

Comments for the ABA Questionnaire Committee Hearings

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1. We fully support transparency and consistency in collecting and reporting placement and other law school data.
2. Several issues that a sweeping requirement of boilerplate placement data presentation touch on and of which we hope that the ABA will keep in mind:
 - a. Not all law schools are the same. There is a big difference between schools in the Third Tier (*US News*) and First Tier and, sometimes, the students who attend those schools. There are also differences between an urban law school in a saturated legal market (like NYC) and one in a more rural area, even if comparably ranked. Difference between schools with benefit of prestigious affiliated (and well endowed) University, and those that are independent.
 - b. While placement information is one of the many factors prospective law students should be contemplating when going to law school, it is not the only one nor, when asked, the most important. A singular focus on placement data runs the risk of favoring only (1) top tier schools; and (2) to students at those schools who can secure the highest salaries. We should avoid focusing exclusively on factors that would cause the legal education system and legal profession to retract back to a profession that is only open to the very smartest who can get in by scholarship to the small number of elite law schools, or those who can pay their own way (usually by family support). For so long as we have a culture in this country that favors education, and a government that continues to provide funding for educational opportunities, law schools will continue to act along those lines and in their own survival best interests to attract as many qualified and diverse students as possible to apply and to attend.
 - c. Market and employment realities. Most students do not go to the large firms that give offers of six-figure salaries before the third year of law school. Most legal employers have never been in the position to hire so far in advance and often wait until Bar results are released (generally November) or Bar admission has been achieved (in NY, often as late as March or April, well after NALP collects its data).
 - i. As the bimodal salary distribution shows year after year in NALP's annually collected salary data reports, there is a great gap between the top 25% or so of salary earners, and all other law graduates who consistently cluster around the

\$50,000/yr mark. Income disparity within the profession is a bit beyond the scope of these hearings, but it is relevant.

- ii. Gets back to previous point. Why do people choose to go to law school? If just to get a high-paying job by graduation, then, yes, the prospects are bleak other than at the top 25 or so law schools. If it is to get a legal education, to improve one's professional standing or prospects, to serve the community and those in need of legal services in a meaningful way, then law school is a good investment. Focus on placement data alone distorts the inherent value of a legal education and the many reasons people choose to go to law school.
3. I am here to present issues that are different than those faced by Tier One and other highly ranked schools that generally feed into large NALP employers. Our demographics, budgetary restraints, student body composition and output market are similar to many other law schools.
 - a. We generally serve a local community, albeit very large, but have a decent presence in and draw from around the Northeast and the country. We're a relatively young school (about 35 years old). Created to serve the community and provide opportunities to working parents and first generation students interested in pursuing higher education for a variety of reasons. Students cite reasons for coming here are our environmental or other specialty programs, our small size, our location, highest ranked school they got into. Rarely have I heard it is because of our placement rate or the median graduate salary (although, admittedly, such factors could be why some choose not to attend our law school).
 - b. Graduating class size around 220-250. Go to about 160-200 different employers each year; only about 11% are NALP or other employers (like DA or other gov't offices) with publicly or widely known salaries. About 50% go into private practice (majority in firm of 2-10 attorneys), over 75% stay in New York and of that percentage, almost half are in the county in which the law school is located. We gather salary data for far less than 50% of our graduates (slightly less than national response rate) mostly due to our high percentage output to small employers.
 - c. Most small employers don't hire until grads are admitted which, in New York State, can be as late as March. It is taking up to a year-and-a-half after graduation for many law school graduates to secure full-time, permanent legal positions (basically a 3-6 month normal length job search following the time at which they are eligible to practice law). Public interest sector employers, for example, hire only admitted attorneys and on an as-needed basis. NYS judges (except appeals and appellate level) also hire staff attorneys (clerks) on an as-needed basis for an immediate start; compare to other states, like NJ, hire hundreds of clerks on a regular, annual basis up to a year in advance of the anticipated start date.

