

Mitch A. Reid



**Associate**

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**PRACTICE AREAS**

Litigation

**EDUCATION**

JD, 2002, *cum laude*,  
University of Houston  
Law Center, Houston  
Law Review, Research  
Editor

BA, 1995, Biology,  
Indiana University

**ADMITTED**

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  
District of Colorado

US Court of Appeals for  
the Fifth Circuit

US Supreme Court

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 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:**

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 rejecting 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 healthcare plan against claims by a healthcare provider for breach of contract, negligent misrepresentation and promissory estoppel. (2007)

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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 United States 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)

**ARTICLES/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)

**PROFESSIONAL/CIVIC AFFILIATIONS**

**Member**

- Houston Bar Association
  - Co-Chair for HBA LegalLines
  - Member of HBA Special Olympics Committee
- Houston Volunteer Lawyers Program, Volunteer
- Houston Young Lawyers Association
  - Member of HYL A Special Olympics Committee
- Texas Young Lawyers Association
- American Bar Association

**Military Service** - Mitch formerly served as a captain in the Military Intelligence Corps of the US Army

**HEADLINE NEWS**

- Andrews & Kurth Adds New Associates to Firm (December 26, 2002)