



harman claytor corrigan wellman
THE CIVIL LITIGATION FIRM



George A. Somerville
Senior Counsel

804.622.1159
gsomerville@hccw.com

Assistant:
Barbara Hipp, 804.622.1134, bhipp@hccw.com

George Somerville was born in Parkersburg, West Virginia in 1951. He joined Harman Claytor in November 2015 after a 33 year career at Mays & Valentine and its successor by merger, Troutman Sanders. George's practice focuses on appellate litigation in state and federal courts. He also represents clients at trial in general civil litigation, water use permitting, and in federal and state administrative agencies and courts. He has represented clients on appeal in a wide variety of cases, with issues ranging from tort and personal injury law to state and federal constitutional law, church property law, commercial, business and corporate governance law, NEPA and the Clean Water Act, the Coastal Zone Management Act, the National Historic Preservation Act, maritime salvage and criminal defense. He is a frequent lecturer at continuing legal education programs in appellate litigation.

Education

- West Virginia University, A.B., *magna cum laude*, 1973
- University of Virginia, J.D., 1980
 - Virginia Law Review; Order of the Coif

Professional Honors & Activities

- Best Lawyers in America, Appellate Practice (2010 - 2019)
 - "Lawyer of the Year" - 2017 & 2019 - Richmond Area
- Virginia Super Lawyers
 - Environmental Litigation (2007)
 - Business Litigation (2014)
 - State, Local & Municipal Law (2014)
 - Appellate Litigation (2013 - 2018)
 - Top 50 Lawyers in Richmond (2018)
 - Top 100 Lawyers in Virginia (2018)
- Virginia Super Lawyers Business Edition
 - Appellate Litigation (2015)
- Virginia Business Legal Elite
 - Legislative/Regulatory/Administrative Law (2007, 2009 - 2010)
 - Appellate Law (2011 - 2018)
- Top Rated Lawyers Guide to Energy/Environmental/Natural Resources Law (2012)
- Virginia State Bar
- Virginia Bar Association
 - Appellate Section Council (2009 - 2017)
- Virginia Association of Defense Attorneys
- Local Government Attorneys of Virginia, Inc.
 - Amicus Briefs Committee (2014 - , Chair 2015 -)
- Virginia Lawyers Helping Lawyers
 - Richmond Committee
- Member, Boyd-Graves Conference (2013 -)
- Faculty Member, Virginia State Bar Harry L. Carrico Professionalism Course (2009 - 2012)
- Fellow of the Virginia Law Foundation
- Martindale-Hubbell® AV Rated

Bar & Court Admissions

- Virginia State Bar, 1982
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Supreme Court

Publications

- Contributor to *Winning on Appeal: Better Briefs and Oral Argument* (NITA, 3d ed. 2017)
- "Common Law Groundwater Rights Under Virginia Law," *34 Va. Envtl. Law J.* 204 (2016)
- "A Brief Review of the Doctrine of Harmless Error" (with William H. Hurd), *Virginia State Bar Litigation News* (Summer 2015)
- "Preservation of Errors for Appeal," *Journal of Civil Litigation*, Vol. 26, No. 4 (Winter 2014-2015)
- "Understanding Standards of Appellate Review," *VTLAppeal*, Volume 2, Number 1 (2013)
- "Review of Decisions of 'Mixed' Questions," *VTLAppeal*, Volume 2, Number 1 (2013)
- "Supreme Court provides confusing clarification on preservation by motion for reconsideration," *Troutman Sanders Advisory*, 2012
- "Court clarifies preservation and endorsement of orders," *Virginia Lawyers Weekly*, June 8, 2009
- "Standards and 'Secrets' of Appellate Review," *Virginia CLE*, April 2, 2009
- Natural Resources, Energy and Environmental Law Year in Review, "Eastern Water Law" (ABA, 1992 - 2008)
- Co-Author, *Virginia Environmental Law Handbook* (2008, 4th Ed.), Government Institutes, Inc., Rockville, MD, 400 pps
- "Some Rules, Comments and Observations on the Art of Appellate Oral Advocacy," *CLE Handout*, May 2006
- "Building New Water Supply Capacity: What Works and What Doesn't," with James E. Ryan, Jr., and M. Scott Hart, January 1, 2006
- "Standards of Appellate Review," *Litigation*, Spring 1989, reprinted in the *Litigation Manual*, Third Edition (ABA 1999)
- "Developing Water Supplies: Navigating Federal Regulatory Requirements," in *Water Law: Trends, Policies and Practice* (ABA, 1995)

