

Speaker Bios

Mike Farrell

Farrell, White & Legg PLLC
Huntington, WV

Mike is the founding and managing member of Farrell, White & Legg. He is a distinguished trial lawyer, author, lecturer, bar and educational leader. He is a Fellow of the American College of Trial Lawyers and has been recognized by Chambers USA as an outstanding litigator. For more than fifteen years, the Best Lawyers in America recognized Mike as a West Virginia Best Lawyer in both the Business Litigation and Defense of Personal Injury Litigation categories.

He enjoyed his six month sabbatical in 2005 serving as the Interim President of Marshall University. His current practice concentrates on complex litigation involving products liability, mass torts, commercial and employment litigation.

His significant body of trial and appellate work includes the recognition of the sophisticated user and bulk supplier defenses in 2009, Liaison Counsel for the West Virginia Perchloroethylene Litigation, the Rezulin Class Action, St. Paul Class Action trial and defense verdict, the 1979 judicial adoption of modified comparative negligence and many other significant cases regarding products liability, commercial litigation, class actions, mass torts, employment, medical malpractice and insurance bad faith.

He is admitted to the United States Supreme Court, the Courts of Appeal for the Fourth, Sixth and District of Columbia Circuits, plus the federal and state courts in West Virginia and Kentucky. Twice in his career, the West Virginia Attorney General appointed him Special Assistant Attorney General. The Chief Justice appointed him to the Judicial Ethics Hearing Board and Co-Chairman of the Products Liability Jury Instruction Task Force.

His scholarly national and international publications include a chapter regarding the Joint Defense Doctrine published by the International Association of Defense Counsel in its 2001 best-selling book *Advocacy in the 21st Century*, a featured article in the Defense Research Institute's *Medical Malpractice Monograph* in 1997, and law review articles published in *The Defense Law Journal*, *American Journal of Trial Advocacy* and *West Virginia Law Review*. He is a frequent lecturer for educational programs including a products liability presentation in 2010 for the West Virginia State Bar and an earlier products liability presentation at the National Safety Council's Annual meeting in San Diego.

He has been and continues to serve as an Adjunct Assistant Professor for the Departments of Surgery and Family Practice at the Marshall University Joan C. Edwards School of Medicine. His mock trial medico-legal programs for the medical schools at Marshall University and West Virginia University as well as trial advocacy programs for the West Virginia State Bar, Mountain State Bar, Defense Trial Counsel and West Virginia University College of Law are in high demand. He is a member of the Adjunct Faculty for the Marshall University School of Pharmacy.

His bar career includes the Presidency of the Defense Trial Counsel of West Virginia and the West Virginia Chapter of ABOTA. He has served as a member of the Board of Governors for the West Virginia State Bar and Defense Trial Counsel of West Virginia.

The last four West Virginia Governors have appointed him to multiple higher education governing boards including University System Board of Trustees, West Virginia Higher Education Interim Governing Board (Vice-Chairman), Marshall University Board of Advisors (Vice-Chairman) and Marshall University Board of Governors (Vice-Chairman). He served two terms on the West Virginia University College of Law Visiting Committee including the Chairmanship. Mike has served two terms as President of Guyan Golf & Country Club and multiple terms as President of the Huntington YMCA Soccer and Little League Baseball.

Dr. Terry W. Fenger

Marshall University Forensic Science Center ("MUFSC")
Huntington, WV

Dr. Terry W. Fenger has served as the Director of the Forensic Science Center since 1994 and oversees the FEPAC accredited Forensic Science Graduate Program, the Forensic DNA Analysis laboratory, and the Digital Forensics section. Dr. Fenger received his PhD in Microbiology from Southern Illinois University and then conducted post doctoral research at LSU Medical Center in New Orleans.

In addition to administrative responsibilities Dr. Fenger serves as an instructor in the following courses within the Forensic Science Curriculum: Crime and Death Investigation, Bioterrorism, Foundations and Fundamentals In Digital Evidence, Digital Evidence Search and Seizure and Laboratory Management.

His research interests include various projects that focus on human identification through DNA technologies and aspects of digital evidence examination. He is also an investigator on the bacterial source tracking project.

Dr. Fenger has served on numerous national, state and university committees and presents project updates and reports at national meetings.

CURRICULUM VITAE

MICHAEL J. FARRELL

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PROFESSIONAL

FARRELL, WHITE & LEGG PLLC

Managing Member
Huntington, West Virginia
(February, 2011 to Present)

FARRELL, FARRELL & FARRELL, PLLC

Managing Member
Huntington, West Virginia
(July, 1997 to February, 2011)

FARRELL & FARRELL, LC

Managing Partner
Huntington, West Virginia
(July, 1995 to June, 1997)

JENKINS, FENSTERMAKER, KRIEGER, KAYES, FARRELL & AGEE

Partner, Chief of Litigation Section
Huntington, West Virginia
(1994 - 95)

JENKINS, FENSTERMAKER, KRIEGER, KAYES & FARRELL

Partner, Chief of Litigation Section
Huntington, West Virginia
(1979 - 94)

JENKINS & FENSTERMAKER

Associate
Huntington, West Virginia
(1977 - 79)

PREISER & WILSON

Associate
Charleston, West Virginia
(1974 - 77)

EDUCATION

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW

Morgantown, West Virginia
Doctor of Jurisprudence, 1974

MARSHALL UNIVERSITY

Huntington, West Virginia
Bachelor of Science, 1969

HALL OF FAME INDUCTIONS

Marshall University College of Business Hall of Fame (Inducted, 2012)

The Harless Center for Rural Education Hall of Fame (Inducted, 2014)

PROFESSIONAL ORGANIZATIONS AND SOCIETIES

American Academy of Health Care Attorneys

American Bar Association

American Board of Trial Lawyers

< President, West Virginia Chapter, 1995 - 99

< President Elect, West Virginia Chapter, 1994-95

< Vice President, West Virginia Chapter, 1993-94

American College of Trial Lawyers, Fellow

<West Virginia State Committee, 2014-2016

<Teaching/Trial & Appellate Advocacy Committee, 2009-14

American Hospital Association

American Judicature Society

American Society of Law & Medicine

Association of Defense Trial Attorneys

Cabell County Bar Association

Defense Research Institute (1979 to present)

Defense Trial Counsel of West Virginia:

- < President, 1988-89
- < Vice President, 1987-88
- < Treasurer, 1986-87
- < Secretary, 1985-86
- < Board of Governors, 1983-90
- < Executive Committee, 1983-89
- < Editor-In-Chief and Founder, Defense Trial Counsel Handbook, 1984-1987
- < Continuing Legal Education Program Director, 1983-86
- < Member, 1983 to present

International Association of Defense Counsel

- < Member, 1987 to Present
- < Advocacy, Practice and Procedure Committee, 1987 - Present
- < Business Litigation Committee 1994 - Present
- < Drug Device and Biotech Committee, 1995 - Present
- < Editorial Board, *Defense Counsel Journal*, 1998 - Present
- < Employment Law Committee, 1990 - Present
- < Medical Defense Committee and Health Law, 1987 - Present
- < Product Liability Committee, 1987 - Present
- < Toxic and Hazardous Substances Committee, 1995 - Present
- < State Membership Committee, Membership Chair, 2000 – 2012

Litigation Counsel of America, Fellow

- < Trial Lawyer Honorary Society, 2013

West Virginia State Bar:

- < Member, 1974 to Present
- < West Virginia Law Institute, 1988 to Present
- < Board of Governors, 1980 to 1981
- < Founding Chairman, Committee on Law & Medicine, 1982 to 1985
- < Co-Chairman, Committee on Pattern Jury Instructions, 1985 to 1988
- < Committee on Specialization, 1980 to 1981
- < Committee on Civil Rules, 1976 to 1981
- < Committee on Public Understanding of the Law, 1976 to 1980
- < West Virginia State Bar, Young Lawyers Section:
 - < Chairman, 1980 to 1981

- < Vice Chairman, 1979 to 1980
- < Secretary-Treasurer, 1978 to 1979

West Virginia Bar Association:

- < Committee on Judicial Administration and Legal Reform
- < Joint Committee on Screening Medical Malpractice Cases,
1982 to 1985

FEDERAL COURT PRACTICE

United States Supreme Court (May 1, 1978)

United States Court of Appeals for the District of Columbia
(May 13, 1991)

United States Court of Appeals for the Fourth Circuit
(November 22, 1974)

United States Court of Appeals for the Sixth Circuit
(November 16, 2000)

United States District Court for the Northern District of West Virginia
(November 19, 1974)

United States District Court for the Southern District of West Virginia
(May 28, 1974)

United States District Court for the Eastern District of Kentucky
(February 21, 1991)

United States District Court for the Western District of Kentucky
(May 30, 1995)

United States District Court for the Southern District of Illinois (1991)

STATE COURT PRACTICE

Licensed in West Virginia (May 28, 1974)

Licensed in Kentucky (February 8, 1989)

Admitted to practice in the West Virginia Supreme Court of Appeals
(May 28, 1974)

Admitted to practice in all courts in the Commonwealth of Kentucky
(February 8, 1989)

Admitted *pro hac vice* in Madison County, Illinois (1983)

Admitted *pro hac vice* in Alabama (Approximately 1997; 2000, 2005)

Admitted *pro hac vice* in the Fourth Judicial District Court of Hennepin
County, Minnesota (2013)

Admitted *pro hac vice* in Wise County, Virginia (2014-15)

STATE OF WEST VIRGINIA HIGHER EDUCATION APPOINTMENTS

Statewide Governance

- < West Virginia Higher Education Policy Commission
-Commissioner, (2013-Present) Appointed by Governor Tomblin.
- < University System Board of Trustees of West Virginia
-Member (1997-2000) Appointed by Governor Underwood.
- < West Virginia Higher Education Interim Governing Board
-Chairman Pro-Tem (2001)
-Vice Chairman (2000-2001)
- Appointed by Governor Wise.

Marshall University

- < Interim President (2005)
 - Successful cooperation with West Virginia University and interaction with the West Virginia Legislature and Governor Manchin that resulted in the enactment Senate Bill 603 that modified the West Virginia Code and authorized public-private financing of capital projects; restoration of curriculum authority to both Universities and authorized private investment of University funds previously held by the State of West Virginia; operational and academic flexibility for the University.
 - Appointed new deans in the Lewis College of Business, the College of Education, the School of Journalism and Mass Communications and the College of Health Sciences.

- Successfully engaged in fund raising on behalf of the Marshall University Foundation.
- Actively interacted with West Virginia's Congressional Delegation to secure funding for University projects and maintenance of Pell Grant funding for eligible students.
- Expansion of the Pt. Pleasant Campus that facilitated a substantial increase in the enrollment.
- Convened multiple forums to receive input from the faculty in Huntington, South Charleston and Pt. Pleasant.
- Convened multiple forums with the students in Huntington, South Charleston and Pt. Pleasant to receive their input..
- Initiated the first electronic communications with the student body to report on campus issues.
- Negotiated a contract for a seven game football series with West Virginia University.
- Secured funding for a new television studio for use by WPBY and the School of Journalism and Mass Communications.
- Modified the Buck Harless Student Athlete Academic Advising Program to establish greater accountability.
- Established a relationship with the Huntington Black Ministerial Association to expand awareness of the value of higher education within the African-American community.
- Hired a football coach following Coach Pruett's retirement.
- Initiated discussions with a private entity to evaluate feasibility of constructing the Recreation Center and new dormitories through private financing.
- Initiated contact with Hollywood regarding the filming of a feature film regarding the Marshall University football team.
- Met with the Charleston Gazette Publisher, Managing Editor and Editorial Board to address inequitable coverage and charges to Marshall University.
- Authorized financing to the Marshall University Forensic Science Center to build out its empty space.
- Established the Presidential Art Gallery.
- Authorized the initiative that resulted in the Marshall University Joan C. Edwards School of Medicine Orthopedic Residency.
- Donated \$25,000 to the Marshall University Foundation to establish the Leadership Program.

