



## RICHARD D. JONES

MEMBER

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As one of the firm's original members, Rick Jones has been an integral part of the leadership, vision, and work ethic it takes to build a small firm of six attorneys into the largest litigation firm in the state.

Rick has more than 35 years of experience, concentrating his civil litigation practice in the healthcare and manufacturing industries. Executing solid defense strategies with precision, Rick handles medical malpractice defense, the representation of hospitals and healthcare providers in credentialing and privileging matters, and the defense of manufacturers in product litigation. He also has extensive experience in commercial litigation.

"I work to resolve matters inexpensively and expeditiously." Rick is an innovative thinker with significant knowledge in healthcare law. He prefers early resolutions that save time, money and resources – while achieving client goals.

### PROFESSIONAL INVOLVEMENT

- West Virginia State Bar
- West Virginia Bar Association
- Kanawha County Bar Association
  - President 1989 - 1990
- American Bar Association
- Defense Trial Counsel of West Virginia
- Defense Research Institute

### COMMUNITY INVOLVEMENT

- Member and Past Chair (2006) of CAMC Foundation's Children's Gala

### SERVICES

- Commercial
- Complex Tort and Product Liability
- Healthcare Regulatory, Transactions & Compliance
- Medical Malpractice Defense

### EDUCATION

- J.D. West Virginia University College of Law (1981)
  - Member and Associate Editor of the West Virginia Law Review
- B.S., Economics, West Virginia University, College of Business and Economics (1976)

### ADMISSIONS

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

- Adult Leader, Boy Scouts of America (Buckskin Council)
- Volunteer, Read Aloud, Kanawha County Board of Education
- Volunteer, South Hills Youth Sports Leagues
- Agent, Class of 1981, West Virginia University College of Law
- Kanawha County Pro Bono Referral Project
- Alumnus, Leadership Charleston, Charleston, West Virginia
- Charleston Chamber of Commerce, Member, Management Information Services (1987-1991)
- Host Family, International Cultural Exchange Student (ICES) Program

## EXPERIENCE

WVSCA Grants Writ of Prohibition and Enforces Forum-Selection Clause  
December 2019

Summary Judgement in Doctor's Favor Affirmed by Supreme Court of Appeals of West Virginia  
November 2019

## REPORTED CASES

- Wahi v. Charleston Area Medical Center, 2009 WL 962310 (C.A.4 (W.Va.))
- Blankenship v. Ethicon, Inc., 656 S.E.2d 451, 2007 WL 3034262, W.Va., October 12, 2007 (NO. 33224)
- Turnpike Ford, Inc. v. Ford Motor Co., 244 F.R.D. 332, S.D.W.Va., July 10, 2007 (NO. 2:05 CV 00398)
- Turnpike Ford, Inc. v. Ford Motor Co., 415 F.Supp.2d 666, S.D.W.Va., February 22, 2006 (NO. 2:05 CV 00398)
- Wahi v. Charleston Area Medical Center, 453 F.Supp.2d 942, S.D.W.Va., September 29, 2006 (NO. CIV.A.2:04CV00019)
- State ex rel. Brooks v. Zakaib, 216 W.Va. 600, 609 S.E.2d 861, W.Va., November 15, 2004 (NO. 31782)
- State ex rel. Brooks v. Zakaib, 214 W.Va. 253, 588 S.E.2d 418, W.Va., June 23, 2003 (NO. 31042)
- Barker v. Hoak, 60 Fed.Appx. 500, 2003 WL 1861565, C.A.4 (W.Va.), April 11, 2003 (NO. 02-2095)
- Raines v. White, 195 W.Va. 266, 465 S.E.2d 266, W.Va., November 17, 1995 (NO. 22816)

- United States District Court for the Northern District of West Virginia

- Neary v. Charleston Area Medical Center, Inc., 194 W.Va. 329, 460 S.E.2d 464, W.Va., July 11, 1995 (NO. 22576)
- Dunn v. Kanawha County Bd. of Educ., 194 W.Va. 40, 459 S.E.2d 151, 101 Ed. Law Rep. 1207, W.Va., May 19, 1995 (NO. 22550)
- State ex rel. Charleston Area Medical Center v. Zakaib, 190 W.Va. 186, 437 S.E.2d 759, W.Va., October 29, 1993 (NO. 21821)
- McGlone v. Superior Trucking Co., Inc., 178 W.Va. 659, 363 S.E.2d 736, W.Va., November 18, 1987 (NO. 17151)
- Hickman v. Grover, 178 W.Va. 249, 358 S.E.2d 810, Prod.Liab.Rep. (CCH) P 11,464, W.Va., June 16, 1987 (NO. CC961)
- United Mine Workers of America v. Faerber, 179 W.Va. 73, 365 S.E.2d 353, W.Va., November 19, 1986 (NO. 17076)
- United Mine Workers of America v. Faerber, 179 W.Va. 65, 365 S.E.2d 345, W.Va., July 10, 1986 (NO. 17076)
- Buckeye Union Ins. Co. v. Boggs, 109 F.R.D. 420, S.D.W.Va., February 21, 1986 (NO. CIV. A. A:85-0502)
- Sitzes v. Anchor Motor Freight, Inc., 169 W.Va. 698, 289 S.E.2d 679, W.Va., March 23, 1982 (NO. CC924)

