



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION APPOINTING OUTSIDE COUNSEL
ON BEHALF OF THE WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION
(RFP # 88)**

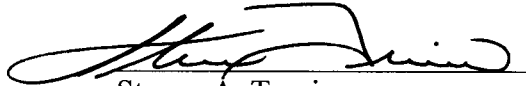
The West Virginia Division of Corrections and Rehabilitation (hereinafter "WVDCR") is seeking outside counsel to assist with ongoing litigation styled: *John Baxley, Jr. et al. v. Betsy Jividen et al.* Civ. Act. No. 3:18cv01526, in the United States District Court for the Southern District of West Virginia.

Pursuant to the written determination issued on February 14, 2020, 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 WVAGO with the needed legal services. A request for proposals, RFP # 88, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the February 21, 2020, deadline for proposals, the Office of the Attorney General received eight timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firm of Lewis Glasser PLLC ("Lewis Glasser") submitted a competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Lewis Glasser has the requisite attorneys and staff to provide the legal services to be performed, and is readily available to perform the needed services in a timely manner.
- Lewis Glasser's proposal is responsive to the WVDCR's needs, and of those who submitted proposals, is WVDCR's preferred counsel for this matter.
- Lewis Glasser has agreed to perform the needed legal services at a competitive hourly rate structure as follows:
 - Partners: \$195 per hour
 - Associates: \$170 per hour
 - Paralegals: \$85 per hour

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Lewis Glasser to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in black ink, appearing to read "Steven A. Travis", written over a horizontal line.

Steven A. Travis
Deputy General Counsel

Dated: February 27, 2020