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## The Life Science Lawyer

Erin Albert

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THE LIFE SCIENCE LAWYER

# The Life Science Lawyer

By Erin Albert

BY ERIN ALBERT

Health care and life sciences are increasingly complex. There are many global players in life sciences and healthcare—patients, governments, hospitals, managed care companies, pharmaceutical, biotechnology, and medical device companies and pharmacies are only a few. With this increasing complexity comes a higher demand for hybrid professionals who can translate both the science as well as the legal issues surrounding this complicated environment.

In the US, there are thousands of life science lawyers—people who have both a scientific/healthcare background and also who have gone on to law school (or in one case, vice versa). This book explores the following through interviews:

- Why did these life scientists and healthcare professionals decide to go to law school?
- Why did they study both science and law?
- What made them decide to shift their careers from the sciences to science and the law?
- How was the study of science and health different or the same as law?
- What did they do with their dual degrees after school?
- Did they practice science/healthcare, law, both, or neither?
- How do they view themselves?
- How do they define success, and what has made them successful in their careers?

A pre-IL decided to find the answers to these questions by interviewing more than 30 life science lawyers for this book the summer before her own law school adventure.

Every life scientist or healthcare professional—doctors, veterinarians, pharmacists, PhD bench scientists, nurses, dentists, and other allied healthcare professionals—who ever contemplated law school should read this guide in order to understand the life science lawyers who have gone before them and their wisdom.

### About the Author:

Erin Albert is a pharmacist, business owner, writer, assistant professor, and student. She owns two companies (Pharm, LLC and Yuspie, LLC), and is the director of the Ribordy Center for Community Practice at Butler University College of Pharmacy and Health Sciences. She has developed and written several books, including *The Medical Science Liaison: An A to Z Guide* (2007), *Indianapolis: A Young Professional's Guide* (2008), and *Prescription To My Younger Self: What I Learned After Pharmacy School* (co-editor, 2008). Dr. Albert is beginning her study of law at Indiana University School of Law-Indianapolis in the fall of 2008. She currently holds a BS in Pharmacy from Butler University, a MBA in Marketing from Concordia University, and a Doctor of Pharmacy (PharmD) from Shenandoah University. Learn more at the author's website, [www.erinalbert.com](http://www.erinalbert.com).



# The Life Science Lawyer

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Erin Albert



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*To all the life scientists, healthcare professionals, attorneys, and writers  
(or any combinations thereof) in my life, who have inspired me and  
are out there, rocking the world in their own fabulous ways.*

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## Introduction

Ever since I was little, a lot of people have been consistently asking me the following question: “What do you want to be when you grow up?” I’ve never really had a clear cut, easy one-word answer. My parents were always supportive of whatever I chose to be or do professionally, although neither had an opportunity to graduate from a traditional four year college. I always thought I would have a lightening bolt moment, one in which I would be clearly shown a distinct pathway of what I should be doing with my life. I am less than a week away from my thirty-seventh birthday, and I still to this day don’t have a good answer. No lightening bolts...yet.

I’ve had a myriad of ideas, from being a nun (even though I’m not Catholic, and clearly invented the idea back in the day when I thought boys were “icky” and *The Sound of Music* was popular), to a kindergarten teacher (because my own kindergarten teacher, Mrs. Stoneburner rocked), to a Broadway singer and actress (I was Sister Sarah in *Guys and Dolls*). When I entered high school, I had a lot of academic loves, but one of them was chemistry. I also was intrigued by biology and medicine, but had a very long conversation with my dad, who suggested I find a career that wouldn’t consume my life. I then considered and chose pharmacy. My dream to become a pharmacist was nearly crushed during the summer after my college freshman year when I took organic chemistry at The University of Notre Dame and didn’t exactly succeed with a stellar grade. (I am convinced refluxing in a hot, sweaty, unairconditioned lab must be a level of Dante’s *Inferno*.) However, I persevered, achieved, and eventually graduated from the

best pharmacy school in the world, Butler University (of course, in my totally biased opinion).

The best thing about a pharmacy degree and subsequent pharmacist's license is that one can do a million different things with the education. I have had the fortune of practicing in retail/community pharmacy, the pharmaceutical industry (in several capacities), academia, and even entrepreneurship as a business owner in pharmaceutical consulting. When I went back to school to earn my doctor of pharmacy degree (PharmD), I had the option to complete a rotation in pharmacy law. I had two interesting projects on that rotation, which occurred at my employer at the time in their near-Boston headquarters. Even though after I went on the rotation I didn't feel ready to just run out and apply to law school, the law consistently gnawed at the back of my mind as something really fascinating to one day study in more detail. I realized that much like pharmacy, a law degree could open several different doors and lawyers could do a lot of different things with their education.

Fast forward four years, and I found myself applying to law school. Aside from the semi-painful experience of taking the LSAT (twice), the application process was relatively easy. I had the awesome experience of being accepted to Indiana University School of Law - Indianapolis in the spring of 2008, to begin the following fall.

After my initial admission excitement wore off, I then began to wonder about other life science/healthcare attorneys who have gone before me. What made them consider law school? What made them decide to shift their careers from only the sciences to science and the law? And most curious to me, what did they do with their dual degrees *after* law

school? Did they practice in science/healthcare, law, both, or neither? How did they view themselves? How do they define success, and what has made them successful in their careers? Naturally, I looked for a book on this very topic to read, only to not find one. I took this as a sign from the universe that it therefore needed to be compiled. Conveniently, this occurred the summer before I entered law school myself. (What can I say? I love a challenge!) So, in the summer before my own entry to law school, I decided to interview several life science lawyers and find answers to the questions I asked myself above. Would the answers from each be the same or different, and if so, how?

