



## Thomas J. Hurney Jr.

Member

### Charleston Office

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**Thomas J. Hurney, Jr., is a trial lawyer with significant experience in the defense and trial of health care, class action and complex litigation. He practices out of the Firm's office in Charleston, West Virginia.**

If you spend any time around Tom, one thing is immediately clear – he loves the law. His excitement for all aspects of his legal practice shines through in his writing, his oral advocacy, and his dedication to teaching the next generation of young lawyers. Tom has more than 35 years of experience as a trial lawyer, handling a wide variety of civil actions involving serious personal injury and wrongful death. From 2017 to 2018 he served as the President of the Association of Defense Trial Attorneys (ADTA), a select group of trial lawyers whose membership is limited to one lawyer in any city with population of up to one million people.

Tom's jury trial experience ranges from cases involving health care liability and medical negligence to products liability, insurance bad faith, breach of contract, and property disputes. Tom recently led the defense litigation team in a large class action related to water contamination and started 2018 with a nine-week trial representing a church in a sexual abuse case. He has handled mass tort litigation related to transvaginal mesh and other medical devices and pharmaceuticals and hospital credentialing. In a putative class action against physicians arising from the use of contaminated steroids, he and **Candice M. Harlow** defeated plaintiff's motion for class certification. Tom also has significant experience defending industrial injury and "deliberate intention" actions, as well as environmental and commercial litigation. He has been admitted *pro hac vice* in cases pending in several states. In recognition of his trial skills, he was inducted as a Fellow of the American College of Trial Lawyers and also as a member of the American Board of Trial Advocates.

Tom's health care practice includes defending medical liability actions and other health care litigation, including negligent credentialing and privileging, peer review and licensing issues, and administrative investigations. He has written extensively on the subject, including three law review articles and received the Robert L. Ghiz Award for Outstanding Service to the Physician Community of West Virginia in 2014 for his work on legislative reform in 2001, 2003, and 2015.

In addition to being an accomplished legal writer, Tom is also a frequent speaker on a wide range of legal topics, including serving on the faculty of the IADC Trial Academy in 2014. It's quite possible Tom has spoken at more legal events than most attorneys have attended.

Tom has a significant appellate practice, appearing in the Supreme Court of West Virginia over thirty five times in a wide variety of tort and commercial cases. Successful oral arguments include the defense of the constitutionality of non-economic damage limitations, *MacDonald v. City Hospital, Inc.*, 227 W.Va. 707, 715 S.E.2d 405 (2011) and to uphold a defense arbitration award where state agency claimed \$100M in damages in *W. Virginia Inv. Mgmt. Bd. v. Variable Annuity Life Ins. Co.*, No. 17-0486, 2018 WL 2769058 (W. Va. June 5, 2018).

Tom also goes by another name – DJ. Tom's second career as a DJ started when he agreed to play at his children's middle school dance more than 15 years ago. Since then, he plays occasionally for charity and other events. After you've wrangled a group of sixth graders at a middle school dance, presenting a case to a jury hardly feels like a challenge.

When Tom is away from the office, he enjoys playing guitar, cooking and grilling, walking, traveling the country and rooting for the Dayton Flyers. He is proud of Jackson Kelly's continued dominance in Charleston's annual Smoke on the Water Chili Cook-Off. Keeping up with family tradition, Tom's wife Julia and two daughters, Grace and Eleanor, are lawyers, and son Jack is considering law school. Both his grandmother and grandfather were lawyers, as well.

## Awards

- Ranked in *Chambers USA, America's Leading Lawyers for Business* in the area of Healthcare Law and Litigation: Medical Malpractice Defense Law in West Virginia, 2021
- Top Ten list of West Virginia *Super Lawyers* for Business Litigation Law (2021)
- Recipient of President's Award for Outstanding Service to the Association of Defense Trial Attorneys (2020)
- West Virginia *Super Lawyers*®, 2007 to 2021 (Personal Injury, Medical Malpractice Defense and Healthcare, Environmental, and Business Litigation), "Top Ten" West Virginia Lawyer, 2008 to 2020 (#1 in 2019 and 2020)
- Martindale-Hubbell: AV Preeminent Rating
- Recipient of Defense Trial Counsel of West Virginia Diplomat Award (2017)
- Named in *Best Lawyers*® Charleston, West Virginia, Health Care Law "Lawyer of the Year" (2017)
- Recipient of Robert L. Ghiz Award for service to the West Virginia Physician Community (2014)
- Presented with the "West Virginia Defense Lawyer of the Year" by the Defense Trial Counsel of West Virginia (2014)
- Litigation Section of *Super Lawyers*® Business Edition for Personal Injury Defense: Medical Malpractice (2013-2017)
- *Best Lawyers*' Charleston, WV Personal Injury Litigation - Defendants "Lawyer of the Year" (2014)
- "Local Litigation Star" in West Virginia section of Benchmark Litigation (2011-2019)
- University of Dayton School of Law Alumni Association Dean Francis J. Conte Special Award (2011)
- DRI Exceptional Performance Citation (2008-2009)
- American Board of Trial Advocates, Associate (2010)
- American College of Trial Lawyers, Fellow (2007)
- Board of Governors Award, Defense Trial Counsel of West Virginia (for DTC E - List) (2005)
- *The Best Lawyers in America*® for Health Care Law, Medical Malpractice Law - Defendants and Personal Injury Litigation - Defendants (2005-2021)
- *Chambers USA, America's Leading Lawyers for Business* in Litigation: Healthcare Law in West Virginia (2005-2020)
- Certificate of Merit, WV State Bar Young Lawyers Section (1991)
- American Jurisprudence Award, Federal Jurisdiction (1983)
- Comments Editor, University of Dayton Law Review (1982-1983)
- Michael White Service Award, Delta Gamma Omega Fraternity (1980)

