

## **CURRICULUM VITAE**

### **MICHAEL J. FARRELL**

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#### **PROFESSIONAL**

**FARRELL, WHITE & LEGG PLLC**  
Managing Member  
Huntington, West Virginia  
(February, 2011 to Present)

**FARRELL, FARRELL & FARRELL, PLLC**  
Managing Member  
Huntington, West Virginia  
(July, 1997 to February, 2011)

**FARRELL & FARRELL, LC**  
Managing Partner  
Huntington, West Virginia  
(July, 1995 to June, 1997)

**JENKINS, FENSTERMAKER, KRIEGER, KAYES, FARRELL & AGEE**  
Partner, Chief of Litigation Section  
Huntington, West Virginia  
(1994 - 95)

**JENKINS, FENSTERMAKER, KRIEGER, KAYES & FARRELL**  
Partner, Chief of Litigation Section  
Huntington, West Virginia  
(1979 - 94)

**JENKINS & FENSTERMAKER**  
Associate  
Huntington, West Virginia  
(1977 - 79)

**PREISER & WILSON**  
Associate  
Charleston, West Virginia  
(1974 - 77)

**ASHLAND OIL, INC.**  
Summer Law Intern  
Russell, Kentucky  
(1973)

**Marshall & St. Clair**  
Summer Law Intern  
Huntington, WV  
(1972)

## **EDUCATION**

**WEST VIRGINIA UNIVERSITY COLLEGE OF LAW**  
Morgantown, West Virginia  
Doctor of Jurisprudence, 1974

**MARSHALL UNIVERSITY**  
Huntington, West Virginia  
Bachelor of Science, 1969

## **HALL OF FAME INDUCTIONS**

Marshall University College of Business Hall of Fame (Inducted, 2012)

The Harless Center for Rural Education Hall of Fame (Inducted, 2014)

## **PROFESSIONAL LEGAL ORGANIZATIONS AND SOCIETIES**

American Academy of Health Care Attorneys

American Bar Association

American Board of Trial Lawyers

< President, West Virginia Chapter, 1995 - 99

< President Elect, West Virginia Chapter, 1994-95

< Vice President, West Virginia Chapter, 1993-94

American College of Trial Lawyers, Fellow

<West Virginia State Committee, 2014-2018

<Teaching/Trial & Appellate Advocacy Committee, 2009-Present

American Hospital Association

American Judicature Society

American Society of Law & Medicine

Association of Defense Trial Attorneys

Cabell County Bar Association

Defense Research Institute (1979 to present)

Defense Trial Counsel of West Virginia:

< President, 1988-89

< Vice President, 1987-88

< Treasurer, 1986-87

< Secretary, 1985-86

< Board of Governors, 1983-90

< Executive Committee, 1983-89

< Editor-In-Chief and Founder, *Defense Trial Counsel Handbook*,  
1984-1987

<Continuing Legal Education Program Director, 1983-86

<Member, 1983 to Present

International Association of Defense Counsel

<Member, 1987 to Present

< Advocacy, Practice and Procedure Committee, 1987 - Present

< Business Litigation Committee 1994 - Present

< Drug Device and Biotech Committee, 1995 - Present

< Editorial Board, *Defense Counsel Journal*, 1998 - Present

< Employment Law Committee, 1990 - Present

< Medical Defense Committee and Health Law, 1987 - Present

< Product Liability Committee, 1987 - Present

< Toxic and Hazardous Substances Committee, 1995 - Present

< State Membership Committee, Membership Chair, 2000 – 2012

Litigation Counsel of America, Fellow

< Trial Lawyer Honorary Society, (2013-20)

West Virginia State Bar:

<Member, 1974 to Present

<West Virginia Law Institute, 1988 to Present

- < Board of Governors, 1980 to 1981
- < Founding Chairman, Committee on Law & Medicine, 1982 to 1985
- < Co-Chairman, Committee on Pattern Jury Instructions, 1985 to 1988
- < Committee on Specialization, 1980 to 1981
- < Committee on Civil Rules, 1976 to 1981
- < Committee on Public Understanding of the Law, 1976 to 1980
- < West Virginia State Bar, Young Lawyers Section:
  - < Chairman, 1980 to 1981
  - < Vice Chairman, 1979 to 1980
  - < Secretary-Treasurer, 1978 to 1979

West Virginia Bar Association:

- < Committee on Judicial Administration and Legal Reform
- < Joint Committee on Screening Medical Malpractice Cases, 1982 to 1985

Kentucky State Bar

- < 1989 to present

**FEDERAL COURT PRACTICE**

United States Supreme Court (Admitted, 1978)

United States Court of Appeals for the District of Columbia  
(Admitted, 1991)

United States Court of Appeals for the Fourth Circuit  
(Admitted, 1974)

United States Court of Appeals for the Sixth Circuit  
(Admitted, 2000)

United States District Court for the Northern District of West Virginia  
(Admitted, 1974)

United States District Court for the Southern District of West Virginia  
(Admitted, 1974)

United States District Court for the Eastern District of Kentucky  
(Admitted, 1991)

United States District Court for the Western District of Pennsylvania  
(Admitted *Pro Hac Vice*, 2016)

United States District Court for the Western District of Kentucky  
(Admitted, 1995)

United States District Court for the Southern District of Illinois (Admitted  
*Pro Hac Vice*, 1991)

## **STATE COURT PRACTICE**

Licensed in West Virginia (1974-Present)

Licensed in Kentucky (1989-Present)

Admitted to practice in the West Virginia Supreme Court of Appeals  
(1974)

Admitted to practice in all courts in the Commonwealth of Kentucky  
(1989)

Admitted *pro hac vice* in Nash County, North Carolina (1975)

Admitted *pro hac vice* in Madison County, Illinois (1983)

Admitted *pro hac vice* in Alabama (Approximately 1997; 2000, 2005)

Admitted *pro hac vice* in the Fourth Judicial District Court of Hennepin  
County, Minnesota (2013)

Admitted *pro hac vice* in Wise County, Virginia (2014-15)

Admitted *pro hac vice* in the Superior Court for the State of Delaware  
(2015-17)

Admitted *pro hac vice* in Allegheny County, Pennsylvania (2015-21)

Admitted *pro hac vice* in Franklin County, Illinois (2017-21)

Admitted *pro hac vice* in Montgomery County, Illinois (2017-21)

Admitted *pro hac vice* in Shelby County, Alabama (2019-21)

Admitted *pro hac vice* in Palm Beach County, Florida (2020-21)

Admitted *pro hac vice* in St. Lawrence County, New York (2021)

### **WEST VIRGINIA BUSINESS COURT PRACTICE**

*State of West Virginia v. Kelly Paving* (Lead Counsel; 2018-20)

### **WEST VIRGINIA MASS LITIGATION PANEL PRACTICE**

*In Re Rezulin Litigation* (Co-Lead Counsel)

*In Re Float Sink Litigation* (Lead Counsel)

*In Re Zoloft* (Liaison Counsel)

*In Re Asbestos*

### **CRIMINAL LAW PRACTICE**

Successful Defense of USA v. Arch A. Moore, Governor of the State of West Virginia, United States District Court for the Southern District of West Virginia. (1975)

Multiple State Court cases in Kanawha and Cabell Counties, West Virginia. (1974 to 1992)

Multiple Grand Jury Representations relating to commercial and environmental investigations. (1974 to 2019)

