



# ROBERTA F. GREEN

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## MEMBER

### ATTORNEY BIOGRAPHY

Roberta F. Green joined Shuman McCuskey Slicer PLLC, in May 1994 and became a member in 1999. Ms. Green's practice has come to focus on employment law, energy law, state and municipal government liability (including utility and emergency services work), personal injury defense, civil rights (including the Americans with Disabilities Act and its 2008 Amendments), professional liability (including, by example, medical and psychiatric malpractice defense, legal malpractice defense), constitutional law and appellate practice. Her clients include individuals, corporations and political subdivisions (including cities and emergency providers such as ambulance and fire departments). Throughout her years of practice, Ms. Green has handled litigations in these areas before administrative tribunals (including the West Virginia Human Rights Commission, the Public Service Commission, the State of West Virginia Board of Review, the West Virginia Workers Compensation Commission) and before state and federal courts, both across the region and beyond. Ms. Green also has practiced repeatedly before the West Virginia Supreme Court of Appeals and has appeared before the United States Court of Appeals for the Fourth Circuit.

Roberta was born and raised in Denver, Colorado, and previously served as an award-winning faculty member at Louisiana State University in Baton Rouge, and at Virginia Tech (VPI&SU) in Blacksburg. Roberta is a certified fitness professional, a marathoner, and a Master Swimmer, and she and her husband, chemical engineer Hal Foss, live in Vienna, WV, where they enjoy outdoor pursuits and travel.

### CONTACT

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### PRACTICE AREAS

- Appeals
- Business Litigation
- Environmental Litigation
- General Litigation
- Labor, Employment & Deliberate Intent Litigation
- Long-Term Care & Nursing Home Litigation
- Mass Torts & Toxic Exposure Litigation
- Medical Malpractice
- Professional Liability
- State, Municipal & Public Utility Litigation

## **EDUCATION**

- J.D., cum laude, Washington and Lee University School of Law
- C.A.S., Hollins University
- N.E.H., Princeton University
- R.P.P.C., Harvard University
- M.A., Louisiana State University
- B.A., Colorado State University

## **BAR ADMISSIONS**

- West Virginia, 1994
- U.S. District Court, Southern District of West Virginia, 1994
- U.S. District Court, Northern District of West Virginia, 2005
- U.S. Court of Appeals for the 4th Circuit, 1996
- U.S. Supreme Court, 2004

## **PUBLISHED WORKS**

- “West Virginia Engineering Law” (Professional Liability Law) Power Point Webinar (February 2021)
- “The Next Pandemic” (Author) Best Lawyers Business Edition 2020 (September 2020)
- “The Return to the Workplace – Another Facet of the New Normal, Explored” (Author) DRI The Voice of the Defense Bar (June 2020)
- “And So It Begins – The Flip Side of COVID: Claims, Litigation, and Legislation in The Wake of The Pandemic” (Author) Claims Pages (May 2020)
- “Defensive Claims Handling: The Best Response to Adversarial Process” (Author) Claims Pages (April 2020)
- “Common Ethical Pitfalls for Lawyers” (Professional Liability) Power Point On-Demand Webinar for DRI (August 2019)
- “To Know or Should Have Known – The True Fact of Exponential Liability” (Author) DRI The Voice of the Defense Bar (January 2019)
- “The Care and Feeding of Outside Counsel – The Conventional Wisdom on the Nexus between Two Worlds.” (Author) In-House Defense Quarterly Fall 2018
- “Bullies, Boors, and Brats – The “Social Context” of Bad Behaviors in the Workplace.” (Author) For The Defense DRI The Voice of the Defense Bar (January 2018)
- “Betwixt and Between – The Complex and Often Contradictory State and Federal Mandates and Workers’ Compensation.” (co-author) For the Defense DRI The Voice of the Defense Bar (August 2016)

