



## Buckner Wellford

Shareholder

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Buck Wellford is an experienced trial lawyer and the former chair of Baker Donelson's Advocacy Department.

Mr. Wellford represents hospitals, physicians, and medical groups in health care litigation, regulatory, peer review, contract, and employment matters. He is also an experienced litigator in products liability and commercial litigation disputes.

Mr. Wellford has substantial jury and bench trial experience in state and federal courts in Tennessee, Mississippi, Texas, West Virginia, and Arkansas. These matters include the defense of health care providers in medical malpractice or regulatory matters, as well as product liability, breach of contract and employment disputes, civil rights, antitrust, and class action defense.

His health care experience includes representation of clients at the state and federal appellate levels, as well as on administrative and/or civil enforcement proceedings involving hospital peer review proceedings, the Tennessee Department of Health, Board of Medical Examiners, Centers for Medicare and Medicaid Services, Office of Inspector General, and Department of Justice. He has also litigated health care cases in state and federal courts in Tennessee, Texas, and Massachusetts on matters regarding Anti-Kickback and False Claims, alleged violations of the Tennessee Consumer Protection Act, credentialing actions, and fraudulent conveyance.

A former Shelby County commissioner with substantial experience in local zoning and land use issues, Mr. Wellford has represented clients before the Shelby County Land Use Control Board, Memphis City Council, Shelby County Commission, Germantown Design Review Board, and Planning Commission for the City of Collierville. He is currently a member of the Memphis Health, Education, and Housing Facilities Board.



### Case Studies

- [Victory for Pro Bono Client in Immigration Case](#) - Immigration



### Representative Matters

- More than 30 health care liability jury trials representing defendant physicians and hospitals.
- Successfully represented a hospital and ambulatory surgery center in challenges brought by physicians subject to disciplinary action under peer review procedures.
- Successfully defended a physician hospital organization against claims that it conspired to boycott a surgery center and two of its physician investors from the outpatient surgery market in the Memphis area in violation of the Sherman Act, as well as state law unfair competition and tortious interference claims in the United States District Court for the Eastern District of Arkansas.
- Obtained summary judgment in favor of a hospital client in federal court action challenging a statistical extrapolation process used by Centers for Medicare & Medicaid Resources to wrongfully recoup substantial Medicare payments.
- Obtained summary judgment, affirmed on appeal before United States Court of Appeals, Sixth Circuit, in declaratory judgment action seeking favorable interpretation for a client in a commercial lease dispute.

- Obtained declaratory judgment for a commercial lessee distribution center in a dispute over the scope of a clause in the section of the lease governing "Additional Rent" in the United States District Court for the Northern District of West Virginia.
- Represented a health care system in a receivership action involving the attempted "claw back" of charitable contributions under fraudulent conveyance state laws in the United States District Court for the Northern District of Texas.
- Obtained a defense verdict for a publicly held waste collections and disposal company in a breach of contract and fraud claim involving failure to move forward with a Letter of Intent for acquisition.
- Completed the successful resolution of civil investigative demands made to physicians by the Office of the Inspector General and the Department of Justice.
- Represented a medical center in defending a recommendation made by its board of directors to apply a summary suspension of 31 days to the privileges of a physician who failed to meet his obligations as an on-call surgeon in an incident involving a patient presenting in the emergency room. The surgeon invoked his right to a "fair hearing" before a panel of three independent physicians. After presentation of evidence at the hearing, the panel unanimously upheld the board's recommendation and denied the physician's appeal.
- Successfully quashed an appeal involving a summary suspension filed against a hospital by a medical staff member.
- Represented plaintiffs and defendant municipalities in the United States District Court for the Western District of Tennessee in federal civil rights litigation.
- Obtained dismissal of a hospital client in a medical malpractice action based on failure to timely move for substitution of party after death of plaintiff; dismissal upheld by Tennessee Court of Appeals.
- Obtained a dismissal of a putative class action lawsuit against a hospital client alleging state and federal law privacy and security violations arising from the criminal convictions of several former associates who shared patient personal identifying information after being treated for injuries following automobile accidents.



## Professional Honors & Activities

- Fellow – American College of Trial Lawyers (2023)
- Listed in *The Best Lawyers in America*® for Commercial Litigation (since 2009); Medical Malpractice Law - Defendants and Product Liability Litigation - Defendants (since 2011); Personal Injury Litigation - Defendants (since 2012); Litigation - Health Care (since 2021); Health Care Law (2024)
- Named the Best Lawyers® 2024, 2022, 2019, and 2013 Product Liability Litigation – Defendants "Lawyer of the Year" in Memphis
- Named the Best Lawyers® 2015 Personal Injury Litigation – Defendants "Lawyer of the Year" in Memphis
- Selected to Mid-South Super Lawyers since 2006; listed as among top 50 attorneys in Memphis and top 100 attorneys in Tennessee
- Listed in *Chambers USA: America's Leading Lawyers for Business* as a leading Litigation: Medical Malpractice Defense lawyer in Tennessee (since 2011)
- Named to the *Lawdragon* 500 Leading Litigators in America (2022 – 2024)
- Named to *Business Tennessee* magazine's "150 Best Lawyers" in medical malpractice law (2009)
- Recipient – Baker Donelson Firmwide Pro Bono Attorney of the Year (2019)
- Recipient – Memphis Bar Association's annual Pro Bono award (2001)
- Recipient – Sam Myar, Jr. Memorial Award, Memphis Bar Association, for Service to the Community (1996)
- Member – Memphis Health, Education and Housing Facility Board (2016)
- Board of Directors – Memphis Bar Association (2008 – 2009)
- Board of Directors – Memphis Area Legal Services Corporation (1990 – 1992)
- Fellow – Tennessee Bar Foundation (1994), Memphis Bar Foundation (2006)

- Member – Tennessee Board of Professional Responsibility Hearing Committee Member (2016)
- Member – International Association of Defense Counsel (IADC)



## Publications

- "Florida's Broad New COVID-19 Liability Protections" (April 2021)
- "A Colleague, Mentor and Friend," *Trial Spotlight Newsletter* (December 2020)
- "Commitment to Community," *Trial Spotlight Newsletter* (December 2020)
- "Tennessee Joins States Extending Immunity to Businesses for COVID-19 Liability Issues" (August 24, 2020)
- "Potential Provider Protections: How the Proposed SAFE TO WORK Act Impacts Liability Claims Against Health Care Providers," republished in *Westlaw* (August 2020)
- "COVID-19 Health Care Provider Immunity Update," republished June 11, 2020, in *Westlaw* (May 14, 2020)
- "Long Term Care Liability During the COVID-19 Pandemic: Ways State Governments Can Ensure Protection" (April 24, 2020)
- "Health Care Provider Liability During the COVID-19 Pandemic: Ways to Ensure Protection," republished April 17, 2020, in *Westlaw Journal* (April 7, 2020)
- "Tennessee Supreme Court Accepts Certification of Non-Economic Damages Cap Question" (June 2019)
- "OIG Hospital Compliance Audits: Is Your Number Up? Are You Ready?," Bloomberg BNA (September 2015)



## Education

- Washington & Lee, J.D., 1981, Burks Scholar
- Vanderbilt University, B.A., 1978



## Admissions

- Tennessee, 1981