ABA Memorandum

To: Law School Deans and Career Services Directors

From: Kirsten Winek, Manager, Law School Analytics and Reporting
Bill Adams, Deputy Managing Director

Date: September 9, 2019

Re: ABA Employment Protocols for the Class of 2019

The Employment Protocols for the Class of 2019 were approved by the ABA Council in August 2019 and are in effect for the JD class that graduated between September 1, 2018 and August 31, 2019. Please do not rely on any prior versions of the Employment Protocols or any ABA email guidance you received for prior classes.

The changes outlined in this memo were made to include additional examples and clarifications based on questions and feedback from law schools. There have been no significant changes to the Employment Protocols themselves. Please read the Employment Protocols thoroughly.

Category Changes

All public and appellate defender positions, regardless of funding or management, should now be classified as Employer Type “Public Interest.” This now matches the NALP classification. See Data Protocol 404.

Graduates in the JAG Corps who have not started their positions as of the Graduate Employment Status Date but who have made an irrevocable commitment to serve in the JAG Corps on or before the Graduate Employment Status Date should now be classified as Employed – Bar Passage Required. See Data Protocol 202(b)(2) and Data Protocol 202(b)(2), Example 7 for details. Additionally, graduates in a non-reserve component JAG can be presumed to be Bar Passage Required, Full-Time, and Long-Term (Data Protocol 202(b)(2), Example 8). While these changes are broader than the ABA’s previous classifications for JAG, they are still narrower than NALP’s current “JAG Exception.”

New or Updated Examples

A number of examples have been updated or created in response to common questions.

Updated Definitions

The definitions of Bar Passage Required and Long-Term have changed slightly. For Bar Passage Required, the wording “authorized to practice law” has replaced “licensed” to encompass students working as attorneys in countries where no bar exam is required to practice law. See Data Protocol 202. For Long-Term, the definition now explicitly states that the job must last one
calendar year or more and fleshes out what needs to be documented for a job to be reported as long-term. See Data Protocol 301(a) and Data Protocol 301(a)(2).

**Changes to Presumption Lists**

A few jobs have been added to the Employment Status Presumption Lists:
- Data Protocol 204(b)(1): Non-JAG military servicemember and Real Estate Agent.

**Other Clarifications**

A few additional clarifications have been made in response to common questions from schools. Sections clarify how to classify graduates who will open a solo practice but have not yet passed the Bar Exam (Data Protocol 401(f)(3)), graduates who are staff attorneys with a court (Data Protocol 405(d)), and graduates in a full-time degree program on the Graduate Employment Status Date who also have an accepted offer for a future position (Data Protocol 208(a)(3)). Additionally, Example 9 of Data Protocol 301 addresses the situation where a graduate working as a law firm associate leaves before the one-year mark to start a judicial clerkship.

If your school uses Symplicity or 12Twenty, please include the Graduate Outcomes Report (Symplicity) or Audit Log (12Twenty) when you upload your files selected for Random Graduate Review. Examples are in Appendix H. We have found that especially when graduates fill out their surveys directly in Symplicity or 12Twenty, these materials help the reviews go more efficiently. See Review Protocol 101(d) and Review Protocol 101, Example 1.

**Additional Appendix Materials**

There are three new appendices: Appendix F (how to upload files selected for Random Graduate Review), Appendix G (flowchart on sufficiency of documentation for those who prefer a visual representation), and Appendix H (samples of Symplicity and 12Twenty audit logs).

**Questions**

For questions about the Employment Protocols, please email Kirsten Winek (kirsten.winek@americanbar.org) directly. For technical questions, please contact Ken Williams (kenneth.williams@americanbar.org) or Andrew Crane (andrew.crane@americanbar.org).

**Important Dates for the Class of 2019**

Graduate Employment Status Date: **Monday, March 16, 2020** (March 15 is on a Sunday).
Graduate Data Reporting Deadline: **Friday, April 3, 2020 at 5 pm Central Time**.

A schedule with additional dates and deadlines for the Class of 2019 will be sent in early 2020.