



Brian H. Benjet

Partner
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Brian Benjet is an accomplished business lawyer and litigator with over 25 years of experience including substantial in house experience in the healthcare, insurance and telecommunications sectors.

He focuses on advising companies and non-profits on compliance and governance matters, government and internal investigations and complex business and commercial litigation.

Brian assists public and private, US and multinational companies in designing and implementing risk-based compliance programs. These enterprise-wide programs include conducting risk assessments, drafting codes of ethics and related policies, designing and conducting compliance audits and creating and implementing training programs. He provides advice on governance issues such as disclosing compliance issues to boards of directors, auditors, investors and potential M&A partners; crisis response; and litigation management topics, including issues related to FAS 5/ IAS 37 loss contingency reserving.

Brian uses his extensive in-house experience and integrates this advice with other corporate functions, including operational risk, fraud and audit, helping to ensure compliance for the company in a manner that strengthens the business.

Brian's litigation representations include healthcare, ERISA, outsourcing contracts and insurance disputes. He regularly advises health plans and healthcare companies on regulatory and business matters and represents them in a wide range of disputes.

- Global Governance and Compliance
- Litigation, Arbitration and Investigations

COMPLIANCE MATTERS

- Represented a global outsourcing company in the design and implementation of its global compliance program
- Advised a global outsourcing company in the design and implementation of its trade sanctions compliance program
- Advised a security services company on the integration of its global compliance program in connection with a transformational acquisition
- Represented a global IT outsourcing company in connection with the remediation of its compliance program in connection with a government investigation

- Advised a global aerospace company with respect to compliance and anti-corruption considerations in connection with M&A transactions
- Advised a sports governing body on the development of its compliance program
- Advised an aircraft leasing business on the enhancement of its anti-corruption compliance program
- Advised a cloud storage and IT services provider on the development of its compliance program
- Advised a consumer products company on the enhancement of its anti-corruption compliance program
- Conducted a detailed assessment of a fortune 500 insurance company's compliance and regulatory functions and personnel
- Advised a company immediately prior to and after its initial public offering in drafting and implementation of its code of conduct and whistleblower policy and created related employee training materials
- Conducted an assessment of a publicly traded apparel company's compliance program
- Represented a security services company in an assessment of its compliance program as it relates to its government contracting business
- Created and conducted a compliance awareness training program for a consumer products company's global senior leadership team meetings
- Conducted an annual risk assessment for a fortune 500 insurance company
- Designed and conducted a risk assessment for each of the 13 highest risk markets for a global consumer products company
- Designed and implemented an audit program of distributors for global consumer products company
- Conducted a compliance audit of a distributor of a consumer products company in Indonesia

GLOBAL INVESTIGATION MATTERS

- Designed and implemented a global investigations program for a multinational consumer products company
- Conducted an investigation involving fraud, corruption issue, theft, corruption and environmental issues for a U.S.-based global services company relating to its Romanian operations
- Conducted an investigation involving theft of trade secrets, conflicts of interest, violation of non-compete obligations by a UK business leader for a U.S.-based services company
- Conducted an investigation of whistleblower allegations of theft and corruption involving the Mexican operations of a U.S.-based industrial products company
- Advised on an investigation of a sports governing body involving conflicts of interest, discrimination and retaliation
- Conducted an investigation for a company involving alleged improper conduct in regards to interactions with healthcare providers in Indonesia
- Advised a U.S.-based multinational services company on an investigation into potential violations of U.S. sanctions laws
- Conducted an investigation for a publicly traded telecommunications provider into allegations of accounting fraud involving improper reserving practices
- Represented a regulator in an investigation of a global financial services company and its loss contingency reserving
- Advised a multinational company in regards to an investigation into alleged improper payments to government officials in Kenya
- Advised a multinational construction company on disclosure of FCPA issues to its board, investors, auditors and potential strategic partners
- Conducted an investigation for a services company into allegations of improper conduct under a federal contract
- Advised a consumer lending company on crisis management issues in responding to state attorney general and federal investigations

HEALTHCARE LITIGATION, INVESTIGATION AND ADVICE MATTERS

Litigation

- Advised a group of health plans on matters involving recovery of overpayments to providers and represented those plans in litigation in multiple jurisdictions to recover overpayments
- Represented a health plan in a series of disputes with providers over improper charging of facilities fees

- Represented a health plan in successfully defeating a putative class action brought on behalf of professionals providing mental health services
- Represented a health plan in putative ERISA and non-ERISA class actions involving denials of benefits
- Represented a plan administrator in litigation asserting ERISA-based breach of fiduciary duty claims
- Represented health plan in multiple arbitrations involving disputes over payments to health systems
- Represented a pharmaceutical company in litigation regarding representations made to payors with respect to reimbursement
- Represented an employer and pharmacy in litigation involving claims under ERISA, RICO, and the Affordable Care Act with two payors over the termination of a small group health plan