< Board of Advisors (2000-2001)

< Board of Governors (2001-2004, 2005 – 2013)

-Vice Chairman (2001-2002)

-Chairman, Academic Committee (2001-2004)

-Chairman, Athletic Committee (2005-2009)

- Finance, Audit & Facilities Committee (2009-13)
- Appointed by Governors Wise, Manchin and Tomblin.

- < Honors Program
 - Guest Lecturer re: *Nature v. Nurture* (2011-13)
- < Financial Support for the Benefit of Higher Education
 - Secured \$3,200,000 from Class Action Settlement for the benefit of the Marshall University Joan C. Edwards School of Medicine.

West Virginia University

- < College of Law Visiting Committee
 - Chairman (1993-94)
 - Member (1990-94, 2005-2009)
 - Guest Lecturer at College of Law
 - Guest Lecturer at College of Law Continuing Legal Education Seminars

Beijing University School of Medicine

- < Guest Lecturer, under the auspices of the Eisenhower Citizen Ambassador Program, Seminar presented to the Faculty regarding Resolution of Medical-legal Disputes in the United States (1991)

University of Kentucky

- < Guest Lecturer, Graduate School, Department of Kinesiology and Health Promotion. (2011)

University of Maryland College of Law

- < Guest Lecturer at Baltimore regarding Appellate Advocacy (2012)

Temple University School of Medicine

- < Guest Lecturer, Timberline Series regarding Medical Malpractice and Health Care Risk Management (1988-89)

WEST VIRGINIA ATTORNEY GENERAL APPOINTMENTS

Special Assistant Attorney General, State of West Virginia
 Represented the West Virginia State Board of Education in *Pauley v. Bailey (renamed Tomblin v. Gainer)*, a 23+ year case regarding the Constitutionality of West Virginia Public Education Financing Litigation [*aka The Recht Decision*]. (1998 to 2002)

Special Assistant Attorney General, State of West Virginia
 Represented the West Virginia Board of Regents regarding Marshall University Stadium Litigation. (1992 to 1995).

STATE OF WEST VIRGINIA HEALTH CARE APPOINTMENTS

West Virginia Health Care Planning Commission Task Force on Quality of Care and Practice Liability (1992)

WEST VIRGINIA SUPREME COURT OF APPEALS APPOINTMENTS

Faculty, West Virginia Spring Judicial Conference (2004)

Faculty, West Virginia Spring Judicial Conference (2003)

Faculty, West Virginia Spring Judicial Conference (1991)

West Virginia Judicial Ethics Hearing Board [Lawyer Member]
(1981-85)

Co-Chairman, Product Liability Pattern Jury Instruction Committee
(2000-01)

MARSHALL UNIVERSITY SCHOOL OF PHARMACY ACADEMIC APPOINTMENTS

Adjunct Faculty, School of Pharmacy (2012 to Present)

MARSHALL UNIVERSITY JOAN C. EDWARDS SCHOOL OF MEDICINE ACADEMIC APPOINTMENTS

Clinical Associate Professor, Department of Surgery, (2004 to Present)

Clinical Associate Professor, Department of Family & Community
Health, (1997 to Present)

ARBITRATION APPOINTMENTS

Arbitrator, National Association of Securities Dealers (1991-95)

FEDERAL JUDICIARY APPOINTMENT

Civil Justice Expense and Delay Reduction Advisory Group for the
United States District Court, Southern District of West Virginia
(1991)

CRIMINAL LAW PRACTICE

Successful Defense of USA v. Arch A. Moore, Governor of the State of West Virginia, United States District Court for the Southern District of West Virginia. (1975)

Multiple State Court cases in Kanawha and Cabell Counties, West Virginia. (1974 to 1992)

Multiple Grand Jury Representations relating to commercial and environmental investigations. (1974 to 1985)

Consultant to the Cabell County Prosecuting Attorney. (2014 to 2015)

AWARDS & RECOGNITIONS

Honorary Member of the Marshall University Joan C. Edwards School of Medicine Alumni Association (2009)

Benchmark Litigation Star (2013 to 2015)

International Who's Who for Product Liability Defense in 2012 (one of only four lawyers selected in the State of West Virginia)

Chambers U.S.A. [Band 1, General Commercial Litigator], (2009 to 2015)

Fellow, American College of Trial Lawyers (Inducted, 2009)

The Best Lawyers in America (1997-2015):

- < "Bet The Company" Litigation
- < Personal Injury Litigation - Defense
- < Commercial Litigation
- < Products Liability Litigation – Defense
- < Labor & Employment Litigation
- < 2014 Charleston, WV "Lawyer of the Year" Litigation – Labor & Employment

West Virginia Super Lawyers (2006-2015)

- < West Virginia's Top Ten, Ranked 3rd in the State (2012-2015)
- < Product Liability Super Lawyer

Martindale-Hubbell Rating: AV

Fellow, West Virginia Bar Foundation (Inducted, 2005)

Teaching Award, American Academy of Family Physicians (1996)

Teaching Award, Marshall University School of Medicine Department of Family and Community Health (1993)

Distinguished Service Award, Mountain State Bar Association (1987)

Distinguished Faculty Award, Defense Trial Counsel of West Virginia (1986)

Outstanding Member Award, Defense Trial Counsel of West Virginia (1985)

Distinguished Service Award, YMCA of Huntington (1985)

Mountaineer Teaching Award, West Virginia University College of Law (1983)

Distinguished Young Men of America (1979, 1980 & 1981)

Outstanding West Virginian Award (1976)

REPORTED OPINIONS—HIGHEST WEST VIRGINIA and KENTUCKY APPELLATE COURTS

State ex rel J.C. v. Mazzone, ___ W. Va. ___, 772 S.E.2d 336 (2015) .

In re Irvbogbe, 2014 W. Va. LEXIS 589.

State ex rel J.C. v. Mazzone, 233 W. Va. 457, 759 S.E.2d 200 (2014)

In W. Va. ex rel. N. River Ins. Co. v. Chafin, 233 W. Va. 289, 758 S.E.2d 109 (2014)

Burnworth v. George, 231 W. Va. 711, 749 S.E.2d 604 (2013)

State ex rel Discover Financial Services v. Nibert, 231 W. Va. 227, 744 S.E.2d 625 (2013)

Coleman v. Hackney, 2013 W. Va. Lexis 736 (2013)

McDonald v. City Hospital, Inc., 227 W. Va. 707, 715 S.E.2d 405 (2011) (*Amicus Curiae*)

White v. Wyeth, 227 W. Va. 131, 705 S.E.2d 828 (2010)

Peters v. Rivers Edge Mining, Inc., 224 W. Va. 160, 680 S.E.2d 791 (2009) (*Amicus Curiae*)

Heartland, L.L.C. v. McIntosh Racing Stable, L.L.C., 219 W. Va. 140, 632 S.E. 2d 296 (2006)

Davis v. Eagle Coal and Dock Co., 220 W. Va. 18, 640 S.E. 2d 81 (2006) 168 L. Ed.2d 262, 2007 U.S. LEXIS 7531 (U.S. June 11, 2007)

Morris v. Crown Equipment Corp., 219 W. Va. 347, 633 S.E.2d 292, Prod. Liab. Rep. (CCH) P 17, 632 W. Va. (2006)

Gibson v. Northfield Ins. Co., 219 W. Va. 40, 631 S.E. 2d 598 (2005)

In re: Tobacco Litigation, 218 W. Va. 301, 624 S.E. 2d 738 (2005)

Calhoun v. Traylor, 218 W. Va. 154, 624 S.E. 2d (2005)

Gibson v. Northfield Ins. Co., 219 W. Va. 40, 631 S.E.2d 598 (2005)

Calvert v. Scharf, 217 W. Va. 684, 619 S.E.2d 197 (2005)

State ex rel. Mantz v. Zakaib, 216 W. Va. 609, 609 S.E.2d 870 (2004)

Rose v. St. Paul Fire and Marine Insurance Co., 215 W. Va. 250, 599 S.E.2d 673 (2004)

In re: Tobacco Litigation, 215 W. Va. 476, 600 S.E.2d 188 (2004)

In re: West Virginia Rezulin Litigation v. Hutchison, 214 W. Va. 52, 585 S.E.2d 52 (2003)

Estate of Verba v. Graphery, 210 W. Va. 30, 552 S.E.2d 406 (2001) (*Amicus Curiae*)

In Re West Virginia Rezulin Litigation, S.E. 2d, 2001, WL 1818442, (W. Va. Cir. Crt. 2001)

Glover v. St. Mary's Hospital of Huntington, Inc., 209 W. Va. 695, 551 S.E.2d 31 (2001)

Sheetz v. Bowles Rice McDavid & Love, 209 W. Va. 318, 547 S.E.2d 256 (2001)

Moore v. St. Joseph's Hospital of Buckhannon, Inc., 208 W. Va. 123, 538 S.E.2d 714 (2000)

DeVane v. Kennedy, 205 W. Va. 519, 519 S.E.2d 622 (1999) (*Amicus Curiae*)

Dolen v. St. Mary's Hospital of Huntington, Inc., 203 W. Va. 181, 506 S.E.2d 624 (1998)

Walters v. Fruth Pharmacy, Inc., 196 W. Va. 364, 472 S.E.2d 810 (1996)

Harrison v. Davis, 197 W. Va. 651, 478 S.E.2d 104 (1996)

Staten v. Dean, 195 W. Va. 57, 464 S.E.2d 576 (1995)

County Commission of Boone County v. Hill, 194 W. Va. 481, 460 S.E.2d 727 (1995)

Boyle v. Boyle, 194 W. Va. 124, 459 S.E.2d 401 (1995)

Johnson v. Nedeff, 192 W. Va. 260, 452 S.E.2d 63 (1994)

Birthisel v. Tri-Cities Health Services Corp., 188 W. Va. 371, 424 S.E.2d 606 (1992)

Rogers v. Rogers, 185 W. Va. 102, 405 S.E.2d 235 (1991)

Pasquale v. Ohio Power Co., 186 W. Va. 501, 413 S.E.2d 156 (1991)

Mullett v. City of Huntington Police Pension Board, 186 W. Va. 488, 413 S.E.2d 143 (1991)

Committee on Legal Ethics of West Virginia State Bar v. Morton, 186 W. Va. 43, 410 S.E.2d 279 (1991)

State v. Merritt, 183 W. Va. 601, 396 S.E.2d 871 (1990)

Hicks v. Wilson, 182 W. Va. 660, 391 S.E.2d 350 (1990)

Gilman v. Choi, 185 W. Va. 177, 406 S.E.2d 200 (1990)

Morris v. Boppa, 182 W. Va. 248, 387 S.E.2d 302 (1989)

Hatcher v. Narcise, 180 W. Va. 20, 375 S.E.2d 198 (1988)

Craig v. City of Huntington, 179 W. Va. 668, 371 S.E.2d 596 (1988)

Cline v. Jumacris Mining Co., 177 W. Va. 589, 355 S.E.2d 378 (1987)

Wayne County Bank v. Hodges, 175 W. Va. 723, 338 S.E.2d 202 (1985)

Vincent v. Preiser, 175 W. Va. 797, 338 S.E.2d 398 (1985)

Craft v. Rice, 671 S.W.2d 247 (Ky. 1984)

Sydenstricker v. Unipunch Products, Inc., 169 W. Va. 440, 288 S.E.2d 511 (1982) (Established the right of an employer to implied indemnity against a product manufacturer in a *Mandolidis* claim.)

