



## A Brief History of The American Health Lawyers Association

### I. Introduction

This Annual Meeting marks the 40th anniversary of the American Health Lawyers Association (Health Lawyers). It is fitting that this year's meeting is being held in Chicago since the first meeting of the Society of Hospital Attorneys, one of the predecessor organizations, also was held in Chicago. We selected our theme, AHLA Chicago: Greatest Hits and New Tracks, to celebrate both our past as well as to recognize our future. So what exactly are we celebrating? We are celebrating forty years of "Leading health law to excellence through education, information, and dialogue" through the efforts of numerous and dedicated volunteers.

Health Lawyers began for the same reasons that it still flourishes today: healthcare lawyers wanted to communicate with each other about their craft. I had the pleasure of interviewing David J. Greenburg to reconstruct the history of the American Academy of Healthcare Attorneys and the National Health Lawyers Association, the predecessor organizations to Health Lawyers. In our conversation, David reinforced the notion that the associations began because health lawyers approached the AHA about needing a forum in which to communicate. David took this conceptual request and added to it a passionate dedication to quality, a willingness to do whatever it took to make the organization successful, and an entrepreneurial spirit to develop an organization without dedicated cash flow.

Although Health Lawyers' two predecessor organizations began in a small AHA office and in David's Washington, DC apartment respectively, they have grown to become the pre-eminent organization for attorneys who represent hospitals and hospital systems, physicians, managed care organizations, insurers, long term care facilities, home health agencies, drug and device manufacturers, and other healthcare entities on business, corporate and regulatory matters. It is amazing what a good idea, a commitment to quality, and a group of people eager for knowledge about a developing area of the law, camaraderie and conversation can accomplish.

### II. Society of Hospital Attorneys

The roots of the American Health Lawyers Association can be traced back to volunteers' vision and David's remarkable commitment to implementing that vision. In 1967, Congress enacted Medicare and with federal money flowing into the healthcare sector, David observed that this legislative development would create a need for lawyers specializing in this field. The American Hospital Association (AHA) was approached by several attorneys, including James Ludlum, James Hughes, Donald Bierle and Nathan Hershey, who told Edwin Crosby, MD, the President of the American Hospital Association, that they should have an association for hospital attorneys who desired a forum to communicate about



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*President Elect*  
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healthcare issues. They persuaded Dr. Crosby, and the Society of Hospital Attorneys was born. Arthur Bernstein, AHA's counsel in the Washington, DC, office, and Kenny Williamson, AHA's Chief Lobbyist, hired David to manage this new entity that would manage the communication between all of these healthcare lawyers. David ultimately created a division of AHA, which initially was called the Society of Hospital Attorneys. Only attorneys who represented AHA member hospitals were eligible to join the Society. David developed a monthly legal bulletin that included reports on the advance sheets of health law related cases and coordinated a couple of educational programs for hospital attorneys on an annual basis. The first meeting of the Society occurred in 1967 in Chicago. To be a member of the Society, an individual had to represent a member of the AHA.



As the Society achieved additional success, the American Hospital Association wanted David to relocate to Chicago, the location of AHA's home office and manage the Society from there. David declined to relocate from Washington, DC, to Chicago, and his affiliation with the Society of Hospital Attorneys came to an end.

After David's departure, the Society of Hospital Attorneys grew and underwent several name changes: from the American Society of Hospital Attorneys to the American Academy of Hospital Attorneys and finally to the American Academy of Healthcare Attorneys (the Academy). The final name change took place in 1983 under the leadership of Larry McLeod to emphasize its professional status and to distinguish itself from the trade associations (called "Societies") within the AHA. The Academy ultimately grew to a membership of 3,300 attorneys, approximately one-third of whom were in-house counsel. The Academy remained a component of the AHA until it combined with the National Health Lawyers Association in 1997.

