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Healthcare Attys Become 'Producers' To Seal Provider Deals

By **Yeji Jesse Lee**

Law360 (July 14, 2026, 7:15 PM EDT) -- Anne Murphy remembers the first time she deployed what she calls the "campaign approach" in a healthcare deal.

Anne Murphy

Torrey McClary

It was more than a decade ago, and she was working on a transaction to relocate a hospital in Illinois.

The deal was expected to generate a lot of local attention and would require what is known as a certificate of need sign-off from a state agency. She and others working on the deal wanted to get ahead of any potential road bumps.

A hospital executive brought in a slew of legal and media consulting representatives as the deal came together. The whole group was at the table to strategize on crafting the overall message and optics of the transaction before it went public, and to get buy-in from everyone involved.

Murphy, now a partner in ArentFox Schiff LLP's healthcare group, said it felt like everyone was in the right place at the right time to make sure the deal came together smoothly.

"The model that we developed came from very energetic conversations between the PR consultant and me that, in my mind, blossomed into a model that I've used many times since then," she said.

Today, more attorneys like Murphy putting together big provider transactions see a growing need in their practice for what they call a producer approach, in which law, finance, public messaging and internal coordination happen in tandem.

A combination of factors — intense scrutiny of healthcare consolidation, more regulatory requirements, and bigger and more complex deals — are behind the trend.

As a result, attorneys say that their roles are shifting outside the traditional scope of a deals lawyer.

On top of writing up contracts and negotiating terms, attorneys now have to strategize early on with PR firms to carefully craft the optics of a deal; collaborate closely with consultants, bankers, and government relations experts, and engage with payors.

Making the moving parts work together is the way to get a deal past the finish line.

"It really is an almost requirement, [and] certainly a best practice for the transactional lawyers that are leading that deal to think '360' about how this is going to unfold," said Rick Zall, chair of King & Spalding LLP's healthcare transactional and regulatory practice.

"It's really not just, 'Let's put together a legal document and negotiate the terms,'" he said. "If the deal is going to go forward, it really requires that active management."

Douglas Grimm, a veteran regulatory and deals attorney who leads ArentFox Schiff's healthcare practice, said he has been feeling this in his practice, too.

For a long time, it just felt like one deal required "a little more hand-holding or involvement for the attorney" while another didn't, he said.

"But now I think things are really beginning to bloom as it relates to looking at the lawyer beyond just simply… negotiating the legal terms and then committing it to paper," he said.

Today, attorneys like him must assist "from the genesis of the idea" to make sure a transaction happens, he said.

He attributed a lot of this evolution to the changing regulatory environment and increased scrutiny of healthcare consolidation.

"There's a lot of opportunity out there," he said. "And I think that's where the attorney's role — not by design I just think by function — has just gradually expanded."

Torrey McClary, a healthcare partner at Ropes & Gray LLP, said healthcare transactions used to follow a much more "standard process," in which there was a clear understanding of timelines and regulatory processes.

But that kind of clear path is no longer the norm, she said.

"As the deals have become more innovative and the structures more complex and the geographies more expanded, it's really created a lot of changes to the process," McClary said.

It has also meant that the outside counsel's role in navigating the process has evolved. In her job, McClary is more focused than ever on managing how all the pieces of a deal come together, she said.

Depending on the deal, that could mean involving teams of people at her own firm across areas like tax, environmental, labor and employment, benefits, or real estate — all for a single transaction.

It also means making sure that documentation and due diligence in one area is consistent with what's happening across all the other teams involved.

"It really is that function of taking all the pieces and integrating them into … the final product and producing a deal that makes sense, that's good for both parties, that's going to pass regulatory muster, that's going to tell the right story and that is going to be capable of being closed," she said.

Ropes & Gray partner Ranee Adipat — whose healthcare deals experience covers nonprofits, academic institutions and large networks, among other areas — likens it to "quarterbacking."

"You have to think of these parallel groups of people processing a lot of information at once, and then someone has to bring it together," she said.

It's not just attorneys who are feeling this shift.

Healthcare industry consultant Mike India, EY-Parthenon Americas health sector leader, said that in his work, he has been seeing a wider change in how health systems and providers are putting together deals.

A lot of provider transactions used to take place over extended periods of time, he said, with hospital systems often choosing to operate side by side in partnerships for years or opting for a slow integration over a more robust merger.

But that's shifted over the years. India said that, today, more hospital mergers are following "traditional speeds of integration," closer to deals in other sectors.

That, he said, may be what's pushing part of the "producer" trend.

"It, too, is forcing us to work alongside lawyers, bankers and other advisers more frequently, which is also similar to how it works in other sectors, as well."

Rebecca Pitt, a managing director in FTI Consulting's strategic communications segment, said that communications teams like hers are likewise being brought into conversations much sooner today than in the past.

"Communications professionals have always been an important part of the process, but now we're seeing them be brought to the table much earlier," Pitt said.

She said she's increasingly brought in to have a seat at the table for deals still being structured.

"The importance of messaging has changed from just communicating facts around a deal into creating a road map for what this process looks like and reinforcing the benefits of the transaction all along the way," she added.

Amanda Zablocki, the co-lead of Sheppard's healthcare industry team, said it's also not just about whether a deal closes. Many hospital mergers and partnerships go beyond contracts and dollar signs.

"It's not enough for the deal to be approved. It has to be right for your community. It has to be right for your internal stakeholders, your employees, your workforce," she said. "And it has to be accepted by the public."

That level of complexity is making the healthcare provider space challenging. But that's also what makes these transactions fun and meaningful, Zablocki said.

"It's a more satisfying role for a lawyer to play because we're not just mechanics," she said. "We're coming in as strategists and partners, and it's a different role."

--Editing by Amy French.