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Nurses: Should I Go to Law School?

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Question

A nurse wants some advice on whether law school is a good career move, and what opportunities might be available for nurse-attorneys.

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Considering Law School

A nurse wrote, saying, "I am thinking of going to law school. What should I know, and what are my opportunities?"

When considering this career change, the issues to think about are:

- Whether you can get into law school;
- Whether you can meet the demands of law school and live with them for 3-4 years;
- Whether you can pass the bar exam;
- Whether, if you pass, you either can get a job or get enough clients to support yourself; and
- Whether providing legal services is something you would like to do for many hours each day.

Getting into law school and passing the bar exam are analogous to what nurses do to get into nursing school and pass nursing licensure exams. It is the same process, with different subject matter. Much has been written elsewhere to guide law students and prospective students. Therefore, I won't spend time on those two considerations.

If you are a nurse considering law school, you should know what law school entails. Law students attend classes as full-time day students, or part-time day or evening students, depending on a school's offerings. A full-time day program takes 3 years. A part-time day program or an evening program takes 4 years.

It is possible, though difficult, to work full time and go to law school. If one works during the day and attends school in the evening, it will mean 4 hours of evening classes, 4 nights a week, in addition to days at work. And then there is the preparation time.

Preparation for class means reading and "briefing" cases. A brief is a summary of the facts of a case, procedural history, issues, the court's holding, and the court's reasoning. Law school classes are conducted using the Socratic method, which means that a professor selects a student and begins asking questions about an assigned case. The

answers come from the student's brief. The professor continues to question until the student is out of answers. If a student is unprepared, he or she answers "pass." The academic consequences of "passing" aren't clear, but at minimum, a student who declines to answer is embarrassed. This teaching method serves to push students to come to class prepared.

For the first year, plan on spending 24 hours a week reading and briefing cases. For years 2-4, plan on 10-20 hours a week in preparation time, plus class time.

In addition to reading and briefing, law students are required to write papers and prepare oral arguments. Exams occur twice a year, and, in some classes, once a year. Exams are in essay form.

Those who graduate from law school and pass the bar exam should expect more of the same—reading, writing, and composing and presenting arguments. If a new attorney is employed by a firm, he or she should expect to put in 12-hour weekdays as well as some weekend time. Firms expect their associates (lawyers who are not partners) to bill 1900 hours a year. Attorneys log billable time (time that can legitimately be charged to a client) in 6-minute increments. Not every minute of a work day is billable, so count on working 8 hours to bill 6 hours.

If one practices solo, there is much more flexibility with one's work schedule and choice of projects, but one must find and sign up one's own clients and generate all of one's income, office expenses, and the salary of any assistants.

Let's look at some comments from experienced nurse-attorneys. I asked some members of The American Association of Nurse Attorneys (TAANA) why they went to law school, what they are doing now, and what advice they have for other nurses.

Reasons Nurses Went to Law School

Some nurse-attorneys chose law school because they were impressed by attorneys they encountered; others were looking to expand their career options, and some were dissatisfied with nursing.

"I had been a nurse for 4 years and was about halfway through my master's degree when I realized that I did not want to pursue nursing as a career," said Joanne P. Hopkins, who has her own practice in Austin, Texas. "I finished my master's but tried to think of a profession that would not require me to go back to undergraduate school. I took the Law School Admission Test one weekend in 1978 and did reasonably well, so I applied to every law school in the state of Texas and got in."

"I received my master's degree from the University of California, Los Angeles, and was working as a unit manager," said Lorie A. Brown, RN, MN, JD, of Brown Law Office PC, in Indianapolis. "I was going through a divorce and I had a good divorce attorney, so I decided to go to law school. It was truly on a whim."

"I graduated from high school in the late 1960s, right at the beginning years of the feminist movement," said Kathleen Kettles, of counsel at Wingate, Russotti, Shapiro & Halperin, LLP, in New York. "I never thought that I could be anything but a teacher, nurse, social worker, secretary, or housewife. I graduated from nursing school in the early 1970s and worked for 10 years before I started law school in 1984."

Kettles continued, "Nursing taught me so much about life, death, and what is truly important in this world, and I wouldn't be the attorney I am without it. But I realized by the late 1970s that I was just as intelligent as any physician and that I could do something more educationally if I wanted it. I had started graduate school in nursing and then switched to psychology, thinking I would be a psychologist. At that time, I was a codirector of a day treatment program for mentally ill adolescents and adults, and I often had to go to court to advocate for them or because they were denied Social Security."

"Nursing never seemed to fit, and I found myself changing jobs frequently because I was not satisfied," said Taralynn R. Mackay, RN, JD, of McDonald, Mackay, Porter & Weitz, LLP in Elgin, Texas. "I took skills and aptitude tests, and the results showed that my interest was in the field of law. I decided to give it a try and have not regretted it. I found that law allowed me to advocate for nursing in a way I never could before.

