

Mitch A. Reid



Partner

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Mitch's practice consists of commercial litigation, including life, health and disability insurance litigation, and business torts. Mitch's practice focuses on ERISA and all aspects of managed care litigation, including extensive experience in ERISA benefits litigation, bad faith insurance practices litigation, prompt pay litigation and provider litigation, including contractual and extra-contractual disputes with providers and hospitals. Mitch has an extensive practice in both state and federal courts, and has handled a number of mediations and complex commercial arbitrations with favorable results for the client.

Additionally, Mitch has a significant amount of experience in oil and gas disputes, toxic tort litigation, contract disputes, debt collection, Freedom of Information Act (FOIA) disputes and False Claims Act and *qui tam* actions. Mitch has successfully represented firm clients (both as plaintiffs and defendants) throughout the United States in large-scale commercial disputes that have included claims of breach of contract, fraud, tortious interference and breach of fiduciary duty.

REPRESENTATIVE EXPERIENCE

Managed Care Cases:

- Trial counsel representing managed care company in arbitration proceeding in which a physician group sought in excess of \$10,000,000 arising from alleged prompt pay violations on over 27,000 claims for services provided over a four-year period. Case settled favorably for client following the dismissal of the majority of the physician group's claims during the first three days of arbitration. (2009)
- Assisted in obtaining final summary judgment in case filed by provider seeking damages under the Texas "Any Willing Provider Statute" alleging that its claims seeking benefits could not be denied under Texas statute and that its claims were not preempted by ERISA. The trial court rejected these arguments and ruled in the managed care company's favor on both federal preemption and state law grounds. (2007)
- Assisted in obtaining summary judgment in favor of self-funded ERISA plan in case filed by provider seeking benefits for extensive treatment relating to alleged exposure to toxic mold. The trial court granted summary judgment finding no abuse of discretion in claims adjudication process and rejected arguments that claims administrator had failed to comply with ERISA's procedural requirements. (2007)
- Assisted in obtaining summary judgment in favor of an insurer/claims administrator for a municipal employee health care plan against claims by a health care provider for breach of contract, negligent misrepresentation and promissory estoppel. (2007)

INDUSTRIES

Energy
Health Care
Insurance

PRACTICES

Arbitration/Mediation
Commercial Litigation
Energy Disputes and Litigation
Litigation
Managed Care and ERISA
Qui Tam

EDUCATION

JD, 2002, *cum laude*,
University of Houston
Law Center, *Houston
Law Review*, Research
Editor
BA, 1995, Biology,
Indiana University

ADMISSIONS

Texas 2002
US District Court for the
Northern District of
Texas
US District Court for the
Southern District of
Texas
US District Court for the
Eastern District of Texas
US District Court for the
Western District of
Texas
US District Court for the
Western District of
Oklahoma
US District Court for the
District of Colorado
US Court of Appeals for
the Fifth Circuit
US Supreme Court

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Life Insurance Cases:

- Assisted in obtaining summary judgment in favor of an ERISA plan insurer in case filed by the estate of a former plan member arising out of the payment of life insurance benefits to a designated beneficiary. (2008)

General Commercial Cases:

- Lead trial counsel for a plaintiff construction company in breach of contract action against a roofing company wherein the defendant asserted counterclaims for breach of contract, breach of warranty and treble damages. Following a two-day bench trial, obtained full recovery of damages on all claims asserted by client and a take-nothing judgment on all counterclaims asserted by the defendant roofing company. (2007)
- Lead trial counsel in a *qui tam* action filed in the U.S. District Court for the Eastern District of Missouri. Successfully defended health care providers and their principal management against claims of Medicare and Medicaid fraud under the federal False Claims Act and obtained dismissal of all claims during the initial phase of the litigation. (2008)

PUBLICATIONS

- "United States v. Dickerson: Uncovering Miranda's Once Hidden and Esoteric Constitutionality," 38 Hous. L. Rev. 1343 (Winter 2001)

BRIEFINGS, SEMINARS & SPEECHES

- "Technology in the Courtroom" presented at the 2008 Trial Academy of the Texas Access to Justice Commission, The University of Texas School of Law, Austin, TX (May 21, 2008)

AFFILIATIONS

- Houston Bar Association
 - Co-Chair for HBA LegalLines
 - Co-Chair of HBA Special Olympics Committee (2010-2011)
- Houston Volunteer Lawyers Program, Volunteer
- Houston Young Lawyers Association
 - Member of HYL A Special Olympics Committee
- Houston Young Lawyers Foundation, Fellow
- Texas Bar Foundation, Fellow
- Texas Rising Star, *Texas Monthly* (2010)
- Texas Young Lawyers Association
- American Bar Association

Military Service - Mitch formerly served as a captain in the Military Intelligence Corps of the U.S. Army.

PRESS RELEASES

- Andrews Kurth Elects Ten New Partners for 2011 (November 29, 2010)
- Andrews Kurth Lawyers Recognized as Texas Rising Stars (March 17, 2010)
- Five Andrews Kurth Associates Join Volunteer Prosecutor Program (April 20, 2009)
- Andrews & Kurth Adds New Associates to Firm (December 26, 2002)