Napier v. Plymale, 167 W. Va. 372, 280 S.E.2d 122 (1981)

Hinkle v. Martin, 163 W. Va. 482, 256 S.E.2d 768 (1979)

Bradley v. Appalachian Power Co., 163 W. Va. 332, 256 S.E.2d 879 (1979) (Established the controlling law of comparative negligence.)

REPORTED OPINIONS—FEDERAL COURTS OF APPEALS

E.D. v. Pfizer, Inc. 722 F.3d 574 (2013)

Smith v. Bayer Corp., (In Re Baycol Prods. Litig.), 593 F.3d 716 (8th Cir. 2010)

Medical Assurance of West Virginia, Inc. v. U.S., 233 Fed. Appx. 235, 2007 WL 1203584 (2007) (Amicus Brief)

Huff v. J.H. Fletcher & Co., 113 F.3d 1232 (4th Cir. 1997)

Shaffer v. J.H. Fletcher & Co., 83 F.3d 416 (4th Cir. 1996)

Baber v. Hospital Corporation of America, 977 F.2d 872 (4th Cir. 1992)

Connors v. Link Coal Co., Inc., 970 F.2d 902 (D.C. Cir. 1992)

Vincent v. Reynolds Memorial Hospital, Inc., 881 F.2d 1070 (4th Cir. 1989)

Superior Pocohontas Coal Co. v. Island Creek Coal Co., 840 F.2d 11 (4th Cir. 1988)

Sharples Coal Corp. v. Commercial Union Ins. Co., 818 F.2d 29 (4th Cir. 1987)

In re: A.H. Robbins Co., Inc., 828 F.2d 1023, 93 A.L.R. F. 93 (4th Cir. 1987)

Stapleton v. Ashland Oil, Inc., 774 F.2d 622 (4th Cir. 1985)

Wilner v. Horne's Inc., 1975 U.S. App LEXIS 13908 (4th Cir. 1975)

REPORTED OPINIONS—UNITED STATES DISTRICT COURTS

Harper v. Bayer Corp., (In re Trasylol Prods. Liab. Litig.), 2013 U.S. Dist. LEXIS 42093 (S.D FL 2013)

Quinones v. Bayer Corp., (In re Trasylol Prods. Liab. Litig.), 2013 U.S. Dist. LEXIS 42093 (MDL S.D FL 2013)

In re Trasylol Prods. Liab. Litig., 2013 U.S. Dist. LEXIS 49139 (MDL S.D FL 2013)

Emplr. Teamsters-Local Nos. 175/505 Health & Welfare Trust Fund v.

Bristol Myers Squibb Co., 2013 U.S. Dist. LEXIS 21589 (S.D. W. Va. 2013)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 176329 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 154290 (MDL S.D. W. Va. 2012)

J.C. v. Pfizer, Inc., 2012 U.S. Dist. LEXIS 136791 (S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 152428 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 133485 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 126222 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 121658 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 118344 (MDL S.D. W. Va. 2012)

In re Trasylol Prods. Liab. Litig., 2011 U.S. Dist. LEXIS 98524 (MDL S.D FL 2011)

In re C.R. Bard, Inc., 2012 U.S. Dist. LEXIS 98420 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 93404 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 81974 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 71479 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 69998 (MDL S.D. W. Va. 2012)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 68646 (MDL S.D. W. Va. 2012)

Atchison v. Novartis Pharms. Corp, U.S. Dist. LEXIS 37697 (S.D. W. Va.)

Atchison v. Novartis Pharms. Corp, U.S. Dist. LEXIS 33384 (S.D. W. Va.)

In re Am. Med. Sys., Inc., 2012 U.S. Dist. LEXIS 15755 (MDL S.D. W. Va. 2012)

Baisden v. Alpha & Omega Coal Corp., 2012 U.S. Dist. LEXIS 9893 (S.D. W. Va. 2012)

In re Trasylol Prods. Liab. Litig., 2011 U.S. Dist. LEXIS 153181 (MDL S.D FL 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 89698 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 76522 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 76280 (MDL S.D W. Va. 2011)

In re Trasylol Prods. Liab. Litig., 2011 U.S. Dist. LEXIS 80447 (MDL S.D FL 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 74044 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 74042 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 74038 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 74011 (MDL S.D W. Va. 2011)

Clark v. Bayer Corp. (In re Trasylol Prods. Liab. Litig.), 2011 U.S. Dist. LEXIS 73318 (MDL S.D FL 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 56157 (MDL S.D W. Va. 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 56041 (MDL S.D W. Va. 2011)

Hines v. Wyeth Pharms, Inc., 2011 U.S. Dist. LEXIS 55149 (MDL S.D W. Va. 2011)

Keffer v. Wyeth, 791 F. Supp.2d 539 (MDL S.D W. Va. 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 54992 (MDL S.D W. Va. 2011)

Keffer v. Wyeth, 2011 U.S. Dist. LEXIS 51793 (MDL S.D W. Va. 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 50651 (MDL S.D W. Va. 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 42917 (MDL S.D W. Va. 2011)

Keffer v. Wyeth, 2011 U.S. Dist. LEXIS 40355 (MDL S.D W. Va. 2011)

Royce v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 40257 (MDL S.D W. Va. 2011)

Trasylol Prods. Liab. Litig. v. Bayer Corp., 2011 U.S. Dist. LEXIS 38012 (MDL S.D FL 2011)

In re Trasyolol Prods. Liab. Litig., 2011 U.S. Dist. LEXIS 30300 (MDL S.D FL 2011)

Michael v. Wyeth, LLC, 2011 U.S. Dist. LEXIS 6703 (MDL S.D W. Va. 2011)

Dzik v. Bayer Corp. (In re Yasmin & Yaz), 2010 U.S. Dist. LEXIS 136983 (MDL S.D. IL 2010)

In re Trasyolol Prods. Liab. Litig., 754 F. Supp.2d 1331 (MDL S.D FL 2011)

In re Trasyolol Prods. Liab. Litig., 2010 U.S. Dist. LEXIS 140204(MDL S.D FL 2010)

In re Trasyolol Prods. Liab. Litig., 2010 U.S. Dist. LEXIS 139968 (MDL S.D FL 2010)

In re Trasyolol Prods. Liab. Litig., 2010 U.S. Dist. LEXIS 128951 (MDL S.D FL 2010)

In re Trasyolol Prods. Liab. Litig., 2010 U.S. Dist. LEXIS 123964 (MDL S.D FL 2010)

In re Trasyolol Prods. Liab. Litig., 2010 U.S. Dist. LEXIS 116929 (MDL S.D FL 2010)

In re Trasyolol Prods. Liab. Litig. v. Bayer Corp., 2010 U.S. Dist. LEXIS 116894 (MDL S.D FL 2010)

Marsden v. Arnett & Foster, P.L.L.C., 2009 U.S. Dist. LEXIS 100215 (S.D. WV 2009)

Marsden v. Arnett & Foster, P.L.L.C., 2009 U.S. Dist. LEXIS 93654 (S.D. WV 2009)

Roney v. Gencorp., 2009 LEXIS 85816 (S.D. W. Va. 2009)

In re Trasyolol Prods. Liab. Litig., 2009 U.S. Dist. LEXIS 85553 (MDL S.D FL 2009)

Roney v. Gencorp., 2009 U.S. Dist. LEXIS 84859 (S.D. W. Va. 2009)

Roney v. Gencorp., 2009 U.S. Dist. LEXIS 83651 (S.D. W. Va. 2009)

Southeast Laborers Health & Welfare Fund v. Bayer Corp., 655 F.Supp.2d 1270 (MDL S.D. FL 2009)

Roney v. Gencorp. 654 F. Supp.2d 501 (S.D. W. Va. 2009) (S.D. W. Va. 2009)

Hall v. Martin Engineering Co., 597 F. Supp. 2d 651 (S.D. W. Va. 2009)

Osborne .v. King, 570 F. Supp. 2d 839 (S.D. W. Va. 2008)

In re Trasylol Prods. Liab. Litig., 545F. Supp.2d 1357 (MDL S.D FL 2010)

Perry v. Tri-State Chrysler Jeep, LLC, 2008 U.S. Dist. LEXIS 33218 (S.D. W. Va. 2008)

Roney v. Gencorp., 2006 WL 1582363 (S.D. W. Va. 2008)

Osborne v. King, 570 F.Supp.2d 839 (S.D. W. Va. 2008)

McDonald v. Unicare Life & Health Ins. Co., 2008 U.S. Dist. LEXIS 3859 (S.D. W. Va. 2008)

White v. Wyeth, Inc. (In Re Prempro MDL), 2007 U.S. Dist. LEXIS 23237 (MDL E.D. AK 2007)

White v. Wyeth, Inc. (In Re Prempro MDL), 2007 U.S. Dist. LEXIS 18514 (MDL E.D. AK 2007)

Roney v. Gencorp., 431 F. Supp. 2d 622 (S.D. W. Va. 2006)

Cline v. Hanby, 2006 U.S. Dist. LEXIS 90469 (S.D. W. Va. 2006)

Baisden v. Bayer Corp., 275 F. Supp. 2d 759 (2003)

In re Baycol Prods. Liab. Litig., 287 F. Supp.2d 1379 (MDL D. Minn. 2003)

Mantz v. St. Paul Fire & Marine Ins. Co., 2003 U.S. Dist. LEXIS 10123 (S.D. W. Va. 2003)

Reynolds v. Ultimate Health Services, Inc., 2002 U.S. Dist. LEXIS 28609 (S.D. W. Va. 2002)

McCallister v. Purdue Pharma, L.P., 164 F. Supp. 783 (S.D. W. Va. 2001)

West Virginia-Ohio Valley Area I.B.E.W. Welfare Fund v. American Tobacco Co., 188 F.R.D. 425 (S.D. W. Va. 1999)
West Virginia Laborers' Pension Trust Fund v. Philip Morris, Inc., WL 964983 (S.D. W.Va. 1998)

American States Ins. Co. v. Fishes Hot Dog Huntington, Inc., 1999 WL 33510174 (S.D. W. Va. 1999)

Moore v. Goodyear Tire & Rubber Co., 1998 U.S. Dist. LEXIS 17486 (S.D. W.Va. 1998)

West Virginia-Ohio Valley Area I.B.E.W. Welfare Fund v. American Tobacco Co., 1998 U.S. Dist. LEXIS 15016 (S.D. W. Va. 1999)

West Virginia-Ohio Valley Area I.B.E.W. Welfare Fund v. American Tobacco Co., 29 F. Supp.2d 733 (S.D. W. Va. 1998)

Scott v. Taco Bell Corp., 892 F. Supp. 142 (S.D. W.Va. 1995)

Hurst v. St. Mary's Hospital of Huntington, Inc., 867 F. Supp. 435 (S.D. W.Va. 1994)

Alpha Welding & Fabricating, Inc. v. Todd Heller, Inc., 837 F. Supp. 172 (S.D. W.Va. 1993)

Vincent v. Reynolds Memorial Hosp., Inc., 141 F.R.D. 436, 23 Fed. R. Serv. 3d 1293, (N.D.W. Va. 1992)

Superior Pocahontas Coal Co., Inc. v. Island Creek Coal Co., 657 F. Supp. 796 (S.D.W.V. 1987)

BOOK CHAPTERS PUBLISHED

"Destructive and Nondestructive Testing or Examination" (to be published in the IADC Defense Counsel Training Manual in the Spring of 2016)

"Joint Defense Agreements" Book Chapter in *Advocacy in the 21st Century* published by International Association of Defense Counsel (Fall, 2001)

