



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.

**October 26, 2017**

**Gary Eiland interviewing Myra Selby:**

**Gary:** Good morning, this is Gary Eiland, from the King & Spalding Law Firm in Houston, Texas. It is my privilege this morning to be the interviewer in a continuing project of the American Health Lawyers Association, to capture the AHLA history in a series of oral interviews with individuals that have been proactive participants and leaders in the AHLA, since the time of its merger in the mid-1990s, to the two predecessor organizations, the National Health Lawyers Association, and the American Academy of Hospital Attorneys.

This morning, we have with us, Myra Selby, a partner in the Indianapolis office of Ice Miller. Myra has been proactively involved in the practice of health law for many years. Was a participant in the National Health Lawyers Association before the merger to form AHLA, and has been an active member of both the Board of Directors and multiple, multiple committees and councils of the American Health Lawyers Association, since that time.

Welcome, Myra.

**Myra:** Thank you, Gary. Pleasure to be able to talk with you this morning.

**Gary:** Myra, to begin our discussion this morning, it would be helpful and since I've had a preview, insightful, to our listeners if you could provide a little background concerning your legal educational background, and then the beginning of your legal career, and then your movement into the area of health law.

**Myra:** Sure. I am a proud graduate of the University of Michigan Law School, and after finishing law school, my husband and I, my husband of several months at that point, and I embarked upon our journey, our married journey and my career journey to Washington D.C., where I started with a law firm and I was working in the area of labor and employment.

I had absolutely no doubt in my mind that I was going to be a labor and employment lawyer for the rest of my career, and about three years in, we sort of looked at each other, my husband and I, and realized that if we were serious about starting a family, we needed to be closer to our family. Both of which were in Michigan, at that time, and so

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we started to put the plan together to move back to the Midwest, which is how I landed at my law firm, Ice Miller. Where I am right now, and have been back for a second time.

When I came to Ice Miller, all was well, except for the fact that what they really needed was a lawyer in something called Medical Litigation and Health Law. While I knew what medical litigation was, and I could say, "Yes," to that readily, health law had never, never been a concept that I was familiar with, and certainly not any courses relevant to that in law school, at the time I was in law school.

So, my first question was, "What is health law?" And the answer was, one of the partners at that time, of the group, the head of the group, turned and pointed to a small conference room table where there were two huge thick binders on the table, and I went in and I looked at the binder covers, and they said, "NHLA Introduction to Health Law," or something. I'd never heard of health law, I'd never heard of NHLA. Two weeks later, I got out of that conference room and thought I had a little bit of an idea of what health law was, and what the initials N-H-L-A- stood for, and that was about all I knew.

But, I said, "Yes," to the opportunity to go into that group, and into that practice and I've never looked back, never had any regrets. So it was a little bit of an ordeal by fire, but that's how I became acquainted with health law. It's always sort of been a remarkable point in time for me, because it enables me to tell younger lawyers that this is a practice that you can get into really at any stage in your career if you're willing to learn and do the work. This is also why I tell young lawyers who, especially those who come to me with a determination that, "I want to be a health lawyer," asking for advice.

The first thing I tell them is go to the Fundamentals Program that is now offered by the American Health Lawyers Association.

Gary: Myra, your story as to your evolution into the health law practice is similar to others that started in other specialty areas, but would you concur that basically, many times it's being at the right place at the right time, recognize the opportunity and accepting the challenge?

Myra: Absolutely, and not being afraid of being on the low end of knowledge and expertise. You know, three years into law firm practice is about the time when a young associate begins to feel like, "Okay, I sort of get this stuff," or as I like to say, "You actually do know your way to the bathroom."

I was at that point, I felt like. So to jump in to a brand new area, that literally, I had never heard of, you know looking back, I don't know where I got the courage. I think that part of it was, I was very eager to be successful in my new law firm, and also the partners who were asking the questions, were very open about the fact that they really loved what they did. So that, I think, made a big difference to me.

Gary: Well Myra, in addition to wrapping your arms around two NHLA program binders, your first couple of weeks at Ice Miller. What was the entry point for either your attendance at NHLA programs and ultimately, involvement in leadership activities at NHLA?

Myra: Well, I don't really remember exactly what my entry point was, but I do know that I was a tag along to a partner here, to a program. So, it was not unlike what happens to many

people the first time they go to a program, it's because someone else has told them about a program. Or, I think in this case, I actually went along with someone to a program. I think there is absolutely no substitute for the power of someone saying, "Hey, come along with me," or, "Hey, I've been to that program and it's great. You should go."

That's really, and that was the beginning of my exposure to NHLA, and I think that, importantly, as I was involved as a fairly young attorney, and new to the area. I never said, "No," to an opportunity. I tried to do as much as I could by way of volunteering to write articles, or to help organize panels, or serve on committees, and that just carried over into the new AHLA organization, and led to leadership opportunity. Which, as you can probably see, I still never said, "No."

