

Melissa Foster Bird

Partner
She/Her/Hers

949 Third Ave.
Suite 200
Huntington, WV 25701

T 304.526.3503
M 304.634.6919
F 304.526.3599

melissa.fosterbird@nelsonmullins.com



Melissa has served as lead trial counsel in more than 40 trials in state and federal courts in West Virginia, Ohio, Kentucky, and Virginia. Her experience includes representing clients in complex cases in the pharmaceutical, medical device, transportation, and chemical industries—including other manufacturers, retailers, and convenience stores—in some of the most difficult venues in the nation.

Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Experience

- Served as stand-up trial counsel for national medical device manufacturer in pelvic mesh trials, participating in discovery, *de bene esse* depositions, and trial strategy
- Deposed and defended fact witnesses, plaintiffs, treating physicians, and experts in depositions for pelvic mesh multidistrict litigation
- Deposed plaintiffs, fact witnesses, and treating physicians in hormone therapy (HRT) litigation
- Took evidentiary depositions of treating physicians for use in cholesterol drug trials
- Experience in workplace sexual harassment and retaliatory termination
- Experience in railroad defense litigation, products liability, premises liability, professional malpractice, and toxic tort cases
- Published in the areas of privacy and media law
- Taught seminars in the areas of effective motion practice, expert witness direct and cross examination, trial practice and tactics, and scientific research concerning cumulative trauma disorders

Education

Ohio State University, JD (1994)

Miami University (OH), BS (1990)

Admissions

West Virginia

Kentucky

Ohio

Virginia

Supreme Court of the United States

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Eastern District of Kentucky

U.S. District Court for the Western District of Kentucky

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Northern District of West Virginia

U.S. District Court for the Southern District of West Virginia

Representative Cases

- Defended claim of employer negligently assigning worker to tasks knowing they were beyond his physical restrictions
- Defended allegation of sexual harassment and retaliatory discharge, emotional distress, libel, slander, and defamation
- Defended claim of a disabling back injury during the course of heavy industrial work and claim that tools and methods provided by employer created a unsafe work environment
- In a Mingo County, West Virginia case, defended allegation of cumulative trauma injuries during work due to the unsafe manner in which he was asked to perform his job

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- Recipient of the [2019 Women Worth Watching Leadership Award](#) from the Profiles in Diversity Journal
- [Benchmark Litigation](#)
 - "Future Star" (2018–2021, 2024–2025)
 - West Virginia "Labor & Employment Star" (2022)
- The Nelson Mullins Sara Turnipseed "Women on the Go" Award recognizing promotion of opportunity and success for women attorneys (2017)
- [Chambers USA: America's Leading Lawyers for Business](#), Litigation: General Commercial – West Virginia (2011–2013, 2018–2025)
- [The Legal 500: U.S. Edition](#), litigation practice (2011–2015); Dispute Resolution: Product liability, mass tort, and class action – defense: Toxic Tort (2021)
- [The Best Lawyers in America®](#), Railroad Law (2012–2026)
- [The Best Lawyers in America®](#), Lawyer of the Year, Charleston, WV, Railroad Law (2013)

Professional Activities

- Fellow, American College of Trial Lawyers
- Faculty, litigation trial school, National Association of Railroad Trial Counsel
- DRI—The Voice of the Defense Bar
- National Association of Railroad Trial Counsel
- Defense Trial Counsel of West Virginia
- Fellow, Litigation Counsel of America

Practice Areas

[Commercial Litigation & Business Torts](#)

[Employment & Labor](#)

[Class Action & Multi-Claim Litigation](#)

[Products Liability - Consumer & Mechanical](#)

[Products Liability - Pharmaceuticals & Medical Devices](#)

Industries

[Railroads](#)

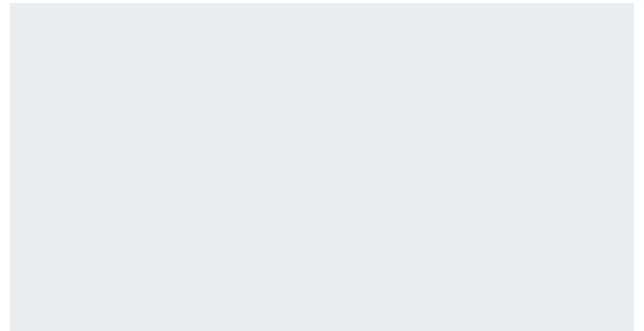
[Consumer Products & Retail](#)

[Manufacturing](#)

[Life Sciences, Pharmaceuticals & Medical Devices](#)

Community

- Served as a volunteer for the Huntington Museum of Art Capital Campaign, the United Way of the River Cities, the State Scholars Initiative, and the West Virginia Civil Liberties Union
- Involved in Andrew's Buddies/FightSMA, an organization that raises funds for research in the area of Spinal Muscular Atrophy



Articles & Speeches

Insights

[Work-Life 'Balance' — Don't Drop the Plates or the Brief!](#)- Co-Author (March 10, 2021)

Events/Speaking Engagements

[Women in Philanthropy and Leadership Conference & Celebration: Diversity and Inclusion Panel](#)- Speaker (February 11, 2020)

[Parachuting Into a Virtual Trial Team](#)- Speaker (February 9, 2019)

[Nelson Mullins' Melissa Foster Bird to Address 'The Weinstein Effect'](#) - Presenter (March 22, 2018)

[How to Immunize Your Company from Sexual Harassment Liability in the Viral Internet Age](#)- Speaker (December 14, 2017)

[In-House Roundtable Discussion: Maximizing the Law Department's Value](#), *Association of Corporate Counsel, North Florida Chapter*- Speaker (May 28, 2015)