



J. Rudy Martin Esq.

Mediator Arbitrator
Insurance Consultant
Lawyer

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CURRICULUM VITAE

J. Rudy Martin's law practice is focused on insurance-related issues, including coverage issues, insurer bad faith liability, insurance agent and broker professional liability, consultation on insurance issues and claims adjustment. Mr. Martin had fourteen years of experience in the insurance industry prior to law school, during which he attained the Chartered Financial Consultant, Chartered Life Underwriter, Chartered Property and Casualty Underwriter and Life Underwriter Training Counsel Fellow professional designations.

During his tenure working in the insurance industry, Mr. Martin worked as both a captive and an independent insurance agent selling all lines of insurance including life, health, pension and investment products, as well as personal and commercial property and casualty insurance. He also worked as a sales and agency manager hiring, training and supervising insurance agents. As a manager, Mr. Martin had significant interaction with both underwriters on new business issues, as well as claims handlers on issues related to claims filed by agency clients. He is intimately familiar with both retail agent and agency operations, and he is equally knowledgeable about the operations of excess/surplus lines brokers and excess/surplus markets.

During his twenty-eight years as a practicing lawyer, Mr. Martin's practice has been focused on insurance issues including coverage, claims handling and agent conduct. He has been hired on numerous occasions to directly adjust claims for both insurance companies as well as claimants. While some of these engagements have, in part, required legal advice, he has served as the insurance adjuster adjusting these claims to a conclusion and, where necessary, negotiating claim resolution. Mr. Martin holds an adjuster's license in West Virginia.

Mr. Martin also enjoys an active and expanding practice as a mediator, arbitrator and facilitator in litigation matters, as well as in business disputes outside the litigation context. He is actively involved with the West Virginia State Bar Alternative Dispute Resolution Committee and serves on its Education Subcommittee regularly training lawyers to serve as mediators. He is also the former Chairman of the State Bar Alternative Dispute Resolution Committee's Training and Education Subcommittee. Mr. Martin attended the Advanced Mediation Workshop at Harvard Law School. Over the course of his twenty-five year ADR practice, Mr. Martin has handled a wide variety of disputed matters, in addition to insurance related matters, involving wrongful death; contract; construction; products liability; legal, medical, architectural and engineering professional liability; employment practices; and railroad related issues.

In addition to his involvement with the West Virginia State Bar, Mr. Martin is also a member of the Kanawha County Bar Association and the Defense Trial Counsel of West Virginia.

Mr. Martin has taught a number of insurance courses and has written several articles, including an article on alternative dispute resolution, which was published in Portuguese as "A Mediação: Um Instrumento Valioso Para As Empresas," in Mediação compiled and edited by Jose Vasconcelos-Sousa, Quimera 2002.

Mr. Martin is a Virginia native. He attended Emory & Henry College where he received a Bachelor's degree in history. He received his Juris Doctor degree from the College of William & Mary Marshall-Wythe School of Law.

Legal Experience

2018 - Present J. Rudy Martin Esq.

1990 - 2018 Jackson Kelly PLLC

Professional Experience

2017 - Present West Virginia Legislative Claims Commission, Commissioner

2015 - 2020 West Virginia Offices of the Insurance Commissioner, Hearing Examiner

1973 - 1987 Insurance and financial planning sales, management, marketing and training in captive agency and independent agency settings

Education

1990 J.D. College of William & Mary, Marshall-Wythe School of Law J.D. (VA)

1973 B.A. Emory & Henry College (VA) (History)

Bar Admissions

1990 West Virginia

Court Admissions

1994 U.S. Court of Appeals, Fourth Circuit

1993 U.S. District Court, Northern District of West Virginia

1990 U.S. District Court, Southern District of West Virginia

1990 West Virginia Supreme Court of Appeals

Professional Involvement:

- West Virginia State Bar, Alternate Dispute Resolution Committee, Former Education and Training Sub Committee Chairman
- Kanawha County Bar Association
- Defense Trial Counsel of West Virginia, Insurance Committee
- Martinsville-Henry County (VA) Association of Life Underwriters, Former Member, President 1983-1984
- American Arbitration Association Roster of Arbitrators and Mediators

Professional Training:

- Chartered Financial Consultant
- Chartered Life Underwriter
- Chartered Property & Casualty Underwriter
- Life Underwriter Training Counsel Fellow
- Advanced Mediation Training - Harvard Law School (MA)
- Arbitrator Training - American Arbitration Association

Teaching and Lecturing:

- Presenter, Indemnification Issues, Jackson & Kelly Insurance Industry Seminars
- Presenter/Panelist/Coach, West Virginia State Bar Basic and Advanced Mediation Training Seminars
- "Accident and Insurance Law Series," Legal Ease, KCS-TV Channel 11, Winter/Spring 2001
- National Business Institute Seminar, "Insurance Law: Third Party Coverage in West Virginia," 2002
- Coordinator/Presenter on Arbitration, The West Virginia State Bar Law School Alternate Dispute Resolution Program, West Virginia University College of Law, March 29, 2003
- Lorman Education Services Seminar, "Fundamentals of an Effective Insurance Program Audit in West Virginia," 2003

