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TRAILBLAZERS

PLAINTIFFS' LAWYERS

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PIONEER SPIRIT Brian Hufford's parents worked in a home for boys when he was growing up. "Their perspectives were always on helping people and providing a safety net." After law school, he worked for the Treasury Department, then joined a large firm where he defended class actions. "But I always felt sympathy for the other side, so I switched to plaintiffs' work."

TRAILS BLAZED Hufford's practice has evolved to focus on health care, which began when his own son was diagnosed with a rare condition and the insurance company would only pay for part of the treatment, claiming that amount was "usual and customary." Hufford brought a lawsuit against UnitedHealthcare, which had developed the database that determined payments. "The condition was so rare, how could there be a 'usual and customary' fee? The case settled 10 years later for \$350 million." His practice has grown to include mental health cases. "We are challenging the guidelines around 'medically necessary services.'" Hufford has brought all these cases under the Employee Retirement Income Security Act (ERISA). "That's been our secret sauce, in a way. By developing these into class actions, we put pressure on insurance companies. ERISA also creates a fiduciary responsibility on the part of insurance companies." One case, *New York State Psychiatric Association v. UnitedHealth Group*, went before the Second Circuit Court of Appeals. "The decision found that it was possible to sue third-party administrators."

FUTURE EXPLORATIONS Insurance companies constantly look for ways to save money. "Those making decisions are beholden to shareholders, and profits come from reducing costs. So they will try to improperly deny coverage to enhance profits."