

Richard J. Thomas
BURKE & THOMAS, PLLP
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Current Practice:

Practice generally in the area of legal and medical malpractice, insurance coverage, insurance defense, tax and fiduciary litigation, plaintiff wrongful death and personal injury cases, and alternative dispute resolution.

Admissions:

Minnesota State Courts
Federal District Court, Minnesota
Wisconsin State Court
Federal District Court for the Eastern District of Wisconsin
Federal District Court for the Western District of Wisconsin
Iowa State Courts
North Dakota State Courts
Federal District Court, North Dakota
United States Tax Court
United States Court of Appeals for the Eighth Circuit
United States Supreme Court

Education:

B.A. from University of Minnesota in 1977;
William Mitchell College of Law - Juris Doctor, Cum Laude in 1982.

Professional Organizations:

American Bar Association
Minnesota State Bar Association

- Member, Insurance for Members Committee
- Member, Legislative Committee
- Member, Assembly

Ramsey County Bar Association
Wisconsin Bar Association
Iowa Bar Association
North Dakota Bar Association
American Board of Trial Advocates, Minnesota Chapter
Minnesota Defense Lawyers Association

- Co-Chairman, Law Improvement Committee
- Chairman, Justpac, 1990-2000
- Treasurer, 1994-1995
- Secretary, 1995-1996

- Vice President, 1996-1997
 - President, 1997-1998
- Defense Research Institute
- Minnesota State Representative
 - Member, Small Law Firm Committee
- American College of Trial Lawyers

Publications:

Author, Chapter 7, “The Tripartite Relationship: The Much-Discussed, Little-Understood, Ethical and Liability Trap for the Underinformed,” MDLA President’s Manual, August, 2015.

Author, Chapter 17, “Federal Rule of Civil Procedure 68 Offers,” Federal District of Minnesota Civil Practice Deskbook, First Edition, 2014.

“Changes to Rule 68 Greatly Favor Plaintiffs,” co-authored with Jessica C. Kunz, Esq., Minnesota Defense.

“Plaintiff’s Expert: Obtaining an Order to Compel His Deposition,” Minnesota Defense.

“No-Fault Independent Medical Examinations: Purpose, Timing & Impact” - William Mitchell Law Review – 1999.

Other Professional Activities:

Appointed member of Minnesota Lawyers Mutual Claims Committee since 1992.

Significant Professional Achievements:

Voted to be included in Minnesota Monthly’s list of 2023 Top Lawyers in Minnesota.

Voted to be included in Best Lawyers list of 2025 Best Lawyers in America.

Received the MDLA Distinguished Service Award in October, 2017.

Voted a member of the American Board of Trial Advocates in October, 2006.

Selected as one of Minnesota State Bar Association’s 2003 President’s Award winners.

Selected as the “Member of the Month” for March 2003 in DRI’s national magazine, For the Defense.

Selected as one of the twelve “Lawyers of the Year” in Minnesota for 2002 by Minnesota Lawyer.

Chosen Super Lawyer for the years 1999- 2025; this award is given to the top five percent of attorneys in the State of Minnesota. Areas of selection have included alternative dispute resolution, litigation, personal injury and professional liability defense.

Named as one of the top 40 ADR professionals in Minnesota in 2002.

Recipient of the MDLA “President’s Award” - 1991 for “uncommon diligence and commitment to the Minnesota Defense Lawyers Association over many years”; special recognition by MDLA in 1996 “for the generous sharing of your time, energy and skills in helping MDLA achieve its professional goals”; Exceptional Performance Citation from DRI in 1998 “for having supported and improved the standards and

education of the defense bar, and for having contributed to the improvement of the administration of justice in the public interest.”

