

CURRICULUM VITAE

ERIK W. LEGG

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PROFESSIONAL:

FARRELL, WHITE & LEGG PLLC

Member (February 2011 – present)
Huntington, West Virginia

FARRELL, FARRELL & FARRELL, PLLC

Member (January 2007 – January 2011)
Associate (May 2000 – December 2006)
Huntington, West Virginia

CAMPBELL, WOODS, BAGLEY, EMERSON, McNEER & HERNDON

Associate, Litigation Section (1998 - 2000)
Huntington, West Virginia

EDUCATION:

NATIONAL TRIAL ADVOCACY COLLEGE AT THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW

26th Annual Trial Advocacy Institute (January 5-12, 2007)

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW

Morgantown, West Virginia
Juris Doctorate 1998
Moot Court Board

MARSHALL UNIVERSITY, COLLEGE OF BUSINESS

Huntington, West Virginia
B.A., Finance, 1995
Cum Laude

PROFESSIONAL ORGANIZATIONS & SOCIETIES:

International Association of Defense Counsel
Drug, Device & Biotech Committee
Product Liability Committee
Medical Defense & Health Law Committee
Chair (2019-2021)
Vice Chair, Programs (2017-2019)
Vice Chair, Publications (2015-2017)

Defense Research Institute
 Drug & Medical Device Committee
 Medical Liability & Health Care Law Committee
 Product Liability Committee
 Commercial Litigation Committee
 Defense Trial Counsel of West Virginia
 President (2018-2019)
 President-Elect / Vice-President (2017-2018)
 Executive Committee / Officers Rotation (2015 – 2019)
 Board of Governors (2008 – 2019)
 Board Liaison to Substantive Law Groups (2010 - 2012)
 Business Law Committee
 Medical Liability Committee
 - Chair (2007-2009)
 Products Liability Committee
 West Virginia Bar Association
 Cabell County Bar Association
 American Bar Association
 West Virginia State Bar
 Leadership West Virginia Diplomate (Class of 2011)

**FEDERAL COURT
PRACTICE:**

Admitted to practice before:
 Fourth Circuit Court of Appeals
 U.S. District Court for the Northern District of West Virginia
 U.S. District Court for the Southern District of West Virginia
 U.S. District Court for the Eastern District of Kentucky
 U.S. District Court for the Western District of Kentucky
 U.S. District Court for the Southern District of Ohio

**STATE COURT
PRACTICE:**

Licensed & admitted to practice in West Virginia, Kentucky and Ohio

**REPORTED OPINIONS –
HIGHEST STATE
APPELLATE COURTS:**

Maggard v. Kinney, 576 S.W.3d 559 (KY 2019)
State ex rel. West Virginia Department of Transportation v. Kaufman, 2019 WL 1468584 (W.Va., Mem. Dec., April 2, 2019)
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, 806 S.E.2d 800 (2017)
State ex rel. Almond, et al. v. Murensky, 238 W. Va. 289, 794 S.E.2d 10 (2016)
State ex rel. J.C., et al. v. Mazzone, et al. (Mazzone II), 235 W. Va. 151, 772 S.E.2d 336 (2015)

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

**REPORTED OPINIONS –
FEDERAL COURTS:**

Proffitt v. Bristol-Myers Squibb Co., 2018 WL 3318893 (S.D.W.Va., July 5, 2018)

Moore v. Ferguson, et al., 2015 WL 9587748 (S.D.W.Va., Dec. 30, 2015)

J.C. ex rel. Cook v. Pfizer Inc., 2014 WL 495455 (S.D.W.Va., Feb. 5, 2014)

Employer Teamsters-Local Nos. 175/505 Health and Welfare Trust Fund, et al. v. Bristol Myers Squibb Co., et al., 969 F.Supp.2d 463 (S.D.W.Va. 2013)

Almond v. Pfizer Inc., 2013 WL 6729438 (S.D.W.Va., Dec. 19, 2013)

J.C. ex rel. Cook v. Pfizer Inc., 2012 WL 4442518 (S.D.W.Va., Sept. 25, 2012)

Keffer v. Wyeth, et al., 791 F.Supp.2d 539 (S.D.W.Va. 2011)

Hines v. Wyeth, et al., 2011 WL 2792436 (S.D.W.Va., July 14, 2011)

Hines v. Wyeth, et al., 2011 WL 2730908 (S.D.W.Va., July 13, 2011)

Hines v. Wyeth, et al., 2011 WL 2680842 (S.D.W.Va., July 8, 2011)

Hines v. Wyeth, et al., 2011 WL 2680814 (S.D.W.Va., July 8, 2011)

Hines v. Wyeth, et al., 2011 WL 2680718 (S.D.W.Va., July 8, 2011)

Hines v. Wyeth, et al., 2011 WL 2680834 (S.D.W.Va., July 8, 2011)

