

Local litigation firms

Highly recommended

Allen Guthrie McHugh & Thomas
 Bowles Rice McDavid Graff & Love
 Dinsmore & Shohl
 Jackson Kelly
 Spilman Thomas & Battle
 Steptoe & Johnson

Recommended

Bailey & Glasser
 Carey Scott & Douglas
 Flaherty Sensabaugh & Bonasso
 Goodwin & Goodwin
 Hendrickson & Long
 Jenkins Fenstermaker
 The Tinney Law Firm

West Virginia

The mining industry continues to bring in major litigation for in-state litigators, with medical malpractice, insurance and energy cases following close behind. In the state's most notable trial, Garrison Tawney filed a suit going after West Virginia's billion-dollar natural-gas industry, but died before he had the chance to see the case's verdict of \$405 million.

Highly recommended firms

Allen Guthrie McHugh & Thomas represents clients in a variety of complex commercial litigation situations. Among its clients are securities companies, tobacco manufacturers, pharmaceutical manufacturers and hospitals. Major practice areas include products liability, securities and toxic torts. Dupont included the firm on its list of Primary Law Firms and Service Providers. The "mission" of the firm is to "continue to serve West Virginia into the new millennium as one of this state's preeminent law firms." The firm is also involved in tobacco litigation representing roughly 750 plaintiffs against Altria Group, the parent company of Phillip Morris. David Thomas and Rebecca Betts both receive recommendations for their litigation work and trial experience handling high-profile matters. Associate Peter Markham also receives praise for his work handling both litigation and appeals.

Founded in Charleston, Bowles Rice McDavid Graff & Love has an extensive presence across the state. With more than 120 attorneys, spread across its six offices, the firm can handle an array of litigation. Major practice areas include antitrust, construction, insurance, products liability and toxic torts. The firm has more than 40 attorneys dedicated to trial, and "work closely with the other lawyers in the firm to make certain that the litigation results are consistent with clients' other legal needs. The firm continues a recent expansion with several new attorneys adding to the strength of the Charleston office. A recent case involves representing a student with disabilities in a lawsuit against West Virginia's Board of Law Examiners. As chair of risk management at the firm, Gerard Stowers handles business litigation encompassing legal malpractice and personal injury law. Ashley Hardesty receives mention for her litigation practice with an emphasis on labor and employment law, serving in the Morgantown office.

Based in Ohio, but with a significant West

Virginia network, Dinsmore & Shohl receives praise for its litigation talents. Offices include Charleston, Morgantown and Wheeling with additional offices in Kentucky and Pennsylvania. Major practice areas for the litigation team include products liability, general commercial, toxic torts and mass torts litigation, with the intellectual property group continuing to grow. Major clients include Massey Energy, RJ Reynolds Tobacco and Allegheny Energy.

Managing partner in West Virginia Henry Jernigan Jr represents clients in products liability, mass torts and natural resource litigation. Notable past clients include Chrysler in rollover litigation, Black & Decker involving products liability cases and Procter & Gamble for toxic shock claims. Associate Jason Long receives accolades for his work on "collection rights and security interests of creditor clients." Long regularly defends automobile manufacturers in various claims. Ramonda Lyons receives recognition for her work with insurance, motor vehicle, mining and natural resource litigation. Ashley Pack, an associate in Charleston, handles labor and employment cases involving discrimination and wrongful discharge.

Jackson Kelly spreads six offices over West Virginia with an expansive team of trial attorneys. Offering several commercial litigation strengths, the firm has seen a recent growth in governmental, health, environmental and white-collar criminal defense work. The firm strives to "provide superior legal representation and customer service to its clients" while "maintaining the highest standards in legal education and qualifications." Recent casework includes the successful defense of Northrop Grumman in a qui tam False Claims Act matter against the client. A motion to dismiss the case was granted to the government contract practice after it proved "the case lacked sufficient merit to justify the national security risk associated with prosecuting the case."

Charleston attorney Alvin Emch handles

"The verdict in the class action came in at roughly \$405 million in a decision that upheld the claims of 8,000 owners who had not been given their fair share for allowing the companies to drill for gas on their land."

