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Law School: A Few Short and Plain Statements

Erin Albert

Butler University, ealbert@butler.edu

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Law School:

A Few Short and Plain Statements

Erin Albert

Law School:

A Few Short and Plain Statements



Do you want to go to law school?
Better read this book first.

After having a first profession (pharmacy), I decided to go to law school. I decided to go to law school not to run away from my first profession, but to learn how to advocate for it. For four years, I kept my day job, and worked on law school at night. This is my journal and story throughout those four years.

Top 10 Reasons You Should Read This Book:

10. You can live vicariously through my experience with law school instead of putting yourself through the 4-year-part-time law school menagerie and experience the good, the bad, and yes...the ugly.
9. You want to learn about what it takes to be a part-time law student—on top of a life and a day job.
8. You want to learn about my law school mistakes – so you can avoid them.
7. You want to learn what the most important question is to ask yourself before you head back to law school.
6. You want to find out what it takes to go through the grind of law school from someone who has done it.
5. You want details on the curriculum and “extra stuff” that comes with law school (like moot court, law review, etc.)
4. You want to understand how you will think differently about life after law school.
3. You are a professional already and are thinking about going back to law school to supplement your first career.
2. You need a good reality check on law school before you head back.
1. You want to avoid making one of the potentially biggest mistakes of your life.

About the Author



Dr. Erin Albert is an entrepreneur, writer, assistant professor, and former law school student. She is the founder of two companies (Pharm, LLC and Yuspie, LLC), the Interim Co-Director of Experiential Pharmacy Education and Director of the Ribordy Center for Community Practice Pharmacy at Butler University College of Pharmacy and Health Sciences. Erin has developed and written several books on various topics. A pharmacist, Albert completed law school at Indiana University Robert H. McKinney School of Law in May, 2012. She currently holds a BS in Pharmacy from Butler University, a MBA in Marketing from Concordia University Wisconsin, and a Doctor of Pharmacy (PharmD) from Shenandoah University. She lives in the Midwest.

More on her writing at erinalbert.com.



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Law School: A Few Short and Plain Statements

By Erin Albert



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Also by Erin Albert:

The Life Science Lawyer

The Medical Science Liaison: An A to Z Guide
(with Cathleen Sass)

Plan C: The Full-Time Employee and Part-Time Entrepreneur

Single. Women. Entrepreneurs.

Indianapolis: A Young Professional's Guide

Mentored books:

Prescription to my Younger Self: What I Learned After Pharmacy School
(multiple authors)

Pharmacy and Me
(multiple authors)

*To the law school class of 2013,
and all future law school classes:*

*May you get what you want,
and may you want what you get.*

- Adapted from an old Gypsy curse

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Introduction

Once upon a time, one of my mentors asked me “what I was.”

“Are you a pharmacist that teaches, an entrepreneur that happens to be a pharmacist, or a lawyer underneath it all?”

Since I do a lot of things, I was a little befuddled by his question. He had very good intentions, as I think he was trying to get me to think about what—of all the things I do—I value the most. However, it really isn’t a very easy question for me to answer.

I’m a generalist. I like to know a little about a lot of different things. I’ve now been to the hallowed halls of higher education 4 times – undergrad (a 5-year BS in pharmacy), business school, pharmacy school for the “D,” and in 2012, completed law school. This, I find interesting, because “learner” has never been part of my top strengths (explain that one, Marcus Buckingham!) Maybe Marcus needs to add “professional student” to his *Strengthsfinder*.

But I think above all, I love to write. And writing, much like the law, permeates everything. Not to overwhelm you, dear reader, but I wanted to explain why you might consider reading THIS book about law school, because frankly, there are a TON of books on law school already. I don’t honestly know if I can add much to the cacophony of writing out there on law school itself – there are more books than even I could consume on the subject.

However, what I can bring to the table: my own unique perspectives and reasons for going to law school I think are different from the average bear. For example, I only applied to one school. It was my first choice, because it was my only choice, as I was not going to stop my day job to go back to law school (and nor should you – I’ll have more on that later). Also, I already had a first profession (pharmacy), which I argue is something YOU need before you consider law school. (I know what you’re thinking – why? I’ll have more on this later too.)

Begin with the most important question of all.

If you haven’t yet been asked, you will be:

“So, why do you want to go to law school?”

You will have everyone, including your friends, family, even other lawyers you interview, ask you this question. As cliché it may appear by me reiterating this point, it is a very, very, VERY important question to have a valid answer. There are books that tell you what are, and are not legitimate excuses for going to law school. I’ll let you hunt them down on your own should you want and/or need some validation for your answer. I’m here to judge no one.

Whatever you answer may be, I hope it is the right one, for you. And whatever it is, I want you to do yourself a huge favor. I want you to get out a piece of paper and your favorite writing utensil – and I want you to write a letter – to yourself. I literally want you to sit down and compose a letter to yourself outlining and succinctly explaining to your future self why, it is, that you wish to go to law school.

I know what you’re thinking: this. Is. Hokey. Perhaps. However, it was one of the best gifts I could have given to myself, because recently, after taking the bar, I unearthed my own famous letter (I sealed it in an envelope and put it in my safe in my office) that I wrote to myself over four years ago now. I found it hilarious, and honest. It’s an important exercise, because sometimes, it is the one and ONLY thing that gets you through classes.

It is also important to note that I went to law school part-time at night, after my full-time day job. This, on top of trying to keep two companies afloat and publishing three books during law school. So, my

reasons for wanting to go to law school could be vastly different from someone fresh out of undergrad that doesn't even have a first or second profession, whereas I already do (pharmacy, in case you were wondering is my first, entrepreneurship my second).

While I love education (I think it is the only way we can truly be free), law school at times can be a drag. Monotonous. Redundant. Boring. Painful. Headache-inducing. And after a long, hard day at work, sometimes the last thing you're going to want to do is go sit through four hours of law school classes during the evening until 10:00 PM, especially during the last half of your program (part-time programs are typically 3.5-4 in duration).

My job here is to share my own experience with law school, from my own point of view. Law school isn't fun. But, over the past four plus years, I've been writing about my life before, during, and after law school. In this book, I'll share my diary and my thoughts with you.

If there's any great advice I can give on law school, it is to ensure that you write down in a letter to yourself why you want to go in the first place. That way, you'll have a fine answer when all those people ask you why you want to go. You'll also have something to keep in mind those nights when it is raining, snowing, icing, your friends are going out and having fun—while you're headed to class.

And I cannot resist sharing part of my own letter, with you, dear reader, right now. Here goes. I am the only person on the planet that has seen and re-read this letter, until now.

Date: 6.16.08

Dear me,

So this morning I read a great article that suggested I should write myself a letter as to why I wanted to attend law school, seal it, and only open it after graduation. Here goes...

Why I Want to Go to Law School

1. I want to continue to change the world for the better, and having a law degree will give me more access to higher levels of playing fields. Senator Albert? President Albert?
2. If you can't beat them, join them – as a business owner, professor, and human being, I need to know about the law because it is an unavoidable part of life. And, if you can't beat lawyers at their own little game and in their own little club, you must work from the inside out by understanding them – in order to make positive change.
3. I need brain candy.
4. I want to carry my earlier professions forward. I think it is important to remember your law school application essay: you wanted to carry pharmacy forward, not abandon it for a second career in law. Same deal with being a writer and an entrepreneur—you are going to law school to learn how to better advocate for the professions you already are lucky to have in your life.

In conclusion, there are many who have gone before me who went to law school but did other things besides “practice law” – Tim Russert, Mitch Daniels, Daniel Pink, Jerry Springer – to name just a few.

So, dear, when you graduate and are looking at all those great new opportunities – I hope you read this and remember why you went to law school in the first place, and rejoice in your new knowledge which should help you change the world for the better!!

XOX,
me

Here comes a 4-year, dear-diary/blog sort of chronicle of my law school career. If you're thinking of going back, read it before you invest the time and trouble. If you're on the fence about law school, I'm going to keep it real here and share you my thoughts and worries about my own brain on law school.

I thought about waiting for a "happy ending" for this book before publishing, which still hasn't yet come for me. You can read on to see what I'm talking about. But I was also encouraged to publish this book sooner rather than later, particularly by my lawyer friends, because law school isn't really about a happy ending.

There are no rainbows, kittens or sunshine after law school, honestly. When you're thinking about taking away 3-4 years of your life and investing up to six figures of your money to attend law school, someone out there should keep it real for you, and I'm trying to do that by publishing this book to help you discover whether it is worth the hassle for you. I'm also speaking in a conversational tone here – no long-winded, formalized writing. It's just as though I'm sitting across the table from you, having a chat about what law school is really like.

One of the best analogies a lawyer cautioned me with prior to attending law school was that law school was like a pie eating contest, where the prize was more pie.

I hope you like pie. Read on to see if you still do at the end!

What Classes I Took and When: The Class Decoder Ring

I think it is important to list out the classes I took and when I took them, so you can gain an inkling of how my brain was warped, when it was warped, and what classes in law school damaged or helped my brain during the 4-year course load. Keep in mind that the offerings at any law school beyond the core classes are different, and while I attended Indiana University School of Law – Indianapolis,* your school (s) may have different offerings. I also concentrated in healthcare, so I was required to take some health law courses that most law school students probably wouldn't take.

*(OK, technically, I was accepted to and attended the Indiana University School of Law – Indianapolis for 3 years, then in my final year, the school became the Indiana University Robert H. McKinney School of Law. Since the majority of my time was spent at the former, I'm going to keep calling it IU Indy or IU Indy Law for short. I'm pretty sure my alma mater isn't going to dig my terminology, but tough. Pharmacy school taught me to be technically accurate, and in my mind, my terminology is accurate. Besides, this is my book.)

1L – Fall, 2008

Civil Procedure I
Contracts I
Legal Writing & Research I*

1L – Spring, 2009

Contracts and Sales II
Civil Procedure II
Torts
Legal Writing & Research II*

1L-2L – Summer, 2009

Criminal Law

2L – Fall, 2009

Property
Legal Writing & Research III* (It was called LARC when I took it, it has changed in title now. But this is the class where you get to learn how to write and research like a lawyer, which is a lot of work for few credit hours...that's it!)
Constitutional Law

2L – Spring, 2010

Nonprofit Law
Family Law
Administrative Law
Mergers & Acquisitions
(Fellowship – Program on Law & State Government – 2010 – no credit)

2L-3L – Summer, 2010

China Summer Program

3L – Fall, 2010

Law Review (*Indiana Health Law Review*)
Professional Responsibility
Closely Held Business Organizations
Antitrust & Healthcare
Patent Law

3L – Spring, 2011

Research on Humans & Nonhumans
Internet Law
Law Review
Trusts & Estates
Healthcare Reimbursement

3L-4L – Summer, 2011

Law and Forensic Science
Entertainment Law

4L – Fall, 2011

Law Review Board
Art & Museum Law
Evidence
Law and Public Health
Financing & Regulating Healthcare

4L – Spring, 2012

Law Review Board
Higher Education Law
Drug Innovation & Competition Law
Bioethics

I'd suggest turning to the relevant year to see what I had to say about my favorites and least favorites of the course load for more details, should you want them on a specific class. I'll reserve my rants for my favorites and least favorites later. If the class wasn't mentioned, the best way to describe how I felt about it was probably, "meh." It was surprising, however, to see how polarizing the classes were in law school—there were many more classes I loved v. hated than classes I just felt "meh" about.

The Short & Plain Statements

Pre-Law School

[Why great ideas come in the shower](#)

Friday, August 22nd, 2008

I've been playing with two different ideas this week, as I embark upon my own law school journey. First is the idea of panic. Panic must always precede change, I think. So, I am trying to embrace that feeling of "I don't know what I'm doing" (AKA panic), because I know that new ideas and ways of thinking are just around the corner.

The second idea is the concept of where great ideas come from...and why do they always happen just when I'm waking up or while I'm in the shower? (Always at convenient times when I have no writing utensils.) Well, I just read an article in the July 28th [New Yorker](#) (yes I'm behind on my periodical reading) and found that insight or the epiphanies only come during relaxation periods. Most are relaxed during the shower or just after rising in the morning, so perhaps that is better explained. However, it is interesting that law schools tend to utilize the Socratic method to teach students, which is really a more stressful environment in which to learn; therefore, is it the best way to learn?

I'll get back to the panic.

1L

Brain candy

Tuesday, September 9th, 2008

In an effort to talk about good writing, one must first be an avid reader. I've developed a new term for all the books that I don't have time to read, and therefore shouldn't read, but now have become more alluring than ever to read for the very reason that I don't have time to read them. I call this: brain candy.

Now that I'm reading all this heavy duty case law stuff, my brain needs intermittent vacations. Also, one of the professors at the law school during our first address as professionals told us to read "other" stuff beyond the law during our tenure. This of course increases the craving for the already voracious appetite of more brain candy, because I'm a junkie. There – I admitted it! I NEED brain candy!

Brain candy comes in many forms – art, music, and reading, among other things, I am certain. But for right now, although my library card should not be used as often, I'm burning it up to serve my craving.

This week's brain candy: *The Trap*, by Daniel Brook and now...*Snoop* by Sam Gosling. Consider reading them. They're less calories than Junior Mints and still give your brain a treat.

Yum.

The C word

Tuesday, September 16th, 2008

As a first year law student, this word is currently the bane of my existence...personally and professionally. It is: consideration.

For those of you who have been through law school, you know exactly what I'm talking about. For those of you who haven't had the pleasure of Contracts class, suffice it to say that consideration is a required element of an enforceable contract. (Trust me, you probably don't want to know more beyond that.)

Now, the legal definition is different from the real world definition, and I kind of prefer the real world definition of "careful thought" rather than, "something that makes a promise legally binding", but I suppose one has to be thoughtful in order to understand consideration in either realm...be it the real world or the legal world.

See? This is what happens to law students on the slow ascension to the city of 'crazy.' Population: me.

Thank you for your consideration.

Errors About the World

Monday, November 24th, 2008

Before I head out from my mental break from lunch back into it, I've been thinking lately about how to accurately describe law school to those who have never experienced it.

There's this doctrine in contract law under "Mistake" about errors about the world—where there is a mistake between parties when thinking about the subject of a contract differently (and I'm sure there are a billion lawyers and law students out there who could better articulate this doctrine than me...) but the more I think about it, the more this describes the law in toto.

Law is the the study of errors about the world. I'm not sure where the origins of the word 'law' or 'legal' came from, but at times, law could be the 'study of' train wrecks, things that have gone wrong, or errors about the world. When carefully pulling apart these errors, one learns very quickly that many, many things can go wrong about the world.

Also, this study of 5.6 trillion things that could go wrong is not always fun. It is interesting, stimulating, thought provoking, and I hope, near the end, helpful in order to understand how to make things instead go right in order to prevent and solve problems. However, 'fun' is not a word I would use to describe the study of law. A better description is "The study of errors about the world, which is **not** a bucket of fun."

To those of you who have been through the experience, I'm sure you understand what I'm trying to convey. And to those who have not experienced law school, all I can say is—you'll never understand it fully until you experience it yourself.

Now, back to *preventing* errors about the world....!

'Twas the Night Before...

Sunday, December 7th, 2008

'Twas the night before my first law school Civ Pro final
...and all through the school...
brains were frying...
while students were memorizing the rule.

12b6!*

11b3!**

Motions and sanctions sticking...?

Definitely!

Cases and outlines
were scattered about
Mottley, Pennoyer, IShoe...
know 'em without a doubt!

The hypos were Googled
by the computer with care
In hopes that all the practice
did them well to prepare.

"May the exam be painless,"
The students wished with glee
So we may enjoy our winter breaks,
...merrily!

(See? This is what happens to you when you go to law school...)

* Motion to dismiss due to failure of stating a claim upon which relief can be granted—discussed in *Haddle v. Garrison*.

** Possible sanction due to lack of further investigation—discussed in *Christian v. Mattell*.

[Back to Business](#)

Friday, January 9th, 2009

Well, this is the last night of freedom & fun before I embark on my second semester of law school. The holiday break has been good, I caught up on some work (aka the faculty activity report at work and book four's manuscript). Writing a reflection of my work at the university of the past year (as a teacher) I recognized a couple of things about myself: 1. I teach best by thinking as a fellow student (*a la* Kierkegaard, who said, "I am not a teacher, only a fellow student."), and 2. I am not perfect, nor ever will be. In fact, I'm going to continue to banish the word from my vocabulary (I often call it the "other P word").

To my students, if you are reading this, thanks for your patience with me last semester, as getting my 1L groove on while teaching was probably one of the toughest and biggest challenges of my life. Glad we all survived. I also ask for your continued patience with me. To my mentors (and especially my law mentors), thank you as well for inspiring me to get through the days that weren't super fun. Finally, to my fellow colleagues in law school, may we all get our grooves back on even better than the fall semester for spring!

[LawLawPalooza](#)

Tuesday, January 27th, 2009

So on my very long, snowy, slow way to class tonight, I had to jack myself up with some caffeine – and came up with a fantastic idea: a musical comedy which I'll call "LawLawPalooza."

Step aside, *High School Musical*. This will be a musical comedy about what else? Law school! The struggles, the heartbreak, the relationships, the passion, the depression, the whole kit and caboodle. I can visualize the *Playbill* as I type.

Musical writer and director would HAVE to be one of my faves, Mika. He is the only artist I can think of who could capture the drama, the agony of defeat and the high of getting into law school and going through it.

There could even be super interesting characters, singing professors, and harrowing exams.

If you are an agent and you'd like to pursue this idea, please contact me, ASAP. I'm sure to get an onslaught of interested parties...soon. Very...soon!

[Follow Your Heart, Not Your Wallet](#)

Sunday, March 1st, 2009

...I'm taking a break from researching my legal writing case (and it involves internet pornography, lesbians, and a breakup...seriously)...to discuss something that I'm currently living, and heard yet again this morning on TV.

One of my favorite little shows (not that I watch that much TV these days) is *CBS Sunday Morning*. I like it because they interview people off the beaten path of typical news and media. Today, they interviewed Michelle Obama's brother, Craig Robinson. Craig currently is head basketball coach at Oregon State University (formerly one of the most losing teams in the country). He's turned the program around. But that isn't what was so remarkable about the interview. It was what he said that struck a chord with me.

After leaving a six figure finance job to take a 90% pay cut to go into coaching, his parents said, "if you take a job based on the pay, ultimately you're not gonna make enough money to put up with the mess." Even though one may have financial capital, s/he may be robbing themselves of psychic capital.

I must agree with Mr. Robinson's parents. Who cares how much money you have in the bank if you are miserable?

[One of the Best Teaching Methods: THS](#)

Wednesday, March 4th, 2009

Not terribly long ago, I was raving about my professors at law school, when someone asked me, what makes a good teacher? After thinking about it, there were several facets to being a good teacher, but I saw an example of one of the best teaching methods of all time (at least for me as a learner) this evening, and that method I deem "THS."

THS stands for True Hollywood Story. I have no idea if that crazy show is even still on 'fancy cable' or not (I have basic basic right now), but I was always fascinated by it. On the surface (when we read a book or listen to TV or the media) we usually only get one angle, one point of view, or one 'story.' However, teachers who use the THS method tell the story BEHIND the story. You can read a case in law school or a patient's medical history in a pharmacy school textbook for example, that on the page is flat, dull and boring. (To the point where I think a lot of higher education textbooks could hold their own in randomized studies against real new molecular entities for the treatment of insomnia.)

However, when you have a top shelf professor who is good at her or his job bring the case to life by giving you the background story—either by personal historical context, or via examples from the real world, such as real encounters they've had with patients or a case, THAT method of teaching rocks! Why? Because: 1. It is a story, and everyone digs a story, 2. You're getting a little somethin' extra, that not everybody on the planet is going to get, and 3. It is actually interesting, because it is real life. It actually affected the person telling the story in some way, because they actually lived through the story being told.

Everybody loves a good story. The best teachers tell the best stories. If you are a teacher using the THS method, you rule! For the rest of us teaching novices, we'd best be getting on with collecting more stories and living more life.

[When All Else Fails....Bake!](#)

Sunday, March 29th, 2009

I've been more than a little frustrated all day with my appellate brief. I REALLY tried to write it, but my point headings and subpoint headings aren't good (at all), and until I get them right, the argument section really isn't happening. I think the frustration is part of the legal writing process.

So, I did what any normal girl would do...I walked away from the pile of paperwork, busted out some Louis Armstrong, and got my baking on. That's right, I spent a whopping 88 cents on a chocolate cake mix and made some cupcakes. When I can't write, I bake. I'm starting to think Betty Crocker was on to something. Baking for me is therapeutic. And the outcome – 24 chocolate cup cakes – beats the pants off writing a legal paper any day of the week.

Now I know what you're thinking...but sexual stereotypes aside, this would also work for men, especially if they have a sweet tooth. (Although, NEVER let my dad bake in ANY kitchen...my mom has a nightmare story or two of his escapades of baking in the kitchen...and although I wasn't there to witness it at the time, the story doesn't end with sweet goodies at the end – just a messy kitchen.)

Sometimes, if we are pushing too hard, it is just time to 'reboot' (as U2 says), back away from the mess, and mentally check over to a different brain region. Try it. And if you end up baking, send me a cupcake!

[Groundhog Day](#)

Tuesday, March 31st, 2009

I'm late for the official holiday.

Today, my day began at 8:00 AM with pain & pediculosis (in lab), and my day ended with spring guns and man traps at 8:00 PM (in class). (Note: if you know any rare tulip growers, DON'T go tiptoeing through their tulips, and if you took Torts, you are probably already familiar with the case.)

Although I'm really tired, I have to say, that I am really also lucky, and this very day is just one example why I'm lucky. The day was awesome because of the variety within the day itself. It is pretty safe to say that I doubt I'll ever encounter another day where I get the chance to think about lice, rare tulips, and spring guns all in one 24-hour period.

My worst fear realized would be to live Groundhog Day (the movie). I really don't like doing the same thing over and over. Some people love the routine, but I can't say that is my cup of tea. The change and variety keeps my brain fresh.

Whether or not you love the variety or the stability, even if you are exhausted, enjoy it if you can.

[Rewriting Law?](#)

Saturday, April 4th, 2009

After reading an op-ed piece in the *NY Times* this morning entitled, "With the Downturn, It's Time to Rethink the Legal Profession" by Adam Cohen April 1, 2009 (ironically), I'm wondering if it is time to re-think about how the legal profession is currently formed, and how it could be in the future. I'm still thinking that the way to go with law might be as a second career, or to approach law as a hybrid professional. Here's why: 1. there is always career #1 to fall back on, 2. a dual career gives everyone more career options, 3. having a law background after a first career background makes you a leader in your first profession. You know stuff like policy, the law itself, and how to create change. This can be super handy if your profession is facing legislative changes, or controversy (much like my first and current profession, pharmacy).

Don't get my wrong, I love my lawyer, and law school itself (most days, anyway), but a differentiating point for anyone is to go wider on her worlds, and be familiar with the inner workings of more than one profession. Local Indy author and kindred spirit Ingrid Cummings also writes about this in her book, *The Vigorous Mind: Cross-train Your Brain to Break Through Mental, Emotional, and Professional Boundaries*. I'm quite sure there are plenty of career attorneys out there who might disagree; however, our economy is undergoing a cataclysmic change, and it is time for many professions, including law, to morph with the times, and do more with less.

Besides, two professional brains for the price of one might be a bargain of the future!

[My Policy on Policy](#)

Wednesday, April 29th, 2009

In preparation for my Torts final tomorrow, I've been reading and writing not only on issues in a fact pattern or two, but I've also been looking at policy as it relates to tort law, which got me thinking about my own policies. Here is my policy on policy: I think our policy/legal system, while necessary, is totally focusing on wrong, rather than right.

Any psychologist, or for that matter, neuroscientist, will tell you that you are most like who are around. We have tiny little cells in our brain called mirror neurons—and we watch and learn while our mirror neurons soak it all in (literally, monkey see, monkey do). That’s why picking your mate, or the top five people you hang around is super important; one must very carefully choose those who are around them. If you want to be a rock star, it might be a good idea to hang around other rock stars, so you can watch and learn.

Where I think the legal system has gone wrong is that it is completely focusing on the bad or negative. I’m sure later on I’m going to have the opportunity to take classes that focus more on prevention and good things, rather than just the train wrecks, car wrecks, boat accidents, or criminals injuring themselves in the line of their duty. But the bad and ugly have completely permeated our society. (If you need an example, just watch your local news.) It is NOTHING but bad!

What if we instead learned how to make a societal system structured on people doing GOOD things and GOOD work? I’m pretty lucky, because I’m already around this type of person – but I always like to be around people with cool, good, positive ideas, so their coolness can rub off on me, and I in turn can create other cool ideas and share them. I want to see positive on television, radio, media, online – EVERYWHERE! What if the law, instead of being a punishment-based system, was instead a reward-based system for those who have done good things? Where are the rewards for great, fantastic, knock your socks off positive action (rather than punishment for egregious behavior)? If we as a society get our eyes on the good, it is a self-fulfilling prophecy – we can all see it, and in turn live it ourselves!

As Spike Lee said, “Do the right thing.” As I say, let’s get some good up in here to get policy and society focused on what is right, true and just, and maybe we can all learn a thing or two from it.

1L: In The Bag

Monday, May 4th, 2009

Tonight is a momentous occasion in my life. Tonight, I completed my first year of law school.

A quick retrospective on the academic year gone by (in the blink of an eye) I have a few (fleeting) words of wisdom to share to my future colleagues who are incoming to the education of law as 1Ls in August, 2009:

1. Network with people like me who have just gone through what you’ll be going through N-O-W...if not beginning yesterday! Befriending 2Ls is a fantastic way to hit the ground running, because they’ve been through the fire recently and WILL understand what you’ll be going through. Also, get a LAWYER MENTOR. They are awesome.
2. I won’t lie: it will be tough. You will question why you are doing this to yourself. Frequently. And yes, there will be days where it will just suck (for lack of a better term). That is part of the process. You’ll get through it if it is meant to be.
3. RE: Your friends, family, supporters, cheerleaders, co-workers—unless they have been to law school, they will most likely NOT understand what you will be going through as 1Ls. Furthermore, it is an indescribable experience. They won’t get it, but that’s OK. You’ve got bigger fish to fry in getting through it yourself. If you find yourself stuck in trying to explain it to them, channel your energy into something else—like studying. They won’t get it until they go through it, period.
4. Get the *Glannon E&E* books, and consider joining BarBri*. They have good supplemental stuff. Even if your professors rocked (like mine did first year), you’ll still need to get the puppets out on occasion and read more info on a concept beyond the case book. (I personally thanked Prof. Glannon for his *E&E* books, and he emailed me back...I dig that! He rules!)

5: MOST IMPORTANTLY: ENJOY your summer! In some ways, your old life will end when you begin law school, and you'll be starting a very different phase of your life (which some may call, working your butt off). Regardless, enjoy your friends, your family, go see people you haven't seen for awhile this summer, and get it out of your system, because once you start, your friends may forget what you look like.

That's enough advice for now. Don't want to scare you off!

Finally, to all MY friends, family, colleagues at work and at school and general supporters through this first year of law school—1. **THANK YOU** for your patience with me, 2. And let's get together soon so you can remember what I look like before 2L rolls around in just a few short months and I crawl back under my law school rock! Last but not least – to my 105 or so colleagues in the night program at law school – CONGRATS! We SURVIVED!!!

*(*I couldn't figure out if BarBri the word is trademarked or not. I went to their website to look it up, and there's a super tiny mark after the word, but it doesn't look like a circle R—denoting a registered trademark. I did look it up in the TESS database, and found a service mark for their special “b.” This is what I get for trying to do the right thing...AND going to law school! Suffice it to say that while I'm endorsing them here, I wasn't a member, nor do they endorse me in any way. How's that for a good legal disclaimer?!?)*

2L

Prepare to be Wrong

Monday, May 18th, 2009

I was floating around the internet this morning, on the hunt for inspiration, and landed at the RISD blog. Apparently, they are lucky enough to get Sir Ken Robinson to come to their commencement. I was watching the TED piece he spoke on when I found my nugget for the day: he said the following:

“If you’re not prepared to be wrong, you’ll never come up with anything original.”

He goes on to say that kids grow up and this power (to be creative and not be afraid to be wrong) is wrung out of them.

I’ve talked a lot in my blog about failure, but here’s a chance for me to talk about being wrong. As I have learned over the past year or so in law school, I’ve learned that not only is there varying degrees of gray when it comes to answers in the law, I’ve also tried to learn that it is OK to be wrong in class. In fact, it is OK to be wrong in life, because when one is wrong, it can be a moment of growth.

Today, I will prepare to be wrong! (It won’t take long, I’m sure...)

Is it time to rethink post grad education?

Friday, June 19th, 2009

By no means am I declaring myself an expert on education, or even any specific type of education, but after reading an article in *Businessweek* recently entitled, “Jobless MBAs Opt for Entrepreneurship” by Alison Damast on June 18, 2009, I’m continuing to wonder: is there a better way to pursue post graduate education?

The “traditional” model of many post graduate educational programs is to quit your day job (or just go straight from undergrad) right into a full-time post graduate program, and be a “full-time” student for 2+ years (be it an MBA program, law program, or MD or PhD program). Many seek the idea of real world employment AFTER their post grad education is completed. However, in the current economic climate, and for that matter any economic climate moving forward, I think this isn’t the best approach. Here’s why.

1. Many undergrads at graduation are already drowning in a sea of debt. To continue to pile it on while not working in a full-time job just perpetuates that problem.
2. In all of my post graduate educational experiences, I really thought that working full-time gave me an education (in the school of hard knocks) along with a part-time post graduate education program in the school of wherever simultaneously ENHANCED my educational experiences. Example: in my MBA program, I worked on projects in the pharmaceutical industry (my day job at the time). In my PharmD program, I actually had the chance to blend a real day job need (a medical information project) along with a medical information rotation.

My employer won on that one (more work responsibility at the same level of benefits) and so did I by doing a project that actually worked and was valuable in the real world. Even in my law training, I learned about vague terms on a case involving book publishing WHILE simultaneously in the real world I was considering a book-publishing contract. For me, I have to see what my education looks like in the real world in terms of application; otherwise, it is just a nebulous, hypothetical ball of chaos in my head.

3. Some may argue studying something ‘full-time’ might be a ‘better’ education. I think that’s a line of horse hockey. In all classes I teach, I make it a core responsibility for myself as the coordinator of a class

to always bring in people from the real world who are doing the work. The best ideas don't necessarily come from academics – they come from people who HAVE to solve the problems out in the REAL world.

While some full-time programs continue to force the mystique of full-time education, the smarter universities involved in post graduate education already know that simultaneous training in their institution part-time on top of a full-time school of hard knocks education is the way to go. By all means, if you want to pursue your dream and the only way to do it is full-time, knock yourself out. However, if you have the option, consider enriching your education (and decreasing your debt load) by working and educating yourself at the same time. Your experience and your bank account will be better off in the end.

[Specialized Law...for the Future](#)

Thursday, June 25th, 2009

Amen on increased specialization in law, just as Mark Cohen posted in the *Minnesota Lawyer* on June 24, 2009's article, "Peering into the future of legal education" video! Just like medicine, there is no way that everyone can be an expert at everything!

[Passion Shrugged](#)

Tuesday, July 14th, 2009

When reading an article in the *NY Times*, "Sotomayor Leaves Passion Behind" on July 14, 2009, I had a disturbing feeling at the pit of my stomach.

Yes, law should be reason free from passion, at least according to Aristotle (or the Harvard Law professor in *Legally Blonde*)...but then again, should it be? Humans aren't 100% analytical all the time, are we? Otherwise, we're nothing more than Spocks running around, over-analyzing and not going with our guts.

Maybe this is where law and ethics intersect, or maybe I'm just exhausted from being up too late reading the past 24 hours, but I think I'd prefer to work with people who have at least some passion about what they do. People lacking passion just are...well, boring, and furthermore, don't improve anything. Or, worst of all, people with no passion can appear apathetic. Those who don't care are not only negative for society, but dangerous, in that apathy can lead to indifference and stagnation. If we all check out, what is there left to improve or make better? Last time I checked, the world we live in could use some work...big time.

So, to those who have passion, good for you. Don't check it at the door. We need people to get fired up about things, because that leads to change, and hopefully, progress!

[Year 2](#)

Sunday, August 23rd, 2009

Tomorrow starts my 2nd year of law school, and the beginning of another academic year as a teacher. And while I've been reading and writing all day to prepare, I still don't feel like I'm in the place I need to be yet mentally in order to make the first week "successful." Furthermore, my second year of pretty much all education has been historically my least successful academically. (Pharmacy school was the most vivid... at least the first time around.)

I know what you're thinking...("Why the heck isn't she off cramming more in her brain rather than whining online about her lack of preparation?") Well, even this chick's brain needs a break...so I'm taking a quick one to write that I think the second year worries are probably bigger than just mere lack of preparation.

The first year is always shiny and new. Year two? The dust kind of settles, you know what to expect, and the shine is just plumb worn off in some cases. Coupled with the fact that I just don't feel the end is near either, it is just...the year two blues, maybe? Not sure. But I'm hoping to jump back into the swing of things while keeping my sanity in tact this semester. Teaching three courses and taking three courses could finally help me more easily find my limits...but we shall in time see what happens.

If you are heading into year two of anything – be it a job, a degree/education, or even a relationship...I want to wish you the very best of luck. And may my bad two-year chi never show up this fall for ANY of us!

Little Red Convertible Days

Saturday, August 29th, 2009

One of my friends and colleagues in law school rolled in at the end of the week to class, looked at me and said, "This is one of the days I wished I'd bought the red convertible instead." I got the joke, of course, being a fellow non-traditional (or, ah-hem, older) law student.

When the older student is deciding about going back to law school, it really isn't a choice between law and some other type of graduate school degree, because many nontraditional law students already have a Master's degree, or even a PhD in other cases. It instead in several cases is a choice between paying for law school (while not going into debt), and the little red convertible.

Some may call the little red convertible a mid-life-crisis mobile. Heck, mine isn't even red – it is black (with a red interior)—a vintage Porsche 356. (No, I still don't have the car, yet...it will be my gift to myself after law school and the law school debt has been paid off...maybe.) My point, as I've made on my previous "Thinking about law school?" piece, is this: there will be days if you do decide to go back to school as a nontraditional (older) law student, where you think you might have totally screwed up and made the wrong decision. For me, those days usually occur in proportion to the day of the week (high on Monday, lower on Tue & Wed, then increasingly higher until 7:30 pm on Fridays when class ends for me). The weather is also a factor here too (the nicer the day, the harder it is to roll into law school while everyone else is out playing)...in their red or black convertibles!

A great piece of advice I got and now give to others thinking about law school is this: to write down the reason or reasons WHY you want to go to law school, then seal them up and put them in a safe place while you apply, get in, start, and finish your law programs. On graduation day, pull that little note back out and read it. Alternatively, if you have a flash moment of freakoutedness and decide to quit law school in the middle, take the note out and read it then before you quit. Because, some days, the ONLY thing that is going to get you through the day is to remember the big WHY. Why did I want to go to law school? Read it, and then repeat it in your brain. Read, repeat, read, repeat.

...but I'd prefer to repeat in a little convertible! Maybe someday....

Adverse Possession's Adverse Effect on My Brain

Thursday, September 3rd, 2009

OK, tonight in Property Law class I got a little messed up in the head. (I know—not a far journey.)

This evening we learned about adverse possession. One of my pals then asked if the doctrine only applied to land. The professor replied it did not. So...in starting to think about things....I then asked the question—where is the line between stealing and adverse possession?

Her answer wasn't a clear one.

All I could think about was the Isabella Stewart Gardner art heist, for some reason...it just popped into my head. It has been 19 years now since the famous \$300 million heist, and I still don't believe the paintings have been recovered. So...all I keep thinking is...did the people who stole those paintings now officially own them through adverse possession IF the statute of limitations is up in the state of Massachusetts? Yes, the court would have to run the test...and there are several tests, but not sure on the exact test in the state of MA.

I'm beginning to see why understanding the law is a frighteningly interesting and scary thing...all at once.

[Don't You Forget About Me](#)

Saturday, September 5th, 2009

Despite the fact my house looks like a tornado hit it, there are piles of laundry to be done, and a stack of law school books and homework to be completed (as I ranted previously, I really don't think I can handle any more adverse possession today), I decided to really go wild this holiday weekend...and head to the library.

Casually walking through the aisles, waiting for something to hit me, I found the film section, and pulled off the book, *Don't You Forget About Me*, edited by Jaime Clarke. It is a compilation of contemporary writers views on the films by John Hughes. Since I was, and probably will always be fascinated by his films, coupled with the fact that he recently passed away, (may he rest in peace) I grabbed my find and have been tearing through it this afternoon.

I'm glad I grabbed it. It is finally giving me articulated answers to why I loved the films so...other than obvious—that the characters were around the same age when the films were released as I was. Here is why we love the Andies, the Samantha Bakers, and now, even the Bella Swans: the ladies all had the same type of life in common. They were all neither 100% geeky nor 100% prom queeny...they were and are all somewhat in the very nebulous middle. They are average and ordinary, at least in their minds. However, the stories around them and through their lives and power each become extraordinary.

Andie grows up in poverty in *Pretty in Pink*. She's of above average intelligence, but she's also from the wrong side of the tracks, and ironically has the opportunity to attend the "richie" school. Even though I agree with many that Hughes screwed up (in the book I'm reading stated—he committed a "Faustian" mistake) by having Andie hook up with Blaine in the end, I still think she should have ended up with Duckie. But, Andie, even though struggling with her pecuniary background, has her own extraordinary brand, even though she comes from a very ordinary background.

Sam – another Ringwaldian character – is another case in point of averageness. She's just turned 16, and she's just "another average" 16-year-old growing up in the suburbs. Not transformed into a prom queen over night, but not really a geek either, her man in the end—Jake Ryan—sees the extraordinary in her. Her own father remarks to her that she appreciates the qualities she has been given more than her older, more pulchritudinous sister.

Bella Swan, who I think is the next generation's Samantha—has the same issues. She's clumsy, klutzy, awkward, and doesn't really think she's extraordinarily beautiful. Yet, all the boys in Forks believe she's that much more than she herself believes her to be—namely, the dashing Edward and the handsome Jacob. (See? Even she has a Jake!) She is truly extraordinary after a first passing glance.

I don't know if I have a point to this post, other than to say – I love movies about the transformation of the teenage years, I love John Hughes movies, and I love all the characters who aren't 100% perfect, because none of us are, and we can all identify both with the beauty and the beast, the geek and the prom queen in all of us. That, and I dig the summertime hope of transformation from geek to chic. As Samantha remarked to Farmer Ted – one could come back totally normal the following summer. I'm hoping one of these summers in the end will transform me...but I'm still waiting.

[Atlantic and Yuma](#)

Wednesday, September 16th, 2009

Any law student or lawyer knows about the magical (and fictitious) lands of Atlantic and Yuma. These are two states that exist in a lot of hypotheticals in law school and bar questions.

When I mentally escape, I like to pretend that Atlantic is a state like Atlantis – underwater, where people have cool skills to breathe underwater, and it is a blue sea of calm and beauty. Yuma sounds to me more like a multi-colored desert, and even though it is dry, there's always enough water...from Atlantis! To me, it looks like Sedona, AZ. Both places have no war, no hate, no poverty, nor greed....they are perfectly balanced ecosystems, where everyone has everything they need.

The point is, it is always lovely to have a perfect, beautiful, albeit fictitious place to escape to mentally for a while. Price of a flight to either place? Free, because the trip is only a neuron or two away...in your head!

[The Fee Not-So-Simple](#)

Thursday, September 17th, 2009

More lawyerisms. (I know!)

Blackacre = fictitious plot land or real property in law (already sounds doomed, right? If they were in my Yuma or Atlantic though, they'd be BEAUTIFUL plots o' land!)

Fee simple absolute = total current-day ownership of blackacre without others harping in or jonesing on ownership (and "harping in" and "jonesing on" aren't legal terms...)

Tonight we had to begin learning about fee simple, or present and future interests in land. Suffice it to say my brain hurt when I walked out of the room. Oh yeah, and apparently, ALL of us (lawyers included in the ALL) have been using the term 'heirs' incorrectly for a looonnggg time. Great. Glad to finally have that (not) cleared up.

When I was 18, my parents gave me the option to buy my first house, because one can finally own property at age 18 in Indiana, and they were owners of several "blackacres" (but their blackacres were awesome, we spent as a family many hours cleaning a lot of them up...and boy did they get messy). Of course I did it, not only to skip school on my 18th birthday for the closing (YAY!) – but also for the experience. If I had an inkling of what I know now back then, would I have purchased the property all over again....? Of course! And to this day, I'm still a real estate junkie! Now, whether or not I become a legally interested person in property...well, the jury is still out on that one.

If Owner of blackacre (O) conveys property to A and her heirs, can I just say Blackacre is a cool new energy drink and make it a sales/Uniform Commercial Code issue on the final...? Probably not.

(That's a law school joke...)

[The Big Picture](#)

Monday, September 28th, 2009

Tonight, I was reminded of why I dig profs who can not only get into the dirty details of whatever they are teaching, but they can also pause, jump back, and look at the big picture, and how the topic du jour fits into the big picture.

If you've ever had a dirty details type of class (like anything science-y, math-y, or really detailed in terms of writing or literature) you can appreciate what I'm talking about. Some teachers get so wrapped up in minutiae that they forget the forest...they're too busy focusing on the bark of one square inch of only one of the trees in the forest, and don't remember to pull back and give an overview.

I have a new found appreciation for people who can shift from the details (that inch of that single tree) all the way back to the forest and explaining how that one inch is relevant to the entire forest. If we lose site of the big picture, we can get lost you-know-where, pretty darn fast!

[Is The Anti-Federalist Nightmare Realized?](#)

Monday, October 5th, 2009

I'm starting to work on my Constitutional law outline for this semester (if I don't start now, I'll never get started.) I'm at the point where the anti-federalists were arguing over the Constitution v. the federalists. The federalists won back then, but one of the main worries of the anti-federalists on how our government was set up via the Constitution was the "worry of remote government," in that our federal representatives would become "quasi-aristocracy." The anti-federalists favored stuff like term limits and smaller election districts.

After seeing Michael Moore's movie this weekend, and harkening back to his movie *Sicko*, I'm starting to wonder if the anti-federalists were right. Have we built a quasi-aristocracy in our federal government? When was the last time you saw your federal representative, eye ball to eye ball, in a town hall meeting? Furthermore, how long have your Congressmen and Senators been in their respective offices?

What about term limits? What about companies spending more money on lobbyists in order to beg for more government bailouts with our tax dollars?

