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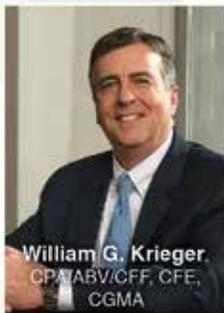
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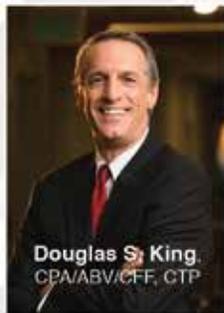
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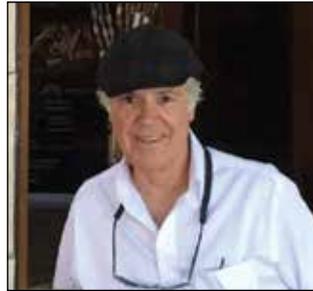
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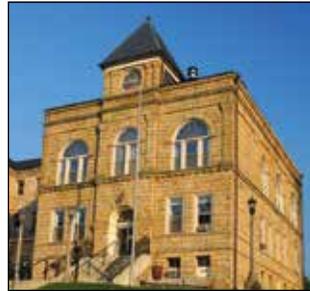
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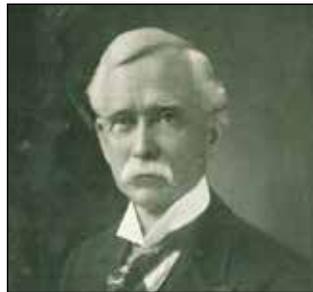
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**On the Cover:** The Center for Consumer Law and Education (CCLE), with physical locations at both Marshall University and the West Virginia University College of Law, seeks to make West Virginia a national leader in consumer law and public policy.

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The West Virginia State Bar's Lawyer Referral Service Committee would like to remind you to visit the Lawyer Referral Service website! [www.wvlawyerreferral.org](http://www.wvlawyerreferral.org). The service is designed to provide a faster and easier way for the public to connect with attorneys who may be willing to take on new cases. Participants in the new Lawyer Referral Service can be searched by practice area and zip code.

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- Free registration for State Bar members who register during the 2018-2019 FY

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West Virginians continue to be assisted through Tuesday Legal Connect, a toll-free hotline operated by volunteer attorneys of The West Virginia State Bar on Tuesday nights between 6 and 8 p.m. at the Legal Aid of West Virginia offices as a result of a partnership between the WV State Bar and Legal Aid of WV. The undaunted efforts of these volunteer lawyers have helped West Virginia citizens for over 10 years.

Attorneys who have operated the service since the last reporting in *The West Virginia Lawyer* are:

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# THE WEST VIRGINIA LAWYER

*The West Virginia Lawyer* is published quarterly for all members of The West Virginia State Bar. *The West Virginia Lawyer* helps lawyers stay current and share in-depth information on the latest legal developments, issues and trends with their colleagues in West Virginia and beyond. The West Virginia State Bar publishes practical, substantive and procedural articles on West Virginia law and articles on legal theory, philosophy and jurisprudence. The editorial policy of The West Virginia State Bar is under the supervision of the publication's Board of Editors. All submissions to *The West Virginia Lawyer* are subject to approval by the Board of Editors. Articles are judged on importance of topic, accuracy, clarity, timeliness and quality of writing. The Board of Editors reserves the right to require rewriting or editing as a condition of publication. The editor reserves the right to edit all material. *The West Virginia Lawyer* retains ownership of all published material, including contributed articles. No compensation is paid for submissions or contributions.

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## PRESIDENT'S PAGE

Thomas E. Scarr

President  
The West Virginia State Bar



## WHAT DOES THE BAR DO?

First, as a reminder: as indicated in my first President's column, the State Bar does not represent or advocate for its members. That is not its purpose or role. The Bar was created by the Court as an agency of the Court to help it fulfill its constitutional role to regulate and control the practice of law in West Virginia. It is also a means of partial self-regulation of West Virginia licensed attorneys, in that the Bar is governed by its Board of Governors whose members are elected by members of the Bar from 16 districts around the state.

The sole purpose of the Bar is to supervise, regulate and control the practice of law in West Virginia, all for the benefit and interest of the state and its citizens, and to ensure that the citizens of West Virginia have access to competent legal representation when legal representation is needed. As most

of you know, the standard annual license fee (there are discounted rates for new lawyers and inactive lawyers) that each lawyer must pay to practice law in West Virginia is currently \$250. This has been the annual license fee since 2005. It has not changed in over 16 years and is one of the lowest legal professional license fees in the country, particularly for state bars of similar size. Regardless, a question commonly asked by members of the Bar is: What does the Bar do with the licensing fees paid by its members and other income generated by it, to further its regulatory obligation and mission? In other words, what are the services, programs and benefits provided by the Bar to the public and to members of the Bar.

The licensing fees and other income generated by the Bar are used to fund all of the operations and activities of the State Bar itself, as

well as those of two other agencies of the Supreme Court: The Office of Disciplinary Counsel (ODC) and the West Virginia Judicial & Lawyer Assistance Program (WVJLAP). In fact, over 50% of the State Bar income goes to support these two entities to support the essential work that they do.

In terms of the State Bar itself, and in no particular order, a partial list of the information sources, services, programs and benefits provided by the State Bar to the public and to members of the Bar includes:

- Accumulates and maintains data and information on each licensed member of the Bar, all of which is required to be reported to the Bar as part of the licensure process.
- Communicates important information to members

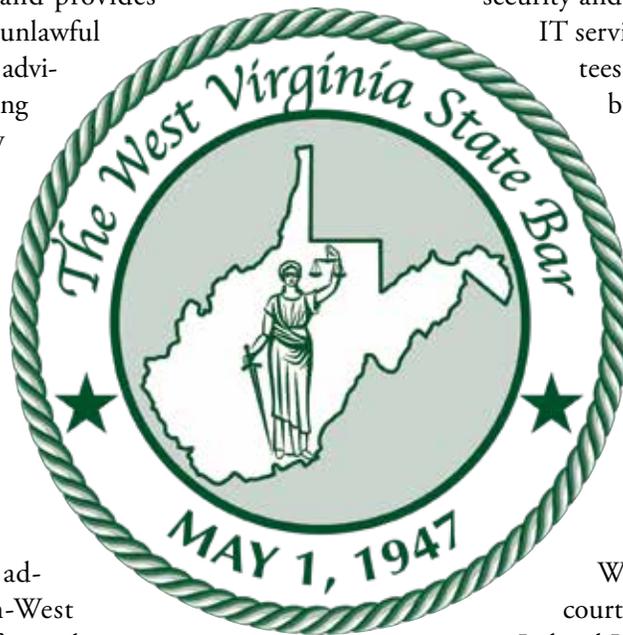
The *sole purpose* of the Bar is  
to *supervise, regulate* and *control*  
the *practice of law* in West Virginia.

of the Bar through and on its website, via weekly electronic Bar Blasts and social media accounts, through publication of the quarterly *West Virginia Lawyer* magazine, through the Board of Governors District Representatives, by and at its annual meetings and through various Bar committee meetings and communications. The Bar Blast in particular provides pertinent and important information for members of the Bar weekly, including Supreme Court announcements, upcoming CLE information, notice of our meetings and events, volunteer opportunities, job postings, information on proposed rule changes and ability for public comment on those rule changes.

- Creates, maintains and provides access to the Bar membership directory containing information about active and inactive in-state and out-of-state West Virginia licensed attorneys.
- Monitors and tracks required Financial Responsibility Disclosure (FRD) which involves information as to a lawyer's professional liability insurance or other source of financial funds to cover errors and omissions occurring in the practice of law.
- Manages, processes and monitors mandatory continuing legal education (CLE) requirements, including member attendance and reporting.
- Provides free CLE and other training presentations and webinars concerning various issues, including, as examples: information technology (IT); diversity, equity and inclusion (DEI); and responding to the effects and impact of the COVID-19 pandemic.
- Through its Young Lawyer Section (YLS), assists lawyers beginning their practice of law through the Bridge the Gap program.
- Manages the West Virginia IOLTA (Interest on Lawyers' Trust Accounts) program, whose funds are used to support various access to justice and civil legal services to independent persons, as directed by the Supreme Court.
- Assists Bar members and law firms with the preparation of, and accepts and maintains, required solo and small law firm Succession Plans.
- Creates, maintains and supports the Bar's multiple standing committees, such as the Unlawful Practice of Law Committee, the IOLTA advisory committee, the Lawyers Fund

for Client Protection Committee and over 20 practice-specific practice committees.

- Receives and investigates complaints of unlawful practice of law and provides information concerning unlawful practice of law, including advisory opinions and reporting of unlawful practice of law limited exceptions.
- Processes requirements for and compliance related to the formation of and practice of law as a legal corporation (LC), Limited Liability Partnership (LLP) and Professional Limited Liability Company (PLLC).
- Manages pro hac vice admissions allowing non-West Virginia licensed out-of-state lawyers to practice law in West Virginia on a limited basis.
- Appoints and supports volunteer District Grievance Committee members to assist members of the Bar to mediate and resolve grievances and disputes including but not limited to a voluntary lawyer/client fee dispute resolution program.
- Provides its members with free access to Fastcase, a legal research tool.
- Provides members with access to and use of the State Bar offices and facilities to conduct in-person and online meetings.
- Provides members with access to financial discounts for certain professional and personal services (ALPS, ABA Retirement Fund, Greenbrier Heath Services, LawPay credit card processing, National Purchasing Partners (NPP)).
- Through an arrangement with the West Virginia Division of Motor Vehicles, provides members of the Bar with photo identification cards, evidencing their licensure and membership in the West Virginia State Bar.



- Responds to requests by members of the Bar and provides certificates of good standing.
- Educates and assists Bar members about IT and security and supports and coordinates IT services for State Bar committees and programs sponsored by them.
- Provides information and timely warnings about reported fraudulent cyber activities potentially related to or impacting the practice of law in West Virginia.
- Provides information to members of the Bar and the public concerning the West Virginia judicial system, West Virginia counties and courthouses, the West Virginia Judicial Lawyer Assistance Program (WVJLAP) and filing a complaint with the Office of Disciplinary Counsel (ODC).
- Sponsors various public support and access to justice programs such as the Lawyer Referral Service, Tuesday Legal Connect, Veterans Legal Assistance and West Virginia Free Legal Answers.
- Sponsors various programs for the benefit and protection of members of the public such as the Lawyers' Fund for Client Protection, mediator listing services and the voluntary fee dispute program.

Some of these information sources, services, benefits and programs provided by the Bar are well known to members of the Bar, the Judiciary and the public; but some are not. However, they are all valuable and germane to the Bar and its mission; and it is important that members of the Bar, the Judiciary and the public are aware of and have full and ready access to them. Therefore, it is and must be a critical focus and an ongoing effort by the Bar to educate members of the Bar, the Judiciary and the public about these resources in order to fulfill its role. **WVJL**

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## DEAN'S COLUMN

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College of Law



## DO SOMETHING BE SOMETHING

As we settle into summer planning with lingering uncertainty about our in-person plans for this fall, an old summer tradition for me has been a welcome distraction — going to the movies. Although movies are still limited due to the pandemic, I've been able to see *Black Widow*, the blockbuster Marvel vehicle that expands an origin story for its main character. I'm not a comic book kid by any means, but I love origin stories — the idea that who we are as lawyers and colleagues and how we approach our profession can be explained in a narrative that resonates in long threads throughout our lives.

This is also true of institutions — they develop character and values just like the humans who work within them. Born in an anti-secession movement, the state of West Virginia has the most compelling origin story of all the

states, culminating in a fascinating Supreme Court case still of academic interest. Likewise, West Virginia University got its start in 1867 as this state's institution of higher learning only by petitioning for and gaining access to public lands offered to earlier states by the Morrill Act for the purposes of funding higher education. The decision to locate the new university in Morgantown and how the University has approached its land-grant mission over time have been nuanced and, at times, contentious, but always grounded in life here, "older than the trees."

In his progress report to the Board of Regents in 1878, University President John Rhey Thompson stated unequivocally that "the time has fully arrived" for the establishment of professional education in law and medicine at the 9-year-old institution. Thompson wrote, "My mortification has not been slight

when compelled to inform [potential students] that the University of a State was entirely lacking in professional schools." Fortunately, the Regents heeded his request and established a chair in "Law and Equity," initially given to Daniel B. Lucas, a prominent Jefferson County attorney and Regents member who had been agitating for changes to the University curriculum. (Origin stories involving Reconstruction politics always make for interesting reads.) Lucas turned the job down and requested that it go to his brother-in-law, St. George Tucker Brooke. On a Thursday afternoon, Dec. 5, 1878, Professor Brooke gave his first classroom lecture. (*The Spirit of Jefferson*, his hometown paper, did not tell readers the topic when reporting this exciting news.)

Brooke's success in the classroom and in growing the curriculum was slow but steady. His department was

not “thronged with students” by 1879, but the Board continued to express eager hope that the Legislature would soon establish a fully organized professional school in law so that West Virginia citizens “will not be obliged to go beyond its limits to be graduated in their profession.” The Board remarked:

Throughout the mountains of West Virginia are young men whom a beneficent creator has endowed with superior intellect; young men who have grown up breathing the pure air of freedom, and surrounded by the grandeur and glories of nature, dreaming of the hidden wealth all around them awaiting a discoverer, earnestly longing to *do something* and *be something*. If we can secure their services by providing for them the means of a liberal education, we are satisfied that their scientific labors would repay to the community in which they live, and to the State, a hundred fold the expenses of such education.

President Thompson likewise pleaded with the Legislature to fully form a law school for the state of West Virginia, believing that this would “greatly elevate the character of the school and increase the number of students.” By 1896, the College of Law had been fully constituted; it enrolled 95 students that year and sought appropriations to establish a sufficient law library. The references to only men, liberal education and scientific labor are 19th-century notions, but these snapshots from WVU Law’s earliest days ring true for our students still — they come here to *do something*, to *be something*.

By the time you receive this issue, our incoming 1Ls will have a few weeks of law school under their belts and our 2Ls and 3Ls will be busy rebuilding the friendships and connections that they made before the pandemic and that they carefully tended during the interruption to our usual academic life. These students come from all corners of our state and beyond its borders, with academic credentials higher year over year. Just as we see in the world around us, 2020s law students are increasingly motivated to do and be things we might not have imagined 10 years ago. To them, their degrees are not just how they become licensed attorneys, but represent an education valuable to support success in endeavors like social work, regulatory compliance, higher education and more.

