



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 MARSHALL UNIVERSITY**

Marshall University (hereinafter "Marshall") has requested legal representation in conjunction with employee and student related immigration matters. Specifically, Marshall is in need of immediate representation to assist it with the H-1B visa process for an employee who recently accepted a position in its Autism Training Center. In addition to this immediate need, Marshall is also in need of an attorney who can assist with future employee and student related immigration matters on an ongoing basis.

A. Autism Training Center Employee

Addressing Marshall's immediate need for counsel, via a written determination made on May 29, 2013, the Attorney General appointed Michael Lin of the law firm of Braverman & Lin, PC to represent Marshall in conjunction with 12 pending immigration matters that were time sensitive. Subsequent to the written determination, Marshall advised the Attorney General's Office that it was in need of immediate legal representation in conjunction with the H-1B visa process for an employee who recently accepted a position in the Autism Training Center.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint Mr. Lin of Braverman & Lin, PC to assist Marshall with this immigration matter, based on the following factors:

- The matter at issue requires particular expertise in immigration law not currently possessed by the Office of the Attorney General.
- The legal services needed would require a significant time commitment from the Office of the Attorney General to familiarize itself immigration law.
- There is a particular need for a private attorney with experience handling immigration matters in the context of higher education.
- Mr. Lin has counseled Marshall on immigration issues for a number of years.
- Prompt and informed legal representation is needed to assure Marshall's interests in this immigration matter are met.

- It is not feasible or cost-effective for the Office of the Attorney General to provide the required legal services using its staff.
- Mr. Lin is the only attorney in position to timely provide the legal services needed.

Inasmuch as this requested legal service involves an emergency situation that requires time-sensitive legal services that cannot adequately be provided by the Office of the Attorney General, the Office of the Attorney General determines that requests for proposal are not feasible pursuant to sections (D)(1) of Policy #WVAGO-004 and accordingly authorizes Mr. Lin of Braverman & Lin, PC to assist Marshall with the H-1B visa process for an Autism Training Center employee.

B. Future Immigration Related Counseling

Marshall is also in need of an attorney who can assist with future employee and student related immigration matters on an ongoing basis. More specifically, Marshall is need of an attorney capable of providing employment based immigration services including, but not limited to, assisting with the preparation and filing of H-1B visa petitions (including Labor Condition Applications), and permanent residency applications (including PERM applications, I-140 visa petitions and I-485 adjustment of status applications). Marshall could also require counseling regarding O-1 visas, J-1 visas, J-1 visa waivers, TN visa status and various other immigration matters. Furthermore, Marshall may be in need of assistance in conjunction with reviewing I-9s of foreign nationals and general immigration related matters which affect students.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist Marshall on an ongoing basis with these immigration matters, based on the following factors:

- The matters at issue require particular expertise in immigration law not currently possessed by the Office of the Attorney General.
- The legal services needed would require a significant time commitment from the Office of the Attorney General to familiarize itself with both the particular facts surrounding each immigration matter and immigration law generally.
- There is a particular need for a private attorney with experience handling immigration matters in the context of higher education.
- The legal services provided in conjunction with these immigration matters will be rendered in Huntington, West Virginia, and the Office of the Attorney General's closest division is located in Charleston, West Virginia.
- Sufficient legal resources do not currently exist within the Attorney General's Charleston division to assist Marshall on an ongoing basis with immigration matters.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the required legal services.

