



David P. Bunde

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Services

Litigation

Commercial Law

Health Licensing Defense

Medical Practices Defense

Trusts & Estates Litigation

Employment, Labor &
Benefits

Employment & Labor
Litigation

Non-Competes

Trade Secrets

Banking & Financial Services
Litigation

Dave has over 40 years' experience in business and employment litigation, contract disputes, fraud and misrepresentation, defense of medical professionals, non-competes, and trade secrets.

Dave has successfully tried many cases in state and federal trial and appellate courts. In addition, Dave has significant experience in complex administrative litigation, before both federal and state agencies.

For decades he has defended medical professionals in court and before professional licensing bodies.

Dave has represented both employees and employers on non-compete cases, as well as speaking and writing extensively on non-competes and trade secrets.

Experience

Defense of Medical Professionals

For over 35 years Dave has successfully represented doctors and other medical professionals in a wide variety of forums, including malpractice cases, hospital credentialing disputes, peer review proceedings and medical licensing cases.

- The licensing boards of two Midwestern states attempted to discipline a well-known surgeon as a result of alleged improper behavior years ago.
- Dave was able to convince one of the state boards that the doctor's conduct did not justify any disciplinary action. However, the other state insisted that his license be suspended.
- Dave tried the case before an administrative law judge and was able to convince the judge that there were no grounds to impose discipline on the physician. Our witnesses included numerous colleagues, patients and experts who testified favorably on behalf of our physician.
- Following the hearing, the surgeon was able to maintain his license in good standing, and today he continues his successful practice.

Employment, Non-Competes & Trade Secrets

One of Dave's primary areas of focus has been employment litigation, often involving non-competes and trade secret disputes. Dave has successfully handled cases for both employers and employees. He is a regular speaker on legal issues relating to employment and non-competes.

- The client, a manufacturing company, was accused of hiring a talented engineer away from a competitor, in violation of a non-compete agreement. The former employer also alleged that the employee stole trade secrets and proprietary information.
- An investigation revealed that the non-compete agreement was defective. In addition, the employee had not taken any trade secrets or confidential information. David convinced the court to completely dismiss the plaintiff's case. The client was able to continue in business, with the new employee playing a vital role in the company's success.

Commercial Litigation

Dave focuses much of his practice on business disputes, including contract, fraud and misrepresentation, and shareholder disputes. He has prosecuted and defended commercial cases since the early 1980s.

- A major agricultural company was sued by a contractor, alleging that the client had failed to pay the amounts due under a construction contract. David concluded that the plaintiff's interpretation of the contract was incorrect. David was able to convince the court to grant summary judgment and to hold that the contractor had been paid in full. The court agreed completely with David's interpretation of the contract language.
- The losing plaintiff appealed all the way to the state Supreme Court, which unanimously affirmed David's victory.

Administrative Litigation

Administrative litigation often poses unique challenges not found in state and federal lawsuits. Dave has extensive experience litigating before administrative tribunals, having tried cases before state and federal administrative agencies for several decades. He has had excellent results before administrative agencies and administrative law judges.

Credentials

Education

- University of Wisconsin Law School, J.D., 1981, *cum laude*

- Cornell University, B.A., English Literature, 1978, *cum laude*

Admissions

- Minnesota, 1982
- Wisconsin, 1981
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the District of North Dakota
- U.S. District Court for the Northern District of Illinois
- U.S. Supreme Court

Clerkships

- Judicial Clerkship, Chief Justice Bruce Beilfuss, Wisconsin Supreme Court, 1981-1982

Recognition

- *Best Lawyers in America*, Commercial Litigation, 2020-2024
- North Star Lawyer, Minnesota State Bar Association, 2012-2021
- Pro Bono All Star, Minnesota State Bar Association, 2020
- Minnesota Psychiatric Society Corporate Service Award, June 2000
- Top Rated Lawyer in Health Care by American Lawyer Media and *Martindale-Hubbell*
- Top Rated Lawyer in Employment Law by American Lawyer Media and *Martindale-Hubbell*
- *Martindale-Hubbell*, AV® Peer Review Rated
- Eagle Scout
- National Merit Scholar

