



Pharmacist-Lawyers

By Joseph L. Fink III

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In the past, various estimates of the number of pharmacist-lawyers have been made but most have been based on personal estimates with no attempt made to identify these professional hybrids and inquire about them. Estimates have ranged from a low of 75-150¹ to as high as 400-500.² In the only study found in the literature, Professor William Curran of the Harvard School of Public Health reported 141 persons with degrees in pharmacy and law.³ In that study conducted for the Commonwealth Fund, he also found 205 persons with law and medical degrees, 32 with degrees in law and public health, 25 dentist-lawyers, and 14 persons holding degrees in hospital administration and law.³

The study reported here was undertaken to locate as many pharmacist-lawyers as possible, to yield a profile of the group, to note their work activities and to investigate interest in both professions.

Methodology

To collect names and addresses of pharmacist-lawyers, letters were sent to 52 state pharmacy association executives, 48 state board secretaries and 73 faculty members, usually in pharmacy administration, one at each college of pharmacy. Returns were received from 73 percent of both association executives and board secretaries as well as 53 percent of the faculty members. For survey purposes, a pharmacist-lawyer was defined as one who has graduated

from a school of law as well as a school of pharmacy. Licensure as a pharmacist or admission to the bar was not required to be considered a pharmacist-lawyer. The resulting address list served as the starting point for the survey.

A questionnaire was sent to each person believed to be a pharmacist-lawyer with a cover letter explaining the purpose of the survey with a postage-paid reply envelope. Those responding were asked to list other pharmacist-lawyers so that the address list was constantly expanding. As a further method, a letter to the editor was published in *Pharmacy Times*⁴ requesting information on the location of members of the cross-professional group.

The questionnaire included questions on age, schools of pharmacy and law and years of graduation, degrees held other than pharmacy and law, location of pharmacy licensure and bar admission, primary work activity and professional memberships. Further, questions were included on factors influencing the respondents to enter law school as well as the most pressing problems facing pharmacy and the law.

Results

A total of 216 questionnaires were mailed to persons reported to be pharmacist-lawyers and 38 were mailed to students at accredited law schools reported to be pharmacy graduates. The return rate for pharmacist-lawyers was 134 (62 percent) while that for phar-

macist-law students was 26 (68 percent) yielding an overall return rate of 63 percent. Although the 134 were confirmed by their responses to be graduates of both pharmacy and law schools, the total number of pharmacist-lawyers is estimated at 175 to 200 due to the number of persons reported and known to be dual graduates who did not complete the questionnaire. Moreover, there are probably a number who were not located by the method used here.

Pharmacist-lawyers were found in 37 states and the District of Columbia, with the greatest number located in New York. Table I (page 566) indicates the number of pharmacist-lawyers and law students found in each state.

Sixty-four percent of those responding in the pharmacist-lawyer group were under age 40, indicating that the group is relatively young. As would be expected, 88 percent of those attending law school were under age 30. However, it is noteworthy that 12 percent of those currently attending law school are over 30. Of special interest is an 81-year-old judge in Montana who became a pharmacist by apprenticeship and a lawyer through self-instruction and clerkship.

Among the 134 law graduates responding, 51 colleges of pharmacy, or slightly over 2/3 of the colleges in the continental United States were represented with two other colleges no longer in existence also represented. One pharmacist-lawyer entered pharmacy by way of an apprenticeship. With comparable diversification, the 26

pharmacists currently attending law school represent 19 different colleges of pharmacy.

Consistent with the relative youth of the group, the data indicated that nearly 40 percent of the lawyers graduated from pharmacy school during 1961 or

later and nearly 75 percent graduated in pharmacy during the 1950's or later. Law school requires three or four years depending on whether study is full-time or part-time. By tabulating the instances in which pharmacy graduation preceded law graduation by more than

four years, we can approximate what proportion of the respondents did not go directly to law school. Sixty-five percent of the law graduates did not go directly to law school. One person completed his law degree 36 years after he finished pharmacy. For the students, 40 percent did not go directly to law school, indicating an increase in the tendency to enter law school directly from pharmacy school. One current student will see 21 years pass between his pharmacy and law graduations.

Diversity is seen in the law schools attended; 75 law schools were represented by the responding graduates while 20 are attended by the 26 students. There are 149 law schools accredited by the American Bar Association.⁵ There were a number of law schools which had graduated more than one pharmacist-lawyer, but the schools with the greatest numbers were—Georgetown University (7); University of Maryland (6); SUNY-Buffalo (6); University of Wisconsin (4). Data concerning year of graduation from law school indicate that increased interest in law began in the mid-fifties and increased greatly by the mid-sixties, 85 percent of the pharmacist-lawyers responding having received their law degrees after 1956. Of interest is one respondent who entered pharmacy after attending law school, graduating in pharmacy 16 years after finishing law. He remarked that he did so because he was "running my father's pharmacy after World War II and decided to practice pharmacy rather than law." His was the only instance where law study preceded that of pharmacy.