Ranked number 4 in class at graduation from William Mitchell College of Law; recipient of American Jurisprudence Award presented by Bancroft-Whitney/Lawyers Cooperative Publishing Company for “Excellent Achievement in the Study of Constitutional Law,” “Excellent Achievement in the Study of Bankruptcy Law,” and for “Excellent Achievement in the Study of Insurance Law”; recipient of “Hornbook Award: for Outstanding Scholastic Achievement” presented by West Publishing Company to the number one ranked student (end of third year).

Teaching/Lecturing Experience:

“Legal Aspects of Informed Consent” given at the Risk Management and Medical Liability Insurance Seminar - 1989.

“Informed Consent” given at Minnesota Society of Hospital Attorneys spring program - 1989.

“The Duty to Defend Purposeful and Intentional Acts Under a CGL Policy” given to St. Paul Fire and Marine Property-Liability Claims Seminar - 1989.

“How to Conduct Yourself at your First Deposition” - American Medical Association medical student section mini symposium - 1990.

Participant in MLM Defense Panel Seminar - 1990.

Session leader for August, 1990, MDLA Trial Techniques Seminar.

“The Ideal Client: How to be ‘Represented’ in a Legal Malpractice Action” - 1991 MLM Risk Management Seminar.

“Damage in Causation Issues in Legal Malpractice Claims: Offsets and Defenses; Ethical Considerations” - panel member, 1991 MLM Defense Panel Seminar.

“A Cross-Examination of a Surviving Spouse in a Wrongful Death Action Where Fault Is Admitted” - 1991 MDLA Trial Techniques Summer Seminar.

“Statute of Limitations - Analyzing Which Rule Applies” - 1992 MILE Medical Malpractice Claims Seminar.

“Identifying and Resolving Attorney Conflicts of Interest in Claims Litigation” - 1992 MILE Insurance Claims and Management Seminar.

“Legal Malpractice Causes and Effects” - 1992 MLM Risk Management Seminar.

“Are Your Clients Covered? Coverage Issues Under the Standard Officer and Director Liability Insurance Policy” - 1993 CLE Seminar.

“Legal Malpractice Update - Cases and Trends” - 1994 MLM Seminar.

“The New Federal Rules” - 1994 MILE Seminar.

Presented defendant’s case in mock trial at MDLA Mid Winter Seminar - February, 1995.

“Patient Confidentiality - a new claim?” - MILE Medical Malpractice Claims Seminar – 1995.

“Case Law Update” - 1996 MLM Risk Management Seminar.

“Protection Against Claims of Sexual Exploitation” presented to Courage Center, 1996.

Mock trial at MDLA Trial Techniques Seminar – 1998.

“No-Fault Insurance Law Symposium” - William Mitchell Law Review – 1998.

“Duty to Defend and Indemnify Sexual Misconduct Claims” MMIC seminar – 1998.

“Inappropriate Conduct” - MMIC Group Practice Symposium – 1998.

“Courtroom Strategies for the New Lawyer” - MLM New Lawyer CLE – 1998.

“Charting a Path to Claim Prevention” presented to Minnesota Department of Corrections Mental Health Services staff - July 1999.

“Civil Justice Reform: What’s reform? Is 2000 the year?” presented at the Minnesota Chamber of Commerce conference: “The 2000 Session: Building a unified business agenda,” November, 1999.

“Joint and Several Liability” presented at Minnesota Chamber of Commerce Executives Annual Meeting in February, 2000.

“Personal Injury Settlements in Minnesota: Practical Methods for Perfecting the Settlement of a Claim” presented by the National Business Institute, July, 2000.

“A Discussion of Various Issues Arising in the Life of a Claim Representative” presented at Midwest Medical Insurance Company Claim Department Meeting, August, 2001.

“The Difficult Client Meets the Difficult Juror Carrying Difficult Facts and you Still Want Me to Win? Collision of Personalities” presented at Minnesota Defense Lawyers Association Trial Techniques Seminar, August, 2001.

