



## Roger T. Creager

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## About Roger T. Creager

Roger received his undergraduate degree in 1976 from the College of William & Mary, and his law degree in 1982 from the University of Virginia School of Law where he served on the Law Review and graduated with honors. The Virginia Law Review published an extensive scholarly work which Roger wrote on an evidence law issue while in law school.

After working at the National Legal Research Group in Charlottesville, Roger joined Marks & Harrison in 1997, and worked in our Richmond office until 2008 when he left to start his own law practice. From 2008 through 2022, Roger continued to collaborate with Marks & Harrison by serving as co-counsel and research/litigation consultant on some of Marks & Harrison's cases. He also served as co-counsel and research litigation consultant with many other leading plaintiffs' lawyers throughout Virginia. At the beginning of 2023 Roger rejoined Marks & Harrison.

Among his many significant professional accomplishments and accolades, Roger is the only lawyer honored by the Virginia Trial Lawyers Association (VTLA) with its two most prestigious awards: the **Courageous Advocate Award** and the **Lifetime Achievement Award**.

The Virginia Lawyers Weekly, the newspaper for Virginia lawyers, has twice honored Roger — in 2014 with its Leaders in the Law Award and in 2024 with its Hall of Fame Award.

Roger has played important roles in all of Virginia's statewide legal professional organizations. He was a member of the Virginia State Bar's governing body (the Bar Council) for 3 years and its ethics committee for 5 years, has been a leading member of the Virginia Trial Lawyers Association since 1997, was an active member of the Boyd-Graves Conference for over a decade, and has served on the Litigation Section of the Virginia Bar Association. Throughout his career, Roger has published many articles and lectured on cutting-edge legal topics at legal seminars throughout the state.

Roger has achieved major recoveries (both by jury verdicts and settlements) for clients injured in many different types of settings including tractor-trailer crashes, falls from balconies, falls on walkways and stairs, crashes caused by high-speed police driving, motorcycle crashes, and falling merchandise in stores.

Roger has also played an important role in many Virginia appellate decisions. During the early years of his work with Marks & Harrison, Roger (together with attorney Burle U. Stromberg of Portsmouth) led the VTLA's comprehensive opposition to a major challenge to Virginia's Collateral Source Rule which had traditionally allowed injured people to recover the full amount of their medical bills from the wrongdoers who caused their injury. In the late 1990s, insurance carriers and insurance defense lawyers successfully mounted an attack on the Rule which reduced plaintiffs' recoverable medical expenses by one-third (or more) in many trial courts. Based upon the legal analysis and reasoning set forth in *Amicus Curiae* briefs authored and filed by Roger (and other VTLA co-authors), the Supreme Court of Virginia resoundingly rejected the defense arguments in two landmark appellate decisions. See *Acuar v. Letourneau*, 260 Va. 180, 531 S.E. 2d 316 (2000) and *Radvany v. Davis*, 262 Va. 308, 551 S.E.2d 347 (2001). The opinions in *Acuar* and *Radvany* have, in turn, influenced the development of the common law in other states.

In another important case, Roger played the leading role in an appeal which overturned a verdict which a Chesterfield County jury had rendered in favor of manufacturer Honeywell International, Inc. after a two-week-long trial. On appeal, Roger asserted that the trial court had erred in five respects during the trial of the case brought by the families of a father and a son who both died in the crash of an airplane that used a Honeywell autopilot system. The Supreme Court of Virginia, in an important published opinion, agreed with three of the assigned errors, set aside the defense verdict, and granted the plaintiffs a new trial. See *Harman v. Honeywell Int'l, Inc.*, 288 Va. 84, 758 S.E.2d 515 (2014). Over the course of his career, Roger has appeared as counsel in 25 cases that have resulted in reported appellate and trial court opinions.

In 2001 the VTLA bestowed the Courageous Advocate Award on Roger in 2001 for his “exceptional work” in defense of the Collateral Source Rule. The VTLA declared that Roger’s “pursuit of justice was accomplished with courage, skill, perseverance, and faithful dedication to his clients, his colleagues, and the law.” It was the first time the VTLA had given the Courageous Advocate Award in 17 years.

