



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE
COUNSEL ON BEHALF OF THE WEST VIRGINIA OFFICE OF MINERS'
HEALTH, SAFETY & TRAINING**

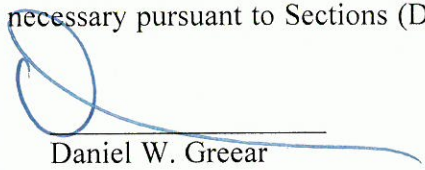
The West Virginia Office of Miners' Health, Safety and Training (hereinafter the "OMHST" or the "Office") is in need of legal representation to respond to an emergency petition recently filed with the West Virginia Supreme Court of Appeals.

More specifically, the OMHST is in need of legal representation to defend against a lawsuit challenging the Office's enforcement of state mine-safety rules.

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 authorize the appointment of Flaherty Sensabaugh Bonasso, PLLC, for the legal matter in question, based on the following factors:

- The Office of the Attorney General has determined that its representation of the OMHST in the above-cited matter could raise potential conflict of interest issues as the Attorney General's Office simultaneously represents the Board of Coal Mine Health and Safety, which is also a named party to the lawsuit in question.
- The OMHST must file a response in the above-captioned case by January 23, 2013, leaving insufficient time to complete the customary competitive bidding process.
- Flaherty Sensabaugh Bonasso, PLLC has agreed to provide the needed legal services at discounted rates that would represent substantial savings to the State, and is readily accessible to provide the legal services in question.

Because this matter involves an emergency situation that requires time sensitive legal services and presents potential conflict of interest issues, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Sections (D)(2) and (O) of Policy #WVAGO-004.


Daniel W. Greear
Chief Counsel

Date Signed: January 13, 2014