## Notable Legal Experience

- Trial counsel for water utility in five year class action litigation arising from a chemical spill
- Trial counsel for religious organization in nine week trial over allegations of sexual abuse in 2018
- Trial counsel in over thirty medical professional and health care related jury trials
- Defeated class certification in action against physicians arising from use of contaminated steroids
- Successfully argued before the Supreme Court of Appeals of West Virginia to defend constitutionality of non-economic damage limitations, *MacDonald v. City Hospital, Inc.*, 227 W.Va. 707, 715 S.E.2d 405 (2011) and uphold a defense arbitration award where state agency claimed \$100M in damages in *W. Virginia Inv. Mgmt. Bd. v. Variable Annuity Life Ins. Co.*, No. 17-0486, 2018 WL 2769058 (W. Va. June 5, 2018)

## Work History

- Jackson Kelly PLLC (1983-Present)
- Jackson, Kelly, Holt & O'Farrell, Summer Associate (1982)
- Anderson, Quinn, Wyland, Yost & Scanlin, Washington, D.C., Summer Clerk (1981)

## Practices

- Appellate
- Class Action & Complex Litigation
- Commercial Litigation
- Appellate
- Health Care Litigation
- Litigation
- Medical Device
- Medical Malpractice
- Pharmaceutical

## Industries

- Energy
- Health Care
- Manufacturing
- Mining
- Utilities
- Cannabis Law

## Education

- University of Dayton School of Law (OH) (J.D., *cum laude*, 1983)
- University of Dayton (OH) (B.S., 1980)

## Admissions

- West Virginia (1983)
- Supreme Court of the United States (1991)
- U.S. District Court, Northern District of West Virginia (1990)
- U.S. Court of Appeals, Fourth Circuit (1986)
- U.S. District Court, Southern District of West Virginia (1983)

## Professional Organizations

- American Civil Trial Bar Roundtable, ADTA Representative (2015-2018)
- American College of Trial Lawyers
  - Fellow (2007)
  - Judiciary Committee, Member (2007-2012)
  - West Virginia State Committee
    - Member (2009-2015); (2019-Present)
    - State Chair (2012-2015)
- American Board of Trial Advocates, Advocate (2010)
  - President, West Virginia Chapter (2020)
- Litigation Counsel of America, Fellow (2017)
- Association of Defense Trial Attorneys (ADTA)
  - Member (1992)
  - Immediate Past President (April 2018–2019)
  - President (April 2017-2018)
  - President-Elect (April 2016-2017)
  - Vice President (April 2015-2016)
  - Secretary (April 2012-2015)
  - Executive Council (2009-2012)
  - Marketing Committee (2007-2012)
  - National Issues Committee (2007-2012)
  - Annual Meeting Committee (2014-Present)
- Association of Defense Trial Attorneys Foundation (ADTAF)
  - President (April 2019-2020)
  - Past President (April 2020-Present)
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- Defense Research Institute (DRI)
  - Board of Directors (2016-2019)
  - Complex Medicine Seminar, Co-Chair (2008)
  - Audit Committee (2020- )
  - Medical Liability and Health Care Law Annual Seminar Steering Committee, Member (2008-Present)
  - Committees: Appellate Advocacy, Medical Liability and Health Care Law, Drug & Medical Device, Litigation Skills
- Federation of Defense and Corporate Counsel (FDCC), Member (2017)
- International Association of Defense Counsel (IADC), Member (2004)
  - Trial Academy Faculty (2014)
  - Medical Liability Committee
- Defense Trial Counsel of West Virginia
  - Member (1984-Present)
  - 26th President (2008-2009)
  - Board of Governors (2000-2006)
- American Bar Foundation, Fellow (2013)
- West Virginia Bar Foundation, Fellow (2013)
- Fourth Circuit Judicial Conference, Permanent Member
- American Bar Association
  - Sections on Litigation, Health Law, Tort and Insurance
  - Medicine and Law Committee
- West Virginia State Bar
  - Board of Governors District 8 (Kanawha County), Representative (2002-2005)
  - Continuing Legal Education Committee, Chair (1999-2002)
  - Annual Litigation Seminar, Canaan Valley, West Virginia, Chair (1995-2016)
  - Pro Hac Vice Committee, Chair (2004-2006)
  - Judicial Improvement, Law & Medicine Committee, Member
  - Supreme Court Committee on Administrative Appeals Rules (2005-2006)
- Project TEACH (1992)
- Kanawha County Bar Association, Executive Committee (2001-2004)
- West Virginia Bar Association, Member
- WVU School of Medicine, Adjunct Assistant Professor (1995-Present)
- St. Thomas More Catholic Lawyers' Society
- Special Counsel to Attorney General of Ohio, July 2003-04

