



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 22, 2017

Ann Bittinger interviewing Alan Bloom:

Ann: Okay. So, we have kind of guidelines that we're supposed to use as we go through. But generally speaking, let's just cut to the chase. Your leadership in AHLA was exemplary. What we're trying to do here is get snippets of verbal discussions between past leaders to use in a video project. Do you know the background there, correct?

Alan: Well, you know, I was present when the AHLA was founded?

Ann: Absolutely.

Alan: I was at that meeting in Atlanta when the organization was founded.

Ann: Exactly. I would love to hear the fly on the wall stories there.

Alan: What happened, initially the AHLA is very simple. When I got into the Federal Government in 1970 as a management intern, I was put on this work, something called the HMOs. At that time, I met a guy named Jim Doherty who was the general counsel for what was called Health Association of America, which has now been merged into AHA.

So, as we began to talk about HMOs and things, Doherty set up a conference in Atlanta on legal aspects of HMOs. He got three or four speakers involved and we invited the general counsels for all of the ATW regions to come as well, so they kind of learned about this new program because HMOs were gonna be the sort of federal program to stimulate practice and the like. Doherty used his connections and got some people coming, and then sent a note to all of us who were coming to the conference saying, "Maybe we should after we have our educational conference, kind of meet for dinner and talk about developing some association of lawyers."

In that time I was in law school. I was in my first year of law school, but I was interested in legal stuff so I went to that meeting. It was a good crowd and at the time it was decided that we would form something called The Group Practice and HMO Lawyers Association. And that there would be a co-chairman of Jamie Clements and, what's his name? Barron, who was the old, the elder [Gore's 00:11:25] law partner. George Barron as the co-chairs.

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And then they got this thing going. There had been a guy named David Greenberg. David Greenberg at that time was the general counsel for what was called The American Association of Medical Clinics, which is now The American Group Practice Association. So, I had met David and Jim Doherty was working with David because David was obviously the counsel for The Group Practice Association. Jim was the counsel for the Prepaid Group Practice Association.

David had previously been with the, what's the other group? The ABA ... The other group that now constitutes the AHLA.

Ann: NHLA?

Alan: No, it wasn't that. It was ... David had been with the Hospital Association Lawyer Group. Whatever it was. And they had ... David for some reason had not worked out there. And then he went to American Association of Medical Clinics and he had kind of been laid off from there and went on unemployment. So Doherty got the idea that while David was on unemployment, we'd have this organization, The American Health Lawyers and whatever it is association. And David would kind of be ... We'd pay him some money and David would be the guy that does the staff work.

So David went out and he would go out to suburban Maryland and he would pick up cases from BNA. He would come over and I'd have lunch with him whenever we did this. He and I would go up to this deli on Aspen Hill near where I worked at HEW. And he'd get these cases, and he'd bring them back to his apartment and he'd look at them. Jim Doherty's wife would type up this newsletter, which I guess was mimeograph at the time. They would put out this thing called the AHLA Case Newsletter.

Meanwhile, they went out and started to hold some meetings and do some other things to try and get members. Slowly, the membership began to build. Then it was decided to go with a more formal structure. So eventually, we set up this group of five- And I became the secretary. Joe Murphy from Blue Cross in Michigan was a friend of Jim's, became the, I think, the treasurer. Jamie Clements became the president. Charlie Wescott from Boston became the vice president. Mike Tichon came on. Charlie, what's the name, Steele came on. And we kind of formed this group.

Eventually we had a retreat in Maine we all went to, the six or seven of us with David. I don't know if Joe was at the retreat. And began to get this organization going. Basically people got on the board if they knew somebody. The big thing was the annual meeting. Of course the problem with the annual meeting is that we then held the board meeting after the annual meeting's cocktail party. And that board meeting had an open bar and dinner. And you could bring a guest or significant other. So people showed up with various, let's say interesting, significant others.

Ann: Such as? Tell me more about that.

Alan: It was a fairly drunken event. Not a lot of business was transacted, but there was a lot of humor. So kind of the organization got going that way and was in fairly precarious financial situations. Finally we got some adults involved. Chief [Amunda 00:16:01], Alan Goldberg out of Boston.