It really doesn't matter if you are a Democrat, a Republican, or a Libertarian here either. Quasi-aristocracy is blind to parties. I'm just putting this out there to contemplate...who was right, the federalists, or the anti-federalists? And, if we took the anti-federalist foundation back then, where would our country be today?

[What's That Called...When Things Intersect...?](#)

Wednesday, October 7th, 2009

The Bermuda Triangle.

OR, my day today. First off, had an awesome speaker in the entrepreneurship class today. She reminded me something important. She was discussing her career and how it morphed into the mass empire of what it is today (or at least it is to me). Then we were talking about building social capital and the importance of networking. She shared this:

In the first part of her career after grad school, she worked very hard on the inside of her career. That is, she worked on the industry or profession itself, and usually within the profession itself. She loves what she does, and naturally she wanted to learn everything she could and can about it.

Next, further on in her career, she became an inside-outsider, in that she already knew a lot of people in her profession, but she didn't know other young professionals like herself (moving and shaking up her profession) but in OTHER professions. (She's in life sciences, but she didn't necessarily know rock stars in law, or accounting, or media et al.) BUT, once she reached a certain point in her career, she realized that she had to become an inside-outsider to get to the next level. (And inside-outsider is not my term, Joseph Bower has a book on the topic.)

My point? There is a sort of evolution to one's social capital. Now, on the flip side, sometimes the universe just won't let you escape from your education...even if you try!

We've been learning both in Property and Con Law about the 14th amendment primarily in the past week. Honestly, I'm a little crispy from school and I'm really glad there is a break next week. Tonight I tried to quiet the mind a bit by reading some easy stuff, and I'm finishing 50 Cent and Bob Greene's book, *The 50th Law*. (I like the non-fictiony stuff with a little philosophy thrown in.) A couple of pages in tonight, but what do I read? A story about none other than Thurgood Marshall. (And yes, my property professor talked about him as well.) Fifty's book talks about how Thurgood actually turned down a scholarship to study advanced legal studies at Harvard, and instead put out a shingle in Maryland after law school to learn the ropes.

And he certainly did – via a degree from the school of hard knocks! He learned to learn the inside of a network—to understand and perfect the craft of law so well that he could focus on all the unwritten laws to abide by. His briefs were works of art, he always dressed to the nines, etc...so he could remove all the potential problems for him to not be able to advance within his profession.

Fifty cent's book even put in *Brown v. The Board of Education* around the Marshall section, which is the case we read tonight in Con Law.

In conclusion, here's what I learned today:

1. When you first get into a career, be an insider. Try to be as impeccable as you can within your profession so you can better understand the unwritten rules of it too.
2. When you advance in your career, become an inside-outsider. Get out of your professional comfort zone and have lunch with people NOT like you. Meet professional peers in other arenas.
3. One can never really escape what the universe wants you to hear. In my case, I can't get away from Con Law and Property – even while reading 50 Cent...!

[The Great Super Sleuthing Experiment](#)

Thursday, October 22nd, 2009

This week I'm trying a little experiment I learned at one of the professional meetings I attended this weekend in one of my classes and with myself (I love it when I experiment on myself!!!) My students were willing to try it out, and so then must I. Here's the exercise, which I've called the "Super Sleuthing Experiment." I invite you to try it too!

The Great Super Sleuthing Experiment:

Tools needed: you, two hours of your time, an excel spreadsheet (or a piece of paper) and your powers of observation!

Exercise: Sit for two hours in any environment – a classroom, a workplace, a third space, wherever, and **ONLY** observe/identify **PROBLEMS** and **RECORD** them. Find as many as you can. (For example, at work, you found your computer doesn't have a movie-editing program for your latest video, or you don't have a pen in front of you when you need it, or you ran out of stamps, and the office is noisy.) **WHATEVER**, but if it is a problem, write it down and run a list of problems throughout this two-hour period either relative to you, or others whom you observe.

After you have listed your problems (hopefully 200+), go back later and start another column next to the problems and come up with **SOLUTIONS** for each of the problems. If you have too many problems to

solve, go through the list and pick up the top 20 most frustrating and create solutions for each of them. Put the solutions to the right, and more than one solution per problem is cool!

What did you learn? 1. HOW TO THINK ABOUT BEING A PROBLEM SOLVER! 2. Better yet, you learn about how to see problems as OPPORTUNITIES!

I can't WAIT to try this...and I invite you to try it as well! Viewing the world through a problem-solving lens is a skill we could all use in order to improve, change, and innovate!

[A Moment...for MM](#)

Thursday, November 5th, 2009

My current law school, IU Indy Law, mourns the loss of one of its own this week.

Professor Mary Mitchell passed away, suddenly and unexpectedly this week, much to the shock of many at the law school. She was also a fellow Bulldog (her undergrad degree, like mine, was from Butler University). I never had the opportunity to take a course from Prof. Mitchell, but I heard she was great. I heard of her greatness not only from my friends and alums of the law school who had her in class, but also from one brief encounter I had with her, at law school orientation, two summers ago.

Prof. Mitchell was our formal orientation speaker. It took place in the law school atrium, and all three sections of students gathered to hear her speak. I don't remember everything from that talk. But, one thing stuck, and I treasure it to this day. Prof. Mitchell told us this: to NOT STOP reading OTHER STUFF beyond law school books, to read for FUN while we are in law school, and look at the bigger picture out there in the wild, wide, world.

I have not forgotten her very wise words. Without them, I probably would have read my law books a little more in depth (much to the chagrin of my past and current professors, and my current academic performance in the form of a G.P.A.). But, with them, I've read countless other 'fun' books – from how to be a good intrapreneur, to books on how to be an impactful citizen of the world, and last, but certainly not least, the *Twilight* series, which as you may already know, I love emphatically.

Prof. Mitchell was a Quaker. So, I would love it if you'd join me in a moment of silence for her, as Quakers believe in silence. If you were lucky enough to know her or have her in class, you are the richer for it. But I am glad to have had a least a glimpse into her spirit, if only for a fleeting 20 minute talk at law school orientation, two summers ago.

[The Dusk of the Age of Entitlement](#)

Wednesday, November 11th, 2009

In high school as I've shared previously, I was voted 'most pessimistic.' I've worked to overcome that. I'm trying to set up that I'm really not a Negative Nellie here...however, the economy is still in the red. We have 10.2% unemployment, and a lot of economists have yet to see the light at the end of the tunnel.

All that aside, here are some thoughts about where I see the future of our work heading, based upon others' blog posts, my personal opinions, and conversations. (Oh, and a little bit of crystal ball mysticism thrown in too.) Hocus Pocus!

1. **The Age of Entitlement is over.** I agree with Jeff Cornwall in his blog, *The Entrepreneurial Mind*. If you say you're a rock star, you'd best have the goods to back it up. Even if you ARE a rock star, you still need to bust a move to get more gigs and continue to rock. What really got you here really isn't going to get you there later on. The most tragic part in this is that it is precisely 180 degrees from what the trophy

kids have grown up with during their childhoods. The new book *Nurtureshock* by Po Bronsen talks about this very danger. Oops...we're a little late.

2. **No need for gold watches either.** Those 30-year-one-company-gigs are also dead. Statistically speaking, the first gig out of college for a grad has been 18-24 months. Students now will have multiple careers over the course of their individual career lattices. Adaptability to change and reinvention will be musts. Think Madonna here – she's a master of this...and I doubt she owns any gold watches (unless she bought them for herself!)

3. **Hybrids are for more than just cars.** Hybrid professionals will be the future survival of the successful U.S. worker. Putting all career eggs in one basket is dangerous anyway. The return of the Renaissance in terms of multiple interests and careers will be the now and the future. For example, I'm a pharmacist/writer/teacher/law student. Most young professionals, if you talk to them long enough, will reveal more of their slashes the longer you talk to them. Or, you'll hear the language "my primary gig" or "my primary day job," but unearthing the minority stuff is more interesting...and will be more common over time.

4. **Whuffie will become a more defined and tangible commodity.** Social capital wealth, or 'whuffie,' will become even more important than it is right now. The gurus are just now starting to build and define the rules of building social networks as they develop online. However, I don't think the eyeball-to-eyeball meeting will ever be replaced as a gold standard for meetings. I think there will be a hierarchy of social connections and media platforms, however...and I think the smart management gurus will tell us not only how to optimize it, but also how to put valuation around it. Furthermore, I think savvy employers will start to get that employees' value to the organization is not only their individual productivity, but in the size of the employees' Rolodexes. (And yes, beyond sales and marketing employees—to EVERY employee.)

5. **Brand Management Masters only, please.** People have brands, and those people who manage their brand identities will be miles ahead in the future. Online, offline, in the daily work place and being inside-outsiders for their organizations, those who have a positive brand can transcend and carry their personal brands with them wherever they go and whatever they do. The individual just needs to decide who they want to be and then make the brand happen.

Not really anything earth shattering or new here, but just a few thoughts about where I think the successful US employee is heading...if we aren't already there!

[Two Million+ Reasons To Be Thankful](#)

Thursday, November 26th, 2009

A friend of mine recommended I watch a movie for an upcoming program I'm attending. It is called *Two Million Minutes*. It basically says that, using higher math, a student between 8th grade and graduation from high school has about two million minutes to decide what the heck she wants to do with the rest of her life. The movie follows two high school students here in the US (in good old Carmel, IN), two students in China, and two in India.

My first reaction to the movie as I watched it was, "we're screwed." Our high school math and science stats are horrifically inadequate compared to students in other countries. But my second response was, "d*mn, I'm lucky and thankful" because I had and am having the chance to not only go to undergrad and graduate from college, but I'm now working on my fourth degree. I'm super thankful for the opportunity. However, we've got to figure out how to get more of us through the system, and not only get through it, but flourish through it, in order to become our best selves, give back, and be up on that Maslow cat's hierarchy! If we don't...guess what? The American Dream is going to be severely and radically altered, and not in a good way.

The second not so gentle reminder this weekend I received was an email from a friend of a friend who sent along a PowerPoint of his tour of duty in Iraq. He's still there. The pictures aren't pretty. The cities over there totally need to be rebuilt. People are living in bombed out shells of buildings. They aren't lucky. Furthermore, neither are our troops lucky while being in harm's way, and neither are their families lucky because they are gone this Thanksgiving.

Maybe, by next Thanksgiving, we could pull all of our troops out of that area of the world, and take the money spent on guns and ammunition, and instead spend it on education and rebuilding. That way, we can grow engineers and scholars to help us learn how to rebuild better, more peaceful cities. Finally, maybe we can all learn some more lessons on diplomacy and how to get along as a global community.

I am thankful, for these 2+ million reasons this holiday that I live in this country and had all the wonderful opportunities I've had...but I wonder, how can we get more people to that thankful place?

[Narrowly Tailored](#)

Wednesday, December 9th, 2009

I SHOULD be studying tonight – but honestly, I think my head just might explode. So, I thought I'd take a brief break and talk about...what I should be studying. Ha!

There are different standards of review a court uses when looking at Constitutional Law questions. If there is a suspect class, or if a law touches on a fundamental right, the court utilizes something called "strict scrutiny." In strict scrutiny, a law must have a compelling objective AND the law must also be 'narrowly tailored' or there must be no less restrictive alternatives.

So, let's apply this concept to...holiday gifts.

If I have my own suspect class (of friends or family that I have to buy gifts for), I tend to use strict scrutiny when I get them gifts...but here's how I apply the 'narrowly tailored' part. I tend to get CUSTOM gifts. Gifts that are one-of-a-kind, built just for them, just for a situation where we're both in on the joke. I dig narrowly tailored gifts because, not only are they one-of-a-kind, but there's an extra special something to a customized gift. It says – "yeah I got you something," but it also says – "yeah, I got you something AND I took the time to trick out your gift and make it absolutely one-of-a-kind-just-for-you." That's awesome. Narrowly tailored gifts rock!

I dig sites like [cafepress.com](#), as an example. (And NO, they haven't paid me a dime to endorse them either!) I just dig that I can get anything I want on a T-shirt or a mug to my door in 7-9 business days or less. That's cool. That's custom. And in my opinion, that's the future of merchandise in this country – semi-to totally custom stuff.

So, if you're struggling to get that someone in your life a little something fun, consider a custom gift. The joke will be between you and them, and it also shows you care enough to send them your 'narrowly tailored best.'

[A Few of My Favorite Con Law Things](#)

Friday, December 18th, 2009

I should be cramming again for Constitutional Law's final tonight. I'm taking a study break to share with you my favorite Con Law things (very a la *The Sound of Music*). And here they are:

1. The Separation of Powers *Youngstown* Jackson 3 part test. Part 2? The ZONE OF TWILIGHT!
2. The fundamental right and undue burden parts of *Casey*.

3. The 13th Amendment applies to EVERYONE, not just the state or public institutions.
4. 10th Amendment – Congress can't put erroneous demands on the state (*Printz*), but they can incentivize them.
5. That despite meeting only prong three of the three-part Jackson test in *Medellin v. TX*, justice was still served.

If you have no idea what I'm talking about, lucky you! If you do and I got something wrong – don't worry, I'm sure I'll get my points deducted on the final tonight as justice being served...!

[You Are Now in Bedford Falls](#)

Wednesday, December 23rd, 2009

After digging through my video collection (which honestly isn't all that huge) last night, I finally found my copy of *It's a Wonderful Life* and had a chance to have my traditional viewing prior to Christmas. This year was the first year I've watched it since I started law school. This year, different items caught my eye.

The biggest thing I noticed this time around was the stark contrast between Bedford Falls and Pottersville, the "alternative reality" to the city that could have been without just one person. If George Bailey had not lived, Pottersville, rather than Bedford Falls would have been. Hmm.

Fresh out of Constitutional law, I'm starting to wonder more about just how important it is to elect fantastic local, city, regional, state, and national leaders. What if George Washington had not been our first President? And, what makes a city great?

Well, DUH! It's the people! That's my favorite thing about *It's a Wonderful Life* this Christmas—that just one person can make a difference, a HUGE, cantankerous, in your face, awesome difference!

I just sincerely hope that we will be in Bedford Falls later this morning when the Senate votes on the 2,000 page healthcare bill that no one has read, rather than Pottersville.

[1/\(M&A\)](#)

Sunday, January 10th, 2010

OK, now I'm reading my Mergers & Acquisitions homework. *The Wall Street Journal* wrote a piece on Jan 5th about M&A advice—first off—holy cow advising in M&A is some sick money! But more importantly, WHY are companies merging AT ALL?

The article gives case in point of Cisco vs. Apple (not a court case, just comparing the value of both companies). One company grew by acquiring other companies. The other grew by dumping a ton of money and research into R&D. (I'll let you guess which one was which.) The one who spent the big bucks on R&D is now worth more than 800% in stock more than the paltry 20% for the other company.

So, dear friends – if M&A is so hot, yet it isn't really producing good profitability or increase in value of the acquiring company, WHY are companies doing it? Bigger isn't always better. Furthermore, anyone who read David v. Goliath knows that the bigger they are, the harder they fall!

When, perhaps, if they did the inverse (took a huge company and blew it up into bits), that could be a better alternative? Yet, I haven't seen any ginormi-corps busting into bits.

Should they, though?

[Trouble, with Trouble](#)

Sunday, January 17th, 2010

Yes, it starts with T and rhymes with P and that stands for pool – but that’s not what I’m talking about here.

I speak instead of...a dog, and his trust.

Trouble was a dog that Ms. Leona Helmsley acquired after serving 18 months in federal prison. When she died in 2007, she left a \$12 million trust for the care of Trouble, her Maltese. Unfortunately, due to Section 408 of the Uniform Trust Code in the state of New York, a trust may be created to provide for the care of an animal alive at the settlor’s lifetime, except to the extent a court determines that the value of the trust exceeds the amount required for intended use. The court reduced trouble’s trust to \$2 million. Ms. Helmsley’s other billions left in a separate trust weren’t used for her intentions in her will either, as only a very small portion of the billions were used to “care for dogs.” Bummer.

What is my point here, you may ask? I’m not sure, other than I find it ironic that Trouble...got into trouble...with Trouble’s inheritance. Can a Maltese live on \$2 million alone? Not sure. But I do know this: we can’t take it with us when we go, folks. Furthermore, even if we plan for someone to benefit, the dead hand still might not rule from the grave. And, the dead hand here certainly isn’t holding the leash, either, if the court reconfigured the wishes of Ms. Helmsley. Even with the tightest of wills and intentions, the living still have power over the dead and their intent.

Where is Trouble now? I couldn’t find the info online. But hopefully, Trouble can get by with \$2 million. Maybe the dog is learning how to play pool....

[An Education](#)

Sunday, February 7th, 2010

We interrupt this post for something I can’t sit on any longer.

Nope, this isn’t about the movie either. But instead, it is yet another rant. We’ve picked an easy target this time (higher education)—but it just needs to be said.

I read a piece in the *NY Times* today about how 60% of college students are now women. Using higher math, that leaves 40% males. But while reading homework for law school, why when I look at for-profit and not-for-profit boards in higher education (large loan grantors and foundations ‘helping to get more college students through college’), why are their boards almost ALL male? Furthermore, why are they nearly all white male? Maybe there is one or if lucky, two women on the board and/or people of color of a foundation or a company in higher education. This even goes for for-profit boards in all sectors.

This is a PROBLEM, people. A huge problem. Last time I checked, the population was 50/50. Furthermore, if the stats in the *NY Times* piece are correct, higher education has more female than male customers, yet, the people at the helm don’t reflect this customer shift in demographics AT ALL.

The bottom line (as one of my professors likes to say): the people in charge aren’t reflecting the current customer population...and shouldn’t they be? If you’re running a woman’s only product, for example, can you have a different, and yes, better, perspective as a woman than a man for that product? (I’ll cite the example of one brand of feminine product that had a tagline of the ‘have a happy period.’ While I don’t officially know if a man or woman came up with that one, I’ve got a really good guess that I’m sure is pretty d*mn close to accurate.)

Let me also say I am not a man hater or raging feminist either. But I do respectfully (or not so respectfully) ask for one thing: equality. Even better: make the helm consistent with the demographics of the customer. Until these things happen, my fear is the helm is going to have little, if any contact with the next generation of reality. And attention all board chairs and CEOs out there: you'd better start getting some diversity on your boards. With women making the majority of purchasing decisions in households now, it would behoove you to do so. And last but not least, if you work for or own a company that is paying women 70%-80% of what a man makes doing the same job at your company, fix it. That's not moral, ethical, equitable, or cool.

The Computer in the Classroom: Good, Evil, or Somewhere in Between?

Tuesday, March 9th, 2010

One of my friends and I got into an intellectual duel this morning on Facebook about whether or not computers should be banned from the classroom, particularly in law schools. S/he said yes...computers have no place in the classroom. I disagreed. S/he's wrong. Here's why.

First, part of being a GOOD educator (or any speaker for that matter) is being engaging with an audience. If you don't connect with your audience, it really doesn't matter what content you are delivering...they are tuned out. Furthermore, you really can't fake engagement – you're either personally passionate about what you are discussing (esp. if you are smartest person in the room about the subject) or you aren't. If you're not, people can smell it a mile away. My point here is that if you are an engaging speaker, people will listen. It really doesn't matter what else is in front of them (computer or not) – if you've got something to say and can engage, people WILL listen. Passion is infectious, and far more powerful than people give it credit.

Second, generation Y (the majority of classrooms these days are filled with gen Y) are natural multitaskers. Some of them have the power to multitask and some actually say they benefit from multitasking while learning. We know this is wrong when it comes to mechanical things like driving (at least in general studies with multiple generations), but do we know this to be true for mental exercises with gen Y? I don't know. But I can say while I sit in a classroom as a law student with a bunch of peers of a different generation than me, they DEFINITELY learn differently. They like games. They like gadgets, and they like multitasking in the classroom. They are more hands on in terms of their learning than my generation (X).

Third, I think computers and especially the internet can ENHANCE learning. For example, if I'm lecturing about entrepreneurship, and being a part-time entrepreneur, I like to talk about etsy.com. Do I have a problem with the students surfing over to etsy.com while I speak? Absolutely NOT! I want them to go there and check it out while I'm talking to them. It's SO COOL to have the power of the internet in the classroom to supplement learning – I WISH I had that power when I was an undergrad, but I'm THANKFUL to have it now as a law student.

Most of my law professors have allowed me the opportunity to have my own laptop in lecture. I am thankful for that opportunity. And to all the educators out there who are afraid to have the laptop between them and their students, my question back to them is: why? If you love what you teach, have passion for it, and see the laptop as a tool rather than a torture, you're already well on your way to being a fantastic educator...don't worry – your students REALLY ARE LISTENING. Congrats!

The Financial Balance Sheet: Is It Enough Anymore?

Wednesday, March 10th, 2010

As part of the fellowship program on law and state government this year, we've been working on the topic of public entrepreneurship. One of the ideas the professor in charge of the program today brought up was a really good one, and one I hadn't thought about before in a concrete way, which is this.

In a for-profit organization, we look at really only one metric around a company's success – the balance sheet. The financial statements. The income. THE MONEY. BUT—is that really enough anymore?

What about a social balance sheet? What about all the good a company does, EVEN IF sometimes that means not necessarily maximizing shareholder value? There must be value in companies who use organic products, or locally grown products, or give away their employees' time to a cause, or other philanthropic efforts (beyond writing checks) that provides extra value for that community. BUT, are we really quantifying this? Do we care?

I think we do. I think this is the future of any organization. It's not just going to be about the Benjamins anymore. It really can't be. If we want this country back to the level of prosperity and sustainability we envisioned before this economic downfall, we're going to have to start considering other factors beyond "the bottom line" of dollars and cents.

Let me leave you with a few questions to ponder: if you had a choice, would you buy a locally made product over one made in another country? Would you still buy it even if it was a little more expensive? If so, how much more would you be willing to pay for it? Furthermore, if in the production of that product you also helped your community (because your colleagues in your neighborhood developed that product), would that be enough to offset the additional cost for you? Also, as an investor, would you invest in a company that had sustainable plants and ideas, even if their stock's P/E ratio wasn't as great as the company who manufactures overseas?

We need to start looking beyond the financials both as consumers and investors, if we want to make this world a better place for our communities. The next time you're at E*Trade shopping for stocks or the grocery store shopping for food, I'd love for you to ponder these questions...as I will.

[Arbitrary & Capricious](#)

Tuesday, April 13th, 2010

Thus begins the month o' law school finals. As I study for Administrative Law and APA §706 – I see "arbitrary and capricious" as a standard the court might apply to an Administrative Law problem. Also, in complaining to a lawyer friend about the issue of law school finals – she remarked that evaluation of law school finals too can be "arbitrary and capricious."

Isn't life pretty much arbitrary and capricious? There are all these random happenings that occur while we plan away our lives...but was it all meant to be (a la "maktub") or, do we have any control over our arbitrary-ness and capriciousness? I'm certainly no philosopher, and barely a decent law student, but I hope my law school friends and I have the random arbitrary and capricious luck of passing finals.

Of course, it would help if I'd get back to STUDYING rather than just pondering it...!

[Happiness County, State of Bliss](#)

Friday, April 23rd, 2010

I really am TRYING to study for my finals...but I had to digress a moment.

One of my profs wrote a law school exam hypo that took place in "Happiness County, State of Bliss." That place sounds rad! Here's how I imagine it:

- You can eat as much candy as you want and never gain weight.
- Everyone has the freedom to do what he or she wants, and they all do good things.
- There's no illness, war, or hatred.
- The only rule is the golden rule and everyone abides by it.

- Stress really doesn't exist.
- People all genuinely try to help each other...and most importantly, help each other find their bliss and true callings.
- Anyone who has passion and ability to get an education may do so...and go as far as they like.
- The only limits are bound by what you as an individual can dream up!

Oxymoronically, there was a breakup of a marriage in the hypo. Would there really be breakups in Happiness County, State of Bliss? I don't know. But I do know this: it would be an awesome place to visit!

[The Dazzling Dozen: of M&A](#)

Sunday, May 2nd, 2010

I've not been posting as much as I'd like, because I've been entrenched in the fascinating world (and lingo) of M&A: Mergers & Acquisitions for my upcoming (and final) final this semester in law school. I have what is sure to be a very painful final next week in the course...but that aside, I dig the terms that peeps have invented in this somewhat mysterious and gray area of the law. Here's a few of my favorite hits. (WARNING: I'm not a M&A lawyer – I may have these terms wrong...there's my disclaimer!)

shark repellent – takeover defenses for a target. Usually a supermajority vote requirement for action to happen at a company, which is next to impossible...and the requirements need to be in the company's charter.

poison pill – a type of shark repellent – and there are several types – but generally, it is a strategy to increase the likelihood of negative results over positive ones for a party that attempts any kind of takeover. Trigger to initiate the pill is when 20% of the stock is owned by someone else.

chewable pill – a type of poison pill that is more shareholder friendly. Need a supermajority shareholder vote to initiate the poison pill. (A lot of Canadian poison pills are chewable!)

macaroni defense – tactic where target company issues a large number of bonds that come with the guarantee that they will be redeemed at a higher price if the company is taken over.

pacman defense – get so big by acquiring other companies that you can't be acquired yourself as a company.

golden (and tin) parachutes – big, hunky payouts to execs who leave a company at merger time, which is supposed to get them to think more in tandem with shareholder interests. (Yeah right!) Gold = for the big cheeses. Tin = for the rest of us.

greenmail (aka bon voyage bonus or goodbye kiss) – when a raider comes in and buys a big chunk of stock, the target company buying the stock back from the raider at an inflated price to get him to go away. (Don't go away mad, just go away...we'll even PAY you to go away!) Not done much anymore because the tax laws have changed...

phantom (aka triangular) merger – this is BAD terminology, but it sounds cool. Basically, it is a company merging with a shell company.

scorched earth policy – Basically, when a target company is potentially being acquired and SO doesn't want to be that they trash the place. There's a story out there on a famous web company potentially being acquired by a ginormous software company awhile ago where they talked about this...

Revlon duties – Nope, it's not applying makeup before you leave the house (which, is probably also a good rule...but not for the context of M&A)...this is instead that when a company is up for sale, the

board of directors has to do their best to ensure that the absolute highest price for the company must be found and sold at in order to keep the best interests of the shareholders in mind.

proxy contest – when an acquiring company tries to bully its way onto the board of the target company by getting directors with their own interests onto the board. This isn't a cheap process, and with staggered and confidential boards, takes years to do.

white knight – when an icky person or company is trying to acquire a target company, the target company might go hunt down someone to save them from the icky – a “white knight.”

There you have it – welcome to my world for the past week. It's been full of poison, noodles, makeup, and rules....fun times!

[3 Things I Hope To Learn in China](#)

Saturday, May 15th, 2010

One week from now, I'll be on another continent. I'm really excited about it! China is a place I never thought I'd get to...but if I do get there, here are the top 3 things I will be investigating:

1. Where the country wants to go in the future – particularly around economic development...and not the sole bottom line, but most importantly, where they are in terms of the triple bottom line – people, planet, then profit.
2. How they'd like to work with the U.S. – us or the U.S., I'd love to know how the PRC wants to work with the U.S.
3. The history and the context of where they are coming from – they've got hundreds if not thousands of years of history, which is more than our very young democracy – I'd love to know their philosophy, why and how they got to where they are, and of course, back to #1, where they want to go.

I can't wait – and I hope to share my travels as an American Girl in China with you...if I can reach my blog postings while there!

[An American Girl in China, Part I](#)

Thursday, May 20th, 2010

I just got in to Beijing about 3 hours ago, in what seems like the never-ending day. Although, technically, I really skipped a day. It right now as I write this is 11:15 PM, and back in the states, it is 11:15 AM eastern time. Needless to say, I'm a little fried. We all had a bit of a breakdown this evening after the airport – because we had to get essentials like bottled water and cash...so we could do things like eat and brush our teeth. Already I have witnessed some of the things we take for granted – like potable water. But luckily, I have some. I will keep you posted on my 'progress'...for the next few weeks...!

[An American Girl in China, Part II](#)

Saturday, May 22nd, 2010

I SHOULD be writing a paper right now for law school. Instead, I had to take advantage of borrowing a full sized laptop (thanks, Nic. And Dell – your minis aren't exactly super conducive to writing long winded papers). Here's what else I've learned in China thus far:

1. No one here is obese. I haven't seen anyone overweight. That means to me that they are living healthier lives, despite some issues with their environment. A group of us went out this morning on a 6:00 AM

power walk, only to discover that there were some older people on the track kicking our butts. By the time we left the track, it was full. This is on a Sunday morning, people. They also have very little sugar in their diets. Although, right now I am TOTALLY jonesing for a burger and fries!

2. The people here are really trying hard to learn English and work with the rest of the world. There's a pond area on campus here at Renmin where Chinese go to practice their English in the form of...get this...Shakespeare! This morning we saw them out practicing. Now, is anyone in the U.S. working on their Chinese? In public? Also, a group of students gather on Friday nights at another place on campus to practice their English too. I also met a random economics professor who just sat down and started talking to me at breakfast the other morning. Her English was pretty good, but my Chinese was terrible. We still managed to have a decent conversation. Her son is also studying at...get this...NYU.

3. They don't believe in diapers here. Some of my friends are really disturbed by that...but I'm starting to think with all the waste in the world, there could be worse things.

4. The Forbidden City (which we all visited yesterday) was super cool, but it was jam packed with visitors. If you ever get the chance to see it, go, but just don't go on Saturday morning.

5. Here's what I miss (besides that burger) at this point: 1. COLD beverages – WITH ICE. 2. SUGAR. 3. Cheetos. 4. Wi-fi. 5. Air conditioning, and 6. Blue skies. 7. Cheese. 8. Facebook and Twitter. Ironically, cold beer is cheaper and more available here than water. (TsingTao, anyone?).

6. Last but not least – here's my economic development opportunities for y'all before I go: 1. Steak and Shake, get here. 2. Denny's – ditto – they could use a grand slam or two over here. 3. WISCONSIN – you make cheese. China has no cheese. Seriously – this is a billion dollar economic opportunity for you here...! 4. Frito Lay – you've got stuff here – but no Cheetos – what's up with that? 5. Eskimos – sell your ice here.

Ok, back to the REAL work now! And, if you have an ice cold drink - raise a glass for me. Really. I could use a cold toast....!

[An American Girl in China, cont.: Living in the Future](#)

Sunday, May 23rd, 2010

As I traded Skype IMs with a friend of mine this morning (5:13 AM Monday morning), I realized Indiana is still on Sunday—at 5:13 PM. I always wanted to live in the future, and now I get the chance!

Today in our China law course, we are going to learn about Constitutional Law and Criminal Procedure. Here are some interesting articles I already read in their constitution, which I think the U.S. could learn from:

1. Citizens of China have a right AND A DUTY to work. I seriously doubt their government is paying its people to not work. Interesting.

2. They use the word “organ” a lot to describe their government—and that the ultimate power lies with the people. The central government is just an “organ” of the people's power.

And now back to the cultural piece – a few of the students on the trip were bold enough to try scorpion yesterday. I unfortunately was stuck in my hotel room writing a paper – but later at dinner, I asked what it tasted like. One of the students replied, “like a greasy crunchy potato chip.”

Not sure I'll be trying the scorpion anytime soon, based upon my colleague's description.

[What is Breakfast?: An American Girl in China, cont.](#)

Sunday, May 23rd, 2010

For four consecutive mornings now, I've been feasting on Chinese breakfast. It is VASTLY different from ours. Here's what I eat: boiled egg, bean sprouts, seaweed, cauliflower (one of the best things!) and hot soy milk. There are a few breads on the bar that are almost sweet. No bacon. No syrup. NO blueberry pancakes. And the biggest atrocity of all? NO COFFEE. I haven't had coffee for four days. Yet, interestingly enough, the world hasn't managed to fall apart just yet.

We're thinking about seeking out a close McDonald's to break it up.

Oh, and just read Hillary is here, and our Lt. Governor is coming to Beijing too. I've never been quite this cool, nor have I ever been jonesing this hard for a cup of Dunkin Donuts® regular roast.

[The 48 Hour Birthday: An American Girl in China, cont.](#)

Tuesday, May 25th, 2010

So, if you're into birthdays, I highly recommend flying to the other side of the world to celebrate it, because you technically get a 48-hour rather than 24-hour birthday. You get the pals who came along with you to wish you happy birthday first, then your friends and family in the states get to wish you another happy birthday all over again the following day. Pretty cool...except for the getting old part.

We were all craving a bit of home last night, and I barely can believe it myself, but we found a TGI Fridays and celebrated with real wine and cake! Also, we found a mall. One gal of our party (who is absolutely hilarious) said "I'm proud to be an American!" and I have to say I agree with her. While it is lovely to travel and explore other cultures and countries, it is also fantastical to find something that ties you to home, even if it is in the form of a beautiful western hotel with a seemingly non-distinct chain home restaurant, which many of us (myself included) take for granted while at home. We really didn't want to leave the hotel the restaurant was in last night, either. I could have definitely had a Hotel California moment.

Anyway, turning 29 again in a different country half way around the world was fun. It had wine. It had cake. And, it had the best thing of all included too....friends, along with a dash of America!

[Guan Xi: An American Girl in China, cont.](#)

Thursday, May 27th, 2010

Today we headed to one of the biggest and best law firms in the city of Beijing, Jun He Law. We were all excited and pleasantly surprised to be greeted by a woman partner at the firm, who not only could clearly articulate her thoughts, but looked absolutely like a billion dollars in her clearly tailored custom suit.

Of course I asked her about...the SUIT! And thinking it was tailored here, she replied of all places, her suit was made in Scotland! Ugh!

But...one of the more relevant questions came from another student today, who asked about guan xi. Guan xi, from my understanding, is a more complicated phrase about social capital – along the lines of “it is not what you know, but who you know.” This is deeply rooted in the Chinese culture as well, and the student asked how important guan xi was to being a lawyer in China.

The more I started thinking about guan xi, the more I think that I don't care who you are – butcher, baker, candlestick maker – it HAS to not only be about what you know, but who you know as well. I won't go as far as assigning percentages to “success,” but I do know that I firmly believe so much in building social

capital as a life skill that I require all my students to have business cards, and learn how to shake a hand and introduce themselves. It really IS that important. My network has blown me away with the awesome things it has brought to me and my books, and professional career as a whole.

So, while I cannot assign direct percentages, I can say that guan xi, if it means who you know while not sacrificing what you know, can be something that makes or breaks a career. All things equal, two candidates with equal qualifications and one with a fat Rolodex, guess who will be hired? Yup, the peep with the big Rolodex.

It IS that important!

p.s. – the first floor lobby of the firm had a Starbucks in it. God bless caffeine, and my tall brew today! YUM!

Capitalism in the Big C: An American Girl in China, cont.

Friday, May 28th, 2010

After having survived my first week in China in tact, a group of us decided to wander via the subway over to the Silk Market in Beijing today. We arrived after lunch and got our best bargain faces on for a solid 4 hours. I watched as my younger counterpart/friend, I'll call her – Shades, discover the fun of negotiating.

If you don't know much about the Silk Market, suffice it to say that nothing has a price tag, and EVERYTHING is negotiable. As I watched Shades wheel and deal for her trinkets, and I walked away from many bad deals myself, I couldn't help but think – this is Capitalism at its very finest...in CHINA of all places! Everyone as a vendor here wants to negotiate a deal, and not every buyer wants to buy everything, but some things they're into more than others. I was suddenly surrounded by—the art of the deal!

Ironic, considering this is technically a Communist country.

Ministry of Magic: An American Girl in China, cont.

Monday, May 31st, 2010

Hope you had and are having a great Memorial Day!

As for us, the American kids over here in Beijing, we headed Memorial Day to dinner at the closest thing we could find to a traditional Memorial Day feast—Outback Steakhouse. There are two in Beijing. We had a great time, and it again was a much needed slice of home, especially being away during a holiday.

In the morning, we had class with Prof. Guo on intellectual property, and will have him again today. He's 84. He moves a little slow, but his brain is razor sharp, and he's been one of the best professors yet we've had here at Renmin.

Also on the docket for today is a visit to the Ministry of Commerce (henceforth, I have renamed the Ministry of Magic, because commerce to me is magic, in toto).

In the meantime, enjoy the rest of your holidays, and please think of those who fought so hard for all the freedom and wonderful things we enjoy in our country that you just can't get elsewhere.

[The Missing Fortune Cookie: AAGC, cont.](#)

Wednesday, June 9th, 2010

So, one of the biggest bummers I have to say while in China has to be...the lack of the fortune cookie after traditional Chinese dinner. I looked it up, and darn, it was actually a San Francisco thing. Live and learn! But, on the other hand, one of the cool things about China is that they have tons of fun jewelry (not expensive stuff) that have a lot of Chinese symbols on them. T-shirts do too, and part of the fun when looking at them is trying to find out what they actually mean. One of the gals told me today, "you must believe in the symbol you wear, otherwise it is bad luck."

I share that with the Chinese. I'm somewhat superstitious...black cats crossing my path and walking under ladders I typically try to avoid. That aside, one of the pieces of jewelry today I think has the symbol for happiness on it. I also acquired a T-shirt with the symbol for love on it. I'm digging both. In a sea of mass confusion after studying the somewhat oxymoronic and totally dichotomous law of this land, I'm thrilled to discover that the best symbols of what unite us as humans—be it love, peace, happiness, or harmony—still permeate our lives here. In the end, aren't those the really important things, anyway?

These, of course, AND deodorant! (I'll spare you from those details...)

[There's an Lin Innovation, and China: AAGIC, cont.](#)

Friday, June 11th, 2010

Bear with me here. There are a few external forces from which I'll be pulling for this post, as technically, I'm on a learning journey. This one is all about innovation, since it seems to be quite the topic du jour, both here in China and at home in Indiana.

First, the head of Eli Lilly gave a talk in Detroit this past week talking all about innovation and how our country is at a crisis lack of innovation in research and development. Second force I'm dealing with is company law class over here in Beijing...yesterday we studied formation of a LLC, one of two business forms one can have here (the other is JVLLC, and I'm not going to talk about that one.) Last but not least, I just finished Richard Florida's new book, *The Great Reset*, and am currently working my way through *Making Ideas Happen* by Scott Branson at Behance. Here's what I've learned from this tangled web of ideas:

1. It costs a hell of a lot more than I originally thought to start a business in China – both in money and most importantly, in time. Our business law in the 1980s is a shadow of what the current business law is in China today. One of the sticky points: when drafting the articles of association (incorporation in our country), a business must include the scope of business within the document. This basically means that if you include a description, but start providing business in another direction (oh, let's say maybe on the wants and demands of the customer), you could be piercing the corporate veil and fined heavily by the government for going outside your scope of business. We had a discussion on this in class – I said the rule had to go, because as a business owner, even though you have intentions of setting up your business one way, the market might demand different products and services from you than you originally intended. To have to constantly go back and change the scope of business in order to meet market demands cripples innovation. In a market based economy – who's in charge? NOT THE GOVERNMENT. THE CUSTOMER IS KING in a market-based economy, period. What they want and say goes!

2. Richard Florida seems to think that we are currently undergoing our third great reset as a country (back in the U.S.). This may and probably will take decades—to go from a manufacturing-based economy over to an idea-based economy (ie, more innovation). Is it time to let China be a manufacturing powerhouse and for the U.S. to drive towards new innovative ideas—like faster mass transit (so our travels and bodies can keep up with the speed of the internet and Fedex), or do we need to slowly develop and move this way over time? I don't know. I don't think anything can happen here overnight. But I do think someone should

work on the ‘beam me up, Scotty’ technology, or Fedex should figure out how to transport humans overnight. It can’t be any worse going cargo class than coach when going across the world. (And trust me on this one – I just did it 3 weeks ago and am about to do it again in another week.)

3. Innovation and working on tomorrow v. working on the work of today – This is where Scott Branson comes in. He seems to think that the forces of getting today’s work done are always going to trump the work of the innovator – or that person working on the future/tomorrow. He argues you need two lists – one of the items of the day, and then the important future scope list–in order to manage BOTH important sets of items. I dig this idea...but my little brain has only been keeping stuff on one list thus far–might try two.

4. Innovation is a problem we ALL can work on. Each and every one of us is creative. We might manifest it in different ways, but at the end of the day, we all can and should innovate. Whether you work in mass transit, biotechnology, early child development or split atoms–you have the innate ability to innovate. It is EVERYONE’S JOB. That’s how we will get out of this awful but necessary evolution in our economy... this great reset...and move on to bigger and better ideas, services, and yes, even products, for customers.

5. Even China is struggling with innovation, but I think this is more from a cultural and governmental control points of view. For example, you need a LOT of money to be held in reserve before you can even apply to start a business in China. In the States, I needed to declare I had \$1000 in assets somewhere (not necessarily cash in a bank account) in order to start each of my businesses. I can tell you right now, there’d be no way I could ever be a business owner if I was born and grew up in China...it just would not have happened. I’m sure the counter argument to this is that fewer businesses might fail if they have more capital and cash in reserves, but again, I think this kills creativity and innovation, because without the freedom and ability to start and try new ideas, you’ll just end up repeating the past.

China is heavily criticized for making counterfeit merchandise, but we need to be careful with this. American manufacturing was doing the same thing 100 or so years ago. The bottom line here: AMERICANS are LUCKY to live in a country where we have freedom to experiment with new ideas–we just need to keep, foster, and develop that energy in our educational systems, so future generations aren’t afraid to try new ideas on for size. This leads back to one of my previous rants: failure isn’t failure if you learn something from it, and an innovator will fail. She’ll even fail more than the average person. But that’s OK, because that is how we get to a better idea. In failure lies the freedom to innovate!

OK, time to hit the (law) books. Get out there and see what you can innovate this weekend! It’s the very cool and very American thing to do!!!!

[When in Rome: An American Girl in China, cont.](#)

Saturday, June 12th, 2010

While in Beijing, if you should visit for any length of time, you’ll invariably run across “I’m sick of Chinese Food” Syndrome. I love Chinese food, but I can only take so much of it, then I’m looking for a diversion.

Hence, we found one last night! Luce is an Italian restaurant in the Houhai Lake Area just off the Gulodajie subway stop (south a few blocks, which feel like more than a few) but it was definitely worth the hike! We had WINE (which frankly, really isn’t as common in China as I would have liked), mushroom/artichoke lasagna, and of course, last but not least, tiramisu, crème brulee and a chocolate soufflé with pistachio ice cream. MOLTO BENE!

And while we’re throwing a bit of Italy into China, I must also talk about one other thing before I depart again, which is equally important to the Italians: fashion. Here, for the gals, it is a very frilly summer – lots of girly dresses, wacky cut off tights, umbrellas, and cute little cartoon animals all over everything. For guys, pretty much anything goes over here...jeans being the most common. Just avoid the shiny suits

when you get over here. I thought I'd try to have my own suits custom made, but couldn't find a better deal than on the suits I get at home. If you ever come to Beijing to get suits made, beware shiny fabric! Shiny isn't good, period. Consider yourself warned.

