THE ABA EMPLOYMENT PROTOCOLS

WHAT CHANGED, WHAT’S NEW, AND WHAT’S NEXT
THIS IS EXCITING!!!
TODAY’S TOPICS

• How did we get here
• Where are we going next?
• How to use the Class of 2018 Employment Protocols
• The one big universal change
• Other changes/clarifications
• Questions & Discussion
HOW DID WE GET HERE?

• Initial employment protocols issued by the ABA in 2014
• Since then, guidance and interpretations have been added, but they’ve been housed in various different places
• In response to school feedback for greater clarity, ABA invited NALP to form an Advisory Group to help rework the protocols for clarity and consistency
• Advisory Group also offered feedback on proposed changes to the protocols
• First priority was streamlining and clarifying the protocols themselves
2018-2019 NALP/ABA EMPLOYMENT OUTCOMES ADVISORY GROUP

- Bill Adams, ABA Section on Legal Education and Admissions to the Bar
- Kirsten Winek, ABA Section on Legal Education and Admission to the Bar
- Betsy Armour, USC Gould School of Law
- Melissa Berry, University of Washington School of Law
- Eric Bono, University of Denver Sturm College of Law
- Heather DiFranco, Cleveland-Marshall College of Law, Cleveland State University
- Angelica Evans, The University of Texas School of Law
- Courtney Fitzgibbons, New York Law School
- Fiona Hornblower, Boston University School of Law
- Brian Lewis, University of North Carolina School of Law
- Arturo Thompson, University of Kansas School of Law
- Plus, outstanding NALP staff assistance from Jim, Fred, Judy, and Lisa
WHAT IS IT AND WHAT’S NEXT

• FINAL CONTROLLING AUTHORITY

• Online at https://www.americanbar.org/groups/legal_education/resources/questionnaire/

• Will be issued each year, specific to the class for which data is being gathered

• Only resource you will need for guidance and expectations on how to gather, maintain, and report your data to the ABA
Data Protocol 203. EMPLOYED – JD ADVANTAGE (a) Requirements

1) A graduate should be reported as Employed – JD Advantage if:

   (i) The graduate receives remuneration for the work performed;

   (ii) The graduate is Employed as of the Graduate Employment Status Date;

   (iii) The possession of a JD by the graduate was sought by the employer, required by the employer, or provided a demonstrable advantage in either obtaining or performing the duties of the position from the perspective of the employer;

   (iv) The duties of the position do not require passage of the bar exam or an active law license or involve practicing law;

   (v) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol 206.

(b) Presumptions, Considerations, and Exceptions

1) Absent contrary information, no additional documentation is required for Employed – JD Advantage for a graduate in a position with the following job titles, and those included in the applicable section of Appendix E, because these positions are presumed to meet the requirements of Data Protocol 203(a)(1)(iii) and (a)(1)(iv):

   (i) Accountant,

   (ii) Alternative Dispute Resolution Specialist,

   (iii) Compliance Manager/Specialist,

   (iv) Contracts Administrator,

   (v) FBI Agent,

   (vi) Landman,

   (vii) Law Clerk;
THE ONE BIG UNIVERSAL CHANGE – REVIEW PROCESS

• Gone is the Random School Review!!!
• True audit now – will provide greater transparency and credibility to the process
• Review Protocol 103
  • Fewer than 230 graduates, 10 graduate files randomly selected (Review Protocol 103(a)(2)(i))
  • 230 or more graduates, 20 graduate files randomly selected (Review Protocol 103(a)(2)(ii))
• Review Process remains the same
• 90% will be deemed compliant (Review Protocol 103(b)(2)(iv)); less than 90% triggers elevated review (see Review Protocol 104)
OTHER CHANGES & CLARIFICATIONS

• Employed – Start Date Deferred – Data Protocol 208
• Articling positions are long-term - Data Protocol 301(a)(5)
• June 30 deadline for corrections and updates – Data Protocol 102, Example 2
• Codified presumptions for elements of employment status
  • Data Protocols 202(b), 203(b), 204(b), 205(b), 209(b), 210(b), 301(b), and 302(b); Appendix E
  • School may classify a graduate differently from allowed presumption if sufficient supporting documentation is in the graduate file (see Data Protocol 103)
• Judicial Clerkships
• Employer Point of View when classifying
IMPORTANT DATES FOR CLASS OF 2018

• Friday, March 15, 2019: Graduate Employment Status Date
• Friday, April 5, 2019 at 5:00 pm Central Time: Graduate Data Reporting Deadline

Questions?