

Anne E. McClellan

General Counsel



Overview

Ms. McClellan focuses her practice on professional liability, legal ethics, and litigation in the areas of medical malpractice defense, healthcare, personal injury defense, and business disputes.

Contact

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Areas of Focus

- Legal Ethics
- Lawyer Professional Responsibility

- State Bar Complaints
- State Bar Admission and Licensing Issues
- Medical Liability Defense
- Healthcare Litigation
- Legal Malpractice Defense
- Personal Injury Defense

Education

J.D., Arizona State University, Sandra Day O'Connor College of Law (2007)

- *cum laude*
- Pedrick Scholar
- Associate Articles Editor, *Arizona State Law Journal*

B.A., Political Science, Webster University (2004)

- *summa cum laude*
- Daniel Webster Scholar

Biography

Ms. McClellan focuses her practice on professional liability, legal ethics, and litigation in the areas of medical malpractice defense, healthcare, personal injury defense, and business disputes. She represents attorneys and law firms in matters relating to State Bar complaints, disciplinary matters, bar admissions, reinstatements following discipline, and other licensing, ethics and professional responsibility issues. Ms. McClellan currently serves as the Firm's General Counsel.

Ms. McClellan regularly appears before Arizona's licensing boards to represent clients against complaints, in disciplinary investigations, and in other licensing matters. She has appeared before the Arizona State Board of Behavioral Health Examiners, Arizona State Board of Nursing, Arizona Medical Board, Arizona State Board of Dental Examiners, and Arizona State Board of Physical Therapy. Ms. McClellan also provides her healthcare clients with advice regarding HIPAA, peer review, reimbursement, patient complaints, and other liability matters.

She represents physicians, hospitals, and other healthcare providers in medical malpractice matters, and she has served as trial counsel in numerous medical malpractice jury trials. She has also handled jury trials and arbitration hearings in personal injury, premise liability and contract matters in which she obtained defense verdicts or other favorable results for her clients. In addition, she has obtained summary judgment in favor of her clients.

Admissions

Admitted to Practice

- Arizona (2007)

Court Admission

- U.S. District Court, District of Arizona (2008)

Representative Experience

- Represented an attorney at a disciplinary hearing in which the State Bar of Arizona was seeking disbarment and obtained a full dismissal of all alleged ethical violations.
- Handled reinstatement hearing for an attorney suspended for two years for sexual misconduct and successfully got the attorney reinstated to the State Bar of Arizona.
- Represented a prospective attorney with a prior felony in a formal hearing in front of the Character & Fitness Committee that resulted in the attorneys' admission to the State Bar of Arizona.
- Represented a prospective attorney with multiple misdemeanors and prior financial issues in a formal hearing in front of the Character & Fitness Committee that resulted in the attorney's admission to the State Bar of Arizona.
- Obtained summary judgment in a legal malpractice matter in which the attorneys were accused of failing to file a case within the statute of limitations.
- Obtained prehearing dismissals and non-disciplinary resolutions for attorneys in State Bar disciplinary matters.
- Obtained a dismissal from the Arizona State Board of Behavioral Health for a counselor accused of unprofessional conduct and sexual misconduct with a client.
- Obtained a dismissal from the Arizona State Board of Nursing for a nurse accused of unprofessional conduct related to a misdemeanor criminal charge.
- Obtained a dismissal from the Arizona State Board of Nursing for a nurse accused of diverting medication.
- Obtained a dismissal from the Arizona State Board of Nursing for a nurse practitioner accused of failing to properly manage and treat a cardiovascular event.
- Represented numerous orthodontists in Arizona Dental Board matters and obtained dismissals in the investigation stage with findings the orthodontists complied with the standard of care.
- Assisted nurse clients with entering the Arizona Nursing Board's confidential Alternative to Discipline program to avoid discipline.
- Obtained a dismissal from the Arizona Medical Board for a physician accused of performing an unnecessary and inappropriate physical examination on a patient.
- Obtained non-disciplinary outcomes for clients from the Arizona licensing boards.
- Represented a general surgeon in a medical practice matter based on an alleged wrongful death of following elective surgery and obtained a unanimous defense jury verdict.
- Defended a general surgeon accused of negligently performing bowel surgery and obtained a unanimous defense jury verdict.
- Obtained a defense jury verdict in favor of a general surgeon who transected the common bile duct

during gallbladder surgery.