"Civil Litigation" Chapter, *West Virginia Practice Handbook* (Michie Company, 1988)

LAW REVIEW ARTICLES AND NATIONALLY PUBLISHED MONOGRAPHS

“Resurrecting, The Dormant Defenses: Assumption of Risk, Patient Negligence, Avoidable Consequences and Winning The Medical Malpractice Case,” 1997 Defense Research Institute Medical Malpractice Monograph 8 (Chicago, 1997)

“Medication Malpractice Claims, Culprits and Defenses,” 16 Am.J. of Trial Advocacy 65 (1992) Updated and expanded version reprinted in 42 Defense Law Journal 315 (1993)

"Communication in the Courtroom, Jury Instructions," 85 W. Va. L. Rev. 5 (1982)

"The Law of Medical Malpractice in West Virginia," 82 W. Va. L. Rev. 251 (1979)

INTERNATIONALLY PUBLISHED NEWSLETTER ARTICLES

“*Peters v. Rivers Edge Coal Company* --- Behold A Dangerous Employment Law Intersection” IADC Labor & Employment Committee Newsletter (July 2009)

“Learned Intermediary Doctrine Survives for Another Year,” IADC Drug, Device and Biotech Committee Newsletter (January, 1998)

“Psychiatric Malpractice: Defense Considerations When the Patient Commits Suicide,” IADC Medical Negligence Newsletter (July, 1997)

“The Product Modification and Alteration Defense: Considerations and Strategies,” IADC Product Liability Newsletter (April, 1997)

PERIODIC LITERATURE PROFESSIONAL ARTICLES

"Medication Malpractice," 10 Professional Liability Newsletter, Houston, Texas (December, 1988)

“Automobile Litigation, Comparative Negligence, Multiple Tortfeasors, Contribution and Third Party Claims,” 1 (4) The West Virginia Lawyer 20 (October, 1988)

"We The Jury," a short story, The West Virginia Lawyer 36 (November, 1987)

"Informed Consent and the Emergency," 5 Professional Liability Newsletter 1 (Houston, Texas)(1983)

"Proof of Damages," 6 W. Va. State Bar Journal 52 (1980)

"Utilizing Discovery," YLS Newsletter, (February, 1980)

"Comparative Negligence," YLS Newsletter, (November, 1979)

"Mandolidis - First Impression and Second Thoughts," The Advocate, (April, 1979)

"Ethics Committee Changes - Enough or Too Much?," West Virginia State Bar Journal (1978)

HIGHER EDUCATION SEMINARS

"Becoming a Successful Forensic Economic Expert", Marshall University Lewis College of Business (April 7, 2015)

"Who, What, Where, Why & How a Pharmacist Can Get Sued or Hurt;" presented to the Marshall University School of Pharmacy, Second Year Class, (November 10, 2014)

"Pharmacy Ethics & Disciplinary Enforcement Actions and *Jail*;" presented to the Marshall University School of Pharmacy, Second Year Class, (November 3, 2014)

"Expectations and Intersections: Presidents and Boards" presented at the West Virginia Board of Governors Higher Education Summit (August 1, 2014)

"Nature v. Nurture - The Criminal Mind and the American System of Justice" Marshall University Honors College presented at the Marshall University Forensic Science Center, Huntington, WV (October 9, 2012)

"Appellate Advocacy," – University of Maryland College of Law, Baltimore MD (April 12, 2012)

"Nature v. Nurture--Why and How Professionals Fail Themselves and Others" Marshall University Honors College presented at the Marshall University Forensic Science Center, Huntington, WV (November 29, 2011)

“Intercollegiate Athletics – The Intersection of the Board, President, Athletic Director & The Law” – University of Kentucky, Department of Kinesiology and Health Promotion, Lexington, Kentucky (February, 2011)

“The Predicate Act of Persuasion” – Marshall University, College of Arts & Sciences Legal Communications Course (September, 2008)

“Medical Malpractice 101: A Trial Simulation” — Mock Trial — Marshall University Joan C. Edwards School of Medicine, (May, 2007)

“Risk Management Issues for the Family and Sports Medicine Doctor,” Marshall University Family Medical Conference (November, 2005)

“Legal Obligations (and Perils) Related to the Practice of Medicine” Marshall University Joan C. Edwards School of Medicine (July, 2004)

“Medical Malpractice 101: A Trial Simulation” — Mock Trial — Marshall University Joan C. Edwards School of Medicine (April, 2004)

“Litigating the Medical and Hospital Malpractice & Product Liability Case” — Mock Trial — Marshall University School of Medicine (March, 2001)

“Primer on Contracts and Commercial Transactions,” Marshall University School of Medicine Senior Seminar (August, 2000)

“Professionalism, Harassment & Abuse: The Interface of Common Sense, Law and Ethics,” Marshall University School of Medicine Senior Seminar (July, 2000)

“Diagnostic Malpractice,” Marshall University School of Medicine Internal Medicine Annual Medico-Legal Seminar (September, 1999)

“Medical Malpractice Mock Trial,” Marshall University School of Medicine, Family Practice Residency (March, 1997)

“Defense of Medical and Hospital Malpractice Litigation,” Lugar Trial Advocacy Program ~ West Virginia University College of Law (November, 1996)

“How to Avoid Family Medicine Malpractice,” Marshall University School of Medicine (June, 1996)

“Primary Care Malpractice: Lay and Nursing Staff Issues,” Marshall University School of Medicine (September, 1995)

"Emergency Medicine/Product Liability Mock Trial," Marshall University School of Medicine (March, 1995)

"Masters In Trial, Obstetrical Malpractice Mock Trial," American Board of Trial Advocates Seminar at West Virginia University School of Medicine (March, 1995)

"Malpractice Primer for Family Practice Physicians," Marshall University Medical School (February, 1994)

"Physician-Patient Communications," Marshall University School of Medicine (September, 1992)

"Medical Malpractice Mock Trial," Marshall University School of Medicine Family Practice Residency Program (February, 1992)

"A Medical Malpractice Primer," Marshall University School of Medicine (September, 1991)

"A Docudrama Trial of a Medical Malpractice Case," Marshall University School of Medicine (July, 1991)

"Medical Malpractice Workshop," West Virginia University College of Law (February, 1991)

"Opening Statements," Marilyn E. Lugar Trial Advocacy Seminar, West Virginia College of Law (September, 1989)

"Law of Sports Medicine," Marshall University Medical School Second Annual Sports Medicine Conference (December, 1983)

"Legal Aspects of Infection Control," Marshall University Medical School Infectious Disease Conference (November, 1983)

"Opening Statements," Marilyn E. Lugar Trial Seminar, WVU College of Law (October, 1983)

"Surgical Malpractice - How to Avoid It," Marshall University Medical School (October, 1981)

"The Opening Statement - Trial Tactics Seminar," West Virginia University College of Law (February, 1981)

"Proof of Damages In A Personal Injury Case," Marilyn E. Lugar/West Virginia State Bar - College of Law CLE Seminar, Morgantown, West Virginia (September, 1980)

"Written Persuasion - The Lost Art of Legal Advocacy," West Virginia University College of Law Marilyn E. Lugar Seminar Series (September, 1979)

"Trial Advocacy Seminar," West Virginia University College of Law Marilyn E. Lugar Seminar Series (September, 1979)

"Cross Examination Techniques in a Criminal Case," West Virginia University College of Law Student Trial Lawyers Association Seminar (September, 1978)

PROFESSIONAL LEGAL SEMINAR EDUCATIONAL PUBLICATIONS

"Ethical Consequences—What Defense Lawyers and Other Lawyers Do and Fail to Do," W. Va. Continuing Legal Education 36th Annual Mountaineer CLE Series (September 5, 2015)

"Rules 801, 803 & 804 Hearsay and the Exceptions to Hearsay Can Be Valuable Tools for a Prosecutor" presented to professional staff of the Office of Prosecuting Attorney for Cabell County, West Virginia, (November 7, 2014)

"Opening Statements by a Prosecuting Attorney;" presented to professional staff of the Office of Prosecuting Attorney for Cabell County, West Virginia, (August 22, 2014)

"Ethical Hail Marys – Perspectives on What Defense Lawyers Do That They Should Not Do" West Virginia Continuing Legal Education Seminar – WVU College of Law, Morgantown, WV (September 4, 2011)

"Workplace Litigation ~ An Emerging Intersection Between Products liability and *Mandolidis*" – West Virginia Continuing Legal Education -- Litigation 2010, Canaan Valley Lodge, Davis, West Virginia (February 19-20, 2010)

"Expert Witness Reports – The Boundary Lines for the Case" Defense Trial Counsel Young Lawyers Committee – Expert Witness Workshop, Charleston, West Virginia (October 17, 2008)

"Current Status of *Gentry* Analysis in West Virginia—Updating and Understanding The Law of Expert Witness Testimony," West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (September 23, 2005)

“Rule 404(b): What is Admissible,” West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (September 18, 2004)

“Motion Practice In The United States District Courts Situate In West Virginia,” West Virginia State Bar/College of Law Continuing Legal Education Seminar Book, Morgantown, West Virginia (October 10, 2003)

“Analysis And Perspectives Regarding The 2003 Significant Statutory Changes To The Medical Professional Liability Act, W. Va. Code § 55-7B-1 *et seq.*” West Virginia Spring Judicial Conference, Snowshoe, West Virginia (May 9, 2003)

“A Candid Commentary and Examination of the Amended Medical Professional Liability Act and Selected Medical Malpractice Topics,” West Virginia Spring Judicial Conference, Charleston, WV (May 9, 2002)

“A Trial Lawyer's Commentary on Justice Cleckley's Legacy - Standard of Review,” Defense Trial Counsel of West Virginia Annual Handbook (June, 1997)

“Expert Witness Strategic Considerations: Qualification and Exclusion in West Virginia,” Defense Trial Counsel of West Virginia Annual Handbook (June, 1996)

“The Law of Expert Witness Qualification and Exclusion in West Virginia,” West Virginia State Bar Litigation Seminar Handbook 155 (February, 1996)

“Managing the Evidence and Making the Appellate Record: Strategic Considerations for Motions in Limine, Objections, Motions to Strike, and Post Trial Motions,” 1995 West Virginia State Bar CLE Trial Seminar Handbook 85 (February, 1995)

“Winning Through Discovery,” Mountain State Bar, Annual Meeting CLE Handbook (May, 1994)

“Spoliation of Evidence in Product Liability Cases,” 1994 Defense Trial Counsel of West Virginia Handbook and Cabell County Bar Association, Myrtle Beach Seminar Handbook (March, 1994)

“West Virginia Refines Wrongful Discharge Cause of Action in 1992,” Cabell County Bar Association Myrtle Beach Seminar (March, 1993)

“Checklists and Buzz Words for Human Resource Managers in West Virginia's Litigious Healthcare Environment - Avoiding The Wrongful Discharge,” West Virginia Hospital Human Resources Association Seminar Handbook (April, 1992)

“Management's Rights in West Virginia's Litigious Environment,” West Virginia Hospital Association Seminar Handbook (October, 1991)

“Communications in a Litigious Society,” Marshall University Medical School Seminar Handbook (September, 1991)

"How to Avoid Malpractice Litigation," Temple University Timberline Medical-Legal Conference Handbook (January, 1989)

"Minimizing the Personal Injury Damage Claim," Mountain State Bar Seminar Handbook (December, 1988)

"Ethical and Malpractice Pitfalls for the Litigator," Cabell County Bar Association Myrtle Beach Seminar Handbook (November, 1988)

"Civil Motion Practice from A Defense Perspective," College of Law C.L.E. Book (September, 1988)

