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FORTITUDE AT FORTY, OR WHY A SEEMINGLY CONTENT, OVERLY AMBITIOUS, AND DETRIMENTALLY OPTIMISTIC FORTY-SOMETHING YEAR OLD DECIDED TO UPEND HIS LIFE AND GO TO LAW SCHOOL

This article is not the stuff of which typical law review articles are made. It is certainly not a work of staggering genius intended to enlighten the legal world. It is not a review of Supreme Court jurisprudence. In fact, it has absolutely nothing to do with the current state of the law. This article reflects a personal journey that began when a run-of-the-mill average guy teetering toward middle age decided to go for broke (literally), enter law school, and pursue a career in the law. Perhaps, this article is more of a Reader’s Digest version of Law Review.

I assure you that making the decision to enter law school at the age of forty-plus has been no easy task. Returning to the world of academics after many years, especially regarding the depth and the breadth of a legal education, required more than simply filling out a form and showing up with a notebook in hand. I jumped through all the necessary hoops that all the other law school applicants encounter: the LSAT (a test I have come to refer to as the other four-letter word), the extraordinarily expensive application process, the numer-

1 Reader’s Digest, http://www.rd.com/ (last visited Apr. 17, 2011). Reader’s Digest runs the gamut with articles for its readers that range from Can Environmental Factors Cause ADHD? and What To Do if Your Child is a Victim of Cyber Bullying to Set the Mood for Weight Loss and Do You Need to Dry Clean?
2 See About the LSAT, LSAC.ORG, http://www.lsac.org/JD/LSAT/about-the-LSAT.asp (last visited Apr. 17, 2011). The LSAT, or “Law School Admission Test,” is administered four times a year and is required for admission by all American Bar Association-approved law schools in both the United States and Canada. Id. The LSAT has encountered criticism throughout the years. See Madison Gray, Law School Admission Test, ANSWERS.COM (Apr. 17, 2011), http://www.answers.com/topic/law-school-admission-test (underscoring the criticism that the test is proportionately unfair to women and minorities).
ous visits to tour potential schools, the prep courses, the courses to explain all the information that they taught in those prep courses, and the constant supply of Maalox®. Further, since I have been removed from the educational world for many years, I had an additional task; I needed to re-learn how to learn.

Therefore, one may possibly ponder the purpose of this paper. Perhaps, I can place it in perspective. This article is for potential practitioners of law that find themselves at the crossroads in their lives and are considering doing what I have done. This article embodies characteristics of both selflessness and selfishness; its message is for others that are similarly situated, but it is about my experience. My hope is that my story sparks an interest in those over forty who not only aspire to become lawyers but also have the wherewithal to do so. Unfortunately, in the real world, ambition alone is insufficient. Many people in their forties have mortgages, children, and many other expenses that more or less preclude them from making decisions that would essentially affect others who depend on them. But, for those of you approaching mid-life that have considered attending law school and embarking on a new career, I resoundingly, enthusiastically, and, without a moment’s hesitation exclaim, “Go for it!”

I. FROM CONTEMPLATION TO COMMITMENT, OR HOW A SIMPLE IDEA BECAME A $120,000 REALITY

My decision to attend law school did not arise from discontent. I realize that good fortune has infused my life, a fact that has never gone unappreciated. Although no longer debt-free, a consequence that generally results from attending law school, I have enjoyed comfortable living. I diligently worked to provide both a college and graduate education for myself. I basically lived a dream, that reflects its minimum-accepted undergraduate grade point average (UGPA) and LSAT score. See How Law Schools Determine Who to Admit, LSAC.ORG, http://www.lsac.org/jd/apply/whom-to-admit.asp (last visited Feb. 24, 2012).

Maalox® is an over-the-counter medicine for the relief of upset stomach. MAALOX, http://www.maaloxus.com/moreinfo.shtml (last visited Feb. 24, 2012). Upset stomach (and all those awful symptoms that accompany it) was brought on by the LSAT. The preceding statement is not a medical fact that can be supported by solid evidence; it is simply that Maalox® became my drug of choice during preparation for the LSAT.