## REPRESENTATIVE LEGAL WORK

- Represented a general surgeon in a wrongful death/medical malpractice case in which plaintiff alleged negligence in failing to appreciate the severity of the decedent's abdominal complaints
- Represented two general surgeons in a wrongful death/medical malpractice case in which plaintiff alleged negligence in post-operative care
- Represented a hospital/resident physician in a wrongful death/medical malpractice case in which plaintiff alleged negligence in failing to detect the severity of decedent's depression resulting in suicide
- Represented a hospital in a wrongful death/medical malpractice case in which plaintiff alleged negligence in failing to appropriately treat a child for croup
- Represented a hospital in a wrongful death/medical malpractice case in which plaintiff alleged negligence in failing to timely diagnose and treat the decedent for abdominal complaints
- Represented a hospital/ob-gyn resident in a medical malpractice case in which plaintiff alleged negligence in injuring femoral nerve during a gynecological procedure
- Represented a hospital in a defamation case brought by a cardiovascular surgeon who claimed that the hospital wrongfully published a peer review report relating to the surgeon
- Represented twelve West Virginia hospitals in West Virginia's Breast Implant Litigation
- Appointed by the trial court as liaison counsel for all West Virginia hospitals in West Virginia's Breast Implant Litigation
- Represented a general surgeon in a medical malpractice case in which plaintiff alleged negligence in performing breast biopsy resulting in infection

- Represented a hospital in a products liability case involving allegations of contaminated sutures
- Represented medical laboratories against claims where plaintiffs alleged that pap smears were wrongly and negligently interpreted (CLIA related)
- Represented a hospital in Norplant litigation
- Represented an internal medicine physician in a medical malpractice case in which plaintiff alleged negligence in prescribing a combination of medications resulting in lithium toxicity
- Represented a hospital in a medical malpractice case in which plaintiff alleged negligence in treating an infection
- Represented a nursing home in a medical malpractice case in which plaintiff alleged sexual abuse of a resident
- Represented a hospital in a medical malpractice case in which plaintiff alleged negligent removal of foley catheter
- Represented a hospital in a claim brought by a cardiovascular surgeon who alleged that his privileges were wrongfully terminated (HCQIA related)
- Represented a manufacturer of recreational vehicles involving catastrophic head injuries
- Represented a manufacturer of herbicide in a case where plaintiffs alleged to have developed cancer from product exposure
- Represented a manufacturer of mining equipment in a commercial dispute
- Represented a publicly traded technology company in a series of cases alleging violation of West Virginia's Prevailing Wage Act law

## SLIP OPINIONS/UNPUBLISHED CASES

- Freidman, M.D. v. Charleston Area Medical Center, Slip Copy, 2006 WL 1806197, S.D.W.Va., June 29, 2006 (NO. CIV.A 2:04CV00406)
- Blankenship v. Ethicon, Inc., Slip Copy, 2003 WL 25533762, S.D.W.Va., November 06, 2003 (NO. CIV A 203-0622)
- Prather v. Commtec/Pomeroy Computer Resources, Inc., Slip Copy, 2006 WL 2038320, 12 Wage & Hour Cas.2d (BNA) 85, S.D.W.Va., July 20, 2006 (NO. CIV.A. 2:05-CV-00443)
- Prather v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 363204, 11 Wage & Hour Cas.2d (BNA) 695, S.D.W.Va., February 15, 2006 (NO. CIV.A. 205-CV-00443)
- Barnett v. Commtec/Pomeroy Computer Resources, Inc., 439 F.Supp.2d 598, 153 Lab.Cas. P 60,295, 65 Fed.R. Serv.3d 1054, 11 Wage & Hour Cas.2d (BNA) 1527, S.D.W.Va., July 20, 2006 (NO. CIV.A. 2:05-CV-00439)
- Barnett v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 363132, 11 Wage & Hour Cas.2d (BNA) 464, S.D.W.Va., February 15, 2006 (NO. CIV.A. 2:05-CV-00439)
- Sansom v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 2038327, 12 Wage & Hour Cas.2d (BNA) 661, S.D.W.Va., July 20, 2006 (NO. CIV.A. 2:05-CV-00444)

- Sansom v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 363170, 11 Wage & Hour Cas.2d (BNA) 700, S.D.W.Va., February 15, 2006 (NO. CIV.A. 2:05-CV-00444)
- Taylor v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 2038332, 12 Wage & Hour Cas. (BNA) 823, S.D.W.Va., July 20, 2006 (NO. CIV.A. 2:05-CV-00445)
- Cooper v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 2038333, S.D.W. Va., July 20, 2006 (NO. CIV.A. 2:05-CV-0441)
- Cooper v. Commtec/Pomeroy Computer Resources, Inc., Not Reported in F.Supp.2d, 2006 WL 362352, 11 Wage & Hour Cas.2d (BNA) 540, S.D.W.Va., February 15, 2006 (NO. CIV.A. 2:05-CV-00441)
- Holland v. Bone, 833 F.2d 1005, 1987 WL 39013, Unpublished Disposition, C.A.4 (W.Va.), November 19, 1987 (NO. 87-1166)