- Represented a primary care physician in a wrongful death matter against allegations of failure to diagnose and treat a urinary tract infection and obtained unanimous defense jury verdict.
- Defended a vascular surgeon accused of failing to diagnose a pseudoaneurysm, allegedly causing compartment syndrome and leg amputation, and obtained a jury verdict more favorable than pretrial settlement offers.
- Defended a personal injury jury trial and obtained a final judgment in favor of the client.
- Obtained summary judgment in a premises liability case based on the lack of evidence proving liability for the allegedly dangerous condition.
- Obtained summary judgment in favor of a hospital based on plaintiff's failure to prove the nurses' alleged negligence caused the patient's death.

Media and Presentations

Articles

- Author, "[#JuryDuty: How to Use Social Media to Research and Monitor Jurors](#)," *Quarterly Newsletter*, American Bar Association, Section of Litigation, Trial Practice (April 2020).
- Author, "[Can You Turn a Failed Mediation into a Trial Asset?](#)" *Quarterly Newsletter*, American Bar Association, Section of Litigation, Trial Practice (July 2019).
- Co-Author, "[How to Give Associates Court Experience in an Era of Diminishing Trials](#)," *Quarterly Newsletter*, American Bar Association, Section of Litigation, Trial Practice (October 2018).
- Author, "[Time's Up on the Lack of Female Trial Attorneys](#)," *Quarterly Newsletter*, American Bar Association, Section of Litigation, Trial Practice (March 2018).
- Author, "[Could Your Website Be Putting Your Medical License at Risk?](#)" *Medical Economics* (December 2017).
- Co-Author, "[Federal Circuit Answers Lingering Venue Question](#)," *Practice Points*, American Bar Association, Section of Litigation, Trial Practice Committee (November 2017).
- Author, "Is Your Practice's Email HIPAA Compliant?" *Medical Office Today* (October 2013).
- Author, "Meth Manufacturing: Arizona Increases Protection for Children," *Arizona State Law Journal*, Vol 39 at 297 (2007).

Presentations

- "Mandatory Reporting and What Your Obligations Are," United States Adult Soccer Association (USASA) Region IV Safe Sport Workshop (January 11, 2020)
- "Ethical Obligations Related to Disclosure," Continuing Legal Education Presentation for the Arizona Society of Healthcare Attorneys (March 2019)
- "Ethical Obligations Related to Disclosure," Continuing Legal Education Presentation for Banner Health Defense Counsel Seminar (January 2019)
- Co-Presenter, "Ethics for Public Lawyers: Traps and Tribulations," Continuing Legal Education Presentation for Arizona Counties Insurance Pool (May 2018)

Memberships

American Bar Association

- Trial Practice Committee Newsletter Editor (2019 - 2020)
- Section of Litigation, Member (2018 - present)
- Trial Practice Committee Web Editor (2018)

The American Association of Nurse Attorneys

Arizona Society of Healthcare Attorneys

Sandra Day O'Connor American Inn of Court

State Bar of Arizona

- Member, College of Trial Advocacy (2011)

Arizona Women Lawyers Association

Community Involvement

Girls on the Run

- Inspiration Station, Spring 2018 5k (April 2018)

Honors and Awards

- Listed, *The Best Lawyers in America*® in the category of Medical Malpractice Law - Defendants (2019 - 2021) and Personal Injury - Litigation (2021)
- Listed, *Southwest Super Lawyers Rising Stars*® in the categories of Civil Litigation: Defense (2012 - 2021)