



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.

Conversations between AHLA leaders were conducted via audio interview as part of the Association's History Project. More than 60 of AHLA's Fellows and Past Presidents were interviewed. In addition, several were also videotaped. A documentary was prepared using content from the audio and video interviews and debuted on June 26 during AHLA's 2017 Annual Meeting in San Francisco, CA. This transcript is from a video interview conducted on x date.

March 28, 2017

Dennis Woltering (videographer) interviewing Joel Hamme and Bob Leibenluft:

Dennis: Bob, you want to tell us why we're doing this video.

Bob: I think the origin came at a fellows meeting when the fellows got together. I remember thinking about the fact that many of us are getting older and there's a history to the organization that's quite rich. Times have changed both in respect to the organization and with respect to the practice of health law. People have been around and seen a lot that happened and it was worthwhile to try to capture some of that history in an oral, video fashion before it's gone. Once it's gone it's gone forever. That began the impotence of saying "let's try to archive some of that history in general for those who may want to come after us and look at it." And then we were also advised when had the 50th anniversary of the association coming up I thought maybe we can combine both objects, get some of that history on film, have it available archived. Also from that have a shorter version we could show at the annual meeting for both those who have lived through it, as well as those who have come later and maybe want to see what's happened before.

Dennis: While I have you on camera, tell me what the moments have been in the history of this organization that stand out for you.

Bob: I think, I myself, I go back to the early 1980's and I think that would be the time when it was David Weaver's organization, the National Health Board Association's side, and it was a smaller organization, one that was very much driven by David and much smaller set of leaders. It was an organization where it was important for people to get to know each other, to see each other at the meetings. To me that was a certain phase which was maybe the founding period, and again I'm looking at it from the NHOA side and it was really the organization for those people who wanted to get into health law which was a new field and to see other like minded people, to get a sense of what was new and to network. A lot of it was around networking and I'm sure you've been hearing that from other people you interview. To me that's one phase and then I guess looking back on it we have a phase of the organization coming into it's own in a way of having a larger staff, more regularity, much more professionalism. You lose some things by going to that stage, but you gain some things in terms of stability and reaching out, bringing more people into the process.

That was probably when I was on the board in the late 80's and again in the 90's I guess where we branched out. We hired Mary Lou King. We developed a practice groups of one sort or another. Really being able to bring more people involved and we also added the scope of what the organization was about. It wasn't just medicare payment and a few other kinds. It was more

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life sciences, not just a hospital industry. And then there's another phase after that which would be the combination with the academy and really combining what were the strengths of the two organizations along with a fair amount of apprehension, I think going into it about who were these other people down there that we don't quite know. They do somewhat differently than us and how are we gonna fit these cultures? I always thought they were just health lawyers like we were. They just happened to be in another association and it isn't like there was red people and blue people or I think that's a bad analogy but ... They were nothing different. They didn't ... Turned out to be actually, I think, quite a smooth process overall.

I guess the more recent phase is in the 2000's, dealing with some challenges in terms of 9/11 and recession, more competition from other organizations, more pressure on financial pressure on people coming to meetings and having the time to do that, up to where we are now. We're a much stronger organization, both member wise and financially I think. I think the challenge now is dealing with a work environment which doesn't favor people going to in person meetings, but the real strength and uniqueness of the organization is around in person meetings. That's the challenge. How do we do something more than just being a preveyer of information which there's a lot of other sources for, but actually being a way that people can network even with their competitors. Not just with potential clients, but even with people who they're competing with but they do it because it makes sense to do it, it helps everybody out.

Dennis: Joel, we'll move to you and ask you a little bit. I really like you to talk to me about maybe the David Greenburg days and the informality. Mary Lou was talking about how meetings were held in his living room and that sort of thing, very informal. Can you tell me about the beginning of the NHALA? Well I guess it was with the academy as well.

Joel: Right. David was the first staff person hired by the academy when it was founded in 1967. And then he subsequently left the society, the academy society, when they relocated from Washington DC back to Chicago where the American Hospital Association was. They were an arm of the American Hospital Association.

Then subsequently, he got involved with a group of prepaid health insurers called Group Health Association of America GHAA. They decided it would be beneficial to lawyers who were working in the emerging health law field to get together, dialogue, educate one another on the issues that were developing over time. So he was retained as a consultant by what became the National Health Lawyers Association and then he became the first executive vice president and chief executive officer of NHLA. So he was the person, quintessentially, who was present at the founding of both organizations so he's, I would say, the seminal figure in AHLA history.

But things when NHLA was started, the offices of NHLA were basically David's apartment and a condo that was located close to that. The finances were such that one of the board members at the time had gotten Tom Fox, actually gave a personal guarantee to pay the mortgage on the office condo. Many of the original and early meetings of the association were relatively small affairs where the tax program may have been the first program. Then there was an annual meeting that was developed and the third program was the long term care, the law program, which had it's first program in 1976 in Atlanta. I was a very young lawyer at that time. That was the first time that I was involved with NHLA was attending that particular program. Subsequently, over my career, ended up doing longterm care and became the chair of that particular program. But in the early days the program had a very small amount of faculty, probably 10 to 15 people, would be a day or two in length. There were no binders, no papers, no power points, cause there was no such thing at the time, no slides. Somebody would simply get up and talk for an hour or so on an issue or a topic that was of interest at the time and then all of the sessions were. There were no break out or concurrent sessions. So it was done very informally.