Tonight, on the last full weekend I'm spending in China, I'm heading to Dadong, one of the best Peking duck restaurants in town—to finally get a taste of what everyone has been describing as “orgasmic” food.

I'll leave that one alone...for now...but will be back to share the Peking duck awesomeness soon!

[8 Things They Might have Right in the PRC: AAGIC, cont.](#)

Monday, June 14th, 2010

I probably have done more criticizing than actually giving props to the People's Republic of China (PRC) in the past 3 weeks of this blog. So, I thought tonight, I'd flip it and talk about the things I think the PRC might have right thus far. Maybe we can implement some of this stuff in the U.S...?

1. In hotels here, they actually change the rugs in the elevators to reflect what day it is (i.e. they have a “Monday” rug, a “Tuesday” rug, etc.). Hotels are a lot like Las Vegas—if you don't have someone reminding you what day or time it is, you get lost in the moment. I look forward to the rug actually letting me know where I am in the week.
2. Back to the elevator – the “close door” button actually works here!
3. They practice English at 6 AM on this college campus (Renmin) and on Friday nights—not for class credit. Not for a grade. They do it because they want to.
4. The students also put out blankets at the end of the semester and pitch their wares – used textbooks, clothes, shoes, whatever they don't want anymore – and sell their extra stuff to other students. They don't return their books to a college bookstore and let the store jack up the “used saves” prices.
5. The Pearl and Silk markets: If you've been, you already know what I'm talking about...no price tags, just a bunch of haggling for the “best price.”
6. Diet – or genetics, or both? They certainly are tiny, for the most part. I feel like an Amazon woman here. I'm not sure if it's their diets, or good genes, but whatever they are doing, they're doing the slim thing well. They don't have a lot of sugar in their diets, so that probably has something to do with it.
7. They have duties in their constitution – we have rights in ours, but the U.S. Constitution doesn't talk much about duties. They, for example, have a ‘duty to work’ clause. What if we had this in the U.S.?
8. They don't have the word “no” in their language – not sure if this is good or bad, but some think it is good. I'm on the fence on this one. After all, there's a reason the letter “N” is next to “O” in the alphabet, even though sometimes I have a problem putting them together.

These, for the most part, are good things.

[The Four-Hour Final: AAGIC, cont.](#)

Thursday, June 17th, 2010

I have a four hour final to take this morning on the China law course I just finished yesterday. And yes, in case you were wondering, finals on each and every continent equally suck. Enough said.

Always being the girl chasing down the future, while I enjoyed my time in Beijing, I'm ready after nearly 4 weeks to head home and get on with my life. This trip has taught me many things – like to appreciate what you have – and my life back home is pretty swell. That's why I'd like to get back to it. That, and I'm sure I have a stack of bills and headaches waiting for me to deal with upon my return—but that's the price one pays for putting her life on hold for a month to go exploring.

Best of all, I can start ripping into my new book idea, which I hope to hit the ground running on when I get back home and begin my 10 weeks of law school summer break. (Mind you, this is the longest break I've ever had from law school since I began two years ago...lord only knows what mischief I can get myself in to during that span of time...).

[Bon Voyage & What I Will Miss: AAGIC, cont.](#)

Friday, June 18th, 2010

On this, my final full day in China, I took a stroll through campus and decided that there are some things—unique and not so unique—I will miss about the PRC. Before I started packing (YAY), and in case you were wondering, I thought I'd share them with you, my faithful readers. Here they are:

1. The Yongali exit off the subway to the Silk Market: It's like stepping into a rave, and gets you pumped for bargaining!
2. Roses: They are EVERYWHERE in this country – leftover from the Olympics, I suspect, but they do VERY WELL in this climate and they were beautiful during the time here!
3. Sandy at the track: She made us get up and get out of bed with our best workout on for most of the 4 weeks at 6 AM in the morning. Nothing like passing a 70-year-old woman on the track to make you feel great about your (lack of) athleticism...we will miss your inspiring motivation, Ms. Sandy!
4. Free donuts at breakfast. (OK, they're really not donuts – and there's a Chinese name for the fried little bits of heaven, but we needed to dump the sugar on them.)
5. McDonald's: Honestly, I rarely if ever eat McD's at home. But without them in China, I fear I might not be alive today. McDonald's was fantastically consistent, which is a golden thing when you can't read a Chinese menu and your stomach is trying to get used to an entirely different way of eating. And way to go, McD in the PRC – you have delivery on bicycle...BRILL! When I get home, I probably won't eat it for awhile, but at least I know it is there waiting for me...on both continents.
6. Peking duck: Not so much for the taste (don't get me wrong, it is tasty) but for the production around the meal. It is a feast to be shared with friends.
7. The bakery across from the east gate at Renmin: I never thought 'meat floss' could be so tasty on bread!
8. K box: If you ever get to karaoke in private rooms like at K box across from the subway stop on the west gate of Renmin university – DO IT. It was an absolute BLAST last night (we didn't get home until 4:00 AM). Why don't we have this in the States?
9. Flaming green beans: All the green beans served at traditional Chinese restaurants here were spicy hot and hot hot at the tables. Red hot peppers and green beans? YUM.
10. Last, but certainly not least, the silver and gold friends: to all the awesome student mentors we had (mine was Star – LOVE her and we're taking her out to dinner tonight because she was so very super helpful), but also to Beverly, big D, Diva, Summer, Chen Lei, and all the amazing help we had over here trying to acclimate to law school and China – you all rocked the house and are WELCOME to visit in Indiana anytime!

Also, to the friends I already had through law school in the States, who I got to know better while during our tenure here. You were a blast, the group was never dull, and it was great to see another level of my law school homies here in the PRC. Lastly, to the new law school friends I met at other law schools who joined our summer program – it was a pleasure to meet you, and you too made our experience so much richer by your participation.

Safe travels home, to all thirty participants in the program. Don't know about you, but the first thing I'll be ordering on the plane is a HUGE cup of water, WITH ICE.

Zai Jian: AAGIC

Saturday, June 19th, 2010

The Chinese have many ways to say goodbye – zai jian is only one of them. I had to look it up, as this will be my official last post from Beijing before I hop on a plane and get back to the best place on earth in my currently totally biased opinion: The United States of America!

Last evening, a group of us took out our Chinese law student mentor to of course...none other than TGI Fridays for an American dinner, and to thank her for her help. Star was very appreciative and gracious, and we told her if she ever had the chance to come to Indiana and/or the States, to look us up. She's only a freshman at Renmin University, and she has so much life ahead of her, and speaks far better English than I ever will Mandarin, or for that matter, ANY dialect of Chinese! We ended our dinner with pictures and a group hug.

Then, a friend on the trip and I took our final ride on the subway to none other than Olympic Plaza, to see the Bird's Nest and the natatorium in all of their evening splendor. It was a relatively clear night, and a fantastic way to end this tour of Beijing we've been experiencing over the past four weeks. (I'd highly recommend you see it at night too if and when you get to Beijing...way cooler than during the day.)

Another friend and I bought some very non-Chinese coffee this morning and commented on how far we've come in the past 4 weeks (which has been my first coffee in over two weeks. For those of you who know my passion for coffee, yes, I know – it was difficult.) To have survived and even thrived, learning while inside and outside the classroom during the time here has truly something to behold. Not every American will have the opportunity to see how amazing we actually have it in the U.S., nor how lucky we are to live where we live, and being away from it for a month makes one appreciate what it is we've left behind.

Another group of (gutsy) students was off to Tibet this morning for a few days, and left early Sunday morning. To them, and to all on the trip – thank you for your friendship while here, safe travels home, and I certainly hope we all look back on this trip as a wonderful opportunity to not only explore and learn about China and the law, but also to explore and learn about ourselves.

Oh, and it being Sunday here – Happy Father's Day to all the dads out there!!!! My dad gets the best gift of all on Father's Day – his daughter back in the U.S. – ha! :)

The 36 Hour Day, and the 3 Minute Flight: An American Girl in China, The End

Monday, June 21st, 2010

This is my absolute last post about China.

Yesterday, I had a 36-hour Father's Day. I went back in time, with a 12.5 hour flight, which took off from Beijing at 4:10 PM, and landed in Chicago at 4:13 PM. Technically, it was really only a 3 minute flight. It felt longer. However, it was also a 36-hour day, since I gained 12 hours coming back.

First thing, I never thought airplane food and beverages tasted SO GOOD in my entire life! Secondly, I just stared at my cups of ice before I poured my cold beverages over them. Last but not least, in Chicago I ate a turkey sandwich with lettuce and tomato that also never tasted so good to me in my entire life.

Here's the good news: after a nearly thirteen-hour flight – a trip to Europe in the future is going to be a cakewalk. Here's the bad news: I've got a pile of email and mail as tall as I am, which I'll be plodding through today to catch up on.

While traveling to the other side of the Earth may be a challenge, this, my friends, is the only way we're all going to figure out how to make the world a better place – by traveling, connecting, collaborating, and foremost, understanding one another.

[Madonna v. K-Tel](#)

Monday, June 21st, 2010

OK, I lied.

Although it was previously the last post of my trip to China, I'm still going to blather on about China when I have random thoughts of it. Here's another one I had that has been bugging me during and even after the trip.

A lot of people in China like to call the U.S. a “young” country. In some respects, it is. However, China—although it is 5000+ years old—technically is a younger country than the U.S. China in many ways is like Madonna—older, but constantly reinventing itself. Just look to the formation of the PRC, Cultural Revolution, older opium wars, opening up, etc. to see all the ways it has tried and is currently reinventing itself. That, in many ways, makes the country younger than the U.S. The Cultural Revolution took place in the 1970s-1980s, and many of the modern laws formed after the CR in China...thus, it legally is younger in many ways than the U.S.

I view the U.S. kind of like a K-Tel album. (Lord only knows how the IP lawyers let K-Tel get away with and publish/produce albums during the day. And if you have no idea what I'm talking about, thanks, now I feel old.) Anyway, K-Tel albums used to take the best hits of a year or era and combine them on one record. That, to me is how the U.S. was set up. It took the best hits of many other democracies and blended them together into one new fresh mix.

So, those are my best analogies to explain what China means by it being an old country, while the U.S. is young. Even though, in many ways, they aren't.

Confusing? Welcome to my life for the past four weeks!

[Riddle Me This...](#)

Friday, June 25th, 2010

I've been somewhat lax on my posts this week, probably due to the fact that I'm slowly but surely getting over my jetlag and have been sleeping it off.

There's one piece of news here locally I'm trying to rectify in my head vs. a news piece we discussed in China, which is this. This week, a bunch of people waited in line for an iPhone 4 at our local Apple store. For hours. Meanwhile, on the other side of the world, Foxconn, makers of iPhone and iPad parts, had a few people commit suicide in their Chinese manufacturing plants of late (I'll tack “allegedly” on here because one never knows how far the Chinese media portrays reality...allegedly...). A motive for those who committed suicide was the payout to their families, and that they were working arduous hours for not so great pay. Subsequently, Foxconn raised salaries and stopped the payout to families of workers who killed themselves (again, allegedly).

What is this? Irony? Western consumerism taking a toll on eastern manufacturing? Cultural revolution in the sense that the east sees the west's consumerism as a nearly unsustainable force, and an opportunity

they don't yet themselves have? I don't know. Labor law was one of the modules we studied in China, and a lot of the modern labor law in China stemmed from the Olympics in 2008 (the labor laws were put on the books in 2007), so it is brand new body of law in their eyes.

One thing I do know, after my trip east: I'll be much more aware of where the things I buy are made from now on, and I'm willing to pay more to buy things that are locally produced. I would ask that you ponder the same... where do the things you purchase really come from, and were they made by people who have a good life, or are they made by people working in unacceptable conditions? And, if people who are in deplorable situations made them, do you really, really want to support that with your wallet?

The Super Store of the Mind

Thursday, July 22nd, 2010

Today, I'll be shopping. For ideas. In the store...of the mind...for my law school note.

For those of you from another world than law—in law school, some of the students get on law review. It's a prestigious thing, or that at least is what we are led to believe. Anyway, the students on law review get the opportunity to write a law review note, which really isn't a note at all. It is usually a lot longer than a note, about a topic relevant to law in whatever law review they are aiming for the note to be published. In this case, the target is the [Indiana Health Law Review](#). It has to be well researched, argued efficiently, blah blah blah.

So, picking a topic, especially in healthcare right now, is kind of like drinking from a fire hose. Instead of getting overwhelmed, I'm going to pretend that all ideas are organized neatly, like a grocery store. Probably like Trader Joe's. You've got your produce section (wellness), vegan and vegetarian sections (preventative health), the freezer section (fixing the current healthcare reimbursement/bill mess), and other various sections relevant to disease states and different demographic types of patients.

I've got my cart. I'm off to shop!

Welcome to Next Semester

Saturday, August 21st, 2010

I'm ten pages in on my first reading of the fall semester of law school, and already...I'm...irritated.

First off, I'm reading for closely held. This is the course where they supposedly teach you all about different business structures and why businesses exist as separate entities. Here's why I'm miffed:

1. They're quoting stuff from the 1970s, assuming it is relevant to business today.
2. They've got equally condescending footnotes in the book, which assume that students would confuse Warren Buffett for Jimmy Buffett. Really? Do you really think we are that stupid?
3. They lay out that the primary purpose for a business is to "make money." That's it? That's the ONLY purpose? Then they give a quote from Ben & Jerry's about their company having the audacity to give a portion of their profits to causes and asking if that hurts the shareholders.
4. I think I paid over \$140 for this piece of dung, and it was a required textbook. Now there's some corporate greed in action.

Business can't just be about "making money" anymore. Yes, businesses make money, but they also make LIVES BETTER—they create opportunities for people to have jobs, careers, passions, and have the ability to make communities better, richer, and provide better quality of life NOT ONLY for the business's customers, but also for the business's employees. If you want to see what life is like without 'evil, greedy profit-making' ventures, just head up to Anderson, IN. It's a ghost town. Businesses have closed in a lot of Anderson. Is it better off? NO.

Furthermore, businesses that care about the TRIPLE bottom line (and no, that term isn't in the index of this overpriced, outdated textbook either), are going to be more sustainable over time. The triple bottom line addresses people, place (the environment) and profit. Businesses that pay attention to the triple bottom line care about all three. Some companies – around 3000-3500 in the U.S., actually provide sustainability reports to their shareholders on an annual basis. It is not required, but they believe it is the right thing to do. I agree—if you're a company, big or small, it is I think incumbent upon the owner(s) or member(s) to understand the impact their business has on the world around them. Just Gordon Gekkoing it anymore by maximizing profit isn't the only bottom line for business. Pick any bailout as an example.

Lastly, this antiquated yet overpriced book has no mention in the index either of low profit limited liability companies (L3Cs), which have been around for years now. These companies generate profit, but they put MISSION ahead of mere profit. So, this book oversimplifying what corporations do is really just, in my opinion, egregiously wrong. Business these days is much more complex than just maximizing profit. And I argue, the companies that will still be standing years from now (hopefully after this awful textbook ceases to be published) are the companies who are actually paying attention to the business and how it relates to the world around it – not just maximizing profit.

If you talk to any entrepreneur who built her company with her own two hands, and believed in it when no one else ever did, you'll quickly figure out that it was never just about the money. Most entrepreneurs do it for the love of the idea, for the love of making the world a better place, and OK, yeah, maybe a sustainable business so it can create some prosperity for the investment of the passion, time and trouble.

I suggest in the future to have law school textbook writers actually garner more opinions from real entrepreneurs, rather than just putting in the "Buffett guy" and a bunch of dusty, musty outdated notions of what business is in their books. (Not that there's anything wrong with Warren Buffett. He's the man, in my opinion! But, he also buys businesses, he doesn't necessarily create them. Entrepreneurs, on the other hand, build and create businesses. As for Jimmy Buffett, I can't say I'm the biggest fan – I've never been a Parrot head. And no, the two of them aren't closely related...just check the 23andMe website.)

Give me something worth buying! This textbook sure isn't worth the money. This is one of the major problems with law school – relevancy. This book is brand new, but totally outdated already. And sorry, I've already edited and written portions of other textbooks (outside the law) so I know from firsthand experience that textbooks can be made RELEVANT.

Welcome to the new semester. Ugh.

[The Judge is Right](#)

Friday, August 27th, 2010

OK, I know – a hopping Friday night when I'm home reading 78 pages of Professional Responsibility for my law school class Saturday morning. (Never let it be said my life wasn't exciting...) I'll try to think of it more like *The Breakfast Club* and less like Saturday morning law school class.

But, I just read an essay in my PR book from Judge Posner about why law school should not be three years, but instead two. I think he's right. Read on to understand why.

Enigmatically to me, law school is the only professional school I know of whereby you never have to get anywhere near actually practicing the profession to graduate. Medicine? Absolutely have to start practicing in the first year. Pharmacy? Students get exposed to the practice pre-professionally at Butler. Vet school? PT? OT school? Nursing? Can you think of any professional school where you DO NOT have to practice it as part of the curriculum?

Only one: law school.

This was not always the case. In the 1800s, one 'apprenticed' with a real lawyer in order to become one. Now, why I bring this up is what Judge P. says in his essay, "...law is becoming more like a business at the same time that law school is becoming less like a business school and more like a graduate department in the humanities and social science." I think I agree with this. Two trends: 1. Don't lawyers pretty much rely on businesses to get a lot of their business? (And even if not directly, their clients need jobs from companies that can pay them, so they in turn can pay their attorneys...) and 2. More and more lawyers are being laid off and starting their own businesses.

Now, granted, I'm only half way through the law school curriculum, but I have yet to see a class offered where I can learn how to run a business or even start an independent practice as a lawyer at law school (not that I necessarily would take it, but it would be nice to at least be offered the option).*

Here's what I think law school should consider reformatting to: two years in the classroom, and the third year out in practice, on rotations or like a residency, in the field, with real law practices, or with real lawyers out in the working world. Pharmacy does it. Medicine does it. Vets do it. Why not law?

The practicality of learning the law really doesn't meet the law school classroom, with one exception: law clinics. But law clinics are not required. So, for all you unaware out there: a law student could in theory graduate, pass the bar, set up shop the day after and literally have NEVER practiced law a day prior in his life! THIS SCARES ME. Doesn't it scare you? If not, it SHOULD.

A lot of lawyers are calling for reform of law school curriculum. I agree. I really don't think it is professional to have students going through law school never really having to see what it is truly like to be a lawyer. Not all of us have the luxury to quit our day jobs and ride off into the sunset of rotations or practical experience on our own, but if law school required it and took us out of the hypothetical (and at times, nearly worthless) experience of the classroom for real world education, I think I'd be OK with that, and so would my colleagues.

Judge P., you definitely have this one right!

*(Yes. My law school does offer a course on solo practice. I didn't take it.)

Caught

Saturday, August 28th, 2010

I got caught trying to articulate my logic why I wouldn't take a certain client on as a "lawyer" this morning in professional responsibility. I won't say who the person is, but I will say it was on a first amendment issue. While I love the first amendment, I don't love this person, at all. And that's why I wouldn't take her/his case. I didn't really have a good explanation as to why this morning, so I'm going to go ahead and articulate now that I have had the chance to think it through.

I have zero desire to practice most types of law, including advocating for this client on this first amendment case. But, I am also a firm believer in this (which was the part I failed to articulate this morning): you are like those you hang with. You are like and become like those you associate with. I've also seen this in a presentation I developed and researched recently on social networks and personal/public health. Birds of a feather really DO flock together. You can also become like those with whom you hang. Your friends and associates and yes, I think even clients can have a strong effect on you—be it a positive one, or a negative one. In this "case" this particular "client" had, at least in my book, nefarious business he needed protected. Thanks, but no thanks. Not my gig.

Maybe that's why there is rampant alcoholism, depression and other mental illness and generalized unhappiness within the legal profession. And, it is probably why the general public perceives lawyers better only than used car salesmen. Yes, as lawyers, we are trained to not put our own moral lens onto our clients and judge them, but I say – hey, we're human. We are always going to have values, morals, and opinions of our own. To totally abandon those to do your life's work as a lawyer – is that, or should that be appropriate? I honestly don't think so. I'm not a Vulcan. Last time I checked, I was human.

We humans have to have some level of morals, values and guiding forces by which we live, and part of that includes our life's work. I don't want to spend my life defending egregious behavior. I don't want to spend my precious and finite time here on this earth promoting sketchy morals, just because it fits in the construction of a 'right' under the Constitution or some other law. Nor is that why I went to law school. (Oh, and the counterpoint in the class said they'd take the case because this particular person was wealthy. Is that a good reason...because they can pay? Should it be the ONLY reason?)

Thankfully, we aren't required to "take" a particular case. And yes, everyone has different values, morals and ethics, and those might be unlike mine, which is totally cool – that is what makes life interesting. But I think everyone must choose their friends, associates, and people who are around them very carefully and wisely.

While I was caught without an explanation this morning, at least I came up with one after thinking about it. If my opinion is wrong, so be it. But I'm not going to toss out my own moral, ethical, and value/beliefs in order to make a buck.

(And it's probably a good thing that my first profession isn't law! I might starve to death.)

Best Law School Supplements

Saturday, August 28th, 2010

If you're not in law school, this post is going to be pretty worthless to you. But, if you're in, I thought I'd share what classes I've taken, what texts they used...and maybe even more importantly, what supplements I used for each class...in hopes that it might help you pick out your own.*

*Disclaimer: I didn't get an A in most of these classes. Some I lucked out in...most I didn't. I also didn't review EVERY supplement in a category – just pulled out the best things that worked for me. (Gotta love the disclaimer as a law student!) OK, here we go!

Civil Procedure: Bluntly, this was one of my worst classes in law school thus far (not bad teaching, just bad comprehending on my part). But, the text we used was Yeazell's 7th Edition, and I used *Examples & Explanations* as my main supplement in that class. While it didn't do much for me, maybe it will for you. I still see Erie in my nightmares...and if you don't know what Erie is, consider yourself LUCKY. Ignorance definitely is bliss here – except on the final exam in Civ Pro!

Contracts & Sales: Contracts book was Fuller & Eisenberg's 8th edition. I did buy *Murray on Contracts* (hornbook) and used it occasionally (and it is the only hornbook I've purchased thus far.) I also bought and used the 4th edition of *Contracts Examples & Explanations*. I have an old *Gilbert's* copy too. As for Sales, we used Keating for this course, 4th ed. I didn't really use any supplements for that part of the course. However, I also used the *Law in Flash* series for Contracts, and it helped. Thus far, this has probably been my best success academically in law school (but then again, I actually care about this content too, which always helps.)

Legal Writing: no supplements, other than the *Bluebook*. You'll come to loathe this book too, especially if you end up on law review. And why they have two different style guides for writing (one for the courts, and one for law review) I'll never know, other than some sadist previously wanted to confuse law students who made it into law review with more complication in their lives.

Criminal Law: We used LaFave's 4th edition as a textbook. I also had the *Legalines* book for the cases. I also had *Law in a Flash* for criminal, which I think helped a little. It was a weird final, so I'll leave this one at that.

Property: Text for this was Casner et al 5th edition and a bunch of supplemental material given to us by the professor. I had the *Casenote Legal Briefs* for this, and used *CrunchTime: Property* for this class. I did OK in it, but I'm still not totally sure about the whole "A to B for the life of B until C stands on her head and does the hokey pokey and unless D sings "Hark the Herald Angels Sing" on Christmas Eve" thing... bundle of sticks is about what I get now relative to that course.

Constitutional Law: Text was Stone 7th Ed. I had *Emanuel's Con Law* for this class, and it saved me. This was probably the fuzziest class I took thus far in law school, and Con Law permeates every other class. Do yourself a favor (unlike what I did) – study your butt off in this one. It will pay off. Con law really is in every other area of the law. I also had the con law *Law in a Flash* cards for this, and they also helped some...

Administrative Law: Text was Breyer 6th ed., and I had the *CaseNote* series for it as well as *Examples & Explanations (E&E)* which helped a little. The exam again wasn't my favorite (mainly multiple-choice... ick), nor my best performance.

Family Law: Text was Areen 5th edition, and I had the *CaseNotes* book for it and again *E&E*. While my performance wasn't great in this one either, the best thing I can say about this class is that I definitely DO NOT want to practice Family Law...EVER. (With one tiny exception: maybe Prenups would be OK. They are, after all, contracts, and more preventative measures which I totally support for couples.) I think they should still call this area of the law "Unfamily Law" instead.

Mergers & Acquisitions: Behind Contracts & Sales, this was probably my other favorite class thus far of law school. The text was Carney's 2nd edition. The only supplement I had for it was the *Nutshell* on M&A. I LOVED this class and I recommend the *Nutshell*, because it can go a little more into stuff like Revlon duties...some of the cases in the textbook are like reading a technical manual.

All the other classes thus far I either didn't buy a supplement for, or no supplement was available. In general, I recommend supplements...especially for part-time law students who honestly don't always have the time to read the cases in the text three times. My law profs aren't probably happy with that response, but honestly, I'm just keeping it real here. Sometimes life gets in the way and we just can't read and re-read everything as much as we'd like.

Now, if you're a lawyer who has "been there, done that" recently, and can give me some feedback on the best supplements for the following courses I'm taking this semester, I'm all ears:

Closely Held (so, Corporations, Agency, or both?)

Antitrust in Healthcare (there's not even a real textbook on this one, so I doubt there will be a supplement)

Patent Law (this is the first time I'm taking any kind of IP law, and while I'm Patent Bar eligible, I'm not sure yet whether or not I will like IP law enough or not to sit for it...)

Professional Responsibility (I'm buying *E&E*, but are the *Law in a Flash* cards worth the price here?)

[One Other Piece of Advice, to Students in General](#)

Monday, August 30th, 2010

I'm sure the karmic retribution for this post will be a vacating of my classes in the future as a teacher (ha!) but I still feel it must be said. Here goes:

If you're in school, go out of your way to get the very best education you can. I don't necessarily mean schools, either (although I'm pretty sure that would help you) but what I mean instead, is, get the very best educators you can in your classes. Go out of your way to take the very best, most rabidly passionate people you can about a subject. Sometimes it won't be convenient to take a rockstarian professor. Sometimes their classes just aren't available when you need/want to take them.

BUT – if you can go out of your way to take that prof, just do it. Do yourself the favor – you'll be that much more engaged in the curriculum moving forward. It's worth the mess. EVEN IF they beat you up in class by challenging you, and EVEN IF they are going to shaft you with an icky grade.

Right now, I'm not following my own advice and I HATE that about myself, but I just can't make my situation fit. For that, I am bummed. So, I wanted to make the best I could of this situation by telling you NOT to do what I did by sticking to "convenient" over "best." Always go for the best, if and when you can. It will pay off in the end!

[In Order to Fit in–Try Standing Out](#)

Sunday, September 12th, 2010

I heart a good oxymoron...!

Instead of being a good law student and reading my closely held, antitrust in healthcare, professional responsibility and patent law assignments for the week, I thought I'd instead be naughty this morning and start with some brain candy before working myself up to hard core law reading, by skimming the book, *Making a Life: Making a Living* by Mark Albion, Harvard guru.

My favorite section of the book is the last one. He talks about finding where you fit in by NOT fitting in. I dig this. Why? Because I see a lot of people really struggling with this, in particular young professionals, especially in the college setting.

You're taught to get good grades so you can go on to a good college, then get more good grades so you can go on to a good grad school–business school, law school, medical school, or insert your favorite

graduate school program here. But after that, you get a good “job,” make your 6 figures, pay off your student loans (if you’re lucky, in less than a decade) and then 24-48 months out from college or grad school graduation, you begin to ask yourself, “Is this it? Is this all there is?”

I’m here to tell you that this isn’t all there is. School isn’t a ticket to Lifesville. Your life is your own, custom design, designed by the architect of your life, who is...YOU. If you think you’re going to find your own reason for being here hidden in a college textbook or a classroom somewhere, you probably won’t. I’m living proof of that. Instead, it is already programmed within you to figure out what it is that you’re here to do; whether or not you choose to listen to it...well, that’s another story.

It is really easy to do the ‘right’ thing, get on the ‘right’ path, go to the ‘right’ college, get the ‘right’ grades and think you’re going to ‘earn’ the ‘right job,’ but the very best jobs out there don’t exist yet. They aren’t on paper. Instead? They’re inside you. You have yet to create it. So, instead of trying to fit into some mold that everyone else wants you to fit in, ponder instead how you can stand out. What is it that only you can uniquely bring to the table of life?

In that lies your awesomeness. We look forward to you unleashing it. Good luck.

[Complaint/Compliment Suggestion Box](#)

Friday, September 17th, 2010

I got this on both sides yesterday – the giving and receiving ends.

First, the receiving end: I was critiqued on my talk yesterday for an upcoming gig at the law school. Both the professors giving me feedback softened the blow by giving me good feedback before the...less than perfect/needs to be improved stuff came back at me. Dig. That’s how to give icky feedback...(some call it a four-letter-word sandwich technique, but I’d never go there...this is a professional writing). I don’t care what they call it – people like to hear the good stuff and the good stuff tempers the bad/icky stuff.

And then, to the giving end: there’s a serious lack of offerings in a situation I’m in...can’t really say more to the specifics. But I can say that others around me are also upset about the lack of offerings, and were ready to put the gloves on and come out swinging. While I agreed with them, I told them what I shared with my students last week in their communication module: NEVER ONLY COMPLAIN. Always, always, always give or propose solutions to problems when handing over the problem. (And preferably, multiple solutions.) If you only hand over the icky stuff, you’re basically handing over half a four-letter-word sandwich, and no one wants four-letter words on their hands...if you know what I mean.

So, the next time you’re ready for a stream of consciousness rant the size of Philadelphia, be sure to focus channeling that energy on **fixing the problem**, rather than just whining about it. If nothing else, I’m sure we can agree that this world definitely needs more problem solvers and less problem creators.

[The Breakfast Club](#)

Saturday, September 18th, 2010

In less than 15 minutes, I’m off to my own version of *The Breakfast Club*. Kind of like that 80s movie, except there is a wider standard deviation of snarkiness amongst class members (simply because we’re all older, including myself, there’s more of us, and we’re studying law, which by its own nature attracts snarks.) It also freaks me out that Molly Ringwald is now playing close to a grandmother on TV, as she’s only a smidge older than me, but I digress...

Anyway, Saturday morning class is a blessing and a curse. On one hand, it gets my dupa out of bed normally when I’d get the chance to sleep in. On the other hand, it gets my dupa out of bed normally when I’d get the chance to sleep in. But I do enjoy the oh-so-slight hint of rebellion in the room on

Saturday mornings. As if students are a little freer to speak their minds, hand over their opinions, whilst drinking a ton of caffeine.

Besides, who are we to talk about who we are?

(OK, I'm trying to recall the essay the kids wrote to Mr. Vernon, but I'm failing 150% at it. Apparently I need some more coffee...)

Risk Taking 101

Sunday, September 19th, 2010

Once upon a time, I took a risk.

Actually, it was about a year ago now.

Here's what I did. I applied for the IU Indianapolis School of Law's 10th Annual Program on Law and State Government as a fellow. Each year, this unique fellowship program only selects 2 students in the entire student body at IU Indy law to study a selected topic by the program and the fellows.

Here's the risky part: when I interviewed for it, I shared that I only really wanted to explore one topic. That topic? Economic development/entrepreneurship. Kind of a no-brainer in this day and age, but law and entrepreneurship don't always play nicely in the sandbox together. And, being an amateur entrepreneur long before I was ever anything else professionally (pharmacist, writer, teacher, etc.), I was and still am focused on this as a topic to get our city, state, and country out of the hole they are currently in.

So, my risk paid off. On October 1st, I along with my fellow fellow, will be discussing public and private entrepreneurship. Not only will we talk about entrepreneurial education in this state and how it can be enhanced, but also we will discuss new forms of business, like L3Cs or low profit limited liability companies, that I think could offer a solution to traditional media, like radio and newspapers. (And no, Indiana doesn't offer L3Cs as a business entity type, even though states around us do or have pending legislation on them.) Last but not least, we're going to talk about performance-based governance. Imagine—local and state governments actually setting benchmarks for themselves and showing us the numbers to see if they're performing like they said they would. Shocking!

Bottom line? My risk paid off. But maybe I didn't really view it as a risk. I just thought it was important and I am personally passionate about it.

This week, consider taking a risk. Who knows? Not only might it help you out personally...but maybe, it might just change the world around you too!

The PHOSITA & Healthcare

Monday, September 27th, 2010

I learned in professional responsibility on Saturday I CANNOT give advice in any law sphere. But, I'm going to send this message out into the universe as a question for the courts AS A HEALTHCARE PROFESSIONAL for consideration. Here goes.

I'm learning in patent law there is a person called the "PHOSITA" or a person having ordinary skill in the art—which from my understanding is the 'standard' as the point of view by which patents are reviewed (kind of like a reasonable person in tort law, etc.)

Now, switch to healthcare and antitrust – and law review, and we’re talking a LOT about things like malpractice and who gets in a hospital to determine whether or not a doctor gets privileges to practice in a particular hospital. Dude—guess who’s making the call on these things? A LOT of people making these decisions are NOT healthcare professionals.

As a healthcare professional, that bothers me. I don’t even think I could make the call on some of the malpractice issues, so if I couldn’t as a healthcare professional, how the heck could a jury or even a judge with zero healthcare background?

In comes the PHOSITA. Why not have a PHOSITA standard for healthcare issues in court? That might raise the standards in some way, and it could get people who are more educated in the healthcare realm making the calls, rather than the lay public and judges. (And no offense to the judges, but I just don’t think a judge without healthcare background could make the call in all medical malpractice cases, for instance, easily.)

I’ll just leave this out as a question – is it time to have a PHOSITA in healthcare cases, rather than just lay people making these calls?

I’m sure this will irritate some people, but it’s worth asking the question.

[Career Path: The Good, The Bad, The Ugly](#)

Wednesday, September 29th, 2010

Tonight, I’m talking to around 100+ students about my career. I thought I’d share with the wider world my advice when it comes to career development here. If you’re a student attending the panel tonight, this info might help you think through your own career. Here goes.

1. Of all the things that have been most important to me, I think the most important is knowing who you are, what your strengths are, what you want, and most important of all—**what you personally value**. I’ve been reading a new book on leadership, and it actually shows a table in it – that the most satisfied people with their careers are the ones who know their personal values AND their values align tightly with the organization they work for’s values (bad English aside). If you don’t know what you value, Google “value card sort” and cut the cards out and rank them. Get your top 3-5 values, stat. Also, these change over time, so hold on to the cards and reshuffle them every few years just to double check.

2. As for cons – the big con about my personal career (at least to others, seemingly,) is the “jack of all trades master of some” phenomenon. It is perceived when you have multiple careers going on simultaneously, you’re less good at either or both. I totally disagree with this, and in fact, view this external “con” instead as a “pro.” Being a multiple career person, my employers get two professional heads in one, so to speak. That’s a plus. That’s a good thing.

3. The pros – I think the pro, other than #2, for me has been in forging your own path. Be your own unique person. If you have a choice between a ‘safe’ well-worn career path, and to go off the beaten path and try your own thing, take the off road experience. Off-roading leads you to create your very own path, and that gets you to your unique selling proposition, or what you can uniquely offer the world. Besides, while it might be a little scary, there’s a lot of excitement in creating your own thing.

4. I’d be remiss in not mentioning one other thing relative to one’s career path, which as I’ve ranted here before, I think is monumentally important. It is this: network. Network. Network. Network. I know, broken record, but I can’t emphasize this enough. You need to have a strong network inside AND outside your profession. You need mentors, peers, people like you and people unlike you in your network to bounce ideas and call upon from time to time.

Now, don't be greedy, you have to bring something back to your network as well, it can't be one sided. But your social capital is just as important, maybe even more important, than the knowledge in your head. Keep this in mind, because the earlier you start your network, the better off and higher your social capital will be.

That's my career advice. And NO, I'm not offering this as a lawyer OR even as a law student (that would be wrong, I'm not a lawyer)...instead, I'm offering this career advice in general, as a 'professional', who has been-there and done-that.

Post Fellowship Play by Play

Saturday, October 2nd, 2010

The law school presented the Program on Law and State Government Symposium yesterday. After several hours of sleep recovery, I'm happy to say that it, at least to me as one of the fellows, was a success. Here's why. Not only did we present on our topics, but there were actually people in the audience who can affect some change up in here, and hopefully consider the L3C as a new business entity type to be available in IN, soon.

Good. That, to me, would be success!

If you're heading to law school at IU Indy law and interested in state law, this fellowship is an outstanding way to learn more about state government and how to make things really happen. Also, you get the chance to chase national and international policy rock stars—not too bad for work. It won't be offered in 2011, but it will definitely be back in 2012. Consider it – it is a blast!

Also, the very best thing happened during the symposium yesterday—and not to me. But, I had the luck to connect to friends of mine who had needs that were complementary. One of my friends needed a great job, and the other needed a great employee. Hopefully, I made a match. And this, even more than the year long fellowship, I'm grateful and happy for having had a part in happening – we need more people to get back to work in order to fix a lot of things that are wrong in this country.

All in all, a good wrap up to the rest of the week. Maybe some more napping is in order, though.

Fellowships Rock

Sunday, October 3rd, 2010

Well, my official law school fellowship presentation went well last Friday. I've already ranted about the content (i.e. that I think my home state is totally behind when it comes to social enterprise) but I want to discuss with you something bigger here in this post, which is this: if you have the shot at doing a fellowship – JUST DO IT.

Seriously. A fellowship is a FANTASTIC way to learn not only about a particular subject matter, but it also teaches you about how YOU like to learn. It is, in many cases, self-directed learning. And, you can also affect some change in your industry or area of study, because you can share your new ideas with the bigger world, at a broader level than in your daily work.

There are literally hundreds if not thousands of fellowship opportunities out there—just waiting for you to apply. If you're early to mid or even late career and always wanted to look more specifically at something, a fellowship is a fantastic way to do it.

So what are you waiting for?

[I'm Ambivalent](#)

Saturday, October 9th, 2010

Dictionary.com defines the term “ambivalence” as the following: “uncertainty or fluctuation, especially when caused by inability to make a choice or by a simultaneous desire to say or do two opposite or conflicting things.”

So, in the snarky *Breakfast Club* of a class this Saturday morning (after battling the parking Gods in order to just secure a place to put my car during class after paying \$250 for the privilege to do so, while others around us today got to park for free, but I digress and will save that as a separate rant...) I didn't vote one way or the other on a case we were discussing as to whether or not it was right or wrong for a lawyer to do something. I was asked why by the professor, to which I replied, “I'm ambivalent.”

I think the professor probably thought I was just being a smart aleck, but for those who really know me well, they also know that this was a pretty big moment for me. I stated I was ambivalent, because I could see BOTH sides and both points of view on this particular case...and there wasn't one that was necessarily all right and the other all wrong.

Those who know me also know that I'm rarely without an opinion. I as a scientist hunt down fiercely as my prey the best and most right answer. That's what I must do as a healthcare professional, as an entrepreneur, as a professor, and as a writer. That's why this is big—because I rarely pick a side that's in the middle, or no side at all.

Dare I say that law school has officially changed the way that I think? I think I can state with reasonable accuracy that it has. I can and now do seek all points of view, rather than just the ‘best’ point of view.

To my friends and people who know me and also know that I can be rabid about my opinions at times: don't worry. My passion hasn't gone on permanent vacation. Although I was ambivalent this morning, I won't be about everything in the future. Constant ambivalence can lead to the other a: apathy, and that can be the worst crime of all.

[The 265 Million Dollar Question](#)

Tuesday, October 26th, 2010

It has been kind of an odd week. First off, the old adage has held true for me: death really does come in threes. But one passing fits interestingly with a book I've been reading, *Delivering Happiness* by Tony Hsieh, Zappos.com founder. In his book, he asks the \$265 million dollar question (which was the situation he found himself in once he sold his first major business): once you've got enough money to buy everything you want or sustain you, WHAT ELSE DO YOU DO WITH YOUR LIFE?

He had this problem when he sold off one of his businesses. Subsequently, he created zappos.com and now has sold that off to Amazon.com.* But I think he asks a really important question in this book – what are your passions, purposes, and how does this support your calling or idea of success? Furthermore, how does that play into profit?

The passing of one of my law professors was a living example of this, Prof. Henry Karlson. I think our class a couple of summers ago was the last class that had the luck of having him teach in criminal law. Anyone who knows Prof. Karlson knows that we was VERY passionate about criminal law. He was also brilliant at teaching it, and the media often called upon him to explain criminal cases. Honestly, I have ZERO interest in criminal law. But, when I took his class, he forced me to get interested in it, because his passion for it was truly infectious. His calling *was* criminal law. He even taught our class while he was officially ‘retired’ from the law school. Bottom line: he did it, because he LOVED it. He truly loved it and had passion for it. That was the answer to his \$265 million dollar question.

So, the big question here remains unanswered for some of us – what would you do if you had \$265M in the bank and never really had to ‘work’ again in your life? What would be your calling? What would you do with your life? That, my friends is the truly fascinating question to answer. That’s why we are all here, and that’s what makes life meaningful.

And to Prof. Karlson, may he rest in peace.

(*Technically, as I later read, Zappos really wasn’t sold off to Amazon. It is now a wholly owned subsidiary of Amazon. It was also a stock trade rather than a cash deal. So, technically above isn’t sounding fully right to me, so I wanted to clarify this here in case Tony or anyone from Zappos is reading this. Besides, I’m a law student, I should know the difference...)

[MLA, APA, Bluebook and...Bowling](#)

Tuesday, November 9th, 2010

Dear Universe,

I’d like to respectfully request you assemble the following people to have them go bowling, and have a few beers together: whoever invented the MLA, APA and *Bluebook* style guides. I’d like to further request that they have a few pitchers. Heck, I’ll even buy.

Here’s why I want them to get together: because right now, they are each inflicting their own versions of pain on billions of students around the world, because they all have different standards for formatting citations. I for example in undergrad and grad school had APA drilled into my head. Now, I’m in *Bluebook* purgatory. Are they the same? NO! In fact, *Bluebook* has an extra level of brain twisting with two styles of formatting—one for the courts, and one for those of us in law review.

THIS IS INSANE. With all the real problems, disparity, poverty, and other atrocities in the world, does it REALLY matter if we use quotes on an article title vs. not? Does it REALLY matter if we use a parallel citation vs. the traditional cite? Does it REALLY matter if we have a publish date vs. a date last accessed? As one of my profs likes to say – when analyzing a problem, ask, SO WHAT? WHY DO WE CARE? I’m really struggling to get a good answer to this one.

With the advent of the internet, why can’t we just use the web address as the universal standard of citation? Instead of addressing true issues and trying to make the world a better place, I along with my colleagues find ourselves spending tens of hundreds of hours going over a technical manual to properly cite stuff that will potentially change over time anyway!