Consultant to the Cabell County Prosecuting Attorney. (2014 to 2017)

### **STATE OF WEST VIRGINIA HIGHER EDUCATION APPOINTMENTS**

#### **Statewide Policy Boards and Commissions**

- < West Virginia Higher Education Policy Commission
  - Chairman (2017-2021)
  - Vice Chairman (2016-2017, 2021 to Present)
  - Commissioner, (2017-2021) [Appointed by Governor Justice]
  - Commissioner, (2013-2017) [Appointed by Governor Tomblin]
  
- < West Virginia Educational Broadcasting Authority Board of Directors (2017-21)
  
- < West Virginia Regional Technology Park Board of Directors (2017-21)

- < West Virginia Blue Ribbon Commission on Four-Year Higher Education (2018-19) [Appointed by Governor Justice]
  - o Chair, Subcommittee on Collaborations
  
- < West Virginia Higher Education Interim Governing Board
  - Chairman Pro-Tem (2001)
  - Vice Chairman (2000-2001)
  - Member, [Appointed by Governor Wise]
  
- < University System Board of Trustees of West Virginia
  - Member (1997-2000) [Appointed by Governor Underwood]

### **Marshall University**

- < Forensic Science Center Board of Advisors(2021-Present)
  
- < Interim President (2005)
  - o Successful cooperation with West Virginia University and interaction with the West Virginia Legislature and Governor Manchin that resulted in the enactment Senate Bill 603 that modified the West Virginia Code and authorized public-private financing of capital projects; restoration of curriculum authority to both Universities and authorized private investment of University funds previously held by the State of West Virginia; operational and academic flexibility for the University.
  - o Appointed new deans in the Lewis College of Business, the College of Education, the School of Journalism and Mass Communications and the College of Health Sciences.
  - o Successfully engaged in fund raising on behalf of the Marshall University Foundation.
  - o Actively interacted with West Virginia's Congressional Delegation to secure funding for University projects and maintenance of Pell Grant funding for eligible students.
  - o Expansion of the Pt. Pleasant Campus that facilitated a substantial increase in the enrollment.
  - o Convened multiple forums to receive input from the faculty in Huntington, South Charleston and Pt. Pleasant.
  - o Convened multiple forums with the students in Huntington, South Charleston and Pt. Pleasant to receive their input..
  - o Initiated the first electronic communications with the student body to report on campus issues.
  - o Negotiated a contract for a seven game football series with West Virginia University.

- Secured funding for a new television studio for use by WPBY and the School of Journalism and Mass Communications.
- Modified the Buck Harless Student Athlete Academic Advising Program to establish greater accountability.
- Established a relationship with the Huntington Black Ministerial Association to expand awareness of the value of higher education within the African-American community.
- Hired a football coach following Coach Pruett's retirement.
- Initiated discussions with a private entity to evaluate feasibility of constructing the Recreation Center and new dormitories through private financing.
- Initiated contact with Hollywood regarding the filming of a feature film regarding the Marshall University football team.
- Met with the Charleston Gazette Publisher, Managing Editor and Editorial Board to address inequitable coverage and charges to Marshall University.
- Authorized financing to the Marshall University Forensic Science Center to build out its empty space.
- Established the Presidential Art Gallery.
- Authorized the initiative that resulted in the Marshall University Joan C. Edwards School of Medicine Orthopedic Residency.
- Established the Leadership Program Fellowship

#### Board of Advisors (2000-2001)

#### Board of Governors (2001-2004, 2005 – 2013)

- Vice Chairman (2001-2002)
- Chairman, Academic Committee (2001-2004)
- Chairman, Athletic Committee (2005-2009)
- Finance, Audit & Facilities Committee (2009-13)
- Appointed by Governors Wise, Manchin and Tomblin.

#### Lewis College of Business

- Guest Lecturer Re: Presentation of Expert Witness Economic Evidence

#### Honors Program

- Guest Lecturer re: *Nature v. Nurture* (2011-13)

#### Financial Support for the Benefit of Higher Education

- Secured \$3,200,000 from Class Action Settlement for the benefit of the Marshall University Joan C. Edwards School of Medicine.

#### Pharmacy School

- Adjunct Professor of Pharmacy Law and Ethics (2012-2020)



### **West Virginia University**

College of Law Visiting Committee

- Chairman (1993-94)
- Member (1990-94, 2005-2009)
- Guest Lecturer at College of Law (1976-Present)
- Jessup Cup Team Judge (2019)
- Guest Lecturer at College of Law Continuing Legal Education Seminars (1978-2016)

### **Beijing University School of Medicine**

Guest Lecturer, under the auspices of the Eisenhower Citizen Ambassador Program, Seminar presented to the Faculty regarding Resolution of Medical-legal Disputes in the United States (1991)

### **University of Kentucky**

Guest Lecturer, Graduate School, Department of Kinesiology and Health Promotion. (2011)

### **University of Maryland College of Law**

Guest Lecturer at Baltimore Campus regarding Appellate Advocacy (2012)

### **Temple University School of Medicine**

Guest Lecturer, Timberline Series regarding Medical Malpractice and Health Care Risk Management (1988-89)

## **WEST VIRGINIA ATTORNEY GENERAL APPOINTMENTS**

Special Assistant Attorney General, State of West Virginia

Represented the West Virginia State Board of Education in *Pauley v. Bailey (renamed Tomblin v. Gainer)*, a 23+ year case regarding the Constitutionality of West Virginia Public Education Financing Litigation [*aka The Recht Decision*]. (1998 to 2002)

Special Assistant Attorney General, State of West Virginia

Represented the West Virginia Board of Regents regarding Marshall University Stadium Litigation. (1992 to 1995). [Engineering & architecture malpractice claims.]

## **STATE OF WEST VIRGINIA HEALTH CARE APPOINTMENTS**

West Virginia Health Care Planning Commission Task Force on Quality of Care and Practice Liability (1992)

## **WEST VIRGINIA SUPREME COURT OF APPEALS APPOINTMENTS**

Faculty, West Virginia Spring Judicial Conference (2004)  
-Guest Lecturer regarding products liability, medical malpractice trial practice and evidentiary topics .

Faculty, West Virginia Spring Judicial Conference (2003)  
- Guest Lecturer regarding products liability.

Faculty, West Virginia Spring Judicial Conference (1991)  
-Guest Lecturer regarding products liability and evidence.

