

Thomas M. Hancock

Partner
He/Him/His

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Whether the issue is procedurally arduous or substantively complicated, understanding clients' business, learning their problems and helping navigate them is what motivates Tom. He focuses his practice on solving complex issues when serving fortune 500 companies in a wide range of industries including manufacturing, energy, healthcare, retail, and others. Tom advances the interests of businesses and individuals in state courts, federal courts, administrative tribunals, and appeals courts. He also serves as outside general counsel for several clients, including assisting with business transactions, mergers, corporate work, and navigating employment and regulatory issues. Tom has tried hundreds of cases, successfully argued numerous appeals, first chaired large class actions, closed multi-million dollar real estate transactions, and represents several non-profits improving life in Appalachia pro bono.

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

- First Chair in a privacy class action
- Tried numerous cases to verdict
- Defended several major hospital systems in data breach class actions and mass actions
- Prosecuted significant commercial litigation on behalf of Energy, Real Estate, and insurance companies
- Briefed significant constitutional cases before the Supreme Court of the United States and other state and federal courts
- Defended numerous civil actions on behalf of businesses in state and federal court, including jury trials and appeals to the Supreme Court of Appeals of West Virginia
- Defended hundreds of administrative trials before the United States Department of Labor Office of Administrative Law Judges

Education

West Virginia University College of Law,
JD (2007)

- Executive Research Editor,
The West Virginia Law Review
- CALI Award in Criminal Law,
Jurisprudence

University of North Carolina at Chapel
Hill, BA, Bachelor of Arts in Peace, War,
and Defense; Minor in History (2003)

Admissions

West Virginia

Kentucky

Ohio

Pennsylvania

Supreme Court of Appeals of West Virginia

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Third Circuit

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

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

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

- Defended against numerous OSHA citations in a variety of industries, with special focus on respirators and chemical exposure
- Defended one of the largest chemical exposure class action cases in West Virginia history
- Defended clients before West Virginia Mass Litigation Panel and Federal Multi-District Litigation Panel
- Defended both state and federal safety whistle blower claims
- Drafted and filed Amicus Briefs before Supreme Court of Appeals of West Virginia on behalf of major employers and workers' compensation insurers
- Briefed and argued several times before the Fourth and Sixth Circuit Court of Appeals

Representative Matters

- As appellate counsel at Fourth Circuit Court of Appeals, obtained reversal of trial court's grant of summary judgment in multi-million dollar insurance and indemnification dispute.
- Defeated Motion for Injunction in groundbreaking First Amendment case.
- Obtained extraordinary writ on behalf of sitting Supreme Court Justice regarding an impeachment proceeding.
- Counsels hospitals, financial institutions, and other businesses regarding privacy and data security.
- Obtained complete defense verdict in a week-long deliberate intent jury trial resulting from a structural collapse in a smelter.
- Obtained summary judgment, and an affirming opinion from the Supreme Court of Appeals of West Virginia, in a deliberate intent civil action arising from an explosion.
- Obtained Fourth Circuit opinion overturning Benefits Review Board's decision improperly discrediting an expert medical witness.
- Obtained pre-discovery dismissal of a deliberate intent civil action brought against a multi-national corporation alleging intentional chemical exposure.
- Obtained summary judgment in a deliberate intent civil action alleging violations of the Federal Motor Carrier Safety Regulations.
- Obtained dismissal of co-employee sued in deliberate intent civil action alleging violations of the Mine Safety and Health Act.
- Obtained summary judgment for a Fortune 500 client in a civil action alleging spoliation of evidence and statutory violations.
- Obtained reversal of district court opinion through appeal to Fourth Circuit in a civil action involving insurance coverage for a workplace fatality.
- Obtained summary judgment against a third party for indemnity and contribution in a deliberate intent civil action involving catastrophic burns.

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

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

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

Supreme Court of the United States

Practice Areas

[Appellate Practice & Legal Strategies](#)

[Commercial Litigation & Business Torts](#)

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

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

[Cybersecurity & Data Breach Response](#)

Industries

[Consumer Products & Retail](#)

[Manufacturing](#)

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

- Obtained summary judgment and an affirming opinion from the Supreme Court of Appeals of West Virginia on behalf of employer in chemical exposure deliberate intent case with more than 30 plaintiffs.
- Obtained summary judgment in a deliberate intent civil action alleging violations of the National Electric Safety Code.

Representative Cases

- *State ex rel. Workman v. Carmichael*, 241 W. Va. 105, 819 S.E.2d 251 (2018).
- *ALPS Prop. & Cas. Ins. Co. v. Turkaly*, No. 2:16-CV-10064, 2018 WL 385195 (S.D.W. Va. Jan. 11, 2018)
- *Cunningham v. Felman Prod., LLC*, No. 13-1276, 2014 WL 5311586 (W. Va. Oct. 17, 2014).
- *Addair v. Island Creek Coal Co.*, No. 12-0708, 2013 WL 1687833 (W. Va. Apr. 17, 2013).
- *Westmoreland Coal Co. v. Cochran*, 718 F.3d 319 (4th Cir. 2013).
- *Westmoreland Coal Co. v. Fortner*, 538 F. App'x 247 (4th Cir. 2013).
- *Varney v. Nationwide Mut. Ins. Co.*, No. 2:11-CV-00205, 2011 WL 6153085, at *1 (S.D.W. Va. Dec. 12, 2011).
- *Hager v. Cowin & Co. Inc.*, No. 2:10-CV-01138, 2011 WL 2175075 (S.D.W. Va. June 3, 2011).
- *Bowden v. Frito-Lay, Inc.*, No. 5:09-CV-00914, 2010 WL 3835222 (S.D.W. Va. Sept. 28, 2010).
- *Piasecki v. Wal-Mart Stores E., LP*, No. 2:08-CV-01302, 2009 WL 8626849 (S.D.W. Va. Feb. 20, 2009).

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.

- [The Best Lawyers in America®](#), Commercial Litigation (2020–2026), Product Liability Litigation – Defendants (2022–2026)
- [West Virginia "Super Lawyers Rising Stars,"](#) Business Litigation (2017)

Professional Activities

- American Bar Association
- West Virginia Bar Association
- Kanawha County Bar Association