Becca Smith

Associate Attorney

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San Francisco



Becca Smith is an associate in the San Francisco office of Gibson Dunn, practicing in the firm's Litigation Department. She represents managed-care, pharmacy-benefit, and life-sciences clients in high-stakes healthcare litigation and regulatory disputes, in trial courts and on appeal. Her practice centers on pharmacy-benefit-manager and drug-pricing litigation, mental health parity (MHPAEA), and Administrative Procedure Act challenges affecting the healthcare industry, along with related class action, ERISA, and administrative-law matters.

Becca is known for leading complex healthcare and managed-care cases from the ground up. She runs large trial and appellate teams, drives case strategy, and serves as a primary client contact. She is a go-to drafter of the dispositive and appellate briefing on her matters. She has taken a leading role at every stage of litigation—arguing contested motions, briefing and second-chairing appellate oral argument, and maintaining an active appellate practice in federal and state courts.

Representative Matters

- *State of Louisiana v. OptumRx, Inc.*: Represents OptumRx and UnitedHealthcare in litigation brought by the State of Louisiana concerning pharmacy pricing for the State's Medicaid program. Serves as lead associate for a large trial and appellate team, coordinating strategy across the trial court, discovery, and appellate proceedings, and serving as a primary drafter of the matter's briefs.
- *In re Zelis Repricing Antitrust Litigation* (D. Mass.): Represents UnitedHealth Group in a multi-defendant antitrust action by healthcare providers challenging out-of-network repricing practices. One of two primary drafters of United's motion to compel arbitration, which the court granted as to the plaintiffs at issue.
- *The ERISA Industry Committee v. U.S. Department of Health and Human Services* (D.D.C.): Represents The ERISA Industry Committee in an Administrative Procedure Act challenge to the Departments' 2024 Mental Health Parity and Addiction Equity Act (MHPAEA) Final Rule. Co-drafter of the complaint and of the request to stay enforcement of the rule. The Departments subsequently issued a non-enforcement policy, and the litigation was held in abeyance pending their reconsideration of the rule.
- *Berceanu v. UMR* (W.D. Wis.): Represented a claims administrator of ERISA-governed health benefit plans in a putative class action challenging medical-necessity guidelines for mental health and substance use treatment. Primary drafter of the class-decertification and summary-judgment briefing that resulted in judgment for the client.
- *Mabe v. OptumRx* (M.D. Pa.): Represented a pharmacy benefit manager in a mass action by retail pharmacies challenging reimbursement rates. One of two primary drafters of the successful motion to compel arbitration.

Capabilities

Litigation

Administrative Law and Regulatory Practice

Appellate and Constitutional Law

Class Actions

Employee Retirement Income Security Act (ERISA) Litigation

FDA and Health Care

Credentials

Education

University of Chicago Law School - 2016 Juris Doctor

Cornell University - 2011 Bachelor of Science

Admissions

California Bar

District of Columbia Bar

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- DOJ investigation — molecular genetic testing: Defended a biotechnology provider of molecular genetic testing products in a DOJ civil investigation involving allegations related to upcoding and the Anti-Kickback Statute, resulting in a Non-Prosecution Agreement and favorable civil settlement.

Prior Experience

Prior to joining Gibson Dunn, Becca was an associate at a Washington, D.C. firm, where she was heavily involved in Administrative Procedure Act challenges to CMS decisions and proposed rules. She also represented state agencies in U.S. District Court, U.S. Circuit Court, and federal agency administrative appeals on managed care and other healthcare financing issues, and played a significant role in a state administrative trial.

Pro Bono

Becca has an active, award-winning pro bono practice focused on appellate and administrative law. She brought to the firm and leads its representation of the Animal Legal Defense Fund in an Administrative Procedure Act challenge concerning the federal licensing of a roadside zoo, where the team defeated a motion to dismiss; the firm received the Animal Legal Defense Fund's Advancement in Animal Law Pro Bono Achievement Award for this work. She also leads a team representing a domestic violence survivor on appeal, handling all aspects of the appeal, including briefing and oral argument.

Education

Becca received her J.D. from the University of Chicago Law School. During law school, she served as a law clerk to the White House Council on Environmental Quality. She earned her B.S. in Industrial and Labor Relations, with honors, from Cornell University.

Speaking Engagements and Membership?s

- Panelist, CLE on the Animal Welfare Act and enforcement through the Administrative Procedure Act: "Strengths and Weaknesses of the Federal Animal Welfare Act," Los Angeles County Bar Association, Animal Law Section (June 30, 2025).
- Member, Earl Warren American Inn of Court.

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