



SpencerFane®

Mark A. Cole

Partner

Contact

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Overview

Mark is a first-chair trial lawyer handling complex matters for clients in highly regulated industries, including healthcare and financial services. He has extensive experience with individual, class, and consolidated actions in state and federal courts. Mark also represents clients in arbitration before various administrators, including the AAA, JAMS, and AHLA.

Mark leads the firm's Health Care Litigation practice representing a variety of healthcare providers and entities in litigation and investigations, particularly those arising under the False Claims Act. Mark also routinely counsels clients on regulatory and compliance issues, including fraud and abuse laws, and overpayment and reimbursement disputes.

Mark's broad-based litigation practice extends to litigation involving data breaches, including defending class action lawsuits in state and federal court.

Mark also counsels physicians, physician practices, hospitals, and other healthcare entities on contract issues, employment disputes, licensing issues, and peer review processes.

Prior to joining Spencer Fane, he served in-house as Corporate Counsel – Litigation at H&R Block, where he managed complex litigation and the company's nationwide arbitration program.

Education

- University of Kansas School of Law, 2007 (J.D.)
- University of Kansas, 2004 (B.S.)

Bar Admissions

- Kansas
- Missouri

Court Admissions

- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri

Distinctions

- *Best Lawyers in America*, Health Care Law, 2023-2024
- *Missouri & Kansas Super Lawyers*, Rising Stars, 2022

Memberships

- Missouri Bar Association
- Kansas City Metropolitan Bar Association
- Missouri Organization of Defense Lawyers
- Defense Research Institute
- Kansas Association of Hospital Attorneys
- Kansas Bar Association

Presentations and Publications

- "[FCA Enforcement Trends in 2024](#)," *ABA Health eSource*, American Bar Association, December 2024

Related Experience

- Represented a hospital in a False Claims Act case brought by a former employee, resulting in summary judgment for the hospital, which was affirmed on appeal.
- Defended a physician group in a False Claims Act case brought by former employees, resulting in a jury trial.
- Defended a hospital against whistleblower retaliation claims, resulting in a successful outcome after trial.
- Represented providers against managed care companies for underpayment and misclassified claims.
- Represented a hospital against a management company for mishandling Medicare Advantage claims.
- Defended multiple hospitals against data breach class action claims, achieving successful resolution after dismissals for lack of standing.
- Represented a medical device manufacturer, culminating in the exclusion of plaintiffs' expert witnesses and entry of summary judgment for the defendant.
- Counseled clients and provided representation during internal medical peer review processes and external appeals.
- Defended against individual, mass, and class claims utilizing statistical sampling and trending analyses.