My criteria for a life science lawyer included the following: anyone who held a degree in life sciences (biology, chemistry, biochemistry, or other life sciences) or a professional in pharmacy, nursing, medicine, dentistry, veterinary medicine, medical technology, or any other allied healthcare profession, and who also held a law degree. My understanding is that a lawyer is someone who has graduated from law school. However, the profession being what it is, I was kindly directed to *Black's Law Dictionary* (apparently a law school staple) and according to *Black's*, a "lawyer" is, "A person learned in the law; as an attorney, counsel, or solicitor; a person licensed to practice law."<sup>1</sup> According to my understanding, an "attorney" is someone who completed law school and is also licensed to practice law by passing one or more state bar examinations (at least this is my working definition for the purposes of this book). Since not all the lawyers in this book practice as attorneys, I needed to use the working title of "lawyer" rather than "attorney". I sought a wide variety of careers after school as well. From the science side, I chose the term "life sciences" to describe the professionals in this book because to me, the term includes both health care and basic life science and research professionals. On the following pages, you'll discover what I did: that

even though the questions were somewhat similar, each individual had different, unique responses, which to me were all equally fascinating.

A few other disclaimers (in natural legal fashion): first, this qualitative research project consisted of live and phone interviews. Obviously, then, they are not going to be written in super formal legal brief format; the following are merely conversations. Also, I compiled this book in a very short time frame. I hatched the idea in mid-May, and turned the manuscript in to the publisher in early August. I didn't have a lot of time again due to the fact that I am starting law school myself this fall, and after reading all the books on law school and talking to all the attorneys, they pretty much warned me that the one-L year was a very tough thing to manage in and of itself.

Finally, I wanted to share my findings with the rest of the world, because I personally believe that healthcare and life sciences are only going to become more complex over time. Therefore, I think there is going to be an increased demand for hybrid professionals who understand both the law as well as science. Also, by publishing this and sharing what I learned from each of these great, dedicated, hardworking professionals, I hope to also give another budding one L the summer off before school (by not having to compile this book)!

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# **The Life Science Lawyers**

## **Kenneth R. Baker, BSPHarm, JD**

*Mr. Baker, a pharmacist and attorney, is currently of counsel at Renaud Cook Drury Mesaros, PA in Phoenix, AZ, a consultant with his own consulting firm ([www.kenbakerconsulting.com](http://www.kenbakerconsulting.com)), and will be teaching in the fall at the University of Florida College of Pharmacy in the master's of pharmacy program. He attended Purdue University School of Pharmacy and practiced as a pharmacist in several different settings before attending the Indiana University School of Law, Indianapolis, where he obtained his juris doctorate (JD). He has also practiced in general trial law, and worked in several other settings as an attorney.*

*Why did you choose pharmacy, initially?*

My brother was in pharmacy school and 4 years older than me, and I wanted to follow in his footsteps. I also took a high school aptitude test and one of my possibilities for a career according to the test was pharmacy. I also was hired when I was 16 years old in a drug store in Clinton, Indiana, and I decided I was going to be in the pharmacy profession forever.

*Did you always consider law school, or was it a decision or idea you pondered later in life?*

It was while I was in pharmacy school that I began to consider law school, among other career choices. My brother in pharmacy school went on to medical school; I too looked at medical school. I had four diverging paths to consider: 1. law school, 2. medical school, 3. a PhD program and teach, because I loved pharmacology (my favorite profes-

*Erin Albert*

sor in school taught pharmacology), or 4. go to little town and open up my own pharmacy. I later found out I had two left hands, so it was a great choice for me not to attend medical school. I decided to go to law school and took the LSAT while in pharmacy school, but I could not afford it right after graduation, as my wife was pregnant when I finished. It was therefore time for me to go to work after graduation and I forgot about law school. I worked for an independent pharmacy, and then worked in the pharmaceutical industry as a drug representative for what then was Dow Pharmaceuticals.

Three years later (after graduation from pharmacy school) my thoughts of law school began to resurface and I did not want to live with regret, so I went to Indiana University School of Law, Indianapolis and talked to the assistant dean, who encouraged me to apply. I did, using my college LSAT scores, and was accepted into the part time evening program. At the time of my acceptance to law school, I worked in northern Indiana, so I quit my job, and moved my family to Indianapolis in order to start law school. I found work full time at Hook's (which is now CVS) as an assistant store manager in one store, and then became store manager of another store.

I worked 45 hours per week as a pharmacist and went to law school at night. It took me four years to complete my law degree, and I worked 25 hours per weekend to make up for the lost time I needed for night school during my degree. I as a part time evening law student could only take 9 credit hours per semester, but one semester they allowed me to take 10 credit hours so I could participate on law review. Needless to say, my wife was the real hero of this story, as she was a nurse but stayed home with the kids for four years while I was working and

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going to school. I had to re-introduce myself to her after law school was over!

*How did law school compare to pharmacy school?*

Law school was easier for me than pharmacy school, because it was so different from pharmacy school. Most questions in pharmacy school have answers. When a student is asked a question in pharmacy school, the professor expects the student to know the answer. For example, what are the top ten side effects of a drug? Law school is a totally different mindset. The law professors ask students questions and were not necessarily interested in the answers, but wanted the students to learn how to make up a good answer based upon the arguments and the facts of the case. Everything in law school was gray; there were not a lot of easy, concrete answers. In science and pharmacy, you don't advocate or argue, you find an answer. In law, you find a side and look for the advantages of your side. You ask yourself, "How do I make something work?"

Law school was a totally different concept and way of thinking for me. My grades in law school were much better than my grades in pharmacy school, because I had to study in law school. In pharmacy school, I had a lot of fun. I loved pharmacology in pharmacy school, probably because it is the one little bit of gray area remaining in the profession. But, there is logic to pharmacology, medicinal chemistry and organic chemistry. I loved the logic, and that is what I also loved about law school. Law school was also an opportunity to think more broadly. There was a lot of intellectual challenge in law school.

*Erin Albert*

*Do you think law school was easier or harder for you compared to your peers with differing backgrounds and degrees outside of the life sciences?*

I really thought it was no different for me with a pharmacy background than for other people with other professional backgrounds in school. I enjoyed the intellectual pursuit. The best part for me was that I was working and going to school at the same time. When I was managing the drug store as a pharmacist, I was on vacation from the intellectual challenge of learning, but when I was at school, I was on vacation from the hands on work. I loved the variety between deep thinking and real work, which I think made my grades better.

