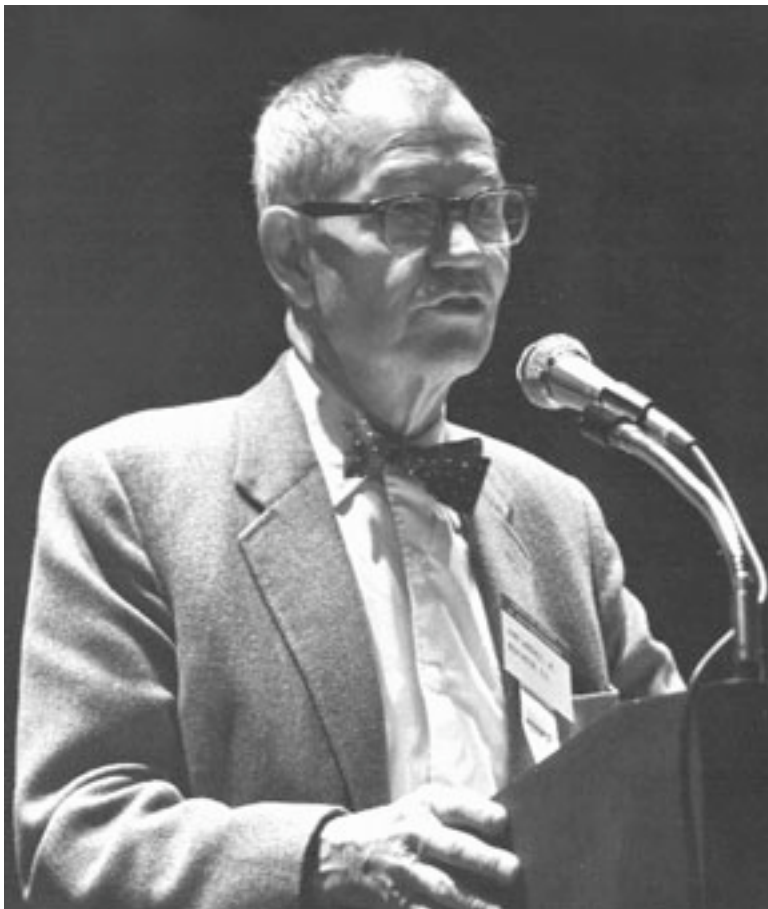


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<[http://www.asahq.org/Newsletters/2003/10\\_03/washReport10\\_03.html](http://www.asahq.org/Newsletters/2003/10_03/washReport10_03.html)>

## **Jack Lansdale (1912-2003), Remembered With Awe and Affection**

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For the past decade (exactly), I have been reporting on legislative and regulatory developments in this column. Having built this perhaps frail equity month by month, I hope I can be forgiven for devoting this 121st column, on the occasion of his death, to the memory of the finest lawyer I have been privileged to know, Jack Lansdale.



*Jack Lansdale (1912-2003) as ASA legal counsel in 1978.*

Jack died peacefully in his sleep on August 22 at the age of 91. Because he retired from his role as ASA legal counsel more than 20 years ago, it is a safe bet that only a modest percentage of ASA's current membership ever knew him, or for that matter ever heard of him. But his contributions to the specialty were profound and deserve at least brief remembrance in these pages. Who knows, they may even serve as inspiration to the guardians of the specialty today.

Jack did not become involved with ASA until after World War II. His wartime accomplishments as chief of intelligence and security on the top-secret atomic bomb project have been widely documented, and his testimony supporting the loyalty of J. Robert Oppenheimer — one of the project's chief scientists — was even the subject of a dramatic production in which Jack was portrayed as a heroic figure bucking the McCarthyistic hysteria sweeping the country at that time.

By his own admission, Jack knew nothing of the politics of health care when he began to represent ASA in the late 1940s. To this day, he is far better known for his many accomplishments as a trial lawyer than as counsel for a national medical specialty society. But he became counsel to ASA at an incredibly important time for development of the specialty.

Still in its infancy as a recognized medical discipline, anesthesiology in those days was regarded, along with pathology and radiology, as a hospital service. Through the 1950s, ASA leaders, with Jack's legal and strategic counsel, battled with hospitals and insurers for recognition of the specialty as the practice of medicine. Had they not succeeded, it is doubtful that ASA would even exist today; rather it might have ended up as an "anesthesia service committee" of the American Hospital Association.

Culmination of this effort really occurred with passage of Medicare legislation in 1965. Early drafts of this legislation during the Kennedy administration contemplated that anesthesiology services would be paid for as hospital services under what is now Medicare Part A, a concept that would represent a dagger through the heart of anesthesiology as a recognized, and independent, physician specialty. Jack, again with several leaders of the Society, extensively lobbied both the Senate and the House, and at perhaps the nadir of the Society's relationship with the American Medical Association (AMA), refused to oppose the Medicare program itself — recognizing that if they did so, any chance for federal acceptance of anesthesiology as a physician service would be lost. That this Washington Office devotes so much time battling with the Centers for Medicare & Medicaid Services over Part B reimbursement today is a direct product of the fact that these guardians of the specialty succeeded in gaining recognition of anesthesiology as an independent physician service under Medicare.

It was during this same period that the Society, responding mainly to the requests of insurers, began to develop the ASA Relative Value Guide. As most members know, virtually all anesthesia services in this country are today reimbursed pursuant to the guide or some variation thereof. Jack again served as counsel during this process, and ultimately in 1975, successfully defended the guide against antitrust attack in litigation brought by the Department of Justice. Jack advised the Society to fight the government at a time when many other specialties were signing consent orders by which they abandoned use of their relative value guides and in the face of strong skepticism expressed by AMA as to the wisdom of ASA's course of action.

Jack retired from active ASA representation in the late 1970s, some 30 years after he

began. The first nonphysician invited to present the Emery A. Rovenstine Memorial Lecture, Jack exhorted his audience in 1985 not to “abandon the dream of making safe, effective anesthesia available to all the people.” Today’s ASA members should be aware that perhaps more than any other single person, Jack Lansdale was the head shepherd in its early years of a Society that remains today in a position to make good on that dream.

Jack Lansdale was a father figure to me for many, many years, and quite frankly, I revere his memory. He was the most disciplined man I ever met. Afraid early in his career that he was becoming too reliant on alcohol and tobacco, he stopped both, cold turkey. No Alcoholics Anonymous, no nicotine patches, just will power. No book that entered his home could be shelved until he had read it, a trait that he continued long after his retirement. When he decided he was overweight, he started to run, and run, and in relatively short time, lost 40 pounds that he never regained. And when he tried a lawsuit, as former ASA President Jess B. Weiss, M.D., will attest, the intensity of his focus on the objective was literally frightening to those around him.

Early in my career, I was Jack’s research assistant for about two years. I second-chaired him on a case involving construction of part of the Ohio Turnpike. After a long trial, the judge entered a judgment virtually all in our favor. On appeal the appellate court sustained most of what the trial judge had done. When I walked into Jack’s office with the opinion, I noted that the appellate judges had upheld our position, but, I said, “for all the wrong reasons.” Jack responded: “I don’t give a damn what their reasoning was. The client won, and that’s what counts.”

ASA has been enormously fortunate to have been served by a lawyer who put its interests above all else. That’s what Jack did, always with great passion. Except for his wife and five daughters, Jack never expressed much pride. But I’m pretty sure he’d take pride today in the ASA he helped nurture. As one fortunate to have been among his disciples, I will miss him.