



AMERICAN BAR ASSOCIATION

Section of Legal Education
and Admissions to the Bar

ABA Employment Data Collection: What's Next?

May 10, 2022

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Agenda

- ▶ The ABA and Employment Outcomes Reporting
- ▶ Review: Class of 2020
- ▶ Next Steps: Class of 2021
- ▶ Next Steps: Class of 2022
- ▶ Next Steps: Class of 2023
- ▶ Questions

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.

The ABA and Employment Outcomes Reporting

- ▶ Standard 104

- ▶ “A law school shall complete and submit all questionnaires, the self-study, and other information as required by the Council. This information must be complete, accurate, and not misleading, and must be submitted in the form, manner, and time frame specified by the Council.”

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”

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.

Class of 2021 Next Steps

- ▶ **By December 20, 2022** (formerly June 30/July 1)
 - ▶ 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 typically start as soon as law schools start uploading them
 - ▶ The Random Graduate Review will include website compliance issues or notes
 - ▶ The Random Graduate Review will likely be complete during the fall semester; however, this depends on the number of schools subject to Elevated Review
 - ▶ As soon as a law school's files are reviewed, an email with the outcome of the review will be sent to the individuals who received the email with the selected files

Class of 2021 Next Steps

▶ Review Process

- ▶ All schools are subject to the Random Graduate Review
- ▶ The Random Graduate Review has been adjusted to select 4% of a school's total files or 5 individual files, whichever is greater using normal rounding, starting with the Class of 2020
- ▶ The former review process was changed, in part, due to school feedback about how the number of files selected should be more commensurate with graduating class size
- ▶ Schools not in compliance after the Random Graduate Review are subject to escalating levels of Elevated Review
- ▶ A 90% compliance rate is required to “pass” the Random Graduate Review; otherwise the law school proceeds to Elevated Review
 - ▶ Beginning with the Class of 2020, there is a 90% compliance level for Level 1 and Level 2 Reviews
- ▶ See Review Protocol 103

Class of 2021 Next Steps

- ▶ When reviewing the Graduate Employment Files for Random Graduate Review, Molly 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 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

Class of 2021 Next Steps

▶ 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
- ▶ More information can be found in Review Protocol 104
- ▶ With the permission of the Council, the Office of the Managing Director has used discretion to not elevate schools whose deficiencies appear more technical than an indication of inaccurate reporting or deficient documentation
- ▶ We are sensitive to the immense challenge for new career services staff to collect, maintain, and report law graduate employment data, especially when a staff transition occurs shortly before the Graduate Data Reporting Deadline
- ▶ Law schools must ensure compliance with the Employment Protocols issued by the ABA even during times of career services staff transition
 - ▶ Warnings and required training programs may be implemented for these schools at the discretion of the Office of the Managing Director

Class of 2021 Next Steps

▶ 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

Class of 2022 Next Steps

- ▶ Class of 2022 resources were released in November 2021 and can be found on the [ABA Questionnaires Page](#)
- ▶ The Class of 2022 includes September 1, 2021 - August 31, 2022 JD graduates

Important Dates	Date in 2023
Graduate Employment Status Date	Wednesday, March 15
Graduate Data Reporting Deadline/Employment Questionnaire Deadline	Friday, March 31 at 5pm CST
Release of Additional Dates & Deadlines for the Class of 2022	January

Class of 2022 Next Steps


- ▶ Changes:
 - ▶ New Start Date definition
 - ▶ New Long-Term definition and interpretation for fixed duration positions
 - ▶ Increase in salary threshold for Law School/University Funded positions to satisfy the exemption requirement
- ▶ Reminders:
 - ▶ “Employed - Non-Professional Position” changed to “Employed - Other Position”
 - ▶ There is no longer a salary threshold for Law School/University Funded positions to be classified as long-term if they are otherwise long-term positions
 - ▶ The COVID-19 considerations outlined in the Class of 2022 Employment **Protocol Memo** continue to be in effect

