

Anthony M. DiLeo

HEALTH CARE LAW PRACTICE, ARBITRATION AND MEDIATION RESUME

"Anthony DiLeo of Anthony M DiLeo, A Professional Corporation is widely recognized as one of the leading healthcare practitioners in Louisiana. Sources note that *"he has great analytical skills, he knows the minutiae of the law, and he has a great depth of knowledge and good judgment."* He has extensive experience in the field and has represented all kinds of healthcare professionals and institutions."

New Orleans-based Anthony DiLeo of Anthony M DiLeo, A Professional Corporation is "by far the best healthcare attorney in the city, if not the country," according to one impressed interviewee."

Chambers USA, 2014
America's Leading Lawyers for Business

"Sole practitioner Anthony DiLeo splits his time between alternative dispute resolution, transactions in the healthcare sector and general corporate and business law. Known and respected by commentators as a *"conscientious, intelligent and detail-oriented professional"* who has been a senior figure in the Louisiana legal community for decades, he is often called upon to proffer his sage advice on transactions of upwards of eight figures."

Chambers USA, 2007
America's Leading Lawyers for Business

"*"Astute"* Anthony DiLeo was recommended to researchers for his *"wealth of knowledge"* concerning the corporate and tax aspects of healthcare law. He has also secured a national reputation as a healthcare arbitrator."

Chambers USA, 2004
America's Leading Lawyers for Business

Professional History

- Attorney, Arbitrator, Mediator; Self-employed, 2005 – present.
- Member/Partner, Stone Pigman Walther Wittmann, LLC (and predecessor firm), 1975-2005; Associate, 1973-1975.
- Law Clerk, Judge John Minor Wisdom, U.S. Court of Appeals, Fifth Circuit, 1973.
- Law Clerk, Judge Alvin B. Rubin, U.S. District Court, Eastern District of Louisiana, 1971-72.
- Adjunct Professor of Law, Tulane Law School (taught Health Care Law Practice, 2000-2005; taught Advanced American Arbitration Law in 2009 and 2010).

General Experience

Over 40 years' experience in corporate, business, healthcare, employment, and tax law, including negotiations and dispute resolution, as a business attorney, arbitrator, and mediator. Practice has also included litigation in all levels of state and federal courts and in United States Tax Court as well as expert witness testimony in several cases including testimony as to fiduciary duty of a sole shareholder physician in a large medical practice to his employer corporation and to creditors.

Has arbitrated and mediated 450+ disputes with claims of over \$2B arising in some 20 states for local, national and international parties, including complex business, corporate and healthcare cases often involving large numbers of parties and attorneys. Has arbitrated contract disputes in the 7-, 8-, and 9-figure range, both as a sole arbitrator and as a chair/member of a three-member arbitration panel.

Areas of Concentration

Healthcare Law: Broad based experience includes representing a wide variety of health care providers on corporate, regulatory, administrative, tax and partnership issues related to the provision of health care services or payment for services, as well as advising clients regarding the legal, practical, institutional, professional, ethical and economic issues as to the delivery of health care services and the payment for health care services from various government and insurer sources.

Clients represented include hospital and physician providers, health insurers, patients, billing companies, management companies, IPAs, physician groups, diagnostic facilities, ancillary facilities, non-profit organizations, and physician employees on a broad range of issues including physician contracting issues, partnership issues, recruiting payments, compensation, formation of entities, buy-sell agreements, insurance contracts, over payments, claim denials, coverage, breach of contract, managed care contracting, taxation of non-profit entities, purchases and sales of ownership interests, EMTALA obligations, HIPAA obligations, compliance plans, federal and state fraud and abuse, Stark II, antitrust, Medicare and Medicaid reimbursement, Medicare audits, contracts for services, employment contracts, employee benefits, staff privileges, peer review, malpractice, exclusion from staff, and slander, among other things.

Includes experience in analyzing, negotiating and writing contracts involving the costs of and payment for services, including employment contracts and independent contractor agreements for services by professionals, methods of dividing income or profits, tax benefits of employer sponsored health insurance, as well as contracts between hospitals and professional groups (e.g., radiology and ER services), which involve allocation of economic risks, billing, coding, record keeping, insurance, and other significant business issues.

Knowledgeable of the highly specialized terminology in the healthcare field with an understanding of the unique business structures of how healthcare is delivered and how risk is shared, such as, among other things, representation of uninsured physicians in medical malpractice claims, drafting and implementing self insurance med mal plans for physician groups, representation of physician group in departure of partner-physician and claims for buy-out obligations, negotiation of physician employment contract termination, representation of numerous physicians in claims for payments under disability insurance policies, representation of hospital in TRO litigation where physician group threatened contract termination, representation

of health insurer against other health insurers as to dispute regarding allocation of responsibility of allocation of large hospital bill for patient services, representation of hospital in peer review dispute with physician, representation of physician in peer review dispute with hospital, representation of physician group in Medicare audit, and representation of HMO owner in negotiation over dissolution or division of company assets.

