Wrapping Up the Class of 2017 Data Collection
ABA Webinar Questions and Answers

The questions and answers below combine and streamline the questions we received from the March 13th webinar. For any specific questions or clarifications on your employment data, please contact Kirsten Winek at kirsten.winek@americanbar.org. For technical questions about uploading files for the Employment Questionnaire or the Random Graduate or Random School Review, please contact Andrew Crane at andrew.crane@americanbar.org or Ken Williams at kenneth.williams@americanbar.org. The website for uploading these materials is www.abaquestionnaire.org.

Unemployed Categories

Q. Do we need documentation if a graduate is Unemployed – Seeking?

   A. No, per Protocol FAQ #13. However, most schools do include a survey or email from the graduate saying they are Unemployed – Seeking. This is helpful, but not required.

Q. If the graduate completed a survey and self-identified as Unemployed – Not Seeking, do we need any additional documentation?

   A. No.

Q. The FAQs state that when reporting a graduate as Unemployed (Seeking or Not Seeking), no documentation is required. The webinar mentioned that documentation was needed for Unemployed – Not Seeking. What is required?

   A. This was miscommunicated on the webinar. No documentation is required for Unemployed – Not Seeking per Protocol FAQ #13. However, most schools do include documentation from the graduate that he/she is Unemployed – Not Seeking. This is helpful, but not required.

Q. For Unemployed – Start Date Deferred, how specific does the start date need to be?

   A. The start date must be a confirmed start date and Month, Day, and Year is best. However, Month and Year is also acceptable for a confirmed start date.

Q. I have a question on the rationale behind the Unemployed – Start Date Deferred positions. Our JAG, District Attorney, and Public Defender Graduates have solid jobs in place that have not started yet, so I am unsure why we need to report the (usually) part-time law clerk positions they are working until the start date arrives. It could be argued that this misrepresents the actual type of job they have secured.

   A. The goal of the graduate employment data is to represent the graduate’s employment situation as of March 15. The switch to Employed – Start Date Deferred with the Class of 2018 should resolve this issue since these graduates will be considered Employed – Start Date Deferred.

Q. How do we classify a graduate who is awaiting bar results and self-reports that he/she is not seeking work until he/she obtains bar results?
A. You may rely on the graduate’s self-report and classify them as Unemployed – Not Seeking.

**Using Information from an At-Graduation Survey**

Q. If a graduate said he was Unemployed – Seeking on his at-graduation survey and has not responded to outreach and has no online presence, how do we classify him? What if the graduate reported that he was Unemployed – Not Seeking?

A. While there is no requirement that schools re-survey graduates once they have obtained employment information from them, many schools continue to follow up with graduates who report themselves as Unemployed – Seeking or Unemployed – Not Seeking on an at-graduation survey. Many of these graduates subsequently find jobs and Career Services obtains updated employment information from them. However, some of these graduates do not respond to outreach and have no online presence.

If you have graduates who classified themselves in an Unemployed Category on an at-graduation survey and they do not respond to outreach or lack an online presence, you have two options this year. You can leave them classified according to their at-graduation surveys or you can re-classify them as Unknown. Our preferred classification for these graduates is Unknown; however, we do not want any school to have to re-classify graduates at this late date. Additionally, since the Protocol does not speak directly to this situation with at-graduation surveys, we plan to discuss with the Career Services work group how these graduates should be classified next year.

**Documentation**

Q. Is a LinkedIn profile sufficient documentation when a graduate is not on an employer website and does not reply to outreach?

A. Yes, as long as you explain any professional judgements or assumptions you are making since a LinkedIn profile does not always contain enough information to satisfy all the key items of employment information on its own (for instance, it does not usually include information on full-/part-time or long-/short-term status).

Q. Is confirmation received by a school from Symplicity that a graduate has reviewed and submitted their 10-month survey enough documentation? Is this considered the “gold standard?” (I always assume that additional review should be conducted...)

A. If you receive a completed survey from the graduate, you can rely on that information without any further documentation unless you have reason to believe the information is incorrect. That said, it is always a good idea to check the graduate-submitted survey to ensure the graduate answered all relevant questions.

