

Daily Journal

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TOP 40 UNDER 40

For 22 years, the Daily Journal published an annual list of 20 leading California lawyers under age 40. In recent years, we came to realize there was no way 20 people could embody the breadth and depth of legal work being done by California's rising lawyers. They are working on issues affecting technology, health care, energy, criminal justice, civil rights and so much more.

For this list, our 23rd, we selected 40 lawyers. Doubling the size of the list did not diminish the quality

of the lawyers who appear on it. To the contrary. Our editors and reporters considered hundreds of lawyers. They represented every major practice type and specialty. Dozens of top-notch attorneys working on major issues of our time were left on the proverbial cutting room floor.

Our selection process centered on the impact of the lawyer's work. How has it affected the state of the law, a particular sector of industry or society? We also looked

at the candidate's impact on the legal community. Is he or she taking a leadership role within the firm, agency or organization? Are they active in bar groups and public service organizations?

As you read through this supplement, we think you'll agree that California's legal talent is some of the best you'll find anywhere in the world.

—The Editors

TOP 40 Under 40

Heather L. Richardson

Gibson, Dunn & Crutcher LLP

Los Angeles

Practice: Health insurance litigation

Age: 35

Richardson knew from the start she wanted to work in health law, so she took joint degrees — a master's in public health and a law degree. She and the Gibson Dunn team represented managed care provider Aetna Life Insurance Co. and dozens of its plan sponsors in simultaneous state and federal litigation against a group of out-of-network centers operated by Bay Area Surgical Management LLC.

Her clients claimed the defendant's illegal practices included kickbacks to referring physicians that were funded by overbilling Aetna for services by 771 percent. The complaint alleged unjust enrichment, intentional interference with contractual relations and other claims; it held Aetna paid \$23 million for procedures that should have cost \$3 million.

In the state case, following a monthlong trial, Richardson and the Gibson Dunn team prevailed, winning a \$37.4 million jury verdict in April. *Aetna Life Insurance Co. v. Bay Area Surgical Management*, 12-cv-217943 (Santa Clara Super. Ct., filed Feb. 2, 2012)

Richardson drafted a winning brief that successfully stayed cross-claims in a parallel federal action pending the outcome of the state case. She was also responsible for various deposition preparation, summary judgment briefing and trial preparation.

"This job combines a bunch of technical subject matters that I really enjoy," Richardson said. "I pointed myself in this direction from the start."

Last year, she was on the team that won an eleventh hour confidential settlement for Aetna with Blue Cross Blue Shield of Michigan. The deal ended Aetna's billion-dollar antitrust suit alleging the defendant harmed consumers by engineering so-called "most favored nation" contracts with dozens of Michigan hospitals that left



Aetna unable to secure competitive prices from those hospitals.

Blue Cross' alleged freeze-out cost Aetna \$390 million; its complaint sought \$350 million plus possible trebling. Richardson said that although Aetna's theories of the case have been discussed in legal scholarship, there has been little actual litigation resulting in case law.

Again, her role was working with Aetna's witnesses. "These were our boots on the ground who tried unsuccessfully to negotiate contracts with the hospitals due to the defendants' anticompetitive behavior," she said. "My job was to help the witnesses tell a story that would be compelling to a jury even though it dealt with esoteric terms that are hard to explain to a lawyer, much less to laypeople. I helped them translate everything into English."

When opposing counsel heard in depositions what the witnesses would say, "that was a big part of promoting the settlement," she said.

— John Roemer