

Health MVP: Boies Schiller's Stuart Singer

By Lisa Ryan

Law360, New York (November 18, 2015, 7:36 PM ET) -- Boies Schiller & Flexner LLP partner Stuart H. Singer utilized his background as a high-stakes litigator to bring a pro bono challenge to Florida's Medicaid system on behalf of more than 2 million children who weren't receiving adequate care under the program, nabbing him a spot among Law360's 2015 Health MVPs.

A 15-year veteran of the firm, Singer made a name for himself in complex business litigation, representing big-name clients like NASCAR, Fresh Del Monte Produce and Carnival Corp. in matters ranging from antitrust class actions to mergers and acquisitions. However, after he was approached by the Public Interest Law Center of Philadelphia to get involved with the Florida Medicaid suit, the attorney quickly added health law to his repertoire as well.

"I'm not a specialist in health care work. I'm a general commercial litigator who does a lot of antitrust work and does a lot of complex litigation," Singer said. "I feel like I've gained an education in health care law through 10 years of litigation for the Florida Medicaid case, though."

The suit was filed in 2005 on behalf of two organizational plaintiffs — the Florida chapter of the American Academy of Pediatrics and the Florida Academy of Pediatric Dentistry — as well as the parents or guardians of 11 children on Medicaid in the state. The plaintiffs sued the heads of three state agencies — the Agency for Health Care Administration, the Department of Children and Families and the Department of Health — on behalf of all children on Medicaid in Florida.

"The Florida Medicaid system wasn't providing minimally adequate health and dental care that children were entitled to under law," Singer said.

Singer, the administrative partner of Boies Schiller's Ft. Lauderdale office, was approached by the Public Interest Law Center to help litigate the suit pro bono. The attorney was immediately attracted to protecting the health care rights of the children of Florida.

"I knew it would be a big time commitment, but I didn't realize it would take 10 years," Singer said.



Stuart Singer
Boies Schiller

The suit alleges that children on Medicaid in Florida don't receive primary or preventative care, specialty care or dental care — either at all or without having to endure long delays. It also claims that many doctors refused to participate in the program due to low reimbursement rates and that many are improperly terminated from Florida Medicaid.

“There were a lot of serious problems in a system that wasn’t working, and the challenge was to put that together in a lawsuit and to overcome the legal hurdles over whether these were enforceable rights and to establish a class,” Singer said.

Getting the class together turned out to be a complicated task, since the attorneys were tasked with finding parents or guardians who would be willing to participate in a lawsuit where they wouldn’t be getting any money. Two of the plaintiffs dropped out along the way, and one of the children in the suit died, Singer said.

“We had nine representative plaintiffs that went through the case,” Singer said. “The state fought this at every step of the way. This was intense litigation, and they’re still fighting it.”

On Dec. 31, a Florida federal judge issued a 153-page opinion after more than 90 days of trial over a two-year period, saying that the requirements under federal law that children receive preventative care are not being met and that surveys show "serious shortages of specialist care for Medicaid." He also said that 79 percent of the children enrolled in the program get no preventative dental services.

The suit is still ongoing, and Singer says the next step will be for the court to determine what sort of relief the class is entitled to, whether it is injunctive, declaratory or both.

“There are 2 million children on Medicaid who depend on this program for their health care in Florida. It's about as important of a case as you can imagine,” Singer said.

Despite the case’s seemingly different structure from his typical complex business work, Singer says at the end of the day, the trial skills necessary to litigate the suit are the same.

“I have 30 years of trial practice and arguing cases in court,” Singer said. “Those are just as important in a case like this as a complex commercial case.”

--Editing by John Quinn.

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