



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 24, 2017

Dinetia Newman interviewing Doug Mancino:

Dinetia: I'm Dinetia Newman. I'm with Bradley [Arant] in the Jackson, Mississippi office. I'm pleased today to be able to interview Doug Mancino, whom I've heard speak many times and it's just been a wonderful asset AHLA I think. So, Doug, give me your introduction and then we'll get started.

Doug: Sure. I'm Doug Mancino. I'm a partner with McDermott Will and Emery LLP here in Los Angeles and have been involved with the American Health Lawyers Association and its predecessors dating back to around 1974-75.

Dinetia: Wow. So that's a great place to start. Tell us about the early years and your relationships with some of the earliest leaders with the Academy of Hospital Attorneys.

Doug: Well actually with both. The American Academy I think was formed in late 1960s by a group of lawyers; Nathan Hershey, Jim Ludlum, and others. At the time it was formed as a membership group of the American Hospital Association. The AHA at that time had groups comprised of nurses, other kinds of HR people and so forth. Attorney's, Nathan Hershey in particular, because he wrote the first treaties on health law, was one of the early drivers, forming a group of lawyers who specialized in health care at a time when health care really wasn't recognized as a specialty at all. Then, subsequent to that organization being formed, and David Greenburg becoming the first executive director, if I recall correctly, the AHA wanted David to relocate from Washington D.C. to Chicago where the AHA headquarters is located. And David did not want to leave Washington so he left the AHA and began forming the National Health Lawyers Association with a D.C. headquarters as a separate, parallel organization for attorney's involved in the growing field of health care.

Dinetia: Wow. That is going back to the very beginning. So then, you were involved in both organizations. Is that right?

Doug: That's correct. I got involved. My mentor at the time, when I got out of law school, was Robert Brombers. Who later became an NHLA president. But I worked closely with Bob and he's the one who really introduced me to health care from the tax exempt organization side. In working with Bob I remember going out to lunch with him. His typical lunch was a two to three martini lunch.

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- Dinetia: Wonderful.
- Doug: But one of the things we did together was to literally on the back of napkins at lunch, put together the first tax program that the NHLA put on I think in 1975 in Florida.
- Dinetia: Wow. That was an early one. And you spoke.
- Doug: I spoke at that. That was probably the first public speech I had given since freshman year in college in Speech 101.
- Dinetia: That's great. Tell us about the early programs and more about the leader that you had worked with.
- Doug: Sure. It's interesting. The American Academy of Hospital Attorney's, as it was then known, had various educational programs that it conducted. And it also had its annual meeting that was the predecessor of what is now the AHLA's annual meeting. Those are very hospital oriented. Not looking at the broader picture of beyond hospitals. On a parallel basis the NHLA was developing programs and some of them had different iterations. For example, I mentioned the tax program in 1975. Well that became the tax and antitrust program when the Supreme Court ruled that professionals were subject to antitrust laws and Bob was the initiator of that shifted prime so he could help promote Phil Proger, who was an antitrust lawyer with [inaudible 00:06:06] at the time. And who also later became an American Academy president as well.
- Dinetia: Wow.
- Doug: The programs evolved over the years. I remember planning for the Academic Medical Center program. And when we were at a Key West board meeting, as well as some of the other innovative programs that now both organizations carry out very successfully.
- Dinetia: During our preparation call, you mentioned a really interesting thing to me. So if your involvement with getting the two organizations together. Can you tell us that story because it's a wonderful story.
- Doug: Sure. Actually, Bob, his name escapes me. What was happening is this...
- Dinetia: Bob Johnson?
- Doug: Bob Johnson. We at the Academy, I think I was a past president and Bob was now the incoming president. We were having issues with the American Hospital Association. In terms of having control over our finances, independent of the AHA, as well as getting staffing. Shirley Worthy was the executive director of the Academy at the time and she was basically a one person show. She could not get a lot of support from the AHLA. At the same time, the AHA was growing. Now we saw that instead of trying to compete it might make sense to collaborate and somehow eventually get pulled together. So at a program in Orlando, Florida I reached out to, refresh my memory, the woman who was the staff president of the...
- Dinetia: Marilou.
- Doug: Yeah, Marilou King. I had known Marilou since she was a practicing lawyer, I think with Wood Lucksinger back in the earlier days. So I gave Marilou a call and invited her dinner with me and

Bob. We broached the topic of potentially putting the two organizations together to become a much stronger organization as a single group rather than as two competitors. And then Bob took the reins and ran with it in terms of going through all of the political issues and other issues that ultimately enabled the two organizations to formerly merge and become what is the AHLA today.

