



ABA Employment Data Collection: What's Next?

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Agenda

- ▶ The ABA and Employment Outcomes Reporting
- ▶ Career Services Working Group Updates
- ▶ Moving Forward with the Employment Protocols
- ▶ What Do I have to do Next for the Class of 2018 Employment Data Reporting?
- ▶ Random Graduate Review: New Process for the Class of 2018
- ▶ Important Dates and Deadlines: Class of 2018
- ▶ Questions

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The ABA and Employment Outcomes Reporting

- ▶ Purposes
 - ▶ Promoting Confidence in Employment Outcome Reports.
 - ▶ Demands for Transparency.
 - ▶ Criticisms of past practices by some law schools.
 - ▶ Ensuring Consistency in Reporting Various Categories and Types of Employment Outcomes.
 - ▶ Guidance on categorization and presumptions.
 - ▶ Ensuring Compliance with ABA Standards.

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The ABA and Employment Outcomes Reporting

► Standard 104

- "A law school shall furnish a completed annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Council may require. This information must be complete, accurate, and not misleading, and must be submitted in the form, manner, and time frame specified by the Council."

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The ABA and Employment Outcomes Reporting

► Standard 509

- "(a) All information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and verifying such information. Violations of these obligations may result in sanctions under Rule 15 of the Rules of Procedure for Approval of Law Schools."
- "(b) A law school shall publicly disclose on its website, in the form and manner and for the frame designated by the Council, the following information:"
 - "(7) employment outcomes"

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The ABA and Employment Outcomes Reporting

► Who Makes and Enforces the Rules? (Current Practices)

- Council of the ABA Section of Legal Education and Admissions to the Bar
 - Must approve the Employment Protocols and the Employment Summary Report each year, as well as any changes to them.
 - Reviews schools found to have misreported data; can take action against these schools.
- Previously, other ABA committees were involved.
 - Data Policy and Collection Committee (merged with Standards Review Committee).
 - Standards Review Committee (merged with Council in August 2018).

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The ABA and Employment Outcomes Reporting

- ▶ Results of Standards Review Committee (SRC) Student Survey
 - ▶ SRC sent survey to first year students at 10 law schools in Fall 2017.
 - ▶ High Levels of student use of employment data.
 - ▶ 86% reviewed employment data.
 - ▶ 83% reported information about bar pass jobs important in deciding on law school; 68% considered JD advantage jobs important; 82% number employed; 78% number unemployed; 64% number working in Full-Time or Part-Time positions; 66% number working in Long-Term or Short-Term positions.

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The ABA and Employment Outcomes Reporting

- ▶ Revisions to Process in the Past Few Years
 - ▶ File Reviews
 - ▶ Class of 2015 Reviewed by Berkeley Research Group.
 - ▶ Class of 2016 and 2017 Reviewed by ABA Staff Member.
 - ▶ Permitted our office to see files and provide individualized feedback to schools.
 - ▶ Utilized staff member with Career Services experience to review files.
 - ▶ Protocols for Collecting, Maintaining, and Reporting Graduate Employment Data
 - ▶ Original Protocol Approved by Council in June 2014.
 - ▶ Supplemented by various other documents, webinars, PowerPoints, etc.
 - ▶ Revised Employment Protocols Approved by Council in September 2018.
 - ▶ Combines all guidance on employment data into one source - effective starting with Class of 2018.

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The ABA and Employment Outcomes Reporting

- ▶ Review Process Statistics
 - ▶ Random Graduate Review (1% of all graduates nationwide selected).
 - ▶ Class of 2015: 382 files from 157 schools
 - ▶ Class of 2016: 371 files from 160 schools
 - ▶ Class of 2017: 349 files from 149 schools
 - ▶ Random Graduate Review will expand to encompass 10-20 files from each law school starting with the Class of 2018.
 - ▶ Random School Review (10 schools randomly selected; all files reviewed) has been ELIMINATED starting with the Class of 2018.

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The ABA and Employment Outcomes Reporting

- ▶ Review Process Statistics
 - ▶ Schools required to undergo Additional Review
 - ▶ Class of 2015: 2 schools elevated to Level 2 (from Random School Review)
 - ▶ 11 schools were elevated to Levels 1, 2, or 3 after Random Graduate Review.
 - ▶ Class of 2016: 2 schools elevated to Level 2 (from Random School Review)
 - ▶ Class of 2017: 2 schools elevated to Level 2 (from Random School Review)
 - ▶ Class of 2018 will be governed by the review process outlined in revised Employment Protocols.