– Carey Scott & Douglas

Local litigation stars

Benjamin Bailey
Bailey & Glasser

Rebecca Betts
Allen Guthrie McHugh & Thomas

Michael Carey
Carey Scott & Douglas

Alvin Emch
Jackson Kelly

Robert Gifford
Steptoe & Johnson

Thomas Goodwin
Goodwin & Goodwin

David Hendrickson
Hendrickson & Long

Henry Jernigan
Dinsmore & Shohl

Niall Paul
Spilman Thomas & Battle

Thomas Scarr
Jenkins Fenstermaker

Don Sensabaugh
Flaherty Sensabaugh & Bonasso

Gerard Stowers
Bowles Rice McDavid Graff & Love

David Thomas
Allen Guthrie McHugh & Thomas

John Tinney
The Tinney Law Firm

James Walls
Spilman Thomas & Battle

products liability, personal injury, toxic torts and mass torts in his practice. Emch, former chief executive officer of the firm, also handles appellate matters in state and federal courts. Associate **Matthew Nelson** receives mention for his work handling toxic tort, class action and product liability matters. He emphasizes “advising clients on issues concerning electronic discovery,” which include the “preservation, retrieval, review and production of electronically stored information.”

Spilman Thomas & Battle has more than 100 attorneys spread across four states including Charleston, Morgantown and Wheeling. The firm “encourages an early case assessment for every new litigation matter,” and has a focus on general commercial litigation including antitrust, construction, banking, intellectual property and products

involving asbestos, silica, benzene, mold and “other organic and inorganic substances.” **Peter Raupp** receives mention for handling personal injury and insurance defense matters as an associate in the Charleston office.

Recommended firms

“Full-service” firm **Bailey & Glasser** focuses on “bringing innovative approaches to complex trials and appeals.” This boutique firm provides clients an emphasis on contracts, antitrust, coal and energy, fraud and white-collar criminal matters. Past work experience includes representing Mingo County residents against Massey Energy in a well water contamination case relating to Massey’s underground mining operation. A jury ruled in favor of the clients in Mingo County and awarded them with \$1.64 million. **Benjamin Bailey** focuses on complex

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- Allen Guthrie McHugh & Thomas

liability. Asbestos cases continue to keep the firm busy, as one of the most active forms of litigation in the state. The firm continues steady growth with several new associates joining the offices in 2008, as well as new attorneys joining the North Carolina offices.

Niall Paul handles commercial litigation for torts and employment. Experience includes representing several clients in successful jury verdicts involving toxic tort claims, unfair trade practices and deliberate intent injury claims. **James Walls** receives mention for his employment discrimination and personal injury defense practices, and also handles appellate matters. Senior attorney **Angela Herdman** focuses her insurance litigation practice on coverage and bad faith claims as well as personal injury matters. Herdman’s experience comes from working at both Nationwide Insurance and State Farm Insurance.

Steptoe & Johnson offers six offices in the state including Charleston, Clarksburg, Huntington, Martinsburg, Morgantown and Wheeling. The firm offers 180 attorneys across seven offices, the last of which is in Ohio. Litigation strengths include energy, health care, employment and medical malpractice. Products liability continues to play a prominent role in the firm with consumer products, pharmaceutical and toxic tort cases. The firm’s offices continue a strong growth with several new additions to the West Virginia and Ohio locations. Past clients include American Electric Power, Monongalia General Hospital and West Virginia University. Co-chair of the products liability group **Robert Gifford** handles cases

commercial litigation and white-collar criminal defense cases. **Marc Weintraub’s** litigation practice focuses on energy, corporate finance, real estate and securities. Weintraub “has negotiated and drafted energy project development agreements for projects located in the United States, Latin America and the Near East.”

The small team at **Carey Scott & Douglas** receives mention for litigation regarding products liability, personal injury and wrongful death, mining, coal and white-collar criminal defense. The firm has experience handling toxic torts in asbestos matters, however, the biggest win came in a recent case started by the late Garrison Tawney against Columbia Natural Resources, and other gas companies in a matter involving underpaid royalties. The verdict in the class action came in at roughly \$405 million in a decision that upheld the claims of 8,000 owners who had not been given their fair share for allowing the companies to drill for gas on their land. While an appeal was filed, the West Virginia Supreme Court turned it down in a unanimous decision. Key to this case is former US district attorney **Michael Carey**, who represents several of the plaintiffs. Carey handles all matters of civil litigation including personal injury, construction and white-collar criminal defense.

