

PARTNER

DANA BERKOWITZ

Harvard, J.D. (2011)

Princeton, A.B. (2007)



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Dana Berkowitz is an accomplished trial lawyer who chairs Stris & Maher’s healthcare group. *Chambers USA* calls Dana “a gifted litigator ... and strategist, and an all-round talented lawyer ... knowledgeable and solution-based.”

Dana’s healthcare practice focuses on resolving high-stakes problems facing providers. She has a long track record of achieving favorable outcomes in multimillion-dollar ERISA-governed disputes with insurers. She regularly tackles pre- and post-payment audits, reimbursement rate disputes, suspensions of authorization, and various types of Parity Act noncompliance.

Dana also counsels providers on best practices, often in anticipation of sale. Most notably, from 2015 through its sale in mid-2018, she was a lead advisor to a prominent drug rehabilitation center that was acquired for over \$100 million.

Dana handles bet-the-company litigation for providers both inside and outside the ERISA context. In 2020, she successfully defended a well-known drug rehabilitation facility against the State of California in a four-week license revocation hearing. In 2019, she secured a complete defense verdict for a healthcare provider in a \$195 million false advertising trial. And she currently represents a healthcare technology plaintiff in a massive-damages theft of trade secrets case before the Western District of Washington. In 2022, *Chambers USA* ranked Dana as one of the top ERISA litigators in the nation.



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Dana is also an experienced appellate advocate. She has handled appeals in federal, California, and New York courts. Most notably, Dana briefed *Schueneman v. Arena Pharmaceuticals, Inc.*, in which the Ninth Circuit issued a published opinion reversing the dismissal with prejudice of a major pharmaceutical class action. The case later settled for \$24 million.

Associations

American Health Lawyers Association, member

National Association of Women Lawyers, member

American Bar Association, member

Speaking Engagements

Fighting for the Underdog with Dana Berkowitz, SNF (Skilled Nursing Facility) Spotlight Series (2021) ([Watch recording of this presentation](#))

ERISA Preemption, Virtual ERISA Basics National Institute (2021)

ERISA Fiduciary Breach Litigation, Raymond James Retirement Plan & Institutional Advisory Council Conference (2020)

Supreme Court Practitioners Panel, 17th National Forum on ERISA Litigation (2019)

Remedies and Equitable Relief; 502(a)(3), 16th National Forum on ERISA Litigation (2018)

Recent Developments in Securities Litigation, New York City Bar Association



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Securities Litigation Committee (2017)

Medical Provider Claims: Assignment, Standing and Penalties, 13th National Forum on ERISA Litigation (2016)

Publications

Bloomberg BNA, Employee Benefits Law, editor (2017 to present)

American Bar Association, Mid-Winter Report, editor (2016 to present)

Awards

Future Star, *Benchmark Litigation* (2023)

Up and Coming, *ERISA Plaintiffs Litigation (nationwide)*, *Chambers USA* (2022)

40 and Under Hot List, *Benchmark Litigation* (2021, 2022)

Rising Star, *New York Law Journal* (2018)



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