



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 50<sup>th</sup> 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 22, 2017**

**Katherine Benesch interviewing Joseph Murphy:**

**Katherine:** This is Katherine Benesch from Benesch and Associates in Princeton, New Jersey and I'm here this afternoon with Joseph Murphy who was one of the members of the founding board of the National Health Lawyers Association and was also, for many years, the chief Washington counsel of the Blue Cross Blue Shield Association. Joseph, thank you for being with us and I'd just like to ask you, because you were actually president of NHLA from 1981 to 1982. Can you talk to us about the differences between what National Health Lawyers was like then and what health law was like at that time as opposed to what American Health Lawyers is like now?

**Joseph:** It was very informal. The program was started by Jim Doherty and he was the first president, very casual first board meeting. The program took off and with no super marketing program I knew of but Jim, after three or four years, left entirely and we struggled on so I guess I was on the board, the first board, for about maybe five, six years and then I became the third president, third or fourth, I forget, in '81 or '82.

**Katherine:** What kinds of people were on the original board?

**Joseph:** I think Jim's idea, the original board, the general counsel of the American Hospitals Association, the general counsel of the American Medical Association, and probably three or four HM lawyers, house counsel, general counsel, with their HMOs. This was the time of the great growth of the Health Maintenance Organization following the legislation which made every employer of two hundred or three hundred have an HMO alternative when their employees seek healthcare choice, health insurance choice. There was maybe one or two outside private practice lawyers and so there was a huge change through the years I think.

**Katherine:** Were there government lawyers originally?

**Joseph:** Yeah, there was a government lawyer originally, but I think Jim's idea was if you get the general council of a large organization they will speak up at the hospital association or medical meetings, whatever, and that seemed to work out. I think with absolute humility I was selected because the general counsel of the Blue Cross Blue Shield Association didn't come or the general counsel of the Blue Shield Association didn't show up so I kind of snuck in the side door. It really grew and there was great need for this sort of thing.

**American Health Lawyers Association**

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I was a member of the American Bar Health Lawyers sub committee and the meetings really were from nine to 12 and, "Let's hit the beach," and from nine to 12 a couple people would present a paper but there was a very void for a group of healthcare lawyers; insurance, hospital, medical, tort law, whatever. I think with the seminars always those first few years there was one for a lawyer new to healthcare. I always had one of our new lawyers go to that and it was a map of the world of healthcare law and very, very helpful. That was probably the most important session or program that young lawyers attended, but the growth was phenomenal. We had a few thousand in no time, members.

Katherine: Were there other milestones other than the growth of the HMOs? Were there other milestones at that time in health law or changes in health law?

Joseph: Even though Medicare started in 1965 and also Medicaid, those were immediate boons to have people attend and just the whole health law just grew in leaps and bounds at that time. If you went to a meeting in the late 70s or whatever and said you were a health lawyer they'd kind of laugh but it became a large following of people in the health law. It was just like an avalanche.

Katherine: I believe you talked to me before that there was a real need for an organization like American Health Lawyers because there was a need for a national group and a need for seminars in the field, that there was no other place like this that existed. Do you want to talk a little bit about that?

Joseph: Yeah. That went from anti-trust law in the healthcare field to every other tax, Medicare, Medicaid, health insurers, contracting, just amazing. Go ahead.

Katherine: No, go ahead.

Joseph: There was no where else where you could get this mix. The seminars were kind of designed that way and the Medicare seminar outgrew any other seminar we had maybe then the new lawyers seminar. Just the American Bar wasn't there. I didn't even know the house attorney ... The deal we ended up merging with even existed at that time, but it was broad enough and deep enough and that's another point that every aspect was covered in one way by the National Health Lawyer Association.

Katherine: I believe you said also it was the American Health Lawyers became a good place for young lawyers to get job opportunities?

Joseph: That's right. Young lawyers could go to a meeting and even see things posted and almost get an interview. That was a real ... I think we even indicated in newsletters of corporations or law firms looking for healthcare lawyers. That was very important for young lawyers who probably many of them paid their own way to go to the meetings.

Katherine: Also, I think you mentioned that you thought that women lawyers played a major role in helping the National Health Lawyers succeed. Do you want to talk about that a little bit?

Joseph: Yeah. I think that was one of the big reasons the association succeeded and we immediately had women presidents and very hard working, smart lawyers and law firms who made tremendous sacrifice of time to put on seminars and I had the distinction of putting on a program, the future of health insurance law or something like that, which was very poorly attended because it was about a year premature, I think. Women, I think a lot of women liked that. I know I was able ...

When I was general counsel of the Michigan Blue Cross Blue Shield, I think of 16 lawyers on staff we had a majority of women early in the 60s, and 70s, and even into the 80s who ... I had one young woman who was married and in maybe the top law firm and wanted to work three days a week and I snapped her up in a New York minute because she couldn't accommodate the law firm on her partner track after she had a child to have time. That's probably all changed now but there were a lot of really smart, and talented, hardworking women, I think, and a lot of them, I think, gravitated to this but if you run through the number of presidents of National Health Lawyers Association, now of course American Health Lawyers Association, you'll find almost equal presidencies of women who helped the growth immensely.

Katherine: That's great, that's great. What would you tell the American Health Lawyers board now about how to succeed or would you give any career guidance to younger lawyers today?

Joseph: I think the law schools would be a good place to connect. I know there is some of that going on but with the huge number of lawyers today that would probably get people thinking while still in law school.

Katherine: You mean if they have courses in law school on health law.

Joseph: I'm sorry.

Katherine: If they have courses in law school on health law.

Joseph: Yeah. Yeah. That's right.

Katherine: I think there are a number of programs actually, yeah.

Joseph: Yes. I ...

Katherine: Yeah.

Joseph: Set up one with Michigan State University school of law ...

Katherine: Good.

Joseph: With the dean who was delighted to know about it but I haven't checked to see the success. That's been two or three years ago.

Katherine: I bet it's been quite successful. Yeah. Is there anything else that you'd like to add just before we conclude this interview today about AHLA or your experiences there or your experiences over the years practicing health law?

Joseph: It was great working with Jim Doherty, the founder, and I'm going to give Jim a call. He put it together and then stepped aside because he wanted to develop other leaders. Also, Jamie Clemens, who was general counsel of [inaudible 00:26:32], a major HMO in Texas, was another person I would signal out for being one of the great founders and a great president. I've not been active for maybe ten or 11 years now or even more since I retired but it's a great organization and they should have a session sometime. I'm going to back off that giving advice. That's something I shouldn't do when I haven't been [inaudible 00:27:20] for a few years.

Katherine: I don't know. I don't know.

Joseph: It's a great, great organization and I really met a lot of great people through it and I'm just proud to have been associated with it.

Katherine: We certainly thank you very much for taking the time to talk to us today and to give us some of your insights into the early days of AHLA. Yeah. It's just really great to talk to you and I want to thank you. I'm sure that they'll be a lot of people listening into this interview who will be very interested in what you had to say about the founding board in the early days. Thank you very much.

Joseph: One last thing, there's so many people I could have mentioned but in mentioning just who ... David Greenburg just worked 24/7 as the manager of things and it was a great privilege.