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**Five firms named to SBA litigation pool in a public selection process**

TALLAHASSEE, Fla. – Five law firms were named Thursday in a public selection process to a pool of litigators for the State Board of Administration to represent the agency in law suits involving securities matters.

Another firm, Bernstein Liebhard of New York City, ranked highest in the selection process and may be added to the pool. An anonymous letter making unsupported accusations against the law firm caused the selection committee to delay a vote on the firm and ask its representatives to return for a second interview in January.

“To be fair to the firm, we need to give them an opportunity to respond,” said Tom Beenck, General Counsel for the SBA.

Stanley Bernstein, a partner in the law firm, was stunned by the anonymous letter. “We are certain that the allegations will be found to be untrue,” he said, “and we look forward to the opportunity to serve the SBA.”

The five firms selected Thursday were: Pomerantz Haudek Grossman and Gross of New York City; Bernstein Litowitz Berger & Grossman of New Orleans; Berman DeValerio of Palm Beach Gardens, Fla.; Barrack Rodos & Bacine of Philadelphia; and Kaplan Fox & Kilsheimer, of Washington, D.C.

The Barrack group and the Berman DeValerio group have been in the SBA litigation pool since 1998. The other three are new to the pool.

The SBA not only made the selection process public but also expanded disclosure rules by requiring the law firms to list campaign contributions made by the firm and its attorneys to any of the three elected Cabinet members – governor, chief financial officer and attorney general -- who sit as the SBA Board of Trustees. The law firms also are required to detail fees, if any, paid to third parties acting as middlemen.

The SBA, one of the largest public investment agencies in the nation with oversight of \$112 billion in the Florida Retirement System and \$22 billion in other funds, has not filed a lawsuit since 2005 and that one is still pending.

But 31 litigation firms applied for the pool to represent the SBA in securities lawsuits filed on behalf of the Florida Retirement System and other funds managed by the agency.

The applicant list was narrowed by a six-person committee comprised of the SBA's General Counsel, Deputy General Counsel, a principal from consulting firm Ennis Knupp, and a senior representative from each of the Trustees' offices.

When there is a particular lawsuit, attorneys named to the pool will be asked to submit strategy on the case and the SBA will select the best proposals. Such attorneys take cases on a contingency basis, which means no fees up-front but a percentage of any settlement or judgment awarded after trial. The SBA does not hire attorneys unless it takes an active role as the lead plaintiff in either a class action suit or an individual action.

The SBA manages, invests and safeguards assets of the Florida Retirement System Trust Fund and 34 other funds for the state of Florida and local government. The investment responsibility extends to a wide range of trust and investment funds, including the Lawton Chiles Endowment and the Florida Hurricane Catastrophe Fund (CAT Fund).