

founded 1886

The Communiqué

President's Corner



J. Tyler Dinsmore
WVBA President

Dear Friends:

As I am writing this letter to you, it is mid-summer and I am preparing for the Asbestos Trial which is scheduled to start towards the end of September, right after our annual meeting. When you receive this letter, it will be mere weeks before our annual meeting and the end of my tenure as President of The West Virginia Bar Association. So this is the last time that I will be able to grace the President's Corner (and the last time you will have to see that picture of me).

It has been an honor being your President for the past year. The West Virginia Bar Association continues to be dedicated to the enhancement and enjoyment of the practice of law and I am convinced that we are making great strides in our endeavors. I have truly enjoyed my association with The West Virginia Bar Association and intend to continue playing an active role in this association for the rest of, what I hope to be, my long career as a practicing lawyer in the State of West Virginia.

While I have and will continue to taut our annual meeting at The Homestead as a wonderful opportunity to obtain

valuable CLE and enjoy the camaraderie of fellow members of the Bar, I want you all to be aware of the valuable services that this organization has provided, and will continue to provide, to its members:

- 1) On five separate occasions this past year, The West Virginia Bar Association has provided opportunities throughout the State for "social" interaction between members of the bar, i.e., five great cocktail parties.
- 2) On June 28th, right before the CLE cutoff, we sponsored (and Jack Bowman was kind enough to provide his wealth of knowledge to) an ethics CLE in Charleston.
- 3) We instituted a program to obtain CLE on-line through The West Virginia Bar Association's website, www.wvbarassociation.org.
- 4) We have endorsed Dental and Vision Care Programs.
- 5) We have entered into agreements with Boise Cascade Office Products and Xerox so as to provide members of The West Virginia Bar Association with significant discounts on the purchase of office products and equipment.

(continued on page 2)

It's right around the corner!

The 116th Annual Meeting
of
The West Virginia Bar Association

The Homestead Resort
Hot Springs, Virginia
September 19 - 21, 2002

Details inside!



Be there!

The West Virginia
Bar Association

J. Tyler Dinsmore
President

Pryce M. Haynes II
Executive Director

P.O. Box 2162
Huntington, WV 25722

Ph: (800) 944-9822

Fx: (304) 522-2795

E-mail: director@wvbarassociation.org

A note from our Executive Director

Pryce M. Haynes II

Great things are happening!

I am pleased to announce we have established a new section for Legal Nurse Consultants, and now have our first Legal Nurse Consultant Associate member, Karen J. Huff, BSN, RN, LNCC. Karen is with Steptoe & Johnson, PLLC and is President of the Southern WV Chapter of AALNC. This new membership category and mutual benefit of having Legal Nurse Consultants in the Bar Association is an exciting new chapter. To find out more about LCN's, please see Karen's article on page six of this issue of *The Communiqué*.

Tyler Dinsmore and I were invited to attend the 112th Summer Meeting of the Virginia Bar Association at The Homestead. As usual, the VBA was most hospitable. We brought back great ideas to enhance our Bar Association and made many new friends. The big talk at their meeting was how much they were looking forward to our joint meeting (VBA and WVBA) in July 2003 at The Greenbrier.

Those of us attending The WVBA's 116th Annual Meeting will have the opportunity to reciprocate our hospitality to the VBA's President, Ed Betts and his wife Sue, the VBA's Executive Vice President, Breck Arrington and his wife Anna, along with their administrative director, Sandy Thompson and her husband, Bob.

La Dolce Vita! Start packing your bags – we're going to Rome, The Eternal City! Mix business with pleasure and enjoy 7 days and nights seeing the sites, shopping and feasting on fine cuisine. Five hours of CLE also will be offered. For those who wish to spend more time abroad, our travel agent will assist you in extending your trip and expediting your return flight arrangements. Check out all the information on this exciting adventure in the brochure included in this issue. There is very limited availability – don't delay, register today!



Snapshots from the Martinsburg Legal Ease Reception



Julie Haynes, James Casimiro,
Christy Snider, Chris Janelle and Ron Rossi



Carol and Doug Rockwell



David Pill, Norwood Bentley,
Claudia Bentley and Randy Conrad



Pat and Linda Henry



Phil Hill, Lily Hill,
Michael Santa Barbara and John Yoder



Walter and Lisa Jones

The YLD has some fun events planned

Jill Cranston Bentz, Chair
Young Lawyers Division

Members of the Young Lawyers Division (YLD) Executive Council are excited about its activities! First, we are all looking forward to The West Virginia Bar Association's Annual Meeting scheduled for September 19 – 21, 2002 at The Homestead in Hot Springs, Virginia. It promises to be outstanding in every way: quality CLE seminars, great golf and terrific social events.