West Virginia Judicial Ethics Hearing Board [Lawyer Member]  
(1981-85)

Co-Chairman, Product Liability Pattern Jury Instruction Committee  
(2000-01)

## **MARSHALL UNIVERSITY SCHOOL OF PHARMACY ACADEMIC APPOINTMENTS**

Adjunct Faculty, School of Pharmacy (2012 to 2020)

## **MARSHALL UNIVERSITY JOAN C. EDWARDS SCHOOL OF MEDICINE ACADEMIC APPOINTMENTS**

Clinical Associate Professor, Department of Surgery, (2004 to Present)

Clinical Associate Professor, Department of Family & Community Health, (1997 to Present)

## **ARBITRATION APPOINTMENTS**

Arbitrator, National Association of Securities Dealers (1991-95)

Participated in 12 Arbitrations as counsel for various commercial and brokerage entities (1989 to present)

## **FEDERAL JUDICIARY APPOINTMENT**

Civil Justice Expense and Delay Reduction Advisory Group for the  
United States District Court, Southern District of West Virginia  
(1991)

## **AWARDS & RECOGNITIONS**

Honorary Member of the Marshall University Joan C. Edwards School of  
Medicine Alumni Association (2009)

Benchmark Litigation Star (2013 to 2021)

International Who's Who for Product Liability Defense in 2012 (one of  
only four lawyers selected in the State of West Virginia)

Chambers U.S.A. [Band 1, General Commercial Litigator],  
(2009 to Present)

Fellow, American College of Trial Lawyers (Inducted, 2009)

The Best Lawyers in America (1997-Present):

- < "Bet The Company" Litigation
- < Personal Injury Litigation - Defense
- < Commercial Litigation
- < Products Liability Litigation – Defense
- < Labor & Employment Litigation
  
- < 2014 Charleston, WV "Lawyer of the Year" Litigation – Labor &  
Employment

West Virginia Super Lawyers (2006-Present)

- < West Virginia's Top Ten, Ranked 3rd in the State (2012-2020)
- < Business Litigation Super Lawyer

Martindale-Hubbell Rating: AV

Fellow, West Virginia Bar Foundation (Inducted, 2005)

Teaching Award, American Academy of Family Physicians (1996)

Teaching Award, Marshall University School of Medicine Department of  
Family and Community Health (1993)

Distinguished Service Award, Mountain State Bar Association (1987)

Distinguished Faculty Award, Defense Trial Counsel of West Virginia (1986)

Outstanding Member Award, Defense Trial Counsel of West Virginia (1985)

Distinguished Service Award, YMCA of Huntington (1985)

Mountaineer Teaching Award, West Virginia University College of Law (1983)

Distinguished Young Men of America (1979, 1980 & 1981)

Outstanding West Virginian Award (1976)

**REPORTED OPINIONS—HIGHEST WEST VIRGINIA and KENTUCKY APPELLATE COURTS**

*State ex rel Hope Clinic LLC v. McGraw*, \_\_\_ W. Va. \_\_\_, 858 S.E.2d 221 (2021)

*State ex rel West Virginia Department of Transportation v. Kaufman*, 2019 WL 1468584 (2019)

*American General Life Ins. Co. v. DRB Capital, LLC.*, 562 S.W.3d 916 Ky. Supreme Ct. 2018)

*J.C., by and through Michelle C. v. Pfizer, Inc.*, 240 W. Va. 571, 814 S.E.2d 234 (2018)

*M.M. by and through Jeanette M. v. Pfizer, Inc.*, 239 W. Va. 876, 800 S.E.2d 806 (2017)

*American General Life Ins. Co. v. DRB Capital, LLC.*, 2017 WL 2491662 (Ky. Ct. App. 2017).

*State ex rel Almond v. Murensky*, 238 W. Va. 289, 794 S.E.2d 10 (2016)

*State ex rel J.C. v. Mazzone*, 235 W. Va. 151, 772 S.E.2d 336 (2015)

*In re Irvbogbe*, 2014 W. Va. LEXIS 589, 2014 WL 2404312 (W. Va. Supreme Court of Appeals)

*State ex rel J.C. v. Mazzone*, 233 W. Va. 457, 759 S.E.2d 200 (2014)

*In W. Va. ex rel. N. River Ins. Co. v. Chafin*, 233 W. Va. 289, 758 S.E.2d 109 (2014)

*Burnworth v. George*, 231 W. Va. 711, 749 S.E.2d 604 (2013)

*State ex rel Discover Financial Services v. Nibert*, 231 W. Va. 227, 744 S.E.2d 625 (2013)

*Coleman v. Hackney*, 2013 WL 3184922, 2013 W. Va. Lexis 736 (2013) (Supreme Court of Appeals of W. Va.)

*McDonald v. City Hospital, Inc.*, 227 W. Va. 707, 715 S.E.2d 405 (2011) (*Amicus Curiae*)

*White v. Wyeth*, 227 W. Va. 131, 705 S.E.2d 828 (2010)

*Peters v. Rivers Edge Mining, Inc.*, 224 W. Va. 160, 680 S.E.2d 791 (2009) (*Amicus Curiae*)

*Heartland, L.L.C. v. McIntosh Racing Stable, L.L.C.*, 219 W. Va. 140, 632 S.E. 2d 296 (2006)

*Davis v. Eagle Coal and Dock Co.*, 220 W. Va. 18, 640 S.E. 2d 81 (2006) 168 L. Ed.2d 262, 2007 U.S. LEXIS 7531 (U.S. June 11, 2007)

*Morris v. Crown Equipment Corp.*, 219 W. Va. 347, 633 S.E.2d 292, Prod. Liab. Rep. (CCH) P 17, 632 W. Va. (2006)

*Gibson v. Northfield Ins. Co.*, 219 W. Va. 40, 631 S.E. 2d 598 (2005)

*In re: Tobacco Litigation*, 218 W. Va. 301, 624 S.E. 2d 738 (2005)

*Calhoun v. Traylor*, 218 W. Va. 154, 624 S.E. 2d (2005)

*Gibson v. Northfield Ins. Co.*, 219 W. Va. 40, 631 S.E.2d 598 (2005)

*Calvert v. Scharf*, 217 W. Va. 684, 619 S.E.2d 197 (2005)

*State ex rel. Mantz v. Zakaib*, 216 W. Va. 609, 609 S.E.2d 870 (2004)

*Rose v. St. Paul Fire and Marine Insurance Co.*, 215 W. Va. 250, 599 S.E.2d 673 (2004)

*In re: Tobacco Litigation*, 215 W. Va. 476, 600 S.E.2d 188 (2004)

*In re: West Virginia Rezulin Litigation v. Hutchison*, 214 W. Va. 52, 585 S.E.2d 52 (2003)

*Estate of Verba v. Graphery*, 210 W. Va. 30, 552 S.E.2d 406 (2001)  
(*Amicus Curiae*)

*In Re West Virginia Rezulin Litigation*, S.E. 2d, 2001, WL 1818442, (W. Va. Cir. Ct. 2001)

*Glover v. St. Mary's Hospital of Huntington, Inc.*, 209 W. Va. 695, 551 S.E.2d 31 (2001)

*Sheetz v. Bowles Rice McDavid & Love*, 209 W. Va. 318, 547 S.E.2d 256 (2001)

*Moore v. St. Joseph's Hospital of Buckhannon, Inc.*, 208 W. Va. 123, 538 S.E.2d 714 (2000)

*DeVane v. Kennedy*, 205 W. Va. 519, 519 S.E.2d 622 (1999) (*Amicus Curiae*)

*Dolen v. St. Mary's Hospital of Huntington, Inc.*, 203 W. Va. 181, 506 S.E.2d 624 (1998)

*Walters v. Fruth Pharmacy, Inc.*, 196 W. Va. 364, 472 S.E.2d 810 (1996)

*Harrison v. Davis*, 197 W. Va. 651, 478 S.E.2d 104 (1996)

*Staten v. Dean*, 195 W. Va. 57, 464 S.E.2d 576 (1995)

*County Commission of Boone County v. Hill*, 194 W. Va. 481, 460 S.E.2d 727 (1995)

*Boyle v. Boyle*, 194 W. Va. 124, 459 S.E.2d 401 (1995)

*Johnson v. Nedeff*, 192 W. Va. 260, 452 S.E.2d 63 (1994)

