



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 20, 2017

Dinetia Newman interviewing Gary Scott Davis:

Dinetia: This is Dinetia. Gary and I are participating this morning in the American Health Lawyers Association History Project. I am the interviewer, and I'm interviewing Gary to learn about his lengthy career and involvement with both the National Health Lawyers Association and AHLA. Thank you for joining this morning, Gary.

Gary: My pleasure.

Dinetia: I know that you've had a long, wonderful career, and it's sometimes really difficult to separate your career from the AHLA history. You explained to me and spoke of such interesting stories about your early days with the National Health Lawyers Association. Could you share those stories with us this morning?

Gary: Sure. I'm a little bit of a what I'll define as a freak of nature, having always wanted to do health law as my career once I decided to go to law school. I was fortunate enough at the end of my first year of law school, I was attending George Washington University in DC, to get a clerkship with a startup law firm at the time, Michaels & Wishner. Joel Michaels had been Steven Epstein's senior associate at Epstein Becker and [inaudible 00:04:00] at the time. I went to work for Joel at the end of my first year, and Joel was just starting his law firm. One of the things that Joel did to help fill the gaps and lulls as he was developing his practice was to write case summaries for the newsletter that the former NHLA used to publish. One of my jobs as Joel's law clerk was to take those summaries after Joel wrote them and run them over to the NHLA offices, which at the time were located in David Greenburg's condominium around the corner from GW Law School.

I would do that on a fairly regular basis. I would run them from Joel's office on 19th and Pennsylvania over to David's office. I would get ready to run back to Joel's office, and David would grab my arm and say, "Where are you going, young man?" I'd say, "I'm either going back to the office or I'm going to the law school to study." He would say, "No, let's sit and talk for a while." David was never one to pass on the opportunity to help mentor an up and coming or wannabe health care lawyer. It was one of the greatest experiences of my early career.

That's how I was befriended by David, and over the years that he was the executive director of NHLA, became very close with him because he did take the time when I was just a first year law

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student at the end of my first year and then through my second and third years to really coach me, and mentor me, and teach me about what it back then meant to be a health care lawyer, what the opportunities were, and probably got some of my best career and professional advice from David during that period of time.

- Dinetia: That is wonderful. After law school, did you continue to work for Joel Michaels? What was your pathway following that that kept you involved with NHLA or AHLA?
- Gary: Actually, I stopped working for Joel when I graduated law school. I had decided to relocate from DC down to Miami, Florida. I was, again, very lucky, right place, right time. At the beginning of my third year of law school when I was interviewing, what was then probably the preeminent boutique health care law firm in the country, Wood Lucksinger & Epstein, was opening up a new office down in Miami. I interviewed with them and was offered a job. Right out of law school, didn't miss a beat, drove down after graduation in DC to Miami and started my career with Wood Lucksinger & Epstein and have been doing health care law ever since.
- Dinetia: That's amazing.
- Gary: Because of Wood Lucksinger & Epstein's real preeminence at the time in health care law, I think every member of Wood Lucksinger & Epstein was a member then of AHLA. Some were also members of The Academy. It was just part of the underlying culture of the firm that everybody was either involved in NHLA or with The Academy. I think most people were NHLA. My participation continued, and in my third year, once I knew that I was taking the job as an associate with Wood Lucksinger, that April they sent me to what was then probably in its early stages, the Medicare Medicaid Institute up in Baltimore since I was in DC. I actually started attending AHLA educational programs before I graduated from law school.
- Dinetia: Wow. You're right, lucky but talented as well. How did your speaking career begin? What were the events that led up to that because I've heard you speak at many, many conferences, in person meetings.
- Gary: One of my early mentors at Wood Lucksinger was Dennis Barry, who many know was probably one of the most preeminent reimbursement lawyers in the country. When I got to Wood Lucksinger in 1982, 1982, '83 was just the beginning for managed care to be taking off. As part of the Medicare Medicaid Institute, the following year, I guess '83, '84, the federal law changed and it was the first time that HMOs could participate in the Medicare program. They asked Dennis to give that presentation as a reimbursement lawyer. Prior to that, I had been identified in Wood Lucksinger because of my experiences having worked for Joel as being familiar with the HMO industry, so I got tapped at an early age as being the managed care expert at Wood Lucksinger because I basically knew what HMO stood for. That was the extent of my expertise.
- Dennis asked me to write the outlines. As everybody knows, AHLA, its predecessor, NHLA, were renowned for the quality of the written materials that attendees at their educational programs got. I did that for two years. I wrote Dennis's materials, I wrote his speech, I wrote the outline. I think it was after the third year Dennis said to the folks at NHLA, "This is silly." He said, "I'm sitting here reading Gary Davis's work. Why don't you just let Gary Davis give the presentation?" That was the beginning, it was that simple. I had a great mentor. He created an opportunity for me. Professionally it was one of those life changing events because at that point my career in managed care really did start to take off.

