



BASSFORD REMELE

Rachel A. Ball
ATTORNEY



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PRACTICE GROUPS
Employment
Professional Liability/
Claim Prevention

INDUSTRY GROUPS
Health Care
Law Firms and Legal Organizations
Non-Profit

OVERVIEW

Rachel Ball is a highly skilled and successful litigator with extensive experience in health care law, labor and employment litigation, special education law, regulatory investigations, and subrogation and revenue recovery in personal injury and medical malpractice cases.

Rachel's background includes serving as in-house General Counsel to several major medical centers that are part of the largest integrated health care network in the United States, lead counsel and Hearing Officer for the National Labor Relations Board, and working in-house for a Fortune 50 company, where she advised business partners on labor relations and organizational campaigns. As a prior state and federal government attorney, Rachel has extensive experience in conducting regulatory investigations into alleged special education, student maltreatment, and labor law violations.

Rachel has drafted numerous successful motions to dismiss and motions for summary judgment, including on complex factual and legal issues, that led to dismissal of all claims without need for trial. Rachel also has an incredible track record in successfully defending clinicians before licensing boards. Following her agency-side trial advocacy in complicated whistleblower protection act claims, Rachel was selected by judges of the Merit Systems Protection Board to present on practitioner best practices at the Federal Circuit Bar Association MSPB Summit in November 2022.

Rachel is known for her proactive and strategic approach to legal matters, effective balance of zealous and compassionate advocacy, and trusted legal counsel. Rachel also has near-Native fluency in Spanish and loves using her bilingual language skills in her legal practice.

Health Care Law and Professional Liability

Rachel regularly advises health care leaders on regulatory compliance, licensing and credentialing, data privacy, and risk management, and has helped organizations navigate significant challenges, including those related to the COVID-19 pandemic. Rachel has a particular passion in working with clinicians during difficult times of their careers, including providing medical malpractice defense and representation before licensing boards. Rachel's depth of experience in state and federal government regulatory compliance and investigations makes her an insider-informed, persuasive advocate with an extremely high rate of success for her clients.

Labor and Employment Law

Prior to coming to Bassford, Rachel served as in-house General Counsel to several large medical centers, where she advised and litigated the entire life cycle of complex disciplinary and labor and employment matters, from providing initial advice and conducting investigations through trial and appellate advocacy. Rachel has represented clients in state and federal courts, as well as before arbitration and administrative bodies, including the Equal Employment Opportunity Commission, Merit Systems Protection Board, National Labor Relations Board, Federal Labor Relations Authority, Minnesota Department of Human Rights, Wisconsin Department of Workforce Development, and the Department of Education's Office for Civil Rights. Rachel advises and defends employers facing allegations of labor and employment law violations, including the National Labor Relations Act, Title VII, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Whistleblower Protection Act, USERRA, the Minnesota Human Rights Act, and federal civil service laws. Rachel also has a wealth of experience in unfair labor practice and bargaining unit representation cases, including serving as Hearing Officer for the National Labor Relations Board and determining complex unit accretion issues.

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EDUCATION & ADMISSIONS

Education

University of Wisconsin Law School, J.D., *cum laude*, 2010

- Moot Court Board
- Student Bar Association
- Wisconsin Idea Merit Scholarship Recipient

University of Wisconsin-Madison, B.A., *with distinction*, 2007

- Phi Beta Kappa
- Study Abroad Participant and Merit Scholarship Recipient, Madrid, Spain

Bar Admissions

- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota

EXPERIENCE

Representative Cases

Employment Litigation

- Successful trial: obtained total defense verdict on former employee's claims of whistleblower retaliation after five-day trial.
- Successful trial: obtained total defense verdict on former employee's claims of Title VII discrimination and retaliation with potential damages worth several million dollars after five-day trial.
- Successful paper trial: obtained total defense verdict in a trial on the record on former employer's FMLA and Title VII discrimination and retaliation claims.
- Successful sanctions: obtained significant sanctions against former employee who engaged in sanctimonious conduct against employer during pre-trial litigation.
- Successful federal court dismissal: assisted the United States Department of Justice in obtaining total defense verdict on former employee's claims of breach of contract, Bivens, and Title VII discrimination and retaliation violations, on appeal before the United States Court of Appeals for the Eighth Circuit, and on petition for writ of certiorari before the United States Supreme Court. *Slivicki v. McDonough*, 2021 WL 5413970 (D.N.D. Oct. 26, 2021), *aff'd*, 2022 WL 1561190 (8th Cir. Mar. 4, 2022), *cert. denied*, 143 S. Ct. 790 (2023).