I received both a B.B.A. and an M.B.A. from Temple University in Philadelphia, Penn-
through a career in show business, allowing me to act both on stage and in film and television. Personally, true friends have been plentiful, and my family remains close and comfortable. That is not to imply that each day has been pure ecstasy; I do not believe that there is enough vodka in the world to support that level of happiness, but I have never had periods of prolonged unhappiness.

Yet, something was missing. Several years ago, I began to realize that perhaps my life was not being fully lived. This feeling was not inspired by an episode of *Oprah,* nor was I influenced by some psycho-babble in a self-help book. One evening, while enjoying dinner and cocktails with friends, my inspiration was born. One of my dear friends insisted that I was in the wrong career; she had always envisioned me as a lawyer. When I heard this, I realized that she was on to something. I had recently become quite politically active and had begun advocating for human rights issues. At that moment, I realized that as an attorney, I could advocate for legal change. I immediately ordered another cocktail.

The next day, after my headache subsided, I discovered the website for the Law School Admission Council (LSAC), and the rest is history. LSAC provides everything that a prospective student needs to know in order to apply for law school—sort of a ‘one stop shop’ for law school admissions. Indeed, LSAC is essential, especially for those of us that have been removed from the academic process for a few years or more. Registering on the web site provides information about every law school, directs students to registration...
for the LSAT, and allows students to apply directly to the schools for admission.

For those of us that choose the non-traditional route, we need as much assistance as possible. In order to define non-traditional, one must consider the concept of the traditional law school student. The traditional student is one that follows a particular path—birth, learning to talk, schooling, college, law school, legal career (this is where the ‘learning to talk’ part plays the biggest role), life. A non-traditional student encompasses everything else. My path mirrored the following—birth, learning to talk (actually, if you believe my mother, the ‘talking’ part occurred soon after the ‘birth’ part, thereby rendering me a ‘natural’), schooling, college, graduate school, even more graduate school, working to pay off the debt from all that schooling, career, second career, third career, life, law school, legal career, exhaustion. I was not groomed in college to attend law school. In fact, I knew very little about the inner-workings of the law before setting foot in law school.

Regardless, I gathered up the information that I required, accumulated enough funds to support myself through the process, completed all the necessary procedures, and became a law student. And, I soon realized that, no matter the depth and breadth of pre-law school preparedness, every law student begins on equal footing. In essence, we are all clean slates. Even though my slate took a bit longer to polish than the slates of my younger classmates, it nonetheless shined brightly.

II. Proper Preparation Prevents Pitifully Poor Performance—Unless, of course, You Are Preparing for the LSAT

My first task is to dispense with the eight hundred pound gorilla in the room—the LSAT is dreadful. Unfortunately, registering for it, preparing for it, and scratching your head in dismay while taking it are all part of the necessary evil that allow future students to en-

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10 In my opinion, traditional students usually either attend law school directly after college or shortly thereafter. They tend to be under thirty, eager, and bright. Non-traditional students are eager and bright, but over thirty—often way over thirty.
Some have openly criticized the exam for its disproportionate scoring, favoring white males over women and minorities.\(^{11}\) I have heard law students opine that taking the LSAT, a prerequisite to the often grueling workload of law school, was worse than any law school exam. I tend to agree with these students, which emphasizes my assertion that one’s success in law school simply does not directly correlate to success on the LSAT.

My word of encouragement, especially to older students that simply do not have the time to immerse themselves in around-the-clock preparation for the evil exam, is that the day of the LSAT (with the possible exception of sitting for the bar) will arguably be the worst day of the law school experience. The whole day is awful. If you are fortunate to have enjoyed a full night’s sleep, you are either both Uber-confident and prepared or you had a few Ambien®\(^{12}\) lying around the medicine chest. Because the testers expect test takers to show up to the testing facility at the crack of dawn and because the how-to books warn against drinking coffee prior to the exam (too many trips to the restroom), you can barely keep your eyes open during the exam. Then, you must complete each section within a thirty-five minute time period.