Civic & Professional

Professional Activities

- American Bar Association
- Minnesota State Bar Association, Health Law Section, Member
- Hennepin County Bar Association, Bench and Bar Committee, Member
- State Bar of Wisconsin
- Hennepin County Legal Advice Clinics, Ltd. Board of Directors, Chairperson
- Fredrikson & Byron, P.A., Board of Directors, Secretary
- Fredrikson & Byron Foundation Board of Directors, 2000-2010

Community

- Vice President and Board Member, FCRSA, Inc., President
- UMFCR, Inc., President, Board Member
- Board Member, FCRF, Inc., President
- Mitchell Hamline Health Law Institute, Advisory Board Member

News

Firm News | 08.17.2023

Fredrikson Attorneys Recognized in The Best Lawyers in America© 2024

Article | 08.18.2022

Fredrikson & Byron Attorneys Recognized in The Best Lawyers in America© 2023

Firm News | 06.16.2022

Fredrikson & Byron Attorneys Recognized as North Star Lawyers

Firm News | 10.13.2020

Fredrikson & Byron Attorneys Recognized as Pro Bono All Stars

Firm News | 09.22.2014

Fredrikson & Byron Announces Results of 2014 Board Elections

Publications & Presentations

Co-Author with Ruth Martinez, M.A., "The BME Complaint Review Process: A Physician's Guide," *Minnesota Physician*, July 2018

Presenter, *Top 10 Tips for Practicing Before the Health Licensing Boards*, Hamline University Health Law Institute, January 29, 2014

Emerging Topics in Non-Compete Law, Fredrikson & Byron's 29th Annual Employment & Labor Law Seminar, November 6, 2013

Noncompetes for Health Care Professionals, Fredrikson & Byron's 28th Annual Employment & Labor Law Seminar, November 7, 2012

Noncompete Enforcement to Protect Your Company's Valuable Assets, Fredrikson & Byron's 26th Annual Employment & Labor Law Seminar, October 7, 2010

Speaker, *Medical Board Investigations: What To Do When the Prosecutor, Judge, and Jury Are One and the Same*, Health Law Webinar Series, April 14, 2010

Facilitator, *Court Trials vs. Jury Trials*, Candid Conversations between the Bench & Bar, Hennepin County Bar Association CLE, March 4, 2010

Speaker/Presenter, *Independent Medical Exams*, Fredrikson & Byron's 25th Annual Employment & Labor Law Seminar, October 8, 2009

Speaker, *Negligent Credentialing After Larson v. Wasemiller: How Slippery a Slope?*, 2008 Health Law Institute, June 13, 2008

Speaker, *Negligent Credentialing Presentation*, MAMSS, May 5, 2008

Speaker, *Key Workplace Issues for Healthcare Employers*, Health Law Webinar Series, November 14, 2007

Speaker, *Technology vs. Employee Privacy*, Fredrikson & Byron's 23rd Annual Employment & Labor Law Seminar, October 11, 2007

Speaker, *Transition into Practice: Contracts and Legal Considerations*, Minnesota Psychiatry Society's Life After Residency: A Discussion from Many Perspectives, June 13, 2006

Speaker, *Attorney-Client Privilege and Electronic Discovery*, Fredrikson & Byron's Annual Employment and Labor Law Seminar, November 2005

Speaker, *Anatomy of an Employment Lawsuit*, Fredrikson & Byron's Annual Employment and Labor Law Seminar, October 2005

Speaker, *Employment Issues for Corporate Lawyers*, Fredrikson & Byron's Annual Employment and Labor Law Seminar, June 8, 2004

Speaker, *Representing Professionals Before State Licensing Boards*, HCBA Seminar, January 15, 2002

Speaker, *Clinic: Board of Medical Practice/Board of Medical Examiners Issues*, HCBA Seminar, April 17, 2001

Speaker, *Enforcing and Challenging Non-Competition Agreements*, Fredrikson & Byron's Annual Employment and Labor Law Seminar, 2001

Co-Author with Lora Friedemann, Margo S. Struters, Kari L. Wraspir, and Rebecca Egge Moos, "Peer Review: Can the Board of Medical Practice Subpoena Your Files?," *Minnesota Medicine*, November 2000

Speaker, *Dealing with the Board of Medical Examiners and Minnesota PRO*, Clinic Risk Management, Peer Review and Defense of Government Investigations: What to Do When Bad Things Happen to Good People, MMGMA Spring Seminar, April 19, 1991