



Partner

Benjamin L. Bailey

Charleston, WV
209 Capitol Street
Charleston, WV 25301
T: 304.345.6555 F: 304.342.1110
bbailey@baileyglasser.com

Chambers USA states, “Benjamin Bailey is exalted by market commentators as ‘fantastic’...”

Ben Bailey, co-founder of Bailey Glasser, is a lawyer’s lawyer. He plays a leading role in the firm’s nationwide auto defects litigation cases, in complex commercial litigation, in high-stakes appeals, and in advising and representing public officials, lawyers, and other professionals.

Ben’s favorite legal habitat is the courtroom. He began his trial career as a federal prosecutor, focusing on a series of fraudulent coal tax shelter cases which recovered hundreds of millions of dollars for the US Treasury. He spent the next four years as counsel to the Governor of West Virginia, and 10 years in a prominent West Virginia-based defense firm.

With Brian Glasser, Ben founded Bailey Glasser in 1999. The firm almost immediately took on the representation of the State of West Virginia, in groundbreaking environmental and constitutional litigation over mountaintop removal mining, which Ben ultimately argued and won on appeal in the Fourth Circuit.

As the firm grew, his practice expanded to include cases as diverse as representing hundreds of rural residents of West Virginia who lost their water wells to coal mining, and defending white-collar criminal cases and accused murderers. Ben and the firm also handled scores of complicated commercial litigations for plaintiffs and defendants, and advised and represented numerous lawyers and public officials in sensitive and confidential cases.

More recently, Ben’s work for a family in Flint, Michigan, whose mother died after her Toyota accelerated out of control, culminated in his selection to the Plaintiffs’ Steering Committee in the Toyota Sudden Acceleration MDLs in Orange County, California. That successful work was followed, in short order, by Ben’s selection to the leadership of the Volkswagen Dieselpgate MDL, in

San Francisco, California, the largest automobile products class action in history, which settled for more than \$10 billion. Simultaneously, Ben served as one of the coordinating lawyers in the Freedom Industries Chemical Spill case, which has a settlement process underway to provide up to \$150 million to 300,000 residents and businesses in West Virginia whose water was contaminated by the spill.

In addition to the automotive work, Ben – with, as always, the help of his colleagues at Bailey Glasser - has successfully defended white-collar criminal cases, undertaken appeals, and orchestrated subsequent trial strategies for small and large business clients who had lost substantial trial verdicts, and continued to represent public officials and lawyers in matters both public and private. That work includes his representation of the Chief Justice of the West Virginia Supreme Court in the unprecedented investigations and/or impeachment of all five justices on that court.

Awards & Accolades

Best Lawyers in America, Bet-the-Company Litigation, Commercial Litigation, Criminal Defense: White-Collar, and Product Liability Litigation – Plaintiffs (2005 - 2020)

Chambers USA, West Virginia; General Commercial (2011 - 2021)

“Top 100 Trial Lawyers,” National Trial Lawyers

Best Lawyers in America, “Lawyer of the Year Criminal Defense: White Collar” (2011)

Super Lawyers, West Virginia, General Litigation, Criminal Defense: White Collar, and Environmental Litigation (2007 - 2021)

Clerkships

Law Clerk, Hon. John T. Copenhaver, Jr., US District Court for the Southern District of West Virginia (1980 - 1982)

Government Service / Previous Employment

Counsel to the Governor of West Virginia (1984 - 1988)

Assistant US Attorney for the Southern District of West Virginia (1982 - 1984)

Practice Areas

Appellate Advocacy

Arbitration & Dispute Resolution

Automotive

Catastrophic Personal Injury
Class Actions
Commercial Litigation
Criminal Defense & Internal Investigations
MDL Panels
Product Liability

Education

J.D., Harvard Law School, 1980
B.A., Washington and Lee University, 1975, *magna cum laude*

Admissions

West Virginia
District of Columbia
US Supreme Court
US Court of Appeals for the Fourth Circuit
US Court of Appeals for the District of Columbia Circuit
US District Court, Northern District of West Virginia
US District Court, Southern District of West Virginia
Supreme Court of Appeals of West Virginia