Q. Please confirm what information is required to report that a graduate is enrolled in a full-time graduate degree program.
A. If a graduate is enrolled in a full-time degree program, only documentation noting that the graduate is in such a program is required. Most schools document this with an email or survey from the graduate. A program name and school are helpful, but not required.

Q. What if a graduate has not been communicating with us and cannot be found online, but our contact at the employer has confirmed the graduate is working there? Another alumnus has also told us the graduate is working for that employer, too.

A. According to Protocol FAQs #23 and #24, an employer is considered an acceptable third-party source of information, whereas other graduates or alumni would not be.

Assumptions

Q. In our region, District Attorneys and Public Defenders are always Full-Time, Long-Term positions. Can we use our professional judgment to document this as Full-Time, Long-Term by stating the custom in our area is that these positions are always Full-Time, Long-Term?

A. Yes. Please note in the graduate’s file or in a cover memo that this is the custom in your area and that in your professional judgement, these are Full-Time, Long-Term jobs.

Q. BRG said that Judicial Clerkships were automatically considered Bar Passage Required and Full-Time, Long-Term unless we knew otherwise. Is that still true?

A. If you cannot get information on the Full-Time, Long-Term status of the judicial clerkship position from the graduate, you must explain why you are assuming the clerkship is Full-Time and Long-Term. We may recommend an assumption for certain types of judicial clerkships or other jobs in the future.

Q. If graduate says they are in JAG, can we assume Bar Passage Required, Full-Time, and Long-Term?

A. The only assumption that can be made for Bar Passage Required, Full-Time, and Long-Term is for associates at law firms. This assumption only applies if a graduate identifies him/herself as an associate at a law firm (and this is documented), and you are unable to obtain this information directly from the graduate. At this time, you will need to explain why the position is Bar Passage Required, Full-Time, and Long-Term. We may recommend assumptions for other jobs in the future.

Q. Are you allowing “lawyer” as represented by the graduate to be assumed to be Bar Passage Required? Is that a change from only allowing “associate” to be assumed to be Bar Passage Required?

A. You can assume that if a graduate represents that he or she is working as a lawyer, this is a Bar Passage Required job. This is different than a law firm associate because you can only assume Bar Passage Required. Recall that if a graduate identifies him/herself as an associate at a law firm (and this is documented), the position can be assumed to be Bar Required, Full-Time, and Long-Term if you are unable to obtain this information directly from the graduate.

Q. Do we need to note the assumptions for Full-Time, Long-Term for law firm associates or are these a “given?”
A. You may assume Full-Time, Long-Term without documentation.

Q. If I see that a firm has included a graduate’s photo on their website as an attorney, I would assume the position is long-term and I would use this as the basis for the assumption, as most firms would not post a short-term attorney on their website. Would this be sufficient documentation for Long-Term?

A. Where you do not receive information directly from the graduate, any assumptions must include documentation or an explanation of your assumptions or professional judgment. In this situation, you would explain why you are assuming the position is long-term.

Classification Questions

Q. If a graduate sends an email and says that he is doing “legal odd jobs,” can we categorize him as JD Advantage, Part-Time, Short-Term?

A. The answer to this may depend on the individual graduate; please reach out to us.

Q. A graduate reports that he/she owns and operates a Paradise Smoothie business. Given that the graduate is a business owner, does this position satisfy the Professional Position category even though the nature of the business is not professional?

A. The nature of the business is less important than what the graduate is doing in his job as owner-operator. Base the categorization on what the graduate’s job responsibilities are.

Other Questions

Q. Is the Memo re “Common Issues” now considered part of the controlling documents/employment data resources?

A. The Protocol is the controlling document. Other documents or guidance can be relied upon. If a school thinks that there is any conflict in any guidance, it should reach out to us for clarification. We have excused good faith misinterpretations and misunderstandings of the Protocol and our other documents and will continue to do so until we revise all our guidance documents. This something that we will work on with the Career Services work group.

Q. During the last webinar, we were advised not to make any changes to our graduate employment files after April 6. What if we receive an update after April 6 regarding employment as of March 15? Can we make the edit?