I respectfully request you get together, drink, be merry, and find ONE common format for citations, please. That way we can all get on with our lives and focus on real problems in the world—stuff that matters, like global warming, genocide, civil rights, freedom, oh yeah and that little thing called HAPPINESS—and all that stuff that is RELEVANT and IMPORTANT.

Yours respectfully,

Erin

p.s. – if you decide to do law review, do yourself a favor and just buy the *Bluebook* online version. It has a search function. Otherwise, you’re going to find yourself spending way too much time looking up *Bluebook* citation rules. You were warned!

[Executive Compensation: It Doesn't Add Up](#)

Monday, November 22nd, 2010

I find it ironic (and a sign from the universe) that I should talk about something tonight as I finish skimming my readings for closely held business organizations tonight: which is, executive compensation.

There's a LOT about this in the closely held class I'm taking at law school. And, while I'm re-reading (OK, re-listening) to the updated version of *Good To Great* by Jim Collins, I have to remind all of us that these CEOs who are making tons o' moolah are crying that they've got tough jobs, etc. BUT—at the end of the day, the great companies studied in Jim's book, after pouring over TONS of data – FOUND ABSOLUTELY ZERO CORRELATION BETWEEN EXECUTIVE PAY AND PERFORMANCE.

So, why the heck are we all focusing so much on executive pay, other than to say it's outrageously high? In fact, Collins found that good to great CEOs actually average LESS than the average for their pay relative to other CEOs.

In my opinion, most if not ALL CEOs of big companies are overpaid, UNLESS they keep the pay in line with what the lowest pay in the organization is relative to C-Suite pay. In other countries, there isn't this ginormous disparity between what the lowest paid person in the company makes v. the highest. Here, is it sane to pay someone of a failing organization millions of dollars?

No!

What I'm beginning to think more and more is the secret sauce in level 5 leadership anyway is what Daniel Pink talks about in his recent book, *Drive*, which is: intrinsic motivation. You have to be personally fired up to do good work – if it is for yourself and/or for the company you work for. And, as Collins has shown – great performance and intrinsic motivation just aren't things that money can easily buy. And while I'm a capitalist through and through – with great executives, you don't always get what you pay for.

[Life is Not a Multiple-choice Test](#)

Wednesday, December 1st, 2010

As an educator, I'm probably going to get lambasted for this, and I've ranted here before about this too, but on the other hand, as a student, I think it needs to be said...again. Here goes.

I dislike, and pretty much despise, the multiple-choice test. First off, until I actually became an educator did I realize that there truly is an art to writing a good multiple-choice test question. There are entire classes on how to write good multiple-choice test questions. It is a skill I have yet to develop well as a teacher, either, honestly. However, also as a teacher AND student, part of me never really wants to get good at writing multiple-choice test questions. I avoid and go out of my way to not GIVE multiple-choice exams. Here's why: Life (AKA the Real World) has **NEVER** been a multiple-choice test for me—EVER.

I know we have to have them...exams...especially when we have 150 students in a course and we have less than a week to actually grade them before grades are due, and assessment of student learning is necessary, etc. However, here's why I REALLY hate them for law school.

Law school is supposed to teach you how to “think like a lawyer.” Thinking like a lawyer involves 4 domains: 1. identifying an issue, 2. figuring out what law or rule applies, actually applying the rule to your issue, 3. analyzing it from several different angles, and 4. then providing a conclusion based upon your thorough analysis. Here's the problem with the multiple-choice test – it assesses ZERO of these skills, except maybe part of #4! If you have a poorly written multiple-choice exam, you get to try and pick the least repulsive answer (kind of like picking who you're going to vote for politically, but I digress...)

Listen, there MUST be a better way to assess student learning, and DEFINITELY in law school. The easy answer here is: the essay exam. However, while they are easy to write, they are really hard to grade. I understand that. However, in law school you only get ONE exam at the end of the semester. Grading isn't that hard. I grade papers all the time!

Bottom line: multiple-choice exams are the worst of all worlds in law school, especially if the questions are poorly written. There truly is an art and skill behind writing good test questions. If you're a new professor, you'll learn all about an item analysis and whether or not your questions were good. Do all you can to figure it out, especially if you're going to test that way. If you're smart, you'll do essay instead, and although you'll be reading a LOT of papers, you'll be miles ahead, because you'll more easily understand who did and didn't learn in your class. You'll also get the students to actually think like lawyers.

[The Smarter Way to Go To Law School](#)

Friday, December 3rd, 2010

I opened my email from the American Bar Association (ABA) this morning and was a little disheartened to see a story about a 1L pondering dropping out of law school, because he is already \$20K in debt and will end up with \$150K if he completes law school.

First off, while the world surely has enough lawyers in it, I am always sad to see a student who put time and energy into pursuing a degree discontinue it due to various reasons, particularly financial reasons. Here's how I think students of law *should* approach law school if they really want to complete another degree after undergrad, which is:

Get. A. Job.

Then. Go. Back.

It is just that simple. There are PLENTY of part-time law programs out there where you can actually work while you're going to law school. You don't have to shut down the entire rest of your life (including your working life) in order to go to law school and rack up a ton of debt. Law students already have an undergraduate degree in something prior to attending law school—so get a job in that arena and then go back to law school later when you've: 1. saved some money to do it and 2. can find a program that is going to allow you the ability to work and attend school at the same time.

Honestly, I've attained all 2.5 of my graduate degrees on a part-time basis while I was out working in the real world. It has allowed me to stay out of debt (for the most part) and allowed me to pursue my passions and education without going to debtor's prison.

Also, some law schools seem to discount their part-time programs, because they don't play into law school rankings, and only their day programs have alleged "prestige." If you're Harvard, Yale or Stanford Law, yeah, I guess so, maybe. But for the rest of the hundred or more law schools in the country, I say that the schools that have part-time programs for WORKING professionals are SMART. They're giving people a shot at extra training who already understand the ways of the working world and who can drag their real world issues of law and work into the classroom to better understand them. AND—they're giving this shot to people who actually do NOT have the luxury of going back to school full-time. In this economy, unless you've won the lottery...forget it. You have to have a job!

So, to this 1L, wherever he may be, I say, if you're worried about racking up debt (and frankly, you should be) why not leave law school for a while, GET A JOB, and then go back on a part-time basis later? It just doesn't make sense to go through law school full-time, accrue a mountain of debt and then find no job on the other end. Besides, law permeates EVERYTHING—including whatever your undergraduate degree was in, most likely. Find some way to marry your undergraduate education with a career and then

enhance it with a part-time study of law. That's the smart way to do it, and now and in the future, may be the only way to do it.

Without. Bankruptcy.

Professional Acronym-itis

Monday, December 6th, 2010

Wow. I've spent my entire "vacation" day cramming for three finals this week. But, I'm ironically noticing, yet again, that acronyms in one profession mean something totally different in others. Here are some examples between pharmacy and law:

HMG – In pharmacy = HMG-Co-A Reductase;

In law = *HMG v. Gray* – seminal case on fiduciary duty, and being on both sides of a transaction

delta – In pharmacy = change in;

In law = defendant

Pi – In pharmacy = 3.14;

In law = plaintiff

K – in pharmacy = potassium;

In law = contract

§ – in pharmacy, really means nothing, unless you're actually talking about pharmacy law;

In law = section (and it is EVERYWHERE!)

UCC – in pharmacy = urgent care center;

in law = Uniform Commercial Code (or sales law)

OK, it is clear by this post I need to step away from the studying for a few minutes...

Res Ipsa Loquitur.

Life is Not a G.P.A., Either

Monday, December 6th, 2010

This weekend, during my last class of legal professional responsibility—my professor (who is also a former judge and current practicing attorney) actually had the guts to put up his G.P.A. and class ranking while he was in law school, in PowerPoint, probably around 40 point font or so, for all to see at the end of class and remarked that G.P.A. isn't everything.

First off, I found his move... gutsy. I liked it! I wonder if all my professors would have this same moxy...? I think in my entire career of education as a student (and I'm working on my fourth degree after high school) that this is the first time a teacher of mine EVER shared his or her G.P.A.*

Secondly, I believe he's right. Life isn't your G.P.A. He went on to share that although he didn't really perform in the top 10% of his class, or even top 50%, he turned out alright as a lawyer. I can't honestly say that law school has been my most pleasurable learning experience either (especially the night before my finals start), and although my G.P.A. is somewhat higher than his currently, I've never been the absolute #1 top of my class, either.

On the other hand, I know people who have been at the top of some of my classes and they were complete neophytes when it came to common sense. (Not all, but some.) Thanks, but I'll trade a less than perfect G.P.A. for some understanding of the real world. Furthermore, I know some who were at the bottom of the class who rocked the house professionally as well.

Hence, I do not believe that professional success correlates with G.P.A., if at all. So, I agree with my PR professor—grades aren't everything. Yes, a 4.0 is nice to have, I suppose, but there's a heck of a lot more to life than just your G.P.A. Here's what I try to do: the very best that I can with what I'm given. That's it. If that means an A, awesome! If that means a C, oh well, at least I tried. The point is to L-E-A-R-N!

*(Yes, you smarties out there (probably with 4.0s too) noticed I didn't share my G.P.A. But, moving forward, I will be happy to share it with any of my STUDENTS in any of my classes who ask me. And, of course, it depends which degree you're talking about as well. I've been all over the board academically...!)

[Law School: The Sticky Stuff](#)

Tuesday, December 7th, 2010

While I'm trying to hold closely held business stuff in my head, I thought I put down the sticky stuff from the other classes I've taken it get it out of my head for the next 2 weeks, and share it with you...! Here goes:

Contracts: offer, acceptance, consideration, legality, capacity...and sometimes, a writing!

Civil Pro: Erie (which I still don't understand), Rule 11 (stay out of trouble), and Rule 12b6 (failure to state a claim on which relief can be granted!)

Legal Writing: IRAFADIC or IRAC (more simply put)

Property: Bundle of sticks, A for the life of B, until C can't remember anything anymore...

Sales: UCC!

Admin Law: The Federal Register and notice and comment!

Constitutional Law: Article I, Section 8, Cl. 3 – the Commerce Clause

Family Law: GET A PRENUP! (Already knew that one before class)

Torts: duty, breach, causation...damages

NFP Law: fiduciary duties for the board of directors are to the ORGANIZATION.

I've taken other classes, but this is a pretty good brain dump for now. To my fellow colleagues around the nation, about to embark, or already embarked, upon the finals season – good luck!

[The Rock Star Anthropology Method: Building A Network](#)

Monday, December 13th, 2010

My brain is nearly exploding from all the 35 USC Patent law I crammed into it this weekend, but I thought I'd take a quick break and try to answer a much more interesting question online that I received from a friend today. She asked me:

How do you manage your network?

Hmm. I pondered it for a minute, then replied: "I really don't manage it anymore. It manages me."

Allow me to elaborate.

I've never been one of those networkers who sprays the audience with business cards. I tried it a couple of times, but it never felt very comfortable to me. It wasn't my modus operandi or style, whatever you want to call it. So, I chucked that idea and instead built my network by the following method instead.

Whenever I meet someone, I try to unearth what they are the very best at, and then figure out how I can share it with others. As I've mentioned before, I call this **rock star anthropology**. I dig studying what other people are great at, then sharing their story with a broader audience (like my own network).

Let me give you an example.

When I 'lucked' in to law school (which I'm currently in the middle of finals and slightly anguishing over), I wanted to know about those who had gone before me: i.e. other healthcare professionals who decided to go back to law school. Why did they go? What did they want to get out of it? What did they do in terms of their careers, etc.? Then, instead of just interviewing 30 or so people who did this and hiding their info in my own brain, I thought—hey, why not write a book about them and help OTHERS figure this whole dual career thingy out too? PRESTO! My book, *The Life Science Lawyer*, was born!

The after effect was that I also had the chance to build a network of awesome peeps who starred in this book, and I still keep in touch with most of them in my network.

I dig building my network based upon my interests, and looking at the universe to figure out what gaps still need to be filled out there. The actual network is almost an after effect of investigating (or super sleuthing) what it is that I'm curious about.

That's how I roll with my network. I'm sure there are 50,000,000 other super-neato-peachy-keen ways to build a network out there too, and countless books on how to do it, but this is just the best way that I've found that works for me.

There you go – !

[Swift Kick in the Pants...From the Universe](#)

Monday, December 20th, 2010

Today I did something that I really didn't think through too much, I just did it. I figure, if it happens, I'll worry about how I'm going to make things happen in the future.

Cryptic, I know, but it helped remind me of some recent conversations I've had with friends and family about various "Should I do X, Y or Z?" I especially get this question for two big areas now: 1. writing a book and 2. law school.

Here's my opinion on that...not that you wanted it, but—just do it! Go for it! I'm a big believer that if you can find the 'what if's' and turn them into reality, that is a BIG GIFT from the universe. BUT—if you're one of those who just keeps on saying "what if?" but never does anything to bring it to reality, that's not good. You MUST try to WALK the TALK. I'm 150% on this about writing, and I'm still near 100% on this about law school (the only reason I'm not totally on board with law school is that you also MUST manage the debt load with furthering your education—if you can work and go to school, I'm there at three figures...!)

The end of an old year and beginning of a new one is a GREAT time to be fed this kind reminder from the universe. That, and some holiday cookies will give you a big sugar buzz...and hopefully just enough motivation to GO! FOR! IT!

[Goals for 2011: Law School Student-Style](#)

Wednesday, December 22nd, 2010

So I'm starting my goals for 2011 tonight (that, because I'm just avoiding another round of edits on the next book, which I definitely will crank on tomorrow, but just not right now...)

Now, I take my written down annual goals very seriously. I also keep them to one page, and carry them with me wherever I go. I don't always make all of them, either – gotta have a few stretch goals on there. I do believe in the power of writing them down. So, tonight, I thought I'd post how to create your very own law school goals, if you're entering, or considering entering law school—and how those goals can fit into your own plan for 2011, or beyond.

If you're thinking about going to law school: make your goal to talk to at least 10 different lawyers BEFORE you apply, or take LSATs. If they don't talk you out of it, you then have permission from me to take the LSATs – but NOT until then. Secondly, you really need to get clear on WHY you want to go to law school. “Because I can't find a job, and I can't pick anything else” really isn't a good excuse to go six figures into debt and kill some time, either. If you can talk to others in the profession and get clear on why YOU want to go and how it will complement YOUR work, those are two **very** worthy pre-law school goals.

If you're applying to law school: Couple of thoughts here. 1. If you didn't get a perfect score on the LSATs, consider taking them again. 2. GO VISIT the schools you are applying to and TOUR them. A face with a name helps the admissions process. 3. If you really bombed the LSAT, take a prep course. They're pricey, but they can get your score up. You might even try to apply to the school of your dreams too, if you can, along with your safe choices. I didn't do this, because it really wasn't an option for me and didn't fit the reasons why I went to law school...but if you're young, unencumbered, and used to being broke anyway, why not try to see if you can take a stab at the school of your dreams?

If you're heading in as a 1L: highly unlikely until the middle of the year—but the #1 thing you want to focus on your 1L year is doing the very best job you can academically. That isn't sexy, I know, but it is a hell of a lot easier to do well your first two semesters and then slide later if you need/want to vs. bombing straight away and trying to pull your G.P.A. back up again. As I've stated before, grades aren't everything, but they help—especially if you want a job as a lawyer in a firm after school. That, and 2. I might suggest joining some clubs you actually care about at your school. Student bar, a frat (with awesome outlines), etc...just jump in to a few causes you care about and start connecting to your colleagues...because, they're going to be your law colleagues for life, dig it or not. For me, I love 98% of my colleagues, and the other 2%...well...

If you're 2L: If you can, study abroad during the summer. It is AWESOME. Also, try moot court, fellowships, and yes, even law review. If you're not top 10% for law review but qualify if you try and write on, WRITE ON. It's a ton of work (I won't lie) but law review is worth the extra headache. Well, at least the writing part is. The editing part...? I'll save my opinion on that for now...(other than to tell you that I hate the *Bluebook*). Also, during the summer, consider a boss, radical, off-the-hook internship—even if you have to work for free—and this goes DOUBLE if you went to law school right out of undergrad. Experience counts in the real world, period. Also, be a leader in those organizations you joined your 1L year, if you can.

If you're 2L-4L: I'm a 3L in the evening program. That puts me somewhere in 2.5L day status. Here? Not sure what to offer you, other than maybe clinics, client counseling competitions, and/or any other cool work you can jam in on top of your classes. This is where I am now, and I'm still trying to figure out what awesome looks like in this space...if you have thoughts, hit me with them. I'm tossing around the goal of editorial on law review, but I'm not fully committed to that just yet. We shall see.

That, my friends, is how I roll with recommendations for law school. The other domains—work, companies, writing, philanthropy, financial and health/wellness, are yet to be completed. But I'm working on them...

Beats editing!

[When the Student is Ready...](#)

Thursday, January 6th, 2011

There's a Buddhist Proverb that goes something like the following: "When the student is ready, the teacher appears." I think the word technically translated was "master" in place of teacher, but you get the idea.

I personally believe in this statement. Case in point...? One of my pals on Facebook recommends a book that I think sounds kind of interesting. I even go to Amazon.com and almost put it in my shopping cart. But, of course then got distracted with various other shenanigans on the internet, and never ordered it. This week, I go to my textbook list at the book store for the next semester of law school and lo and behold, guess what book is actually REQUIRED reading for one of my courses...? THE SAME BOOK!*

This time I bought it.

As I've ranted before here, when the universe phones, you'd better take the call. While I'm not getting to my law school reading just yet (I have a book galley to edit before next week and the fun o' law school begins again) I wanted to reiterate that things do eventually work out. Someone or something out there—power, energy, force of nature, G-O-D, whatever you wish to call it, has your back.

You just have to be ready.

*(In case you were wondering, the book was *The Immortal Life of Henrietta Lacks*.)

[Wellnesspitals, Snark Repellent and Delicious Irony](#)

Tuesday, January 11th, 2011

A couple of random thoughts for the day as my brain turns back on after some afternoon coffee (which I'm sure I'll be paying for drinking before I head to bed tonight):

1. Our internet law professor doesn't like laptops in the classroom, and neither do 50% of his former students. I've already beat this dead horse, so I'll spare you all from my thoughts on it....again.
2. I was thinking about the healthcare mess today – what if we completely and radically turned it on its head? Say, your employer will give you a financial voucher for WELLNESS stuff (Yoga class, gym memberships, a training coach or dietician) but you're on your own for a healthcare policy. (Which all along I've argued as an entrepreneur that our employers should NOT be bearing the costs of our personal healthcare.)

AND—what if there were Wellnesspitals (instead of hospitals) where people were given the option to attend and hang out for a wellness staycation for a week or so a year, (like a place where you can rest, meet with a wellness coach, do a diet/cooking class, etc.) where you actually get to focus on YOU and your health, rather than getting to stay at an icky hospital when you're sick. Conversely, what if we could get a healthcare system that could actually come to YOU so YOU could STAY AT HOME when you're sick?
3. Last but not least – I'll need a little extra snark repellent today – evaluations are in! I'm sure somewhere deep within them is some karmic retribution as both a teacher and a student...pray for me, people.

4. We got asked today in class if we tweet. I tweet. Therefore, I am.

Chirp!

Grades

Tuesday, January 18th, 2011

Rumor on the street is that most of the grades from last semester at law school have been posted. Honestly – my first attempt at looking at my grades online came this evening for me, but when I got to the grades page, I received an “internal server error.” I took this as a pretty good sign to NOT pursue academic discovery this particular evening.

As I’ve ranted before, grades aren’t everything when it comes to success in life. In fact, some of the most brilliant and successful minds in our history as humans did a shoddy job in the academic realm. Einstein comes to mind...and I’m sure there are many others out there where grades meant less to their success than so many other factors.

Asked by a reporter on Monday about my biggest failure in life and what that was (at least in terms of my career), I shared with her that I really don’t deem failures as failures UNLESS you learn nothing from them. So, in my world, even an F earned in a course (provided you didn’t do something dishonest) wasn’t really a total failure if you actually learned something from the course. Maybe the only lesson you learned was that you’re really not good at that particular subject. BUT whatever that lesson was that you took away, it was supposed to do exactly what it should have...

...even if it didn’t feel like it when you first looked at your grades.

As for me, maybe I’ll get around to sneaking a peek at my grades from last semester one of these days soon. Regardless, the world will certainly not end.

My Day Sounds Like a Bad Country-Western Song, But With a Happy Ending

Wednesday, January 19th, 2011

There are only a few hours left of this day. I’m grateful. Here’s why.

As I blogged yesterday, today I had the audacity to check my law school grades from last semester. They were...marginal. Although I must say that as usual, my best performance was on an essay final, whereas the other grades were all the multiple-choice shop of horror final exams. In my opinion, there is no place for a multiple-choice final anywhere near law school...as I’ve of course ranted before.

Then, to add a little more salt to the wound, I took a deeper look at my teaching evaluations from last semester. Harsh. And a bit of karmic retribution, admittedly, because I expect my professors at law school to take their work seriously as well, and let them know when I think they don’t. However, I have to say that I take the courses that I teach **VERY** seriously in pharmacy school...why? Because in pharmacy, if you have a bad day as a pharmacist and mess up, someone could D-I-E because of the pharmacist’s error.

I think that’s an excellent reason to take my teaching super duper seriously in the classroom, and outside of the classroom too—attention to detail and professionalism are very important points to get across in pharmacy. The profession of pharmacy carries a massive weight of responsibility and integrity with it, and therefore our students must also begin to carry their loads in the profession. Otherwise, EVERYONE would be a pharmacist, errors might be made all over the place, and we’d be less respected than... lawyers.

Third, a fabulous professor from Butler who I had during pharmacy school undergrad, Dr. Waqar Bhatti, passed away this week. Super bummed about that. He taught at Butler for a long time – I had my first ‘intro to pharmacy’ course, History & Orientation of Pharmacy, as a Freshman with him, and sterile products. He was truly passionate about teaching pharmacy as well.

And last but certainly not least, I head to law school for class this evening and find the major road is completely shut down due to ice. Of course, the police waived us off into a skating rink of a neighborhood which was even icier, so I was late to class. It was like a comedy hour – skating rink, then ran nearly out of gas, then couldn't find a parking space, then ran to a door that was already locked to get into the building. Someone sure didn't want me to get to class tonight, but I worked around them. Get 'r dun.

[Marathon Thursdays, The Teaching Zone, and Snark Attacks](#)

Thursday, January 20th, 2011

For the spring semester of 2011, I'm teaching two courses pretty much back to back on Thursdays – hence, I'm calling them “Marathon Thursdays.” It has been a challenge trying to find time during the week to squeeze in teaching and learning, so I decided to load up my teaching on Thursdays as an experiment to see if it makes me a better teacher – I'm hoping so, because I can hopefully get and stay in the teaching zone.

Those of you out there in cyberspace, if you've taught, know what I'm talking about. You have to get into the zone of teaching prior to stepping foot in the classroom. If you don't bring your A game, you'll either be eaten alive, or worse yet, dissed by your students, because you don't have street cred in knowing your stuff.

Also, the zone includes a little bit of performance, not so much theatrics, but more about being able to hold the attention of the audience. The bigger the room, the harder it is to reach the students in the back row, too. But, if one can get in the zone of teaching beforehand, this too helps alleviate some of the stress in moving a healthy classroom session forward.

I haven't quite figured out yet if being a learner via law school has actually made me a more or less tolerant student of my professors relative to my own teaching, either. I do try to be constructive, but at times, I suffer from an occasional snark attack. The attack doesn't so much occur when the professor is trying something new; instead, it occurs when I find the material the professor is teaching is completely out of date, and missing new and innovative ideas in the content that happens to be occurring in the real world.

The ivory tower, purely academic world drives me nuts both as a teacher and a student, because ivory tower is only half the story. The other half of the puzzle is the real world that's actually happening outside the classroom, and in every day life. If we don't give our students the opportunity to figure out how to handle, manage, and harness the real world, we've only won half the battle.

In this crazy world of text messages, the internet, Facebook, Twitter, and all things flying at us at lightening speed, I think it would be best if we as students might consider that it is a difficult task to hold everyone's attention in a room for an hour or two in order to learn and give just a smidge of empathy back when our professors at least try. To those teachers out there who have this mastered, hats off to you. To the rest of us, well, we're still learning how to master that skill.

Hopefully, I'll figure out how to get a little closer during my Marathon Thursdays this semester.

[Slashing, and Saving the Day](#)

Tuesday, February 8th, 2011

So, I attended one of my law classes today and we talked about a train wreck case (as usual). But, the professor did an interesting thing after we looked at the case – s/he asked – WHERE did this company go wrong? Then the professor put up a slide with three different buckets in it – 1. legal, 2. marketing and 3. engineering. Each was in its own bubble. They all pointed to 'the company,' which was a separate bubble.

Then s/he stated that the problem was definitely a LACK of communication between the three departments. Legal clearly didn't know what the programmers were doing, marketing wanted everything done yesterday, and no one really talked to the lawyers of the company because all they ever said was no.

He then asked, HOW do we fix this problem?

Easy! I put my paw up and told him what I've been touting here all along: you hire professionals that have expertise in MORE THAN ONE AREA – AKA, the slash! Instead of hiring just a lawyer, you hire a lawyer with an engineering background. Instead of just a marketer, you hire one that has also crunched some code. This was clearly obvious here, and got me thinking that...

The slash can actually (at least in this case) SAVE a company money! Why? Because they can speak to different groups within the company. They have street cred with multiple departments, because they're educated and have lived in multiple departments.

Message to employers in big corporate America – you should be looking at every hybrid degree earner in the land to hire, instead of a person having JUST ONE area of technical knowledge. Most law schools have dual degrees now. MBA/JD, MPH/JD, etc. Heck, even most pharmacy schools now have dual degrees – PharmD/MBA or PharmD/JD. Why pay for two people with two different skill sets, when you instead can pay one who has BOTH? Also, when are all the grad school ranking organizations going to get smart and start ranking DUAL degree programs?

As for employees, you'd better have more than one professional educational gig going now...all eggs in one career basket is a recipe for disaster.

In the case we studied today, a culture of hiring more hybrids, slashes, multiple career people (whatever you want to call them) could have saved this company millions and from one very nasty, long arduous law suit. More hybrids who can talk to each other can truly, in a company, save the day!

[Some Mac & Cheese for the Soul](#)

Tuesday, March 1st, 2011

I had a little time to kill before my class at law school tonight, and rather than working on the memo due (sorry, Medicare, I'm just not quite that in to you on a beautiful, almost spring day like today) I decided instead to head over to Herron School of Art and check out what the students had on display in the galleries and walk through the library.

Sometimes, I need art for the soul just like I crave macaroni & cheese. Both are seemingly slightly indulgent, and borderline unnecessary at first glance. There are better and healthier choices than carbohydrates galore with artery clogging cheese on top. But the older I get, the more I realize that art, to me, is less about indulgence, and more about feeding my own personal inherent motivation and in turn, creativity, which leads to exciting and interesting work.

Not to mention, some of the work over at Herron was just awesome and invigorating to view.

So, next time you get a hankering for some art, go ahead and indulge a bit. Get out of your comfort zone. Look at some art, and I hope it inspires you, or makes you mad, or evokes some type of emotion. After all, that's what art is about. And in turn, and even better, I hope the art gets you motivated to do new and exciting stuff.

Besides, art has fewer calories!

[My Ring of Reality: Ivory Tower v. Real World – TKO](#)

Monday, March 7th, 2011

I was trading email at work this morning about a possible project coming up this summer, and it reminded me about something I've been talking about all along on my blog, but worth restating.

In the email situation earlier today, I was asked about a personal position I felt v. a professor at another school who has a very different viewpoint than mine. I was asked that by expressing my opinion, that the e-mailer I was trading with didn't hope my relationship with that other professor hurt my status with them because of my differing opinion.

My response...? Who cares! I express my opinions (in this context, as a student) because I'm passionate about my opinions, and I'm learning to *advocate* for them as a current student of law. I'm not at law school to please my professors. While I value their opinions, I'm not there to get them to like me. I'm there instead to LEARN.

And this goes in inverse too: as an educator, I'm not of the ivory tower ilk. My philosophy on teaching is very real world as well. I don't like using multiple-choice bubble tests in my classes, as an example, because I've rarely, if ever, taken a test like that at work!

My bosses have, however, asked me to solve problems...big, messy, multi-factored and super complicated problems. They've also asked me to train others on how to solve real-world problems. (And no, those didn't involve bubble tests either.) What I value most as both a student myself, and a professor who teaches, is to enhance the ability of my students to THINK. ON. THEIR. OWN! (And for me to enhance this same skill in law!)

As a student, if you've got a cool idea that you want to start...? Awesome! I want to teach you how to build a plan to run with that idea. If you want to try a new job at your same company? Fab! I want to teach you how to build and pitch that plan to your boss. If you figure out how to solve a real world problem? Brill! Can't wait to see your solution – and I want to help you make that dream become a reality by helping you get it on paper and scaling it. (Note, none of these really involves bubble tests.)

The Real World always knocks out the Ivory Tower in my ring of reality. I'll even call it a technical knock out. Because the carrot/stick/grade approach to the Ivory Tower just doesn't measure up to the ability to solve your own problems and create solutions in the real world. You can't multiple-choice your way out of solving real world problems. They are far too complicated for that.

For my academic colleagues who disagree – awesome. We shall agree to disagree. It would be a very boring world if we all agreed on everything. And, I'm certain in some professions (including my first, pharmacy) it is very important to memorize information and pick a "best" answer. Life, however, is FILLED with situations where there is NO BEST ANSWER!

I'm sticking to my guns on this one, and so should you if you're standing up for something you believe in. Never compromise your passions and beliefs for a grade, or a multiple-choice test, or what you think a professor wants from you. Instead, follow your own gut, think for yourself, and most important of all, advocate for causes you believe in...whether or not they are popular, or even if they are or are not, on the final exam, and in the real world.

[Pharmacy + Law + MBA Education = Does Not Compute](#)

Wednesday, March 23rd, 2011

As you know, I rarely discuss my first profession (pharmacy) in great detail, and I don't think I've ever discussed my MBA education here either, but this needs to be said. Here goes.

As I sat last night in one of my law classes discussing healthcare “reform” (PPACA) and the new laws surrounding Stark and Anti-kickback legislation, I grew more disturbed. Here’s why.

In pharmacy school (one of the most heavily regulated professions of all—pharmacy—), we learned about how to not only put tablets in a vial (which sometimes I think is the perception that this is ALL pharmacists do—for the record, we do more) but now, we also teach how to put new services and other products into the pharmacy to improve the lives and health of our patients. In MBA school, they call this “vertical marketing.” That is, it is serving the patient population of communities in different ways, through the same organization.

For example, having a pharmacy provide Medication Therapy Management (MTM) services to their patients, and having durable medical equipment (DME), and selling other over the counter drugs on top of filling prescriptions—all three are available at the same store. Cool. Great. It’s convenient for the patient, and good for the store, even the community around the store. You can go to one store to get all three services. Vertical marketing is a marketer’s/MBA’s biggest dream!

However, now with new healthcare reform (PPACA), Stark, and Anti-kickback legislation, that same dream of vertical marketing for the MBA can now be an illegal nightmare for healthcare professionals. For example, if a doctor owns a lab and sends her patients there without disclosure and list of other labs in the patient’s area (as if the doctor could know that off of the top of her head), that could be self referral violations under Stark—which means, potential loss of provider status, fines, and yes, even prison time.

Who created Stark, you may ask? But of course! Congress. How many medical professionals are actually in Congress and understand good patient care? Not enough. This “healthcare reform” law is being made by non-medical professionals (mainly lawyers). But here’s what I think needs to be said about all this: the more regulation you put on top of healthcare, the less likely you are to get students into the professions, and less likely you are going to have healthcare providers at all.

Case in point: primary care. There is a current shortage of primary care doctors in this country, and it is only going to get worse. But then again, as students racking up hundreds of thousands of dollars of debt, I honestly don’t know how medical students could justify return on their educational investment to go into primary care anymore, anyway. If all they can do is work as a doctor, making half or a third of what a specialist makes, with a crushing patient load and pressure from managed care to see a new patient every eight minutes, how long would it take to pay off a couple hundred grand in education debt? FOREVER! Why do that if they can specialize, make at least twice the salary, and not have the onslaught of patients?

There are also some major changes on doctors owning hospitals in healthcare reform, i.e. less of it happening now. Here’s what I think as a patient, and a business owner: I WANT my doctor to be invested in the place and community where I’m getting care. I want her to CARE about my surrounding neighborhood. I want her to make enough money to be comfortable and ensure that she’s able to pay off her student loans, and I would be happy to go to her lab, because she got me in when I was sick and took care of me! She takes care of me, so I’d be thrilled to help her out in return. We all do this, each and every day—help others out who help us!

Now, Stark and Anti-kickback came about because some were abusing the system, and technically it only directly applies to Medicare. But should EVERY doctor be punished? Why can’t a doctor own a lab next to her office to make it more convenient for the patient and maybe even able to provide better care? The argument (by the lawmakers) is that there’s no arm’s length deal between a patient and her doctor, and that makes it unfair competition. Do lawmakers really think we as patients are that naive? Frankly, I resent lawmakers assuming that the population of this country is that stupid and ignorant.

I think a lot of these “laws” on “reform” are actually fragmenting healthcare and making it more cumbersome and difficult FOR OUR PATIENTS, especially for our elderly patients, who, by the way, are going to be the biggest population in need of medical care from now until the Baby Boomers come to the

end of life. Can you even imagine a 90-year-old patient driving from her doctor's office, across town to a lab for her blood work, and then across town yet again to get her dexa scan?

My point...? One education's utopia (the MBA and the pharmacist who creatively busted their hump and grew a business by vertical marketing to help their patients/customers and YES, their businesses too) has turned into a potential legal nightmare for healthcare. I recently heard we spend more than two days in line waiting every year for various appointments. Isn't there value in vertical marketing and getting all your products and services from the same place? I don't see Congress putting Stark and Anti-kickback legislation on to big box retailers...(at least yet...)

With the most expensive healthcare system on the planet, you think we could do better. I know we can. And if you're a lawmaker reading this post – PLEASE don't try to fix the problem by slapping on more legislation! You're going to regulate us out of having a doctor to go to when we are ill.

Best Note

Sunday, April 10th, 2011

The city of Indianapolis granted me a day pass to go downtown on a rare fluke this weekend, and I attended the *Indiana Health Law Review* annual banquet this afternoon—to celebrate the fact that we survived law review. We had food, we had beers, but of course, when you get law students together, the best part is usually the conversation. Today was no exception.

I was chatting with another evening student about what we wrote on our admission essays to get into law school, which seemed oh-so-long-ago (she's graduating this May, I graduate May 2012). She talked about saving the world, and international human rights. But now that she's a mom, she's not sure she will graduate and immediately do said things. I told her never say never.

What did I write about? Well, having a first career already established, I wrote about how I wouldn't abandon my first career and move straight into law—that wasn't the reason why I wanted to go to law school. Instead, I wanted to move my first profession forward, in positive ways, because I could advocate for pharmacy by knowing what policy makers think about as lawyers (since most policy makers are also lawyers) and try to help my first profession succeed in the future, since it in fact is one of the most heavily regulated industries of all.

Today, I received some validation on my rationale for attending law school. Not only did my law review note on “The Case For Pharmacists As Legal Healthcare Providers” get selected for publication next volume, but also it won. Best. Note. Overall. Yay!!!!!!!!!! _

The happily ever after part here: try to keep those dreams of yours alive. Through some hard work, tenacity and a little luck, they might just come true.

Also, I must thank the *Indiana Health Law Review*, and the sponsor of the award – the Indiana State Bar Association. Thanks to both organizations. You've made me a better writer.

(But I still dislike the *Bluebook*.)

Crunch Time

Tuesday, April 12th, 2011

I've been a little slow on my blog posts lately, simply because it is the end of the semester...and if you've been around the educational system at any point in time, you know what that means: crunch time.

This week is the last week of classes at law school. I'm egregiously behind on studying for finals, which start for me next week. For three fun-filled weeks, we all at the law school get the chance to cram an entire semester's worth of content into our (or at least in my case – shrinking) brains and regurgitate it on a test. One. Test. Law school gives you basically one shot at greatness, or disaster, all rolled into one exam at the end.*

Coupled with that, I've got a stack of papers to grade of one of the courses I teach (don't worry, I'm on it like Donkey Kong tomorrow) and still teaching class for a few more weeks at BU. But, today I wrapped up one of my classes – the year long seminar series in community practice pharmacy for the P4 (final year) pharmacy students.

I tried a little experiment this last seminar – instead of me blathering on about what students should and should not consider after school, I instead brought in a panel of their colleagues – Butler pharmacy grads – who had gone before them a few years before. It. Was. Awesome! The grads told the students pretty much everything they wished they had known when they graduated.

I have to believe that the recent grads telling the students about what to avoid and what to rock has to carry a lot more street cred than old geezers like me telling students what to think about. I think it did the trick—at least I hope it did.

The end of the academic year is always a bit of an emotional roller coaster – I feel everything from happiness and joy for the graduating students who busted their humps for 3-6 years to get there, to sorrow for seeing some of them leave, to outright fear and panic right now with my own final exams at law. But that I guess is just another slice of life – a big mix of drama, in various forms and styles.

No rest for the wicked...

(*OK, not EVERY law school class ends in an exam. Some offer the chance to write a paper, which I'd happily take over a multiple-choice-guess-til-it-hurts exam...any day! I can write, but choosing between B and D gets really tough for me. I get to write one final paper for a class instead of an exam. Woo. Hoo.)

[What Norm from Cheers, Starbucks, and Apple Could Teach Us About Healthcare](#)

Wednesday, April 13th, 2011

I SO wanted to open my law review note by stating the following, "Healthcare in the United States is a hot mess." But I didn't. I feel better saying that here, at least. Lately, I've been thinking a lot about healthcare. This semester I'm taking a class on healthcare reimbursement and last night we studied PPACA and the other one that starts with an H that I can never remember...oh yeah, HCERA. As I sat and absorbed the "reform" of PPACA, all I could think about was—the Secretary of HHS is going to be one busy lady for the next five years. Then, I went back to something that has been bugging me for awhile. If we're supposed to be heading toward collaborative practice agreements, medical homes, and accountable care organizations, how the Hades do we avoid Stark?

If you're already in your happy place, but haven't stopped reading, awesome. Let's take the conversation from the sterile vegetable soup of medical terminology and instead move to...beer. Norm from *Cheers* (the TV show) kind of used Cheers, the bar, as his therapy couch, don't you think? He was always providing wit and insight, but at the end of the day, he was really there to vent. That's OK, we loved him and loved the show (I'm going to write soon about how Thursday nights used to be the best in TV EVER too – but that's for another post.)

Anyhow...I next am thinking of: Apple. The store, not the fruit. The other day I ranted that I had to step in to buy a (third) power cord for my (vintage) mac, along with a battery for my non-vintage mac. Anyway, did I mention the store was JAM packed?!? It wasn't on a weekend, either. It was barely standing room only!

And finally—Starbucks—the third space! I like to meet people at Starbucks when I want to get away from my desk. I don't even usually buy the coffee, but I like to hang in their spaces. Why? It isn't work, and it isn't home. It's that miraculous third space!

Now, this post really does have a point, which is this: what if we could get our healthcare like we get our beers at Cheers, our iPads at Apple, and in a cool third space, like Starbucks? What if there was a bar, in a mall, that was a cool third space, where people could hang out, get healthy drinks (instead of alcohol, or caffeine, or inhale second hand smoke), and maybe even have a genius bar, where you could actually schedule an appointment to TALK to a human healthcare professional about whatever was bugging you? And, that healthcare professional wasn't around a phone ringing off the hook, and dealing with 5-10 other customers WHILE you were talking to her?

Oh yeah, HIPAA, privacy, ICD-9 proper billing, blah blah blah is in the way.

All I can tell you is, that when I go to my doctor (or for that matter a hospital), the absolute LAST things I have on my mind are cool places like Cheers, the Apple Store, and Starbucks. The doctor just doesn't conjure up any of that in my mind. Thus, I personally believe we're going to need some change....some RADICAL change about how we deliver healthcare in this country moving forward.

I'll leave you with this: what if you could go to a bar, a SUPER cool off the hook space, where you could hang out, and get clear on your health? Rap with doctors, pharmacists, dietitians, trainers, and healthcare professionals who could actually get you pumped about you becoming the healthiest you that you ever could be? Now that's a medical experience I could totally dig. For that, I'd buy the extended warranty—and in turn priority appointments at the genius bar...!

[Ixnay on the Constitution-ay](#)

Saturday, April 16th, 2011

Ugh, the joy of law school finals cramming continues. As I try to outline the hot mess of my Trusts and Estates notes, it inspired this post. So, this post is brought to you by my very unorganized notes from the land of Trusts & Estates.

Just re-reviewed the case of *Hall v. Vallandingham*. If you haven't yet had the joy of T&E yourself, it was a case about a husband/wife with four kids. The husband died. The wife remarried, and the new husband adopted the four kids (a good guy). But, when biological dad's brother died, the kids wanted to take from biological uncle's estate. I'll let you Google it to see how it turned out. There was a friendly reminder in the case, however, from the courts—that the ability to inherit is **NOT** a Constitutional right in the United States.

Here are some other things that aren't technically in the Constitution as “rights”:

- The right to healthcare
- The right to have an awesome job – or ANY job for that matter
- The right to work if you are able
- The right to demand the corner office when you get that awesome job, or ANY job for that matter
- The right to a college education, or technical training after high school
- The right to drive an awesome car, or live in an awesome neighborhood – or ANY car or hood for that matter

These aren't rights. They're not in our Constitution. Now, they might be in other countries' constitutions, but they aren't here in the U.S.

The Legislatures giveth, and taketh away. Keep that in mind next time you vote....and next time you catch yourself feeling entitled.

[To the Vapid Man](#)

Monday, April 18th, 2011

I was going to keep my trap shut about this, but now that it's all over the internet, I can't do it. Stand back. Here goes.

As a law student, most of us at the law school today received an anonymous email from one "Invisible Man." I'll let you read the blog post (at: [abovethelaw.com](#), specific post at: <http://tinyurl.com/3mmamob>), which includes parts of the letter. Apparently he (or she) is uncomfortable with the portrayal of law students at IU Indy Law (and a few other things, which I'll leave alone for the moment).

The thing that frustrates me the most about this random anonymous note (aside from it being poorly written, I didn't agree with most of it personally, and the fact that it is, totally anonymous) is that it focuses 100% on complaining, and 0% on how to actually suggest fixing the problem(s). I replied to said invisible person and told her/him that if all they learned in law school was to complain about problems rather than figure out how to solve them by providing some solutions, they didn't get their money's worth out of their education. (Furthermore, this is the last person I'd want as my own lawyer...imagine hiring a lawyer to fix a problem, while instead he or she sits around and keeps complaining about it. #Fail.)

