



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
OUTSIDE COUNSEL ON BEHALF OF THE WEST VIRGINIA
DEPARTMENT OF COMMERCE**

The West Virginia Department of Commerce, through its Division of Tourism and Development Office, (hereinafter the "WVDTD") is seeking legal representation with experience involving intellectual property issues related to the tourism industry, and requests permission to re-appoint their existing counsel, Bowles Rice LLP, to complete the needed legal services.

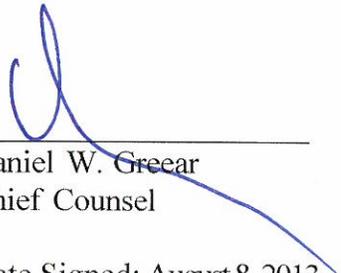
More specifically, WVDTD seeks continued legal counsel to (1) research the legalities of a trademarked logo/phrase for use by the Department of Commerce and the WVDTD; (2) proceed based on the aforementioned research and trademark said logo and/or phrase; and, (3) copyright and perform other intellectual property issues as needed by the WVDTD. Bowles Rice has been assisting WVDTD with the needed legal representation on a one-year contract (executed June 18, 2012). A ninety-day extension is needed to complete the legal services in question, during which Bowles Rice has agreed to continue its representation (through September 28, 2013) at discounted hourly fees (\$325/\$240/\$160) plus incidentals capped at a total amount of \$10,000.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint the law firm of Bowles Rice to continue its representation of WVDTD in the matters set forth above through September 28, 2013, based on the following factors:

- Having already performed much of the work needed by WVDTD, Bowles Rice is uniquely situated to provide the legal analysis and support needed for the legal matter in question;
- Bowles Rice has already begun the processes and procedures to trademark the desired logo and/or phrase, and continuity of such legal services would be critical for the appropriate completion of this project;
- The geographic area where the attorney services are to be performed is Kanawha County, where Bowles Rice is currently headquartered;

- The legal services in question require specialized expertise and familiarity with intellectual property law that is not currently possessed by the Office of the Attorney General;
- It would require a significant time commitment from the Office of the Attorney General to familiarize itself with the particular issues relating to the legal matter in question – issues which Bowles Rice is already handling on behalf of WVDTD; and
- The significant time and cost associated with appointing new outside counsel -which would have to familiarize itself with issues already being handled – makes it more cost-effective and in the interest of the public to allow Bowles Rice to conclude its representation during a ninety-day extension of time.

Because this matter involves the continuation of a previous legal appointment, and the renewal of Bowles Rice's legal services would necessarily avoid disrupting a pending legal matter, the Office of the Attorney General determines that requests for proposal are not necessary pursuant to section (D)(2) of Policy #WVAG0-004.



Daniel W. Greear
Chief Counsel
Date Signed: August 8, 2013