Corporate and Business Law: Includes experience in corporate, business and partnership entities and agreements, transactions and litigation, including tender offer, exchange offer, merger, and shareholder rights, placement of capital investments, and related matters. Experience includes analyzing and creating merger and acquisition documents, as well as negotiating issues of stockholder rights, private placement of securities, minority shareholder redemption, buy-out provisions, ownership valuation, audits, going business concern status, asset purchase agreements, book value, stock basis, surplus, dilution, tax benefit sharing, tax losses, reorganization, indemnification, choice of law, royalty claims, licensing agreements, marketing agreements, partnership withdrawal, liquidation of operating partnership, partnership obligations, manufacturing and exclusive distribution rights, construction, real estate transactions, banking and savings and loan restructuring and workouts for borrowers and lenders, investment banking fees, warrants, convertible securities, credit agreements, and complex transactions including mergers and acquisitions, asset purchases, contracts, commercial leases, securities and investment advisor issues; workouts, liquidations and divestitures; shareholder agreements and disputes, joint ventures, minority shareholders issues, strategic relationships including banks and other financial institutions.

Employment Law: Experience representing both employers and employees over several decades; negotiated and drafted numerous contracts for employment, such as compensation, term employee benefits, for cause termination, health and disability insurance, vacation, pension and profit sharing plan benefits, confidentiality agreements, non-competition, non-solicitation, fiduciary duties, stock options, executive compensation packages, recruiting, training, moving expenses, length of employment, employee manuals and drug testing provisions, and advising both employers and employees on disputes regarding claims of discrimination, ADA, statutory penalties for nonpayment of salary, and wrongful termination. Experience in employment law includes both representation of clients and serving as an arbitrator or mediator in cases involving employment agreements for senior officers, President, CEO, and CFO.

Taxation: Experience in tax planning including income, estate, gift tax and sales and property tax and in tax litigation including U.S. Tax Court and U.S. District Court.

Education

- Harvard Law School, LL.M., 1971.
- Tulane Law School, J.D., 1970 (Order of the Coif, Tulane Law Review, Morrison Law Review Prize).
- Tulane University, Bachelor of Arts, 1968.

Professional Licenses

- Admitted to the Bar: Louisiana, 1970; District of Columbia, 1972; U.S. Tax Court; U.S. Supreme Court.

Arbitration and Mediation Panels

- The American Arbitration Association's National Panel of Neutrals, serving on its Commercial Panel, Large Complex Case Panel, National Healthcare Panel, Healthcare Payor Provider Panel, and Panel of Mediators;
- The American Health Lawyers Association's Arbitration and Mediation panels;
- CPR Institute for Dispute Resolution;
- Financial Industry Regulatory Authority (FINRA) Mediation Panel;
- Mediator certified by the International Mediation Institute, The Hague, Netherlands;
- The London Court of International Arbitration (LCIA) Database of Neutrals;
- International Centre for Dispute Resolution for international disputes;
- Fellow, The College of Commercial Arbitrators.

"Health care specialist, Anthony DiLeo, won praise from peers for his resourcefulness: *"He is able to make the best out of any bad situation,"* noted one approvingly. Much of DiLeo's work is on compliance matters for groups of physicians and hospitals, and his national arbitration practice continues to be admired."

Chambers USA, 2005
America's Leading Lawyers for Business

Alternative Dispute Resolution Experience: Arbitration

Served as sole arbitrator, or chair/member of arbitration panel in over 250 cases nationally with claims of over \$2 billion. Arbitrated large complex cases and modest-sized cases that included healthcare issues (practice management, fraud and abuse, billing and coding, capitation, pharmacy benefits); business and corporate issues (stockholder rights, manufacturing and exclusive distribution contract rights, minority shareholder redemption and buy-out provisions including ownership, valuation and audit issues, going business concern status, asset purchase agreement, royalty claims on licensing agreements, marketing and sales alliance agreement, withdrawal from partnership, liquidation of an operating partnership, partnership obligations, allocation of tax benefits); employment issues (contract interpretation, compensation, breach of contract, constructive termination, recruiting, non-competition); insurance issues (property, health, excess insurer, reinsurance, self insurance trust); antitrust; fraud; federal tax credits; intellectual property; environmental issues; discrimination, and defamation.