"My original goal was to go to medical school," said Nina R. Messina, managing attorney at Messina, Lalafarian, Mendel & Ryan in Glendale, California, who has been in law practice (primarily insurance defense) for 35 years. "I am an 'old-fashioned diploma-school RN' and worked in nursing for nearly 10 years in various areas—labor and delivery supervisor, critical care head nurse, IV team, and evening house supervisor. I loved nursing and I really wanted to go to medical school. Law had never crossed my mind. However, on one occasion, I went to a nursing continuing education seminar conducted by a woman lawyer who worked for the California Nurses Association. The subject of her seminar was nursing malpractice, and she cited cases and case law. At that time (late 1960s, early 1970s), there was not much emphasis on nursing malpractice, nor on malpractice insurance, especially for hospital-based nurses."

"What impressed me the most was the enthusiasm with which this woman spoke to us," Messina continued. "It was obvious that she loved nursing, although she was not a nurse. It occurred to me how much more impressive her lecture would have been had she shared with us the fact that she was also a nurse and could really identify with us. Nevertheless, she was very dynamic and impressed me a great deal so that, for the first time, the notion of a becoming a nurse-attorney crossed my mind. I didn't forget my desire to go to medical school. However, in those years, it was more difficult for women to get into medical school. Although I didn't know any lawyers at the time, I made up my mind that I would go to law school, because the number of schooling years would be less, and I had always had an interest in governmental/constitutional issues."

After Graduation From Law School

Nurses who became attorneys are working in administrative law (interpreting regulations and representing clients before administrative law judges), litigating medical malpractice and insurance cases, providing professional license defense, advising healthcare entities about Medicare compliance, providing legal support for peer-review operations, and acting as corporate counsel for hospitals. Other career paths for nurse-attorneys are business development for medical centers, arbitration of healthcare disputes, counsel to Boards of Nursing and state health departments, teaching positions, and government investigations. You can find a chart of selected career paths for nurse attorneys here.

Here is what some attorneys experienced after graduation:

"When I graduated, I thought I would be very valuable as a nurse-attorney because of my medical knowledge," said Lorie Brown. "But I found that most attorneys did not know what a nurse-attorney was or the value that they brought. I did medical malpractice defense for several years and then started my own medical legal consulting company. I wanted to be present for my kids and have the freedom and flexibility with my schedule. Now, I primarily represent healthcare providers before the licensing board. I also have an organization called EmpoweredNurses.org, where I teach nurses how to speak their minds and become change agents to improve patient care. I also teach nurses a system with which they can protect their licenses."

"One striking thing I remember in the early years was clients telling me that they could tell that I had a clinical background from my advice and in my writing," said Joanne Hopkins. "Being a nurse gave me an understanding of the realities of the setting and operations I was dealing with and enabled me to put a practical side to my legal advice. There is a significant amount of detail work and counseling to the practice of law, both of which exist in the practice of nursing."

Hopkins continued, "I went with Fulbright & Jaworski's health law section on graduation. I practiced medical malpractice and administrative health law for about 3 years, tried one lawsuit (and lost 5 pounds in 4 days), and transitioned full-time to administrative health law. I went with another law firm after 9 years, which was wonderful, and then in 1999, I went out on my own so I could spend more time practicing law, keep my rates down, and have flexibility with my kids. I limited my practice to hospital operational work, such as hospital-medical staff relationships, Medicare compliance, informed consent, nursing peer review—areas I could do myself."

"My first legal job was working as an administrative lawyer for the Texas Medical Board," said Taralynn Mackay. "I did not have a clue what administrative law was when I was hired. I lucked out with my timing and worked with a great group of people. From there, I transitioned into private practice as an administrative defense lawyer representing various healthcare professionals, and after a year, I switched to representing only nurses. I have been doing the same thing for over 18 years. I practice no other area of law, and I only represent nurses."

"I found my true calling as an advocate," said Kathleen Kettles. "Today, I have been a plaintiff's medical malpractice attorney for 28 years. It has given me the financial means to have a good life and, more important, to help people who cannot help themselves who truly need my assistance. I have helped to make life better for severely disabled children and their families, to provide the financial support to a family who lost the breadwinner to a missed diagnosis of cancer, and to help rehabilitate and support people who suffered serious injuries as a result of medical malpractice. There are many more examples. One thing I know for sure: It was necessary for me to be a nurse first to be an advocate for patients as an attorney."

"I practice in a law firm with about 200 attorneys in several states," said Janet K. Feldkamp, RN, BSN, LNHA, CHC, JD, a partner at Benesch Friedlander Coplan & Aronoff, LLP, in Columbus, Ohio. "I love what I do and believe that healthcare will continue to be an expanding area of law. My unique experience as a nurse has driven my law practice. During my years of nursing, I worked in the long-term care area following several years in critical care. I had experience on the state regulatory side, not-for-profit provider side, and for-profit provider side. I was a director of nursing and administrator in long-term care before becoming a vice president for clinical care in a multistate management company. This background is used every day in my legal practice representing post-acute care providers: nursing homes, assisted living, senior housing, and home health and hospice providers. I believe that our experience in nursing and in healthcare provide us with skills that other attorneys do not have."