*Birthisel v. Tri-Cities Health Services Corp.*, 188 W. Va. 371, 424 S.E.2d 606 (1992)

*Rogers v. Rogers*, 185 W. Va. 102, 405 S.E.2d 235 (1991)

*Pasquale v. Ohio Power Co.*, 186 W. Va. 501, 413 S.E.2d 156 (1991)

*Mullett v. City of Huntington Police Pension Board*, 186 W. Va. 488, 413 S.E.2d 143 (1991)

*Committee on Legal Ethics of West Virginia State Bar v. Morton*, 186 W. Va. 43, 410 S.E.2d 279 (1991)

*State v. Merritt*, 183 W. Va. 601, 396 S.E.2d 871 (1990)

*Hicks v. Wilson*, 182 W. Va. 660, 391 S.E.2d 350 (1990)

*Gilman v. Choi*, 185 W. Va. 177, 406 S.E.2d 200 (1990)

*Morris v. Boppa*, 182 W. Va. 248, 387 S.E.2d 302 (1989)

*Hatcher v. Narcise*, 180 W. Va. 20, 375 S.E.2d 198 (1988)

*Craig v. City of Huntington*, 179 W. Va. 668, 371 S.E.2d 596 (1988)

*Cline v. Jumacris Mining Co.*, 177 W. Va. 589, 355 S.E.2d 378 (1987)

*Wayne County Bank v. Hodges*, 175 W. Va. 723, 338 S.E.2d 202 (1985)

*Vincent v. Preiser*, 175 W. Va. 797, 338 S.E.2d 398 (1985)

*Craft v. Rice*, 671 S.W.2d 247 (Ky. 1984)

*Sydenstricker v. Unipunch Products, Inc.*, 169 W. Va. 440, 288 S.E.2d 511 (1982)

*Napier v. Plymale*, 167 W. Va. 372, 280 S.E.2d 122 (1981)

*Hinkle v. Martin*, 163 W. Va. 482, 256 S.E.2d 768 (1979)

*Bradley v. Appalachian Power Co.*, 163 W. Va. 332, 256 S.E.2d 879 (1979)

## **REPORTED OPINIONS—FEDERAL COURTS OF APPEALS**

*E.D. v. Pfizer, Inc.* 722 F.3d 574 (2013)

*Smith v. Bayer Corp., (In Re Baycol Prods. Litig.)*, 593 F.3d 716 (8<sup>th</sup> Cir. 2010)

*Medical Assurance of West Virginia, Inc. v. U.S.*, 233 Fed. Appx. 235, 2007 WL 1203584 (2007) (Amicus Brief)

*Huff v. J.H. Fletcher & Co.*, 113 F.3d 1232 (4th Cir. 1997)

*Shaffer v. J.H. Fletcher & Co.*, 83 F.3d 416 (4th Cir. 1996)

*Baber v. Hospital Corporation of America*, 977 F.2d 872 (4th Cir. 1992)

*Connors v. Link Coal Co., Inc.*, 970 F.2d 902 (D.C. Cir. 1992)

*Vincent v. Reynolds Memorial Hospital, Inc.*, 881 F.2d 1070 (4th Cir. 1989) [Legal Malpractice]

*Superior Pocohontas Coal Co. v. Island Creek Coal Co.*, 840 F.2d 11 (4th Cir. 1988)

*Sharples Coal Corp. v. Commercial Union Ins. Co.*, 818 F.2d 29 (4th Cir. 1987)

*In re: A.H. Robbins Co., Inc.*, 828 F.2d 1023, 93 A.L.R. F. 93 (4th Cir. 1987)

*Stapleton v. Ashland Oil, Inc.*, 774 F.2d 622 (4th Cir. 1985)

*Wilner v. Horne's Inc.*, 1975 U.S. App LEXIS 13908 (4<sup>th</sup> Cir. 1975)

## **REPORTED OPINIONS—UNITED STATES DISTRICT COURTS**

*First Mercury Ins. Co. v. Monitronics Int'l, Inc.*, 2017 WL 190098 (S.D. W. Va.)

*Tucker v. Momentive Performance Materials USA Inc.*, 2016 WL 8252929 (S.D. W. Va.)

*In re Ethicon, Inc. Pelvic Repair System Products Liability Litigation*, 2015 WL 4067981 (S.D. W. Va.)

*Pauley v. Hertz Global Holdings, Inc.*, 2014 WL 2112920 (S.D. W. Va.)

*West Virginia ex rel. McGraw v. Bristol Myers Squibb Co.*, 2014 WL 793569 (D. N.J.)

*J.C. ex rel. Cook v. Pfizer, Inc.*, 2014 WL 495455 (S.D. W. Va.)

*In re Ethicon, Inc. Pelvic Repair System Products Liability Litigation*, 299 F.R.D. 502 (S.D. W. Va.)

*In re Ethicon, Inc. Pelvic Repair System Products Liability Litigation*, 2014 WL 186869 (S.D. W. Va.)



*Almond v. Pfizer, Inc.*, 2013 WL 6729438 (S.D. W. Va.)

*Dynes v. American Medical Systems, Inc.*, 2013 WL 6022264 (S.D. W. Va.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2013 WL 12181705 (W.D. Pa.)

*Harper v. Bayer Corp.*, (*In re Trasyol Prods. Liab. Litig.*), 2013 U.S. Dist. LEXIS 42093 (S.D. FL 2013)

*Quinones v. Bayer Corp.*, (*In re Trasyol Prods. Liab. Litig.*), 2013 U.S. Dist. LEXIS 42093 (MDL S.D. FL 2013)

*In re Trasyol Prods. Liab. Litig.*, 2013 U.S. Dist. LEXIS 49139 (MDL S.D. FL 2013)

*Emplr. Teamsters-Local Nos. 175/505 Health & Welfare Trust Fund v. Bristol Myers Squibb Co.*, 2013 WL 360011 (S.D. W. Va.)

*Bristol Myers Squibb Co.*, 2013 U.S. Dist. LEXIS 21589 (S.D. W. Va. 2013)

*In re Am. Med. Sys., Inc.*, 2012 U.S. Dist. LEXIS 176329 (MDL S.D. W. Va. 2012)

*In re Am. Med. Sys., Inc.*, 2012 U.S. Dist. LEXIS 154290 (MDL S.D. W. Va. 2012)

*J.C. ex rel Cook v. Pfizer, Inc.*, 2013 WL 4442518 , 2012 U.S. Dist. LEXIS 136791 (S.D. W. Va. 2012)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930445 (W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930444 (W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930443 (W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930404 (W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930403  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930401  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930400  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930402  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930399  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930398  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930389  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930388  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930386  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930384  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930383  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930382  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930381  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930362  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930361  
(W.D. Pa.)

*Mine Safety Appliances Co. v. North River Ins. Co.*, 2012WL 12930313  
(W.D. Pa.)

