

## MEMORANDUM

To: Council of the Section of Legal Education and Admissions to the Bar

From: Dean Art Gaudio, Chair, Questionnaire Committee

Re: Reporting of Law School Placement Data

Date: November 8, 2011

After the Council meeting in August, the Graduate Placement Questionnaire, as approved, was incorporated as a part of the 2011 Annual Questionnaire and sent to all ABA-approved law schools in August. That Questionnaire seeks employment data from law schools regarding 2010 law school graduates as of February 15, 2011 (nine months after graduation). The Committee, after completion of the 2011 Questionnaire, proceeded to consider what data should be sought regarding 2011 (and subsequent) law school graduates and when that data should be obtained from law schools.

### Job Data

The Committee's proposal is to collect information regarding *job status* (employed –bar passage required, JD advantage, professional position, non-professional position, and category undeterminable; pursuing graduate degree; unemployed – start date deferred, not seeking, and seeking; and employment status unknown). Of those who are employed, we propose to collect information regarding which positions, if any, are *law school or university funded* short-term positions. We also propose to collect information regarding the *type of job* (law firms of various sizes; business and industry; judicial clerkships; academic; and employer type unknown). Finally, we propose to collect information regarding *employment location* (three main states in which graduates are employed and the number employed in each of those states; and number employed internationally). Within each of these categories, where appropriate, we propose to collect information on how many of the jobs are *long-term and short-term*, as well as information on how many are *full-time and part-time*. Although some questions or definitions have been added or changed, this is the same approach as used in the Questionnaire submitted to the law schools in 2011.

Several new questions are proposed for the next Questionnaire that were not included in the 2011 Questionnaire. One set of questions asks whether a graduate's job is a *full-time* or *part-time* position. The job is considered full-time if the graduate will be working at least 35 hours per week in the position. If not, the job is part-time.

Another set of new questions involves various subcategories of the employed status. These subcategories are: *bar passage required*; *JD advantage*; *professional position*; *non-professional position*; and *job category undeterminable*. Of particular note is the category of *JD advantage*. A job of this type may be one for which a JD is required or preferred; it may also include a job for which the JD degree provides a demonstrable and significant advantage in obtaining or performing the job, even when that job does not involve the practice of law in a direct fashion.

Another proposed addition is *unemployed – start date deferred*. This category recognizes that, although a graduate may not be employed because the start date of the job is deferred until after the record date (February 15<sup>th</sup>), the prospective employment is valuable information.

Most of the questions previously used in the 2011 Annual Questionnaire are carried over to the new proposed Questionnaire. With limited exceptions, changes in those questions or their definitions were non-substantive and corrective or clarifying in nature. However, one change that should be noted is in the category of *law school or university funded short-term positions*. It recognizes that the reason for this question in the first place involves law schools and universities funding positions that are short-term (rather than long-term) in nature.

Please see the attached Placement Data Summary, which shows, in a spreadsheet format, how this data will be presented on the law school pages of the Official Guide or online. Also see the attached Graduate Placement Definitions for more information on the definitions of the various categories.

### Use of Profiles

In order to populate the data fields, we propose to continue using profiles as developed and used in the Questionnaire submitted to law schools in 2011. The profile approach requires that a school identify each graduate by a number and complete a profile for each numbered graduate. A profile contains the various categories/questions indicated on the attached Placement Data Summary. As the Career Services Officer completes the profiles, the data from each of the profiles automatically populates the Placement Data Summary for that school.

Since each profile may be directly connected with an individual graduate, it is auditable. The level of the audit is variable. For example, at the time of the site visit a

member of the site team may, randomly and unannounced, select (for example) 20 profiles from each of the prior three graduating classes and ask to see the “back up” documentation supporting the data entries for those graduates. If problems are discovered suggesting the need for further inquiry, the level and extent of that inquiry may be determined and performed at a later time.

### Salary Data

As with the 2011 version of this Questionnaire, the job data is “unbundled” from the salary data. We do not propose reporting school specific salary data. Rather we will use NALP salary information which will be aggregated on a state-wide basis for each field (if available) on our Placement Data Summary. This will avoid the problem of upward scaling of salary information at the law school level due to the fact some of the school’s graduates do not report their salary information and those who do report tend to be those at higher salary levels. The aggregated state-wide approach collects salary data from graduates of all ABA-approved law schools employed in a state in any particular job category.

### Questionnaire Distribution Plan

The initial Graduate Placement Questionnaire distributed with the 2011 Annual Questionnaire and the Graduate Placement Questionnaire to be distributed next year are two parts of a single plan for the revision of the reporting of placement data to the ABA.