Class of 2022 Next Steps

- ▶ New Start Date definition
 - ▶ “Means the date on which a graduate started remunerated employment for the position being reported”
- ▶ Why did this change?
 - ▶ An effort to divorce the start date from long-term, and to make more explicit for consumers that the data reflects post-graduate employment
- ▶ How is the definition different?
 - ▶ Previous definition did not include an explicit reference to remunerated employment
 - ▶ Previous definition was related to when “a graduate began working for a **particular employer**” rather than in a particular **position**
- ▶ What does this mean for data collection?
 - ▶ In alignment with historical practices, a school’s documentation only needs to support that the graduate started on or before **March 15, 2023**
 - ▶ If information from the graduate creates pause as to whether they are receiving remuneration, follow up
 - ▶ See Example 1 - DP 101 and Example 2 - DP 101 for guidance on remuneration
 - ▶ Ask Molly if you are unsure about a particular graduate’s situation

Class of 2022 Next Steps

- ▶ New Long-Term definition
 - ▶ “One calendar year or more from the graduation date or the Start Date, whichever is later”
- ▶ Why did this change?
 - ▶ An effort to divorce the start date from long-term, and to make more explicit for consumers that the data reflects post-graduate employment
- ▶ How is this different?
 - ▶ Previous definition was “one calendar year or more from the Start Date”
- ▶ What does this mean for data collection?
 - ▶ In alignment with historical practices, a graduate’s self-report of “long-term” through a vendor system, NALP ERSS survey, school-specific survey, email, phone, etc. is sufficient and reliable
 - ▶ Schools cannot rely on a graduate’s pre-graduation start date to re-classify a graduate to long-term if they report short-term or otherwise indicate their position, post-graduation, is not expected to be long-term



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**GRADUATE SURVEY FORM — CLASS OF 2022
NALP EMPLOYMENT REPORT AND SALARY SURVEY**

Please refer to the "Frequently Asked Questions" sheet as you are completing this survey.

Name Test Graduate Phone _____

Permanent Address _____

E-mail _____

I. DEMOGRAPHIC INFORMATION

A1. PROGRAM TYPE AT TIME OF GRADUATION

- Full-time/3-Year
 Part-time/Evening

A2. TRANSFER STUDENT?

- Yes
 No

B. AGE (Complete either B1 or B2)

B1. Age at Graduation _____

B2. Birth Date _____

C. GENDER (How do you describe yourself?)

C1. Select all that apply.

- Woman
 Man
 Non-binary or third gender
 An identity not listed above (describe) _____

Prefer not to respond

C2. Select all that apply.

- Cisgender
 Transgender
 Intersex
 Prefer not to respond

D. LGBTQ STATUS

I identify as Lesbian, Gay, Bisexual, Transgender and/or Queer (LGBTQ)

- Yes
 No

E. RACE/ETHNICITY (You may check up to two)

- Latinx
 Black or African American
 Asian
 Native Hawaiian or other Pacific Islander
 Native American or Alaska Native
 White/Caucasian

F. DISABILITY

- No
 Yes (describe) _____

G. VETERAN STATUS (check if applicable)

- U.S. military veteran
 Military service from a country other than U.S.

H. PARENTAL/GUARDIAN EDUCATION

H1. What is the highest level of education completed by either of your parents (or the people who raised you)? (select one)

- Did not finish high school
 High school diploma or GED
 Completed some college coursework but did not complete an undergraduate degree
 Associate's degree (AA, AS, etc.)
 Bachelor's degree (BA, BS, etc.)
 Master's degree (MA, MS, MBA, etc.)
 Doctoral or professional degree (PhD, JD, MD, DDS, etc.)

H2. Do either of your parents (or the people who raised you) have a JD?

- Yes
 No

II. POST GRADUATE EMPLOYMENT STATUS

A1. Select only one of the following to describe your post-graduate status:

- Employed in a position for which you receive a salary or a stipend or are being paid on a contract or retainer basis (also complete the items in sections A3 and B)
 Enrolled in Graduate Studies
 Employed – start date deferred (also complete items A2 and 7; the rest of the form is not applicable)
 Not employed and seeking work/paid position (also complete item A2; the rest of the form is not applicable)
 Not employed and not seeking work/paid position (also complete item A2; the rest of the form is not applicable)

A2. If you are not employed, are you volunteering?