- d. In counseling students and speaking with prospective students, most of them have either unreasonable expectations or no expectations about what it is they will be doing after law school and how much money they will make. This is in spite of the vast amount of information that is out there. Many do note that they need to make money (particularly over the summer which is harder to do these days) and have to pay off their loans. I understand that need to make an income to pay off the loans that got them to law school in the first place is part of the reason we are here today; to try to figure out how we can better provide at least some of the information they should consider in determining whether and where to go to law school.
4. Collecting Placement Data. CCD/PILC staff of 5 FT and 3 PT serving student body of 700+ students plus hundreds of alumni who use our free services. We try to collect as much information as we can at graduation and again over the next nine months. We invested time and money to create a specially coded online NALP employment form to help the data gathering process. We send countless emails and place phone calls to last known contacts (including parents!) to try to collect placement information. Still only about 50% response rate at best. So we collect the information as best we can – join Facebook and LinkedIn and every other social networking site, corner faculty and other grads and students and ask them whereabouts of missing grads, scour the Internet. While those who are seeking employment stay in constant touch with us, they don't always tell us when the news is good. In the middle of all this data collection and online sleuthing, we also counsel hundreds of students and solicit and work with alumni and local employers to find and create employment opportunities. As much as we would like to, we simply cannot create jobs and we have no say in who is admitted to the law school. We are bound by our inputs and the parameters of our output market.
5. Reporting Placement Data. Other than the NALP form and the ongoing Excel spreadsheet we create for each class over the course of their law school tenure, we collect a variety but probably insufficient amount of data. We do our best to report all of that data as fairly and accurately as we can. Part of the problem is that each of the agencies to which law schools report collect and report the information differently.
- a. **NALP** – Due February 22nd (data as of February 15th)
- i. Collects detailed (and anonymous) information for each graduate.
 - ii. Information reported in summary and aggregate form.
 - iii. Denominators usually based on number of respondents to that particular question or for whom certain categorical information (employment status) is known (vs. out of the whole class). They round their numbers.

% Employed = # employed/# for whom employment status is known

- b. **ABA** – Due October 31st (placement data basically from NALP reported data)
 - i. Very limited information collected and reported in the ABA Official Guide (much less than for NALP): # grads known to be employed; type of employment by # and %; type of job by # and % (PT and FT); general areas of location by # and %.
 - ii. All aggregate numbers. Percentages are also rounded.

% Employed = # employed/# for whom employment status is known [which they don't make clear on the Official Guide]

- c. **US News** – due December 1st [*NB*: Even though *US News* is beyond the scope of this conference, it certainly is the elephant in the room. They may choose to use different formulas, denominators and weighting than is used for NALP and ABA, but the truth is that almost every law school completes their Questionnaire and so must grapple with the different forms of reporting placement and other information.]
 - i. They do not round but all categories must equal 100%, which forces rounding up/down.

% Employed = (# employed + # FT Adv. Degree) + (0.25 * Unknown)/(total class size) – (unemployed & not seeking)

[**This is actually the most logical of all the formulations, though we would agree to separation of FT ADV from the equation. While NALP totally removes “unknowns” from the equation, *US News* keeps in the denominator, but gives some credit in the numerator. *US News* also follows the US Labor Department concept of “unemployed” by removing from the equation those who are unemployed but not seeking. Unlike national issues of long-term unemployment, at nine-months after graduation, most recent law grads who are unemployed and not seeking are studying for a (previously failed) bar exam or dealing with personal/family issues.]

6. Suggestions for Improvement – COLLECTION

- a. ABA and NALP should coordinate and create a form or series of questions that works for both purposes. Please do not create an additional form.
- b. Detailed placement information is not necessarily a bad idea (a la Law School Transparency), but should be overseen by the ABA and address privacy concerns. If the ABA wants more specific information, they certainly can ask for it; though the reporting system would work more efficiently if they coordinated with NALP. One possibility would be to have a standard Microsoft Excel spreadsheet sent to the Career Services Director of every law school so that the data is uniformly collected. Industry

- representatives could start discussing what categories should be collected (e.g., whether employer is a NALP member or NLJ or ALM ranked, for example, is totally irrelevant to where most of our graduates and graduates from similarly situated regional and non-top tier law schools go each year; at graduation employment numbers is a destructive number that, particularly in this economy, favors only top schools and top students within those schools).
- c. Due to the state of the market and the length of time required for Bar admission, particularly in NY, it would make more sense to collect data at **1 year** after graduation.

7. Suggestions for Improvement – REPORTING

- a. Allow NALP or the ABA to release publicly the National Summary Report AND the Summary Report for each school. Require law schools either to post the forms to their websites or otherwise make them available to any prospective or current student or alumnus who asks. Or include the individual school summaries in the Annual ABA Official Guide. The placement data in the Official Guide is no doubt ruefully inadequate to a prospective student. There certainly is more meaningful data that NALP already collects that the ABA could also be reporting.
- b. Stick with raw data. Do not post any percentages. Anything beyond raw data can be manipulated or collected to. Let consumers run their own calculations and determine which numerators and denominators they want to use.

CONCLUSION

Law schools and, in particular, career services offices, are willing to help provide the kind of information that the ABA finds necessary to collect and disclose. We just ask that the ABA keep in mind (1) the many different kinds of law schools and students under their jurisdiction, (2) the realities in opportunities, legal employers, and timing of legal job offers, (3) the timing for admission to a state Bar, and (4) the staff, budget and data collection restraints on law schools and their career offices whose primary job is to help JD and LLM students and alumni develop job searching skills, tools and contacts.