I try to just ... I try to take opportunities that came my way, and make a difference and do the best that I could, and AHLA is an organization where I believe you can do as much as you would like to do. Because it's one that invites volunteers to be, not just work in the organization, but to be as active as you would like.

So, that's part of the aspect of AHLA that I have always enjoyed and appreciated.

Gary: Well Myra, as your health law career developed at Ice Miller, I know that at some time in the early 1990s, you had an opportunity to move more into the government section, sector, dealing with health care policy. Would you please, kind of discuss and describe that?

Myra: Sure. Yes, in the early 1990s, after Evan Bayh was elected our governor, I started some conversations with him and his staff about the possibility of joining his administration. And over time, the discussions moved from a primarily Medicaid Office or Medicaid Agency focus to something a little broader, and so what we eventually crafted was a new position called, Director of Health Care Policy.

So, it was a position and our governors don't really refer to their senior staff as cabinet, but it was senior staff level position, so on the Senior Staff of the Governor, or that small group that many refer to as cabinet. My job was really to advise the governor, both as it related to what was going on as it related to healthcare in the state, but also, importantly at that time, the Hillary Clinton Health Reform Plan was rolling out in Washington D.C., and it had a large, large impact on ... it would have had a large impact on state Medicaid programs. Our state Medicaid program was really in those cross hairs at that time, and so I was very, very fortunate to be involved in learning about the Clinton Plan, and being the liaison to our state and Governor Bayh for purposes of appreciating the plan and how it worked for our State.

So it was a very, very highly intense time. I learned, I think more about health care policy then in that very intense short time, relatively short time then I think, one could have in a program, like a Master's program, because there were excellent experts in Washington, looking at what to do about reform and sharing all of that information with all of the governors through the National Governors Association. I went to those meetings with and on behalf of Governor Bayh, and just got very, very deeply involved in health policy for a couple of years, and it was a joy to serve the State of Indiana, but it

was also a really important point in time, in terms of understanding, kind of the whole health care picture.

Which to this day, is as complicated as anything in the world.

Gary: The time period you're describing would be during the first term of the Clinton Administration, so that would have been '93, '94.

Myra: Right.

Gary: What would you view as, you may already have stated this, but as your major accomplishment in that role?

Myra: You know, I don't know that I could identify any single accomplishment. I think of one thing I did accomplish, which was actually what my governor wanted, was keeping him extremely well briefed and advised on where our state was with respect to health care reform and its effects, as well as keeping him briefed up on what was going on in Washington, and how that would affect the state. So that was my, that was the primary objective of my role and I believe I accomplished that.

And then I would say, perhaps, secondary to that, that I was able to establish for that position, a state-wide view of health care at the county level, so that the governor could have a view to how health care was working or not working for that matter, in all 92 counties.

Gary: Okay. Well after your involvement as the Director of Health Care Policy for the State of Indiana, I know that, that was kind of the first phase of your public service for the state. And then after that, you ultimately, was appointed to and became the first woman, and the first African American to serve as an associate justice on the Indiana Supreme Court. Would you please describe that position and also the movement from Director of Health Care Policy to the Supreme Court position?

Myra: Sure. Yes, I was nominated to the Supreme Court by Governor Bayh, and at that time, the court had not had an associate or chief justice who was a woman or a judge of color. So I was that breaking double barriers or breaking two barriers. First and foremost, it was, first of all just a delight to serve with the four justices that I served with, and actually over my full term it was five different justices. We were a court of five, but there was one retirement, and a fifth justice that I served with during my time.

Serving on the highest court of the state is, of course, an important job, but also it was, for me, day in and day out extremely rewarding, because what you know that the work that you're doing is advancing the law, but also at the same time, affecting every life in the state. So it was a great honor to serve on the court. I'm still actively involved in several court projects, still maintain those relationships with the judges, because for me, it was that career opportunity of a lifetime, and I regarded it as such and really always will.

After serving on the court, which is in our state, as in most states, the highest level, I came to a point where I realized that as much as I loved the job and the work with the

court, it was not putting me in the right position for my growing, then growing young family, and so I decided to step down.

I returned to Ice Miller and my law practice in 2000, and resumed my health care practice. So that was a decision lucky enough to be able to make, because I was returning to a place that I already knew, and to a practice that was familiar and comfortable too, so I became a health lawyer again.

Gary: Myra, during your period of active involvement as Director of Healthcare Policy, and then on the Indiana Supreme Court, actually kind of overlap the time period in which the NHLA and the American ... Academy of Hospital Attorneys began their discussion regarding merger, and ultimately the merger did occur in the mid-1990s, and you were, if I recall, a Board Member of the NHLA, and hence a transition board member of AHLA.

