



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  
THE GOVERNOR OF WEST VIRGINIA**

The Governor of West Virginia (hereinafter "Governor") is seeking the assistance of outside counsel to assist with currently pending litigation. More specifically, the Governor is seeking legal assistance to defend litigation styled: *State of West Virginia ex rel William K. Schwartz v. The Honorable James Justice, Governor of the State of West Virginia et al.* Case No. 18-0789 currently pending in the Supreme Court of Appeals of West Virginia.

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 the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- The Governor is in immediate need of legal services to be performed in Kanawha County, West Virginia.
- It is not feasible for the Office of the Attorney General to provide the requested legal services without the assistance of outside counsel at this time due to the potential conflict of interest that may be created through the legal defense strategies available to the Governor in this matter.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.

A handwritten signature in black ink, appearing to read "Steven A. Travis".

Steven A. Travis  
Deputy General Counsel

Date Signed: September 14, 2018