

No. 30987     *Frank Longwell, Larry Ferrara and William Kern, in their capacity as citizens, voters, residents and taxpayers of Marshall County, West Virginia v. The Board of Education of the County of Marshall, a corporation*

**FILED**

**July 9, 2003**

**RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

Starcher, C. J., concurring:

I join in the Court’s opinion. I write separately to suggest that the prosecuting attorney’s role in our county governance scheme, which includes the statutory duty to represent the board of education, gives the prosecuting attorney’s office at a minimum the right to be “in the loop” — when the county board of education is involved in litigation. *Cf. State ex rel. McGraw v. Burton*, 212 W.Va. 23, 569 S.E.2d 99 (2002) (attorney general is the State’s chief legal officer, and must be involved when State appears before tribunals). If a prosecutor exercises this right, and monitors cases where the county board is involved in litigation, it might in the long run lead to reduced litigation costs.