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*Hines v. Wyeth Pharms, Inc.*, 2011 U.S. Dist. LEXIS 74042 (MDL S.D W. Va. 2011)

*Hines v. Wyeth Pharms, Inc.*, 2011 U.S. Dist. LEXIS 74038 (MDL S.D W. Va. 2011)

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*White v. Wyeth, Inc. (In Re Prempro MDL)*, 2007 U.S. Dist. LEXIS 23237 (MDL E.D. AK 2007)

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## **BOOK CHAPTERS PUBLISHED**

“Healthcare Professional Licensing Boards,” Chapter 45 in **MEDICAL LEGAL HANDBOOK** (Juris Publishing Inc., October, 2018)



“Destructive and Nondestructive Testing or Examination” (to be published in the **IADC DEFENSE COUNSEL TRAINING MANUAL** (Spring, 2016))

“Joint Defense Agreements,” **ADVOCACY IN THE 21<sup>ST</sup> CENTURY** published by International Association of Defense Counsel (Fall, 2001)

"Civil Litigation" Chapter, **WEST VIRGINIA PRACTICE HANDBOOK** (Michie Company, 1988)

### **LAW REVIEW ARTICLES AND NATIONALLY PUBLISHED MONOGRAPHS**

“Resurrecting, The Dormant Defenses: Assumption of Risk, Patient Negligence, Avoidable Consequences and Winning The Medical Malpractice Case,” 1997 Defense Research Institute Medical Malpractice Monograph 8 (Chicago, 1997)

“Medication Malpractice Claims, Culprits and Defenses,” 16 Am.J. of Trial Advocacy 65 (1992) Updated and expanded version reprinted in 42 Defense Law Journal 315 (1993)

"Communication in the Courtroom, Jury Instructions," 85 W. Va. L. Rev. 5 (1982)

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### **INTERNATIONALLY PUBLISHED NEWSLETTER ARTICLES**

“*Peters v. Rivers Edge Coal Company* --- Behold A Dangerous Employment Law Intersection” IADC Labor & Employment Committee Newsletter (July 2009) [Employment]

“Learned Intermediary Doctrine Survives for Another Year,” IADC Drug, Device and Biotech Committee Newsletter (January, 1998)

“Psychiatric Malpractice: Defense Considerations When the Patient Commits Suicide,” IADC Medical Negligence Newsletter (July, 1997)

“The Product Modification and Alteration Defense: Considerations and Strategies,” IADC Product Liability Newsletter (April, 1997)

### **PERIODIC LITERATURE PROFESSIONAL ARTICLES**

“Litigation Power—The Art of Motion Practice—A Litigator’s Best Friend,” The West Virginia Lawyer, p. 34, (July-September 2013)

"Medication Malpractice," 10 Professional Liability Newsletter, Houston, Texas (December, 1988)

“Automobile Litigation, Comparative Negligence, Multiple Tortfeasors, Contribution and Third Party Claims,” 1 (4) The West Virginia Lawyer 20 (October, 1988)

"We The Jury," a short story, The West Virginia Lawyer 36 (November, 1987)

"Informed Consent and the Emergency," 5 Professional Liability Newsletter 1 (Houston, Texas)(1983)

"Proof of Damages," 6 W. Va. State Bar Journal 52 (1980)

"Utilizing Discovery," YLS Newsletter, (February, 1980)

"Comparative Negligence," YLS Newsletter, (November, 1979)

"Mandolidis - First Impression and Second Thoughts," The Advocate, (April, 1979)

"Ethics Committee Changes - Enough or Too Much?," West Virginia State Bar Journal (1978)

## **HIGHER EDUCATION SEMINARS**

“Pharmacy Ethics & Disciplinary Enforcement Actions and *Jail*,” presented to the Marshall University School of Pharmacy, Second Year Class, (2014-20)

“Becoming a Successful Forensic Economic Expert”, Marshall University Lewis College of Business (April 7, 2015)

“Who, What, Where, Why & How a Pharmacist Can Get Sued or Hurt;” presented to the Marshall University School of Pharmacy, Second Year Class, (November 10, 2014)

“Expectations and Intersections: Presidents and Boards” presented at the West Virginia Board of Governors Higher Education Summit (August 1, 2014)

“Nature v. Nurture - The Criminal Mind and the American System of Justice” Marshall University Honors College presented at the Marshall University Forensic Science Center, Huntington, WV (October 9, 2012)

“Appellate Advocacy,” – University of Maryland College of Law, Baltimore MD (April 12, 2012)

“Nature v. Nurture--Why and How Professionals Fail Themselves and Others” Marshall University Honors College presented at the Marshall University Forensic Science Center, Huntington, WV (November 29, 2011)

“Intercollegiate Athletics – The Intersection of the Board, President, Athletic Director & The Law” – University of Kentucky, Department of Kinesiology and Health Promotion, Lexington, Kentucky (February, 2011)

“The Predicate Act of Persuasion” – Marshall University, College of Arts & Sciences Legal Communications Course (September, 2008)

“Medical Malpractice 101: A Trial Simulation” — Mock Trial — Marshall University Joan C. Edwards School of Medicine, (May, 2007)

“Risk Management Issues for the Family and Sports Medicine Doctor,” Marshall University Family Medical Conference (November, 2005)

“Legal Obligations (and Perils) Related to the Practice of Medicine” Marshall University Joan C. Edwards School of Medicine (July, 2004)

“Medical Malpractice 101: A Trial Simulation” — Mock Trial — Marshall University Joan C. Edwards School of Medicine (April, 2004)

“Litigating the Medical and Hospital Malpractice & Product Liability Case” — Mock Trial — Marshall University School of Medicine (March, 2001)

“Primer on Contracts and Commercial Transactions,” Marshall University School of Medicine Senior Seminar (August, 2000)

“Professionalism, Harassment & Abuse: The Interface of Common Sense, Law and Ethics,” Marshall University School of Medicine Senior Seminar (July, 2000)

“Diagnostic Malpractice,” Marshall University School of Medicine Internal Medicine Annual Medico-Legal Seminar (September, 1999)

“Medical Malpractice Mock Trial,” Marshall University School of Medicine, Family Practice Residency (March, 1997)

“Defense of Medical and Hospital Malpractice Litigation,” Lugar Trial Advocacy Program ~ West Virginia University College of Law (November, 1996)

“How to Avoid Family Medicine Malpractice,” Marshall University School of Medicine (June, 1996)

“Primary Care Malpractice: Lay and Nursing Staff Issues,” Marshall University School of Medicine (September, 1995)

“Emergency Medicine/Product Liability Mock Trial,” Marshall University School of Medicine (March, 1995)

“Masters In Trial, Obstetrical Malpractice Mock Trial,” American Board of Trial Advocates Seminar at West Virginia University School of Medicine (March, 1995)

"Malpractice Primer for Family Practice Physicians," Marshall University Medical School (February, 1994)

"Physician-Patient Communications," Marshall University School of Medicine (September, 1992)

"Medical Malpractice Mock Trial," Marshall University School of Medicine Family Practice Residency Program (February, 1992)

"A Medical Malpractice Primer," Marshall University School of Medicine (September, 1991)

"A Docudrama Trial of a Medical Malpractice Case," Marshall University School of Medicine (July, 1991)

"Medical Malpractice Workshop," West Virginia University College of Law (February, 1991)

"Opening Statements," Marilyn E. Lugar Trial Advocacy Seminar, West Virginia College of Law (September, 1989)

"Law of Sports Medicine," Marshall University Medical School Second Annual Sports Medicine Conference (December, 1983)

"Legal Aspects of Infection Control," Marshall University Medical School Infectious Disease Conference (November, 1983)

“Opening Statements,” Marilyn E. Lugar Trial Seminar, WVU College of Law (October, 1983)