*Did you graduate from law school and do what you thought you would do initially, or something totally different?*

I knew exactly what I was going to do when I graduated from law school when I started: I was going to let everyone in the pharmaceutical industry know that I was both a pharmacist and a lawyer and they would hire me immediately because of my unique skill set. But I was totally wrong! Industry had never heard of a combination pharmacist/lawyer, but they did know I had no law experience, so they all advised me to obtain 3-5 years of real world practical law experience first.

My first job out of law school was in Lebanon, Indiana where I worked in a general law practice with one other lawyer who was out of school a year longer than me. I worked in this setting for 13 years, and then went on to be a prosecutor for three years with a little pharmacy law sprinkled into my practice along the way. I also did criminal defense, divorce, and trial work. One day I received a call from Pharmacists Mutual® Insurance, and I interviewed and received a job offer from

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them. I moved to Iowa and worked for them for twenty years and had the opportunity to use both skill sets.

During the 13 years when practicing general law, my pharmacy background provided an advantage to me, in that I could use my knowledge for cases which relied on medical and pharmacological evidence. For example, I was very good at defending driving under the influence (DUI) cases because I could question the analysis of the Breathalyzer. I was good at paternity cases too because I could cross-examine physicians on the accuracy of blood testing and DNA tests, and could win cases that no one else could win. When I went to Pharmacists Mutual, I was general counsel and head of their professional liability claims department. If a pharmacist was sued, the claim came to my desk. When I worked there, I was both a pharmacist and a lawyer.

*What is your current role, and does it utilize your pharmacy training, law training, or both?*

I have two jobs currently, with a third on the way. For 30 hours per week, I work as an attorney in a trial law firm and do defense work. For 20 hours per week, I do independent consulting. In August, I will be teaching at the University of Florida in their master's of pharmacy program around regulatory issues and the law online, and advising students about their careers.

*What advice would you have for other pharmacists or healthcare professionals who are thinking about law school?*

First and foremost, learn how to be a lawyer. When you get how to be an attorney mastered, then and only then can you think about being

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a pharmacist/attorney. Don't go into law school with the notion that you are a pharmacist studying law. Go to learn how to be a lawyer, period. Nothing disqualifies you from being the best lawyer you can be except for the fact that you'll concentrate on that one area which could hinder you.

*You have clearly had a long and interesting career history. What advice do you have for a pharmacist lawyer just graduating from law school?*

Although I'm not sure it is for everyone, I happen to think looking back, general practice was one of the best things I ever could have done for my career. Also, one should find what they really enjoy doing and do that particular type of work. For example, one of the best jobs I had was as a prosecutor, and then criminal defense work, because it is a thrilling area of law. Criminal trials have more courtroom action, and tend to occur more quickly than civil cases. As a prosecutor, you should win because that is your job. But if you win as a criminal defense attorney, you have a great feeling about defending the Constitution of the United States. Criminal work is very stimulating, with a big adrenaline high. If you like adrenaline and the rush of pressure, consider criminal trial work.

The other advice I would suggest is to keep an open mind about opportunities. About half of all my career opportunities came to me rather than me aggressively pursuing them. I didn't even know half of the opportunities that came to me even existed. A great example of this was the two years of work I did in Washington, D.C., serving as an executive director of an accreditation board for compounding pharmacies. I found it enjoyable, frustrating, and learned every day

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on that job, and never thought about it as a career option until they called me.

*How many dual degree pharmacist/attorneys do you think there are in the US?*

There are probably between 3000-5000. The American Society for Pharmacy Law (ASPL) has hundreds of pharmacist attorneys that are members.

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## Stephanie A. Barbosa, PhD, JD

*Dr. Barbosa graduated with honors from Rutgers University with a BA in chemistry in 1995, The University of Pennsylvania with a PhD in organic chemistry (2000), and Rutgers School of Law with her JD (2005, with highest honors). She worked in the pharmaceutical industry prior to law school and became a patent agent prior to her law school training.*

*Tell us about your educational path.*

When I started college, I thought I would go to medical school, and I fell into chemistry and loved organic chemistry. I dreamed of doing pharmaceutical research. While I was doing undergraduate research, my advisor strongly suggested to me that I would need to earn a PhD in synthetic organic chemistry in order to be successful in the pharmaceutical industry. The University of Pennsylvania was close to home and had a great organic chemistry program, so I went there. Professor Amos B. Smith, III was and is a highly regarded professor in the field of synthetic organic chemistry, in particular natural product synthesis. From working in his labs, I became highly skilled in the field of synthetic chemistry.

After graduating from Penn, I worked for a large pharmaceutical company. I was doing what I thought I always wanted to do. I was in the oncology department, synthesizing compounds to help cancer patients. But after a short time, I found it monotonous and frustrating. It was discouraging to laboriously make molecules, test them, only to find out they didn't work. It was rare to make something that had a good enough profile to be taken further in research. Also at the time, my

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husband worked for the same company, and the company was starting layoffs. It made me nervous having both of us employed by the same company, so I started looking for another way to focus my career and myself. Part of my research duties included patents, so I became interested in the patent process.

*How did you learn about patent law as a career path?*

I talked to the company's patent department, asked them what they did, and learned where they went to school in order to be a patent agent. They shared with me I would only need to take a multiple-choice exam in order to be a patent agent. I took a review course and studied on weekends and after work, took the exam, and passed. After I received my registration number, everyone at my company began asking me when I was going to start law school. That was at first funny to me, I laughed, because I had just finished 9 years of school to get PhD in chemistry. But the more I thought about it, coupled with my frustration in the lab work I was doing, I decided to check out local law schools. There were only three, but I met with the dean of admissions and found out Rutgers School of Law had a program where you could skip the LSAT if you could produce an acceptable GRE score and had a graduate degree already.

I started law school in August 2002, going to school at night and working during the day. It was difficult, and I was running constantly. I was fortunate to have a very supportive husband. For the second semester, I told my company manager that I wanted to go to law school full time. I moved out of the oncology department and started doing part time work with my employer in the patent department. During that time, I interviewed for summer internships, discovered my current

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firm, signed up for the summer program and absolutely loved it. I knew then that I had made the right decision. In 2005, I finished law school, first in my class. I took the bar in Pennsylvania and New Jersey, and advanced to an associate position at the same firm I at which I interned.

