



Thanks to the extraordinary commitment and expertise of AHLA leaders, the American Health Lawyers Association continues to thrive and serve as the essential health law resource in the nation. The Association's strong foundation reflects a history that is vibrant, meaningful and worth sharing. Finding a way to preserve AHLA's history was especially relevant in light of the Association's 50th Anniversary, which was celebrated throughout 2017.

This transcript reflects a conversation between AHLA leaders that was conducted via audio interview as part of the Association's History Project. More than 60 of AHLA's Fellows and Past Presidents were interviewed. A video documentary was also prepared and debuted on June 26 during AHLA's 2017 Annual Meeting in San Francisco, CA.

February 23, 2017

Gary Eiland interviewing Edgar Zingman:

Gary: Good afternoon this is Gary Eiland. This afternoon I am interviewing Ed Zingman as part of the American Health Lawyers Association history project audio interview series. Ed is the past president of one of the predecessor organizations to the AHLA, in this case the American Society of Hospital Attorneys and Ed served as president of the predecessor organization in 1984 through 1985.

Ed has also served multiple other roles with ASHA, AAHA, and American Health Lawyers Association that we'll likely touch on this afternoon.

Welcome, Ed.

Edgar: Thank you. Good to talk to you.

Gary: Well I know that you have some good insights on the predecessor organizations that now have merged back in 1997 to become the American Health Lawyers Association. Before we go there, let's discuss your legal background, your practice focus, and your career accomplishments.

Ed, why don't you describe for us where you went to law school and where you began to practice law and ultimately how you migrated to practice with respect to health law and representing healthcare industry clients.

Edgar: All right, do you hear me all right?

Gary: Yes I can.

Edgar: All right. I went to law school after getting out of military service in World War II. I came out of service in 1946 and I was at a hospital in Boston, Massachusetts when I finished my service and I decided I wanted to be a lawyer. And so I went in to Harvard Law School and had an interview there and it worked very well.

All they wanted to talk about was my military service. Nothing about my college background or anything like that and they then said they didn't think there'd be any problem about my being

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accepted, and within a week I got a notice from them that I had been accepted at the Harvard Law School.

I then decided that, well if I've been accepted so easily at Harvard maybe I ought to try the number one law school in the country. So I went down to New Haven and interviewed at Yale and had the same treatment and was accepted for admissions to the Yale law school.

At that point the problem was that Yale had returned to the yearly college program. Harvard was still on the semi year. You could start in the fall or you could start after the first of the year, something like that. But I was very determined to go to Yale so I had a year to wait and I entered Yale the following year in 1947 and graduated in 1950. I had an interesting career at Yale, I was the first winner of the National ... Oh god, I have a loss of words ... National Competition for ... What do you call it ...

Gary: Moot Court or something such as -

Edgar: Where you file a brief and argue a case ...

Gary: Moot Court Competition?

Edgar: Moot Court Competition was the first national intercollegiate, inter law school Moot Court competition held in New York and I was the winner of that competition. I then made law review at Yale. I had a very interesting career. In my senior year we had from the near law firms came up from New York City and around the country interviewing graduating students and I was interviewed and was looking at joining a law firm in New York when a gentleman came up to interview who had been Harry Truman's housing expediter at the end of World War II. Former Mayor of Louisville and former Lieutenant Governor of Louisville named Wilson Wyatt and he said to me that, rather than going into a Wall Street law firm in New York and sitting in the library for two or three years, he could offer me something that'll make a real lawyer out of me.

Well that was very challenging and I had decided I would look into it so they invited me to come down to Louisville. I'd been born and grew up in New York City, but they invited me to come down to Louisville. They wined and dined me and made it very interesting and very attractive. They were just starting this law firm, they had eight lawyers, they're all partners that they had put together and they were hiring four young associates, it was their plan.

And he said that he would make a lawyer of me and wanted to know what my interest was and I said, well my interest was in First Amendment matters and I'd like to be involved with newspapers and such and he said, well one of the major clients they were going to have was the Louisville Courier Journal and if I came down I could work on that account.

So I figured after weighing things that I had nothing to lose, if I didn't like it I could come back to New York and I went down to Louisville and entered into the practice there. I didn't like it, so 52 years later I came back to New York.

Gary: So, Ed if you started doing some First Amendment work and representing the local newspaper chat for us a bit as to how you ultimately evolved over to representing healthcare industry clients and practicing health law.