A. The only time schools can add or change information in graduate employment files after April 6 is if the school notifies the ABA that a change needs to be made to their employment data. If you receive an update after April 6 regarding employment as of March 15, please contact Andrew Crane or Ken Williams to modify your employment data (keeping in mind that no changes can be made in the two weeks immediately after the deadline when the ABA reviews all the data for anomalies). After the change to your data is complete, ensure that you supplement your graduate file with documentation supporting the change you made with the ABA.

Q. Do you advise direct outreach to employers if the graduate does not reply?
A. It depends on your relationship with the employer. Some schools do this with certain employers; other schools do not. If you do contact the employer, please ensure that those communications are properly documented in the graduate’s file.

Q. If we are selected for an audit, are we contacted via email? If so, who is contacted?

A. If your school is selected for a Random School or Random Graduate Review, an email will be sent to your Dean and the head of Career Services at your school will be copied on that email.

Q. What do you advise if we have information (or partial information) from a graduate, but the graduate has specifically stated that he/she does not want his/her employment information included in the school’s report to the ABA?

A. Schools need to report on the information they have obtained on the graduate’s employment status. Allowing schools to exclude information that graduates do not want included in the school’s ABA employment data would interfere with transparency and consumer reporting.

Technical Questions – Uploading Employment Questionnaire and any files selected for Random Graduate or Random School Review (Website for Uploads: www.abaquestionnaire.org)

Q. When you export the ABA employment information from Symplicity, does this save in Excel or do we need to force it to save as Excel?

A. Yes, Symplicity’s graduate download is in an Excel format matching the ABA template and parameters. You can double check this with your Symplicity representative.

Q. Our test upload for the Employment Questionnaire (EQ) did not pick up any of our Law School/University Funded positions, and we have a few of these. Any updates on this issue?

A. Our testing has indicated that the issue is not in the ABA upload process – the information is not populating on the spreadsheet before it is uploaded. If you encounter this issue, first check to see that all Law School/University Funded position information was included on that graduate’s survey. Then, there are a few options: (1) You can upload your spreadsheet and manually add the information via the Profiles section, (2) You can manually update the spreadsheet to include the missing information before uploading, or (3) You can contact the software company for assistance. If you choose to update the spreadsheet before uploading, you can look at the template provided via the Template Link on the Excel Upload page to see which columns should contain the Law School/University Funded data. If you have any questions, please contact Andrew Crane or Ken Williams.

Q. When are the signature pages due? Is that also on April 6?

A. Yes, the Dean/Career Services signature page is due on April 6.

Q. Once we upload the graduate profiles, isn’t there a page where we actually submit them to you? Since we do this only once a year it is always hard to remember the details for submission.
A. Once you mark your Profiles as “Page Complete” at the bottom of the page (this locks your data in), your school’s Administrator should be contacted to complete the final submission as well as the download and upload of the signature page. If you do not know who your school’s Administrator is, please contact Andrew Crane or Ken Williams and they can look it up for you.

Q. Where and when do we get the PDF that is posted to our websites?

A. You can find this report in the Summary section of the Employment Questionnaire after your data has been submitted. In the upper right corner, click on the printer icon. You will then have the option to print or download your report in PDF format.

Q. For the EQ Protocol file upload, if a file exceeds 25MB, I am assuming that we are required to split up the documents to keep it under 25MB?

A. Yes, if your upload exceeds the 25MB limit, you will have to split it up.

Q. Is there a limit to the number of documents that we can upload?

A. No.

Q. When can we submit amendments to our data (i.e., new information we receive after April 6 that applies to employment as of March 15)?

A. We keep the system locked for approximately two weeks to review the data for anomalies. After that time, we will send a message to the Career Services Listserv letting everyone know that we are now open for data modifications.

Q. Have there been any issues with schools finding out during a file review that their career management software information did not upload students’ profiles properly?

A. In the programmatic sense, we have not found any issues with the download from the graduate tracking software used by the majority of schools. If you encounter any problems with data not being represented correctly after uploading, please send Ken Williams or Andrew Crane your spreadsheet, and let them know what errors you are experiencing so they can review where the errors are occurring.