

## M. Richard Mullins

Shareholder, General Counsel

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### Overview

Rick Mullins is a trial lawyer whose practice is concentrated on business-related litigation, including cases involving healthcare issues, Medicare fraud and abuse, business torts, antitrust, insurance coverage, employment matters, and other commercial controversies. He has handled cases before numerous state and federal courts, arbitration panels, administrative proceedings and grand jury investigations.

His clients include hospitals, multi-physician groups and other healthcare providers, government contractors, retailers, manufacturers and insurance companies.

Rick has particular experience defending clients against allegations of fraud and abuse, including False Claims Act lawsuits brought by the government and *qui tam* relators. As part of this practice, he has represented clients in various internal and external investigations, including grand jury investigations involving allegations of defrauding the government, and has been a frequent speaker before specialized industry groups on the topic of governmental investigations, “whistleblower” lawsuits, Medicare fraud, and other claims involving fraud and abuse.

Rick’s achievements as a litigator have earned him inclusion in *Chambers USA Guide to America’s Leading Lawyers for Business*, *The Best Lawyers in America* (bet-the-company litigation; commercial litigation; health care law; health care litigation; securities litigation; qui tam law) and *Oklahoma Super Lawyers*.

Rick serves as the firm’s general counsel and previously served nine years on its board of directors.

### Admissions

Oklahoma, 1988

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

U.S. Court of Appeals for the Tenth Circuit

U.S. Supreme Court

### Education

J.D., with high honors, University of Oklahoma, 1988

B.A., *summa cum laude*, University of Oklahoma, 1985; Phi Beta Kappa; Alpha Lambda Delta; Golden Key

### Professional Organizations and Memberships

Oklahoma County Bar Association

Oklahoma Bar Association

Oklahoma Bar Foundation (Fellow)

## Representative Experience

- Successfully defended the former chief executive officer of a publicly traded laboratory company charged with participating in alleged criminal conspiracies to commit Medicare fraud and securities fraud. In the former count, the government brought what is believed to be the first federal prosecution of laboratory executives for alleged violations of the anti-kickback law. The client was acquitted on both counts after a three-week trial.
- Obtained summary judgment on behalf of physician surgical group in qui tam action on more than 2200 allegedly false claims involving multiple alleged schemes to defraud Medicare.
- Obtained a directed verdict in a trial where the plaintiff brought multiple tort and breach of contract claims against a hospital for alleged improper billing practices.
- Obtained dismissals on behalf of physician surgical groups in qui tam cases based on alleged Medicare fraud.
- Successful resolution on behalf of hospital in connection with Department of Justice's national enforcement initiative regarding Medicare billing for implantable cardioverter defibrillators (ICDs), coordinating experts to defend hospital practices and compliance department to implement proactive procedures to ensure regulatory conformity.
- Representation of multi-physician practices and hospitals in False Claims Act lawsuits, including cases in which the government intervened and in cases pursued by relators.
- Representation of government contractor in a False Claims Act lawsuit brought by a relator and corresponding grand jury investigation.
- Obtained summary judgment and successfully resolved cases involving health insurance coverage disputes involving allegations of bad faith.
- Pre-litigation negotiation and resolution of allegations of fraud and abuse made by the government against physician practices and hospitals.
- Successful representation of national wholesaler in a multi-plaintiff employment dispute.
- Representation of client in equity skimming allegations brought by the Department of Justice on behalf of the Department of Housing and Urban Development.
- Spearheaded numerous internal investigations on behalf of entities alleged by the government, whistleblowers or others to have engaged in defrauding the government or government-regulated institutions. Such entities have included physician groups, hospitals, a construction company and government contractors.

## Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business*
- Selected by peers for inclusion in *The Best Lawyers in America* (bet-the-company litigation; commercial litigation; health care law; health care litigation; securities litigation; qui tam law)
- Listed in *Oklahoma Super Lawyers*
- Rated AV Preeminent by Martindale-Hubble Peer Review Ratings