



FLAHERTY | SENSABAUGH | BONASSO PLLC

John Andrew “Jack” Smith

Member



Service Areas

Business & Commercial Litigation

Construction Law

Insurance Coverage & Defense

Product

Litigation

Overview

With more than 35 years of experience, Jack Smith brings a wide skill set to his cases – combining substantive legal knowledge with successful trial and appellate court results. He has concentrated his practice on commercial and general litigation, insurance coverage and defense and insurance bad faith. Jack has successfully defended cases involving products liability, Oil and Gas accidents, premises liability, construction injuries, workplace safety and insurance coverage disputes. Jack also has extensive experience representing government officials and agencies in civil rights cases in state and federal court.

“I enjoy strategy sessions with my clients, developing a plan and then getting the desired result. It’s not only professionally satisfying, it’s thrilling.”

Prior to joining Flaherty, Jack was in-house counsel with Travelers Insurance Company where he worked closely with attorneys across the country representing Travelers and its insureds in complex, high exposure litigation. Jack partnered with claim professionals and counsel to manage major cases with the development of a resolution strategy and focused discovery. He also provided day-to-day counsel to the Claim Department. Leading up to that position, Jack represented commercial clients in litigated matters across West Virginia in state and federal courts.

“I’m doing exactly what I’ve wanted to do since I was a very young boy. I have wonderful clients, exceptional partners, a skilled support staff and very interesting cases.”

Education

- West Virginia University College of Law, J.D., 1982.
 - Member Law Review, Order of Barristers, Moot Court Board, Federal Court Moot Court Team, Articles Editor for The Journal of College and University Law.
- Wheeling Jesuit University, B.S. Business Administration, Summa Cum Laude, 1979.
 - Recipient, Wall Street Journal Award as Outstanding Business Administration Student.

Court Admissions

- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- Supreme Court of Appeals of West Virginia
- United States District Court for the Southern District of West Virginia
- United States District Court for the Northern District of West Virginia

Representative Cases

- Cozort v. Selco Constr. Servs., 2014 U.S. Dist. LEXIS 79833, 2014 WL 2619084 (S.D. W. Va. June 12, 2014) Represented owner and operator of gas well in a case involving personal injury as a result of a gas explosion.
- Davis v. White, No. 00-1524, United States Court of Appeals for the Fourth Circuit, 2000 U.S. App. LEXIS 23843, September 27, 2000, Decided.
- Hamrick v. West Virginia, No. 00-6748, United States Court of Appeals for the Fourth Circuit, 2000 U.S. App. LEXIS 18016, July 25, 2000, Decided.
- Gary Canterbury v. Mountain Enters., No. 99-2503, United States Court of Appeals for the Fourth Circuit, 2000 U.S. App. LEXIS 17497, July 20, 2000, Decided.
- Davis v. City of Charleston Sanitary Bd., No. 99-2592, United States Court of Appeals for the Fourth Circuit, 2000 U.S. App. LEXIS 5466, March 29, 2000, Decided.
- National Union Fire Ins. Co. v. Murray Sheet Metal Co., No. 91-1779, United States Court of Appeals for the Fourth Circuit, 967 F.2d 980; 1992 U.S. App. LEXIS 14257; 22 Fed.R.Serv. 3d (Callaghan) 1141, June 19, 1992, Decided.
- Meckley v. Broadus Hosp., No. 90-6121, United States Court of Appeals for the Fourth Circuit, 921 F.2d 272; 1990 U.S. App. Lexis 22485, December 26, 1990, Decided.
- Meckley v. Broadus Hosp., No. 90-6121, United States Court of Appeals for the Fourth Circuit, 918 F.2d 173; 1990 U.S. App. LEXIS 20256, November 19, 1990, Decided.