## Speaking Engagements & Publications

### Speaking Engagements

- Speaker (with Monte Williams), "The Monte & Tom Show: Diversity, Inclusion, Being Curious & Doing the Right Thing," Association of Defense Trial Attorneys, Remote CLE, March 18, 2021
- Courtwatch Panel Member, "The Impact of the West Virginia Supreme Court of Appeals on Our State's Economy," West Virginia Chamber of Commerce Virtual Annual Meeting, Nov. 19, 2020
- Speaker (with Marc Williams), "Emergencies, Remoteness and Don't Do That," Defense Trial Counsel of West Virginia Virtual Annual Meeting, May 14, 2020
- Speaker, "2018-19 Supreme Court of Appeals of West Virginia Review," West Virginia Mutual Insurance Co. Annual Defense Counsel Meeting, Charleston, West Virginia, Nov. 6, 2019
- Panel Member (with Tojya Kelly, Mary T. Novacheck and Timothy Pratt), "Recent Developments in Federal Rules and 30(b)(6)," 2019 FDCC Counsel Corporate Counsel Symposium, Philadelphia, Pennsylvania, Sept. 23, 2019

- Panel Member, "Transparent Management: A Key to Hiring and Keeping Lawyers in These Changing Times," DRI - the Voice of the Defense Bar Annual Managing Partners and Law Firm Leaders Conference, Denver, Colorado, Sept. 5, 2019
- Courtwatch Panel Member, "An Overview of WV Supreme Court Decisions," West Virginia Chamber of Commerce Annual Business Summit, The Greenbrier, White Sulphur Springs, West Virginia, Aug. 28, 2019
- Presenter, "Practicing Law in the Age of Big Data," Arkansas Association of Defense Counsel 2019 Annual Meeting, Fayetteville, Arkansas, Aug. 2-3, 2019
- Presenter, "Practicing Law in the Age of Big Data," Washington Defense Lawyers Association 2019 Annual Meeting and Convention, Cle Elum, Washington, July 18-21, 2019
- Presenter with Haley Robb, "General and Specific Personal Jurisdiction," Jackson Kelly PLLC Litigation Training, Charleston, West Virginia, June 24, 2019
- Panel Member, Ethical Issues in Drug & Device Litigation: "Ex Parte Contact with Treating Physicians," DRI 2019 Drug and Medical Device Seminar, Washington, District of Columbia, May 17, 2019 (with Janet H. Kwuon, Reed Smith, Los Angeles, California, and Christopher Loder, Bayer Corporation, Whippany, New Jersey)
- Interview, DRI "A Conversation With..." Podcast Series, April 10, 2019
- Panelist, "Litigation Skills Workshop: Challenging Life Care Planning Experts," DRI Medical Liability and Health Care Law Annual Seminar, Nashville, Tennessee, March 20, 2019
- Presenter with **Al Sebok**, "Depositions III: Rule 30(b)(6)-(7) Depositions," Jackson Kelly PLLC Litigation Training, Charleston, West Virginia, March 19, 2019
- Speaker with **Robby J. Aliff**, "Defending Depositions: Holiday Edition," Jackson Kelly PLLC Litigation Training, Charleston, West Virginia, Dec. 5, 2018
- Speaker, "2017-18 Supreme Court of Appeals of West Virginia Review," West Virginia Mutual Insurance Co. Annual Defense Counsel Meeting, Charleston, West Virginia, Oct. 30, 2018
- Panel Member, "Generational Changes in the Practice of Law," University of Dayton School of Law, Dayton, Ohio, Sept. 15, 2018
- Speaker with **Robby J. Aliff**, "Taking Depositions," Jackson Kelly PLLC Litigation Training, Charleston, West Virginia, Sept. 12, 2018
- Panel Member, "Law Firm Culture," DRI Managing Members Conference, Chicago, Illinois, Sept. 7, 2018
- Courtwatch Panel Member, "An Overview of WV Supreme Court Decisions," West Virginia Chamber of Commerce Annual Business Summit, The Greenbrier, White Sulphur Springs, West Virginia, Aug. 29, 2018
- Speaker with Emily Coughlin (Boston, MA), "Big Data & You: Practicing Law in the Age of Unlimited Information," Defense Lawyers' Association of Wyoming, Sheridan, Wyoming, Aug. 9-10, 2018
- Panel Member, "Contribution and Indemnity, the Empty Chair, and Verdict Forms after W.Va. Code §§ 55-7-13a to 13d," Defense Trial Counsel of West Virginia Annual Meeting, Stonewall Jackson Resort, Roanoke, West Virginia, May 16-18, 2018
- Speaker, Closing Arguments, IADC "How To" Series, July 21, 2017 (On YouTube at <https://www.youtube.com/watch?v=Dr5Mv8vd42A>)
- Panel Member, "How to De-Bunk and Explain Plaintiff's Voodoo Economics to Juries in Catastrophic Injury Cases," International Association of Defense Counsel Annual Meeting, Quebec City, Quebec, Canada, July 11, 2017
- Panel Member, "Advanced Trial Tactics," Association of Defense Trial Attorneys, Annual Meeting, Nashville, Tennessee, April 20, 2017
- Speaker, "A Tribute to Lorraine Wall Hurney," FDCC Women's Forum, Charleston, South Carolina, March 5, 2017
- Speaker, "Defending Against Life Care Plans," DRI Medical Liability and Health Care Seminar, Las Vegas, Nevada, March 2-3, 2017
- Speaker, "Litigating Cases in the Spotlight," DRI Women in the Law Seminar, Scottsdale, Arizona, Feb. 1-3, 2017
- Panelist, "Using Voluntary Bar Associations to Grow Your Practice," Defense Trial Counsel of West Virginia Annual Meeting, Myrtle Beach, South Carolina, June 13, 2016

