



David A. Barnette

Of Counsel

Charleston Office

500 Lee Street East
Suite 1600
Charleston, WV 25301

(O): 304.340.1327

(F): 304.340.1380

(C): 304.539.8327

dbarnette@jacksonkelly.com

David A. Barnette is Of Counsel in the Business Law practice group, focusing primarily on commercial litigation. He practices out of the Firm's office in Charleston, West Virginia.

David has spent his entire career at Jackson Kelly since graduating from the University of Dayton School of Law in 1979. As part of the Firm's Business Law practice group, David has represented many major corporations in litigation arising from disputes over contracts, technology, antitrust concerns, and construction. Since 1991, he has been the General Counsel to the West Virginia Broadcaster's Association and regularly represents some of the state's largest television and radio stations.

David has been the lead trial counsel for media clients in four significant defamation cases, and is a regular contributor and writer in the area of broadcast law. He is the co-author of *Keeping It Legal*, a guide for broadcasters published by the West Virginia Broadcasters Association, and author of a reporters' shield law passed by the West Virginia legislature in 2011.

In addition to his work in the world of law, David is an active member of his community. He is chairman of the Board of Governors at Concord University, a member of the University of Dayton School of Law Board of Advisors, director and former chairman of the Concord University Foundation, trustee and secretary of the WSAZ Children's Foundation, director of the West Virginia Broadcasters Educational Foundation and a member of St. Mark's United Methodist Church. When David is not at the office you can probably find him on the water, enjoying some much-deserved R&R on his boat.

Awards

- *The Best Lawyers in America*® - Information Technology Law (2019-2022)
- *West Virginia Super Lawyers*® - Business Litigation Law (2013-2019)
- *The Best Lawyers in America*® - Information Technology Law and Litigation (2016-2017)
- *Super Lawyers*® Business Edition, "Business Litigation" (2013-2015)
- *Super Lawyers*® - Business Edition, "Litigation Law"
- *The Best Lawyers in America*® - Copyright Law, Information Technology Law and Litigation - Intellectual Property (2003-2015)
- Dean Francis J. Conte Special Service Award - University of Dayton, School of Law Alumni Association (2015)
- *Angel in Adoption*™, Congressional Coalition on Adoption Institute (CCAI) (2007)
- Certificate of Merit, West Virginia State Bar (1986)
- Presidents Award, West Virginia Broadcasters Association (1999)

jacksonkelly.com

Notable Legal Experience

Broadcast Law

- Guided radio and television stations in West Virginia through defamation cases

Work History

- Jackson Kelly PLLC (1979-Present)

Practices

- Business Law
- Appellate
- Commercial Litigation
- Intellectual Property & Licensing
- Media

Industries

- Financial Services
- Manufacturing

Education

- University of Dayton School of Law (J.D., 1979)
 - Special Projects Editor, University of Dayton Law Review
- Marshall University (M.A. in Government and Political Science, 1975)
- Concord University (B.A. in Political Science and Sociology, 1973)

Admissions

- Ohio (1979)
- West Virginia (1979)
- U.S. District Court, Northern District of Ohio (1989)
- U.S. Tax Court (1988)
- U.S. Court of Appeals, Seventh Circuit (1988)
- Supreme Court of the United States of America (1984)
- U.S. District Court, Northern District of West Virginia (1984)
- U.S. Court of Appeals, Sixth and Eighth Circuits (1982)
- U.S. Court of Appeals, Third Circuit (1981)
- U.S. Court of Appeals, Fourth Circuit (1979)

jacksonkelly.com

- West Virginia Supreme Court (1979)
- U.S. District Court, Southern District of West Virginia (1979)

Speaking Engagements & Publications

Speaking Engagements

- “What To Do When the Software Police Come Knocking...and Other Copyright Basics,” several locations
- “Sonny Bono’s Dead...But His Legacy Lives On, & Other Copyright Oddities,” several locations
- “Adoption Law,” several locations
- West Virginia Judicial Conference, “The Adoption of Foreign Born Children by West Virginia Citizens” (Fall 2000)
- West Virginia Broadcasters Association, “Update on West Virginia Advertising Issues” (1998)
- Hugh O’Brien Youth Foundation, Dow Tech Center, “Internet and Technology” (2001)
- West Virginia Auto Dealers Association, “Advertising for Auto Dealers” (Summer 2004)
- West Virginia Tax Institute, “Understanding State, Federal and Administrative Subpoenas” (Oct. 3, 2007)
- West Virginia Broadcasters Association Spring Meeting, “Newsgathering in West Virginia: The Good, The Bad and The Ugly” (2008)
- “Liability for Theft of Computer Information,” several locations (2009, 2010)
- West Virginia Broadcasters Association Spring Meeting, “Social Networking and Your Station: A Proactive Approach,” with Vivian H. Basdekis (March 26, 2011)
- West Virginia University College of Law Continuing Legal Education Program, “Red Flag” (Fall 2011)
- West Virginia Broadcasters Association Spring Meeting, “Keeping It Legal: EEO and Other Topics for Broadcasters,” with Vivian H. Basdekis (March 31, 2012)
- West Virginia Broadcasters Association Spring Meeting, “Keeping It Legal: EEO and Other Topics for Broadcasters,” with Vivian H. Basdekis (Feb. 23, 2013)
- “Adoption Law in West Virginia,” with Vivian H. Basdekis (May 14, 2013)
- West Virginia Broadcasters Association Spring Meeting, “What’s New in EEO, Political Advertising, and Other Topics for Broadcasters 2014” (March 7, 2014)

Writings and Publications

- “Survey of West Virginia Libel Law,” coauthored with Vivian H. Basdekis, *MLRC 50-State Survey 2013-2014: Media Libel Law* (March 2013)
- “Rights of Publicity Laws: West Virginia,” coauthored with Vivian H. Basdekis, published in *Practical Law* (2013)
- “The Application of the Reporter’s Privilege and the Espionage Act to Wikileaks,” coauthored, published in *U. Day. L. Rev.*, 165 (2012)
- “Keeping It Legal: A Guide for Broadcasters,” First through Sixth Edition
- “Intellectual Property: West Virginia” coauthored with Vivian H. Basdekis (2009)
- “Manual for the West Virginia Human Rights Hearing Examiners,” published by the West Virginia State Bar (1985)
- “The Price of Procrastination: Lenders Rights to Late Charges,” with Professor Hill, published in *2 Lending Law Forum* 3, No. 8 (May 1978)
- “Ohio Enacts a Nonresident Alien Land Registration Law,” Note, *Dayton Bar Briefs* 3, No. 6 (June 1979)
- “State Aid to Non-Public School Children Upheld in Part,” Note, published in *U. Day. L. Rev.* 49 (Summer 1978)
- “Free Speech: Burden of Proof Shifted in Teacher Dismissal Case,” Note, published in *Dayton Bar Briefs* 12, No. 2 (Oct. 1977)

jacksonkelly.com

Community

- Concord University Board of Governors, Vice Chairman
 - Chairman (2018-2022)
- University of Dayton School of Law, Board of Advisors (2003-2022)

- Concord University Foundation, former Director, former Chairman
- WSAZ Children's Foundation, Trustee and Secretary
- St. Marks United Methodist Church
- West Virginia Broadcasters Educational Foundation, Director and Secretary