



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
BAILEY & WYANT, PLLC AS OUTSIDE COUNSEL ON BEHALF OF
THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

The West Virginia Department of Health & Human Resources (the "WVDHHR") is seeking legal representation to assist WVDHHR and the Office of the West Virginia Attorney General with ongoing litigation involving the State's psychiatric hospitals.

More specifically, the WVDHHR is seeking legal representation to assist the Department with the case of *E.H. v. Matin* (the "*Hartley*" case), which is currently pending in the Circuit Court of Kanawha County, West Virginia.

Pursuant to the written determination issued on February 12, 2015, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the WVDHHR with the needed legal services. A request for proposals was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

In response to the request for proposal, the Office of the Attorney General received several proposals for legal services. After reviewing the proposals, the Office has determined that the appointment of Bailey & Wyant, PLLC is appropriate, based on the following factors:

- Bailey & Wyant has the requisite skills and expertise needed to handle the legal matter in question;
- Bailey & Wyant possesses the requisite staffing and support to handle the scope of the legal matter in question;
- Bailey & Wyant is located in the geographic area (Kanawha County) where many of the legal services will be performed;
- Under Bailey & Wyant's proposal, the needed legal services will be performed at competitive rates; and
- Bailey & Wyant's proposal is responsive to the WVDHHR's needs, and of those who submitted proposals, is WVDHHR's preferred counsel for this matter.

Based on the factors set forth above, and in consultation with the WVDHHR, the Office of the Attorney General authorizes the appointment of Bailey & Wyant to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy #WVAGO-004.



J. Robert Leslie
Senior Deputy Attorney General

Date Signed: May 14, 2015