



## BASSFORD REMELE

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### Mark R. Whitmore

SHAREHOLDER  
CHIEF EXECUTIVE OFFICER



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#### PRACTICE GROUPS

Appellate Practice  
Employment Litigation/Advice  
Professional Liability/  
Claim Prevention

#### INDUSTRY GROUPS

Health Care  
Law Firms and Lawyers

#### OVERVIEW

Mr. Whitmore is a trial lawyer who represents and counsels health systems and other businesses and professionals in litigation, risk management, licensing, governmental investigations, and compliance matters.

A sought-after litigator, Mr. Whitmore represents a majority of the health systems in the Twin Cities, including their outstate locations. He takes pride in seeing each matter through conclusion and partners closely with his clients to achieve their goals anywhere from conference rooms to courtrooms.

Mr. Whitmore has more than 25 years of experience successfully litigating matters to verdict in state and federal courts across the Midwest. He has also successfully represented many physicians and other professionals in licensing disputes before regulatory entities.

Mr. Whitmore currently serves as the Chief Executive Officer at Bassford Remele. He previously served as the firm's Chief Operating Officer for seven years.

#### EDUCATION & ADMISSIONS

##### Education

University of Iowa College of Law, J.D., With Distinction, 1992

- Phi Delta Phi, President
- Moot Court, Board of Directors
- *Iowa Law Review*, staff member

Macalester College, B.A., *magna cum laude*, 1989

##### Bar Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of Minnesota
- Minnesota
- Iowa
- Wisconsin

#### EXPERIENCE

##### Representative Cases

- *Firkus v. Harms*, 914 N.W.2d 414 (Minn. Ct. App. 2018).
- *RDNT, LLC v. City of Bloomington*, 861 N.W.2d 71 (Minn. 2015).
- *Dickhoff v. Green*, 836 N.W.2d 321 (Minn. 2013).
- *Uhr v. Responsible Hospitality Institute, Inc.*, No. 10-CV-4945, 2011 WL 4091866 (D. Minn. 2011), *aff'd* 2012 WL 2893492 (8th Cir. 2012), *cert den.* 133 S. Ct. 1248 (2013).
- *Wesely v. Flor*, 806 N.W.2d 36 (Minn. 2011).
- *Minnesota Made Hockey, Inc. v. Minnesota Hockey, Inc.*, 789 F. Supp. 2d 1133 (D. Minn. 2011).
- *Minnesota Made Hockey, Inc. v. Minnesota Hockey, Inc.*, 761 F. Supp. 2d 848 (D. Minn. 2011).
- *Larson v. Wasemiller*, 738 N.W.2d 300 (Minn. 2007).
- *Becker v. Mayo Found.*, 737 N.W.2d 200 (Minn. 2007).

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- *Mellett v. Fairview Health Services*, 634 N.W.2d 421 (Minn. 2001).
- *Anderson Marketing, Inc. v. Maple Chase, Inc.*, 241 F.3d 1063 (8th Cir. 2001).
- *Lindquist & Vennum v. F.D.I.C.*, 103 F.3d 1409 (8th Cir. 1997).
- *Wildman v. K-Mart*, 556 N.W.2d 10 (Minn. Ct. App. 1996).
- *Hasnudeen v. Onan Corp.*, 552 N.W.2d 555 (Minn. 1996).
- *Koch v. Mork Clinic, P.A.*, 540 N.W.2d 526 (Minn. Ct. App. 1995).
- *Kay v. Fairview Riverside Hosp.*, 531 N.W.2d 517 (Minn. Ct. App. 1995).
- *Jeffries v. Metro-Mark, Inc.*, 45 F.3d 258 (8th Cir. 1995).
- *K.L. v. Riverside Medical Center*, 524 N.W.2d 300 (Minn. Ct. App. 1994).
- *MNVA R.R., Inc. v. John Aldren Life Ins. Co.*, 507 N.W.2d 15 (Minn. Ct. App. 1993).
- *Butler v. Leadens Investigations and Sec., Inc.*, 503 N.W.2d 805 (Minn. Ct. App. 1993).

**Publications**

Mr. Whitmore has been interviewed on health care topics.

