



Amy M. Smith
Group Leader

Appellate

Very few cases reach the appellate level. Those that do shape the law. Appellate advocacy is a specialized practice requiring talents and abilities different from those called for by trial work and other aspects of the practice of law.

Representative Experience

- Counsel to major loan servicer in statewide consumer class action; appellate court rejected class efforts to impose new obligations on creditors and trustees, and established new syllabus points confirming creditors' rights in non-judicial foreclosures
- Represented clients in various appellate matters including actions
 - (1) challenging constitutionality of non-judicial foreclosure
 - (2) challenging constitutionality of statutory limits on non-economic damages
 - (3) seeking to establish cause of action for workplace stress
 - (4) seeking to establish per se violations of insurance bad faith statute
 - (5) seeking removal of co-trustee of testamentary trust
 - (6) seeking to establish police liability for naming of suspects in criminal investigation
 - (7) seeking tax refunds
 - (8) challenging bidding process for construction of office building for university board of trustees
 - (9) seeking access to confidential hospital peer review records
 - (10) challenging NCAA eligibility ruling
 - (11) challenging completed operations hazard exclusion in commercial general liability policy
- Appeared as counsel of record in over two hundred appellate matters, including cases in the United States Supreme Court, the United States Court of Appeals for the Fourth Circuit, the Supreme Court of Appeals of West Virginia, the Supreme Court of Virginia, and the Supreme Court of Kentucky.
- Appeal to the West Virginia Supreme Court of Appeals from a verdict against a large coal company in the Circuit Court of Boone County, West Virginia, in a case alleging age discrimination and breach of an employee handbook.
- Represented a surgeon in three successive trials and interim appeals of a wrongful death medical malpractice case over 8 years
- Appeal to the West Virginia Supreme Court of Appeals on a petition for writ of prohibition involving a complicated discovery issue in a multi-million dollar condemnation case.