To kick-off the Annual Meeting festivities, the YLD will host a fun evening Thursday night at Sam Snead's Tavern for everyone who wants to sit back, relax and enjoy the company. In addition to the beautiful accommodations at The Homestead, there are some nice, more reasonable alternatives in the Hot Springs area. In an effort to attract the younger members of the bar to the Annual Meeting, The WVBA has reduced the registration fee for "Young Lawyers" (lawyers who are age 35 or younger and admitted to practice 10 years or less) to a mere \$90.00. Please plan to attend!

The YLD has been busy. On April 11, 2002, the YLD hosted a "Legal Ease" Cocktail Reception at the Fort Henry Club in Wheeling. The second "Legal Ease" reception was held June 13, 2002 at the Purple Iris in Martinsburg. Both receptions were well attended and successful in promoting The WVBA. We appreciate the financial support of our sponsors in both these efforts. For next year, we have on the "drawing board" two Legal Ease receptions in other parts of the State.

The YLD also hosted the Second Annual Bench & Bar Reception at the Robert C. Byrd Federal Courthouse in Charleston on May 16, 2002. A number of lawyers and judges attended the event, at which the YLD raffled a free trip to the Annual Meeting at The Homestead. The event was a huge success, thanks to the generous support of our sponsors.

Finally, on July 31, 2002, the YLD helped law school graduates celebrate the end of the bar exam at Joey's restaurant in Charleston. The event attracted a number of new and practicing lawyers and provided a nice opportunity to meet our newest lawyers and mingle with each other. At the event, 56 new lawyers joined the Bar Association. What a success!

We are also looking forward to the annual Tailgate party on October 3, 2002 in Morgantown. Please join us under the tent before the West Virginia – Maryland game.

If you are interested in attending any of these events and you would like additional information, or if you would like to become involved in the Young Lawyers Division, please contact Pryce Haynes at 800-944-9822 or director@wvbarassociation.org or me at 304-340-3880 or by email at jbentz@spilmanlaw.com.



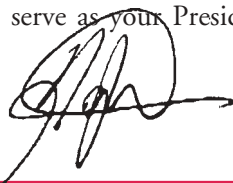
(President's Corner . . . continued from page 1)

6) We have agreed to join the Virginia Bar Association for a joint meeting July 10–13, 2003 at The Greenbrier.

7) We have continued to offer insurance and investment opportunities through our endorsed vendor, Pryce Haynes Associates.

On the Bar Association's front, it has been a busy year. We have a great Annual Meeting planned for you at The Homestead, and I look forward to seeing you there.

Thank you for the opportunity to serve as your President.



Tyler Dinsmore (right) visits with Ed Betts, President of the Virginia Bar Association, at the Summer Meeting of the VBA, held at The Homestead.

Lawyer Disciplinary Board request for public comment

Deadline for submission of written comment November 15, 2002

The Lawyer Disciplinary Board is studying whether lawyers hired and paid by an insurance company are in compliance with the Rules of Professional Conduct when they prepare and file a petition and other documents on behalf of the injured party/parent/guardian in a summary proceeding involving settlement of an infant or protected person's personal injury claim.

The Board is studying the same question with respect to preparation of the petition and other documents seeking court approval of wrongful death settlements. The Board has concerns that current practices may run afoul of the rule against preparing documents for unrepresented persons in violation of RPC Rule 1.7 as set forth in Lawyer Disciplinary Board v.

Frame, 479 S.E.2d 676 (W. Va. 1996); Walden v. Hoke, 429 S.E.2d 504 (W. Va. 1993); and Formal Legal Ethics Opinion L.E.I. 77-7, available on the State Bar's website www.wvbar.org.

Submit written comments to:

Summary Proceedings Committee
c/o Office of Disciplinary Counsel
2008 Kanawha Boulevard East
Charleston, WV 25311.

Deadline is November 15, 2001.

Xerox becomes endorsed vendor

Xerox Corporation, through their West Virginia agents, has become our newest Endorsed Vendor!

An exclusive and extremely attractive discount program has been negotiated with Xerox. Before you purchase digital copiers, printers or fax machines, check with Xerox.

