

Vivian H. Basdekis

Partner

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Industries

Manufacturing

Consumable Goods

Energy

Oil, Gas & Minerals

Utilities

Practice Areas

Business & Commercial Litigation

Antitrust & Trade Regulation

Solutions

Data Centers

Bar Memberships

West Virginia

Vivian is a commercial litigation partner in the Firm's Charleston, WV office. She is an experienced commercial litigator and trial attorney whose practice focuses on the financial services, construction, energy, and media industries. In 2024, Vivian was appointed by West Virginia Governor Jim Justice to the Human Rights Commission for a three-year term.

Vivian specializes in commercial contract disputes and business torts. She has represented business clients as both plaintiffs and defendants in disputes involving breach of contract, fraud, civil RICO, unfair competition, antitrust, statutory violations, class actions, condemnation actions, claims under the Uniform Commercial Code, and other business torts. She also represents small business clients nationwide in Paycheck Protection Program (PPP) loan forgiveness appeals before the Small Business Administration Office of Hearings and Appeals and in federal district and appellate courts across the country. For more than a decade, she has authored the West Virginia chapter in *Business Torts; A Fifty-State Guide*, a treatise published by Wolters Kluwer.

Her financial services litigation work includes representing banks and financial institutions in breach-of-contract disputes, such as bank participation agreements, and claims involving business torts and statutory violations. Further, in working on behalf of such institutions, she has successfully defended claims filed by both consumers and the Office of the Attorney General under the West Virginia Consumer Credit and Protection Act. Vivian has co-authored the "West Virginia Commercial Lending Law" chapter, published by the American Bar Association.

Vivian's construction work includes representing owners, architects, engineers, land surveyors, and contractors. She has handled mechanics' lien work on private projects and surety bond claims on public projects. She handles claims in the state and federal courts of West Virginia, the West Virginia Court of Claims, and before the West Virginia Boards for professional architects, engineers, and contractors. Vivian has prepared the West Virginia chapter in the S *tate-by-State Guide to Architect, Engineer, and Contractor Licensing*, published by Aspen Law & Business. In addition, she has authored the West Virginia chapter in the *50-State Construction Lien and Bond Law* publication by Aspen Law & Business. She has also prepared the "Construction Laws and Customs: West Virginia" chapter published by Thompson Reuters. In 2018, Vivian was selected as a Fellow of the Construction Lawyers Society of the Americas (CLSA).

With regard to her First Amendment practice, Vivian has represented the West Virginia Broadcasters' Association and media clients—including newspapers, radio and television stations, reporters, and publishers—in defamation, privacy rights, copyright, trademark, false advertising, and commercial appropriation disputes. For nearly 15 years, Vivian has co-authored *Keeping It Legal: A Guide for Broadcasters* published by the West Virginia Broadcasters' Association as the pre-eminent guide for its media members. During this time, she has presented at the West Virginia Broadcasters' Association annual meetings. She has also authored the "West Virginia Right of Publicity Laws" chapter published by Practical Law, the "Survey of West Virginia Libel Law" chapter found in the *Media Law Resource Center (MLRC) 50-State Survey*, the "Trademark Laws: West Virginia State Q&A" published by Practical Law Intellectual Property & Technology, and the "Intellectual Property: West Virginia" chapter, published by Lex Mundi.

Moreover, she has an active practice representing clients in alcohol licensing with the West Virginia Alcohol Beverage Control Commission ("WVABC") and representing clients for video lottery licensing with the West Virginia Lottery. Her clients have included restaurants, hotels, resorts, farm wineries, beer wholesalers, distilleries, and other business.

Vivian has performed hundreds of interstate and West Virginia adoptions. She also practices surrogacy law, representing intended parents and gestational carriers in the negotiation and drafting of gestational surrogacy agreements. She frequently represents national and international clients in West Virginia court proceedings to obtain pre-birth, post-birth, and parentage orders. Vivian is a Dual Fellow of the Academy of Adoption & Assisted Reproduction Attorneys (AAAA), recognizing her extensive experience and high ethical standards in the practice of adoption law and Assisted Reproduction Technology (ART) law.

In addition to serving as a Board Member and Commissioner of the West Virginia Human Rights Commission, Vivian is a member of Leadership West Virginia and a "Forty-Under-40" honoree. She is the recipient of the Diversity Law Institute's "2018 Diversity Award," and has been listed in *The Best Lawyers in America® for "Litigation–Banking and Finance"* and the *West Virginia Super Lawyers®* Rising Stars for Business Litigation. Vivian is a graduate of The George Washington University School of Law, where she served as an Editor on *The American Intellectual Property Law Association Quarterly Journal* (AIPLA QJ) and advanced to the North American Finals of the ABA Alternative Dispute Resolution Negotiations Competition. Vivian is also active in her local community, having served as President of the Judge John A. Field, Jr. American Inn of Court, and as Vice President and member of the Board of Directors of the Kanawha Pastoral Counseling Center (KPCC).

