



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  
OUTSIDE COUNSEL ON BEHALF OF THE WEST VIRGINIA  
OFFICES OF THE INSURANCE COMMISSIONER**

The West Virginia Offices of the Insurance Commissioner (hereinafter the “OIC”) is in need of legal representation to assist with the handling of several public employee grievances, which have been consolidated into one legal matter.

More specifically, the OIC is in need of legal representation to assist it during the mediation stage and beyond – to the extent that the grievances move forward – for four public employee grievances.

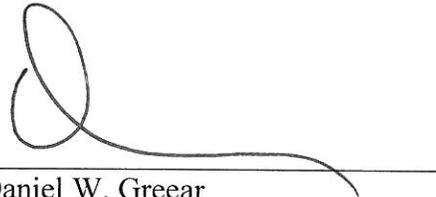
Pursuant to the written determination issued on October 9, 2014, the Office of the Attorney General Determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the OIC with the needed legal services. A Request for Proposals (RFP # 030) was issued in accordance with Section (D) of the Attorney General’s Policy on Outside Counsel (Policy #WVAGO-004).

As of the October 17, 2014, deadline for proposals, the Office of the Attorney General received four timely proposals for legal services from Bailey & Wyant, PLLC; Hardy Pence, PLLC; Kay Casto & Chaney, PLLC; and, Pullin, Fowler, Flanagan, Brown & Poe, PLLC. After review of the proposals, and consultation with the OIC, the Office of the Attorney General has determined that:

- All of the bidding law firms possess the requisite skills and expertise to handle the legal matters in question.
- All of the bidding law firms possess the requisite staffing and support to handle the scope of the legal matter in question.
- All of the bidding law firms appear to be in compliance with all applicable laws of the State of West Virginia, and have not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct.
- All of the bidding law firms are located in the geographic area (Kanawha County) in which the legal services are to be performed.

- Bailey & Wyant has submitted the lowest proposal for fees to perform the legal services in question.
- Bailey & Wyant has agreed to provide the needed legal services at the rates of \$175 an hour for members; \$155 an hour for associates; and, \$100 an hour for paralegals.
- Based on the factors set forth in the Attorney General's Policy on Outside Counsel, Bailey & Wyant has submitted the most competitive proposal for legal services.

Based on the factors set forth above, and in consultation with the OIC, 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.

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, horizontal flourish that extends to the right.

Daniel W. Greear  
Chief Counsel

Date Signed: October 21, 2014