

Vivian H. Basdekis Photo

## Vivian H. Basdekis

Member

### Charleston Office

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**Vivian H. Basdekis is a Member in the Banking, Construction, Energy, Financial Services and Oil & Gas industry groups, focusing primarily on banking and finance and commercial litigation. She practices out of the Firm's office in Charleston, West Virginia.**

Vivian has been a Member of the Firm since 2008. Prior to joining the Firm, she worked as a judicial law clerk for the Honorable Joseph C. Pomponio, Jr. Over the course of her career, Vivian has represented numerous clients on a wide variety of issues, including commercial contract disputes and business torts; construction law, mechanics' liens and bond law; financial services litigation; first amendment, media and broadcast law; and surrogacy and adoption law. Vivian is also the co-author of *Keeping It Legal*, a guide for broadcasters published by the West Virginia Broadcasters Association.

Vivian loves her legal practice because many of her clients are small business owners. Working closely with these clients, she gets a glimpse into a variety of different industries. One day she is absorbed in the operations of a television studio, and the next she is learning what it takes to run an oil and gas business. This variety certainly keeps her on her toes, and ensures her days are always interesting.

Vivian is also first-generation Greek American, and her heritage plays an important role in her life. She is fluent in Greek and considers it a treat to stay up late cooking traditional Greek and Mediterranean food. If that wasn't enough to keep her busy, she also enjoys traveling, reading, and trying to keep up with her two active, basketball obsessed sons. Whether you meet her on the basketball court or in a court of law, Vivian is a formidable opponent.

## Awards

- *The Best Lawyers in America*® for Litigation - Banking and Finance (2021-2022)
- Named to Generation Next: 40 Under 40 Class of 2018 by *The State Journal*
- West Virginia *Super Lawyers*® Rising Stars for Business Litigation (2015-2017)
- Outstanding Students in English Award, George Mason University (2002)
- Honors in Legal Research and Writing, George Mason University (2002)
- The George Washington University ADR Skills Board (2004-2007)
- ABA Alternative Dispute Resolution Negotiations Competition, Advanced to North American Finals (2004-2005)
- Alpha Lambda Delta Honor Fraternity, Vice President
- Honors Program in General Education, George Mason University
- Honors Program in English, George Mason University

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## Notable Legal Experience

**Commercial Contract Disputes and Business Torts**

- Representing business clients as both plaintiffs and defendants in commercial disputes, including breach of contract, breach of fiduciary duty, fraud and misrepresentation, civil RICO, claims arising under the Uniform Commercial Code, interference with contracts and business relationships, conversion and other business torts
- Assisting clients with collections and domesticating foreign judgments

#### **Construction Law, Mechanics' Liens and Bond**

- Representing property owners, contractors, subcontractors, architects, engineers and landscape artists in litigation in West Virginia courts, including the West Virginia Court of Claims
- Assisting clients with mechanics' liens and public project bond claims
- Co-authored the West Virginia chapter of the *Fifty State Construction Lien and Bond Law*
- Co-authored the West Virginia chapter of the *State-by-State Guide to Architect, Engineer and Contractor Licensing*

#### **Financial Services**

- Representing banking and financial institutions in claims involving contract disputes, torts and statutory violations
- Defending claims filed by both consumers and the Office of the Attorney General under the West Virginia Consumer Credit and Protection Act
- Defending banks and lenders in litigation involving claims of negligence, tortious interference, civil conspiracy, aiding and abetting and other claims

#### **First Amendment, Media and Broadcast**

- Representing West Virginia Broadcasters' Association (WVBA) and media clients, including, newspapers, radio and television stations and others, in libel cases and disputes involving defamation, privacy rights, copyright, trademark law and commercial appropriation
- Co-authored *Keeping It Legal*, a guide for broadcasters published by the WVBA, the *West Virginia Right of Publicity Laws* and the *Survey of West Virginia Libel Law*
- Assisted with efforts to enact West Virginia's reporter's shield law passed by the West Virginia Legislature in 2011

#### **Surrogacy and Adoption**

- Representing intended parents and gestational carriers in the drafting and negotiation of gestational surrogacy agreements
- Representing intended parents in circuit court to obtain pre- and post-birth orders prior to the filing of the birth certificate
- Assisting clients with state and interstate adoptions

## **Work History**

- Jackson Kelly PLLC (2008-Present)
- The Hon. Joseph C. Pomponio, Jr., Judicial Law Clerk (2007-2008)

## **Practices**

- Class Action & Complex Litigation
- Commercial Litigation
- Construction Law
- Appellate
- Litigation
- Media
- Intellectual Property & Licensing

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## **Industries**

- Banking
- Construction

- Energy
- Financial Services
- Oil & Gas

## Education

- The George Washington University Law School (J.D., 2007)
- George Mason University (B.A., 2002)

## Admissions

- West Virginia (2007)
- United States District Court for the Northern District of West Virginia (2010)
- United States District Court for the Southern District of West Virginia (2008)
- West Virginia Supreme Court of Appeals (2007)

## Professional Organizations

- The Judge John A. Field, Jr., American Inn of Court, President (2012-2013)
- The Judge John A. Field, Jr., American Inn of Court, Inn Administrator (2010-2012)

## Speaking Engagements & Publications

### Speaking Engagements

- West Virginia Broadcasters Association Spring Meeting, "What's New in EEO, Political Advertising, and Other Topics for Broadcasters," with **David A. Barnette** (March 7, 2014)
- West Virginia Society of Certified Public Accountants, "Data and Identity Theft: Red Flags," with **David A. Barnette** (January 28, 2014)
- "Adoption Law in West Virginia," with **David A. Barnette** (May 14, 2013)
- West Virginia Broadcasters Association Spring Meeting, "Keeping it Legal: EEO and Other Topics for Broadcasters," with **David A. Barnette** (Feb. 23, 2013)
- West Virginia Broadcasters Association Spring Meeting, "Keeping it Legal: EEO and Other Topics for Broadcasters," with **David A. Barnette** (March 31, 2012)
- West Virginia Broadcasters Association Spring Meeting, "Social Networking and Your Station," with **David A. Barnette** (March 26, 2011)
- West Virginia Broadcasters Association Spring Meeting, "Seven Deadly Sins for Broadcasters to Avoid" (March 6, 2010)

### Writings and Publications

- "Survey of West Virginia Libel Law," co-authored with **David A. Barnette**, *MLRC 50-State Survey 2013-2014: Media Libel Law* (March 2013)
- "Rights of Publicity Laws: West Virginia," co-authored with **David A. Barnette**, published in *Practical Law* (2013)
- "Keeping It Legal: A Guide for Broadcasters," co-authored with **David A. Barnette**, *6th ed.* (2013)
- "Chapter 51. West Virginia, State-by-State Guide to Architect, Engineer, and Contractor Licensing, 1753-89," co-authored with **James R. Snyder**, published in *Aspen Law & Business* (2013)
- "Chapter 49. West Virginia, Fifty State Construction Lien and Bond Law," co-authored with **James R. Snyder**, published in *Aspen Law & Business* (2013)
- "Intellectual Property: West Virginia," co-authored with **David A. Barnette**, *Lex Mundi* (2009)

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## Community

- Leadership West Virginia, Class of 2022
- Kanawha Pastoral Counseling Center, Board Member