Dinetia: Wow. That is a great story. So tell me what those early programs are like. What was the attendance and what was sort of the breadth and the scope of the various programs.

Doug: I would say that the programs in particularly at the Academy, because that's the organization of which I was president, really started to recognize that health care is evolving and we needed to move away from a hospital centric focus. So we started dealing with issues like, fraud and abuse, that law was in act in 1977. We started looking at programs aimed at physician hospital relationship. Joint ventures became very popular beginning in the 1980s. There were lots of programs also in the 1980s that we did concerning consolidation because, as you may recall, beginning in the 1980s, we were doing all kinds of corporate restructurings.

Dinetia: Yes.

Doug: That was basically what brought me out to California in 1980 to work with [Bkaer Hosteller] and that's when we did a ton of corporate restructurings throughout the United States, as did other firms. So we did many programs concerning that topic. Medicare reimbursement was high on the list of issues. That's when I believe that the NHLA began its Medicare program in Baltimore, which has grown tremendously.

Dinetia: It's wonderful. Yeah.

Doug: But the interesting thing is like what I mentioned, we put together a program for academic medical centers. Both organization, I think, began to realize that this is a dynamic industry and that a hospital focus needed to expand to include all of the wide spread aspects of the health care industry as they are evolving.

Dinetia: I know your focus of your career is in large part, [inaudible 00:11:18] did your career sort of track the development of helping the associations? How does that work for you?

Doug: Well I started out as a corporate tax lawyer with Baker and Hostetler and started working with Bob Bromberg first as a summer associate and then as a full time lawyer in 1974. The focus with Bob was on health care from an exempt organization standpoint and I worked with him on the [00:11:50] for the American Hospital Association to the Supreme Court in western Kentucky. Western Kentucky Welfare Rights Organization which was a challenge to the validity of ruling 69-545 which Bob was the principal author of.

As we started doing tax work for non-profit health care organizations primarily, I recognized that you can't just be a tax lawyer to be an effective representative of a non-profit hospital or health system. You had to become familiar with medicare reimbursement, with the state licensure requirements, with corporate law that affects non-profit corporations, and distinguished from stock corporations. So attorney's like myself, and I'm sure many others of that era, really became very knowledgeable about areas of law that are traditional corporate law partners didn't think was important. Especially in non-profit corporate law. Most of my corporate colleagues at Baker, for example, had somewhat of a disdain for that thinking it wasn't

important enough. They wanted to do the corporate securities rather than dealing with non-profit corporations.

Dinetia: Sure.

Doug: I think firms have realized that there's a lot of very interesting and important work that gets done in the non-profit sector today.

Dinetia: So did you become more of a generalist? Not in the broadest sense of the term but certainly from in order to work in the transactional you really have to know the payment implications as well as the corporate implications and everything that goes along with that.

Doug: Yeah very much so. Frankly, I morphed into what I call a transactional tax lawyer. For example, I obtained the first private letter ruling involving this syndication of a surgery center between a non-profit hospital and its medical staff. I did the first private letter ruling for a joint venture between a publicly traded rehabilitation company and a non-profit hospital to jointly develop a rehab hospital. So the era of joint ventures was really quite significant in the 1980s into the 90s.

Dinetia: Right and you were in the right place to do that too in California.

Doug: Absolutely. We joke about the San Fernando valley as being the Bosnia of health care.

Dinetia: I didn't realize. I had never heard that before but oh goodness.

[crosstalk 00:14:42]

Very competitive. You were president at the Academy in '93 and '94. I'm not sure where your annual meeting was but I remember when you were present. Where was your annual meeting?

Doug: My annual meeting was in Washington D.C.

Dinetia: Okay.

Doug: As I mentioned when you and I talked I'm the one who thought of bringing the Capital Steps to the [crosstalk 00:15:12].

Dinetia: Yes you did mention that and that was a great group. That was a terrific idea. I should've remembered that. That was right when I was starting in with the practice group. I guess we were [inaudible 00:15:26] then. So in terms of your presidential year, do you have any interesting stories? We really didn't talk about that but memorable occurrences during that time frame during your presidency?

Doug: I really can't think of anything particularly unique other than the fact that one of the most important things that we focused on as leadership at the time was really making sure we had really good programs, really good speakers, and continued to add programs that were relevant to the really growing health care sector.

