



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 DEPARTMENT OF
AGRICULTURE AND THE WEST VIRGINIA CONSERVATION AGENCY**

The West Virginia Department of Agriculture (hereinafter "WVDA") and the West Virginia Conservation Agency (hereinafter "WVCA") have jointly requested legal representation in conjunction with a review of property under their control.

More specifically, the WVDA is seeking a review of its real estate holdings of approximately 10,000 acres of land across the state. The WVCA is seeking a two-phase review of its one hundred and seventy (170) flood control dams statewide.

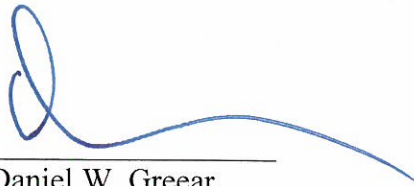
Pursuant to the written determination issued on August 2, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the WVDA and the WVCA with the needed legal services. A request for proposal (RFP # 006) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the August 19, 2013, deadline for proposals, the Office of the Attorney General received six timely proposals for legal services from Ziegler & Ziegler; Tom O'Neill & Associates; Lewis, Glasser, Casey & Rollins; Steptoe & Johnson; Spilman, Thomas & Battle; and Pullin, Fowler, Flanagan, Brown & Poe. After review of the proposals, and consultation with both the WVDA and the WVCA, the Office has determined that:

- All of the bidding law firms possess the requisite skills and expertise needed to handle the legal matter in question;
- 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;
- Lewis, Glasser, Casey & Rollins submitted the most competitive proposal for legal services;

- Lewis, Glasser, Casey & Rollins has agreed to use the hourly rate of \$65 per hour for no less than eighty (80) percent of the work to be performed;
- Lewis, Glasser, Casey & Rollins has agreed to cap its fees for Phase I of the WVCA project at \$60,000, exclusive of costs;
- Lewis, Glasser, Casey & Rollins will provide free digitization of documents and work product, allowing WVDA and WVCA to establish a searchable database moving forward; and
 - Lewis, Glasser, Casey & Rollins has the requisite staffing and support to handle the scope of the legal matter in question, and can perform the legal services in the timeframe needed.

Based on the factors set forth above, and consultation with both the WVDA and the WVCA, the Office of the Attorney General authorizes the appointment of Lewis, Glasser, Casey & Rollins 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: September 4, 2013