Reported Cases

- *Terry v. Irish Fleet, Inc.*, 296 Va. 129, 818 S.E.2d 788 (2018).
- *Cherry v. Lawson Realty Corp.*, 295 Va. 369, 812 S.E.2d 775 (2018).
- *In re: MI Windows and Doors, Inc., Products Liability Litigation (Abella Owners' Association v. MI Windows and Doors, Inc.)*, 860 F.3d 218 (4th Cir. 2017).
- *Nationwide Mutual Fire Insurance Co. v. Erie Insurance Exchange*, 293 Va. 331, 798 S.E.2d 170 (2017).
- *Johnston v. William E. Wood & Associates, Inc.*, 292 Va. 222, 787 S.E.2d 103 (2016) (*amicus curiae*).
- *Pike v. Hagaman*, 292 Va. 209, 787 S.E.2d 89 (2016) (*amicus curiae*).
- *Media Rights Technologies Inc. v. Capital One Financial Corp.*, 800 F.3d 1366 (Fed. Cir. 2015).
- *Owens v. DRS Automotive Fantomworks, Inc.*, 288 Va. 489, 764 S.E.2d 256 (2014).
- *Southern Appalachian Mt. Stewards v. A&G Coal Corp.*, 758 F.3d 560 (4th Cir. 2014) (*amici curiae*).
- *Elizabeth River Crossings Opco, LLC v. Meeks*, 286 Va. 286, 749 S.E.2d 176 (2013).
- *United States v. Quest Diagnostics, Inc.*, 734 F.3d 154 (2d Cir. 2013).
- *The Falls Church v. Protestant Episcopal Church*, 285 Va. 651, 740 S.E.2d 530 (2013), *cert. denied*, 134 S.Ct. 1513 (2014).
- *Online Resources Corp. v. Lawlor*, 285 Va. 40, 736 S.E.2d 886 (2013).
- *Wilson v. Flaherty*, 689 F.3d 332 (4th Cir. 2012).
- *In re Multi-Circuit Church Property Litigation*, 84 Va. Cir. 105, 2012 Va. Cir. LEXIS 4, 2012 WL 8696168 (Fairfax Co. Jan. 10, 2012).
- *Prizzia v. Prizzia*, 58 Va. App. 137, 707 S.E.2d 461 (2011).
- *The Protestant Episcopal Church in the Diocese of Virginia v. Truro Church*, 280 Va. 6, 694 S.E.2d 555 (2010).
- *Burns v. Commonwealth*, 279 Va. 243, 688 S.E.2d 263 (2010) (*amicus curiae*).
- *Chesapeake Bay Foundation, Inc. v. Virginia State Water Control Board*, 52 Va. App. 807, 667 S.E.2d 844 (2008).
- *Lynchburg Division of Social Services v. Cook*, 276 Va. 465, 666 S.E.2d 361 (2008).
- *Americans United for Separation of Church and State v. Prison Fellowship Ministries*, 555 F.Supp.2d 988 (S.D. Iowa 2008).
- *Carpitcher v. Commonwealth*, 273 Va. 335, 641 S.E.2d 486 (2007).
- *S. D. Warren Co. v. Maine Bd. of Environmental Protection*, 547 U.S. 370 (2006) (*amicus curiae*).
- *Alliance to Save the Mattaponi v. Commonwealth*, 270 Va. 423, 621 S.E.2d 78 (2005), *cert. denied*, 547 U.S. 1192 (2006).
- *Americans United for Separation of Church and State v. Prison Fellowship Ministries*, 395 F.Supp.2d 805 (S.D. Iowa 2005).
- *Mattaponi Indian Tribe v. Virginia Marine Resources Commission*, 45 Va. App. 208, 609 S.E.2d 619 (2005).
- *Mattaponi Indian Tribe v. Virginia Marine Resources Commission*, 43 Va. App. 728, 601 S.E.2d 686 (2004).
- *Alliance to Save the Mattaponi v. Virginia Marine Resources Commission*, 43 Va. App. 724, 601 S.E.2d 684 (2004).
- *Mattaponi Indian Tribe v. Commonwealth of Virginia Department of Environmental Quality*, 43 Va. App. 690, 601 S.E.2d 667 (2004).
- *Monroe v. Angelone*, 323 F.3d 286 (4th Cir. 2003).
- *Crutchfield v. United States Army Corps of Engineers*, 230 F. Supp. 2d 687 (E.D. Va. 2002).
- *Dixon v. Edwards*, 290 F.3d 699 (4th Cir. 2002) (*amicus curiae*).
- *Mattaponi Indian Tribe v. Commonwealth*, 261 Va. 366, 541 S.E.2d 920 (2001).
- *Mattaponi Indian Tribe v. Commonwealth of Virginia Department of Environmental Quality*, 31 Va. App. 472, 524 S.E.2d 167 (2000).
- *Alliance to Save the Mattaponi v. Commonwealth of Virginia, ex rel. State Water Control Board*, 30 Va. App. 690, 519 S.E.2d 413 (1999).
- *GTE South, Inc. v. Morrison*, 199 F.3d 733 (4th Cir. 1999).