The sections of the exam are divided up into reading comprehension, logical reasoning, and, last but not least, games. The passages from the reading comprehension sections are so boring that additional points should be awarded for staying awake during them. When I took the LSAT, one of the reading comprehension sections dealt with the riveting topic of the chemical composition of frost and its effect on strawberries. The logical reasoning section presents a series of fact patterns followed by a series of answers. The test takers are tasked with matching up the most logical answer in relation to the fact pattern. This section simply cannot be explained; it must be experienced. I found the logical reasoning sections to be neither logical nor reasonable. Finally, the fun begins and ends with the games section, in which the test takers are posed with a series of fact patterns.

\(^{11}\)See supra note 3 and accompanying text.

\(^{12}\)Ambien® (zolpidem) is used for the short-term treatment of insomnia (difficulty falling or staying asleep). This medication causes relaxation to help you fall asleep. What is Ambien?, DRUGS.COM, http://www.drugs.com/ambien.html (last visited April 17, 2011). I neither endorse nor recommend the taking of sleep medication before the LSAT. However, I do recommend stopping by your favorite neighborhood pub following the exam.
regarding certain occurrences and conditions regarding the occurrences. Then, the lucky test takers must logically determine a pattern of events based on these conditions. I call these games “puzzles on steroids.” I have not the faintest idea how successfully figuring out the route of a bread delivery person on a Saturday afternoon with a truck that only makes five stops unless, of course, the restaurants are all located on the south side of the street indicates a law student’s propensity to think logically. That the LSAT test-makers would have anyone believe that a future law student’s logical reasoning capabilities as they pertain to law school can be assessed on a bleak Saturday afternoon with no sleep, no coffee, and a bunch of nervously chewed number two pencils is, for lack of a better term, illogical.

The preceding paragraphs allow the reader to draw a reasonable inference, as they say in law school, regarding this writer’s opinion of the LSAT. However, my opinion of the LSAT in no way extends to the actual academic law school experience. For us older non-traditional students (and many others as well), the LSAT represents one day for which proper preparation is essential and the need to perform well is key. It all comes down to one five-hour period on a Saturday morning during which thirty-five minutes seem to pass by in a second. Of course, this perceived passage of time completely negates the axiom that “time flies when you’re having fun.”

III. THE APPLICATION PROCESS, OR WHO ARE YOU TO JUDGE ME?!

When I finally felt strong enough to get out of bed following that harrowing LSAT experience, I decided to throw myself into the exciting, fun-filled law school application process. Before this point

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13 The origin of the phrase “Time flies when you’re having fun” is believed to be traced back to English literature.

While we dawdle, our lives pass swiftly. The proverb has been traced back in English to 1386 in Chaucer’s Prologue to the Clerk’s Tale. The earliest American appearance in print is 1710 in Mayflower Descendant. The idea was first expressed by Virgil (70-19 B.C.), who wrote in the Aeneid: Fugit inreparabile tempus (“Time is flying never to return”).

in time, while I was pondering my choice about whether to actually attend law school, I attended law school fairs and visited campuses to better inform my decision. Law school representatives would emphatically claim that law is a perfect second career and that older students were well-represented in their hallowed halls. It turned out that they were telling the truth, both about the suitability of law as a second career and increased enrollment of “older” students.

However, all that truth is certainly not reflected in the application process. Aside from the tedious paperwork that takes us older people much longer to fill out (we have more life), many law schools use as a litmus test two numerical scores—the LSAT and the applicant’s undergraduate grade point average (UGPA). I find this a short-sighted weeding out process. Not everyone has the ability to perform well on standardized tests, and grades in college reveal only a minor part of a person’s overall ability, especially as maturity sets in. Yet, I understand that the combination of the LSAT/UGPA has proven to be a reliable indicator throughout the years. Moreover, though, and especially as it applies to the older students that have not seen the inside of a classroom in years, the UGPA is reflective of nothing. I have grown by leaps and bounds both personally and intellectually since my college days. I barely remember my college days.

