



## **Robby J. Aliff**

Member

### **Charleston Office**

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**Robby J. Aliff is Chair of the Health Care Litigation Practice Group, focusing primarily on health care litigation and medical professional liability. He practices general litigation, including commercial and complex litigation, with a focus on solving business disputes. Rob serves as a mediator in all types of litigation and enjoys helping parties resolve their disputes outside the courtroom. Rob is a member of the Firm's Executive Committee and practices out of the Firm's office in Charleston, West Virginia.**

Much of Rob's work involves defending health care providers against claims brought under the West Virginia Medical Professional Liability Act (MPLA), including those involving cardiology, cardiothoracic surgery, oncology, urology, orthopedic surgery, gynecologic surgery, obstetrics, radiology, and various nursing care issues. He also represents health care providers in disciplinary actions before the West Virginia Board of Medicine, the West Virginia Board of Osteopathy, the West Virginia Board of Examiners for Registered Professional Nurses, and the West Virginia Board of Physical Therapy.

Rob also has defended class action and complex litigation matters involving financial services, consumer credit, general business disputes, defective products and pharmaceuticals in both state and federal courts.

Rob has a solid track record of taking, defending, and preparing clients for depositions, presenting oral arguments, and taking cases to trial. At a time when most cases are dismissed or settled, having the courtroom experience necessary to try cases before a judge or jury is critical. Rob has tried a number of health care-related cases in multiple jurisdictions around West Virginia. This experience has allowed him to sharpen his courtroom skills and determine the best way to communicate complicated legal and medical issues.

Rob knows that communicating with clients is another critical skill. This is why a key part of Rob's practice also involves heading off problems before they occur – he often counsels medical providers and practices on issues of confidentiality, risk management, and maintaining medical records. Rob develops relationships with his clients that go beyond the superficial in order to help them navigate litigation – a part of his job that he finds deeply gratifying. Rob knows trust is an imperative part of the lawyer-client relationship, and this trust-building is his favorite part of practicing law.

Outside the office, Rob enjoys any type of live music, from musical theater, to “Mountain Stage” live radio, to an event at the Clay Center. He and his wife, Tracy, have enjoyed introducing their children to the joy of live music. His other great love is travel, and he’s convinced traveling is the best way not only to learn about other cultures, but also to appreciate your own.

Rob is proud of his Fayette County and West Virginia roots. He was the first in his family to attend college and professional school, and his appreciation for those opportunities shines through in his practice.

## Awards

- *The Best Lawyers in America*® Charleston, West Virginia Health Care Law "Lawyer of the Year" (2021)
- *The Best Lawyers in America*® for Bet-the-Company Litigation, Commercial Litigation, Health Care Law and Medical Malpractice Law - Defendants (2019-2025)
- West Virginia *Super Lawyers*® for Personal Injury Medical Malpractice: Defense Law (2018)
- *The Best Lawyers in America*® for Commercial Litigation and Medical Malpractice Law - Defendants (2017)
- *Best Lawyers*® Charleston, West Virginia, Medical Malpractice Law - Defendants "Lawyer of the Year" (2016)
- Litigation Section of *Super Lawyers*® Business Edition for Personal Injury Defense: Medical Malpractice (2013-2015)
- West Virginia *Super Lawyers*® for Personal Injury Defense: Medical Malpractice Law (2009-2022)
- Martindale-Hubbell: AV Rated (2012)
- *The Best Lawyers in America*® for Medical Malpractice Law (2010-2016)
- Generation Next, 40 under 40, The State Journal (2007)
- JE Lewis Scholarship
- Phi Alpha Delta
- Omicron Delta Kappa



## Notable Legal Experience

### Health Care Litigation

- Medical malpractice defense
- Handled and tried MPLA cases involving cardiology, cardiothoracic surgery, oncology, urology, orthopedic surgery, gynecologic surgery, obstetrics, radiology, and various nursing care issues
- Defends doctors, nurses, hospitals, and other health care providers against claims under the West Virginia Medical Professional Liability Act (MPLA)
- Represents health care providers in disciplinary actions before the West Virginia Board of Medicine, the West Virginia Board of Osteopathy, the West Virginia Board of Examiners for Registered Professional Nurses, and the West Virginia Board of Physical Therapy
- Counsels providers and medical practices regarding confidentiality, risk management, and maintaining medical records

### Class Action & Complex Litigation

- Defended clients against claims of defective products and pharmaceuticals in State Circuit Courts and Federal District Courts

### General Litigation

- Defends clients involved in general business disputes and other litigation related to operating their businesses
- Represents major corporations against all types of litigation claims and disputes

### Mediation

- Provides services as a mediator in employment, health care and general litigation matters to assist the parties in finding a resolution without taking a case to trial

## Work History

- Jackson Kelly PLLC (1997-Present)
- West Virginia Legislature House Judiciary Committee, Counsel (1999)
- Jackson & Kelly PLLC, Summer Associate (1995, 1996)
- Office of the Governor, Office Legal Counsel Intern (1989)

## Practices

- Appellate
- Arbitration, Mediation & Alternative Dispute Resolution
- Class Action & Complex Litigation
- Commercial Litigation
- Health Care Litigation
- Health Care Regulatory
- Litigation
- Medical Malpractice
- Medical Device
- Pharmaceutical
- Professional Liability, Errors & Omissions