No school is 100% perfect, granted. Higher education has its issues just like every other major industry organization of any large size. However, it honestly irks me to no end when people decide to complain (in this case, randomly and anonymously) rather than attempt to actually bring up the issue internally first, privately or publicly, in a venue where someone can actually do something to fix the problem and evolve toward some positive change.

Trust me, I've had my own issues that I've had to bring up, but I at least confronted them head on rather than hiding behind a random Gmail account and hope that some national blogger would pick up on the story and run with it. (Awesome to passively aggressively get someone else to pick up and run with the ball for you, Mr. Vapid.)

As for my current law school, I have zero problems with how it is being portrayed in their marketing materials. In fact, I will be one of the students featured on the upcoming infamous law school video. And, I can personally attest that they had a variety of students there – whatever demographic you wish to choose – younger, older, male, female, and yes, different races – including white males.

In conclusion to the Vapid Invisible Man – here's some advice (since I'm about to practice what I preach and focus on fixing the problem): Instead of whining – **why not instead focus on being the most awesome law student of all time and oh...yeah...worry about passing the bar?** If you're graduating in a couple of weeks, you've got bigger worries than who is on the banner at law school...

[I Don't Know What I'm Doing](#)

Tuesday, April 19th, 2011

First of all, I'm trying to study. Really I am. But I'm getting old and bored with it, so I thought I'd talk about something I know a lot about: Not knowing what I'm doing.

I love Degas. I had a chance to see some of his original works at d'Orsay when I went to Paris. He said the following: "Only when he no longer knows what he is doing does the painter do good things."

The other day, I met with nine students to discuss a new book project at Butler. But, it's a book type I've never written before. So, having one book a success with students, and another a not so successful venture, I was good at giving a lot of disclaimers in the meeting – one of which was "I don't know what I'm doing – I've never written this type of book before."

To which, one of the students replied, “It will be OK, Dr. Albert.”

After reading Degas’ quote, I’m feeling a little better. Maybe even more hopeful that this particular project will turn out even better than I could have ever predicted. I hope it applies to books.

Now, if I could just get that mojo on my upcoming finals....!

[Top 10 Things I’ve Learned From Trusts & Estates](#)

Monday, April 25th, 2011

After a rainy weekend spent cramming for my T&E final, here are the top 10 things that I’ve learned from this course in law school.

1. Get a will.
2. Better yet, get an inter vivos trust with a pour over will – then you can avoid probate.
3. **NO ONE** understands the rule against perpetuities – including most law professors!
4. The right to give away your stuff is via civil law – it is NOT a Constitutional right (and I’m with Locke on this one, NOT Jefferson).
5. Your pet can’t take in wills – but they can have trust funds—with limits.
6. Get a will – did I mention that one already?
7. Make sure you can revoke your trusts if you are creating them.
8. The ability to marry is lowest, followed by the ability to write a will, and the ability to contract takes the most legal capacity. (They say it is because the ability to marry is a Constitutionally protected right, I say it’s probably that way for other reasons...I digress.)
9. There are WAY too many ways and rules that cover T&E – UPC, and each state is different – and there are minorities and majorities, and on top of that, different courts using different standards (undue influence is a great example—there are three tests) and different schemes (like English per stirpies, modern per stirpies, etc.) to give stuff away. DISLIKE. I struggle to memorize ONE way anymore with my remaining five brain cells.
10. You won’t find me screaming a nuncupative will before imminent death – because I ALREADY HAVE. A. WILL! But maybe I should have set up an inter vivos trust...

...ugh – the law!

[Law School Bites](#)

Wednesday, May 11th, 2011

I cannot believe after three years of law school, I’m headed to class later today to talk about—human bite marks—and whether or not they are admissible in a court of law as evidence.

First off, only having one week off between spring finals and summer school was, in retrospect, a very bad idea. I needed and need more of a mental break than one week. (Note to self.) Secondly, when the content of the law class that I’m about to sit in for five hours isn’t really relevant to the area of law that I’m interested in...it suddenly can feel like fifty hours instead of five.

I don’t blame the professor at all. I blame myself for wimping out and taking a class that I really don’t care about in order to fulfill a requirement. Shame on me, admittedly. But shame on higher education for not allowing us more freedom to explore areas that we in fact ARE interested in, (by offering more classes, or allowing us the chance to take classes in OTHER colleges and schools, since law permeates EVERYTHING.) Law school curriculum at my school requires us to take 90 credit hours. Couldn’t we maybe take 3-5 hours in something outside, but tangentially related to the law in order to become a little more widely educated?

I'm off to read about bite marks. Relevant to moi? Not really, but I shall forge ahead...

[\\$100K...to Drop Out of School: Would You?](#)

Wednesday, May 25th, 2011

I read an interesting article online today from NPR about one of the founders of PayPal handing out \$100K to fellows if they DROP out of college and start a company. Usually, I post these controversial articles on my Facebook page just to watch my homies mix it up, and they did.

One said – dumb idea. Because, when the fit hits the shan and the business fails (as most do) after a year or two, they still won't have a college degree. Another friend said, why not? In fact, he's been discussing it with his kids already, which aren't yet in college. (By the way, the latter friend is an entrepreneur.)

I'm probably not good at answering that question on this particular day about law school, just because I had a final exam today. But, if I had to go back in time to undergrad, I don't know if I'd take the fellowship or not. IF I could go back and finish my degree later, I would. But a lot of professional degrees give you a fixed amount of time to complete a degree.

In fact, the best part about all of this is I'm studying people who are doing BOTH in my next book. Most are professionals, who naturally attended a professional school. THEN, after they'd been out in practice awhile decided to start their businesses. So, in my opinion, I don't think you have to choose. In fact, I'm going to write about people who don't, and toss that puppy out into the universe to show others that they in fact would NOT have to choose between a professional career AND an entrepreneurial career at the same time.

In my world, you don't have to choose! It is not either/or. It can be both.

[The Little Crazy Things Can Make A Big Difference](#)

Tuesday, May 31st, 2011

I'm going to begin by giving you two examples of what I'm talking about with the title post, in which 2 little crazy ideas led to something having a pretty big impact this past week. Ready?

Story #1: A couple of years ago, a bunch of friends were talking before class, and thought – hey! Wouldn't it be cool to start a brand new law society around fashion, art and design? Bam! The Fashion, Art and Design (FAD) Law Society was started at IU Indy Law. From there, we've had a TON of fun, made some T-shirts, held some art and law lectures for the entire student body, helped inspire a fashion and the law CLE program at the school, got a brand new course never offered at the school before on art, museum and publishing law, and just last week, our new incoming president of FAD landed an internship at the Indianapolis Museum of Art.

Story #2: I had a few peeps to thank for nominating me for an award, so I thought – hey! Wouldn't it be cool to send them a different kind of thank you, instead of a boring old card? Bam! I thought instantly of giving them a copy of my latest book, and better yet, deliver some flowers that matched the cover of the book along to them WITH the book. And got lots of thanks for sending them out, to which I shared back with the florist, Lilly Lane. In return, they shared that a future bride actually saw the flowers that were being delivered from my book cover match and was inspired by those to have as her wedding flower colors!

Here's my point (if you already didn't get it). Sometimes, it is the crazy little ideas that can turn into the really BIG things that make a difference. To me, getting someone a job is one of the biggest, best things one can do for another. In each case above, that happened. You NEVER know when your crazy little idea can turn into something huge for someone else.

My inspirational challenge to you this week is to try one little crazy idea you've had. You never know the big places it could lead you, or someone else.

4L

[4L](#)

Sunday, June 5th, 2011

So, I have a separate email account for my law school stuff...and an email footer on it to boot. I decided to change my footer from “3L” (which technically I was) to “4L” which I am, or will be, starting this fall at law school.

If you don’t know, they don’t call a “first year law student,” as such, they say “1L.” Typically, in a full-time program, there’s only three years of law school. So, if someone doesn’t know that a part-time evening program for law school is four years, you could risk looking like a dotard by putting “4L” on your footer – i.e. – “Hey, I’m a 4L and it took me another year to finish school!”

But, I wouldn’t in retrospect have it any other way. Despite the fact that a lot of people told me that I would NOT be able to join clubs, do fellowships, and most of all participate in law review BECAUSE I was a part-time student with a full-time career firmly established, I pretty much took all that feedback and promptly put it in the circular file and went after the stuff I DID want to do, DESPITE my part-time status. Lo and behold, I’ve pretty much done everything I wanted to do, including law review, and as an added bonus, had the best note of all the students for the next volume of it–best note of ALL day and night students to boot, thank you very much.

In conclusion, I’ve decided to wear my 4L label loudly and proudly on my email footer for the next year to come. Frankly, I can’t believe I’m heading into my final year of law school. The time, as they say, has truly flown by. But if I had to do it over again...? Despite the awfulness of the course content and train wreck examination of lawsuits, I have to say that the friends, contacts, professors, and people I’ve had the honor of meeting through my law school experience have been amazing, and completely untradeable and unsubstitutable. I’m pretty sure my fellow students in many cases will also become friends for life.

And don’t worry – I will do my best to make the most of my last year of law school—even though I’ve been told not to...that’s just how I roll. Besides, telling me I can’t do something is probably the best fuel I need to actually make something happen! Bring it.

Being a 4L won’t be hard, really. It’s what comes after law school that makes things really tricky and tough. I’m glad I have another year to contemplate “ever after.”

[30 Day Reset](#)

Saturday, June 11th, 2011

I’ve got a whopping 30 days (give or take a few) off from law school. While you first might suspect and conjure up Hedonism XI in your mind when I say “break from school,” let me assure you those days for me are long gone. It’s not that dramatic.

However, I am trying to do my best to maximize my time off. I started with a quick trip to Italy to kick things off, followed by FINALLY having the freedom to say yes to events in the Indy area in the evening to enjoy–like Zoobilation, which I was lucky enough to attend last night. (The bridge walk and the view of the city alone was worth attending, in my opinion.) And, soon enough, I’m heading to Portland, Oregon for a writer’s conference, which I’m totally pumped for (since, realistically, I don’t think I’ve ever invested in training for myself as a writer. I know–it shows, right!?! Ha!)

The purpose of this post is to not bore you with my travel details. Instead, I’m here to tell you that sometimes it is good to get off your own personal brand of treadmill and experience life in a different way, if you are lucky enough to do so. Just merely getting off my own treadmill of–work, school, sleep,

repeat—has been refreshing and reinvigorating for me. In fact, my next book is sailing right along (although I'm a little backed up on editing right now)—but I know that eventually, I will get to it. Giving myself a little permission to live like a normal human for a few days I've grown to accept and appreciate.

The clock is ticking – so I've got to get back to my human life. Enjoy yours – and consider switching the treadmill for a few days if you can as your own reset.

[A Creative K Worth Signing](#)

Sunday, July 24th, 2011

T-minus one year and counting...until I'm finished with law school. While I certainly have no 4.0 G.P.A. when it comes to my law school education, I was warned about something that I feel might need some attention, so I'm getting pumped to share my new little journey with you, and cordially invite you to come along with me; that is, if you dare.

One of my very wise mentors warned me that when I started law school over three years ago now to be very careful of it zapping my creativity. I can say, now that I'm near the end, she was right. Although I still am blessed with super cool ideas to try, write about, and evolve in my work and life, I do feel as though law school has blunted my creativity a bit. Whether that now shows up in the form of generalized paranoia or just viewing the world more from the lens of the 5.6 trillion things that could go wrong in any scenario, label it what you wish. But to me, it has had an overall negative effect – I won't lie.

So, after surfing online this morning to my usual Sunday morning reading spots, I stumbled upon an infographic from my friends over at Good on what chief _____ officers need most. For CEOs: what do they feel they need most?

Creativity.

D*mn. That's another nail in the coffin.

What to do about this? Well, I went back to the classics. The book the creative class most often calls upon for getting one's creative mojo back is *The Artist's Way* by Julia Cameron. I snagged a reservation of her book on CD at the library, and then decided to check out her site – where, she was kind enough to give away a portion of her book on getting the creative back – SCORE! The excerpt is in the link above.

She recommends three items to bring your creativity back. I'll let you read the book to get all three items. One of which is signing a contract with yourself. Now there's something as a law student I can sink my teeth into!

OK, admittedly – this week and next I'm slammed with law school finals and the wonderful MPRE.* But beginning August 8th, I'm signing the contract and fighting to get my creativity back! Here's my invitation to you: join me. Focus on getting YOUR creative groove back with me! Together, we can creatively conjure the mojo and get to solving some massive problems in this world – one. Journal entry. At. A. Time!

The contract (or K as we like to short hand in law school) is in Cameron's free excerpt online. I'm going to print it out, sign it, and glue that sucker into my journal. August 8th...? You know where I'll be in the morning—dumping my brain onto the page, all three.

I hope you will be too!

*(The MPRE stands for the Multistate Professional Responsibility Examination. It is part of the bar exam, and in Indiana, at least, one can take it up to two years before the rest of the bar exam is taken to count the score. It is also the ethics portion of the bar.)

[The Mix Tape](#)

Tuesday, July 26th, 2011

For the past week+, I've been swimming around the world of entertainment law (via summer school). Honestly? I took the class to learn about the publishing industry. But, the more interesting legal stuff is in the world of music right now. There's also interesting cultural stuff going on in terms of music aficionados too, of which I'm one.

We've "evolved" musically in the U.S. this way: record player -> 8 track -> cassette tape -> CD -> streaming online and digital downloads -> cassette tape.

I know what you're thinking: Albert, you got it right for the most part except for the end. BUT—*The Washington Post* agrees with me: there's a resurgence of the cassette tape according a recent article (dated May 9, 2011 by Caitlin Curran). Why then are mix tapes re-surg-ing?

I personally think there are two reasons: 1. As my law professor said yesterday in class, there is a beauty in curating one's own music collection for the music lover. Cassette tapes keep that curation physical, rather than just having access to everything, 24/7/365 like online via streaming. Curation I think will be a key skill of the future as well—in the age of information overload. Mark my words.

2. I think there's another element to music that people in the music industry may have discounted, which is the brand or images that come along with a new album. If, for example, I say 'Joshua Tree' to you, what's the first thing you think of? For me, that iconic picture of U2 is right there, top of my mind. There's a constellation of art, music, lyrics and branding (even video) that used to come along with an album or a cassette tape. So perhaps for the love, it isn't just the music; there's more. And maybe, we're losing that with digital-only music accessibility.

I grew up on cassette tapes. And although the sound quality probably makes most audiophiles shriek like little girls when they hear them, there's something I love about them, and always will. In fact, I still have a bunch of them, and records too. I love the pop of records. And those qualities, my friends, you'll never get from a digital download. (Unless, of course, they're digitally implanted in the music, and that's cheating in my book.)

[Bjork, Al Gore, and Why Law School Drives Me Crazy](#)

Tuesday, July 26th, 2011

What a trifecta this is – but stick with me here, this is going to be a good rant.

I figured out in class tonight why law school drives me nuts most of the time, and believe it or not, it occurred to me as I read last week's *Rolling Stone* being sent around class. I know what you're thinking: a professor who actually passes *Rolling Stone* around in the classroom can't be all bad, and you're right. BUT—what struck me about the magazine was an article in it on one of my favorites, Bjork, and her new...appalbumgameartvideo-thingy (Biophilia) she's putting out for the iPad.

It's not just an album anymore, peeps. It is a constellation of experiences.

As I read, I totally wanted to know what type of agreement she struck with her "record" label on this one. Game? App development? Music video and gaming all in one? Boss! But then, all I could remember was Al Gore's new book as it appeared on TED, which is also interactive on the iPad...a vook? I'm not sure what they officially call it. Either way, they are each experiences. Only thing missing is the scent, and that's coming soon with the new TV. (Most artists already have their own scent, they've just got to pump it in to the end user.)

And now, to why law school drives me nuts: because we are constantly spending the majority of our time on...HISTORY. Context. What WAS. As a futuristic person, I want to know WHAT WILL BE. WHAT IS COMING. Better yet, how to harness what is coming and maximize it. That's for example what I want to know about around entertainment law—the convergence of books, video, music, movies and even games into ONE THING! Dude, that's where the money is! It's not spending hours talking about what the recording industry USED to do or what the traditional publishing industry traditionally did. They're on the ER table, they're dying, and no amount of epinephrine in the world is going to bring them back UNLESS they adapt to the future!

Law school (I thought) was about solving problems and coming up with solutions. Therefore, if that is the case, we really need to focus less on the past and instead focus more on the future. Yes, I know the counter argument you might be thinking, “the law traditionally takes a while to catch up.” I'm here to say Bah Humbug! That excuse may have cut it in the past, but guess what? The United States of Awesome isn't so awesome anymore, and part of that frankly is due to all the draconian laws we have on the books and the ‘historical’ focus our legal system holding us back with the excuse of “that's the way things have always been done.” That mentality is going to take us down.

So, I have a challenge for the legal industry (and for that matter, the entertainment industry as well): get on board with change, soon, and let's take the best hits from the past and create a better future faster. Bjork has. Even Al Gore has. So, WHY can't the rest of us!?!

Slightly Superstitious. It's Mati Time

Wednesday, August 3rd, 2011

This isn't my best week.

I have a law school final (for a two week condensed summer school class, so you know what that means, cramming) and the cherry on top is that I have to take the first part of the bar exam this week too, the day after the law school final. Also, I can't say I've physically been that well either. Getting old ____ (insert your favorite derogatory word(s) here) ____.

So, what to do?

One of my best friends on the planet gave me a mati for handling these situations a long time ago. If you're not Greek, the mati is a piece of jewelry used to ward off evil spirits—something this sister can use pretty much all the time! BUT, I only wear my mati for special occasions when my stress is high and my mojo feels low. (And yes, I'm slightly superstitious too, so I avoid walking under ladders, black cats crossing my path, etc.) My mati is going on, and all my other good luck charms are coming out this week, so I can get through it, and on to the rest of my summer—all two weeks of it before the fall semester kicks in.

I certainly hope your week warrants no mati or other good luck charm, but if it does...may you find it and wear it loudly and proudly.

Advice for the 1Ls

Tuesday, August 9th, 2011

In a moment of (clear and obvious) desperation, my law school reached out to me a few weeks ago and asked if I would be an “upper class” orientation guide for the next crop of 1Ls at my law school coming up next week. I said sure, why not?

But I'm trying to think through my advice to them, which probably would be good for all 1Ls. Here are some random thoughts: (other than, run for your lives! Hahaha, just kidding. Er, sort of...)

1. Don't buy your books at the college/law school book store. They're at least 30% higher than if you buy the books online. I like half.com. I don't care where you get them, just buy them used and cheap. Trust me, you'll be tossing your hard earned money to them in other ways. At IU Indy Law, there are two used college bookstores around campus. But I don't care where you go – online is usually always cheaper.

2. Do the VERY BEST job you can academically your first year. It really does set the tone for your entire law school "career." Law review, and all the other jazzy extra curricular stuff will come your way IF you master the basics—like contracts, civ pro, property, torts, con law, legal writing, etc. Trust me on this one—it is a LOT easier to maintain a decent G.P.A. if you had one to begin with rather than crashing and burning, then trying to pull yourself up in your last 2-3 years.

3. Try to keep a (day) job. I always advise that students keep at least a part-time, if not full-time day job while going to law school. There's another camp that completely disagrees with me, but hey—they aren't there paying my bills every month, either. The job market is TOUGH out there, folks, and if you can keep some type of job on the side while you're in school, that does two good things for you: 1. it helps you stay out of debt (and ANY debt these days is bad); and 2. it shows your potential law employers that you are up to working your you-know-what-off to get things done. Yeah, I could have a 4.0 too if all I did was law school, but in the end, employers want to know that you can WORK, not necessarily just what your G.P.A. is...(and of course, if you disagree, feel free to get your own blog and rant there.)

4. Make friends at law school. I guarantee about a month into class, you'll know who the cool kids are, the know-it-all gunners are (I'd avoid them) and the snarky-yet-smart-but-don't-apply-themselves students. Hang with the cool kids. And get to know them, and HELP THEM OUT, because there may come a day where you'll need the favor returned. You cannot go through law school alone. Some of my best friends from law school I know will be friends for life. They call me when they need my expertise already, and vice-versa. Make friends. No one wants to be with the douchebag know-it-all, and s/he will only have herself to blame in the end.

5. Don't be afraid to disagree with your professors. That's the kind of cool, yet scary thing about the law: you can discuss and debate 'til you're blue in the face. Law school is going to teach you how to say "it depends" ad nauseam....but that's OK. It is literally going to retrain your brain to see that like much of life, there usually isn't just one "best" answer. There might be two, or four, or even six that are decent. And courts and judges at the end of the day are still human. They make mistakes like everyone else. So call 'em on it. That's the sign of a good lawyer!

That's all I have right now. But seriously, heed some if not all of this advice. It will help. And if you're getting ready to start your law school career, welcome. Enjoy your last few days of freedom, because I guarantee, after your begin, you'll be a different person...good or bad...IT. DEPENDS.

[And Now, Back to The Triangular Portion of the Program...](#)

Thursday, August 18th, 2011

As of Monday, this will be my life:

Get up. Go to work (Butler). Then go to school (IU Indy Law). Then go home (Feistopolis). Repeat.

My life is a triangle.

While I am appreciative of the opportunity to finish my law school career, I am really stoked that my life after this year will no longer be triangular. I like a few more angles in my life than merely three. But my worst fear has always been and probably will continue to be the movie *Groundhog Day*, where I'd be stuck like poor Bill Murray, living the same life day after day, year after year, moment after moment.

Luckily, the only constant in life is change. I'm grateful for this cliché. To all my law school friends who have been kicking it through the past three years: we will live the triangular life for only one more year – and I'm certain it will go by quickly.

And then...? Well, who knows?

That's potentially the scariest part of all! Why? Because it's no longer a triangle. It's...undefined.

[More on 1L-ism](#)

Saturday, August 20th, 2011

So, from the orientation and comments last night, I've been thinking about one other item since then that I want to share with you. It was a good discussion, and one that I had thought of before, but never really articulated.

It is this. When developing your law school career, more than anything, you must make good, sound choices for yourself. For example, do you want a 4.0 and have NOTHING on the side, OR, do you want a 3.5 and a LOT of cool activities on the side?

I'll give you an example from my high school days (part of the dark ages in the history books...hahaha). I was salutatorian in my high school class. I think I had a couple of Bs in some calculus and geometry classes—math was never my favorite thing. Anyway, while I was second in my class, I also had the shot at doing and being part of several extra curricular activities – I was the drum major, in musicals, part of band, NHS, future problem solvers, quiz bowl, etc.

My question to the universe is: what is better? A 4.0 with NOTHING to show for it (no extra curricular stuff), or, is it best to have a 3.5 and have all kinds of extra stuff going on – law societies, fraternities, law review, moot court, fellowships, etc.? I don't know the “right” answer to this, but I can tell you which camp I fall into. WHO CARES if you're top of your class if that's it? I would hire a student who dared to explore a lot of different avenues in law school and any school for that matter. The only thing a 4.0 shows me is that a student is a great test taker. Swell! But, my friends, tests don't always equal reality. And reality, my friends, is the very best test of all.

But, the point to this post is that you're probably going to have to make some tough decisions while in graduate school/law school/any school for that matter. Do you want stellar grades, or would you prefer to do other things and have grades that are good enough? Ask yourself those tough questions, and let only one person answer that: Y-O-U. Not your parents, not your professors, not your peers. You must decide.

[The Hot Mess that is Healthcare, cont.](#)

Monday, August 22nd, 2011

Today was a very, very long day. When you don't get home until 10:20 PM at night after a full day at work, with the last four hours being think tank time in a classroom, trust me on this one: it's long. I'm tired.

But, before I hit the hay tonight for our incoming professional phase pharmacy students tomorrow bright and early at the day job, I wanted to get something disturbing out of my head, which is this. Tonight, I was in two health law classes – one on finance and regulations, and the other on public health. And while I'm a student of law, I'd like to think I know a thing or two about healthcare. BUT–EVEN I was stumped today by a question I received.

If I as a healthcare professional and last year law school student can't answer a healthcare related question...who can? Yes, I could be stupid, granted. Not a far stretch on a Monday, especially. But, all the

“professionals” out there who dabble in healthcare but AREN’T trained in healthcare – can they really know what they’re talking about? (And if you’re in healthcare and feeling cocky on this, if you can tell me what the third anti-hypertensive drug to add according to JNC 7 AND you can help a Medicare patient pick their best supplemental plan BOTH – WITHOUT Googling for either, props to you, you’re a better person than me.)*

Simple stuff – like all the crazy acronyms we have—health information technology (the computer guys) have their own language, the lawyers have their own language, and medical/healthcare peeps have their own acronyms and language. Even in drug land where I roll—there’s a generic name, multiple brand names for drugs, and even other brand names for the same drug IN THIS COUNTRY and other countries!

Last but certainly not least, does anyone know what anything actually COSTS in healthcare? No one has any clue what a hospital (or any other healthcare facility for that matter) charges for anything, because third party payers drive it all.

Friends, I think healthcare is a hot mess in this country, period. It’s WAY too complex and enigmatic. But, does it have to be?

(This is where I shut my mouth, turn off my typing fingers, and listen.)

(*OK, my JNC7 question was kind of a trick above. First is lifestyle modification, then hydrochlorothiazide (HCTZ), then other classes of drugs alone or in combination. They all have acronyms too. I’ll spare you the details. Of course, if you have hypertension, ask your doctor or pharmacist.)

[The Power of Nothing](#)

Friday, August 26th, 2011

One of the trickiest things about law school, and being a lawyer (not that I know, yet, but from what I heard from others who are) is trying to figure out what law applies to any situation in the first place. So, while what I’m about to share with you isn’t necessarily a legal issue, I can tell you that it applies mainly to us introverts – so extroverts, feel free to skip this post.

As I get older, (reluctantly and admittedly), one of the things I’m really beginning to value and treasure is...silence. Silence literally to me is becoming golden. Why?

First off, where can you go to get it...to actually GET silence, for more than 30 seconds in a row? It’s tough to get at work—there are constant interruptions, phones ringing, email inboxes pinging to be answered. You can’t really get it in the car, because there are cars all around you making noise and traffic sounds are wretched. You can’t really get it at home, if you live with others all the time. You can’t even get it at libraries that much anymore, because libraries are going away and everyone is using some type of device (computer or phone) there too! (Maybe that’s why I love them so – because they at least USED to be quiet.)

Friends, I’m here to plug this little request into the universe and sincerely ask for more quiet time for all of us. We need to stop, think and value the power of having nothing jamming the frequency between our thoughts and our actions every now and then. When I’m quiet, and the world around me matches, I can think and reflect upon what it is that I not only have done, but what I can do in the future, and THINK through the possibilities. This is hard to do in front of a phone and a computer sometimes. This is hard to do when others around you are buzzing—be it their cars, their phones or some other device they’re pounding on.

Sometimes, it is great to just hear nothing besides the thoughts in our heads. There is power in it! I hope you find your own version of nothing, because it can be powerful. (And maybe this does apply to the extroverts too...)

[Free Condoms? There's an App for That!](#)

Monday, August 29th, 2011

Now that I have your attention...

I had yet another crazy long Monday today (this class until 9:40 PM thing is a killer)! BUT – we made good progress in the team project for the Law & Public Health class I'm taking this semester. We had to get in teams of six and give a 25-minute presentation on a public health topic. Of course, being the (former) sex-and-women's health educator, I thought it would be cool to look at the NYC free condom app and see if free condoms actually decrease STIs, and decrease cost burdens on health plans...? Don't know yet. Stay tuned.

Prior to that, we took a quiz on the government. I thought it was interesting, and came home and found more quizzes. I spent the day looking for *Schoolhouse Rock* You Tube videos too (on "I'm Just a Bill" and the "Three Rings"). Considering the college freshmen entering this year were born in 1993, I'm guessing few to none of them actually grew up on SHR like the rest of us. Let it be said that Dr. Albert will attempt to bring cool retro-ness back into the classroom. Boom.

Condoms, quizzes on civics, and Schoolhouse Rock. This is my wacky life. I'll spare you the further details on my readings this week for law school which covered snakes, peyote, motorcycle helmets, photographs of art, prior authorization, and Rule 402 of evidence. I'm off to bed now, so I can get up and live the crazy over again tomorrow.

[The Numbers Game](#)

Saturday, September 3rd, 2011

A friend and I were having a philosophical debate over lunch this week about...grades, test scores and activities in school. Then I read a post over at Good about how DePaul isn't requiring SAT or ACT scores for application anymore.

You already know where I stand on this, at least when it comes to law school, but it is worth a re-mention: grades are important, yes. But when it comes to standardized tests, if you "pass" the bar, (if you want to practice) who really cares what your G.P.A. was? Furthermore, do you want to have a 4.0 with NOTHING else to show for it (i.e. no extra-curriculars), or do you want a 3.5 with a bunch of stuff around it (like law review, moot court, leadership roles in clubs, at least in the law school case)?

My friend argues differently from me: she believes that getting the best grades possible and ignoring all the other stuff is the best option. I say bullocks – I think you should have a decent G.P.A., but you should also have something else on your resume that you did in law school beyond just grades. Anyone can collect and earn grades in law school once they are in, really.

I like that DePaul isn't looking at SAT scores anymore, or at least making them optional. There is more to life than the numbers game, especially when it comes to everyone's strengths, skills and talents, and when I'm at work getting my performance review every year, where people pay me to perform, I never get asked what my G.P.A. or my LSAT scores were. They just want to know that I'm getting stuff done. And frankly, one can demonstrate that talent to an employer or potential employer by showing skills and getting things done through others—and that, my friends, really doesn't show up on a transcript.

Enough said.

[“They always say time changes things, but you actually have to change them yourself.”](#)

Wednesday, September 7th, 2011

Who said the title of this post?

Believe it or not, an artist.

I’ve been thinking about this idea a lot, lately. And of course, thinking about change makes me think about the three types of people: 1. those who make things happen, 2. those who let things happen and 3. those who ask, “What the hell just happened?”

I’ve also had the luck to work on a project with the law school that has been several years in the making now, with a group of awesome colleagues (students) and professors, who dared to follow course #1 above, despite setbacks, challenges, limbo, and various other administrative policy and hoop-jumping.

Did you figure out who said the title quote yet?

It was Andy Warhol.

If you’re of the #1 camp, congrats. If you’re frustrated, keep pushing. Why? Because you, my friend, actually have to change things yourself. Don’t wait, and don’t be the dude who asks what the h-e-double hockey sticks just happened.

[What Publishing Can Learn From the Recording Industry II](#)

Sunday, September 11th, 2011

Rant #2 about a rant I made previously this summer, but reinforced yet again today.

I’m trying something new this week: I’m reading for law school in reverse order for the following week – that is, I’m starting with the class furthest away (yes, mental distance, not farthest, which is mere physical distance for all you grammar police out there) and working backwards to tomorrow. I thought that might motivate me to get the reading and briefing for the entire week done by end of today.

That being said, I forgot to read a case in Art & Museum law last week so I hit it first: *Blanch v. Koons*. As a law student, I think I get what the court is trying to say. But as an “artist” myself (and I mean that term as a writer and someone who actually fights on a regular basis with the copyright office to protect my stuff), I find it–disturbing.

The thing that disturbs me most about it, as a writer, is that the artist who took the art here and “transformed” it NEVER asked for permission to use the fraction of the photo that he put into his own photo from the original artist. The court discounted his lack of obtaining permission. Dislike.

Then I wonder, how much of this would have happened had the artist NOT been well known or sold his art for millions of dollars? Hmm...

May I suggest a remedy? Why not try and do what the recording industry does – have a central place where people can buy licenses to borrow other artist’s art. Isn’t it time for a Harry Fox Agency for photos and books and even movies, just like there is for music?

For example, if I wanted to use PART of someone else’s photo online, why can’t I just go to the centralized website, put in the number of pixels or what it is that I want to use in the photo, and then negotiate with the artist (or better yet, have a flat rate per pixel) so I can pay for the use properly and then mash up what I want to, free and clear?

Yes, I know there's copyright clearance center for the written word, but I think we can do better. And yes, I know there is a different type of license for covering a song vs. recording it, remixing it, and making a new video of it. But most of all, I don't care if you are a highly compensated artist, president of the United States, or little hack writer like me—you SHOULD be ASKING for permission when using other people's stuff if you don't give props to the source—if for no other reason, out of respect for your fellow artists. And Congress—I hope you're LISTENING to this when you go to revise and review the Copyright Act... attempting to seek permission SHOULD be a factor; good faith and fair dealing is important!

Rant. Over. Back to the reading.

Do It Once, Do It Right

Thursday, September 15th, 2011

I'm not sure why, maybe it's because I'm studying the subject, but lately a lot of people have been asking me about—lawyers.

Here's where I view them (necessarily evil jokes aside...)

Anyone in and around business really needs a good lawyer in their lives. One that isn't going to gouge them, but instead looks out for their clients' best interests and really helps them with a myriad of issues. I've been with my own lawyer now for about 10 years (feels more like 100), but I like him, I know him, and I trust him.

Lawyers are expensive, but at the end of the day, the money (while important) really isn't as important as finding someone you can be in business over the long haul with—you literally need to think of your lawyer as a long term business partner. If you just use them once to draft some random agreement or do one filing for you, that's probably not the right approach to take.

So inevitably, the next question that comes up is: how do you find one? It's kind of like finding a good significant other: you have to ask for network referrals, you have to do some interviewing and above all, you have to have good chemistry with them—if they rub you the wrong way, that isn't good. After all, you wouldn't marry a jerk, would you? So why would you pay someone to be in your life who is a jerk? OK, a good litigator might be worth putting up with, but over the long haul for your business, you definitely want someone you dig.

I'm not a lawyer. I don't even play one on TV, or in the classroom. BUT—I can't over emphasize the importance of finding one for the long haul. Despite the law jokes and dating parallels aside, a good one is hard to find, but find one—it is worth the hassle. Do it once, do it right!

FEaking Out

Sunday, September 25th, 2011

I just hit my evidence reading for next week. And with that, we're getting into very dangerous territory: hearsay. For those of you who have never had the pleasure of law school, in Evidence class, you literally learn the Federal Rules of Evidence (FRE)—what can and cannot be admitted into a trial. After seeing rule 803 and it's 2-dozen exceptions, I'm growing to loathe it more and more each and every passing week.

Why? I just can't memorize like I used to. And I know what you're thinking: "If you spent a little less time, Albert, whining about it here and studying a little harder, you'd be better off." Yeah, I know. I tell my advisees that too. My complaint back is—if they're posted places, why oh why do we have to memorize them?

Evidence is probably right up there with my least favorite classes in law school—Civil Procedure. Vile. I loathe Civ Pro and Evidence for the same reasons: they're both rule-based, and instead of focusing on substance, we fight instead about the rules themselves and the procedure. Ugh. Why am I taking it in the first place? Two words: The. Bar.

To one of my ex boyfriends who said I'd make a great litigator, I say—you're nuts (clearly in more ways than one, since you dated me in the first place). Not going to happen. Unless someone can come up with the Matrix upload on how to memorize the FREs like Trinity flying a helicopter—no dice.

OK – I feel better with my little rant. Thanks for listening. I'm headed back to the rules...albeit very reluctantly...

Happiness: The Misunderstood Celebrity

Friday, September 30th, 2011

Had the pleasure of having lunch with one of my favorite law professors today. Of course, he's pretty smart, so I had to kick up my brain cells a bit to match him (which, I of course failed at 150%).

Anyway, we were talking about...of all things...happiness, and which philosophers said what about it. I think after getting back to my office and looking it up, Aristotle might have it right. Although, the word itself in Western culture...? Has been badly branded, and misunderstood. Maybe lost in translation...?

Aristotle I think argued that happiness wasn't a fleeting, ephemeral emotion. It instead is an endgame; and thus, if one is looking over her entire life, she can't really definitively say she's been "happy" or "not happy" until she gets to the end. Here in the U.S., we tend to use the term as describing our night out with the girls, or going to a movie, or participating in some program that will end in 3 hours or less. The site, *The Pursuit of Happiness*, describes how happiness the word got a bad rap in Western culture.

I'm coming around. Guess that means I can't brand whether or not my life has been "happy" until the end...or at least closer to it. I will continue to keep plugging away, one day at a time, one hour at a time, on the things that I truly believe need to get done, and worry about the happiness bit later on.

Law School: The Right Brain Starvation Diet?

Saturday, October 1st, 2011

We were lucky to have artist/attorney Justin Vining in our Art & Museum Law class this morning. His talk was great. I asked him a question I myself have been pondering during my law school career, which is this: did he view law school as something that increased, decreased, or kept his creativity the same?

Several people, mainly creatives, warned me to watch out for law school killing my creativity during my law school tenure. But, based upon Justin's chat, I think law school actually made him a better artist, because he reached a reading threshold (during law school) where he needed a creative outlet, and painting for him during law school was his creative outlet. Now, he's a full-time artist. I say—good for him.

As for my own creativity—I have watched out for it being mangled by all the left-brained analytical everything-could-go-wrong thinking that's cherished in law school. Whether or not it has actually and officially stifled my own creativity...? I don't know the answer to that question. On one hand, I've managed to publish at least a couple of books during my law school career—not too shabby, considering I've been working full-time, went to law school at night and even participated in a few extra curricular things like law review. But I wonder if I could have done MORE in lieu of law school. For example, had I gone back and earned a MFA in creative writing, would I be doing even more and better-written stuff now?

On the other hand, much like Justin, I get to the point where I've read so much law junk that I actually HAVE to get back to the creative. My right brain almost demands it, much like some type of analgesic. I wonder if law school actually makes a person go on a right brain creative starvation diet, to the point where the artist literally has to burst forth and create in order to not have the total brain go stark raving mad...?

I've always formally studied professions mainly for the left brain (pharmacy, law and business), and thought right-brained stuff (art, music, design, etc.) was too luxurious to study. Now I'm starting to think that maybe this was wrong. Maybe I should have studied more creative, and less analytical stuff. Nothing like some good ol' fashioned second-guessing myself to think about the path not taken. Ugh.

The happiest people on the planet are allegedly those with the lowest expectations (according to a study of people around the world—Danish people being the happiest and those with the lowest expectations). I'm waayyy past that point. I expect a lot of others and myself. So I'm trying to better understand how those of us with lofty expectations can keep it happy up in here. I appreciated that Justin is past the point of his own law school experience and views it as a positive on the other end—that his legal education actually boosted his creativity. I'm going to hold onto that thought and let it carry me through my final year of law school. And, I'm going to hold on to that notion...tightly.

[Law School Best Hits](#)

Wednesday, October 5th, 2011

While I'm nearing the end of my law school career, I've often been asked—"What are your favorite classes in law school?" While each I suppose have their merits (it's a scrape for me with classes like Evidence and Civ Pro), I shall instead focus on my favorites thus far, in hopes to inspire you, the future potential law student, to consider the content and subject matter of what I'm about to share with you. Here goes. (And these aren't in any particular order – just my favorites in general):

1. Internet Law – was the right balance of practicality and subjects that I actually CARE about in law—intellectual property, protecting one's creative work yet counterbalancing it with the desire to share great ideas with the universe. Seriously—what more could you ask for in a law school class? Also, this class gave me practical ideas on how to manage my own IP—somebody horching in on my trademark, misquoting me, etc. DMCA: I think I love you.

2. Art & Museum Law – blends two things I love in a different way: 1. art, and 2. mainly IP law again. (See the theme here?) But it's law school with cool pictures. Dig. Also, something else I cherish is challenged in this course too: free speech and the first amendment. Since we didn't talk about the first amendment in Constitutional Law, at least I got some here. (Yes, there is a first amendment class that is separate from Constitutional Law offered at the law school...but really? Do we need to spend an entire semester on just one amendment to the U.S. Constitution? Wait. That WAS the case—in Con Law—with the commerce clause...)

3. My fellowship in the Program on Law and State Government – ironically, not a for-credit class. But instead, a self-directed learning experience with me, one other fellow, and the professor running the show. I can't lie—I loved it. This to me is the best way to learn. Not sitting in a classroom. We learned about business models that support social entrepreneurship. Double dig.

4. Patent law – have an appreciation now for a pretty messed up system. Welcome to law school! Reform, anyone?

5. Contracts/Sales – just practical. User friendly. Applies to pretty much everything. Now I know what a good contract (K) looks like, and a not so good contract...yay.

6. Mergers & Acquisitions – I think the cast of characters through the cases more than anything was fascinating to me. That, and let's face it—M&A just sounds sexy. (Although, based upon the description of due diligence, being locked in a room with piles of paperwork as a first year associate doesn't quite sound so sexy....)

There you have it. Those were and are my favorites. Everyone else attending might have different answers, and it is a great question to ask any lawyer you meet. Lastly, while this was my favorite content, digging a particular professor helps as well. But for me, content is more important than liking the professor. While it helps to have both a professor you like and subject matter you dig, to have both in one class might just be expecting a little too much from law school. Content is king above all.

[The Bad Joke...That's No Longer Funny](#)

Tuesday, October 18th, 2011

A pharmacist, physician and an insurance salesman walk into a room...and debate. And debate some more. Such was the case last night in my law and public health class, where we had Dr. Virginia Caine as guest speaker—talking about, what else? Healthcare and healthcare reform. We have a doctor in the class as a student, who asks the proverbial question, “Why is healthcare going up in terms of cost, but my own margins are decreasing?” Then, we have the cost of drugs discussion. Uhm, last I checked, pharmacy's margins are actually going down too (\$4 prescriptions, anyone)? Then, the insurance salesman puts his hand up and talks about healthcare insurance companies making record profits over the past several years.

Dr. Caine then brings up an excellent point: how much profit is TOO much? For insurance companies? For doctors? For pharmacy? For everyone that has their fingers in the healthcare pie? And, what does everything REALLY cost? Why is there no personal accountability built into the system? Of course, I have my own personal opinions on the matter, but I think Dr. C was wise to mention that the only way we're all going to get out of this mess is for all of us to get involved and figure out what we truly value as a country when it comes to healthcare. While it is NOT a Constitutional right in our country – it is in other countries. But what level and types of care should we have for all?

There aren't any easy answers. But I think it would behoove all of us to stop ignoring the problem, because healthcare is going to bankrupt this country. And that, my friends, is no laughing matter. I personally can't stand anything more than complaints without solutions, so here are a few that we discussed last night. I would suggest that you have these candid conversations with people you voted to represent you, and let them know how you feel about it:

1. Offer up licenses for smoking, just like liquor licenses – if you want to have a bar or restaurant with a smoking section, that's cool, but maybe it should be licensed, just like liquor...?
2. Offer alternatives for inner-city people to find better food alternatives – fast food is cheap. Healthy food is not only more expensive, but it is also harder to find inner city. Can we fix this with more public gardens, farmers' markets, etc.?
3. Reframe the system – instead of focusing only on sick, let's re-tool our entire system to focus on WELLNESS – preventative care, healthy eating, and exercise, rather than stenting everyone and putting them on statins, for example.