“Jury Verdict Trends in Medical Malpractice Cases. Is it Time for the Bunker?” presented at Midwest Medical Insurance Company Claim Department Meeting, September 18, 2001; to Minnesota Medical Group Management Association 2002 Winter Conference, March 5, 2002; at Minnesota Defense Lawyers Association Trial Techniques Seminar Annual Meeting, August 16, 2002.

“Jury Verdict Trends in Medical Malpractice and Personal Injury Cases: Is it Time for the Bunker?” presented at MILE Medical Malpractice seminar, April 2003.

“Legal Malpractice: Coverage Pitfalls in the Real World” presented at Insurance Law Institute seminar in July, 2003.

“Changes in Minnesota’s Joint and Several Liability Law” presented at MSBA Uninsured, Underinsured and No-Fault Insurance Update, Minnesota CLE conference, January, 2004.

Panel Speaker, Bench & Bar Program at Hamline University School of Law, “The Tort Deform/Reform Debate,” April, 2004.

“Changes in Minnesota’s Joint and Several Liability Law” presented at 2004 Medical Malpractice Conference, June 2004.

“Changes in Minnesota’s Joint and Several Liability Law” presented at Minnesota Motor Vehicle Institute, June 2004.

“Insurance Law 101” presented at MMIC training seminar, March 2005.

Participation in Tort Reform Panel, University of St. Thomas School of Law, April 2005.

“Negligent Credentialing: Sex, Lies and Videotape,” presented to MMIC claims and underwriting departments, July 2005.

“Legal Malpractice: Coverage Pitfalls in the Real World,” presented at Insurance Law 2005 Conference, Clarion Legal, August 22-23, 2005.

“The Life of a Lawsuit and Methods to Avoid One,” presented to The Minnesota Radiological Society, April 1, 2006.

“Bad Faith Prevention,” presented to MMIC claims department, August 2006.

Presenter, “Diagnosing and Treating Ethical Dilemmas at Your Solo or Small Firm,” A 90-minute *Practice Builders Series* Teleconference and Live Audio Webcast, September 7, 2006.

Presenter, “Malpractice Avoidance & Ethical Obligations,” a two-hour Minnesota CLE Webcast, January 25, 2007.

“Documenting the Claim File,” presented to MLM claims department, April 12, 2007.

Presenter, “Life & the Law: Life Balance – A Prescription for Avoiding Malpractice and Ethical Complaints,” a 60-minute Minnesota CLE Webcast, June 6, 2007.

Presenter, “Life & the Law: Life Balance – A Prescription for Avoiding Malpractice and Ethical Complaints,” a 60-minute Minnesota CLE Webcast, August 1, 2007.

Presenter, “Insurance Law 101,” PIAA Underwriting Workshop, San Francisco, CA, September 13, 2007.

Presenter, “Malpractice and Ethics – Where They Meet, Where They Don’t, and How to Avoid Them Both,” a 60-minute Minnesota CLE Webcast, October 24, 2007.

Presenter, “Ethical Compliance & Malpractice Avoidance: Avoiding the Traps,” a two-hour Iowa Trial Lawyers Association phone seminar, December 6, 2007.

Presenter, “The End of Court Neutrality – Rule 68; The Ship has Landed at Last – 1st Party Bad Faith,” sponsored by MDLA, 33rd Annual Trial Techniques Seminar, August 16, 2008.

Presenter, “Bad Faith and Rule 68: Part II,” Uninsured, Underinsured and No-Fault Insurance Update, sponsored by MSBA, January 29, 2009.

Presenter, “The Line of Fire – This Time It’s You – Protecting the Defense Lawyer,” MDLA 44th Annual Mid-Winter Conference, Duluth, MN, February 7, 2009.

Presenter, online seminar, "Minnesota Lawyers Mutual's Avoiding Malpractice in Everyday Client Matters (2009)," Minneapolis, MN, May 27, 2009.

Presenter, "What's Happening in the Legislature Affecting Trial Lawyers," ABOTA meeting, Minneapolis, MN, May 13, 2010.

