

Pharmacy Law Brief

Insights about Law School

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Question: During a somewhat slower period at the pharmacy I was talking with a patient whose daughter is starting her undergrad studies this year with the ultimate goal of attending law school. As the conversation progressed we both acknowledged that we didn't know much about law school. Can you provide some background or context?

Response: Law school is three years in duration with a curricular structure and instructional approach that differs quite a bit from pharmacy school. The first-year curriculum consists of all required courses. This includes courses such as civil procedure, contracts, property, and torts, in addition to an extensive introduction to legal research and writing. After that academic year, nearly all the other courses in the 90 semester credit hour curriculum are elective except for Professional Responsibility, the legal ethics course.

The magnitude of elective choices is surprising to some because many people assume that certain courses that are not required would be – wills and estates or law of evidence, for example. This degree of flexibility enables the law student to focus or specialize to some degree while in law school. For example, I had a roommate who knew he wanted to specialize in tax law. So during the four semesters after completing first-year course work he was able to schedule six tax law courses. This flexibility of schedule planning also enables one to explore areas or topics in the law that may be appealing. It also highlights the importance of selecting a law school with a larger number of course offerings. An additional requirement one would see in many law school curricula is that during each of the final four semesters the student must take at least one course with a substantial legal research and writing requirement. The law is all about words, their proper use and their impact.

The instructional approach used in many law school classes is known as the Socratic Method because it was adopted and fine-tuned by Socrates many centuries ago. The students will have been given a number of items to read to prepare for the class session and when the class begins the instructor will call upon a student to recite about the case, let's say. The instructor will pepper the student with questions as the recitation unfolds, all in an attempt to prepare students for what they may well face upon graduation, either from a judge in court or from a legislator in the legislature. So, in essence, the students teach the course with the instructor conducting the flow

Disclaimer: The information in this column is intended for educational use and to stimulate professional discussion among colleagues. It should not be construed as legal advice. There is no way such a brief discussion of an issue or topic for educational or discussion purposes can adequately and fully address the multifaceted and often complex issues that arise in the course of professional practice. It is always the best advice for a pharmacist to seek counsel from an attorney who can become thoroughly familiar with the intricacies of a specific situation, and render advice in accordance with the full information.

of classroom conversation. One who is thinking about going to law school can arrange to sit in on a class to see this in action. Another way to get a glimpse of that format would be to view the 1970's movie, *The Paper Chase*, starring John Houseman as Prof. Charles Kingsfield. In the role for which he was recognized with the Academy Award for Best Supporting Actor, this actor truly captured the mien of a law professor and the resultant angst of a law student.

To gain admission the student must have an undergraduate degree but the field of major academic focus is not as constrained as one might think. Traditionally, many law students had completed degrees in political science or history. It is noteworthy that "pre-law" is not an academic major; it is an intention. Now law schools emphasize that the field of study is not as important as is taking courses that require writing and logical reasoning. The focus should be on developing skills of value to one entering a professional field whatever it may be – listening, analyzing, communicating, and creative problem solving.

Taking the Law School Admission Test is a requirement for admission and the score on that is evaluated along with the applicant's academic transcript, letters of reference, and perhaps the assessment of an interview.

There are slightly over 200 law schools in the U.S. for which accreditation is handled by the American Bar Association Section of Legal Education and Admissions to the Bar [see https://www.americanbar.org/groups/legal_education/]. There are three in Kentucky. The degree conferred on one completing the law school curriculum is Juris Doctor, a professional doctorate parallel to many others in the same category, e.g., DMD, VMD, MD, DO, OD, PharmD, DNP, DPM, DPT, etc.

It has been estimated that about seventy percent of law

school graduates in the U.S. embark on a career of active law practice. The others pursue opportunities where their skills are valuable but where admission to the bar is not a requirement. For example, two of the most prominent commercial real estate developers in Lexington over the year were two brothers who both had graduated from the UK College of Law.

Each state has a Board of Bar Examiners to supervise the admission to practice, similar to what the Board of Pharmacy does for pharmacists. The two-day examination is described this way by the Kentucky Office of Bar Admissions:

“The first day is devoted to the Kentucky essay portion of the examination, which is prepared and graded by the Board of Bar Examiners and the Multistate Essay Examination (MEE), which is prepared by the National Conference of Bar Examiners (NCBE). The essay portion of the exam consists of six (6) Kentucky essay questions and six (6) Multistate Essay (MEE) questions. The second day is devoted to the Multistate (MBE) Bar Examination, which is prepared by the Na-

tional Conference of Bar Examiners. The Multistate (MBE) bar examination, consisting of 200 multiple choice questions, is graded by the National Conference of Bar Examiners (NCBE).”

Kentucky follows an approach known as having an “integrated bar”, meaning that attorneys admitted to practice in Kentucky must be members of the Kentucky Bar Association. This requirement exists because the KBA is responsible for enforcing standards of professional practice, a role discharged in pharmacy by the Kentucky Board of Pharmacy. The KBA also monitors attorneys’ compliance with continuing legal education (CLE) requirements for renewal of licensure. That expectation is a total of twelve hours of CLE credit per year, with two of those twelve dealing with ethical issues.

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As of January 31, 2018 the FDA alerted health care professionals of thirteen IV saline products (Sodium Chloride, Mannitol, Dextrose, Potassium Chloride) manufactured by Baxter HealthCare Corporation to be used beyond the manufacturer’s expiration date. The extended shelf life of these products varied from an additional 13 days to 9 months.

In conclusion, pharmacists should review their protocols for drug shortages within their facility. It is important to develop a protocol in advance so all healthcare professionals within the facility are on agreement as to the conservation of products. Pharmacists can receive the most updated information regarding drug shortages by visiting the FDA website.

Resources:

[https://www.fda.gov/downloads/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco / CDER/UCM516143.pdf](https://www.fda.gov/downloads/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/UCM516143.pdf)

<https://www.fda.gov/Drugs/DrugSafety/DrugShortages/ucm593084.htm>

<http://www.biopharminternational.com/fda-warns-amino-acid-shortage-due-hurricane-maria-0>

<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm591391.htm>

[https://www.nytimes.com/2017/10/04/health/puerto-rico-](https://www.nytimes.com/2017/10/04/health/puerto-rico-hurricane-maria-pharmaceutical-manufacturers.html)

[hurricane-maria-pharmaceutical-manufacturers.html](https://www.nytimes.com/2017/10/04/health/puerto-rico-hurricane-maria-pharmaceutical-manufacturers.html)

<https://www.theatlantic.com/science/archive/2017/10/what-happened-in-puerto-rico-a-timeline-of-hurricane-maria/541956/>