



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 EDUCATION**

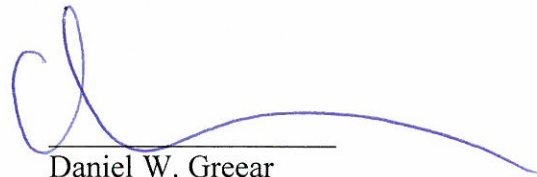
The West Virginia Department of Education (hereinafter the "Department") is in need of continuing legal representation with respect to a copyright matter that began during the last fiscal year. More specifically, the Department has requested that its existing counsel – Monika J. Hussell of Dinsmore & Shohl, LLP – be allowed to continue representing the Department for the 2014 fiscal year.

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 authorize the appointment of Dinsmore & Shohl for the legal matter in question, based on the following factors:

- The matter at issue requires specific expertise in both copyright and intellectual property law that is not sufficiently 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 of the case at hand, as well as matters of copyright and immigration law generally.
- Monica J. Hussell of Dinsmore & Shohl was previously appointed to represent the Department with respect to alleged copyright and intellectual property rights violations, and is readily available to continue providing legal services in the geographic area (Kanawha County).
- Ms. Hussell is currently engaged in settlement negotiations on behalf of the Department, the successful completion of which would avoid litigation against the Department.
- Having already performed much of the work needed by the Department, Dinsmore & Shohl is uniquely situated to complete the legal services request by the Department.

- Given that Dinsmore & Shohl is currently working to finalize the legal matters in question, it would not be feasible or desirable to change counsel for the Department.

Because this matter involves the continuation of an appointment that is necessary to avoid disruption in pending legal matters, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Section (D)(2) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: December 13, 2013