



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 GOVERNOR OF WEST VIRGINIA AND
THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

The Governor of West Virginia and the West Virginia Department of Health & Human Resources (the “Governor” and “WVDHHR” respectively) are seeking legal representation to assist with ongoing litigation involving West Virginia’s foster care program.

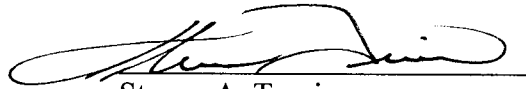
More specifically, the Governor and WVDHHR is seeking legal representation to assist the Department with the case of *Jonathan R., minor, by Next Friend, Sarah Dixon, et al. v. Jim Justice, in his Official Capacity as the Governor of West Virginia; et al.*, Case No. 3:19-cv-00710, which is currently pending in the United States District Court for the Southern District of West Virginia.

Pursuant to the written determination issued on October 8, 2019, 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 Governor and 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 and consulting with the Governor and WVDHHR, the Office has determined that the appointment of Brown & Peisch PLLC is appropriate, based on the following factors:

- Brown & Peisch PLLC has the requisite skills and expertise needed to handle the legal matter in question;
- Brown & Peisch PLLC possesses the requisite staffing and support to handle the scope of the legal matter in question;
- Brown & Peisch PLLC has extensive experience handling similar litigation for a variety of governmental entities across the country;
- Brown & Peisch PLLC has previously represented WVDHHR on another complex matter and obtained a favorable outcome for the state; and
- Brown & Peisch PLLC’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 Brown & Peisch PLLC 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

Date Signed: October 11, 2019