

August 24, 2015 News

Related People

Brewster H. Jamieson
jamiesonb@lanepowell.com

Related Practices & Industries

ERISA, Life, Health & Disability
Litigation

Jamieson Interviewed by Alaska Public Radio Network Regarding Anti-Medicaid Lawsuit

In the News

Lane Powell Shareholder Brewster Jamieson was interviewed by Alaska Public Radio Network regarding a Medicaid expansion program that is set to roll out in Alaska on September 1. The expansion would offer health coverage to as many as 40,000 very low-income adults that do not have children. Lawmakers suing to stop the expansion will ask a judge for a preliminary injunction, which would prohibit the state from implementing the program before the issue is decided in court. Jamieson said that to convince a judge to issue an injunction you have to show irreparable harm and that you're likely to prevail on the merits.

"You have to show that you're likely to prevail on the merits, first off, and the court has to find that there is a likelihood that you'll prevail, in addition you have to show irreparable harm and no adequate remedy at law — and it's a relatively high standard," he says.

Irreparable harm is something money can't fix. For example, if a historic building is about to be torn down, a judge might grant an injunction to a historical society to keep the building standing temporarily until they can prove it deserves to stick around long term. If you tear it down, it can't be rebuilt exactly the same, so the damage is irreparable. Of course, the legislatures' case is very different. ...

... "So here I think that you'd probably have the legislature arguing that unless the injunction is granted, there is really no way to fix the legal quandary that they're in."