Ann: Sure, I know Alan.

Alan: In addition was, what's his name from the American Hospital Association? His name I can't remember for the life of me. And a couple of other people. And they really got a real organization going and they began to get this organization to be a more serious organization. They eased out David and brought in some real staff who were good. Began to do a much better job of setting up meetings and some of the early disasters of the early days where we'd have five people show up at a meeting and lose tens of thousands of dollars. Didn't happen anymore. The organization slowly evolved into what it is today. Then of course, the combination with that other organization from the AHA, I can't remember what it is, and became what it is now which is The American Health Lawyers Association. That's kind of an overview of how the evolution occurred.

Ann: So it started with salvaging David Greenberg's career after he was laid off with a serious of fairly drunken events?

Alan: That's basically the truth. That's exactly what happened. I'm the only person that'll tell you that by the way. Everybody will go, "Oh, yeah. We were very serious group." No they weren't.

Ann: Do you have a favorite memory from that time?

Alan: Let's see. I'm trying to think. I have many memories. I can remember ... Let's see. Let's try to think now of what ... I guess I remember- I have many memories, I'm trying to think of one that we can put on a tape that won't be too embarrassing for everybody.

I just remember David sitting there in the middle of all this food and there's five people at this meeting.

Ann: Do you remember what year that was or where that was?

Alan: That was probably in '74 or '75 or something like that. I'd say something like that I think. In the '70s. I can remember when David came and said ... Well, we basically set up meetings based on, if members were interested in doing a meeting, they'd kind of put together a meeting.

David one day said, we went to this meeting on antitrust. And I said, "Why would you want to do something like that? Nobody's interested in antitrust." And of course, that became one of the great meetings of that, LA Care, I mean that AHLA ever had.

I can always remember, what's his name? Bromberg out of Cleveland. It wasn't Michael Bromberg. It was Robert Bromberg. Whenever you'd say anything, Bromberg would bring up the tax implications of these things. I'm just trying to remember now ...

Let's see, I'm remembering the meetings where we're sitting drinking in Doherty's suite in Chicago and I got elected secretary. I'm trying to remember now. Let's see. I would think that the strongest, the time that really for me was the turning point in AHLA was the meeting in Maine when we all got together in I guess the mid '70s or the late '70s. Really for the first time sat down and seriously talked about how to do things.

That's when, up until the last time, if you were elected an officer you served for life, basically. It was at that meeting that we came up with the system of term limits, rotating officerships, board members, that really turned the tide from an organization that was kind of a fun ... I think the line ... We had a guy named Hal Levy, who was an older guy who was on the board for a while.

He once, I think it was his line. Who knows? In those days we were all drinking. But one of the lines somebody said is the, and I've used it since in a number of contexts, "The delightful informality that has marked this organization is going to have to change." And it did. I think about that a lot. I hate to tell you how many times since then I've been in places and organizations where everybody's sitting around and they're saying, "Things are going great." And I use that line. It really brings people to say, "Yeah, that's true."

Ann: That's hilarious. You know, I would love to hear your perspective. I know I was late and I don't want to take up more time than was allotted, but we're in an age now where younger people are not what I call, "Joiners." They don't see the point of the comradery or the brainstorming or the networking. Looking back on 1974 and that main meeting and seeing where AHLA has come, what would you say to a young person- a young healthcare lawyer now- about the importance of this organization?

Alan: I tell people a very simple story. That is, I look back to it to this day. When I got into the government I was, as I say, a management intern. I look, at that time when I got in the government, I'd begin to see resumes from everyone. What I say was everybody's resume looked the same. I said, "There's no future here." Think. If ever there's a time when I need a job, I'm gonna print out a resume which really looks the same as everybody else's. So what I need to do is, if I can find places that will publish things I write and places that will let me give speeches, I can build up a resume.

So when I got involved with AHLA, if you ever look at the AHLA archives, you'll see I gave a lot of speeches. I actually got some stuff, AHLA published some of my stuff. I was able to build up a resume of 17 pages of mostly speeches and presentations. I always thought one day I would need that.

