



BASSFORD REMELE

Jessica L. Klander

SHAREHOLDER



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PRACTICE GROUPS

Class Action/Multidistrict Litigation
Consumer Law Defense
General Liability
Professional Liability/
Claim Prevention

INDUSTRY GROUPS

Credit and Collection
Health Care

OVERVIEW

Ms. Klander defends businesses and professionals against liability and malpractice claims in the consumer law defense, professional liability, and general liability arenas.

Also experienced in complex litigation and class action lawsuits, Ms. Klander regularly represents clients in both state and federal courts across the United States. She currently defends creditors and credit professionals against federal consumer statute claims, defends health care providers and professionals against liability claims, and represents businesses in a spectrum of commercial disputes. She also consults with and trains clients on compliance with state and federal regulations.

Ms. Klander serves on the Board of Directors of the Hennepin County Bar Association. She regularly presents at national conferences on federal consumer regulations, including at ACA International, Inc.

EDUCATION & ADMISSIONS

Education

William Mitchell College of Law, J.D., *summa cum laude*, 2011

- Dean's List, 2008-2011
 - Trustee Merit Scholarship, 2008-2011
 - CALI Award Recipient
 - *William Mitchell Law Review*; Executive Editor, Vol. 38, 2010-2011; staff member, 2009-2010
- Macalester College, B.A., 2004

Bar Admissions

- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, District of Nebraska
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota

Judicial Clerkships

U.S. District Court, District of Minnesota, Magistrate Judge Franklin Noel, Law Clerk Extern, 2010
Seventh Judicial District, The Honorable Thomas Knapp, Law Clerk Intern, 2009

EXPERIENCE

Representative Cases

- Obtained opinion from the Eighth Circuit Court of Appeals affirming the district court's order dismissing the plaintiff's FDCPA claims on the grounds that the challenged letter was not unfair or deceptive and the interest sought was permitted.
- Obtained opinion affirming the district court's order dismissing the plaintiff's FDCPA claims and holding as a matter of first impression that a materiality standard applies to claims of deception under the FDCPA; *Hill*, 888 F.3d 343 (8th Cir. 2018).

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- Successfully defended agency against FDCPA claims and obtained order dismissing the plaintiff's claims on the grounds that the challenged letter was not deceptive, the claims were immaterial, and interest sought was permitted.
- Obtained decision affirming summary judgment in favor of attorney defendants because the plaintiff could not produce evidence to prove that but for the attorneys' alleged malpractice, the plaintiff would have obtained a more favorable result in the underlying real estate transaction.
- Obtained order dismissing a plaintiff's medical malpractice claims because the complaint failed to allege compensable damages.
- Obtained order dismissing a plaintiff's complaint for failure to meet basic pleading requirements under Minn. R. Civ. P. 8.01.
- The Minnesota Supreme Court granted immunity to the provider under the Minnesota Commitment Treatment Act holding that the Act applied to a provider's good-faith actions not to admit a patient seeking voluntary admission; *Binkley*, 877 N.W.2d 547 (Minn. 2016).
- Successfully defended agency against FDCPA claims and obtained order dismissing the plaintiff's claims on the grounds that the FDCPA does not apply to tort subrogation claims and imposing sanctions against the plaintiff for frivolous motion filing.
- Successfully defended client against legal malpractice claims and obtained order dismissing actions and imposing sanctions on plaintiff including filing injunction.
- Successfully obtained order staying litigation in the case until resolution of the FCC's determination on TCPA rulings.
- Successfully obtained reversal of federal district court order granting class certification on claims under the FDCPA because the claims lacked commonality and predominance and a class action was not a superior method of resolving the claims.
- Obtained opinion affirming the district court's order dismissing the plaintiff's claims under the Racketeer Influenced and Corrupt Organizations Acts and for interference with contractual relations and order enjoining the plaintiff from pursuing future similar litigation absent an attorney or court approval; *Blodgett*, 555 F. App'x 639 (8th Cir. 2014)
- Obtained opinion holding that the FDCPA requires that a validation notice be "sent," not "received," that opinions regarding a debtor's creditworthiness do not amount to a FDCPA violation, and that a misrepresentation must be "material" to be a violation.
- Obtained opinion holding that mortgage foreclosure activities, including a pre-foreclosure notice with FDCPA language, are not taken "in connection with the collection of any debt" and therefore not subject to the FDCPA.

Publications

- *Bassford Remele Consumer Law Defense and Risk Management E-Bulletin*, author, 2013-present
- *Managing Risk: How to Sidestep These 11 Common Collection Letter Claims and Protect Your Business*, author, ACA Collector, Apr. 2019
- *You've Been Served With a Subpoena. Now What?*, co-author with C.E. Hinrichs, Minnesota Medicine, May/June 2016
- *TCPA 'Clarifications' Likely Lead to Flood of Lawsuits*, co-author with M.A. Klutho, Minnesota Lawyer, Nov. 24, 2015

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- *The FCC's Recent Express Consent Amendment to the Telephone Consumer Protection Act*, author, *Hearsay*, Winter 2014, Vol. XVI, No. 2 (Minnesota State Bar Association New Lawyers Section)
- *Facebook Friend or Foe?: The Impact of Modern Communication on Historical Standards for Service of Process – Shamrock Development v. Smith*, author, 36 Wm. Mitchell L. Rev. 241 (2009)