Parties in healthcare arbitration disputes include hospitals, physician groups, health insurers, IPAs, HMOs, PPOs, diagnostic facilities, billing companies, management companies, employers; employees, non-profit organizations, among others.

Experienced in complex case management issues including settlement, discovery orders, rulings on privilege, evidence, evaluation of claims, and damage calculations, among others. Acted as the arbitrator in many contractual disputes throughout the U.S., from California to Florida to Illinois, between national healthcare providers and payor organizations, requiring interpretation of complex contractual terms and obligations for financing and payment for health care services as well as detailed analysis of the financial relationships between physicians, hospitals, insurers, patients, employers, independent physician associations, managed care organizations, and physician hospital organizations and in other disputes amongst healthcare delivery system providers which requires a knowledge of the highly specialized terminology in the field, as well

as an understanding of the unique business structures of how healthcare is delivered, paid for, and how risk is shared.

A Sample of Representative Healthcare Arbitrations

- 9-figure dispute between an HMO, an integrated health care network, and physician network alleging federal antitrust claims of price fixing, conspiracy, and injunctive relief;
- 9-figure breach of contract, fraud, securities, punitive damages, treble damages, and RICO claims between HMO and IPA;
- 9-figure dispute by health insurer asserting federal antitrust claims of price fixing, conspiracy, treble damages, and injunctive relief against a large system healthcare provider;
- 8-figure dispute between management services company, large physician group, and individual physicians asserting failure to pay contract amount;
- 8-figure dispute between an HMO, health care insurer and a large physician group practice, individual physicians and a management services organization where claims exceed \$59 million;
- 8-figure pharmacy pricing contract dispute;
- 8-figure dispute over royalty claims of two licensing agreements for intellectual property regarding medical devices;
- 8-figure dispute involving alleged breach of exclusive agreement for research, license, assignment of patented and trademarked products;
- 8-figure dispute over alleged breach of non-competition agreement;
- 7-figure dispute between university hospital system and health insurers over non-payment and miscalculation of claims;
- 7-figure dispute between hospital and recruited physician over hospital demand for repayment of recruiting advances;
- 7-figure dispute from claims by health insurer against hospital arising out of an 8-figure sale of assets of hospital, termination of agreement, and resulting claim of lack of going business concern status;
- 7-figure dispute over resignation of physician from group practice and claim for value of partnership interest, unpaid compensation, and minority owner buy-out;
- 7-figure dispute between law firms over legal fees arising from national pharma products liability class action, also involving disputes of medical issues of claims as well as legal and ethical duties to clients in the context of multi-district litigation;
- 7-figure dispute by health insurer against pharmacy benefits manager for damages, interpretation of pricing agreement, breach of contract, and fraud;
- 7-figure dispute by cardiology limited liability company with regard to claims by several former members (cardiologists) as to rights to buy out equity interest, collateral, line of credit, letter of credit and redemption of ownership interest;

- 6-figure dispute arising out of physician recruiting agreement termination and alleged HIPPA violation;
- 6-figure dispute between hospital and its attorneys over an asserted legal fee arising out of significant federal court antitrust health care litigation;
- 6-figure dispute between a physician group practice and billing company alleging losses resulting from erroneous billing and asserting breach of contract and negligence in billing and collection;
- 6-figure payment for services dispute between nationally-ranked teaching hospital and HMO;
- 6-figure dispute regarding conversion of physician practice from corporation into LLC, termination of physician owner, and legal effect of unsigned entity formation documents;
- 6-figure dispute between a management company and a hospital;
- 6-figure dispute over breach of practice management contract involving claims by physician of breach of Stark II and fraud and abuses statutes by management company;
- 6-figure billing and coding dispute arising out of overpayment by Medicare;
- 6-figure dispute over claim by operating diagnostic and treatment facility business against a co-owner to enforce non-competition, choice of law provision and declaratory judgment;
- 6-figure dispute between a physician group and a hospital alleging breach of an exclusive contract to provide anesthesia services;
- a dispute between corporate food supplier and hospital chain alleging failure to pay more than \$1 million;
- a dispute between a physician and a practice management company regarding billing, coding, practice management issues, and responsibility for \$250,000 overpayments due to the US Government;
- a dispute between a nursing home and a corporate provider of rehabilitation services;
- a dispute over an assertion of fraud in a home health care entity purchase;
- a dispute between several physicians and a hospital regarding medical director agreements and alleging defamation breach of contract;
- breach of contract dispute arising out of termination of exclusive anesthesiology contract by hospital together with termination of privileges;
- a dispute between county hospitals and HMO alleging failure to pay for services;
- a dispute between a hospital and a group practice for alleged breach of a physician recruiting agreement, a counterclaim by that physician for breach, and consolidation of a related arbitration between parties on related issues.

