

# Litigation, Mediation, Arbitration

Effective advocacy for health care providers involved in litigation or disputes requires more than just courtroom skill and experience, as important as those qualities are. At Hooper, Lundy & Bookman, our seasoned trial lawyers match their litigation talents with the deep and expansive subject matter knowledge essential to obtaining positive outcomes in court and alternative dispute resolution (ADR) forums.

Our attorneys recognize that litigation, while sometimes necessary or unavoidable, is rarely desired by the providers and other clients we represent. We understand the costs, disruption, uncertainty, and risk involved in protracted conflicts. Every dollar spent fighting is one that doesn't go toward patient care or the bottom line. But we also know that our clients' vital interests need to be protected and their rights asserted.

## **Protecting and Advancing Our Clients' Interests Through Creative, Industry-Focused Approaches**

While the strategies we adopt and implement are tailored to the unique facts, law, and circumstances in a given dispute, our objective is always the same: to resolve the matter on favorable terms as efficiently, conclusively, and early as possible. This often involves exploring avenues of dispute resolution beyond state and federal court. When mediation or arbitration offers the possibility of a more cost-efficient yet equally favorable result, we bring our industry experience, advocacy and negotiating skills to bear as effectively as we do in litigation.

## **Knowing the Details and Understanding the Bigger Picture of Health Care Disputes**

The breadth of our health care industry knowledge and our deep bench of experienced litigators allow us to quickly identify core issues, analyze and apply the relevant law, and develop approaches aligned with our clients' goals. Judges, neutrals, and adversaries alike know what HLB brings to the table in health care disputes, and our reputation as one of the nation's most respected health care law firms precedes us. This further enhances our ability to end conflicts expeditiously and advantageously, whether in litigation or ADR proceedings.

As health care disputes neither arise nor conclude in a vacuum, we consider the larger business, operational, or reputational implications of each matter to ensure any victory we obtain for a client is neither illusory nor in conflict with our clients' broader interests.

## **Effective and Efficient Representation in All Manner of Health Care Disputes**

HLB's litigation, mediation, and arbitration practice handles every dispute that providers, suppliers, and other health care organizations face.

- Managed care litigation:
  - Payer disputes with health plans
  - Alleged overpayments by payors
  - Contract interpretation
  - Disputes between physicians and IPAs or medical groups
  - Risk pool disputes
- Business torts:
  - Interference with business contracts & business advantage
  - Breach of fiduciary duty
  - Negligent management
  - Fraud
  - RICO

- Misappropriation of trade secrets
- Medicare and Medicaid provider certification defense
- State licensing defense before licensing state agencies and state boards
- Breach of contract
- Partnership, corporate and joint venture disputes
- Antitrust and Unfair Competition Law claims
- Medicare and Medicaid overpayment audits and appeals
- White-collar criminal litigation, including alleged anti-kickback, Stark Law, and False Claims Act violations
- Medical staff investigations, peer review hearings, and litigation
- Director and officer liability claims
- Intellectual property disputes
- Class actions in federal and state courts
- Consumer Legal Remedies Act disputes
- Real property litigation
- Leasing disputes
- Creditors' rights and bankruptcy
- Insurance coverage disputes
- Treatment decisions and discharge issues
- Independent practice association/medical group/HMO disputes
- Physician and staff termination disputes
- Civil rights issues
- Provider/vendor disputes
- Federal and state administrative proceedings
- Writs & appeals