Michael v. Wyeth, et al., 2011 WL 2150112 (S.D.W.Va., May 25, 2011)

Hines v. Wyeth, et al., 2011 WL 1990496 (S.D.W.Va., May 23, 2011)

Michael v. Wyeth, et al., 2011 WL 2011485 (S.D.W.Va., May 23, 2011)

Michael v. Wyeth, et al., 2011 WL 2011480 (S.D.W.Va., May 23, 2011)

Keffer v. Wyeth, et al., 2011 WL 1838966 (S.D.W.Va., May 13, 2011)

Michael v. Wyeth, et al., 2011 WL 1807575 (S.D.W.Va., May 11, 2011)

Keffer v. Wyeth, et al., 2011 WL 3843688 (S.D.W.Va., Apr. 26,

2011)

Michael, et al. v. Wyeth, et al., 2011 WL 1527581 (S.D.W.Va., Apr. 20, 2011)

Keffer v. Wyeth, et al., 2011 WL 1397098 (S.D.W.Va., Apr. 13, 2011)

Perry v. Tri-State Chrysler Jeep, LLC, 2008 U.S. Dist. LEXIS 33218 (S.D. W. Va., Apr. 16, 2008)

Ashworth v. Albers Medical, Inc., 410 F.Supp.2d 471 (S.D.W.Va. 2005)

Baisden v. Bayer Corp., 275 F. Supp. 2d 759 (S.D.W.Va. 2003)

Michael, et al. v. Wyeth, et al., 2011 WL 1527581 (S.D.W.Va., Apr. 20, 2011)

Keffer v. Wyeth, et al., 2011 WL 1397098 (S.D.W.Va., Apr. 13, 2011)

Perry v. Tri-State Chrysler Jeep, LLC, 2008 U.S. Dist. WL 1780938 (S.D. W. Va., Apr. 16, 2008)

Ashworth v. Albers Medical, Inc., 410 F.Supp.2d 471 (S.D.W.Va. 2005)

Ashworth v. Albers Medical, Inc., 229 F.R.D. 527 (S.D.W.Va. 2005)

Baisden v. Bayer Corp., 275 F. Supp. 2d 759 (S.D.W.Va. 2003)

PROFESSIONAL AWARDS & RECOGNITIONS

The Best Lawyers in America (2011 to present)

- Products Liability Litigation – Defendants category
- 2019 “Lawyer of the Year” (Charleston, WV)
- Medical Malpractice Law – Defendants category

Martindale-Hubbell Rating: AV

Chambers USA

- Litigation, Medical Malpractice Defense, Band 1 (2021-present)
- Litigation, Health Care (2015-2020)
- Litigation, General Commercial (Up-and-coming: 2012-2013)

West Virginia *State Journal* Top Lawyers (2012 to present)

West Virginia Super Lawyers

- Personal Injury Defense – Products (2013 to present)
- Rising Stars (2010 – 2012)

ACADEMIC APPOINTMENTS:

Marshall University School Of Pharmacy, Adjunct Faculty,
September 1, 2012 to 2020

Marshall University College of Business, Adjunct Instructor –
“Legal Environment of Business” (undergraduate course),
Spring 2013 Semester

SEMINARS
PRESENTED:

Co-Presenter, “Sustainability: Risk and/or Opportunity? What are the Liabilities and Litigation Risks?” A webinar presentation for International Association of Defense Counsel (June 14, 2023)

“Litigation Avoidance in the Medical Professional Liability Setting: An Introduction to Medical Negligence Concepts in West Virginia.” A presentation for the West Virginia School of Osteopathic Medicine (Huntington, West Virginia, May 21, 2021 and January 13, 2023)

Panel Member, “Dealing with the New Norm: COVID-19, Your Practice, Your Staff and Your Clients.” West Virginia Association for Justice, 62nd Annual Meeting (May 27, 2020)

Moderator: “Challenging the Plaintiff’s Economic Damages Expert”, International Association of Defense Counsel Annual Meeting (Lisbon, Portugal, July 10, 2018)

Panel Moderator, “Pardon the Objection – A Fresh View from the Bench.” Defense Trial Counsel West Virginia Annual Meeting (Glade Springs, West Virginia, June 16, 2017)

“Identifying, Retaining and Developing Testifying Experts: A Primer for Young Lawyers.” Defense Trial Counsel West Virginia Expert Witness Seminar for Young Lawyers (Bridgeport, West Virginia, September 9, 2016)

“E-Discovery and the Electronic Healthcare Record”, presented to a healthcare insurance company’s panel counsel forum (Charleston, West Virginia, October 14, 2011)

Panel Member, “Electronic Discovery.” Kanawha County Bar Association Meeting (Charleston, West Virginia, May 5, 2009)

Panel Member, “Direct & Cross Examination of Witnesses: Tips from Both Sides of the Fence.” West Virginia State Bar Annual Meeting (Wheeling, West Virginia, April 25, 2009)

“Use Direct Examination to Protect Your Witness from Cross.” West Virginia State Bar Annual Meeting (Wheeling, West Virginia, April 25, 2009)

“Give Ethics Proper Consideration.” National Business Institute Handling Medical Negligence Claims (Charleston, West Virginia, May 7, 2009; June 17, 2008)

“Use Expert Witnesses to Support Your Case.” National Business Institute Handling Medical Negligence Claims (Charleston, West Virginia, May 7, 2009; June 17, 2008)

“Electronic Discovery - An Overview” (co-presenter). West Virginia Continuing Legal Education Litigation Seminar (Canaan Valley, West Virginia, February 1, 2008).