A Sample of Non-Healthcare Representative Arbitrations

- 9-figure dispute between a national bank and federal agencies arising out of a merger, acquisition, stock purchase agreement, tax allocation agreement, declaratory relief, stock

- basis, tax losses, reorganization and indemnification;
- 9-figure dispute over 10-figure transactions with multiple offshore entities;
 - 9-figure dispute over ownership of a life insurance policy;
 - 8-figure dispute over state and federal tax credits with \$50 million counterclaim;
 - 8-figure dispute over alleged breach of non-competition agreement, asset purchase agreement, and marketing and sales alliance agreement;
 - 8-figure dispute between the Board of Directors and its former CEO (General Counsel, a CPA, Senior Executive Vice President) arising out of employment agreement involving breach of contract, international factoring, loans, distributions, net earnings, profit sharing, partnership agreement, insurance and breach of fiduciary duty;
 - 8-figure business interruption and rent dispute between hotel purchaser and seller;
 - 8-figure claim involving international energy exploration company and assertion of indemnification for environmental damage arising from drilling operations.
 - 7-figure dispute between two public companies over asserted investment banking fee due for 8-figure financing and equity investment;
 - 7-figure dispute regarding tax allocation of tax benefits arising out of merger agreement;
 - 7-figure dispute involving asset purchase agreement and Employee Leasing Services Agreement;
 - 7-figure dispute between law firms over legal fees arising from national products liability class action, also involving disputes of legal and ethical duties to clients in the context of multi-district litigation;
 - 7-figure dispute over national exclusive manufacturing and distribution agreement;
 - 7-figure dispute between a public company and a former CEO as to employment contract, non-competition agreement, stock options, and allegations of self dealing;
 - 7-figure dispute involving breach by company to redeem shares and issues of warrants, dilution, convertible securities, earnings and profits, book value and surplus;
 - 7-figure dispute between lender and borrower as to default of incomplete construction of maritime facility and foreclosure and lender liability counterclaim;
 - 6-figure insurance marketing, underwriting, and re-insurance contract dispute;
 - 6-figure dispute over breach of exclusive sales and marketing contract;
 - liquidation of a limited liability company with seven figures in annual sales resulting from shareholders' dispute and involving assertion of breach of ethical duty to client.

Arbitration Philosophy

Of relevance is my experience as an arbitrator holding hearings with numerous parties, lawyers, and witnesses present in an objective, neutral, and impartial manner and developing a protocol for all parties to have opportunity to express their views, and arguments, and factual assertions.

Hearings in arbitration include balancing the interests of opposing parties to allow them to assert conflicting points of view, providing sufficient opportunity to make all positions known, determining the sequence and length of argument, and drafting conclusions, summaries of arguments, or positions presented.

Successful treatment of the attorneys and parties with fairness and balance is a key part of a process so that all parties perceive the fairness of the process itself. Both the perception of neutrality and the reality of neutrality are essential to success. This is an independent goal, separate from the actual substantive ruling itself.

Alternative Dispute Resolution Experience: Mediation

Has served as mediator for AAA, ICDR, and private parties in about 300 cases in several states, including mediation of multiparty mediations with up to five parties. Healthcare cases mediated have included issues of overpayments, claim denials, insurance coverage and limitations of coverage, breach of contract, contract renewal, contract interpretation, antitrust, employment contracts, withdrawals, valuation of partnership interest, exclusion from staff, and slander.

A Sample of Representative Healthcare Mediations

- 9-figure claim by former partner against hospital system arising out of breach of fiduciary duty, unfair trade practice, and antitrust claims;
- 9-figure multiparty dispute involving antitrust and breach of fiduciary claims against hospital by physician ancillary group seeking treble damages;
- 8-figure dispute over a software license and services agreement involving two international parties;
- 8-figure physician services payment dispute;
- 8-figure dispute between a national health insurance company and a large multi-specialty physician group;
- 7-figure dispute between a public company, pharmacy wholesaler, pharmacy benefits manager and pharmacy marketing company for commissions and fees;
- 7-figure dispute between rehabilitation hospital and provider of wound care and hyperbaric oxygen chamber services involving long-term contract;
- 7-figure dispute between a corporation and employee benefits planning advisor regarding ESOP;
- 7-figure dispute between a national insurance company, an excess insurer, and a hospital involving a disputed claim for health care services;
- 7-figure dispute between a regional group of hospitals and a management company;
- 7-figure dispute between a national hospital organization and a national health insurer;
- 7-figure dispute amongst a group of physicians for breach of contract involving the sale or liquidation of assets of several operating companies owned by physicians, valuation of practice, and exclusive hospital contracts;

- 6-figure dispute between an HMO and a hospital;
- 6-figure dispute involving a group practice in a physician employment contract dispute, practice valuation, and buy-out agreement;
- dispute amongst cardiovascular surgeons, anesthesiologists, and a hospital involving two pending lawsuits seeking damages and injunctive relief.