- Yes, in a law-related capacity
 Yes, not in a law-related capacity
 No

A3. Job Information

1. Type of Job (choose one only)

- Bar admission required/anticipated (includes judicial clerks)
 JD Advantage
 Other professional position (describe) _____

Other position (describe) _____

2. Job is: (check only one)

- Full-time
 Part-time

3. Job pays:

- A salary of \$ _____ per year
 A stipend of \$ 200 (choose one)
 per week per month per project

4. Indicate whether the employer hired you on a short-term or long-term basis. Note that a long-term job from the employer's perspective may be one that you consider short-term, while, for example, you continue to seek a different job. Please indicate the type of job from the employer's perspective.

Job is long-term (1 year or more – includes articling positions in Canada)

Job is short-term (duration is less than a year)

Also indicate if the job is funded by your law school.

Job is funded in whole or in part by my law school. (Check if applicable. Excludes jobs that are "permanent" in nature such as long-term jobs in career services, admissions, development, or general counsel offices.)

5. Indicate whether you are seeking a job other than the one described here

- I continue to seek a job other than that described here
 I am not seeking a job other than that described here

6a. Timing of job offer (mark one)

- Before graduation
 After graduation (if after graduation, also complete 6b below)

6b. Post-graduation offer was received

- Before bar results
 After bar results
 Timing relative to bar results is not applicable; bar exam/passage not required for the job

7. Date on which you started or will start your job

05/15/2020 _____

8. Source of Job: Mark the one choice that best describes how you learned of and made initial contact with the employer. If you received an offer from your summer employer, or the employer for whom you worked during law school, indicate how you initially made contact with that employer.

- Through an on-campus interview (OCI) program
 Returned to or continued with pre-law school employer
 Interviewed at job fair or consortia
 Responded to career services' job posting
 Referral by business colleague, friend, relative, alumni, or school personnel
 Responded to non-CSO job posting, either in print or online (e.g., classified ad, Indeed.com)
 Used school's judicial clerkship process or OSCAR
 Self-initiated contact, e.g. a targeted mailing, an informational interview, or the result of networking
 Used a temporary placement agency or legal search consultant
 Started own practice or business
 As a result of an internship/externship experience
 Other (describe) _____

B. EMPLOYER INFORMATION

NAME AND ADDRESS OF EMPLOYER

Name Law Firm XYZ

Street 123 Firm Boulevard

City Chicago State IL Zip 60654

COMPLETE B1, B2, AND B3 ONLY IF YOUR PRIMARY JOB IS IN LAW FIRM PRIVATE PRACTICE. IF NOT, SKIP TO B4/B5, B6/B7, B8 OR B9/B10 AS APPROPRIATE. IF YOU ARE EMPLOYED BY A LEGAL TEMPORARY AGENCY, SKIP TO B4 AND B5 (BUSINESS OR INDUSTRY) REGARDLESS OF THE EMPLOYER AT WHICH THE AGENCY HAS PLACED YOU.

B1. TOTAL SIZE OF LAW FIRM (Mark only one for size of entire firm by total number of attorneys)

- Solo (you have started your own law firm as a solo practitioner)
 1-10 attorneys
 11-25 attorneys
 26-50 attorneys
 51-100 attorneys
 101-250 attorneys
 251-500 attorneys
 501+ attorneys

B2.1 Firm is a public interest law firm (check if applicable)

B2.2 Job is part of an incubator program or is at a law firm established by the law school (check if applicable)

B3. TYPE OF LAW FIRM JOB (mark one only)

- Entry-level attorney or associate (includes solo practitioners)
 Law clerk
 Paralegal
 Staff attorney (non-partnership track)
 Manager/Administrator (includes recruiting, professional development and marketing)
 Patent agent
 Other non-attorney position

IF JOB IS IN BUSINESS OR INDUSTRY, COMPLETE BOTH B4 AND B5.

