

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

Wharton, Aldhizer & Weaver, P.L.C.  
100 South Mason Street  
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### **EDUCATION**

Juris Doctor–Wake Forest University School of Law

Bachelor of Arts–Virginia Military Institute, Distinguished Graduate with High Honors

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

North Carolina State Bar  
Army Court of Military Review (now Army Court of Criminal Appeals)  
United States Court of Military Appeals  
Virginia State Bar  
United States District Court, Western District of Virginia  
United States Fourth Circuit Court of Appeals  
United States Supreme Court  
West Virginia State Bar  
United States District Court, Eastern District of Virginia  
United States District Court, Northern District of West Virginia

### **PROFESSIONAL EXPERIENCE**

Wharton, Aldhizer & Weaver, PLC  
Concentration in all areas of civil litigation with emphasis on representing patients in medical malpractice cases

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

### **HONORS & AWARDS**

Recognized in *Best Lawyers in America* for Medical Malpractice and Professional Liability Law

Elected by Peers to Virginia's Legal Elite survey by Virginia Business Magazine  
State-wide featured Attorney for Civil Litigation as being in top 10% of votes received

Recognized as a Super Lawyer, in Top 5% of Virginia's practicing attorneys by Law & Politics, published in *Richmond Magazine*

Fellow, Litigation Counsel of America Trial Lawyer Honorary Society

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

Committees:

Study of One Year Service of Process Rule (Chairman)

Dead Man Statute Review

Challenging Expert Testimony by Motion

Committee to Study Proposed Changes to Uniform Pretrial Scheduling Order

Study of Change to American Rule on Attorney Fees for Small Claims (Chairman)

Committee to Study Elimination of Social Security Numbers on Court Documents (Chairman)

Study of Feasibility of Adoption of Changes to Discovery Rules Similar to Federal Rule 26 (Chairman)

Study Committee of Expansion of Jurisdiction of Virginia Court of Appeals

Study Committee of Virginia's pre- and post-judgment interest statutes

Study Committee of Virginia Code section 34-28.1 (Chairman)

Study of Virginia Trial Scheduling Procedures

Study Committee of Expansion of discoverability provisions of Virginia's Statute of Limitation, Virginia Code section 8.01-243, 2015

Study Committee of Live Streaming of In-Court Testimony by Remote Witnesses (Chairman)

## **MEMBERSHIPS & PROFESSIONAL ACTIVITIES**

Virginia State Bar Client Protection Fund Board

The Etheridge Society

General Counsel, Virginia 6<sup>th</sup> Congressional District Republican Committee

Virginia Trial Lawyers Association

American Association for Justice

Judicial Inquiry and Review Commission Special Appointment by Governor Timothy Kaine

Virginia Association of Defense Attorneys

President  
Board of Directors (Including offices of Secretary, Treasurer, & President-elect)  
Chairman & Vice Chairman of Medical Malpractice Section  
Faculty and Team Coach, Trial Tactics Workshop, T. C. Williams University of  
Richmond Law School, Richmond, Virginia  
Chairman, Legal Ethics Opinion 1723 Study Committee  
Chairman, Judicial Nominations Committee  
Chairman, Long Range Planning Committee  
Chairman, Electronic Communications Committee (Established first Internet website for  
VADA, the first for a statewide bar organization in Virginia)

Virginia State Bar Professionalism Course Faculty

Litigation Counsel of America

Association of Defense Trial Attorneys

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

American Bar Association

Woodrow Wilson Rehabilitation Center Foundation

American Health Lawyers Association

Virginia State Bar Standing Committee on Military Law

Defense Research Institute

Harrisonburg-Rockingham Bar Association

Asbury United Methodist Church (Administrative Board)

VMI Alumni Association, Shenandoah Valley Chapter (President)

## **PUBLICATIONS**

Charles F. Hilton and Sean Byrne, Medical Malpractice Law in Virginia, Chapter 1 (Statutes  
and Rules), Virginia CLE