- *AT&T Communication of Virginia, Inc. v. Bell Atlantic-Virginia, Inc.*, 197 F.3d 663 (4th Cir. 1999).
- *GTE South, Inc. v. Morrison*, 6 F.Supp.2d 517 (E.D. Va. 1998).
- *State of North Carolina v. Federal Energy Regulatory Commission*, 112 F.3d 1175 (D.C. Cir. 1997), *cert. denied*, 522 U.S. 1108 (1998).
- *GTE South, Inc. v. Morrison*, 957 F.Supp. 800 (E.D. Va. 1997).
- *United States v. Virginia*, 518 U.S. 515 (1996) (*amicus curiae*).
- *Commonwealth of Virginia v. Browner*, 80 F.3d 869 (4th Cir. 1996), *cert. denied*, 519 U.S. 1090 (1997) (*amicus curiae*).
- *Hopewell Cogeneration Ltd. Partnership v. State Corporation Commission*, 249 Va. 107, 453 S.E.2d 277 (1995).
- *In re City of Virginia Beach*, 42 F.3d 881 (4th Cir. 1994).
- *City of Virginia Beach v. Brown*, 858 F.Supp. 585 (E.D. Va. 1994).
- *City of Virginia Beach v. Board of Supervisors*, 246 Va. 233, 435 S.E.2d 382 (1993).
- *Marex Titanic, Inc. v. Wrecked & Abandoned Vessel*, 2 F.3d 544 (4th Cir. 1993).
- *City of Virginia Beach v. U.S. Dept. of Commerce*, 995 F.2d 1247 (4th Cir. 1993).
- *City of Virginia Beach v. U.S. Dept. of Commerce*, 805 F.Supp. 1323 (E.D. Va. 1992).
- *Natural Resources Defense Council v. Reilly*, 788 F.Supp. 268 (E.D. Va. 1992) (*amicus curiae*).
- *State of North Carolina v. City of Virginia Beach*, 951 F.2d 596 (4th Cir. 1992).
- *Roanoke River Basin Association v. Hudson*, 940 F.2d 58 (4th Cir. 1991), *cert. denied*, 502 U.S. 1092 (1992).
- *Holly Hill Farm Corp. v. Rowe*, 241 Va. 425, 404 S.E.2d 48 (1991).
- *Jones v. Poindexter*, 903 F.2d 1006 (4th Cir. 1990).
- *State of North Carolina v. Hudson*, 731 F. Supp. 1261 (E.D.N.C. 1990).
- *Kansas Gas & Electric Co. v. Westinghouse Electric Corp.*, 861 F.2d 420 (4th Cir. 1988).
- *Forest Hills Early Learning Center, Inc. v. Grace Baptist Church*, 846 F.2d 260 (4th Cir. 1988), *cert. denied*, 488 U.S. 1029 (1989).
- *Forest Hills Early Learning Center, Inc. v. Lukhard*, 661 F.Supp. 300 (E.D. Va. 1987).
- *Chesapeake Bay Foundation, Inc. v. Gwaltney of Smithfield, Ltd.*, 791 F.2d 304 (4th Cir. 1986).
- *Forest Hills Early Learning Center, Inc. v. Lukhard*, 789 F.2d 295 (4th Cir. 1986).
- *City of Virginia Beach v. Roanoke River Basin Ass'n*, 776 F.2d 484 (4th Cir. 1985).