While you had other active involvements in the State of Indiana, do you have any recollections of that process, the merger, and then also please comment on your view of the implementation of that merger.

Myra: Yes, you're right, Gary. I was on the National Health Lawyers Board, at the time that the merger ... I do recall that I was on that board when merger discussions were happening, and then for a very short time, I think I would have been on the new entity, the transition board, that I think was made up of, sort of the merging of both boards, from the NHLA and the Academy.

I remember that time as one of being, of great expectation. I had never been active in the Academy, but I had, my law partner was. He and I, sort of co-headed our health care practice for a long time, and so he came at it from that side. I was coming at it from NHLA side and both sides were very enthusiastic about the merger. I also thought that it presented great possibility and so shortly after it was accomplished, many of those doors, I thought, began to open.

I think it was certainly a time of uncertainty, because any time you create a new organization out of two existing successful organizations, you're taking a risk. I thought that the, first of all, the NHLA leadership, which was that time was David Greenburg and I think Marilou King, came on a little after this time, but I can't remember. I really can't. It seemed to me that NHLA staff was critically important in being really steady, very steady, very focused. There weren't a lot of "hair on fire," incidents or stories running around. So that things went, at least to my view, fairly smoothly.

Then after the transition, I think there was a period of time of, "Who is this new organization, and how does that all work?" Because, in both organizations, there were relationships of long standing, and patterns of long standing, and what you would expect from two organizations that had their own followings. It seemed as if it wasn't a very long time before the next organization, AHLA was born and it really then had its own identity very quickly.

Gary: Myra, after your service on the transition board of the new organization, AHLA, I know you were still on the Indiana Supreme Court, and you mentioned that you stepped down or retired from that position around 1999, 2000, and went back to Ice Miller to resume your practice of health law, but you continued participation in AHLA, and was

appointed again to the Board of Directors, I believe in 2004. And have served in multiple, multiple committee and council positions with AHLA both during your board tenure and thereafter.

Why don't you comment on that second phase of your direct involvement in the leadership of AHLA.

Myra:

Sure. So, yes in 2004, I got a call from Dick Cowart. Dick, being the completely affable guy that he is, I thought I was just chatting with Dick. I really did, and then at some point, he said, "I really would like to know if you would consider coming on the board, coming back on the board?" And my jaw dropped, because of all of the things, this was not something I was expecting at all. I had ... you know I had been involved and active in the association the entire time, even after I stepped down from the board in 1998. I certainly wasn't expecting this call, and so I had a lovely conversation with him, and then later did give it some thought, and decided that maybe it was time to step it up a bit, and go into leadership.

So, I said, "Yes," and I was elected to the board, and at that point, Dick had a lot of ideas. He was a really ... a very, very good and determined board president and I think under his leadership there were several initiatives that sort of started or blossomed and grew and I was really willing to contribute to the effort to the extent that I could. One of the things that did happen during that time, was that we established the Diversity Council, and I think that was a very important step for the association to take, and I believe that it was taken at a time when that was not all that common among peer associations and peer organizations.

I think, while I certainly don't know, and wouldn't say if AHLA was first, I would say that it was certainly early and a leader in that arena. I think that was a robust time in terms of growing membership and growing members and bringing new people into the organization, and I did what I could in that respect as well. A lot of that has to do with establishing relationship one-on-one with folks, which so many of the leaders of AHLA, all during the years have been so wonderful at doing.

I mean, if an AHLA member calls, you know that is going to be a genuine conversation, whatever it's going to be, whether that person had been me, or wants you to do something, either way. It's gonna be about what's important to them or to the organization.

Gary:

Myra, in addition to your really important service on the Diversity Council, the Membership Committee, and ultimately the Executive Committee, at some time you became involved in the dispute resolution procedures at AHLA. Why don't you please describe that?

Myra:

Yes, yes. Oh sure, delighted to. So the dispute resolution ... there are several, sort of, arms of this dispute resolution service. It of course, began modestly as a service to members, then grew as members and others had more and more use for dispute resolution services, and dispute resolution techniques and approaches to their matters. So, we really built it out to be an important service and premiere, in terms of offering dispute resolution, particularly with resolvers who have deep background in the health care substantive area.

I'm very happy to say that I was involved on the Dispute Resolution Board, when we hired Geoff Drucker, who's the director, because that just was a step in professionalizing what the service was and what it offers. At a time when dispute resolution, mediation, and arbitration is very, very, it's a very growing part of the litigation and dispute resolving space, and we wanted to make sure that AHLA was really at the lead in that respect, and offering the appropriate expertise and background for members and then for the public to use those services.

So I think that our ADR services is really ... It compares very favorably with other dispute resolving services and agencies, and I think that its distinguishing feature is that all of our resolvers are health care lawyers, either first or conjoined with their ADR profile. So that is a real distinction.

