



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION APPOINTING STEPTOE & JOHNSON, PLLC AS
OUTSIDE COUNSEL ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF
EDUCATION AND THE SUPERINTENDENT OF SCHOOLS**

The West Virginia Department of Education and Superintendent of Schools are seeking legal representation to assist the Office of the Attorney General with pending litigation relating to the implementation of the "Common Core" Curriculum by public schools in West Virginia and a Petition for Declaratory and Injunctive Relief file to prohibit the same.

More specifically, the West Virginia Department of Education and Superintendent of Schools are seeking legal representation to assist with *Michael C. Folk v. Earl R. Tomblin, et al.*, Civil Action No. 15-C-255, which is currently pending in Berkeley County Circuit Court.

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 Steptoe & Johnson, PLLC ("Steptoe & Johnson") for the purposes of the needed legal services, based on the following factors:

- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services without assistance from outside counsel at this time.
- There is a need for the appointment of counsel as quickly as possible in order to protect the interests of the State of West Virginia, leaving insufficient time to complete the customary competitive bidding process for outside counsel.
- Steptoe & Johnson has the requisite litigation background and expertise to assist with the legal matter in question.

Because this matter involves time-sensitive legal services that cannot be adequately provided by the Office of the Attorney General, and for which insufficient time exists to complete the customary bidding process, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Sections (D)(1) Policy #WVAGO-004. Based upon the factors set forth above, the Office of the attorney General authorizes the appointment of Steptoe & Johnson to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy #WVAGO-004.



J. Robert Leslie
Senior Deputy Attorney General

Date Signed: May 26, 2015