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Career Services Working Group Updates

- ▶ ABA-NALP Career Services Working Group
 - ▶ Many thanks to the working group for their contributions and feedback thus far:
 - ▶ Heather DiFranco, Cleveland Marshall College of Law (Chair)
 - ▶ Angelica Evans, University of Texas
 - ▶ Courtney Fitzgibbons, New York Law School
 - ▶ Arturo Thompson, University of Kansas
 - ▶ Betsy Armour, USC Gould School of Law
 - ▶ Melissa Berry, University of Washington
 - ▶ Fiona Hornblower, Boston University
 - ▶ Eric Bono, University of Denver Sturm College of Law
 - ▶ Brian Lewis, University of North Carolina

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Career Services Working Group Updates

- ▶ ABA-NALP Career Services Working Group
 - ▶ Members of the group will be on a panel discussing the group's work this morning at 10:30 am.
 - ▶ Group will meet again in early June to discuss:
 - ▶ First year of using revised Employment Protocols.
 - ▶ Any needed clarifications, revisions, or changes to the Employment Protocols for the Class of 2019.

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Moving Forward with the Employment Protocols

- ▶ Employment Protocols for the Class of 2019
 - ▶ Will be re-issued with any needed updates from the Class of 2018 version.
 - ▶ Must be approved by the ABA Council - on agenda for August 2019 meeting.
 - ▶ Schools will be notified when Employment Protocols are approved by the Council.
 - ▶ Final approved version will be posted on ABA Questionnaires page and sent to ABA Career Services Listserv - and will include a cover memo highlighting important changes.
- ▶ Employment Summary Report for the Class of 2019
 - ▶ Must be approved by the ABA Council - on agenda for May 2019 meeting.
 - ▶ No changes from the Class of 2018 Employment Summary Report except:
 - ▶ Public Interest is now spelled out.
 - ▶ Form will link to most current version of the Employment Protocols.

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What Do I Have to do Next for the Class of 2018 Employment Data Reporting?

- ▶ By April 22
 - ▶ Post your Employment Summary Report to the website you noted in your Employment Questionnaire (EQ).
- ▶ For the Website Compliance Review, our office will check law school websites for posted Employment Summary Reports.
 - ▶ If report is not posted or is incomplete, inaccurate, or misleading, school may be subject to Red Flag Review.
 - ▶ Listserv will be notified on May 10 when review is complete; schools that have issues will be contacted individually.

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What Do I Have to do Next for the Class of 2018 Employment Data Reporting?

- ▶ By June 7
 - ▶ Submit the Graduate Employment Files your school had selected for Random Graduate Review.
 - ▶ Email to Dean and head of Career Services will be sent between May 13-17 regarding which Graduate Employment Files were randomly selected for review.
 - ▶ Electronic copies of each selected Graduate Employment File must be uploaded to the "EQ Protocol Upload" section of the ABA Quest System. Instructions can be found on the ABA Questionnaires page under "Employment Questionnaire."
 - ▶ May include memo with information on process, abbreviations, key for file numbers, etc.
- ▶ Early Graduate Employment File submissions are very much appreciated!

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What Do I Have to do Next for the Class of 2018 Employment Data Reporting?

- ▶ By July 1 (usually June 30)
 - ▶ Must report any changes to your law school's Employment Questionnaire to the ABA as soon as you learn of them, but no later than this date.
 - ▶ No changes can be made after this date unless requested by the ABA.
- ▶ When will schools hear back about their submitted Graduate Employment Files?
 - ▶ Reviews of submitted files start as soon as law schools start uploading them.
 - ▶ The Random Graduate Review will likely be complete around the end of the year; however, this depends on the number of schools subject to Elevated Review.
 - ▶ As soon as a law school's files are reviewed, an email will be sent to the head of Career Services with the outcome of the review.