“Electronic Discovery - An Overview.” Defense Trial Counsel of West Virginia Annual Meeting (Myrtle Beach, South Carolina, June 18, 2007).

“Taking the Plaintiff’s Deposition.” Defense Trial Counsel of West Virginia Deposition Boot Camp 2006 (Days Inn, Flatwoods, West Virginia, November 9, 2006).

“Practicing Under the Class Action Fairness Act.” West Virginia Continuing Legal Education Class Action and Mass Torts: Multi-Plaintiff Litigation in West Virginia Seminar (West Virginia University College of Law, September 8, 2006).

“Removal, Remand and Fraudulent Joinder.” West Virginia Continuing Legal Education Litigation Seminar (Canaan Valley, West Virginia, February 3, 2006).

“Electronic Discovery - An Overview” (co-presenter). West Virginia Continuing Legal Education Litigation Seminar (Canaan Valley, West Virginia, February 6, 2004).

“Documentation Issues And Charting For The Future In West Virginia” (co-presenter). Lorman Education Services (Charleston, West Virginia, February 6, 2003).

LEGAL PUBLICATIONS:

“Recovery of Medical Bills: ‘Face Amount’ vs. ‘Amount Paid’: Medical Malpractice Plaintiff May Not Recover More Than the Defendant was Actually Paid for Treating Plaintiff”, Association of Defense Counsel Newsletter, Medical Defense and Health Law Committee (July 2020) (co-author)

“Florida Shifts Direction on Expert Admissibility Standard”, International Association of Defense Counsel Newsletter, Medical Defense and Health Law Committee (October 2019)

“Challenging the Plaintiff’s Economic Expert”, International Association of Defense Counsel Newsletter, Medical Defense and Health Law Committee (November 2018) (co-author)

“Supreme Court of Florida Rules Medical Malpractice Noneconomic Damages Caps Unconstitutional . . . Again”, International Association of Defense Counsel Newsletter, Medical Defense and Health Law Committee (July 2017) (co-author)

“Informed Consent, Experts and Openings”, International Association of Defense Counsel Newsletter, Medical Defense and Health Law Committee (June 2017)

“A Primer on the West Virginia Code of Judicial Conduct”, Defense Trial Counsel of West Virginia Annual Notebook of Articles (May 2017)

“Ohio Court of Appeals Evaluates Offsets, Caps and Informed Consent”, International Association of Defense Counsel

Newsletter, Medical Defense and Health Law Committee
(October 2016)

“Catching Up on Medical Malpractice Opinions from 2015”
(Parts I and II), International Association of Defense Counsel
Newsletter, Medical Defense and Health Law Committee
(January & February 2016)

“Ohio Takes a Closer Look at Forseeability”, International
Association of Defense Counsel Newsletter, Medical Defense
and Health Law Committee (November 2015)

“West Virginia Amends its Medical Professional Liability Act”,
International Association of Defense Counsel Newsletter,
Medical Defense and Health Law Committee (August 2015)

“Overview of the 2015 Amendments to the West Virginia Rules
of Professional Conduct”, Defense Trial Counsel of West
Virginia Annual Notebook of Articles (April 2015)

“The Single Bullet Theory: Multi-Plaintiff Complaints and
Diversity Jurisdiction”, International Association of Defense
Counsel Newsletter, Drug, Device & Biotech Committee
(January 2014)

“What Have You Done For Me Lately? Checking in on the
Status of Religious Discrimination Claims and Reasonable
Accommodation Under Title VII”, International Association of
Defense Counsel Newsletter, Employment Law Committee
(October 2013)

CIVIC & COMMUNITY

ACTIVITIES

United Way of the River Cities

President, Board of Directors (2023-present);
Member, Board of Directors (2019-present)

YMCA of Huntington (West Virginia)

Board Member (2019-present); Finance Committee (2021-
present)

Kiwanis Club of Huntington

Past President (2009)

Kiwanis Day Care Center (Huntington, WV)

Past President (2008)

Little League 3 (Huntington Little League) (Huntington, WV)

President (2011-2013); Board Member (2009-2014)

Marshall Artist Series (Huntington, WV)

Advisory Board Member (2020 - present)

Salvation Army Advisory Board Member, Huntington, WV
Chapter (2008 to 2013)

