

MVP: Zuckerman Spaeder's D. Brian Hufford

By Adam Lidgett

Law360 (December 2, 2019, 3:07 PM EST) -- Zuckerman Spaeder LLP partner D. Brian Hufford successfully challenged insurance companies this year after they denied coverage for mental health and substance abuse claims, landing him a spot among Law360's 2019 Benefits MVPs.

HIS BIGGEST ACCOMPLISHMENT OF THE YEAR:

Hufford represented a group of patients in a suit in which U.S. Magistrate Judge Joseph C. Spero found that a UnitedHealth Group unit's internal guidelines for mental health and substance abuse coverage ignored generally accepted standards of care and focused on "crisis stabilization" while leaving patients stranded in the long term.

While United Behavioral Health's experts espoused good standards for treating patients for behavioral health issues at a 2017 class action bench trial, none of that is reflected in the company's actual guidelines, Judge Spero said. Instead, the magistrate judge said the company emphasized fixing short-term symptoms without considering how effective the care would be in the long run, abandoning its duties under the Employee Retirement Income Security Act.

"This case was extremely important because it allowed us to focus on the underlying guidelines that were being used as a basis for denying coverage," Hufford said regarding the case's importance. "Without being able to attack those guidelines, it is frequently very difficult for patients or providers to be able to challenge denials."

ANOTHER NOTABLE CASE FROM THIS YEAR:

Hufford also represented a class of Aetna plan participants and beneficiaries who won a \$6.2 million settlement for their class action against the insurer in Connecticut federal court. The suit accused the company of ERISA violations for categorically denying claims for a type of depression treatment called transcranial magnetic stimulation. That deal got final approval over the summer.

The MVP logo consists of the letters 'MVP' in a blue, serif font. A red circle is drawn around the 'V', and a red arrow points upwards from the top of the 'V'.

D. Brian Hufford
Zuckerman Spaeder

"One of the things most important about that case is that there are many types of treatments out there, whether it's in behavior health or otherwise, that can be very effective, but insurance companies frequently deny coverage claiming that such treatments are experimental," Hufford said. "We have challenged those types of practices when they are denying coverage for services that, in fact, are well accepted in the medical community."

WHY HE'S A BENEFITS ATTORNEY:

Hufford said his practice involves trying to enforce his clients' benefit plans to get the coverage they're entitled to. He said it's rewarding to help people who frequently feel powerless when they are trying to find a way to push back against insurance companies.

"In our practice, we are able to use our skills as attorneys and our understanding of the law to provide a balance between these patients and these insurance companies," he said.

WHAT MOTIVATES HIM:

Hufford said helping their clients fight against insurance companies is his biggest motivation. He and his colleagues are able to do something very important, he said, which is pursue benefits under their clients' insurance plans.

"I really believe that insurance companies, especially profit oriented insurance companies, have way too much power, and all too often are substituting their concerns for profits over the appropriate needs of patients," he said.

HIS ADVICE OR JUNIOR ATTORNEYS:

Hufford said the most important thing for young benefits attorneys is understanding the law and digging into it to learn the intricacies. The biggest part of his practice is ERISA, which he said often has a bad reputation for being hyper-technical. But the statute provides incredibly important rights to people around the country, he said.

"ERISA is the federal statute that governs private employee benefit plans," he said. "If you don't understand ERISA, you are never going to be able to effectively represent clients who need help in getting the benefits they deserve."

— *As told to Adam Lidgett*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.