First, because of the complexity in determining the appropriate data to gather in the Questionnaire and the practical limits on preparing and programming the Questionnaire, it was necessary to take two cycles to accomplish the transition. The first step was to prepare and implement the limited Questionnaire as distributed in the 2011 Annual Questionnaire. That data will be parsed and analyzed and will then be made available online, probably as early as March, 2012.

The second part of the plan is, after approval by the Council, to have the new Graduate Placement Questionnaire distributed by early January, 2012 to law schools as a separate, stand-alone Questionnaire. It will seek employment data as of February 15, 2012 (nine months after graduation) and will be due to the ABA by March 15, 2012. After the data is parsed and analyzed, it will be made available online, probably as early as July, 2012.

In the past, the time period between graduation and the publication of the employment data in the *Official Guide* was two years. Under the new system proposed by the Committee, the time period between graduation and publication of the employment data will essentially be reduced to one year. For example, the employment

data for the graduating class of 2009 was not available in the *Official Guide* until June, 2011 – a period of two years. Under the Committee’s proposal, the data for the graduating class of 2011 will be available online in July, 2012 – a period of barely over one year.

**Placement Data Summary**

	Employment Status	Number	FULL TIME		PART TIME	
			Long	Short	Long	Short
1	Employed - Bar Passage Required					
2	Employed - JD Advantage					
3	Employed - Professional Position					
4	Employed - Non-Professional Position					
5	Employed - Job Category Undeterminable					
6	Pursuing Graduate Degree Full Time					
7	Unemployed - Start Date Deferred					
8	Unemployed - Not Seeking					
9	Unemployed - Seeking					
10	Employment Status Unknown					
	Total graduates					

Law School/University Funded Position			
1	Of Employed - Law School/University Funded Short Term		

	Employment Type	Number	FULL TIME		PART TIME	
			Long	Short	Long	Short
	Law Firms					
1	Solo					
2	2-10					
3	11-25					
4	26-50					
5	51-100					
6	101-250					
7	251-500					
8	501+					
9	Unknown					
10	Business & industry					
11	Government					
12	Public Interest (inc. Public Defender)					
	Judicial Clerkships					
13	Federal					
14	State & local					
15	Other					
16	Academia					
17	Employer Type Unknown					
	Total					

	Employment Location	Number	State
1	State - largest employment		
	State - 2nd largest employment		
	State - 3rd largest employment		
2	# employed in foreign countries		

## GRADUATE PLACEMENT DEFINITIONS

### GENERAL DEFINITIONS

**Graduates included and status date.** This Placement Questionnaire applies to students who graduated from law school between September 1, 2010 and August 31, 2011. It seeks the employment status of those graduates as of February 15, 2012. Do not include any changes in the employment status of a graduate that occur after that date.

**Employed or employment.** A graduate is considered to be employed if the graduate has a position in which he or she receives remuneration for work performed. A volunteer position, from which the graduate does not receive remuneration, even if the position might ultimately lead to a remunerated position, is not considered to be employment.

A graduate must be performing the duties of the position as of February 15, 2012 in order to be considered employed. A graduate who has an offer for a position, even if the graduate has accepted that offer, but who has not commenced performing the duties of that position, is not considered employed. Similarly, a graduate who has an accepted offer, for example from a law firm, but employment under that offer is deferred until after February 15, 2012, is not considered employed. (For further information on the treatment of a graduate whose employment is deferred or does not commence until after February 15, 2012, see Employment Status, Unemployed – Start Date Deferred, below). However, if as a part of the deferral arrangement, the graduate is provided a stipend to perform work as of February 15, 2012, for example at a legal services office, that graduate would be considered employed, but the graduate would be considered employed in a public interest position and not with a law firm, and the position would be long-term or short-term depending on the expected length of the public interest position.

**Short-term.** A short-term position is one that has a definite term of less than one year. Thus, a clerkship that has a definite term of one year or more is not a short-term position. It also includes a position that is of an indefinite length if that position is not reasonably expected to last for one year or more.

A position that is envisioned by the graduate and the employer to extend for one year or more is not a short-term position even though it is conditioned on bar passage and licensure. Thus, a long-term position that is conditioned on passing the bar exam by a certain date does not become a short-term position because of the condition.

**Long-term.** A long-term position is one that does not have a definite or indefinite term of less than one year. It may have a definite length of time as long as the time is one year or longer. It may also have an indefinite length as long as it is expected to last one year or more. The possibility that a short-term position may evolve into a long-term position does not make the position a long-term position.

**Full-time.** A full-time position is one in which the graduate works a minimum of 35 hours per week. A full-time position may be either short-term or long-term.

**Part-time.** A part-time position is one in which the graduate works less than 35 hours per week. A part-time position may be either short-term or long-term.