- Faculty, DRI Deposition Institute, Chicago, Illinois, 2015-2017
- Speaker, "Big Data & You: Practicing Law in the Age of Unlimited Information," West Virginia State Bar Annual Conference and Meeting, The Greenbrier, White Sulphur Springs, West Virginia, April 4, 2016
- Speaker, "Defending Inflated Life Care Plans," International Association of Defense Counsel Mid-Year Meeting, Pebble Beach, California, Feb. 23, 2016
- Speaker, "Big Data II," West Virginia Society of Certified Public Accountants Legislative Conference, Charleston, West Virginia, Jan. 25, 2016
- Annual Presentation (with Marc Williams, Huntington, W.Va.), Review of Decisions of the Supreme Court of Appeals of West Virginia, West Virginia Chamber of Commerce Annual Meeting and Business Summit, The Greenbrier, White Sulphur Springs, West Virginia, 2013-2017
- Co-Presenter (with Tammy Welch, WV Mutual Insurance Company), Medical Malpractice Institute, National Association of Paralegals, 40th Annual Convention, Tulsa, Oklahoma, July 22-24, 2015
- Speaker, "Medical Liability Reform in 2015," Defense Trial Counsel of West Virginia Annual Meeting, Oglebay Park, Wheeling, West Virginia, June 18, 2015
- Speaker, "Big Data," West Virginia Society of Certified Public Accountants Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia, June 17, 2015
- Speaker, "Product Misuse and the Internet," DRI Product Liability Conference, Las Vegas, Nevada, Feb. 4, 2015
- Presentation with Christopher Parkerson (Boston, Massachusetts), Closing Arguments, International Association of Defense Counsel Trial Academy, Stanford, California, July 30, 2014
- Faculty, 42nd Annual Trial Academy, International Association of Defense Counsel, Stanford, California, July 26-Aug. 1, 2014
- Speaker, "The Good News Blues: Cross of the Shaky but Admissible Expert," Association of Defense Trial Attorneys, Annual Meeting, Vancouver, B.C., April 23, 2014
- Speaker, Jury Selection, Utah Defense Lawyers' Association, Annual Meeting, Salt Lake City, Utah, May 8, 2014 (DRI sponsored)
- Various presentations to Jackson Kelly PLLC Litigation A Practice Group (Young Lawyers) on trial practice, discovery and case handling, business development and ethics (2010-2014)
- Panelist & Speaker, "Just Do It: Training Young Lawyers," Association of Defense Trial Attorneys, Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia, April 23, 2013
- Speaker, "Danger Will Robinson! Discovery Sanctions under Rule 26(b)," West Virginia Continuing Legal Education, Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 22-23, 2013
- Speaker (with Marc Williams, Huntington, W.Va.), "Climbing Out of the Hellhole: Litigation Reforms in West Virginia," Defense Trial Counsel of West Virginia Annual Meeting, Myrtle Beach, South Carolina, June 9-12, 2013
- Speaker, "Great Work Product," JK Summer Clerk Orientation, June 5, 2013
- Speaker, "Medical Professional Liability Year in Review," West Virginia CLE, Annual Health Law Seminar, 2010-14
- Panelist, "Do's and Don'ts of Discovery" (with Judge Louis Bloom and Nick Casey), West Virginia Bar Association Young Lawyers "Legal Ease" Conference, Edgewood Country Club, Nov., 21, 2012 ([http://wvbarassociation.org/assets/pdf/communique/WVBARJune13\\_ONLINE.pdf](http://wvbarassociation.org/assets/pdf/communique/WVBARJune13_ONLINE.pdf))
- Speaker, "Effective Use of Medical Literature," Defense Trial Counsel Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia, June 14, 2012
- Speaker, "The Fabric of a Trial: Wearing the Tapestry from Voir Dire Through Examination to Final Argument," DRI Trial Tactics Seminar, Las Vegas, Nevada, March 2012
- Speaker, "Effective Presentation of the Standard of Care, 28th Annual Conference on Obstetrics, Gynecology, Perinatal Medicine, Neonatology and the Law, Boston University School of Medicine, Costa Rica, Jan. 2012
- Speaker, "Punitive Damages," Edison Electric Institute 2011 Claims Committee Meeting, Sept. 18-21, 2011, Santa Fe, New Mexico
- Speaker, "Telling Stories: Closing Arguments and the Talking Frog," Iowa Defense Counsel Association Annual

