



Virginia Hamilton Snell

Partner

P 502-562-7366 | F 502-589-0309
vsnell@wyattfirm.com

Location

400 West Market Street
Suite 2000
Louisville, KY 40202

Honors



Ranked #1 lawyer in Kentucky by *Super Lawyers*® for 2018

AV rated in *Martindale-Hubbell*, its highest rating

American Academy of Appellate Lawyers, Inducted 2015

Woodward/White's The Best Lawyers in America® Louisville "Lawyer of the Year" Litigation-Securities 2020

Woodward/White's The Best Lawyers in America® Louisville "Lawyer of the Year" Appellate Practice 2013, 2019

Woodward/White's The Best Lawyers in America® in the areas of Appellate Practice, Bet-the-Company Litigation, Commercial Litigation and Litigation-Securities, 2006-2020

Recognized as a Litigation Star by *Benchmark Litigation 2017-2019*

Kentucky Super Lawyers® 2007-2018, and in the top 25 women attorneys in Kentucky, 2013-2018

Chambers USA: America's Leading Lawyers for Business, 2005 - Present. *Chambers* has stated under Kentucky litigation, that Ms. Snell is "personable," and as "Chair of the appellate practice group was pinpointed by

Virginia Snell chairs the Firm's Appellate Advocacy Practice. She has served as a member of the Firm's Executive Committee and, until 2005, chaired the firm's Professional Personnel Recruiting Committee, responsible for the firm's summer associate program and the hiring of entry level associates. In addition to the civic and professional commitments described below, Virginia regularly represents clients in appellate courts and in cases before lower courts that primarily involve questions of law and are likely to proceed to the appellate level.

Her experience encompasses a wide range of issues, including constitutional, contract, statutory, class action, regulatory, legal malpractice, trusts and estates, wrongful death, tax, healthcare provider, employment, and business disputes, over, for example, fraud, fiduciary duty, lender leasibility, shareholder rights, or covenants not to compete. Virginia often becomes involved after a trial when an independent appellate analysis and representation is desirable.

Representative Matters

Virginia has served as appellate counsel in the following significant cases:

- *Consol of Kentucky, Inc. and Consol Energy, Inc. v. Keith Randall Sparkman, d/b/a In-Depth Sanitary Service Group*, 2009-CA-001926-MR (appeal pending in Kentucky Supreme Court on issue of first impression in alleged interference with contract dispute)
- *American Mining v. Peters Farms, LLC*, No. 2017-SC-66 (Kentucky Supreme Court reverses punitive damages in insurance coverage dispute)
- *Lettie Sexton v. Commonwealth of Kentucky Cabinet for Health and Family Services, et al.*, No. 2016-SC-540 (Kentucky Supreme Court adopts federal constitutional test for standing in case of first impression)
- *Ridgeway Nursing & Rehabilitation Facility, LLC*, No. 2015-CA-001675 (reversing punitive damages in negligence action against nursing home)
- *NAMI Resources Co. v. Asher Land and Mineral, Ltd.*, No. 2015-SC-489 (contractual and legal right to deduct costs and gathering expenses from royalty payments under gas lease)
- *Your Community Bank, Inc. v. Woodlawn Springs Homeowners Association, Inc.*, No. 2013-SC-00234, No. 2012-CA-00439 (Ky. 2014) (reversing Court of Appeals' decision that does not enforce plain contractual terms)
- *John Paul Short v. Shara Willis, et al.*, No. 2013-CA-001343 (alleged medical malpractice and negligent hiring case)
- *Hon. Ann Bailey Smith (Chief Judge, Jefferson District Court) v. Commonwealth of Kentucky Ex. Rel. Michael J. O'Connell*, 2013-SC-000828-T (court's power to impose court costs, statutory interpretation, and constitutional issues, such as separation of powers)
- *Big Rivers v. City of Henderson, et al.*, No. 2013-CA-00019 (Court of Appeals affirmed arbitration award in client's favor in dispute over right to excess energy under terms of Power Sales Contract)
- *Jarvis v. National City and PNC Bank*, 410 S.W.3d 148 (Ky. 2013) (declaratory judgment action for banks on interpretation of statute governing trustee fees, affirmed by Kentucky Supreme Court)
- *Branch Banking and Trust Company v. Larry Thompson, et al.*, 2009-CA-001427 (Ky. App. 2011) (reversing a \$10 million jury verdict in lender liability action and enforcing forbearance agreement)
- *Fuel Transport, Inc., et al v. Garnett Gibson, as Executor and Personal Representative of the Estate of Topsis Gibson*, 410 SW 3d 56 (Ky. 2013) (reversing multi-million punitive award in case alleging company allowed defective truck to be driven)
- *Vinland Energy Operations LLC v. Engle*, 2009-CA-002227 (Ky. App. 2011)

peers as 'exceptionally good on heavy-duty appellate motions' and almost exclusively practices at this level. Covering a wide range of areas, including legal malpractice and securities fraud, she has been involved in cases for some of the largest retail and insurance companies in the USA." In addition, clients interviewed by *Chambers USA* describe Ms. Snell as "responsive and logical" and an "excellent lawyer and writer" and that she "comes up with creative ideas of how to approach the problem" and "takes cases that other people have tried and figures out how to turn them around."

