MEMORANDUM

TO: NALP Members

FROM: NALP Board of Directors

RE: Part V Changes Approved on a Provisional Basis

DATE: February 12, 2014

On Friday, February 7, 2014, NALP’s Board of Directors approved provisional changes to NALP’s Principles and Standards Part V.B.1 & 3 and Part V.C.1 & 3. The approved changes address offer reaffirmation for candidates not previously employed and offer acceptance dates for previously employed candidates and incorporate in their entirety the proposed changes presented to the membership for comment in December 2013. These changes take effect immediately and will remain in effect on a provisional basis for 2014-2015. They will be considered for permanent adoption in spring 2015. The Board also adopted a new Interpretation #22 which focuses on using the reaffirmation provisions.

The updated guidelines follow here and have been updated on the Principles and Standards page of the NALP website. The marked-up version of the changes is also included here for your reference.

The Board also agreed to extend for another year the provisional changes to the 1L Guidelines (Part V D) which were adopted provisionally in April 2013.

Summary of the Changes:

1) The Board incorporated a 14-day reaffirmation provision within the 28-day offer response window for those candidates not previously employed (this impacts Part V B1 & C1). In essence this requires candidates not previously employed to reaffirm their offer within 14 days of the date of the offer letter, or employers could retract the offer.

2) Second, the Board changed 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 impacts Part V B3 & C3).

3) The Board also extended for another year the provisional changes to the 1L Guidelines (Part V D) which were adopted provisionally in April 2013.

4) The Board also adopted a new Interpretation #22 which focuses on using the reaffirmation provisions and appears below.
Interpretation #22 - Using a Reaffirmation Provision

Q: How should an employer indicate its expectation that student candidates reaffirm their interest in the employer’s offer?

A: If an employer chooses to implement a reaffirmation provision, the offer letter should state clearly that the student is expected to reaffirm his/her interest in the offer on or before X date. In addition, the offer letter should also specify to whom the communication should be addressed and the method(s) by which the candidate should reply (e.g., e-mail, telephone).
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 or 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.
PART V: GENERAL STANDARDS FOR THE TIMING OF OFFERS AND DECISIONS

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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.

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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.

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