



ABA Employment Data Collection: What's Next?

NALP Annual Conference, May 6, 2021

Stephanie A. Giggetts, Deputy Managing Director, ABA

Molly Wilensky, Manager, Law School Analytics and Reporting, ABA

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 2020 Employment Data Reporting?
- ▶ Random Graduate Review Class of 2020
 - ▶ Elevated Review Process
 - ▶ Red Flag Review
- ▶ Important Dates and Deadlines: Class of 2020
- ▶ 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.

Career Services Working Group Updates

▶ ABA-NALP Career Services Working Group

- ▶ Many thanks to the current working group members for their contributions and feedback thus far:
 - ▶ Angélica Evans, University of Texas (Chair)
 - ▶ Arturo Thompson, University of Utah (Board Liaison; Former Chair)
 - ▶ Heather Spielmaker, University of Kansas
 - ▶ Betsy Armour, USC Gould School of Law
 - ▶ Eric Bono, University of Denver Sturm College of Law (Former Board Liaison)
 - ▶ Korey Henson, Stetson University College of Law
 - ▶ Sandra Morriss, University of Washington School of Law
 - ▶ Tracy Jenkins, Venable LLP
- ▶ A special thanks to former working group members:
 - ▶ Heather DiFranco (Former Chair)
 - ▶ Courtney Fitzgibbons
 - ▶ Melissa Berry
 - ▶ Fiona Hornblower (Former Chair)
 - ▶ Brian Lewis
 - ▶ Melissa Lennon
 - ▶ Elizabeth (Beth) Moeller

Career Services Working Group Updates

- ▶ ABA-NALP Career Services Working Group
 - ▶ Members of the group will meet in late May to discuss any needed clarifications, revisions, or changes to the Employment Summary Report and Employment Protocols for the Class of 2021

Moving Forward

- ▶ Employment Protocols for the Class of 2021 and Employment Summary Report for the Class of 2021
 - ▶ Will be re-issued with any needed updates from the Class of 2020 versions.
 - ▶ Must be approved by the ABA Council - on agenda for August 2021 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.

What Do I Have to do Next for the Class of 2020 Employment Data Reporting?

- ▶ 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
 - ▶ Schools that have issues will be contacted individually
 - ▶ The ABA will confirm the disclaimer language sent out to the career services listserv on 3/11/21 accompanies all schools' posted Employment Summary Reports
 - ▶ The ABA will also check that schools comply with the directions sent regarding disclaimer language for any additional, optional, employment data that is posted publicly
- ▶ **May 3-7**
 - ▶ Law schools will be notified of their Graduate Employment Files selected for Random Graduate Review
 - ▶ Email will go to the Dean, CC'ing the head of career services and main EQ contact (if different than head of CSO)
- ▶ **May 7 or 10**
 - ▶ The listserv will be notified that all Random Graduate Review Emails have been sent to law schools

What Do I Have to do Next for the Class of 2020 Employment Data Reporting?

▶ **By May 24**

- ▶ Submit the Graduate Employment Files your school had selected for Random Graduate Review
 - ▶ Select 2021 as the year in the ABA Quest System, even though this is for the Class of 2020
- ▶ Electronic copies of each selected Graduate Employment File must be uploaded to the “EQ Protocol Upload” section of the ABA Quest System. Instructions, in both written and video form, 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!

What Do I Have to do Next for the Class of 2020 Employment Data Reporting?

- ▶ By December 20 (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 start as soon as law schools start uploading them
 - ▶ 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 will be sent to the head of Career Services and the main EQ contact (if they are different) with the outcome of the review

Random Graduate Review Class of 2020: Review Process

▶ 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.
 - ▶ There is now, beginning with the Class of 2020, a 90% compliance level for Level 1 and Level 2 Reviews
- ▶ See Review Protocol 103

Random Graduate Review Class of 2020: Review Process

- ▶ 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 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

Random Graduate Review Class of 2020: Elevated Review Process

► 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 90% 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 90% 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
- 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
- See Review Protocol 104

Random Graduate Review Class of 2020: Red Flag Review Process

- ▶ 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

Important Dates and Deadlines: Class of 2020

Action	Date in 2021
Law Schools Notified of Their Graduate Employment Files Selected for Random Graduate Review	May 3-7
Listserv Notified that all Random Graduate Review Emails have been sent to Law Schools	May 7 or 10
Deadline to Submit Files to the ABA for Random Graduate Review	May 24
Deadline to Report any Changes to the Employment Questionnaire to the ABA	December 20

Questions?

- ▶ For **substantive questions**, please contact Molly Wilensky
 - ▶ Molly.Wilensky@americanbar.org or 312.988.6804
- ▶ For **technical questions** about uploading the Employment Questionnaire or uploading files selected for Random Graduate Review, please contact Ken Williams
 - ▶ Kenneth.williams@americanbar.org; 312.988.6739
- ▶ 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/