



Gary W. Hart

Of Counsel

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Gary W. Hart is Of Counsel in the Manufacturing industry group, focusing primarily on litigation. He practices out of the Firm's office in Charleston, West Virginia.

Now retired from Firm membership, Gary continues to offer his services as a mediator. His decades of litigation experience make him an ideal choice for mediation work, which is delicate, nuanced, and requires a unique skillset that not every lawyer possesses. As former General Counsel to the Firm and head of the Firm's internal Litigation group for more than 10 years, Gary has honed the skills necessary to mediate even the most difficult of cases. He will come to the table fully prepared and immersed in the facts.

During his years of practice, he regularly worked with clients to defend product liability and other personal injury claims and to resolve business disputes. He was called upon to assess, document, and report incidents that include personal injuries where immediate response is a critical component in the ultimate resolution of the case.

He has represented companies in a variety of industries including manufacturing, trucking, coal, natural gas, chemical, and construction. He's helped companies respond immediately, efficiently, and fairly to personal injury, property damage, and product liability suits. He's successfully defended and represented large corporations in trial on issues ranging from personal injury cases to business disputes.

He is rated AV Preeminent by Martindale-Hubbell and is listed in Woodward/White's *The Best Lawyers in America*® for Personal Injury defense, and in West Virginia *Super Lawyers*®.

Awards

- Martindale-Hubbell, AV Preeminent Rating
- Named in West Virginia *Super Lawyers*® for Personal Injury - Products: Defense Law (2014-2018)
- Selected by his peers for inclusion in *The Best Lawyers in America*® for Personal Injury Litigation - Defendants and Product Liability Litigation - Defendants (2008-2024)
- Listed in Litigation Section of *Super Lawyers*® Business Edition for Personal Injury - Products (2013-2015)
- Named in West Virginia *Super Lawyers*® for Personal Injury - Defense: Products Law (2013)
- Named in West Virginia *Super Lawyers*® (2012)
- Research Editor, Kentucky Law Journal (1981)
- Staff Member, Kentucky Law Journal (1980)
- Graduated with distinction from the University of Kentucky (1978)

Notable Legal Experience

Litigation Experience

- Defended a chemical processing plant in a deliberate intent case where an employee sustained severe burns over 60 percent of his body which he alleged were due to mishandling of chemicals
- Defended a coal company against a worker alleging he sustained serious injuries when he was pinned between a remote-controlled continuous miner and the wall of the coal mine
- Multiple representations of elevator and escalator manufacturing and servicing companies in cases involving alleged defects on escalators resulting in falls, alleged drops or sudden stops in elevators and shoe entrapments and falls on escalators
- Represented coal companies against plaintiffs claiming that improper maintenance of mining equipment led to exposure to fumes from the equipment, resulting in accidents and personal injuries
- Representing trucking companies in immediate investigation of accidents, inspection and collection of evidence, retention of experts, etc., in anticipation of litigation
- On behalf of an international chemical company, served as "ad hoc" regional counsel to support in-house legal department; defended claims resulting from accidental chemical releases
- On behalf of regional convenience store chain, tracks and monitors all its litigation to ensure consistent application of company's litigation policies and discovery responses and coordination among operational personnel and other service providers
- Represented manufacturer of a small compactor which plaintiff alleged was defective because it did not have a seatbelt interlock to force the plaintiff to wear the seatbelt before starting the compactor; the plaintiff drove the compactor off the side of a trailer while not wearing the seatbelt and fell, sustaining injuries resulting in quadriplegia
- Represented a manufacturer of highway construction equipment against a plaintiff who alleged that the suspension on large compactors caused back injuries
- Represented a coal company against the estate of a truck driver who was fatally injured when the tractor-trailer he was driving downhill overturned; plaintiffs alleged improper inspections of a coal haulage vehicle and improper road design

Trial Experience

- Defended a coal company against a contractor who had tractor-trailer brake failure during descent of a steep haul road, claiming that improperly marked roads caused his accident and serious injuries
- Represented a coal company in a multi-million-dollar business dispute concerning coal lease payments and overriding royalties, breach of contract and early termination of that lease
- Co-counsel in defense of auto manufacturer in wrongful death claim of teenager in a "t-bone collision;" parents asserted the seatbelts were defective and therefore caused the death
- Co-counsel in defense of auto manufacture in claim that engine alternator was defective, causing fire in engine, resulting in severe burns to plaintiff
- Defended utility company in premises liability claim that it was required to assist in unloading of pipe truck, where load spilled onto plaintiff causing serious injury

Work History

- Jackson Kelly PLLC (1981-Present)

Education

- University of Kentucky College of Law (J.D., 1981)
- University of Kentucky (B.A. in Political Science, 1978)

Admissions

- West Virginia (1981)
- U.S. Supreme Court (2004)
- U.S. Court of Appeals, Fourth Circuit (1992)
- U.S. District Court, Northern District of West Virginia (1982)
- U.S. District Court, Southern District of West Virginia (1981)

Professional Organizations

- West Virginia State Bar
- Kanawha County Bar Association

Speaking Engagements & Publications

- "Pictures Worth a 1,000 Words: Use of Photography and Videography in Accident Reconstruction, Mediation and Trial," Arkansas Trucking Seminar (2008)