



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 CONSERVATION AGENCY**

The West Virginia Conservation Agency (hereinafter "WVCA") is seeking legal representation in conjunction with a review of riparian water rights associated with the various flood-control dams operated and maintained by West Virginia's conservation districts and the WVCA.

More specifically, the WVCA is seeking legal review and analysis of the rights and responsibilities frequently associated with many of its publicly financed structures that are created through use of easements on privately owned land.

Pursuant to the written determination issued on February 11, 2014, 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 WVCA with the needed legal services. A request for proposal (RFP # 020) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the February 28, 2014, deadline for proposals, the Office of the Attorney General received three timely proposals for legal services from Clark Hill; the Law Office of Larry W. George, PLLC; and, Lewis Glasser Casey & Rollins, PLLC. After review of the proposals, and consultation with the WVCA, the Office of the Attorney General has determined that:

- All 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;
- The Law Office of Larry W. George has submitted the most competitive proposal for legal services based on the factors set forth in the Attorney General's Policy on Outside Counsel, including, but not limited to, the requisite skills and expertise needed to handle the legal matter in

question as well as the estimated fees, costs and expenses to perform the needed services;

- The Law Office of Larry W. George has the requisite experience, staffing and support to handle the scope of the legal matter in question, and can perform the legal services in the timeframe needed;

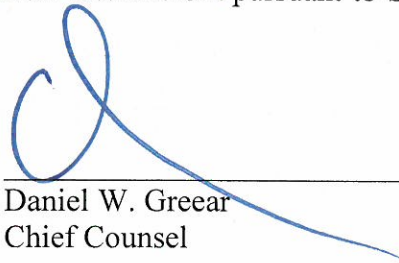
- In particular, the Law Office of Larry W. George has extensive experience with respect to riparian rights law in West Virginia, having served in numerous public capacities with respect to water resources, and having received several recognitions for legal services in the area of riparian rights;

- The Law Office of Larry W. George is located in the geographic area where many of the attorney services are to be provided (Kanawha County);

- The Law Office of Larry W. George is willing to assist the WVCA and the Office of the Attorney General with the necessary legal review at a rate of \$280 per hour; and,

- The Law Office of Larry W. George's proposal was most responsive to the WVCA's needs, based on consultation with the client regarding all of the received proposals.

Based on the factors set forth above, and in consultation with the WVCA, the Office of the Attorney General authorizes the appointment of the Law Office of Larry W. George 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: March 13, 2014