*Did law school training teach you to think differently versus your PhD program?*

I found the PhD program to be difficult, stressful, and at times, ridiculous. I don't think I could go through the process again. You work for someone who relentlessly challenges you, getting paid next to no money, working long hours, and finding no glory. If your research doesn't turn out, you may not even earn your PhD. In law school, you show up, listen, pay attention, and pass. It was a much more conducive environment. It was much better for me than graduate school. The main difference I found was that science teaches you to find "the answer." In the law, there is no one answer. It took me a while to completely wrap my mind around that concept.

*When did you take the patent bar, and how was that process versus the bar?*

The exam was in April; I did a review course on tapes. On weekends, I would watch as many tapes as I could. I think I practiced for four months in total, which, looking back, was probably more than was necessary. It was strange education for me, because it was an entirely different area that I was never exposed to previously. I didn't find the patent bar exam difficult, but there was a lot of information to learn.

*Erin Albert*

For me, since I took the patent bar before school, it was nice to just have to take the bar exam after school. I would recommend that someone take the patent bar this way if they can, but I know a lot of people who took the patent exam later. Once you begin working, it is difficult to work and study for the exam. A few studied while in law school, but I would recommend doing it before school.

*Did you have a preconceived notion of what you wanted to do after you graduated from law school, and did it match your first job out of law school?*

When I entered law school, I knew I wanted to do patent law. During the summers I was in law school, I did intellectual property (IP) work at a boutique firm. I was very exposed to IP and patent law and it totally cemented in my mind that this was what I wanted to do. But while in law school, I really enjoyed studying criminal law and even did an externship in a county prosecutor's office.

*What advice would you have for other life scientists or healthcare professionals who are thinking about law school?*

I say dive in. It is only 3 years. A law degree is so useful, even if you don't want to go into patent law. There are so many areas to explore for a career, including government, the private sector, not-for-profit, advocacy, etc. If you are considering it, you should absolutely do it.

*Do you view yourself as a scientist who is a lawyer, or a lawyer who has a science background?*

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I am a lawyer who has a science background. It used to be the other way around. The switch came after I was working in law for a year. Once I started my second year at the firm, and felt more comfortable with my legal skills, I felt like I was a lawyer.

*Are you living your dream?*

My career dream is to live on a remote tropical island (hahaha!), but I'm very happy with my career choice. I view it as switching careers, and I'm very happy with what I'm doing now. I use my science background in patent strategy and prosecution every day. Everything I do has a science aspect to it. It may not be 50/50, as I use more legal expertise than science, but I use my science background each and every day. I not only work in organic and biochemistry, but I am also expanding my scientific knowledge while working in the areas of biomechanics, biomaterials, and medical devices. I have the best of both worlds.

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## **Kimberly A. Burns, RPh, JD**

*Kimberly Burns is both a registered pharmacist and an attorney. She currently is of counsel at The Carpenter Law Firm, serves as an assistant professor at the Lake Erie College of Osteopathic Medicine, School of Pharmacy where she teaches the pharmacy law, pharmacy ethics, and pharmacy practice management courses, and practices as a community pharmacist. She graduated from Duquesne University Law School and the University of Pittsburgh School of Pharmacy.*

*How did you initially choose pharmacy?*

I chose pharmacy in high school because my grades and interests were in math and science. My high school advisor and I looked at different professions and courses of study, and one of them that matched my interests was pharmacy.

*You took some time between pharmacy school and law school. What did you do between your degrees?*

When I graduated with my BS in pharmacy, I knew I wanted to go back and further my education, by either working toward a PharmD degree, or other professional avenues. I wasn't sure about any of them, so I decided to practice community pharmacy for a couple of years, which gave me some time to think about what I wanted to do and gave me the opportunity to work and pay off bills. I looked at several avenues: masters' programs, PharmD programs, and law.

*What was your trigger to attend law school?*

*Erin Albert*

As a child, I never really had a strong desire to be a lawyer, because I was always more interested in science and math. Really, one of the things that made me start thinking about law school was my pharmacy law class, which every pharmacy student was required to take in pharmacy school. My professor, Carl Gainor, who is a pharmacist/attorney was interesting, and initially exposed me to pharmacy law as a career. I started looking at law programs and talked to people about the combination. Some of them were patent lawyers, worked for drug companies, litigated, etc. which to me was interesting, in that there were so many options and choices for careers. To me, law seemed a more interesting path than the PharmD or other programs I considered.

I guess the tipping point for me was that I chose law after I weighed all my options and my interests. I went to a night law school program in Pittsburgh, which was another plus for me. I was able to work full time as a pharmacist and attend a night part time law program. I continued to work full time as a community pharmacist with the support of my pharmacy district manager who knew I could not work most nights at the pharmacy, and he was very supportive of my schedule. I still work for that same retail chain part time.

*Did you continue to practice community pharmacy while attending law school?*

I worked full time as a community/retail pharmacist because I needed the income and benefits. In addition to owning a home, my husband and I also started a family half way through law school. My income from work helped to support our first daughter as well as part of my tuition.

*You had a child during law school?*

Yes. I started law school at age 26. In the night law program, there was a mix of professionals. The day program consisted of younger people enrolled in full time law school. Most of the night people already had other professions. I had the decision to make about waiting until I finished law school in order to start a family, or start the family while in school. I discussed it with my spouse and we decided to try and I got pregnant right away. Ironically, my daughter was born over summer break from school and I started back at school when she was three weeks old. It was hard to juggle everything. I also cut back from full time at the pharmacy to working 25-30 hours per week and I also commuted to and from school one hour both ways each day. I'm not sure how I got through it all, it is now a blur, but everything worked out and it was totally worth it.

