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Garrison reflects on law, political careers with eye towards the future

By Linda Harris THE STATE JOURNAL 8 hrs ago



Garrison
Richard S Lee Rick Lee

MORGANTOWN — As landing spots go, Spilman Thomas & Battle's Michael Garrison figures he couldn't have picked one more suited to his bull-doggish legal persona.

Spilman Thomas & Battle is the 153-year-old law firm whose founder once helped Abraham Lincoln overcome property issues associated with West Virginia's road to statehood. Over the years the firm has developed a reputation for finding cutting edge solutions to its clients' legal problems.

"Spilman is results-driven," said Garrison, 48, who had been a managing partner before accepting what would turn out to be a short-lived appointment in 2007 as president of West Virginia University. He rejoined the firm in 2008 and now serves as co-chair of its health care group, working out of its Morgantown office. "This firm takes on things other firms are not interested in taking on."



That includes helping small, fiscally struggling community-based hospitals across West Virginia survive. The former Fairmont General Hospital, for instance, faced what he termed "severe financial difficulties" before filing a Chapter 11 bankruptcy petition in 2013. Spilman helped the hospital board evaluate its options and potential suitors before settling on Los Angeles-based Alecto, which closed the deal the following year and began pumping cash — and vitality — into the organization.

Garrison said after that deal closed Alecto asked Spilman to represent its interests in other West Virginia ventures — including the California company's recent purchase of Wheeling's Ohio Valley Medical Center and a sister hospital, East Ohio Regional, located just across the river in Martins Ferry. That transaction, which closed in June, was nearly derailed by a competitor's

eleventh-hour challenge to Alecto's application for a Certificate of Need. Spilman's legislative team, however, was able to convince lawmakers to revise the state code to allow the sale of financially-distressed hospitals without the buyer going securing a Certificate of Need.

"The Certificate of Need process, with appeals and everything, could have been a two- to three-year process," Garrison said. "The hospitals couldn't have survived for three years."

Garrison by that time had become Alecto's public voice in the Upper Ohio Valley "because that's what my client needed me to do."

"I was amazed at the outpouring from folks in the Wheeling area who were just grateful that we were fighting for them to have a choice," he added. "It meant a lot to people."

He also successfully argued United Hospital Center's appeal of a \$1 million-plus property tax assessment it had received in 2010 prior to moving from Clarksburg to an all-new facility in Bridgeport. UHC is tax-exempt, but due to construction delays some support personnel, including the hospital's computer department, were using the new facility before any patients could be transferred there. The state supreme court eventually ruled in UHC's favor, a landmark decision for UHC and the health care industry in general.

"It was a very significant financial decision for our client," he said, calling it a "\$2 million-plus turnaround" for UHC. "It made a big difference. And (ensuring) Fairmont General was purchased instead of shut down...saved a lot of jobs.

It was a big win for the firm, he said.

"I'll have been back nine years in September," he said. "I came here initially because I felt like Spilman was really building something special, it had a lot of young leadership with very cutting-edge ideas for the state and it had regional aspirations. I think those are all proving themselves out."

Garrison had graduated from WVU in 1992 with a bachelor's in political science and English literature, then spent a year at Oxford as a Rotary International Scholar. Upon returning to the U.S. he enrolled in WVU's College of Law, graduating in 1996 with his J.D. degree. After a stint as administrative assistance to the late U.S. Sen. Robert C. Byrd, Garrison was appointed Secretary of the Department of Tax and Revenue under Gov. Bob Wise in 2001.

Garrison said he'd first met Wise as an undergrad and, inspired by his intellect and ideas,

offered his legal services as a campaign volunteer. Right before Wise's swearing-in he asked Garrison to join his cabinet.

"I was young, 31," he said. "It was a big job. I found out quickly my main job was going to be to find a funding source for something called the 'Promise' scholarship." Promise is a program that rewards high school seniors who maintain a high GPA with funds to help pay for their college experience at state-funded schools in hopes they'll continue to live and work in West Virginia after graduation. Garrison proposed using lottery revenues to pay for it.