It's a complicated, multi-factorial mess we are in with healthcare. And I don't really care if you're a healthcare professional or not. It affects all of us, so please care. If we had more people who did, maybe we wouldn't be in the mess that we are now...bad jokes aside.

[The Road Not Taken](#)

Monday, October 24th, 2011

Checking in on Foursquare this evening at Law School, I put that I was pretending to be heading to “How to Write a *NY Times* Bestseller” class. Instead I’m headed to healthcare law and law & public health.

But I’ve been thinking about this a lot lately – nearing the end of my law school career: what would I have done in place of law school? I asked the question the other day over at Facebook, and one of my colleagues said she would have bought a taco truck instead. With the economy being in the you-know-what-er for law students and everyone, I’m starting to think her taco truck idea really wasn’t that crazy after all.

Don’t get me wrong, I’m thrilled that I had the chance to go to law school, and hopefully graduate from it. The icing on the cake is that I’m also a first generation college grad in my family too. I heart education. But sometimes I think about design school, or a MFA, or some other path I didn’t take (or didn’t take yet) in order to further my education—both in the ivory tower as well as the real world.

Did I take the right path? Who knows. And there’s always time to go back and take the classes I wanted to take later on...that’s I guess the silver lining in this. But other than awaiting my Erin Splitter in the mail, I guess I can really only take one path at a time. I’ve also asked for my time machine. Still waiting on that to show up too. Not to get too Robert Frostian on y’all (especially on a tough Monday): do the best you can with what you’ve got...and keep on moving forward, peeps. The road not taken now might be a road you encounter again in the near future.

[The Art of the Legacy](#)

Saturday, November 12th, 2011

Today in Art & Museum Law class, we watched *The Art of the Steal*. If you haven’t seen it or heard about it, I’m sure you’ve heard about the Barnes’ Foundation in Main Line Philly, where a nearly priceless collection of art was basically left in trust by Dr. Barnes for educational purposes. He died in in the 1950s, and he hired the best lawyer to ensure that his art would never be moved, sold or loaned, and kept at his estate in Lower Merion. The movie discusses the alleged conspiracy to move the art to center city Philadelphia after the estate was allegedly crumbling and the powers that be wanted it more manageable.

This leads to a bigger question, and I think a more intriguing one: what is it, precisely, that Dr. Barnes wanted when he left his art in trust? Did he want it to remain in his estate in perpetuity, only for a select few, for educational purposes? What was more important to him: to keep the collection in tact, to keep it in his estate (even if crumbling) or to have it exposed for educational purposes? I think the even more interesting question is: why? Was it merely ego, or did he truly believe that he was maximizing the awesomeness of the art merely by having it placed in his estate, by his own hand, in a certain manner, only for a select few to see? And, even though it appears like the art will be moved to center city, it did last as an estate for nearly 50 years in tact.

The biggest question of all here is: what do we each want to leave behind as our own legacy? A collection—maybe not of priceless post-impression art, perhaps, but something else, maybe? If so, what exactly is that? And, are you (and for that matter, am I) working towards building that legacy each and every day? Personally, I think we are each here for a reason, and that reason plays into (or should play into) what our legacies are when we are gone—whether it is 20 years after our departure, 50, or in perpetuity.

Deep, I know, for a Saturday night. But hey, I have to reach into the grab bag for something as a break from studying evidence and before the next presidential debate. If that is about property and trust & estate law instead, so be it.

[Trying Not to Live in the Middle](#)

Wednesday, December 7th, 2011

I don't think this is any shocking revelation to any of my homies on Facebook, but I'll say it again here:

I. Hate. Evidence.

(BTW – my final in it is tonight and I've got my study materials right next to me, so I'll be getting right back to them after this post...but I still needed to say it one more time.)

Why? Well, first of all, don't we all go to law school to learn how to craft and work with rules instead of just conform to them? Furthermore, every lawyer who has actually been inside a courtroom tells me that most judges want to hear what evidence they want to hear at trial instead of conforming to the rules as well, so what's the point, again, in memorizing them? And besides, this girl's old brain just can't memorize stuff anymore. There. I said it!

But I'm coming to peace with my disdain for Evidence. Why? Because I KNOW and ACCEPT that I dislike it. It's easy for me. When you love something (or hate it) it in a way makes it a much easier life. Again, while I try not to be a hater, I think I'd rather dislike or love something fully than be somewhere in the middle. Ironic, considering law school is also supposed to help me live better in the gray zone, but bluntly, I'm tired of the gray zone. Here's why.

The middle is boring. It's gray. It's bleak. It's...apathetic. And apathy, more than anything my friends, is the root of all evil. It's the exact energy that got this country into the state of mess that it is in. Apathy is the juice by which we've elected career politicians that only care about their own wallets and their own agendas rather than the people's. Apathy is what some in big corporate America have gone into to lead them to bailouts and bankruptcies. And honestly, we need more people (like me with Evidence) to get at one end or the other on how to make this world a better place! It's the energy and passion of love or the disdain that GET. THINGS. DONE!

The lesson here? I'm going to get OK and even embrace living on the polar ends. I'd rather completely, utterly and incandescently love or hate something enough to CARE about loving or disliking it than not. If I don't polarize, I'm in the worst place of all: apathy land. And friends, that's the worst place to be, in my book, for the aforementioned reasons.

Love fully – and be happy to totally DISLIKE some stuff too. Both polar ends lead to change, and change is inevitable...so why not make that change good to boot?

[What Makes Something Art?](#)

Thursday, December 8th, 2011

This isn't quite the easiest question in the world to answer, as I study for my Art & Museum Law final now. I'm still struggling with the best definition.

This is what the court says makes art (at least from *Heileman Brewing v. US*): 1. the nature of the object. 2. The reason for its creation. 3. The method of its production. 4. The profession of its creator. 5. The use to which it will be put.

I have several problems with this definition. Andy Warhol also said that an artist, "is somebody who produces things people don't need to have." I also disagree with his analysis.

I argue that art is like perception – it is in everything, and it is art when the observer perceives it as art. Furthermore, I think art is absolutely necessary element to a successful culture. The ancients painted on

walls in caves, and today, we have post modern art. Art challenges us to view the world differently. It moves us. It makes us happy, or angry, or both. Art is essential.

I write. But according to federal copyright law, that's not art. That's writing. I literally have a different form (TX) that I have to fill out to obtain a federal, registered copyright, rather than a visual artist. But I still think of myself as (at least an amateur) artist, even though my canvas is different.

I'll never forget the first day we had a meeting of the new Fashion, Art and Design Law Society at IU Indy Law. A student piped up and asked, "What is art?" Wow. Deep. How much time do you have for that discussion? And not an easy question to answer. But I don't think the courts even got it right. I think art is what it is, and although it is hard to describe—you know it when you see it.

Education Fail

Friday, January 13th, 2012

So, one of my friends and I got in a fight on Facebook this morning. Yeah, a fight. I was mad. PO'd. My blood pressure is still up over it.

I posted a story from the ABA out this morning ("Some Recruiters Advise Job-Seeking Lawyers to Leave LLMs off Resumes," January 11, 2012 by Debra Weiss) – suggesting that employers (i.e. law firms) actually value lawyers that have less education—and if a lawyer earns a LLM to NOT include it on their resume.

Huh?!?

My law-firm friend basically said that this article is accurate for law firms.

Really?!?

This is the same dung heap that the producer of the film, *Miss Representation*, was told—don't put your MBA on your resume because it might make you smart and intimidating for acting gigs.

Isn't this 2012?!?

Hey—I'm a life long learner here and I'm sure I'm totally biased on this one, but I am GRATEFUL for my education—especially being a first generation 4-year college graduate. Furthermore, I earned it—the hard way—and I'm PROUD of the fact that I had the tenacity to bust my rump and achieve nearly four degrees. OF COURSE they are going on my resume! I'll be shouting that I scratched my way through my education from the rooftops!

My pushback to my friend—and to the universe is—do you, if you've busted your dupa to get your degrees too—really want to work for an employer who doesn't value them? I know my answer on this one...and I certainly hope you do too.

...blood pressure returning to normal in 3...2...1...

The First Day of the Rest of Your Life

Tuesday, January 17th, 2012

...uhm...hopefully begins tomorrow?

We can all hope.

Today was my first official day back on the semester wheel. And by wheel, I mean hamster wheel, in a way. The BU students started back today, and now I'm officially ingrained with both the day job on top of the night law gig, for one more semester. I have one of my law school friends keeping track of the days for me – since he's already doing it for himself—one. Less. Thing. To. Worry. About. Yay! We've still got triple digits of days left, but we're nearing the 100 mark.

Don't get me wrong. I love everything that I do, and the variety of it as well. However, the first day back is always tough. Nagging and lingering cold on top of it didn't really help. But—as one of my Julie Andrews friends said tonight – sometimes you just have to ninja your way through the day. And ninja today, I did.

But I'm tired, and I still have a stack of work to do. I'm back at it shortly—but I'm here to say – that if you also got back on your own hamster wheel today, I'm here to support you on that crazy wheel – otherwise known as life. Rock the wheel. Keep moving forward. Eventually, we're all going to get there.

And where is that?

Well, the first day of the rest of our lives!

Hopefully.

[Fantasy University Women's Leadership League](#)

Saturday, January 28th, 2012

OK, boys, you all have your fantasy football and basketball teams, right? Well, I don't have any fantasy sports teams. But, here come the sports analogies regardless, and I'm officially starting my own fantasy league with this post!

I have a homework assignment for one of my classes (Higher Education Law) where I need to interview someone (not so ironically) in higher education. I can interview anyone I pretty much want to – the sky's the only limit. So, if I could have my fantasy interview team around this assignment and could interview anyone, who would it be?

After doing some research online and discovering that only 23% of women are at the helm of colleges and universities (which, when you think about it, 75% of the teachers are women) – this number is abysmal. However, there are some AWESOME women out there now, and here's my very own fantasy university women's leadership league, if I could interview any of them, would be a dream come true! Here are just a few in totally random order:

[Drew Gilpin Faust](#) – **Harvard** – She's only the 28th President of the university, AND the first woman, fifth in the Ivy League. Now, I know not everyone thinks that Harvard is the end all be all when it comes to colleges and universities....but despite the haters, one must pay respect to her and her position, regardless of what people think of the school. Being awesome always draws criticism. And my first question to her – after congratulating her on breaking that very thick glass ceiling? Easy. How has it been being the first woman of one of the preeminent international universities? Also, she never went to Harvard – so that would be my next set of questions—is the fact that she didn't attend Harvard an asset or liability, and if so, in what ways?

[H. Kim Bottomly](#) – **Wellesley College** – Immunologist. Life Scientist. Publishing machine. Rock star of one of the women's-only leading colleges on the planet. What's not to like here? My first question to her would be: how was transitioning from the west to the east coast? Second, about the school—what are the unique challenges in educating women in a women-only academic environment? What are the differences between it and co-gender educational environments?

[Mary Sue Coleman](#) – **University of Michigan** – The most impressive accomplishment regarding President Coleman is her ability to raise funds at first glance, and manage a MEGA institution. (I called on U of M at one of my former jobs, and the campus is mind-blowingly huge!) U of M's capital fundraising campaign to raise \$2.5 billion (yes, with a b) was surpassed by Coleman and her campus raising \$3.2 billion – the most ever raised by any university, ever. That. Is. Impressive. First question I'd ask her? How do you get rockstarian at fundraising? It truly is an art form, and her legacy in that arena is amazing!

[Shirley M. Tilghman](#) – **Princeton** – President of Princeton since 2001, three things strike me at first glance with President Tilghman's ascension: 1. Princeton is ranked at #2 of the top 50 best colleges in the country, 2. She's from Canada and 3. She actually worked as a teacher at Princeton for 15 years before she was promoted to President. For those outside academia, it is rare to see Presidents gain promotion from within the university. Typically, presidents are hired outside the four walls of the college or university. The other cool item of note for President Tilghman: she's a woman, at a school that fought for a long time to be co-ed. Questions I'd ask her: how did you get to be a president at a university where you taught for years before (which again is highly unusual)? Were you aware of the co-ed turmoil, is it still an issue on campus, and how do you manage that as a university president?

[Catharine Bond Hill](#) - **Vassar** – Economists are smart cookies. I have no doubt at all that ALL of these women are brilliant, but the thing I love about reading President Hill's bio is that she reinstated need-blind admissions at Vassar. (As a scholarship recipient myself regardless of need at my own undergrad university, I can appreciate this.) I also know how insane colleges and universities are getting in terms of tuition—and so my first question to President Hill would be: how can the costs of higher education keep escalating at the current rates and remain a viable option for the majority of high school students in the U.S.?

[Debora L. Spar](#) – **Barnard** – She attended Barnard, then worked and went to school in various capacities, then became President. She's also a political scientist, and does a ton of work on women's issues and B schoolwork at Harvard. The first question I would definitely ask her is the full-circle question: how does it feel to be president of an institution you attended as an undergrad? (Right now, being a teacher at my former undergrad school is surreal enough – I couldn't imagine what it would be like to actually run my alma mater!)

There are other amazing women on my fantasy team and in my fantasy league that I'd love to interview. I could go on. But I won't. However, I will leave you with this: why aren't these women out in the media more, sharing their leadership success stories with all of us? I know the real answer, but I'd like to respectfully challenge the universe with this question again.

And Presidents, if any of you are reading this and would do me the honor of giving me 45 minutes of your time for an interview, I'd welcome the pleasure of it—your administrative partners can email me to schedule a time to chat! And if not, THANK YOU regardless—for your tenacity, intelligence, and hammering through the very tough glass/concrete ceilings out there. We appreciate you paving the way!

Monday Multiple-choice

Monday, January 30th, 2012

Today, I had the opportunity to:

- A. Finalize 50 or so patent term calculations;
- B. Finish writing a quiz;
- C. Lecture for 2.5 hours;
- D. Attend class for an additional 2 hours;
- E. Fight PowerPoint – and lose (OF COURSE on a PC, not a mac);
- F. Both teach and learn about Orphan Drugs;

G. Nearly die on the way to work this morning via inane drivers;

Correct answer? H. All of the above.

This was a mother Monday. But I'm still alive. I survived. And in order to celebrate our survival on this oh-so-crazy Monday, I will leave you with a quote I posted tonight on Twitter, that should definitely apply to ALL Mondays, which is an African-American Proverb:

“Do the best you can, where you are, with what you have, now.”

Next Monday? I'm going to repeat the line above. In my head. Over and over...

[My Date with Drew...and Ryan](#)

Wednesday, February 1st, 2012

This will all make sense in the end, promise.

First, I sat in my office at lunch contemplating one of my previous posts, and my still uncompleted homework assignment for D700 – Higher Education Law. Then, I said to myself, “Hey, self, shouldn't you be walkin' your talk?!?” So, I next pulled out my virtual pen (my mac keyboard of course) and wrote a note to none other than Drew Faust, President of Harvard dot edu.

I introduced myself, remarked that I visited her campus a while ago with a friend of mine who was an alum of her fine institution, and explained the assignment. I also submitted that I could think of no other person on the planet I'd rather interview for that particular assignment who is in Presidential position at a university other than herself. Then, I reviewed my digitally penned note, ran the spell check, and hit send.

Will I hear from her? Doubtful. I realize she's busy running one of the oldest and most prestigious universities on the planet. Trust me, I get it. However, I left her with one of my favorite quotes from one of my other favorite Drews in my digitally penned note – Drew Barrymore – who said the following, which, of course was also featured in the movie, *My Date with Drew* (hence the catchy title of this post):

“If you don't take risks, you'll have a wasted soul.”

Let it be known, my peeps, that I am up in here walking my talk.

Second story: for those of you not in the U.S., we've got this little shindig called Super Bowl XLVI going on here in my hometown–Indianapolis–this coming weekend. So I floated over to Facebook to see if anyone had any photos of celebrity a la Indy. The local paper and a few of my friends said that none other than Mr. Ryan Gosling was in town.

Now, while I'm not usually a fan of blondes, (tall dark and handsome is my modus operandi) I am a fan of his. Hello? THE NOTEBOOK. What's not to like!?!

Anyway, I posted on my Facebook and twitter pages that if he'd like to dine with me, I'd be available tonight after 7:30 pm. As I was joking before law class with one of my friends about my post, she said, “Hey, there's nothing wrong with being a little delusional from time to time.”

Did Ryan get back to me? Not yet. Maybe he's a night owl. Who knows. I won't hold my breath. But–if he does get back to me? I'm buying the first round of drinks in my hood, because that's called Hoosier Hospitality, and that's how I roll!

Now, what's my point? My point tonight my friends I share with my law school friend and Drew Barrymore: sometimes, one must take a few risks along the way. Because, if you don't, not only will you

have a wasted soul, but you'll also live a sort of quasi-life, and a life full of regret. I don't ever want to live to age 86 and say, "Darn. Wish I would have emailed President Faust about that homework assignment," or "Wow. It would have been cool to have drinks with Ryan when he came to town."

Take risks. Don't waste your soul. And remember, as my friend said, being slightly delusional every now and then is permitted, and necessary for a full life.

(And Ryan...call me.)

One of My Biggest Struggles: Free v. Not

Friday, February 17th, 2012

I've always tried to remedy the balance between being an entrepreneur, giving my time and talent away vs. charging for it. It is a challenge. On one hand, we've got Inc.'s "Why You Should Give Your Work Away for Free" by Jeff Haden, February 17, 2012, talking about the need to stretch yourself and many other positive attributes by giving away your services for free.

On the other hand, I read another article about Spotify, Adele and Coldplay of late, and why they as artists aren't bringing new albums to Spotify ("Why Coldplay and Adele Aren't Bringing New Albums to Spotify" by Lauren Indvik, Mashable, October 27, 2011). I wondered why they weren't on it for free with their new albums, now I know why: they don't want to give the goods away for free. They are artists. Point taken.

One of my best classes of my entire law school career was Internet Law, where the professor (Prof. Rose) said something that still sticks with me today: "Information likes to be free. It also likes to be expensive." Which basically IS wise, but I struggle with how much to give away for free, how much to charge, and who to charge and not charge.

Does anyone else struggle with this? I do. And I don't honestly know if I'm ever going to totally figure this out.

So, What Do You Want To Be When You Grow Up?

Thursday, February 23rd, 2012

I've successfully avoided this question most of my adult life with the following response: "I'm not grown up yet, so no worries." But now that I'm nearing the end of my law school career, not to mention that I'm getting "older," I'm feeling the pressure of this question today.

Here's what I'm doing to manage it.

First, I'm getting around people I love. One of those things is getting around other healthcare and life science entrepreneurial educators in a couple of weeks at Oklahoma State University at the first and I hope annual OSU International Conference on Innovation and Entrepreneurship in Health. But, in prepping with my two presentations, I'm also catching up on my reading, and just read the book, *Life Entrepreneurs*. It's good. I got to a part in the book about Cory Booker. If you're not familiar with him, follow him on Twitter. Seriously. He's awesome. Anyway, there's a great quote that I'll leave you with at the end of this post that the authors concluded Cory's interview with – but it definitely has inspired me.

Second, I took the Strong Interest Inventory today. While I can tell you certainly what I DO NOT love doing, the things I DO LOVE have been in hiding of late. I'm not sure if that's just a product of trying to stay ahead of the semester, or finish law school and get off the wheel that I've been on for four years or what...but I do know that it is my job to know me better than anyone else....so I pressed on to take the Strong. I should have results sometime next week. I hope it doesn't demonstrate that I should have formed

a career in organic farming or HVAC repair! (Not that there's anything wrong with either, I just didn't choose either path in undergrad...) Hopefully it will merely reconfirm that I am on the right path.

Last, in my not-so-evil-plot to unearth my next grown up move, whatever that may be, I'm damning the torpedoes and going places I love—even if it doesn't fit nicely into my schedule. Even if it costs me a lot of time and/or money. Even if I shouldn't. I'm going to anyway (like...to Paris over spring break—when I should stay home, grade papers and start outlines for law school final exams). Sometimes it is good to chuck the daily for the extraordinarily unusual. That is my plan for now.

I will leave you with this great quote, by none other than Henry David Thoreau. Only problem with it: it had the wrong gender in it. So I'm going to take the liberty of swapping out the gender. It's still a good quote, regardless:

“If one advances confidently in the direction of her dreams, and endeavors to live the life which she has imagined, she will meet with a success unexpected in common hours. She will pass an invisible boundary; new, universal, and more liberal laws will begin to establish themselves around and within her; and she will live with the license of a higher order of beings.”

May you find your own imagination, success, and in a license of a higher order of beings.

Dude—can I be THAT when I grow up?!?

Sign me up!

[New Order](#)

Tuesday, February 28th, 2012

Do you ever have those days or weeks where you wake up and have a song just stuck in your head? Today, it wasn't just a song. It was for me a band instead – New Order. The best reason I can conjure up why—is that a lot of my law school homies are taking that thing called the bar exam today and tomorrow. My thoughts and prayers are with them...and with them as well comes a new order of leadership.

That also goes right at an assignment and idea I've been working on for the past two weeks. That is, what makes education great?

When I say “great education” to you, what's the first thing that comes to mind? Is it a 4-year ivy-league education? Or, is it an online learning experience on demand, while you're home in bed in your jammies? Is it reading a great book? Or is it working on a team? Really, just what is great education?

I'm not sure anymore. I used to think that ivy-covered building thingy, where Socrates and Shakespeare were taught in its hallowed halls was “great.” But seriously, does any of that really get someone a 6-figure job anymore? Does ANY education at all secure a positive future anymore? I don't know.

What I do know is that along with new order, another quote rings in my head, by Derek Bok—lawyer, and former president of Harvard University. He said, “If you think education is expensive, try ignorance.” I get that we need to have an educated society in order to have social order and freedom to the greatest extent possible; however, I also know that not everyone has the privilege of going to college. What intrigues me most of all is what “good” looks like when it comes to higher education, or any education for that matter.

Hopefully I'll have a new order in my head soon on what “good” in education really is...

Last but certainly not least, to my law school homies with bar fever: one more day, peeps. One more day – then you're on your way! Rock on...whatever song is in your head!

[Mid-Career March Madness](#)

Thursday, March 1st, 2012

Today seemed to be filled with mid-career mayhem, this very first day of March.

First, I had to submit my bar application. I think I might have been one of the first this cycle. Got my receipt, and check in guy admired my orange binders. (If you're going to turn in a wad of paper, you might as well do it with a little style, right? Definitely.)

Second, traded email with a friend who had applied for a Fulbright. God bless her – I think that just might be one of the coolest things for professionals to pursue. Unfortunately, she didn't win one...this time. I have no doubt that if she tries again, she'll have a better chance—and props to her for trying!

Third, got my results back from my Strong Interest Inventory®. The good news? Some wacky stuff showed up on it – like PR Manager would be a great job for me, or Librarian. Bad news? It's kind of a lot like Holland – so my code (AEI) really wasn't a surprise. (And if you were wondering, “lawyer” was and always has been at the top of my list.)

Fourth, my new copy of *StandOut* showed up today—and Lord help me, I'm such a sucker for Marcus Buckingham-take-this-quiz type o' books...but I did it, because hey—I like to know me better than anyone else. My top two whateves there? 1. Pioneer and 2. Connector. When combined in the online assessment? We get...shocker...futuristic (which happens to be my #1 Strength from *Strengthsfinder 2.0 AND Now, Discover Your Strengths*).

Lastly, I just saw another friend of mine announcing on Facebook that she's returning from her year or so long mid-career sabbatical, and to send jobs her way in her area of expertise. I say, props to her for giving herself permission to take some time off. I can't really say that I could easily do that being a singleton, but I admire her for taking the time to step back and hit the reboot button.

Why am I telling you all this? Well, my friends, each day I'm moving closer to completing law school, and each day I get asked more and more – “What are you going to do after law school?” The real answer? I don't know. But I am working on reaching out to my friends and contacts and asking them what they've done. Ultimately, I'm going to have to sharpen that sickle and cut my own path, methinks. And while I'm OK with that—the obscure unknown—sometimes I get a little tired along the way, doing all that weed whacking.

Maybe I should just buy a wood chipper and a lawn mower instead? Perhaps. But sometimes, when it comes to one's life, there really isn't much of a wood chipper or lawn mower. There's no script. There's no clear-cut path. And that, my friends is what makes life both interesting and maddening all at once, in March, and twelve months a year.

[The End is Near: My Law School Summary Outline](#)

Saturday, March 17th, 2012

With fifteen official classroom days left of my law school career, it's time to throw down some summaries of the biggest, best and worst things about law school—EVER! (That is, before I forget and/or mentally block them for the rest of my life.) I will break these most epic parts of law school and blogs into six separate posts. They will be in the following outlined order (we love our outlines in law school):

Part I: The Best Things About Law School

Part II: The Worst Things About Law School

(Together, Parts I & II are very Dickensian, I know...)

Part III: My Most Epic Failures in Law School

Part IV: What Surprised Me Most About Law School

Part V: What I'd Change About Law School

Part VI: What I'd Do Differently, If I Had To Do Law School Over Again

Some of my lawyer-y friends said parts II & V will be the longest posts. But I'm not quite sure about that. I could take plenty of white space up in Part III alone—just ask a few of my professors. (Although, yes, I confess, part V is going to be lengthy.) I do, however, encourage you to read these coming posts if you're considering school yourself. Not so much as an end of the world set of rules when it comes to law school, but rather a serious and thoughtful assessment about my impressions of what law school is and was while it is still fresh in my mind, in an effort to help you be well-informed with another data point before you decide to head back.

Disclaimers: I attended only two law schools, technically. And this is a good time to remind y'all why I went to law school again: 1. I wanted to advocate for my first and already established career, pharmacy. 2. I wanted to also advocate for my second careers—entrepreneurship and writing. 3. I want to help shape lawmakers' minds about creating LESS, not more law, especially when it comes to issues in bullet 1 & 2 above. There are other reasons, but I'll leave those big three up for you to contemplate and wear as the lens by which to read my forthcoming assessments.

Most important of all my disclaimers: I already had a first career going in. This fact can DRAMATICALLY alter one's rationale for going in to law school in the first place. Please keep this in mind as my future posts come, because it's all about context when contemplating any advanced education.

(And BTW, a friendly reminder that the excuse of, "I can't think of anything better to do, and the economy is awful, so I think I'll go to law school" really is NOT a valid or smart reason to go right now—or maybe ever.) Also needless to say, but I'll say it anyway: my situation and reasons for going to law school won't match yours. But that's OK – it all depends on you and what YOU want out of law school that truly makes the difference in deciding whether or not you should go.

Consider this official notice. More to come. Good, bad, utopian and otherwise....

[Part I: Best Things About Law School – My Final Law School Outline](#)

Tuesday, March 20th, 2012

OK, you asked for it, and so here I roll...I thought I'd start out with the best things I experienced during my near 4-year tenure of law school first. Why? Because believe it or not, there were some very positive things about my law school experience. What were they? Here we rock, in random order:

1. I've officially learned to think like a lawyer. In the past I've been accused of thinking very black and white—right and wrong, best answer and everything else is a lousy or distant second. Well, my friends, law school has officially retrained my brain to think differently now. I'm not necessarily sure I always find just one best answer anymore. Sometimes, there are multiple best answers. Sometimes, it is important to merely appreciate ALL points of view, and I think I can say that I now, for the most part, think this way. (Oh, yeah, that, and throwing "It depends..." on the front of every answer to a question...notably drilled into my head now. Thanks.)

2. Law Review – But of course, I got on *Indiana Health Law Review*—I doubt anyone would suspect I'd do anything but health law, since that's one of the major reasons why I went to law school in the first place. But—by having best note out of law review Vol. IX was a great surprise, and frankly, solidified that: 1. I really can advocate for my first profession of pharmacy and 2. I can write. Bonus. The *Bluebook* is excluded from this point, however.

3. Helped start a law society – A great group of law school chums and I created the first (that we know of) Fashion, Art and Design (FAD) Law Society in the entire country at our law school. It was fun to wade

through the bureaucratic quagmire and red tape with my fellow law school friends to create something that never existed before. We got the chance to write a constitution and bylaws through it. We even helped in part start a new class offered at the law school on art & museum law. We've handed the reigns over to the next crop of graduating law students in the law society, and frankly, even though we didn't do everything we could have done with the group – we STARTED it, and sometimes? That's the most important thing one can do.

4. The Program on Law and State Government Fellowship – As I previously shared, I kind of took a risk when I applied for this program that happens at IU Indy Law outside of the classroom by telling our faculty preceptor I really only wanted to study one topic—entrepreneurship—but it paid off. I'm so glad it did, and I'm so glad I was named one of the two fellows during this program in 2010. It was work, but it was self-study, and we actually studied social entrepreneurship through this fellowship year. I also made a friend with my “fellow-fellow.” LOVED THIS, mainly because it was self-directed study.

5. China study abroad – although it was expensive, and it was totally hard to leave my life for four weeks, it was SO AWESOME to study another country's laws and immerse in another culture for awhile. We take a LOT for granted in this fine country of the United States of America, and more than any other lesson, I learned this the most during my 4-weeks studying abroad in Beijing.

6. Favorite classes – Internet Law, Mergers & Acquisitions, Higher Education Law, IP Drug Innovation, Art & Museum Law (although, I wish it would have had more publishing in that course), were probably my favorites. I was best at Sales (UCC) and Healthcare Finance. I understood those the best, that is...

7. Healthcare Fraud Symposium – New to the law school, one of my professors did a GREAT job packing the house for the first healthcare fraud & abuse symposium, where I got the chance to meet one of the women at the helm of the Department of Justice. It was a GREAT meeting, because they talked a lot about the future of healthcare in this country – which frankly is a HOT MESS. Best part was that I learned there are a lot of smart people working on this hot mess, and I'm glad.

8. The “healthy” vending machine – while this is a work in progress, we managed to get another vending machine installed at the law school to provide healthy snacks. It hasn't always turned out that way, but at least once in awhile we get an occasional Cliff Bar instead of a candy bar or bag of chips to choose from...I do hope they keep that vending machine filled with healthier choices moving forward, particularly for the evening part-time students.

9. Reading *The Immortal Life of Henrietta Lacks* – Prior to law school and my current job, I worked in clinical research a few lives ago. But I never really understood why we had stuff like IRBs, and heavy laws in clinical research. It wasn't really until I read *The Immortal Life* that I understood WHY we have all these laws and policy around clinical research. I read the book last spring in my Human Subjects Research Law class, and this spring made my own students read the book in Pharmacy, Policy and the Law at Butler. I've gotten the impression that the BU students loved the book as well. I'm glad I had to read it last spring, and I re-read it on my way home from Paris again. LOVED. IT, and found it ironic that my favorite book at law school wasn't a law school textbook.

10. Working in a team on a condom app – While Law & Public Health didn't make my favorite class list above, it probably should have. The best part about that course: we had to work in teams of students for our final projects on a solution to a public healthcare problem. Our team created an app for finding free condoms in the Indianapolis area. We had such a great group of students on it with varied backgrounds, that I WISH I HAD MORE OPPORTUNITIES to work with my law school colleagues on team projects during my tenure, rather than feeling the crush of an adversarial-final-exam-curve-blowing-environment. At the end of the day, we all must work together, and if young lawyers can figure out how to do this, maybe our legal system wouldn't be in the state it is currently in...but more on that in the upcoming part on what I'd change about law school.

That's a pretty long list. And while I enjoyed a few classes, I would have to say that a lot of the best things about law school occurred for me outside of the classroom. The friends I've made, the cool team projects I had the chance to work on, and even the things that really had nothing to do with the curriculum per se were some of my favorite hits during the last four years.

Why Does America Hate Women?

Saturday, March 24th, 2012

I probably got your attention with the headline here, and it may feel a tad overdramatic. But Dear America: as a woman born, raised, and educated here, I'm not feeling the love.

I was talking last evening to a couple of law school girlfriends, when one of them posed the question, "Why does America all of a sudden hate women?" I thought it was a really good question. And I personally feel the hatred—in the news, in the media, and in our government and policy makers, in particular.

Not sure how to answer her question, I tried to reason that it was a way for one political party to polarize from the other, but instead has splintered the parties. For example, I've ranted about this before—but I'm a woman without a political party right now. I'm fiscally conservative (I detest debt of any kind), and I'm socially liberal. I also don't like my rights taken away from me that I thought were settled for at least most of my life and time on this planet. Now? I'm not so sure I'll keep these rights, due to the current climate of hatred towards women in this country.

When (most) other countries have women at the helm in business or in their governments, or even just better lives in general for women, I'm beginning to wonder if I really live in the greatest nation on Earth anymore. I'm disappointed and embarrassed by my country right now. I want my country back, where people can work hard to get what they deserve—a meritocracy. One where my government isn't involved in every move I make. And one that actually I can identify with (because now? I currently cannot).

I'll go on and keep asking myself the leading question of this post. And I'll fight to keep my rights as we move forward. And maybe, I'll do something even crazier, like dare to represent other women, in order to fight for peace, love, and womanly awesomeness in our government, in our corporate boardrooms, and in our country.

How Colleges & Universities Can Win the War on ROI

Sunday, March 25th, 2012

College price tags just keep going up.

It's getting really hard to see the return on investment (ROI), despite the fact that we all know in the past, a college education guaranteed more income over one's life than a mere high school diploma.

However, there's a breaking point for everything...and when college tuition raises to one year equaling the price of a car, or even a house, one begins to wonder if we're getting near that breaking point.

There's also the problem of physical location. That is, with the power of the internet, video cameras and web streaming, do students REALLY need to go to class anymore? As a student myself, I'm not so sure. IF, that is, all a student is going to do is listen to a didactic lecture. One-way communication is so over in terms of learning, we need a new word for over.

Here's one way I think colleges and universities can really deliver on the super expensive tuition. Ready?

To make it valuable, and to make it powerful to just show up, I think colleges and universities should require interdisciplinary team projects for learning assessment and development.

What do I mean? Well, let's take "water." We all need water to survive, and water is going to be the next oil in terms of precious resources we're losing at a rapid pace in the world. So, why not take a group of students from DIFFERENT professional backgrounds to "solve a water problem."

Vague? Yes. Fuzzy? Definitely. Confusing? Maybe. But you might just be surprised at how interdisciplinary teams of students can really rock some fresh ideas with vague, fuzzy and confusing. I've personally witnessed it BOTH as a professor AND as a student.

That's just one way I think colleges and universities can document and prove the ROI. There are others... but I'll just start with this kind suggestion. Get to it!

Part II: Worst Things About Law School – My Final Law School Outline

Tuesday, March 27th, 2012

And now, I reach my least favorite part about articulating the past four years of my life. Said another way?

I'm about to share the worst things about law school.

Before I throw down, let me just say that recently, law schools have had some 'xplaining to do. A judge just recently dismissed one case accusing a school of inflating their job and salary data of graduates (Note: the attached case does not involve my law school). There are other suits in the pike too. Will they go anywhere? I don't know. But I think we should view this as a signal for all of us to stop and contemplate what is wrong or what could be better about law schools. So my efforts below are an honest appraisal of what my own experience was in law school over the past 4 years, and my opinions alone.

While I'm quite sure my colleagues could come up of their own list of horrors, these are mine. And although I love to fix problems and find solutions, I'll save my suggestions on how to solve the problems of law school for another upcoming blog post. This is part two of six on my law school journey.

Here are my least favorite things about law school.

1. Evidence, Trusts & Estates, and Civil Procedure – I am amazingly bad at memorizing rules. These three classes demonstrated my ineptitude, in droves. Besides, I thought rules could be changed and interpreted differently by lawyers and lawmakers, yes? Let's not dwell on these topics...moving on...

2. The grind – for the past 4 years, pretty much every weeknight evening, I've had to say "no" to an insurmountable pile of cool events due to the fact that I had to go to law school every night. The American Bar Association has super strict rules on attendance at law school for some reason. Why? I honestly don't know. Last time I checked, we are adults, and we can manage ourselves. I'd prefer to be treated as such.

And, if law schools want to survive (and continue to charge insane tuition), they'd best find coursework that gives us a REASON to be there live and in the flesh (like team work, solving problems and finding solutions in groups) rather than just showing up and listening to a didactic lecture. That thing called the internet can do that just fine now...and I don't have to spend \$4 a gallon of gasoline to get online either. (OK, I paid \$3.93 a gallon this morning to fill up – call me a liar for .07 per gallon.) Besides: some of my favorite projects in law school were team-developed and team-driven. Unfortunately, they were also rare.

3. The redundancy – How many times am I going to have to read *Roe v. Wade*? In this, my fourth year, I'm feeling very de ja case up in here. There are classes that are repeating content for me, and I'm

struggling to stay engaged when I'm living Groundhog Day in the classroom. While one could argue that's "cumulative knowledge" I say, teach me once, and do it right. I don't need to see this case nine times. Give me things I can work on to APPLY what I learned in the cases I read and re-read. Next...

4. The Socratic Method – It's an antiquated, draconian way of learning the law. I suppose it may have its place in 1L land so you can scare off a few students, but other than that? Using the Socratic Method in the classroom for four years is just... "reductive" (as Madonna would say). It may help some who want to litigate better articulate their thoughts, but for the rest of us who won't litigate, it just doesn't match anything of the real job of being a lawyer – like, solving problems for a client, or working in a team, or presenting your own information or findings, rather than waiting for a prof to beat you over the head with questions until you spit out what they want you to say.

The best professors discuss and debate – they don't use Socratic method. New methods of learning, please. Hands on learning instead, anyone?

5. The LSAT – Put this in with the bucket of other standardized tests that measure nothing important, nor have anything to do whatsoever with real academic performance. Honestly? I think it's just another way for the scheme to make money off of students. Some of our best academic achievers in our evening division had lousy LSAT scores. And while I'm no longer top 10% of the class, my LSAT scores were awful, and I'm doing just fine academically, thank you very much. (Except, of course, in Civ Pro, Evidence and T&E. I digress...)

6. The order of classes - Constitutional Law should be taught 1L year to the evening students instead of Civ Pro. Con Law is in pretty much everything – while Civ Pro and Evidence belong only in courts. Not all lawyers end up in court. Many of them don't end up in court. Just saying. Yet, we never really studied the art of settlements, either. Also, a lot of classes in areas of 'concentration' (mine being healthcare) were redundant, but required. Let's teach different coursework if we're really going to make the students take different classes, mmmmk? (Curricular map as part of re-accreditation, perhaps?)

The other thing I'll say about order because it kind of fits here is the challenges our school has with the day division students v. the evening division students. I'll remind everyone again: I went to law school to advocate for my FIRST profession (pharmacy), and I chose a law school that was FOUNDED as a PART-TIME EVENING PROGRAM for WORKING PROFESSIONALS.

Am I saying that all law school should be part-time? I won't answer that. But, I can tell you, more MBA programs are now evening programs... why not law too? Besides, there's NO WAY that every lawyer can know every corner of the law anymore—it is impossible. Thus, better have some idea of what area(s) you're going to concentrate in BEFORE you head off to law school in the first place...

7. The exams – You'll probably be surprised here on this one, but I actually enjoy a good law school essay final exam. Throw me a cool fact pattern with some issues to spot, IRAC and analyze, and I'm your woman. This is also what lawyers do for their clients.

What I don't like, however, are law professors who write awful, unclear, and long-winded multiple-choice exams for finals. While writing a good multiple-choice test question is an art and skill of its own, it has no place in law. Clients don't serve up problems as multiple-choice exam questions. They have a problem, then you as the lawyer have to solve it. Furthermore? A good lawyer can argue their way into and out of pretty much every option and answer, if she does her job right.

Now, there's a camp out there that says MC questions are good because they prep you for the bar; however, the bar isn't like practicing law. It just can't be. And how do I know this since I've never been a lawyer? Well, I HAVE been a client. And I know my legal problems don't come in the form of multiple-choice exam questions. They come in the form of a fact pattern, and I need my lawyer to spot the issues.

Rant over regarding this one...

8. The reading – I love to read. That is, I loved to read, until I got to law school. Then I had to start reading cases. Then I had to read over 200 pages for one class for one day. There is a sometimes ridiculous amount of reading for classes. Realistically? We have lives and jobs. For the past four years, I've tried my d*mndest to read everything for the coming week on Saturdays, because I'm too busy during the rest of the week to get my reading done. I'm looking forward to getting my weekends back.

9. The textbooks – Speaking of the ridiculous, most law school textbooks are insanely expensive. Some are pretty, with their gold-leafed pages pleather binding and hard covers, and some are softbound 900-page diatribes. Regardless, I've rarely encountered a law school textbook under \$50. Most were well over \$100. Will I ever use them again? Doubtful. They're just full of cases – not practical matters, like how to solve client problems. Even as a writer, I can't wait to see eBooks kill law school book pricing and put these law school textbook profit makers back on Earth with the rest of us really busting our butts to make a dollar.

10. My life – or lack thereof. This is kind of a repeat of #2 above. While I love to learn, seriously—the grind of—work, school, home, sleep, repeat is tired. I'm tired. I've not seen a lot of my friends in a long time. (Yes, some since before law school started, I'm really embarrassed to say.) I don't really date anymore because the rest of my life already exhausts me (all other lame excuses aside).

And yes, while I chose this path of part-time law school at night on top of my day job, I respectfully request my life back, please. I would like to come home once in awhile and not have to do anything to prep for law school the next day. I'd like to leave on a jet plane and see a friend or two on a weekend without a pile of homework to finish before I depart. I want to go to...social events again. Dare I say even date again? Maybe. (Although, that one is a stretch.) I want to read books FOR FUN. I cannot WAIT to do anything just FOR FUN!

11. Bonus 11th item, which could be the biggest disaster of all: the creativity killer – I was at a lunch with a group of go-getting women entrepreneurs yesterday, when I was asked what law school does with creativity. I picked up my knife and jabbed it into the center of my nachos, as I replied, "This!" The other lawyer in the group concurred. Seriously—while I was warned about this one before I went to law school, it definitely is something to watch out for – LAW SCHOOL CAN KILL YOUR CREATIVITY.

It makes you paranoid. It gives you the 50,000 reasons why you SHOULD NOT try something new. It has made me think differently, and not necessarily better. However, while I was warned about this hole, I have managed to almost dig myself out of it. I feel as though I'm getting my creative mojo back, slowly but surely – but not without a LOT of careful watch over it. This, my friends, especially for the creative souls out there could very well be not only the worst thing about law school, but the most dangerous thing about law school as well.