Nineteen (14 percent of the pharmacist-lawyers hold degrees other than their basic degree in pharmacy (BS or PharmD) or law (LLB or JD) but four of the 19 earned an advanced degree in law (LLM) as their other degree. Eight, or nearly 31 percent of the current students hold degrees other than their basic pharmacy degree. Four in the lawyer group hold PhD's while two law students do. Table II (page 567) lists these degrees.

Nearly all respondents hold pharmacy licenses, probably as security; only one lawyer and one law student do not hold pharmacy licenses. However, seven percent of the law school graduates have not been admitted to the practice of law.

Table III (page 567) presents a breakdown of the chosen work of those responding. Eight possible answers were presented based on the career opportunities outlined by Steeves² and Woods¹—practice of pharmacy, practice of law, pharmacy association work, work in the pharmaceutical industry or government service, teaching in a school of pharmacy or law, or other activities.

Nearly 53 percent of the graduates

TABLE I
Geographical Distribution of Pharmacist-Lawyers and Law Students

State	Pharmacist-lawyers	Pharmacist-law students
Alabama	1	1
Arizona	1	—
Arkansas	1	—
California	9	2
Colorado	1	—
Connecticut	1	—
Delaware	3	—
District of Columbia	9	—
Florida	5	1
Idaho	1	—
Illinois	7	—
Kansas	2	—
Kentucky	1	—
Louisiana	2	2
Maryland	7	2
Massachusetts	4	1
Michigan	3	1
Minnesota	3	1
Mississippi	3	—
Missouri	1	—
Montana	2	—
Nebraska	1	1
New Jersey	3	1
New Mexico	1	—
New York	14	1
North Carolina	1	—
Ohio	12	1
Oklahoma	3	1
Oregon	1	—
Pennsylvania	5	4
Rhode Island	1	—
Tennessee	4	—
Texas	7	4
Utah	1	—
Virginia	8	1
West Virginia	1	—
Wisconsin	3	1
Wyoming	1	—
Total	134	26

Note—None were identified in states not listed.

practice law while 11 percent engage in pharmacy practice and 8 percent are in government service, a distant second and third. Seven percent are in other fields while six percent are in pharmacy association work, six percent in the pharmaceutical industry and six percent are teaching in schools of pharmacy. A smaller portion (42 percent) of the students said they intended to practice law and 23 percent said they would practice pharmacy. This variation may be due to misinterpretation of the question by the students in that some appeared to state present activity rather than the prospective response sought. In addition to the categories listed above, the following occupations were present among the law graduates—two judges, three pharmacy chain executives, one bank president, one hospital administrator, one businessman, one state legislator and one attorney for a health insurance plan. Twenty-six of the 71 who practice law as their primary activity indicated that they practice some pharmacy as well.

Eight of those graduates responding indicated that they do part-time teaching in a pharmacy school although it is not their primary activity. This represents six percent of the law graduates which contrasts with slightly over 11 percent of the physician-lawyers who teach on a part-time basis.⁶ As of December 1971, there were 38 persons with law degrees teaching in colleges of pharmacy,⁷ most on a part-time basis, but it cannot be determined how many also hold degrees in pharmacy. Since letters were sent to one faculty member at each college of pharmacy it is expected that nearly all dual-degree holders in pharmacy academia have been included.

The number of memberships in professional organizations was tabulated to indicate professional ties. Membership in bar associations was higher than in pharmacy organizations for the law graduates but the opposite was true for the students. The interest in pharmacy organizations appears to be inversely related to the amount of time the respondent has been out of pharmacy school, since the law students are more recent pharmacy graduates. However, the 46 percent membership level for lawyers in the American Pharmaceutical Association and 39 percent for state pharmacy associations is in line with the fact that 45 percent of the law graduates do not practice law as a primary activity. Therefore, those not practicing law probably have that greater interest in pharmacy which leads to pharmacy memberships. Despite the response that 42 percent of the students intend to practice law upon graduation, only 31 percent hold student membership in the American Bar Association which requires a very nominal membership fee.



