

SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
AMERICAN BAR ASSOCIATION

Memorandum

To: Council
From: Greg Murphy, Chair
Re: Employment reporting
Date: August 3, 2017

You will notice that on the agenda for our upcoming August 11-12 meeting is a report on implementing the changes the Council approved to the employment outcomes reporting form in June. I believe there is reason to broaden that agenda item. I write to tell you that the agenda item will now include discussion of whether the Council should consider referring the matter to the Standards Review Committee for comment and report back to the Council.

You will recall that at the June meeting, Dean Mahoney presented a very persuasive memorandum on why the employment reporting form should be simplified. Although Managing Director Currier noted that the usual practice in considering this kind of matter would be to refer the question to the Standards Review Committee for comment, the Council decided to approve the changes without taking that step. My sense is that the Council was persuaded that the changes were needed, that there was no reason to delay, and that the changes would be greeted with much relief by law schools across the country. The vote was taken on a voice vote. I do not recall hearing any dissent.

At the July 2017 Standards Review Committee meeting (attended by Chair-Elect O'Rourke and Vice Chair Lewis) it became apparent that some very thoughtful persons view the matter as deserving of deeper consideration. (See memoranda and materials posted in the agenda materials.) They may or may not represent the views of the Standard Committee as a whole. In addition, word has reached Managing Director Currier and your officers through other channels that the change is not receiving the universal, or near universal, acclamation that was anticipated in good faith. This is true with respect to both process and substance.

I am usually loath to urge reconsideration of settled matters. However, where there is reason to believe that a deviation from accepted practice has generated some unanticipated consequences, I think it appropriate to pause and reconsider, even if in the end the decision might well be the same. Therefore, I am recommending that the Council consider referring to the Standards Review Committee the question of the recent change in the employment reporting form with directions to report back to the Council the view, if any, of the committee at the Council's November meeting. The referral would not be to reconsider the whole question of reporting on school-funded positions, an issue that was resolved after full and open debate. (The Council could, of course if it desired act to reopen that question, but that is not what I am recommending.)

Thank you for your consideration.