- Curious and Curiouser – Legal Certainty and the Appearing, Disappearing Phenomenon that is Precedent (September 2016)
- Leading and Advising in the Age of the Differently Abled, DRI Diversity Insider (9 15 2015)
- Brave New World: The 2015 Amendments to the Deliberate Intention Statute West Virginia Code Section 23-4-2 (co-author), DTCWV Notebook 2015
- Water, Water Everywhere — The Unsinkable Tort of Failure to Warn, DTCWV Notebook 2014
- Legal Matters: Successful Dress Codes, Communicator (NAESP), co-author, May 2013, Vol. 36, Issue 9
- “Teacher Evaluation: The Legal Factors” (co-author), Communicator (NAESP), Vol. 36, No. 6, February 2013
- “Legal Matters” (co-contributor), National Association of Elementary School Principals (NAESP) – 2012
- “The Challenges Faced by Defendants Seeking Psychiatric Examinations of Plaintiffs in Employment Litigation” (Co-Author), Defense Trial Counsel 2010 Notebook
- “The Americans with Disabilities Act Amendments of 2008,” Defense Trial Counsel 2009 Notebook
- “Legislative and Judicial Controls of Contingency Fees in Tort Cases: Protecting the ‘Little Guy’ from Excessive Fees” (Co-Author), Defense Trial Counsel 1996 Notebook
- “Legislative and Judicial Controls of Contingency Fees in Tort Cases” (Co-Author), 99 W.Va.L.Rev 81, Fall, 1996
- “Undue, Unfair, Undone: The Tension Between ‘Probative’ and ‘Prejudicial’ in Rule 403 of the Rules of Evidence” (Co-Author), Defense Trial Counsel 1995 Notebook
- “Undue, Unfair, Undone: The Tension Between ‘Probative’ and ‘Prejudicial’ in Rule 403 of the Rules of Evidence” (Co-Author), Defense Trial Counsel 1995 Notebook
- “Narrowing the Scope of Capital Murder During the Commission of a Robbery: When Must the Intent to Rob Arise?” Capital Defense Digest, Vol. 5, No. 2, Spring 1993
- Louisiana Administrative Code (Editor), Titles 7, 46, 1985-1986
- Synopsis of Louisiana Law and Practice (Co-Author), 1982-1990

#### **REPRESENTATIVE CASES**

- West Virginia Department of Health & Human Resources v. V.P., \_\_\_ w. Va. \_\_\_, 825 S.E.2d 806 (2019)
- Burke v. Wetzel Cry. Comm’n, 240 W. Va. 709, 815 S.E. 2d 520 (2018)

- Turbine Generator Maint, Inc. v. Am. Bituminous Power Partners, L.P. 2016 U.S. Distr., LEXIS 112091SER Airsquid Ventures (dba Amphibious Medics) v. Sengupta v. Hummel, \_\_\_\_\_ S.E.2d \_\_\_\_\_ (Docket No. 15-0102) (2015)
- American Bituminous Power Partners, LP, v. Horizon Ventures, 2015 WL 2261649 (2015)
- Jack v. City of Wellsburg, 2013 WL 5676825 (2013)
- Addis v. Snowshoe Mountain, Inc., 2013 WL 6152356 (2013)
- City of Princeton v. Holcomb, 2013 WL 6153008 (2013)
- Pingley v. Huttonsville Public Service District, 691 S.E.2d 531 (W. Va. 2010)
- Mines v. Southern Regional Jail, 2007 U.S. Dist. LEXIS 40520 (S. D. W. Va. 2007)
- SER Lloyd v. Zakaib, 613 S.E.2d 71 (W. Va. 2005).
- Green v. Charleston Area Medical Center et al., 600 S.E.2d 340 (W. Va. 2004)
- King v. Heffernan, 2003 WL 22850620 (W.Va. 2003)
- Strawser v. Atkins, 290 F.3d 720 (4th Cir. (W.Va. 2002)
- In re Mountain Laurel Resources Co., 258 B.R. 652, 31 Env'tl.L.Rep. 20,435 (S.D.W.Va. 2001)
- Pleasants v. Alliance Corp., 209 W.Va 39, 543 S.E.2d 320 (W.Va. 2000)
- Crispen v. West Virginia Secondary Schools Activities Com'n, 206 W.Va. 486, 525 S.E.2d 677, 142 Ed.Law.Rep 551 (W.Va. 1999)
- Jan-Care Ambulance Service, Inc. v. Public Service Com'n of West Virginia, 206 W.Va. 183, 522 S.E.2d 912 (W.Va. 1999)
- United States v. Bailey, 112 F.3d 758 (4th Cir. (W.Va.) 1997)Kirkpatrick v. Raleigh County Bd. of Educ., 78 F.3d. 579, 1996 WL 85122 (4th Cir. (W.Va.) 1996)
- Spaulding v. Mingo County Bd. of Educ., 897 F.Supp. 284, 103 Ed.Law Rep. 756, 12 A.D.D.163 (S.D.W.Va. 1995)

## **PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS**

- West Virginia Bar Association
- Defense Research Institute
- Defense Trial Counsel of West Virginia
- Energy & Mineral Law Foundation (EMLF)
- Women's Energy Network (WEN)
- West Virginia Manufacturer's Association (WVMA)
- Society for Human Resources Management (SHRM)
- National Exercise Trainer's Association (NETA) [certified fitness professional]
- West Virginia Alzheimer's Association (Board Member) 2012-2014