These changes, like ones that came before, force us to ask continually how can we *do something* and *be something* in the 20th century that keeps us grounded to our roots yet still reaches further into the future?

Our faculty engage in scholarly pursuits that examine the role that law plays in our society and how consequences, good and bad, inhere from law in action. For example, Professor Alison Peck’s new book takes a look at the history of our immigration courts and recommends that these courts become independent Article I courts. Professor Joshua Weishart spoke recently on remote learning and its impact on learning inequities in Appalachia. A recent federal opinion in the District of New Mexico cited Professor Amy Cyphert’s article on the use of computer algorithms to reduce recidivism. Professor Valarie Blake, in an article co-authored with students, describes LGBT discrimination in health care services delivery. I could highlight the work of 25 or more faculty doing great things that have real-world impact.

Our clinics continue to provide important legal services throughout the state of West Virginia, with students learning important skills and professionalism along the way. Each of our nine clinics serves our community in important and meaningful ways — from protecting land for a nature preserve to freeing a wrongfully convicted individual to litigating abuse and neglect cases on behalf of children in need to registering trademarks for fledgling companies to helping veterans navigate complex benefit claims to presenting important constitutional challenges in appellate courts.

Thanks to the generosity of our donors, we will be enhancing how we teach and support students and others. In January 2021, we launched the Fitzsimmons Center for Litigation and Advocacy, which aspires to develop our students into first-class advocates while also providing training opportunities for practitioners in litigation and advocacy skills. This summer, we awarded inaugural Hardesty Public Interest Fellowships to two students, which gives them a stipend for living expenses while employed in non-paying public interest jobs. And many of you and so many others contribute to scholarships that allow us to transform the lives of students by making law school affordable with reduced debt loads.

But we can’t stop there. As it has since 1878, our origin story of service and academic excellence will lead our way into the future. Let’s *do something*. Let’s *be something*. *Let’s go.* **WVU**

# INTRODUCING THE NEW ADMITTEES



*On July 15, 2021, 17 lawyers were admitted to practice law in the State of West Virginia during a ceremony before the Supreme Court of Appeals. These individuals were admitted after successfully completing the bar examination or by reciprocity.*

William Henry Barfield	Houston	TX	Katee Elizabeth Neltner	Ashland	KY
Mackenzie Colleen Hardin	Beckley	WV	Julia Pascuzzo	Rices Landing	PA
Jared Tyler Hicks	Huntington	WV	Craig Gerard Pelini	North Canton	OH
Alexia Teresa Korth	Columbus	OH	Kari Lynn Still	Spartanburg	SC
Rachel Elizabeth Lutz	Eighty Four	PA	James Joseph Turocy	Pittsburgh	PA
Brian Patrick Maloney	Pittsburgh	PA	Ashley Collier Wakefield	Cleveland	OH
Andrew Felton Maunz	Wheeling	WV	Brandon Michael White	Morgantown	WV
Travis Logan McElhaney	Pittsburgh	PA	Sandra Kelly Zerrusen	Akron	OH
Kelly Marie Neal	Pittsburgh	PA			

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## YOUNG LAWYERS

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Chairperson  
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The West Virginia State Bar



## LIFE AS A LAWYER: A BALANCING ACT

In preparing to write my second article for *The West Virginia Lawyer*, I decided to peruse the archives of articles written by past young lawyer chairs. I had already decided that I would write about the importance of work-life balance for attorneys, and especially young attorneys. Then I discovered that nearly every chairperson of the young lawyers had written about this issue in years past. Article titles like “Take Time for Yourself” and “Find Your Balance” jumped out at me; I thought, “Well, has this topic been talked to death by now?” And then I quickly realized, as I sat holding my new 3-week-old baby, phone in hand reading articles about young lawyers, that discussions about work-life balance

for attorneys should happen often and be taken seriously. And so here we are, once again discussing the need for work-life balance and what that might look like.

Thankfully, the impact of the legal profession on mental health is now widely discussed and researched. Bar associations around the country encourage their attorneys to recognize issues like depression, anxiety, addiction, burn-out and suicide. At my law school orientation, one of the first items addressed by the administration was mental health among law students and lawyers. It is not a topic to be taken lightly. Within just a couple of years, our graduating class lost a former classmate and fellow attorney to addiction, and just this year our

State lost one of its attorneys and a fellow West Virginia State Bar member to suicide. While work-life balance is not a cure for these serious matters, as attorneys we can at least recognize the dangers that individuals in our profession face with these issues, and continue to openly discuss the dire need for something as simple as balance in one’s professional and personal life.

While balance is something attorneys have to juggle for the entirety of their careers, there are certain life events and personal issues that predominantly affect young lawyers. The transition from student life to work life is hard enough, especially for those of us who went straight from high school to college to law school. Suddenly at about 25 years

*I quickly realized, as I sat holding my new 3-week-old baby, phone in hand reading articles about young lawyers, that discussions about work-life balance for attorneys should happen often and be taken seriously.*

old we are finally starting our professional lives. We feel pressure to prove our young selves worthy to our new coworkers and bosses, who are oftentimes older and have established a certain way of doing things. And so new lawyers find themselves at a crossroads, as the first decade of being a lawyer is about putting in the extra time and work to make a reputation for yourself, while the years from 25 to 35 personally bring about several life changes. This is when many individuals find themselves getting married and starting a family, or deciding to relocate to a new city, for example. How does a young lawyer balance the need to put the time in at work to build a ladder to success professionally, without missing out or putting one's personal life on hold?

Life is all about choices, and a work-life balance is not a finite thing. It means different things for different people, and it is a constant battle. For me, my career and my personal life have often been at a crossroads. In law school I envisioned myself working in a larger city practicing immigration law or labor law, and focused my law school studies on those areas. Then as graduation

approached, I realized that if I wanted to pursue a legal career in either of those areas, I would likely have to relocate away from my family and hometown. So I chose to focus on other practice areas and move back home after graduation. Similarly, my husband and I decided that we wanted children, and so I have chosen attorney jobs accordingly for the past several years, trying to land on a career path that will allow me to maximize the time I spend with my family, while still thriving professionally. These are the choices we make as young lawyers, and these choices and sacrifices determine the trajectory of our lives. It determines how much time we put in at the office versus how much time we spend at home. It determines our happiness and undoubtedly affects our mental health. That is how important these choices are.

That is how important work-life balance is. For me, it may look one way, but for my fellow young attorney, it may look very different. But ultimately we all have to decide how our own work and personal lives can coexist. **WVL**

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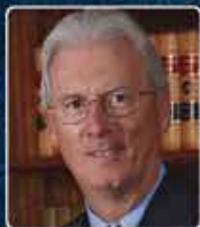


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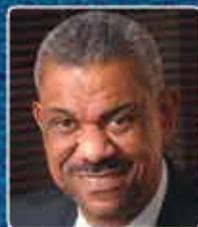
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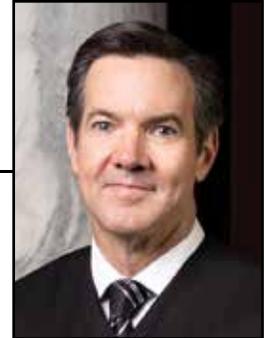


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## FROM THE CHIEF

Evan H. Jenkins

Chief Justice  
The West Virginia Supreme Court



# PLEDGING TO ACT WITH INTEGRITY, DIGNITY AND CIVILITY

People rely on the court system to resolve disputes in a peaceful manner. Our Constitutional form of government, in turn, relies on the public's adherence to the rule of law. If the public has no respect for the law, it can lead to chaos. To engender respect for the law, those of us who work in the legal system must respect each other and the public and promote civility.

This summer, the oath that lawyers take when they are admitted to the practice of law is expanding to include a pledge to “conduct myself with integrity, dignity and civility and show respect toward judges, court staff, clients, fellow professionals and all other persons.” On May 17, 2021, all five Supreme Court Justices joined Thomas Scarr, president of The West Virginia State Bar, and Jason Pizatella, president of the West Virginia Board of Law Examiners,



Chief Justice Evan H. Jenkins and WWSB President Thomas E. Scarr visit in the state Supreme Court Chamber in May.

as they took the oath in a ceremony in the Supreme Court Chamber.

The Supreme Court is not changing the oath because Justices believe there is a “civility crisis” in our profession here in West Virginia. On the contrary, as Justice Bill Wooton said that day, “Civility has always been a hallmark of the legal profession.” We are pledging to be civil to and respectful of others

because, as attorneys, we are the protectors of our Constitution. We also have a responsibility to be civic leaders.

The West Virginia Code of Judicial Conduct requires judicial officers to “be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity.” It also requires judicial officers to demand the same conduct from “lawyers, court staff, court officials, and others subject to the judge’s direction and control.”

The West Virginia Rules of Professional Conduct state that a lawyer “should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.”

The Supreme Court is responsible for ensuring West Virginia judicial officers and attorneys live



From left, Justice John A. Hutchison, Justice Elizabeth D. Walker, Justice Tim Armstead, Chief Justice Evan H. Jenkins, Justice William R. Wooten, WVSB President Thomas E. Scarr and WVBLE President Jason C. Pizatella take their oaths of office on May 17, 2021.

up to these requirements and for disciplining those who do not. The Court has always taken that responsibility seriously. For example, in 1998 the Court stated in an unsigned opinion concerning the conduct of a judge that “[a]s judicial officers, it is our duty to set an example of the kind of conduct necessary for an effective and productive adversarial system.” In 2013, the Supreme Court suspended another judge who repeatedly was intemperate with litigants. In a case just last year, the Supreme Court reprimanded another judicial officer, suspended him without pay for 90 days and fined him \$2,000 because he was belligerent with and tried to intimidate a Division of Natural Resources officer who issued him a citation.

Thankfully, disciplinary cases alleging this type of behavior reach the Supreme Court rarely. The vast majority of attorneys and judges in West Virginia conduct themselves properly. All attorneys and judges, however — even those whose own behavior is above reproach — should intervene when they see others behaving badly. It is our responsibility to police our own profession.



Evan H. Jenkins joined the Supreme Court of Appeals in 2018, becoming Chief Justice earlier this year.

The Supreme Court recognizes that practicing law is a stressful occupation. Attorneys must juggle the demands of their clients, strictures of the law, limitations of court schedules, expectations of their superiors, responsibilities to their staff and needs of their own families. Judges suffer from many of these same stressors. It can be overwhelming. In 2013, the Court established the West Virginia Judicial & Lawyer Assistance Program (WVJLAP), a free and confidential assistance program for lawyers, judges,

bar applicants and law students who are struggling with emotional health issues. Justice Beth Walker has been a champion of this program, which strives to protect the public by improving the integrity of the legal profession.

Attorneys are required to be zealous advocates for their clients. Zealousness should not, and need not, involve inflammatory remarks or disrespectful behavior. The expansion of the attorney’s oath puts attorneys and the public alike on notice that attorneys are not just expected to act appropriately; they are required to act with integrity, dignity and civility. **WVL**

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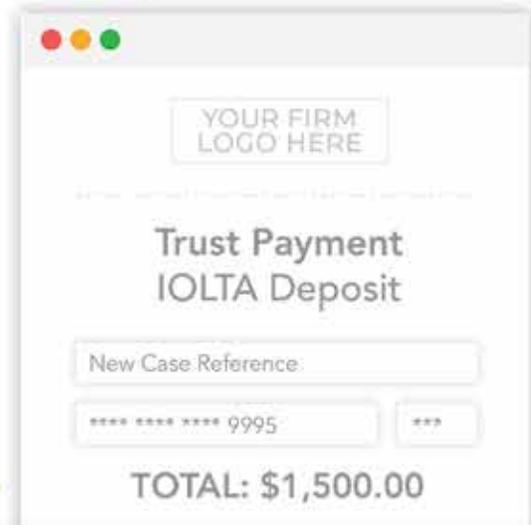
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# MORE MORE Than A Lawyer

Attorneys across the state of West Virginia are active members of their communities.

Every day, attorneys throughout the state impact lives both within and outside the legal profession. West Virginia's lawyers are service members, volunteers, mentors, coaches, musicians and committed advocates. In all these roles and more, they make a difference in their respective communities. Our "More Than A Lawyer" campaign aims to highlight all the ways our attorneys serve the

community. Each month, we share a More Than A Lawyer story on The West Virginia State Bar's Facebook and Twitter pages.

#### April | WALT AUVIL

April's More Than A Lawyer recognizes Walt Auvil and his firm, The Employment Law Center, PLLC. Walt is a Wood County lawyer who reacted to the needs of the homeless in his community

by immersing himself in organizations addressing homelessness and, through his practice of law, assisting West Virginians with employment issues.

Upon graduating from law school and returning to Parkersburg, Walt recognized the significant homelessness issue in his community and immediately determined he wanted to make a difference. Walt joined the local

Salvation Army Advisory Board and later served as its Board president. He then served as president of the Parkersburg Area Coalition for the Homeless, which operates the House To Home Day Shelter.

Walt credits representing workers in the field of employment law with opening his eyes to the problems surrounding housing insecurity.

“Many clients struggle with housing after an unexpected layoff or termination,” he says. “I saw the effect this had on them and often on their children as well. Anything we can do as a community to address housing insecurity lifts us all up and makes our community a stronger, more attractive place.” As such, his practice became focused largely upon those West Virginians with employment issues.

To further assist West Virginians with employment obstacles, Walt became a member of the Board of Workplace Fairness ([www.workplacefairness.org](http://www.workplacefairness.org)), a national nonprofit that believes that “fair treatment of workers is sound public policy and good business practice, and that free access to comprehensive, unbiased information about workers’ rights — without legal jargon — is an essential ingredient in any fair workplace.” He served in that capacity for 20 years. Walt also chaired the West Virginia State Bar Employment Law Committee for many years and was the first West Virginia attorney to be inducted as a fellow of the College of Labor and Employment Lawyers. He is also a founder of the West Virginia Employment Lawyers Association,



Walt Auvil.

the state affiliate of the National Employment Lawyers Association.

Walt resides in Parkersburg with his wife, Michele Rusen, who serves as the Chief Public Defender in Parkersburg. Thank you, Walt, for being More Than A Lawyer in attacking homelessness at its core. Your community and your Bar are grateful!