*Compare and contrast your pharmacy school and law school experiences.*

I graduated from pharmacy school when I was 22, so I had a younger mindset and worried more about grades and my grade point average. Pharmacy school was challenging, but doable because math and science came very easy for me. There was a lot of information to process and put together in science and pharmacy practice classes. Law to me was more abstract and required a different type of thought process than pharmacy; it included a lot of lengthy essay exams explaining and supporting your position. I also had a different mindset in law school. I had a degree and a profession already, so I thought the worst thing that could happen to me was that I would hate it, quit, and drop out. If I didn't finish, I didn't have the threat of not having a degree or

*Erin Albert*

professional license. I still, however, put 100% towards it and finished, because I am not a quitter, and I enjoyed it and graduated towards the top of my class. Overall, though, pharmacy was harder for me.

*Are you a pharmacist who practices law, or a lawyer who practices pharmacy?*

I always say I'm a pharmacist first, then a lawyer. I am an academician, and I practice pharmacy and healthcare related law. I'm involved in both professions, but probably more involved in the pharmacy profession than the legal profession.

*Did you do what you initially thought you would do with your law degree when beginning law school, or something completely different?*

Upon entering law school, I didn't have one particular idea of what I would be doing after graduation. Just from talking with people, I knew I would have numerous opportunities as a pharmacist/lawyer. One could work for a private law firm, the Food & Drug Administration (FDA), for drug companies, etc. I tried to keep an open mind about my opportunities. For example, I talked to a patent attorney and considered patent law as an avenue for my career, but when I took classes on patent law, I just didn't see myself doing it. I tried to go to law school with an open mind, with all opportunities in front of me, and weeded from there.

*Practicing as a community pharmacist, educator, and attorney, how do you find time to do it all?*

*The Life Science Lawyer*

Good time management skills, a lot of juggling, and the support of my family and friends. Academia provides a good balance for me. Being in academia, I need to focus on teaching, service, and scholarship, which are great for me, because I don't like doing the same thing every day at work. Academia is also flexible too. I don't have to open a pharmacy every day at 8 am or close it at 8 pm. If I need to be somewhere for my kids, there is some flexibility built into my schedule.

Also, one has to realize that one can't do everything, but one can do a lot. Currently I'm a full time academician (assistant professor) and then I practice in community pharmacy as a floater for a retail chain. I used to work one day per week, but I now work much less, approximately one night per month. In law, I also work with a solo practitioner who uses me to help her work on a variety of health care related legal matters. The total practice time in pharmacy and law isn't a lot, but it keeps me active in all aspects related to my professions, both as a practicing lawyer and a practicing pharmacist. It truly is the best of both worlds. If I ever wanted to go back to one or the other full time, it wouldn't be as hard a transition for me.

*What type(s) of law do you currently practice?*

I guess the over arching theme is healthcare law. In the past I have done work in pharmacy and drug distribution arenas, as well as healthcare business planning, contract negotiations, institutional compliance, risk management, and professional organizational involvement.

*Are you living your career dream?*

*Erin Albert*

I guess so. I really never had an adamant dream about wanting to do only one thing. My career is never stagnant, and I feel comfortable knowing that I have numerous opportunities available to me and the flexibility to stay active in a variety of areas. In addition, my current situation allows for a balance with my personal life as well. What will my career goal be in the future? I don't know, but it may change at some point. I always leave the door open, if something else comes my way; I may pursue it, but for now I'm good.

*What advice would you have for other life scientists or healthcare professionals who are thinking about law school?*

I would say first talk to people in the field, whether it is contacting pharmacist/attorneys, physician/attorneys or nurse/attorneys. Also, if you can, find one that can be more of a mentor to you during school if you do go. Look at a wide range of opportunities. If possible, (it wasn't for me) try summer internships and clerkships in areas you would like to work. Try to network as well in professional organizations, like the American Society for Pharmacy Law (ASPL), or other professional organizations with hybrid professions. Shadow others if you can for a day or a week if they will let you. The more open you are to all the potential career paths, the less likely you are to miss something that may interest you and that you may really love to do. Open yourself to all the potential and make informed choices. Then, if your choice doesn't seem to be working out as you had hoped, you can always reevaluate your options.

*How important is it for healthcare professionals to be interested in policy changes and the law? What do you teach your pharmacy students around this challenge?*

I think it is very important, and I personally encourage all my students to join some type of professional pharmacy organization and become aware of and/or active regarding policy within the profession. Whether it is APhA, or ASHP, or any other national or state organization, a student can join cheaply, easily and get active either at their school, local, regional, state or national levels. The more students get out into the profession and obtain more exposure, the better. One example of this in Pennsylvania includes a pharmacy legislative day each year where all the pharmacy schools in the state team up with a state pharmacy association. During this day, pharmacy students educate legislators about the important role of pharmacists, in addition to meeting with state legislators to discuss issues facing our profession, potentially impacting future legislation.

In addition, I also believe all healthcare professionals need to remain educated and active regarding policy changes in the law. In regards to pharmacy, if the pharmacy profession doesn't join together and be active, then we may not continue to move the profession forward. For example, if we want to continue to be more involved with cognitive services, we have to get a voice out there about our future. There is always room and a need for pharmacists (or other healthcare professionals) to volunteer, serve on a committee, and have input. That is the only way our profession will keep growing. I'm on state and national committees, and that's the best way you can be active and learn about issues in your profession. When you add input and volunteer, that is a great way to help the profession continue to evolve.

## **Daniel P. Carmichael, BSPharm, JD**

*Dan Carmichael earned both his BS in pharmacy and his JD from the University of Cincinnati. He spent twenty-eight years in the pharmaceutical industry at Eli Lilly and Company, practicing food and drug law, product liability, corporate securities, general corporate law, corporate governance and compliance, and environmental law. He also worked in corporate affairs, which included media relations, public policy planning, and government relations. He currently serves as counsel at Baker & Daniels LLP in Indianapolis, and contributes to many advisory boards.*

*Please take us through your educational career path.*

Becoming a lawyer was more by serendipity than by plan. I entered pharmacy school with every intention that it would be the first step to medical school. I believed that pharmacy would serve as a good pre-med degree because it was relevant to a medical education, and pharmacy would provide me the opportunity to have some meaningful and worthwhile employment while attending medical school. At the beginning of my final year in pharmacy school, I had completed my medical school application, but because of a variety of events, I missed the application deadline. The dean of the college of pharmacy tried to intercede on my behalf with the dean of the College of Medicine at the University of Cincinnati, but had no success. I was at the middle of my senior year of pharmacy school and didn't know what I would be doing the following year.