For all your printing, copying and faxing needs, contact:

Mike Kiger
Document Solutions
304.525.4009



WVU TAILGATE PARTY!

WVU MOUNTAINEERS

VS.

MARYLAND TERPS



October 5, 2002

10:00 a.m.

(or 2 hours prior to kick-off)

**Mountaineer Field
Morgantown, WV**

See you there!

Sponsored by the Young Lawyers Division

FIRST AMERICAN TITLE INSURANCE COMPANY

Now offering UCC Insurance for Personal Property



A Symbol of Protection

735 Main Street, Barboursville, WV 25504
Telephone: 304-736-1111
Facsimile: 304-736-1104

Thomas Campbell
Vice-President and State Manager

Buy Office Products at Discount Prices

The West Virginia Bar Association has entered into an agreement with **Boise Cascade Office Products** to provide WVBA members with office products at significant discounts. Boise Cascade is the largest contract stationer in North America, with fifty-two (52) distribution centers in the United States.

You were sent a catalog from Boise Cascade that includes approximately 1,500 items priced at 50% off list price. These 1,500 items include many of the traditional "high usage" items that most business offices use on a daily basis such as legal pads, pens, filing supplies, etc. In addition, there are no shipping charges, no minimum order size and next-day delivery to most areas in West Virginia.

This is a great opportunity to save your firm money on items that you use every day. For additional information, contact Mick Bell at Boise Cascade: 1-800-532-6473 ext. 8466.



Providers of Computer Based Training in
Law Office Technology

WV CLE Self-Study Certified
3.6 Hours, Law Office Management - \$129

Hamilton Computer Products, Inc.
Legal and Professional Computer Systems

P.O. Box 7166
Charleston, WV 25356
(304) 776-4007

It pays to be a member of The WVBA!

Legal Nurse Consultants invited to join The West Virginia Bar Association

Karen J. Huff BSN RN LNCC
Legal Nurse Consultants Division



The creation of an LNC section within The West Virginia Bar Association is an exciting development. Our group is looking forward to the many benefits of an associate membership, especially the networking and educational opportunities. Pryce Haynes asked that I write this article as a brief overview of what legal nurse consultants do and to introduce you

to our chapter members.

Legal Nurse Consultants (LNCs) have been assisting attorneys with the medically related aspects of cases for about 20 years. Given their specialized education and clinical expertise, LNCs are a unique and valuable member of the litigation team. LNCs assist attorneys with claims involving medical negligence, personal injury, product liability, toxic torts, workers' compensation, criminal law and elder law.

In the fall of 2001, LNCs in the Charleston area met to form the Southern West Virginia Chapter of AALNC. The chapter was officially chartered in February 2002 and covers the southern half of the State. A second local chapter is located in the Wheeling area.

Membership in the Southern West Virginia Chapter of AALNC is open to registered nurses working as in-house nurse consultants with defense or plaintiff law firms, independent nurse consultants, nurses functioning as expert witnesses in medical malpractice cases, or others with an interest in legal nurse consulting. Benefits of membership in the local chapter include educational offerings, the opportunity to network with other nurses working in the legal field, and mentoring opportunities for new LNCs. An educational seminar is planned for October 23, 2002 in Charleston, with lectures on topics related to medical malpractice and health care law.

Nine charter members formed the local chapter.

They are: Karen Huff, President, Steptoe & Johnson; Marilyn Thacker, President-Elect, Flaherty, Sensabaugh & Bonasso; Lynne Givens, Secretary, Jackson & Kelly; Carole Rose, Treasurer, Shuman, McCuskey & Slicer; Cheryl Payton, Director-At-Large and Educational Committee Chair, Kay Casto & Chaney, Tonja Parsons, Steptoe & Johnson, Membership Committee Chair; Deeg Mitchell, Shuman, McCuskey & Slicer; Marti Christensen, Kay Casto & Chaney, who assists with the Education and Membership Committees; and Kim Blake, Pullin, Knopf, Fowler & Flanagan. Additional members include: Carla Wilson, Goldberg Law Office; Donna Hadrych, Steptoe & Johnson; Jama Whittaker, Flaherty, Sensabaugh & Bonasso; and Trina Hudson, Shuman, McCuskey & Slicer.

For more information, please contact Karen Huff at 353-8139 or Tonja Parsons at 353-8186. Additional information about AALNC is available on the website for the national organization at www.aalnc.org.

A handwritten signature in black ink that reads "Karen".