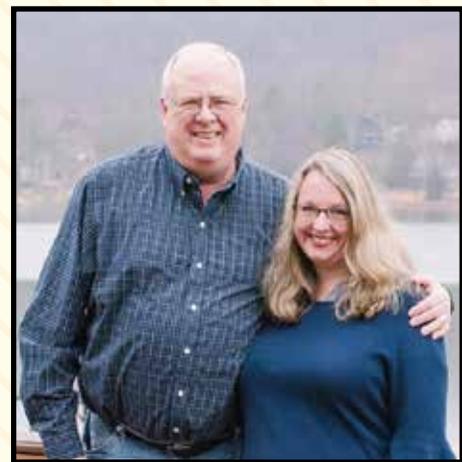
Walt was nominated by Kate Roberts White of Legal Aid of West Virginia.

### May | JAMI COOPER

Just as Anna Jarvis from Grafton, West Virginia, wanted to celebrate her mother’s efforts in organizing women’s groups to promote friendship and growth with the first Mother’s Day in the United States, it is fitting that May’s More Than A Lawyer recipient is Jami Cooper, an attorney in Bridgeport with Cooper Law Offices, PLLC, who strives to improve the legal profession for women

and to protect our children in the world of cyberspace. Jami is a full-time attorney and mother who realized quickly that balancing both roles would require significant support from both her family and her colleagues. She also learned that women attorneys face many obstacles and challenges in what was historically a male-dominated profession. Jami went to work on behalf of her female colleagues, serving on the Board for the National Conference of Women’s Bar Associations in 2018, where she continues to work with her contemporaries from around the country and Canada to provide support and programming for multiple women’s bar associations. In fact, Jami is currently helping to plan the 2021 Women’s Bar Leadership Summit.

Jami also works for women attorneys in West Virginia as the co-chair of The West Virginia State Bar’s Women in the Profession Committee (WIP). In the committee’s inaugural year, Jami, along



Jami Cooper and her husband Dan Cooper.

with her co-chair, Lee Hall, held the WIP's first program addressing issues unique to women attorneys in conjunction with the West Virginia State Bar Annual Meeting. The WIP also sponsored on behalf of The State Bar the first West Virginia Law Day Contest for West Virginia K-12 students, which introduced the law to students with contests on the theme "Advancing the Rule of Law Now." Jami is also involved with the West Virginia Women Attorneys.

"The statistics, if you really study them, are staggering," Jami says. "One that gives me a jolt every time is that at the current rates of attrition and promotion of female lawyers, there will not be gender parity in terms of equity partners until 2181." See "Special Report: Big Law is Failing Women," *The American Lawyer*, May 28, 2015. "That should be both shocking and unacceptable to everyone involved in the legal profession."

As Jami notes, and as her professional women's groups are well aware, the statistics are even worse for minority women.

Jami says her son, Brennan, is one of the reasons she is so passionate about making the path to success for women lawyers less difficult.

"I know he's watching his parents and learning from us," she says. "I want him to see that we all contribute and that the path to success for women has challenges that men don't necessarily have. Hopefully, he will grow up

to be an advocate for women in whatever profession or line of work he chooses — or at least have some level of knowledge and mindfulness about it."

Combining her knowledge of the law and her motherly instincts, Jami has another passion project: educating children and parents on internet safety with the goals of opening lines of communication, providing information about the risks of social media and offering suggestions on how to minimize risk. Although her focus initially was on students and parents in grades 4-8, the program has grown and Jami now presents to high school and middle school students, local bar associations, school nurses, church groups and professionals whose work finds them addressing these important issues. Presentations include difficult topics such as how to recognize and address risky online behaviors in young people, predatory behaviors of cyber-criminals who target children, human trafficking, cyberbullying and teen suicide.

As if this working mom doesn't have enough on her plate, Jami volunteers with the Bridgeport High School (BHS) Athletic Boosters to assist her son, Brennan, in his activities of cross-country, golf, basketball and track.

"I've made more popcorn than anyone should ever have to make; I've rolled more meatballs than anyone should ever have to roll; and I've distributed more post-game Chick-fil-A boxed meals than anyone would think reasonable,"

she says. "The work we do is for the kids, though, and the BHS Athletic Boosters is an inspiring group of people who work tremendously hard for the successes of our student-athletes."

Jami practices with her husband, Dan Cooper, and credits him for her ability to balance her careers as a mother and lawyer.

"Without Dan's support, being a full-time lawyer and full-time mom would be next to impossible," she says. "I think he's learned a lot about what women — moms or not — face in this profession, and he is incredibly supportive of my work in improving the path to success for women in the legal profession."

Jami and Dan live in Bridgeport and between them have four children — Adam, Danielle, Andrea and Brennan — and four grandchildren — Orin, Silas, Brooks and Briar Rose.

Thank you, Jami, for putting women and children at the forefront and for being More Than A Lawyer! Your State Bar and Bridgeport community are grateful.

Jami was nominated by the immediate past State Bar President, Monica Nassif Haddad.

## June | VINCE CARDI

The West Virginia State Bar is pleased to honor Professor Vince Cardi as our Father's Day More Than A Lawyer recipient. Professor Cardi was nominated by his son, Michael Cardi, an attorney with Bowles Rice LLP. Read below about Professor Cardi's devotion to his

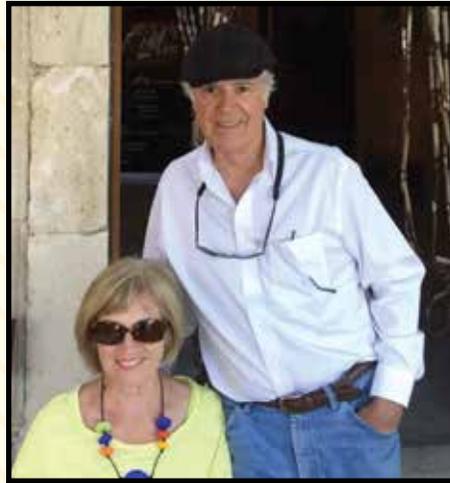
family, his students and the development of the law.

In his 55th year as a faculty member of the West Virginia University College of Law, Professor Cardi is (we believe) the longest-serving legal educator in the College of Law's history. Upon obtaining his law degree from The Ohio State University and his LL.M. from Harvard University in 1967, he arrived at the WVU College of Law where he continues to teach to this day.

Motivated to be the best he can be for his students, Professor Cardi continued to learn by practicing law on the side during his early years at the College of Law. In holding regular group study sessions, maintaining robust office visitation blocks, spending hours going over exams with his students and hosting student mentees for dinner, his dedication to his students never wavered. If you graduated from the College of Law in the last 55 years and were fortunate enough to have Professor Cardi in class, don't be surprised when you run into him and he recounts your name and where you are from.

"It is very common that my dad runs into students when I'm out with him," says Michael Cardi. "I am still surprised, as are his former students, when he invariably remembers the student's name and some random fact about his or her life, even for students he had over 40 years ago."

Charles Hall, a 2012 WVU Law graduate, shares a common sentiment.



Vince Cardi with his wife, Jane Cardi.

"If you were fortunate enough to have had Professor Cardi, then you know, as I do, why he is beloved on law school hill and beyond," Charles says. "He has unrivaled skill, style and grace in the classroom, and WVU Law students from six different decades have been incredibly lucky to learn from him."

Beyond the classroom, Professor Cardi continues to contribute to the legal community. He has served for almost 20 years as a West Virginia Commissioner on the Uniform Law Commission (ULC), a national nonpartisan nonprofit association serving states and their citizens by researching and drafting critical new legislation on which uniformity across the states is desirable and practicable. Recently, through his work with the ULC, Professor Cardi led an effort to codify civil remedies for victims of "revenge porn," a type of cyberbullying where a hacker or ex-partner

shares private, sexually explicit images of a person online without consent. The Civil Remedies for Unauthorized Disclosure of Intimate Images Act is now law in Colorado, Nebraska, Iowa, Arkansas and South Dakota, and is under consideration in other states.

"Professor Cardi has been an exemplary ULC Commissioner for West Virginia," says The Honorable Frederick P. Stamp Jr., inactive Senior United States District Judge, who serves alongside Professor Cardi on the ULC. "He recently served as the chair of a drafting committee for an important uniform act which was adopted by the ULC and has already achieved passage by several states. Just as importantly, he chairs the legislative committee which is responsible for selecting uniform acts deemed important to our state and which are submitted to the West Virginia Legislature for passage."

Professor Cardi is a fellow of the West Virginia Bar Foundation and a member of the American Law Institute. He is Past President of the Southeastern Association of Law Schools and a former board member and President of Legal Aid of West Virginia.

Thank you, Professor Cardi, for your service to the West Virginia legal community. Your students and your Bar are grateful. **WVU**

If you know someone you would like to nominate as More Than A Lawyer, please visit [wvbar.org/mtal](http://wvbar.org/mtal).



# **SUPPORTING** and **PROTECTING** **CONSUMERS**

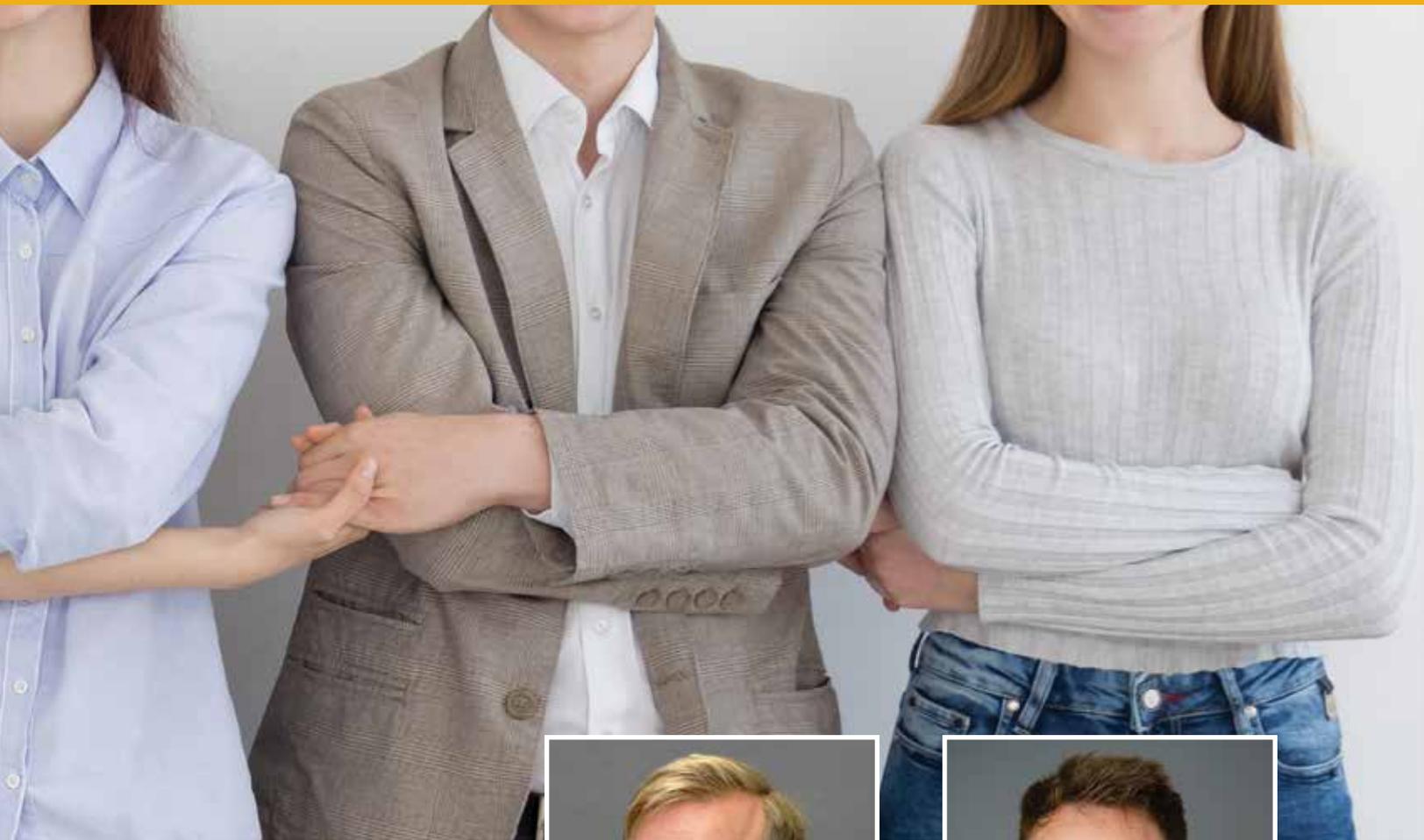
The Center for Consumer Law and Education is poised to make West Virginia a national leader in consumer law and public policy.

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**By Beth A. White**

Photos by Marshall University and West Virginia University College of Law

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Leading consumer law attorney, Jonathan Marshall is CCLE director at the WVU College of Law.



Political science professor Dr. Damien Arthur serves as the CCLE director at Marshall University.

**T**he Center for Consumer Law and Education (CCLE), located at both the West Virginia University (WVU) College of Law and Marshall University, seeks to make West Virginia a national leader in consumer law, legal research, public education and advocacy. The CCLE was established as part of the Joint Consumer Assistance Project, a program that involved both universities and was the vision of Clarksburg attorney David J. Romano, who serves as chairman of the project's advisory committees at both universities. The CCLE is under the direction of Charleston attorney Jonathan Marshall at the College of Law and Damien Arthur, Ph.D., at Marshall University.

"I believe that there are great opportunities to improve the lives and the opportunities afforded to regular West Virginians through consumer protection,

education and outreach," said Marshall, a partner with the Charleston office of Bailey & Glasser LLP.

"It's exciting to be part of the work that the CCLE is doing," said Dr. Arthur. "We have a multifaceted approach that involves attorneys, scholars, policymakers, students and community leaders. Through these coalitions, we strive to protect and inform consumers through research and educational programming and make consumer rights public knowledge. With this

“I believe that there are **great opportunities** to improve the lives and the opportunities afforded to regular West Virginians through **consumer protection, education and outreach.**”

Jonathan Marshall  
CCLE director at the WVU College of Law

consumer law, policy and education partnership, we can make people’s lives better and do some good in our community.”

The CCLE’s mission is to coordinate “the development of consumer law, policy and education research to support and serve consumers.” It is the only center of its kind that is a collaboration between two universities. The CCLE provides West Virginia residents with important consumer and financial literacy information and can assist policymakers through scholarship and research on emerging consumer issues. It also provides special courses at the law school on consumer law, as well as continuing legal education for attorneys.