My first instinct was to apply to the master's program in biology at Cincinnati with the thought of reapplying to medical school the following

*Erin Albert*

year. However, in the meantime, an organization at the university of which I was a member and which served as “student ambassadors” for the school, asked me to visit the high school in Cincinnati from which I graduated and talk with the students about the college of pharmacy. As an add on, I was also requested to talk about pre-law and the college of law. I knew absolutely nothing about it. When I visited the college of law to gather some information to prepare for the presentation at my high school, the person with whom I spoke inquired about my plans after pharmacy school. When I responded that I was uncertain she encouraged me to consider law school.

I had never thought about being a lawyer and certainly didn't think my pharmacy degree fit with a legal education. However the person at the law school gave me the LSAT application, which was scheduled to be given in two weeks. To make a long story short, without any study, on a whim, I decided to take the LSAT and applied to the University of Cincinnati College of Law. A bit to my surprise I scored very well on the LSAT and was accepted. I intended to go to law school for one year and then reapply to medical school, but after a couple of weeks into my law school education, I found it to be interesting and challenging and decided to stay with law. The rest is history.

*Did law school training teach you to think differently versus your science training?*

In pharmacy school the science and math courses tended to be quantitative and fairly literal. I took copious notes in class, and read the textbooks slowly and carefully. Information was spoon-fed in lectures, to be absorbed and played back on the examinations.

*The Life Science Lawyer*

When I arrived at law school, I found the approach to education was very different. Classes were conducted using the Socratic method rather than lectures. The professor was often adversarial rather than the friendly lecturer. Information was not spoon-fed. The note-taking skills I had developed were useless; I didn't take notes, I just listened. Like pharmacy school, the subjects required very analytical thinking. However, the material tended to be more qualitative than quantitative. There were no black and white answers. I had to learn to deal with concepts, and to apply them to different fact situations. I had to push back at the professor, to tell the person who was teaching me that he or she was wrong. I also had to argue, and not just accept what the professor said as being gospel. I found it to be a difficult adjustment.

*Did you end up working in the capacity you thought you would after law school, or did you end up doing something completely different?*

When I graduated from law school, I began my legal career again doing something entirely different than I had planned. As I progressed through law school, I didn't want to entirely abandon my pharmacy education. I tried to understand what food and drug law was all about, but a course was not offered at Cincinnati. I was committed to find a way to use both degrees. Fortunately, there were companies in the Cincinnati area — Procter & Gamble, Merrill Dow, Lloyd Brothers — that were in the pharmaceutical business, where I thought could utilize both skill sets. So during my 2L and 3L years, I began to focus on those companies for possible employment. Unfortunately, those companies wanted lawyers with a couple of years' experience in private practice. Therefore, I settled on a position as an associate with a general practice firm in Cincinnati and focused on commercial law.

*Erin Albert*

After a couple of years it occurred to me that with the passage of time my chances of finding a position where I could utilize both my pharmacy and legal educations were diminishing. Taking the companies that initially rejected me at their word, namely that a couple years of private practice was a prerequisite to a position in-house, I again applied to several pharmaceutical companies. Eli Lilly and Company expressed interest and was the most attractive to me. From my experiences in pharmacy school and working in drug stores, I considered Lilly to be at the top of the class — good products, sophisticated research, and reputation for being highly ethical — with the added benefit of being located in the Midwest.

*How is law at a corporate capacity different from working in a firm?*

In the corporate setting the lawyer by necessity serves two roles. First and foremost, he/she is legal counsel. But the lawyer is also a participant in the business. As a “counselor” you provide not only legal advice, but you are also a problem solver, a strategic thinker on business, government affairs and public relations issues. You must be able to “step back” and look at the big picture. A program, or an approach to dealing with an issue may be clearly legal, but just not the best alternative for the business. You’re engaged in helping to sort out other alternatives that are legal and better suit the business situation. For any lawyer, whether in-house or in private practice, such approach is the best way to add value to your services to a client. However, in the corporate practice that’s just the way it is. You necessarily interact daily with your business clients, formally and informally. You are part of a team and have responsibility for the business consequences of your decisions, not just the legal advice. Further, you always knew how the matter turned out.

*The Life Science Lawyer*

After having approached the practice with that mind set for 28 years, I found it somewhat unsettling in private practice when on occasion the client was only interested in my legal analysis and advice and didn't want my thoughts on other aspects of the issue. Often, I just lost track of the matter. Was my legal advice followed? Were my instincts on other aspects of the matter correct? I wasn't always getting the closure I had become accustomed to.

*You work and have served on many advisory boards in the community both now as well as in the past. How important is it for a young life scientist or lawyer to get involved in the community?*

We all gain a great deal from our community, and we have a responsibility to give back, to make our community a better place in which to live and work. That responsibility is not connected to any particular profession, but rather to our role as citizens. We all have different interests and different talents to contribute. Whatever they may be, I feel strongly that we all have a responsibility to give back. My own sense was reaffirmed at Lilly. Employees were encouraged to get involved in the community, to make it a better place in which to live and raise a family.

*Right now, what is your biggest career dream?*

I'm not sure what you mean by career dream. Let me just say, I always wanted interesting and challenging work and to be associated with an enterprise that makes a meaningful contribution to society, one that makes a difference. Lilly provided me with that opportunity. Its products favorably touch the lives of people every day. Now at Baker &

*Erin Albert*

Daniels, my practice still focuses on life sciences. Specifically the FDA practice that our firm is developing helps companies navigate through the regulatory process, enabling new drugs and medical devices reach the market. I find that interesting, challenging and meaningful. Is that a career dream? I don't know, but it's what motivates me. It has nothing to do with titles, salary, position or recognition. It has everything to do with how I spend my time.

