



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING BAILEY & GLASSER LLP
AS OUTSIDE COUNSEL ON BEHALF OF THE
WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY, AND TRAINING**

The West Virginia Office of Miners' Health, Safety, and Training (hereinafter the "OMHST") is in need of legal representation to assist with legal issues, including potential litigation before the courts having jurisdiction, regarding the bankruptcies filed by various coal operators, including, Alpha Natural Resources, Patriot Coal Company, Arch Coal Company, James River Coal, Walter Energy, Inc., Trinity Coal Corporation, Xinerger Limited, Cobalt Coal Corporation Mining Inc., and their subsidiary or related companies.

Pursuant to the written determination issued on February 9, 2016, 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 OMHST with the needed legal services. A request for proposals, RFP # 51, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the February 12, 2016, deadline for proposals, the Office of the Attorney General received two timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firm of Bailey & Glasser LLP has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Bailey & Glasser LLP has the requisite litigation background and bankruptcy expertise to assist the OMHST with the legal matter in question.
- Bailey & Glasser LLP submitted the most competitive proposal for legal services.
- Bailey & Glasser LLP's proposal was the most responsive to the OMHST's needs, and of those who submitted proposals is the OMHST's preferred counsel for this matter.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.

Based on the factors set forth above, and in consultation with the OMHST, the Office of the Attorney General authorizes the appointment of Bailey & Glasser LLP 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: February 19, 2016