- *Burnside v. Raines Imports, Inc.*, No. 88-3866, United States Court of Appeals for the Fourth Circuit, 865 F.2d 1257; 1988 U.S. App. LEXIS 17771, December 22, 1988, Decided.
- *Wheby v. Maryland Cas. Co.*, No. 88-3940, United States Court of Appeals for the Fourth Circuit, 857 F.2d 1470; 1988 U.S. App. LEXIS 13222, September 6, 1988, Decided.
- *Westinghouse Electric Corp. v. West Virginia Dept. of Highways*, Nos. 87-2107, 87-2108, United States Court of Appeals for the Fourth Circuit, 845 F.2d 468; 1988 U.S. App. LEXIS 5794, May 2, 1988, Decided.
- *Clark v. Milam*, Civil Action No. 2:92-0935, United States District Court for the Southern District of West Virginia, Charleston Division, 847 F.Supp. 424; 1994 U.S. Dist. LEXIS 3133, March 15, 1994, Entered.
- *Clark v. Milam*, Civil Action No. 2:92-0935, United States District Court for the Southern District of West Virginia, Charleston Division, 847 F.Supp. 409; 1994 U.S. Dist. LEXIS 1530, February 10, 1994, Entered.
- *Clark v. Milam*, Civil Action No. 2:92-0935, United States District Court for the Southern District of West Virginia, Charleston Division, 152 F.R.D. 66; 1993 U.S. Dist. LEXIS 17207, December 1, 1993, Entered.
- *Clark v. Milam*, Civil Action No. 2:92-0935, United States District Court for the Southern District of West Virginia, Charleston Division, 830 F.Supp. 316; 1993 U.S. Dist. LEXIS 11430, July 22, 1993, Entered.
- *Arkwright Mut. Ins. Co. v. National Union Fire Ins. Co.*, Civil Action No. 6:91-MC-00028, United States District Court for the Southern District of West Virginia, Parkersburg Division, 148 F.R.D. 552; 1993 U.S. Dist. LEXIS 6171; 26 Fed.R.Serv.3d (Callaghan) 719, April 29, 1993, Entered.
- *Hall v. Zambelli*, Civil Action No. 2:87-0098, United States District Court for the Southern District of West Virginia, Charleston Division, 675 F.Supp. 1023; 1988 U.S. Dist. LEXIS 42; 1988 AMC 1739, January 7, 1988, Decided.
- *Hall v. Zambelli*, Civil Action No. 2:87-0098, United States District Court for the Southern District of West Virginia, Charleston Division, 669 F.Supp. 753; 1987 U.S. Dist. LEXIS 8557; September 21, 1987, Decided.
- *Women's Health Ctr. V. Panepinto*, No. 21924, No. 21925, No. 21926, Supreme Court of Appeals of West Virginia, 1991 W.Va. 436, 446 S.E.2d 658; 1993 W.Va. LEXIS 228, Dissenting Opinion dated July 21, 1994.
- *State v. Chase Securities, Inc.*, No. 20863, Supreme Court of Appeals of West Virginia, 188 W.Va. 356; 424 S.E.2d 591; 1992 W.Va. LEXIS 230, September 22, 1992, Submitted, November 25, 1992, Filed.
- *West Va. Medical Inst. v. West Va. Pub. Employees Ins. Bd.*, No. 17898, Supreme Court of Appeals of West Virginia, 180 W.Va. 697; 379 S.E.2d 501; 1989 W.Va. LEXIS 47, April 7, 1989, Filed.

John Andrew “Jack” Smith

- Burden v. U.S. Army Corp. of Engineers v. Mulzer Crushed Stone, 794 F.Supp. 184, S.D.W.Va. (1992).
- West Virginia v. Anchor Hocking Corp., 681 F.Supp. 1175, (1987) United States District Court for the Northern District of West Virginia, LEXIS 13221, December 21, 1987.
- West Virginia v. Anchor Hocking Corp., 857 F.2d 1469, 4th Cir. (1988), U.S.App. LEXIS 10933, August 3, 1988, Decided.
- Travelers v. Hilerich & Bradsby Co., Inc., 598 F.3d. 257; 2010 U.S.App. LEXIS 5288, Sixth Circuit 2010 (as in-house counsel).

Awards & Honors

- Listed, The Best Lawyers in America©
 - 2021 – Lawyer of the Year – Charleston, WV – Legal Malpractice Law – Defendants
 - 2020 – Lawyer of the Year – Charleston, WV – Insurance Law
 - 2017 – Lawyer of the Year – Charleston, WV – Legal Malpractice – Defendants
 - Commercial Litigation (2015 – 2021)
 - Insurance Law (2015 – 2021)
 - Legal Malpractice Law – Defendants (2017 – 2021)
 - Litigation – Construction (2016 – 2021)
 - Litigation – Insurance (2016 – 2021)
 - Personal Injury Litigation – Defendants (2016 – 2021)
 - Professional Malpractice Law – Defendants (2017 – 2021)
- Listed, West Virginia Super Lawyers (2015 – 2021)

Lecturing & Presentations

- Regular speaker to the Kanawha Valley Builders Association/Tri-State Contractors Association. Annual Education Conference on various legal issues and new developments important to the construction industry. 2001 _ Present.
- Faculty, Trial Advocacy in West Virginia, National Business Institute Inc., Continuing Legal Education Seminar 1992.
- West Virginia Claim Academy Seminar on Deliberate Intent. 2010.
- Mixed [Up] Cases: Defending Suits with Insured and Uninsured Claims. DRI Construction Law Seminar 2013.