- National Business Institute Seminar, "Discovery in West Virginia Bad Faith Litigation," 2003
- Presenter, "Insurance and Indemnification Issues," in "The Elements of Good Contracts," Mylan Pharmaceuticals Inc. Continuing Legal Education Series, Sept. 2, 2004
- Presenter, "Preparing For Mediation" in "Advocacy in Mediation," West Virginia Continuing Legal Education Mountaineer CLE Series, Sept. 24, 2004
- Guest Lecturer, "Arbitration in West Virginia," West Virginia University College of Law Alternative Dispute Resolution Class, April 25, 2005, and March 14, 2007
- Presenter/Coach, "Option Generation and Closure," Magistrate Court Mediation Training Program, West Virginia University College of Law, May 9-10, 2005, May 8-9, 2006
- Presenter, "The Legal Assistant/Paralegal's Role in Mediation Advocacy," Legal Assistants/Paralegals of West Virginia Second Annual Meeting and Seminar, May 12, 2006
- Lorman Education Services Seminar, "Understanding The Current Commercial General Liability (CGL) Policy In West Virginia," 2006
- Presenter, "How Insurance Issues Can Affect Mediation Outcomes," West Virginia College of Law Alternative Dispute Resolution Society ADR Day, March 14, 2007
- West Virginia Chamber of Commerce Alternative Dispute Resolution Seminar, "Resolving Disputes - A Better Way, What Happens When Good Intentions Go Awry," sponsored by Jackson Kelly PLLC; Bragg & Associates, Inc.; and Jackson Kelly Solutions LLC, April 4, 2007
- Presenter, Ethical Issues and Expert Witness Issues in Bad Faith Litigation, Lorman Educational Services Seminar, "Insurance Bad Faith Claims in West Virginia," 2007
- Judge, The Washington and Lee University School of Law 2008 Robert J. Grey, Jr. Negotiation Competition, Final Round
- Presenter, Washington and Lee School of Law 1st Annual Mediation Primer Workshop, Jan. 2009
- Presenter, "Indemnification - Let Someone Else Feel Your Pain (Or at Least Share It)," Jackson Kelly PLLC Deliberate Intent Seminar, July 20, 2010

- Presenter, "Who Pays the Piper? Trigger Theories and Allocation of Losses Where Multiple Insurance Policies are on the Risk," Jackson Kelly PLLC Deliberate Intent Seminar, Jan. 18, 2012
- Presenter, "Arbitration in West Virginia," Eastern Panhandle Bar Association's Spring CLE, April 22, 2016
- Presenter, "Sex, Drugs and Exclusionary Woes: Analyzing coverage issues for sexual misconduct claims," Insurance Law 2017, West Virginia Continuing Legal Education, West Virginia University College of Law, June 8, 2017

Writings and Publications:

- The Colonial Lawyer: A Journal of Virginia Law and Public Policy, Editorial Staff, 1989-1990
- Lees-Haley, P.R. & Martin, J.R., Evaluating Mild Brain Injury Claims, 2000, Jackson & Kelly PLLC
- "Alternative Dispute Resolution: A Kinder, Gentler Approach to Resolving Business Issues," West Virginia Executive Magazine, Spring 2001, also published as "A Mediacao: Um Instrumento Valioso Para As Empresas," in Mediacao compiled and edited by Jose Vasconcelos-Sousa, Quimera 2002
- Venti, K.; Martin, J.R.; Glover, M.A.; and Givens, D.S., "Fighting for the Full Offset in Deliberate Intention Exception Claims: Strategies and Considerations for Pre-Trial, Settlement, and Trial," 2001 W.Va. D.T.C. 184, June 2001
- Martin, J.R.; Obenchain, J.M., "Agreements to Purchase Insurance: Avoiding The Illusion of Coverage," 2002 W.Va. D.T.C. 196, June 2002
- Martin, J.R.; Smith, M, "Mediation: Just How Confidential Is It? An Overview of Reported Decisions," 2004 W.Va. D.T.C, CD Tab 11, May 2004
- Crislip, S.R.; Martin, J.R.; Anderson, J.L., "Think Before You Write: The Importance of Understanding State Law Governing Excess and Surplus Lines Agents/Brokers and Their Ability to Bind Coverage," Declarations (publication of the Excess/Surplus Lines Claims Association), p. 26, Winter/Summer 2005
- Martin, J.R.; Mankins, J.M., "Duties and Obligations of Insurance Agents and Brokers," 2006 W.Va.D.T.C, CD3, May 2006
- Contributor, ADR Chapter, West Virginia Lawyer's Handbook, 2006 Ed.

- Martin, J.R., "The Ossification of Mediation in West Virginia," The West Virginia Lawyer, April-June 2012

Awards and Honors:

- Selected by his peers for inclusion in The Best Lawyers in America[®] for Arbitration, Insurance Law, International Arbitration - Commercial, International Arbitration - Governmental and Mediation and Reinsurance Law, 2017 to present
- Named the Best Lawyers' 2016 Charleston, West Virginia, Arbitration "Lawyer of the Year"
- Selected by his peers for inclusion in The Best Lawyers in America[®] for Arbitration, Insurance Law, International Arbitration - Commercial, International Arbitration - Governmental and Mediation, 2006-2016
- Named in West Virginia Super Lawyers[®] in the practice of Alternative Dispute Resolution
- Bio Ethics and the Law Moot Court Team, 1990
- Virginia Association of Life Underwriters Outstanding Local Association, 1984
- Martinsville-Henry County Association of Life Underwriters, Man of the Year, 1983
- Graduated cum laude, Emory & Henry College, 1973