

Making the Shift: Helping Students Adjust to the New Timing Guidelines

by Susan Robinson and LeaNora Ruffin

One of our main goals as counselors is to make sure we are arming our students with the tools they need to succeed in today's competitive marketplace. The new Part V guidelines, particularly the 45-day rolling offer deadline, help us progress toward this goal by suggesting a more realistic and practical approach for our thinking about offers and acceptances. At this point, we all may be a little uncertain about how the new timing guidelines will impact the students at our individual schools. But that does not negate the fact that change is good. *This* change is good. So the real question is how do we get our students on the same page? How should we anticipate their questions and concerns and provide them with good solutions? No surprises here; sound education and counseling will be critical.

Education Is Key

In a perfect world, we could hand our students a document explaining the new timing guidelines and they would accept and understand all of the changes immediately. While we will certainly have a good portion of our students for whom this is the case (especially those who have never been through the legal recruiting process previously), it is probably a good idea for us to anticipate student questions and concerns now and provide them with a fair amount of education on the new guidelines. Getting an early start on the education process will give students ample time to fully appreciate the guideline changes and to create systems that will help them stay organized during the fall recruiting season.

This spring presents a wonderful opportunity to give a seminar on the new timing guidelines either separately or as an important subsection of your fall recruiting orientation. We suggest starting with the big-picture, basic points first:

- Employers offering summer and full-time positions commencing after graduation to candidates *not* previously employed by them should leave offers open for 45 days following the date of the offer letter or until December 30, whichever comes first;
- Employers offering summer or full-time positions to candidates previously employed by them should leave the offers open until November 15;
- Offers made after December 15 for summer positions or for full-time positions commencing after graduation should remain open for at least two weeks; and
- Students actively pursuing positions with public interest or government organizations can request that ONE employer extend its deadline to accept an offer until as late as April 1.

Driving home these larger points first will create the foundation necessary to explain some of the equally important finer points included within and implied by the new guidelines, such as: (1) the prohibition against holding more than five offers of employment at any one time; (2) the calculation of 45 days (tip: clock starts running on the day after the date of the offer letter and stops running at the close of business on the 45th day); and (3) the

exemption of employers having a total of 40 attorneys or fewer in all offices. These core pieces of information should be disseminated to students in multiple ways and formats. Consider placing the new guidelines on flyers or on three-hole-punched note cards distributed to all students this spring or in correspondence to students this summer. Dedicate a small portion of your web page to describing the guideline changes. Since some learn better through application, develop short hypothetical questions to “quiz” students on the new guidelines. This technique was used during the Newer Professionals’ Forum in February and proved to be a very effective way of nailing down the details.

In addition to explaining the new guidelines, provide students with practical steps on how to manage their offers. You might offer these suggestions:

- Check the date on an offer letter immediately upon receipt. If the letter is more than a week old, consider contacting the employer to inquire about adjusting the offer deadline.
- Immediately check the letter for any indication of an offer deadline. If none is given, calendar the date of the offer letter and 45 days following the date of the letter.
- Use a reliable tracking method to count 45 days following the date of the offer letter. Many e-mail systems have calendars, e.g., Microsoft Outlook, Lotus, etc. Or students might try Google calendar or calendars.net. Your school’s IT department may also be able to provide additional calendar ideas.
- Set reminders of upcoming deadlines five to ten days in advance. This will give students an opportunity to gather any additional information they need to make a decision.
- Keep track of the number of offers being held at any one time. Remind students that they must track total numbers of offers

(no more than five at any one time) and must release an offer within one week of receipt of the excess offer.

If you are so inclined, you could create a cheat sheet for your students indicating the offer deadline for each day beginning in August. This tech savvy generation of students probably will have plenty of ideas on how to track days but providing these basic tips will reinforce the importance of having a system to manage offers.

Be sure to remember your audience as you prepare to educate your students. Current first-year students have not experienced a fall recruiting season. Presumably, they will be able to adapt to the changes with relative ease. Your second-year students, on the other hand, have had a fall recruiting experience under the old guidelines and, therefore, may be slightly more resistant to and/or confused by the changes. Be ready to face this potential resistance by focusing on the benefits of the new guidelines rather than what students may perceive is being taken away from them. For example, it is extremely possible that under the new guidelines students may obtain offers faster and/or move off of wait lists sooner. In the end, what student doesn’t want that? In addition, you should stress that the new guidelines do more to get them ready for the legal hiring market they will face after graduation. Finally, in anticipating fall 2008 (and to limit the distribution of dated information), you may want to make sure that returning student leaders are familiar with the new guidelines — particularly leaders who head journals, reviews, or student organizations that will be offering career-related information sessions for members of their groups.

Wherever possible, it is helpful to link process changes to larger career development goals. The timing guideline changes present a powerful teaching moment for career counselors. Take this opportunity to teach about professionalism. For example, as you are discussing the fact that offers not accepted by the offer deadline expire, remind your students about the importance of being responsive and the consequences of ignoring deadlines. In addition, you can teach about the value of self-assessment and setting priorities. While not a

given, it is likely that the student who has taken the time to figure out her goals, strengths, and weaknesses will be better prepared to make an informed decision about which offer to accept or reject. Encourage your students to engage in this process with you now so that they will not feel rushed and stressed when they receive offers this fall.

Counseling — Reinforce the Message

Counseling sessions can also be an excellent opportunity to educate students about the new timing guidelines. Fortunately, for most schools the new guidelines won't significantly affect how counselors advise students. We're already having extensive discussions with second- and third-years about how to make timely decisions and when the circumstances might warrant asking for an extension. The amount of time students have to make a decision has changed, but not the various considerations that go into making those decisions.

