



State of West Virginia
Office of the Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE COUNSEL ON
BEHALF OF THE WEST VIRGINIA SECRETARY OF STATE & STATE ELECTIONS COMMISSION**

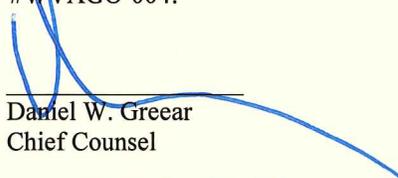
The West Virginia Secretary of State and the State Elections Commission (hereafter collectively the "state clients") are in need of continuing legal representation in the case of *Center for Individual Freedom, et al v. Tennant, et al.*, No. 08-CV-00190. A tentative settlement agreement has been reached between the parties, and legal counsel is needed for purposes of implementing the settlement of plaintiffs' claims for attorney fees.

The state clients were previously represented by Senior Deputy Attorney General Silas Taylor, who retired on May 31, 2013. However, Mr. Taylor has agreed to continue to represent the state clients on a pro bono basis for the sole purpose of implementing the terms of the tentative settlement agreement.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to authorize the appointment of Mr. Silas Taylor as outside counsel to represent the state clients in the current legal matter, based on the following factors:

- Mr. Taylor has served in the capacity of legal counsel for the case of *Center for Individual Freedom, et al v. Tennant, et al.*, No. 08-CV-00190 since its initial filing.
- Mr. Taylor is already knowledgeable of the legal matter in question, and was intimately involved in reaching the tentative settlement agreement that requires implementation.
- Given his previous involvement in the pending legal matter, Mr. Taylor is in the unique position of possessing the skill requisite to perform the legal services needed.
- Mr. Taylor currently resides in the geographic area (Kanawha County, West Virginia) where the legal services are to be performed.
- As a result of Mr. Taylor's willingness to perform these matters on a pro bono basis, it is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.

Because this matter involves the continuation of a pending legal matter, and the appointment of Mr. Taylor would necessarily avoid disruption in that matter, the Office of the Attorney General determines that requests for proposal are not necessary pursuant to section (D)(2) of Policy #WVAGO-004.


Daniel W. Greear
Chief Counsel

Date Signed: 6.5.13