I found it maddening, unfair, and a bit funny that my UGPA, which actually was very good, was a major factor in my acceptance to law school. Law schools should rethink their emphasis on these numerical factors and allow us older students to prove that we are worthy of attendance in other ways. We tend to be smarter and more aware of our abilities (and shortcomings), and we tend to have much better credit than our younger counterparts. Perhaps law schools should assess credit scores as part of the application process. That certainly reveals much more about me than my UGPA which I believe was etched on a stone tablet.

IV. FAQs: Everything That You Would Never Dream of Asking a Person, but What the Hell, You Will Ask It Anyway.

When I announced to my family and friends that I decided to enter law school and pursue an entirely new life, most of them applauded my decision. In fact, I was quite surprised that the response
was so overwhelmingly positive. After all, changing course in mid-stream can be perceived as questionably risky and foolish. However, the few cynics and naysayers certainly questioned the current state of my sanity.

Actually, some of the negative reactions I encountered were my own fault. A few years prior to entering law school, I announced to my family and friends that my new goal was to simplify my life. And, true to form, I disregarded my resolution and decided not only to abandon my simplification plan but to complicate my life. I am quite thankful that I usually break my own rules; my decision served not to complicate my life, but to exponentially enrich it.

I am, however, amused by some of the questions, often personal, that people asked after I revealed my new life plan. The following queries are among my favorites. The answers are not actual answers, but, in a few instances, I fought back the words.

Q: Isn’t law school expensive?
A: Yes, it is very expensive. The cost of a legal education is widely recognized as expensive. I have given this factor a great deal of thought. I am not independently wealthy; as far as I know, I have no rich uncle on the verge of death that miraculously named me as the beneficiary of a vast estate. Do you think I made this decision casually? Do you think I woke up one morning and said to myself, “What shall I do today? Oh, I know, let me spend $120,000 and go to law school!” Instead, I thought about this decision until it was the only thought I had. And, unless you are considering paying for it, don’t look so concerned!

Q: How are you going to pay for it?
A: Because you are so concerned with my finances, I was thinking of taking out a personal loan and having you co-sign. Hey, where are you going so quickly?!

Q: Law school is difficult—you know that, don’t you?
A: Really? I had no idea; I shall withdraw my applications immediately!

Q: Aren’t you a bit old for such a change?
[I assumed that the inference here referred to the dreaded mid-life
crisis. This question was posed to me by a friend who shall go by the name of “Alan.” “Alan” is forty two. “Alan” is currently on his third marriage, which happens to be to a woman fifteen years his junior whom he calls his “old lady.” “Alan” has three piercings in one ear and two in the other, sports at least four tattoos (all acquired after he turned forty), rides a very expensive Harley-Davidson, is a lifetime member of “Hair Club for Men,” maintains an email account with the name “hot-to-trot42,” and refers to me as “dude.” Needless to say, I ignored “Alan.”

Q: What does your mother think about this?
A: My mother? Actually, my mother is slightly hard of hearing. When I told my mother that I ‘need to be a lawyer,’ she thought I said that I ‘need a lawyer.’ I am not completely sure, but I think she still believes that I am in trouble with the law.

Q: You are going back to school? You will be [insert age now plus three years here] when you finish!
A: I will be that age anyway. Now, I will be that age and have a law degree.

Q: Law school? Where are you going to find the time to go to law school?
[Essentially, this question arose based on the perception that my pursuing a legal education was something I would add to my already busy schedule. Of course, many non-traditional students attend law school on a part-time basis while continuing to work full-time. How they accomplish this is beyond my comprehension; I truly believe that they deserve special recognition. As for me, I planned to attend law school full-time; I simply was not adding it to my already full laundry list. Actually, I was rewriting my list with law school at the top.]

Q: Are you crazy?
A: Yes, but that has absolutely nothing to do with my intention to go to law school! At least that is what my therapist told me.

The truth is this. These reactions are normal. Not everyone, even those of us who realistically can make major life changes, actually take the plunge. But, if you are reading this and are seriously
considering redefining your life as I have, then we understand each other. Others that love you sometimes have difficulty seeing through your eyes. But, in the end, they only want what is best for you. And, as I stated, the overwhelming majority of those that mattered supported me unequivocally. Trust me—the same will happen to you.