*If you had the chance to start your career over again, what would you do differently, if anything?*

Since I have never been a physician, but was always intrigued by the practice of medicine, perhaps the only thing I might have done differently would have been to have submitted my application for medical school before the deadline passed. But, that "water is over the dam" and I have no regrets. I would not have done anything else differently. My tenure at Lilly was rewarding, and I have had an equally rewarding position at Baker & Daniels. I am part of a team that has been given the opportunity to build an FDA practice in Indianapolis (one of a very few FDA practices outside of Washington, D.C.). It's a challenge, but rewarding to be a part of something that is growing, helping clients, and ultimately helping patients.

*What is your definition of success, and what were the top three factors contributing to your own professional success over the years?*

Success goes back to my response to your question about a dream. I want to be engaged in an activity that is challenging, rewarding and interesting. One in which you feel that you are making a difference in the lives of other people. Again, it has nothing to do with money or

*The Life Science Lawyer*

position. Not that I don't want a comfortable life. But what's important is to be engaged in a profession where I can help people. Favorably touch the lives of others. That to me is success.

As to success factors, first and foremost was to have had the benefit of a very supportive family. I have been blessed with a wife and children who have tolerated my long hours at the office, always bringing work home, and working on vacations and holidays. They also helped me to keep life in perspective and to appreciate the meaning of quality family time.

Second, having good role models. Mine included the general counsel at Lilly when I joined the company and an executive vice president for research and manufacturing. They were outstanding role models. They modeled behaviors to be admired — how to deal with and motivate people; how to handle stress; how honesty and high ethical conduct were paramount considerations in business decisions; how to keep everything in perspective; how to lead but not take yourself too seriously. It wasn't what they said; it was how they conducted themselves. You wanted to "grow up to be just like them." Good role models are critical to success.

Third, you need to have a passion for your work. Lilly provided a superb environment for that. The issues we dealt with were interesting and challenging. But the culture was such that all employees, regardless of their jobs, had the sense they were contributing to improve the quality of someone's life. Even though I may have had no involvement with a particular product, receiving the feedback from a person who was grateful for a Lilly product that improved his or her life — indeed in some cases saved his or her life — provided a psychic dividend.

*Erin Albert*

That's pretty powerful stuff. That helps produce the kind of motivation and passion that breeds success.

You asked for three, but I'll volunteer a fourth factor — working in a collegial, cooperative environment. None of us live in a vacuum. Relationships are important. Any success we may achieve is in some fashion dependant on contributions — direct and/or indirect — of others around us. I have benefited, both at Lilly and at Baker & Daniels, from being associated with colleagues who have been supportive of each other and who define success as a collective, not an individual endeavor.

*What advice would you have for other life scientists or healthcare professionals who are thinking about law school?*

I would be very encouraging. There is an explosive advance in all fields of technology that impact life sciences — biotechnology, nanotechnology, genetics, biomedical engineering, and information technology. Those advances will raise a whole spectra of legal issues. Fundamental changes are taking place in the healthcare industry, in the delivery of healthcare and in payment systems. Those changes raise issues that cut across the general legal landscape — regulatory, commercial, privacy, anti-trust, litigation, corporate, and securities. Further, innovative technology needs to be protected, hence the need for smart, creative, intellectual property counsel and litigators. Future opportunities for lawyers with life science and healthcare backgrounds should be abundant.

Beyond the practice of law, a good legal education will prepare a person to do much more than to practice law. The law student learns not only

*The Life Science Lawyer*

substantive legal principles, but also perhaps more importantly critical thinking, a method of analysis, problem solving and how to frame and present issues. In the language of the old cliché, the law student learns “to think like a lawyer.”

Therefore, the set of skills developed and honed in law school will prepare a person for many fields of endeavor beyond the law — in business, in government service, in politics and in academia.

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## Elizabeth Carroll, JD

*Elizabeth Carroll began her career as a medical technologist (receiving her BS in medical technology from the University of Nebraska Medical Center), who then worked in several clinical and research labs and sold diagnostic testing equipment. She then went on to the University of Michigan Law School and graduated cum laude with her JD degree in 1990. Since then, she has worked in various capacities, including as an associate at a law firm, the Indiana House of Representatives majority attorney, at the Indiana Department of Insurance, and at the Indiana State Department of Health. At the department of health, she worked as deputy commissioner, the assistant commissioner for health care regulatory services, and as special counsel in the office of policy. Currently, she is vice president for patient services at Planned Parenthood of Indiana. She has also worked as an independent consultant for various government agencies.*

*Please take us through your educational path and your medical technology career.*

I went to high school in a small community in western Nebraska and went to the big city of Lincoln for college. Prior to college, I really didn't have a whole lot of exposure to different career paths or college majors. I grew up in a farming community, and career variety and paths weren't discussed. I went to college without a good idea of what to do. I was a nurse's aid before college and I knew I didn't want to do nursing, but the lab was interesting, so I ended up in medical technology.

*What was your trigger to go to law school?*

*Erin Albert*

I worked as a medical technologist in a couple of different employers, then worked in a research lab and received one promotion while I was there. At that point, I realized that was probably the only promotion I would receive with only a BS degree. I was thinking about going back to school for something, and looked into MS and PhD programs in one of the sciences, but if I had done that, I felt that it might have limited my career choices. It would also have taken me 5 years and I would have graduated with a very narrow area of focus. However, if I went to law school, it would be only three years and it could lead me to a lot of other career choices. I had no friends or mentors who were lawyers, and when I took the LSAT, I think I told my husband I was taking it, but I didn't tell anyone else. I told myself I would consider law school if I did well on the LSAT, and I did. I therefore went to law school full time and worked part time in the university.

*Did you do what you initially thought you would do with your law degree after school, or something completely different?*

When I started law school, I thought I might like to work with intellectual property. However, I didn't have a degree that would allow me to sit for the patent bar. I thought the science background would allow me to do trademark and copyright law. I took a course in intellectual property, but it wasn't for me. It just felt too nebulous; there were no solid answers in that course. It was too subjective. After that, I thought about healthcare law and business, but knew I didn't want to do litigation. I know the courses I liked were tax law, contract law, and property law. Whereas I found I didn't like courses like constitutional law and intellectual property law.

