

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.

Pursuant to the written determination issued on July 23, 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 WV BOE with the needed legal services. A request for proposals was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

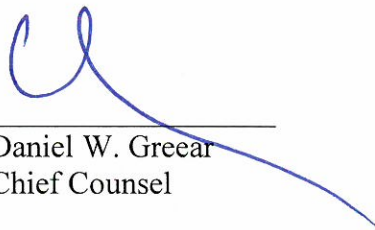
As of the August 2, 2013, deadline for proposals, the Office of the Attorney General received seven timely proposals for legal services from Bowles Rice LLP; Casey & Chapman; Dinsmore & Shohl; Jackson Kelly PLLC; Pullin, Fowler, Flanagan, Brown & Poe; Shuman, McCuskey & Slicer; and Steptoe & Johnson PLLC.

After a review of the proposals received, and consultation with the WV BOE, the Office has determined that the law firm of Pullin, Fowler, Flanagan, Brown & Poe has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAGO-004, based on the following factors:

- All of the bidding attorneys possess the requisite skills and expertise needed to handle the legal matter in question;
- All of the bidding attorneys possess the requisite staffing and support to handle the scope of the legal matter in question;
- None of the bidding attorneys appear to have been subject to reprimand by the West Virginia State Bar, or other entities for unethical conduct;
- The law firm of Pullin, Fowler, Flanagan, Brown & Poe (PFFB&P) is uniquely positioned to provide the legal services requested by the WV BOE;

- PFFB&P has extensive experience with education law in West Virginia, including prior representation of the WV BOE and all 55 local Boards of Education;
- PFFB&P has relevant experience with both national and local education law, recently adopted education guidelines established by the West Virginia Legislature, and the employment policies of the WV BOE;
- Because of the firm's representation of the WV BOE in the legal matter of *Marple v. West Virginia Board of Education*, PFFB&P is already familiar with many of the WV BOE's concerns related to the search for a new superintendent of schools and is thus positioned to address many of the client's legal needs without expending significant time and cost to familiarize itself with many of the issues in question; and,
- PFFB&P has proposed the most competitive rate for legal services with a quoted Member rate of \$210 per hour -- \$40 per hour less than the next closest proposal.

In accordance with Policy #WVAGO-004, and for the reasons set forth above, the Attorney General authorizes the appointment of Pullin, Fowler, Flanagan, Brown & Poe to assist with the representation of the WV BOE for the duration of the current legal matter cited herein.



Daniel W. Greear  
Chief Counsel

Date Signed: August 9, 2013