Peter W. Benner, Esq.

Profession: Mediator, Arbitrator - Healthcare; Complex Commercial Litigation

Current Employer: Self-employed dispute resolution practice

Work History: Shipman & Goodwin LLP, Hartford, CT., 1976-2009 (Partner from 1982); Chair, Commercial Litigation Practice Group (1990-2000); Member, Management Committee (2000-2003).

Practice: Practicing attorney for 33 years at Shipman & Goodwin, LLP, litigated and resolved multiparty disputes with complex factual and legal issues both in Connecticut and in courts throughout the country. Currently in independent private practice as mediator and arbitrator.

Areas of concentration:

Healthcare:

- The last 12 years of practice at S&G were devoted substantially to disputes within the healthcare industry, primarily between payors and providers with respect to contractual and billing issues. Headed a practice group at the firm that regularly represented groups of payors in substantial claims against national providers. Led a team of attorneys and experts in approximately 10 such cases, each of which spanned at least two years, with total claims submitted in all cases in excess of $2.5 billion. Members of client groups included most major healthcare payors throughout the country. The representation included aggregation, management and analysis of enormous claims databases to detect and quantify any excess and improper payments. Became highly conversant with clinical standards and treatment protocols to apply "data mining" persuasively. Providers, whose businesses were at substantial risk, made sophisticated and aggressive counterarguments in what were highly contentious disputes resolved only after complex negotiation or mediation.
- Throughout career as a commercial and healthcare litigator at S&G, also regularly represented Hartford Hospital (the parent now known as Hartford Healthcare Corporation) and its affiliates, including hospitals and other clinical facilities, in matters across the spectrum of issues confronting providers, such as disputes with managed care organizations and other public and private payors, medical staff issues, medical technology, bankruptcy, real estate issues, regulatory disputes and general contract claims, encompassing practically all issues addressed by hospital/provider management other than labor and employment. For years, including those during which the firm represented payors as described above, was one of the primary outside litigators to whom Hartford Hospital-related affiliates would turn to assist in the resolution of disputes.

- Financial: Representation of commercial banks, usually in complex recovery or workout matters.
- Real estate: Lead dispute counsel for two large real estate investment/management clients of the firm.
- Class actions: Throughout practice, became involved in various class action claims, for both plaintiffs and defendants. Represented payors in national class actions that occurred between 1995 and 2009, as part of our work for payors in seeking recovery of overpayments to providers.
- Unfair trade practices. Within the litigation practice of the firm, was regularly asked to take the lead or consult on matters involving trade practice (including covenants not to compete) and antitrust issues.

Dispute Resolution Training: Initial mediation 40 hour training in 2002; over 30 years, innumerable seminars/webinars as participant or speaker addressing current ADR issues, including case administration, ethics, disclosure, and use of technology.

Dispute Resolution Experience:

Since establishing independent resolution practice in 2010, have been involved in resolution of disputes regarding payer/provider reimbursement, provider network participation agreements, physician practice separations and dissolutions, medical malpractice and healthcare business transactions.

- Served as an arbitrator, mediator, and consultant in numerous matters (see representative samples below), particularly since beginning practice independently in January 2010 solely as a mediator, arbitrator and resolution consultant.
- Taught Dispute Resolution as Adjunct Professor at Quinnipiac University Law School and University of Connecticut Law School, 2012-2018
- Dispute resolution was a practice focus as counsel. Case examples: Represented groups of health insurance companies in mediations and resolution of claims for overpayment to healthcare providers involving charges in excess of $2.5 billion; represented real estate developer in arbitrations and mediations of partnership disputes involving dissolution of the partnerships. Regularly serve as a sole or panel arbitrator for payor/provider disputes, as well as general complex commercial cases; mediation practice includes disputes within the healthcare industry.
- Federal Grievance Committee, Chair - U.S. District Court for District of Conn., 2004-2009; Special Master for the U.S. District Court for District of Connecticut since 1997; State bar association volunteer arbitration and mediation of attorney fee disputes, 1996-present.

Since 2010, served as arbitrator, solo or as member of a panel:

(1) Many payor/provider cases, developing command of case management, clinical practice and protocols, claim submission and review processes and specialized discovery and claims data sampling and extrapolation. Recent examples:

- Chair of a three-arbitrator panel involving claims for unbundling and DRG

downgrades totaling close to $100 million;

- Sole arbitrator in contract dispute regarding reimbursement levels between national PBM and national payer. Two of three claims were disposed of on summary judgment, leading to settlement of the remaining claims;
- sole arbitrator in claim by a provider against billing software company for breach of contract leading to substantial loss of revenue;
- sole arbitrator in cases of claimed breach of health plan agreement for failure to process and pay claims in accordance with the agreement;
- Panel member in dispute between payer and emergency physician group relating to contested coding and reimbursement over several years. Evidentiary hearing on liability and coding issues produced interim award that led of settlement of the overall claims as well as two related proceedings before different panels;
- Panel chair between payer and large physician group for contested billing of midlevel providers, settled just before final hearing;
- Sole arbitrator in dispute over termination of a physician from a provider network that went to award;
- sole arbitrator in two 430B cases between hospital system and payor..

Professional Associations: Connecticut Bar Association, Dispute Resolution Section (Chair, 2004-2006), Health Law Section; Connecticut Bar Foundation (James W. Cooper Fellow); American Health Lawyers Association (Dispute Resolvers Panel).

Licenses: Admitted to Bar: Connecticut; U.S. District Court: District of Connecticut, District of Vermont; United States Court of Appeals for the Second, Third and Fourth Circuits.

Education: Princeton University (AB, Public and International Affairs, with high honors); Georgetown University (JD, Executive Board, Georgetown Law Journal).