bank of America Corporation, Bank of America, N.A.; Countrywide Financial Corporation; Countrywide Home Loans, Inc.; Countrywide Bank, FSB; Countrywide Warehouse Lending, LLC; BAC Home Loans Servicing, LP; Merrill Lynch & Co., Inc.; Merrill Lynch Mortgage Capital, Inc.; and Merrill Lynch Mortgage Lending, Inc.

## **SCOPE OF SERVICES**

OAG seeks outside counsel to investigate and litigate the District's potential FHA and other claims arising out of disproportionate predatory lending to black and Latino residents and resulting foreclosures.

## **DESIRED EXPERIENCE**

OAG seeks a firm with demonstrated experience with handling FHA cases, including representing municipalities and other government actors in such proceedings.

## **FEES AND COSTS**

OAG will enter into a contingency-fee contract with the selected firm wherein the firm would receive a percentage of the gross recovery and a percentage of any attorney's fees awarded to the District from the successful prosecution of cost-recovery litigation or through settlement, as well as cost reimbursement. If no recovery is realized, the firm would receive no compensation or reimbursement of costs or expenses.

## **SUBMISSION OF QUALIFICATIONS**

Interested firms should submit the following no later than May 13, 2019. The submission should be no longer than seven (7) pages (excluding resumes) and include:

1. A short statement of interest, including a description of the firm's relevant experience;
2. A proposed staffing model for the work;
3. Resumes for those providing services;
4. A proposed contingency fee percentage of any gross recovery and attorney's fee award;
5. References for similar work performed for private or government entities in the last five years, including contact information and a brief description of work performed; and
6. Disclosure of any actual or potential conflicts of interest.

Firms certified as small or local business enterprises by the District of Columbia Department of Small and Local Business Development pursuant to §2-218.31 *et seq.* are encouraged to respond to this Market Survey. OAG values diversity as well as working with firms located in the District of Columbia.

The District will make its selection after careful consideration of the submissions, which may include interviews with interested firms. The selection will be based upon the best interests of the District. Any out-of-state firm selected will be required to obtain a Certificate of Registration/ Authority from the Department of Consumer and Regulatory Affairs, Corporations Division, to provide services in the District of Columbia.

If you would like more information, please contact Michael A. Tilghman II at michael.tilghman@dc.gov or (202) 727-6247.

Sincerely,



JANICE PARKER WATSON  
Associate Contracting Officer