"Surgical Malpractice - How to Avoid It," Marshall University Medical School (October, 1981)

"The Opening Statement - Trial Tactics Seminar," West Virginia University College of Law (February, 1981)

"Proof of Damages In A Personal Injury Case," Marilyn E. Lugar/West Virginia State Bar - College of Law CLE Seminar, Morgantown, West Virginia (September, 1980)

"Written Persuasion - The Lost Art of Legal Advocacy," West Virginia University College of Law Marilyn E. Lugar Seminar Series (September, 1979)

“Trial Advocacy Seminar,” West Virginia University College of Law Marilyn E. Lugar Seminar Series (September, 1979)

"Cross Examination Techniques in a Criminal Case," West Virginia University College of Law Student Trial Lawyers Association Seminar (September, 1978)

## **PROFESSIONAL LEGAL SEMINAR EDUCATIONAL PUBLICATIONS**

“Ethical Consequences—What Defense Lawyers and Other Lawyers Do and Fail to Do,” W. Va. Continuing Legal Education 36<sup>th</sup> Annual Mountaineer CLE Series (September 5, 2015)

“Rules 801, 803 & 804 Hearsay and the Exceptions to Hearsay Can Be Valuable Tools for a Prosecutor” presented to professional staff of the Office of Prosecuting Attorney for Cabell County, West Virginia, (November 7, 2014)

“Opening Statements by a Prosecuting Attorney;” presented to professional staff of the Office of Prosecuting Attorney for Cabell County, West Virginia, (August 22, 2014)

“Ethical Hail Marys – Perspectives on What Defense Lawyers Do That They Should Not Do” West Virginia Continuing Legal Education Seminar – WVU College of Law, Morgantown, WV (September 4, 2011)

- “Workplace Litigation ~ An Emerging Intersection Between Products liability and *Mandolidis*” – West Virginia Continuing Legal Education -- Litigation 2010, Canaan Valley Lodge, Davis, West Virginia (February 19-20, 2010)
- “Expert Witness Reports – The Boundary Lines for the Case” Defense Trial Counsel Young Lawyers Committee – Expert Witness Workshop, Charleston, West Virginia (October 17, 2008)
- “Current Status of *Gentry* Analysis in West Virginia–Updating and Understanding The Law of Expert Witness Testimony,” West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (September 23, 2005)
- “Rule 404(b): What is Admissible,” West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (September 18, 2004)
- “Motion Practice in The United States District Courts Situate In West Virginia,” West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (October 10, 2003)
- “Analysis And Perspectives Regarding The 2003 Significant Statutory Changes To The Medical Professional Liability Act, W. Va. Code § 55-7B-1 *et seq.*” West Virginia Spring Judicial Conference, Snowshoe, West Virginia (May 9, 2003)
- “A Candid Commentary and Examination of the Amended Medical Professional Liability Act and Selected Medical Malpractice Topics,” West Virginia Spring Judicial Conference, Charleston, WV (May 9, 2002)
- “A Trial Lawyer's Commentary on Justice Cleckley's Legacy - Standard of Review,” Defense Trial Counsel of West Virginia Annual Handbook (June, 1997)
- “Expert Witness Strategic Considerations: Qualification and Exclusion in West Virginia,” Defense Trial Counsel of West Virginia Annual Handbook (June, 1996)
- “The Law of Expert Witness Qualification and Exclusion in West Virginia,” West Virginia State Bar Litigation Seminar Handbook 155 (February, 1996)

- “Managing the Evidence and Making the Appellate Record: Strategic Considerations for Motions in Limine, Objections, Motions to Strike, and Post Trial Motions,” 1995 West Virginia State Bar CLE Trial Seminar Handbook 85 (February, 1995)
- “Winning Through Discovery,” Mountain State Bar, Annual Meeting CLE Handbook (May, 1994)
- “Spoliation of Evidence in Product Liability Cases,” 1994 Defense Trial Counsel of West Virginia Handbook and Cabell County Bar Association, Myrtle Beach Seminar Handbook (March, 1994)
- “West Virginia Refines Wrongful Discharge Cause of Action in 1992,” Cabell County Bar Association Myrtle Beach Seminar (March, 1993) [Employment]
- “Checklists and Buzz Words for Human Resource Managers in West Virginia's Litigious Healthcare Environment - Avoiding The Wrongful Discharge,” West Virginia Hospital Human Resources Association Seminar Handbook (April, 1992) [Employment]
- “Management's Rights in West Virginia's Litigious Environment,” West Virginia Hospital Association Seminar Handbook (October, 1991) [Employment]
- “Communications in a Litigious Society,” Marshall University Medical School Seminar Handbook (September, 1991)
- “How to Avoid Malpractice Litigation,” Temple University Timberline Medical-Legal Conference Handbook (January, 1989)
- “Minimizing the Personal Injury Damage Claim,” Mountain State Bar Seminar Handbook (December, 1988)
- “Ethical and Malpractice Pitfalls for the Litigator,” Cabell County Bar Association Myrtle Beach Seminar Handbook (November, 1988)
- “Civil Motion Practice from A Defense Perspective,” College of Law C.L.E. Book (September, 1988)
- “Theories of Defense and Multiple Party Considerations,” College of Law C.L.E. Handbook (October, 1987) [Product Liability]
- “The Medical Professional Liability Act of 1986: New Procedural and Evidentiary Requirements for Proof and Defense of Medical

Malpractice Claims in West Virginia,” 3 Defense Trial Counsel Handbook 544 (1987)

“Mandolidis - Where Have All the Claims Gone,” 3 Defense Trial Counsel Handbook 529 (1987) [Employment]

### **PROFESSIONAL MEDICAL-LEGAL EDUCATIONAL SEMINAR PRESENTATIONS**

“Historical Realities and Predictions about Future Litigation against West Virginia Health Care Professionals”  
West Virginia State Medical Association (August, 2007)

“Dental Litigation,” West Virginia State Dental Association, (July, 2005)

“Surgical Malpractice,” American College of Surgeons, West Virginia Chapter (May, 2005)

“Risk Management and Employment Law Update,” St. Mary’s Hospital Medical and Dental Staff (July, 1999) [Employment]

“Sexual Harassment Mock Trial,” Boyd County, Kentucky Dental Society (February, 1996) [Employment]

“Sexual Harassment in the Dental Office,” Cabell County Dental Society (February, 1995) [Employment]

“Obstetrical Risk Management Hazards,” Raleigh County Medical Society (November, 1994)

“Perinatal Risk Management,” Raleigh County Medical Society (September, 1994)

“Legal Aspects of Documentation,” Putnam General Hospital Medical and Nursing Staffs (April, 1992)

“The Law of Informed Consent,” Surgical Section of St. Mary's Hospital (March, 1990)

“Risk Management for Physicians,” Temple University Timberline Winter Medical Legal Conference (January, 1989)

“Medical Malpractice Law for the Physician,” Temple University Summer Timberline Medical Legal Conference (June, 1988)



"Informed Consent - Alternatives and Options," Medical Staff, St. Mary's Hospital (April, 1984)

"Anesthesia Malpractice," West Virginia Anesthetist Association (November, 1983)

"Incident Reports and Medical Records," St. Mary's Hospital Nursing Staff (September, 1982)