IV. Trepidation Begets Tenacity: Day One and Beyond

I entered the door of the law school building on my first day accompanied by a greater degree of insecurity than ever before in my life. I looked around at all these young faces that reflected an eagerness to learn. Doubts flooded my brain; perhaps, I could never measure up. My previous educational experience occurred at the time that many of them were toddlers. Resisting the urge to retreat, I cautiously sidled into my first Criminal Law class.

My plan was simple. I decided to ease my way into my new educational experience. I was going to be quiet and unassuming; I intended to attract as little attention to myself as possible. I would go to class, learn the legal doctrines, and spend most of my free time studying. I would resist engaging in extra-curricular activities because doing so would interfere with my study plans. My law school strategy was set.

This rock solid strategy lasted approximately four minutes. As soon as my Criminal Law professor asked his first question, my hand flew up and I engaged in the dialogue. I was part of the action. I was a law student. And, my classmates accepted me as one of their own.

By the end of the first month of law school, I joined three student organizations, became a member of a legal fraternity, accepted a legal research assignment from a public interest organization, became involved in two community service projects, and volunteered at my law school’s writing center. Adhering to plans has never been my strong suit. I promised myself that I would engage fully in the law school experience; my initial plan requiring caution and timidity not only failed to honestly reflect my personality but also directly contradicted my promise to fully engage.

And, I have tirelessly fulfilled my promise. I have studied abroad, interned for both a federal district court judge and the United States Attorney’s Office, become an editor for Law Review, con-
ducted research for an amicus brief that was submitted to the Supreme Court, chaired several committees, participated in several pro bono projects, made the Dean’s List every semester, and received a prestigious fellowship for work in the public interest. Anticipation for the next experience fills my days. I have not felt this alive in a very long time.

Law school is not a spectator sport; the more a student engages, the more a student achieves. I find myself gaining more energy with each new experience. Of course, I realize that the path I have chosen is not designed for every student over forty. But, I refuse to allow an age classification to define me.

Law students beyond a certain age are referred to as “non-traditional.”\(^\text{14}\) I realize, of course, that this classification is based on age; the overwhelming majority of law students are under thirty.\(^\text{15}\) Personally, I revel in the notion of being non-traditional. I have always considered myself non-traditional. It takes a certain chutzpah to change one’s life at thirty-five or forty. We fearless types tend to march to the beat of different drummers; and, our drummers are endowed with exceptional rhythm.

V. **YOU CERTAINLY CAN TEACH AN OLD(ER) DOG NEW TRICKS**

My grandmother used to say that no matter how long a person lives, he never stops learning. My law school education certainly affirms my dear grandmother’s words. Although I instinctively knew that my mind would expand exponentially as I navigated through these past several years, the vast amount of knowledge that I have garnered is overwhelming.

Law school seeks to teach students to “think like lawyers.” One of my reservations entering law school grew out of concern that my mind was no longer malleable. I fearfully thought, “What happens if they cannot train me to think like a lawyer; what does a lawyer think anyway?” In the end, my fears were overcome. My brain, perceived to have ‘been there and done that,’ opened up and absorbed all the legal information. And, it continues to grow as all the rules

\(^{14}\) See supra note 10 and accompanying text.  
\(^{15}\) Id.
and doctrines begin to make sense. The law makes sense.

I recently took stock of my life regarding my past couple years in law school. Although only two chronological years have passed, a lifetime of positive and meaningful change has occurred to me. I developed a general career goal when I decided to enter law school. Having been through the process, my goal has been refined to the point that I am now certain of my career goal. And, I have applied myself and gathered useful allies in my quest to work in my field. Astute law students gain contacts by engaging in extracurricular activities and industry events that serve to bolster awareness within the hiring community. Older students instinctively understand this, perhaps a bit more than their younger counterparts. We also tend to be a bit more tenacious and a tad less inhibited. And even if humility continues to flow from our veins, seasoned professionals tend to treat us more as contemporaries than as “the next generation.” That is one of the benefits of being born earlier. Moreover, the food at those events is usually delicious.