As one of West Virginia’s largest litigation firms, **Flaherty Sensabaugh & Bonasso** “represents individuals and corporations – from small business to multinational corporations – in every aspect of trial presentation.” Class actions, products

Future stars

Lora Dyer
Hendrickson & Long

David Fenwick
Goodwin & Goodwin

Phillip Glyptis
Flaherty Sensabaugh & Bonasso

Ashley Hardesty
Bowles Rice McDavid Graff & Love

Angela Herdman
Spilman Thomas & Battle

Robert James
Flaherty Sensabaugh & Bonasso

Brian Lindsay
Jenkins Fenstermaker

Jason Long
Dinsmore & Shohl

Ramonda Lyons
Dinsmore & Shohl

Peter Markha
Allen Guthrie McHugh & Thomas

Matthew Nelson
Jackson Kelly

Ashley Pack
Dinsmore & Shohl

Peter Raupp
Step toe & Johnson

Michele Tysiak
Jackson Kelly

Marc Weintraub
Bailey & Glasser

liability, medical malpractice and employment law constitute major litigation practice areas for the firm. The attorneys take a “proactive approach to resolving litigation matters,” while “keeping in mind the clients’ desire for cost-effective representation balanced with maximum legal protection.” Case representations include obtaining a summary judgment for a surface mining operator and a dismissal of a medial malpractice case in Ohio.

Don Sensabaugh Jr handles health law cases for the firm including medical malpractice defense and hospital malpractice lawsuits. Associate **Phillip Glyptis** receives mention for his work on products liability and professional liability matters, while **Robert James** receives praise for his professional liability, labor law and motor vehicle law practice. Past clients for James include CVS Pharmacy and Staples.

With three offices in West Virginia, **Goodwin & Goodwin** offers clients a range of litigation services including products liability, personal injury, employment and insurance law. A “forward-thinking and progressive” firm, it has grown to “keep pace with developments in the law as well as business processes and technology that best meet client needs.” **Thomas Goodwin** receives praise for representing clients in complex commercial litigation including the “purchase and sale of stock and/or business assets.” **David Fenwick** handles employment and telecommunications litigation and has experience counseling employers on equal employment opportunities, discrimination and leave of absence issues.

Hendrickson & Long receives mention as a general litigation practice offering clients expertise in asbestos defense and commercial law. It handles litigation counsel for many local businesses. The firm often handles medical malpractice suits with the help of star attorney and name partner **David Hendrickson**. Hendrickson also handles products liability, toxic torts and insurance

defense matters. **Lora Dyer** receives mention for her toxic torts and products liability practice.

Jenkins Fenstermaker is a “full service” firm based in Huntington, with a reach into legal matters in Virginia, Georgia and Florida. The firm prides itself on building success based on “quality service, reasonable fees and individualized attention.” The firm emphasizes “client communication” to effectively respond to any needs that may arise. Notable practice areas within litigation include personal injury, products liability, insurance, health care and business matters. The firm recently added two new lawyers to its practice, increasing its litigation practice. Head of the litigation group **Thomas Scarr** focuses on civil litigation experience with an emphasis on labor and employment law. Scarr regularly handles personal injury, products liability, toxic tort and medical malpractice claims. **Brian Lindsay** receives praise for his asbestos and silica litigation, and insurance defense.

The Tinney Law Firm emphasizes trial law in its various practices. Antitrust, professional liability, products liability, personal injury and white-collar criminal defense all stand out as prominent practice areas within the group. The firm recently filed a class action suit against Richard Allan Filbin in connection with “114 counts of criminal invasion of privacy for allegedly videotaping his clients while they undressed and dressed.” Representing the plaintiffs in the matter, the suit seeks compensatory and punitive damages. The firm also represented General Motors in conjunction with Kirkland & Ellis. With more than 35 years of experience handling trials, **John Tinney** receives praise for his work representing several high-profile clients for the firm. Products liability, professional liability and mass torts are significant practice areas for Tinney with clients such as Schering-Plough, Liberty Mutual, City of Charleston and City of Summersville.