Initial planning began in 2017 when the WVU College of Law and Marshall University each received \$1 million to develop a joint project with the primary focus of assisting state consumers. The donations originated from cy-pres funds generated in *Swiger v. UGI/Amerigas, Inc.* (2005), which involved the improper installation of volatile propane gas systems by several companies. The case involved more than 14,000 West Virginia class members. Romano was one of the attorneys in the *Swiger* case.

“The CCLE will be a valuable resource not only for West Virginia attorneys, but also for state residents, our lawmakers and attorneys working nationwide,” said

Romano. “We believe that it will help advance consumer law in West Virginia as well as make policy recommendations to legislators and administrative regulators to protect state consumers. More importantly, we want the CCLE to help West Virginians better understand the civil justice system and their rights and what they can do to protect themselves when necessary.”

Romano attended both Marshall University and the WVU College of Law and wanted the project affiliated with both schools. He started college at Marshall in 1970 and was a member of its football team. As a freshman he did not travel with his team members and coaches who perished in the Nov. 14, 1970, plane crash. Romano lost many friends as well as his cousin, Frank Loria, who was one of the Marshall assistant coaches. Although Romano left Marshall

and transferred to WVU the following year, he said Marshall remains very important to him.

“WVU and Marshall are two great public universities. Both serve not only their own students, but also our citizens and communities throughout the state. It was important that both universities be involved,” Romano said. “Through the WVU College of Law we can focus on critical legal research, while Marshall can lead the effort on data collection, analysis and public education. The real synergy comes when they work together to help West Virginians. The CCLE also provides opportunities for students at both schools to get real-life experience in consumer law, public education and advocacy.”

The financial donations are held by each university’s foundation. Each school has its own CCLE committee to direct those funds and guide projects at that university, but the committees work jointly on overall goals and programming. The WVU College of Law committee includes the dean of the law school as well as attorneys Jason Causey, Taylor Downs and Paul Cranston. The Marshall committee includes the university president and attorneys Sarah Brown, Bert Ketchum and Ben Sheridan. Each university appointed its own director to develop and direct the CCLE at that school.

With Marshall University focused on both consumer

education and advocacy, that director's position was hired first. Political science professor Damien Arthur was a perfect fit.

"David had a very specific vision for what he believed the CCLE could be, and I was excited about what I heard. It was going to take a lead in public policy while also providing West Virginians with resources to protect themselves. I knew I wanted to be part of building and growing that organization," Dr. Arthur said.

Next, the committee hired Jonathan Marshall, one of the state's leading consumer law attorneys, to serve as the CCLE director at the WVU College of Law.

"I was brought on initially as a member of the Marshall University advisory committee," said Marshall. "When the decision was made to hire a director for the WVU College of Law, I decided to apply. I knew what the vision was and wanted to lead the work at the law school with the faculty and the law students."

"We're privileged to have Damien Arthur and Jonathan Marshall at the helm," Romano said. "With them, we have two great scholars and two people who work hard. They are 100% committed to helping West Virginia consumers."

Marshall and Dr. Arthur worked with the joint committee to take Romano's vision and formally develop the CCLE and its initial programming. The organization was launched officially on Nov. 28-29, 2018, with events in both Morgantown and Huntington.

Despite only being in existence for a short period of time and the challenges of the COVID pandemic, the CCLE has had several critical successes including developing law school courses, launching a financial literacy program, authoring a white paper on data privacy and hosting consumer law summits for attorneys and other stakeholder groups.

Jonathan Marshall spearheaded the development of consumer law courses at the WVU College of Law.

"Because of current issues like data privacy, consumer law is one of the fastest growing practice areas in the country, and it has jobs for new lawyers," he said. "It's a tremendous opportunity for WVU law students. Since 2019, we've been able to offer consumer law

**"We strive to protect and inform consumers through research and educational programming. We can make people's lives better and do some good in our community."**

Dr. Damien Arthur  
CCLE director at Marshall University

courses for fall, spring and summer. Through these courses, we hope to provide students with a grounding in consumer law. Regardless of whether they end up practicing as plaintiff, defense or in-house counsel, we want their entry into consumer law to be more intentional and with the fundamentals in mind."

There has been a significant effort to bring West Virginia attorneys who have litigated these cases into the classroom.

"It's exciting to be part of this new effort to educate WVU law students about the importance of consumer law," said Matthew Stonestreet, an attorney with the Giatras Law Firm in Charleston. "I believe the courses are a benefit to both the students and the guest lecturers. It's an opportunity for attorneys on both sides to come together and talk about an area of law that is growing and changing faster than any other. The information is cutting-edge."

It is a sentiment echoed by Jackson and Kelly attorney Tom Hurney.

"I believe the courses being hosted by the CCLE are really valuable for students and the attorneys," he said. "It's an opportunity for attorneys on both sides to talk about their cases and help students learn how to analyze the strengths and weaknesses of a case objectively. It's great for the profession regardless of what side of the bar you represent."



“We are pleased we will have the opportunity to work in synergy with West Virginia University to develop and deliver consumer-related information and programming for West Virginians,” Marshall President Jerome Gilbert said. Marshall University and West Virginia University launched the CCLE at special events on their campuses on Nov. 28 and 29, 2018.

Marshall said he believes that the consumer law courses are beneficial even if students opt not to practice in that area.

“I believe that these classes are among the most important work done by the CCLE,” he said. “Even if the students opt not to practice in consumer law, they leave with a real understanding of what the law is. They will be more savvy consumers because of what they have learned.”

The program has hired four student fellows since its inception. The CCLE’s first law student fellow, Levi Pellegrin, graduated in 2020 and is now handling consumer law cases with the Skinner Law Firm in Charles Town.

Another important success is the development of financial literacy courses for secondary schools, Marshall University and other groups. Dr. Arthur partnered with Wayne County Schools to apply for a Next Generation Personal Finance (NGPF) Gold Standard grant to teach financial literacy to high school students. The county received a \$30,000 grant

to purchase classroom materials and provide training to Wayne County school teachers on how to teach the course. The CCLE partnered with the national Consumer Protection Financial Bureau to provide the multi-day training.

The CCLE will work with Wayne County Schools to continue the program during the 2021-2022 school year.

“Because of the success of the Wayne County program, we want to use it as a pilot to develop similar programs throughout the state,” Dr. Arthur said. “Hopefully, the state school board will eventually require a financial literacy course as part of its curriculum.”

Dr. Arthur also worked with Marshall University graduate students to develop and teach a college-level financial literacy course. The CCLE is working with Marshall University to make it a required general education course for graduation.

“Providing students with basic financial literacy information helps ensure that they can avoid consumer and debt collection issues,” he said. “This is especially true for college students with student loans.”

The CCLE also partnered with organizations like Coalfield Development and local libraries to provide financial literacy courses to state residents.

Another part of the CCLE’s public education effort has been its direct outreach to West Virginia consumers. Jonathan Marshall was the featured speaker for “10 Things You Should Know About Consumer Law and Where to Get Help.” Mercer County attorney Jed Nolan, who serves as the clinic director for the law school’s Veterans Advocacy Clinic and practices consumer law, presented “Veteran and Military Personnel Consumer Protection.” These sessions were presented throughout the state prior to the COVID-19 shutdown and are still available on the CCLE’s YouTube channel.

In 2020, the WVU College of Law professor Jena Martin received the CCLE's first Young Fellowship to support her research and writing. The Young Fellowship is a memorial endowment established in honor of the late Ralph Young, a Fayetteville attorney and one of the state's leading consumer lawyers. She authored the white paper, *Data Privacy Issues in West Virginia and Beyond: A Comprehensive Overview*. It provides insight into legal issues that affect data privacy concerns as well as the results of focus group and survey research on West Virginians' leading concerns regarding data privacy. The document also provides recommendations and best practices on data privacy law for state legislators.

Since its launch, the CCLE has provided three consumer law summits for West Virginia attorneys, lawmakers and other stakeholders. The summits have provided continuing legal education for lawyers as well as policy discussions on laws and regulations that affect consumers.

The CCLE will build on these successes in the year ahead. Priorities include an interactive website for state consumers. The new website will have information and resources for filing or challenging smaller consumer claims in magistrate court. The public education effort will also include expanding community partnerships and providing People's Law School consumer law sessions throughout the state. A new white paper will be completed on the cost of litigation and if those costs limit access to justice for consumers.

The CCLE leadership is also reviewing how to tap into The West Virginia State Bar's human capital and its other resources to enhance the CCLE and help West Virginia consumers.



"This program is a perfect example of higher education's power to improve West Virginians' lives. West Virginia University is proud to partner with Marshall University in protecting consumer rights through research outreach and public policy advocacy," said Gordon Gee, president of West Virginia University. "We have an opportunity to improve the lives of West Virginians."

"West Virginia attorneys can guest lecture at the law school, assist with the center or present one of our CLE programs," Jonathan Marshall said. "You can help us provide financial literacy and consumer protection programs in your local communities. You're also working on the frontlines and in a position to help the CCLE identify new ways to help the public. Share your ideas on how we can best be of service to the state, the Bar and West Virginia residents. With your assistance, the CCLE will be the resource that West Virginians need and a national leader in consumer law and education."

For more information about the CCLE, go to [www.theccle.org](http://www.theccle.org). **WVU**

**Beth A. White** is the executive director of the West Virginia Association for Justice. She earned an M.S. from the S. I. Newhouse School of Public Communications at Syracuse University and is a graduate of West Virginia State University. She has worked with WVAJ since 2003 and has served as its executive director since 2005.

# WEBSTER COUNTY COURTHOUSE

Webster County was the last to be formed before West Virginia counties broke away from Virginia.

**W**ebster County, named for famed Congressman Daniel Webster, was the last county to be formed before West Virginia's counties broke away from Virginia. It was created in 1860 from parts of Braxton, Nicholas and Randolph counties.

The county occupies 556.2 square miles and is drained by a half-dozen rivers — the Elk, Gauley, Williams, Cranberry, Holly and Little Kanawha.

Its remoteness and rugged landscape limited the flow of early settlers to the county. In 1869, the tiny settlement that would grow to become the county seat had only five houses, a post office, a school and a tavern.

The county seat has been known by different names. It was first known as the Fork Lick at Salt Springs, so named because there was Elk River salt lick there. Herds of elk, deer and buffalo made their way to the salt spring that oozed from the riverbank.

In 1892, the county seat was incorporated as Addison, named for Addison McLaughlin, who owned the town site. Later the name of the post office in the little community, but not the name of the town itself, was changed to Webster Springs. Today, the community is generally known as Webster Springs, but its official name remains Addison.

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**By James. E. Casto**

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PHOTO COURTESY OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA.  
PHOTO BY JEFF GENTNER.



Jerry Run Summer Theater, located on Rte 20, offers live music on stage in a rustic theater setting. For concert information, call (304) 493-6574 or email: reneea@mountain.net.

The region's early settlers boiled the spring water to make salt. Many people believed the spring water had medicinal properties. The water, highly impregnated with hydrogen sulfide gas, was thought to be beneficial for ills of the liver, stomach, kidneys and bladder. In the 1890s and early 1900s a steady stream of travelers visited Webster Springs to "take the waters."

In 1897, U.S. Senator Johnson N. Camden built a small hotel on the flat bottomland by the Elk River, now known as Hotel Bottom. As the railroad expanded into Webster Springs and the salt sulphur waters gained a national reputation, the old hotel expanded to 300 rooms with many guest rooms, baths and other amenities. The hotel was destroyed by fire in 1925. It was not rebuilt.

The county's current courthouse is its second. Court was held in a private home prior to a simple-frame courthouse being built. The frame building burned in 1888, and court was held in the Baptist Church until the current stone courthouse was built in 1894.

Located on a tall knoll in the center of town, the courthouse is surrounded by a large grassy lot and tall

mature trees. A small springhouse on the courthouse grounds recalls the days when travelers came to the sulphur springs.

The courthouse was designed by Wheeling architects Edward Bates Franzheim and Millard Fillmore Giesey, who also designed

the Fayette County and Pocahontas County courthouses and designed alterations to the Mineral County Courthouse. According to an article in *Manufacturers Record*, the two architects charged only \$11,900 for their design. As architectural historian S. Allen Chambers observed in his authoritative *Buildings of West Virginia* (Oxford University Press, 2004), that was "an amount that didn't buy much, even in 1894."

Modest in size and simple in style, the two-story building has rugged, quarry-faced sandstone walls. The middle bay of the three-bay facade terminates in a semi-tower covered with a pyramidal roof that barely rises above the hipped roof of the building behind it. A large stone jail and sheriff's office were constructed as a side wing, effectively doubling the building's size.

While the interior of the courthouse has been modified over the

years, the main entrance lobby and the large courtroom still have their original woodwork. The oak judge's bench and witness stand are original as well. The spectator seating is oak benches with curved and scrolled end pieces.

Given the county's vast expanse of forestland, it's hardly surprising that lumbering was its first major industry. Commercial coal mining began in 1917, with an annual output of approximately 100,000 tons by 1929. The county's mines boomed during World War II, producing more than 2 million tons a year by the end of the war.

In 1930, the men of Barton (now Curtin) No. 2 mine placed a large block of coal on the courthouse grounds as a tribute to the county's mining history.

Webster County, nestled in the mountains of central West Virginia, is a peaceful and picturesque oasis where natural beauty and outdoor recreation opportunities abound. More than 65,000 acres of the Monongahela National Forest lie within the county's borders, providing an almost endless list of outdoor fun — breathtaking scenery, camping, hiking, cycling, hunting,



Originally founded in 1922, Camp Caesar is listed on the National Register of Historic Places. This 300-acre 4-H camp offers lodging, camping, recreation and exhibit and assembly halls.

fishing, horseback riding, cross country skiing or simply communing with nature. Experienced hikers can enjoy an overnight backpacking trip to the Cranberry Wilderness Area, which offers fly fishing and whitewater paddling.

Scenic hiking and biking trails await visitors to Holly River State Park. With more than 8,000 acres of dense forest, Holly River is West Virginia's second-largest state park. It was first settled around 1870 by a group of immigrants from Switzerland. After years of the land being stripped of useful timber, the U.S. Department of Agriculture began purchasing land and, in 1937, began reforestation and restoring the area to the deep woodlands enjoyed by visitors today.

In 1938, Holly River was designated a wildlife refuge and opened as an official state park; but it wasn't until 1954 that the federal government deeded the land to the state of West Virginia. Since then, many trails have been blazed, cabins have been refurbished and campsites have been constructed. Other improvements have included the construction of game courts, a swimming pool and other outdoor recreational facilities.