Meeting, Sept. 16, 2011, Des Moines, Iowa (DRI sponsored)

- Webinar Panelist (with Ed Birk, Jacksonville, FLA), "Deposing the Plaintiff," Association of Defense Trial Attorneys Webinar Series, Aug. 17, 2011
- Speaker, "Telling the Story in the Closing Argument," 2011 West Virginia State Bar Annual Meeting, Charleston, West Virginia, April 18, 2011
- Speaker, "Health Law and Litigation," West Virginia Medical Group Management Association Spring Conference, March 11, 2011
- Co-presenter, "The Latest on Jury Selection," Alabama Defense Lawyers Association, Sandestin Beach Resort, Florida June 17-20, 2010 (with Randall Sellers, Birmingham, Ala.)
- Speaker, "Getting It In: The Fundamentals of Admitting Evidence," Young Lawyers, Eden Roc Hotel, Miami Beach, Florida, June 17, 2010
- Speaker, "Defending Negligent Credentialing and Privileging Claims," DRI Medical Liability & Health Care Seminar, Arizona Biltmore, Phoenix, Arizona, Feb. 11-12, 2010
- Guest, "Talkline," Subject: Judicial Selection, Sept. 24, 2009
- Appearance as Representative of Defense Trial Counsel of West Virginia, Public Hearing, Governors' Independent Commission Judicial Reform, West Virginia University College of Law, Morgantown, West Virginia, Sept. 21, 2009
- Speaker, "Telling Your Client's Story from the Answer to the Closing Argument," Tri-State Defense Lawyers Annual Meeting, Portsmouth, New Hampshire, Sept. 12, 2009 (DRI sponsored)
- Speaker, "Telling Your Story: Direct and Cross Examination," West Virginia State Bar Annual Meeting, Oglebay Park, Wheeling, West Virginia, April 25, 2009
- Speaker, "Preemption, Shack, ADTA and the Talking Frog," ADTA Annual Meeting, Phoenix, Arizona, April 19, 2009
- Speaker, "The Law of Expert Witnesses in West Virginia," West Virginia University/CLE Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 6-7, 2009
- Hearing on Judicial Selection, Appearance as Representative of West Virginia Bar Association Judicial Improvement Committee and Defense Trial Counsel of West Virginia President, Joint Interim Session House and Senate Judiciary Committees, West Virginia Legislature, Charleston, West Virginia, Dec. 7, 2008
- Speaker (with Randy Sellers, Birmingham, Alabama), "Techniques for Jury Selection and Use of Jury Questionnaires," IADC 2008 Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia, July 5, 2008
- Panel Member, "Issues Facing the West Virginia Bar," West Virginia Association for Justice Annual Meeting, Charleston Marriott, Charleston, West Virginia, June 12, 2008 (invited panelist as President, Defense Trial Counsel of West Virginia)
- Commencement Speaker, St. Agnes Middle School, June 3, 2008 (final graduating class upon closing of Middle School)
- Panel Member, "Issues for Paralegals," Defense Trial Counsel of West Virginia Annual Meeting, Glade Springs, West Virginia, May 16, 2008
- Panel Member, "Long Range Planning for SLDO's," DRI Central Regional Meeting, Ritz-Carlton Hotel, Cleveland, Ohio, April 25, 2008
- Speaker, "National Issues," Association of Defense Trial Attorneys Annual Meeting, Charleston, South Carolina, April 11, 2008
- Speech and Paper, "Medical Professional Liability Review," and "On the Docket," West Virginia Mutual Insurance Company, Defense Panel Forum, Charleston, West Virginia, Nov. 15, 2007
- Faculty, "Opening and Closing Statements," Defense Trial Counsel of West Virginia Trial Academy, Jackson Kelly Conference Center, Sept. 15, 2007
- Presentation, "Review of Current Decisions of the Supreme Court of Appeals of West Virginia," Jackson Kelly General Counsel Summit, Cheat Mountain Club, Sept. 14, 2007
- Panelist, "Trends in the Court and Their Impact on West Virginia Physicians and the Care They Deliver," West Virginia State Medical Association Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia, Aug. 25,



