

## **Charles F. (Frank) Hilton**

Wharton, Aldhizer & Weaver, P.L.C.  
100 South Mason Street  
P.O. Box 20028  
Harrisonburg, Virginia 22801  
(540) 438-5301  
FHilton@WAWlaw.com

### **EDUCATION**

Juris Doctor—Wake Forest University School of Law (1983)

Bachelor of Arts—Virginia Military Institute, Distinguished Graduate with High Honors  
(1980)

### **LICENSURE & ADMISSIONS TO PRACTICE**

North Carolina State Bar (1983)

Virginia State Bar (1986)

United States Fourth Circuit Court of Appeals (1986)

United States District Court, Western District of Virginia (1986)

United States Supreme Court (2000)

West Virginia State Bar (2005)

United States District Court, Eastern District of Virginia (2005)

### **PROFESSIONAL EXPERIENCE**

Wharton, Aldhizer & Weaver, PLC (1986 to present)

Concentration in civil litigation with emphasis in medical malpractice defense, healthcare and hospital law. Represents several area hospitals and numerous physicians in matters of liability defense, risk management, compliance and health law regulatory issues

United States Army Judge Advocate General's Corps, 1983-1986 as legal assistance attorney, administrative attorney and military prosecutor

### **HONORS**

Fellow, Litigation Counsel of America, Trial Lawyer Honorary Society

Elected to *Best Lawyers in America* for Medical Malpractice and Professional Liability Law  
(2006-2009)

Elected by Peers to Virginia's Legal Elite survey by Virginia Business Magazine  
Civil Litigation (2004-2009)  
Healthcare Law (2003)

Recognized as being in Top 5% of Virginia's practicing attorneys by Law & Politics, published in *Richmond Magazine* (2007-2009); Appointed to Blue Ribbon Panel to evaluate nominees (2008)

Member of The Boyd-Graves Conference, 2001-present (by invitation; statewide commission sponsored by Virginia Bar Association to study civil law reform in Virginia)

Committees: Deadman Statute Review, 2003-2005

Chairman, Study of One Year Service of Process Rule, 2003-2005, 2007

Challenging Expert Testimony by Motion, 2006

Chairman, Study of Change to American Rule on Attorney Fees for Small Claims, 2009

## **MEMBERSHIPS AND PROFESSIONAL ACTIVITIES**

Judicial Inquiry and Review Commission Special Appointment by Governor Kaine (2007)

Virginia Association of Defense Attorneys (1986-present)

President 2001-2002

Board of Directors 1995-2003 (including offices of Secretary, Treasurer, & President-elect)

Chairman & Vice Chairman of Medical Malpractice Section 1991-1995

Faculty and Team Coach, Virginia Association of Defense Attorneys Trial Tactics Seminar, T. C. Williams University of Richmond Law School, Richmond, Virginia, March 3-4, 2006

Chairman, Legal Ethics Opinion 1723 Study Committee 2008

Chairman, Judicial Nominations Committee 1998-2002

Chairman, Long Range Planning Committee 2006-2007

Chairman, Electronic Communications Committee 1995-1996 (Established first Internet website for VADA, the first for a statewide bar organization in Virginia)

Virginia State Bar Professionalism Course Faculty (2003-2006)

Association of Defense Trial Attorneys (by invitation, 2002-2005)

Panel Arbitrator for National Arbitration Forum (2005-present)

Virginia Bar Association (1986-present); Member, Judicial Nominations and Review Committee (2002-2009)

American Bar Association (1986-1997)

Woodrow Wilson Rehabilitation Center Foundation (2002-present)

American Health Lawyers Association (2002-present)

Virginia State Bar Standing Committee on Military Law (1988-1992)

Defense Research Institute (2002-2004)

Harrisonburg-Rockingham Bar Association (Secretary, 1995-1996)

Asbury United Methodist Church (Administrative Board, 1993-1996)

VMI Alumni Association, Shenandoah Valley Chapter (President, 1995-1997)

## **PUBLICATIONS**

Charles F. Hilton and Carolyn C. Lavecchia, Medical Malpractice Law in Virginia, Chapter 1 (Statutes and Rules), Virginia CLE (1997, 2000, 2003, 2006, 2008)

Charles F. Hilton and Humes J. Franklin, III, Purposeful Availment? When Doing Business In Virginia With Out-Of-State Customers May Subject Your Client To Personal Jurisdiction In Another State, 15 Journal of Civil Litigation 4 (Winter 2004)

Phillip C. Stone and Charles F. Hilton, Medicolegal Aspects of Emergency Room Radiology, Vol. 30, Radiological Clinics of North America No. 2 (March 1992)

Ronald D. Hodges and Charles F. Hilton, The Role of the Expert Witness, The Physicians' Legal Monitor (Spring 1991)

Phillip C. Stone and Charles F. Hilton, Medical Malpractice Annual Survey, 23 Richmond Law Review No.4 (1989)

## **REPORTED DECISIONS**

Sayre Enterprises, Inc. v. Allstate Ins. Co., 2006 WL 3613286 (W.D.Va. Dec. 11, 2006)

