

We appreciate the opportunity to offer our comments about reporting of employment data. There are many complex issues that are not subject to easy resolution. We believe it is helpful to think about the process in two separate categories—first, what are the main considerations for a system of consistent and accurate reporting that prospective students can use in evaluating law schools; and second, what are the major barriers to collection and interpretation of data to produce the reported statistics.

We have set forth below what we believe to be some points for further evaluation in each separate category.

1. Data reporting for prospective students

Aside from the very real challenges presented in designing a uniform reporting system, we believe there are two types of data that could be handled differently to create the most impact. The first is the use of the “employment at graduation” number. The second is the percentage of employed graduates who continue to seek another position.

We believe that the “employment at graduation” number may have the greatest potential to cause confusion, and should play at most a limited role in any comparative reporting system. Two simple examples illustrate this point. The first is that students who are employed in any capacity in their third year, even perhaps in part-time, non-legal positions, are considered “employed at graduation.” If there are a large number of students in this category, the “employed at graduation” number could be unusually high. The second example is that there are many employers, especially prosecutors’ offices, who will not hire an unlicensed graduate, even though they may have expressed an interest in a particular student at the time he or she was in law school. If a large number of graduating students fall into this category, the “employed at graduation” number could be unusually and unfairly low.

The second type of data— the percentage of employed graduates who continue to seek another position— could be more helpful to a prospective student because it arguably is a more accurate reflection of whether a school’s graduates landed in the positions they want. Graduates seek a variety of careers ranging from traditional legal positions to alternative, non-legal jobs, so the type of employment may not be as informative to a prospective student as whether the graduate continues to seek other employment. In these situations, whether a graduate continues to seek employment may be the only indication of whether they achieved their goals through their legal education.

2. Data collection by law schools

We believe the greatest challenge presented by any employment reporting system lies in data collection. Most of the criticisms currently directed to law schools about the accuracy of reported employment data are based on the incorrect assumption that schools have easy access to complete employment information about all of their graduates. The simple fact is that law schools do not own the information about their graduates' employment status and cannot force graduates to respond completely to employment surveys. Unless a mechanism is designed to give schools the ability to obtain complete information from every graduate, any reporting system that purports to give prospective students effective comparative data could be inherently limited.

We have found that despite great effort, it is difficult to get all graduates to provide full information about their employment status. Some of the missing information can be easily located through web searches (such as information about employment at larger law firms) or contact with friends and family, but many times it cannot. The unfortunate side effect of the difficulty in collecting complete data to meet reporting expectations is that vital and scarce resources are directed away from meaningful career development activities. Instead, career development professionals around the country have to spend time aggressively pursuing post-graduation employment information, often at the expense of alumni relations.

We doubt that our experience is different from that of other schools. Upon reflection, it is easy to understand that a certain percentage of graduates always will be reluctant to respond to survey requests. Some believe their current job is not their permanent job and, therefore, do not consider it their true "employment." Some are not satisfied with their positions and do not want to discuss them. Some do not feel like the law school played a part in securing the job and should not get "credit" for it. Some are very busy lawyers and just haven't provided their contact information and haven't thought to update the school about their employment status. Still others have basic concerns about confidentiality.

In some instances, the disparity in available information can lead to confusing results. For example, the starting salary for graduates who work at large firms often can be determined because many of those firms publish that information in the NALP Directory. That is not the case for many smaller firms, and so schools may not have as comprehensive information for graduates working at those firms. The result could be an inflated starting salary statistic, not because of any intentional act on the school's part, but rather because of the limits on available information.

We understand that there have been calls for data collection and reporting to be assumed by independent organizations, or to be audited. We do not necessarily oppose that concept, and we will be happy to work toward creative and effective solutions to the problems that have been identified. Nevertheless, until a surer system of data collection is developed, we doubt that the results of independent research and reporting would much improve on the current system.

3. Conclusion

We appreciate the opportunity to provide our input, and we look forward to continuing to work with the committee to achieve a fair reporting system that provides the most helpful information to prospective students as they consider their law school careers.