ABA Memorandum

To: Law School Deans and Career Services Directors
From: Kirsten Winek, Accreditation Counsel & Stephanie Giggetts, Deputy Managing Director
Date: September 9, 2020
Re: ABA Employment Protocols for the Class of 2020

The Employment Protocols for the Class of 2020 were approved by the ABA Council in August 2020 and are in effect for the JD class that graduated between September 1, 2019 and August 31, 2020. Please do not rely on any prior versions of the Employment Protocols or any ABA email guidance you received for prior classes. The only significant change to the Employment Protocols concerns the Random Graduate Review and how many files will be selected from each law school. However, please ensure that you read the Employment Protocols thoroughly.

COVID-19 Considerations
Due to the COVID-19 pandemic, we are allowing some flexibility in the areas noted below for the Class of 2020. These are not included in the text of the Employment Protocols for the Class of 2020.

- Judicial clerkships intended to last for one calendar year or more but start late due to COVID-19 (and thus, last less than one calendar year) can still be counted as long-term, provided this is documented in the file. For example, this would include a one-year judicial clerkship whose start date was pushed from August 2020 to September 2020 due to COVID-19. This also applies to fellowships and other term-limited positions that were intended to last for one calendar year, provided appropriate documentation is included.

- With many employment start dates being delayed or pushed back due to COVID-19, there is no need to re-survey graduates to obtain a new start date unless you learn or become aware that the start date has been moved to after March 15 or the job offer has been rescinded. Then, additional documentation and re-classification are necessary.

Random Graduate Review Changes
In order to give schools feedback on the Random Graduate Review more quickly and to ensure that schools submit a more proportionate number of files selected for Random Graduate Review, the Random Graduate Review process will now review 4% of a law school’s Graduate Employment Files or 5 files, whichever is greater using normal rounding. See Review Protocol 103.

Additionally, the Level 1 and Level 2 Review compliance percentages were changed from 95% to 90% to match the 90% compliance level for the Random Graduate Review. See Review Protocol 104.

Category Updates
The “Pursuing Graduate Degree Full-Time” category had been changed to “Enrolled in Graduate Studies” to encompass both full-time and part-time graduate studies. See Data Protocol 212.

Also, the number of judicial clerkship categories has increased from 3 to 4 and now includes more descriptive category names (changes/additions indicated in italics), as noted in Data Protocol 405 and the Employment Summary Report (Appendix I):

- Clerkships – Federal;
- Clerkships – State, Local, and Territorial;
• Clerkships – *Tribal*; and
• Clerkships – *International*.

**Definition Updates**
First, there was some re-wording of the definition of Employed – JD Advantage in Data Protocol 203 to further clarify which positions fall into this category so the category does not become overbroad.

Second, there was some re-wording and re-organization (as well as new and clarified examples) for Employed – Law School/University Funded in Data Protocol 206. This was done to incorporate certain questions and scenarios that have arisen and to better delineate which jobs are included or not included in this category.

Third, it was also clarified further that documentation must be included if a school is relying on an exception to Employed – Law School/University Funded. Also, please note that the ABA does not automatically exclude “jobs that are permanent in nature such as long-term jobs in career services, admissions, development, or general counsel offices” from Employed – Law School/University Funded as the NALP ERSS survey instructs.

Fourth, part of the definition for Employed – Start Date Deferred in Data Protocol 208 was moved to better emphasize that this classification can only be used if the graduate is not employed in any position on the Graduate Employment Status Date.

**Date Changes**
A few changes regarding dates/timeframes were made:
• Law schools no longer need to retain all Graduate Employment Files for 4 years after the reporting deadline; they only need to retain them for 3 years. See Data Protocol 104(a)(8), Example 10.
• The deadline for schools to report changes to the current year’s Employment Questionnaire has been extended from June 30 to December 20. See Data Protocol 102, Example 2.

**New Explanatory Materials**
Some examples and individual protocols have been updated or created in response to common questions, including:
• Using job postings as documentation (Data Protocol 103(a)(2)(vii), Example 7);
• Classifying legal fellows and graduates running for public office (Data Protocol 203, Examples 3 and 4, respectively);
• Selecting a start date for purposes of long-/short-term determinations when graduate was in the position before graduation (Data Protocol 301(d));
• Additional information on solo practitioners (Data Protocol 301, Example 10; Data Protocol 401);
• Classifying judicial clerks based on duties, court level, and titles (Data Protocol 405); and
• Employer address if graduates are working remotely or virtually (Data Protocol 602(e)).

The presumption lists – both in Data Protocols 202 through 205 and in Appendix E – have been expanded. Specifically, Appendix B was revised to include more instructions on the Employment Questionnaire, and Appendix I is new and contains information about the Employment Summary Report.

**12Twenty User Note**
Schools have asked questions on the 12Twenty “Knowledge Source” drop down menu. Please do not
worry too much about the selections because we understand schools may use multiple data sources to support the key items. However, if you use the Phone Call or Conversation with Student options, include a note stating who spoke with graduate, when, and whether all key items were obtained in that phone call or conversation (or note that the survey was completed during that interaction).

Important Dates for the Class of 2020
- The Graduate Employment Status Date will be Monday, March 15, 2021.
- The Graduate Data Reporting Deadline/Employment Questionnaire Deadline will be Friday, April 9, 2020 at 5 pm Central Time (a week later than usual due to the Easter holiday).
- A schedule with additional dates and deadlines for the Class of 2020 will be sent in early 2021.

Questions
For questions about the Employment Protocols, please email kirsten.winek@americanbar.org directly. For technical questions, email kenneth.williams@americanbar.org or andrew.crane@americanbar.org.

Employment Protocols for the Class of 2020 can be found on the Employment Questionnaires page (https://www.americanbar.org/groups/legal_education/resources/questionnaire/) or here.