- *Saying "I'm Sorry" and Other Legal Dimensions of Bad Outcomes*, The Carlat Report, Addiction Treatment, Vol. 2, No. 2, March 2014
- *Steering Clear of Malpractice Cases*, Today's Hospitalist, November 2010

Mr. Whitmore has written extensively on recurring legal issues that impact the health care community.

- *A Survivor's Guide to Larson v. Wasemiller: An Aid to Eliminating Reversible Error in Managing Negligent Credentialing Claims Under Minnesota Law*, author, William Mitchell Journal of Law & Practice, 2008
- *Help! I've Been Sued – A Guide to Surviving a Physician's Nightmare*, author, Minnesota Medicine, June 2005
- *Navigating Minnesota's Vulnerable Adult Act: Understanding Reportable Neglect and Why it Matters*, author, Minnesota Society of Healthcare Risk Managers Quarterly Report, May 2002
- *Decisions of the Supreme Court and DHHS Continue to Expand Hospital Liability Under EMTALA*, author, The Health Lawyer, A Publication of the Health Law Section of the American Bar Association, Vol. 11, No. 3, April 1999
- *Legal Issues in Responding to Purchase Requests for Proposals for Healthcare Services*, author, National Health Lawyers Association, April 1994
- *Partial Settlements: Insurance Coverage*, author, Minnesota Defense, Spring/Summer, 1993
- *Denying Scholarship Athletes Workers' Compensation: Do Courts Punt Away A Statutory Right?*, author, Iowa Law Review, 1991

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### Seminars

Mr. Whitmore is regularly asked to speak on issues regarding civil litigation, hospital risk management, the Minnesota Commitment Act and disputes with licensing agencies.

- *The Minnesota Commitment Act: Legal Issues Impacting Physicians, Nurses, Hospitals and Mental Health Professionals*, presenter, Minnesota Mental Health & The Law, PESI, Inc., February 21, 2020
- *Basics of Mediation and Negotiation*, presenter, Macalester College, November 5, 2019
- *Open Meeting of the Litigation Center of the American Medical Association and the State Medical Societies*, presenter, San Diego, Cal., November 17, 2019
- *Hot Topics in Medical Malpractice*, presenter, Minnesota State Bar Association Health Law Section, October 11, 2019
- *Did the Supreme Court Change the Practice of Medicine in Minnesota?*, presenter, American Board of Trial Advocates (ABOTA), Minnesota Chapter, September 4, 2019
- *The Implications of Warren v. Dinter*, presenter, Bassford Remele Health Care Law Seminar, May 29, 2019
- *The Minnesota Commitment Act: Legal Issues Impacting Physicians, Nurses, Hospitals and Mental Health Professionals*, presenter, Minnesota Mental Health & The Law, PESI, Inc., February 8, 2019
- *Maltreatment of Vulnerable Adults*, panel member, Minnesota Governmental Relations Council, June 19, 2018
- *The Minnesota Commitment Act: Legal Issues Impacting Physicians, Nurses, Hospitals and Mental Health Professionals*, presenter, Minnesota Mental Health & The Law, PESI, Inc., January 29, 2018
- *Treatment Rights*, presenter, Minnesota Mental Health & the Law, 2017 Seminar, PESI, Inc., February 20, 2017
- *Don't Let Prescribing Narcotics Cause You Pain*, presenter, HealthEast Care System, November 11, 2016 and June 16, 2016
- *Treatment Rights*, presenter, Minnesota Mental Health & the Law 2016 Seminar, PESI, Inc., February 26, 2016
- *The Supreme Court's Creation of Loss of Chance: A Drastic Change in Minnesota Medical Malpractice Cases*, presenter, St. Joseph's Hospital Grand Rounds, August 5, 2013
- *The Law on Ostensible Agency in Medical Malpractice Cases*, presenter, 2013 Medical Malpractice Conference, Minnesota Defense Lawyers Association, Hennepin County Bar Association and Minnesota Association for Justice, April 18, 2013
- *Health Care Law and Liability: A Defense Perspective*, guest lecturer, Hamline School of Law, October 2012
- *Legal Developments in Minnesota Medical Malpractice Cases*, presenter, Minnesota Society of Healthcare Risk Management Spring Seminar, June 22, 2012 and Aon Healthcare Forum, Aon Risk Solutions, May 2, 2012
- *Physician Discipline: A Review of the Minnesota Board of Medical Practice Complaint Review Process*, presenter, Minnesota State Bar Association, Health Law Section, April 20, 2012
- *The Testifying Expert: Getting the Most Out of Your Expert at Deposition and Trial*, panel member, Hennepin County Bar Association, Civil Litigation Section, March 12, 2012