"I didn't realize at the time it was the factual equivalent of getting a chance to be quarterback in the Super Bowl in your rookie season," he said. "I was in front of the Legislature every day, many times a day, on the issue and I spoke at public hearings.

"That was in 2001. In retrospect, I think that has to be one of, if not the, major policy initiatives (here) in the last 20 or 30 years. It was just a game-changer."

Soon after Garrison became Wise's chief of staff, working with him on issues such as Worker Compensation reform, higher education and health care issues. It was "an even bigger job," Garrison said. He resigned in 2003 to practice law, and soon after was appointed by Wise to the Higher Education Policy Committee.

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His tenure at WVU, though short-lived, was not without controversy: Faculty resented the board's choice of an outsider with a background in politics rather than academia to lead the university, though that in and of itself didn't lead to his undoing. Rather, that happened after questions surfaced over record-keeping in the school's M.B.A. program a decade before and

suggestions that a politically-connected classmate of Garrison's, Heather Bresch — the daughter of now U.S. Sen. Joe Manchin and Mylan Pharmaceuticals, hadn't actually completed the course requirements for the degree she claimed. He said a program audit he'd requested "established that the program had a lot of record-keeping issues."

Months later Garrison resigned, telling a Washington Post reporter at the time that, "I frankly just came to the conclusion that we were well beyond time for this discussion to end, and there was not much else that could cause it to end."

"The university is bigger than any one person, and I decided I was the one person who could resolve it," he says now, adding, "There's been a lot that's been said and written about my candidacy and my time at WVU. A lot of what's been said bears no relation to the facts, but often folks believe what they want to believe and that becomes reality.

"My philosophy has always been to do the right thing and when you're in a public position, it's bigger than the person...At the end of the day you have to look at it and (know) your job is to do the right thing, and at the time I thought the best thing was for me to resign."

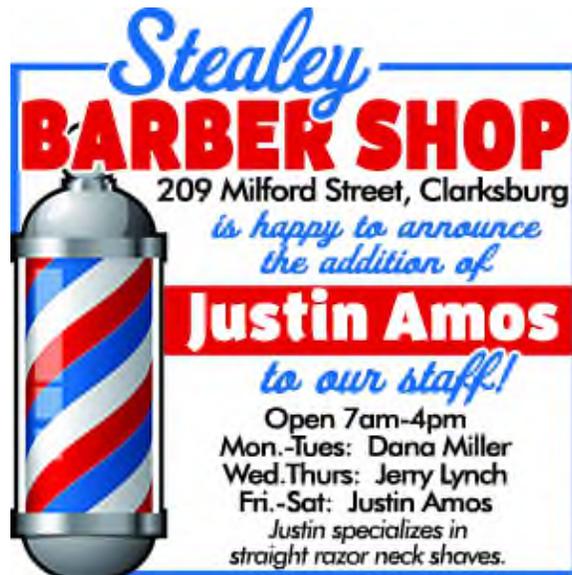
Though his tenure was shorter than he liked, Garrison said he's "very confident that you could put my one year-and-a-couple-months up against most other WVU presidents in terms of accomplishments."

Among them: Getting a child care center built in Evansdale for faculty, staff and students. "It had been studied for 30 years" with nothing done, he said, pointing out coming from a law background, "I was used to having decisions the same day."

His administration also was able to achieve what at the time was the largest faculty and staff pay raise, and helped develop WVU's program for tolerance and diversity on campus. WVU also received a \$4 million contract buyout from former football coach Rich Rodriguez and the University of Michigan after suing for breach of contract.

"I was fortunate to be able to jump back into my law practice," he adds. "I've been very, very fortunate to work with a lot of folks who have helped me have a very successful legal career.

"I don't have any regrets at all. I'm 48, hopefully I'll be around for a while. I've got lots of things I'd still like to do. I'm fortunate to have a very good career and to work with a lot of great people and great clients."



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