Dinetia: And it definitely was. What sort of recommendations might you have for AHLA in the future. And then also for young lawyers that are just beginning their practice career.

Doug: Let me start with the second question first.

Dinetia: Okay, all right.

Doug: I am a very big proponent for young lawyers to get involved with the AHLA early in their career. To my knowledge there's really not another organization, including the ABA health law section, that has the breadth and depth of programming that the AHLA has today. And most importantly from a senior partner standpoint the incredible educational opportunities and networking opportunities that the AHLA affords young lawyers. I wouldn't be where I'm at today without the phenomenal, not just educational experiences, but also the networking experiences that are available through membership in the AHLA and most importantly involved in AHLA activities.

In terms of what I would view for the future, I think it's going to be a continuing challenge for the AHLA to maintain the level of [00:17:37] that was existent when both organizations were separate and not as large as the AHLA is today. I think it's going to be a challenge to the leadership to keep the people involved through the various practice groups and other types of activities that have people feel that they have a connection with the organization. I'm not just simply little cogs in the wheel. They're to generate the revenue for the attendance at programs.

Dinetia: I totally agree with you. There are only so many jobs to go around. Although various affiliated groups down in the practice groups. So that helps a little bit. There are so many talented young lawyers who do want to participate so I think you've really hit upon an important feature and I'm not sure what the solution is but that's a lot of people to try make feel needed and wanted and involved in an organization.

Doug: I would say this, being a more senior person now, I view it as my responsibility to attend the annual meeting, to introduce my younger attorney's to the leadership of the organization, encourage them to write and speak, submit proposals to write and speak. I think that's investing in their long term future. I know that unfortunately today's lawyers, not to sound like an old man, but many of today's lawyers don't look at the balance sheet in terms of their personal development and are rather focusing on the income statement. Meaning, how much they make. Firms, likewise, aren't investing the way they used to.

Dinetia: From each person whom I've interviewed, there are two statements that you've made that were repeated in all of them. One is that AHLA has really boosted my career, wouldn't be where I am without the educational benefits of AHLA. The second point you just made, investing in the young lawyers and taking the time to invest in themselves, is to put in the time to read and to study, after billing hours, if those ever stop, extra time. I think we could figure out a way to encourage the law firms that aren't sending young lawyers to the programs. That would be wonderful. And find more places for young lawyers to speak.

Any other comments about leadership that you've been involved with such a long period of time and have so many great stories to tell. I love all of your stories. Any other tidbits you'd like to...

Doug: I would say that what is really good about the AHLA today is that it has a very strong and beat staff which is something that neither organization had early on. David Greenburg was the one armed paper hanger for the NHLA. And Shirley Worthy was the one arm paper hanger for the American Academy. What has been wonderful has been the development of the professional staff of the AHLA that has enable the volunteer leadership to really focus on things that volunteers should be focusing on rather than having to take up the responsibility of doing a lot

of the day to day stuff that really staff should be working on. I think that really creates a leverage of skill sets. By the same token that means that the volunteer leadership should be working the room. Getting to know people, identifying up and coming leaders. Not being provincial in terms of who they're going to promote and support in terms of advancement within the organization. What I mean by that, not just promoting from their own firms.

Dinetia: Sure.

Doug: Which is an issue for any type of organization like this. But really, identifying younger attorneys, mid-level attorneys that really do have leadership potential irrespective of the firm organization with which they are associated.

Dinetia: All right and that I do see, probably you are doing this when you go the annual meeting and to the tax program, you accept exactly what you're doing. Would be a good point to remind all the leaders, and maybe the entire fellows group of that benefit. Knowing people and then introducing your younger lawyers around.

Well I'll tell you I've separately, I want to congratulate your firm. You've supplied, representing hospital and health systems, are really good lawyers who wrote for [inaudible 00:23:27] We appreciated having them. That project actually gave me an idea. There are a lot's of people who want to write. The more opportunity available to them is really what we need.

Any other topics you'd like to comment on before we close this out?

Doug: No I think my last thought would be that we need to continually figure out how to meet the challenges of limited times and resources that are available for people involved in the field. Firms are cutting back on expenditures for programs like this. So we need to think of more creative ways of doing things. Ways to make participation in the AHLA beneficial, particularly on a larger scale than a firm. Then similarly we need to continually change in terms of how that information is communicated to keep up with the changing technology and access to technology that we have. For example, using programs that are downloading to iPads and things like that. Some of the information that was traditionally was made available on hard copy only.