



Lee M. Whitman

Attorney

Bio

Lee is a trial attorney whose practice focuses on complex litigation including healthcare, bid protests, class-action defense, and shareholder derivative actions. Lee has tried jury and bench trials in state and federal courts and has obtained multiple verdicts in excess of a million dollars. Lee serves as general counsel to a large agricultural cooperative of farmers from 5 states and has successfully defended many public companies in multi-million dollar class-action shareholder derivative lawsuits. Lee also litigates health care Certificate of Need (“CON”) cases and bid protests of publicly-procured government contracts at the Office of Administrative Hearings. Lee has appeared many times in the North Carolina Business Court, the North Carolina Court of Appeals and the North Carolina Supreme Court. Lee has also presented oral arguments at the United States Court of Appeals for the Fourth Circuit located in Richmond, Virginia.

In 2013, Lee was the top vote-getter in Litigation by *Business North Carolina Magazine* based upon a vote of other lawyers across the state of North Carolina – see full article [here](#) – and is a member of the *Legal Elite Hall of Fame*

Lee received his B.A., with honors, from the University of Notre Dame. He received his J.D., with honors, from the University of North Carolina at Chapel Hill, where he won the *Judge Herriot Clarkson Award for Ethics in the Legal Profession*. Lee has served as President of the Board of Directors for both SAFEchild, a child-abuse prevention agency, and [Band Together](#), a non-profit agency that uses live music as a platform for social change. Lee also served as local counsel for *The Rolling Stones* during their concert in Durham, North Carolina in October 2005.

Awards & Recognition

- Elected to the *Fellows of the American Bar Foundation* in 2021
- Listed as “Raleigh *Best Lawyers* Litigation – Health Care Lawyer of the Year” (2017, 2019)
- Recognized as a leading Healthcare Litigation attorney by *Chambers USA* (2011-12, 2014-2022 Band One)
- Listed among *The Best Lawyers in America* Commercial Litigation, Health Care Law (2009-2023), Litigation – Healthcare (2015-2023); Administrative/Regulatory Law (2016-2023); Corporate Law (2016-2023)
- Listed among *Business North Carolina Magazine* Legal Elite: Litigation (2006-2012, 2013 – Category Winner; Legal Elite “Hall of Fame” (2014-current)
- Listed among *North Carolina Super Lawyers* for Business Litigation (2010-2022)

Contact

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Practice Areas

- Commercial Litigation
- Healthcare

- Named one of Top 100 *Super Lawyers* in North Carolina (2012-2018, 2020-22)
 - Named one of Top 25 *Super Lawyers* in Raleigh (2014-2018, 2020-22)
 - *Benchmark Litigation* “Local Litigation Star” for Healthcare in North Carolina (2012), General Commercial (2013-2022)
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Professional & Community Activities

- Band Together, Board of Directors (2012-2018); President (2014-2016)
 - SAFEchild, Board of Directors (2003-2009); President (2007-2008)
 - NC Bar Association, Health Law Section Council (2011-2014); Chair, Membership Committee; Chair, Ethics Committee
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Representative Experience

- Lead trial counsel for Carolina Complete Health, Inc. a joint venture between Centene Corporation and the North Carolina Medical Society, in pending litigation challenging the State of North Carolina’s awards of contracts for prepaid health plans valued at @ \$30 billion in the Medicaid Transformation process;
 - Lead trial counsel for an agricultural cooperative of farmers from 5 states who defended class-action litigation in state and federal courts;
 - Successfully defended public companies against multi-million dollar claims in shareholder derivative cases and/or securities class-actions;
 - Lead trial counsel for multiple commercial clients who have obtained verdicts and judgments in excess of \$1 million; and
 - Successfully represented two Duke University cardiologists in royalty claims asserted against a large international medical device company regarding the development of coronary (heart) stents.
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Reported Cases

- *Speaks et al v. U.S. Tobacco Cooperative Inc.*, 31 F.4th 838 (4th Cir. 2022)
- *Speaks et al v. U.S. Tobacco Cooperative Inc.*, 486 F. Supp.3d 974 (E.D.N.C. 2020)
- *Charles Janies v. CEMPRA, Inc.*, U.S. Court of Appeals for the 4th Circuit, No. 18-2415 (4th Cir. 2020)
- *Speaks et al v. U.S. Tobacco Cooperative Inc.*, 324 F.R.D. 112 (E.D.N.C. 2018)
- *Maguire Financial, LP v. PowerSecure International, Inc.*, 876 F.3d 541 (4th Cir. 2017)
- *Bio-Medical Applications of NC v. NCDHHS* 788 S.E. 2d 684 (N.C. App. 2016)
- *AH N.C. Owner LLC v. N.C. DHHS – CON Section 771* S.E.2d 537 (N.C. App. 2015)
- *Zak v. Chelsea Therapeutics Int’l, Ltd*, 780 F.3d 597 (4th Cir. 2015)
- *Waste Industries USA, Inc. v. State of North Carolina* 220 N.C.App. 163, 725 S.E.2d 875 (2012)
- *Shell Trademark Management B.V. v. Warren Unilube, Inc.*, 765 F. Supp. 2d 884 (2011)

- *Total Renal Care of North Carolina, LLC v. N.C. DHHS – CON Section*, 206 N.C.App. 674, 698 S.E.2d 446 (N.C. App. 2010)
 - *Telerent Leasing Corp. v. Boaziz*, 200 N.C.App. 761, 686 S.E.2d 520 (2009)
 - *Mission Hospitals v. N.C. Dep't. of Health and Human Servs.*, 189 N.C.App. 263, 658 S.E.2d 277 (2008)
 - *Hospice and Palliative Care of Charlotte v. NCDHHS and Liberty Healthcare*, 652 S.E.2d 348 (N.C. App. 2007)
 - *Wake Forest University Health Sciences v. N.C. Dep't of Health and Human Servs.*, 180 N.C.App. 327, 638 S.E.2d 219 (2006)
 - *Pergo, Inc. v. Faus Group*, 401 F.Supp.2d 515 (E.D.N.C. 2005)
 - *Godby-Neal v. General Motors Corp. & Fidelity Invs. Institutional Servs. Co.*, 266 F.Supp.2d 449 (W.D.N.C. 2003)
 - *Moore v. McKibbon Bros., Inc.*, 41 F.Supp. 2d 1350 (N.D. Ga. 1998)
 - *Richland Run Homeowners Ass'n, Inc. v. CHC Durham Corp.*, 346 N.C. 169, 484 S.E.2d 527 (1997)
 - *N.C. Dep't of Human Resources v. Weaver*, 121 N.C.App. 517, 466 S.E.2d 717 (1996)
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Speeches & Publications

- Speaker and Panelist, UNC School of Law's Dan K. Moore Program in Ethics, November 2, 2018
 - Speaker and Panelist, University of North Carolina at Chapel Hill's Dan K. Moore Program in Ethics, November 13, 2015
 - "Knock, Knock: How to Answer if the Government Comes Calling", Notes Bearing Interest, Business Law Section Newsletter, North Carolina Bar Association, Vol. 35, No. 3, June 2014
 - "Business Court's Rejection of Shareholder Challenge Reaffirms", Notes Bearing Interest, Business Law Section Newsletter, North Carolina Bar Association, Vol. 29, No. 2, February 2008
 - "Do You Know What DFS Did Last Summer?" Prognosis, Health Law Section Newsletter, North Carolina Bar Association, Vol. 23, No. 1, November 2006
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