## **EMPLOYMENT STATUS**

**1) Employed –Bar Passage Required.** A position in this category requires the graduate to pass a bar exam and to be licensed to practice law in one or more jurisdictions. The positions that have such a requirement are varied and include, for example, positions in law firms, business, or government. However, not all positions in law firms, business, or government require bar passage; for example, a paralegal position would not. Positions that require the graduate to pass a bar exam and be licensed after beginning employment in order to retain the position are included in this category. Judicial clerkships are also included in this category.

**2) Employed – JD Advantage.** A position in this category is one for which the employer sought an individual with a JD, and perhaps even required a JD, or for which the JD provided a demonstrable advantage in obtaining or performing the job, but itself does not require bar passage, an active law license, or involve practicing law. Examples of positions for which a JD is an advantage include a corporate contracts administrator, alternative dispute resolution specialist, government regulatory analyst, FBI agent, and accountant. Also included might be jobs in personnel or human resources, jobs with investment banks, jobs with consulting firms, jobs doing compliance work for business and industry, jobs in law firm professional development, and jobs in law school career services offices, admissions offices, or other law school administrative offices. Doctors or nurses who plan to work in a litigation, insurance, or risk management setting, or as expert witnesses, would fall into this category, as would journalists and teachers (in a higher education setting) of law and law related topics. It is an indicator that a position does not fall into this category if a JD is uncommon among persons holding such a position.

**3) Employed – Professional Position.** A position in this category is one that requires professional skills or training but for which a JD is neither required nor a demonstrable advantage. Examples of persons in this category include a math or science teacher, business manager, or performing arts specialist. Other examples include professions such as doctors, nurses, engineers, or architects, if a JD was not demonstrably advantageous in obtaining the position or in performing the duties of the position.

**4) Employed – Non-Professional Position.** A position in this category is one that does not require any special professional skills or training.

**5) Employed – Job Category Undeterminable.** The graduate is employed, but there is insufficient information available to determine into which of the above categories the

position should be placed. This category should rarely be used and then, most often, only when the career services office knows nothing more than the fact of employment.

**6) Pursuing Graduate Degree Full-Time.** The graduate is pursuing further graduate education as of February 15, 2012. Such academic programs include degree-granting and non-degree granting programs. Whether a graduate is enrolled full-time is determined by the definition of full-time given by the school and program in which the graduate is enrolled.

**7) Unemployed – Start Date Deferred.** The graduate has accepted a written offer of employment by the February 15th reporting date, but the start date of the employment is subsequent to February 15th. In order to qualify in this category, the start date must be identified with certainty, or the employer must be compensating the graduate until actual employment begins.

**8) Unemployed – Not Seeking.** As of February 15, 2012, the graduate is “not seeking” employment outside the home and is not employed. Graduates who are not seeking employment because of health, family, religious, or personal reasons are included. A graduate who is performing volunteer work and is not seeking employment is included. Also included is a graduate who is offered a position, turned it down, and is not seeking further employment as of February 15, 2012.

**9) Unemployed – Seeking.** As of February 15, 2012, the graduate is “seeking” employment but is not employed. A graduate who is performing volunteer work and is seeking employment is included. Also included is a graduate who is offered a position, turned it down, and is seeking another position as of February 15, 2012. A graduate who is studying for the bar exam and is not employed as of February 15, 2012 is considered to be seeking employment unless classification of the graduate as “not seeking” can genuinely be supported by the graduate’s particular circumstances. A graduate who is employed as of February 15, 2012 but seeking another job should be reported in an employed category.

**10) Employment Status Unknown.** The law school does not have information from or about the graduate upon which it can determine the graduate’s employment status.

## **LAW SCHOOL/UNIVERSITY FUNDED POSITIONS**

**1) Law School or University Funded Short-Term Positions.** Positions in this category will also be included in one of the employed categories under “Employment Status,” above.

A position is law school or university funded if the law school or the university of which it is a part pays the salary of the graduate directly or indirectly and in any amount. Thus, a person employed by the law school in the law library or as a research assistant, research “fellow,” or clinic staff attorney has a law school funded position. Similarly, if the position is in the university’s library, the position is university funded.

The position is funded directly if the graduate is on the payroll of the law school or the university. The position is funded indirectly if the law school or the university funds another entity in any way and in any amount to pay the salary. The position is also funded indirectly if it is paid through funds solicited from or donated by an outside supporter. Thus, a position in the law library is funded directly by the law school. A position in a legal services office or a law firm that is funded in any amount by the law school is funded indirectly by the law school.

