



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 WEST VIRGINIA STATE UNIVERSITY**

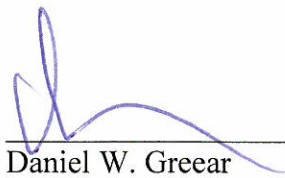
West Virginia State University (hereinafter "WVSU") is in need of legal representation to assist with an arbitration matter relating to outstanding bonds associated with WVSU's new athletic facility. More specifically, WVSU seeks counsel to assist the University as it seeks to ensure that outstanding bonds are met and that existing covenants and representations to the holders of the bonds are appropriately enforced.

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 Jackson Kelly for purposes of the needed legal services, based on the following factors:

- The matter at issue requires particular expertise in public finance 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 the financial work.
- There is a need for the appointment of counsel as quickly as possible in order to comply with the expedited arbitration process.
- Jackson Kelly was previously appointed by the Office of the Attorney General to represent WVSU in conjunction with a review of its financing of the new athletic complex, and is thus uniquely situated to handle the legal matter in question.
- Because of its pre-existing familiarity with the legal issues in question, Jackson Kelly is positioned to address many of WVSU's needs without expending significant time and resources that would otherwise be needed for outside counsel to familiarize itself with many of the issues in question.

- Jackson Kelly is readily accessible to provide the legal services in question, and is headquartered in the geographic area (Kanawha County) where the legal services are to be performed.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.

Because this matter involves time-sensitive legal services that relate to a previous appointment of outside counsel, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Sections (D)(1) & (D)(2) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: May 15, 2014