

THOMAS J. MILLER
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

JEFFREY S. THOMPSON
SOLICITOR GENERAL

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

November 30, 2022

Victoria Newton
Executive Secretary
Executive Council
State Capitol

Re: Retention of Special Counsel

Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain Special Counsel to provide legal services and representation to Iowa State University (ISU) and the State of Iowa with respect to claims asserted in *Ben-David v. Iowa State University*, Case No. LACV052940, in the Iowa District Court for Story County.

This matter arises from an accident involving members of the ISU Student Crew Club. The case presents complex issues of fact and law and unique issues related to university governance and student organizations. This office has determined that it would be in the best interests of both ISU and the State to engage Special Counsel with expertise in similar matters and with additional resources to represent the State in this matter.

This office has consulted with ISU and we recommend Nyemaster Goode, 700 Walnut, Suite 1600, Des Moines, Iowa 50309 to act as Special Counsel in this matter. Brian Humke from Nyemaster's Ames office will act as primary counsel for this matter at a rate of \$360.00 per hour. Fees and associated costs of litigation will be paid by ISU.

Accordingly, our office recommends the Nyemaster Goode be approved as Special Counsel.

Sincerely,

JEFFREY S. THOMPSON
Solicitor General