"Theories of Defense and Multiple Party Considerations," College of Law C.L.E. Handbook (October, 1987)

"The Medical Professional Liability Act of 1986: New Procedural and Evidentiary Requirements for Proof and Defense of Medical Malpractice Claims in West Virginia,” 3 Defense Trial Counsel Handbook 544 (1987)

"Mandolidis - Where Have All the Claims Gone,” 3 Defense Trial Counsel Handbook 529 (1987)

PROFESSIONAL MEDICAL-LEGAL EDUCATIONAL SEMINAR PRESENTATIONS

“Historical Realities and Predictions about Future Litigation against West Virginia Health Care Professionals”
West Virginia State Medical Association (August, 2007)

“Dental Litigation,” West Virginia State Dental Association, (July, 2005)

“Surgical Malpractice,” American College of Surgeons, West Virginia Chapter (May, 2005)

“Risk Management and Employment Law Update,” St. Mary’s Hospital Medical and Dental Staff (July, 1999)

“Sexual Harassment Mock Trial,” Boyd County, Kentucky Dental Society (February, 1996)

“Sexual Harassment in the Dental Office,” Cabell County Dental Society (February, 1995)

“Obstetrical Risk Management Hazards,” Raleigh County Medical Society (November, 1994)

“Perinatal Risk Management,” Raleigh County Medical Society (September, 1994)

“Legal Aspects of Documentation,” Putnam General Hospital Medical and Nursing Staffs (April, 1992)

“The Law of Informed Consent,” Surgical Section of St. Mary's Hospital (March, 1990)

“Risk Management for Physicians,” Temple University Timberline Winter Medical Legal Conference (January, 1989)

“Medical Malpractice Law for the Physician,” Temple University Summer Timberline Medical Legal Conference (June, 1988)

“Informed Consent - Alternatives and Options,” Medical Staff, St. Mary's Hospital (April, 1984)

“Anesthesia Malpractice,” West Virginia Anesthetist Association (November, 1983)

“Incident Reports and Medical Records,” St. Mary's Hospital Nursing Staff (September, 1982)

PROFESSIONAL LEGAL EDUCATIONAL SEMINAR PRESENTATIONS

“Perspectives on What Defense Lawyers Do That They Should Not Do”- West Virginia Continuing Legal Education 36th Annual Mountaineer CLE Series Seminar, WVU College of Law (September 5, 2015)

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- “The Increasingly Perilous Legal Malpractice Climate and Its Evidentiary Intersection with the Rules of Professional Conduct” - West Virginia Continuing Legal Education “Litigation 2014” Seminar, Canaan Valley (February, 2014)
- “Municipal Home Rule in West Virginia” Continuing Legal Education Seminar – West Virginia Municipal Attorneys Association, Charleston, WV (January 30, 2012)
- “Ethical Hail Marys – Perspectives on What Defense Lawyers Do That They Should Not Do” West Virginia Continuing Legal Education Seminar – WVU College of Law, Morgantown, WV (September 4, 2011)
- “Strategic Intersection of Products Liability and *Mandolidis* Deliberate Intent Litigation” - West Virginia State Bar Trial Seminar, Canaan Valley (February, 2010)
- “Expert Witness Reports – The Boundary Lines for the Case” Defense Trial Counsel Young Lawyers Committee – Expert Witness Workshop, Charleston, West Virginia (October, 2008)
- “The Impact of the State and Federal Law on the Use and Admissibility of Their Testimony – Legal & Strategic Consideration” – West Virginia State Bar CLE, Huntington, West Virginia (August, 2007)
- “Maximizing the Power of the Expert Witness” – West Virginia Trial Lawyers Association 2006 Annual Conference, Charleston, West Virginia (June, 2006)
- “Appellate Case Preparation” – West Virginia Mutual Insurance Company Defense Panel Forum, Charleston, West Virginia (November, 2005)
- “Current Status of *Gentry* Analysis in West Virginia–Updating and Understanding The Law of Expert Witness Testimony,” West Virginia State Bar/College of Law Seminar, Morgantown, West Virginia (September, 2005)
- “The Rule 404(b) War at the Supreme Court of Appeals,” West Virginia State Bar Continuing Legal Education Seminar, Morgantown, West Virginia (September, 2004)

- “Federal Court Motion Practice for First Timers (And Grizzled Veterans),” West Virginia State Bar Continuing Legal Education Seminar, Morgantown, West Virginia (October, 2003)
- “Analysis And Perspectives Regarding The 2003 Significant Statutory Changes To The Medical Professional Liability Act, W. Va. Code § 55-7B-1 *et seq.*” West Virginia Spring Judicial Conference, Snowshoe, West Virginia (May, 2003)
- “Proposed Medical Professional Liability Statutory Changes –A Panel Discussion,” Kanawha County Bar Association Seminar (February, 2003)
- “A Candid Commentary and Examination of the Amended Medical Professional Liability Act and Selected Medical Malpractice Topics,” West Virginia Spring Judicial Conference, Charleston, WV (May, 2002)
- “Employment Law Update,” St. Mary’s Hospital Senior Management and Staff (April, 1999)
- “Defining and Defending the Peer Review Privilege,” Lorman Business Seminar (September, 1997)
- “Expert Witnesses: *Daubert* and Its Progeny,” West Virginia State Bar Litigation Seminar (February, 1996)
- “Making the Appellate Record - Considerations for the Trial Lawyer,” West Virginia State Bar Trial Seminar, Canaan Valley (February, 1995)
- “Strategic Considerations for Handling Serious Bodily Injury Cases,” Nationwide Insurance Company, ACE Group Presentation in Columbus, OH (August, 1994)
- "Winning Through Discovery," Mountain State Bar Association, Annual Meeting, Bluefield WV (May, 1994)
- "Spoliation of Evidence in Product Liability Cases," Cabell County Bar Association Myrtle Beach Seminar (March, 1994)
- "Masters in Trial, Automobile Crash Mock Trial," American Board of Trial Advocates Seminar. Charleston WV (June, 1993)

"Wrongful Discharge Weakened: Management Regains Its Right to Terminate Employment," Cabell County Bar Association Myrtle Beach Seminar (March, 1993)

"Confidentiality of Medical Records: Third Party Access," Lorman Business Center, Inc. Seminar, Charleston WV (April, 1992)

"A Primer on West Virginia's Wrongful Discharge Law," Cabell County Myrtle Beach Seminar (March, 1992)

"Mistakes That Defense Lawyers Make," Defense Trial Counsel of West Virginia (June, 1991)

"Comparative Negligence," West Virginia Spring Judicial Conference (May, 1991)

"Minimizing Damages through an Effective Opening Statement," Cabell County Bar Association Seminar (November, 1989)

"Competence, Communication & Case Management," (Speaker and Seminar Chairman) West Virginia State Bar - WVU College of Law Legal Ethics Continuing Legal Education Seminars, Charleston (January, 1989) and Morgantown (February, 1989)

"Tips for Minimizing Damages," Mountain State Bar Association Bluefield Seminar (December, 1988)

"Lawyer As Target: Ethical and Malpractice Traps for the Civil Litigator," "Legal Ethics Seminar," Cabell County Bar Association Seminar, (November, 1988)

"Advanced Concepts in Civil Motion Practice," West Virginia State Bar, College of Law (September, 1988)

"Advanced Course for Medical Malpractice Litigation," West Virginia State Bar - WVU College of Law (September, 1987)

"Opening Statements," Defense Trial Counsel of West Virginia Annual Convention (June, 1987)

"Medical Malpractice Workshop," Defense Trial Counsel of West Virginia Annual Convention (June, 1987)

"Bad Faith Litigation," West Virginia State Bar Annual Convention, (May, 1987)

"Comparative Negligence, Multiple Tortfeasors, Contribution, Indemnity and Third Party Practice in Automobile Litigation," West Virginia State Bar - WVU College of Law Seminar (September, 1986)

"Medical Professional Liability Act of 1986," West Virginia State Bar - WVU College of Law Seminar (December, 1986)

"Medical Malpractice Workshop," Defense Trial Counsel of West Virginia Annual Convention (June, 1985)

"Mandolidis - Old Claims and New Statute," Mountain State Bar Association Annual Meeting (June, 1985)

"Insurance Bad Faith Claims," West Virginia Claims Association Annual Meeting (August, 1984)

"Closing Arguments," West Virginia State Bar - WVU College of Law, CLE Seminar, Canaan Valley (January, 1984)

"Selected Closing Argument Problems," West Virginia State Bar - WVU College of Law, CLE Seminar (September, 1983)

"Personal Injury Damages - A Defense Lawyer's Perspective," West Virginia State Bar - WVU College of Law, CLE Seminar (February, 1983)

"Informed Consent," West Virginia State Bar - WVU College of Law, CLE Seminar (October, 1982)

"Jury Instructions in a Products Liability Case," West Virginia State Bar, WVU College of Law, CLE Seminar (September, 1982)

"The Mandolidis Problem," Jenkins, Fenstermaker, Krieger, Kayes & Farrell Insurance Seminar, Huntington WV (May, 1982)

"Mandolidis - What Does It Mean," West Virginia State Bar Bridge the Gap Seminar (May, 1982)

"Medicine in the Courtroom," West Virginia State Bar - Cabell County Legal Secretaries Seminar (March, 1982)

"Commercial Litigation Damages," West Virginia State Bar - WVU College of Law, CLE Seminar (September, 1982)

"Product Liability," West Virginia State Bar- Cabell County Legal Secretaries Seminar (April, 1981)

"Proof of Damages," West Virginia State Bar and WVU College of Law
CLE Seminar (September, 1981 and February, 1981)

"Medical Malpractice," West Virginia Legal Secretary - Paralegal
Seminar (April, 1981)

"Mandolidis and Beyond," West Virginia State Bar Annual Convention
(May, 1981)

"Breach of Contract - Presentation of Damage Evidence," West Virginia
State Bar and College of Law CLE (September, 1981)

"Products Liability and Comparative Negligence - Strange Bedfellows,"
West Virginia State Bar, CLE Seminar, Morgantown, West Virginia
(September, 1980)

"Comparative Negligence," Cabell County Legal Secretaries Association
Seminar (March, 1980)

"Proof of Damages," West Virginia State Bar Seminar, South
Charleston (March, 1980)

"Preparation of a Personal Injury Case," West Virginia State Bar Bridge
the Gap Seminar, Charleston, West Virginia (May, 1980)

"Comparative Negligence," Cabell County Bar Association Seminar
(September, 1979)

"Employee - Employer Suits After Mandolidis v. Elkins Industries,"
West Virginia University College of Law (2nd Annual Update of the
Law, (December, 1979)

"Effective Pretrial Discovery," National Association of Legal Assistants
Annual Seminar (September, 1978)

EDUCATIONAL SEMINAR PRESENTATIONS TO CIVIC ORGANIZATIONS

"An Update on Employment Law for the West Virginia Employer" -
Huntington Regional Chamber of Commerce (March, 2004)

Cecil H. Underwood Civil Justice Symposium, Public Education,
Charleston, West Virginia (November, 2002)

"Catastrophic Injuries & Product Liability Litigation: A Primer for The Product Manufacturer In The 1990's," National Safety Council, San Diego, CA (October, 1994)

"Jordan and Sabrina Marsh Trial Docudrama," Tri-State Leadership Law & Justice Day (June, 1992)

"Human Resource Conclave Re: Avoiding The Wrongful Discharge Claim In West Virginia's Litigious Healthcare Environment," West Virginia Human Resources Association Seminar (April, 1992)

"Mandolidis: Questions and Answers," West Virginia Safety Council (September, 1982)

"Comparative Negligence - A Preview and Forecast," Huntington Tri-State Claims Association (March, 1980)

