



We advance law careers

**2013-2014
BOARD OF DIRECTORS**

President

Stacey M. Kielbasa
Chapman and Culter LLP

*Vice-President for Member
Services and Education*

Marilyn F. Drees
Yale Law School

Vice-President for Finance

Diane M. Downs
Akin Gump Strauss
Hauer & Feld LLP

President-Elect

Terrence J. Galligan
University of California, Berkeley
School of Law

DIRECTORS

Alfred Ray English
Georgia State University
College of Law

Michelle Gage
Norton Rose Canada LLP

Georgia Emery Gray
Cleary Gottlieb Steen
& Hamilton LLP

Melissa Lennon
Temple University
Beasley School of Law

Victor C. Massaglia
University of Minnesota
Law School

Kay Nash
Wiley Rein LLP

Kisha C. Nunez
Wachtell, Lipton, Rosen & Katz

Cybele E. Smith
The Ohio State University,
Moritz College of Law

Nicole Alisa Vikan
Georgetown University
Law Center

Immediate Past President

Charlotte L. Wager
Jenner & Block LLP

Executive Director

James G. Leipold
NALP

TO: NALP Members
FROM: NALP Board of Directors
DATE: December 3, 2013
RE: Input Requested on Proposed Changes to Principles & Standards Part V

Based on outreach conducted after this year's on-campus interview season, the Board of Directors is considering potential changes to Part V of the NALP Principles and Standards to better address the needs of students and employers in the current employment market and to respond quickly to members' concerns.

SUMMARY & ACTION REQUEST

Specifically, the Board would like member feedback on two proposed changes:

First, we propose incorporating a **14-day reaffirmation provision within the 28-day offer response window** for those candidates not previously employed (this would impact Part V B1 & C1). In essence this would require candidates not previously employed to reaffirm their offer within 14 days of the date of the offer letter, or employers could retract the offer.

Second, we propose changing the offer response deadline for those candidates previously employed by an organization **to 28 days following the date of the offer letter or October 1, whichever is later**, rather than November 1 (this would impact current Part V B3 & C3).

The full-text of the proposed changes appears at the end of this document in a marked-up version of Part V. The Board appreciates and encourages your input on the proposed changes. Please e-mail your feedback to partvcomments@nalp.org. In addition, you may reach out to any member of the Board at www.nalp.org/directors. The Board asks that you provide input by January 15, 2014, so that all member feedback can be discussed at the February Board of Directors meeting. If the Board were to enact these provisions in



February, it would do so on a provisional basis, effective immediately, and would seek formal member ratification of the measure after a period of time during which the provision would be tested in the market for efficacy.

DISCUSSION

In arriving at these suggested changes, the Board considered various factors, including:

- The shortening of the on-campus and callback interview process which currently takes place primarily during a six- to eight-week window during August and September;
- Employers' challenges in effectively managing their yields with offers held open for a significant portion of the recruiting cycle; and
- Limited communication with/response from some candidates between the date of the offer and the offer response deadline, be it 28 days or November 1.

The 28-Day Offer Response Deadline for Candidates Not Previously Employed

In response to questions about the fall recruiting season, members expressed that the 28-day offer response deadline for candidates not previously employed was both too long and too short. Some employers (especially those with smaller summer programs or small offices) expressed concerns that 28 days is too long for candidates to hold offers and that some candidates do not communicate with employers at all during this time period. Employers with small summer programs that hold offers open for 28 days only to have them declined or ignored until the 28th day face challenges when going back to the market to find another candidate. Other employers expressed concerns that 28 days was too short a period for the entire recruiting process to play out (especially for those attempting to manage call-backs for larger programs, fly-back dates, and intervening religious holidays). Although member outreach indicated some support for a 21-day response period, after extensive discussion, the Board concluded this would strain a process that is already stressful for all participants. It would further compress a fast-paced process and would limit students' ability to effectively consider all possible offers from employers (particularly for students considering two different cities or locations).

To address these concerns, the Board is proposing incorporating a **14-day reaffirmation provision within the 28-day offer response window for those candidates not previously employed.** The reaffirmation provision mirrors the language of the reaffirmation provision already in place for students who were previously employed. Such a provision will help the recruiting process in several ways:

1. Such a reaffirmation provision will help give employers a sense of their standing in the students' consideration process.

2. Such a provision would also help to educate candidates about appropriate professional behavior and communication by requiring timely responsiveness. Although the Principles and Standards encourage communication between all parties, the reaffirmation provision would further reinforce the principles of professionalism outlined in Parts I and III of the Principles and Standards.
3. For employers with smaller summer programs, where only one or two offers are extended at a time, additional contact with students will help employers better manage the ability to extend additional offers or manage their yield in a shorter timeframe.

The November 1 Offer Response Deadline for Previously Employed Candidates

In response to questions about the fall recruiting season, members expressed concern that in the current market, the November 1 offer response deadline for previously employed candidates was too late in the recruiting cycle and interfered with their ability to re-enter the market in a timely manner. Board members acknowledged that when November 1 was initially adopted, the recruiting cycle was not in the current August/September timeframe; November 1 gives many candidates an unduly long period of time to weigh their offers and limits the ability of employers to assess their ongoing hiring needs.

