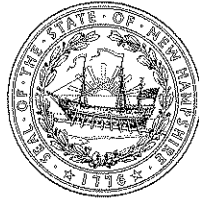


ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

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MICHAEL A. DELANEY  
ATTORNEY GENERAL



ANN M. RICE  
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<b>FISCAL COMMITTEE</b> <i>Late Item</i> Received <u>3/7/13</u> Filing Date _____
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March 7, 2013

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, NH 03301

Dear Representative Wallner:

**REQUESTED ACTION**

Pursuant to Chapter 224:213, Laws of 2011, authorize the Department of Justice to retain outside counsel from an out-of-state law firm, Duane Morris, LLP in Boston, for the purpose of obtaining legal expertise in an on-going matter involving the termination of a state construction contract, effective upon Fiscal Committee approval.

**EXPLANATION**

The Department of Justice is currently representing the Bureau of Public Works in a matter relating to the termination of a state construction contract with TLT Construction Corp. (TLT) for the construction of the National Guard Regional Training Institute and Barracks in Pembroke, NH. This is a \$24 million project, funded entirely by federal funds. TLT began construction in December 2011. The State terminated its contract in May 2012. The project has been essentially on hold since that time due to legal issues related to the termination.

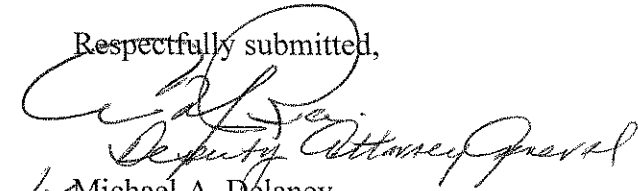
Because of the complexity of the issues involved in the matter, the Attorney General needs to retain an attorney with expertise in specific areas of construction law. The Attorney General's Office initially retained counsel from New Hampshire, but was unable to obtain to achieve its goal in the timeframe that the situation warranted and has since terminated that relationship. The office has contacted numerous other attorneys within the State, but has not been able to identify any attorney who both has the requisite expertise and does not have a conflict.

Chapter 224:213, Laws of 2011, states that "for the biennium ending June 30, 2013, when seeking outside counsel on a new matter, the department of justice shall retain only outside counsel whose business office is located within New Hampshire. If the attorney general determines the counsel necessary for a specific type of litigation is not available in this state, the attorney general shall request from the fiscal committee of the general court authorization to retain counsel whose business office is not located in New Hampshire."

Because the Department of Justice has determined that counsel with the necessary expertise is not available in state, the Department requests this committee's authorization to hire out-of-state counsel.

Thank you for your consideration of this request.

Respectfully submitted,

  
for Michael A. Delaney  
Attorney General