VI. THEY LIKE ME, THEY REALLY LIKE ME!

The true eight hundred pound gorilla in the room—the fact that I probably had more in common with my classmates’ parents than I had with my classmates—occupied the recesses of my mind as I began law school. I knew that I would spend the better part of the next three years of my life with my new (and much younger) peers. Thoughts of rejection and alienation flashed across the screen. Would I become a social pariah? Am I up on the current trends? What on Earth do I have in common with these people?

It turned out that all the drama (having spent years in the theater takes a toll on the psyche) was for naught. From day one, my fellow classmates treated me not only as a peer, but also as a somewhat paradoxical contemporary. When any two people anywhere in the world have something in common, the opportunity for a meaningful friendship becomes possible. Here, in law school, we all enter our first years both excited and tremendously nervous to explore the unknown. We were, and continue to be, sources of enlightenment, comfort and companionship. A collateral benefit of law school has been my discovery of a new generation of people and of friends that will be in my life forever.
Having all these younger friends has its built-in advantages, and the relationship is reciprocal. I am probably the “un-techiest” person on the face of the Earth. I have expertly learned how to make others believe that I understand technical lingo regarding computers, cell phones, etc. The truth is that, when people begin to talk in modern technological terms, their words sound like those of the adults in Charlie Brown cartoons. Their lips are moving, but nothing remotely understandable comes from their mouths. As far as I know, a hard drive is what I encounter every morning on the treacherous Long Island Expressway.

However, every day I encounter a sea of people that grew up with computer mice in their hands. I have come to depend on my young friends to guide me through when I need a bit of technical support. In return, I avail myself of anyone that needs the kind of help at which I excel. Because I am a bit older and have been through more harrowing experiences than most of my classmates, I tend to ignore outside influences and keenly focus on my work. I offer advice, assist in preparing outlines, and support in any way I can to those of my colleagues that I admire. And, to my pleasure, there are many recipients of my admiration.

**VII. IF YOU HAVE READ THIS FAR, STOP READING AND START APPLYING!**

Looking back with regrets is something that no one ever wishes to do. Unfortunately, no life escapes regretful moments. The trivial and seemingly unimportant ones are relatively painless and insignificant (e.g., *Let’s panel the whole house!*, *I am going to look fabulous at the prom in this lime green polka-dot taffeta hoop skirt sleeveless dress!* , *I was thinking about going with that great new look; I think they call it the “mullet.”*). However, some regrets never leave the corners of our minds.

Invariably, the most poignant regrets arise not only from unfortunate decision making judgments (impulsive marriages, imprudent financial investments, . . .) but also from missed opportunities. To observe people retrospectively ponder about the lives that they could, would, or should have had if only they had seized their dreams is heartbreaking. No matter the reasons for a person’s reluctance or trepidation to achieve a goal or a dream, those roads left unexplored
tend to haunt us. The truth is that, until we die, life is full of possibilities.

A few years ago, I would never have had the temerity to throw caution to the wind, walk away from my source of income, and change my life mid-stream. However, I refused to be one of those people who look back in regret about what might have been. I took the plunge, and, my friends, it is the best decision I have ever made. Seemingly, in the blink of an eye, I changed my life. Will I be successful? Will I secure employment in this dreadful economy? Will people be willing to hire this old(er) guy? Although questions like these circulate through my mind daily, the answers are unknown. But, my life, my one and only life, has been immeasurably enriched.

I understand the doubts. I understand the fears of committing to a financial responsibility that may or may not result in a solid return on investment. I understand the feeling of trepidation regarding the overwhelming course load that law school entails, especially when a great deal of time has elapsed since college. I understand the sacrifice. I understand the feeling of guilt that arises from shifting the focus from dependent loved ones to personal studies. Life changing decisions neither occur overnight nor come without very tight strings. But, they are possible. As the saying goes, if I did it, anyone can. Trust me on this one. It has not been easy, but, and I state this with aplomb, it has sure been worth it!