"Update on the Law of Negligence," Huntington Tri-State Claim Association (October, 1977)

CIVIC, COMMUNITY & ECONOMIC DEVELOPMENT BOARD MEMBERSHIPS

Advisory Board of Directors, June Harless Center for Rural Health (2016-Present)

Board of Directors, PROMOTE (Promoting Rural Opportunities thru Marshall University Outreach Team Efforts), Marshall University Joan C. Edwards School of Medicine (2008-Present)

Board of Directors, REFS (Rezulin Endocrinology Fellowship Support Fund, Marshall University Joan C. Edwards School of Medicine (2008-Present)

Snowshoe Institute Advisory Board (2005)

Mid-Atlantic Technology, Research & Innovation Center Board of Directors (2005-07)

Advantage Valley Board of Directors (2005)

Chemical Alliance Zone Board of Directors (2005)

Honorary Co-Chairman of Board of Directors Harmony Institute Marshall University (2005)

COMMUNITY ACTIVITIES

YMCA Youth League Soccer

- < President (1979-86)
- < Coach (1979-86; 2001-02)
- < Referee (1981-86)

Little League Baseball

- < President, League 6 (1988 -90)
- < Publisher, League 6 Newsletter (1988-90)

Church League Basketball

- < Coach (1987-96)

Soccer Referee Officiating

- < NISOA Collegiate Level (1985-89)
- < West Virginia High School Soccer Official (1984-88)

Huntington Museum of Art

- < Co-Chairman, Charitable Auctions (1979-82)
- < Open Door Campaign (1980)

Marshall University Alumni Association

- < Board of Directors (1978-81, 1985)

Marshall University Artist Series

- < Advisory Board of Directors (1978-80)

Cabell-Wayne Arthritis Foundation

- < Board of Directors (1979-80)
- < Executive Committee (1979-80)
- < Chairman, Financial Development (1979-80)

Guyan Golf & Country Club

- < President (1995-96; 2003-04; 2014-15)
- < Vice President (1994 - 95; 2003; 2013-14)
- < Board of Trustees (1993 - 97; 2003-04; 2010-Present)

LAW SCHOOL HONORS, OFFICES & CHAMPIONSHIPS

Jessup International Law Moot Court Appellate Competition

- < World Champion (1973) (Great Britain vs. USA)
- < United States National Champion (1973)
- < WVU College of Law Team Captain (1974)
- < Undefeated Regional Finalist (1974)

West Virginia University College of Law

- < Senior Class President (1974)
- < National Moot Court Competition Team Captain (1973-74)
- < Moot Court Board
 - Chief Justice (1973-74)
 - Member (1972-73)
- < Law Review (1973)
- < Student Ethics Committee Member (Elected, 1973)
- < Corporations Book Award (Highest grade in the Class) (1973)
- < Baker Cup Moot Court Appellate Competition Finalist (1972)

Mountain, West Virginia University Ranking Men's Honorary (1974)

MARSHALL UNIVERSITY UNDERGRADUATE

HONORS, OFFICES & EMPLOYMENT

Student Government

- < President of Student Body (1967-68)
- < Executive Cabinet (1966-67)
- < Student Senator (1964-66)

University Cabinet

- < First Student Member (1967-68)

Intercollegiate Forensics

- < Pi Kappa Delta Honorary
- < Debate Team

R.O.T.C.

- < Distinguished Military Graduate
- < Scabbard & Blade Leadership Honorary
- < Drum & Bugle Corps

Omicron Delta Kappa, University Leadership Honorary

Who's Who in America Colleges and Universities

THE ROBE, Marshall's Ranking Men's Honorary

MARCO, University Mascot (1966-68)

Marshall University Resident Director, South (now Holderby) Hall
(1968-69)

Ralsten, LTD (Men's Clothing Store (1965-68)

Sears Roebuck (Marking Room, Loading Dock and Men's Clothing at
Christmas (1964-67)

MILITARY SERVICE

United States Army Active Duty, Transportation Corps (1969-71)

< Fort Eustis, VA

< Lexington Blue Grass Army Depot, KY

< First Lieutenant (1970-71)

< Second Lieutenant (1969-70)

(Rev. 9/15)

TERRY W. FENGER, PhD CURRICULUM VITAE

*Marshall University Forensic Science Center, 1401 Forensic Science Dr., Huntington, WV 25701 304-691-8960
fenger@marshall.edu*

Higher Education

- Employment At Marshall University, 1979 -Present
- Postdoctoral Fellow, Louisiana State University Medical Center, 1976-1979
- PhD, Southern Illinois University, Carbondale, Ill, 1976
- B.A., Southern Illinois University, Carbondale, Ill, 1970
- A.A., Kendall Junior College, Evanston, Ill, 1966

Professional Positions

- Director of Marshall University Forensic Science Center, 1994 -Present
 - WV CODIS Laboratory, FQS-I (ISO 17025 Compliant)
 - Parentage Testing Laboratory, FQS-I (ISO 17025 Compliant)
 - Criminal Casework Laboratory, FQS-I (ISO 17025 Compliant)
- Director and Instructor of Master's Degree Program in Forensic Science Academic Program, 1994-Present
 - FEPAC Accredited Master's Degree Program in Forensic Science
 - FEPAC Accredited Digital Forensics Area of Emphasis
- Professor, Department of Microbiology, Immunology and Molecular Genetics, 1991- Present
 - Associate Professor, 1984-1991
 - Assistant Professor, Marshall University School of Medicine, 1979-1984
- Chairman, Department of Microbiology, 1995-2006; Acting Chairman, Department of Microbiology, 1993-1995

Teaching Responsibilities:

- **Forensic Science Program:**
 - Foundation and Fundamentals of Digital Forensics, Semester Course, Current
 - Search and Seizure of Digital Forensics; Semester Course, Current
 - Crime Scene and Death Investigations, Semester Course, Current
 - Bioterrorism, Semester Course, 50% Responsibility, Current
 - Previously Taught Courses; Forensic DNA Technologies, Laboratory Management, Comparative Forensic Sciences, Legal Issues
- **Marshall University School of Medicine:** Medical Virology 22 hr./yr., Current

Working Group Membership/Participation

- Technical Working Group for Higher Education in Forensic Science (TWGED), Develop Guidelines and Recommendations for the Development and Implementation of Forensic Science Academic Programs at Graduate and Undergraduate Levels , Report June 2004
- Forensic Resource Network (FRN), Program of the National Institute of Justice. Served the National Forensic Community Through Technology, Research, Training and Service
- National Governor's Association Working Group ,2009
- NIJ Social Science Research on Forensic Science Topical Working Group, Jan. 23-34, 2013

Congressional Testimony

- Provided Testimony Before US Senate, Committee on Commerce, Science and Transportation (Rockefeller (D-WV) Chair), "Turning the Investigation on the Science of Forensics December 7, 2011,

Current and Previous National Institute of Justice Awards

- Terry W. Fenger, National Institute of Justice Award NIJ-2015-3985 "Evaluating the Efficiency of the Use of the Qiagen® QIAsymphony® with High Throughput Y-screening as an Alternative to Conventional Serology, 01/01/16 – 12/31/17, \$154,577.
- Terry W. Fenger, National Institute of Justice Award 2010-IJ-CX-K015 "Forensic Science Center DNA Laboratory", 10/1/11 – 9/30/15, \$4,575,000
- Terry W. Fenger, National Institute of Justice Award 2010-IJ-CX-K025 "Technical Assistance, Training, and Evaluation for the Local Criminal Justice Community Engaged in Digital Forensic Activities", 10/1/10 – 9/30/15, \$855,000
- Terry W. Fenger, National Institute of Justice Award 2009-IJ-CX-K011 "To Support a Training Initiative for Personnel in the Area of Computer Crime Investigations", 10/1/09 – 9/30/12, \$825,000
- Terry W. Fenger, National Institute of Justice Award 2009-IJ-CX-K111 "A Highly-Advanced State-of-the-art DNA Laboratory", 10/1/09 – 9/30/13, \$5,000,000
- Terry W. Fenger, National Institute of Justice Award 2008-DN-BX-K219 "MUFSC: A National Resource for State and Local Forensic Crime Laboratories", 7/1/09 – 8/31/12, \$4,248,155
- Terry W. Fenger, National Institute of Justice Award 2007-MU-BX-K008 "Forensic Technology Center of Excellence" Administered by National Forensic Science Technology Center – MUFSC partner, 11/1/09 – 10/31/10, \$163,826
- Terry W. Fenger, National Institute of Justice Award 2008-DN-BX-K185 "Y-STR Analysis Training in Support of for State and Local Crime Laboratories", 01/01/09 – 12/31/10, \$875,000

- Terry W. Fenger, National Institute of Justice Award 2008-MU-MU-K003 “Forensic Technology Center of Excellence” Administered by NFSTC – MUFSC partner, 11/1/08 – 1/31/10, \$360,000
- Terry W. Fenger, National Institute of Justice Award 2007-MU-BX-K008 “Forensic Technology Center of Excellence”, 11/1/07 – 10/31/08, \$401,606
- Terry W. Fenger, National Institute of Justice Award 2007-IJ-CX-K232 “Specialized Training for State and Local Forensic Investigators: Training Partnership”, 01/01/08 – 12/31/10, \$510,974
- Terry W. Fenger, National Institute of Justice Award 2007-MU-MU-K007 “Advanced DNA Technologies Training in Support of State and Local Crime Laboratories, 01/01/08 – 12/31/10, \$1,519,363
- Terry W. Fenger, National Institute of Justice Award 2005-MU-BX-K020 “MUFSC & FRN Initiatives to Improve Forensic Crime Laboratories”, 1/1/07 - 12/31/10, \$4,692,526. Includes President’s DNA Initiative Award FY06.
- Terry W. Fenger, National Institute of Justice Award 2005-MU-BX-K020 “MUFSC & FRN Initiatives to Improve Forensic Crime Laboratories”, 7/1/06 – 6/30/09, \$4,520,121. Includes President’s DNA Initiative Award FY05.
- Terry W. Fenger, National Institute of Justice Award 2001-RC-CX-K002 “MUFSC & FRN Initiatives to Improve Forensic Crime Laboratories” 7/1/01 - 12/31/07, \$10,761,376. Includes President’s DNA Initiative Award FY04. Award also includes the program “Improve Capabilities of Crime Labs through Service, Research, and Technology-Based Training”.
- Terry W. Fenger, National Institute of Justice Award 98-DN-VX-K001 “Development and Implementation of WV STR CODIS Database”, Phases I and II, 7/1/98 - 4/30/02, \$4,000,000

Current and Previous Bureau of Justice Assistance Awards (Supporting Computer Forensics)

- Terry W. Fenger, Bureau of Justice Assistance Award 2006-RG-CX-0018 “Research, Training & Technical Assistance for Criminal Justice Systems Engaged in Computer Forensics Activities”, 1/1/07 - 12/31/08, \$701,022
- Terry W. Fenger, 2005-RG-CX-1164 “Research, Training & Technical Assistance for Criminal Justice Systems Engaged in Computer Forensics Activities”, 7/1/05 – 12/31/06, \$517,988

Current and Previous US Department of Agriculture Awards (Bacterial Source Tracking)

- Terry W. Fenger, US Department of Agriculture Award 2006-38885-03563 “WV Water Quality: Fecal Source Tracking and Pathogen Profiling”, 09/15/06-09/14/08, \$555,984.00
- Terry W. Fenger, US Department of Agriculture Award 2003-38885-02090; AMEND NO 1 “Assessment of WV Water Quality: Bacteria Source Tracking Database Development and Method Validation”, 09/15/03-09/14/05. \$502,457.00
- Terry W. Fenger, US Department of Agriculture Award 2003-38885-02090; AMEND NO 2 “Assessment of WV Water Quality: Bacteria Source Tracking Database Development and Method Validation”, 09/15/05-09/14/06. \$528,323.00