In the 1920s, the county established Camp Caesar, a 4-H camp that has become an important summer destination for religious, social and institutional groups. In the 1930s, the federal Works Progress Administration constructed several stone cottages, expanded the dining hall and built a large pool and pool house. The camp was added to the National Register of Historic Places in 2009.



PHOTO BY DWANNE MCCOURT

Big Ditch Lake is a 55-acre warm water impoundment in Webster County. It is part of the 380-acre Big Ditch Wildlife Management Area and offers fishing for largemouth bass, tiger musky, and more.

With its ball field, basketball courts, picnic pavilions, grandstand, walking trail, playground, swimming pool and public river access, the Bakers Island recreation area is hugely popular with residents and tourists alike.

Every year Bakers Island is host to a wide variety of events, the largest of which is the annual Woodchopping Festival. After taking a year off due to the COVID pandemic, the event returned this year, drawing a huge crowd on Memorial Day weekend.

The annual festival celebrates the area's timbering heritage. It draws lumbermen from as near as the mountains of Webster County and as far away as Australia and New Zealand to compete in woodchopping and sawing events.

Webster County native Arden Cogar Sr., who began competing in woodchopping events in 1956 and has won championship titles in the United States and Australia, organized the first Webster County Woodchopping Festival in 1960. Held in various places in the county in its early years, the festival was moved to its permanent location at Bakers Island in 1965.

"Everyone comes and camps and

enjoys the beautiful scenery, the beautiful rivers and the beautiful wildlife; and they come to watch some woodchopping — to hear the chainsaws scream, to hear the axes hum and to watch the big burly guys chop the wood," said Cogar, who was the festival's all-around champion six times from 1973 to 1980.

The festival has grown to include a week's worth of events, including arts and crafts, concerts, parades,

car shows, a lumberjack breakfast, a 5K Run and fireworks; but it is the Memorial Day weekend lumberjack contests that remain the highlight. Competition categories include the Jack and Jill crosscut, two-man crosscut, hot saw, solo chainsaw, standing block, handicap chop, springboard chop, championship chop and all-around champion.

If you're a fan of bluegrass music and are planning to visit Webster County, you may want to include the Jerry Run Summer Theater in your plans. Jerry Run is a rustic indoor music venue located near Holly River State Park. From late April through early October the venue features acoustic bluegrass, folk and Americana music on Saturday evenings, and sometimes on Fridays, too.

Tucked deep in the Webster County woods lies Bergoo, which regularly attracts off-road enthusiasts who swear it has some of the greatest mudding tracks anywhere in West Virginia. **WVLT**

**James E. Casto** is the retired associate editor of the *Huntington Herald-Dispatch* and the author of a number of books on local and regional history.

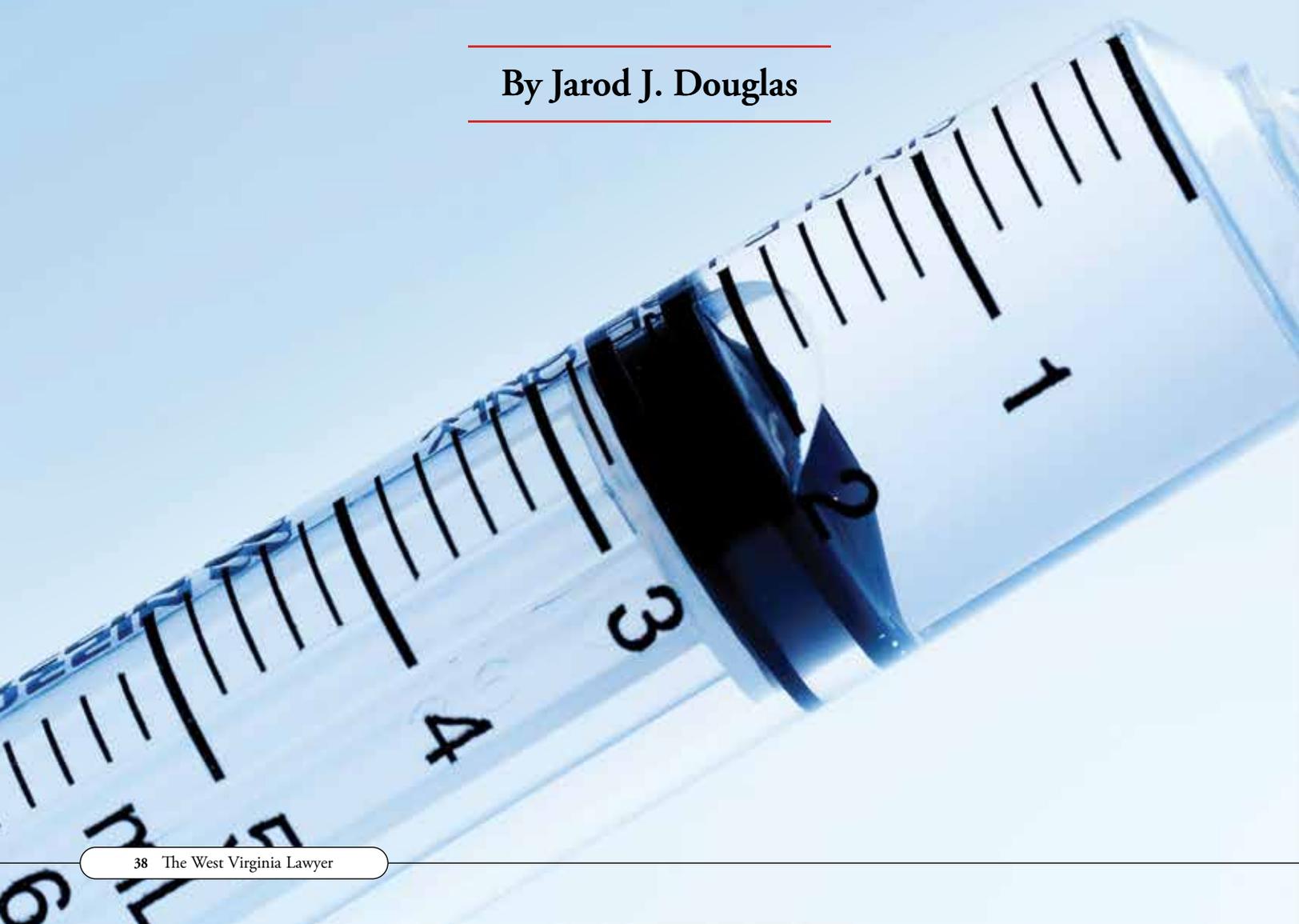
# A WHATDUNIT

## The Expert Evidence Involved in the Medical Serial Murder Case of Reta Mays

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By Jarod J. Douglas

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In May 2021, Reta Mays, a former nursing assistant at the veteran's hospital in Clarksburg, West Virginia, was sentenced to seven terms of life imprisonment plus 20 years for murdering seven patients with insulin and attempting to murder an eighth (who also died) by the same method. The two-year investigation that preceded the July 2020 guilty pleas was highly complicated, especially when it came to the medicine involved.

Undoubtedly, most of you reading this article enjoy a good whodunit. The case of Reta Mays was certainly a

whodunit.

Just as significant, however, a medical murder case like this is a “whatdunit.” The prosecution must prove the criminal act just as much as it must prove the identity of the criminal actor. In a medical murder case, this means that the prosecutor will be working with several medical experts to detect the cause of the fatal health condition, to identify the murder weapon and to establish the cause of death. As added value, these experts may also provide opinions that can be helpful in identifying the criminal actor.

### **What Caused the Hypoglycemia?**

All eight patients died after suffering from hypoglycemia, a potentially fatal condition that occurs when the sugar levels in a person's blood are too low. At the time, medical providers could not explain the cause of hypoglycemia in these patients, some of whom were not diabetic. Thus, the threshold medical issue presented in this case was what caused the hypoglycemia.

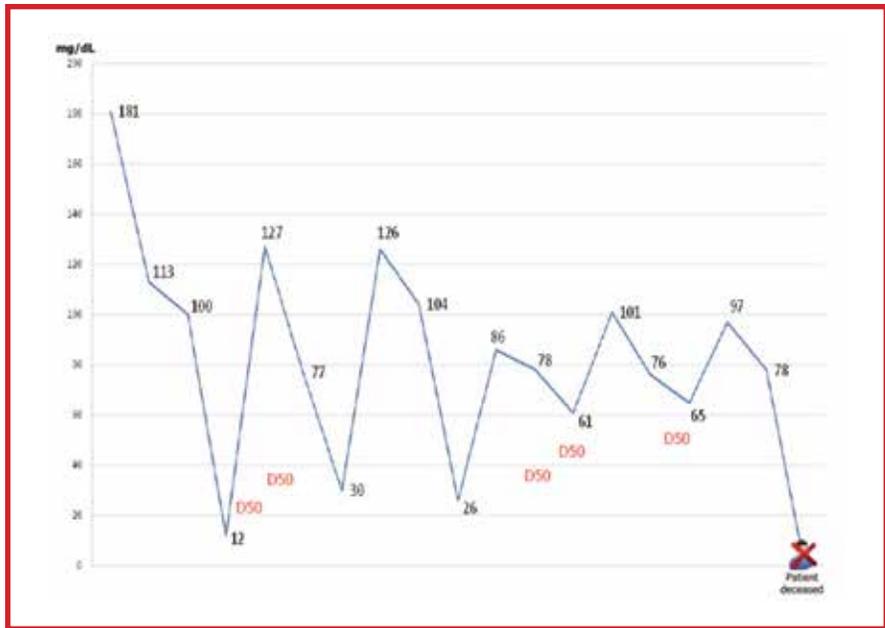
Answering this question required the government to consult with an endocrinologist, a medical doctor qualified to diagnose and treat diabetes and other disorders of the endocrine system. Specifically, the endocrinologist

was asked to offer an opinion as to whether the patients' hypoglycemia was caused by the administration of exogenous insulin, which is the term used to describe insulin that comes from outside the body such as pharmaceutical insulin.

A prime starting point to determine the presence of exogenous insulin is a blood test for insulin and C-peptide, proteins which are always co-secreted in an even ratio from the pancreas. Therefore, the presence of insulin but the absence of C-peptide in the blood presents a strong indication that the insulin is exogenous or pharmaceutical. To be reliable, the blood should be drawn during the hypoglycemic event but prior to the administration of Dextrose 50, a solution of dextrose in water for intravenous injection, used in emergencies to reverse hypoglycemia. The timing of the blood test is also critical because both proteins have a short half-life. A blood test for insulin and C-peptide was ordered in only one of the eight cases and, in that case, only after the patient had received multiple doses of Dextrose 50.

In the absence of an appropriate blood test, the endocrinologist assessed whether other clinical aspects of the cases indicated the involvement of exogenous insulin. Most significant to the endocrinologist was the ineffectiveness of multiple doses of Dextrose 50 or, in other

words, the stubbornness of the plunging blood sugar level despite multiple administrations of this normally highly effective solution. This characteristic is a significant indication that exogenous insulin is present in the blood, causing the Dextrose 50 to be ineffective and the blood sugar level to continue to fall. This phenomenon is called refractory hypoglycemia. To the right is a chart of the blood sugar levels of one of the eight patients during his hypoglycemic episode, which provides a visual illustration of refractory hypoglycemia.



Notice the peaks of 127 and 126 following the lows of 12 and 30. The administration of Dextrose 50, denoted in red font, caused these peaks. Notice also that extremely low blood sugar levels continued to occur even after multiple administrations of Dextrose 50. This is a clear case of refractory hypoglycemia. All eight patients presented with similar cases of refractory hypoglycemia.

From a clinical perspective, the only other affirmative indicator for the involvement of exogenous insulin was that some of the patients had low levels of potassium, which can also be caused by exogenous insulin. From a forensic perspective, the endocrinologist noted that the pathologist had found evidence of insulin injection sites during some of the autopsies, which will be discussed more fully in this article when addressing the cause of death opinions involved in the case.

The more difficult task for the endocrinologist was to address all of the other factors that can also cause hypoglycemia, including, but not limited to, certain medications that cause hypoglycemia, liver failure, kidney failure, severe systemic infection, severe malnutrition, excess alcohol intake, malignancy and a tumor of the pancreas that produces excess insulin. In each case, the endocrinologist excluded these other factors based on the patients' medical history.

Based on the refractory nature of hypoglycemia, the autopsy findings and the exclusion of other causes of hypoglycemia, the endocrinologist opined, to a reasonable degree of medical certainty, that exogenous insulin was the cause of all eight patients' hypoglycemia.

### What Caused the Deaths?

The next medical issue presented in this case was whether the administration of exogenous insulin caused the deaths of these patients. This was a question for a forensic pathologist, a subspecialist in pathology whose area of specialty is the examination of persons who die suddenly, unexpectedly or violently to determine the cause and manner of death. Here, the same forensic pathologist conducted the autopsies of all eight patients following exhumation.

The most significant finding made during the autopsies was the discovery of evidence of insulin injection sites. Specifically, in five of the eight cases, the pathologist found evidence of insulin injection sites through a process called immunohistochemistry ("IHC") staining. Pursuant to this process, the pathologist conducts a microscopic examination of a slide containing a section of tissue, visually identified during autopsy as a potential injection site. Prior to microscopic examination, the pathologist "stains" the tissue with a pigmented antibody directed to bind to the target insulin molecule. If the antibody binds to the target insulin molecule, then the tissue is considered positive for the presence of insulin.

Presenting a challenge to these forensic findings was the fact that there were no reported cases in the world where a pathologist had used IHC staining this far post-mortem to identify the presence of insulin in suspected injection sites. The post-mortem interval for these five

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# **The prosecution must prove the criminal act as much as it must prove the identity of the criminal actor.**

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cases ranged between six and nine months, while the largest post-mortem interval on record was only 24 days (R. Lutz, I. Pedal, C. Wetzel, R. Mattern, *Insulin Injection Sites: morphology and immunohistochemistry*, *Forensic Sci. Int.* 90 (1-2) (1997) 93-101). There was some intrinsic reliability in our case, however. One of the five cases involved a diabetic who had received legitimate, documented injections of insulin during the subject admission. This patient's medical records identified, rather specifically, the locations of the injections. The pathologist was able to locate multiple of these legitimate injection sites and use IHC staining to identify insulin in the tissue.

Despite this intrinsic reliability, the prosecution team considered other forensic methods to corroborate the IHC findings.