**Note that this category only includes short-term positions.** It does not include positions that, as of February 15, 2012, are long-term positions. Thus, a graduate hired as a temporary seasonal recruiter by the law school's admission office is in a short-term position. However, a graduate who is hired in a permanent position in the university's office of legal counsel is in a long-term position.

The possibility that a short-term position may evolve into a long-term position does not make the position a long-term position. Thus, if a graduate is employed by a legal services office or a law firm in a position that is funded in whole or in part by a law school, and on February 15, 2012 that position has a definite or indefinite period of less than a year, it is included in this category even though the position may evolve into a permanent position at a later date.

The position may be part-time or full-time. Thus, a graduate working 20 hours per week as a research assistant would be included as would a graduate working 40 hours per week in the law library.

- **Because the information to answer this question is inherently available to the law school, the burden of answering this question is on the law school and does not depend on the answer that the graduate may provide in any employment survey. Accordingly, either a "yes" or "no" must be checked; there is no unknown category.**

## **EMPLOYMENT TYPE**

**1-9) Law Firms.** A law firm is a group of attorneys practicing law together regardless of their specific legal relationship. Any job in a law firm, including associate, law clerk, law firm librarian, paralegal, and clerical position is included. A law firm is included if it is a private, for-profit firm even though it may perform substantial public interest work. However, a firm whose practice primarily involves under-represented clients, or groups that advocate for community interests, is included in Employment Type, Public Interest, below.

A graduate hired by, and working directly for, a law firm on a contract basis is included. However, a graduate working at a law firm but employed by an agency that places attorneys in temporary positions is included in Employment Type, Business and Industry, below.

Questions 1-8 ask for the total number of attorneys in the entire firm. If the firm has multiple offices, this includes the total of all attorneys in all of the offices. All attorneys employed in all offices should be included regardless of their status in the firm.

The category of “solo practice” applies to a graduate who has truly established his or her own solo practice. It does not apply to a graduate who is unemployed, but who may be willing to take an occasional client while still seeking employment. If the graduate is a clerk or associate for a solo practitioner, the firm size should be “Law firm – 2-10.”

**10) Business and Industry.** Business and industry employers include legal temporary agencies, accounting firms, investment banking and financial institutions, entertainment/sports management companies, insurance companies, management consulting firms, publishing houses, technology/e-commerce companies, trade associations, etc.

Positions held in business and industry include temporary attorney work, temporary law clerk or paralegal work, in-house counsel, management, business development/sales/marketing, human resources, consulting, etc. In-house counsel includes positions with the legal department of a company if that position reports directly or indirectly to the office of general counsel.

**11) Government.** Government employers include federal, state and local governments. Government positions include positions in governmental agencies, military positions and prosecution positions.

**12) Public Interest.** Public interest positions include:

- Legal services positions that are funded by the Legal Services Corporation or a similar funding entity. It also includes positions with other organizations that provide indigent or reduced-fee legal services, such as prisoners’ legal services and campus legal services.
- Public defender and appellate defender positions regardless of whether the office is a governmental or private entity.
- Public interest and non-profit employers, including private non-profit advocacy, religious, social service, fund-raising, community resource, or cause-oriented organizations. Public interest employers also include labor unions and non-profit policy analysis and research organizations.

**13-15) Judicial Clerkships.** Judicial clerks include those who are assigned to a specific judge, as well as those who perform duties for two or more judges on a court. Separately report federal and state clerkships. Federal clerkships and state and local clerkships include clerkships for judges or courts of governmental agencies. Report clerkships that are not appropriately federal clerkships or state or local clerkships as

“other.” Thus, a clerkship for an international or foreign court should be reported as “other.”

Do not include in this category a graduate who obtained a clerkship that is to start after February 15, 2012. Report that graduate according to his or her employment status as of February 15, 2012.

**16) Academia.** Academic positions include those at any academic level, including elementary, secondary, and higher education, and regardless of whether they are at private or public institutions. Positions include faculty member, teacher, librarian, and administrator; positions also include law school funded positions such as research “fellow” and clinic staff attorney. Positions outside the academic sphere of an educational institution, such as positions at university hospitals and similar university-related entities, should be reported as a position in business and industry if the institution is a private institution or government if the institution is public.

This category only includes employment in an academic institution; it does not include pursuing a degree or being enrolled in an academic program at an academic institution.

**17) Employer Type Unknown.** The graduate is employed but the law school does not have sufficient information upon which it can determine the graduate’s employment type.

## **EMPLOYMENT LOCATION**

**1) Employed in the United States.** Is the graduate employed in the United States? If so, select the state in which the graduate is employed.

**2) Employed in a foreign country.** Is the graduate employed in a foreign country? If so, enter the country in which the graduate is employed.