To address this concern, the Board proposes changing the offer response deadline for those candidates previously employed by an organization to **28 days following the date of the offer letter or October 1, whichever is later**, rather than November 1. Such a provision will similarly help the recruiting process in several ways:

1. It would allow for further recruitment activity should the employer need to re-enter the market after accounting for all outstanding offers.
2. An earlier deadline would make it more likely that an employer would actually re-enter the market rather than suspending recruiting activities for the year.
3. The “for at least 28 days following the date of the offer letter or October 1, whichever is later” concept allows for a date certain response deadline (October 1) for offers made early in the recruiting process and a rolling deadline (28 days following the date of the offer letter) for offers made later in the cycle. This balances the interests of the student in being able to participate in additional recruiting opportunities and the interests of the employer in receiving a timely response.

Structural Change

The Board also proposes reversing the orders of Part V B2 and B3, as well as C2 and C3, in order to have the two parallel offer response provisions immediately next to one another. This change is *not* reflected in the following marked up copy in order to give the substantive changes prominence and for clarity.

Proposed additions are underlined; proposed deletions are crossed out.

PART V: GENERAL STANDARDS FOR THE TIMING OF OFFERS AND DECISIONS

In April 2013, the Board adopted a new Part V.D.1. — Summer Employment Provisions for First Year Students - on a provisional basis.

To promote fair and ethical practices for the interviewing and decision-making process, NALP offers the following standards for the timing of offers and decisions:

A. General Provisions

1. All offers to law student candidates (“candidates”) should remain open for at least two weeks after the date of the offer letter unless the offers are made pursuant to Sections B and C below, in which case the later response date should apply.
2. Candidates are expected to accept or release offers or request an extension by the applicable deadline. Offers that are not accepted by the offer deadline expire.
3. A candidate should not hold open more than five offers of employment at any one time. For each offer received that places a candidate over the offer limit, the candidate should, within one week of receipt of the excess offer, release an offer.
4. Employers offering part-time or temporary positions for the school term are exempted from the requirements of Paragraphs B and C below.
5. Practices inconsistent with these guidelines should be reported to the candidate’s career services office.

B. Full-Time Employment Provisions

1. Employers offering full-time positions to commence following graduation to candidates not previously employed by them should leave those offers open for at least 28 days following the date of the offer letter or until December 30, whichever comes first. Candidates should reaffirm these offers within 14 days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 14-day period. Offers made after December 15 for full-time positions to commence following graduation should remain open for at least two weeks after the date of the offer letter.
2. Candidates may request that an employer extend the deadline to accept the employer’s offer until as late as April 1 if the candidate is actively pursuing positions with public interest or government organizations. Candidates may hold open only one offer in such circumstances. Employers are encouraged to grant such requests.
3. Employers offering full-time positions to commence following graduation to candidates previously employed by them should leave those offers open until at least October 1 ~~November 1~~ of the candidate’s final year of law school, provided that such offers are made prior to or on September 2. Candidates should reaffirm these offers within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 30 day period. After September 2 of a candidate’s final year of law school, employers offering full-time positions to

commence following graduation to candidates previously employed by them should leave those offers open for at least 28 days following the date of the offer letter.

4. Employers offering candidates full-time positions to commence following graduation and having a total of 40 attorneys or fewer in all offices are exempted from Paragraphs 1-3 of this Section. Instead, offers made on or before December 15 should remain open for at least three weeks following the date of the offer letter or until December 30, whichever comes first, and offers made after December 15 should remain open for at least two weeks.

C. Summer Employment Provisions for Second and Third Year Students

1. Employers offering positions for the following summer to candidates not previously employed by them should leave those offers open for at least 28 days following the date of the offer letter or until December 30, whichever comes first. Candidates should reaffirm these offers within 14 days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 14-day period. Offers made after December 15 for the following summer should remain open for at least two weeks after the date of the offer letter.
2. Candidates may request that an employer extend the deadline to accept the employer's offer until as late as April 1 if the candidate is actively pursuing positions with public interest or government organizations. Candidates may hold open only one offer in such circumstances. Employers are encouraged to grant such requests.
3. Employers offering positions for the following summer to candidates previously employed by them should leave those offers open until at least ~~October 1~~ November 1, provided that such offers are made prior to or on September 2. Candidates should reaffirm these offers within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 30 day period. After September 2, employers offering positions for the following summer to candidates previously employed by them should leave those offers open for at least 28 days following the date of the offer letter.
4. Employers offering candidates positions for the following summer and having a total of 40 attorneys or fewer in all offices are exempted from Paragraphs 1-3 of this Section. Instead, offers made on or before December 15 should remain open for at least three weeks following the date of the offer letter or until December 30, whichever comes first, and offers made after December 15 should remain open for at least two weeks.

D. Summer Employment Provisions for First Year Students

1. To position law students to be as successful as possible, their efforts during the first semester of law school should focus on their studies rather than on job search activities. Nonetheless, opportunities to learn about professionalism, professional development and the legal profession are appropriate early in law school. Recognizing that law schools will differ in philosophy as to first-year career development activities, law schools nevertheless should not begin offering one-on-one career counseling or application document reviews to first-year students before October 15 (except in the case of part-time students who may be given assistance in seeking positions during the school term). Individual law schools may set later dates as appropriate.
2. Prospective employers and first year law students should not initiate contact with one another and employers should not interview or make offers to first year students before December 1.
3. All offers to first year students for summer employment should remain open for at least two weeks after the date made.