



KAREN T. MCELHINNY

MEMBER / OWNER

CONTACT

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PRACTICE AREAS

- Arbitration/Mediation
- Architect & Engineering Liability
- Appeals
- Business Litigation
- Construction Litigation
- General Litigation
- Labor, Employment & Deliberate Intent Litigation
- Long-Term Care & Nursing Home Litigation
- Medical Malpractice
- Professional Liability
- State, Municipal & Public Utility Litigation

ATTORNEY BIOGRAPHY

Karen Tracy McElhinny became associated with the firm in 1997, and she was elected as a member in January of 2003. Ms. McElhinny became an owner of the firm in 2014. Ms. McElhinny defends and advises healthcare providers, public entities, professionals, and businesses. Her areas of interest include the defense of medical malpractice claims and the defense of cities, towns, counties, state agencies, and private employers in litigation.

Ms. McElhinny attended the University of Virginia, where she pursued a double major in English and Sociology and received her Bachelor of Arts degree with distinction in 1994. Ms. McElhinny continued her education at the Washington & Lee University School of Law in Lexington, Virginia, where she participated in Moot Court and the Alderson Legal Assistance Clinic. While at Washington & Lee, Ms. McElhinny was chosen by the faculty to receive the award given for having made the most significant student contribution to the Alderson Legal Clinic and the award given for having made the most significant student contribution to the Moot Court program. She also served on the Executive Moot Court Board, where she managed the Davis Moot Court Competition.

Ms. McElhinny has volunteered her time at the mentoring program at Glenwood Elementary, the tutoring program at the Salvation Army Boys and Girls Club, the YMCA Resolve Family Abuse Program, and St. Matthews Episcopal Church. Ms. McElhinny has held leadership positions with the Charleston Figure Skating Club and St. Matthews.

BAR ADMISSIONS

- West Virginia, 1997
- U.S. District Court, Southern District of West Virginia, 1997
- U.S. District Court, Northern District of West Virginia, 1998
- U.S. Court of Appeals for the Fourth Circuit, 2007
- Virginia, 2020
- U.S. District Court, Eastern District of Virginia, 2020
- U.S. District Court, Western District of Virginia, 2021

EDUCATION

- J.D., Washington and Lee University School of Law
 - Honors: Member, Executive Moot Court Board
- B.A., with distinction, University of Virginia

PUBLICATIONS

- “No One Pays Sticker Price for Healthcare Anymore: A Multistate Analysis of Recoverable Medical Special Damages in Medical Malpractice Litigation.” Defense Research Institute, The MedLaw Update, Volume 24, Issue 2, July 2019 (co-authored with Emily L. Lilly and Caleb B. David)
- “The Principal’s Role with IEP Teams,” (Co-Author), The Communicator (NASEP), October 2014, Vol. 28, Issue 2.
- Anti-Subrogation and Setoff Provisions in Tort Claims Acts, and Unsettled Federal Preemption Issues, IMLA: the Municipal Lawyer Magazine (May 2011)
- The Collateral Source Rule: A Compendium of State Law, DRI, West Virginia Section (2012)

REPRESENTATIVE CASES

- *Burke v. Wetzel County Commission*, 240 W.Va. 709, 815 S.E.2d 520 (2018)
- *Hurlbert v. Matkovich*, 233 W.Va. 583, 760 S.E.2d 152 (2014)
- *Pope Properties v. Robinson*, 230 W.Va. 382, 738 S.E.2d 546 (2013)
- *Standard Distributing v. City of Charleston*, 218 W.Va. 543, 625 S.E.2d 305 (2005)
- *Cooper v. City of Charleston*, 218 W.Va. 279, 624 S.E.2d 716 (2005)

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- West Virginia Bar Association
- Kanawha County Bar Association
- Winchester-Frederick County Bar Association
- Defense Trial Counsel of West Virginia
- Defense Research Institute

CLASSES/SEMINARS TAUGHT

- Legal Considerations in the Age of COVID: Proper Care May Not Be Enough, WVHCA Annual Convention, September 2020 (Co-Presenter with Caleb David)
- "HIPPA Implications During the COVID-19 Pandemic," WV Defense Trial Counsel Seminar, 2020 (Co-Presenter with Tamela J. White)
- Governmental Tort Claims Act Immunity for Political Subdivisions, Attorneys' Guide to Local Government Law, NBI (2015)
- Public Records in West Virginia: a Brief Discussion of the West Virginia Freedom of Information Act and the Records Management and Preservation of Essential Documents Act, Local Government Law: What Attorneys Need to Know, NBI (2013)
- Preventing Surgical Site Confusions: A Cautionary Tale of Consent Form Confusion, WV Academy of Ophthalmology Annual Meeting (2010)