Representative Experience

- Litigated and won an appeal of a trial court decision that invalidated the funding mechanism for a \$2 billion public-private highway tunnel project in eastern Virginia
- Counsel for the Episcopal Diocese of Virginia in litigation over conflicting claims to property held by congregations which seceded from the Episcopal Church
- Litigation counsel for a coalition of churches in the successful defense of a constitutional challenge to a Virginia state law exempting church-affiliated child care centers from mandatory licensing
- Successfully defended the constitutionality of Virginia's division fence law against a "special legislation" challenge in the Supreme Court of Virginia, obtaining reversal of a Circuit Court decision striking down the statute as unconstitutional
- Amicus counsel in appellate litigation under the federal Clean Air Act
- Counsel to the City of Virginia Beach, Virginia, in the successful development of the Lake Gaston Pipeline Project, to provide public water supplies to South Hampton Roads, Virginia
- Counsel to the City of Newport News, Virginia, in the effort to develop the King William Reservoir Project, to provide public water supplies to North Hampton Roads, Virginia
- Representation of and advice to public and investor-owned utilities, including Augusta/Richmond County, Georgia, in hydroelectric licensing and relicensing cases
- Appellate counsel for Marex Titanic, Inc., in litigation related to competing efforts to salvage artifacts from the R.M.S. Titanic

The cases referenced above do not represent the lawyer's entire record. Each case must be evaluated on its own facts. The outcome of a particular case cannot be based on past results.

Presentations

- Speaker, HalfMoon Seminars for Civil Engineers and Land Surveyors on Water Issues and the Coastal Zone Management Act (CZMA), July 2008, August and October 2010, and August 2015
- "Preservation of Errors for Appeal," Virginia Association of Defense Attorneys, October 2014; Local Government Attorneys of Virginia, April 2015; Virginia Bar Association, January 2016
- "Appellate Practice in the Supreme Court and the Court of Appeals of Virginia: Tips on Getting a Writ," Local Government Attorneys of Virginia, Inc., October 2007
- "The Rise of Environmental Regulation and the Decline of the Common Law Riparian Doctrine," American Bar Association Section of Environment, Energy, and Resources, 11th Section Fall Meeting, October 2003
- "Issues in Developing Municipal Water Supplies: Federal Authorities Governing Municipal and Industrial Water Resource Development," Annual ABA Water Law Conference, San Diego, CA, February 1999
- "Building Better Briefs," with M. Scott Hart, Appellate Practice & Procedure in Virginia, The Bar Association of the City of Richmond, December 3, 1998
- Faculty Member, National Institute for Trial Advocacy, Appellate Practice Programs, 1992-1994
- Lecturer in numerous Continuing Legal Education programs regarding appellate litigation
- Lecturer in numerous Continuing Legal Education programs regarding water resource development permitting and litigation
- Speaker on United States Constitution before civic, church, school and other community groups
- Judge, numerous student Moot Court competitions