David Greenburg would actually for many of the programs, would provide 50 dollars or so for sodas and refreshments and potato chips to have during the breaks. I recall one meeting, probably 10 years or so into the long term care of the law program, where David asks me if I would allow him to store the liquor that he had purchased. He had not gone to any local vendors or the hotel to buy the liquor. He had actually purchased the liquor. He was carrying the liquor around so he asked me if he could store the liquor in my hotel room during the course of the meeting. Obviously trusted that I wasn't gonna break into and rob him of most of the alcohol. So, the early days were much more of a wild west type of a thing. A lot of the learning that went on wasn't just the sessions. It was at the bar, afterwards people would sit down and congregate and that work. And as Bob said earlier, so much of the importance in a group like the American Health Lawyers Association is the in person networking that goes on.

IF I've learned anything from reading the various audio transcripts of 50 former leaders of the association, I think the single most important thing the association does is to get people together. That networking, getting to know people personally, is really crucial to the practice of law. The fact that people are so collegial that they will engage in basically brain dumps where you have the pre-eminent people in the country in a particular area who will come, provide a massive outline, tell you all there is to know about a particular topic, do so freely without a feeling that, hey, I don't want my competitors to know what I'm doing or what my secret sauce happens to be. It's a very unique sort of thing and for younger attorneys to be able to attend those meetings, rub elbows with seasoned practitioners like that is extremely important. And that's sort of the legacy that David Greenburg left us with is the importance of education overall, but also of face to face meetings with people so that you get to know them and after a period of time, you can actually pick up the phone and call somebody about an issue that's crossing your desk and know that you're talking to perhaps the person in the country who knows the most about that area.

Dennis: On the 50th anniversary, what are some fun stories that you think people should talk about or remember or enjoy. You mentioned the wine. Ben told a little bit about that but maybe you want to tell it yourself.

Joel: Well the story, and I was not actually personally privy to this, but the story was that at a tax institute program in New Orleans, Bob Brownburg who was one of the early presidents of NHLA and who was later president of NHLA was a wine aficionado. David would have faculty dinners. His way of rewarding people for being willing to come and talk on these subjects was to have a very nice dinner at one of the better restaurants in whatever town you were located in and then he would buy the faculty dinner and he would pay for it with his credit card or the association's credit card. At this tax institute in New Orleans, Bob Brownburg decided that he wanted to have a bottle of 1929 Chateau Ote Brion and I'm sure that was a lot less expensive than it is now, but I'm certain that it was very expensive even back then, and according to Len who was there, Len Honeburg, said that David had apoplexy about that. How am I gonna pay for this? Et cetera. That's one of the early stories.

As I said earlier, a lot of the early days of the association were sort of the wild west in the sense that they had a lot of very colorful characters who were people who had very imposing personalities and presences and they would get together and a good part of what they would do aside from talking with one another, educating one another and the members, would be to have a good time together. That meant drinking and eating and going out on the town and letting your hair down. That was an important thing too in terms of the leaders of the association. I'm not quite sure I can verify all of the other stories that we've heard over the years about things that occurred at these meetings but evidently they were very colorful.

Dennis: You remember the mock funeral?

- Joel: Well I was not present at the mock funeral but Len Honeburg who was one of the founders of the National Health Lawyers Association actually conducted a mock funeral for himself in Baltimore. I guess got a license or permit to have a parade down the street where he lay in an open casket and his wife was dressed in black widow's wear and it all ended up as a party and Len was resurrected and they had a good time. Again, I wasn't there but I've heard that story over the years.
- Dennis: So you've read these transcripts, you've studied the history of this association, what were some of the moments, some events, that stand out to you?
- Joel: Well I think the founding of the society in 1967 was a big deal and then subsequently the founding of NHLA by David and the group health people, those were the key things because those two associations later came together to merge, and as Bob said they had slightly different cultures. The founding of the two organizations and then their subsequent merger are three of the most important events in the association's history. The association has more than just that to talk about. It has a proud record of diversity, involving and including a lot of women early on in the process. We've had many women who've been president of NHLA and AHLA now and the society back in the day when there was a society and women have been an important part of the board membership and the membership of the Health Lawyers Association over the years. Part of that ... one of our members described that what they called the nun effect. That the nuns were so important in terms of running Catholic health institutions that it became an accepted practice that you would see women leaders emerging in that sector. Perhaps it was a natural thing that many women gravitated to practicing law and practicing health law. So that I think is a proud moment.
- And just AHLA's rich history of diversity in terms of inclusion of people of color, people of the LGBT community, people who are disabled, that was a process that Coward, who was a former president, actually established a diversity counsel to work on those sorts of issues and to insure that the leadership of AHLA is a true representation or cross section of our membership and of the country and I think AHLA should be very proud of the fact that it has embraced diversity and merged that with the thing in my mind is the key thing for AHLA, and that is excellence in terms of it's educational programs and publications. That is the greatest legacy, I think, that David Greenburg left us with was that you really retain services pro bono of the top most eminent people in the country to talk and write on the issues of the day and health law. As long as AHLA strives to have that sort of excellence I think the organization will remain vibrant and strong.
- Dennis: And Bob let me ask you, you study the association, what surprises, any material that you were not aware of?
- Bob: I wasn't quite aware of the extent to which health lawyers could be wild and crazy guys back in the early days. I mean, who would have known, right? Some of those stories were kind of amusing to hear. It wasn't a complete shock to me but, cause I had seen some parts of that evolution, but I think that was maybe one of the more surprising things.
- I think looking back on 50 years and sort of seeing the evolution is interesting. From small organizations that were started by some maybe bigger than life kinds of people were starting a new field, morphing into something which is now pretty well established and secure. The other thing that I don't think we've talked too much about is ... another thing that may make the association a bit unusual is the practice of health law tracks ... it's an interesting field in that it isn't just like litigation of transactions. We've got clients who are really involved in health care delivery. Many of them are non profits. Many are mission oriented, and healthcare as we know, may now as much as any, any time it creates a lot of very tough policy issues and I think more so than any of the bar associations, the membership, there's a large portion of the membership