Other Info About Vivian

Experience

Member of the PPP Audits & Appeals Team

Education

The George Washington University School of Law, J.D., 2007

George Mason University, B.A. (English), with highest honors, 2002

Clerkships

Circuit Court, West Virginia, Hon. Joseph C. Pomponio, Jr., Judge, 2007

Courts

The United States Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Northern District of West Virginia

U.S. District Court for the Southern District of West Virginia

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Middle District of Florida

West Virginia Supreme Court of Appeals

Recognition

The Best Lawyers in America® – Litigation – Banking and Finance, 2021-2027
Selected to *Leadership West Virginia*, Class of 2022
Construction Lawyers Society of the Americas (CLSA), Charter Fellow, 2018
Recipient of the *Generation Next: 40-Under-40*, Class of 2018, awarded by *The State Journal*
Recipient of the Diversity Law Institute's "2018 Diversity Award"
Recognized in the *West Virginia Super Lawyers® Rising Stars for Business Litigation* (2015-2017)

Professional Affiliations

Appointed by West Virginia Governor Jim Justice to serve on the West Virginia Human Rights Commission, 2024-2027
Academy of Adoption & Assisted Reproduction Attorneys (AAAA), Fellow, 2024
Leadership West Virginia, Class of 2022, and Co-Chair of Class Project, 2022-2023
NITA Trial Advocacy, 2022
Diversity Law Institute (DLI), Member and recipient of the "2018 Diversity Award"

The Judge John A. Field, Jr., American Inn of Court, President, 2012-2013
The Judge John A. Field, Jr., American Inn of Court, Inn Administrator, 2010-2012
Trial Lawyers Institute, Member
Media Law Research Center (MLRC), member
National Association of Alcoholic Beverage Licensing Attorneys (NAABLA)
West Virginia Broadcasters' Association

Civic Activities

Vice-President, Kanawha Pastoral Counseling Center (KPCC) Board, 2018-2020
Board Member, Kanawha Pastoral Counseling Center (KPCC), 2015-2020
Former Media Relations Director for the American Hellenic Institute (AHI), which is a public policy think tank in Washington, D.C. that deals with the common interests between and among the United States, the Hellenic Republic (Greece), and the Republic of Cyprus

Firm Committees

Women's Initiative Committee, Office Representative

Presentations

"A Primer on Political Advertising for West Virginia Broadcasters," webinar with David A. Barnette and Chelsea A. Creta, Jan. 24, 2020.
"Keeping It Legal: EEO and Other Topics for Broadcasters," Spring Meeting of the West Virginia Broadcasters Association with Chelsea A. Creta, May 4, 2019.
"Keeping It Legal: Sexual Harassment in the Workplace During the "Time's Up" and "#MeToo" Movements, EEO, and Other Topics for Broadcasters" with David Allen Barnette and Chelsea A. Creta, March 24, 2018.
"Keeping It Legal: Social Media in the Workplace, EEO, and Other Topics for Broadcasters 2017," Spring Meeting of the West Virginia Broadcasters Association with David Allen Barnette, April 1, 2017.
"What's New in EEO, Political Advertising, and Other Topics for Broadcasters," Spring Meeting of the West Virginia Broadcasters

Association with David Allen Barnette, April 2016.
"Political Advertising," Fall Meeting of the West Virginia Broadcasters Association with David A. Barnette, October 14, 2015.
"Data and Identity Theft: Red Flags" presentation to the West Virginia Society of Certified Public Accountants with David A. Barnette, January 28, 2014.
"Adoption Law in West Virginia," with David A. Barnette, May 14, 2013.
"Keeping it Legal: EEO and Other Topics for Broadcasters," Spring Meeting of the West Virginia Broadcasters Association with David A. Barnette, February 23, 2013.
"Keeping it Legal: EEO and Other Topics for Broadcasters," Spring Meeting of the West Virginia Broadcasters Association with David A. Barnette, March 31, 2012.
"Social Networking and Your Station: A Proactive Approach," Spring Meeting of the West Virginia Broadcasters Association with David A. Barnette, March 26, 2011.
"Seven Deadly Sins for Broadcasters to Avoid," Spring Meeting of the West Virginia Broadcasters Association, March 6, 2010.

Major Publications

Practical Law, State Q&A: "Trademark Laws: West Virginia", Thompson Reuters 2021.
Business Torts: A Fifty State Guide, West Virginia chapter, Wolters Kluwer 2018-2023.
"West Virginia Commercial Lending Law," published in *Commercial Lending Law: A Jurisdiction-by-Jurisdiction Guide to U.S. and Canadian Law*, 2427-58, American Bar Association, 2016-2023.
"Construction Laws and Customs: West Virginia", Thompson Reuters 2017-2022.
Chapter 51. West Virginia, *State-by-State Guide to Architect, Engineer, and Contractor Licensing*, 1753-89, Stephen G. Walker et al. eds., Aspen Law & Business, 2013-2023.
Chapter 49. West Virginia, *Fifty State Construction Lien and Bond Law*, Robert F. Cushman et al. eds., Aspen Law & Business, 2013-2023.
Keeping It Legal: A Guide for West Virginia Broadcasters, 2013-2022.

"Right of Publicity Laws: West Virginia," in *PLC Multistate Q&A: Right of Publicity Laws, Practical Law*, Thomson Reuters 2013-2022.
"Survey of West Virginia Libel Law," *MLRC 50-State Survey 2013-2014: Media Libel Law*, Oxford Univ. Press 2013-2022.
"Intellectual Property: West Virginia", Lex Mundi, 2009.

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