



State of West Virginia

Office of the Attorney General

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Attorney General

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**Request for Proposal for Legal Services  
To Represent the West Virginia Department of Health & Human Resources**

The West Virginia Department of Human Services (“WVDHS”) is seeking legal representation to assist with potential civil or criminal contempt issues in litigation styled State of West Virginia v. Zediah Baugher, et al. Civil Action No. CC-02-2023-JD-95 in the Circuit Court of Berkeley County, West Virginia.

More specifically, the WVDHS is seeking three attorneys or firms to provide legal representation to employees of the WVDHS with potential civil or criminal contempt issues.

Qualified law firms or attorneys are invited to submit a proposal on or before 5:00 p.m., Wednesday, October 9, 2024, to assist with the representation of the WVDHS in this matter. The winning proposal, if any, will be selected as soon as possible after that date with representation to commence forthwith.

**Background**

The West Virginia Department of Human Services (“WVDHS”) is seeking legal representation to assist with potential civil or criminal contempt issues in litigation styled State of West Virginia v. Zediah Baugher, et al. Civil Action No. CC-02-2023-JD-95 in the Circuit Court of Berkeley County, West Virginia. More specifically, the WVDHS is seeking three attorneys or firms to provide legal representation to employees of the WVDHS with potential civil or criminal contempt issues.

Accordingly, the WVDHHR seek particular experience as follows:

- Expertise in civil and criminal contempt.
- General litigation.

**Scope of Representation**

The client is the WVDHS. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the WVDHS, as well as the organization’s legal counsel provided by the Attorney General’s Office, to provide legal services in relation to the above referenced litigation.

## **Conflict of Interest Information**

The attorney or firm must disclose any prior representation of the WVDHS, as well as any matters that may create a potential or actual conflict, including, but not limited to, any representations that were adverse to the WVDHS as well as any other previous representations that could impact a conflict analysis for these potential clients.

## **Your Proposal**

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy,<sup>1</sup> and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

- Expertise in civil and criminal contempt.
- General litigation.
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If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation and indicate the approximate proportion of total time that will be billed at each rate. Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense. Please state your per-unit costs (if any) for expenses such as copying; whether you will bill for travel expenses and at what rate; and whether and how you bill for any additional attorney-time while traveling. Representations made in your proposal will supersede any conflicting terms that are less favorable to the client appearing in any written contract or invoice.

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<sup>1</sup> Pursuant to the Outside Counsel Policy, the Attorney General shall consider the following factors when determining the most competitive proposal for legal services:

- Whether the private attorneys possess the requisite skills and expertise needed to handle the legal matters in question;
- Whether the private attorneys possess requisite staffing and support to handle the scope of the litigation or matter;
- Whether the private attorneys, or any members of the private attorneys' law firm, have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- Whether the private attorneys have been peer rated, and if so, what peer ratings they have received, along with any other recognitions or awards for legal services;
- The estimated fees, costs and expenses of the private attorneys to perform the legal services requested;
- The willingness of the private attorneys to enter into alternative billing arrangements;
- Whether the private attorneys are in compliance with all applicable laws of the State of West Virginia;
- Any potential conflicts of interest between the private attorneys and the State;
- Any relevant input from the state entity client, if applicable, regarding the needed legal services; and
- Any such other relevant factors as may be identified by the Attorney General.

## **Evaluation and Acceptance**

Your proposal will be evaluated by the Office of the Attorney General in consultation with the WVDHS. Any and all proposals may be rejected. Your proposal should be addressed to the Office of the Attorney General and emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov). This Request for Proposal shall be known as RFP # 135, and any and all correspondences relating to this Request for Proposal should reference RFP # 135. All proposals must be received by email no later than 5:00 p.m. Wednesday, October 9, 2024. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov).

Retention of the selected attorney or firm, if any, is conditioned upon execution of a written contract approved by the Attorney General. In no event will any such contract preclude the termination of the representation at any time by official action of the WVAGO, or WVDHS.

Thank you for considering this Request for Proposal.