That's 11 items. I certainly could go on, but I won't. There were many other petty, snarky administrative headaches and battles that I went through during my law school career as well, but it is better to let sleeping dogs lie sometimes. The items above however are the biggest buckets of worst things for law school, at least in my experience. I loved the shot at going, and I've stuck with it. But I'm glad the end is near, for the 10+ reasons above, and so many more. If you're heading there? You were warned....

Higher Ed: Wrong Again

Sunday, April 1st, 2012

So, I've actually been studying for my one closed-book law school final coming up in Higher Education Law. And with that, I've been reading about the outcries of college education failing our students in America – the controversy around The Spellings Report, etc., and honestly? I think they've all got it wrong.

Let me explain.

There are several key skills that every student really should walk away from college with fully polished, and here are the skills high on my list—**regardless of major**:

- writing well
- thinking critically
- problem solving skills
- speaking skills
- listening skills

Every day, both as a student and as a teacher, I see some students struggling with part(s) of these key skills. Some, for example who might be “book smart” can’t communicate their way out of a wet paper bag verbally. Others, while they can memorize important points, can’t get out of the box problem-solving skills if their lives depended upon it. Said another way – if “the answer” isn’t in the textbook or on the PowerPoint slides, they’re lost.

I’m going to go out on a limb here – as a student (accepting responsibility for 95% of my own learning) and as a college professor and say this: I think the key skills I mentioned above should be developed **BEFORE** college. College is way too late to learn these skills, and to put the majority of learning of these skills on a college just isn’t fair.

I learned writing from my high school English teachers, eleventh grade with Mrs. Drapek, if I had to nail down one teacher. Love of reading didn’t hurt either (and my very first library card I still remember – it had a metal plate of numbers on a paper card that came with its own envelope holder). I learned critical thinking at home with my parents, although I can’t really point to one date or moment in time where I felt like I was thinking for myself. (OK, maybe it was arguing with my father about the role of women in society, or politics...but that still happens to this day.) I also learned problem solving at home. For example, if I wanted money for something, I just worked for it. Problem. Solved.

Speaking was picked up from my love of theater in high school. Nothing like being on stage in front of a few hundred people to polish the skills of articulating one’s thoughts clearly and concisely. As for my listening skills? Well, that may have just been an after-shock of being a total introvert as a kid. I usually let others do the talking, and that gave me time to work on my listening skills.

Did I go to private grade school, middle school or high school? Nope. Did my parents have 4-year college degrees? Nope. I’ve also shared that some employers ask the question, “So, what were you like in high school?” because high school behavior can often times predict how students will grow up and perform as adults. (And yes, in case you are wondering, I was involved in about 50 things in high school, just like I am to this day.)

Am I masters of any of these skills while working on my fourth degree now? Absolutely not. However, I can tell you where and when with some precision where the skills started – and most of these skills began at home and in high school. And while I fully realize that not every kid has the luxury of two parents that are fully checked in and cared about said kid’s development, and not every school and every teacher were the best for that kid and her learning style, I do think that the key skills above for any successful budding professional **MUST START BEFORE COLLEGE**. By the time the kid hits the ivy covered buildings? The skills mentioned above should already be there – it’s just up to the college or university to polish the skills that already exist.

Now a few educators might argue with me about this, but honestly, I don’t care. These are my own opinions. And I went to a university that emphasized liberal arts and sciences (LAS) education first. In the end, I don’t really care what major you choose, and I don’t really care what grades you earned. I’m more interested in the skills above—because frankly, those the skills that employers are desperately seeking, and I think THAT should be what college is about—preparing the next generation for the workforce, not just contemplating their navels and understand the inner workings of beer pong.

My rant about U.S. higher education is now over. I’m headed back to the books.

[Part III: My Most Epic Failures in Law School – My Final Law School Outline](#)

Monday, April 2nd, 2012

This post is part III of my VI part dedication to law school, now that I'm only a few weeks away from graduation. This part on my most epic failures around law school? So easy. Why? There are so many failures to pull from (just like the rest of my life), it will be hard to narrow them down! I'll do my best to be brief.

1. Moot Court – I didn't do it. I probably should have. It is supposed to help you figure out if you'd like to be a litigator or not. I don't have any strong feelings about litigation, and I made law review, so I ditched it. Again bad idea, since so many students said it was their favorite experience of law school. (And, not wanting to deprive you, I have a section written by a friend or two in here on moot court. See Appendix A.)

2. Jurisprudence, an Environmental Law class, and Tax – I didn't take these classes. I would have loved to take Jurisprudence class, as I've heard some students say it was the best class of the bunch in law school. We have another amazing professor in Environmental law at our law school too, but I ran out of time and couldn't get one of his classes in either.

As for Tax, well, I'm certain my avoidance of that course I'll pay handsomely for on the upcoming bar, but four hours of tax law class just wasn't and isn't for me. Besides: I'm a firm believer in staying away from bad and negative energy, and friends, there's just nothing good at all about taxes. There are other classes I wish I had time to take—like secured transactions and commercial paper—because I'm nerdy like that.

3. Biggest class disappointments – classes I took that I was grossly disappointed with, because I WAS excited about taking them...that is, until I took them. Closely held businesses was one. Nonprofit Law was another. I was expecting so much more from both classes as an entrepreneur that I never got – like social business forms, like learning how to PREVENT problems from happening for business owners and NFP leaders, like CHOOSING between for and not-for-profit businesses rather than just studying train wrecks (more on that in how to fix law school).

4. Not getting Uncle George back online – Uncle George is one of my favorite professors at the law school who left Facebook. I ran for evening division graduation speaker on two grounds: a. I wanted to remind everyone at my law school that it was founded as a part-time evening law program, not as a full-time day program (sometimes, I think some people at my school forget that. I wish they wouldn't.) and b. I was going to campaign one last time to encourage Uncle George to get back on Facebook. I didn't win as class speaker. But, our school has some challenges with keeping alums engaged. Uncle George, when he was on Facebook, did a fantastic job with this. He's also a great professor. If anyone at the law school really wants to get alums on board, they'll clear the way and support UG getting back online. (And I realize this may mean absolutely nothing to most of you, but it means a lot to someone who is about to become an alum of the school.)

So, Uncle George, if you're reading this – this may be my final plea. Don't be one of my most epic law school failures. Help a sister out and please get back on Facebook—the world needs your gentle reminders about world leaders' birthdays and that Mercedes Benz Fashion Week is coming!

5. Not studying more in Evidence, Civil Procedure and Trusts & Estates – for obvious reasons. See the 'worst of' list. I'll also have more on this under 'biggest surprises' – in that in law school? It really, really, really depends much more on the professor teaching the coursework rather than just the content that matters. I'll spare you from that rant now.

6. Not having enough time on courses to really study them well – and this is one is totally and 100% my fault. I just ran out of time each semester to really study hard, ask great questions, and perform at a

level of immersing myself in something utterly and completely. Life got in the way, and while I know that is not a valid excuse for my less than stellar academic performance, in defense? This was the **only** way I could have gone to law school in the first place. I don't have anyone bankrolling me as a single woman, so stuff like a day job and bills to pay don't stop just because I want to further my education.

7. Not reaching out enough to explore the profession of law during law school – Again, see #6. I ran out of time. The good news (and the equally frightening news) about a law degree is that you can do a LOT of different things with it. What are those? Well, beyond practicing as a lawyer, many – but I can't articulate all of them here, because I didn't explore them as much as I should have.

While I try not to live a life of regret, I do reflect upon and study my failures. Above are some of my failures from law school. And failure isn't necessarily a bad thing. Failure is great, because it is an awesome teacher. It teaches you a LOT of lessons that you'll never get with mere success.

So, I raise a glass to all my epic failures of law school, and I hope you will right along with me. Because we all must fail, fail fast and learn from our failures. And failure? It was and is one of my very best teachers in law school, and in life.

[A Higher, Higher Ed](#)

Monday, April 16th, 2012

Today, on my very last day of law school, EVER, I find it deliciously ironic that I spent all day prior to my last law class this evening...at a higher education conference.

The Indiana Commission on Higher Education hosted a conference today in downtown Indianapolis on the state of higher education. At the conference, they talked about the goal of 60% college 4-year degree attainment for Hoosiers by 2025. And I must give a shout out of thanks to my Higher Education Law Professor who gave our higher ed law class a shot at attending the seminar today. Thank you, Prof. Baker.

I had the pleasure of sitting next to a fellow student, from IUSB, (shout out to my hometown) who is a mom raising three small children and going to school full-time, while her husband is also going to school to hopefully move on to medical school. She has student loans, and she worries about affordable daycare. She works about ten hours a week as well on top of balancing her life and her school. I told her I admired her ability to balance it all and have a nearly perfect G.P.A.

Yet, meanwhile, on the other side of the room, the speakers (most of whom were older men) talked a lot about Harvard, Oxford, Princeton, and threw around other fancy college names and fancy terms like “disruptive innovation” (yeah, I didn't go to any of those fancy schools, but I did read Christensen's book). They did, however, mention that males are falling behind in higher ed, now with a 60%/40% female: male ratio in higher education.

I think the entire day was ironic. While I'm a first generation woman and college graduate of a 4-year program in my family, some of the educators seemed to think that first generation college students and their families didn't understand “the value” of a 4-year education. Trust me, my family did. And I'm pretty sure other parents still to this day see the value – PARTICULARLY those who didn't get the shot at going to college themselves.

Then, the higher educators talked about “assessment” and “rubrics” and “outcomes” relative to higher ed. I got frustrated. For me, when you start talking about problems, the entrepreneur pops out and I just want to get to SOLVING the problem. So, here's the problem as I identify it at the undergrad level. College education (again, at least at the undergraduate level) should teach you how to do 3 things (fancy rubrics, assessments, and all other jazzy stuff aside):

1. write
2. speak
3. solve problems/think critically

That's what employers want. That's what we should be focusing on.

You can have all the fancy rubrics, outcomes, and assessments that you want, but really—at the heart of the end of the day, LAS and undergraduate education really boils down to these 3 things.

Now, if you want to drill those three things into a philosophy course, or a histrionics of film and TV course, Elizabethan Literature, underwater basket weaving or any other course, that's cool. But really? These three are core. Foundational. Epically important. Things that matter.

Secondly, professional education in my mind sits on top of that, and it differs for each profession. While my own opinion isn't shared by all—which is, that I personally think professional/technical training should be in tandem with the core LAS education – some disagree and think the core should come first, then the professional/tech training. I'm not sure most students have that luxury anymore.

Honestly? I didn't. I went to pharmacy school – which was a combination of the core reading/writing/speaking/problem solving AND technical training. To merely go to school for four years to contemplate one's navel is just a luxury most of us commoners simply can't afford anymore. One of the stickiest things I learned at the conference today? There is a school pushing \$60K a YEAR in tuition now! (I won't say which one. But I will tell you it is not in Indiana.) Think about it—a 4 year degree from this college is the same price as a really nice HOME for most Americans now.

My last rant before I depart is a point I made during the roundtable discussions, where I went to the “faculty” breakout rather than the “student” breakout – which is this: 4-year undergraduate programs used to do a pretty good job at training people to get a JOB (although it could be argued we are slipping in this respect against global competition. Just ask anyone who's back at home living with their parents after graduation and still can't get or find a job). What I argue we are REALLY TERRIBLE AT is that we do NOT train our students how to CREATE jobs. One of the panelists mentioned the Bill Cook story. I mentioned that there are companies out there hiring kids out of high school to NOT go to college and work in the real world for awhile! (See Peter Thiel.) We need more Bill Cooks, but are undergraduate schools really creating more Bill Cooks, or just Joe Employees?

See what I mean? Irony. Living it today. And while I don't really consider myself a “pure academic” in any sense of the words, I worry about that gal I sat next to today. How is she going to get through school and complete her degree with three little ones at home? Will her husband be able to go to medical school? Will they incur a mountain of debt to do it all? I don't really have any good answers here. Just a lot. More. Questions.

[Part V: What I Would Change About Law School – My Final Law School Outline](#)

Tuesday, April 17th, 2012

I fully realize that I'm pretty powerless here. But it's fun to fantasize – that is, what would I change if I could wave a magic wand and change law school?

What would I change? Wow. Lots.

Here are the hi-lights:

1. Shorten it – it really should only be two years full-time, or three years part-time. If you really, really want to keep the third year full-time and fourth year part-time, it should be full of PRACTICAL training

in the REAL WORLD. It's too long. This last year has been a LOT of déjà vu...and my time is limited on this planet. I don't like Groundhog Day rewinds.

2. LSATs: kiss them goodbye – one really doesn't need to take a LSAT. It's about as worthless as other standardized tests. My SAT score was bad. Yet I still managed to get through college. Same with law school – LSAT score was bad, but I still managed to get through law school. (Well, most of it anyway – I still have three final exams to finish up before I'm officially “done.”)

3. Moot court should be required – this is one of my regrets – I didn't participate in moot court – but then again, it was for little credit hours and “optional” during law school. Should it be? I don't think so. But it also needs to have some CREDIT attached to it so those of us trying to finish a degree have a chance to plug some hours in and get it done. Litigation is just another skill that is important to explore in law school.

4. More extra-curricular activity – I should have done more of this. Although we managed to start a new law society during our law adventure, I still don't think it felt like enough. But seriously—when you're working full-time and going to school darn near full-time, extra curricular activity turns into stuff like “grocery shopping” and “paying bills,” not starting a law society. I wish law schools would help the part-time students with this more.

5. Yearbooks – do schools still do yearbooks? Not sure. But it would have been nice to have a list of the graduating class, what they each wrote their papers on (we have a writing requirement to graduate) and what area(s) of law they have an interest in working in and around, so I can find them later on when they are out in the world and I can work with them again.

6. All classes are optional – My law school isn't set up like this, but a lot of law schools are. OK, there may be a few classes that should be MUST DOs – like Contracts and Constitutional Law – but beyond that? Let the peeps decide what they want. The practice of law is so broad and diverse that it really doesn't make sense to make us all take certain classes if we are NEVER GOING TO USE THEM EVER in the real world!

7. Lower the cost – First off. I'm lucky. I attend a state school, as a resident, so I get law school on the “in-state tuition rate” at one of the lowest cost programs around. However, law school is still expensive. It has had double-digit increases in tuition the four years I've been taking classes, and I was happy as a clam the last semester tuition bill I paid off. I won't miss the bills either.

With law school job prospects dwindling and the cost going up, it's a cocktail for disaster. I hope that schools figure this out.

8. Put some classes online – I get that Socratic Method is a must have rite of passage for 1Ls. We've all seen the scary law school movies. It adds to the cache of school the first year. After that? Is it REALLY necessary for us to drive into class every night? I say, no. As long as you can interact online, there's no need to keep on wasting gas to head to class every night.

Traditional schools are really struggling with letting this eyeball to eyeball stuff go, and I don't blame them – it almost justifies the super pricey expensiveness...almost. However, with real time chat and fully engaged students, there is no need to have students all sitting in a live classroom anymore. Controversial? Maybe. But really – I challenge the notion that we all have to have live butts in the chairs to learn anymore, especially for graduate programs.

9. Get real about careers after school – Maybe there are other law schools out there that do a great job with this, but I can't say I found this to be true in my environment. Law schools need to get real about law careers. What do I mean by that? I mean that not all law students are going to practice law in a firm after school. That's actually a GREAT thing about law school—legal training is good for a lot of careers.

However, when the law school itself only has tunnel vision for ONE career path, it is limiting itself and its students from options in career development.

That's enough. I'm sure there's a LOT more where that came from. But you get my point. There's a lot of opportunity for improvement when it comes to law education. I just hope law schools listen to my plea and consider joining the 21st century when it comes to student learning.

[Yet Another Fail – On An Ever Growing Pile](#)

Monday, April 23rd, 2012

Sorry I've been away, I had to knock out a couple of finals for law school this weekend. They were brutal, but they are done. Hopefully I passed both of them (and the last one I've yet to take) so I can do that thing called "graduation" legit style on 5.12.12.

Anyway, wanted to share with you yet another one of my ever so frequent and growing list of failures. (Maybe I should turn this into a fail blog? I don't know. I love the other fail blog. I digress.) But I received an email tonight from a student, who was a little frustrated with me.

First of all, let me just say that this is not uncommon.

But the reason for his frustration? It was legitimate, and reminded me yet again that I've failed.

He basically shared that he was frustrated that he didn't get to take my entrepreneurship elective this year, because I didn't teach the class this past year. In the end? He's right. I should have—and I should have MADE the time to teach it. Here's why.

Figuring it the ____ out is one of the most important skills a person can learn while in college. No rubric. No hand holding. No point grid. No grade. Just figure. It. Out on your own. That could be a project, a business plan, a case (for the clinical geeks in us) – whatever. Just figure it out!

We all know in the real world, your boss isn't going to hold your hand. She won't give you a rubric or an instruction sheet. He just wants you to GET IT DONE. SOLVE THE PROBLEM. FIND A WAY. MAKE IT HAPPEN. She doesn't really care how you get to the end, just get there. And this? I find as a very, very valuable skill for students (including myself) to figure out during the educational experience.

Furthermore, I'm not totally sure this can be taught in a class, per se. Or be learned in a book. I think you just have to experience it to truly appreciate this skill. Pat yourself on the back. Solve the riddle on your own and commend yourself for not needing someone else to do the work for you. I shared with my frustrated student that while I love my 'trep class, he really doesn't need it. 'Trepping is not a class. It is a state of mind.

However, to my student: I apologize. I failed you. I'm sorry. However, the best part about this? The stuff I teach as an entrepreneur...you can learn it on your own, if you really want to. Just get out there into the world, and start solving problems. (And I don't care who you work for—if it is yourself, or for someone else.) View problems, and then flip them into opportunities, and finally figure out how to solve them and create real solutions to address them. That's what being an entrepreneur is about – and although I failed my students in offering the class, there's still time to polish this skill.

That, and I will promise to get the entrepreneurship elective back on the radar, now that law school is hopefully out of the way...mea culpa.

[Part VI: What I'd Do Differently If I had to do Law School Over Again – My Final Law School Outline](#)

Sunday, April 29th, 2012

Here's the Part VI bit on my VI part law school finale.

First question regarding the aforementioned L school. I know what you're thinking, the big one: "Albert, would you do it again if you had to redo it all over again?" First off, that's probably not a proper question for me right now, since I'm not officially "done" just yet. I have one more final to get through, then graduation, then the bar. Ask me that later for a more accurate answer. The later, the better.

However, if I had to do it all over again at this immediate moment, here's what I would change.

1. Classes – I definitely would have NOT taken some classes just because they were on the bar. I talked to a friend who already took the bar, and didn't take one of the key classes allegedly for the bar that I personally detested, and she said like she rocked that section BECAUSE she was forced to learn it only for the bar. Props to her. I definitely would have dumped that G.P.A. killer, without a doubt. So my advice to you, should you choose this law school adventure? Take the classes YOU WANT to take. Don't take stuff just because it is "on the bar." (And some of my law mentors told me this awesome advice, which I did not heed in a few obvious cases. Shame on me. Don't be me.)

2. Professors – like #1, I definitely would have been much more cognizant of which professors I took in courses if I had to do it all over again too. As I've said in previous posts, I was kind of surprised by how interested (or not) I was in a course based upon the professor's knowledge and interest in the topic. There were definitely some classes where the professors had a passion, and some where they clearly did not. Avoid the did not-ers. Avoid them like the plague. Take classes you may not be interested in topically if you KNOW the professor rocks at that particular subject. You'll be pleasantly surprised that their passion for the class bleeds into your skin.

3. More summer stuff – I ran out of time, but I'd definitely try my hand at more summer opportunities if given a do over again. There were a lot of really cool summer fellowships, health/public health law programs over the summer that I should have paid more attention to applying for during my law school tenure. Again, don't be like me. If you see something cool that might expound upon your law school learning over the summer, go for it. Do it. Because it may be the only and last time of your life that you CAN do it.

4. Less drama – I gave up on great grades sometime after my high school career and definitely at college. But there's some students who just love to hold on to that ___ laude thing. I say, great – if that's what you want. But personally? I'd get less caught up in the drama if I had to do it over again. Frankly, I didn't and don't have much time for that. I'm too busy getting my stuff DONE to be complaining about a B+ v. an A-. Besides, wasn't there a study that showed that the 3.2-3.5 G.P.A. students were always the rock stars at the 20th year reunion instead of the gunner 4.0 G.P.A.ers anyway?

5. Law review – this is one thing I did differently from everyone else's (or nearly everyone else's) advice. They told me NOT to do law review. I won't have time as an evening student, etc., blah blah blah. I'm here to tell you that yes, you CAN and SHOULD do law review. It IS worth the hassle. I'm glad I ignored those who advised against it and did it anyway (not that I need any help going against the grain). The only thing I might have done differently around this was push harder to get on the editorial board officer role the second year, (it appeared as if the jobs were reserved for the day students only) but in retrospect, everything happens for a reason, and I'm glad it turned out as it did. My point here? Do the extra curricular stuff you want to do – and ignore what everyone else thinks and says. You have to answer to one person in the end: yourself.

6. Professional outlines and other amateur outlines – I probably would have joined BarBri and Phi Delta Phi (PDP) earlier my 1L year if I had to do it over again, just so I'd have access to awesome outlines for the courses I took. Seriously – sometimes it is just good to have another point of view on a course outline, and sometimes, you just aren't checked in enough to get all the salient points. That is why it is helpful to have outlines to back up your happy studying. Join Phi Alpha Delta (PAD) or PDP your 1L year or any other fraternity or sorority that has awesome outlines at your school – I recommend. That way you also have upper class peeps to chat with about whom to take and avoid early on.

Lastly: the **money issue**, which is probably the toughest hill to climb for some, and of which my opinion is this: My law school is one of the most affordable programs for in state people in the entire country. But if you're going to shell out \$50K a year to go to a top 5 law school, and you don't have the money ready to go, I want you to really think long and hard about accepting that admissions offer. A tort is a tort is a tort. A contract is still the same, no matter what law school you attend, and the 'traditional law firm' positions and jobs aren't out there like they used to be.

While I was reading the book *Academically Adrift* last night for another class, I ran into a quote by Anton Scalia about who he picks as judicial clerks for the Supreme Court. He also talks about the elite law schools in it. I'll let you look up the quote in the book, because repeating it here makes my blood pressure go up—and quite honestly, I couldn't disagree with him more, so I won't do the disservice of spreading what I think is completely wrong.

However, in law school, I also had one of my law professors tell the entire class that we are just as good as the Yale and Harvard and Stanford trained law students. Again—a tort is a tort, a contract is a contract, the rules of Civ Pro are the same...you get the picture. And while I may not have an ivy degree anywhere in my near future? I guess I'll cry all the way to graduation in the limo...then the bank. Because I still have money left in my bank account, which is more than I can say for some of those ivy league peeps.

That's really all I have for you. Go forth, and if you still want to try your hand at the law shindig after reading my six part wrap up of the law school tilt-a-whirl, go for it!

Reintegration to Society: Life Post Law School/Bar Exam Prep

The Post-Law School Re-assimilation/Reintegration Program

Thursday, May 3rd, 2012

So...being a total of two days out from my 'final' final of law school, I'm beginning to think there's a need for a post-law school re-assimilation and reintegration program back into society with humans.

Allow me to explain.

It's been four years, pretty much year-round of the following schedule for me:

1. get up,
2. go to work,
3. go to school (while humans go home and relax),
4. go to bed,
5. repeat.

I'm struggling with bullet 3 currently. There are commuter traffic messes that I'm suddenly dealing with again. I get home now...and there are no cases to read. There's no writing to do. There are no calculations for patent term extensions I have to do.

This. Is. Weird.

That's why I think after years of this wheel, there should be a slower off ramp, rather than a sudden stop of the wheel. We're all getting whiplash. (Or is it just me?) I don't know. But when you are so used to literally cranking it out nonstop for four years, it is hard to just...stop.

They have reintegration programs for prisoners and schizophrenics...why not law students? (ESPECIALLY students in part-time evening programs.) Did I just compare law school to prison and mental illness? I believe I did. Sorry about that. But it is true – readjusting one's lifestyle is just hard to do overnight.

No worries, I'll be back on another wheel called "bar review and preparation" in a couple of weeks. I'm sure some sense of 4-year previous normalcy will return then.

Maybe.

Shift Happens

Saturday, June 9th, 2012

In an effort not to completely lose my mind as I cram for the bar, (perhaps too late), I've been reading the book *Shift* by Peter Arnell in between batches of MBE and MPT questions this weekend. Reading "fun" books (i.e. nonfiction that I can get information out of, or the rare but occasional fiction books that are just purely fun to read, or ANY book outside of law right now), books have become my porn. My jelly donuts. My brain's chocolate bars—this season in particular.

First off, I'll never look at oranges the same way again. You'll have to read the book to understand. Maybe I need to rethink citrus.

Second, the thing I'm really digging in the book is that the author discusses a point in his life where he was definitely at a crossroads; he needed to change, could feel that he needed to change, and how he went about making that change. He's also a brilliant advertising/marketer, so more than anyone, he should

know how to articulate how one gets back to their inner core, foundational self and transforms to make things better.

I'm getting near a pretty big crossroads myself--(hopefully) after the bar is over this summer, I'll be entering a new zone in my life. And I, too, am really looking forward to understanding this shift in my own life and how I can not only maximize it, but improve the bubble and life around me for others with my new found freedom.

I'm still learning how to reinvent myself just like everyone else. That I'm not afraid to admit. But here are three things I've nailed around this thus far, that I thought I'd share with you. I'm sure there is more to learn too:

1. Be the authentic, old-school, hard-core version of you – Arnell argues that one must selfishly get back to who it is they fundamentally are at the core before moving somewhere else. One of my mentors calls this one's "true north." I totally agree with them. Who are you? What do you value? Where do you come from, and how does your past shape your future? If you've been so busy on the treadmill of life to take a time out to understand these core things about yourself--stop, breathe, take time out--and figure it out.

2. Never advertise that you're a work in progress – Arnell hasn't talked about this in his book yet, but I'm a firm believer in this. It is assumed that we ALL are a work in progress! For example, I saw a recent college graduate on his LinkedIn profile with the headline of "looking for a job post college." Uhm – dude – for real?!? Instead, why not use that as a billboard for what mad skills you actually do already have – what you rock at – what you believe in, instead? Use that space to attract more of what your strengths are into your life, rather than looking like another sad statistic.

3. It's more important to understand what you don't know than what you do know - Arnell talks about this in *Shift*. I keep joking with people now that I've finished my fourth degree that I'm working my way towards ignorance being bliss! Seriously – if you know what you don't know, you can begin to understand even more. You can still be open to learning from others. This is a key skill in evolving over time – becoming the best version of you. Quit bragging about what you know – and instead be curious about the world and the things you **don't** know. Trust me, there's PLENTY of things out there I personally have no clue about--but I'm stoked to know more!

There you have it. I'm headed back to the wonderful world of the Federal Rules of Evidence. (Hearsay, anyone?) In the meantime, I hope if you're undergoing that shift in your own life--I leave the court to ponder, this: do you want the shift to happen to you, or do you want to make the shift happen?

After all, shift happens regardless...!

[Special K](#)

Tuesday, June 12th, 2012

Through the swirl of my day, I thought I'd mash up my experiences and bring you the message I received, sent to me via the universe, as usual.

Today I'm studying for the bar (again). Topic du jour is "Agency." This is where you in the law may have an agent-principal relationship. One such example of this type of relationship is employer (principal)-employee (agent).

A lot of agency activities can be delegated. For example – if I contract with you for you to mow my lawn for me and I hire you for \$40 to do so, you're technically my agent, and I'm the principal (unless of course you're an independent contractor – but that's beyond the scope of this blog...).

You get the idea.

Anyway, while most contracts (Ks, for short, we call them in the legal arena) can be delegated to agents, a few cannot be. One such example where a contract (or K) that cannot be delegated to agents are “special service” contracts. As the instructor explained it online today—it’s where you may hire a particular band to play at your wedding reception, like Journey—or maybe a special or particular artist to paint your portrait, like Picasso (if he was still alive). Let me say it again—these are the types of agreements that CANNOT be delegated. Hence, the name for this post—“Special K.”

So, let’s flip to a different part of my day, where I was having a conversation about how to set yourself apart from others with a student. For example, in this tight economy, where you, as a college senior, are going to a meeting, where you’ll be in a sea of other college seniors, doing and studying EXACTLY what you are doing and studying, how can you set yourself apart? Said another way—how can YOU as the professional, get to rock star status, where no one else but YOU will do? When do you get to be Steve Perry or Marc Chagall? Where do YOU get to be part of that Special and elusive, totally non-delegable K?

Here are a few ideas.

1. Design your own brand – Brand You. I know you’ve heard this before. Several times. I can’t believe I’ve just said it again. But it’s worth saying one more time.

Everyone has some unique talent. What is yours? Put it on a T-shirt and wear it around EVERYTHING that you do. (In fact, a T-shirt of your awesomeness wouldn’t make a bad valentine in bullet 3 below.) If you’re not a marketing major, but you know one, take them out for a meal and pick their brains. Tell them your strengths, hobbies, talents, special skills, and let them help you create your own brand.

2. Be a little crazy – Rock stars never hide under rocks. They just rock. (Can you imagine Steve Perry or Picasso hiding under a rock?!?) And they’re not afraid to rock! So why are you afraid to shine, sparkle, and let it rip? But—warning—that might make you appear a tad “eccentric.” I’m here to challenge you—SO WHAT?!? It’s better to be a little different and memorable one way or the other, rather than boring and with the masses!

Great. How? Read on to my next point...

3. Have a valentine – This one I got from Todd Sattersten out in Portland. He has a one-of-a-kind “Valentine” that he hands out to others when he goes to a big, crazy meeting, like SXSW—where, yes, everyone pretty much is as cool as Steve Perry. For Todd, his valentine was in the past a book he put together that only HE can distribute—you can’t buy it anywhere—only he has it. You can only get it from him – and yes, he’s a published writer. It’s one of a kind.

I don’t really care what your valentine is—a coffee mug, a T-shirt with your face and CV on the back, a magnet, a book, a CD—WHATEVER. Just pick something, custom make it, and make it one of a kind that the universe can only get FROM. YOU. With places like Café Press, Moo, even Spoonflower—you can pretty much get ANYTHING custom made these days—so creativity is ONLY limited by what’s between your ears.

Here’s hoping that at that next special service K that you’re party to – it is NON-DELEGABLE. I wish and hope for you that people won’t let you delegate your service agreements because yes, you’re just THAT AWESOME. You’re your own brand of awesomeness—like Marc Chagall. Steve Perry. Picasso. That is my wish for you.

And now for me? Back to the wonderful world of partnerships...and bar review.

Pray, people, pray!

[What Pharmacy School Can Learn From Law School, and Vice Versa – Part 1](#)

Friday, June 22nd, 2012

So, I'm feeling a tad overwhelmed at the moment. Just finished watching the first part of trial practice review for the bar exam, and there's like 85 trial practice rules that I have to a. read and b. speak semi-cogently to on the bar exam, in Indiana, should I receive an essay addressing the wonderful world of civil procedure – SMJ. PJ. Venue.

Oh. My.

(And by the way, if you don't know what those three aforementioned terms mean – consider yourself lucky.)

Anyway, I thought I'd take a pit stop and get something that's been on my mind for awhile now – freshly coming off the law school treadmill by night for the past 4 years, and teaching in the pharmacy world by day for the past six. Here's what I think: the law professors should get together and go bowling with the pharmacy professors. Why? Because each program can learn from the other.

Here, I'm going to break this blog into two posts: 1. What pharmacy schools can learn from law schools, and 2. What law schools can learn from pharmacy schools. Part 2 will obviously come after part 1. Thus, today I'm going to focus on what pharmacy schools could do better, based upon my law school experience. Ready?

What Pharmacy Schools Can Learn From Law Schools:

1. More writing in the curriculum – pharmacy school never taught me how to write. Nor did grad school for that matter. However, when I hit the doors at law school, I was EXPECTED to know how to write. While I still hack my way through each and every piece I craft, sometimes more carefully than others, I've learned how to write via the school of hard knocks. And, probably more than anyone, Mrs. Drapek in 11th grade English, as I've shared before.

Pharmacy school doesn't focus on writing. It should. EVERY profession, including and especially those in the healthcare space right now, MUST have professionals within it that are master communicators. Without those who can write their way through change and drive forward, professions get left behind. (For example, had the buggy whip manufacturers hired Mark Twain to craft stories of their products, would they still be around?)

I think a wise pharmacy school would start some type of journal, like the law schools started law review. It attracts the best and brightest (OK, full disclosure – I was on law review, but I wasn't the best student academically), and it adds prestige to a resume or CV having been “published” before departing from school. The students run the editing and publication—but professors and students alike contribute original content to it.

2. More speaking/communication in the curriculum – While the Socratic Method is somewhat antiquated and over-leveraged in the law school setting, I think the pharmacy students could DEFINITELY benefit from more speaking throughout the curriculum as well. Public speaking was a required course when I went to college – and yes, some people feared it more than any other class, in any major on campus. Public speaking has never been my favorite or best thing personally, but I try not to move away from it. It takes practice, just like everything else.

Of all the things I was forced to think about in law school, it was how to more effectively orally communicate my arguments. I think pharmacists are really just teachers – and they speak and educate many audiences—doctors, patients, other healthcare providers, payers, and many, many others. But, if they

can't put their thoughts together and cut to the chase in this time crushed world, how will they be successful? I argue they won't. Hence, we need to focus more on oral communication in pharmacy school.

3. More “figure it out on your own” thinking – One massive component to my own law school training was thinking on my own. My favorite learning opportunity in law school wasn't a class – it was the Program on Law and State Government Fellowship. Why? Because for me, I could do independent study. I could go off on my own and learn things that I actually cared about.

Pharmacy school really wasn't like that. There's so much pharmacology, drug information, and other things (like law) that pharmacists have to pound into their brains, they really don't have a lot of time to be creative and host some independent self-directed learning in school. I'm here to say that I think we should MAKE more room for that. Why? Because bosses need creative, independent thinkers in ALL professions – including healthcare. Yes, we have a lot of rules, protocols and plans to follow – but the leaders in any profession MAKE a lot of those rules, protocols and plans. Would you rather make the rules, or merely follow them?

That's enough for now. Part 2 will be the other way around – and trust me, I've got a LOT of ideas about the other way around, but I'll try and limit my post. That's coming soon. Standby...

[What Law School Can Learn From Pharmacy School, and Vice Versa – Part 2](#)

Saturday, June 23rd, 2012

I promised a reverse rant, on what I think law schools could DEFINITELY learn from pharmacy schools. I'll try to limit my words on this post – but suffice it to say, it could be much, much longer than I'm about to throw down.

What Law Schools Can Learn From Pharmacy Schools:

REQUIRED real-world education – Pharmacy school has almost gone into overkill on this one, but ACPE (the accreditor in the pharmacy school world) now requires 300 hours of introductory professional practice education (where a student has to work in an actual pharmacy—part of it in community practice pharmacy, the other part in hospital), and those 300 hours have to come before the final year of pharmacy school, that is all or nearly all full-time hours out in the real world in several different pharmacies (at least in Indiana, and at least in our program where I work—the acronym is advanced or APPE rotations the final year). Trust me when I say that when a student graduates from our pharmacy school, she's worked a LOT of hours in several real-world pharmacies already.

Now, how many hours do you think are required for law students to work in the real world, in legal settings prior to graduation? (Note, I did NOT say law firms. Contrary to popular belief.) One hundred hours? 200? 1000?

Try ZERO. Yup, NONE. Nada. In fact, I'm pretty sure that it is one of the only professional degrees that does not require any real legal work in the real world prior to graduation. While yes, I guess I could have worked in the school's legal clinic, I would have had to cut back on my day job hours. Uh...yeah, that didn't happen. If I can't pay for law school, ZERO law school would be happening.

Law schools need to fix this problem. And more importantly, the accreditor of law schools (ABA), needs to fix this. Law schools also have to realize that students working on their degrees part-time may not be able to work in a real legal setting between the hours of 8-5, because they already have real day jobs that are paying the bills. In a 24/7/365 world now, I don't think this should be a problem. Furthermore, the law schools HAVE to give students credit for working in these real-world settings—OR—the potential employer sites need to pay the students at a discounted rate (BUT NOT FOR FREE. I don't think any student should be working for free unless he or she is getting school credit for it.)

REQUIRED balance of practicing lawyers with ivory-tower professors – I had both the ivory tower professors in law school and I had the real-world adjunct practicing lawyers, and even lawyers who didn't practice "traditional" law, but had day jobs in different arenas (mainly health law and working for hospital systems). I think it would be wise to have a mix of these professors, as I did. I thought I read at one point some schools wanted to get away from adjunct law professors.

Big. Mistake. I think a blend of both is best. We have both in pharmacy school teaching, and until I went to law school, I practiced pharmacy. (While I like to think I'm pretty awesome, there was just no way I could work in a pharmacy on top of a full-time day job and part-time law school at night for the past four years.)

Better bar preparation – I'm cramming for the bar now—and cramming is an excellent word, because I'm learning stuff for the bar that I NEVER LEARNED IN THE CLASSROOM in law school. Does that seem like a problem to anyone else? It certainly does to me! This did NOT happen to me in pharmacy school. There, I was trained for what was coming on my board exams.

I'm not sure if this is a problem with law school, the bar exam itself, or both. If the bar is on sections of law that we never took in law school (or for that matter ever WANTED to take in law school), then WHY are we being tested on it? If, for example, I'm NEVER going to practice criminal law, why am I being tested on it?

Either the bar exam needs to match more closely to what the individual really wants to do in real life, or law schools need to back up before graduation and teach to the bar exam, or both. The stuff I care about the most in law—health law and intellectual property law—aren't on the bar exam AT ALL. I'm not sure where this part of the system is broken, I just know that it is broken. In pharmacy school, we teach to the NAPLEX and the MPJE—we have black letter pharmacy law courses, for example, to teach pharmacy law. It's not theory. It's not ivory tower – it's practical. For that, I think pharmacy is ruling and law school is definitely failing its students—by 150%.

Prevention, rather than treatment – In pharmacy school, during therapeutics, we had a section in each lecture on "prevention" of a particular disease we were learning about at the moment. Of course, the bulk of the material was on "treatment," but at least we had some prevention discussions. In law school, it was all about treatment—untangling messes that were already too far-gone, rather than preventing them from happening in the first place.

Law school needs to focus more on prevention. Even a little section in each lecture. If we could all focus on this, maybe we wouldn't need so many lawyers in the world in the first place.

I could go on, but I won't – I think you get the picture. I'm certainly not perfect—but neither is law school. I'll go as far as to say that I think pharmacy school does a far, far better job at preparing its students than law school does when it comes to the real world. There's some massive room for improvement here. I just hope someone is listening who can change it for the better.

[Declaring Today: Be Nice to a Bar-Taker Day](#)

Tuesday, June 26th, 2012

OK, time for a little rant before three hours of a negotiable instruments bar review video. (And no, those instruments aren't the musical kind.) Those of you who don't have any lawyers or law students in your life: kindly look away. Because, for the rest of us, I'm about to go off.

First, the news isn't good for those who go through the hell of the bar exam. On the other side aren't exactly rainbows and kittens right now. Just out today via Forbes: "Why Attending Law School Is The Worst Career Decision You'll Ever Make." This is not exactly feel-good reading for those of us killing

ourselves to learn everything we need to know and about to sit for the July bar exam for the first (and hopefully only) time.

There aren't many jobs out there for bright, young hardworking and budding attorneys who pass. It's not looking good. While that doesn't necessarily apply for all of us bar takers, it does for my bright young hardworking and budding professional friends who chose law school to be lawyers and practicing attorneys. I feel for them.

Second, for those of us who chose to go to law school to advocate for our first professions and who already have professional day jobs in those arenas WHILE studying for the bar—your friends, family and co-workers don't get it. They never will, either. They won't get it unless they've been through it. You're still going to have to work. People are still going to think you have a life and can go out and do whatever you want whenever you want. Life doesn't stop just because you have a bar exam coming up.

Little do they know that law school doesn't teach you half of what you need to know for the bar, so you're trying to drink from a fire hose eight weeks before just to try and prove “minimal competency” in areas you NEVER took in law school when those two fateful days near the end of July arrive. It's like learning Greek, Russian, Plutonian, Venusian, and English...while landing from a different solar system, oh, and deaf and mute* at the same time—just in time for a Toastmasters National Championship.

Yes. It's that bad, that complicated, and that voluminous.

And, yes, I chose my fate. My younger friends looking to become attorneys did as well, despite this flaky economy. And while I chose this path—to take the bar exam, I would respectfully request from the universe that everyone who has a law student around them right now please do the following when approaching a bar candidate:

1. Give them space.
2. Be patient. They can't worry about next year yet. They're worried about surviving **today**.
3. Encourage them, but don't automatically say “you'll pass.” That actually just ratchets up the pressure.
4. Do NOT expect them to have answers to everything right now. They don't. They need to figure it out. On their own.
5. Above all – be NICE to them.

We are exhausted. We are freaked out. We are cramming. We are bar exam takers in July. CAUTION: federal law should prohibit messing with the bar-exam taking students until July 26th or thereafter. Unfortunately, Congress hasn't helped us out with that one yet.

Oh, and I'm declaring today—and every day until July 24th—to be “Be Nice To a Bar-Taker Day.”

Thanks for putting up with the rant.

(*I personally have nothing against deaf mutes from any solar system. I was just trying to find an allegory to fit the gravity of the current situation I'm trying to describe. My apologies if I offended anyone from any solar system. Besides, what's a post from a law student without a good, solid disclaimer?)

Imagine

Thursday, June 28th, 2012

After watching 2.5 hours of lecture on federal income tax law after work, I just couldn't bring myself to pound MBE sample multiple-choice question practice tonight for the bar. Instead, I thought I'd jot down some of my mixed feelings of the day.

Back to the day. First, SCOTUS put out a pretty surprising holding today on healthcare reform. The best word I can find to describe how my friends and network feel about it is: polarizing. On one hand, I've got the hard-working people in my tribe who need affordable, accessible healthcare shouting from the rooftops that SCOTUS did the best thing ever today for American humanity. Great.

But on the other hand, I've got my even harder* working entrepreneurs and business owners who are trying to figure out how they're going to pay for insuring their employees when their rates went up 20% this year, and the gurus are saying to expect another 20% hike next year. Some are saying that it's going to be cheaper for them to pay the \$2K penalty per employee and just let their employees figure out how to get healthcare coverage on their own. For the owners, they hate it, but they'll probably end up doing that because they simply can't afford to cover their employees at 20% increases each year. (*Yes, I argue they work harder – because starting a business is one of the hardest things I've ever done. This is just my personal opinion.)