### III. National Health Lawyers Association

In 1971, armed with a good idea, useful experience, and numerous health lawyer contacts, David left AHA and accepted a consulting position with the Group Health Association of America (GHAA), located in his home of Washington, DC. GHAA was a small trade and lobbying organization whose members were comprised mostly of the prepaid group practice plans in the nation (which over time has morphed into America's

Health Insurance Plans or AHIP). At the time, a majority of states placed legal restrictions on the organization and operation of these plans at the urging of organized medicine and some health insurance companies. As a result, there was little generally available knowledge regarding the legal environment in which these plans operated. Policymakers initially introduced the Federal HMO Act in 1971, and the healthcare community and policymakers expressed tremendous interest in the potential of these organized delivery systems. Major purchasers of employee health benefits were searching for effective ways to contain spiraling costs. The federal HMO initiative was gaining interest as a result, and President Nixon signed the Federal HMO Act into law in 1973, further stimulating the growth of the fledgling managed care industry. David worked closely with James F. Doherty, Sr. who was the GHAA's general counsel.

As these new healthcare entities attracted attention, the same phenomenon that led to the creation of the Academy occurred at GHAA. Through informal discussions, a relatively small group of attorneys initially became interested in creating a forum for the exchange of information on the legal aspects of these newly emerging healthcare delivery models.

Jim Doherty and David decided that the best way to promote dialogue about the uncertainties surrounding the legal framework of organized healthcare systems was to hold a conference of attorneys who represented these clients. David tacked on a "lawyers conference" to an established GHAA conference in Atlanta, GA. The attorneys

and other stakeholders attending the conference addressed their experiences with the major legal and operational issues surrounding prepaid health plans. Another one-day conference was held at the Chicago Hilton Hotel near the O'Hare Airport. Lawyers from around the country who had experience developing these new entities were invited as lecturers. Each lecture was limited to one hour with a lunch break. The room was crowded and hot. Over three hundred attendees were drawn from federal and state governments and large and small law firms from across the country.

Based on the responses to these educational conferences, it became obvious that the time had come for a national organization. Jamie Clements (General Counsel for the Scott & White Clinic located in Temple, TX), David and Jim Doherty met at the Fairmount Hotel in Dallas and laid the groundwork for the formation of NHLA. David Greenburg who had experience forming just such a group for the AHA was hired as the paid consultant for this effort. After consulting on the formation of this health law group, David then became its only staff member. This new group, which would be known as the National Health Lawyers Association (NHLA), was created for the same reason as the Academy — bright, eager lawyers learning a new field from scratch wanted to ask questions, trade "lessons learned," and bounce ideas off each other. David Greenburg happened to know how to make this urge for camaraderie into a living, breathing organization called an "association."

In 1971, the National Health Lawyers Association (NHLA) was founded as a §501(c)(3) nonprofit



educational organization. The membership was somewhat broader than the Academy in that the NHLA attracted health attorneys who represented the entire spectrum of the healthcare industry, including hospitals and hospital systems, physicians, managed care organizations, insurers, long term care facilities, home health agencies, and other healthcare entities on business, corporate and regulatory matters. In the early days, David produced the *Health Law Digest*, one of the Association's most valuable resources, without a computer, but rather with a little help from his friends, Joel Michaels and Gary Scott Davis. Joel and Gary summarized health law-related advance sheets for the princely sum of \$10.00 per case. Over time, NHLA grew to an organization of 7,000 members and a staff of over 15 people with 10 different educational programs annually.

#### IV. American Health Lawyers Association

In 1995-96, several leaders of both organizations, including Jim Hall, Bob Johnson, Gary Eiland, Nancy Wynstra, Eugene Tillman and Glen Reed worked on merging the two organizations who could claim the same conceptual father, David Greenburg. On July 1, 1997, NHLA and the Academy combined into a single organization, creating the nation's largest educational organization devoted to legal issues in the health industry. With Marilou King continuing as the Executive Vice President, the new entity was known by the combined acronym of "NHLA/AAHA." The Board of Directors then wisely voted to change the name of the organization to the American Health Lawyers Association.

Members ratified the change at the Annual Meeting in San Diego in June, 1998. The American Health Lawyers Association is now the nation's largest educational association devoted to legal issues in the health industry with almost 10,000 members. Members of these respective organizations provide leadership, legal representation and corporate and regulatory counsel to an industry which is estimated to exceed 13% of the gross domestic product — nearly \$1 trillion. Today, with Peter M. Leibold at the helm, the American Health Lawyers Association is the nation's largest, nonpartisan, 501(c)(3) educational organization devoted to legal issues in the healthcare field. The mission of the American Health Lawyers Association is absolutely true to the reasons that its predecessor organizations were formed in the first place: to provide a forum for interaction and information exchange to enable its members to serve their clients more effectively; to produce the highest quality non-partisan educational programs, products and services concerning health law issues; and to serve as a public resource on selected healthcare legal issues.