Edgar: Well, that is interesting too, I think. I had a general practice, I was doing almost entirely litigation and in a general way, but one of the things that happened to me was I was asked to join the board, the Jewish hospital in Louisville, which was a major hospital organization in Louisville. And I went on the board and at that time they didn't pay lawyers for helping hospitals out. They put lawyers on the board and used their free services and so that was how I got on the board at the Jewish hospital and I began to provide services to them, and then several other hospitals around Louisville.

And this was about 1954 or 55, I guess. And I began to serve several other hospitals, I was engaged in the same way to start with by the Baptist hospital system in Louisville and a couple of other hospital organizations, but primarily in areas of advising on financial matters and advising on relationships with physicians and licensing matters and also primarily in the state with the, what do you call these permits to practice again?

I've got a block on the name for it, but the state grants of rights to engage in certain areas of service.

Gary: Okay. Yeah, the licensure process and many times some with a permit process.

Edgar: Yeah. So I got involved in that and in the meantime I had my general practice, and in my general practice I was beginning to do a lot of antitrust argument work in various courts around. And in representing all of these hospitals, which was part of my practice, I had contact with the American Hospital Association and the general counsel of the American Hospital Association, whose name escapes me now, asked me if I would talk about antitrust concerns to an annual meeting of the American Hospital Association.

And I said, "Sure." And I did that and he somehow was impressed with what I had delivered and asked me if I would be interested in giving a similar presentation to an organization called the American Society of Hospital Attorneys, which was then an organization, as you know, of the American Hospital Association.

Gary: Yes.

Edgar: And I said yes, and I came and delivered a program on antitrust concerns. When I told the people at the American Academy of Hospital of Attorneys that I was going to talk about antitrust, they said, well they didn't think there'd be any audience for that because there were no antitrust concerns in the hospital industry at that time.

I said, "Well you'd better learn about it because there are some antitrust issues." Well, to make a long story short, as you know the Supreme Court winds up it's term every year around June and they had, as I knew, an issue before them that had been argued earlier in the year involving antitrust issues in a hospital organization.

And as luck would have it, or what have you, the Supreme Court delivered its decisions at the end of the term, just two days before the annual meeting of the American Academy of Health Law Attorneys, and so I was a messenger who was really on time and I gave the first lectures at the organization on antitrust law.

And I did that for a couple of years and then they invited me to come on the board, and when I came on the board after a couple of years they invited me to be president.

- Gary: Well, that's certainly an interesting perspective and having also been the recipient of Supreme Court decisions at the end of the term right before the annual meeting it can become a challenge to quickly read the opinion, get up to speed, and make the presentation but you're usually most informed at that point of time. After you moved the board, are there any thoughts that you might have as to kind of what the perceived direction of the American Society that became the American Academy of Healthcare Attorneys would be with respect to continuing to serve the healthcare industry bar?
- Edgar: Well, in my time on the board a major concern was our relationship with the American Hospital Association. The Association was giving us a very difficult time financially and very difficult problems in obtaining a budget that would allow us to carry on the expansion of programs that we thought were necessary and our relationship with ... Hold on, I've got a block now ... Of the counsel of the American Hospital Association, I'll think -
- Gary: That might possibly be Richard Epstein?
- Edgar: Yeah, Richard Epstein, were very difficult and so most of my time was spent in negotiations with Richard in trying to expand the activities of the American Health Lawyers Association and also in getting the funding so we could hold our annual meetings and expand it.
- Also, at that time we had almost no participation from in house counsel and we were considering how to expand and attract in house counsel also. That was my major concerns during that period and when I became president of the association.
- Gary: Well, you know, certainly that objective is one that obviously was primarily and has continued to serve first the American Academy of Healthcare Attorneys and now American Health Lawyers as well as evidenced by the annual in house counsel meeting immediately prior to the annual meeting.
- Edgar: Yep, yep. Well, as you know I think a few years after I served we severed from the American Hospital Association, which is a whole new story since then.
- Gary: Yes, absolutely. Ed, then obviously your practice continued for, you said before, some 50 odd years and your career with health law was just beginning with the Jewish hospital there in Louisville extended much of that. Are there any major accomplishments that you would want to reference with respect to your work in representation of health care industry clients?
- Edgar: I really ... I'm trying to think how to respond to that. To begin with, we created a health law section in the Kentucky bar and we provided education and counseling to lawyers throughout the state with their hospitals in the various communities. My law firm had offices in Kentucky, Tennessee, Indiana, and southern Ohio. And so we developed in my law firm a health law section.
- We also developed, as I said, a bar, and in the various bars in the states where we were a health law sections, and were able to help with the attorneys in those areas with their practices, and putting them into educational programs, and that kind of thing.
- Gary: Ed, I know you mentioned your first presentations for the American Society that dealt with antitrust. Did you continue your antitrust practice for healthcare clients during the remainder of your career?

