



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: County Counsel
Department No.: 013
Agenda Date: May 12, 2026
Placement: Administrative Agenda
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director(s): Rachel Van Mullem, County Counsel
Contact: Rachel Van Mullem
SUBJECT: Contingent-Fee Contract with the Law Firm Baron & Budd for Litigation Services in an Action to be Filed by the County Against Certain Social Media Companies

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: Yes

Risk Management

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute a contingent-fee Professional Services Contract with the law firm of Baron & Budd and their associate outside counsel, for the preparation and handling of litigation to be filed by Santa Barbara County, against certain social media companies, to obtain abatement of the public nuisance created by these companies; and
- b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

Summary Text:

The Board of Supervisors has directed the initiation of litigation against certain social media companies for mental and physical health impacts to County youth. Other than County staff time, there would be no present financial impacts to the County from this contingent-fee agreement, since it provides that the County: 1) will pay an 18% contingent-fee only on any net recovery; and 2) will not pay fees, costs, or expenses out of any public funds other than the monies recovered through this litigation.

Background:

Social media use is widespread among young people, with up to 95% of teenagers¹ and 40% of children ages 8-12 using social media platforms.² With this nearly universal use of social media, evidence shows increasingly harmful impacts to the mental and physical health of youth, especially during adolescence, a particularly vulnerable period of brain development.³ Investigation has shown that social media companies prioritized profits over the public health and safety of young people. Such research prompted the U.S. Surgeon General in May of 2023 to issue an urgent youth public and mental health advisory recommending protective action by policymakers, parents, and technology companies. Shortly thereafter, 33 state attorneys general, including California, hundreds of school districts and individual plaintiffs filed lawsuits alleging social media companies have violated federal and state laws. In addition, five California counties - San Diego, Sacramento, Del Norte, Shasta and Placer – initiated novel litigation against Facebook, Instagram, Snapchat, TikTok, and YouTube for public nuisance, suing to abate the nuisance at the local community level. These lawsuits allege that social media companies created addictive platforms that have detrimentally impacted youth in their respective counties. The law firm Baron & Budd, along with their associate outside counsel (Wagstaff & Cartmell, LLP, Diab Chambers, LLP, Beasley Allen Law Firm, and Goza & Honnold, LLC) represent all five counties.

The county lawsuits by Baron & Budd have been transferred and coordinated, along with hundreds of other individual lawsuits into Judicial Council Coordination Proceeding 5255 (“JCCP 5255”) in Los Angeles Superior Court with Judge Carolyn B. Kuhl presiding. The first JCCP 5255 bellwether trial, which is a test case for the larger group of cases, was recently heard in Judge Kuhl’s courtroom. On March 25, 2026, following a seven-week trial, jurors found that Meta and YouTube harmed a young user with design features that were addictive and led to her mental health distress, awarding the individual plaintiff a total of \$6 million in compensatory and punitive damages. A day prior, jurors returned a verdict for the Attorney General of New Mexico finding that Meta violated the state’s consumer protection laws, awarding \$375 million in civil penalties. While the New Mexico trial is not part of the JCCP 5255 proceedings, the jury’s verdict supports the County’s position that social media platforms have a negative impact on young people’s mental health. A second phase of the New Mexico trial is expected to begin in early May, where a public nuisance claim similar to the County’s anticipated claim, will be heard. While these first trials are specific to the bellwether plaintiffs’ facts, they may shape or encourage future global settlement discussions, making this an opportune time for the County’s lawsuit to be filed.

Fiscal and Facilities Impacts:

We estimate that immediate County staff support of this litigation will be minimal. Baron & Budd will research local impacts and prepare the County’s filing consistent with their other county filings regarding social media. The County lawsuit is expected to be transferred and incorporated into JCCP 5255 in Los Angeles. By filing in the near future, the County should benefit and be able to take

¹ Vogels, E., Gelles-Watnick, R. & Massarat, N. (2022). Teens, Social Media and Technology 2022. Pew Research Center: Internet, Science & Tech. United States of America, available at:

<https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>

² Rideout, V., Peebles, A., Mann, S., & Robb, M. B. (2022). Common Sense Census: Media use by tweens and teens, 2021. San Francisco, CA: Common Sense, available at:

https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf

³ The U.S. Surgeon General’s Advisory, Social Media and Youth Mental Health, available at:

<https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>

part in any global settlement discussions that may begin in response to, and as a result of, the recent jury trial verdicts. We anticipate some County staff time could be expected across multiple departments, with most of that time involving document production. Other than that, there is no present financial impact from this agreement since the County would pay Baron & Budd an 18% contingency fee only on any net recovery:

- The scope of representation for that contingent-fee includes “all legal services necessary for the investigation, analysis, preparation, filing, service, prosecution, handling, and collection on judgment or monetary recovery;”
- “Costs and expenses” – including expert fees – are advanced by Baron & Budd, and repaid by the County only if the County recovers that amount or more from the defendants; and
- The County would not be required to pay Attorneys’ Fees or any other costs or expenses out of any public funds other than the monies recovered from this litigation.

Budgeted: N/A

Key Contract Risks:

This is a contingent-fee agreement and the County will not pay any fees, costs or expenses out of any public funds other than the monies recovered through this litigation. Contract Paragraph 4 provides the essential control terms of this agreement, including that the Board of Supervisors, acting through County Counsel, expressly retains “complete control over the course and a conduct” of the case, including decisions regarding settlement. Contract Paragraph 6 (b) provides that in no event will the County be required to pay legal fees or any litigation costs out of any public funds other than the monies recovered through litigation.

Staffing Impacts:

Discussed in more detail above, existing County staff will be utilized to support this litigation.

Special Instructions:

None.

Attachments:

Attachment A – Professional Services Agreement with Baron & Budd

Contact Information:

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