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*After law school, you went to a firm, and then worked in the Indiana House of Representatives. Can you share more about this transition?*

Actually, I did work for a firm, and one of the things a big firm does for you is that you have an opportunity to find out what your interests are in the community. I was always interested in politics. I started attending some of the political fundraisers, and the Indiana State House of Representatives asked my firm if someone was willing to work for the legislative session, and I took a leave of absence from the firm to work for the house for one session. I really enjoyed the experience. There were two attorneys and two clerical support people in one tiny room in the back of the house chamber, so we were right there while the legislature was in session.

*After your law firm work, you moved into various government roles and ultimately to the state department of health. Can you explain your work there?*

There was an attorney at the firm I worked for (Myra Selby) who was working for the governor at the time, and when the health department had an opening, she suggested I apply for it. Myra went on to become the first African American woman to be on the Indiana Supreme Court. She would fall into that excellent mentor category.

At the state health department, my job titles changed, but I was always part of the leadership team. I served under three different commissioners. I went to the department of insurance because a friend of mine was the commissioner and asked me if I wanted to try something different, and it was more managerial and administrative, so I went there for a while. I did a year as a contractor after a new governor was elected. I

*Erin Albert*

didn't want to go through another election cycle where my job was tied to the results of an election, so I worked as a contractor.

Contracting worked out well for me because all of my clients were government agencies. But after working for a year, I found it silly for me to work for state government but not receive any of the fringe benefits of being a state employee. So I then went back to the health department.

*How did you make the switch from government (state department of health) to not for profit management?*

A new governor took office and it was made clear that administration wanted to make some changes at all the agencies, so I stayed about 6 weeks after the new governor took office and then left. I always wanted to work in some type of service environment, and I knew the CEO of Planned Parenthood because of my work in state government, so my current position opened and I went.

*What is your work currently in not-for-profit, and does it utilize law, your medical background, both, or neither?*

Both. It is not necessary to be a lawyer for what I do, but it is helpful. It is not necessary to be a medical technologist for what I do either, but it is helpful. I would say it is nearly a 50/50 balance between medical and law as to which is most helpful in my current role.

*Are you living your career dream?*

## Other Books By The Author

### ***Single. Women. Entrepreneurs.***

First Edition: IJB Books, Mar. 2011, ISBN: 978-1-9349-2240-8

Second (Digital Only) Edition: Yuspie, LLC, Oct. 2011, ISBN-13: 978-1-4566-0549-0

The number of unmarried adult women actually outnumbers the number of married women for the first time in US history, according to the Population Reference Bureau, in October, 2010. Women are now earning more, going to college and graduate schools more, and finding ways to become more independent. Also, according to the Kauffman Foundation, single, divorced and widowed women start more businesses as entrepreneurs than men in their respective categories. This book interviews 30 single women entrepreneurs throughout the US to discern why they started their original businesses, what the perceived advantages and disadvantages are for the single woman entrepreneur, what they each learned from the experience, and what advice they have for the next generation of women solopreneurs. Follow this amazing tribe of women at the book's facebook page or LinkedIn group.

### ***Indianapolis: A Young Professional's Guide***

First Edition: AuthorHouse, 2008, ISBN: 978-1-4343-6161-5

Second Edition: AuthorHouse, 2010, ISBN: 978-1-4490-9530-7

This is the definitive guide to the city of Indianapolis for the young professional—whether new to the city, moving to Indianapolis, or just trying to find better ways to connect to the city. Written by a young professional for other young professionals, the second edition of this guide not only includes over 40 categories of information for the young professional, but also includes 40 interviews with young professionals, or professionals who have “been there, and done that” relative to this great city. Follow Yuspie, LLC at: @yuspie on twitter, or on facebook.

### ***The Life Science Lawyer***

AuthorHouse, 2009, ISBN: 978-1-4389-1502-9

Healthcare and life sciences are increasingly complex. There are many global players in life sciences and healthcare—patients, governments, hospitals, managed care companies, pharmaceutical, biotechnology, and medical device companies and pharmacies are only a few. With the increasing complexity comes a higher demand for hybrid professionals who can translate both the science as well as the legal issues surrounding this complicated environment. This book compiles interviews and wisdom from over 30 hybrid law-life science professionals, by a pre-1L dedicated to finding out what makes the life science lawyer tick.

### ***Prescription To My Younger Self: What I Learned After Pharmacy School***

AuthorHouse, 2008, ISBN: 978-1-4343-6259-9

The current pharmacy doctorate curriculum is rigorous. Pharmacists must adopt a mantra of life long learning. In this book, students gave pharmacy leaders in academia, clinical practice, community practice, executive management, and government a simple assignment: write a letter to your- self from present day to yourself at graduation from pharmacy school discussing the major lessons you learned after pharmacy school about yourself and your profession. Student authors/editors from Butler University College of Pharmacy & Health Sciences include: Alisha Broberg, Jennell Colwell, Brad Koselke, and Annah Steckel. Their project mentor at Butler was Dr. Erin Albert.

### ***The Medical Science Liaison: An A to Z Guide***

First Edition: AuthorHouse, 2007, ISBN: 978-1-4343-3750-4

Second (Digital only) Edition: ebookit.com, 2011, ASIN: B005E8YX6A

The medical science liaison (MSL) role was recently reported as one of the best jobs over six figures for healthcare professionals within the pharmaceutical industry, yet is relatively unknown, even to the medical community. What is a MSL, and what do they do? In this first, comprehensive, must-have guide to the role, the functions of the role of the MSL are explored, along with interviews with several MSLs, those who work around them, and most importantly, the customers of the MSL, academic thought leaders. Every healthcare professional, whether a pharmacist, a PhD or MD, should learn more about one of the greatest jobs that blend business, technical and scientific acumen.

Dr. Albert has also written for Entrepreneur.com, Inside Indiana Business, SheTaxi.com, Singular City, Indiana GRAD Magazine, and the Indiana Small Business Development Center. For more information on the author, logon to: [www.ernalbert.com](http://www.ernalbert.com).