CSREES Award

- Terry W. Fenger, CSREEDS Award 2008-38885-19242 “ Water Pollutants, WV Project at Marshall University”, 09/01/08-08/31/09, \$383,862.00

National Training Workshops Presented By MUFSC (Most Workshops, Week Long)

- Presented To Forensic Science Community:
 - Advance DNA Technologies Training, April 2005- Dec. 2011, 619 Trainees
 - Relationship/Parentage Training, Oct. 2009 – March 2014, 350 Trainees
 - Y-STR Analysis Training, June 2009- August 2011, 262 Trainees
 - Crime Scene Investigation Training (FBI) Dec. 2006- May 2011, 322 Trainees
- Expert System Test Bed, Oct. 2006 – 2009, 96 participant from CODIS laboratories
- Crime Labs Receiving Master Degree Summer Interns, May 2008- August 2013, 45 Interns For 20 States and Washington, D.C.
- Adult and Pediatric SANE Training, May 2004- November 2013, 430 Total Trainees (235 Adult Trainees and 195 Pediatric Trainees)

State and Regional Training

- Public Defender Conference, Forensic DNA Technologies, November 2002
- Sexual Assault Response Training For Health Care and Law Enforcement on HIPAA, 2003
- Regional Computer Forensics Group Meeting, Offered in Conjunction With George Mason University, 2007

Prosecutors

Chief Justices

In-Service WV State Police

Host Site for MAAFS Annual Meeting, May 2008

Criminal Case Work Sexual Assault Kit Projects, NIJ Funded*

- | | |
|--|--------------|
| • Los Angeles Sexual Assault Kits | 280 SA Cases |
| • New Orleans Sexual Assault Kits | 833 SA Cases |
| • Detroit Sexual Assaults Kits (In Progress) | 800 SA Cases |

Criminal Parentage/Relationship Case Work Assistance In Support of State Crime Laboratories*

- North Carolina, Tennessee, Kentucky, Illinois, Ohio, Pennsylvania, Nebraska, Oregon and West Virginia, Maryland, Rhode Island; 264 Cases
- Human Remains Identification Office of the WV Medical Examiner

Property Crime Case Projects*

- Miami-Dade Police Department Property Crimes Project, 1227 Cases
- Charleston South Carolina, Low Country Property Crimes Project 382 Cases
- Huntington, WV Property Crimes Project 220 Cases

WV CODIS

- Authorized Under WV CODE to conduct DNA Testing for WV CODIS, under the authority of the WV State Police

Digital Forensics Unit at MU Forensic Science Center

- Partnership with WV State Police To Examine Digital Evidence in Criminal Cases

MU Forensic Science Center Awards And Recognition

- Recognition of Sponsorship, 34th ASCLD Annual Workshop and Symposium, Oct 5, 2006
- Presidential Citation, International Association for Identification, The Twins Study, August 2009
- Recognition for Customized DNA Training for Government of DC, Metropolitan Police Department Crime Laboratory Examiners, September 21, 2010
- US Department of Justice (NIJ), Certificate of Appreciation, "For Exceptional Assistance With Screening and Conducting DNA Analysis on over 800 Sexual Assault Kits...", April 4, 2012
- Innovation in Justice Award, US Department of Justice, US Attorney Southern District of WV, Oct. 15, 2012

Meetings Attended and Presentation Given

- 10/93 Future Technologies for DNA Analysis, Rockville, MD
- 06/95 Life Codes training in RFLP using chemiluminescent probes, Stamford, CT
- 10/95 International Symposia on Human Identification, Scottsdale, AZ
- 10/96 International Symposia on Human Identification, Scottsdale, AZ
- 10/96 7th International Symposium on Human Identification, Statistics Workshop, Phoenix, AZ
- 10/97 International Symposia on Human Identification, Scottsdale, AZ
- 2000 American Academy for Forensic Science (Presenter), Seattle, WA
- 2000 NIH Conference on Mitochondrial Diseases
- 03/00 DNA Grantee's Workshop, Washington, DC

- 05/00 Frenzie (Annual Conference)
- 05/00 NIJ 5th Annual Conference on the Future of DNA, (Presenter)
- 06/00 Cambridge Healthtech Institutes 4th Annual Conference
- 06/01 2nd Annual DNA Grantee's Workshop
- 06/01 Frenzie (Annual Conference)
- 11/01 NFSTC Training Workshop, Performance Level Auditing
- 2002 American Academy for Forensic Science, Atlanta, GA
- 12/01 12th International Symposium on Human Identification, Parentage Minisymposium, Biloxi, MS
- 05/02 DNA Microarrays and T-RFLP Profiling (7.0) Contact Hours, ASM Annual Meeting, Salt Lake City
- 05/02 Microorganisms in Food. 7.0 Contact Hours, ASM Annual Meeting, Salt Lake City
- 05/02 FBI Training Workshop
- 08/02 87th International Education Conference, International Association for Identification
- 08/02 NWC3 Basic Data Recovery and Analysis Training
- 10/02 AABB Annual Meeting and TXPO, Parentage Testing SIG, Standards for Parentage Testing Laboratories, 5th Edition, Orlando, FL
- 10/02 13th International Symposium on Human Identification, Parentage Testing Laboratories Minisymposium Phoenix, AZ
- 06/03 "New DNA Technology Expedition", Promega, Columbus, OH
- 12/03 FRN Meeting Orlando, FL
- 01/04 National Law Enforcement Technology Center Director's Meeting Washington, DC
- 02/04 American Academy for Forensic Science, Dallas, TX
- 03/04 Multi-Regional Advisory Council Conference San Diego, CA
- 10/04 Attend 15th International Symposium on Human Identity, Phoenix, AZ
- 11/04 DNA Databanks and Repositories, Saint Paul, MO
- 12/04 Workshop on Digital Evidence Laboratory America Society Crime Directors, Alexandria, VA
- 04/05 DNA TWG Meeting, Washington, DC
- 05/05 Mid-Atlantic Association of Forensic Scientist, Pittsburgh, PA
- 06/05 DNA Grantee's Meeting, Washington, DC
- 07/05 Expert Systems Training, Cybergenetics, Pittsburgh, PA
- 06/06 DNA Grantee's Workshop, Washington, DC
- 08/06 FRN Meeting, Washington, DC
- 10/06 ASCLD, (Presenter), San Francisco, CA
- 12/06 FRN Meeting Washington, DC
- 02/07 American Academy of Forensic Science National Meeting, San Antonio, TX
- 04/07 National Institute for Justice Applied Technologies Conference (Presenter), Anaheim, Ca
- 06/07 Cold Case Conference, Clearwater, FL
- 07/07 National Institute for Justice Conference, Washington, DC
- 08/07 Y-STR Meeting, Orlando, FL
- 08/07 Cold Cases Homicide Investigations Conference, Annapolis, MD
- 12/07 National Institute for Justice Forensics Policy Summit, Washington, DC
- 03/08 National Institute for Justice Applied Technologies Conference, Point Clear, FL
- 06/08 National Institute for Justice "Workshop for Laboratories Embarking on Validation of an Expert System". (Presenter) Tampa, FL
- 07/08 National Institute for Justice Conference for 2008 (Presenter), Washington, DC
- 09/08 ASCLD (Presenter), Salt Lake City, UT
- 02/09 American Academy of Forensic Science National Meeting, Denver, CO
- 03/09 Forensic Science training Grantees Meeting, Indian Rocks Beach, FL

- 04/09 National Institute for Justice Applied Technologies Conference (Presenter), Kansas City, MO
- 05/09 Circuit Judge Education Conference (Presenter), Bridgeport, WV
- 06/09 National Institute for Justice Conference 2009 Washington, DC
- 09/09 National Governor's Association, Working Group On Forensic Science, Wash DC (Presenter)
- 11/09 Prosecuting Attorneys Institute, Cell Phone Forensics (Presenter)
- 11/09 Prosecuting Attorneys Institute, NAS Report Focusing on Digital Forensics (Presenter)
- 02/10 American Academy of Forensic Science National Meeting, Seattle, WA
- 07/10 Appalachian Institute of Digital Evidence, GPS and Location Technologies (Presenter)
- 09/10 ASCLD, Baltimore, MD
- 02/11 American Academy of Forensic Science National Meeting, Chicago, IL
- 04/11 Tri-State Fire Academy, Geolocation On Mobile Devices (Presenter)
- 05/11 SANE Training, Digital Device Evidence (Presenter)
- 06/11 WV Summit and Expo, Homeland Security (Panelist)
- 07/11 Appalachian Institute of Digital Evidence (Presenter)
- 08/11 WV Prosecuting Attorneys Institute, Collection and Transport of Digital Evidence (Presenter)
- 09/11 SANE Training, Digital Device Evidence (Presenter)
- 10/11 IAAI: WV Chapter, Identification of Digital Evidence, Data Recovery (3 Presentations)
- 12/11 National Prosecuting Attorney Coordinators, Future Trends in Digital Forensics (Presenter)
- 12/11 US Senate Committee on Science, Commerce and Transportation (Testified on Forensic Science), Senator Rockefeller Chair (D/WV)
- 01/12 NIJ SAK Action Research Team Meeting, Wash., DC (Presenter)
- 02/12 American Academy of Forensic Science National Meeting, Atlanta
- 06/12 SANE Training, Digital Device Evidence (Presenter)
- 06/12 Identity Technologies: Biometrics and Beyond (Presenter)
- 9/12 ASQ Southern Ohio Region, hosted by MUFSC (Presenter)
- 01/13 NIJ Social Science Research on Forensic Science Topical Working Group (Panelist)
- 10/13 International Association of Chiefs of Police. 120th Annual Conference of IACP; Philadelphia, PA.
- 2/14 Attended AAFS Meeting, Seattle Washington, Completed Workshop, Multimedia Authentication: Searching for Truth in the Digital World
- 05/15 Bode East DNA Technology Conference, Orlando

Oversight: Research Presented By MUFSC Faculty and Staff

National and Regional Meetings; Student Research Posters and Research Presentations

Abstracts

Tsuchiya, Y., T.W. Fenger, and H. Rouhandeh. 1971. Inhibition of the Synthesis of Antigens by SV40 in Cells Pre-infected with Yaba Tumor Poxvirus. Bact. Proc., p. 85 Minneapolis.

Fenger, T., and H. Rouhandeh. 1972. Structural Polypeptides of Yaba Monkey Tumor Virus. Abst. Ann Meet. ASM., p. 225, Philadelphia.

Fenger, T., and H. Rouhandeh. 1976. Characterization of Yaba Monkey Virus Infected Cell Proteins. Abst. Ann. Meet. ASM., p. 242, Atlantic City.

Fenger, T., and C. Howe. 1977. Isolation of Measles Virus Receptor. J. Cell Biol. 75:401.