## **PROFESSIONAL LEGAL EDUCATIONAL SEMINAR PRESENTATIONS**

"Perspectives on What Defense Lawyers Do That They Should Not Do"- West Virginia Continuing Legal Education 36<sup>th</sup> Annual Mountaineer CLE Series Seminar, WVU College of Law (September 5, 2015)

"The Increasingly Perilous Legal Malpractice Climate and Its Evidentiary Intersection with the Rules of Professional Conduct" - West Virginia Continuing Legal Education "Litigation 2014" Seminar, Canaan Valley (February, 2014)

"Municipal Home Rule in West Virginia" Continuing Legal Education Seminar – West Virginia Municipal Attorneys Association, Charleston, WV (January 30, 2012)

"Ethical Hail Marys – Perspectives on What Defense Lawyers Do That They Should Not Do" West Virginia Continuing Legal Education Seminar – WVU College of Law, Morgantown, WV (September 4, 2011)

"Strategic Intersection of Products Liability and *Mandolidis* Deliberate Intent Litigation" - West Virginia State Bar Trial Seminar, Canaan Valley (February, 2010) [Product Liability, Employment]

"Expert Witness Reports – The Boundary Lines for the Case" Defense Trial Counsel Young Lawyers Committee – Expert Witness Workshop, Charleston, West Virginia (October, 2008) [Product Liability]

"The Impact of the State and Federal Law on the Use and Admissibility of Their Testimony – Legal & Strategic Consideration" – West Virginia State Bar CLE, Huntington, West Virginia (August, 2007)

"Maximizing the Power of the Expert Witness" – West Virginia Trial Lawyers Association 2006 Annual Conference, Charleston, West Virginia (June, 2006)

- “Appellate Case Preparation” – West Virginia Mutual Insurance Company Defense Panel Forum, Charleston, West Virginia (November, 2005)
- “Current Status of *Gentry* Analysis in West Virginia—Updating and Understanding the Law of Expert Witness Testimony,” West Virginia State Bar/College of Law Seminar, Morgantown, West Virginia (September, 2005) [Product Liability]
- “The Rule 404(b) War at the Supreme Court of Appeals,” West Virginia State Bar Continuing Legal Education Seminar, Morgantown, West Virginia (September, 2004) [Product Liability]
- “Federal Court Motion Practice for First Timers (And Grizzled Veterans),” West Virginia State Bar Continuing Legal Education Seminar, Morgantown, West Virginia (October, 2003)
- “Analysis And Perspectives Regarding The 2003 Significant Statutory Changes To The Medical Professional Liability Act, W. Va. Code § 55-7B-1 *et seq.*” West Virginia Spring Judicial Conference, Snowshoe, West Virginia (May, 2003)
- “Proposed Medical Professional Liability Statutory Changes –A Panel Discussion,” Kanawha County Bar Association Seminar (February, 2003)
- “A Candid Commentary and Examination of the Amended Medical Professional Liability Act and Selected Medical Malpractice Topics,” West Virginia Spring Judicial Conference, Charleston, WV (May, 2002)
- “Employment Law Update,” St. Mary’s Hospital Senior Management and Staff (April, 1999) [Employment]
- “Defining and Defending the Peer Review Privilege,” Lorman Business Seminar (September, 1997)
- “Expert Witnesses: *Daubert* and Its Progeny,” West Virginia State Bar Litigation Seminar (February, 1996) [Product Liability]
- “Making the Appellate Record - Considerations for the Trial Lawyer,” West Virginia State Bar Trial Seminar, Canaan Valley (February, 1995)

- “Strategic Considerations for Handling Serious Bodily Injury Cases,”  
 Nationwide Insurance Company, ACE Group Presentation in  
 Columbus, OH (August, 1994)
- "Winning Through Discovery," Mountain State Bar Association, Annual  
 Meeting, Bluefield WV (May, 1994)
- "Spoliation of Evidence in Product Liability Cases," Cabell County Bar  
 Association Myrtle Beach Seminar (March, 1994) [Product  
 Liability]
- "Masters in Trial, Automobile Crash Mock Trial," American Board of  
 Trial Advocates Seminar. Charleston WV (June, 1993)
- "Wrongful Discharge Weakened: Management Regains Its Right to  
 Terminate Employment," Cabell County Bar Association Myrtle  
 Beach Seminar (March, 1993) [Employment]
- "Confidentiality of Medical Records: Third Party Access," Lorman  
 Business Center, Inc. Seminar, Charleston WV (April, 1992)
- "A Primer on West Virginia's Wrongful Discharge Law," Cabell County  
 Bar Association Myrtle Beach Seminar (March, 1992)  
 [Employment]
- "Mistakes That Defense Lawyers Make," Defense Trial Counsel of West  
 Virginia (June, 1991)
- "Comparative Negligence," West Virginia Spring Judicial Conference  
 (May, 1991)
- "Minimizing Damages through an Effective Opening Statement," Cabell  
 County Bar Association Seminar (November, 1989)
- "Competence, Communication & Case Management," (Speaker and  
 Seminar Chairman) West Virginia State Bar - WVU College of Law  
 Legal Ethics Continuing Legal Education Seminars, Charleston  
 (January, 1989) and Morgantown (February, 1989)
- "Tips for Minimizing Damages," Mountain State Bar Association  
 Bluefield Seminar (December, 1988)
- "Lawyer As Target: Ethical and Malpractice Traps for the Civil  
 Litigator," “Legal Ethics Seminar,” Cabell County Bar Association  
 Seminar, (November, 1988) [Product Liability]

"Advanced Concepts in Civil Motion Practice," West Virginia State Bar, College of Law (September, 1988)

"Advanced Course for Medical Malpractice Litigation," West Virginia State Bar - WVU College of Law (September, 1987)

"Opening Statements," Defense Trial Counsel of West Virginia Annual Convention (June, 1987)

"Medical Malpractice Workshop," Defense Trial Counsel of West Virginia Annual Convention (June, 1987)

"Bad Faith Litigation," West Virginia State Bar Annual Convention, (May, 1987)

"Comparative Negligence, Multiple Tortfeasors, Contribution, Indemnity and Third Party Practice in Automobile Litigation," West Virginia State Bar - WVU College of Law Seminar (September, 1986)

"Medical Professional Liability Act of 1986," West Virginia State Bar - WVU College of Law Seminar (December, 1986)

"Medical Malpractice Workshop," Defense Trial Counsel of West Virginia Annual Convention (June, 1985)

"Mandolidis - Old Claims and New Statute," Mountain State Bar Association Annual Meeting (June, 1985) [Employment]

"Insurance Bad Faith Claims," West Virginia Claims Association Annual Meeting (August, 1984)

"Closing Arguments," West Virginia State Bar - WVU College of Law, CLE Seminar, Canaan Valley (January, 1984)

"Selected Closing Argument Problems," West Virginia State Bar - WVU College of Law, CLE Seminar (September, 1983)

"Personal Injury Damages - A Defense Lawyer's Perspective," West Virginia State Bar - WVU College of Law, CLE Seminar (February, 1983)

"Informed Consent," West Virginia State Bar - WVU College of Law, CLE Seminar (October, 1982)

"Jury Instructions in a Products Liability Case," West Virginia State Bar, WVU College of Law, CLE Seminar (September, 1982) [Product Liability]

"The Mandolidis Problem," Jenkins, Fenstermaker, Krieger, Kayes & Farrell Insurance Seminar, Huntington WV (May, 1982) [Employment]