A Sample of Non-Healthcare Mediations

- 8-figure dispute involving management and investment issues between four members of a privately held family real estate development corporation;
- 8-figure dispute involving interpretation and modification of complex terms of several real estate partnerships;
- 8-figure class action claim against national bank with 17 state operations, arising out of charges to customers for various bank services and allegations of breach of contract, unfair trade practice, detrimental reliance, unconscionability, and similar claims;
- 7-figure multi-party dispute involving multiple broker claimants against multiple respondents, arising out of employment and agreement for equity transfer in compensation and spin off of specialized broker/dealer from parent company;
- 7-figure dispute involving a claim by class-action members against a bankrupt self-insurance trust and its directors, officers, and board members;
- 7-figure dispute between partners over withdrawal from several operational and equipment partnerships and values of partnerships interests;
- 7-figure dispute arising from bridge demolition project and environmental issues and reuse of large volume of recycled materials;
- 7-figure legal fee dispute between an attorney and a law firm;
- 7-figure dispute regarding termination for cause of evergreen employment contract of President of international energy company;
- 7-figure mediation involving a dispute between a chemical manufacturing and supply companies;
- 6-figure employment dispute between a president of a national educational conference and the conference organizers;
- 7-figure dispute involving division of community property including undeveloped real estate located in a foreign country and spousal support;
- a dispute between a senior partner of a law firm and the firm as to fee division in a contingency fee class action;
- over 100 hurricane-related disputes between property owners and insurance companies. (In this type of dispute, parties frequently exhibit visible symptoms of stress, and the mediation involves an emotional component, atypical to the business mediation, that must be addressed with focus and patience before the process can proceed and become more analytical.)

Mediation Philosophy

Parties arrive at mediation with a history of conflict, and often a lack of trust. Some of that perception can be due to communication styles, and some can be due to differences in substance. As the only neutral party, I must obtain trust of the parties by demonstrating objectivity and bringing effective and creative problem solving to a dispute.

My objective in mediation is to ensure a fair process with the primary goal of settlement. This objective requires an open discussion of the factual and legal issues beginning with face-to-face meetings between the parties in which they are permitted to explain their points of view as well as their interpretation of the issues in an environment of respect and inclusiveness.

I first encourage the parties to focus on the issues on which there is agreement, reflecting any positive steps, thus narrowing down the issues to be mediated. Throughout the mediation the emphasis is on listening and being heard, and on getting past emotion. This process often permits the parties to understand aspects of the issues, goals, and experiences of themselves and opponents not previously perceived. I also provide the opportunity, which I express in a private session if a party requests, for a party to obtain a neutral and independent weighing of the risks and benefits of a position; this information often allows the parties to reassess their engagement in conflict.

The best results are often achieved by separate discussions with each attorney and party prior to the mediation session itself to frame the conflict as to specific factual and legal issues and thereby accelerate the mediation process significantly by narrowing the issues. Often these pre-mediation discussions can provide positive rewards and allow an announcement at the beginning of mediation of certain issues having been resolved, which promotes an initial positive atmosphere and sets the stage for more difficult questions.

Self-determination is ultimately the essence of a mediated agreement. My goal as a mediator is for the parties to come to an agreement on which they all agree and one which they fully understand, so that the agreement endures without either party challenging its provisions or disagreeing as to what was agreed upon. I assist in the process by asking the parties to talk to each other about what they think a proposed agreement means to them in terms of their goals.

In special circumstances where disputes involve high stress and frustration, I find it helpful to take note and pay particular attention to the emotional component of the mediation which reinforces our need as mediators to be focused, calm, patient, and unemotional ourselves. This approach does not change the ultimate legal or analytical process of the mediation itself or the method of proceeding with detailed analysis of the issues and outcome; rather it sensitizes participants to the very specific environment in which all of the legal and factual issues are being presented. I find ineffective a mediator style that dominates the process by attempting to impose the mediator's personal opinion on the parties. In contrast, the resolution must be arrived at voluntarily and seen to be in both parties best interest in order for it to be enduring and bring closure to all levels of the conflict, whether business, financial, or emotional.

