



LUKE T. SCHMITT

MEMBER

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Luke Schmitt joined Flaherty in 2012 and has been a practicing litigation attorney since 2008. He primarily focuses on defending health care professionals in medical negligence actions and other aspects of health care law. Luke also practices in commercial/general litigation, workplace liability, and construction litigation.

“My clients are inspiring individuals – people who dedicate their careers and lives to helping others – I’m passionate about working with and advocating for them.”

Outside of work, Luke can be found spending time with his wife, Nicole, and children, Beau and Ava. Luke is a native of Wheeling and is extremely enthusiastic about his hometown and State.

PROFESSIONAL INVOLVEMENT

- Member, West Virginia Bar Association
- Member, Defense Research Institute (DRI)
- Member, West Virginia Defense Trial Counsel
- Former Treasurer, Ohio County Bar Association

COMMUNITY INVOLVEMENT

- Board of Directors, Community Foundation for the Ohio Valley
- Board of Directors, Holy Family Child Care & Development Center

SERVICES

- Commercial
- Construction Law
- Deliberate Intent
- Employment Law
- Medical Malpractice Defense
- Professional Liability

EDUCATION

- J.D., West Virginia University College of Law (2008)
- B.S., magna cum laude, Finance, West Virginia University, College of Business & Economics (2005)

ADMISSIONS

- West Virginia State Bar
- Virginia State Bar
- Ohio State Bar
- Fourth Circuit Court of Appeals
- United States District Courts for the Northern and Southern Districts of West Virginia
- United States District Courts for the Eastern and Western Districts of Virginia

EXPERIENCE

Wood County Jury Rules in favor of a local neurosurgeon in a medical professional liability claim
March 2022

REPRESENTATIVE LEGAL WORK

- Represented physicians of various specialties in matters alleging professional negligence
- Represented design professionals, such as architects and engineers, in matters alleging professional negligence
- Represented both financial institutions and individual financial advisors in employment disputes in state and federal courts as well as in arbitration proceedings before the Financial Industry Regulatory Authority (FINRA)
- Represented manufacturers in product liability claims

INSIGHTS

March 2020

LEGISLATIVE TORT REFORM AND OTHER REGULATORY CHANGES IN RESPONSE TO COVID-19

By Luke Schmitt

The federal government and some states are acting to impose tort reform to provide immunity from liability to certain persons and entities engaged in activities to support and promote medical countermeasures against COVID-19.

In response to the COVID-19 pandemic, Congress ...

March 23, 2020

WV BD. OF PHARMACY ISSUES EMERGENCY RULE LIMITING PRESCRIPTIONS FOR CHLOROQUINE AND HYDROXYCHLOROQUINE; WV BOARD OF MEDICINE INSTRUCTS LICENSEES TO COMPLY

By Luke Schmitt

On March 20, 2020, the West Virginia Board of Pharmacy proposed an emergency rule pursuant to its general rulemaking authority seeking to ensure that chloroquine and hydroxychloroquine – two drugs thought to be potentially helpful in the treatment of COVID-19 – are ...

March 20, 2020

LEGISLATIVE RESPONSES AND LEGAL CHALLENGES TO VIRAL EXCLUSIONS FOR BUSINESS INTERRUPTION LOSS COVERAGES

By **Luke Schmitt**

All eyes are on the New Jersey Legislature, which is currently discussing and reviewing a bill that could force coverage under business interruption insurance for coronavirus-related losses even in the presence of a “virus” related exclusion.

After the SARS outbreak in ...

March 2020

WEST VIRGINIA BOARD OF MEDICINE RESPONDING TO ADDRESS COVID-19 CRISIS

In response to the COVID-19 pandemic and in anticipation of the challenges to come, the West Virginia Board of Medicine (the “Board”) this week has taken specific measures to prepare and assist healthcare providers during this unprecedented time.

First, the Board has announced that it ...

March 2020

COVID-19: GOVERNMENTAL REACTION, REGULATORY CHANGES, AND YOUR HEALTH CARE PRACTICE

As COVID-19 continues to spread and we as a country continue to react, laws and regulations will be rapidly changing. We at Flaherty stand ready to help assist you and your efforts to respond to this public health crisis. If you have questions or concerns, please do not hesitate to reach out to us ...

April 2018

22 FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY SUPER LAWYERS

Flaherty Sensabaugh Bonasso PLLC is pleased to announce that 22 of the firm’s attorneys have been named to the 2018 list of West Virginia Super Lawyers and Rising Stars.

No more than 5 percent of a state’s lawyers are named to the Super Lawyers list with just 2.5 percent of a state’s lawyers ...

March 2017

FLAHERTY SENSABAUGH BONASSO ANNOUNCES NEW MEMBERS

Flaherty Sensabaugh Bonasso PLLC is pleased to announce that Eric T. Frye, Keith R. Hoover, Lindsey M. Saad, Bradley J. Schmalzer and Luke T. Schmitt have been elected Members.

Eric Frye joined Flaherty in 2009. His practice focuses on Deliberate Intent, Negligence, Personal Injury ...

October 2016

FLAHERTY ATTORNEYS AUTHOR ARTICLE ON THE EFFECT OF SENATE BILL 602 ON THE MEDICAL PROFESSIONAL LIABILITY ACT

Don R. Sensabaugh, Jr., Justin D. Jack, Luke T. Schmitt and Travis A. Prince's article titled "The Scope, Purpose, and Reasoning Behind Senate Bill 602" was published in The West Virginia Medical Journal, a clinical, peer-reviewed medical journal. The article delivers a brief ...

HONORS & AWARDS

- Listed, West Virginia Rising Stars, 2017 - 2018
- Order of the Coif
- Beta Gamma Sigma; and Golden Key International Honour Society

ADDITIONAL LEGAL EXPERIENCE

- Member, Flaherty Sensabaugh Bonasso (2017 - Present)
- Associate, Flaherty Sensabaugh Bonasso (2012 - 2016)
- Associate, Vandeventer Black LLP
- Associate, Bowles Rice McDavid Graff & Love LLP