I say—we need to back up and really think hard about what it is that we value in this country. Should healthcare be a fundamental right? If so, what are the limits of that right? As I've said before, some countries built a right to basic healthcare into their constitutions (for example, China). But, if we love our freedoms in this country – shouldn't we be at least a little disturbed that our federal (allegedly limited) government is now forcing us to contract and buy something? As Scalia says – we could be forced to buy broccoli next! I'm not sure our founding fathers and mothers would have imagined this for us...but it's not quite the same effect of throwing healthcare policies into the Boston Harbor as much as tea.

I'm pretty certain we could imagine something better.

[How to Read a Book Faster: It's Really a Negotiable Instrument](#)

Saturday, June 30th, 2012

In a streamlined effort to avoid memorizing the eight parts of required elements of a negotiable instrument, one of my friends emailed me and asked me a really good question – after he'd been trying to finish a book he started a few months ago, which is this: how do you read a book faster, and how do you finish it? That's an interesting pair of questions. Here are my thoughts, and a few thoughts thrown in from my friends along the way:

1. Buy a book with disappearing ink – just kidding. Sort of. But they make books like that now. Cool. I like the idea that a story may be ephemeral, instead of memorialized.

2. Go to law school – just kidding. Sort of. Nothing makes one become a world-class skimmer when reading fast than law school itself. I'm killing myself now though, because with the bar exam coming up – I've GOT TO SLOW DOWN my reading instead of speeding it up as I have for the past four years.

3. Start with the TOC – Where is the law written that one has to read a book from cover to cover, front to back, anyway? Sometimes, when I'm looking at a book that's 300+ pages, I start at the TOC and look for titles and sections that really get me excited to read. Usually, for me, that's anything that begins with, "The Future of..." whatever subject the book is discussing. Being the futuristic-focused nut that I am, I usually go straight to that chapter and check it out first. If it's really, really good, I keep reading. If not? I stop wasting my time. Bouncing through a book, I'm here to tell you—is OK!

4. Sip a few books at a time – this is one of my craziest tricks of all – I tend to check books out of the library in wads of 4-5 or more, and I tend to read a little bit of each of them at or near or around the same time. It's like a mix tape, with books. (And seriously – if you have no idea what a mix tape is, I weep for you.) It mashes up the concepts a bit, but one of the key skills and most valuable brain possessions I've found in my life is the ability to mash up concepts that at first don't seem connected at all. If you can take disparate ideas, things, concepts or totally random stuff and see how it fits together, you've got an

amazing skill that smart people highly covet. By reading books this way, I try to polish this skill. It's THAT important – at least to me. And that's a skill that you don't typically learn in the classroom.

5. Give it a few pages, and if it doesn't hold you, chuck it – One of my friends only reads the first 75-100 pages of a book, then quits. As a writer, I think that's a total nightmare, because some of my best stuff and what I learned while writing the book I tend to put at the back of the book. BUT, as a reader—I see her point. If the book hasn't made its big point by the first 100 pages, is it worth continuing on? As a reader, maybe not. As a writer, maybe so. But again, there's no law that says, "Thou shalt read a book cover to cover or burn in purgatory."

In this time restricted/crunched world we live in – who has time to sit around and read *War and Peace* anyway? This gal doesn't. And I LOVE books, probably more than 98% of my friends and family! But even I have my limits. So, in conclusion (that is, if you're still reading this post) – the world really doesn't care HOW you read – we just care that you TRY. That you SIP. That you THINK. That you ATTEMPT. That you BOUNCE. Reading—just like everything else in life—is not one size fits all.

Now, my 8/9 required parts of a negotiable instrument:

Signed writing
Unconditional
Promise to pay
Fixed amount
Money – as in for money
Definite time
2 – “to order” or “to bearer”
Promises – other than the above aren't included.

Yay!

[Simple to Say, Hard to Do](#)

Tuesday, July 3rd, 2012

One of my friends posted on Facebook today something that inspired this post. (Thanks, Cody!) He said to keep working hard, and eventually, it will pay off.

Right now, I'm learning a lot of seemingly complicated stuff for the bar exam. (Gift and Estate Tax Tonight—pray for me, people.) Someone at one point told me there are two types of well-paid people in the world: 1. those who take the simple and make it complex, and 2. those who take the complex and make it really simple. So, I thought I'd post about #2, and state for the record, that while what I'm about to say is easy to say, it's really complex and hard to do. In essence, it's a little of both #1 and #2 above.

Here goes.

1. Work hard. I've never had a problem with this one – I work hard. But I think this one I probably learned at home as a kid. Work hard and eventually, as my friend says on Facebook, it will pay off.

2. Stay humble. There are some big egos out there. I don't have the energy for that, as I prefer to channel my energy into cool projects and ideas instead. I just keep my head down and do the work. See bullet #1.

3. Be nice. This one is more difficult for me, especially if #4 comes into play. Not so hard if others are nice to me. What's that phrase? Screw me once, shame on you, screw me twice, shame on me...? Yup, that's it. And I've generally found that to be true. If I've kicked you out of my Facebook posse or ignored your connection request, there's a reason—and chances are, you already know why. On the flip side? I'm a

lover, not a fighter. I believe in giving people a shot. But I also can spot a pattern too...haters be on alert. Which leads me to:

4. Ignore the haters. This one was a struggle for me in the past, but not so much anymore. There will always be haters. In fact, the harder you work and the more people notice, the more the haters will hate. I say, let them. You need some haters in your life – because that’s a sign that you’re doing something right. In fact, if you have the energy, take it a step further and LOVE your haters. Why? It DRIVES THEM CRAZY!!!! I personally don’t have that level of energy right now – but if you do, go for it!

5. Listen to your gut. Last but certainly not least, this has been the hardest lesson for me to learn. I’ve never been great with it, but I’m getting better. You already have everything you really need to know as your personal compass already within you—whether you choose to listen to it or not is the true challenge. I think Oprah calls it a whisper at first, then a yell, then a brick up side the head. She’s right. This one if you choose to ignore, always comes back around and bites you in the Gluteus Maximus.

This is the stuff that may seem simple at first, but is really hard to do. I’m trying. Most of my friends are trying too. May you be trying right along with the rest of us. (Unless, of course, you’re a hater – but haters don’t read my writing– only the cool kids do :)

Happy holiday!

[5 Reasons Why You Should Hire a Law Student – For a Non-Legal Job](#)

Thursday, July 5th, 2012

This post was inspired by a lot of my law school friends, who are (still) looking for jobs. But while only 55% of law students this year will actually work for a “traditional law firm” – I think law students (and for that matter, law school offices of professional development in some cases) are under-rating themselves by only focusing on that arena for a job post-law school.

I say – law students make some d*mn fine candidates for pretty much any job! Here’s why.

1. They see the big picture, and the details all at the same time – If law school taught me anything, it’s how to think about all points of view – not just seek out the “best” answer, but “all” the answers. This is a key skill that law school instills in its students. This should also be a key skill for employers. The best employees can see the 50,000 foot view AND the details, and law students have this skill down.

2. They get that EVERYTHING in business is mired in the law – If you, as an entrepreneur, think your business has nothing to do with law – you’re completely and utterly wrong. EVERY business and pretty much EVERY thing in society is surrounded by law! Law students get this. Even if we didn’t have IP law in law school, for example, we know how to spot issues with our hands tied behind our backs, and we know when we need to ask tough questions...which leads me to the next benefit:

3. Not only can they spot issues, but they can actually prevent problems from happening – Issue spotting is probably the #1 skill we are hammered on in law school. Law students know how to spot issues a mile away. But – wait, that’s not all! They can also head off problems for your business, because they’ve studied all the train wrecks, worst-case scenarios, and modern day messes in courts. And trust me, the last place you want to be when in business is in court. These employees may be able to keep you OUT of court.

4. They make great devil’s advocates – If you, as a manager, are ever on the fence about ideas, law students can rock playing devil’s advocates. They can see the arguments on the other side when you’re too busy being in love with your own best idea to see the flaws in it. If you want to see the weaknesses in your argument, just have a conversation with your freshly hired law student, who will not only poke holes

in your plans, but tell you better ways to frame your own best arguments around an idea or new business plan in order to sell it back to your own boss.

5. They can write – Well, most of them can. I used to think I could – until I re-read this post and had to correct all the errors in it. My blunders aside, I've generally found that most law students can write pretty well – and in this attention deficit society of LOLs and LMAOs and all other texting language, a person who can write well is hard to find.

If you're scared of hiring a law student, why? They actually have some mad skills that I've never seen in any other profession. Yes, they may know their rights better than the average bear, and yes, they will keep you on your toes, but so what? Wouldn't you rather have these people on your team than having them on your competitor's?

I rest my case.

Polished Rocks, Hippies, and the A-Team

Saturday, July 7th, 2012

After a not-so-great and completely humbling day filled with yet another bad mock MBE exam in preparation for the bar, coupled with a re-review of Agency Law, I decided that at 9:00 PM tonight, I had to stop studying. So, I went over to my favorite movie rental shop (iTunes) and ironically rented "*Steve Jobs: The Lost Interview*." I LOVED it!

Say what you like about Mr. Jobs, but this interview was AWESOME, because it was right at the time he was between Apple stints. In 1995, he did an interview with PBS and apparently the original tape was lost in shipping, but then found again in another place as a copy—and they turned this lost tape into a killer documentary. He was frank, candid, and his responses appeared to be carefully thought out. Here's what stuck for me (and why I dug it):

1. When the interviewer asked about the Macintosh, Steve talked about the A-Team – Steve talked about how he had pockets of A-Teamers on that project originally. He said he tried to hire the very best people at what they did (and I don't think this was necessarily 'best' only at computer programming here), and that A-Teamers tend to keep hiring more A-Teamers because they don't WANT to work with B and C team people. I can relate to this, as I myself LOVE working with other A-Teamers! They're creative, they think big, and they say "yes" a heck of a lot more than "no" to new ideas.

2. The beauty of polished rocks – he then tried to articulate what happens when you throw a bunch of A-Teamers on a project together, and instead talked about an 80-year-old neighbor when he was a kid growing up who showed him the awesomeness of turning plain rocks overnight via a rock polisher into a beautiful, elegant collection of finely polished stones. He said the A-Team is like that—rough stones knocking each other around, getting a little dirty, but ultimately creating something beautiful. I LOVE that description, and being a rock collector myself as a kid, completely understood it! A-TEAMERS are rock polishers! We must expose ourselves to the best of humanity, in order to improve the world that we live in, said by Steve yet another way.

3. Props to the LAS education – Steve also not only once, but twice mentioned that he loved working with people who thought broadly and widely about the world. He specifically mentioned Liberal Arts and Sciences as the foundation for many of his great co-working thinkers. He said it was important for people to not just think about one thing – and also that he hired great people, but if computers didn't exist, his great peeps would be off somewhere else, doing something completely different, but still rocking whatever they chose to do. As someone who first received a LAS education in undergrad, and someone who loves other Renaissance people, I'm glad that the guy who turned around a company days from bankruptcy into the largest corporation in America said it – not me!

4. Hippie vs. Nerd – Apparently, the interviewer always ended his interviews by asking the interviewee if they thought of themselves more as a hippie or a nerd. Steve paused, a smile went on his face, and he said he was definitely a hippie. When asked why, he tried to articulate that there's something when growing up in the 1960s that people were looking for in the hippie movement—a something—hunger, need, desire—to be artists instead of lawyers. Poets instead of bankers. That something, whatever it was, made him feel as though he was a hippie. I understand it, although I'm probably doing a crappy job of describing it myself. Said another way – if the money didn't matter, what would you do with your life? Would it be different? Hippies don't ignore that something.

Steve was also asked about the departure from Apple the first time, and he was still reeling from it a bit. But a year after the interview on tape in this movie (1996), his company, Next, was bought out by Apple, and they re-hired Steve to be CEO 90 days away from bankruptcy, as previously mentioned. From there, he created some of the most brilliant products Apple ever invented, and now Apple is the wealthiest company on the planet.

Not too shabby...for an A-Team, LAS-loving, rock-polishing hippie.

[Can't](#)

Tuesday, July 10th, 2012

This morning, I attended the last session (hopefully forever—cross your fingers for me) of Indiana Bar Review class. It was at the Indiana Convention Center, close to the actual room where we will be for two action-packed days of legal writing and exam taking coming up at the end of July.

You could feel the stress and the exhaustion in the room. At least I felt it. We've all been pounding material pretty much the Monday after graduation back in May. Part of today's session reminded us that we need to stop thinking about the word "Can't" and instead, focus on "Can" – or crushing it – as the leader of our session stated.

I actually do pretty well when people tell me I can't do something. For me, it's a little like pouring gasoline on the fire. But, if I listened to them and believed that I couldn't do something – I never would have done a lot of things in my life – including attending law school in the first place. I never would have done much of anything had I believed all the can'ts, so instead I just dropped the end and focused on dropping the 't.

Here's to your focus on the can today too. Drop the 't – it's just another apostrophe and one letter, but it can make all the difference in the world – on what you focus on, and more importantly, what you really CAN achieve!

[Thanks! And an homage to bad bar exam eve poetry...](#)

Monday, July 23rd, 2012

'Twas the night before the bar exam,
and this girl's brain was stuffed.
Factors, prongs, and elements were tufted...

...in the corners of her mind.
As she sat in her hotel
she couldn't figure out if she could tell

whether or not she would pass
the first time around.
But unequivocally, she knew she must resound

...to thank family! Thank friends!
Thanks to all in the end—

who put up with her crankiness
and “nos” and “sorrlys” and “can’ts”
over the past 4 years—
to all of you she says, “Cheers!”

Forty-eight hours just isn’t a TV show,
it’s a life back fo’ sho!
After this bar exam she will be
once again free

to write even more bad poetry...

...and of course...rock!

One Final Memo

Wednesday, July 25th, 2012

While I’m sincerely hoping that my law school career officially ended today by completing the final day of two days of a very humbling bar exam, I almost forgot one final memo. But I didn’t. It is below...

(And just when I thought I was finished...)

MEMORANDUM

To: The Universe
From: Bar Applicant
Date: 7/25/12
RE: Thanks

Dear Universe: You had requested I write one more memo detailing gratitude to the supporters of my previous tour of duty through law school. I will submit to you my sincere thanks in the following group(s) and persons below:

First, to my new friends, co-exhausted cohort, and lifetime future professional colleagues: To those of you who I met in law school and are now friends with, I am sincerely thankful for each and every one of you. Congratulations on completing the bar exam today! Without you, who else would I have vented to about the Hades that can be an education in law? Besides, as Winston Churchill said, and as you reminded me over these past four years: “If you’re going through hell, keep going.” Thank you, and I look forward to working with you in the months and years to come!

Second, to my family: Those in my family who I was mean to, cranky with, grouchy, demanding and stubborn: law school made me do it! Just kidding. Sort. Of. I was all that BEFORE law school. Law school just cranked it up! But seriously – thanks to my mom, my dad, and even my brother, who brought me back to reality when I tended to get caught up in the drama that is the study of law.

Third, to my outside of the law world friends: You all know who you are – those who understood my eccentricities PRE-law school, and still stuck it out, cheering me on despite my new Defcon level of insanity—thank you for staying the course with me. Thanks as well for reminding me that there’s life beyond negligence, strict liability, the business judgment rule, and negotiable instruments. Best part?

Maybe now, I'll actually get to see some of you now that I don't have to go to class every day of the week! Woot!

Fourth, to my co-workers: Yes, I signed up for the extra special crazy of working full-time and going to law school at night – to those at the day job who knew this and gave me space to revel in the sometimes seemingly poor choice of furthering my education, thank you for understanding and supporting me with random emails reminding me that I can do it! Besides, you all reminded me that higher education is always something that should be valued.

Fifth, to my law school professors: That is—most of them. Just kidding! Thank you for attempting to teach a science geek that there is more than one right answer, and sometimes, it really does depend. There were a couple of you in particular I really gained a lot from – both inside the classroom, and that other classroom—the classroom called “life.” Thank you for the opportunity.

Sixth, to my law school mentors: In particular, those who are already lawyers who tried very persuasively to talk me out of going to law school beforehand. Seriously – I appreciated your honesty, occasional checkmates on Facebook, and generalized awesomeness, by showing me—particularly those of you who did the evening programs—that it could be done. As the movie *Miss Representation* says, “You can't be what you can't see.” Thank you for showing me what I can be by allowing me to see it. Subsequently, I shall henceforth do my utmost best to return the favor to other aspiring law students, by 1. trying to talk them OUT of law school as tenaciously as possible, and then 2. be their cheerleader if they survive my hammering of them on bullet #1, provided of course, that they have a true and valid reason for wanting to go to law school.

Seventh, to my readers of this tiny diary: I can't tell you how many people have actually come out of the closet to tell me that they've actually enjoyed this crazy little weblog and diary about my law school escapades over the past four years—all thirteen of you. While I set this blog up right before I went to law school, it has been absolutely fascinating to watch how the social media stuff has exploded and given me the chance to connect with so many others that I never would have connected with in the real world otherwise about all that is zany relative to law school. From that cyber connection has grown many awesome friendships, for which I am also equally grateful.

In conclusion, thank you again, dear universe, for graciously offering up so many amazing peeps who put up with me and my mess these past four years. Pre-law e was hard enough, and post-law-school e is even harder, but hey—I'm doing my best here, and clearly so are those who are also in the universe with me. :)

Post Bar Exam

[The Post-Law School Relocation and Protection Program](#)

Saturday, July 28th, 2012

I still think they need one of these.

I'm going out tonight for dinner. Not quite so unusual – but now that law school is over, it kind of...is.

After being on the wheel of law school and having a day job on top of it – weekends the past four years have kind of been reserved for – reading. And studying. And doing law-schooly-stuff.

Earlier today, I started researching but, found very little about how to acclimate to the real world. For example – these things called, “weekends.” I looked it up – apparently humans do fun things during them – like hang out with their friends, eat meals out, watch movies, and participate in fun stuff. I'll spare you the definition of “fun” that I found – but I think you get my drift. Regaining a different type of life after the wheel is...strange. New. Fascinating. And a little...awesome.

But I still think someone ought to write a book on reintegration into society post law school. There should be a manual on that. Unfortunately, if the lawyers wrote it, it might be similar to the book of the dead in *Beetlejuice*.

We now return you to your regularly scheduled human and awesome Saturday night...

[The Alpha and Omega...of Law School](#)

Monday, July 30th, 2012

I thought about this when I was eating lunch today, but remarked on it last week during the bar exam.

If you think about it, the entire law school experience's alpha and omega is: the plastic Ziploc® bag. First, before you even apply to law school, or during the application process – you take the LSAT. The LSAT requires that you only take your pencils into the room during the test. You usually have to have your ID too. Hence, the clear plastic bag is a good storage unit for storing your LSAT stuff.

At the end of law school, you take the bar exam. Again, you only get pens, pencils, and hi-lighters (unless you also get a computer). You'll need your ID too. Guess what? That clear plastic bag comes in handy yet again!

So, both the alpha and omega of the law school experience...is a plastic Ziploc® bag.

Not deep, but interesting, that both ends look the same: a bunch of exhausted, scruffy young professionals, carrying around plastic bags.

[The Wheel of...What's Next](#)

Tuesday, July 31st, 2012

I've got to talk about a(nother) little dark side around law school for a moment – allow me to indulge. It's a facet of the end of law school that, BTW, I'm not finding in the literature, and a dirty one that no one really (and obviously—according to the literature, anyway) talks about. It's important, however. In fact, I'm writing my way through it as we speak, because we all handle it differently.

It is grief.

After “the wheel” as I’ve described it – now that we’re done with the bar exam, all of us are feeling another, a different, type of stress and pressure. It’s the pressure not only of grief at the end of an era of holding on and hanging in there – it’s the pressure of “What’s next?”

Just today, one of my friends emailed to ask me when I was running to be the first woman Governor of Indiana, and then the first woman President of the United States. Whoa, dude, seriously, while I’m flattered – slow your roll. I’m still trying to get my fall schedule figured out.

Law students put a LOT of pressure on themselves. And then, that bar thing certainly doesn’t add aid, it just pours gasoline on an already blazing fire – during a watering ban.

We all grieve differently. And while law school ending is a GREAT thing for nearly all of us, it’s still grief. The era is still over.

On to the next. How do I do this? I tend to do this by purging (my office at home is top notch right now after a serious deep clean out last Friday. I found it liberating.) Also, I’m heading to Europe soon and taking a suitcase full of old crappy clothes that I’ll wear and pitch along the way. The other thing I do to therapeutically remedy my grief? I write.

Clearly, I’m working on that. Right. Now. And it’s always a work in progress. (This post alone that I’ve updated now about forty times testifies to that!)

Fear not, my law school bar exam-taking friends. While the end may be near, it’s also a beginning. A new, bright shiny beginning for all of us. While we may not know what color or shape of that shininess might be just yet, I wish you the best of luck in making the change. Adjusting. Getting on with life. Change is hard, but hang in there—it, eventually, will rock.

No worries.

[Camp Ambiguity](#)

Thursday, August 16th, 2012

So, I’m back.

Where did I go?

I’d kind of like to equate it to something we can all relate to: summer camp. Albeit, my two camps were a little more hard core than canoeing and making s’mores.

First summer camp this summer, if you’ve not been one of my loyal baker’s dozen readers, was the bar exam. That’s a camp where I got basically fat from sitting around sweating, studying, and stressing after law school graduation, until the end of July. Also, it was carbohydrate-induced.

(BTW, if you have a law student in your life – you really need to celebrate with them three times – 1. at graduation, 2. after the bar exam is over, 3. after they passed. If you can only afford one, choose #3. Just a helpful and friendly tip.)

Second summer camp this summer for me was getting as far away from bar exam camp as possible, in the form of a nearly two-week trip to the European Union – Belgium, France, Luxembourg and Germany – yes, four countries in around ten days. This was my phase one of post bar exam and law school recovery program. That’s the camp I just returned from, where I got basically fat from wandering around tiny villages that have the most amazing wines, food, butters and creams in the entire world. It was fat-induced.

(BTW, if you're also a recovering bar-exam taker – you really should consider getting as far away as possible from your past life for a bit. Yes, I'm giving you permission to run away for a while. If that means moving, or just taking a vacation to somewhere completely foreign to you, do what you can afford, but make sure you hit your own control-alt-delete buttons somehow post bar exam. It's good for you.)

Now, I'm past summer camp, at the strangest new campsite of all. I'm hoping it will be protein-induced. It begins officially next week, when campus starts buzzing again for fall semester, and I get my normal school year groove back on, minus one big gaping hole: law school. I've watched my friends pick up new hobbies and activities on Facebook around filling that gap—running, moving, one even pulled her wisdom teeth out (been there, done that, and something I would NOT recommend to fill the law school gap with... unless you really need it.)

For me, right now, my gap fillers will include a couple of writing projects. But change is difficult, and constant. While I was away, I was invited to try my hand at a couple of cool things to do this fall that I've never done before. We will see how they go.

This is Camp Ambiguity—and I can't wait to see what type of canoeing and s'mores they offer this autumn, at this place.

[A Fortnight of Limbo](#)

Thursday, September 13th, 2012

Right now, I'm in limbo. But I'm not alone. In 14 days, we (my fellow law school classmates and I) will find out if we officially passed, or did not pass, the Indiana bar exam. This puts us all in a place called... limbo? Purgatory? Oblivion? None of the words are right, but I think you get the picture. That stuck place, where you feel as though you just can't move forward or onward.

Sometimes, the unknown is scarier than reality. Sometimes, it's better to just know, that way you can at least move in one direction. Right now, I'm circling.

Maybe you're there too. If you are, at least we're in this together. Don't worry, though – it's just a fortnight! (at least for the law peeps.)

Here's the best news, to those of us stuck: the really magical part here is—we're really not. We can move on—it's just we are sometimes our own worst enemy. Change is scary...but the only thing scarier is being stuck. In limbo. Oblivion. Circling.

Cheers to all of us busting out of that circle soon!

[#BarFail](#)

Tuesday, September 25th, 2012

Well, the July Indiana bar exam magic list of passers came out today.

Unfortunately, my name was not on it.

I'm OK – thanks for asking – but I'm more heartbroken for a lot of my friends who didn't pass as well. And of course, congratulations are in full order for my friends who DID pass!

All is not lost, however, results are being mailed to us, including our scores, and if we're close, we can appeal. I'm pretty sure I know which section was not my strength – the multiple choice MBE portion. As I've complained at this forum before, multiple-choice questions are not conducive to law school. We're trained to analyze and look at many answers, and when forced to choose one, in my case – I fail in finding

the answer the board examiners want counted as “correct.” Ah, but this is not an excuse, just my feelings on the matter.

Life as they say will go on.

Another case brought to me by my friend, Failure. It’s how we deal with Failure that counts. Lord knows I have and will have my fair share of Failure. But also as I’ve shared before, it is important to make Failure one’s friend, because we learn the most from him.

Of course, I’ll keep you all apprised of my progress through this next round of the law program...

Owning The Fail

Wednesday, September 26th, 2012

Well, still trying to get over the bad bar news yesterday. And, still awaiting results to see how tragically and spectacularly I failed on the Indiana Bar Exam.

But, in the meantime, two things surprised me over the past 24 hours in response to my bad news. First, I was surprised by those who came out of the closet privately to let me know that they, too, failed a really important exam the first time. Second, I was surprised by how people really thought I would cover up or hide my failure.

First to others who failed. Thanks for sharing! Seriously – I’m in good company too when it comes to amazing people who have failed the bar exam the first time. I appreciate those of you who tried your best to cheer me up by sharing your own failures as well. It is a brave thing to admit that we fail from time to time.

Second, I’m surprised that many people thought I was going to cover up my bar fail. When I shared my demise with one friend, she said, “Don’t worry, I’ll keep it on the DL.”

I replied, “Why?” Why should we hide our failures? We live in a world with impossible standards of perfection. We live in a world where people are striving to be rock stars in their own right and make it look effortless along the way. I certainly understand that. But if we don’t share our failures, that makes us appear artificial. Saccharine. Plastic. Seemingly less human, at least in my book—because hey—I like to keep it real. As I’ve said here before, and will say it again—I’m not perfect, and never will be. The three people to blame for my failure are me, myself and I. So—we’re all going to face failure at one point or another in our lives. I say own it, rather than it owning you!

That’s the two surprise messages I received over the past 24 hours. I sincerely hope you’re out there with better news than me. But above all, I hope you are striving to keep it real too. Real is more important than perfect, because perfection is impossible...and it really doesn’t exist.

The Degree of the Fail

Thursday, September 27th, 2012

Well, back to report on the spectacular-ness of my failure for the Indiana bar exam. I received my results yesterday. While I didn’t fail by much, I’m happy to report that I didn’t achieve my worst nightmare by failing the bar: I didn’t miss it by only one point.

Thank. The. Lord!

In talking with my friends and family, many have continued to give me props for coming out of the closet on it. Again, while it’s not my proudest moment, I have a duty to keep things real here. I’m quite sure I

have lessons in this debacle to learn, and I'd rather share my learning than covering it up, in hopes that it helps others to NOT spectacularly fail like me!

Which leads me to the next question I've been pondering these past two days: should I re-take the bar exam at all?

Below is my analysis:

Pros: I need and should finish what I start. For law, that means passing the bar exam, period. Many people before me have gone the distance to take, repeat, and re-take the bar several times before passing without giving up. And, while I'm many things, I'm generally not a quitter. The lawyers in my network tell me, for the most part, to not give up.

Cons: Or, am I a quitter? What if I never practice law as a lawyer, even if I was ultimately successful in passing the bar? If I really think about why I went to law school in the first place, it was to advocate for my first profession (pharmacy), not to necessarily become a litigator or a transactional attorney. Do I really want to go through three more months of preparation h*ll in order to attempt it again?

What if, as one of my law mentors says, it's truly like a pie eating contest, and the prize is merely... more pie? Do I want that as my prize? Besides, in my entire network, I think I may know maybe three attorneys that absolutely LOVE being an attorney. (And I know my fair share of attorneys.) The rest? They hate it!

I'm on the fence on this one. I have a few weeks to decide.

I'm back to pie. I warned you.

[The End](#)

Thursday, November 1st, 2012

We've reached the end of my law school journey (and current demise) my friends. I warned you—it wasn't going to be pretty in the end.

I still have not yet officially decided if I'm going to take the bar exam again. As one of my favorite dessert shops in Louisville says on its wall, near the cash register, "Life is uncertain. Eat dessert first," I'm just not sure if I'm up for more pie.

This is where I leave you, dear reader, to decide now on your own if you still want to go to law school. I hope if nothing else, I've convinced you to really think deeply about it.

Being the consummate futurist, I have been working on plans for an amazing fall semester in 2013, and I think it may unfold into a great opportunity. Does it involve law? I don't yet know. But I do know that the old adage is true: when a door closes, a window opens. While my law school door has closed, I'm eagerly awaiting to see what windows open up...for me...and for you. Besides, the only direction we can move in our lives is forward.

Good luck. And if you do decide to go to law school, may you love pie!

Appendix A: More on Moot Court

As I previously shared in the book, the one thing I didn't do, and one of my larger regrets of law school was not participating in moot court. However, I asked a few of my legal friends that did participate in moot court during law school to share their experiences in the process. (Disclaimer: while they were kind enough to share their stories on moot court, their participation in this book is not an endorsement in any way for the rest of the book's contents. My comments—good, bad, or otherwise, are my own opinions. And hey—law school students love a good disclaimer as much as anyone!) Read on to learn more about moot court.

David Nijhawan

David, “the Ninja,” Nijhawan, graduated from Vanderbilt University Law School in 2003 where he participated as a full-time student in Law Review, Moot Court, and the Jessup Moot Court teams. He also clerked for the Delaware and Indiana Supreme Courts prior to practicing law. He left law practice in 2006 effectively meshing his law and business interests by pursuing a career in business/private banking. He currently lives in Burlington, Vermont.

Why Moot Court?

First of all, before I address that question, I figure defining it would help. Moot Court presents a unique opportunity for a law student to taste the thrill (or dread) of 1) researching an isolated legal issue, 2) writing a brief in support of one side of that issue, and 3) arguing it in front of live judges in a competition setting. Time consuming? Yes. Dreadful? Yes, for some. A heck of a lot of fun? Unequivocally. Will I ever use it (the age old question surrounding school)? Yes, in more ways than you might think. So that begs the question of “Why?” Well, my friends, I say yes, and here's why...

First, I did it, so everyone should follow my shoes, after all, I am David, The Ninja, Nijhawan, Esq., and after all, I'm smart, funny, and damn good looking. Second, it allows you flex your grasp of the concepts your professors taught you during your first year. For example, you get to put IRAC (issue, rule, application, conclusion) to the test on the fly and also in a written brief. Third, whether we like it or not, employers do look at this. Caveat: making moot court will not get you a job per se, nor will it make you a great lawyer. Rather, it shows discipline, a command of basic required lawyerly skills (i.e. writing and oral presentation), and shows that you possess some element of responsibility due to the time commitment.

I personally did Law Review, Moot Court, and Jessup Moot Court (international moot court) at Vanderbilt, and while all three provided different avenues for achievement and advancement, my moot court experiences exposed me to a lot of attorneys and judges who remain critical to my career, even as a non-practicing lawyer. That said, the experience is what you make of it; go through the motions and, yes, you have your name on a sheet of paper. Embrace the principles behind the moot court program, leverage those principles, and you become a standout. It's as simple as that. Finally, I enjoyed every minute, even staying up for 30 hours straight doing the final touches on the briefs. I can definitively state that I did it all because I wrote the entire brief for one team (Jessup) and I wrote half of the brief and did most of the arguing for my other team. Both sides required a lot of work, but man, I had fun and I met a lot of fun people during the process. So, in sum, do it for me, embrace the life lesson you'll inevitably learn, and enjoy some camaraderie doing it.

How much time will moot court take?

It depends largely on your ability to synthesize voluminous amounts of information and principles and reduce it to paper. Trust me, that presents the hard part. Speaking about it and advocating present a mere bump in the road in terms of time spent on the project. Think about it: after reading, re-reading, writing, re-drafting arguments, you'll know the material inside and out. From there, the oral preparation consists

of merely picking 3 to 5 points you want to hammer home, and then doing it. For most, the oral preparation sends shivers up the spine, but I firmly believe that takes care of itself if you do the other parts correctly.

Remember too, law school provides the freest time you'll ever have as an attorney, so embrace opportunities like this with a sense of *joie de vivre*. I did all this while following Widespread Panic and Phish around for about a year and a half and travelling to fun places. If I can do it, so can you. Moreover, the skillset you pick up from this sort of thing, in MY opinion, stands on the same footing as writing on law review. True, employers may not look at this as highly as law review on the resume, but when I look at people to recruit to my line of work (a fair amount of recovering attorneys enter my field), I look for these sorts of skills in my potential teammates. Just something to think about.

Jeremy Kridel

Jeremy Kridel is a judicial law clerk for Hon. L. Mark Bailey of the Court of Appeals of Indiana, and participates as a judge at moot court competitions. A cum laude 2010 graduate of the Indiana University Maurer School of Law in Bloomington, Indiana, during law school Jeremy worked as a law clerk for a plaintiff's law firm. He was not on a law review and turned in a serviceable (i.e., not award-winning) performance in the law school's Sherman Minton Moot Court Competition. For some unknown reason, he also holds a Master of Arts degree in Religious Studies from Florida State University. Somehow, it all worked out anyway. His statements and opinions here are entirely his own and he does not claim that they represent the views of any judge or court.

Should I Do Moot Court? A One-Sided Argument

So, you're looking at law school, and you've heard about moot court. Everyone says you should do it. Should you?

Probably. But not because "everyone" does moot court; they don't. Employers will often expect it if you didn't do law review, so moot court is often just another ticket to punch for job interviews.

Moot court usually centers on writing a brief and presenting oral argument on legal questions presented by a short set of documents from a fabricated trial court-level dispute. Moot court competitions often attempt to simulate what happens at appellate courts. On appeal, the facts are mostly settled, and the lawyers and judges address what the law ought to be in that situation.

This is like what law professors try to do in class, but moot court can often be more interesting. The topics are often more timely. The cases may be based upon one or more real cases making their way through the courts. Sometimes the cases address controversial social or political issues like whether you have a First Amendment right to videotape police officers arresting someone or whether the government can be forced to provide blood samples to exonerate someone convicted of murder.

More than just being interesting, moot court may be your first chance to do things lawyers do every day. Its real value is in helping you build the skills and confidence a professional advocate needs.

Moot court often requires collaboration in writing briefs or presenting oral argument to a panel of judges. The traditional law school model encourages competition over collaboration. In moot court—as in working at a law firm or negotiating with an adverse party—you won't succeed without working with others.

Moot court also requires you to research an unfamiliar area of law and learn how to make a losing argument while keeping a straight face. Most moot court problems attempt to provide balance by posing one good and one bad issue for each side of a case. You'll have to deal with the good and bad issues in

your brief and your oral arguments, so you'll get used to making the best of what might turn out to be losing arguments. Lawyers do this all the time because they have a professional obligation to pursue a client's wishes within the limits of professional responsibility. That can mean fighting losing battles, as long as the arguments used are not frivolous.

Moot court may also be the first time you face withering questions from a group of strangers. Sometimes the questions are good ones, focused on the topic and helpful in proceeding with your argument. Often the questions will make you sweat. Sometimes a moot court judge may not know much about the topic you have spent weeks preparing to argue.

That happens with real judges sometimes, too. A lawyer's job is often to educate a court. Moot court helps develop that skill. And learning how to talk to a judge is a skill you probably want to develop *before* you find yourself in an emergency hearing the afternoon after you're sworn in as a new lawyer. (It happens!)

On that last-minute stuff. You won't have much time to write the brief or prepare for oral argument. You may have only a week or two to learn a small trial record and several areas of law well enough to write a credible, properly-formatted and -cited brief, all while balancing your other classes. Lawyers do this every day, balancing other work while preparing for court. The reality of law practice often means you'll work to the last minute. You might as well work on that skill now.

You'll also get to learn about doing a "good enough" job. There is *always* another case, another rule, another argument to make. But you can't really make them all. Sometimes you run out of time, or pages, or steam. Moot court is a good way to learn to let go once the job is done.

But you will also have to live with the consequences of doing a bad job. You may not know enough about the facts or the law and you'll freeze at oral argument in front of judges, your classmates, and maybe even your parents. Or you may learn to pick your associates more carefully when a teammate leaves you high and dry.

These things happen to real lawyers. Moot court is a great way to get similar experiences without getting fired from a job. It may not be real, but it's as real as it needs to be for a law student.

Acknowledgements

Disclaimer: Now that I'm a law school graduate, I must start with another disclaimer—even on the acknowledgment section. No one I'm about to thank below saw this book before it was published, other than my editor. Thus, no one below endorses this book in part or in whole by my acknowledgements. **Do not hold any of the content of this book against any of them—my thoughts are my thoughts alone.** (With the exception of the moot court pieces.)

When I think back on my law school journey, there are so many people to thank, I'm not completely sure where to begin. But I'll do my best to acknowledge the forces in my life that encouraged me to do what I needed to do when it came to law school—even though some of them tried to talk me out of it (with my best intentions in mind). They are:

All of my law professors. Really--all of them. To the best law professors I had the honor of having in class: I learned not only the legal stuff from you, but I also learned how to be a better teacher by watching you in action (although, I'm still working on that). I am grateful for the opportunity.

Law professors in particular I'd like to thank at my law alma mater include, in random order:

Professor Cynthia Baker, for her guidance during the 2010 Program on Law and State Government Fellowship, her Higher Education Law class, and her general guidance and support over the very long law school haul.

Professor George Wright, for his encouragement, support, and great stories that were always relevant to the times and to administrative law. (And Uncle George—really—this is my last plea for you to return to Facebook. How else will any of us in law know when celebrities are having birthdays and that Fashion Week is on its way? This. Is. Important!)

To **Professor and Vice Dean Antony Page**, for his excellent class on Mergers & Acquisitions and his willingness to speak with a lowly law student at an outside legal conference, about cutting-edge ideas (an unfortunate rarity in the profession of law for me thus far).

Professor Florence Roisman, who has a passion for teaching property and civil rights, and was slightly intimidating in class—very few people in this world intimidate me anymore. (Hint: if you take her Property class, you'd better do your reading for it every night.) She was also the only professor during my law school career to take the time to congratulate me on an A in law school—in writing—old school, in a letter. Classy.

Professor Priscilla Keith, for reminding all of us that we're just as good as those ivy-league law students, which I played in the back of my head on a constant reel when I went to advocate for pharmacy in Washington D.C. the same semester I had her in class.

Professor Anthony Rose, for his award-winning (at least in my mind) class on internet law, which was probably the most useful and relevant class for me of my entire law school career, and for teaching me that “information likes to be free, and expensive.”

Professor Tom Wilson, for the China Law Summer Program and drilling “offer, acceptance, consideration, legality, capacity and sometimes a writing” into my brain probably until the day I die.

Also—I really enjoyed classes by **Professor McCabe**, **Professor Fredland**, and **Professor Gonzales** in the healthcare space. Everything in health law from *The Immortal Life of Henrietta Lacks* to free condom smartphone applications, to debates on whether or not placebo might be an “ethical” treatment, I learned from these ladies by experiencing their classes.

I'd also like to thank **Dean Jonna MacDougall, Dean Johnny Pryor, Dean of Admissions Patricia Kinney, Professor Schaibley, Professor Kenan Farrell** and **Ms. Elizabeth Allington** for helping me with a few crazy ideas during my tenure at law school.

I am CERTAIN there are other faculty and staff I've forgotten, but I am grateful to all of them, and also to the faculty I never had the pleasure of fitting into my schedule.

Before I even matriculated into law school, there are many, many lawyer friends I need to thank—who either tried to talk me out of it, and better yet—supported me even after I ignored their suggestions and went anyway—thank you to: **Jennifer Ruby, Gina Shockley, Chad Priest, Christopher Russell, Jeremy Kridel, Ninja Dave, Joan Champagne, Leona Frank, Amy Wright, Greg Castanias, Tabitha Meier, and all the lawyers and legal/life science people in my previous book, *The Life Science Lawyer*.**

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I also must thank my coworkers at Butler University College of Pharmacy and Health Sciences—and in particular, my boss, who always appreciates my crazy ideas, **Dean Julie Koehler**, and the dean of the college who also supported me, **Dean Mary Andritz**.

Thank you. I appreciate your support.

Other Books By The Author

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. Follow the pharmacist attorneys group on LinkedIn for more information.

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, nurse, a PhD or MD, should learn more about one of the greatest jobs that blend business and science.

Plan C: The Full-Time Employee and Part-Time Entrepreneur

First (Digital Only) Edition: Yuspie, LLC, Nov. 2011, ASIN: B0066DAR8U

Plan A: Go to a good school, graduate, and get a good full-time job. Until you get fired or let go. Plan B: Chuck the day job, and declare becoming a full-time entrepreneur. Work twice as hard with half as much pay. Close the business—exhausted, and broke. Plan C: KEEP the day job, and START the entrepreneurial business of your own on the side at the same time. DO BOTH. In this book, interviews with real-world Plan-Cers and professionals helping Plan-Cers shows you how to live the Plan C dream yourself. Follow Plan C on Facebook.

Single. Women. Entrepreneurs.

First Edition: IBJ 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 professional, 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.

Mentored Books

Pharmacy and Me

Mascot Books, 2012, ISBN: 978-1-937406-74-5 (hardcopy)

Kindle version, 2012, ASIN: B007R57RG6

Have you ever wondered what goes on behind the counter of your local pharmacy? Read this book and you'll find out! Learn along with a sore-throated little girl how a prescription from your doctor changes into medicine from your pharmacist. The

authors—nine Butler University Pharmacy, Education and Graphic Design majors--knowing that some of the words in the story might be new to the reader, included a glossary with complete definitions. Written in melodic rhymes and playfully illustrated, this children's book gives readers a rare glimpse into the interesting world of pharmacists. The authors and illustrators of this project are: Mia Claretto, Marissa Mahoney, April Gauthier, Stacey Scheidler, Kelsey Sanders, Kelly Baumgartner, Laura Kramer, Amber Anderson and Julie Bickel. Hardcopies of this title are available only at the Butler University Bookstore, www.butler.bkstr.com.

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 yourself 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.

Dr. Albert has also written for Entrepreneur.com, Inside Indiana Business, SheTaxi, Singular City, the Greater Indianapolis Chamber of Commerce, the Indiana Small Business Development Center, and IndyPolitics.org. Her work has been featured on DanPink.com, Entrepreneur.com, in The New York Times, The Huffington Post, Little Pink Book, The Entrepreneurial Mind, and she has been interviewed on CBS Radio (Career Coach Caroline), the BBC, and Pete the Planner, along with several other media outlets. For more information on the author, logon to: www.erinalbert.com and www.yuspie.com.