For example, the government consulted with a biochemist in Germany, who is recognized globally for the application of mass spectrometry to identify and measure insulin in biological fluids and tissues. Because a mass spectrometer can separate and detect ions of slightly different masses, the biochemist explained that he could possibly identify the type of insulin. In addition to corroborating the IHC results, such findings could provide added value for the cases involving diabetic patients who had received legitimate injections of a particular type of insulin. Similarly, knowing the type of insulin could be beneficial for cases involving nondiabetics because the distinct onset times of various types

of insulin could help identify approximately when the insulin was administered.

However, the biochemist was unable to detect insulin of any type in the tissue samples taken during the autopsies. The biochemist emphasized that his tests did not exclude insulin and offered two possible explanations: first, the passage of time between death and autopsy; and second, the passage of time between autopsy — when the tissue samples were created — and when he conducted his testing.

In addition, the government consulted with experts at a forensic toxicology laboratory, which had a record for successfully

identifying post-mortem the presence of insulin in vitreous humor, the transparent gelatinous tissue inside the eye behind the lens. This tissue was available for only one of the eight cases. The test was negative. The toxicologists explained that insulin could have dissipated prior to death since this patient survived for several days after his hypoglycemic episode.

Therefore, the results of the IHC staining in five of the eight cases remained the most significant forensic finding. Relying on the IHC staining, the pathologist determined that the administration of exogenous insulin was the cause of death in three of the five cases. Those three cases involved two nondiabetics and one diabetic who was not prescribed insulin. In the other two cases where insulin injection sites were found, the pathologist opined initially that the cause of death was undetermined because the patients were diabetics who had received prescribed insulin just prior to or during admission.

In rendering these initial five opinions, the pathologist had not been able to consult with an endocrinologist. With the benefit of the endocrinologist's opinions, the pathologist issued reports in four additional cases, opining that the cause of death was the administration of exogenous insulin, including the two cases in which he had previously opined that the cause of death was undetermined.

The cause of death in the eighth case remained undetermined because the length of time between the hypoglycemic event and the death prevented the pathologist from concluding that the unprescribed insulin was

the but-for cause of the death. Hence, the one charge of assault with intent to commit murder.

### **The Bridge Between Whatdunit and Whodunit: A Pharmacokineticist**

The final medical expert, a pharmacokineticist, was able to corroborate the opinion of the endocrinologist and further the pursuit of identifying the person who had given these patients insulin. A pharmacokineticist is a scientist, often a medical doctor, who analyzes chemical metabolism in an effort to discover the fate of a chemical from the moment it is administered up to the point at which it is completely eliminated from the body. Here, the government consulted with a pharmacokineticist in Wales, an endocrinologist and diabetologist who had specialized in the pharmacology of insulin for several decades.

The pharmacokineticist agreed with the endocrinologist that insulin was the cause of the hypoglycemia. However, the pharmacokineticist went further, offering an opinion as to the type of insulin, the approximate amount of insulin, the method of administration and an approximate period of hours when the insulin was administered.

For each of the eight patients, the pharmacokineticist opined that someone had subcutaneously administered 100 or more units of Regular insulin, a short-acting insulin used to treat most types of diabetes, which generally begins to lower blood sugar levels within 30 minutes and lasts six to eight hours.

In each case, the pharmacokineticist also identified an administration window of a few hours, which provided for compelling attribution evidence. Specifically, medical records for five of the eight patients documented that Reta Mays was present with the patients during the specified administration windows.

### **Practical Takeaways**

In conclusion, what follows are a few practical takeaways collected along the intricate traverse of the medical aspects of this case.

As an initial matter, it should be emphasized that I did not “become the expert” on the medical issues to successfully prosecute this case. An attorney handling a case involving complex subject matter will never be able to duplicate decades of education, training and experience that any qualified expert brings to the table. Of course, it is important to learn the concepts, from the experts, to be able to talk about the issues intelligently and persuasively with defense counsel, the court and the

jury. But it is inadvisable, in my opinion, to endeavor to become the expert.

However, do not hesitate to share your legal expertise with the medical expert, especially where the two fields overlap. Here, a point of overlap was the but-for causation of the deaths. Having previously prosecuted a few cases involving drug distributions that resulted in death, I had some experience applying *Burrage v. United States*, 134 S.Ct. 881 (2014), in which the U.S. Supreme Court discussed at length the concept of but-for causation. I had also contributed to an article on *Burrage* and its progeny, which was published in the September 2016 issue of the United States Attorneys’ Bulletin. I sent a copy of the article to the pathologist, directed his attention to the most pertinent sections and discussed how the legal concepts might apply in our case. Equipped with this legally practical perspective, the pathologist used on-point but-for causation terminology in his autopsy reports, including statements that the insulin had “contributed to” and “accelerated” death and that the hypoglycemic event “played a significant role” in or was the “precipitating event for” the clinical decline.

In addition, there is nothing improper about experts relying on one another if the practice has support in the field. For example, the pathologist sought to consult with an endocrinologist on the clinical aspects of the case. This was appropriate because pathologists often consult with specialized clinicians, if doing so could help the pathologist determine the cause of death. Here, relying on the endocrinologist’s clinical opinions, the pathologist was able to opine in four additional cases that the cause of death was the administration of exogenous insulin.

Finally, assuming an established rapport, learn to trust an expert to define the limitations of his or her opinion and strongly consider the expert’s recommendation to seek a more specialized expert to go beyond those limitations. Here, I had established a great working relationship with the endocrinologist. Therefore, when she suggested that the government consult with a pharmacokineticist specializing in insulin to obtain an opinion on the administration window, I trusted her expert advice. The trust paid off. **WVWL**

**Jarod J. Douglas** has served as an Assistant U.S. Attorney in the U.S. Attorney’s Office for the Northern District of West Virginia since 2012 and was the lead counsel for the government in the prosecution of Reta Mays.

**THE UNITED STATES ATTORNEY'S OFFICE  
NORTHERN DISTRICT OF WEST VIRGINIA**

**presents**

# **A Medicolegal Symposium on the Serial Murder Case of Reta Mays**

**Hosted by WVU College of Law**

**Thursday, October 14, 2021**

**9:00 a.m. - 4:30 p.m.**

**Marlyn E. Lugar Courtroom**

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 West Virginia University



George C. Baker

The Baker Cup namesake and Morgantown lawyer led a high-profile fight for mineral tax reform.



Like most West Virginia lawyers, I've known the name George C. Baker for many years. Since 1967, the George C. Baker Cup has become an institution in West Virginia, launching the careers of many of the state's top oral advocates. I have helped judge the Baker Cup competition since joining the WVU Law faculty in 2009.

Also like most West Virginia lawyers, I knew next to nothing about George C. Baker himself. But as my fiancé and I began searching for a house in the spring of 2020, one intriguing property got our attention, a Victorian/craftsman

structure by architect Elmer F. Jacobs. The real estate agent told us the house had been built for George C. Baker in 1915. Recognizing the name, I asked about Baker; but the Morgantown Historical Society had reported only that Baker was a private individual who tended to avoid publicity and not much was known about him.

We bought the house in August 2020. As the COVID-19 pandemic dragged on and the quarantine kept me homebound and unable to pursue other research projects, I became increasingly curious about the mustached man whose portrait still hung on our living room wall.

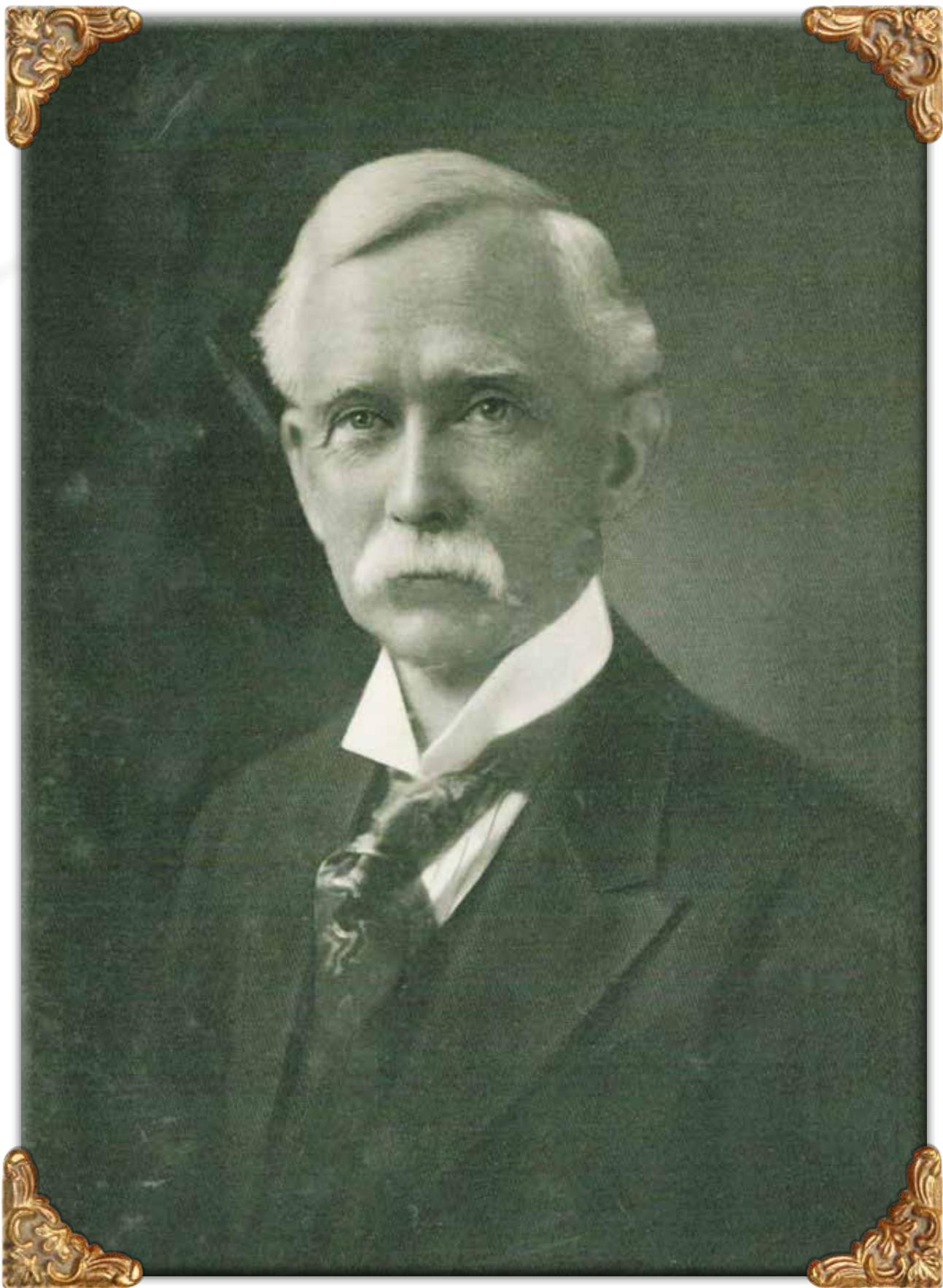
When I read a 1905 newspaper article that said Baker was known for leading the fight to tax Standard Oil Company, both the property lawyer and the legal historian in me were hooked. I set out to learn Baker's story.

As it turns out, I didn't have to dig too deep. Although Baker was, for much of his life, a private person who avoided the public office that many urged upon him, in the spring of 1905 he became the voice of a public movement to save the state from bankruptcy by taxing mineral leases. For a year and a half, Baker gave speeches, wrote letters to leading state newspapers

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**By Alison Peck**

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The 2019 George C. Baker Cup Moot Court Competition winners were Emily Ford and Chris Weed. Each year the winning names are engraved and added to the trophy.

and represented Monongalia and Marion counties in litigation against oil, gas and coal companies. Baker became something of a statewide celebrity in the process. The students of WVU even dedicated their yearbook in 1905 to their suddenly famous graduate. “By his sound, logical arguments, striking illustrations and plain discussions on the subject of equal and uniform taxation,” the student editors of *The Monticola* wrote, “he started a reformation, which spread like a conflagration over the state, from hilltop to valley, into every city, town and hamlet.” To their minds, “[n]o more important measure has been brought to the attention of the people of the state since the great Civil War.”



Baker was not a firebrand; but by the spring of 1905, he was fed up. For years, West Virginia state

promoters had been predicting tremendous growth and development for the new state, born one year after Baker himself. “There is not a possible doubt but that in a very few years, West Virginia will rank as one of the most prosperous states in the Union,” gushed a state promotional journal in 1900. “It cannot help but be.” But similar hopes had been dashed before. In 1884 — a year after Baker graduated from West Virginia University — the West Virginia Tax Commission noted that “[w]hen the war ended, it was confidently expected that West Virginia would

advance in population and wealth more rapidly than any other State.” But despite the state’s central location, moderate climate, mineral wealth and coal and timber resources, the Commission observed, “this State has not progressed one half as much as she ought to have done.” As of the turn of the century, in fact, the state was broke.

Baker thought he saw a reason why. By 1905, he had become an established property lawyer and commissioner of accounts (now called a fiduciary commissioner) for Monongalia County. From the vantage point of that office, Baker observed what he considered an appalling injustice: While landowners large and small came to his office to settle debts and pay taxes on their property, the owners of oil leases — including Standard Oil’s local subsidiary, South Penn Oil Company — paid nothing on the oil production that was then flowing out of the state. West Virginia had

been in the center of the oil boom since 1889; by 1900, West Virginia produced over 16 million barrels, surpassing Pennsylvania, the birthplace of the American oil industry, and accounting for more than 25% of all petroleum production in the country. But oil companies — like gas and coal companies at the time — paid no taxes on production or leasehold interests.

Baker was incensed. Writing to the editors of the *Morgantown Chronicle* in March 1905, Baker described several cases of small farmers who came to his office every month struggling to pay taxes elevated by oil production while the oil company itself paid nothing. Enough was enough, Baker thought. “Is there any reason why that we citizens, who are living in the midst of this wrong, this unequal taxation, and who for fifteen years have scarcely opened our [mouths] or breathed an objection against what I might justly call a crime, should not feel aggrieved and that patience has ceased to be a virtue?”



Although the state had tried to collect taxes on mineral interests before, the industry had succeeded in legally defeating taxation. Producers avoided real property taxes by structuring agreements as leases with an indefinite duration for the life of production rather than as freeholds. The oil itself could not be taxed as personal property until it was produced; and once produced and quickly sold, both the property and its owner left the state and the reach of the West Virginia taxing authorities.

