

# The Bell Law Firm PLLC

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## **PRESS RELEASE FOR IMMEDIATE RELEASE**

This week the West Virginia Supreme Court of Appeals issued over an 80 page ruling covering multiple cases involving nursing home arbitration in West Virginia. Justice Ketchum, writing for the Court covering cases brought by The Bell Law Firm, PLLC, as well as a Mississippi firm and a Clarksburg, West Virginia, attorney, expressed serious reservations and problems with practice of several nursing home chains who have attempted to evade public accountability for their conduct and actions toward residents by slipping in a mandatory binding arbitration agreement.

The Court cited numerous law review articles and case law studies from around the country and found these arbitration agreements highly suspect given the ages, infirmities, stress and difficulties of people who are forced to seek admissions into nursing home facilities.

“The West Virginia Supreme Court clearly decided the issue properly taking into account applicable state and federal law, as well as an established legal precedent of over two hundred years preserving the right to trials by juries as articulated in the Seventh Amendment of the Bill of Rights of the United States Constitution”, says Attorney Harry F. Bell, Jr. of The Bell Law Firm, PLLC.

The Court had obvious reservations about taking away from public scrutiny the importance of these facilities being held accountable under law such that the press, media and the public can be informed as to the facts of these claims. It is in the public interest, as are many lawsuits, for these claims to be aired in a public forum following established law and procedure.

“The nursing home industry supported by their insurance carriers and related right-wing radical groups want to take away the constitutional rights of individuals” said Attorney Bell. “It is refreshing to see such a comprehensive, detailed and well worded opinion by the strong court of experienced jurists from all backgrounds that recognizes the importance of openness and transparency, and upholding legal traditions in the form of the United States Constitution, as well as the West Virginia Constitution”.

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The opinion also particularly points out that the extraordinarily high cost of filing fees in private arbitration forums and the fact that such hidden arbitrations are conducted by private arbitrators outside public scrutiny constitute significant barriers to filing claims. At the same time, their “private” proceedings do nothing to further overall public interest in the public’s right to know what goes on in these facilities.

The nursing home industry, which has been extremely successful in seeking to limit liability through the inclusion of caps originally meant to benefit the medical profession now has to recognize that constitutional rights afforded all citizens will be upheld by courts at the highest level.

Reference for the opinion can be found at *Brown v. Genesis Healthcare Corp., et al*, West Virginia Supreme Court, No. 35494 (2011)

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