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## Conclusion

Robin Jean Davis  
*West Virginia Supreme Court of Appeals*

Louis J. Palmer Jr.

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other eligible proceeding, on the ground that the representation “is likely to result in an unreasonable financial burden” on the lawyer.<sup>1630</sup>

*F. Agency*

Justice McHugh held in *Teter v. Old Colony Co.*<sup>1631</sup> that “[o]ne of the essential elements of an agency relationship is the existence of some degree of control by the principal over the conduct and activities of the agent.”<sup>1632</sup>

*G. Capitalization*

In *Laya v. Erin Homes, Inc.*,<sup>1633</sup> Justice McHugh stated that “[g]enerally, the presumption is that the party dealing with the corporation did not assume the risk of grossly inadequate capitalization.”<sup>1634</sup>

## XXVI. CONCLUSION

During his tenure on the West Virginia Supreme Court of Appeals, Justice McHugh established himself as a judicial giant who walked with a humble spirit and gracious demeanor. Although few may equal his talents as a legal thinker, none will ever measure up to the fullness of the man. As a member of our state’s highest court, Justice McHugh was a judicial jewel who did his best not to allow his greatness to cast a shadow over the lights of those around him.

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<sup>1630</sup> *Id.* at Syl.

<sup>1631</sup> 441 S.E.2d 728 (W. Va. 1994).

<sup>1632</sup> *Id.* at Syl. Pt. 3.

<sup>1633</sup> 352 S.E.2d 93 (W. Va. 1986).

<sup>1634</sup> *Id.* at Syl. Pt. 4.