Baker, an astute property lawyer,

devised a theory that overcame previous objections. Baker thought that the leasehold interests (rather than the oil itself) could be taxed as personal property — specifically a type of personal property known as chattels real. According to Blackstone, chattels real were a type of personal property “such as concern, or savour of, the realty; as terms for years of land” and other such interests. Article X of the West Virginia Constitution states that “taxation shall be equal and uniform throughout the state, and all property, both real and personal, shall be taxed in proportion to its value to be ascertained by law.” If mineral leases were chattels real, Baker concluded, producers could not avoid taxation without violating the constitutional principle of equal taxation.

Baker had powerful allies — the new governor, William M.O. Dawson, and state tax commissioner Charles W. Dillon. Together, the three introduced and defended a program to tax mineral leases that, in their estimation, would have quintupled the state’s tax rolls. They nearly succeeded.

In the test case before the Supreme Court of Appeals, *Harvey Coal & Coke v. Dillon*, both Dillon and Baker appeared on behalf of the state. In the court’s decision, handed down just three weeks after argument, the court held that the leases were chattels real and subject to taxation as personal property. The court rejected the coal producer’s argument that the right conveyed remained part of the real estate and therefore had to be taxed to the surface owner; the lease in question was not for the coal itself, the court held, but for the privilege of mining it — a chattel interest.

The court’s unanimous opinion, written by a justice known for his laissez-faire philosophy toward corporate regulation, stunned the legal and business community. Standard Oil, facing trust-busting battles elsewhere and foreseeing the decline of the West Virginia oil fields, resigned to pay the taxes in 1906. But the coal industry resisted. The next year in Fayette County, coal leases that sold for \$200,000 were valued at \$12,000 for tax purposes, and the parties ended up back before the court. In *Dillon v. Bare*, by a 3-2 vote the court upheld the assessment on the grounds that a leasehold interest was merely the intangible right to use the property and therefore the pecuniary value of the underlying real property and the sale price of the lease could not form the basis of the lease value. Dissenting were Justice Henry Brannon, the author of *Harvey Coal & Coke*, and Justice Frank Cox, Baker’s prior and future law partner.

Representatives of the industry recognized the magnitude of their victory. In a letter to former governor and oil and coal industry attorney Aretas B. Fleming, an attorney for the coal company wrote, “[I]t seems to me that the effect of this decision is to very largely destroy the value of coal leases in this state for taxation purposes.” Baker himself would say little about the case. Reporting on his work to the Monongalia County Court, Baker emphasized the revenue gained by

In the spring of 1905  
George C. Baker  
became the voice of  
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mineral leases.



that county from oil leases in 1905 and 1906.

By 1907, new business licenses and estate taxes had eased the state’s financial burden, and further tax reform efforts in the subsequent legislature never gained momentum. Mineral leases were first subject to *ad valorem* property taxes in 1932, and West Virginia’s first express severance taxes took effect in 1987.

After 1906, Baker relinquished his moment in the spotlight and resumed a more private form of law practice. In 1926, he donated a loving cup for WVU Law’s oral advocacy competition, which was held in 1926 and 1927 and revived as the George C. Baker Cup in 1967. He died in 1943 at the age of 80. **WVL**

**Alison Peck** is a professor at WVU College of Law. She is the author of “Standard Oil, Consolidation Coal, and the Roots of the Resource Curse in West Virginia,” forthcoming in Volume 124 of *West Virginia Law Review*.



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**By Erin Page, Esq.**

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Figure 1



Figure 2

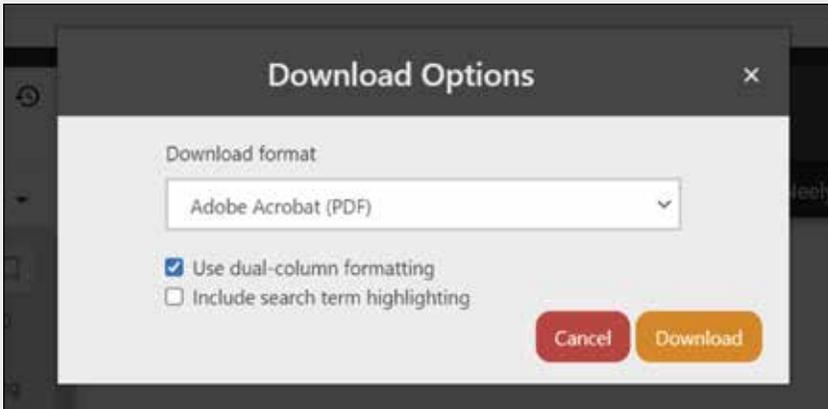


Figure 3

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**Erin Page** is senior law librarian and reference attorney with Fastcase. Erin is a graduate of the William and Mary Marshall Wythe School of Law, where she received honors in Legal Practice. She also received a BA in Classics from St. John's College, Annapolis, and a Master's degree in Legal Library Science from Catholic University. Prior to working with Fastcase, Erin worked for eight years as an attorney with Convergent in Insurance Mediation and as company trainer/CLE coordinator.

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# Occupational Wellness



## Strategies to improve occupational wellness for lawyers

In the last decade, we have witnessed a growing awareness in the legal profession of how work impacts lawyers' wellbeing. Studies reveal high rates of substance and alcohol abuse, depression and suicide in the legal community, suggesting that something about our profession seems to interfere with a natural state of wellbeing.

Many groups working in the area use the term "well-being," suggesting that it focuses more on the emotional than a physical state. Others use "wellness," claiming that wellness is multidimensional and broadly includes lifestyle, environment and mental and physical wellbeing. One wellness model, developed by Dr. Bill Hettler, cofounder of the National Wellness Institute (NWI), adopts this broad, multidimensional vision and encourages that six dimensions of wellness be considered to reach a holistic sense of wellness and fulfillment. Those six dimensions include

emotional, occupational, physical, social, instinctual and spiritual dimensions.

This article will address the occupational dimension, particularly the challenges imposed by the legal culture. Responsibility for occupational wellness rests not only with the individual lawyer but also with legal employers and the legal community.

Occupational wellness rests on the concept that when a worker enjoys meaningful and rewarding work consistent with values, wellbeing is improved. Our career choices should be consistent with our values, beliefs and interests. Occupational wellness often feels interesting, enjoyable and meaningful. Our wellness is enhanced when we believe we are contributing to society.

Occupational wellness also means that we are developing skills and practicing those in a challenging and rewarding

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**By Elliot Hicks & Brenda Waugh**

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way. It also requires us to acquire skills and practices that are challenging and rewarding. It helps us believe we can show our talent, skills and unique capabilities.

Beyond that, occupational wellness demands that we enjoy both work and leisure time, with essential relationships created and sustained in both settings. Establishing equilibrium in our work and leisure lives promotes wellness.

Occupational wellness directly promotes our physical health by eliminating risk factors at the workplace. Active concern for our wellness helps us to be more aware of work situations that increase risks of cancer, accident, respiratory disease and hearing loss and causes us to reduce or avoid behaviors that lead to circulatory disease (heart disease) and stress-related disorders.

Can a strategy be developed to improve occupational wellness for lawyers? Of course! Here's how we do it:

### The Legal Community

- Accept responsibility to reduce toxicity in the profession by valuing relationships with colleagues. We must open our entire toolbox to improve our negotiation skills, techniques and strategies so that we can resolve conflict without becoming adversaries, which promotes our relationships. Our legal community must learn the skills to resolve conflicts among ourselves, rather than relying on a protracted period of adversity and third parties to resolve disputes.
- Provide support for colleagues and for ourselves by recognizing the profession's physical demands and emphasizing healthy alternatives to the practices that compound stress and the accompanying risk of heart disease.

### The Legal Employer

- Value the lawyer's needs for occupational wellness.
- Demonstrate what you value by explicitly providing opportunities for a healthy work-leisure schedule.
- Do not permit, and certainly don't encourage, lawyers to ignore their health and wellbeing by skipping meals, sleep or vacations.
- Take responsibility to encourage lawyers to find work consistent with their values, and reward lawyers by matching their work to their values. Create opportunities for lawyers to meld their work to their values and personalities in ways that they find rewarding.
- Realize that lawyers need to acquire and expand skills to grow their unique talents.

- Demonstrate that you are affirmatively reducing toxicity by encouraging relationships among lawyers within your organization. Reduce competition and strive for collaboration. Further, retire the funnel that guides lawyers toward areas of competition in the workplace by encouraging them to build the skills to expand their roles in a variety of the services that you offer, all for the growth of the lawyers and the expansion of services you might offer to the public.
- Create opportunities for healthy lifestyle habits at the office by offering opportunities for healthy eating at work and work events, limiting alcohol at such events and encouraging movement during the day.
- Help employees monitor their heart health and stress levels.

### The Lawyer

- Choose a career and employment consistent with your values, interests and beliefs.
- Be open to developing functional, transferable skills to expand your abilities.
- Remain diligent about creating the proper division between work and leisure time to improve your ability to do both.
- Monitor your physical health, and find ways to increase physical activity and a healthy diet to reduce risk. Be attentive to stress, trauma and the fight-or-flight reaction, and work to reduce them.

The six dimensions of wellness overlap, certainly. Physical wellbeing cannot be compatible with skipping lunch every day to increase billable hours. Therefore, it becomes incumbent upon all of us to understand occupational wellness. Then, we can be proactive and create the healthiest and most productive work environment to reduce potential toxicity. This way, we are no longer stuck responding to lawyer depression and addiction, but we become a factor in reducing it. **WVL**

**Elliot Hicks**, former president of the West Virginia State Bar, has practiced law in Charleston for 40 years. Since 2014 he has practiced dispute resolution under the name Hicks Resolutions.

**Brenda Waugh** has been an attorney since 1987 and is currently a lawyer/mediator in West Virginia, Virginia and The District of Columbia.

# West Virginia Bar Foundation Fellows 2020 & 2021

## Accepted Into 2020 Membership



**Barbara Evans  
Fleischauer ~  
Morgantown**

B.A., Allegheny College. J.D., West Virginia University.

General Counsel, United Mine Workers of America, District 31. Member, West Virginia House of Delegates. Chair, Committee on Constitutional Revision. Co-Chair, Equal Pay Commission. President, West Virginia National Organization of Women. Member, Board of Directors, Monongalia County Child Advocacy Center.



**Michele  
Grinberg ~  
Charleston**

B.A., Magna Cum Laude, Fairleigh Dickinson

University. M.S., Simmons College. J.D., West Virginia University. Editor-in-Chief, West Virginia Law Review. Adjunct Lecturer, WVU College of Law. Kaufman Pro Bono Publico Award. Member, Board of Directors, West Virginia Judicial and Lawyer Assistance Program. Member, West Virginia Supreme Court Task Force for Lawyer Wellbeing.



**Karen Elizabeth  
Kahle ~  
Wheeling**

B.S. and J.D., West Virginia University. Assistant Prosecuting

Attorney, Ohio County. Adjunct Professor, WVU College of Pharmacy. Adjunct Professor, WVU College of Medicine. Chairman, Board of Directors, First Judicial Circuit Public Defenders Corporation. Member, Commission on Lawyer Assistance Programs, American Bar Association. Chairman, Board of Directors, West Virginia Judicial and Lawyer Assistance Program.



**Carte P.  
Goodwin ~  
Charleston**

B.A., Magna Cum Laude, Marietta College. Doctor

of Law, With Honors, Emory University. Order of the Coif. Law Clerk, U.S. Court of Appeals for the Fourth Circuit Judge Robert B. King. U.S. Senator. General Counsel to West Virginia Governor. Chairman, West Virginia Independent Commission on Judicial Reform. Member, U.S.-China Economic and Security Review Commission.



**Anne D.  
Harman ~  
Wheeling**

B.B.A., Marshall University. J.D., West Virginia

University. Member, Lawyers' Fund for Client Protection Committee, West Virginia State Bar. Secretary, Board of Governors, West Virginia Northern Community College. Member, Board of Directors, Regional Economic Development Partnership. Member, Board of Trustees, Oglebay Institute. Member, Finance Committee, Christ United Methodist Church.



**The Honorable  
H. L.  
Kirkpatrick, III  
~ Beckley**

B.A., University of Kentucky. J.D.,

West Virginia University. Judge, Tenth Judicial Circuit. Chairperson, Region 3 Fatality Review Team. Vice Chair, West Virginia Judicial Investigation Commission. Vice Chair, Judicial Realignment Committee, West Virginia Judicial Association. Vice Chair, Education Committee, West Virginia Judicial Association. Organizer, Juvenile Drug Court, Raleigh County.

**West Virginia Bar Foundation Fellows** are those lawyers whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession with the individuals selected reflecting the diverse nature of the legal profession in West Virginia.

The 2020 & 2021 classes were accepted into membership at the Bar Foundation Fellows Dinner on June 24, 2021.



**The Honorable  
Thomas  
S. Kleeh ~  
Clarksburg**

B.S., Summa Cum Laude, and J.D.,

West Virginia University. Order of the Coif. Editor-in-Chief, West Virginia Law Review. Staff Attorney, President, West Virginia State Senate. Staff Counsel, Judiciary Committee, West Virginia State Senate. Member, Defense Research Institute. Member, Society for Human Resources Management. Member, Defense Trial Counsel of West Virginia.



**Charles W.  
Loeb Jr. ~  
Charleston**

B.A., Cum Laude, Yale University. J.D., University of

Virginia College of Law. Member, Editorial Board, Virginia Law Review. Law Clerk, U.S. Court of Appeals for the Fourth Circuit Judge James M. Sprouse. Counsel, Ways and Means Committee, West Virginia State Senate. Majority Leader, Charleston City Council. Member, Board of Governors, West Virginia State Bar.



**Melissa H. Luce  
~ Charleston**

B.A., Magna Cum Laude, Davis and Elkins College. J.D., West Virginia

University. Outstanding Graduate, WVU College of Law. Intern, Office of U.S. Senator John D. Rockefeller, IV. Member, Board of Governors, New Jersey Association for Justice. Member, Board of Trustees, Davis and Elkins College. Member, Board of Trustees, Visiting Nurses Association. Volunteer, Special Olympics. Coach, Youth Basketball, YMCA.



**Christopher  
C. Luttrell ~  
Martinsburg**

B.A. and B.S., Summa Cum Laude, Shepherd

University. J.D., Washington and Lee University. Municipal Judge, Charles Town. Adjunct Professor, Shepherd University. Member, Committee on the Unlawful Practice of Law, West Virginia State Bar. Member, Young Lawyers Section Executive Committee, West Virginia State Bar. Football Coach, Martinsburg High School.



