State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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Request for Proposal for Legal Services

The Office of the West Virginia Attorney General (hereinafter "WVAGO") is seeking the assistance of outside counsel to provide legal assistance with a consumer protection matter. More specifically, the WVAGO seeks counsel to assist staff with ongoing litigation against Volkswagen of America, Inc. ("Volkswagen") for alleged violations of the West Virginia Consumer Credit and Protection Act.

Qualified law firms or attorneys are invited to submit a proposal on or before Monday, October 19, 2015, at 5:00 p.m., to assist the WVAGO in this matter. Selection of a winning proposal, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

The WVAGO seeks counsel to assist staff with ongoing litigation against Volkswagen for alleged violations of the West Virginia Consumer Credit and Protection Act. For additional background information relevant to this matter the following publicly available documents may be consulted:

- Complaint filed October 2, 2015, in *State of West Virginia ex rel. Patrick Morrisey, Attorney General v. Volkswagen of America, Inc.*, Civil Action 15-C-1833 currently pending in the Circuit Court of Kanawha County, West Virginia.

The WVAGO seeks particular experience as follows:

- Particular and specialized expertise in consumer credit and protection law; and
- General litigation background and experience.

Scope of Representation

The client is the WVAGO. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with WVAGO staff and attorneys to assist with the legal services in question.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) the WVAGO and (2) Volkswagen. The final selection of counsel, if any, is contingent upon the successful completion of a conflicts of interest analysis.

Your Proposal

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy,[1] and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

1. Particular and specialized expertise in consumer credit and protection law; and,
2. General litigation background and experience.

In addition, your proposal should disclose any prior legal work you have performed for the WVAGO and Volkswagen, as well as any experiences that may particularly qualify you for the legal matter in question.

If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation and indicate the approximate proportion of total time that will be billed at each rate. Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense. Please state your per-unit costs (if any) for expenses such as copying; whether you will bill for travel expenses and at what rate; and whether and how you bill for any additional attorney-time while traveling. Representations made in your proposal will supersede any conflicting terms that are less favorable to the client appearing in any written contract or invoice.

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[1] Pursuant to the Outside Counsel Policy, the Attorney General shall consider the following factors when determining the most competitive proposal for legal services:

- Whether the private attorneys possess the requisite skills and expertise needed to handle the legal matters in question;
- Whether the private attorneys possess requisite staffing and support to handle the scope of the litigation or matter;
- Whether the private attorneys, or any members of the private attorneys' law firm, have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- Whether the private attorneys have been peer rated, and if so, what peer ratings they have received, along with any other recognitions or awards for legal services;
- The estimated fees, costs and expenses of the private attorneys to perform the legal services requested;
- The willingness of the private attorneys to enter into alternative billing arrangements;
- Whether the private attorneys are in compliance with all applicable laws of the State of West Virginia;
- Any potential conflicts of interest between the private attorneys and the State;
- Any relevant input from the state entity client, if applicable, regarding the needed legal services; and
- Any such other relevant factors as may be identified by the Attorney General.

Evaluation and Acceptance

Your proposal will be evaluated by the WVAGO. Any and all proposals may be rejected. Your proposal should be addressed to the Office of the Attorney General and emailed to rfpresponse@wvago.gov. This Request for Proposal shall be known as RFP # 43, and any and all correspondences relating to this Request for Proposal should reference RFP # 43. All proposals must be received by email no later than Monday, October 19, 2015, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to rfpresponse@wvago.gov.

Retention of the selected attorney or firm, if any, is conditioned upon the execution of a written contract approved by the Attorney General. In no event will any such contract preclude the termination of the representation at any time by official action of the WVAGO.

Thank you for considering this Request for Proposal.