



State of West Virginia  
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE  
APPOINTMENT OF POWELL & MAJESTRO TO SERVE AS OUTSIDE  
COUNSEL ON BEHALF OF THE WEST VIRGINIA TREASURER'S OFFICE**

The West Virginia Treasurer's Office (hereinafter "Treasurer") has requested legal representation in conjunction with an appeal of a Circuit Court ruling dismissing sixty-eight individual civil lawsuits against life insurance companies for failure to comply with the requirements of the West Virginia Uniform Unclaimed Property Act. More specifically, the Treasurer seeks assistance with the handling of the appeal of the legal matter in question, including assistance with the drafting of briefs and participation in any necessary oral arguments.

Pursuant to the written determination issued on February 7, 2014, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the Treasurer with the needed legal services. A request for proposals was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the February 14, 2014, deadline for proposals, the Office of the Attorney General received two timely proposals for legal services from Powell & Majestro, PLLC, and the Office of Jennifer N. Taylor.

After a review of the proposals received, the Office has determined that the law firm of Powell & Majestro, PLLC has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Powell & Majestro, PLLC has the requisite skills and expertise needed to handle the legal matters in question;
- Powell & Majestro, PLLC possess the requisite staffing and support to handle the scope of the legal matter in question;
- None of the attorneys employed by Powell & Majestro, PLLC have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct, and the firm appears to be in compliance with all applicable laws of the State of West Virginia;

- Powell & Majestro, PLLC has proposed estimated fees, costs and expenses that are limited to a specific percentage of the previously existing fee arrangement for this matter, resulting in no additional costs to the Treasurer's Office and thus making it the lowest responsible bidder; and
- Powell & Majestro, PLLC's proposal was most responsive to the Treasurer's needs, based on consultation with the client regarding all of the received proposals.

Based on the factors set forth above, and in consultation with the Treasurer's Office, the Office of the Attorney General authorizes the appointment of Powell & Majestro, PLLC, to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, horizontal stroke that tapers to a point on the right.

Daniel W. Greear  
Chief Counsel

Dated: February 20, 2014