**Sandra M.  
Murphy ~  
Charleston**

B.A., Yale University. J.D., Brooklyn Law School. Chair, Board

of Trustees, Greater Kanawha Valley Foundation. Secretary, Board of Directors, The Glotfelty Foundation. Chair, Development Committee, Greater Kanawha Valley Foundation. Education Elevator, Piedmont Elementary School. Woman of Achievement Award, Charleston YWCA. Member, West Virginia Symphony Chorus.



**Larry L. Rowe ~  
Charleston**

B.A., M.P.A. and J.D., West Virginia University. Phi Beta Kappa. Order of

the Coif. Senior Law Clerk, U.S. Court of Appeals for the Fourth Circuit Judge K.K. Hall. Member, West Virginia House of Delegates. Member, West Virginia State Senate. Member, West Virginia State Ethics Commission. Chair, Board of Governors, West Virginia State University. Chairman, Board of Directors, Legal Aid Society of Charleston.

## 2020 Membership



**Gloria M. Stephens ~ Welch**  
B.S., Cum Laude, West Virginia State University. J.D., West Virginia University.

Family Law Master, McDowell, Wyoming and Mercer Counties. Chairperson, Heart of God Ministries Scholarship Fund. Lifetime Member, NAACP. Mentor, Middle School and Church Minority Females. Established Stephens Scholarship Fund, West Virginia State University.



**Teresa A. Tarr ~ Charleston**  
B.A., West Virginia University. J.D., Ohio Northern University. Municipal Judge,

Dunbar. Chief Disciplinary Counsel, West Virginia Judicial Investigation Commission. Lawyer Disciplinary Counsel, West Virginia Office of Disciplinary Counsel. Assistant Prosecuting Attorney, Wood County and Kanawha County. Founding Member, Board of Directors, West Virginia Victim's Assistance Academy.



**John E. Taylor ~ Morgantown**  
AB., With Distinction, University of North Carolina. M.A. and Ph.D., Stanford

University. J.D., With Highest Honors, University of North Carolina School of Law. Law Clerk, U.S. Court of Appeals for the Fourth Circuit Judge M. Blane Michael. Interim Dean, Associate Dean for Academic Affairs and Professor, WVU College of Law. Professor of the Year, WVU College of Law.

## Accepted Into 2021 Membership



**The Honorable Timothy P. Armstead ~ Charleston**  
B.A., University of Charleston. J.D.,

WVU. Law Clerk, U.S. District Court Judge David A. Faber. Justice, West Virginia Supreme Court of Appeals. Speaker, West Virginia House of Delegates. Executive Assistant to the Chief of Staff, West Virginia Governor Cecil H. Underwood. President, West Virginia Historical Society. Member, West Virginia Archives and History Commission.



**Randolph J. Bernard ~ Wheeling**  
B.A., Indiana University of Pennsylvania. J.D.,

With Distinction, Ohio Northern University. Associate Editor, Ohio Northern University Law Review. Special Agent, Federal Bureau of Investigation. Acting U.S. Attorney, Northern District of West Virginia. First Assistant U.S. Attorney, Northern District of West Virginia. Chairman, Board of Zoning Appeals, St. Clairsville, Ohio.



**James A. Dodrill ~ Charleston**  
B.A., Summa Cum Laude, Marshall University. J.D., WVU. Lieutenant

Colonel, U.S. Air Force/Air National Guard. Commissioner, West Virginia Department of Insurance. Municipal Arraignment Judge, Huntington. Assistant Prosecuting Attorney, Cabell County. City Attorney, Barboursville,

Milton and Fayetteville. Officer, Team Rubicon Disaster Deployment.



**Sharon O. Flanery ~ Charleston**  
B.S., WVU. J.D., Duquesne

University. Member, Law Review. Member, Executive Committee, Institute for Energy Law. President, Energy and Mineral Law Foundation. Member, Board of Directors, WVU Alumni Association. Third Vice President, Girl Scouts of Black Diamond Council. Member, Board of Directors, West Virginia Symphony Orchestra.



**Karen Lynn Garrett ~ Moorefield**  
B.S., With Highest Honors, and J.D., University of Texas.

President, South Branch Valley Bar Association. Member, Committee on Economics of Law, West Virginia State Bar. Vice President, American Association of University Women, Moorefield Branch. Project Manager, E.A. Hawse Retirement Village, Inc. President, Shawnee Girl Scout Council. President, East Hardy Little League.



**Lary D. Garrett ~ Moorefield**  
B.A., With Honors, and J.D., University of Texas. Assistant

Prosecuting Attorney, Hardy County. Special Assistant Prosecuting Attorney, Hampshire and Pendleton Counties. Mental Hygiene Commissioner, Hardy

County. Founding Member, Board of Directors, Hardy County Parks and Recreation Commission. Coach-Baseball, Basketball, Cross Country and Track and Field Youth Teams.



**The Honorable  
Michael D.  
Lorensen ~  
Martinsburg**

B.S. and J.D., WVU. Law Clerk, U.S. District Court Judge Charles H. Haden, II. Judge, Twenty-Third Judicial Circuit. Chair, West Virginia Judicial Hearing Board. Chairman, West Virginia Business Court Division. Judge, Adult Drug Court, Berkeley County. Member, West Virginia Board of Law Examiners. President, Board of Directors, Shenandoah Community Health Systems.



**R. Gregory  
McDermott ~  
Wheeling**

B.A., West Liberty University. J.D., Cleveland State University-John Marshall College of Law. Member, Board of Governors, Defense Trial Counsel of West Virginia. President, Ohio County Bar Association. Barrister, William Blackstone American Inn of Court. Member, West Virginia Racing Commission. Chairman, Wheeling Park Commission. Member, Board of Directors, The Oglebay Foundation.



**Stephen P. New ~  
Beckley**

B.A., Marshall University. J.D., WVU. Chief Justice,

Moot Court Board, WVU College of Law. Law Clerk, Tenth Judicial Circuit. Major, West Virginia Army National Guard. Deputy Commander, Camp Dawson, West Virginia Army National Guard. President, Theater West Virginia. President, West Virginia Association for Justice. Member, Faith Community Church.



**Meshea L. Poore  
~ Morgantown**

B.A., Howard University. J.D., Southern University. Vice President/Chief Diversity Officer, Division of Diversity, Equity and Inclusion, WVU. Adjunct Professor, WVSU. Faculty in Residence, Rutgers University. Assistant Public Defender, Kanawha County. Member, West Virginia House of Delegates. President, West Virginia State Bar. President-elect, Big 12 Association of Diversity Officers in Higher Education.



**Andrew N.  
Richardson ~  
Charleston**

B.A., Cum Laude, and J.D., WVU. Commissioner, Bureau of Employment Programs. Staff Counsel, Department of Employment Security. Assistant Prosecuting Attorney, Kanawha County. Member, Charleston City Council. Member, South Charleston City Council. Vice Chair, Board of Directors, Charleston Coliseum and Convention Center. Chair, Board of Directors, Faith In Action of Greater Kanawha Valley.



**Robert G. Tweel ~  
Charleston**

B.A., Southern Methodist University. J.D., WVU. LL.M., Taxation, New York University. Adjunct Lecturer, WVU College of Law. Member, Board of Directors, West Virginia Tax Institute. Member, Board of Directors, Central West Virginia Chapter Red Cross. Member, Board of Directors, American Lung Association. Coach-High School Track and Field Teams.



**Anthony I.  
Werner ~  
Wheeling**

B.A., Summa Cum Laude, and J.D., WVU. President, Ohio County Bar Association. Member, Board of Directors, Visiting Nurses Association Home Support Services Foundation. Member, Board of Directors, Ohio County Public Library. Commissioner, Pony League, Mountaineer Baseball Association. Member, Session of Bethlehem United Presbyterian Church.



**Chip E. Williams  
~ Beckley**

B.S., Cum Laude, and J.D., WVU. Treasurer, WVU Student Government. President, Christian Student Fellowship. Mentor of the Year, Young Lawyers Section, West Virginia State Bar. Member, Raleigh County Bar Association. Member, Board of Directors, Brian's Safe House Addiction Treatment Facility. Member, Board of Directors, The Sparrow's Nest Addiction Treatment Facility. **WVU**

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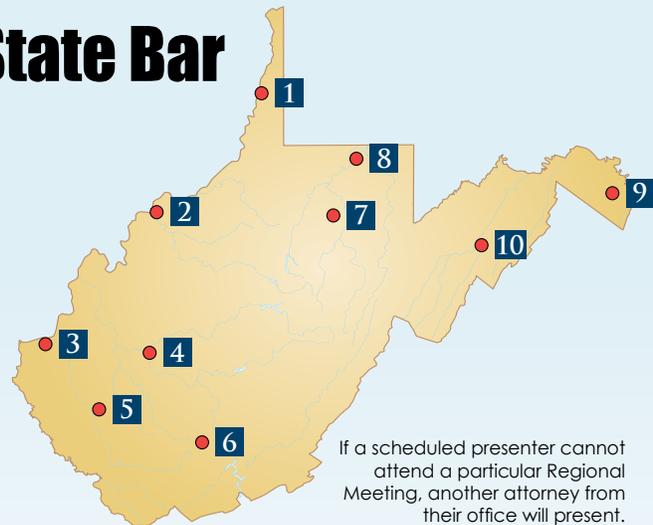
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# 2021 West Virginia State Bar Regional Meetings

Any updated information can be found at  
[www.wvbar.org](http://www.wvbar.org) or in weekly Bar Blasts.



If a scheduled presenter cannot attend a particular Regional Meeting, another attorney from their office will present.

**1** September 9 ~ 2:00 p.m.  
**Wheeling**  
Wheeling Country Club

**2** September 10 ~ 10:00 a.m.  
**Parkersburg**  
The Blennerhassett Hotel

**3** September 17 ~ 10:00 a.m.  
**Huntington**  
Vandalia Crowd House  
behind The Peddler

**4** September 23 ~ 10:00 a.m.  
**Charleston**  
Embassy Suites

**5** September 30 ~ 10:00 a.m.  
**Chapmanville**  
Giovanni's

**6** October 1 ~ 10:00 a.m.  
**Beckley**  
Tamarack

**7** October 15 ~ 9:00 a.m.  
**Bridgeport**  
Bridgeport Country Club

**8** October 15 ~ 2:00 p.m.  
**Morgantown**  
Waterfront Marriott Hotel

**9** October 28 ~ 10:00 a.m.  
**Shepherdstown**  
Bavarian Inn

**10** October 29 ~ 10:00 a.m.  
**Moorefield**  
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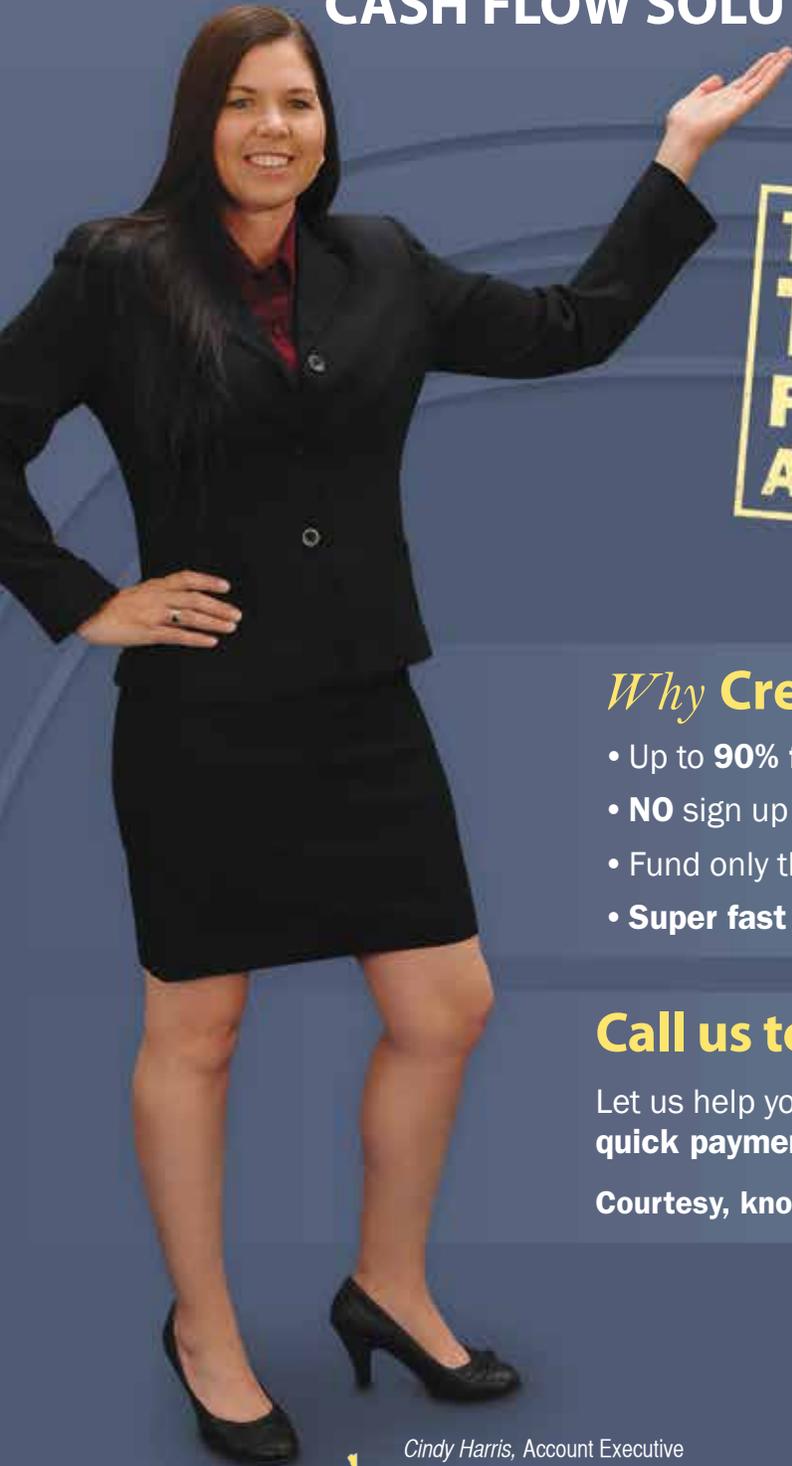
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