Fast forward to 2004, and I'm in a company and my company has gone from 8,000 employees to three. That's three employees, not 3,000. And really, and the company, I realize the company is in its last weeks. It's going to go away. I get a call from a headhunter who says, "We're looking for Chief Operating Officer for a health plant in Los Angeles. Would you be interested?" I said, "To tell you the truth, my job here is ending and I'm interested. I could take a new job in a week." I could just go over there. I said, "Here's what I'm gonna do. I'm going to send you, I'm gonna email my resume to you." Within 10 minutes, you will call me back and tell me whether I am the person or not. Because my resume is fundamentally different. It didn't take 10. Five minutes later they called back and said, "We haven't even met you. You've got the job." That turned out to be a major event in my career.

What I said to the younger people is, "An organization like AHLA, when you get involved in it, gives you an opportunity to give not just context and not just to learn a lot, but gives you the chance to build a resume. The AHLA has committees, the AHLA has programs that you can help plan, the AHLA has publication opportunities in its journals and its newsletters, the AHLA has speaking opportunities. This is how you build a career and this is how you build a resume. Sitting in your office doing a great job, sadly, isn't going to do it for you. You've got to build that resume." I think that's what I would say to people.

Ann: Well said.

Alan: My day, of course nobody drinks the way we used to drink. I doubt that when you go in an AHLA meeting, there's tables full of AHLA members in the hotel bar until the bar closes.

- Ann: No, never. Never. Come with me to San Francisco in July. I'll show you those tables. No, keep going.
- Alan: That kind of camaraderie ... From what I think, AHLA provides lawyers with a fantastic opportunity. Frankly, the information obviously and the learning is great, but really the contacts you'll make and the opportunity, as I said, to build a resume is really what it's all about. Fantastic. I think it's a fantastic opportunity that doesn't really exist anywhere.
- One of the reasons that AHLA has thrived is that most organizations eventually become controlled by a clique. That clique basically, they and their friends give the speeches, become the officers, run the organization. AHLA from the very beginning had a theory that we did not want a clique. And then if anyone, [inaudible 00:27:16], if anyone said, "Hey, I want to be involved." We'd say, "What do you want to do?"
- For example, one day the AHLA got a call from a young lady named Donna Fraiche. And Donna said [inaudible 00:27:32]. And they said, "Well okay, that's good. We already have three women but they're all nuns in the organization. So yeah, we could use a female lawyer." They said, "So what are you doing?" We said, "Where are you looking?" "New Orleans." "We got a program in New Orleans." She said, "Well let me do this. Can I plan the cocktail party?" Well she apparently was on the board of the local art museum, and she planned this cocktail at the local museum, where they closed the museum to everyone. Within two years, she was an officer. Within a year she was on the board. Within two to three years she was an officer and she became president of the organization within four years.
- That's the kind of thing that AHLA does. Is to say, "No matter who you know, no matter, if you come up and say, 'I want to do things,' we got dozens of kinds of opportunities for you to do things. You can write, you can speak, you can head a practice group. Dozens of things that you can do. And really professionally develop any way you want." And I think that's what the organization is really about.
- Ann: Fantastic. Right, Right. As we close, tell me a little bit reflecting back on your career and on AHLA and the word "collegiality" in that context. What comes to mind just hearing that word?
- Alan: Well, what comes to mind is ideally with lawyers, whom I work, whom I've met, who I've known for years, because of AHLA. It creates an ease of doing business because, for instance, the other day I had sent out a letter to a hospital and I got a call a couple days later from the hospital's lawyer who I've known through AHLA for many years. We were able to very amicably come to a solution that we wouldn't have been able to do without that.
- Ann: So common, yeah. You're exactly right.
- Alan: It is that kind of thing.
- Ann: Got it, yep.
- Alan: We can come to that. So I'm sure you've seen that so often. You're right, it's just very common. It allows you to do that. I'm sure that many people have eventually ended up changing their careers based on people they've met at AHLA.
- Ann: Absolutely.

Alan: It's been terrific.