- Dinetia: Right, which is news to young lawyers coming on. When the law changes, they could become the experts in whatever it happens to be that's coming along ... organizations merged and you continued to work, were there any experiences that you ... about ... and ...
- Gary: Dinetia, you're breaking up a little bit.
- Dinetia: Excuse me. I said as the organizations merged, what was that, '96, '97, or '98, and I know you really may have been involved in both, were there any experiences that you had or guidance that you gave to the leaders in making that transition?
- Gary: I was very involved. I was on the board at the time. When the merger occurred, Marilou was the executive director of NHLA at the time. It was a real interesting experience trying to take the two cultures and to merge them together. There was a little bit of self sacrifice on my part, not intentional but it did unfortunately work out that way. There were a couple of us that were in the queue. We fought to become president of NHLA, which was for a health lawyer the pinnacle moment in your involvement with the organization. Because of the merger and the way we decided to set it up where there would be alternating from the leadership queues of each organization, there were, if you will, sacrifices that had to be made.
- I'm sorry that I was never president of NHLA, but I think the merger was the best thing that could've happened to our industry. It's worked out great. It really brought together two cultures that each had a lot to offer. I think at this point it would be very difficult to say which is the old Academy culture versus which is the old NHLA culture. There's now an NHLA culture that will hopefully continue to survive for many years to come.
- Dinetia: Which is an attraction certainly for new lawyers joining the organization or long-term lawyers coming back in, that collegiality of the culture. That points me to the next ... I think you had said being president was a pinnacle, but actually you have been at the top of the mountain. You've received the David J. Greenburg Award. I'd like you to tell us a little bit about what that means to you, what the award stands for, what it means to you, and maybe your experience about the time that you actually received that award.
- Gary: It's a pretty interesting story. Because I had a personal relationship with David, as I mentioned when we first started to speak, getting that award really meant something to me because I knew David and I knew of David's commitment to excellence, to learning, to collegiality. One of the great things that David instilled in the organization was you need to share your knowledge. It was a forum where competition was set aside so people could learn from one another and literally the bar could be raised for the health care bar. If you think about that level of collaboration where people who are otherwise competing with each other in the marketplace are willing to share the total depth of their knowledge, it's not superficial sharing, it was pretty incredible.
- To be recognized for my personal contributions to the organization was really meaningful to me. In my mind, I got so much more back than I ever gave to the organization, but for my peers to recognize it, it was special. The night that I was given the award, which was one of the nights of the annual board meeting dinner, I wasn't planning on going. It happened to have been on a Saturday night. It was up in the Washington DC. The next Sunday morning, my two young daughters were leaving to go to sleep away camp. I knew that my daughters and my wife would literally kill me if I wasn't at the airport to see them off. They were flying up to Georgia to go to camp.

Beth Schermer, I guess she was the incoming president, I think maybe she was the incoming president, kept saying to me, "Gary, you've got to come, you've got to come to the dinner." I was like, "Beth, I want to, I really do." I was going off the board. It was the last year that I was going to be at the dinner. I said, "But my daughters are going to camp the next morning, and I'm sure you could understand I need to be home in Miami. I looked at the flight schedule, and I basically cannot get home." She said, "You're going off the board. You really should be there. Let me see what I can do." Long story short, they arranged for a car to take me out to Dulles Airport to make the very last flight that is going to go from Washington DC to Miami.

They all knew in the room that I was going to be presented with the award, and they all knew that I needed to leave. Basically what happened was they sped everything up, they give me the award. I still have it to this day. It's a beautifully engraved literally silver platter. I grab the award, I say, "Thank you very much. I've got to go," and I run downstairs to the waiting car. I didn't exactly get to bask in the moment, if you will, but the story's worth it. I was so really literally naïve that I never even thought about ... I was one of the early recipients of the award. I thought that there would be 27 people if I ever got it that would come ahead of me. I wasn't sitting there waiting for the award. I was just totally shocked, and now I've got to run to go to my airplane. It was a special moment in my relationship with the association.

Dinetia: That is a wonderful story. I'm so glad to have a chance to share that with whoever will listen to this tape. Because of the lengthy career, because of the importance that mentors have, the role they've played in your life from Joel Michaels, to JD Epstein, to Dennis Barry, and I'm sure there are others that you had named, Beth Schermer certainly, tell us what advice you might have to young lawyers who are coming up now. When you started practice, there was no defined, or it was the beginnings of health law as really a practice area. Now young lawyers have so many opportunities in different fields. What can you share that would encourage them to become a health lawyer? Explain to them the importance, involvement, how involvement with the American Health Lawyers Association would benefit them? Share your thoughts about that, please.

