



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**UPDATED WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF
OUTSIDE COUNSEL ON BEHALF OF THE WEST VIRGINIA SOLID WASTE
MANAGEMENT BOARD**

The West Virginia Solid Waste Management Board (hereinafter the "WV SWMB" or the "Board") previously requested immediate legal representation to assist with the fulfillment of the WV SWMB's duties pursuant to W.Va. Code § 22C-3-1, *et seq.* More specifically, the WV SWMB sought legal assistance as the Board looked to exercise its authority and obligations under W.Va. Code § 22C-3-26 and 22C-4-9a.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General determined on March 20, 2014, that it was both cost-effective and in the interest of the public to authorize the appointment of Joanna Tabit of Steptoe & Johnson to assist the WV SWMB with its needed legal services.

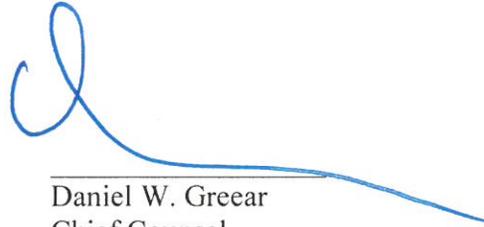
As a result of her recent appointment to the position of Kanawha County Circuit Judge by Governor Earl Ray Tomblin, Ms. Tabit is unable to continue her representation of the WV SWMB. However, Ms. Tabit's firm is able to continue representing the WV SWMB at the previously agreed upon discounted rates.

Accordingly, the Office of the Attorney General determines that it is both cost-effective and in the interest of the public to authorize Steptoe & Johnson to continue assisting the WV SWMB with the needed legal services, based on the following factors:

- Steptoe & Johnson is readily accessible to continue providing the legal services in question.
- Steptoe & Johnson is located in the geographic area (Kanawha County) where most of the legal services are to be performed.
- Steptoe & Johnson is already knowledgeable of the legal matter in question, and thus is uniquely suited to perform the legal services needed.
- Steptoe & Johnson has agreed to continue to provide the needed legal services at the previously agreed upon discounted rates that represent a substantial savings to the State.
- Sufficient and appropriate legal resources do not currently exist within the Attorney General's Office to handle the matter.

- Given the totality of the circumstances, it is more cost-effective and in the interest of the public to allow Steptoe & Johnson to continue to represent the WV SWMB for the matter in question.

Because this matter involves the continuation of a pending legal matter that is necessary to avoid disruption of ongoing legal matters, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Section (D)(2) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: October 14, 2014