



## William S. Mattingly

Member

### Lexington Office

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**William S. Mattingly is a Member in the Energy and Coal industry groups, focusing primarily on workers' compensation and federal black lung. He practices out of the Firm's office in Lexington, Kentucky.**

Bill's practice centers on the defense of federal black lung claims before the U.S. Department of Labor (DOL). He regularly appears before the DOL's Office of Workers' Compensation Programs, Office of Administrative Law Judges, and the Benefits Review Board. He's appeared in defense of black lung claims before the United States Courts of Appeal for the Third, Fourth, Sixth, and Tenth Circuits. Bill also has written about black lung litigation and has regularly lectured on developments in black lung cases.

Whether taking depositions or appearing before the court in an appellate oral argument, Bill enjoys helping his clients solve problems, and he's clearly good at it. He is rated AV Preeminent by Martindale-Hubbell®, has been included in *The Best Lawyers in America*® for Worker's Compensation Law – Employers since 2005, and was named in the 2011 edition of *West Virginia Super Lawyers*®.

Bill loves that being a lawyer has allowed him to wear other hats as well, such as teacher. Bill was an adjunct lecturer at the West Virginia University College of Law from 1996 to 2013, teaching appellate advocacy. He's also adept at taking the lead – he coached several WVU Moot Court teams in national moot court competitions, and serves as chair of the Firm's internal administrative law practice group. Also, as a graduate of the University of Cincinnati for both his undergraduate and law school degrees, it's no wonder he's a die-hard Reds fan.

## Awards

- Rated AV Preeminent by Martindale-Hubbell
- Named in *West Virginia Super Lawyers*® (2011)
- Selected by his peers for inclusion in *The Best Lawyers in America*® for Workers' Compensation Law - Employers (2005-2023)

## Notable Legal Experience

### Representative Cases

- *Consolidation Coal Co. v. Director, OWCP and Borda*, 171 F.3d 175 (4th Cir. 1999)
- *Milburn Colliery Co. v. Hicks*, 138 F.3d 524 (4th Cir. 1998)
- *Venicassa v. Consolidation Coal Co.*, 137 F.3d 197 (3d Cir. 1998)
- *Energy West Mining Co. v. Oliver*, 555 F.3d 1211 (10th Cir. 2009)

- *Helen Mining Co. v. Director, OWCP [OBush]*, 605 F.3d 248 (3d Cir. 2011)
- *Sharpe v. Director, OWCP*, 495 F.3d 125 (4th Cir. 2007), appeal after remand 692 F.3d 317 (4th Cir. 2012), cert. denied 133 S.Ct. 2852 (2013)
- *Mingo Logan Coal Co. v. Owens*, 724 F.3d 550 (4th Cir. 2013)
- *Antelope Coal Co. v. Goodin*, 743 F.3d 1331 (10th Cir. 2014)

## Work History

- Jackson Kelly PLLC (1986-Present)
- Attorney Advisor, U.S. Dept. of Labor, Cincinnati, Ohio (1985)

## Practices

- Federal Black Lung
- State Workers' Compensation
- Appellate

## Industries

- Energy
- Coal

## Education

- University of Cincinnati College of Law (J.D., 1985)
- University of Cincinnati (B.A. in History, 1982)  
cum laude

## Admissions

- Kentucky (2014)
- Pennsylvania (1993)
- West Virginia (1987)
- Ohio (1985)
- U.S. Court of Appeals, Tenth Circuit (2003)
- U.S. Court of Appeals, Seventh Circuit (2002)
- Supreme Court of the United States of America (1993)
- U.S. Court of Appeals, Third Circuit (1993)
- U.S. District Court, Northern District of West Virginia (1991)
- U.S. Court of Appeals, Sixth Circuit (1989)
- U.S. Court of Appeals, Fourth Circuit (1989)
- U.S. District Court, Southern District of West Virginia (1987)
- U.S. District Court, Southern District of Ohio (1985)

## Speaking Engagements & Publications

### Speaking Engagements

- "Federal Black Lung Update," Black Lung and Pulmonary Impairments in the Law CLE, Appalachian School of Law, Grundy, Virginia (March 2013)
- Adjunct lecturer in Law, Appellate Advocacy, West Virginia University College of Law (1996-2013)
- Panelist, U.S. Department of Labor, Office of Administrative Law Judges Conference, New Orleans, Louisiana (October 2002)

- Advisor, WVU Moot Court Team, ABA Moot Court Competition (2001)
- Advisor, WVU Moot Court Team, Nova Southeastern University Competition (1999 and 2000)
- Panelist, U.S. Department of Labor, Office of Administrative Law Judges Conference, Williamsburg, Virginia (April 1997)
- Diseases of the Lung, Legal Aspects and Procedures of Federal Black Lung Claims, WV Continuing Legal Education (1990)

### **Writings and Publications**

- “If Due Process is a Big Tent, Why Do Some Feel Excluded from the Big Top?,” 105 W.Va. L. Rev. 791 (2003)
- “Black Lung Update: The Evolution of the Current Regulations and Proposed Revolution,” 100 W.Va. L. Rev. 601 (1998)
- “Federal Black Lung Update,” 96 W.Va. L. Rev. 819 (1994)
- “Federal Black Lung Update: The Standard of Disability Causation for Federal Black Lung Benefits,” 94 W.Va. L. Rev. 787 (1992)
- “Federal Black Lung Update,” 12th Eastern Mineral Law Institute (1991)

### **Community**

- First United Methodist Church
- American Red Cross, Bluegrass Chapter, Board Member