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Of 134 pharmacist-lawyers responding, four percent were women. A higher percentage was seen with the students—12 percent women. Both of these figures are higher than the national figure of three percent of the attorneys in the nation being women,⁸ but the proportion of women holding the MD-JD combination (four percent)

is very close to that for women pharmacist-lawyers.⁹

Factors influencing these pharmacy graduates to enter law school are listed in Table IV (page 568). The law graduates listed interest in law first, with lack of stimulation in pharmacy second, and desire to work for pharmacy in an administrative or legislative capacity third. The students ranked lack of in-

TABLE II
Degrees Held Other Than Basic Pharmacy or Law Degree

Degree	Pharmacy-Lawyers Number	Pharmacy-Law Students Number
BA (Bacteriology)	1	—
BA (Biological Sciences)	—	1
BA (Chemistry)	1	—
BA (Psychology)	—	1
BS (Chemistry)	2	1
BA (Zoology)	—	1
LLM	4	—
MBA	2	1
MS	5	1
PhD	4	2
Total	19	8

TABLE III
Primary Work Categories for Pharmacist-Lawyers and Law Students

Activity	Pharmacy-Lawyers		Pharmacy-Law Students	
	Number	Percent	Number	Percent
Practice of pharmacy	15	11	6	23
Practice of law	71	53	11	42
Pharmacy association work	8	6	—	—
Pharmaceutical industry	8	6	—	—
Government service	11	8	2	8
Teaching in pharmacy school	8	6	2	8
Teaching in law school	1	1	—	—
Other	10	7	—	—
No response	2	2	5	19
Total	134	100	26	100

Note—Students were asked to respond with their expectations upon graduation.

TABLE IV
Factors Influencing Pharmacy Graduates' Entry to Law School

Factor	Pharmacist-Lawyers Number	Pharmacist-Lawyers Percent	Pharmacist-Law Students Number	Pharmacist-Law Students Percent
Interest in law	27	20	—	—
Lack of intellectual stimulation in pharmacy	21	16	7	27
Desire to work for pharmacy in an administrative or legislative capacity	16	12	2	8
Self-improvement	12	9	—	—
Job flexibility	10	7	5	19
Interest in business	8	6	—	—
Economics	6	4	1	4
Lack of professionalism in pharmacy	5	4	4	15
Member of family or friend	4	3	1	4
Faculty member in pharmacy school	3	2	1	4
Desire for something less scientifically oriented	1	1	3	12
Desire to teach law in pharmacy school	1	1	1	4
Desire to change basic institutions in our society	1	1	1	4
Long hours	1	1	—	—
Interest in politics	1	1	—	—
No response	17	12	—	—
Total	134	100	26	100

Intellectual stimulation first above job flexibility with lack of professionalism in pharmacy coming in third. Although no student listed interest in law as a reason for entering law school, it can be assumed to be present. This lack of mention can best be explained by noting that the question was open-ended without a list of possible responses.

In Table V (page 569) are compiled the responses to the question, "What do you see as the most pressing problem facing pharmacy?" Both groups placed greatest importance on the merchant versus professional image of pharmacists. Governmental regulation, organizational unity and developing the health care team received equal percentages from the lawyers. The law students placed organizational unity second and governmental regulation third.

Discussion

Although 134 pharmacist-lawyers and pharmacist-law students were located for this survey, the total number is likely to be close to 200. Curran attributes the larger size of this group to the

fact that "pharmacy is usually an undergraduate college-level degree while all of the other health-science degrees are at the masters or doctoral level."⁹ While this is true to some extent, it must be considered in light of the findings here that 14 percent of the law graduates and 31 percent of the students hold degrees other than their basic degree in pharmacy or law.

The advantages of being a dual professional have been much touted. One author, speaking of the physician-lawyer, said that he "possesses several distinct advantages over individuals trained in only law or medicine. The dually trained individual is aware of many more facets of the problem that confronts his patient-client" . . . and "he is prepared to analyze a problem in greater depth and with a dual viewpoint."¹⁰

Shein, in a recent legal article, identified an area in which the dual expertise of the pharmacist-lawyer could be of great value—that of a civil action for damages against a drug manufacturer.¹¹ Stating that the first obstacle in such a case is to determine whether the drug caused or contributed to the injury alleged, he suggests contacting a phar-

macist for a copy of the package insert and for comments concerning his experience with the drug involved. Adding further emphasis to the utility of a pharmacy background for such work is an advertisement for the 1973 *Physician's Desk Reference in Case and Comment*, a journal primarily for personal injury attorneys.¹²

In 1965, Woods¹ remarked that there is a "greater demand for the combination of law-medicine or law-engineering than there is for the law-pharmacy background," and this was supported by a number of responses in this survey. One student who had written to several large pharmaceutical manufacturers for employment information submitted that the response was "our legal department has a slow turnover and we prefer attorneys with experience in a firm." Further, one attorney who graduated in the mid-fifties reported that he had been told "by the dean of pharmacy that pharmaceutical manufacturers were immensely interested in someone trained in law. I anticipated working into administrative or executive responsibilities with a drug manufacturer. When I graduated and contacted the manufacturers, only two were even remotely interested and the salary was no more than working as a community pharmacist."

