



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 BOARD OF EDUCATION**

The West Virginia Board of Education (hereinafter "WV BOE") has requested legal representation in conjunction with its search for a new state superintendent of schools. Specifically, the WV BOE needs assistance with a nationwide search to ensure compliance with all applicable state laws as well as the proper drafting of any and all employment documents associated with the hiring of a new superintendent.

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 appoint outside counsel to work in conjunction with the Attorney General's Office in order to assist the WV BOE with its search, based on the following factors:

- The matter at issue requires specific expertise in both education and employment law that is not sufficiently possessed by the Office of the Attorney General.
- There is a particular desire for legal representation familiar with the performance of nationwide employment searches -- experience that is not currently available within the Attorney General's Office.
- Given current case assignments and existing deadlines, the Attorney General's Office does not currently possess sufficient and appropriate legal resources to handle the matter in question without assistance from outside counsel.
- While Kanawha County is the geographic area where the legal services will be predominantly performed, the nature of the employment search suggests that legal services could be needed both throughout the state and the nation.
- It is not feasible or cost-effective for the Office of the Attorney General to provide all of the requested legal services at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.

A handwritten signature in blue ink, appearing to read "D. Greear", written over a horizontal line.

Daniel W. Greear  
Chief Counsel

Date Signed: July 23, 2013