In the first year or two, counselors will need to continually emphasize that, in most cases, 45 days is more than ample time to make a decision about an employer. You need only refer to other industries to make this point. As we all know, no other profession or industry gives applicants a month and a half to consider their options — maybe two weeks at most. When you compare 45 days to the typical 2-14 days, it quickly becomes apparent how generous the guidelines still are.

Help Students Develop a Game Plan

With a shorter time frame for making decisions, however, students may need more guidance in exactly how best to approach the process. What criteria are most important to them in choosing an employer? What additional information do they need to make a decision? How and when can they get that information? The counseling session can be used to help them think through these questions and ensure that when they leave your office they have a plan that will enable them to make a timely decision.

In advising students who are lucky enough to have multiple offers, counselors will also want to question them on how they are tracking their offers. Do they know when they need to respond to each firm? Do they have a system in place to make sure that nothing falls through the cracks? To assist students with this, career services offices may want to create an Excel template for students where they can enter all of the firms' information — name, contact person, offer letter, and response dates, additional information needed, and timeline for collecting that information.

Tracking the deadlines will definitely take more effort on the students' part. However, they all managed to keep track of deadlines for papers and exams in college, and they'll use the same skills as practicing lawyers, so it's not unreasonable to ask them to apply that same skill set in law school.

Extensions

Of course, there will be times when a student is unable to make a decision within 45 days. For example, the student may have received an offer over the summer, long before his school's OCI program began. Or, the student may be uncertain where his significant other is going to be working after graduation. Perhaps the most common reason we have seen necessitating an extension is that the student is also pursuing public interest, government, or non-law opportunities, which have much later recruiting timelines than large law firms.

Key for counselors will be making sure that students are only seeking *reasonable* extensions and are making decisions in as timely a fashion as is possible. The new timing guidelines should help firms better manage their yield and, consequently, increase the pool of students to whom offers are given. However, the timing guidelines will only work if asking for an extension is viewed as the exception to the rule and not the norm. Posing the following questions can help students determine if requesting an extension is the right strategy for them:

For students who receive early summer offers:

(a) Would the student accept an offer from any OCI employers over the one that he received over the summer? (b) Could he contact the OCI employers with whom he interviewed, explain the situation, and see if the process could be expedited?

If students are uncertain where the significant other will be:

(a) Could the student focus on firms that have offices in all of the cities in which it's most likely his significant other will be working? The student could then ask the firms about their transfer policies (i.e., how easy is it for an associate or summer associate to transfer to one of the other offices?) and/or whether the firm extends firmwide offers. (b) Is it possible for the student to split his summer? He could look into working at the same firm, but splitting between two offices. Or, he could split between two different firms. The latter, of course, is harder to do, but firms may be more understanding if they know that the student is certain about the firms, just not the city.

For students interested in public interest, government and non-law opportunities:

(a) Has the student identified the particular employers in which he is interested? If so, when do those employers make hiring decisions? Is there any possibility that they would consider making an early decision? (b) Has the student considered the possibility of splitting his summer? If so, does he know how many weeks the firm would require? Will the firm allow students to truly split their summers (i.e., requiring only 7 or 8 weeks)? Or, if the firm requires 9 or 10 weeks, is a 4-5 week internship with the public interest organization or government agency a possibility and of interest to the student?

If none of these alternatives are viable, then counselors should move to the next step and discuss with the students how best to negotiate an extension. Again, keeping in mind that the guidelines provide only for "reasonable" extensions, you'll want to discuss with the student just how much time it would be reasonable to ask for. Does the student know when the other employer(s) will be making a decision? Firms will be more open to

granting an extension if the student has a specific time frame in mind and can back it up with concrete facts and information. We all know that a vague request for "a few more weeks" won't go over well.

Although the guidelines encourage firms to allow students to keep one firm offer open until as late as April 1 to pursue public interest and government opportunities, it makes sense for these students to also be as specific as possible when negotiating an extension. If they've applied for a fellowship that they'll hear about in February, encourage them to explain that to the firm and to ask for an extension only through February.

Finally, you'll want to prepare students for the possibility that the firm may be reluctant to grant an extension. Have students think through what their options are. If they have other offers, they can see if those firms are willing to extend the deadline. If the firm is their only option, they have to decide if they're going to still decline the offer and focus fully on pursuing other employers or play it safe and accept the offer, perhaps pursuing the other opportunities as school-year internships or as a 3L.

As you can see, these discussions are not much different than the ones you're already having with your students. Initially, counselors may see a few more students with deadline issues than they have in the past, but once students become accustomed to the new guidelines, they'll adapt. After all, 45 days is still a long time in which to make a decision. Five years ago, when most schools had their OCI programs in late September and early October, 45 days was about the amount of time students typically had to make decisions under the old guidelines.

The new timing guidelines represent a significant change from the December 1 deadline. And, students may initially struggle with keeping track of dates and juggling multiple offers. However, with some well-timed programming, a few e-mails, and some small changes in your counseling, you can make the transition for students an easy one. It may take some time to figure out the best way to

educate students, but one of the great things about NALP is that, by this time next year, we'll all be sharing our successes and failures, and building even stronger programs for 2009.

Susan Robinson is Associate Dean for Career Services at Stanford Law School. LeaNora Ruffin is Assistant Dean for Career Development at Widener University School of Law. Both are members of the Part V Task Force.

Note: The new timing guidelines are Part V of the NALP Principles & Standards and can be found on www.nalp.org under the "Principles & Standards" link. In early April, the Recruitment Practices Advisory Group will be posting updated Interpretations in that section of NALP's website as well. The Interpretations provide helpful information for suggested application of the timing guidelines in a number of special cases, such as when a student's decision is affected by the job search of a significant other or by judicial clerkship plans.