



State of West Virginia  
Office of the Attorney General

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## **Request for Proposal for Legal Services To Represent West Virginia Treasurer's Office**

The West Virginia Treasurer's Office (hereinafter "Treasurer") has requested legal representation in conjunction with an appeal of a Circuit Court ruling dismissing sixty eight individual civil lawsuits against life insurance companies for failure to comply with the requirements of the West Virginia Uniform Unclaimed Property Act, West Virginia Code § 36-8-1 et seq. ("UPA").

Qualified law firms or attorneys are invited to submit a proposal on or before February 14, 2014, to assist with the Office of the Attorney General in representation of the Treasurer in this matter. Selection of a winning proposal, if any, will be made as soon as possible after the date with representation to commence forthwith upon selection.

### **Background**

The Treasurer is in need of legal assistance with the handling of an appeal of a Circuit Court ruling dismissing sixty eight individual civil lawsuits against life insurance companies for alleged failure to comply with the requirements of the UPA.

Outside counsel will be expected to work with the Attorney General's Office to complete the appeals process including the drafting of briefs and participation in any oral argument necessary. The Treasurer's Office seeks particular experience as follows:

- Significant experience in appellate practice;
- Knowledge and expertise of insurance law; and
- Knowledge of the UPA.

### **Scope of Representation**

The client is the Treasurer's Office. It is anticipated that the selected counsel will be paid contingent on a successful completion of the entirety of the sixty eight civil lawsuits. Alternative pricing arrangements may be considered and included in any proposal. The Attorney General's Office shall be involved in oversight and control of the project. Additionally, the selected counsel will be working with other special assistant attorney general's previously appointed to this case.



### **Conflict of Interest Information**

The attorney or firm should disclose any prior or current representations of (1) The Treasurer's Office, and (2) any prior or current relationship with the following insurance companies:

NATIONWIDE LIFE INSURANCE COMPANY, AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, AXA EQUITABLE LIFE INSURANCE COMPANY, PRUDENTIAL INSURANCE COMPANY OF AMERICA, HARTFORD LIFE AND ANNUITY INSURANCE COMPANY, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, NEW YORK LIFE INSURANCE COMPANY, MONUMENTAL LIFE INSURANCE COMPANY, METROPOLITAN LIFE INSURANCE COMPANY, LINCOLN NATIONAL LIFE INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY, GENWORTH LIFE AND ANNUITY INSURANCE COMPANY, GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, ERIE FAMILY LIFE INSURANCE COMPANY, PRUCO LIFE INSURANCE COMPANY, UNITED OF OMAHA LIFE INSURANCE COMPANY, NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION, THE WESTERN AND SOUTHERN LIFE INSURANCE COMPANY, WESTERN-SOUTHERN LIFE ASSURANCE COMPANY, PRIMERICA LIFE INSURANCE COMPANY, BANKERS LIFE & CASUALTY COMPANY, NATIONWIDE LIFE AND ANNUITY INSURANCE COMPANY, FARM FAMILY LIFE INSURANCE COMPANY, LINCOLN BENEFIT LIFE COMPANY, TRANSAMERICA LIFE INSURANCE COMPANY, EMPLOYEES LIFE COMPANY (MUTUAL), METLIFE INVESTORS USA INSURANCE COMPANY, PROTECTIVE LIFE INSURANCE COMPANY, OHIO NATIONAL LIFE ASSURANCE CORPORATION, COMBINED INSURANCE COMPANY OF AMERICA, REASSURE AMERICA LIFE INSURANCE COMPANY, NEW ENGLAND LIFE INSURANCE COMPANY, RIVERSOURCE LIFE INSURANCE COMPANY, WEST COAST LIFE INSURANCE COMPANY, ALLSTATE LIFE INSURANCE COMPANY, RELIASTAR LIFE INSURANCE COMPANY, LIBERTY LIFE INSURANCE COMPANY, LINCOLN HERITAGE LIFE INSURANCE COMPANY, PHYSICIANS LIFE INSURANCE COMPANY, MOTORISTS LIFE INSURANCE COMPANY, HORACE MANN LIFE INSURANCE COMPANY, GERBER LIFE INSURANCE COMPANY, PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY, TEACHERS INSURANCE & ANNUITY ASSOCIATION OF AMERICA, SUN LIFE ASSURANCE COMPANY OF CANADA, PACIFIC LIFE INSURANCE COMPANY, METLIFE INSURANCE COMPANY OF CONNECTICUT, COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, PRINCIPAL LIFE INSURANCE COMPANY, GENERAL AMERICAN LIFE INSURANCE COMPANY, BOSTON MUTUAL LIFE INSURANCE COMPANY, AVIVA LIFE & ANNUITY COMPANY, COLONIAL PENN LIFE INSURANCE COMPANY, USAA LIFE INSURANCE COMPANY, GENWORTH LIFE INSURANCE COMPANY, OLD AMERICAN INSURANCE COMPANY, AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS, GEORGIA, MINNESOTA LIFE INSURANCE COMPANY, PENN MUTUAL LIFE INSURANCE COMPANY, BANNER LIFE INSURANCE COMPANY, NORTH AMERICAN COMPANY FOR LIFE AND HEALTH INSURANCE, LAFAYETTE LIFE INSURANCE COMPANY, AND THE STATE LIFE INSURANCE COMPANY.

## **Your Proposal**

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy,<sup>1</sup> and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

1. Appellate procedures;
2. Insurance law; and
3. Knowledge of the UPA.

In addition, your proposal should disclose any prior legal work you have performed for the Treasurer, as well as any experiences that may particularly qualify you for this particular assignment.

If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation and indicate the approximate proportion of total time that will be billed at each rate. When possible, please indicate an estimated number of hours anticipated to complete the legal services in question.

Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense. Please state your per-unit costs (if any) for expenses such as copying; whether you will bill for travel expenses, and at what rate; and whether and how you bill for attorney-time while traveling. Representations made in your proposal will supersede any conflicting terms that are less favorable to the client appearing in any written contract or invoice.

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<sup>1</sup> Pursuant to the Outside Counsel Policy, the Attorney General shall consider the following factors when determining the most competitive proposal for legal services:

- Whether the private attorneys possess the requisite skills and expertise needed to handle the legal matters in question;
- Whether the private attorneys possess requisite staffing and support to handle the scope of the litigation or matter;
- Whether the private attorneys, or any members of the private attorneys' law firm, have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- Whether the private attorneys have been peer rated, and if so, what peer ratings they have received, along with any other recognitions or awards for legal services;
- The estimated fees, costs and expenses of the private attorneys to perform the legal services requested;
- The willingness of the private attorneys to enter into alternative billing arrangements;
- Whether the private attorneys are in compliance with all applicable laws of the State of West Virginia;
- Any potential conflicts of interest between the private attorneys and the State;
- Any relevant input from the state entity client, if applicable, regarding the needed legal services; and
- Any such other relevant factors as may be identified by the Attorney General.



## **Evaluation and Acceptance**

Your proposal will be evaluated by the Office of the Attorney General in consultation with the Treasurer. Any and all proposals may be rejected. Your proposal should be addressed to the Office of the Attorney General and emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov). This Request for Proposal shall be known as RFP #19, and any and all correspondences relating to this Request for Proposal should reference RFP #19. All proposals must be received by email no later than February 14, 2014, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov).

Retention of the selected attorney or firm, if any, is conditioned upon the execution of a written contract approved by the Attorney General. In no event will any such contract preclude the termination of the representation at any time by official action of the Treasurer.

Thank you for considering this Request for Proposal.