2007

- Speech and Paper, "Judicial Disqualification and Other Impossible Positions for Defense Lawyers," ADTA Annual Meeting, San Diego, California, April 19, 2007
- Panel Member, "Defending Birth Injury Cases from the Pros," Birth Injury Blockbuster Program, DRI Medical Liability Seminar, Atlanta, Georgia, March 7-9, 2007 (Neonatal Issues)
- Speaker, "Physician Testimony," Berry Hills Country Club, Charleston, West Virginia, Feb. 13, 2007, sponsored by Thomas Hospital Foundation and West Virginia Mutual Insurance Company (with Judith A. Davis, Director of Risk, WVMIC)
- Speaker, "Sequestration of Witnesses," Bailey & Wyant PLLC Firm Retreat, Summit Conference Center, Charleston, West Virginia, June 9, 2006
- Co-chair, West Virginia Continuing Legal Education Mountaineer Series, "Evidence," Morgantown, West Virginia, 2004-2006
- Moderator, Bench & Bar Meeting: Circuit Court of Kanawha County Judges, Charleston, West Virginia, Oct. 18, 2005
- Mock Trial Presentations, Constitution Day, St. Agnes Middle School, Sept. 17, 2005
- Panelist, "Expertise for Experts: Practical Pearls," International Association of Defense Counsel (IADC) 2005 Midyear Meeting, Westin Reo Mar, San Juan, Puerto Rico, Feb. 15, 2005 (panel discussion and presentation on cross examination of expert witnesses)
- Speech and Paper, "2004 Medical Professional Liability Review," West Virginia University/CLE Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 4-5, 2005
- Panel Member, "The Kessel Case: Are Exclusive Contracts Dead in West Virginia Hospitals?," West Virginia Hospital Association, Charleston, West Virginia, Nov. 10, 2004
- Moderator, Debate on the Patriot Act, Kanawha County Bar Association, Charleston, West Virginia, May 20, 2004
- Presentation, "Civil Justice Reform in West Virginia," Defense Research Institute Central Region Meeting, The Greenbrier, White Sulphur Springs, West Virginia, May 1, 2004
- Moderator, Bench & Bar Meeting: Supreme Court Candidates Forum, Joint Meeting of Kanawha County and West Virginia Bar Association, Charleston, West Virginia, March 18, 2004
- Interviewed for Article, "Steering Clear of Malpractice Problems in Residency," American College of Physicians Observer, Sept. 2003
- Speech and Paper (with Gretchen M. Callas), "Dealing with the Peer Review Privilege in West Virginia and Virginia," Joint Meeting of the West Virginia and Virginia Bar Associations, The Greenbrier, White Sulphur Springs, West Virginia, July 11, 2003
- Panelist, "Is There A Medical Malpractice Crisis in West Virginia?," Hugh O'Brien Youth Leadership, West Virginia Leadership Seminar, Charleston, West Virginia, May 16, 2003
- Presentation (with David J. Romano, Clarksburg, West Virginia) and Paper, "Attorney Client Privilege and Work Product in Third Party Bad Faith Actions in West Virginia," West Virginia State Judicial Association Annual Conference, Snowshoe Resort Mountain, West Virginia, May 8, 2003
- Speech, "West Virginia's New Medical Professional Liability Amendments: HB 2122," Southern West Virginia Chapter of AALNC, Charleston, West Virginia, May 1, 2003
- Speech, "Dealing with Settlement Pressure," MAWV West Virginia Defense Attorney Workshop, Charleston, West Virginia, April 11, 2003
- Moderator, Panel Discussion of Kanawha County Judges, Kanawha County Bar Association Meeting, Charleston, West Virginia, March 20, 2003
- Panelist, Medical Professional Liability Issues, Kanawha County Bar Association, Charleston, West Virginia, Feb. 13, 2003
- Speech, "Strange Cases, Rules and Other Secret Stuff I Learned By Accident," Farrell Law Firm Annual Retreat, White Sulphur Springs, West Virginia, Nov. 8, 2002
- Testimony as Representative of Defense Trial Counsel of West Virginia regarding changes in West Virginia's