Recognized as one of the "Top Lawyers" in the area of Appellate Law by *Louisville Magazine*, March, 2014

Education

J.D., with honors, University of Texas Law School; Order of the Coif and Articles Editor on the Texas Law Review

B.A., *Summa Cum Laude*, University of Texas, Plan II Honors Program with Special Honors in History; Phi Beta Kappa; Phi Kappa Phi

Admissions

United States Supreme Court

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Sixth Circuit

United States District Courts of Kentucky

All Kentucky Courts

All Texas Courts (inactive status)

United States Court of Federal Claims

(reversing jury verdict in sexual harassment case and remanding for new trial)

- *Scott v. Moore Pontiac Dealership*, 291 SW 3d 622 (Ky. 2009) (holding that dealership cannot be liable for accident caused by test driving customer)
- *EPI v. Commonwealth of Kentucky, Cabinet for Health and Family Services*, 2006-SC-000348 (Ky. 2010) (affirming judgment for client on Medicaid reimbursement)
- *Haydon Bridge v. Governor Ernie Fletcher*, 304 SW 3d 682 (Ky. 2010) (upholding constitutionality of parts of 2000-2004 Kentucky budget provisions enacted by Legislature)
- *Gunderson v. Sandoz Pharmaceutical Corp.*, 279 SW 3d 93 (Ky. 2008) (products liability and related issues)
- *Flegles v. TruServ*, 289 SW 3d 544 (Ky. 2009) (reversing multi-million jury verdict on fraudulent inducement to contract claim)
- *Louisville Metro Housing Authority v. Burns*, 198 S.W.3d 147 (Ky. App. 2005) (governmental immunity from punitive damages)
- *Elk Horn Coal Corp. v. Cheyenne Resources, Inc.*, 163 S.W.3d 408 (Ky. 2005) (constitutionality of appeal penalty statute)
- *City of Covington v. Kenton County*, 149 S.W.3d 358 (Ky. 2004) (statutory construction of tax credit)
- *Stringer v. Wal-Mart Stores, Inc.*, 151 S.W.3d 781 (Ky. 2004) (alleged defamation, intentional infliction of emotional distress and other employment-related claims)
- *Sand Hill Energy, Inc. v. Smith*, 142 S.W.3d 153 (Ky. 2004) (punitive damage standard) (Amicus Party - Product Liability Council)
- *RAM Engineering & Const., Inc. v. University of Louisville*, 127 S.W.3d 579 (Ky. 2004) (validity of the University's construction bidding process)
- *Lanier v. Wal-Mart Stores, Inc.*, 99 S.W.3d 431 (Ky. 2003) (case of first impression on premises liability standard)
- *Wilhite v. Rockwell Intern. Corp.*, 83 S.W.3d 516 (Ky. 2002) and on remand, 143 S.W.3d 604 (Ky. App. 2003) (many issues in environmental tort action, including proof needed for "injury" to property)
- *Williams v. Wilson*, 972 SW 2d 260 (Ky. 1998) (constitutionality of punitive damage statute under jural rights doctrine)

Professional Experience

- Judicial Clerk to the Hon. Homer Thornberry, United States Court of Appeals for the Fifth Circuit

Publications

- "Dear Trial Court: Please Key The Post-Judgment Interest Rate To An Index, Not Making It The Best Investment In Town," *Bar Briefs*, June 2011
- "Make Sure You're Awake When the Arbitration Clause is Negotiated," *Bench & Bar*, September 2009

Professional Activities and Memberships

- Member, Louisville Bar Foundation Board of Directors
- Member, Louisville Bar Association Board of Directors
- President, The Inn of Court, an organization promoting skills, ethics, civility and professionalism in the Bar
- Member, Commission on Bar Admission, appointed by Kentucky Supreme Court, 2012-2015
- Chair of Appellate Advocacy Section, Kentucky Bar Association (2008-2009), established by the Kentucky Supreme Court
- President of The Law Club (2008-2009), and now member, of a fifty-member organization of lawyers and judges, with the object of refreshing and broadening professional knowledge and providing a forum for the exercise of professional scholarship
- Member (2006-2008), appointed by the Kentucky Supreme Court to serve on the Supreme Court Civil Rules Committee, which considers proposed amendments to the Civil Rules governing practice in Kentucky courts
- Member, Attorney's Advertising Commission for the Kentucky Bar Association, 2003-2005, appointed by the Board of Governors

Civic Involvement

- Member, Litigation Committee, Kentucky Chamber of Commerce
- Member, Louisville Public Media Board of Directors, Vice Chair of the Committee on Board Leadership and Governance, Member, Executive Committee. LPM consists of three public radio stations, WFPL (NPR and local news), WFPK (alternative music and entertainment) and WUOL (classical music), 2010-2014
- Member, Visiting Committee, Board of Overseers for Brandeis Law School, University of Louisville 2007-2008 to assess curriculum
- Member, Board of Trustees for the Oldham County Public Library District, appointed to the Board by the Fiscal Court 2000-2009 (and 2011 to present), during which the Library completed a major construction project for a new building in LaGrange, KY, which is the first leed-certified (green) library in Kentucky.
- Member, State Advisory Council on Libraries and Archives, appointed by Governor Paul Patton, 2001-2006
- Member, Gala Committee for the Oldham County Historical Society (2000-2008)
- Member, Executive Committee of the Kentucky Shakespeare Festival Board of Directors for several years

Interests

- Anything interesting