

MVP: Zuckerman Spaeder's William Schultz

By Danielle Nichole Smith

Law360 (December 5, 2019, 4:36 PM EST) -- Zuckerman Spaeder LLP partner William Schultz has fought to improve access to health care for patients and hold the government accountable, including helping to stop nearly 30% in cuts to Medicare drug reimbursement rates, making him one of Law360's 2019 Health Care MVPs.

WHY HE'S A HEALTH CARE ATTORNEY:

Schultz said he gravitated toward food and drug law — and eventually broader health law — after receiving a case in that area on his first day at the Public Citizen Litigation Group, where he began his career.

"Health care is so important to patients and consumers, and the subject area is challenging, it's interesting," Schultz said. "It's a mix of science and law."

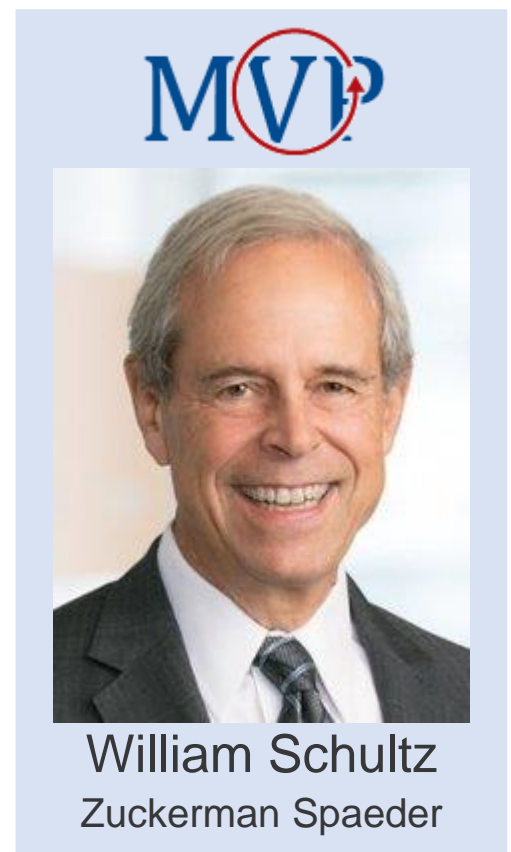
Schultz said that he enjoys working with talented young lawyers and helping his clients achieve success as well as trying to figure out complex problems. In addition to using the law to improve patients' health, he is also motivated by holding the government accountable, he said.

"I've spent a lot of my career suing the government and making it follow the law," Schultz said.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

One area where Schultz has been working to hold the government accountable is the U.S. Department of Health and Human Services' 340B drug discount program. In September 2018, Schultz and Zuckerman Spaeder filed a suit against the agency over cuts made to the drug reimbursement rates.

"This is a case that we brought on behalf of nonprofit hospitals that disproportionately serve the poor," Schultz said. "And it challenged a decision by HHS to severely cut the reimbursements they get for Medicare drugs."



William Schultz
Zuckerman Spaeder

Schultz helped the hospitals secure a victory in December 2018 when a D.C. federal judge ruled that the agency overstepped its authority by cutting certain drug reimbursement rates by nearly 30% that year. And the court reached the same conclusion about similar cuts to the rates for 2019 in May.

HHS will have to make good on the roughly \$3.2 billion in cuts if the finding is upheld at the D.C. Circuit, where it is currently being appealed, according to Zuckerman Spaeder.

Schultz also last year helped hospitals pressure HHS into implementing changes to the 340B drug discount program that Congress passed back in 2010. The regulation had been delayed five times, he said.

"We brought a lawsuit and filed a motion for summary judgment, and they turned around and issued the regulation," Schultz said. "This holds the drug companies accountable to providing the discounts that the law requires."

Schultz said the challenge of Medicare cases is figuring out how to explain the "extremely complicated" statute in a way someone who doesn't work on it every day can understand. Further, winning a case against the government is always a challenge, he said.

"The government always gets a lot of discretion, a lot of presumptions, and that's one reason it can be so satisfying," Schultz said.

HIS BIGGEST CHALLENGE THIS YEAR:

Schultz said some of his most challenging work has been efforts to get the government to regulate e-cigarettes, noting that the "use of e-cigarettes by kids has just gotten way out of control in a short period of time." A quarter of high school kids now use e-cigarettes, according to Schultz.

"There are a lot of forces that protect the tobacco industry and tobacco companies and have protected them from regulation for many years," Schultz said. "It includes the size and political power of the companies, and I think it's always hard to get the government to take bold action."

Such action often requires regulation that has to go through a lot of steps and many layers of review and can take a number of years, Schultz said.

"It's often easier to do nothing than to do something very bold," he added.

HIS ADVICE FOR JUNIOR ATTORNEYS:

Schultz said he always tells newer attorneys "to find a subject area and figure out a role that really excites you." And he would also tell them to consider spending at least some time in public interest law or government service, he said.

"There are a lot of ways to practice law and obviously a lot of different areas, but it can be a very rewarding and very exciting profession if you find something you really love," Schultz said.

— *As told to Danielle Nichole Smith*

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