Legal Nurse Consultants pictured at their charter meeting (l-r): Cheryl Payton, Marilyn Thacker, Lynne Givens, Karen Huff, Carole Rose, Marti Christensen and Tonya Parsons.

West Virginia attorney and her clients win public service award

The Association of Trial Lawyers of America (ATLA) honored Martinsburg attorney Laura R. Rose and her client - the village of Blairton, West Virginia - for their role in ensuring that a multi-million-dollar corporation did not shut off water service to Blairton and remove residents from their homes. Rose pursued this case and this cause for free.

She and one of Blairton's residents, Harlan "Doc" Greenfield, accepted the Steven J. Sharp Public Service Award July 23, 2002, at an award ceremony during the ATLA summer convention held July 20-24 in Atlanta, Georgia.

In 1995, the Riverton Corporation, which owned the lease to the land on which the homes of Blairton were built, informed residents of the quarry town that the corporation would no longer provide water service to their village. The village was built in the early 1900's for the workers who were employed at the Blair Limestone Quarry. Riverton's lease provided for water to be given to Blairton homeowners so long as the families were on the property. The lease also provided that the Riverton Corporation may evict any of the families on a 30-day notice.

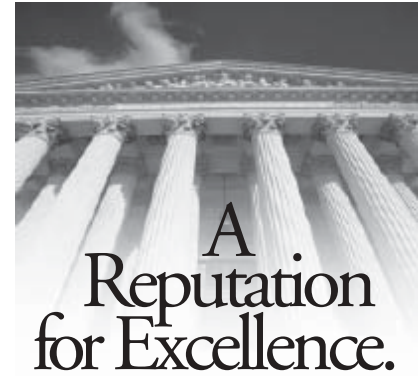
"The Riverton Corporation wanted to increase production in the area of the quarry. That meant the families and their homes were simply in the way," said Rose. "The best way to ask the residents to leave, while maintaining some sort of good community relationship, was to manufacture a reason for the residents to leave on their own. That issue became the water supply. But Blairton residents didn't want to leave their homes."

Blairton residents filed a lawsuit against Riverton, seeking to nullify Riverton's lease and preserve residents' rights to home ownership through a method of land/title acquisition known as "adverse possession." Eventually, with Rose's help, the Blairton community and Riverton mediated a settlement. Riverton paid part of the cost to create the water system that would enable Blairton to receive public water. The local public service district and the governor - out of state contingency funds - paid the rest of the cost.

In November 2000, the residents of Blairton celebrated their victory with Rose, West Virginia Governor Cecil Underwood, Attorney General Darrell McGraw, State Senator John Unger, State Delegates Vick Douglas and Larry Faircloth, and Public Service Commission Chairman, Charlotte Lane.

"Laura Rose simply wouldn't take no for an answer," said ATLA President Leo V. Boyle. "She refused a secret settlement because she wanted the public to know about the corporation's behavior. Her efforts focused lawmakers' attention on the issue of protecting the rights of people who live in quarrying towns. Had it not been for the civil justice system, the people of Blairton would have been forced from their homes. She truly served the public good by taking this case," he said.

Public water finally flowed to Blairton earlier this year.



Endorsed by
The West Virginia Bar Association.

Serving the legal profession in West Virginia for more than 30 years. Providing attorneys, their families and employees with quality insurance and investment products built on a solid foundation and reputation of delivering on our word.

Insurance

- Life
- Disability
- Health
- Long Term Care
- Employee Benefit Programs

Investments

- Profit Sharing
- Mutual Funds
- 401(k) Plans
- IRAs



1-800-944-9822

www.PHAweb.com • PHA@PHAweb.com

Remembrance

David H. Savasten

Born: 07/08/41

Died: 06/25/02

Berkeley Springs, WV

It's right around the corner!

116th Annual Meeting
of the
West Virginia Bar Association



The Homestead Resort
Hot Springs, Virginia

September 19 - 21, 2002

- ❖ Approved for CLE credit in:
 - West Virginia - 6 hours
 - Kentucky - 5 hours
 - Ohio - 5 hours
 - Pennsylvania - 5 hours
 - Virginia - 5 hours
- ❖ Outstanding room rates
- ❖ Fabulous dining
- ❖ Golf, tennis and more!

Register Today!

The West Virginia
BAR ASSOCIATION

P.O. Box 2162
Huntington, WV 25722

Pre-sort Standard
U.S. Postage Paid
Permit No. 229
Huntington, West Virginia