Twenty years later in 2021 the VTLA once again honored Roger, this time with its Lifetime Achievement Award. The VTLA commended Roger for his expertise, intellect and passion throughout his career and declared that the “trial bar has certainly been the beneficiary of his remarkable efforts, but even more so, the thousands of clients he has impacted through his work with attorneys from across the Commonwealth.”

## Education

- **University of Virginia, JD., 1982.**
  - Editorial Board, Virginia Law Review.
  - Virginia Order of the Coif (graduation in top ten percent of class).
  - Staff Writer, Virginia Law Weekly.
- **College of William and Mary, B.A., 1972**
  - College Band, Theta Delta Chi fraternity.
  - Staff Writer, The Flat Hat (student newspaper)

## Professional Activities

- Virginia State Bar
- Member: Virginia Trial Lawyers Association, Virginia State Bar, Virginia Bar Association, Henrico Bar Association, Richmond Bar Association, American Association for Justice.
- Governor at Large, VTLA Board of Governors (2003-2018).
- Ex-Officio member, VTLA Board of Governors (2001-2003, 2018 to present).
- Chairperson, VTLA Amicus Curiae Committee (2002-2007).
- Chairperson, VTLA Publications Committee (2001-2002).
- Member of numerous VTLA committees, including: VTLA Ad Hoc Committee on ERISA Lien and Reimbursement Rights (2002); VTLA Collateral Source Rule Committee (1998-2001) (Vice Chair in 1999-2001); Committee member VTLA Litigation Support Committee (1998-1999); Vice-Chair VTLA Amicus Curiae Committee (1999-2000); Committee member VTLA Publications Committee (1999-2003).

- Member of the Council of the Virginia State Bar (2009-2011)
- Boyd-Graves Conference Member (2002- present).
- Boyd-Graves Conference Committee Member, numerous committees from 2003 to present.
- Boyd-Graves Conference Steering Committee (2005-2013).
- Boyd-Graves Conference Membership Committee (2006-2013).
- Chairperson, Virginia State Bar, Standing Committee on Legal Ethics (July 2006 to June 2007).
- Member, Virginia State Bar, Standing Committee on Legal Ethics (2002 to 2007) (Vice-Chair in 2004-06).
- Chairperson, Boyd-Graves Conference Subcommittee for Study of ESI Discovery in Virginia (2007 and 2008)
- Chairperson, Boyd-Graves Conference Subcommittee for Study of Streamlining Procedures for Out-of-State Subpoenas and Depositions (2006)
- Chairperson, Boyd-Graves Conference Subcommittee for Study of Less-Than-Unanimous Verdicts) (2005-2006).
- Chairperson, Boyd-Graves Conference Subcommittee on Sharing of Subpoenaed Documents (2004).
- Chairperson, Boyd-Graves Conference Committee on Study of Interlocutory Appeals (2003).

## **Honors & Recognitions**

- Honored in 2001 by the Virginia Trial Lawyers Association with its Courageous Advocate Award (first time the award had been given since 1987).
- Selected by [Virginia Lawyers Weekly](#) as a "Leader in the Law" in 2014.
- Included in [Virginia Lawyers Weekly](#) list of largest verdicts and settlements in numerous years.
- Recognition for service on Virginia State Bar Council 2008-2012.
- Recognition for service as Chair of the Virginia Trial Lawyers Association Amicus Curiae Committee for five years.
- Recognition for numerous Virginia Trial Lawyers Association Amicus Curiae Brief.
- Named to the Virginia Super Lawyers list.

## **Publications**

- "Suing the Unsuable: The Immunity Issue," [The Journal of the Virginia Trial Lawyers Association](#) (Volume 30, 2023).
- "Riding with the 'Tipsy Coachman': How to Affirm a Trial Court That Was Wrong," [The Journal of the Virginia Trial Lawyers Association](#) 2 (Volume 26 Number 4, 2017).
- "Failure To Compel Discovery May Constitute Reversible Error," [The Journal of the Virginia Trial Lawyers Association](#) 28 (Volume 24 Number 4, 2013).
- "Failure to Compel Discovery May Constitute Reversible Error," [The Journal of the Virginia Trial Lawyers Association](#), 28 (Volume 24 Number 4, 2013).
- Civil Post-Trial Motions Following Personal Injury Jury Trials: Keeping a Favorable Verdict – Overcoming a Loss," [The Journal of the Virginia Trial Lawyers Association](#) 13 (Volume 24 Number 2, 2013).
- "Five Myths About Immunity of Governmental Employees," Vol. 59 [Virginia Lawyer](#) (Virginia State Bar Feb. 2011) (co-authored with Thomas J. Curcio).

