

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 PUBLIC BROADCASTING**

West Virginia Public Broadcasting (hereinafter "WVPB") has requested legal representation to assist WVPB with the maintenance of tower leases involving WVPB's statewide radio and television network. More specifically, WVPB currently has subleases with eighteen (18) entities that rent space on its towers, while also leasing property for its towers from twenty (20) different landowners, and requires legal assistance to maintain such leases accordingly.

Pursuant to the written determination issued on September 4, 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 WVPB with the needed legal services for a period of one-year. A Request for Proposals (RFP # 012) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

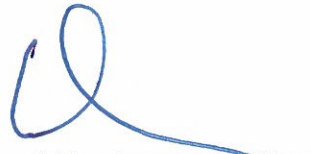
As of the November 8, 2013, extended deadline for proposals, the Office of the Attorney General received six timely proposals for legal services from Jackson Kelly; Lewis, Glasser, Casey & Rollins; Robinson & McElwee; Shuman, McCuskey & Slicer; Spilman, Thomas & Battle; and, Tom O'Neill & Associates.

After review of the proposals, and consultation with WVPB, 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.

- Spilman Thomas & Battle (“Spilman”) submitted the most competitive proposal for legal services based on the factors set forth in the Attorney General’s Policy on Outside Counsel.
- Spilman proposed an alternative fee arrangement for WVPB that limits the hourly billable rate for legal services to an average of \$168.42 per hour for up to 200 hours of work, with a maximum annual billing of \$32,000.00 for the legal services in question.
- Spilman’s proposed average hourly rate was the most competitive rate for legal services received.

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



Daniel W. Greear
Chief Counsel

Date Signed: November 26, 2013