Wrongful Death Statute, Joint Judiciary Subcommittee B, June 14, 2002

- Speech and Outline, "Documentation and Charting for the Future," Lorman Education Services, Charleston, West Virginia, Feb. 6, 2002
- Speech, "HB 601 and the Status of Tort Reform in West Virginia," Defense Trial Counsel of West Virginia, Student Chapter, Morgantown, West Virginia, Oct. 18, 2002
- Panelist, Medical Malpractice Tort Reform Colloquium, West Virginia University College of Law, Morgantown, West Virginia, Oct. 16, 2002
- Speech, "Accountability," Capital Area Radiologic Technologist's Fall Seminar, South Charleston, West Virginia, Sept. 28, 2002
- Speech and Paper, "A Review of the 2001 Medical Liability Enactments (HB 601)," 2002 Defense Trial Counsel of West Virginia Annual Meeting, Lakeview Resort, Morgantown, West Virginia, May 31, 2002
- Panelist, "Is There a Medical Malpractice Crisis in West Virginia?," 2002 Hugh O'Brien Youth Foundation Seminar, Charleston, West Virginia, May 17, 2002
- Speech and Paper, "2001 Medical Professional Liability Reforms: An Overview," West Virginia University/CLE Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 8-9, 2002
- Guest, "Talkline," Subject: "Medical Malpractice Crisis." Oct. 16, 2001
- Speech, "Do's and Don'ts of Documentation," Thomas Hospital 12th Annual Patient Care Symposium, Charleston, West Virginia, Oct. 10-11, 2001
- Guest Lecture, "Medical Professional Liability," Masters of Legal Studies Program, West Virginia University, Charleston, West Virginia, Oct. 15, 2001
- Co-chair, WVU/CLE Mountaineer Series, "Litigation," Morgantown, West Virginia, Oct. 5, 2001
- Speech, "Medical Records in Litigation," West Virginia University School of Medicine Pediatric Residents, Charleston, West Virginia, Jan. 2001
- Speech, "Documentation and Communication: The Medical Record in Litigation," Capital Area Radiologic Technologist's Winter Seminar 2001, Charleston, West Virginia, Feb. 2001
- Speech, "Deliberate Intention Litigation and Medical Monitoring," Jackson & Kelly PLLC Client Seminar, Charleston, West Virginia, Nov. 16, 2000
- Speech, "Healthcare Issues 2000 - Documentation Workshop," Thomas Memorial Hospital Workshop, Charleston, West Virginia, Nov. 8-9, 2000
- Co-chair, WVU/CLE Mountaineer Series, "Civil Discovery," Morgantown, West Virginia, Sept. 15-16, 2000
- Speech and Paper, "Medical Professional Liability," West Virginia University/CLE Annual Litigation Seminar, Canaan Valley, West Virginia, Jan. 22-23, 1999
- Workshop, "Medical Professional Liability," New River Family Health Center, Daniels, West Virginia, Jan. 1999
- Speech, "Legal Issues for the Elderly," Thomas Memorial Hospital/PsyCare Mountain Retreat, Snowshoe, West Virginia, Oct. 1998
- Workshop, "Legal Issues and Confidentiality Concerns," WV Health Information Management Association, Semi-Annual Meeting, Glade Springs Resort, Daniels, West Virginia, May 1998
- Workshop, "Medical Professional Liability," WVU Family Practice Residency Program, Charleston, West Virginia, March 1998
- Panelist, "Medical Records in Litigation," WV State Bar Annual Meeting, Charleston, West Virginia, May 1997
- Speech and Paper, "Release of Mental Health Patient Records," Medical Education Services Seminar, Charleston, West Virginia, Nov. 1996
- Panel Member, "A Bench and Bar Discussion on Practice Before the United States District Court for the Southern District of West Virginia," WVU/CLE, Morgantown, West Virginia, Sept. 1996
- Co-chairman, WV CLE "Law and Medicine Seminar," Morgantown, West Virginia, Sept. 1996
- Speech, "Current Legal Issues for Social Workers in West Virginia," National Association of Social Workers, WV Chapter, Annual Meeting, Charleston, West Virginia, 1992, 1993, 1994, 1996, 1997, 1998, 1999

- Speech and Panel Presentation, "Liability Concerns for Social Workers," University of Charleston, Charleston, West Virginia, 1995
- Speech, "Medical Malpractice," West Virginia Association of Physician's Assistants, Spring Conference, South Charleston, West Virginia, March 30, 1995
- Speech, "Medical Malpractice and Insurance Bad Faith," Mutual Assurance Lawyers' Conference, Birmingham, Alabama, Oct. 1994
- Speech and Paper, "What *Morris v. Consol* Means To You," Jackson & Kelly Seminar, University of Charleston, Charleston, West Virginia, Sept. 1994
- Speech and Paper, "Confidentiality of Medical Records in West Virginia," WV State Bar Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 1994
- Speech and Paper, "Frivolous Litigation in West Virginia," Lorman Business Center Seminar, Charleston, West Virginia, March 1992, April 1993
- Speech and Paper, "Medical Malpractice in West Virginia," Jackson & Kelly Client Seminar, "Health Care in the 90's," Morgantown, Martinsburg & Charleston, West Virginia, April 1992
- Speech and Paper, "Medical Malpractice in West Virginia," WV State Bar Annual Meeting, Morgantown, West Virginia, May 1992
- Speech and Paper, "Mandolitis Litigation Today," West Virginia State Bar Annual Litigation Seminar, Canaan Valley, West Virginia, Feb. 1992
- Speech and Paper, "Frivolous Litigation in Ohio," Lorman Business Center Seminar, Cincinnati, Ohio, Dec. 1991
- Speech and Paper, "Confidentiality of Medical Records," Medical Education Services Seminar, Charleston, West Virginia, Feb. 1991
- Speech and Paper, "Third Party Access to Medical Records," Lorman Business Center Seminar, Charleston, West Virginia, Oct. 1990
- Speech and Paper, "Liability for the Torts of the Intoxicated," WVU/CLE Series, WVU College of Law, Morgantown, West Virginia, Sept. 1990
- Speech and Paper, "Defense Perspective on Insurance Bad Faith," PESI Insurance Litigation Seminar, Charleston, West Virginia, June 1990
- Speech and Paper, "Confidentiality of Psychological Records," WV Psychological Assn. Annual Meeting, Pipestem State Park, West Virginia, Oct. 1989
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- Speech and Paper, "Nursing Malpractice," Nursing & The Law '87, Charleston Area Medical Center, Charleston, West Virginia, June 1987