Investigations

- Represented a specialty pharmacy with respect to a state attorney general investigation into opioids dispensing practices and sales marketing practices
- Represented a specialty pharmacy in connections with a joint investigation by the US Attorney's office and the Drug Enforcement Agency
- Represented a specialty pharmacy in investigations instituted by state boards of pharmacy
- Represented a specialty pharmacy with regards to a CID issued by United States Department of Justice
- Represented a medical practice with respect to potential overpayments received from government programs
- Conducted an internal investigation in response to a whistleblower complaint regarding potential antitrust violations for a global health services company
- Conducted an investigation for a company in response to a whistleblower complaint filed with the Centers for Medicare and Medicaid Services with respect to the sale of Medicare policies by licensed agents

Advice Matters

- Advised TPAs and payors on implications stemming from the No Surprises Act
- Advised a large provider group on payment issues and relationships with payors
- Advised a provider network company on issues relating to contracting with a TPA
- Advised a company on multiple issues arising from the sale of Medicare policies and individual policies under the Affordable Care Act
- Advised a subcontractor to health plans on CMS compliance program flow down requirements

CREDENTIALS

Admissions

- District of Columbia
- Pennsylvania
- Texas

Clerk Experience

- The Honorable Robert C. McGuire, Chief Judge, United States Bankruptcy Court for the Northern District of Texas

Prior Experience

Immediately before joining DLA Piper, Brian served as the Vice President and Deputy General Counsel for CIGNA Corp., a Fortune 500 global health insurance company. In that capacity, he was responsible for global litigation and investigations, mergers and acquisitions, information technology, intellectual property, outsourcing transactions, reinsurance and tax law. In addition, Brian served as the Chief Counsel for the company's group insurance business.

Prior to that, Brian was a senior counsel at Verizon Business (previously MCI Inc. and WorldCom, Inc.), where he led a team of attorneys and paralegals responsible for commercial litigation, government investigations and bankruptcy and creditor's rights issues. In that role, he was the lead attorney responsible for the successful completion of WorldCom's chapter 11 cases and the resolution of numerous legal issues emanating from the company's accounting fraud. He also successfully defended the company in a multi-state tax dispute involving 17 State Attorneys General and tax commissioners.

In addition, Brian was counsel for a group of multi-employer pension and retiree health benefit funds, where he focused on ERISA litigation, bankruptcy and creditor's rights issues.

Currently, Brian serves as an adjunct professor of law at Villanova University School of Law, where he teaches a class on compliance, governance, ethics and risk management.

Recognitions

- *The Legal 500 United States*
2019 - Recommended, Healthcare: Service Providers

Courts

- Supreme Court of the United States
- United States Bankruptcy Court for the District of Columbia
- United States Bankruptcy Court for the Northern District of Texas
- United States Bankruptcy Court for the Southern District of New York
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Colorado
- United States District Court for the District of Columbia
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Northern District of Texas

Civic and Charitable

- Member of Board of Chancellors and prior Member of the Board of Directors and prior Chair of the Nominating Committee, Juvenile Diabetes Research Foundation Eastern Pennsylvania Chapter
- Member of the Board of Directors, Harriton Association (an organization that manages the historic 1704 house of Charles Thompson, Secretary of the Continental Congress and provides programming to the local community)

INSIGHTS

Brian has been a frequent speaker at conferences on a variety of topics including managed care litigation, qui tam whistleblower lawsuits and legal spend management. Also, Brian lectured on corporate governance issues at Drexel University Law School.

Publications

Harnessing the power of data analytics to drive compliance

19 September 2022

Practical Compliance

The age of data analytics in corporate compliance programs and regulatory enforcement is here.

***Dobbs v. Jackson Women's Health* : Implications for business of a post-Roe landscape**

23 June 2022

Dobbs raises a number of important questions for companies and entities.

Supplementary – United States – Whistleblowing Laws in Europe: An international guide

There are many US federal statutes that prohibit employers in the private sector from retaliating against whistleblowers, many of which are sector or industry specific.

- Co-author, "The Evolution of DOJ and SEC Expectations For Corporate Compliance Programs and Staying Ahead of The Curve," 2021
- Co-author, "How Audit, Compliance and GCs Can Work Together," *The Legal Intelligencer*, March 2015

Events

- Panelist, "How Behavioral Ethics Manifests in the Corporate "Real World": The Practitioner Perspective," Villanova Law Review, The Norman J. Shachoy Symposium (February 19, 2021)
- Co-Presenter, "Getting The Deal You Thought You Had," DELVACCA's 6th Annual In-House Counsel Conference, Philadelphia (April 2014)
- Co-Presenter, "Risk Assessments in Compliance and Ethics Programs," DELVACCA's 5th Annual In-House Counsel Conference, Philadelphia (April 2013)
- Co-Presenter, "Risk Assessments in Compliance and Ethics Programs," The Legal Intelligencer In-House Counsel CLE Seminar, Philadelphia (March 2013)
- Co-Presenter, "The Ten Most Important Decisions to Make When Drafting a Code of Conduct," The Legal Intelligencer In-House Counsel CLE Seminar, Philadelphia (March 2012)

NEWS

MEDIA MENTIONS

- Mentioned, Why GCs Shouldn't Ignore The DOJ's New Corp. Crime Memo, *Law 360*, September 28, 2022
- Mentioned, DOJ Defends New CCO Certifications Amid Industry Worry, *Law 360*, May 26, 2022