



Lee M. Whitman

Attorney

Bio

Lee is a trial attorney whose practice focuses on complex litigation, including healthcare and shareholder derivative actions. Lee has tried jury and bench trials in state and federal courts and before the American Arbitration Association, has obtained multiple verdicts in excess of a million dollars, and has successfully defended public companies in multi-million dollar class-action shareholder derivative lawsuits. Lee also litigates health care Certificate of Need (“CON”) cases at the Office of Administrative Hearings and has appeared many times in the North Carolina Business Court, North Carolina Court of Appeals and the North Carolina Supreme Court.

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](#).

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 was President of the Board of Directors for [Band Together](#), a local non-profit agency that uses live music as a platform for social change, and served as local counsel for *The Rolling Stones* during their concert in Durham, North Carolina in October 2005.

Contact

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Practice Areas

- Commercial Litigation
- Healthcare

Awards & Recognition

- 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, 2012, 2014-2020 Band One)
- Listed among *The Best Lawyers in America* Commercial Litigation, Health Care Law (2009-2020), Litigation – Healthcare (2015-2020); Administrative/Regulatory Law (2016-2020); Corporate Law (2016-2020)
- 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 (2010-2019)
- Named one of Top 100 *Super Lawyers* in North Carolina (2012-2018)
- Named one of Top 25 *Super Lawyers* in Raleigh (2014-2018)
- *Benchmark Litigation* “Local Litigation Star” for Healthcare in North Carolina (2012), General Commercial (2013-2019)

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

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 are defending class-action litigation in state and federal courts;
- Represents and has 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 in arbitrations and jury trials; and
- Successfully represented two Duke University cardiologists in royalty claims asserted against a large international medical device company regarding the development of coronary stents.

Reported Cases

- *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)
- *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. McKibbin 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

- “Do You Know What DFS Did Last Summer?” Prognosis, Health Law Section Newsletter, North Carolina Bar Association, Vol. 23, No. 1, November 2006
 - “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
 - “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
 - Speaker and Panelist, University of North Carolina at Chapel Hill's Dan K. Moore Program in Ethics, November 13, 2015
 - Speaker and Panelist, UNC School of Law's Dan K. Moore Program in Ethics, November 2, 2018
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