"Like the others, I sought my law degree as a way to advocate for others," said Pamela Chambers, MSN, CRNA, EJD, a medical-legal consultant and certified registered nurse anesthetist (CRNA) in Georgetown, Texas. "In my field, most of the CRNAs obtain their doctorates via online programs, because that's really all we have time for with our 24/7 roles. I didn't want to try cases; I wanted to help keep healthcare providers out of court. As it has evolved, I've become an expert witness and legal consultant in perioperative anesthesia and nursing. I work with plaintiffs and defendants. I love the advocacy that I'm able to do in this role. And I look forward to doing more as my anesthesia career winds down."

"I was fortunate to have been offered an externship at Farmers Insurance Exchange and their subsidiary, Truck Insurance Exchange, which insured most of the hospitals in Southern California for professional liability," said Nina Messina. "Farmers Insurance then hired me, and that's how I got my feet wet in the insurance defense/hospital defense area. Although I expanded into general insurance defense and eventually formed my own firm, my nursing background has been a constant companion in that I continuously review medical records, conduct depositions of medical experts, and deal with medically related issues, et cetera, in the defense of personal injury actions."

Advice From Experienced Nurse Attorneys

Here is some advice for nurses from the attorneys quoted earlier:

"Nurses think that they will make so much more money as attorneys," says Lorie Brown. "However, the job market right now is very difficult. I took a pay cut when I first started law and continued to supplement my income with nursing. I also think that so many nurses are becoming legal nurse consultants because they are frustrated with nursing, yet they have no idea if they would even like sitting with mounds of paper, often without human contact. Before somebody goes into law school, I would suggest that they shadow an attorney and make sure that the job is something they truly want to do."

Joanne Hopkins agrees. "I recommend to anyone considering law school to try to work in a law firm or with attorneys before going to school," she said. "It is very different from what we see on TV or in the movies, and there are many unhappy attorneys out there. Many practice areas can be very tedious."

Hopkins further advises, "In seeking jobs, think outside the box. There are many opportunities outside of law firms, especially if the nurse-attorney is interested in health law or related fields. There is risk management, working directly with providers or insurance companies, as well as government positions in which a nursing background will be an asset. In the early years of practice, try to develop an area of expertise. Mine was hospital/medical staff peer review. Take advantage of speaking opportunities, because if you speak on a subject, everyone assumes you are an expert, even if you are not. Write on it, too—same thing. This was invaluable to me both in the law firm setting, but most important when I went out on my own."

"Finally, always give assistance to other lawyers," Hopkins concluded. "I take a lot of calls from other attorneys who are networking or asking for advice. It takes some valuable time, but you never know when you will need to ask for a favor in return."

"I found that law school pushes students toward law firm practice, and it is easy to get wrapped up in the thought that this is the only path," said Taralynn Mackay. "I worked for a large law firm while in my third year and knew I did not want to work for a firm when I graduated. I called a nurse I knew who worked for health lawyers and asked her for advice on a path other than a firm. She recommended working for the state government. I found it to be a great way to get experience as a new attorney.

Mackay also stated, "Networking is very helpful, and do not limit networking to attorneys. You never know when someone may open a door for you. Anyone considering entering law school needs to know that there is an absence of jobs for new law school graduates. The law schools continue to crank out lawyers, but the job market has decreased immensely, and that leaves people with huge debt and no way to pay it back. I know of graduates who still have no job a year after graduating. Also, do not go to law school for riches or fame, because for most attorneys, that does not apply. You should consider a profession or career because it is of interest, or else you may hate getting up every day to go to work."

And an interesting perspective comes from a nurse-attorney who was an attorney first.

Alison Loughran, JD, RN, BSN, who is a program inspector at the US Department of Veterans Affairs, Office of Inspector General in Baltimore, received her law degree in 1998 while in her 30s—then, in her 40s, went to nursing school. "I saw law school as a place to go, not a dream come true," she said. "I agree that those interested in law school should work with attorneys first to see whether that is what they want to do. I did not work at a law firm and probably would not have lasted a day! The school pushed everyone either into law firms or public interest law. I chose the latter and basically starved while paying student loans. But I did stay with health law in the form of public advocacy and government jobs for many years."

Loughran said, "It was not until my late 40s, while working for the Centers for Medicare & Medicaid Services, that I decided to go to nursing school. I thought it would carry me to retirement if I worked part-time as a nurse. The problem: I was not willing to go back to square one in salary, so hospital practice was out, and part-time jobs for new nurses are rare. (I have never been a great career planner!) However, in spite of myself, I found my dream job as hospital/program inspector with the Veterans Affairs. I use my legal and writing skills extensively, and my

clinical/nursing practice skills as much as possible. I also learn about many areas of healthcare, not just the nursing elements.

"There are a lot of jobs in this field out there, and I wonder why more nurse-attorneys do not apply," Loughran concluded. "It is very stable and rewarding and a much better work schedule for me (although travel may preclude some from this job). I make enough to have a good life, work only during the week, and meet people from all around the country. I love advocating for veterans. If a nurse wants to go to law school, this career path is a healthy option."

Nursing can be a point of entry to a niche within the legal profession. Those who have made that transition say that they still call upon knowledge and experience from nursing days. They have not really left nursing, but have built upon that experience.

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