Health Lawyers provides resources to address the issues facing its active members who practice in law firms, government, in-house settings and academia and who represent the entire spectrum of the health industry: physicians, hospitals and health systems, manufacturers of pharmaceuticals, medical devices and diagnostics, health maintenance organizations, health insurers, managed care companies, nursing facilities, home care providers, and consumers

#### V. Conclusion

Health Lawyers is indebted to countless volunteers for assisting the Association in carrying out its mission. In the following pages, we have collected the observations and recollections of the Past Presidents who have taken the laboring oar in guiding this organization through its 40 year history. In particular, the following themes clearly were present:

The development of significant networking opportunities and resulting friendships that tend to be life-long relationships. Collegiality among members in sharing information and being a resource for one another was the original impetus for the Association and continues to this day.

- Health Lawyers provides an opportunity to provide high quality support to our clients.
- The "member-driven" nature of Health Lawyers and the multiple participation opportunities that the Association offers to its members distinguishes it from other legal trade associations.
- The dialogue, in particular between lawyers in the public and private sectors, as well as different healthcare industry sectors is invaluable. Health Lawyers' historical interaction with governmental agency representatives and, in more recent years, enforcement agency representatives has been a hallmark of the Association.
- Health Lawyers educates its members on an ever-changing health law environment, even when it is not yet fully developed with statutes, regulations and caselaw as well



as enlivens its members with new ideas. Our Association and membership is adept at adapting to change and facing new challenges.

- Health Lawyers is held with great affection among its former leaders.
- No other industry is as regulated and no other substantive area of law is as diverse and as of recent vintage as is ours and this Association truly reflects that uniqueness.

This is the legacy that resulted from David J. Greenburg, the Past Presidents, and numerous other dedicated members.

I wish to thank each of the Past Presidents for taking the time to share their recollections and contribute to this 40th Anniversary Memory Book. I also wish to express my appreciation to Kerry B. Hoggard, CAE, PAHM, Vice President of Membership and Public Interest, Maggie Russell, Public Affairs Coordinator, Mary Boutsikaris, Art Director/Graphic Designer, and Alex Leffers, Production/Graphic Assistant, for their invaluable assistance in designing and producing this publication. Additionally, I am grateful to Peter M. Leibold, Esq., Executive Vice President & CEO, for his willingness to help me fill in missing details to ensure the accuracy of this brief history.

A final note: I am so pleased to be able to include David Greenburg's recollections here as well. Enjoy!

Respectfully,

*Elisabeth Belmont*

Elisabeth Belmont  
2006-07 President-Elect and Chair  
2007 Annual Meeting



**David J. Greenburg**

**Q** What leadership positions have you held?

**A** Founder and CEO, of both the American Academy of Healthcare Attorneys and the National Health Lawyers Association.

**Q** Please recount a favorite memory, humorous anecdote or a vignette of interest from AHLA or a predecessor organization.

**A** It was a great ride and was the most interesting thing I did in my whole life. I loved helping those who were entering a whole new branch of law.

**Q** What significant friendships and/or professional opportunities do you credit to contacts that you have made through AHLA or a predecessor organization?

**A** I have made many good friends with many Health Lawyer members. When I left, there were 700 members. While I didn't know everyone, I had many good friendships and enjoyed everyone.

**Q** What distinguishes AHLA from other legal trade associations and makes our Association unique?

**A** It's a friendly organization and there are no clicks and everyone has the option to participate if they want to. I tried really hard to achieve this [during my tenure].

**Q** What do you perceive the future of health law to be?

**A** Constantly changing and growing as we get new legislation passed. What it will be... I have no idea.

**Q** How has AHLA enhanced your health law practice, and how can the Association continue to be an essential resource to health law practitioners in the future?

**A** Health Lawyers will definitely contribute to health law in the US throughout the years when things change and new law are passed.