Presenter, "Minnesota 2010 Update: Preventing Legal Malpractice Claims and Ethics Complaints in Your Law Practice," Hamline University, Saint Paul, MN, June 15, 2010.

Co-presenter, "The State of Malpractice and Tort Reform," Minnesota Independent Practice Association, January 12, 2011.

Presenter, "Understanding and Avoiding Bad Faith: The Board's Role," PIAA Leadership Camp, Scottsdale, AZ, May 11, 2011.

Co-presenter, "Life After Wegman: Competence, Conflicts and Communication," a 60-minute Minnesota CLE/Minnesota Lawyers Mutual Webcast, May 19, 2011.

Co-presenter, "Malpractice and Ethics for the Small Firm Practitioner," Minnesota CLE Solo & Small Firms 2011, Duluth, MN, August 8, 2011.

Presenter, "Trusts & Estates Section: Minimizing Malpractice Exposure for Trusts & Estates Lawyers," Ramsey County Bar Association, Saint Paul, MN, November 11, 2011.

Participant, "Trial Reenactment: *Frey v. Snelgrove*," MDLA Trial Techniques Seminar, Duluth, MN, August 17, 2012.

Participant, General Session – "Change Your Ways" – ethical considerations when resources are limited, Divorce Camp, Breezy Point, MN, September 29, 2012.

Presenter, "Insurance Law Deskbook: Professional Liability Claims-Made Coverage," Minnesota CLE Webcast, June 4, 2013.

Presenter, "Legislation, Proposed, Passed and to Come," MDLA 2013 Trial Techniques Seminar, Duluth, MN, August 24, 2013.

Presenter, "MLM: Lawyers in Trouble – Defending Legal Malpractice and Understanding Professional Liability," Webcast, April 24, 2014.

Presenter, "Trusts & Estates Section: Professional Liability Issues for Estates and Trusts Practitioners," Ramsey County Bar Association, Saint Paul, MN, May 8, 2014.

Presenter, "Who's Your Client? Tips for Navigating the Tripartite Relationship," MDLA 2015 Trial Techniques Seminar, Duluth, MN, August 14, 2015.

Presenter, Advanced Uninsured/Underinsured Motorist Law webcast, sponsored by National Business Institute, August 27, 2015.

Presenter, "Who's Your Client? Tips for Navigating Ethical Issues in the Tripartite Relationship," Minnesota CLE, January 8, 2016.

Presenter, “Planning for Success: Supervisory Obligations and the Importance of Succession Planning,” RCBA/MLM, June 17, 2016.

Presenter, “This is New! What Do I Do?,” MDLA Trial Techniques Seminar, August 19, 2016.

Faculty, “Legal Malpractice: What Is It and How Is It Proved?,” Minnesota CLE Webcast, May 12, 2017.

Faculty, “Legal Malpractice: Expert Witnesses,” Minnesota CLE Webcast, May 19, 2017.

Faculty, “Legal Malpractice: Lawyer Duties and Insurance Coverage,” Minnesota CLE Webcast, May 26, 2017.

Presenter, MMIC Insurance combined Underwriting/Claims Department, “The Documentation Dilemma, The Continued Threat of Disclosure,” July 16, 2019.

Key speaker, MDLA Medical Liability and Health Care Law Committee CLE (Zoom video presentation), “Expert Witness Qualifications After *Marquardt v. Schaffhausen*,” April 15, 2020.

Co-Presenter, “War Stories - Memorable Cases Won and Lost,” 2023 MDLA Trial Techniques Seminar - Learning from the Legends, Duluth, MN, August 18, 2023.

Co-Presenter, “The Benefits and Perils of Giving a Number,” 2024 MDLA Mid-Winter Conference - Practice Makes Progress, Alexandria, MN, January 28, 2024.

Presenter, “Sex and the Law: Was it Consensual and is There Coverage?” 2024 IADC Professional Liability Roundtable, Chicago, IL, May 30, 2024.

(Current as of March 2, 2026)