Gary: Health care law has matured so much since I started doing it when I first began law school in 1979. When I wrote my law school admission essay it was I want to grow up to be a health care lawyer, and my parents kept thinking I wanted to be a malpractice lawyer. They couldn't understand what I wanted to do. I wasn't really sure I knew what I wanted to do, but I knew it wasn't malpractice. Today it's such a recognized part of the bar, and it is becoming increasingly more complex. Because of that complexity, there is a real need for knowledge and for information. There is no better source for that knowledge and information than the association, and as I said, because of the foundation that David Greenburg laid, the willingness of lawyers of all experience levels to share their knowledge, their expertise, their experience with one another.

The real strengths as a young lawyer you can draw upon in AHLA, one is the information and knowledge. It's second to none, all the publications, the in person seminars, the webinars, all the different mediums through which information is now being dispersed. I think even more important for me, and I think it continues to be the case for young lawyers, is the networking opportunity that the association presents and affords to you. That's really what I used. I would go to these meetings at the beginning, and I didn't really know a lot of people except for my colleagues as Wood Lucksinger. They would introduce me to two people, those two people would introduce me to two people. I went to many of the same conferences year over year, so the same people were there plus other people and you built your network.

It really is unique. Probably there are other organizations that you can do that through. I'm sure the ABA and state bar associations are somewhat similar, but if you're really specialized and you're doing health care, because health care is so specialized, you're a health care lawyer. You're not a litigator who litigates health care, and commercial, and other things. Health care lawyers are health care lawyers. I've always said the real health care lawyers, we all know each other. You get to know each other because of your involvement in AHLA. As a young lawyer, you have to make an investment in yourself. That investment is taking your own time, and hopefully your firm will support you, and you will go to AHLA meetings, you will become active in AHLA through the practice groups, and through the planning committees, or the in person seminars, and the many other opportunities for writing and networking that the association afford to its members. If you consistently year over year take advantage of those resources and opportunities, AHLA is just an incredible springboard for a young attorney's career.

Dinetia: Right. I totally agree, and that's a very good message that I hope will be shared with the entire annual meeting audience. There's one piece when we spoke earlier, one piece of information that I probably should've asked you earlier in our conversation today. I was so intrigued because my practice began five, or six years, or seven years after yours did, but I remember those days. You were talking of case summaries that you would take to David Greenburg, and he would distribute them to the membership. I think it's very interesting about how lawyers received information in those early days. Now we're so accustomed to the internet, and being blasted with multiple emails, and commercial publications. Early on, things were not so. It was a different world.

Gary: No, they were not. All information came by snail mail. This predated PDFs, it predated faxes, it predated emails, it predated computers. The case summaries were literally put into a monthly paper printed hard copy publication that had subject matter, so it was reimbursement, it was medical staff bylaws, peer review. Whatever it was, the cases were summarized in a couple of paragraphs. It came in an 8 and 1/2 by 11 envelope once a month, delivered to all members of what was then NHLA. You got a blue binder as part of your membership fee into which the case law summaries, you put them if you saved them. Then at the end of the year, you got a cumulative index that you would put in the front of the binder so you could find by subject matter the cases that were summarized for that subject matter topic during the course of the year. Over many years, you could tell how senior somebody was by the number of blue binders that they had on their desk.

Dinetia: Right. For the payment information, that was kept in the CCH Medicare and Medicaid binders, is that right?

Gary: Right, those black binders, which I think when I started were originally three binders, and then every year they had these transfer binders that you would take older information and move them into, or supplemental information for the year were in these little black cardboard. They were really flimsy. We called them transfer binders. Over time, the main set went from about three loose leafs to about six. Again, it wasn't computerized, and how good you were was based upon how well you could maneuver through this byzantine index that was part of the CCH Medicare and Medicaid Guide. People that are my age, if anybody listens to this, will remember quite well because everybody back then did Medicare reimbursement amongst other things. You all had to know how to use that index, and it wasn't always intuitive. There was no such thing as keyword searches, and there were no Boolean searches. There was nothing. Researching back then was quite different than researching is today.

Dinetia: You could highlight, you could tab.

Gary: Right, you could put postie notes, and you could use your yellow highlighter, except the librarians always yelled at you because they were almost like onion skin paper. It was really flimsy paper in CCH. It's so much better now with the internet and real time. It was quite different back in the day. We've advanced quite a bit. I think the younger lawyers probably take for granted all of the real time information that you could pull down on the AHLA website now. Just a mere 35 years ago it was the Dark Ages compared to where we are today.

Dinetia: That's right. Now we have 35,000, 40,000 documents in the archives. Such interesting, such great information. Gary, is there anything else that you'd like to share? We've talked for 25 minutes, which is probably more than they wanted but you have lots of wonderful stories to tell. Anything else?

Gary: No. I personally would like to thank AHLA for everything it has given to me over the course of my career. As I said, I just hope I've given back a portion to what I've been able to benefit from and hope that the organization is around for another 50 years. It'll certainly look different than it does today. Encourage every young lawyer and every law school student that has interest in health care to reach out to AHLA to learn about it and to take advantage of the resources and opportunities that it presents.

Dinetia: Great, thank you. Thanks, Gary Davis.