## Industries

- Health Care
- Financial Services
- Banking
- Utilities

## Education

- Washington and Lee University School of Law (J.D., 1997)
- Washington and Lee University (VA) (B.A. in Psychology, 1991)

## Admissions

- West Virginia (1997)
- U.S. Supreme Court (2014)
- U.S. Court of Appeals, Fourth Circuit (1998)
- U.S. District Court, Northern District of West Virginia (1998)
- U.S. District Court, Southern District of West Virginia (1997)

## Professional Organizations

- 2024 International Association of Defense Counsel Annual Trial Academy Faculty
- Appointed representative of the West Virginia State Bar, Intermediate Court of Appeals of West Virginia Advisory Council, Supreme Court of Appeals of West Virginia (2022)
- American Board of Trial Advocates (ABOTA), Member
- American Bar Foundation, Fellow

- West Virginia Bar Foundation, Fellow
- International Association of Defense Counsel
- State of West Virginia Lawyer Disciplinary Board (2012-2018), Chair (2016-2018)
- Jackson Kelly PLLC Executive Committee (2011-2014 & 2021-Present)
- Defense Trial Counsel of West Virginia
- Defense Research Institute (DRI)
- Medical Professional Liability Committee, Defense Trial Counsel of West Virginia

# American Board of Trial Advocates™



## Speaking Engagements & Publications

### Speaking Engagements

- Speaker, "Civility Matters, Bridge the Gap, Young Lawyers Committee of the West Virginia State Bar, Embassy Suites, Charleston, WV (April 8, 2024)
- Panel discussion leader, "Challenges in Healthcare," Leadership West Virginia, Healthcare Session, The Greenbrier, White Sulphur Springs, West Virginia (October 25-27, 2023)
- Speaker, "Civility Matters," Bridge the Gap, Young Lawyers Committee of the West Virginia State Bar, The Greenbrier, White Sulphur Springs, West Virginia (March 27, 2023)
- Speaker, "Client Counseling," DTCWV Young Lawyers Committee Litigation and Advocacy Seminar, Charleston Marriott Town Center, Charleston, West Virginia (April 8, 2022)
- Speaker, "Avoiding Medical Professional Liability in West Virginia," 39th Annual Mid-Winter Osteopathic Seminar, Embassy Suites, Charleston, West Virginia (Jan. 29, 2022)
- Co-speaker with Alaina N. Crislip and Danielle M. Waltz, "COVID-19 Liability From the Perspective of the Provider and Litigation," West Virginia Chamber 2021 Virtual Small Business Healthcare Summit (Feb. 24, 2021)
- Speaker, 35th Annual Mid-Winter Osteopathic Seminar (2018)
- Speaker, 34th Annual Mid-Winter Osteopathic Seminar (2017)
- Speaker, West Virginia Health Care Association's Be Prepared: Legal and Operations Update, "Top 5 Litigation Issues for the Nursing Home Defendant" (2012)
- Speaker, West Virginia Osteopathic Society (2010-2014)
- Speaker, 27th Annual Midwinter Osteopathic Seminar, "Medical Malpractice 101: The Chart," (2010)
- Presenter, West Virginia CLE, Litigation, "Drug and Medical Device Litigation," (2009)
- Presenter, Defense Trial Counsel of West Virginia, Deposition Boot Camp, "Expert Symposium 101: Defending the Expert Deposition" (2006)
- Various Lectures, Departments of Family Medicine, Internal Medicine, Obstetrics & Gynecology and Pediatrics at Charleston Area Medical Center, "Medical Malpractice 101," "Risk Management: Preventing Malpractice Lawsuits," "Medical Record Charting" and "Health Care Directives"
- Presenter, West Virginia CLE, Litigation, "Obtaining Medical Records by Subpoena," (2001)

### Writings and Publications

- Author, "Obtaining Medical Records by Subpoena: A Review of *Keplinger v. Virginia Electric and Power Company*," Defense Trial Counsel of West Virginia 2001 Annual Convention Notebook
- Co-author with Thomas J. Hurney, Jr., "Medical Professional Liability in West Virginia," *105 West Virginia Law Review* 368 (2003)
- Co-author with Thomas J. Hurney, Jr. and Jennifer Mankins, "Challenges to Affidavit of Merit Requirements," *For the Defense* (2008)

## Community

- United Way of Central West Virginia, Board of Directors (2017-2024)
- Charleston Main Streets, Board of Directors (2015-2023)
- Clay Center for the Arts and Sciences of West Virginia, Board of Directors (2019-Present)
- Leadership West Virginia, Board of Directors (2009-2019), Chair (2017)
- Foundation for Thomas Health System, Board of Directors (2011-2019), Chair (2017)
- Omicron Delta Kappa, National Counsel (2013-2015)
- Charleston Chapter - Washington and Lee University Alumni Association, Past President & Board of Directors
- Washington and Lee University Alumni Association, Board of Directors (2009-2011)
- Washington and Lee School of Law, Law Council (2002-2006)
- West Virginia State Bar Board of Governors (2008-2011 & 2020-Present)
- Advisory Council of the West Virginia Governor's Schools, Past Chair
- Leadership West Virginia (Class of 2006)