

## THE WORK

### Health Care Reform Not Dead Yet, Says McDermott Lawyer

Posted by Brian Baxter

Democratic Senate candidate Martha Coakley's resounding defeat in the race to succeed the late Ted Kennedy doesn't necessarily sound the death knell for health care reform legislation, says McDermott Will & Emery government strategies partner Eric Zimmerman.

"I'm very confident that health care reform will be enacted," says Zimmerman (pictured at right). "The question is what will it look like and when will it be enacted?"

Republican Scott Brown's stunning victory over Coakley, the former Massachusetts attorney general and Goodwin Procter alum, has led to doom-and-gloom forecasts from some Democrats who are lamenting the loss of their filibuster-proof 60-seat supermajority. (Sibling publication The National Law Journal reports that Brown and his chief legal counsel at Duane Morris aren't nearly as disconsolate.)

Reports that House Democrats won't take up the health care reform bill passed by their colleagues in the Senate notwithstanding, Zimmerman says Democrats will eventually realize that they're better off politically by pushing forward with reform instead of abandoning it.

"Health care reform has been a top priority for the Obama administration," Zimmerman says. "And while [bipartisanship] would be nice, I don't think it's likely here."

Zimmerman demurred when asked why he thought bipartisanship wouldn't advance a health care reform bill. He did say that Democrats have invested a tremendous amount of political capital in reform, making success on that front almost a necessity if they are to move forward with the rest of the Obama agenda.

"Health care reform, for better or worse, has consumed a great deal of time, attention, and resources from Congress and the administration for the past year," he says. "And that's at the expense of other issues, like the economy and jobs."

Supermajorities like the one held by the Democrats prior to Kennedy's death are rare under our two-party system, and losing one is simply not a dealbreaker in terms of rounding up the votes required to

pass health care legislation in some form, Zimmerman notes. Democrats have several potential strategies for mustering the 218 House votes necessary to approve the bill passed by the Senate last month.

Among the options being discussed by analysts across the political spectrum: passing additional legislation to reconcile the separate reform bills passed by the House and the Senate; scaling back those bills to something less ambitious, and using the budget reconciliation process to pursue piecemeal reforms.

Zimmerman declined to comment on any of these possible tactics other than to he expects that "the Democratic leadership will get its feet back under them and figure out its strategy and pursue one."

McDermott, which added former White House counsel and known Beltway insider Lanny Davis from Orrick, Herrington & Sutcliffe in October, hopes to capitalize on its lobbying and political consulting expertise when advising clients on health care reform issues.

"We've been very involved in the lobbying effort and the debate itself for a number of clients and we expect to be very busy with respect to the implementation phase too," Zimmerman says. "There's going to be a lot of need for attorneys who can help businesses navigate these shoals."

Zimmerman declined to identify McDermott's largest clients in the health care field, only acknowledging that the firm represents "household names in all aspects of the industry like pharmaceuticals, medical device manufacturers, payers, and some of the largest hospital systems in the country."

According to the OpenSecrets Web site run by the Center for Responsive Politics, McDermott reaped more than \$3.7 million in lobbying income through the third quarter of last year. Some of the firm's largest industry clients include genetic research firm Genomic Health, not-for-profit health system Intermountain Health Care, and The Coalition for 21st Century Medicine.

