

The University of Akron School of Law
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Presentation to ABA Questionnaire Committee
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My name is Barbara Weinzierl and I serve as the director of career planning and placement for The University of Akron School of Law. It is my privilege to talk with you today in my capacity at Akron Law as well as to share the concerns expressed by some professionals in small career services offices in law schools across the country.

We are here to address the problems created, in part, by a widespread perception that some law schools may be engaging in behavior that undermines the credibility of the employment reports that our nation's law schools are providing to NALP, the American Bar Association, US News & World Reports and prospective students. I will outline a number of proposals that we believe will lead to a uniform reporting system that will provide accurate, credible information and minimize any perception of impropriety and dishonesty.

The problem is that many view law schools as getting away with actions that we, as a profession, wouldn't let law students get away with. The legal profession holds itself to the highest moral and ethical standards and lawyers are expected to act with the utmost honesty and integrity. We must hold ourselves to the same standards. The widespread belief that law schools are reporting incomplete, inaccurate, inflated, and even deceptive employment numbers diminishes the credibility of those of us who honestly and fully report our employment numbers and cause the consumers of the information that we put out there to question its veracity. Hence, the current demands by many for increased transparency.

The truth is that actual employment outcomes for recent graduates amount to bad news that many law schools do not want prospective students to hear. And, under the current system of employment numbers reporting, there is no incentive for law schools to tell anyone the real truth, other than the overarching incentive of being truthful. As a matter of fact, during a recent conference call with other small CSO professionals, several career planning directors commented that the pressures of the economy, the pressures to attract the most highly qualified students, and the pressures of law school rankings released by entities that have nothing to do with legal education may actually be causing many of those doing the reporting to make bad decisions. And those poor decisions to manipulate the numbers are, presumably, being rewarded with higher law school rankings and other recognition that may not be warranted.

Speaking on behalf of some career planning professionals who work in small Career Services Offices, I would like to share some observations and suggest four steps that we feel will benefit all law schools by encouraging a balance between providing more useful and accurate information, maintaining graduates' confidentiality and minimizing the additional burden that obtaining more detailed placement information could place on small Career Services Offices.

I. Improved employment reports for prospective law students

For the reasons discussed below, we can significantly improve employment reports in three simple ways:

1. Rather than lumping all employment types into a single placement percentage for each school, we should report employment for different types of positions. If we continue to provide a single employment rate, we should exclude non-professional jobs from the total.

Under the current system, NALP and the ABA already receive detailed employment information that could be used to create better and more detailed employment reports for prospective law students. In other words, the ABA and NALP could use the statistics already reported, but in a more productive manner. For example, we currently report positions as part-time, temporary, JD required, JD preferred, non-professional, etc. However, when computing placement figures, these categories are disregarded and every job type is lumped together to calculate a school's placement percentage. A job at Starbucks has the same weight in the equation as a judicial clerkship. Perhaps non-professional jobs should not be included in the equation at all or such "non-professional" jobs should be included instead in a separate category.

2. Update the survey to reflect special categories of positions created or funded by law schools.

The current survey could be updated to include other more concise categories that would assist the public in deciphering a school's employment numbers. For example, the ABA and NALP should include a category for those graduates whose employment is funded by their law school. Schools that provide funds to outside employers for hiring their graduates would be reported in this category enabling the ABA to provide clearer information to prospective students. Other new categories could include graduates employed in jobs created for them by their own law schools for temporary periods of time. Coincidentally, many of these recent "school-created" positions currently overlap NALP's reporting period.

3. Require consistent reporting by type of positions.

To insure more uniform reporting of employment information, all schools must be required to consistently count graduates holding the same types of jobs as employed or not. Under the present system, some schools count as employed those graduates who are doing volunteer work while others do not count those graduates as employed at all.

II. Consistent reporting requirements for employment surveys

There is a need for fair and consistent reporting of graduates who are not yet employed. We have heard reports that, in an effort to bolster their employment figures, certain law schools are encouraging only those graduates who are employed to return their employment surveys and telling their unemployed grads to disregard the survey. Under the current system, US News & World Reports gives schools a 25% “employed” credit for those graduates whose employment status is reported as “UNKNOWN” In order to minimize the benefit to schools that participate in this behavior, perhaps the ABA should urge US News & World Reports to give 0 credit for those graduates whose employment status is reported as unknown. This would encourage a more uniform reporting system, allowing prospective students to better be able to compare apples to apples. In our office at The University of Akron School of Law, we work diligently for weeks attempting to contact our graduates who do not respond to our repeated requests for employment information. We call, e-mail, text, and use various other methods to try to ascertain their status. We pride ourselves on knowing the employment status of 100% of our graduates. With other law schools not trying nearly as hard to gather the employment info from all grads, those making bad decisions may again be rewarded.

III. Reporting to Outside Entities

The ABA could play a significant role in accurate and uniform reporting of employment information. First, in the interest of uniform reporting, perhaps the ABA should be the entity that reports a school's placement figure to outside entities (US News, for example). This would allow the ABA more control in the placement equation computation that would be given to the public and that so many prospective students rely on. Second, the ABA should consider performing random yet complete audits in which they request all back-up information that law schools use to reach their employment numbers. Or perhaps, such figures should be actually verified during the ABA/AALS accreditation/reaccreditation visits. Just the threat of an audit will make those who may choose to make bad decisions think twice before doing so.

IV. Increased Level of Detail of Hiring Patterns and Practices

The public's and prospective law student's understanding of employment information would be greatly enhanced if a detailed explanation of the hiring patterns and practices of different types of legal employers were made part of all employment statistical reports. This becomes especially critical if law schools are to be required to provide "at graduation" employment numbers. Many graduates from smaller law schools in the second, third and fourth tiers, are hired by employers who make hiring decisions only after graduates receive positive bar exam results. Requiring "at graduation" results to be released can unfairly prejudice schools whose graduates are hired by such employers. Prospective law students often do not know or understand that the hiring timelines for public interest employers, and small and medium sized firms is very different from the timeline used by large law firms and judges.

This Committee may also wish to take in to consideration that any request to provide additional placement information may be extremely burdensome on

those Career Services Offices around the country that are already very leanly staffed. Many law school Career Services Offices are staffed with only 1 or 2 professionals and the time and effort spent to obtain placement information under the current system is already a huge undertaking. And, as outlined above, this additional information may not actually produce better data.

Furthermore, requiring the collection of more detailed information may lead to the development of animosity between law school graduates and their alma maters. Law school graduates often feel that their employment information is private and choose not to share it. In addition, the time expended to obtain this information reduces the time available to CSO professionals that could be better spent assisting graduates in their job searches.

Thank you for the opportunity to present to you the issues and concerns of the Career Planning staff at The University of Akron School of Law and shared by many small and solo Career Offices around the country. We are confident that the challenges facing this committee and all of us in legal education are surmountable and can result in an improved, honest, and just system for all.