- Edgar: I really had not. In our organization a young lawyer, who subsequently became one of the presidents of the organization, was a leading antitrust practitioner law firm in Atlanta, Georgia, and I've got blocks now but I'll think about it, with that organization and that situation.
- And he pretty much took over the antitrust practice areas in our organization, and I was so taken with him that I switched my antitrust practice to him because my firm was not really ready to create an antitrust division and to undertake antitrust practice of any significant way.
- I had it in a newspaper field but other than that, no.
- Gary: Well, Ed, as we fast forward through the years to come from the current periods and obviously with the enactment of the Accountable Care Act, and now at least the proposed repeal of the Accountable Care Act, what are some of your thoughts as to what the future holds for health law and for the American Health Lawyers Association?
- Edgar: Well, I think that there's no question but that health law is going to continue the expansion we've seen and I think that it's fairly obvious that whatever action the present administration undertakes with respect to health law is going to create all kinds of litigation and challenges and a need for representation for hospital organizations, for individuals.
- And so our organization certainly will have to have programs and such, a great deal of support for lawyers in dealing with these problems.
- Gary: What would you say would be ... If you were to tell, currently, to American Health Lawyers, what might be the Association's best contribution for the current health lawyers and preparing them to meet those challenges?
- Edgar: Well I think it's got to be programs at the annual meeting and also the presentation of session around the country where these problems can be dealt with.
- Gary: The quality education even from when you were president has continued today has been kind of the major production of American Health Lawyers and certainly the objective is to see that continue. Might you have any suggestions or thoughts for younger attorneys who are just beginning the practice of health law?
- Edgar: Well, obviously they've got to get the post graduate education. We started in my time, and just on a very small scale, to provide the seminars and meetings and lectures in between the meetings and the annual meeting, and I think that has to be an answer that I don't know the extent of it is now. I imagine it's expensive but I haven't kept up with it.
- Gary: Okay, well certainly understand that and certainly hope that you continue to enjoy your retirement there, but back in New York City and Manhattan.
- Edgar: Well, I thank you. I am doing it. I was dragged, kicking and screaming into retirement, but I've accommodated to that and ...
- Gary: Well, are there any other comments you would like to make during this audio interview?

Edgar: No other, there was some reference to humorous events. I don't know what interest there is in that. I did have one major humorous event that brought down the house at our annual meeting and that has somehow been brought back by a number of attendants at that meeting.

Gary: Well, please, provide information for us.

Edgar: All right, I will. As you know, at the end of each presidents tenure it's a practice to give a gift to the outgoing president and when I was coming ... And the incoming president is the one who presents the gift and thoughts about it. When I was coming in as president ... what's his name ... Oh god ...

Gary: Larry McLeod, possibly?

Edgar: Yep. Larry was the outgoing president and I contacted his wife and said, "What would Larry like as a gift?" And she said, "Well, you know what he really would like would be an oil painting of himself." I said, "Well, if that's what he wants that's what we'll get him." And at the annual meeting then when the time came I picked up the wrapped up package of the painting and called Larry up and said I didn't know why he would want the gift we were about to give him, but that his wife had told me that this was the gift he wanted and if he wanted it that's what he's going to get.

And so I handed it over to him and Larry unwrapped it, and it was a picture of me.

Gary: I can imagine that there were quite a few cat calls and laughter in the audience.

Edgar: And of course, subsequently we gave him the gift he wanted, but anyway. That's about all I can contribute at this point.

Gary: Okay, well Ed, thank you for your participation this afternoon in the AHLA history project audio interview series, and for sharing your insight and thoughts concerning the practice of health law and the American Health Lawyers historical and continuing role in support of health law practitioners.

Thank you very much and we appreciate your comment. Thank you.