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Random Graduate Review: New Process for the Class of 2018

- ▶ All law schools will be subject to the Random Graduate Review each year.
- ▶ The number of Graduate Employment Files randomly selected for each law school depends on the size of its graduating class:
 - ▶ Law schools with fewer than 230 graduates: 10 graduate employment files
 - ▶ Law schools with 230 or more graduates: 20 graduate employment files
- ▶ A 90% compliance rate is required to "pass" the Random Graduate Review; otherwise the law school proceeds to Elevated Review.
- ▶ See Review Protocol 103.

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Random Graduate Review: New Process for the Class of 2018

- ▶ When reviewing the Graduate Employment Files for Random Graduate Review, the file reviewer checks to see if the information in the file:
 - ▶ Matches the information submitted by the school to the ABA in the Employment Questionnaire **AND**
 - ▶ Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.
 - ▶ See Review Protocol 103.
- ▶ Our review process/reviewer has not changed from last year.
 - ▶ Use checklist with Key Items of employment information.
 - ▶ Reach out to law schools if questions arise.
 - ▶ Provide law schools with feedback if needed.
 - ▶ Watch for intentional misreporting.

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Random Graduate Review: New Process for the Class of 2018

- ▶ Elevated Review (Levels 1, 2, 3)
 - ▶ If a law school does not meet or exceed a 90% compliance rate during Random Graduate Review, it is subject to Elevated Review at escalating levels:
 - ▶ Level 1: ABA randomly selects and reviews 50% of the school's Graduate Employment Files, excluding those already reviewed. Need 95% compliance rate to "pass" Level 1; otherwise, school moves to Level 2.
 - ▶ Level 2: ABA reviews the remainder of the school's Graduate Employment Files AND randomly selects 20% of the Graduate Employment Files for independent confirmation of responses. Need 95% compliance rate on each part to "pass" Level 2; otherwise, school moves to Level 3.
 - ▶ Level 3: Independent Auditor (at school's expense) reviews all the school's Graduate Employment Files AND randomly selects 25% of the Graduate Employment Files for independent confirmation of responses. Independent Auditor reports findings to ABA; ABA determines compliance based on full record.
 - ▶ See Review Protocol 104.

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Random Graduate Review: New Process for the Class of 2018

- ▶ Elevated Review (Levels 1, 2, 3)
 - ▶ With the permission of the Council, our office has used discretion to not elevate schools whose deficiencies appear more technical than an indication of inaccurate reporting or deficient documentation.

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Random Graduate Review: New Process for the Class of 2018

- ▶ Red Flag Review
 - ▶ Only applies in unusual/extraordinary circumstances - not part of Elevated Review.
 - ▶ Schools under sanction for violations of Standard 509.
 - ▶ Schools with ABA-identified significant inconsistencies or anomalies in reporting graduate employment data.
 - ▶ Schools that are the subject of credible reports of incomplete, inaccurate, or misleading reporting of their graduate employment data.
 - ▶ ABA determines whether to conduct Level 1, 2, or 3 reviews or impose additional requirements.
 - ▶ See Review Protocol 105.

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Important Dates and Deadlines: Class of 2018

Action	Date in 2019
Deadline for Law Schools to Post Employment Summary Reports on Their Websites in Compliance with Standard 509	April 22
Law Schools Notified of Results of Website Compliance Review	May 10
Law Schools Notified of Their Graduate Employment Files Selected for Random Graduate Review	May 13-17
Listserve Notified that all Random Graduate Review Emails have been sent to Law Schools	May 17 or 20
Deadline to Submit Files to the ABA for Random Graduate Review	June 7
Deadline to Report any Changes to the Employment Questionnaire to the ABA	July 1

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Questions?

- ▶ For **substantive questions**, please contact Kirsten Winek.
 - ▶ Kirsten.winek@americanbar.org or 312.988.6714
- ▶ For **technical questions** about uploading the Employment Questionnaire or uploading files selected for Random Graduate Review, please contact Ken Williams or Andrew Crane.
 - ▶ Kenneth.williams@americanbar.org; 312.988.6739
 - ▶ Andrew.crane@americanbar.org; 312.988.5132
- ▶ To Join the ABA Career Services Listserv:
 - ▶ http://www.americanbar.org/groups/legal_education/resources/legal_education_listservs.html
- ▶ ABA Questionnaires Page:
 - ▶ https://www.americanbar.org/groups/legal_education/resources/questionnaire/

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