



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE
COUNSEL ON BEHALF OF THE WEST VIRGINIA
DIVISION OF NATURAL RESOURCES**

The West Virginia Division of Natural Resources (hereinafter "West Virginia DNR") has requested legal representation in conjunction with the preparation of a title abstract for the Great Cacapon Power Plant Public Access Site ("PAS") situated in Morgan County. More specifically, the West Virginia DNR is in need of legal assistance to abstract the title and prepare a title report on the subject property on or before August 26, 2013.

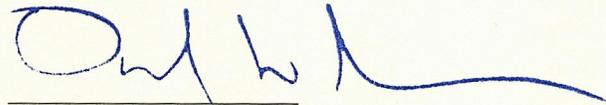
Pursuant to the written determination issued on July 24, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the West Virginia DNR with the needed legal services. A request for proposals (RFP # 009) was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy # WVAGO-004).

As of the August 9, 2013, deadline for proposals, the Office of the Attorney General received one timely proposal for legal services from Trump & Trump, L.C. After review of the proposal, and consultation with the West Virginia DNR, the Office has determined that:

- The bidding law firm possesses the requisite skills and expertise needed to handle the legal matter in question;
- The bidding law firm possesses the requisite staffing and support to handle the scope of the legal matter in question;
- The bidding law firm appears to be in compliance with all applicable laws of the State of West Virginia, and has not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- As the only bidding law firm, Trump & Trump has proposed to perform all necessary legal work at a rate of \$250 per hour, with the cost of legal services not anticipated to exceed \$1,000;
- Trump & Trump is located in the geographic area where the services are to be performed (Morgan County);
- The West Virginia DNR is comfortable with the fee rate proposed by Trump & Trump; and

- Given the time constraints associated with the work to be performed, and the previously published parameters of the recently conducted RFP process, the Attorney General's Office does not believe that it is in the best interest of the State to submit this matter to another RFP process pursuant to Section F of the Policy on Outside Counsel.

Based on the factors set forth above, and consultation with the West Virginia DNR, the Office of the Attorney General authorizes the appointment of Trump & Trump to serve as outside counsel for the legal matters cited herein pursuant to subsection (E) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel