

President's Corner



James C. "Jay" West

The headline in the Clarksburg Exponent-Telegram on Sunday, September 7, 2003, read "A Changed World" followed by subhead which read "We're Different in Ways Both Big and Small". We all see in our everyday lives just how true the headline is.

We no longer access our Courthouse through any of its multiple access points but funnel through a security checkpoint; we must have identification cards to verify who we are to gain access to our Federal Courthouse or to buy an airline ticket and to use that ticket to board a plane; we must be willing to permit our person and our belongings to be screened when we travel commercially; and before long we may have to recognize that Big Brother may be

able to listen to our private conversations by telephone, or even in our homes and offices, without the protection of review by a Court of the need for such an invasion of our privacy.

We in West Virginia are fortunate in that the changes in our world probably pale by comparison to the changes in the lives of our fellow citizens in metropolitan areas. Most of us recognize that at least some of these changes may be necessary to protect us from those who would change our way of life. But most of us are also concerned that we may be moving far to close to a 1984 reality. Our role as lawyers is to urge by all legal means that the changes in our world which have occurred and those changes in our world which will inevitably occur, maintain a sensible balance between the need for national protection and individual rights.

I take comfort in knowing that while the world has changed our profession is fundamentally the same as it has been for at least 700 years. Late in the 16th Century, a fellow by the

(Continued on p. 2)

Real Estate Conference Huge Success

Through the efforts of Andy Miller, Chair, and Gay Elmore, Chair-elect, the Real Estate Division hosted an outstanding and well-attended Real Estate Conference at Glade Springs on October 18, 2003.

First American Title Insurance Company representatives conducted a panel discussion on title insurance claim issues. Dean John Fisher, WVU College of Law, gave an in depth talk covering the WV Law Institute's project on Residential Landlord & Tenant Bill. Jim St. Clair, of Huntington, enlightened the audience with his experiences in Bosnia through the ABA's CEELI (Central European and Eurasian Law Institute) and the importance of real estate law to the

economy of a nation. Gary Smith, a Charleston CPA, informed our group on the intricacies of 1031 Like-Kind Exchanges, and Dan Guida, from Weirton, discussed the State Bar's Unlawful Practice Committee's opinion on real estate transactions.

The seminar sessions were followed by complimentary cocktails, dinner and golf Sunday morning on the new Stonehaven course, all thanks to **First American Title Insurance Company**. The success of this conference can be attributed, in large part, to the generous support of our sponsors: **First American Title Insurance Company and Bank One**.

YLD Update

Mark Adkins

President, Young Lawyers' Division

As 2003 winds down and 2004 quickly comes upon us, the Young Lawyers' Division continues to move forward and I find myself, once again, in the role of president of the YLD. On looking back, the YLD has had a great year and the future looks even more promising as we begin to plan meetings and receptions throughout the State.

In July, the YLD's Post Bar Exam Party at Joey's was another huge success!! We signed up 54 prospective lawyers as first year members of the West Virginia Bar Association. As usual, Joey's restaurant was a great help in making the party enjoyable for everyone.

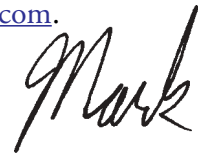
Also, the YLD held a tailgate party at the WVU/Rutgers game in Morgantown, WV which was co-sponsored by the West Virginia State Bar's Young Lawyers Section.

(West . . . continued from p. 1)

name of William Shakespeare wrote: "Adversaries . . . in law strive mightily, but eat and drink as friends." Shakespeare's observation of the work ethic and fraternal nature of lawyers are as true today as when he penned them. I am hopeful that while we as a profession must recognize that change in the way we live is inevitable, we will resist all change that threatens our role to strive mightily in the representation of our clients but to eat and drink as friends. The West Virginia Bar Association is alive and well in large measure due to the efforts of the Young Lawyers Division and the Real Estate Lawyers Division and a fellow by the name of Pryce Haynes. The Executive Counsel has needed to be fast on its feet to keep up with the work of these two divisions and the ideas and challenges presented by Pryce.

Looking forward, the YLD is gearing up for its annual Bench & Bar Reception this spring which promises to be even bigger and better than last year. Once again, the YLD is also planning to co-sponsor this event with the Kanawha County Bar Association.

We are planning more "Legal Ease" receptions throughout the State in conjunction with local bar associations in order to spread the word about the West Virginia Bar Association and promote the social atmosphere for which this Association is well known. If you are interested in hosting a "Legal Ease" reception in your county, please drop me a note via e-mail at madkins@bowlesrice.com.



Those who missed the July meeting of the West Virginia Bar Association and Virginia Bar Association missed a great meeting with ample opportunity to learn and to socialize and to eat and drink as friends.

This Bar, the 3rd oldest in the country, is now into its 2nd Century by 18 years. Under the leadership of President John McCuskey, and those who will follow him, the 3rd Century is just around the corner.

Thank you for the privilege of serving as your President.



Matherly presents seminars to WVMI

The West Virginia Bar Association would like to thank **Jeff Matherly**, a Health Care attorney with the law firm of **Bowles Rice McDavid Graff & Love**, for volunteering his time on behalf of The WVBA to present two informative seminars to the employees of the West Virginia Medical Institute. Jeff's discussions, which were held September 19, 2003, covered wills, estates, POAs, MPOAs and Living Wills. Jeff, the entire WVBA thanks you for your time and your generous contribution to the lay community.

WV Law Review Conceived in 1917 by the WVBA

Pryce Haynes

Executive Director, The West Virginia Bar Association

As is reported in Phil Hill’s article in this issue of *The Communiqué*, the Senior Lawyers Division is embarking upon the formidable task of writing the history of our venerable bar association. To whet your appetite for this forthcoming publication, I have been asked to “sprinkle” in *The Communiqué* a few “tid bits” from the “Green Books”¹ that reflect upon our past. I had intended to convey a few excerpts regarding the WVBA’s strong influence on the funding and construction of the first WVU College of Law building, known as Woodburn Hall. However, while researching history information on the WVU College of Law’s web site, it is prominently and proudly stated WVU College of Law is the “home of the fourth oldest Law Review in the country.” This caught my eye, as I had just read in the 1917 “Green Book” about the establishment of the *West Virginia Law Review*. I hope you find worthy of note the following excerpt:

REPORT OF THE SPECIAL COMMITTEE ON PUBLICATION

To the West Virginia Bar Association:

Gentlemen: At the 1916 meeting of the Association the undersigned were appointed a special committee “to investigate the subject of continuing to support The Bar as the official organ of the Association.” While the resolution under which your committee was appointed was under discussion it was evident that at least a majority of those present felt that, though for the year 1916 The Bar had cost about \$1.50 per member, yet it did not properly meet the needs of the Association or serve the profession so well as the lawyers of other states were served by their legal publications. The investigations of your committee confirm this view.

Your committee, in going over this matter, has examined numerous publications of the kind here proposed, among which were:

- The Illinois Law Review - Illinois*
- Southern Law Quarterly - Louisiana*
- Iowa Law Bulletin - Iowa*
- Massachusetts Law Quarterly - Massachusetts*
- Missouri Law Bulletin - Missouri*
- California Law Review - California*
- Cornell Law Quarterly - New York*

In order to make its report as specific as possible your committee has secured estimates as to the cost of publishing what it believes would be a creditable and representative legal periodical, which it presents in two forms as follows:

Specification I	
Total per year	\$818.80
Specification II	
Total per year	\$1,275.40

The estimates given in the above specifications were procured from the Morgantown Printing and Binding Company. No salaries would be paid to anyone for editorial work or any pay given for articles. The only expenses would be for publication, postage, stationery and clerical assistance.

(Continued on p. 4)

¹ The Bar Association always had the proceedings of its annual meetings published in hard-back form up until 1954, when, to conserve costs, it began publishing these proceedings in a green paper-back format. Thus, these annual publications began informally being referred to as the “Green Books.”

The Communique

(Haynes . . . continued from p. 3)

The State University is ready to supply a room for the use of the editorial board of the publication and to furnish the clerical assistance needed to keep the accounts and mailing list. The only additional clerical assistance which would be needed would be for proof-reading and typewriting, which would probably not amount to more than 20 to 30 days altogether during the year.

Estimated receipts to meet expenses are as follows:

<i>Membership fees at \$1.00 each from the members of the West Virginia Bar Association</i>	<i>\$500.00</i>
<i>Advertising, estimate</i>	<i>200.00</i>
<i>Subscriptions, estimated</i>	<i>100.00</i>
<i>Total</i>	<i>\$800.00</i>

The above estimates as to receipts are made on the basis of \$1.00 per member, which is slightly more than the amount allowed under the Constitution as changed by the last annual meeting.

It is believed that the Board of Control, if the plan hereinafter recommended be adopted, might be willing to cover as a College of Law expense any deficit not exceeding possibly \$200 per year. If the Board of Control would do so, it would be safe to undertake the publication of the quarterly provided for in Specification I if \$1 contribution be received from the fee of each member of the Bar Association.

Your committee is informed that the faculty of the College of Law of the University is ready to undertake the work with the cooperation of the Bar Association.

Respectfully submitted,

Joseph M. Sanders

H. C. Jones

Joseph R. Curl

Vice-President Ira E. Robinson presiding.

On motion of Mr. Anderson the report of the Committee of Publication was received and filed.

Mr. Luther C. Anderson: In line with the recommendation of the committee, I desire to offer a resolution approving and adopting the recommendation as contained in Specification I and following almost the language set out in the closing paragraph of the report. I offer the following resolution:

Resolved, That the West Virginia Bar Association adopt as its official publication a quarterly legal periodical to be published by the law faculty of West Virginia University in accordance with Specification I in the report of the Special Committee on Publication; that the Executive Council be instructed to act in an advisory capacity respecting such publication, and that one dollar (\$1.00) per year for each member be appropriated and contributed toward the support of the above publication in consideration of said publication being furnished free to each member of the Association.

The vote of the Association was taken and the resolution proposed by Mr. Anderson was adopted.²

NOTE: In 1917, Wells Goodykoontz, Williamson was president. Executive Council: H. C. Jones, Morgantown; Joseph M. Sanders, Bluefield; R. S. Spilman, Charleston; E. L. Nuckolls, Fayetteville; B. M. Ambler, Parkersburg.

So, there you have it. The West Virginia Law Review resides in its home at the WVU College of Law and it was put there and funded by the West Virginia Bar Association in 1917.



² Proceedings of the Thirty-third Annual Meeting of the West Virginia Bar Association held at White Sulphur Springs, West Virginia, July 5-6, 1917; ed. J.R.W. Morris, Jr., Secretary; reported by Louis E. Schrader, Wheeling; pages 146-153.

Steptoe receives Award of Merit



Robert Steptoe receives the Award of Merit from Bar President Jay West

The West Virginia Bar Association (WVBA) honored Martinsburg attorney, Robert M. Steptoe by naming him the recipient of The West Virginia Bar Association Award of Merit for 2003. The ceremony took

place during the VBA-WVBA 2003 Joint Meeting, held July 10-13 at The Greenbrier in White Sulphur Springs, WV. Mr. Steptoe, was honored by the Bar for his more than fifty years of legal practice in West Virginia, service to community and to his peers.

Bob is a native West Virginian born in Clarksburg and presently residing in Martinsburg. He graduated *University of Virginia Law School*, is a member of the WV State Bar, The West Virginia Bar Association, former Assistant Prosecuting Attorney in Martinsburg, former Chief Judge on the WV Court of Claims, former member of House of Delegates where he was Chairman of the Judiciary Committee, WV State Senator '74-'82, former Chairman of the Board of the Peoples Trust Company, member of Trinity Episcopal Church and active in the Rotary Club. He served as Lt. Commander in the US Navy during World War II.

Bob is married to Sarah and is a devoted husband, father and grandfather.

The Award of Merit is given annually by the WVBA to a WV lawyer who has distinguished themselves by singular excellence in the practice of law and their service to community and peers. Past recipients were Edward Eiland, John Kizer, Charles McElwee, Charles Bagley, Jr., Honorable Thomas Miller, and John McClaugherty.

Senior Lawyers Unite and Travel!

James St. Clair

Volunteer Travel Coordinator, Senior Lawyers Division

The Senior Lawyers Division has been discussing ways to enjoy more fellowship. The Annual Meeting of the Association provides a yearly opportunity to spend time together, but is that enough? For the seniors, our times together are limited. Perhaps once a year is insufficient. There is also the issue of "Rose Smelling". Do we do enough and how much time do we have left to enjoy it?

A possible solution to these issues for not only the Senior Lawyers, but for those of the younger generation who wish to become better acquainted with others, is to travel together.

At the recent meeting of the Senior Lawyers Division Executive Council meeting, it was decided the SLD should sponsor a trip to southern Spain in late April 2004. Pre-planning for this trip is being developed with details of dates, itinerary and costs to be released in the next few weeks. In addition to the travel and touring aspects of this trip, we plan to offer CLE seminars "along the way" to mix a little business with our pleasure.

Keep an eye out for the upcoming publicity about this exciting adventure and let me know of any thoughts you may have concerning or sponsorship of travel opportunities in general, as well as this specific trip to southern Spain.

Congratulations to

PHIL HILL

winner of the YLD Raffle!

Phil's lucky ticket won him a free one-night stay at The Greenbrier and FREE 2003 Annual Meeting registration!

Snapshots from the 2003 VBA-WVBA Annual Meeting



Pryce Haynes, Jay West, ABA President A.P. Carlton,
VBA President Frank Thomas,
VBA Executive Director Breck Arrington



Jay and Nina West, Sally and Charlie Love



Robert and Mary Pat Steptoe



Arch Riley, Jr. and Sally Riley



Steve Hopta and James St. Clair

The Greenbrier



WVBA Staff members Joyce Jackson and Frema Wilson,
VBA Staff members Brenda Dillard and Regina Potis



A.P. and Clair Carlton, Nina and Jay West



Past WVBA President Richard Ford, Mimi Dinsmore,
Past WVBA President Tyler Dinsmore



Susie Fisher, Fred Adkins, John Fisher and Forest Bowman



Sherry and Andy Miller

Senior Lawyers Division embarks on WVBA History Project

Phil Hill

Senior Lawyer Division

The Executive Council of the Senior Lawyers Division of The West Virginia Bar Association met at the Stonewall Jackson Resort on Friday, September 26. The group discussed the travel program which Jim St. Clair describes elsewhere in this issue.

After the discussion of the exciting travel program, the Executive Council focused on how the Association should best proceed to compile, write and publish a history of this Association from its founding in 1886 to the present.

Earlier this year, the Senior Lawyers Division Executive Council and the Association's Executive Council recognized that, in order to complete the History, it was necessary to raise money to cover the estimated cost of \$25,000 (includes payments to an author, printing and publication costs). Various funding proposals have been discussed, and the Senior Lawyers Division Executive Council decided, at the September 26 meeting, first to solicit contributions from the larger firms in West Virginia and from individuals who may no longer be active in practice, but who have played important roles in the life of the Association.

The Senior Lawyers Division Executive Council will, during the next several weeks, contact many West Virginia firms and individuals and seek contributions for this important

project. The West Virginia Bar Association has for more than 117 years played a significant role in the history of the State. Past Presidents include John W. Davis, the only West Virginian to run for President of the United States, Governors, Judges, Legislators, many other public officials, and lawyers from large and small firms. The West Virginia State Bar came into existence through the efforts of leaders of this Association. Annual meeting speakers have included Justices of the United States Supreme Court, U. S. Senators, U. S. Attorneys General, Cabinet Secretaries, military leaders, and other people who have had major impacts on West Virginia. The Executive Council of the Association and the Executive Council of the Senior Lawyers Division believe that the history of this Association is worth preserving and believe also that our fellow members will support this undertaking.

Even if you are not one of the people who will be part of the initial solicitation, you and all other members are invited to contribute to the History Project. All contributors will be recognized in the book, and an initial, pre-solicitation contribution has been received. Other bar associations have published histories, but few such associations are older and even fewer have a more distinguished history.

Remembrance

Owen Griffith, Jr.
D.O.B.:
D.O.D.: 01-23-03
Princeton

Charles Clark
D.O.B.:
D.O.D.: 05-10-03
Huntington

Frank Hilken
D.O.B.:
D.O.D.: 07-12-03
Charleston

Patricia Simpson
D.O.B.:
D.O.D.: 08-05-03
Charleston

Harry Cronin, Jr.
D.O.B.: 02-13-21
D.O.D.: 09-09-03
Morgantown

David T. Kennedy
D.O.B.: 03-16-19
D.O.D.: 03-21-03
Beckley

Andrew Raptis, Jr.
D.O.B.: 09-19-34
D.O.D.: 06-13-03
Charleston

Robert M. Worrell
D.O.B.:
D.O.D.: 07-22-03
Harrisburg

Homer Bowers, Jr.
D.O.B.: 1916
D.O.D.: 08-12-03
South Charleston

William R. Rice
D.O.B.:
D.O.D.: 11-04-03
Brookville, PA

Charles Heilmann
D.O.B.: 05-29-40
D.O.D.: 04-09-03
Huntington

Bliss L. Charles
D.O.B.: 10-07-10
D.O.D.: 06-21-03
Huntington

Lafe C. Chafin
D.O.B.: 08-10-28
D.O.D.: 08-01-03
Huntington

Ralph Keightley, Jr.
D.O.B.: 1924
D.O.D.: 09-08-03
Naples, Florida

LNC Section News

Karen J. Huff BSN RN LNCC
Chair, Legal Nurse Consultant Division

The LNC Section has had a busy and very exciting first year! Through the hard work of our founding members, we held our organizational meeting, drafted and approved our bylaws, and installed our first Board of Directors. We are proud to belong to the WVBA, the first state-wide bar association in the nation to have an LNC Section, and look forward to a bright future together.

By far the most memorable event this year was the VBA-WVBA Joint Meeting in July at The Greenbrier. The occasion marked the first time LNCs were invited to the Annual Meeting. Additionally, our Section contributed to the meeting's success by recruiting speakers for special medical-legal lectures attended by attorneys and LNCs. The following topics were presented:

- **“High Risk Diagnoses in Emergency Medicine,”** presented by C. David Burkland, Jr., M.D., an emergency medicine physician from Wheeling, WV.
- **“Maintaining the Peer Review Protection in Civil Litigation,”** presented by Thomas J. Hurney, Jr., Esq., of Jackson Kelly PLLC in Charleston, WV.
- **“Evaluating Damages in Catastrophic Infant Cases,”** presented by Paul K. Reese, Esq., of Steptoe & Johnson, PLLC in Charleston, WV.
- **“Disease Clusters and Causation,”** presented by Alan Ducatman, M.D., an environmental medicine physician from West Virginia University in Morgantown, WV.

The next step is to draft our strategic plan, and one of our primary goals will be new member recruitment. If you are an LNC who has not yet joined our group, or an attorney who employs an LNC, please contact Linda Wiater or Cathy Latos from our Membership Committee. You may also contact any of the Board members listed below for additional information about our group.

The LCN Section Board of Directors and committee chairpersons for 2003 - 2005 are:

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Sniper Shootings: Too close to home

Sandy Clay, a Registered Nurse and member of the Legal Nurse Consultant Section of the West Virginia Bar Association, experienced first-hand the tragedy left by sniper-like killings in Kanawha County, West Virginia.

Sandy lived next door to the Campbell's Creek Speedway where the life was taken from one of the victims of the sniper on the night of August 14th, 2003. After hearing the gunshot, Sandy Clay, and her sixteen-year old grandson, went to the aid of the victim and performed cardiopulmonary resuscitation (CPR). However, unfortunately, the victim's injuries were fatal.

Since then, various news stations including Inside Edition, Fox, and America's Most Wanted have interviewed Sandy. Sandy and her family have received numerous phone calls from people thanking her for her heroism. However, she states, "It was the only thing I could do and the right thing to do."

Sandy is a legal nurse consultant with Jackson Kelly in Charleston, West Virginia.

(Submitted by Jennifer Hall, BSN RN CLNC, Director-at-Large, LNC Section)

The West Virginia Bar Association Executive Council 2003-2004

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Retrospective: Insights from my first year as a lawyer

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After serving as a law clerk for two summers then graduating from law school, I was eager to get my feet wet practicing law. A few months into my practice, I gained my first big insight:

1] **Law school does not give you the inside scoop on judges, justices or members of the local bar.** This is extremely valuable information. I recall being asked by a colleague, ever so sweetly, to cover a hearing for her. As she walked out of my office, she mentioned casually, in passing, that the judge presiding over the hearing fines attorneys if they arrive *even one minute* late to his courtroom. As luck would have it, I got stuck behind every coal truck on the road between my office and the court that day! I was late and prepared to be humiliated. The judge made note of my tardiness. But, I must have looked as if I would cry on the spot because he did not fine me, and instead instructed me never to let it happen again. Guess what? I am sure that, despite my best efforts, it will. However, now I have the comfort of knowing that the same thing has happened to others, because when I returned to the office and recanted the story to my co-workers, several others chimed in to retell their own horror stories. Since that time, I have encountered other disasters that have made me late for a hearing. Once I was stuck behind a wreck on Interstate 64 for an hour. Just when I was about to freak out and drive all the way to Huntington on the berm (I saw a news van do it - why couldn't I?), I remembered I had this wonderful invention called a cell phone. I used it to call my secretary (did you really think I knew the number to the Cabell County courthouse???) and asked her call the judge. That brings me to my second revelation:

2] **In situations like this, you must actually use common sense.** No law exists that tells you what to do when it snows, rains, floods or coal trucks conspire against you unexpectedly. But, experience, and the benefit of others' experiences, can help prepare you to think fast and solve the problems you encounter.

3] **During my first year in practice, I learned quickly that each judge is different. I began to devise some type of system to keep track of the preferences and practices of each judge in my circuit.** I am still trying to remember which judges require hearings on motions to compel and which judges review the motions filed then make a ruling. Additionally, some judges prefer to have bench copies of all documents filed while other judges will read just the court file. You will be able to manage your schedule better if you know that Judge X schedules all morning hearings for 9:00 a.m. This could mean you will show up at 8:45 a.m. and not leave the courthouse until 2:00 p.m. In order to ascertain these customs,

4] **Every new lawyer, whether you are a prosecutor, public defender, plaintiff or defense attorney, should find a mentor, then pick his/her brain about these preferences and practices.** Ask them about their growing pains and the customs and conventions of your particular office.

(over)

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Jeannette Racquel Reeves joined Steptoe & Johnson, PLLC in September of 2002 and focuses her practice in the area of general litigation.

Ms. Reeves graduated from West Virginia University College of Law and participated in the school's Clinical Law Program, which provided legal assistance to indigent clients. In 1999, Ms. Reeves received her Bachelor of Arts and Sciences degree in Social Work, with a minor in Sociology, from West Virginia University where she graduated summa cum laude. In addition, she was bestowed the honor of becoming a member of Order of Augusta.

Retrospective: Insights from my first year as a lawyer, cont.'d

5] **Be cautious, however, to keep your distance from office politics - getting involved in that is never a good idea.**

6] **Your support staff is really important to your success.** They know EVERYTHING, including many of the things I mentioned above. Treat your staff with respect and get to know them. Whether you know it or not, they will become your allies in many wars yet to be waged. It really is important to know that your secretary's dog, needs knee replacement surgery and that your legal assistant's daughter thinks she is Dorothy from the Wizard of Oz. These things are important to them, just like your desire to get that Answer filed by 5:00 p.m.

7] **I also learned you should always be yourself.** This will be harder than you can imagine during your first year. One attorney may instruct you to draft a Motion to Dismiss, including only the highlights, and request you handle another attorney's blatant refusal to participate in discovery with extreme tactfulness. When the same situation presents itself three months later, a different attorney will want the motion to include every detail of the case and expect you to attempt a several times to convince a fellow attorney to engage in discovery. You will have to decide how *you* want to handle each situation. Learn to support your position and to request permission to handle things "your way." I have found that my superiors respect my desire to develop my practice in my way, which of course is the *right* way. (By the way - that was a joke! It's important to keep a sense of humor, which leads me to my last tidbit of advice.)

8] **Realize that with time, you will feel more confident practicing law.** However, you need to display an air of confidence from the onset. A colleague of mine did this in a memorable way. She went to a mediation in which she represented the under insured motorist carrier. When she walked into the room, she did not recognize a soul, which she thought was strange as she had been involved in a few other actions in the case. When she introduced herself and stated whom she represented, the opposing lawyers mentioned that they were unaware of the existence of UIM coverage. Again, she thought this was strange, as her appearance had been noticed months before, but each law firm had numerous lawyers involved. She reasoned that these lawyers were just covering the mediation for someone, that's why they were unfamiliar. They told her she could leave because there was no way UIM coverage would be implicated in this minor car wreck case. She proceeded to inform them that because a death was involved she planned to monitor the mediation. It was then the opposing lawyers informed her that no one had died in the case being mediated. She had arrived for the mediation on the wrong day! However, she laughed off her mistake and went back to work. During the entire exchange, she had exhibited such confidence that she nearly had everyone convinced *she* was in the right place. In fact, she was there for at least twenty minutes before the mistake was discovered. That is the type of lawyer you want to be. (Although, please do not make a habit of showing up at the wrong place...) You want to make people believe the positions and arguments you put forth; therefore, you must look and act like you believe in yourself.

I hope you'll find these ideas helpful. Good luck and enjoy the practice! ■

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Mr. Downey, an attorney with Robins, Kaplan, Miller & Ciresi L.L.P., is experienced in handling complex nursing home malpractice cases involving patient abuse, bed/pressure sores, serious fractures/falls, unexplained injuries, malnutrition, billing fraud, over medication and other mis-treatment. Mr. Downey is a plaintiff's trial attorney with experience in both defending and prosecuting malpractice cases and welcomes both referrals and associations. He is admitted in the bars of West Virginia, Virginia and D.C.

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