



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 WEST VIRGINIA STATE UNIVERSITY**

West Virginia State University (hereinafter "WVSU") has requested legal representation in conjunction with a review of its financing of a new athletic complex. More specifically, WVSU seeks counsel to assist the University with its review of legal documents relating to the financing of a new athletic center.

Pursuant to the written determination issued on November 1, 2013, 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 WVSU with the needed legal services. A Request for Proposal (RFP # 015) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the November 15, 2013 deadline for proposals, the Office of the Attorney General received six timely proposals for legal services from Bowles Rice; Flaherty Sensabaugh Bonasso; Jackson Kelly; Lewis Glasser Casey & Rollins; Spilman Thomas & Battle; and, White Law Offices.

After review of the proposals, and consultation with WVSU, the Office of the Attorney General has determined that:

- All of the bidding law firms possess the requisite skills and expertise to handle the legal matter in question.
- All of the bidding law firms possess the requisite staffing and support to handle the scope of the legal matter in question.
- All of the bidding law firms appear to be in compliance with all applicable laws of the State of West Virginia, and have not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct.
- All of the bidding law firms are located in the geographic area (Kanawha County) where the legal services are to be performed.

- Jackson Kelly submitted the most competitive proposal for legal services based on the factors set forth in the Attorney General's Policy on Outside Counsel.
- Jackson Kelly proposed a flat fee rate of \$10,000, including expenses, for the needed legal services.
- Jackson Kelly's proposed flat fee rate – approximately 20% lower than the next closest estimate – was the most competitive proposal for legal services

Based on the factors set forth above, and in consultation with WVSU, the Office of the Attorney General authorizes the appointment of Jackson Kelly to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy #WVAGO-004.



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Daniel W. Greear  
Chief Counsel

Date Signed: December 6, 2013