- "Motions in Limine," [The Journal of the Virginia Trial Lawyers Association](#) 5 (Volume 22 Number 4, 2011).
- "The Ethics of Undisclosed Recordings," [The Journal of the Virginia Trial Lawyers Association](#) 25 Volume 21 Number 2, 2009).
- "Has *John Crane* Gone Astray?," [Virginia Bar Association News Journal](#) 19 (Oct./Nov. 2008)
- "The Peer-Review Privilege Should Not Shelter Hospital Policies and Procedures From Discovery," [Virginia State Bar Litigation News](#) (Spring 2008).
- "Tests and Experiments Not Admissible Unless Substantial Similarity Is Shown," Vol 19, No. 1, [The Journal of the Virginia Trial Lawyers Association](#) 9 (2007).
- "Grief Expert Testimony Is Admissible When Helpful," [The Journal of the Virginia Trial Lawyers Association](#) 9 (Summer 2006).
- "Is the Tort of Negligent Supervision Alive and Well in Virginia?" [Virginia State Bar Litigation News](#) (Winter 2006).
- "Collateral Source Rule Governs; 'Write-offs' Argument Rejected in Medicare/Medicaid Context," Vol. 17, No. 1, [The Journal of the Virginia Trial Lawyers Association](#) 31 (Spring 2005).
- "Motor Carrier May Be Liable For 'Independent Contractor,'" [Virginia Lawyers Weekly](#) (February 28, 2005).
- "Silencing the Witness," Vol. 14, No. 1, [The Journal of the Virginia Trial Lawyers Association](#) 18 (Winter 2001/2002).
- "Role of Defense Neuropsychologists Should Be Limited Under Virginia Evidence Law," [The Journal of the Virginia Trial Lawyers Association](#) 24 (Fall 2002) (co-author).
- "Deposition Errata Sheets: Changes to Testimony," [The Journal of the Virginia Trial Lawyers Association](#) 3 (Winter 2001/2002).
- "The Post-Trial Perils of the 21-Day and 30-Day Rules," Vol. 12, No. 2, [The Journal of the Virginia Trial Lawyers Association](#) 2 (Spring 2000).
- "Wrongdoers' Attempts To Reap Windfall Benefits From Their Victims' Collateral Health Insurance Face Increasing Opposition in Virginia Circuit Courts," Vol. VI, Number 2 [Virginia State Bar Litigation News](#) 7 (Summer 1999) (co-author).
- "A Growing Number of Circuit Courts Reject Wrongdoers' Attempts To Reap Windfall Benefits From Their Victims' Collateral Health Insurance," Volume 11, Number 2, [The Journal of the Virginia Trial Lawyers Association](#) 31 (Summer 1999) (co-author).
- "The Collateral Source Rule Keeps Pandora's Box of Health Insurance Write-Off Issues Closed," Volume V, Number 3, [Virginia State Bar Litigation News](#) 7 (Fall 1998).
- "Health Insurance 'Write-Offs' Irrelevant Under Collateral Source Rule," Volume 10, Number 3, [The Journal of the Virginia Trial Lawyers Association](#) (Summer 1998).
- "The Post-Trial Perils of the 21-day and 30-day Rules," Vol. 12, No. 2 [The Journal of the Virginia Trial Lawyers Association](#) 2 (Spring 2000).
- "Computer Animation: Dealing With the Stealth Witness," Volume 9, Number 4, [The Journal of the Virginia Trial Lawyers Association](#) 20 (Fall 1997) (co-author).
- Note, "The Admissibility of Testimony Influenced by the Use of Hypnosis," 67 [Va. L. Rev.](#) 1203 (1981).