Labor Litigation

- Successful trial: obtained complete verdict before an administrative judge and the National Labor Relations Board after a three-day trial, with the United States Circuit Court of Appeals for the Seventh Circuit upholding the Board's order on appeal, specifically noting the important facts Rachel drew out at trial that illuminated and underscored the National Labor Relations Act violations. No. 30-CA-064314, *Caterpillar Inc. v. NLRB et al.*, 803 F.3d 360 (7th Cir. 2015).

Data Privacy

- Successful appellate advocacy: obtained total verdict for school district in action brought by former employee seeking an injunction to prohibit the district from releasing personnel records under Wisconsin's open records law. *Woznicki v. Moberg*, 2016 WI App 88 (2016).
- Successful criminal prosecution: assisted Office of Inspector General and United States Department of Justice in bringing a successful criminal complaint against former employee for intentional and knowing violation of HIPAA.

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EXPERIENCE

Publications

- *Privatizing Workplace Privacy*, contributing editor, 88 Notre Dame L. Rev. 278 (2012)

Seminars

U.S. Department of Veterans Affairs Office of General Counsel

- *Employee Wellness*, presenter, VA Office of General Counsel (OGC) Employee Engagement Committee, August 7, 2024
- Leadership Development Program Attorney Efficiency Workgroup, presenter, OGC Executive Leadership (VA Secretary, OGC General Counsel, and OGC Deputy General Counsel), Washington, D.C., August 1, 2023
- Veterans Integrated Service Network 23 Administrative Investigative Board Training on VA Directive & Handbook 0700, presenter, OGC, November 15-18, 2022
- *Legislative History Research 201*, presenter, OGC Virtual Training Series, June 3, 2021
- *Legislative History Research 101*, presenter, OGC Virtual Training Series, March 25, 2021
- *Legal Research Tips and Tricks*, presenter, OGC Virtual Training Series, July 30, 2020

Other Seminars

- *Litigating Whistleblower Cases*, practitioners' panelist, Federal Circuit Bar Association Bench & Bar: United States Merit Systems Protection Board Summit, November 9, 2022
- *Best Practices for Conducting Investigations*, presenter, RASW School Law Seminar, February 20, 2015
- *NLRA Unlawfully Broad Employer Provisions*, presenter, Wisconsin State Council Society for Human Resource Management State Legislative Conference, April 4, 2013
- *Labor Economics and the National Labor Relations Act*, presenter, Marquette University Undergraduate Economics Club, February 23, 2012

PROFESSIONAL & CIVIC

Professional Associations

- Minnesota Defense Lawyers Association

Civic Involvement

- Nuevas Fronteras Spanish Immersion Program, Parent Teacher Student Organization, 2024-present
 - Board Member
 - Language Ambassador Coordinator
- Twin Cities Habitat for Humanity, Gala Committee, 2018-2024
- Alma Flor Ada Spanish Immersion Preschool, Board Member (Parent Representative), 2020-2023
- Hudson Grocery Cooperative, Board Member, 2013-2014

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ACCOLADES

Honors & Awards

• **U.S. Department of Veterans Affairs Office of General Counsel**

- Outstanding Performance Award, Midwest District, 2021-2023; Revenue Law Group, 2024
- Special Contribution Award for Leading Revenue Law Group Training Subcommittee, 2024
- Office of General Counsel Coin Recipient for work performance on COVID-19 Vaccination Tiger Team, Midwest District Conference, 2022
- Office of General Counsel Coin Recipient for work performance as Acting Deputy Chief Counsel, Midwest District Conference, 2022

• **National Labor Relations Board**

- Outstanding Performance Award, National Labor Relations Board, 2011-2013
- Special Contribution Award for Use of Bilingual Spanish Skills, National Labor Relations Board, 2010-2013