that really cares about those issues and wants to get right, that has clients who are working on trying to sort this stuff out, cares about equity, with a public interest orientation.

So that's an overlay which maybe feeds into what Joel was saying, people are helping each other out, but helping each other out and the mission, we're all in this together, which is ... there's some self selection as to which people went into health law in general I think and I think the association has built on that and it's really a strength bringing these people together and they can work with each other.

Dennis: In this time of intense partisanship politically, what does this non partisan organization mean to the greater society do you think?

Bob: Well that's interesting, at least maybe just the people I know, but the people I deal with professionally and my clients, I think there's a lot more of a sense of where the health care needs to go and you would think by looking at what's going on in the hill or in the partisan debates I think there is much more of a consensus about where we need to be. Things could be improved but I think the general direction ... I think that's interesting and maybe it's my own bias that people who know more about what we're wrestling with know that this is complicated, always knew it was complicated, and there's maybe some ways that it could be solved better than what we're doing now if we just work together. I think in a small way the association tries to facilitate that.

Dennis: Joel, what are your thoughts about that?

Joel: Well the association is non partisan so obviously it is not on capitol hill lobbying for one bill or another or even coming out with the letters opposing the particular bill, opposing particular action but I think what the association can do is in a time of partisan strife, educate people about what the health care system really is and what the logical next steps would be in terms of improving the health care system in this country. There are great issues and problems that we have in health care, cost, affordability, and access are among them and these are problems that people with good will who are willing to set aside partisan bickering and political maneuvering could solve if they would be willing to sit down at a table and do some horse trading. I'm hopeful that at some point that will occur and that what will happen in the country is that the current system will be strengthened. I don't think the solution in my own personal opinion is to replace what we've got currently, it's to build on it and support it and butrice it and hopefully that is what will happen in the coming years.

Dennis: On the 50th anniversary what do you want people to know about this organization?

Joel: What I want people to know about this organization is the incredible devotion of the staff, the fact that so many of it's members participate, not just actively by going to programs or by subscribing to it's publications, but by immersing themselves in the leadership in terms of the positions that are available in the practice groups on the board, in the program planning committees, etc. This is something that we really need to strive to preserve because in an era where major law firms really insist on high billable hours, it is often difficult for younger associates to take the time and make the effort to join an association like AHLA and to be involved in it in a meaningful way. My advice would be based on my own 40 years of involvement with AHLA, get involved, stay involved, immerse yourself deeply in the organization. Do your best to try to become a contributing member and a leader in the association. The rewards are staggering in the sense that you have a lifetime of experiences, a wealth of Rolodex material of people you can call upon, and I think most importantly, a network of friends that is just unrivaled and unparalleled in terms of being able to work with and party with people who are into leadership at around the same time you are.

Dennis: So all I have is to ask you guys, and if you have something else you want to add.

Bob: I would just say it's been great to be able to part of something which, just looking back at the last 50 years, it's probably time also to think about going forward and so people watching this to think that the next 50 years will be different and I guess, what you can get out of an association like AHLA is really dependent upon what people put into it. Anybody can put a lot into it and really get a tremendous amount out of it.

Dennis: Do you want to comment on the future Joel? I think that's a ...

Joel: I hope the future in some respects resembles the past in the respect that AHLA continues to be the leading preveyer of educational materials as to health law that it continues to insist on diversity and inclusion, that it continues it's tradition of excellence and of drawing to it's membership and leadership, the top legal authorities in health care areas across the country. I think that's extraordinarily important. Times do change in the sense of you have new laws, new developments, new ways in which people practice law and obviously AHLA has to be agile and nimble about dealing with those but I do think that it's traditions are such that it should remain anchored in those in terms of furnishing that information and educational materials to its membership.

Dennis: Okay.