#### Writings and Publications

- Author, "Supreme Court of Appeals of West Virginia Affirms Evidentiary *Rulings Prohibiting "Reptile" Tactics*," *DRI The Voice*, Vol. 16, Issue 35 (9-6-17)
- Column, "A Word from Lou," *ADTA The Association Press*, Fall 2018
- Guest post, "Don't Come to West Virginia Without Your Expert," *Drug & Device Law*, June 8, 2018
- Guest post, "West Virginia Court Finds Both Fraudulent Joinder & Misjoinder in Opioid Action," *Drug & Device Law*, July 21, 2017
- Co-author with Judge Patricia Kerrigan, "Independent Judicial Decision Making in the New Millennium," Association of Defense Trial Attorneys Annual Meeting, Nashville, Tennessee, April 20, 2017
- Co-author with Jennifer Mankins, "Medical Professional Liability in West Virginia," Part II, 114 *West Virginia Law Review* 573 (Winter 2012)
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- Co-author with Ryan E. Voelker, "*Willey v. Bracken*: The Erosion of the 'Borrowing' Statute?," Law360, Feb. 2011
- Co-author with Phil Willman and others, "Coupling Evidentiary and Procedural Tools: Defending Negligent Credentialing Cases," Medical Liability and Healthy Care Law For The Defense, July 2010
- Co-author with Rick Jones and others, "Peer Review: A Practical Analysis of HCQIA Immunity," Medical Liability and Health Care Law In-House Defense Quarterly, Fall 2009
- Co-author, Appellate Issues, DRI Punitive Damages Compendium, 2009
- Co-author (with Randy Sellers, Birmingham, Alabama) "Techniques for Jury Selection and Use of Jury Questionnaires," International Association of Defense Counsel Journal, Oct. 2008
- Author, "Good Samaritan Statutes," 2009 DRI Medical Liability Compendium (to be published with Jennifer Mankins)
- Author, "Some Thoughts on Issues Facing the West Virginia Bar," West Virginia Association for Justice Annual Meeting, Charleston Marriott, Charleston, West Virginia, June 12, 2008
- Author, "West Virginia Adopts the Continuous Treatment Doctrine," *The Voice* (DRI, Jan. 2008)
- Co-author (with Rob Aliff and Jennifer Mankins), "Buttressing Medical Reform Rules: Constitutional and Other Attacks on Notice of Claim and Certificate of Merit Statutes," *For the Defense* (June 2008)
- Author, "Applicability of the MPLA," DTCWV Newsletter (Winter 2008)
- Bi-annual Paper, "West Virginia Medical Professional Liability Review" (For DTCWV and the West Virginia Mutual Insurance Company) (2006-present)
- Paper, "Discovery Commissioners In West Virginia," Defense Trial Counsel of West Virginia Annual Notebook, May 2006
- Paper, "Musings of a Dayton Flyer on Trial Stuff," ADTA Annual Meeting, Fajardo, Puerto Rico, April 26-30, 2006
- Article, "Everything You Wanted To Know About Liability (But Were Afraid To Ask)," *West Virginia Executive Magazine* Health-care Issue, p. 95, July/Aug. 2005
- Article, "Things Uncovered," IADC Medical Defense Newsletter, No. 3, May 2005
- Co-author, with **Rob J. Aliff**, "Medical Professional Liability in West Virginia," 105 *West Virginia Law Review* 369, Winter 2003
- Co-author with **Gretchen M. Callas**, "Dealing with the Peer Review Privilege," 2003 Defense Trial Counsel of West Virginia Annual Meeting CD (May 2003)
- Author, "Tort Reform in West Virginia in 2003: A Review of House Bill 2122," West Virginia's New Medical Professional Liability Act," 2003 Defense Trial Counsel of West Virginia Annual Meeting CD at Tab 9 (May 2003)
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- Author, "Hospital Liability in West Virginia," 95 *W. Va. L. Rev.* 943 (1993) (Recognized in "Worth Reading" column by Gerome Leone, *National Law Journal*, Feb. 7, 1994, p. 16)
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- Co-author, "Annual Review of Workers' Compensation Law," West Virginia State Bar Annual Meeting, 1984, 1985
- Note, "The Adjustment of Awards for Lost Future Earning Capacity to Compensate for Inflation and Increased Productivity," 7 *U. Dayton L. Rev.* 139 (1981)

## Community

- Kanawha County Public Library Board of Directors (2020- )
  - Finance, Community Engagement and Membership Committees
- Legal Aid of West Virginia, Campaign Co-Chair (2015-2016)
- Thomas Hospital Foundation
  - President (2009-2011)
  - First Vice President (2007-2008)
  - Second Vice President (2005-2007)
  - Annual Gala Committee (1999-Present)
  - Board of Directors (2002-2011)
- St. Agnes Parish, Finance Committee (2006-Present); Lay Chair, Bishop's Sharing Appeal (2008); Parish Council (1990-1993)
- St. Agnes School
  - Finance Committee, (2002-2006)
  - Athletic Director (2001-2005)
  - Basketball Coach
- Kanawha Valley Catholic Recreational Association
  - President (2004-2007)
  - Board Member (2001-2007)
- Camden-Clark Memorial Hospital Trust Board (1995-1999)
- Youth & Government Foundation
- Junior Achievement, Business Basics Teacher (1988-1990)
- Cub Scouts, Webelos
  - Den Leader (1985-1986; 1989)
  - Assistant (2006-2007)
- South Hills Raiders (1996) Assistant Soccer Coach
- Red Chili Judge, Smoke on the Water Chili Festival, Charleston, West Virginia (2003)
- Family Service of Kanawha Valley, Board of Directors (1994-2000, 2001-2007)