



P (808) 524-1800  
f (808) 524-4591  
dbrookins@ahfi.com

## Dianne Winter Brookins

### Stockholder / Director

For Dianne Winter Brookins, it's all about relationships—with her clients, with their regulators, with the courts, and with her colleagues. As a commercial litigator, Dianne fights for her healthcare clients to protect their interests in court, in arbitration, and before administrative agencies. As a trusted adviser to her health plan and healthcare provider clients, Dianne helps to identify and avoid problems before they arise using her in-depth understanding of their business and the complex healthcare regulatory environment in which they operate.

As the leader of AHFI's healthcare practice group, she has a keen understanding of how Hawai'i has led the nation in ensuring access to quality healthcare for its citizens. However, she notes, "As healthcare reform has evolved on the mainland, integration of those efforts into Hawaii's well-established framework has provided new challenges for patients, insurance companies, and the professionals who represent them."

What Dianne loves most about her practice is that "it's never boring."

Dianne began her legal career as a judge advocate in the Marine Corps, then spent several years litigating insurance coverage and other complex commercial disputes in Seattle and Honolulu. Prior to joining Alston Hunt Floyd & Ing in 2001, she served as an in-house Associate General Counsel to Hawaiian Electric Company, Inc. for five years.

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#### Practice Areas

Alternative Dispute Resolution  
Appellate Practice  
Business Advice and Counseling  
Complex Commercial Litigation  
Corporate and Business  
Healthcare  
Insurance Coverage  
Litigation  
Litigation and Regulatory Compliance  
Medical Malpractice

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### *Admitted to Practice*

- Hawai'i
  - Washington (inactive)
  - U.S. District Court for the District of Hawai'i
  - U.S. District Court for the Western District of Washington
  - U.S. Court of Appeals for the Ninth Circuit
  - U.S. Supreme Court
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### *Awards and Recognition*

- Best Lawyers in America®
- Healthcare Law (2013-present)
  - Arbitration (2013-present)
  - Mediation (2012-present)
- Benchmark Litigation
- Future Star: Healthcare, General Commercial (2015)
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### *Affiliations*

- Hawaii State Bar Association  
Washington State Bar Association  
American Bar Association, Health Law Section  
American Health Lawyers Association  
Hawai'i Women's Legal Foundation  
-President (2014-2015)  
Hawai'i Women Lawyers  
Kahi Mohala Behavioral Health, Board Chair 2011-2013  
Legacy of Life
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### *Education*

- University of Washington School of Law (J.D. with honors)  
University of Southern California (MS Systems Management)  
University of Minnesota (BS Economics)
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### *Military Service*

- United States Marine Corps, Captain (1981-1988)
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### *Representative Matters* *- Health Care*

- Successfully defended a client healthcare plan in a contested case proceeding commenced by a consumer advocacy group in the Insurance Division for the State of Hawai'i, which alleged that members' access to pharmacy services violated Hawai'i law. This was a case of first impression.
  - Represented a healthcare plan client in connection with its response to a Request for Proposals (RFP) to provide a Medicaid managed care product for the aged, blind and disabled population in Hawai'i, beginning with evaluating and successfully challenging a provision of the RFP which was unduly restrictive and, simultaneously, successfully challenging the interpretation of a statute by the Insurance Division which would have dramatically increased the burden of responding to the RFP. Since the client
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was awarded one of the two multi-million dollar contracts, we have continued to provide counsel in connection with several challenges to the program in federal court and in the ongoing activities of the health care plan. One challenge to the program, based on the “equal access provision” of the Medicaid statute, was resolved in favor of the State and the healthcare plans after a trial in federal court that lasted 11 days. It was a case of first impression under that provision of the Medicaid statute.

- Represented a client healthcare plan in defending a benefit dispute regarding a complex medical procedure involving a member under a Medicare Advantage plan through an Administrative Law Judge hearing and various levels of appeal. The member’s appeal of the decision by the U.S. District Court for the District of Hawai‘i in favor of the plan is currently pending before the Ninth Circuit Court of Appeals.
  - Represented a client healthcare plan in litigation filed by a member regarding a benefit dispute under an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974 (ERISA). The action was recently resolved fully in favor of the health plan on our motion for summary judgment.
  - Represented a client healthcare plan in an arbitration challenging a credentialing decision which adversely affected the clinical privileges of a participating psychiatrist. In the arbitration, the physician asserted claims for monetary damages (including punitive damages) as well as injunctive relief. We obtained summary judgment of immunity under the Health Care Quality Improvement Act (HCQIA) with respect to the claims for monetary damages. The evidentiary hearing on the claim for injunctive relief was conducted over eight days, and resulted in an award fully in favor of the health plan.
  - Represented a client healthcare plan in a benefits dispute involving the interpretation of the Hawai‘i medical necessity statute, HRS §432E-1.4. The statute had not been interpreted by any court in Hawai‘i, and the Commissioner’s interpretation of the statute had created difficulty in plan design and administration for a number of our clients since it was first adopted in 2004. The Intermediate Court of Appeals for the State of Hawai‘i ruled in favor of our client and rejected the Commissioner’s interpretation of the statute in a decision published in May 2009. We successfully opposed the member’s petition for certiorari to the Hawai‘i Supreme Court.
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## *Representative Matters - Commercial Litigation*

- Represented client savings and loan in \$30 million dollar dispute with investment firm over marketing and sale of complex and inappropriate securities for client's investment portfolio. After intensive discovery and motions practice, we obtained a resolution satisfactory to the client prior to trial.
- Represented client outside auditor hired by labor union trust fund in federal court litigation seeking indemnification for \$6.75 million in attorneys' fees and damages incurred by employer who was successfully sued by labor union for failing to make payments due under collective bargaining agreement. The action was resolved fully in favor of our client on our successful motion for summary judgment.
- Represented major insurance companies in complex environmental insurance coverage litigation in the Pacific Northwest, successfully defending against claims for coverage by large companies faced with liability for cleanup of Superfund sites under RCRA and CERCLA.