



LITIGATION DEPARTMENT OF THE YEAR, INSURANCE

ZUCKERMAN SPAEDER

Responses prepared by Zuckerman Spaeder partners D. Brian Hufford and Jason S. Cowart.

Q&A **What are some of the department's most satisfying successes of the past year and why?** Over

the last several years, and despite being outgunned by our adversaries, we have been building demonstrable momentum in the fight for provider and patient rights, particularly in the context of behavioral health care. We have, on multiple occasions, forced the nation's largest insurers to fundamentally reform their processes, end discriminatory practices, and pay injured insureds millions of dollars. Each of these wins not only helped those in great need, it contributed to the public discourse, casting a harsh spotlight on insurers that makes it more difficult for them to get away with abusive practices. Importantly, it has also resulted in greater scrutiny by policymakers and regulators, which in turn has led to legislative activity on the state level and the promise of greater federal enforcement.



From left to right: **Devon Galloway, Nell Peyser, Jason Cowart, Leila Bijan and D. Brian Hufford.**

Photo: Ryland West/ALM

A prospective client in crisis calls and asks why your team should be retained.

What is your answer? We routinely receive calls like this, either from patients whose life-saving health care is being jeopardized by abusive insurer practices, or providers whose ability to provide their patients effective treatment is compromised by such practices. Our response is always the same: "We understand your problem, we have a track-record of success against your much larger adversary, we care about you, and we are ready to help."



From left to right: Jason Cowart, Leila Bijan, D. Brian Hufford, Devon Galoway and Nell Peyser.

Photo: Ryland West/ALM

What traits do you respect most in opposing firms and lawyers?

Given the importance of the cases we bring and the complicated health care system from which those claims arise, we find it particularly rewarding to face off against lawyers who defend their clients with honesty and directness. All too often, opposing lawyers are seemingly unwilling to acknowledge our actual legal theories or claims and insist on arguing against strawmen. Such lawyers' refusal to "meet us in the field of battle" makes it more difficult for judges because the parties' positions are like two ships passing in the night and delays resolution of key legal and factual questions. Our cases have significant and real-life impacts

on those we're representing. Their complaints deserve to be treated seriously and tackled head-on.

What is the firm doing to ensure that future generations of litigators are ready to take the helm?

As leaders of a cutting-edge legal practice inside a litigation boutique, we believe it is one of our responsibilities

to cultivate a talented, experienced, and diverse team of litigators who can carry the torch into the future. As a result, not only do we routinely call upon our associates and junior partners to perform tasks that, in other firms, would be handled by senior lawyers, we involve junior lawyers in all aspects of our practice, including decisions concerning what cases to bring, how to staff them, how to litigate them, and how to develop new business. We are particularly proud of having achieved early successes in this area and look forward with pride and interest to seeing the impact each team member will have in future legal efforts of this kind.