Representative Matters

- Prosecuting, for the State of West Virginia, an antitrust case against several asphalt paving contractors, including the world's largest contractor; the case alleges that the state is a victim of a monopolization scheme which cost it more than \$120 million, resources desperately needed for the state's highway system
- Represents more than 300,000 residents and businesses in and around Kanawha County, West Virginia, whose drinking water was contaminated by a chemical spill in the Elk River; settlement will provide up to \$150 million in compensation to those citizens and businesses who lost their water during that crisis
- Leads a team of Bailey Glasser lawyers who represent plaintiffs nationwide in automotive class actions involving defects in autonomous driving technologies, airbag control units, and engines which catch fire, among others

- Serves on the Plaintiffs' Steering Committee for the owners of more than 500,000 Volkswagens whose diesel engines contained a cheat/defeat device which hid the cars' excessive NOx emissions from federal and state regulators; the complicated overall settlements, involving the cars' owners, the federal government, and state governments, removes the polluting cars from the road or fixes them, compensates the owners (and lessors) generously for their vehicles, assessed billions of dollars in fines and environmental penalties and – in related actions – resulted in the conviction and incarceration of VW officials
- Representing a family-owned business in Maryland in a substantial coverage dispute with its insurer, and a family-owned business in West Virginia in a dispute over title to natural gas-producing land
- Recently concluded the successful representation, on appeal, of a Plaintiffs' Steering Committee in a fee dispute with dissenting law firms in one of the largest MDLs in the United States; the appellate court's quick dismissal of the appeals enforced provisions of the trial court's underlying orders designed to prevent such disputes and hasten the resolution of these long-running cases
- Represented and argued for the West Virginia Investment Management Board in an appeal of an adverse arbitration decision; the case involved annuities for retirees with a value in excess of \$100 million, and presented novel constitutional and structural issues affecting the composition of, and access to, arbitration in the West Virginia Business Court

News & Insights

Chambers and Partners USA Honors Bailey Glasser Lawyers in 2021 USA Guide
06.02.2021

"Glaring Flaws": U.S. District Court Rejects Proposed Class Action Settlement of Future Roundup Claims
05.26.2021

Bailey Glasser Lawyers Recognized for Inclusion in 2021 Super Lawyers List
05.12.2021

National Trial Lawyers and President Lisa Blue Join in Brief of 93 Law Firms, 167 Lawyers Opposing Proposed Settlement of Future Roundup Claims
03.09.2021

Ninety-Three Law Firms, 167 Lawyers File Brief Opposing Proposed Settlement of Future Roundup Claims
03.05.2021

Justice Prevails for A Fourth Time: Bailey Glasser Secures Another Win for Governor's Pandemic Response
12.03.2020

WV Attorney General Patrick Morrisey and Governor Jim Justice Announce \$101.3M Settlement in Paving Antitrust Case
10.30.2020

Justice Prevails Again: Bailey Glasser Secures Win on Behalf of Governor
10.27.2020

Justice Prevails Again: Bailey Glasser Secures Another Dismissal on Behalf of Governor and WV Department of Health and Human Resources
10.23.2020

Justice Prevails: Bailey Glasser Wins One for Governor and WV Department of Health and Human Resources
09.25.2020

Bailey Glasser Lawyers Named to 2021 Best Lawyers
08.20.2020

Bailey Glasser Files Motion to Dismiss Suit Challenging West Virginia's Bonding System
08.14.2020

US Court of Appeals Rules Qualified Immunity Defense Not Permissible in False Claims Act Cases
06.22.2020

US Court of Appeals Affirms District Court's Ruling for Car Dealership in Insurance Dispute
05.15.2020

Bailey Glasser Attorneys Named To 2020 Super Lawyers List
05.08.2020

WVDEP Files Lawsuit Against and Obtains Special Receiver over ERP Environmental Fund
03.30.2020

Four Bailey Glasser Lawyers Appointed To Public Justice Class Action Preservation Project Committee
10.09.2019

Bailey Glasser Prevails in Volkswagen "Clean Diesel" Litigation, Secures \$96.5 Million Settlement
09.05.2019