Professor Curran also found disillusionment among physicians coming out of law school. Two-thirds of those in his study continued in the practice of medicine.¹³

As Steeves has emphasized, law graduates frequently start at a lower salary than a pharmacist and this may be a drawback. However, starting legal salaries are rising and over the long term the attorney may make more than the pharmacist, depending upon his reputation. Curran found that those holding the MD-JD combination do not have unusually large incomes as compared to others in their medical specialties at their ages and levels of activity.

In 1967 the APhA Committee on Legislation recommended formation of a legal section of APhA and the report was adopted by the House of Delegates.¹⁴ With membership open to pharmacy association and state board attorneys, APhA members holding law degrees, and those actively engaged in teaching pharmaceutical law in accredited colleges of pharmacy, the legal section was seen as serving as a clearinghouse for legislative proposals and court cases of interest to pharmacy. Although the resources have never been available for establishing this subdivision, the 1971-72 Policy Committee on Organizational Affairs requested that the APhA Board of Trustees direct that preliminary steps be taken toward implementation of this proposal.¹⁵ A number of those

TABLE V
Primary Problem Facing Pharmacy

Problem	Pharmacist-Lawyers		Pharmacist-Law Students	
	Number	Percent	Number	Percent
Merchandising versus professionalism	46	34	12	46
Government regulation	15	11	4	15
Organizational unity	15	11	5	19
Developing the health care team	15	11	2	8
Third-party payments	10	7	—	—
Demise of independent pharmacies	6	4	—	—
Better pharmaceutical education	4	3	—	—
Peer review	3	2	—	—
Technicians	2	1	—	—
Economics	1	1	—	—
Too many pharmacists	1	1	—	—
Unenforcement of pharmacy laws	1	1	—	—
Holdups	1	1	—	—
Increased respect for hospital pharmacists	1	1	—	—
Failure to communicate with patients	1	1	—	—
Generic prescribing	1	1	—	—
Continuing education	1	1	—	—
Health care delivery	—	—	1	4
Lack of intellectual stimulation	—	—	1	4
Brand name drug marketing	—	—	1	4
No response	10	7	—	—
Total	134	100	26	100

Pharmacist-Lawyers Organize

At the APhA Annual Meeting in Chicago, 17 pharmacist-lawyers met to explore the possibility of organizing those interested in the impact of the law on the practice of pharmacy.

Those present at the meeting decided that such an organization would be valuable. They declared the purposes of their group to be:

- Furthering legal knowledge.
- Communicating accurate legal information to practicing pharmacists.
- Fostering knowledge and education pertaining to the rights and duties of pharmacists.
- Distributing information of interest to the membership via a newsletter.
- Providing a forum for exchange of information pertaining to pharmacy law.

Membership will be open to pharmacist-lawyers, pharmacists and lawyers working in areas related to pharmacy law, and pharmacists attending law school. Those interested should contact Joseph L. Fink III, P.O. Box 113, Wallingford, PA 19085.

Nominees Invited for Daniel B. Smith Award

Do you know a community pharmacy practitioner who has distinguished himself and the profession by outstanding professional performance?

The Academy of General Practice of Pharmacy of the American Pharmaceutical Association invites the nominations of such candidates for possible selection as the 1975 Daniel B. Smith Award recipient. The Award is the highest honor the Academy can bestow upon a community practitioner.

The Award, which has been presented annually since 1965, is named for the first president of the American Pharmaceutical Association, Daniel B. Smith, who was a community practitioner and an outstanding leader in the profession. The plaque with a bas-relief of Daniel B. Smith and a plate for the recipient's citation suitably inscribed, will be presented at the AGP Annual Luncheon, to be held during the 1975 APhA Annual Meeting in San Francisco, April 19-24.

The 1975 recipient will be selected by the Awards Committee of the Academy. Guidelines for submission and official nomination forms are available upon request from the Academy of General Practice of Pharmacy, American Pharmaceutical Association, 2215 Constitution Avenue, N.W., Washington, DC 20037. The deadline for receipt of nominations, which must be submitted on official forms, is December 13, 1974.

responding to this survey indicated an interest in just such an organization.

Evidence from this study seems to indicate that pharmacist-lawyers are a young group and that, although slightly over one-half practice law, many of those are still connected with pharmacy through teaching. Of those who do not practice law, many practice pharmacy or work in government service.

The group studied here has potential to be of great assistance to the profession of pharmacy. The planning of an organization of pharmacist-lawyers should be supported. [See boxed story below.]

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