Alternative Dispute Resolution Training and Teaching

Faculty, ACI's Annual Advanced Forum on Managed Care Disputes and Litigation - Managed Care Litigation Mock Arbitration Session, 2015; Practical Negotiation and Mediation Training

by Master Negotiator and Mediator Eric Green, 2015; AAA Developments in Arbitration Law: Testing the Boundaries of Court Intervention, 2015; AAA Crossing the Line: New Developments in the Law of Arbitral Jurisdiction, 2015; College of Commercial Arbitrators Annual Meeting: Arbitration Compass Points: Collaborating on New Directions, Los Angeles, 2014; AAA Principled Deliberations: Decision-making Skills for Arbitrators, 2014; Presenter, What's Next for Healthcare Dispute Resolution, ABA Section of Dispute Resolution, Chicago, 2013; Trainer, 2-day Arbitration Training Program: Arbitrating a Health Law Case, American Health Lawyers Association and Hamline University School of Law, 2012; Healthcare Payor Provider Arbitration Rules, AAA, 2011; AAA Neutrals Conference, 2010; Faculty, AAA Dealing with Delay Tactics in Arbitration, 2010; AAA Electronic Discovery in Arbitration: What You Need to Know, 2010; AAA Current Issues in Employment Arbitration: The Arbitration Fairness Act of 2009 Legislation and Recent Court Decisions, 2009; AAA and International Centre for Dispute Resolution (ICDR) Neutrals Conference, 2009; ALI-ABA, The Art and Science of Serving as a Special Master in Federal and State Courts, 2007; AAA Neutrals Conference, 2006 and 2004; Large Complex Construction Mediation: The Dynamics of the Negotiation Team, 2009; Electronic Discovery in Arbitration, 2009; Mediator Ethics: Objective Standards and Subjective Practices, 2009; Arbitrator Update: Topical Issues and Case Law Arbitration, 2009; Faculty, AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2004; AAA Arbitrator Ethics and Disclosure, 2004; Arbitrator Update 2004, 2002; Faculty, AAA Ethics and Professionalism for Advocates in ADR, 2004; Faculty, AAA Ethics in Arbitration and Negotiation, 2003; AAA Commercial Arbitrator II: Advanced Case Management Issues, 2002; American Health Lawyers Association, Advanced Mediator Training Program, 2002; Faculty, AAA, The Non-Signor Cases: A Review of Jurisprudence in Which Parties Have Been Compelled to Arbitrate Even Though Not a Party to an Arbitration Agreement, 2002; AAA Commercial Arbitrator Training, 2000.

Professional Associations

- American Law Institute, Life Member (since 1985).
- Louisiana State Law Institute, Alternative Dispute Resolution Committee.
- Louisiana Bar Association: Ethics Advisory Service Committee; Section on Health Care Law, Chair, 2002-2004; Business, Corporate and Securities Law Section, Chair, 1983-1984; Council on Administrative Law; Examiner in Corporations, Securities, and Negotiable Instruments (a Louisiana Supreme Court appointment responsible for writing and grading State of Louisiana Bar Examination in Corporations, Securities, and Negotiable Instruments, 1982-1984).
- American Bar Association, Health Law Section: Healthcare Fraud and Compliance, Chair, 2003-2005; Business and Transactions Healthcare, Vice Chair, 2005-2009.

Awards and Recognitions

- Ranked by *Chambers USA America's Leading Business Lawyers in Corporate/M&A* since 2004; listed in categories of Corporate/Mergers and Acquisitions and Healthcare.
- Named *The Best Lawyers in America*® 2016 New Orleans Health Care Law "Lawyer of the Year."
- Listed in *Best Lawyers in America*® in the areas of Health Care Law, Corporate Law, and

- Employment Law (included in *Best Lawyers in America*® for 17 years).
- U.S. News - Best Lawyers® “Best Law Firms” (2011-2012).
- Recognized with CityBusiness 2005 Leadership in Law Award: New Orleans 50 Top Lawyers.
- Recipient of the Louisiana State Bar Association Pro Bono Publico Award, 2004.
- AV rating from Martindale-Hubbell (since 1981).

Publications and Speaking Engagements

SAMPLE PUBLICATIONS:

- “One on One with Louisiana Supreme Court Associate Justice John L. Weimer,” LOUISIANA BAR JOURNAL, August/September 2015.
- “Binding Arbitration Clause in Lawyer-Client Retainer Agreement,” LOUISIANA BAR JOURNAL, October/November 2014 by the Publications Subcommittee of the Louisiana State Bar Association’s Ethics Advisory Committee (Committee Member).
- “Drafting Noncompetition Agreements For Statutory Compliance: Exceptions that Prove the Rule,” LOUISIANA BAR JOURNAL, December 2011/January 2012.
- “Judge Alvin Rubin: Lessons in Ethics and Professionalism,” AROUND THE BAR, A PUBLICATION OF THE BATON ROUGE BAR ASSOCIATION, June 2011.
- “The Enforceability of Contractual Agreements to Arbitrate: A Survey of the Last Three Years of Jurisprudence,” LOUISIANA BAR JOURNAL, October/November 2008 (cited by La. Appellate Court).
- "Enforceability Of Arbitration Agreements By and Against Non-Signatories," JOURNAL OF AMERICAN ARBITRATION, June 2003.
- "Attorney-Client Privilege, Self Evaluative Privilege and Legal Issues Related to Internal Investigations," AMERICAN ACADEMY OF HEALTHCARE ATTORNEYS, 1996.
- "Ancillary Facilities for Physicians in the 1990's; Formation and Dissolution Issues," NATIONAL HEALTH LAWYERS ASSOCIATION, HEALTH LAW CD-ROM, Clark Boardman Callaghan, 1995.
- “Planning For the Payment of Federal Estate Tax After the Tax Reform Act of 1976,” published in the Louisiana Revised Statutes, 1978 Louisiana Code of Civil Procedure, pocket part (West Publishing Company).
- Anthony DiLeo and Judge Alvin B. Rubin, A LAW CLERK HANDBOOK: A HANDBOOK FOR FEDERAL DISTRICT AND APPELLATE COURT LAW CLERKS, Federal Judicial Center, 1977.

SAMPLE SPEAKING ENGAGEMENTS:

Lectured at numerous health law seminars for CLE and for CME and written extensively on the business, legal, and tax issues in health care law, including topics such as managed care contracting, physician-hospital contracting, medical ethics, health care antitrust, fraud and abuse, Stark II, and sports medicine as well as arbitration and mediation. Also, as Clinical Assistant Professor of Medicine at Tulane University Medical School (Department of Medicine) and Clinical Assistant Professor of Medicine at Louisiana State University Medical School (Health Law and Medical Ethics), taught numerous Grand Rounds Lectures, presented lectures for CME Credit to Physicians and presented lectures disseminated over the Internet by a Consortium of Medical Schools, including Tulane Medical School and others, for CME Credit to Physicians.

- ACI’s Annual Advanced Forum on Managed Care Disputes and Litigation - Managed Care Litigation Mock Arbitration Session, Chicago, May 2015;

- “How to Best Advocate for Your Client in Arbitration and Mediation,” New Orleans Bar Association, December 2014;
- “What’s Next for Healthcare Dispute Resolution?” ABA Section of Dispute Resolution, 15th Annual Spring Conference, Chicago, April 2013;
- Trainer, 2-day Arbitration Training: Arbitrating a Health Law Case, American Health Lawyers Association and Hamline University School of Law, Minneapolis, October 2012;
- “The Bridge Between Judicial Management of Cases and the ADR World,” 2012 Spring Judges' Conference of the Louisiana Judicial College;
- “The Arbitration Process,” The American College of Legal Medicine, New Orleans, 2012;
- “Practical Tools to Maximize Arbitration for your Client,” Louisiana Bar Association, 2012;
- “Best Practices to Effectively Represent Your Client in Arbitration (And in Drafting the Arbitration Agreement),” New Orleans Bar Association, 2011;
- “Judge Alvin B. Rubin: A Life of Ethics and Professionalism,” 18th Annual Judge Alvin B. Rubin Symposium, Federal Bar Association, New Orleans, 2010;
- “The 10 Most Important Issues in Professional Contracts,” LSU School of Dentistry, New Orleans, 2010;
- “Dealing with Delay Tactics in Arbitration,” American Arbitration Association, New Orleans, 2010;
- “The Enforceability of Contractual Agreements to Arbitrate: A Survey of the Last Three Years of Jurisprudence,” New Orleans Bar Association Procrastinators' Program, 2008;
- “Recent Developments in the Law of Arbitration,” LSU Law School Recent Developments in Legislation and Jurisprudence program, New Orleans, 2008;
- “Effective Arbitration of Health Care Disputes,” National Teleconference sponsored by the ABA Health Law Section and ABA Center for Continuing Legal Education, 2008;
- “Louisiana Health Care Fraud Laws and Recent Developments,” ABA 17th Annual National Institute on Health Care Fraud, New Orleans, 2007;
- “The Importance of Community Legal Preparedness Planning,” Summit on Public Health and the Law, Indianapolis, 2006;
- “Hurricane Katrina: Legal Responses and Lessons Learned,” ABA Emerging Issues in Healthcare Law 2006, Tucson, 2006;
- “Health Impacts of Katrina and Rita: The Lingering Aftermath,” National CLE TeleConference sponsored by the ABA Health Law Section and Section of Environment, Energy, and Resources, 2006;
- A.C.E. Presentation on "Chairing the Arbitration Panel," American Arbitration Association, New Orleans, 2005;
- “Professional Relations in Healthcare Enterprises: Structure of the Health Care Enterprise.” LSU School of Public Health, New Orleans, 2005;
- “Ethics for the Healthcare Lawyer.” National CLE TeleConference and Live Audio Webcast for ABA, 2004;
- “Professionalism in Healthcare Representation,” Louisiana Society of Hospital Attorneys, New Orleans, 2004;
- “Relationship of HIPAA to Privacy of Student Medical Records” and “Inter-relationship of HIPAA and LA Law Regarding Privacy of Medical Records,” Orleans Parish School System, Executives and Administrators, New Orleans, 2004;