Fenger, T., and C. Howe. 1978. Characterization of Measles Virus Receptors from Rhesus Monkey Erythrocytes. Ann. Meet. ASM. Las Vegas

- Fenger, T., and C. Howe. 1978. Analysis of Antigens Expressed on Membranes of Cells Productively or Persistently Infected with Measles Virus. ASBC/AAI. Atlanta.
- Centifanto, Y. M., H. E. Kaufman, and T. W. Fenger. 1979. Strain Specificity of Clinical Isolates of Herpes Simplex Virus. Abst. Ann. Meet. ASM., p. 240, Los Angeles.
- Fenger, T. W. and C. Howe. 1979. Analysis of Measles Viral Proteins on Membranes of Infected Cells. Abst. Ann. Meet. ASM., p. 245, Los Angeles.
- Fenger, T. W. and C. Howe. 1981. Characterization of Viral Glycoproteins Expressed on Measles Virus-Infected Cells. Abst. Ann. Meet. ASM., p. 260, Dallas.
- Fenger, T. W. 1982. Characterization of Membrane-Associated Hemagglutinin from Measles Virus Infected Cells. FASEB. p. 1277. New Orleans.
- Fenger, T. W. 1983. Proteins Associated With Nonreduced Hemagglutinin from Measles Virus Infected Cells. Abst. Ann. Meet. ASM. p. 304. New Orleans.
- Fenger, T. W., E. Bingham, A. Sugar, and J. Smith. 1984. Luminol dependent chemiluminescence in neutrophils from normal and HSV infected rabbits. International Symp. in Bio. Sci., Viruses, Immunity and Immunodeficiency, Tampa.
- Sugar, A., E. Bingham, T. W. Fenger, and J. Smith, 1985, Antibody Dependent PMN Chemiluminescence Induction by HSV. ARVO National Meetings, Sarasota, FL.
- McCumbee, J., T. W. Fenger and R. Wang, 1985. A morphological study of the cornea infected by Herpes simplex. Southern Society of Anatomists, Huntington.
- Foster, J.W., Y.K. Park, T.W. Fenger and M. Spector, 1989, Molecular analysis of NAD biosynthetic, regulatory and transport of **Salmonella typhimurium**. Abst. Ann. Meet. ASM, New Orleans, LA.
- Fenger, T., T. Seaman, and R. Belshe, 1989, Plaque Reduction Assay to Detect HIV Neutralizing Antibodies in Sera from Human Vaccinees. V. International Conference on AIDS, Montreal.
- Seaman, T., T. Fenger, 1989, Insertion of HIV env gene into a Eukaryotic Plasmid for Expression in Mammalian Cells. Regional ASM Meeting, Pittsburgh, PA.
- Moore, M. R., D. Primerano, T. W. Fenger, and J. S. Strobl. 1992, A Progesterone Responsive Element In the c-myc Protooncogene. Research Symposium. Marshall University.
- Seaman, W. T., R. Belshe, and T. W. Fenger, Functional Expression of HIV env Gene. Product in CD 4⁺ HeLa Cells. 1991, International Conference On Advances In Aids Vaccine Development, Marco Island, Florida.
- Seaman, W. T., R. Belshe, and T. W. Fenger, Contribution of Hydrophobic Residues in the Functional Expression of HIV env Gene. 1992, American Society for Microbiology, Annual Meeting, New Orleans.

Seaman, W. T. and T. W. Fenger, Mutations within the Leucine Zipper of the Transmembrane Protein (gp41) of HIV Interfere with Wild-Type Mediated Membrane Fusion. 1993, American Society for Microbiology, Annual Meeting, Atlanta.

O'Brien, T.L., A. McDonald, D. Bailey and T. Fenger. Bacterial Source Tracking In the Headquarters of the Potomac River. The Ohio River Basin Consortium for Research and Education 18 th Annual Scientific Symposium, 2002.

O'Brien, T.L., A. McDonald, D. Bailey and T. Fenger. Bacterial Source Tracking Methods Comparison, The Ohio River Basin Consortium for Research and Education, 18 th Annual Scientific Symposium, 2002.

O'Brien, T.L., A.K. McDonald, D.E. Bailey, K.M. Strickler, T. W. Fenger, Bacterial Source Tracking of E.coli By Pulsed Field Gel Electrophoresis Analysis, ASM Annual Meeting, Wash DC, 2003

Tincher, B.M., S. Rogers, A. Della Manna, T. Fenger, R. Roby. Joint Validation of a High Throughput Multi-Capillary Electrophoretic System Using Fluorescent Multiplex Short Tandem Repeats, AAFS, New Orleans, 2005

Rogers, S., B. Tincher, A. Della Manna, T. Fenger, R. Roby, A Concordance Study Comparing Different Amplification Chemistries and Electrophoretic Platforms For Databasing Program, AAFS, New Orleans, 2005

Helenek, K., J. Brunty, C. Vance, T. Fenger, A Forensic Analysis of Facebook Artifacts, AAFS, Atlanta, 2012

Corcoran, K., A. Read, J. Brunty, T. Fenger, Messaging Application Analysis for Android and iOS Platforms, AAFS, Washington DC, 2013

Friedman, R., J. Brunty, T. Fenger, A Digital Forensic Analysis on the iCloud and its Synchronization to Apple Devices, AAFS, Washington DC, 2013

Rusbarsky, K., C. Smith, J. Brunty, T. Fenger, A Forensic Comparison of NTFS and FAT32 File Systems, AAFS, Washington DC, 2013

Seferny SE, Barr SE, Chute JM, Fenger TW. Expedited DNA Analysis and Demographic Comparison of Evidentiary Samples from ~1,800 Property Crime Cases. Poster session presented at: International Symposium on Human Identification. 23rd Annual Conference of Promega; 2012 Oct 15-18; Nashville, TN.

Seferny SE, Barr SE, Gordon J, Chute JM, Fenger TW. An In-Depth Look: 412 Property Crime Cases from Lowcountry Region, South Carolina. Poster session presented at: American Academy of Forensic Sciences. 65th Annual Conference of AAFS; 2013 Feb 18-23; Washington, DC.

Seferny SE, Barr SE, Stoiloff S, Chute JM, Fenger TW. "A Crime Scene Snapshot: A Look into Property Crime Cases from Miami, Florida." IAI Conference. Rhode Island Convention Center, Providence, RI. 7 August 2013. Keynote Address.

Seferny SE, Barr SE, Stoiloff S, Gordon J, Chute JM, Fenger TW. A Comparison of 1,600 Property Crime Cases from Miami, Florida and Charleston, South Carolina. Poster session presented at: The

Brewer, M., R. Boggs, T. Fenger, PhD, A Comparison Between Windows and Windows 7 Registries, MUFSC Research Day, Huntington (2014)

Wu, C. C. Vance, R. Boggs, T. Fenger, PhD Forensic Analysis of Data Transience Applications in iOS and Android, AAFS, Seattle (2014)

Green, J., I. Levstein, MS, Cpl. R. Boggs, T. Fenger, PhD, Steganography Analysis : Efficiency and Response-Time Of Current Steganalysis Software AAFS Orlando (2015)

Baber, K., J. Brunty, MS, Cpl. R. Boggs, I. Levstein, MS, T. Fenger, PhD, Age Estimation of Adolescents and Adults Using Dimensions of the Eye and Pupil in "Selfie" Photographs, AAFS Orlando (2015)

Winkler, D., Cpl. R. Boggs, J. Sammons, MS, T. Fenger, PhD, Online Anonymity: Forensic Analysis of the Tor Browser Bundle, AAFS Orlando (2015)

Miller, P., L. Nudd, JD, C. Vance, T. Fenger, PhD, Cryptocurrency Artifact Analysis MUFSC Research Day, Huntington (2015)

Montanez, A., M. Younger, C. Vance, T. Fenger, Forensic Investigation of Cryptocurrency Wallets on iOS and Android Mobile Devices, MUFSC Research Day, Huntington (2015)

Wilkinson, K., Cpl. R. Boggs, J. Brunty, MS, T. Fenger, PhD, Development of a Portable Mobile Phone Forensics Acquisition and Analysis Toolkit Utilizing Open Source Tools, AAFS Las Vegas (2016)

Parker, N., J. Brunty, Cpl. R. Boggs, T. Fenger, PhD, Age estimation of Adolescents Using Eye Measurements From Various Angles in Videos AAFS Las Vegas (2016)

Cervellone, A., R. Price, MS, J. Brunty, MS, T. Fenger, PhD, A Comparison Of Computer Forensics Tools: An Open Source Evaluation, AAFS Las Vegas (2016)

Papers

Fenger, T. and H. Rouhandeh. 1976. Proteins of Yaba Monkey Tumor Virus. I. Structural Proteins. J. Virol. 18:757-764.

Glorioso, J. C., and L. A. Wilson, T. W. Fenger and J. W. Smith. 1978. Complement mediated Cytolysis of HSV-1 and HSV-2 Infected Cells: Plasma membrane antigens reactive with type-specific and cross-reactive antibody. J. Gen. Virol. 40:443-454.

Fenger, T. W., J. W. Smith and C. Howe. 1978. Analysis of immunoprecipitated surface glycoproteins in measles virus and in membranes of infected cells. J. Virol. 38:292-299.

Fenger, T. W. and C. Howe. 1979. Isolation and Characterization of Erythrocyte Receptors for Measles Virus. Proc. Soc. Exp. Biol. Med. 162:299-303.

Adler, K. A., T. W. Fenger and L. A. Wilson. 1980. Blocking Induction of Human Cytotoxic T1 Lymphocytes with Anti-Ia Xenoantiserum. *Transplantation* 29:267-273.

Centifanto-Fitzgerald, Y., T. W. Fenger, and H. E. Kaufman 1982. Virus Protein in Herpetic Keratitis. *Exp. Eye Research*. 35:425-441.

Bingham, E., T. W. Fenger, A. Sugar and J. Smith 1985. Dependence on antibody for induction of chemiluminescence in PMN by herpes simplex virus. *Invest. Ophthalm. Vis. Sci.* 26:1236-1242.

Fenger, T. W. 1993. Enzymatic Cleavage of Isolated and Membrane Bound Glycoproteins of Measles Virus Infected Cells. In revision.

Foster, J. W., Y. K. Park, T. Penfound, T. W. Fenger, M. P. Spector, 1990. Regulation of NAD metabolism in ***Salmonella typhimurium*** molecular sequence analysis of the bifunctional nadR regulator and the nadA-pnuC operon. *J.Bact* 172:4187-96.

Kahle, E. B., K. G. Butz, S. C. Chua, E. E. Kershaw, R. L. Leibel, T. W. Fenger, C. T. Hansen, O. E. Michaelis. The Rat Corpulent (cp) Mutation Maps to the Same Interval on (Pgm 1-Glut1) Rat Chromosome 5 as the Fatty (fa) Mutation. *Obesity Research* 5:2 March 1997.

Withrow, A. G., J. Sikorsky, J. C. U Downs, and T. Fenger. Extraction and Analysis of Human Nuclear and Mitochondrial DNA from Electron Beam Irradiated Envelopes, *J. Forensic Science*, 48: 6. 1-9. (2003)

Sikorsky, J., D. Primerano, T. Fenger and J. Denvir, . Effect of DNA Damage on PCR Amplification Efficiency with the Relative Threshold Cycle Method, *BBRC* 323: 823-830 (2004)

Stoeckel, D.M, M.M Mathes, K. Hyer, H. Kator, J. Lukasik, T. O'Brien, T. Fenger, S. Samadpour, K. Strickler and B.Wiggins. Comparison of Seven Protocols To Identify Fecal Contamination Sources Using *Escherichia coli*, *Environmental Science and Technology*, 38: 22. 6109-6117. (2004)

On-Line Instructional Materials

Instructional learning for SANE nurses focusing on Forensic Photography for SANEs, Posted on Foundation for Rape Information and Services training web site

Book Chapters

Fenger, T. W. 1990. Replication of RNA Viruses. ***in*** R. Belshe (ed.), Textbook of Human Virology, pp. 79-102. Yearbook Medical Pub. Chicago.

Fenger, T. W. 1990. Replication DNA Viruses. ***in*** R. Belshe (ed.), Textbook of Human Virology, pp. 49-78. Yearbook Medical Pub. Chicago.

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