



## Hilary A. Ballentine

SENIOR ATTORNEY

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### Practice Areas

Appellate Law

Birth Trauma Litigation

Governmental Law

Medical Litigation

Sexual Assault Allegations

State Medical Investigations

### Education

- University of Detroit Mercy School of Law, magna cum laude, J.D., 2006
  - Justice Frank Murphy Honor Society
  - Alpha Sigma Nu
  - George R. Bodurow Memorial Scholar
  - Book Awards: Applied Legal Theory and Analysis, Complex Litigation and Trial Practice
- University of Michigan - Dearborn, with high distinction, B.B.A., 2003

### Admissions

Michigan, 2006

U.S. District Court, Eastern District of Michigan, 2006

Hilary A. Ballentine is a member of the firm's Appellate Law Practice Group who concentrates her practice primarily on appeals related to litigation involving general liability, municipal liability, construction claims, constitutional and medical liability cases, among others. She also provides trial support with an emphasis on motions in limine, jury instructions and post-trial motions.

Ms. Ballentine is admitted to practice in Michigan's state and federal courts, as well as the Michigan Court of Appeals, the Michigan Supreme Court, the U.S. Court of Appeals for the Sixth Circuit and the U.S. Supreme Court. With nearly 40 published decisions, she has successfully briefed and argued cases before the Michigan Court of Appeals, the Michigan Supreme Court and the Sixth Circuit.

Ms. Ballentine, who is a member of the firm's Bloomfield Hills office, has been selected as a "Rising Star" in appellate law by *Michigan Super Lawyers* magazine since 2011. She was also selected as an "Up and Coming" lawyer by *Michigan Lawyer's Weekly* in 2011.

A Past President of the Michigan Defense Trial Counsel's (MDTC) and former chair of its Sponsorship Committee, Ms. Ballentine was named as MDTC's Volunteer of the Year in 2012. She is also an active member of the Michigan Appellate Bench Bar Planning Committee and the DRI – The Voice of the Defense Bar.

### Representative Client Work

- Successfully briefed and argued before the trial court and the Michigan Court of Appeals that the plaintiff's claim against the defendant gynecologist sounded in medical malpractice, not

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U.S. Court of Appeals for  
the Sixth Circuit, 2007

U.S. District Court, Western  
District of Michigan, 2010

U.S. Supreme Court, 2010

ordinary negligence, because resolution of whether the plaintiff's ovary was removed in contravention of her limited consent required the need for expert medical testimony

- Upheld dismissal of a medical malpractice case on statute of limitations grounds in the Michigan Court of Appeals, defeating the plaintiff's argument that she was afforded, by statute, additional time to file an affidavit of merit in light of the defendants' alleged failure to provide her with certain medical records
- Successfully sought reversal in the Michigan Supreme Court on a case brought under the highway exception of Michigan's Governmental Tort Liability Act
- Successfully upheld summary disposition on contractual release provision in a case tried before the Michigan Court of Appeals and the U.S. Court of Appeals for the Sixth Circuit
- Handled numerous complex civil rights and governmental appeals in state and federal appellate courts
- Served as amicus co-counsel on cutting edge appeals for numerous organizations, including the DRI, the Michigan Defense Trial Counsel, the Michigan Municipal League, the Michigan Municipal League Liability and Property Pool, the Michigan Townships Association and the Insurance Institute of Michigan

### Professional Affiliations

- DRI
- Michigan Defense Trial Counsel (President, 2016 - 2017; Board of Directors, 2011 - 2012; Chair, Sponsorship Committee, 2015 - 2017; Co-Chair, Appellate and Amicus Curiae Committee, 2008 - 2012)
- State Bar of Michigan
- Michigan Appellate Bench Bar, Planning Committee (2010, 2013)
- Michigan Supreme Court Civil Jury Instruction Committee
- Michigan Supreme Court Historical Society

HILARY A. BALLENTINE Cont.

## Books

- "The Insider's Guide to the United States Court of Appeals for the Sixth Circuit," Co-author with Mary Massaron Ross, Chapter 7, American Bar Association's Appellate Practice Compendium, 2012
- "Eminent Domain - A Handbook of Condemnation Law," Co-author with Mary Massaron Ross, Chapter 1, American Bar Association Section of State and Local Government Law, 2011

## Articles and Lectures

- "Motions in Limine – Boring But Important," Presenter; Plunkett Cooney's "Trial Boot Camp," Michigan State University Educational Center, May 5, 2018
- "First American Corp v Edwards: The Battle for Standing Without 'Actual Injury,'" Co-author, Westlaw Journal Insurance Coverage, Volume 22, Issue 12 (Dec. 30, 2011)
- "Supreme Court Further Narrows Appellate Jurisdiction to Review District Court Remand Orders," Author, Plunkett Cooney Rapid Report
- "Medical Malpractice Decisions: A Review of Notable Michigan Appellate Court Decisions," Presenter, Plunkett Cooney Medical Liability seminar, 2008

## Community Involvement

- University of Michigan-Dearborn, Mentor (2013)

## Honors & Recognitions

- Michigan Super Lawyer Rising Star in Appellate Law; Michigan Super Lawyers, a Thomson Reuters publication, 2011 - 2021
- Top Lawyer in Appellate Law, dbusiness Magazine, 2020
- DRI Exceptional Performance Citation, 2017
- Volunteer of the Year, MDTC, 2012
- Up and Coming Lawyer, Michigan Lawyers Weekly, 2011