

## Open Letter to the entire Legal Community

### Re: Law School Transparency and Employment Statistics

No one argues with the theory of law school transparency, the issues lie in the means to achieve that goal. I believe that many of those calling for the increased amount and detail of the reported information do not have a true understanding of the challenges faced in collecting this information. While demanding more, they do not suggest which tools may be used to gather more thorough information, nor do they offer assistance in its collection. Law School Career Services Offices (CSO's) cannot mandate, coerce, bribe, or otherwise direct their new graduates to answer the annual questionnaire. It is a completely voluntary exercise which only goodwill and nagging manages to elicit responses.

It is for this reason that small or solo CSO's suffer most noticeably; they simply do not have manpower to make these repetitive outreach efforts. To be sure, many students respond to the CSO's request in the first or second contact. However, despite phone calls and emails encouraging responses, the graduates, for any number of reasons, do not supply the information. Further, a statistically significant number of our graduates simply "drop off the radar screen" as they change all of their contact information from what we have on file. The helplessness and frustration is palpable in our CSO in January.

Compounding this stress now is US News & World Report's new method of calculating the overall employment rate used in their ranking system. Instead of using the number of graduates whose status is known as the denominator, they are using the number of total graduates. What this does in practical, mathematical terms is calculate all unknown graduates as unemployed. Regardless of the reason that the graduates failed to respond, to presume that they are unemployed is inaccurate, misleading and extremely detrimental to all the constituencies that rely on this information. It serves the exact opposite function of transparency. Could it be that these graduates are indeed employed but merely too busy working in fulfilling and demanding legal jobs to respond? I sure hope so, but the new method of calculation crushes that possibility without statistical justification. Calculating the employment rate based upon the known statuses of graduates who have responded supplies us with a representative sample – a well-known and widely accepted statistical practice. To deviate from this simply counters good reporting practices.

Without compulsion from an entity that still retains influence over these graduates, the task becomes one of sheer man-hours that can be dedicated to it. The pressure to provide responses for the entire class was already keenly felt, but now will have serious negative impacts on the classes of current students for whom the CSO is responsible. Time spent by the CSO staff in exhausting every avenue of

collecting the graduate data takes away the availability of our counselors to meet with current students and address their more immediate needs. Again, this is an acute issue for small and solo CSO's. How can we justify hours spent on the phone with perhaps no fruitful resolution when there are students in our offices who need our attention? If we better serve the current students, we are cultivating the relationships that may result in employment for them and increase the probability of future responsiveness. We are always striving to do better each year.

A secondary problem arises when the CSO has only some information that was gathered more informally and/or from third parties. With the pressure to report on all of the graduates, what level of certainty must be attained before the information can be reported? If a professor recalls a conversation with a graduate at a Bar reception, can that be entered as employment data? What about information posted by friends on Facebook? The verification process may take up more valuable time, rather than taking the conservative route of not reporting that graduate's status as truly *known*.

A slippery slope, a downward spiral, these are the characteristics of the new chase for information to satisfy the ever-hungry statistics beast. The statistical beast does not serve any master, either; merely its own greediness. Prospective law students will not get any more accurate information from this process, in fact it may be worse than before. Striving to keep the law schools' data as transparent as it can be is a laudable goal, but it has been severely derailed in this instance. The new ranking system races full steam ahead without notice to the law schools and without a plan of guidance or tools to help them reach the same point. I would ask for partnerships among the law schools, the various state bars, and the American Bar Association to determine how we can all reach out to the new graduates to obtain full and reliable information. Perhaps as part of the first-year CLE requirement? Perhaps as a condition of joining the ABA as an incentivized newly licensed attorney? And certainly with a revision of the calculation method used by the US News & World Report.

Respectfully submitted,

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