## OTHER LEGAL EXPERIENCE

- Member, Flaherty Sensabaugh Bonasso PLLC (1991 - Present)
- Associate/Partner, Kay, Casto & Chaney (1981 - 1991)

## INSIGHTS

April 2023

### 15 FLAHERTY ATTORNEYS RECOGNIZED BY SUPER LAWYERS

Flaherty Sensabaugh Bonasso PLLC is pleased to announce that 15 of the firm's attorneys have been named to the 2023 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 ...

August 2022

### 28 FLAHERTY ATTORNEYS RECOGNIZED BY BEST LAWYERS®

Flaherty Sensabaugh Bonasso is pleased to announce that 28 of the firm's attorneys have been selected for inclusion in the 2023 edition of The Best Lawyers in America® and Best Lawyers: Ones to Watch.

Additionally, six attorneys were named Best Lawyers 2023 Lawyer of the Year. Only one ...

May 2022

### 14 FLAHERTY ATTORNEYS RECOGNIZED BY SUPER LAWYERS

Flaherty Sensabaugh Bonasso PLLC is pleased to announce that 14 of the firm's attorneys have been named to the 2022 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 ...

August 2021

## **TWENTY-EIGHT FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY BEST LAWYERS®**

Flaherty Sensabaugh Bonasso is pleased to announce that twenty-eight of the firm's attorneys have been selected for inclusion in the 2022 edition of *The Best Lawyers in America*® or *Best Lawyers: Ones to Watch*.

Additionally, Sam Fox was named *Best Lawyers 2022 Lawyer of the Year* ...

May 2021

## **16 FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY SUPER LAWYERS**

Flaherty Sensabaugh Bonasso is pleased to announce that 16 of the firm's attorneys have been named to the 2021 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 ...

August 2020

## **THIRTY FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY BEST LAWYERS®**

Flaherty Sensabaugh Bonasso is pleased to announce that thirty of the firm's attorneys have been selected for inclusion in the 2021 edition of *The Best Lawyers in America*® or *Best Lawyers: Ones to Watch*.

Additionally, three Flaherty attorneys were named as *Best Lawyers 2021 Lawyers of the* ...

April 2020

## **17 FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY SUPER LAWYERS**

Flaherty Sensabaugh Bonasso is pleased to announce that 17 of the firm's attorneys have been named to the 2020 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 ...

August 2019

## **FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY THE BEST LAWYERS IN AMERICA® 2020**

Flaherty Sensabaugh Bonasso PLLC is proud to announce that 21 of the firm's attorneys have been selected for inclusion in the 2020 edition of *The Best Lawyers in America*.

Additionally, four Flaherty attorneys were named as *Best Lawyers® 2020 Lawyers of the Year*. Only one lawyer in each area ...

April 2019

## **19 FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY SUPER LAWYERS**

Flaherty Sensabaugh Bonasso is pleased to announce that 19 of the firm's attorneys have been named to the 2019 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 ...

August 2018

## **FLAHERTY SENSABAUGH BONASSO ATTORNEYS RECOGNIZED BY THE BEST LAWYERS IN AMERICA© 2019**

Flaherty Sensabaugh Bonasso PLLC is proud to announce that 22 of the firm's attorneys have been selected for inclusion in the 2019 edition of *The Best Lawyers in America*.

Additionally, three Flaherty attorneys were named as *Best Lawyers®* 2019 Lawyers of the Year. Only one lawyer in each ...

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 ...

## **HONORS & AWARDS**

- Listed, *The Best Lawyers in America*©
  - Litigation – Health Care (2016 - 2023)
  - Medical Malpractice Law – Defendants (2016 - 2023)
  - Product Liability Litigation – Defendants (2016 - 2023)
  - 2021 – Lawyer of the Year – Charleston, WV – Product Liability Litigation – Defendants
  - 2018 – Lawyer of the Year – Charleston, WV – Litigation - Health Care
- Listed, West Virginia Super Lawyers
  - Personal Injury Defense: Medical Malpractice (2007 - 2023)
- Select Committee on Local Rules for Circuit Court of Kanawha County, West Virginia (appointed by Supreme Court Chief Justice William Brotherton) (1990)
- President, Kanawha County Bar Association (1989 - 1990)
- Member, Young Lawyers Executive Committee, West Virginia State Bar (1986 - 1989)
- Member and Associate Editor, West Virginia Law Review, Vol. 83 (1980 - 1981)

## **PRACTICE CONCENTRATIONS**

- Hospital and Physician Malpractice
- Privileging and Credentialing for Health Care Organizations
- Pharmaceutical and Medical Device Defense
- Product Liability
- Complex and Mass Torts
- Commercial and Business Litigation