- "Analysis of Key Provisions of Health Care Contracts," University of New Orleans, College of Business, New Orleans, 2004;
- "Tax, Limited Liability, and Management Issues in New Entity Formation: Comparison of LLCs, Partnerships, and Corporations," LSU Masters of Public Health Program, New Orleans, 2003;
- "The Science and Psychology of Professionalism," Louisiana Association of Criminal Defense Lawyers, New Orleans, 2003;
- "The Basics of Compliance, Fraud and Abuse," ABA Annual Meeting, San Francisco, 2003;
- "Ethical Duties of Lawyers and Arbitrators During Negotiations and Alternative Dispute Resolutions," Physician and Physician Organizations Law Institute, New Orleans, 2002;
- "Professionalism in Litigation and Advocacy," Academy of Trial Lawyers, New Orleans, 2002;
- "Professionalism: Effective Style and Tactics in Negotiations," New Orleans Bar Association, 2001;
- "Doing the eHealth Deal: A Primer for Best Practices for Drafting and Negotiating," ABA Conference on eHealth Law, Chicago, 2000;
- "Introduction to Stark II" and "The 10 Most Important Aspects of Physician Contracting," Internet CME for Consortium of Medical Schools, 2000;
- "Professional Relationships in Healthcare Enterprises," LSU Medical School, 2000;
- "Key Issues in Contracts Between Radiologists and Radiology Groups and Hospitals," Advances in Imaging Conference, Breckenridge, 2000;
- Stark II: Problem Solving from a Practitioner's Viewpoint," Tulane Law School Special Seminar on Health Law, 1999;
- "Hospital-Physician Contracts, Medical Staff Privileges and Group Practice Agreements," LSU Medical School MPH Program, 1999;
- "Significant Legal Issues in the negotiations of Hospital Radiology Contracts and Radiology Employment Contracts." Advances In Imaging Conference, Park City, Utah, 1999;
- "Federal and State Legislative Initiatives for the Physician," The Radiological Society of Louisiana, 1998;
- "Responses to Audits by HCFA, Medicare and Medicaid," 4th Annual Law and Medicine Conference on Significant Current Issues in the Legal Regulation of Medicine, Tulane Law School/Tulane Medical School, 1998;
- "Legal and Ethical Restrictions in Managed Care," 4th Annual Law and Medicine Conference on Significant Current Issues in the Legal Regulation of Medicine, Tulane Law School/Tulane Medical School, 1998;
- "Managed Care Contracting and Medical Ethics," Justice and Healthcare: Current Status of the Law and the Future of Medicine, Tulane Law School/Tulane Medical School, 1997;
- "Managed Care Contracting," Louisiana State University Law School, 1997;
- "Organization, Operation, Sale or Dissolution of Ancillary Facilities," National Health Lawyers Association, Atlanta, 1996;
- "Attorney-Client Privilege, Self Evaluative Privilege and Legal Issues Related to Internal Investigations," American Academy of Healthcare Attorneys, 1996;
- "Dealing with Liabilities of Professionals in the Context of Limited Liability Companies and Limited Liability Partnerships, City Club of Baton Rouge Seminar, 1992;

- “Executive Tax Planning,” Tax Executives Institute, New Orleans Chapter, 1986;
- Presented numerous professionalism lectures dealing with the science of positive and effective communications during negotiations;
- Taught numerous Grand Rounds and CME lectures at Tulane Medical School and at Louisiana State University Medical School as Adjunct Faculty member, including issues of hospital-physician contracts, group practice physician contracts, managed care contracts, Stark II, and medical ethics;
- Interviewed and quoted in national publications on subjects including arbitration, physician compensation, managed care, ERISA, fraud and abuse, and employment law.

For additional information, see www.TonyDiLeo.com.

“New Orleans-based Anthony DiLeo of Anthony M DiLeo, A Professional Corporation is *“by far the best healthcare attorney in the city, if not the country,”* according to one impressed interviewee.”

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