Sayre Enterprises, Inc. v. Allstate Ins. Co., 448 F.Supp.2d 733 (W.D.Va. 2006)

Stottlemeyer v. Ghramm, 268 Va. 7, 597 S.E.2d 191 (2004)

Fowler v. Winchester Medical Center, Inc., 266 Va. 131, 580 S.E.2d 816 (2003)

Ragland v. Karmy, 1995 WL 1085561 (Va. Cir. Ct., Dec 21, 1995)

Brown v. Brown, 48 F.3d 1215, 1995 WL 105279 (4th Cir.(Va.), Mar 14, 1995)

Glier v. Favereau, Va. Cir. 464, 1994 WL 1031169 (Va. Cir. Ct., Apr 29, 1994)

Lohr v. Larsen, 246 Va. 81, 431 S.E.2d 642 (993)

Peck v. Tegtmeier, 834 F.Supp. 903 (W.D.Va. 1992)

Lee v. Adrales, 778 F.Supp. 904 (W.D.Va. 1991)

Warner v. Norfolk & Western Ry. Co., 758 F.Supp. 370 (W.D.Va. 1991)

## **PRESENTATIONS**

2007 Healthcare Legislative Update, Martha Jefferson Hospital Medical Staff Presentation, Charlottesville, Virginia, July 12, 2007

“The Department of Health Professions is There For You”, Augusta Medical Center Medical Staff Presentation, (a summary of 2005 emergency regulations by the Virginia Board of Medicine), Fishersville, Virginia, May 15, 2007

2007 Healthcare Legislative Update, Virginia Society of Healthcare Risk Managers, Virginia Beach, May 10, 2007

Tips and Strategies for Your Medical Malpractice Dossier, Richmond April, 18, 2007

“The Department of Health Professions is There For You”, Rockingham Memorial Hospital Medical Staff Presentation, (a summary of 2005 emergency regulations by the Virginia Board of Medicine), Harrisonburg, Virginia, June 13, 2006

“Emotional Distress Damages in Medical Malpractice Cases”, Virginia Association of Defense Attorneys Spring Section Series, May 12, 2006, Charlottesville, Virginia

Faculty and Team Coach, Virginia Association of Defense Attorneys Trial Tactics Seminar, T. C. Williams University of Richmond Law School, Richmond, Virginia, March 3-4, 2006

“Professionalism: The Virginia State Bar Disciplinary Process—Top 10 Ways to Avoid Trouble”, Charlottesville, Virginia, March 2, 2006

“Professionalism: How to Get and Keep Clients”, Virginia State Bar Professionalism Course, Roanoke, Virginia, August 25, 2005

“Workers Compensation: The Basics . . . and Beyond”, Association of Occupational Health Professionals, Virginia Chapter, Rockingham Memorial Hospital, May 6, 2005

2005 Healthcare Legislative Update, Virginia Society of Healthcare Risk Managers, Virginia Beach, April 22, 2005

Virginia State Bar Professionalism Seminar, Roanoke Virginia, August 2004

Annual Legislative Update, Virginia Society of Healthcare Risk Managers, The Homestead, April 15, 2004

“HIPAA for the Medical Office Practice”, Warren Memorial Hospital, May 2003

Medical Malpractices Tips and Strategies, Richmond and Fairfax, April 2003

“HIPAA on the Forefront”

Winchester Medical Center, January 2001

Martha Jefferson Hospital, December 2000

Rockingham Memorial Hospital, November 2000

“Is Virginia Ripe for Daubert?”, Virginia Association of Defense Attorneys, Spring Section Series, May 2001

Deposition Demonstration, Bridgewater Nursing Home, Bridgewater, Virginia, July 2000  
Deposition Demonstration, Rockingham Memorial Hospital, Harrisonburg, Virginia,  
November 1999

“Discoverability of Sensitive Information”, Rockingham Memorial Hospital, Harrisonburg,  
Virginia, February 10, 1998

Deposition Demonstration, Martha Jefferson Hospital, Charlottesville, Virginia, April 1999  
Virginia’s New Healthcare Privacy Act, Augusta Medical Center, August 1997

“Virginia’s New Healthcare Privacy Act”  
Martha Jefferson Hospital, July 1997  
Rockingham Memorial Hospital, June 1997

“Bringing the VADA into the Information Age”, Virginia Association of Defense Attorneys  
Annual Convention, October 1997

“Medical Record Keeping Requirements”  
Rockingham Memorial Hospital, June 1996  
Martha Jefferson Hospital, February 1994

“The Masters in Trial,” Trial Techniques Demonstration of a Medical Malpractice Trial,  
Presented for Arlington County Bar Association, October 22, 1994

“Emotional Distress Damages in Medical Malpractice Cases”, Virginia Association of  
Defense Attorneys Annual Convention, Tysons Corner, Virginia, October 1993

Medical Malpractice Case Law Update, Virginia Association of Defense Attorneys Annual  
Convention, Roanoke, October 1989