Seminars

- *Law & Ethics: Legal Ethics Update 2019*, presenter, Torts, Litigation and Ethics X Seminar, St. Paul, Minn. April 12, 2019
- *Lessons Learned in the Trenches – How to Avoid Risks & Win Battles*, presenter, National Healthcare Collector's Association 49th Annual Spring Conference, Myrtle Beach, South Carolina, April 9, 2019
- *Release of Information*, presenter, Minnesota Mental Health & the Law 2019 Seminar, PESI, Inc., February 8, 2019
- *BCFP: New Name, New Direction?*, Hennepin County Bar Association Debtor/Creditor Remedies Section, Minneapolis, Minn., January 16, 2019
- *Staying Out of the Soup: Select Ethics Issues in "Alphabet Soup" Consumer Law Litigation*, presenter, Fall Conference, National Creditors Bar Association, Nashville, Tenn., October 6, 2018
- *Lessons Learned in the Trenches – How to Avoid Risks and Win Battles*, presenter, Minnesota Lawyers Mutual Insurance Company, Minneapolis, Minn., September 5, 2018
- *More Like Inconvenience Fees: Recent Trends in Add-on Fee Litigation*, presenter, ACA International Annual Convention & Expo, Nashville, Tenn., July 25, 2018
- *Malpractice Insurance and Common Ethical Pitfalls*, presenter, 2018 Path to Partnership Institute, Minnesota State Bar Association, Minneapolis, Minn., April 12, 2018
- *Hot Topics in Legal Ethics and Professional Responsibility - Torts, Litigation and Ethics VII*, presenter, Eighth Annual Litigation and Ethics Seminar, St. Paul, Minn., April 6, 2018
- *Fighting Back: Collection Agency Sues Plaintiff's Law Firm*, presenter, ACA International Annual Convention & Expo, Seattle, Wash., July 18, 2017
- *Confidentiality & the Release of Health Information*, presenter, 2017 Health Law Institute, Minneapolis, Minn., June 15, 2017
- *Hot Topics in Legal Ethics and Professional Responsibility*, presenter, Seventh Annual Litigation and Ethics Seminar, St. Paul, Minn., April 7, 2017
- *Litigious Attorneys & Bad Claims*, presenter, ACA International, Inc. Webinar, March 15, 2017
- *Release of Information*, presenter, Minnesota Mental Health & the Law 2017 Seminar, PESI, Inc., February 20, 2017
- *Bad Claims – When Attorneys Attack a Collection Agency*, presenter, ACA International, Inc. Webinar, December 8, 2016
- *The Aftermath of Spokeo - Where Do We Stand Now?*, co-presenter with M.A. Klutho, ACA International, Inc. Fall Forum & Expo, Chicago, Ill., November 10, 2016

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- *How to Walk the CFPB Line: New Spins on Old Collection Techniques*, co-presenter with C.R. Morris, National Business Institute Webinar, June 14, 2016
- *Confidentiality & the Release of Health Records*, presenter, Minnesota Health Information Management Association, Rochester, Minn., April 28, 2016
- *Flying Under the Radar: Complying with UDAP Under a Time of Heightened Scrutiny*, co-presenter with M.A. Klutho, ACA International, Inc. Spring Forum & Expo, Las Vegas, Nev., March 10, 2016
- *Release of Information*, co-presenter, Minnesota Mental Health & the Law 2016 Seminar, PESI, Inc., February 26, 2016
- *Shifting Sands: Court Interpretations of "Actual Damages,"* co-presenter with C.R. Morris, ACA International, Inc. Annual Convention, Boston, Mass., July 19, 2015
- *Confidentiality & Mental Health Records Law*, presenter, St. Paul, Minn., November 21, 2014
- *Ethical Debt Collection*, co-presenter with M.A. Klutho, ACA International, Inc. Fall Forum & Expo, San Francisco, Cal., November 6, 2014
- *Attorney Debt Collection: Hazards and Pitfalls*, co-presenter with M.A. Klutho, Minnesota CLE, Minneapolis, Minn., October 30, 2014
- *Common Ethical Pitfalls Facing New Lawyers*, panel moderator, Minnesota Defense Lawyers Association, Minneapolis, Minn., April 3, 2014
- *The Release of Mental Health Records*, presenter, Minnesota Mental Health & The Law, Health Education Network, LLC, Bloomington, Minn., March 14, 2014
- *Overview of HIPAA*, presenter, Medical Records Law Seminar, Lorman Education Services, Minnesota, March 26, 2013 (Minneapolis); January 29, 2013 (St. Cloud)
- *Compliance with the FDCA and Consequences of Non-Compliance*, written materials, Debtor and Creditor Conference, Minnesota Continuing Legal Education, October 15, 2012
- *Cases, Claims & Groundbreaking Lawsuits*, written materials, ACA International, April 25, 2012

PROFESSIONAL & CIVIC

Professional Achievements

- ACA International, Inc., Scholar

Bar Associations

- Federal Bar Association
- Minnesota State Bar Association
 - Consumer Law Section
- Hennepin County Bar Association
 - Board of Directors, 2018-present
 - Finance and Planning Committee; Vice-Chair, 2018-present; member, 2015-present

Professional Associations

- ACA International, Inc.
 - Members' Attorney Program
- Minnesota Defense Lawyers Association
 - New Lawyers Committee, Co-Chair, 2012-2014

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- Minnesota Creditors' Rights Association
- The National Creditors Bar Association
- Minnesota Hospital Association
- Minnesota Women Lawyers

Civic Involvement

- Prodeo Academy, tutor
- Volunteer Lawyers Network, 2011-present
- Aeon Foundation, 2013-present
- Tubman, 2011-present
- Cancer Benefit Fund, Board Member, 2008-2015
- William Mitchell College of Law, Mentorship Program, Mentor, 2012-2015

ACCOLADES

Honors & Awards

- Up & Coming Attorney, *Minnesota Lawyer*, 2015
- Minnesota Rising Stars list, *Super Lawyers*, 2014-present