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

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

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

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

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

### **REPORTED and UNREPORTED DECISIONS**

Fitzgerald v. Alcorn, 285 F. Supp 3d 922 (W.C. Va. 2018)

Fulmore v. Howell, 741 S.E.2d 494 (N.C. Ct. App. 2013)

Robinson v. Elmasry, (Va. Supreme Ct., unpublished order March 30, 2012)

Vuich v. Great Eastern Resort Corp., 281 Va. 240, 704 S.E.2d 377 (2011)

Cincinnati Ins. Co. v. Tienda La Mexicana, Inc., 2009 U.S. Dist. LEXIS 111382 (W.D. Va. Dec. 1, 2009)

Brothers v. Rockingham Mem. Hosp., 75 Va. Cir. 85 (2008)

Fulmore v. Howell, 189 N.C. App. 93, 657 S.E.2d 437 (2008)

Comer v. Pilgrim's Pride Corp., 2007 U.S. Dist. LEXIS 55425 (W.D. Va. July 30, 2007)

Comer v. Pilgrim's Pride Corp., 2007 U.S. Dist. LEXIS 27168 (W.D. Va., July 30, 2007)

Comer v. Smith, 2007 U.S. Dist. LEXIS 27168 (W.D. Va., Apr. 12, 2007)

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

Estate of Morrissey v. Rockingham Mem. Hosp., 2006 U.S. Dist. LEXIS 4627 (W.D. Va. February 7, 2006)

Budd v. Punyanitya, 69 Va. Cir. 148 (2005)

Morris v. Martha Jefferson Hosp., 2005 U.S. Dist. LEXIS 8883 (W.D. Va. May 13, 2005)

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

Lovelace v. Rockingham Mem. Hosp., 299 F. Supp. 2d 617 (W.D. Va. 2004)

Schroyer v. Armentrout, 1994 U.S. App. LEXIS 328 (4th Cir.(Va.), January 10, 1994)

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

Winchester Medical Center v. Sanders, *cert. denied*, 532 U.S. 1020; 121 S. Ct. 1960; 149 L. Ed. 2d 755; 2001 U.S. LEXIS 3615; 69 U.S.L.W. 3728 (U.S. May 14, 2001) (00-1427)

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

Fultz v. Rittlemeyer, 31 Fed. R. Serv. 3d (Callaghan) 1334 (W.D. Va. 1995)

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

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

Lohr v. Larsen, 246 Va. 81, 431 S.E.2d 642 (1993)

Karr v. Bacova Guild, Ltd., 1993 Va. App. LEXIS 213 (June 22, 1993)

Bratcher v. Winchester Medical Center, Inc., 1993 U.S. Dist. LEXIS 996 (W.D. Va. January 22, 1993)

Peck v. Tegtmeyer, 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**

2008 Healthcare Legislative Update, Virginia Society of Healthcare Risk Managers, Virginia Beach

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

“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

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

Tips and Strategies for Your Medical Malpractice Dossier, Richmond

“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

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

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

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

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

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

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

Virginia State Bar Professionalism Seminar, Roanoke Virginia

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

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

Medical Malpractice: Tips and Strategies, Richmond and Fairfax

“HIPAA on the Forefront”

Winchester Medical Center

Martha Jefferson Hospital

Rockingham Memorial Hospital

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

Deposition Demonstration, Bridgewater Nursing Home, Bridgewater, Virginia

Deposition Demonstration, Rockingham Memorial Hospital, Harrisonburg, Virginia

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

Deposition Demonstration, Martha Jefferson Hospital, Charlottesville, Virginia

Virginia’s New Healthcare Privacy Act, Augusta Medical Center

“Virginia’s New Healthcare Privacy Act”

Martha Jefferson Hospital

Rockingham Memorial Hospital

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

“Medical Record Keeping Requirements”

Rockingham Memorial Hospital

Martha Jefferson Hospital

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

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

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

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