Bailey Glasser Lawyers Named to 2020 Best Lawyers
08.15.2019

Bailey Glasser Founder Ben Bailey Has Been Appointed to Executive Committee of Public Justice
07.23.2019

Bailey Glasser LLP Obtains Dismissal of Fee Appeal in Pelvic Repair MDL
07.19.2019

Bailey Glasser Ranked Nationally, and in Charleston and DC, For High-Stakes Litigation
11.02.2018

Founding Partner Benjamin Bailey Recognized in Best Lawyers in America
08.22.2018

\$151 Million Freedom Chemical Spill Settlement Wins Preliminary Approval
09.28.2017

Class-Action Lawsuit Filed Against Equifax Over Security Breach
09.26.2017

Bailey Glasser Recognized as Leading Law Firm in Chambers USA Guide
06.08.2017

Bailey Glasser Attorneys Named To 2017 Super Lawyers List
04.24.2017

Bailey Glasser Investigating Jeep Cherokee/Dodge RAM Diesel Emissions Lawsuit
02.07.2017

Will A Gas Pipeline Be Passing Through Your Land?
12.22.2016

Huntington Files Antitrust Lawsuit Against Asphalt Companies
10.24.2016

Four West Virginia Cities File Antitrust Lawsuits Against Asphalt Companies
10.23.2016

West Virginia Man, Exonerated by DNA, Freed From Prison After 15 Years
10.22.2016

Federal Jury Finds Resort Owner and Ex-Wife Tried To Defraud Creditors
10.15.2016

West Virginia Department of Transportation Files Antitrust Suit Against Asphalt Companies
10.14.2016

Nursing Home Cleared in Wrongful Death Accusations
10.07.2016

Joseph Buffey's Lawyers Ask Judge to Compel State to Turn Over DNA Expert's File
10.05.2016

Ben Bailey Featured on The State Journal's Decision Makers
09.12.2016

\$15 Billion Volkswagen Litigation Settlement Given Preliminary Approval
09.07.2016

Bailey Glasser Lawyers Named to 2017 Best Lawyers® List
08.17.2016

Bailey Glasser Recognized as Leading Law Firm in Chambers USA Guide
06.23.2016

Agreement in Principle reached in Volkswagen "Clean Diesel" (Emissions Defeat Device) MDL No. 2672
04.22.2016

Volkswagen MDL Hearing
04.21.2016

Ben Bailey Named West Virginia Bar Association Fellow
03.29.2016

Appeals Court Upholds \$21.2 Million Judgment in 'War of the Roses' Case
03.01.2016

Innocence Project Client Joseph Buffey To Be Released on Bond After Serving Nearly 14 Years in Prison
02.22.2016

Bailey Glasser Attorney Appointed to Volkswagen Plaintiffs Steering Committee
01.25.2016

Thomas More Law Center Loses Bid to Halt Common Core-Linked Testing in WV
01.06.2016

Public Service Commission Upholds Frontier Fiber Access Decision
12.15.2015

WV Supreme Court Denies Petition Attacking Common Core
10.20.2015

Respected Local Attorney Successfully Defended Against Malpractice Allegations
09.28.2015

Board Of Education Moves to Dismiss Delegate's Second Meritless Petition to Block Common Core
09.14.2015

Bailey Glasser Lawyers Recognized by The Best Lawyers in America 2016
08.18.2015

Citynet Victorious at Public Service Commission Proceeding
08.03.2015

Bailey Glasser Recognized as Leading Law Firm in Chambers USA Guide
05.29.2015

Circuit Court Rules for Seven Jockeys, Ending Five-Year Saga
09.15.2014

FDIC settles suit with Bank of America as Part of Largest Single-Company Settlement in US History
08.22.2014

Benjamin Bailey Presents at West Virginia Water Law CLE Event
04.04.2014

Community and Professional Activities

Hon. John A. Field, Jr., Inn of Court

Permanent Member, Judicial Conference for the US Court of Appeals for the Fourth Circuit

Fellow, American Bar Association

Fellow, West Virginia Bar Foundation

Board Member and Executive Committee, Public Justice Foundation

Vice President and Board Member of the Mountaineer Montessori School

Former Member, West Virginia Republican Party State Executive Committee