"Mandolidis - What Does It Mean," West Virginia State Bar Bridge the Gap Seminar (May, 1982) [Employment]

"Medicine in the Courtroom," West Virginia State Bar - Cabell County Legal Secretaries Seminar (March, 1982)

"Commercial Litigation Damages," West Virginia State Bar - WVU College of Law, CLE Seminar (September, 1982)

"Product Liability," West Virginia State Bar- Cabell County Legal Secretaries Seminar (April, 1981) [Product Liability]

"Proof of Damages," West Virginia State Bar and WVU College of Law CLE Seminar (September, 1981 and February, 1981)

"Medical Malpractice," West Virginia Legal Secretary - Paralegal Seminar (April, 1981)

"Mandolidis and Beyond," West Virginia State Bar Annual Convention (May, 1981) [Employment]

"Breach of Contract - Presentation of Damage Evidence," West Virginia State Bar and College of Law CLE (September, 1981)

"Products Liability and Comparative Negligence - Strange Bedfellows," West Virginia State Bar, CLE Seminar, Morgantown, West Virginia (September, 1980) [Product Liability]

"Comparative Negligence," Cabell County Legal Secretaries Association Seminar (March, 1980)

"Proof of Damages," West Virginia State Bar Seminar, South Charleston (March, 1980)

"Preparation of a Personal Injury Case," West Virginia State Bar Bridge the Gap Seminar, Charleston, West Virginia (May, 1980)

"Comparative Negligence," Cabell County Bar Association Seminar  
(September, 1979)

"Employee - Employer Suits After *Mandolidis v. Elkins Industries*,"  
West Virginia University College of Law (2nd Annual Update of the  
Law, (December, 1979) [Employment]

"Effective Pretrial Discovery," National Association of Legal Assistants  
Annual Seminar (September, 1978)

### **EDUCATIONAL SEMINAR PRESENTATIONS TO CIVIC ORGANIZATIONS**

"An Update on Employment Law for the West Virginia Employer" -  
Huntington Regional Chamber of Commerce (March, 2004)  
[Employment]

Cecil H. Underwood Civil Justice Symposium, Public Education,  
Charleston, West Virginia (November, 2002)

"Catastrophic Injuries & Product Liability Litigation: A Primer for The  
Product Manufacturer In The 1990's," National Safety Council, San  
Diego, CA (October, 1994) [Product Liability]

"Jordan and Sabrina Marsh Trial Docudrama," Tri-State Leadership  
Law & Justice Day (June, 1992)

"Human Resource Conclave Re: Avoiding the Wrongful Discharge Claim  
In West Virginia's Litigious Healthcare Environment," West Virginia  
Human Resources Association Seminar (April, 1992) [Employment]

"Mandolidis: Questions and Answers," West Virginia Safety Council  
(September, 1982) [Employment]

"Comparative Negligence - A Preview and Forecast," Huntington Tri-  
State Claims Association (March, 1980)

"Update on the Law of Negligence," Huntington Tri-State Claim  
Association (October, 1977)

### **CIVIC, COMMUNITY & ECONOMIC DEVELOPMENT BOARD MEMBERSHIPS**

Advisory Board of Directors, June Harless Center for Rural Health  
(2016-Present)

Board of Directors, PROMOTE (Promoting Rural Opportunities thru Marshall University Outreach Team Efforts), Marshall University Joan C. Edwards School of Medicine (2008-Present)

Board of Directors, REFS (Rezulin Endocrinology Fellowship Support Fund, Marshall University Joan C. Edwards School of Medicine (2008-Present)

Snowshoe Institute Advisory Board (2005)

Mid-Atlantic Technology, Research & Innovation Center Board of Directors (2005-07) [Engineering]

Advantage Valley Board of Directors (2005) [Engineering]

Chemical Alliance Zone Board of Directors (2005) [Engineering]

Honorary Co-Chairman of Board of Directors Harmony Institute Marshall University (2005)

## **COMMUNITY ACTIVITIES**

YMCA Youth League Soccer

< President (1979-86)

< Coach (1979-86; 2001-02)

< Referee (1981-86)

Little League Baseball

< President, League 6 (1988 -90)

< Publisher, League 6 Newsletter (1988-90)

Church League Basketball

< Coach (1987-96)

Soccer Referee Officiating

< NISOA Collegiate Level (1985-89)

< West Virginia High School Soccer Official (1984-88)

Huntington Museum of Art

< Co-Chairman, Charitable Auctions (1979-82)

< Open Door Campaign (1980)

Marshall University Alumni Association

< Board of Directors (1978-81, 1985)

Marshall University Artist Series  
< Advisory Board of Directors (1978-80)

Cabell-Wayne Arthritis Foundation  
< Board of Directors (1979-80)  
< Executive Committee (1979-80)  
< Chairman, Financial Development (1979-80)

Guyan Golf & Country Club  
< President (1995-96; 2003-04; 2014-15)  
< Vice President (1994 - 95; 2003; 2013-14)  
< Board of Trustees (1993 - 97; 2003-04; 2010-Present)

### **LAW SCHOOL HONORS, OFFICES & CHAMPIONSHIPS**

Jessup International Law Moot Court Appellate Competition  
< World Champion (1973) (Great Britain vs. USA)  
< United States National Champion (1973)  
< Team Captain, 1973-74  
< Undefeated Regional Finalist (1974)

National Moot Court Competition  
< Team Captain, 1973-74

West Virginia University College of Law  
< Senior Class President (1973-74)

< Moot Court Board  
< Chief Justice (1973-74)  
< Member (1972-73)  
< Law Review (1972-73)  
< Student Ethics Committee Member (Elected, 1972-73)  
< Corporations Book Award (Highest grade in the Class) (1973)  
< Baker Cup Moot Court Appellate Competition Finalist (1972)

Mountain, West Virginia University Ranking Men's Honorary (1974)

### **MARSHALL UNIVERSITY UNDERGRADUATE HONORS & OFFICES**

Student Government  
< President of Student Body (1967-68)  
< Executive Cabinet (1966-67)  
< Student Senator (1964-66)



University Cabinet  
< First Student Member (1967-68)

Intercollegiate Forensics  
< Pi Kappa Delta Honorary  
< Debate Team

R.O.T.C.  
< Distinguished Military Graduate  
< Scabbard & Blade Leadership Honorary  
< Drum & Bugle Corps

Omicron Delta Kappa, University Leadership Honorary (1966-68)

Who's Who in America Colleges and Universities (1966-68)

THE ROBE, Marshall's Ranking Men's Honorary (1966-68)

MARCO, University Mascot (1966-68)

Marshall University Resident Director, South (now Holderby) Hall  
(1968-69)

### **UNDERGRADUATE EMPLOYMENT**

Ralsten, LTD (Men's Clothing Store (1965-68)

Sears Roebuck (Marking Room, Loading Dock and Men's Clothing at  
Christmas (1964-67)

### **MILITARY SERVICE**

United States Army Active Duty, Transportation Corps (1969-71)  
< Fort Eustis, VA  
< Lexington Blue Grass Army Depot, KY  
< First Lieutenant (1970-71)  
< Second Lieutenant (1969-70)

### **MOTION PICTURE CREDITS**

Executive Producer, "Cam Henderson: a Coach's Story" (2006)  
Extra, WE ARE MARSHALL (2006)

(Rev. 03/21)