Gary: Myra, with your distinguished career background, but also, importantly, your lengthy role of service to the National Health Lawyers Association, and the American Health Lawyers Association, what would be some of your comments and advice to both the AHLA, as to the role in the future and support of health law? And also, what do you think would be useful advice for some of the younger attorneys entering this area of practice?

Myra: Well, I don't know about advice to AHLA. I don't know that I would necessarily want to offer anything to AHLA, other than to just continue to stay relevant, first of all, which I think means making sure to deliver content and services that span all generations of lawyers. So, I think a lot of times people talk about focusing on millennials. No doubt that millennials are the future, that generation is the future, but its not the only generation that should count, and it certainly should not mean taking the focus off of other generations, including that generation that's just one step above or older than millennials.

So it's not either, or, I think it's sort of more, all. Is I guess what I would say to AHLA.

To a young lawyer, I advise and mentor a lot of young lawyers in my law firm, in various roles that I play within the firm. I'm keenly interested in the development of young lawyers, because I've been very fortunate to spend my entire career in the law, because that's what I love, and I try to talk to young lawyers about meeting them where they are, and if someone declares or believes they're interested in having a career as a health care lawyer, I always like to tell them there is nothing stopping them.

So since there is nothing stopping them, why are you sitting there? Why are you sitting down? Why aren't you going to programs? Why aren't you attending webinars? Why aren't you writing articles? Why aren't you, because I believe that AHLA is a wide open, sort of, playground for someone new to the area to get involved. I like to say to young lawyers, "The practice of law is not like Jello pudding, it doesn't just all come together from the box to your mouth. It's really something that you wear every day, and you fit in, and you sleep in and so, if you're going to do that, you should do it deeply."

As I said earlier, I think getting involved in programs that give you content, like the Fundamentals Program. Yes, it involves time and yes, it involves being at an in-person program or getting the content from an in-person program, but that's an investment in your career, and I also like to say to young lawyers ... younger lawyers, and certainly the

millennial generation like to speak in terms of "having a mentor," or "a sponsor," and the importance of that. And accepting that, that's something that is important, I like to emphasize that, that's a two-way street. I have never said, "No," to a request for mentoring, but I have backed off, when the mentee or the person on the other end, doesn't seem to be all that interested in furthering the relationship and proceeding along a productive course.

So, I would say, that aspect is two-way, and I would say to young lawyers, "Be careful what you're asking of someone if you're hoping to gain something from that person, by way of networks or guidance or even just some of that person's time. Be careful that you consider it two-way, and that you understand and appreciate that."

Gary: Myra, thank you very much for those comments for the benefit of our younger members and also new and incoming members, but I think that much of that advice can also be taken by a more experienced members of longer term membership. You mention among other things is continuing to recognize, accept challenges, and the like, and I guess as we're coming to the conclusion of our allotted time, it appears that you also have continued to consider other alternatives, including stepping into, I know is a very politically motivated, or politically impacted process of receiving a nomination in 2016, to the Seventh Circuit Court of Appeals.

Can you comment a little bit on the background of that nomination?

Myra: Well, President Obama nominated me to the Seventh Circuit, and that's the ... the President's nomination is the, depending on how you look at it, either the first step on a rather treacherous journey, or it is an important step on a long journey. I'm not sure, which way to look at it, but in hindsight, unfortunately I did not, my nomination did not get a hearing in the Senate. That would be that political side of things that you might have been referring to earlier. So it didn't move.

Unfortunately, that's a very, very odd position to be, where something has happened, and you're stalled, or you don't advance, and you didn't do anything. You didn't do anything to cause it, or to move it, or anything.

Gary: And that's precisely the political implications that I was referring too, and obviously it's not only in the Seventh Circuit, but in many of the other Courts of Appeals, where nominations are made and then they ultimately stall many times, even without hearings.

In addition to that, I know that you have been the recipients of multiple awards and recognition over time, obviously things such as "Best Lawyer," and the like. Are there any of those awards that you would like to just mention as we're coming to conclusion.

Myra: Oh, well that's really kind of you to even say, and I guess I would have to say that because it is the highest honor, Governor Frank O'Bannon named me a Sagamore of the Wabash in Indiana, which is our State's highest honor that can be bestowed on an individual, and so there are very few, and I am very, very, very honored and I have mine on my wall. I look at it every day, because it is a very high honor, and it is that position that advises governors and others. I guess I would say that's one that I will really deeply treasure, always.



Gary: Well Myra, That's, I think a very good concluding point of our interview this morning. I want to thank you on behalf of the American Health Lawyers Association, for being willing and available this morning to share your background information, and also your important and sage advice for new members of AHLA, and younger members of AHLA for the future. That has been very helpful. So again, thank you, we appreciate it, and look forward to seeing you at a future meeting.

Myra: All right, Gary, my pleasure.

Gary: Okay, thank you.

Myra: Bye-bye.