



## Michael H. Bernstein

Partner

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Michael H. Bernstein concentrates his practice in the areas of the Employee Retirement Income Security Act (ERISA) and managed care litigation; life, health, and disability benefit litigation; and related insurance coverage issues.

### Health + Benefits Litigation

Michael manages litigation from inception through trial, arbitration, and appeal and has successfully defended life, health, and disability claims brought in state or federal court against insurers, plan administrators, employers, and managed care organizations. Examples include cases governed by ERISA, the Federal Employees Health Benefits Act (FEHBA), and the Federal Employees' Group Life Insurance program. Michael regularly represents health maintenance organizations; preferred provider organizations; third-party administrators; pharmacy benefit managers; and life, health, disability, and accidental death and dismemberment benefit plans. In addition, he represents insurance companies, managed behavioral health care claim administrators, chiropractic health care claim administrators, self-funded plan sponsors, and administrators in a variety of matters.

Michael's experience spans all areas of life, health, and disability litigation, including complex health care issues involving ERISA, FEHBA and Medicare preemption, payor/provider contract disputes, provider de-listing disputes, PBM antitrust claims, nonparticipating provider reimbursement claims, pharmacy benefit plan/provider disputes, and behavioral health claim disputes, including claims alleging violations of federal and state Mental Health Parity and Addiction Equity laws. He has also represented claim administrators and plan sponsors in class actions alleging breaches of ERISA fiduciary duty, violations of mental health parity laws, improper offsets against benefits for Social Security disability income benefits, and third-party tort settlements. Michael has also briefed and argued approximately 30 appeals in various U.S. Circuit Courts as well as before state appellate tribunals.

Michael has written extensively about managed care litigation, health care issues, group benefits, and ERISA matters, and has presented on these topics at conferences and seminars around the country.

Prior to joining Robinson+Cole, he was the chair of the health care practice group for an international law firm.

### Services

- Managed Care + ERISA Litigation
- Business Litigation + Dispute Resolution
- ERISA Benefits Litigation

### Education

- Pace University School of Law (Juris Doctor)

- State University of New York at Albany (Bachelors, *cum laude*)
  - B.A., Rhetoric + Communication

## Admissions

- State of Connecticut
- State of New Jersey
- State of New York
- Commonwealth of Pennsylvania
- State of Utah
- U.S. Supreme Court
- U.S. Court of Appeals, 1st Circuit
- U.S. Court of Appeals, 2nd Circuit
- U.S. Court of Appeals, 3rd Circuit
- U.S. Court of Appeals, 4th Circuit
- U.S. Court of Appeals, 6th Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals, 10th Circuit
- U.S. Court of Appeals, 11th Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, District of Connecticut
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, District of Utah

## Recognitions

Selected to the New York Metro *Super Lawyers* list for 2006, 2007, 2010 and from 2012 to 2017

## Leadership + Memberships

### **American Arbitration Association**

Arbitration Panel

### **American Bar Foundation**

Fellow

### **International Association of Defense Counsel**

### **American Bar Association**

Health Law Section

**New York State Bar Association**

Torts, Insurance and Compensation Law Section

**Defense Research Institute**

Life, Health and Disability Committee - Healthcare Programming former chair

Medical Liability and Health Care Law Committee

**American Health Lawyers Association**