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- *Ostensible Agency/Apparent Authority: Kramer v. St. Cloud Hospital*, presenter, Minnesota Hospital Association, February 17, 2012
- *Mock Trial*, Minnesota Society for Healthcare Risk Management Spring Seminar, June 3, 2011
- *Crisis Management – What to do when...?*, panel member with Children’s Hospitals and Clinics of Minnesota General Counsel Maria Christu and Allina Health System General Counsel Elizabeth Truesdell Smith, Minnesota State Bar Association, Health Law Section, September 16, 2009
- *Negligent Credentialing as a Civil Cause of Action: Surviving Larson v. Wasemiller*, presenter, Minnesota State Bar Association, Health Law Section, October 19, 2007
- *Poor Nursing Documentation: How to Turn Good Nursing Care Bad Without Even Trying*, presenter, HealthEast DREAM Day Nurses’ Training, St. Paul, Minn., November 2, 2006
- *Negligent Credentialing and Civil Liability for Failing to Report Suspected Child Abuse: Recent Developments in Minnesota Courts*, presenter, Minnesota Medical Association Board of Trustees, July 8, 2006 and Minnesota State Bar Association, Health Law Section, December 9, 2005
- *Negligent Credentialing as a Potential Cause of Action in Minnesota: The Legal Implications of Larson v. Wasemiller*, presenter, Minnesota Society of Healthcare Risk Managers, December 6, 2005
- *The Minnesota Adverse Health Event Reporting Act--An Experiment in Health Care Cooperation and Patient Safety*, presenter, Medical Malpractice Conference sponsored by Hennepin County Bar Association, Minnesota Defense Lawyers Association and Minnesota Trial Lawyers Association, April 21, 2005
- *Treatment Rights and the Minnesota Commitment Act: Legal Issues Impacting Physicians, Hospitals and Mental Health Care Professionals*, presenter, The Minnesota Osteopathic Medical Society 106th Spring Convention and Scientific Seminar, April 23, 2004
- *Government Regulations Arising Out of Patient Grievances*, keynote speaker, Minnesota Association of Patient Representatives’ Meeting, February 28, 2002
- *Department of Health Investigations: A Chill on Patient Safety?*, presenter, Minnesota Executive Session on Patient Safety, November 2001
- *Help!! It's HCFA!! Practical and Legal Strategies for Surviving Government Investigations*, presenter, Minnesota Society of Healthcare Risk Managers, May 2001

**PROFESSIONAL & CIVIC**

**Bar Associations**

- Minnesota State Bar Association
  - Health Law Section
- Iowa State Bar Association
- State Bar of Wisconsin
- Hennepin County Bar Association

**Professional Associations**

- Minnesota Defense Lawyers Association
- Minnesota Hospital Association
- Minnesota Society of Healthcare Risk Management

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**Civic Involvement**

- Benilde-St. Margaret's High School, Volunteer Service Award, 2019
- Benilde-St. Margaret's High School, Assistant Mock Trial Coach, 2017-present
- Benilde-St. Margaret's Football Booster Club, President, 2016-present
- Armstrong Traveling Basketball Coach, 2007-2014

**ACCOLADES**

**Honors & Awards**

- Amicus Award, Minnesota Defense Lawyers Association, 2016
- *Best Lawyers*, Minneapolis Medical Malpractice Law-Defendants Lawyer of the Year, 2020
- *The Best Lawyers in America*®, Health Care Law and Medical Malpractice Law, 2016-present
- Rated AV Preeminent® by Martindale-Hubbell®
- Minnesota Super Lawyers list, *Super Lawyers*, 2003-present
- Minnesota Rising Stars list, *Super Lawyers*, 1999-2002