B4. TYPE OF EMPLOYER

- Legal temporary agency
 Accounting firm
 Investment banking or financial institution
 Entertainment/sports management company
 Healthcare
 Insurance company
 Real estate
 Retail trade or hospitality sector
 Management consulting firm
 Publishing house
 Legal process outsourcer (LPO)
 Legal/law-related technology company
 Other technology/e-commerce company
 Trade association or political campaign
 Other business or industry (describe) _____

Class of 2022 Next Steps

- ▶ New Long-Term Interpretation
 - ▶ The 360-day requirement for positions with a fixed duration to be classified as long-term has been removed
 - ▶ As long as the perspective of the employer is that the position will last one calendar year or more, minor variations in the length of employment do not require the graduate to be reported as short-term
 - ▶ The elimination of the bright line 360 requirement means schools need to be judicious in documenting the perspective of the employer and/or why the variation is minor
 - ▶ Schools are encouraged to reach out for guidance
- ▶ Increase in salary threshold for Law School/University Funded positions to satisfy the exemption requirement
 - ▶ The \$40,000 threshold required as part of the Law School/University Funded exemption requirements has been increased to **\$42,500**

Class of 2023 Next Steps

▶ 2022-2023 ABA-NALP Career Services Working Group

- ▶ Chair: Angélica Evans, The University of Texas School of Law
- ▶ Immediate Past Chair: Arturo Thompson, University of Utah S.J. Quinney College of Law
- ▶ NALP Members:
 - ▶ Eric Bono, University of Denver Sturm College of Law
 - ▶ Laura Clemens, Golden Gate University School of Law
 - ▶ Moon Kim, New York University School of Law
 - ▶ Heather Spielmaker, University of Kansas School of Law
 - ▶ Sandra Morriss, University of Washington School of Law
- ▶ ABA Members:
 - ▶ Dan Becker, ABA Section of Legal Education and Admissions to the Bar
 - ▶ Stephanie Giggetts, ABA Section of Legal Education and Admissions to the Bar
 - ▶ Molly Wilensky, ABA Section of Legal Education and Admissions to the Bar
- ▶ Board Liaison: Maureen Reilly, University of Pennsylvania Carey Law School
- ▶ Staff Liaison: Jim Leipold

Career Services Working Group Updates

- ▶ **A special thanks to former working group members:**
 - ▶ Betsy Armour, USC Gould School of Law
 - ▶ Melissa Berry, University of Washington School of Law
 - ▶ Heather DiFranco (Former Chair), Case Western Reserve University School of Law
 - ▶ Courtney Fitzgibbons, New York Law School
 - ▶ Korey Henson, Stetson University College of Law
 - ▶ Fiona Hornblower (Former Chair), Boston University School of Law
 - ▶ Traci Mundy Jenkins (NALP Immediate Past-President), Venable LLP
 - ▶ Brian Lewis, University of North Carolina School of Law
 - ▶ Melissa Lennon (NALP Past-President), Temple University Beasley School of Law
 - ▶ Elizabeth (Beth) Moeller (NALP Past-President), UCLA School of Law

Career Services Working Group Updates

- ▶ ABA-NALP Career Services Working Group
 - ▶ Members of the group will meet in mid-May to discuss any needed clarifications, revisions, or changes to the Employment Summary Report and Employment Protocols for the Class of 2023
- ▶ Employment Protocols for the Class of 2023 and Employment Summary Report for the Class of 2023
 - ▶ The Council **already approved** increasing the \$42,500 threshold (new for the Class of 2022) required as part of the Law School/University Funded exemption requirements to **\$45,000 for the Class of 2023**
 - ▶ Will be re-issued with any needed updates from the Class of 2022 versions.
 - ▶ Must be approved by the ABA Council - on agenda for August 2022 meeting.
 - ▶ Schools will be notified when these documents 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.

Questions?

- ▶ For **substantive questions**, please contact Molly Wilensky
 - ▶ Molly.Wilensky@americanbar.org or 312.988.6804
- ▶ For **technical questions** about the ABA Quest System, please contact Ken Williams or Enna Rios
 - ▶ Kenneth.williams@americanbar.org; 312.988.6739
 - ▶ Enna.rios@americanbar.org; 312-988-6208
- ▶ 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/